CONGRESSIONAL RECORD:

CONTAINING

53

THE PROCEEDINGS AND DEBATES



FORTY-THIRD CONGRESS, FIRST SESSION.

IN SIX PARTS, WITH AN INDEX.

VOLUME II.

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CONGRESSIONAL RECORD AND APPENDIX.

FORTY-THIRD CONGRESS, FIRST SESSION.

PART I.

CONGRESSIONAL RECORD.

[From December 1, 1873, to January 29, 1874.]

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FORTY-THIRD CONGRESS.

FIRST SESSION.

IN SENATE.

MONDAY, *December* 1, 1873.

The first Monday in December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the Forty-third Congress commenced this day at the Capitol, in the city of Washington.

The members of the Senate assembled in the Senate Chamber, and the body was called to order at twelve o'clock noon by Hon. HENRY WILSON, Vice-President of the United States and President of the Senate.

SENATORS PRESENT.

The following Senators were present: from the State of—

Maine—Hon. Hannibal Hamlin and Hon. Lot M. Morrill.
New Hampshire—Hon. Aaron H. Cragin and Hon. Bainbridge Wadleigh.
Vermont—Hon. George F. Edmunds and Hon. Justin S. Morrill.
Massachusetts—Hon. George S. Boutwell and Hon. Charles Sumner.
Rhode Island—Hon. Henry B. Anthony and Hon. William Sprague.
Connecticut—Hon. William A. Buckingham and Hon. Orris S. Ferry.
New York—Hon. Roscoe Conkling and Hon. Reuben E. Fenton.
New Jersey—Hon. Frederick T. Frelinghuysen and Hon. John P. Stockton.
Pennsylvania—Hon. Simon Cameron and Hon. John Scott.
Delaware—Hon. Eli Saulsbury.
Maryland—Hon. George R. Dennis.
Virginia—Hon. John W. Johnston and Hon. John F. Lewis.
North Carolina—Hon. Matt W. Ransom and Hon. Augustus S. Merrimon.
South Carolina—Hon. John J. Patterson.
Florida—Hon. Abijah Gilbert.
Alabama—Hon. George E. Spencer.
Mississippi—Hon. James L. Alcorn and Hon. Adelbert Ames.
Louisiana—Hon. J. Rodman West.
Texas—Hon. Morgan C. Hamilton.
Arkansas—Hon. Powell Clayton and Hon. S. W. Dorsey.
Missouri—Hon. Lewis V. Bogy and Hon. Carl Schurz.
Tennessee—Hon. William G. Brownlow and Hon. Henry Cooper.
Kentucky—Hon. Thomas C. McCreery and Hon. John W. Stevenson.
West Virginia—Hon. Arthur I. Boreman and Hon. Henry G. Davis.
Ohio—Hon. John Sherman and Hon. Allen G. Thurman.
Indiana—Hon. Daniel D. Pratt and Hon. Oliver P. Morton.
Illinois—Hon. John A. Logan and Hon. Richard J. Oglesby.
Michigan—Hon. Zachariah Chandler and Hon. Thomas W. Ferry.
Wisconsin—Hon. Matthew H. Carpenter and Hon. Timothy O. Howe.
Iowa—Hon. William B. Allison and Hon. George G. Wright.
Minnesota—Hon. Alexander Ramsey and Hon. William Windom.
Kansas—Hon. John J. Ingalls.
California—Hon. Aaron A. Sargent.
Nebraska—Hon. Thomas W. Tipton.
Oregon—Hon. James K. Kelly and Hon. John H. Mitchell.

PRAYER.

Rev. E. D. Owen, of Washington, offered up the following prayer:

Infinite Majesty, ever adorable Jehovah, for the sake of Him who paid our ransom and through whose mediation and intercession we now live, accept our praises, our adoration, our worship, that Thou hast defended, and guarded, and guided us; that this day we are free from the horrors of war, from its pains and from its penalties. Grant to be our deliverer still, as a nation and as individuals.

Lord, bless Thy servants the President of the United States, his Cabinet, both Houses of the National Congress, and all our rulers, at home and abroad. And grant so to infuse them with Thy grace and supply them with infinite wisdom, that in all their deliberations Thy name may be glorified, and purity, and peace, and prosperity may fill our land.

Pardon and deliver us from all our sins, nationally and individually. Confirm and strengthen us in all goodness, and bring us to everlasting life. Through Jesus Christ, our Lord. Amen.

CREDENTIALS.

Mr. INGALLS presented the credentials of Hon. ROBERT CROZIER, appointed by the governor of the State of Kansas a Senator from that State to fill, until the next meeting of the Legislature thereof, the vacancy caused by the resignation of Alexander Caldwell.

The credentials were read; and the oaths prescribed by law having been administered to Mr. CROZIER, he took his seat in the Senate.

ORDER OF BUSINESS.

Mr. SUMNER. Mr. President, are bills now in order?

The VICE-PRESIDENT. The Chair will suggest that resolutions in relation to the organization of the body are first in order.

Mr. ANTHONY. Will the Senator allow me to offer resolutions relating to the order of business?

Mr. SUMNER. Certainly, with the understanding that I shall proceed as soon as those resolutions are acted upon.

HOUR OF MEETING.

On motion of Mr. ANTHONY, it was

Ordered, That the hour of the daily meeting of the Senate be twelve o'clock m. until otherwise ordered.

NOTIFICATION TO THE HOUSE.

On motion of Mr. ANTHONY, it was

Ordered, That the Secretary inform the House of Representatives that a quorum of the Senate has assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY offered the following resolution; which was considered, by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the Vice-President was authorized to appoint the committee; and Messrs. ANTHONY and THURMAN were appointed.

RESIGNATION OF SENATOR CASSERLY.

Mr. SARGENT. Before the Senator from Massachusetts proceeds with his bills I desire to have a telegram read from my colleague, Mr. CASSERLY, stating that he has resigned his seat in the Senate, which, as it may affect the organization of the committees, should be read in the hearing of the Senate.

The VICE-PRESIDENT. If there be no objection the telegram will be read.

The Chief Clerk read as follows:

SAN FRANCISCO, *November* 29, 1873.

HON. A. A. SARGENT:

Yesterday I transmitted to Governor Booth my written resignation of my seat in the Senate for the reasons therein mentioned.

E. CASSERLY.

BILLS INTRODUCED.

Mr. SUMNER. I ask unanimous consent of the Senate to introduce a bill without previous notice.

There being no objection, leave was granted to introduce a bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights and to furnish the means for their vindication," passed April 9, 1866; which was read twice by its title.

Mr. SUMNER. I ask that the bill be printed.

The VICE-PRESIDENT. If there be no objection that order will be made.

Mr. SUMNER. I will simply observe that I hope the Senate, at an early day, will be willing to proceed with the consideration of that well-known bill without any reference to a committee.

I also ask unanimous consent to introduce another bill——

Mr. EDMUNDS. The Senator from Massachusetts has introduced a bill which is being disposed of, and upon which he has made a remark, to which I wish to reply, with the permission of the Senator.

Mr. SUMNER. Certainly.

Mr. EDMUNDS. I wish to say merely that I trust that bill and every other bill which involves private rights, and which, in order to make them strong and sure, ought to be considered by a committee, will be sent to a committee and reported upon in such a way as to effectuate in the best manner the real purposes that my friend and I both have in view.

Mr. SUMNER. The Senator is perfectly aware that this bill has been amply, or at least very extensively, considered in the Senate and been amended, so that perhaps the Senate has acted as a Committee of the Whole on the bill. I had hoped, therefore, that at an early day we might proceed with it without any reference to a committee, so that we might speed it to its just conclusion before Christmas Day.

Mr. EDMUNDS. There would be great force in that observation but for this: The Senator's bills that we have already passed have been brought under the scrutiny of the courts; some of those courts have not been friendly to the purposes of those bills, and they have found flaws in those that we have passed, and they have pointed out others which may exist in those that we are to pass, involving some of the questions in this very bill. Let us, therefore, when we pass the next bill, endeavor to so broaden and secure this subject under the Constitution, as that the courts cannot escape from it. That is my reason for desiring to have the whole subject reinvestigated as promptly as my friend can do.

Mr. SUMNER. There is still another bill, which I have sent to the Chair.

There being no objection, leave was granted to introduce a bill (S. No. 2) to secure equal rights in the public schools of Washington and Georgetown; which was read twice by its title.

Mr. SUMNER. I ask to have the bill laid on the table and printed.

The VICE-PRESIDENT. It will lie on the table until the committees are appointed.

Mr. SUMNER. I also ask unanimous consent to introduce another bill.

There being no objection, leave was granted to introduce a bill (S. No. 3) to authorize compound-interest notes as a substitute for legal-tender notes; which was read twice by its title.

Mr. SUMNER. I should like to have that bill printed also; and I will observe that at the proper time I shall ask its reference to the Committee on Finance. The bill contemplates a return to specie payments in about a year and a half, and by a gentle process of contraction. I shall ask the consideration of the bill by my friend, the chairman of the Committee on Finance, [Mr. SHERMAN,] and trust it may find favor with him; but if it does not, if any other measure is presented by which we may reach the great end of specie payments, I shall most heartily support it.

The VICE-PRESIDENT. The bill will lie on the table and be printed.

Mr. SUMNER. I ask unanimous consent to introduce another bill.

There being no objection, leave was granted to introduce a bill (S. No. 4) to protect persons against inveigling from abroad, kidnapping, forcible constraint, or involuntary service; which was read twice by its title.

Mr. SUMNER. I ask that the bill be printed, and I will add that it is intended to meet a class of cases that has occurred since the last session of Congress. I refer to the five thousand Italian children who are supposed to have been inveigled or kidnapped from the southern part of Italy, and who are now held in something kindred to slavery, if not slavery itself, throughout this country. The existing laws of the land do not seem to reach their case. The bill that I now introduce, I hope, will reach it.

The VICE-PRESIDENT. The bill will be printed and laid on the table.

Mr. SUMNER also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 5) to provide for the adjustment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SUMNER. I also ask unanimous consent to introduce a joint resolution proposing an amendment to the Constitution.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 1) proposing an amendment to the Constitution providing for the election of President by a direct vote of the people, and abolishing the office of Vice-President; which was read twice by its title.

Mr. SUMNER. At the proper time I shall move the reference of that joint resolution to the committee of which my friend the Senator from Indiana [Mr. MORTON] is chairman. Perhaps I can move it now.

The VICE-PRESIDENT. The Chair will suggest that the committees have not yet been appointed.

Mr. SUMNER. I understand that the committee of the Senator is constituted. Do I understand that the Committee on Constitutional Amendments, of which the Senator is chairman, is now in being, or is it to be constituted again at this session?

Mr. MORTON. The Committee on Privileges and Elections was authorized to sit during the recess and consider that subject.

Mr. SUMNER. Then the joint resolution may as well lie on the table and be printed.

The VICE-PRESIDENT. That order will be made.

Mr. SUMNER. I also send to the Chair another joint resolution proposing an amendment to the Constitution.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 2) proposing an amendment to the Constitution confining the President to a single term of six years; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 6) relating to certain moneys appropriated to members of Congress; which was read twice by its title.

Mr. CONKLING. I ask that the bill be printed and lie on the table, and hereafter I will move its reference to the Committee on the Judiciary.

The bill was ordered to lie on the table and be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 7) creating a commission to adjust the compensation of the several claimants for damages for depredations by rebel cruisers, to be discharged out of the indemnity fund awarded by the tribunal of arbitration at Geneva, to be paid by Great Britain to the United States; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 8) changing the time for holding certain district courts of the United States for the State of Iowa; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. WRIGHT also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 9) to repeal so much of the act of March 3, 1873, as increases the salaries therein named; which was read twice by its title.

Mr. WRIGHT. I ask that that bill be printed; and in due time I shall ask that it go to a committee, unless it be the pleasure of the Senate to pass it without a reference.

The bill was ordered to lie on the table and be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 10) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States;" which was read twice by its title, and ordered to lie on the table and be printed.

Mr. LOGAN also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 11) to establish a branch mint of the United States at Chicago, in the State of Illinois; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 12) to repeal the sections in the bankrupt law of 1867, and acts amendatory thereof, which provide for involuntary bankruptcy; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 13) to regulate the service in the collection of customs at the various ports of entry in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes; which was read twice by its title.

Mr. FENTON. I ask that the bill be printed, and at the proper time I shall move its reference to the Committee on Commerce.

The motion to print was agreed to.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 14) in relation to bounties; which was read twice by its title.

Mr. BUCKINGHAM. I move that the bill be printed and referred to the Committee on Military Affairs, whenever such committee shall be appointed.

The VICE-PRESIDENT. The bill will lie on the table for the present. The question is on the motion to print.

The motion was agreed to.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 15) establishing the compensation of Senators, Representatives, and Delegates in Congress, and for other purposes; which was read twice by its title.

Mr. PRATT. I move that the bill be printed and lie on the table for the present, until the committees are constituted.

The motion was agreed to.

Mr. SARGENT asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 16) supplementary to an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 17) relating to swamp-lands in the State of California; which was read twice by its title.

Mr. SARGENT. I move that the bill lie on the table, to be referred to the Committee on Public Lands when appointed.

The motion was agreed to.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 18) relating to grazing-lands in the State of California; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 19) to dedicate the public and agricultural lands in the State of California to homestead and pre-emption purposes; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 20) explanatory of an act entitled "An act to reduce the expenses of the survey and sale of the public lands of the United States;" which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 21) for the relief of aged or infirm pre-emption settlers, which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 22) for the sale of timber-lands in the States of California and Oregon, and Washington Territory; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 23) relating to the entry of homesteads and pre-emptions in California; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 24) to amend an act entitled "An act to amend an act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved March 3, 1873; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 25) to establish certain post-routes; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 3) proposing an amendment to the Constitution of the United States providing for an election of United States Senators by the people; which was read twice by its title, and ordered to lie the table and be printed.

Mr. WINDOM. At the proper time I shall move the reference of the joint resolution to the Committee on Privileges and Elections.

INTERNATIONAL ARBITRATION.

Mr. SUMNER submitted the following resolutions; which were read:

Resolutions concerning arbitration as a substitute for war in determining differences between nations.

Whereas by international law and existing custom war is recognized as a form of trial for the determination of differences between nations; and

Whereas for generations good men have protested against the irrational character of this arbitrament, where force instead of justice prevails, and have anxiously sought for a substitute in the nature of a judicial tribunal, all of which was expressed by Franklin in his exclamation: "When will mankind be convinced that all wars are follies, very expensive and very mischievous, and agree to settle their differences by arbitration?" and

Whereas war once prevailed in the determination of differences between individuals, between cities, between counties, and between provinces, being recognized in all these cases as the arbiter of justice, but at last yielded to a judicial tribunal, and now, in the progress of civilization, the time has come for the extension of this humane principle to nations, so that their differences may be taken from the arbitrament of war, and, in conformity with these examples, submitted to a judicial tribunal; and

Whereas arbitration has been formally recognized as a substitute for war in the determination of differences between nations, being especially recommended by the Congress of Paris, where were assembled the representatives of England, France, Russia, Prussia, Austria, Sardinia, and Turkey, and afterward adopted by the United States in formal treaty with Great Britain for the determination of differences arising from depredations of British cruisers, and also from opposing claims with regard to the San Juan boundary; and

Whereas it becomes important to consider and settle the true character of this beneficent tribunal, thus commended and adopted, so that its authority and completeness as a substitute for war may not be impaired, but strengthened and upheld, to the end that civilization may be advanced and war be limited in its sphere: Therefore,

(1.) *Resolved*, That in the determination of international differences arbitration should become a substitute for war in reality as in name, and, therefore, co-extensive with war in jurisdiction, so that any question or grievance which might be the occasion of war or of misunderstanding between nations should be considered by this tribunal.

(2.) *Resolved*, That the United States, having at heart the cause of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that war may cease to be regarded as a proper form of trial between nations.

Mr. SUMNER. I wish an order to be made to print these resolutions, and at the proper time I shall ask their reference to the Committee on Foreign Relations.

The motion to print was agreed to.

FREE BANKING AND SPECIE PAYMENTS.

Mr. MORRILL, of Vermont. I offer the following resolution:

Resolved, That the Committee on Finance be requested to consider the expediency of reporting a bill providing for free banking and for the resumption of specie payments, to take effect on the 1st day of January, A. D. 1875.

Mr. President, after the committees are raised, I shall move the reference of the resolution to the Committee on Finance, and if it be the pleasure of the Senate I shall endeavor to get the floor on Wednesday, the day after to-morrow, in order to submit some remarks in support and explanation of the resolution. I think it will be agreed upon all sides of the Senate that if any action is to take place on this question, it ought to take place at an early day.

The VICE-PRESIDENT. The resolution will lie over.

THE CURRENCY.

Mr. FERRY, of Michigan, submitted the following resolution; which was read:

A resolution suggestive of a remedy for monetary derangement.

Resolved, That the Committee on Finance be instructed to consider the expediency of providing for a national system of banking and currency in lieu of the present one, which shall embody the substantial features following, to wit:

1. Banking to be open and free to all individuals and associations without limitation of capital.

2. The maximum currency circulation to be $800,000,000, exclusive of fractional, and to be issued and authenticated solely by the Government, of uniform character, with "United States currency" imprinted on its face, made lawful money and a legal tender for all public and private dues, except duties on imports and interest on the public debt, and convertible on demand into Government bonds bearing interest at 3 65-100 per cent. per annum in currency.

3. The Government to issue bonds stamped "currency bonds," of denominations of $100 and multiples bearing interest at the rate of 3 65-100 per cent. per annum, convertible into currency on demand, and to be exempt from taxation by Federal, State, municipal, and local authority.

4. Substitution of United States currency for national currency to be done at the convenience of the Government, without diminishing the volume of current circulation, and the bonds held for the security of the national currency to be adjusted with the banks by purchase or surrender; substitution of United States currency for other existing forms, bringing about uniformity of currency, to likewise be done without lessening the current circulation.

5. For immediate relief to existing monetary stringency the forty-four millions Treasury reserve to be issued without delay in the purchase of Government bonds bearing the higher rates of interest, and as fast as practicable additional purchases of like bonds to be made with United States currency, until the maximum circulation be reached.

6. Preparatory to withdrawal of the fractional currency the Secretary of the Treasury is required to make public designation of a period after which to begin the redemption in silver of denominations of twenty-five cents and under; also a second period designated at which to commence like redemption of the remaining fractional currency then in circulation, and all, when so redeemed, to be destroyed; and that the committee report at as early a day as practicable by bill or otherwise.

Mr. FERRY, of Michigan. I ask that that resolution lie on the table and be printed. I shall avail myself of some early day to call it up for reference to the Committee on Finance, and propose then to address the Senate on the subject.

The VICE-PRESIDENT. The resolution will lie on the table and be printed, if there be no objection.

HARBOR OF SAN FRANCISCO.

Mr. SARGENT. I offer the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of the appointment by the United States of a commission to act with a similar commission to be appointed by the State of California, to examine and report upon the condition of the harbor of San Francisco; what causes, if any, are permanently injuring said harbor; what means should be used to protect the harbor from injury, and whether the national interest requires that the United States Government should require the construction of a sea-wall in said harbor, and aid the State of California in its construction.

I should like to have the resolution adopted now.

Mr. EDMUNDS. There is not any Committee on Commerce now; and such a resolution cannot be adopted at this time according to the course of the Senate.

The VICE-PRESIDENT. There are no committees in the Senate now.

Mr. SARGENT. Let it lie on the table.

The VICE-PRESIDENT. The resolution will lie on the table.

ANNUAL REPORTS.

The VICE-PRESIDENT laid before the Senate the report of the Secretary of the Senate, made in obedience to law, showing the receipts and expenditures of the Senate from July 1, 1872, to June 30, 1873; which was ordered to lie on the table and be printed.

The VICE-PRESIDENT also laid before the Senate a statement from the Sergeant-at-Arms of the property in his possession belonging to the office; which was ordered to lie on the table and be printed.

The VICE-PRESIDENT also laid before the Senate the annual report of the Congressional Printer; which was ordered to lie on the table and be printed.

RESIGNATION OF CHAPLAIN NEWMAN.

The VICE-PRESIDENT laid before the Senate the following communication:

WASHINGTON, D. C., *December* 1, 1873.

To Hon. HENRY WILSON,
Vice-President of the United States and President of the Senate:

SIR: I desire, through you, to resign my position as Chaplain to the Senate, which office the Senate has thrice done me the honor to confer upon me, and to express my thanks for so signal a mark of its favor.

I have the honor to be, very respectfully, your obedient servant,

J. P. NEWMAN.

DISPATCH FROM MADRID.

Mr. SUMNER. Mr. President, I have in my hands a cable dispatch from Madrid, which I found on my table upon my arrival at Washington, purporting to be signed by several members of the Spanish Cortes. I have prepared a literal translation of it, and find that it is addressed to "Senators Sumner and Cameron." On consultation with the Senator from Pennsylvania, and at his suggestion, I ask the unanimous consent of the Senate to read this dispatch.

Mr. SHERMAN. Mr. President, in my judgment, it would be unwise at this time to read any document which may precipitate remarks and debate on a subject-matter now under negotiation. I must object to the reading of any paper on that subject. It is a matter that we ought to consider in executive session, if at all.

Mr. SUMNER. I think the Senator would regret his objection, if he were aware of the contents of the paper.

Mr. SHERMAN. I think not.

Mr. SUMNER. I think the Senator would be glad to hear it.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Does the Senator from Ohio object to the reading of the paper?

Mr. SHERMAN. I do. It is not in the nature of a petition; nor do I think it wise now to discuss the matter to which it relates.

Mr. CONKLING. I think we shall be able to restrain our curiosity until we get the President's message, at all events.

The PRESIDING OFFICER. Objection being made, the paper cannot be read.

Mr. CAMERON. It seems to me that there would be no objection to reading this paper if it was understood. It does not look to legislation. It is a communication from abroad—from Spain.

Mr. SHERMAN. I would object to any communication from anybody, a member of a foreign government. It is contrary to the rules of the Senate to receive such a paper even as a petition, much more as a mere matter of information; especially when we are about to receive information of an official character on the subject-matter. I hope my friend from Pennsylvania will see that there is indelicacy in bringing up the subject here now in any way. Remarks might be made in regard to the contents of this paper when it was read which might be injurious.

Mr. CAMERON. The Senator has certainly a right to make his objection. I see that very plainly; but I do not see that there is any rule against it. Of course I shall not persist as the Senator has made an objection.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask to have the document read at the desk?

Mr. SUMNER. I asked the unanimous consent of the Senate to read it. I understood the Senator from Ohio to object.

Mr. EDMUNDS. As I understand, however, the only objection is one of the order of the business of the Senate, and it is not implied by any gentleman who has spoken that it is out of any disrespect to the authors of this communication or hostility to the subject. It is merely a point of order.

Mr. SUMNER. It is an aspiration for peace.

The PRESIDING OFFICER. There is nothing before the Senate.

AMENDMENT OF RULES—SALARIES.

Mr. EDMUNDS. As it may be some time before we are able to go on with the regular business, and be informed of the organization of the House, and so on, I move that the Senate take a recess for half an hour.

Mr. WRIGHT. I ask my friend from Vermont to withdraw that motion for a moment until I make a statement.

Mr. EDMUNDS. Certainly.

Mr. WRIGHT. It will be remembered that near the close of the last session of Congress I introduced certain proposed amendments to the rules of the Senate. Upon my motion the further consideration of those amendments was postponed until this day. My purpose, as then announced, was to have the proposed amendments referred to a committee. As the committees have not yet been organized, of course I cannot press the motion at this time, but I give notice now that when the committees shall be organized, those propositions of amendment shall either go to the committee upon the general order or upon my own motion.

While I have the floor I wish to state another thing. I had the honor, this morning, to introduce a bill to repeal the act of March 3, 1873, touching the subject of salaries. If the subject shall not be disposed of before next Monday, and I can get the floor, in moving its reference to a committee I propose to address the Senate on the general subject.

RECESS.

Mr. EDMUNDS. I now renew my motion.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The Senator from Vermont moves that the Senate do now take a recess of half an hour.

The motion was agreed to; and at twelve o'clock and forty-five minutes p. m. the Senate took a recess till one o'clock and fifteen minutes p. m., at which time it was again called to order.

Mr. EDMUNDS. Mr. President, I think it will not promote the public interest for us to remain here longer to-day. We shall not be able, evidently, until very late, to obtain the President's message on account of the delay at the other end of the Capitol. I therefore move that the Senate adjourn.

The motion was agreed to; and (at one o'clock and sixteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 1, 1873.

This being the day prescribed by the Constitution for the meeting of Congress, the members elect of the House of Representatives for the Forty-third Congress assembled in their Hall, and at twelve o'clock m. were called to order by Hon. EDWARD MCPHERSON, Clerk of the last House of Representatives.

The CLERK. The time having arrived for the meeting of the Forty-third Congress of the United States, it becomes the duty of the Clerk of the House of Representatives of the Forty-second Congress to read the roll of the members elect returned to him in pursuance of law. Gentlemen whose names are called will please answer in their order.

The roll was then called, and the following members answered to their names:

MAINE.

John H. Burleigh.
William P. Frye.
James G. Blaine.
Eugene Hale.

NEW HAMPSHIRE.

William B. Small.
Austin F. Pike.
Hosea W. Parker.

VERMONT.

Charles W. Willard.
Luke P. Poland.
George W. Hendee.

MASSACHUSETTS.

James Buffinton.
Benjamin W. Harris.
Henry L. Pierce.
Samuel Hooper.
Daniel W. Gooch.
Benjamin F. Butler.
E. Rockwood Hoar.
John M. S. Williams.
George F. Hoar.
Alvah Crocker.
Henry L. Dawes.

RHODE ISLAND.

Benjamin T. Eames.
James M. Pendleton.

CONNECTICUT.

Joseph R. Hawley.
Stephen W. Kellogg.
Henry H. Starkweather.
William H. Barnum.

NEW YORK.

Henry W. Scudder.
John G. Schumaker.
Stewart L. Woodford.
Philip S. Crooke.
William R. Roberts.
Samuel S. Cox.
Thomas J. Creamer.
John D. Lawson.
David B. Mellish.
Fernando Wood.
Clarkson N. Potter.
Charles St. John.
John O. Whitehouse.
David M. DeWitt.
Eli Perry.
James S. Smart.
Robert S. Hale.
William A. Wheeler.
Henry H. Hathorn.
David Wilber.
Clinton L. Merriam.
Ellis H. Roberts.
William E. Lansing.
R. Holland Duell.
Charles D. MacDougall.
William H. Lamport.
Thomas C. Platt.
H. Boardman Smith.
George G. Hoskins.
Lyman K. Bass.
Walter L. Sessions.
Lyman Tremain.

NEW JERSEY.

John W. Hazleton.
Samuel A. Dobbins.
Amos Clark, jr.
Robert Hamilton.
William Walter Phelps.
Marcus L. Ward.
Isaac W. Scudder.

PENNSYLVANIA.

Samuel J. Randall.
Charles O'Neil.
Leonard Myers.
William D. Kelley.
Alfred C. Harmer.
James S. Biery.
Washington Townsend.
Hiester Clymer.
A. Herr Smith.
John W. Killinger.
John B. Storm.
Lazarus D. Shoemaker.
James D. Strawbridge.
John B. Packer.
John A. Magee.
John Cessna.
R. Milton Speer.
Sobieski Ross.
Carlton B. Curtis.
Hiram L. Richmond.
Alexander W. Taylor.
James S. Negley.
Ebenezer McJunkin.
William S. Moore.
Lemuel Todd.
Charles Albright.
Glenni W. Scofield.

DELAWARE.

James L. Lofland.

MARYLAND.

Ephraim K. Wilson.
Stevenson Archer.
William J. O'Brien.
Thomas Swann.
William J. Albert.
Lloyd Lowndes, jr.

VIRGINIA.

James B. Sener.
James H. Platt, jr.
J. Ambler Smith.
William H. H. Stowell.
Alexander M. Davis.
Thomas Whitehead.
John T. Harris.
Eppa Hunton.
Reese T. Bowen.

NORTH CAROLINA.

Clinton L. Cobb.
Charles R. Thomas.
Alfred M. Waddell.
William A. Smith.
James M. Leech.
Thomas S. Ashe.
William M. Robbins.
Robert B. Vance.

SOUTH CAROLINA.

Joseph H. Rainey.
Alonzo J. Ransier.
Robert B. Elliott.
Alexander S. Wallace.
Richard H. Cain.

GEORGIA.

Morgan Rawls.
Philip Cook.
Henry R. Harris.
James C. Freeman.
James H. Blount.
Pierce M. B. Young.
Alexander H. Stephens.
Hiram P. Bell.

ALABAMA.

Frederick G. Bromberg.
James T. Rapier.
Charles Pelham.
Charles Hays.
John H. Caldwell.
Joseph H. Sloss.
Alexander White.
Christopher C. Sheats.

MISSISSIPPI.

Lucius Q. C. Lamar.
Albert R. Howe.
Henry W. Barry.
Jason Niles.
George C. McKee.
John R. Lynch.

LOUISIANA.

Chester B. Darrall.
Frank Morey.

OHIO.

Milton Saylor.
Henry B. Banning.
John Q. Smith.
Lewis B. Gunckle.
Charles N. Lamison.
Isaac R. Sherwood.
Lawrence J. Neal.
William Lawrence.
James W. Robinson.
Charles Foster.
Hezekiah S. Bundy.
Hugh J. Jewett.
Milton I. Southard.
John Berry.
William P. Sprague.
Lorenzo Danford.
Laurin D. Woodworth.
James Monroe.
James A. Garfield.
Richard C. Parsons.

KENTUCKY.

Edward Crossland.
John Young Brown.
Charles W. Milliken.
William B. Read.
Elisha D. Standeford.
William E. Arthur.
James B. Beck.
Milton J. Durham.
George M. Adams.
John D. Young.

TENNESSEE.

Roderick R. Butler.
Jacob M. Thornburg.
William Crutchfield.
John M. Bright.
Horace H. Harrison.
Washington C. Whitthorne.
John E. C. Atkins.
David A. Nunn.
Barbour Lewis.
Horace Maynard.

INDIANA.

William E. Niblack.
Simeon K. Wolfe.
William S. Holman.
Jeremiah M. Wilson.
John Coburn.
Morton C. Hunter.
Thomas J. Cason.
James N. Tyner.
Henry B. Saylor.
Jasper Packard.
Godlove S. Orth.
William Williams.

ILLINOIS.

John B. Rice.
Jasper D. Ward.
Charles B. Farwell.
Stephen A. Hurlburt.
Horatio C. Burchard.
John B. Hawley.
Franklin Corwin.
Greenbury L. Fort.
Granville Barrere.
William H. Ray.
Robert M. Knapp.
James C. Robinson.
John McNulta.
Joseph G. Cannon.
John R. Eden.
James S. Martin.
William R. Morrison.
Isaac Clements.
Samuel S. Marshall.

MISSOURI.

Edwin O. Stanard.
Erastus Wells.
William H. Stone.
Robert A. Hatcher.
Richard P. Bland.
Harrison E. Havens.
Thomas T. Crittenden.
Abram Comingo.
Isaac C. Parker.
Ira B. Hyde.
John B. Clarke, jr.
John M. Glover.
Aylett H. Buckner.

ARKANSAS.

Oliver P. Snyder.
William J. Hines.

MICHIGAN.

Moses W. Field.
Henry Waldron.
George Willard.
Julius C. Burrows.
William B. Williams.
Josiah W. Begole.
Omar D. Conger.
Nathaniel B. Bradley.
Jay A. Hubbell.

FLORIDA.

Josiah T. Walls.
William J. Purman.

TEXAS.

William S. Herndon.
William P. McLean.
De Witt C. Giddings.
John Hancock.
Roger Q. Mills.
Asa H. Willie.

IOWA.

George W. McCrary.
Aylett R. Cotton.
William G. Donnan.
Henry O. Pratt.
James Wilson.
William Loughridge.
John A. Kasson.
James W. McDill.
Jackson Orr.

WISCONSIN.

Charles G. Williams.
Gerry W. Hazelton.
J. Allen Barber.
Alexander Mitchell.
Charles A. Eldredge.
Philetus Sawyer.
Jeremiah M. Rusk.
Alexander S. McDill.

CALIFORNIA.

Charles Clayton.
Horace F. Page.
John K. Luttrell.
Sherman O. Houghton.

MINNESOTA.

Mark H. Dunnell.
Horace B. Strait.
John T. Averill.

OREGON.

James W. Nesmith.

KANSAS.

David P. Lowe.
Stephen A. Cobb.
William A. Phillips.

WEST VIRGINIA.

Frank Hereford.

NEVADA.

Charles W. Kendall.

NEBRASKA.

Lorenzo Crounse.

The following members failed to answer to their names:

SAMUEL F. HERSEY, of Maine; FREEMAN CLARKE, of New York; and RICHARD H. WHITELEY, of Georgia.

During the roll-call, when the State of Louisiana was reached—

The CLERK said: In Louisiana there are unchallenged certificates from the third and fifth districts only. In the remaining three districts, and the Representative at large, two conflicting sets of papers have been presented, each certifying the election of a different person, and each purporting to have been issued by a proper State officer. There is no substantial difference in form. The one set of papers purports to have been executed on the 4th of December, 1872, and to have been signed by Governor Warmouth, though not transmitted by him to the Clerk's office. They were received, one of them early in March last, another later in that month, and two of them in the latter part of April, 1873. The other set of papers purports to have been executed on the 30th of December, 1872, and to have been signed by Acting Governor Pinchback, and transmitted by him to the Clerk's office by mail, and received early in January last. The Clerk accordingly enrolls the two unchallenged members, Hon. CHESTER B. DARRALL and FRANK MOREY.

When the State of Indiana was reached—

The CLERK said: In Indiana, the paper issued by the governor respecting the ninth district cannot be accepted as a credential within the meaning of the law, and neither of the claimants is enrolled.

When the State of Arkansas was reached—

The CLERK said: In Arkansas but two valid certificates have been presented.

When the State of West Virginia was reached—

The CLERK said: In West Virginia there is a peculiar complication. There were two elections in 1872, at which Representatives in the Forty-third Congress were voted for, one of them in August, at the time of the adoption of the new State constitution, and the other on the fourth Thursday of October. In the first and second districts different persons were chosen at these elections; in the third district the same person was chosen at both. The proclamation and certificates of the governor reciting these various facts have been filed in the Clerk's office. The certificates of election are issued in the alternative, setting forth the due election of these respective parties, provided the time at which they were chosen was the time prescribed by law for holding the election. The Clerk considers these certificates inadmissible for enrolling either of the claimants in the first and second districts. Assuming that the one or the other of those days was the legal day of election, Mr. HEREFORD, who was chosen at both, would appear to be entitled to be enrolled, notwithstanding the technical defect in each of his certificates, separately considered. He has accordingly been enrolled.

A fresh series of certificates, dated November 22, 1873, and issued under an act of the legislature of that State, dated November 15, 1873, by a new canvassing board specially created for that purpose, and intended to supersede the papers issued by the governor under the then existing law, and which certify in form the due election of the persons who received a majority of the votes at the October election of 1872, have been presented, but appear to the Clerk to be of doubtful validity, and have not been accepted by him as credentials within the meaning of the law.

At the close of the call—

The CLERK said: Two hundred and eighty-one members having answered to their names, being more than a quorum, the Clerk is now ready to receive a motion to proceed to the election of Speaker.

Mr. MAYNARD. I move that the House do now proceed to the election of Speaker, preparatory to the organization of the House.

Mr. COX. Will it be in order for me to make a motion now to have a name put on the roll?

The CLERK. The Clerk thinks it would not be in order. He has always declined to receive such a motion at this stage.

Mr. COX. I desire to make a motion to have enrolled the name of John E. Neff, as Representative-elect from the ninth congressional district of Indiana.

The CLERK. The Clerk must decline to entertain the motion.

The motion of Mr. MAYNARD was agreed to.

The CLERK. Nominations to the office of Speaker are now in order.

Mr. MAYNARD. I nominate to the office of Speaker of this House for the Forty-third Congress Hon. JAMES G. BLAINE, a Representative-elect from the State of Maine.

Mr. NIBLACK. I place in nomination to the office of Speaker the name of Hon. FERNANDO WOOD, a Representative-elect from the State of New York.

Mr. HOLMAN. I place in nomination to the office of Speaker the

name of Hon. S. S. COX, a Representative-elect from the State of New York.

Mr. COX. I appreciate the courtesy of my friend from Indiana, in presenting my name; but I beg to say to the House that I do not wish to be placed in the position of a candidate for the office of Speaker. I requested my colleague, Mr. CREAMER, to withdraw my name from the caucus the other night. This was not done, owing to a misadventure; but I am not a candidate for the position.

The CLERK. The Clerk requests that Mr. WHEELER of New York, Mr. MCCRARY of Iowa, Mr. RANDALL of Pennsylvania, and Mr. ROBINSON, of Illinois act as tellers. The tellers will please take their places.

The House then proceeded to vote *viva voce* for Speaker, with the following result, which was announced by Mr. WHEELER on behalf of the tellers:

Whole number of votes cast, 269; necessary to a choice, 135; of which—

JAMES G. BLAINE received 189
FERNANDO WOOD received 76
S. S. COX received 2
HIESTER CLYMER received 1
ALEXANDER H. STEPHENS received 1

The following is the vote in detail:

For Mr. Blaine—Messrs. Albert, Albright, Averill, Banning, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Bromberg, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Elliott, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Kelley, Killinger, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McJunkin, McKee, McNulta, Mellish, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheats, Sherwood, Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stowell, Strait, Strawbridge, Taylor, Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodford—189.

For Mr. Wood—Messrs. Adams, Atkins, Archer, Arthur, Ashe, Barber, Beck, Bell, Barry, Blount, Bowen, Bright, Brown, Buckner, Caldwell, John B. Clark, Clymer, Comingo, Cook, Crittenden, Crossland, Davis, DeWitt, Durham, Eden, Eldredge, Giddings, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hereford, Herndon, Hunton, Kendall, Knapp, Lamar, Lamison, Leach, Magee, Marshall, McLean, Milliken, Mills, Mitchell, Morrison, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Rawls, Read, Robbins, W. R. Roberts, James C. Robinson, Schumaker, Sloss, Southard, Speer, Standeford, Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitthorne, Willie, Ephraim K. Wilson, John D. Young, and P. M. B. Young—76.

For Mr. Cox—Messrs. Holman and Whitehouse—2

For Mr. Stephens—Mr. Bland—1.

For Mr. Clymer—Mr. Creamer—1

The Clerk announced that JAMES G. BLAINE, one of the Representatives from the State of Maine, having received a majority of all the votes given, was duly elected Speaker of the House of Representatives for the Forty-third Congress.

At the suggestion of the Clerk, Mr. MAYNARD, of Tennessee, and Mr. WOOD, of New York, conducted Mr. BLAINE to the chair, when he addressed the House as follows:

Gentlemen of the House of Representatives:

The vote this moment announced by the Clerk is such an expression of your confidence as calls for my sincerest thanks. To be chosen Speaker of the American House of Representatives is always an honorable distinction; to be chosen a third time enhances the honor more than threefold; to be chosen by the largest body that ever assembled in the Capitol imposes a burden of responsibility which only your indulgent kindness could embolden me to assume.

The first occupant of this chair presided over a House of sixty-five members representing a population far below the present aggregate of the State of New York. At that time, in the whole United States, there were not fifty thousand civilized inhabitants to be found one hundred miles distant from the flow of the Atlantic tide. To-day, gentlemen, a large majority of you come from beyond that limit, and represent districts then peopled only by the Indian and adventurous frontierman. The National Government is not yet as old as many of its citizens; but in this brief span of time, less than one lengthened life, it has, under God's good providence, extended its power until a continent is the field of its empire and attests the majesty of its law.

With the growth of new States and the resulting changes in the centers of population new interests are developed, rival to the old, but by no means hostile, diverse but not antagonistic. Nay, rather are all these interests in harmony; and the true science of just government is to give to each its full and fair play, oppressing none by undue exaction, favoring none by undue privilege. It is this great lesson which our daily experience is teaching us, binding us together more closely, making our mutual dependence more manifest, and causing us to feel, whether we live in the North or in the South, in the East or in the West, that we have indeed but one "country, one Constitution, one destiny."

Mr. DAWES, being designated by the Clerk as having served longest continuously as a member of the House, administered to the Speaker-elect the oath prescribed by law.

SWEARING IN OF MEMBERS.

The SPEAKER proceeded to administer to the members in attendance the oath of office, members presenting themselves as their names were called, by States, and taking respectively the "test oath" prescribed by the act of July 2, 1862, or the special oath provided by the act of July 11, 1868, for those who, having participated in the recent rebellion, have had their legal disabilities removed by the vote of two-thirds of each House of Congress.

ELECTION OF OFFICERS OF THE HOUSE.

The SPEAKER. The next business in order is the election of a Clerk of the House.

Mr. MAYNARD. The complete organization of the House requires the election of five additional officers—the Clerk, the Sergeant-at-Arms, the Doorkeeper, the Postmaster, and the Chaplain. It is very manifest from what we have already seen, that the election of those officers *seriatim* would consume a great deal of time. I propose, therefore, and I invite the attention of gentlemen on the other side, especially of my distinguished friend from the State of Indiana, (Mr. NIBLACK)—I propose to introduce the resolution which I send to the desk, and which, it will be seen when it is read, contemplates their election by a single vote. An amendment can be offered, and the sense of the House tested.

The Clerk read as follows:

Resolved, That Hon. Edward McPherson, a citizen of the State of Pennsylvania, be, and is hereby, elected Clerk of the House of Representatives for the Forty-third Congress; that Nehemiah G. Ordway, of the State of New Hampshire, be, and is hereby, elected Sergeant-at-Arms of the House of Representatives for the Forty-third Congress; that Otis S. Buxton, of the State of New York, be, and is hereby, elected Doorkeeper of the House of Representatives for the Forty-third Congress; that Henry Sherwood, of the State of Michigan, be, and is hereby, elected Postmaster of the House of Representatives for the Forty-third Congress, and that the Rev. J. G. Butler, D. D., of the District of Columbia, be, and is hereby, elected Chaplain of the House of Representatives for the Forty-third Congress.

Mr. NIBLACK. I offer as an amendment that the following names be substituted for those in the resolution submitted by the gentleman from Tennessee:

For Clerk—George C. Wedderburn, of Virginia.
For Sergeant-at-Arms—Peter Rupp, of Wisconsin.
For Doorkeeper—Charles W. Combs, of Missouri.
For Chaplain—Rev. R. H. Mahon, of Kentucky.
For Postmaster—Andrew J. Starling, of California.

Mr. MAYNARD. I call for the previous question on the resolution and amendment.

The previous question was seconded, and the main question was ordered.

The SPEAKER. The main question having been ordered, the question will be first on the amendment.

Mr. MAYNARD. On that question I call for the yeas and nays.

Several MEMBERS. No! No!

Mr. NIBLACK. I join in the request of the gentleman from Tennessee.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative; yeas 85, nays 178; not voting 16; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Beck, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Davis, De Witt, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Jewett, Kendall, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Potter, Randall, Rawls, Read, Robbins, William R. Roberts, James C. Robinson, Saylor, Schumaker, Sloss, Southard, Speer, Stephens, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—85.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Donnan, Duell, Dunnell, Eames, Elliott, Farwell, Field, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kellogg, Kelley, Killinger, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McJunkin, McKee, McNulta, Mellish, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Rapier, Ray, Rice, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sheats, Sherwood, Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Stanard, Starkweather, St. John, Stowell, Strait, Strawbridge, Taylor, Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, White, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodford—178.

NOT VOTING—Messrs. Banning, Bell, Corwin, Crossland, Dobbins, Fort, Knapp, Perry, Ransier, Richmond, Ross, Standeford, Wheeler, Charles G. Williams, James Wilson, and Woodworth—16.

So the amendment was not agreed to.

The resolution was then adopted.

Mr. MAYNARD moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The officers elect then appeared and qualified by taking the oath prescribed by the act of July 2, 1862.

Mr. MAYNARD. Before we pass from this subject I ask, for the benefit of any gentlemen who may not have been in the Hall, that they be allowed to record their votes at the desk.

Mr. DAWES. I object.

The SPEAKER. The Chair thinks the rules do not permit it, and, at all events, it is a practice that ought not to be encouraged.

Mr. MAYNARD. I only made the suggestion because we are making a sort of initiatory record.

ORGANIZATION OF THE HOUSE.

Mr. DAWES. I offer the following resolution:

Resolved, That a message be sent to the Senate to inform that body that a quorum of the House of Representatives has assembled, and that JAMES G. BLAINE, one of the Representatives from the State of Maine, has been chosen Speaker, and that the House is now ready to proceed to business.

The resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. GARFIELD. I offer the following resolution:

Resolved, That a committee of three be appointed on the part of the House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication he may be pleased to make.

The resolution was adopted.

Mr. GARFIELD moved to reconsider the vote, by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

SWEARING IN OF DELEGATES.

Mr. MAYNARD. I suppose it is now in order that the Delegates be sworn in.

The SPEAKER. The Chair was about to call them.

Mr. MERRIAM. Before the Delegate from Utah is sworn in, I have a resolution which I desire to offer.

The SPEAKER. If the gentleman objects to the swearing in of any Delegate, he will stand aside until those Delegates who are not objected to have been sworn in.

Mr. MERRIAM. I object to the Delegate from Utah being sworn in.

The Delegates-elect from the Territories who were present, with the exception of the Delegate from Utah, then qualified by taking the oath prescribed by the act of July 2, 1862, as follows:

New Mexico.—Stephen B. Elkins.
Washington.—Obadiah B. McFadden.
Colorado.—Jerome B. Chaffee.
Dakota.—Moses K. Armstrong.
Arizona.—Richard C. McCormick.
Idaho.—John Hailey.
Montana.—Martin Maginnis.
Wyoming.—William R. Steele.

DELEGATE FROM UTAH.

Mr. MERRIAM. I offer the following preamble and resolution; upon which I demand the previous question:

Whereas it is alleged that George Q. Cannon, of Utah, has taken oaths inconsistent with citizenship of the United States and with his obligations as Delegate in this House, and has been, and continues to be, guilty of practices in violation and defiance of the laws of the United States: Therefore,

Resolved, That the credentials of said Cannon, and his right to a seat in this House as a Delegate from Utah, be referred to the Committee of Elections, and that said Cannon be not admitted to a seat in this House previous to the report from said committee.

Mr. COX. I call for the reading of the credentials of the Delegate from Utah.

The SPEAKER. The Clerk will read the credentials.

The Clerk read as follows:

UNITED STATES OF AMERICA, TERRITORY OF UTAH.

I, George L. Woods, governor of Utah Territory, do hereby certify that at an election held in and for the Territory of Utah, on the 5th day of August, A. D. 1872, for Delegate to the House of Representatives of the United States, 22,913 votes were cast, of which number George Q. Cannon received 20,969, and Ferry R. Maxwell received 1,942, and that 2 votes were cast for other persons; and that the said George Q. Cannon, having received the greatest number of votes for said office at said election, is by me hereby declared duly elected Delegate to the House of Representatives of the United States from the Territory of Utah to the Forty-third Congress.

In testimony whereof, I have hereunto set my hand and caused the seal of the Territory of Utah to be affixed.

Done at Salt Lake City, Utah Territory, on this the 11th day of October, 1872.

GEORGE L. WOODS,
Governor of said Territory.

By the governor:
GEORGE A. BLACK,
Secretary of said Territory.

Mr. COX. Will my colleague allow me to say a word?

Mr. MERRIAM. Having moved the previous question, I now demand a vote.

Mr. COX. I would like my colleague to yield to me for a moment only.

Mr. MERRIAM. I do not yield.

The question was put on seconding the previous question, and there were ayes 69, noes 74.

So the previous question was not seconded.

Mr. COX. I do not raise any moral questions here. I do not care any thing about Mormonism; but the point is, that this gentleman has a *prima-facie* right to the seat, and we are setting a precedent that may be dangerous. I know my friend and I should agree in regard to some practices in Utah, but I hope the House will not depart from the regular, established custom, and break down the *prima-facie* certificate of the governor of the Territory. Let us stand on principle. I move that the Delegate from Utah be sworn in.

Mr. KELLOGG. I would inquire if there is any other certificate or credential from the governor of Utah?

The SPEAKER. The Chair is informed by the Clerk that this is the only credential that has been presented from that Territory.

Mr. BUTLER, of Massachusetts. Will the gentleman from New York [Mr. COX] allow me a single word?

Mr. COX. I yield to the gentleman with pleasure.

Mr. BUTLER, of Massachusetts. I desire to say to the House that I do not believe that when a man comes here with proper credentials from the proper authority it has ever been the custom of the House, or ever ought to be, that he shall not have *prima facie* his seat, because the moment we break away from that rule, then in high party times the House could never be organized. That is all that any of us have when we come here. While I do not mean to give any opinion or to intimate any as to the merits of this case, of which I know nothing, yet I will say that here is a case where a man holds from the governor of a Territory the proper credentials, and that Territory is entitled to be represented on this floor until something shall be shown to the House to take away that right. I trust, therefore, that my friend from New York [Mr. MERRIAM] who offered this resolution will withdraw it, and allow Mr. Cannon to be sworn in.

Mr. NIBLACK. I move that the pending resolution be laid upon the table.

Mr. G. F. HOAR. I ask the gentleman from Indiana [Mr. NIBLACK] to withdraw that motion for a moment.

Mr. NIBLACK. I will do so.

Mr. G. F. HOAR. This precise question came up in the last House in the case of Mr. Clark, of Texas. His credentials were referred to the Committee on Elections, and that committee reported that the only question for the House to consider was, whether Mr. Clark's credentials were regular in form, and whether the officer certifying them was entitled by the law of the State and the usages of the House to give him those credentials. Thereupon the House seated Mr. Clark, though, a few weeks after, the committee reported upon the whole case, and the House decided that Mr. Clark was not entitled to the seat he had been occupying, and gave it to his competitor, Mr. GIDDINGS.

Mr. POTTER. There is no question about certificates presented in this case. As appeared by the very proper inquiry of the gentleman from Connecticut [Mr. KELLOGG] this is the only certificate presented, and the only pretense that anybody has to the seat. The resolution of my colleague [Mr. MERRIAM] goes, by way of objection to this gentleman being sworn in, upon the ground that he is guilty of certain practices contrary to the laws of the United States. Now the difficulty with my colleague's objection is, that the statute has prescribed certain qualifications for the office of Delegate from the Territory, but among those qualifications is not innocency in respect of practices to which my friend alludes.

We had that precise question in the Forty-first Congress, when a gentleman from Virginia was charged with disloyalty and other offenses; and it was agreed, almost without a dissenting voice upon this side of the House, that the House had no power to consider or determine, as a prerequisite to admission, whether or not he had been guilty of those or any other offenses, provided he came here with the constitutional requirements in reference to his qualifications; and provided also he brought *prima-facie* evidence of a right to a seat, in a certificate from the governor. Were there two certificates here, or any contest about the office, it would then be proper to refer the question to the Committee on Elections. But when there is no question as to who was elected, we cannot now try or even consider the suggestion that this man was guilty of the offenses charged, because that has nothing whatever to do with his right to a seat here.

Mr. MAYNARD. There is another question in connection with this case to which I desire to call attention. It is that this resolution is introduced with a preamble which asserts certain propositions to be facts. We have no evidence to that effect; we have no documents presented; the mover of the resolution has made no statement upon his own authority or otherwise, and it seems to me that it would be very rash for us to assume the truth of those statements, and to act upon them, so far as to prevent the swearing in of this Delegate.

It is in that aspect of the case that I am prevented from making the motion that I first thought of making—to refer this resolution to the Committee on Elections. I think it very unsafe to adopt a resolu-

tion, or any other proceeding, in this House reflecting upon a member of the House, unless we first have some ground laid, either by documentary evidence introduced, or by statements made by the gentleman who introduced the proposition upon his own authority and responsibility.

Mr. NIBLACK. I now insist upon my motion, that the pending resolution be laid upon the table.

The motion was agreed to.

There being no further objection, Mr. CANNON again presented himself and qualified by taking the oath prescribed by the law of July 2, 1862.

DRAWING OF SEATS.

Mr. SCOFIELD. I offer the following resolution, and call the previous question upon it:

Resolved, That the Clerk of the House do forthwith place in a box the name of each Member and Delegate of the House of Representatives, written upon a separate slip of paper, that he proceed, in the presence of the House, to draw from said box, one at a time, the said slips of paper, and as each is drawn he shall announce the name of the Member or Delegate upon it, who shall choose his seat for the present Congress: *Provided*, That, before said drawing shall commence, the Speaker shall cause each seat to be vacated, and shall see that every seat continues vacant until it is selected under this order; and that every seat, after having been selected, shall be deemed forfeited, if left unoccupied before the calling of the roll is finished.

The question was upon seconding the call for the previous question.

Mr. HALE, of Maine. I suggest to the gentleman who has offered this resolution [Mr. SCOFIELD] to make an amendment to it, that has for years past been adopted without dissent; and that is that before the drawing begins the member of this House of longest continuous service, be allowed to select his own seat.

Mr. SCOFIELD. I will allow the amendment to be offered and voted upon.

Mr. BUTLER, of Massachusetts. As this is the first day of the session, and many members may have supposed the drawing of seats would not take place till to-morrow, will not the gentleman from Pennsylvania [Mr. SCOFIELD] modify his motion so as to allow the drawing to take place in the morning, when everybody will be here?

Mr. SCOFIELD. I will yield to the gentleman to move to amend by inserting in lieu of "forthwith," the words "to-morrow at twelve and a half o'clock p. m.," and take the sense of the House upon it. I think a large majority of the House wish to draw seats to-day and get settled.

Mr. BUTLER, of Massachusetts. I move that amendment.

Mr. SCOFIELD. I now call the previous question on the resolution and amendments.

Mr. E. H. ROBERTS. I hold in my hand a telegraphic dispatch from Mr. FREEMAN CLARKE, of New York, who is ill. I ask unanimous consent that at the time his name is drawn, the doorkeeper of the House be allowed to select a seat for him.

Mr. MAYNARD. I make the same request on behalf of Mr. WHITELEY, of Georgia, who is absent on account of sickness.

Mr. SCOFIELD. As that requires unanimous consent, it can be asked as well after the previous question is seconded as before.

Mr. GARFIELD. Allow me ask whether all the gentlemen present, and ready to take the oath as members, have been sworn in? I understand that there are three or four gentlemen, in relation to whose seats a motion is almost immediately to be made; hence it would seem something like injustice if the drawing for seats should take place, and then, a few moments afterwards, two or three members be sworn in.

Mr. SCOFIELD. The gentleman from Ohio [Mr. GARFIELD] did not, perhaps, hear the motion of the gentleman from Massachusetts, [Mr. BUTLER,] who has an amendment pending to fix half-past twelve o'clock to-morrow as the time for the drawing. All gentlemen who think as the gentleman from Ohio does can vote for that amendment.

Mr. GARFIELD. I make my suggestion, then, in the way of argument, rather than as a proposition for amendment.

Mr. SCOFIELD. I renew the call for the previous question.

Mr. WOOD. I desire to inquire as to the form in which the vote will be taken if the previous question should be seconded. Will there be a vote upon the proposition to draw for seats now, and a separate vote upon the proposition of the gentleman from Massachusetts [Mr. BUTLER]?

The SPEAKER. The two questions will of course be taken separately. The amendment will be first voted upon, and then the resolution.

Mr. SCOFIELD. If the amendment be voted down——

The SPEAKER. Then the question will recur on the original resolution without amendment.

Mr. COX. I rise to what I consider a question of privilege.

Mr. BUTLER, of Massachusetts. I wish to make a parliamentary inquiry.

The SPEAKER. A question of privilege takes priority of a question of order.

Mr. COX. I wish to make a motion to place the name of a member upon the roll in anticipation of the vote upon this resolution.

The SPEAKER. The Chair thinks that would not be in order. The rule of the House declares that the drawing for seats is a question of privilege once during each Congress. That question of privilege being now under consideration, the Chair cannot admit another question, even a question of privilege, to conflict with it. The pending question must now be decided.

Mr. PLATT, of Virginia. I ask the gentleman from Pennsylvania [Mr. SCOFIELD] to yield for another amendment to his resolution.

The SPEAKER. That would require unanimous consent, as two amendments are already pending.

Mr. PLATT, of Virginia. I ask unanimous consent to state, for the information of the House, the amendment I wish to offer. It has been the custom (and I believe no objection will be made to it to-day) to permit the member oldest in consecutive service to select his seat before the drawing commences.

Mr. MAYNARD. An amendment to that effect is now pending.

Mr. PLATT. I understand that; but I wish to say that there is another member of the House who, though not oldest in consecutive service, is, perhaps, as old in service as any other member, and who certainly, by reason of age and infirmity, is entitled to consideration on the part of the House. I move, therefore, that the privilege of selecting a seat, before the drawing commences, be accorded to the honorable gentleman from Georgia, [Mr. STEPHENS.]

Several MEMBERS. That is right.

Mr. SCOFIELD. As an amendment, that proposition is not in order.

The SPEAKER. It is not in order; but the proposition can be submitted afterward as a matter of consent. The question is on seconding the demand for the previous question upon the resolution and pending amendments.

Mr. BUTLER, of Massachusetts. I hold in my hand a resolution providing for presenting the credentials, and the swearing in, of certain members-elect. Is not this a question of higher privilege than drawing for seats?

The SPEAKER. The Chair thinks not, because the pending resolution relates to the convenience of members who actually constitute the House, the object being to facilitate the transaction of business as regards all questions, including that suggested by the gentleman from Massachusetts. The pending resolution being privileged but once during the Congress, the Chair cannot allow another privileged question to conflict with it while it is actually before the House. Were a contrary practice adopted, then, so long as any contested-election case or any other question of privilege remained undecided by the House, the drawing for seats might be prevented.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question is upon the amendment of the gentleman from Tennessee, [Mr. MAYNARD,] that the member oldest in continuous service [Mr. DAWES] be allowed to select a seat before the drawing begins.

The amendment was agreed to unanimously.

The SPEAKER. The next question is upon the amendment offered by the gentleman from Massachusetts, [Mr. BUTLER], that the drawing, instead of taking place forthwith, be fixed for to-morrow at half-past twelve o'clock.

The amendment was not agreed to.

The question then recurring on agreeing to the resolution, as amended, it was adopted.

Mr. SCOFIELD moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. PLATT] now asks unanimous consent that the honorable gentleman from Georgia [Mr. STEPHENS] shall have the right to select a seat regardless of the drawing.

Mr. PLATT, of Virginia. As the gentleman from Georgia has left the hall for the day I modify my request, and ask that the Doorkeeper be authorized to select a seat for Mr. STEPHENS, placing a page in the same before the drawing begins.

Mr. KELLEY. I suggest that the gentleman from Georgia be permitted to occupy permanently the seat which he has occupied this morning so long as he has been able to remain here, and which is evidently the seat of his choice; I mean the front seat at the corner of the center aisle.

Several MEMBERS. That is right.

The SPEAKER. If there be no objection, the order suggested by the gentleman from Pennsylvania [Mr. KELLEY] will be made.

There was no objection, and it was ordered accordingly.

Mr. E. H. ROBERTS. I hold in my hand a dispatch from my colleague, Hon. FREEMAN CLARKE, stating that he is ill and consequently unable to leave his home. I ask unanimous consent that when Mr. CLARKE'S name shall be called the Doorkeeper may select a seat for him.

Mr. HALE, of Maine. I make the same request in behalf of my colleague Mr. HERSEY, who is also sick at home.

The SPEAKER. All requests for unanimous consent should be submitted separately. The first question is upon granting, by unanimous consent, the privilege asked on behalf of Mr. CLARKE.

Objection was made.

The SPEAKER. Is there objection to granting the request made in behalf of Mr. HERSEY?

Objection was made.

Mr. BUTLER, of Massachusetts. I wish to make a similar request in behalf of the Delegate from the District of Columbia, [Mr. CHIPMAN,] who has been sick for some weeks.

Mr. COX. I was about to submit the same request.

Objection was made.

The members and delegates then, in accordance with the resolution adopted, retired beyond the outer row of seats, and as their names were drawn and called came forward and selected their seats, the first name called being that of Mr. WILLIAM S. HERNDON, and the last that of Mr. HORACE H. HARRISON.

INDIANA CONTESTED ELECTION.

Mr. McCRARY. Mr. Speaker, I rise to a question of privilege, and move the adoption of the following resolution.

The Clerk read as follows:

Resolved, That the credentials and papers on file in the Clerk's office concerning the election of a Representative in this House from the ninth congressional district of Indiana be referred to the Committee of Elections, when appointed, with instructions to report at an early day.

Mr. McCRARY. I ask for the reading of the credentials referred to.

The Clerk read as follows:

STATE OF INDIANA, EXECUTIVE DEPARTMENT.

I, Conrad Baker, governor of the State of Indiana, do hereby certify that it appears by the records in the office of the secretary of state of the State of Indiana, as certified to me by that officer, that at the general election held on the 8th day of October, A. D. 1872, in the several election precincts in the counties composing the ninth congressional district of Indiana, John E. Neff and John P. C. Shanks were opposing candidates, and the only candidates for the office of Representative in the Congress of the United States for the said ninth congressional district of said State of Indiana, and by the certificates of the clerks of the several circuit courts of the several counties composing said ninth congressional district now on file in the office of said secretary of state, it is certified that the said John E. Neff received for the office of Representative in the Congress of the United States votes at said election in all of said counties, amounting in the aggregate to the number of seventeen thousand and eighty-two votes, (17,082,) and by the same certificates it is also further certified that the said John P. C. Shanks received at said election for the same office, in all of said counties, votes amounting in the aggregate to the number of seventeen thousand and sixty-eight votes, (17,068;) the said certificates thus certifying or showing that the said John E. Neff received fourteen (14) votes more for said office than were received for the said John P. C. Shanks.

Now, if, in the judgment of the House of Representatives of the United States, the said certificates of election of the said clerks of the several circuit courts of the several counties of the said ninth congressional district of Indiana shall be conclusive evidence of the facts therein stated, so as to preclude either the secretary of state or the governor of Indiana from making inquiry into the truth thereof, then, and in that case, I desire that this instrument shall be considered and taken to be a certificate of the election of the said John E. Neff to the said office of representative in the Congress of the United States for the said ninth congressional district of Indiana, but, on the contrary, if, in the judgment of the House of Representatives of the United States, the said certificates of election of the said clerks of the several circuit courts of the several counties of the said ninth congressional district of Indiana shall not be conclusive evidence of the facts therein stated, so as to preclude the secretary of state or the governor of Indiana from making inquiry into the truth thereof, then, and in that case, I desire that this instrument shall be considered or taken to be a certificate of the election of the said John P. C. Shanks to the same office, I being abundantly satisfied that the said John P. C. Shanks, in point of fact, received, in the several counties of the ninth congressional district of Indiana, votes at said election for said office amounting in the aggregate to the number of seventeen thousand one hundred and fifteen (17,115) votes, instead of seventeen thousand and sixty-eight (17,068) votes, as is certified by the said clerks' certificates; that the evidence upon which I base this conclusion consists of an affidavit of the inspector, judges, and clerks of the election held on the day aforesaid, in and for the township of Wabash, in the county of Adams, in the ninth congressional district aforesaid, in which said officers state that forty-seven (47) ballots were voted at said precinct at said election, which, after having been received and placed in the ballot-box, upon the counting out of the votes, were rejected, and not counted in the returns of said election, for the reason that said ballots were headed on the top of the face thereof with the words "Republican ticket," and that the forty-seven ballots thus rejected, in counting out the vote cast at said precinct at said election, contained printed upon the face of all of said ballots, "For Representative in Congress, 9th District, John P. C. Shanks." There can be no doubt that the rejection of these forty-seven ballots, because they were headed on the inside or face thereof with the words "Republican ticket," was an unauthorized and illegal act, on the part of the election board for said township. The affidavit above-mentioned is filed in the office of the secretary of state, of the State of Indiana, and a copy thereof is certified to me by that officer in connection with his, certifying to me the result of said election, as shown by the clerks' certificates aforesaid. I, therefore, make this certificate in duplicate, delivering one of the duplicates to the said John E. Neff, and the other to the said John P. C. Shanks, to the end that the House of Representatives may draw its own conclusions as to the rights of the parties from the facts, instead of seeking to control its action by any conclusions of my own.

In witness of all which I have hereunto subscribed my name and caused the seal of the State of Indiana to be affixed at Indianapolis this 12th day of November, A. D., 1872.

[SEAL.] CONRAD BAKER.

By the governor:

JOHN H. FARQUHAR,
Secretary of State.

Mr. COX. Will the gentleman from Iowa allow me to make an amendment which is in the nature of a privileged question?

Mr. McCRARY. I will yield to hear what it is.

Mr. COX. It is a question of privilege.

The Clerk read as follows:

Resolved, That the roll of the members of the Forty-third Congress be amended by the addition of the name of John E. Neff, as the representative of the ninth congressional district of Indiana, and that the said John E. Neff be called and admitted as the sitting member, *prima facie*, entitled to represent said district.

Mr. McCRARY. I cannot admit that.

Mr. COX. Would I have the right, as a privileged question, to offer my resolution?

The SPEAKER. This presents the same privileged question, but only one phase of it. Should the House not agree to the resolution the gentleman from New York will then have a right to offer the resolution which has been read.

Mr. COX. I hope the House will allow me to make a statement about this case—only a short statement.

Mr. McCRARY. I think the certificate which has been read is very full.

Mr. COX. The certificate is an ambiguity.

The SPEAKER. The gentleman from Iowa declines to yield.

Mr. COX. The resolution does not decide anything.

Mr. McCRARY. I demand the previous question.

Mr. COX. I beg the courtesy of the gentleman from Iowa to state that I think it is due to the sitting member whose seat is being contested here—to Mr. Neff, whose seat is being contested by Mr. Shanks—that we should have a statement of all of the facts in the case before a vote is taken.

Mr. McCRARY. I decline to yield.

The House divided, and there were ayes 128, noes 74.

So the previous question was seconded.

The main question was then ordered to be put.

Mr. COX. I do not wish to make any dilatory motions; I do not wish to move to adjourn; but Mr. NEFF, who is, or ought to be, the sitting member here, has the *prima-facie* case, and should first be admitted to his seat.

The SPEAKER. The question recurs upon the adoption of the resolution of the gentleman from Iowa, [Mr. McCRARY.]

Mr. COX. It should not go to the Committee on Elections.

The House divided, and there were ayes 141, noes 77.

Mr. COX demanded the yeas and nays.

The yeas and nays were ordered.

Mr. ARCHER. I move the House do now adjourn.

Mr. COX. I ask unanimous consent to print in the CONGRESSIONAL RECORD the papers which I hold in my hand, so that when the House comes to vote on this question to-morrow morning, it will do so intelligently.

Mr. McCRARY. I do not object to any papers being referred to the Committee on Elections, but I do object to their being ordered to be printed.

The question recurred on the motion to adjourn, and there were ayes 87, noes 122.

Mr. ARCHER demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the negative; yeas 80, nays 163, not voting 37, as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Berry, Bland, Blount, Bowen, Bright, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, De Witt, Durham, Eden, Eldredge, Elliott, Giddings, Glover, Hancock, Henry R. Harris, John T. Harris, John B. Hawley, Herndon, Holman, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, Parker, Potter, Randall, Read, Robbins, William R. Roberts, James C. Robinson, Milton Saylor, Schumaker, Sener, Sloss, Small, Speer, Standeford, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolf, Wood, John D. Young, and Pierce M. B. Young—80.

NAYS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Bromberg, Buffinton, Bundy, Burchard, Burrows, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crocker, Cooke, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hatcher, Hathorn, Havens, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Kellogg, Kelley, Kendall, Lamport, Lansing, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McJunkin, McKee, McNulta, Mellish, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, O'Neill, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Pratt, Putnam, Rainey, Ransier, Ray, Richmond, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Saylor, Scofield, Isaac W. Scudder, Sessions, Sherwood, Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Southard, Sprague, Stanard, Starkweather, St. John, Stone, Stowell, Strait, Thomas Todd, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Marcus L. Ward, Wheeler, White, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, Woodford, and Woodworth—163.

NOT VOTING—Messrs. Bell, Burleigh, Benjamin F. Butler, Cannon, Corwin, Creamer, Crounse, Farwell, Freeman, Hamilton, Hays, Hereford, Hunton, Jewett, Killinger, Lawrence, Nunn, O'Brien, Page, Pelham, Perry, Poland, Rapier, Rawls, Rice, Ross, Henry J. Scudder, Sheats, J. Ambler Smith, William A. Smith, Stephens, Strawbridge, Taylor, Thornburgh, Jasper D. Ward, and James Wilson—37.

So the house refused to adjourn.

The SPEAKER. The question recurs on agreeing to the resolution offered by the gentleman from Iowa, [Mr. McCRARY,] on which the yeas and nays have been ordered.

The question was taken; and it was decided in the affirmative—yeas 176, nays 69, not voting 34; as follows:

YEAS.—Messrs. Albert, Albright, Averill, Banning, Barber, Barrere, Barry, Bass, Biery, Bradley, Bright, Bromberg, Buffington, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Cotton, Crocker, Crooke, Crounse, Crutchfield, Danford, Darrall, Davis, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Elliot, Farwell, Field, Fort, Foster, Frye, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hynes, Kasson, Kellogg, Kelley, Lamar, Lamport, Lansing, Lawrence, Lawson, Leach, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McJunkin, McKee, McNulta, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles,

Orr, Crih, Packard, Packer, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Pratt, Purman, Rainey, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Isaac W. Scudder, Sener, Sessions, Sherwood, Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Taylor, Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, and Woodford—176.

NAYS.—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Berry, Bland, Blount, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Crossland, De Witt, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Jewett, Kendall, Knapp, Lamison, Luttrell, Magee, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Randall, Read, William R. Roberts, James C. Robinson, Milton Saylor, Sloss, Southard, Speer, Standeford, Stone, Storm, Swann, Waddell, Whitthorne, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—69.

NOT VOTING—Messrs. Begole, Bowen, Benjamin F. Butler, Cain, Cannon, Clinton L. Cobb, Corwin, Creamer, Crittenden, Curtis, Freeman, Garfield, Hyde, Killinger, Marshall, Mellish, Nunn, O'Neill, Page, Perry, Ransier, Rapier, Rawls, Ray, Schumaker, Henry W. Scudder, Sheats, J. Ambler Smith, Stanard, Stephens, Wilber, George Willard, Ephraim K. Wilson, and Woodworth—34.

So the resolution was agreed to.

Mr. McCRARY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE TO WAIT ON THE PRESIDENT.

The SPEAKER announced as the committee appointed by resolution of the House to wait on the President, Mr. GARFIELD of Ohio, Mr. E. R. HOAR of Massachusetts, and Mr. COX of New York.

INDIANA CONTESTED ELECTION.

Mr. COX. I desire to have certain papers in my possession, relating to the contested election for the ninth district of Indiana, sent to the Committtee of Elections, along with the credentials.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

LOUISIANA ELECTIONS.

Mr. BUTLER, of Massachusetts. I offer the following resolution:

Resolved, That J. H. Sypher of the first district of Louisiana, L. A. Sheldon of the second district, and P. B. S. Pinchback, Representative at large of the said State, having the *prima-facie* evidence of the right to seats in this House, be admitted to take the oath, respectively.

I yield for a moment to the gentleman from Maine, [Mr. HALE.]

SALARIES INCREASE.

Mr. HALE, of Maine. I wish to give notice that I will to-morrow introduce, and push to a speedy issue, a bill to repeal the increase of certain salaries, and to return the undrawn balances into the Treasury.

Mr. ELDREDGE. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. STARKWEATHER: The petition of Hon. C. F. Cleveland, Daniel P. Tyler, and other citizens of Windham County, Connecticut, asking that pensions be granted to all the soldiers of the war of 1812, without regard to length of service.

By Mr. MOREY: The petition of Edward H. Wilson, of New Orleans, Louisiana, for relief.

Also, the petition of Samuel Jamison, of New Orleans, Louisiana, for relief.

Also, the petition of A. J. Sypher, of Louisiana, for relief.

Also, the petition of James Rainey, D. F. Boulin, M. B. Brady, and E. Sachet de St. Isle, of New Orleans, Louisiana, for relief.

Also, the petition of Henry Ware, of Louisiana, for relief.

By Mr. HANCOCK: The petition of Josiah R. Sypher, of Louisiana, for relief.

Also, the petition of W. H. Hooper, of Salt Lake City, Utah, for relief.

Also, the petition of Joseph Clymer, of Texas, for relief.

Also, the petition of John P. Kelsey, of Camargo, Texas, for relief.

Also, the petition of W. A. Sayler, of Texas, for relief.

Also, the petition of Mary E. Purnell, of Jefferson, Texas, for relief.

Also, the petition of James Glover, of Pennsylvania, for relief.

Also, the petition of the administratrix of Christian B. Morrison, of New York City, for relief.

By Mr. WALLS: The petition of Susan P. Vance, of Indiana, for relief.

Also, the petition of John Randolph, administrator of S. A. R. Lord, for relief.

Also, the petition of Alfred H. Brooks, of New Jersey, for relief.

Also, the petition of John Milton Best, of Paducah, Kenucky, for relief.

Also, the petition of Peter Nodine, of West Virginia, for relief.

Also, the petition of J. C. Lewis, of Washington, D. C., for relief.

Also, the petition of John Randolph, administrator of Sarah R. Lord, deceased, for relief.

Also, the petition of Williams H. Akins and Jacob D. Felthousen, for relief.

NOTICE OF A BILL.

By Mr. HALE, of Maine: A bill to repeal the increase of salaries and to cover undrawn and returned balances into the Treasury.

IN SENATE.

TUESDAY, *December* 2, 1873.

Prayer by Rev. E. D. OWEN, of Washington.

The Journal of yesterday's proceedings was read and approved.

Hon. THOMAS J. ROBERTSON, of South Carolina, Hon. JOHN B. GORDON, of Georgia, and Hon. PHINEAS W. HITCHCOCK, of Nebraska, appeared in their seats to-day.

ORGANIZATION OF THE HOUSE.

A message was received from the House of Representatives, by Mr. Edward McPherson, its Clerk, as follows:

Mr. President, I have been directed to inform the Senate that a quorum of the House of Representatives has assembled; that the House has elected Hon. JAMES G. BLAINE, one of the Representatives from the State of Maine, Speaker, and is now ready to proceed to business.

Also, that the House has passed a resolution directing the appointment of a committee on the part of the House to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may be pleased to make, and has appointed Mr. JAMES A. GARFIELD of Ohio, Mr. E. ROCKWOOD HOAR of Massachusetts, and Mr. S. S. COX of New York, the committee on the part of the House.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of the Interior, communicating, in obedience to law, an inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by that Department and under its charge; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Interior transmitting, in compliance with a resolution of March 26, 1873, a report relative to the pneumatic tube from the Capitol to the Government Printing-Office; which was ordered to lie on the table and be printed.

JUDGMENTS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a statement of the clerk of the Court of Claims, in compliance with section 9 of the act entitled "An act to provide for appeals from the Court of Claims, and for other purposes," approved June 25, 1868, of all judgments rendered by that court for the year ending December 1, 1873; the amounts thereof; the parties in whose favor rendered; and a brief synopsis of the nature of the claims upon which the judgments have been rendered; which was ordered to lie on the table and be printed.

SUPPLEMENTARY CIVIL RIGHTS BILL.

Mr. SUMNER. Mr. President, if the Senate has no business before it, I think it cannot do better than to proceed to the consideration of Senate bill No. 1, the bill supplementary to the civil rights act. It is a well known bill, and I do not see how it will require any debate. I think its reading will be enough. Its terms are expressive; the bill proves itself. I move that the Senate proceed to its consideration.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts.

Mr. FERRY, of Connecticut. Mr. President, the Senator from Vermont [Mr. EDMUNDS] yesterday expressed an interest in this bill, and an earnest desire that it should be referred to a committee. I sympathize with the feeling of the Senator from Vermont, that the bill should be so referred; and especially at this time is there a reason why the bill should be referred, because the constitutional question which was prominent in the former debate on this bill has been submitted to the consideration of the Supreme Court of the United States, and their decision promulgated since the Senate last met. Certainly, after a decision of that court, we ought not to proceed hastily to pass a bill involving the very questions which the court has considered, without a reference of those questions to our own appropriate committee.

Mr. SUMNER. Mr. President, this bill has been before a committee. What the committee did in the way of consideration, I know not; I had not the honor of being a member of it. But it was afterward, as all know, completely, most thoroughly, considered and canvassed in this Chamber. Never in the history of our legislation was any bill more considered; never has any bill been more minutely matured. Why, then, refer it to a committee? I do not say that Sena-

tors propose delay, but it is obvious that such a reference will cause delay.

Now, sir, I am against delay in the enactment of this measure. It should pass promptly. It is a great act of justice, to which, as I understand, the political parties of the country, in solemn convention, are pledged. Why, then, wait? Why charge a committee with this burden? Why continue on the country the burden of the injustice which this bill proposes to relieve?

We are reminded of a recent decision of the Supreme Court. I have yet to learn how that decision has any practical bearing on the present bill. I do not believe that it touches it; but I confess that I do not know to what decision he refers. Why, then, interpose this delay? Why not go forward promptly, swiftly, according to the merits of this measure and give it, like a benediction, to the land? Here are our colored fellow-citizens, many millions strong, all of whom have votes, and they every one unite in asking it. Your table has literally groaned under petitions presented from month to month, from year to year; and unless the bill is speedily passed, I predict that it will groan again with similar petitions, and justly, for our colored fellow-citizens ought to exercise that great right of petition in favor of this measure until it is finally adopted.

I am sorry that the suggestion has been made. I had hoped that there would be nothing but welcome and consideration for a measure so truly beneficent, and which is absolutely needed to crown and complete the great work of reconstruction.

Mr. FERRY, of Connecticut. The Senator from Massachusetts, with some significance, reminds us that our colored fellow-citizens have votes. If they have also that intelligence which an American citizen entitled to vote ought to have, they will not be willing that a measure whose consonance with the Constitution of the United States is gravely doubted, whose constitutionality in principle has been by the Supreme Court of the United States substantially decided against, shall become a part of the law of this land, when other remedies in entire accord with the Constitution have been provided and may be provided to secure them in all their rights.

The Senator from Massachusetts and many Senators know that from the outset I have opposed this bill. It is easy to charge upon those of us who stand in that position hostility to human rights, and therefore attempt, by casting opprobrium on us, to invalidate our arguments; but the ground upon which I stand is simply the Constitution of the United States, as it is. We have been long enough setting aside that sacred instrument upon every occasion of mere expediency, upon every occasion of fancied wrong, nay, even upon every occasion of real wrongs. Remedy the wrongs of our people wherever they exist in conformity with, not in violation of, the Constitution of the United States. It is because this bill, which has been discussed here at two sessions upon grave constitutional questions, has, in its principle, been considered by the Supreme Court of the United States——

Mr. SUMNER. When, and on what occasion?

Mr. FERRY, of Connecticut. In the New Orleans slaughter-house cases; and I have read in the newspapers of the country during the recent vacation what purported to be the opinion of the Supreme Court; and if the paper which I read was the opinion of the Supreme Court, that court, by a majority, holds in principle that the bill which the Senator has presented is a violation of the Constitution of the United States.

But, sir, that is not all. We have here in the Senate, since the last discussion of this bill, a large number of new Senators, who have not participated in that discussion at all; who have heard no report of a committee upon it; who are unaware of the fact—which I believe to be a fact—that the Judiciary Committee of this body reported against the bill which the Senator presents, and asks us now to pass in hot haste, without a reference to any committee at all. And, sir, in common courtesy to a Senator, who here yesterday asked that this bill might not be pressed upon the consideration of the Senate now, and who is himself the chairman of the Judiciary Committee, and happens at this time to be out of his seat, I think the Senator from Massachusetts ought to consent that the matter should lie over, at any rate until that Senator is in his place.

Mr. SUMNER. Mr. President, I would not fail in any courtesy to any Senator, especially in any courtesy to the Senator from Vermont, for whom I have all kindness and honor; but I think Senators will agree that nothing passed yesterday between us by which I am in any way constrained, so that I may not ask the Senate to proceed at once with this bill. If I could see the question as my friend from Connecticut sees it, he may be assured that I should not press the bill. I do not see it so; but I do see that this bill is now on our table numbered one. It is the first bill of the calendar. I see also that at this time the Senate has no business before it, and should I not fail in duty if I did not ask the Senate to proceed during this unoccupied time with a bill which I regard as so important, and which is actually the first in order, being foremost among all bills?

But my friend from Connecticut reminds me of a recent decision of the Supreme Court. For that court I have great respect. Personal and professional familiarity with the court, and study of its judgments running now for much more than a generation, incline me always to deference when its decisions are mentioned; but if I understood my friend he relies upon a newspaper report. Sir, I have read the judgment of that court, communicated to me by one of its members in an official copy, and I have no hesitation in saying that the Senator is entirely mistaken if he supposes that by a hair's breadth it interferes with the constitutionality of the bill which I now move.

Sir, there is no such lion in our path. It exists only in the imagination of my friend, or in the desire, which he has so often manifested, to interfere with the adoption of this measure. But the Senator is mistaken if he supposes that I charge upon him any indifference to human rights. Never, in any debate, has any word fallen from me which that Senator can so misinterpret. I know too well his heart, his excellent and abounding nature, his New England home, to attribute to him any such indifference. But I do know full well, for the Senator has often declared it, that he acts under interpretations of the Constitution which it seems to me belong to the period anterior to the war rather than since the war. It seems to me—I may be mistaken, but I cannot help saying it—that the Senator has not yet recognized that greatest of all victories by which a new interpretation is fixed upon the national Constitution, so that hereafter all its sentences, all its phrases, all its words, shall be interpreted broadly and emphatically for human rights. How often have I been obliged to say this? But the Senator forgets that victory. There is his error. Most sincerely, most ardently, do I trust that the Senate will never forget it; I hope we shall duly act upon it, and celebrate it in our acts.

Sir, I have been betrayed into these remarks simply by way of answer to what has been said by my friend. I had hoped that this bill might be proceeded with without debate. I had trusted that this benign measure was so clear and refulgent with justice that no Senator would rise in his place to oppose it. I had indulged the longing that those especially in favor of amnesty for all would adopt that other greater and more comprehensive principle of justice for all. Strange, sir, that the sensibilities of so many are aroused in favor of amnesty, and yet those same Senators are so dull when the rights of men are presented. I, sir, am anxious to see universal amnesty, but with it must be asserted also universal justice. Our colored fellow-citizens must be admitted to complete equality before the law. In other words, everywhere, in everything regulated by law, they must be equal with all their fellow-citizens. There is the simple principle on which this bill stands. Who can impugn it? Who can throw upon it the shadow of question? Sir, if the Constitution of the United States does not sanction a bill like this, then forthwith should we proceed to amend that Constitution, and make it more worthy of our regard. Much as has been done, this bill must also be added to the trophies of congressional action; this bill must be enumerated among the great results of our recent legislation. Terrible war will have been, then, a beneficent parent.

I hope, sir, there can be no question on the subject.

Mr. MORRILL, of Maine. Mr. President, what is the question?

The VICE-PRESIDENT. On taking up bill number one.

Mr. MORRILL, of Maine. For consideration?

The VICE-PRESIDENT. Yes, sir.

Mr. MORRILL, of Maine. I hardly suppose that the Senator from Massachusetts expects the Senate to do any such thing. This bill has not been read; it was introduced yesterday, and no Senator can know better than the Senator from Massachusetts that he moves this bill under circumstances not calculated to challenge the good will of the Senate at the present time; in other words, to express myself differently, under circumstances not at all calculated to a reasonable consideration of any proposition.

Sir, if this bill had no history at all in the Senate, and if some of us here had no recollections upon it; if it were a new-comer even, introduced by the honorable Senator from Massachusets with all the fervor and zeal that he puts into this subject, we should hesitate still, because it relates to a great question of civil rights. That the honorable Senator from Massachusetts is satisfied with this bill as it is, and would take it as it is, and would have the Senate adopt it now as it is, we can understand, because heretofore many times he has so declared. He has declared his entire confidence in it and his belief that it is justified by the Constitution of the United States and demanded as an act of public justice. There is no doubt as to how he feels on that subject; but the misfortune, after all, is that the Senate has never agreed with him upon that subject. He has pressed it, I do not say "in season and out of season," in the beginning, the middle, and the end; but he has pressed it with great zeal and always with great ability; and still he has never got a recognition of the bill, either from the committee or the Senate. So far as the action of the Senate has been concerned, on the floor of the Senate or in committee, it has been against the bill.

Mr. SUMNER. Allow me to remind my friend that it has been adopted by the Senate several times, once by the casting vote of the Vice-President.

Mr. MORRILL, of Maine. Never—not this bill.

Mr. SUMNER. Substantially this bill.

Mr. MORRILL, of Maine. Not this bill by any means, with great respect to the honorable Senator from Massachusetts, but an altogether different proposition; and I venture to say that the honorable Senator never will get the recognition of the Senate of the United States to this particular bill. Never will he succeed in getting the indorsement of the legal organ of this body that this bill is within a long range of the provisions of the Constitution of the United States.

The misfortune has been from the beginning, the honorable Senator will allow me to say, that this bill has not been presented to us under circumstances and at a time when fair deliberation could have been

had upon it. It was presented at a time and under circumstances, originally, when men were forced into false positions, in a certain sense, upon this bill. A bill that had been to a committee and failed to get its recognition, in any other sense than that of hostility to it, was made to be a rider on a bill which required a different principle, which required a two-thirds vote to pass it.

Now, I submit, Mr. President, that that honorable Senator under these circumstances, and particularly after what fell yesterday from the chairman of the Committee on the Judiciary, who is now absent, brings this bill again before the Senate under circumstances exceedingly inopportune. That Senator, I cannot believe, expects the action of the Senate now. Why the necessity of presenting it out of order or out of the ordinary course of legislation? Why not allow the committees to be organized? Why not allow this particular bill to take its course? Why not allow it to come up under circumstances when Senators will have an opportunity of examining it without prejudice? Why allow us to stand here in the morning, before our committees are organized, and be put before the country as making objection to a measure of civil rights? For myself, when this question of civil rights arises, whether on this bill or any other, I hope to be able to justify myself before the Senate in reference to any course that I shall take in regard to it; but what I rise to object to is that the honorable Senator should undertake to force this bill or bring it up at all under circumstances when it is impossible for Senators to act upon it with deliberation and reasonable consideration.

Is it in order to move to lay this motion on the table?

The VICE-PRESIDENT. It is in order.

Mr. MORRILL, of Maine. I will not make the motion. I think there is a doubt about it.

The VICE-PRESIDENT. The question is on taking up for consideration Senate bill No. 1. Is the Senate ready for the question?

Mr. HAMLIN. The motion is to postpone all prior orders, is it not? Then the motion to take up the bill will be in order.

The VICE-PRESIDENT. There are no prior orders.

Mr. HAMLIN. There is the morning business. The first motion should be to postpone the prior orders, which is the morning business, by the rules of the Senate, and then the motion to take up would be in order.

The VICE-PRESIDENT. Petitions and bills were called for, and no responses were made; and the Chair understands that there are no prior orders.

Mr. FERRY, of Michigan. I was not aware that the order of bills had been called. I have a bill that I wish to present.

The VICE-PRESIDENT. Bills were called for, and none being presented, the Senator from Massachusetts moved to proceed to the consideration of this bill.

Mr. FERRY, of Michigan. I do not desire to interrupt the subject before the Senate; but at the proper time I shall ask leave to present a bill, with the consent of the Senate.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts to take up Senate bill No. 1 for consideration.

The motion was not agreed to.

RETITIONS AND MEMORIALS.

Mr. DENNIS presented the petition of M. C. Mordecai & Co., praying compensation for mail service; which was ordered to lie on the table and be printed.

Mr. LOGAN presented the petition of Capt. Louis C. Sartori, praying to be appointed a commodore on the active list of the United States Navy; which was ordered to lie on the table.

Mr. FRELINGHUYSEN presented the memorial of the Walnut Grove Gold Mining Company, praying to be reimbursed for losses sustained through Indian depredations; which was ordered to lie on the table.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 26) in relation to mineral lands; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 27) to organize the Territory of Oklahoma; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 28) to set apart a certain portion of the island of Mackinaw and the straits of Mackinaw, within the State of Michigan, as a national park, which was read twice by its title, and ordered to be laid on the table and be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 30) to provide for free banking, to secure an elastic currency, to appreciate national obligations, and to reach specie payments without commercial embarrassment; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 31) for the relief of Capt. Louis C. Sartori, of the Navy; which was read twice by its title.

Mr. LOGAN. I merely wish to say that accompanying the bill is a long record which it is unnecessary to print. I move that the bill be printed and lie on the table, to be referred, with the record accompanying the bill, to the Committee on Naval Affairs when appointed.

The motion to print was agreed to.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 32) obviating the necessity of issuing patents for certain private land-claims in the State of Missouri, and for other purposes; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 33) granting the right of way to the Birmingham and Saint Louis Railroad Company through the public domain, and for other purposes; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 34) to extend the provisions of an act approved March 3, 1871, entitled "An act to provide for the collection of debts due from southern railroads, and for other purposes;" which was read twice by its title, and ordered to lie on the table and be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 35) granting aid to the Atlantic and Great Western Canal Company; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 36) to amend an act entitled "An act to reduce internal taxation," and to amend an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved July 13, 1866; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 37) for the relief of persons for damages sustained by reason of Indian depredations; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No 38) to vest the power of establishing post-roads in the Postmaster-General; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 39) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department;" which was read twice by its title, and ordered to lie on the table and be printed.

COST OF PUBLIC WORKS.

Mr. WINDOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate as to the amount expended by the United States for the various public works of the Government in each State and Territory of the Union from June 30, 1865, to June 30, 1873, together with the expenditures of the United States in aid of the construction of canals, railroads, and wagon-roads from 1789 to 1873.

LOUISVILLE AND PORTLAND CANAL.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate what efforts have been made by him to take possession of the Louisville and Portland Canal, and all correspondence with the trustees of that canal.

PRESIDENT'S ANNUAL MESSAGE.

Mr. ANTHONY, (at twelve o'clock and fifty-six minutes p. m.) Mr. President, the committee appointed to wait upon the President of the United States and inform him that the two Houses of Congress were organized for business and were ready to receive any communication he might have to make to them, have performed that duty; and the President replied that he would communicate to the two Houses immediately in writing.

At one o'clock and five minutes p. m. the President's secretary, Mr. O. E. BABCOCK, appeared below the bar, and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary of the Senate, Hon. GEORGE C. GORHAM, read the message, as follows:

To the Senate and House of Representatives:

The year that has passed since the submission of my last message to Congress has, especially during the latter part of it, been an eventful one to the country. In the midst of great national prosperity a financial crisis has occured that has brought low fortunes of gigantic proportions; political partisanship has almost ceased to exist, especially in the agricultural regions, and finally the capture upon the high seas of a vessel bearing our flag has for a time threatened the most serious consequences, and has agitated the public mind from one end of the country to the other. But this, happily, now is in the

course of satisfactory adjustment, honorable to both nations concerned.

The relations of the United States, however, with most of the other powers continue to be friendly and cordial. With France, Germany, Russia, Italy, and the minor European powers; with Brazil and most of the South American republics; and with Japan, nothing has occurred during the year to demand special notice. The correspondence between the Department of State and various diplomatic representatives in or from those countries is transmitted herewith.

In executing the will of Congress, as expressed in its joint resolution of the 14th of February last, and in accordance with the provisions of the resolution a number of "practical artizans," of "scientific men," and of "honorary commissioners" were authorized to attend the Exposition at Vienna as commissioners on the part of the United States. It is believed that we have obtained the object which Congress had in view when it passed the joint resolution "in order to enable the people of the United States to participate in the advantages of the international exhibition of the products of agriculture, manufactures, and the fine arts to be held at Vienna." I take pleasure in adding that the American exhibitors have received a gratifying number of diplomas and of medals.

During the Exposition a conference was held at Vienna for the purpose of consultation on the systems prevailing in different countries for the protection of inventions. I authorized a representative from the Patent-Office to be present at Vienna at the time when this conference was to take place, in order to aid, as far as he might, in securing any possible additional protection to American inventors in Europe. The report of this agent will be laid before Congress.

It is my pleasant duty to announce to Congress that the Emperor of China, on obtaining his majority, received the diplomatic representatives of the Western powers in person. An account of these ceremonies, and of the interesting discussions which preceded them, will be found in the documents transmitted herewith.

The accompanying papers show that some advance, although slight, has been made during the past year towards the suppression of the infamous Chinese coolie trade. I recommend Congress to inquire whether additional legislation be not needed on this subject.

The money awarded to the United States by the tribunal of arbitration at Geneva, was paid by Her Majesty's Government a few days in advance of the time when it would have become payable according to the terms of the treaty. In compliance with the provisions of the act of March 3, 1873, it was at once paid into the Treasury, and used to redeem, so far as it might, the public debt of the United States; and the amount so redeemed was invested in a 5 per cent. registered bond of the United States for $15,500,000, which is now held by the Secretary of State, subject to the future disposition of Congress.

I renew my recommendation made at the opening of the last session of Congress, that a commission be created for the purpose of auditing and determining the amounts of the several "direct losses growing out of the destruction of vessels and their cargoes" by the Alabama, the Florida, or the Shenandoah, after leaving Melbourne, for which the sufferers have received no equivalent or compensation, and of ascertaining the names of the persons entitled to receive compensation for the same, making the computations upon the basis indicated by the tribunal of arbitration at Geneva; and that payment of such losses be authorized to an extent not to exceed the awards of the tribunal at Geneva.

By an act approved on the 14th day of February last Congress made provision for completing, jointly with an officer or commissioner to be named by Her Britannic Majesty, the determination of so much of the boundary line between the territory of the United States and the possessions of Great Britain as was left uncompleted by the commissioners appointed under the act of Congress of August 11, 1856. Under the provisions of this act the northwest water-boundary of the United States has been determined and marked in accordance with the award of the Emperor of Germany. A protocol, and a copy of the map upon which the line was thus marked, are contained in the papers submitted herewith.

I also transmit a copy of the report of the commissioner for marking the northern boundary between the United States and the British possessions west of the Lake of the Woods, of the operations of the commission during the past season. Surveys have been made to a point 497 miles west of the Lake of the Woods, leaving about 350 miles to be surveyed, the field-work of which can be completed during the next season.

The mixed commission, organized under the provisions of the treaty of Washington, for settling and determining the claims of citizens of either power against the other, arising out of acts committed against their persons or property during the period between April 13, 1861, and April 9, 1865, made its final award on the 25th day of September last. It was awarded that the Government of the United States should pay to the government of Her Britannic Majesty, within twelve months from the date of the award, the sum of $1,929,819, in gold. The commission disallowed or dismissed all other claims of British subjects against the United States. The amount of the claims presented by the British government, but disallowed or dismissed, is understood to be about $93,000,000. It also disallowed all the claims of citizens of the United States against Great Britain which were referred to it.

I recommend the early passage of an act appropriating the amount necessary to pay this award against the United States.

I have caused to be communicated to the government of the King of Italy the thanks of this Government for the eminent services rendered by Count Corti, as the third commissioner on this commission. With dignity, learning, and impartiality he discharged duties requiring great labor and constant patience to the satisfaction, I believe, of both governments. I recommend legislation to create a special court to consist of three judges who shall be empowered to hear and determine all claims of aliens upon the United States arising out of acts committed against their persons or property during the insurrection. The recent reference under the treaty of Washington was confined to claims of British subjects, arising during the period named in the treaty; but it is understood that there are other British claims of a similar nature, arising after the 9th of April, 1865, and it is known that other claims of a like nature are advanced by citizens or subjects of other powers. It is desirable to have these claims also examined and disposed of.

Official information being received from the Dutch government of a state of war between the King of the Netherlands and the Sultan of Acheen, the officers of the United States who were near the seat of the war were instructed to observe an impartial neutrality. It is believed that they have done so.

The joint commission under the convention with Mexico of 1868 having again been legally prolonged, has resumed its business, which, it is hoped, may be brought to an early conclusion.

The distinguished representative of Her Britannic Majesty at Washington has kindly consented, with the approval of his government, to assume the arduous and responsible duties of umpire in this commission, and lend the weight of his character and name to such decisions as may not receive the acquiescence of both the arbitrators appointed by the respective governments.

The commissioners appointed pursuant to the authority of Congress to examine into the nature and extent of the forays by trespassers from that country upon the herds of Texas, have made a report, which will be submitted for your consideration.

The Venezuelan government has been apprised of the sense of Congress in regard to the awards of the joint commission under the convention of 25th April, 1866, as expressed in the act of the 25th of February last.

It is apprehended that that government does not realize the character of its obligations under that convention. As there is reason to believe, however, that its hesitancy in recognizing them springs, in part at least, from real difficulty in discharging them in connection with its obligations to other governments, the expediency of further forbearance on our part is believed to be worthy of your consideration.

The Ottoman government and that of Egypt have latterly shown a disposition to relieve foreign consuls of the judicial powers which heretofore they have exercised in the Turkish dominions, by organizing other tribunals. As Congress, however, has by law provided for the discharge of judicial functions by consuls of the United States in that quarter under the treaty of 1830, I have not felt at liberty formally to accept the proposed change without the assent of Congress, whose decision upon the subject, at as early a period as may be convenient, is earnestly requested.

I transmit herewith, for the consideration and determination of Congress, an application of the Republic of Santo Domingo to this government to exercise a protectorate over that republic.

Since the adjournment of Congress the following treaties with foreign powers have been proclaimed: A naturalization convention with Denmark; a convention with Mexico for renewing the claim commission; a convention of friendship, commerce, and extradition with the Orange Free State, and a naturalization convention with Ecuador.

I renew the recommendation made in my message of December, 1870, that Congress authorize the Postmaster-General to issue all commissions to officials appointed through his Department.

I invite the earnest attention of Congress to the existing laws of the United States respecting expatriation, and the election of nationality by individuals.

Many citizens of the United States reside permanently abroad with their families. Under the provisions of the act approved February 10, 1855, the children of such persons are to be deemed and taken to be citizens of the United States, but the rights of citizenship are not to descend to persons whose fathers never resided in the United States.

It thus happens that persons who have never resided within the United States have been enabled to put forward a pretension to the protection of the United States against the claim to military service of the government under whose protection they were born and have been reared. In some cases even naturalized citizens of the United States have returned to the land of their birth, with intent to remain there, and their children, the issue of a marriage contracted there after their return, and who have never been in the United States, have laid claim to our protection, when the lapse of many years had imposed upon them the duty of military service to the only government which had ever known them personally.

Until the year 1868 it was left embarrassed by conflicting opinions of courts and of jurists to determine how far the doctrine of perpetual allegiance, derived from our former colonial relations with Great Britain, was applicable to American citizens. Congress then wisely

swept these doubts away by enacting that "any declaration, instruction, opinion, order, or decision of any officer of this Government, which denies, restricts, impairs, or questions the right of expatriation, is inconsistent with the fundamental principles of this Government." But Congress did not indicate in that statute, nor has it since done so, what acts are to be deemed to work expatriation. For my own guidance in determining such questions, I required (under the provisions of the Constitution) the opinion in writing of the principal officer in each of the Executive Departments upon certain questions relating to this subject. The result satisfies me that further legislation has become necessary. I therefore commend the subject to the careful consideration of Congress, and I transmit herewith copies of the several opinions of the principal officers of the Executive Departments, together with other correspondence and pertinent information on the same subject.

The United States, who led the way in the overthrow of the feudal doctrine of perpetual allegiance, are among the last to indicate how their own citizens may elect another nationality.

The papers submitted herewith indicate what is necessary to place us on a par with other leading nations in liberality of legislation on this international question. We have already in our treaties assented to the principles which would need to be embodied in laws intended to accomplish such results. We have agreed that citizens of the United States may cease to be citizens, and may voluntarily render allegiance to other powers. We have agreed that residence in a foreign land, without intent to return, shall of itself work expatriation. We have agreed in some instances upon the length of time necessary for such continued residence to work a presumption of such intent. I invite Congress now to mark out and define when and how expatriation can be accomplished; to regulate by law the condition of American women marrying foreigners; to fix the status of children born in a foreign country of American parents residing more or less permanently abroad, and to make rules for determining such other kindred points as may seem best to Congress.

In compliance with the request of Congress I transmitted to the American minister at Madrid, with instructions to present it to the Spanish government, the joint resolution approved on the 3d of March last, tendering to the people of Spain, in the name and on the behalf of the American people, the congratulations of Congress upon the efforts to consolidate in Spain the principles of universal liberty in a republican form of government.

The existence of this new republic was inaugurated by striking the fetters from the slaves in Porto Rico. This beneficent measure was followed by the release of several thousand persons illegally held as slaves in Cuba. Next, the Captain-General of that colony was deprived of the power to set aside the orders of his superiors at Madrid, which had pertained to the office since 1825. The sequestered estates of American citizens, which had been the cause of long and fruitless correspondence, were ordered to be restored to their owners. All these liberal steps were taken in the face of a violent opposition directed by the reactionary slave-holders of Havana, who are vainly striving to stay the march of ideas which has terminated slavery in Christendom, Cuba only excepted.

Unhappily, however, this baneful influence has thus far succeeded in defeating the efforts of all liberal-minded men in Spain to abolish slavery in Cuba, and in preventing the promised reform in that island.

The struggle for political supremacy continues there.

The pro-slavery and aristocratic party in Cuba is gradually arraigning itself in more and more open hostility and defiance of the home government, while it still maintains a political connection with the republic in the peninsula; and although usurping and defying the authority of the home government whenever such usurpation or defiance tends in the direction of oppression or of the maintenance of abuses, it is still a power in Madrid and is recognized by the government. Thus an element more dangerous to continued colonial relations between Cuba and Spain than that which inspired the insurrection at Yara; an element opposed to granting any relief from misrule and abuse, with no aspirations after freedom, commanding no sympathies in generous breasts, aiming to rivet still stronger the shackles of slavery and oppression, has seized many of the emblems of power in Cuba, and, under professions of loyalty to the mother country, is exhausting the resources of the island, and is doing acts which are at variance with those principles of justice, of liberality, and of right which give nobility of character to a republic. In the interests of humanity, of civilization, and of progress, it is to be hoped that this evil influence may be soon averted.

The steamer Virginius was on the 26th day of September, 1870, duly registered at the port of New York, as a part of the commercial marine of the United States. On the 4th of October, 1870, having received the certificate of her register in the usual legal form, she sailed from the port of New York, and has not since been within the territorial jurisdiction of the United States.

On the 31st day of October last, while sailing under the flag of the United States on the high seas, she was forcibly seized by the Spanish gun-boat Tornado, and was carried into the port of Santiago de Cuba, where fifty-three of her passengers and crew were inhumanly, and, so far at least as relates to those who were citizens of the United States, were without due process of law, put to death.

It is a well-established principle, asserted by the United States from the beginning of their national independence, recognized by Great Britain and other maritime powers, and stated by the Senate in a resolution passed unanimously on the 16th of June, 1858, that "American vessels on the high seas in time of peace, bearing the American flag, remain under the jurisdiction of the country to which they belong, and therefore any visitation, molestation, or detention of such vessel by force, or by the exhibition of force, on the part of a foreign power, is in derogation of the sovereignty of the United States."

In accordance with this principle the restoration of the Virginius and the surrender of the survivors of her passengers and crew, and a due reparation to the flag, and the punishment of the authorities who had been guilty of the illegal acts of violence, were demanded. The Spanish government has recognized the justice of the demand, and has arranged for the immediate delivery of the vessel, and for the surrender of the survivors of the passengers and crew, and for a salute to the flag, and for proceedings looking to the punishment of those who may be proved to have been guilty of illegal acts of violence toward citizens of the United States, and also toward indemnifying those who may be shown to be entitled to indemnity. A copy of a protocol of a conference between the Secretary of State and the Spanish minister, in which the terms of this arrangement were agreed to, is transmitted herewith.

The correspondence on this subject with the legation of the United States in Madrid was conducted in cypher and by cable, and needs the verification of the actual text of the correspondence. It has seemed to me to be due to the importance of the case not to submit this correspondence until the accurate text can be received by mail. It is expected shortly, and will be submitted when received.

In taking leave of this subject for the present, I wish to renew the expression of my conviction that the existence of African slavery in Cuba is a principal cause of the lamentable condition of the island. I do not doubt that Congress shares with me the hope that it will soon be made to disappear, and that peace and prosperity may follow its abolition.

The embargoing of American estates in Cuba; cruelty to American citizens detected in no act of hostility to the Spanish government; the murdering of prisoners taken with arms in their hands; and, finally, the capture upon the high seas of a vessel sailing under the United States flag, and bearing a United States registry, has culminated in an outburst of indignation that has seemed for a time to threaten war. Pending negotiations between the United States and the government of Spain on the subject of this capture I have authorized the Secretary of the Navy to put our Navy on a war footing to the extent, at least, of the entire annual appropriation for that branch of the service, trusting to Congress and the public opinion of the American people to justify my action.

Assuming, from the action of the last Congress in appointing a Committee on Privileges and Elections to prepare and report to this Congress a Constitutional amendment to provide a better method of electing the President and Vice-President of the United States, and also from the necessity of such an amendment, that there will be submitted to the State Legislatures for ratification such an improvement in our Constitution, I suggest two others for your consideration: First, to authorize the Executive to approve of so much of any measure passing the two Houses of Congress as his judgment may dictate, without approving the whole; the disapproved portion or portions to be subjected to the same rules as now, to wit, to be referred back to the House in which the measure or measures originated, and if passed by a two-thirds vote of the two Houses, then to become a law without the approval of the President. I would add to this a provision that there should be no legislation by Congress during the last twenty-four hours of its sitting except upon vetoes, in order to give the Executive an opportunity to examine, and approve or disapprove, bills understandingly.

Second, to provide by amendment that when an extra session of Congress is convened by Executive proclamation, legislation during the continuance of such extra session shall be confined to such subjects as the Executive may bring before it from time to time in writing.

The advantages to be gained by these two amendments are too obvious for me to comment upon them. One session in each year is provided for by the Constitution, in which there are no restrictions as to the subjects of legislation by Congress. If more are required it is always in the power of Congress, during their term of office, to provide for sessions at any time. The first of these amendments would protect the public against the many abuses and waste of public moneys which creep into appropriation bills, and other important measures passing during the expiring hours of Congress, to which, otherwise, due consideration cannot be given.

TREASURY DEPARTMENT.

The receipts of the Government from all sources for the last fiscal year were $333,738,204; and expenditures on all accounts $290,345,245; thus showing an excess of receipts over expenditures of $43,392,959. But it is not probable that this favorable exhibit will be shown for the present fiscal year. Indeed, it is very doubtful whether, except with great economy on the part of Congress in making appropriations, and the same economy in administering the various departments of Government, the revenues will not fall short of meeting actual expenses, including interest on the public debt.

I commend to Congress such economy, and point out two sources where it seems to me it might commence, to wit, in the appropriations for public buildings in the many cities where work has not yet been commenced; in the appropriations for river and harbor improvements in those localities where the improvements are of but little benefit to general commerce; and for fortifications.

There is a still more fruitful source of expenditure which I will point out later in this message. I refer to the easy method of manufacturing claims for losses incurred in suppressing the late rebellion.

I would not be understood here as opposing the erection of good, substantial, and even ornamental, buildings by the Government wherever such buildings are needed. In fact, I approve of the Government owning its own buildings, in all sections of the country, and hope the day is not far distant when it will not only possess them but will erect in the capital suitable residences for all persons who now receive commutation for quarters, or rent at Government expense, and for the Cabinet, thus setting an example to the States which may induce them to erect buildings for their Senators. But I would have this work conducted at a time when the revenues of the country would abundantly justify it.

The revenues have materially fallen off for the first five months of the present fiscal year from what they were expected to produce, owing to the general panic now prevailing, which commenced about the middle of September last. The full effect of this disaster, if it should not prove a "blessing in disguise," is yet to be demonstrated. In either event it is your duty to heed the lesson and to provide by wise and well-considered legislation, as far as it lies in your power, against its recurrence, and to take advantage of all benefits that may have accrued.

My own judgment is that, however much individuals may have suffered, one long step has been taken toward specie payments; that we can never have permanent prosperity until a specie basis is reached; and that a specie basis can not be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations, or so nearly so as to leave an appreciable accumulation of the precious metals in the country from the products of our mines.

The development of the mines of precious metals during the past year, and the prospective development of them for years to come, are gratifying in their results. Could but one half of the gold extracted from the mines be retained at home our advance toward specie payments would be rapid.

To increase our exports, sufficient currency is required to keep all the industries of the country employed. Without this, national as well as individual bankruptcy must ensue. Undue inflation, on the other hand, while it might give temporary relief, would only lead to inflation of prices, the impossibility of competing in our own markets for the products of home skill and labor, and repeated renewals of present experiences. Elasticity to our circulating medium, therefore, and just enough of it to transact the legitimate business of the country and to keep all industries employed, is what is most to be desired. The exact medium is specie, the recognized medium of exchange the world over. That obtained, we shall have a currency of an exact degree of elasticity. If there be too much of it for the legitimate purposes of trade and commerce, it will flow out of the country. If too little, the reverse will result. To hold what we have, and to appreciate our currency to that standard, is the problem deserving of the most serious consideration of Congress.

The experience of the present panic has proven that the currency of the country, based as it is upon the credit of the country, is the best that has ever been devised. Usually in times of such trials currency has become worthless, or so much depreciated in value as to inflate the values of all the necessaries of life as compared with the currency. Every one holding it has been anxious to dispose of it on any terms. Now we witness the reverse. Holders of currency hoard it as they did gold in former experiences of a like nature.

It is patent to the most casual observer that much more currency, or money, is required to transact the legitimate trade of the country during the fall and winter months, when the vast crops are being removed, than during the balance of the year. With our present system the amount in the country remains the same throughout the entire year, resulting in an accumulation of all the surplus capital of the country in a few centers when not employed in the moving of crops; tempted there by the offer of interest on call loans. Interest being paid, this surplus capital must earn this interest paid, with a profit. Being subject to "call," it cannot be loaned—only in part at best—to the merchant or manufacturer for a fixed term. Hence, no matter how much currency there might be in the country it would be absorbed, prices keeping pace with the volume, and panics, stringency, and disasters would ever be recurring with the autumn.

Elasticity in our monetary system, therefore, is the object to be obtained first, and next to that, as far as possible, a prevention of the use of other people's money in stock and other species of speculation. To prevent the latter, it seems to me that one great step would be taken by prohibiting the national banks from paying interest on deposits, by requiring them to hold their reserves in their own vaults, and by forcing them into resumption, though it would be only in legal-tender notes. For this purpose I would suggest the establishment of clearing-houses for your consideration.

To secure the former many plans have been suggested, most if not all of which look to me more like inflation, on the one hand, or compelling the Government, on the other, to pay interest without corresponding benefits upon the surplus funds of the country during the seasons when otherwise unemployed.

I submit for your consideration whether this difficulty might not be overcome by authorizing the Secretary of the Treasury to issue, at any time, to national banks of issue, any amount of their own notes below a fixed percentage of their issue—say 40 per cent.—upon the banks depositing with the Treasurer of the United States an amount of Government bonds equal to the amount of notes demanded; the banks to forfeit to the Government, say, 4 per cent. of the interest accruing on the bonds so pledged, during the time they remain with the Treasurer, as security for the increased circulation; the bonds so pledged to be redeemable by the banks at their pleasure, either in whole or in part, by returning their own bills for cancellation to an amount equal to the face of the bonds withdrawn.

I would further suggest for your consideration the propriety of authorizing national banks to diminish their standing issue at pleasure, by returning for cancellation their own bills and withdrawing so many United States bonds as are pledged for the bills returned.

In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of population, increase of manufactories, and all the industries, I do not believe there is too much of it now for the dullest period of the year. Indeed, if clearing-houses should be established, thus forcing redemption, it is a question for your consideration whether banking should not be made free, retaining all the safe-guards now required to secure bill-holders.

In any modification of the present laws regulating national banks, as a further step toward preparing for resumption of specie payments, I invite your attention to a consideration of the propriety of exacting from them the retention, as a part of their reserve, of either the whole or a part of the gold interest accruing upon the bonds pledged as security for their issue.

I have not reflected enough on the bearing this might have in producing a scarcity of coin with which to pay duties on imports to give it my positive recommendation. But your attention is invited to the subject.

During the last four years the currency has been contracted, directly, by the withdrawal of 3 per cent. certificates, compound-interest notes and 7-30 bonds, outstanding on the 4th of March, 1869, (all of which took the place of legal tenders in the bank reserves,) to the extent of $63,000,000.

During the same period there has been a much larger comparative contraction of the currency. The population of the country has largely increased. More than 25,000 miles of railroad have been built, requiring the active use of capital to operate them. Millions of acres of land have been opened, requiring capital to move the products. Manufactories have multiplied beyond all precedent in the same period of time, requiring capital weekly for the payment of wages and for the purchase of material; and probably the largest of all comparative contraction arises from the organizing of free labor in the South. Now every laborer there receives his wages, and for want of savings-banks the greater part of such wages is carried in the pocket, or hoarded until required for use.

These suggestions are thrown out for your consideration without any recommendation that they shall be adopted literally, but hoping that the best method may be arrived at to secure such an elasticity of the currency as will keep employed all the industries of the country, and prevent such an inflation as will put off indefinitely the resumption of specie payments; an object so devoutly to be wished for by all, and none more earnestly than the class of people most directly interested—those who "earn their bread by the sweat of their brow." The decisions of Congress on this subject will have the hearty support of the Executive.

In previous messages I have called attention to the decline in American ship-building, and recommended such legislation as would secure to us our proportion of the carrying trade. Stimulated by high rates and abundance of freight, the progress for the last year in ship-building has been very satisfactory. There has been an increase of about 3 per cent. in the amount transported in American vessels over the amount of last year. With the reduced cost of material which has taken place, it may reasonably be hoped that this progress will be maintained, and even increased. However, as we pay $80,000,000 per annum to foreign vessels for the transportation of our surplus products to a market, thus increasing the balance of trade against us to this amount, the subject is one worthy of your serious consideration.

"Cheap transportation" is a subject that has attracted the attention of both producers and consumers for the past few years, and has contributed to, if it has not been the direct cause of, the recent panic and stringency.

As Congress, at its last session, appointed a special committee to investigate this whole subject during the vacation, and report at this session, I have nothing to recommend until their report is read.

There is one work, however, of a national character, in which the greater portion of the East and the West, the North and the South are equally interested, to which I will invite your attention. The State of New York has a canal connecting Lake Erie with tide-water on the Hudson River. The State of Illinois has a similar work, con-

necting Lake Michigan with navigable water on the Illinois River, thus making water communication inland, between the East and the West and South. These great artificial water-courses are the property of the States through which they pass, and pay toll to those States. Would it not be wise statesmanship to pledge these States that if they will open these canals for the passage of large vessels the General Government will look after, and keep in navigable condition the great public highways with which they connect—to wit, the overslangh on the Hudson, the Saint Claire Flats, and the Illinois and Mississippi Rivers. This would be a national work; one of great value to the producers of the West and South in giving them cheap transportation for their produce to the sea-board and a market; and to the consumers in the East in giving them cheaper food, particularly of those articles of food which do not find a foreign market, and the prices of which, therefore, are not regulated by foreign demands.

The advantages of such a work are too obvious for argument. I submit the subject to you, therefore, without further comment.

In attempting to regain our lost commerce and carrying-trade, I have heretofore called attention to the States south of us offering a field where much might be accomplished. To further this object I suggest that a small appropriation be made accompanied with authority for the Secretary of the Navy to fit out a naval vessel to ascend the Amazon River to the mouth of the Madeira, thence to explore that river and its tributaries into Bolivia, and to report to Congress at its next session, or as soon as practicable, the accessibility of the country by water, its resources, and the population so reached. Such an exploration will cost but little; it can do no harm, and may result in establishing a trade of value to both nations.

In further connection with the Treasury Department I would recommend a revision and codification of the tariff laws, and the opening of more mints for coining money, with authority to coin for such nations as may apply.

WAR DEPARTMENT.

The attention of Congress is invited to the recommendations contained in the report of the Secretary of War herewith accompanying.

The apparent great cost of supporting the Army is fully explained by this report, and I hope will receive your attention.

While inviting your general attention to all the recommendations made by the Secretary of War, there are two which I would especially invite you to consider. First: the importance of preparing for war in time of peace, by providing proper armament for our sea-coast defenses. Proper armament is of vastly more importance than fortifications. The latter can be supplied very speedily for temporary purposes when needed. The former cannot. The second is the necessity of re-opening promotion in the staff corps of the Army. Particularly is this necessity felt in the Medical, Pay, and Ordnance Departments.

At this time it is necessary to employ "contract surgeons" to supply the necessary medical attendance required by the Army.

With the present force of the Pay Department it is now difficult to make the payments to troops provided for by law. Long delays in payments are productive of desertions and other demoralization, and the law prohibits the payment of troops by other than Regular Army paymasters.

There are now sixteen vacancies in the Ordnance Department, thus leaving that branch of the service without sufficient officers to conduct the business of the different arsenals on a large scale, if ever required.

NAVY DEPARTMENT.

During the last year our Navy has been depleted by the sale of some vessels no longer fit for naval service, and by the condemnation of others not yet disposed of. This, however, has been more than compensated for by the repair of six of the old wooden ships, and by the building of eight new sloops of war, authorized by the last Congress. The building of these latter has occurred at a doubly-fortunate time. They are about being completed at a time when they may possibly be much needed, and the work upon them has not only given direct employment to thousands of men, but has, no doubt, been the means of keeping open establishments for other work at a time of great financial distress.

Since the commencement of the last month, however, the distressing occurrences which have taken place in the waters of the Caribbean Sea, almost on our very sea-board, while they illustrate most forcibly the necessity always existing, that a nation situated like ours should maintain in a state of possible efficiency a navy adequate to its responsibilities, has at the same time demanded that all the effective force we really have, shall be put in immediate readiness for warlike service. This has been, and is being done promptly and effectively, and I am assured that all the available ships and every authorized man of the American Navy will be ready for whatever action is required for the safety of our citizens, or the maintenance of our honor.

This, of course, will require the expenditure in a short time of some of the appropriations which were calculated to extend through the fiscal year, but Congress will, I doubt not, understand and appreciate the emergency, and will provide adequately, not only for the present preparation, but for the future maintenance of our naval force.

The Secretary of the Navy, has, during the past year, been quietly putting some of our most effective monitors in condition for service, and thus the exigency finds us in a much better condition for work, than we could possibly have been without his action.

POST-OFFICE DEPARTMENT.

A complete exhibit is presented, in the accompanying report of the Postmaster-General, of the operations of the Post-Office Department during the year. The ordinary postal revenues for the fiscal year ended June 30, 1873, amounted to $22,996,741.57, and the expenditures of all kinds to $29,084,945.67. The increase of revenues over 1872 was $1,081,315.20, and the increase of expenditures $2,426,753.36.

Independent of the payments made from special appropriations for mail-steamship lines, the amount drawn from the general Treasury to meet deficiencies was $5,265,475.

The constant and rapid extension of our postal service, particularly upon railways, and the improved facilities for the collection, transmission, distribution, and delivery of the mails, which are constantly being provided, account for the increased expenditures of this popular branch of the public service.

The total number of post-offices in operation on the 30th June, 1873, was 33,244, a net increase of 1,381 over the number reported the preceding year. The number of presidential offices was 1,363, an increase of 163 during the year. The total length of railroad mail-routes at the close of the year was 63,457 miles, an increase of 5,546 miles over the year 1872. Fifty-nine railway post-office lines were in operation on the 30th June, 1873, extending over 14,866 miles of railroad routes, and performing an aggregate service of 34,925 miles daily.

The number of letters exchanged with foreign countries was 27,459,185, an increase of 3,096,685 over the previous year, and the postage thereon amounted to $2,021,310.86. The total weight of correspondence exchanged in the mails with European countries exceeded 912 tons, an increase of 92 tons over the previous year.

The total cost of the United States ocean mail-steamship service, including $725,000 paid from special appropriations to subsidized lines of mail-steamers, was $1,047,271.35.

New, or additional, postal conventions have been concluded with Sweden-Norway, Belgium, Germany, Canada, Newfoundland, and Japan, reducing postage rates on correspondence exchanged with those countries; and further efforts have been made to conclude a satisfactory postal convention with France, but without success.

I invite the favorable consideration of Congress to the suggestions and recommendations of the Postmaster-General for an extension of the free-delivery system in all cities having a population of not less than 10,000; for the prepayment of postage on newspapers and other printed matter of the second class; for a uniform postage and limit of weight on miscellaneous matter; for adjusting the compensation of all postmasters not appointed by the President, by the old method of commissions on the actual receipts of the office, instead of the present mode of fixing the salary in advance, upon special returns; and especially do I urge favorable action by Congress on the important recommendations of the Postmaster-General for the establishment of United States postal-savings depositories.

Your attention is also again called to a consideration of the question of postal telegraphs, and the arguments adduced in support thereof, in the hope that you may take such action in connection therewith as in your judgment will most contribute to the best interest of the country.

DEPARTMENT OF JUSTICE.

Affairs in Utah require your early and special attention. The Supreme Court of the United States, in the case of Clinton *vs.* Englebrecht, decided that the United States marshal of that Territory could not lawfully summon jurors for the district courts; and those courts hold that the territorial marshal cannot lawfully perform that duty, because he is elected by the legislative assembly, and not appointed as provided for in the act organizing the Territory. All proceedings at law are practically abolished by these decisions, and there have been but few or no jury trials in the district courts of that Territory since the last session of Congress. Property is left without protection by the courts, and crimes go unpunished. To prevent anarchy there, it is absolutely necessary that Congress provide the courts with some mode of obtaining jurors, and I recommend legislation to that end; and also that the probate courts of the Territory, now assuming to issue writs of injunction and *habeas corpus*, and to try criminal cases and questions as to land titles, be denied all jurisdiction not possessed ordinarily by courts of that description.

I have become impressed with the belief that the act approved March 2, 1867, entitled "An act to establish a uniform system of bankruptcy throughout the United States," is productive of more evil than good at this time. Many considerations might be urged for its total repeal, but if this is not considered advisable, I think it will not be seriously questioned that those portions of said act providing for what is called involuntary bankruptcy operate to increase the financial embarrassments of the country. Careful and prudent men very often become involved in debt in the transaction of their business, and, though they may possess ample property, if it could be made available for that purpose, to meet all their liabilities, yet on account of the extraordinary scarcity of money, they may be unable to meet all their pecuniary obligations as they become due, in consequence of which they are liable to be prostrated in their business by proceedings in bankruptcy at the instance of unrelenting creditors.

People are now so easily alarmed as to monetary matters that the mere filing of a petition in bankruptcy by an unfriendly creditor will necessarily embarrass, and often-times accomplish the financial ruin of a responsible business man. Those, who otherwise might make lawful and just arrangements to relieve themselves from difficulties produced by the present stringency in money, are prevented by their constant exposure to attack and disappointment by proceedings against them in bankruptcy, and, beside, the law is made use of in many cases by obdurate creditors to frighten or force debtors into a compliance with their wishes, and into acts of injustice to other creditors and to themselves.

I recommend that so much of said act as provides for involuntary bankruptcy on account of the suspension of payment be repealed.

Your careful attention is invited to the subject of claims against the Government, and the facilities afforded by existing laws for their prosecution.

Each of the Departments of State, Treasury, and War have demands for many millions of dollars upon their files, and they are rapidly accumulating. To these may be added those now pending before Congress, the Court of Claims, and the southern claims commission, making in the aggregate an immense sum. Most of these grow out of the rebellion, and are intended to indemnify persons on both sides for their losses during the war; and not a few of them are fabricated and supported by false testimony. Projects are on foot, it is believed, to induce Congress to provide for new classes of claims, and to revise old ones through the repeal or modification of the statute of limitations, by which they are now barred. I presume these schemes, if proposed, will be received with little favor by Congress, and I recommend that persons having claims against the United States cognizable by any tribunal or department thereof, be required to present them at an early day, and that legislation be directed, so far as practicable, to the defeat of unfounded and unjust demands upon the Government; and I would suggest, as a means of preventing fraud, that witnesses be called upon to appear in person to testify before those tribunals having said claims before them for adjudication.

Probably the largest saving to the National Treasury can be secured by timely legislation on these subjects of any of the economic measures that will be proposed.

You will be advised of the operations of the Department of Justice by the report of the Attorney-General, and I invite your attention to the amendments of existing laws suggested by him with the view of reducing the expenses of that Department.

DEPARTMENT OF THE INTERIOR.

The policy inaugurated toward the Indians at the beginning of the last Administration has been steadily pursued, and, I believe, with beneficial results.

It will be continued with only such modifications as time and experience may demonstrate as necessary.

With the encroachment of civilization upon the Indian reservations and hunting-grounds, disturbances have taken place between the Indians and whites during the past year, and probably will continue to do so until each race appreciates that the other has rights which must be respected.

The policy has been to collect the Indians, as rapidly as possible, on reservations, and, as far as practicable, within what is known as the Indian Territory, and to teach them the arts of civilization and self-support.

Where found off their reservations and endangering the peace and safety of the whites, they have been punished, and will continue to be for like offenses.

The Indian Territory, south of Kansas and west of Arkansas, is sufficient in area and agricultural resources to support all the Indians east of the Rocky Mountains. In time, no doubt, all of them, except a few who may select to make their homes among white people, will be collected there. As a preparatory step for this consummation, I am now satisfied that a territorial form of government should be given them which will secure the treaty rights of the original settlers, and protect their homesteads from alienation for a period of twenty years.

The operations of the Patent-Office are growing to such magnitude, and the accumulation of material is becoming so great, that the necessity for more room is becoming more obvious day by day.

I respectfully invite your attention to the reports of the Secretary of the Interior and the Commissioner of Patents on this subject.

The business of the General Land-Office exhibits a material increase in all its branches during the last fiscal year. During that time there were disposed of out of the public lands 13,030,606 acres, being an amount greater by 1,165,631 acres than was disposed of during the preceding year. Of the amount disposed of, 1,626,266 acres were sold for cash; 214,940 acres were located with military land-warrants; 3,793,612 acres were taken for homesteads; 653,446 acres were located with agricultural college scrip; 6,083,536 acres were certified by railroads; 76,576 acres were granted to wagon-roads; 238,548 acres were approved to States as swamp-lands; 138,681 acres were certified for agricultural colleges, common schools, universities, and seminaries; 190,775 acres were approved to States for internal improvments; and 14,222 acres were located with Indian scrip.

The cash receipts during the same time were $3,408,515.50, being $190,415.50 in excess of the receipts of the previous year. During the year 30,488,132 acres of public land were surveyed; an increase over the amount surveyed the previous year of 1,037,193 acres, and, added to the area previously surveyed, aggregates 616,554,895 acres which have been surveyed, leaving 1,218,443,505 acres of the public land still unsurveyed.

The increased and steadily increasing facilities for reaching our unoccupied public domain, and for the transportation of surplus products, enlarges the available field for desirable homestead locations, thus stimulating settlement, and extending year by year, in a gradually increasing ratio, the area of occupation and cultivation.

The expressed desire of the representatives of a large colony of citizens of Russia to emigrate to this country, (as is understood with the consent of their government,) if certain concessions can be made to enable them to settle in a compact colony, is of great interest, as going to show the light in which our institutions are regarded by an industrious, intelligent, and wealthy people, desirous of enjoying civil and religious liberty; and the acquisition of so large an immigration of citizens of a superior class would, without doubt, be of substantial benefit to the country. I invite attention to the suggestion of the Secretary of the Interior in this behalf.

There was paid during the last fiscal year for pensions, including the expense of disbursement, $29,185,289.62, being an amount less by $984,050.98 than was expended for the same purpose the preceding year. Although this statement of expenditures would indicate a material reduction in amount compared with the preceding year, it is believed that the changes in the pension laws at the last session of Congress will absorb that amount the current year.

At the close of the last fiscal year there were on the pension rolls 99,804 invalid military pensioners, and 112,088 widows, orphans, and dependent relatives of deceased soldiers, making a total of that class of 211,892; 18,266 survivors of the war of 1812 and 5,053 widows of soldiers of that war pensioned under the act of Congress of February 14, 1871, making a total of that class of 23,319; 1,430 invalid Navy pensioners, and 1,770 widows, orphans, and dependent relatives of deceased officers, sailors, and marines of the Navy, making a total of Navy pensioners of 3,200, and a grand total of pensioners of all classes of 238,411, showing a net increase during the last fiscal year of 6,182. During the last year the names of 16,405 pensioners were added to the rolls, and 10,223 names were dropped therefrom for various causes.

The system adopted for the detection of frauds against the Government in the matter of pensions has been productive of satisfactory results, but legislation is needed to provide, if possible, against the perpetration of such frauds in future.

The evidently increasing interest in the cause of education is a most encouraging feature in the general progress and prosperity of the country, and the Bureau of Education is earnest in its efforts to give proper direction to the new appliances and the increased facilities which are being offered to aid the educators of the country in their great work.

The ninth census has been completed, the report thereof published and distributed, and the working force of the bureau disbanded. The Secretary of the Interior renews his recommendation for a census to be taken in 1875, to which subject the attention of Congress is invited. The original suggestion in that behalf has met with the general approval of the country; and even if it be not deemed advisable at present to provide for a regular quinquennial census, a census taken in 1875, the report of which could be completed and published before the one hundredth anniversary of our national independence would be especially interesting and valuable, as showing the progress of the country during the first century of our national existence. It is believed, however, that a regular census every five years would be of substantial benefit to the country, inasmuch as our growth hitherto has been so rapid that the results of the decennial census are necessarily unreliable as a basis of estimates for the latter years of a decennial period.

DISTRICT OF COLUMBIA.

Under the very efficient management of the governor and the board of public works of this District, the city of Washington is rapidly assuming the appearance of a capital of which the nation may well be proud. From being a most unsightly place three years ago, disagreeable to pass through in summer in consequence of the dust arising from unpaved streets, and almost impassible in the winter from the mud, it is now one of the most sightly cities in the country, and can boast of being the best paved.

The work has been done systematically, the plans, grades, location of sewers, water and gas-mains being determined upon before the work was commenced, thus securing permanency when completed. I question whether so much has ever been accomplished before in any American city for the same expenditures.

The Government having large reservations in the city, and the nation at large having an interest in their capital, I recommend a liberal policy toward the District of Columbia, and that the Government should bear its just share of the expense of these improvements. Every citizen visiting the capital feels a pride in its growing beauty, and that he, too, is part owner in the investments made here.

I would suggest to Congress the propriety of promoting the establishment in this District of an institution of learning, or university, of the highest class by the donation of lands. There is no place bet-

ter suited for such an institution than the national capital. There is no other place in which every citizen is so directly interested.

CIVIL SERVICE REFORM.

In three successive messages I have called attention to the subject of "civil service reform."

Action has been taken so far as to authorize the appointment of a board to devise rules governing methods of making appointments and promotions, but there never has been any action making these rules, or any rules, binding, or even entitled to observance, where persons desire the appointment of a friend or the removal of an official who may be disagreeable to them.

To have any rules effective they must have the acquiescence of Congress as well as of the Executive. I commend, therefore, the subject to your attention, and suggest that a special committee of Congress might confer with the civil service board during the present session for the purpose of devising such rules as can be maintained, and which will secure the services of honest and capable officials, and which will also protect them in a degree of independence while in office.

Proper rules will protect Congress as well as the Executive from much needless persecution, and will prove of great value to the public at large.

I would recommend for your favorable consideration the passage of an enabling act for the admittance of Colorado as a State in the Union. It possesses all the elements of a prosperous State, agricultural and mineral, and, I believe, has a population now to justify such admission.

In connection with this I would also recommend the encouragement of a canal, for the purposes of irrigation, from the eastern slope of the Rocky Mountains to the Missouri River. As a rule I am opposed to further donations of public lands for internal improvements owned and controlled by private corporations, but in this instance I would make an exception. Between the Missouri River and the Rocky Mountains there is an arid belt of public land from three hundred to five hundred miles in width, perfectly valueless for the occupation of man for want of sufficient rain to secure the growth of any product. An irrigating canal would make productive a belt as wide as the supply of water could be made to spread over across this entire country, and would secure a cordon of settlements connecting the present population of the mountain and mining regions with that of the older States. All the land reclaimed would be clear gain. If alternate sections are retained by the Government, I would suggest that the retained sections be thrown open to entry under the homestead laws or sold to actual settlers for a very low price.

I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disabilities is very small, but enough to keep up a constant irritation. No possible danger can accrue to the Government by restoring them to eligibility to hold office.

I suggest for your consideration the enactment of a law to better secure the civil rights which freedom should secure—but has not effectually secured—to the enfranchised slave.

U. S. GRANT.

EXECUTIVE MANSION, *December* 1, 1873.

PROTOCOL.

Protocol of the conference held at the Department of State, at Washington, on the 29th of November, 1873, *between Hamilton Fish, Secretary of State, and Rear-Admiral Don José Polo de Bernabé, envoy extraordinary and minister plenipotentiary of Spain.*

The undersigned having met for the purpose of entering into a definitive agreement respecting the case of the steamer Virginius, which, while under the flag of the United States, was, on the 31st day of October last, captured on the high seas by the Spanish man-of-war Tornado, have reached the following conclusions:

Spain, on her part, stipulates to restore forthwith the vessel referred to, and the survivors of her passengers and crew, and on the 25th day of December next to salute the flag of the United States. If, however, before that date Spain should prove to the satisfaction of the Government of the United States that the Virginius was not entitled to carry the flag of the United States, and was carrying it, at the time of her capture, without right and improperly, the salute will be spontaneously dispensed with, as in such case not being necessarily requirable; but the United States will expect, in such case, a disclaimer of the intent of indignity to its flag in the act which was committed.

Furthermore, if on or before the 25th of December, 1873, it shall be made to appear to the satisfaction of the United States that the Virginius did not rightfully carry the American flag and was not entitled to American papers, the United States will institute inquiry, and adopt legal proceedings against the vessel, if it be found that she has violated any law of the United States, and against any of the persons who may appear to have been guilty of illegal acts in connection therewith; it being understood that Spain will proceed, according to the second proposition made to General Sickles, and communicated in his telegram read to Admiral Polo on the 27th instant, to investigate the conduct of those of her authorities who have infringed Spanish laws or treaty obligations, and will arraign them before competent courts and inflict punishment on those who may have offended.

Other reciprocal reclamations to be the subject of consideration and arrangement between the two governments; and in case of no agreement, to be the subject of arbitration if the constitutional assent of the Senate of the United States be given thereto.

It is further stipulated that the time, manner, and place for the surrender of the Virginius, and the survivors of those who were on board of her at the time of her capture, and also the time, manner, and place for the salute to the flag of the United States, if there should be occasion for such salute, shall be subject to arrangement between the undersigned, within the next two days.

HAMILTON FISH.
JOSÉ POLO DE BERNABÉ.

Mr. CONKLING. I move that the message be printed and laid on the table.

The motion was agreed to.

FINANCIAL REPORTS.

The PRESIDING OFFICER (Mr. CARPENTER in the chair) laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances, and also the annual report of the Comptroller of the Currency; which, on motion of Mr. CONKLING, were ordered to lie on the table and be printed.

EXECUTIVE SESSION.

Mr. CONKLING. Are there executive messages on the table?

The PRESIDING OFFICER There are.

Mr. CONKLING. Then I move that the Senate proceed to the consideration of executive business.

Mr. THURMAN. I move that the Senate adjourn.

The motion to adjourn was not agreed to; there being, on a division, ayes 18, noes 33.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent therein the doors were re-opened, and (at two o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 2, 1873.

The House met at twelve o'clock m. The Chaplain, Rev. J. G. BUTLER, D. D., offered the following prayer:

God of our fathers, we lift our hearts to Thee as we enter upon the responsible duties of this new day. Guide us by Thy divine counsel. Animate us ever with Thy spirit, the spirit of truth and of love. We thank Thee for the kind providence that has brought us again together. Sanctify to us the lessons of our own mortality, and help us ever to walk in Thy fear.

O thou sovereign God, whose eyes are in every place, endue with wisdom these Thy servants in all their legislation. Animate with love their hearts in all their personal relations. Bless our Government in all its departments, and our land in all its interests, establishing here Thine own kingdom of truth and righteousness. We ask it, with pardon and peace, in the name of Christ, who hath taught us to pray: Our Father who art in heaven, hallowed be Thy name; Thy kingdom come; Thy will be done on earth as it is in heaven; give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation, but deliver us from evil, for Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate was announced, when Mr. GORHAM, its Secretary, said: I am directed by the Senate to inform the House that a quorum of the Senate has assembled, and that the Senate is ready to proceed to business. Also, that a committee has been appointed by the Senate to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House has assembled, and that Congress is ready to receive any communication he may be pleased to make; and that Mr. ANTHONY and Mr. THURMAN have been appointed as such committee on behalf of the Senate.

PRESERVATION OF ORDER.

The SPEAKER. The Chair begs, at the opening of this session, to make a single remark. This is a very large House, and it will require the co-operation of every member to preserve that order which is essential to the correct dispatch of business. The Chair hopes that no member will ask for the infraction of the rule in regard to admitting any person on the floor; and, with the assistance of the members of the House, he will enforce that rule perfectly, rigidly, and impartially, so that none but those privileged under the rules may be admitted to the floor under any circumstances whatever.

Mr. DAWES. Will the Chair have the rule read?

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

FLOOR—PRIVILEGE OF ADMISSION ON.

No person, except members of the Senate, their secretaries, heads of Departments, the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives-elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress, shall be admitted within the hall of the House of Representatives, or any of the rooms upon the same floor or opening into the same: *Provided*, That ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the Hall of the House; and no person, except those herein specified, shall at any time be admitted to the floor of the House.

The Doorkeeper shall execute strictly the foregoing rule.

The SPEAKER. The Chair is compelled to say that the Doorkeeper's power to enforce this rule is very much obstructed by the requests of members—indeed, he may say, wholly obstructed; and, therefore, the order on the floor and the dispatch of business depend very much on the members themselves.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I call up the unfinished business of yesterday.

The SPEAKER. That resolution comes up of itself as a question of privilege.

COMPENSATION OF SENATORS AND MEMBERS.

Mr. NIBLACK. I ask the gentleman from Massachusetts [Mr. BUTLER] to yield to me, to enable me to give notice of a bill.

Mr. BUTLER, of Massachusetts. I yield for that purpose.

Mr. NIBLACK. I give notice that on to-morrow I shall introduce a bill, changing the rate of compensation of Senators and Members of the House of Representatives; and, failing to get an opportunity to introduce it sooner, I shall, on Monday next, ask a suspension of the rules.

BANKRUPT LAW.

Mr. PARSONS. I desire to give notice that on to-morrow, or some subsequent day, I shall ask leave to introduce a bill to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867.

ARKANSAS ELECTION CONTESTS.

Mr. HYNES. I ask unanimous consent to submit the following resolution:

Resolved, That the credentials and papers in the possession of the Clerk of the House, in the cases of the contested elections from the first and third districts of Arkansas, be referred to the Committee on Elections, with instructions to report at the earliest day practicable, who, of the contesting parties, are entitled to be sworn in as sitting Members of the House.

I will state to the House that the parties on both sides of the contest agree to this resolution, desiring an early settlement of the question.

By unanimous consent the resolution was received, considered, and agreed to.

Mr. HYNES moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL RIGHTS BILL.

Mr. MOREY. I give notice that to-morrow, or at the earliest opportunity thereafter, I will introduce and press to its passage a bill supplemental to an act entitled "An act to protect all citizens of the United States in their civil rights and to furnish means for their vindication," passed April 9, 1866.

COMPENSATION OF SENATORS AND MEMBERS.

Mr. DEWITT. I desire to give notice that, at the earliest opportunity, I will introduce a joint resolution, in amendment to the Constitution of the United States, which was introduced in the first Congress by James Madison, providing that no law increasing the compensation for the services of Senators and Representatives shall take effect until an election of Representatives shall have intervened.

ORDER OF BUSINESS.

Mr. POLAND. I ask the gentleman to allow me to offer a resolution.

Mr. ELDREDGE. I rise to a question of order. Is it in order for these notices to be given under the rule?

The SPEAKER. Only by unanimous consent.

Mr. ELDREDGE. Then I object to any further notices of this sort, because they are but taking up the time of the House.

The SPEAKER. Gentlemen will find by referring to the rules that they can file with the Clerk notice of any bill, and the entry of that notice on the Journal will entitle them to offer the bill when their State is called.

Mr. MAYNARD. I will ask the Chair whether the notice on being so filed with the Clerk would or would not be published in the CONGRESSIONAL RECORD, and appear as a part of the proceedings?

The SPEAKER. It would, if the member filing the notice will hand a rescript of the same to the reporters of the debates.

BANKRUPT LAW.

Mr. POLAND, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on the Judiciary be directed to examine the statute in relation to proceedings in bankruptcy, and prepare and report such amendments thereto as will simplify and expedite proceedings thereunder, and diminish the expenses thereof.

CORRECTION OF THE JOURNAL.

Mr. BELL. The Journal and the CONGRESSIONAL RECORD do not show that I voted upon the amendment of the gentleman from Indiana [Mr. NIBLACK] to the resolution of the gentleman from Tennessee [Mr. MAYNARD] in relation to the election of officers of the House. I voted for that amendment, and ask that the Journal be corrected accordingly.

The SPEAKER. The correction of the Journal will be made. The Chair takes this occasion to advise the gentleman from Georgia, [Mr. BELL,] and through him the House, that errors in the CONGRESSIONAL RECORD are not questions of privilege; errors in the Journal are.

Mr. BELL. This is an error of the Journal.

REVENUE SUITS.

Mr. DAWES, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to communicate to this House the amount of money paid, since the 4th of March, 1869, by any person or persons, in the settlement of suits, judgments, and claims made by or in behalf of the United States for the violation of revenue laws at the Boston and New York custom-houses; the amounts and date of all such payments, and the names of the persons making the same, respectively; also, what portion of each such sum was paid into the Treasury of the United States, and what portion of each, if any, was paid elsewhere than into said Treasury, and to whom.

LOUISIANA CONTESTED-ELECTION CASES.

Mr. BUTLER, of Massachusetts. I now insist upon the regular order of business, and ask that the pending resolution be read.

The resolution was read, as follows:

Resolved, That J. H. Sypher, of the first district, L. A. Sheldon, of the second district of Louisiana, and P. B. S. Pinchback, a Representative at large of the same State, having the *prima-facie* evidence of right to seats in this House, be admitted to take the oath of office respectively.

Mr. BECK. I desire a division of the question, if that can be done under the rules.

Mr. BUTLER, of Massachusetts. I have no objection to a vote being taken on each case.

The SPEAKER. That is the right of any member.

Mr. BECK. Before the previous question shall be called, I desire to offer a resolution on this subject, and ask that it be now read for the information of the House.

Mr. BUTLER, of Massachusetts. I have no objection to its being read.

The resolution was read, as follows:

Resolved, That the credentials of the persons claiming seats in Congress from the first, second, and fourth districts of Louisiana, and from the State at large, be, and they are hereby, referred to the Committee on Elections with instructions to ascertain and report as soon as possible whether any, and, if any, which of said persons from each of said districts are entitled to seats as members of this House.

The SPEAKER. Does the gentleman from Massachusetts admit that amendment?

Mr. BUTLER, of Massachusetts. I do not; I only yielded to have it read for information.

Mr. WOOD. Before the gentleman from Massachusetts [Mr. BUTLER] proceeds to discuss this resolution, I desire to ask him, in all candor, whether in each of these cases precisely the same facts are presented—whether he has any reason or ground upon which he proposes to admit them all under one resolution without any division of the proposition.

Mr. BUTLER, of Massachusetts. I will answer, in the same spirit of candor in which the gentleman asks the question, that I propose to show a common ground upon which all can be admitted. I am not aware that there is any substantial ground of distinction, so far as the *prima-facie* case is concerned, with which the House can be concerned.

Mr. BECK. I desire to ask the gentleman one question. What time does he propose to allow for the discussion of the subject? I desire to be heard in opposition to it.

Mr. BUTLER, of Massachusetts. That will be within the rules of the House. I desire as full discussion as may seem to be necessary.

Mr. BECK. That is all we can ask.

Mr. BUTLER, of Massachusetts. We are all aware of the peculiar state of things in the organization and carrying on of the government of Louisiana, and in the election there last fall; all of which will have to be considered, undoubtedly, by the House, in other and different proceedings from this. The resolution which I have had the honor to present looks only to who are entitled upon the *prima-facie* record, looking upon record-evidence alone, to seats in this House to represent the people of that State. All will agree that in every case the people of the several districts of the United States have a right to representation on this floor equal with all other portions. It is wrong and unjust to prevent that representation where a *prima-facie* case is made out.

Now, if the House will bear with me, I will make a statement which will be verified from the Clerk's desk, from step to step, by record. I do not ask the House to go into the question of evidence. If it was a question of evidence other than of record-evidence, it ought not to be here; it ought to be referred to the Committee on Elections, and the resolution of the gentleman from Kentucky [Mr. BECK] would be the proper one to adopt. But, as I yesterday insisted in the case of

the Delegate from Utah, [Mr. CANNON,] he having the *prima-facie* claim, witnessed by the record of his Territory, to a seat here, we could not go into any consideration of reasons personal to himself or of irregularity in his election, in order to prevent the people of Utah from being represented on this floor. Therefore, if I can here demonstrate to the House that these members from Louisiana have *prima-facie* credentials, entitled to the respect that other *prima-facie* credentials are entitled to, then it will be the duty of the House to seat them, and to allow them to represent their people here until the Committee on Elections, upon examining the facts of election, find that that title is only *prima facie*, and not the real title.

Now the case stated will be this: there was an election held in Louisiana on the first Tuesday of November, 1872. By the laws of the State, a copy of which is on the Clerk's desk, (and on this point I believe there is no dispute,) the time which the returning-officers had to make their return was ten days, which, of course, would expire on the 15th of November. I will ask the Clerk to read the 32d and 33d sections of the election act.

The Clerk read as follows:

SEC. 32. All general elections for members of Congress shall be held at the same time and conducted in the same manner as is provided for the general elections.

SEC. 33. As soon as possible after the expiration of the time of making the returns of the election for Representatives in Congress, a certificate of the returns of the election for such Representatives shall be entered on record by the secretary of state and signed by the governor, and a copy thereof, subscribed by said officers, shall be delivered to the persons so elected, and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the Clerk thereof.

Mr. BUTLER, of Massachusetts. Now, Mr. Speaker, it will also be shown by the record of the executive office of the State of Louisiana, (which record is also upon the table of the Clerk, and which I will ask him to read,) that no record of that election was entered until the 16th day of December, one month afterward, that record being promulgated according to law in the official journal on the 17th of December.

The Clerk read as follows:

STATE OF LOUISIANA, SECRETARY OF STATE,
New Orleans, November 19, 1873.

I hereby certify that the returns of an election, held on the 4th day of November, A. D. 1872, for members of Congress to the Forty-third Congress of the United States, were duly filed in this department by the returning-board, on the 16th day of December, A. D. 1872, and were promulgated in the official journal of this State on the 17th day of December, A. D. 1872.

Given under my hand and seal of the State, this 19th day of November, A. D. 1873, and of the Independence of the United States the ninety-eighth.

[SEAL.] P. G. DESLONDE,
Secretary of State.

Mr. BECK. Does that paper show by whom the returns were made?

Mr. BUTLER, of Massachusetts. No, sir; it is not necessary by law that that should be shown. The law requires simply that "a certificate of the returns of the election for such Representatives shall be entered on the record by the secretary of state and signed by the governor."

This return was filed on the 16th. Governor Warmoth then gave to the contestants in this case, not the parties named in the resolution, a certified copy of this record, dated the 4th day of December, twelve days before there was any record made. Let me state the facts so that there will be no mistake. The record was made on the 16th, and promulgated on the 17th, of December; and Governor Warmoth's duty under the law was to sign that record, and give a copy thereof, subscribed by himself and the secretary of state, to the persons elected. The return was not filed until the 16th, yet the governor has given certain credentials dated the 4th, twelve days before there was any record of which to give a copy. I ask the Clerk to read the credentials as given by Governor Warmoth in one of these cases, they being all similar in form.

The Clerk read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, December 4, 1872.

This is to certify that at a general election held in this State, on the 4th day of November, A. D. 1872, Effingham Lawrence received 13,161 votes, and J. Hale Sypher received 10,054 votes. I therefore hereby declare Effingham Lawrence duly elected to represent the first district of the State of Louisiana in the Forty-third Congress of the United States.

Given under my hand and the seal of the State, this 4th day of December, A. D. 1872, and of the Independence of the United States the ninety-seventh.

[SEAL] H. C. WARMOTH,
Governor of Louisiana.

By the governor:
Y. A. WOODWARD,
Assistant Secretary of State.

Mr. BUTLER, of Massachusetts. Now, Mr. Speaker, the House will observe that that certificate on its face, when compared with the record, is utterly void, and that the seal of the State, to which otherwise full faith and credit ought to be given, is shown by the record to have been improperly and inadvertently affixed to that document.

On the 8th day of December, as also appears by the record, the legislature of the State came together. Their first act was to impeach Governor Warmoth; and, in accordance with the constitution of Louisiana, a copy of which also is upon the Clerk's desk, he was suspended from office on the 9th of the same month; so that he was not in being, as governor, on the 16th. Under the laws of Louisiana, Lieutenant-Governor Pinchback became acting governor, or governor *de facto;* and he gave to the gentlemen named in the resolution certificates, one of which I ask the Clerk to read, they being all alike in form.

The Clerk read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, December 30, 1872.

Be it known that at an election begun and held on the 4th day of November, A. D. 1872, for members of Congress, J. Hale Sypher received 12,299 votes, and E Lawrence received 12,225 votes.

Now, therefore, I, P. B. S. Pinchback, acting governor of the State of Louisiana, do hereby certify that J. Hale Sypher received a majority of the votes cast at said election, is duly elected to represent the first congressional district of the State of Louisiana in the Forty-third Congress of the United States.

Given under my hand and the seal of the State this 30th day of December, A. D. 1872, and of the Independence of the United States the ninety-seventh.

[SEAL.] P. B. S. PINCHBACK.

By the acting governor:
E. B. METZ,
Assistant Secretary of State.

Mr. BUTLER, of Massachusetts. Now, then, having shown that the certificate of Governor Warmoth, because of what appears of record, was utterly void, that certificate having been given twelve days before there was any record to be made, I produce here, duly transmitted to the Clerk, and open to the inspection of members, certificates in due form, under the seal of the State, in favor of the parties named in the resolution; credentials as perfect *prima facie* as those which any one of us has presented; credentials certified in due form and signed by the governor, against which no record evidence can be produced.

What can be proved to the contrary I know not, and I care not; and I do not know, and have not made any opinion in my own mind, how I should vote on what are the merits of the contest.

It does not involve, as my friends on the other side seem to think it does, any question as to the legality of proceedings in Louisiana in the election of their State officers. It involves nothing but the credit due to the certificate given, in due form, for a member of Congress, and on that *prima-facie* case I am quite content to rest this matter.

I assume that if we are going into any evidence about it, then the case ought to go to the committee which for this purpose are the eyes and ears of the House. But here is a case where we do not present any question of evidence. We only present the record. Now, the answer may be made to me, "Why, Governor Warmoth has given, under the seal, to Mr. Lawrence, a certificate and certificates to the other contestants, and why not give credit to them?" Because the record contradicts the record, and therefore we are left only to that *prima-facie* case which is made out by duly issued certificates, made fifteen days after there was a record.

Now, Mr. Speaker, if I have made this case as distinct in the minds of the House as it is in my own, I have done all I desired to do, and I claim that the House should seat these members on *prima-facie* case, leaving the contestants who have not the *prima-facie* case, as shown by the record, to contest their seats before it in such form as they may be advised.

Mr. BECK. Mr. Speaker——

Mr. BUTLER, of Massachusetts. I yield for fifteen minutes to my friend opposite.

The SPEAKER. The gentleman has three-fourths of an hour remaining.

Mr. BECK. I will require at least thirty minutes to do justice to the case. The House will, I am sure, extend the time of the gentleman from Massachusetts to two hours.

Mr. BUTLER, of Massachusetts. If my time be extended I will yield all of the extension, saving a little time for reply. When the House does extend my time I will then yield to the gentleman. I can only now yield for fifteen minutes.

Mr. BECK. Mr. Speaker, it is utterly impossible for me to state the case in fifteen minutes, and I will therefore ask the time of the gentleman from Massachusetts be extended.

Mr. BUTLER, of Massachusetts. I will ask for an extension, at the request of a friend near me.

Mr. BECK. I ask the House to extend the time for the discussion of this question so that I may make a complete statement.

Mr. BUTLER, of Massachusetts. How long does the gentleman propose to extend it?

Mr. BECK. So that I may be allowed thirty minutes.

Mr. ELDREDGE. I suggest to the House that the gentleman from Kentucky be allowed thirty minutes.

Mr. BUTLER, of Massachusetts. Very good; and that will leave me what remains of my hour.

The SPEAKER. The proposition is that the gentleman from Kentucky shall speak for half an hour without the time being taken from the hour of the gentleman from Massachusetts.

There was no objection, and it was ordered accordingly.

Mr. BECK. Mr. Speaker, I have submitted a proposition to this House to refer the credentials of all of those gentlemen on both sides to the Committee on Elections. Surely there can be no objection to that by any gentleman who wishes a fair hearing of the case. Surely there can be no desire and no interest on the republican side of the House, with their majority, to swear in men now, if the proof should be conclusive, as it will be, that those proposed to be sworn in are not members elected to this House.

If there ever was a case which required investigation in advance as to the rights of members, it is the case of those who claim seats

in this House from Louisiana. It will be shown—indeed, it is known to the gentleman from Massachusetts, [Mr. BUTLER,] and indeed nobody knows it better than he—that the whole of the present government of Louisiana from beginning to end is and has been a fraud from its inception; that Pinchback, who signed these certificates, was himself a usurper; that the board upon which he relies, whose name is not even given here, because that would prove my charge, was not a board authorized by law to make returns of elections; that the Legislature which inaugurated him and impeached Governor Warmoth was a Legislature put there by Federal bayonets and maintained by the Army and Navy of the United States; and that frauds, such as this House can hardly imagine, were perpetrated by those under whose certificates it is proposed to seat these gentlemen in this House.

I said the gentleman from Massachusetts knows it better than anybody else, because last winter he made a magnificent speech on the floor of this House in which he told us all about it. On page 542 of the Congressional Globe, second session of the Forty-second Congress, he announced that he had examined this case while on the Committee on the Judiciary with all possible care. He said further:

> There was an election held in Louisiana on the 4th of November last. I have no doubt one government has a majority of the honest votes. I have no doubt the returns show that the Warmoth government, as it is called, was elected. I have no doubt that set of returns is the only legal method provided by the constitution of Louisiana of ascertaining, when they are corrected by the proper tribunal, which is the true government.
>
> On the other side, the men who claim to be known as the Pinchback legislature have organized themselves upon affidavits and certificates of supervisors, not returns, which are not the legal machinery by which an election in a State is determined.

He went on to show that "this state of public affairs in Louisiana is known to everybody, and that these facts are a sufficient basis on which this Congress can act." He went on to tell us that the facts were not even disputed, and that the law was against the whole machinery of the Pinchback government to such an extent as to make it an anarchy and not a government, and when Mr. SHELDON, of Louisiana, sought to interfere, he wound up thus:

> Pardon me; peace is one thing and anarchy is another. There may be peace and quiet in Louisiana, as there was in 1862, because there were bayonets to command it, but there was no State government in Louisiana in 1862, and there is none now in Louisiana, by a vote of the people. In my judgment that is anarchy. Anarchy does not mean violence; it does not mean disturbance; it means being without a government, without any legal controlling magistracy, whether legislative or executive; and, the State of Louisiana being without a government as much as if an earthquake had sunk the city of New Orleans with the whole State government in it, the question is, what is to be done, and who is to do it?

Mr. HALE, of New York. I rise to a point of order. The confusion in the part of the Hall where I am seated is so great that it is impossible to hear the gentleman from Kentucky.

The SPEAKER. The point of order is well taken.

Mr. BECK. I am sorry that the gentleman did not hear the views of the gentleman from Massachusetts, for they are very important as bearing on this question. He announced that the Pinchback government was a fraud from beginning to end; that Louisiana was then in anarchy—"the State of Louisiana," to use his own language, "being without a government as much as if an earthquake had sunk the city of New Orleans and the whole State government in it, the question is, what is to be done, and who is to do it?"

I think I am justified by these extracts in saying that no man knows better than the gentleman from Massachusetts that the men he now seeks to swear in are not entitled to seats on this floor, and the refusal to allow the case to go to a republican committee of this House, to have the facts investigated, grows out of his certain knowledge that even a committee of his own friends would be compelled to reject the men he now seeks to introduce. What right have these men to seats, if the facts the gentleman has stated are true? But I do not rely upon that alone.

It will be observed that the gentleman in the opening of his speech undertook to make something out of the form of the certificate given to General Gibson, Mr. Lawrence, and the others, by Governor Warmoth. But when he came to look at his own certificates, which he says are, *prima facie*, correct, they are found to be identical in language with those given by Warmoth to the others, not referring to a record, but simply purporting to be duplicates.

So that the *prima-facie* case stands on two certificates, *identical* in form; the first given by a then undoubted governor, (Warmoth,) and the last by a bogus governor, (Pinchback,) making the *prima-facie* case against General BUTLER's friends.

I went to the Clerk's office this morning and examined the certificates upon which the members from Louisiana were admitted into the last Congress. If I had time I would have them read; but I beg to say that they are identical, word for word, with the certificates now presented by Lawrence, Gibson, Davidson, and others who are now seeking seats here, and are willing to go before a committee and stand the test of an investigation of the facts before that committee before asking seats here.

Not only that, Mr. Speaker, but the Committee on Privileges and Elections of the Senate of the United States went themselves to Louisiana this year and investigated the whole of this matter. They made their report to the Senate of the United States relative to Governor Pinchback's government; relative to all the returns about which the gentleman from Massachusetts [Mr. BUTLER] has spoken; relative to the usurpation of the State and Federal courts; and relative to the certificate of the secretary of state, put there by Pinchback and his bayonet legislature, and they denounce and condemn them all in the most unequivocal terms. There were four sets of returns from four boards. One was made by the De Feriet board, one by the Warmoth board, another was made by the Foreman board, and the fourth was made by the Lynch board, composed, in fact, of Lynch alone, his colleagues being all usurpers. It was the return of the Lynch board, if anything, that enabled Pinchback's secretary to make that certificate. And that certificate, when the truth comes to be known and when the facts upon which it is based are ascertained, is shown to have been made by a board that had no authority under the law, and that was inaugurated and perpetuated in violation of all law, for fraudulent purposes. The committee of the Senate of the United States, a committee, by the way, not likely to be unfavorable to these parties or to anything that militated against the will of the power dominant at Washington, made a report, which I hope every gentleman will get. It is Senate report No. 457, third session of Forty-second Congress. That committee, composed of the ablest men of the Senate, through Mr. CARPENTER, made this report, and say:

> In the opinion of your committee there can be no doubt, conceding the validity of the act of November 20, that it transferred the duty of canvassing the returns of the last election to the board to be elected under the provisions of the act.

Note that; I will speak upon it presently.

> The act provided for such election by the senate, and, taking effect in the vacation of the Legislature, created offices to be filled thereafter by the senate. This is what is styled in that State an original vacancy, which, happening in the vacation of the Legislature, the governor is authorized to fill by appointment; and it is said that the courts of that State have repeatedly recognized the right of the governor to make such appointments.

Then the report speaks of the injunctions granted against the Lynch board, which were in full force when that board in defiance of law made its pretended returns, and shows that Durell, the United States judge, acted in violation of his duty when he granted his counter-injunctions. The report further says:

> There is nothing in all the comedy of blunders or frauds under consideration more indefensible than the pretended canvass of this board.

That was the board on whose return Pinchback's secretary of state certifies the election of these gentlemen, as the gentleman from Massachusetts [Mr. BUTLER] well knew. The report then says:

> The following are some of the objections to the validity of their proceedings:
>
> 1. The board had been abolished by the act of November 20.
>
> 2. The board was under valid and existing injunctions restraining it from acting at all, and an injunction in the Armstead case restraining it from making any canvass not based upon the official returns of the election.
>
> 3. Conceding the board was in existence, and had full authority to canvass the returns, it had no returns to canvass.

These are wonderfully good reasons why the action of that board, and the certificates of Pinchback based upon it, should be treated as at least of sufficient importance and of such doubtful validity to go before a committee of this House. Why? Because the board had been abolished. That is the first reason. Again, because it was under valid injunctions. That is the second reason. Still further, because it had no returns to canvass, and does not profess to have had. That is the third. The committee further say:

> It was testified before your committee by Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican Legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass.

I am not saying this. That is what is said by a republican committee of the Senate of the United States.

> The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns; in other cases they had nothing but newspaper statements; and in other cases, where they had nothing whatever to act upon, they made an estimate, based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits and delivered them to the Lynch board while it was in session.

Here is an extract from the testimony of Jaques:

> By Mr. CARPENTER:
>
> Q. You say you took their names from the poll-list?
> A. Yes, sir; all over the three hundred.
> Q. Had you seen these men?
> A. No, sir.
> Q. But you signed their names to an affidavit?
> A. I was instructed to make them out so.
> Q. I did not ask that. Do you swear that you signed the names of a thousand men to a thousand affidavits?
> A. Yes, sir; I put a thousand names to a thousand affidavits.
> Q. Without any authority from these men?
> A. Yes, sir; for many of the men were men of straw.
>
> By Mr. HILL:
>
> Q. You did not know there were such men?
> A. I did not know as there were. They were taken from the old poll-books.
> Q. They might have been dead, or have moved away?
> A. Yes, sir.
>
> By Mr. WARMOTH:
>
> Q. You say Prescott signed them in blank?
> A. Yes, sir.
> Q. You signed thirteen hundred and fourteen, including the three hundred and one?
> A. Yes, sir.
> Q. Did General Sypher know of all this?

A. Yes, sir; I did it under his orders.
Q. How did you go to Plaquemines?
A. I went in a steam-launch belonging to the Government.
Q. Who got it for you?
A. General Sypher.
Q. Did Mr. Packard have anything to do with it?
A. I do not know. General Sypher got it or controlled it.

Many of these false certificates the committee say they believe were gotten up by one of the very men whom the gentleman from Massachusetts [Mr. BUTLER] now proposes to swear in as a member of this House.

But the Senate investigating committee go on to say:

But it has been claimed before your committee that a decision of the supreme court of Louisiana, rendered since this investigation commenced, has determined that the Lynch board was the legal returning board at the time it pretended to canvass the votes; and it is urged that a wholesome regard for the rights of the State precludes the Senate from investigating this subject back of that decision; that the canvassers were a board of officers created by the State law, and that the decision of the supreme court having determined that the Lynch board was the legal board, the United States is estopped by that decision and the canvass made by that board. To this there are three answers:

First. The supreme court, in the case referred to, is understood not to have had any testimony before it showing the character of the proceedings by the Lynch board, which testimony is before your committee very fully. Fraud vitiates everything, and it is certain that no court, upon the testimony before your committee, could hold the canvass by that board to be valid.

Second. In the opinion of your committee the supreme court had no jurisdiction of the case in which they made their decision. The judgments of every court, the most exalted in character, are absolutely void if rendered without jurisdiction. But this point will be considered more fully hereafter.

Third. But for the interference of Judge Durell in the matter of this State election, a matter wholly beyond his jurisdiction, the McEnery government would to-day have been the *de-facto* government of the State. Judge Durell interposed the Army of the United States between the people of Louisiana and the only government which has the semblance of regularity, and the result of this has been to establish the Kellogg government, so far as that State now has any government. For the United States to interfere in a State election, and, by the employment of troops, set up a governor and Legislature without a shadow of right, and then to refuse redress of the wrong upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance. Besides, it is impossible to determine to what extent the supreme court may have been influenced in rendering this decision by the fact that the Kellogg government, the creation of the Lynch board, had already been established, and the expectation that it would be sustained by Federal authority.

That is all I have time to read now. But the report from beginning to end proves that the board which certified to the election of these men never was a legal board of canvassers. The law of 1870 provided that the governor, the lieutenant-governor, the secretary of state, with Lynch and Anderson added, should be the returning board. Pinchback and Anderson were candidates for office and could not act. Bovee was secretary of state; Warmoth had suspended him and appointed Herron in his place, but the supreme court of Louisiana decided that Herron was not secretary of state and could not be, and restored Bovee to his place.

In Bovee's case, decided 2d December, 1872, the supreme court maintained that the suspension of Bovee, and all pretext of authority in Herron, terminated on the adjournment of the Legislature, in March, 1872; that neither the constitution nor any statute made provision for or gave any sanction to the suspension of Bovee, and that his exclusion from the office was an active, arbitrary violation of his legal and constitutional rights. Herron excluded Bovee, and compelled Bovee to resort to the judicial tribunals for redress. So that, in the judgment of the supreme court, from the period of the adjournment of the Legislature in March, 1872, Herron was an active, arbitrary violator of the legal and constitutional rights of Bovee; and during that whole period Bovee was of right legally secretary of state, and Herron was merely an active, arbitrary violator of Bovee's rights, usurping, without authority or the appearance of authority, the office from which Bovee had not been, and could not have been, removed by the governor.

The court went on to say, that "if the governor, in case of the suspension of a secretary of state from the performance of the duties of his office, would have, on general principles, the right to appoint a person to discharge the duties of secretary of state, upon which we express no opinion, the person so appointed would be clothed only with ministerial duties, such as arise in the usual routine of office business. * * * The person charged with the ministerial duties of the secretary of state, during his suspension from office, is without power to remove from office, much less without the power to appoint to office an assistant secretary of state, for the reason that he himself is not secretary of state.

"The appointment of Fairfax to the office of assistant secretary of state by Herron is, therefore, nugatory and without effect." (24 Annual, 433.)

Herron afterward assumed to act as secretary of state in spite of the decision of the supreme court, and united with Lynch and two other men, Longstreet and Hawkins, appointed by themselves, in making a return which had no more validity than if it had been made by the gentleman from Massachusetts or myself. But, again, the law of 1870, which authorized those five gentlemen to act as canvassers, was repealed by an act signed by Governor Warmoth on the 20th of November, 1872, which act the courts have upheld, and, on full hearing, decided as having rendered all further action by the old boards null and void.

The Louisiana committee, in their report, state the effect of this law well. They say:

He (Governor Warmoth) chose to sign it on the 20th of November, 1872, after the election had been held, and before the returns had been canvassed, compiled, and promulgated. It became a law from the date of the signing; and it swept out of existence the act of 16th March, 1870. The signing of the act, at that date, may or may not have been a wise or prudent exercise of the discretion vested in the executive by the constitution; but what power or authority in the State could call in question his absolute right to sign it at any time after it was presented to him? No argument from any supposed inconvenience, either to the public or individuals, could diminish or prevent the effect of this law. Criminals have been discharged and have gone unwhipped of justice because of the repeal, before sentence, of the statutes under which they were tried and convicted; and the Supreme Court of the United States was arrested in the performance of its high duties, in the celebrated McArdle case, after full argument, and while the court was deliberating, by the passage of an act of Congress repealing the law under which the court had jurisdiction. It is too well settled—it is too clearly the law to be questioned—that "when an act of the Legislature is repealed it must be considered, except as to transactions past and closed, as if it had never existed."

ORGANIZATION OF CONGRESS.

Mr. GARFIELD. The committee on the part of the House, appointed to join a similar committee on the part of the Senate, to wait upon the President of the United States and inform him that the two Houses have organized and are ready to receive any communication he may be pleased to make, have discharged that duty, and he answered that he would send in a message immediately.

LOUISIANA CONTESTED ELECTION—AGAIN.

Mr. BECK. The board of usurpers had to admit, when sworn, that the certificates of the Pinchback returns (so called) were made up from newspaper reports, fabricated certificates, and other illegal materials, without any valid returns, as required by law, having been either presented to or examined by them. I have already shown that these two boards, the Lynch board and the Warmoth board, had a controversy in the court, and after the law of November 20, 1872, was passed, the court decided that neither board was in existence.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. O. E. BABCOCK, his private secretary.

LOUISIANA CONTESTED-ELECTION CASES—AGAIN.

Mr. BECK, (resuming.) Then, if it be true, and there is no disputing the truth of the statement, that the law of November 20, 1872, repealed the law under which these boards could act, all the returns now made use of to establish a *prima-facie* case here are void. If it be true, and I have the record here to establish that fact, that the courts of Louisiana decided that both of these boards were out of existence, then any returns they might afterward make would be void and of no effect. If it be the fact that Herron was not secretary of state of Louisiana, and he could be upon the returning-board only because he was such secretary of state and as such secretary, then Herron and Lynch, claiming to constitute a quorum of such board, could not add other members or make returns. I have shown by the decisions of the supreme court of Louisiana that Bovee, and not Herron, was the secretary of state, and that all Herron's acts, as such, were null and void.

These are the facts that have to be gone into, and which must be examined in determining the *prima-facie* case; because both sets of certificates are precisely alike on their face. Beyond all that, as the committee of the Senate has shown, the United States court interfered to prevent any one from making returns, because the *bona-fide* returns would show that men claiming to be democrats and liberal republicans were elected, and that McEnery, and not Kellogg, was the governor of the State.

This, perhaps, is not the time to do it; if it was I could bring before this House telegrams from the Attorney-General of the United States, telegrams sent by order of the President, telegrams from the marshal, from Mr. Casey, and others, to the President, that are of themselves utterly subversive of good government, arbitrary, tyrannical, and in violation of every principle of republican liberty. But I will not do it now; I may do it hereafter, if I have the opportunity, and a proper occasion should be presented.

I have shown briefly what was done under the orders of the United States court, in regard to the judge of which court the Judiciary Committee of this House, the gentleman from Massachusetts [Mr. BUTLER] being a member thereof, reported that the resolution looking to his impeachment should be continued and further investigated, in consequence of the violent presumptions raised as to his flagrant violations of his known duty as a judicial officer of the United States.

Pinchback, I repeat, could not be governor under the laws of Louisiana, and the record so shows. He had been a State senator for the previous term. His term expired on the 4th of November, 1872. At the called session of December 9, 1872, when he was called to the chair as presiding officer of the senate, he was a private citizen; his office of State senator was gone. Yet the bogus legislature, under Federal dictation, called him to the chair, impeached Warmoth, made Pinchback governor, kept him there through the marshals of the United States and by the Army of the United States stationed at the doors, and by allowing only such persons to be sworn in, or even to enter, as the marshals placed there would admit, excluding everybody else. And then this creature, whose certificate is read here and relied upon as *prima-facie* evidence to put three men on this floor, was made to give whatever certificate his masters required. The record will show that Pinchback was no more governor of the State of Louisiana than I am; that the legislature set up there was set up by orders from

Washington and by Federal bayonets, and not by the will of the people. The committee, of which Judge Campbell, once United States circuit judge, was a member, in their report speak on this subject as follows:

On the day of the 9th of December, Pinchback went into the senate thus empanneled under the judicial process, and took the presidency. The city postmaster, Lowell, now under accusation before the authorities of the United States for embezzlement and larceny, was selected to preside over the house of representatives. An impeachment (a mockery of the statutes of the State) was improvised against the governor, and with the aid of force Pinchback assumed the office of the governor of the State. At this date Pinchback did not legally hold any civil office within the State. His office of senator in the Legislature had expired on the 4th of November, and his successor had been elected. The constitution of the State does not know of a governor or lieutenant-governor who has not been elected by the people. But it ordains: "That the general assembly may provide by law for the case of removal, impeachment, death, resignation, disability, or refusal to qualify, of both the governor or lieutenant-governor, declaring what officer shall act as governor; and such officer shall act accordingly until the disability be removed, or the remainder of the term." Where there is a vacancy or disability affecting both the governor and lieutenant-governor, the office must be filled by some other officer of the State, who shall have been previously designated by law. Pinchback, at the time that he usurped the office of governor, was merely a private citizen, not entitled to a place in the senate, or authorized to interfere in its proceedings. No constitution could be more explicit.

The record will further show that the returns Lynch and his co-conspirators profess to have made—I might say were conceived in sin and brought forth in iniquity—were forgeries of the blackest dye. And the record also shows that many of the forgeries were committed by one of the men now seeking a seat here. Our own records show that the electoral vote of Louisiana was rejected by this House and the Senate, though certified to with all the forms of law, because of the frauds therein. The reward of Pinchback has been an election to the Senate of the United States. And while the gentleman from Massachusetts [Mr. BUTLER] is moving now to swear him in as a member of this House, Pinchback himself is moving in the Senate of the United States to be sworn in there as Senator-elect from the State of Louisiana. I know that many rights are accorded to men BECAUSE of race, color, or previous condition; but I never knew that even a negro could be both a Representative in Congress and a Senator at the same time. But such is the hot haste of the gentleman from Massachusetts that this House is asked to swear him in here now, when he is not asking it, but is pressing his claim to a seat in the other end of the Capitol.

Now if you, gentlemen of the republican party, propose to be true to yourselves and to your constituents, to have none but representative men passing laws to bind your people, you will send this case to your own Committee on Elections, where all the facts can be investigated and the truth made to appear. But it is because these men who are thus fraudulently returned by a fraudulent governor and fraudulent returning-board, under laws that were repealed, dare not submit themselves to your scrutiny if the facts are developed, that this pressure is made now upon this House.

I am glad to have had even thirty minutes to run over, in this rambling and cursory manner, the leading facts in this case and to call attention to them. Republican government depends upon your action. Will you confess to your constituents and the country that you intend to slip these men in here under these false certificates, and quietly instruct your Committee on Elections not to report until the end of the session, and then under the pressure of business keep the truly elected men out of their places? No, gentlemen; you dare not go before the intelligent communities you represent and avow that to be the fact; your vote to admit them now will prove that to be your intention, however you may deny it.

Is this House to stultify itself by voting that they believe the facts set forth in these certificates are true, when every member knows that they are fraudulent and false from beginning to end? Are gentlemen so afraid of the truth that they dare not allow a committee, which will, of course, be at least two-thirds republican, to report upon the facts? Are they afraid that the country will learn the atrocities perpetrated in Louisiana by the aid of Federal bayonets under executive orders? Do they hope to hide these misdeeds by quietly swearing in the defeated candidates without inquiry? If that is not your purpose you will let the case go to the committee and have all the facts ascertained and inquired into. You will do as the Senate has done—keep out the man who claims a seat there as well as here, until you ascertain whether there was a representative government in Louisiana at all, and whether the certificate of Mr. Pinchback is not waste paper as much as if signed only by me or any of you, because *"fraud vitiates everything."*

If there was fraud in Pinchback's election, in the election or organization of the Legislature, or the action had under it; if there was force and duress by Federal authorities keeping out duly elected men and putting in men not elected, and putting in Pinchback for special purposes, then this Congress would disgrace itself before the country and the world if they were to allow men to come in here now, with all these facts made known to them by their own Judiciary Committee, by the committee of the Senate, and by the record before the House, and not allow the facts to be made known or even inquired into.

I will only add, in proof of what I have said, the statement of General Longstreet, one of the Lynch board, when he ascertained the fraud which had been perpetrated on him and his colleagues:

The undersigned, members of the returning-board for the general election held in Louisiana on the 4th day of November, 1872, do hereby state and certify that, in canvassing the returns for the first congressional district, it was found that Effingham Lawrence, esq., received a majority of the votes cast for Congressman for the first district, and that the returns were made for promulgation accordingly; that just prior to promulgation a large number of affidavits (say 1,700) of persons claiming to have been deprived of their rights as suffragans were presented to this board, expressing the design and purpose of the parties to vote for Hon. J. H. Sypher for Congress for that district; that said affidavits were counted as legal votes in favor of said Hon. J. H. Sypher, which gave said Sypher a majority of some seventy votes over said Effingham Lawrence, esq., and that the promulgation of the election returns were made accordingly; that of the 1,700 affidavits so counted, 1,314 were brought to the board of returning officers and presented by one Jaques; that since the promulgation of said returns, said Jaques has, in his evidence before the United States Senate Committee on Privileges, sworn that about 1,000 of the affidavits were fraudulent; that these frauds seem, in our opinion, to justify the claim of Effingham Lawrence, esq., to his election to Congress from the first district by a majority of over 900 votes.

We cheerfully make this statement in justice to one of our good citizens and a republican candidate on the fusion ticket.

JAMES LONGSTREET.

NEW ORLEANS, LA., *March* 5, 1873.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the annual message of the President of the United States; which was read as follows:

[It will be found in the proceedings of the Senate.]

Mr. DAWES. I move that the message just read, together with the accompanying documents, be referred to the Committee of the Whole on the state of the Union, and be ordered to be printed.

The motion was agreed to.

Mr. DAWES moved to reconsider the vote by which the motion was agreed to, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DAWES. I submit the following resolution:

Resolved, That twenty thousand extra copies of the President's annual message and accompanying documents be printed.

The SPEAKER. This resolution, under the law, will be referred to the Committee on Printing when appointed.

COMMITTEE ON WAR CLAIMS.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] is entitled to the floor.

Mr. BUTLER, of Massachusetts. I yield to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I ask unanimous consent to offer the following resolution:

Resolved, That the title of the Committee on Revolutionary Claims be changed to the Committee of War Claims; and all claims growing out of any war in which the United States has been engaged shall be referred to said committee.

The resolution was considered by unanimous consent and adopted.

Mr. FRYE moved to reconsider the vote by which the resolution was adopted, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. BECK. I ask the consent of the House that I may hand to the reporters, to be incorporated in my remarks, some extracts from decisions and reports which I had not time to read.

Mr. BUTLER, of Massachusetts. How many pages?

Mr. BECK. I doubt whether the extracts I wish to print will make more than a column of the RECORD. They are documents to which I referred but had not time to read. I merely want consent to hand them to the reporters to be published with my remarks.

There being no objection leave was granted.

LOUISIANA CONTESTED-ELECTION CASES—AGAIN.

Mr. BUTLER, of Massachusetts. I now yield ten minutes to the gentleman from New York, [Mr. HALE.]

Mr. HALE, of New York. Mr. Speaker, a very large part of the argument of the gentleman from Kentucky [Mr. BECK] struck me (I say it with all respect and deference to him) as entirely outside the question before this House. Whether the gentlemen embraced in the resolution of the gentleman from Massachusetts, [Mr. BUTLER,] and whose right to seats is in question here, were or were not duly elected—whether there were or were not frauds committed by them or on their behalf which should vitiate their election and exclude them finally from seats here—are not questions for this House to pass upon to-day. Those are questions to be determined hereafter upon evidence before the proper committee, to be submitted to the House upon proofs for its decision, and then to be passed upon; and if the facts shall then be found to sustain the charges which the gentleman from Kentucky makes so vigorously, I apprehend there will be no question as to the result.

But it is not for this House to anticipate such proof. It is not for this House to exclude men who come here with a fair right upon the record to their seats, on charges however forcibly made or from however reputable a source they may come, until those charges have been investigated and established. The only question here is, whether there is before this House proper evidence under the statute, binding upon the House as matter of law, entitling any of these gentlemen to seats upon this floor pending the question of a contest as to the validity of their election, if such contest shall be made.

Let us see how the case stands. The gentlemen named in this

resolution are certified by credentials presented here, and signed by the governor of Louisiana on the 30th of December, to have been duly elected as members of this House. Their credentials, I understand, are in perfect form in every respect. The attestation of the governor and the seal of the State show their title to seats here by a precisely similar ecor d to that which entitles every member here to the seat he occupies to-day. If that record is not impeached by something upon its face, or by a record of equal force and validity contradicting it, it is the end of the question as to the right of these men to be sworn in here.

And if that right is established will it be contended that we are to go back of it here, to assume to say in advance, "Charges are made of irregularity, of fraud, in the election, in the returns; and on those charges we will exclude these men." If that may be done, the right of every member here is liable to precisely the same challenge, and indeed any member may be kept out of his seat on a similar charge whenever any other member may see fit to advance it.

I do not understand that the regularity in form of Governor Pinchback's certificate of the 30th of December is questioned. But I understand the gentleman from Kentucky to make one proposition which would, perhaps, strike at the very root of the validity of these credentials; and that is, that Mr. Pinchback was not the governor of Louisiana, and therefore credentials certified by him cannot be admitted here as evidence of the right to a seat. I think I did not misunderstand the gentleman from Kentucky. [Mr. BECK made a gesture of assent.] Well, now, that is certainly a very astounding proposition to make to the House, in view of the facts historically known, and attested by the judgments of the tribunals of Louisiana. From the 9th of December, 1872, to the 31st of the same month, Mr. Pinchback was certainly the *de-facto* governor of that State. He was recognized as its governor; he held the office, performed its duties, and was in fact the actual and acting governor, as completely as the governor of any other State of the Union. This certainly should be enough upon that question; but it is not all. He was not only the *de-facto* governor of Louisiana, but he was its *de-jure* governor by the judgment of the highest judicial tribunal of the State. Bear in mind that the conducting of elections of members of this House, the canvassing of the votes, the making of the returns, all the steps and all the evidences by which the right of a member to his seat here is determined, are of necessity left to the State tribunals. No Federal machinery regulates the conduct of such elections or the determination of their results. Therefore, if it is claimed that the State tribunal, the State executive, or any board of State officers charged with a duty under the law, is not the lawful tribunal, officer, or board, that is a question to be determined solely by the judgment of the State tribunals. In the case of Governor Pinchback this identical question was passed upon by the supreme court of Louisiana in an opinion which I send to the desk and ask the Clerk to read.

The Clerk read as follows:

The appointment was made by P. B. S. Pinchback, who signs the commission as acting governor of the State of Louisiana. Was he acting governor of the State?

We have no doubt of the fact. He was elected president of the senate in December, 1871, after the death of Lieutenant-Governor Dunn. As such he became lieutenant-governor during the unexpired term of Oscar J. Dunn. Section 1560 of the digest of the statutes of this State provides that, "in case of the vacancy in the office of governor the lieutenant-governor shall be governor. In case of vacancy in the office of lieutenant-governor the senate shall elect a president, *who shall be lieutenant-governor.*"

The law does not say, during his senatorial term, but that he "shall be lieutenant-governor."

Can it be pretended that under those circumstances the office of governor would have become vacant by the expiration of the term for which P. B. S. Pinchback had been elected senator? We think not. (Page 142.) He was lieutenant-governor when Governor Warmoth was impeached by the house of representatives. During his impeachment the governor was suspended, and the "powers and duties of the office" devolved upon the lieutenant-governor. (Constitution of Louisiana, art. 53.)

Mr. HALE, of New York. Then Governor Pinchback was not only *de-facto* governor of Louisiana, but *de jure* its governor by the judgment of its highest tribunal. His certificate, therefore, of the 30th of December, 1872, is conclusive, unless, as I have said, it can be impeached by something upon the face of the record which itself shows, or by record of equal authority.

Now comes in the argument. Here are two conflicting certificates that we have here a certificate of one governor of the State of Louisiana bearing a different date and showing the election of other persons in the place of those named in the resolution before the House. Let us look for a moment at those credentials so called, to see whether they are, upon their face, entitled to any weight or regard whatever. The election was in November. The returning-board is required by law, by the statutes of Louisiana, to meet within ten days after the closing of the election, and to continue their canvass until it is completed.

The SPEAKER *pro tempore*, (Mr. DAWES in the chair.) The gentleman's time has expired.

Mr. HALE, of New York. Will not the gentleman from Massachusetts give me ten minutes more?

Mr. BUTLER, of Massachusetts. I hope the House will extend the gentleman's time ten minutes.

The SPEAKER *pro tempore*. The Chair understands that the gentleman from Massachusetts [Mr. BUTLER] yields for ten minutes longer to the gentleman from New York.

Mr. BUTLER, of Massachusetts. I desire the House will extend the time for ten minutes so that it may not be taken out of my time.

The SPEAKER *pro tempore*. That can be settled at the expiration of the gentleman's own time.

Mr. BUTLER, of Massachusetts. The gentleman can take ten minutes more.

The SPEAKER *pro tempore*. It is in the power of the House to extend the gentleman's time, and it is in his power to apportion it.

Mr. HALE, of New York. The canvassing board met at the time provided by law and proceeded with the canvassing, and their canvassing was completed on the 16th of December. Until after that canvassing was completed there was no power or authority in any executive of the State of Louisiana to grant a certificate of election. That would not only follow in the very nature of the case, but the statute itself is express, that, as soon as possible after the expiration of the time for making the returns, the governor shall make his certificate, &c. On the 16th of December, when the canvass was completed, Henry C. Warmoth was not the governor of the State of Louisiana. On the 8th or 9th of December he had been impeached by the assembly or house of representatives of that State, and, by the constitutional provision, after he was impeached by that house he was suspended from office and was no longer governor.

Now there is presented here a certificate bearing date on the 4th of December—a date which has become somewhat historical in the State of Louisiana, upon which it would seem that Governor Warmoth was excessively busy in signing commissions, certificates, and returns—a certificate was presented on behalf of Governor Warmoth, dated the 4th of December, showing three or four persons elected in place of these. That was twelve days before the canvassing board had completed its work, or determined as provided by statute who were elected to Congress. Now, one thing is certain: if Governor Warmoth did assume on the 4th of December to grant such a certificate as that, it was an act in violation of the statute, in utter disregard, not only of law, but of the rules of ordinary common sense and evidence, and is utterly void. He could not, under the statute, grant a certificate until after the canvass had been made. He could not, in common sense and decency, do such a thing; and I have no doubt, when it comes to be investigated, that he either never did make it on that day but made it long after he had ceased to be governor, or that the certificate itself will be proved to be a forgery. But, assuming it to have been made on the day on which it purports to have been made, it is utterly illegal under the statute, as I have said.

Mr. NIBLACK. Mr. Speaker, will the gentleman allow me——

Mr. HALE, of New York. The gentleman must excuse me. I cannot yield. I have but a short time. I would have yielded to the gentleman with great pleasure if my time had permitted.

On the very question of the power of the governor to certify the election of State officers under precisely the same law officers elected at the same election on the same day, the supreme court of the State of Louisiana gave a decision, of which I ask the Clerk to read an extract.

The Clerk read as follows:

They claim to have been elected at the general election of 1872. They never were declared elected by the board of returning officers; neither have they been commissioned. The documents called commissions, purporting to have been issued by Governor Warmoth on the 4th of December, 1872, are absolute nullities, having been issued in violation of law. This we had occasion to decide in the case of Collins *vs.* Knobloch, and in other cases decided at the last term of this court, at New Orleans. We will notice, judicially, that no one claiming an office by election in November, 1872, could have been commissioned, except by Acting Governor Pinchback or by Governor Kellogg, inasmuch as Governor Warmoth was suspended by being impeached by the house of representatives before the promulgation of the returns of the elections by the returning board, and that his trial was discontinued in consequence of the expiration of his term of office.

Mr. HALE, of New York. But the gentleman from Kentucky [Mr. BECK] says that the canvassing board known as the Lynch board, on whose return the certificate of Governor Pinchback is based, was not the legal canvassing board; and he says there were three other canvassing boards, impliedly, as I understand, three other boards, which canvassed the votes for Representatives in Congress. I think the gentleman is in error, and that there was but one other board which ever attempted to canvass these votes. That board made its report as late as the 17th January, 1873, seventeen days after Governor Warmoth's term of office for which he was elected had expired, and much longer after he had gone out of office by the impeachment. There is nothing to show that any other canvassing board than this board, which the gentleman calls the "Lynch board," ever passed upon the case. And it is certain that when the records shall be reached it will be found that none ever did on whose action Governor Warmoth could have certified. But the court of that State has also passed upon this question, and I send up to the desk a decision involving this identical question of the legality of the Lynch board. I ask the Clerk to read it.

The Clerk read as follows:

Our conclusion is that, at the institution of this suit, Warmoth, Herron, Lynch, Longstreet, and Hawkins were the legal board of returning officers, under the law of 1870, (No. 100,) for the election on the 4th day of November, 1872; that the defendants, Wharton, Hatch, and DaPonte, were intruders; that the injunction against them properly issued; that the act No. 89, of 20th November, 1872, did not have the effect of abolishing the said board of returning officers, who met on the 12th November, 1872, and were, by the first-mentioned law, required to "continue in session until" the returns of said election were completed; and that the judge of the eighth district court for the parish of Orleans erred in dissolving the said injunction and dismissing this suit.

It is therefore ordered and adjudged that the board of returning-officers, composed of H. C. Warmoth, F. J. Herron, John Lynch, James Longstreet, and Jacob Hawkins, was the legal board of returning-officers of elections of the State of Louisiana, and it is decreed that the judgment of the court *a qua* be avoided and reversed, so far as the appellant is concerned, and that the defendants, appellees, pay costs of this appeal.

Mr. HALE, of New York. That was the board on whose return was based the certificate of Governor Pinchback on which these gentlemen claim seats.

Mr. BECK. Was not the appeal in that case made by a man of the name of Field, who had not a particle of interest in the case, and was not before the court below; and was not that decision the very one which the Senate committee declared to be null and void?

Mr. HALE, of New York. I am not advised of that at all.

Mr. BECK. That is the truth.

Mr. HALE, of New York. I only speak of what is shown by the decision of the court of highest record of the State, and I do not think that it can be impeached by general charges of any such character.

Mr. DEWITT. May I ask the gentleman a question for information?

Mr. HALE, of New York. I must be excused just now. There is complete demonstration of the whole case. The returns were canvassed by a lawful board, returned by a lawful board to the office of the secretary of state, attested by the lawful governor of the State, and sent here as the credentials of these claimants for admission to seats, and certainly entitling them to the *prima-facie* right to the seats. I will now hear my colleague's question.

Mr. DEWITT. I would like to ask the gentleman whether there is any evidence on the record here before this House that that canvassing board did not cease from its labors until the 16th of December?

Mr. HALE, of New York. Certainly there is. It is certain that their canvass was closed on the 16th for the first time.

That is the whole case, and, as I have said, it is a demonstration. Now I submit to the House that on such a showing as this, it is a gross and monstrous injustice to exclude these men from their seats.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I now yield ten minutes to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, this resolution assumes that the gentlemen named in it come here with an undisputed certificate from the local authorities of Louisiana; and we would infer from the resolution that the Clerk had been derelict in his duty in not having added their names to the roll; and yet the Clerk told us on yesterday that he had before him two sets of certificates, each signed by a different person claiming to be governor, and issued by absolutely different authorities, between which he was unable to discriminate. How, then, without throwing aside one of these certificates, can the House determine who has a *prima-facie* right to be seated? Now, of these two certificates, that signed by Warmoth as governor is prior in point of date to the certificate signed by Pinchback; is absolutely regular on its face; bears attached to it the great seal of the State; declares in effect that the canvass of votes had been made, for it states what had been the result; is countersigned by the secretary of state, and is indeed identical in substance and form with the certificates upon which the members from the State of Louisiana in the Forty-second Congress were admitted to their seats in this House.

If, then, this House is to act only upon the certificates before it, who can be entitled to the seats except the men holding the certificates of Warmoth, the acknowledged governor of the State, bearing the great seal of the State, and being in the form which the House has heretofore recognized? But if we are to go outside of these papers; if we are to inquire whether Warmoth was right in the certificate which he gave, the case ceases to be a *prima-facie* case at all, and becomes a case upon the merits, into which, therefore, we should inquire before we decide.

My colleague from New York [Mr. HALE] says it is astounding that the gentleman from Kentucky should challenge the certificates of Pinchback on the ground that he was not governor. And he brings before us the decision of the supreme court of Louisiana, which declares he (Pinchback) succeeded Warmoth as acting governor. He says, too, the tribunals of Louisiana are competent to pass upon the laws of Louisiana, and that we should abide by their decisions. Undoubtedly they may determine for Louisiana what must be received there for law. But this House is the judge of the qualifications of its own members. And, sir, it is a historical fact, notorious all over the country, that there were during the time of these certificates two distinct legislatures and governments claiming to exist in Louisiana. If we are to decide upon the certificates before us alone, then I repeat that the one first in time, given when Warmoth was, beyond question, governor, must prevail over the later certificates given by Pinchback, whom we say never was governor at all.

If, on the other hand, we are to go behind the certificates, then this ceases to be a question of *prima facies*, and should be referred to the Committee on Elections to be inquired into.

As to rejecting that one of these certificates made by Warmoth at a date when he was indisputably governor, and accepting that made by Pinchback, whose right has always been disputed, and admitting these Pinchback contestants to seats without inquiry, it should be remembered that this decision is a decision of the Pinchback party court, pre-arranged for and foreseen, and which, like Pinchback's right, has been challenged from the day it was uttered, and is a decision which should not control us for a moment, much less be taken as so conclusive as to admit the Pinchback party to seats here without scrutiny.

It is a historical fact, as my colleague must know, that that decision was before the Committee of the Senate on Privileges and Elections, which considered the subject at the last session of Congress; a committee, the House should remember, composed in large part of republican Senators; a committee composed of Senators CARPENTER, LOGAN, ALCORN, MORTON, Trumbull, and Hill as members; and yet that committee declared, all but Senator MORTON concurring, that this decision of the court of Louisiana was one made without authority or jurisdiction.

No man in this House, when he comes, then, to judge of this question, of which the House is the sole and absolute judge, can be bound by that decision of the supreme court of Louisiana. Still less, under the circumstances, should we bow to it without inquiry.

Mr. NIBLACK. I desire to ask the gentleman from New York whether it is not a historical fact that, at the time Pinchback issued his certificates, his claim to act as governor did not arise out of the fact that he was acting as state senator when Governor Warmoth was impeached?

Mr. POTTER. Undoubtedly; but that is only one of the defects connected with the right of the Pinchback party; defects which would take, not ten minutes, but hours, to properly expose.

Mr. NIBLACK. Is it not also a historical fact that Pinchback testified before a committee of the Senate last winter that, at the time he acted as senator, he knew he was not entitled to so act?

Mr. POTTER. I so understand it, and that here, in the Senate report, is the record of that testimony.

Mr. NIBLACK. Did he not admit before the committee of the Senate that he was not entitled to act as senator when he claimed to become governor; but that he only assumed to act as senator for the good of his party?

Mr. POTTER. I have no time to expose the utter want of right in the Pinchback government. I answer my friend that I believe, as the gentleman from Kentucky [Mr. BECK] has said, the Pinchback government was worthy of its name, and a fraud and imposition from the beginning to the end.

Mr. NIBLACK. Is it not also a historical fact that Pinchback's time as state senator had expired in November, and that he had no right to act as governor when he issued the certificate in question by virtue of his office as senator? That hence he was a mere squatter, having no decent claim to being even a *de-facto* governor?

Mr. POTTER. Yes, Mr. Speaker; all that is so, notwithstanding which my colleague [Mr. HALE] thinks it is astounding that any one should question the authority of the supreme court of Louisiana on this subject; but not only did the Senate committee I have referred to question it, as I have stated, but when the two Houses of Congress came in February last to decide in joint convention whether the vote of Louisiana for President should be counted, they also questioned it. I think that the decision of the joint convention was erroneous in not receiving the vote for the Greeley electors certified by Warmoth. I think that vote should have been received; but although they did refuse to receive that vote, both Houses of Congress agreed in joint convention, without debate, and notwithstanding this decision of the supreme court of Louisiana, to reject the vote certified from the Lynch board, the board upon whose return the Pinchback certificates rest. I send to the Clerk's desk the declaration of the joint convention, a similar resolution having been adopted in each House of Congress.

The Clerk read as follows:

Resolved, That, in the judgment of this House, *none of the returns* reported by the tellers as the electoral vote of the State of Louisiana should be counted.

Mr. POTTER. On this question there was a concurrence of the two Houses that the vote of Louisiana should not be counted. Both the House and the Senate having before them certificates based on the returns of this board of the Pinchback party, the Lynch board, whose action we are now asked to accept without inquiry, refused to recognize them as valid or to allow the vote, for errors so certified, to be counted.

The Louisiana question was also referred to the Judiciary Committee of this House, and in the closing hours of the session they made a report which I hold in my hand, in which they say that they had not time to consider the legality and propriety of Judge Durell's action in upholding the Lynch board, as to which they say the gravest doubts existed, but recommended a continuation of the investigation; so that both Houses of Congress, the Senate by the formal action of its Committee on Elections and Privileges, and the House by the action of the Judiciary Committee, have declared that at least grave doubts exist whether any of the persons holding the Pinchback certificates are entitled to be regarded as persons properly chosen to office. And yet, if there be doubt as to the validity of the Pinchback certificates, Mr. Sypher and his compeers, instead of being at once seated in the House as proposed by the resolution before the House, should at least stand aside until the grave doubts thus suggested can be inquired into.

The SPEAKER *pro tempore*, (Mr. DAWES.) The gentleman from Massachusetts [Mr. BUTLER] has five minutes of his time left.

Mr. BUTLER, of Massachusetts. I had forty-five minutes, and I yielded thirty.

The SPEAKER *pro tempore*. According to the information of the

Chair the gentleman had thirty-five minutes twenty minutes before two o'clock, and it is now ten minutes past two o'clock.

Mr. BUTLER, of Massachusetts. I then ask the unanimous consent of the House that my time be extended thirty minutes, so that I may be able to give to the gentleman from Indiana [Mr. WILSON] ten minutes, and also to yield ten minutes more to the gentleman from New York, [Mr. POTTER.]

No objection was made, and it was ordered accordingly.

Mr. BUTLER, of Massachusetts. I now yield ten minutes more to the gentleman from New York.

Mr. POTTER. No one, Mr. Speaker, can in ten minutes, or indeed short of hours, go fully into all the merits of this Louisiana question. I do not seek to go into those merits at all; I only call attention to the grave differences that exist about them to show the House it ought not to assume the Pinchback party to be right without inquiry. Here let me observe my colleague was in error in saying the returns made by the Lynch and Warmoth boards were the only returns made. On the contrary, there was, besides, the DeFeriet board which made returns, and made them before the date of the Warmoth certificates. For, as gentlemen will remember, there were not only two boards arising out of the division of the original board of returns into two parts, known as the Warmoth and Lynch boards, respectively, but there was, in addition to that, a board known as the DeFeriet board, the Legislature having, by its act of November 20, done away with both of the other boards and established a new board. Now the Senate committee, in their record, thought not only that the Lynch board was not a legal board, but it thought also that the Warmoth board was a legal board, unless both boards are to be regarded as superseded by the DeFeriet board of returns. Yet not only the Warmoth board, but the DeFeriet board as well, returned the election of the persons who have brought certificates here signed by Warmoth.

I send to the Clerk's desk to be read the views of Mr. Trumbull, one of the Senate committee, who, in the respect to which I allude, summarizes the views of the Senate committee.

The Clerk read as follows:

Mr. Trumbull agrees with the majority, that under the statute the Warmoth-Wharton board was the legal and rightful board to canvass the official returns; that it was illegally restrained by United States District Judge Durell from making such canvass; that by the election law, approved November 20, 1872, all previous returning-boards were abolished; that the DeFeriet-Wiltz board was authorized under that act to complete the canvass which had been begun under the Wharton board; that said DeFeriet board did canvass the official returns, and the result was duly proclaimed by the governor December 4; that the Lynch returning-board never had authority to examine the official returns, and never had any to examine; that neither Kellogg nor any of the persons returned as elected to State offices by the Lynch board were elected, according to the official returns.

Mr. POTTER. But that is not all. The House ought to know that the board making the returns upon which were issued the certificates signed by Pinchback was not only unlawful, but, whether lawful or not, never had any votes before them to canvass at all. They made up their returns, which we are now asked to accept without question, from supposed copies, or newspaper statements, or upon their own estimates, having, I repeat, *no votes before them at all*. That there may be no mistake in regard to this, I beg the House to hear what was the testimony of one of that very Lynch board, Mr. Bovee himself, before the Senate committee. I ask gentlemen to listen to what he said in that regard, to see upon what stuff and after what frauds we are asked to receive without question the men they reported elected.

The Clerk read as follows, from the report of the Senate committee:

Conceding the board was in existence, and had full authority to canvass the eturns, it had no returns to canvass.

The returns from the parishes had been made, under the law of 1870, to the governor, and not one of them was before the Lynch board.

It was testified before your committee by Mr. Bovee himself, who participated in this canvass by the Lynch board, that they were determined to have a republican Legislature, and made their canvass to that end. The testimony abundantly establishes the fraudulent character of their canvass. In some cases they had what were supposed to be copies of the original returns, in other cases they had nothing but newspaper statements, and in other cases, where they had nothing whatever to act upon, they made an estimate, based upon their knowledge of the political complexion of the parish, of what the vote ought to have been. They also counted a large number of affidavits purporting to be sworn to by voters who had been wrongfully denied registration or the right to vote, many of which affidavits they must have known to be forgeries. It was testified by one witness that he forged over a thousand affidavits and delivered them to the Lynch board while it was in session. It is quite unnecessary to waste time in considering this part of the case; for no person can examine the testimony ever so cursorily without seeing that this pretended canvass had no semblance of integrity.

Mr. POTTER. Mark, Mr. Speaker, "had no semblance of integrity;" and yet we are now asked, not only to accept the results of such a canvass, but even to accept it without question.

If, sir, the House is to act upon the mere *prima-facie* evidence of the right to a seat here, then, as I have said, only those men should be admitted who hold the Warmoth certificates. If we are to go behind the certificates at all, then they should be referred to the Committee on Elections, that there it may be ascertained which, if either, is justified in law and in fact. If the men now sought to be seated here under this resolution once get in, although it may be without any determination of their ultimate right, every one of us should know that they will sit here until the end of the session, and that when a just decision has come at last to be of no practical good, they will be reported not entitled to seats.

But, beyond all that injustice, this proposition has this further significance. It is an endeavor to have this House take such action as will determine for Louisiana and the country which of these two rival governments was the lawful government, and, as such, to be maintained there. The object and purpose of this movement, as I believe, is to take advantage of a new House—a House of which the members are very largely unfamiliar with such questions—and, under the lead of the ablest and most adventurous Administration leader here, have a majority carried in favor of this apparently unimportant resolution, which, seeming to have but a temporary purpose, will in effect be a determination of this whole Louisiana question, so as to make permanent that usurpation which even a committee of a partisan Senate were constrained to declare to be absolutely without color of law.

Mr. Speaker, I have feared heretofore that the Federal Government was being permitted to absorb all the substantial powers of government in this country. But if this outrage shall be perpetrated, and these men be put into their seats on these Pinchback certificates without question or inquiry, then I shall think this Administration party has determined to absorb and to retain for itself the powers of government even at the price of a more reckless and dangerous disregard of constitutional restraints, and of the rights of the people to elect their own Representatives, than ever before.

[Here the hammer fell.]

Mr. BUTLER, of Massachusetts. I now yield ten minutes to the gentleman from Indiana, [Mr. WILSON.]

Mr. WILSON, of Indiana. I think that the gentleman from New York [Mr. POTTER] is very much mistaken as to the object and purpose of those who are pressing this resolution for favorable consideration. Speaking for myself, I can say that I have no object or purpose in view other than to have this case decided just exactly as all other cases of this character have been decided that came before this House.

The gentleman from New York on yesterday stated, as I think correctly, the principle by which the House should be governed. That was, as I understand him, that when upon the face of the paper there was a *prima-facie* right to the seat the party should be sworn in. That I understand to be the doctrine as conceded by all parties who have discussed the question now before the House. Now let us see if there is not a clear *prima-facie* case in favor of the parties whose names are embraced in the joint resolution.

My friend from New York [Mr. POTTER] says that if we are going on the *prima-facie* case, then, as a matter of course, we must take the Warmoth certificate, because that antedated the other certificate. Now, there are two sets of certificates, both regular upon their face; the one signed by Warmoth, and bearing date December 4, 1872, and the other signed by Pinchback, and bearing date December 30, 1872. I contend that these Warmoth certificates are absolutely void. I do not pretend that we can go into the facts involved in this controversy. On the contrary, I hold that the House has no right to go into those facts. But courts of justice and this House have a right to take official cognizance of public statutes, of proclamations made by public officials under the law, and of matters of history. We have a right to take these things into consideration; they are matters that may be properly considered by us. But we have no right to go into outside facts; and it is outside facts that our friends who have antagonized this resolution have been basing their arguments upon.

Now I say that, taking into consideration simply those things which we have a right to take into consideration, it is a clear proposition that the Warmoth certificates are absolute nullities. Let us look at the statute of Louisiana for a moment. Without occupying time by having the statute read by the Clerk, I will cite an extract from it. Among other things, it provides that—

The presiding officer of this returning board shall at such meeting open, in the presence of said returning officers, the statements of the commissioners of election; and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate. One copy of such returns they shall file in the office of secretary of state, and of one copy they shall make public proclamation.

I call attention to this language: "and of one copy they shall make public proclamation."

Then it is further provided that after this public proclamation these certificates shall be given.

Now, Mr. Speaker, I hold in my hand the official journals containing these public proclamations. I care not which of these boards may be regarded as the legal board; the one proclamation by the one board was made on the 17th day of December; the other proclamation was made on the 30th. Now, these certificates could not legally be issued until this proclamation had been made; yet they bear date on the 4th of December. I say, then, that it is a plain proposition upon the face of these papers, of this public law, of this public proclamation of the officials of Louisiana, of which we may properly take notice, and, indeed, are bound to take notice, that these certificates bear date at a time when they could not be legally issued; and therefore they are absolutely null and void.

Then, Mr. Speaker, how stands this case? It stands just as though these certificates had never been issued—just as though so much blank paper had been sent to the Clerk of this House. The gentlemen named in this resolution have certificates which were issued at a proper time by an officer who was recognized by the Government

of the United States as the governor of Louisiana, and who, as has been shown by the gentleman from New York, [Mr. HALE,] was, under the decision of the supreme court of that State, the governor of the State *de jure*. Thus we have before us certificates issued in due form of law by the proper officer and at a proper time. Now, I submit to the House that there is a clear and palpable *prima-facie* case entitling these gentlemen to be sworn in.

Mr. BUTLER, of Massachusetts. Mr. Speaker, in rising to close this debate I desire only to bring the House back to the exact question, and that is this: there are, in the hands of your Clerk, two sets of credentials, signed by two men who were acting and recognized as governors of Louisiana, one set of certificates being dated the 4th of December, the other the 30th of the same month. Now, the gentleman from New York [Mr. POTTER] inquired why we should not give the *prima-facie* title to the elder certificate. If the question depended upon investigation, and was to be decided by oral or written evidence, I grant the gentleman would be right. But the difficulty is, as shown by the certificate of the secretary of state, which I had read from the Clerk's desk, that there were no records in the secretary's office, as provided by law, on which a certificate could be issued, until the 16th day of December; yet the certificates of Governor Warmoth were issued on the 4th. And then the supreme court came in and declared that all these certificates dated on the 4th of December were nullities. But I invoke no decision of the supreme court of Louisiana, however much respect I may be disposed to pay to such decisions. I simply urge the impossibility of any of the Warmoth certificates being anything more than a nullity; and I am treating those certificates with great respect when I say that the seal of the State has been put upon them inadvertently.

But there is another question. The claimants named in my resolution come here with regular certificates, signed by the acting governor and attested by the broad seal of the State, after the returns had been duly canvassed on the 16th of December, and the result duly promulgated in the official record on the 17th of December. Thus the certificates are regularly given, and there has been nothing shown to the contrary; so that the *prima-facie* case of these claimants is made out.

Mr. DEWITT. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. DEWITT. Where did the gentleman get the certificate that he speaks of—the certificate of the secretary of state of Louisiana?

Mr. BUTLER, of Massachusetts. It was sent here under the broad seal of the State.

Mr. DEWITT. Sent to whom?

Mr. BUTLER, of Massachusetts. To the Clerk of the House.

Mr. DEWITT. Does the law recognize any right, on the part of the secretary of state of Louisiana, to send a certificate of that kind to the Clerk of the House, to impeach the certificate of the governor?

Mr. BUTLER, of Massachusetts. The law recognizes the right of everybody to tell the truth, [laughter,] and that is all this officer has done. Now, then, I say there is a *prima-facie* case in behalf of these claimants. My friend from Kentucky [Mr. BECK] attacks this position. How? First, by bringing the best authority he could, in my judgment—a speech that I made in this House last January. [Laughter.] But upon what was I then speaking? I was speaking upon the condition of affairs in that State upon the 1st day of January, when the new legislature had met, when the Kellogg government and the McEnery government, the Lynch board and the DeFeriet board, were all claiming authority, and when all manner of confusion was reigning there. All this that I am now bringing before the House took place under the old government, which expired on the 30th of December. From that time anarchy ruled; and, in view of that condition of affairs, I thought it best to remit the whole matter to the people. I do not take back one idea or one word of that speech; but I will say, by way of episode, that time is the great healer of all things; and however much anarchy there may have been in that State a year ago, a settled condition of things, substantially, in respect to the government of Louisiana, has since come about as the product of time. But I should doubt very much the expediency of overhauling that now, when there are thousands upon thousands of interests involved. But that question is not up here. Let me repeat again: All we are now dealing with are the acts of the government elected in 1868, which expired December 31, 1872. The new government is more or less wrong.

Now, sir, one word more. I call the attention of the gentleman from Kentucky [Mr. BECK] to the fact that he has traveled out of the record. He has talked about Federal bayonets. He has told us about the frauds. He has told us about the report of the committee of the Senate—the committee of the Senate were examining into the action of the government of Kellogg and McEnery, which took place after the 1st day of January, and not into what was done before. And therefore his remarks are not at all pertinent to this case, and I do not choose to follow him. I thank God there were Federal bayonets, and there were Federal officers, and that there was a President of the United States with nerve enough to command peace and stop bloodshed in New Orleans and elsewhere. The people of the United States will join with me in that prayer and thanksgiving. I heard here for six years what the people would do to us if our Government used Federal bayonets to protect the freedom of elections; but year by year there has come up a voice from the people which has been, in effect, saying, "We will give you more power and more bayonets so long as you use them for the protection of the liberties and rights of the people of the United States everywhere." [Applause.]

Mr. BECK. Will the gentleman allow me to ask him one question?

Mr. BUTLER, of Massachusetts. Yes, if I have the time.

Mr. BECK. The credentials of Mr. Pinchback have been filed in the United States Senate since January 20th. If he has a *prima-facie* case, how does it happen that he is still kept out of a seat in that body?

Mr. BUTLER, of Massachusetts. I shall come to that; I just took up my paper for that purpose. Mr. Pinchback was elected Senator by the new legislature that was elected at the same time that the members of Congress were elected. The legality of that legislature was, and is, in dispute. That does not touch the governor or lieutenant-governor of Louisiana, who had been elected and gone into office four years previously. Why Mr. Pinchback is here asking for leave to be sworn in, is, in my judgment, because he entertains doubts of the results in the Senate. He is elected here by the people as a Representative of the people. And, perhaps, he has another reason; he wants to get into the most numerous and highest body. [Laughter.] However that may be, he has a right to make his choice, and he does make a choice only when he takes the oath of office and is qualified.

Mr. KASSON. Will the gentleman from Massachusetts allow me to make an inquiry for information?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. KASSON. I suppose the gentleman has risen to close the debate. My question is this: Mr. Pinchback, as I understand the information before the House, was elected as a Representative to this House?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. KASSON. And that he was subsequently elected Senator from Louisiana. It seems he has presented his credentials to that body. Now I wish to ask, if he is admitted here, whether he will not at once have the right to draw his salary from the 4th of March last, and to-morrow to resign and present his credentials to the Senate, and if admitted there to take his salary in that body from the 4th of March last?

Mr. BUTLER, of Massachusetts. No, sir; and for the reason I have just explained, that the acceptance of one office vacates the other—whichever he accepts. If he accepts first here, that vacates his claim to the Senate. If he accepts in the Senate, that vacates his claim here. He cannot get two salaries at all. If he tried it I know my friend who asks the question is so careful about the salaries of members that he would take great care he should not get it. [Laughter.]

Mr. KASSON. Will the gentleman be good enough to pledge his assistance?

Mr. BUTLER, of Massachusetts. Entirely so. When demagogery is the order of the day I will take a hand in it when I have nothing else to do. [Laughter.]

I desire only further to say this: The decision of the House concludes nobody. The whole case of the contestants can be referred to the Committee on Elections, and there all questions of fraud, all questions of wrong, all questions of right can be definitely settled. But what I pray the House to do is to let the people of Louisiana have a representation in this body, for there is no people on earth who need representation more than that of this State, whose rights are in a continual turmoil. Therefore I hope there will be no uncertain sound in the action of the majority of this House. It is for us to pacificate this great State, and our action here, following their legal tribunal, will do much to carry out that peace which the President by his action has commanded.

I now call for the previous question.

Mr. BECK. I desire to make a parliamentary inquiry. If the previous question is voted down, will it then be in order to move a reference to the Committee on Elections?

The SPEAKER. It would.

The previous question was seconded—ayes 133, noes 71; and the main question was ordered.

Mr. BECK. I gave notice that I would ask for a separate vote, as regards each seat. I now make that request.

Mr. BUTLER, of Massachusetts. I suppose the gentleman has that right.

The SPEAKER. The Chair would so rule. The fate of one gentleman claiming a seat cannot be linked with that of another, in a resolution of this kind. The Clerk will read the resolution, after which the Chair will indicate the order in which the votes shall be taken.

The Clerk read as follows:

Resolved, That J. H. Sypher, of the first district of Louisiana; L. A. Sheldon, of the second district, and P. B. S. Pinchback, Representative at large of the said State, having the *prima-facie* evidence of the right to seats in this House, be admitted to take the oath, respectively.

The SPEAKER. The question will first be on that part of the resolution which declares that J. H. Sypher is entitled, on the *prima-facie* evidence, to be admitted to a seat in this House, as Representative of the first district of Louisiana.

Mr. ELDREDGE. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 167, nays 98, not voting 15; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Barry, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crocker, Crooke, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Elliott, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Eugene, Hale, Robert S. Hale, Harmer, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kellogg, Kelley, Lamport, Lansing, Lawrence Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McJunkin, McKee, McNulta, Mellish, Merriam, Monroe, Moore, Morey, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pendleton, Phillips, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions Sheats, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Taylor, Thomas, Thornburgh, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—167.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, De Witt, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunton, Hynes, Jewett, Kendall, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Hosea W. Parker, Perry, Phelps, Pierce, Potter, Randall, Rawls, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, Sener, Sloss, J. Ambler Smith, William A. Smith, Southard, Speer, Stanard, Standeford, Stone, Storm, Swann, Vance, Waldron, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Ephraim K. Wilson, Willie, Wolfe, Wood, Woodford, John D. Young, and Pierce M. B. Young—98.

NOT VOTING—Messrs. Banning, Corwin, Crounse, Freeman, Benjamin W. Harris, Killinger, Loughridge, Mitchell, Pelham, John G. Schumaker, Stephens, Waddell, Charles G. Williams, and Woodworth—15.

So the resolution, in so far as it related to Mr. Sypher, was agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which that part of the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was next on that part of the resolution which related to Mr. Sheldon, and, being put, it was agreed to.

Mr. BUTLER, of Massachusetts, moved to reconsider the part of the resolution just agreed to, in regard to Mr. Sheldon; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The next question is on that part of the resolution which proposes to admit, on the *prima-facie* evidence, Mr. P. B. S. Pinchback to a seat in this House as Representative at large from Louisiana.

Mr. ELDREDGE. On that question I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BUTLER, of Massachusetts. I rise to a question of privilege. Mr. Sheldon and Mr. Sypher are here ready to be sworn in.

The SPEAKER. The Chair feels it to be his duty at once to administer the oath to the two members whose *prima-facie* right to their seats has just been declared. They are just as much entitled to vote on any question before the House as any other member on the floor.

Mr. SYPHER and Mr. SHELDON presented themselves, and qualified by taking the oath prescribed by the law of July 2, 1862.

Mr. KELLOGG. I move that the House do now adjourn.

The motion was agreed to; and thereupon (at four o'clock and ten minutes, p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. DUELL: The petition of James W. Sturtevant, Oliver Kingman, Almon W. Angell, and 46 others, citizens of Cortland County, New York, praying Congress to grant an invalid pension to Morris P. Rockwell, a soldier in the war of 1861.

Also, the petition of Henry Lieber, Sullivan Fuller, and others, of Cortland County, New York, asking for an amendment of the law creating the postal money-order system, and for other purposes.

Also, the petition of Jefferson O. Hill, Manson Wire, and others, for the same purpose.

By Mr. DUNNELL: The petition of B. F. Blackmer and 379 others, asking for an amendment to the "free-culture act."

By Mr. GARFIELD, of Ohio: The petition of Hannah B. Eaton, for a pension.

Also, the petition of Letta Bagley, for a pension.

By Mr. HALE, of Maine: The memorial of Capt. George Henry Preble, asking for restoration to rank and position in the United States Navy.

By Mr. LUTTRELL: The memorial of John H. Redington and 7 others, of San Francisco, in behalf of underwriter claimants, against exclusion from their just participation in the damages awarded by the Geneva tribunal.

By Mr. McJUNKIN: The petition of citizens of Butler and Alleghany Counties, in the State of Pennsylvania, for the establishment of a post or mail-route from Bakerstown, in the county of Alleghany, via Mars post-office at Parks's Mill, to Evansburgh, in Butler County, a distance of about twelve miles.

By Mr. PACKARD: The petition of Z. P. Farley, and many others, citizens of Crown Point, Ind., asking for prepayment of newspaper postage and the adoption of a new system of determining the salaries of postmasters.

By Mr. SENER: The petition of Mrs. Fanny B. White, widow of Capt. Chester B. White, U. S. A., for a pension.

Also, the petition of Noah Fairbanks, of Fredericksburgh, Va., praying remuneration as the inventor of the process for obtaining fresh water from salt.

Also, the petition of Nicholas Bedler, of Fredricksburgh, Va., praying for relief for losses growing out of the late war.

Also, the petition of citizens of Middlesex County, Va., praying to have obstructions cleared from mouth of Urbanna River.

Also, the petition of E. Brittingham, of Southampton County, Va., praying for relief from losses growing out of the war.

NOTICE OF BILLS.

By Mr. DUNNELL: A bill to exempt from postage newspapers within the county where buplished.

By Mr. McNULTA: A bill to regulate commerce on railways.

By Mr. STARKWEATHER: A bill to repeal the increase of salaries, and to cover undrawn and returned balances into the Treasury.

By Mr. STORM: A bill to repeal so much of the proviso to the third section of the act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874," approved March 3, 1873, as relates to weekly newspapers.

IN SENATE.

WEDNESDAY, *December* 3, 1873.

Prayer by Rev. E. D. OWEN, of Washington.

The Journal of yesterday's proceedings was read and approved.

Hon. WILLIAM T. HAMILTON, of Maryland, appeared in his seat to-day.

DEPARTMENT OF JUSTICE.

The VICE-PRESIDENT laid before the Senate the annual report of the Attorney-General of the operations of the Department of Justice for the fiscal year ending June 30, 1873; which, on motion of Mr. MORRILL, of Vermont, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented a petition of citizens of the counties of Russell, Rooks, and Phillips, in the State of Kansas, praying for the establishment of a mail-route; which was ordered to lie on the table.

Mr. FRELINGHUYSEN presented the petition of Nathaniel G. Smith, postmaster at Flemington, Hunterdon County, New Jersey, praying to be relieved from the loss of postage-stamps stolen from his office; which was ordered to lie on the table.

Mr. RAMSEY presented a petition of citizens of Carroll County, Maryland, praying the passage of a law at the present session requiring prepayment of postage on all mailable matter; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Samuel Wilson, late of Company F, One hundred and sixteenth Regiment Ohio Volunteers, praying that he may be granted a pension; which was ordered to lie on the table.

Mr. BOUTWELL presented the petition of William Thwing, of Boston, Massachusetts, praying for return of duties paid in August, 1862, on a cargo of nitrate of soda, per ship Sarah March; which was ordered to lie on the table.

Mr. LOGAN. I present the petition of William H. Aikens and Jacob D. Felthousen, praying for relief for inventing new and useful improvements in sewing-machines; and I ask that it lie on the table for the present, to be referred to the Committee on Patents when appointed.

The VICE-PRESIDENT. The petition will lie on the table.

Mr. SARGENT presented the petition of A. S. Rosenbaum & Co., praying that they may be reimbursed the cost of tax-stamps on certain tobacco burned at sea on the steamer Bienville; which was ordered to lie on the table.

Mr. LEWIS presented the petition of George Brunk, of Virginia, praying compensation for stock driven off by order of General Sheridan; which was ordered to lie on the table.

He also presented the petition of F. W. E. Lohman, Samuel Ruth, and S. M. Carter, praying compensation for secret service; which was ordered to lie on the table.

Mr. MORTON presented the petition of Susan P. Vance, of New Albany, Indiana, praying compensation for property taken, used, and destroyed by the United States in Kentucky, between the years 1861 and 1871, and for services rendered the United States by Morgan Vance; which was ordered to lie on the table.

Mr. STEVENSON presented a petition of 3,500 citizens of Kentucky, praying Congress to prohibit by appropriate and immediate legislation the manufacture and traffic of spirituous liquors in the Territories of the United States; which was ordered to lie on the table.

He also presented the petition of John Milton Best, of Kentucky, praying for compensation for property taken and destroyed at Paducah, in 1864; which was ordered to lie on the table.

Mr. MORRILL, of Maine, presented the petition of George W. Clark, of South Carolina, praying for the satisfaction by the United States of the judgment of Alexander McLeod *vs.* T. C. Callicot; which was ordered to lie on the table and be printed.

He also presented the petition of Alexander McLeod, of South Carolina, praying to be paid for cotton seized by the authority of the United States; which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS.

Mr. FRELINGHUYSEN. I move that the papers of George W. Anderson be taken from the files of the Senate, that they may be recommitted to the Committee on the Judiciary when appointed.

Mr. WEST. I want to ask for a similar order; but, as we have no committees, can such an order be made now?

Mr. FRELINGHUYSEN. I suppose I had better wait. I withdraw the motion for the present.

Mr. BUCKINGHAM. I move, in behalf of the American Board of Foreign Missions, that they be permitted to withdraw from the files of the Senate the papers relating to losses sustained in the Cherokee Nation during the late war. No action has been taken on the matter.

The motion was agreed to.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 40) for the relief of Andrew Dillman, of Illinois; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. PRATT. I ask unanimous consent of the Senate, without previous notice, to introduce a bill with certain accompanying evidence.

By unanimous consent leave was granted to introduce a bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry, known as the Thirty-ninth Indiana Regiment; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 42) granting a pension to Caleb A. Lamb, late a musician in Company E of the Forty-sixth Regiment of Indiana Volunteer Infantry; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. FENTON. Mr. President, I have received a draught of a bill from a gentleman residing in Buffalo, well known to me, and he desires me to introduce it. Without examination, I do not feel committed to it, but ask leave to present it, that it may be read twice and printed.

There being no objection, leave was granted to introduce a bill (S. No. 43) to provide for the better protection of the northern and northwestern frontiers, and to facilitate commerce and diminish the expense of the exchanges between States; which was read twice by its title.

Mr. FENTON. I move that the bill be printed and laid on the table for the present, to be referred to the Committee on Commerce when appointed.

The motion was agreed to.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 44) to establish the Territory of Pembina, and to provide a temporary government therefor; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 45) granting the right of way through the public lands to the Canyonville and Galesville Road Company, in the State of Oregon; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 46) for the construction of a custom-house and bonded warehouse at Portland, Oregon; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. FRELINGHUYSEN. I ask leave, without previous notice, to introduce a bill "to aid in the execution of the laws in the Territory of Utah, and for other purposes." In introducing this bill, I simply wish to say that the Senate will remember that, at the last session, the President sent a special message to the Senate and the House requesting that there might be legislation in this direction. A bill was prepared with great care; many hours were spent upon it by the Committee on the Judiciary; and it was then discussed in the Senate for a whole day, and several amendments made to it. Those amendments, as they passed the Senate, I have incorporated in this bill. I suppose, as the President has again called our attention to this subject, it will be important that this bill be considered at an early day; but, as a matter of form, I ask that it be again referred to the Committee on the Judiciary when that committee shall be appointed.

There being no objection, leave was granted to introduce a bill (S. No. 47) to aid in the execution of the laws in the Territory of Utah, and for other purposes; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 48) for the relief of loyal citizens of Loudoun County, Virginia, therein named; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 49) to authorize the construction of a fire-proof building at Nebraska City, Nebraska; which was read twice by its title, and ordered to lie on the table and be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 50) to authorize the appointment of a captain of scouts; which was read twice by its title, and ordered to lie on the table.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 51) to provide for the redemption of the loan of 1858; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 52) to provide for a building suitable for a post-office, for the accommodation of the revenue officers and the United States courts and their officers, in the city of Charleston, West Virginia; which was read twice by its title, and ordered to lie on the table and be printed.

POWERS OF CONGRESS OVER RAILROADS, ETC.

Mr. MORRILL, of Vermont. If there be no further morning business, I will claim the floor for the purpose of submitting the remarks of which I gave notice on Monday last.

The VICE-PRESIDENT. The Chair will call for resolutions, and if there be no resolutions the Senator can proceed.

Mr. PRATT. I offer the following resolution:

Resolved, That the Committee on the Judiciary be directed to inquire whether Congress, under the powers conferred upon it by the Constitution to "regulate commerce among the several States," to "establish post-roads," or any other powers conferred, has authority, without the consent of the States affected, to create corporations to construct railroads or canals penetrating two or more States, and also, whether it has power to regulate by law, without such consent, the rates of compensation for the carriage of persons and property over existing railroads, chartered by States, which by consolidation have continuous lines running into or through two or more States.

The VICE-PRESIDENT. The resolution will lie on the table until the committees are appointed.

INDIAN DEPREDATIONS IN OREGON.

Mr. MITCHELL. I offer the following resolution:

Resolved, (by the Senate,) That the Committee on Indian Affairs be, and are hereby, instructed to inquire into the expediency of reporting a bill for an act, as follows:

"A BILL to provide for ascertaining losses sustained by citizens of Oregon by reason of Indian depredations.

"Whereas it is the duty of the Government to protect its citizens on the frontier engaged in peaceful and honorable avocations in the enjoyment of life and property against the depredations of hostile Indians, and whenever, for any reason, this protection is not given, it follows as a necessary consequence that it is a duty of equal magnitude resting on the Government to make good, so far as possible, the ascertained losses resulting from such failure;

"And whereas during several years past numerous depredations have been committed in the State of Oregon by wandering bands of Indians, principally Modocs and Snakes, who have in times of peace invaded the settlements and usual and known lines of travel, murdered the inhabitants, destroyed and carried away the property of citizens of said State, broken up their families, and caused those not massacred to flee from their homes for safety: Therefore,

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and empowered to appoint three persons to act as commissioners to inquire into the extent and character of said depredations, by what tribe or bands, or portion of tribe or bands of Indians committed, when committed, the number and names of persons murdered, and the number and names of survivors of the families of such persons, the character and value of the property destroyed or carried away, from what portion of said State, and to whom the same belonged, and the damages sustained by citizens of said State by reason of such depredations.

"SEC. 2. That it shall be the duty of said commissioners, or a majority of them, as soon as practicable, to proceed to the frontiers of said State and take testimony under oath of such witnesses as may appear before them, of all such depredations, when, where, by what band or bands, portion of band, and upon and against whom committed, and as to the value of property destroyed and when, and the damage sustained by each citizen by reason of such depredations, and shall make up and transmit to the Secretary of the Interior, as soon as practicable, their report showing the result of such investigations, to which shall be appended all the testimony taken by them: *Provided*, Such commissioners, before proceeding to hear such testimony, shall give notice of the time and place of their meeting by publication thereof for ten days previous in at least two newspapers of said State: *Provided further*, That said commissioners shall, before entering upon such investigation, each take an oath to faithfully perform the duties of his office.

"SEC. 3. That said commissioners shall be entitled to, and shall receive as compensation for their services, the sum of ten dollars per day each and their traveling and other necessary expenses."

The VICE-PRESIDENT. The resolution will lie on the table until committees are appointed.

HARBOR OF REFUGE AT PORT ORFORD.

Mr. MITCHELL. I offer the following resolution:

Resolved, In view of our rapidly increasing commerce with Asia and the islands of the Pacific, and the growing coasting trade of the Pacific sea-board, now fast developing into importance, and of the further fact that from San Francisco, California, to Sitka, Alaska, a distance of over twelve hundred miles, such coast is comparatively without shelter for vessels in distress, that the Committee on Commerce be, and they are hereby, instructed to inquire into the expediency of constructing a marine harbor of refuge on said coast at Port Orford, in the State of Oregon.

The VICE-PRESIDENT. The resolution will lie on the table until the committees are appointed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States, transmitting a report from the Secretary of State, made in obedience to law, containing a statement of fees collected by the consular officers of the United States during the year ending December 31, 1872; which was ordered to lie on the table and be printed.

FREE BANKING AND SPECIE PAYMENTS.

Mr. MORRILL, of Vermont. I move to take up the resolution which I offered on Monday.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the Committee on Finance be requested to consider the expediency of reporting a bill providing for free banking and for the resumption of specie payments, to take effect on the 1st day of January, A. D. 1875.

Mr. MORRILL, of Vermont. Mr. President, it may not be the best time during a panic for discreet legislation, but adherence to paper money alone is adherence to panics, and, when our United States notes have risen so nearly to par, when the exchanges have set the tide of gold flowing in our favor, when there is a quick market for all of our exportable products of the year, when debts have been reduced to the minimum point, and when the shrinkage in values is even greater than would be likely to follow a resumption of specie payments, it would be an inexcusable neglect of duty on the part of legislators not to take advantage of so many concurring conditions to place the currency of the country upon a sound metallic basis, and thus relieve the people from the ever-present apprehension of fluctuations and dislocations in trade and banking, thus restrain the rapid augmentation of our foreign indebtedness, and thus give to labor stable employment and stable rewards.

The agitation of the country for war by would-be army contractors, by lurking filibusters, and others who would expect to do a very small part of the fighting, shows that war is still the lingering evil to which nations may be too easily subjected, and, if it should come and be fought out upon the basis of an inconvertible currency, with every actual expenditure of $1,000,000,000—and we can have no cheap war—it would involve the issue of not less than $1,500,000,000 in United States bonds, or 50 per cent. of inflation. Near or remote as may be the probabilities, here is a very potent argument for a return to a standard of money level with that of the world.

What croaker would have ventured, at the close of the war in 1865, to have predicted that nine long years would elapse and bring our paper currency no nearer to the specie standard than it is to-day? We had the decency to pretend to be hoping at least for an early resumption, or to be looking out for some miraculous shower of gold, though we aided it not except by prayers without faith. Now the public conscience slumbers, statesmen have got the knack of winking at the sin, and the Treasury Department, unsupported by any definite policy of Congress, has the sterling virtue of prudence—tries hard to neither expand nor contract—and will safely keep things as they are, embarrassed by no innovations committed only to the grooves of the past so long as Congress neglects to act. How can we demand of the Secretary of the Treasury—striving amid many difficulties to discharge onerous duties with all possible fidelity—to enunciate any financial policy, while Congress knowingly leaves him standing on the slack-rope interpretation of the law, where he must balance himself by gold at one end of the pole and "greenbacks" at the other, and raise or depress either end according to the provocation or depravity of the bulls or bears of Wall street?

I would not throw gravel into the shoes of the Administration to make its seemingly slow tramp painful, but, if I had the power, I would endeavor to stir its ambition and that of the present Congress to gain the credit of lifting the country out of the slough of depreciated currency. The long-delayed task may not be a small one, but, however that may be, our duty has equal proportions. Any Secretary must be naturally urged in this direction by the sharp spurs of a laudable ambition, and, if successful, would win a place among the few in all the pages of history who are known as eminent financiers. Let Congress contribute to the work, and, whatever else it might do, it would be decorated with the honor now and forever.

Let me say, however, that the official routine duties of the Secretary of the Treasury, keeping pace with the rapid growth of the country, scarcely leave more than snatches of time for the consideration of anything else; and it can hardly be expected, and it is unreasonable that we should demand, that he should find leisure to profoundly consider all the subdivisions in the science of government and politics, including the complex subjects of the tariff, taxation, commerce, coinage, banking, and currency—either almost the task of a lifetime—in addition to all his other multifarious duties, so as to inspire him with confidence in his conclusions, and so as to justify him in urging radical measures of reform. The data within his reach are more abundant than time for their elaboration. Since the day of Hamilton, who with equal facility studied the minute or comprehended the vast, the labors of the office have increased possibly forty-fold. But amid the wild storm of charges of corruption raging elsewhere, it is no slender gratification that those who have been responsible for all the recent gigantic operations of the Treasury Department have maintained in the eyes of all the world a spotless personal reputation. Errors they may have committed, but they have not confounded the purse of the nation with their own.

On this financial subject, involving interests so vital, the people expect Congress to lead the way.

That it is the duty of the Government to provide a sound currency, not only for itself but for the people, will not be disputed, as it cannot be provided by the people themselves nor by the States. It being one of the great original objects for which the Union was formed to provide a uniform medium of commerce, the duty was imposed upon Congress by the Constitution in ample grants of power, which would be useless were this part of the duty held to be excluded. Commerce with foreign nations and among the several States is to be regulated by Congress, and can only be properly regulated through the instrumentality of a sound currency. This was the theory of the framers of the Constitution, and their practice in 1790 accorded with their theory.

If it was a duty obligatory and not to be evaded on the part of the Government of Washington in 1790 to provide a sound currency, with how much more of emphasis is that duty enjoined in 1873? At the former period we had less than four millions of population, now increased to ten times that number, and demanding, in the great change from a pastoral to a commercial people, much more than a proportionate increase of positive and substantial commercial facilities.

Our tonnage then was 478,377 tons against 4,437,746 tons now, or almost ten times as much. From nothing, or from the naked condition in which the mother country had shamelessly held us—save the few toddling manufactures which painfully crept into existence during the war of the Revolution—the grand total of our manufactures in 1870 had risen to $4,232,325,442, having nearly quadrupled since 1850. In addition to this, our mineral products now come in with over one hundred and fifty millions more.

Our foreign trade in 1790 was small, both the export and import entries amounting to no more than $35,344,027; while in 1873 they mounted up to $1,440,793,550. Though our foreign commerce is thus seen to be vast, it yet bears no comparison to the extent and value of our domestic commerce.

Civilization has advanced, and the men of to-day earn more and consume more than their ancestors. The enormous development of the productive power of machinery is wholly modern and largely American. Steam, railroads, and the telegraph are marvelous triumphs of human genius, and they all bear a much later date than 1790. The Erie Canal and the Pacific Railroad are only lesser marvels. Great as are these auxiliaries of commerce, they are inadequate to the tasks now impending. It is manifest that the legitimate wants of commerce are now of colossal proportions, and were never more worthy of attention. Can we, in the face of these imperious demands, in the face of the early example of Hamilton, of Madison, and the fathers of our country, shirk the duty of statesmen, and indefinitely postpone the day of our deliverance from a depreciated paper-currency? Who is it that would make an exceptional vice the standard of American virtue? Who is it that would proclaim his complete despair by suggesting the future growth of the country as the sole remedy for the present excess of dishonored paper? Who is it that would daily fret and chafe a national sore when, by a single cut, no more painful, it might be removed forever? Who is it that would longer subject American laborers to the shocks and vicissitudes of a currency having no metallic basis, and so light that every financial gust torments them with a reduction of wages, or threatens hopeless non-employment?

I am wedded to no special mode of resumption. Any one of a half-dozen plans which have been or might be presented would be better than a do-nothing policy. In the glut of ready-made plans, every one can fit his own head as easily as it could be done in a hatter's shop—only that no financial plan ever fits anybody else but the author. Of course the best plan, it is to be hoped, will be selected whenever it shall be determined to select any. The real trouble is that, instead of trying to get out of the mire, it is attempted to reconcile us to staying in the mire. Instead of frankly admitting the uncleanness, it is contended that more dirt, as with some fowls, is the proper medium of purification. Diluted money seems to dilute the brains. Doubtless some plans will be found far more practicable than others, but, it is to be feared, even if we have no open advocates of a depreciated currency, that we may find too few open advocates of the practicability of any plan of escape from it. Irresolute and weak-voiced as to any affirmative action, too many will be apt to distinguish themselves, if not by loud thunder in the negative, at least by the most respectable and conservative general apathy.

With some time and labor bestowed upon this subject—and it deserves time and labor—I am free to avow my own inability to explain all its intricacies, all its ramifications, so as to meet every objection that a fertile critic might start against a resumption of specie payments; but there are certain cardinal principles to which we must all adhere, and a multitude of facts which cannot be ignored, that would seem to overwhelm and sweep away all impediments, real or imaginary, to a return to the world-wide metallic standard of money. And yet I do not dare to hope, while addressing those supposed to be more alert in the discovery of defects than the merits of any argument, that I shall be able to remove objections which linger in the minds of many more intelligent than myself and equally patriotic. These, if I should fail to satisfy, I will aim not to weary by undue length.

It must be borne in mind that our experience does not differ from that of other countries which have tried to force inconvertible paper into circulation as a substitute for money; the plunge is easy and the return difficult; and, if on this grave but hackneyed subject, my treatment should lack freshness, my excuse is that among all the arguments that have been presented for the maintenance of the flood with which we are inundated, hardly one can be recognized that was not enlisted in behalf of the French assignats, or in behalf of the continuance of the suspension of the Bank of England during and after the war with Napoleon. But, though they may be esteemed veteran arguments, they are one-legged and badly battered, and ought long since to have been mustered out of service.

Paper money, so called, that is not redeemable in cash at the will of the holder, is not money, and will not float at par. Wherever you see this in circulation, you will see no specie. Even the most arbitrary governments of Europe cannot, by mere power, force a paper currency into circulation at par with gold; but what they might more reasonably attempt should be shunned by a government of the people whose proud distinction it is, not only to preserve its credit, but to wholly and speedily pay off its national debt. A descent from this high standard, nowhere else erected, would at once undermine some share of public confidence, lower the nominal value of all of our public securities, and the real value of American statesmanship. Paper money must be received by choice in order to circulate as the equivalent of coin, and not because power has been invoked to make it a legal-tender.

It has been claimed that our paper has not depreciated, but that gold has risen in value. The same thing was said of French assignats—that they had not lost, but that silver had gained. The same thing was said upon the report of the British bullion committee in 1811. Depreciation of bank notes was denied, and the depravity of human nature was deplored, because it could not resist the temptation to give twenty per cent. more for guineas than for bank notes. With us it cannot be reasonably claimed that gold has risen in value, when it is so notorious that its extraordinary influx from the Pacific coast and from Australia caused a world-wide diminution of its value, and an equal augmentation of the prices of all other commodities. And yet this influx of more plentiful and cheaper gold, debased, too, by us below the standard of other nations, now brings in all markets a large percentage above the paper money made by the United States, forced upon the people by law, and garnished by unredeemed pledges of public faith! Our promises are engraved falsehoods—engraved upon every note. Ultimate security is always more or less doubtful when present payment is denied. Gold in hand is worth more than the promises of the nation.

But we have those so impervious to the logic of facts touching our paper currency that they deny any excess, and who would insist, though brayed in a mortar, that we have no more than is necessary to transact our increased amount of business. They even deny the usefulness of any coin or reserve to maintain at par paper circulation. Admitting the increase of business, and that a larger volume may be required now than was required years ago, it does not follow that the present war-swollen volume is not too large, nor that it should be only swelled by adulteration in bulk and not in intrinsic value; and it may be questionable, also, whether the increase of business is not largely compensated, as well by the increased rapidity of circulation as by the new facilities of banking, by bills of exchange, and by the circulation of individual checks based upon deposits. More than ninety-five per cent. of all moneyed transactions are now adjusted by such instrumentalities. Great Britain, with its Bank of England, where the exchanges of the world press for daily settlement, has only $215,000,000 of paper circulation,* or less than one-third of the amount we are using. We are triumphantly asked, with a joke that never grows stale, whether the people are not still ready to receive our legal-tender notes, and whether there are not many who are anxious for more?

These sage questioners appear incapable of perceiving the obvious truth, that if the amount of the currency should be doubled, or trebled, to-day, the same state of facts would arise and pursue us to-morrow. Double or treble the amount of currency would then be required, all held by the same hands, to do the same amount of business; it would still pass at some rate of discount or other; and there would be still some poor Olivers, with their hunger wholly unappeased, crying for more. Subtract half of the silver from the dollar, and it would still be current as a dollar, but only current at one half of its present purchasing power. Expansion increases prices and short-sighted people are jolly, but relative values remain the same, and nobody is benefited.

Some have gone so far as to claim that the Government might most profitably transform its whole indebtedness into the semblance of money and force it upon the public—there to sink or swim, live or die—uncared for by its ever-pregnant god-fathers. They forget that some very profitable propositions have been sometimes rejected, by nations as well as by individuals, because they were also very dishonorable. They forget the manly utterance of General Grant's inaugural: "Let it be understood that no repudiator of one farthing of the public debt will be trusted in public place."

Once more the unterrified champions of depreciated paper appear with their final argument of confidence, and arrogantly ask, who doubts the solidity of the Government, or its ability to pay? It is not a question of ability that is doubtful, but of the practical fact, will it pay? Inability might be excused, but what defense can be made for a want of will? There is plenty of confidence in the ability and resources of the Government to pay, but unfortunatety there is a larger confidence that Congress won't let the Government pay. The assets of a debtor count for nothing, however abundant, so long as they are known to be beyond the reach of creditors. The promise of the Government is no better than any other promise unless it stands a better chance of redemption.

After all the real test of an excess of paper currency is its depreciation of value, as compared with the gold standard. Any argument with those who deny this proposition would be as useless as would be an attempt to teach a class of gorrillas the multiplication table. But of such a depreciation there can be no doubt. It is daily visible in all financial transactions. The Government recognizes it by refusing currency for customs, and by selling its gold for a premium. The perpetual flow of gold abroad—until the recent panic locked up a large amount of greenbacks—has been a perpetual advertisement of depreciation.

Here and there a manufacturer, seeing that importers must pay a premium on gold with which to pay duties, with inexcusable obtuseness run their heads into the sand to shut their own condition out of sight, and assume that a depreciated currency is an additional tariff protection, serving to increase their profits and fortunes; but it is not true. The foreign cost of any merchandise imported must necessarily be less than it can be produced for at home. The premium on gold, therefore, is always lost by the American manufacturer on a larger expenditure of capital than that required of the importer, and the almost insurmountable difficulties in the way of manufacturing anything which can be profitably sent abroad at once refutes the assumption. Grain, cotton, tobacco, and petroleum—not manufactures—form the bulk of our exports. But, if the assumption were true and there were some protective advantages, I could have nothing to say to any who from selfish motives would retain the worst features of our present monetary system by which to make larger fortunes out of the misfortunes of the country.

There is still a remarkably progressive class of political economists who admit the depreciation of paper-money, but regard it, instead of a temporary expedient, resorted to with reluctance and apprehension in the dread urgencies of war, as a cunning contrivance, the consummate flower of statesmanship, or the night-blooming cereus of inexhaustible resources, which is to cover the country with untold blessings and prosperity. These partisans of depreciated paper point out the increased and increasing wealth of the country, as though all that would disappear, if measured by the true standard, or if it were given better tools to work with and a more solid foundation for its support! They see our industry and trade, though fed on thin paper gruel, possesses great vitality, and they cry out "Paper gruel forever!" They appeal to the prejudices of the country against assuming the nominal cost of redeeming outstanding paper which bears no interest—as if it would be right to continue all the vexations and positive losses of such paper by a forced loan forever—and they not only justify non-payment, but, as an alternative, would rather prefer to issue even more of the non-interest-bearing paper. What can be cheaper? A position like this, so much at war with the experience and common sense of mankind, hardly needs refutation. The prosperity of the country supports depreciated paper, not depreciated paper the prosperity of the country. A single illustration of the general fallacy of these expansionists may suffice.

We are building every year railroads of unexampled cost and extent. All this is done at a vastly increased amount of the nominal capital, which will forever hunger and call for dividends on the gross paper-money outlay. Much of this capital is obtained on bonds sold abroad, and sold not even at the par of our depreciated currency, but often at a discount, and must in the end all be paid, principal and interest, in solid cash. Can any one be so blind as not to admit that our country is thus being fleeced of a large part of its reputed wealth? All permanent domestic investments, as well as much of our foreign trade, can hardly be said to be less unsatisfactory.

We have the combined effect of a debt-contracting country—for all sorts of purposes, including the nation, States, cities, and railroads—and of adverse exchanges, arising from larger imports than exports, all aggravated and expanded, if not produced, by a depreciated currency, and we can only balance the frightful annual score against us by paying the value of all we have received, and, in addition, the wide margin between that and the inflated sum of our contracts. Only the great profits conceded to our industry, only the magic of a new country and the prolificness of its virgin soil, enables us to bear the effects of this excessive and general drainage. Large as this may be now, it is annually growing larger, and, unless it can be speedily checked, most certainly presents to American statesmen not an agree-

*Circulation of United Kingdom, August 9, 1873. See London Bankers' Magazine, October, 1873:

Bank of England	£26, 120, 236
Private banks	2, 552, 178
Joint-stock banks	2, 339, 127
Scotland	5, 562, 854
Ireland	6, 519, 335
	43, 086. 735

able omen of the future. Who can desire to have Europe as the future proprietor of America? That is the skeleton in our closet, thinly veiled by paper money. With such inconvertible paper prevailing, it is impossible to retain even United States bonds at home. Nearly all that have been, and all that may be issued, except what may be held by national and by savings banks, find, and ever must find, their highest appreciation in specie-paying markets abroad. How long must this be tolerated?

Inaction is further insisted upon by those who admit the existing evils, but seek to reconcile us to them rather to others of which the dimensions appear to them much larger, and so large that they cannot even be induced to measure them. These tell us that any reduction of the legal-tender currency would alter the value of existing contracts. This argument is true, but some such alteration, hardly less in measure, now occurs every day, and it was not regarded as insuperable when the legal tenders were first proposed. Debts under the old legal standard were liquidated in depreciated paper and all complaints disregarded. The depreciation was then suddenly enormous, while it is very small now and growing less. If the objection to a reduction of currency which changes, however slightly, the value of existing contracts is insurmountable to-day, it will be insurmountable to-morrow, and it is obvious that the present depreciation should be carefully maintained and provided for, and should endure forever. Debts and contracts tend to increase with the increase of the wealth and population of the country, and, when all pretense of a return to specie payments shall vanish, the credit system will expand and debts will breed and multiply without the restraint which a possible resumption has hitherto exercised. The objection will become chronic, more and more irresistible, and our depreciated paper may thus be handed down from generation to generation as an incurable malady.

But the great bulk of debts and contracts, it should be remembered, is limited to periods of one year or less. Most of our people have as many debts due as what they owe, and square up all accounts with the world once a year. They are not only a debt-paying, but a debt-collecting people. The debts maturing and liquidated within the past sixty days of rigid economy have been immense. Future contracts, with due notice, would be guarded. It is nearly certain that the amount to be affected now is much less than it ever can be at any future time, and, with proper notice for previous preparation, the sum of private grievances resulting from specie resumption would be inconsiderable and far inferior to the sum of grievances redressed. But let the growing suspicion, that no steps are to be taken toward such a resumption, harden into public conviction, and we shall assuredly more and more recede from it until a return shall become altogether hopeless. The debtor class are always oppressed by a much higher rate of interest wherever inconvertible paper circulates, as is conclusively shown by the rates now current at Paris, Vienna, and St. Petersburg. The banking rate in the United States is also much greater than it was ten years ago. The poorest money is always dearer than the best.

If a redundant paper currency, not convertible into coin, was the source of all good, according to some popular blarney, we might expect to see it adopted by enlightened commercial nations; but no nation ever seeks it voluntarily, and all make willing sacrifices to avoid it. It comes as a calamity. No sophistry can make it anything else. Short as we may be of a store of money to carry on all of our great undertakings, an expansion of paper currency cannot add a single dime to our store or power, and by its constant inconstancy, its propensity to change, it shipwrecks many undertakings which, with a sound currency, might have been successful.

The recent New York panic has made the unhealthfulness of our financial affairs a little more obvious, and a single point may be profitably noticed, as well as the remarkable panacea that it has suggested.

From necessity the national banks must follow the lead of the National Government, and refuse to pay their liabilities in coin. The national system, as a system, has many excellencies, but during a suspension of specie payments hardly anything could be more inadequate, as it lacks the great virtue of elasticity, and any stringency in the money market is aggravated by a fourfold contraction. It feeds, but cannot resist, a panic. The banks may hold any amount of coin as part of their reserve, but they cannot afford to pay it out, and will not, to depositors or to bill-holders. When most wanted, therefore, coin is practically useless. The reserve relied upon for actual use, however, is United States notes, and these, as poor a substitute as they are for cash, being of neither more nor less value than the currency to be redeemed, are limited by law, and the supply cannot be augmented, whatever may be the urgency. More than one-third of all these notes are required as a constant reserve for liabilities of circulation and deposits, and this leaves only about $225,000,000 actually afloat or in the hands of individuals; but even this amount is so widely and thinly scattered over the country—ten and twenty dollars in a place—as to be beyond the reach of banks when more is suddenly wanted, or when they have fallen below the legal amount required. They will not pay out specie, and at every pinch must increase, and not diminish, their greenback reserve. If they were on a specie basis, then the surplus hoarded in all the markets of the world would come forth at their bidding. One or two per cent. will send coin bounding across the Atlantic: that leverage of interest floats it from Hamburg to London, or from Paris to Berlin; and a stress much less will gather and hold it where it is produced. A specie reserve when in actual use is, therefore, wonderfully elastic; but inconvertible paper based on an inconvertible reserve which is limited in its amount, leaps to its utmost bounds at the start, where it cannot advance and will not recede. It has at its birth one strong and prosperous forward movement, and then drops into chronic inertia. When the reserve of the banks is, therefore, from any cause reduced, say, five millions of dollars, more or less, the only remedy applied is a reduction of liabilities four times that amount—thus aggravating a stringency of the money market by a fresh demand of twenty millions from those who themselves are needy borrowers.

This is the torture to which the mercantile community may at almost any time be subjected by any large operator in Wall street. He has only to look over the weekly bank returns, see where the reserve is weak, and then put in force his scheme to deplete such banks a little further. If he does this they are transformed from lenders to borrowers, and are not only unable to make any discounts, but must retrench to the extent of four times their short reserve, and the twinge in Wall street sends its throb of pain through the whole country. This seems too plain to be disputed. Can any one advocate the perpetual banishment of a metallic basis from our circulating medium when the mischief is so palpable and so inevitable?

To remedy this lack of elasticity of the currency, the most plausible scheme when limited, and the most stunning scheme when unlimited, heretofore mooted, and still fondled by its nurses, is the proposed issue of Government bonds, bearing 3.65 per cent. interest, and interchangeable with United States notes. Money being always worth more than this rate of interest, and as bonds bearing 5 per cent. interest are worth only par, a bond bearing 3.65 per cent. interest would not be worth to keep or sell more than 75 cents on the dollar, it follows that such bonds would be eagerly exchanged for legal tenders; but it takes no fox to see there would be no outward tracks again of the bonds.

This scheme, if restricted to the issue of notes now outstanding, would be chiefly important as a legislative declaration in favor of continuing such notes in circulation while wood grows and water runs. But the earnest promoters of the scheme doubtless seek an indefinite expansion. They would allow every man to become his own banker by depositing such bonds in the Treasury, whenever money could be loaned at a higher rate of interest, and receive an equal amount of notes for circulation, with the privilege of returning the notes at any time, and receiving the bonds again. Whoever should take and circulate the notes, bothered by no reserves and no maximum rate of interest, or other interference, would assume no obligations to pay or redeem them, but all that responsibility and labor would adhere to the Government, which is to issue and lend to anybody, asking no questions, upon a deposit of evidences of its own indebtedness. It would be the creation of a litter of petty banks of issue, promiscuous and unlimited, cut loose from all the restraints of legitimate banks. Even the money received for the bonds could not be used, but would have to be kept on hand, to redeem the bonds at any moment, by the Government.

Probably no wider license of expansion and contraction, nothing with superior claims to slipperiness will be proposed, and a more complete emancipation from all rules which govern a sound currency could hardly be conceived. Mr. Burke wisely said that all men possessed of unlimited and discretionary power, tending to their own advantage, abuse it. But here, with every man his own banker, we are to rely upon the universal selfishness of mankind, acting in separate units—

"All discord, harmony not understood,"

to bring about an elastic reform, with a patent self-acting adjustable governor, in the circulating medium, wholly divorced from a specie basis, and establish banking on the most liberal and elastic free-love principles! Can it be supposed that such power as this would escape abuse? Such a scheme would permit all those having capital to engage in banking and to abandon it whenever its "passional attraction" began to wane; but the principle is scarcely less audacious when applied to banking than when applied to matrimony, and would be as little likely to commend itself to the judgment of sober men, if they had not first been debauched by the seductive influences of an excessive paper currency.

If Congress may be charged with failures, it should be credited with good intentions. Whenever it has enunciated principles they have been most often sound and true. It has hardly been guilty of theoretically denying correct doctrines, even when departing practically most widely from them. Scratch Congress when dizziest with the issuing of paper money, and you would find hard money at the bottom. When the crisis had passed, it saw the gangrene and attempted to apply the knife, but as the patient winced at the first gleam of the blade, or at the monthly withdrawal of four millions of United States notes, it stopped as suddenly as did Abraham when bidden by the angel. It may now, I fear, contemplate no sacrifice, not even so much as a stray ram in the thicket, and may prefer to wait until the doctors, whose advent has been vainly waited for, shall discover some financial ether to be administered before it will consent to the adoption of the slightest heroic treatment. Legislative surgery, it would appear, has suddenly become dangerous, and time and nature must be trusted to cure all financial evils. With all respect to time and nature I am unwilling to hand over the case exclusively to

their control. Congress should be equal to its constitutional duty, and rely upon a well-informed people for support.

No appeal can be made to the magnanimity of the American people whose prosperity we all seek to elevate, that will not be met with a suitable and prompt response. They are always ready to do right, and they know that paper money, not convertible into coin at the will of the holder, is radically wrong. They would exult to be relieved from the national stigma, and find "the load of yesterday left behind." They do not like to follow in the precipitous and downward road of the old "continental money." Quacks may shake their heads and talk of financial contortions, but the people, deficient neither in strength nor courage, long to be able to say that American money is equal to any in the world, and to be able once more to see and handle a little solid cash. As ready to condemn recklessness as imbecility, they would swiftly and patriotically applaud any well-devised measure of Congress looking to the ultimate restoration of a sound currency.

At the last session of Congress we made a law to watch with scrupulous nicety the weight of our gold coins, and, if reduced even by natural abrasion below the standard of the mint, their character as a legal tender is to cease, and the Government is only to receive them at the custom-house according to valuation by weight; and such as are found one half of one per cent. below the standard, in the possession of the Government, are to be recoined. I do not say this was wrong; it was right; but why this conscientious anxiety about debased coin and utter disregard of debased paper? Why this extreme foresight about the interests of the Government alone, guarding it against the loss of even one half of a grain of gold in a double eagle, and no eye at all to the interests of the common people, whose only currency of paper must be accepted at a loss often more than one hundred times greater?

With special aptitudes, conspicuous even in our colonial age, for engaging in the commerce of the world, and but lately aspiring to win the race against "the mistress of the ocean," we are yet content to waste our energies in the vain attempt to compete with paper against the hard money of the world. We might as well challenge steam with sails, or a Toledo blade with a sword of lath! Already our foreign carrying trade, with its large profits, is mainly lost, never to be wholly recovered during the domination of a depreciated currency. What further degradation of our mercantile marine awaits us who can tell? Commercial men are adventurous and prone to cast their bread upon the waters, but those who now build or own American ships are a forlorn hope and quite aware the venture must be extra-hazardous. The coins of the ancient republic of Venice were once current from Iceland to Cathay, but where, outside of our own limits, are United States notes current? Why, sir, the king of the Mosquitoes would decline them with a shrug. Colored beads he might accept, but not colored paper. Yet the inconvertible "greenback" is all that is left to prop up the great commerce of our modern Republic—a commerce that has too long folded its wings and sought the sublimity of repose in idle harbors! Certainly too many of our ships "stand still," but do not "see the salvation of the Lord."

Producing more of the precious metals than any other nation, yet for ten long years and more, while the consumption of the country has offered a dear market for everything else, gold has had the door slammed in its face, and neither found a home nor the best market in a land where it is indigenous. Not until carried to empires abroad has it secured any permanent abiding place. Snubbed and driven from good society to the dens of bears and bulls, why should it not make haste to leave a country where it finds little appreciation in order to display itself where it may receive the highest honors, and carry on its face the stamp and dignity of the greatest nationalities?

American gold will as naturally leap into American pockets, and stay there, as anywhere else, if you will empty the pockets of the excess of paper and give it room. Gold and silver, with some undeniable American affinities, will gravitate toward the centers where they are most wanted, and stay where they are most useful; but they are cosmopolitan, with the freedom of the world, and will not stay where they are daily brought to the auction-block.

Nature has bestowed upon our country the precious metals with lavish abundance, but at present they have lost their most important function of use and conversion into the circulating coin of the country. It is remarkable, in the order of Providence, how often the great wants of the human race seem to be supplied by the store-houses of the garnered wealth of centuries placed in localities where needed, and sure to be discovered. The distribution of salt and salt-springs over all parts of the world is a striking exhibition of this divine economy. Petroleum, for ages imprisoned in darkest caverns, when wanted leaps out, and every poor man's cottage is illuminated. The richest coal-fields were earliest found in England, and what other people would have opened them to more or wider spheres of utility? Can it be supposed that the gold fields and silver mines of America are out of place, and that they should have been located near, and have been discovered by a more thrifty and enterprising people? Would they have been better placed in Hungary or Peru? We cannot afford to tolerate an idea so reproachful to ourselves, and so directly impeaching Divine wisdom. We have great treasures placed at our disposal, and let us show that they are well placed, and that we are not deficient in capacity to use them to our own, as well as to the greatest advantage of the world.

The fair face of republican institutions, the leading features and front of freedom and independence, cannot always be kept in view; and it is to be regretted that only their shameful characteristics, foul-mouthed detraction and partisan calumny, should be so often and so persistently presented by any portion of our people or press, as to leave nothing apparently in sight, as an index of character, except hideous and all pervading corruption. Every age in its turn has been denounced by its contemporaries as the most corrupt of all, and the present age has not escaped. Of early days only good, of later only bad men become conspicuous. While I neither join in such general denunciation, nor claim that our country is wholly without a stain, the vulnerable point I have been considering in our monetary affairs must not be denied, and beyond its own rottenness, which cannot be concealed, it must be held to account for a large share of all the pecuniary corruption with which even the air seems surcharged; but let us cling to the faith that there is virtue in reserve equal to a complete cure of all the ills to which we are heirs.

However imposing the necessity for "legal tenders" may have been, they have long outlived their usefulness, and that they have undermined, and are undermining, the home-bred honesty of the people is an alarming fact. No Egyptian plague ever asserted itself more impudently. Sanctioned by law, the system of depreciated paper—payable nowhere, to nobody—filches something from every promise, and turns a large percentage to dross. It is a perpetual snare lurking around every business transaction, public and private; and, even in his last will, the testator does not know, after a life of toil, whether he leaves his family fifty thousand dollars or fifty cents. It is an enormous burden to the Government, the foul parent of extravagance in every branch of expenditure, the ever-active agency for an increase of salaries, and a subtle poison to which all official forces are daily exposed. Always rising or falling, it is the money with which never to do as you agree, or the money of law, not of fact. Not being genuine, or as good as it claims to be, it is held by all men with only the easy touch-and-go title by which gamblers hold their tainted spoils, and, with its value uncertain and always suspected, it is insidiously working a revolution in the habits and morals of the nation. Frugality is passing away as a lost art, and prodigality is becoming the earliest acquisition as well of girlhood and boyhood as of legislators. Speculation is usurping the field of industrial enterprise; and labor, cheated in every contract, is disgusted, and not unwilling itself to learn the trick of palming off eight dollars for an eagle, or a day clipped at both ends for a whole day's pay. Work seems to be going out of fashion, and jockeyism is becoming the sole autocrat of the times. But a nation that aims at greatness cannot afford to multiply a race of idlers, nor to bear aloft a standard of integrity which stoops to a daily discount.

It is plain that industry cannot thrive unless its rewards are stable and secure. How can we expect to train up a conscientious people where the Government itself gives an example of a daily affront to the true standard of the commercial world by the issue and reissue of paper "legal tenders," notoriously above their value in any market, at home or abroad? May I not appeal to patriotic men everywhere to aid in strangling this monster evil before it fatally enfolds in its coils the dearest interests, moral and material, of society and the nation?

With a resumption of specie payments all objection to free banking would be removed, and the reproach of a monopoly, or of an unequal distribution of banking privileges would vanish. With a resumption, and a redemption of national bank notes, the ridiculous contest about the proper aggregate amount of circulation would no longer exist, whether more or less than at present, as we should have all that we could use and all that banks could deposit bonds for and circulate at par. There might be less or more, but it would certainly be better money. We should have a currency with a tendency to a wider distribution, instead of predestined centralization, and it would be elastic, flowing out largely at certain seasons of the year when most wanted, and returning homeward after the movement of the crops. The legitimate business of banking would be restored to all parts of the country, and short paper, in moderate sums of business people, would be sought after instead of dead loans in large blocks to Leviathan stock operators. No bank could maintain specie payments on any other than legitimate business at home.

But, it may be asked, how is it proposed to bring about this rose-colored reform and these important results? Of course not without the aid of Congress—of Congress in earnest; but what one of us can see our financial system whirling, so to say, in the rapids of Niagara and not even fling out a rope that it may be again brought to the shore? As I have said, I am wedded to no special plan. The restoration of a currency that shall be equal to solid cash can be effected in many ways, but in none without some sacrifice and some temporary inconvenience. A plan as simple as most would be to restore the original law, by which United States notes were allowed to be funded into bonds, and at the same time to allow the Secretary of the Treasury some option of issuing a limited amount of such bonds for gold to pay off all notes that might otherwise be presented. Reasonable time and notice being given, the notes would gradually approach par without producing more than a ripple upon the surface of business. Doubtless a resumption would follow the absorption of a less amount of our depreciated United States notes than is generally supposed—liberally estimated at not more than fifty to seventy-five mil-

lions—and after resumption any further retirement of such paper would be instantly followed by an equal influx of specie or its equivalent, and have no appreciable effect upon the money market.

But a mode of gliding into resumption by easier stages, with little or no disturbance of existing interests, suggested to me last year by an eminent financier, may be received with greater favor, and this mode would allow United States notes to a large extent to remain in circulation, if Congress should hold that to be advisable.

1. By this plan the Secretary of the Treasury would be authorized to issue $100,000,000 of certificates payable in four years, with interest at 3.65 per cent., to be exchanged at par for United States notes, which are then to be canceled. And all banks, in the cities mentioned in section 31 of the general banking law, to be authorized to keep one moiety of the required reserve in such certificates and the other moiety in coin or United States notes. Banks located elsewhere to be allowed to keep their reserve in certificates, gold, United States notes, or balance in New York for redemption of their notes, but not to count as part of their reserve any balance upon which interest is paid or received.

This amount would be at once quietly absorbed, and thus, without the slightest sensation in any quarter, nearly one-third of the "greenbacks," not now practically in circulation, would be retired forever, and a large stride made toward specie resumption.

2. Provide, as to the remainder of the United States notes, that the Government should be authorized by law to give notice that it will—say on the first day of January, 1875—pay in cash all that may be presented at the sub-treasury in New York; and, that the public may feel entirely assured of the purpose and ability of the Government, and also to fortify the country against adverse foreign exchanges, a loan to be authorized of two hundred millions, (or so much thereof as may be required,) payable in not less than five years, nor more than twenty years, at a rate of interest sure to command coin, not exceeding six per cent., and with the proceeds to pay and redeem all notes that may be presented. In addition the Secretary of the Treasury might be allowed, either as a temporary or permanent arrangement, to re-issue notes, so redeemed in coin, in payment of all debts of the United States, except interest on United States bonds. After the notice the premium on gold would gradually and perhaps wholly disappear by the day fixed for redemption.

This measure adopted, and the purchase or prepayment of bonds discontinued, would enable the Secretary of the Treasury to accumulate much more coin than is usually held in the Treasury, and thus the way to assured resumption would be open. Undoubtedly it would be better to have the Government wholly retire from the direct banking business at the earliest moment, as it can have no aptitude for learning the banking trade, but it would be within its power either to keep and maintain in circulation at par the whole or any part of the remainder of the outstanding United States notes, or to retire them altogether and forever, and at the same time escape from the piteous predicament of Italy, Austria, and Turkey, now so hopelessly crippled and discredited by depreciated paper.

3. Finally, free banking to be authorized.

It may be said that the national banks would not be able to keep pace with the Government in a resumption at so early a day. This is the clamor of speculators, of over-loaded brokers, and of all very disinterested holders of bubbles designed to be slyly transferred to their neighbors at the maximum of inflation. It is for the interest of the national banks to cordially contribute to an early resumption. A suspension of specie payments, and the issue of inconvertible paper in time of peace, by the Government, is barely tolerated, and, if the banks from selfish motives should cling to this as a vested privilege of their own, their existence would be imperilled, as the Government would then be urged to step in and monopolize the entire paper-money trade.

With one year's notice, however, all banks that are managed by prudent bankers would have ample time to make all needful preparation. If they could not, no extension of time would be of any service. If any require more time, they are most likely banks whose means have been already crippled, or whose managers are speculators, not bankers, and more earnest in behalf of their own private interests than those of the public they claim to serve. Sound banks will be glad to return to the old path, to solid hard-pan, where experience, skill, and integrity count in reputations, and if there are a few mushroom institutions of a different character, there will be no regret should they be forced to drop the national livery and stand aside for more competent and worthy successors.

At no time could party interests be less involved, unless they should be involved on our side by negative action. Of course the democratic party watch for our mistakes. Their young Absaloms promise much, if they were made judges in the land. With a fair opportunity they might doubtless revive the most potent party cry they ever had—that of hard money; but if they had the power, what experiments they would actually try would only be disclosed by their necessities. The republican party and its present chief—on this question ahead of his party—have won renown by the wisdom and courage with which their great measures have been originated and carried to a successful issue. Though gray in such services, they are by no means destitute of vigor for further triumphs. Specie resumption is the only great financial work that remains unattempted. If we refuse to grapple with it, history will charge exhaustion, if not imbecility, upon the party holding responsible power. The initiative clearly belongs to the present Administration, and would not be opposed by any party, saving the *pro-forma* criticism which all opposition parties feel constrained to exhibit, by objecting to good measures when carried by other agencies than their own, and that would be confined to the manner and not the subject-matter.

It will be an honor to the American character, to men of all parties enlisted in its favor, to bring up the credit of our currency to the standard value of the old established coins of the country, and the standard integrity of our fathers. It will be an honor to us all when we sweep away so much of the dark cloud of "greenbacks" as will restore stars of gold and silver to the financial firmament.

If a measure of the character indicated shall not appear from some quarter likely to command greater favor, I shall at some future day try to submit a bill upon which I may venture to ask a vote of the Senate.

Mr. FERRY, of Michigan. Do I understand the Senator from Vermont to make a motion in regard to his resolution?

Mr. MORRILL, of Vermont. I move that it lie on the table for the present.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) That order will be made.

THE CURRENCY.

Mr. FERRY, of Michigan. That being disposed of, I move to take up the resolution I had the honor of offering on the first day of the session, with reference to the subject of finance.

The motion was agreed to; and the Senate proceeded to consider the resolution submitted by Mr. FERRY, of Michigan, on Monday last.

Mr. WRIGHT. As I understand the Senator from Michigan proposes to address the Senate upon his resolution, if it is agreeable to him, as I doubt not it will be, I move that we go into executive session.

Mr. FERRY, of Michigan. Is it understood that I shall have the floor for to-morrow?

The PRESIDING OFFICER. The Senator will be entitled to the floor.

Mr. FERRY, of Michigan. I yield, then, with pleasure, to the Senator from Iowa.

EXECUTIVE SESSION.

Mr. WRIGHT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at two o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 3, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

LOUISIANA CONTESTED-ELECTION CASES.

Mr. BUTLER, of Massachusetts. I call for the regular order of business.

The SPEAKER. The regular order of business being called for, the House resumes the consideration of the resolution submitted by the gentleman from Massachusetts, [Mr. BUTLER] in regard to the contested-election cases from Louisiana.

Mr. BUTLER, of Massachusetts. At the request of Mr. Pinchback, I move that the portion of my resolution now undisposed of which relates to him, be laid upon the table. And I propose to follow that motion, if carried, with a motion to refer the credentials of all these contestants, including Mr. Pinchback, to the Committee on Elections when appointed.

Mr. COX. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. COX. It is that it requires unanimous consent for the gentleman from Massachusetts [Mr. BUTLER] to move——

Mr. BUTLER, of Massachusetts. Then I ask unanimous consent, which I know will be given.

Mr. ELDREDGE. Does the gentleman propose to lay this case on the table finally, or does he propose to call it up again at some future day?

Mr. BUTLER, of Massachusetts. No, sir. I propose to supplement it with a motion that the credentials of all the contestants be referred to the Committee on Elections when appointed.

Mr. BECK. If that requires unanimous consent, then I desire to object. I want the vote to be taken and the yeas and nays called on the Pinchback case, because it stands upon precisely the same footing with the other cases.

Mr. BUTLER, of Massachusetts. Then go ahead, if you desire; we are quite equal to the emergency.

Mr. ELDREDGE. I have no doubt of that.

Mr. BECK. We do not doubt your capacity in that regard.

Mr. BUTLER, of Massachusetts. We see no distinction in the cases.

Mr. BECK. Then vote him in.

Mr. BUTLER, of Massachusetts. I have indicated what I desire to have done.

The SPEAKER. Is there any objection to the motion of the gentleman to lay the resolution upon the table? [After a short pause.] The Chair hears none, and the resolution is laid on the table.

Mr. BUTLER, of Massachusetts. I move to reconsider the vote just taken, and to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. CESSNA. I rise to a privileged question, and submit the following resolution for consideration at this time:

Resolved, That the name of John J. Davis be placed upon the roll of this House as a Representative from the first congressional district of West Virginia, without prejudice to the right of Benjamin Wilson to contest his seat hereafter; and that the name of J. Marshall Hagans be placed on the roll of this House as a Representative from the second congressional district of West Virginia, without prejudice to the right of Benjamin F. Martin to contest his seat hereafter; and that they be forthwith sworn in as members of this House.

Mr. BECK. I object to the consideration of that resolution while the other is pending, for it is of no higher privilege than the one now pending.

The SPEAKER. There is no other question now pending. The question in relation to the member claiming to be a Representative at large from the State of Louisiana has been disposed of by laying the resolution on the table.

Mr. RANDALL. Will it be in order to move to refer this resolution to the Committee on Elections when appointed?

Mr. BECK. The object I had in rising was to object to the Pinchback resolution going on the table, and to insist upon a vote being taken upon it; and I did object.

The SPEAKER. The Chair distinctly stated that it was laid on the table, and that the motion to reconsider was laid on the table.

Mr. BECK. The resolution in regard to the Pinchback case?

The SPEAKER. Certainly, in the hearing of the House. Did not the gentleman from Massachusetts [Mr. BUTLER] so understand?

Mr. BUTLER, of Massachusetts. I did, and moved to reconsider and table that vote.

Mr. BECK. I objected to that being done, and demanded that the vote be taken upon this resolution by yeas and nays.

The SPEAKER. The Clerk can read the record of what was done.

Mr. BECK. I do not know what the record is.

The SPEAKER. The journal clerk states that he took down the motion that the resolution be laid on the table, that it was laid on the table, and that the motion was made and carried to lay the motion to reconsider on the table.

Mr. BECK. Well, may it please the Chair, he has taken it down wrongly; and the gentleman from Massachusetts will bear me out in the statement that when I objected he said "Go on; we can stand it," or something to that effect.

Mr. BUTLER, of Massachusetts. I did say "Go on," but afterward we understood the objection to be withdrawn.

The SPEAKER. The Chair of course does not want any dispute upon a point of this kind; but the entire body of clerks in front of the Chair bear out the Chair in the statement that he asked for objections, and then stated that there was no objection to laying on the table; and the gentleman from Massachusetts followed with the usual motion; and the Chair said the motion to reconsider is laid on the table.

Mr. BECK. Mr. Speaker, I made objection to laying the resolution on the table; I rose and insisted upon that objection; and if all the clerks at all the desks were to say the contrary, it would not alter the fact that I did make the objection.

The SPEAKER. While the Chair knows positively that the proceeding was conducted with perfect regularity, he never allows a member to maintain that he is deprived of his right without giving him an opportunity to test the question. The question will be again taken upon laying the resolution on the table.

Mr. BECK. I object to a vote being taken on that question, because the gentleman had no right, while the previous question was pending, to make a motion to lay on the table.

The SPEAKER. The gentleman from Kentucky is entirely wrong in that point.

Mr. BECK. No doubt I am very often wrong.

The SPEAKER. The gentleman is entirely wrong. The Chair thought the gentleman was under a misapprehension.

Mr. BECK. I do not object to being overruled by the Chair; but——

The SPEAKER. The gentleman will observe by reference to the rules that he is entirely wrong. The motion to lay on the table is clearly in order pending a call for the previous question, and is the only motion in order under such circumstances.

Mr. BECK. If that is so, then my point was wrongly taken. I do not insist that I was right.

The SPEAKER. The Chair knew the gentleman was wrong all the time; but he was about to gratify the gentleman by a vote.

The question being taken on the motion of Mr. BUTLER, of Massachusetts, to lay on the table the resolution relating to the case of Pinchback, the motion was agreed to; there being—ayes 137, noes 51.

The SPEAKER. The Chair will state, lest some other gentleman may fall into the same misapprehension, that the point which he imagines was in the mind of the gentleman from Kentucky was, that the previous question, when partly executed, cannot be reconsidered. Had the motion been to reconsider with the view of referring the matter to the Committee on Elections, that would not have been in order; but to lay the resolution on the table at any stage is clearly in order.

Mr. BECK. The Chair will allow me to make a single statement. I do not pretend to understand the rules of the House half so well as the Chair does; but when the gentleman from Massachusetts [Mr. BUTLER] made his motion, the Chair said, "That requires unanimous consent." I then said, "If it does, I object, and I desire the yeas and nays to be called."

The SPEAKER. The Chair stated that the gentleman from Massachusetts desired to lay the resolution on the table and refer it, in connection with other papers, to the Committee on Elections. Accompanied with that condition the motion required unanimous consent.

Mr. BECK. I objected to that being done.

The SPEAKER. The moment any condition was coupled with the motion to lay on the table, unanimous consent was necessary; and the Chair so ruled.

Mr. BUTLER, of Massachusetts. I now move to reconsider the vote by which the resolution was laid on the table; and also move that the motion to reconsider be laid on the table.

Mr. COX. I rise to a point of order. Did not the gentleman from Massachusetts [Mr. BUTLER] couple the motion to lay on the table with a motion to dispose of another case?

The SPEAKER. Nothing else was disposed of; this matter alone was laid on the table.

Mr. COX. And then the gentleman from Pennsylvania [Mr. CESSNA] immediately rose upon a matter disconnected from the Louisiana case.

The SPEAKER. Because the Louisiana case was disposed of.

Mr. COX. But I rose to a question of privilege in relation to the case from the fourth Louisiana district.

The SPEAKER. But the Chair, exercising the right to assign the floor, gave it to the gentleman from Pennsylvania, [Mr. CESSNA.]

Mr. COX. I think a misapprehension occurred.

The SPEAKER. The Chair did not misapprehend; he acted quite intelligently.

Mr. COX. The House did not understand the matter.

The SPEAKER. It was not a matter dependent upon any understanding of the House; it was the duty of the Chair to assign the floor.

Mr. RANDALL. As I occupy a position in opposition somewhat to what seems to be the view of the majority on this side, I would like to say a word.

The SPEAKER. On what question?

Mr. RANDALL. On this Pinchback case.

The SPEAKER. It is not before the House, unless the gentleman moves to reconsider the vote whereby the matter was laid on the table.

Mr. BUTLER, of Massachusetts. I have made the motion to reconsider, and to lay the motion to reconsider on the table.

The SPEAKER. The Chair desires that there shall be no misapprehension this time. The gentleman from Massachusetts moves to reconsider the vote by which the resolution relating to Mr. Pinchback was laid on the table; and also moves that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. Is it not now in order to take up the case from the fourth district of Louisiana?

The SPEAKER. It is not. The Chair always endeavors to administer the rules with strict impartiality; and he is entirely conscious that not only was the whole proceeding in this matter entirely regular, but that it was only because gentlemen had been talking and not giving attention to the business, that they made the accusation that the question had not been taken, when the proceeding had actually been carried out according to the strictest forms of parliamentary law. The Chair does not disguise that it makes him impatient to have a point of this kind raised, especially when raised without the slightest shadow of foundation. The gentleman from Pennsylvania, [Mr. CESSNA,] who has the floor, presents a privileged resolution, which will be read.

WEST VIRGINIA ELECTION CONTEST.

The Clerk again read the resolution of Mr. CESSNA, as follows:

Resolved, That the name of John J. Davis be placed on the roll of this House a as Representative from the first congressional district of West Virginia, without prejudice to the right of Benjamin Wilson to contest the seat hereafter; and that the name of J. Marshall Hagans be placed on the roll of this House as a Representative from the second congressional district of West Virginia, without prejudice to the right of Benjamin F. Martin to contest his seat hereafter; and that they be forthwith sworn in as members of this House.

Mr. CESSNA. In order to economize time as much as possible, and to ascertain the wishes of the House whether this question shall be discussed, or whether it shall be voted on now, I call for the previous question. If there is no desire to discuss it in any quarter, I propose to call the previous question now, and then to divide my hour.

Mr. CURTIS. I wish to offer an amendment.

Mr. CESSNA. I do not yield for any amendment.

The SPEAKER. Does the gentleman yield the floor?

Mr. CESSNA. I do not. I propose to ascertain the wish of the House. I made an inquiry, which I will repeat, that if there is any desire in any quarter to discuss the proposition, I wish to be so informed. If there be any such desire, I will then call for the previous question, and divide my hour afterward.

Mr. DAWES. What hour will the gentleman have if he calls for the previous question?

The SPEAKER. The gentleman is not entitled to an hour, except on reports of committees.

Mr. CESSNA. Very well. I propose to divide the House now, and will yield ten minutes to the gentleman from Ohio, [Mr. LAWRENCE.] I do not propose to yield to amendments until I have ascertained the wish of the House on my proposition.

The SPEAKER. The gentleman from Pennsylvania objects to any gentleman offering amendments, when the floor is yielded to him, during his hour.

Mr. ELDREDGE. Is not the resolution susceptible of division?

The SPEAKER. Any resolution affecting more than one person is always susceptible of division on any question of privilege whatever.

Mr. HALE, of Maine. I rise to a question of consideration which leaves the whole matter for the House to control, whether it will take up this question of the gentleman from Pennsylvania or not. As I understand it, the members are not prepared to act upon it. My motion will put it over.

The SPEAKER. The gentleman from Maine rises to a question of consideration at this time. The question is, will the House now consider the resolution of the gentleman from Pennsylvania?

Mr. CESSNA. It may as well. The question is of high privilege, and I hope the House will consider it at this time.

The question was taken, and there were—ayes 92, noes 74.

So the House decided to now consider the question.

Mr. CESSNA. I yield for twenty minutes to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. HEREFORD. Allow me one word. We have no objection to discuss this question at this time, as the House has just decided to do. I am the only member now representing that State, and I wish to say to the gentleman and to the House that we desire more time than one hour for the discussion of this question. It is one of great importance to the State I represent; it is whether two-thirds of West Virginia shall be represented according to the views and sentiments of the people of that State or not, and I ask that more time shall be allowed than one hour.

Mr. CESSNA. I submit it to the House for the purpose of ascertaining, if possible, the desire of the House on the subject. For my own part I have no wish at all, and am willing to be guided by the sense of the House. I shall only ask for one hour, and will be ready to vote as soon as the House wishes.

Mr. HEREFORD. I ask unanimous consent that there shall be two hours, one hour to each side, for the discussion of this question.

Mr. CESSNA. I have no objection to that.

Mr. HEREFORD. One hour to be given to each side.

The SPEAKER. The Chair will so assign the time.

There was no objection, and it was ordered accordingly.

The SPEAKER. The hour of the gentleman from Pennsylvania begins at twenty-five minutes past one o'clock.

Mr. CESSNA. I yield for twenty minutes to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. Mr. Speaker, this is a contest between John J. Davis on the one side and Benjamin Wilson on the other, each claiming a seat in this House from the first congressional district of West Virginia. There is no controversy about any material fact in the case. The question which arises, and which is to be determined by the House, is mainly, if not exclusively, a question of law. I wish to state the facts, as I understand them, upon which each claimant asks to be admitted to a seat in this House. On the fourth Thursday, being the 22d of August, 1872, a "general election" was held in the State of West Virginia, at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, in that State. At that election the qualified voters of the State of West Virginia in each one of the congressional districts voted for and elected Representatives in Congress. At the election in the first district John J. Davis received 13,361 votes, Benjamin Wilson 12,948, and H. W. Rook 4 votes, making a total of 26,313.

Under this election, of course John J. Davis is elected if the election could properly be held at that time. It will be seen that both these claimants submitted their claims to the people at that election, and not only so, but in addition an election was held in each one of the several districts of the State for Representatives in Congress. The people of the State of all political parties seem to have understood that that was the proper time for the election; and, in accordance with that understanding a very full vote of the voters of the State was had. This may be seen by a comparison of the vote of 1872 with that at the election held in the year 1870. At the election in October, 1870, John J. Davis received, as a candidate for Representative in the first district 11,630 votes, and General N. Goff 10,567, making a total vote of 22,197, being considerably less than the vote of August, 1872.

Another election, however, was held in that State, for Representatives in Congress only, on the fourth Thursday of October, 1872; and at that election in the first congressional district Benjamin Wilson received 3,708 votes, and thirty-nine other candidates received in all 391 votes. The total vote cast in the district in October, 1872, was therefore 4,099, against a vote of 26,313 in August of that year. It will be seen from these statements that the voters of that State have given construction to their laws, and it was very distinctly understood by all political parties that the proper time for the election was August, 1872. The political parties of the State held the usual conventions and put candidates in nomination for the August election in every county and district.

Now, Mr. Speaker, the question of the validity of the elections of August, and of October, 1872, depends on certain constitutional and other provisions of law and their proper construction, to which I will call the attention of the House. The Constitution of the United States in the fourth section of the first article, provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

On this it is to be remarked that this constitutional provision does not require a specified day to be fixed, either a day of the month or a day of the week. All that is required is that the time shall be fixed by some definite means sufficient to ascertain it. Again, it may be remarked that the time may be fixed by references to any certain event, and such has been the practice in the State of West Virginia and in other States. For instance, for many years in that State the time for the election of Representatives in Congress was fixed to be held on the first day on which the county court was held; and that day was determined by officers and changed from time to time, so that the election was held, not by any law specifying a day of the month or day of the week, but by an event fixed by officers in their discretion, and changed from time to time.

So far I have stated the facts. I now proceed to consider the provisions of law which relate to the validity of the elections, and which, as I conceive, show the election of August to be valid, and that of October to be void. The first section of the code of West Virginia of 1868, provides that—

> The general election for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

The second section provides:

> At the said elections in every year, there shall be elected delegates to the Legislature, and one senator for every senatorial district; and in the year 1870, and every second year thereafter, a governor, secretary of the state, treasurer, auditor, and attorney-general for the State; a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district.

Now, it will be seen from these provisions of the code which I have read, that if they continued in force to, and including, October, 1872, and if no change had been made, a "general election" undoubtedly must have been held on the fourth Monday of October of that year, for all State officers and for Representatives in Congress.

It will be seen, too, that the second section of the code which I have read determines that the congressional election shall be held at the "general election" of that year whenever held. The provision which fixed the "general election" "on the fourth Thursday of October" was subject to change by competent authority, and such change to another day or time would carry with it necessarily the election of Representatives in Congress to the time so fixed or to be determined.

The code of 1868, then in effect, provided that Representatives in Congress should be elected at whatever time the general election was or might be held, without reference to any fixed day. The fact of a "general election" for State officers determined also the fact that an election should be held for Representatives in Congress at the same time. It was the event, the fact of the general election, and not any day fixed by the code, that determined the period when Representatives in Congress should be elected. And this was sufficiently definite upon that principle, familiar to every lawyer, and which is found in the books that "that is sufficiently certain which can be rendered certain."—"*Id certum est, quod certum reddi potest.*"

It will be seen, Mr. Speaker, that the language of the first section is—

> The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

And then the second section, which controls the election of Representatives in Congress, provides that it shall take place "at the said elections," that is, at the "general election," whenever that general election might be held, regardless of the particular time fixed in the code of 1868, and subject to a change of the time so fixed for that general election. Now, Mr. Speaker, the day of this election in August, 1872, was fixed, not by a day or time, but by an event, the holding of the general election. If the code of 1868 had remained in force unchanged, if no change had been made in the day of electing the officers of the State of West Virginia generally, then undoubtedly the proper time for the election of Representatives in Congress would have been on the fourth Thursday of October. But this day was abolished, as I will show; and the time for the year 1872 was changed to the fourth Thursday of August, being the 22d of that month.

Mr. LAMISON. By what power?

Mr. LAWRENCE. I will state to my friend and colleague the authority by and the mode in which it was done. The constitution of West Virginia in force prior and up to August 22, 1872, authorized its amendment by a convention, when so provided by law, and sanctioned by the vote of the qualified voters of the State. The requisite law was passed by the Legislature of West Virginia. The requisite vote of the people was had in favor of calling a convention to amend their State constitution.

In pursuance of this law and vote of the people a constitutional convention assembled in West Virginia which completed its work on the 9th of April, 1872, agreeing to a new constitution for the State, which constitution I now hold in my hand. This constitution in its schedule provides that on the fourth Thursday, being the 22d day of August, 1872, the qualified voters of the State should vote on the question of its rejection or ratification. It was provided further that in case of its ratification the constitution should become operative and in force from and including the day on which the vote was had, on the very first moment of that day. It provided further for a "general election" on the same day of State, county, and district officers. In other words, it fixed the day for the general election for the year 1872. At that general election, on the 22d of August, 1872, the officers of the State, including State, county, and district officers, were elected, and their terms of office were fixed to run beyond the year 1872. There was no other general election held in the State in that year. That election also ratified the constitution, and the officers elected at that election are now in office by virtue of that election, the only general election held in the State in that year.

It was at that election that John J. Davis was elected a Representative to this Congress by the vote which I have stated. The constitution so ratified took effect on and including that day, from the very first moment of the day by its own terms, and it has been carried into operation, and has been in operation ever since.

I have already stated that there was no other general election held in the State in that year. The adoption of the constitution rendered it impossible that there could be. Here, then, was a general election, and that was the year for the election of Representatives in Congress. Now, the code of 1868, in express terms, declares "that at the general election for State and county officers there shall be elected a Representative in the Congress of the United States for every congressional district." The language is, "at the general election." That excludes the right to elect at any other election. That, it seems to me, is conclusive of the question.

The voters of West Virginia have given a construction to their own constitution and laws, and that contemporaneous construction is the one which should be adopted by this House. All lawyers know the force and value of contemporaneous construction. Any election in October of 1872 undoubtedly was in flat violation of the provision of the code which I have read, because an election of members of Congress could be held only at the general election held in the State. There was not, and could not be, any general election except that of August.

I know it may be said that the Constitution of the United States provides that "the times, places, and manner of holding elections for Representatives shall be prescribed in each State by the Legislature thereof." I answer that by the code from which I have read the Legsilature of West Virginia did fix all these at the general election held in West Virginia in that year. All the new constitution did was to fix the day when the general election for State, county, and district officers should be held. Then the code declared that on that same day, at that same election, Representatives in Congress should be elected. The constitution itself says nothing about the election of Representatives in Congress. It merely prescribes the time for holding the general election, and leaves the election of Representatives in Congress to the operation of the second section of the code which I have read. But if it were necessary, I would say that the convention which made the constitution is a legislative body—is a "Legislature" within the meaning of the provision which I have read from the Constitution of the United States. Why not? Its work is law—the highest law of the State—and what power but legislative can make law? That convention was a Legislature.

Mr. SMALL. Will the gentleman allow me a question?

Mr. LAWRENCE. Certainly.

Mr. SMALL. Was this whole constitution submitted to the people for ratification?

Mr. LAWRENCE. The whole constitution was submitted to a vote of the people and was by them ratified, and took effect on the 22d of August, 1872, and became the law from the very first moment of that day, and has continued in force ever since. The convention which made it was a legislative body within the meaning of the Constitution of the United States, for, as I have already remarked, its work duly ratified is a law, the highest law of the State. Will it be said that no body could fix this time of election but the Legislature under the Constitution? I might well apply the maxim,

Qui haeret in litera haeret in cortice.

He who sticks in the letter sticks in the bark—he does not go to the heart of the subject, or reach its substance.

Mr. KASSON. Say, does not go to the core.

Mr. LAWRENCE. Well, does not go to the core, if that is better.

[Here the hammer fell.]

Mr. LAWRENCE. Allow me a few minutes longer.

Mr. CESSNA. Very well.

Mr. LAWRENCE. This question has been settled by the uniform practice of the Government from its origin down. New States are admitted; they come to Congress with their constitutions, with Senators and Representatives already elected in pursuance of constitutional provisions, before there is any other legislative body. They have been uniformly admitted. The Representatives from California were admitted when there could be no legislative body there to fix the time of their election but the convention. In the case of California there was no enabling act of Congress to authorize a convention. But the act of admission ratified what had been done, and this, by a well-known principle, "related back" and validated all from the time it was originally done. This question has also been settled by this House in a report made by my distinguished friend from Massachusetts, [Mr. DAWES.] I refer to the case of Shiel *vs.* Thayer, an Oregon contested-election case, the syllabus of which report I will now read:

The constitution of Oregon has fixed beyond the control of its Legislature the time for holding an election of Representatives in Congress. The contestant having been elected on the day fixed by the constitution, the committee held that he was entitled to the seat. The House adopted the report.—*Report July* 26, 1861, *volume Contested-Election Cases,* 1834 *to* 1865, *page* 349.

Here, then, is a determination that when the constitution of a State has fixed the time for electing Representatives in Congress it is a compliance with that provision of the Constitution of the United States which requires that the time shall be fixed by the Legislature of the State. A convention called to frame a constitution which is ratified and becomes a law is the Legislature of the State, within the meaning of the Constitution of the United States. In any view of this case, Mr. Speaker, it is perfectly clear that John J. Davis is entitled to the seat in this House as a Representative from the first district of West Virginia.

His title to the office must be decided on the facts and his certificate of election, now before the House in due form.

The title to an office is property which no act of the Legislature can divest. The law of West Virginia which attempted to authorize evidence to divest the right vested in Davis is void, and will find no lawyer to sustain its validity.

In confirmation of the general views I have stated, I present an able article from the Wheeling Intelligencer of November 29, said to have been written by a distinguished democratic lawyer of that city. It is as follows

THE VEXED QUESTION AS TO THE WEST VIRGINIA CONGRESSIONAL ELECTION.

To the Editors of the Intelligencer:

Was the election of Congressmen on the 22d of August, 1872, valid? Article 1, section 4 of the Constitution of the United States provides that "the times, places, and manner *of holding elections for* Senators and *Representatives shall be prescribed in each State by the Legislature thereof.*" Read the italicised portion of this provision, and you have all that pertains to the question. Must the State Legislatures, in responding to this requirement of the Constitution, fix a day certain, meaning a specific day, as for instance the 1st day of April, the 10th of September, the 4th Thursday of August, &c.? We believe that no such requirement is intended, and for the following reasons: The word "times," in the provision quoted, was evidently used, not with reference to a day certain, in the sense used hereinbefore, that is, in that restricted sense, for in that same section 4 of article 1 of the Constitution, when specifying a day certain in its restricted sense, it uses the word "day" instead of the word "time."

Again, in article 2, clause 4 of section 1, the words *time* and *day* are used in two different senses, the former evidently liberally and the latter restrictive. Again we have the interpretation of the legislators of the good old mother of Presidents in her palmy days, of *the times* of holding elections for Representatives, provided in article 1, section 4, above quoted, showing they did not believe that it was the duty of the Legislature to prescribe *a day certain.* This interpretation may be found in the act of the Legislature of Virginia, passed February 6, 1813, revised code of 1819, page 151 of volume 1, wherein the *times* provided for the election of Congressmen were the first day of their April courts, and we find that in scarcely a dozen of the counties of the State was their April court fixed to begin on the same day.

This law remained in force for many years, and has been regarded as fully responding to the requirements of the Constitution of the United States, article 1, section 4, even though it was so far from coming up to the requirements of those who insist that a fixed, certain day must be contained in the legislative enactment. Then the Legislature fixed the days for opening the courts, and oftentimes changed those days, but the statute prescribing the times of holding congressional elections remained unchanged, and left them to follow after and depend on the court opening days.

Now, observe that while the constitution, the sole power authorized to change section 1, chapter 3 of the code, has done so, and substituted in place thereof the fourth Thursday of August in 1872, it kept alive and in force all of said chapter 3, not in conflict with itself. This being true, then we submit that the law governing the election of Congressmen in 1872 was as follows:

"Chapter 3, code of West Virginia, section 1. The general election for State, district, county, and township, or district officers, and members of the Legislature, shall be held for the year 1872 on the fourth Thursday of August.

"Sec. 2. At the said election there shall be elected * * * in the year 1872, and every second year thereafter * * * a Representative in the Congress of the United States for the term beginning on the 4th day of March next after the election, for every congressional district."

It is not a fair interpretation of our legislative enactment, found in chapter 3, section 2, code, prescribing the time of holding elections for Representatives in Congress, that that time depends on the time for holding the general election, rather than a certain day peculiar to itself, seeing that the Legislature did not possess the power to fix a day for holding general elections, the constitution of our State alone possessing that power; and when the Legislature named the fourth Thursday of October, in section 1, chapter 3, code, it was certainly not regarded in the sense of prescribing that day for holding the general elections. That duty had been performed by the only power competent—the constitution. The people, then, through their constitution, possessing the power to fix the day for the general elections, possessed of course the power to change the day, which they did in the year 1872, to the fourth Thursday of August.

When the Legislature enacted sections 1 and 2 of chapter 3 of the code it is presumed to have done so with the understanding that the people could at any time

change the day in said section 1 to another day; hence, in order to confine the congressional elections to the same day of general elections, as it always has been, it uses just such language as will insure the end at said election, to wit, at said general elections, whether occurring on the fourth Thursday of October or on such other day for said general election as the people may determine. Unacceptable to some as Messrs. Davis and Hagans may be, nevertheless we cannot see how they can be excluded from seats in the Forty-third Congress without doing injustice to them and to ourselves by a precedent founded on rules of interpretation of the laws calculated to render uncertain almost any law framed.

COMMITTEE ON ELECTIONS.

The SPEAKER announced the appointment of the following-named members to constitute the standing Committee on Elections:

H. BOARDMAN SMITH of New York, CHARLES R. THOMAS of North Carolina, GERRY W. HAZELTON of Wisconsin, LEMUEL TODD of Pennsylvania, AUSTIN F. PIKE of New Hampshire, JAMES B. SENER of Virginia, JAMES W. ROBINSON of Ohio, HORACE H. HARRISON of Tennessee, WILLIAM E. ARTHUR of Kentucky, R. MILTON SPEER of Pennsylvania, and L. Q. C. LAMAR of Mississippi.

WEST VIRGINIA ELECTION CONTEST—AGAIN.

The House resumed the consideration of the resolution of Mr. CESSNA.

Mr. CESSNA. The gentleman from Kentucky [Mr. BECK] desires to ask the unanimous consent of the House to occupy fifteen minutes.

Mr. BECK. The arrangement by consent was for two hours' discussion, each side to have an hour. The gentleman from Pennsylvania [Mr. CESSNA] and myself have agreed that I shall occupy fifteen minutes now, in opposition to his resolution, so that the two sides of the debate may alternate.

Mr. CESSNA. I have no objection at all to the gentleman occupying fifteen minutes, provided the time be not deducted from my hour.

The SPEAKER. The understanding will be that it shall come out of the second hour.

Mr. CESSNA. I have no objection at all.

Mr. BECK. Mr. Speaker, having been called upon by the gentlemen from West Virginia to look into their case, I did so, and prepared a brief memorandum of my views upon the law of the case; and I do not know that I can do the House more service than by repeating what I have heretofore said to them on that subject.

I think this is a case that ought to go to the committee. If we take cases of this sort out of their hands, I see no use we have for a Committee on Elections. It will be observed that all these gentlemen have contingent certificates. It is certified that John J. Davis was elected to Congress in the first district, provided August was the time prescribed by law for holding the election. It is also certified that Mr. Hagans was elected in the second district, provided that was the time. The governor further certifies that Mr. Wilson was elected in the first district, provided October was the legal time for the election; and a similar certificate has been given to Mr. Martin for the second district. This is the form of the credentials presented. None of them are absolute and unqualified; therefore there is no *prima-facie* right in any of them. The merits are involved in any decision we may make. The only question, therefore, in these cases is, whether the fourth Thursday in August or the fourth Thursday in October, 1872, was the day prescribed by the Legislature of the State as the time for holding the elections for Representatives in Congress. If August was the time prescribed, Mr. Davis and Mr. Hagans are entitled to be sworn in. If October was the legal time, then Mr. Martin and Mr. Wilson should be admitted. The only provision on this subject in the Constitution of the United States is in section 4, article 1, as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to places of choosing Senators.

We all know that Congress has not exercised its authority in this matter; and it is conceded that up to August, 1872, the time prescribed by the Legislature of West Virginia was the fourth Thursday of October. All previous elections for members of Congress had been held on that day, it being the time prescribed by the Legislature, as shown by the following provisions of their code, to which I call especial attention:

> SECTION 1. The general elections for State, district, county, *and township* officers and members of the Legislature shall be held on the fourth Thursday of October.
>
> SEC. 2. At the said election, in every year, there shall be elected delegates to the Legislature, and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of the State, treasurer, auditor, and attorney-general for the State; a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, *and a Representative in the Congress of the United States*, for the term beginning on the 4th day of March next after the election for every congressional district.

That was the provision of the code prior to the adoption of the new constitution. That constitution contains this provision:

> Such parts of the common law, and the laws of this State, as are in force when this constitution goes into operation, and are not repugnant thereto, shall be and continue the law of the State until altered or repealed by the Legislature.

The only provision in the new constitution of West Virginia on this subject is in the schedule, which provides for a general election on the fourth Thursday of August, 1872, "for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people."

It will be observed that, by the provisions of the code, township officers and members of Congress are especially designated among the persons to be voted for at the October elections, and that they are carefully omitted in the enumeration of officers whose election is provided for in the clause just read, to take place in August, 1872.

It is evident that members of Congress were specially named in the code, and the time for their election prescribed therein, because the Constitution of the United States made it the duty of the Legislature to fix the time, and it is equally obvious that they were omitted from this number of those whose election is provided for in the schedule to the new constitution, because the framers of that instrument did not intend to interfere with the time prescribed by the Legislature for the election of members of Congress. *They had no authority to do so*, and it was not necessary, in order to put the machinery of that instrument into successful operation, that existing laws as to the election of township officers and members of Congress should be interfered with; therefore, with the code before them, they left them to stand as they stood by existing law, section 36 of article 8 of the constitution they had framed continuing in force the existing election laws as to them until the Legislature should see fit to alter or repeal them.

That was the general line of the opinion I gave to the gentleman who consulted me on the subject, and I thought it as well to state it to the House.

I need not show that the Constitution of the United States meant to confine the authority to *prescribe the time* for the election of members of Congress to the ordinary Legislatures, composed generally of two houses, whose acts require the approval, in some form, of the executive. It must be obvious that its framers never supposed that a convention, no matter for what purpose it might be called or with what powers it might be vested, would ever assume to prescribe the time for the election of members of Congress under the provisions of the Federal Constitution. They would as readily have supposed that a convention would undertake to elect Senators to represent the State in the Senate of the United States, the authority of the Legislature to elect Senators being no more absolute or exclusive than the authority to prescribe the time for the election of members of Congress.

Again, the new constitution of Virginia, when providing for the election of a limited number of officers, which it does provide for, leaving out, as I said, township officers and members of Congress, made provision that if the constitution was rejected in August, all elections held on that day should be null and void. Does any sane man pretend to say either the Legislature of West Virginia or its constitutional convention intended to place the right of that State to be represented in Congress upon such a contingency as that? Because if they had changed the time from the fourth Thursday of October to the fourth Thursday of August, they necessarily coupled it with the condition that if that new constitution was not adopted all elections for members of Congress, as well as for State officers, were null and void; and, having destroyed the previous day of election, to wit, the fourth Thursday of October, there was no day prescribed by law when members of Congress could be elected by West Virginia to this Congress.

Will any gentleman rise here and say he believes that to be so? Yet that is the necessity, unless it is assumed that the Legislature intended to have two days fixed, one contingent in August, and, in the event of failure then, to fall back upon the old law and try it over again in October, which is a strained construction, not to be assumed in the absence of positive enactment. Gentlemen say that the Legislature never fixed a time for the election of members of Congress; that the time was to be controlled and determined by the happening of an event, to wit, the general election. If the constitutional convention saw fit to do away with the general election on that day, and coupled it with all sorts of conditions, to occur in August, all former laws were a nullity. No, gentlemen; it was so perfectly apparent that I think all that is necessary is to read the code to show what was done. It shows that the Legislature fixed the time in October, without any contingency whatever, and that the constitutional convention carefully avoided altering the election law so far as the election of members of Congress was concerned. That construction is fortified, if anything further is necessary, by the fact that, if the constitution was rejected, then all elections held on that day would be null and void, leaving the members of Congress to be elected as provided by law already existing. It can hardly be assumed that such a state of case was intended or contemplated either by the Legislature or the convention. The question should go to the Committee on Elections, which is now organized, so that the facts may be thoroughly sifted.

The proof is here, and should be laid before that committee, that while no record was made of the speeches in the convention, nearly every prominent man in it has repudiated the idea that by its action the time was changed for the election of members of Congress from October to August. I am informed by gentlemen who ought to know that it was not believed by the members of the convention that they had the power to do it, and they did not intend to do it even if they had the power. The leading members of that convention will appear before the Committee on Elections and make this statement of facts, and show what was their course on this subject. It will be shown, too, as I am advised, that both of the great political parties of the State met prior to the August elections, and both refused to make nominations for members of Congress at that election, both believing

they had nothing to do with the election of members of Congress at the August election, and believing it was only for the purpose of putting in operation the machinery of the new constitution, by providing the necessary State officers to carry out its provisions; providing, as they did, if it were not adopted by the people, then the elections which had taken place would be null and void, holding no contingent elections except such as the new constitution, by imperative and explicit provisions, rendered it necessary to elect.

Before any man is sworn in, these facts ought to appear by the report of a committee, after full and careful consideration of the facts. It makes no difference how many votes are cast for a man, or whether there was or was not opposition. This is simply a legal question, one to be examined carefully by a committee appointed as it has been by the Speaker, which will ascertain all the facts and give their judicial opinion to this House. Let those four gentlemen stand as the governor of their State has placed them, on terms of equality, each with a hypothetical statement of his right depending upon the final decision of the law. There is no question as to the facts in regard to Davis and Hagan's having been elected in August, and the other gentlemen in October. Let their title to the seats be determined by law. For my own part, I would as soon vote for the one set of men as the other. Mr. Davis served with me for two years in this House, and I liked him much. But I cannot go against the law, and I want to vote intelligently after a full report from a committee.

Mr. CESSNA. I was to have yielded five minutes to the gentleman from Pennsylvania, [Mr. RANDALL.] In the absence from the House of that gentleman, I yield ten minutes to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. I desire simply to state the case to the House as I understand it, without argument. By the constitution and laws of West Virginia an election was to be held on the fourth Tuesday of October of every alternate year, at which members of Congress might be elected. That was according to both the constitution and the law. The law said that members of Congress should be elected at a general election. Then the people of West Virginia, through its Legislature, organized a constitutional convention, which constitutional convention, among other things, in its schedule provided for the ratification of the constitution on the fourth Thursday of August. It also provided that there should be a eneral election held on that day, including members of Congress.

It seems to have struck the West Virginians that there was an incongruity in holding an election on the same day as the ratification of the constitution, when that constitution was not in force. So there is a provision in the constitution that, if it was ratified, it should take effect so as to include the day when the election was held. It was ratified by a very large majority, and all the officers of the State that were to be elected were elected under that constitution; and members of Congress were elected under that constitution, which was ratified and became the law of the State. Then certain gentlemen under the exploded constitution, and under the repealed law, got up an election and elected themselves to this House. The governor, with an impartiality which is commendable, recites these facts in the certificate, and says that if the first election in August was a legal election, then the men whose names are in the resolution are entitled to the seats; but that if the second election was legal, then certain other persons are entitled to the seats; and he put in Mr. HEREFORD, I understand, by giving him a certificate under both elections.

Now, then, the question left for us to determine is, whether a constitutional convention, duly organized, can change the constitution and require an election to be holden on the day when that is ratified. That has been done so often in every Southern State, that it establishes a precedent, at least. Then the question arises, whether that election day, so fixed, contravenes the provisions of the Constitution of the United States, which says that the times and places of holding elections for members of Congress shall be fixed by the Legislature of the State. This was not fixed by the Legislature of the State technically, but by a constitutional convention authorized by the Legislature of the State to fix it, and it has been over and over again decided in this House that the word "Legislature" in that provision of the Constitution does not mean the technical Legislature, but that it means the law-making power of the State. If it should be called a parliament it would be the same thing; if it should be called a general convention it would be the same thing; if it were called a general assembly it would be the same thing. The meaning of the provision is that the time and place shall be fixed by the law-making power of the State. Now, who shall say, that when a convention held under due authorization of the Legislature, and authorized to fix the time when the new constitution should go into effect, fixes the time of the election, and the whole elections are held under it, and when there is a provision that the ratification shall take place on the morning of that day, who shall say that such an election is not valid?

There is the whole question, and it becomes simply a *prima-facie* case, because the certificate is all right. But in order to find out what the certificate is, we always have to look into the laws of the State which govern it. That is the case as I understand it, and I have heard nothing which puts it in any different light; and from some examination of the law of West Virginia, I am certain that I am right; because the twentieth section of the act of the Legislature providing for the constitutional convention says:

> The said convention shall provide by ordinance or otherwise for submitting said constitution to the people for ratification or rejection.

And the seventeenth section provides:

> The persons who shall be elected in pursuance of this act shall, on the third Tuesday in January next, meet and assemble at the seat of government in general convention to consider, discuss, and propose the new constitution, &c.

And the very governor who gave this certificate, who is the acting governor who gave all the certificates, and every State officer in that State, are now holding office and conducting the affairs of the State with entire acceptability to the people of the State of West Virginia. Besides, if we look beyond that, there is not a pretense but that five times more votes were thrown on the election day in August than on the election day in October. But we cannot look behind the *prima-facie* case. Therefore the whole question resolves itself into this: Has the constitutional convention of the State duly authorized by legislation the right to fix the day of election of officers on the same day as the day of the ratification of the constitution? And having done so, and the election being held, and the constitution ratified and to go into effect on the morning of that day, if ratified, is that a fixing of time and place of holding an election by the law-making power such as to meet the constitutional requirement that the time and place of holding the election shall be fixed by the Legislature of the State?

Mr. CESSNA. The gentleman from West Virginia [Mr. HEREFORD] desires the floor. The gentleman from Kentucky [Mr. BECK] has already occupied some fifteen minutes of the hour allotted to the other side. I now yield to the gentleman from West Virginia, and he can assign the forty-five minutes as he pleases.

Mr. HEREFORD. Mr. Speaker, so far as I am individually concerned, this is a question in which I am not interested, having been elected at both the August and October elections, having all the certificates, and nobody contesting. I have appeared here and taken the oath to support the Constitution of the United States, which provides that the time, place, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; not by any constitutional convention. The Constitution of the United States says that the State Legislature, and the State Legislature alone, shall control this matter.

My friend from Massachusetts, [Mr. BUTLER,] who has just taken his seat, says that it has been decided, time and again, that the constitutional convention of a State has that power. Now, the last decision by the American Congress is directly the other way, upon a report of a committee of this House, with the oldest member of this House as the chairman of that committee. I send to the Clerk's desk, to be read, the report of that committee. It was in the case of Beach, from the State of Virginia. That is the last decision upon this subject that has been made by an American Congress.

The Clerk read as follows:

> A new government must begin somewhere, and there must be somebody to make it. As necessity was the foundation, so also it was the limit of the power called into being for the purpose of inaugurating a new government. It could do anything necessary to carry out that purpose; and when that was done it could do no more. Its functions ceased the moment the new government took on form and life. The two cannot, in the nature of things, exist and move *pari passu*. Now, long before this ordinance had passed the convention there was in existence a governor and a Legislature, having all the powers that a governor and Legislature could have in Virginia—that is, all the powers which the constitution of Virginia clothes a governor and Legislature with, not in conflict with the Constitution of the United States.
>
> Now, this latter instrument provides (art. 1, sec. 4) that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislatures thereof." It is a legislative act. It is a law. If the time had been fixed in the constitution of the State, recognized and acquiesced in by the Legislature, it may be said to be the act of the law-making power—a legislative act. But this time and manner were not fixed in the organic act, nor by Legislature, but by the convention, assuming legislative functions in the presence of the Legislature itself.—*Miscellaneous Document No. 57, page 393, Thirty-eighth Congress, second session.*

Mr. HEREFORD. Now, gentlemen will see, from what has just been read, that the last decision on this subject by the American Congress, with Mr. DAWES as the chairman of its Committee on Elections, the recognized leader of this House, was that this question of fixing the time, place, and manner of holding the election of member of Congress is a legislative act.

Now, the proposition before this House is to seat here a gentleman against whom I have nought to say; with whom I have sat upon this floor for two years. The proposition is to give him a seat. On what principle? That he has a *prima-facie* case. Now, what are the facts in this case? Mr. Wilson, who I claim is entitled to a seat here, not only has a certificate exactly like that of Mr. Davis, (and I shall ask the Clerk to read both of them,) but in addition to that fact the Legislature of our State, which is now in session, knowing well that the governor had failed to do his duty, and that our State was about to be without representation upon this floor, passed a law to the effect that as the governor had failed to perform his duty, all the executive officers, including the governor, the attorney-general, the secretary of state, the auditor, the treasurer, and the superintendent of public instruction, should assemble, count the votes, and certify who was elected. They did meet, all of them, except the governor, who desired to disfranchise that State for certain reasons known to himself. He failed to meet with them, but the other five executive officers met and gave to Mr. Wilson his certificate; and I now ask the Clerk to

read the first and second certificates, so that we can have them both before us.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question?

Mr. HEREFORD. Certainly.

Mr. LAWRENCE. Suppose the election of August, 1872, was legal, and suppose that the governor certified to the election of Mr. Davis, could he, under the Constitution of the United States, be divested of his right to the office by virtue of any subsequent legislative act?

Mr. HEREFORD. Certainly not. I will come to that directly.

Mr. LAWRENCE. Now one other question.

Mr. HEREFORD. I do not want all this taken out of my time.

Mr. LAWRENCE. Was not the gentleman himself a candidate at the August election?

Mr. HEREFORD. I will explain all that in due time.

Mr. LAWRENCE. And did not the people of the State——

Mr. HEREFORD. I cannot allow my time to be used up in this way. I ask the Clerk to read the two certificates I have sent to his desk.

The Clerk read as follows:

STATE OF WEST VIRGINIA, *to wit:*

I, John J. Jacob, governor of the said State, pursuant to the act of the Legislature thereof in such case made and provided, do hereby certify that Benjamin Wilson was duly chosen on the 24th day of October, 1872, (provided that was the time prescribed by law for holding an election for Representatives in the Congress of the United States,) a Representative in the Congress of the United States for the first congressional district of this State, composed of the counties of Hancock, Brooke, Ohio, Marshall, Wetzel, Tyler, Pleasants, Doddridge, Harrison, Ritchie, Wood, Wirt, Gilmer, Calhoun, and Lewis, for the term commencing on the 4th day of March next.

Given under my hand and the great seal of the said State of West Virginia, this 29th day of January, 1873.

JOHN J. JACOB.

[SEAL.]

By the governor:

JOHN M. PHILLIPS,
Secretary of State.

STATE OF WEST VIRGINIA, *to wit:*

We, Charles Hedrick, secretary of state of said State, Benjamin W. Byrne, State superintendent of free schools of said State, Edward A. Bennett, auditor of said State, John S. Burdett, treasurer of said State, Henry M. Mathews, attorney-general of said State, pursuant to the act of the Legislature thereof in such case made and provided, do hereby certify that Benjamin Wilson, of the county of Harrison, was duly chosen and regularly elected, in accordance with the laws of this State, on the 24th day of October, 1872, a Representative in the Congress of the United States, for the first congressional district of this State, composed of the counties of Wood, Ohio, Marshall, Calhoun, Lewis, Doddridge, Gilmer, Ritchie, Tyler, Wirt, Harrison, Brooke, Wetzel, Hancock, and Pleasants, for the term commencing on the 4th day of March, 1873.

Given under our hands and the great seal of the said State of West Virginia, which is hereto affixed by the secretary of state, this 22d day of November, 1873.

CHARLES HEDRICK,
Secretary of State.

B. W. BYRNE,
State Superintendent of Free Schools.

JOHN S. BURDETT,
Treasurer of the State.

HENRY M. MATHEWS,
Attorney-General.

E. A. BENNETT, *Auditor.*

In testimony whereof I have hereunto affixed the great seal of the State the day and year last aforesaid.

[SEAL.]

CHARLES HEDRICK,
Secretary of State.

Mr. HEREFORD. Now, if gentlemen will give me their attention (for this is a matter of a great deal of importance to our State) they will see that the proposition before this body now is to seat Mr. Davis immediately, when he has but one certificate, while Mr. Wilson has not only a certificate from the governor precisely like that of Mr. Davis, but also a certificate under the law of the State, signed by all the executive officers except the governor. In other words, Mr. Wilson has one certificate from the governor certifying that he was elected in October, provided that was the legal day for the election; and he has another certificate from all the other executive officers certifying absolutely that he was elected on that day. Now, then, I present to all fair-minded men in this House the question, which of these gentlemen has the *prima-facie* case?

The mistake in the argument presented here on the other side of the question has been in assuming that this day in August was fixed by the new constitution as the day for our general elections. That is not true. The election held in August was a special election, and it was specifically provided who should be voted for. Is this Congress now going to override the Constitution of the United States and the constitution of the State? I ask you, gentlemen, before giving your votes on this question, to stop and reflect what is the truth of the case. The gentleman from Massachusetts [Mr. BUTLER] said that August was the general election day. Now I read from the new constitution:

General elections of State and county officers, and of members of the Legislature, shall be held on the second Tuesday of October until otherwise provided.

Thus it will be seen that the argument on the other side is based upon wrong premises. The day for our general elections was not in August, but in October under both constitutions. True, the two constitutions fixed different days in October, but the month is the same under both constitutions. Now, I think the gentleman from Massachusetts himself must, when he comes to consider this whole case, be satisfied that he was in error.

Mr. BUTLER, of Massachusetts. Will the gentleman read the provision of the schedule?

Mr. HEREFORD. I was about to do that. The third clause of the schedule provides:

3. The officers authorized by existing laws to conduct general elections shall cause elections to be held at the several places of voting established by law, in each county, on the fourth Thursday of August, 1872, at which elections the votes of all persons qualified to vote under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting this constitution and schedule.

Now, then, I will read the seventh section of the schedule, and it is under this that the power is claimed to seat Mr. Davis to-day. The claim cannot be sustained legally and justly. I have read the provision of the constitution fixing a certain day in October as a day for our general election. Now, here is the provision for the special election, as contained in this schedule:

7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county for—

For whom? It is expressly provided what officers shall be voted for; and no others could be voted for. I appeal to every lawyer here to bear in mind in considering this question the well-known legal maxim, *Inclusio unius, exclusio alterius.* It is expressly stated what officers shall be voted for, and nobody else could be legally voted for. What officers is it provided should be voted for? Now, listen, and you will find that members of Congress are not named:

For senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

There was no power, then, on the part of the people to vote for any other officers than those thus enumerated. The constitution designates the officers for whom the people should vote; and they had no power under the sun to vote for any others. We had plenty of other officers in the State that were not voted for on that day. The people might just as well have gone to the polls and voted for all our various county and township school officers; but they did not do it. Why? Because the constitution did not authorize it. The constitution expressly designates the officers to be voted for. Now, I appeal to members of this House whether they are going to say, by their votes to-day, that the people of West Virginia had the right to vote for other officers than those the constitution said they had the right to vote for? I say that this was a special election—for what? To ratify or reject the constitution, and to vote for a sufficient number of officers to put that constitution in operation if ratified. It was proper that these officers named should be voted for—the State and county officers—in order to put the constitution in operation. But was it necessary for that purpose to elect members of Congress? No, sir.

Will the gentlemen who maintain that the legal day for the election was in August answer me one question, which, to my mind, settles the whole matter? How did the fourth Thursday of August become the legal day for the election of members of Congress? The fourth Thursday of October had been the day, under the law of the State; it has never been changed; and how did the fourth Thursday of August become the day? Suppose the constitution had been defeated, would Mr. Davis then have been regarded as elected, and admitted to a seat? No, sir. Then his election depended upon a contingency. One portion of the people went to the polls to defeat the constitution; and if they had defeated it, nobody would have been elected.

All we ask you to do is that you shall refer this question to a proper committee. Let the law and the facts be there fully investigated. That is all that these gentlemen ask; it is all that the State asks. Let the appropriate committee examine this question calmly and carefully; then let this House adopt or reject that report, and then we shall be satisfied.

This is not a political question. I cannot believe that any republican in this House will vote for the admission of any of these gentlemen because they are republicans. I hope and believe that such considerations can have no weight with men occupying the high position of members of the American Congress. The leading republican organ of the State of West Virginia, the Wheeling Intelligencer, has published an article, which I hold in my hand, expressing the very same sentiments that I have uttered in your presence to-day. The leading democratic paper in that State has done the same thing. Both parties, through their organs, agree that the fourth Thursday of October was the legal day for the election. But I do not ask the House to pass upon that question to-day. All that I ask is that this question be referred to a committee to determine which of these gentlemen have the *prima-facie* case. Let me repeat what I have said, that Mr. Wilson has a certificate like that of Mr. Davis, both certificates being dependent upon a proviso. But in addition to that Mr. Wilson has——

Mr. KELLEY. Will the gentleman permit me to ask him a question?

Mr. HEREFORD. Yes, sir.

Mr. KELLEY. The gentleman makes an appeal in the name of the

people of the State. I desire to ask him whether there were not more than 40,000 votes cast at the election in August, while but 22,000 were cast at the election which he now attempts to vindicate?

Mr. HEREFORD. I will answer that question. It is true that more votes were cast at the August election than at the October election. The reason will be readily understood by the gentleman from Pennsylvania, and every man upon the floor. We had a great fight in that State upon the adoption or rejection of the constitution and the proposed election of all State officers. This contest brought out all those in favor of the constitution and all those against it; and it brought out also all the friends of the opposing candidates.

Mr. KELLEY. I wish to ask the gentleman another question, whether he himself was not a candidate for Congress at the August election.

Mr. HEREFORD. I was, sir.

Mr. KELLEY. And is not the gentleman here on a certificate based upon that election?

Mr. HEREFORD. As I said in the opening of my argument, I was elected at both elections. I did not believe that August was the time for the election; but fearing that my opponent might be voted for in August, I had myself voted for at the same time. Hence, I said in my opening remarks to-day that to me, personally, the question made no difference. But these inquiries propounded by my friend from Pennsylvania have nothing to do with the question before this body to-day. Whether there were few or many votes cast at either of these elections is not the question. The question is as to the power of a constitutional convention to fix the day for the election of members of Congress.

Allow me to reiterate a point I have already made, as to what officers were to be voted for on the day when the new constitution was submitted to the ratification or rejection of the people. That constitution provides:

On the same day—

That is, in August—

and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution, to be elected by the people.

This constitution did not require members of Congress to be elected by the people. It could not do it. There was a higher law—the Constitution of the United States. What right, what power, had the people to vote for members of Congress on that day, when the new constitution to be voted on said virtually they should not?

I do not intend—I do not think it meet and proper to do so—to go outside of the limits of what I consider proper debate. I will not go into the facts of this case. They are not before this body. I could go on and state in reference to the election in the second congressional district—not with regard to the first, but with regard to the second congressional district—what are the actual state of affairs, but I do not choose to enter into that now. I do not think it proper to do so upon this occasion. All we ask is that this question shall be referred to the Committee on Elections. Let them examine it wisely, calmly, dispassionately. Let them report as soon as possible to this House. Then let us adopt or reject their report. With that I will be satisfied, and the people of my State will be satisfied.

The SPEAKER. The gentleman from West Virginia has eighteen minutes remaining.

Mr. HEREFORD. I will yield for five minutes to the gentleman from Pennsylvania, [Mr. RANDALL,] and then for five minutes to the gentleman from Virginia, [Mr. HARRIS.]

Mr. RANDALL. Mr. Speaker, I agree with the gentleman from Ohio [Mr. LAWRENCE] who has spoken on this subject, that it is mainly, if not exclusively, a question of law. The Clerk of this House, in the exercise of his duty under the law, refused to place either of these contestants upon the roll of the House when it was presented on the first day of the session; and I will read the reasons assigned by him on that occasion, so the House may, as I think, have a proper understanding of the position he took, and be induced to follow the course then taken, thus allowing the whole subject to go to the Committee on Elections in order to investigate which of these respective certificates has the most force on a *prima-facie* case. The Clerk of the House states "that these certificates of election are issued in the alternative, setting forth the due election of these respective parties; provided the time at which they were chosen was the time prescribed by law for holding the election." He considers "these certificates inadmissible for enrolling either of the claimants in the first and second district."

Now, let us examine into the fact in reference to these certificates. No man here will assert that either of them is in fact legal in form. They emanate from one man, acting in his capacity as executive of the State of West Virginia. No one ought to ask for a single moment that either of these two certificates, which are alike in language, should be taken, one over the other, without the fullest examination by a committee of this House, and so seat either as a member upon this floor. It is idle to say that this is a question of law, and should be determined by the House immediately before reference to the Committee on Elections to inquire into the *prima-facie* case; for if we now decide this question of law without investigation by the committee, there will be an estoppel in reference to the *prima-facie* case, and the committee would at once go into the merits of the case embraced by the facts involved in the contest. Therefore, I insist that it is only fair dealing to these claimants, only just and right to these contesting parties, to refer this question of law for investigation by the committee and hear their report before any decisive action is taken here. To be sure, you have the power on that side of the House to do it; but let me tell gentlemen they are establishing precedents which may be brought up hereafter against themselves, as justification to this side for like conduct, when the power will be on this side of the House, although I hope such power will never be exercised as it is proposed to be done by gentlemen on the other side.

No man will contend that either of these certificates is in legal form, and they should go, in my judgment, to the Committee on Elections, who can not only investigate the *prima-facie* case upon the certificates themselves, but, so far as they are applicable, looking to the surrounding facts, determine what the *prima-facie* case is under the law—whether the *prima-facie* case is with the certificates of the August election or those of the October election. The constitutional convention not only did not possess the power, but it never exercised the power, as to these two elections, to determine when election of members of Congress should be held. If that convention never did, what force, then, has it in this discussion? It comes back at last to the naked proposition whether we should follow the usual custom, which is a safe one, and have a diligent and proper investigation of all of the legal points involved in the case before any decision is attempted to be made in behalf of any of these contestants.

Mr. CESSNA. I yield for five minutes to the gentleman from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. In the short time allowed me I can make but a remark or two on this question. It seems to me, in the first place, that the House has been misled in regard to the action of the constitutional convention of West Virginia. The argument has been made upon the hypothesis that the new constitution of West Virginia, through its schedule, provided for the election of members of Congress. It provided for no such thing. The old constitution and the act of Assembly in obedience to it provided for the election of members of Congress on the fourth Thursday of October. The schedule to the new constitution provided only for the election of officers of the State called for under that constitution, and therefore left the election of members of Congress to take place upon the 4th day of October.

Mr. KELLEY. Will the gentleman give us the language of the constitution?

Mr. HARRIS, of Virginia. Yes, sir; I will give the gentleman the language of the constitution. The schedule, in the seventh clause, says:

On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held, at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

Mr. LAWRENCE. Was not that the general election?

Mr. HARRIS, of Virginia. No, sir.

Mr. LAWRENCE. Was there any other general election?

Mr. HARRIS, of Virginia. It was a special election, and if not special, the constitution did not change the general law, which fixes the fourth Thursday of October as the day on which there should be an election for Congress. It is not every election where all the people vote that is a general election. A general election is an election, not for a special occasion, but it is one held under the general law at the regular annual or biennial election of the State, and although an occasion may arise when all the people may vote, that does not constitute a general election in the meaning of the law. For instance, Pennsylvania votes in a few days to ratify her constitution. That is not a general election under the law of Pennsylvania. Their general election takes place on the second Tuesday of October of each year. Though all the people may vote at the coming election, yet it is only a special election, and not general.

Mr. LAWRENCE. Will the gentleman allow me to ask him another question?

Mr. HARRIS, of Virginia. Certainly.

Mr. LAWRENCE. Was there any election for any officers in West Virginia in 1872 but that held on the fourth Thursday of August?

Mr. HARRIS, of Virginia. No, sir. But in my State, and in other States, elections may be held for members of Congress, and for no other officers. And though the law had hitherto fixed the fourth Thursday of October as the day of election, the convention did not assume to change it, as it had no right to do. The Constitution of the United States, which declares that the Legislature shall elect the United States Senator, says that the Legislature shall fix the time and place for holding the election of members of Congress. Now, if that convention had the right to change the time of holding the election at which to elect members of this House, it had the right also to elect a United States Senator; and who pretends it could do that? I deny that there is any precedent for such action. I admit that, in the case of Territories coming into the Union as States, from necessity provision has been made at the same time for ratifying the State constitution and for elections to Congress. But I say that in

no old State of this Union—and I defy any gentleman to produce such an authority—has any constitutional convention fixed the time for elections of members of Congress. The question, however, before the House is not whether the election was held in October or in August, or which was the legal day; but it is whether there is a *prima-facie* case. If there is a *prima-facie* case in favor of either party, admit him. But if there is any doubt as to that, under the record, as honest men we are sworn here not to decide the case, but to refer it to the Judiciary Committee.

The certificates which all the gentlemen hold are conditional upon their face, and show no right to either party. If Mr. Davis has a *prima-facie* case by virtue of his certificate, they his competitor, Mr. Wilson, holding a duplicate, also has a *prima-facie* case; thus presenting the absurdity that *both contending parties* have *prima-facie cases.* Therefore, one is as much entitled to be seated as the other.

How many members of this House from the discussion the case has received can fully understand it? And if they do not understand how the case is under the law, then they are bound to refer it to the legal committee.

Mr. LAWRENCE. I would ask the gentleman whether that provision of the code of 1868 which provided for a general election on the fourth Thursday of October was not repealed by the constitution that was adopted?

Mr. HARRIS, of Virginia. It was as regards the election of State officers, but not as regards the election of members of Congress. Gentlemen who undertake to enlighten the House upon the case ought themselves to understand it.

Mr. LAWRENCE. I think I do.

Mr. HARRIS, of Virginia. I do not think the gentleman understands it. That provision of the code applied to the election of State officers and not to the election of members of Congress. I desire to say just one word further.

Mr. WILSON, of Indiana. Will the gentleman yield to me for a question?

Mr. HARRIS, of Virginia. Certainly.

Mr. WILSON, of Indiana. Which of these two elections was the first in point of time; the election under the schedule or the other?

Mr. HARRIS, of Virginia. The election under the schedule. And if the new constitution had not been adopted, where then would have been your members of Congress? Would it not have been the duty of the people to hold another election on the fourth Thursday of October? Otherwise the State would have had no representation. If the constitution had been voted down there would have been no election in West Virginia for State officers and members of Congress, unless it had been held in October. The election was *conditional* upon the ratification of the constitution, and gentlemen call that a *general* election.

Mr. KELLEY. Did not both political parties put full congressional tickets into the field at the August election?

Mr. HARRIS, of Virginia. I have here the certificate of the friends of Mr. Wilson that in eleven counties of the State the people did not vote because they had no right to vote.

Mr. KELLEY. I repeat my question: did not both political parties put full congressional tickets into the field at the August election?

Mr. HARRIS, of Virginia. I was not there, and cannot say. The facts do not appear on the record. I stick to that, and do not look to the action of parties to construe constitutional questions.

Mr. KELLEY. Then I tell the gentleman that they did.

Mr. HEREFORD. And I beg to tell the gentleman from Pennsylvania that he is in error.

Mr. HARRIS, of Virginia. I am informed by one of the gentlemen interested that in his congressional district both political parties met in convention and both declared that they had no right to make nominations for an election in August. My friend from Pennsylvania ought to inform himself better before he speaks.

Mr. LAWRENCE. Was not Mr. Wilson nominated by the regular democratic convention?

Mr. HARRIS, of Virginia. Mr. Speaker——

[Here the hammer fell.]

Mr. HEREFORD. How much time have I left?

The SPEAKER. The gentleman has five minutes of his time remaining.

Mr. HEREFORD. I now yield to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, I desire to give notice that if the House should refuse to seat these gentlemen, I shall move to refer the credentials of both applicants to the Committee on the Judiciary, which I think is the proper disposition that should be made of this case. It is true that the resolution only proposes to give the gentlemen it names a *prima-facie* right to the seats; but although it is a *prima-facie* case, it is also all the case there is about it. The case has but one phase—a single, naked question of law.

If the members elected in October were legally elected, then beyond question they are entitled to their seats. If, on the other hand, the legal election was in August, then the members elected at the August election are entitled to their seats. There is nothing else in this case but just simply that naked question. Was the election for members of Congress which took place in the State of West Virginia in August, 1872, a legal election, or was the one which took place in October the legal election? My impression has been that it was the election in October which was the legal election. But I am satisfied that the case is far too grave for us to pass upon it in this hasty manner, and that before we set the precedent in a matter of such importance and so new as this, the Committee on the Judiciary of this House should have an opportunity to consider it. Therefore, I seek to have the resolution now pending voted down.

I do not go into the merits of the question at all, when I seek to state, as I now do, the question involved. These questions are, first, whether by any just construction of the statutes, the day of the election can be said to have been changed by the constitutional convention of West Virginia from October to August, 1872? That is a question not free from difficulty, because it requires the combination and consideration of several various laws. Then the second question is, if that be the effect of the constitutional and legislative action together, to change to August the day of election, which before 1872 had been in October, then had the constitutional convention the right to make that change? Prior to 1872 the constitution and Legislature of the State both fixed October as the time of the general election. The constitutional convention of 1872 in its schedule submitted itself for adoption by the people. Both the constitution of 1872 and the prior constitution fixed October as the time of the congressional or general election. But by the constitution of 1872 it was provided that for that particular year the election should take place in August. And it was said that by force of previous statute that provision included the election of Representatives in Congress.

Now, the facts are that the district in which Mr. Hagans is contestant, the different parties met and made no nominations. But a few days before the election the one claiming a seat had his name placed upon some ticket and received some votes upon that day. At the October election in that district there were six candidates in nomination, the highest of which reeeived over 5,500 votes. Therefore, the public opinion of that State seems to have been entirely unsettled in regard to the matter, and the majority in that district seemed to favor the election in October. Now, whether the day in August was the day the constitutional convention intended or not is a very grave question, for there arises this question, is the convention a Legislature? The Constitution of the United States says that Representatives in Congress shall have the time of their election fixed by the Legislatures of their States. Now, was this constitutional convention a Legislature? If it was, then not only might it fix the day for electing members of Congress, but it might also have proceeded to elect Senators of the United States. While I do not mean to say that it was not a Legislature, I do not want to pass upon that question, and I do not. I do not know what the committee of my friend from Massachusetts [Mr. DAWES] may have decided in that regard. He probably will tell the House. But without reference to what the decision of the House has been in previous cases, this is too serious a question for us to determine in this hasty manner.

Then there remains this other question to be considered. The constitutional convention in West Virginia directed the constitution to be submitted for adoption upon a given day in August. Now, assuming that it provided for the election of members of Congress on that day, then it provided for their election before that constitution was adopted. Could the constitutional convention have the power to provide for the election of men in that conditional manner, that is, if the constitution was adopted it was to be a good election, if not adopted it was not to be a good election? I understand that that question, and the whole question of the constitutional convention ordering an election, is now before the courts in Philadelphia, and before being called upon to pass upon the question here, I should like to have the benefit of their judgment.

Now, upon the grounds I have indicated, I am disposed to insist that this resolution shall be voted down, with the view of giving me an opportunity to move that this question should go to the Committee on the Judiciary, where it properly belongs.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. BABCOCK, his private secretary.

EXPENDITURES OF THE STATE DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting estimates of expenditures, in compliance with the act of August 26, 1842; which was ordered to be printed, and to be referred to the Committee on Foreign Affairs when appointed.

REPORT OF THE SECRETARY OF THE TREASURY.

The SPEAKER also, by unanimous consent, laid before the House the annual report of the Secretary of the Treasury; which was ordered to be printed, and to be referred to the Committee of Ways and Means when appointed.

COURT OF CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the clerk of the Court of Claims, in compliance with the act of June 25, 1868, stating the judgments rendered by said court for the year ending December 1, 1873; which was ordered to be printed, and to be referred to the Committee on Appropriations when appointed.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The SPEAKER also, by unanimous consent, laid before the House

a letter from the Comptroller of the Currency, transmitting to the House his eleventh annual report, for 1873; which was ordered to be printed, and to be referred to the Committee on Banking and Currency when appointed.

LAWS OF THE DISTRICT OF COLUMBIA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the secretary of the District of Columbia, in compliance with the act of February 21, 1871, transmitting four copies of the laws of the District of Columbia; which was ordered to be printed, and to be referred to the Committee for the District of Columbia when appointed.

REPORT OF THE ATTORNEY-GENERAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Attorney-General, transmitting his annual report for the fiscal year ending June 30, 1873; which was ordered to be printed, and to be referred to the Committee on the Judiciary when appointed.

CONSULAR EXPENDITURES, ETC.

The SPEAKER also, by unanimous consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I herewith transmit to Congress a report, dated the 2d instant, with the accompanying papers, received from the Secretary of State, in compliance with the requirements of the 16th and 18th sections of the act entitled "An act to regulate the diplomatic and consular systems of the United States," approved August 18, 1856.

U. S. GRANT.

WASHINGTON, *December* 2, 1873.

The message, with accompanying documents, was ordered to be printed, and to be referred to the Committee on Foreign Affairs when appointed.

WEST VIRGINIA CONTESTED-ELECTION CASE—AGAIN.

The SPEAKER. The gentleman from Pennsylvania [Mr. CESSNA] is entitled to thirty minutes.

Mr. CESSNA. I will yield five minutes to the gentleman from Illinois, [Mr. MARSHALL.]

Mr. MARSHALL. Mr. Speaker, I have a word or two to say in regard to this question. It is certainly one presenting various difficulties, and for that reason I feel the force of the point made by my friend from New York, [Mr. POTTER,] that this case is one which should go to a competent committee for the purpose of determining it. I think by this delay it will work no injury to any party, as it is a legal question, which can be disposed of within a very few days. My first impression was otherwise, and I only rise for the purpose of saying I have been unable to feel the full force of the argument presented by my friends on this side of the House in favor of the validity of the October election. I must admit, on the brief examination I have given to this question, that my mind tends strongly to the conviction, if there was any legal election in West Virginia in 1872, it was in August, and not in October. I came to this conclusion after hearing everything that has been said by members on this as well as on the other side of the House.

It is not necessary to read the clause in the Federal Constitution, it must be familiar to every member of the House, that the time and place of holding the elections for members of Congress must be fixed by the Legislature in the absence of any action on the part of Congress. That is not controverted; but that does not dispose of this question. The code of West Virginia does not say the election for members of Congress shall be held on the fourth Thursday of October.

The code of West Virginia simply provides that the general election of the State shall be held on the fourth Thursday of October, of each year, but then, in a subsequent clause, there is a provision in regard to the election for members of Congress "that at such election every second year members of Congress shall also be elected." What is the meaning of this phraseology? Does it mean that on the fourth Thursday of October there shall be an election for members of Congress. Not at all. "At such election." What election? The general election of West Virginia. That is unquestionably the interpretation of that language. I can come to no other conclusion from the examination I have given to it. It refers to the general election of West Virginia held at such time; and then, in a subsequent clause, it is provided that at such election every second year members of Congress shall be elected. What was the object? That there should not be two elections in West Virginia for State officers and for local officers and for members of Congress, but that they should all be elected at the same time and at the same general election.

That, it seems to me, is the true interpretation. Now, what follows? The constitutional convention of West Virginia have provided for the holding of the general election for State officers for the year 1872 in August instead of in October. It is true they say nothing of members of Congress. Why not? Following out the view of my friends from Kentucky and Virginia they had no right to do so, assuming it was not a Legislature. I will not go into that question whether the constitutional convention was a Legislature or not. Assuming it was not a Legislature, what follows? The Legislature has settled the question. Not by naming the time, but by relation. Relation to what? Relation to the general election for State and local officers. It says, in almost express words, that members of Congress shall be elected on the same day the election is held for State and local officers. The constitutional convention had the right to change the time of the general election for State and local officers, and the law already in existence provided that the election for members of Congress should be held at the same time. There was no general election in October, and it follows, if members of Congress were to be elected at the general election, then if there was a legal general election in August, 1872, there could be no legal general election in October. It was set aside by the action of the constitution ratified by the voice of the people, and by relation made operative from the commencement of that day.

I do not propose to go into the argument at this time, for the reason that whatever may be my own impression, I believe this question is of such character that it ought to go to the committee with instructions, if you please, to report upon it immediately. It is a legal question, and ought to be disposed of promptly. Not being able to agree in the views presented by my friends who have spoken thus far, I have sought the floor to say this much in expression of my own opinion.

Mr. CESSNA. I now yield for five minutes to the gentleman from Massachusetts, [Mr. E. R. HOAR.]

Mr. E. R. HOAR. Mr. Speaker, I was originally of the opinion that this was a question which should more properly be referred to a committee, and accordingly voted with the minority against taking it up at the present time; but as the House have resolved to devote these two hours to its consideration, and it is simply a single question of law, it seems to me now, bowing to that decision of the House, we may consider this question has been discussed in Committee of the Whole and this discussion is tacked to its decision.

And upon the question I must say that any doubts I may have had upon it have been thoroughly relieved by the argument of the able member from West Virginia, [Mr. HEREFORD,] and of my friend from New York, [Mr. POTTER.] The whole question seems to me to be in a nutshell. When you come to the construction of the statute law of West Virginia, you will find this to be the fact, that instead of providing by law for a specific day of a specific month in which the election shall be held, the people of West Virginia have provided, as I believe has been done in some other States, that the election shall be on the day when something else takes place, whenever that day is; as in one State I remember there was a provision that the election for members of Congress in the year of the presidential election should be on the day of the presidential election.

The Legislature of West Virginia have decided, and have passed a statute to that effect, that the election for members of Congress shall be on the day of their general election in the year of the congressional election. Well, in this year, in which the amendment to the constitution was adopted, the constitutional convention, who had power to frame a constitution for West Virginia, which should fix the day of the general election, embodied in the constitution a provision that the general election for that year should be on a particular day in August, provided the people of the State ratified their action on that day. The people of the State did ratify their action on that day. That was the only day on which the general election was held or could be held in that year; and the law of West Virginia had said that on the day of that general election members of Congress should be elected. If they had not been elected on that day, Mr. Speaker, I fail to see, under the language of the law of West Virginia, how they could have been elected at any other time during that year without a new legislative provision.

Mr. HARRIS, of Virginia. If the constitution of West Virginia submitted to the people had not been ratified, and the elections of all the officers it provided for had gone for naught, then would not the old act, which required the election to take place in October of that year, have revived?

Mr. E. R. HOAR. I understand it exactly so; that if the constitution had failed, then there would have had to be a general election and the only lawful general election in October, and that members of Congress would then have been chosen. But as the constitution was adopted the general election was held by the vote of the constitutional convention, and by the acts of the people of West Virginia, in August. No other general election was held in that year. If the constitution had not been adopted, then the election of members of Congress would have failed, along with the election of all other officers, because it would have turned out that that was not the day of the general election of that year.

Mr. ELDREDGE. Will the gentleman allow me to interrupt him with a question?

Mr. E. R. HOAR. Certainly.

Mr. ELDREDGE. Does the gentleman not make a general election depend upon the fact of the election of certain officers, and should he limit a general election to that definition? May not an election be a special election because it takes place at a particular time, as well as because it elects a particular officer; and was not this a special election because it was at a special time fixed for a special purpose, to wit, to adopt the constitution, and to put in force that constitution by the election only of the officers required to put it in force?

Mr. E. R. HOAR. That point was made before. But it all comes to just this: What does the State of West Virginia, in everybody's

understanding, mean by a general election when it provides that in such a year, on such a day, and no other, it shall be held?

[Here the hammer fell.]

Mr. CESSNA. I now yield five minutes to the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. MAYNARD. It certainly required all the well-known sagacity of my excellent friend from Pennsylvania [Mr. RANDALL] to detect partisanship in this measure, introduced into this House at this time after its organization, and into a House constituted numerically as this is. I suspected nothing of the sort, and I fear none of us would have discovered it had it not been so forcibly pointed out.

It seems to me that to state the question is to decide it. Two elections were held last year for Congress in West Virginia, one in August and one in October. One gentleman, the gentleman from West Virginia who has addressed the House, was a candidate at both elections, and in his district was the successful candidate at both. In the other two districts of the State two candidates were elected in August, and other two in October. I freely admit that the legal question lying at the bottom of the matter is not devoid of difficulty. I have my own views of it pretty decided, but not yet so decided as that on further consideration, on further examination, and on further argument, they might not be changed. With this view, I desire that the case shall be referred to the proper committee, where the statute of West Virginia, the action of the constitutional convention, and anything else bearing on the question, may be analyzed and presented in such a manner that we may be able to settle it without establishing a precedent which might work harm hereafter.

Meanwhile what shall be done? It is public policy that no portion of the country shall be unrepresented in Congress. It is public policy that somebody shall upon this floor represent West Virginia while this inquiry is proceeding, whether it proceed for a day, a week, or a month. Important questions are constantly arising, in which the people of that State have a right to be heard, and on which it is of importance to all of us that they should have a hearing. The fact, I believe, is not controverted, that, at the August election, a very general vote was polled for members of Congress, a much larger vote than was polled at the October election; and that it was the general understanding and belief of the people of West Virginia, and of the officers who held the election of the two political parties, and of the several nominees, that the election at that time was valid and proper. It was an election that was held in earnest, and that was contested in earnest.

A question somewhat similar rose in the last Congress. It will be remembered by gentlemen who were members of the House in that Congress that a question was raised in regard to the delegation from Tennessee. An election had been held, certain gentlemen had been returned, and it was alleged that, by operation of certain statutes of the State, the election had been held at an improper time, and that there was, in reality, no law for holding an election on that day. It was claimed that the election was null, and a challenge was made to the enrolling of the gentlemen elected at that time.

That House decided to let those gentlemen take their seats pending the inquiry ordered before the Committee on Elections. That committee examined the law arising upon the case, and they made a report, a copy of which I hold in my hand, in which, after analyzing the several statutes which were repealed and re-repealed, they reported that, in their judgment, the election was held on the proper day. And they add this suggestion, which I wish to present to this House as, in my judgment, bearing upon this case:

> If, however, the question as to whether by the act of 1870 the time for holding the election in question was changed from August to November was one of doubt, we should feel bound to follow the construction given to it by all the authorities of the State of Tennessee, whose duty it has been to construe it and to execute it. It is admitted that the governor and all other authorities in Tennessee having anything to do with the construction and enforcement of this act of 1870 have construed it as in nowise affecting the act of 1868, and by common and universal assent the election was held at the time fixed in the latter act.

It seems to me that this is a case in which is eminently applicable the old common-law maxim, so old that it has come down to us in the barbarous language of that time, *prior in tempore, potior in jure;* that the gentlemen who were elected at the first election by the assent of the entire body of voters, an election presided over by the properly constituted officials, should be held by the House, for the time being, to represent the people of the State until such time as the Committee on Elections shall have opportunity to examine the whole subject and to report thereupon to the House. It is in this view of the case that I shall vote for the admission of these gentlemen at this time.

Mr. CESSNA. I now yield ten minutes to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. I do not know that I have the slightest desire in this case, except that we shall now establish a precedent that shall be safe, and at the same time that we shall do as little injustice to these districts as possible in the matter of representation. And I would not take up a moment of the time of this House had not two gentlemen, entertaining precisely opposite views upon this question, done me the honor, if there be any honor in it, to cite me as authority for the support of their various views.

I desire, therefore, to ask the attention of the House for a few moments, in order to see if I have furnished the gentlemen who entertain these opposite views any authority for those views by anything I may have said or done in the discharge of the duties that devolved upon me in this House for ten years as a member of the Committee on Elections.

The gentleman from West Virginia [Mr. HEREFORD] has cited the report of the Committee on Elections which I made to this House in an election case from the State of Virginia, and draws the conclusion that, if the opinion expressed in that report be correct, it is impossible for a constitutional convention to establish the time for holding an election for members of Congress, but that duty devolves at all times solely upon the Legislature. He cites a case that arose during the rebellion, in a State in which there was no constitution or law operative at all. In a state of anarchy and without law, a voluntary convention, having no authority whatever conferred upon it by the people, *ex necessitate rei*, got together voluntarily, and set in operation a form of government, created a Legislature, provided the time, mode, and manner of the election of a governor, and when that form of government should take effect. That government came into existence; that Legislature was summoned and entered upon its duties, and was in session discharging, as well as it might, the duties devolving upon a Legislature. Cotemporaneous with it, sitting side by side with it, was this constitutional convention, voluntary in its origin, without any authority in form of law conferred upon it by the people, but undertaking to perform the functions of a Legislature side by side with the Legislature then in session.

It was the opinion of the Committee on Elections at that time that that convention, whatever authority it had, possessed authority derived from the necessity of creating a form of government for the State of Virginia, but that it could not assume, after it had created a government, to perform the very functions with which it had clothed the Legislature it had itself called into being. That Legislature, having undertaken to fix the time for holding an election of members of Congress, it seemed to the committee that that convention could not assume any authority to control that Legislature in that matter. That was the opinion of the Committee on Elections cited by the gentleman from West Virginia, [Mr. HEREFORD.]

The report or decision of the committee cited by the gentleman from Ohio [Mr. LAWRENCE] was in a different case. The extract which the gentleman quotes from the syllabus of that case seems to me altogether unnecessary in the decision of this case. The syllabus to which he refers was put in by the clerk of the committee, and not by the committee itself. By that syllabus the committee are made to say what there was no occasion to say, because the case did not require it to be said at all; that is, that in their opinion the constitution of Oregon could fix, beyond the control of the Legislature, the time for holding elections for members of Congress. There was no occasion in the case for the committee to have said that at all. I doubt very much whether that is the law. I have no difficulty in coming to the conclusion that the constitutional convention can fix that time, but, as at present advised, I do not believe that they can so fix it that it cannot be afterward changed by the Legislature.

I think that when a constitutional convention, clothed with power to make an organic law for a State, enters upon its duties, it is exercising the highest legislative power known in a State, absorbing all other power, and whenever it does exercise that authority, and it comes in conflict with any then existing law of the State, that authority must prevail over any existing law. But I have my doubts whether it is quite accurate to say that such a convention can so fix this matter that in all subsequent time the Legislature can make no alteration in that respect. I find upon looking into this case that there was no necessity for the committee to express any such opinion whatever, therefore I am unwilling to sit here and see that case cited as an authority upon that point. The proper view may be what has been urged, but I have very considerable doubts upon the subject. The trouble with me, however, in this case does not lie there.

Mr. LAWRENCE. Is it not the logic of the case of Baldwin *vs.* Trowbridge, decided by this House on the 14th of February, 1866, that the constitutional convention may fix the time beyond the control of the Legislature?

Mr. DAWES. I have always been aware, while my friend from Ohio and myself have occupied this floor together, that he could make a better argument for me than I could make for myself; but, as I have told him before, I would always rather make my own argument. [Laughter.] One reason why I doubt the authority which has been cited from an opinion I wrote myself is, because in the case of Baldwin, which my friend from Ohio insisted upon naming before I got to it, my learned friend from Pennsylvania [Mr. SCOFIELD] drawing the report, although it appears that I acquiesced in it, the contrary ground is stated.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. DAWES. I would like to occupy a few minutes more.

The SPEAKER. If there be no objection the gentleman from Massachusetts will proceed.

There was no objection.

Mr. DAWES. It appears, therefore, that the Committee on Elections has laid down the doctrine both ways. The question is one of great importance, and it is very desirable that upon such a question

the conflict of authority which has gone upon the record of the House should be reconciled. There may come times when the settlement of this question will be vital to the rights of men upon this floor; and it is quite as well to settle it when we can do so calmly and considerately.

These opinions on our records here were put forth in troublous times. They extend over the period of the rebellion. We hear cited in the House of Representatives, as authority, opinion after opinion given upon cases that had no analogy to any others, and could be governed by no precedent then in existence. The committee realized then, and they realize even more now, that they had to feel their way and tread on doubtful ground. In reference to this book of contested-election cases, I once said with considerable confidence that whatever might be its demerits it had this one merit, that all the decisions were alike. I do not think so well of this book now as I did then. The longer I live and the more I see of the uncertainty of the questions and circumstances involved in the cases which then arose, and which in some instances were very summarily disposed of, the more I am inclined to think that they are dangerous precedents for times of peace and quiet. I do not now set that value upon those decisions that I vainly did at the time when they were promulgated in this House.

But, as I was about to say when I was interrupted, there is another trouble with me in this case. While, as at present advised, I regard the August election as the only legal election in West Virginia, yet I want to have this question sifted by a learned committee of this House, so that the case may be put upon a ground that will stand; so that the decision may be cited as a precedent in times when power shall have passed out of our hands, if that time should come. If I studied anything while acting upon the Committee on Elections it was that I should not make dangerous precedents. I am as conscious as any other man how far short the committee came in undertaking to reach that result.

But, Mr. Speaker, my colleague in his argument has stated that, in the schedule providing for an election a general election was provided for. I do not so understand it. I understand that the provision was for the election of certain officers *eo nomine;* and it turned out that the list embraces most, if not all, of the State officers.

Mr. LAWRENCE. All.

Mr. DAWES. All the State officers, as my friend from Ohio states. Now, inasmuch as the statute had established a general election, and had designated the day of the general election for the election of members of Congress, if the constitutional convention had intended that there should be different days for these elections, (I do not say whether they did so intend,) they would have chosen precisely the language of the seventh article in the schedule. In other words, they would have said, substantially, "We will fix the time for electing these officers designated, leaving those not mentioned to be elected under the existing law." Now read the schedule and you will see that, instead of providing for a general election in terms, there is a provision for the election of certain designated officers, members of Congress being omitted from that enumeration. The rule of *expressio unius, exclusio alterius* would therefore seem to have some bearing upon this question; and hence a difficulty arises in my mind. I would prefer, therefore, (and I shall vote for such a motion if it be made, though I do not propose to make it,) that this case be referred to the Committee on Elections, in order that they may review, as they will be able to do, the prior decisions of that committee upon the authority of a constitutional convention to fix the time for holding elections of members of Congress, as well as all the other questions involved.

[Here the hammer fell.]

The SPEAKER. The gentleman from Pennsylvania [Mr. CESSNA] has five minutes of his time remaining.

Mr. CESSNA. So much has been said by various gentlemen on this side of the House, that I deem it altogether useless to attempt to go over the argument in the five minutes remaining. I therefore yield to the gentleman from Mississippi, [Mr. LAMAR,] giving notice that at the expiration of the five minutes I shall resume the floor to call the previous question.

Mr. LAMAR. Mr. Speaker, I think that there are insuperable objections to the adoption of this resolution. I do not agree in the opinion expressed by the member from Tennessee, [Mr. MAYNARD,] and by the member from Massachusetts farthest from me, [Mr. BUTLER,] that the question which this proposition presents is whether a convention of the people of a State is, in the sense of the Federal Constitution, a Legislature, and whether it has the right to fix the time and place of election, nor whether, being such a Legislature, the constitutional convention in West Virginia, upon a fair interpretation of the constitution adopted, fixed the election in that State on the day when this gentleman was chosen who is now proposed to be sworn in. It seems to me that these grave constitutional questions are not involved in this issue, and that the discussion of them at this time is premature and irrelevant. The simple question, if I understand it, is whether Mr. DAVIS has a *prima-facie* right to be sworn in and recognized as a member of this body pending the contest between himself and his rival claimant for the seat in dispute.

Now, Mr. Speaker, what constitutes a *prima-facie* right to a seat in this House? What is it that contradistinguishes the right of a member to be sworn in, from his title to a permanent occupancy of a seat in this House? What is the principle which so severs these two rights that one may be in one person and the other in a different person. It is, if I comprehend it properly, simply a right based on a credential—formal, regular, and perfect on its face, showing the person therein named to be duly elected according to the laws of his State. If he does not present such a credential—perfect, absolute, and in due form, and showing on its face that the election was according to the laws of the State, whatever may be the merits of his claim as developed, by evidence obtained outside of it, he cannot, in case of a contest, be said to have a *prima-facie* right to be sworn in pending the contest.

Now, will any member pretend that Mr. Davis, the gentleman mentioned in the resolution, presents to the House a credential of this character? Will any gentleman say that the certificate is regular and sufficient; or that the governor who signs it certifies that in his opinion Mr. Davis was elected at all? Apart from information derived from sources outside of this certificate, would any member upon reading it hesitate to pronounce it insufficient in every respect, especially in view of the fact (of which the House has been officially notified) that the claim to the seat is contested and the validity of the election itself is denied?

Allow me to read the credential, for it seems to me on this point, and on this point alone, hinges the decision of this preliminary question.

STATE OF WEST VIRGINIA, *to wit:*

I, John J. Jacob, governor of the said State, pursuant to the act of the Legislature thereof in such case made and provided, do hereby certify that John J. Davis, of the county of Harrison, was duly chosen on the 22d day of August, 1872: (*Provided*——

Is it necessary to go any further when we are informed on the very face of this paper that there is a proviso which may render nugatory the right which it certifies to? What else?

Provided that was the time prescribed by law for holding an election for Representatives in the Congress of the United States, a Representative in the Congress of the United States for the first congressional district of this State, composed of the counties of Hancock, Brooke, Ohio, Marshall, Wetzell, Tyler, Pleasants, Doddridge, Harrison, Ritchie, Wood, West, Gilmer, Calhoun, and Lewis, for the term commencing on the 4th day of March next.

Given under my hand and the great seal of the said State of West Virginia, this 29th day of January, 1873.

[SEAL.] JOHN J. JACOB.

By the governor:

JOHN M. PHELPS,
Secretary of State.

Sir, this condition incorporated into this credential emasculates it, deprives it of all vitality, and makes it an unreality, so far as a *prima-facie* title to a seat in this House is concerned. The condition is that he is duly elected, provided his election was a valid and legal one. Why, sir, this is no certifiate of an election. It is equivalent to saying that Davis was not elected on that day unless the election was legal. Yet this is the paper presented here upon which it is proposed to swear in a member whose right is contested by a claimant holding also a certificate of his own election precisely the same in character, and signed by the same governor.

The member from Massachusetts [Mr. BUTLER] says the certificate refers to the law, and by examining the law it appears that the election is valid. The argument is fatal. If he, in order to show the right to a seat, is compelled to refer to something outside of the certificate (whether it be matter of law or fact is immaterial) there can be no *prima-facie* right based on such a certificate.

But there is another and stronger objection to the action proposed by this resolution. That there is no such *prima-facie* right in Mr. Davis is evinced in another way.

But there is another and stronger objection to the action proposed. That there is no such *prima-facie* right as that claimed in this resolution is evidenced in another way.

By the law of Congress the Clerk of the preceding House is invested with the power and charged with the duty of determining, in making up his roll, what members have regular credentials, and are, *prima facie,* entitled to seats upon this floor. It was through the exercise of this power lodged in the discretion of the Clerk that we were enabled to elect our Speaker and to organize the House. It cannot be said that this power is merely nominal and is expended when he has completed the roll. It is a vitally pratical power. It has played an important and controlling part in the organization of this House, and has been on more than one occasion instrumental in shaping the legislation of Congress. It was by the exercise of this power of the Clerk to decide who were, *prima facie,* the regularly-elected members, that, within a few years past, the delegations from all the States in one entire section were excluded from seats in Congress.

Now, sir, the Clerk has made his decision as to the *prima-facie* right in this case. The tribunal to which the law of the land has referred these questions of *prima-facie* right has made its decision, and has announced to the House that, there being two sets of credentials from West Virginia, purporting to come from the same authority, in the same language, there is no *prima-facie* case, and no one is entitled, *prima facie,* to a seat upon this floor; and he refers it to this House for investigation.

I do not wish to be understood as intimating that this law can limit the constitutional power of the House to judge of the election of its members. Its power is plenary, and it can, if it chooses to reverse the decision of the Clerk, do so. What I mean to say is that the decision of the Clerk in this case furnishes record evidence that there

is a controversy affecting the *prima-facie* right to be sworn in, which the Clerk has remitted to this House for investigation. What is the duty of the House under these circumstances?

In such cases the practice of this House has been so uniform and the precedents have been so numerous that they may be considered to have hardened into parliamentary custom and law; and that is to refer to the Committee on Elections for investigation as well the question of the *prima-facie* right, as the question of the merits of the controversy. The great New Jersey case, in 1839, was a case of this sort.

In this notable and leading case two delegations presented themselves; one with the certificate of the governor of the State, the other with the certificate of the secretary of state of New Jersey. After a debate, covering nearly two weeks, the House refused to permit either set of contestants to be recognized as members, but referred the matter to a committee, which, in an elaborate report, decided in favor of the *prima-facie* right of the delegation bearing the certificate of the secretary of state. Since the war there have been up to 1870, five cases in which the House was called upon to decide the question as to which of the rival claimants for the seat in dispute had the *prima-facie right* thereto, pending the contest.

In the case of Coffroth and Koonst, each party presented a certificate of his election. Each certificate was signed by a different set of return judges, the only question being which was the legal certificate.

The question of the *prima-facie* right of the claimants to the disputed seat was referred to the Committee on Elections for consideration and action.

The other cases I have not time to refer to; but the action of the House was the same as that in the cases I just cited, and the reverse of the course proposed in this resolution.

In the few moments allowed me I can advert to but one more objection to this resolution which strikes my mind as conclusive. I admit, Mr. Speaker, that in many cases the distinction on which gentlemen insist, between the right of a person to be sworn in on the face of his regular certificate, signed by the proper authority, and the right of permanent membership, which, in case of a contest, may be developed by proof exists.

As a general rule it is a well-recognized distinction; but in this case it does not exist practically; for both rights rest precisely on the same ground.

The subtle and refined considerations so ably and clearly presented by a gentleman, whom I have not the pleasure of knowing, on the other side, and to whom I cannot, therefore, refer more definitely, (I am just informed it is Mr. E. R. HOAR, of Massachusetts,) bear directly on the merits of the controversy, and, if well-founded, will be decisive of the final result.

The propositions of gentlemen that a convention convoked by a Legislature to form the fundamental law of a State government is itself an unlimited Legislature, and can enact statutes as well; that convention of West Virginia did fix the day of election for Congressmen, and that this party who now seeks to be sworn in was elected on that day, these and the other constitutional propositions which have been urged to make out the *prima-facie* case of this party, bear directly on the *merits* of the case and will, if passed upon now, control finally the rights of the contestant to the seats in dispute.

The House cannot decide the question of the *prima-facie* right without prejudging the merits of this contest; for in this case the rights rest on the same ground, and cannot be severed. These grave and perplexing constitutional questions, amid the intricacies of which gentlemen thread their way so cautiously, and on which so much difference of opinion has been expressed, not only in this debate but also by the most eminent writers on public law, should not be hastily decided on a question preliminary to the real investigation of the case.

[Here the hammer fell.]

Mr. CESSNA. I now call the previous question.

Mr. SCOFIELD. Will the gentleman allow a motion to refer before the previous question is ordered?

Mr. CESSNA. I decline to allow any amendments.

Mr. SCOFIELD. I desire to make a parliamentary inquiry. Is there any way to reach a motion to refer except by voting down the previous question?

The SPEAKER. The Chair presumes that the gentleman from Pennsylvania knows the effect of the rules in regard to that as well as the Chair does himself. [Laughter.]

Mr. SCOFIELD. But perhaps there are other members who do not know.

The SPEAKER. The Chair will state that, should the previous question not be seconded, it would then be in order to move a reference, or any amendment.

The question was taken on seconding the call for the previous question; and there were—ayes 54, noes 109.

So the previous question was not seconded.

Mr. SCOFIELD. I now move to refer the resolution to the Committee on Elections; and on that motion I call for the previous question.

The previous question was seconded, and the main question ordered; and under the operation thereof the resolution was referred to the Committee on Elections.

Mr. SCOFIELD moved to reconsider the vote by which the resolution was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. RANDALL. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour will now begin.

Mr. COX. Would it be in order to raise a question of privilege?

The SPEAKER. It would.

Mr. DAWES. Will the gentleman yield to me for a moment, to allow me to introduce a bill for reference?

Mr. COX. I yield to the gentleman.

REDEMPTION OF LOAN.

Mr. DAWES, by unanimous consent, introduced a bill (H. R. No. 1) to provide for the redemption of the loan of 1858; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. NIBLACK. I ask the gentlemen from New York to yield to me, to allow me to introduce a bill.

Mr. RANDALL. I insist on the regular order.

LOUISIANA CONTESTED ELECTION.

Mr. COX. As a question of privilege, I move the following resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved. That the name of E. C. Davidson be placed upon the rolls as a Representative from the fourth district of Louisiana.

Mr. COX. I also send to the Clerk's desk the certificate of the governor of Louisiana which is in the same form as the certificates which have been read heretofore; also a certificate dated the 4th day of February, 1873, from the acting secretary of state, which shows that in the fourth congressional district Mr. Davidson received 14,321, and his opponent Mr. Peters 10,566 votes. The certificate bears on its face the great seal of the State of Louisiana. I do not ask to have this document read, but I ask that by unanimous consent, it be printed in the CONGRESSIONAL RECORD.

There was no objection, the certificate and extract from election returns are as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, December 4, 1872.

This is to certify, that at a general election held on the 4th day of November, A. D. 1872, E. C. Davidson received fourteen thousand three hundred and twenty-one votes, and Samuel Peters received ten thousand five hundred and seventy-one votes.

Now, therefore, I do hereby declare E. C. Davidson duly elected to represent the fourth congressional district of the State of Louisiana in the Forty-third Congress of the United States.

Given under my hand and the seal of the State, this 4th day of December, A. D. 1872, and of the Independence of the United States of America the ninety-seventh.

[SEAL.] H. C. WARMOTH.

By the governor:
Y. A. WOODWARD,
Assistant Secretary of State.

Extract from compiled returns of an election held in the State of Louisiana, for Congressmen, on the 4th day of November, A. D. 1872, pursuant to the provisions of an act entitled "An act to regulate the conduct and to maintain the freedom and purity of elections," &c., approved March 16, 1870.

Fourth Congressional District.

Parishes.	LONG TERM.				SHORT TERM.	
	E. C. Davidson.	Samuel Peters.	I. S. U. Wells.	Frank Morey.	Harry Loet.	Alex. Boarman.
Avoyelles	1,795	1,370	.....	1,370	.....	1,796
Bossier	953	554	.....	554	.....	948
Caddo	1,790	1,577	.....	1,571	.....	1,766
De Soto	1,448	446	.....	446	.....	1,445
West Feliciana	248	1,457	.....	1,458	.....	249
Grant	511	400	.....	402	.....	513
Natchitoches	1,246	541	.....	543	.....	1,246
Point Coupée	1,097	1,592	.....	1,592	.....	1,097
Red River	361	913	.....	913	.....	361
Rapides	1,928	976	228	1,161	.....	2,003
Sabine	789	53	.....	60	.....	767
Vernon	661	18	21	16	.....	708
Webster	941	622	.....	622	.....	941
Winn	544	47	.....	19	37	537
Total	14,312	10,566	249	10,727	37	14,377

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, La., February 4, 1873.

I hereby certify that the foregoing is a true copy from the compiled returns of the board of returning-officers duly constituted under the provisions of the act No. 98 of 1872, approved November 20, 1872, and which returns were duly promulgated in the New Orleans Picayune of January 22, 1873.

Witness my hand and the seal of the State of Louisiana, this 4th day of February, A. D. 1873, and of the Independence of the United States the ninety-seventh.

WALTER S. LONG,
Acting Secretary of State.

Mr. COX. Now, Mr. Speaker, having obtained the consent of the House that those papers shall appear in the CONGRESSIONAL RECORD to-morrow, so that they may be read by gentlemen if no vote shall be taken, I beg to say that this case is distinguished from the cases we decided yesterday. The difference is that the opponent of Mr. Davidson (Mr. Peters) died after the election. Perhaps he received a certificate. I do not know as to that; but he is dead, and there is no certificate in his favor here; or at least none is presented. There has been an election ordered since that time to fill that supposed vacancy. Mr. Smith was elected, as reported in the papers. I am stating all the facts. The vote has not yet been compiled. There has not been time since the election to have it done. But I claim that the certificate I have presented makes a *prima-facie* case, no other certificate being presented here. Hence it differs from the cases yesterday, in which, as all the gentlemen who discussed those cases confess, there were two certificates from two conflicting governments in Louisiana. I much fear me that the House seems to have decided as to the validity of the certificates yesterday more by party bias than by a fair judgment, influenced by their preconception of the validity of the two conflicting governments.

I am inclined to think that what the gentleman from Massachusetts [Mr. DAWES] once said in a public lecture in reference to the partisan judgment of the House of Representatives as to the qualification of its members, is especially applicable to the action of the House of Representatives yesterday.

Mr. HALE, of Maine. I wish to raise the question of consideration at this time of this matter, if it is to take up much time. It is interrupting the morning-hour business with a question of privilege.

Mr. COX. I suppose if the gentleman from Maine [Mr. HALE] had his own case at stake, he would not be so very particular to shut out a member who was duly elected to a seat in this House.

Mr. HALE, of Maine. Does the gentleman propose to take up much time in this case?

Mr. COX. I am trying to make my statements compact. So far as I am concerned I will eliminate from the discussion all the matters which were discussed yesterday.

Mr. HALE, of Maine. The gentleman can answer my question. If this is to take but a short time I will not raise the question of consideration.

Mr. COX. Suppose it takes an hour; what are you going to do about it?

Mr. HALE, of Maine. The morning hour was announced by the Chair, and I want the morning-hour business to go on.

Mr. COX. I do not know what the object of the gentleman is. What does he propose by going on with the business to-day?

Mr. HALE, of Maine. I will tell the gentleman plainly what I propose. As I understand, the morning hour is devoted to the call of States; that will bring up at some stage a call of States for the introduction of bills to be put upon their passage. I want at the earliest moment possible, and that is what I am now seeking, to bring before this body a bill which has been elaborately prepared by a committee of a portion of this House for the repeal of the increase of salaries. That is why I raise the question of consideration.

Mr. COX, If the gentleman from Maine [Mr. HALE] has put his money back into the Treasury as I did, it will keep there until to-morrow morning, [Laughter.]

Mr. HALE, of Maine. I propose to let it stay there.

Mr. COX. I know as well as the gentleman the meaning of this great desire for immediate consideration of business. But the matter to which he refers, though bad enough, is a mere pecadillo compared with the spoliation of great States like Louisiana. And, if the gentlemen understood it right, he would not ask me to give way for a matter which can be disposed of as well to-morrow, and which I will help him to dispose of; ay, and go even further, perhaps than he proposes to go; for I desire to repeal all increase of salaries.

The SPEAKER. It is too late now to raise the question of consideration, after gentlemen have proceeded to debate the question. The Chair will have the rule read, which it may be well for gentlemen to attend to.

The Clerk read as follows:

When any motion or proposition is made, the question "Will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker.—*Rule* 41. And it is competent for a member to raise the question of consideration upon a report, even though a question of privilege is involved in the report.—*Journal*, 1, 35, *pp.* 1083-1085. But after a question has been stated, and its discussion commenced, it is too late to raise the question of consideration.

Mr. HALE, of Maine. Has this question been stated to the House? I was aware of no resolution sent to the Clerk's desk, though it was stated that there was one.

The SPEAKER. A member may call up a subject for consideration although there may be no resolution presented; and if a member has the floor sufficiently long to commence the discussion of that subject, that precludes any other member from raising the question of consideration, for that must be done at the very outset.

Mr. HALE, of Maine. Upon the disposal of this case will the morning hour begin?

The SPEAKER. The morning hour comes up upon the call of the regular order, immediately upon the disposition of this case.

Mr. BUTLER, of Massachusetts. Unless some other question of privilege comes up.

The SPEAKER. Unless some other question of privilege should be raised to postpone it again.

Mr. COX. If the gentleman from Maine [MR. HALE] had brought forward his bill in some form before we disposed of the other Louisiana cases, it might have been in much better taste. But to cut off this remaining case from our side, I do not propose to interfere with his business, nor with that of his caucus, nor with that of any caucus, if you please. Nor do I propose to discuss this Louisiana question very long. I will eliminate from it all the matters relating to the State government there, all the questions relating to the character of Judge Durell's acts; all questions relating to the usurping character of either one or the other of those State governments—in fine, all those matters of con-troversy which go to the status of the State government, under one form of government or the other. Then I will come down at once, if uninterrupted, to this points of this case, not presented yesterday.

I will remark, however, that I do not agree with the gentleman from Indiana, [Mr. WILSON,] who spoke here yesterday, that the government of Louisiana, which was "recognized by the Government of the United States," is *therefore* the lawful government there. That would be a very strange doctrine in this House. Are we not arguing upon the constitution of the Legislature? Must we give to the Federal Government here, and to the executive portion of it, the power to recognize a government in the Southern States, or in any other States? Would it not choose its own friends? Would it not give to that government the power to make out credentials, to constitute the Legislature, and therefore to establish the two powers, legislative and executive?

The argument, therefore, on that head goes to the very question of tyranny. It is compounding power. It is consolidation. I do not propose to discuss it fully now; but it was generally agreed by men on both sides of the House yesterday that there were two *prima-facie* cases growing out of the certificates. In this case there is but one. Unless gentlemen can bring Mr. Peters from the grave, and let his skeleton hand present his credentials, the question here rests upon one simple certificate; that of the governor, backed up by the certificate of the secretary of state, giving the votes, and all the subsequent proceedings.

As to the election last November, I can show *aliunde*, if I must go outside of the *prima-facie* record, that that election was utterly null and void, on the principle laid down yesterday by the gentlemen on the other side. It is, therefore, not to be considered in determining the question of a contest here.

Mr. MOREY. I would like to ask the gentleman from New York what course he proposes to pursue in this matter. Does he propose to divide the time between his side and ours? In other words, is he willing to make any arrangement?

Mr. COX. I shall have no time to divide if the gentleman interrupts me in this way.

Mr. MOREY. I do not wish to interrupt the gentleman, but to get an answer to my question.

Mr. COX. I presume that the gentleman's side of the House will have control of the time as they had yesterday. When the gentleman from Massachusetts [Mr. BUTLER] moved this morning to lay the Pinchback case on the table, I did not know but that the gentlemen on that side had so changed their minds after sleeping over the subject, and perhaps praying over it, [laughter,] that we might save one member from Louisiana in an old democratic district; and especially as the man who recently ran against him was a Greeley man, and in about the same position as the competitor of the claimant, who is dead, and who was elected two years ago. [Laughter.]

Mr. MOREY. I would like to know whether my friend from New York proposes to have this matter discussed in a particular order. Does he propose to give this side of the House any particular length of time, or to occupy on the other side any particular length of time; or does he wish the House to have control of that matter?

Mr. COX. I never believed much in the previous question. I believe in the largest discussion. I believe that if we had discussed this Louisiana question last session, these outrages on the people there would not have continued; that even the "grangers" would have taken up the question as involving their water communication, since you have obstructed the mouth of the Mississippi by your bad government.

But this is all irrelevant. The gentleman is drawing me away from the point I wished to make. I hold that even if Mr. Smith, said to have been recently elected, should present his credentials; even if the votes are all ready, all compiled—(and the gentleman from Massachusetts [Mr. BUTLER] may be reading them over now for all I know)—I hold that that election was utterly null and void by the laws of Louisiana; for the law of that State requires——

Mr. MOREY. Will the gentleman from New York be kind enough to answer my question directly? Does he propose any arrangement in regard to the division of time for the discussion of this case?

Mr. COX. I hope the gentleman may get a day to speak on this question. I propose to speak, perhaps, a portion of an hour. If I finish before my hour expires, I will yield to the gentleman from Louisiana, [Mr. MOREY.]

Mr. MOREY. Does the gentleman propose that we shall occupy an hour?

Mr. COX. I have no control of that question, as the gentleman knows.

Mr. MOREY. Then does the gentleman wish to make any arrangement, or does he wish the House to take control of the question?

Mr. COX. I want to make my speech without interruption. [Laughter.]

Mr. Speaker, I hold in my hand a digest of the statutes of Louisiana, from which I read the following provisions of the election law:

SEC. 26. All elections held in this State to fill any vacancies shall be conducted and managed, and returns thereof shall be made, in the same manner as is provided for general elections.

SEC. 34. In case of vacancy, by death or otherwise, in said office of Representative in Congress, between the general elections, it shall be the duty of the governor, by proclamation, to cause an election to be held according to law to fill the vacancy.

SEC. 39. It shall be the duty of the governor, at least six weeks before every general election, to issue his proclamation, giving notice thereof, which shall be published in the official journal of the State, and copies thereof forwarded to the several supervisors of registration throughout the State.

SEC. 40. Notice of every general election held under the provisions of this act shall be given at least thirty days before the election, by notices posted up in each precinct; or, if there be an official newspaper published in the parish, by publishing the notice in such paper.

That law required that at the recent election there should be six weeks' proclamation. It required that thirty days' notice should be given to the voters of the precinct. I hold here the writ of election from the acting governor.

It is as follows:

WRIT OF ELECTION—FOURTH CONGRESSIONAL DISTRICT.

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, October 27, 1873.

Whereas by the Constitution of the United States and the laws of the State of Louisiana, it is made the duty of the executive authority, whenever any vacancy shall happen in the representation to Congress from the said State, to issue a writ of election to fill such vacancy;

Whereas a vacancy has occurred in the representation to Congress from the fourth congressional district of the State of Louisiana, by the death of Samuel Peters, member-elect to the Forty-third Congress from the said district:

Now, therefore, I, C. C. Antoine, lieutenant-governor and acting governor of the State of Louisiana, do issue this my proclamation, designating Monday, the 24th day of November, 1873, as the day for the election of a Representative to the Congress of the United States from the fourth congressional district of the State of Louisiana; and I hereby direct all supervisors of registration, and other officers, of the parishes of West Feliciana, Point Coupée, Avoyelles, Rapides, Sabine, Natchitoches, De Soto, Caddo, Bossier, Winn, Grant, Red River, Webster, and Vernon, forming said congressional district, to take all necessary steps for the holding of said election in accordance with the laws of this State and of the United States.

Given under my hand and the seal of the State, hereunto attached, this 27th day of October, A. D. 1873, and of the Independence of the United States of America the ninety-eighth.

[SEAL.] C. C. ANTOINE,
Lieutenant-Governor and Acting Governor of Louisiana.

By the acting governor:
P. G. DESLONDE,
Secretary of State.

That writ of election of Acting-Governor Antoine, dated October 27, 1873, fixed the time of election on the 24th day of November, 1873—hardly twenty-eight days, counting both outside days; really about twenty-six days; so that it violated the law. They have not, in truth, elected any one in place of this man who died, provided he himself was elected. They are not certainly, therefore, in condition to oppose the *prima-facie* certificate brought here by my friend Mr. Davidson.

Now, do gentlemen wish to sustain an election like this? Here are the papers; there is the law. The law is express. If you undertake to send this case to the committee for examination into this law, you do just exactly what was said yesterday you should not do; for by examination of the statute itself you find the election is absolutely null and void for lack of this notice. So there is no reason to be urged why this certificate of *prima-facie* election should not be received now, and the member seated under it.

I may say also, with respect to the gentleman who asks to have his seat, that at the recent election at Shreveport, the fourth congressional district of Louisiana, no one on his side voted—although it is the old democratic Gibraltar of Louisiana—that no one voted on the democratic side; while the man who ran against him, having been a Greeley man, who two years before voted for this claimant, is not in any condition, therefore, to appeal to any party feeling on either side. This is exactly a case where gentlemen can exercise unbiased, unpartisan judgment. My friend gave notice to every one on November 14, 1873, that his record was made up, and that he left the matter to Congress on his *prima-facie* certificate. There he stands now; and I hope he will be accorded the pleasure and privilege which he deserves of taking a seat in our midst.

Mr. PARSONS. Will the gentleman allow me to ask him a question?

Mr. COX. Certainly.

Mr. PARSONS. There are many of us who desire to understand the exact *status* of this gentleman. If he has no competitor, and has the *prima-facie* certificate, then let the fact be stated.

Mr. COX. Will you vote for him if he has no competitor here?

Mr. SYPHER. I wish to say that he has a competitor here.

Mr. COX. I do not know that.

Mr. SYPHER. You will hear from him.

Mr. BUTLER, of Massachusetts. Let the paper which I send up be read.

The Clerk read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, November 29, 1873.

Be it known that, at a special election, begun and held on the 24th day of November, anno Domini 1873, for member of Congress to fill the vacancy occasioned by the death of Samuel Peters, member-elect of the Forty-third Congress, in pursuance of a proclamation dated October 27, 1873, by the acting governor of the State, the whole number of votes cast was 13,897. George L. Smith received 13,897 votes.

Now, therefore, I, William P. Kellogg, governor of the State of Louisiana, do hereby certify that George L. Smith received a majority of the votes cast at said election, and is duly and lawfully elected to represent the fourth congressional district of the State of Louisiana, in the Forty-third Congress of the United States of America.

Given under my hand and the seal of the State the 29th of November, 1873, and of the Independence of the United States of America the ninetieth.

[SEAL.] WILLIAM P. KELLOGG.

By the governor:
P. G. DESLONDE,
Secretary of State.

Mr. COX. What is the date of that certificate?

Mr. BUTLER, of Massachusetts. November 29, 1873.

Mr. COX. Was it made here in Washington or in New Orleans?

Mr. BUTLER, of Massachusetts. Not being made by a democratic governor I presume it was made in New Orleans. [Laughter.]

Mr. COX. I know this gentleman was once in that party.

Mr. BUTLER, of Massachusetts. Yes, I was; and understand all about it. [Laughter.]

Mr. COX. This district is eight hundred miles long and they could not have made this canvass in that time, and then brought this certificate to Washington, from New Orleans.

I will commend to the gentleman from Louisiana, or rather to the gentleman from Massachusetts, [Mr. BUTLER,] who has been some time in Louisiana, and who seems to know the fashion of doing things down there so well, the question, whether he believes it possible to make that certificate, since this election, from returns of an election district, eight hundred miles long, without railroads? Why, there was no pretense of having that vote compiled, before the gentleman whom he now seeks to have seated, left there. I showed him a moment ago, and it is exactly in harmony with the argument made by the gentleman and others yesterday, that this election was not at all in conformity with the statutes of the State, on account of the absence of a proclamation. It was, in fact, a part of that general system of usurpation in Louisiana, a part of that general system, by which that State has been treated worse than by a rebellion. Why, sir, rebellion, when it is unsuccessful, is called so always in history; but a rebellion which is successful, like this usurpation, has been very aptly described in a book which I have here before me, and which I will read for the information of the gentleman from Massachusetts, [Mr. BUTLER.] I will ask him to guess who is the author when I get through. Speaking of a rebellion he says:

These observations might be exemplified by numerous instances in the history which led to them; and without them it is impossible to understand in any sort the general character of the chief actors in it who were engaged in the black design of subverting the constitution of their country. This they completed with the most enormous act of mere power, in defiance of all laws of God and man, and in express contradiction to the real design and public votes of that assembly whose commission, they professed, was their only warrant for anything they did throughout the whole rebellion. Yet, with unheard of hypocrisy toward men, toward God, and their own consciences—for without such a complication of it their conduct is inexplicable—even this action, which so little admitted of any cloak, was, we know, contrived and carried into execution under pretenses of authority, religion, liberty, and by profaning the forms of justice in an arraignment and trial like to what in regular legal proceedures. No age, indeed, can show an example of hypocrisy parallel to this. But the history of all ages and all countries will show what has been really going forward over the face of the earth to be very different from what has been always pretended; and that virtue has been everywhere professed much more than it has been anywhere practiced; nor could society, from the very nature of its constitution, subsist without some general public profession of it.

And who does the gentleman from Massachusetts think laid down that very sensible doctrine? Did he have Louisiana in his prophetic mind? Why, his name is Butler. [Laughter.] Dr. Joseph Butler, a good man, the learned bishop of the "Analogy." He was a Christian, though not a statesman. He did not present, perhaps, the combined character of a Christian statesman. But he laid down for all time the doctrine that men who profess more than they practice, are, though indispensable, to be reprobated. Now, what have we seen here? Gentlemen, in the name of law, in the name of justice, in the name of liberty, and under the color of law, have prevented the people of Louisiana from maintaining their rights. They have outraged every form of human society in that State. These oppressed people ask only for their rights. They have no voice on this floor. Give them, gentlemen on the other side, justice by your votes. Especially at this time of political independence, when men are breaking up, as your President has said, old party organizations; when men are caring for the Mississippi River as well as for other water-courses; when men are anxious to see something of the old order restored in the South, give these people a fair opportunity to be heard in the person of the representative of one of their districts at least, who brings a *prima-facie* certificate, who has no real contestant except a dead man. Give the other side in the State one chance to be heard here, when you have given the opportunity for your side to be heard by the men you admitted yesterday.

Mr. BUTLER, of Massachusetts, obtained the floor, and said: I desire to yield a moment to my friend from Louisiana [Mr. MOREY] to offer an amendment.

Mr. MOREY. I offer the following as a substitute for the resolution submitted by the gentleman from New York, [Mr. COX:]

Resolved, That the name of George L. Smith be placed upon the roll, as the Representative from the fourth congressional district of Louisiana.

Mr. BUTLER, of Massachusetts. I now ask the Clerk to read the certificate, in favor of Mr. Peters, which I send to the desk.

The Clerk read as follows:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT.
New Orleans, December 30, 1872.

Be it known that at an election begun and held on 4th day of November, A. D. 1872, for members of Congress, S. Peters received thirteen thousand seven hundred and eighty-seven votes, and E. C. Davidson received seven thousand seven hundred and fifty-two votes.

Now, therefore, I, P. B. S. Pinchback, acting governor of the State of Louisiana, do hereby certify that S. Peters received a majority of the votes cast at said election, is duly and lawfully elected to represent the fourth congressional district of the State of Louisiana in the Forty-third Congress of the United States.

Given under my hand and the seal of the State, this 13th day of December, A. D. 1872, and of the Independence of the United States the ninety-seventh.

[SEAL.] P. B. S. PINCHBACK.

By the acting governor:

E. B. MENTZ,
Assistant Secretary of State.

Mr. BUTLER, of Massachusetts. The case is precisely this: The certificate of Mr. Peters was exactly like that of Mr. SHELDON and that of Mr. SYPHER, whom the House seated last night. Mr. Peters died, of the yellow fever I believe, at Shreveport. Mr. Smith was duly put in nomination, and elected unanimously, the other side not thinking it quite worth while to brave the dangers of the yellow fever; and his certificate came to me to-day. I was notified by the delegation that it was on the road, but I could not get it in season to include the case in yesterday's resolution. Therefore, the case of Mr. Peters was decided yesterday, when we decided the cases of Mr. SYPHER and Mr. SHELDON; and his successor duly presenting a certificate in due form from the governor, recognized by the executive department of the Government, now presents his certificate. And it is the only one which has any validity.

The certificate of Mr. Davidson was dated on that famous 4th of December before the record was made. It is a plain case before the the House. There can be no dispute about it. If Mr. Peters had been alive, he would have stood beside Mr. SHELDON and Mr. SYPHER yesterday. He died, and another member has been elected in his place, and his *prima-facie* certificates are on the table of the Speaker, and have been read to the House. Therefore, I trust the House, having fully discussed the whole question, will now come to a vote, and that it will vote for the substitute of the gentleman from Louisiana [Mr. MOREY] that Mr. Smith is entitled to be admitted to the seat. I do not think it worth while to go into the discussion of this subject, although there are many things in the speech of my friend from New York [Mr. COX] to which I would have liked to call attention, especially to that remark which, I think, must have fallen from his lips inadvertently, that he desired to restore the old order of things. I can not believe that of him.

Mr. COX. That was when you were a Democrat, before the rebellion.

Mr. BUTLER, of Massachusetts. No; "the old order of things."

Mr. COX. The old State-rights doctrine that you indorsed at Charleston, when you voted for Davis and the rest.

Mr. BUTLER, of Massachusetts. I never held up the State-rights doctrine that a State could do wrong. That is "the old order of things" that I do not want to see restored. But I will not trifle with the House upon this subject. It is a grave matter of constitutional privilege. A party presents himself here with a certificate in due form; he has the *prima-facie* evidence of a right to a seat here, and by the decision of the House yesterday he is entitled to his seat. I call the previous question on the resolution and amendment.

Mr. RANDALL. I desire to make a parliamentary inquiry. When will it be in order to move to refer this matter to the Committee on Elections?

The SPEAKER. That motion will be in order, should the House refuse to second the demand for the previous question.

The previous question was then seconded and the main question ordered.

The first question was upon the amendment moved by Mr. MOREY, to substitute the name of George L. Smith for that of E. C. Davidson, as having the *prima-facie* right to a seat as the Representative from the fourth district of Louisiana.

The question was taken, and upon a division there were—ayes 81, noes 78.

Before the result of the vote was announced, Mr. SPEER called for the yeas and nays.

The yeas and nays were ordered.

The question was again taken, and there were—yeas 161, nays 94, not voting 26; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barry, Bass, Begole, Biery, Bafflinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Joseph G. Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Crocker, Crooke, Crutchfield, Curtis, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnel, Eames, Elliott, Farwell, Foster, Frye, Garfield, Gooch, Gunckel, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Hubbell, Hunter, Hurlburt, Hyde, Kasson, Kellogg, Kelley, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McJunkin, McKee, McNulta, Mellish, Merriam, Monroe, Moore, Morey, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Henry B. Saylor, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, John Q. Smith, Snyder, Sprague, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Thomas, Todd, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Wilber, George Willard, John M. S. Williams, William Williams, William B. Williams, James Wilson, and Jeremiah M. Wilson—160.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crossland, Davis, De Witt, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Herndon, Hunton, Jewett, Kendall, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Niblack, Niles, O'Brien, Hosea W. Parker, Perry, Phelps, Potter, Randall, Rawls, Read, Robbins, William R. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Sener, Sloss, William A. Smith, Southard, Speer, Stanard, Standeford, Stone, Storm, Swann, Vance, Waddell, Wells, Whitehead, Whitehouse, Whithorne, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodford, John D. Young, and Pierce M. B. Young—95.

NOT VOTING—Messrs. Barrere, Clinton L. Cobb, Crounse, Danford, Field, Fort, Freeman, Eugene Hale, Hereford, Holman, Howe, Hynes, Killinger, Nesmith, Parsons, Pelham, James W. Robinson, Sheats, H. Boardman Smith, J. Ambler Smith, Stephens, Thornburgh, Waldron, Charles W. Willard, Charles G. Williams, and Woodworth—26.

So the amendment was agreed to.

The motion as amended was then adopted.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GEORGE L. SMITH then presented himself, and qualified by taking the oath prescribed by the law of July 2, 1862.

Mr. BUTLER, of Massachusetts, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the credentials of Effingham Lawrence of the first district, Lawrence J. Gibson of the second district, and E. C. Davidson of the fourth district, and of P. B. S. Pinchback, and George A. Sheridan, Representatives at large from the State of Louisiana, claimants of seats in this House, be referred to the Committee on Elections, with instructions to report upon the merits of the several cases as early as may be.

CONTESTED-ELECTION CASES.

The SPEAKER laid before the House testimony and papers in the following contested-election cases; and the same were referred to the Committee on Elections:

Arkansas—first congressional district	L. C. Gause *vs.* Asa Hodges.
Arkansas—second congressional district	M. L. Bell *vs.* O. P. Snyder.
Arkansas—third congressional district	T. M. Gunter *vs.* W. W. Wilshire.
Georgia—first congressional district	Andrew Sloan *vs.* Morgan Rauls.
Georgia—second congressional district	Marion Bethune *vs.* Henry R. Harris.
Indiana—ninth congressional district	John P. C. Shanks *vs.* John E. Neff.
Kentucky—tenth congressional district	John M. Burns *vs.* John D. Young.
Virginia—fifth congressional district	C. Y. Thomas *vs.* Alex. M. Davis.
Utah	George R. Maxwell *vs.* George Q. Cannon.

ORDER OF BUSINESS.

Mr. KILLINGER. I move that the House adjourn.

Mr. HALE, of Maine. I rise to a parliamentary inquiry.

Mr. KASSON. The gentleman from Pennsylvania [Mr. KILLINGER] yields to me, I understand, that I may make a proposition to the House.

The SPEAKER. The Chair will hear the parliamentary question of the gentleman from Maine.

Mr. HALE, of Maine. If the proposition to adjourn be voted down, will the House at once come to a call of States for bills for action?

The SPEAKER. It will, if the regular order should be demanded.

Mr. HALE, of Maine. Then I hope we shall not adjourn.

Mr. KASSON. The gentleman from Pennsylvania, who holds the floor on the motion to adjourn, has consented to yield to me for a purpose which I think will not be objected to. It is to introduce a

bill which has been referred to as prepared under the instructions of a conference of a portion of this House. I desire that this bill may be printed; and, in connection with it, I ask that the same leave be given as to the other bills on the subject of salary, of which notices have been given by several gentlemen. It is thought this arrangement will be satisfactory.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] asks unanimous consent that a bill which he holds in his hand in relation to the repeal of the increase of salaries may be printed, and that gentlemen who have given notice of their intention to introduce bills on the same subject may have the same privilege. Is there objection?

Mr. BUTLER, of Tennessee. I call for the regular order.

The SPEAKER. The regular order being demanded, it is equivalent to an objection.

Mr. KASSON. I will only say that I propose to transfer the bill to the gentleman from Maine, whose State will be first called.

The question being taken on the motion to adjourn, the Speaker declared that the ayes appeared to prevail.

Mr. HALE, of Maine. I call for the yeas and nays.

The yeas and nays were not ordered, there being—ayes 24, noes not counted.

So the motion was agreed to; and accordingly (at 4 o'clock p. m.) the House adjourned.

PETITIONS.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ARCHER: The petition of F. O. Wyse, late lieutenant-colonel of Fourth Regiment United States Artillery, requesting the restoration of certain rights denied to him in 1862.

By Mr. BUFFINTON: The petition of William T. Smith, Jonathan Bourne, jr., and Samuel Osborn, jr., New Bedford, Massachusetts, agents of the barks Midas, Progress, Lagoda, and the ships Daniel Webster and Lagoda, praying for relief.

Also, the petition of Joseph M. Caton and others, of Provincetown, Massachusetts, for indemnity for vessel taken by the Government.

Also, the petition of Captain H. N. Brightman, of Fall River, Massachusetts.

Also, the petition of Pelham Holmes for losses sustained by depredations committed by French vessels between the years 1793 and 1801.

Also, the petition of Samuel Flanders, of Chilmark, Massachusetts, for moneys expended on property belonging to the United States.

Also, the petition of Mrs. Penelope T. Heald, of Somerset, Massachusetts, praying for a pension.

Also, the petition of Robert Loper and others, of Massachusetts, for indemnity for vessel taken by the Government.

Also, the petition of H. E. Tinkham, of Freetown, Massachusetts, praying to be placed on the retired list of the Navy.

Also, the petition of Clarissa Whitney, of Fall River, Massachusetts, praying for a pension.

Also, five petitions of citizens of Massachusetts, praying for an appropriation for the improvement of the harbor of Cuttyhunk.

Also, the petition of citizens of Massachusetts, praying for an appropriation for the improvement of Plymouth Harbor.

Also, petitions of citizens of Fairhaven and New Bedford, in behalf of underwriter claimants, against exclusion from their just participation in the damages awarded by the Geneva Tribunal.

By Mr. CLARK, of Missouri: The petition of Frank M. Lewis, late captain of Company I, Fifty-third Regiment Ohio Volunteer Infantry, for reimbursement of money illegally paid to Union National Bank, New York, by the Assistant Treasurer of the United States at New York.

By Mr. DURHAM: The petition of R. C. Caffey, of Russell, Russell County, Kentucky, asking compensation for goods taken by the Union soldiers in 1862.

Also, the petition of Daniel Suddath, praying for a pension for services in the war of 1812.

Also, the petition of Daniel Suddath, of Adair County, Kentucky, asking for a pension for disability contracted during the war of 1812.

By Mr. McCRARY: The petition of Russell Smith, praying for a pension.

Also, the petition of George McNeeley, praying for a pension.

Also, memorial of Eleanor McGugin, widow of Dr. D. L. McGugin, praying for an act of Congress granting her back pension.

Also, petition of Elizabeth McKenney and others, praying an amendment of the pension laws.

Also, memorial of S. F. M. Byers, United States Consul, praying for a change in the consular system of the United States.

By Mr. MAYNARD: The petition of the agent or attorney of the publishing house of the Methodist Episcopal Church South, and accompanying papers; and move they be referred to the Committee on Claims; and that the papers now on file in the same case be withdrawn and referred to the same committee.

By Mr. PACKARD: The petition of N. S. Miller, and many other citizens of Saint Joseph County, Indiana, asking for prepayment of newspaper postage, and the adoption of a new system for the determination of postmasters' salaries.

By Mr. TREMAIN: The petition of four hundred and thirty-one ship-owners and ship-masters, for the repeal of the shipping-act of June 7, 1872.

NOTICE OF A BILL.

By Mr. SMALL: A bill in relation to the franking privilege and free mail-matter.

IN SENATE.

THURSDAY, *December* 4, 1873.

Prayer by Rev. E. D. OWEN, of Washington.

The Journal of yesterday's proceedings was read and approved.

COLUMBIAN INSTITUTION.

The VICE-PRESIDENT, in compliance with the second section of the act of July 27, 1868, appointed Mr. EDMUNDS a director of the Columbian Institution for the Deaf and Dumb.

NEW MEXICAN LAND CLAIMS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior accompanying reports of the surveyor-general of New Mexico on the private land claims of Bartolome Marquez and Francisco Padilla, and of Juan Luis Ortiz; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. PRATT presented the petition of Ruth Ellen Greland, widow of John H. Greland, late captain Fourth Artillery United States Army, praying to be allowed a pension; which was ordered to lie on the table.

He also presented a petition of citizens of Noble County, Indiana, praying that James Dolan, late a private in Company F, Thirtieth Regiment Indiana Infantry, be placed on the pension list as an invalid soldier; which was ordered to lie on the table.

Mr. SPENCER presented the petition of W. A. Saylor, of Austin, Texas, praying that certain taxes collected on cotton, twice assessed and collected in 1867 and 1868, as shown by papers in the office of the Clerk of the House of Representatives, be refunded; which was ordered to lie on the table.

Mr. SUMNER. I have in my hand a petition which I am told has ten thousand signatures, asking for the enactment of the civil rights bill offered by myself. As this petition has so many signatures, I think I shall be pardoned if I read it; it is not long:

We ask it at your hands, because we are citizens of this free Republic, a part of the body-politic, and are deprived of rights and respect which are justly due us. We cannot travel upon the railroads, steamboats, or stages, without being subjected to inconvenience, proscription, and insult, and when we apply for accommodation at a public inn are refused.

We meet the greatest barrier when we present our children at the public schools and are rejected. All this, and more, we are compelled to endure because we are colored. We pray you to remove these hinderances, so that we may enjoy the common rights to which we are entitled as citizens, as tax-payers, and members of the human family. It is no special legislation in our behalf that we ask for, but we ask you to remove whatever legislation there is against us.

I move that this petition lie on the table.

The motion was agreed to.

Mr. HAMILTON, of Maryland. I present resolutions of the Board of Trade of the city of Baltimore, and desire them to be read.

The Chief Clerk read as follows:

Copy of resolutions on finance adopted by the Baltimore Board of Trade, on Monday, December 1, 1873.

Resolved, That the true interests of this country demand a return to specie payments at the earliest practicable period.

Resolved, That any further inflation of an irredeemable paper currency would postpone the period when a return to specie payments may be accomplished, and is, therefore, in the opinion of this board, inexpedient.

GEORGE U. PORTER,
Secretary of the Board.

The resolutions were ordered to lie on the table.

BILLS INTRODUCED.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 53) for the relief of Mary E. Purnell; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. BOREMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 54) to complete a water highway from tide-water on the James River to the Ohio River at the mouth of the Kanawha; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 56) for the relief of George Wright; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. STEVENSON asked, and by unanimous consent obtained,

leave to introduce a bill (S. No. 57) to remove all political disabilities; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 58) in aid of the execution of the laws in Utah, and for other purposes; which was read twice by its title, and ordered to lie on the table and be printed.

GOVERNMENT PROPERTY AT HARPER'S FERRY.

Mr. DAVIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to transmit to the Senate all the information in his possession in relation to the Government property at Harper's Ferry, West Virginia, including the sale thereof.

LOAN OF 1858.

Mr. SHERMAN. I ask the unanimous consent of the Senate to do what is perhaps an unusual thing; but I think the reasons for it which I can give will satisfy every member of the Senate. It is necessary during this week some time, or early next week, to pass a bill which has been sent to me from the Treasury Department and introduced also in the other House, to provide for the redemption of the loan of 1858. The reasons for it are given in the annual report of the Secretary of the Treasury. They also appear on the face of the bill. I have shown the bill to the members of the Committee on Finance, who are familiar with the subject, and I think there can be no doubt about the necessity of the passage of the bill very early. I should like to have it passed at once.

Mr. SUMNER. Why not have it read?

Mr. SHERMAN. Certainly I will let it be read, and then I will state the difficulty that arises.

The VICE-PRESIDENT. The bill will be read for information.

The Chief Clerk read the bill (S. No. 51) to provide for the redemption of the loan of 1858, as follows:

Be it enacted, &c., That for the purpose of redeeming the bonds issued under the act entitled "An act to authorize a loan not exceeding the sum of twenty millions of dollars," approved June 14, 1858, as amended March 3, 1859, called the loan of 1858, the Secretary of the Treasury may issue, in exchange for any of said bonds, an equal amount, at par, of 5 per cent. bonds of the funded loan, under the act for refunding the national debt, approved July 14, 1870, and the act amendatory thereof, approved January 20, 1871.

SEC. 2. That it is hereby declared to be the pleasure of the United States to pay such as the holders thereof may elect, within six months from said date, to exall the coupon bonds of said loan of 1858 on the 1st day of January, 1874, except change for 5 per-cent. bonds of the funded loan, with interest from said January 1; and money in the Treasury sufficient to carry into effect the provision of this act is hereby appropriated therefor.

Mr. SHERMAN. I ask the Secretary to read what is said by the Secretary of the Treasury in regard to this matter. It will explain briefly, if Senators will pay attention to it, the necessity for action now.

The Chief Clerk read as follows from the annual report of the Secretary of the Treasury:

LOAN OF 1858.

Under the provisions of the act of June 14, 1858, as amended by the act of March 3, 1859, (chapter 82, section 6,) the then Secretary of the Treasury contracted a loan of twenty million dollars, for part of which registered bonds were issued "redeemable at the pleasure of the United States at any time after the expiration of fifteen years after the 1st of January, 1859;" and for the balance and much larger part coupon bonds were issued "payable at any time after the 1st day of January, 1874, on presentation and surrender of the certificate at the Treasury of the United States."

It will be perceived that the two classes of bonds differ materially in phraseology as to the option of payment after January 1, 1874; but I am unable to discover, either from the act itself or from the records of the Department, that any difference in the contracts was intended, and it is presumed that the variation in language of the two classes of bonds was wholly accidental. Since the passage of the act of June 30, 1864, authorizing the Secretary of the Treasury to issue registered bonds of any loan in exchange for coupon bonds of the same loan, the coupon bonds of this loan to the amount of about $4,000,000 have been exchanged into the registered bonds, and the amount of each class now outstanding is $6,255,000 registered, and $13,745,000 coupon.

It is understood that some holders of the coupon bonds have regarded them as payable on the 1st of January next, or at any time after that date, at their option. Applications have been made to the Department for the privilege of exchanging coupon bonds for five per cent. bonds of the funded loan, which exchange the Secretary of the Treasury has now no authority to permit.

No appropriation has been made, either in the act authorizing the loan or in any subsequent act, for the payment of the principal; and no provision of law exists for determining the pleasure of the United States as to the time of payment of either class of bonds.

The attention of Congress is thus called to this loan, with the recommendation that such action in relation thereto may be taken, before the 1st day of January next, as Congress may deem wise and just.

Mr. SHERMAN. I can see no possible objection to this bill. It simply appropriates $20,000,000 to enable the Secretary of the Treasury to pay bonds maturing on the 1st of January. There is some conflict between the terms of the coupon bonds and the registered bonds, which makes it necessary for the United States to express its choice whether it will pay on the 1st of January or not. This will authorize the issue of an equal amount of 5 per cent. bonds under the law of 1870 in payment of the bonds issued under the act of 1858. It would be supposed, naturally, that the Secretary would have the authority to do that under the general provisions of law; but it seems the law of 1870 confined the exchange therein provided for to the issue of 5 per cent. bonds for the 5-20 bonds, which were not of the character and description mentioned in this bill. There can be no possible objection to the bill; and I therefore venture to ask the Senate to pass it now, without a formal reference.

Mr. MORRILL, of Vermont. It will strike Senators as quite obvious that there are only a few days left between this and the 1st of January; and while there are ample funds to pay these bonds that mature on the 1st of January, it would yet be far more convenient at the present time that the Secretary of the Treasury should have the power either to pay or to exchange them for 5 per cent. bonds, or other bonds with a longer time to run.

The PRESIDING OFFICER, (Mr. MORRILL, of Maine, in the chair.) The question is on the motion to take up the bill mentioned by the Senator from Ohio for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE CURRENCY.

Mr. FERRY, of Michigan. I move now that the Senate proceed to the consideration of the resolution which I introduced on Monday last.

The motion was agreed to; and the Senate proceeded to the consideration of the following resolution:

Resolved, That the Committee on Finance be instructed to consider the expediency of providing for a national system of banking and currency, in lieu of the present one, which shall embody the substantial features following, to wit:

First. Banking to be open and free to all, individuals and associations, without limitation of capital.

Secondly. The maximum currency circulation to be eight hundred millions of dollars, exclusive of fractional, and to be issued and authenticated solely by the Government, of uniform character, with "United States currency" imprinted on its face, made lawful money and a legal tender for all public and private dues, except duties on imports and interest on the public debt, and convertible on demand into Government bonds bearing interest at 3 65-100 of 1 per cent. per annum in currency.

Thirdly. The Government to issue bonds stamped "Currency bonds," of denominations of $100 and multiples, bearing interest at the rate of 3 65-100 of 1 per cent. per annum, convertible into currency on demand, and to be exempt from taxation by Federal, State, municipal, and local authority.

Fourthly. Substitution of United States currency for national currency, to be done at the convenience of the Government, without diminishing the volume of current circulation, and the bonds held for the security of the national currency to be adjusted with the banks by purchase or surrender. Substitution of United States currency for other existing forms in bringing about uniformity of currency, to likewise be done without lessening the current circulation.

Fifthly. For immediate relief to existing monetary stringency, the forty-four million Treasury reserve to be issued without delay, in the purchase of Government bonds bearing the higher rates of interest, and, as fast as practicable, additional purchases of like bonds to be made with United States currency, until the maximum circulation be reached.

Sixthly. Preparatory to withdrawal of the fractional currency, the Secretary of the Treasury required to make public designation of a period after which to begin the redemption, in silver, of denominations of twenty-five cents and under; also a second period designated at which to commence like redemption of the remaining fractional currency then in circulation, and all, when so redeemed, to be destroyed.

And that the committee report at as early a day as practicable by bill or otherwise.

Mr. FERRY, of Michigan. Mr. President, as a member of the Committee on Finance, whose special province is to consider financial means and ends, I have submitted a resolution for reference to that committee, for their consideration in determining a remedy for existing monetary derangement. Having given some thought to the subject-matter, I deem it in place to present views upon the remedy, that my course may not be misapprehended or misunderstood. The resolution suggests not mere theory—no pet scheme—nor do I claim for it sovereign remedy for all ills incident to any financial system. Neither is it a change proposed for the sake of change; but, sharing the public conviction, freely expressed, it is a remedy for recurring evils that is demanded; a change giving stable relief, which finds echo in the popular voice. Stagnation of industry, stoppage of trade, and prostration of commercial vigor demand that every legitimate and practical resource of the nation should be invoked to stay the tide of disaster which threatens the prosperity of the country, in the impoverishment of its people. In such an emergency as the present the people look to their public servants for ways by which to escape impending ruin. To the State do they appeal for measures beyond the possibilities of individuals, and regard it as the author of methods and means. I would not merge all enterprises in the State, but it should justly be charged with the general duty of devising and establishing a monetary system adequate to the wants of the people, and free from those elements of disturbance which entail distrust and disaster. If, as believed, the people, through their Government, have exclusive control of the power to create money and regulate its value, why should they not look to the same source for remedy against abuses which periodically jeopardize and paralyze public interest? It is in face of such general expectation that Congress assembles. The people feel sorely the consequences of the panic, and appeal to us. The moment is exigent; the opportunity is pregnant with the weal or woe of the land. With no idle speculation, but with a suggestion springing from business experience and practical observation, matured under thoughtful solicitude and the force of transpiring events, and which, to a business mind, seems a practical solution of the financial stress—this have I embodied in the resolution submitted. At the same time I

am ready to support any plan which promises results more remedial, deeming it the duty of each and all to contribute whatever of thought and experience will aid the nation to escape from financial ruin.

When amid shoals a stranded ship drives away every thought but to save life, each on board may forecast his own way of escape, but all seek one end—safety from death. So of a financial wreck; each in peril has his plan of escape, but none can wisely disregard other reasonable modes of relief. Threatened alike, they naturally plead alike. The more plans suggested for recovery having features substantially alike, the more certain it is that sure relief lies within their embrace. With conviction of national peril, and measures to avert it imperative, the resolution is offered suggestive of a way of escape.

A peculiar crisis has fallen upon the country. Not a revival of former experience altogether, such as panics of poverty, or panics of currency, but, coming in the midst of ample industrial resources and a sound currency, it has taken the form of commercial distrust—a lack of faith in the ability of the community to meet obligations. Breaking out in the suspension of a banking-house of great repute, the mania spread with electric speed, threatening general misfortune. Underlying outward prosperity came to light an array of nominal values, in the form of railway and other securities, which so startled apprehension that capitalists declined to come to the rescue. Suspicion of like paucity of values elsewhere took wider scope, and beset other monetary circles, till banks, capitalists, and people withheld available means because they ceased to place the ordinary confidence in the situation. Business men, however, were as honest during as before the panic; and as truly was the volume of the currency—the means of relief—as reliable throughout as preceding the panic. The cause of the fall of faith did not lie in person or currency, for both stood as soundly as before. Individuals held their integrity as firmly as they grasped the currency. This was often illustrated by the readiness and honorable desire with which business men sought every means to meet their obligations, and finds heroic examples in the cheerfulness with which suspended capitalists surrendered their private fortunes. The quality or quantity of integrity did not lessen, nor did the quality of the currency diminish.

We are left to find the primary cause of the panic in the insufficiency of available currency. It was the breaking out of a hidden conviction which the year past had been working to the surface, that the volume of currency was insufficient. This belief, brought generally to light, drove the business public, from center to circumference, to damaging expedients, losses, and failures, in attempts to meet the universal pressure for payments. Banks held what currency they had, and, in turn, individuals hoarded theirs—thus arresting deposits and discounts—under a sense of insecurity, based upon general opinion that the volume of circulation was inadequate to supply the natural demand. Trade, in consequence, stagnated. Farmers, mechanics, artisans, and capitalists found no sale for their products; commerce waned, and all, in turn, gathered no means with which to pay their obligations, and notes at bank went to protest or extension. The banks beheld their deposits shrinking, while their bills receivable were helpless to save them from forced suspension. In vain they called for aid from balances at the great centers. New York, the emporium of national surplus, found her inability to respond, locked in call-loans to Wall street, which answered the call—demands, with put-up securities—frightful skeletons of departed values. With country bank balances slipped through the hands of insolvent brokers into the grasp of crafty operators, New York was driven to protest and announced "suspension of currency payment."

Therefore, I repeat that lack of currency was primarily the cause of the derangement; and want of elasticity, a second incident, intensified the panic. To remedy this recurrence for the future, the resolution proposes that banking shall be open and free to all, individuals and associations, without limitation of capital; and Government bonds, to be issued and known as currency-bonds, bearing interest at $3\frac{65}{100}$ per cent. per annum, principal and interest payable in currency, and convertible on demand into currency. This would, I believe, render a centralizing tendency and "lock-up" of the currency a practical impossibility. It has been suggested by some that this centralizing tendency has been occasioned by the payment of interest on bank balances, and that the practice should be prohibited by law. Experience has demonstrated that prohibitory legislation affecting pecuniary interests generally works defeat of the end intended, and is more often evaded than executed. Laws of trade are often stronger than legislation. The impractibility of Federal control of an evil of this nature by statute has led me to the more feasible plan of regulating it through self-interest—employing the stimulus of the evil to work its cure.

First, by opening the banking system to all, and making it free to individuals as well as to associations, you divest it of exclusiveness or classification, and multiply its benefits and centers of distribution, so that its advantages would become more competitive and more equalized. Next, as a counterpoise to the tendency of money flowing to the sea-board centers, I have renewed substantially the proposition I made in committee, sessions past, of a currency-bond, to be issued by the Government, which shall attract currency to all sections, communities, and individuals in the various trades. What was then proposed were bonds bearing 4 per cent. interest. In the Senate the distinguished Senator from Connecticut [Mr. BUCKINGHAM] proposed by bill a bond drawing $3\frac{65}{100}$ per cent. interest, and, being of more convenient computation, was an improvement, and which I now readily adopt. It is to be regretted that that Senator coupled his bond-issue with early specie resumption, which, appearing impracticable, worked defeat of the salutary plan of a low-rate currency-bond. Had this feature united with the currency in regulating the circulation of the country the recent disaster would have been greatly modified. Such bonds, principal and interest convertible into currency on demand, and the currency reconvertible into bonds at the pleasure of the holder at convenient points of conversion to meet the exchangeable wants of the community, would serve as an absorbent and check in seasons of redundancy, and an outflow and supply at periods of stringency. It would prove a regulator of the circulation of the financial body. Serving as the governor at the throttle-valve regulates the engine when in and out of labor, the result, as in machinery, would be steadiness of motion in the distributing forces.

Bank reserves would largely be held in these convertible bonds, and obviate at any crisis the use of clearing-house certificates. Their facility and certainty of conversion, with their interest-bearing character, would make them available and preferable. Issued in denominations of $100 and multiples, the $3\frac{65}{100}$ per cent. interest would be a cent a day upon the smallest, and so easily computable that they would largely interchange in the various channels of trade. Farmer, mechanic, merchant, clerk, and banker would find them serving their ready purposes. They would become the absorbent of surplus for every locality, and, by their convertibility, be the agency of supply for immediate wants, and enable each community, conjointly with its banks, to break any locking up of circulation to the detriment of any section. The people, with them, would then share with capitalists the monetary power of the nation and control its elasticity.

To break the force of this beneficial agency, some assume that the bonds would not be taken because they bear a lower rate of interest than the 5 per cent. bonds, and those would be the choice. How is it that those 5 per cent. bonds were not purchased as well before, and instead, money placed in bank at 4 per cent. interest? For the business reason that the 5 per cent. bonds were not payable or convertible except through sales in a fluctuating market, and the balances at bank were payable upon call. The same facility is offered in the immediate convertibility of the currency bonds, and they tempt investment even at $3\frac{65}{100}$ per cent., because the purchaser can with them hold his own means of relief and not be subject to the will or convenience of others. To serve the uses of elasticity the interest should not be so high as to induce permanent investments, but at such a rate as will lead the holder, when stringency of money comes, to cheerfully convert them for his own and the public relief.

Another assumption is that there will be fear to take the currency bonds. If the currency could be hoarded in a panic, why could there be distrust of bonds which were convertible at will into the very currency that was so hoarded and which is now largely held in banks of safety because of the belief in a scarcity of circulation?

With such a flexible medium the fluctuations of trade would be self-adjusting. An outstanding average of fifty millions of these bonds would work this adjustment. This would be at an annual expense of interest to the Government of less than $2,000,000, paid to the people, against a saving to the people of the payment of annual interest in gold, on a like amount of fifty millions of 6 per cent. bearing bonds, retired and canceled at the time when the currency bonds were first issued. Here is, on the use of but fifty millions of currency bonds, an actual saving in annual interest paid by the people, of over $1,000,000; and saving more, in the same ratio, if more bonds were used.

When there was a plethora anywhere of currency, it would seek the Treasury vaults and return in more currency bonds. When a stringency occurred, through the activity of business or otherwise, in any section of the country, the bonds would go back to the Treasury, and currency would reappear to relieve the tightness of money. So the self-helping process would beneficently go on from season to season, and from year to year.

With no sudden or irregular contraction or relaxation to thwart business enterprises and cripple men, the equalizing effect of these bonds would give life and prosperity to the whole land.

Then, with the next feature of the resolution, a sense of greater security would also be imparted. This is, that all of the currency of the nation be issued solely by the Government; that it be of uniform character, with "United States currency" imprinted on its face, and made lawful money and a legal tender for all public and private dues, except duties on imports and interest on the public debt, duly authenticated with the seal and the signature of the Treasurer of the United States.

The Constitution vests the power to create money, or emit bills of credit, and the regulation of the value, in Congress—the sovereign legislative will of the whole people.

The necessities of our late war made it imperative to give emphasis to that power as never before in the history of the nation. Its stable value is now well measured by the people. Various kinds of issue, supplanting the old State-bank system of notes, finally took two forms, which now substantially compose the circulating medium of the country. The first fifty-million issue was authorized by

the act of July, 1861, and increased to sixty millions by act of February, 1862, and known as old demand notes, stamped "Receivable in payment of all public dues," and were by law made lawful money and a legal tender; thus answering every purpose of money for Government or people.

They paid the customs, and were the equivalent of gold. Subsequently most of them were retired, and United States notes issued, made lawful money and a legal tender in payment of all public and private dues, except duties on imports and interest on the public debt. These were authorized by the acts of February and July, 1862, and March, 1863, to the amount of four hundred and fifty millions, fifty millions of which were constructively retired, leaving four hundred millions now in circulation, save what remains of the forty-four millions in the Treasury and known as the reserve.

By the national banking act of June, 1864, three hundred millions of national currency were issued, and increased by fifty-four millions by act of July, 1870, of which about three hundred and fifty millions are supposed to be in circulation. These national bank notes, known as national currency, are made redeemable by the banks in United States legal-tender notes, the Government adding its guarantee for their redemption. The legal-tender notes are made payable at the Treasury but not on demand. They are in practice simply exchangeable.

The Supreme Court of the United States has held that they are payable in coin some time, at the option of the Government—payable to bearer, but not on demand.

The national banks are required to keep from 15 to 25 per cent. of their average circulation and deposits in legal-tender notes or greenbacks, to insure redemption of national currency.

At the same time the Government holds its own unmatured bonds, belonging to the banks, upon which 90 per cent. of their face-value have been issued to the banks in national currency, and the bonds held in pledge for its redemption.

In other words, the Government has created and employed the agency of national banks through which to issue and redeem, in greenbacks, about one-half of the circulating medium of the country; while it issues, itself, without redemption, the other half. To one it denies and to the other it grants the function of lawful money—a legal tender in payment of debts.

The depreciation of national currency by this denial, compared to legal-tenders, has been about 1 per cent. By the investment of greenbacks with the force of a legal-tender, the appreciation was, in the midst of the panic, within 2 per cent. of gold. In New York market gold stood 106, and greenbacks 104, while national currency commanded a premium of 3 per cent., that being paid by Western banks to the banks of New York. In the light of these historical facts is it at all strange that citizens who justly claim their Government to be of the people, by the people, and for the people, should ponder upon and question the governmental propriety of exercising the sovereign function, in the creation and regulation of money and its value, by diminishing the value of one-half of it! It is a creation bearing national discredit. Let the Government substitute for it United States currency, made lawful money and a legal tender for all dues save for customs and interest on the public debt, and it would be such an appreciation as the greenbacks bear. Nothing then to diminish its value below them would be borne upon its face. It would be a currency as valuable to the masses as to capitalists. It would perform its function of money for which it was issued, with equality in all the financial avenues, both public and private.

The Bank of England suspended specie payment for twenty-four years following her continental wars, and issued bank notes, which were accepted as lawful money and a legal tender for public and private purposes. Was our war more exhausting, and are we less able than England to so accredit our circulating medium? If the national currency, with its volume increased by fifty-four millions, could, in the face of such an increase, steadily appreciate in value, compared with gold, from 285 toward the close of the war, to 106 during the panic, is it unreasonable to predict that it would, if made uniformly lawful money, at an early day rise to par? This gradual appreciation of our national currency has been attained in the space of eight years. Within that time the country has shown her good faith by fulfilling the declaration of the President, that her obligations, contracted upon a gold basis, should be paid in coin. Rapidly has she thus reduced the public debt. In the face of the losses of a four years' destructive war, and five hundred millions loss by unprecedented fires, has she borne the shrinkage incident to the recovery of her circulation with an alacrity and prosperity that justifies no denial, but merits instead, prompt concession to meet her advancing wants.

This brings me to another feature of the resolution; that the whole currency, if issued *direct* by the Government, and of uniform character, as United States currency, its substitution for the national currency now afloat, would be brought about gradually at the convenience of the Government, without diminishing the volume of current circulation.

As fast as it were substituted, the Government bonds held for the security of the national currency would be adjusted with the national banks, either by purchase of, or surrender to, them. The banks, at their option, would take up their bonds or exchange them at their currency market value for the new United States currency. There would be no sudden pressure for substitution, nor disturbance of the current volume of circulation. While the United States currency was being prepared for issue the national currency would still hold its place in the volume of the country. As fast, or faster, than it *naturally* found its way to the Treasury, the Secretary would, in his discretion, order it replaced and destroyed. As the new invariably took the place of the old, the volume would at no time be lessened, and the exchange go on with unnoticeable regularity. As fast as this took place, in corresponding sums, bonds held for the security of like amount of the national currency would either be surrendered or their value liquidated by deliveries of United States currency to the banks, and the bonds cancelled and destroyed. The accrued interest on such bonds would be adjusted with the banks. For the three hundred and fifty millions of national currency afloat there are in the keeping of the Government about three hundred and eighty millions of Government bonds bearing 5 and 6 per cent. interest in gold, and these are held as security for that currency issued to the banks.

The interest on these bonds is paid the banks. The substitution of United States currency would practically work the payment of these three hundred and eighty millions of Government bonds, and reduce, by so much, the public debt; at the same time stop the annual payment of over twenty millions interest and save to the Treasury that amount in gold.

The total annual interest now paid upon the public debt in round numbers is a little less than one hundred and five millions. This substitution would reduce that annual outlay of gold interest to less than eighty-five millions. That saving of twenty millions interest would nearly equal the 1 per cent. required by law to annually be paid in reduction of the public debt. What political economist can safely overlook an item of such magnitude in adjusting a financial policy to the necessities of a people whose interests are confided to his keeping?

It will not be singular if, at first thought, the banking interest should demur to this innovation. Aside from the national currency issued to the banks by the Government, and paid out in lines of discount at rates from 7 to 10 per cent., the twenty millions of gold interest drawn upon bonds deposited with the Government to secure this currency is a rare perquisite. The banks may hesitate to part with it. Accustomed to this coin interest income, and counting upon it to swell their ordinary discount and exchange earnings into dividends and surplus, whatever tends to diminish these will be regarded and argued by them as inimical to public policy. I can understand how such surrender may importune public convictions, having some stock myself in one of these banks. Private interest, however, should give way to public welfare. The question covers the nature and extent of all values, private ones included. Whatever enhances the whole will be felt to conserve the parts. And the second and more wholesome reflection of bankers will sanction and commend, as they now do share, in that broader view which finds in a general policy their surest gain.

The recent panic has taught the lesson that success and assured wealth lie more in a stable system than in a precarious one. These spasmodic trials bear down the value of their bills receivable and securities. The deeper truth of this will be read when stockholders at next declaration day fail to receive notice of their usual dividends, unfortunately equated by arrays of protested and insolvent paper. A people so active, delving amid resources so vast, developing a progress so rapid, and bidding fair to rival nations with their wealth, invoke the highest considerations for some sound, uniform, flexible, and adequate system to facilitate exchanges. Legitimate bankers appeal for this. They also predicate their hopes for success more upon the steadiness and safety of a monetary system than upon outcropping ventures and the fluctuations of values. The interest of "dens" and "pools" ought not to be considered. They are the scourge of finance and the dread of any people. None feel this more than legitimate operators. Besides, the bankers, by their surrender of this twenty millions of bonded interest, will find themselves, in great measure, made up by release from nearly seven millions Federal tax the present banking law require them to pay into the Treasury as well as by escape from other irksome provisions.

Let us see, in the light of actual loss, what they may suffer. Take, for instance, that of a national bank of $200,000 capital as a basis for the rest:

Investment in United States bonds to secure circulation	$200,000	
Amount of currency thereon furnished by the Government	180,000	
Retained as reserve by the Government		20,000
Average premium on $200,000 bonds, at 10 per cent.		20,000
Fifteen per cent. legal-tender reserves required to be kept on hand, for $180,000 circulation		27,000
Total idle capital		67,000
This capital, $67,000, is worth 10 per cent.	$6,700	
Government taxes annually on $180,000 circulation, at 1 per cent.	1,800	
Annual cost of circulation	8,500	

The bank receives an average of 5 per cent. in gold interest on $200,000 bonds	$10,000
Average premium on $10,000 gold interest, at 10 per cent., is	1,000
Making	11,000
Deduct cost of circulation above	8,500
Leaves an annual gain to the bank of	2,500

This amount may be reduced by fall in premium on gold.

In glancing over the last annual report of the Comptroller of the Currency, just laid upon our tables, under the heading of "Profit on circulation, taxation, earnings, and dividends," I notice that the Comptroller, in considering the misapprehension prevailing as to the excessive profits of banks organized under the national banking system, instances, for illustration, a national bank organized in the city of Chicago, depositing with the Treasurer $100,000 of 5 per cent. bonds, costing in the market $115,000 in currency, and, discussing the relative benefits of banking with other business, concludes thus:

If the $115,000 had been invested in bonds and mortgages bearing 10 per cent. interest, it would net annually $11,500, leaving a profit of $100 to the bank for circulation during the year, and a loss of $15,000 premium upon the bonds at the date of their maturity.

The Comptroller has presented the case in his report more fully than I care to do, and I supplement his view as excellent authority, showing how little really the banks would lose by the surrender I have proposed. Would this compensate for other advantages? Much of their surplus and reserves would be held in the currency bonds, and they would avail themselves of their use as well as individuals outside of banks.

They would be the quickest to know that the tendency of such a system would be to bring monetary affairs to a solid and safer basis, and tend to lower the average rate of interest of the country. Dealers and dealing would rise into higher classes of transactions. Fictitious securities and inflated stocks would be shunned and the better type of values become the favorites. Such as do a regular business, who eschew speculation, would then be regarded with favor, and their lines of discount met and extended, while those who dealt in fiction and preyed upon the credulity of dupes would be looked upon with disfavor, and their accommodations required to be fortified beyond question. Men would be regarded then for their personal worth as well as for their private wealth; commercial probity would wear a premium, and the tone of business morals widen and brighten. The questions then put would not only be, What are your securities? or, Who is your indorser? but, What is your business?

Moreover, the relief from redemption would be a great gain. Their surplus, drawing interest in bonds convertible at any moment into currency to meet depositors' checks, there would follow such a freedom from apprehension—the bane of any business—as would send a healthier current through all the avenues of trade. Bankers, depositors, and others, by the free interchange of currency and bonds, would share the banking capital and business of the country. This would cultivate more individual independence, a disuse of special privileges of whatever sort, and a free, open emulation in financial and industrial circles which accords more with the advancing spirit of the day. How much readier then would a uniform circulation be adapted to this multiform fiscal copartnership. It would be the people's money, authenticated by the people's Government, and bearing their own seal of assurance. No two forms and values then to answer one end of circulation, but all would wear one face and value. Like the bonds, the currency would be but another form of national obligation, and the aggregated wealth of the nation would be pledged for its security. The whole people held to pay, the people would have faith to use. Their own promise would then become their own measure of value, while economy and stability alike would attest the change.

With free banking open to all; with a uniform currency of face and value; with a curreney bond to equalize its distribution, the significant question arises, What amount shall compose the circulating volume of the nation? We have now, exclusive of fractional, in round numbers, $750,000,000 in currency, four hundred millions of which are legal-tenders, or greenbacks, and three hundred and fifty millions of the national currency. This would be for the population of the country a *per capita* of $18.75. To make a just comparison with other nations, and thus ascertain whether by their experimental necessities we have more or less circulation than a healthful condition demands, our currency must be reduced to the basis of their standard. Reduced to coin at present market rate it would substantially be seven hundred millions, giving us but $17.50 *per capita*, while England has a circulation *per capita* of $20, and France that of $25. To give the United States an equal *per capita* to these nations, upon a coin basis, would be eight hundred millions to equal England, and one thousand millions to equal France; calculated in currency, at the market rate of coin, the United States should have eight hundred and fifty-six millions to be equal to England, and ten hundred and seventy millions to equal France; instead of which we have but seven hundred and fifty millions, being one hundred and six millions less than England's ratio, and three hundred and twenty millions below that of France. This relative measure, with prosperous and leading nations, is another undeniable proof that the general belief among our people that they had *not* enough currency was well founded. When, a year ago, Congress was beset for more currency, and a deaf ear turned to the claim, last winter's financial rigor attested the justness of that plea. Denied the needed increase, business and industries dragged, and the conviction of a want of sufficient currency to meet the growing demands of the nation took deeper hold of the public. Predictions were often made that a harder time was upon the country if Congress did not at this session give increase for relief. The calamitous fact broke out sooner than public expectation, and before Congress met. After the startling fact, shall we now hesitate to grant what was mistakenly denied before?

With an area of country about equal to the whole of Europe, developed under higher prices paid for labor, and greater transporting distances, involving more time and relatively more money to effect the national exchanges; with railroads spanning the continent from ocean to ocean as part of a vast system of railways, compared to which those of Europe dwindle in importance; with an ever-increasing population, stimulated by extraordinary immigration, and whose activity grapples with agricultural, manufacturing, mineral, and commercial resources of untold extent; with an unexampled crop of cereals and cotton already blocking our commercial capacities in its effort to reach the sea for an inviting foreign market, can there be a valid doubt that the country has outgrown its circulation and staggers?

How can it wisely be questioned that primarily the cause of the panic was dearth of circulation? The farmer whose 40-acre farm requires the use of $100 in its cultivation, enlarged to double and more, in size, can no longer bring his culture within the bounds of his hundred-dollar purse. The mechanic, grown into the master workman and inventor, finds his machinery idle for want of needed means; the factory of an hundred hands enlarged into the employment of thousands; the merchant's local trade multiplied into the mammoth house, with sales in every State and Territory; the capitalist, whose thousands have increased to millions; and railway projectors whose outstretching ways know no obstacle or bounds to compass the traffic of the land—all like architects of the country's fortune, demand that with an already established integrity there shall also be given an adequate circulation, to meet the nation's growing capacity.

Impressed with this necessity, the resolution proposes to utilize the forty-four million reserve, and additionally an increase of fifty six millions to make the circulation, exclusive of fractional, eight hundred millions. Counted on a coin standard this would be but $795,000,000, and a *per capita* less than that of England. Reckoned in currency, it would be just England's coin *per capita*, and fall much below that of France. Why disregard this prudent supply, and cheat the public want with the timid, deceptive cry of "inflation?" It is a fact of our national experience which cannot be gainsaid, that our currency, in the face of an increase of fifty-four millions, gradually appreciated in value from 285, its quotable rate in 1864 during the war, to 106, its marketable value in 1873 in the midst of the panic.

Escaping from a successful but consuming struggle with a formidable debt, and many industries languishing, the nation's ability to recover from its exhaustion seriously questioned, the national obligations of all forms shared the general distrust. When, however, the Government entered upon the payment of its obligations, and exceeded in this the most hopeful expectations, the effect was immediate in appreciating the value of our bonds and currency. That effect grew less out of the amount of the public debt paid, than the proof established, by a portion paid, that future payment was placed beyond cavil. This done, bonds rose and gold fell. Foreign capitalists sought then our longest running bonds. It was manifest in the funding of a portion of our bonded debt at a lower rate of interest. Are not these evidences of the fact that ability to pay, rather than haste to pay, lies at the foundation of any sound system of finance? We have negotiated loans bearing 5 per cent. interest, while England carries her greater debt, with no expectation of ultimate payment, at the lower rate of 3 per cent.

The Bank of England issues notes to a large amount of her circulation, and, notwithstanding, they pass as current as coin. Because redeemable in coin, it may be said. Not always. Repeatedly has the Bank of England overleaped her charter in excessive issues of currency with no possibility, at the time, of redemption. It expects to do it again whenever the public emergencies require. The rate of discount has recently been raised by that bank to 9 per cent. and over. But twice before in its history, in 1857 and 1860, has it reached higher rates, when unlimited issues of notes were resorted to as the only remedy against disaster, and Parliament indorsed the action, as it will again and may soon for another emergency which seems foreshadowing.

More than this, the Bank of England suspended specie payment in 1797, and did not resume till 1821, taking over twenty-four years suspension to recover from the strain of her continental wars. Unwise attempts were during that period repeatedly made, as in our day, to resume by resuming, but her wisest statesmen as often defeated such legislative spasms. Without convertibility these notes of the Bank of England were, without act of Parliament, simply by common sanction, used as tender in payment of all debts, public and private, and the nation, with no other circulation, prospered as never before.

France has also suspended specie payment with seven hundred millions coin in the empire. Specie basis is, therefore, not an indispensable requisite to national prosperity for England, nor for the future of

France. We have suffered from our war, and nine years have not yet elapsed since it closed. Is there any greater reason why the United States should resume than England had, when she refused to resume for twenty-four years, that she might recover from the effects of a war of far less magnitude? Are we not as wise, as strong, and with faith as clear, as Great Britain? And have we less than France? Why deny a safe and limited increase of currency, demanded by every consideration of political economy, by raising the wail "inflation," with the equally fallacious refrain "resumption?" Put the question to these resumptionists, "How resume?" and the self-adjusted reply is heard, "The way to resume is, why, just resume." It avails nothing with them to remark the utter folly of resumption with less than one hundred and forty millions of gold in the whole country, of which but little over eighty millions is available in the Treasury, to redeem seven hundred and fifty millions of currency.

I am no advocate for expansion in its accepted sense, neither do I incline to contraction, to precipitate specie resumption; both are perilous to the country. Death may come either by inflation or contraction; it would be in either case simply a question of time.

There is a middle ground to take that insures business life, activity, and national prosperity. In defiance of moderate expansion, United States notes have gradually worked up to nearly the value of gold. It is no just conclusion that a further moderate increase will widen the marketable space between the two. The fact of our experience is against such conclusion. Excess of currency did not cause the present depression in business. As long as business prospered, stimulated by enough circulation to supply the ordinary wants, currency and gold approached each other. When the business of the country outgrew the volume, stagnation followed and the further appreciation of currency ceased. Were we on a gold basis this natural business demand for an increase would be met by our annual forty million coin product. Upon a currency basis this necessity and fact are ignored, and a reasonable increase denied. Over the ruin of industries and the prostration and pauperization of the people some would enforce contraction to effect resumption. Not even to restore the country to its condition before the panic would they yield to a judicious increase. Former prosperity gave us a natural and certain appreciation of our currency. They seek an unnatural precipitation, by contraction, to resume even at the expense of that prosperity. The let-alone policy is to let business stagnate and let the people suffer, rather than depart a step from the kindred and more dangerous plea of contraction.

It is easy to see why moneyed men want contraction and resumption. The shrinkage, then, which others suffered would find compensation in their expanded purses. It would only be robbing Peter—the people, to pay Paul—the millionaires.

One section and a class of capitalists who do not feel the present money-pinch, and whose values appreciate by forced resumption, declare, in purpose and words, "contract or do nothing." These may withstand for awhile the reasonable demands of less-favored portions of the country, but let them beware if they unwisely deny relief. The South and West may be debtors to the East, but they likewise are the muscle and hope of the nation. Creditors cannot long thrive without the resources of the land, and sooner or later they will know that in the prosperity of debtors lies their best estate.

There is a growth and increase that is full of promise to the country; to disregard it is to commit a fatal error, and inflict an irreparable injury to the nation. A nominal increase of currency of fifty millions, and the utilization of the Treasury reserve, to make of both a substantial increase of a hundred millions, which, added to the present volume, make a less *per capita* for our population than that of England, and far below France, is a circulation demanded by the most scrupulous regard for the best interests of the country. It is, in my judgment, a measure that will hasten specie payments more rapidly than by crippling the national resources in refusal to provide means to facilitate their development. The laws of trade will bring currency and gold together. The more vigorous the traffic the quicker will be the approach.

Legislation may attempt, but never can, enforce specie payment, and have it maintained. Coin is widely recognized as a monetary medium, and specie payment is welcome as long as it is sustained. It rests upon unbroken confidence in the stability of commercial trust. It is sure to stand when reliance upon other values is unshaken. But let apprehension arise of the stability of other values and confidence then abates, and fails in all else but coin, and when this point is reached coin cannot be had, and the invariable alternative is suspension. Specie payment, then, becomes specie-contingent; promises to pay are promises broken, and specie basis changes into base—less specie, when payment is arrested by suspension.

If, then, specie payments were forcibly attainable, of what avail to reach it when it is periodically discarded by other nations, and we have evaded it at intervals likewise? Good when maintained, it is worthless when not. It is but an expedient at best. Tradition and history hand down the various expedients nations have employed as the basis of their monetary systems.

Cattle, grain, shells, bone, bark, coal, iron, brass, tin, copper, pewter, silver, and gold, have successively been used. In Britain in 1066 two kinds of money were used—slaves and cattle called *living*, and metal called *dead* money. So that various commodities have served their part and have sprung from a barbaric age. Gold is taken from the category as a basis by some of the nations of the present age. Germany has changed from silver to gold. Denmark, Sweden, and Norway are now changing; while China, Japan, Spain, and South American states employ silver as theirs. Now Japan supplements her silver with unlimited issues of paper, as her wants arise, and employs American engravers for designs to baffle Japanese experts, whose skill at imitation outruns the ingenuity of that government.

Nothing better illustrates the truth that any medium is conventional, than the fact that the French indemnity paid to Prussia, in French coin, was first passed through German coinage before it could be used in the circulation of the German Empire. Prussian coin paid to France is first recoined with the imperial impress of France before the gold of Germany can pass current with Frenchmen. Some of the very coin of the indemnity paid and coined into German currency has already found its way back to France, and has been recoined before it could resume its former place in the circulating volume of France. So the foreign coin which is now flowing through our customs, to adjust the international balance in our favor, must first pass through our mint, and receive the legal proportion of alloy which our statute prescribes shall enter into the standard coinage of the United States; be of certain weight and fineness, then stamped by the Government before it can possess the function of American money and be current.

The idea that gold, as such, without Government authentication is money, is a figment. It has its value with other precious metals, and like silver, copper, iron, lead, cotton, and wheat, is a *commodity*, worth just what it will sell for in market. It can, no more than the other articles named, become a circulating medium, until made so by the nation using it. Its form, quality, and value as a currency must be approved and stamped upon it by the Government before it becomes a medium of exchange. The monetary standard, whatever it be, is conventional. Labor alone is the true standard of value, and is its origin in the cost of productions. Any expedient or commodity whatever, as history recounts, may be made the measure or representative of value and the legal standard of payment. The monetary unit is the established mode of computing values. England has her coin and note pounds sterling; France, Belgium, Switzerland, and Italy their francs, and Germany her thalers of gold; China, Spain, Japan, and South American states, the Spanish silver dollar.

The United States has her currency or note dollar. Each nation, therefore, has its monetary unit and made such by its own statute. The sovereign imprint gives the current element. So long as the faith and ability of the Government vouch for the current function and value, just as long does it serve all of the uses of national circulation and act as a more convenient measure of traffic. Gold bars or bullion cannot be a tender in payment of debts, but gold or currency dollars, made such by authority, can. The bullion is valuable as a commodity for commerce, the gold and currency dollar for exchanges. Nearly $80,000 of old demand notes are still outstanding and held somewhere, as safe representatives of so many dollars, are payable on demand in coin, and yet are not presented at the Treasury for redemption.

Another fact, currently known, is that during the panic people hoarded greenbacks and national currency, without a misgiving and without conversion into coin, which they might have done by the payment of a small premium of 2 and 3 per cent. Some banks state that the exchanges of gold were very slight, and that, as a general thing, they took in more gold than they paid out.

This is a practical test of the accepted value of our paper circulation, in the midst of a panic when individuals would be governed by their fears or distrust, and yet they clung to the currency with a tenacity which attested their belief in its safety. As long as it bore the faith of the Government, and the nation pledged as the essence of its value, they chose it and held it. This confidence would become implicit trust in the proposed "United States currency" made lawful money, and soon raise it to par with coin. It would then not be subject to the perils of notes redeemed in coin, which are liable to suspension when any monetary crisis comes, or any large diminution of coin occurs.

The notes of the Bank of England are now being affected by such contingency in the rise of rates of discount dictated by the directors of that bank. That body, acting upon a gold basis, is practically the financial barometer of Europe, rising or falling values by the length of their sittings.

Germany, on a gold basis, with an enormous French indemnity in her possession, shakes with the fears of a financial crisis. France, on a like basis, but now under specie suspension, finds her securities in market selling at 85 per cent. Those of the United States sell at par in coin. Can there be instability to their currency with such a credit?

History reveals the fact that we experienced panics on a gold basis in '37, '47, and '57, and suspended specie payment as well as England in several periods of her history,

Is gold a virtue and currency a virus? The law of supply and demand operates on gold more quickly than upon any other medium. No country has coin enough to meet its circulating wants, and is therefore subject at all times to suspension. The fact that the mines of the world produce but about one hundred millions of gold annually, is proof that as a basis it cannot answer the business growth of the world. Can there be more security to a circulation based upon the

pleasure of the issuer, than on that resting upon the faith and property of the people? No; I repeat that any medium of circulation depends for its utility upon the nation's ability to maintain it, rather than upon the use of one that is subject to frequent suspensions. Instead of this, far better employ a medium of less intrinsic value than gold. It is upon this practical theory that our national currency rests. By raising it to its fuller measure of use, through a new issue made generally lawful, we shall take a step which will sooner or later bring other nations to recognize our monetary unit, the currency dollar. To-day England makes her exchanges payable in the currency of other leading nations, but compels the people of the United States to receive and pay in the measure of her own note or coin pound sterling.

We owe it to ourselves and to a proper regard for the dignity of a great Power to give our currency its highest measure of exchange; then, by this sovereign seal, will it command as well the respect of other nations. Made so nearly legal tender for universal use, and with sufficient volume to supply the legitimate needs of the people, our currency would bear our trust and very soon unite with coin in the national circulation, and take equivalent character among the other mediums of the world. It would then wear the national character of integrity and stability. The whole people would, through personal interest—the potent motive—be pledged to uphold and maintain its honor.

To afford immediate relief to present stringency, the resolution proposes to utilize the forty-four million reserve in the Treasury by the immediate purchase with what remains of it of any of the redeemable coin interest-bearing bonds of the Government, and so stop the further payment of coin interest on that much of the public debt.

These forty-four millions form a part of the four hundred million legal tenders, and were intended to serve their part in the general circulation.

The authority of the Secretary of the Treasury to reissue this reserve has been questioned. The distinguished Senator from Iowa [Mr. WRIGHT] and myself had occasion last session to submit a minority report from the Committee on Finance upon that subject, vindicating the Secretary in his legal authority to reissue the reserve.

Confirmatory of this view, I cite the opinion of the lamented and eminent late Chief Justice, who was Secretary of the Treasury when the acts authorizing the legal tenders were passed, and must be supposed to have known the intent of the statute. His language on the bench I quote:

> The act of February 25, 1862, provided for the issue of these notes to the amount of $150,000,000. The act of July 11, 1862, added another hundred and fifty millions of dollars to the circulation, reserving, however, fifty millions for the redemption of temporary loan, to be issued and used only when necessary for that purpose. Under the act of March 3, 1863, another issue of one hundred and fifty millions was authorized, making the whole amount authorized four hundred and fifty millions, and contemplating a permanent circulation until resumption of payment in coin of $400,000,000.

As we have not yet resumed payment in coin, it would seem clear that it was intended that four hundred millions should circulate instead of three hundred and fifty-six millions, as now. The use of this forty-four million as suggested, would be that much immediate relief. Then to be followed as fast as they can conveniently be prepared, with the issue of fifty-six millions of United States currency—the proposed new issue. This to be done by the purchase of redeemable 5 and 6 per cent. interest-bearing bonds. This, with the three hundred and fifty millions national currency now in use, would make a total volume of eight hundred millions in circulation. When this was done the process of substituting United States currency for the national currency would proceed, and when done the uniformity of our circulating medium would substantially be reached. Then we should have as the total circulation eight hundred millions of legal-tender currency. Not even that actually, for I have not considered the losses of currency by fire, water, and on land since both greenbacks and national currency have been in circulation. Some put it as high as 4 per cent. annually. I think a fair estimate would be 1 per cent.; and certainly fifty millions total loss since 1862 would be a low estimate, for the loss on the fractional currency is said to be $4,000,000. So that, until the actual loss was known by substantial substitution of United States currency for other forms and that loss made up by new issues, we should have really but seven hundred and fifty millions in actual circulation. Absolutely no greater total of circulation than the public suppose is now the volume of our currency, and hardly to be designated "expansion."

The closing feature of the resolution is the withdrawal of the fractional currency by the substitution of silver. So much of this currency is mutilated and lost, that silver can as well take its place with no great inconvenience to the public. The Government is able to purchase and coin silver at a profit, and can at an early period effect the substitution. The Secretary of the Treasury could designate some period when the redemption of the denominations of twenty-five cents and under could practically begin, and another period be named when the fifty cents should likewise commence to be redeemed, and all as fast as so redeemed to be destroyed. Silver would thus be utilized in serving the uses of fractional currency, and be a more durable expedient, and in that respect compensate for comparative inconvenience.

Then, with a national monetary system of free banking; a uniform circulation of eight hundred millions, made lawful money and a legal tender; a convertible currency bond bearing $3\frac{65}{100}$ per cent. interest, adjusting the circulation to the fluctuations of business; immediate relief to existing stagnation by the issue of the forty-four millions reserve, followed by enough United States currency to make up the maximum of circulation to eight hundred millions, effecting by the increase and change of currency a saving of over twenty-five millions annual interest in coin, and more than enough thus saved to meet the 1 per cent. annually required to be paid on the public debt; and the fractional currency supplanted by silver, the country could rest from fears of suspension and thrive under its system of finance with redoubled strides. The steadiness and elasticity of the circulation would then adjust itself to the varying wants of the respective sections of the country, and no more locking up of money check its prosperity.

The cotton and sugars of the South; the mines and forests of the North; the manufactures and merchandise of the East; the precious metals of the West, and the cereals of the interior, would become utilized by the stimulus of restored confidence. New faith would inspire the people, and the nation would more rapidly gather wealth to early extinguish the public debt. This incubus removed, there would be no desire to change our circulating medium; for, whether currency or coin, then, both would interchangeably blend to serve all purposes of the people.

Can there be hesitation? Were any other consideration needed it is furnished in the pleading fact of over a million men thrown out of employment by the panic. The straits and suffering entailed need no words to voice their distressing want. Such waste of energies the nation feels, though tried not by personal pangs and woe.

From a material stand-point even, at low average of wages, this million-handed loss is a million dollars taken from the productive resources of the country daily. Prolonged for a year, the count swells to hundreds of millions and tells its own fearful story.

Such individual loss is no national gain. Whoever can dismiss all this cannot likewise escape responsibility. It bears with the cumulative pressure of daily denials of relief.

The gravity of the situation demands more than words; it challenges action.

Our financial extremity is the nation's opportunity.

The appeal is to Congress. Let us act.

I ask that my resolution be referred to the Committee on Finance when it shall have been appointed.

The PRESIDING OFFICER, (Mr. MORRILL, of Maine, in the chair.) It will be so referred; but in the mean time it will lie on the table.

COMMITTEES OF THE SENATE.

Mr. ANTHONY. I propose to move that the Senate proceed to the election of the standing committees; but first I offer the following resolution, and ask for its present consideration:

> *Resolved*, That the thirty-fourth rule of the Senate be amended by inserting after "Committee on Education and Labor" the words "a Committee on Civil Service and Retrenchment, to consist of seven members."

The resolution was considered by unanimous consent, and agreed to.

Mr. ANTHONY submitted the following resolution; which was considered by unanimous consent, and agreed to:

> *Resolved*, That the thirty-fourth rule of the Senate be amended by adding two members to each of the following standing committees, viz, on Foreign Relations, on Claims, and on Education and Labor.

Mr. ANTHONY. I now move that the Senate proceed to the election of the standing committees.

The motion was agreed to.

Mr. ANTHONY. I ask unanimous consent that the rule which requires the chairman to be elected by ballot may be dispensed with.

There being no objection, the rule was dispensed with.

Mr. ANTHONY. I now offer a resolution which I ask to have read.

The resolution was read, as follows:

> *Resolved*, That the following be the standing committees of the Senate during the present session:
>
> *On Privileges and Elections*—Messrs. Morton, (chairman,) Carpenter, Logan, Alcorn, Anthony, Mitchell, Sumner, Hamilton of Maryland, and Saulsbury.
>
> *On Foreign Relations*—Messrs. Cameron, (chairman,) Morton, Hamlin, Howe Frelinghuysen, Conkling, Schurz, Stockton, and McCreery.
>
> *On Finance*—Messrs. Sherman, (chairman,) Morrill of Vermont, Scott, Wright, Ferry of Michigan, Fenton, and Bayard.
>
> *On Appropriations*—Messrs. Morrill of Maine, (chairman,) Sprague, Windom, West, Ames, Sargent, Allison, Stevenson, and Davis.
>
> *On Commerce*—Messrs. Chandler, (chairman,) Spencer, Conkling, Buckingham, Boutwell, Gordon, and Dennis.
>
> *On Manufactures*—Messrs. Robertson, (chairman,) Sprague, Gilbert, Fenton, and Stockton.
>
> *On Agriculture*—Messrs. Frelinghuysen, (chairman,) Robertson, Lewis, Dennis, and Gordon.
>
> *On Military Affairs*—Messrs. Logan, (chairman,) Cameron, Spencer, Clayton, Wadleigh, Kelly, and Ransom.
>
> *On Naval Affairs*—Messrs. Cragin, (chairman,) Anthony, Morrill of Maine, Sargent, Conover, Stockton, and Norwood.
>
> *On the Judiciary*—Messrs. Edmunds, (chairman,) Conkling, Carpenter, Frelinghuysen, Wright, Thurman, and Stevenson.
>
> *On Post-Offices and Post-Roads*—Messrs. Ramsey, (chairman,) Hamlin, Ferry of Michigan, Flanagan, Dorsey, Jones, Saulsbury, Merrimon, and Hamilton of Maryland.
>
> *On Public Lands*—Messrs. Sprague, (chairman,) Windom, Stewart, Pratt, Oglesby, Wadleigh, Boutwell, Kelly, and Tipton.
>
> *On Private Land-Claims*—Messrs. Thurman, (chairman,) Ferry of Connecticut, Fenton, Bayard, and Bogy.

On Indian Affairs—Messrs. Buckingham, (chairman,) Allison, Oglesby, Morrill of Maine, Ingalls, Bogy, and McCreery.
On Pensions—Messrs. Pratt, (chairman,) Ferry of Connecticut, Oglesby, Ingalls, Patterson, Hamilton of Texas, and Norwood.
On Revolutionary Claims—Messrs. Brownlow, (chairman,) Gilbert, Conover, Johnston, and Goldthwaite.
On Claims—Messrs. Scott, (chairman,) Pratt, Boreman, Wright, Mitchell, Boutwell, Davis, Merrimon, and Goldthwaite.
On the District of Columbia—Messrs. Lewis, (chairman,) Spencer, Hitchcock, Robertson, Jones, Dorsey, and Johnston.
On Patents—Messrs. Ferry of Connecticut, (chairman,) Windom, Wadleigh, Hamilton of Maryland, and Johnston.
On Public Buildings and Grounds—Messrs. Morrill of Vermont, (chairman,) Gilbert, Cameron, Stockton, and Cooper.
On Territories—Messrs. Boreman, (chairman,) Hitchcock, Cragin, Clayton, Patterson, Cooper, and McCreery.
On Railroads—Messrs. Stewart, (chairman,) Scott, West, Ramsey, Hitchcock, Cragin, Howe, Frelinghuysen, Hamilton of Texas, Ransom, and Kelly.
On Mines and Mining—Messrs. Hamlin, (chairman,) Chandler, Sargent, Crozier, Tipton, and Goldthwaite.
On the Revision of the Laws of the United States—Messrs. Conkling, (chairman,) Carpenter, Stewart, Alcorn, and Ransom.
On Education and Labor—Messrs. Flanagan, (chairman,) Patterson, Ingalls, Sumner, Morton, Bogy, and Gordon.
On Civil Service and Retrenchment—Messrs. Wright, (chairman,) Boutwell, Sherman, Hamlin, Howe, Hamilton of Maryland, and McCreery.
To Audit and Control the Contingent Expenses of the Senate—Messrs. Carpenter, (chairman,) Jones, and Dennis.
On Printing—Messrs. Anthony, (chairman,) Howe, and Saulsbury.
On the Library—Messrs. Howe, (chairman,) Allison, and Edmunds.
On Engrossed Bills—Messrs. Bayard, (chairman,) Lewis, and Cooper.
On Enrolled Bills—Messrs. Ames, (chairman,) and Clayton.

The resolution was adopted.

Mr. ANTHONY. I move that the Select Committees on the Revision of the Rules, on the Levees of the Mississippi River, and on Transportation Routes to the Sea-board be continued.

The motion was agreed to.

Mr. ANTHONY. I now move that the list of those committees which I send to the Chair be adopted.

The list was read, as follows:

On Revision of the Rules—Messrs. Ferry of Michigan, (chairman,) Hamlin, and Merrimon.
On the Levees of the Mississippi River—Messrs. Alcorn, (chairman,) Clayton, Schurz, Crozier, and Cooper.
On Transportation Routes to the Sea-board—Messrs. Windom, (chairman,) Sherman, Conkling, West, Conover, Mitchell, Norwood, Davis, and Johnston.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

On motion of Mr. ANTHONY, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

SENATOR FROM LOUISIANA.

Mr. MORTON. I move that the credentials of Mr. P. B. S. Pinchback and Mr. W. L. McMillen as Senators from Louisiana, now on the table, be referred to the Committee on Privileges and Elections.

The motion was agreed to.

REFERENCE OF MESSAGE.

Mr. MORTON. I move that so much of the President's message as refers to the amendment of the Constitution of the United States be referred to the Committe on Privileges and Elections.

The motion was agreed to.

REFERENCES OF BILLS, ETC.

Mr. SHERMAN. I move that the Secretary make the references of the bills, resolutions, and petitions according to the indications made at the time they were respectively introduced or presented.

Mr. SUMNER. Mr. President, I think the Senator had not better make a general proposition, but leave each Senator to move the bills introduced by himself. For instance, there is one bill on which I wish to have a question before it goes to a committee—the civil-rights bill.

Mr. SHERMAN. I make the motion that all bills and resolutions be referred according to the usual course, unless exception is made.

Mr. SUMNER. There are one or two that I should like to except. The financial bill, which I introduced, I should like to make some observations upon before it goes to a committee.

Mr. SHERMAN. Very well; my motion includes all not excepted.

The PRESIDING OFFICER. The Chair understands the Senator from Massachusetts to except the bills mentioned by him from the general character of the motion.

Mr. SUMNER. I ask to have the bill on civil rights, introduced by me, excepted, and also the financial measure providing compound-interest notes for legal tenders, and one of the constitutional amendments introduced by me. The constitutional amendment relating to a single term of six years for President, I would have go to the committee; but the other one I think I should like to explain before it goes.

Mr. MORTON. Which one is that?

Mr. SUMNER. The one providing for the election of President directly by the people. That I should like to say a few words upon by way of explanation.

Mr. WRIGHT. I desire also that the Senator from Ohio would except from his proposition the bill introduced by me on the first day of the session, on the subject of salaries. It will be remembered that I gave notice that, if I could get the floor on Monday next, I would say something on that bill. I therefore trust it will be excepted.

Mr. THURMAN. I suppose there is a very general desire to take up the bills that are on the table and refer them to the appropriate committees.

Mr. SHERMAN. That is the motion I have just made. I have moved that all the bills and resolutions be referred to the appropriate committees unless some Senator should desire some bill excepted.

Mr. THURMAN. I was going to say further, that there are some of those bills which ought to be considered as soon as possible, and they should first be considered in committee, and in order that that may be done, supposing that it will expedite the business of the passage of these bills, I ask leave now to move that when the Senate adjourns to-day it be to meet on Monday next.

The PRESIDING OFFICER. That motion has already been made and agreed to.

Mr. THURMAN. I am exceedingly glad to hear it. I was out for a moment.

The PRESIDING OFFICER. The Senator from Ohio has moved that all bills and resolutions heretofore introduced be referred to their appropriate committees in the order in which they were introduced.

Mr. BUCKINGHAM. I ask to except Senate bill No. 30, not that I propose to make a speech upon it; and yet I may occupy the attention of the Senate two or three minutes—not more.

The PRESIDING OFFICER. To the motion certain exceptions have been indicated.

Mr. SHERMAN. The Senator from Oregon [Mr. MITCHELL] desires me also to except two resolutions introduced by him. I will hand them to the clerk.

The PRESIDING OFFICER. The Chair hears no objection to the motion of the Senator from Ohio, except as to the special exceptions; and the order is made.

Under this general order of reference, bills and joint resolutions heretofore introduced were taken from the table and referred as indicated:

A bill (S. No. 2) to secure equal rights in the public schools of Washington and Georgetown—to the Committee on the District of Columbia.

A bill (S. No. 4) to protect persons against inveigling from abroad, kidnapping, forcible constraint, or involuntary service—to the Committee on the Judiciary.

A bill (S. No. 5) to provide for the adjustment and satisfaction of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801—to the Committee on Foreign Relations.

A bill (S. No. 6) relating to certain moneys appropriated as compensation to Senators and Representatives—to the Committee on the Judiciary.

A bill (S. No. 7) for the creation of a court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the tribunal of arbitration constituted by virtue of the first article of the treaty concluded at Washington the 8th of of May, A. D. 1871, between the United States of America and the Queen of Great Britain—to the Committee on the Judiciary.

A bill (S. No. 8) changing the times for holding certain district courts of the United States for the State of Iowa—to the Committee on the Judiciary.

A bill (S. No. 10) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States"—to the Committee on the Judiciary.

A bill (S. No. 11) to establish a branch mint of the United States at Chicago, in the State of Illinois—to the Committee on Finance.

A bill (S. No. 12) to repeal the sections in the bankrupt law of 1867, and acts amendatory thereof, which provide for involuntary bankruptcy—to the Committee on the Judiciary.

A bill (S. No. 13) to regulate the service in the collection of customs at the various ports of entry in the United States, and the disposition of fines, penalties, and forfeitures incurred under the laws relating to customs, and for other purposes—to the Committee on Commerce.

A bill (S. No. 14) in relation to bounties—to the Committee on Military Affairs.

A bill (S. No. 15) establishing the compensation of Senators, Representatives, and Delegates in Congress, and for other purposes—to the Committee on the Judiciary.

A bill (S. No. 16) supplemental to the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872—to the Committee on Mines and Mining.

A bill (S. No. 17) relating to swamp-lands in the State of California—to the Committee on Public Lands.

A bill (S. No. 18) relating to grazing-lands in the State of California—to the Committee on Public Lands.

A bill (S. No. 19) to dedicate the public agricultural lands in the State of California to homestead and pre-emption purposes—to the Committee on Public Lands.

A bill (S. No. 20) explanatory of the act entitled "An act to reduce the expenses of the survey and sale of the public lands in the United States"—to the Committee on Public Lands.

A bill (S. No. 21) for the relief of aged or infirm pre-emption settlers—to the Committee on Public Lands.

A bill (S. No. 22) for the sale of timber-lands in the States of California and Oregon and Washington Territory—to the Committee on Public Lands.

A bill (S. No. 23) relating to the entry of homesteads and pre-emptions in California—to the Committee on Public Lands.

A bill (S. No. 24) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports, and to reduce internal taxes, and for other purposes,'" approved March 3, 1873—to the Committee on Finance.

A bill (S. No. 25) to establish certain post-roads—to the Committee on Post-Offices and Post-Roads.

A bill (S. No. 26) in relation to mineral-lands—to the Committee on Mines and Mining.

A bill (S. No. 27) to carry out certain Indian treaties of 1866, and to organize the Territory of Oklahoma—to the Committee on Territories.

A bill (S. No. 28) to set apart a certain portion of the island of Mackinack, in the Straits of Mackinack, within the State of Michigan, as a national park—to the Committee on Military Affairs.

A bill (S. No 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862—to the Committee on Military Affairs.

A bill (S. No. 31) for the relief of Captain Louis C. Sartori, of the Navy—to the Committee on Naval Affairs.

A bill (S. No. 32) obviating the necessity of issuing patents for certain private land-claims in the State of Missouri, and for other purposes—to the Committee on Private Land Claims.

A bill (S. No. 33) granting the right of way to the Birmingham and Saint Louis Railroad Company through the public domain, and for other purposes—to the Committee on Public Lands.

A bill (S. No. 34) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from Southern railroads, and for other purposes"—to the Committee on the Judiciary.

A bill (S. No. 35) granting aid to the Atlantic and Great Western Canal Company—to the Committee on Railroads.

A bill (S. No. 36) to amend the act entitled "An act to reduce internal taxation, and to amend an act entitled 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,'" approved July 13, 1866—to the Committee on Finance.

A bill (S. No. 37) for the relief of persons for damages sustained by reason of Indian depredations—to the Committee on Indian Affairs.

A bill (S. No. 38) to vest the power of establishing post-roads in the Postmaster-General—to the Committee on Post-Offices and Post-Roads.

A bill (S. No. 39) to amend the act entitled "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department"—to the Committee on Post-Offices and Post-Roads.

A bill (S. No. 40) for the relief of Andrew Dillman, of Illinois—to the Committee on Patents and the Patent-Office.

A bill (S. No. 41) granting a pension to Margaret E. Alexander, widow of Edwin A. Alexander, deceased, late a private in Company K, Eighth Regiment of Indiana Cavalry Volunteers, known as the Thirty-ninth Indiana Regiment—to the Committee on Pensions.

A bill (S. No. 42) granting a pension to Caleb A. Lamb, late a musician in Company E of the Forty-sixth Regiment of Indiana Volunteer Infantry—to the Committee on Pensions.

A bill (S. No. 43) to provide for the better protection of the northern and northwestern frontier, and to facilitate commerce and diminish the expense of the exchanges between States—to the Committee on Commerce.

A bill (S. No. 44) to establish the Territory of Ojibway, and to provide a temporary government therefor—to the Committee on Territories.

A bill (S. No. 45) to grant the right of way through the public lands to the Canyonville and Galesville Road Company, in the State of Oregon—to the Committee on Public Lands.

A bill (S. No. 46) for the construction of a custom-house and bonded warehouse at Portland, Oregon—to the Committee on Commerce.

A bill (S. No. 47) in aid of the execution of the laws in the Territory of Utah, and for other purposes—to the Committee on the Judiciary.

A bill (S. No. 48) for the relief of loyal citizens of Loudoun County, Virginia, therein named—to the Committee on Claims.

A bill (S. No. 49) to authorize the construction of a fire-proof building at Nebraska City, Nebraska—to the Committee on Public Buildings and Grounds.

A bill (S. No. 50) to authorize the appointment of a captain of scouts—to the Committee on Military Affairs.

A bill (S. No. 52) to provide for a building suitable for a post-office, for the accommodation of the revenue officers, and the United States courts and their officers, in the city of Charleston, West Virginia—to the Committee on Public Buildings and Grounds.

A bill (S. No. 53) for the relief of Mary E. Purnell—to the Committee on Claims.

A bill (S. No. 54) to complete a water highway from tide-water on the James River to the Ohio River at the mouth of the Kanawha—to the Committee on Transportation Routes to the Sea-board.

A bill (S. No. 55) to authorize the construction of a public building at Topeka, Kansas—to the Committee on Public Buildings and Grounds.

A bill (S. No. 56) for the relief of George Wright—to the Committee on Claims.

A bill (S. No. 57) to remove all political disabilities—to the Committee on the Judiciary.

A bill (S. No. 58) in aid of the execution of the laws in Utah, and for other purposes—to the Committee on the Judiciary.

A joint resolution (S. R. No. 2) proposing an amendment of the Constitution confining the President to a single term of six years—to the Committee on Privileges and Elections.

A joint resolution (S. R. No. 3) proposing an amendment to the Constitution of the United States providing for the election of United States Senators by the people—to the Committee on Privileges and Elections.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

Mr. HAMLIN. Before that motion is put, as our committees have been formed, I beg leave to present some papers.

Mr. SHERMAN. I withdraw my motion.

Mr. HAMLIN. I present the memorial and accompanying papers of D. B. Allen & Co., praying compensation for carrying the mails between New York and California. I move their reference to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. HAMLIN. I present, also, a memorial, signed by James Butterfield and sundry other persons, praying that the persons therein named may be placed upon the pension-roll for the reason that they served a few days less in the war of 1812 than the law now provides. I move the reference of this memorial to the Committee on Pensions.

The motion was agreed to.

Mr. HAMLIN. I hold in my hand the memorial of George Henry Preble, of the United States Navy, asking to be restored to the position to which he deems himself entitled in the Navy. I presented this memorial, or one very similar, at the last session of Congress. I commended it to the attention of the Committee on Naval Affairs at the time as one of very great merit; and I am glad to say that the Committee on Naval Affairs gave it that view, and were unanimously of opinion that he should be restored. A bill was reported, and it passed the Senate, but it failed of its passage in the House; or, rather, I ought to say it did pass in the House also, but in connection with another bill. I invite the attention of the Committee on Naval Affairs to early and prompt action upon that matter.

The memorial was referred to the Committee on Naval Affairs.

Mr. SPRAGUE presented the memorial of Frederic Francis Baury, a citizen of New York, praying to be commissioned a lieutenant in the United States Navy, and to be placed on the retired list in consequence of wounds received in the line of duty; which was referred to the Committee on Naval Affairs.

Mr. CAMERON. I present a memorial, signed by William M. Cooper, of Philadelphia, and ask that it be read and then referred to the Committee on Military Affairs.

The Chief Clerk read the petition, as follows:

To the honorable members of the Senate and
House of Representatives in Congress of the United States:

HONORED SIRS: I have the honor to lay before you a detailed statement of services rendered by me during the late rebellion.

I was owner of the cooper-shop volunteer refreshment saloon, which at the breaking out of the war was the only support of myself and a large family.

I gave up my workshop for the full benefit of troops passing through our city to the seat of war, that they might be properly fed while in transit, likewise caring for the sick and wounded of almost every loyal State in the Union. This lasted for over four years. My services, with that of my family, were freely given, never expecting any remuneration for services rendered at that time. I am now in need, and desire your assistance, which I trust will not be withheld. During the time spoken of above we furnished meals to over 600,000 soldiers.

In doing this service for my country my business was necessarily almost entirely neglected, and by degrees left me and sought other channels by reason of my espousing the Union cause thus publicly, from which I have never recovered, and am now compelled to ask aid from a just and grateful country.

Respectfully, your humble servant,

WM. M. COOPER.

Mr. CAMERON. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. ALCORN. I present the petition of Richard J. Murray, of Lowndes County, Mississippi, representing that, in 1855, he obtained a pension of $8 per month, in accordance with an act of Congress, having been disabled by disease contracted while a soldier in the Seminole war in 1818; that his name was dropped from the pension-rolls during the late war, but restored on proper application; since which time his pension has been reduced to $6 per month. The petitioner is now over seventy-six years of age; is feeble and infirm, and unable to work to aid in his own support; and he prays that his pension may be increased. Accompanying the petition is a certificate, signed by many citizens of Mississippi and Alabama, that the facts stated by the petitioner are true, and recommending that the prayer of the petition be granted; which I trust this Congress will do.

I move the reference of this petition to the Committee on Pensions.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CARPENTER, it was

Ordered, That William C. Brashears have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers in the case of Cowan and Dickinson be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CARPENTER, it was

Ordered, That the petition and papers in the case of P. O'Donnell be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. SARGENT, it was

Ordered, That the petition and papers in the case of Joseph R. Curtis be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HAMLIN, it was

Ordered, That the petition and papers in the case of James K. Drew be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That the petition and papers in the case of George W. Anderson be taken from the files of the Senate and referred to the Committee on the Judiciary.

On motion of Mr. HAMLIN, it was

Ordered, That the petition of mechanics and laborers employed by the Government on Dix Island, in the State of Maine, praying compensation for two hours' additional daily labor performed by them, be taken from the files of the Senate and referred to the Committee on Appropriations.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 59) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 60) for the relief of P. O'Donnell; which was read twice by its title, referred with the accompanying papers to the Committee on Claims, and ordered to be printed.

EXECUTIVE SESSION.

Mr. RAMSEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at two o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 4, 1873.

The House met at twelve o'clock m.

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Hon. FREEMAN CLARKE, a member-elect from the twenty-ninth congressional district of New York, presented himself, and was duly qualified by taking the oath prescribed by the act of July 2, 1862.

ARRANGEMENT OF THE HALL.

Mr. POLAND. I ask unanimous consent to offer the following resolution:

Resolved, That the Architect of the Capitol be directed to place a substantial railing outside of the outer circle of members' seats in the Representative Hall.

Mr. DAWES. I hope it will be a good ways outside. [Laughter.]

A MEMBER. So do I.

The SPEAKER. Is there objection to the introduction of this resolution?

Objection was made.

Mr. POLAND. Then I ask the reference of the resolution to the Committee on Public Buildings and Grounds when appointed.

There being no objection, the resolution was so referred.

REPEAL OF SALARY BILL.

Mr. HALE, of Maine. I ask unanimous consent to offer the following resolution:

Resolved, That a special committee of seven be appointed to take into consideration the subject of the repeal of the "salary bill," so called, and that said committee be instructed to report at the earliest practicable day, and that all bills on the subject be referred to said committee.

With the permission of the House I should like to say a word, and only a word, on this subject.

Mr. RANDALL. I object, unless the opposition to this proposition be allowed a like privilege.

Mr. HALE, of Maine. I have no objection to that.

Mr. WOOD. The gentleman from Maine will permit me to say that as he has proposed to bring this question up in the morning hour, I hope he does not intend to delay the repeal of this law by referring the subject to any committee whatever. [Laughter.] I think the House is prepared to act on the question now.

Mr. HALE, of Maine. The resolution I have sent to the Clerk's desk is drawn in such a way that it will not delay the matter.

Mr. RANDALL. I object to debate unless there is some understanding for having debate on both sides.

Mr. COX. Would it be in order to move to amend the resolution by instructing the committee? I have the form of a bill which is very sweeping.

Mr. RANDALL. The gentleman from New York [Mr. COX] swept his back pay into the Treasury at a very late day. [Laughter.]

Mr. HALE, of Maine. The committee can report upon this subject to-morrow morning, so that my resolution will not involve any improper delay.

There being no objection, the resolution of Mr. HALE, of Maine, was considered and agreed to.

Mr. HALE, of Maine, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair will consider the resolution just adopted as an instruction to receive for reference all the bills on this subject which gentlemen may now be ready to present.

Mr. KASSON. I wish to introduce a bill on this subject, which is not my own individual measure, but which I introduce in pursuance of an order which is well understood by the House.

The bill (H. R. No. 2) to repeal certain parts of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, and to enact provisions in place thereof, was introduced, read a first and second time, and referred to the Special Committee on the Repeal of the Salary Bill.

The SPEAKER. The Chair does not put the question upon ordering these bills to be printed, because he assumes that the committee will desire immediate possession of them, and will not wish to be delayed by the sending of the bills to the Government Printing-Office.

Mr. NIBLACK introduced a bill (H. R. No. 3) changing the rate of compensation to Senators, Representatives, and Delegates in Congress; which was read a first and second time, and referred to the Select Committee on the Repeal of the Salary Bill.

Mr. POLAND introduced a bill (H. R. No. 4) regulating the compensation of members of Congress; which was read a first and second time, and referred to the same committee.

Mr. DEWITT introduced a joint resolution (H. R. No. 1) proposing an amendment to the Constitution of the United States; which was read a first and second time, and referred to the same committee.

Mr. HALE, of Maine, introduced a bill (H. R. No. 5) to repeal the increase of certain salaries, to regulate the same, and to cover undrawn balances into the Treasury; which was read a first and second time, and referred to the same committee.

Mr. E. H. ROBERTS introduced a bill (H. R. No. 6) to fix the compensation of Senators, Representatives, and Delegates in Congress; which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. E. H. ROBERTS also introduced a joint resolution (H. R. No. 2) proposing an amendment to the Constitution of the United States; which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. HURLBUT introduced a bill (H. R. No. 7) to establish the compensation of Senators, Representatives, and Delegates in Congress; which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. WELLS introduced a bill (H. R. No. 8) to establish the pay of the Vice-President, Senators, Representatives, and Delegates in Congress; which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. BURCHARD introduced a bill (H. R. No. 9) to repeal the provisions of the act of March 3, 1873, increasing the salaries of Senators, Representatives, and Delegates in Congress; which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I wish to make a parliamentary inquiry, whether it would not be in order to move to take a recess for fifteen minutes, so that the rest of us can prepare bills on the same subject. [Laughter.]

The SPEAKER. The gentleman will have ample opportunity to do so without taking any recess.

Mr. STARKWEATHER introduced a bill (H. R. No. 10) to repeal the increase of salaries, and to cover the undrawn balances into the Treasury; which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. TOWNSEND introduced a bill (H. R. No. 11) to fix the salaries of Senators, Representatives, and Delegates in Congress; which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. MOREY introduced a bill (H. R. No. 12) to abolish all salaries and allowances of members of Congress, [laughter;] which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. COX introduced a bill (H. R. No. 13) to repeal so much of the

act of March 3, 1873, as increased the salaries of Senators, Representatives, and Delegates in Congress; which was read a first and second time, and referred to the Special Committee on Salaries.

Mr. COX. I ask unanimous consent that the special committee have leave to report at any time.

Mr. NEGLEY. I object.

Mr. ELDREDGE. I ask that the committee, in order that it may have power to report at any time, be relieved from reading all these bills. [Laughter.]

The SPEAKER. Some arrangement must be made that this committee may have the right to report at any time, for it cannot report now until a late period in the session, because being a special committee it is put in after every other committee, and the standing committees, when they are called, will absorb, as the gentlemen well know, the larger portion of this session.

Mr. HALE, of Maine. I thought the terms of the resolution itself directed the committee to report at the earliest day practicable.

The SPEAKER. Yes, "at the earliest day practicable."

Mr. HALE, of Maine. I had the understanding that the terms of the resolution authorized the committee to report to-morrow.

Mr. NEGLEY. It was not my understanding.

The SPEAKER. The Chair wishes the matter may be accommodated, for if the standing committees be announced it will be tantamount to placing an obstruction in the way of this report being taken up until a late period in the session.

Mr. RANDALL. It seems to me there is no objection to the committee reporting at any time, but the disposition of the gentlemen seems to be undue haste in this matter.

The SPEAKER. The Chair will again submit the question to the House.

Mr. HALE, of Maine. What is the nature of the resolution?

The SPEAKER. It authorizes the committee to report at the earliest practicable day.

Mr. HALE, of Maine. I supposed that the language of the resolution meant that the committee might report on any day.

The SPEAKER. Under the rules the committee may not be able to report under several months. The Chair thinks that very likely it would not unless this opportunity is given.

Mr. HALE, of Maine. I hope there will be no objection to the committee being allowed to report at any time, as that was the intention of the resolution, and I think members so understood it.

Mr. NEGLEY. I did not so understand it. I understand the matter precisely as it has been stated by the Chair.

The SPEAKER. The Chair cannot consent to place himself, through any misunderstanding, in the position of being an obstacle to this committee reporting. If gentlemen object to this committee reporting at any time it would necessarily force the Chair into that attitude, by announcing committees, of placing an obstacle in the way of this committee reporting. The Chair cannot take that responsibility.

Mr. LAWRENCE. Would it be in order for the committee to report to-morrow?

The SPEAKER. It would not; because the committee must report under the rules, except by consent.

Mr. NEGLEY. I will not press my objection, if the gentleman from Maine [Mr. HALE] will pledge himself not to exhibit any indecent haste in pressing this matter.

Mr. BUTLER, of Massachusetts. It can be done by a suspension of the rules.

The SPEAKER. Not to-day.

Mr. HALE, of Maine. The only object I had in wording the resolution as I did, was to free it from the objection of the gentleman from Pennsylvania, [Mr. NEGLEY,] so that there would be no indecent haste, and yet great speed, so far as practicable, in carrying out the wishes of the House. I understand, and I think with few exceptions members of the House understand, the resolution allowed the committee to report as soon as it could get in readiness to report.

Mr. COX. In making the suggestion which the gentleman from Maine [Mr. HALE] is willing to accept, I had no idea that that gentleman or others proposed to precipitate action in this matter. I think both sides of the House should join by unanimous consent in getting rid of this subject at the earliest practicable moment.

Mr. NEGLEY. The gentleman from New York [Mr. COX] took all summer to make up his mind on this question. He should permit us a week or ten days to make up ours.

Mr. COX. What the gentleman has stated is not true.

Mr. NEGLEY. What does the gentleman say?

Mr. COX. And I can convince the gentleman from Pennsylvania that it is not true.

The SPEAKER. The Chair will again submit the question.

Mr. NEGLEY. Mr. Speaker——

The SPEAKER. The Chair asks gentlemen to preserve order.

The House having come to order,

Mr. NEGLEY. The gentleman from New York [Mr. COX] makes a curt reply to me that my statement is untrue, and says he desires to convince me of that. If he will address me in the language of gentlemen, I will be very readily convinced of my mistake, and be willing to stand corrected on the record.

Mr. COX. The gentleman said that I took all summer to make up my mind to place this money back into the Treasury.

Mr. NEGLEY. I judged that to be the case from the reports of the newspapers, which have been generally correct in this matter.

Mr. COX. Before making a statement of that kind the gentleman should have gone to the Treasury records; and he should have gone to the speech I made in Congress last session, when he interrupted me and said that I could not get back here because I was opposed to this bill.

Mr. NEGLEY. When I said that I did not contemplate the action of the providence of God in taking away Mr. Brooks.

Mr. COX. As soon as I got back from Florida, I returned this money into the Treasury.

The SPEAKER. The Chair hopes that gentlemen will perfectly understand the situation. The language of this resolution gives the committee the right to report the earliest practicable day; that is, as the Chair has explained, on the earliest practicable day under the rules. This being a special committee, goes necessarily to the foot of the committee list. It therefore, in regular courses, cannot be reached until all the standing committies are called, and their various business heard. This places the Chair in a very awkward position. From representations made to him from both sides of the House, with almost equal unanimity, he has no doubt that a very large majority of the House desires to act speedily upon this measure in some way. But, if he announces the standing committees, he would by that act place it in the power of one or two gentlemen to object to the committee having the privilege to report at any time. The gentlemen who object, the Chair will take the liberty to say, will not thereby postpone action, because the Chair will not feel it his duty to obstruct this committee by announcing the other committees.

Mr. RANDALL. I desire to make a parliamentary inquiry; it is whether this resolution authorizing the appointment of this special committee is comprehensive enough to embrace the proposition introduced last session by the gentleman from Maine [Mr. HALE] himself, and which, upon his motion, was inserted in the appropriation bill, whereby members of Congress who, notably by the press and other public information, were elected, though not sworn in, were enabled during the nine months last past to draw their pay?

The SPEAKER. The Chair supposes it would be. The Chair again submits the question: Is there objection to giving to this committee the right to report at any time?

Mr. G. F. HOAR. I object for the moment in order to raise a point of order thus early in the session which I desire to have decided. It is that until a new House of Representatives has, in some form, expressly adopted the rules of the preceding House, no authority can prevent a majority of that new House giving such direction to its business as it shall choose.

The SPEAKER. That question has been often raised, and the Chair would be glad to have it passed upon. The Chair would be glad to learn from the gentleman from Massachusetts [Mr. G. F. HOAR] under what rules the House is now and has been acting.

Mr. G. F. HOAR. The proposition which I wish to submit is, that unless it has been determined otherwise by the uniform usage of the House, (and if so the Chair will inform the House,) no House of Representatives can frame rules for the government of its successor, and that, until this House has in some way adopted the rules of the preceding House, it is governed by general parliamentary law, and the majority have the right to give such directions to its business as they may see fit.

The SPEAKER. The Chair does not understand where would be found any code comprehended in the phrase "general parliamentary law." There are thirty-seven States and nine Territories in the United States, and each one of them has its own parliamentary practice.

Mr. G. F. HOAR. I suppose this proposition is a rule of universal parliamentary law—that the majority of any organized body has the right to control its own action unless some superior authority has constrained it otherwise; and no superior authority, as yet, has constrained the majority of this House.

The SPEAKER. Therefore, if the gentleman from Massachusetts [Mr. G. F. HOAR] is correct——

Mr. G. F. HOAR. Permit me to say that I do not raise this point for the purpose of urging this as in my opinion at all.

The SPEAKER. The Chair is very much obliged to the gentleman from Massachusetts for raising it, for it is a point often raised conversationally on the floor.

Mr. STEPHENS. I rise to a privileged motion; I believe the motion I wish to present takes precedence of all others. I move that the House, until otherwise ordered, adopt the rules and regulations that governed the last House of Representatives.

The SPEAKER. That motion, under the rules, would have to go to the Committee on Rules. The Chair will endeavor to state his understanding of how the House has proceeded since the revision of the rules in 1860. Prior to that time there was a formal motion, each time the House organized that, until further orders, the House would be under the rules of the former House. In 1860, when the honorable gentleman from Georgia [Mr. STEPHENS] was a member of the House, a very elaborate revision of the rules was made. In those rules was this provision, possibly overstretching the authority, but nevertheless there, "that these rules shall be the rules of the House of Representatives then existing, and of each succeeding House, until otherwise ordered."

Now, the very hour the House is called to order it must be under

some rules. It is idle to say that it is under general parliamentary law, because that does not even comprehend the previous question. In that case the House would be simply a mob; you could bring nothing to a vote. General parliamentary law is merely the law of the town meeting; no rule at all. Therefore, rejecting the right of the previous House to impose rules upon this, we must admit that this House meets under some parliamentary rules. What are they? The rules of the nearest analogous body. What is that? The preceding House. The Chair reaches the conclusion, therefore, that there is no necessity of speaking of general parliamentary law, that this House, until it otherwise orders, is, and must be, under the rules which its predecessors have been under, for that is the only analogous body that the Speaker of this House can recognize. And thus far, as the Chair is reminded by a gentleman upon whose opinion he often leans, the House is in its fourth day of the session, has had the previous question ordered and seconded, and up to this point everything has been done under the rules of the former House. The Chair entertains no doubt whatever that the rules of the preceding House are the rules of this House without further order, and that those rules are merely subject to such revision as this House may at any time direct to be made.

Mr. G. F. HOAR. I withdraw my point of order.

Mr. STEPHENS. The Chair is in error in one thing. I was not a member of this House in 1860.

The SPEAKER. The Chair thought the gentleman was.

Mr. STEPHENS. I was unapprised of the action of the House to which the Chair has alluded. I would like to have it read.

The SPEAKER. The Clerk will read rules 144 and 147 relating to this subject.

The Clerk read as follows:

144. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House, and joint rules of the Senate and House of Representatives.—*September* 15, 1837.

* * * * * * * *

147. Those rules shall be rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.—*March* 19, 1860.

The SPEAKER. As this subject is now up, and is one pertaining vitally to the organization of the House, the Chair desires to make one further remark, and he does so because he would prefer to make it now than at some subsequent time when he may be called upon to rule on the question. The Constitution of the United States gives to each House the right to "determine the rules of its proceedings." Therefore, the present occupant of the chair has always been of opinion that what are called dilatory motions cannot be interposed upon a proposition to change the rules. He has held that this constitutional right conferred upon each House cannot be taken away or embarrassed by any rule of the House, even one adopted by the existing body, much less one inherited from a former House. Therefore, upon a question of changing the rules, dilatory motions, or what is known in parliamentary phrase as "filibustering," will never be recognized by the present occupant of the chair.

Mr. RANDALL. Before we go further I would like to inquire whether anybody has objected to this committee being empowered to report at any time.

The SPEAKER. The Chair understood, when the question was last submitted, that there was objection; but he will submit the question again.

Mr. RANDALL. I did not understand anybody to object.

Mr. G. F. HOAR. I withdraw my objection. I merely desired the ruling of the Chair.

The SPEAKER. The Chair is very much obliged to the gentleman for raising the point. The Chair again submits the question whether there is objection to authorizing this committee to report at any time?

There was no objection.

Mr. STEPHENS. I desire to say that the rule which has been read covers the point that I contemplated.

The SPEAKER. The Chair thought the gentleman from Georgia would so recognize.

EXPENSES OF PRESIDENT'S HOUSEHOLD.

Mr. BECK introduced a bill (H. R. No. 14) prohibiting appropriations during this Congress for expenses of the household of the President of the United States, so as to equalize his compensation with that of other officers of the Government; which was read a first and second time, and referred to the Special Committee on the Reduction of Salaries.

REPEAL OF SALARY INCREASE.

Mr. LAWRENCE introduced a bill (H. R. No. 15) to repeal so much of the act of March 3, 1873, as relates to or increases salaries; which was read a first and second time, and referred to the same committee.

Mr. ELDREDGE introduced a bill (H. R. No. 16) providing for the payment to their constituents by members of Congress of whatever salary may by law be provided for them, as a consideration for their votes; which was read a first and second time, and referred to the same committee.

PUBLIC BUILDING, BROOKLYN, NEW YORK.

Mr. SCHUMAKER, of New York, introduced a bill (H. R. No. 17) to provide for a building for the use of the post-office, custom-house, United States circuit and district courts of the United States, and internal-revenue offices at Brooklyn, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds when appointed, and ordered to be printed.

REPEAL OF BANKRUPT ACT.

Mr. PARSONS introduced a bill (H. R. No. 18) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 21, 1867, and all laws and parts of laws amendatory thereto; which was read a first and second time, and ordered to be referred to the Committee on the Judiciary when appointed.

Mr. PARSONS. At the request of several gentlemen upon the floor, I desire to ask that this bill be printed. Some gentlemen who propose to offer amendments to repeal merely the involuntary clause of the bankrupt law wish to examine the provisions of this proposition.

There being no objection, the bill was ordered to be printed.

CONGRESSIONAL SALARIES.

Mr. FIELD introduced a bill (H. R. No. 19) to abolish the salaries of Senators and Representatives in Congress, and to provide that they shall serve without compensation and without mileage, [laughter;] which was read a first and second time, and referred to the Select Committee on the Reduction of Salaries.

ORDER OF BUSINESS.

Mr. McCRARY. I demand the regular order.

The SPEAKER. The regular order being demanded, the States will be called for the introduction of bills on leave, and joint resolutions for reference only, not to be brought back upon motions to reconsider.

ALMON P. GRAVES.

Mr. PARKER, of New Hampshire, introduced a bill (H. R. No. 20) granting a pension to Almon P. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

R. H. DUTTON.

Mr. POLAND introduced a bill (H. R. No. 21) for the relief of R. H. Dutton, postmaster at Cavendish, Vermont; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

JULIA A. NUTT.

Mr. WILLARD (by request) introduced a bill (H. R. No. 22) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

WILLIAM IVERS.

Mr. WILLARD (by request) also introduced a bill (H. R. No. 23) for the relief of William Ivers, of Santa Fé, New Mexico; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

HENRY O. BRIGHAM.

Mr. BUFFINTON introduced a bill (H. R. No. 24) authorizing the settlement of the accounts of Henry O. Brigham, deceased; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

EDWARD O'DRISCOLL.

Mr. BUFFINTON also introduced a bill (H. R. No. 25) to restore Edward O'Driscoll to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDUCATIONAL FUND.

Mr. G. F. HOAR introduced a bill (H. R. No. 26) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

SAVINGS BANKS DEPOSITS.

Mr. PIERCE introduced a bill (H. R. No. 27) explanatory of the ninth section of the act of July 13, 1866, concerning deposits in savings banks; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

REDUCTION OF POSTAGE.

Mr. EAMES introduced a bill (H. R. No. 28) to reduce postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BOUNTIES.

Mr. KELLOGG introduced a bill (H. R. No. 29) for the relief of certain volunteers entitled to bounties; which he moved be referred to the Committee on War Claims.

The SPEAKER. This bill should be referred to the Committee on Military Affairs.

Mr. KELLOGG. It is for bounties to soldiers to which they are entitled under a decision of the Supreme Court.

The SPEAKER. It does not belong to the Committee on War Claims, but to the Committee on Military Affairs.

Mr. KELLOGG. Let it take that reference.

The bill was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEW HAVEN HARBOR

Mr. KELLOGG also introduced a bill (H. R. No. 30) for continuing the improvements in New Haven Harbor, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CONNECTICUT RIVER IMPROVEMENTS.

Mr. KELLOGG also introduced a bill (H. R. No. 31) for continuing the improvements at the mouth of the Connecticut River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RETURN OF FEES.

Mr. STARKWEATHER introduced a bill (H. R. No. 32) requiring the clerks and marshals of the United States circuit and district courts who have received fees and emoluments in excess of their legal compensation to deposit the same with the Treasurer of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO BANKRUPT LAW.

Mr. LANSING introduced a bill (H. R. No. 33) to amend the bankrupt law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HAVANA NATIONAL BANK.

Mr. PLATT of New York, introduced a bill (H. R. No. 34) authorizing the Second National Bank of Havana, New York, to change its name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. DUELL introduced a bill (H. R. No. 35) to provide for the equalization of bounties to soldiers and sailors who served in the war for the suppression of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NORTHERN NEW YORK JUDICIAL DISTRICT.

Mr. DUELL also introduced a bill (H. R. No. 36) to fix the times and places for holding the circuit and district courts of the United States in the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LOAN OF LEGAL TENDERS.

Mr. MERRIAM introduced a bill (H. R. No. 37) authorizing the Secretary of the Treasury to loan United States legal-tender notes upon Government bonds; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FREE BANKING.

Mr. MERRIAM also introduced a bill (H. R. No. 38) amending the national banking act, and authorizing free banking with practical redemptions; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DAVID J. MILLARD.

Mr. E. H. ROBERTS introduced a bill (H. R. No. 39) for the relief of David J. Millard, of Clayville, New York, for damages under a contract to furnish 10,000 cavalry sabers for the Government; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATHANIEL M'KAY.

Mr. COX introduced a bill (H. R. No. 40) for the relief of Nathaniel McKay; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

CUBAN BELLIGERENCY.

Mr. COX also introduced a joint resolution (H. R. No. 3) recognizing Cuban belligerency; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CURRENCY AND INTEREST ON FUNDED DEBT.

Mr. KELLEY introduced a bill (H. R. No. 41) for the improvement of the currency and reduction of the interest on the funded debt of the United States; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

FREE MAIL MATTER.

Mr. ALBRIGHT introduced a bill (H. R. No. 42) relating to the free transmission by mail of newspapers and periodicals; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads when appointed, and ordered to be printed.

SECURITY OF LIFE ON STEAM-VESSELS.

Mr. NEGLEY introduced a bill (H. R. No. 43) to amend an act entitled "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam and for other purposes," approved February 28, 1871; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

RELIEF OF CERTAIN CITIZENS.

Mr. NEGLEY also introduced a bill (H. R. No. 44) for the relief of certain citizens of Alleghany County, Pennsylvania; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

MARINE HOSPITAL AT PITTSBURGH.

Mr. NEGLEY also introduced a bill (H. R. No. 45) authorizing the Secretary of the Treasury to purchase a site and erect a suitable building to be used as a marine hospital, to be located in the city of Pittsburgh, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds when appointed, and ordered to be printed.

TRANSIT FOR PRODUCTS OF THE WEST.

Mr. NEGLEY also introduced a bill (H. R. No. 46) for the construction of a steamboat and slack-water navigation to connect the Ohio River and the sea-board by the way of the Monongahela and Youghiogheny Rivers, the Chesapeake and Ohio Canal, and the Potomac River, for the purpose of affording a cheap and commodious transit for the agricultural and mineral products of the West, and thereby promoting commerce, stimulating industry, and rendering accessible a vast region covered with marketable timber and inlaid with rich deposits of coal and iron; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

PUBLIC BUILDING AT PITTSBURGH, PENNSYLVANIA.

Mr. NEGLEY also introduced a bill (H. R. No. 47) to authorize the erection of a building at the city of Pittsburgh, Pennsylvania, for the accommodation of the post-office, United States courts, customs, revenue, pensions, and other offices of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds when appointed, and ordered to be printed.

FOREIGN TELEGRAPHIC COMMUNICATION.

Mr. NEGLEY also introduced a bill (H. R. No. 48) to promote and encourage telegraphic communication between America and foreign countries; which was read a first and second time, referred to the Committee on Foreign Affairs when appointed, and ordered to be printed.

IMPROVEMENT OF HARBOR AT PITTSBURGH, PENNSYLVANIA.

Mr. NEGLEY also introduced a bill (H. R. No. 49) to provide for the improvement of the harbor at Pittsburg, Pennsylvania; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

IMPROVEMENT OF MONONGAHELA RIVER.

Mr. NEGLEY also introduced a bill (H. R. No. 50) to provide for the continued improvement of the Monongahela River, in the States of Pennsylvania and Virginia; which was read a first and second time, referred to the Committee on Commerce when appointed and ordered to be printed.

IMPROVEMENT OF OHIO RIVER.

Mr. NEGLEY also introduced a bill (H. R. No. 51) to provide for the improvement of the Ohio River; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

MARY SWIFT.

Mr. RANDALL introduced a bill (H. R. No. 52) granting an annuity to Mary Swift, daughter of Thomas Truxton, deceased, late a commodore in the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

DEPOSITS WITH NATIONAL BANKS.

Mr. RANDALL also introduced a bill (H. R. No. 53) in reference to the payment of interest on deposits of money made with national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

NATIONAL CURRENCY.

Mr. RANDALL also introduced a bill (H. R. No. 54) to amend an act entitled "An act to provide a national currency secured by the pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

Mr. RANDALL also introduced a bill (H. R. No. 55) to amend an act entitled "An act to provide a national currency secured by the pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

CERTIFIED CHECKS.

Mr. RANDALL also introduced a bill (H. R. No. 56) to amend an act entitled "An act in reference to certifying checks by national

banks," approved March 3, 1869; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

RELIEF OF DISTILLERS.

Mr. RANDALL also introduced a bill (H. R. No. 57) for the relief of distillers of spirits by the reimbursing and repayment of moneys expended and paid by them on account of spirit-meters; which was read a first and second time, and with the accompanying memorial referred to the Committee of Ways and Means when appointed, and ordered to be printed.

GEORGE W. BRADLEY.

Mr. TOWNSEND introduced a bill (H. R. No. 58) granting a pension to George W. Bradley; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

REBECCA W. TAYLOR.

Mr. TOWNSEND also introduced a bill (H. R. No. 59) granting a pension to Rebecca W. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

JOSIAH BRINARD.

Mr. TOWNSEND also introduced a bill (H. R. No. 60) granting a pension to Josiah Brinard; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

JOHN DAVIS.

Mr. TOWNSEND also introduced a bill (H. R. No. 61) to authorize the payment of half-pay to Captain John Davis, a revolutionary officer; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

MORGAN E. WEST.

Mr. TOWNSEND also introduced a bill (H. R. No. 62) for the relief of Morgan E. West; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

FELL, HOOPES, AND BURNHAM.

Mr. TOWNSEND also introduced a bill (H. R. No. 63) for the relief of J. G. Fell, Edward Hoopes, and George Burnham, trustees; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

FRANCES C. ELLIOTT.

Mr. TODD introduced a bill (H. R. No. 64) restoring the pension of Frances C. Elliott, widow of Commodore Jesse D. Elliott, late of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

SOLOMON BOOKS.

Mr. PACKER introduced a bill (H. R. No. 65) to provide for the payment of Solomon Books for services as mail-route agent; which was read a first and second time, referred to the Committee of the Post-Office and Post-Roads when appointed, and ordered to be printed.

POST-OFFICE DEPARTMENT.

Mr. SHOEMAKER, of Pennsylvania, introduced a bill (H. R. No. 66) to amend an act entitled "An act making appropriations for the service of the Post-Office Department for the year ending June 30, 1874; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads when appointed, and ordered to be printed.

CLOTHING TO ENLISTED MEN IN THE NAVY.

Mr. MYERS introduced a bill (H. R. No. 67) providing for the outfit and yearly allowance of clothing to enlisted men and boys in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs when appointed, and ordered to be printed.

PATENTS AND COPYRIGHTS.

Mr. MYERS also introduced a bill (H. R. No. 68) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights," approved July 1, 1870; which was read a first and second time, referred to the Committee on Patents when appointed, and ordered to be printed.

ANN HUMPHREYS.

Mr. MYERS also introduced a bill (H. R. No. 69) granting a pension to Ann Humphreys, of Philadelphia, widow of Lawrence Humphreys, late a private in Company H, Ninety-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

MARGARETTA S. MEADE.

Mr. MYERS also introduced a bill (H. R. No. 70) granting a pension to Mrs. Margaretta S. Meade, widow of Major-General George G. Meade; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

BANKRUPT ACT.

Mr. O'BRIEN introduced a bill (H. R. No. 71) to amend the fourth section of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

Mr. O'BRIEN also introduced a bill (H. R. No. 72) to amend the forty-seventh section of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

EDUCATIONAL FUND.

Mr. SENER introduced a bill (H. R. No. 73) to establish an educational fund, and to apply the proceeds of the public lands for the education of the people; which was read a first and second time, referred to the Committee on Education and Labor when appointed, and ordered to be printed.

PAY OF MECHANICS IN NORFOLK NAVY-YARD.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 74) to regulate the pay of laborers, artisans, and mechanics in the Norfolk navy-yard; which was read a first and second time, referred to the Committee on Naval Affairs when appointed, and ordered to be printed.

DR. A. G. TEBAULT.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 75) for the relief of Dr. A. G. Tebault, of Princess Anne County, Virginia; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

CAPTAIN GEORGE H. COOPER.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 76) for the relief of Captain George H. Cooper, of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs when appointed, and ordered to be printed.

ROBERT PLATT.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 77) to authorize the Secretary of the Navy to appoint Acting-Master Robert Platt a master in the Navy of the United States; which was read a first and second time, referred to the Committee on Naval Affairs when appointed, and ordered to be printed.

SALEM P. ROSE.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 78) granting a pension to Salem P. Rose; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

ROBERT CLARK.

Mr. PLATT, of Viriginia, also introduced a bill (H. R. No. 79) for the relief of Robert Clark, of Petersburgh, Virginia; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

HEIRS OF JOHN HENRY.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 80) for the relief of the heirs or legal representatives of John Henry, deceased; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

IRON-PLATING SHOP AT NORFOLK.

Mr. PLATT, of Viriginia, also introduced a bill (H. R. No. 81) for the construction of an iron-plating shop in the marine barracks at the Norfolk navy-yard; which was read a first and second time, referred to the Committee on Public Buildings and Grounds when appointed, and ordered to be printed.

TAXATION.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 82) declaratory of the meaning of section thirty-nine of the act of June 6, 1872, entitled "An act to reduce duties on imports and to reduce internal taxes and for other purposes;" which was read a first and second time, referred to the Committee of Ways and Means when appointed, and ordered to be printed.

POWDER MAGAZINE AT NORFOLK.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 83) to authorize the Secretary of the Navy to remove the powder magazine from Fort Norfolk, at Norfolk, Virginia; which was read a first and second time, referred to the Committee on Naval Affairs when appointed, and ordered to be printed.

SURVEY OF BLACKWATER RIVER, VIRGINIA.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 84) authorizing and directing a survey of Blackwater River in Virginia; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

IMPROVEMENT OF DISMAL SWAMP CANAL.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 85) for the improvement of Dismal Swamp Canal in Virginia and North Carolina; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

STREET RAILROAD IN DISTRICT OF COLUMBIA.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 86) to incorporate the Capitol, North O street and South WashingtonR ailway Company; which was read a first and second time, referred to the Committee for the District of Columbia when appointed, and ordered to be printed.

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD.

Mr. HARRIS, of Virginia, introduced a bill, (H. R. No. 87) authorizing the Washington, Cincinnati, and Saint Louis Railroad Company to extend their road into the District of Columbia; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

PERRY BROYLES.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 88) for the relief of Perry Broyles; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed

G. W. TAYLOR.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 89) for the relief of G. W. Taylor, late postmaster at Winchester, Virginia; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

WILLIAM T. SIMMS.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 90) for the relief of William T. Simms; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

THOMAS BURKE.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 91) for the relief of Thomas Burke; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

PATENT OF JAMES M. LILLEY.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 92) to authorize the extension of the patent of James M. Lilley for an improved instrument for surveying and calculating areas; which was read a first and second time, referred to the Committee on Patents when appointed, and ordered to be printed.

NANCY CLOUD.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 93) to restore to the pension-roll the name of Nancy Cloud, widow of William Cloud, a revolutionary pensioner; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

BURKE AND KUNKEL.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 94) for the relief of Burke and Kunkel; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

PAYMENT FOR QUARTERMASTER'S STORES, ETC.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 95) to pay for quartermasters' and commissary stores, when purchased and receipted for, without requiring an oath of past loyalty; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

POSTMASTERS' ACCOUNTS IN INSURRECTIONARY STATES.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 96) to authorize the Postmaster-General to credit the postmasters in States lately in rebellion with all stamps and stamped envelopes taken from them by paramount force or lost or destroyed without the fault of said postmasters, and to refund any money since paid for the same so taken, lost, or destroyed; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

HEIRS OF WILLIAM A. GRAHAM.

Mr. WHITEHEAD introduced a bill (H. R. No. 97) for the relief of the heirs of Wm. A. Graham; which was read a first and second time, referred to the Committee on Patents when appointed, and ordered to be printed.

M. AND E. MYERS.

Mr. STOWELL introduced a bill (H. R. No. 98) for the relief of M. and E. Myers, of Petersburgh, Virginia, for Tice meters bought by order of the Commissioner of Internal Revenue; which was read a first and second time, referred to the Committee of Ways and Means when appointed, and ordered to be printed.

RESTORATION OF FRANKING PRIVILEGE.

Mr. LEACH introduced a bill (H. R. No. 99) to restore the franking privilege; which was read a first and second time, referred to the Special Committee on the Redaction of Salaries when appointed, and ordered to be printed.

SUPPLEMENTARY CIVIL RIGHTS BILL.

Mr. CAIN introduced a bill (H. R. No. 100) supplementary to an act entitled "An act to protect all citizens in their civil rights, and to furnish the means for their vindication," passed April 9, 1866; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 101) to remove all political disabilities imposed by the fourteenth article of amendments of the Constitution of the United States upon certain classes of citizens; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

MEMPHIS AND VICKSBURGH RAILROAD.

Mr. McKEE introduced a bill (H. R. No. 102) granting the Memphis and Vicksburgh Railroad Company the right to build a bridge over the Yazoo River; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

Mr. McKEE also introduced a bill (H. R. No. 103) granting the Memphis and Vicksburgh Railroad Company the right of way along the river bank at the national cemetery at Vicksburgh, Mississippi; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

JAMES COATS.

Mr. McKEE also introduced a bill (H. R. No. 104) for the relief of James Coats, of Jackson, Mississippi; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

ROBERT N. M'MILLAN.

Mr. DARRELL introduced a bill (H. R. No. 105) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of the Teche in the district of Louisiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CIVIL RIGHTS BILL.

Mr. MOREY introduced a bill (H. R. No. 106) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866; which was read a first second time, and referred to the Committee on the Judiciary, and ordered to be printed.

LOUISIANA DISTRICT COURTS.

Mr. MOREY also introduced a bill (H. R. No. 107) for the better organization of the district courts of the United States within the State of Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OATH OF OFFICE.

Mr. MOREY also introduced a bill (H. R. No. 108) to prescribe an oath of office, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CREDIT OF RECONSTRUCTED STATES.

Mr. MOREY also introduced a bill (H. R. No. 109) to strengthen the credit of the reconstructed States and to afford them financial relief, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

VICKSBURGH AND TEXAS RAILROAD.

Mr. MOREY also introduced a bill (H. R. No. 110) reviving a grant of land to aid in the construction of a railroad from Vicksburgh, Mississippi, to the Texas State line; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHOCTAW AND CHICKASAW FREEDMEN.

Mr. MOREY also introduced a bill (H. R. No. 111) for the relief of the freedmen of the Choctaw and Chickasaw Nations; which was read a first and second time, referred to the Committee on Freedmen's Affairs, and ordered to be printed.

LOUISIANA AND TEXAS RAILROAD.

Mr. MOREY also introduced a bill (H. R. No. 112) authorizing the Northern Louisiana and Texas Railroad Company to construct a bridge over the Washita River at or near Monroe, Louisiana, and a bridge over the Red River at or near Shreveport, Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN ZUMSTEIN.

Mr. SAYLOR, of Ohio, introduced a bill (H. R. No. 113) for the relief of John Zumstein; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM M'ELROY.

Mr. WOODWARD introduced a bill (H. R. No. 114) to restore William McElroy to his old grade as first lieutenant in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALABAMA COURTS.

Mr. HAYS introduced a bill (No. H. R. 115) in relation to the United

States courts in the State of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OATH OF OFFICE.

Mr. BECK introduced a bill (H. R. No. 116) to repeal the act of July 2, 1862, entitled "An act to prescribe an oath of office;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. BECK also introduced a bill (H. R. No. 117) authorizing the payment of one-half of the duty on imports in legal-tender or national bank notes instead of gold; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REMOVAL OF DISABILITIES.

Mr. BECK also introduced a bill (H. R. No. 118) for the removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMPENSATION OF MEMBERS.

Mr. ARTHUR introduced a bill (H. R. No. 119) to repeal the law fixing the compensation of members of Congress; which was read a first and second time, referred to the Special Committee on Salaries, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. ARTHUR also introduced joint resolution (H. R. No. 74) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SOUTHERN CLAIMS-COMMISSION.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 120) to extend the time for filing claims before the claims commission until the 1st day of March, A. D. 1874; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUTIES DUE FROM SOUTHERN RAILROADS.

Mr. MAYNARD introduced a bill (H. R. No. 122) to extend the provisions of the act approved March 3, 1871, entitled "An act to provide for the collection of debts due from Southern railroads, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

M. L. MEACHAM.

Mr. MAYNARD also introduced a bill (H. R. No. 123) for the relief of M. L. Meacham; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

PEREZ DICKINSON.

Mr. MAYNARD also introduced a bill (H. R. No. 124) for the relief of Perez Dickinson, surviving partner of Cowan & Dickinson, of Knoxville, East Tennessee; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

PENSIONS.

Mr. WHITTHORNE introduced a bill (H. R. No. 125) to extend the provisions of the act of Congress, approved February 14, 1871, granting pensions to certain soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

REDUCTION OF SALARIES.

Mr. WHITTHORNE also introduced a bill (H. R. No. 126) to reduce the salaries of members of Congress and officers of the Government of the United States; which was read a first and second time, referred to the special committee on that subject, and ordered to be printed.

PACIFIC RAILROAD ACTS.

Mr. WILSON, of Indiana, introduced a bill (H. R. No. 127) declaring the true intent and meaning of the Pacific Railroad acts, approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

NATIONAL CURRENCY.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 128) to amend the national currency act; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

CONSTITUTIONAL AMENDMENTS.

Mr. WILSON, of Indiana, also introduced a joint resolution (H. R. No. 5) proposing amendments to the Constitution; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

RICHARD H. SWIFT.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 129) for the relief of Richard H. Swift; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

EPHRAIM B. SHOWALTER.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 130) for the relief of Ephraim B. Showalter; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

JOHN COLTER.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 131) for the relief of John Colter; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

WILLIAM H. PILKINTON.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 132) for the relief of William H. Pilkinton, late a second lieutenant in Company G, Fifth Regiment of Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

SIMEON J. THOMPSON.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 133) for the relief of Simeon J. Thompson, late an acting second lieutenant in Company B, Seventy-ninth Regiment of Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

TRANSMISSION OF NEWSPAPERS, ETC., BY MAIL.

Mr. TYNER introduced a bill (H. R. No. 134) to permit the publishers of newspapers and periodicals to exchange their publications, and the publishers of weekly newspapers to send within the county of their publication one copy thereof to actual subscribers free of postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads when appointed, and ordered to be printed.

THE FORTY-FOUR MILLION RESERVE.

Mr. HUNTER introduced a joint resolution (H. R. No. 6) authorizing the Secretary of the Treasury to put in circulation the residue of the forty-four million reserve now remaining in the Treasury, by purchasing Government bonds therewith; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

PATENTS AND COPYRIGHTS.

Mr. SAYLER, of Indiana, introduced a bill (H. R. No. 135) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights," approved July 8, 1872; which was read a first and second time, referred to the Committee on Patents when appointed, and ordered to be printed.

RESERVE OF UNITED STATES NOTES IN TREASURY.

Mr. COBURN introduced a bill (H. R. No. 136) to provide for the reserve of United States notes in the Treasury of the United States; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

RULES OF CONGRESS.

Mr. COBURN also introduced a bill (H. R. No. 137) to provide that the rules of the House of Representatives and the Senate of the United States of each Congress shall be the rules of succeeding Congresses until otherwise ordered by their respective Houses; which was read a first and second time, referred to the Committee on the Rules when appointed, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. NIBLACK introduced a bill (H. R. No. 138) to equalize the bounties of soldiers, sailors, and marines who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

NATIONAL BANKS.

Mr. BURCHARD introduced a bill (H. R. No. 139) to require national banking associations to retain as part of their legal reserve the coin interest received on bonds deposited as security for circulation; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

FREE SCHOOLS.

Mr. BURCHARD also introduced a bill (H. R. No. 140) to aid the establishment of free schools throughout the United States; which was read a first and second time, referred to the Committee on Education and Labor when appointed, and ordered to be printed.

WILLIAM SWANZEY.

Mr. BURCHARD also introduced a bill (H. R. No. 141) granting a pension to William Swanzey; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

WAR CLAIMS.

Mr. HURLBUT introduced a joint resolution (H. R. No. 7) as to claims arising from military operations in the late war; which was

read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate was communicated to the House by Mr. GORHAM, their Secretary, informing the House that the Senate had passed and requested the concurrence of the House in a bill (S. No. 51) to provide for the redemption of the loan of 1858.

NATIONAL CURRENCY.

Mr. HAWLEY, of Illinois, introduced a bill (H. R. No. 142) to amend an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof;" which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

RAILROADS.

Mr. HAWLEY, of Illinois, also introduced a bill (H. R. No. 143) to regulate commerce among the several States as carried on by railroads; which was read a first and second time.

Mr. HAWLEY, of Illinois. I move that this bill be printed and referred to the Committee on Railways and Canals when appointed.

Mr. NEGLEY. I move to amend that so as to refer it to the Committee on Commerce. As it relates to transportation, it should be referred to that committee.

The question was taken upon the amendment; and upon a division there were—ayes 45, noes 72; no quorum voting.

Tellers were ordered; and Mr. HAWLEY, of Illinois, and Mr. NEGLEY were appointed.

Mr. HURLBUT. I ask that the rules constituting these committees and prescribing their duties be read.

The Clerk read as follows:

It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the United States as shall be presented, or shall or may come into question, and be referred to them by the House; and to report from time to time their opinion thereon.

It shall be the duty of the Committee on Railways and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question, and be referred to them by the House; and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

Mr. KELLOGG. Would it be in order to call for the reading of the bill at length?

The SPEAKER *pro tempore*, (Mr. DAWES.) That would require unanimous consent.

Mr. HAWLEY, of Illinois. I have no objection.

Mr. NEGLEY. I object.

Mr. KELLOGG. I thought anybody could call for the reading of a bill during the morning hour.

The SPEAKER *pro tempore*. Not while the House is dividing upon the question. The gentleman is too late in his call.

The House again divided; and the tellers reported that there were—ayes 90, noes 65.

Before the result of the vote was announced—

Mr. BURCHARD called for the yeas and nays.

The SPEAKER, (resuming the chair.) The Chair desires to remark that this is "a bill to regulate commerce among the several States as carried on by railways." The Committee on Railways and Canals by the rules is especially organized to take charge of matters relating to railways. It is not the business of the Chair to do anything else than to call attention to the language of the rules which have been read to the House, and to suggest that there is no more embarrassing subject than to get the jurisdiction of committees in dispute. In the judgment of the Chair, this bill belongs to the Committee on Railways and Canals.

Mr. NEGLEY. I withdraw my amendment.

The motion to print the bill and refer it to the Committee on Railways and Canals when appointed was then agreed to.

SALARIES.

Mr. HAWLEY, of Illinois, also introduced a bill (H. R. No. 144) to repeal certain provisions of an act entitled "An act making appropriations for the executive, legislative, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873; which was read a first and second time, referred to the Special Committee on Salaries when appointed, and ordered to be printed.

LAKE MICHIGAN AND MISSISSIPPI CANAL.

Mr. HAWLEY, of Illinois, also introduced a bill (H. R. No. 145) to provide for the construction of a canal connecting the waters of Lake Michigan and of the Illinois, Mississippi, and Rock Rivers; which was read a first and second time, referred to the Committee on Railways and Canals when appointed, and ordered to be printed.

COMPENSATION OF MEMBERS OF CONGRESS.

Mr. MARSHALL introduced a bill (H. R. No. 146) to regulate the compensation of members of Congress; which was read a first and second time, referred to the Special Committee on Salaries when appointed, and ordered to be printed.

EZRA TAYLOR.

Mr. FARWELL introduced a bill (H. R. No. 147) for the relief of Ezra Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

FREE TRANSMISSION OF NEWSPAPERS.

Mr. FORT introduced a bill (H. R. No. 148) to provide for the free transmission by mail of newspapers in the counties where published, and their exchanges; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads when appointed, and ordered to be printed.

IMMIGRATION.

Mr. WARD, of Illinois, introduced a bill (H. R. No. 149) to promote immigration to the United States and for the protection of emigrants; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

COMMERCE ON RAILWAYS.

Mr. MCNULTA introduced a bill (H. R. No. 150) to regulate commerce on railways; which was read a first and second time, referred to the Committee on Railways and Canals when appointed, and ordered to be printed.

INDIAN TREATIES—OKLAHOMA.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 151) to carry out certain Indian treaties of 1866 and to organize the Territory of Oklahoma; which was read a first and second time, referred to the Committee on the Territories when appointed, and ordered to be printed.

PUBLIC BUILDING AT SAINT JOSEPH, MISSOURI.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 152) to provide for the erection of a suitable public building for the use of the post-office, the revenue offices, and the United States courts at Saint Joseph, Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds when appointed, and ordered to be printed.

WAGON-ROAD ACROSS RED RIVER.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 153) to authorize the construction of a wagon-road and a foot-passenger bridge across the Red River at or near the present landing of a ferry-boat belonging to B. F. Colbert, of the Chickasaw Nation; which was read a first and second time, referred to the Committee on Railways and Canals when appointed, and ordered to be printed.

WILLIAM STODDARD.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster United States volunteers; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

JENNIE W. HYDE.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 155) for the relief of Jennie W. Hyde; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

MASSACRE AT CENTRALIA, MISSOURI, IN 1864.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 156) granting pensions to the widows, children, dependent fathers and mothers, or orphan brothers and sisters of those soldiers who were murdered by guerrillas at Centralia, Missouri, in 1864; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

T. H. LOGAN AND D. T. M'COY.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 157) providing for the payment of $300 to T. H. Logan and D. T. McCoy, for the expenses of, and as a reward for, the capture of Frank A. Salters, an escaped convict; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

LANDS FOR SCHOOLS IN MISSOURI.

Mr. HYDE introduced a bill (H. R. No. 158) to appropriate lands for the support of schools in certain fractional townships in the State of Missouri; which was read a first and second time, referred to the Committee on the Public Lands when appointed, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI RIVER.

Mr. WELLS introduced a bill (H. R. No. 159) authorizing the improvement of the Mississippi River between the mouths of the Missouri and Ohio Rivers; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

LAND CLAIMS IN MISSOURI.

Mr. BUCKNER introduced a bill (H. R. No. 160) obviating the necessity of issuing patents for certain land claims in the State of Missouri, and for other purposes; which was read a first and second time, referred to the Committee on Private Land Claims when appointed, and ordered to be printed.

TAX ON CIGARS, TOBACCO, AND SNUFF.

Mr. BUCKNER also introduced a bill (H. R. No. 161) to abolish the tax on cigars, tobacco, and snuff, and for other purposes; which

was read a first and second time, referred to the Committee on Ways and Means when appointed, and ordered to be printed.

JOSEPH W. M'CLURG AND OTHERS.

Mr. CRITTENDEN introduced a bill (H. R. No. 162) for the relief of George W. McClurg and others, of Camden County, Missouri; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

ELIAS C. BOUDINOT.

Mr. HAVENS introduced a bill (H. R. No. 163) for the relief of Elias C. Boudinot; which was read a first and second time, and with accompanying memorial referred to the Committee on the Judiciary when appointed, and ordered to be printed.

INDIAN TREATIES—OKLAHOMA.

Mr. HYNES introduced a bill (H. R. No. 164) to carry out certain Indian treaties, and to organize the Territory of Oklahoma; which was read a first and second time, referred to the Committee on Indian Affairs when appointed, and ordered to be printed.

IMMIGRATION.

Mr. CONGER introduced a bill (H. R. No. 165) to promote immigration to the United States, and to protect immigrants on their passage; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

SURVEY OF MICHIGAN SHIP-CANAL.

Mr. WALDRON presented a joint resolution of the Legislature of the State of Michigan, asking Congress for an appropriation for a survey of the Michigan Ship-canal; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

MIDDLE GROUND IN SAGINAW RIVER.

Mr. BRADLEY introduced a bill (H. R. No. 166) to authorize the sale of the Middle Ground or island in Saginaw River, in the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

NIAGARA FALLS SHIP-CANAL.

Mr. FIELD presented a joint resolution of the Legislature of Michigan, asking Congress to provide for the early construction of a ship-canal around the Falls of Niagara; which was referred to the Committee on Railways and Canals, and ordered to be printed.

Mr. FIELD also introduced a bill (H. R. No. 167) to provide for the construction of a ship-canal around the Falls of Niagara; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

REPEAL OF STAMP TAXES.

Mr. FIELD also introduced a bill (H. R. No. 168) to repeal all stamp taxation on bank-checks and friction-matches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DETROIT ARSENAL.

Mr. FIELD also introduced a bill (H. R. No. 169) to grant the building and grounds known as Detroit arsenal to the State of Michigan, for the purpose of aiding the said State in establishing and maintaining thereon a free industrial university; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

INDEMNITY.

Mr. WALLS introduced a bill (H. R. No. 170) to amend an act for the relief of persons entitled to indemnity under the treaty with Spain ceding Florida, and the treaty with France ceding Louisiana to the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EMPLOYÉS OF CONGRESS.

Mr. WALLS also introduced a joint resolution (H. R. No. 8) for the relief of the employés of the Senate and House of Representatives and persons employed by authority of said Houses subsequent to the 4th day of March, 1873; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CREDITORS OF THE REPUBLIC OF TEXAS.

Mr. HERNDON introduced a joint resolution (H. R. No. 9) authorizing the Secretary of the Treasury to pay over to the State of Texas all balances remaining of the fund appropriated by the acts of September 9, 1850, and February 28, 1855, for the payment by the Secretary of the Treasury to the creditors of the old republic of Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812.

Mr. HERNDON also introduced a bill (H. R. No. 171) to amend an act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PUBLIC BUILDINGS IN TEXAS.

Mr. HERNDON also introduced a bill (H. R. No. 172) to provide a suitable building for the United States courts, post-office, and internal revenue officers in the city of Tyler, State of Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TEXAS WAR CLAIMS.

Mr. HERNDON also introduced a joint resolution (H. R. No. 10) authorizing and directing the Secretary of the Treasury to pay to the State of Texas $223,143.89, with legal interest since November, 1860, as compensation for troops furnished and paid for by said State from September, 1854, until November, 1860, for which the United States are liable; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. H. REAGAN.

Mr. HERNDON also introduced a bill (H. R. No. 173) for the removal of the legal and political disabilities of John H. Reagan, of Anderson County, Texas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JILES S. BOGGESS.

Mr. HERNDON also introduced bill (H. R. No. 174) for the relief of Jiles S. Boggess, of Rusk County, Texas, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PAYMENT OF CLAIMS.

Mr. HERNDON also introduced a joint resolution (H. R. No. 11) to amend a joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion, and in favor of its suppression," approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF INDIANS.

Mr. HERNDON also introduced a bill (H. R. No. 175) for the removal of the Alabama, Cooshatto, and Muscogee tribes of Indians from the States of Texas and Louisiana to the Creek Nation in the Indian Territory, and to supply them for one year; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TEXAS JUDICIAL DISTRICTS.

Mr. HERNDON also introduced bill (H. R. No. 176) to establish the tenth judicial circuit, and to amend the act to divide the State of Texas into two judicial districts, approved February 21, 1857; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC LANDS.

Mr. KASSON introduced a bill (H. R. No. 177) to secure to actual settlers all public lands of the United States not otherwise appropriated or reserved, to repeal certain laws relating thereto, and to free the national domain from speculative use on and after the 4th day of July, 1876; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MAIL TRANSPORTATION.

Mr. KASSON also introduced a bill (H. R. No. 178) to assure the transportation of the mail on the railways of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads when appointed, and ordered to be printed.

ARBITRATION.

Mr. McCRARY introduced a joint resolution (H. R. No. 12) concerning international arbitration; which was read a first and second time, referred to the Committee on Foreign Affairs when appointed, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. McCRARY also introduced a joint resolution (H. R. No. 13) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Reform of the Civil Service when appointed, and ordered to be printed.

DISTRICT COURT TERMS IN IOWA.

Mr. McCRARY also introduced a bill (H. R. No. 179) to change the time of holding certain terms of the district courts of the United States for the district of Iowa; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

ELIZABETH M'GINLEY.

Mr. McCRARY also introduced a bill (H. R. No. 180) granting a pension to Elizabeth McGinley, mother of William F. McGinley; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

COMMERCE BETWEEN THE STATES.

Mr. McCRARY also introduced a bill (H. R. No. 181) to regulate commerce by railroads among the several States; which was read a first and second time, referred to the Committee on Railways and Canals when appointed, and ordered to be printed.

ADAM HINE.

Mr. McCRARY also introduced a bill (H. R. No. 182) for the relief of Adam Hine; which was read a first and second time, referred with the accompanying papers to the Committee on War Claims when appointed, and ordered to be printed.

LETTER-CARRIERS.

Mr. COTTON introduced a bill (H. R. No. 183) for the employment of letter-carriers at every place having a population of ten thousand inhabitants within the delivery of its post-office; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads when appointed, and ordered to be printed.

EDUCATION OF INDIGENT BLIND.

Mr. COTTON also introduced a bill (H. R. No. 184) to provide for the better education of the indigent blind in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia when appointed, and ordered to be printed.

JAMES AND OHIO RIVERS.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 185) to complete the water highway from the tide-water of the James River to the Ohio River at the mouth of the Kanawha; which was read a first and second time, referred to the Committee on Railways and Canals when appointed, and ordered to be printed.

CRIPPLED SOLDIERS.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 186) to increase pensions to soldiers who have lost a leg or an eye; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

SWAMP-LAND INDEMNITY CERTIFICATES.

Mr. ORR introduced a bill (H. R. No. 187) to authorize the issue of swamp-land indemnity certificates and their location by actual settlers; which was read a first and second time, referred to the Committee on the Public Lands when appointed, and ordered to be printed.

DEFENSE AND TRANSPORTATION.

Mr. DONNAN introduced a bill (H. R. No. 188) to provide for the national defense and to afford cheap transportation by water from the interior to the Atlantic sea-board by way of the great lakes, and for other purposes; which was read a first and second time, referred to the Committee on Railways and Canals when appointed, and ordered to be printed.

FREE CIRCULATION OF NEWSPAPERS.

Mr. RUSK introduced a bill (H. R. No. 189) to authorize the free circulation of weekly newspapers in the county in which they are published, and the free interchange of newspapers published within the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads when appointed, and ordered to be printed.

BANKRUPTCY.

Mr. HAZELTON, of Wisconsin, introduced a bill (H. R. No. 190) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," and all acts amendatory thereof; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

EDMUND M. RANDOLPH.

Mr. HOUGHTON introduced a bill (H. R. No. 191) to provide for the payment of legal services rendered by Edmund M. Randolph to the United States; which was read a first and second time, referred to the Committee on the Judiciary when appointed, and ordered to be printed.

IMMIGRATION.

Mr. CLAYTON introduced a bill (H. R. No. 192) to promote immigration to the United States, and for the protection of emigrants; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

ASIATIC COMMERCIAL COMPANY.

Mr. CLAYTON also introduced a bill (H. R. No. 193) to incorporate the Asiatic commercial company; which was read a first and second time, referred to the Committee on Commerce when appointed, and ordered to be printed.

JAMES E. BARNES.

Mr. LUTTRELL introduced a bill (H. R. No. 194) for the relief of James E. Barnes and eleven others; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

HARVEY GREEN.

Mr. DUNNELL introduced a bill (H. R. No. 195) granting a pension to Harvey Green; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

PETER J. CRATZER.

Mr. DUNNELL also introduced a bill (H. R. No. 196) granting a pension to Peter J. Cratzer; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. DUNNELL also introduced a bill (H. R. No. 197) to provide for the equalization of bounties to soldiers who served in the war for the suppression of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

ADDITIONAL LAND DISTRICT IN KANSAS.

Mr. LOWE introduced a bill (H. R. No. 198) to establish a southwestern land district in Kansas; which was read a first and second time, referred to the Committee on the Public Lands when appointed, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. LOWE also introduced a bill (H. R. No. 199) to provide for the appointment of commissioners to investigate and audit Indian depredation claims; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

SETTLERS ON CHEROKEE STRIP.

Mr. LOWE also introduced a bill (H. R. No. 200) for the relief of settlers on the Cherokee strip, in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs when appointed, and ordered to be printed.

INDIAN CLAIMS.

Mr. LOWE also introduced a bill (H. R. No. 201) to provide for the payment of certain Indian claims reported allowed by the Secretary of the Interior under the act of Congress of May 29, 1872; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. PHILLIPS introduced a bill (H. R. No. 202) for the relief of certain persons, sufferers from Indian depredations; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

ADDITIONAL LAND DISTRICTS IN KANSAS.

Mr. PHILLIPS also introduced a bill (H. R. No. 203) to create two additional land districts in the State of Kansas; which was read a first and second time, referred to the Committee on the Public Lands when appointed, and ordered to be printed.

GOVERNMENT BUILDINGS IN KANSAS.

Mr. PHILLIPS also introduced a bill (H. R. No. 204) to provide for Government buildings in the cities of Topeka and Leavenworth, in the State of Kansas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds when appointed, and ordered to be printed.

KANSAS CLAIMS.

Mr. PHILLIPS also introduced a bill (H. R. No. 205) authorizing the appointment of a commissioner and the settlement of the claims of certain citizens of Kansas named therein; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

WILLIAM H. PENKENTON.

Mr. PHILLIPS also introduced a bill (H. R. No. 206) for the relief of William H. Penkenton, late a second lieutenant in Company G, Fifth Regiment Indiana Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

RAILROADS.

Mr. KENDALL introduced a bill (H. R. No. 207) to require uniform charges for transporting freight and passengers by railroad companies and other common carriers, and to prevent and punish unjust discrimination in favor of or against particular persons or places; which was read a first and second time, referred to the Committee on Railways and Canals when appointed, and ordered to be printed.

TERRITORIAL DELEGATES ON COMMITTEES.

Mr. CHAFFEE, by unanimous consent, submitted the following resolution; which was read, considered, and referred to the Committee on the Rules:

Resolved, That the rules be amended so as to authorize the appointment of one Delegate, with the same powers and privileges that they are entitled to in the House, upon the following committees, to wit, the Committee on Mines and Mining, Indian Affairs, Public Lands, and Private Land Claims.

SETTLERS ON WESTERN PRAIRIES.

Mr. ARMSTRONG introduced a bill (H. R. No. 208) for the relief of settlers on the western prairies; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

DAKOTA WAR CLAIMS.

Mr. ARMSTRONG also introduced a bill (H. R. No. 209) to authorize the Secretary of War to ascertain the amount of expenses incurred by the territorial authorities in Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer force of the Indian war of 1862; which was read a first and second time, referred

to the Committee on Claims when appointed, and ordered to be printed.

DANIEL S. MERSHON, JR.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 210) for the relief of Daniel S. Mershon, jr.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DISTRIBUTION OF GENEVA AWARD.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 211) to provide for the just and equitable distribution of the award to the United States by the commisioners at Geneva under the treaty of Washington; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BANKRUPT LAW.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 213) to amend the bankrupt law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS OF PRISONERS OF WAR.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 212) granting a pension to soldiers and sailors who were prisoners of war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROMOTIONS IN ORDNANCE DEPARTMENT.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 214) to repeal so much of an act entitled "An act making appropriations for the support of the Army," approved March 3, 1869, as prohibits promotions in the Ordnance Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE N. RICHARD.

Mr. SHOEMAKER, of Pennsylvania, introduced a bill (H. R. No. 215) to exempt George N. Richard, of Pittston, in the State of Pennsylvania, from the payment of $900 for postage-stamps stolen from his office while postmaster; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

TIMOTHY PAIGE.

Mr. HOSKINS introduced a bill (H. R. No. 216) granting a pension to Timothy Paige; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

RELIEF OF NAVAL CONTRACTORS.

Mr. COX introduced a bill (H. R. No. 217) for the relief of certain contractors for the construction of vessels of war and steam machinery; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

STATE WAR CLAIMS OF 1812.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 218) for the recomputation of the accounts between the United States and the several States, out of moneys expended by said States in the war of 1812; which was read a first and second time, referred to the Committee on War Claims when appointed, and ordered to be printed.

FREE EXCHANGE OF NEWSPAPERS, ETC.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 219) to repeal so much of the act of March 3, 1873, as prohibits the free exchange of newspapers and periodicals, and the free circulation of weekly newspapers within the counties where published; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads when appointed, and ordered to be printed.

NATIONAL CURRENCY.

Mr. RANDALL introduced a bill (H. R. No. 220) to renew, protect, and improve the condition of the national currency of the United States; which was read a first and second time, referred to the Committee on Banking and Currency when appointed, and ordered to be printed.

PROPOSED ADJOURNMENT OVER.

Mr. MAYNARD. I rise to a privileged question. As we have no committees to direct our business, the committees not having yet been announced, I think it well that the House to-day should adjourn over; and I therefore make the motion that when the House adjourns to-day it be to meet on Monday next.

Mr. DAWES. I was about to make that motion; but before the question is taken I wish, in view of the amount of business which has been referred to the committees, to make an inquiry. If the Chair will not deem it indelicate, I wish to ask whether, if we do not adjourn, the committees will be announced to-morrow?

The SPEAKER. It is the intention of the Chair to announce the committees to-morrow if the House should be in session; but he does not wish to embarrass the House in regard to adjourning over.

Mr. DAWES. I hope, then, the House will not adjourn over.

The SPEAKER. The Chair desires that the House should be entirely unembarrassed in this regard.

AMENDMENTS TO THE RULES.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was ordered to be referred to the Committee on the Rules when appointed:

Resolved, That the rules be so amended as to provide that when a House bill returns to the House with Senate amendments, points of order may be made in the House against any such amendments whenever the same are not germane to the subject-matter of the bill, or when such amendment contains an appropriation not authorized by law.

Mr. POLAND, by unanimous consent, submitted the following; which was referred to the Committee on the Rules when appointed, and ordered to be printed:

Resolved, That the rules of the House be amended by adding thereto the following, to wit:

Rule —. All resolutions calling for information from the President or from any Department to be laid before Congress, shall first be referred to some appropriate standing committee of the House for a report as to the necessity and propriety of making such call; and such committee shall report thereon without delay, and shall be authorized to report at any time.

Rule —. Whenever any resolution or proposition shall be offered by a member for an investigation by a committee of the House, relating to the conduct or action of any member thereof, or of any officer or Department of the Government, or of any person or subject within the authority of the House, such resolution or proposition shall be referred to some appropriate standing committee of the House for report whether there is reasonable and probable cause for such investigation. And the member offering such resolution or proposition shall appear before such committee and state to them all the knowledge and information upon which such resolution or proposition is offered, and all his grounds and reasons for believing such investigation ought to be made. And thereupon, without any unnecessary delay, such committee shall report to the House whether such investigation ought to be ordered. It shall be in order for such committee to report at any time; and the question of accepting or rejecting the report of such committee or amendments thereto shall be taken without being delayed by dilatory motions.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was ordered to be referred to the Committee on the Rules when appointed:

Resolved, That the Committee on the Rules (when appointed) be, and are, instructed to inquire into the expediency of providing by rule as follows:

1. That no bill shall contain more than one subject, which shall be expressed in its title.

2. That the question of agreeing to the report of a committee of conference on disagreeing votes between the two Houses of Congress shall be divisible, so that such report may be agreed to in part or rejected in part.

3. That no general legislative provision shall be ingrafted on an appropriation bill by a committee of conference on disagreeing votes between the two Houses of Congress.

Mr. MOREY, by unanimous consent, submitted the following resolution; which was ordered to be referred to the Committee on the Reduction of Salaries when appointed:

Resolved, That a committee of seven, to be known as the "Committee on Mississippi Levees," be added to the committees of this House.

Mr. COBURN submitted the following resolution; which was ordered to be printed, and referred to the Committee on the Rules when appointed:

Resolved, That the Committee on the Rules be instructed to inquire into the expediency of so amending the rules that the Commiteee on Appropriations be divided into five or more committees of appropriation, and that they be consolidated with the Committees on Expenditures, investing such newly formed committees with power both to report upon appropriations and to investigate as to accounts and expenditures in the fullest manner.

CONGRESSIONAL PAY, ETC.

Mr. KELLOGG, by unanimous consent, submitted the following resolution; which was ordered to be referred to the Committee on the Reduction of Salaries when appointed:

Resolved, That the Special Committee on the Reduction of Salaries be directed to inquire into the actual amounts paid to all the members of the House for salaries, mileage, allowance for stationery, and other allowances in the Forty-second Congress, before the increase of salaries of March, 1873; and to report the amounts of each, and the gross amount, to this House, with the average amount for each member in the Forty-second Congress, as the law existed before said increase.

REPEAL OF THE TEST OATH.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Rules when appointed, and ordered to be printed:

Resolved, That the Committee on the Rules, when appointed, be instructed to inquire into the expediency of repealing the prescribed oath now taken by members of Congress, generally known as the "iron-clad oath," with power to report a bill repealing the same, and with the privilege to report at any time.

AMENDMENT OF THE RULES.

Mr. E. H. ROBERTS submitted the following resolution; which was read, referred to the Committee on the Rules, and ordered to be printed:

Resolved, That Rule 130 be amended by adding at the end thereof the following:

At the close of the call of States and Territories for bills on leave, and resolutions, on every Monday, it shall be the duty of the Speaker to call the States and Territories in alphabetical order; and each member may once only on each call make a motion to suspend the rules; and the whole of every Monday, after the morning hour, shall be devoted to this order of business, unless the House shall, by a majority vote, direct the consideration of one of the regular appropriation bills.

ELECTION OF REPRESENTATIVES.

Mr. BUCKNER introduced the following resolution; which was read, referred to the Committee on Elections, and ordered to be printed:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of providing by law for holding elections for Representatives of this House at the same time throughout all of the States of the Union, and that said elections be

held after the expiration instead of during the term of service of said Representatives; and that said committee report by bill or otherwise.

CAPITOL TELEGRAPH.

The SPEAKER, by unanimous consent, laid before the House the following communication:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., December 4, 1873.

In the sundry civil bill passed at the last session of Congress, an appropriation was made for connecting the Capitol by telegraph, to be used solely for public purposes, with all of the Departments of the Government, and the Government Printing Office in this city. The work has been done, with the exception of the placing of the instrument and fixtures to be used in the House wing. They have been deposited, by the person in charge, in this office, to await the designation of a person to operate them. No provision having been made by law, it will devolve on the House to indicate how and by whom this appointment is to be made.

I am, very respectfully, your obedient servant,
EDWARD McPHERSON.

Hon. J. G. BLAINE,
Speaker of the House of Representatives.

Mr. DAWES. As this has been done under the authority of the Clerk thus far, I think it only proper he should be instructed to make the appointment; and I therefore offer the following resolution:

Resolved, That the Clerk of the House of Representatives be authorized to appoint a competent operator for the telegraphic instrument in the House wing of the Capitol, at a rate of compensation to be fixed by the Committee of Accounts when appointed, and to be paid out of the miscellaneous item of the contingent fund; said appointment to continue only during the sessions of Congress.

Mr. G. F. HOAR. Why not allow this, as all other expenditures, to be included under the general appropriations by law?

Mr. DAWES. Each House has control of its own contingent fund, and the resolution is offered in the usual form.

The resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL COMMITTEE ON SALARIES.

The SPEAKER announced the following as the members of the Special Committee on the Subject of Salaries of Members of Congress, &c.:

Messrs. HALE, of Maine, (chairman,) MAYNARD, KASSON, SCOFIELD, HALE of New York, NIBLACK, and JEWETT.

ORDER OF BUSINESS.

The SPEAKER. The pending question is on the motion for adjournment over.

Mr. MAYNARD. The motion I made was that when the House adjourns to-day it adjourn to meet on Monday next; and it was made under the belief that the Chair would not be able to announce the standing committees of the House until that time. It has been intimated to me, however, that the Chair would be able to announce the committees to-morrow, and I therefore withdraw the motion.

The SPEAKER. The Chair desires the House to act without embarrassment, and will say that it is his intention to announce the committees to-morrow.

Mr. GARFIELD. As it is likely the Special Committee on Salaries will report to-morrow, I hope we will have a session.

And then, on motion of Mr. DAWES, (at two o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. BARRERE: The petition of Albert Pothoff, of Peoria, Illinois, for relief, &c.

By Mr. BUTLER, of Massachusetts: A petition of druggists and pharmaceutists of Salem, Massachusetts, for the repeal of schedule C of the act of June 30, 1864, and July 13, 1866.

By Mr. COBURN: The petition of Andrew Wallace and other citizens of Indianapolis, Indiana, asking for the passage of a law providing for the issue of United States notes to citizens depositing bonds therefor in the Treasury of the United States.

By Mr. COMINGO: The petition of D. W. C. Tower and others, of Clay County, Missouri, asking an amendment of the postal laws so as to require the prepayment of postage on newspapers at the offices at which they may be mailed, and a change in the method of determining the salaries of postmasters, &c.

By Mr. GLOVER: The petition of William Carson, of Palmyra, Marion County, Missouri, praying a change in the homestead clause of the bounty law.

By Mr. RANDALL: The petition of William M. Cooper, of Philadelphia, asking relief in view of his services and in view of his having given the use without charge of the Cooper-shop refreshment saloon during the late war.

Also, the petition of Isaac S. Bonsell, relative to procuring a pension for his wife.

By Mr. SMITH, of Virginia: The petition of F. W. E. Lohman, Samuel Ruth, and others, for compensation for services during the late rebellion.

By Mr. WARD, of Illinois: The petition of George Schneider and 500 others, citizens of Illinois, praying for the passage of a law to promote immigration to the United States, and for the protection of immigrants.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 5, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

REPEAL OF SALARY BILLS.

Mr. HALE, of Maine. I ask that by unanimous consent all of the bills referred to the Committee on Salaries be ordered to be printed.

Mr. KELLOGG. And the resolutions also.

Mr. HALE, of Maine. I will include that in my proposition.

There was no objection, and it was so ordered.

Mr. HALE, of New York. I ask unanimous consent to introduce a bill for reference to the Committee on Salaries.

There was no objection; and the bill (H. R. No. 221) restoring the former rate of compensation of members of Congress of the United States was introduced, read a first and second time, referred to the Special Committee on Salaries, and ordered to be printed.

Mr. MAYNARD. In connection with this same subject I beg to say that, as a member of the Committee on Salaries, it would gratify me if we had a general understanding that any gentleman who had a bill on that subject might, by presenting it at the Clerk's desk, have it printed and referred.

The SPEAKER *pro tempore*, (Mr. WHEELER in the chair.) Does the House consent to the proposition of the gentleman from Tennessee, [Mr. MAYNARD?]

There was no objection, and it was so ordered.

LOAN OF 1858.

Mr. DAWES. There are reasons why it is quite important that the House should act immediately upon the bill received from the Senate (S. No. 51) to provide for the redemption of the loan of 1858; and those reasons I will explain if the House will give me unanimous consent to take it up at the present time. I think there will be no difference of opinion upon it.

The SPEAKER *pro tempore*. The bill will be read at the Clerk's desk for information; and the Chair will then ask for objections, if any.

The Clerk read as follows:

Be it enacted, &c., That for the purpose of redeeming the bonds issued under the act entitled "An act to authorize a loan not exceeding the sum of twenty millions of dollars," approved June fourteenth, eighteen hundred and fifty-eight, as amended March third, eighteen hundred and fifty-nine, called the loan of eighteen hundred and fifty-eight, the Secretary of the Treasury may issue, in exchange for any of said bonds, an equal amount, at par, of five per centum bonds of the funded loan, under the act for refunding the national debt, approved July fourteenth, eighteen hundred and seventy, and the act amendatory thereof, approved January twentieth, eighteen hundred and seventy-one.

SEC. 2. That it is hereby declared to be the pleasure of the United States to pay all the coupon bonds of said loan of eighteen hundred and fifty-eight on the first day of January, eighteen hundred and seventy-four, except such as the holders thereof may elect, within six months from said date, to exchange for five per centum bonds of the funded loan, with interest from said January first; and money in the Treasury sufficient to carry into effect the provision of this act is hereby appropriated therefor.

The SPEAKER *pro tempore*. Is there objection to this bill being taken from the Speaker's table for present consideration?

Mr. ELDREDGE. I do not wish now to object to the consideration of the bill; but I reserve my right to object till I have heard the statement of the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. Mr. Speaker, in 1858 there was a law passed authorizing a loan of $20,000,000, at 5 per cent. interest, to run for fifteen years. The loan was effected by the issue of two kinds of bonds, registered and coupon. In the form of the coupon bonds was inserted, what I do not find in the statutes, a phrase like this: "Payable on the 1st day of January, 1874, at the pleasure of the Government." This was not inserted in the registered bonds, and it is doubtful whether there was any authority for inserting it at all. Therefore in the second section of this bill, as no one man is authorized to express the pleasure of the Government, there is inserted a provision that it is the pleasure of the Government of the United States to pay these bonds on the 1st day of January, 1874.

The object of the bill is to clear up any possible question about the matter. These twenty millions of bonds become due on the 1st day of January, and no provision has yet been made for their redemption. The proposition of the bill is, to authorize the Secretary of the Treasury to exchange for these bonds the 5 per cent. loan of 1872; and, in case no person desires him so to do, it authorizes him to redeem them at the Treasury according to their tenor. There is no doubt, I think, Mr. Speaker, but that they will be exchanged for the 5 per cent. loan.

Mr. ELDREDGE. I wish to inquire of the gentleman from Massachusetts [Mr. DAWES] if under the provisions of this bill—I have only heard it read at the desk—there would not be an opportunity for the parties to receive two interests upon their indebtedness. Supposing they do not elect to exchange for the six months from the 1st day of January, 1874, would they not draw interest on both of their indebtednesses?

Mr. DAWES. That cannot be, because there is a provision in the bill that the bonds must be exchanged at par. That, of course, will require the equalization of interest. There can be no such thing under the bill as is suggested by the gentleman from Wisconsin.

Mr. ELDREDGE. If these bonds, due on the 1st day of January, 1874, are not absolutely payable at that time, and the holder not obliged to take them, he would draw interest on them of course up to the time when he makes the exchange. Now, is there any provision for issuing the 5 per cent. bonds at any date when he shall elect to exchange the bonds, so that there may be but one interest paid?

Mr. DAWES. That is the meaning of the bill. There is no provision in the bill that renders it possible for the holder when he elects to take a 5 per cent. bond to get more than one interest. When he gets a bond for 5 per cent., that covers his bond and the interest on it.

Mr. ELDREDGE. Counting the interest at the date of the exchange?

Mr. DAWES. Yes, sir; and it seems to me that if my friend will read the bill he will be satisfied that it will not be possible to draw two interests under it.

Mr. ELDREDGE. Is there any provision of law that requires these bonds to be issued on the 1st day of January, and to draw interest from that day?

Mr. DAWES. There is not.

Mr. GARFIELD. I desire to ask the gentleman from Massachusetts what assurance, if any, he has that the exchange will be made of these 1858 bonds for the new 5 per cent. loan? It is important for the House to know whether we are likely to have to pay this amount of $20,000,000 out of the Treasury.

Mr. DAWES. When the Government was authorized to exchange any of the coupon bonds for registered bonds, a portion of these were already exchanged for the registered bonds of the United States, and, further than that, application has been made to the Treasury by a great many of the holders of these bonds to be permitted to exchange them for the 5 per cent. bonds, but the Treasury had no right to do this. This bill authorizes the Department to do it, and the negotiations of the Treasury Department lead them to believe that it can be done.

Mr. GARFIELD. What is the present market value of the old 5 per cent. bonds, and of the new 5 per cent. bonds?

Mr. DAWES. They are at par in gold.

Mr. BECK. One question: suppose they are not exchanged, but they are to be paid on the 1st day of January next. Are they to be paid in gold, or is there a premium to be paid on them?

Mr. DAWES. No premium could be paid for them. They would be paid in gold for their face. As long ago as 1858 nobody raised any question about the difference between paper and gold. But no premium can be paid upon the bonds due, and presented to the Treasury for payment. The Department will pay the face of the bond and the accrued interest in gold or its equivalent.

Mr. BECK. The Supreme Court had decided that the legal-tender bills were payable on all contracts, both those prior as well as those subsequent to the passage of the legal-tender act. If that is the law, then why pay gold on these bonds?

Mr. DAWES. It will be a sufficient answer to the gentleman, without going into a discussion of the decision of the Supreme Court at all, that the Government does not hold itself at liberty to loan these bonds with any such decision as that.

Mr. BECK. The money comes from the tax-payers, and they have to take legal-tender notes for debts due them.

Mr. DAWES. My friend does not wish to go to the country with the statement that he wants to pay these bonds in paper.

Mr. BECK. I want to pay them according to our obligation under the law.

Mr. DAWES. That is what I say is the intention of the Government to-day, to pay these bonds according to their tenor; that is, in the money of the world—in coined money.

Mr. RANDALL. In the kind of money that was borrowed upon them.

Mr. DAWES. Yes; the kind that was borrowed on them.

Mr. RANDALL. Some time ago, when the Geneva award money was received from Great Britain, it was invested in this kind of bonds, under these two named laws. And it was claimed, and I understood allowed—I never heard it contradicted—that a commission was due to what is known as the syndicate. Now, I want to know from the gentleman from Massachusetts [Mr. DAWES] whether the issue of these bonds would give a claim to that syndicate for a commission, as they claim the right to charge a commission against the negotiation of any bonds, no matter who negotiates them—whether there was or was not an intermediate person between the Government and the purchaser.

Mr. DAWES. The Geneva award was invested in 5 per cent. bonds, under authority of a special statute framed on the last day of the last session. Whatever claim the syndicate may have made, no commission was allowed.

Mr. RANDALL. Not in that case?

Mr. DAWES. No; and in this transaction the syndicate would have no more to do than my friend or myself. I now call the previous question.

Mr. MAYNARD. Before that is done, I wish to inquire whether this bill contemplates an increase of the issue of the 5 per cent. bonds? The gentleman will recollect that the law already provides for the issue of a certain amount of 5 per cent., 4½, and 4 per cent. bonds. Does this bill contemplate a further issue of 5 per cent. bonds?

Mr. DAWES. It does not. It authorizes the Secretary of the Treasury to reinvest in the 5 per cents authorized by the statute of 1872, but no additional loan.

Mr. ELDREDGE. I reserved the right to object to the present consideration of this bill until we could hear some explanation of it. I think I ought to continue to object to it. As I understand it, this bill is worded no different from the act of 1871, under which two rates of interest were obtained. I think this bill should be considered by a committee.

Mr. DAWES. If my friend from Wisconsin [Mr. ELDREDGE] will hear the text of the bill read his doubts will be removed in a moment.

Mr. ELDREDGE. It is an important bill, and I think should be considered by a committee.

The SPEAKER *pro tempore*, (Mr. WHEELER.) Objection being made, the bill is not before the House.

Mr. DAWES. Will the gentleman allow the bill to be referred to the Committee on Ways and Means?

Mr. ELDREDGE. I do not object to that.

The bill was accordingly ordered to be referred to the Committee on Ways and Means when appointed.

LOUISIANA CONTESTED-ELECTION CASES.

Mr. SPEER, by unanimous consent, submitted the following resolutions; which were read, considered, and referred to the Committee on Elections:

Resolved, That Effingham Lawrence, Randall L. Gibson, and E. C. Davidson, from the first, second, and fourth congressional districts of Louisiana respectively, be permitted to serve upon J. HALE SYPHER, LIONEL A. SHELDON, and GEORGE L. SMITH, from the same districts respectively, who are sitting members in this House, notice of contest within twenty days from the passage of these resolutions; and that the said sitting members be permitted to answer the same within twenty days after the service thereof.

Resolved, That the time for taking testimony in each of the said contested-election cases is hereby extended for ninety days from the 1st day of December, 1873.

ADJOURNMENT OVER.

Mr. SCOFIELD. I move that the House now adjourn.

Mr. DAWES. Before that question is put I desire to offer a resolution.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCOFIELD. Pending my motion to adjourn, I move that when the House adjourns to-day it be to meet on Monday next.

Mr. LAWRENCE. Let us have a session to-morrow for debate only.

Mr. KELLEY. I think we may as well do so, as a number of gentlemen desire to make speeches.

The question being taken on the motion of Mr. SCOFIELD, that when the House adjourns to-day it be to meet on Monday next, the motion was agreed to; there being—ayes 144, noes 24.

Mr. SCOFIELD. I withdraw for a few moments my motion to adjourn.

SURVEY OF GRAND CALUMET RIVER, INDIANA.

Mr. PACKARD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to furnish for the information of this House any documents or reports in his possession, not included in his annual report, relating to the survey of the Grand Calumet River, in the State of Indiana, at and near its mouth.

Mr. PACKARD moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF JOURNAL, ETC.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Printing be, and are hereby, instructed to inquire into the expediency of printing the Journal of the House and the executive and legislative documents in the same size and style as the CONGRESSIONAL RECORD; and that said committee report by bill or otherwise.

Mr. LAWRENCE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SHIPPING COMMISSIONERS.

Mr. COX. I am requested to present in open House a petition signed by 3,411 mariners of the port of New York, with the designation to each signature of the ship to which they are attached, asking for the repeal of the act of June 7, 1872, to authorize the appointment of shipping commissioners by the circuit court, and to superintend the shipping and discharge of seamen. The petition contains ten reasons for the repeal. The last reason is that they desire to make their own contracts, without guardianship or fraud. I move that this petition be referred to the Committee on Commerce when appointed.

The motion was agreed to.

ROOM FOR REPORTERS OF DEBATES.

Mr. DAWES. I desire to offer the following resolution, and to make a brief explanation of it before it is acted upon:

Resolved, That the room immediately adjoining that of the Sergeant-at-Arms, to the east and upon the same floor, be, and is hereby, set apart for the use of the official reporters of the debates of the House, and that it be refitted at once for that purpose.

Mr. Speaker, there has been long felt a necessity that these reporters should have some room by themselves. At present, whenever they undertake to write out their notes, they are obliged to go and sit in the seats of members. They have no place even to hang their hats and coats. In the other branch of Congress the official reporters have a very comfortable room fitted up in fine style. Our reporters have been always without any such accommodation. The assignment of a room for them would be a great accommodation to members who have to communicate with them at all seasons of the day and evening, and to committees who desire to obtain information from them or to communicate papers and facts. In view of the use to which the room proposed is at present devoted, I think it will be seen at once that it will be a great deal better to appropriate it to the use of the reporters. I hope there will be no objection to this resolution.

Mr. RANDALL. The assignment of this room to the reporters will really be an accommodation to the members rather than to the reporters.

Mr. DAWES. Yes, it is as much an accommodation to the members as to the reporters. Members will find it greatly to their advantage for the reporters to have some room where members can go and be sure to find them. Unless some provision of this kind be adopted, we shall, in a few weeks, see these reporters scattered around the House in the vacant seats of members, writing out their notes, for there is at present no place to which they can go as their own. I think the House must see the propriety of the resolution.

Mr. MAYNARD. If I understand this proposition it is to appropriate to the reporters the room which is now used as a ladies' reception room. There is another proposition, the propriety of which will be at once recognized by the older members, which it might be well to couple with this proposition or to adopt hereafter as a separate measure, provided it meets the concurrence of the Presiding Officer of the House. We have now a very fine room, usually denominated the "Speaker's room," very much on the principle of *lucus a non lucendo*, because the Speaker is never in it and never can get into it. [Laughter.] I suggest that there would be very great propriety in setting that room apart for the use of members' families during the hours when the House is in session, so that gentlemen may there confer with their wives and daughters, as they are sometimes obliged to do, during the sittings of the House. If the "Speaker's room" were thus appropriated, the other room could be given up. I would be unwilling to make anything more than a suggestion of this kind without ascertaining the personal views of the Speaker on the subject.

Mr. DAWES. I think the suggestion of the gentleman from Tennessee [Mr. MAYNARD] would probably have its weight with those who arrange the uses of the room.

The SPEAKER. Both the gentleman from Tennessee [Mr. MAYNARD] and the gentleman from Massachusetts [Mr. DAWES] must be quite well aware that the room known as the Speaker's room now is used for the purpose named, very freely and very properly. The families of members have unrestricted use of the room at present.

Mr. DAWES. So I supposed.

The SPEAKER. And the Chair would be very glad if there were a rule which confined the room to that use. [Laughter.]

Mr. DAWES. It is best to consider one proposition at a time. Let this resolution, to which I think there is no objection, be adopted now as a separate proposition; and I have no doubt we can hereafter arrange the other matter to the satisfaction of my courteous friend from Tennessee.

The resolution of Mr. DAWES was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKS, ETC.

Mr. BUNDY. I offer the following resolutions:

Resolved, That the Committee on Banking and Currency be requested to report at an early day a bill to prevent, under sufficient penalties, national banks from paying interest or premium in any manner whatever on current deposits or "daily balances" to other banks, corporations, person or persons, whatsoever or whomsoever; also amending the national banking act so that any and all banks authorized in pursuance thereof, or acts amendatory thereto, may receive bonds of the Government, payable in lawful money, in sufficient sums to constitute the reserves held and to be held by such banks, respectively, the same as they are now required to hold other funds for such reserves.

Resolved, That the Committee on the Judiciary be required to report at an early day a bill to amend the general bankrupt law, so that the provisions thereof for involuntary bankruptcy shall only apply in cases where it shall be made to appear that there is collusion between the creditor and debtor, giving the former an unjust preference, to the prejudice of the other creditors, or where the debtor is committing, or attempting to commit, fraud upon his creditors.

Resolved, That the Committee on Ways and Means are hereby requested to report a bill at an early day authorizing the Secretary of the Treasury to pay out or reissue the legal tenders or United States notes, so that the gross sum shall be and not exceed $400,000,000, as originally provided for by law, and that the Government shall issue $100,000,000 of its bonds, payable on demand in lawful money, bearing interest at the rate of 3.65 per cent., said bonds to be redeemable and payable of all debts, public and private, the same as the legal tenders or United States notes now are.

Mr. DAWES. Are those resolutions of inquiry, or of instruction to the committees to which they are to be referred?

Mr. RANDALL. The resolutions can only be introduced for reference.

Mr. BUNDY. I merely desire to introduce the resolutions for reference to the appropriate committees.

Mr. RANDALL. The resolution asks the Committee on Ways and Means to inquire into certain matters in regard to the currency, which should go to the Committee on Banking and Currency and not to the Committee on Ways and Means.

The SPEAKER. The Chair thinks the resolutions are somewhat mandatory in their nature. They will be read again for the information of the House, and will be acted upon separately.

Mr. NIBLACK. I make the point of order that the resolutions should be acted upon separately.

Mr. HOOPER. Is their introduction open to objection?

The SPEAKER. The Chair thinks it is too late to object to the introduction of the resolutions. They will be again read, so the House may understand precisely what it is proposed to do.

Mr. BUNDY. I merely ask that the resolutions be referred to the appropriate committees.

Mr. LAWRENCE. I move an amendment to the first resolution.

Mr. ELDREDGE. I move that the resolution be amended so that the committee will be merely directed to inquire into the expediency, &c.

The SPEAKER. The resolutions are not now offered for passage, but merely read before being referred to the appropriate committees. The action proposed to be taken is not to instruct the committees, nor even to inquire into the expediency, but the resolutions are to be referred without any further action whatever.

Mr. LAWRENCE. I desire to offer an amendment to be referred with the resolution. I move to insert after "national," where it first occurs in the resolution, the words "and other," so it will provide that no interest shall be paid by any national or other bank. I will state my purpose a little more specifically.

The payment of interest by banks to banks on balances is a great evil. It increases the cost of money, concentrates capital in the great cities, and gives rise to wild speculation, resulting in panics like that which recently commenced and yet prevails to some extent. My object in moving the amendment is that inquiry may be made whether it is not expedient to prohibit incorporated banks (and trust companies, which are really incorporated banks,) from paying interest on deposits made by banks in other States. Of course I do not propose to interfere with private banks in the States where they are located. But I would prohibit banks and trust companies in New York and other great cities from paying interest to banks in other States. If the contemplated limitation is only applied to national banks, but a small part of the evil will be remedied. There are incorporated banks and trust companies in many of the States, though they do not have the power to issue bills for circulation as money. Congress can regulate interstate interest on money, and the remedy which is to be applied to the evil mentioned should be ample and reach all its sources.

Mr. FOSTER. I move to insert "or any individual."

Mr. LAWRENCE. It ought to apply to all banks.

Mr. SPEER. Congress has no such power.

Mr. LAWRENCE. Let the committee consider the whole subject; that is all I ask. As to interest paid between banks in different States, Congress has the undoubted power to regulate it.

Mr. SCOFIELD. I rise to a question of order, that the gentleman's amendment is not in order, as the resolutions are not upon their passage.

The SPEAKER. The gentleman has the same right to offer for reference matter similar in character to the resolutions.

Mr. LAWRENCE I ask that my amendment may go to the committee with the resolutions to which it refers.

Mr. RANDALL. I move that the resolutions be laid upon the table.

The motion was not agreed to.

The first resolution was then referred to the Committee on Banking and Currency, the second to the Committee on the Judiciary, and the third to the Committee on Ways and Means.

THE CREW OF THE TIGRESS.

Mr. G. F. HOAR, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be requested to communicate to this House all the facts in his possession tending to show what claims, legal or equitable, the owners, officers, and crew of the Tigress, or any other persons, may have on the United States for assistance rendered to the officers and crew of the Polaris.

Mr. G. F. HOAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

COMMITTEE ON FREEDMEN'S AFFAIRS.

Mr. RAINEY, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and referred to the Committee on the Rules:

Whereas the reasons that governed former Congresses in the creation and organization of the Committee on Freedmen's Affairs have ceased to exist: Therefore,

Be it resolved, That the Committee on Freedmen's Affairs be, and the same is hereby, abolished.

UNITED STATES MARINE CORPS.

Mr. O'BRIEN. I ask unanimous consent to introduce the following resolution for action at this time:

Resolved, That the Secretary of the Navy be, and is hereby, requested to report for the information of this House the names, if any of all officers now in the United States Marine Corps who, having been appointed to the United States Military or Naval Academies, were dropped, dismissed, or who failed to graduate at either institution before receiving their appointment in said Marine Corps; also, the names, if any, of all officers now in the United States Marine Corps who failed to pass the examination for admission into said corps, and by what authority of law said appointments, if any, were made.

Mr. BUTLER, of Massachusetts. I object.

Mr. SCOFIELD. Let it go to the Committee on Naval Affairs.

The SPEAKER, *pro tempore*, (Mr. DAWES in the chair.) Does the gentleman from Massachusetts insist on his objection?

Mr. BUTLER, of Massachusetts. I do.

The SPEAKER *pro tempore*. Then, the resolution is not before the House.

REPEAL OF SALARIES.

Mr. STORM, by unanimous consent, introduced a bill (H. R. No. 222) for the repeal of salaries, &c.; which was read a first and second time, referred to the Special Committee on Salaries, and ordered to be printed.

IOWA DISTRICT COURTS.

Mr. McCRARY. I ask unanimous consent to offer a bill for consideration at this time. It relates to the holding of certain United States courts in the State of Iowa.

The SPEAKER *pro tempore*. The bill will be read for information, after which objections, if any, will be in order.

The bill was read. It provides in its first section that instead of the time now fixed by law, the terms of the district courts of the United States for the district of Iowa to be held at the city of Keokuk and the city of Council Bluffs shall commence at Keokuk on the third Tuesday of January and the third Tuesday of June, and at Council Bluffs on the third Tuesday of March and the third Tuesday of September, in each year.

In its second section the bill provides that all causes, processes, suits, and proceedings now pending or commenced, or hereafter to be commenced, shall be continued or returned in and to said courts at the several times specified.

Mr. ELDREDGE. I do not rise to object, but I desire to say that in several instances, in the early parts of former sessions, we have passed bills changing the times of holding district courts in various States, and before Congress adjourned some person interested in the particular State, having an interest, perhaps, conflicting with that of the member offering the bill, has come forward and got such an act repealed.

This may not be the case in this instance, but I suggest that there be caution in passing such bills, lest other parties having a different interest should come forward afterward and ask for their repeal.

The SPEAKER *pro tempore*. Does the gentleman from Wisconsin object to the present consideration of this bill?

Mr. ELDREDGE. I do not object if it is a bill in regard to which there are no conflicting interests.

Mr. McCRARY. I assure the gentleman from Wisconsin that there is no difficulty about this particular bill. It is introduced in compliance with the request of the judge and the wishes of the bar.

There being no objection, the bill (H. R. No. 223) changing the time for holding certain district courts of the United States for the State of Iowa was introduced, and read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

Mr. KASSON. I wish to suggest to my colleague whether the language of the second section is not too broad when it says that all processes, &c., issuing from the court shall be returnable at the times specified. Would it not be better to say that all processes, &c., should be returned to the courts held at those two places? I have only heard the bill read once, but it struck me that the language was too broad to accomplish the gentleman's purpose.

Mr. McCRARY. The bill was drawn by the judge himself. I think it is well guarded, and not open to objection.

Mr. KASSON. I should like to hear the second section again read.

The Clerk again read the second section, as follows:

That all causes, processes, suits, and proceedings now pending or commenced, or hereafter to be commenced, shall be continued or returned in and to said courts at the several times herein specified.

Mr. KASSON. That is too broad, and, before the question is taken, I again call the attention of my colleague to the point whether, in his legal judgment, this does not take all the causes and processes now pending to these courts; whether he ought not to say—

In or returnable to said terms of court.

I suggest this only to guard the construction of the law against any legal difficulties.

Mr. McCRARY. If my colleague will suggest an amendment I shall probably not object to it. But I do not at present see the importance of what he suggests.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCRARY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

A few minutes subsequently,

Mr. McCRARY said: I have looked at the bill passed a few moments since, and I think it safer to adopt the suggestion of my colleague, [Mr. KASSON,] and to insert in the second line of section two, after the word "commenced," the words "for said term of court," so that it will read "that all causes, processes, suits, and proceedings now pending and commenced for said term of court, or hereafter to be commenced, shall be continued," &c. I ask unanimous consent that the change I have indicated be made in the bill as ordered to be engrossed.

No objection was made, and it was ordered accordingly.

JOHN B. WEBER.

Mr. BASS, by unanimous consent, introduced a bill (H. R. No. 224) for the relief of John B. Weber, late colonel Eighteenth Regiment Infantry, Corps d'Afrique; which was read a first and second time, referred to the Committee on Military Affairs when appointed, and ordered to be printed.

NORTH CAROLINA JUDICIAL DISTRICT.

Mr. COBB, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 225) to amend an act entitled "An act to establish a western judicial district of North Carolina;" which was read a first and second time.

Mr. COBB, of North Carolina. I ask that the bill be now put upon its passage.

The SPEAKER *pro tempore*. The bill will be read at length for information; after which objections, if any, will be in order.

The Clerk read the bill at length.

Mr. ELDREDGE. I think that should go to the Committee on the Judiciary.

Mr. LEACH. I desire to say a single word. The act which it is proposed to amend passed last session ten minutes before the adjournment, and it has been found that it requires amendment. This is a bill which ought to pass.

The SPEAKER *pro tempore*. Does the gentleman from Wisconsin insist on his objection?

Mr. ELDREDGE. I think the bill should go to the Committee on the Judiciary.

Mr. COBB, of North Carolina. I am willing that it should be referred.

The bill was referred to the Committee on the Judiciary when appointed, and ordered to be printed.

INDIAN RESERVATION IN IDAHO.

Mr. NESMITH, by unanimous consent, introduced a bill (H. R. No. 226) to authorize the purchase of six hundred and forty acres of land for the Nez Percé Indian reservation in the Territory of Idaho; which was read a first and second time, referred to the Committee on Indian Affairs when appointed, and ordered to be printed.

CATHERINE FERRY.

Mr. MELLISH, by unanimous consent, introduced a bill (H. R. No. 227) granting a pension to Catherine Ferry; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

CATHERINE H. BECK.

Mr. PLATT, of New York, by unanimous consent, introduced a bill (H. R. No. 228) for the relief of Catherine H. Beck, of Lisle, Broome County, New York; which was read a first and second time, referred to the Committee of Claims when appointed, and ordered to be printed.

LOUISA B. MATHEY.

Mr. PARKER, of Missouri, by unanimous consent, introduced a bill (H. R. No. 229) for the relief of Mrs. Louisa B. Mathey, postmaster at Potosi, Missouri; which was read a first and second time, referred to the Committee on Claims when appointed, and ordered to be printed.

WILLIAM H. H. ANDERSON.

Mr. HUNTER, by unanimous consent, introduced a bill (H. R. No. 230) granting a pension to William H. H. Anderson, late a private in Company B, First Heavy Artillery, Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

GEORGE H. HARDING.

Mr. HUNTER, by unanimous consent, also introduced a bill (H. R. No. 231) for the relief of George H. Harding, of Monroe County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

HEIRS OF GIDEON WALKER.

Mr. HUNTER, by unanimous consent, also introduced a bill (H. R. No. 232) for the relief of the heirs of Gideon Walker, deceased, late of Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions when appointed, and ordered to be printed.

DUTY ON COAL.

Mr. HAMILTON. I ask unanimous consent to submit the following resolution for reference to the Committee on Ways and Means:

Resolved, That, inasmuch as coal is one of the great necessities of the people at large, is essential to the preservation of life, and ought to be brought as nearly as possible within the reach of the needy, and to that extent relieve their sufferings, it is referred to the Committee on Ways and Means to inquire into the expediency of speedily bringing in a bill to repeal all duties and taxes upon the same.

Mr. COX. I would like to make this resolution instructive to the committee; to bring in a bill to make coal cheap for the starving people.

Mr. STORM. Freezing people.

Mr. COX. Well, freezing people. Those who freeze also starve. I desire to make this instructive.

Mr. FIELD. I object to the resolution in any shape.

PERSONAL EXPLANATION.

Mr. SHELDON. I desire the consent of the House to make a brief personal explanation.

Mr. GARFIELD. How long?

Mr. SHELDON. Two minutes.

No objection was made.

Mr. SHELDON. I had some agency, day before yesterday, in seating my colleague [Mr. SMITH] from the fourth congressional district of Louisiana, and if any wrong has been done in that matter I consider myself personally responsible. I see that the newspapers charge that his certificate was executed prior to the reception of the election returns in New Orleans and their canvass by the returning board. I am informed upon reliable authority—authority that I think cannot be questioned—that those returns had all arrived and been properly canvassed on the 28th and 29th days of November, prior to the execution of the certificate.

I wish to say, further, that this is not a physical impossibility by any means. The remotest precinct from New Orleans in my colleague's district can be reached in less than forty hours, certainly in two days, from New Orleans. A man can go from any part of that district to New Orleans in three days, and there were five days before the certificate was issued. I assure the House that the statements of the papers upon this subject are wholly untrue. I say this not only upon my own account, but to free the House from the reflection made upon it.

I wish to say another thing: It is equally a mistake to say that the district of my colleague is a democratic district. It never has been carried by a democrat, and never can be by any fair means. I think, to say the least of it, that the newspapers have been misinformed upon this subject.

PRINTING OF TESTIMONY IN CONTESTED-ELECTION CASES.

Mr. SMITH, of New York, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Elections have liberty to print any papers in contested-election cases referred to the said committee by order of the House, the printing of which shall be necessary in the judgment of the committee.

ANNOUNCEMENT OF COMMITTEES.

The SPEAKER. The Chair now lays before the House the standing committees of the House for the Forty-third Congress. There having been some changes made in the Committee on Elections since the announcement of that committee day before yesterday, it will be announced with the other committees.

The Clerk then read the committees, as follows:

Committee on Elections—Messrs. Smith of New York, Thomas, Hazelton of Wisconsin, Todd, Pike, Robinson of Ohio, Harrison, Hyde, Speer, Lamar, and Crossland.

Committee on Ways and Means—Messrs. Dawes, Kelley, Burchard, Ellis H. Roberts, Kasson, Waldron, Sheldon, Foster, Beck, Niblack, and Wood.

Committee on Appropriations—Messrs. Garfield, Hale of Maine, Wheeler, O'Neill, Starkweather, Loughridge, Tyner, Parker of Missouri, Marshall, Swann, and Hancock.

Committee on Banking and Currency—Messrs. Maynard, Farwell, Merriam, Hawley of Connecticut, Hunter, Phelps, Hubbell, Niles, Randall, Mitchell, and Durham.

Committee on the Pacific Railroad—Messrs. Sawyer, Sypher, Killinger, Houghton, Crocker, Williams of Michigan, Corwin, McDill of Iowa, Wells, Barnum, Standeford, Creamer, and Neal.

Committee on Claims—Messrs. Hawley of Illinois, Shoemaker' of Pennsylvania, Lansing, Dunnell, Nunn, Smith of Ohio, Burrows, Howe, W. R. Roberts, Eden, and Hamilton.

Committee on War Claims—Messrs. Lawrence, Hazelton of Wisconsin, Cobb of North Carolina, Kellogg, Woodford, Scudder of New Jersey, Smith of Pennsylvania, Wilson of Iowa, Holman, Harris of Virginia, and Morrison.

Committee on Commerce—Messrs. Wheeler, Sawyer, Conger, Hooper, Negley, Stanard, Parsons, Clayton, Holman, Bromberg, and Willie.

Committee on the Public Lands—Messrs. Townsend, Dunnell, Orr, Bundy, Morey, St. John, Phillips, Bradley, Hereford, Herndon, and Clymer.

Committee on the Post-Office and Post-Roads—Messrs. Packer, Stowell, Platt of New York, Williams of Massachusetts, Page, Danford, Cobb of Kansas, Cannon, Randall, Read, and Atkins.

Committee on Manufactures—Messrs. Farwell, Hathorn, Biery, Ransier, Field, Whiteley, Woodworth, Waddell, Wilson of Maryland, Bowen, and Blount.

Committee on Agriculture—Messrs. Hays, Lamport, Hazelton of New Jersey, Begole, Wilson of Iowa, Ray, Ross, Cain, Davis, Hatcher, and McLean.

Committee on Indian Affairs—Messrs. Averill, Lowe, Butler of Tennessee, Rainey, Richmond, McNulta, Lawson, Harris of Massachusetts, Adams, Comingo, and Giddings.

Committee on Military Affairs—Messrs. Coburn, Donnan, Hawley of Illinois, Hawley of Connecticut, Gunckel, Albright, McDougall, Thornburgh. Nesmith, Young of Georgia, and Hunton.

Committee on the Militia—Messrs. Butler of Tennessee, Hazelton of New Jersey, Snyder, Ross, Crounse, Elliott, Walls, Storm, Sloss, Hereford, and Cook.

Committee on the District of Columbia—Messrs. Hale of New York, Harmer, Cotton, Rice, Hendee, Clark of New Jersey, Pelham, Lofland, Eldredge, Barnum, and Leach.

Committee on the Judiciary—Messrs. Butler of Massachusetts, Wilson of Indiana, Poland, Tremain, Frye, Cessna, White, Ward of Illinois, Eldredge, Potter, and Jewett.

Committee on Public Expenditures—Messrs. Havens, Whiteley, Richmond, Pike, Wilber, Smith of North Carolina, Begole, Hynes, Clark of Missouri, Robbins, and Luttrell.

Committee on Private Land Claims—Messrs. Myers, Eames, Sessions, Barrere, Pratt, Hendee, Freeman, Bright, Sayler of Ohio, DeWitt, and Buckner.

Committee on Naval Affairs—Messrs. Scofield, Gooch, Hays, Platt of Virginia, Packard, Scudder of New York, Burleigh, Purman, Archer, Whitthorne, and Lamison.

Committee on Foreign Affairs—Messrs. Orth, Myers, Willard of Vermont, E. Rockwood Hoar, Clarke of New York, Ward of New Jersey, Albert, Williams of Wisconsin, Robinson of Illinois, Cox, and Banning.

Committee on the Territories—Messrs. McKee, Curtis, Williams of Indiana, Havens, Hoskins, Crounse, Fort, Hynes, Schumaker of New York, Brown, and Mills.

Committee on Revolutionary Pensions and War of 1812—Messrs. Shoemaker of Pennsylvania, Lansing, Sprague, Williams of Michigan, Smith of Louisiana, Crutchfield, Bland, Caldwell, Vance, and Rawls.

Committee on Invalid Pensions—Messrs. Rusk, Wallace, Barry, McJunkin, Mellish, Martin, Small, Sener, Young of Kentucky, Crittenden, and O'Brien.

Committee on Railways and Canals—Messrs. McCrary, G. F. Hoar, Hurlbut, Bass, Sherwood, Lewis, Taylor, Smith of Virginia, Arthur, Wolfe, and Stone.

Committee on Mines and Mining—Messrs. Lowe, Negley, Buffinton, Rusk, Hubbell, Page, Sheats, Lynch, Kendall, Southard, and Harris.

Committee on Freedmen's Affairs—Messrs. Cobb of North Carolina, Nunn, Rainey, Townsend, Cotton, Morey, Barber, Sener, Comingo, Eden, and Adams.

Committee on Education and Labor—Messrs. Monroe, G. F. Hoar, Elliott, Darrall, Field, Crooke, McDill of Wisconsin, Rapier, Storm, Whitehead, and Glover.

Committee on Revision of the Laws of the United States—Messrs. Poland, E. Rockwood Hoar, Lawrence, Duell, Barber, Pendleton, Moore, Cason, Stephens, Kendall, and Knapp.

Committee on Coinage, Weights, and Measures—Messrs. Hooper, Houghton, Harmer, Barrere, Willard of Michigan, Sayler of Indiana, Strait, Mills, Berry, Bell, and Ashe.

Committee on Patents—Messrs. Conger, Eames, Smart, Clements, Crutchfield, Dobbins, Sayler of Indiana, Smith of North Carolina, Sloss, Parker of New Hampshire, and Magee.

Committee on Public Buildings and Grounds—Messrs. Platt of Virginia, Sessions, Killinger, Sprague, Hersey, Pierce, Lowndes, Strait, Wells, Perry, and Milliken.

Committee on Reform in the Civil Service—Messrs. Kellogg, Willard of Vermont, Woodford, Sheats, Hurlbut, Butler of Massachusetts, Strawbridge, Willard of Michigan, Sayler of Ohio, Luttrell, and Whitehouse.

Committee on Mileage—Messrs. Bundy, Biery, Ray, Nesmith, and Parker of New Hampshire.

Committee on Accounts—Messrs. Buffinton, Sawyer, Hoskins, Wallace, and Archer.

Committee on Expenditures in the State Department—Messrs. Packard, Cobb of Kansas, St. John, Morrison, and Lamison.

Committee on Expenditures in the Treasury Department—Messrs. Sypher, Snyder, Phillips, Schumaker of New York, and Southard.

Committee on Expenditures in the War Department—Messrs. Williams of Indiana, Lamport, Curtis, Bright, and Giddings.

Committee on Expenditures in the Navy Department—Messrs. McJunkin, Burrows, Walls, Magee, and Herndon.

Committee on Expenditures in the Post-Office Department—Messrs. Barry, Todd, Mellish, Whitthorne, and Young of Georgia.

Committee on Expenditures in the Interior Department—Messrs. Orr, Woodworth, Lynch, Robinson of Illinois, and Rawls.

Committee on Expenditures on Public Buildings—Messrs. Duell, Cessna, Smith of Ohio, Pratt, and McLean.

Committee on the Rules—The Speaker, Messrs. Maynard, Garfield, Cox, and Randall.

Committee on Printing—Messrs. Donnan, Hale of New York, and Waddell.

Committee on the Library—Messrs. Frye, Monroe, and Clymer.

Committee on Enrolled Bills—Messrs. Darrall, Pendleton, and Harris of Georgia.

The SPEAKER, when the Committee on Mileage was announced, said: The Chair has appointed a Committee on Mileage for the reason that, although the compensation act passed last session abolished mileages, yet it provided for allowing to members their actual traveling expenses; and the Chair is informed by the officers of the House that there is no mode provided for anditing or allowing such accounts. The Chair has therefore appointed this committee, to which that duty may be assigned if the House shall so direct. It was at any rate the duty of the Chair to appoint the committee in the absence of any order to the contrary from the House.

MANUFACTURE OF TOBACCO, ETC.

Mr. DAVIS, of Virginia, by unanimous consent, introduced a bill (H. R. No. 233) to authorize manufacturers of tobacco and snuff to transfer to their factories licorice and other ingredients used in preparations of tobacco and snuff free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

And then, on motion of Mr. DAWES, (at two o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and memorials were presented under the rule, and referred to the appropriate committees:

By Mr. ARCHER: The petition of B. T. Swart, of Maryland, for relief.

Also, the petition of A. DeCaindry and Mrs. J. L. Wamaling, of Maryland, for relief.

By Mr. BECK: The petition of C. P. Moorman & Co., W. H. Walker & Co., and a number of other distillers and dealers in Bourbon whisky in Louisville, Kentucky, praying for an extension of time for one year on whisky now in bond, by paying interest thereon.

Also, the petition of J. L. Pugh, David Gibson, and a number of distillers and dealers in Bourbon whisky in Cincinnati, Ohio, praying for an extension of time for taking whisky out of bond for an additional year, by paying interest.

Also, the petition of Buckner & Bedford, W. H. Thomas and a number of other distillers and dealers in Bourbon whisky in Bourbon County, Kentucky, praying for an extention of time on whisky in bonded warehouses from one to two years, by paying interest.

Also, the petition of T. C. Megibbon and a number of distillers and dealers in Bourbon whisky in Scott, Harrison and Nicholas Counties in Kentucky, praying for an extension from one to two years for payment of tax on whisky in bond, by paying interest.

By Mr. BUFFINTON: A memorial of druggists and pharmacists of Fall River, Massachusetts, praying that Schedule C of the acts of Congress of June 30, 1864, and July 13, 1866, be repealed.

By Mr. G. F. HOAR: The petition for relief of John W. Marsh.

By Mr. HUNTER: The petition of Rice M. Brown, of Lawrence County, Indiana, asking relief.

By Mr. LUTTRELL: The memorial of W. H. Rulofson, of California, praying for relief.

Also, the memorial of James E. Barnes and 11 others, of California, for relief.

By Mr. PARSONS: The petition of William Fletcher for compensation for loss of steamer Delta, $5,000.

By Mr. WILLARD, of Vermont: The petition of Eliza A. Maxham, Northfield, Vermont, for a pension.

NOTICE OF A BILL.

The following notice of leave to introduce a bill was given under the rules:

By Mr. BUTLER, of Tennessee: A bill to establish certain post-offices in Tennessee.

IN SENATE.

MONDAY, *December* 8, 1873.

Prayer by Rev. E. D. OWEN, of Washington.

The Journal of the proceedings of Thursday last was read and approved.

Hon. THOMAS F. BAYARD, of Delaware, Hon. THOMAS M. NORWOOD, of Georgia, Hon. GEORGE GOLDTHWAITE, of Alabama, and Hon. SIMON B. CONOVER, of Florida, appeared in their seats to-day.

COMMITTEE ON MINES AND MINING.

Mr. HAMLIN. I notice by the reading of the Journal, as well as by the printed list of the committees laid upon our desks this morning, that there has been an error committed in the formation of the Committee on Mines and Mining. There are but six persons placed upon it; there should be seven. I therefore move that the Chair be authorized to supply the vacancy.

The VICE-PRESIDENT. The Senator from Maine moves that the Chair be authorized to appoint a member of the Committee on Mines and Mining.

There being no objection, the motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a copy of a letter, dated the 26th ultimo, from the Commissioner of Indian Affairs, together with a form of a bill prepared under the direction of the Department, providing for the sale of the Kansas Indian lands in the State of Kansas to actual settlers, and for the disposition of the proceeds arising from such sale; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Treasurer of the United States, transmitting, in compliance with law, his adjusted quarterly accounts of the general receipts and expenditures of the United States for the third and fourth quarters of 1871, and for the first and second quarters of 1872, being for the fiscal year ending June 30, 1872; which was ordered to lie on the table.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of W. C. Williams, of Brooklyn, New York, praying the restoration of money paid by him, as alleged improperly, for a substitute in the Army; which was referred to the Committee on Claims.

Mr. CHANDLER presented a joint resolution of the Legislature of Michigan, favoring the construction of the Niagara Ship-canal by the General Government; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Michigan in favor of an appropriation by Congress for the survey of a route for a ship-canal across the State of Michigan; which was referred to the Committee on Commerce.

He also presented the petition of Calvin Chipman, a citizen of Michigan, asking the passage of a bill allowing him the sum of $8 per month from the 23d of November, 1812, to the 2d of April, 1850, for services rendered by him; which was referred to the Committee on Pensions.

He also presented the petition of Anton Sontag, a citizen of the United States, asking the establishment of navigation, and a line of steamers, with subsidy of the United States, to land on the Black Sea, Dardanelles, Adriatic, and other places, and setting forth the benefits to be derived therefrom; which was referred to the Committee on Commerce.

Mr. WRIGHT presented the petition of Edgar P. Ensign, attorney in behalf of certain of the late employés at the United States court-house and post-office at Des Moines, Iowa, praying compensation for two hours per day extra services rendered between June 25, 1868, and July 25, 1869; which was referred to the Committee on Public Buildings and Grounds.

He also presented the petition of J. C. Denny, late of Company K, Ninth Iowa Cavalry Volunteers, praying for extra pay as telegraph operator; which was referred to the Committee on Military Affairs.

He also presented the petitions of Charles S. Movers and Jane A. Movers, of Des Moines, Iowa, praying for a pension for services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. SCOTT presented the petition of J. W. Coolbroth, of Hollidaysburgh, Blair County, Pennsylvania, praying payment for damages sustained in the destruction by the steamer Union, in 1861, of the brig B. F. Martin, containing merchandise belonging to him; which was referred to the Committee on Claims.

He also presented the petition of a committee of Belgians, resident in the city of New York, praying that no treaty with Belgium may be ratified classing retroactively "bankruptcy" or "fraudulent bankruptcy," as defined by Belgian law, among the crimes for which Belgians resident here may be sought and arrested, and extradited; which was referred to the Committee on Foreign Relations.

He also presented the petition of James Glover, of Pennsylvania, asking compensation for property belonging to him destroyed in Louisiana by United States troops to prevent it falling into the hands of the enemy; which was referred to the Committee on Claims.

Mr. ALCORN presented the petition of Julia A. Nutt, administratrix of Haller Nutt, deceased, of Natchez, Adams County, Mississippi, praying payment for quartermaster's stores taken by United States forces; which was referred to the Committee on Claims.

Mr. COOPER presented the petition of the publishing house of the Methodist Episcopal Church South, praying to be paid the value of the property of that house, used and appropriated by the Union Army, at Nashville, Tennessee, in 1864 and 1865; which was referred to the Committee on Claims.

Mr. CONKLING. Mr. President, I have a memorial to present. It comes from those largely instructed in the matters of which they speak; it is an argument in favor of an object which has my most earnest sympathy. It is the memorial of the Chamber of Commerce of the State of New York, in regard to the resumption of specie payments. The Senate is aware that this organization numbers in its membership many of the most distinguished, sagacious, and experienced bankers, business men, and financiers of the country. No word of mine can add weight to their judgment and action. I commend it to the grave attention of the Senate; and move its reference to the Committee on Finance, and that it be printed.

Mr. ANTHONY. I will not make any objection in this case, but I think we ought not to begin printing memorials. If we do, we shall have to print all that are presented.

Mr. CONKLING. Mr. President, the suggestion of my friend from Rhode Island I think timely and proper, and I withdraw the motion to print. I think if any memorialists may safely trust their communications to the attention of the Senate without their being printed, the Chamber of Commerce of New York can do so; and it occurs to me, also, that the chamber will send, unless they have already sent, to the members of the Senate a printed copy of the memorial. This fortifies the propriety of the suggestion of my friend from Rhode Island.

The VICE-PRESIDENT. The motion to print is withdrawn; and the memorial will be referred to the Committee on Finance, if there be no objection.

Mr. WEST presented the petition of James Rainey, D. T. Boulin, M. B. Brady, and E. Gaschet de St. Isle, praying for compensation for the use of what is known as the "cotton-press," in New Orleans, by the United States, from May, 1863, to December, 1863; which was referred to the Committee on Claims.

He also presented the petition of A. J. Sypher, of Louisiana, praying compensation for lumber, dray, cart, cotton-gin, &c., taken and used by the United States at Memphis, Tennessee, in January, 1863; which was referred to the Committee on Claims.

He also presented the petition of Samuel Jamison, of New Orleans, Louisiana, praying compensation for the use and occupancy by the United States of certain houses and lots in the city of New Orleans, from July, 1862, to October, 1865; which was referred to the Committee on Claims.

He also presented the petition of Henry Ware, of Louisiana, praying compensation for 758 bales of cotton seized at Shreveport, Lou-

isiana, by Robert G. Curtis, assistant supervising agent of the Treasury of the United States; which was referred to the Committee on Claims.

He also presented the petition of Louisa H. Hasell, praying payment of rent for certain real estate in Summerville, South Carolina, taken by the United States Army and occupied as a small-pox hospital; which was referred to the Committee on Claims.

He also presented the petition of Edward H. Wilson, of Louisiana, praying payment to him of certain money realized on cotton and a judgment in his favor and against the Bank of Louisiana, the cotton having been seized and sold by the United States and the proceeds paid into the Treasury; which was referred to the Committee on Claims.

Mr. MERRIMON presented a joint resolution of the Legislature of North Carolina, praying a modification of the internal-revenue law; which was referred to the Committee on Finance.

Mr. HAMILTON, of Maryland, presented the petition of Elijah Fuller, Alfred Spates, and others, citizens of Alleghany County, Maryland, praying for compensation to George Hering for property taken by the Army during the late civil war; which was referred to the Committee on Claims.

Mr. SUMNER. I present the petition of George L. Ruffin, James M. Trotter, and 318 other colored citizens of Boston, praying for the passage of the bill known as the supplementary civil rights bill which is now on the table. I move that this petition be received and that it lie on the table.

The motion was agreed to.

Mr. PRATT, presented the petition of Calvin Hess, of Hamilton County, Indiana, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Celia Tweed, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Edward Marshall, of Company C, Fifteenth Indiana Volunteers, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. MORRILL, of Maine, presented the petition of Henry Inman, late captain in the United States Army, praying to be restored to his former rank; which was referred to the Committee on Military Affairs.

Mr. JOHNSTON presented the memorial of Susan Dayton Anderson, administratrix of Joseph Wheaton, deceased, asking compensation for his services as an officer of the Revolution; which was referred to the Committee on Revolutionary Claims.

Mr. SARGENT presented the petition of the representative of James H. Carleton, lieutenant-colonel United States Army, praying remuneration to his children for property destroyed by United States forces at Albuquerque, New Mexico; which was referred to the Committee on Claims.

Mr. INGALLS presented a petition of citizens of Kansas, praying the establishment of a land district in that State; which was referred to the Committee on Public Lands.

He also presented the petition of Mrs. Sarah Brooks, praying compensation for injuries inflicted by Indians in the State of Arkansas; which was referred to the Committee on Claims.

Mr. MITCHELL presented a petition of citizens of Oregon, praying an appropriation for the improvement of the Willamette River; which was referred to the Committee on Commerce.

Mr. ANTHONY presented the petition of James Jefferson and 81 others, citizens of Rhode Island, praying for the passage of the bill known as "Sumner's supplementary civil rights bill;" which was ordered to lie on the table.

Mr. LOGAN presented the petition of Leonora Marshall, praying to be allowed her share of the pension due Charles Hoyt at the time of his death for his services in the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Mr. LEWIS presented the petition of Joseph Segar, of Virginia, praying to be allowed pay as a Senator of the United States, chosen by the Legislature of Virginia to fill the vacancy occasioned by the death of Hon. Lemuel J. Bowden, on the 8th of December, 1864; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MORTON presented the muster-in roll and other papers in relation to the matter of the claim of Christian Stawitz, first lieutenant and regimental quartermaster One hundred and forty-fourth Regiment Indiana Volunteers, to pay as an officer; which were referred to the Committee on Claims.

Mr. BOUTWELL presented the petition of John W. Marsh, of Oxford, Massachusetts, praying for a reissue of a patent for improvements in sewing-machines; which was referred to the Committee on Patents.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. ALCORN, it was

Ordered, That the memorial and testimony in the claim of Miss Susan A. Shelby, of Mississippi, be taken from the files and referred to the Committee on Claims.

On motion of Mr. STEVENSON, it was

Ordered, That the memorial and accompanying papers of the Louisville and Bardstown Turnpike Company be taken from the files and referred to the Committee on Claims.

On motion of Mr. STEVENSON, it was

Ordered, That the memorial and accompanying papers of T. T. Garrard and others, of Clay County, Kentucky, praying to be compensated for the destruction of salt-wells, &c., be taken from the files and referred to the Committee on Claims.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers in the case of Samuel Houston be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers of Isaac A. Morris be taken from the files and referred to the Committee on Claims.

On motion of Mr. DAVIS, it was

Ordered, That the petition and papers in the case of Wildey Lodge, Independent Order of Odd Fellows of Jefferson County, West Virginia, be taken from the files and referred to the Committee on Claims.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers of Matthew Wright, claiming remuneration for Indian depredations, be taken from the files and referred to the Committee on Claims.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers of Clement Wettle claiming pay for losses from Indians, be taken from the files and referred to the Committee on Claims.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers of Barnard K. Knowlton, administrator of S. B. Lowry, be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers of Dennis Sullivan be taken from the files and referred to the Committee on Claims.

On motion of Mr. RAMSEY, it was

Ordered, That the petition of Lizzie M. Mitchell, praying for a pension, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers of Antoinette Darling, praying compensation for property destroyed by Indians, be taken from the files and referred to the Committee on Claims.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers of Frank C. Darling, praying compensation for property destroyed by Indians, be taken from the files and referred to the Committee on Claims.

On motion of Mr. SUMNER, it was

Ordered, That the petition and papers in the case of Charles F. Carr be taken from the files and referred to the Committee on Claims.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of John S. Corlett be taken from the files and referred to the Committee on Pensions.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers relating to the claim of Hannegan & Co. be taken from the files and referred to the Committee on Claims.

On motion of Mr. SPENCER, it was

Ordered, That the petition and accompanying papers in the case of Benjamin Cooley and James W. Boswell be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. SPENCER, it was

Ordered, That the petition and accompanying papers in the case of E. J. Woolum be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. SCOTT, it was

Ordered, That the petition and papers of William Wheeler Hubbell be taken from the files and referred to the Committee on Naval Affairs.

On motion of Mr. SCOTT, it was

Ordered, That the papers in the case of the heirs of Andrew White be taken from the files and referred to the Committee on Private Land-Claims.

On motion of Mr. SCOTT, it was

Ordered, That the claimants in the case of the heirs of William Northedge have leave to withdraw their papers from the files of the Senate.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers of Samuel S. Potter be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Celia Tweed, of Madison County, North Carolina, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Dr. Samuel Davis, of Indiana, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of DeWitt C. Chipman be taken from the files and referred to the Committee on Finance.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Henry C. Smith be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of George E. Payne be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Jules Frank be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Charles G. Berry be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Hiram Prather be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of James L. Baldwin, of Logansport, Indiana, be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Andrew Johnson, of Cass County, Indiana, be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Joseph Nock be taken from the files and referred to the Committee on Claims.

On motion of Mr. HAMLIN, it was

Ordered, That the petition and accompanying papers of Elizabeth F. Thompson be taken from the files and referred to the Committee on Pensions.

NOTICE OF A BILL.

Mr. DAVIS. I give notice that at no very distant day I shall ask leave to introduce a bill restoring to newspapers the privileges they enjoyed previous to the repeal of the late franking privilege.

BILLS INTRODUCED.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 61) providing for busts in marble of the late Chief Justice Roger B. Taney, and of the late Chief Justice Salmon Portland Chase, to be placed in the Supreme Court room of the United States; which was read twice by its title, referred to the Committee on the Library, and ordered to be printed.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 62) to incorporate the Southern Transcontinental Railroad Company, and to grant the right of way through the public lands to the same; which was read twice by its title, referred to the Committee on Public-Lands, and ordered to be printed.

Mr. BROWNLOW asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 63) for the relief of Perez Dickinson, surviving partner of Cowan & Dickinson, of Knoxville, East Tennessee; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 64) for the relief of Christian Stawitz, late first lieutenant One hundred and forty-fourth Indiana Volunteers; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 65) to authorize the President to restore George Henry Preble, now a captain in the Navy, to his original position on the Navy Register, and promote him to the rank of commodore on the active list; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 66) for the relief of Samuel S. Potter; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 67) for the relief of Charles G. Berry, of Indiana; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 68) for the relief of Hiram Prather, late lieutenant-colonel of the Sixth Regiment Indiana Volunteer Infantry; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 69) for the relief of William H. Vesey; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 70) to establish a national university; which was read twice by its title.

Mr. PRATT. Mr. President, I wish to say that I introduce this bill by request. It was handed to me by a highly respectable gentleman with the desire that I should introduce it this morning. I have not examined it, and I do not commit myself to the plan at all. I move the reference of the bill to the Committee on Education and Labor, and that it be printed.

The motion was agreed to.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 71) to authorize the organization of national banks without circulation; which was read twice by its title.

Mr. SHERMAN. I move that the letter of the Comptroller of the Currency accompanying the bill be printed, and that the bill and accompanying letter be referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 72) to amend an act entitled "An act to restrict the jurisdiction for the Court of Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States;" which was read twice by its title.

Mr. SHERMAN. This bill is accompanied by a memorial from the agent or commissioner appointed by the State of Ohio to present what are known as the Morgan raid claims. It is in the nature of a memorial of the State, and I move that it be printed with the bill, and referred to the Committee on Claims.

Mr. ANTHONY. Does the memorial come from a State?

Mr. SHERMAN. It comes from the commissioner appointed by the State of Ohio, and I think it is the act of the State, although it is signed by the commissioner.

The motion was agreed to.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 73) in relation to the United States courts in the State of Alabama; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 74) for the relief of Henry Milward; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 75) for the relief of J. B. Cornell and others; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. AMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 76) for the relief of General J. B. Kinsman; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 77) for the relief of Martha A. Booth; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 78) supplementary to an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; which was read twice by its title.

Mr. SCOTT. Mr. President, this bill has been prepared at the instance of a large number of business men of both the debtor and creditor class. I have not examined its provisions very fully, but, at the request of their representative, I introduce the bill; and move that it be referred to the Committee on the Judiciary and printed.

The motion was agreed to.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 79) referring the claim of J. Snowden & Son to the Court of Claims; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 80) authorizing the administrator of Mrs. Sarah A. R. Lord, deceased, to bring suit in the Court of Claims; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 81) for the relief of the heirs of Andrew White; which was read twice by its title, referred to the Committee on Private Land-Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 82) for the relief of Margaret E. West; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 83) granting a pension to Josiah Brinard; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 84) for the relief of the legal representatives of Christian B. Morrison, of New York; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 85) explanatory of an act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799, and also of an act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March 3, 1863; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 86) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States;" which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WEST asked, and by unaninous consent obtained, leave to introduce a bill (S. No. 87) to facilitate the execution of and to protect certain public works of improvement at the mouth of the Mississippi River; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 88) for the better organization of the district courts of the United States within the State of Louisiana; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 90) for the relief of John W. Hickey, of the State of Louisiana; which was read twice by its title, and, with accompanying papers, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 91) for the relief of Mrs. Louisa H. Hasell; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CARPENTER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 92) relating to the several courts in the Territory of Dakota; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 93) to provide for cheap transportation of persons and freight between the cities of New York and Chicago; which was read twice by its title.

Mr. LOGAN. On account of the question that may arise in reference to the power of Congress to grant charters within the States, I move that the bill be referred to the Committee on the Judiciary and printed.

The motion was agreed to.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 94) for the relief of Isaac H. Allen; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 95) for the relief of the heirs of Colonel Francis Taylor and Dr. Charles Taylor; which was read twice by its title.

Mr. WRIGHT. I move that that bill, together with the papers now on file in the office of the Secretary of the Senate, be referred to the Committee on Revolutionary Claims.

The motion was agreed to.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 96) to amend an act entitled "An act to authorize the reissue of land-warrants in certain cases, and for other purposes," approved June 23, 1860; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 97) for the benefit of occupying claimants; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 98) to authorize the construction of a fire-proof building in Keokuk, Iowa; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BOREMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 99) for the relief of Peter Nodine, of West Virginia; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 100) for the relief of Lieutenant Alonzo V. Richards; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 101) for the relief of Albert Towle, postmaster of Beatrice, Nebraska; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 102) for the relief of Edward Gallaher; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 103) to incorporate the Capitol, North O Street and South Washington Railway Company; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 104) restoring to the marshal of the District of Columbia the exclusive supervision of the jail in said District; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 105) extending the time for the selection of swamp and overflowed land in Oregon under the act of Congress approved March 12, 1860; which was read twice by its title, referred to the Committee on Public-Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 106) for the relief of the legal representatives of Chauncy M. Lockwood; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 107) to purchase 640 acres of land in the Territory of Idaho for the Nez Percé Indian reservation; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 108) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, in the State of California; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 109) to reorganize the clerical force of the General Land-Office; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 110) for the relief of the East Tennessee University; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 111) for the relief of the book-agents of the Methodist Episcopal Church South; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 112) for the relief of James H. Willis, of Greenville, Tennessee; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 113) for the relief of the trustees of Wildey Lodge, Independent Order of Odd-Fellows; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CROZIER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 114) to authorize the erection of a public building at Leavenworth, Kansas; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 115) to incorporate the Eastern and Western Transportation Company; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. INGALLS. I ask the unanimous consent of the Senate to permit me to introduce a joint resolution, authorizing proceedings to be instituted in the United States circuit court for the district of Kansas, to determine the title to the Osage ceded lands. I ask that the resolution may lie on the table and be printed, and I give notice that on some subsequent day it will be called up, either by my colleague or by myself, and its reference moved to the Judiciary Committee.

The VICE-PRESIDENT. The Chair will suggest to the Senator from Kansas that this must be a bill, not a joint resolution.

Mr. INGALLS. Let the clerk change it accordingly.

Mr. ANTHONY. I wish to say a word, if I can have the attention of the Senator from Kansas. I do not intend to object to printing bills and memorials; but it has not been customary to print bills on their introduction, unless there be some especial reason for it. They are printed as a matter of course when reported. By printing them at first we fill up our files. See the lot that has come from the House to-day—some fifty bills on the same subject. If the Senator from Kansas desires to have this proposition printed, I shall make no objection, but I would call the attention of the Senate to what I think is an increasing evil—printing memorials and printing bills before they have been referred. No person examines a bill until it has been reported, because it is not generally a subject of consideration until it has been reported.

Mr. INGALLS. I will say to the Senator from Rhode Island, that there are special reasons why it is desirable that this resolution, or bill, as it is changed, should be printed.

Mr. ANTHONY. Then I will not object.

Leave was granted to introduce a bill (S. No. 116) authorizing proceedings to be instituted in the United States circuit court for the district of Kansas, to determine the title to the Osage ceded lands; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. CLAYTON. I ask leave without previous notice to introduce a bill for the relief of Samuel Houston for the destruction of a steamboat, owned by him, by himself during the war, to prevent it falling into the hands of the enemy.

There being no objection, leave was granted to introduce a bill (S. No. 117) for the relief of Samuel Houston; which was read twice by its title, and referred to the Committee on Military Affairs.

OFFICIAL SALARIES.

Mr. WRIGHT. Mr. President, it will be remembered that on Thursday I gave notice that this morning I should call up a bill, which I had the honor to introduce the first day of the session, on the subject of salaries, and would pray the indulgence of the Senate while I submitted some remarks upon it. Subject to the morning business, I now move that that bill be taken from the table. Of course, I will yield to any morning business, including the election of

a Chaplain, as suggested by my friend from Rhode Island, [Mr. ANTHONY.] It is Senate bill No. 9.

The VICE-PRESIDENT. The Senator from Iowa moves to take up for consideration Senate bill No. 9.

Mr. BOREMAN. As I understand, that bill is to be taken up subject to the morning business.

Mr. WRIGHT. Certainly.

The motion was agreed to.

The VICE-PRESIDENT. The bill will be taken up when the morning business is concluded. Resolutions are now in order.

NATIONAL RAILROAD SYSTEM.

Mr. CLAYTON. I offer the following resolution:

Whereas under the provisions of the Constitution of the United States the power is vested in Congress "to regulate commerce among the several States" and "to establish post-offices and post-roads;" and

Whereas the ability to conduct commercial transactions among the several States, and the power to convey with cheapness, regularity, and dispatch the United States mails depends to a very great extent upon the means of transportation afforded by railroads; and

Whereas under existing laws lines of railroads projected in or through two or more States cannot be constructed or operated without the authority of said States, obtained either under general laws or by special enactment, thus leaving it in the power of a single State to shut out and prevent railroads from entering or passing through its territory from other States, no matter how manifestly the interests of commerce among the States may suffer thereby; and

Whereas it is believed by many persons that by reason of the exclusive privileges granted to railroad corporations by the Legislatures of some of the States, and by reason of combinations entered into by such corporations with each other for the purpose of monopolizing the carrying trade, some of the said corporations and combinations have become so powerful as to enable them to control the Legislatures of the States to the extent of preventing the organization of rival and competing corporations, whereby competition, which is the very life of commerce, is stifled and the growth of the productive interests of the country and the efficiency of the United States mail service is retarded; and

Whereas it is the duty of Congress to provide for the people cheap, frequent, and convenient mail facilities, and it is also its duty, so far as the power in it lies, not only to protect the commercial and productive interests of the country from the evil effects of monopolies, but to provide an easy and ready way by which the great carrying trade of the country conducted by the means of railroads may be thrown open to full and free competition: Therefore,

Resolved, That the Committee on Railroads be instructed to consider the expediency of reporting a bill providing for a general system of railroad incorporation, whereby persons may, by complying with the necessary requirements, become bodies corporate and politic for the purpose of constructing, maintaining, and operating railroads for public use and for the transportation of the United States mails, said bill to contain provisions reserving to Congress the right to make such laws and regulations for the safety and comfort of passengers as may be deemed necessary from time to time.

I move that the resolution lie on the table and be printed. At some future day I will ask the consideration and action of the Senate upon it.

The motion was agreed to.

BALANCES OF UNEXPENDED APPROPRIATIONS.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance is directed to inquire whether the fifth, sixth, and seventh sections of the act approved July 12, 1870, regulating the disposition of balances of unexpended appropriations, has been duly observed and executed, and whether any further provisions of law are required to secure the covering into the Treasury of balances of unexpended appropriations.

SENATOR FROM ALABAMA.

Mr. GORDON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the memorial of Francis W. Sykes, claiming to be Senator-elect from the State of Alabama, with accompanying documents, be referred to the Committee on Privileges and Elections, with power to send for persons and papers.

DISPOSITION OF PUBLIC LANDS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be directed to inquire into the expediency of repealing sections 10, 11, 12, 13, 14, and 15 of an act entitled "An act to appropriate the sales of the public lands and to grant pre-emption rights," approved September 4, 1841, and also section 8 of an act entitled "An act to secure homesteads to settlers on the public domain," approved May 20, 1862, and of providing by law that no portion of the public domain shall hereafter be alienated except to actual settlers and *bona-fide* residents.

ELECTION OF CHAPLAIN.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) If there be no further morning business, the Senator from Iowa [Mr. WRIGHT] is entitled to the floor on Senate bill No. 9.

Mr. ANTHONY. With the consent of the Senator from Iowa, I move that the Senate proceed to an election of Chaplain.

The motion was agreed to.

Mr. ANTHONY. I nominate for Chaplain Rev. Dr. Byron Sunderland.

Mr. SHERMAN. As the rule requires the election to be by ballot, if there be no objection, I move that the rule be dispensed with.

The motion was agreed to.

The PRESIDING OFFICER. No other nominations being made, the question is on the nomination made by the Senator from Rhode Island, of Rev. Dr. Sunderland.

The nomination was agreed to.

ELECTION OF EXECUTIVE CLERK.

Mr. ANTHONY. I move that the Senate proceed to the election of an executive clerk.

The motion was agreed to.

Mr. ANTHONY. I nominate James R. Young.

The PRESIDING OFFICER. No other nomination being made, the question is on the nomination made by the Senator from Rhode Island.

The nomination was agreed to.

The PRESIDING OFFICER. There being no further morning business, the bill (S. No. 9) to repeal so much of the act of March 3, 1873, as increases the salaries therein named, is before the Senate as in Committee of the Whole; and the Senator from Iowa [Mr. WRIGHT] is entitled to the floor.

Mr. WRIGHT. I ask that the bill be read.

The Chief Clerk read as follows:

Be it enacted, &c., That so much of the act of March third, eighteen hundred and seventy-three, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June thirtieth, eighteen hundred and seventy-four," as provides for the increase of the salaries of the President, Vice-President, and all other officers therein named, be, and the same is hereby, repealed; and the salaries and compensation of all said officers and clerks, of every name and description, shall be and remain as fixed by the laws in force at the time of the passage of the act the provisions of which are hereby repealed: *Provided*, That nothing herein contained shall be construed to give or revive the franking privilege: *And provided further*, That this repeal, so far as it relates to the salary of the President, shall not take effect until the fourth day of March, eighteen hundred and seventy-seven, on and after which date said repeal, as to the salary of said officer, shall have full force and effect, and as to all other officers, from and after the taking effect of this act.

Mr. WRIGHT. Mr. President, I give notice now that when the bill shall come up for further consideration I shall move to amend the concluding part of it so as to have it take effect on all officers, except the President, on the third day of the month next after the bill shall have passed, and that for the convenience of the accounting officers.

Mr. President, at a convention of Iowa republicans, on the 26th of June last, a convention of the best and most intelligent citizens of that Commonwealth, and representing almost every county thereof, it was unanimously resolved and demanded that the provisions of the late act of Congress, by which the salaries were increased, shall be promptly and unconditionally repealed. Bowing to this mandate, I introduced, the first moment the business of the Senate would allow, this bill, and now ask its early and favorable consideration. Not less than one hundred conventions—indeed, all that were held—in our several representative and senatorial districts, of the same party, passed like resolves, and in this again I have my warrant for this measure. State, county, and district conventions held by those of every name opposed to the republican organization in Iowa, without dissent, made the same demand, in language alike unequivocal; and in this, also, I find the demand for the proposed repeal. Other States in the Northwest and elsewhere, in their conventions, of all parties, have caught up the demand, and once more I am supported in the measure before the Senate. But to avoid all chance for misconstruction, and lest any one might conclude that these demands control my action, I hasten to say that, in their letter and spirit and in all their length and scope, they have my unqualified and unconditional approval, and therefore I am prepared to stand by and indorse this repeal.

Such repeal is justified on the ground of policy, and more from the higher and, if possible, more defensible stand-point and platform of principle; and without intending to thus divide the proposition, I shall endeavor to demonstrate its truth.

Mr. President, the last national republican convention pledged the party—as all preceding ones had—to the strictest economy in the administration of public affairs. Upon this pledge, with others, the battle was fought. The victory was ours by an overwhelming majority of the honest people of this nation, and General Grant became President for a second term. The people, I am bound to conclude, believed what we said, and in view of our past record they were justified in so doing.

At the close of the war we found ourselves oppressed by a debt counted not by millions alone, but by billions. Added to this were millions more unadjusted—in the shape of bounties, claims for cotton and property destroyed, and in numberless other forms—which, since that time, have been constantly drawing upon the Treasury and adding to the public burdens. During the war taxes were necessarily heavy; the people so understood it; and, with a patriotism and self-abnegation without parallel in the history of this or any other nation, they met these exactions often, if not always, without inquiry into their justice or necessity, feeling that until the nation was saved it were next to sacrilege to possibly endanger the triumph of our arms by what under other circumstances would have been a warranted investigation into the manner of expending the revenues collected in sums so large and yet so freely given. It was felt, too, after the close of the war, as it is yet to some extent, that there were and are still heavy burdens growing out of it which must be met by the laying of taxes in some form; and these, too, the people have ever been and are now ready to meet. Every dollar of honest debt, according to its very terms—whether to bondholder at home or abroad; whether payable in gold or other form; whether to loyal men in the South or the soldier who fought for the nation's life; whether to pay the just claims of foreign citizens growing out of the war, or for opening up the great highways which tended the more certainly to make us one and a united people—I say every dollar of these and all honest debts they expect to pay, yea demand shall be paid. For (be it spoken to the

high praise of our people) the man who now, even with all our burdens, would advocate or recommend repudiation would shock the popular conscience, and as certainly meet political death as though he should demand the restoration of slavery, or the payment of the rebel debt rom the national Treasury.

No, Mr. President, the people of this country love their institutions—are ready at all times to abide by and meet honest obligations, and will give freely and ungrudgingly of their means to liquidate such demands. The burden at times, as now and for years past, however, becomes heavy, and they are led to look and think more and more each year, as the tax-gatherer visits them, into the nature of such burdens, and whether in justice and of right they might not be lightened without detriment to the general welfare or injustice to any. They had faith in the great party of the nation, that, as it had been true almost without parallel to its every promise, so now, having full power in every department, it would fulfill its pledge to administer their affairs with economy. They knew and rejoiced that the taxes were being reduced, the debt was being paid, and the interest lien gradually and certainly lessened. They stood by and supported the organization which had emancipated the slave, crushed the rebellion, declared and enforced the civil and political equality of the races, given us the soundest national currency, advanced the commerce of the Republic, reformed the Indian service, increased foreign immigration, expanded our railroad system, and measurably restored property in the South. Of the history of such a party they were not ashamed; to its future they looked, seeing "not whereof to be afraid."

While the party had such a record, and had accomplished so much, they had a right to and did expect that every reasonable effort would be made to reduce the public expenditures; and at this time, when private and public burdens alike approach the maximum of their ability to carry, that there would be no increase, and especially in the direction of the enactment which I seek to repeal.

I have assumed, Mr. President, that the public and private indebtness is heavy; that the people are absolutely weighed down by them. This certainly needs no proof at my hands. It could not well be otherwise when we reflect upon the amount of revenue collected, the local taxes, the spirit of extravagance engendered during and since the war, and, following this, the almost universal indebtedness found in every household, neighborhood, and community. If you doubt this, go to the people as they assemble, whether in political conventions, or for any purpose connected with public affairs, and find from men of all parties the same cry of "hard times," and a demand that their burdens shall be lessened. Go to the granaries of the great West, and see them absolutely bursting with fullness, and yet with prices so little remunerative as to yield but a slight and poor return for the labor of the husbandman. Turn to their demand, coming up from every city, town, village, neighborhood, and hamlet; from the artisan in his shop, the farmer in his field—from all men, however engaged, or wherever located, for cheaper transportation, that their crops and wares, by the exactions of monopolies, shall not be tolled three times their value for getting them to market. Go to your records, and find there the evidence of the liens upon farms, town and city property alike, with a rate of interest eating out the very substance of the people. Turn to the publications of the day, and read there of financial failures, and see the danger threatening us in every direction of a still greater crash in monetary affairs. And these demands and complaints coming, too, from a people not disposed to find fault without cause, nor withhold the payment of taxes for just and proper purposes, but from those who feel that this is their Government, and that there are times when it behooves them to call their servants to a stricter account of their stewardship, and to take a more immediate and active interest and part in the administration of public affairs. For I affirm, Mr. President, that no one can claim with justice that the people of this nation are disposed to complain without cause. Here and there, I know, you will find those who are always dissatisfied, and would be under any circumstances. But the masses of the people are just, are discerning, judge discreetly, submit to burdens uncomplainingly, rarely if ever demanding legislation without good and sufficient cause.

And yet, Mr. President, legislating for such a people, within a twelve month of the time we had made to them this solemn pledge—within a few months after they, by their votes, had given evidence of their confidence in our pledges—and before the oath was administered to those whom they had intrusted with power, in a form as objectionable as could well be conceived, we added to their burdens, by the act at which I strike, not less than from one and a half to two millions of dollars annually; saying nothing, for the present, of its retroactive provisions, which took from the Treasury not less than two to three millions of dollars more for services already rendered, and for which every member, officer, and employé had given a full acquittance months and months before.

I may be told that this is but a small sum. Ah, Mr. President, there is the very danger at which we should take alarm. Sums which twenty, or even ten years since, would have struck the most extravagant as too great, we now vote, too often without thought, on the plea that it is not much; ours is a great and growing country, our resources immense, and this so-called pittance will make but little if any difference! Two millions of money to pay for services rendered, largely going to the members themselves—a sum almost equal to the entire expenses of my State, with its more than twelve hundred thousand people, for two years. Two millions added annually—a sum almost if not quite equal to that paid all the members of the Senate and House for the entire thirty-one years, commencing in 1789 and ending 1820! Two millions annually added to the public burdens when our interest account is enormously large, when claim after claim growing out of the war, and in many instances, honest and sacred debts due and owing our soldiers, remain unadjusted! Two millions added, when we should honestly, earnestly, and faithfully labor to decrease expenditures and taxes at the same time! This sum, too, imposed upon the people in flagrant violation of the pledges, and in utter defiance of the promises of all parties, from the platform and through the press. So much taken from the hard-earnings of a true, confiding, and patriotic people, at a time when they were demanding and expecting economy, and when they were but little able to meet what was before required of them.

But it is said that the increase is but just, and that the people, being ready at all times to pay their representatives and officers good or fair wages, will, when the matter is understood, concur in its justice and submit to the increased burden. And in this connection it is also urged that the amount allowed the members of the two Houses is no more than is necessary to secure the best talent; that on small salaries only rich men will seek these places; that the sum allowed is no more, nor as much, as is paid persons in other positions of even less responsibility, and that good salaries are essential to keep public officers from using their places for money-making by dishonorable or questionable practices.

In my judgment nothing could be more erroneous than most, if not all, the propositions thus stated. I admit that the people are and always have been ready to pay those in their service fair salaries. No man shall go in advance of me in the effort to secure such compensation. That man makes a great mistake who supposes he can commend himself to public favor by voting and working for low or starving salaries. It is the cry of the slimy, cringing demagogue—the meanest of all earthly reptiles—and never has found and never will find a response in the hearts of honest, thoughtful men anywhere. The people expect and want to pay all that is reasonably necessary to secure the most efficient and faithful public servants. I am sure I want to do this, and did I believe the act increasing salaries was essential to this end, I should have the utmost confidence that it would in due time meet the cordial approval of the people, and not all the conventions nor all the papers in the land could induce me to vote or work for a reduction.

But I do not believe this, and hence favor this repeal. It is a great and fatal mistake to suppose that as you increase salaries you secure thereby more faithful officers. The proposition gives unwarranted motive power to money or the love of it, and underrates those noble springs to human action which now and at all times bring to the fore-front men of generous and manly natures who, impelled by rivalry and ambition, have given to the world better deeds and thoughts than the influence of all the money coined in mints or held in the coffers, public or private, of the world. I should regret exceedingly to believe that men, fitted for a place in this body, were deterred from seeking the same because the salary was a few hundred, or thousand even, below what they could make as bank or railroad presidents, or superintendents of some insurance or steamship interest, or might be able to realize by speculation in stocks, lands, or otherwise. Men who thus reason would present the strongest argument of their unfitness for a place so important and dignified, and the country should and would have cause to rejoice that the salaries were kept so low as to save the people from their presence in places of official trust. The question is not what can some men make in other pursuits, nor what they earn in the professions or other vocations, but what is a fair compensation, considering the nature of the employment, the character of our Government, and the men who seek or should seek these places. There are doubtless those who, if the salaries were fixed at $15,000 or $20,000 instead of $5,000 or $7,500, would suffer pecuniarily by giving up their private business and accepting places here. Must we increase the compensation to meet such cases? Are the men who receive such large sums the most desirable for public places or the safest legislators? As a rule, where do you find those of the rarest culture—those whose sympathies and views are apt to accord with that simplicity which our fathers taught, and which needs to be cultivated rather than that shoddy sentiment which enthrones money as alone worthy man's passionate ambition? This Government was not made, nor these bodies organized, to aggrandize and make wealthy those holding places here.

We are to look to the welfare, the prosperity, and higher elevation of the people, not the enriching of their servants that they may live in "barbaric splendor," and be able to cultivate that vulgar taste for show, tinsel, and gaudy nothingness which, in officials high or low, is a reproach to our institutions and at war with the best interests of the age and the highest welfare of the nation. No, sir; the man who, seeking a place here, would decline it because the salary was $5,000 or $6,000 instead of $7,500 would most likely be unfit for it, and the country would probably lose but little by being deprived of his invaluable services. Talk to me about its being necessary to increase salaries, or rich men alone will come to this body. I say it without intending to disparage any one or underrate the value of any one's services, fully recognizing and admitting how faithfully and laboriously the great majority here, in all the public positions, work and give their time to the public service; and yet I hesitate not to say

that $5,000 is more than an average of what members of either House received annually before coming to Congress. It is more than one-half of our predecessors made at home; more than half those here made. Increase the salaries and you invite rich men and deter poor men. If the salary was $20,000 not one poor man, or man of moderate means, in twenty would be found here. Put up your salaries and rich men use their means to secure the places for money's sake, and thus the inducement increases for men to buy their way into place and power. Disgraceful enough have been the scenes enacted at some of our State capitols in the election of Senators. Already we have had too many instances of money attempting to throttle and defeat brains and gallant services in field and forum, defying the popular verdict and all motives of right or principle. I beg that we shall not so legislate as to give food to this spirit. And yet we shall certainly do so if we insist that the salaries shall be so high as that the most extravagant can be supported therefrom, or the man of means encouraged thereby to still further depart from the true idea of republican economy and simplicity.

But higher salaries, it is insisted, are necessary to keep public officials above the danger of temptation, or the probability of making money by corrupt or questionable practices. If this is true, then *God pity the people, their servants, and the country.* But it is not true, and I here denounce it as a foul slander on the intelligence and integrity of the people and their officers, as a base avowal of the weakness of our unequaled institutions. I do not believe the increase of salaries is to either make honest men or keep them in honest paths.

A few hundreds or thousands added to his income will not make an honest man of the rogue, nor can you lead the men of integrity away from the path of rectitude by withholding like sums. It is not thus that dishonest men are restrained, nor honest ones placed in the way of temptation. You may place a rogue on all the platforms, proclaiming honesty, and have from him all the promises of fidelity to duty, and neither can make him honest or true. You may load down your official, inclined to the use of disreputable means in accomplishing his ends, with all the gold of your Treasury, and you cannot thereby anchor him to duty, nor have the faintest guarantee that he would not yield to the first temptation.

Increase your salaries, and if you do not encourage extravagance and thereby increase the chances for dishonesty, you at least will not thereby plate men with virtue nor a better panoplied integrity. The man of true moral courage, of that integrity which can stand unmoved in sunshine and storm alike, never stops to inquire, in the discharge of duty, whether his salary is above or below the proper standard, and the voice of the tempter never comes near his home or his person.

With all the talk of dishonest and corrupt practices in and about this Capitol and city, I am satisfied there is but little foundation for any of it; and I am equally certain that more men *kill themselves* in this way than get *killed by others.* They *wait* to be tempted, and it does not need low salaries to put them in the way.

No, no, Mr. President; adopting a sentiment somewhere found—and where I do not now remember, nor is it material—what the country wants, here and everywhere, is *men;* men who are not for sale, sound from center to circumference, true to the heart's core; who neither flag nor flinch, nor brag nor run; who tell the truth, and look the world and the devil right in the eye; who have courage without whistling to bring it, and joy without shouting to obtain it; in whom the current of everlasting life runs still and smooth and strong; who eat what they have earned, wear what they have paid for; who are not ashamed to do what they have promised; whose honesty courses through their veins and becomes a part of their very life and existence. With such a man high or low salaries will make but little difference. If not thus morally and mentally clothed, you had probably as well be engaged in something else as in the missionary work of giving him high salaries to keep him out of temptation. If he would pray honestly, when asking not to be led into temptation he would supplement it with the prayer that his income might not be increased, lest thereby his wants and the pitfalls and snares around him be multiplied.

Large salaries may not increase the tendency to dishonesty; they certainly will not to honesty. We have been increasing salaries for years and years and from time to time. Are our officials any better, any more honest, any more faithful? Do we have any fewer instances of frauds, peculations, embezzlements, defalcations? Is it a rarer thing now than formerly to hear of dishonesty on the part of the public officials?

These questions I do not answer. I leave you and the country to determine. The world knows, you know, all experience, the plainest principles of reason and common sense, all tell us that you cannot keep men from temptation by increasing the means and opportunity for extravgance or habits of life in conflict with the theory of our Government.

Mr. President, the measure before the Senate proposes the repeal of all the provisions of the act of March 3, 1873, (ch. 101,) which increase the salaries. It provides, as to the President's salary, that the repeal shall not take effect until the 4th of March, 1877; and this because the Constitution declares that his compensation "shall neither be increased nor diminished during the term for which he shall have been elected." In view of the burdens of the people, the nature of our institutions, and the relative rights and responsibilities of the masses and their servants, I am prepared to stand by this prospective repeal or reduction. And yet, I confess, if the matter stood alone, I should be less inclined to oppose a reasonable increase in this instance than in the case of some of the other offices named. And it may be that in several other cases the salaries ought to be increased. I am ready to deal justly and liberally in all these matters. And it may be that, under the Constitution, we cannot change the salaries provided for the Supreme Court judges. The question is, perhaps, not free from doubt. I withhold any expression of opinion on this point, both because I prefer the whole matter shall, if deemed necessary, go to the appropriate committee, where the entire subject of their salaries and others' can and will be carefully considered, and because I am inclined to give to these faithful public servants, in whose integrity, ability, and fidelity so much of the highest interests of the nation is involved, the most liberal salaries. If I err anywhere, I would here, and on the side of the most liberal compensation. All these matters, however the arrangement of the several salaries, if increase is required in any case, I would, as I have said, prefer to adjust in a bill for that single object, deeming it best now to place the whole matter, as far as we can, precisely where it stood prior to the increase.

I am not, Mr. President, wedded by any means to the language or precise terms of this bill. I care more for results than I do for terms or words. After giving the subject my best thought, however, and in view of the popular demand, it seems to me that to simply retrace our steps at the earliest practicable moment is the easiest and safest escape from what I esteem a most unfortunate, if not fatal, mistake and blunder.

To those who agree with me in the propriety of such repeal there need, under this bill, be no difference as to what disposition shall be made of the so-called "back pay" still remaining in the Treasury. Nor do I undertake to interfere with the excess over the former salary drawn thus far for the present Congress. Nor, again, do I propose to discuss whether it were more equitable to give traveling expenses than mileage. All these matters and others I deemed it more advisable to leave to after legislation, (ready, though I am, to go as far as any one in closing the doors of the Treasury against further claim, and to do in every way what is just to the people on this subject,) aiming now, by this one act, to place all such salaries as we can precisely as they stood before. This is plain.

The proposition has but two sides. Every Senator must be for or against it. Every amendment can only tend to delay the passage of the bill. I deem it the clearest policy that every friend of repeal shall so understand and so act as to prevent delay. It would, in my judgment, be a grand compliment to the sober and rightful demand of those who have a right to ask it to pass this act promptly and speedily. These salaries were increased by a method the most vicious, and, as it seems to me, the least defensible—put into an appropriation bill during the last hours of the session, when defeat involved the alternative of an extra session, or the stopping the wheels of Government—placing the President where he must approve or veto, with the absolute certainty that he could be condemned and censured whatever his action—a position so unjust as to call, I doubt not, for his anomalous recommendation in his recent message that the Executive should be given the power to veto a bill in part, and to approve other parts. I say thus increased, if for no other reason, we should wipe all out, and that as promptly and with as little show of unwillingness as possible. This done, we can carefully, and after examining the whole field, in a bill directed to that single purpose, do what may seem right and proper on this subject. All the salaries, I doubt not, need revising. Scores of men, here and elsewhere, in my judgment, are in office who have next to nothing to do—those who do not work a month in a year, and yet are paid full salaries. So, too, there are in many instances gross irregularities which should and must be corrected. In due time, and speedily too, the knife must be applied unsparingly and a needed reform brought about in the whole civil list. For the present, however, let us take the one step of repealing this law, and then as promptly to the other good work.

But this repeal, and the propriety of looking well and with the utmost care to the lessening of the public burdens, and the adjustment of salaries upon a scale in consonance with the theory of our Government, the real wants of the people, and their demands, in addition to what I have already said, I now finally urge because of what I regard as the vital principle involved in our action.

Mr. President, it is said that individuals die of old age; nations never, but always from disease. The history of the world attests the truth of this aphorism. The true and faithful public servant will look well and with anxious care to threatened diseases or dangers. He is unmindful of duty if he forgets that this is a republican Government—the people's government; that he should labor for their welfare; should seek their highest interest and prosperity, not his own advancement or aggrandizement. In this country every man is a component part of the Government, taking by his voice, vote, and influence a part in its administration. The peace, quiet, and safety of the nation depend very largely, if not entirely, upon the people and their confidence in and respect for those making and executing the laws, and the laws themselves. The true and real life of a nation is the political idea or ideas upon which it is based.

Our recent struggle was a war, not of races or men, but of ideas. In this view it was brought to every man's fireside. In the shock of battle, while names, more or less, might be struck from the more than

thirty-million roll, and while households and the nation mourned the loss, the greater danger was that, in the conflict and battle of ideas, as with mildew, the nation might be blasted with all its millions. Hence I say it was brought to the fireside of all, and the contest was waged for the mastery of every heart. Those thus influenced were a constituent part of the nation, and the nation lived or died in the decision of every one. As then, so now, and so it will be for all time. If the moral and affectional life of the people is led in the right direction; if they are imbued strongly and honestly with the central idea of truth, justice, and right; if they love their country, all will be well; the nation shall live. If this life is borne out in the opposite direction; if the people lose confidence in those administering their affairs; if they shall believe that we seek our own personal ends, and not their welfare, then comes gradually, but certainly, moral, political death unto the hearts of all, and this is but the precursor of physical national death. The nation lives or dies, I repeat, in the feelings, sentiments, or ideas of the people. Presidents, cabinets, armies, navies, legislators, become their servants, and they speak with a power before which the nations stand in awe.

Along the centuries there cometh the history that in the ruder ages many German rulers and potentates had a friendly conference, touching the interests of all; and, among other things, recounted the elements of the strength and power of each. One pointed proudly to his large military force; another to his populous cities; another to the great wealth of his people; until finally an aged ruler said, "I have none of all these; but wherever I may chance in all my dominions, whether in mountain or vale, among those the most refined or uncultured, in castle or in hut, I can recline in sleep with perfect assurance that no one would harm, and that all would give their lives for my protection." The conference then, with one accord, agreed that his was the strongest government, for he had the assured love and affection of his subjects.

This we must have in this free land, Mr. President, if we would have strength—that to which the nation can turn with confidence in time of peril or danger. Do nothing, then, to forfeit this confidence. I am no alarmist; far from it; but the next great contest, in my judgment, in this country is to be between capital and labor. Unless the servants of the people act wisely, it may be precipitated. It behooves us to do nothing which shall hasten the threatened danger. When I see, as I have, not once but scores of times, from five to twenty thousand persons within the last year, those of the quiet, thoughtful, intelligent, laboring classes—farmers and mechanics—in patient council, carrying numberless banners, demanding that "Capital and labor must be equalized;" that "The workingmen who support our Government shall be respected;" that "The laborer must have his rights;" "Our motto is peaceful reformation;" "The Government and its institutions for the people, not the people for them;" "Farmers to the front, politicians take back seats;" and like inscriptions, I am led to ask, Why all this, if there is no just ground of complaint upon the part of the people? And I also am forced to inquire whether it is not incumbent upon us to seek for the cause of this feeling and the remedy for its removal.

Many things may have led to it. Prominent among them is the conviction that capital, so largely concentrated in the hands of individuals and large corporations, is being used to oppress labor and control, too often, legislation—if, indeed, it is not defiant of legislation. But equally, if not more prominent—and with this I have alone to do at present—is the feeling that those in power use their places too much for their own emolument and aggrandizement, rather than the well-being and prosperity of the people.

No act of the Government, since 1800, has been so universally and bitterly condemned as that increasing salaries. All men of all parties, almost without exception where I have met them, join in the cry of disapproval. And it is well said, that as by the Constitution we can fix our own salaries, if we can give one, two, or three thousand "back pay," so we may double these amounts; and if seven thousand five hundred for the future, so we may double that sum or more, and that there is hence no remedy save in the hands of the people. When the masses of our people labor through winter's cold and summer's heat with brain and muscle, faithfully, honestly, and soberly, and esteem themselves fortunate if they receive as much in the twelve months as the President does in four days or a week—as a Cabinet officer does in twenty days, or we for one month—it is not strange if, in this republican Government, they should ask if this is right or according to the fitness of things. As I have said, they will most cheerfully pay fair and good salaries; but when you make the difference so great you widen the breach, and no argument or statistics can satisfy them that such legislation is just or demanded. They cannot and will not have that love for the Government, that respect for its laws, nor that confidence in those making them, which the welfare of the nation demands, when they find that, while they are oppressed with debt, while the Government is groaning under its burdens, while all parties have pledged economy, salaries are increased beyond precedent, and the difference between the remuneration of the man of labor and his ever so faithful representative is made greater and still greater.

And so I say, therefore, aside from any ground of mere party or other policy, as a matter of principle, and for the welfare and quiet of the country, breaking away from the argument of the effect of such legislation upon the Treasury, and that we may inspire the people with confidence in the integrity of our motives and a desire to so legislate as to give them good laws and draw them closer and still closer to their Government and its institutions—I say, for these higher reasons we ought to retrace our steps, and place the salaries substantially where they were before the increase.

I say nothing of the so-called "back pay." I have nothing to do with the motives of any one. I acceed to all equal honesty, and a like desire to serve the public. With reference to it I have pursued my own course, whatever others might or would do. My conscience in this and like matters is my own *guide*, not a *lash* to scourge others to duty, nor a *weapon* to stimulate them to what I may esteem correct action. I determined never to touch such "back pay," and this resolve I have kept and shall keep. It never occurred to me, I confess, that in so acting I was violating the Constitution, nor that I was thereby reflecting upon the conduct of others. They take their course, as I hope and believe, honestly. I take mine, as I trust, influenced by motives equally honest. This "back pay" I cannot reach, and therefore I say nothing about it. If I could reach it I would. I propose to act for the future. In doing so I call upon those speaking for the great republican party of this nation to be true to their pledges; to give heed to the popular demand; to retrace their steps; to correct this great mistake promptly and speedily, and thus once more satisfy the people that we are true to our professions and can be intrusted with the grave responsibilities devolving upon the representatives of a people so devoted to right and so tenacious of principle.

We must not, my friends, be indifferent to passing events. The country and the world may be justly congratulated that we have accomplished so much for humanity and free government. No party is so prosperous—has made so grand a record. Let us not allow it to remain marred now by this one hasty and inconsiderate act. We can well and consistently retrace our steps. And though the responsibility for this increase of salaries rests as largely, if not more, with our opponents than with us, let it be ours, the opportunity being presented, to meet the popular demand and hasten to do right.

Doing thus, let us also open up the avenues of trade by giving as speedily and securely as possible cheaper transportation for the numerous products of the grand and growing West. Let us not treat this demand for cheaper transportation as a mere unmeaning clamor, (as I fear too many are ready to do,) but one backed by the enlightened judgment and absolute and patent necessities and wants of a people as true, patriotic, and law-abiding as any found in all this good land. Let us not, from a morbid anxiety, fed and encouraged by bondholders and stock speculators, to return to specie payments, fail to give the people a homogeneous currency, and enough for their wants in view of the increase of our wealth, population, and trade; but rather let us, furnishing, as we have undertaken to do, the people a currency, give them what their necessities demand, placing it upon such an elastic basis as will secure us against the failure of corporations or the machinations of gamblers in stocks, whatever their name or object. I say let us look to these things and promptly meet the demand, furnishing the needed remedy, and then the cloud threatening the grand party of peace, progress, and reform shall pass away, and we shall have and deserve the confidence of the thinking and reliable people of this nation in the future as we have had in the past. And let all men of all parties remember that not our own personal interests are to be consulted, but the welfare and happiness, the glory and prosperity of the country, and that we should so act as to deserve the confidence of the people and best secure their love for the laws and our institutions. In proportion as we do this we shall strengthen the cords of the Union, hold the people to their fealty to the Government, and if decay shall come, let it be that of grand and unexampled old age, and not of festering, corroding, and corrupting disease.

Asking the pardon of the Senate for talking so long, expressing my humble thanks for attention so unexpected and undeserved, I now move that the bill be referred to the Committee on Civil Service and Retrenchment.

The PRESIDING OFFICER. That reference will be made if there be no objection.

EXECUTIVE SESSION.

Mr. MORTON. If there is no other business, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after twenty minutes spent in executive session the doors were reopened, and (at two o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 8, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of

Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at nine minutes after twelve o'clock.

RICHARD T. MORSELL.

Mr. FRYE introduced a bill (H. R. No. 234) for the relief of Richard T. Morsell, of Washington, District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REUEL B. FULLER.

Mr. FRYE also introduced a bill (H. R. No. 235) for the relief of Reuel B. Fuller, of Wilton, Maine; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOUNTIES.

Mr. FRYE also introduced a bill (H. R. No. 236) in relation to bounties to nine-months volunteers and their heirs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

D. B. ALLEN & CO.

Mr. FRYE also introduced a bill (H. R. No. 237) to provide for the payment of D. B. Allen & Co. for services in carrying the United States mails; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM WEBSTER.

Mr. FRYE also introduced a bill (H. R. No. 238) for the relief of William Webster; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. FRYE also introduced a bill (H. R. No. 239) for the relief of William Webster; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN C. FARNAM.

Mr. PARKER, of New Hampshire, introduced a bill (H. R. No. 240) granting a pension to John C. Farnam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GENEVA AWARD.

Mr. POLAND introduced a bill (H. R. No. 241) to provide for the distribution of the money received under the Geneva award; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BANKRUPTCY.

Mr. POLAND also introduced a bill (H. R. No. 242) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," passed March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF OF SUFFERERS BY THE BOSTON FIRE.

Mr. PIERCE introduced a bill (H. R. No. 243) to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of Boston; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEPOSITS IN SAVINGS-BANKS.

Mr. EAMES introduced a bill (H. R. No. 244) to repeal the tax imposed upon deposits in savings-banks and institutions for saving; which was read a first and second time, referred to the Committee on Ways and Means and ordered to be printed.

PATENTS AND COPYRIGHTS.

Mr. KELLOGG introduced a bill (H. R. No. 245) explanatory of section 25 of an act to revise, consolidate, and amend the statutes relating to patents and copyrights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

BREAKWATER AT MILFORD, CONNECTICUT.

Mr. KELLOGG also introduced a bill (H. R. No. 246) providing for a breakwater at Milford, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF HOUSATONIC RIVER, CONNECTICUT.

Mr. KELLOGG also introduced a bill (H. R. No. 247) for continuing the improvement of the Housatonic River, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ANACOSTIA AND POTOMAC RAILROAD.

Mr. STARKWEATHER introduced a bill (H. R. No. 248) granting the approval and sanction of Congress to the termini and route of the Anacostia and Potomac Railroad Company, and to regulate its construction and operation; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

G. L. MAYNARD AND E. B. GRISWOLD.

Mr. DUELL introduced a bill (H. R. No. 249) for the relief of George L. Maynard and Edward B. Griswold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BANKRUPTCY.

Mr. DUELL also introduced a bill (H. R. No. 250) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," and all acts amendatory thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TRANSMISSION OF NEWSPAPERS AND PERIODICALS.

Mr. DUELL also introduced a bill (H. R. No. 251) to provide for the free transmission by mail of newspapers and periodicals; which was a read first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC BUILDING, SYRACUES, NEW YORK.

Mr. DUELL also introduced a bill (H. R. No. 252) to authorize the erection of a Government building in the city of Syracuse, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS HILLHOUSE.

Mr. MERRIAM introduced a bill (H. R. No. 253) for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NEW YORK VOLUNTEERS.

Mr. BASS introduced a bill (H. R. No. 254) relative to bounties of New York volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BURNS.

Mr. BASS also introduced a bill (H. R. No. 255) for the relief of John Burns; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDGAR L. SPENCER.

Mr. BASS also introduced a bill (H. R. No. 256) for the relief of Edgar L. Spencer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. D. HASKINS.

Mr. LANSING introduced a bill (H. R. No. 257) for the relief of H. D. Haskins, late lieutenant Company G, One hundred and tenth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JERUSHA A. GOODRICH.

Mr. McDOUGALL introduced a bill (H. R. No. 258) granting a pension to Jerusha A. Goodrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. GLOVER.

Mr. WILBER introduced a bill (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENTS.

Mr. COX introduced a bill (H. R. No. 260) for the resumption of specie payments; which was read a first and second time, and, with a memorial of the Chamber of Commerce of the city of New York on the same subject, was referred to the Committee on Banking and Currency, and ordered to be printed.

ALONZO SNYDER.

Mr. LAMPORT introduced a bill (H. R. No. 261) for the relief of Alonzo Snyder, of Livingston County, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STAMP DUTY ON MATCHES.

Mr. MYERS introduced a bill (H. R. No. 262) to repeal the stamp duty or tax on matches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRENCH SPOLIATIONS.

Mr. MYERS also introduced a bill (H. R. No. 263) to provide for the adjustment and satisfaction of claims of American citizens for spoliations by the French prior to the 31st day of July, 1801; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

EDWARD YOUNG.

Mr. MYERS also introduced a joint resolution (H. R. No. 14) giving the consent of Congress to the acceptance by Edward Young of a present from the Emperor of Russia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed

AMENDMENT OF PENSION LAWS.

Mr. STORM introduced a bill (H. R. No. 264) amendatory of an act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812," approved February 14, 1871; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

TWELFTH STREET RAILWAY, DISTRICT OF COLUMBIA.

Mr. NEGLEY introduced a bill (H. R. No. 265) to incorporate the Twelfth Street and South Washington Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARTHA A. BOOTH.

Mr. NEGLEY also introduced a bill (H. R. No. 266) for the relief of Martha A. Booth; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. B. CORNELL AND OTHERS.

Mr. NEGLEY also introduced a bill (H. R. No. 267) for the relief of J. B. Cornell and others; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY MILLWARD.

Mr. NEGLEY also introduced a bill (H. R. No. 268) for the relief of Henry Millward; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANKING PRIVILEGE.

Mr. BIERY introduced a bill (H. R. No. 269) to amend an act entitled "An act to abolish the franking privilege," approved January 31, 1873, so as to allow the free transmission by mail of newspapers and periodicals, and bills and receipts for the same; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ISRAEL YOUNT.

Mr. CESSNA introduced a bill (H. R. No. 270) for the relief of Israel Yount; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL BANKS AND CURRENCY.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 271) to strengthen the national banks and to give elasticity to the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ARMY APPOINTMENTS AND PROMOTIONS.

Mr. ALBRIGHT introduced a bill (H. R. No. 272) relating to new appointments and promotions in certain departments of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSAN B. LEIDY.

Mr. ALBRIGHT also introduced a bill (H. R. No. 273) granting a pension to Susan B. Leidy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON AND POINT LOOKOUT RAILROAD.

Mr. ALBERT introduced a bill (H. R. No. 274) supplementary to an act entitled "An act to authorize the Washington and Point Lookout Railroad Company to extend a railroad within the District of Columbia," approved January 22, 1873; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BANKRUPTCY LAW.

Mr. O'BRIEN introduced a bill (H. R. No. 275) to amend section 11 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT LYNCHBURGH, VIRGINIA.

Mr. WHITEHEAD introduced a bill (H. R. No. 276) to provide for a building for the use of the post-office, United States district court, and internal-revenue offices at Lynchburgh, Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIFE-SAVING STATIONS.

Mr. COBB, of North Carolina, introduced a bill (H. R. No. 277) authorizing the Secretary of the Treasury to appoint superintendents, keepers, and surfmen for the life-saving stations upon the coasts of Maine, New Hampshire, Massachusetts, Virginia, and North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERNAL-REVENUE COLLECTIONS.

Mr. WADDELL presented resolutions of the North Carolina Legislature in regard to the mode of collecting internal revenue by United States officers; which were referred to the Committee on Ways and Means, and ordered to be printed.

JAMES GREEN.

Mr. HUNTON introduced a bill (H. R. No. 278) for the relief of James Green, of Alexandria, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GOVERNMENT BUILDING AT GREENVILLE, SOUTH CAROLINA.

Mr. WALLACE introduced a bill (H. R. No. 279) authorizing the erection of a Government building at Greenville, South Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ANN CRANE.

Mr. WALLACE also introduced a bill (H. R. No. 280) granting a pension to Ann Crane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CURRENCY.

Mr. RANSIER presented a concurrent resolution of the State of South Carolina, asking for the passage of an act by Congress authorizing the Comptroller of the Currency to issue to national banks circulating notes or currency equal to 90 per cent. of the current market value of the United States bonds transferred and delivered by such national banks; which was referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN M. WALKER, ETC.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 281) for the relief of John M. Walker, F. W. Robert, and Joseph Elsas, of the State of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GENERAL AMNESTY.

Mr. YOUNG, of Georgia, also introduced a bill (H. R. No. 282) providing for general amnesty; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPAIRS OF CITADEL IN SOUTH CAROLINA.

Mr. ELLIOTT presented a resolution of the Legislature of South Carolina, asking an appropriation for repairs of citadel occupied by United States troops; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MAIL CONTRACTORS' CLAIMS.

Mr. BLOUNT introduced a bill (H. R. No. 283) to pay the claims of certain mail contractors in Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BANKRUPTCY LAW.

Mr. FREEMAN introduced a bill (H. R. No. 284) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all acts amendatory thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT ATLANTA, GEORGIA.

Mr. FREEMAN also introduced a bill (H. R. No. 285) to provide for the erection of suitable buildings for the use of the United States courts, post-office, custom-house, and internal-revenue offices at Atlanta, Georgia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REFUNDING OF PROCEEDS OF COTTON.

Mr. HAYS introduced a bill (H. R. No. 286) to refund the owners the proceeds of cotton unlawfully seized after the termination of the late war between the States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF TENNESSEE RIVER.

Mr. SLOSS introduced a bill (H. R. No. 287) making appropriations for the improvement of the Tennessee River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOSEPH D. M'CLUSKEY.

Mr. SLOSS also introduced a bill (H. R. No. 288) for the relief of Joseph D. McCluskey; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF HENRY FULENWIDER.

Mr. SLOSS also introduced a bill (H. R. No. 289) for the relief of the heirs of Henry Fulenwider; which was read a first and second time referred to the Committee on Claims, and ordered to be printed.

WILLIAM E. HOKE & CO.

Mr. SLOSS also introduced a bill (H. R. No. 290) for the relief of William E. Hoke & Co., of Athens, Limestone County, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MALE ACADEMY OF ATHENS, ALABAMA.

Mr. SLOSS also introduced a bill (H. R. No. 291) for the relief of the trustees of the male academy of Athens, Limestone County, in the State of Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CYPRUS LODGE OF FLORENCE, ALABAMA.

Mr. SLOSS also introduced a bill (H. R. No. 292) for the relief of Cyprus Lodge of Free and Accepted Masons, at Florence, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

METHODIST EPISCOPAL CHURCH OF DECATUR, ALABAMA.

Mr. SLOSS also introduced a bill (H. R. No. 293) for the relief of the Methodist Episcopal church at Decatur, Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOAB BAGLEY.

Mr. SLOSS also introduced a bill (H. R. No. 294) for the relief of Joab Bagley; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CENSUS TAKERS OF 1860.

Mr. SLOSS also introduced a bill (H. R. No. 295) to authorize the payment of the census takers of 1860; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY HORTON.

Mr. SLOSS also introduced a bill (H. R. No. 296) granting a pension to Mary Horton, of Franklin County, Alabama; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROPOSALS FOR CARRYING UNITED STATES MAILS.

Mr. SLOSS also introduced a bill (H. R. No. 297) to provide for the publication of advertisements for proposals to carry United States mails in the newspaper published in the congressional district where the routes are located having the largest circulation in the district; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COLUMBUS, FAYETTE AND DECATUR RAILROAD COMPANY.

Mr. SLOSS also introduced a bill (H. R. No. 298) authorizing the Columbus, Fayette and Decatur Railroad Company of Alabama and Mississippi to enter public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALABAMA AND GEORGIA RAILROAD COMPANY.

Mr. SLOSS also introduced a bill (H. R. No. 299) granting public lands in the States of Alabama and Georgia to the Alabama and Georgia Railroad Company, to aid in building a railroad from Decatur, Alabama, to Rome, Georgia; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDINGS AT MONTGOMERY, ALABAMA.

Mr. RAPIER introduced a bill (H. R. No. 300) to authorize the erection of public buildings at Montgomery, in the State of Alabama; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WIDOW AND CHILDREN OF M. Y. JONES.

Mr. RAPIER also introduced a bill (H. R. No. 301) for the relief of the widow and children of M. Y. Jones, late collector of customs for the port of Wilmington, North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADMISSION OF COLORADO TERRITORY.

Mr. McKEE introduced a bill (H. R. No. 302) to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

TERRITORY OF UTAH.

Mr. McKEE also introduced a bill (H. R. No. 303) concerning the execution of the laws in the Territory of Utah; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

SHIP-CANAL IN LOUISIANA.

Mr. SYPHER introduced a bill (H. R. No. 304) to provide for the construction of a ship-canal near port Saint Philip, in the State of Louisiana; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

MAIL-STEAMSHIP SERVICE.

Mr. SYPHER also introduced a bill (H. R. No. 305) authorizing mail-steamship service in the Gulf of Mexico between the port of New Orleans, Louisiana, and certain ports in the Republic of Mexico; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES MORGAN.

Mr. SYPHER also introduced a bill (H. R. No. 306) for the relief of Charles Morgan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RAPHAEL M. MILLER.

Mr. SHELDON introduced a bill (H. R. No. 307) for the relief of Raphael M. Miller; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES CLINTON.

Mr. MOREY introduced a bill (H. R. No. 308) for the relief of Charles Clinton, late assistant treasurer of the United States at New Orleans, Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREE COMMON SCHOOLS.

Mr. MOREY also presented a joint resolution of the Legislature of Louisiana, asking the Congress of the United States to pass an act appropriating the proceeds of the public lands hereafter sold for the support of free common schools; which was referred to the Committee on Education and Labor, and ordered to be printed.

FORT SAINT PHILIP CANAL.

Mr. MOREY also presented a joint resolution of the Legislature of Louisiana, requesting the Representatives in Congress from that State to use their influence to secure an appropriation to construct the Fort Saint Philip Canal; which was referred to the Committee on Commerce, and ordered to be printed.

G. W. M'CLUNG.

Mr. FOSTER introduced a bill (H. R. No. 309) for the relief of G. W. McClung, of Butler County, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM E. CHILDS.

Mr. FOSTER also introduced a bill (H. R. No. 310) for the relief of William E. Childs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM G. M'INTYRE.

Mr. FOSTER also introduced a bill (H. R. No. 311) for the relief of William G. McIntyre; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL NATIONAL BANK NOTES.

Mr. MONROE introduced a bill (H. R. No. 312) to provide $25,000,000 of additional bank notes for circulation in those States and Territories which have less than their proper proportion under existing laws; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MORGAN RAID IN OHIO.

Mr. BUNDY introduced a bill (H. R. No. 313) to provide for the payment to the State of Ohio of $552,590.02, to pay claims for property taken, used, or destroyed during the Morgan raid through said State in July, 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. F. WEST & CO.

Mr. DANFORD introduced a bill (H. R. No. 314) to reimburse B. F. West & Co., of Martin's Valley, Ohio, for internal-revenue stamps stolen from the post-office at Cambridge, Ohio, on the night of May 4, 1871; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TICE METERS.

Mr. BECK introduced a bill (H. R. No. 315) for the relief of distillers of spirits, by the repayment of moneys expended or deposited by them for Tice meters with United States internal revenue officers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PROSECUTING ATTORNEYS AND AGENTS.

Mr. BECK also introduced a bill (H. R. No. 316) to regulate the arrears and compensation of agents and attorneys prosecuting claims or demands before Congress or the Executive Departments of the Government, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC CREDIT.

Mr. BECK also introduced a bill (H. R. No. 317) to repeal an act entitled "An act to strengthen the public credit," approved March, 1869; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN S. WADSWORTH AND OTHERS.

Mr. ARTHUR introduced a bill (H. R. No. 318) to refund to John S. Wadsworth and others, of Pendleton County, Kentucky, $300 each, with interest thereon from the 30th day of July, 1864, on account of the same having been illegally collected from them under color of commutation money, &c.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COVINGTON, KENTUCKY.

Mr. ARTHUR also introduced a bill (H. R. No. 319) to establish a port of entry and delivery at the city of Covington, in the sixth congressional district in the State of Kentucky; which was read a first

and second time, referred to the Committee on Claims, and ordered to be printed.

REPEAL OF STAMP ACTS.

Mr. ARTHUR also introduced a bill (H. R. No. 320) for the repeal of all acts creating and imposing stamp duties or tax upon bank checks, drafts, or orders for the payment of money; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CIVIL RIGHTS.

Mr. ARTHUR also introduced a bill (H. R. No. 321) for the repeal of an act entitled "An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870; also an act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of the citizens of the United States to vote in the several States of this country, and for other purposes,'" approved February 28, 1871; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FOURTEENTH AMENDMENT OF THE CONSTITUTION.

Mr. ARTHUR also introduced a bill (H. R. No. 322) for the repeal of the first, second, third, fifth, and sixth sections of an act entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes," approved April 20, 1871; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF ROBERT ISHERWOOD.

Mr. MILLIKEN introduced a bill (H. R. No. 323) for the relief of the heirs of Robert Isherwood, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPEAL OF THE TAX ON LEAF-TOBACCO.

Mr. CROSSLAND introduced a bill (H. R. No. 324) to repeal all laws imposing a tax on retail dealers in leaf-tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

C. R. COFFEY.

Mr. DURHAM introduced a bill (H. R. No. 325) making an appropriation to C. R. Coffey, of Russell County, Kentucky, for goods taken from him by Union soldiers in 1862; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL SUDDOUTH.

Mr. DURHAM also introduced a bill (H. R. No. 326) granting a pension to Daniel Suddouth, of Adair County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF SMITH SHOALS, CUMBERLAND RIVER.

Mr. DURHAM also introduced a bill (H. R. No. 327) making an appropriation for the improvement of Smith Shoals, Cumberland River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEAF-TOBACCO.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 328) to exempt $50 worth of leaf-tobacco in the hands of all producers without taking out a license therefor or paying a tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS HORD.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 329) for the relief of the estate of Thomas Hord, deceased, of Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. PENELOPE C. BROWN.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 330) granting a pension to Mrs. Penelope C. Brown, of Tennessee, widow of Stephen C. Brown, late a private in Company C, Eighth Tennessee Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. NANCY BROOKS.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 331) granting a pension to Nancy Brooks, of Tennessee, widow of Stephen P. Brooks, late a private in Company F, Fourth Tennessee Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXES ON DISTILLED SPIRITS.

Mr. WHITTHORNE introduced a bill (H. R. No. 332) to repeal all taxes on distilled spirits and tobacco, and to provide for the deficiency in the revenue occasioned thereby; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX ON TOBACCO.

Mr. WHITTHORNE also introduced a bill (H. R. No. 333) to modify the tax upon tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MILITARY CONTRACTORS IN TENNESSEE.

Mr. WHITTHORNE also introduced a bill (H. R. No. 334) to pay the claims of certain military contractors in Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARTHA L. BRIXEY.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 335) granting a pension to Mrs. Martha L. Brixey, of Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. GEORGE HARRIS.

Mr. MAYNARD introduced a bill (H. R. No. 336) for the relief of J. George Harris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RELIEF OF TENNESSEE.

Mr. MAYNARD also introduced a bill (H. R. No. 337) for the relief of the State of Tennessee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIQUOR SALOON ON CAPITOL GROUNDS.

Mr. PACKARD introduced a bill (H. R. No. 338) for the suppression of the liquor saloon on the public grounds at the southeast corner of the Capitol, and the removal of the building now used as such saloon; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ABEL M. LEWIS.

Mr. SAYLER, of Indiana, introduced a bill (H. R. No. 339) for the relief of Abel M. Lewis, of the State of Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOUNTIES TO VOLUNTEERS OF 1861.

Mr. NIBLACK introduced a bill (H. R. No. 340) in relation to bounties to certain soldiers who volunteered in 1861; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRANSPORTATION BETWEEN NEW YORK AND CHICAGO.

Mr. FARWELL introduced a bill (H. R. No. 341) to provide for permanent and cheap transportation of persons and freight between the cities of New York and Chicago; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ROBERT F. WINSLOW.

Mr. FORT introduced a bill (H. R. No. 342) for the relief of Robert F. Winslow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW DILLMAN.

Mr. CORWIN introduced a bill (H. R. No. 343) for the relief of Andrew Dillman, of Illinois; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PUBLIC BUILDING, QUINCY, ILLINOIS.

Mr. KNAPP introduced a bill (H. R. No. 344) to authorize the construction of a public building at Quincy, Illinois; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RELIEF FROM THE CHARGE OF MUTINY.

Mr. HAWLEY, of Illinois, introduced a bill (H. R. No. 345) to relieve certain persons therein named, late members of Company K, Fifty-eighth Regiment of Illinois Volunteer Infantry, from the charge of mutiny; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDNANCE DEPARTMENT.

Mr. HAWLEY, of Illinois, also introduced a bill (H. R. No. 346) to amend section 6 of an act approved March 3, 1869, entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes, and to provide for appointments and promotions in the Ordnance Department;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ILLINOIS JUDICIAL DISTRICTS.

Mr. CLEMENTS introduced a bill (H. R. No. 347) to divide the State of Illinois into three judicial districts, and to provide for holding courts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

VICTOR MYLIUS.

Mr. MORRISON introduced a bill (H. R. No. 348) for the relief of Victor Mylius, of Macoupin County, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. MORRISON also introduced a bill (H. R. No. 349) for the improvement of the Mississippi River and harbors between the mouth of the

Missouri and Illinois Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABNER Y. ELLIS.

Mr. MORRISON also introduced a bill (H. R. No. 350) for the relief of Abner Y. Ellis, of Madison County, Illinois; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ILLINOIS JUDICIAL DISTRICTS.

Mr. BURCHARD introduced a bill (H. R. No. 351) to divide the State of Illinois into three judicial districts, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COLONEL E. M'CARTY.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 352) for the relief of Colonel E. McCarty; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELIEF OF THE CITIZENS OF MISSOURI.

Mr. COMINGO introduced a bill (H. R. No. 353) for the relief of certain citizens of the counties of Jackson, Cass, Bates, and Vernon, in the State of Missouri, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, KANSAS CITY, MISSOURI.

Mr. COMINGO also introduced a bill (H. R. No. 354) providing for the construction of a custom-house, post-office, and other Government offices at Kansas City, Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLAIMS OF LOYAL CITIZENS OF MISSOURI.

Mr. COMINGO also introduced a bill (H. R. No. 355) referring certain claims of loyal citizens of the State of Missouri to the Court of Claims of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Private Land-Claims, and ordered to be printed.

LAND TITLES IN MISSOURI.

Mr. HATCH introduced a bill (H. R. No. 356) to confirm certain land titles in the State of Missouri; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

THOMAS B. WALLACE.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 357) for the relief of Thomas B. Wallace, of Lexington, in the State of Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BOUNTIES.

Mr. STONE introduced a bill (H. R. No. 358) in relation to bounties; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WAR OF 1812.

Mr. GLOVER introduced a bill (H. R. No. 359) to amend an act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and to the widows of deceased soldiers," approved February 14, 1871; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

OLIVER C. DENSLOW.

Mr. HYDE introduced a bill (H. R. No. 360) granting a pension to Oliver C. Denslow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS BENECKE.

Mr. HYDE also introduced a bill (H. R. No. 361) for the relief of Louis Benecke; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GOVERNMENT BUILDING AT JEFFERSON, MISSOURI.

Mr. CRITTENDEN intr duced a bill (H. R. No. 362) making an appropriation for a Government building to be used for a court-house and post-office at the city of Jefferson, in the State of Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LUCIUS A. ROUNTREE.

Mr. HAVENS introduced a bill (H. R. No. 363) for the relief of Lucius A. Rountree; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES A. M'CULLAH.

Mr. HAVENS also introduced a bill (H. R. No. 364) for the relief of James A. McCullah, late collector of the fifth district of Missouri; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GOVERNMENT SUITS.

Mr. HAVENS also introduced a bill (H. R. No. 365) to amend an act entitled "An act supplementary to an act entitled 'An act to allow the United States to prosecute appeals and writs of error without giving security,' and for other purposes," approved July 27, 1868; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HUGH WALLACE.

Mr. HAVENS also introduced a bill (H. R. No. 366) granting a pension to Hugh Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENTRIES OF PUBLIC LANDS.

Mr. HAVENS also introduced a bill (H. R. No. 367) to legalize entries of public lands under the homestead laws in certain cases; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JAMES LONG.

Mr. HAVENS also introduced a bill (H. R. No. 368) for the relief of James Long; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES F. DRUMWRIGHT.

Mr. HAVENS also introduced a bill (H. R. No. 369) granting a pension to Charles F. Drumwright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SWAMP LANDS IN MISSOURI.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 370) granting certain swamp lands in Holt County, Missouri, to said Holt County for school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EXTRA PAY.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 371) granting officers of the Missouri State militia three months' extra pay, which has been given all other commissioned officers of the United States volunteer army by the act approved March 3, 1865; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS ARKANSAS RIVER.

Mr. SNYDER introduced a bill (H. R. No. 372) giving the consent of the United States to the erection of a bridge across the Arkansas River, at Pine Bluff, Arkansas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NIAGARA FALLS SHIP-CANAL.

Mr. HUBBELL presented a joint resolution of the State of Michigan, asking Congress to provide for the early construction of the Niagara Falls Ship-Canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

MICAIAH WALKER.

Mr. CONGER introduced a bill (H. R. No. 373) for the relief of Micaiah Walker, of Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE W. KEYES.

Mr. WILLARD, of Michigan, introduced a bill (H. R. No. 374) for the relief of George W. Keyes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. SALLY OATLEY.

Mr. BEGOLE introduced a bill (H. R. No. 375) granting a pension to Mrs. Sally Oatley, of Lansing, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY BAKER.

Mr. BEGOLE also introduced a bill (H. R. No. 376) for the relief of Timothy Baker, of Saint John's, Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL CURRENCY.

Mr. FIELD also introduced a bill (H. R. No. 377) to authorize the issue of national currency and 3-65 Government bonds, to provide for their interchangeability and stability, and to lessen the interest of the public debt; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

THE SEMINOLE WAR.

Mr. WALLS introduced a bill (H. R. No. 378) for the relief of enlisted men who served for thirty days in the war against Seminole Indians, in the State of Florida; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND GRANTS TO FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 379) extending the limitation of the grants of land made to the State of Florida in aid of certain lines of railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TRUSTEES OF BROWN'S INSTITUTE.

Mr. WALLS also introduced a bill (H. R. No. 380) granting one million acres of the public lands to the trustees of Brown's Institute, in the State of Florida; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

PUBLIC BUILDING AT JACKSONVILLE, FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 381) for the erection of a public building at Jacksonville, in the State of Florida, to be used as a custom-house, post-office, and other Federal offices; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES COURT-HOUSE AT SAINT AUGUSTINE, FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 382) donating the building formerly used as United States court-house, at Saint Augustine, Florida, to the State of Florida, for educational purposes; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

IMPROVEMENT OF APALACHICOLA RIVER.

Mr. WALLS also introduced a bill (H. R. No. 383) making an appropriation for the improvement of the Apalachicola River, and Moccasin Slough of said river, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PENSACOLA HARBOR, FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 384) making appropriations for the improvement of the harbor of Pensacola, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF SAINT JOHN'S RIVER, FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 385) making an appropriation for the improvement of the Saint John,s River, in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SUSAN L. GALLOWAY.

Mr. WALLS also introduced a bill (H. R. No. 386) for the relief of Susan L. Galloway; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT TALLAHASSEE.

Mr. PURMAN introduced a bill (H. R. No. 387) for the erection of a public building for the use of the United States at Tallahassee, Florida; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT JACKSONVILLE.

Mr. PURMAN also introduced a bill (H. R. No. 388) to provide for the erection of a public building at Jacksonville, Florida; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT GALVESTON.

Mr. WILLIE introduced a bill (H. R. No. 389) for the construction of a custom-house, bonded warehouse, and internal-revenue offices at Galveston, Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BENJAMIN C. PAINE.

Mr. ORR introduced a bill (H. R. No. 390) granting a pension to Benjamin C. Paine, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

HORSE-RAILROAD AT ROCK ISLAND.

Mr. COTTON introduced a bill (H. R. No. 391) to empower the Secretary of War to establish, under certain conditions, a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

BOUNTY TO FOURTH IOWA INFANTRY VOLUNTEERS.

Mr. DONNAN introduced a bill (H. R. No. 392) to provide for the payment of bounty to the Fourth Regiment Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed

ROSANNA QUINN.

Mr. DONNAN also introduced a bill (H. R. No. 393) granting a pension to Rosanna Quinn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT COLES.

Mr. KASSON introduced a bill (H. R. No. 394) for the relief of Robert Coles; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HARBOR AT PORT WASHINGTON.

Mr. MITCHELL introduced a bill (H. R. No. 395) for continuing the improvement of the harbor at Port Washington, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR AT MILWAUKEE.

Mr. MITCHELL also introduced a bill (H. R. No. 396) for continuing the improvement of the harbor of Milwaukee, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

KENOSHA HARBOR.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 397) to appropriate a sum of money for the improvement of Kenosha Harbor, on Lake Michigan, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RACINE HARBOR.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 398) to appropriate a sum of money for the improvement of the harbor at Racine, on Lake Michigan, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MILITARY APPROPRIATIONS.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 399) to repeal section 6 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSAN SCOFIELD.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 400) for the relief of Susan Scofield, widow of Alfred Scofield, late a first lieutenant in the Third Kentucky Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM D. WEST.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 401) for the relief of William D. West, late United States consul at Dublin; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

TARIFF AND TAXES.

Mr. CLAYTON introduced a bill (H. R. No. 402) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes' and for other purposes," approved March 5, 1873; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF GENERAL JAMES H. CARLETON.

Mr. HOUGHTON introduced a bill (H. R. No. 403) granting relief to Eva, Ada, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROOFS IN PRE-EMPTION CASES.

Mr. PAGE introduced a bill (H. R. No. 404) relating to proofs in pre-emption cases; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEADS AND PRE-EMPTIONS.

Mr. PAGE also introduced a bill (H. R. No. 405) relating to the entry of homesteads and pre-emptions in California; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

DEVELOPMENT OF MINING RESOURCES.

Mr. PAGE also introduced a bill (H. R. No. 406) supplemental to an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

HEIRS OF GENERAL JAMES H. CARLETON.

Mr. PAGE also introduced a bill (H. R. No. 407) for the relief of Eva, Ada, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AGED AND INFIRM PRE-EMPTION SETTLERS.

Mr. PAGE also introduced a bill (H. R. No. 408) for the relief of aged or infirm pre-emption settlers; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC AGRICULTURAL LANDS IN CALIFORNIA.

Mr. PAGE also introduced a bill (H. R. No. 409) to dedicate the public agricultural lands in the State of California to homestead and pre-emption purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TIMBER LANDS.

Mr. PAGE also introduced a bill (H. R. No. 410) for the sale of tim-

ber lands in the States of California and Oregon, and Washington Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GRAZING LANDS IN CALIFORNIA.

Mr. PAGE also introduced a bill (H. R. No. 411) relating to grazing lands in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GRAIN-SACKS OR BAGGING.

Mr. LUTTRELL introduced a bill (H. R. No. 412) repealing the duty on grain-sacks or bagging used for grain, cotton, or wool, and on burlaps and gunny-cloth; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SACRAMENTO AND FEATHER RIVERS, CALIFORNIA.

Mr. LUTTRELL also introduced a bill (H. R. No. 413) to appropriate money for the improvement of the navigation of the Sacramento and Feather Rivers, in California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HOMESTEADS FOR ACTUAL SETTLERS.

Mr. DUNNELL introduced a bill (H. R. No. 414) to secure homesteads to actual settlers on the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FREE POSTAGE ON NEWSPAPERS.

Mr. DUNNELL also introduced a bill (H. R. No. 415) to exempt from postage newspapers within the county where printed and published; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

EDWARD SAVAGE.

Mr. DUNNELL also introduced a bill (H. R. No. 416) to permit Edward Savage, of Minnesota, to enter one quarter-section of the public lands, or any legal subdivision of the same; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONSOLIDATION OF NATIONAL BANKS.

Mr. AVERILL introduced a bill (H. R. No. 417) to authorize the consolidation of the Merchants' National Bank at Hastings with the Merchants' National Bank at Minneapolis, in the State of Minnesota; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FIRST NATIONAL BANK OF SAINT ANTHONY, MINNESOTA.

Mr. AVERILL also introduced a bill (H. R. No. 418) to authorize the First National Bank of Saint Anthony, Minnesota, to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FRANCIS B. DE COSTA.

Mr. AVERILL also introduced a bill (H. R. No. 419) for the relief of Francis B. DeCosta; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UPPER AND LOWER SIOUX.

Mr. AVERILL also introduced a bill (H. R. No. 420) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the upper and lower bands of Sioux Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EDWARD P. JOHNSON.

Mr. AVERILL also introduced a bill (H. R. No. 421) for the relief of Edward P. Johnson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TIMBER ON WESTERN PRAIRIES.

Mr. PHILLIPS introduced a bill (H. R. No. 422) to amend an act to encourage the growth of timber on the western prairies, approved March 3, 1873; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

IMPROVEMENT OF GREAT KANAWHA RIVER.

Mr. HEREFORD introduced a bill (H. R. No. 423) to provide for the improvement of the Great Kanawha River, West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT CHARLESTON, WEST VIRGINIA.

Mr. HEREFORD also introduced a bill (H. R. No. 424) to provide for the erection of a public building at Charleston, West Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILDEY LODGE OF ODD-FELLOWS.

Mr. HEREFORD also introduced a bill (H. R. No. 425) for the relief of the trustees of Wildey Lodge, Independent Order of Odd-Fellows; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. H. M'COLLEY.

Mr. KENDALL introduced a bill (H. R. No. 426) for the relief of H. H. McColley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

H. B. DENMAN.

Mr. CROUNSE introduced a bill (H. R. No. 427) for the relief of H. B. Denman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SETTLERS ON FORT SUMNER MILITARY RESERVATION.

Mr. ELKINS introduced a bill (H. R. No. 428) for the relief of settlers on the abandoned Fort Sumner military reservation in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND DISTRICT IN NEW MEXICO.

Mr. ELKINS also introduced a bill (H. R. No. 429) creating an additional land district in the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING IN WASHINGTON TERRITORY.

Mr. McFADDEN introduced a bill (H. R. No. 430) to authorize the Secretary of the Interior to construct a public building at Olympia, in Washington Territory; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WAGON-ROAD IN WASHINGTON TERRITORY.

Mr. McFADDEN also introduced a bill (H. R. No. 431) to provide for the construction of a certain military wagon-road in the Territory of Washington; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING IN WASHINGTON TERRITORY.

Mr. McFADDEN also introduced a bill (H. R. No. 432) to provide for the purchase of a site and the erection of a public building in Port Townsend, Washington Territory; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INTERNAL IMPROVEMENTS IN WASHINGTON TERRITORY.

Mr. McFADDEN also introduced a bill (H. R. No. 433) to provide for the surveys and estimated cost of removing obstructions to the navigation of the Skagit, Shohomish, and Chehalis Rivers in the Territory of Washington; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEGISLATIVE EXPENSES OF COLORADO TERRITORY.

Mr. CHAFFEE introduced a bill (H. R. No. 434) making an appropriation for the legislative expenses of Colorado Territory; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ADMISSION OF COLORADO.

Mr. CHAFFEE also introduced a bill (H. R. No. 435) to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

COURTS IN DAKOTA.

Mr. ARMSTRONG introduced a bill (H. R. No. 436) relating to the several courts in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BRIDGE OVER BIG SIOUX RIVER.

Mr. ARMSTRONG also introduced a bill (H. R. No. 437) to appropriate money for repairing the Government bridge over the Big Sioux River, between the State of Iowa and the Territory of Dakota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LAND TITLES IN TUCSON, ARIZONA TERRITORY.

Mr. McCORMICK introduced a bill (H. R. No. 438) to quiet the title to land in the city of Tucson, Arizona Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AFFAIRS IN IDAHO TERRITORY.

Mr. HAILEY introduced a bill (H. R. No. 439) to authorize the Secretary of War to construct and operate a telegraph line from Fort Hall, in the Territory of Idaho, to Fort Walla-Walla, in the Territory of Washington; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HAILEY also introduced a bill (H. R. No. 440) to amend an act entitled "An act transferring the control of certain territorial penitentiaries to the several Territories in which the same are located," approved January 24, 1873; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

Mr. HAILEY also introduced a bill (H. R. No. 441) to authorize the Secretary of War to construct a military wagon-road, from Fort Boise

to Fort Lapwai, in the Territory of Idaho; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HAILEY also introduced a bill (H. R. No. 442) authorizing the Secretary of War to have a survey and estimate made of the cost of removing obstructions to navigation from Snake River, in the Territory of Idaho; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF STONINGTON HARBOR.

Mr. STARKWEATHER introduced a bill (H. R. No. 443) for continuing the improvement of the harbor of Stonington, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REDUCTION OF POSTAGE.

Mr. STARKWEATHER also introduced a bill (H. R. No. 444) to reduce postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC BUILDING, AUBURN, NEW YORK.

Mr. McDOUGALL introduced a bill (H. R. No. 445) to provide for the erection of a public building in the city of Auburn, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CAPTAIN HENRY INMAN.

Mr. BURLEIGH introduced a bill (H. R. No. 446) for the relief and reappointment of Captain Henry Inman, assistant quartermaster of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAKE MICHIGAN SHIP-CANAL.

Mr. SAWYER introduced a bill (H. R. No. 447) extending the time for the completion of the Green Bay, Sturgeon Bay, and Lake Michigan Ship-Canal, in the State of Wisconsin; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FREE NATIONAL BANKS.

Mr. SHOEMAKER, of Pennsylvania, introduced a bill (H. R. No. 448) to provide for a free national banking law; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FRANKING PRIVILEGE.

Mr. SMALL introduced a bill (H. R. No. 449) in relation to the franking privilege and free mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WAR OF 1812.

Mr. KELLOGG introduced a bill (H. R. No. 450) to amend an act entitled "An act to grant pensions to certain soldiers and sailors of the war of 1812, and to widows of deceased soldiers;" which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ROLLIN WHITE.

Mr. E. R. HOAR introduced a bill (H. R. No. 451) for the relief of Rollin White; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

REPEAL OF THE BANKRUPT LAW.

Mr. SPEER introduced a bill (H. R. No. 452) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all supplements thereto; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

M. S. WALL & CO.

Mr. KILLINGER introduced a bill (H. R. No. 453) for the relief of M. S. Wall & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIEUTENANT PETER A. LANTZ.

Mr. KILLINGER also introduced a bill (H. R. No. 454) for the relief of Lieutenant Peter A. Lantz; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES L. HENRY.

Mr. ARCHER introduced a bill (H. R. No. 455) for the relief of James L. Henry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GENERAL GEORGE E. PICKETT.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 456) to remove the political disabilities of General George E. Pickett, of Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WAR CLAIMS.

Mr. SMITH, of Virginia, also introduced a bill (H. R. No. 457) to provide for the payment of claims arising in States declared in insurrection; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT TO THE BANKRUPT LAW.

Mr. POTTER introduced a bill (H. R. No. 458) to amend section 13 of an act to establish a uniform system of bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EX-PARTE INJUNCTIONS.

Mr. POTTER also introduced a bill (H. R. No. 459) to repeal the law authorizing *ex-parte* injunctions; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REDUCTION OF IMPORT DUTIES AND INTERNAL TAXES.

Mr. DURHAM introduced a bill (H. R. No. 460) to amend an act entitled "An act to reduce duties on imports and to reduce internal taxes, and for other purposes," approved June 6, 1872; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EDWARD GALLAHER.

Mr. BELL introduced a bill (H. R. No. 461) for the relief of Edward Gallaher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT WILMINGTON, NORTH CAROLINA.

Mr. WADDELL introduced a bill (H. R. No. 462) to provide for a building for the use of the post-office and United States district court at Wilmington, North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHAUNCY M. LOCKWOOD.

Mr. SMITH, of New York, introduced a bill (H. R. No. 463) for the relief of the heirs of Chauncy M. Lockwood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLAIMS OF LOYAL CITIZENS.

Mr. SMITH, of New York, also introduced a bill (H. R. No. 464) for ascertaining the compensation justly due to loyal citizens of States not declared in insurrection, for private property taken in time of war for public use; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MASSACHUSETTS WAR CLAIMS.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 465) to reimburse the State of Massachusetts for certain expenditures, during the war of the rebellion, for sea-coast defense; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUFFERERS BY BOSTON FIRE.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 466) for the relief of the sufferers by the fire in Boston; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOUTHERN MARYLAND RAILROAD COMPANY.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 467) to authorize the Southern Maryland Railroad Company to extend a railroad into and within the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 468) in amendment to an act entitled "An act for the removal of causes in certain cases from State courts," approved July 27, 1868, and acts in addition to and amendatory thereof, approved March 2, 1867, and July 27, 1868; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RESTORATION TO PENSION-ROLL.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 469) to restore pensioners of the war of 1812, the Mexican war, and other wars, who forfeited their pensions by participation in the late rebellion, to the pension-roll; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to give a notice to the House, to which he asks gentlemen to give attention. As the Chair announced last Congress, there is the amplest opportunity given on every Monday for the reference of all bills. Unless a gentleman can show some very special exigency, the Chair will not feel at liberty to recognize him for the mere reference of a bill at any other time. Asking unanimous consent at other times obstructs the business; and unless some exigency arises which warrants it, the Chair will think that he is not promoting the business of the House by recognizing gentlemen for that purpose. He hopes, also, that gentlemen will be disposed to conform to the rules, and have their bills on Monday and

no other day. There are already nearly five hundred bills which have been referred this session.

LIMITATION OF STEAM PRESSURE.

Mr. NEGLEY. I ask unanimous consent to introduce, for consideration at this time, a bill relating to the limitation of steam pressure of vessels used exclusively for towing and carrying freight on the Mississippi River and its tributaries.

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill was read. It proposes to modify the provisions of an act entitled "An act to provide for the better security of life on vessels propelled in whole or in part by steam," &c., approved February 28, 1871, so far as they relate to the limitation of steam pressure of steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, as to substitute for such boats 150 pounds of steam pressure in place of 110 pounds, as provided in said act for the standard pressure upon standard boilers of 42 inches in diameter, and of plates of one-quarter of an inch in thickness; and permits such boats, on the written permit of the supervising inspector of the district in which such boats shall carry on their business, to carry steam above the standard pressure of 110 pounds but not exceeding the standard pressure of 150 pounds to the square inch.

Mr. NEGLEY. I hope there will be no objection to this bill; but I will make a brief statement in explanation. The bill is simply a re-enactment of a law now upon the statute-book.

Mr. McCRARY. I reserve the right to object.

The SPEAKER. The gentleman from Pennsylvania [Mr. NEGLEY] proposes to make an explanation by unanimous consent. The right to object is reserved.

Mr. NEGLEY. As I was stating, the bill now offered is simply the re-enactment of a law now upon the statute-book, forming provision 9 of the act providing for the construction of bridges over the Mississippi River and its tributaries. There are no objections found in its operation. It meets the approval of the Secretary of the Treasury and of the Supervising Inspector-General of Steamboats; and the reason why there was a limitation placed on the bill last year was because there was then pending a similar provision in the act relating to the security of life and property on steamboats, then in a committee of conference in the Senate. That having failed, it was found necessary in the last hours of the session to provide for a removal of the restriction in the act which has just been read. If you do not re-enact this act it will expire by limitation in a few days, and put a stop to the present mode of carrying freight and of towing on the Ohio River, which would be a great disaster to the commerce of that river.

I will state that it is impossible to regulate the steam pressure in the craft now running on the Ohio and Mississippi Rivers, engaged in towing and carrying freight, in the same manner as upon other vessels propelled by steam. The craft are constructed very lightly, and their machinery is consequently made light, and they are compelled, at certain times, when passing obstructions, and in towing large fleets and when they have to turn up to the shore during the night or during fogs, to put on a higher rate of pressure than is put on by vessels carrying passengers. There has been no casualty to vessels of this class since the passage of this bill that should be any objection to its passage now.

Mr. McCRARY. I understand the gentleman to say that the bill does not change the law as it has been administered during the past year.

Mr. NEGLEY. No, sir; if the gentleman will permit me I will have read a letter from the Secretary of the Treasury on the subject.

Mr. McCRARY. I do not care about it; I only wish to inquire what is the necessity of this bill if it does not change the existing law.

Mr. NEGLEY. The law was limited to a certain time, I think the 17th of December.

Mr. POTTER. I understand from the gentleman that the bill he introduces applies only to freight and tow vessels, and not to passenger vessels.

Mr. NEGLEY. Yes, sir.

Mr. POTTER. And allows them to carry a pressure of 150 pounds instead of 120.

Mr. NEGLEY. Instead of 110 pounds.

Mr. POTTER. Does it have the approval of the Supervising Inspector-General of Steamboats?

Mr. NEGLEY. It does; and a few moments ago he handed me a copy of a letter from the Secretary of the Treasury approving of it.

Mr. POTTER. And he also approves of it himself?

Mr. NEGLEY. Yes, sir.

Mr. POTTER. Then I have no objection to make.

Mr. CONGER. I wish to ask the gentleman from Pennsylvania [Mr. NEGLEY] if this is the same provision of law that has been passed at the beginning of each session for the last two years, or whether it is modified?

Mr. NEGLEY. It is not modified in spirit or in letter.

There being no objection, the bill (H. R. No. 470) received its several readings, and was passed.

Mr. NEGLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GENERAL AMNESTY.

Mr. MAYNARD. I am instructed by the Committee on the Rules, acting upon a resolution submitted to them the other day, to report the bill which I send to the desk. It has met the unanimous approval of the committee, and when it has been read, I will, unless some gentleman wishes to ask questions or to make opposition to it, move the previous question.

The bill granting general amnesty and prescribing an oath of office was then read. The first section removes all disabilities imposed and remaining upon any person by virtue of section 3 of article 14 of the amendments to the Constitution of the United States. The second section repeals the act of July 2, 1862, entitled "An act to prescribe an oath of office, and for other purposes," and provides that hereafter any person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval departments of the public service, shall, before entering upon the duties of such office and being entitled to any of the salary or other emoluments thereof, take and subscribe the oath prescribed by the act of July 11, 1868, entitled "An act prescribing an oath of office to be taken by persons from whom legal disabilities shall have been removed."

Mr. MAYNARD. I move the previous question.

Mr. LAWRENCE. Would not that admit Jeff. Davis to a seat on this floor?

Several MEMBERS. Certainly.

Mr. LAWRENCE. Then I object to it.

Mr. G. F. HOAR. I will inquire of the Speaker whether, under the rule applied by him in the last Congress to the Committee on Printing, the Committee on Rules are authorized to report general legislation at any time?

The SPEAKER. The Chair thinks they are authorized to report merely on the rules at any time; and the Chair doubts very much whether this report would be in order except under a call of the committee. This is legislation, and does not pertain to the rules. If the gentleman from Massachusetts [Mr. G. F. HOAR] desires to make the point of order, now is the time to make it.

Mr. G. F. HOAR. I desire simply to have the point of order decided, and then I will waive objection to the consideration of the bill; but I make the point of order.

Mr. BUTLER, of Massachusetts. I must insist on the point of order.

The SPEAKER. The Chair sustains the point of order.

Mr. MAYNARD. Then I move to suspend the rules, so as to allow the committee to report this bill and to pass it. And in answer to the question propounded by the gentleman from Ohio, [Mr. LAWRENCE,] I tell him frankly that this bill will, if enacted, admit the president of the southern confederacy just as the vice-president has been already admitted, to a seat in either House of Congress, provided the people where he lives shall think proper to send him here. It is general amnesty as recommended by the President; and it also repeals what is called the test oath, substituting for it the modified oath that we have all heard so often.

Mr. BUTLER, of Massachusetts. I do not object to the bill if it has been considered and reported by a committee.

Mr. MAYNARD. It is reported by the Committee on Rules unanimously.

Mr. BUTLER, of Massachusetts. All right.

The SPEAKER. The bill would require a two-third vote to pass it.

Mr. MAYNARD. I move that the rules be suspended and the bill passed.

Mr. COX. Is there any objection to passing it unanimously? The President recommends amnesty; and let us unanimously wind up this foolish business of taking the test oath.

The SPEAKER. The gentleman from Ohio [Mr. LAWRENCE] objects, and that is sufficient.

The question was taken on Mr. MAYNARD'S motion; and on a division there were—ayes 141, noes 29.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 472) was passed.

COST OF REFUNDING THE NATIONAL DEBT.

Mr. WOOD. I ask unanimous consent to offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to this House, at the earliest practicable period, the cost of refunding the national debt thus far into the 5 per cent. bonds authorized by the acts of Congress approved July 14, 1870, and January 20, 1871, with a detailed statement of amounts paid on that account, to whom paid, when and where paid, including traveling and other expenses of any person or persons attached to the Treasury Department; and, further, to report whether, in the adjustment of differences of interest between the 6 per cent. bonds redeemed and the 5 per cent. bonds issued in lieu thereof, the Government has received its proper allowance; with a detailed statement of the interest account, giving amounts, dates, and names of parties with and through whom negotiations were made.

Mr. BUTLER, of Massachusetts. I object, unless the resolution be referred to the Committee on Ways and Means.

Mr. WOOD. Then I move to suspend the rules. The resolution simply calls upon the Secretary of the Treasury to report to the House the precise cost of refunding the debt.

Mr. BUTLER, of Massachusetts. I think I understand it, but I desire that it shall go to the committee of which the gentleman is a member; and if that committee will report it I will not object to it.

Mr. WOOD. There can be no possible objection to this resolution.

Mr. BUTLER, of Massachusetts. There are not only possible objections, but, in my judgment, very grave objections. If any man's name is to be put into a report to Congress, then it is a question of great importance to the country. If the gentleman can convince his committee that it is right, he can convince me.

Mr. WOOD. The gentleman from Massachusetts [Mr. BUTLER] is too old a member of this House not to know that a reference of resolutions of this character to committees defeats them entirely in many cases. This is public information which we require, for we have other questions of a similar character before us, and it is important to know the precise cost already incurred by the refunding of the public debt, so far as this $300,000,000 is concerned. If the gentleman insists upon his objection, I shall have to move a suspension of the rules.

Mr. BUTLER, of Massachusetts. I shall insist upon my objection. We have already before the Committee on Rules a proposition that all such resolutions of inquiry shall be first referred to their appropriate committees, and as this resolution comes directly within the scope of the committee of which the gentleman from New York [Mr. WOOD] is so able a member, let it be referred to that committee, and if he can convince his committee he will have convinced me, I am certain.

Mr. WOOD. I would have no objection to that, if the gentleman knows of any reason why this information should not be received.

The SPEAKER. The Chair would suggest that if the resolution is referred to the Committee on Ways and Means, it should be coupled with the right to report it at any time.

Mr. BUTLER, of Massachusetts. I have no objection to that.

Mr. WOOD. As that committee meets to-morrow, I will consent to the reference.

No objection being made, the resolution was accordingly referred to the Committee on Ways and Means, with leave to report upon it at any time.

COMMITTEE ON MISSISSIPPI LEVEES.

Mr. RANDALL, from the Committee on the Rules, reported the following resolution; which was read, considered, and adopted:

Resolved, That a special committee of seven be appointed to take into consideration the subject of repairing the Mississippi levees.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS OF AGRICULTURAL DEPARTMENT.

Mr. LAWRENCE submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Agriculture be, and are hereby, instructed to inquire into the expediency of providing by law that it shall be the duty of the Commissioner of Agriculture annually to ascertain, as early and as nearly as practicable, the probable amount of every agricultural product, including wool and the supplies of animal food in the United States and in each State and Territory separately; the probable demand for each in this and other countries; the cost of shipping the same to market; the prices realized from consumers; the probable profits of dealers between producers and consumers, and the prices in the counties where produced; and that the Commissioner of Agriculture shall furnish so much of such information as may be practicable to the proper officers of State boards of agriculture, and all persons interested, in such form as may be practicable, so as to enable sellers as well as buyers to determine on reasonable prices.

CUBAN BELLIGERENCY.

Mr. COX. I propose to submit a joint resolution for action at this time.

The joint resolution was read, as follows:

Whereas the inhabitants of a portion of the republic of Spain, to wit, the island of Cuba, have been waging war against Spain for a period of more than five years, the existence of which war has been and is acknowledged by Spain in sundry public acts and documents; and

Whereas during this war Spain has been allowed to supply her armies and navy from the factories, dock-yards, and arsenals of this country, with every material requisite of warfare, while the Cubans, in direct opposition to a fair spirit of neutrality, have been denied similar advantages to vessels freighted with arms and ammunition destined for the Cubans, in accordance with the legal rights of American citizens to trade in arms with peoples and powers who are at war, in the exercise of what has been declared by the Executive and a Federal court to be a legitimate voyage, which vessels have, in violation of law and equity, been detained and subjected to delays by a perversion of justice, to the detriment of the interests of American citizens; and

Whereas measures should be adopted to protect the rights and interests of American citizens engaged in legitimate commerce, and to prevent the recurrence of losses which may arise from the fact that this Government has not yet acknowledged the existence of the republic of Cuba; and

Whereas a majority of the republics of this hemisphere have recognized the belligerence of Cuba, which acts have been tacitly admitted by Spain to be not incompatible with a spirit of amity toward Spain; that Spain herself, by acknowledging the independence of sundry republics on this continent, once her colonies, has acknowledged the rights they had to wage war for their independence, as Cuba is to-day fighting for hers; and that by the principles of international law an inherent right is vested in the sovereignty of every independent nation to declare, when convenient, the existence of belligerence between any other nations, or between the inhabitants of any integral portion of such nation; and that the rendering of assistance to all peoples struggling in this hemisphere for the rights of self-government by all just means, not in contravention of international law, is a thorough American policy, consonant with the principles on which our own independence is based; and

Whereas the recent atrocities in connection with the steamer Virginius have given added significance to the action which the United States Government should take in the premises: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a state of war is hereby recognized between the republic of Spain and the so-called republic of Cuba, and we hereby declare both parties entitled to the rights conceded to belligerents by international law.

Mr. COX. I propose to withdraw the preamble, so that the question may be put to the House on the resolution simply. I can conceive there may be objection to some parts of the preamble.

Mr. MYERS. I move that the resolution be referred to the Committee on Foreign Affairs.

Mr. COX. I have not yielded the floor.

The SPEAKER. No one really has the floor. The gentleman from New York, [Mr. COX] will state his motion.

Mr. COX. I withdraw the preamble, and ask that the resolution be now put on its passage.

The SPEAKER. The resolution is not really before the House, except by unanimous consent or a suspension of the rules.

Mr. HALE, of New York. I object to the reception of the resolution.

Mr. MAYNARD. It appears to me that such a resolution should have a preamble, and that preamble should be considered by somebody somewhere.

Mr. HALE, of New York. I rise to a question of order. Is the resolution before the House?

The SPEAKER. It is not; but the Chair recognized the gentleman from New York, [Mr. COX,] who has the right to make the only motion which can bring the resolution before the House.

Mr. COX. I move to suspend the rules and put the resolution on its passage.

Mr. HALE, of Maine. I understood that I had been recognized by the Chair, and that the late motions had been entertained while I was holding the floor.

The SPEAKER. The Chair was not conscious of having recognized the gentleman.

Mr. HALE, of Maine. I had the impression that I had been recognized, and I know the gentlemen about me had the same impression.

The SPEAKER. The Chair is the most correct judge concerning that subject. [Laughter.] The gentleman from New York [Mr. COX] moves that the rules be suspended and that this resolution be passed.

Mr. ORTH. I desire to say that, if the rules be not suspended, I shall make a motion that the resolution be referred to the Committee on Foreign Affairs.

The SPEAKER. That motion has already been indicated by the gentleman from Pennsylvania, [Mr. MYERS.]

The question being taken on the motion to suspend the rules, it was not agreed to, there being—ayes 41, noes 153.

The SPEAKER. The question recurs on the motion of the gentleman from Pennsylvania, that the resolution be referred to the Committee on Foreign Affairs.

Mr. DAWES. How comes the resolution before the House?

The SPEAKER. It is really not before the House.

Mr. COX. What has become of the motion to refer the resolution?

The SPEAKER. The Chair does not submit the motion, because the resolution is not before the House.

Mr. COX. I make the motion to refer.

The SPEAKER. But the resolution is not before the House.

Mr. COX. Then I will ask that the resolution be referred by unanimous consent.

Several members objected.

EXTRAORDINARY EXPENSES IN NAVY DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Navy, asking for an appropriation to meet extraordinary expenses in his Department; which was referred to the Committee on Appropriations, and ordered to be printed.

REPEAL OF INCREASED CONGRESSIONAL PAY.

Mr. HALE, of Maine. The special committee appointed to consider the salary question have considered the different bills and resolutions on the subject referred to them, and are prepared to report a bill regulating certain salaries, and a joint resolution proposing an additional article of amendment to the Constitution.

The bill (H. R. No. 471) to repeal the increase of certain salaries and to regulate the same, and to cover undrawn and unreturned balances into the Treasury, was read. It provides in the first section that so much of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, as prescribes and fixes the rate of compensation of the Vice-President of the United States, the Speaker of the House of Representatives, of Senators, Representatives, and Delegates in Congress, be repealed.

The second section provides that all acts or parts of acts providing for or relating to the pay and allowances of the Vice-President, and of the Speaker of the House, and of Senators, Representatives, and Delegates, which were repealed or superseded by the act recited in the first section, be revived and declared to be in full force; provided that the Speaker, Senators, Representatives, and Delegates shall receive no mileage for coming to or returning from the present session of Congress, except actual individual traveling expenses from their respective homes to the seat of Government, and return, by the most direct route of usual travel.

The third section requires the Secretary of the Treasury to cover into the Treasury all sums that may remain undrawn or which have been received as increased compensation under the provisions of the act of March 3, 1873, and which shall have or may come into his possession by the return thereof.

Mr. KASSON. I have been directed by a minority of the committee to make a report, which I wish to present, to be considered in connection with this general question.

Mr. HALE, of Maine. I am not on the floor for the purpose of explaining the provisions of the bill, because that opens it to general discussion, but for the purpose of taking the direction of the House—acting for the committee as to the general conduct of the bill—as to the time the discussion shall take; whether the House prefers acting upon the bill at once, or prefers delay; or at what time it shall come up in order, and for how long a time it shall be left open for general debate; and then in what manner it shall be considered for amendments. If the House is anxious, as many members have indicated to me they are, it can be acted upon at once. That can be settled here at this time. If that is not the wish of the House, I desire one thing settled now—and such is the feeling of the committee, I think—and that is as to the manner it shall be considered, and the length of time we are to take up with this matter.

Mr. KASSON. I wish to inquire of the Chair whether this is not the proper time to submit the views of the minority of the special committee?

The SPEAKER. The Chair does not understand what the gentleman from Maine means, or how it is that he proposes to get the sense of the House.

Mr. HALE, of Maine. I was desirous of inviting suggestions from any gentleman interested in the matter.

The SPEAKER. The position of the bill is this: it has been read a first and second time, and the question now is, "Shall it be engrossed and read a third time?" which is the amendable stage of the bill.

Mr. KASSON. I wish the question to be settled whether the minority report may be received and laid upon the table.

The SPEAKER. Does the gentleman from Maine yield to the gentleman from Iowa to have the views of the minority of the committee submitted?

Mr. HALE, of Maine. This is the first time I have heard the minority desired to submit any report; but I have no objection to the gentleman's submitting the views of the minority.

The SPEAKER. It will be in the nature of a substitute, the Chair supposes.

Mr. KASSON. Yes, sir; for the pending bill.

Mr. HALE, of Maine. I do not yield to allow it to come in as an amendment to the bill.

Mr. MAYNARD I did not have an opportunity during the sessions of the specia. committee to submit the proposition I desired, and which I would like to submit at some stage as an amendment; and I would suggest to the chairman of the committee and to the House the propriety of referring the bill to the Committee of the Whole on the state of the Union, to be considered at some definite time, say to-morrow; and in the mean time the bill may be ordered to be printed, so that any gentleman may have the opportunity to propose amendments and have them printed, and to have the whole subject before the House. Then we may take it up for discussion, as some gentlemen around me say, on Wednesday next. I have no objection to that, but I am for having it taken up for fair discussion at an early day. After general discussion the majority can cut off the debate at any time. After what seems to be fair discussion, if it be the wish of the majority of the House, we can continue it under what is called the five-minute rule; and if that debate should extend beyond what the judgment of the House thinks is necessary, the majority can then cut off all debate whatever, and bring the House promptly to a vote on any amendment which may be offered, and, finally, on the bill itself.

Mr. HALE, of Maine. There is no objection, as I have already said, to a course of that kind being adopted. I see none myself. I have no desire to cut off amendments or discussion if there be no desire on the part of the House at this time, and I do not see any, to second the demand for the previous question and take a vote upon the bill at once. I will enter now the motion to recommit the bill.

Mr. BUTLER, of Massachusetts. That of itself cuts off amendments.

Mr. HALE, of Maine. I do not propose, unless in a certain emergency or contingency, where the will of the House will be very clear, to have the bill without amendments, and only saving that chance, I enter the motion to recommit. I propose further that the bill be set apart for to-morrow morning after the morning hour, to be taken up and considered as in Committee of the Whole, the general debate to continue either in Committee of the Whole or in the House for such a time as may be satisfactory to the House; and that when general debate is closed it shall be considered as in Committee of the Whole and under the five-minute rule.

Mr. KASSON. Either in the House or in Committee of the Whole.

Mr. HALE, of Maine. I am not particular which, whether in the House as in Committee of the Whole, or in the Committee of the Whole on the state of the Union.

Mr. HALE, of New York. Let me make a suggestion. It seems to me it is not desirable the bill should go to the Committee of the Whole. As I understood the proposition of my colleague on the committee, it seems that under it the full opportunity can be given for debate, and at the close of the debate the House can then determine whether they will give any consideration to amendments or not, under the motion which my colleague himself makes.

Mr. HALE, of Maine. It is for that purpose I enter the motion to recommit.

Mr. HALE, of New York. Not to have it considered in the Committee of the Whole, but in the House.

Mr. COX. I hope the gentleman from Maine will make the motion to have all these amendments printed, not only the report of the majority but the minority report, and all amendments which may be proposed. I do not see any advantage to be gained by considering this matter in the Committee of the Whole. We have oftentimes acted upon these matters in the House as in Committee of the Whole.

Mr. HALE, of Maine. I do not make the proposition to go into the Committee of the Whole on the state of the Union. I have no preference for one way over the other. One is as satisfactory to me as the other. I only wish to know what is the will of the House.

Mr. NIBLACK. I thought the understanding was that we should debate the subject in the House as in Committee of the Whole. If the gentleman declines to make that proposition I will make it myself.

Mr. HALE, of Maine. I am willing to make that proposition.

Mr. NIBLACK. That it be considered in the House as in Committee of the Whole, and that after general debate the bill be open for amendments, to be debated under the five-minute rule?

Mr. LAWRENCE. Why not proceed with the discussion now?

Mr. HALE, of Maine. I suggested that the debate proceed to-morrow morning, which, I think, will be more acceptable than proceeding with it now, for this reason: that many members have amendments, and if the bill is set for to-morrow morning, after the morning hour, the bill itself, which has not been printed, and not seen by many members, can be printed, and all amendments that are submitted can be printed, so that to-morrow morning, after the morning hour, we can proceed with the discussion, knowing what is before the House on the divers motions for amendment. I make that proposition.

Mr. SPEER. Does the proposition cut off all amendments except those which may be offered to-day? A large majority of the House have not seen the bill—have simply heard it read at the Clerk's desk; and we want to see both the bill and the views of the minority of the committee printed so that we may know in an intelligible way what amendments, if any, are to be offered.

Mr. HALE, of Maine. Gentlemen will see, if the order I propose is carried out and the debate is carried on under the five-minute rule in the House as in Committee of the Whole, that the bill will then be open for any additional amendments. There are many amendments, as I now learn, which gentlemen are desirous of putting in and having printed, so that they may be before the House to-morrow morning.

Mr. KASSON. I ask, on behalf of the minority of the committee, that their views may be submitted to the House, by the reading of their report.

The SPEAKER. The report of the minority of the committee is a report accompanied by a bill. Is there objection to its being read?

There was no objection.

The Clerk read as follows:

The undersigned, members of the select committee to consider the repeal of the salary bill, being unable to agree to the action of the majority of said committee, beg leave to make the following report, expressing their views of the insufficiency of the action proposed by the majority of the committee, and their reasons therefor:

1. The emphatic and continued expression of the great majority of the American people, in all the forms which should influence our judgment, against the increase of salaries effected by the act approved March 3, 1873, should, in our opinion, take the question of its repeal out of the field of debate. It ought to be repealed in terms as general as those in which it was enacted, subject only to constitutional restraints. These restraints relate only to the salaries of the President of the United States during his present term of office, and to the justices of the Supreme Court.

2. The depressed financial condition of the country, requiring of the people the practice of habits of economy, requires also of their Representatives a recognition of the like economy in their disbursements from the public Treasury, and especially in respect to those of which they are themselves the beneficiaries. No public act will go further than this to establish the confidence of the people in their chosen representative government.

The present diminished receipts of revenue, the necessity of increased appropriations to the Navy, and perhaps elsewhere, warn us that it may be necessary to increase our sources of revenue, in addition to all practicable economies. For these reasons, also, the undersigned deem it necessary to enlarge the scope of the bill, and also to make the reductions for this Congress effective from the 4th of March last.

3. It may be true that the popular dissatisfaction is chiefly directed toward the law-making authority which employs its power over the Treasury to appropriate the public money to increase its own emoluments.

The President, however, is a part of this national legislative authority, and to that office is assigned by the bill in question much the largest increase of salary. It cannot lawfully be diminished during the current term. It *can* be reduced from the close thereof, leaving it in the power of the present or succeeding Congress to revise the whole question deliberately, unembarrassed by legislative interests connected therewith. And this reduction, in the opinion of the undersigned, ought to be effected by the bill upon which the House is about to act. It is also deemed proper, in view of the necessary continuance of the increased salary during the present term, to reduce the incidental allowances of the presidential office as far as compatible with the care and safety of the public property.

4. The undersigned also recommend that all the compensations increased by said act be re-established at their former rates respectively, subject to the constitutional exceptions above named, and excepting also the franking privilege. Congress can

accomplish this so far as its own former pay and allowances are concerned, either by restoring them in kind, or by adding the value of the mileage and other allowances to their pay, and equalize it, abolishing all allowances.

5. This report is accompanied by a bill designed to give effect to the views expressed herein.

The undersigned concur in the proposed constitutional amendment.

Respectfully submitted.

JOHN A. KASSON,
H. J. JEWETT,
Members of Select Committee.

The SPEAKER. The Clerk will also read the bill which accompanies the report just read.

The Clerk read as follows:

Be it enacted, &c., That so much of the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, as provides for the compensation of Senators, Representatives, and Delegates in the Forty-second Congress, and in subsequent Congresses, at the rate of $7,500 per annum, is hereby repealed.

SEC. 2. That so much of said act approved March 3, 1873, as provides an increased compensation for any clerks, reporters, and employés of the Senate and House of Representatives, and for the other employés named in said act in connection therewith, is hereby repealed. And the compensation of said clerks, reporters, and employés is hereby re-established at the respective rates last fixed by law prior to the passage of said act approved March 3, 1873.

SEC. 3. That from and after the close of the present term of office of the President of the United States, the compensation of the President shall be $25,000 per annum, to be paid in monthly installments: *Provided*, That during the present official term of the President no allowance or payment shall be made from the public Treasury for any compensation to the civil officers, attendants, or employés at the Executive Mansion and grounds, except only for the secretaries, clerks, steward, and the employés in charge of and at work upon the grounds attached to said Mansion; and all provisions of law inconsistent with the terms of this section are repealed.

SEC. 4. That all provisions of said act approved March 3, 1873, increasing the compensation or salary of any officer or employé of the Government, except so far as the same applies to the President of the United States during his present term, and to the judges of the Supreme Court, are hereby repealed. And the salaries and compensation of said officers and employés are hereby respectively established at the rate last fixed by law prior to the passage of said act approved March 3, 1873, unless otherwise herein provided.

SEC. 5. That the salaries and allowances (excluding the franking privilege) of Senators, Representatives, and Delegates in the Forty-third Congress and for the succeeding Congresses, shall be the same which were last established by law prior to the passage of the said act approved March 3, 1873: *Provided*, That Senators, Representatives, and Delegates in the Forty-third Congress who shall have received their compensation since the 4th of March, 1873, in accordance with the act last aforesaid, shall hereafter be paid only such equal monthly installments as shall in the aggregate make their compensation severally, from the 4th of March, 1873, to the close of the present Congress, equal to the amount of salary and allowances herein provided.

SEC. 6. That the Secretary of the Treasury is required to cover into the Treasury all sums which may remain undrawn, or which have been received as increased compensation, under the provisions of said act, approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Mr. MAYNARD. As a member of the committee, I would like to give notice of an amendment, which I will offer at such time as I may have an opportunity, to the effect that that part of the act referred to in the bill which relates to compensation, instead of being repealed, be suspended during the Forty-third Congress and left to operate upon our successors.

Mr. POLAND. I design to offer a substitute for the bill of the committee, which, I think, will meet the popular demand. [Laughter.]

Mr. HALE, of Maine. I will yield to allow it to be read.

The Clerk read Mr. POLAND'S substitute, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the act passed March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," as makes any change in the pay, mileage, and allowances of Senators, Representatives, and Delegates in Congress, is hereby repealed, and the pay, mileage, and allowances of Senators, Representatives, and Delegates in Congress, shall be and remain as fixed by law immediately prior to the passage of said act of March 3, 1873, and as if said act had not been passed.

SEC. 2. That all moneys paid to Senators, Representatives, or Delegates of the Forty-third Congress, under the provisions of said act of March 3, 1873, whether paid as salary for the Forty-second or Forty-third Congress, shall be charged and reckoned as part payment of their compensation as members of the Forty-third Congress.

SEC. 3. That within ten days after the passage of this act the Treasurer of the United States shall forward by mail to each member of the Forty-second Congress (who is not a member of the Forty-third Congress) who received additional compensation under said act of March 3, 1873, a written or printed notice, informing him of the repeal of so much of said act as gave such increased pay, and also stating the sum thus paid to such member, and requesting such member to repay the same to the Treasury; and within ninety days thereafter said Treasurer shall report to each House of Congress the names of all such members, the sum paid to each, the names of those who have repaid, and all replies received to such notices.

SEC. 4. That all sums that have been or may be returned to the Treasurer, of money received under the aforesaid provision of the act of March 3, 1873, and also, any sum which any person may be entitled to thereunder, which has not been drawn, are hereby directed to be covered into the Treasury.

Mr. ARCHER. I would ask the gentleman from Maine [Mr. HALE] why not make a motion to suspend the rules and pass the bill as reported by his committee?

Mr. HALE, of Maine. That is not necessary. If the House wants the previous question on this matter it can be ordered on the bill itself.

Mr. ARCHER. Then move the previous question.

Mr. COX. Why not pass the amendment reported by the minority also?

Mr. HALE, of Maine. I have no objection to testing the feeling of the House by calling the previous question.

Mr. ARCHER. We are going in for economy, and I think we will save a great deal by cutting off debate.

The SPEAKER. The Chair is waiting until some order of business is suggested.

Mr. HALE, of Maine. Many members have asked me why I do not move to suspend the rules and pass the bill, or move the previous question; and in order to test the sense of the House, I will move the previous question on the bill as reported. Before doing so, however, I yield for one moment to the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. I desire to say, before further action is taken in the matter, that I agree to very much of the bill submitted by two of my colleagues on the committee. There are two or three points, however, on which I do not agree with them, and, therefore, I did not sign the minority report. I will, at the proper time, if the bill passes to discussion, indicate the points of difference between them and me, and also between me and the majority of the committee. I think the bill reported by the committee is, on the whole, the best of the two.

Mr. KASSON. I desire to make a parliamentary inquiry. The minority bill being in, and having been read, I want to know whether any motion is necessary to secure its consideration in view of the motion of the gentleman from Maine, [Mr. HALE?]

The SPEAKER. The gentleman from Iowa [Mr. KASSON] is an old parliamentarian, and knows there is really no such thing as a minority report. It is merely an amendment, which the gentleman can move. Of course the courtesy is usually extended to two or more members of a committee, who differ with the majority, to make a report, but it is always done *ex gratia*, and is no parliamentary right.

Mr. KASSON. I ask whether it is necessary to make an additional motion that it shall be offered as a substitute?

The SPEAKER. It is not in; it was merely read. The state of the case is simply this: that the committee have made a report. All that has been done since then has been informal, and has tended, as the Chair supposed, toward coming to some sort of agreement as to how the actual business should be transacted, but nothing has been actually done but to make the report of the bill.

Mr. SPEER. I would ask the gentleman from Maine [Mr. HALE] if both the bills do not restore the mileage abuse—twenty cents a mile.

Mr. HALE, of Maine. The bill reported by the committee repeals, so far as Congress is concerned, all the increase of the last session, all the legislation affecting them, and, in addition to that, restoring the old law as it stood before the much complained of act of last Congress. If I was to talk and explain the bill for an hour I could not tell the story more clearly than that. It repeals the increase so far as it was applicable to Congress and restores the old law, but not, of course, the franking privilege.

Mr. SPEER. It re-enacts the mileage, twenty cents a mile, to and from California, for instance, every session.

Mr. BUTLER, of Massachusetts. Will the gentleman yield to me for a suggestion?

Mr. HALE, of Maine. What is the proposition of the gentleman?

Mr. BUTLER, of Massachusetts. I desire to make a proposition to the House in order that this matter may be fully discussed. I hope the gentleman will yield to a motion to refer this bill to the Committee of the Whole, where it can be fairly discussed under the five-minute rule. It is a matter of great importance to each individual member; it is a matter where each man may desire to explain his vote, to explain to his constituents and to the country the reasons that operate upon him in giving his vote. That will give a fair opportunity to everybody to express his views on this subject, and bring the House to a substantial agreement on some bill.

Mr. HALE, of Maine. The gentleman must have been out and not heard the proposition I submitted to the House ten minutes ago, which covers exactly the propostion he now makes.

Mr. BUTLER, of Massachusetts. I was out.

Mr. HALE, of Maine. Except that the consideration of the bill was to be had in the House as in Committee of the Whole, according to the suggestion of some members.

Mr. WOODFORD. I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WOODFORD. A motion had been made for the previous question, and debate therefore is not in order.

The SPEAKER. The Chair does not understand the gentleman from Maine [Mr. HALE] to have moved the previous question; if he had, the point of order would have been well taken.

Mr. GARFIELD. Allow me to suggest to the gentleman from Maine [Mr. HALE] that if he will review the history of the legislation of 1817, on the same subject now before us, he will find out that when the stage we are now at in the discussion of this bill was reached at that time it was determined to open the bill for general debate; and that debate extended through to almost the last week of the session to the exclusion of a large amount of public business that ought to have been done. That debate was, perhaps, as fruitless and valueless as any debate recorded in the annals of Congress. I therefore suggest to the gentleman in charge of this bill, if he wishes to bring the House of Representatives to a decisive and immediate issue upon it, that he demand the previous question and put his bill upon its passage. As I understand it, his bill simply repeals the increase of congressional salaries, and places the law where it was before the 3d of March last.

What we do should be done without passion—without discord—and promptly, so that we may go to work on the very important public duties that this session has in store for us.

Mr. ARCHER. A motion to suspend the rules——

The SPEAKER. That is not necessary. This committee had the right to report this bill at any time, and a majority of the House can pass it.

Mr. KELLEY. I was in a remote part of the Hall and did not hear this bill distinctly when it was read. Does this bill reported by the committee pursue what I understand to be the unbroken line of precedence, and make the change date from the first day of this Congress?

Mr. HALE, of Maine. It does not.

Mr. DAWES. I object to debate unless we can have this subject open for general discussion. The gentleman from Maine [Mr. HALE] indulges in a discussion of the bill; and unless other gentlemen can have the same opportunity I must object.

Mr. HALE, of Maine. This bill takes effect from its passage.

Mr. KELLEY. The adoption of a bill that does not go back to the first day of this Congress, (and I am heartily in favor of that proposition,) I may say is a departure from the unbroken line of precedents, and will put gentlemen who favor the bill in a worse position before the American people, in my judgment, than any legislation that has yet been had.

Mr. DAWES. I hope the gentleman from Maine [Mr. HALE] will so control his bill as to trust the House with a reasonable discussion of it. The idea of bringing in a bill, referring it, and every other bill of like character, to a special committee, then bringing in a report of that committee and calling the previous question upon it, without a word of discussion except such as my friend from Maine can eke out here in these few minutes, is not in my judgment a proper way of treating this subject. Nor is it the proper way to send this bill floating through all time to come. The gentleman from Maine can name some reasonable hour at which he can call for a vote on this question; and in the mean time we can have such fair, candid, and reasonable discussion as the gravity in this case and not as the clamor of the case, demands.

Mr. LAMISON. Amen. [Laughter.]

Mr. HALE, of Maine. The House will bear me out in this statement, that I have not attempted a discussion on the merits of the bill, but have carefully excluded that; I have no desire to do it. I started by proposing that some time in the near future should be fixed when this bill should be taken up and debated at length; and afterward, when the general debate thereon was exhausted, it could be considered in Committee of the Whole. I found but little response to that proposition; many members sought to modify it. Then, without any action of mine—and the gentleman from Massachusetts [Mr. DAWES] must know that, for he was sitting here at my right during all the time—member after member persisted that I should call the previous question. There is no action of the committee that calls for that. The committee did not decide upon that, or upon crowding the bill down the throat of the House. But if the House is ready for the question as presented by the committee, either to accept the bill or not to sustain the previous question, then, for one, I am ready that the House should act upon it. But what right can be taken away from the House of Representatives, after these suggestions have been made, if it is allowed to vote on the previous question?

Mr. DAWES. If my friend will allow me, I will say that I assume that he acts under the instruction of his committee; and that must have been one or the other of two things; either to call the previous question upon his bill——

Mr. HALE, of Maine. No, sir.

Mr. DAWES. Or to submit it to to some sort of debate and amendment.

Mr. HALE, of Maine. No, sir.

Mr. DAWES. I would like to know which it is.

Mr. HALE, of Maine. I may say, from the conversations I have had with members of the committee, that my instructions were to see what evidently was the feeling of the House; neither to decide the matter one way nor the other; neither to open a torrent of debate which may run for weeks and weeks to no good, nor to decide that the measure shall be pressed upon the House for immediate action. In other words, I was instructed, as I understand, to observe the indication of the feeling of members and then take the sense of the House.

Mr. DAWES. Now, if my friend from Maine has been instructed by his committee to merely feel his way through the House, I suggest to him to act on his own judgment and responsibility and fix a reasonable time for debate, after which a vote shall be taken on the bill.

Mr. HALE, of Maine. Well, Mr. Speaker, I have made my proposition in as clear terms as I was capable of doing. First, I entered a motion to recommit, so as to control the question finally, if the House should be willing. Then I asked that to-morrow morning after the morning hour be fixed for the consideration of the bill in the House as in Committee of the Whole, the general debate to run such time as may please the House, and discussion after that to be conducted under the five-minute rule.

Mr. DAWES. I hope that course will be adopted.

Mr. HALE, of Maine. In the mean time I would suggest that the bill be printed; and I will also ask that the joint resolution, though not now strictly in order, be also printed and any amendments that may be offered now; not that those amendments shall be considered as pending, but merely that they be printed for information.

Mr. DAWES. That is a fair proposal.

Mr. MAYNARD. If the gentleman from Maine enters a motion to recommit, will not the whole subject go over to such time as he may choose to call up the motion; and can he not call it up at any time when he may be able to get the floor?

The SPEAKER. The Chair will state what course the bill must necessarily take, unless by unanimous consent or a suspension of the rules the regular course of proceeding under the rules should be varied.

The bill has been reported from a committee under the authority to report at any time. It is now before the House. It has been twice read—once when it was referred, and once since it was reported. The question is now on ordering the bill to be engrossed and read a third time, pending which the gentleman from Maine enters a motion to recommit. While the motion to recommit is pending no amendment can be offered. But the House must come to some agreement, or else this bill may be before it from now until the end of the session, to the exclusion of the morning hour and everything else. But the gentleman from Maine now proposes, as the Chair understands, that the bill shall be printed, together with all amendments which gentlemen may desire to offer; that the House shall resume the consideration of the subject to-morrow after the morning hour, and that the bill shall be left open to general debate until the House, by unanimous consent, shall agree to limit discussion to five-minute speeches.

Mr. GARFIELD. I hope the gentleman from Maine will fix a time when he will call the previous question, or when the previous question shall, by agreement, be considered as binding. If we do not fix some time at which this debate shall terminate, I clearly foresee that there will be no legislation on this subject.

Mr. DAWES. Does not the consideration of the bill as in Committee of the Whole, under the five-minute rule, open it to debate?

The SPEAKER. But that requires unanimous consent.

Mr. HALE, of Maine. Then I will not incumber my motion by any reference to the five-minute rule, because the gentleman from Massachusetts [Mr. DAWES] must already see that there is going to be difficulty in getting any proposition through here. I hope the gentleman begins to see that by this time. The Chair having stated the position of the bill, I ask unanimous consent that its consideration be fixed for to-morrow, after the morning hour, to be then open to general debate; and when the debate has run to such time that the House has evidently had enough of it, I will call up the motion to recommit and see what action the House will then take. I have no desire, no shadow of a desire, to control this matter; but I will take the sense of the House at any time when there is an indication that the debate has run long enough.

Mr. DAWES. I think it would be better if the gentleman would make now an indication at what time he will try the sense of the House upon that question.

Mr. HALE, of Maine. The debate would run under the hour rule, I take it.

The SPEAKER. Necessarily, unless otherwise ordered.

Mr. LEACH. I ask that the bill which I introduced on Monday last, to restore the franking privilege, be printed as an amendment, so that it shall go before the committee of which the gentleman from Maine is chairman.

The SPEAKER. That bill is no longer before the committee. The bill is already printed, as the Chair thinks, and it can be offered as an amendment to this bill whenever amendments shall be in order. The only way it can come in is as an amendment.

Mr. LEACH. I give notice that I desire to offer that as an amendment to this bill

Mr. HALE, of Maine. My idea is that it is safe enough to let the debate run a couple of days before fixing a time for its close. I only make the suggestion that speeches, instead of being made under the hour rule, shall be limited to half an hour.

The SPEAKER. Is there objection?

Objection was made.

Mr. HALE, of Maine. I will say, then, that the debate shall be limited to twenty-minute speeches.

Many MEMBERS. Say fifteen minutes.

Mr. HALE, of Maine. I prefer to make it twenty minutes.

Mr. BURCHARD. Does this cut off the right to offer amendments?

The SPEAKER. So long as a motion to recommit is pending no amendment can be received. The Chair will now submit the question to the House. Is there any objection to limit speeches to twenty minutes each?

There was no objection.

Mr. SPEER. I understood amendments were to be in order.

Mr. HALE, of Maine. My understanding was that any amendments which the gentlemen desire to offer would be received and ordered to be printed.

The SPEAKER. Any gentleman desiring to offer amendments can do so, and they will be printed, but they will lie upon the table to be offered when the bill is open to amendment.

Mr. SPEER. I desire at the proper time to offer an amendment

that the mileage previously allowed by law shall not be restored, but instead thereof the actual traveling expenses shall be paid.

Mr. LAWRENCE. Mr. Speaker, I will call the attention of the House, and of the special committee having this subject in charge, to a proposition I desire to submit for their instruction. It is this: that this subject shall be disposed of by three distinct and separate bills. First, a bill to repeal the salary clause of the act of March 3, 1873; second, a bill to fix the salary and reform the inequality in the old mileage system, by allowance only for traveling expenses; and, third, a bill to provide that the future salaries shall be so adjusted for members of this Congress that the salary already paid shall be estimated and the aggregate salary for the year be equal only to the salary fixed. The object in asking for these separate bills is, that each one may be voted upon its own merits, so that no member shall be led to oppose any proposition because it may contain a provision objectionable to him.

Mr. KASSON. Mr. Speaker, I desire to raise objection to the gentleman from Ohio debating the proposition at this time.

The SPEAKER. The objection is well taken. The gentlemen are recognized now only for the purpose of offering amendments to be printed, and not for the purpose of debating.

Mr. LAWRENCE. I merely wished to state the action I desire the House to take, and I have accomplished my purpose.

The SPEAKER. The Chair regards the point taken by the gentleman from Iowa upon the gentleman from Ohio as a good one, as he has not the floor for debate.

Mr. KASSON. I now present the bill which was presented by the minority of the committee, which I ask to be printed, and which I give notice I will offer at the proper time as a substitute for the bill of the majority.

The SPEAKER. The Chair understands that has already been printed.

Mr. KASSON. Neither of the bills has been printed.

The SPEAKER. It will be ordered to be printed.

Mr. LEACH. I desire to offer an amendment restoring the franking privilege.

Mr. HARRIS, of Virginia. I submit two amendments.

Mr. STARKWEATHER. I submit a substitute for the majority bill.

The SPEAKER. Gentlemen will present their amendments at the Clerk's desk, with their names legibly written upon them; and they will be numbered and ordered to be printed under the order of the House. There is no necessity for delaying the House at this time by having them all read.

Mr. SPEER. I desire to offer another amendment, so that it may be ordered to be printed, and I ask it to be read.

The SPEAKER. It will take one-half the afternoon to read the amendments which have been already presented at the Clerk's desk. The Chair will state the understanding at which the House has arrived. It is this: that this bill shall be considered immediately after the morning hour, under the rule which limits speeches to twenty minutes each, and that the debate shall continue under the twenty-minute rule until otherwise ordered by unanimous consent.

Mr. HALE, of Maine. Not by unanimous consent, but by the majority of the House.

The SPEAKER. Then that the debate under the twenty-minute rule shall continue until the majority of the House shall see fit to limit the debate to five minutes.

Mr. HALE, of Maine. Leaving the whole matter under the motion to recommit.

The SPEAKER. Of course the motion to recommit is pending.

Mr. CONGER. If the motion to recommit be pending then no action can be had upon the bill.

Mr. BURCHARD. Would not the motion to recommit if withdrawn, and the previous question be called and sustained, have the effect of cutting off all amendments to the bill?

The SPEAKER. The Chair apprehends the motion to recommit is made for the very reason of cutting off amendments.

Mr. BURCHARD. And when the motion to recommit is withdrawn and the call for the previous question is sustained, then no amendment will be in order.

The SPEAKER. The Chair will state the precise process. It will not take the power from the majority of the House to amend the bill if the majority desires to amend it. If the gentleman who has charge of the bill desires to test the sense of the House whether amendments shall be offered to the pending bill he will withdraw the motion to recommit and demand the previous question, and if the House shall refuse to sustain the demand for the previous question the bill will be open to amendment. So that the House itself has the right to control whether it will amend the bill or not. The majority cannot, by any use of the rule, be deprived of that right. They have the right to amend the bill if they so desire.

Mr. WOODFORD. Will the gentleman yield the floor long enough to allow me to move the previous question? I will state the reason briefly why I desire to make that motion.

Mr. DAWES. I object, unless the debate is thrown open to other gentlemen.

Mr. WOODFORD. I am sorry the gentleman from Massachusetts will not allow me one moment to explain.

Mr. DAWES. I would have been delighted to hear the gentleman, and would have been delighted to hear other gentlemen. It is because I desire to hear the sentiments of the gentleman, and those of others, that I wish a reasonable time to be allowed for that purpose.

Mr. WOODFORD. The sentiment of the gentleman, and of others, is that it would be better for the country to set this morning for the discussion, and wind it up at once. I ask the gentleman from Maine [Mr. HALE] to yield to me long enough to enable me to move the previous question.

Mr. HALE, of Maine. I will yield to the gentleman to make that motion.

Mr. WOODFORD. Then I move the previous question on the bill.

Mr. MCKEE. Is not that against the general agreement?

Several MEMBERS. It can be voted down.

The SPEAKER. The Chair thinks that the understanding of the House is otherwise. But, while it is only the majority that can second the previous question, the Chair does not feel at liberty to deprive the majority of the opportunity of doing as they please. The gentleman from New York [Mr. WOODFORD] and the gentleman from Pennsylvania [Mr. SPEER] will act as tellers.

Mr. G. F. HOAR. I rise to a question of order. I desire to inquire of the Chair if anything has been agreed to by unanimous consent in regard to this bill?

The SPEAKER. The Chair supposed there had been, but this would negative it.

Mr. G. F. HOAR. Then, I desire to know of the Chair whether it is in order to bring in anything inconsistent with that understanding except by unanimous consent?

The SPEAKER. The course of proceeding to be adopted by the House had not been really agreed upon. But what the Chair desires to carry out is that the majority of the House shall control the business of the House. The Chair understands his duties to be to carry out the will of the majority.

Mr. COX. If the previous question is seconded would that cut off all these amendments?

The SPEAKER. Of course it would.

Mr. HALE, of Maine. I ask that the bill which the House is about to vote on be again read.

Mr. WHITEHOUSE. I hope the gentleman from New York [Mr. WOODFORD] will not insist upon his motion for the previous question.

The SPEAKER. The bill will be again reported.

Mr. SPEER. I desire to ask the Chair whether these amendments which have been read are not pending.

The SPEAKER. Of course not. How can they be when a motion to recommit is pending?

Mr. SPEER. I supposed the motion to recommit must be withdrawn to enable the gentleman from New York [Mr. WOODFORD] to make his motion.

The SPEAKER. The Clerk will again read the bill.

The bill was again read.

Mr. HALE, of Maine. I desire to make a parliamentary inquiry. If the previous question, on the motion of the gentleman from New York, [Mr. WOODFORD,] is sustained, to what does it bring the House?

The SPEAKER. To a direct vote on this bill.

Mr. HALE, of Maine. On the bill itself?

The SPEAKER. First, on the motion to recommit. If the House refuses to recommit, the vote will then be upon the merits of the bill. The previous question will not be exhausted until the passage of the bill. The seconding of the previous question will be decided by the count of the tellers. The tellers will please take their places.

Mr. SPEER. I will act as a teller, not because I am opposed to the motion of the gentleman from New York, but because I wish to carry out the understanding of the House.

The SPEAKER. The Chair understands the gentleman to be an accurate counter and therefore names him. The Chair knows nothing about sides in this matter—who is for or against the bill.

The question was taken; and the tellers reported—ayes 64, noes 132.

So the previous question was not seconded.

The SPEAKER. The Chair will now state the proposition for the conduct of the bill: that the House will resume its consideration to the exclusion of all other orders to-morrow after the morning hour, under a rule limiting each speech to twenty minutes; and that the House by a majority vote at any time may limit the speeches to five minutes each; the gentleman's motion to recommit being all the time pending. Is there objection to this order being made?

Mr. SCOFIELD. Could the bill not be set down for one o'clock? The morning hour may run all day.

The SPEAKER. Under this order the morning hour could only run sixty minutes.

Mr. SCOFIELD. Might not the bill come up in the morning hour and run all day?

The SPEAKER. A bill coming up in the morning hour might run for more than sixty minutes, if no order came in having superior privilege; but this order would limit the morning hour to sixty minutes. Is there any objection to the arrangment which has been stated?

There was no objection, and the order was made.

Mr. HALE, of Maine. I ask unanimous consent that the joint reso-

lution reported by the committee, proposing an amendment to the Constitution in reference to this subject, be printed.

There was no objection, and it was so ordered.

INDIANA ELECTION, NINTH CONGRESSIONAL DISTRICT.

Mr. SMITH, of New York. I rise to report from the Committee on Elections the following resolution:

Resolved, That John P. C. Shanks is entitled to a seat in this House as a Representative in the Forty-third Congress from the ninth congressional district of Indiana.

I desire to say to the House that there never has been any serious question between the claimants to this seat, except upon the *prima-facie* case. The resolution of the House referred the case upon the merits, and the case upon the merits seems clear to the committee. The committee has recommended, by a unanimous vote, the passage of the resolution which I have offered. Without consuming any time, unless some gentleman desires explanation, I will call for the previous question upon the passage of the resolution.

Mr. CROSSLAND. The chairman of the committee having stated that this resolution is unanimously reported, I desire to say, as a member of the committee, that I had no notice of the meeting of the committee when this subject was acted upon, and did not join in any action upon the matter. I know nothing of the merits of this case whatever. Having no notice of the meeting of the committee, I could not be present.

Mr. SMITH, of New York. I should have said, Mr. Speaker, that the report was agreed to by the unanimous vote of the members of the committee who were present. It seems that the gentleman from Kentucky [Mr. CROSSLAND] was added to the committee only a day or two since; that he was not upon the committee as originally appointed; and our clerk was not aware that the gentlemen had not notice of the meeting when this resolution was acted upon. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. SMITH, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

In accordance with the resolution just adopted, Mr. JOHN P. C. SHANKS presented himself, and was duly sworn in as a Representative from the ninth district of Indiana by taking the oath prescribed in the act of July 2, 1862.

LOUISIANA CONTESTED ELECTIONS.

Mr. SPEER. I am directed by the Committee on Elections to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That Effingham Lawrence and E. C. Davidson, from the first and fourth congressional districts of Louisiana, respectively, be permitted to serve upon J. Hale Sypher and George L. Smith, who are sitting members of the same districts, respectively, notices of contest within twenty days from the passage of this resolution, and that the said sitting members be permitted to answer the same within twenty days after the service thereof.

Resolved, That the time for the taking of testimony in each of said contested-election cases is hereby extended for ninety days from the time the answer is allowed to be filed to the notice of contest.

Mr. DAWES. I suggest to the gentleman from Pennsylvania [Mr. SPEER] that he add to his resolution this clause: "And that in all things else the contest be conducted in conformity to existing laws."

Mr. SPEER. The committee did not think that clause necessary, because we do not propose to change the manner of taking testimony as prescribed by law, but simply to extend the time. That matter was considered by the committee.

The resolution was adopted.

Mr. SPEER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL RIGHTS.

Mr. MOREY, I move to suspend the rules to enable me to introduce, and the House to pass, the bill which I send to the desk.

The bill (H. R. No. 473) supplemental to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, was read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein,) That no citizen of the United States shall, by reason of race, color, or previous condition of servitude, be excepted or excluded from the full and equal enjoyment of any accommodation, advantage, facility, or privilege furnished by inn-keepers; by common carriers whether on land or water; by licensed owners, managers, or lessees of theaters or other places of public amusement; by trustees, commissioners, superintendents, teachers, and other officers of common schools and other public institutions of learning, the same being supported by moneys derived from general taxation, or authorized by law; by trustees and officers of cemetery associations and benevolent institutions incorporated by national or State authority. But private schools, cemeteries, and institutions of learning established exclusively for white or colored persons, and maintained respectively by voluntary contributions, shall remain according to the terms of the original establishment.

SEC. 2. That any person violating any of the provisions of the foregoing section, or aiding in their violation, or inciting thereto, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs, and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial.

SEC. 3. That the same jurisdiction and powers are hereby conferred and the same duties enjoined upon the courts and officers of the United States in the execution of this act as are conferred and enjoined upon such courts and officers in sections 3, 4, 5, 7, and 10 of an act entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866, and these sections are hereby made a part of this act; and any of the aforesaid officers failing to institute and prosecute such proceedings herein required shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs, and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than $1,000 nor more than $5,000.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as juror in any court, national or State, by reason of race, color, or previous condition of servitude; and any officer or other persons charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the reason above named shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than $1,000, nor more than $5,000.

SEC. 5. That every discrimination against any citizen on account of color by the use of the word "white," in any law, statute, ordinance, or regulation, is hereby repealed and annulled.

Mr. BECK. I move that the House now adjourn. We cannot understand that bill from its hasty reading at the desk.

The question being taken on the motion of Mr. BECK, there were—ayes 94, noes 81.

Mr. MOREY called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 106, nays 145, not voting 34; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Averill, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, Cannon, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Crocker, Crossland, Crutchfield, Davis, Durham, Eden, Eldredge, Giddings, Glover, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, John B. Hawley, Hereford, Herndon, Holman, Houghton, Hunton, Jewett, Kendall, Knapp, Lamar, Lamison, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, Niles, O'Brien, Orr, Orth, Packard, Hosea W. Parker, Perry, Phelps, Potter, Randall, Rawls, Read, Robbins, Milton Sayler, John G. Schumaker, Sloss, Small, Southard, Speer, Stanard, Standeford, Stone, Storm, Todd, Vance, Waddell, Marcus L. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—106.

NAYS—Messrs. Albright, Barber, Bass, Begole, Biery, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Cotton, Crounse, Curtis, Danford, Darrall, Dawes, Donnan, Dunnell, Eames, Elliott, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Benjamin W. Harris, Harrison, Joseph R. Hawley, Hays, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Howe, Hubbell, Hunter, Hyde, Hynes, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, McDougall, McJunkin, McKee, McNulta, Melish, Merriam, Monroe, Morey, Myers, Negley, Nunn, O'Neill, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phillips, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Rice, Richmond, Ellis H. Roberts, Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Starkweather, Stowell, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Townsend, Tremain, Tyner, Wallace, Walls, Jasper D. Ward, Wheeler, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, Jeremiah M. Wilson, and Woodford—145.

NOT VOTING—Messrs. Albert, Banning, Barnum, Barry, Bradley, Freeman Clark, Corwin, Crooke, De Witt, Dobbins, Duell, Harmer, Havens, George W. Hazelton, Hurlbut, Kasson, Killinger, Leach, Loughridge, McCrary, Alexander S. McDill, James W. McDill, Moore, Ray, William R. Roberts, James C. Robinson, Henry J. Scudder, Stephens, St. John, Swann, Thomas, Waldron, Wilber, and Woodworth—34.

So the motion to adjourn was not agreed to.

Mr. BECK. Is it in order to move to lay the bill on the table?

The SPEAKER. It is not. Pending a motion to suspend the rules, but one motion, a motion to adjourn, is in order. That being negatived, the question recurs, "Will the House suspend the rules and pass the bill of the gentleman from Louisiana, [Mr. MOREY?"]

Mr. WILLARD, of Vermont. I ask the gentleman from Louisiana to allow this bill to be referred to the Committee on the Judiciary. I am ready to go as far within constitutional limits as other gentlemen in this House for the recognition of the civil rights of all persons in the United States, but I am not prepared to vote for a bill which I have had no opportunity of reading. The Committee on the Judiciary has at its head the honorable member from Massachusetts, [Mr. BUTLER,] who has been as vigilant and active as any gentleman on the floor in securing the rights of the colored people, and I think the gentleman would serve his own purpose better if he would allow the bill to be referred to that committee.

Mr. WALLS. I hope the gentleman from Louisiana will not yield to have the bill referred to a committee. It is a bill which has been before Congress, or this House, for the last two years, and every member of the House, and especially the gentleman who has just taken his seat, is very well acquainted with it; and I hope it will not be referred. We did not ask that the amnesty bill should be referred to a committee, and all we ask is that the same justice shall be done to us.

Mr. SPEER. Is discussion in order on a motion to suspend the rules? If not, I object.

Mr. MOREY. I am perfectly willing that the bill should be re-

ferred to the Judiciary Committee, provided the House will consent that they shall have leave to report it back at any time.

Mr. BECK. I object to that. I do not object to the reference, but I object to the leave to report at any time.

The SPEAKER. The House can, by a suspension of the rules, give to the committee the right to report at any time. Does the gentleman from Louisiana [Mr. MOREY] modify his motion so as to refer the bill to the Committee on the Judiciary, with leave to report it at any time?

Mr. MOREY. Yes, sir; I put my motion in that form.

The question was put on Mr. MOREY's motion as modified, and on a division there were—ayes 161, noes 70.

So (two-thirds voting in favor thereof) the rules were suspended and the motion agreed to.

THE PRESIDENT'S ANNUAL MESSAGE.

Mr. DAWES. I desire the indulgence of the House for a few moments to distribute the President's message. It ought to be done this afternoon, as the salary bill will come up to-morrow, and I do not think it will take more than fifteen minutes.

The SPEAKER. It will be necessary to go into Committee of the Whole on the state of the Union.

Mr. DAWES. Yes, sir; and I move that the House resolve itself into Committee of the Whole on the state of the Union for that purpose.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. RANDALL in the chair,) and proceeded to the consideration of the President's annual message.

Mr. DAWES. I offer the following resolutions:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session, together with the accompanying documents, as relates to finance and taxation, to the receipts into the Treasury, to deficiencies in the revenue, the revision of the tariff and internal revenue laws, to the establishing of mints, to the public debt and public credit, and to the ways and means of supporting and meeting the liabilities of the Government, be referred to the Committee on Ways and Means.

Resolved, That so much of said message and documents as relates to the necessary appropriation for carrying on the Government in its several departments, to deficiencies in appropriations, to postal telegraphy, to special appropriation for meeting the award to Great Britain against the United States, to special appropriation to the government of the Territory of the District of Columbia, and to special appropriation for ocean steam service, be referred to the Committee on Appropriations.

Resolved, That so much of said message and documents as relates to banks and banking and currency, be referred to the Committee on Banking and Currency.

Resolved, That so much of said message and documents as relates to commerce and navigation be referred to the Committee on Commerce.

Resolved, That so much of said message and documents as relates to the settling of colonies of immigrants on the public lands, to the survey and preservation of Government reservations, including the park of the Yellowstone, and to the public domain, be referred to the Committee on the Public Lands.

Resolved, That so much of said message and documents as relates to the Post-Office Department, to land, coast, postal depositories, and ocean mail service, be referred to the Committee on the Post-Office and Post-Roads.

Resolved, That so much of said message and documents as relates to courts and the judiciary, to additional amendments to the Constitution, to the repeal or modification of the bankrupt act, to "civil rights," to conflict of authority in the courts in Utah, to the Geneva award, and to the Department of Justice, be referred to the Committee on the Judiciary.

Resolved, That so much of said message and documents as relates to the public expenditures be referred to the Committee on Public Expenditures.

Resolved, That so much of said message and documents as relates to agriculture and the Department of Agriculture be referred to the Committee on Agriculture.

Resolved, That so much of said message and documents as relates to the Army of the United States, the armament for sea-coast defenses, and to promotions in the staff corps of the Army, be referred to the Committee on Military Affairs.

Resolved, That so much of said message and documents as relates to the Navy of the United States be referred to the Committee on Naval Affairs.

Resolved, That so much of said message and documents, and the accompanying correspondence, as relates to foreign affairs, to treaties with foreign governments, and to the seizure of the Virginius and all questions growing out of the same, be referred to the Committee on Foreign Affairs.

Resolved, That so much of said message and documents as relates to the management of Indian affairs be referred to the Committee on Indian Affairs.

Resolved, That so much of said message and documents as relates to the Pacific Railroads be referred to the Committee on the Pacific Railroad.

Resolved, That so much of said message and documents as relates to claims against the Government, not including claims growing out of any war in which the United States has been engaged, be referred to the Committee on Claims.

Resolved, That so much of said message and documents as relates to manufactures be referred to the Committee on Manufactures.

Resolved, That so much of said message and documents as relates to private land-claims be referred to the Committee on Private Land Claims.

Resolved, That so much of said message and documents as relates to mines and mining be referred to the Committee on Mines and Mining.

Resolved, That so much of said message and documents as relates to coinage, weights, and measures be referred to the Committee on Coinage, Weights, and Measures.

Resolved, That so much of said message and documents as relates to public buildings and grounds be referred to the Committee on Public Buildings and Grounds.

Resolved, That so much of said message and documents as relates to the expenditures on the public buildings be referred to the Committee on Expenditures on Public Buildings.

Resolved, That so much of said message and documents as relates to the Territories of the United States be referred to the Committee on the Territories.

Resolved, That so much of said message and documents as relates to pensions, to the Pension Bureau, and to frauds against the Pension Bureau be referred to the Committee on Invalid Pensions.

Resolved, That so much of said message and documents as relates to patents and the Patent-Office be referred to the Committee on Patents.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Treasury Department be referred to the Committee on Expenditures in the Treasury Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the State Department be referred to the Committee on Expenditures in the State Department.

Resolved, That so much of said message and documents as relates to the expenditures in connection with the War Department be referred to the Committee on Expenditures in the War Department.

Resolved, That so much of said message and documents as relates to the expenditures in connection with the Navy Department be referred to the Committee on Expenditures in the Navy Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Post-Office Department be referred to the Committee on Expenditures in the Post-Office Department.

Resolved, That so much of said message and documents as relates to expenditures in connection with the Department of the Interior be referred to the Committee on Expenditures in the Interior Department.

Resolved, That so much of said message and documents as relates to the militia be referred to the Committee on the Militia.

Resolved, That so much of said message and documents as relates to the Territory of the District of Columbia be referred to the Committee for the District of Columbia.

Resolved, That so much of said message and documents as relates to education and labor, to a national university in the District of Columbia, and to the Bureau of Education, be referred to the Committee on Education and Labor.

Resolved, That so much of said message and documents as relates to civil-service reform be referred to the Select Committee on the Reorganization of the Civil Service of the United States.

Resolved, That so much of said message and documents as relates to railways and canals, and all questions growing out of the subject of "cheap transportation," be referred to the Committee on Railways and Canals.

Resolved, That so much of said message and documents as relates to claims growing out of any war in which the United States has been engaged, be referred to the Committee on War Claims.

Resolved, That so much of said message and documents as relates to the proposed centennial celebration, to a national census in 1875, and to the late Vienna Exposition, be referred to a select committee of thirteen members, to be appointed by the Speaker.

Mr. PLATT, of Virginia. I would like to inquire of the gentleman from Massachusetts why so much of the President's message as relates to the postal telegraph is referred to the Committee on Appropriations?

Mr. DAWES. That was the reference last year and the year before.

Mr. PLATT, of Virginia. Then I wish to suggest that it would be more appropriate to refer matters relating to the public park and the Yellowstone region to the Committee on Public Buildings and Grounds, than to the Committee on the Public Lands.

Mr. DAWES. The postal telegraph was referred in the last Congress, and two years before, to the Committee on Appropriations, after very full discussion, by a vote of the House, and the Committee on Ways and Means regarded that as an instruction. As to the Yellowstone Park, I think the Committee on Public Buildings and Grounds is hardly the appropriate committee, that committee being somewhat local in its jurisdiction, and the question having reference to the system of land laws.

The CHAIRMAN. The Chair would suggest that he would entertain a motion to amend the resolution.

Mr. PLATT, of Virginia. Then I move that so much of the message as relates to the Yellowstone Park be referred to the Committee on Public Buildings and Grounds.

I desire to say a word or two only, and then I will yield to the gentleman from Massachusetts. I desire to call his attention and that of the committee to the present rule of the House, which is the law of the House. I call attention to the fact that the jurisdiction of the Committee on Public Buildings and Grounds was very much extended by an amendment of the rules adopted during the last Congress, and embraces now not only public buildings and grounds in this District, but all the public buildings and grounds in the United States; and I respectfully submit that when a portion of those public grounds are to be taken to be made into a pleasure park, the Committee on Public Buildings and Grounds is the proper one to consider it.

Mr. DAWES. I have no knowledge about the matter; it is new matter, and the House can send it to any committee it pleases. There may be force in what the gentleman from Virginia has said, but it strikes me that the subject has much to do with the general land system, and ought to go to the Committee on the Public Lands.

Mr. TOWNSEND. The consideration of all the questions relating to the National Park has always been submitted to the Committee on the Public Lands. It is a part of the land system of the United States. All the rules and regulations heretofore passed with relation to it have been referred to that committee, and I suggest that if the theory of the gentleman from Virginia were carried to its full extent, it would leave all the public lands of the United States to the Committee on Public Buildings and Grounds. I therefore think that the park should still remain in the hands of the committee which has heretofore had charge of it, and should not be taken away from that committee and given to a committee whose duties are entirely local and not national.

Mr. PLATT, of Virginia. One word in reply to the gentleman from Pennsylvania. I desire to say that the Yellowstone park is no longer a part of the public lands of the country; and for the information of the House, in order that it may be seen that I am only asking that a matter shall be referred to my committee which properly belongs to it, I ask to have read the rule governing the Committee on Public Buildings and Grounds and defining its duties.

The CHAIRMAN. The rule referred to will be read.

The Clerk read as follows:

It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the city of Washington, and all the public buildings constructed by the United States which may be referred to them, and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.

Mr. DAWES. It will be seen from the reading of the rules that the public grounds within the District are all the grounds referred to this committee. I think it should go to the Committee on Public Lands.

The question was then taken upon the amendment moved by Mr. PLATT, of Virginia; which was not agreed to.

Mr. MAYNARD. I move to further amend the resolutions now pending to the effect that that part of the President's message and accompanying documents which pertains to the establishment of postal savings-banks shall be referred to the Committee on Banking and Currency, for that subject is eminently germane to the subjects considered by that committee. It is a matter of banking, and not a matter relating at all to the post-office.

Mr. DAWES. I would just like to state to the committee that postal savings-banks have no connection whatever with anything like currency; but they are so intimately connected with the whole machinery of the post-office, in all its workings, that it does seem to me there can be no propriety in referring the subject to the Committee on Banking and Currency rather than to the Committee on the Post-Office and Post-Roads. If this postal banking system shall be adopted it will certainly go far to modify all the postal laws of the country. I trust this subject will be allowed to go to the Committee on the Post-Office and Post-Roads.

Mr. MAYNARD. I do not know that the gentleman need take any particular interest in this matter any way, as he is not on either of the committees referred to, and has nothing to do with the subject. These postal savings-banks may not, perhaps, pertain to the currency of the country, but they do pertain to banking, and will be a very important element in the banking interest of the country. If they are as successful as the Postmaster-General and others seem to suppose, they will make a great difference in the whole system of banking. The subject ought, therefore, to be considered in connection with the monetary questions of the country, for this is a monetary question, and has no connection with the transmission of the correspondence of the country.

The question was then taken up on the amendment moved by Mr. MAYNARD; and upon a division there were—ayes 78, noes 59.

The amendment was adopted.

The resolutions, as amended, were then adopted.

Mr. DAWES. I move that the committee now rise and report the resolutions to the House.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. RANDALL reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the annual message of the President of the United States, had adopted sundry resolutions in relation to referring the same with the accompanying documents to the various committees of the House, and had directed him to report the same to the House.

Mr. DAWES. I move the previous question on the resolutions reported from the Committee of the Whole.

The previous question was seconded and the main question ordered; and under the operation thereof the resolutions were adopted.

Mr. DAWES moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROUTE IN MICHIGAN.

Mr. HUBBELL. I ask unanimous consent to introduce for consideration at this time a bill to establish a post-route from the village of L'Ance, in the county of Houghton, in the State of Michigan, to Huron Bay, in the same county and State. It is necessary that the bill shall be passed at once.

No objection was made; and accordingly the bill (H. R. No. 474) was introduced, read three times, and passed.

Mr. HUBBELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDINGS AT HARRISONBURGH, VIRGINIA.

Mr. HARRIS, of Virginia, by unanimous consent, introduced a bill (H. R. No. 475) to erect a court-house and post-office at Harrisonburgh, Virginia; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

BERWICK BAY SHIP-CHANNEL.

Mr. SYPHER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be, and is hereby, directed to have an examination made by a competent engineer of the channel in Berwick Bay, at the mouth of the Atchafalaya River, in the State of Louisiana, and to report to the House of Representatives as soon as expedient the practicability of the same for naval and commercial purposes, with the cost thereof.

INTEREST PAID ON GOVERNMENT OBLIGATIONS.

Mr. FIELD, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be requested to prepare and report to this House the amount paid by the Treasury for interest on the following named obligations issued by the Government since 1861, to wit: The compound interest notes; the Treasury notes of 1861; the 7-30 bonds; the temporary loan certificates; the certificates of indebtedness of 1862 and 1863; the one-year Treasury notes of 1863; the two-year Treasury notes of 1863, and the 3 per cent. certificates of 1867.

POSTAL EXPENSES OF THE DEPARTMENTS.

Mr. MYERS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the several Executive Departments of the Government be, and they are hereby, directed to report to this House, at as early a day as practicable, a statement of the expenses incurred by the said Departments, respectively, since the 1st day of July, 1873, consequent upon the abolition of the franking privilege; and that the Postmaster General be, and is hereby, also directed to furnish to this House a statement of the receipts of his Department from all sources in consequence of the said abolition of the franking privilege.

CONDITION OF PENSACOLA NAVY-YARD.

Mr. PURMAN. I ask consent to submit for consideration and adoption at this time a resolution of inquiry in relation to the present condition of the Pensacola navy-yard.

The resolution was read, as follows:

Resolved, That the Secretary of the Navy be, and is hereby, requested to report to this House, at the earliest practicable day, the condition of the Pensacola navy-yard, in the State of Florida, and what further repairs and facilities, if any, with estimates of the expenditures for the same, are necessary to place the said yard in a proper condition for the benefit of the Navy, in view of threatened exigencies that may arise at any day with a neighboring foreign power.

Mr. GARFIELD. I object to the adoption of this resolution. Let it be referred to a committee. We do not want these facts made public just now, to let the Spanish authorities learn the condition of our navy-yard there.

The SPEAKER. Objection being made, the resolution is not before the House.

Mr. GARFIELD. I move that the House now adjourn.

Pending the motion to adjourn—

RICE BONDED WAREHOUSE.

Mr. POTTER, by unanimous consent, introduced a bill (H. R. No. 476) to establish a bonded warehouse for the storing and cleansing of rice intended for exportation; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WITHDRAWAL OF PAPERS, ETC.

Mr. NEGLEY asked and obtained consent for the withdrawal from the files of the House of the papers in the cases of N. J. Bigley, Mrs. N. G. Miller, Captain William H. Deniston, Mrs. Belinda Craig, and Messrs. Tomilson, Hartupee & Co.

Mr. FRYE asked and obtained consent for the withdrawal from the files of the House of the papers in the cases of Oliver Moses and others, John Bulfinch, and B. C. Bailey.

Mr. POTTER asked and obtained consent for the withdrawal from the files of the House of the papers in the case of William H. Newman & Co., for reference to the Committee on War Claims.

Mr. TOWNSEND asked and obtained consent for the printing of the papers accompanying House bill No. 63.

Mr. GARFIELD asked and obtained consent for the withdrawal from the files of the House of the papers in the case of Robert M. Douglas and Stephen A. Douglas, for reference to the Committee on War Claims.

Mr. PARKER, of Missouri, asked and obtained consent for the withdrawal, for the purpose of reference, from the files of the House of the papers in relation to certain swamp-lands in Holt County, Missouri, and the papers in the case of William Stoddard, late assistant-quartermaster of United States volunteers.

Mr. CONGER asked and obtained consent for the withdrawal from the files of the House of the papers in the case of Micah Walker, for reference to the Committee on Claims.

Mr. DAWES asked and obtained consent for the withdrawal from the files of the House of the papers in the claim of the American Board of Missions for losses in the Cherokee Nation during the late war, for the use of the Interior Department.

Mr. WALLACE asked and obtained consent for the withdrawal from the files of the House of the papers in the case of the heirs of Colonel David Hopkins, late of Chester District, South Carolina, and in the case of the heirs of Josiah Chamberlain, late of Ontario County, New York, for reference to the Committee on War-Claims.

The SPEAKER. The Chair notices that in the case of several of these applications for the withdrawal of papers, it is stated that they are to be referred to committees of this House. In such cases it is not necessary to make this formal application to the House. When the papers are to be referred to committees, remaining in the possession of the House, all that is necessary, under the rule, is to make application at the desk of the Clerk.

Mr. RANDALL. It is usual to accompany these applications with the stipulation that copies of the papers withdrawn are to be left on file.

The SPEAKER. The gentleman being a member of the Committee

on Rules is aware that that committee is now preparing a rule on that subject.

Mr. RANDALL. I know that; but until such a rule is prepared and adopted, I wish to have that order made in these cases.

Mr. SPEAKER. The order will be made.

PAY OF CONGRESSMEN.

Mr. KELLOGG. I ask consent to submit for adoption at this time the resolution I send to the Clerk's desk.

The resolution was read as follows:

Resolved, That the Special Committee on the Reduction of Salaries be directed to inquire into the actual amount paid to all the members of the House in the Thirty-ninth Congress for salaries, mileage, allowances for stationery, and all other allowances during said Congress; and to report the amounts of each and the gross amounts to this House, with the average amount for each member of this House in the Thirty-ninth Congress; also the gross amount and the average amount for each member of the House in the Forty-second Congress, as the law existed before the increase of March 3, 1873.

Mr. RANDALL. You ought to include the Fortieth and Forty-first Congresses.

Mr. KELLOGG. I have all that.

Mr. HALE, of New York. I object to the resolution.

Mr. KELLOGG. Then I move to suspend the rules for the purpose I have indicated.

The SPEAKER. The gentleman does not have the floor for that purpose. There is a motion to adjourn pending, which the Chair has been fighting off for some time for the benefit of the gentleman from Connecticut [Mr. KELLOGG] and other gentlemen.

Mr. KELLOGG. I hope the motion to adjourn will be voted down.

The question was then taken on the motion to adjourn; and upon a division there were—ayes 108, noes 59.

Before the result of the vote was announced,

Mr. PLATT, of Virginia, called for the yeas and nays.

Mr. KELLOGG. O, no; it is not worth while now, it is so late.

The yeas and nays were not ordered, there being only five in the affirmative; not one-fifth of the last vote.

The motion to adjourn was accordingly agreed to; and (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BUFFINTON: The petition of Ambrose N. Doane and 305 others, captains and owners, of vessels in Barnstable County, Massachusetts, praying Congress to place a light-ship on "Kill Pond Bar," so called.

Also, the petition of Alfred S. Kelley and 40 others, vessel-owners and seamen of Barnstable County, Massachusetts, for the same object.

Also, the petition of James O. Thompson, from Vineyard Haven, Massachusetts, late captain Company K, Seventeenth Regiment Maine Volunteers, (who was dismissed the service of the United States on the 23d of February, 1864,) praying Congress to grant him a reversal of said sentence of dismissal, and an honorable discharge from the service of the United States.

By Mr. BUNDY: Petition and evidence of John A. Fisher, of Portsmouth, Ohio, for relief as a wounded and disabled soldier during the late rebellion.

Also, petition of William S. Massie, to be placed on the rolls of Company H, Ninth Regiment West Virginia Infantry.

Also, the petition of Sarah Coles, widow of Samuel Coles, late of Company K, One hundred and ninety-fourth Ohio Volunteer Infantry, for a pension.

Also, the petition of D. Mackley, publisher of the Jackson Standard, and 128 citizens of Jackson County, Ohio, for amendment to postal laws requiring prepayment of postage on newspapers and printed matter, fixing rates by weight.

Also, the petition of the postmasters of Hocking County, Ohio, for prepayment of postage on newspapers and printed matter.

By Mr. BURCHARD: The petition of John S. Miller, for relief, and authority to Commissioner of Internal Revenue to cancel his bond.

By Mr. CALDWELL: The memorial of the trustees of the Methodist Episcopal church of Huntsville, Alabama, asking compensation for building destroyed by United States troops during the late war.

By Mr. CANNON, of Utah: The petition of Leonard J. Smith, of Utah Territory, for indemnity for depredations upon his property by the Shoshone Indians in 1864.

By Mr. CESSNA: The petition of J. M. Coolbrote of Hollidaysburgh, Blair County, Pennsylvania, for damages sustained by the destruction of the brig B. F. Martin, by the Steamer Union, in 1861, containing merchandise belonging to him.

Also, the petition of citizens of Somerset County, Pennsylvania, praying for the passage of a law requiring prepayment of postage on all papers and documents sent by mail.

Also, the petition and papers of Israel Yount, of Gettysburgh, Pennsylvania, praying for relief for injuries done his property by the United States Army.

By Mr. CLARK, of Missouri: The petition of Martha F. Collins, widow of William T. Collins, who was a private in company L, Fourteenth Regiment Kansas Cavalry Volunteers, for pension.

By Mr. COBB, of Kansas: A memorial of the Legislature of Kansas, praying the establishment of a post-route with tri-weekly service between Topeka, Shawnee County, and Alma, Wabanusee County, Kansas.

By Mr. COX: The petition of Martin Kalbfleisch's son, asking compensation for acids furnished the assay office, in the city of New York, in 1869-'70.

By Mr. DANFORD: The petition of Cephas Lindsey and others, of Enoch, Ohio, asking for change in the postal laws, so as to require the prepayment of postage on newspapers and other printed matter.

Also the petition of O. K. Black and others, of Freeport, Ohio, with the same prayer.

Also, the petition of P. J. Goodrich and others, of Sharon, Ohio, with the same prayer.

By Mr. DUNNELL: The petition of B. S. Langdon and 80 others, citizens of Minnesota, asking for amendment to the "tree-culture act."

Also, the petition of certain Mennonites, asking for certain privileges in entering the public lands.

By Mr. EAMES: The petition of John C. Scott and 51 others, citizens of Rhode Island, praying for protection of civil rights.

By Mr. ELKINS: A petition of settlers on the abandoned military reservation known as "Fort Sumner," in New Mexico, asking to be allowed to obtain title to said lands under the pre-emption or homestead laws, the same as other settlers of the public lands.

By Mr. FRYE: The petition of Lieutenant James J. Chase, of Turner, Maine, for an increase of pension.

Also, the petition of Joseph Penney, of Maine, for bounty land.

Also, the petition of Mary J. Blood, of Lewiston, Maine, for a pension.

By Mr. HAYS: The petition of citizens of Autauga County, Alabama, praying for the passage of the civil-rights bill.

By Mr. HOSKINS: The petition of Timothy Paige, of Lockport, New York, for a pension.

By Mr. LOWE: The petition of Amos Herr and others, Mennonites, for certain privileges in acquiring public lands.

By Mr. MCCRARY: The petition of David Alexander, private Company D, First Regiment Nebraska Cavalry Volunteers, for a pension.

By Mr. MITCHELL: The petition of George K. Gregory, Rev. S. P. Lalumiere, and 213 others, asking for the passage of a bill to promote immigration to the United States, and for the protection of immigrants.

By Mr. MONROE: The petitions of the representatives of the Mennonites of South Russia and Prussia, in regard to the purchase of public lands of the United States for a colony.

By Mr. MYERS: The petition of Mrs. Ann Humphreys, of Philadelphia, widow of Lawrence Humphreys, late a private in Company H, Ninety-first Pennsylvania Volunteers, for a pension.

By Mr. NEAL: The petition of sundry citizens of Brown County, Ohio, praying a repeal of the stamp act so far as druggists are concerned.

By Mr. PACKARD: The petition of M. G. Bliss and H. P. Swarz, druggists, of Crown Point, Indiana, for the repeal of the stamp tax as applied to druggists.

By Mr. PARKER, of Missouri: The petition and evidence in the case of Mrs. Louisa B. Mallory, postmaster at Potosi, Missouri.

By Mr. PENDLETON: The petition of the Rhode Island State executive committee, praying in the name of the colored people of the State for protection of their civil rights.

By Mr. PIERCE: The petition of the druggists and pharmacists of Boston and vicinity for the repeal of schedule C of the act of Congress of June 30, 1864, and July 13, 1866, taxing drugs and medicines.

By Mr. RANDALL: The petition of James McGarrigle, asking the refunding of money improperly paid to the United States Government.

Also, the petition of Edward Hanly, musician in Company H, Ninth Regiment Veteran Reserve Corps, asking for a pension.

Also, the petition of R. L. Law, commander United States Navy, asking a restoration of rank.

By Mr. RANSIER: The petition of Mary Ann Slawson, widow of Hamilton Slawson, sr., for a pension.

Also, the petition of George Daniels, sr., of Beaufort County, South Carolina, for a pension for services in the war of 1812.

By Mr. SHOEMAKER, of Pennsylvania: The petition of the Board of Trade of Scranton, Pennsylvania, in favor of a free national banking law.

By Mr. SMITH, of Pennsylvania: The petition of the representatives of the Mennonites of South Russia and Prussia, praying that they may be allowed to take up and secure sections of Government land lying adjacent, either by purchase or under the homestead laws, and to reserve the same until 1881.

By Mr. SWANN: The petition of George W. Andrews, J. F. Moore, W. Silver Thompson, G. W. German, F. W. Blaney, and 170 others, chemists and druggists of the city of Baltimore and State of Maryland, in reference to the late decisions of the Commissioner of Internal Revenue, particularly those relating to the stamping of officinal medicines, &c.

Also, resolutions signed by J. F. Wancock, president, Joseph Roberts, Richard Sappington, second vice-president, J. Brown Bayley, treasurer,

and the board of examiners of the Maryland College of Pharmacy, praying for the repeal of the stamp tax on medicines.

By Mr. TREMAIN: The petition of Daniel Wormer for relief.

By Mr. WALLACE: Joint resolution of the Legislature of South Carolina, asking Congress to grant relief for the present financial embarrassment by authorizing the issue of an additional amount of currency.

Also, joint resolution of the Legislature of South Carolina, asking from Congress an appropriation to rebuild a wing of the Government building in the city of Charleston, called the "Citadel," and which was consumed by fire while in possession of the Army of the United States.

Also, joint resolution of the Legislature of South Carolina, requesting Congress to grant to the militia of that State the use of Government buildings in the city of Charleston, known as the "Citadel."

By Mr. WALLS: A petition of 176 citizens of Nassau County, Florida, petitioning Congress for the passage of the Sumner civil rights bill.

By Mr. WILLARD, of Vermont: Claim of Mrs. Mary Storrs, of Montpellier, Vermont, for a pension.

Also, petition of Rufus Mead, consul at San Juan del Sur, asking compensation for performing extra duties.

By Mr. WILLIE: Memorial of R. G. Crozier, for payment for goods taken by United States soldiers in the Mexican war.

Also, memorial of the mayor and board of aldermen of the city of Galveston to the Congress of the United States, asking the improvement of the harbor of Galveston.

By Mr. WILSON, of Iowa: The petition of Sarah H. Crosby, praying for a pension.

NOTICE OF A BILL.

The following notices of leave to introduce bills was given under the rules:

By Mr. BUNDY: A bill to provide for the payment to the State of Ohio $552,590.52, to reimburse claimants for property destroyed during the Morgan raid through said State in July, 1863.

POST-ROUTE BILLS.

Bills to establish post-routes were, under the rules, introduced, and referred to the Committee on the Post-Office and Post-Roads, as follows:

By Mr. CROSSLAND: A bill to establish a post-route from Mayfield, Kentucky, to Viola, via Pottsville, Lowe's, and Kansas.

By Mr. HENDEE: A bill establishing certain post-roads in Vermont.

By Mr. LUTTRELL: A bill to establish a post-route from Yreka to Oak Bar, in California.

Also, a bill to establish a post-road from Petaluma to Trinidad, California.

IN SENATE.

TUESDAY, *December* 9, 1873.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D., of Washington.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

The VICE-PRESIDENT, under the order made yesterday, appointed Mr. ALCORN a member of the Committee on Mines and Mining.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, in response to the resolution of the Senate of the 2d of December, instant, relating to the Louisville and Portland Canal; which, on motion of Mr. CONKLING, was referred to the Select Committee on Transportation Routes to the Sea-board.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions of a mass-meeting of the workingmen of Philadelphia, Pennsylvania, on the subject of the finances of the country; which were referred to the Committee on Finance.

Mr. CONKLING presented the petition of Frederick Francis Baury, a citizen of the city and State of New York, praying to be commissioned a lieutenant in the United States Navy, and placed on the retired list, in consequence of wounds received in the line of duty; which was referred to the Committee on Naval Affairs.

Mr. HAMLIN. I have received, and been requested to present, the petition of Hannah W. Vreeland, of Jersey City, New Jersey, who asks for a pension upon the grounds and for the reasons set forth in her petition. I move that it be referred, together with sundry papers which I present, to the Committee on Pensions.

The motion was agreed to.

Mr. SUMNER. I present the petition of a large number of colored citizens of Hyde Park, Massachusetts, setting forth the indignities and grievances to which they are exposed in travel, at schools, and in various other ways, on account of color, and asking the prompt passage of the supplementary civil rights bill.

I also present a similar petition of citizens of West Virginia.

As that bill is still on the calendar, I move that these petitions lie on the table.

The motion was agreed to.

Mr. SUMNER presented the petition of James H. Caustin, son and sole heir of Isaac Caustin, deceased, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. WRIGHT presented the petition of Miriam Ward, of Johnson County, Iowa, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of A. J. Smith, of Dallas County, Iowa, praying for compensation as surgeon in the years 1864-'65; which was referred to the Committee on Military Affairs.

He also presented the petition of John Pilmer, late of Company H, Ninth Iowa Cavalry Volunteers, praying to have the charge of desertion removed and be restored to pay; which was referred to the Committee on Military Affairs.

He also presented resolutions adopted at a meeting of soldiers of Van Buren, Iowa, in favor of granting to soldiers and sailors who served ninety days in the war of the rebellion, and were honorably discharged, 160 acres of public land; which were referred to the Committee on Public Lands.

Mr. SCOTT presented a memorial of citizens of Greensburgh, Pennsylvania, and vicinity, recommending an increase of the pension of Samuel B. Lauffer to $55 per month; which was referred to the Committee on Pensions.

Mr. FERRY, of Connecticut, presented the petition of Silas Hurd, Seth Hurd, Ezra C. Blackman, and James C. Blackman, of Huntington, Fairfield County, Connecticut, praying compensation for damages to their "fishing place" by persons in the employ of the United States; which was referred to the Committee on Claims.

Mr. ANTHONY presented the petition of Commander R. F. R. Lewis, of the United States Navy, praying to be restored to his original position on the Navy list; which was referred to the Committee on Naval Affairs.

He also presented the petition of Amelia Ferguson, of Washington, District of Columbia, praying that a pension be granted to herself and daughter for the long, faithful, and arduous services of her late husband, Professor James Ferguson, of the Naval Observatory, whose life was sacrificed to his zeal in his profession, constant duty, and nightly exposure for a period of over twenty years; which was referred to the Committee on Pensions.

Mr. RAMSEY presented a petition of citizens of Minnesota, praying for such changes in the postal laws as will require the prepayment of postage on all mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented the petition of Captain George W. Jackson, of Lewis County, West Virginia, praying for a pension for services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. CLAYTON presented the petition of Angelina Logan, of Van Buren, Arkansas, praying for compensation for services rendered in a Government hospital; which was referred to the Committee on Claims.

Mr. CONOVER presented the petition of Commodore Edward Middleton, praying for compensation for property taken by United States troops in South Carolina during the late war; which was referred to the Committee on Claims.

Mr. KELLY presented the petition of John Farrel, Edward Boyle, and 190 others, soldiers in the late war, now residents in Oregon, praying Congress to so amend the homestead law that discharged soldiers can acquire homesteads without residing thereon, and locate the same by agents; which was referred to the Committee on Public Lands.

Mr. COOPER presented the memorial of the Pharmaceutical Association of Tennessee, asking relief from internal-revenue taxation, as now construed by the Commissioner; which was referred to the Committee on Finance.

Mr. BOREMAN presented a petition of citizens of Grant and Pendleton Counties, West Virginia, praying the establishment of a post-route in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BUCKINGHAM presented the memorial of A. G. Batchelder and Alice F. Thompson, of Lowell, Massachusetts, praying for an extension of a patent for an improvement on railroad car brakes; which was referred to the Committee on Patents.

Mr. INGALLS presented a petition of citizens of Kansas, praying that the postal law may be so amended as to require the prepayment of postage on all matter transmitted through the mails; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. THURMAN presented the memorial of Dr. William Trevitt, former United States consul at Valparaiso, Chili, asking payment of salary and clerk hire; which was referred to the Committee on Foreign Relations.

Mr. ROBERTSON presented resolutions of the Legislature of the State of South Carolina, in favor of so amending the act of June 3, 1864, providing for a national currency, as to authorize the Comptroller of the Currency to issue to national banks organized under that act an amount of circulating notes or currency which shall be equal to 90 per cent. of the current market value of the United States bonds transferred and delivered by such banks respectively to the Treasurer, without limitation as to the par value of such United States bonds; which were referred to the Committee on Finance.

He also presented a concurrent resolution of the Legislature of the State of South Carolina, in favor of granting for the use of the militia of that State the citadel in the city of Charleston, now in possession of the United States; which was referred to the Committee on Public Buildings and Grounds.

He also presented a resolution of the Legislature of South Carolina, in favor of an appropriation for rebuilding a wing of the citadel in Charleston, burned while occupied by United States troops; which was referred to the Committee on Public Buildings and Grounds.

Mr. CARPENTER presented two petitions of citizens of Bent County, Territory of Colorado, representing that a large number of patents to lands lying in that county have been illegally issued to the injury of actual settlers thereon, and under circumstances indicating the criminal misconduct of officers of the Government intrusted with the disposal of those lands, and praying that such fraudulent patents be set aside; that Congress investigate the matters complained of, and that the guilty officials, if any there be, be publicly disclosed; which were referred to the Committee on Public Lands.

Mr. WRIGHT presented the petition of Daniel Ivens, M. D., late hospital steward Thirty-sixth Regiment Iowa Infantry, praying compensation for services rendered as assistant surgeon between October 4, 1862, and August 26, 1865; which was referred to the Committee on Military Affairs.

Mr. AMES presented the petition of Dr. William M. Compton, J. M. Stone, and W. C. McAlexander, praying for the passage of an act by Congress relieving them from all liability as sureties on the bond of B. B. Emory, late collector of internal revenue for the third colection district of Mississippi; which was referred to the Committee on the Judiciary.

WITHDRAWAL OF PAPERS.

On motion of Mr. FERRY, of Connecticut, it was

Ordered, That the petition and papers in the case of Charles Lanman be taken from the files and referred to the Committee on the Library.

On motion of Mr. BROWNLOW, it was

Ordered, That the petition and papers in the case of Alexander Kennedy be taken from the files and referred to the Committee on Claims.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and accompanying papers of Sallie E. Herrick, heir-at-law of Percival Everett, a soldier of the Revolution, be taken from the files and referred to the Committee on Revolutionary Claims.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and accompanying papers of Hiram W. Love, praying compensation for cotton destroyed by United States troops during the late war, be taken from the files and referred to the Committee on Claims.

On motion of Mr. SPENCER, it was

Ordered, That the petition and papers in the case of Annie D. Brooks, widow of the late General W. T. H. Brooks, praying for a pension, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. LOGAN, it was

Ordered, That the petition and papers in the case of Robert M. Douglas and Stephen A. Douglas be taken from the files and referred to the Committee on Claims.

On motion of Mr. HAMILTON, of Maryland, it was

Ordered, That the petition and accompanying papers of the heirs of Nathaniel Heard, an officer in the Army during the revolutionary war, be taken from the files and referred to the Committee on Revolutionary Claims.

On motion of Mr. THURMAN, it was

Ordered, That the petition and accompanying papers of Benjamin D. Lakin be taken from the files and referred to the Committee on Claims.

On motion of Mr. ALLISON, it was

Ordered, That the petition and accompanying papers of Charles J. Hansen be taken from the files and referred to the Committee on Pensions.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Thomas M. Redd be taken from the files and referred to the Committee on Claims.

On motion of Mr. ANTHONY, it was

Ordered, That the petition and papers of Samuel Capron be taken from the files and referred to the Committee on Pensions.

On motion of Mr. SARGENT, it was

Ordered, That Madame A. Don Bernard have leave to withdraw her petition and papers from the files of the Senate.

On motion of Mr. BOGY, it was

Ordered, That Thomas B. Wallace, of Lexington, Missouri, have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. BOGY, it was

Ordered, That the petition and papers of Antonio Pelletier be taken from the files and referred to the Committee on Foreign Relations.

On motion of Mr. BOGY, it was

Ordered, That the petition and papers of Edward Gallaher be taken from the files and referred to the Committee on Claims.

On motion of Mr. BOGY, it was

Ordered, That the petition and papers of Chauncy M. Lockwood be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. FERRY, of Connecticut, it was

Ordered, That the petition and papers of Charles Pratt, of New Haven, and others be taken from the files and referred to the Committee on Claims.

On motion of Mr. LOGAN, it was

Ordered, That the petition and papers of W. W. Elliott be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. McCREERY, it was

Ordered, That the petition and papers of William R. Boice, of Kentucky, be taken from the files and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the petition and accompanying papers of Warren & Moore, of Nashville, Tennessee, praying for compensation for the destruction of a building, be taken from the files and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the petition and accompanying papers of Robert Young, of Nashville, Tennessee, praying for compensation for the destruction of a building belonging to him, be taken from the files and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the petition and accompanying papers of the pastor and members of the Catholic church of Chattanooga, Tennessee, praying for compensation for the use and appropriation of their church building by the forces of the United States, be taken from the files and referred to the Committee on Claims.

Mr. SCOTT. I inquire of the Senator from Tennessee, as he has asked for several orders withdrawing papers, whether there have been adverse reports in any of those cases?

Mr. COOPER. None; the reports have all been favorable, so far as the cases have been reported upon at all.

Mr. SCOTT. I take this occasion to call the attention of members of the Senate to the forty-ninth rule of the Senate, which prohibits the withdrawal of papers and a reference of them again where there has been an adverse report. It will save the time both of Senators and of committees if that rule is observed, so that the committees will not be called upon to examine the merits of claims when they come within that rule.

Mr. COOPER. So far as these cases were reported upon, the reports were favorable. One or two were not reported upon at all.

BILLS INTRODUCED.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 118) explanatory of the ninth section of the act of July 13, 1866, concerning deposits in savings-banks; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 119) for the better security of property in patterns for metal castings; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. SCHURZ asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 120) to confirm certain land titles in the State of Missouri; which was read twice by its title, referred to the Committee on Private Land-Claims, and ordered to be printed.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 121) granting a pension to Catharine Ferry; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 122) for the relief of Rollin White; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 123) to provide for the transmission of correspondence by telegraph; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. MORRILL, of Vermont, in pursuance of previous notice, asked and obtained leave to introduce a bill (S. No. 124) providing for the resumption of specie payments and for free banking; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. HAMILTON, of Texas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 125) authorizing the Secretary of the Treasury to purchase a site and construct thereon a building, to be used as a court-house, post-office, and revenue office, at Austin, Texas; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 126) to provide for the payment of bounty to the Fourth Regiment Iowa Infantry Volunteers; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. AMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 127) for the relief of J. M. Stone, William M. Compton, and W. C. McAlexander; which was read twice by its title, referred to the Committee on the Judiciary, with the accompanying papers, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 128) for the relief of T. C.

Callicot, late special Treasury agent at Charleston, South Carolina, George W. Clark and Alexander McLeod, of South Carolina; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 129) concerning and authorizing the Washington and Saint Louis Railroad Company to extend and construct their railroad into the District of Columbia, and through the States of West Virginia, Ohio, Indiana, and Illinois to the city of Saint Louis, in the State of Missouri, and a branch road from any point they may elect on the main line of their road in the State of Indiana, to the city of Chicago, in the State of Illinois; which was read twice by its title, referred to the Committee on the District Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 130) to remove the disabilities of Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, all of Virginia, and John H. Reagan, of Texas; which was read twice by its title.

Mr. JOHNSTON. I ask the Senate to proceed to the immediate consideration of the bill.

The VICE-PRESIDENT. It requires unanimous consent.

Mr. CONKLING. I do not mean to make any objection to two of those names especially, as to which I have heard something; but there are two included in the bill, of which I have heard nothing, although I supposed I had been informed about it. I suggest to Senators that if this bill is not to be referred to a committee, they had better let it be printed and lie over a single day in order that we may see these names and know what they are and have an opportunity to make inquiry.

Mr. JOHNSTON. I have no objection. I move that the bill be printed and lie on the table.

The motion was agreed to.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 131) for the relief of John P. Kelsey; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 132) to provide for the construction of levees on the Mississippi River; which was read twice by its title, referred to the Select Committee on the Levees of the Mississippi River, and ordered to be printed.

Mr. NORWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 133) for the relief of Thomas Hardeman, jr., of Georgia; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 134) for the relief of Daniel S. Mershon, jr.; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 135) relating to certain public lands bordering on Lake Pontchartrain, in the city of New Orleans, Louisiana; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 136) to repeal the second section of an act entitled "An act to amend an act to establish the judicial courts of the United States, approved September 24, 1789, approved February 5, 1867;" which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 137) relating to the jurisdiction of the Supreme Court of the United States in certain cases; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

M. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 138) making provision for arming and equipping the whole body of the militia of the United States, and for other purposes; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 139) for the relief of James DeLong, late United States consul at Aux Cayes, Hayti; which was read twice by its title, referred to the Committe on Commerce, and ordered to be printed.

THE JUDICIARY ACT.

Mr. CARPENTER. I submit the following resolution, and ask for its present consideration:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the twenty-fifth section of the Judiciary act, so called, of 1789, is repealed by section 2 of chapter 28 of the laws of 1867; and, if so, whether any and what legislation is required upon the subject; and to report by bill or otherwise.

Mr. SUMNER. I should like to inquire what that refers to.

Mr. CARPENTER. The second section of the act of 1867 is regarded by some as repealing the twenty-fifth section of the act of 1789.

Mr. SUMNER. What does the twenty-fifth section refer to?

Mr. CARPENTER. The twenty-fifth section is in regard to writs of error to State courts. It is thought by some that the act of 1867 has repealed that section.

The resolution was considered by unanimous consent, and agreed to.

CUSTOMS FINES, PENALTIES, AND FORFEITURES.

Mr. MORRILL, of Maine, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate a statement of the several amounts paid to collectors, naval officers, and surveyors of customs, and detectives engaged in that service, on account of distributive shares of fines, penalties, and forfeitures for ten years ending June 30, 1872.

TIMBER ON WESTERN PLAINS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Lands be directed to inquire into the expediency of so amending the act of March 3, 1873, "to encourage the growth of timber on Western prairies," as to require, first, the applicant for the benefits of the act to break and cultivate the requisite number of acres by the end of the first year, and to have the same planted in trees under proper cultivation at the expiration of three years from the day of entry; and, second, to permit any legal subdivisions of the public domain less than a quarter section to be entered under the provisions of said act; and, third, to extend the provisions of the act to tracts of 160 acres composed of legal subdivisions, if contiguous, though taken from different sections, defined by the survey and plats.

PRESIDENT PRO TEMPORE.

The VICE-PRESIDENT. The Chair will give notice that after to-morrow he will be absent for several weeks. The notice is given for the purpose of affording the Senate an opportunity to elect a President *pro tempore*.

THE CURRENCY—SPECIE PAYMENTS.

Mr. BUCKINGHAM. If we are through with the morning business, I ask that Senate bill No. 30 be taken up for the purpose of moving its reference to the Committee on Finance.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Connecticut moves to proceed to the consideration of the bill (S. No. 30) to provide for free banking, to secure an elastic currency, to appreciate national obligations, and to reach specie payments without commercial embarrassment.

The motion was agreed to.

Mr. BUCKINGHAM. The bill is very brief, and I should like to have it read.

The Chief Clerk read as follows:

Be it enacted, &c., That the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, is hereby declared to be open and free for banking, and any and all persons are at liberty to organize banking associations at such places and with such capital as they shall think proper, in accordance with the provisions of that and other acts relating to national banking.

SEC. 2. That hereafter each and every national banking association may determine for itself the amount of lawful money of the United States that it will keep on hand; but every association shall, on demand, redeem its circulating notes at such localities as are now or may hereafter be designated by law, either in coin, or in United States legal-tender notes, or in United States interest-bearing bonds at par, as such association shall elect.

SEC. 3. That United States legal-tender notes, in sums of $1,000, and its multiple, shall, on demand by the holder thereof, be redeemed by the Treasurer of the United States, either with coin or with United States bonds at par, as he shall elect. The principal of such bonds shall be payable in coin in ——— years from the 1st day of January in the year in which they may be issued, and shall bear interest, payable semi-annually in coin, at the rate of 5 per cent., and shall be free from State and municipal taxation.

SEC. 4. That the principal of any United States bonds bearing interest in coin at a rate not less than 5 per cent. per annum, whether due or not, shall, on demand by the holder thereof, be paid by the Treasurer of the United States in legal-tender notes, and the accrued interest in coin.

SEC. 5. That it shall be the duty of the Secretary of the Treasury to issue bonds as herein described in denominations not less than $100 and legal-tender notes in denominations not less than $5, and to make all rules and regulations necessary to furnish proof of the lawful issue of such bonds and notes, and for the full execution of all the provisions of this act.

Mr. BUCKINGHAM. Mr. President, I said a few days since that whenever I should make this motion to refer I would occupy not more than two minutes in making some statements relating to the bill. But I find that it will take me ten or twelve minutes to say as much as many Senators would say in two. I therefore ask a little indulgence.

I will not go into a diagnosis of the financial disease which now affects the interests of the country, but proceed at once to offer a specific. I will not urge it upon the patient by an extended argument, but content myself by stating what I hope may be accomplished if the bill shall become a law.

The bill varies but little from one which I introduced at the last session of Congress. It provides for free banking—a desirable measure, but not without embarrassment and danger Free banking under our present practice of non-redemption would be merely inflation without contraction, or a system without elasticity. It would undoubtedly enhance the prices of nearly every product, make a wider margin between the price of coin and currency than now exists, and would bring more extended commercial embarrassment than we have yet experienced before specie payments could be reached.

In order to guard against such danger there should be a positive redemption of bank-note circulation. That redemption must be more than an exchange of equal values, more than a Government note for a bank note. It must be in that which a note-holder will value more highly than he values the note. It should be in coin or its equivalent. If this can be secured, I see no objection to free banking.

I have, therefore, provided in the bill that banks shall, on demand, redeem their circulation either in coin or in United States bonds

bearing interest, or in legal-tender notes, which, by another provision in the bill, can be converted either into coin or bonds.

The bill does not limit the amount of circulation. A limit is not in harmony with, but is incompatible with, elasticity. Currency is used to pay small bills of daily necessity and to settle balances of a more extended business throughout the country. Unless you can determine the amount of those bills and of those balances you cannot determine the amount of currency required. Currency is the instrument by which you move the wheat crop from the West and the cotton crop from the South. To limit the power of this instrument to transfer these crops to market would be as unwise as it would be to limit their production.

The bill also provides that each bank may determine for itself the amount of reserve that it will keep on hand for the purpose of meeting its indebtedness. The merchant, the manufacturer, and the member of Congress determines each for himself how much money he will keep in his hands, or in the bank, in order to meet claims that may be brought against him. Whether he requires as a reserve 5 or 50 per cent. of his indebtedness, he is to judge. No law restrains him. But if he shall misjudge and not keep enough, his credit will suffer, and eventually he may become bankrupt. So, if a bank does not keep a reserve sufficient to meet claims brought against it, its credit will suffer, and the Comptroller of the Currency should adjudge it bankrupt and wind up its business.

The bill also provides for an interchange of legal-tender notes and United States bonds bearing interest at the rate of 5 per cent. per annum.[es] When I introduced a similar bill at the last session of Congress I was of the opinion that interest at the rate of $3\frac{65}{100}$ per cent. would be sufficient. My mind was then resting upon the convenience with which that rate of interest could be calculated, but reflection satisfies me that there is great doubt whether that rate of interest would be sufficient to attract as large an amount of currency as should be retired at particular seasons of the year or at a time of business stagnation. With this plan of interchangeability there would be no increase of the principal of the debt of the Government. There could be no issue of bonds until there should be a decrease of the currency, and no increase of currency until there should be a corresponding reduction of bonds. This interchangeability would give elasticity to the currency such as we have never known. Those who are in favor of expansion can support this bill. It will expand the currency. Those who advocate contraction can approve this bill. It will contract the currency. It is a ship sharp both at prow and stern, and can be propelled either way by the demands of internal commerce. It will also encourage and stimulate domestic industry so as to increase our productions and send them to a foreign market. This would lead us on in the direct road to a specie basis.

But we cannot maintain specie payments by any power of the will or by direct legislation. The laws of trade are stronger than the will of Senators or the statutes of Congress. Coin, being the recognized standard of value throughout the civilized world will flow into the coffers of the creditor nation. It is required only to pay balances, and when the national clearing house adjusts the debits and credits the balance will go in coin to the creditor nation. We are to-day the debtor nation, and cannot maintain specie payment, unless we are able to buy coin at the market price. Ability is requisite to the maintenance of specie payments. How, then, shall we change our relations with the commercial world so as to become a creditor nation?

All that legislation can do is to adopt some national policy which will enable us to produce and send abroad more products in value than we import.

The bill insists that both the Government and the national banks shall redeem their notes in coin if they can and will, but if they cannot or will not, that they shall redeem them in that which is worth more than their notes—that is, in United States interest-bearing bonds. This ready convertibility would give a value to currency, which would be determined by the value of the bonds. Their value is now much higher than that of currency, and will appreciate by the passage of this bill.

They will be in demand by banks, both to secure and to redeem circulation, for temporary and permanent investments, and as a reserve for savings-banks to save them from an unexpected run.

With such a demand they must appreciate to within a fraction of par in coin, and the holder of notes, instead of paying a premium of 10 per cent. for coin, would by this means secure it for a fraction of 1 per cent.

This bill will not interfere with any other measures which Congress may adopt to increase our foreign commerce, or with those natural laws of trade which may eventually cause specie to flow from other countries into the hands of our own citizens; on the contrary, when that time shall come our bonds will be worth a premium in coin, and we shall be able to negotiate others at par bearing a lower rate of interest.

I commend the bill to the favorable consideration of the Finance Committee and of the Senate. Should it become a law, I shall anticipate the realization of the objects named in its title, such as free banking, an elastic currency, an appreciation of national obligations, and a near approach to specie payments without commercial embarrassment.

The honorable Secretary of the Treasury, during the recent panic, gave his testimony to the importance of one of the main provisions of the bill in attempting to break the force of the storm by exchanging legal-tender notes for bonds. But as his power to issue was limited to the fourteen millions of legal-tender notes which he had on hand, he failed to give the needed relief. Had the power to issue been as unlimited as the demand, he could have broken the force of the gale. But the events of the last ninety days have shown the necessity of these measures, and furnish a much stronger argument in favor of the passage of the bill than any that I can present.

The PRESIDING OFFICER. What disposition does the Senator ask shall be made of the bill?

Mr. BUCKINGHAM. I understand another Senator proposes to address the Senate upon it, and I therefore withdraw my motion to refer.

The PRESIDING OFFICER. The bill will lie on the table for the present.

TRADE WITH CANADA.

Mr. MORTON. I offer the following resolution:

Resolved, That the Secretary of the Treasury be instructed to report to the Senate the amount of imports from the provinces composing the Dominion of Canada to the United States for the years 1871 and 1872, and the amount of the exports to the same provinces from the United States for the same years, and the amount of exports and imports between the United States and the same provinces for the two years preceding the termination of the reciprocity treaty.

I ask to have the resolution lie on the table with a view at some future time of submitting some remarks upon it in regard to the relations existing between the Dominion of Canada and the United States and the Dominion of Canada and England.

The PRESIDING OFFICER. The resolution will lie on the table.

ADJOURNMENT.

Mr. CONKLING. Unless some Senator has something to present to the Senate of special moment, I move that the Senate adjourn.

The motion was agreed to; and (at one o'clock and four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 9, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The SPEAKER. If there be no objection, the Journal of Monday, which embraces the introduction of numerous bills by members merely for reference, will be read only so far as the mention of the name of the member who introduced the bill, omitting the titles of bills and other merely formal proceedings relating thereto; otherwise the reading of the Journal will take up most of the time of Tuesday's session.

There was no objection, and it was ordered accordingly.

The Journal of yesterday was read as it was agreed it should be, and approved.

EDUCATIONAL FUND.

Mr. G. F. HOAR, from the Committee on Education and Labor, reported a bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people; which was read a first and second time, ordered to be printed, and recommitted.

Mr. G. F. HOAR moved to reconsider the vote by which the bill was recommitted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CLERKS OF COMMITTEES.

Mr. BUFFINTON, from the Committee on Accounts, reported the following resolution:

Resolved, That authority is hereby given for the appointment of clerks, by such committees as were authorized to employ clerks in the last Congress, at the compensation paid for that service, such compensation not to apply to any of the recesses of Congress: *Provided*, That the Committees on Agriculture and Manufactures shall have a clerk jointly; and the Committee on War Claims shall have authority to employ a clerk on the same conditions, at the usual rate of compensation.

Mr. DAWES. Will my colleague state how many committees were authorized to employ clerks at the last session of Congress?

Mr. BUFFINTON. This resolution authorizes the committees to employ clerks which were allowed to employ clerks during the Forty-second Congress.

The resolution was adopted.

Mr. BUFFINTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MORNING HOUR.

The SPEAKER. The morning hour now begins at fifteen minutes past twelve o'clock, and reports from committees are in order, beginning with the Committee on Elections. But the Committee on Elections are not expected to report during the morning hour privileged business which, under the rules, they can report at any time.

THE LOAN OF 1858.

Mr. DAWES, from the Committee on Ways and Means, reported a bill (H. R. No. 478) to provide for the redemption of the loan of 1858; which was read a first and second time.

The Clerk read as follows:

Be it enacted, &c., That for the purpose of redeeming the bonds issued under the act entitled "An act to authorize a loan not exceeding the sum of twenty millions of dollars," approved June 14, 1858, as amended March 3, 1859, called the loan of 1858, it is hereby declared to be the pleasure of the United States to pay all of the coupon bonds of said loan of 1858, as well as the registered bonds of said issue, on the 1st day of January, 1874, at which date all interest thereon shall cease; and money in the Treasury sufficient to carry into effect the provisions of this act is hereby appropriated therefor.

SEC. 2. The Secretary of the Treasury may issue an equal amount at par, of principal and interest, of the 5 per cent. bonds of the funded loan under the act to fund the national debt, approved July 14, 1870, and the act amendatory thereof, approved June 20, 1871, for such of said bonds of the loan of 1858 as the holders thereof may, on or before February 1, 1874, elect to exchange for 5 per cent. bonds of the funded loan, with interest from said January 1, provided no commission or allowance whatever shall be paid for the exchange of bonds hereby authorized.

Mr. KELLEY. I ask my colleague, the chairman of the committee, to permit me to offer an amendment in the nature of a substitute for the bill of the committee.

Mr. DAWES. I will yield for that purpose.

The Clerk read as follows:

Be it enacted, &c., That it is hereby declared to be the pleasure of the United States to pay the outstanding bonds issued under the act to authorize a loan not exceeding the sum of $20,000,000, approved June 14, 1858, as amended March 3, 1859, on the 1st day of January, 1874; and money in the Treasury sufficient to carry this intention into effect, to pay said bonds is, hereby appropriated.

Mr. RANDALL. I suggest to my colleague to put instead of the word "money" the word "gold."

Mr. KELLEY. I prefer to let it stand as it is. But I have no objection to the word "coin" being inserted.

Mr. RANDALL. It was negotiated to be paid in coin, and for the credit of the country should be paid in coin.

Mr. DAWES. Mr. Speaker, a few days since I asked the House to pass a bill of similar import, which came from the other branch. That bill was referred to the Committee on Ways and Means, and upon careful consideration the committee has applied itself to guard assiduously the prerogative of Congress.

And while in reference to such bills as these there has not been a uniformity of precedents, the House will remember that in the last Congress there was some trouble, because the other branch sought to put out of sight the whole distinction between the House of Representatives and the Senate in the matter of money bills, and a considerable discussion arose between the two Houses upon their respective powers under the Constitution. It was thought, in order to avoid all that discussion, and not to establish any precedent or yield any right of the House, that it was best to report to the House an original bill.

The bill reported by the Committee on Ways and Means differs from the one which was before the House only in minor particulars, calculated to guard more effectually the object of the bill than the language of the bill which came from the Senate did, so as to meet the reasonable objections which were raised in different parts of the House while that bill was under discussion.

It makes no other provision than was in that bill except this: it provides in the first instance for the appropriation of money—coin—for the full amount of these bonds. It then provides in the second section for the authority in the Secretary of the Treasury to exchange for these bonds any of the 5 per cent. loan that any holder of these bonds may wish. It proclaims in the first instance, to the country and to the world, that the Government is ready, and has the means, to meet in gold all of its obligations as they may become due. It then provides, in the second section, that if any holder of these bonds prefers a 5 per cent. bond of the United States to gold, he can have it at par, without cost to the Government of the United States to effect the change.

That is the only difference between this bill and the substitute which the gentleman from Pennsylvania [Mr. KELLEY] has offered. The gentleman from Pennsylvania, solicitous, as well he may be, that the credit of the Government shall not be impaired, has offered as a substitute simply the provision that the Government shall say, "We are ready to meet our bonds whenever they shall become due." The bill before the House does that. The gentleman from Pennsylvania, in his substitute, is unwilling to add to that authority that if any man, the holder of the bonds that have become due, is willing to take at par a bond of equal interest running twenty years, he shall have the authority to make that exchange.

Mr. RANDALL. They are both 5 per cents.

Mr. DAWES. The committee are of opinion that it is wise, under all the circumstances, to give that authority to the Treasury, with every advantage which can come to the Government of the United States from the open proclamation of law, that we are ready to meet our obligations as already embraced in this bill. To take twenty millions of gold from the Treasury on the 1st day of January, unless it be to meet our obligations, would be, under all the circumstances in which the country stands to-day, a matter that I think no gentleman would desire to have done.

The Secretary of the Navy, in a communication to Congress yesterday, called upon us to make an extra appropriation. There is now of gold in the Treasury upon which there is no demand but about fifty-three million of dollars. That was the amount yesterday. If you take twenty millions of that fifty-three at once out of the Treasury, you have also to hold the Treasury in readiness to meet any call that may be made upon it, and to meet any extraordinary appropriations, which it is barely possible we may be called upon to make. When men holding these twenty millions of bonds stand ready to say "We would rather have your 5 per cent. loan than have your gold," it does not seem to me that wisdom of administration in any regard calls upon us to say to them, "We will not do it; but we will rather take these twenty millions to-day out of the Treasury of the United States to pay you." I know very well that if we had no extraordinary demand likely to be made upon the Treasuay—if we were hoarding gold—it might be quite right for us to say we will pay it out to meet these bonds. But we have outstanding three hundred and fifty millions, more or less, of paper that we do not pay, that men are carrying around in the transaction of business without any interest from the Government; and if we have any more gold than is necessary to meet the present demands of the Government, I think it is due to the faith of this Government, I think it is due to its credit, not only in the markets of the world but with its own citizens, that while our own demand notes, promisingto pay in gold, are floating about the country, disturbing all channels of business, we should not, instead of paying our promises that are due, take gold out of the Treasury to pay those who do not prefer gold to bonds.

But it is not necessary for us to discuss this. The bill itself contains no provision in conflict with the substitute offered by my friend from Pennsylvania, [Mr. KELLEY,] and it has all the merits the bill he proposes has. It has simply a second section which authorizes the Secretary of the Treasury, not upon his option, but upon the option of the holder of the bond, who says, "I would rather have your bond than your gold," to make that arrangement; and to my mind if we should exchange this twenty-million loan for twenty millions of our 5 per cent. bonds, when we hold the gold in our hands, and tender it to the bondholder, it is a proclamation to the world, if the holders of the twenty millions should prefer bonds rather than gold, which will have a more beneficial effect upon our credit than any declaration we can make.

Therefore it is, Mr. Speaker, that the Committee on Ways and Means prefer the adoption of the bill they have reported to the amendment offered by the gentleman from Pennsylvania.

In the discussion the other day a question was raised by the gentleman from Pennsylvania [Mr. RANDALL] in reference to commissions that were paid, as he supposed, to the syndicate in the negotiation of the Geneva award. I took occasion to say, Mr. Speaker, on that day, that whatever might have been demanded by the syndicate for commission, not a dollar of commission was paid. I desire to state further, that no man, whether belonging to the syndicate or not, ever made any claim upon the United States for any commission in that transaction, and no dollar was paid by the United States. The inference the public press drew from the transaction, that it was a part of the business of the syndicate, arose simply from this: that Great Britian employed some of the gentlemen, who are also in the syndicate, to transact this business for them at their expense, and, without the cost of a mill to the Government of the United States, the fifteen and a half million dollars was deposited in our Treasury and invested in 5 per cent. bonds, as it has been heretofore reported.

The gentleman from Illinois [Mr. BURCHARD] desires to offer an amendment to the original bill, and I will yield to him for that purpose.

Mr. BURCHARD. I move to amend the second section by striking out the words "with interest from said January 1."

Mr. DAWES. I now yield fifteen minutes to the gentleman from Pennsylvania [Mr. KELLEY.]

Mr. KELLEY. Mr. Speaker, it is not without great deference to the opinions of my colleagues on the committee that I propose a substitute for their bill; but I do it under a sense of duty, and not, I trust, without sufficient reason. I think the time has come when the American people and Government are masters of the situation, and should take the control of the financial affairs of the Government. We may hitherto have been under such conditions as compelled us to bow to circumstances. I think those conditions have passed away, and the time has come when we may and should ask the question whether we should do any act the tendency of which will be either to increase our gold-bearing indebtedness or perpetuate it.

While I admit the correctness of the statement of my excellent friend, the chairman of the committee, that the bill of the committee does not propose to increase the amount of such indebtedness, I maintain that it does propose to perpetuate it to the extent of $20,000,000; that it does propose to saddle the enterprise, the industry, the productive power of this country, with the annual payment for the next twenty years of $1,000,000 in gold, while the money with which to extinguish those bonds and relieve the country of that annual lien upon its production lies dead in the Treasury; and, again, that it proposes to do this while the American people are not only willing but anxious to lend the Government, at a low rate of interest, on certificates of deposit such as were issued during the war, or on convertible bonds, hundreds of millions of dollars with which to redeem not only the loan under consideration, but hundreds of millions of dollars of bonds the interest on which is 6 per cent. gold.

While we shall continue to owe, as we now do, $99,000,000 annually of gold interest, the industry, the workshop, and the farms of this country, will be, as they now are, enslaved by the money-changes, bankers, and brokers of the world.

The gentleman says that promises to pay a gold dollar are floating about, and bringing us to shame because we are not prepared to redeem them and keep the promise. I would like to see one of those promises to redeem a greenback with gold. They embody no such promise. They promise to pay a dollar; and a dollar is what the sovereign power has declared shall be a dollar. There is no promise to pay gold on the face of any of them, and there is no repudiation of a promise so long as they secure a dollar or are applicable as legal tender in the payment of debts to both the Government and citizens. But these remarks are incidental, and have been made in response to the suggestion of the gentleman.

Sir, let me in the first place remark that we owe $2,000,000,00 of gold-bearing funded debt, and that it is whispered—nay, is proclaimed everywhere by certain distinguished gentlemen—that we are ready to resume specie payments. Here is a debt of $20,000,000, or 1 per cent. of the whole. Why shall it not be paid? But let us speak of this loan as it will be spoken of in London and continental exchanges by the men who will deal with it. They will speak of it as a loan of four million pounds sterling. We are ready to pay it, and so declare, says the gentleman, in the bill. The first section of the committee's bill does declare that we are ready to pay it; aye, and so we are; and so I wish to announce to the world, without qualification or reservation; but the second section of the bill begs the holders, with most persuasive suggestions, not to try our ability by presenting their bonds for redemption. I say, let us proclaim to the dealers in credit that we are not only ready but determined to pay this loan of four million pounds sterling; that we are not, like Turkey and the states of Central America, compelled to go into the London money-market for a petty loan like that. The money is in the Treasury. Why not vindicate our credit by applying it to this purpose? There was at the close of last month more than $83,000,000 in gold in the Treasury, with a steadily rising balance. Permit me to say, Mr. Speaker, that the gentleman is not strictly correct in saying that there are but $53,000,000 in the Treasury that are not subject to demand. There will be, after the 1st of January next, a call for $25,000,000, but that is a future demand.

Mr. DAWES. I will give the gentleman every dollar that is in the Treasury now subject to call over $53,000,000.

Mr. KELLEY. I am afraid that the proposition is something like the offer by Satan of all the kingdoms of the world.

Mr. DAWES. Fifty-three million two hundred and sixty-six thousand four hundred and forty-seven dollars and ninety-four cents is every dollar of gold in the Treasury not subject to call.

Mr. KELLEY. I think the gentleman is mistaken. I know that I have here the Secretary of the Treasury's monthly report of gold in the Treasury at the close of November, and that there have been no payments since; but in an interview with him yesterday I was told there would be a call for $25,000,000 next month; and I prefer to take the Secretary of the Treasury's published report to any statement of figures which I have not time to analyze that may be presented even by my respected chairman. But be the fact as it may, our people are ready to furnish means for the payment of this and larger loans if we will permit them. How willing and anxious they are to do this has been often and abundantly shown.

At the close of the financial year on the 30th of June, 1866, we had $120,176,196 loaned to us at 6, 5, and 4 per cent. currency interest by the American people on call, at ten days' notice. We forced them to take up their loan in order that we might pay 6 per cent. gold for the $120,000,000. We then, under the act of 1868, issued $75,000,000 of 3 per cent. certificates, the 3 per cent. payable in paper, and the people took them all and held them as long as the wisdom of Congress and successive administrations would permit them to hold them. But it was again deemed cheaper and better for the Government to pay 6 per cent. in gold to foreigners than 3 per cent. in paper to our own people, and we forced them to take up that loan also. It is true we have since had the grace to try and reduce that 6 per cent. to 5 per cent.; but thus has the fact been proven, in all our distresses, that the American people were ready to loan us hundreds of millions of dollars whenever we would allow them to do it, whether the temporary loan certificates were payable on demand, or on call at ten days' notice. Sir, had we had the wisdom to allow the American people to carry our loan as the British people carry the British loan, and the French people that of France, we could have had no crisis, and certainly no such crisis as we are now enduring. Our industries are paralyzed and our men of enterprise bankrupted because we so far repudiate our own dollar as to refuse to accept it as a loan even at a low rate of interest, when business is inactive; while the crops are maturing, or while navigation is closed by ice, there is therefore no legitimate employment for the full volume of our currency.

The Government will not receive it as a loan with which to purchase gold-bearing 6 per cents, and pay even 3 per cent. currency interest for its use. And what is the result? Hundreds of millions that would be at the service of the Government seek employment elsewhere, and find their way into banks to earn a small rate of interest, and find their way into that vortex, that maelstrom of America business, Wall street. They are deposited on call by their owners at low rates of interest at distant points, and come eastward or north by stages at increasing rates. The farmer or planter first deposits at the local bank; this bank forwards them to a bank or banker at the capital of the State in which the deposit is made; then they are forwarded, perhaps through intermediate banks, to a bank in New York; whence they go to the broker, and through him to the street. In each case they are deposited on call. Thus are banking credits compounded. Had the Government had, as it ought always to have, temporary loan certificates on convertible bonds, the September crash could not have occurred. How was it produced? When the time came that original or intermediate depositors wanted their money, the irresponsible people or institutions to whom it had been intrusted could not return it. Panic ensued, and the productive power of the country was paralyzed; and, to intensify the panic, the national banks of New York made a worse failure than has ever been made by banks in this country, for they refused to pay even their own notes to their depositors, but pooled their assets and paid in bank certificates, with which their customers—the owners of the money, with which they transacted business and earned dividends—might go and buy their own notes, the notes of these very banks if they could get them. There has, I repeat, never been so disgraceful a failure of banks as this. And I also repeat that the failure came about because the Congress of the United States has deemed it cheaper and more patriotic to borrow at 6 per cent. gold interest than to take its own money as a loan from its own people at a low rate of interest.

Now, sir, in conclusion I say that it is unbecoming this great country to palter about the redemption of a $20,000,000 loan. The money must lie sequestered in the Treasury from the time the bill shall become a law. We declare that the loan shall be paid, and therefore the fund to pay it must be sequestered; it may not be used by the Government for any purpose, whether of peace or war; it will be withdrawn from the control of the Secretary. Yet we are to allow the holders of the bonds a month at least to chaffer and test the market, and then, if they please, having extended the loans one month by securing them interest for that time, if they shall determine to change to another bond they will graciously avail themselves of our courtesy and come in and make the exchange. I trust Congress will not put the country in any such humiliating position. I trust it will not impair our credit abroad, by leaving any cynic to suggest a doubt of our ability to pay $20,000,000, and will at an early day provide legitimate employment in the interest of the Government and the people for the currency of the country, by reviving the system of temporary loans, with which to buy gold-bearing bonds, or the gold with which to call them home from Europe and redeem them. Thus can we relieve ourselves from the obligations to foreigners which prevent our use of coin as part of our currency, and prevent the concentration in Wall street of the balances and reserves of the banks of the entire country.

Mr. DAWES. The gentleman from Pennsylvania on my left [Mr. RANDALL] would like to have the word "money" changed into the word "coin." I will move that amendment, but I have not the right to accept it, as this is a report of a committee.

Mr. RANDALL. Allow me just a word.

Mr. DAWES. I will yield to the gentleman.

Mr. RANDALL. This loan was contracted in what I may term "coin" times. It was given to the country in coin, or the representative of coin; and there is an honest and equitable reason that it should be paid in the same. I prefer the bill as reported by the majority of the Committee of Ways and Means to that of my colleague, [Mr. KELLEY;] first, because they declare that if the holders of these bonds, due January 1, 1874, shall desire coin they shall receive it. I cannot conceive of any objection which this Government can make to the holders of this loan, if they shall desire it, receiving a bond at the same rate of interest; that is, at 5 per cent., the principal and interest of which, under the law, is made payable in coin.

I am unable to see why they cannot do so. That will not necessarily take coin out of the Treasury, unless the man who holds this loan shall want the coin; if he does, of course he will have it.

Another thing: the current of coin is now in this direction—toward this country. Our exports are in excess of our imports. There is not a drain on this country for gold from Europe, where, I am informed, the most of these bonds are held. Therefore it seems to me that we shall be enabled to redeem this loan by the bonds which we now have to place, at 5 per cent.

I prefer the word "coin" in preference to the word "money," because the word "money" has now become somewhat ambiguous. When you tell these holders that you are ready to pay this debt as you contracted it, in coin, they will be less inclined to take the coin. That has always been the experience of every one in such cases.

Mr. DAWES. I now yield five minutes to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. It appears to me that this question is a very narrow one, as between the gentleman from Massachusetts [Mr. DAWES] and the gentleman from Pennsylvania, [Mr. KELLEY.] I think a plain statement of the facts will, of itself, be a conclusive argument to this House as to whether they should adopt this bill or the substitute offered by the gentleman from Pennsylvania, [Mr. KELLEY.]

On the 1st day of January next will mature the obligations of this Government to the amount of $20,000,000, which must be paid. The Secretary of the Treasury, in his report sent to us last week, refers specifically to these obligations, telling us that there were two

kinds of bonds issued, registered bonds and coupon bonds, making in the aggregate this $20,000,000 authorized under the act of 1858 and 1859.

He also states that he has reason to believe that it is within his power to negotiate some of the 5 per cent. bonds authorized under the act of 1870, in redemption or in payment of the bonds maturing on the 1st of January. The bill sent to us from the Senate has two sections with two provisions; first, that we will pay these bonds upon the 1st of January; the second, that the Secretary of the Treasury shall be authorized in payment of these bonds to substitute the 5 per cent. bonds of 1870, he having no such authority under existing laws; because the law authorizing the refunding of the public debt confines him exclusively to the 6 per cent. outstanding bonds, and makes no particular reference of these bonds.

The bill reported by the gentleman from Massachusetts [Mr. DAWES] from the Committee on Ways and Means goes further than the Senate bill. It not only provides for the payment of these bonds; it proposes to give the Secretary of the Treasury permission to exchange the bonds, and at the same time guards the question of interest (which we are now taught to believe is an important element in the exchange of bonds) as between 5 per cent. and 6 per cent.; for we know by experience that where bonds are exchanged ostensibly at par, the exchanger, and not the Government, gets the benefit of accrued interest, equal to 1, 2, or 3 per cent.

But now the gentleman from Pennsylvania [Mr. KELLEY] comes in and wishes to deprive the Secretary of the right to make this exchange. He says that these maturing bonds ought to be paid. He would not give the Secretary the power to make the exchange at all, but would take the money out of the Treasury to pay these twenty million dollars' worth of bonds. Now, Mr. Speaker, is the money in the Treasury unless we appropriate it and put it there for that purpose? I think not. I think the experience of the Government within the last three months is that it has not had money enough wherewith to pay its accruing liabilities, without encroaching upon the reserve, which heretofore has been entirely sacred; and we have reason to believe that thirteen of the forty-four millions of the reserve have been necessarily taken by the Secretary of the Treasury for the purpose of meeting expenditures under the appropriations made by Congress.

But the gentleman tells us that, according to the balance-sheet of the Secretary of the Treasury, on the 1st of last December he had this amount. Does not the gentleman know that every dollar of that coin and that currency, returned as cash in hand, has a specific use and a specific purpose, and that to divert it to another purpose, entirely foreign to the objects for which it was placed there and is held there, would be a violation of duty by the Secretary of the Treasury, as it would be a violation of the law?

But, sir, I can readily understand why the gentleman from Pennsylvania wants to take money out of the Treasury. It is because he wants an excuse for further taxing the people, for the purpose of putting the money back again into the Treasury.

Mr. KELLEY. I am as much opposed to an increase of taxation as is the gentleman from New York, and shall fight shoulder to shoulder with him against any such increase.

Mr. WOOD. I can attribute no motive to the gentleman in desiring to pay the money when we can pay bonds, except the desire to take money from the Treasury, which he, as a common-sense man, knows the people must be taxed to put there again. Whether it be raised by direct internal taxation or by tariff imposts, the money must come from the people. Therefore I am opposed to the doctrine of the gentleman from Pennsylvania. I am in favor of refunding our existing public debt. I am in favor of converting these 5 per cents as fast as we can into permanent obligations of the Government, to be paid by another generation, instead of the present.

Mr. DAWES. I yield five minutes to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. Mr. Speaker, I cannot discuss this whole question in five minutes, but I can state it. We owe $20,000,000 of bonds issued in 1858, payable on the 1st day of January next. This bill provides in its first section that we shall pay the money on that day if the holders want it; if it is not demanded we provide that the interest upon the debt will cease on that day; and we prohibit the payment of any commission to anybody for making either settlements or transfers; but we provide in addition, by another section, that if the holders of these bonds prefer, instead of the money, to take our 5 per cent. bonds authorized by the law of 1870–'71, at any time before the 1st day of February, they shall have that privilege. That is the whole bill; its provisions are plain, simple, and easily understood.

The gentleman from Pennsylvania [Mr. KELLEY] says that we ought not to give the holders of our 1858 bonds that privilege; that we ought to pay the debt in gold on the 1st day of January next. The remainder of the committee are, I believe, all opposed to such a course, because we are advised that our creditors do not want the money, and because, if we make payment of that debt in gold now, we must raise that much more money by taxation from the people. Already the Secretary of the Treasury has told us that he needs a large amount of money now for contingencies that may arise. Other departments of the Government are calling for means. We are seeking to put all our debts on a 5 per cent. basis; and why should we not put these obligations in that form if the holders of the debt are willing? I do not say that the gentleman from Pennsylvania desires to impose additional taxation upon the people, but I do say that all men who desire to increase tariff taxation, all men who seek to impose additional burdens upon the people, would be glad to have this money taken out of the Treasury, that we may be compelled to raise from the tax-payers the ways and means necessary for running the Government.

I am one of those who believe that, in the present condition of the country, the Government ought not to pay any part of the principal of the public debt beyond keeping up the sinking fund as at present established. I would keep sacred the sinking fund of 1 per cent. But when it is perfectly certain that the property of the country will double in value in ten years, as it always has done and always will do, I see no sense in taking from the people by taxation (for it all has to come from there at last) money worth to them at least 10 per cent., to pay a debt that is bearing only 5 per cent. interest, when the people holding this 5 per cent. debt do not want it.

Suppose, Mr. Speaker, you are to-day worth $100,000, and owe $10,000, or 10 per cent. of what you are worth. Suppose it is perfectly certain that ten years from now you will be worth $200,000, by your present property doubling its value in that time as the wealth of the country does. You can well afford to pay the interest upon that debt for ten years, at the end of which time your indebtedness will have diminshed one-half in its relation to your means of payment, being then only 5 per cent. of your property. That is the meaning of this proposition. If the money is worth more to the people than 5 per cent., as it assuredly is, why should we not give them an opportunity to let the debt run, when the burden is diminishing every day by the increase of our wealth?

I think we have guarded this bill as well as we can. I differ with my friend from Pennsylvania, [Mr. RANDALL,] and there is the only point of difficulty I have. I do not like to admit that the principal of these bonds shall be paid in gold. By the legal-tender act of 1862, all debts contracted before, as well as afterward, were made payable in the currency of the country, and the Supreme Court, *the final arbiter*, whether wisely or not, have so decided; and every "greenback" dollar you have in your pockets contains the indorsement on its back that it shall be receivable at its face value for all debts and demands, public and private, except customs duties and interest on the public debt. The 5-20 bonds were authorized by the same act which created the legal-tender notes, and were bought with and made payable in these notes.

I have always regarded, and now regard, the act of March, 1869, which pretended to strengthen the public credit, as the greatest outrage, financially, ever committed by Congress. Under its provisions the Administration has undertaken to pay these greenback bonds in gold. The Secretary of the Treasury, in his report to this Congress, shows that he has paid $363,000,000 for $323,000,000 of bonds purchased, thereby taking from the hard earnings of the people $40,000,000, which has been paid to the bondholders, who have no more right to it than I have; and the wrong is going on, and will continue until we repeal that law, which never had any legal force or effect except to furnish an excuse to perpetrate this great wrong.

The wrong is aggravated by the fact that these enormous sums have been, and will be, paid to men who bought these bonds with greenbacks at par when they were not worth over 50 or 60 cents on the dollar.

Mr. RANDALL. It is not the case with these bonds.

Mr. BECK. It is not the case with these few bonds, as I have said; but we have paid for $323,000,000 worth of bonds $363,000,000. We had to pay for them in gold when every private man who had due him any private debt or any debt from the Government, no matter how sacred, was obliged to take these legal-tender obligations at par. I wish to say further, that we cannot even approach the resumption of specie payment so long as the Government refuses to take its own paper in payment of its demands on the people. We have collected over $200,000,000 annually from customs duties, demanding payment in gold, when we do not need, for the purposes of the Government to pay its gold interest, at the utmost, more than one hundred, I believe now only ninety-six millions of dollars. We are, and have been by this process, repudiating our own paper for the purpose of increasing our tariff by indirection to the extent of the premium on gold. We have by this means been enabling our bondholders to sell their bonds and the gold interest paid thereon for the highest rates, and have been enabling the national banks to get more, by the premium on their interest, than they are entitled to, and our policy has been such as to enable Government officials, by our surplus gold, to control the money market in New York and elsewhere whenever they want to enrich their friends or break their enemies.

Sir, these things ought not to be, and while I admit we do pay the bonds provided for by this bill in gold, because we cannot help it, I wish to say this bill is fair in every other regard. It stops the payment of interest on the 1st of January, paying no commissions to anybody, continuing the debt at 5 per cent., thus enabling us to use the money in the Treasury instead of imposing additional taxation upon the people. The panic in the money market has reduced our income from customs duties, while almost every business in the country has fallen off. Our expenses are, I fear, likely to increase; they certainly are not going to diminish, and we must raise money some

way. The Committee on Ways and Means do not wish to be forced, if these gentlemen are willing to take 5 per cent. bonds, to prevent them doing so and impose additional taxation upon the people when the money which we take from them is worth to them 10 per cent., and these bonds bear 5. That is all I have to say.

Mr. DAWES. I now yield for five minutes to the gentleman from Illinois.

Mr. BURCHARD. The principal difference between the proposition presented by the Committee on Ways and Means and that presented by the gentleman from Pennsylvania [Mr. KELLEY] is, that the committee's bill gives to the bondholders who hold bonds of the issue of 1858 a right to exchange and invest, if they so elect, in the bonds authorized by the acts of 1870 and 1871. The gentleman from Pennsylvania does not, as I understand him, cut off by his substitute the right of the holders of the bonds of 1858 to subscribe for the bonds of the funded loan after they have received their money for the bonds of the loan of 1858. He only provides that they shall first receive their money—that they shall go through the process of presenting the bonds of the loan of 1858 at the Treasury of the United States, receiving the money for them; and then, if they choose, they can subscribe for any part of the loan of the $200,000,000 which has not yet been negotiated. He provides in that way they may obtain these bonds of the funded loan. The proposition of the committee, on the contrary, is this, that these bonds of the loan of 1858 may be presented for exchange.

Mr. KELLEY. I beg leave to say to the gentleman that these $200,000,000 of outstanding bonds cannot be taken for money at par, but are held for exchange for 6 per cent. bonds.

Mr. BURCHARD. This proposition is that they may have the privilege of exchanging these bonds on the presentation of those bonds at the Treasury. We are credibly informed that the holders of these bonds desire that exchange; that they are willing to present bonds of the loan of 1858 and receive 5 per cent. bonds of the funded loan in exchange; and therefore the committee have reported, in accordance with the recommendation of the Secretary of the Treasury, that this exchange may take place.

Now, Mr. Speaker, I wish to make one remark in answer to the gentleman from Pennsylvania [Mr. KELLEY] which perhaps is foreign to this discussion. It is this: The promise of the Government to pay a dollar when it issues a legal-tender note is a promise to pay a gold coin dollar. I am supported in that statement by the express and unanimous decision of the Supreme Court of the United States in 7 Wallace, an extract from which I send to the Clerk to be read. It is 7 Wallace, page 30, Bank against The Supervisors, opinion of Chief Justice Chase.

The Clerk read as follows:

The dollar note is an engagement to pay a dollar, and the dollar intended is the coined dollar of the United States; a certain quantity in weight and fineness of gold or silver, authenticated as such by the stamp of the Government. No other dollars had before been recognized by the legislation of the National Government as lawful money.

Mr. BURCHARD. Mr. Speaker, I wish to say one word in regard to the amendment I have proposed to the bill. It is simply this: The proposition is to exchange these bonds at par; but on the bonds of the funded loan for which they are proposed to be issued interest is to be allowed, by the terms of this bill, from the 1st of January. It will allow nearly one hundred thousand dollars of interest. Then the money is required, by law, to be set apart in the United States Treasury, and must be held there, subject to the option of those gentlemen to take it or not, for thirty days, while waiting to take advantage of the Wall street market.

Mr. DAWES. I desire to know of the Chair what time I have remaining.

The SPEAKER. The gentleman has seventeen minutes of his hour left.

Mr. BECK. Will the gentleman from Massachusetts [Mr. DAWES] allow me to make a suggestion to the gentleman from Illinois, [Mr. BURCHARD?] I did not hear distinctly the point of his argument, but it appears to me that the gentleman overlooked the fact that in 12 Wallace, in the legal-tender cases there, the court asserted this:

The acts of Congress known as the legal tender are constitutional when applied to contracts made before their passage. Hepburn *vs.* Griswold (8 Wallace, 603) on this point overruled.

Mr. BURCHARD. I understand the decision of the court to be this: That the promise of an individual is not to pay coin dollars, but the promise of the Government of the United States, which it makes on every legal-tender note, is a promise to pay a coin dollar, and that the Government could make no other promise than to pay its own coin dollars. That is what I understand to be that decision. But in regard to the amendment I have proposed, I desire merely to say that, if the bill is passed as reported by the Committee on Ways and Means, it will give the investers in these bonds an option according to what the state of the market in New York may be for one month. They have that time to hold their bonds and to elect, the Government keeping the money appropriated for the redemption of these bonds; and if they choose at the end of that time to exchange the bonds, they have the option of adding interest back to the 1st day of January, being allowed thirty days' interest, which I do not believe is necessary for the success of the exchange, and for that reason I have offered the amendment.

Mr. DAWES. I desire to say one word, Mr. Speaker, upon the point suggested by the gentleman from Illinois. The gentleman does not mean to say that the bill authorizes the payment of double interest; but he says that if we give notice to these parties that upon the 1st day of February if they desire to exchange these bonds they may do so, we ought to stop the interest on the 1st day of January. The bill allows these bonds, if they run to the 1st day of February, to draw interest from that time. We do not desire to deprive the holders of simple interest on this indebtedness.

I desire, Mr. Speaker, to cover this whole ground by reading to the House the first statute signed by the present Executive at the commencement of his administration, the earliest action of the two Houses of Congress which met the present Executive, and which is a proclamation, not only to this country, but to all holders of bonds of the United States, and to all parties interested in and affected by the credit of the United States of what the Committee on Ways and Means desire to stand by and call upon the House to stand by:

Be it enacted, &c., That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the law by virtue of which such obligations have been contracted, it is hereby provided and declared, that the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations, except in cases where the law authorizing the issue of any such obligations has expressly provided that the same may be paid in lawful money, or in other currency than gold and silver; but none of the said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time as United States notes shall be convertible into coin, at the option of the holder, or unless at such time as bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin; and the United States solemnly pledges its faith to make provision at the earliest practicable period for the redemption of United States notes in coin.

I now move to amend the bill by striking out the word "money," and inserting the word "coin;" and then I will call the previous question upon the bill and amendments.

Mr. KELLEY. I desire the same amendment to be made in the substitute I have offered—the insertion of the word "coin" instead of "money."

Mr. RANDALL. That dismisses every doubt.

Mr. GARFIELD. I propose to offer an amendment to the substitute of the gentleman from Pennsylvania, and desire to have an opportunity of speaking to it now or in the hour which may be allowed after the seconding of the previous question.

The SPEAKER. The amendments now being offered are by favor, not by right.

Mr. DAWES. The amendment proposed by the gentleman from Ohio would be in order, I presume, as an amendment to the substitute.

Mr. GARFIELD. I want it as an amendment to the substitute.

The SPEAKER. The amendment of the gentleman from Ohio will come in as an amendment to the substitute of the gentleman from Pennsylvania. The question is on seconding the demand for the previous question.

The previous question was seconded and the main question was ordered.

The SPEAKER. The question is upon the amendment offered by the gentleman from Illinois, [Mr. BURCHARD,] which will be again read.

The amendment was again read, as follows:

Amend section 2 by striking out the words "with interest from said January first."

The question being taken, there were—ayes 41, noes 103.

So the amendment was rejected.

The question was next on the amendment of Mr. DAWES, to strike out the word "money" and insert the word "coin."

The amendment was agreed to.

Mr. DAWES. I supposed that I had, under the rule, the right to occupy some time after the seconding of the previous question. All that I desire, however, is to have two or three minutes to yield to another gentleman.

The SPEAKER. The gentleman from Massachusetts has an hour.

Mr. DAWES. I do not desire an hour.

Mr. GARFIELD. I desire to have the substitute of the gentleman from Pennsylvania [Mr. KELLEY] again reported.

The substitute was again read.

The SPEAKER. The gentleman desires to modify the substitute so as to correspond with the original bill as modified, by striking out the word "money" and inserting "coin;" and that modification will be made by the Clerk.

Mr. MAYNARD. In connection with the word "coin," I would suggest that we say "gold coin."

Mr. DAWES. Oh, no; it is too late to amend; but "coin" is the right word. That is the currency of the world. If any one wants $5 in change, I presume he will be accommodated.

The Clerk then read the amendment offered by Mr. GARFIELD to Mr. KELLEY's substitute, as follows:

And to provide for the existing deficiency in the revenues, and for the further deficiency which will be produced by the payment herein required, the following duties are hereby levied (to take effect on and after the 1st day of January, 1874) on the following articles of merchandise imported into the United States, to wit:

On tea, 5 cents per pound.

On coffee, 3 cents per pound.

Mr. KELLEY. I make the point of order that that amendment is not germane; it is to introduce a tariff bill.

The SPEAKER. The gentleman from Pennsylvania raises the point of order that the amendment is not germane. The Chair thinks the point is well taken, and sustains it.

Mr. DAWES. I yield five minutes to the gentleman from Ohio [Mr. GARFIELD] to speak to what would have been his amendment if it had been in order. [Laughter.]

Mr. GARFIELD. The substitute offered by the gentleman from Pennsylvania is before the House, and it has been sufficiently debated in most of its features; but I wanted to call the attention of the House to this particular feature, that at the very moment in which he is now proposing to do that thing, our expenditures are beyond the revenues; that the revenues last month have fallen off so as to make a deficit for the month just closed of over $9,000,000; and in this condition of deficit, in this condition of reduction of revenue to that extent, the gentleman proposes that the United States shall not extend its payment on the 1st day of January next to those who desire it; that a loan now offered to the American people in the nature of refunding shall be prohibited from these persons who are the holders of $20,000,000 of certificates. He proposes that instead of allowing them to take the 5 per cent. loan, we shall take $20,000,000 out of the Treasury and pay it to them.

Mr. KELLEY. Does not the original bill give them the same alternative?

Mr. GARFIELD. Now, I was desirous of coupling an extraordinary appropriation with extraordinary means of paying it. It seemed to me that if $20,000,000 in gold were to be thus taken from the Treasury, we ought to provide for putting $20,000,000 into it. I think that if the substitute of the gentleman from Pennsylvania is to prevail it ought to be coupled with the proposition I offered. I was aware that if the gentleman chose to make the point of order it could be ruled out; but I supposed that the gentleman from Pennsylvania, desiring to get $20,000,000 out of the Treasury, would be willing to put $20,000,000 in at the same time.

Mr. KELLEY. I have already said that I am opposed to every increase of taxation.

Mr. DAWES. I now call for a vote.

The question was taken on the substitute offered by Mr. KELLEY, and there were—ayes 32, noes 156.

So the substitute was not agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION.

Mr. KELLOGG. I desire to call attention to an error in the CONGRESSIONAL RECORD. On page 26, at the close of the proceedings, I am reported as calling for the yeas and nays, which I did not do. I wish the RECORD corrected.

REPEAL OF INCREASED CONGRESSIONAL PAY.

The SPEAKER. The morning hour has expired, and the House, by special order, proceeds to the consideration of the bill (H. R. No. 471) to repeal the increase of certain salaries and to regulate the same, and to cover undrawn and unreturned balances into the Treasury. Under order of the House, speeches are limited to twenty minutes each.

Mr. HALE, of Maine. The bill presented by the committee yesterday, and now on the desks of members, is almost exactly like the bill presented and referred by the gentleman from Indiana, [Mr. NIBLACK.] Some changes have been made in the way of construction. It speaks for itself, and is, as I said yesterday, simply the repeal of the law of increase relating to Congress and its Presiding Officers and a restoration of the old law. As I said, it speaks for itself, and at this stage of the discussion I do not propose to take up any more time, but may at the close of the debate express my views on the subject.

Mr. COX. Mr. Speaker, I am almost tempted, by the taunts around me, to retort in kind. I have been rudely characterized as demagogue for doing my duty. My exceeding consolation I do not find in the society of such. In endeavoring, last Congress, to stop this insane greed for salary, I knew consciously that the old friends I had served in Ohio, and the new friends I have served in New York, would not turn their eye from me "asquint with suspicion." The delight of favoring constituents, of gentle thoughts from strangers, of approving messages from distant States, and, above all, the cheer in my own home, even had I not the sanction of conscience, more than compensate for vulgar gibes.

One bucket said to another, "No matter how full I go from the well, I come back empty." The other said, "No matter how empty I come, I go away full." I was content to go away from here, if you please, empty in pocket, and content to come back full of gratitude and content. I am only sorry that every member, on both sides, cannot have my serenity of soul. For, whether full of heart or empty of purse, I am happy in the smiles of the people. It may be but for a season, but while it lasts it is exceeding pleasant. May you know what it is, gentlemen; and then in your eternal retiracy from Congress—like mine of last year—you will look back, though poor, yet very proudly, to your honorable service here. I make these prefatory remarks because I think the personal integrity of each member should be sacred. Does not the integrity of this body depend on the integrity of its individuals?

The gentleman from Pennsylvania [Mr. NEGLEY] somewhat recklessly made a statement the other day which was calculated to embarrass me. Not alone among my friends was it unkind, but on my votes upon this measure it was prejudicial. He said that I had "taken all summer to make up my mind on this subject" of back pay. Now, in the last Congress I endeavored to stop this insane greed for salary. I made a speech upon that subject. It was reported. Perhaps I did injustice to the gentleman from Pennsylvania in making a hurried quotation, or rather a statement, of his remark at that time. If so, I correct it from the record. The speech was of the 28th of September. In it I said:

> Mr. Speaker, I want to put in my protest as one member of this House against increasing my own salary by my own vote. When we were elected to Congress there was an implied contract between us and the people that we should serve for so much.

And then, after some further interruptions on points of order, I said:

> I do not propose to discuss the salaries of first-class or second-class clerks. I wish to say that I do not think it seemly for members of this House to vote money into their own pockets; and I do not believe the people will send us back if we do.
>
> Mr. NEGLEY. They have not sent you back, anyhow. [Laughter.]
>
> Mr. COX. It is true that I am one of those who are not coming back in the next Congress; yet I always come here just after somebody else has voted to raise salaries. But I never refused to take anything which a grateful country had voted to me in raising salaries; and I never will. [Laughter.]

And yet, sir, that playful, ironical remark was tortured into a desire on my part to take this money. So much for that. It is idle to refer to it.

Mr. NEGLEY. I will ask the gentleman whether he did not take it really?

Mr. COX. I took the money from the Sergeant-at-Arms.

Mr. NEGLEY. When did you take it?

Mr. COX. I took it the day before I left for Florida. I took it with a view to dispose of it in a proper manner when I returned. So my letter disposing of it, in April, affirms. I kept it as a separate fund till I came home.

Mr. NEGLEY. Mr. Speaker——

Mr. COX. No; that is all now for the present.

Mr. NEGLEY. Mr. Speaker——

Mr. COX. No; I have the floor, and desire not to be interrupted.

Mr. NEGLEY. I am surprised that the gentleman should refuse to yield, when he is pleased to allude to me in the terms he does.

Mr. COX. The gentleman will have his opportunity. I have said nothing offensive to the gentleman, I think. If I have I withdraw it. I apologize afterward and in advance. [Laughter.] The gentleman from Vermont [Mr. WILLARD] knows that before I left Florida, in March or April, we conferred together. We coincided as to the return of this money. Perhaps we did not know then the proper mode of returning it. But on my return from Florida, in April, with an uncle who was dying, and who died at my house in New York, I was compelled to go to Ohio, to attend the obsequies. While there, or before—I cannot tell now which—and having kept this money all the time as a separate fund with my brother-in-law, who is a banker in New York, I requested him to return it to the Treasury. This he did in a letter to Mr. Spinner, dated the 20th of April. In that letter he states that I ordered the return of the money the week before; so that there cannot, if the record be true, be any mistake about my doing it in the proper way. If gentlemen insist upon drawing sinister inferences against me, I will not discuss it further. In the Herald, of the 28th of April, I find the letter of my brother-in-law, Mr. Hardenburgh, which I wish to read. I would not intrude it on the House, except in justice to myself and to answer malignant insinuations.

There is a special meaning in this rehearsal after the remarks made here; and especially in view of this fact, that Mr. Brooks, my predecessor, died on the last day of April or the first day of May. ["The 30th of April."] Yes, the 30th of April. And it has been intimated all around this House, in various sly ways, that I returned this money after his death, with a view to be his successor. I will show gentlemen how easily I can refute these allegations. I have a double purpose in doing it.

Let me premise my reading of this letter by saying that I find in the New York Herald of the 26th of April that this money was ordered by me to be returned some time before. Moreover, to save any more insinuations, let me say that at the time of the death of Mr. Brooks—yes, at the time the money was returned—my passage and that of my family was paid for Europe, for a long sojourn abroad. I did not expect to be here in this Congress. I had retired to the "still air of delightful studies," or the nipping air of Northern Europe. Nothing but my father's death and my mother's request kept me in this country at that time. Mr. Speaker, it is humiliating to answer these matters, but I will not allow such matters to go by without the truth. Perhaps gentlemen mean to inquire into my private matters. If they do, they are welcome. Then let them write to the agent

of the Cunard steamer, the Java, and they will learn that my passage on that vessel was paid for long before these events, and not returned till long after.

Now I will read from the letter of my brother-in-law, to which I have referred. It is dated on the 20th of April, 1873:

DEAR SIR: My brother-in-law, Mr. SAMUEL S. COX, desired me, on his return from Florida last week, to send you the inclosed check for $4,812. It is the so-called back pay for the last Congress, of which he was member from the sixth district. Shortly after the adjournment he deposited this sum, as a special fund, with my bank, to be disposed of in some way otherwise than for his own aggrandizement. He believed that this fund was his to dispose of, or, as he phrased it, he was a "trustee without interest," except that general interest which every citizen has in fair legislation and Federal taxation. He has, by vote and speech upon this bill when before Congress, expressed his views against his increase of salary, without reflecting on his brother Congressmen.

He begs me to say to you that this act of his has only been delayed by a bereavement which has preoccupied his time since the adjournment. He leaves to you the proper mode of conveying the money into the Treasury. If you think it best to cancel so much of the debt you can do so. As he never expected to receive this fund, and as it was not part of his contract when he entered upon his duties, and as he cherishes the good-will of his former constituents in Ohio and New York, he desires to make his remarks against the measure emphatic by this disposition of the money.

Very truly, yours, &c.,

JOHN A. HARDENBURGH.

This was sent to General Spinner, Treasurer, and acknowledged some days afterward.

Now, I care to refer to this simply for the date. I made no "reflection" upon any gentleman on this or the other side of the House. It comes with an ill grace from men who have this money in their pockets, and who claim the right to dispose of it as they please, to call me to account for disposing of it in the way in which I saw proper. I have not played the demagogue, as gentlemen here have charged. I confess that I love to please my constituents. I am anxious to cultivate the graces of public life. I come here from the people, as fresh as any of you; nay, fresher; fresh on the 5th of November last. I feel as fresh on this as on other matters—as fresh as a dew-drop upon the lip of a rose. [Laughter.]

I know the popular sentiment. Gentlemen seem to think that if they can besmirch me on this topic they will be accounted brave and pure. O, yes! make an imputation of bad motives on my part; and they justify themselves. The argument is not worthy of a moment's hospitality.

Sir, nearly all the gentlemen on this side of the House, obeying the dictates of an honest public judgment, will, I trust, vote in line—vote to repeal this bill. I do not know but the very men who led last session in this increase of salary will vote for some measure or other for repeal. I am not particular whether it be the measure reported by the gentleman from Maine, [Mr. HALE,] which looks to partial repeal, omitting the President's salary, or the measure of the minority of the committee, [Messrs. KASSON and JEWETT.]

I prefer this minority report, and will vote for it if I have the chance. It is a fair reinstatement of the matter before this reckless, injudicious, and mercenary legislation occurred. Besides, it avoids all constitutional quibbles. It makes the President return, in a future tense, his pay; and, if we do anything, it should be just to all.

Here let me digress to make a few remarks as to the Executive salary. If they are tinged with irony I hope nobody will misunderstand their import. The omission to strike out the President's increase shows that there was nothing intended wrongfully in voting for the salary bill. O, no. It was not to help ourselves, else, surely, on the eight votes, at some time there would have been a unanimous voice against it. Besides, there were so many absentees during the progress of the bill last session. Does not that show a stolid indifference to self? Who says now that the last Congress was a selfish conclave? The secret of those remarkable votes is this—to help the President to $100,000. Is it not now apparent? Is his salary not retained still by the majority report? Even the doubts as to whether this bill is affected by the Constitution, as to the President's salary, must give way to the patriotic purpose of adding to the $77,000 per annum for White House repairs and expenses $25,000 more salary. How beautiful and disinterested it seems now! Of course the vote to cut off repairs, &c., will fail. It is a part of the plan.

Of course there is no opprobrium on the wise and disinterested men who voted for the bill that they helped the President to an increase, and do not diminish his pay. There is no constraint from the conventions or the people, from conscience or the press-gang, to save the Executive salary from repeal. We repeal our pay so sweetly and gently. We sidle up to the work with a sort of bashfulness that bespeaks the awkwardness of honesty. Besides, there is only one reason why the back pay already received is not given back. It would look like defying the law. Law is mandatory, you know. We must obey the law. What, open our pockets and return the money, when the law gives it to us? Never! Law is the harmony of the universe. Its home is in the bosom of God. It cares for the least and the greatest—for the three-cent stamp and the five-thousand pile. "Never," says the disinterested patriot, "will I sacrifice myself to anarchy or chaos. Order and Cosmos—these demand I should not refund. I may repeal, but refund—never. It would upheave the foundations of society. Nature, through all her frame, shivers at the bare idea of returning the back pay when the law gives it." And when the law is repealed what a rush will there be, Mr. Speaker, to refund! But we are all members of one body, branches of this one vine. Only the body being clothed upon, one man has a capacious pocket or maw, and another a larger heart and conscience. One branch of the vine is loaded with clusters; another turns from them as Sir Callidore did in Spenser's Fairy Bower of Bliss. But now we are of one accord. Wonderful transformation! Now all eyes shall be wiped; all characters are safe. No more shall we hear the word "demagogue," first or second class, applied. None of us will crook the hinges where there is thrift. Hence, there will be no sycophancy, no fawning.

But one thing is certain: there has been some kind of influence, some sort of prodding, either by the press or people, some good influence which has made us all virtuous, and all at once. I do not complain of gentlemen being pure and noble. Let them defy, like demigods, public opinion! But now that they are all coming into line with us, and ready to vote for repeal, I want to hear no more about demagogery; certainly not on this side of the House. Gentlemen, ye who have the money in pocket, ye cannot charge demagogery on us when you vote repeal. I have never challenged, nor will I ever challenge, the good intent of any man in reference to this matter. All I ask is that I shall be let alone to indulge in the luxury of refunding. Whenever I have been attacked—as I have been here—I have answered, as I always will answer, in the proper way—more out of sorrow than anger.

I have no time, nor was it my intention to enter upon this discussion about raising salaries. Perhaps gentlemen have found that it has been somewhat discussed at home. It got into the State conventions of both parties. The parties in the State of New York condemned all men of both parties in this connection. The democratic convention of New York, held at Utica; in the first week of October, held this language:

We condemn and denounce the salary grab, and all Congressmen, democratic or republican, who voted for it, or who have not renounced all share in plunder seized for a service already done and paid for.

We condemn and denounce the President's signature to the bill, which clinched this iniquity and which gave $5,000 to each Congressman while procuring $100,000 for himself, after Congress had just refused to increase his salary; and we demand its repeal.

I am only obeying the behests of the people of my State and party in aiding to mature some measure of this kind at the beginning of the session to wipe out this peculiar legislation.

I know that gentlemen may say that the forward pay is not too much. It does look to me as too much. It does look so when I consider the early debates on this subject. The debates in the Constitutional Convention and the first Congresses did not contemplate exorbitant pay, but a small salary—about five or six dollars a day. Finally, in 1789, I think, it was compromised on $6 a day and a mileage of $6 for each twenty miles. What a comment on our greed and luxury!

Mr. Speaker, I know how the salary itch began. It commenced in the Army and Navy. Three years ago, to place the military above the civil power, salaries were raised. Jealousies were thus and then aroused. The salaries of the higher military and naval officers were outrageously exorbitant, as compared with those of civilians and judges. Of course, our age is fast. Emerson says that "we ride four times as fast as our fathers did; grind, weave, forge, plant, till, and excavate better, and have better shoes, gloves, glasses, gimlets, and newspapers." True; but we have not improved in the conduct or economies of our political life.

The gentleman from Massachusetts [Mr. DAWES] once appealed to the President as the "polar star of economy," and the result was a letter from the War Department, read by General BUTLER, assailing him for his efforts to reduce expenditures. He found 500 supernumeraries, officers in the Army, costing $1,250,000. We had then excesses of expenditures over appropriations, and in one Department there were 1,600 more men employed than the law authorized. Out of this prodigal expenditure came the itching desire to raise the presidential and judicial salaries. Then Congressmen caught it. It was and is a part of the speculative and, I may say, restless, if not corrupt, elements of our era. It was not so once.

Have we fallen upon different or evil times? Must every man have a large salary who serves the people? In the better days men, statesmen, came here, not in a mercenary spirit, not *causa lucri;* men came here from Virginia and Kentucky, Massachusetts and Pennsylvania, from Ohio and Missouri, on horseback, with their leggings on. In those rare and virtuous old times there were not so many complaints about their salary. They thought more of the honor and glory of the public service, and less of their pockets. They cared for their country, and not for their emoluments.

Why, Mr. Speaker, we have come upon the very era of good feeling when gentlemen on both sides can almost agree upon this measure of reform. I do not know one man on either side who does not propose to vote for some of these measures of repeal. Is there any such man? If there be one I would like to see him. Let him stand up before the people. Where is my leonine friend from Massachusetts [Mr. BUTLER] on this occasion? Is he lying down with the lamb from New York? [Laughter.] Where are the gentlemen who were so loud in the last Congress in denouncing us all? They join, after reflection and instruction, in saving the reputation of the House. I trust that the people will see that by our action to-day we shall vindicate the service they have called us to perform.

I do not speak on this matter as the organ of any body or party. I

did not vote against this measure in the last Congress because the people disapproved of it, for I did not know with certainty, only *a priori*, what they might think about it. I only guessed at their sentiment; and because I happened to see a little into the mill-stone, while other gentlemen have been ground by it, it does not follow that I am to be abused for having a little foresight as early as in February, 1873.

I again say that I desire not to speak as the organ of any party on this question. Both parties have done their part, one more emphatically than the other, perhaps, in denouncing this measure. But the cause of public disquietude and clamor is not so much the increase of the (then) future pay. It was the back pay that did the business. We did not properly consider it. The people have. They desire to place upon it their seal of reprobation. We properly echo their views in tearing it from the statute-book.

Mr. LAWRENCE. Mr. Speaker, the three events, if such they may be called, of the last twenty years which have most excited the public indignation were the repeal of the Missouri compromise, the attack on Fort Sumter, and the so-called "salary bill" of March 3, 1873, with some concurrent history.

The first was an attack on human rights; the second on the national life; and the last on the resources of the people.

It is the duty of the National Legislature to preserve all these; and a people that will not be aroused when either one is endangered is far on the road to ruin.

In view of all this I propose to submit a few remarks in favor of the proposition to repeal generally so much of the act of Congress of March 3, 1873, known as the "salary bill," as increases the pay of members of Congress and others. I do not deem it necessary to discuss this measure at so much length as might otherwise be proper, because the whole subject has been more fully considered than political topics generally, by the press, and in the political discussions of the last nine months. Every consideration for and against the increase of salaries has been fully canvassed, the public judgment is made up, and it is beyond the reach of either eloquence or logic to reverse it. Every State convention of all political parties held since the "salary bill" became a law, with perhaps a few exceptions, has denounced it and demanded its repeal.

The republican State convention of Ohio, on the 21st of May last, resolved in these words:

> 8. That when retrenchment is required to lighten the burden of taxation and to continue the reduction of the public debt, the increase of salaries is unwise; that we condemn, without reserve, the voting for or receiving increased pay for services already rendered; and we demand that the provisions of the late act of Congress, by which salaries were increased, shall be promptly and unconditionally repealed. [Enthusiastic applause.]

The general assembly of Ohio, by resolution of May 6, "instructed" the "Senators from Ohio in Congress" and "requested" the Representatives "to zealously use all honorable effort to procure the repeal of" this act.

The preamble to this resolution declares that——

> The action of the last Congress increasing * compensation * * was unnecessary, uncalled for, and distasteful to the people of Ohio, and, it is believed, of the whole Union.

I will not now attempt to embody in words what has been done by other conventions, by legislative bodies, what has been said by the press, in political speeches, and in other forms, for all this has passed into history and is well understood.

The republican party, as such, is in no sense responsible for this measure, because it did not, by any party action, either demand it in advance or sanction it since. On the contrary, it has in every conceivable form repudiated it and demanded its repeal. They alone are responsible for the measure whose votes gave it being as a law.

But notwithstanding this, the recent elections show, in the defeat of the republican party in Ohio, New York, Wisconsin, and elsewhere, and in its reduced majorities in Pennsylvania and other States, that the candidates of this grand political organization have been made to suffer for this measure, so "distasteful to the people."

This law should be repealed, then, because it is demanded by the people, whose agents we are, and whose wishes are entitled to be respected.

I do not claim that the public judgment has always been absolutely right; it may rarely be wrong; but "the sober second thought of the people is seldom wrong, and is always efficient."

The decision of the American people on this subject has not been hastily expressed, nor without due consideration. Their "sober second thought" has been unmistakably pronounced. It only remains for us to decide if it shall be obeyed—if we, as agents, will faithfully represent those for whom we are acting.

I do not ask for any action merely to promote political party success. The true inquiry to guide us, and all men, in all that we say or do, is, is it right? This is the rock on which we should build. But I do not hesitate to declare that if this Congress shall fail to wipe out this law, the omission will be visited with continued defeat to the republican party; and this is a calamity to which I will not contribute. If, as republicans believe, the political organization with which we act has been, and is, right, or substantially so, upon every question affecting the perpetuity of the Government; upon every question affecting the civil and political rights of men; upon measures affecting the moral and material interests of the people; if, as we believe, all hostile political organizations have been and are wrong upon these questions, then it is a grievous wrong to adhere to a law the sole aim of which is to increase the pecuniary gains of a few officers, when such adherence brings with it such calamities.

So far I have not presented the chief and highest motive for repeal. The so-called "salary bill" should be repealed because of the manner in which the salary increase was enacted, and because the increase itself is without justification.

The provision for an increase of salaries was ingrafted on an appropriation bill. The appropriation bill, in proper form and for its real purpose, was legitimate and necessary. I think I state its history correctly when I say the salary increase could not have been carried and made a law but for the fact that its defeat involved the failure also of necessary appropriations, and this furnished the ground for a support which it otherwise could not have received, and without which it could not have been made a law. I do not allege that this furnished any sufficient reason for supporting the measure, but I state the fact as I understand it. Every measure should be met and voted upon on its own merits. Good measures should not be made to carry bad ones. It is but little better than a trick and a fraud to secure unjust legislation by making the defeat of what is right the penalty for refusing to adopt the wrong.

So great a legislative evil is that, in many State constitutions it is provided that "no bill shall contain more than one subject, which shall be clearly expressed in its title."

It is an absurd rule of parliamentary law that an amendment reported by a committee of conference on disagreeing votes between two Houses is indivisible—it must be adopted or rejected as a whole.

This rule has been made a means of securing the adoption of measures or provisions which but for this could receive no sanction. The general assembly of Ohio has frequently and recently, in this way, made appropriations which the house of representatives had rejected.

I respectfully ask the attention of the proper Committee on Rules of this House to this subject, that they may report in favor of abrogating this vicious rule, and that they may also report in favor of so amending the rules that every bill shall contain only one subject, to be indicated in its title.

And now, assuming that the salary increase was and is in principle and the mode of its enactment wrong, and that this Congress is the successor, and in some sense in legal effect the same body as the preceding Congress, interested in the increase, and that it is a salutary rule of morals and of law that "no man shall be permitted to take advantage of his own wrong," it is due to deliberate action on the merits of this subject that the salary law should be repealed, that the whole subject may be acted on on its own merits. If this shall be done there will be no increase in salary, but there may and should be, as I conceive, a reform in the matter of mileage. And this brings us to the consideration of the question whether the salary as fixed by law prior to the act of March 3 was sufficient.

Salaries may be so low as to be unjust; they may be moderate, yet economical and just; or they may be extravagant. I will not devote much time to prove that high or extravagant salaries are unwise in a republic, unjust to tax-payers, and evil in their tendencies.

Hoffman, in his Legal Study, in referring to Montesquieu and his Spirit of Laws, says that—

> Few works in any age or nation have contributed more to the fame of their authors than this very philosophical and masterly production of the Baron de Montesquieu. With the exception of Aristotle, no writer, ancient or modern, has entered so deeply into the spirit and genius of government and law, or so well entitled himself to the distinguished appellation of the "*legislator of the human race and prince of philosophical politicians.*" * * * As long as genius has power, as long as learning and philosophy have influence, so long must the Spirit of Laws be esteemed among the most valuable of intellectual productions.

I may, then, quote from Montesquieu, who says:

> It is a general rule that great rewards in monarchies and republics are a sign of their decline; because they are a proof of their principles being corrupted, and that the idea of honor has no longer the same force in a monarchy, nor the title of citizen the same weight in a republic.
>
> The very worst Roman Emperors were those who were most profuse in their largesses; for example, Caligula, Claudius, Nero, Otho, Vitellius, Commodus, Heliogabalus, and Caracalla. The best, as Augustus Vespassian, Antonius Pius, Marcus Aurelius, and Pertinax, *were economists*. Under good Emperors, the state resumed its principles; all other treasures were supplied by that of honor." (Vol. 1, p. 76.)

Mr. WILSON, of Indiana. I wish to ask the gentleman from Ohio [Mr. LAWRENCE] whether the individuals he has just named were members of the last Congress? [Laughter.]

Mr. LAWRENCE. I am sorry that my friend is not familiar with these historical names.

Mr. WILSON, of Indiana. I would like to ask the gentleman another question.

Mr. LAWRENCE. I yield for a question.

Mr. WILSON, of Indiana. Are we to understand the gentleman as opposing this action of the Forty-second Congress upon the ground that it embodied the feature of back pay or because he believes the pay fixed was too much?

Mr. LAWRENCE. I am opposed to it both because it embodied the feature of back pay and because the salary was fixed at a higher figure than there was any necessity for.

Mr. WILSON, of Indiana. I wish to ask the gentleman one further question: Was he not a member of this House in 1866?

Mr. LAWRENCE. Yes, sir; and possibly it was a great misfortune that I was not here before and since. [Laughter.]

Mr. WILSON, of Indiana. Then I wish to ask the gentleman whether he did not take $4,000 of back pay in 1866?

Mr. LAWRENCE. Mr. Speaker, I did just what every other member did. [Long continued laughter.] Allow me a word further in reply to the gentleman. The salary fixed by the act of 1866 did not outrage the public judgment and the public conscience as did the act of March, 1873; and that doubtless furnished some reason why every member of that Congress received the pay as fixed by the act of 1866. It was not generally regarded as a very unnecessary increase.

Mr. KELLOGG rose.

Mr. LAWRENCE. I yield to my friend from Connecticut, [Mr. KELLOGG.]

Mr. WILSON, of Indiana. I would like to say one word further.

Mr. LAWRENCE. No; I yield to my friend from Connecticut.

Mr. KELLOGG. Was not the increase of 1866 coupled with a soldiers' bounty bill and brought in on the last night of the session?

Mr. LAWRENCE. It was ingrafted upon a bill which, but for the fact that it contained an appropriation for soldiers' bounties, could not have become a law.

Mr. WILSON, of Indiana, rose.

Mr. LAWRENCE. I have answered the gentleman from Indiana, and our constituents will decide whether he is right or I am.

Mr. WILSON, of Indiana. Just one further question.

Mr. LAWRENCE. O no!

Mr. WILSON, of Indiana. The gentleman has undertaken to give us a reason.

Mr. LAWRENCE. I do not yield further to the gentleman. [Laughter.]

Mr. KELLOGG. Let me ask one further question: Did not the members of the Thirty-ninth Congress take for themselves double mileage—the old-fashioned mileage—which they repealed as to future Congresses?

Mr. LAWRENCE. I think not; I do not precisely remember how the fact was. I must now proceed with my argument.

Again, Montesquieu says:

> The less luxury there is in a republic the more it is perfect. There was none among the old Romans, none among the Lacedemonians. * * * In proportion as luxury gains ground in a republic the minds of the people are turned toward their particular interests. * * * A soul depraved by luxury has many other desires; and soon becomes an enemy to the laws that confine it. * * * No sooner were the Romans corrupted than their desires became boundless and immense.—Vol. 1, pp. 110, 111.

High salaries invite luxury, and luxury responds by demanding more, just as fuel adds to the flame which grows by that on which it feeds.

In a republic we want no lines drawn between rich and poor—no legislation merely to make great fortunes, especially when drawn by taxation from the products of labor; no legislation which tends to create an impassable gulf between men in and out of office.

There probably will not be much dispute over these principles. And if not, we fall back on the inquiry whether $5,000 a year is a sufficiently reasonable compensation for a member of Congress, in view of his position, duties, and the policy which is to guide in determining this question?

I know it has been said that some of "our railroads pay $25,000 a year and upward for the salaries of their presidents, and churches an equal amount to their clergymen."

It might with equal truth be said that outside of the cities, where the expenses of supporting families are more than in the country, good mechanics in most of the States of the Union work for $3 a day, and are not paid for the days they may be idle.

These facts do not fix a rule by which to judge of what is a just compensation for members of Congress.

A railroad president may get $25,000 a year, but he cannot earn any such sum; such salary may be useful to him, but that and similar outlays may leave railroad stockholders with meager dividends, or if not, the freight and fare-paying public will be heavily taxed, and complaints loud, long, and not to be misunderstood may be heard as now all over the land, not merely from "granges," but from many other quarters. If the railroad companies will be wise, they will reduce such salaries and freights "before it is everlastingly too late."

The preacher who demands $25,000 a year for his services is in great danger of caring more for the fleece than the flock—is in danger of worshiping Mammon rather than his Maker, and would do well to study the instructions given to the Apostles when they were commanded to go "to the lost sheep of the house of Israel." But there are not a dozen ministers of the Gospel in the whole country who receive any such salary. The ministers of the United States, to our everlasting shame be it said, do not receive an average of $1,000 a year, and yet that can furnish no reason why members of Congress should be paid with any such sum, but it would be quite as legitimate to use it for such purpose as to cite the high salaries paid in rare instances to prove that the increased salaries provided by the act of March last are right.

In fixing the salaries of members of Congress there are some considerations which do not apply to any other official position. Congress has the power, with few constitutional limitations, of fixing the salaries of all officers. There are urgent reasons now for economy in every department of the Government. For the first time since President Grant came into power, our national debt is increasing. Our declining revenues admonish us that this is no time to increase salaries. The financial panic which has swept over the land is the result of extravagance among all classes of people, and of debt beyond capital or ability to pay. Its effects are manifest in depreciated prices, diminished values, embarrassment, and some bankruptcy. Every dollar of unnecessary expense imposed by high salaries to be paid by taxation adds to and aggravates all these evils. The whole cost of Government must be paid from the labor of our people, for that is the only source of wealth.

As Congress is clothed with the power to fix all salaries, the pay of its own members, in spite of all that can be said, will be cited and regarded in some sense as a standard by which to fix the salaries of other officers.

Some officers who made no complaint over annual salaries of three or four thousand dollars a year, soon after the act of 1866 increased the annual compensation of members of Congress to $5,000, became earnest in the conviction that they were inadequately paid. An examination of the statutes since will show an increase of many salaries, with new offices having pay fixed on the basis adopted for members of Congress. A member of Congress who insists upon a liberal or large salary for himself is in no condition to preach or practice economy toward others.

The mere cost of increased congressional salaries is the least of the evils which follow it. The demand for an increase of other salaries, increased taxation, extravagance which becomes contagious, not only in official but private life—these are some of the evils. On grounds of public policy, then, it is expedient to fix congressional salaries at the lowest point consistent with justice.

What the exact measure of compensation should be may vary with time, circumstances, and the financial situation. Members of Congress perform a constitutional duty when, by their own votes, they determine this measure. But there is wisdom in that rule of the common law which denies the right of any man to be a judge in his own case. The Constitution has, however, made us judges to decide on our own salaries. But in so difficult and delicate a work it becomes us to act with a modest distrust of our own opinions; and we should have great respect for the enlightened judgments of other intelligent men, free from motive to err, and with the means to decide correctly.

Adopting, then, this rule, it is safe to say the whole people, regardless of party, with a very meager minority to dissent, demand a repeal of the recent salary law, and that the compensation be fixed so that it shall not exceed the old rate. It remains for us to execute this decree, which emanates from the source of all political power. We should accept the mature and well-considered opinion of that tribunal rather than our own. If salaries of members of Congress can be fixed by a comparison with others of the highest responsibility in the States, the standard would not be higher than that which prevailed before the recent increase. I will not present statistics of salaries paid to governors, judges, and other high officers in the States, but appeal rather to the knowledge of those who hear me.

These salaries may be regarded as having been fixed by a matured and just judgment of impartial tribunals, and it would seem hazardous for us to pronounce them all wrong.

It is not possible to fix any uniform salary that will do exact justice. A Representative who comes from a large city, where the cost of living is greatly enhanced over that of rural, but equally intelligent, districts, may not always be adequately paid with a salary which would be sufficient, or even liberal, elsewhere. But we all know it is not practicable to make individual discriminations, and a general average must, of necessity, be adopted.

It has been said, in substance, that men fit to represent a nation in Congress can earn more money in other employments. Undoubtedly, many of them can. But this has always been so. And the man who makes this the sole motive and turning-point in deciding whether he will consent to serve in Congress or not, can scarcely be regarded as fit for the place. He who comes for no motive but the salary, will serve the interest of the people better by staying out. He who is not satisfied with the salary can turn his attention to other employments. Our whole history proves that men, among the ablest and best of the whole nation, have been found, and, it is presumed, will continue to be ready and willing, to serve in Congress at the salaries which have prevailed.

SWEARING IN OF A MEMBER.

N. P. CHIPMAN, Delegate from the District of Columbia, presented himself at the Speaker's desk, and was duly qualified.

DELEGATES ON COMMITTEES.

The SPEAKER. The Chair, under the rule adopted at the last session of Congress, announces that he has appointed Mr. CHAFFEE, Delegate from Colorado, as a member of the Committee on Territories, and Mr. CHIPMAN, Delegate from the District of Columbia, as a member of the Committee for the District of Columbia.

OBJECTION TO LEAVE TO PRINT.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I desire to say that I propose to object, and I do it now, once for all, to anything being printed in the official CONGRESSIONAL RECORD which is not uttered on the floor of the House.

Mr. LAWRENCE, I ask leave to print a few additional remarks.

Mr. BUTLER, of Massachusetts. I object. No; not a word.

Mr. RANDALL. I will not object, if the gentleman from Ohio will allow me to ask him a question, to printing his answer. I ask him whether he has not accepted the increased pay for the last nine months?

Mr. LAWRENCE. I have not, but have paid into the Treasury the difference between the pay now, and what it was.

SALARY QUESTION.

Mr. KENDALL. Mr. Speaker, I am of those who believe that the people's representative should obey the will of the people whenever that will is fairly and clearly expressed. Nay, more: he is in honor bound to do this or resign his trust. While, as such representative, I will carefully ascertain and cheerfully obey the voice of the people, I will not abase myself by meanly trimming this way and that way to conform to what I am conscious is a groundless and senseless popular clamor. Such conduct, such trimming, the American people—always right in the long run—will only despise. And I am happy to say that such is most eminently the sentiment and profound feeling of that noble and generous portion of the American people who have honored me with a place upon this floor. I have lived too long in the far West not to understand something of the difference there is between the sober second-thought of the people and their first ebulition of resentment when misled either by a specious demagogue, a frantic mob, or a corrupted or partisan press. I suppose, sir, that we out there have about the average amount of human frailties to account for. But, among that sum total you will not find as a characteristic sin, that of meanness or stinginess toward those who serve in a public or private capacity. The most unskilled labor of the humblest delver in the earth commands a price that brings with it, in a few years, an independence of comfort and plenty. For diligent and faithful service in whatever position, or station, or office—in the field, or mine, or forest; at the bar or on the bench; in the administration of municipal or county or State affairs—our people expect to pay, and to pay well, without haggling and without small bargains.

So much I briefly premise, so far as I am concerned with my immediate constituency, to whose good sense and judgment I will very willingly trust my conduct in this salary business. Last Congress I voted uniformly in favor of the salary law as it now stands. Earlier in the session I voted uniformly against the repeal of the franking privilege. These measures have a bearing upon each other, and should be considered together. A careful estimate, made by the superintendent of the folding-room of this House, shows that the amount of postage—covered by the frank—on public documents distributed during last Congress by each member would have amounted to nearly $2,000, or more accurately, $1,953. Why, sir, I have here a schedule, a copy of which is upon the desk of every member, showing the amount of postage that must now be paid on the various documents that are now printed by Congress. For example, take a few items from the list at random: the Agricultural Report must pay a postal charge of 42 cents. And I ask the gentlemen from Illinois and Ohio, and my respected but penny-wise and pound-foolish friend from the third district of Indiana, [Mr. HOLMAN,] what they are going to do about it? Will their constituency of farmers willingly forego their Agricultural Reports? Hardly. What then? Why, my good friends will of course gladly affix the 42 cents' worth of postage-stamps to five or six hundred of those valuable documents, lest they hear a murmur of complaint at home.

Again, take the Census Report—and who would not wish to have it? There are five volumes, and the postage ranges from fifty-two cents to one dollar and ten cents per volume. Now, of course, gentlemen mean to distribute these and other documents just the same as ever. But the postage must be prepaid. Nevertheless, they will do it, I suppose, and so nearly two thousand dollars of their salary is expended, and for whose benefit? Who will tell me? Not for the people's, surely; not for the efficiency of the postal service, as a resolution introduced yesterday will soon show. But you will send these volumes by express and have the charges collected on delivery, will you? Such a procedure would hardly be ventured upon just before an election in which you might happen to be candidates.

I refer also to our mining reports—to those most useful reports of Professor Hayden and of Professor Raymond and of Lieutenant Wheeler, and to that magnificent work of that most accomplished gentleman and scientist, Clarence King. I know what I am saying when I assert that every man in the State of Nevada properly appreciates and would be glad to possess these reports. The few that have hitherto been printed scarcely begin to supply the demand; and, besides, the postage upon them will amount to from forty cents to two dollars and a half per set of volumes.

Consider this, if you please; consider, too, the multiplicity of other documents that we are in the habit of sending to our constituents—speeches in pamphlet—our own eloquence and the eloquence of our eloquent friends; the vast number of the speeches of my brilliant friend from New York, [Mr. COX,] which we all so freely and gladly subscribe for and send away for the benefit of the country; consider that there is no mileage allowed under the new law, and no allowance for stationery or newspapers, and I am prepared to show, if I thought the occasion called for it, that, in my own case, the compensation under the old law was greater than it is under the new. Thus, the compensation and allowance under the old law was, per year, as follows:

Salary	$5,000 00
Mileage for one and a half sessions, (there were three sessions in the Congress, mileage attaching to each)	1,674 60
Postage for one year on the regular quota of documents allowed each member for distribution	976 50
Allowance for stationery and newspapers	125 00
Estimated amount of postage for official correspondence, speeches, and other public documents, and upon seeds distributed	250 00
Total	8,026 10

The salary under the new law of $7,500 per year includes everything—mileage, postage, allowance for stationery, and newspapers—everything except actual traveling expenses to and from the capital. And the only item that will vary this comparative statement will be such actual expenses, the amount of which has not been ascertained by the auditing committee.

Now, take the estimate, say for my distinguished friend from the first district of Pennsylvania, [Mr. RANDALL.] In his case the mileage was $60, and was allowed for only two sessions, he having been a member of the preceding Congress, as I hope he may be of many succeeding ones. The account stands thus:

Salary	$5,000 00
Mileage	60 00
Postage on regular quota of documents for one year	976 50
Allowance for stationery and newspapers	125 00
Estimated amount of postage on official correspondence, speeches, and other public documents, and upon seeds distributed	250 00
Total	6,411 50

Here was a wide inequality, which I thought, and still think, was unfair. Such inequality of compensation, varying in degree, was found everywhere, and the compensations of no two members were alike. I believed this was unfair and unjust, and believed that the new salary bill would be best for all and best for the country; and I have seen no reason to change such belief.

As to the retroactive feature of the law, it is in accordance with a uniformity of precedent from the beginning of the Government down.

Mr. Clay had anticipated the objections of the people as to the propriety of members fixing their own compensation, and said:

As to the amendment to defer its operation until the next Congress, he would remark that, in his judgment, there was more propriety in the law ending than beginning there. It was more respectful to our successors to leave them free to determine what was the just measure of indemnity for their expenses, than for us to prescribe the rule for them. We can best judge for ourselves. With respect to the supposed delicacy of our fixing upon our own compensation, let the Constitution, let the necessity of the case be reproached for that, not us.

MR. Randolph offered an amendment to the bill, proposing to repeal the act of 1816, to deduct the back pay of members in excess of $6 per day, but it was rejected.

These precedents have been so well stated by my friend from Tennessee, [Mr. BRIGHT,] that I use his language. He says:

The people afterward repeatedly honored Mr. Clay with their confidence, and a great national party gave him a most enthusiastic support as a candidate for the Presidency. Mr. Calhoun afterward became Senator, Cabinet officer, and was elected Vice-President by the people. Mr. R. M. Johnson, author of the bill of 1816, was afterward elected Vice-President by the people. Mr. McLean was afterward made one of the supreme judges, and he was warmly solicited to become a candidate for the Presidency in 1832, but he declined. Mr. Webster was afterward repeatedly in the Senate, in the Cabinet, supported by many warm friends as a candidate for the Presidency, and became illustrious as the greatest constitutional expounder of his age. James Clark was afterward elected governor of Kentucky To single out a few who received back pay under the act of 1856: Stephen A. Douglas and John Bell were indorsed by their respective parties as candidates for the Presidency when the times were "big with danger." John Bell carried the State of Tennessee. Lewis Cass afterward became a Cabinet officer, and Lyman Trumbull and John J. Crittenden were sent to the Senate.

Believing that I have acted right in this whole matter, I shall oppose any change in the law as it now stands.

[Here the hammer fell.]

Mr. NEGLEY. Mr. Speaker, the honorable gentleman from New York [Mr. COX] has exhibited distressing sensitiveness over a remark I made the other day, which was simply quoting a statement I had read in the newspapers, and one I would have been pleased to have corrected if the gentleman had permitted himself to use language suitable to his own dignity and that of the House. He has been pleased to refer to the subject again before I had an opportunity of correcting the statement according to his version, and now I propose to reply briefly to the remarks which he has made.

I will state that I have no objection to the honorable gentleman's being a dew-drop on the rose, as he styles himself, or a sunflower in a garden of hollyhocks. [Laughter.] His reference to my allegation against himself, and his charge upon me, was wantonly made and unwarranted by what I had stated. I will refer to the facts as evidence against the gentleman's declarations. Immediately after the close of the last Congress he drew the back pay and put it in his pocket, or, as stated again in the press, quoting the gentleman's own remark, gave it to his father and mother because they were orphans, and when the telegraph announced that all that was mortal of James Brooks would soon pass over the borders of care and of time, the gentleman turned the amount into the Treasury. It was not all summer that he retained it, but it was from the 10th of March to the 30th of April. I do not question the gentleman's motives or his right so to act; I simply refer to the facts.

Mr. COX. Did not the gentleman hear my statement, that I put it in the Treasury before Mr. Brooks's death?

Mr. NEGLEY. I have not stated otherwise.

Mr. COX. Oh! Well, go on.

Mr. NEGLEY. I would not misrepresent the gentleman. I have proper regard for my own self-respect and his feelings, but the gentleman appears on this floor immediately at the commencement of the session, and I recognize him as a conspicuous figure in a group of gentlemen who are anxious and zealous in arraigning their fellow-members for committing a great wrong against the public Treasury and public sentiment, and I desire to refer to the gentleman's own acts so as to place him upon record before the country in the position he rightly occupies, and one in which he has placed himself. For the period from June 4 to November 5 the gentleman drew from the public Treasury $3,125, and according to his own statement, a few moments ago, he was only made a member by election on the 5th of November.

Mr. COX. Is the gentleman aware of the law on that subject?

Mr. NEGLEY. I am aware of the law. Is the gentleman aware of the law under which we drew our back pay?

Mr. COX. The law of 1859 is express in relation to that. I do not draw pay because I am the successor of Mr. Brooks. There is a time fixed at which the pay commences. Is the gentleman aware of the law?

Mr. NEGLEY. I am aware.

Mr. COX. Well, what is it? Let us see whether you know anything about it.

Mr. NEGLEY. If the gentleman will permit me, I will proceed in my own way. I have already been more indulgent to him than he was to me. Up to the 1st of December the gentleman had drawn $3,649.35, and he has only served nine days. If that is not drawing back pay, I appeal to the common sense of the House.

Mr. COX. Have you served longer than I have in this Congress? I was sworn in here the same day you were, only I had to run twice in order to get here, and you only ran once.

Mr. NEGLEY. I am not showing such a distressing amount of virtue as the gentleman is, and consequently I am not making my own defense. The objection which I have had to this whole proceeding has been to the indecent haste with which this bill has been brought before the House and the country, when our industries are depressed, when the condition of our finances demands immediate legislation. It was a matter of necessity that this Congress should take hold of those two questions the very first day of the session; but, instead of that, gentlemen proposed a measure of economy by reducing the pay of members and by striking at those who have drawn back pay. I consider, sir, to say the least, that it is indecent.

Mr. COX. I hope the gentleman will allow me to give him some figures to correct what he has said. He says that he has served no longer than I have, yet he has drawn $2,000 more than I have drawn. He has drawn $5,535, while I could not draw as much by $1,875. Am I not as valuable a man as he is? [Laughter.]

Mr. NEGLEY. Mr. Speaker, it is true I do not possess as humorous elements as the gentleman from New York, [Mr COX;] nor do I have, as he has, the indorsement of Tammany Hall. But the statement of facts I have made he will acknowledge, after reflection, to be entirely correct. I believe that I have quoted him correctly.

It was far from my intention to make this a personal matter. I simply alluded to the statement reported in the press, and I called attention to it without intending to arraign the gentleman before the House.

The gentleman from New York has the perfect right to act, as has every other member of the House, according to his best judgment on this and every other question. But the gentleman himself appears here as judge advocate on the part of the people. He arraigns his associates in this Hall for committing a great crime, or to use his own language, "for stealing money from the Treasury." When he makes that charge I desire the House and the country to understand the part he has played in "stealing money from the Treasury," if he prefers that phrase.

Now if this measure had been introduced into this House as a measure of economy it would have commanded my vote and my earnest support; or, if it were introduced out of respect to public opinion by gentlemen who had themselves the most right upon this floor to introduce it—I mean those who had fathered the bill before—should have been willing to have given my support to it. But it has been supported, on the contrary, by a number of gentlemen who, having escaped from the follies of their youth, hope to acquire a new reputation. [Laughter.]

Mr. WILSON, of Indiana. Mr. Speaker, the subject now under consideration is one which has attracted much public attention. The action of the Forty-second Congress, in passing the act by which the salaries of Senators and Representatives were increased, which it is now proposed to repeal, and especially that feature of it whereby the increased pay was made to date from the beginning of the Congress, has met with the fiercest denunciation. Not only those who voted for it, but those who voted against it, yet received its benefits, have been stigmatized as thieves and robbers.

It matters not how many years of faithful service had been devoted to the country, nor how exalted a character for integrity had been builded up; this one act has been deemed an unpardonable sin, and treated as an unmitigated criminality. While indulging in this wholesale denunciation, no one stopped to consider the circumstances under which any member happened to be placed, and which to him, and to any reasonable man, might seem to make it his duty to vote for the measure; no difference of opinion was permitted as to its justice; no appeal to reason would be listened to. My distinguished friend from Ohio, [Mr. GARFIELD,] who struggled against it until, in a conference report which he had resisted to the last, it was brought before the House attached to one of the most important appropriation bills, and then, as all of us who are familiar with the facts must confidently believe, (and it is but justice to him to say so here,) voted for it in the conscientious discharge of his duty to the country, has fared no better than any one else.

I do not doubt that this unstinted abuse has been indulged in by many honest, conscientious men, who, in my judgment, came to hasty conclusions; and certainly by many who thought they could see in it their opportunity for perferment, hoping for official honors upon some demerit of others, rather than upon any merit of their own.

Mr. Speaker, I may be mistaken, but I have thought that I could see in what has transpired here since this question came before the House a disposition upon the part of some gentlemen to seek to gain popularity for themselves by trying to cast reproach upon their fellow-members.

Now, sir, it is not my purpose to argue against the repeal of that act, nor that it did not fix the salaries too high, but to show that there is nothing in it that is immoral or dishonest; that a man might vote for it, or receive its benefits, and still be the peer in integrity and conscience of the very best of all the multitude of his detractors. The limit fixed to this debate will not permit me to enter into an elaborate consideration of this subject in its various aspects, and I must necessarily treat it briefly. As the Constitution now is, the power is granted to each Congress to fix its own compensation. This power was granted for the reason that it was not deemed wise to allow one Congress to fix the compensation of its successor; it was recognized as a delicate duty for members to fix their own salaries, but after weighing all the arguments *pro* and *con*, it was deemed best that it should be so. A great many newspaper articles have been published, and speeches made, in which it has been assumed that when a Senator or a Member of Congress is elected it is a contract to serve during the period for which he was elected for the compensation provided for at the time of his election. But, sir, nothing is plainer than that the assumption is without foundation. On the contrary, as before remarked, for reasons which the framers of the Constitution regarded as outweighing those that were urged against it, it was provided that each Congress might judge of its own compensation. Such is not only the plain letter of the Constitution, but there is history which shows that so the people themselves desired it to be, to which I desire briefly to call attention.

On the 27th of June, 1788, when the State of Virginia ratified the Constitution, the convention of that State proposed numerous amendments to be submitted to Congress for action, among which is one in the following language:

18. That laws ascertaining the compensation of Senators and Representatives for their services be postponed in their operation until after the election of Representatives, immediately succeeding the passing thereof.

That convention instructed the Senators and Representatives from Virginia to insist upon this amendment with the others.

On the 8th of June, 1789, Mr. Madison, in the House of Representatives, offered this amendment in the following words:

That in article 1, section 6, clause 1, there be added to the first sentence these words, to wit: "But no law varying the compensation last ascertained shall operate before the next ensuing election of Representatives."

After this and other amendments had passed through the hands of a committee, it came before the House in the following form:

Article 1, section 6, between the words "United States," and "shall in all cases," strike out "they" and insert "but no law varying the compensation shall take effect until an election of Representatives shall have intervened."

In the discussion which ensued, Mr. Sedgwick, of Massachusetts, said: "Much inconvenience and but very little good would result from, this amendment. It might serve as a tool for designing men; they might reduce the wages very low, much lower than it was possible for any gentleman to serve without injury to his private affairs, in order to secure popularity at home, provided a diminution of pay was looked upon as a desirable thing. It might also be done in order to prevent men of shining and distinguished abilities, but of indigent circumstances, from rendering their fellow-citizens those services they are well able to perform, and render a seat in this House less eligible than it ought to be."

Mr. Vining said he thought every future Legislature would feel a degree of gratitude to the preceding one which had performed so disagreeable a task for them. The committee who had made this a part of their report had been guided by a single reason, but which appeared to them a sufficient one. There was, to say the least of it, a disagreeable sensation occasioned by leaving it in the breast of any man to set a value on his own work. It is true it is unavoidable in the present House, but it might, and ought to be, avoided in future; he therefore hoped it would obtain without any difficulty.

Mr. Gerry said he "would be in favor of this clause if they could find means to secure an adequate representation; but he apprehended

that it would be considerably endangered; he should, therefore, be against it."

Mr. Madison said he "thought the representation would be as well secured under this clause as it would be if it was omitted; and as it was desired by a great number of the people of America he would consent to it, though he was not convinced it was absolutely necessary."

Mr. Sedgwick "remarked once more that the proposition had two aspects, which made it disagreeable to him; the one was to render a man popular with his constituents, the other to render the place ineligible to his competitor."

This is the substance of the debate on this proposed amendment. The House passed it, as did also the Senate, and it was sent to the States for ratification. By that act the First Congress virtually said to the people of the several States: "You have, by the Constitution, authorized each Congress to fix its own compensation. It is a delicate duty to perform, and we propose that you so amend your Constitution that when the compensation is fixed it shall not apply to the Congress fixing it." But the States rejected this proposed amendment. They said by that refusal, "We will leave to each Congress the right to fix its own salary."

With this approval of the Constitution as originally framed, and disapproval of the proposed amendment, five different Congresses have made changes in congressional salaries, each time increasing the amount and each time fixing its own salary, *i. e.*, dating the increase back to the beginning of the Congress, as the Constitution authorized, and as the people had, by the refusal to amend, sanctioned. Of those who participated in said legislation and its benefits the records disclose the names of many who were illustrious for their wisdom and integrity.

Mr. BUTLER, of Massachusetts. I wish to ask the gentleman from Indiana whether he has before him the votes of the States when they acted on that proposition.

Mr. WILSON, of Indiana. I have not.

Mr. GARFIELD. I have.

Mr. BUTLER, of Massachusetts. I hope the gentleman will give the statement to the House.

Mr. GARFIELD. Eliot's Debates contain the statement that the vote was as follows: New Hampshire, New York, Pennsylvania, and New Jersey voted nay on the direct proposition for that amendment. Delaware, Maryland, South Carolina, North Carolina, Rhode Island, and Virginia voted yea. Massachusetts, Connecticut, Georgia, and Kentucky declined to act upon the subject altogether. Therefore, eight States, either by direct vote, rejecting or refusing to act, negatived the proposition. Six states voted for it.

Mr. WILSON, of Indiana. It was not ratified; it was rejected, and the people have refused to accede to adopt any such amendment to the Constitution.

Now, Mr. Speaker, when interrupted, I was calling the attention of the House to the fact that, since this refusal on the part of the people to make this amendment to the Constitution, five Congresses have increased the salaries, and each time dated the increase back to the beginning of the Congress, or, in other words, have embodied in the law this feature, which the gentleman from Ohio, [Mr. LAWRENCE,] a short while ago, so earnestly objected to as "back pay."

In the Fourteenth Congress such men as John McLean, of Ohio, Daniel Webster, John C. Calhoun, John Randolph, and others of like character, voted for such a bill, and all the members of that Congress took the benefit. Among the latter were such men as Lowndes, Forsyth, Philip Barbour, Henry St. George Tucker, Nathaniel Macon, and Rufus King. President Grant has been denounced for signing the bill of March last. James Monroe, then President, signed the bill which I have just been referring to.

Again, in August, 1856, the Thirty-fourth Congress passed an act increasing compensation, dating it back to the beginning of the Congress, a period of seventeen months, whereby each Senator and Member received for that past seventeen months, is without cutting off perquisites, about $2,400, in addition to what had already been paid him under the prior law; in other words, about $2,400 of what is now stigmatized as "back pay." In the Senate were such men as Lewis Cass, Stephen A. Douglas, B. F. Wade, John M. Clayton, George E. Pugh, Samuel Houston, William H. Seward, Hamilton Fish, Henry Wilson, Charles Sumner, Jacob Collamer, John P. Hale, William Pitt Fessenden, and Hannibal Hamlin. In the House were, among others, John Sherman, Francis E. Spinner, Henry Winter Davis, John Scott Harrison, Samuel Galloway, Benjamin Stanton, Joshua R. Giddings, John Covode, Galusha A. Grow, Washburne of Maine, Washburne of Illinois, Washburn of Wisconsin, William H. English, George P. Dunn, William Cumback, David P. Halloway, Lucian Barbour, Harvey D. Scott, Schuyler Colfax, John W. Pettit of Indiana. None of the gentlemen in that Congress failed to take the benefits of this act.

Again in 1866, on the 28th of July, sixteen months after the Thirty-ninth Congress began, a like bill was passed increasing the salary $2,000 per annum, and making it date from the beginning of the Congress, and cutting off no perquisites whatever.

Among those voting for it in the House I find General Schenck, of Ohio, now our minister resident near the Court of Saint James, Mr. Kerr, of the State I now in part represent, my colleague on the other side of the House, [Mr. NIBLACK,] and many others. There were others of equal character for integrity who voted against it, among whom I find the names of Mr. BOUTWELL, of Massachusetts, WILLIAM LAWRENCE, of Ohio, now a member of this House, Mr. KASSON, now a member from Iowa, Mr. GARFIELD, now chairman of the Committee on Appropriations, and my colleague, the chairman of the Committee on Foreign Affairs. I also find that many did not vote, among whom I find the distinguished Speaker of this House; the present distinguished chairman of the Ways and Means Committee, three Washburns, and my predecessor, Mr. Julian. But all, whether voting for or against, or not voting at all, took the benefits of the increase—the "back pay." When the gentleman from Ohio [Mr. LAWRENCE] declined to yield to me a few minutes ago for further questions, after he had answered that he condemned this act both because of the feature of back pay and because it was too much in amount, and after he had answered that in 1866 he took about $3,000 of back pay, I desired to ask him further if the principle was wrong last March, whether it was any the less wrong in 1866, and whether he has yet covered the portion he received into the Treasury as conscience money. He can answer now if he desires to do so.

Mr. LAWRENCE. I can answer that question.

Mr. WILSON, of Indiana. I desire that the gentleman should answer the question, but I hope it will not come out of my time.

Mr. LAWRENCE. From the 4th of March to the 2d of December I collected my pay from the Treasury at the rate fixed by the old law.

Mr. WILSON, of Indiana. I am talking about 1866.

Mr. LAWRENCE. I collected the whole amount of the salary of 1873 as fixed by the new law, and on the 2d of December paid into the Treasury the difference in amount between the old and new law.

Mr. WILSON, of Indiana. When?

Mr. LAWRENCE. On the 2d of December.

Mr. WILSON, of Indiana. This present December? I am trying to get the gentleman to answer what he did with what he got in 1866. Has he covered that into the Treasury?

Mr. LAWRENCE. In 1866, as the gentleman has said, every member of that Congress drew the pay fixed by the act of 1866, except one member, a gentleman from West Virginia. In what I said I condemned this salary act of March 3, 1873, because its back pay increased the pay, and because of the amount of pay. The back pay, like the front pay, is to be condemned, because it is all too much.

Mr. WILSON, of Indiana. O, yes; the gentleman from Ohio only condemns it now because it is too much. That is the essence of the whole matter, as I will show presently.

But the gentleman said a little while ago, when I interrogated him when he was addressing the House, that he condemned it because it was back pay.

Mr. LAWRENCE. Because it was back pay—too much in amount. [Great laughter.]

Mr. WILSON, of Indiana. I wish to ask the gentleman one question.

Mr. NIBLACK. Will my colleague [Mr. WILSON] yield to me a moment?

Mr. WILSON, of Indiana. My time is fast passing away.

Mr. NIBLACK. I merely wish to say that in 1866 there was one member of this House who declined to take the back pay allowed him—Mr. Hubbard, of West Virginia.

Mr. DAWES. I understand my friend from Ohio to say that he was opposed to this back pay because it was too much. I want that he shall tell us how much back pay he would go for? [Great laughter.]

Mr. LAWRENCE rose.

Mr. DAWES. I desire to ask the gentleman one question more, and he can answer all together. He says in the Congress of 1866 every member took the back pay, and that is the reason he took it.

Mr. LAWRENCE. I said no such thing.

Mr. DAWES. The gentleman gave that as his excuse, and now he turns round and says that the people condemn this, and that is the reason he thinks it to be so bad. He goes with the multitude, whatever way the multitude goes. [Laughter]

Mr. LAWRENCE. Now, I hope the gentleman from Indiana will allow me to reply to the question of the gentleman from Massachusetts.

The SPEAKER. The time of the gentleman from Indiana [Mr. WILSON] has expired.

Mr. BUTLER, of Massachusetts. I move that the time of the gentleman from Indiana be extended ten minutes.

Mr. SCOFIELD. I ask the floor.

The SPEAKER. The gentleman from Pennsylvania on the right of the Chair [Mr. TOWNSEND] was about to be recognized. But if the gentleman from Pennsylvania, who is a member of the committee, insists upon his right, the Chair will feel called upon to recognize him.

Mr. SCOFIELD. I do not desire to interfere with my colleague. If I were recognized I would yield to the gentleman from Indiana.

Mr. TOWNSEND. I yield five minutes to the gentleman from Indiana, [Mr. WILSON.]

Mr. LAWRENCE. Now I hope the gentleman from Indiana, having had his time extended, will allow me to answer the gentleman from Massachusetts, [Mr. DAWES.]

Mr. WILSON, of Indiana. I cannot yield, because my time will very soon expire.

Mr. LAWRENCE. Oh, let me answer the gentleman from Massachusetts. [Laughter.]

Mr. WILSON, of Indiana. The House will give you time to answer.

Mr. MILLS. Mr. Speaker, I call the gentleman from Indiana to order. In violation of the Constitution of the United States he is inflicting on the gentleman from Ohio "cruel and unusual punishment." [Laughter.]

Mr. WILSON, of Indiana. After this long interruption, I resume what I was saying about the Congress of 1866. There were some very distinguished gentlemen in the Senate in that Congress, among whom I find, from my own State, Henry S. Lane, who spoke in its favor; Thomas A. Hendricks, who sat in the chair while the matter was being discussed; the present Vice-President, Mr. Fessenden, Mr. SUMNER, and others whom I need not name; but none of them failed to take the benefits. Some of them voted for back pay, and they all took back pay, as it is called.

I think I have shown that the Constitution was purposely framed so as to allow each Congress to fix its own salary, and that, acting within its express constitutional power, the Forty-second Congress, in passing the act to which I have referred, has followed an unbroken line of precedents, and has trodden in the footsteps of many illustrious predecessors.

Having the right to fix its own compensation, it is of course wholly immaterial on what day of the Congress it is done. The merit or demerit does not in any way depend upon whether it is done on the first or the last or any intervening day. It might be done on the first day, and then it would all be "front pay," to use the language of some of the newspapers; but the effect upon the Treasury would be precisely the same as if fixed upon the last day. The merit or demerit, the good or bad qualities of the act, depends, therefore, not on the time in the session when it is done, but altogether upon the amount. If the amount fixed would have been right if it had been fixed at the beginning of the Congress, it is equally right if fixed at any later day in the Congress to date from the beginning. Upon this question of amount it is but natural that there should be a diversity of opinion, and that difference may exist between honest men.

One may think that the honors of the place are entirely adequate to induce men of the requisite character and ability to accept and faithfully discharge the duties of the place, regardless of salary, and doubtless this is true; while there are others equally honest who believe that the man who devotes his time, abilities, and experience to the faithful service of the country should have a salary reasonably in excess of his reasonable expenses—that it is neither fair nor just to take advantage of the fact that the place is desirable for its honors, and thereby secure the services of competent men for an inadequate salary. A man may entertain such an opinion and act upon it, and be neither a robber nor a thief. Such a man need not be seriously apprehensive that he will, in the opinions of just men, suffer when brought in comparison with those who think the same way but have not the moral courage to do what they believe to be right, and especially with the debauched slanderer and political charlatan who exhausts himself in denouncing what has been done as legalized robbery.

I shall not argue the question whether or not the action of the Forty-second Congress was ill-timed or indiscreet, although it would possibly not be difficult to convince a thinking man that it is never ill-timed nor indiscreet to do what is right; but this would involve the single question, and it is the only question involved, as the gentleman from Ohio [Mr. LAWRENCE] now admits, whether or not the amount fixed by that Congress was in excess of a fair compensation. Those who had experience here would differ in regard to it, and those who have had no opportunity to know to what expenses Senators and Members are subjected are not in a good condition to form a correct opinion.

It is sufficient for us to know that the people, whether wisely or unwisely, are unwilling to pay the amount fixed by that Congress. We cannot now argue that they are wrong. They have a right to dictate what they will pay. They have a right to demand that it shall be repealed. They have made that demand, and we are now about to accede to it. When repealed we must once more fix salaries; and that, also, we are about to do. Whatever we may do will be criticised; but we must do something, and perhaps the best guide to us in disposing of the matter is the law as it was before, and I trust that the House will place the bill upon that basis.

Mr. TOWNSEND rose.

Mr. LAWRENCE. Now will the gentleman yield to me a moment?

Mr. TOWNSEND. I cannot yield to the gentleman.

I do not think that the people of the United States desire that we should turn this House into a class-meeting or love-feast in order that we may acknowledge our political sins and ask to be forgiven. Nor is this an occasion for our clothing ourselves in hair-cloth shirts, heaping ashes on our heads, and subjecting ourselves to a course of self-flagellation like penitents for what we have done in the past Congress. The people of the country are willing to compensate their Representatives fairly and equitably. They are neither unjust nor ungenerous. They are willing that we should have a fair salary for the services we are rendering them here. I think, Mr. Speaker, that the popular indignation during the past summer was not directed so much against the increase of pay as it was against what has been called the back pay. The people felt indignant that in the last hours of the last day of the session, after we had signed our receipts monthly, acknowledging that we had been paid in full for our services here, we should pass a law taking immediately out of the Treasury $5,000 each, which we had acknowledged we had not earned. It was for this that the people called members to a stern account.

I thought on that occasion, when the bill was before the House, that it was injudicious, and I thought that it was wrong. I thought that the people had had no opportunity to pass upon the bill. And I am very sure that, if the bill had been brought into the House at the first session of Congress, before the county and district and State conventions met, that bill increasing the pay and giving back pay never would have passed, in the form and at the figures at which it did eventually pass. If it had been passed at that earlier session, however; if the people had had a chance to express their sentiments with regard to it, in their different constituencies, they would have made no complaint. They could have dealt with their Representatives as they thought best. But they had no such opportunity. On that occasion I advocated the bill extending the pay to $6,000 a year. I did it because I saw there was a determination to increase the pay, and I felt that $6,000 a year, as I proposed at that time, would be about a just compensation for what we would lose, in the shape of stationery, mileage, and obligation to pay postage on public documents, under the bill that finally passed.

Therefore it was that I voted against the bill, and never touched the back pay, but turned it over to the Treasurer, who receipted for the same.

In the last Congress, before the salary bill was passed, and from 1866 down to that time, the compensation of members of Congress was $5,000 a year. We received in stationery about $125, and on an average in the way of mileage $325. The gentleman who had the superintendency of the folding-room told me that the postage that would be imposed upon the books that would be sent forth, after the franking privilege was done away with would be over $700. These sums added together make $6,150.

I thought then that the sum of $6,000 would put us about where we had been before the abolition of the franking privilege. I advocated that sum then; I advocate it to-day. The people of the country have demanded that we should repeal, or in some way change, the bill under which we are now drawing compensation. I think that a fair compromise, and one that will be acceptable to the people throughout the country, and I hope to the members themselves, will be the one I have proposed in my amendment, in which I provide that the pay of Senators and Representatives in Congress hereafter shall be $6,000 a year, and payment for actual expenses individually incurred in going to and returning from the seat of Government once at each session.

I think we meet there on a common ground, as a proper compromise among each other and with the people.

The bill that is proposed by the gentleman from Maine [Mr. HALE] does not do away with that odious principle of mileage, whereby gentlemen from the Northwest and Southwest Territories receive in pay and mileage something like $3,000 more than we do. This enormity is allowed by the bill of the gentleman from Maine to stand. It is an inequality to which we ought not to submit; it is an inequality that the people of the country do not ask us to submit to.

In my amendment, which gentlemen will find upon their tables, I have omitted the members of the Cabinet and the Speaker of this House. The reason why I have done so is, that wherever I have heard any expression of opinion with regard to increase of salaries, I have never heard a word of complaint against the increase of the salaries of the President, which had remained the same from Washington to Grant, while congressional pay had been repeatedly increased, nor of the members of the Cabinet, or of the Speaker. There has been no complaint made of them. The only complaint has been made against us that we, in the last hour of the last day of the session, should have put up our pay, and should have taken $5,000 extra and departed.

I do not intend to impeach the motive of any gentleman who voted for that increase. I concede to him the right of individual judgment; he acted upon his own responsibility, as I did upon mine. He thought it right, I doubt not, as I thought it right in me to endeavor to put the amount at $6,000.

In my amendment I have omitted the names of the Cabinet, because I think that the $10,000 allowed to them is no more than a just and adequate compensation for their services. I have omitted the name of the Speaker, because he has always been considered equal to the members of the Cabinet, and he has always received the same salary; and because, in addition, he is obliged by custom to keep house here as well as keep house at home. And I think that any Speaker, I care not who he is, who can guide and control a legislative body of three hundred men, of independent thought, feeling, and self-will, in a House like this, and conduct legislation as promptly and well as the present Speaker has done, is entitled to $10,000. It is for this reason that I have omitted those officers in my bill.

The bill that is presented by the gentleman from Maine, [Mr. HALE,] I say, is an unequal one. I trust that bill will not pass the House; that gentlemen will see that the amendment I propose is a placing of the salary at fair figures, and bringing it to what it was before the salary was raised. It will be a proper and just compromise between gentlemen on the one side and gentlemen on the other. It will be a just and honest concession to the exigencies of the sentiment of the people, who feel that Congress has heretofore done

wrong. They will acknowledge that this is a proper compensation for our services. They will feel satisfied that we have done fairly and justly by them; that we have corrected an error of judgment on our part in putting up our salaries; that we acknowledge that they, in their conventions—State, county, and district—have spoken properly and well.

If this bill of the gentleman from Maine should pass, we will still have postage to pay. When I take up this schedule of postage on public documents that comes up from the folding-room, I find that if we send to our constituents, as we should do, our books and public documents, the postage on them will amount to something over $700. I forgot the figures presented by the gentleman from Nevada, [Mr. KENDALL.] But I know that my Agricultural Reports alone, if I send them out, as I intend to do as soon as printed, will cost me $220; the Census Compendiums will cost $85; the Census tables, $98; and the Report of the Secretary of War, $15. Those four documents alone, of the multiplicity of the public documents, will require each member, if he does his duty to his constituents, to pay the sum of between $400 and $500 for postage.

Therefore it is that I think the amendment I propose is only equitable and just; it is a common ground upon which members all may meet, and upon which we can go to the country, face our constituents, and say to them that we have put our compensation down to a just and reasonable sum and such as we fully earn.

In this there will be no degradation, but such an honorable acquiescence in the public will as is always due from Representatives to their constituents.

Mr. LAMISON. Mr. Speaker, when I came to this House this morning, I had no intention to say anything on this subject; and I do so now only because I am almost the only member from my State now on this floor—the only member, I believe, on the democratic side—who voted for the bill passed at the last session increasing salaries. I did so at that time because I believed I had good and sufficient reasons for my action; and I see no reason for changing my convictions to-day.

Mr. Speaker, I am too familiar with popular clamor not to know its full force and effect upon candidates for any position. I know full well the potency of the public press; and I know that at no time in the history of this country, not even during the dark days that followed the war, has there been a more rigid, a more absolute, a more tyrannical mob set upon men than has been set upon those who supported the bill passed at the last session.

In saying this I speak within due bounds and with due respect to every fellow-member; but I say it with a sense of my responsibility to the constituency who sent me here, and the country who hears me to-day. This is not the first time I have heard this clamor. I have heard it before to-day in a more clamorous body than this, and I regarded it then as my duty not only to defend my action, but to defend it because it was right, and for the best interests of my constituency and the country. Actuated by motives of this kind, I met my constituency; and I will say to the gentleman from New York [Mr. COX] that I have as intelligent a constituency as that which he represents. Although I had been traduced by the public press from one end of the country to the other; although there had been sent into my district, even before my arrival home from Washington, calumnies as disgraceful as they were false; although I was beset by men who were aspirants for position and were seeking popularity, I went home and met my constituents, and after explaining to them in a twenty-minute speech my course of action, with the reasons therefor, I heard no more of the matter for three months afterward, and then only in a convention called together for the purpose of convicting.

I will say another thing to my colleague from Ohio, [Mr. LAWRENCE.] It was among my constituency that the movement was born which was intended to wrest from us the power we had in the several counties of our State, and to put us—I mean the democratic party—in a hopeless minority. In one word, it was intended to annihilate us, and leave us forever without even a name whereby we might be known among men. That was the object with which the movement was started there by designing men. When that movement met me in the convention, and when resolutions directed against me were voted unanimously, I met my antagonists at the threshold and told them they would fail of their mission.

Afterward I met the same movement in another convention—the largest and most intelligent body of men that assembled in my district during the last year—a judicial convention, called together to nominate judges for the several courts of my district. In that convention there was a former member of this House, whom gentlemen will recognize when I give his name—Mr. Sawyer. Although the convention had not passed a single resolution upon the subject of back salary, he, true to his demagogical instincts, introduced the subject.

After a good deal of trouble I obtained the floor; and when I did I settled the matter in that district forever; at least up to the present time I have heard no more of it.

Now, I say to gentlemen here who may assail my action, let it be done "decently and in order." I have great respect for the gentlemen who presented this bill, but I would have a much greater respect for them if they would consider it like statesmen, and not like culprits goaded to do that which they are unwilling to do. This is a great question; one that involves the honor of this House and of every member in it; and that on the very first day of the session a special committee should be raised in order to rush the bill through without consideration or reflection, simply at the demand of popular clamor, is as disgusting to me as it is disgraceful.

This is my notion of the matter, and it is a notion which I entertain after meeting my people and discussing the subject before them. I do not know one of them who would not meet me with hissing and scorn if I were now to eat my own words and confess that I have been a scoundrel. In my own district I never had the reputation of being either a thief or a scoundrel, and I do not intend to carry such a reputation back with me from Washington. I intend to so conduct myself in the deliberations of this House as to command the respect of myself, of my wife and children, and of my constituency.

I do not intend to argue the general principles of this bill; it is unnecessary; every member of this House is fully familiar with them. We are now all receiving a salary of $7,500. Some of you may not be worth it; I believe I am. [Laughter.] I believe I am considered worth that at home; I believe my constituency will say so; and I am perfectly willing to go back and take their judgment upon my action here to-day. Yet men chosen by their constituents at the same time I was selected by mine come here now imbued with horror at the enormity of this offense; and although in days gone by their own hands have been stained with lucre taken in the same way and upon the same principle, they evince none the less zeal in prosecuting this crusade against those who supported the bill passed at the last session.

Mr. Speaker, let me say to them, and let me say to the gentleman upon my right, from my adjoining district in Ohio, [Mr. LAWRENCE,] let him go back, after this debate to-day, and, my word for it, he will make no more speeches on the "salary grab" in this House. [Laughter.] I know his constituency, and I know they are not the miserable tools and simpletons he would represent them to be. [Renewed laughter.]

One word more. Mr. Speaker,——

Mr. LAWRENCE. Will my colleague allow me——

Mr. LAMISON. No; not a word. [Laughter.]

One word more. The gentleman stands here to-day and teaches to us political ethics; he teaches to us moral ethics; he teaches to us, as it were, legal ethics. But I would beg him to remember that there is another maxim of the law, equally familiar to himself as it is to me, that when a party comes into court demanding equity he must himself do equity. Now, if he be the honest man he represents himself to be; if this bill be of such a character as to invoke all of the moral and physical hate which has inspired that speech delivered by him to-day, in which he has so largely dealt with the Greeks and with the Romans, then I ask him what he would have? And now, while referring to the Greeks and to the Romans, let me say there is not a man here to-day of any literary turn who would not be glad if he could have for example the portraits of the heroes among the Greeks and Trojans Homer has made so familiar to us in his immortal works.

There is not a man to-day here, sir, who would not give almost anything to know whether the figures sketched upon the discovered ruins at Nineveh are the true lineaments of those who raised these gigantic piles of antiquity. But, Mr. Speaker, in the case of the gentleman we are left to no such doubts, for so long as this Capitol stands, so long as one stone remains upon another, just so long will the true portrait of my friend from Ohio [Mr. LAWRENCE] be indelibly preserved in the public libraries of the country as the man who produced the report made by the great committee sent to New York City for the purpose of investigating election frauds. [Great laughter.] Here is the book and here is the portrait. [Renewed laughter.] [Here Mr. LAMISON held up the book and exhibited the portrait to the House.] It comes from the Congresssonal Library; it has the congressional mark upon it, that it belongs to the United States; but I do not know by what appropriation bill the features of my distinguished friend were embalmed forever as the frontispiece to this book. [Laughter.] I am requested to break the current of my remarks right here to read an extract from the Congressional Globe, second session, Thirty-ninth Congress.

Mr. LAWRENCE, of Ohio. * * * Every member of this House has taken an oath to support the Constitution of the United States. That Constitution declares that "Senators and Representatives shall receive a compensation for their services, to be ascertained by law." When members have taken an oath to obey that Constitution, which so declares, I take it that it is *the duty of a member to accept the provision which is made by law.*

[Great laughter.]

One word more. I wish only to say that, in disposing of this bill, I think it would be more decorous on the part of this Congress that it should receive a fair and honest consideration. Let it go back to the committee. Let careful inquiry be made whether the present compensation be too much or too little, and then let fair-minded men on both sides vote like honest men upon the dictates of their honest judgments. [Applause.]

The SPEAKER. The rules positively prohibit any expression of applause or disapprobation of any member's remarks.

Mr. STARKWEATHER. Mr. Speaker, judging from the indications here, I should suppose the salary bill, while the most unpopular measure in the country, is the most popular one in this House. I do not intend to indulge in any declamation. I have no claims to make of superior merit to other gentlemen, and I desire only a few moments to explain my views in regard to this question. It is an important

one, and should be treated with consideration and gravity. I do not propose to excite any antagonism between myself and any other gentleman on this question. My only purpose is to state substantially what my views were when this bill was passed, and what they are to-day. And let me say, in this connection, whatever view we may take of our own service here, there is back of each one of us a great constituency which has the right to be heard. They are heard in their public assemblies, in the discussions of conventions, and elsewhere. But I make a distinction between the just expression of public sentiment by the people in their conventions and the clamor of that portion of the press that lives by detraction. The sensational press is often very unjust to those who are engaged in the public service.

I do not join in that clamor, nor do I allow that clamor to control my action. The retroactive salary is no new thing. It has been voted repeatedly, and it was voted for by many of the most distinguished and honorable men in all these Congresses.

I do not think the honest judgment of the country can afford to condemn all these men in the past history of the country from its commencement to this hour. I do not, therefore, accept that clamor, or bow to it. But I am of the same judgment as I was at the time the bill was passed, that $5,000 was a fair compensation for a member of Congress. It is not a large compensation, but a reasonable one. At least, taking into consideration the services of the eminent men before us, taking into consideration the services and compensation of the judges of our courts, the heads of Departments, the members of the Legislatures of our States, I believed then, and I believe now, that $5,000 is a fair compensation for the time that we give to the public business. For that reason I was opposed to an increase of our pay. For that reason I am in favor of going back to the old pay, not because I am influenced by a newspaper clamor, but because I believe it is right.

But some will say, perhaps, "The gentleman may set a price on his own services, and if he is not worth more than that let him take no more." I claim to be no better than other gentlemen. I do claim that, while I have been here, to the best of my ability I have served my constituents faithfully, never having been absent from the House one hour except in case of sickness; and I have been absent from sickness but six days during the six years I have been here. But judging from what I am able to do, and what I see my fellow-members able to accomplish, and looking to the compensation paid to our judges, to executive officers, and to the members of our State Legislatures, in my judgment—and I think it is the deliberate and honest judgment of the country—$5,000, while not a large, is a fair compensation. Therefore I regret that the bill was passed increasing our pay; and in the bill which I have introduced I have embodied the principle to which I was committed before the people.

I claim no credit for having returned my "back pay," but simply did it because I believed it right. And, following that up, as many members here have not taken their "back pay," and nearly all, I believe, are willing to return it, I have incorporated that principle in my bill. It expresses simply my own individual opinion. I believe it to be right; and it is for that reason that I have placed it in my bill. I have heard many members on both sides of the House express themselves perfectly willing, when the law is passed, as far as "back pay" is concerned, to have it covered into the Treasury.

I have not risen to make a long speech, for if gentlemen vote the bill up or vote it down they will no doubt vote according to their conscientious convictions. We can afford to be honorable and generous with the people in this matter of fixing our salaries, because, by the Constitution, this is left in our hands; and a high sense of duty should make us careful in a matter where our honor is involved. We should be sure we do not overestimate our own services.

Then the situation of the country should be regarded. The time has come when 20 per cent. has been deducted in all our great business establishments from the pay of the workmen. Shall we increase our pay 50 per cent. when the wages of the laborers of the country have been diminished on an average 20 per cent.? Shall we, when our finances are running astern; when, probably, we may have trouble with foreign nations; when extra appropriations may be necessary—shall we, setting a price on our own services, advance our compensation 50 per cent., or shall we go back to the old standard? For my own part I do not wish to go beyond the mark of just compensation. I would rather have it written on my humble monument, when I am dead, that I chose to serve faithfully for less, rather than demand, because I had the power to do it, more of my constituents and my country; that I chose to do right; and that, if I made an error in fixing my compensation, it was not against my constituents but against myself.

I will not longer occupy the time of the House.

Mr. LYNCH. I desire to offer an amendment, which I send to the desk to be read.

The Clerk read as follows:

Amend section 1 as follows:

In line 81 strike out the words "of the Vice-President of the United States, and Speaker of the House of Representatives."

And amend section 2, as follows:

Strike out all after the word "that," in the first line, and insert the following: "Senators, Representatives, and Delegates in future Congresses shall receive each a salary of $6,000 per annum, and this sum shall be in lieu of all existing provisions of law for their compensation, except actual individual traveling expenses from their homes to the seat of Government and return by the direct route of usual travel, once for each session of the House to which such Senator, Representative, or Delegate belongs.

Mr. LYNCH. Mr. Speaker, it will be seen that the amendment I offered contains several propositions. One is to strike out that portion of the bill which contemplates a reduction of the pay of the Vice-President and the Speaker of the House. The other is to fix the pay of Senators, Representatives, and Delegates at $6,000 per annum, with the proviso, however, that the change shall not take effect during the present Congress.

Now, I will state the reason why I propose that amendment. I am satisfied that, so far as the people of the district I represent are concerned, they are satisfied with the law as it now stands. They do not object to $7,500 per annum for a member of Congress, but what they did object to (and what they do still object to) was the clause making the increase retroactive. That was what they thought wrong. I am satisfied myself that Congress ought not to alter the compensation of members so as to affect the members of the Congress making the change. That is the position that I stand upon, and I am now ready, and will be whenever the opportunity presents itself, to vote for an amendment to the Constitution of the United States prohibiting any Congress from hereafter altering the compensation of its own members. That is what I favor; and although I know the precedents have been the other way, yet I am in favor of changing the precedents. But it occurs to me, Mr. Speaker, that if it is wrong in principle for Congress to increase its own pay, it is also wrong for Congress to reduce its own pay. [Laughter.] I think that the principle applies both ways.

It has been intimated by some gentlemen that we of the South, the Southern Representatives, as a general thing, are opposed to repealing the increased pay. Now, I do not admit that, as a general thing, we are opposed to the repeal, although it may be true that a great many of us are.

But, sir, if we are opposed to repealing the increased pay it is not because we defy public sentiment, but because we have the privilege and the high honor of representing a constituency that is more liberal on this question than are the constituencies of some of our Western brethren. That is the reason why we do it. I am satisfied that the southern people have not made so much fuss about this question as some of the northern people have. You will have noticed that the southern newspapers have not denounced the members of the Forty-second Congress so severely as the northern newspapers have, and you will have noticed that the political conventions of the two parties in the Southern States have not denounced the members of the Forty-second Congress as severely as the political conventions of the North have done. We, consequently, cast our votes in accordance with what we believe and know to be the sentiment of the people that we represent. And now I say that the people, so far as I have been able to ascertain, are satisfied with the pay as it stands. They did believe, and do, that the retroactive clause was wrong. I think so, too, and that is the reason why I do not want Congress to change the compensation now. If we believe the pay is too high, reduce it, but do not let the reduction apply to ourselves. [Laughter.] If we believe that it is too small, then increase it, but do not let the increase apply to ourselves.

The Forty-second Congress fixed the salary at $7,500 per annum. I say, let us provide that Congress shall not hereafter increase the salary of its own members. If the members of the Forty-second Congress had fixed the pay at $4,000 instead of $5,000, had reduced instead of increasing it, I would still have been opposed to members of the Forty-third Congress adding to it so as to affect themselves; that is my position.

But I have been thinking during the discussion of this question that some gentlemen are making a mistake in what they believe to be public sentiment in this matter. They seem to think that the people of the country require a reduction of the pay of members below what it was before the last increase. Now, I am satisfied that the people do not require that; I am satisfied that not even the people of the Western, and Northern, and Eastern States require a reduction of the pay of Congress below what it was prior to the last increase. The members of the Forty-second Congress, and of each prior Congress for several years, drew $5,000 salary, mileage at the rate of 20 cents a mile each way, and had the benefit of the franking privilege, beside a proper allowance for newspapers, stationery, &c. Now, to put the salary back to $5,000 without those perquisites, would be to reduce the pay below what it was prior to the last increase. I am satisfied that the people do not demand that; and when Representatives go that far they go beyond public sentiment.

My friend from Ohio, [Mr. LAWRENCE,] the Boanerges of this debate, says that the republican party has been defeated in many States, and has had its majority reduced in others, in consequence of this measure for the increase of salaries; and yet he says that the party is not responsible for it. Well, if there is any force in that argument it amounts to this, that the people have condemned the republican party for doing one thing, and have indorsed the democratic party for doing the same thing. I cannot see the force of such an argument.

Now, although I am satisfied from my knowledge of southern feeling that our constituents will indorse our action if we vote to keep the pay what it is, yet I offer a proposition, which I think is fair and

liberal, to make the pay $6,000 per annum, the increase of $1,000 over the $5,000 to be in lieu of mileage, stationery, and the franking privilege; in other words, that we abolish mileage, that we abolish stationery allowances, that we abolish every perquisite that members of Congress have heretofore enjoyed, and add $1,000 to the $5,000 to make up for that. If that amount does not quite equal it, then reduce the pay that much; if it exceeds it, then we increase it that much. That is my proposition; and I make it apply to future Congresses and not to this, in order to be consistent in the proposition I have assumed on this question, that a Congress ought not to interfere with its own pay.

Sir, I hope that this proposition may be adopted as a compromise, and that the North and South will shake hands across the bloody chasm. [Laughter.]

Mr. O'BRIEN. Mr. Speaker, perhaps it would be wiser policy for me to indicate my sentiments on this question by the votes I will cast when the bill comes to be acted upon. But as I was not sent here to seek personal popularity by following any policy of my own, nor any policy excepting such as may be indicated by the time-honored principles of the democratic party, I feel that it is not inappropriate for me to say a few words upon the pending question which has agitated the whole country. When, upon the night of the 3d of March, or rather early in the morning of the 4th of March, 1873, I was informed by the newspaper press that the salary bill had passed both Houses of Congress, I felt that it was, if not an improper measure in some of its features, at least it was not a measure that would commend itself to the admiration and support of the democratic party. Pending its consideration we were taught by the press that it was only another scheme of the republican party to plunder the country in their own interest, and that the democratic party would have no lot nor part in it; but when I found that it had been passed by aid of democratic votes, I must say, Mr. Speaker, that I was in a measure disappointed; and I then came to the conclusion that perhaps in many of its features it was not as reprehensible as I had been led to believe. [Laughter.]

I think I know the opinions of my constituents, and to me they are the country. I know not what New York says, nor do I care; nor do I inquire what Ohio says on this question; but I have desired to discover the sentiments of the people of Maryland, and I propose to vindicate that sentiment, regardless of personal consequences.

I am convinced, Mr. Speaker, that the people of Maryland stigmatize and condemn only certain features of the salary bill.

The action of their representatives in the Forty-second Congress who voted for the salary bill was universally condemned, because particularly of its retroactive feature. The action of Congress was regarded as the breach of an implied contract in voting the members, at the last hour of their term, when many of them were retiring from public life to return no more, a larger sum than they had agreed to accept for their services. But I am also fully convinced, from a fair and reasonable consideration of the opinions of my people, that the increase of salary would be approved by them if it were passed under fair and reasonable circumstances.

Now, sir, I am of opinion that the press on this question goes even further than the people. The press of Maryland is unanimous in demanding not only the total repeal of all increase of salary, but also that members be compelled to refund, in so far as this can be done by law under the Constitution. I defer, with all proper respect, to the opinions of the press, and it becomes me as a Representative from Maryland to sustain by my vote the voice of my constituents as I may apprehend it. In that view I propose to discharge my duty on this question after a fair canvass of the opinions of the entire country as brought to my attention by the Representatives on this floor, and to cast my vote in an honest and conscientious discharge of the responsibility resting upon me.

I would say further to the House that I believe it is the opinion of the entire intelligent population of Maryland that it would be proper and right to restore that privilege, which belonged to the people more than to the Representatives—the privilege of acquiring information by means of the numerous documents and books published by order of Congress, and that they should be conveyed to them in some way not at the expense of their Representatives. I believe they would justify a re-enactment of the franking privilege, in some form which would enable them to reap the intelligence which will otherwise be concealed in our vaults, and have it scattered broadcast throughout the country, so that all men may know not only what their servants here are doing, but what their other servants in the Cabinet and in the Departments are doing with the public money.

Now I desire to say that when I find gentlemen upon this floor who I know must have made, in coming here to represent their people, sacrifices to which mine are but little, eager, anxious, and determined on this question, I am compelled to form the opinion either that they feel that they have done at least some measure of wrong in raising salaries, or that they now find, upon calm consideration of the facts, that a concurrence of their views with the views of the country will be better; that a sacrifice must be made by them and the pay reduced to its former standard. I must be guided in some measure by the almost concurrent opinion of members of the House. I have no reason to say that their judgment is not wiser than mine. I am here for the first time, and I find from my little experience in the city of Washington that it is possible for a man to live here on the old salary of $5,000. This is not difficult unless members are accompanied by their families, and I doubt that it was ever contemplated in any respect that their presence was necessary for the security or expedition of the proper legislation of the country. Certainly it cannot be contended that the families of members are entitled to provision for luxurious living out of the public Treasury.

Therefore, when I find an almost unanimous expression of opinion on the part of my fellow-members in favor of returning to the former rate of pay, I say that I am gratified, because it will be joyful news to my constituents to know that, while they are willing, perhaps, to pay me more than $5,000 a year, my wisdom agrees with the concurrent wisdom of the whole House, and I am willing to take a less sum, and will doubtless serve them as well as and as faithfully as though I had millions.

But there is one feature of this bill to which I am utterly opposed—that is, a feature of this bill and of several of the proposed amendments. I refer to the cutting down of the small salary voted to the officers of this House. I am entirely opposed to any such reduction of their salaries, because neither public clamor, nor public sentiment, nor the newspaper press has demanded it; and if we are willing to make ourselves victims upon the altar of public clamor, if you will, or public opinion, there is no reason why we should ask these clerks to become parties to the sacrifice. Let us reduce our salaries, but let the officers of the House keep theirs at the present standard; their services entitle them to it, and the country will justify them in receiving it.

[Here the hammer fell.]

Mr. NIBLACK. I have not sought the floor at this time for the purpose of speaking on this question, but I desire to ask the gentleman who has charge of this bill to consent that we may adjourn.

Mr. HALE, of Maine. There was a very anxious desire expressed yesterday on the part of members that this matter should not be hurried, but that it would be open for free discussion. A desire was manifested by some gentlemen near me, whom I do not see now, and others in this House, to take part in the discussion upon this bill. To-day has thus far been given to this discussion; it is not yet late; I hope the House will be gratified by more speeches to-day. We have sat here patiently, and for one I am willing to sit here longer.

Mr. BUTLER, of Massachusetts. I move that the House do now adjourn.

Mr. HALE, of Maine. I gave notice yesterday that about the end of the debate to-morrow I would withdraw the motion to recommit, and take the further sense of the House upon this bill. I hope it will not then be claimed that because of the short time occupied to-day the time for debate should then be extended. Of course, I have no objection to adjourning now.

The motion was agreed to; and accordingly (at four o'clock p. m.) the House adjourned.

PETITIONS.

The following petitions were presented, under the rule, and referred to the appropriate committees:

By Mr. COTTON: The petition of J. G. Querk, of Iowa, in regard to pensions to maimed soldiers.

By Mr. FOSTER: The petition of Ralph Wilcox and 25 others, of Clarksfield, Huron County, Ohio, praying for the enactment of laws prohibiting the sale of intoxicating liquors as a beverage.

By Mr. GUNCKEL: The petition of 570 disabled veterans of the National Home for Disabled Soldiers, near Dayton, Ohio, praying for the passage of a law equalizing bounties to honorably discharged soldiers of the late war, and granting to such as have been disabled, and the heirs of those who died in the service, one hundred and sixty acres of land without condition.

By Mr. HATHORN: The petition of John Young, of Amsterdam, New York, for extension of letters-patent.

Also, the petition of A. L. Reynolds and others, for the settlement of all international difficulties by arbitration, without a resort to arms.

Also, the petition of the Saratoga Monument Association, for an appropriation of $200,000, to aid in the erection of a monument at Schuylerville, New York, to commemorate the surrender of the British army, under General Burgoyne, on the 17th of October, 1777.

By Mr. HYDE: Petitions for the establishment of a mail-route from Pattonsburgh, in Daviess County, to Allendale, in Worth County, Missouri, via Burr Oak, Hamptonville, Martinsville, and Jewett, in Harrison County; and from Chillicothe, in Livingston County, via Avalon, in Livingston County, to Carrollton, in Carroll County, Missouri.

By Mr. LAMAR: The petition of J. & T. Green, asking indemnity for property destroyed by the Army of the United States.

By Mr. NEAL: The petition of Joel Thurman and other citizens of Highland County, Ohio, praying for an increase of pension for soldiers of the war of 1812.

By Mr. RANDALL: The petition of Sarah Burns, mother of James Burns, late a private in Company G, Twentieth Pennsylvania Cavalry, asking a pension.

By Mr. TREMAIN: The petition of John L. Perry, president of

the National Association of Stove Manufacturers, and 100 others, praying for the passage of a law for the better security of property in metal patterns.

POST-ROUTE BILL INTRODUCED.

The following bill was introduced, under the rules, and referred to the Committee on the Post-Office and Post-Roads:

By Mr. VANCE: A bill to establish post-routes in North Carolina, as follows: From Hendersonville, in the county of Henderson, to the Forks of Pigeon, in Haywood County; from Asheville, via Democrat, to Flag Ponds, in Washington County, State of Tennessee; from Bakersville to Johnson City, State of Tennessee.

IN SENATE.

WEDNESDAY, *December* 10, 1873.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D., of Washington.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 470) relating to the limitation of steam-pressure of vessels used exclusively for towing and carrying freight on the Mississippi River and its tributaries.

A bill (H. R. No. 472) granting general amnesty, and prescribing an oath of office.

A bill (H. R. No. 474) to establish a post-route from the village of L'Anse, in the county of Houghton and State of Michigan, to Huron Bay, in said county and State.

A bill (H. R. No. 478) to provide for the redemption of the loan of 1858; and

A bill (H. R. No. 223) changing the times for holding certain district courts of the United States for the State of Iowa.

PETITIONS AND MEMORIALS.

Mr. SUMNER presented a petition of colored citizens of the United States praying the passage of the supplementary civil rights bill; which was ordered to lie on the table.

Mr. FENTON presented the petition of John Young, of Amsterdam, New York, praying an extension of his patent for an improved washing and wringing machine; which was referred to the Committee on Patents.

He also presented the petition of the Sun Mutual Insurance Company, of New York, and three other insurance companies, asking for a rehearing of their claim for the loss of the bark Caldera, out of the surplus of the Chinese indemnity fund; which was referred to the Committee on Finance.

He also presented the papers of Louis Volkhausen, of the city of New York, praying for bounty as a veteran volunteer of the Fifty-fourth Regiment New York Volunteers; which was referred to the Committee on Military Affairs.

Mr. FENTON. I also present the petition of the Society of Friends, of New York, Samuel Willets, president, and R. W. Underhill, secretary, asking for the appointment of a commission of inquiry concerning the traffic in alcoholic liquors, and its relations to crime.

I have another petition from the New York State Temperance Society, signed by its president, Mr. E. Remington, of a similar character; and I am requested, in a note from Mr. Powell, of New York, to ask the reference of these petitions to the Committee on Finance. I do not know that any rule has been established by the Senate at this session in respect to the reference of these papers.

The VICE-PRESIDENT. If there be no objection, the reference proposed will be made.

Mr. EDMUNDS. What are the papers?

Mr. FENTON. They request the appointment of a commission of inquiry by Congress concerning the traffic in alcoholic liquors and its relations to crime.

Mr. EDMUNDS. Then that is the right reference.

Mr. FENTON. I only present the petitions. I feel bound, however, in view of the request in this communication, to suggest that reference to the Senate.

Mr. SCOTT. Before those papers are referred, I desire to say that I have a petition of a similar character, sent to me by the officers of the Young Men's Christian Association of Philadelphia; and the prayer is, that legislation may be reported to suppress within the sphere of national authority the traffic in alcoholic liquors and beverages. The most important question to be considered upon these petitions will be the question of the powers that shall be conferred upon this commission; and therefore I intend to move that they be referred to the Committee on the Judiciary.

Mr. FENTON. I am inclined to think, in view of the statement made by the Senator from Pennsylvania, that that would be the better reference.

Mr. EDMUNDS. I hope we shall consider the question of the reference of these petitions before any more are presented. I object to the reference to the Committee on the Judiciary. I think I can take the liberty to report from that committee now that Congress has no authority on the subject whatever, except in the District of Columbia and in the Territories, and possibly upon the high seas. I think it pretty safe to say that. Therefore, Mr. President, in all seriousness, it is purely a question of expediency. So far as this District is concerned, the question belongs to the Committee on the District of Columbia; and so far as the Territories are concerned, it belongs to the Committee on Territories. I have no hesitation in saying that I should be very glad to see such legislation as is proposed passed. I am perfectly willing to say that; but it is not doing right toward the Committee on the Judiciary, which is actually burdened with matters that really belong to its jurisdiction, that these papers should be sent to us.

The VICE-PRESIDENT. The Senator from Pennsylvania moves the reference of these petitions to the Committee on the Judiciary.

Mr. THURMAN. I wish to call the attention of the Senate to the fact that at a previous session considerable discussion took place in the Senate on the subject of referring petitions of a precisely similar character with these, the result of which was that they were ultimately referred to the Committee on Finance, and that committee reported by bill. Now, I have one of these petitions from certain officers of the Grand Division of the Sons of Temperance of Ohio, which I am requested to present; and with it comes a note asking me to move its reference to the Committee on Finance. In view of what has been said by the Senator from Vermont, and the fact that that committee considered the subject before and reported a bill, and that the petitioners undoubtedly, in asking that it be referred to the same committee, consider that committee as favorable to the petition, so that referring it to that committee comes within the parliamentary rule of sending a child to a good nurse, I think these petitions ought to go to the Committee on Finance, and I shall vote against any other reference.

Mr. FRELINGHUYSEN. I have also a petition of a like character from the——

The VICE-PRESIDENT. The question now is on the motion of the Senator from Pennsylvania, [Mr. SCOTT.]

Mr. FRELINGHUYSEN. I have a word to say in regard to that reference. I have a petition of like character from the Temperance Alliance of New Jersey. This petition does not only ask for legislation—that part of the petition is subject to the remarks made by the chairman of the Committee on the Judiciary—but it also asks for inquiry—for a commission to inquire as to the effect of the traffic in alcoholic drinks on crime, pauperism, and the public health. That inquiry, I suppose, may come within the power of Congress, not merely restricting the inquiry to the District of Columbia; but I agree that the petitions should go to the Committee on Finance; and I ask that reference of the one that I present.

The VICE-PRESIDENT. Does the Senator from Pennsylvania insist on his motion?

Mr. SCOTT. Yes, sir.

The VICE-PRESIDENT. The motion is that the petition presented by him be referred to the Committee on the Judiciary.

The motion was not agreed to.

The VICE-PRESIDENT. The question now is on the reference to the Committee on Finance.

Mr. SCOTT. The reference of these petitions was the subject of some considerable discussion at the last session; and it will be remembered that the chairman of the Committee on Finance at last, for the purpose of getting rid of the subject, said he would have the petitions referred to that committee, and that he would report back in substance what was known as the Ohio restraining liquor law, and then hand it over to the then Senator from Kansas, [Mr. Pomeroy,] who, I believe, was chairman of the Committee on Territories, or on that committee. It was not treated as a subject properly within the cognizance of the Committee on Finance, for, it will be observed, these petitions do not ask that Congress shall make this inquiry, but that it shall appoint a commission whose duty it shall be to make the inquiry; and therefore, as I have already stated, the question of the power to be conferred on that commission would be the real subject to be considered in any committee—not the question of the effects of the traffic in alcoholic liquors. That the committee are not instructed to inquire into; but we are asked to raise a commission whose duty it shall be to make that inquiry.

I have, as I have stated, a similar petition, and I can only say that in the amount of business properly belonging to the Committee on Finance, and which is likely to come before it, if the Senate wish to send this child to a good nurse, they had better find some other committee than that one to take charge of it.

The VICE-PRESIDENT. The question is on the motion to refer the petition to the Committee on Finance.

The motion was agreed to.

Mr. SUMNER. Mr. President, I offer a petition similar to those already presented to-day, from Samuel D. Hastings, Right Worthy Grand Templar, and M. S. Williams, Right Worthy Grand Secretary of the national organization of the Independent Order of Good Templars, representing 45 grand lodges, 6,000 subordinate associations, and 350,000 members, asking for the appointment of the commission

already described. I am told, in a letter accompanying this petition, that it represents the largest temperance organization in this country, probably the largest in the world. I move its reference to the Committee on Finance; and in making this motion, I must say that I cannot enter into the sensibilities of Senators as to this reference. It seems to me that so many petitioners deserve to be heard, and that one of our ablest committees will do well if it considers carefully the petition and makes some answer to it, either by a favorable or adverse report, but makes answer. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. JOHNSTON presented the petition of W. H. L. Combs and other officers of the Sons of Temperance of the State of Virginia, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to crime, pauperism, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. CONKLING. I present a petition of the National Temperance Society, of which William E. Dodge is president, asking for the appointment of a commission; and, with the view to its going to one of the ablest committees of the body, I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING presented the petition of Rudolph Eickemeyer, of Yonkers, New York, and accompanying papers, touching the invention of certain mechanism especially adapted and solely intended for stitching linings into hats, and praying an extension of a patent for the same; which was referred to the Committee on Patents.

Mr. SCOTT. I present the petition of John Wanamaker, president, and other officers of the Young Men's Christian Association, of Philadelphia, asking for the same commission to which reference has already been made. In obedience to the expressed will of the Senate, I move that this petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. THURMAN. I present a petition from G. W. Merreil, John Gundry, and other officers of the Grand Division of the Sons of Temperance of the State of Ohio, asking for the appointment of a commission such as has been mentioned in other petitions presented to-day. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. WINDOM. I present the petition of John Stevens and a large number of other citizens of Minneapolis, Minnesota, asking for the appointment of the commission mentioned by several Senators, to inquire concerning the alcoholic liquor traffic. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. LOGAN presented a petition of citizens of Illinois, praying the establishment of a mint in Chicago, Illinois; which was referred to the Committee on Finance.

He also presented the petition of J. Lash, G. P. Lyman, J. L. Burnside, and other citizens of Illinois, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. WRIGHT presented the petition of Wells C. McCool, late first lieutenant Company I, Twenty-ninth Regiment Iowa Infantry Volunteers, praying payment of the amount due him from the United States on account of his military services at the time of his dismissal from the service; which was referred to the Committee on Military Affairs.

He also presented the petition of Arch H. Stuart and 100 other soldiers and officers of different companies and regiments of Iowa and other States, praying that the bounty to discharged soldiers and sailors may be equalized and 160 acres of land given to each soldier and sailor; which was referred to the Committee on Military Affairs.

Mr. CAMERON presented the petition of Thomas H. Rabe, president of the Alleghany County Christian Temperance Alliance of Pennsylvania, of Rev. Elliot E. Swift, Rev. William M. Robinson, and other clergymen of Alleghany, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. CRAGIN presented the petition of J. B. Hendly, Grand Worthy Chief Templar, and J. L. Odell, Secretary of the Grand Lodge of the Independent Order of Good Templars of the State of New Hampshire, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. PRATT presented the petition of Mrs. Barbara A. Nock, mother of William H. Nock, deceased, late a private in Company D, Seventy-second Regiment Pennsylvania Volunteers, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. FERRY, of Connecticut, presented the petition of W. O. Buckley and Thomas G. W. Jefferson, officers of the Grand Temple of Honor and Temperance of Connecticut, and other citizens, praying for a commission of inquiry concerning the alcoholic liquor traffic in connection with pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. ANTHONY presented the petition of Frederick F. Baury, praying to be commissioned a lieutenant in the United States Navy and to be placed on the retired list in consequence of wounds received in the line of duty; which was referred to the Committee on Naval Affairs.

Mr. BOUTWELL presented the petition of the Massachusetts Temperance Alliance, signed by Rev. A. A. Miner, D. D., president, and Rev. William M. Thayer, secretary, representing a constituency of 10,000 members, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. WADLEIGH presented the petition of Benjamin Blanchard, a soldier of the War of 1812, praying for a pension; which was referred to the Committee on Pensions.

He also presented the petition of Jacob K. Marshall, a soldier of the War of 1812, praying for a pension; which was referred to the Committee on Pensions.

Mr. HAMILTON, of Maryland, presented the petition of Edward Stabler, jr., president, and George M. Lamb, secretary, of the Library and Literary Association of the Society of Friends of Baltimore, Maryland, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relation to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. MORRILL, of Maine. I present the petition of the Supreme Council of Templars of Honor and Temperance, a petition very similar in its character, I suppose, to those that have already been presented; and I desire to say that, considering the importance of this subject and considering the statement made by a member of the Finance Committee, to which the former petitions have been referred, feeling that if it goes in the direction which the others have already gone it goes to an unfriendly nurse, and sympathizing entirely with the sentiments expressed by the honorable Senator from Massachusetts, [Mr. SUMNER,] and feeling and believing that it touches the subject of education and labor at a great many points, I desire to give this petition a different direction from the others, and I move that it be referred to the Committee on Education and Labor.

The PRESIDING OFFICER, (Mr. HAMLIN in the chair.) It will be so referred if there be no objection.

Mr. SHERMAN. I have a petition signed by Oscar D. Wetmore, as the head of the National Division of Sons of Temperance, and Samuel W. Hodges, Most Worthy Scribe, alleging that they represent in this matter 93,252 men and women of North America, praying for the appointment of a commission in relation to the traffic in alcoholic liquors; and I move that it take the same reference as the last one did, to the Committee on Education and Labor.

The PRESIDING OFFICER. That reference will be made.

Mr. HOWE. I have a petition of the same character from the officers of the Independent Order of Good Templars of the State of Wisconsin, making the same prayer; and I wish to say to the Senate that this prayer is not for any legislation in the world, but they ask, on behalf of a very large number of the American people, that Congress will grant a commission to make certain inquiries to the end that legislation may be proposed. The petition assumes that neither the petitioners nor Congress understand this whole subject of the liquor traffic well enough to recommend legislation; and it assumes that a careful inquiry might suggest legislation very appropriate and very important. Now, I am specially requested to move the reference of this particular petition to the Committee on Finance. I do not understand that that committee are hostile to the general object of the petitioners; nor have I any reason to assume that they are specially friendly to it. I see no reason why the request of my correspondents should not be granted; and so I move the reference of the petition to the Committee on Finance, and I hope that committee will report favorably upon it.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FENTON, it was

Ordered, That the memorial and accompanying papers of John Ahearn, of Albany, New York, praying for extra compensation for subsisting troops of the United States, during the rebellion, be taken from the files and referred to the Committee on Claims.

On motion of Mr. FENTON, it was

Ordered, That the memorial and accompanying papers of the heirs of Captain Joshua Chamberlain, late of Ontario County, New York, praying for half-pay as captain during the revolutionary war, be taken from the files and referred to the Committee on Revolutionary Claims.

On motion of Mr. FENTON, it was

Ordered, That the memorial and accompanying papers of Mrs. Anna M. Orne, administratrix, &c., praying for payment for damages sustained, and reimbursement for destruction and appropriation of the property of her late husband, by the United States forces at Memphis, Tennessee, during the late war, be taken from the files and referred to the Committee on Claims.

On motion of Mr. MORTON, it was

Ordered, That the petition and papers of Henry C. Smith be taken from the files and referred to the Committee on Claims.

On motion of Mr. BOREMAN, it was

Ordered, That the petition and papers of James V. Boughnet be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. BOUTWELL, it was

Ordered, That the papers in the case of P. W. Whitcomb be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Colonel Thomas Worthington, of Ohio, be taken from the files and referred to the Committee on Claims.

On motion of Mr. ALCORN, it was

Ordered, That the petition and accompanying papers of Wade Hopkins, of Mississippi, sole surviving heir of Colonel David Hopkins, deceased, late of South Carolina, praying for half-pay as an officer in the revolutionary war and for reimbursement for certain moneys advanced in aid of the war, be taken from the files and referred to the Committee on Revolutionary Claims.

REPORT OF A COMMITTEE.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 71) to authorize the organization of national banks without circulation, reported it without amendment.

BILLS INTRODUCED.

Mr. ANTHONY. I ask leave to introduce a bill to amend the act of Congress to expedite and regulate the printing of public documents, approved the 25th of June, 1864; and I wish to give notice that the object of this bill is to repeal a law which directs the publication of the abridgment of the President's message and the accompanying documents. That is printed entirely for popular distribution, not for any use of the Executive or Legislative Departments of the Government; and as the franking privilege has been abolished and the cost of transmitting the book through the mail is very near the value of it, it is supposed to be a useless expense to continue the publication any longer. I wish Senators to understand that some of them have expressed a desire to have the law repealed.

There being no objection, leave was granted to introduce a bill (S. No. 140) to amend the act of Congress to expedite and regulate the printing of public documents, approved June 25, 1864; and it was read twice by its title, and referred to the Committee on Printing.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 141) for the relief of certain contractors for the construction of vessels of war and steam machinery; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 142) for the relief of Nathaniel McKay; which was read twice by its title, and referred to the Committee on Claims.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 143) for the relief of Norman Wiard; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAVIS, in pursuance of previous notice, asked, and obtained, leave to introduce a bill (S. No. 144) providing for the free transmission by mail of newspapers and periodicals; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 145) to amend an act entitled "An act to encourage the growth of timber on western prairies;" which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. CROZIER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 146) to repeal an act to promote the development of the mining resources of the United States; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 147) authorizing national banks that have decided to reduce their capital stock to withdraw a proportion of bonds upon retiring their own circulating notes, or depositing lawful money of the United States in the proportion provided by law; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 148) for the relief of Elias C. Boudinot; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 150) to authorize the issue of United States notes held as Treasury reserve; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 4) proposing an amendment to the Constitution providing that the United States shall never make anything but gold and silver a legal tender in the payment of debts; which was read twice by its title, and ordered to lie on the table and be printed.

"THE LETTER-WRITER."

Mr. SUMNER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to consider the expediency of providing a further convenience in correspondence known as the "letter-writer," with a one-cent stamp, being a new article of stationery adapted for a letter, circular, and newspaper wrapper.

HOUSE BILLS REFERRED.

The bill (H. R. No. 223) changing the times for holding certain district courts of the United States for the State of Iowa was read twice by its title and referred to the Committee on the Judiciary.

The bill (H. R. No. 474) to establish a post-route from the village of L'Anse, in the county of Houghton and State of Michigan, to Huron Bay, in said county and State, was read twice by its title and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 478) to provide for the redemption of the loan of 1858 was read twice by its title and referred to the Committee on Finance.

The bill (H. R. No. 472) granting general amnesty and prescribing an oath of office was read a first time by its title.

Mr. SUMNER. I object to the second reading of that bill to-day. I do it with no opposition to the bill, but because I am anxious, before it becomes a law, to secure justice to our colored fellow-citizens.

The PRESIDING OFFICER, (Mr. HAMLIN in the chair.) The bill will lie over, objection being made to its second reading to-day.

STEAM PRESSURE.

The bill (H. R. No. 470) relating to the limitation of steam pressure of vessels used exclusively for towing and carrying freight on the Mississippi River and its tributaries, was read a first time by its title.

Mr. SCOTT. I ask leave to make a short statement, preparatory to a motion to proceed to the consideration of that bill without a reference.

The VICE-PRESIDENT. The bill will be read the second time.

The bill was read the second time by its title.

Mr. SCOTT. It will be remembered, Mr. President, that in the general steamboat bill, as it was framed, there was a provision applicable alike to passenger steamboats and to freight and tug boats, which, upon examination, was found to prevent practically the use of freight and tug-boats on the Ohio and Mississippi Rivers. The section referred to was introduced and passed for the purpose of relieving those boats on the Mississippi and Ohio Rivers from the terms of that law, with a limitation in it expiring upon the 17th of this month, (December.) The reason for that limitation was that a new steamboat bill was then pending in Congress, and it was expected that it would pass, and it contained a provision which would render this special law unnecessary. That bill was a very voluminous one, was sent to a committee of conference, and the report upon it was never reached. The consequence is, that law will expire by its own limitation on the 17th of December; and the supervising inspector of steamboats, uniting with the Secretary of the Treasury, has requested that it be re-enacted. I have conferred with the chairman of the Committee on Commerce, and he says that he concurs in that request, and that a reference of this bill will not be necessary. I therefore move that the Senate proceed at once to its consideration.

The PRESIDING OFFICER, (Mr. HAMLIN.) The Senator from Pennsylvania asks the unanimous consent of the Senate to consider this bill at the present time. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole and open to amendment.

The bill was read at length. It proposes so to modify the provisions of the act to provide for the better security of life on board vessels propelled in whole or in part by steam, approved February 28, 1871, so far as they relate to the limitation of steam pressure of steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, as to substitute for such boats 150 pounds of steam pressure in place of 110 pounds, as provided in that act for the standard pressure upon standard boilers of 42 inches diameter and of plates of one-fourth of an inch in thickness. It declares that such boats may, on the written permit of the supervising inspector of the district in which they shall carry on their business, be permitted to carry steam above the standard pressure of 110 pounds and not exceeding the standard pressure of 150 pounds to the square inch.

Mr. CONKLING. I ask to hear the provision of the bill read again which describes the boats to which it applies.

The Chief Clerk read as follows:

So far as they relate to the limitation of steam pressure of steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries.

Mr. CONKLING. I asked for the reading a second time of that language in order that the Senate might know and that I might know that it has no application to passenger boats; and although my honorable friend from Pennsylvania may have stated it—I was diverted for a moment—I wish to inquire of him whether the bill now before us has any effect except to make permanent those identical provisions which, from time to time, we have passed limiting them to a fixed period.

Mr. SCOTT. That is my understanding of the bill, Mr. President,

that it simply makes permanent the limitation which is fixed for freight and tug-boats on the Mississippi River and its tributaries, and has no effect whatever upon any other provision in what is known as the general steamboat bill. I have in my hands, I may say while up, a letter of the Secretary of the Treasury, addressed to the chairman of the Committee on Commerce, requesting that this provision be enacted so that its expiration on the 17th of this month will not interfere with the commerce of the Mississippi River and its tributaries. The letter can be read if any one wishes to hear it.

Mr. CONKLING. I do not ask to have that read. I only wish to say that I make no objection to this bill, for the reason that we are assured that it pertains to the Mississippi River and Ohio River and their tributaries, and to freight and tow-boats alone.

Mr. BOUTWELL. I should like to inquire of the Senator from Pennsylvania whether the former acts dealing with this same subject removed the restriction from tow-boats and freight-boats, or from tow-boats only. My impression is, that it removed the restriction from tow-boats only, and that this is an enlargement of the liberty which was granted to tow-boats by the former acts.

Mr. SCOTT. In answer to the Senator from Massachusetts, I will say that I have only had the opportunity of hearing the bill read at the Clerk's desk; but the Representative from the Alleghany district has informed me that the language of the bill is identical with the bill passed, which expires on the 17th of this month; and my recollection of that bill is, that it applied to pressure both upon steamboats for carrying freight and tug or tow-boats on those rivers. There is a copy of the section, however, accompanying the letter of the Secretary of the Treasury, and by having that read it can be very readily ascertained whether this bill is any extension of the provisions of the former bill.

Mr. BOUTWELL. The reason why I make the suggestion, Mr. President, is that the bill now before the Senate goes beyond the removal of the difficulty, which was assigned to the Department when the original bill was passed. The difficulty stated was that tow-boats were sometimes placed in such an exigency that it was necessary to apply all the steam they could possibly command without reference to results, and that those boats engaged in towing took the risk. With freight-boats the case is different, and the reason assigned for the removal of the limitation originally did not apply to one class of boats covered by this bill; but it may have been that that bill as passed was precisely like the present bill.

Mr. CONKLING. If the Senator from Massachusetts will allow me one moment, I have before me the bill, and also the provision which was approved on the 17th of December, 1872, and I see by comparison that the phraseology in that behalf is identical. I will read from the act of December 17, 1872: "So far as they relate to the limitation of steam pressure of steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries." These are the precise words contained in this bill.

Mr. BOUTWELL. Then I am content. I do not know that any evil has resulted from the former law.

Mr. BOGY. Mr. President, this is a bill affecting the navigation of the Mississippi, the section of country from which I come, and I desire to have it passed over for a few days. I design to send the bill to some of the leading men in the city of Saint Louis, who are engaged in this branch of business, and who are deeply interested in it. There can be no harm in postponing the bill for a few days until I can get an answer from those persons. The bill affects the navigation of the Mississippi and its tributaries. Perhaps I have not been as diligent as I should have been, because I had no expectation that the bill would be put so early on its passage. I hope that the bill will be laid over for a few days until I can have the opportunity of consulting in reference to it with gentlemen in my city who are affected by it.

Mr. SCOTT. Has the attention of the Senator been arrested by the statement that this is a bill for relief from a very burdensome provision which hampered and really prevented business from being done on the Mississippi and Ohio Rivers, and that by its own terms it will expire on the 17th of this month? If it is permitted to expire, it is a practical embargo upon the freight business and the tug business on the Mississippi and Ohio Rivers. I have no desire to ask the passage of the bill against the wishes of any gentleman whose constituents are interested; but I think, if the Senator from Missouri will look at it, he will see it is largely to the interest of his constituents that this bill should pass immediately.

Mr. BOGY. Then I will say this: if the bill is laid over until to-morrow, I will make it my duty to look into the subject to-day.

The PRESIDING OFFICER. Does the Senator submit a motion to postpone?

Mr. BOGY. Yes, sir.

The PRESIDING OFFICER. The Senator from Missouri moves that the further consideration of the bill be postponed until to-morrow.

Mr. CHANDLER. I will state that the pressure was very strong at an early period in the last session for the passage of the bill suspending the law for one year. The allegations were that it was utterly impossible, at certain stages of the water in the Mississippi and Ohio Rivers, for the tugs engaged in that traffic to stem the current; that it was absolutely a prohibition to their traffic. Those were the allegations made, and the Committee on Commerce then reported the bill for one year, and this, as I understand, is simply a repetition of it for another year.

Mr. RAMSEY. I suggest to the Senator from Missouri, before he urges his motion to postpone, to have the communication of the Secretary of the Treasury read and see what there is in it. I ask for the reading.

The PRESIDING OFFICER. The question is on postponing the further consideration of the bill until to-morrow.

Mr. RAMSEY. Cannot that communication be read?

The PRESIDING OFFICER. Certainly.

Mr. RAMSEY. Then I should like to hear it.

The PRESIDING OFFICER. The communication from the Secretary of the Treasury will be read for the information of the Senate.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, WASHINGTON, *December* 8, 1873.

SIR: I have the honor to transmit herewith a circular issued by this Department in February last, relating to the limitation of steam pressure on towing and freight boats on the Mississippi River and its tributaries, and based upon section 9 of an act of Congress approved December 17, 1872.

As will be seen, by the reading of the section and act referred to, the privilege of carrying an increased pressure of steam in boilers of the class of boats and on the waters above named expires on the 17th instant.

Referring to the letter of my predecessor under date of June 1, 1872, to the same effect, I recommend that section 9 of the aforesaid act be continued in force for the period of twelve months from December 17, 1873.

Very respectfully,

WM. A. RICHARDSON,
Secretary.

Hon. Z. CHANDLER,
Chairman Committee on Commerce, United States Senate.

Mr. SCOTT. I suggest to the Senator from Missouri that, instead of postponing the bill, he permit it to be laid aside informally until he satisfies himself about it, and we can then resume its consideration.

Mr. BOGY. Very well; I will look at it in the mean time.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw his motion?

Mr. BOGY. I do.

The PRESIDING OFFICER. If there be no objection, the bill will be laid on the table for the present.

Mr. BOGY subsequently said: Mr. President, after examining the steamboat bill and consulting with some of my colleagues of the lower House, I withdraw all objection to its passage.

The PRESIDING OFFICER. If there be no objection, the Senate will resume the consideration of House bill No. 470. The Chair hears no objection, and the bill is now before the Senate as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SPECIE PAYMENTS—THE CURRENCY.

Mr. SHERMAN. I ask leave to report a resolution from the Committee on Finance, which I desire to have read.

The Chief Clerk read as follows:

Resolved, That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows: "And the United States also pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin;" and the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. The Chair understands this resolution to have been reported by the Committee on Finance, and the question is on agreeing to the resolution.

Mr. BAYARD. I desire to present to the Senate a resolution expressive of my own views and those of a minority of the committee on the same subject, and to have it now read and printed for the consideration of the Senate, stating that I propose to offer it at the time this committee's resolution comes up for discussion as a substitute for the resolution presented by the majority of the committee.

The PRESIDING OFFICER. The paper will be received if there be no objection.

Mr. SHERMAN. I ask that it be read.

The PRESIDING OFFICER. It will be read.

The Chief Clerk read as follows:

Whereas a just regard for the interests of every class of the community demands that the national basis of finance shall consist of a currency of uniform standard and intrinsic value: Therefore,

Resolved, That the Committee on Finance be, and they are hereby, instructed to report to the Senate measures which will secure at the earliest practicable day a return to specie payments.

Mr. LOGAN. Mr. President, in view of the importance of this subject, I would suggest that these resolutions be printed, so that they may be examined by the Senate.

Mr. SHERMAN. I did not intend to ask action of the Senate to-day, but I simply report the resolution and ask that it be printed with that of the minority, giving notice that at an early day I will call up the resolution reported by the committee, when, as a matter of course, it will be open to discussion and amendment.

Mr. LOGAN. That is perfectly satisfactory.

Mr. SHERMAN. Perhaps I ought to state that it is our desire to ascertain definitely the wishes of the Senate on this question. We

are met at the outset with a great number of propositions submitted to us, and with a doubt as to whether it is the will of the Senate now to take some step toward the resumption of specie payment. We wish to ascertain, if we can, by a vote upon the resolution, or on any amendment that may be offered, what is the definite desire of the Senate, so that the committee may act as nearly as they can in pursuance with the opinions thus elicited.

Mr. FERRY, of Michigan. I rise only to say that I do not wish that, by my silence, this report coming from the Committee on Finance shall go out as embodying my views upon the question. I acquiesce in the action of the committee so far as, and for the purpose of, receiving instructions from the Senate. The committee met with obstacles that many have foreseen and foreshadowed; but for the purpose of obtaining an expression from the Senate it was deemed best that some unmatured form should be adopted to secure that end.

I do not care now to offer the amendment which I intend to present, as there is to be no action at this time. Since the Senator from Delaware, a member of the committee, has offered his amendment, I might be inclined to let mine also follow; but as some Senator—I think the Senator from Illinois—has asked that the resolution be printed, I shall secure my object when the resolution properly comes up for discussion by an amendment.

Mr. MORTON. I suggest to the Senator from Ohio that there should be an early day fixed for the discussion of this resolution. I had hoped that some action would be taken before the holidays upon the financial questions which are before the country. I had hoped that before the holidays some measure might be devised and passed which would have the effect to shorten the panic that is now upon the country; to diminish its violence, and to relieve the country somewhat from its effects. I do not know that this is now possible; but as this resolution is intended to take the sense of the Senate in some sort, upon the question of returning to specie payments and general financial legislation, I trust it may be set down for discussion at an early day. I suppose the chairman of the committee would be willing to take it up to-morrow, as there is scarcely any business before the Senate; the committees have not reported much business yet, and we shall not have much for three or four days. I will suggest to the chairman that perhaps it would be better to take it up to-morrow.

Mr. GORDON. I hope it will be postponed longer than that.

Mr. SHERMAN. I suppose this resolution will not be voted on for several days, so that Senators need not be alarmed about the probability of a speedy vote. As to whether it can be taken up to-morrow or not, depends entirely on whether any Senator will desire to speak then on the question. For my part I do not desire to speak, at any length, on these propositions when they shall come up. My views have been already expressed, particularly at the last session of Congress, and I shall only now very briefly restate them. I have no desire to engage in any discussion, at least in the beginning; but if any Senator wishes to speak, if the Senator from Indiana wishes to speak to-morrow, I shall be satisfied. When any Senator desires to have the subject taken up, I will call up the resolution. Perhaps by the day after to-morrow I shall be prepared, as well as at any time, to go on with the discussion.

The PRESIDING OFFICER. Does the Senator from Ohio submit a motion?

Mr. SHERMAN. Simply that the resolution lie on the table and be printed, and any Senator can call it up to-morrow or next day.

Mr. SUMNER. Mr. President, I think the Senate and the country may be congratulated that the minority report and the majority report are so nearly or substantially in accord. Listening to the two resolutions, I did not observe a great difference between them. Both of them contemplate a return to specie payments, as I understand, at the earliest practicable moment. Therefore, I do congratulate the country. I think that the discussion on which we are about to enter will begin under excellent auspices. Both branches of our important committee concur in this great demand; and I hope that the Senate will unite with them in the demand; that it will not be longer postponed; that the national honor will be saved, which suffers so long as it continues to circulate what is little better than failed paper—setting the example of bankruptcy to the country. I think the subject should be considered at an early day, and I hope we may be unanimous in our conclusion.

Mr. MORTON. I suggest, Mr. President, that the consideration of the resolution be set down for the day after to-morrow.

The PRESIDING OFFICER. It is moved by the Senator from Indiana that the further consideration of this subject be postponed until Friday, and that it be made the special order for that day. Does the Senator add that?

Mr. MORTON. Yes, sir.

Mr. ANTHONY. Had it not better be Monday, as we probably shall not sit on Friday?

Mr. HOWE. Friday is an unlucky day; it is better to say Monday.

Mr. SHERMAN. I think it would be better to fix it for Monday.

The PRESIDING OFFICER. Does the Senator from Indiana modify his motion in that way?

Mr. MORTON. I am satisfied to do so.

The PRESIDING OFFICER. It is moved that the further consideration of this question be postponed until Monday next, and that it be made the special order for that day.

Mr. FERRY, of Michigan. Mr. President, I did not intend to say more at this time; but since the remarks of the Senator from Massachusetts, I am led to believe that he is not aware of the fact that there is a respectable minority of the Committee on Finance who dissent from the view, in all respects, as expressed in the resolution, and, I trust, that his congratulation to the country will include those of the committee who think that the most rapid way to arrive at a specie basis is through a moderate increase of the currency to relieve business prostration and restore commercial activity, and by prosperity and through the laws of trade, instead of by further prostration through the force of statute. I merely say this much now that hope and expectation may be put into the congratulations which the Senator from Massachusetts tenders to the country.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana, [Mr. MORTON.]

The motion was agreed to.

The PRESIDING OFFICER. It is also moved that the report of the committee and the paper presented by the Senator from Delaware [Mr. BAYARD] be printed.

The motion was agreed to.

COTTON SEIZURES AT THE SOUTH.

Mr. GORDON. Mr. President, I offer a resolution, which I ask to have read.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to report for the information of the Senate:

First, The number of bales of cotton seized under orders from the Department after the close of the war, from whom taken, by whom taken, by whom and when sold and where sold and at what price, and what disposition was made of the proceeds, and when and how much of the same went into the Treasury, and what disposition was made of the proceeds before being paid into the Treasury.

Second. That he report a list of the claims filed before him under the act of March, 1872, showing the name of each claimant, and how much cotton claimed was alleged to have been taken from each, and when.

Third, That he state the amount of expenses deducted from the proceeds of the sales of the cotton, and whether the same were allowed by the Department, and in whose favor.

Mr. SHERMAN. I should like to have the first part of that resolution read again.

Mr. GORDON. I will say to the Senator that I do not ask for the immediate consideration of the resolution, but I wanted it read in order to attract the attention of Senators who might feel an interest in the subject; and I move, if it be agreeable to the Senator from Ohio, that it be printed.

Mr. SHERMAN. I have no objection.

The resolution was ordered to lie on the table and be printed.

EXECUTIVE SESSION.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session, the doors were re-opened, and (at 1 o'clock and 55 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 10, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CONSUL-GENERAL AT ALEXANDRIA.

Mr. ORTH, by unanimous consent, reported from the Committee on Foreign Affairs a joint resolution (H. R. No. 16) for a change in the name and title of the agent and consul-general of the United States at Alexandria; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

The joint resolution, which was read, provides that the name and title of the agent and consul-general of the United States at Alexandria shall, from the passage of this joint resolution, be "Agent and consul-general of the United States at Cairo."

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. ORTH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HARBOR OF PLYMOUTH, MASSACHUSETTS.

Mr. BUFFINTON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be requested to cause an examination or survey to be made of the harbor of Plymouth, Massachusetts, with a view to dredging and improving the same, so as to afford greater protection and facilities to commerce; and that he report upon the feasibility of making such improvement, and the probable cost thereof, to the House of Representatives.

CUBA—THE VIRGINIUS MASSACRE, ETC.

Mr. PHILLIPS. I ask unanimous consent to introduce for consideration at this time a joint resolution; which I ask the Clerk to read.

The joint resolution was read. The preamble states that a state of war has existed in the island of Cuba for some years past, waged to secure its independence from European rule; that, under its violence and excitement, the American vessel Virginius has been seized, the national flag hauled down, and a large number of those on board cruelly massacred under the pretense of military executions; and that, while we recognize the rules of international law and desire to maintain an honorable peace with all nations, especially with the struggling republic of Spain, and are not desirous of complicating any question which can be honorably adjusted, therefore the first section of the joint resolution declares that, in the hurried and cruel massacre of the persons taken from the Virginius, we recognize acts of barbarism unworthy of the civilization of the American continent, and which should place the perpetrators outside of the pale of civilized nations; that it is due our position among nations that we should exert every means in our power to repress and check such cruel acts by parties whom circumstances have given powers of government which they seem incapable of exercising.

The second resolution declares that Congress reaffirms the doctrine that the occupants of any portion of the American continent, or the islands thereof, are the proper rulers of the country they occupy; and that cruel and despotic acts on the part of any European government to suppress and prevent the independence of such people are to be deprecated; that systems so maintained are contrary to the genius of American progress; and that it is the duty of these United States, whenever the people of Cuba or any other part of America indicate their desire to throw off a European yoke, promptly to recognize and sympathize with them; and that, in view of recent events, humanity dictates an early recognition of Cuban independence.

The third resolution declares that the continued existence of African slavery in the island of Cuba is inconsistent with, and injurious to, the civilization of the continent; that it is provocative of disorders affecting these United States, and is a condition of affairs that ought to terminate; and that it is the duty of our Government to exert every means in its power for its speedy overthrow.

The fourth resolution declares that all violations of our maritime rights, or disrespect to the American flag, should be promptly met, so as to forever prevent their recurrence and secure what is due the dignity and character of the American name.

The SPEAKER. Is there objection to the introduction of these resolutions?

Mr. ORTH. I object to their introduction for action now; but I will state to the gentleman from Kansas [Mr. PHILLIPS] that if he will consent to the reference of the resolutions to the Committee on Foreign Affairs, I will withdraw my objection.

The SPEAKER. The gentleman from Indiana, [Mr. ORTH,] chairman of the Committee on Foreign Affairs, suggests that the resolutions be printed and referred to his committee.

Mr. PHILLIPS. Very well; I will consent to the reference.

There being no objection, the joint resolution (H. R. No. 17) was introduced, read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CORRECTION OF THE RECORD.

Mr. HALE, of Maine. Mr. Speaker, the gentleman from New York [Mr. COX] made yesterday a very good speech on the salary bill, which the CONGRESSIONAL RECORD has tacked on to a few remarks of mine. His was a very good speech; but it does not fit very well with what I said. To show how the two go together, I ask the Clerk to read my remarks, with the paragraph immediately following, and which should have begun with the name of the gentleman from New York.

The Clerk read as follows:

Mr. HALE, of Maine. The bill presented by the committee yesterday, and now on the desks of members, is almost exactly like the bill presented and referred by the gentleman from Indiana, [Mr. NIBLACK.] Some changes have been made in the way of construction. It speaks for itself, and is, as I said yesterday, simply the repeal of the law of increase relating to Congress and its Presiding Officers and a restoration of the old law. As I said, it speaks for itself, and at this stage of the discussion I do not propose to take up any more time, but may at the close of the debate express my views on the subject.

Mr. Speaker, I am almost tempted, by the taunts around me, to retort in kind. I have been rudely characterized as demagogue for doing my duty. My exceeding consolation I do not find in the society of such. In endeavoring, last Congress, to stop this insane greed for salary, I knew consciously that the old friends I had served in Ohio, and the new friends I have served in New York, would not turn their eye from me "asquint with suspicion." The delight of favoring constituents, of gentle thoughts from strangers, of approving messages from distant States, and, above all, the cheer in my own home, even had I not the sanction of conscience, more than compensate for vulgar gibes.

Mr. HALE, of Maine. I think the correction had better be made.

The SPEAKER. The Chair must state that corrections of the RECORD, which takes the place of the Congressional Globe, are not questions of privilege.

Mr. COX. I beg to say that I have already had this error corrected. I am the father of the remarks last read. The fact of it is that last night we all met at the palatial residence of my eloquent colleague, Mr. WOOD; and, although I looked this matter over before I went there, I do not know but that the gentleman from Maine may have fixed up his part after he came from there. [Laughter.]

Mr. HALE, of Maine. It looks a good deal as though the reporters of the RECORD were there. [Laughter.]

Mr. STORM. I would like the gentleman from New York to state who is the father of that portion of his speech which appears on page 10—I mean the passage beginning "Law is the harmony of the universe," &c.

Mr. COX. That is an extract from Hooker.

Mr. STORM. Then the gentleman "hooked" it from Bishop Hooker. [Laughter.] It was not spoken yesterday in the debate.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at fifteen minutes after twelve o'clock.

TAMPERING WITH THE MAILS BY DETECTIVES.

Mr. DAWES. The Committee on Ways and Means have directed me to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Postmaster-General be directed to inform the House whether any custom house officers or detectives have been allowed to examine correspondence passing through the post-offices of New York or Boston, and whether any such officials have opened or otherwise tampered with such correspondence for the purpose of ascertaining whether the revenue laws have been violated, or for any other purpose; and to report all the facts to the House.

The resolution was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFUNDING THE NATIONAL DEBT.

Mr. WOOD. I am directed by the Committee on Ways and Means to report back, with a recommendation that it be adopted, the resolution which I send to the Clerk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be directed to report to this House, at the earliest practicable period, the cost of refunding the national debt thus far into the 5 per cent. bonds authorized by the acts of Congress approved July 14, 1870, and January 20, 1871, with a detailed statement of amounts paid on that account, to whom paid, when and where paid, including traveling and other expenses of any person or persons attached to the Treasury Department; and, further, to report whether, in the adjustment of differences of interest between the 6 per cent. bonds redeemed and the 5 per cent. bonds issued in lieu thereof, the Government has received its proper allowance; with a detailed statement of the interest account, giving amounts, dates, and names of parties with and through whom negotiations were made.

The resolution was adopted.

Mr. WOOD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BANKS WITHOUT CIRCULATION.

Mr. MAYNARD (when the Committee on Banking and Currency was called) said: I do not rise to report a bill from the committee, but there is one which I wish to introduce, that the committee may have it before them at their next meeting.

There being no objection,

Mr. MAYNARD introduced a bill (H. R. No. 479) to authorize the organization of national banks without circulation; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PRINTING OF AGRICULTURAL REPORT.

Mr. HAYS. The Committee on Agriculture have directed me to report a resolution for reference to the Committee on Printing.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of the Annual Report of the Commissioner of Agriculture, for the years 1872 and 1873, 255,000 copies of each; 180,000 of each of which shall be for the use of the House; 50,000 of each for the use of the Senate, and 25,000 copies of each for distribution by the Commissioner of Agriculture; and those for the use of the House and Senate shall be so marked by the clerks of the respective bodies as that they may pass by the mails free of postage; and that such seeds as shall be furnished by that Department to members of either House for distribution be marked in like manner, and for the same purpose, by the clerks of the respective Houses.

Mr. DAWES. Is that a bill?

The SPEAKER. This is for reference, and must be referred to the Committee on Printing.

Mr. RANDALL. I wish to make a statement. I do not see the chairman of the Committee on the Post-Office and Post-Roads in his seat, and I therefore deem it proper at this time to say that that committee this morning considered the subject of the distribution of documents published by authority of Congress, and referred it to a sub-committee, to prepare a bill to be reported to the House. That bill will also embrace, I may add, some provisions looking to the propriety of repealing former legislation in connection with the circulation of newspapers in counties where they are published, and with reference to newspaper exchanges.

The SPEAKER. The bill which the gentleman reports from the Committee on Agriculture must necessarily, under the law, go to the Committee on Printing. The Committee on Printing is a joint committee, and the law provides that any printing beyond the usual number of copies cannot be authorized except on report from the Joint Committee on Printing.

Mr. RANDALL. I thought, in the absence of the chairman of the Committee on the Post-Office and Post-Roads, it was due to the House to make this statement, that the Post-Office Committee was not indifferent to the subjects to which reference has been made.

The SPEAKER. The bill, under the law, goes to the Committee on Printing.

NAVAL ENLISTMENTS.

Mr. SCOFIELD. I understand the Committee on Appropriations will report a bill making appropriations for the naval service, and I have been instructed by the Committee on Naval Affairs to move as an amendment to that bill a proposition to enlarge the number of enlistments of men in the Navy. I ask the Chair whether it will be in order to move such an amendment to that naval appropriation bill?

The SPEAKER. The bill from the Committee on Appropriations will go to the Committee of the Whole, and the ruling, therefore, will be by the chairman of that committee; but if the present occupant of the Chair were chairman of the Committee of the Whole, he would rule such amendment to be not in order.

Mr. SCOFIELD. Then I will present the bill now.

The SPEAKER. The gentleman has that right.

Mr. SCOFIELD, from the Committee on Naval Affairs, reported a bill (H. R. No. 480) in relation to enlistments in the Navy; which was read a first and second time.

The bill, which was read, provides that the number of enlisted men in the Navy shall not exceed 10,000; and the Secretary of the Navy is authorized, in his discretion, to enlarge the present number not exceeding the above limit.

Mr. HOLMAN. What is the present number?

Mr. SCOFIELD. The number of men in the Navy now is 8,500. The Navy Department for some years has been very much embarrassed because of the small number of seamen in the Navy, and it has repeatedly asked Congress to enlarge the number to 10,000, adding 1,500 to the number now authorized by law. The Secretary has sent a communication to the Committee on Appropriations, which that committee has referred to the Committee on Naval Affairs, in which he states the fact that there are not now men enough in the Navy to man the ships he has been fitting out at this time, and he recommends that the number be enlarged. The Committee on Naval Affairs instructed me to move such an amendment to the appropriation bill, if in order, but as it is believed not to be in order, I have reported the present bill to make the number 10,000 instead of 8,500. For one, I should not be strongly inclined to agree to this enlargement because of the present emergency, as I am under the impression we do not need it; but as the Navy Department has been embarrassed because of the need of men in the Navy, I think, and the committee think with me, that we should enlarge the number to 10,000.

Mr. HALE, of Maine. Is this with the idea that the number of 10,000 will be permanent; that the increase to take effect now will continue for the future; or, after the present emergency, is the number to be cut down to the old figures?

Mr. SCOFIELD. The bill provides for 10,000, instead of 8,500; and the enlargement is to continue at the discretion of the Secretary of the Navy. Dischargng and recruiting of seamen are going on all the time; and if he can in the future spare any of these men, he will of course do so. The law will be permanent, of course, until it is repealed. I demand the previous question.

Mr. SPEER. I understand this bill does not make it compulsory upon the Secretary of the Navy to increase the number to 10,000 men, but is merely discretionary.

Mr. GARFIELD. I hope the gentleman from Pennsylvania will so modify the bill as to make the enlargement temporary instead of permanent. I believe the Secretary of the Navy does not ask for a permanent increase. In the letter referred to the Committee on Appropriations, and which has also been before the Committee on Naval Affairs, he states, as I remember, that he desires only a temporary increase, the number to be reduced to the old figures after the present emergency has passed.

I do not believe we ought, without some recommendation from the Department, volunteer to make this enlargement permanent; and I hope my friend will modify the bill so as to make the increase temporary. We ought to put some limit of time when this increase shall cease, and the number shall stand at the old figures. I do not offer any amendment, because I do not wish to interfere with the gentleman's bill. I merely ask my friend not to put Congress in the attitude of increasing the number of men in the Navy, and making that increase permanent, without any recommendation from any department of the Government. I do not think that we should take any such action.

Mr. SCOFIELD. If the gentleman will move an amendment or suggest some language that he thinks will make this elastic Navy, I would, of course, give him an opportunity to submit it to the House. Unless we limit the time within which this number may be employed I do not know any other mode of making the increase temporary, except by the language employed; that is, "within the discretion of the Secretary of the Navy."

The bill provides that the number shall never exceed 10,000; and the Secretary may enlist men, according to his wants, under that number.

I yield a few moments to the gentleman from Massachusetts, [Mr. GOOCH.]

Mr. GOOCH. It seems to me that it would be impossible for us to fix a limit of time when these men shall cease to be employed in the Navy, because it is impossible for us to determine now when their services can be dispensed with. If we should fix a limit of time, the gentleman from Ohio [Mr. GARFIELD] will see that possibly it might be at the very moment when the services of these men were required over and above any other time.

This matter was considered in the committee, and it was deemed that the only thing which we could do was to authorize the maximum Navy to be 10,000 men, at the discretion of the Secretary, presuming that, whenever the exigency which requires this increase shall have passed by, he will decrease the number so as to keep in the employ of the Government no more men than are required to meet the exigency of the service.

Mr. SCOFIELD. I yield a few moments to the gentleman from New York, [Mr. CROOKE.]

Mr. CROOKE. A moment's reflection will satisfy the members of this House that this should be a discretionary matter with the Secretary. There can be no possible object on the part of the Secretary or of the Government in keeping sailors afloat unless they are needed. Ships are of no use without sailors. Ships can neither be run nor fought without sailors. They are mere traps for men unless they have a sufficient complement. This should be merely a matter of discretion.

There can be no object, as I have said and repeat—there can be no possible object on the part of the Secretary in employing a sailor a day or a year longer than is absolutely necessary for manning the vessels of the Navy, and they will be discharged as a matter of course the instant they are not needed. A moment's reflection, based on the slightest acquaintance with shipping or salt water, I think must satisfy any member of this House that this should be purely a matter of discretion with the Secretary of the Navy. The Secretary of the Navy, or the Government, can have no object political, economical, or otherwise, to retain one sailor in commission one day longer than is needed for the country.

Mr. SCOFIELD. I now yield to the gentleman from Massachusetts, [Mr. CROCKER.]

Mr. CROCKER. But a single moment is necessary to show and evince the importance of this bill which my friend from Pennsylvania has presented. As has been well said by my friend from New York [Mr. CROOKE] who has just taken his seat, the discretion should be with the Secretary of the Navy himself. When we consider, Mr. Speaker, that our last man-of-war left our shores with raw men almost entirely unable to encounter a gale, and that it was a miracle, if I may so say, that that vessel was saved, I think that the statement of that fact alone, without my adding another word, would be sufficient as regards the wisdom of the bill presented by my friend from Pennsylvania.

Mr. SCOFIELD. I now yield to the gentleman from Maine, [Mr. HALE.]

Mr. HALE, of Maine. It seems to me Mr. Speaker, very clear that there should be something in this bill—I do not care how it is phrased—which will show that the House is not in favor of a permanent increase in the *personnel* of the Navy. This is a serious matter as far as expenditure is concerned. If 1,500 additional men are granted now with the idea of permanence, or with that idea not negatived, reckoning at the rate that men in the Navy cost the Government now, it will add about a million dollars yearly to the expenditure in that Department. It is a matter which the House should gravely consider, even in the present emergency. And while I can see some difficulty in meeting the point so well raised by the gentleman from Pennsylvania, [Mr. SCOFIELD,] that you must leave it somewhat discretionary, or if you do not, and fix a time, men may be lacking just when they are most needed, still, notwithstanding that objection, I hope the gentleman will consent that something be inserted in the bill which will show that the House does not commit itself to a permanent increase. Perhaps the gentleman from Ohio [Mr. GARFIELD] has an amendment that will just meet the case.

Mr. SCOFIELD. I yield now to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I offer the following proviso, to come in at the end of the bill; and if the gentleman from Pennsylvania will allow me a moment, I will say a word or two after it has been read.

The Clerk read as follows:

Provided, That the temporary increase of the force of enlisted men in the Navy herein authorized shall not continue beyond the 1st of January, 1875.

Mr. GARFIELD. The Committee on Appropriations had before them the letter of the Secretary of the Navy, and after considering it thought it their duty to refer it to the Committee on Naval Affairs, as being more properly within the province of that committee. But I am authorized to say that it was the unanimous opinion of the Committee on Appropriations that it was the duty of this House in the present emergency to authorize a small temporary increase of the force of enlisted men in the Navy, but that it is also their opinion that the increase should be only temporary. We do not suppose that the Secretary of the Navy only will be under the necessity of keeping this increased force only for a few weeks. But we believe, from all the facts laid before us, that it is safe and prudent that such temporary

increase should be made. We believe, however, that this speck of war will blow away, and that we shall soon find ourselves again in peaceful relations with Spain.

The appropriation bill which I am authorized to report, and will try to report in a few moments, looks to the guardianship and protection of our rights on the sea, and this measure is in the same direction; but nothing has occurred which leads the committee to believe that we ought now permanently to enlarge the Navy, and if the proviso I offer be adopted by the House, it will limit to the 1st of January, 1875, by law any temporary increase the Secretary may make. I have no doubt he will himself restore the old figures long before that time, but if the matter is left so that the increase may be made permanent, you may depend upon it that the pressure upon the Secretary of the Navy from all the navy-yards of the United States, from all the population along the coast who are especially interested in the Navy, and particularly from inside the Navy itself, will be a pressure which it is not likely he will be able to resist.

Mr. COBURN. Will the gentleman from Ohio answer a question? I desire to ask the gentleman to state what reason there is for increasing the Navy? If there is no danger of war or of hostilities, as we all believe, why should we increase the Navy?

Mr. GARFIELD. With the permission of the gentleman from Pennsylvania, I will answer that question, although it would come in more properly on the appropriation bill. The gentleman is, of course, aware of the facts that have transpired within the last few weeks with regard to our relations with Spain. The Government found itself with a comparatively small naval force of ships actually in commission. We had a number of ships of war not in commission which it was deemed safe and prudent to put on a war footing to meet any emergency that might arise. It was deemed the safest and surest way to preserve peace and prevent war, to put ourselves in readiness to meet whatever might arise. The Secretary of the Navy, therefore, put in commission a number of naval vessels not before in active service, and of course it was necessary to man them.

Mr. COBURN. I wish to ask the gentleman another question appropriate to his committee. What will be the annual cost of the 1,500 additional men? Some estimate must have been made.

Mr. GARFIELD. I cannot state the specific cost. The Secretary of the Navy does not suppose that he will need to take the whole number, but we have made an appropriation in the bill I propose to report of $4,000,000 to meet this and all other costs involved in the general rearrangement of the Navy—made to meet this emergency. The Secretary has told us that $4,000,000 will meet this emergency so far as the present status of affairs is concerned. That is my answer.

Mr. SCOFIELD. I now yield for one moment to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. I want to call the attention of the House, and especially this side of the House, to the question this bill presents.

Mr. SCOFIELD. Allow me just to say that I have no objection to the amendment offered by the gentleman from Ohio, [Mr. GARFIELD.]

Mr. BECK. I was about to advocate that amendment. Congress has for years been struggling—when I was on the Committee on Appropriations two years ago it was a part of the struggle we were making—to reduce the Army and Navy. The law now fixes the number of men in the Navy at 8,500. The purport of this bill is to allow the Secretary to increase it himself; and, unless the amendment of the gentleman from Ohio be adopted, he may make the increase permanent. I insist that no Secretary ought to have the power to increase either the Army or Navy; that Congress ought to retain that power absolutely in its own hands, and that some amendment ought to be put in this bill either requiring the Secretary of the Navy to report to us the number of men he employs, the length of time and the exigency that requires it, or something else that will enable us to continue or dismiss them. In other words, while in prospect of war I would refuse the Secretary neither men nor money necessary to do what the honor of the nation requires, I would hold the control in Congress to determine when the exigency has ended and to bring back the number of men employed to the number fixed by law. Therefore it is that I support the amendment of the gentleman from Ohio, [Mr. GARFIELD.]

Mr. SCOFIELD. I now yield for a moment to the gentleman from Indiana, [Mr. COBURN.]

Mr. COBURN. In view of the condition of affairs in connection with the relations between this country and Spain, it seems to me a proposition of this kind is at least unfortunate. Just now the Government is doing all it can to bring about peace and to have an amicable adjustment of the difficulties that exist between the two countries; and it does seem to me that now, while that condition of affairs exists, and we believe that the Government of Spain is acting in good faith so as to establish permanent peace on just such a basis as we desire, the enlisting of any number of men, increasing the war power of the country in any degree, may create agitation and apprehensions that will prevent just now the adjustment of these difficulties. Let this matter, then, be postponed until we see the result. It may be decided in a week; it may take two weeks, or it may take three weeks; but if war should break out and the country were called upon to act in the premises, the enlistment of 1,500 men for the service of the country, either in the Army or in the Navy, would be accomplished in a single day. Let a declaration of war once be made and there will be no scarcity of men, either for the Army or the Navy, if we have just cause for war, and until that time I would say we had better defer entirely, totally, absolutely, the increase of the Army or the Navy. I think there will be no lack of patriotic spirit if we are engaged in war, but it seems to me that this is the most unfortunate movement that could possibly be inaugurated at this time.

Mr. SCOFIELD. I now yield for a moment to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I supposed that when the amendment of the gentleman from Ohio [Mr. GARFIELD] was accepted by the chairman of the Committee on Naval Affairs, the House would not hesitate a moment to pass the bill as reported. The gentleman from Indiana, however, takes the ground that we ought to refuse all additional men to the Navy. It is for that reason, and for that only, that I ask the attention of the House for three minutes, to call their minds back to the fact that our Government now is especially deficient in its ability to protect the interests of American commerce.

Owing to the condition of things during the war and to legislation since the war, we are deprived of resources which belong to every other commercial country in the world, by which they are enabled to supply the Navy if needed in case of war. Other countries have a large commercial marine. We had before the war. By that means a large number of seamen were placed at the disposal of the Navy, and experience at that time showed that enlistments of competent men could be quickly made for the use of the Navy. That state of things does not now exist. Our vessels are going to sea with barely men enough to manage them; and some of the disasters and delays of which we have recently heard are undoubtedly the result of the character of the men enlisted.

For one I would be willing to vote for this bill without amendment. I would vote for it for the purpose of providing means whereby in time of peace we can train practical seamen to meet the emergencies of war, train men so that they shall be competent to protect our flag and our citizens against insults by powerful nations of the world, who, when they choose, may administer those insults, haul down the national flag, and murder our citizens that are found on our vessels. I hope that the time will come when we will have in every port a ship to protect our commerce and extend to our citizens the protection they should receive. I hope this bill will pass.

Mr. SCOFIELD. I yield to the gentleman from Maryland [Mr. ARCHER] five minutes.

Mr. ARCHER. Against my earnest protest as a member of the Committee on Naval Affairs, for years past this House has been so acting toward the Navy that it has now become inefficient to police the sea and to protect the honor of the country. I am aware that both the country and this House will be astonished to learn that one month after the outrage committed upon our flag in the case of the Virginius we had but 22 guns in the Cuban waters. When this Congress met there were but 22 guns in the Cuban waters; the Worcester carrying 14 guns, the Wyoming 6, and the Saugus 2. At this time, we have within Cuban waters not more than 68 guns.

Sir, our fleets, such as they are, are now in foreign waters, and it requires time to call them in and fit them for the duty which may be required of them here. It is a godsend to us that if we are to have complications with Spain they cannot arise until after the 25th of December. We have, so allowed our Navy to deteriorate, that it will not be possible in less than 120 days to have in Cuban waters more than 500 guns; and it is possible within that time for the Spaniards to put there 514 guns; and in that 514 will be embraced 4 of the most powerful plated iron-clads in the world.

I am aware of the recuperative energy of this country, and the manner in which our people can act quickly. I am aware of the great ability of Admiral Porter. I know his efficiency, and his power of overcoming difficulties. I am satisfied that whatever difficulties may come upon us, if there is anything like liberality on the part of this Congress, under his direction and the direction of the Navy Department we will be enabled to meet them, and to provide for any emergency that may arise. But this is the initiative step; it is necessary that we should now have men to man the vessels that are now being very properly fitted out by the Government.

Mr. STARKWEATHER. I desire a moment or two upon this subject.

Mr. SCOFIELD. I will yield to the gentleman.

Mr. STARKWEATHER. I think it may be inferred, from what has been said here, that we are less prepared for an emergency than we really are. I am aware that, up to a month or six weeks ago, our Navy was scattered, and much of it was not in readiness for service. And this was inevitable from the fact that provision had not been made by Congress, in the regular appropriation bills, to meet an emergency of the character suggested by events at Cuba.

Now, it may be a question whether we should discuss this matter in such a way as to show exactly what our strength is. But inasmuch as our preparations to meet an emergency have been underrated here—very greatly underrated—I think no harm can come from stating the fact that we are in a good degree of readiness to meet any emergency likely to arise.

I hope no war will occur with Spain; and I believe none will occur. I believe the most recent information which we have looks to a peaceable settlement of this question. If, however, war is to come, for one I hope it will not be upon any idle or frivolous pretext, but in compliance with the substantial judgment of the country; not to avenge any fancied wrong, but to defend the honor and integrity of

the nation. I apprehend that no such war will arise. Still it is our duty to be ready under all circumstances.

I say the Secretary of the Navy has accomplished wonders, considering the condition of our Navy one month ago when the threatening emergency arose. It is true that we had then only eighteen guns in the Caribbean sea, or in the vicinity of the difficulty; but to-day we have more than four hundred guns within ready reach of the scene of action—not all immediately on the spot, but all within a reasonable distance, and capable of being brought there almost any day. At our rendezvous at Key West, and other places within eight hours, there are nearly four hundred guns that can promptly be placed on the scene of action whenever necessary. I believe it is not to be necessary; I hope it will not be, because we need and desire an era of peace, that the country may recuperate from the ravages of the last war.

Mr. BECK. If the gentleman will permit me, I desire to ask him a question. Both he and the gentleman from Maryland [Mr. ARCHER] have spoken of the low ebb at which our Navy has arrived, and how efficient we have been making it recently. Now, we had a magnificent Navy up to 1860, and we never expended upon it over $14,000,000 annually; but during the last five years we have expended $20,000,000, $25,000,000, and $30,000,000 every year upon our Navy. I wish to ask what has been done with this money if our Navy has run down so low? At the close of the war we had over six hundred ships; we now have less than one hundred and thirty. What is the cause of this decline, in view of our large appropriations?

Mr. STARKWEATHER. We never had a magnificent Navy. We had a Navy that did its duty. We had a Navy with a few ships, a few men, a few guns, and a few good officers; but we never had a grand, magnificent Navy, except that we had good and tried men, men of courage, with good officers, so that our ships were well fought; and in this sense we had a good Navy. If difficulty should occur with Spain we shall have the same grand fighting we have had in previous wars. But neither before 1860 nor since 1860 have we had a Navy that would at all compare with the expensive navies of Europe, whose guns and ships have outnumbered ours tenfold. What has been done since 1860 has been well done. During the late war there were, of course, necessarily large expenditures which in some details may not have served a good purpose.

Mr. KASSON. Let me ask my friend from Connecticut [Mr. STARKWEATHER] whether the cost of constructing iron-clads does not account for the additional expense of our Navy?

Mr. STARKWEATHER. Of course the expense of building iron-clads was great; yet as their construction was in a great measure experimental, much of the expenditure was lost.

But let me tell the gentleman from Kentucky to-day that if he will review the action of the present Administration and observe what has been done under the present organization of the Navy Department, he will find that he has as much cause for congratulation and pride over what the Government has accomplished during the six or eight years since the war, as over what was done during any other period of our history.

I do not feel any apprehension of want of success in case of a war with Spain. I say we shall be ready; and the fact that we are ready, that we have the right to enlist these men, will avert a war. It is for that reason I support the bill. It is a just bill, and is demanded by the exigencies of the country. If we are to have a war, Spain will find us ready; and the country will have reason to rejoice that, though Farragut is dead, American seamen on wooden ships, as well as on our monitors, can cope with any force that Spain can bring against us.

Mr. SCOFIELD. I yield to my colleague, [Mr. SPEER.]

Mr. SPEER. Mr. Speaker, the achievements of the American Navy have justly been the pride of every citizen. While we have had cause to rejoice at the victories in several wars achieved by our soldiers upon the land, no American has ever had reason to blush for the conduct of our sailors upon the sea. I confess my surprise that there should be seemingly a single word of opposition this morning from any gentleman upon either side of the House to the reasonable provisions of this bill, contemplating, under the discretion of the Secretary of the Navy, a limited increase in the number of our seamen.

The recent insult to the American flag thrilled the people from one end of the country to the other. That flag is the symbol and the emblem of the nation's power and glory; and when it is insulted or assailed, every American, however humble, feels the insult as a blow at himself.

If this bill be passed with the amendment of the gentleman from Ohio [Mr. GARFIELD] the House will distinctly declare its repugnance to any permanent increase of the Navy, unless national exigencies should so require. In view of the recent conduct of the Secretary of the Navy, I think we may say he deserves well of this House and the country; and it would be but a just and merited tribute to him and to his fidelity in the discharge of his duties in the recent emergency for this House to commit to his discretion the enlistment to a limited extent of the number of additional seamen that may be needed.

Mr. MYERS. I would like to ask my colleague a question. If the amendment should he adopted, and if the emergency should require additional men, what should we do for these men, who, I agree with my colleague and others who have spoken, are so much needed?

Mr. SPEER. In reply to my colleague I have this to say: The Secretary only asks authority to enlist 1,500 additional men.

Mr. MYERS. The limit is one year. The discretion we give to him in this bill is to enlist that additional number of men. He need not do it unless he thinks it is necessary; and I think there should be no objection to give to the Secretary of the Navy such discretion in case of an emergency.

Mr. SPEER. I understand that; but my colleague must remember, if the emergency lasts beyond the 1st of January, 1875, that Congress will be in session before that time; and if the emergency should continue to exist at that time, the power given by this bill could be continued.

Mr. MYERS. I object to the amendment, for the reasons stated by the gentlemen who have preceded me. The Navy needs these men, and I hope the bill will pass without amendment.

Mr. SPEER. The bill concedes that it needs them now, but it admits, by implication, that it may not need them beyond the 1st of January, 1875. If we do need them, what is to prevent the next session of Congress from extending the provisions of the bill, on the request of the Secretary of the Navy?

Mr. MYERS. Men who will be enlisted will be enlisted for five years; and, if the amendment be adopted, skillful seamen would have to be discharged at the end of one year.

Mr. SPEER. I understand the Secretary of the Navy himself only asks for a temporary increase of men for the Navy. I believe him to be the best judge of the wants of the naval service, and I think the committee have gone too far when they have gone beyond the request of the head of the Naval Department.

Mr. MYERS. I am supporting the request of the Naval Department in the bill as reported by my colleague, [Mr. SCOFIELD,] the chairman of the Committee on Naval Affairs.

Mr. SPEER. If this bill is to be passed upon the recommendation of the Secretary of the Navy, then there must be some misunderstanding between the gentleman from Ohio [Mr. GARFIELD] and the gentleman from Pennsylvania, because the chairman of the Committee on Appropriations has told us that the Secretary of the Navy, in his recommendation, only asks for a temporary increase of the number of men.

Mr. SCOFIELD. I will yield now to the gentleman from Maine, [Mr. HALE.]

Mr. HALE, of Maine. Mr. Speaker, I have in a small way for some years past been fighting the fight for the Navy Department here upon this floor. It has always been hard to get appropriations for the Navy. Objections raised by the gentleman from Kentucky [Mr. BECK] and the gentleman from New York, as well as gentlemen on this side of the House, have been hard to answer because it was difficult to say, without full explanation, how it happened, that, with so many hundreds of millions of dollars spent during the war, we should have so poor a Navy. The explanation, in brief, as given, and it is true, was that a large portion of the money expended during the war, amounting to hundreds of millions of dollars, was, so far as a permanent Navy goes, useless. The expenditures were for the emergency; to blockade the coast, to capture the southern cities, those vessels were built. Experiments were made which proved sometimes to be disastrous. Indeed, there were constructed vessels which, as Henry Winter Davis once said upon the floor of this House, "could not make a single voyage without going straight to the bottom of the sea." All this was the result of the stress and haste under which the Naval Department labored at the time. And it is an actual fact that when we came out of the war the best vessels in the United States Navy were the old vessels built before the war; and to-day the very best vessels we have in the American Navy are vessels like the Colorado and the Franklin, and of the smaller vessels like the Hartford and the Brooklyn.

I cannot, however, in the few minutes allowed me, go over the whole ground in order to answer the objection of the gentleman from Kentucky, [Mr. BECK.] As to why it is all this has been so, I can do no more than give the general explanation I have already given.

Mr. BECK. Will the gentleman allow me a minute?

Mr. HALE, of Maine. I have only a minute more to speak. In the present condition of our Navy the feeling in the House has changed. For the first time the Navy Department comes into this House with an emergency looming up the sky, which inclines members to give the Department all it can reasonably ask; and, that being so, as a naval man and interested in the Navy, I feel all the more sensitive of pushing it to the extreme. And that is the reason why I do not believe in committing the House to any permanent increase. But, sir, I consider ships are wanting more than men; and when this House, when Congress, passes—as I have no doubt it will—acts in favor of a fair appropriation to put into good repair the ships now in the Navy, and to construct others, in order that we may have a respectable Navy, then I have no fear, if after this war-cloud blows away more seamen are needed to man our ships—if in that respectable Navy more than 8,000 men are needed—but Congress will agree to the needed enlargement. I have no doubt Congress will do what it has never before been willing to do; still I do not believe in committing Congress to any permanent increase of the Navy before we really do need it for a respectable navy in time of peace. The good which will come out of this war panic and this increased enlistment of men is that we will get out of it a respectable navy for a time of peace.

Mr. BECK. Let me say one word.

Mr. HALE, of Maine. Certainly.

Mr. BECK. I have never complained of the expenditures for the Navy during the war, although they amounted to over two hundred million dollars. But the point I did make, and which the gentlemen from Connecticut and Maine seem to avoid, was, that while we have given the Navy Department over twenty million dollars every year since the war, and when we left it at the close of the war with over six hundred ships, the Navy is in no better condition to-day. Why is it necessary to appropriate so largely every year for the Navy? And, if it is necessary, why have we no better results from such expenditures, when we had a first-rate Navy before the war, when we only appropriated $11,000,000 or thereabouts?

Mr. HALE, of Maine. I will tell the gentleman in a word. The money has gone in paying the men, and in keeping in repair and afloat on the waters of the globe those few battered and worn vessels that the war almost used up; and we have not built a single vessel since. Ships of war will wear out as well as commercial ships.

Mr. BECK. But why did less than half the amount maintain a sufficient Navy before?

Mr. SCOFIELD. I now demand the previous question.

The previous question was seconded and the main question ordered; which was first on Mr. GARFIELD'S amendment.

The question being taken, there were—ayes 134, noes 26.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time and passed.

Mr. SCOFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF LAWS.

The SPEAKER. The morning hour has almost expired, and the gentleman from Massachusetts [Mr. BUTLER] desires to make a report for reference to the Committee on the Revision of the Laws.

Mr. BUTLER, of Massachusetts. I desire to report certain bills, prepared by a committee under a joint resolution of the two Houses, for the revision of the general laws and those on certain specific subjects; and, with the leave of the House, I will explain what this mass of paper is that I have before me.

Between five and six years ago the two Houses of Congress, by law, provided for the revision of the statute laws of the United States; and a commission was appointed, who sat three years engaged in that revision. They had not accomplished the work, and an extension was given, and another commission appointed, substantially, and they attempted a revision. Then, that commission not being ready to report during the last Congress, the two Houses, by a resolution, appointed a joint committee, whose duty it should be to prepare a bill, or bills, to carry out the objects of that resolution.

As you are all aware, the statute laws of the United States are in sixteen or seventeen volumes, averaging between 1,000 and 1,200 pages each, including the several treaties. Taking the revision partly accomplished by the two sets of commissioners. the committee of the two Houses have, during the recess, subjected that revision to a thorough revision by one of the best lawyers in the country, who has devoted his time and ability to it with the most indefatigable industry and greatest success; so that now we have all the laws of the United States, with a single exception which I shall mention, in this book, containing about 1,400 pages, printed in large print in the form of an act, with an index, in a shape in which every member can examine it. If the revision is carried through Congress and becomes law, all the general laws of the United States will be found within the limits of one volume, instead of its being necessary to wade through sixteen volumes in referring to them.

I desire to premise here that your committee felt it their bounden duty not to allow, so far as they could ascertain, any change of the law. This embodies the law as it is. The temptation, of course, was very great, where a law seemed to be imperfect, to perfect it by the alteration of words or phrases, or to make some change. But that temptation has, so far as I know and believe, been resisted. We have not attempted to change the law, in a single word or letter, so as to make a different reading or different sense. All that has been done is to strike out the obsolete parts and to condense and consolidate and bring together statutes *in pari materia;* so that you have here, except in so far as it is human to err, the laws of the United States under which we now live. And it will be necessary, if the bill passes Congress, that it shall pass without any one undertaking to amend the law as it stands in this revision; because, once beginning to amend the revision by altering the law from what it is, will lead into an interminable sea, in which we shall never find soundings and which will never find a shore. But if there be any omission of any provision of law, the theory of this revision is that that shall be supplied; and to that the committee desire to call the attention of the House.

I said that there is one omission, and that omission is in regard to the laws of the District of Columbia. The question came up before the two commissions whether these were not local laws. Both of those commissions decided that they were, and did not revise them; and your committee found the revision in that shape, and they have not changed it, although in their opinion the laws of the District of Columbia are not local. But it was too late to remedy that. That can be remedied under the law by your able Committee on the Revision of the laws.

In addition to this, it was required by another resolution that all the Indian treaties which were in force should be revised, the obsolete and amended parts being stricken out. This has been done, and you have all of them within this volume which I hold in my hand. By a singular omission, the resolution did not provide for any revision of the foreign treaties; and I hope the House will provide that foreign treaties shall be revised in like manner and put into a volume with the Indian treaties. By putting into a separate volume both the Indian and the foreign treaties, there can be no occasion, for the ordinary use of the laws, that that volume should be bought except by students of international law and those having to do with Indian and other treaties.

Then there was another and still further duty imposed upon this committee, and that was to revise the postal routes. There had been no revision of the postal routes since the origin of the Government, and it was found that these postal routes interlaced, lapped over, ran into each other, requiring double mail service, and occasioning a great many other inconveniences and infelicities which I need not name.

All the postal routes in the United States have been revised and have been brought into one system, and every post-road that ever has been established is here unless it has been made a part of another post-road. You have that in this volume.

There was still another duty imposed upon the committee, and that was to revise and codify the law in regard to military offenses. There had been a large mass of legislation during the war as to military offenses, and which needed revision, some in appropriation bills, some in other general law. They have been brought together, and are all found, as we believe, within the limits of this pamphlet.

I have taken the liberty, Mr. Speaker, to present this bill thus early in order that it may be referred to the Committee on Revision of the Laws, the chairman of which, the gentleman from Vermont, [Mr. POLAND,] was associated with me on the last committee, together with the gentleman from North Carolina, [Mr. LEACH,] in order that there may be an early report to the House, that the bill may be passed in its integrity early in the session, and printed, for which arrangements have been made at an early day, and sent to the country, so that if any errors have crept in those errors may be corrected during this long session and a perfect body of the laws, or a body of the laws as nearly perfect as we can make it, shall be sent out for the guidance of the people of the United States. Before I press the motion to refer, I yield to the gentleman from Vermont, [Mr. POLAND.]

Mr. POLAND. Mr. Speaker, I desire to say a word in reference to this subject, and to call the attention of members of the House to it. It is now nearly eight years since a bill was passed for this revision. Three years each have been allowed to two several sets of commissioners to make the revision. A long time and a good deal of money have been spent to get the work in the state of forwardness in which it now is. As my friend from Massachusetts has said, the committee have endeavored to have this revision a perfect reflex of the existing national statutes. We felt aware that if anything was introduced by way of change into those statutes it would be impossible that the thing should ever be carried through the House. In the multitude of matters that come before Congress for consideration, if we undertake to perfect and amend the whole body of the national statutes there is an end of any expectation that the thing would ever be carried through either House of Congress, and therefore the committee have endeavored to eliminate from this everything that savors of change in the slightest degree of the existing statutes. If the work of the commissioners shall be referred, as I suppose it will be, to the Committee on Revision of Laws, we design to give it early and careful attention, so as to bring the matter before the House for consideration immediately after the holiday adjournment; and, in the mean time, I invoke the careful attention of the members of the House, and especially every gentleman who belongs to the legal profession, to this work. All must be aware of the embarrassments that attend carrying such a bill as this through the House. The idea of the committee has been that there should be no changes in it, that it should be a perfect reflex of the existing laws; and I invoke the attention of gentlemen to it in that view, so that if any gentleman shall upon examination discover that there is any change in the existing law in any section of this bill, or that there is anything in any national statute that is omitted in this bill, he may call the attention of the committee to it, that they may themselves perfect it and not take up time in carrying it through the House. As I said before, we hope between now and the time Congress shall reassemble after the holidays to have this matter so examined by the committee that we shall then be able to present it for consideration.

Mr. WOOD. If the gentleman from Vermont will permit me, I would like to ask him a question.

The SPEAKER. If this matter consumes time, the Chair will feel bound to throw it over.

Mr. POLAND. I do not intend to take any time myself, but I will hear the gentleman's question.

Mr. WOOD. It is, whether there will be anything in this revision of the laws that we have not already in the Statutes at Large?

Mr. POLAND. Nothing; at least we do not intend there shall be.

Mr. WOOD. What will probably be the expense to the Government?

Mr. POLAND. The expenditures have already all been incurred, and the whole expense has been somewhere in the neighborhood of $100,000.

Mr. G. F. HOAR. I desire to ask the gentleman one question, and, perhaps, as this matter has been discussed so far, it may be well to throw out the suggestion at the present time. It is whether there would be any objection to sending this bill to the Committee of the Whole on the state of the Union, after it has come from the Committee on Revision of the Laws, or to its consideration in the House under the rules which apply to appropriation bills, so that the objection of a single member should prevent any amendment that looked to a change in existing laws, and the House would only have to deal with questions of phraseology and omissions?

Mr. POLAND. I am not now prepared to answer that question. Our committee has held no meeting or consultation in regard to what the proper course would be when the bill comes before the House. Very likely what the gentleman suggests would be the proper course. My only desire in obtaining the floor was to invoke the early attention of every member to this work, that they may examine it, so that if they have any suggestions to make they shall be made to the committee, and that we shall not take time, which is so hard to obtain in the House, in carrying it through.

I will say further, Mr. Speaker, that this work is already printed, and in a very few days at least every member will be supplied with a copy of the entire work for his examination. It is already in print, but not stitched.

Mr. WOOD. I would ask the gentleman if he is not in error in estimating the expenses which have been involved in this codification, which has been going on for six years, and if it will not exceed twice the sum he names?

Mr. POLAND. Oh, no, sir; we have had two sets of commissioners for three years, at $5,000 each, and one of them was not paid for the full time. That would be $90,000, and then there is something for clerk hire.

Mr. ELDREDGE. Does the gentleman include in that printing already done?

Mr. POLAND. No, sir; but, whatever that costs, the expense has already been incurred.

Mr. ELDREDGE. The gentleman's estimate is merely of the salaries of the commissioners?

Mr. POLAND. My estimate did not cover the printing.

Mr. ELDREDGE. No doubt the whole expense will be equal to the sum suggested by the gentleman from New York, [Mr. WOOD.]

Mr. POLAND. I have not made any calculation. Whatever it has been, it has already been incurred.

The documents were then referred to the Committee on Revision of the Laws.

EXTRAORDINARY EXPENSES OF THE NAVY.

Mr. GARFIELD, from the Committee on Appropriations, reported a bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. GARFIELD. I move that this bill be printed and referred to the Committee of the Whole on the state of the Union, giving notice that to-morrow I shall move to proceed to its consideration.

Mr. HOLMAN. I would inquire of the gentleman from Ohio [Mr. GARFIELD] if this bill contains any provisions other than matters of appropriation?

The SPEAKER. All points of order will be reserved.

The motion of Mr. GARFIELD was agreed to.

REPEAL OF INCREASED CONGRESSIONAL PAY.

Mr. HALE, of Maine, called for the regular order.

The SPEAKER. The regular order being called for, the House resumes the consideration of the bill (H. R. No. 471) to repeal the increase of certain salaries and to regulate the same, and to cover undrawn and unreturned balances into the Treasury. The gentleman from New York [Mr. TREMAINE] is entitled to the floor.

Mr. TREMAINE. The course which the debate has taken upon the bill reported by the special committee on the subject of salaries has reminded me of an anecdote related of a prominent and popular democratic leader in the State of New York, now deceased. On being chided for having employed his influence in the State convention to secure the nomination to an important office of a very recent convert to the party, he replied that he believed there ought to be a statute of limitations, preventing any inquiry into the past record of a public man, or of political parties, that extended beyond a period of six months.

It so happens, perhaps fortunately for me, that upon this vexed salary question I have no record whatever, even so old as six months; and therefore I am enabled to approach its consideration totally disembarrassed by any motives or influences except the intrinsic merits of the question. There is no real or seeming necessity imposed upon me of reconciling any apparent inconsistencies between my present and my past position; of endeavoring to reconcile seeming conflicts between my own views and the present wishes and views of my constituents; or of uttering sentiments either of exultation or of regret at anything I may have said or done, or omitted to say or do, in the Forty-second Congress, or any prior Congress.

If I know my own heart, I approach the examination of this question influenced solely by an ardent desire to comply with the oath I have taken to discharge the duties of this office to the best of my ability; to carry out, so far as in me lies, the wishes of the constituents which I have the honor to represent upon this floor, and to take such action as shall in my judgment promote the interests and the welfare of the country.

Permit me, at the threshold of this discussion, to say that it seems to me that gentlemen who have spoken upon this subject, and who had the honor of being members of the House when the bill approved March 3, 1873, was passed, labor under some misapprehension as to the purpose of this bill and the intention and objects of those who framed it. They seem to deem it necessary to enter into a vindication of their action in reference to that bill. I am sure that no one desires to arraign them, nor is this bill to be regarded as an indictment against them. We award to them the same honesty of purpose that we claim for ourselves.

Sir, we have high authority for the declaration that errors are winked at in times of ignorance which in times of light and intelligence are not excused. They did what they believed for their best interests and for the interest of the community. We, however, are enlightened by the discussions of the people and by their expressed determination upon this question. If they made a mistake they may be excused for it. The only material question is, what is their present attitude and their present action; while we shall be guilty of the most egregious mistake if we sin against light and knowledge.

Sir, the people are not ignorant of the past history of legislation upon the subject of increasing the compensation of members of Congress. They know full well that in every instance, in the five cases in our past history where Congress has raised the compensation of its members, the increase has taken effect retroactively from the commencement of the congressional term. But the people have always regarded with jealousy and suspicion any act of their Representatives by which they have assumed to increase their own compensation and to take that increase of compensation from the Treasury of the people.

If the gentleman who yesterday gave us a historical sketch so interesting had gone a little further back he might have told us that even Henry Clay, with his great popularity, found exceeding difficulty in finding his way back to this House after having voted an increase of his compensation, which, even with the increase, stood, I believe, at the low sum of $1,600 a year.

While the people understand full well that the past action of Congress has favored the retroactive principle, there may be something in the time, manner, and circumstances in which that retroactive principle was adopted calculated to increase the natural jealousy and suspicion with which the people look upon the acts of their Representatives increasing their own compensation.

As I have already said, I make no charges against any gentlemen on this floor. I think it is perhaps due to the people, whose wishes we seek to carry out in this House, to remind gentlemen that, according to the first intelligence that came from Washington, this bill had been defeated. Yet in the closing hours of the last session it came to light, and the people found out that this retroactive principle had been incorporated into the bill, so that the increase by nearly five thousand dollars of the compensation of the members of Congress was to take effect from the commencement of the term of Congress.

There was something in the condition of the country at that time which induced the people to look upon this measure with disfavor. At all events, they have given expression to their sentiments in a manner that cannot be mistaken. I concur entirely in the report submitted by the minority of the special committee, in which the truth is uttered that in every form in which the public will can be known—through conventions, State and county, through legislative bodies, through the public press—in every mode in which the popular will is accustomed to make itself felt and known in this country, the people have condemned that increase of salary and have instructed us, as among the first duties devolving upon us, to brand it with a repeal. And, sir, I am sorry to hear the remark coming from the other side of the House, that this endeavor of the majority at the earliest moment faithfully to respond to that popular demand has excited "disgust." I think that if my friend who made that remark had consulted with his democratic colleagues from my own State of New York, who occupy the most advanced and radical ground upon this question, who are instructed by their State convention, and are therefore just as "fanatical" as we are upon it, he might recover his accustomed equanimity and composure, and that his "disgust" might no longer trouble him. At all events, in our action we are endeavoring faithfully to respond to the popular will; and, sir, it ill becomes any gentleman in this House to call us who are seeking to carry out that will "demagogues." If this remark is intended simply to apply to those gentlemen who have assailed only the principle of retroactive salaries, and who may have, perhaps, defects in the joints of their harness, I leave it for them to vindicate themselves. But if in that remark a criticism is sought to be indulged against those of us who are earnestly and honestly seeking to carry out the popular will, I am ready and willing to assume cheerfully the responsibility and the odium, if you please, which belong to that title. Yes, sir, if that Representative is a "demagogue" who faithfully labors to carry out the popular will in a popular form of government, and who in doing so is willing to submit to personal sac-

rifices and losses—if he is a "demagogue," then I wish this House was full of such "demagogues." Perhaps I might retaliate by saying that the gentlemen of opposite views who would call themselves anti-demagogues belong to that school which holds and practices the belief that public offices are created, not for the benefit of the public, but for the benefit of the incumbent. Perhaps they are willing to trample under foot the honest old doctrine of the common law, that every public office is created for the public welfare, and that every man accepting such an office accepts it on the implied condition that its duties shall be discharged solely with reference to the popular good.

Sir, there has been a prominent example of this extraordinary modern doctrine—a man once a member of this House, who held high office in the city of New York, where, by means of a conspiracy with other office-holders, he was enabled to use that public office to build up and aggrandize his own fortune, to roll in wealth acquired at the expense of the tax-payers, to collect an army of 16,000 henchmen ready to do his will. But, sir, the time came when he suffered the penalty that is sure to come sooner or later upon those who violate the laws of God and men; and those who wish to find further instruction on this subject may call upon him to-day in cell No. 34 of the penitentiary on Blackwell's Island, near the city of New York.

Sir, it is said that we have put an estimate upon our own services; that by voting for this bill we assume they are worth but $5,000. Pardon me, sir; we have here no Uriah Heeps so "'umble" that they have not a due appreciation of the value of their own services. We know that the services of many of us on this side as well as on the other side—gentlemen engaged in honorable and profitable private pursuits; great lawyers, great merchants, bankers, business men—are worth ten times the amount that can be expected to be given to them by an act fixing congressional salaries. But, sir, is there a gentleman here who for that reason would attempt to measure by a pecuniary standard the value and the honor of a seat upon this floor?

For myself, I regard it as the greatest honor that can be conferred upon me that I have a seat, by the free choice of my constituents, in the highest representative legislative body on the face of the earth. The honor is enhanced by the further fact that I have more than four millions of constituents; that I have thirty-two constituents on the floor of this House; that among them are the honored and honorable gentlemen on the other side who are so sound now on this salary question; and that among them is, last but not least, my brilliant friend, the "dew-drop" [laughter] from New York, [Mr. COX.]

Mr. Speaker, there was great beauty and great significance in that simile of the "dew-drop." We read in mythology of an ancient king who, on consulting the oracles to learn his future fate, was warned that he would be destroyed by his own grandson, who would succeed him as king. As he had lost his wife and never meant to marry again, and had but one child, a beautiful daughter, he resolved to guard against his approaching danger by condemning her to perpetual imprisonment within the walls of a dungeon where there was no opening except a small orifice in the roof, through which her food was passed, and where the light and rain penetrated. Jove had fallen in love with her, and one night, in the form of a "dew-drop," he came down through that opening. [Laughter.] It is quite unnecessary that I should go further. My classical friend from New York is, I am sure, familiar with the sequel. Suffice it to say that in due time a hero was born who burst the bonds of his prison, destroyed his grandfather, succeeded him upon the throne, and thus verified the prediction. So that, Mr. Speaker, the "dew-drop" is not only bright, brilliant, beautiful, but it may be powerful, effective, and godlike.

Now, Mr. Speaker, the question before this House is, whether or not the bill reported by the majority of the committee or the bill which by common consent has been received from the minority as a substitute shall receive the sanction of this House. I understand the majority of the committee have reported this bill in obedience to what they regard as the popular demand, without intending to perfect and complete such legislation as may be carried out when more time and opportunity shall be allowed. And, sir, it seems to me in this they have responded to the popular will. I have but little choice between the bills which have come up from that committee. The distinction between them may be stated in a few words. As I understand the majority bill, it proposes simply to restore the compensation of Senators, Representatives, and Delegates to what it was before, except that for the present session it breaks down the mileage system and substitutes a system of compensation according to actual expenses; while the minority bill restores the old law, not only as to the Senators, Representatives, and Delegates, but also as to the Vice-President, members of the Cabinet, Speaker, employés of the House, and all other officers, except so far as the Constitution has spoken, putting the salaries of the President and judges beyond our control.

Mr. HALE, of Maine. The gentleman will allow me to correct him in one thing. The bill of the majority comprehends the Presiding Officers of the two Houses.

Mr. TREMAINE. Leaving the Cabinet. For myself I am free to say if we were preparing an original bill I would certainly desire an exception should be made in favor of Cabinet officers, the Vice-President, and the Speaker of this House. By past usage they have been put on a par with members of the Supreme Court. The exalted dignity of their position, the necessity imposed on them of residing in this city during the entire year, would seem to me to justify a departure from the compensation prescribed under the old law. But all that, in my opinion, may be more properly postponed until a more perfect law can be passed. I should have been better pleased with the report presented by the majority of the committee if, when they attempt to break down the mileage system as to this session, they had made it apply to all succeeding sessions of Congress. For I believe the people have expressed their disapproval of the inequalities of the mileage system adopted, when it took as long to come from Boston to the capital as it does to-day from San Francisco. I think there is no justice in allowing $3,000 to gentlemen for traveling expenses from the Pacific coast, when that is a very large portion of the compensation allowed to gentlemen living near this capital. I should be pleased if the amendment offered by the gentleman from Pennsylvania, carrying out the principle of compensation according to expense incurred, and not according to mileage, should be adopted.

Now, Mr. Speaker, I have but a few words more to say. In conclusion it seems to me this is a time in the history of the country when we should be willing to make personal sacrifices. We are passing through a crisis of unparalleled severity in the business history of the country. Values are shrinking everywhere, property is depreciating all over the land, trade and commerce, manufactures and agriculture, are dull and languishing; large manufacturing establishments are unable to carry out at present their full time, and hundreds and thousands of laborers are found in our streets unable to procure employment to obtain bread for themselves and their families. In the mean while the pressure of taxation to pay the interest upon our national debt, contracted to save our nation in time of war, is resting with a heavy hand upon the industry of the country. The people have lavished their confidence on us to an unparalleled degree. Let us prove ourselves worthy of that confidence. They look to our action on this question as the supreme test of our professions that we are in favor of economy, retrenchment, and reform. They have, through the conventions of both parties, expressed their sentiments on the subject, and I am free to say they have, in my judgment, been more grieved and more sorrowful at the action of republicans than at the action of democrats, upon the principle that "to whom much is given from him much will be required." They have given to us the ten talents, while to the opposition they have only given five. But on this question I hope to see substantial unanimity.

Sir, the angry waves of partisanship which recently were so strong and so furious are gradually subsiding; and I am sure I speak the sentiment of every gentleman in this House when I say that if it be necessary to-morrow to vindicate the unatoned and unsatisfied dishonor put upon the national flag, there is no man here who would not vote for all the men and all the money to vindicate and wipe out the stain upon our honor at every cost and at all hazards. On this question, then, let us as one man, with substantial unanimity, march forward to the work before us. Let us vote in accordance with the popular demand, and repeal the act increasing salaries of March 3, 1873.

By so doing I am certain that we shall receive a reward better than the $5,000 we surrender; that we shall not only have the consciousness of having done our duty according to our oath, but will feel that we deserve and shall receive when we return to our constituents that welcome of approval so grateful to every hard-working Representative, "Well done, thou good and faithful servant."

Mr. HAWLEY, of Connecticut. I had not intended at first to take any part in this debate, nor would I have done so had the tone of the discussion continued as at first. I have now but a few simple and plain considerations to submit, without any desire to attack anybody, or to go into any personal discussion. I have no doubt that my constituents are agreed as to what they demand—none whatever.

I have no doubt that they unanimously—I speak of both the great political parties—disapprove of what is known as the "back-pay" feature of the bill passed last March. Secondly, I have no doubt whatever that they unanimously—speaking again for both parties—demand that there shall be a reduction of salaries; that there shall be a substantial repeal of the old law. I have no doubt, further, in the third place, in regard to my constituents of all classes, that they do not ask of us a reduction below what our pay was in the Forty-second Congress They do not expect that. The whole question is substantially before us in this bill and its various amendments. Let us see what the increase was.

I have a few figures here which I have obtained from the Sergeant-at-Arms. The pay proper of members during the first year of the Forty-second Congress was $1,341,698.55. The total mileage for that year was $81,698.75. If we deduct from that 5 cents a mile, which would amply cover actual expenditures, what may be called the profit on mileage would be $71,486.45 for that first year. The stationery allowance, $125 for each member, makes for the year $31,625. The aggregate is $1,444,810.15. This amount, divided by 253, the number of Members and Delegates, gives as the average clear profit on the compensation of members, during, the first year of the Forty-second Congress $5,710. I have not included in this what we may be considered to have profited by the franking privilege.

The franking of public documents, books, &c., was of no pecuniary benefit to members, but only to their constituents. We will suppose that the benefit to their pockets by the franking privilege, in covering private correspondence, &c., was $100; and, supposing that the expense in forwarding documents without the frank would be $700 a year—as I am told is a fair estimate—the lawful compensation in

the last Congress averaged $6,510 to each member, out of which he had to forward his documents; the rest, about $5,810, was profit.

Now, the last Congress voted, in addition to that, for each member $2,500 a year. This makes the compensation of members for each year of the Forty-second Congress, $9,010—or, we may say in round numbers, $9,000. Or. if we deduct from that what is required for the postage on documents, at least $8,300 was the average compensation voted by the Forty-second Congress to itself, and I suppose—for I never troubled myself to look into the record of the Sergeant-at-Arms—taken by a great majority of them.

Now, I have no attack to make upon any man of those who took the back pay, or who did not take it. It was none of my business. I acted according to what I thought was my own duty. I followed my own notion, if you choose to call it such. During the debate I assailed the measure, even angrily, but not with personal feeling toward anybody. I said to myself, and I said to others, that I would take none of the back pay if the bill did pass. But I had no discussion with any other man as to what I would do.

Members therefore received about $9,000 per annum, each, during the last Congress, $2,500 of which was "back pay." The excuse for taking the additional $2,500 was that we were taking from ourselves certain privileges in the way of the franking privilege, mileage, &c., and that this would make it about even, overlooking the fact that those who were members during the whole of that Congress—in which I was not—had enjoyed all these privileges for two years, and were compensating themselves for the future loss of them by taking $2,500 a year for "back pay." I am just informed by the gentleman near me that mileage, save for actual expenditures and stationery, was subtracted. That alters the case somewhat, but I will not stop to compute it precisely. It would leave the pay not far from $8,000. I make no question that the people throughout the country disapprove of it; and that is all that is necessary for my purpose.

I judge, as the eloquent gentleman from New York [Mr. TREMAINE] has stated, by the resolutions of State and local conventions of both parties and by the unanimous voice of the press. I have seen nothing upon the subject from the republican party so violent, so determined, as the expressions that I have been reading within the past few days from the democratic journals all over the country. I assume that the country is agreed as to that.

Now, if we are to have a correction made of this matter—and I take that for granted—the next question is, what is to be the pay for the future? The bill proposes that it shall be $5,000 a year, leaving for this Congress mileage only for actual expenditure, but mileage hereafter at the old extravagant and partial rate of 20 cents a mile coming and going. The old allowances, as I showed, were $6,510; and taking out the estimated value of franking documents the profit was $5,800; so that if we put our figures at $5,000 we make a reduction under this pending bill, an actual reduction of about eight hundred dollars a year. I do not think that that is demanded by public sentiment. My constituents do not ask me to vote for anything of that sort.

And, while I may vote for this bill rather than fail to get a repeal of some sort, I am inclined to say that I will not vote for it because it is wrong. I am not willing to so leave the question finally as to make a reduction from what our pay was before this Congress. It is not right. Moreover, this bill, while it corrects the mileage for this Congress, leaves the ancient system of mileage to be enforced hereafter. That is a great abuse—an apparent and acknowledged abuse. But some of you say you will correct it by subsequent legislation. Now I am in no such hurry, no such panic-stricken hurry, to legislate on this subject as to be willing to do wrong now with a promise that I will correct it in the course of the session. I would just as soon take another week or fortnight to make this bill what it ought to be. I will vote for an honorable and fair compensation, and I believe my constituents will think I am right; at any rate, I will try to make them do so; but if they do not, I will vote for it nevertheless. That is all.

I am asked, perhaps, what I think would be a fair compensation. I should say—I might say a little differently perhaps if I had been sitting on a committee investigating the whole subject—that inasmuch as the pay netted $5,800 before, we might make it $5,500 or $5,000 a year. Then, as to mileage, I would, of course, correct that abuse, and allow only actual necessary traveling expenses. As to the franking privilege, or the forwarding of books and documents, I am opposed to the restoration of what is technically known as the franking privilege, because it was vastly abused, beyond all question. I would never give members of Congress the franking privilege proper. My own idea of the best way to do it is to direct the Departments to forward our share of such documents as Congress may wisely and necessarily order printed for distribution to the people to our several districts according to lists we furnish them. That would give no chance to abuse the franking privilege at all. There is not a member here who cares a farthing for the franking for his private letters; but his documents ought to be distributed, and they should either be distributed in the mode I suggest, or else there should be a corresponding allowance to members, say of $600 or $700 a year, strictly for that purpose.

Mr. NEGLEY. Does not the gentleman think there would be quite as much abuse at the Departments as by members of Congress?

Mr. HAWLEY, of Connecticut. I think not, if members of Congress control the distribution. The Departments would simply send the books and documents to such of our constituents as might be named in the lists we furnish. I suggest that as one solution of the question. We have to solve it. I do not want the franking privilege restored, but if you are going to make the pay precisely $5,000 a year, (several hundred dollars lower than before,) I confess I cannot afford to pay six or eight hundred dollars a year to send books to my district.

I do not propose to dodge any part of this question, and I shall be asked what will you do about the Cabinet. Well, I do not object to give them the allowance they now have. I think that when a man leaves his business and comes here, for four years, and keeps house here, probably retaining his homestead also, he is entitled to that amount. How about the judges? I am willing that they shall have $10,000 a year, and I think my constituents are. A man fit to be a judge, who surrenders every other employment and comes here and keeps house in a respectable style, as he ought to do, involved also in large traveling expenses, is entitled to that amount. If you were all hard money men, as I am, and would make your paper what it ought to be, a man could live on $8,000 a year better than he can live on $10,000 now, and I might be then more willing to vote for the reduction. But until I see signs of hard money times, I am willing that they shall retain the salaries they have under the existing law, especially as having once allowed it, the Constitution forbids our recalling it from any judge now on the bench.

Now, as to the President: I did not vote for the increase of his salary, but the question now is, will you order a reduction to take effect four years hence? The Constitution forbids our making a change during the current four years. Well, if you are going on with the old system of spending forty, fifty, sixty, or seventy thousand dollars a year in keeping the White House and gardens so that you cannot distinguish what is for the public offices of the White House and what is for the President's private residence, I am in favor of a reduction to $25,000. But if you do the business as you ought to do it, and give him a private residence entirely detached, and provide a detached public executive office, and supply it with clerks and door-keepers, and other servants for that office, then you can tell what he needs to support himself in his private mansion, and what you expend on his business office. But you are now paying a large portion of the expenses of the Executive Mansion, and you make no proper distinction between the President's office and his private residence. You do not give him a residence such as the chief Executive of this nation ought to have; the offices are in the same building, and the President's family are crowded into a corner. It is really more a public office than a private residence. You have to settle that matter before you can satisfactorily and finally determine the question of his salary.

I close with remarking that I am sorry to see so much of a tone here of denunciation or censure of those of us who opposed this increase. We do not seek to make personal war on other men, and I am sorry to see the spirit prevailing among some who defend back pay and the increase. I believe the sentiment of nearly the whole nation is opposed to the measure, and I will vote for a restoration of the actual former compensation. I will vote to wipe out all the abuses and unreasonable perquisites, and to give members what they ought to receive, and I think my constituents will justify me.

Mr. KELLOGG. Mr. Speaker, I shall detain the House but a very few moments, for I know there are others desiring to speak more and longer on this question than I do. I shall indulge in no declamation whatever, in view of the situation, but I expect to face the music on the details of this bill. I expect to state squarely and frankly what I am willing to do, and what I believe the country will be willing to have us do. And, in the first place, I do not believe the country calls upon us to interfere with anybody's pay except our own. I think if we want to take any credit whatever, we never shall get any by interfering with the pay of other persons, unless we are quite satisfied that it is too high.

Now, I agree with my colleague [Mr. HAWLEY] that the Cabinet officers and judges have salaries none too high with the 20 or 25 per cent. addition of last session. I cannot support the bill of the minority, for it would present the anomaly of leaving the present judges of the Supreme Court to receive $10,000 a year during their lives, while a judge appointed the next year, or the year after, and sitting by their side, would receive only $8,000. I will agree to no such proposition as that.

Then, again, so far as the President is concerned, if there are allowances which constitute a part of his salary and which ought to be cut off, do it and do it like men; but I for one will give no vote by which it would be provided that the salary of the present incumbent should remain at $50,000 as long as he continues in office, and his successor shall have only $25,000. We cannot under the Constitution reduce the salary of the President during the present term of office; and I think it would be a very poor piece of work for us to make the salary of the present Executive $50,000 per annum, and provide by law that his successor shall have only $25,000 per annum, which cannot be increased under the Constitution during the term of his successor. I shall give no such vote in my place here. Twenty-five thousand dollars a year was given to the President, in gold, when the Government was first established, with only 3,000,000 people in the country, when Washington commenced his first administration, and when one dollar went farther than ten will now. Now we have 40,000,000 people, and a country filled with wealth.

So in regard to the employés of this House; I do not believe their salaries are any too much for the work they have to do, with the expense of living in Washington. Therefore, I come directly back to the proposition with which I started, that I think we should confine ourselves to our own salaries, and make a fair and just equalization.

I agree with my colleague who spoke yesterday [Mr. STARKWEATHER] that this is a matter in which we should heed public opinion. When we are satisfied what public opinion is upon the question of our own pay we should heed it. I do not agree with my friend from Nevada [Mr. KENDALL] that a Representative here should be bound in all cases by the instructions of his constituents. There are many cases in which a Representative should use his own discretion and good judgment, for he is sent here for that purpose. As Burke said years ago of the doctrine of instruction to a representative by his constituents, a member of Congress, like a member of Parliament, should stand here as a pillar of state, and not as a mere weather-cock on the top of the edifice to indicate the shiftings of every popular gale and point the way the wind blows at home.

Mr. KENDALL. One word by way of correction. I said that when the popular will is clearly and fairly expressed to a Representative, he is then bound to obey that will or resign. And I adhere to that opinion.

Mr. KELLOGG. I understood the gentleman on yesterday. I do not intend to provoke any controversy with him; I do not agree with him. In many respects I think the Representative should have a mind of his own. But I say, clearly and fully, that in the matter of our own pay I think we should respect the feelings of our constituents and those who sent us here, and be governed by that to a great extent.

I do not believe that the country, or our constituents, will call upon us to make our pay any less than it was before. I shall be in favor, if I get a chance to vote upon it, of the amendment of the gentleman from Pennsylvania, [Mr. TOWNSEND,] but I would couple with it a provision that should cover into the Treasury the sums that have already been, or hereafter may be, returned as back pay. I think that provision should certainly be attached to his bill. There are a great many here, as my colleague said yesterday, who are perfectly willing that the money should be covered into the Treasury, provided it can stay there. But they do not wish to subject themselves to the taunts of their adversaries, who will say, "You will draw it out again." The Treasurer has said that the only way to get rid of the money in the absence of a law covering it into the Treasury is to make your will and give it to the United States in consideration of the love and affection you have for your native land. It does not release the right of any member to reclaim his money unless a law is passed covering it into the Treasury.

One word more. I did not intend to take any more time than I have. I think that, so far as our back pay is concerned, we should satisfy the country that we respect their will. In the light of public opinion, which some did not understand last spring, but which a good many understand now, the action of last Congress increasing the back salary, though it was not stealing any more than any previous increase of salary in the history of this country, which the best men in the long line of our most eminent statesmen have agreed to, yet it was a blunder—a very great blunder; and sometimes a blunder is as bad as a crime.

Mr. E. H. ROBERTS. Mr. Speaker, doubtless members have made up their minds in favor of the general purpose of this bill. They may differ about details. They recognize the necessity of some like measure. But some gentlemen admit they yield to a popular clamor against their own wishes. The voice of the people ought to be listened to. If it be unreasonable, defy it. If it be just, respect it. In this case I obey the popular will, because it is right.

In the last Congress I failed to agree with the majority which pressed and carried the increase of congressional salary. The motives which governed my votes then control me now.

We are not to inquire into the personal conduct of gentlemen. That inquiry could throw little light upon our duty as legislators. It will be better if we eliminate the personal element altogether, and approach the subject free from all such difficulties.

But the gentleman from Indiana, [Mr. WILSON,] to whom the House always listens with so much interest, expresses the sense of wrong from unjust denunciation, under which many are restive. Great harm is done by the violence and lack of discrimination of the public press. None of us, I trust, will object to criticism, trenchant and severe. But the vile abuse of men in public service, without reason or decent pretext, is a crying evil. It breaks down the incitements to laudable ambition at home. Turn your eye to the other side of the Atlantic, and you will see that it brings the American people into disgrace abroad.

Mr. NEGLEY. Will the gentleman allow me to ask him a question?

Mr. E. H. ROBERTS. Yes.

Mr. NEGLEY. I would like to ask the gentleman whether he did not carry his back pay to the other side of the Atlantic?

Mr. E. H. ROBERTS. If the gentleman has satisfied his own conscience with reference to his own back pay, he has performed his duty When I appeal to him to decide my duty for me, I will answer his question.

Mr. NEGLEY. I mean nothing unkind to the gentleman. I simply wish him to state whether he did not lately return his "back pay" into the Treasury.

Mr. E. H. ROBERTS. Mr. Speaker, when I assent to degrade this body into an arena for personal controversy, it will be when I change my estimate of public duty. Malignant, slanderous, reckless denunciation is the offensive monstrosity of our politics. Exaggeration is, perhaps, a national characteristic. When it vents itself in caricature, we can laugh; when it dips its pen in malice, it is inexcusable. If we could keep its manifestations at home, its worst effects would be avoided. Abroad these exaggerated tirades are taken as a true picture of our public life. It is not a party, it is not Congress, which is condemned. It is the nation and its institutions. Thus, monarchists conclude in a republic virtue is in retirement and knaves bear rule. Yes, reckless denunciator, in other lands your testimony is accepted as true, not against your Representative or your colleague only, but against yourself and against the country.

Perpetual scandal makes the face of vice too familiar. If virtue does not exist at all in public station, sooner or later it will not exist in the homes of the people. The exaggeration of criticism and of assault is a crime against the Republic.

This exaggeration is the outgrowth of a moral sentiment higher than has ever before prevailed. It is the expression, morbid perhaps, of something in itself commendable, an aroused public conscience. Let the iconoclast break down the idols. Check his fury before he destroys the household gods and the very divinities of the Republic. These critics must restrain the madness of their denunciation. We must accept whatever is fair in their criticism.

In this spirit I would question the motives of no gentleman upon this floor, nor assume to criticise his individual action. The subject is broad enough to be considered upon its merits. It should be discussed in a manner not to lower the representative body before the constituency. It should be decided so as to command respect where ever the decision becomes known.

The chief argument for the measure which we are now called on to repeal is precedent. It was very ably stated yesterday by the gentleman from Indiana, [Mr. WILSON.] The Fourteenth Congress increased the pay from $6 a day to $1,500 a year. The Thirty-fourth Congress increased the compensation to $3,000 a year. The Thirty-ninth Congress further increased the salary from $3,000 to $5,000. In every case a retroactive clause was embodied. I acknowledge the force of these precedents; but they do not carry everything before them. Increasing the salary from $6 a day to $1,500 a year is not a precedent for raising the salary to $3,000 a year. The adoption of $3,000 as the salary is not a precedent for $5,000 a year. The last-named advance is no logical precedent for any higher figure.

Precedent does exist for a Congress adjusting its own compensation, and even making it retroactive. But precedent proves nothing about the justice of the salary actually established.

The actual situation of the country does throw some light on that question. Enterprise has been checked; industry lies almost paralyzed; capitalists hesitate; thousands of workmen are idle; factories are still; the fires of furnaces have gone out; incomes have been wiped away; wages have been reduced or hours of labor curtailed; the revenue has fallen off, and expenses have increased until large monthly deficiencies stare us in the face. Is this the time for us to be asserting our claim to salaries higher than ever before paid? Considerations such as these afford abundant reason for honorable gentlemen to retrace their steps.

Those who always opposed the increase may rely on the arguments which convinced them in the spring.

The public service should not be a place for money-making. Men should not serve here on sordid and mercenary grounds. In no department, legislative or administrative, should the emolument be the chief reward. The Government cannot and ought not outbid banks and railways, enterprise and speculation, in the salaries which it pays. To those who seek wealth, the path leads elsewhere. Patriotism, even ambition, is yet a motive of action.

The nation should, by paying the expenses of its servants, open every position to all its citizens, even the poorest. Congress is a representative body. Its members need not live in better state here than they do at home amid their constituents. And it is only that average expenditure that the Treasury should be called to meet. If more is desired, it ought to be paid for by the individual. The country cannot pay for the luxuries and display which private wealth may justify. As long ago as in the Fourteenth Congress it was argued that the Representatives should live like gentlemen. So they ought, and so ought the constituents. But not out of the public treasury ought more be drawn than frugality requires.

If certain entertainments have an official or State character, let them be paid for as such. Let not the rest of us base on such exceptions a claim for expenditures which are incident to society everywhere.

The nation does not pay for business interrupted, nor does it proffer heavy retainers. It would be invidious to ask how many of these members ever earned for personal services, without the investment of capital, $7,500 or even $5,000 a year. I would venture to say, not every one. A notable few may have earned four or five times as much. But the proposition rests on no such comparison. It is only the expenses of the average member that the country expects to meet.

Be assured that here, as everywhere else, expenditures will increase

more rapidly than salaries. If danger existed that the nation could not have the choice of its best men for its service, that danger would be aggravated by establishing a more costly *régime* in this capital. The true method for opening these doors wider to all classes, is to show that a simple, modest, inexpensive style of living is possible; and that wealth, and the signs of wealth, confer no special distinction. This has been and is the real situation here. I desire to testify that nowhere have I known of more chivalrous regard for duty, of a more earnest and devoted patriotism than among some of the members of this House: and nowhere does wealth or its display, confer less fictitious eminence than in this capital.

This is the value of the action which the House now proposes to take. It will be a declaration for economy and for retrenchment. It will correct the impression that Congress seeks to clothe itself in shoddy and purple luxury. When Congressmen voted money into their own pockets, it was regarded as evidence of demoralization; of weakness, if not of corruption. Let us now vote money out of our own pockets, and the act will command attention and respect. It will do something to restore confidence in legislators. It may be said we yield to the clamor of the people; it will be clear that we rise above the clamor of self-interest.

I trust that the gentleman from Maine, who has charge of this bill——

[Here the hammer fell.]

Mr. NIBLACK. Mr. Speaker, I rise with reluctance to speak on this question, even though the debate has taken a wide range; but having introduced a bill which has been adopted mainly by the special committee in its report to the House, I feel that I ought, perhaps in justice to myself and the position I occupy as a member of that committee, to say a few words. It is well known to all of those who have given any attention to the records of gentlemen on this question, that I very earnestly opposed the increase of salaries, not only because I thought it carried the back-pay principle farther than it had ever been carried before, and by so doing set a dangerous precedent on the part of this House, but because I thought it made the compensation of Senators, Representatives, and Delegates, and the other officers embraced in the bill, greater than any exigency of the services required or justified. My observation, sir, as a Representative upon the floor of this House, my connection with political life—now embracing a period of more than twenty years—has impressed me with the firm belief that everything you pay to the Senators, Representatives, and Delegates more than a fair compensation, including legitimate expenses, is simply so much additional money toward the current partisan politics of the country.

It is scarcely possibly for gentlemen, if candidates in each succeeding two years for the position of members of this House, to resist the importunities which will be made to them, when they have any spare funds either arising from salary or from any other source which may possibly be spared or disposed of. Therefore it is that I have come to this conclusion, that the increase of salaries made at the last session of Congress in effect will really make the contest for seats here more sharp, more bitter, more expensive than heretofore under the old system. At the end of each recurring termination of Congress, members of the House will find themselves in the position of spending more money under the present than they did under the old system. As to that matter I may be wrong, but so far as my observation goes, so far as my own experience has extended, that is the conclusion at which I have arrived.

I performed, Mr. Speaker, some part in regard to the increase of salary which was made in 1866. I was a member of the committee of conference which reported the change in the compensation of members of Congress which took place that year. I also voted for it. I did so because I thought the circumstances by which we were then surrounded justified the change. I believed we were then entitled to some increase. I believed the old system of forty cents a mile as mileage to members had grown to be an abuse. We rather equalized the pay at that time without increasing it in the aggregate. There was some increase I confess. Criticism was made at the time of our action, but that action the country generally acquiesced in. I believe the people generally approved what was done by Congress on that occasion. Having gone to that extent at that time, when the price of living was as high as now, and perhaps higher, nothing has occurred which, in my judgment, should induce us to vote for any substantial increase of the pay fixed in that year. I would vote, and would have voted at any time during several years past, to still further reduce the mileage, so as to make it equal to the actual expense, or a little beyond that, perhaps. But I will not occupy the time of the House further in discussing this question than to say, if this were an original proposition, free from the embarrassments surrounding it now, I would insist upon the reduction of the mileage now. Believing the increase made at the last session to be unnecessary, impolitic, and therefore unwise, and in consideration of the excitement which has been raised throughout the country in the minds of the people generally, I think the most graceful thing we can do, under all the circumstances, is to reinstate the old law as nearly as we can, and leave all these other questions to be settled hereafter on some more appropriate occasion.

Now, I say the bill last winter carried the back-pay feature farther than it was ever carried before; and I invite special attention to that remark. Those compensation bills to which my attention has been directed, while they have had some retroactive features, never went to the extent of the one of the last Congress. In all previous legislation upon the subject it has taken place during the first session of the Congress. But the increase last session, which included this back-pay feature, took place in the last hours of the third session of that Congress. We allowed two sessions to go by without any proposition to increase our pay, but in the expiring moments of the third or last session the proposition was presented, and finally embodied in the law which we are now seeking to repeal. Hence I say there was no precedent, as claimed by some gentlemen, both here and elsewhere, for the peculiar features connected with the bill of last session. Believing the compensation was higher than necessary, at least to secure the services of the ablest and best men of the country as members of the Congress of the United States, I opposed the bill in all its essential features; and I have felt it to be my duty, and have always intended, ever since the adjournment of last Congress, on the first opportunity, to introduce a bill for the purpose of repealing that law, and substantially reinstating the provisions of the old law. I prefer the bill reported by the committee, so far as it goes, to any other proposition which has been submitted to the House on the question. It is, in my judgment, one upon which the House is more likely to harmonize than any other.

For one, however, I am willing to go further; and, if the proposition shall be submitted to a separate vote, I shall vote to repeal the law as regards several other officers whose salaries were increased by it. But I have never claimed, and do not claim to-day, that the increased pay given by the act of the last session is in all cases too high. I think the members of the Cabinet ought to receive at least $10,000 a year; and, considering the circumstances by which they are surrounded now, and will be in the future, I am not sure but that this increased compensation is smaller in proportion than that already received by many officers of the Government.

The increased pay of some of the Bureau officers is not too high as fixed by the law of last session. Nor do I regard the increased pay of judges of the Supreme Court as too high, everything considered; though if it were now presented as an original question, the salary is more than I would vote, in view of the present financial condition of the country.

But, the law having fixed that as their compensation, we cannot diminish it so far as the present incumbents are concerned. This is well understood by everybody who knows anything about the Constitution of the United States. Hence, as has been well remarked by the gentleman from Connecticut, [Mr. HAWLEY,] the only effect of fixing a lower compensation for the future, as regards justices of the Supreme Court, would be that members of that court who may be hereafter appointed would receive a smaller compensation than those already upon the bench—an inequality which would be unjust, and which, I suppose, none of us could anticipate would be permanent.

As to the office of President of the United States, I say very frankly that I think the salary of $50,000 is out of all proportion to other official salaries, even under the increased compensation allowed last winter. To give the President of the United States five times as much as we pay a member of the Cabinet or a justice of the Supreme Court is, I think, out of all proportion, in view of the services performed and the duties and expenses necessarily devolved upon these several officers. If this question were now under the control of Congress, I should vote for a reduction of the presidential pay, to take effect immediately. But we have not the power to make an immediate reduction. Any law we might pass on this subject could take effect only at the expiration of the present presidential term, so far as the salary of the Chief Executive is concerned.

The proposition, however, is submitted in the bill presented by the minority of the committee, to compensate somewhat for this increase of the President's salary by requiring that officer to pay, out of his salary, certain expenses connected with the Executive Mansion which have heretofore been borne by the Government. This, I submit, attempts to accomplish indirectly what we cannot do directly; and on that ground the proposition may be somewhat objectionable. I might, however, be induced under some circumstances to vote for such a proposition; but before consenting to do so, I must be so fully satisfied as to the scope and effect of the proposition as to feel assured that no injustice will thereby be done. For one, I have had no opportunity to make a computation as to the amount of reduction which this proposition would practically make in the compensation of the President of the United States; and therefore, not being sufficiently informed upon the subject, I prefer not to vote, in the present position of the question, for a bill containing a provision of that sort, preferring to defer that matter to some other and more appropriate occasion, when we can give the matter separate and more thorough investigation than we have done now. As to the naked question of the pay of the President, I repeat that I shall vote to reduce the present pay whenever a suitable opportunity shall be offered.

For some of the reasons which I have thus given, I declined to act with the minority in presenting the bill which has been offered by the gentleman representing that minority as a substitute for the pending bill, believing that the object I desire to accomplish can be best attained by first enacting the present bill and afterward taking into consideration, in detail, these other reductions which are proposed. In presenting the bill which I had the honor to introduce last week,

I purposely omitted everything but the reduction of the pay of members of the two Houses, including Delegates, for the reason that to go farther at the present time would, it seemed to me, bring up some collateral questions which we could not so readily consider as we can the plain proposition in regard to our own pay. Hence I felt it better that we should repeal the increase as applicable to ourselves, (which was much the most important feature of the bill of last session,) leaving these questions as to the propriety of other reductions to be determined with greater deliberation when we shall have more time than we can now command for the consideration of that branch of the question.

In the part I have taken in this matter—in opposing the increase of salaries last session and in asking their reduction now—I have not sought to build up, either here or elsewhere, any cheap reputation for economy upon questions of this sort. In this respect I am content to rest upon the record I have made up during my period of public service. As a rule, upon all these questions of compensation I have first endeavored to ascertain what salary was right, and then, so far as practicable, my action has been governed by my convictions in that respect.

And, I repeat, in the act of Congress of last winter I have never pretended, nor do I now pretend, that all the increases have been improper, but have insisted that the main features of this bill were extravagant, providing for a higher rate of compensation than was necessary; and that that was peculiarly the case in regard to the members of the two Houses of Congress, and next to that, perhaps, was the compensation of the President of the United States.

I shall vote, if the propositions are submitted separately, for most of the sections of the bill reported by the minority. I am not willing to vote for all of them. If it is submitted, therefore, as a substitute for the majority report, I will have to vote against it as a whole.

If I have any time left I will yield it to the gentleman from Kentucky, [Mr. DURHAM.]

The SPEAKER. The gentleman from Indiana has three minutes of his time remaining.

Mr. DURHAM. I am much obliged to the gentleman from Indiana for yielding to me a few moments. I have nothing to say as to the action of the last Congress in increasing the salaries of its own members. I have not a single word to say upon that subject. I am one of those who believe that all public servants who serve the public faithfully and honestly ought to be fairly remunerated; and I am here to-day to state in my place that I do not believe that the compensation as now fixed by law is one cent too much. I do not believe that the man who is competent to serve his people in the Congress of the United States can afford to do it for a less sum than $7,500.

That is my honest conviction about it. And yet, sir, while I make this statement on this floor, I must admit that, like a great many other men, I have to yield to what is the popular clamor or popular demand. I am satisfied, Mr. Speaker, that the demand of the country is that this salary shall be reduced; and not only that the salaries of the members of this House and the members at the other end of the Capitol shall be reduced, but, sir, there is a greater and a higher clamor in regard to the large increase in the salary of the President of the United States than there is about the increase of the salaries of the members of either of the two Houses. And so far as that matter is concerned I shall vote for the minority report.

It was said this morning by the distinguished gentleman from New York, [Mr. TREMAINE,] who stands in the same attitude to this House that I do, never having occupied a seat here before, that it was honor enough to occupy a position here without having such a large salary. If this is true as far as the members of Congress are concerned, is it not equally true as far as the President of the United States is concerned? And if, sir, in the purer and better days of the Republic $25,000 were sufficient for the President of the United States, is it not sufficient now, taking into consideration the honor there is in being elected to that high office?

Sir, as far as I have investigated this matter I prefer the old bill to the new one; and what I desire to say is simply this, that I shall vote in obedience to public sentiment, because I believe that my people require it, because I believe they demand it, for the reduction of the salaries of members of Congress to $5,000. But at the same time I believe that my district demands, and I believe that the good of the whole country demands, that the franking privilege should be restored under a modified form.

[Here the hammer fell.]

Mr. PHELPS. Mr. Speaker, I believe this unhappy measure which was passed by the Forty-second Congress, and which was passed under the innocent title of "An act making appropriations for the executive, legislative, and judicial expenses of the Government," was wrong. I believe that the people of these United States, in every way in which they could express their will, have declared that they thought it was wrong. And I should be content by my simple vote to declare to my constituents that this was my belief, did I not think that I might in an humble way contribute to the progress of business before the House if I called its attention to what I think is our precise duty, which it seems to me may be expressed, in simple and exact phrase, as a union of the repeal bill for the past and the substitute for the future. This, I think, would be at once agreeable and satisfactory to the private conscience and to the public sense.

I have here before me on this subject a number of bills, a number of substitutes, and a number of amendments, and I find among them all but one substitute that, in my opinion, answers the demands of the occasion. I should like to vote for the report and resolutions introduced by my honorable friend from Maine. I should like to do that because it is a report of a committee of this House, and on this committee were wisely placed the names of those who, by their experience and character, it was justly thought were able to offer what would be satisfactory, wise, and patriotic. But unfortunately this committee, having made the start to run straight, went off their course. In so far as this report of the committee says "repeal," it is right. For, as my eloquent friend from New York has said, the people have told us to repeal—and we are their servants to obey—by every method that was in their power, by the resolutions of their Legislatures, by the resolutions of their conventions, by the editorials of their press, whether democratic or republican. Therefore the report of the committee is right as far as it says "repeal."

The report of the committee, in my opinion, is also right in so far that it provides that the measure of repeal shall take place only from the present time. Mr. Speaker, I did not belong to the Forty-second Congress. I belong to the Forty-third, and coming here as a member of the Forty-third Congress, I find an act by which my compensation was fixed by the Forty-second Congress, and under which to the present time I have drawn my pay. The Forty-third Congress is not responsible for the past, and will not meddle with it. The people do not demand it, and it is not right to touch the past. I say that the people do not demand it, for I claim that every citizen who was not a member of the Forty-second Congress, who was not a member of the Thirty-ninth Congress, and who, therefore, listens to the voice of the people with intelligence and not with fear—that every such intelligent citizen recognizes the voice of the people as proclaiming its indignation against "back pay," and not as against an increase of salary.

Now, if gentlemen wish that this bill shall retroact, they wish that which I admit is conspicuous; they wish to do that which I admit may give them temporary popularity. But I claim that to do it is doing that which, for a temporary benefit, works a lasting fault. I submit that to do this, while, as I allege, it is conspicuous and will be popular, is as unnecessary as it is unwise; and as the French general said when he saw that foolish charge at Balaklava, "it is magnificent, but it is not war;" so I claim that any such measure, unasked for by the people, not demanded by our own consciences, is a foolish attempt to win distinction and a popularity which is short-lived.

Now, no man yields to me in admiration for that self-sacrifice which is most honorable in human nature, but that self-sacrifice which is honorable is that which proceeds from the conscience and not from the desire of praise. That self-sacrifice, however, which in order to make itself conspicuous would force others to partake of your suffering is, in my opinion, not commendable, and I say to those honorable gentlemen who introduced the minority report that if they wish the distinction and popularity of self-sacrifice, let them go and take it; it is their right; do not let them force it by an act upon the House, for that is wrong. They need no act if they wish to set this example of self-sacrificing economy. The Treasury is open, and my experienced friend from Iowa [Mr. KASSON] or my eloquent friend from New York [Mr. TREMAINE] without any act, without building up on the sacrifices of others a splendid self-exaltation, may walk into the room of the Sergeant-at-Arms and deposit all the pay which he thinks is in excess of his merits.

For these reasons I am satisfied with the bill of the committee, so far as the measure proposed in it is to take effect from the present time, and we shall go back to our constituents and tell them just what were the facts; that a law of the Forty-second Congress, to which we did not belong, fixed our salary, that it was payable monthly, and we took it; that as soon as we met here, and had the opportunity and power we diminished our salaries, and set that example of economy in public expenditures which is essential to party as it is essential for the national welfare.

But one more feature of the bill reported by the committee meets my approval. The committee is willing that the actual expense of travel to and from the capital shall be paid to each member. Now I would much prefer, and I think it much wiser, that all the pay which each member of the House receives should be aggregated and represented by a single sum of money, so that our constituents may know exactly what we receive. But I recognize here an inherent difficulty, that those of my friends who come from the Pacific coast travel two weeks to come here and two weeks to return, and therefore, together, give one month of time to the public service in a laborious and painful way which we do not give. If this is the case give a compensation. For excess of labor we can make no reward, but for excess of expenditure by reason of their journey we can make compensation, and we are bound to make it. All of us, whether from the Atlantic or Pacific slope, should stand here paid an equal remuneration, as equals in every respect as far as possible before the bar of the House.

But while I have found satisfaction in the report so far as it covers those three points, I ask something further. I remind members that there is an abuse which existed before the abuse of an increase of salary; that there is the mileage bill, which my people hate, and justly hate, more than any increase of salary; and this bill of the committee is unsatisfactory to me and to many of my friends, because, having started to reform and gone a step, they pause. If we want re-

form, let us reform altogether, and, therefore, I want not only to repeal the salary bill, but I want also to repeal the mileage. And I want something more, which I do not find in the bill as reported by the committee. I want, as I said before, that the compensation we receive shall be a definite amount of money, not a certain amount of money plus so much stationery, plus so many newspapers, plus so much mileage.

The people do not know what these various additions amount to. What they would prefer, what I would prefer, what is simple, what is in analogy with private business, and, therefore, commendable, is one sum that should represent adequately and fairly the compensation of the Representative. And I want this sum, not that I think the people are niggardly and demand it, but because I wish to show the people that we are ready to practice economy ourselves—I want this salary fixed, and the aggregate to be nothing more—and I want it to be no less—than it was in the Forty-first Congress, and as it should have been in the Forty-second Congress.

I believe that if we take these various allowances and additions, so hateful to the public sense of justice, and change them into money, $1,000 will not more than adequately represent their pecuniary value to the member. This would make the salary $6,000, free from all allowances, and as near as possible the same salary which was paid members of the Forty-first Congress, and which, I say again, ought to have been the salary of the Forty-second Congress. Therefore I want the bill which shall pass this House to contain, in addition to the reformation of pay which is proposed in the report of the committee, also a repeal of the mileage and other allowances, so that the salary of members shall be fixed at $6,000 a year.

There is one other thing which, it seems to me, is wise and desirable; the increase of the salary of the President of the United States should be permitted to stand. I submit to that because I have to, though I prefer that he should fall with the rest. But what we can do, and what I think is right, is that there should be no alteration in the salaries of the judges of the Supreme Court, of the Speaker of this House, or of the Vice-President of the United States; for the reason, so well and frequently urged, that in their conspicuous positions there are circumstances of social entertainment and otherwise which make it necessary for them properly to expend more than the private members of either House.

And now, to sum up: in the bill which, I believe, is technically called the substitute, which was introduced by my honorable friend from Pennsylvania, and which is spoken of in the House as the "Townsend bill," I find in the very fewest words, concisely and satisfactorily, ready for enactment, all that I claim is right. By that bill it is proposed to repeal the obnoxious features of the salary bill, the repeal to take effect immediately. It provides that the actual expenses of traveling to and from Washington shall be paid. I find it repeals that old abuse of the mileage. It leaves intact the salaries of the President, Vice-President, Speaker of the House, and judges of the Supreme Court. But, best of all, I find that it cuts off all those odious allowances and expenses to which I have referred, and makes the salaries of the members hereafter what they have been in the past, so far as the pecuniary equivalent goes; that is, $6,000 for each member of Congress, payable monthly.

Now, I say that if we pass this substitute of the honorable gentleman from Pennsylvania, [Mr. TOWNSEND,] which covers all the points necessary to be covered, in my humble judgment it will be that measure of repeal which combines in satisfactory union all that will be satisfactory to the private conscience and public sentiment.

SPECIAL COMMITTEES.

The SPEAKER announced the following special committees ordered by the House:

Select Committee on the Mississippi Levees—Messrs. Morey, Hurlbut, Stanard, Pierce, Lewis, Randall, and Lamar.

On the Centennial Celebration and the Proposed National Census of 1875—Messrs. Kelley, Hawley of Connecticut, G. F. Hoar, Shanks, Woodford, Butler of Tennessee, Smith of Ohio, Fort, Clayton, Wells, Young of Georgia, Harris of Virginia, and Standeford.

The SPEAKER. Some misapprehension exists in the minds of members in regard to the appointment of the Select Committee on the Reform in the Civil Service. They apprehend that that committee was not authorized by the House. Yet before the announcement of the committees by the Speaker a bill or bills had been referred to that committee. The Clerk will read the rule applicable to this case.

The Clerk read as follows:

A select committee is created either by resolution, when resolutions are in order, or upon motion to refer, when the subject to be referred is before the House.

The SPEAKER. That is not only the direct rule of the House, but it has been frequently adjudicated that whenever a bill is referred to a select committee it does *ipso facto* revive and reconstitute that committee.

Mr. COX. Then I think that rule should be reformed in that regard. It gives to one man in this House the power to recreate a special committee on one motion. I never believed that was the rule.

The SPEAKER. That has been uniformly ruled in very many instances.

REPEAL OF INCREASED CONGRESSIONAL SALARIES—AGAIN.

The House resumed the consideration of the salary bill.

Mr. DAWES obtained the floor, and yielded to—

Mr. FRYE, who said: I am profoundly grateful to the gentleman from Massachusetts [Mr. DAWES] for his kindness and favor to me in this regard, not because I desire to make a speech, but simply because I wish to enter a *caveat* right here. If this debate continues two or three days longer and one or two hundred more speeches are made, all of them in favor of the repeal of the salary bill, my constituents will certainly come to the conclusion that it requires an immense amount of powder to bring me to.

Now, sir, I simply wish to say right here, not to the gentlemen of this House, but to my far-off constituents, that I shall not make a speech, that there is no need of my making a speech; that these speeches are not for my conversion, because I have always been in the faith, and need no conversion. Simply desiring that my constituents may understand this, I again thank the gentleman for the opportunity to say it.

Mr. DAWES. Mr. Speaker, perhaps the remark of my friend from Maine [Mr. FRYE] bears quite as hard upon me as anybody else. [Laughter.] It was not my purpose in seeking the floor to ask the attention of the House to anything further than the reasons which shall guide me in the votes I shall give upon the various propositions before the House. Those reasons, sir, are the reasons which I gave to this House when the measure under consideration was proposed. Nothing that I desire to say now did I fail to say then. Nothing that I said then do I desire to change now. I lay no claim to the gift of prophecy; but if I predicted anything then, it is history now. Whatever reasons I then urged why that measure should not become a law, the people of the country as well as the condition of the country have pronounced upon the soundness and validity of those reasons.

I did not impute any wrong motive to any gentleman who differed with me upon that occasion. If I have since had occasion, publicly or otherwise, to criticise that measure, I have impugned the motives of no man who was instrumental in the passage of that law. I believed it then to be unwise. I now believe it still more strongly, if possible, to have been an unwise measure. Those who supported it thought differently from me, and no reason I was able to urge then could convince them of what I thought their error. But they were responsible alone for their convictions, and I have no business to arraign them.

I stated then that the proposition to impose for all coming time an annual burden of $2,500,000 upon the Treasury of the United States was inopportune and unwise. At that very time the revenues of the country for the very quarter in which that action was taken had fallen off $3,500,000, and the expenses had increased in about the same proportion. To-day, sir, we meet a deficit of three times that amount in the revenues of the country, while there is more than a corresponding increase in the estimate of expenditures for the coming year.

If there was, as I admitted, occasion for some revision of the compensation of persons in the civil service of the United States, I thought then, and I think still more firmly now, that it was unwise for us to begin the increase of salaries with ourselves and with those officers of the Government who were best compensated for their services. I stated then (and every day since has more and more developed the truth of the statement) that there were officers of the Government upon whose responsibility and integrity the very revenues of the country depended who were eking out a scanty subsistence upon a mere pittance of compensation; and that it would be well for us, if there was any disposition or effort to increase salaries, to begin with them. But I maintained that just after a Presidential election that had placed us in power as a party of economy, to tolerate in this House and to permit to become a law a measure that would single out, for increased compensation, ourselves and those here in the capital who were best paid for their services, while those upon whose integrity the collection of the revenue depended were demanding in vain sufficient pay to keep them from temptation, was unwise. And, sir, while I was speaking there were Treasury officials in custom-houses receiving more than one hundred thousand dollars a year for their services, while there were appraisers, measurers, and other officials who could get but $1,600 a year for their services. I had then the figures at my command; but I could get no hearing here upon a measure for adjusting such salaries upon something like an equitable basis.

The reasons I then submitted are the reasons that now urge me to the undoing of everything we then did, so far as the Constitution of the United States will permit us. Sir, we are mistaken if we suppose that anything short of this will meet either the public expectation of to-day or the fair and honest judgment of the future upon our acts. We must undo all that we did then, so far as the Constitution of the United States will permit. There was no more reason why we should raise the salaries of the other officers mentioned in this bill than there was for raising our own.

Sir, the Constitution of the United States has wisely guarded the Executive against any encroachment upon his compensation. We can, therefore, talk freely about his salary, because nothing that we may do can reach the present Executive. And, thank God, he stands before the country as one who never sought the place as a position for the attainment of wealth. But, sir, such are now the compensation and perquisites of that office that when the present Executive shall have vacated the position, we shall, unless the law be changed, proclaim to the country that the highest office in our Government is a place for the attainment of wealth.

Sir, if we content ourselves with the idea that the public condemnation is confined to so much of the act of last session as affects our own salary, we misjudge. Along with the $200,000 which, unless the law be changed, the President is hereafter to receive during his term as salary, there come perquisites that vary very little each year from $50,000; so that under the existing law the salary and perquisites of the presidential office for a single term will amount to $400,000. I submit, that while we can act upon this question without having our motives impugned—while we stand so far from any person whom our action can affect—while we can act upon this question under such circumstances that no person can say that we reflect upon him, it is our duty to meet this question, and to meet it fairly and squarely. The salaries of the judges of the Supreme Court were only two years before that made $8,000 a year, by the addition of $2,000, with the addition of a pension for life. We cannot now touch their salaries, but there was no propriety, in my opinion, after we had fixed their salary at $8,000, with a pension for life, in adding $2,000 to their salary. That is covered by the Constitution, but there are executive officers embraced in the law with a salary increased to $10,000 a year.

I submit, therefore, Mr. Speaker, that the people understand that the measure we passed not only embraced our own compensation, putting it at an unreasonably high figure, but that there are others in the same position. It put them there, too, at a largely increased pay, while there were other officers of the Government demanding, in terms and under circumstances requiring our attention, that their compensation should also be increased, but to whose appeals we turned a deaf ear.

I wish to call the attention of the House to another feature of the bill of the majority of the committee that was never before in any other compensation bill. Hitherto we have put the salary of the President of the Senate and of the Speaker of this House to just double the compensation of members. Up to the last increase it was just double the compensation of a member. At the last increase, however, when the pay of members was made $5,000, instead of making the salary of the Vice-President and the Speaker of this House $10,000 each, it was put just where the compensation of the members of the Cabinet was put, at $8,000 a year. Now, in your majority bill, it is proposed to bring the salary of the President of the Senate and of the Speaker of this House down to $8,000 a year, while the salaries of the members of the Cabinet are left at $10,000. You put the salary of the Vice-President and Speaker below the double rate at which it has always been, leaving the increased pay of members of the Cabinet to remain as it is. And while I hold it should remain there, I hold the salaries of the members of the Cabinet should also be put where they were a year ago when we introduced this measure. I think it is just as easy for us to pass such a bill, so far as the Constitution will permit, as it will be to pass the bill reported by this committee.

Mr. HALE, of New York. Will the gentleman from Massachusetts allow me to ask him a question?

Mr. DAWES. In a moment. Mr. Speaker, it is no sound argument, no answer to make to the people of this country that we have time only to pass this partial measure. We have ample time; we have time enough to do it, and I tell the people of the country, unless it is done in this bill it never will be done. And the attempt to put through this bill so circumscribed is an attempt, Mr. Speaker—I do not mean to say it was so designed on the part of those who reported it, but the country will so read it, and will have a right to so read it. I say it is an attempt to shield the remainder of the officers embraced in the law from any reduction of their compensation. The members of the present Congress, under the present burdens of the Government, with the revenues of the country falling off, with your committee charged with the unpleasant duty of looking around among the industries of the country to see where some new tax may be imposed to meet the current expenses of the Government, have got to answer for it to the people of this country, how in this way they allow this increase of salary which is confessed to be too high to remain with some officers, while it is taken away from all others.

Mr. HALE, of New York. I wish to ask the gentleman from Massachusetts, as the leader of the House, and the chairman of the chief financial committee of the House, whether in his judgment, leaving the voice of the people aside for a moment, whether in his own judgment, as a member of the House, he considers the salary of $10,000 and inordinate and extravagant salary, either for the head of a Department or a justice of the Supreme Court?

Mr. DAWES. In a country that prides itself upon the simplicity of its institutions, in a country where no place in the gift of the people ought to be sought for the money it offers, I say to my friend from New York, [Mr. HALE,] what he will find in the records a year ago, that I believe it will be a sorrowful day for this country when we pay such compensation to our officers that the offices will be sought only for the money they will bring. And I say, therefore, it will be better for every one of these men that their compensation should be what it was before the passage of this law.

Mr. MAYNARD. Let me ask the gentleman from Massachusetts a question in that connection, whether he thinks it would or it would not be a sorrowful day when a man would be constrained to decline a place that was tendered to him upon the Supreme Bench, or any other place, because the salary of the office was insufficient to support him, and his private estate did not give him anything with which to increase his salary?

Mr. DAWES. I think the greatest and the best man in the country who could be paid by the money of an office, had better decline it in the beginning.

Mr. MAYNARD. That is not an answer to my question. The gentleman has failed to understand the point of my inquiry, for he certainly has not met it. I ask the gentleman whether he would not believe it would be a public calamity when a man suited and fitted to hold such a place would be compelled to decline it because the pay was insufficient to support him?

Mr. DAWES. With all frankness, I say, Mr. Speaker, it would; but if you have had here and there in the long life of the Republic such an instance as that, I want to know of my friend whether he would think it a calamity if such offices were sought by inferior men all over the country for the pay they would give them.

Mr. MAYNARD. Undoubtedly. Therefore we want to see what would be an adequate sum.

Mr. G. F. HOAR. I wantto ask my friend, the chairman of the Committee on Ways and Means a question in regard to his statement of fact, for a statement coming from him in regard to the President's perquisites would necessarily have great weight. He said that the perquisites of the presidential office have reached $50,000 a year, making his salary during the presidential term $400,000. I wish to ask him if in making up that sum he has not done the same as if in stating what it cost to run this Capitol he added the interest of the money which the Capitol originally cost; and, if that be so, whether his calculation is a correct or fair one?

Mr. DAWES. I have shown these facts; I have taken from the appropriation bills what has been appropriated for the President's household and his house, just what would be expended by any other official who hired his own house—not the cost of that house, but the yearly appropriations for the carrying it on and keeping it in order and repair.

Mr. G. F. HOAR. Maintaining the state in that house which pertains to receptions and other expenditures of the office? That cannot be considered a salary personally received by the President.

Mr. DAWES. It is an expenditure which, if he were put on the footing of other officials, he would otherwise be obliged to pay.

Mr. G. F. HOAR. If he did not have it he would not spend it.

Mr. MARSHALL. Mr. Speaker, it is not my wish to occupy the attention of the House more than a very few moments. If, indeed, I had felt certain that I should have had an opportunity of voting upon an amendment which would be submitted to the House so as to give a full and fair expression of my views upon this question, I should not have sought the attention of the House at all in this way and should have been content to express my views as I usually do upon questions which arise here by a silent vote placed upon the record.

The distinguished gentleman from Massachusetts, [Mr. DAWES,] who has just taken his seat, has in the main expressed my views in regard to this measure much better than I could do myself, and I shall not attempt the repetition of the arguments which he has presented. The bill as it passed at the last session of Congress was, in many respects, a very unfortunate measure; unfortunate in that it was not called for by any public sentiment, and has alarmed and aroused the indignation of a considerable portion of the people; shaken their confidence in their public servants generally, and especially in some, in either branch of Congress, who are, in my judgment, among the most valuable and faithful of the people's representatives.

In all that I shall say here I desire neither to judge nor condemn any of my fellow members here. Some of the very best men that I have known in public life, in this House and in the other House, men who have almost uniformly favored economy in the public expenditures, opposed corruption in all its forms, and always stood manfully by what they believed the interest of the people and the honor of their country, put on record their votes for the bill which passed last session of Congress. And I do not question that they were as honest and upright in doing so as I claim to have been in my opposition to the measure. And I believe that the country has done these men great injustice in branding them with opprobrious epithets fit only to be applied to a felon in his cell. The press, I fear, has done injustice to itself, an injury to the country, and great injustice to many true men, by the clamor which has been raised against them.

But the act was not alone unfortunate. It was in my judgment wrong, because, as I think we can never err, and especially in a time like this, by favoring economy and opposing all extravagance of expenditure in the administration of the Government, not only in regard to all ordinary expenditures, but in regard to the salaries to be paid to all its public officers. I do not believe that in republican governments high salaries are promotive of the public good. And I believe, although I shall not dwell upon that, that if we were to go even further in the direction of economy than has been suggested by any member on this floor, that the public service would not be injured thereby.

The other day I introduced a bill, which was referred to the special committee for their consideration, which proposed a more radical reduction than has been proposed, I believe, by any other member. Perhaps, if considered worthy of being made the basis of our legisla-

tion now, it ought to be considerably modified. It proposed substantially the re-enactment of the law of 1856, which fixed the salaries of members of Congress at $6,000 for the entire Congress, or $3,000 per annum; but I frankly admit that this salary would not, in my judgment, be fair or sufficient, unless with its enactment we restore the franking privilege, and give at least a portion of the mileage allowed by that law. I have proposed in said bill a modification of the mileage, and while I am referring to that subject I may say, briefly, that I do not agree in the sentiments expressed by gentlemen all around me, that there is no equity in this thing of mileage paid to members. It is not true that the member whose home is on the Pacific, or the member whose home is in the far West or the South is on an equality with the members from Virginia, Maryland, and other States immediately surrounding us. When members from these distant States come here they are a thousand miles, or more, away from their homes and business; they can give no personal supervision over or attention to their business, and if they are called home at any time by sickness in their families, or otherwise, or wish to go home during the holidays, heavy burdens are imposed upon them for traveling and other expenses. Members here immediately near the capital have the opportunity, and avail themselves of it, to give attention to their business, many of them devoting a considerable portion of their time to the practice of their profession, or to attending to their farms or business, and this advantage is not permitted to members who live upon the Pacific coast, or in the far West or South. I say, therefore, there is equity in the provision for mileage to members, although probably not the amount heretofore paid. I would not favor the amount that was allowed by the law of 1856; but I do insist there is reason and equity in the principle.

Mr. Speaker, I believe, and if I had voted for the bill of last session I should still so believe, that we ought now, promptly and without hesitation, to repeal the act of last session increasing the salaries of members and other public officers. Upon a question of this kind the will of the people ought to be omnipotent. We may disagree among ourselves here about what ought to be a fair compensation for our services as members of Congress. Some can afford to come here for much less than others. Some, who have large fortunes, are not content to remain away from their families, but must have them here, and such men even, who are economical in their habits may, with their families, expend more than the salary allowed under the existing law. But still it is unquestionably true that, under the salary as provided by the law of 1856, members lived here during the time of the very highest inflation of the currency that has been known to our country; lived here during the whole time of our late civil war on that salary, and it was only since the close of the war that the salary was established which the last Congress repealed. The country does not now, I suppose, demand any such radical change as that we shall go back to the salary as it was before 1866, and I will not now, whatever might be my own views of its propriety, advocate a measure which I am sure is wholly impracticable. We have drifted so far away from that that any one who should advocate a return to the salary paid members prior to the Thirty-ninth Congress would doubtless be charged with demagogery for the purpose of affecting the people at home. I have no wish to subject myself to any such imputation by advocating what I know it would be impossible to pass.

But I do insist upon the repeal of the act of the last session, and the restoration of the law as it then was. We should repeal it, if for no other reason, because the people of the country demand it. Because, sir, however much it might be our duty on a great constitutional question that might arise here, to defy the clamors of a misled populace, and to stand out against popular denunciation rather than sacrifice the Constitution of our country, and the honor and glory of the nation—whatever might be our duty on a question of that character, I insist that this is a matter which they have a right to control. It is a question peculiarly for their decision. When their will is known, when their voice has been distinctly expressed, as I think it has been on this question, the voice of the people should be to us as the voice of God. And if there are any gentlemen in the public service who cannot afford to leave their possessions at home and devote their talents and energies to the service of the country at the salary the people are willing to allow, it is always within the power of such gentlemen to resign and let the people send public servants here who are willing to serve them on the terms indicated by the will of the people.

Now, in these remarks I wish it to be understood—and I repeat it—that I have no intention and no desire whatever to reflect upon the motives of any gentlemen who have differed from me heretofore and who differ from me now, in regard to our duty on this question. As I said before, some of the best men that have in recent times honored these halls gave their voices in favor of the law of last session; and I believe they did so from unselfish motives and with an honest conviction that they were doing that which was right and proper for promoting the best interests of the country. But I repeat, while that is so, that those gentlemen who have come to the conclusion that I have that the voice and judgment of the people are against the measure; that the great mass of the people think that Congress did itself no honor in passing it, and that this Congress ought at the earliest possible day to repeal it, ought to obey the voice of the people. I shall therefore give my vote, if I have an opportunity to do it, in preference to all the other measures now pending before the House, for the bill prepared by the minority of the committee and brought before the House by the distinguished gentleman from Iowa, [Mr. KASSON.] I believe that it, more nearly than any other, embodies the wishes and purposes of the country. It makes the salary to which we return applicable to this entire Congress. I think that meets the demands and expectations of the country, and is what is decent and proper to be done.

If a majority believe that the salary, as it existed before the passage of the act of last session, is inadequate, and that, in consideration of the repeal of the franking privilege and the withdrawal of other perquisites, it ought to be increased, and that the people will justify them in placing it at a higher sum, be it so; but whatever it may be fixed at, let it apply to this Congress from the time of its commencement. The bill which was passed at the last session made the salary, as then fixed, applicable to the Forty-second Congress; and all previous bills passed on the subject of salary were applicable to the Congresses that passed them. Now, if we see proper to modify and reduce the salary as now fixed, it seems to me the fair, manly, honest thing to do is to make it applicable to the whole Congress. If members have generally drawn their pay under the provisions of the law as it now exists, as I suppose is the case, let what has been received be deducted from the salary as we now fix it, and the residue only be paid them. This will be fair, straightforward action; and nothing short of this will, in my judgment, meet the demands and expectations of the country.

Another word and I have done. The bill I introduced the other day, following the enactment of the law of 1856, provides that no portion of the salary shall be paid to any member until he takes his seat and is sworn in; that he shall not draw pay during the recess of Congress, or at any time until he has appeared and qualified. I believe, although we have departed from it, that that was the practice from the commencement of the Government until a few years ago. I think that is the proper course; and if he, from death or for any cause, fails to take his seat or render any service, no salary shall be paid to him or his representatives. If I have a proper opportunity, I will present for the consideration of the House an amendment to the bill, proposing that change; and if I do not have opportunity, I hope some other gentleman will do it; and I trust that it will receive the favorable consideration and action of the House. I have said all that I desire at this time, and yield what time I have remaining to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. MAYNARD. If the gentleman from Ohio would as soon proceed in the morning I suggest that we adjourn.

Mr. SOUTHARD. I shall only occupy a few moments. Mr. Speaker, I rise not to criticise the action of others, but simply to say a word upon the bill before the House. I concede to others the right of exercising their individual opinions without questioning their integrity or their wisdom, and without impugning their motives. The object of the measure before the House is, retrenchment and reform. If that is the real purpose, and such should be the only purpose of this bill, let it be complete. If it be the sense of the people that this law should be repealed, and if that sense as expressed through the press and through the people means anything it means that then the whole of the law should be repealed, and not a part only. The bill as proposed by the majority is good *pro tanto*. It is one step in the right direction, and one step only. Why, Mr. Speaker, repeal the law so far as it applies to Senators and Representatives in Congress, and leave it unrepealed so far as it applies to the Chief Executive and other officers of the Government? The increase, taking into consideration the withdrawal of the franking privilege, and stationery, and mileage, is not equal, in regard to members of Congress, to that of the other officers of the Government. Fifteen per cent., I believe, was the general increase in the pay of employés; and, when we take into consideration the facts I have mentioned, not more than that increase was given to members of Congress.

The Chief Executive is paid a salary increased by 100 per cent., and the perquisites and allowances in addition to that. The allowances for the President, executive mansion, and grounds, now amount to more than sixty-nine thousand dollars a year. Over thirty-one thousand dollars of that allowance may be considered personal to the President himself. Now, if we are going to move in behalf of retrenchment and reform, (and I will go as far in that direction as any man on this floor,) let us go in this matter so far as the Constitution will not intervene and prevent. And if in these days of panic and of want, when there are hundreds and thousands of laborers and operatives throughout the country thrown out of employment entirely or are working upon limited time and at reduced wages, we are to begin the work of reform and the practice of economy, then let us begin by repealing the whole act increasing salaries.

If gentlemen believe that the sentiment of the people goes only so far as the members of Congress are concerned, then they greatly mistake that sentiment as expressed through the press and in conventions. In my own State both parties have resolved that this increase of salary should be repealed unconditionally, not merely as to a part.

When we take a little retrospect of the fiscal transactions of the Government, running back from June 30, 1873, to June 30, 1865, a period of but eight years, and find that the receipts of the Treasury amount to the enormous sum of $3,300,000,000, and that the whole of

this amount has been expended, while the public debt has been reduced only about $450,000,000, and now stands confronting the people in almost its original colossal proportions, we may form some idea of the extravagance that has been practiced in the expenditure of the people's money, and the consequent necessity of greater economy.

Therefore I say that the bill reported by the minority of the committee better meets the views of the people on this subject. I am willing to vote for the bill reported by the majority, if I am compelled to vote for that alone. But let us, in the first place, amend it and make it complete and perfect. Let the minority report be adopted, except as to the mileage provision, and let that be equalized, so that we may fix the compensation of members of Congress and other officials of the Government at the old rate, as far as may be practicable.

Mr. POLAND obtained the floor.

Mr. HALE, of Maine. The gentleman will permit me to interrupt him, in order that we may have some understanding as to the disposition of this bill, and the time when the debate upon it shall be closed. If the House will consent to it, I will propose that the debate shall run to-morrow until three o'clock, the last hour to be devoted to five-minute speeches; and then at three o'clock I will call the previous question.

Mr. RANDALL. The gentleman proposes that the last hour to-morrow shall be for five-minute speeches. The five-minute speeches are provided for under the rule.

Mr. HALE, of Maine. Yes; but if the House should sustain the previous question there will be no opportunity for speeches after that. I make this proposition in deference to certain gentlemen who do not want to speak twenty minutes, but who may speak, perhaps, for five minutes each. That will give an hour to-morrow for speeches under the twenty-minute rule.

The SPEAKER. The Chair will suggest that, as there is no committee to report to-morrow, therefore the morning hour to-morrow can be omitted for the call of committees, and the consideration of this bill might be resumed immediately after the reading of the Journal.

Mr. HALE, of Maine. Then upon that suggestion——

Mr. GARFIELD. I hope this House will be willing to consider and act upon the bill reported this morning from the Committee on Appropriations.

The SPEAKER. That will not be in the morning hour, and therefore can have nothing to do with this question.

Mr. GARFIELD. The House can consider it in the morning hour, as it can this bill, by unanimous consent.

The SPEAKER. The majority of the House can go into Committee of the Whole at any time they choose.

Mr. MAYNARD. The previous question will cut off all amendments but two.

Mr. HALE, of Maine. That is so, if the House shall sustain the call for the previous question. I could call the previous question now, but I do not choose to do so, because there are gentlemen who wish to speak. Upon the suggestion of the Chair in regard to the morning hour, I will modify my proposition so that the debate may go on to-morrow until half-past one, under the twenty-minute rule, and from that time till three o'clock it shall be limited to five-minute speeches; after which I will call the previous question.

Mr. RANDALL. Does that require unanimous consent?

The SPEAKER. It does in that form. When the order was made in regard to the bill, it precluded the right of the majority at any time to cut the debate down to five-minute speeches.

Mr. RANDALL. I understood, when the arrangement was made, that we were to have the opportunity to vote upon the various amendments.

Mr. HALE, of Maine. No, sir.

Mr. RANDALL. That was certainly my understanding. If it was not the understanding, I hope we will make it so now.

Mr. DAWES. I hope members of the House will understand that if they desire to vote upon amendments they must decide the matter for themselves, and not rely upon getting such an opportunity from the committee, who have clearly indicated that they intend to allow no amendments.

The SPEAKER. If the House by a majority vote should second the demand for the previous question on the bill, and thereby cut off amendments, no member can object to this exercise of the right of the majority. But if a majority of the House do not choose to do that, the bill will be open to amendment. The matter, therefore, depends upon the will of the majority of the House, not upon any unanimous consent or any arrangement which may be made by any individual or committee. The matter is wholly within the control of the majority.

Mr. ELDREDGE. Mr. Speaker, the gentleman from Georgia, [Mr. STEPHENS,] who is known to be in very feeble health, came in here this morning with the hope of getting the floor and making some remarks upon this bill to-day. He was, however, taken ill and was obliged to leave. When he left he expressed a desire that he might have an opportunity to submit his remarks to-morrow morning upon the convening of the House. I hope he will have that opportunity, and that the matter will be settled now so that he may come here in the morning with that understanding.

The SPEAKER. The Chair will recognize the gentleman from Georgia. There is no necessity for any understanding about the matter.

Mr. MAYNARD. Will the gentleman from Maine [Mr. HALE] have the goodness to state whether by "five-minute speeches" he means the ordinary five-minute debate by the introduction of amendments, to be discussed *pro* and *con*, five minutes on each side.

Mr. HALE, of Maine. If the House will hear me a moment, I will state the position of the committee upon this subject. The proposition I have just submitted was made in good faith, in order, as I said, that members desiring to speak might have more opportunity than is given under the twenty-minute rule adopted yesterday. As my effort to reach an agreement on this subject was fruitless, I can make no other proposition that would not probably meet with some objection. As to shutting off amendments and debate, the committee has no desire to do that. At a proper time, when, so far as I can gather the views of members, the debate seems to have run long enough, I shall ask an expression of the House as to whether the bill shall be voted upon without amendment. Over the decision of that question I shall have no control. I shall not, as I have been pressed to do, select one amendment that I will admit in preference to another, but shall ask the House to decide upon a single vote whether it wishes to act upon amendments or not. As the proposition which I submitted in good faith has been objected to in different quarters, all I can do is to yield the floor, giving notice that at about three o'clock to-morrow (I cannot say it will be precisely at that hour) I shall seek the floor for the purpose I have indicated. Meanwhile, I presume, the debate must proceed under the twenty-minute rule, allowing comparatively few members the opportunity to speak.

Mr. MONROE. I would like to know, Mr. Speaker, whether it is assumed that there is to be no morning hour to-morrow?

The SPEAKER. The Chair understands that there is to be none.

Mr. MONROE. There are committees anxious to report.

The SPEAKER. The Chair has no information to that effect; but if there are, the committees had better be called. Will the gentleman indicate any committee that is ready to report?

Mr. MONROE. The Committee on Education and Labor are ready to report a bill, and desirous of an opportunity to do so.

Mr. ORTH. The gentleman from Vermont [Mr. POLAND] who holds the floor, yields to me to make the motion that the House adjourn.

The motion was agreed to; and accordingly, (at 4 o'clock and 15 minutes, p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. COBURN: A petition of the citizens of Bridgeport, Indiana, for a currency reserve to be exchanged for bonds.

By Mr. DAWES: The petition of the Sun Mutual Insurance Company, of New York; the Mercantile Mutual Insurance Company, of New York; the New York Mutual Insurance Company, of New York; and the China Mutual Insurance Company, of Boston, Massachusetts, for a rehearing of claim for loss of bark Caldera, &c., and payment for same out of surplus of said fund.

By Mr. EAMES: The petition of Daniel Joolin and 205 others, merchants, manufacturers, and other citizens of the city of Providence, Rhode Island, and vicinity, for widening of the draw near the southern end of the Long Bridge, in the District of Columbia.

By Mr. HAMILTON: The petition of John L. Everitt and 95 other citizens of Sussex County, New Jersey, asking sundry alterations of the postal laws.

By Mr. HENDEE: The petition of Samuel Bailey, of Elmore, Vermont, for an invalid pension.

By Mr. HOWE: The petition of William M. Compton, J. M. Stone, and W. C. McAlexander, praying for relief from liability upon the bonds of the late B. B. Emory, late collector of internal revenue.

By Mr. McKEE: The memorial of John A. Ragan, of Hinds County, Mississippi, concerning Mississippi levees.

By Mr. MYERS: A petition of 77 citizens of Erie, Pennsylvania, for an increase in the pay of letter-carriers.

By Mr. PIERCE: A petition of merchants, manufacturers, and other citizens of the city of Boston and vicinity, for the widening of the draw near the southern end of the Long Bridge, in the District of Columbia.

By Mr. STARKWEATHER: The petition of the Board of Trade of Georgetown, in the District of Columbia, showing that the draw of the Long Bridge over the Potomac obstructs navigation, and asking that the same be widened.

Also, the petition of sundry captains of vessels trading with Georgetown, on the same subject.

Also, a petition of citizens of Georgetown and Washington, on the same subject.

By Mr. SWANN: Resolutions of the Board of Trade of Baltimore, in favor of a speedy return to specie payments, and protesting against any further inflation of the currency.

By Mr. WALLS: A petition of 164 colored citizens of Levy County, Florida, petitioning Congress for the passage of the Sumner civil rights bill.

IN SENATE.

THURSDAY, *December* 11, 1873.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D., of Washington.

ELECTION OF PRESIDENT PRO TEMPORE.

The Secretary (Hon. GEORGE C. GORHAM) called the Senate to order, saying: In the absence of the Vice-President of the United States, the Secretary calls the Senate to order.

Mr. ANTHONY. Mr. Secretary, I move that, in the absence of the Vice-President, the Hon. MATTHEW H. CARPENTER, of Wisconsin, be elected President *pro tempore*.

Mr. STEVENSON. Mr. Secretary, I nominate for President of the Senate *pro tempore* Hon. ALLEN G. THURMAN, of Ohio.

The SECRETARY. Is it the pleasure of the Senate that the ballots shall be counted by tellers? The vote is to be by ballot, under the rules.

Mr. ANTHONY. It is the best way, I suppose.

The SECRETARY. And if so, how are the tellers to be appointed?

Several SENATORS. By the Secretary.

The SECRETARY. The Secretary appoints Mr. ANTHONY, of Rhode Island, and Mr. STEVENSON, of Kentucky, tellers. They will please advance to the desk, and the Sergeant-at-Arms will prepare the ballots for Senators.

The ballots having been cast, were counted by the tellers; and the result was proclaimed, as follows:

The SECRETARY. By the report of the tellers it appears that Mr. CARPENTER has received 32 votes, and Mr. THURMAN 16 votes, and there are two blank ballots. The whole number of votes cast is therefore 48; necessary to a choice, 25; of which Mr. CARPENTER has received 32, and Mr. THURMAN 16. Mr. CARPENTER, being duly chosen President *pro tempore*, will please take the chair.

Mr. CARPENTER took the chair as President *pro tempore*, to which he was escorted by Mr. THURMAN, and said: Senators, please accept my grateful thanks.

On motion of Mr. ANTHONY, it was

Ordered, That the Secretary wait upon the President of the United States and inform him that, in the absence of the Vice-President, the Senate has chosen Hon. MATT. H. CARPENTER, a Senator from the State of Wisconsin, President of the Senate *pro tempore*; and that he make a similar communication to the House of Representatives.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 480) to provide for enlistments in the Navy; and

A joint resolution (H. R. No. 16) providing for a change in the name and title of the agent and consul-general of the United States at Alexandria.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, transmitting a report of General Gillmore, and a petition of Henry S. Wells, in regard to the improvements in Savannah River; which was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CONKLING. Mr. President, I present the petition of the Grand Temple of Honor and Temperance of the State of New York, which numbers 52 subordinate temples, with a total of 1,562 members, asking that a commission be raised to inquire touching the evils of intemperance. At the request of the highly respectable gentleman who forwarded this petition to me, I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. SUMNER. I offer a similar petition, signed by George W. Wheeler and 205 other citizens of Worcester, Massachusetts, asking the appointment of a commission of inquiry concerning the alcoholic liquor traffic. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. FERRY, of Michigan, presented four petitions of citizens of Mason and Oceana Counties, Michigan, asking the enactment of a law providing that all lands the title of which remains in the Government and located in the Indian reserve in those counties, be and remain subject to entry and location by actual settlers under the provisions of the homestead act, and that those lands be not put upon the market or offered for sale during five years; which was referred to the Committee on Public Lands.

Mr. ANTHONY presented the petition of Daniel C. Taylor and others, praying that a certain piece of ordnance, formerly belonging to Battery B, First Rhode Island Light Artillery, understood to be now in possession of the United States Government, may be delivered to the battery for preservation, to be placed in the custody of the State of Rhode Island; which was referred to the Committee on Military Affairs.

He also presented the petition of Charles E. Carpenter, president, and Rev. J. W. Willett, and Rev. H. W. Conant, secretaries, and other officers of the Rhode Island State Temperance Union, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. BOUTWELL presented the petition of F. C. Flint and 51 other citizens of Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

He also presented the petition of Edward Jarvis, praying to be compensated for services in preparing the census report of 1850, and papers in support of the claim; which were referred to the Committee on Claims.

Mr. BUCKINGHAM presented the petition of Morris K. Jessup, president, and R. R. McBurney, corresponding secretary of the Young Men's Christian Association of the city of New York, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. HOWE presented the petition of John Edgar, president, and other officers of the State Temperance Union, and of the Good Templars of the State of Minnesota, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. SAULSBURY presented the petition of the Wilmington, Delaware, Friends' First Day School Association, signed by William Hoopes and Emma Worrell, superintendents, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. HITCHCOCK presented a memorial of citizens of the States and Territories west of the Missouri River, asking Congress to grant to them one-half of the arid lands within their borders, not mineral, the proceeds thereof to be devoted to the construction of irrigating canals and reservoirs, for the purpose of reclaiming said arid and waste lands; which was referred to the Committee on Public Lands.

He also presented the petition of Eugene Smith, late of Company F, First Nebraska Veteran Volunteer Cavalry, praying for a pension; which was referred to the Committee on Pensions.

Mr. INGALLS presented the petition of Israel Ober, of Kansas, praying to be allowed a pension for services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. DENNIS presented the petition of Francis A. Gibbons, of Baltimore, Maryland, praying compensation for oats furnished to the Government under a contract with Captain C. H. Thomas, assistant quartermaster; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HITCHCOCK, it was

Ordered, That the petition and papers of John P. Thomas be taken from the files and referred to the Committee on Claims.

On motion of Mr. HITCHCOCK, it was

Ordered, That the petition and papers of Macoudray & Co., and others, be taken from the files and referred to the Committee on Claims.

On motion of Mr. HITCHCOCK, it was

Ordered, That the memorial of the Milwaukee and Rock River Canal Company be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. CHANDLER, from the Committee on Commerce, reported a bill (S. No. 151) in relation to the consul-general of the United States at Alexandria, Egypt; which was read and passed to its second reading.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (S. No. 43) to provide for the better protection of the northern and northwestern frontier, and to facilitate commerce and diminish the expense of the exchanges between States, asked to be discharged from its further consideration, and that it be referred to the Select Committee on Transportation Routes to the Sea-board; which was agreed to.

He also, from the Committee on Commerce, to whom was referred the bill (S. No. 46) for the construction of a custom-house and bonded warehouse at Portland, Oregon, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

Mr. BAYARD. The Committee on Finance, to whom was referred the petition of William Thwing, of Boston, praying the return of duties paid by him in August, 1862, have instructed me to submit an adverse report on the petition.

The PRESIDENT *pro tempore*. The report will be printed.

Mr. SHERMAN. I wish to inquire what disposition is necessary to be made of the report, in order to prevent this claim being presented again? I suppose it should be indefinitely postponed.

The PRESIDENT *pro tempore*. The report must be agreed to, the Chair supposes.

Mr. SHERMAN. Then I move that the report be adopted.

The motion was agreed to.

POST-ROUTE IN MICHIGAN.

Mr. FERRY, of Michigan. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 474) to establish a post-route from the village of L'Anse, in the county of Houghton and State of Michigan, to Huron Bay in said county and State, to report it back with a recommendation that it pass, and I ask for the present consideration of the bill. It merely provides for the establishment of a post-route. There will be no objection to it, I apprehend.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CURRENCY—SPECIE PAYMENTS.

Mr. WRIGHT. Yesterday morning, during my temporary absence from the Senate, two resolutions were introduced from the Committee on Finance on the subject of specie payments. As I was necessarily absent, and could not be here at that time, I desire to say now just one word. While I do not concur in either of the resolutions offered by the Senator from Ohio [Mr. SHERMAN] or the Senator from Delaware, [Mr. BAYARD,] I consented to the resolutions offered by the Senator from Ohio being reported for the purpose of getting the question before the Senate; but I do not wish to be concluded by that resolution any more than by the other. I do not for myself feel the necessity of haste in our legislation touching the subject of specie payments. I am in favor, rather, of an addition to the circulation; not inflation by any means, but such addition as I think the condition of the country, in view of our increased population and wealth, demands.

ORDER OF BUSINESS.

Mr. SUMNER. On the first day of the session I introduced a bill contemplating specie payments, entitled "A bill to authorize compound-interest notes to be substituted for legal-tender notes." At that time I stated upon its reference I should like to make a brief statement. If there is no other business of the morning hour now, I should like to ask that the bill be taken up that I may make a statement.

Mr. RAMSEY. I desire to present a bill.

Mr. SUMNER. If the Chair will be good enough to put the question on taking up this bill, I will give way cheerfully for any further morning business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to suspend the pending order of business before the Senate and to proceed to the consideration of the bill indicated by him.

Mr. SUMNER. I will not object to any morning-hour business going on.

Mr. DAVIS. I wish to offer a resolution.

Mr. SUMNER. That may be done, but let my bill be put in order. That is all.

The PRESIDENT *pro tempore*. The Chair will receive bills and resolutions.

BILLS INTRODUCED.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 152) extending the time for selection of swamp and overflowed lands in Arkansas under the act of Congress approved March 12, 1860; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 153) for the relief of Silas J. Field and others, of Little Rock, Arkansas; which was read twice by its title, and referred, with the accompanying papers, to the Committee on the Judiciary.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 154) to amend an Act for the relief of certain tribes of Indians in the northern superintendency, approved June 10, 1872; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GORDON. I was in the act yesterday of introducing a bill for the free transportation of periodicals, magazines, and newspapers through the United States mails, when I was notified that the Senator from West Virginia [Mr. DAVIS] had introduced a bill on that subject in accordance with previous notice, which had preference. On reading his bill, however, I find that there are material differences between the one that I proposed to introduce and his. I therefore beg leave to introduce this bill, with a view to its reference to the Committee on Post-Offices and Post-Roads.

There being no objection, leave was granted to introduce a bill (S. No. 155) to amend the act of March 3, 1873, in relation to the transmission of periodicals, magazines, and newspapers through the United States mails; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. WINDOM (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 156) for the relief of Joseph Nock; which was read twice by its title, and referred to the Committee on Claims.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 157) for the relief of Joseph Nock; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 158) for the relief of Thomas Hughes; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 159) in relation to the practice in the courts in the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 160) to authorize the payment of duties on imports to be made partly in legal-tender notes and national bank notes; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 162) confirming the grant of certain lands in the State of Alabama; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 163) for the extension of time to the Saint Paul and Pacific Railroad Company for the completion of its roads; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 164) amending and construing an act approved March 2, 1867, entitled "An act to amend an act for the removal of causes in certain cases from State courts, approved July 27, 1866;" which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CROZIER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 165) for the relief of the settlers on the Osage ceded lands; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 166) to incorporate the Twelfth street and South Washington Railway Company of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

COMPENSATION OF MEMBERS OF CONGRESS.

Mr. DAVIS. I offer a resolution in regard to the compensation of Senators, which I ask may be read, laid on the table, and printed.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to furnish the Senate all information in his office relating to the fixing of the salaries of Senators and Representatives in Congress from the formation of the Government; in what cases provisions for salaries were made retroactive; how long a time in each case was covered by retroactive provisions; the names of Senators who drew their pay under such provisions; the amounts drawn by them respectively, with the dates of payment; the names of Senators who covered into the Treasury amounts due them under such retroactive provisions, and the date of such action; and also a comparative statement of the total compensation and allowance of Senators under the acts of July 28, 1866, and of March 3, 1873, respectively.

The resolution was ordered to lie on the table and be printed.

ALLOWANCE TO WIDOW OF JOHN M. MORRIS.

Mr. BUCKINGHAM submitted the following resolution; which wa referred to the Committee to Audit and Control the Contingent Ex penses of the Senate:

Resolved, That the Secretary of the Senate be directed to pay out of the contingent fund of the Senate to the widow of John M. Morris, deceased, late executive clerk of the Senate, $150 for his funeral expenses, and a further allowance equal to two months of his annual pay.

HOLIDAY RECESS.

Mr. WEST. I offer the following resolution, and ask for its immediate consideration:

Resolved, (the House of Representatives concurring,) That when the two Houses adjourn on Friday, the 19th instant, they adjourn to meet again on Tuesday, the 6th day of January next, at 12 o'clock, noon.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. MORTON. There is.

The PRESIDENT *pro tempore*. The resolution will lie over.

TRANSPORTATION COMMITTEE.

Mr. WINDOM. I am instructed by the Select Committee on Transportation Routes to the Sea-board to present the following resolution, and ask for its present consideration:

Resolved, That the Select Committee on Transportation Routes to the Sea-board be authorized to sit, at such places as they may designate, during the holiday recess, in case one shall be ordered; and to investigate and report upon the subject of transportation between the interior and the sea-board; that they have power to employ a clerk and stenographer, and to send for persons and papers; and that the actual and necessary expenses attending such investigation be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the committee.

The resolution was considered by unanimous consent, and agreed to

EFFECT OF ABOLITION OF FRANKING PRIVILEGE.

Mr. SUMNER. I now move that the Senate proceed to the consideration of Senate bill No. 3.

Mr. GORDON. One moment, if the Senator from Massachusetts pleases. I wish to offer a resolution; and ask that it be read and printed.

The Chief Clerk read the resolution, as follows:

Whereas the abolition of the franking privilege was intended to economize the expenditures of the Government; and

Whereas its abolition prevents the general distribution to the people of improved field and garden seeds, thus defeating in a measure the benefits which otherwise would accrue to the agriculture of the country from the establishment of the Agricultural Bureau, and also discourages the distribution of public documents which afford important information, and are an educator to the people; and

Whereas, to compensate the people for these losses, there should be important reduction of the expenditures in the postal service of the Government: Therefore

Resolved, That the Postmaster-General be requested to report, for the information of the Senate:

First, what amount of expense, if any, has been saved to Government by the abolition of the franking privilege.

Second, how many employés in the mail service, if any, have been discharged; and how much less, if anything, is charged by the railroads or other carriers for the mails since the abolition of the franking privilege.

Third, how much less appropriation will be required for the postal service by reason of the abolition of said privilege.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed.

Mr. SUMNER. I now move that the Senate proceed to the consideration of the bill indicated by me.

The PRESIDENT *pro tempore*. The Chair hears no objection; and that bill will be considered as before the Senate, and reported in full.

Mr. MORTON. Before the Senator from Massachusetts proceeds, I desire to make a suggestion to the Senator from Georgia, to so amend his resolution as to separate the franking privilege of members of Congress from all other free mail-matter.

Mr. GORDON. I did not hear the Senator from Indiana.

Mr. MORTON. I suggest that the Senator so amend his resolution as to make the report relate to the franking privilege of members of Congress, as distinguished from the franking privilege by heads of the Departments and other free mail matter.

Mr. GORDON. I accept that amendment.

Mr. CONKLING. If I may make a suggestion to the Senator, I wish to add the propriety of his asking the Postmaster-General to particularize. When he states what the reduction is, it would not be very satisfactory that we should hear in lump that it was so much, but let the resolution call upon him to give the particulars and items in which expense had been saved.

Mr. GORDON. I take it that the amendment suggested by the Senator from Indiana will meet the wishes of the Senator from New York.

Mr. CONKLING. Not at all, if the Senator will pardon me. The first call of his resolution is for information in response to this question, how much has been saved by the abolition of the franking privilege, or, as the Senator from Indiana now suggests, by the abolition of the franking privilege in respect of members of the two Houses. My suggestion to the Senator is that he add to that a request to the Postmaster-General to point out the items and the particulars in which this expense has been saved.

Mr. GORDON. I appreciate the request of the Senator, and agree with him fully. I suggest, however, as the resolution is to be printed, and I am notified by Senators around me that there are a number of amendments to be offered, that he can to-morrow, when the resolution is called up, move such amendments as he may deem proper.

Mr. MORRILL, of Vermont. I suggest to the Senator from Georgia that he also include what additional expense has been imposed upon the different Departments in consequence of requiring postage-stamps to be placed on letters and documents by the Departments; how many additional officers are employed, and the cost of printing the stamps for the several Departments; also, whether it is more expensive for any of the Departments to send out their documents through the post-office than it would be through the expresses; and also whether the documents that are sent out by the Post-Office Department are charged with stamps as well as all those sent out by the other Departments.

Mr. GORDON. I have only to remark that the resolution lies upon the table until to-morrow, and that these suggestions can be better made when it comes up for final action.

Mr. SUMNER. Certainly. I now call up my bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts insists on proceeding with his bill. Before that bill is taken up, the Chair will lay before the Senate bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. No. 480) to provide for enlistments in the Navy was read twice by its title, and referred to the Committee on Naval Affairs.

The joint resolution (H. R. No. 16) providing for a change in the name and title of the agent and consul-general of the United States at Alexandria was read twice by its title, and referred to the Committee on Commerce.

COMPOUND-INTEREST NOTES—A SUBSTITUTE FOR LEGAL-TENDERS.

Mr. SUMNER. I now call up my bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 3) to authorize compound-interest notes as a substitute for legal-tender notes; which was read as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to prepare for circulation compound-interest notes, equal in amount to the outstanding legal-tender notes and fractional currency of the United States, and in all respects similar to those heretofore issued under the act approved March 3, 1863, entitled "An act to provide ways and means for the support of the Government."

SEC. 2. That these notes, of different denominations, to the amount of $20,000,000, shall be dated on the first day of each month, commencing with the 1st day of July next ensuing, when the amount named shall be ready for issue, and then afterward on the first day of each month until the requisite amount has been furnished.

SEC. 3. That the notes thus provided shall be paid out for all disbursements of the Treasury, except those due in coin, so long as they are sufficient for the purpose; and if the whole monthly installment is not thus disposed of, it shall be the duty of the Secretary of the Treasury to exchange the surplus for the present legal-tender notes, so far as practicable, that the full sum of twenty millions may be put in circulation each month.

SEC. 4. That it shall be the duty of the Secretary of the Treasury to cause the destruction each month of legal-tender notes to an extent equal to the notes issued under this act.

SEC. 5. That the notes issued under this act shall, at the option of the holder, be convertible, at the end of two years, in sums of $100 or its multiple, into bonds of the United States, not having less than 10 nor more than 40 years to run, and bearing interest at the rate of 5 per cent.; and the Secretary of the Treasury is hereby authorized to issue such bonds.

SEC. 6. That whenever these notes, or the bonds into which they may be converted, can be sold at par in gold, the Secretary of the Treasury may sell them in such sums as may be called for, and apply the proceeds in gold to cancel legal-tender notes as they are paid into the Treasury.

SEC. 7. That the notes issued under this act shall constitute no part of the legal currency reserve required of the national banks.

Mr. SUMNER. Mr. President, the present measure is a humble contribution to the efforts now making for the relief of our country from an inconvertible currency. Whichever side we turn are ills from this omnipresent scourge, which is the unhappy legacy of a terrible war. And now there is a general movement for relief. The bill introduced is one of many having the same important object. I feel confident, that if adopted, it will be effectual to secure what is so much desired, with as little pressure or stringency as is incident to such a transition. I cannot doubt that it will be a good-working agency. But I do not assert that it is the only way; and I begin by declaring my anxious wish to harmonize with the Senate in any measure promising the same result. I am for specie payments at the earliest day and for any bill by which they can be advanced.

I am glad to believe that there is a disposition in Congress to approach this question seriously. The derangement of trade, the lawlessness of speculation, the check to honest business, the high scale of prices, private losses, the bankruptcy of great houses, and general anxiety—such are the witnesses to an intolerable grievance coextensive with the country, and not to be contemplated without an earnest prompting and longing for relief. Though the grievance is many-headed and many-handed, there are few who do not see that it is traced directly to the present condition of our currency.

Though happy in many respects, and enjoying an absolute equality in all parts of our wide-spread country, the currency is artificial rather than natural, and, therefore, local when it should be universal. Being local it is necessarily limited and without adaptibility. It cannot travel abroad, nor can it receive help from abroad. All that it is and all that it can be are contained in itself. There it is—nor more nor less—the same at all times, in great exigencies of commerce as when business is idle. In this unchangeable rigidity, sometimes called want of elasticity, there is an evil of the first magnitude. But this can be relieved only by making our currency cosmopolitan, so that it will be aided by the currency of the world.

Not less pernicious is the example of dishonor set by the National Government in persistently refusing to pay its notes. The nation teaches the people the lesson of bankruptcy; the nation teaches that promises to pay are mere words without present force except according to the convenience of the promisor. How naturally do others imitate the great teacher! In the demoralization that ensues the old mercantile honor, which was like a sensitive leaf, is thrust aside, while men with brazen front openly change business into a game or a lottery. Wall street, in its worst orgies, and in its saloons of speculation which are so many "hells" to be detested always, is quickened and helped by the national example. And here the country suffers not only in business but in good name.

For all this there is one remedy. Make our currency as good as gold, and the gold of the world will come to our assistance helping all the demands of business and adapting the currency to the occasion. Make our currency as good as gold, and the national example will be above reproach, while the wantonness of speculation will give place to the just transactions of an honest commerce. The same familiar paper will circulate, but changed from a lifeless corpse to a living soul, recognized and honored wherever credit is known.

To accomplish this beneficent transition I offer a measure, which by an easy process, must bring paper and gold to par. I do not see how the result can be doubted. It seems certain.

Speaking briefly, there are three different methods of remedy for the present financial credit; one by inflation, another by contraction, and still a third by substitution. These terms I use compendiously to denote processes with regard to legal tenders.

Inflation is the method of the exhausted inebriate, who would cure his delirium by fresh draughts of the fatal poison. Inflation is death to business—death to character.

Contraction is the heroic method, begun by Secretary McCulloch and sure to produce the just result, but requiring courage and the capacity to resist pressure and intimidation.

Substitution is the gentler method, as efficacious as contraction, hardly less seductive than inflation, by which the existing expansion will be slowly graduated to the standard of gold. The bill I offer comes under this head. In bringing it forward I am encouraged by the support it has already received from experts in finance and from commercial bodies. I refer especially to the president of one of the largest banks in New York, who wrote: "The plan is not only a good one, the best that has been brought forward, but the only plan that will ever be adopted." I refer also to the Boston Board of Trade, which, after long and careful consideration, gave this plan its approval, which was confirmed by leading presses at the East and West.

The bill creates interest-bearing notes at 6 per cent., payable in three years, and convertible in two years from date into ten-forty 5 per cent. bonds—twenty millions to be issued monthly and dated the first day of the month, to be paid out for all Government dues, except interest on bonds, and to be legal tender as greenbacks now, but not to be allowed as part of the bank reserves; and the monthly issue of interest-bearing notes to be a substitute for an equal amount of legal-tender notes, which are to be destroyed forthwith.

The operation of this measure as a substitute would be prompt in proportion to the monthly issue of the interest-bearing notes. Thus at five millions a month the object would be consummated in six years; at ten millions in three years; at twenty millions in eighteen months; and at twenty-five millions in fourteen and a half months. In the present bill the monthly issue is put at twenty millions, which would assure specie payments in eighteen months.

Studying the operation of these issues, it is easy to see that they will be necessarily in all parts of the country according to the current obligations of the Government; they will be in the hands of the people in small sums, and cannot be monopolized or manipulated by speculators. For a brief period they may circulate, but their increasing value will cause them to be laid by or hoarded. This process will be gradual but certain, as we know, from the nature of the case and also from experience when similar issues were made in 1863. Of course they will be laid by only when not needed by the holder. They will be a temporary form of surplus money. But just in proportion as this is done will the currency approach to par with gold.

This substitution will be in the nature of contraction, but without taking a dollar from the people. By an easy, natural, and gradual process, superseding all crisis or panic, the currency will adapt itself to the actual condition of things and the changing exigencies of business. The interest-bearing notes in the hands of the people will be in the nature of a reserve ready as a relief against financial pressure. Bearing only 6 per cent. interest, they will naturally reappear under the temptation of higher interest.

Meanwhile our present fitful currency will become more steady and certain. As par with gold approaches, business will be more healthy and natural. Money will become more plentiful and the present exorbitant rates of interest will fall to a normal amount. The average market interest during these latter years has been, probably, double what it was before the inflation of the currency, constituting an immense tax on business and a disturbing influence impossible to measure. Relief from this painful condition will be only one boon in the new order of things.

The influence on the banks will be important. As the substitution proceeds, they will be constrained to retain all accumulating gold as the "lawful money" required by their charters, thus increasing the reserve of gold, and gradually preparing for specie payments. With the completion of the substitution will end the period of trial. Our currency will be as good as gold, and being much more convenient, it will supersede the latter, except so far as needed in the expansion required by the exigencies of business.

I would not be too confident; but I cannot doubt that the adoption of the present measure would be the beginning of a happy change by which business in all its departments and the whole country would be benefited. Where now is uncertainty would be certainty, and this alone would be an infinite good. In the open vista the end would be clearly visible, and all would govern themselves accordingly. The trade of speculation would be arrested; prices would become natural; interest would cease to be oppressive, and money would flow in the regular channels of business.

It is difficult to say where the benefit would be most conspicuous, City and village, town and country, street and highway, would all bear witness to the change. But beyond the general sense of ease and comfort manifest everywhere, there are three special concerns that would throb with new life—agriculture, manufactures, and commerce. It is easy to see how each would be improved.

Agriculture must at once become more profitable, because the prices of its products will decline very little, while the incidental expenses are largely diminished. The ruling price of agricultural products is fixed by the foreign market, which continues the same amidst the vicissitudes of paper at home, but the articles used by the farmer including labor are subject to these vicissitudes. Thus, mess pork, which in 1860, before the inflation of the currency, averaged in New York $17.15, was quoted during the present autumn at $13.50, and wheat, which in 1860 was $1.45 to $1.54, was quoted at the same time at $1.47 to $1.50. But the boots and shoes which the farmer uses are 50 to 75 per cent. higher now than in 1860, and other articles have risen in the same proportion. As there cannot be two prices for the same product, the price for export determines the value of the *whole crop*, whether consumed at home or abroad; so that a western farmer is driven to sell by one standard, and to buy by another. But with currency at par with gold this costly anomaly must cease, assuring to the farmer a constant and solid prosperity.

Manufactures, like agriculture, will be quickened. As the articles entering into their production are cheapened, they will again take their place among exports, competing with foreign markets. In 1860, before inflation, our exports of domestic cottons amounted to $11,000,000, but in 1872 to only $2,300,000. With a sound currency I see not why we may not soon export cotton goods to the amount of $25,000,000 annually. But at present prices determined by an inflated currency how idle to compete with England! Even high protective duties are neutralized by the cost of production. But let the currency be at par with gold, and our manufactures will renew their life.

And commerce also will share the prevailing blessing. That historic marine, so long the pride of our country, as it whitened all seas with its sails, will assert once more its mastery. But so long as our inflated currency continues, farewell to this aspiration. According to testimony before a congressional committee five-eighths, or 62½ per cent., of the cost of an ocean steamer is in the labor required to build it. But this very labor has advanced latterly 50 to 60 per cent., thus adding a large increase to the expense of construction. And when the ship is ready for her voyage, the outfit, the wages of officers and men, and all incidental charges are in the same ratio. How can such a ship, built under such forlorn circumstances, enter into competition with the cheap vessels of the Clyde? As a remedy for this condition of things we are invited to vote subsidies. With one hand we are to uphold an inflated currency, and with the other vote subsidies to repair the mischief. There is something much better. Make the currency as good as gold, and subsidies will not be needed; or rather an improved currency will be a universal subsidy without cost to the country.

Therefore, for the sake of agriculture, manufactures, and commerce, all suffering from the existing financial condition, do I insist upon specie payments as the essential remedy.

The present disordered currency owes its origin to Congress, by whose authority it was created and is now continued. It was Congress that, under the terrible exigency of war, gave the word of command by which inconvertible paper was substituted for gold—vitiating contracts, deranging prices, and disturbing business. Of this great change Congress was artificer and architect. And now, in time of peace, a solemn duty presents itself, not to be postponed. The exigency of war has ceased, and Congress must be again artificer and architect, rebuilding the financial structure. In this work the motto of Goethe should be fulfilled, "Without haste, without rest;" and all so harmonizing that gold will take the place of paper with no apparent effort. Beginning quietly and without demonstration, the system will proceed in the same way to its consummation. There is the story of an ancient city whose walls rose to the music of a lyre. Those days are past; but the tranquil sway of irresistible influence is kindred to this music. The present bill is an attempt to bring our currency into this harmony. If anything further is needed to illustrate its character, I would call it, *Return to specie payments made easy.*

I move that the bill be referred to the Committee on Finance.

The motion was agreed to.

REMOVAL OF DISABILITIES.

Mr. SHERMAN. I now move to take up for action the bill reported yesterday from the Committee on Finance to authorize the organization of national banks without circulation. It is a short bill, and I presume will not take long.

Mr. JOHNSTON. I ask the Senator from Ohio to indulge me in calling up and securing the passage of the bill I introduced the other day for the removal of political disabilities of certain gentlemen.

Mr. SHERMAN. I will give way to that, if the Senator desires it.

Mr. JOHNSTON. Then I move that the Senate proceed to the consideration of Senate bill No. 130.

Mr. SUMNER. What is that bill? Let the title be read.

The CHIEF CLERK. "A bill (S. No. 130) to remove the disabilities of Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, of Virginia, and John H. Reagan, of Texas,"

Mr. SUMNER. I shall not object to that bill.

The PRESIDING OFFICER, (Mr. THURMAN in the chair.) The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present agreeing thereto.

ADJOURNMENT TO MONDAY.

Mr. ANTHONY. I move that, when the Senate adjourns to-day, it be to meet on Monday next.

The motion was agreed to.

NATIONAL BANKS WITHOUT CIRCULATION.

Mr. SHERMAN. I now move to take up Senate bill No. 71.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 71) to authorize the organization of national banks without circulation.

The bill provides that banks without circulation may be organized under the provisions of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 30, [3,] 1864, upon the deposit with the Treasurer of the United States of not less than $10,000 of United States registered bonds, as provided in section sixteen of that act; and national banks already organized without circulation are authorized to withdraw their bonds in excess of $10,000; and national banks may withdraw their bonds on deposit as security for their circulating notes in amounts of $10,000, upon returning to the Comptroller of the Currency lawful money, to be deposited in the Treasury of the United States, for the redemption of an amount of circulating notes of such banks equal to the amount issued upon such bonds.

Mr. SHERMAN. Mr. President, this bill is, in substance, the same as a bill that was passed by the Senate at the last session. It contains two amendments of the national banking act. By section 16 of the national banking act, banks without circulation may be organized at any time; but the minimum deposit of bonds required is $30,000. As they receive no circulation and really get nothing from the Government but an organization, that limit is found to be too oppressive, and therefore it has been recommended two or three times by the Comptroller of the Currency that the amount should be reduced to $10,000, the Government deriving all the benefit of the organization and the banks receiving no circulation. That is one modification.

Then there is a modification of the twenty-sixth section of the act, which provides that any bank may reduce the amount of its circulation by surrendering a portion of it and taking up a portion of its bonds; but it is found in practice impracticable to gather in the circulation of a bank. Its circulation is so widely diffused that it is practically impossible for a bank to get in any specific amount of its notes in order to reduce its circulation, when prepared to do so. This bill, therefore, authorizes them to pay in an equal amount of legal-tender notes, to be deposited in the Treasury for the redemption of their circulating notes. I will ask to have read and placed on the record a letter from the Comptroller which will explain the matter a little more, if it is necessary.

The Chief Clerk read the following letter:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE CURRENCY,
Washington, December 4, 1873.

SIR: I have the honor to inclose herewith a bill to authorize the organization of national banks without circulation. This bill was considered and reported by your committee and passed the Senate during the last session. I have added an amendment to the original bill as it passed, providing that national banks already organized without circulation be authorized to withdraw their bonds in excess of $10,000, and authorizing banks to withdraw their bonds in amounts of $10,000 upon returning legal-tender notes in amounts equal to the amount of circulating notes issued upon such bonds.

I have on file a number of applications for the organization of national banks without circulation, and the passage of the inclosed bill will give me the opportunity to authorize the organization of such institutions.

As there is no objection to the passage of the bill, so far as I am aware, I trust that you will be able to report it from the committee and obtain its passage previous to the holiday recess.

I am, very respectfully,

JNO. JAY KNOX,
Comptroller.

Hon. JNO. SHERMAN,
Chairman Finance Committee, United States Senate.

Mr. MORTON. I ask to have the concluding portion of the bill read again.

The Chief Clerk read as follows:

And national banks may withdraw their bonds on deposit as security for their circulating notes, in amounts of $10,000, upon returning to the Comptroller of the Currency lawful money, to be deposited in the Treasury of the United States, for the redemption of an amount of circulating notes of such banks equal to the amount issued upon such bonds.

Mr. MORTON. I suggest that that clause be amended so as to read, "and national banks may reduce their stock and withdraw their bonds," for this reason: it may not be considered that the simple withdrawal of the bonds and the reduction of their circulation is a reduction of their stock. They are taxed by the States on the amount of their stock. I simply desire to make the bill explicit on that point.

The PRESIDING OFFICER. Does the Senator propose an amendment?

Mr. MORTON. Yes, sir; I suggest that as an amendment. I suppose there is no objection to it.

Mr. SHERMAN. I do not see any objection; but this bill follows the language of the present law, and only authorizes the banks to withdraw their bonds upon depositing United States legal-tender notes instead of their own circulating notes. The amendment now offered would change somewhat the existing law. I do not know that there is any objection to it; but they might have the right in that way to reduce their stock below the minimum provided by law. The bill does not affect the question of valuation, because the taxation is not on the stock, but on the value of the stock.

Mr. MORTON. So far as the States are concerned, the taxation is on the amount of the stock, and hence when the banks withdraw their circulation and bonds, they ought to be allowed to reduce the nominal amount of their stock in the same way, so as not to be taxed on a thing that only exists in idea.

Mr. SHERMAN. I do not know that I have any objection to the amendment.

The PRESIDING OFFICER. The Secretary will report the amendment.

The Chief Clerk read the amendment, which was in line 13, after the word "may" to insert the words "reduce their stock and;" so that the clause will read: "and national banks may reduce their stock and withdraw their bonds on deposit," &c.

Mr. BAYARD. Mr. President, I trust this measure will not pass the Senate hastily and without due consideration. Here is a proposition, indefinite, to create a large number of small banks without circulation, banks entirely of deposit. Where comes the power in the Congress of the United States to charter in this wholesale manner institutions for banking, totally disconnected with your currency? You have the power to coin money, and under that have declared that you found the power to stamp paper; but where is your power under the Constitution to be chartering wholesale a class of banks for deposit merely?

I am not an admirer or friend of the present banking system of this country. I do not think it is wise that it should be further extended. Already the country has been placed under the control of a central power, through its finances, which has worked most unhappily, and which I think the people of this country are disposed rather to withdraw from the Government than to permit to be encouraged and increased. It is far better that we should be allowed to go back to the great principle in finance, as in all other questions of government, of letting the people of the locality, through the exercise of local self-government, remedy the evils under which they suffer by the light of their own experience. I had much rather see the tax upon the State issues removed and the facilities for banking given by those local institutions restored. I trust that before this session closes some such proposition may be favorably considered by Congress. But I do not desire to see this wholesale creation of a class of small banks, under what may at least be termed a very doubtful exercise of power by Congress. I trust that this measure will be allowed time for a greater discussion, and that it may not now be pressed to a vote, although the Comptroller of the Currency may have an idea in his mind of granting some relief to banks whose capital is engaged to a greater extent than they desire under the present national banking system. I believe we already have legislation which enables them to withdraw their bonds. Is not that the fact?

Mr. SHERMAN. I stated before—perhaps the Senator from Delaware was not in the Chamber—that there is a provision in the twenty-sixth section of the banking act by which a bank can reduce its circulating notes and withdraw its bonds; but it must do it by surrending its own circulating notes; and in practice, from the wide circulation of these notes, it is found impossible for a bank to collect together, say, $10,000 of its own circulating notes. I doubt very much whether it would be possible for a bank having a circulation of $100,000 to collect together in one year $10,000 of its own notes, because neither banks nor brokers will assort them. The only way they can get their own notes back in order to return them to be canceled is by paying a considerable premium for them. In fact, some banks that have desired to withdraw their own circulating notes have found it impossible to do so, and the premium has gone up to 5 per cent. This bill simply authorizes the surrender of an equal amount of legal-tender notes instead of their own circulating notes. As a matter of course, it does not vary the amount of circulation among the people. It simply authorizes the surrender of legal-tender notes to the same amount as there is outstanding of the circulating notes.

Mr. BAYARD. That leaves the national currency outstanding; and I do not understand that this bill provides any new machinery for getting back the circulation of a bank other than is now provided by law. It simply provides for the return of the bonds which they have deposited, on their paying in legal-tender notes instead of national currency; but the full amount is still outstanding in circulation.

Mr. MORTON. Where is the difference to the Government in that case?

Mr. BAYARD. The difference to the Government is nothing; but the Government still remains the sponsor for the circulation outstanding.

Mr. MORTON. It has got the $10,000.

Mr. BAYARD. I admit that it has been paid in its own notes, legal tenders; but this bill provides no machinery for enabling a bank that desires to retire in some degree from its business to get in the circulation delivered to it under the act of Congress, and which has been issued upon the basis of its bonds.

Mr. President, I am not prepared at this time to give my views, nor is the Senate in a condition in its fullness to hear my views on this subject—which is a very broad subject—of the national banking system. I only wish to state my opposition to the further increase of the national bank system. I wish to see another system restored—not too hastily, not by breaking away from the habits, the rights, the duties, and the obligations that have gradually grown up with the present

system; but I desire to see a currency which is to be the localized currency; which will stay near the point of its issue by being discredited when it gets far from it. I desire to see some such currency restored, for the benefit of the rural sections of this country, and not as now; when currency leaves the counter of the bank, it flows off in a rapid current to the money centers of the country, whence it is only to be returned by the payment of a premium. The question is a broad one. I feel that I am discussing it, not with want of respect, but with want of that preparation which is due to it; and I can but express the hope that this bill will not hastily become a law. There is no need for it before the holidays. Let it be considered more fully than it has been yet. It came, I think, but yesterday from the Committee on Finance.

Mr. HOWE. I rise to ask a question of the Senator from Ohio. I understood him to say that the bills of banks which have thus retired command a premium of 5 per cent. I ask what is the advantage of that class of paper which enables it to command that premium?

Mr. SHERMAN. The gentleman misunderstood me. I said that sometimes where banks were desirous of retiring their own circulation, and winding up, in order to get it in, in order to induce bankers and brokers to sort out their particular bills from the great mass of circulation, they had to pay as high as 5 per cent. premium, simply because it is so inconvenient, practically, for a person to sort out the bills of a particular bank. They are so much alike that it would take an expert a very long time to sort out a small amount of the bills of a particular bank. If any bank in the United States should seek to retire its circulation, it could only do it by employing brokers to sort out from all the national banks bills that come into their possession, the bills of their particular bank. In that way, possibly, they could get possession of them and retire them.

Mr. HOWE. The Senator does not mean that it requires an expert to distinguish between the bills of one national bank and those of another?

Mr. SHERMAN. No; but I say if you attempt to select the bills of one bank out of the bills of the 1,600 or 2,000 banks now, you would only get one bill out of a package of 2,000 bills. That would be a very slow process, and the broker, or anybody who undertook to do it, would have to be paid for it.

Mr. HOWE. But would the broker charge for that simple service a commisssion as high as 5 per cent?

Mr. SHERMAN. Sometimes as high as 5 per cent. I have often seen advertisements in the public prints from banks going out of circulation, winding up, and seeking to return their own notes, offering 2, 3, and 4 per cent. to get their bills back, so that they might surrender them.

Mr. HOWE. Offered by the bank?

Mr. SHERMAN. Offered by the bank itself.

Mr. MORTON. To get its own notes back. The banks cannot get them hunted up in any other way.

Mr. SHERMAN. It is a very common thing.

Mr. HOWE. I do not understand how it would be worth a premium of 5 per cent. to collect them. It rather occurred to me that they commanded that premium in the market because they were so desirable as the basis of new bank circulation.

Mr. SHERMAN. That is true to some extent, but in many cases where banks desire to retire their own circulation they would have to pay a premium to get it back.

Mr. HOWE. But when it is retired, it is at the disposal of other banks; other banks can have it. I can understand how parties wishing to organize a new bank and obtain circulation for it might pay a very high premium, inasmuch as the business of national banking now is confined to a limited number of banks.

Mr. SHERMAN. The whole question is this: These banks have their notes outstanding. They desire, as they have a right to do under the law, to reduce their circulation. They find it very difficult or very expensive for them to get back their identical bills. They say to the Government of the United States, "We desire to diminish our circulation and receive back a certain quantity of our bonds; we will pay into the Treasury of the United States an equal amount of lawful tender money, in which these bank notes are redeemable." Now, what objection can there be to that?

Mr. HOWE. I am not objecting to that at all, Mr. President, but I am objecting to the feature of the banking system which makes it a monopoly, confines it to a limited number of parties, and makes really the notes of a closed bank—a failed bank, if you please, a broken bank, if you please—worth a premium in the market above United States notes. It seems to me the Legislature could contrive some way of retiring this circulation, because it stands in the way of legitimate banking enterprise, evidently.

Mr. SHERMAN. I hope the Senator from Wisconsin will not draw in all the questions that relate to the banking system in the consideration of this bill. This bill is confined to two simple propositions. There are many things in the banking law that I do not exactly like, and I hope that during the present session, since public attention is called to the subject, we may reform them; and this thing of limiting the bank circulation by a rigid, inflexible rule is one of them. But that is not the question now before us at all. And so with the question raised by my friend from Delaware, [Mr. BAYARD.] He says there is a doubt about the constitutional power of Congress to authorize banks without circulation in the States. It is hardly worth while to raise that question, because it has been done under the national banking act. Anybody has a right to start a bank without circulation, under the law as it stands. That law has not been questioned in the courts, and there are several leading banks in the United States now that have no circulating notes and are transacting business daily under the working of the currency act. If the Senator desires to raise the constitutional question, it ought to be raised in connection with existing organizations.

The only effect of this bill is to diminish the minimum of bonds filed in the Treasury to procure an authority to start a bank of this kind. Now, Mr. President, what a great advantage it would be to the people of the United States if all the bankers and brokers of this country, who are receiving deposits from the people, could be placed under the restrictions of the national banking act? The advantage would be enormous; and if I could, by any power that I possess, compel every broker in the United States, every person who sets himself up to receive the deposits of the people under the name of a savings-bank, or any other kind of bank, to come under the restrictions of that act, I would certainly do so. The national bank act confers no privileges except circulation, and if, now, all brokers, bankers, and saving-fund banks were compelled to come under the restrictions of that act, we should have ample information as to the amount of their deposits, the security of their deposits, and all of them would be required, to some extent, to secure their deposits, first by a reserve, and next by the deposit of bonds. In that way we should have information, given to us in an official shape, which would enable us to know how much deposits are in these banks.

The singular fact was made known to us by the report of the Comptroller, and, indeed, it was known before, that there is more money deposited in the deposit banks, savings-banks as they are called, in the New England States than in all the national banks; and it is utterly impossible, with the strictest scrutiny that the Comptroller can exercise, for him to find out how much money has been deposited with savings-banks alone in any State of the Union outside of the New England States and the State of New York. He sent letters to the governors of all the different States, but was unable to find out the amount of money deposited in the savings-banks throughout the United States. Now, how important it would be to have this information. If all the banks, brokers' shops, and savings institutions were compelled to organize under the national law, I can see a very great advantage to be derived from it, a great good, and no possible evil, because the banking law confers upon these institutions no authority whatever which they have not the right to possess as simply private citizens. A national bank started under this act, without circulation, has no right conferred upon it whatever, except to be called a national bank, that any private citizen of the United States may not exercise at this moment.

Mr. HOWE. Do I understand, then, that this organization as national banks is sought so eagerly to secure the privilege of reporting the amount of their deposits?

Mr. SHERMAN. No; it is sought to secure the name and authority of a national bank organization, because a national bank is known to be surrounded by such restraints, and to be required to make such reports, and to give such information, and to file such securities, that it has a popular credit, which it gains from the very existence of these restrictions, that a private bank has not. Therefore, many of the leading bankers of the United States do voluntarily come under the restrictions of this act, and do comply with the terms of the act, merely to obtain that reputation.

Mr. HOWE. What are these restrictions that they come under?

Mr. SHERMAN. They have to maintain a reserve of 25 per cent. in the leading cities, and of 15 per cent. in the interior cities of the country.

Mr. HOWE. Twenty-five per cent. on what?

Mr. SHERMAN. On the amount of their deposits and circulation. A bank starting in any large city under this law has to maintain a reserve of 25 per cent. of its deposits and circulation, and now there are a thousand banks in the country that have not got a reserve of five per cent., organized under State law.

Mr. HOWE. Then I understand the two privileges that this class of bankers covet are, first, the privilege of making reports to the Treasury of the amount of their deposits; and, secondly, the privilege of keeping a reserve of 25 or 15 per cent.

Mr. SHERMAN. The Senator does not state it fairly. They will assume the burden of doing those things for the privilege of the credit they will derive from the name of a national bank. A national banking organization, known to be under these restrictions, has credit, and can obtain deposits that it could not obtain ordinarily except by complying with the conditions of this law.

Mr. HOWE. All I have to say is, that I should think they were paying all that that credit would be worth.

Mr. SCOTT. Mr. President, I think it was the expectation of at least a portion of the Committee on Finance, when this bill was reported, that it would not be taken up for early action; and unless there be some urgent necessity in the existing state of affairs calling for early action on this bill, I would venture to express the hope that it may not be acted on at once. I had not looked so fully at the bill with reference to the last clause as I have done since it has been under consideration, and I find one objection, which I will here state, to it, that may perhaps be worthy of consideration. It authorizes

national banks upon deposits for their circulating notes in amounts of $10,000, or on returning to the Comptroller of the Currency lawful money to be deposited in the Treasury of the United States. It is not confined to one deposit of $10,000; but successive deposits may go on until they have deposited legal-tender notes to the full amount of their entire circulation. I find an objection to that, for the reason that if there is to be any change in the character of our currency I would rather have it the other way, and instead of retiring all the legal-tender notes and keeping out all the national-bank notes, I would prefer that we should have more of the legal-tender notes and less of the national-bank notes; and while we have the two existing I am not willing to adopt any policy by which the amount of legal-tender notes in circulation will be made largely below the amount of national currency authorized. They ought to be as nearly together as possible; and being now one at $354,000,000 and the other at $356,000,000, I think the policy embodied in the last clause of the bill, whatever may be said about the first part of it authorizing the establishment of deposit banks, is very questionable.

Mr. FERRY, of Michigan. I should like to ask my colleague on the committee if the tendency of this bill will not be to reduce the number of national issuing banks, and thus relieve many banks of the burden of issue and redemption? Will not this be right in the line of the policy suggested by the Senator, by retiring the national circulation and in its place putting the legal-tenders issued directly by the Government?

Mr. SCOTT. Well, Mr. President, I am not sure that the national banks consider their circulation a burden. The privilege of drawing interest on their bonds and putting out their circulation also upon discounted bills I do not think they consider very much of a burden; and so far as that is concerned I am not sure that the establishment of banks of deposit would have a tendency to diminish banks of issue.

Mr. FERRY, of Michigan. I merely wish to say in this connection that I have received letters from bankers stating that they would be very glad to surrender the circulation in order to be relieved of the burden of redemption; not the burden of the interest which they receive on the bonds deposited for the security of circulation; that could possibly be no burden; but, taken as a whole, they would prefer to surrender their circulation, draw back their bonds, hold their interest, and be relieved from the apprehensions growing out of redemption.

Mr. SCOTT. Be that as it may, there are other things to be considered, and which I had hoped we should have time to consider, before this bill was urged.

Mr. MORTON. I desire to ask the Senator a question. If my memory serves me correctly in regard to the law—I have not time now to look for it—if a bank desires to wind up entirely, to go into liquidation, it may do so by depositing with the Secretary of the Treasury an amount of legal-tender notes equal to its circulation; but if it only desires to retire a part of its circulation, it has not that privilege, but must produce its own notes; so that there is an inconsistency in the law. If a particular bank wants to go out of existence altogether, it may do so by paying into the Treasury an amount of legal-tender notes equal to its circulation; but if it desires to reduce its circulation one-fourth, it must furnish its own notes, and perhaps it cannot procure them. So there is an inconsistency in the law. It seems to me there ought to be no objection to the passage of the bill.

Mr. SCOTT. In answer to the Senator from Indiana, I would state that, while that is the provision, that legal-tender notes may be deposited by a bank desiring to go entirely out of existence, those notes may be reissued. My recollection of the banking law is, that the provision is express that they may be reissued; but here—and that was the point I wished to call attention to when I was diverted by the question of the Senator from Michigan—here is a provision making a special deposit of these notes to the amount of $10,000; and, unless the general law will cover it, I doubt whether under this bill the notes thus deposited can be reissued, for they are put there in place of the bonds which are made a specific deposit for the redemption of the national currency. The chairman suggests that they may be reissued. While there is a doubt about that, I trust the bill will be deferred until the question of whether they can be reissued or not can be provided for, if it is doubtful.

I rose, Mr. President, more to suggest that I thought it was the anticipation of a portion of the committee that action upon this bill should not be hastened, and that we should have time to look at it, in view of the probable modification of the whole national banking system at this session.

Mr. FRELINGHUYSEN. Mr. President, I understood the Senator from Delaware to say that he desired to look further into this subject and to give the Senate his views. I hope that we shall all award him that privilege, and that the vote may not be taken on this bill now. I think that it is a very bad system of legislation on this subject to be acting by piecemeal. Here is a bill which, if I understand it, authorizes an unlimited number of national banks. Anybody who can raise $10,000 can have a national bank. You can have one at every corner grocery, and bring the whole name of national bank into disrepute. It is true they have no issue, and so it does not produce any inflation; but I want to hear this subject discussed, and see what particular benefit there is to the community and to the Government in having these banks.

Mr. SHERMAN. I desire to correct my friend in regard to the operation of this bill. It does not diminish the amount of capital required to establish a national bank. It does not change in any degree any provision of the act, except simply that it authorizes a bank without circulation to deposit with the Treasury of the United States $10,000 in legal-tender notes. It does not change the provision of law as to the amount of capital required, and so on. I have no objection at all to the wish of Senators to have further time to consider the bill. I called it up at the request of another Senator, who was very anxious to secure its passage.

Mr. FRELINGHUYSEN. I understand that the amount of circulation which the Government is authorized now to put forth does limit the number of banks; but the provision of this bill is, that banks without circulation may be organized under the provisions of the banking law; and therefore there is, as I see, no restriction as to the number of these banks that may be organized, the only restriction in the original law being the amount of circulation.

Mr. DAVIS. I should be glad to have the attention of the Senator from Ohio for a moment. I understand that national-bank notes are signed by the cashier and the president of the bank issuing them. I understand further that the present bill allows any national-bank notes to be presented at the Treasury, in amounts of $10,000, and the bonds deposited as security for them to be withdrawn. Am I correct in that?

Mr. SHERMAN. The present law authorizes a bank to surrender any portion of its circulating notes and lift a certain amount of its bonds.

Mr. DAVIS. But I understand the bill now under discussion allows the notes of any circulating national bank to be presented—not its own necessarily.

Mr. SHERMAN. Not at all. It must bring notes of the United States—legal-tender money.

Mr. DAVIS. That is the same in effect. The notes of the national bank are still out. That bank must be still liable for them. When the day of redemption comes who is to redeem those notes? The notes of a national bank are presented for redemption; it had $50,000, perhaps, out, and redeems $40,000 of them. Who is to redeem the notes outstanding of that national bank?

A word further as to the reserve. The reserve now of the country banks, as we call them, is 15 per cent. Fifteen per cent. of their deposits and of their circulation, called their reserve, must be kept, either at home or elsewhere. In the cities where there is redemption it is 25 per cent. Now, if a bank has taken up its bonds, it still has its circulation out. How about holding the reserve? Is there not a difficulty there; because the circulation of that bank is still out, and it is presented, perhaps, in a bunch for redemption, when we come to redeem in gold or greenbacks?

It appears to me that there are difficulties in the way. If the bank was required to present its own notes, then, of course, the main difficulty would be remedied.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Indiana, [Mr. MORTON.]

Mr. BOGY. Mr. President, I hope this question will be postponed. The whole subject of the reorganization or reconstruction of the banking system must necessarily come up at this session, and I should regret very much, coming from the portion of country I do, to see anything done here hastily which would in any way prevent the banking system from being adapted to the country in a wider sense than it is now. I have read this bill with some care, and, although I do not propose at this moment to mention any objections to it specifically, I would much prefer that that particular branch of the subject should be made a part of a whole system of free banking; that the whole question should come before the mind of the Senate as one system; for we must certainly very much modify the arrangements now existing.

I am one of those who believe that the whole trouble of the country at this time grows out of a vicious banking system. I know that my State, and I may say the section of country whence I come, is suffering enormously for the want of money—and there is no money excepting legal-tender notes and national bank notes. The national banking system has an existence of so limited a character, that we are deprived in the West of all the benefits of it.

I would be happy indeed if this matter were postponed until a time when the whole subject of the reconstruction of the national banking system shall come before the mind of the Senate. I am not prepared to act on it at this time.

Mr. MORTON. Mr. President, to show that the clause of the bill which has been referred to is merely intended to correct a defect or inconsistency in the law, I will read the present law:

That every bank that has heretofore gone into liquidation under the provisions of section 42 of the national currency act, shall be required to deposit lawful money of the United States for its outstanding circulation within sixty days from the date of the passage of this act; and every bank that may hereafter go into liquidation shall be required to deposit lawful money of the United States for its outstanding circulation within six months from the date of the vote to go into liquidation.

Now, a bank desiring to wind up entirely need not return one of its own notes, but may deposit the whole amount of its circulation in legal tenders and wind up. But if it wants to reduce its circulation one-fourth, then it must produce its own notes. There is a distinction without any reason at all. It, perhaps, is impossible for a

bank to secure one-fourth of its own circulation; it is scattered all over the country; and why not allow a bank desiring to retire one-fourth of its circulation to do it by depositing that amount of lawful money, when, if it desires to retire the whole circulation, it may do so by depositing that amount of lawful money?

Mr. BAYARD. May I ask the Senator a question?

Mr. MORTON. Yes, sir.

Mr. BAYARD. As the entire circulation of the bank, is out and as there is no ear-mark on the notes to signify which portion of them shall have been redeemed by $10,000 of legal tender, how is the holder of those notes presenting them for redemption and prepared to insist on his remedy of compulsory redemption under the general act of Congress—how by this bill will he be able to say whether the bank has redeemed the particular note he held by the deposit of money, or whether the redemption applies to another and equal amount of notes which are still in circulation? A bank, in other words, which is called upon to redeem under the general compulsory act by paying greenbacks over its counter when the demand shall be made upon it, will answer, for instance: "I have redeemed this note of yours by paying into the Treasury $10,000 of lawful money, and have received my bonds! I have contracted my circulation so much." How can that answer be met? There is no ear-mark on the currency; there is nothing to show that the $10,000 paid in was paid in as security against the identical notes then presented.

Mr. MORTON. It seems to me that would be wholly unimportant. If the bank retires one-fourth of its circulation by depositing an equal amount of legal tenders in the Treasury of the United States, the Treasury of the United States gets that much money in advance. If the bank is called upon to redeem its circulation in the ordinary way under the law, it must go on redeeming until it has redeemed 75 per cent. If notes after 75 per cent. have been redeemed are presented, then it may say, "the Government of the United States itself has assumed the redemption of the balance." If the bank retires all its circulation, as it may do by depositing legal-tender notes, then when the first of its notes are presented, it may say, "We have made an arrangement that the Government shall take up all these notes and the holder is referred to the Treasury of the United States." There is no particular note that is to be paid at one place or any particular note to be paid in the other.

Mr. DAVIS. The Senator will allow me. The Senator asked the question what is the difference—why not throw the three-fourths away as well as the whole? I answer that when a bank retires entirely, there is but one place for the holder of its notes to go, and that is the Treasury of the United States. Where there is a bank with one-fourth of its circulation out, there are two places to go.

Mr. MORTON. I would ask the Senator what particular bill is to be redeemed. The Government receives pay for one-fourth of this circulation. It is bound to provide for that itself. The bank is still liable for 75 per cent., and it is bound under the law to go on redeeming until it has redeemed the 75 per cent. So there can be no importance whatever attached to that distinction.

Mr. BUCKINGHAM. The suggestion of the Senator from Delaware is a very proper one. When one-quarter of the circulation is redeemed out of the public Treasury, the question comes—and he puts it very well—how can the bank distinguish between the bills which the Treasury ought to redeem and those which it ought to redeem itself? It would be for the interest of the bank to see that the Treasury redeemed its full 25 per cent. Therefore it would be for the interest of the bank to redeem the bills as they were presented, and send them forward to the Treasury for redemption.

Mr. THURMAN. Mr. President, this bill contains three distinct propositions which have no necessary connection with each other. They may be considered as wholly independent, and one adopted and another rejected according to their respective merits. The first proposition of the bill is to authorize without limitation the organization of any number of national banks without the privilege of issuing a circulation, and it requires of them a security of $10,000 in registered bonds, which, I suppose, is a security for their deposits. That is the first proposition, and it is wholly independent of what follows.

The next proposition is that national banks already organized without circulation, are authorized to withdraw their bonds in excess of $10,000. That is simply a proposition to allow them to reduce the security for their depositors which now exists, down to the sum of $10,000.

Then comes the third proposition, which is that national banks may withdraw their bonds on deposit as security for their circulating notes, in amounts of $10,000, upon returning to the Comptroller of the Currency lawful money to be deposited in the Treasury of the United States for the redemption of an amount of circulating notes of such bank equal to the amount issued on such bonds. That, if I understand my colleague correctly, is simply a provision to allow them to retire their bonds upon the return of legal-tender notes, instead of upon a return of their own notes.

It is obvious, then, that these three propositions are distinct; there is no necessary connection between them; and, although they may all relate to one general subject, there is no reason why they should all be in one section of a short bill like this.

In regard to the first proposition, I have heard no answer to the suggestion of my friend from Delaware; and that is where is the power in the Constitution of the United States granted to Congress to charter banks that have no connection whatever with the currency, with the circulation of the country; and if there were that power, where is the good policy in entering upon any such field? If you are to charter all the men who deal in money in the United States, by a national charter, all the men who receive deposits, buy and sell exchange, discount notes, and do all that bankers do except issue currency, why not upon the same principle pass a national manufacturing incorporation act, supersede the various acts of the States in regard to manufacturing corporations, and provide that they shall be chartered under national authority? And when you have done that, why not go into every other branch of industry or of business in the country in the same way? What particular reason is there for selecting out dealers in money and in exchange, a business that is now carried on very largely indeed, if not to one full moiety of its extent, by private individuals under individual responsibility? What is the reason for selecting that particular industry or business, and making it the subject of congressional legislation, and placing those who exercise it under the necessity of obtaining congressional charters or inviting them to obtain congressional charters?

It seems to me that this is a very grave question, and one that we ought to consider. I want in the first place to know, better than I now know, where is the authority for it. I have not heard any one suggest anything but that there is some such provision in the banking law now. That is no answer. If Congress has assumed but a few years ago in the enactment of the banking law the exercise of such a power as this, it is quite too recent an assumption of power for any one to say that it is settled by the practice of the Government, that *stare decisis* applies to the question.

I hope, therefore, that this bill may go over, in order that there may be more time to consider it. It seems to me that it is a large subject. It also seems to me, in regard to the third provision, relative to withdrawing bonds and substituting legal tenders for them, that there is something more necessary in order to meet the objections suggested by the Senator from West Virginia, and also by the Senator from Delaware. It may be that there is not; it may be that upon a more careful consideration it will be found that there is not; but that is the way it strikes me now. I therefore, without arguing this matter any further, or attempting to argue it, in fact, or expressing any decided opinion of the merits of this bill, express the hope that it may not be acted upon to-day, but may go over.

Mr. SHERMAN. Mr. President, I will not detain the Senate on this bill more than a few minutes longer. I have no objection that the bill shall lie over until every Senator has had an opportunity to examine it. Indeed, I called it up to-day with some hesitation, stating before I did so that we could not have any bill mentioning the name of a national bank brought before the Senate, however simple might be the proposition, but that every question connected with the currency, the banking act, and all the multiplied forms of financial propositions presented to us, would be discussed.

Now this bill, on the face of it, which was passed by the Senate at the last session of Congress, makes very slight changes in the existing law. The first clause, which my colleague and my friend from Delaware find it so difficult to vote for, only differs from the present law in one respect. By the present law no national bank can be started except with a capital of $100,000, paid up in a certain way, unless it be in a city of less than 6,000 inhabitants, when it may have a capital of $50,000. That is the law organizing national banks, and it is not changed in the slightest degree by this bill. But under the sixteenth section of the law as it now is, a bank may be started, without circulation, with a capital of $100,000. The purpose was, when the banking act was passed, to induce the banks to invest a portion of their capital stock in Government securities. When the banking act was passed the great object we had in view was to induce capitalists to loan money to the United States; to invest their capital, or a portion of their capital, in Government bonds; and, therefore, we required of a bank that had nothing from us except a simple name and organization to put one-third of its capital stock in our bonds; and in every case every national bank must buy at least $30,000 of bonds of the United States, in which, to that extent, it has to invest its capital.

That was the motive, the object, one of the inducements, of passing the national bank act—to compel the national banks, before they could avail themselves of the privileges and benefits of the law, to invest in our bonds. That necessity has passed away. We do not care now who buys our national bonds. Our credit is so good that we do not have to induce anybody by any provisions of law to buy our bonds. Our bonds are bought in all the nations of the earth. Hence, if the same object can be accomplished—if a good object can be accomplished—by reducing this restriction, so that a national bank, instead of investing capital in our bonds, may invest it in bills receivable in the neighborhood where the bank is located, and may in that way increase its power to loan to the people of the neighborhood, it is wise and good policy to remove that restriction. The reason of it has disappeared. There is now no occasion for requiring a bank starting without circulation to invest $30,000 of its capital in our bonds, because we do not care whether they do or not. We would rather now that they should loan that money in the community where the bank is located than invest it in our bonds. There is no longer an object in the Government seeking purchasers for its bonds. The only effect of this first clause—there is nothing more or less of

it—is simply to reduce the amount which a national bank is required to invest in the bonds of the United States. The minimum under the old law was $30,000. The minimum under this proposed bill is $10,000. That is the whole provision; and yet my colleague and my friend from Delaware see in this something which involves the whole constitutional power of Congress to pass a banking bill, or a manufacturing bill, and all that sort of thing. Sir, there is nothing of that in it. It is simply a modification of an existing law.

Now, in regard to the next provision, I believe there has been no exception taken to that; but the third provision my friend from West Virginia, who is a practical banker, sees trouble about. Now, suppose a national bank, being somewhat pressed, finding itself somewhat involved, desires to wind up its business; suppose it is organized in a community where the business has faded away, and where less banking capital is required; or that, for any of the multiplied reasons that we may imagine would induce a bank to desire to reduce its circulation, it wishes to do so. The present banking law provides for that. It provides that a bank may go out of existence and deposit legal money of the United States to the amount of its circulating notes, and there is the end of it. It provides next that any bank may reduce its circulation by the amount of $10,000 at a time; and, doing it, it must surrender its notes and lift its bonds. When the banking act was passed, it was supposed these bank notes could be easily had at any time. No one dreamed then of the wide diffusion, the universal credit of this paper money—that it would be so extended that the banks would not be able to get back their notes. Here is a provision of the law that is practically nugatory. Then, instead of surrendering their circulating notes, which we are bound to redeem, which are in effect and in law our notes, we say they may surrender lawful money of the United States to the amount of 10 per cent. of their capital, $10,000; and we undertake to redeem the outstanding circulating notes, when presented, with this lawful money of the United States, or with some other money that may be in the Treasury. Is there anything strange or out of the way in that?

My friend from West Virginia says there is a practical difficulty, and he asks how can the United States tell which notes it will be bound to redeem. Why, sir, it is bound to redeem the first of the notes of that bank that are presented at the counter of the Treasury of the United States. When the redemption of these bank notes begins to be called for, and when the notes begin to flow in for redemption, $10,000 of them are to be redeemed at the Treasury of the United States—the first $10,000 of those that are presented. An account is opened with the particular bank. It appears that this bank has to its credit $10,000, and the United States undertakes to redeem $10,000 of its notes. The first presented will be redeemed. The bank itself may present them. This identical bank may present its notes at any time, and to the extent of the $10,000 deposited the United States is bound to redeem those notes, and that is the end of it. If they are presented at the counter of the bank, the bank is bound to redeem. It is true that to this extent there is a double liability; but that double liability now exists. The United States is bound to pay every dollar of the national bank notes now outstanding. The United States Government, therefore, assumes no new liability. Perhaps the bank assumes the terrible liability of being responsible that the United States will redeem this $10,000 outstanding, but that is all the liability it assumes.

Mr. THURMAN. But now the Government is only bound secondarily.

Mr. SHERMAN. I know the Government is only bound secondarily; but it holds in its vaults bonds of the United States in the first place, and then for this particular $10,000 it holds in its hands the actual money of the United States and becomes liable primarily.

Mr. SAULSBURY. Will the Senator allow me to ask him one question?

Mr. SHERMAN. Certainly.

Mr. SAULSBURY. The bonds of the United States always bring par in this country now, and the greenbacks they may return are below par. Would it not be, therefore, an advantage given to these banks by allowing them to exchange greenbacks, which are below par, below gold and silver, and take up bonds that are at par value?

Mr. SHERMAN. My friend from Delaware must know that these very notes are now redeemable in legal-tender notes, and the holder of a legal-tender note has no right to demand more than a United States note. That is the answer to it. There is no increased liability.

I simply have taken a little time to explain this bill more fully than I did in the first instance, to show Senators how easy it is to get up a debate on a little proposition of this kind, extending to a great variety of topics not embraced in it. Now, so far as this particular bill is concerned, in ordinary times it would pass without comment. There is no objection to it, in my judgment. The Comptroller of the Currency has two or three times recommended it, with the sanction of the Secretary of the Treasury. The Senate passed the same bill at the last session. It is now pending and will probably pass the other House. It simply modifies in two unimportant particulars two provisions of the banking act which have become somewhat burdensome in practice. That is all there is of it; but, as a matter of course, I have no objection to its going over. The bill is sent to me, with the letter I have already read, by the Comptroller, and Senators around me desired to have it passed to relieve cases that have been brought to their attention. I will probably call it up at an early day, and hope then this debate may be remembered so that I shall not have to go over the ground again.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Indiana.

Mr. SHERMAN. The bill had better just lie on the table for the present. I have no objection to the amendment being adopted first, however.

Mr. MORTON. The amendment is a verbal one.

Mr. SHERMAN. Senators around me say I had better not move to lay it on the table. If any one desires to speak further, I do not wish to cut any one off.

The PRESIDENT *pro tempore*. The amendment of the Senator from Indiana will be considered as agreed to, if there be no objection.

EXECUTIVE SESSION.

Mr. WRIGHT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and after one hour and thirty-three minutes spent in executive session the doors were reopened, and (at three o'clock and fifty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 11, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CORRECTION OF THE RECORD.

Mr. WOOD. I desire to have a correction made in the CONGRESSIONAL RECORD of yesterday. In the report of some remarks I made on Tuesday, I am made to say that of the $44,000,000 held in reserve by the Secretary of the Treasury he had been obliged to use $33,000,000. What I did say was that he had been obliged to take $13,000,000, not $33,000,000.

Mr. HALE, of Maine. I call for the regular order.

G. W. STANDEFER.

Mr. MAYNARD. I ask the indulgence of the House for one moment while I invite attention to an error in the enrollment of a bill passed on the 1st day of March, 1872, for the relief of G. W. Standefer. That bill was passed by both Houses and became a law; but by an error in the enrollment it appears on the statute-book in the name of P. W. Standifer. I ask unanimous consent to introduce a joint resolution for the purpose of correcting the error.

Mr. DAWES. I ask the gentleman to put the proposition in the form of a bill instead of a joint resolution.

Mr. MAYNARD. That will suit me just as well. But I thought the case an eminently proper one for a joint resolution.

Mr. DAWES. It would be, under the old usage.

Mr. MAYNARD. I will ask the Clerk to change the joint resolution to a bill.

There being no objection,

Mr. MAYNARD introduced a bill (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer;" which was read a first and second time.

The bill was read. It provides that the act mentioned in the title be amended by striking out from the body of the act and from the title the name of P. W. Standefer and inserting the name of G. W. Standefer.

Mr. HOLMAN. I hope the gentleman from Tennessee will have the original act itself read at the desk.

Mr. MAYNARD. Here is the bill as it passed the House under the certificate of the Clerk of the House, and I ask the Clerk to read it.

The Clerk read as follows:

An act for the relief of G. W. Standefer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the United States be authorized and directed to audit and allow the claim of G. W. Standefer, for services rendered as a telegraph operator by direction of the military authorities of the United States in the war of the rebellion, for a period not exceeding six months, at the rate of one hundred dollars per month, and that the same be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That it shall be satisfactorily proven that such services were actually rendered.

Passed the House of Representatives March 1, 1872.

Attest: EDWARD McPHERSON, *Clerk*.

Mr. MAYNARD. I now ask that the act be read as it appears upon the statute-book.

Mr. HOLMAN. I suppose it is the same as the act just read, with the exception of the name.

Mr. MAYNARD. It is the same, except upon the statute-book it is P. W. Standefer, when the real name is G. W. Standefer.

The Clerk read as follows:

An act for the relief of P. W. Standefer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officer of the United

States be authorized and directed to audit and allow the claim of P. W. Standefer, for services rendered as telegraph operator by direction of the military authorities of the United States in the war of the rebellion, for a period not exceeding six months, at the rate of one hundred dollars per month, and that the same be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That it shall be satisfactorily proven that such services were actually rendered.

Approved March 3, 1873.

Mr. MAYNARD. I now move that the bill be put on its passage.

The bill was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

THE REFUND OF DUTIES.

Mr. RANDALL, by unanimous consent, submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to inform this House as to the amount of money refunded since March 4, 1873, on account of customs duty and internal taxes previously paid into the Treasury, the names of the persons to whom paid, and the amount to each respectively, and upon what articles the said refund was made, together with a recital of the reasons for said payment and the laws under which the same was made.

Mr. DAWES. That resolution should go to the Committee on Ways and Means.

Mr. RANDALL. I have no objection to that, but will only ask that the committee shall have leave to report at any time.

The SPEAKER. That will be the understanding.

The resolution was referred to the Committee on Ways and Means, with leave to report at any time.

EXPATRIATION.

Mr. E. R. HOAR, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session, together with the accompanying documents, as relate to expatriation, the election of nationality, and the status of American women married to foreigners, and of children born of American parents residing abroad, be referred to the Committee on Foreign Affairs.

MICHIGAN AND WABASH SHIP-CANAL.

Mr. ORTH, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Railways and Canals be directed to inquire into the expediency of providing by law for a survey to ascertain the practicability of constructing a ship-canal connecting the waters of Lake Michigan with the Wabash River at or near the mouth of the Tippecanoe River.

PRESIDENTIAL ELECTIONS, ETC.

Mr. PARKER, of Missouri. I ask unanimous consent to submit a resolution to go to the Committee on Privileges and Elections.

The SPEAKER. There is no such committee in the House.

Mr. PARKER, of Missouri. Then I make it the Committee on Elections.

The Clerk read as follows:

Resolved, That the Committee on Elections be, and are hereby, instructed to examine and report, at as early a day as practicable, upon the most practicable method of electing the President and Vice-President, and providing a tribunal to adjust and decide all contested questions therein.

The resolution was adopted.

IMPROVEMENT OF HINGHAM HARBOR.

Mr. HARRIS, of Massachusetts, by unanimous consent, submitted the following resolution:

Resolved, That the Secretary of War be requested to cause an examination or survey of the harbor of Hingham, in Massachusetts, with a view to the removal of sunken wrecks and other obstructions to navigation, so as to afford greater protection to steamboat navigation therein; and that he report upon the feasibility of making such improvements, and the probable cost thereof, to the House of Representatives.

Mr. HOLMAN. I suggest that resolution be referred to the Committee on Commerce.

Mr. HARRIS, of Massachusetts. Very well.

The resolution was so referred.

POSTAL SAVINGS-BANKS, ETC.

Mr. BECK, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Postmaster-General be, and is hereby, directed to inform Congress how many employés of all grades it will require to carry on the postal savings institution in the United States and Territories, as recommended by him in his report; and that he furnish like information as to the postal telegraph system which he recommends, when the same is in full operation.

Mr. BECK moved to reconsider the vote by which the resolution was adopted; and also moved that the resolution to reconsider be laid upon the table.

The latter motion was agreed to.

LANDS IN MISSOURI.

Mr. BUCKNER. I ask unanimous consent to offer the following resolution:

Resolved, That the Commissioner of the General Land-Office be requested, as early as practicable, to inform this House as to the number of acres of land within the limits of the State of Missouri now unsold and belonging to the United States.

Second. The number of acres of the sixteenth-section or school lands that have been set apart within said State for school purposes.

Third. The number of acres within said sixteenth-section or school lands that have not been appropriated to school purposes, or which have been lost to the schools by paramount title of New Madrid claim, Spanish or French grant, or otherwise.

Fourth. The entire number of acres of land within the territorial limits of the State of Missouri.

Mr. GARFIELD. I suggest that that resolution be referred to the Committee on the Public Lands.

The SPEAKER. The Chair desires to call the attention of the gentleman from Missouri, [Mr. BUCKNER,] and of other gentlemen, to this: the direction in this instance should be to the Secretary of the Interior, and not to his subordinate officer. The House deals with heads of Departments. The Commissioner of the Land-Office is a subordinate officer. The Chair will direct that change to be made. The gentleman from Ohio [Mr. GARFIELD] has suggested that the resolution be referred to the Committee on the Public Lands for examination. If there be no objection that order will be made.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The regular order having been demanded, the morning hour begins at eighteen minutes past twelve o'clock, and reports are still in order from the Committee on Naval Affairs.

There was no further report from the Committee on Naval Affairs.

EDUCATION OF THE PEOPLE.

Mr. G. F. HOAR, from the Committee on Education and Labor, reported back, with the recommendation that it do pass, the bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people.

The bill was read. It provides in the first section that the net proceeds of the public lands are forever consecrated and set apart for the education of the people, provided that the act shall not have any effect to repeal, impair, or suspend any law now authorizing the preemption of public lands, or the entry of public lands for homesteads; nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands; and provided, further, that nothing contained in the section shall be held to limit or abridge the power of Congress over the public domain, or interfere with granting bounty lands to the soldiers and sailors of our late war.

The second section provides that the Secretary of the Interior shall cause an account to be taken upon the close of each fiscal year, and ascertain the total receipts from the sale or other disposition of the public lands of the United States, including all fees received at the general and district land-offices during such year, and the amount of expenditures during said year incurred or occasioned by the survey, sale, location, entry, or other disposition of such lands, including appropriations for the expenses of the said offices for said year, and shall certify to the Secretary of the Treasury the amount of the net cash proceeds from the sale, entry, location, or other disposition of such lands, after deducting such expenses and expenditures.

The third section provides that upon the receipt of the certificate the Secretary of the Treasury shall cause one-half the amount so certified to be invested in bonds of the United States, bearing interest at the rate of 5 per cent. per annum, which said amount so invested shall constitute a perpetual fund in the Treasury of the United States, to be known as the national educational fund; and the Secretary of the Treasury, on or before the 31st day of July of each year, shall certify to the Secretary of the Interior and the Commissioner of Education the amount so paid into the Treasury to the credit of the educational fund, the amount of said educational fund, and the amount of interest due thereon at the close of the fiscal year last preceding such certificate.

The fourth section provides that upon the receipt of the certificate of the Secretary of the Treasury, as provided by section 3, the Commissioner of Education, under the direction of the Secretary of the Interior, shall proceed to apportion, to the several States and Territories and to the District of Columbia, upon the basis of population of the said States and Territories between the ages of four and twenty-one years, one-half of the net proceeds of the public lands for the previous year, together with the whole amount of the income of the said educational fund so certified, such apportionment to be according to the last preceding general census of the United States; provided that for the first five years the distribution of the said fund to and among the several States and Territories, including the District of Columbia, shall be made according to the numbers of their respectivepopulation of ten years old and upward who cannot write, as shown, from time to time, by the last preceding census published of the United States.

The fifth section provides that each of the States and Territories and said District shall be entitled to receive its share of the first distribution under such apportionment, which shall, before the 1st day of January, 1875, or within two months of the first meeting of its Legislature thereafter, have, by its Legislature, engaged that it will provide by law for the free education of all its children between the ages of six and sixteen years, and will apply all moneys which it shall receive under this act in accordance with its conditions.

The sixth section provides that a sum not exceeding 50 per cent. of the amount received from the United States by any State or Territory, or by the District of Columbia, the first year of such receipt by it, and not exceeding the amount of 10 per cent. in any year thereafter, may be applied, at the discretion of the Legislature thereof, to

the maintenance of one or more schools for the instruction of teachers of common schools; said sum, after the first year, to be apportioned wholly to the payment of teachers of such schools.

The seventh section provides that each State and Territory, and said District, shall be entitled to receive its share of every apportionment after the first, which shall have complied with the following conditions: First. That it shall have made the provision for the education of its children required in the fifth section of the act. Secondly. That it shall have applied all moneys by it previously received under the act in accordance therewith. Thirdly. That it shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report of the number of public free schools, the number of teachers employed, the number of school-houses owned, and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools shall have been maintained in each of the several school districts or divisions of saidState, Territory, or District, and the amounts appropriated by the Legislature for the purpose of maintaining a system of free public schools.

The eighth section provides that on or before the 1st day of September, in each year, the Commissioner of Education shall certify to the Secretary of the Treasury, as to each State, Territory, and District, whether it is entitled to receive its share of the apportionment under this act, and the amount of such share, which shall thereupon be entitled to receive the same. If the Commissioner shall withhold a certificate from either, its share of such apportionment shall be kept separate in the Treasury until the close of the next session of Congress, in order that it may, if it see fit, appeal to Congress from the determination of the Commissioner. If Congress shall not at its next session direct such share to be paid, it shall be added to the general educational fund.

The ninth section provides that the superintendent of public instruction of each State and Territory, and of said District, or such other officer as shall by the laws of such State, Territory, or District be required so to do, shall, immediately upon the receipt of the certificate provided in section 4, proceed to apportion the amount so certified to his State, Territory, or District, to the several school districts therein which shall have maintained for at least three months during the preceding year one or more free public schools for all the children of such school districts between the ages of six and sixteen years, which apportionment shall be upon the basis of the population of such district, or of the number of children of school age therein, or of the attendance upon said schools during the year preceding, as may be by law determined by such State, Territory, or District; and the amount so apportioned shall be solely applied in payment of teachers' wages.

The tenth section provides that the amount apportioned to the school districts of any State or Territory or of the District of Columbia, and certified as therein provided, shall be paid upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to the State, territorial, or District treasury, or to such officer as shall be designated by the laws of such State, Territory, or District to receive, account for, and pay over the same to the several school districts entitled thereto under such apportionment, which treasurer or officer shall be required to report, on or before the 30th day of June of each year, to the Commissioner of Education, a detailed statement of the payments made and balance in his hands withheld, unclaimed, or for any cause unpaid. The term "school district," as used in the act, shall include cities, towns, parishes, or such other corporations as by law are clothed with the power of maintaining schools.

The eleventh section provides that in case any State or Territory shall misapply, or allow to be misapplied, or in any manner appropriated or used other than for the purposes therein required, the funds, or any part thereof, received under the provisions of the act, or shall fail to comply with the conditions therein prescribed, or to report, as therein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue thereof, until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory, and applied as therein required, and until such report shall have been made; and all apportionments so forfeited and withheld shall be added to and become part of the principal of the educational fund thereby created; and the officer or officers, person or persons, willfully so misapplying, misappropriating, squandering, or embezzling such funds, or knowingly consenting thereto, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by fine in double the amount so misapplied, misappropriated, squandered, or embezzled, or by imprisonment not less than one nor more than three years, or by both such fine and imprisonment, in the discretion of the court; provided that the conditions therein prescribed may be subject to such modification or addition as Congress may hereafter deem necessary for the better accomplishment of the purposes of the act.

The twelfth section provides that the circuit courts of the United States shall have exclusive jurisdiction of all offenses committed against the provisions of the act, and shall have power and authority, by the proper writ, to compel the performance of the duties therein required by any officer therein mentioned, and to restrain any undue and improper performance of such duties.

The thirteenth section provides that nothing contained in the act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States, upon their admission into the Union, of 5 per cent. of the net proceeds of the sales of the public lands within their respective limits.

The question was on ordering the bill to be engrossed and read a third time.

Mr. MONROE. Our committee are earnestly besought to give way this morning for the discussion of questions pertaining to the repeal of the salary bill. I suppose the House is so much interested in that question that it will not perhaps be possible to give a very attentive hearing to the bill which the gentleman from Massachusetts [Mr. G. F. HOAR] has reported and has proposed to discuss to-day. I am therefore willing to yield the hour, provided we lose nothing of our rights to the floor by doing so.

Mr. HOLMAN. I rise to make a parliamentary inquiry: whether this bill was referred to the committee, or, if not, whether proper notice was given of its introduction?

The SPEAKER. The bill comes up on the regular call of committees, and is now in the morning hour. In answer to the inquiry of the gentleman from Ohio, [Mr. MONROE,] the Chair will state that it must remain in the morning hour till disposed of, whether it be proceeded with this morning hour or go over till Tuesday next.

Mr. HOLMAN. I desire to interpose a motion that the bill be not considered at this time.

The SPEAKER. That it be rejected?

Mr. HOLMAN. Yes, sir.

The SPEAKER. The gentleman has that right.

Mr. MONROE. Is that debatable?

The SPEAKER. It can go over with the bill. It need not interfere with the arrangement which the gentleman from Ohio desires to make for this morning hour.

Mr. MONROE. Does it take me off the floor?

The SPEAKER. The gentleman being on the floor, it would not take him off it.

Mr. MONROE. I have not yielded the floor, further than allowing the gentleman from Indiana to ask a question if he wished.

Mr. HOLMAN. I supposed that I had a right to make that motion. If I have not that right, I do not press it.

Mr. HALE, of Maine. The gentleman can give notice that he will make that motion when the bill next comes up.

Mr. HOLMAN. I will withdraw the motion for the present if the bill goes over.

The SPEAKER. If there is no objection to the arrangement proposed by the gentleman from Ohio, [Mr. MONROE,] the bill goes over till Tuesday and the House resumes the consideration of the salary bill.

There was no objection.

Mr. G. F. HOAR. It was my purpose to enter a motion to recommit the bill.

The SPEAKER. That motion will be considered as entered.

REPEAL OF INCREASED CONGRESSIONAL PAY.

The SPEAKER. The House resumes the consideration of the bill (H. R. No. 471) to repeal the increase of certain salaries and to regulate the same, and to cover undrawn and returned balances into the Treasury. The gentleman from Vermont [Mr. POLAND] is entitled to the floor.

Mr. POLAND. Mr. Speaker, I should not have occupied any of the time of the House on this subject had it not been that I have introduced a substitute for the bill reported by the committee for which, and in behalf of which, I desire to say a word or two. A few days since I was in company with a considerable number of gentlemen—I think over a hundred—when the subject of the salary bill and what ought to be done with it was the sole topic of conversation, and a number of them expressed their views in relation to it. They all concurred in saying that it had been utterly condemned by the public judgment of the whole people of the United States; that the thing had been discussed and considered and adjudicated by the sovereign people, that authority to which we all owe allegiance, whose commands and whose judgments we are bound to obey. Gentlemen declined to discuss the question whether or not the bill was itself wrong, whether the provision for raising salaries from $5,000 to $7,500 was right or wrong. They said it was a non-essential question, now that the people had considered it and had passed judgment upon it, from which there was no appeal, and by which judgment we were bound; that our sole duty now was to execute that judgment. They said it was as idle now to discuss whether it was right or wrong as to discuss what a man might have proved in a case that had already been tried and gone to final judgment. And, Mr. Speaker, such has substantially been said by almost every gentlemen who has discussed the question before the House.

My friend from Indiana, [Mr. WILSON,] while maintaining here that the increase was just, and right, and proper to be made, and justifying his vote in favor of it, says it is too late to stand upon that; that it has been decided the other way, and decided by a tribunal that we are all bound to obey. Now, Mr. Speaker, I owe as much allegiance and obedience to the public judgment upon this and upon all subjects as any gentleman upon this floor; but I do not agree in the conclusion that is to be drawn. The people have decided that this

increase of salary—increased in amount, and going back and making it apply to that Congress which had almost expired—was wrong. So, gentlemen, all say. Now, what does the bill that has been reported by your committee propose to do? Why, it proposes that that bill shall be left to stand; that all the increased pay that was received by members of the Forty-second Congress, they shall be allowed to keep; and that all the increase of pay which the members of this Congress have so far received they shall be allowed to keep. Now, Mr. Speaker, let me ask you, and ask the gentlemen on this floor, whether that is conforming to the public judgment on this subject? Is that what the people have decreed?

Is this going to satisfy the demands of the people on this subject? When the people have resolved in conventions, and when they have said through the public press, that the law is to be repealed, what did they mean by it? That we were merely to change the law now and take a different and lower rate of compensation hereafter? Not at all; what the public judgment has demanded and now demands on this subject, if it demands anything, is that this thing shall be utterly wiped out. That no benefit or advantage that any man has derived under it shall be kept and retained by him. That, and that alone, will satisfy the public demand and the public judgment on this subject; and, sir, it was for that purpose and with that view that I introduced a substitute for the report of the committee. Why, those very gentlemen who said, upon the occasion that I refer to, that the public judgment had so pronounced against this thing that nobody was at liberty to say a word in favor of it, now come in here with this lame and impotent conclusion.

Mr. Speaker, while I agree with these gentlemen in their premises, I utterly disagree to their conclusions. I propose for one to vote for a bill which shall carry out the decision of the people upon this subject, and utterly wipe out all the effects, consequences, and benefits that have been derived by members of Congress under that bill. And, Mr. Speaker, I must do upon this subject as many gentlemen have done, because we are all personally interested; I must state my own personal experience on the subject and how I stand in reference to it. I voted against the bill. In reference to whether it was right or wrong as to the amount, I was governed, I suppose, in my vote very much as other gentlemen were. I voted to retain the $5,000 because it was enough for me. Before I came to Congress, I had been for a considerable time in public office in my own State, where salaries are very small, and had become accustomed to live upon a very small salary, and habits of simple and plain economy that I had acquired in that way I could well enough preserve here. Five thousand dollars was an ample compensation for my services, and furnished me ample means to live in the manner in which I chose to live. Therefore, so far as I was personally concerned, that was the consideration that affected my vote.

But more than that, Mr. Speaker, I considered it an exceedingly unfortunate time to make this increase. Various things that had taken place last winter had greatly excited the public mind with reference to corruption in public office; the whole country was agog upon that subject, and I knew that this increase of salary at that time, and especially the retroactive feature, would excite public condemnation, and draw down the censure of the people upon it, as it has done, and therefore, sir, I voted against it. But notwithstanding my vote, it passed, and then came the question of what was to be done. The press of the country immediately began to say that every man who took that pay, that was given to him by law, was a grabber and a thief. The idea that I held an office, the salary of which was fixed by law, and was to be called a thief for taking that salary, was not one that was very palatable to me. It did not commend itself to my judgment nor to my conscience; nor did I propose to be actuated or influenced by any threat of that sort, and therefore, sir, I took the money and still retain it. Other gentlemen's consciences were more tender and susceptible than mine. They began to be affected differently, and one after another they returned this back pay into the Treasury. Well, what was the result of that? Why, people immediately began to say they were cowards and hypocrites, and that they did it merely for the purpose of pacifying the press; making a show of honesty they did not possess; courting public favor, and commending themselves in that way to the people. That brought me to commune with myself, with my own judgment and conscience, in relation to what I ought to do; whether I were more amenable upon the one side to be called a grabber and thief, or whether, by pursuing a different course, I should subject myself to be called a coward and a hypocrite, who was, by false pretenses, endeavoring to curry public favor. Well, now, the result of my communing with myself was—(and I do not intend by this to cast any reflection on the motives of other members)—the result of my own reflection and judgment was, that I should be altogether more amenable to the latter charge. That in point of fact it would be much better proved, so far as I was concerned, than the opposite charge, that by keeping the money thus given me by law, I was a grabber and a thief. Therefore, Mr. Speaker, I chose to retain what I received under the law, and make my endeavor here to have the law so modified and changed that I may be allowed to return the money to the Treasury, if that is the will of the people, without subjecting myself to the charge of being a hypocrite and a coward, and of doing it because of the clamor of the public press upon the subject.

And inasmuch as I found that my conscience upon this subject was a little obtuse, and not easily moved by the threats and denunciations of some portions of the press, and that a majority of the gentlemen who stood in the same position with myself had consciences equally as torpid as my own, and equally, perhaps, needed the quickening of law to help them, I propose that we regulate this thing by law; that by law we wipe out all the consequences of that act by which the salary was raised and given to members of the Forty-second Congress and to members of the Forty-third Congress.

Now, sir, is there any doubt in relation to the power of this House to do what I propose? And if gentlemen believe what they say as to the popular judgment on this subject, that should be the only question for them to consider. If gentlemen have given any attention to the substitute that I have introduced, they will see that I propose that against the salary of every member upon this floor shall be reckoned the increase of compensation he has received by the law in question, not only since the 4th of March last, but also any additional sum he received under the provisions of that law for his salary as a member of the Forty-second Congress.

Now, this is an important question to be decided. If we have not the legal power to do this, if there is anything in the Constitution, either expressed or implied, that prohibits our doing it, then we ought not to attempt to do it. But I insist that there is not anything in the Constitution against it; I say that we have a perfect right to do it. We cannot, of course, go back and regulate the salaries of the members of the Forty-second Congress. But we have full power over the salary of every member of this Congress, a perfect right to regulate it by law as we choose.

Now, the bill that was reported by the minority of the committee, and which has been proposed as a substitute for that of the majority, goes to the extent of saying that members of the Forty-third Congress shall account for what they have received since the 4th of March last. Nobody has questioned, and I think nobody can successfully question, the power of the House to compel them to account for what they have received under the law since the 4th of March last. Now, is not the question of our power precisely the same in relation to what they have received as members of the Forty-second Congress?

A gentleman, a friend of mine, with whom I was conversing on this subject a day or two since, and for whose opinion I have very great respect, said that by my bill I proposed to make the salaries of members unequal, and therefore it was not proper to pass such a bill as I proposed. Now, I do not propose to make the salaries of members unequal. I propose to obliterate and wipe out that law just as far as it is possible for us to do, and when we have done that we have a right to say to every member of the Forty-second Congress who is also a member of this House, "You have so much of our money in your pocket that in equity and good conscience you have no right to retain; therefore, whether we have a right to provide a legal remedy to recover it back by a suit at law, (which, in my judgment, we have not,) we have a right to say that we have obliterated that law, we have wiped it out, and you have so much of our money that in equity and justice you ought to account for, and we will make you account for it, if you are a member of this Congress, and thus within our control, so that we have a right to determine what your salary shall be."

But, suppose that I am wrong in this; suppose it be true, as was suggested by my friend, that my bill will make salaries unequal; what is there to prevent our making salaries unequal if we choose? Is there anything in the Constitution that requires that each member of Congress shall receive the same salary? The Constitution provides generally that Senators and Representatives shall have a compensation, to be fixed by Congress. Now, suppose Congress shall say Senators shall receive $10,000 a year, and Representatives shall receive $5,000 a year; is that contrary to the Constitution?

Mr. KELLOGG. Allow me a question. Does the gentleman, as a lawyer, claim that members from Vermont might receive $3,000 a year while those from Massachusetts in the same House might receive $5,000?

Mr. POLAND. I might think it very unwise and unfair, but if Congress shall see fit to so determine, I am not aware of anything in the Constitution that would be violated by it. Suppose that Congress should pass a law providing that every member of this House over seventy years of age should have $7,000 a year, and every one over sixty and under seventy shall have $6,000, and so grade down to the lowest constitutional age; is there anything in the Constitution that prohibits our regulating the pay of members of Congress in that way?

And suppose we should regulate the pay of members of Congress as the pay of Army officers is regulated. Certain of them—I am not aware whether the rule applies to all of the officers of the Army—but with regard to a very large portion of them, a provision of the law is that their salaries shall be fixed at a certain sum, and for every five years of service they shall be entitled to have 10 per cent. added to their pay. Now suppose we were to make the same provision in reference to members of Congress, that every man who had served here five years should have 10 per cent. more than men who have not served so long, and 10 per cent. for every additional five years of service. Whether it would be wise to do so I am not asking, but that we have the constitutional power to do it I have no sort of doubt whatever. Therefore, if my substitute is open to the charge that by providing that every man shall account from his present salary for

what he received of increase to his salary in the last Congress—if that shall make the salaries of members of this Congress unequal, it is no violation of the Constitution. It is, therefore, in my judgment, entirely clear that we have the power to do what I propose. If gentlemen honestly believe in the popular judgement as they profess, and their duty to obey it, they should vote for my proposition, for nothing else meets exactly the claims of that judgment. If gentlemen refuse to do so, I fear the people will say, it is not because they doubt the power, but because they prefer to keep the money. I fear they will be accused, like the unfortunate pair of old, "*with keeping back part of the price.*" I trust they will not be so severely dealt with. Those gentlemen who have been so forward and urgent on this subject, demanding action with such hot haste, ought not to content themselves with half measures. The people will see and believe they are thinking more of benefiting themselves than of righting any grievance of the people. Their loud proclamations and promises are kept only to the ear. It is said that those who have drawn and retained this increased pay, whether for the last Congress or this, have spent or invested it, and they now cannot pay or have it deducted without great inconvenience, and perhaps suffering. But this is their own fault. This popular judgment was early declared. Every member, as he has been drawing his $625 per month since last March, knew then, as well as he knows now, what the view of the people was, and he was as much bound to notice it then as now. The right, both in law and equity, to compel a deduction of this increase from the salary of every member of this Congress is as perfect now as if every dollar of it was still remaining in the Treasury. I confess, Mr. Speaker, I have some jealousy of great pretensions to public virtue and honesty. They are exceedingly apt to be empty, and my experience is that those who make them are apt to show about as much selfish intent as other people. For myself, on a question that is and always must be a question to be settled by law, I desire to stand on the law, and be governed by it. I will do what I can to have the law right, and then if it is made wrong, it is not my fault. My twenty minutes will not allow me to say more, though I have much more I would like to say. From the lofty patriotism and the stern devotion to the will of the people which gentlemen manifested in the beginning, I had high hopes that they meant what they said, and that my substitute would meet general favor. I begin to see that much of it was mere "sounding brass." and that this much talked of popular judgment is likely to be beaten on the execution.

[Here the hammer fell.]

Mr. STEPHENS. Mr. Speaker, I wish to make a few remarks upon this subject now under debate. They will be general, as I do not know whether my strength will enable me to extend them so far as I would like to. For as little as members of the House may think of this subject, in my judgment it involves a great principle; and I shall speak mainly to the principle.

As was remarked by the gentleman from New York, who opened the debate yesterday with so much eloquence, [Mr. TREMAIN,] I am utterly disconnected with that branch of the subject, the "back-pay grab," as it is called, which has so entered into and pervaded this discussion, but upon that branch I have something to say. Therefore my remarks will be confined, first to the moral principle involved in the question, and then to the political expediency and policy of the increase of salaries adopted by the last Congress.

Now as to the moral aspect of this case, a vast deal has been said, and very loosely said as I think, in the papers about the salary grab. But I believe I have not heard any gentleman upon this floor make or apply any such epithets or cast any imputation upon those members who took this retroactive back pay. I refer to what has appeared in the press generally and of both parties. Of the press I would say nothing in derogation of its character, power, and usefulness. The position of a journalist in this country is, in my opinion, one of the highest in the land. The "fourth estate" does in this age do a vast deal, and rightfully too, in the control of public sentiment; but I would in all earnestness say to the press and its conductors that nothing is more important than that in treating subjects for the masses of the people they should look well to the truth and correctness in principle of what they say. Even partisan journalists should consider this well, for no permanent good can be effected by urging a false or unsound issue.

Now, sir, very broad and severe denunciations have appeared in many of the newspapers of the country against the morality of taking this back pay. I read them at my home soon after the passage of the bill, charging, in substance, those who voted for the bill as thieves and robbers, and using like epithets against those who took the pay allowed under it. And I saw one caricature, or parody in rhyme, the wit of which was much better than its wisdom or justice, representing this raid upon the Treasury, as it was called, very much like the charge of the "six hundred" at Balaklava. The wit of this, I say, was, as I thought, much more to be admired than its logic.

In treating of this subject my remarks will be desultory; and here I will take occasion to allude to another point presented yesterday by the gentleman from New York [Mr. TREMAIN] in speaking of demagogism. I maintain, Mr. Speaker, that there never was a statesman who was not a demagogue. In the original and primitive meaning of that word, demagogue means a leader of the people, being derived from *demos*, the people, and *ago*, to lead or direct. Pericles was a demagogue, if you please. Mr. Speaker, there are two kinds of demagogues—the sham and the genuine. The genuine or true demagogue is the man who does indeed lead the people, but leads them in the paths of virtue, truth, and honor. This is the province of intellect, combined with courage and all those ennobling qualities which should secure the confidence and trust of those whose pursuits in life do not enable them to be so well informed on public questions.

Under all democratic institutions it is the high duty of men of superior intelligence and ability to lead and guide the people upon all questions involving their rights and interests. The difference between the real demagogue and the sham is that the sham demagogue, the mere politican, seeking his own ends, panders to the errors and the prejudices of the people, and contents himself with following instead of leading, and is satisfied with seeming to lead by "following in front," as boys seem to lead the drum and fife in the streets by keeping ahead in all the turnouts. The real demagogue, the statesman, does not fail to consult the people; he is with them and of them. He cannot be a statesman unless he understands their wants, their errors, and even their weaknesses and infirmities. The real statesman is the political Melchisedec of humanity. He feels all the changes of the people's pulse; and if it is feverish he administers the proper remedy as the good physician watches and administers the physical body's remedy. This is the real demagogue, or the statesman. The sham, the man who merely courts popular favor to get the spoils of office; feels the pulse of the people that he may know how to pander to the patient's whims or caprices, giving him whatever he wants, even though he knows it may destroy him. He either does not care for the patient's real welfare, or does not know how to advance it.

Now, sir, of all the real statesmen who ever lived in England, Chatham was, perhaps, the first, the ablest; and there was not a man in England, from him down to John Wilkes, who gave more close attention to the popular feeling than he did. In one of England's greatest emergencies, during the Spanish war, it is related of him (whether correctly or not I do not know, but it illustrates the principle) that when he made up his "budget," his financial scheme for the next campaign, (and Chatham was a man who, in the financial government of England, paid as he went, or provided a proper sinking fund)—when, I say, this great statesman, or demagogue if you please, had perfected his "budget," on a memorable occasion, while leader of the Commons, ready to be brought into the House—that "budget," by which he had to raise large taxes, extending even to the taxing of window-lights, which had never been resorted to before—he was uneasy. One member of the administration was not present on that occasion. Chatham, or Pitt as he then was, missed him, and asked where the absent member was?

The answer was, "O, it makes no difference whether he is here or not; he is a fool, and his opinion amounts to nothing." "That is the very reason," replied the premier, "why I want him here, because the way he thinks about this subject is the way the majority of the people may think; and I want to know his sentiments." He wanted the sentiments of that man as an indication of the sentiments of the people, not that he might pander to the popular views, but that he might go before the people (and his voice was heard as no other man's ever was in England) and rouse them to an understanding of the propriety, the necessity, the justice, of the measure. That was his object. It was to know, and to elevate if need be, the sentiment of the English people to an appreciation of the importance of the measure, that they might come up and sustain the credit of the country. No doubt there were sham demagogues at that time ready to go among the people and say to them, "It is all wrong to tax our lights;" but when the great commoner—the true leader of the people—appealed to their intelligence, their virtue and patriotism—to honor, to truth—the mind and heart of the English masses recognized the rightfulness and the justice of the measure, and it was sustained. That was statesmanship.

So much for this episode upon demagogism in connection with the business before us.

I stated that I should speak first upon the moral principle involved in this question. Sir, I was utterly astonished the other day when some gentleman undertook to speak of this question as a party question. In my opinion neither party is responsible for the measure of the increase of salary at the last session. I believe that the democracy, in the proportion of votes, according to the analysis I have seen, are as much responsible for it as the republicans. Perhaps some of our republican friends at the time the bill was passed were a little shy—a little timid—anxious to have the measure pass, but at the same time not wishing to take what they deemed the risk of popular disfavor by voting in accordance with their personal convictions.

But, sir, to come at once to the gist of the morality of the act. The gentleman from New York [Mr. TREMAIN] yesterday made some important admissions which cover the whole case. He admitted that by the Constitution of the United States each Congress for itself is empowered to fix the pay of its own members. This, sir, is a wise provision of the Constitution, which the States, after its ratification, refused to change. This provision of the Constitution has been acted on from the beginning of this Government. Congress has repeatedly increased the pay, and at every such increase the *back* pay was considered as legitimate as the *front* pay. This the gentleman also admitted. This saves me from going into historic details. I therefore confine myself to principle. If it was not immoral to take it on all former oc-

casions, how can it be on this? The principle is the same. Whenever the pay has been increased it was necessarily retroactive and extra. Were the men who did this thing in the last century and in the early part of this century, the brightest ornaments in our history for intellect, for talents and for virtue—were they "salary grabbers?" Were they "thieves" and "robbers," for doing just what was their constitutional right to do?

Mr. Speaker, one of the first great things to learn in this life—in Greece it was taught in the schools, according to Xenophon in his Cyropœdia—is to discriminate in morals between the seeming and the real—between what may appear to be right and that which is right in itself. Upon this depends everything pertaining to true reputation—everything pertaining to honest trade, to character in its every phase—to everything pertaining to the proper organization of society, from which civilization springs. Most people are much more sensitive as to what the multitude may think, than as to whether the thing itself, is right.

Now, sir, if there is anything wrong, anything immoral, anything dishonest, anything which would reflect disgrace upon a man's memory for taking this legal appropriation, I must confess I do not see it. One gentleman said that he returned it because it was too much pay, and the inquiry was promptly made, how much he thought would have been admissible.

If it is wrong to take the whole it was wrong to take a single cent of it. The principle is the same; and if it is wrong for the present House to take what the law allows them to take, where are we to make the distinction between right and wrong? During my life I have endeavored to pursue the right, and whenever I am acting in pursuance of the right I do not consider I am committing any offense whatever which would subject me to the charge of "grabbing" what did not rightfully belong to me.

These remarks, as I have said, do not apply to me, for I was not here, but as a citizen of Georgia, and thus a citizen of this great Federal Republic, I feel a deep interest in the dignity and character of this Congress of the United States. In this assembly are the Representatives of the greatest peoples on earth, the guardians of the common American character and American institutions—what, then, have the Representatives of the peoples of these thirty-seven States, forming the grandest galaxy ever seen in the firmament of governments, done in this matter of pay which should subject them to the charge of being "grabbers," "robbers," and "thieves?"

Sir, I feel an interest in the public character of this House and of its members.

I say, Mr. Speaker, when Congress passed the retroactive law at its last session it was their right to do it—their constitutional right. I am not now saying whether it was expedient to do it, but I do say that no blot should rest upon the name of any man or be cast upon that of his children or upon his memory if, after it passed, even against his vote, he took what the law gave him. I have nothing to say of those who, after taking it, returned it, for that is a matter with themselves. All that I mean to say is, that if I had been here, whether I voted for it or not, I would have taken it, and I should have felt I was justly entitled to it, just as though it were eight dollars a day or one dollar a day, if the Congress voted it.

It was a constitutional law, constitutionally passed, and those who are entitled to it are as much entitled as at any other time to the pay then fixed. If there were those who thought it was too much, it was, of course, their right to refuse to take it. I would not attempt to cast a slur upon any gentleman who saw fit to return it; I am only speaking for myself. So much for the morality view.

My strength is failing; but I wish to say something on the other branch, on the expediency or policy aspects of the question, and I conclude the first view by repeating that there is no immorality in it. It is well known that every Congress which has ever increased the pay increased it from the beginning; and I think I may say that every Legislature in the United States which has increased its pay increased it from the beginning. There is not a single case of exception that I know of; and therefore I trust that the press, that the men who attempt to lead the masses of the people, will perceive where the right is, and not attribute wrong where there was none.

If they think it was inexpedient let them discuss it from that point, and not allege there was any immorality.

This brings me to the second view which I proposed to present to the House. I am not going to state what I deem my services here worth, but I do intend to state what I think the services of a Representative of any people in any district in the United States ought to be worth; and perhaps I will go far above the figure of any law which has ever been passed upon the subject. I will say this: that Representatives in this Hall ought to be men of that mental caliber, that moral caliber, that information, that education, that virtue, of that trustworthiness—of all the qualities that make men fit for the highest pursuits of life. The Representative ought to be of that character which would entitle him to the highest amount of wages, if you choose to call it so, which is given to the highest grades of skilled labor in the country. There are, Mr. Speaker, various kinds of labor, skilled and unskilled, and there are various kinds of power—water-power, steam-power, muscle and mind or brain-power.

My standard of wages for a member of this House would be that amount which the higher grades of skilled labor, combined with brain-power and virtue, usually commands. And I am satisfied that when the people of this country understand the nature of the duties and proper character of a member of Congress, when they understand the importance of government, and good government, and wise government, there are none throughout the length and breadth of the country who will dispute this proposition.

Why, sir, the salaries of managers of railroads reach $25,000. There is hardly a master-mechanic in any of the machine shops who does not receive $10,000 as a compensation for his skilled labor, his brain labor. There is hardly a town in which there are not merchants who make from $10,000 to $15,000. There is hardly a district in the United States, I suspect, where there are not one or more lawyers whose income is not as much as $10,000 or $15,000. There is hardly any place or district where the most eminent physicians do not make $10,000 or $15,000. There is hardly any business of life requiring skilled labor or brain labor which does not command that compensation; the income of many journalists greatly exceeds it.

Now, sir, when you teach the people what government is, the science of government, the nature of the duties of a member of Congress, the interest that everybody in the community feels and every member of society has in good government, in the laws we pass here within the sphere of Federal limited power, touching more or less the interest and the pocket of the humblest human being now within the jurisdiction of these States, they will say that legislation should be in the hands of men of character, of virtue, and integrity, who understand their duties—men who understand the science of government. This requires study, it requires labor, it requires an immense deal of thought; and, therefore, if the government is maintained rightly in the Senate and in the House, the rule of fixing the pay under the Constitution should be such as to afford an arena in these halls for the virtue and talent of the highest grade in our country.

Some sham, would-be leader of the people may go to the poor man driving the plane or the plow and tell him "he is getting only a pittance for his daily toil, while a member of Congress is getting $16 a day;" and he may induce that man, in the humblest but honest walks of life, to vote for him on his promise to reduce the pay. But that same man, if he were ill, would send for a skilled physician in preference of a quack, though the former was making twice as much as the latter. So with the other learned professions; and when the people properly understand the importance of good legislation, they will have as little use for a cheap Congressman as for a cheap doctor or a cheap lawyer.

What, Mr. Speaker, is the motive power of all humanity that prompts action—I mean that inward force which stirs honest, virtuous action? It is a desire for status. It is a desire for honorable position, with its attendants. It is the desire of a man not only to provide for himself, but for his family. Status in society is the great object. What are the elements of status? Income and honor. Honest acquisitions and meritorious deeds.

Now, sir, to return to the question before the House, in fixing a salary of a member of Congress, of a President of the United States, of the judges of the Supreme Court, and of all your diplomatic and foreign servants, the basis on which the whole should be placed is, as I have said—the standard of salary should be, in my opinion, upon the basis stated and according to the grade of service. The Government in all its departments should offer fair competition for the highest virtue and intelligence with all the other vocations in life. The youth of the country in selecting pursuits should not be driven from the political field for want of those inducements offered by other kinds of employment. The political arena, with just compensation, affords the broadest, widest, and grandest field for intellectual action. With that view it is necessary that the Government should offer the highest inducements to skilled and brain labor in all its departments.

[Here the hammer fell.]

Mr. KELLOGG. I ask that the gentleman from Georgia be allowed to proceed by unanimous consent.

The SPEAKER. If there be no objection, the gentleman from Georgia will proceed with his remarks.

There was no objection.

Mr. STEPHENS. I did not know that I had occupied the time of the House so long. I have a few other things, however, which I desire to say. The House has got my idea that the field should be open just as wide in the business of government as in any other department, and I will not enlarge upon it. With that view, the salary should correspond. How is it now? A young man comes from college. His father has toiled, and even his mother, spending their earnings—I know of many such cases—and using their means to educate their boy; and when he comes out of college their object is that he shall get into some business, something that will repay their sacrifices. Such young men, Mr. Speaker, do not, of course, come into this field. As long as the law offers a better opening they will go to the law. If mercantile business offers a better opening they will go there. If the profession of medicine offers an opening they will enter that. At present the mania is for engineering in connection with railroads and otherwise. Speak to them about studying government, and they will tell you that they cannot afford to go at that. Why, sir, in my own district I have known men, with families to provide for, who never could think of coming to Congress. They were among the ablest intellects in the district; but they could not think of leaving their more profitable business—when living was realy a *vital* question. Their means were not sufficient to support them.

I said that I would not estimate my services when I came here; but I will have this much to say of myself personally, with the indulgence of the House, that when I came here first, thirty years ago, I made it a rule, a fixed principle with me, never to make a dollar except what was allowed by law. I made it a principle never to charge or demand a cent for professional services rendered here.

I collected claims during the sixteen years I was in this House to the amount of very nearly, if not something over, $500,000, (half a million of dollars,) for constituents, and I refused to receive any commission upon any of the sums so collected. This I state only to show that my present views spring from no personal mercenary motive. But to-day there are many who could not afford to come to Congress, even at the present salary. I can, and hence I am here. But the idea I wish to impress upon the House is a general principle. Let the salary be fixed upon a principle that will enable the Government service to come in fair competition with the other enterprises of this age of progress, as it is termed.

I will state another thing. It so happened that one of the last things I ever said upon this floor, fourteen years ago, was upon this matter of salary. It grew out of a debate on a proposition to increase the salary of the judge of, I think, the western district of Virginia. I was, so to speak, delivering my valedictory to the then members of this House, never expecting to return here again, and therefore I could speak disinterestedly. I gave it as my opinion then, and I will give it to you now. At that time the expenditures of the Government were about $80,000,000 per annum, and the expenses for the whole civil, diplomatic, judicial, and legislative departments of the country were not exceeding, I think, $3,000,000. I gave it as my opinion that if the salary of members of Congress was $10,000, and of Senators $15,000, and of the Chief Justice $50,000, and of the President $100,000, and of the associate justices of the Supreme Court $25,000, and of our foreign ministers twice or three times what it was, the expenditures of the Government would be $60,000,000 instead of $80,000,000. Sir, no man—I feel almost reluctant to say it—no man, it is well known, who has not a fortune himself, can hope to represent the United States at any foreign court, even with the increased salary, and maintain the dignity of the Government. I gave that as my opinion then. It is the brain part of the Government that you should nourish; the legislative, judiciary, and executive parts of it form that brain-power that is to conduct you safely, if you attain high success in the future. In the human body the brain is the one-eleventh part of the body, and it is the brain portion that you should nourish. Sir, if we had spent more upon this department of the Government, statesmanship would have been more studied—more a matter of science. Our Government in 1859 was becoming, as I said, a sort of monstrosity—all arms, body, and legs, while the brain part was dwarfed. I included the foreign diplomatic service, and I included also the judiciary. And to-day I give it as my opinion that the President ought to have at least $100,000, the Chief Justice ought to have $50,000 at least, and the associate justices $25,000.

Now, I am not going to say what the salary of members ought to be. You have heard my ideas on the principle, and also on the expediency. Certainly I shall not vote for the bill as reported by this committee. What shape this thing may take I do not know; but my opinion is that the bill of last session, of which you have heard so much complaint, is really a reduction in fact. I know it will be to me, because of the postage on what I anticipated to do in the distribution of knowledge among the constituents that I represent. I think the amount of postage will cover $2,500, and therefore, unless gentlemen wish to reduce the pay to below what it was before, they will not reduce it. My own judgment is, that the unwisest part of the legislation of last Congress was the repeal of the franking privilege. One word upon that. Ours is a Government founded upon the enlightenment of the people. No representative government can last except where the people understand its nature, are devoted to its principles, and have the patriotism to maintain it. Those three elements are essential to the existence of all representative governments; in other words, they must depend upon the virtue, the intelligence, and the patriotism of the people. Light, political light, they must have. The Constitution declares that our public proceedings, our journal, shall be published, or given to the people.

In the view laid down by all the most eminent writers on government, the first consideration with all is the proper division of the powers of the government, so as to make them independent of each other; that is, the legislative, judiciary, and executive; and the very next one is that the people must be informed. Every avenue ought to be opened up so as to let in light to the people from every possible quarter. Let the man in his workshop, let the man at his plow, let the people—the honest, virtuous people of all classes—get all the light they can. Hence the franking privilege, in my judgment, ought not to have been repealed, and ought to be restored. It is one of those great instrumentalities in a free representative government to aid in the enlightenment of the people and add to the stability of our Government. If errors are disseminated, if it is an abuse, why, it is an abuse like others incident to life. It is like the abuses of the press, of which some people complain; and, by the way, that same bill of last session also struck a blow at the press, which I think was exceedingly unfortunate. I would open every avenue of light to the people. If there are abuses they will be just like the abuses of the press; and, after all, the people are not deceived even by the abuses and errors that are disseminated among them. As Mr. Jefferson said, early in our history, "Error ceases to be dangerous when truth is left free to combat it." Let the American people hear all sides, and if there be error here, there is truth there. And what does it all amount to? They will sift it from and easily find out the truth from the error. Here comes a ray of light which is red; here comes another ray which is violet; here comes another ray which is orange; but when they are all blended and commingled together, they form the white light, which is the truth.

I will detain the House no longer, and I thank them for the attention they have given me. They have my views upon the general question, first on the moral aspect, and then as to the expediency. The question of the franking privilege is not now before the House, but I believe its repeal was the greatest error of the legislation of last session.

MESSAGE FROM THE SENATE.

A message from the Senate was communicated to the House by Mr. GORHAM, its Secretary, informing the House that the Senate, in the absence of the Vice-President, had chosen Hon. MATT. H. CARPENTER, of the State of Wisconsin, President of the Senate *pro tempore*.

The message further announced that the Senate had passed without amendment the bill (H. R. No. 474) to establish a post-route from the village of L'Anse, in the county of Houghton, State of Michigan, to Huron Bay, in the said county and State.

The message further announced that the Senate had passed and requested the concurrence of the House in a bill (S. No. 130) to remove the disabilities of Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, of Virginia, and John H. Reagan, of Texas.

SALARY OF MEMBERS OF CONGRESS.

The House resumed the consideration of the salary bill.

Mr. GARFIELD. Mr. Speaker, there was so much to admire in the speech to which the House has just listened, that it may seem ungracious to say anything in conflict with the doctrines announced And yet the distinguished gentleman [Mr. STEPHENS] has said some things so strikingly different from the views generally entertained by the American people, that I venture to offer a few suggestions by way of reply, while the subject is still fresh in the minds of his hearers.

All that the gentleman said in regard to the relation of public opinion to representative men will, I presume, be cordially concurred in by those who heard him. All that he said in the way of contrasting the true demagogue of the ancient Greeks with the sham demagogue of our time, will certainly find an echo in the breast of every thoughtful man. The real leaders of the people—they who give voice to the best thoughts or aspirations of their countrymen—are immeasurably above those who consult public passion only to cater to its worst tendencies. It is a high and worthy work to study public opinion, for the purpose of learning how best to serve the public good; but to study to learn how best to serve ourselves is base. But it is important that we understand what we mean by public opinion. It is not an infallible standard of right; for it is sometimes wholly wrong. Its judgments are frequently revised and reversed by its own consent. But it is true that after a full hearing public opinion finally adjusts itself on a basis which will be practically just and true. He greatly errs who calls all the passing and changing moods of the public mind the fixed and final verdict of public judgment.

The public opinion that teaches its most valuable and impressive lessons resembles the ocean—not when lashed by the breath of the tempest—but when seen in the grandeur of its all-pervading calm. The men who shall take the dash and roar of its wild waves on the rocks as his symbol of public opinion will not only fail to learn its best lessons, but may find themselves wrecked on its breakers. But the sea in its hour of calm, when the forces that play upon it are in equipoise—when its depths are unvexed by tempests—is the grand level by which all the heights and depths of the world are measured. And so public opinion, though it may at times dash itself in fury against events and against men, will at last settle down into broad and settled calm, and will mark the level on which we gauge our political institutions, and measure the strength and wisdom of opinions and men.

While recognizing, thus, the general justness and the almost omnipotent power of public opinion in a government like ours, it is equally important that the individual man should not be the servile and unquestioning follower of its behests. We may value it as a guide, we may accept its lessons, but we should never be its slaves.

There is a circle of individual right within which every man's opinions are sacredly his own, even in defiance of public opinion, and which his manhood and self-respect demand that he shall never surrender. But there are public questions like that which we are to-day considering, on which the voice of public opinion has a right to be heard and considered by every Representative in the national legislature.

Now, if we were legislating for the ideal republic of Plato, I do not know that a wiser plan of compensation could be found than that proposed by the distinguished gentleman from Georgia, [Mr. STEPHENS.] If we lived in a world where the highest power was the best paid, his scheme would be perfect and his argument unanswerable. But so far as I have studied life, exactly the reverse is the

accepted rule. The things that have the highest marketable value in the world as we find it, are not the things that stand highest in the intellectual or moral scale.

One of the brightest and greatest men I know in this nation, a man who, perhaps, has done as much for its intellectual life as any other, told me not many months ago, that he had made it the rule of his life to abandon any intellectual pursuit the moment it became commercially valuable; that others would utilize what he had discovered; that his field of work was above the line of commercial values; and when he brought down the great truths of science from the upper heights to the level of commercial values, a thousand hands would be ready to take them and make them valuable in the markets of the world.

[A VOICE Who was he?]

Mr. GARFIELD. It was Agassiz. He entered upon his great career, not for the salary it gave him, for that was meager compared with the pay of those in the lower walks of life; but he followed the promptings of his great nature and works for the love of the truth and for the instruction of mankind. Something of this spirit has pervaded the lives of the great men who did so much to build up and maintain our republican institutions. And this spirit is, in my judgment, higher and worthier than that which the gentleman from Georgia [Mr. STEPHENS] has described.

To come immediately to the question before us, I agree with the distinguished gentlemen that we should not be driven or swayed by that unjust clamor that calls men thieves who voted as they had the constitutional right to vote, and accepted a compensation which they had the legal and constitutional right to take. I join in no clamor of that sort; nor will I join in any criminations against those who used their right to act and vote differently from myself on this subject. It is idle to waste our time now in discussing the votes of the last Congress in relation to the salary bill. We are called upon to confront this plain, practical question, "Shall the salary bill of the last Congress be repealed?" I shall argue it on two grounds: first, the just demands of public opinion; second, the relation of this repeal to the Government and its necessities; and I shall confine my remarks to these two points. I think it cannot be doubted that public opinion plainly and clearly demands the repeal; and on a subject like this the voice of the people should have more than even its usual weight.

When the public says to me, and to those associated with me, that we have under constitutional law given ourselves more pay than that public is willing to grant us, it would be indelicate and indecent in us on such a question to resist that public opinion.

It does not compromise the manhood, the independence, or the self-respect of any Representative to say that he will not help to keep on the statute-book a law which allows him more pay than public opinion thinks he ought to have. Even if he believes public opinion wrong, he ought to yield to it in a matter of such delicacy.

That is all the argument I make on the score of public opinion.

I now come to the other point, the necessities of the Government. Gentlemen must remember that only seven years ago our expenditures had risen to a volume that was simply frightful, in view of the burdens of the country. We were then paying out over the counter of our Treasury $1,290,000,000 a year as the cost of sustaining the Government and meeting the great expenses entailed by the war. What was the duty of this National Legislature? Manifestly to bring the expenditures of the Government down as rapidly as possible from the high level of war to the normal level of peace.

That work Congress was doing well and faithfully until this salary increase was made. Observe, for a moment, how we have been scaling down the expenditures from that high figure to the rate we had reached one year ago. In 1868 we had brought the expenditures down to $377,000,000 a year. In 1872 we had brought them by a rapid grade down to $277,000,000; and some of us entertained the hope and belief that we could make a further reduction of at least twenty-five or fifty millions before we should reach the new level of peace. Now, how were those expenditures made up? On this subject I wish to call attention for a moment to a paragraph in a speech which I made on this subject when the salary bill was before the House upon its passage. The reasons I then gave why the salary increase should not be made are equally strong reasons to-day why it should be repealed:

> Mr. GARFIELD, of Ohio. I desire to put one thought in regard to our expenditures into the mind of every man willing to receive it. Our annual expenditures for the year ending 30th of last June was $259,500,000 in round numbers. Of this amount $26,716,000 was for salaries, including the pay of the Army, the Marine Corps, and the Navy. This includes all salaries paid to laborers in the direct service of the Government. In other words, about one-tenth of all the expenditures of the Government is for salaries.
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> Now, I wish gentlemen to consider this point: If you take a group of some twenty-five persons out of the seventy thousand employés of the Government and raise their salaries about 40 per cent., ought you not as a matter of equity to make a relative increase of salaries throughout the entire Government? Ought you not to make the increase general?
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> Where can you reasonably stop if you begin with our own salaries here in the Capitol? What logic can keep you from going on through the entire breadth of the public service until you increase these $26,000,000 about 40 per cent.? I do not believe we ought to say there should be an increase.
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> I do not desire to get any large or small credit for special virtue in regard to my own salary or that of my fellow-associates; I do not know that any one else does; but when we act on this subject we ought to act comprehensively, with the whole field before us, so we can say to the country we are acting on the whole civil service of the country.

So far as the necessities of the Government were concerned, this was the ground of my opposition to the increase; and on this ground I ask for its repeal.

Mr. Speaker, if we allow that law to stand, the first time any civil or military officer of the Government asks an increase of his pay, it will not lie in the mouth of this Congress to refuse to give it while we are continuing our own compensation at the rate fixed for ourselves by the act of last session. If, therefore, the Forty-third Congress intends to go forward in the work of economy and retrenchment, if it has any hope of making further reductions in the expenditures of this Government, we must, before undertaking to carry out that work, give ourselves the moral power that will result from a reduction of our own pay to the old standard. As the case stands to-day, our own salaries are the master-key in our hands by which, and by which alone, we can turn the machinery that will bring about a further reduction of expenses in the Government.

Mr. Speaker, I say all this on the theory that we are to run the Government as our fathers who made it intended it should be run—not on the principle of the gentleman from Georgia, [Mr. STEPHENS,] a principle that would make this the most expensive Government on the globe, but on the old principle that there is something due to the honor of the service we perform. I have no doubt that the distinguished gentleman from Georgia, if I should put to him the inquiry, would admit that the country may experience emergencies when it would be the duty of her best minds everywhere to give themselves to the service without any question as to the compensation. If we had all insisted upon the rigid rule of pay for services rendered, how could the Government, when the late war came on, have obtained the service it needed? How could we have succeeded in that contest? Will any man pretend that the paltry sum paid to our soldiers was an adequate compensation for the services they did in fact render? If they had waited to inquire how much they could make at railroading, how much they could make as skilled mechanics, how much they could make in the various vocations of life, they would never have gone into the service.

Mr. Speaker, at a time like this, a time of great financial distress, when it is our first duty to confront the expenditures and reduce them to the lowest point consistent with the wants of the Government, it is fitting that we begin by making what some gentlemen think a sacrifice. I do not deny that there are scores of men in this House whose services are worth more than the present salary—who could engage in other pursuits and obtain far higher wages than they get here. The action I advocate to-day does not necessarily imply that the services of these men may not be worth what is at present allowed them; but I insist that it is their duty to do this cheerfully, and to do it at the beginning of this new Congress. If we refuse, we shall be crippled in the most important work of the session. We shall make it impossible to do that effective service which its necessities require.

Mr. Speaker, I have but one word further to say. No one of these bills is entirely what I would prefer to have; yet I am willing to vote for several that are presented. What, it seems to me, ought to be done is simply that the aggregate amount of pay and allowances, including mileage authorized under the old law should be restored; but the mileage, should be equalized and distributed as a part of the salary, and only actual individual expenses of travel allowed. I believe if that were done it would satisfy all reasonable demands of public opinion—and no unreasonable one ought to be satisfied—and will place this Congress in a position to do effective work. I regret that the bill of my friend from Maine [Mr. HALE] does not embrace that feature of equalizing the mileage. If I have an opportunity to offer an amendment to that effect, I will do it. As I said two days ago, I think it would have been wiser to have passed the repeal without debate. And now I hope we may make a speedy end of the subject.

Mr. RANDALL. Mr. Speaker, in the examination of this subject I propose to speak of it in two aspects; first, in reference to the retroactive feature pertaining to the legislation of the last Congress; and, secondly, as to the adequacy of the compensation then provided for members of Congress, and, incidentally thereto, as to the justice of an equalization of the pay and mileage. I shall look at the question from a Pennsylvania stand-point, in order to see who are the men from that State who have in times past maintained the principle of back pay, and who have profited by their own voice and vote in its favor. And I do this because I have been subject to some rather severe criticisms in my own State, from which, however, I do not intend in any respect whatever to shrink; for I voted according to my sincere conviction of duty. I believed then, and still believe, I acted for the best interests of the country. I propose to recall the names of Pennsylvania representatives in both branches of past Congresses, to see with whom my name will be associated in history as an advocate of retroactive and equalized compensation to members, and as among the recipients of such equal salary.

The question of salary arose in the First Congress, which sat in the city of New York; when the compensation to members was, for the first time, adjusted. In the next place, we discover that the Third Congress, sitting in Philadelphia, increased the salary of members; and even then that increase of pay was made retroactive.

The Pennsylvania Senators in that Congress, and who were esteemed then and now as among the purest of our patriot fathers, were Robert Morris and Albert Gallatin. Both of them accepted that back pay;

and yet, when the latter, in 1794, was unseated from the Senate because of non-citizenship for the requisite nine years under the Constitution, he was taken up by the people in one of the Pennsylvania congressional districts where he did not reside, and was elected to the House of Representatives, in order that his valuable services should not be lost to the State and the country. As I have said, both he and his colleague, Robert Morris, took the retroactive pay; and yet for that they lost neither the confidence nor the respect of the people of Pennsylvania.

So far as I have been able to learn from the records there was not sufficient resistance to the increase of pay in the Third Congress to warrant the ordering of the yeas and nays. So I cannot say how members voted. One fact, however, I do know; and that is that every Representative in both branches of Congress at that time took the retroactive pay, as well as the increase of pay provided for the future.

Let me give the names of the Pennsylvania delegation in this House who in the Third Congress took back pay. They are as follows:

Thomas Hartley, John W. Kittera, F. A. Muhlenberg, (Speaker of the First and Third Congress;) Peter Muhlenberg, (afterward United States Senator;) Thomas Fitzsimmons, James Armstrong, William Montgomery, John Smilie, Andrew Gregg, (afterward United States Senator;) Daniel Hiester, Thomas Scott, William Findley, and William Irvine.

The fifteenth is the next Congress in which the matter was broached; and at that time Pennsylvania was represented in the Senate by Jonathan Roberts and by Abner Laycock, men whose public record will compare favorably for purity, ability, and patriotism, with that of any in either branch of Congress before or since that day. They both accepted back pay. Of the Pennsylvania delegation in this House voting in the affirmative for retroactive pay were, William Anderson, Isaac Darlington, Joseph Hopkinson, William P. Maclay, David Marchand, Robert Moore, Thomas Patterson, Levi Pawling, Jacob Spangler, Christian Tarr, James M. Wallace, and William Wilson—twelve in all.

In the negative were Andrew Boden, Joseph Hiester, (afterward governor of Pennsylvania,) John Murray, John Whiteside—four in all.

The absentees, or those not voting, were Samuel D. Ingham and Adam Seybert.

Every man of them, however, those who voted for the retroactive increase as well as those who voted against it, and the absentees, and those not voting—all took the increased and back pay.

We next come to the Thirty-fourth Congress; in which, from Pennsylvania, William Bigler and Richard Brodhead occupied seats in the Senate, and both of them took the retroactive pay. The members of the House from Pennsylvania who voted in the affirmative on the proposition in that Congress were, T. B. Florence, John Hickman, Job R. Tyson, William Millward, Jacob Broom, Anthony E. Roberts, John C. Kunkle, James H. Campbell, Henry M. Fuller, James I. Pierce, John Covode, Samuel A. Purviance, and David Barclay. And those who voted in the negative were, John Cadwalader, Samuel C. Bradshaw, G. A. Grow, LEMUEL TODD, John R. Edie, Jonathan Knight, David Kitchen, John Allison, and John Dick.

LEMUEL TODD, I believe, is the same who is now a member of this House. Every one of them took the retroactive increase of pay at that time.

In the next place we reach the Thirty-ninth Congress, when Pennsylvania was represented in the Senate by Charles R. Buckalew and Edgar Cowan, who both voted for the then proposed increase of pay, combined with the back-pay feature. Those in the House of Representatives from Pennsylvania who voted for it were, A. J. Glossbenner, Philip Johnson, W. D. KELLEY, George F. Miller, J. K. Morehead, LEONARD MYERS, CHARLES O'NEILL, S. J. RANDALL, Thaddeus Stevens, Myers Strouse, Thomas Williams, and A. A. Barker—four democrats and eight republicans; while those who voted in the negative were, J. M. Broomall, W. H. Koontz, G. V. Lawrence, Ulysses Mercur, and Stephen F. Wilson—five republicans and no democrats. And those who did not vote were, S. E. Ancona, B. M. Boyer, John L. Dawson, Charles Dennison, GLENNI W. SCOFIELD, M. Russell Thayer, and C. V. Culver—four democrats and three republicans. Now, I have never heard that any of these gentlemen returned any portion of their back pay into the Treasury. There was, however, one gentleman in that Congress who said that he would not take it—Mr. Hubbard, of West Virginia; but I find on examination he has since recanted. I have here a certificate showing that he also subsequently took his back pay, although he said on this floor and elsewhere that he never would.

So much, then, for the retroactive principle involved. It is admitted on all sides that we had the constitutional right to vote it; and I have shown you, Mr. Speaker, whom I shall stand with in history on this question when it shall be read in the future. I certainly shall not stand alone, but with the great mass of the Representatives from every State, whose reputations have always been without stain and without reproach.

In the Thirty-fourth Congress an increase was proposed from $8 per day to $3,000 per annum, and the latter of course without reference to the number of days employed. This was the first change from *per diem* to a stated annual salary. The mileage compensation was not then changed, but was left as before. This bill originated in the Senate, was introduced by Mr. A. P. Butler, of South Carolina, a prominent democrat, and was referred to the Finance Committee of the Senate on the 30th of July, 1856. It was reported from that committee with amendments on the 9th of August, 1856, by the Hon. R. M. T. Hunter, a democratic Senator from the State of Virginia.

On August 13, 1856, a test vote to lay the bill on the table was defeated by—yeas 9, nays 39; and I find that Mr. William Bigler and Mr. Richard Brodhead, Senators from Pennsylvania, both voted in the negative. The bill then passed the Senate by a vote of—yeas 35, nays 11; Messrs. Bigler and Brodhead voting in favor of its passage.

On the 15th of August, 1856, the Senate bill having been messaged to the House, Mr. Orr, of South Carolina, a prominent democrat, Representative then, and subsequently, in the next Congress, the Thirty-fifth, elected to the high position which you, Mr. Speaker, administer with so much judgment and impartiality toward each side—that gentleman moved to take up the bill. Objection was made; but the rules were suspended, and the bill was declared to be before the House for consideration, two-thirds of the House having voted therefor. Mr. Orr then offered an entirely new bill, in the nature of a substitute, fixing the pay at $3,000 per annum, the mileage to continue at 40 cents per mile, as in the then existing law. The bill therefore merely involved a change from $8 *per diem* during the session to $3,000 per annum, being an increase of 60 per cent. or thereabouts. After various legislative motions the substitute was adopted in the House, and the bill passed by—yeas 100, nays 99. It will be observed that any one change among those from Pennsylvania who voted in the affirmative to the negative, or the vote of any one absentee being cast in the negative, would have changed the final result.

The Senate subsequently concurred in the amendment of the House by a vote of 27 yeas to 12 nays. I will state here, in justice to Mr. Bigler, that he voted against concurrence by the Senate in the House amendments, because of its retroactive feature, as he said. Still he took the pay, both backward and forward, therein provided for. Mr. Brodhead voted to concur. The bill became a law by the signature of Franklin Pierce, then President of the United States.

During that debate in the Senate, Mr. Iverson, a democrat from Georgia, wanted "brief discussion and prompt and favorable action." Mr. Weller, a democrat from California, in that discussion objected to the passage of the bill because it reduced the pay of the Pacific Coast Senators and Representatives, and Delegates from the Territories of Oregon and Washington. He wanted a real increase. He stated that his mileage at that time was $5,425 each way; $10,850 in all. My mileage is $60, a most unjust difference.

Mr. Collamer was "perfectly satisfied that the pay of members of Congress should be increased; and further, he said it was alleged that a *per diem* induced long sessions and bad legislation, while an annual compensation shortened the session, and, more, limited the passage of injurious bills." He said in closing:

I am in favor of increasing the pay because I think it is right and just to do so.

Then Mr. Pratt, of Maryland, said:

Personally, I do not care one fig whether this bill passes or not. I think the compensation of members of Congress is much too low, and shall therefore vote, under certain circumstances, with great pleasure for the passage of the bill; but that will depend on an extraneous matter which I now want to state, and to get the views of the other side of the Chamber in reference to it.

Past history on this subject, to which the Senator from Vermont has referred, admonishes us that this was made a topic of discussion in the political canvass which then, as now, was approaching. Now, sir, if the passage of this bill is to be made by either party a political hobby in the canvass, I do not think the money we are to get is worth the trouble of meeting this question when we go before the people in the presidential canvass. I am informed that all on the other side of the Chamber are going for it. If so, there can be no difficulty about it; but that is what I wanted to ascertain. There are three parties in the country, each represented in this Chamber. If we all know it is a matter of right that there should be increased compensation, let us go together, and then neither can complain; and if we do not go together, and either of the parties goes against it, I shall go against it too.

Mr. Butler, of South Carolina, said:

To get rid of the difficulty of having long sessions you should put the *per diem* down to six dollars a day. I introduced my bill for the very purpose of making a just compensation to such persons as ought to serve in Congress. If you were to reduce the pay to three dollars a day or one dollar a day, you would have members of Congress; but who would be your members? You would make an aristocracy of wealth. Wealthy men would be very glad to come for one, two, three, or six dollars, or if you did not have that class of men, you would have needy adventurers who would put their hands up to the elbow into the Treasury to make money by their seats here. Either needy adventurers would be here, or wealthy men. That would be the result if you reduced the allowance.

Mr. Toombs, of Georgia, a gentleman, who with all his fire-eating qualities, will be recognized as a man of intelligent views and strict purity of character, in this discussion, said:

The principle of this Government as established in the Constitution, is, that the members of the two Houses of Congress shall be paid; and the rule ought to be a just compensation. Certainly, if paid at all, none would require that they should be paid less than their actual expenses.

He further said:

The members of the British Parliament get nothing, and the framers of the Constitution saw that two evils grew out of that. In the first place it shut out poor men and sent in jobbers, and then if poor men got there, it corrupted them.

Mr. Bell, of Tennessee, afterward candidate for the Presidency, said he wanted it limited to two Congresses to see whether an increase of pay would not limit the evils it was intended to obviate.

Mr. Bayard, of Delaware, the father and predecessor of the present Senator of that name from that State, said:

I shall, with great reluctance, be compelled to vote against this bill; and I do so in consequence of the amendment offered by the Senator from Louisiana. I have

endeavored to give some attention to the question of the difference between the pay of members of different sections. I do not wish to reduce the pay of any member of Congress; but as I stated before the present system of mileage was adopted, when your country did not extend beyond three thousand miles, at the most. The ratio of difference was not then too great. Since the country has become extended, it has made the difference too great in proportion to the time occupied in transit from one place to another, in my judgment—and of course every man must go upon his own judgment—and, therefore, as that principle is adopted, I must necessarily vote against the bill, and only for that reason.

Mr. Bayard voted against laying the bill upon the table, and offered it on account of a clause relating to distributing books. He took the pay under the law.

The principle of retroactive pay disposed of, we next come to the question of an adequate amount of salary. In my judgment, this can best be reached correctly by every man's experience, and I believe he should be so controlled in his action and vote here.

Members of this House need not be timid in this matter because of the action of the Forty-second Congress. Those in that Congress who voted for the retroactive feature of the act now sought to be repealed alone are responsible for its enactment into law, and must alone bear the responsibility and burden of their conduct in this respect.

The question should therefore go as against the individual members who so voted, and be settled in the districts which they respectively represented, similar in manner as the tariff question was remitted to the congressional districts by the Cincinnati and Baltimore liberal and democratic conventions of last year.

So, I am of opinion that gentlemen on this floor should legislate irrespective of any past action, and vote a sufficient compensation to enable a member, with his family, to live here in economic comfort; for I give it as my experience of ten years, that the presence of a man's family (wife and children) is an immense protection, as well as a source of much happiness, after the day has been made weary in legislation and a change of thought is necessary.

During the first two years I served in Congress I received $3,000; during the six subsequent years that I served I received $5,000, and during the last two years I received $7,500. And never till within the last two years has my salary been adequate for the support of myself and family and the maintenance of a house in the district in which I live, so as to have that abiding place which gave me the ability to vote therein. Therefore, Mr. Speaker, having voted for this proposition of $7,500, simply because I believed it to be necessary to the economical support of a member of Congress and his family with him at the seat of Government, or without his family—for they must be, if not here, at home and supported there—I shall not change my voice nor alter my vote in this regard in any particular.

In my judgment, Mr. Speaker, the halls of Congress should be, by the payment of adequate salaries, open to the poor and intelligent, as well as to the rich, ignorant, and designing; and the salaries should be such as should and will keep Representatives beyond the reach of temptation, and free from the taint of corporate and job corruption.

[Here the hammer fell.]

Mr. HURLBUT. I desire to ask the Chair whether the pending motion is a motion to recommit?

The SPEAKER. It is.

Mr. HURLBUT. I desire to move, in amendment, to recommit with instructions, so that the motion will read in the form in which I send it to the desk.

The Clerk read as follows:

That the bill under consideration be recommitted to the committee with instructions to report as a substitute for the first and second sections of the bill reported by the committee the bill offered as an amendment by Mr. HURLBUT, of Illinois, on page 15 of the bill No. 471 and amendments, as follows:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in going to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000 in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Amend the title so as to read as follows: "A bill to establish the compensation of Senators, Representatives, and Delegates."

Mr. KASSON. As the hour approaches, Mr. Speaker, when the chairman of the committee has expressed his intention to move the previous question, I desire to call the attention of the House to the provisions of the two bills. It will be found, sir, on an examination of the bill introduced by the majority that it confines the repeal of the measure known as the increase of salary act simply to the clause which affects the compensation of members of Congress alone. On this one point I desire to say that the public demand upon which we are professing to act in this House has, so far as I know, in no instance confined itself to that part of the act which related to the compensation of members of Congress. On the contrary, the people have given more credit to the Forty-second Congress for acting upon principle, than some of you are now asking the Forty-third Congress to allow. They have objected to the increase *in toto*. The Forty-third Congress is now asked to vote that the increase was obnoxious only so far as it affected the compensation of the two Houses of Congress, and thus to impose a censure, almost personal in its character, on the members of the Forty-second Congress.

Mr. Speaker, the expressions of public opinion to which we propose to defer have always required that the increased salary act, so described, should be repealed, and that we should return substantially upon the old basis of compensation. So far as the repealing feature of this bill is concerned, it is necessary, logically, to go further, and to make that repeal general.

In the bill presented by the majority of the committee there is a clause for covering into the Treasury the sums which have been or shall be returned to it by the persons who have received the excess of salary. That clause is also in the bill of the minority. Beyond that, sir, the bills differ. It is proposed by the report of the minority of the committee, in its different clauses to repeal the entire act so far as it effects an increase of salaries, subject only to constitutional restraint. Now the question to which I call the attention of the House particularly is this: salaries throughout our history have not merely been fixed as compensation for services. They have also been arranged with reference to a certain respective grading of the executive and legislative officers and branches of the Government. Your first-class clerk, although he works as much as a fourth-class clerk in an Executive Department has never been allowed the compensation given to a fourth-class clerk. The chief clerk, who works as hard as the chief officer of a bureau, does not receive as much as the chief officer of a bureau. You regulate the compensation, in part, by the grade of the office, and that has been the uniform action of the Government. Heretofore, in our own legislative action, we have graded the presiding officers of the two Houses of Congress with the members of the Cabinet. Each House has insisted for itself that the rank and dignity which are represented in the heads of the respective Houses are to be maintained equal in this respect to the rank of the heads of the several Executive Departments of this Government. They have for many years been thus graded. You have gone further; you have affirmed repeatedly that it belongs to the dignity of a Senator and a Representative of the people that his compensation shall not be reduced below the compensation of a subordinate officer of the Executive Departments of the Untied States. You have always maintained that no officer of a rank beneath that of the head of an Executive Department should have a greater compensation than belongs to the representatives of the people and the representatives of the States.

And I thank the gentlemen of the last Congress that in rearranging their salaries they kept this principle in view. They did not ask the representatives of the people and of the States of this Union to vote themselves a grade below that of the subordinates in the Executive Departments. Sir, I say that this question ought to come home to the members of Congress in considering their present duty. Under the bill approved March 3, 1873, the pay of some of the assistants and subordinates of the Executive Departments was raised to $6,000. You are now asked by the bill of the majority of this committee not to repeal that increase, and thus to put the pay of Senators representing the States of this Union, and of Representatives of the people in this House down below the point where those subordinates are left by the bill reported by the majority of this committee. I for one shall protest against that relative degradation of the representatives of the people and of the States below Bureau officers in the Executive Departments. I object to it as a precedent; I object to it as an act of injustice in grading the relative compensation of this first legislative authority in the United States of America. You cannot pass this bill reported by a majority of the committee without effecting the relative degradation of the offices you hold by the will of the people on this floor, and which are held by Senators at the other end of the Capitol.

Mr. Speaker, I must be permitted to call attention to another subject, which, having been absent for four years from Washington, I cannot fail to see on my return, and that is, that a certain element of personal Government, of aggrandizement of executive authority, irresponsible in a great degree to the legislative branch of the Government, has crept into the administration of affairs.

And when I see also that under the so-called civil service reform rules that have been adopted, the Representatives of the people and of the States have been notified that their communications to the Executive Departments are to go into the common pigeon-holes of the respective executive offices of the Government with no more force than if they came from the most unrepresenting and irresponsible character in the United States, I think it is time for us to consider whether there is not melting away from the legislative authority of the country, and particularly from the people's Representatives, that power which they certainly had during the war and in the administration of Mr. Lincoln. And in this connection is found one great objection to the legislation proposed by the majority of the committee, to which I wish earnestly to get the attention of the House.

We find that the representatives of the people are touched from Executive sources in another direction. It is declared that the time shall soon come when for the representatives of the State at the other end of the Capitol mansions should be built at the public expense to surround the Executive authority of this government in this city. Not only this, but we also have it intimated from the Executive branch of the government, that it is necessary to amend the Constitution of the United States, in order to diminish the power of the legislative branch of the government. It is proposed, by one unconscious of its perilous results, that when Congress, the repre-

sentatives of the people and of the States, shall have enacted a law embracing various subjects affecting the government of this country, power shall be given by constitutional amendment to the Executive Department to destroy, at the will of the Executive, any part of that legislation, and that any part may become law by the same Executive will. I find, Mr. Speaker, so much of this drift at Washington toward the aggrandizement of the Executive branch of the government, and to the depreciation of the Legislative, that I want no principle established by our action here to-day which will indicate our willingness to still further surrender the legislative dignity and the legislative control of the people of the United States.

Now, sir, when you come to the bills in question, you find that that reported by the minority of the committee proposes by reducing all salaries to preserve the relative gradation of rank as affected by the grade of compensation. You are asked by the majority bill to indorse the increase of executive salaries that was put in the bill of March 3, and by that act to increase relatively the dignity of the executive offices. I cannot for one consent to that, unless I am forced to do it under the previous question. The bill of the minority presents the questions in separate sections, and if the previous question does not prevail, I shall offer for the consideration of the House the substitute reported by the minority, in order that all these questions may be brought up and acted on by the House, so that they may take care that they do not destroy the relative dignity of their own body and of the two great departments of the Government. Every member may then have an opportunity to place himself upon record on the different subjects as he sees proper. If the previous question does not prevail, I shall ask the consideration of the substitute first, as offered by the minority of the committee, and in that connection also the consideration of such amendments as may be offered in the House, so that every gentleman shall have an opportunity to put the bill in better shape than it is found now, if such is the will of a majority of the House.

I beg also to call attention to the fifth section of the bill of the minority of the committee. That section, affecting the compensation of Congress, was drawn separately, with a design to facilitate action on the report of the committee. That report points out two modes of decreasing the compensation. One is by simply restoring the old law; and the other is by accumulating the salary and all allowances in one sum, which, I think gentlemen are just in supposing, might be more satisfactory to the people of the United States. In my own State, at the last session of the General Assembly, all allowances were combined with the salary, and the salary was fixed by law. The argument for that is, that in that case the people understand distinctly how much the compensation is, and all subsidiary allowances are eliminated. Consequently, any gentleman can move to strike out the fifth section of the bill, and insert what shall, under that rule, come to the same result. If gentlemen think that the amendment of the gentleman from Pennsylvania on my left [Mr. TOWNSEND] accomplishes that purpose, let them move it as a substitute for the section. If they are of opinion that the reduction of pay ought not to retroact till the 4th of March, they will move to strike out the provisio of the section. The bill is so drawn and adjusted that gentlemen can get at the sense of the majority of the House without interfering with the general purport of the bill.

For that reason I venture to express the hope that the House will, by not seconding the previous question, enable us to get at these questions, including the amendments, that have been printed at the request of members on both sides of the House. I desire to make this explanation especially because some gentlemen have requested me to do it, and were under misapprehension in respect to the provisions of the two bills.

Yesterday it was remarked that the bill of the minority affected the pay of the judges of the Supreme Court. That is an error, for the reason which has been stated—the impossibility of making a reduced rate of pay to affect all judges alike. That feature of the bill of the 3d of March last, and that alone, is left unchanged; and there is nothing in the bill of the minority which affects the compensation of the judges of the Supreme Court. I hope the previous question will be voted down. I believe that I have now discharged all the duty that devolves upon me in connection with the report of the minority.

Mr. POTTER. Mr. Speaker, as a member of the Forty-second Congress, I favored an increase of the salaries of the Executive, the Cabinet ministers, and the judges; indeed, I thought the latter were not made enough. I also favored an increase of the salary of members of Congress, but not beyond $6,500 a year; and I opposed the back-pay feature. My language in the House on this branch of the subject was as follows:

> Mr. POTTER. In respect of salaries of members of Congress the House knows very well that in my view the salary fixed by the conference committee is too high. My notion is that the salary of members of Congress should be just enough to support them plainly, to enable them to pay their way here, and yet not enough to make any one seek the office merely for the salary; and from all the attention I have been able to give the subject I have thought $6,500 was such a sum. I have thought, also, that the increase ought not to apply to the present Congress.

I voted, Mr. Speaker, in accordance with those views; by voting to bring before the House the salary measure, and by also voting for such provisions as I have indicated. And when finally the bill came back from the conference committee not in the form in these respects which I approved, by voting against it. Since then, Mr. Speaker, I have had no occasion to change the views I then held.

When I first came to Congress I thought it would be well to have members serve here without pay. My experience here has altered my opinions in that regard. I have found that a large number of the most useful and most independent members of this House were men whose salaries were their sole reliance for their support. This, indeed, is not usually true of the Representatives from the great cities. In the great cities the expense of living are so much higher than in the country, and the returns for the same labor so much larger, that men from the cities cannot well afford to give up their business and come here, unless they have other means than their salaries to live upon. It will thus be found, I think, that the Representatives from the great cities are usually men who have some independent means of their own. But I have found that men of the highest parts and usefulness are able to come here from the rural districts and give their services for the compensation which existed before the change made by the late law. Among the gentlemen with whom I served in the Forty-first and Forty-second Congresses perhaps no one impressed me more highly for his abillty, patriotism, integrity, and fairness—as tested from day to day by that most trying of tests, his conduct in this House—than a gentleman on the other side of the House, the chairman of an important committee, who, after long years of public service—the value of which I judge to have many times exceeded his salary—found himself at the close of the Forty-second Congress, as he had been during all that time, without other means than his salary for his support. Such Representatives should not be lost to the public service, as they would be, if members had to serve in Congress as they do in parliament, without pay. In such a Congress, only the rich or those having some job to effect, could afford to serve. A Congress wholly of rich men would not represent the people. A Congress of jobbers would form about the worst conceivable government.

It seems to me, sir, that the true measure of compensation for a Representative in Congress should be that sum which, while enabling him to live plainly here, would not make the office desirable to any man for its emoluments alone. It is, undoubtedly, difficult to fix exactly upon what that sum is; but in my judgment it should not—having regard to the scale of other official salaries—exceed $6,500.

Mr. Speaker, I am one of those who believe that it is not the duty of a Representative blindly to follow the will or instructions of his constituents. There are times when a Representative's highest duty to his constituents and to his country may require that he should follow rather his own judgment than what may for the time be the ruling opinion of the people.

But upon the question of our own compensation, upon a question of which we are *ex necessitate* judges in our own case, it seems to me that we should by every principle of propriety be controlled in our action by the will which the people have expressed.

If, therefore, I had thought that the salary bill of the last session was entirely right, which I did not, I should, in view of the expressed public opinion, feel bound to now favor its repeal. I shall not only now vote to repeal it, but I shall also seek to prevent either the mileage or the franking privilege being restored. Of the various bills before the House, I therefore prefer that of the minority of the committee; and while I think that if the franking and mileage abuses are cut off, some increase in the salary beyond $5,000 and average mileage would be proper, I also think that increase should not be made operative except for Congresses that come after this.

I now yield five minutes to the gentleman from Oregon, [Mr. NESMITH.]

Mr. NESMITH. I had not the honor of a seat in the Forty-second Congress; therefore I am not responsible in any wise for its acts. But, without proposing to cast censure upon any person, I should have preferred to cast my vote for the repeal of the salary law as instructed by my constituents who sent me here, and whose instructions to me, at least, are a paramount law. I should have done so had it not been for a remark which fell from the distinguished gentleman from Pennsylvania [Mr. NEGLEY] in the discussion the day before yesterday with my friend from New York, [Mr. COX.] In that discussion the gentleman from Pennsylvania made a statement which implied something improper in the drawing of the salary of the gentleman from New York, inasmuch as he was here to fill a vacancy. In order to be exact, I will quote what the gentleman from Pennsylvania then said:

> For the period from June 4 to November 5 the gentleman drew from the public Treasury $3,125; and, in accordance with his own statement a few moments ago, he was only made a member by election on the 5th of November.

This statement would seem to imply that there was something improper in the member from New York drawing the salary from the period of the decease of his predecessor. Now, as there are a few of us on this floor, myself among the rest, who are in the same category with the distinguished gentleman from New York—and in saying "in the same category" I for myself specifically deny any claim to "the dew-drop"—I desire to say that as we are in the same category I think it would be proper to have read the law upon that subject, as the distinguished gentleman from Pennsylvania made an omission when he was called upon to refer specifically to the law, and seemed to dodge the question. I therefore desire the Clerk to read two sections of the law under which those who come in as successors of deceased members are entitled to compensation. And in this connection I

desire to say that we drew our salary under a pre-existing law for which we are in no way responsible.

The Clerk read as follows:

By the joint resolution of March 3, 1859, it is provided that whenever, hereafter, any member of the House of Representatives shall die after the commencement of the Congress to which he shall have been elected, compensation shall be computed and paid his widow, or, if no widow survive him, to his heirs-at-law, for the period that shall have elapsed from the commencement of such Congress as aforesaid: *Provided*, That compensation shall be computed and paid in all cases for a period of not less than three months; and in no case shall constructive mileage be computed or paid. The compensation of each person elected or appointed afterward to supply the vacancy so occasioned shall hereafter be computed and paid from the time the compensation of his predecessor is hereby directed to be computed and paid for, and not otherwise.—*Stat. at Large, Vol. XI, pp.* 442, 443.

By the joint resolution of July 12, 1862, it is provided that in all cases of vacancy in either House of Congress, by death or otherwise, of any member elected or appointed thereto, after the commencement of the Congress to which he shall have been elected, each person afterward elected or appointed to fill such vacancy shall be compensated and paid from the time that the compensation of his predecessor ceased: *Provided*, That no member shall receive for his compensation more than three thousand dollars for any one year.—*Stat. at Large, Vol. XII, p.* 624.

Mr. SPEER. Mr. Speaker: Having been a member of the Forty-second Congress, I deem it due alike to my constituents and to myself that I should say a word on the pending bill.

The Constitution of the United States provides that "the Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States." Thus is given to Congress the right and thus is imposed the duty of fixing the compensation of its own members. When and how it shall exercise this right and perform this duty is a question for it alone to determine. If it exercises it unwisely, its members must answer to their constituents; but the abuse of a power is not an argument against its existence. It is directly the reverse; for there can be no abuse of that which does not exist. Nor is it here a material inquiry whether the framers of our Constitution acted wisely in committing to Congress, without limitation, the power to regulate the compensation of its members. It is enough for us to know that, after the fullest discussion, the States refused to abridge this power, or in any manner qualify its exercise. Hence it rests alone with Congress to say what shall be the compensation of its members, when it shall be changed, and, if changed, whether it shall be increased or decreased.

In the exercise of this undoubted constitutional right, the last Congress increased the compensation of Senators and Representatives nominally from $5,000 to $7,500 per annum. I say *nominally*, for the *actual* increase was much less on the average than these figures would at first indicate. The mileage previously allowed was 20 cents for each member from his home to Washington and back for each session. In the last Congress there were three sessions, and hence several members were entitled to nearly as much mileage as salary. In addition, each member was allowed $125 per annum for stationery. The bill increasing the salaries abolished the allowance for stationery entirely, and allowed no mileage for the Forty-second Congress, but in the future allowed *actual* traveling expenses. What the general average increase to each member would be, I am unable now to say; but I suppose, from $1,000 to $1,500 per year. The franking privilege was also abolished; but as its abolition did not take effect until last July, the additional expense which it imposed upon members should not be considered in reference to the last Congress.

Such, in brief, was the law of the 3d of March last so far as it applied to us. I voted against it from first to last, and I shall consistently vote for its repeal. But when the bill passed Congress, and became a law by the approval of the President, I accepted the salary which it declared was legally mine, and I have kept it, and I intend to keep it.

If the last Congress, instead of *increasing* the compensation of members, had *decreased* it, say from five thousand to three thousand dollars, what it was before the act of July 28, 1866, as it would clearly have had the power to do, what member would have been guilty of the ridiculous folly of demanding the old salary, and of claiming that he had been elected upon the basis of a contract, and that therefore his pay could not be reduced during his term? And yet if there is, as alleged, an implied contract that the salary shall not be *increased*, the same contract would forbid its *decrease*, and those members who have been elected since the 3d of March last would, upon this assumption, be justified in claiming the full pay allowed by law at the time of their election. The simple statement of the proposition shows its absurdity.

Some gentlemen have drawn the increased salary and donated it to religious or charitable purposes. But if they had a right to *take* it, they had a right to *keep* it; and if they had *no* right to take it, they had no right to give it away. If it was stolen, as has been repeatedly charged, the old maxim of the law applies with all its force, that the receiver is equally guilty with the thief.

But, Mr. Speaker, the House of Representatives has been especially censured for the passage of this measure. I recognize fully the right of public criticism. I recognize not only the right but the duty of the press to hold to a strict account the servants of the people. The newspaper is an engine of tremendous power, and when conducted by intelligence and governed by a sense of justice, it is the safeguard of every honest public man and the conservator of republican institutions. Therefore no one has cause to complain of fair criticism, prompted by just motives and a desire to defend and promote correct principles. But this increase of salaries has furnished the pretext and the opportunity for the most unparalleled exhibition of personal and party malice that this country has ever witnessed. The storm of defamation of private character has raged with relentless fury; but every one, conscious of the rectitude of his own motives, can safely appeal, in the end, for his vindication, to the calm and deliberate judgment of all candid men.

Now, how was this bill passed? The House, after having emphatically refused to increase the salaries from $5,000 to $7,500, agreed to the increase to $6,500, upon the close vote of 100 yeas to 97 nays, upon the express understanding that the mileage abuse should be corrected. The bill passed the House in this form on the 1st of March, and went to the Senate, and I hold in my hand the record of that body on the bill, which I will embody in my remarks.

In the Senate the votes stood as follow:

March 1, 1873, Mr. Edmunds, of Vermont, moved to strike out of the legislative, executive, and judicial appropriation bill all increase of compensation, except as to that of the President.

The question being taken by yeas and nays, resulted as follows:

YEAS—Messrs. Boreman, Buckingham, Caldwell, Casserly, Chandler, Cole, Corbett, Cragin, Edmunds, Frelinghuysen, Hamlin, Harlan, Howe, Morrill of Maine, Morrill of Vermont, Pratt, Sherman, Thurman, Wilson, and Wright—20.

NAYS—Messrs. Ames, Bayard, Blair, Brownlow, Cameron, Carpenter, Clayton, Conkling, Cooper, Davis, Fenton, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Hill, Kelley, Lewis, Logan, Machen, Morton, Norwood, Nye, Pool, Ramsey, Ransom, Rice, Robertson, Sawyer, Schurz, Spencer, Stevenson, Stewart, Trumbull, Vickers, and West—38.

ABSENT—Messrs. Alcorn, Anthony, Ferry of Connecticut, Hitchcock, Johnston, Osborn, Patterson, Pomeroy, Saulsbury, Scott, Sprague, Stockton, Sumner, Tipton, and Windom—15.

So the Senate refused to strike out.

Mr. Edmunds moved to amend by striking out all in the House amendment that related to members of Congress.

The question being taken by yeas and nays, resulted as follows, to wit:

YEAS—Messrs. Anthony, Boreman, Buckingham, Casserly, Chandler, Cole, Corbett, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Hamilton of Maryland, Hamlin, Harlan, Howe, Morrill of Maine, Morrill of Vermont, Morton, Pratt, Schurz, Sherman, Thurman, Windom, and Wright—24.

NAYS—Messrs. Alcorn, Ames, Blair, Brownlow, Caldwell, Cameron, Carpenter, Clayton, Conkling, Cooper, Davis, Fenton, Flanagan, Gilbert, Goldthwaite, Hamilton of Texas, Hill, Kelly, Lewis, Machen, Norwood, Nye, Poole, Ramsey, Ransom, Rice, Robertson, Sawyer, Spencer, Stevenson, Stewart, Stockton, Tipton, Trumbull, Vickers, and West—36.

ABSENT—Messrs. Bayard, Ferry of Connecticut, Hitchcock, Johnston, Logan, Osborn, Patterson, Pomeroy, Saulsbury, Scott, Sprague, Sumner, and Wilson—13.

So the amendment was not agreed to.

Mr. EDMUNDS. I am so well satisfied from the votes of the Senate that they are in favor of this (the House) amendment, that I move that the Senate concur in it, and we will try it that way.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont [Mr. EDMUNDS] to concur in the amendment of the House of Representatives to the amendment of the Senate, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays resulted as follows, to wit:

YEAS—Messrs. Bayard and Stockton—2.

NAYS—Messrs. Alcorn, Ames, Anthony, Blair, Boreman, Brownlow, Buckingham, Cameron, Carpenter, Casserly, Chandler, Conkling, Cooper, Corbet, Cragin, Davis, Edmunds, Fenton, Ferry of Michigan, Flanagan, Gilbert, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Hill, Hitchcock, Howe, Kelly, Lewis, Logan, Machen, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Pool, Pratt, Ramsey, Ransom, Robertson, Saulsbury, Sawyer, Schurz, Scott, Sherman, Spencer, Stevenson, Thurman, Tipton, Trumbull, Vickers, West, Wilson, Windom, and Wright—55.

ABSENT—Messrs. Caldwell, Clayton, Cole, Ferry of Connecticut, Frelinghuysen, Hamlin, Harlan, Johnston, Nye, Osborne, Patterson, Pomeroy, Rice, Sprague, Stewart, and Sumner—16.

So the Senate refused to concur in the amendment of the House.

March 3, 1873. The conference report fixing the compensation of members of Congress at $7,500 being up for consideration, Mr. Wright moved that the report be recommitted to the committee of conference, *with instructions* to strike out all except the increase of the President's compensation.

Mr. TRUMBULL raised the point of order that it was not competent for the Senate to instruct a committee of conference. It is subversive of the very idea of conference—a conference must be full and free.

The presiding officer overruled the point of order.

Mr. TRUMBULL appealed from the decision of the Chair.

The PRESIDING OFFICER said: The question is, "Shall the decision of the Chair stand as the judgment of the Senate?"

The question being taken by yeas and nays resulted as follows, to wit:

YEAS—Messrs. Anthony Boreman, Chandler, Ferry of Michigan, Hamilton of Maryland, Harlan, Howe, Pratt, Sherman, Sprague, and Wright—11.

NAYS—Messrs. Alcorn, Bayard, Blair, Brownlow, Buckingham, Caldwell, Cameron, Carpenter, Casserly, Clayton, Cole, Conkling, Cooper, Cragin, Davis, Flanagan, Goldthwaite, Hamilton of Texas, Hamlin, Hill, Hitchcock, Kelly, Lewis, Logan, Machen, Morrill of Maine, Norwood, Nye, Osborn, Patterson, Pool, Ramsey, Ransom, Rice, Robertson, Saulsbury, Sawyer, Schurz, Scott, Stevenson, Stewart, Tipton, Trumbull, Vickers, West, and Windom—46.

ABSENT—Messrs. Ames, Corbett, Edmunds, Fenton, Ferry of Connecticut, Frelinghuysen, Gilbert, Johnston, Morrill of Vermont, Morton, Pomeroy, Spencer, Stockton, Sumner, Thurman, and Wilson—16.

So the decision was overruled.

The PRESIDING OFFICER. The question recurs on agreeing to the report of the committee of conference.

Mr. WRIGHT moved to recommit the report without instructions.

The VICE-PRESIDENT said: Tthe [question is on the motion of the Senator from Iowa[Mr. WRIGHT] to recommit the report.

The question being taken by yeas and nays, resulted as follows, to wit:

YEAS.—Messrs. Anthony, Boreman, Buckingham, Chandler, Cole, Conkling, Corbett, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Hamilton of Maryland, Hamlin, Harlan, Kelly, Morrill of Vermont, Pratt, Schurz, Scott, Sherman, Sprague, Thurman, Windom, and Wright—24.

NAYS.—Messrs. Alcorn, Ames, Bayard, Blair, Brownlow, Caldwell, Cameron, Carpenter, Casserly, Clayton, Cooper, Davis, Flanagan, Gilbert, Goldthwaite, Hamilton, of Texas, Hill, Hitchcock, Howe, Lewis, Logan, Machen, Morrill of Maine, Norwood, Nye, Osborn, Patterson, Pool, Ramsey, Ransom, Robertson, Saulsbury, Sawyer, Spencer, Stewart, Stockton, Tipton, Trumbull, Vickers, and West—40.

ABSENT—Messrs. Fenton, Ferry of Connecticut, Johnston, Morton, Pomeroy, Rice, Stevenson, Sumner, and Wilson—9.

So the motion was not agreed to.

The VICE-PRESIDENT. The question recurs on agreeing to the report of the committee of conference.

The question being taken by yeas and nays resulted as follows, to wit:

YEAS—Messrs. Alcorn, Ames, Bayard, Blair, Brownlow, Caldwell, Cameron, Carpenter, Clayson, Cooper, Davis, Flanagan, Gilbert, Goldthwaite, Hamilton of Texas, Hill, Hitchcock, Lewis, Logan, Machen, Morrill of Maine, Norwood, Nye, Osborn, Pool, Ransom, Rice, Robertson, Sawyer, Spencer, Stewart, Stockton, Tipton, Trumbull, Vickers, and West—36.

NAYS—Messrs. Anthony, Boreman, Buckingham, Casserly, Chandler, Conkling, Corbett, Cragin, Edmunds, Ferry of Michigan, Frelinghuysen, Hamilton of Maryland, Hamlin, Howe, Kelly, Morrill of Vermont, Patterson, Pratt, Ramsey, Saulsbury, Schurz, Scott, Sherman, Sprague, Thurman, Windom, and Wright—27.

ABSENT—Messrs. Cole, Fenton, Ferry of Connecticut, Harlan, Johnston, Morton, Pomeroy, Stevenoen, Sumner, and Wilson—10.

So the report was concurred in, and the bill passed.

It will be seen, from this record, that the Senate refused to agree to the sum of $6,500, not because it was opposed to any increase, but because the increase proposed by *the House was not enough*. The Senate persisting in its refusal to agree to the action of the House, the bill went to a committee of conference, as a majority of the Senate had determined it should, and by the tenacity of the Senate members that committee, after sitting nine hours on Sunday, agreed to report the sum of $7,500 as the salary, and the bill, so reported, was passed in the Senate by 36 yeas to 27 nays, and in the House by 102 yeas to 96 nays.

That the passage of this measure was inexpedient and unwise I believed at the time, and still believe. But as I had steadily opposed it, I felt that wherever the responsibility for its passage might rest, it was not upon me.

But, Mr. Speaker, this action of Congress, however injudicious, was not without precedent, as the history of the increase of salaries abundantly shows. Let me examine, for a moment, the instances which Congress has given of its clear constitutional right to fix the compensation of its members. There are six of them.

The first is the act of September 22, 1789, approved by President Washington, which gave seven months' back pay. The next is the act of March 19, 1816, giving twelve months' back pay, and approved by Madison. The next is the act of December 1, 1817, approved by Monroe, and giving two months' back pay. The next is the act of August 16, 1856, approved by Pierce, giving seventeen months' back pay, about $2,200; a net increase for the Congress of about $3,840. The following-named members from my own State voted for this bill: Thomas B. Florence, Job R. Tyson, William Millward, Jacob Broom, John Hickman, A. E. Roberts, John C. Kunkel, James H. Campbell, Henry M. Fuller, John J. Pearce, John Covode, Samuel A. Purviance, and David Barclay.

Of the Senators from Pennsylvania, both democrats, Mr. Brodhead voted for the bill, while Mr. Bigler voted against it; but all the members and both Senators from Pennsylvania took the money, and, so far as I have ever known, have kept it. Senator Douglas voted for the bill, and every Senator and Representative accepted the increased salary. Senator Brodhead is dead; but Senator Bigler is living, and no member of either party stands higher than he today in the confidence and respect of the people of Pennsylvania.

The next increase was by the act of July 28, 1866, which was approved by President Johnson. The increase by this act was from $3,000 to $5,000 a year, a net increase of $4,000 per Congress; and it allowed back pay for sixteen months, amounting to about $2,700, and continued the old mileage of 20 cents a mile to and from Washington. The following-named members from Pennsylvania voted for this bill: Samuel J. Randall, Charles O'Neill, Leonard Myers, W. D. Kelley, Myer Strouse, Philip Johnson, George F. Miller, A. J. Glossbrenner, A. A. Barker, and J. K. Moorehead—four democrats and six republicans.

Among the republicans I find the name of my friend, Hon. A. A. Barker, the Representative at that time from my district, and my competitor for a seat here in the canvass of last year. He received the cordial support of his party press in the district; and, indeed, the republican papers there, whose indignation now against "salary grabbers," as they term them, is the fiercest, were then the loudest in his praise.

Of the Senators from Pennsylvania both Mr. Buckalew and Mr. Cowan voted for the bill, with Senators Doolittle, Hendricks, and others. All the Senators and Members took the money and "placed it where it would do the most good." Mr. Doolittle was the president of the last democratic national convention; Mr. Hendricks is the present democratic governor of Indiana; and Mr. Buckalew was the democratic candidate for governor of Pennsylvania last year. Now, if the charges of a portion of the public press against certain members of the last Congress are true, then all these illustrious men stand before the country as "salary grabbers," "robbers," and "thieves;" and the democratic party, which has crowned them with its highest honors since the commission of the crime, stands guilty before the world of supporting "robbers" and "thieves" for the most exalted stations in the gift of the State. Nor does the black catalogue end here; Presidents Washington, Madison, Monroe, Pierce, and Johnson should be added to the list of criminals; for each of them approved bills regulating the compensation of Senators and Representatives which embraced the retroactive feature.

It is no answer to tell me that the bill of the 3d of March last is condemned by the country. Many a bad law has been made by good men, and many a good law has been made by bad men. Had Congress the *right* to do what it did? If it had, from whom did it get the right? From the people, expressly placed by them in the fundamental law of the Republic. The power given by the people was in this case, in my judgment, unwisely exercised, and the bill should be promptly repealed; but, while saying this, I know that others, of larger experience and better judgment than myself, think otherwise. But as the question relates, not to the policy of the Government, but solely to its expenditures, the will of the people should be our supreme law.

I have, Mr. Speaker, briefly referred to the precedents on this subject. I do not affirm that they are binding upon us, or that they should be blindly followed; but I do say, that, having been established by men of the most eminent character, and of all parties, from the very foundation of the Government, they are at least entitled to respectful consideration. And it is alike unmanly and unjust to assail with charges of personal dishonesty and political treachery those whose only offense is that they have walked in the footsteps of the most illustrious men, both living and dead, that the country has known.

It has been said, and I admit its force, that it is indelicate for members of Congress to vote upon their own compensation. It is indelicate; but how is it to be avoided? The Senate is a perpetual body; only one-third of its members go out every two years. Now, if a new salary bill were passed to-day, to take effect in 1876, two-thirds of the present Senators at least would draw their pay under it; and also a large number of the present members of the House; for, judging from the past, not less than half the members of this House will be in the next Congress. A constitutional amendment definitely fixing the compensation would afford a remedy. But without this the control of the subject will remain with each Congress. The objection most frequently heard to the act of 3d March is directed to what is known as the "back-pay" feature; but when the constitutional right of Congress to fix the compensation of its members is admitted, as it must be, then it can make no difference, in law or morals, whether it exercises that right on the first day, the middle day, or the last day of the session. It not unfrequently happens that a bill introduced on the first day of the session is not passed until the last.

Many persons, while earnestly condemning the increase for the past, say this salary is right for the future. Their position to me is singularly inconsistent. Which is the worse, or which is the better, to take the pay *after* you have performed the service, or to take it nine months *before* you have performed it, and when you may not live to perform any part of it? Suppose those gentlemen who returned their increased pay for the Forty-second Congress, but who have been drawing the increase since last March, had died the first day of this month? They would have in their pockets nearly six thousand dollars of *front* pay for which they had not rendered an hour's service. I denounce not those who took back pay or front pay, for I have received both; but to me it is utterly and logically absurd to censure a member for having accepted increased compensation for service performed, and to justify him in taking increased compensation for service not performed, and which may never be performed. Nearly all the members of this Congress—both Senators and Representatives—were elected *before* the salaries were increased, and hence upon the basis of the old pay. The last Congress had three regular sessions, while this one will have but two. Now, why should members of the Forty-third Congress, for less service, be entitled to more compensation than members of the Forty-second, when they were all alike elected before the increase was made? If there is any sound reason for such a distinction I have yet to hear it. And why should any man, elected to both Congresses before the increase was made, refuse it for the one, and that the one in which he performed the most service, and yet accept it for the other?

Retrenchment and repeal are the demands of the hour, and it is our bounden duty to hear and heed these demands. But while we profess reform, let us practice it. The pending bill repeals the law of March 3, as to Senators and members, but after this Congress, it restores the monstrous abuse of the old mileage. When members had to come here in stages or on horseback, there was justice in paying them 20 cents a mile each way; but now, when a member gets into the cars at San Francisco and rides to Washington on a free pass, it is a gross outrage on the people to pay him, as this bill proposes to do, over *five hundred dollars* mileage. If the old law had not been repealed, the Delegate from Washington Territory in the last Congress would have drawn $3,517.65 mileage; the member from Oregon, $3,900; the member from Nevada, $3,313; the members from California a little less, and so on with several other States and Territories. And now our committee of reform, professedly so anxious to serve the country, propose to re-establish this hoary-headed abuse, and pay a member of this House from Maryland $5,000 a year, while a member from Oregon would get $9,000. It was largely in consideration of the abolition of this mileage evil that the bill increasing our salaries to $7,500 was passed. I remember well when the gentleman from California [Mr. SARGENT] now a Senator from that State, who opposed the increase to $7,500, rose on this floor and said that, as a member from California, he had time and again had this mileage abuse flouted in his face, and he wanted it stricken down. I am utterly opposed to its restoration, and, therefore, I have offered the following amendment as a proviso to the second section of the bill:

That the mileage previously allowed by law shall not be restored; but instead thereof actual traveling expenses only shall be paid.

As we enter at the opening of this Congress upon reform, let us

make it intelligent, earnest, honest reform. Let the word of promise made to the public ear not be broken to the public hope.

The act of last March, so far as it increased official salaries, was unwise and obnoxious to the people. It was passed by the votes of members of both parties; but the President could in an instant *have struck it dead.* He preferred to make it a law, and by his own act he will receive an additional $100,000 during his present term, for no action of Congress can affect him. The party in power, by the consent of the nation, claim and receive the credit and the honor for legislation that is wise and good. So, by every principle of political justice, must they meet and bear the responsibility for legislation which the people condemn. Such is the theory of our Government, and such the verdict of our national history.

Correcting, then, in proper deference to the popular will, the errors of the past, so far as we can, let us next and promptly address ourselves to the pressing duties of the future, and join hands in an honest effort to legislate for the common good of the people and the common glory of the Republic.

[Here the hammer fell.]

Mr. CROCKER. Mr. Speaker, I crave the indulgence of this Chamber for a few minutes. I had intended, if I got the floor at an earlier period, to treat upon this subject at some length; but in the present stage of the discussion, when it has been so completely gone over, and when men have gone clear back to the time of Christ in search of information, I deem it my duty to do no more than to place myself right upon the records. I owe that much, at least, to myself, to the House, and to the constituency whom I have left at home and who have returned me here by an overwhelming majority.

At the time the salary bill came up I deemed it inopportune. I did not think it was then a proper time to increase salaries. We had just gone through an internecine struggle to save the national life which had exhausted the whole country, North and South, East and West, and I did not feel that it became us to yield to any increase of pay whatever. I opposed it at that time in season and out of season. I did everything in my humble way, except by speeches upon the floor, to prevent its passage. But, sir, while I did that, I am not the man to attempt to affix the brand of condemnation upon those who acted differently from me at that time. I believe they were as honest and as sincerely desirous to do their duty as I was to do mine. I am not here to believe that those who have been branded over and over again for their action on this salary bill are any worse than I am myself. Perhaps, sir, they are much better.

There were various things which occurred at that time to which I will allude for a moment. I shall speak briefly. There were various things at that time brought to the consideration of the House which led those gentlemen to act as they did. I mean to be, and if I know my own heart I am, a candid man, acting according to the dictates of my own conscience. At that time there were charges of corruption made which were spread broadcast throughout the country, made against members in this and the other branch of Congress; and there was a feeling here among some of the best thinking and wisest men upon the floor of the House that it was our duty to increase the pay to such an extent that members would be removed from any and all temptation. Such was the feeling which existed at the time, as every member knows. Many members came to me and said they could not pay their actual expenses, and if the pay were not increased would have to go home in debt. I felt that, and appreciated the motive which actuated those who honestly differed from me in the course which they took at that time.

There is another thing. It was felt that the abolition of the franking privilege, the abolition of mileage, and the abolition of our stationery allowance went very far towards counterbalancing the increase of our pay. I promised to be brief, and I am watching the dial of that clock; but I want to allude to another thing, which is not understood, I believe, on the floor of the House very fully. I do not say it in any disparagement of the city of Washington, for I am proud of the city; but I do say, Mr. Speaker, that there is not so expensive a place to live in, within my knowledge, anywhere, in any capital of the world, as this very city of Washington. My friend from Ohio [Mr. LAWRENCE] saw a placard "Farmers to the front, and politicians to the rear." I wish he would invite farmers here with their families, and let them stay for a fortnight, and, my word for it, they will begin to feel it down here, [slapping his pockets, amid great laughter.] Farmers to the front! They are good men; but if they bring their families and stay here, I would like to see their pockets at the end of the month. [Laughter.] I have lived in London and Paris, and I say that there is no capital where the expenses of living are so high as in Washington. What is the reason? The cities of London and Paris live upon trade. What does this city live upon? I do not blame them; they are obliged to do it, and we have to face the music. [Laughter.]

Several MEMBERS. Say what it is.

Mr. CROCKER. Do you want to know? Look at your bills. A hundred dollars a week is what I have to pay for myself and my wife. I wanted to bring my family here, and I began to look to see where I was going to land myself. [Laughter.] But I promised to be short, Mr. Speaker. [Cries of "Go on."] No, I won't. [Great laughter.] But I will say a word about back pay, about which we have heard so much. And I am in that category. [Laughter.] Yes, I am in it. I have collected all my pay here according to law—every cent; and nobody need ask me about it. In regard to the back pay let me say that when I returned from Congress at first, without knowing what the country thought about it, I asked various members with whom I was intimate if they would join me in an association in order to leave the pay entirely. That was my feeling at the time. Mine was a small matter, Mr. Speaker; I was only here a fraction of the term. Old as I am—and I believe I am the oldest member in the House—I was a mere parvenue, a neophyte, here; I had been here only a very little while, and had got a very small sum of money. Well, I tried to get a little company to join me, as I have said, and I failed. [Laughter.] I found some noble men who had great doubts about it, but who finally concluded that they would give their back pay for the improvement and education of the young. I found there were all sorts of plans. and then I finally deposited my own in one of my banks. Thinks I, it will lie there safe enough. After a while I became grievously sick. I had not made up my mind—I had not actually made up my mind—what my conscientious duty was. So, being very sick, I called my confidential clerk, and said, "Here, put the amount to the credit of the United States. It is a small amount, but there will be enough effects to meet it, and my executors will take care of it." [Laughter.] I did it because I intended to do right about the matter. Now comes the sequel. I began to get better. [Roars of laughter.] I took up one paper, and it told me I was a "salary stealer;" I took up another, and it said I was a "salary grabber;" and another one said this, and another one said that; and then by and by I began to open letters on the subject, and have continued to do so up to this day, and so long as this clamor continues, unless by the act of this House here, that money will lie where it lies now. [Laughter.]

Now, I say that boldly. I do not act from intimidation. I act only from my own sense of duty to my God and my country. I had a letter since I have been here which gives us a glorious idea. I think something was said by the gentleman from Georgia [Mr. STEPHENS] to-day, that we ought to lead public opinion a little. But I got a letter the other day informing me that the best place for me was down at Blackwell's Island, and that I should find some company there that was very congenial. [Great laughter.] Now, sir, I was sent here to this House, to take the oath administered by yourself, by every vote in my own city, where I have disbursed millions and millions of dollars. But if, in coming here, I am to be called a salary thief, I shall retain that money until there is a better feeling in the country, unless Congress shall vote in the matter and direct otherwise; and then I shall cheerfully pay my little stipend into the Treasury. In closing, I appeal to my friends on this floor that we will come to some conclusion at once, and let it be a unanimous one. I have been gratified to-day by the dignity and decorum and propriety which have characterized our debate. It is worthy of such a House of Representatives, emanating from the most free and glorious Republic that the sun ever shone upon.

Mr. SCUDDER, of New Jersey. The embarrassment in regard to this subject seems to depend upon this, that under the Constitution of the United States, the Congress must necessarily fix the compensation of the members of that Congress, or the compensation of members of some succeeding Congress. The difficulty, therefore, which hangs around this question is, that men are thus oftentimes made the judges in their own cause; that gentlemen who vote for a rate of compensation of members of the Congress of which they are themselves members must necessarily be judges in their own cause. That, I think, is one of the great embarrassments which attends this subject, because if the salary could be fixed by some body or some party outside of the persons who are to be affected by it directly, then there would be less difficulty about the question.

Now, so far as the question of salary is concerned, I take it that it is out of the power of this Congress to change the past. The salary fixed by the last Congress was lawful under the Constitution of the United States, whether it was wise and proper or not. Those gentlemen who took that salary took it under the law of the land, and so far as the law of the land is concerned they were entitled to it. A repeal of that law could not in justice be so made as to be retroactive, and take away the right of compensation either of the party who received it or of the party who was entitled to it but has not yet received it. The right to the salary becomes vested under the act of Congress, whether received or not. Therefore as it seems to me with reference to the past, while we wish to deal practically with this subject, we must deal with it as a thing fixed.

Now, then, with reference to the future. It strikes me that it is the sense of the country that the old rate of compensation we established prior to the last Congress, independent of mileage, was the true test and criterion. Then if you take the rate of compensation established prior to the last Congress, leaving out the question of mileage and let the mileage be represented by the actual expense of travel of members of Congress, you will then be placed in this position, you will have a rate of compensation which the country at large has acquiesced in.

That is a great gain. You will have a rate of compensation which was fixed by a Congress including many persons who are not members of this Congress.

It strikes me, therefore, that this bill should be framed so as not to be retroactive—not to touch the past; for to attempt to touch the past would, on legal principles, be of no avail. The expressions we have heard on that subject can never be embodied in any act of Con-

gress, for any useful practical purposes. As to the executive officers of the Government; as to the President of the United States, for instance, while certainly he is not too highly compensated, it would have been best, so far as he is concerned, if you had not increased his salary to the extent you have, but have made provision for a retiring pension. Who can ever be President of the United States and then afterwards go back and take part in the ordinary affairs and pursuits of life? The country does not ask it, and the public at large would not acquiesce in it.

It seems to me, then, that this whole question could be solved by simply going back to the status which we were in before the enactment of the last Congress, except in relation to the matter of mileage. Do that, and leave it there; leave those gentlemen who received their compensation to retain it in peace and quiet, for they have had it under the laws of the land. It is a matter with them and their own consciences. In that way, at all events, we would put an end to this question for some years to come.

Mr. DUNNELL. I do not wish long to occupy the attention of the House; but I desire to make a single remark or two in support of an amendment which I saw fit to offer when amendments were being received. I believe that there is but just one way to extricate ourselves from the difficulties that surround us at this moment. We have here a majority report and a minority report, and a large number of amendments, involving different and conflicting provisions. We are, therefore, surrounded by difficulties from which we must early free ourselves, or we may be compelled to vote in a direction contrary to our real convictions. The amendment which I have offered reads as follows:

That the law approved March 3, 1873, increasing the salaries of the President, Senators, Representatives and Delegates in Congress, the judges of the Supreme Court, and other officers, and employés of the Government, be hereby repealed.

For myself, I see no easier or more certain way than this. The law of last winter, increasing the compensation of these officers, should be repealed. We should re-enact the law as it existed on the 2d of March last. It is utterly impossible, in my judgment, for the majority of this House to indorse the majority report of the committee. I do not think Congress should be called upon to reduce its own pay and leave untouched the salaries of the President and of the other officers of the Government, as provided for by the law of the 3d of March last. The people demand the repeal of the whole law, reach whom it may.

We are all ready to admit that a great offense was committed by the passage of the law. That offense was the result of the passage of a single law. That offense cannot be so well removed as by the simple, unconditional, unqualified repeal of that law. The law was passed; the offense followed. Let us repeal the law, and we will remove the offense.

I do not think, as others have argued, that the pay of members of Congress should be reduced, while, for instance, the pay of the Assistant Secretary shall remain at $6,000 and $6,500 a year. As the gentleman from Iowa [Mr. KASSON] has remarked, that would be out of character. I think, also, that the bill we shall pass should be retroactive. This would be consistent with what we have claimed in regard to the law of March last. We have said that the last Congress had the right, though late in the session, to pass a bill rating the salary of members of Congress $7,500 a year; that they had a right to make it retroactive. We have to-day the same right to pass a retroactive law. Let us then be honest with the people and not attempt to defy them, or elude the demand which they have made upon us. I was instructed by the republican State convention of Minnesota to vote for the repeal of the law increasing salaries; not the congressional salary alone; not the salary of the President merely, but the "law increasing all salaries." To those instructions I propose to listen; I propose to obey them. Hence I shall vote for the minority report, rather than the report of the majority, because the former includes all the officers whose salaries were increased, while the latter does not.

Mr. AVERILL. Will my colleague allow me to ask him a question?

Mr. DUNNELL. Yes, sir.

Mr. AVERILL. My colleague seems to favor a retroactive provision. I wish to ask him whether he is willing to support a provision so far retroactive as to cover the back pay?

Mr. DUNNELL. I am.

Mr. AVERILL. That is all I wish to inquire.

Mr. DUNNELL. There is one provision in the majority bill which I think ought not to escape the attention of the House. I mean that which provides for the reëstablishment of the mileage system. If that system be re-established it will be very difficult to get rid of it. However much the Forty-second Congress may have been censured, and justly censured, for the increase of salaries, I am firm in the belief that the American people will, at some time, thank that Congress because it repealed the mileage system. Under the mileage law I received as mileage $506 for each session, while the journey each way cost not more than $55. Was there any reason in giving me $506 for a service that cost me so much less? I have been, for many years, radically opposed to the mileage system. It was corrupt and pernicious, and I am glad it has gone to the shades. I believe in a distinctly-stated salary, and without perquisites; and then the person receiving it will be free from censure and public criticism.

[Here the hammer fell.]

Mr. CROSSLAND. Mr. Speaker, I do not believe that either the pending bill or any substitute or amendment now before the House ought to be adopted. In other words, I do not believe that the legislation enacted at the last session of Congress touching either the privileges or the salaries of members ought now in any wise be altered, and gentlemen insist that the salary of the President, judges of the Supreme Court, and Cabinet officers cannot be altered during their term of office. I shall confine myself to the consideration of the salaries of members of Congress. I was one of those who voted against the increase of salaries every time the proposition was presented to this House as a separate measure; and I only voted in favor of the adoption of the report of the committee of conference on the legislative, executive, and judicial appropriation bill, on which the salary bill had been ingrafted as an amendment, because it contained other legislation of so much importance for good as to greatly outweigh the evil entailed by the salary amendment, and presenting a question so plain in regard to expenses, and making and saving money to the Government, that no man capable of adding two and two together could for a moment doubt as to his duty in casting his vote.

I have explained this vote and satisfied my people, so far as I was able to meet them during the vacation. I do not believe that the salaries of members of Congress were increased by the legislation of the last session. We abolished the franking privilege and now have to pay postage on all documents, books, and seeds we send to the people. We abolished mileage, stationery, and other allowances, and save to the country and the people more than $1,730,000 per annum. The Postmaster-General has clamored year after year for the abolition of the franking privilege; he repeatedly told us that it was costing the Government more than $2,543,000 a year, and that during last year it had cost $3,500,000. The increase of salaries amounts to less than $1,030,000. It is now plain to every man that, if the salaries are reduced, these expensive privileges and allowances will be revived. Bills are now pending for that purpose, and will be adopted if the salaries are reduced, and in this way increase the expenses of the Government $1,730,000 every year, and every fourth year, when presidential elections occur, $2,730,000. The odious and unequal mileage allowance, under which some members received salaries of $8,000 a year, while others received but little over $5,000, ought to have been abolished and ought not to be revived.

Gentlemen argue that the people were satisfied to allow members of Congress $5,000 a year and these other allowances and privileges, and that they are not satisfied with the salary as now fixed with the privi leges and allowances abolished; and, therefore, we ought to make the change and stop the clamor of the people.

I insist, sir, that the clamor we have heard has not been raised by the people, or if any part of it has proceeded from them, it has resulted from the misrepresentation of busy, selfish demagogues, who seek the places some of us hold here, and from newspapers who have spoken and acted in their interest we have heard the mutterings of place-hunters and their allies. The people have not generally understood the effect of the legislation of last Congress on this subject. When they have an opportunity to investigate for themselves, when we send them the enactments, and they read for themselves and arrive at the truth, they *will clamor* if we undo what was done, and increase their expenses an average of $2,000,000 a year. If gentlemen have paid attention to the figures presented by my friend from Nevada [Mr. KENDALL] and the gentleman from Indiana [Mr. WILSON] they have seen that the salaries of members of Congress have not been increased, and that the expenses have been lessened about two million dollars. Now, Representatives of the people, will you, under a pretense of befriending them, perpetrate this wrong? You reflect on their intelligence if you believe they desire it to be done. Then let the salaries alone, and prevent the re-establishment of abuses so much more expensive. Much as the last Congress has been abused and reviled, they did what no other Congress had ever done that increased salaries. They deducted all mileage paid during the entire Congress from the salary allowed for that Congress, and abolished all these expensive privileges. Some of the gentlemen are here who voted for the increase of salaries in 1856 and 1866, amounting in each instance to nearly as much as the last increase, and did not deduct a penny of mileage from the back pay which they voted for, took, and kept. Some of the salary saints on the other side of the House [laughter] took back pay, I am informed, twice, and in neither instance deducted mileage from it as the last Congress did. Nor did they abolish mileage, or any other allowance or privilege, as the last Congress did. They increased salaries and expenses. The last Congress increased salaries but abolished other expenses so as to save the people about two million dollars a year.

But, Mr. Speaker, I sought the floor mainly for the purpose of replying to certain gentlemen who, under pretense of defending themselves from charges they have said had been made against them, have taken occasion not only to parade their own righteous conduct before this House and the country, but have, by express language and innuendo, reflected strongly upon those who differed from them in action on the salary bill of the last session. Some of them, I understand, have used the language "back pay steal," "salary grab," &c.

Now, sir, I am one of those who took the back pay. I carried it home and used it in payment of honest debts. I could not return it if I would, and, so help me God, I would not if I could. [Laughter.] I believe I was entitled to it and had the lawful right to take it,

and I shall keep it. In doing this I followed the precedent set by such men as Clay, Calhoun, Webster, Cass, Bell, John C. Breckinridge, and a hundred others, who, I venture to say, are the peers of any man now on this floor, when we consider them in all the qualities that constitute true manhood.

The SPEAKER. The gentleman's time has expired.

Mr. CROSSLAND. I hope I will be permitted to go on for a few minutes and conclude.

There was no objection.

Mr. CROSSLAND. I love to see men do that which their judgment and conscience dictate to be right, and I have no reflections to indulge against those who returned the money. I honor them for doing what they believed their duty demanded. But gentlemen have accused myself and others who took and kept the back pay of the perpetration of a high crime.

I now say to these accusers, I surrender myself and demand a trial. I accuse them. I am ready to be tried by the law, and I desire the law enforced against them. How does it read? "Thou shalt not steal." What is stealing? Taking and carrying away. Nothing said about bringing back. [Laughter.] I took it and carried it away—carried it home. The gentleman from New York, the accuser who calls himself the "dew drop." took it and carried it to Florida. If I have done wrong, like the poor publican, I sincerely, earnestly pray God to have mercy on me a sinner.

The gentleman, like the Pharisee, comes up into the temple and turns the white of his eyes up to heaven and says: "I thank God I am not as mean as other men, for I brought the money back." [Laughter.] He says he always intended to bring it back. I do not dispute it, and will defend him if others dispute his word in my presence. He says he spoke to the gentleman from Vermont [Mr. WILLARD] about putting it back. I do not doubt that. But he did take it and carry it away. He says he did not know *how* to put it back. He knew how to take it and how to get away with it; the asportation was completed. It was there and he knew *how* to let it stay, I presume. [Laughter.] He knew how to get it out, but the trouble was how to get it back. [Laughter.] He took it and carried it away, and on that point stands exactly as culpable as I do. He said he would take it; I heard him. He went into the office of the Sergeant-at-Arms and did take it, and perhaps I heard of that, and being an inexperienced young man from the country, and seeing that a man so distinguished for honesty had received it and was about to start for Florida with it, naturally thought it was right, and took it and carried it home. [Laughter.] I insist he did nothing wrong about it; but as he has seen proper harshly to judge others, which I warn him is wrong, because it is contrary to Scripture, I do not judge him. I tell him there are uncharitable people who will judge him, and say that if Mr. Brooks had not died and the gentleman been offered a chance to get back to Congress, that his back pay would have never found its way back to the Treasury. [Laughter.] And people will say that his repentance and righteous conduct was begotten of this clamor of the people that he began to hear about the time he returned from Florida. I believe he did all that his brother-in-law states in his letter to the Herald. I believe he said all that he says he said to his brother-in-law and all he says his brother-in-law said to him. But, Mr. Speaker, taking and carrying away the back pay is not the only "back pay" reason why the gentlemen ought to have refrained from accusations against others. He was elected to this Congress to fill the vacancy occasioned by the death of Mr. Brooks, on the 5th day of November—last month. Yet he has employed a double *back*-action machine and drawn pay back to the 1st day of last June, and has drawn $3,125 for time that passed before he was even elected. He was not a member of Congress between June and November, but draws back pay for that time.

Mr. COX. Will the gentleman allow me to make a remark?

Mr. HALE, of Maine. I do not know that I can yield further.

Mr. COX. Permit me a very few words. The law on which that pay was got has been read, and I say that that law was made to remedy a mischief. The mischief was this:

Mr. CROSSLAND. I decline to yield further. The gentleman from Maine is a little impatient. I believe the gentleman from New York [Mr. COX] did right to take the money.

Mr. COX. Let me have an opportunity to make just this statement: Formerly, when a gentleman was elected to fill a vacancy, he got the money from the 4th of March. To stop that, and to divide the money equally between the out-going member, or the family of the dying member, and the in-coming member, that law was passed. It was to remedy a mischief. I came here under that law.

Mr. CROSSLAND. I cannot yield to the gentleman further.

Mr. COX. You do not want the facts.

Mr. CROSSLAND. I want to have the truth out, whatever it may be. I do not refer to the matter in order to prove that the gentleman has done wrong. The law gave him the money, and it was right for him to take it. The law gave me the money, and I had the right to take it, and perpetrated no dishonesty in taking it.

Mr. COX. I do not accuse the gentleman of dishonesty.

Mr. CROSSLAND. The gentleman is charged with having used the word "steal" in connection with this matter.

Mr. COX. I never did, till I was charged with being a demagogue.

Mr. CROSSLAND. The gentleman was elected in November, and jumps back to last June to draw his pay from that date.

Mr. COX. I was sworn in on the day on which the gentleman from Kentucky [Mr. CROSSLAND] was sworn in.

Mr. CROSSLAND. The gentleman may sit down. I will brush him off the rose. [Great laughter.]

My friend from New York is a great man; he is a great lawgiver; a great law-maker. He has introduced and passed through this House many wise and wholesome laws. I will read you the title of one of them:

By Mr. COX: Bill No. 38, to change the name of the ship Industry to William M. Tweed. [Great laughter.]

Shades of Solon, the great patron of industry! He had a law enacted that provided that every man who did not pursue habits of industry should be declared infamous, and disqualified from holding office or exercising the franchise of a free citizen. Yet the name Industry must be changed to Boss Tweed. I wonder if there are any grangers in the gentleman's district.

Mr. COX. Does the gentleman want me to answer?

Mr. CROSSLAND. I wonder if that was the ship that was to transport the "dew-drop" to Europe last spring. [Great laughter.] I hold now in my hand the picture of the ram Judge Lawrence, the noblest ram of them all. [Laughter.] It has been torn out of the Agricultural Report for 1867.

I understand that this ram was named for the distinguished gentleman and ultra-economist of Ohio, who addressed the House a few days ago on the back *grab*. And I understand that by way of compensating the owner for calling the ram for him, he brought the animal up here, had him boarded at the Agricultural Department all winter at the expense of the Government, and had his picture put in the book at our expense. Now, after the back-pay grab the gentlemen made in 1866; the expense the Government incurred to put the gentleman's picture in the book, as exhibited by his colleague the other day; and after he imposed on us the expense of boarding the ram and putting the picture of the ram in the book, it is high time he gave some symptoms of economy and retrenchment.

Mr. Speaker, I am a little astonished that these gentlemen from New York—from Tammany, the headquarters and head-center of the most infamous villainies, roguery of every grade, robbery bold and unblushing—should come here to preach honesty and read moral lectures. The distinguished gentleman told us yesterday of his prosecution and conviction of the Tammany chief, Tweed. I commend him, and congratulate the honest people of New York, the victims of the Tammany roguery; but I remind the gentleman that his good work has but just begun. Tweed did not concoct and carry out all these disgraceful infamies alone; he had aiders and abettors who are still unwhipped; they are there yet; go bring them to justice. If gentlemen from New York are missionaries, devoted to the suppression of crime and the punishment of criminals, they are in the wrong field. Congress is bad enough, but perhaps ours is not an instance of total depravity; and under the lash of the people and the prayers of our pious Chaplain we may be reformed and saved. [Laughter.]

[Here the hammer fell.]

Mr. CROSSLAND. I ask just a minute or two more; I have not spoken in the House this session, and will promise never to speak again if allowed to proceed now.

Several MEMBERS. "Go on, go on."

Mr. CROSSLAND. I suggest to these gentlemen to go home. You are wasting your sweetness here. I understand that in the Tammany region crime boldly stalks at noon-day. Go hunt up the rogues and send them after Tweed, and be sure you let your own light shine there as it shines here.

Mr. Speaker, if our salaries are too high we ought to reduce them. I can live here on as little as any man. I am accustomed to the plain living and habits of a poor man. I have never eat bread which I had not honestly earned, nor do I want it otherwise. I believe that the people are willing for us to have salary sufficient to pay the expenses of a plain, decent, comfortable living here, furnish comfortable support of our families at home, and have enough left to pay the postage on the documents, books, seeds, &c., which are furnished us to send to them. They ought to be constantly informed of what we are doing here. I understand that the rich men who were members of the convention that framed the Federal Constitution desired to shape our Government after the British idea and allow no compensation to members of Congress, arguing that the Government ought to be in the hands of the *owners* of the country. Perhaps some of them had become rich by accident and could afford to go to Congress without any pay. They sought in this way to exclude all the ability of the country that was not backed by money. There may be some rich men here who desire to impose this exclusion. I am not in favor of it. I would offer such salary as will allow poor men to come here if qualified. And, in the language used yesterday by the gentleman from Massachusetts, "it will be a sorry day" when the laudable ambition and aspirations of our poor young men to reach positions and fields of honor, distinction, and usefulness is met by a rich man's law that tells them that they are too poor to go to Congress.

Mr. Speaker, no man on this floor is more profoundly grateful for the honor conferred by a seat here than I am. I owe my people a debt of gratitude that I can never pay; but if there had been no salary I should have been obliged to decline the honor. I am a poor man, and am obliged to earn something every day to support my family. I have

found no one here willing to board or shelter me for honor. They require money. I have none except what I draw here for my services.

Mr. Speaker, I heartily concur, with my friend from Ohio, [Mr. LAMISON,] in our action on this subject; we shall pursue strictly the dictates of duty. Let us act manly. The time approaches, sir, when we will care very little for the clamor of the demagogue and office-hunter. The important question then will be, "Have we discharged our duty in a manly, upright manner, as our judgment and conscience have presented it to us?"

These walls that know us to-day will very soon know us no more forever. Even the sweet, fresh little "dew-drop" from New York will evaporate and be as nothing. I shall act on this question as my duty may dictate, wholly unmindful of any other consideration, and will leave the consequences in the hands of a just, intelligent, and generous people. I must thank the gentleman from Maine for his kind indulgence.

Mr. HALE, of Maine, obtained the floor.

Mr. LAWRENCE. I ask the House to indulge me in a few remarks.

Mr. HALE, of Maine. I propose to call the previous question.

Mr. LAWRENCE. I hope the House will hear me.

Mr. MAYNARD. I hope we shall hear the gentleman from Ohio; it is only fair.

Mr. HALE, of Maine. I did propose to call the previous question at three o'clock. Nearly an hour has elapsed since that time. The gentleman from Tennessee, [Mr. MAYNARD,] who is a member of the committee, has notified me that he wishes to speak some three or five minutes before the previous question is called. It seems to me to be fair, as he is a member of the committee, to grant him that. The gentleman from Ohio, [Mr. LAWRENCE,] who has been attacked from many quarters, also wants five minutes. I notify the House, now, that in fifteen minutes I shall feel compelled to insist upon the previous question, and I hope the intervening time will be divided between the gentleman from Tennessee and the gentleman from Ohio.

Mr. DAWES. I hope my friend from Maine will not limit the gentleman from Ohio to five minutes.

Mr. LAWRENCE. I will be brief.

Mr. HALE, of Maine. The gentleman from Ohio himself has only asked me for five minutes.

Mr. LAWRENCE. Well, give me a little more.

Mr. HALE, of Maine. Well, say ten minutes.

The SPEAKER. The Chair will state that, of course, it was his duty to recognize the gentleman having charge of the bill to test the sense of the House on the previous question. If the House desire to continue the discussion they will refuse to second the demand for the previous question.

Mr. HOLMAN. I rise to make a parliamentary inquiry. If this measure goes over until to-morrow, so as to give gentlemen an opportunity to be heard, is the Chair aware of any business which will be interfered with?

The SPEAKER. The Chair is not aware of any.

Mr. GARFIELD. I desire to call attention to the appropriation bill pending.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] is now entitled to the floor.

Mr. MAYNARD. I sought the floor and desired to address the House upon this bill. I found myself unexpectedly a member of the committee that had it in charge, and the only member of that committee who voted in the last Congress for the increased compensation. I would have been very glad, had the debate continued, to have had an opportunity to say something in connection with the measure. But at this time, at the wish of the gentleman who has the bill in charge, I did not propose to do it. I have sought the floor now at the request of some two or three gentlemen who have been personally assailed, and desire a few moments to reply, and also to present what is the precise condition of the law touching the cases of those members who die before they are admitted to their seats. But the gentleman from New York [Mr. COX] has referred to that in such a way as almost to obviate the necessity. I will simply remark that by the fourth section of the act of August, 1866, it was provided:—

> That, in the event of the death of any Senator, Representative, or Delegate, prior to the commencement of the first session of Congress, he shall be neither entitled to mileage or compensation; and, in the event of death after the commencement of any session, his representatives shall be entitled to receive so much of his compensation, computed at the rate of $3,000 per annum, as he may not have received, and any mileage that may have actually accrued.

Subsequently the law was amended so as to provide that the representatives of the deceased member should receive the pay up to the time of his decease, and that his successor should receive it for the remainder of the time. That was done in order to remove what was thought to be an injustice to the family of a deceased member. That is the state of the law. I have been requested by several members of the House to make this statement; and now if I have any time left I will yield to the gentleman from North Carolina, [Mr. LEACH.]

The SPEAKER. Gentlemen will please understand that the member having charge of a bill has a right to test the sense of the House on the previous question, and it is the duty of the Chair, under the rules, to submit that question. The gentleman from Maine [Mr. HALE] has intimated his purpose to do so, but he yielded first to the gentleman from Tennessee, and then to the gentleman from Ohio, [Mr. LAWRENCE,] who is now entitled to the floor.

Mr. PLATT, of Virginia. I understood the gentleman from Maine to include in his statement five minutes for myself.

Mr. LAWRENCE. Mr. Speaker, I have been made the subject of so much misrepresentation—I will not say intentional—that it is due to myself that I should make some reply. I will always endeavor to discuss every subject in a spirit of candor and fairness. This is due to the dignity of this House and to the subjects on which we are called to act. We cannot escape the duty to legislate in accordance with right and justice by reference to what any individual may have said or done. The *argumentum ad hominem*, as all the books on logic tell us, can have no weight on the general merits of a question.

I have urged the repeal of the salary act of March 3, 1873, for reasons I have stated, and others I might add. In doing this I have not sought to attack the motives of others. On the 3d day of November a constituent of mine, of high character, addressed me a letter, respectful in its terms, asking how I would vote on the question of repeal. In my answer, which I could not with propriety decline to make, I said, among other things, that "there are questions connected with this salary bill about which honest men may differ. I do not design to cast imputations upon the motives or judgments of other members of Congress with whom I have associated or may associate—men for whom I have high regard."

And now it may be proper to say a few words in reply to some remarks during the discussion. The gentleman from Massachusetts [Mr. DAWES] said he understands that I was "opposed to this back pay because it was too much;" and he desired me to say "how much back pay" I "would go for." It is a sufficient answer to this to say that I am for the repeal of the salary act, and, of course, would not have voted for the bill which increased salaries if I had been in Congress when it passed. I am opposed to the law, because of the increase of salaries, especially of those of members of Congress, and would not have voted for an increase either in the shape of back or forward pay. This, it seems to me, is a sufficient answer.

But the gentleman [Mr. DAWES] further said he desired "to ask * * one question more." And then he affirms that in 1866 I took the back pay because, as he alleges, I said that "every member took it." And then he adds that I go "whatever way the multitude goes." I do not see the question in this. I cannot suppose that he believes that my course is dictated merely by a desire to go with the "multitude." I know how readily the motives of any member may be suspected; and no man can avoid this, whatever his action may be. I can only say that my course now, as it was in 1866, is dictated by what I believe right; and when I feel a consciousness of this I can leave others to judge of my motives. The gentleman himself was a member of this House in 1866, when he and I both voted against the bill of that year; both took the pay; both went with the same "multitude."

But the gentleman from Indiana, [Mr. WILSON,] in his remarks, gave the names of some who voted for the bill in 1866, which increased salaries from $3,000 to $5,000 a year, while, as he says, "There were others of equal character for integrity who voted against it, among whom" he is pleased to name myself. He proceeds to say that all of these—

> whether voting for, or against, or not voting at all, took the benefits of the increase—the "back pay."

He then inquires "if the principle was wrong last March, whether it was any the less wrong in 1866."

To this I will answer, I did not say "the principle" was necessarily and under all circumstances wrong.

The Constitution undoubtedly gives Congress the power to fix the pay of its members, retroactively as well as prospectively. If the pay for any Congress is clearly too low, a retroactive increase is authorized by the Constitution; and I will not now discuss the question whether the Constitution is or is not wrong in principle. While it stands as it is, it is to be deemed right. If an increase is made retroactive as well as prospective, and an impartial public judgment shall sanction it; if, in view of the circumstances, the increase is deemed only just, I have not said that it is necessarily wrong in principle to so increase it.

But if the increase is beyond what is necessary—is such that an impartial public will not sanction it—it may certainly, under such circumstances, be regarded as wrong, whether it be back pay or front pay. That is my position as to this subject, and I must have been unfortunate if I was not so understood. We cannot by any law affect the "back pay" of the last Congress; and that question is not before us now for discussion.

I may repeat again, I have not attacked or impugned the motives or judgment of any who differ with me as to what the proper amount of salary should be, or otherwise.

And I have already said that I do not claim infallibility for the public judgment; but only that, when deliberately formed, it is very likely to be correct.

And now as to the increase made by the act of 1866, there has been a very general acquiescence in its provisions by impartial men. If I can learn the judgment of impartial men, competent to judge, from all the sources I have already in this discussion named, there has been no such acquiescence in the salary increase made by the act of March, 1873.

I submit, therefore, that there is no necessary inconsistency in receiving the pay fixed by the act of 1866 and declining to receive the

increase fixed by the act of March, 1873. I do not undertake to prescribe duties for others, but will endeavor to perform my own as best I can.

I may say, too, that my judgment does not stand alone. All the members of Congress in 1866 received the pay fixed by the law of that year, with one exception; while many members have declined to accept the increase under the act of 1873. When I find myself thus corroborated by respectable members here I submit that the opinions of all these are entitled to the same respect which should be accorded, and which I do accord, to those who may differ from them.

But my distinguished colleague [Mr. LAMISON] has called the attention of the House to an old speech of mine, made some seven years ago, in which it seems I said, in substance, that "the Constitution declares that Representatives in Congress shall receive a compensation, to be ascertained by law," and that "when members have taken an oath to obey the Constitution, * * I take it that it is the duty of a member to accept the provision which is made by law."

I have not seen that speech, until recently, for a good many years. I have several answers to make as to that.

The true inquiry now is not so much what any gentleman may have said, but what every member of this House ought to say and do now. That is the real question.

Then, again, it will be seen, by reference to my speech, that the remark which has been quoted was made on the spur of the moment, in reply to a question, without any time for consideration, and I will not warrant all my opinions on constitutional law expressed in that form.

The statute of limitations has run upon that opinion and it cannot, therefore, be made available now. Gentlemen who stand by the salary law may need the benefit of such a statute in the future. But whether the remark then made was correct or not, I did not say that the Constitution prohibited any member, who deemed it his duty, from returning any portion of his pay to the Treasury.

But my colleague has presented a report made to this House on New York election frauds, and says he does "not know by what appropriation bill the features" to which he refers "were embalmed forever as the frontispiece to this book."

I can say to my colleague that it comes from no appropriation bill. If my memory is correct, he cannot find a half-dozen volumes with such frontispiece extant. These were originally bound up for no public use, but for a different purpose. We all know that William H. Barnes keeps up a "History of Congress,"—sketches of members—and the plates engraved for that, not at the public expense, but at private expense, furnished the means of giving so much delight to my colleague. I have before me a volume by Barnes, with probably a hundred and fifty engravings—faces familiar to this House—and I understand that a forthcoming volume will contain a sketch, and it may possibly be ornamented with the countenance, of my friend and colleague, [Mr. LAMISON,] and may also be "indelibly preserved in the public libraries of the country."

Mr. LAMISON. Will my colleague allow me to interrupt him to ask by what authority that book is published?

Mr. LAWRENCE. It is an individual enterprise of the publisher.

Mr. LAMISON. And who pays for it?

Mr. LAWRENCE. I presume the members whose pictures are in there contribute to it; and I make no complaint of my colleague, for I believe that most of the members of the last two Houses have had their pictures in it.

Mr. LAMISON. Does my colleague say that it goes into the Congressional Library as a public document?

Mr. LAWRENCE. It is put there, I suppose, as any other book may be.

Mr. LAMISON. One word more.

Mr. LAWRENCE. No, sir; I prefer not; the gentleman would not yield to me, and my time will not allow me to yield to him further.

For several successive Congresses this "History of Congress" has been continued, and is now being continued—not at the public expense, but by the enterprise of the publisher. Here is one of the volumes. [Mr. LAWRENCE presented one of the volumes, with sketches and portraits of members.]

One word in reply to the member from Kentucky, [Mr. CROSSLAND.] Some years ago an enthusiastic friend and constituent of mine, largely interested in my district in fleece-producing flocks, did me the honor to give my name to one of his best specimens, as he conceived, in recognition of services which he supposed I had rendered in behalf of agricultural interests. The editor of the Ohio Farmer newspaper published the fact with comments at large complimentary to my friend and his flock and myself. For nearly two years I kept out of the Agricultural Report, what my friend demanded should go in, as a right accorded for many years to the owners of other and, I think, less meritorious animals. He furnished the picture of the animal found in the book for that purpose, with no request of mine for any such purpose. If it be treason to have friends so devoted, gentlemen may make the most of it. One thing is certain, no constituent of mine will ask to have put into any book, the picture of any man who was false to the country during the rebellion, one who during that great struggle never uttered one loyal word.

I know very well that no man who is a man can pass through a public life, if he does his duty, without inciting envy and encountering malice. I have not escaped these misfortunes outside of this Hall, but I thank God that I am able to believe that no honest man has called in question my integrity; and I am conscious at least of the rectitude of my motives.

Mr. HALE, of Maine, obtained the floor.

Mr. ORTH. Will the gentleman yield to me for a moment?

Mr. HALE, of Maine. I cannot now. I wish to obtain the sense of the House in reference to this bill. I rise now to call the previous question. I ask the Chair to state the position of the bill now before the House, so that members may see just what the previous question, if ordered, will operate upon.

The SPEAKER. The bill of the committee is pending, with a motion to recommit made by the gentleman from Maine, [Mr. HALE,] who reported the bill. The gentleman from Illinois, [Mr. HURLBUT,] moves to amend the motion to recommit by adding certain instructions. Should the previous question be seconded, it will first operate upon the amendment of the gentleman from Illinois.

Mr. HALE, of Maine. I would like to have that amendment read.

The SPEAKER. The gentleman from Illinois moves to amend the motion to recommit by adding thereto instructions, which will be read by the clerk.

The Clerk read as follows:

That the bill under consideration be recommitted to the committee, with instructions to report as a substitute for the first and second sections of the bill reported by the committee the bill offered as an amendment by Mr. HURLBUT, of Illinois, on page 15 of the printed bill and amendments.

The SPEAKER. The Clerk will read the bill referred to.

The Clerk read as follows:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate, in going to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000, in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Mr. HALE, of Maine. I ask the Clerk to read the third section of the committee's bill, which that amendment proposes to leave as it now stands.

The Clerk read as follows:

SEC. 3. That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn, or which have been received as increased compensation, under the provisions of said act, approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Mr. HALE, of Maine. I now yield to the gentleman from Indiana, [Mr. ORTH.]

Mr. ORTH. I move to amend the amendment of the gentleman from Illinois [Mr. HURLBUT] so as to recommit the bill and pending amendments to the select committee, with the following instructions:

To report a bill repealing the whole salary act, so far as the same can be constitutionally done, and to ascertain the average amount of salary, mileage, and all other allowances, (exclusive of any estimate for the use of the franking privilege,) paid to Senators, Representatives, and Delegates of the Forty-first Congress; and to report a bill to-morrow, after the morning hour, determining the compensation of Senators, Representatives, and Delegates in Congress hereafter at the amount, as near as practicable, thus ascertained, with necessary traveling expenses, and restoring all other salaries as they were before the passage of said act.

Mr. RANDALL. Is that susceptible of division?

The SPEAKER. The Chair thinks not. It is in the nature of an amendment to the instructions moved by the gentleman from Illinois, [Mr. HURLBUT.]

Mr. BURCHARD. The gentleman from Indiana [Mr. ORTH] moves to amend so as to recommit the bill and pending amendments. There are no pending amendments.

Mr. KELLOGG. I would suggest to the gentleman from Maine [Mr. HALE] that the third section of his bill should be modified by inserting after the words "which have been received as increased compensation" the words "by members of the Forty-second Congress."

Mr. CESSNA. He can do that by making the bill all right, if it is recommitted.

Mr. HALE, of Maine. There is no objection to that modification, I think.

Mr. KELLOGG. That will make it definite and clear.

The SPEAKER. If the previous question is seconded it will first operate upon the substitute moved by the gentleman from Indiana [Mr. ORTH] for the instructions moved by the gentleman from Illinois, [Mr. HURLBUT.] If the House should add instructions to the motion to recommit, those motions are indivisible, and must be put together, to recommit with instructions. Should that be negatived, then the House will be brought to a direct vote upon the bill of the committee.

Mr. HALE, of Maine. But the previous question having been seconded, before the House shall be obliged to vote upon the bill itself members will have the opportunity to vote upon the propositions of the gentleman from Indiana, [Mr. ORTH] and the gentleman from Illinois, [Mr. HURLBUT.]

The SPEAKER. First upon the instructions moved by the gentleman from Indiana. If they should be negatived, then the question will be upon the instructions moved by the gentleman from Illinois;

should they be negatived, then upon the motion to recommit; and if that should be negatived, then the vote will be directly upon the bill reported by the committee.

Mr. COX. I would like to have a chance, by unanimous consent or otherwise, to vote upon the substitute of the gentleman from Iowa, [Mr. KASSON.]

Mr. HAWLEY, of Connecticut. I have some instructions which I wish to move.

The SPEAKER. That will require unanimous consent now, because the amendment of the gentleman from Indiana [Mr. ORTH] is an amendment in the second degree. The Chair will endeavor again to state the question, so that every gentleman may vote understandingly upon the motion for the previous question now submitted.

Should the previous question be seconded, the first vote will be upon the substitute moved by the gentleman from Indiana [Mr. ORTH] for the instructions moved by the gentleman from Illinois, [Mr. HURLBUT.] Should that be negatived, then the vote will be upon the instructions moved by the gentleman from Illinois. Should that be negatived, then the vote will be upon the motion to recommit simply, and should that be negatived, then upon the bill of the committee. If either instructions should be adopted, then the vote will be upon the motion to recommit with those instructions, that motion being indivisible.

Mr. HAWLEY, of Connecticut. Is there any further opportunity to offer a motion for instructions?

The SPEAKER. Not at this time, except by unanimous consent.

Mr. HAWLEY, of Connecticut. If the bill of the committee should be rejected——

The SPEAKER. If the bill of the committee should be rejected, then the House will be free to make such further order in the matter as it may see fit.

Mr. KASSON. I wish to make a single statement. If the previous question be now put and sustained, of course there will be no chance for any amendment, either in the form of another bill or as instructions to the committee. If, however, the previous question should be voted down, I shall then, if the Speaker should assign me the floor, move a substitute, and then give the gentleman from Indiana [Mr. ORTH] an opportunity to offer his proposition that the committee report to-morrow.

The SPEAKER. The Chair thinks the proposition would have to be presented in the form of instructions. If the pending bill should be defeated, the committee would be *functus officio*, except so far as the subject might be again committed to them by order of the House. The committee by the terms of its organization is not limited to a report on this bill.

Several members called for the regular order.

The SPEAKER. The regular order being called for, the question is upon the demand for the previous question; and the Chair appoints as tellers the gentleman from Maine, [Mr. HALE,] who has charge of the pending bill, and the gentleman from Iowa, [Mr. KASSON,] who presented the minority report.

Mr. MAYNARD. The Chair has stated very fully and explicitly what will be the effect if the previous question should be seconded. I wish to inquire what will be the position of the bill if the previous question should not be seconded?

The SPEAKER. The Chair is obliged to the gentleman for the suggestion. Of course if the previous question should not be seconded, it simply leaves the bill pending for further debate.

Mr. LEACH. I wish to ask a parliamentary question.

The SPEAKER. The Chair will answer every proper parliamentary inquiry.

Mr. LEACH. If the House should refuse to order the previous question, will it not place the bill in such a position that I can offer my amendment for the restoration of the franking privilege?

The SPEAKER. The Chair thinks that might possibly be the result; but he cannot answer explicitly, because he cannot tell at what subsequent stage the previous question might be moved, nor upon what proposition.

Mr. LEACH. But the refusal to second the previous question will give members an opportunity to vote on my amendment, if they wish to do so.

Several members called for the regular order.

The House divided; and the tellers reported—ayes 100, noes 145.

So the House refused to second the demand for the previous question.

The SPEAKER. The Chair was about to recognize the gentleman from Missouri, [Mr. COMINGO,] who wishes to continue the debate; but he will first answer several inquiries addressed to him privately as to how the House may get to a vote on any amendment which it desires to adopt. The pending amendment stands just as it did before the previous question was moved. The question is first upon the instructions offered by the gentleman from Indiana, [Mr. ORTH,] and next upon those proposed by the gentleman from Illinois, [Mr. HURLBUT.] The previous question may be called upon both those propositions together, or upon either singly. Thus members, if they desire to get any one amendment out of the way, may order the previous question on it, and negative it by a vote. In this way any amendment which a majority of the House desires to act upon may be reached.

Mr. RANDALL. I wish to ask a parliamentary question. Could we not, in the manner just suggested, call the previous question on each amendment, and act *seriatim* upon every proposition which has been offered?

The SPEAKER. If the House so desires, that can be done.

Mr. DAWES. I desire to have the Speaker state that the pending motion is the amendment of the gentleman from Indiana.

The SPEAKER. The Chair stated the precise attitude of the question when the previous question was called. If it is desired that the previous question shall act partially, the mover of it can state on which motion he desires it to operate. It may be called simply upon the instructions of the gentleman from Indiana; it may be called upon those in connection with the instructions of the gentleman from Illinois. It may be called so as to operate also upon the motion to recommit. It may operate just as far as the gentleman moving it may choose to indicate; and in that way, as the gentleman from Pennsylvania [Mr. RANDALL] has suggested, the House may successively and *seriatim* pass its judgment upon each amendment that it desires to consider.

Mr. KASSON. I would be glad to know whether it is the desire of the House that the instructions offered by the gentleman from Indiana shall be adopted, in order that the committee, if it is the will of the House, may have a meeting to-morrow morning to prepare a report upon that subject. I had intended also, if the House is satisfied that the twenty-minute debate has run long enough, to ask that the debate to-morrow be limited to five-minute speeches, including the offering of amendments, to test the sense of the House.

The SPEAKER. There is a very large demand upon the Chair for an opportunity to speak, which of course he has endeavored, as far as possible, to accommodate. The gentleman from Missouri [Mr. COMINGO] was especially anxious to speak, and the Chair has recognized him.

Mr. KASSON. I would not press my motion to his prejudice, if he desires to speak twenty minutes; but the gentleman, I think, will be satisfied with five minutes.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] moves that, after the remarks of the gentleman from Missouri, speeches shall be limited to five minutes each. Before putting this proposition to the House, the Chair desires to make a remark in reply to a question which has been addressed to him, as to the operation of the previous question. Nothing in the arrangement which has been made, unless that order shall be modified by the House, will interfere with the right of the member closing the debate to occupy one hour under the rules.

Mr. BUTLER, of Massachusetts. Does that apply to anybody except to the chairman of the committee?

The SPEAKER. It might apply to other gentlemen.

Mr. DAWES. That right belongs, under the rule, to the gentleman from Maine, [Mr. HALE.]

The SPEAKER. It does belong to the gentleman from Maine.

Mr. RANDALL. The gentleman from Maine has made a motion to recommit, and on that motion demanded the previous question. Now, I wish to know whether, according to the usage, the House having refused to second the demand for the previous question, he does not thereby lose the control of the floor.

The SPEAKER. He loses the control of the floor so far as the motion to recommit is concerned; but suppose the House should afterward second the demand for the previous question and close debate, the Chair then thinks that the usage would not deprive the gentleman from Maine of his right under the rule. It took away from the gentleman, when the House refused to second the demand for the previous question, his further right to the floor at the time, and the Chair therefore recognized another gentleman. But if the House should, at some subsequent period, determine to order the previous question, it will not deprive the gentleman of his right to close the debate. The Chair will not undertake to interpret the significance of votes. Nor is it clear to the apprehension of the Chair, or to members themselves, whether, by refusing to second the demand for the previous question, it was not because the House wished further discussion of the subject.

Mr. RANDALL. If, upon anybody else's motion, the previous question had been ordered on any single amendment, or upon the entire proposition, would not the gentleman who was sustained in making the demand by the House be entitled to an hour?

The SPEAKER. If there should be a substitute agreed to by the House, separate and distinct from the original proposition, the Chair thinks the mover of the substitute, and not the one reporting it from the committee, would be entitled to the closing hour.

Mr. ORTH. The refusal by the House to second the demand for the previous question was apparently for the purpose of prolonging the discussion on this measure; and I would suggest that some hour to-morrow, after the discussion had continued for one, two, or three hours, according to what seems to be the sentiment of the House, the motion shall again be made, and the House again asked to pass upon the question.

The SPEAKER. The gentleman refers to his own proposition coupled with the motion to recommit.

Mr. ORTH. Yes, sir.

Mr. KASSON. If the House desires information to be reported by the special committee under the resolution of instructions, I desire to give that committee the opportunity to meet to-morrow morning, and to have its report ready at the service of the House during to-morrow's session.

The SPEAKER. The gentleman may try the sense of the House on that without prejudice to any gentleman upon the floor.

Mr. KASSON. That is all I ask.

Mr. BUTLER, of Massachusetts. I suggest, sir, we all know exactly, as well as we can by any information from the committee, that about $6,135 was the average pay during the Forty-first Congress. I do not think it worth while to recommit this bill and start on that a new report from the committee. Having this report, it is the best judgment before the House, both of the majority and of the minority. I hope, therefore, the House will now adjourn, and let the debate run on for such time as may be deemed proper, and then the previous question may be called.

Mr. ORTH. One estimate, I believe, makes the average pay during the Forty-first Congress about six thousand dollars.

Mr. BUTLER, of Massachusetts. It is within a few dollars. It is so near, that that sum can be fixed without any reference to the committee for information.

Mr. ORTH. If the subject be recommitted to the committee with instructions, that committee can report it back in thirty minutes.

Mr. KASSON. Two members of the committee, I know, have already made the investigation for their own satisfaction. Any gentleman can gather the facts from the officers of the House. I do not think it necessary to refer it to the committee merely for that purpose. When the substitute I have moved is before the House, and we come to the fifth section, there the question will be raised as to the aggregate, in one sum of pay and allowances. I do not think it necessary to have the committee called to report merely on those facts, but I am willing to demand the previous question, to settle now whether we will to-morrow take up the bill for decisive action or not.

Mr. COBURN. The instructions have not been printed and are not understood in this part of the House. They were read on the other side of the House; and, in order that we may understand them on this side, I ask that they again be read.

The SPEAKER. The instructions moved by the gentleman from Indiana will again be read.

The resolutions were again read.

Mr. COBURN. That is a sweeping clause. It is such a definite and absolute fixing of the shape in which this bill should go that I think the House should have time to consider it.

Mr. SPEER. Mr. Speaker, is it in order to move an adjournment?

The SPEAKER. The gentleman from Iowa [Mr. KASSON] is on the floor and moves the previous question on the committal of the bill with the instructions which have been read.

Mr. KASSON. I do not know that it is necessary, in order to get at the main point, that the House should recommit the bill. I desire, however, to get the sense of the House on these instructions, and that we may then dispose of the matter to-morrow.

The SPEAKER. The Chair understands that the gentleman does not desire the motion to recommit to be submitted, but simply that the House shall indicate its purpose, and that the sense of the House be taken on that.

Mr. KASSON. That is what I want.

Mr. MAYNARD. I desire to try the sense of the House on another question. I move that the House do now adjourn.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 470) relating to the limitation of steam pressure of vessels used exclusively for towing and carrying freight on the Mississippi River and its tributaries.

The question being taken on the motion to adjourn, it was agreed to.

And thereupon (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BURLEIGH: A petition of 100 merchants, ship-owners, and masters of American vessels of Portland, Maine, for the repeal of the shipping act.

By Mr. CLEMENTS: A petition of citizens of Red Bird, Illinois, in regard to the postage on newspapers.

By Mr. COBURN: The memorial of John S. Moore, late lieutenant in the Seventh Pennsylvania Cavalry.

By Mr. COX: The petition of General W. W. Burns, for relief.

Also, the petition of Richard Edgeworth and 25 crippled soldiers, for increase of pension.

Also, a petition for the relief of the heirs of Colonel Gates, United States Army.

By Mr. DAWES: The petition of Marie Barton Greene, for relief.

By Mr. FRYE: Twenty-five petitions from citizens of the State of Maine, asking for the appointment of a commission of inquiry on the alcoholic liquor traffic.

By Mr. HANCOCK: The petition of Benjamin H. Thompson, and others, druggists, asking the repeal or reformation of the law imposing stamps on drugs, prescriptions, &c.

By Mr. HARRIS, of Massachusetts: The memorial of Nathan H. Dauphe, of Bridgewater, Massachusetts, asking remuneration for 75 hogsheads of sugar, seized by United States forces in the State of Louisiana, in the year 1863.

By Mr. HATHORN: The petition of James S. Cutbush, late private in Company A, One hundred and twenty-fifth Regiment New York Volunteers, for a pension.

By Mr. LANSING: The petition of S. Macomber, for an extension of patent.

By Mr. LAWSON: The memorial of Seth Driggs, assignee and attorney of the heirs of John Clark, for a rehearing of claim against the late Colombian confederacy.

By Mr. MITCHELL: The petition of Gottlieb Schweitzer and others, commissioned officers, claiming that bounty and three months' extra pay are due to them, and asking that such may be paid.

By Mr. MYERS: A petition of citizens of Philadelphia, asking Congress to give those who have lost both arms or eyes a pension of $50; both legs or one arm and one leg, $40; one arm or one leg, $30 per month.

By Mr. NESMITH: The petition of Captain James M. Robertson, for the passage of an enabling law to promote him a major of artillery, &c.

By Mr. O'BRIEN: The memorial of Philip C. Friese, esq., of Baltimore, Maryland, to give to the colored population their legal status.

By Mr. SENER: The petition of Charles Fitchett, of Fredericksburgh, Virginia, praying for an increase of pension.

Also, the petition of Mary B. Belfield, of Richmond County, Virginia, widow of Colonel John W. Belfield, a soldier of the war of 1812, praying for a pension.

By Mr. SHANKS: A memorial signed by 300 citizens of Alta City, Utah Territory, setting forth their grievances, and asking relief from the despotism of the Mormon theocracy.

By Mr. STRAIT: The petition of A. C. Sherwood and 40 others, praying for a mail-route from Hancock Station, in Stevens County, to Appleton, in the county of Chippewa, and State of Minnesota.

By Mr. WILSON, of Indiana: The petition of M. C. Mordecai & Co., praying compensation for mail service between Charleston, South Carolina, and Havana, Cuba.

PAPERS WITHDRAWN AND REFERRED.

Leave was given under the rule of the House for the withdrawal from the files of the House, and reference to appropriate committees, as follows:

Mr. LAMISON: The memorial and accompanying papers in the claim of Edmond Gallaher—to the Committee on Claims.

Also, the memorial and accompanying papers in the claim of Antonio Pelletier—to the Committee on Foreign Relations.

Also, the memorial and accompanying papers in the claim of H. B. Denman—to the Committee on Claims.

Also, the memorial and accompanying papers in the claim of James L. Henry—to the Committee on War Claims.

Also, the memorial and accompanying papers in the claim of Chauncy M. Lockwood—to the Committee on Claims.

Also, the memorial and accompanying papers in the claim of the trustees of Wildey Lodge, I. O. O. F—to the Committee on War Claims.

Also, the memorial and accompanying papers in the claim of Eva, Etta, Henry, and Guy Carleton, heirs of General James Carleton, deceased—to the Committee on Claims.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 12, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

REMOVAL OF DISABILITIES.

Mr. HARRIS, of Virginia. I ask that, by unanimous consent, the bill (S. No. 130) to remove the disabilities of Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, of Virginia, and John H. Reagan, of Texas, be taken from the Speaker's table for present consideration.

There was no objection; and the bill was taken from the Speaker's table, and read a first and second time.

The question was on ordering the bill to be read a third time.

The bill was read, as follows:

Be it enacted, &c., (two-thirds of each House concurring therein,) That all political disabilities imposed upon Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, of Virginia, and John H. Reagan, of Texas, by the fourteenth amendment to the Constitution of the United States, by reason of their participation in the rebellion, are hereby removed.

The bill was read a third time and passed.

Mr. HARRIS, of Virginia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENTS TO RAILROADS.

Mr. HOLMAN. I offer the following resolution to obtain certain information from the War Department:

Resolved, That the Secretary of War be, and he is hereby, directed to report to this House whether any payments have been made by his Department to the Illinois Central Railroad Company for the transportation of troops and supplies of the United States over their railroad since the 1st day of January, 1866; and, if so, the time of such transportation, the amount paid, and for what particular transportation such payments were made; also whether, since the date aforesaid, the Department has made payment to any other railroad company to aid in the construction of whose railroad any grant of public lands was made prior to 1862, and if so, the amount paid, the date of such transportation, and the company or companies to which such payments shall have been made.

Mr. HALE, of New York. I ask if this comes here from a committee, and upon what idea it is based?

Mr. G. F. HOAR. I object to the present consideration of the resolution.

Mr. HOLMAN. I hope the gentleman will not object. The information called for is very essential to the public interest. It is in reference to the payments made by the War Department for the transportation of supplies over roads to which land grants have been made. I trust there will be no objection to this information being obtained.

Mr. G. F. HOAR. This comes from no committee. To furnish this information would cause considerable expense to the Department.

Mr. HOLMAN. It will cost nothing.

Mr. G. F. HOAR. Let it be referred to the Committee on Military Affairs.

Mr. HOLMAN. I hope the resolution will not be referred. I have submitted it in consequence of definite information which I have received.

Mr. G. F. HOAR. If it is allowed to go to the committee I will make no objection.

Mr. DAWES. We have been in the habit of referring resolutions like these to committees.

The SPEAKER. And the Chair will state that when such reference is made it has generally been accompanied with the right to refer back at any time.

Mr. HOLMAN. Then I will have to acquiesce in that arrangement.

The SPEAKER. The resolution will be referred to the Committee on Military Affairs.

Subsequently—

Mr. HOLMAN said: After examination, the gentleman from Massachusetts [Mr. G. F. HOAR] will withdraw his objection to my resolution in regard to the Illinois Central Railroad.

No further objection being made, the resolution was agreed to.

REPEAL OF THE BANKRUPT ACT.

Mr. DUELL. I present the petitions of a large number of business men in different sections of the Union—merchants, lawyers, and bankers—asking for the repeal of the bankrupt act. They represent 27 different States, and more than 3,000 of these gentlemen have signed the petitions, which are 80 in number.

The SPEAKER. The petitions will be referred to the Committee on the Judiciary, which has that subject in charge.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. G. F. HOAR. I desire to make a parliamentary inquiry of the Chair as to what is the proper reference or disposition of a petition asking the appointment of a special committee of this House. A great number of these petitions are coming in; and I make this inquiry publicly, instead of privately, that information may be given to the House.

The SPEAKER. The Chair could answer that question if he knew what the subject is on which the committee is to operate.

Mr. G. F. HOAR. It is a petition asking the appointment of a special committee of inquiry concerning the alcoholic liquor traffic.

The SPEAKER. The Chair thinks that that subject might well be taken in hand by the Committee on Education and Labor, as they are dealing with the moral questions of the day. [Laughter.]

CALL OF COMMITTEES.

The SPEAKER then proceeded to call the committees for reports of a private character.

JOHN S. MILLER.

Mr. BECK, from the Committee on Ways and Means, reported a bill (H. R. No. 488) to authorize the cancellation of the export bond for a portion of the distilled spirits of John S. Miller, on board of bonded cars of the United States; which was read a first and second time.

The bill was read. It authorizes the Secretary of the Treasury, on the production of proofs satisfactory to him of the destruction by fire of 50 barrels of alcohol, without fraud, collusion, or negligence on the part of the owner of said alcohol, while the same was in custody of the United States in bonded cars at Sterling, Illinois, *in transitu* for export to Buenos Ayres, in South America, on or about the 18th of August, 1872, to cancel such bond as may have been given for the exportation of the alcohol destroyed, provided landing certificates shall have been produced showing the landing, as required by the regulation of the Secretary of the Treasury, of all the alcohol or distilled spirits except the 50 barrels destroyed, included in the said bond.

Mr. BECK. I desire to make a brief statement to the House before calling the previous question. But before I call it I will allow any gentleman who knows any reason why the bill should not pass to state any objections he may have to it, or I will answer any questions any gentlemen desire to ask. We passed a law on May 27, 1872, providing for the cancellation of bonds where distilled spirits were destroyed in any bonded warehouse of the United States. I have followed the language of that law in all its requirements in the bill I have reported. On the 3d of March, 1873, we passed a further law, providing for the cancellation of bonds given for the exportation of distilled spirits upon presentation of satisfactory proof and certificates that the distilled spirits had been landed at the port of destination, or satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper. Neither of those laws provides for this case. These spirits were destroyed on board bonded cars of the United States while being shipped from Sterling, Illinois, to the collector of New York, for shipment to Buenos Ayres. Mr. Miller had 5,000 barrels of alcohol, 50 barrels on a car. One car was entered by a thief in the night, and, somehow or other, the car and the 50 barrels of alcohol were burnt up. I have here the statement of Mr. Miller himself, setting forth all the facts of the United States district attorney, and of the agent of the railroad. The thief was arrested, convicted, and is now in the penitentiary. The facts are undoubted. I submitted them to the Commissioner of Internal Revenue, to his assistant, and to the men in charge of that Department; and I can say to the House that this bill is presented with their approval. Suits, of course are entered upon all bonds, and a suit is now pending in this case among others. It is quite important to this gentleman that the bill shall pass early, so that the suit may be dismissed. I have no question about the case being a clear one. It was presented by the gentleman from Illinois, [Mr. BURCHARD,] and the proof is abundant.

Mr. MELLISH. I would ask the gentleman if we have any recommendation from any official who has investigated this matter—from the Secretary of the Treasury, or the Commissioner of Internal Revenue?

Mr. BECK. We have no recommendation of record. When the case was submitted to the Committee on Ways and Means, according to our usual way of doing business, it was put into my hands for examination. I went, in company with the gentleman from Illinois, [Mr. BURCHARD,] to see the Commissioner. I saw him and he sent for his assistant, and they of course only made a verbal communication to us. The facts, however, independent of any communication, in view of our past legislation, make it a clear case, in my judgment.

Mr. WILLARD, of Vermont. Ought not we to have a general law to cover such cases?

Mr. BECK. We thought of that; but we have already provided for all spirits destroyed in banded warehouses and while at sea, and we were afraid that if we passed a general law relating to cars, it would open a door to fraud and collusion. Water, for instance, might be substituted for spirits. We thought it best, in relation to that class of cases referring to spirits passing through our own country, to let each case stand on its own merits; to have each case specially investigated, rather than to pass a general bill. We preferred to do it in this way in order to guard the Government.

Mr. E. H. ROBERTS. I will ask the gentleman from Kentucky [Mr. BECK] this question: Whether or not there is any difference in principle at all between this bill and the general bills already on the statute-book? The only difference, as I understand it, is that this loss occurred on the railroad.

Mr. BECK. There is no difference at all; and we propose a special bill in this case only because frauds might arise under a general law.

Mr. E. H. ROBERTS. And this, as I understand, is the unanimous report of the Committee on Ways and Means.

Mr. BECK. It is; and it is also recommended by the Department. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BECK moved to reconsider the vote by which the biil was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSENGER TO STENOGRAPHERS.

Mr. ARCHER, from the Committee on Accounts, submitted the following resolution; which was read, considered, and adopted:

Resolved, That authority be given to the stenographers of the committees of the House to continue the employment of a messenger, during the sessions of the present Congress, at the rate of compensation heretofore allowed.

Mr. ARCHER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREEDMEN'S BUREAU.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting to the House certain

reports in relation to the late Bureau of Refugees, Freedmen, and Abandoned Lands.

Mr. WOOD. I ask that that communication be read.

The SPEAKER. It is very voluminous.

Mr. WOOD. I think the letter of the Secretary himself is quite short, and I do not ask that the accompanying documents be read.

The SPEAKER. The letter consists of eight foolscap pages. Does the gentleman want it all read?

Mr. WOOD. The same letter, as I suppose, was published in a newspaper of New York yesterday, and appeared in print to be an exceedingly short one. I desire to have it read for the purpose of afterward submitting a resolution based on the contents of that letter.

The SPEAKER. The gentleman has a right to have the whole of it read.

The Clerk read as follows:

WAR DEPARTMENT, WASHINGTON, D. C., *December* 4, 1873.

To the Speaker of the House of Representatives, Washington, D. C.:

SIR: In the course of business connected with the settlement of affairs and paying unsettled claims of the late Bureau of Refugees, Freedmen, and Abandoned Lands, certain developments have been made which I deem it proper, under the circumstances, to submit to the House of Representatives for such action as may appear to be right. On the assumption of the duties by the Adjutant-General, under the act of Congress (general nature, No. 133) approved June 10, 1872, and War Department General Orders, No. 55, of 1872, there was no reason to suppose that such developments would be made; hence no special search was made bearing upon them. But as complaint after complaint was received that claimants had not received from the late Bureau their bounties, arrears of pay, &c., and the said complaints were referred, in the course of business, to the Second Auditor, with whom rested all settlements and the final adjustment of the accounts, it gradually became apparent that vouchers to a considerable amount were filed as if paid, and credit taken for the amounts, when strong proof was presented that the claimants had not been paid; and in a similar manner developments embracing other subjects called for consideration.

From the incomplete and disordered condition of the records of the late Bureau, when received by the Adjutant-General, and from the fact that examination had also to be made in two offices of the Treasury Department to arrive at the true condition of certain accounts and claims, so much time elapsed that the trial of the late Commissioner by general court-martial became barred in part, under the statute of limitation, before it was discovered that he was probably amenable to trial at all. Though it is true that he could now be brought before a military court on some specific charges, yet for the reason that they would be more or less dependent on transactions which are barred, the trial would hardly be productive of public benefit, and also for the reason that the honorable House of Representatives has already ordered and had an investigation by a committee upon the affairs of the Bureau of Refugees, Freedmen and Abandoned Lands, I have deemed it best not to give the case to a military tribunal, but to submit it and the entire subject to the House of Representatives. The Department of Justice, however, has been furnished with some cases, and others are to follow, of apparent malfeasance, with a request to institute either criminal suit or civil suit, to recover moneys belonging to the United States, or both suits, as may be proper, against such of the officers and agents of the late Bureau as may be liable. In this connection, attention is invited to correspondence with the Attorney-General, found herewith, marked A.

The late Commissioner, Brigadier-General O. O. Howard, United States Army, has been promptly informed of the absence of important records and of the apparent exhibits against him, with a view to his offering explanations and supplying the missing records. How far he has done this will appear by the correspondence pointed to in the reports. In one item, stated at upward of $121,000, (see heading 7,) not accounted for it will be seen that accounts cannot be produced, and no attempt has been made to prove what has become of the money. Accounts, covering the amount in part, are alleged to have existed, but the disbursing officer, George W. Balloch, has stated that as they were not considered of much importance, they were not kept in the cases with the other accounts. The said accounts have disappeared, and it seems that neither the late Commissioner nor the late disbursing officer can account for their disappearance. This item is known as the retained bounty fund.

As to the misapplication of public funds, (see heading 8,) the records are in evidence, and these irregularities and violations of law, seemingly, have had much to do with the confusion of records, their defective condition, and the almost entire suspension of work by the late Bureau. The responsibility and accountability attaching to the late Commissioner, so far as now developed, amounts to upward of $278,573.66, and may be stated under the following headings:

1. Claimed by colored claimants, who allege that they have not been paid their pay and bounty, although the records of the Treasury Department show settlement of the claims, and vouchers have been filed by the late Bureau as evidence of payment, $33,888.39.
2. Defalcation of Saint Clair Mandeville, $8,503.29.
3. Defalcation of O. C. French, reduced to $3,014.54.
4. Defalcation of B. P. Runkle, $673.24.
5. Acknowledged by George W. Balloch to have been paid to B. P. Runkle, to reimburse the latter for mistakes made by his agents in paying bounties to the wrong parties, $1,331.03.
6. Due by the late Bureau in consequence of illegal double payments and certain accrued interest, several thousand dollars.
7. Irregular fund, called retained bounty fund, under the act of March 2, 1867, (Stat. 14, page 145,) not accounted for, upward of $121,000.
8. Misapplication of public funds and filing vouchers with the accounts covering a certain month when payments were made in a prior month—misapplication, $36,314.77; vouchers covering time subsequent to the actual date of payment, and therefore erroneous, $73,048.40: total, $109,363.17.

The accompanying reports of the Adjutant-General, dated August 4, 1873, and September 23, 1873, marked B and C, the report dated October 3, 1873, herewith, marked D, of Inspector-General E. Schriver, who made a critical examination of the records, in verification of the Adjutant-General's reports, point in detail to the transactions exhibited in the above summary.

War Department General Orders No. 7, of 1873, promulgated the proceedings of a general court-martial in the case of Major B. P. Runkle, one of the agents of the late Bureau. Reference is also invited to Executive Document No. 109, Forty-first Congress, third session; Miscellaneous Document No. 87, Forty-second Congress, third session, and report of Adjutant-General, dated February 20, 1873, the latter transmitted to the House of Representatives February 28, 1873. Copies herewith marked E, F, and G, respectively.

I am, sir, with great respect, your obedient servant,

W. W. BELKNAP, *Secretary of War.*

Mr. WOOD. I offer the following resolution with reference to the communication just read:

Resolved, That the letter of the Secretary of War, with accompanying reports of the Adjutant-General and of Inspector-General Shriver, relating to the defalcations, &c., of Brigadier-General O. O. Howard, be referred to the Committee on Military Affairs, with instructions to report a resolution providing for the trial, by military court-martial, of any officers of the Army implicated thereby.

The question was upon adopting the resolution.

Mr. DAWES. I move to amend the resolution by striking out all that portion instructing the committee. Let the committee take such action upon the subject as their judgment may dictate.

Mr. WOOD. I will accept any proper amendment or modification that the gentleman may suggest.

Mr. DAWES. I suggest the simple reference to the Committee on Military Affairs without special instructions.

The SPEAKER. The Chair was about making that reference, as usual in such cases.

Mr. WOOD. In view of the antecedent history of the Freedmen's Bureau, and the connection with it of General Howard, I would prefer that there should be some instructions given to the committee. In saying that, I desire it to be distinctly understood that I have the utmost confidence in that committee. I desire to express no doubt of its disposition and sincerity to protect the country in every regard.

Mr. HALE, of New York. Is debate in order upon this resolution, and is it before the House?

The SPEAKER. The question is simply one of reference, and the Chair thinks that under the usage of the House debate is not in order.

Mr. HALE, of New York. Then I object to debate.

The question was upon the amendment moved by Mr. DAWES; and being taken, upon a division there were—ayes 94, noes 72.

Before the result of the vote was announced,

Mr. WOOD called for the yeas and nays; and they were ordered.

Mr. DAWES. I desire to say——

Mr. RANDALL. Is debate in order?

The SPEAKER. It is not.

Mr. RANDALL. Then I object to debate.

Mr. MAYNARD. Would it be in order to move to amend the resolution by inserting the word "alleged" before "defalcations?"

The SPEAKER. That would be in order after the pending amendments, upon which the yeas and nays have been ordered, have been disposed of.

The question was again taken; and there were—yeas 174, nays 88, not voting 22; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Cannon, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Stephen A. Cobb, Conger, Corwin, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Darrall, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Farwell, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Hoskins, Houghton, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Kendall, Lamport, Lansing, Lawrence, Lawson, Lofland, Loughridge, Lowe, Lowndes, Lynch, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McJunkin, McKee, McNulta, Mellish, Merriam, Monroe, Moore, Morey, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Ray, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Sprague, Stanard, Starkweather, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Thomas, Thornburgh, Townsend, Tremain, Tyner, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—174.

NAYS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Comingo, Cook, Cox, Creamer, Crittenden, Davis, Durham, Eden, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Hunton, Jewett, Kasson, Killinger, Knapp, Lamar, Lamison, Leach, Luttrell, Magee, Marshall, McLean, Milliken, Mills, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Perry, Potter, Randall, Rapier, Rawls, Read, Robbins, Milton Sayler, John G. Schumaker, Sloss, J. Ambler Smith, Southard, Speer, Standeford, Stone, Storm, Swann, Todd, Vance, Waddell, Wells, Whitehead, Whitehouse, Whitthorne, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—88.

NOT VOTING—Messrs. Banning, Barry, Roderick R. Butler, Freeman Clarke, Clinton L. Cobb, Coburn, Cotton, Crossland, De Witt, Elliott, Field, Hooper, Lewis, Martin, Mitchell, Phillips, Purman, William R. Roberts, James C. Robinson, George L. Smith, Snyder, and Stephens—22.

So the amendment was agreed to.

Mr. DAWES. I do not desire to screen General Howard, or to take any step that looks in that direction, but——

Mr. WOOD. If debate is in order, I desire to be heard.

Mr. DAWES. But the resolution recites as a fact what it seems to me cannot properly be so recited in advance of a hearing. It states as a fact defalcations by General Howard. I do not understand that there has been any hearing or examination which warrants us in stating as a fact that General Howard has committed defalcations. I move to amend the resolution by inserting "alleged" before the word "defalcations."

Mr. WOOD. The resolution states as a fact what has been authenticated in two official documents sent here by the Secretary of War—the report of General Vincent at the last session of Congress, and the letter of the Secretary of War, with accompanying documents, sent in here to-day. I think we can well afford in a matter of this kind to stand on facts which this Administration declares to

be facts. If the gentleman from Massachusetts [Mr. DAWES] goes back of the action of the Administration on this subject, I will not.

Mr. DAWES. No matter how strong the proof may ultimately appear against General Howard, it is sufficient for us to say at present "alleged defalcations." I therefore make the motion to amend by inserting "alleged" before "defalcations." No tribunal has rendered any judgment to the effect the gentleman states. While I make this motion I do not stand here to shield any officer who may have been guilty of anything wrong.

Mr. WOOD. The Secretary of War submitted these documents to the Attorney-General, who gave his official opinion that General Howard was liable to be tried by court-martial, and should be so tried; but there was some technical difficulty in respect to the time when the crimes were committed.

Mr. DAWES. All that may be; yet the proper thing is for the Committee on Military Affairs to report upon the facts.

Mr. WOOD. Well, it is a very small matter, and I will not detain the House by quibbling about it. Let the amendment be inserted.

The SPEAKER. The word "alleged" will be inserted before "defalcations" if there be no objection.

Mr. WOOD. If the other side of the House wishes to take the responsibility of shielding this man, let it do so.

Mr. DAWES. This side of the House will take the responsibility of shielding no man who has done wrong; but we will take the responsibility of passing judgment after conviction, not before.

The SPEAKER. With the modification suggested by the gentleman from Massachusetts, [Mr. DAWES,] the Chair hears no objection to the adoption of the resolution of the gentleman from New York [Mr. WOOD] referring this communication, with the accompanying papers, to the Committee on Military Affairs. The resolution will be considered as adopted.

ROOMS OCCUPIED BY THE COURT OF CLAIMS.

The SPEAKER, by unanimous consent, laid before the House a letter of the Clerk of the House of Representatives, transmitting a communication from the Chief Justice of the Court of Claims respecting the room occupied by them; which was referred to the Committee on the Rules.

ARKANSAS CONTESTED ELECTION.

The SPEAKER also, by unanimous consent, laid before the House papers in the contested-election case of L. C. Ganse *vs.* Asa Hodges, from the first congressional district of Arkansas; which were referred to the Committee on Elections.

PRIVATE LAND CLAIMS IN NEW MEXICO.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting reports of the surveyor-general of New Mexico on two private land claims in that Territory; which was referred to the Committee on Private Land Claims, and ordered to be printed.

ROBERT BENT AND JACK SMITH.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting to the House a draught of a bill for the relief of Robert Bent and Jack Smith, half-breeds of the Cheyenne and Arapahoe tribes of Indians; which was referred to the Committee on Indian Affairs.

REPORT OF COMMISSIONERS OF CLAIMS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the commissioners of claims, transmitting their third general report; which was referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES PROPERTY IN STATE DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of State, transmitting, in compliance with the act of July 15, 1870, an inventory of the property belonging to the United States in his possession; which was referred to the Committee on Appropriations, and ordered to be printed.

UNITED STATES PROPERTY IN INTERIOR DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting, in compliance with the act of July 15, 1870, an inventory of the property belonging to the United States now in his possession; which was referred to the Committee on Appropriations, and ordered to be printed.

RESERVATION OF CHEYENNE AND ARAPAHOE INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting agreements, three in number, with the Cheyenne and Arapahoe Indians for the relinquishment of the reservation provided for them by the treaty of 1867; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CONTINGENT EXPENSES.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Clerk of the House of Representatives, transmitting his annual report of contingent expenses of the House; which was referred to the Committee on Appropriations, and ordered to be printed.

TREASURY RECEIPTS AND EXPENDITURES.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Treasurer of the United States, transmitting his adjusted quarterly accounts of general receipts and expenditures of the United States for the third and fourth quarters of 1871, and the first and second quarters of 1872, being for the fiscal year ending June 30, 1872; which was referred to the Committee on Ways and Means.

WITHDRAWAL OF PAPERS, ETC.

Mr. TYNER, by unanimous consent, asked and obtained leave to withdraw from the files of the House papers relating to the claim of Julius Sprandel, referred to the Committee on Military Affairs of the Forty-first Congress.

On motion of Mr. BUTLER, of Massachusetts, by unanimous consent, the memorial and papers relating to the claim of Benjamin Holladay were taken from the files of the last House and referred to the Committee on Claims.

On motion of Mr. WILLARD, of Vermont, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers and bills referred in the last Congress for the relief of Mrs. Julia A. Nutt, and for the relief of William Ivers, of Santa Fé, New Mexico.

On motion of Mr. STORM, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Charles E. Buck.

On motion of Mr. STORM, leave was also granted for the withdrawal from the files of the House of the papers in the case of Mary L. Reich; and the same were referred to the Committee on Claims.

On motion of Mr. ORR, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of James C. Livingston; and the same were referred to the Committee on Military Affairs.

On motion of Mr. ORR, by unanimous consent, leave was also granted for the withdrawal from the files of the House of the papers in the case of Mary V. B. Joice and Deborah A. Swan; and the same were referred to the Committee on Invalid Pensions.

On motion of Mr. ORR, by unanimous consent, leave was also granted for the withdrawal from the files of the House of the papers in the case of C. C. Spaids; and the same were referred to the Committee on Claims.

On motion of Mr. RUSK, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Robert McKee.

The SPEAKER. The Speaker will state that requests for withdrawal of papers from the files of the House for the purpose of having them referred to committees may be done by leaving a notice to that effect at the Clerk's desk.

Mr. COX. In reference to the withdrawal of papers from the files of the House, I would like to know what is the rule.

The SPEAKER. There is no rule, but the gentleman from New York is aware of the fact that the Committee on Rules has that subject now under consideration.

Mr. COX. There ought to be a condition attached to the withdrawal of papers from the files of the House, that copies be left upon file.

Mr. RANDALL. That has been the practice, if it has not been the rule.

On motion of Mr. WHITTHORNE, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of John E. Tulloss, of Williamson County, Tennessee.

On motion of Mr. PERRY, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of John J. Hearn; and the same were referred to the Committee on Claims.

On motion of Mr. HAVENS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of L. S. Campbell; and the same were referred to the Committee on Military Affairs.

TRAVELING EXPENSES OF MEMBERS.

The SPEAKER. The chairman of the Committee on Mileage asks that the following notice may be read for the information of members.

The Clerk read as follows:

WASHINGTON, D. C., *December* 1, 1873.

The Members and Delegates of the House are respectfully requested to furnish the Committee on Mileage with statements of their individual traveling expenses, severally, in coming to Washington.

H. S. BUNDY, *Chairman.*

REPEAL OF INCREASED CONGRESSIONAL PAY.

The SPEAKER. The House resumes the consideration of the bill (H. R. No. 471) to repeal the increase of certain salaries and to regulate the same, and to cover undrawn and returned balances into the Treasury. The gentleman from Missouri [Mr. COMINGO] is entitled to the floor.

Mr. COMINGO. I will yield for one minute to the gentleman from Georgia.

Mr. HARRIS, of Georgia. I wish to have read by the Clerk the

resolution which I send up, deferring to such time as I may get the floor my reasons in support of it.

The Clerk read as follows:

Resolved, That the bill now under consideration be recommitted to the Special Committee on Salaries, with instruction to report a bill repealing the act of March 3, 1873, so far as it provides an increase of the salaries of any of the officers of the Government; also to so change the law which was in force prior to the passage of said act of the 3d of March, 1873, as to substitute for the mileage therein allowed the actual expenses incurred by Senators, Representatives, and Delegates, in coming to and returning from the capital once during each session of Congress by the most direct route of travel; and also such repeal as may restore the franking privilege.

The SPEAKER. That is not in order at this time as an amendment to the pending bill.

Mr. COMINGO. Mr. Speaker: I propose to vote for the bill under consideration, or for one of similar tendency. I think it may be greatly improved, but I shall vote for it, if necessary, without modification or amendment. This I shall do in obedience to what I believe to be the will of the constituency I represent; not that I believe the compensation now allowed members of Congress and others affected by the provisions of this bill too great, for I do not; but because the subject on which we are attempting to legislate is one of those in relation to which the people have an unquestionable and a pre-eminent right to demand definite action, and in relation to which their known wishes must be heeded regardless of the opinions and preferences of their Representatives. I think, however, and shall attempt to show, that the public sentiment that has been created on this subject is most unjust, and that it is the result of gross, if not willful and malicious, misrepresentation. Be this as it may, there is no doubt that the people demand a reduction of the salaries now allowed certain Government officials, and of the compensation allowed members of Congress.

While I am not only willing, but regard it as my duty, to yield to these demands in this behalf, I also regard it as my privilege to present and vindicate my own views and action touching the obnoxious legislation, and to verify what I have premised with reference to the prevailing public sentiment.

I am not, Mr. Speaker, unmindful of the fact that men listen impatiently, if they listen at all, to the words of those with whom they seriously and widely differ, and that they turn a deaf ear to arguments in support of a measure they have denounced, or the defense of an act they have condemned. Experience teaches us that opinions once formed, however hastily, become fixed, if not immovable, when combated by those who from any cause have incurred our displeasure. It matters but little in what manner, to what extent, or on what account the actual or supposed offense may have been given, arguments and appeals and explanations are seldom heeded, but are generally misrepresented and ridiculed, and unceremoniously denounced as unworthy of consideration, and with their authors are buried beneath an avalanche of opprobrium. This method of disposing of a subject is convenient, but it has not the merit of being the fairest and most satisfactory that might be adopted in the prosecution of an inquiry after truth. It presupposes purity of purpose and infallibility of judgment on the part of those who accuse and condemn, and an impartial exercise of the high prerogative they assume. Not even the worst passions and prejudices that ever embittered partisan strife will tolerate such a presumption.

I therefore, Mr. Speaker, feel constrained and encouraged to come before those with whom I have dared to differ, before those by whom all who have exercised this privilege have been unceremoniously and unqualifiedly condemned and denounced, and explain the views I entertained concerning the "salary bill," as it is called by some, or the "salary steal" and "salary grab" as it is courteously called by others, the assumed iniquities of which we are about to remove, in obedience to the demands of the people, which I have admitted we, acting in the capacity of Representatives, cannot disregard.

This I do without hesitation, notwithstanding it is a poor privilege I claim and enjoy; notwithstanding I have been assured that the effort will prove abortive, and that it looks like presumption; notwithstanding I encounter at the very outset the obstinate prejudices that have been engendered by unprecedented misrepresentation and false clamor; and notwithstanding the motives that now impel me, as well as those that have hitherto controlled my action, may and probably will be assailed and impugned with intensified bitterness. I alone know what they are and what they have been, and I alone am responsible for them. But let them be searched and tried, as in the fire, and let the consequences fall upon me alone. My reasoning may have been false, and may have led me to the commission of a great mistake. This, I cheerfully admit, is possible; but I have yet to be convinced that those who have shared so freely in the bitter denunciations of the press and from the hustings, during the past nine months, made a great mistake—much less that they committed a crime. Nor do I believe that one in ten of those who have been most noisy and malignant in their denunciations sincerely state their own views as to the propriety and effect of the measure they profess to condemn.

Be this as it may, there can be but little doubt that much of what has been written and spoken concerning the measure under consideration is unjust, and that in many cases it was prompted by motives the purity of which may well be doubted. Neither the tendencies nor the effect of the measure that has been so vigorously assailed, nor the motives of those who favored it, at any or all of its stages, seem to be correctly understood, or properly represented, or, if so understood, honestly and fairly discussed by those who have undertaken to enlighten the public mind upon this subject. If they were as pernicious and dishonorable as represented, the fact, it occurs to my mind, might be established more satisfactorily and clearly by some other method than the mere use of vituperative epithets and scandalous billingsgate. These are not generally considered very forcible arguments, nor do they ordinarily evince sincere conviction in the minds of those who use them most vigorously and fluently; nor are they often considered marks of honest disapprobation. If, however, the act and the motives are correctly given by those whose virtuous indignation has been so elegantly and clearly signified, the style of the argument is a matter of little moment to any one. But if, on the other hand, after an impartial and thorough examination of the law and its bearings, and a careful inquiry into the motives of its authors, it shall be manifest that the former is not as detrimental to the public good, nor the latter dishonorable, as represented, it will be difficult to justify the use of the opprobrious epithets in which some of these censors have so extravagantly indulged; and the presumption will become exceedingly strong that

> These crops of wit and honesty appear
> From envy, malice, hatred, spleen, and fear

far more than from an honest conviction that a wrong has been done, or from a sincere desire to promote the public good.

There are those, however, who are sincere in their condemnation of the law referred to, and who, from a misapprehension, as I verily believe, of its bearing and its effect are unqualified in their expressions of disapprobation and discontent, and earnest in their condemnation of those who gave it their support, or opposed it and thereafter shared in its benefits. With such I have no quarrel, nor do I ask them to change or modify their opinions, unless after a re-examination of the whole subject they shall honestly believe they have been mistaken in their first conclusions. While it is the duty and interest, as well as the privilege, of the people to closely scrutinize the acts of their representatives, and hold them to a strict account for their misdeeds and mistakes, it is equally their duty and interest to deal justly and fairly with them, and govern themselves by the principles of the "golden rule" when they sit in judgment and try their public servants.

That the people and their representatives should be in perfect accord at all times, or on all subjects with which the latter may have to deal, is morally impossible. However pure may be the motives of the representative, he is almost certain to give offense at times to those whom he attempts to serve; nothing short of infallibility could prevent him from incurring the displeasure of at least a portion of those whose interests are committed to his hands; and it may be doubted whether that degree of perfection would relieve him from this unpleasant dilemma.

When, however, the acts of the representative produce wide-spread discontent, and severe and uncharitable criticism, it is, or at all events it has heretofore been, his privilege to explain the views and motives that controlled him; and the people have heretofore considered it their duty to hear him respectfully before unqualifiedly condemning his conduct. This, it appears, is no longer the rule; for public servants are now condemned without a hearing, and informed that they are absolutely presumptuous when they seek to avail themselves of that time-honored privilege.

It is my present purpose, however, Mr. Speaker, as already intimated, to show, or at least attempt to show, that the wide-spread discontent and the constant clamor that have filled the country for months past have been produced in part by a willful misrepresentation and partly by a misapprehension of the facts that should be understood and considered by those who desire to arrive at a correct conclusion in the premises and do simple justice to those concerned.

None of those who have shared in the scandalous and vulgar abuse of the press and the aspiring and coming patriots, who promise to reform the present pernicious habits and practices of our Government officials, and correct the abuses and remedy the evils of the past, desire, and none of them will ask, more than a full and fair discussion of the measure condemned and an unprejudiced exercise of judgment in a reconsideration of the facts that bear upon the subject and that controlled their action. If they made a mistake, they were to that extent unfortunate; if they committed a crime, and are therefore thieves and robbers, as declared, they are still more unfortunate; but in either case they may derive much consolation from the fact that many of the wisest and best statesmen of the past, whom the people have most delighted to honor, made the same kind of a mistake and committed the same crime. And still further consolation may be derived from the fact that it appears in these latter days that a class of patriots and politicians has risen up whose wisdom and purity are such that they, according to promises and pretensions, cannot make mistakes, and of course will not do wrong, as others have done, and as did the fathers whose names have hitherto been household words, and whose memories have hitherto been revered even by their political foes. These are "crumbs of comfort." But let these modern immaculates—

> Go and pretend their family is young,
> Nor own their fathers have been thieves so long.

It is most singular that the true characters of the representative men of the past should not have been discovered sooner. That period has hitherto been regarded with much favor, in a moral aspect at least. So much so that we have been accustomed to hear it spoken of as "the better days of the Republic," and to regard it as a kind of "golden age," the equal glories of which we may not hope to see. But this was all a mistake. Modern patriots have unveiled the moral deformities of the statesmen and sages of the past, and denounced them—indirectly at least—as thieves and scoundrels, and branded them as felons.

Although they hurl their denunciations and anathemas at none but those who favored the law referred to or availed themselves of the benefits of its provisions, yet, as I will show, all their criminal accusations and malignant tirades apply with as much force to many of the most upright and faithful representatives who have served the people within the last three-score years.

The law that has produced so much discontent, and which, as well as its authors, has been so bitterly assailed, we have been told is infamous; and its repeal has been, and is now, demanded, for the following reasons: First, because it is unjust and oppressive to the people; secondly, because its passage was a violation of an express contract between the people and their representatives, and its enactment, therefore, a felony. If these objections are well founded, or if either of them can be successfully maintained, there can be no doubt that the act should be repealed. But if neither is true or well taken, it follows that a wonderful clamor and a vast amount of slanderous accusation have unnecessarily found their way into this world of ours, in consequence of which there have been exhibitions of fear and trembling and penitential sorrow, the like of which hath not occurred at any time since panics were first ordained.

But, Mr. Speaker, let us inquire whether the law about which I am talking is unjust and oppressive to the people.

In order that we may answer this question fully and fairly, it becomes necessary for us to ascertain, as nearly as possible, what is the operation or effect of this law on the finances of the country when considered in connection with another law enacted at the same session, in consequence of which the bill increasing the compensation of members of Congress and other Government officials was, in my opinion, first introduced, and without which the House amendment to the Senate amendment to the legislative, executive, and judicial appropriation bill, embodying to some extent the provisions of the former bill, would not have been adopted. I refer to the act abolishing the franking privilege, approved January 31, 1873. The necessity of the amendment as it passed the House, and of the law as it now exists, depends in some measure on the effect the last-mentioned act had on the compensation members and others were entitled to under the then existing law. Was it more than adequate before the abolition of the franking privilege? and was it adequate after its abolition? were questions it was thought proper to consider—that it is now proper to consider—and that influence to a great extent views of members. The prospective and retrospective effects of the two acts on the Government Treasury were also—properly, I thought, and still think—taken into consideration; and that we may even now consider. But I presume they have been but little considered or cared for by those who have been most active in their efforts to excite popular discontent and avail themselves of this as a means of securing popular favor. At all events, I have yet to find one of them who has attempted a full and fair discussion of the measure by honestly stating what are its provisions and their effect by contrasting it with similar measures of the past; by considering the precedents that have been set for such legislation; or by attempting to show that it was unnecessary, except so far as this may have been done, or attempted, by untrue and unsupported assertions and bitter and unqualified denunciation.

Mr. Speaker, before I attempt to present the facts that bear upon, and, in my opinion, justified to some extent, the legislation that has been so furiously and generally denounced, I beg leave to state that I was absent from the House at the time the proposition to amend the Senate amendment to the legislative, executive, and judicial appriation bill was first made. When the motion to reconsider the vote whereby that amendment had been rejected came up for consideration, the next day, I was present and voted against the motion to lay the motion to reconsider on the table. I also voted in favor of the motion to reconsider. Before these votes were taken it was understood, if not agreed upon, that the amendment that had been rejected the previous evening should, if the motion to reconsider prevailed, be amended by striking out the words seven thousand five hundred and inserting six thousand five hundred, and making the latter amount in full of all compensation and allowances, except actual traveling expenses. Had it not been for this understanding, the motion to reconsider would not have prevailed. But few members, after the franking privilege had been cut off, considered, I apprehend, that their compensation was adequate, and there were but few of them, I presume, that did not think some change was necessery, and there were but few, I imagine, that did not desire it should be made. I desired it, believing that it was both necessary and just, and voted accordingly.

I *then* thought and believed that $6,500 per annum, with actual traveling expenses in lieu of mileage, would be about equal to the compensation allowed by the act of July 28, 1866, including mileage, stationery, &c., as allowed by the laws in force at the time of the passage of that act. I am now well satisfied, however, that I was mistaken as to this, and that the compensation of members under the laws that regulated their compensation from and after the passage of the act of 1866, was better than that proposed by said amendment. I was unwilling at that time to favor an increase beyond the amount proposed by the House amendment, to wit, $6,500 per annum, as provided in that amendment. The Senate, however, disagreed with the House as to this and divers other amendments, which resulted, as will be remembered, in the appointment of a committee of conference, by whom the House amendment was struck out, and it was recommended that the sum of $7,500, with actual traveling expenses, should be paid each Senator, Representative, and Delegate. With the opinion I then entertained, I would not have voted for the conference report had I been present at the time the final vote was taken in the House.

An ardent desire for office has no doubt caused some to denounce and condemn the act increasing salaries, hoping, at the same time, that they might in the future reap the benefits that they profess to believe flow from a measure they now characterize as a crime, and whose authors they denounce as criminals; benefits, as we shall see, that are in a great measure imaginary, and a crime-charge as baseless as the dream of a lunatic. Let them realize their hopes if they can, and let the country enjoy the benefits that may be derived from their wisdom in council and purity in action.

But, Mr. Speaker, I desire to examine this much-cursed law, and discover, if possible, its effect and tendency financially, both as to the people and their Representatives, and to ascertain whether it is, as charged, unjust and oppressive to the former, and materially beneficial to the latter.

In order to arrive at a correct conclusion on these points, I propose to show in this connection what the Forty-third Congress would probably have cost the people under the provisions of the law in force at the time the members were elected, and what it would probably cost them under the act of March last. The amounts can be approximated with a fair degree of certainty.

This Congress, as every one knows, is composed of 376 members—74 Senators, 292 Representatives, and 10 Delegates—each of whom, under the act last mentioned, is entitled to receive annually, as compensation for his services, $7,500, and actual traveling expenses to and from the Capital once for each session. Assuming that the actual average traveling expenses of each member will not exceed $75, the Forty-third Congress would cost the people annually for these expenses and their compensation $2,848,200. It may be that the average traveling expenses will be more than $75 *per capita*, but I think not; indeed it is probable they will be less.

Under the provisions of the law of July 28, 1866, the direct pay of the Forty-third Congress would amount to $1,880,000 annually; and the annual allowance for stationery would amount to $47,000. I assume as probable that the cost to the Government of the copies of the Congressional Globe and other books, together with other allowances to each member, under the law last mentioned, all of which are cut off by the act of March last, was not less than $400 *per capita;* according to which supposition, they would have cost $150,400. assume further, as probable, that the average mileage *per capita* was not less annually than $700; and that the aggregate, therefore, for the Forty-third Congress would have been $263,200.

The exact cost to the Government of the free matter that might and probably would have been sent and received by members of Congress cannot be estimated with much certainty. Assuming, however, that the Postmaster-General is probably correct when he estimates the free matter sent through the mails during the year 1872 at a cost to the Government of $3,500,000, (see Abridgment Message and Documents, 1872-'73,) and assuming that, by reason of the increase in the number of Representatives under the last apportionment, there would not have been any diminution in the amount of free matter, and that the 376 members would have sent and received one-fifth of the amount, the expense to the Treasury on this account would have been $700,000; thus making the probable aggregate cost, or rather what it would have been, to the Government, under the law of 1866, amount to $3,040,600, or $192,400 more, as we have seen, than it would be under the existing law. Or, in other words, the cost *per capita* of each member in the Forty-third Congress, under the old law, would have been $8,086, while under the act of March last it is only $7,575; thus showing, unless my approximations are excessive, an annual saving to the Treasury, on this account alone, of $192,400, as before stated.

But the effect on the Treasury does not stop here. To the extent that the members of Congress exercised the franking privilege, to that extent did they drain the Treasury. Each member now, to the extent that he sends and receives mail matter, contributes to, instead of draws from, the funds in the Treasury. According to the estimate I have made, the free matter sent and received annually by the 376 members would be $700,000, or $1,861 *per capita*. I believe it has been ascertained that the postage on the public documents each member receives annually, through the folding-room alone, will, if paid according to present rates, amount to $800. If we add to this postage on other books and papers, and seeds, &c., and on letters and letter packages sent and received by him, all of which heretofore passed free through the mails, we will find the approximation as to this very nearly accurate. But it is not probable members will burden the

mails with books, &c., to the extent they formerly did. It is not improbable, however, that the postage that will be paid on the matter sent and received by each member will amount to $800. But we may estimate it with safety at $500. This will of course add annually $188,000 to the amount in the Treasury, which, added to the $192,400, on account of the supposed saving in expenditures, makes a difference in the annual balance of $380,400; the annual balance being that much greater than it would have been if the Forty-third Congress had served, and been allowed compensation, mileage, stationery, &c., in pursuance of the laws in force at the time it was chosen. This estimate, it must not be forgotten, has reference to the compensation of members of Congress only, and is designed to show as nearly as possible the probable difference of the expenditures of the Government in that behalf under the law of 1866 and that of 1873.

There is yet another view of this subject that is in my opinion worthy of consideration, and to which I invite attention. Let it be kept in mind that the act of the 3d of March last is condemned and denounced because it imposes additional burdens on the people, because it was a wanton waste of the people's money, &c. Let it be remembered, also, that but for the total abolition of the franking privilege the act increasing salaries could not have been passed. They could not have been increased to $6,500, as they were by the House amendment; much less could they have been raised to $7,500. I believe members were generally satisfied with the compensation they received directly and incidentally under the law of 1866, and but very few, if any, desired to change that law, or even thought of changing it, until after the passage of the act abolishing a privilege that had long been enjoyed, and that was both convenient and useful—convenient to members, and useful, if not necessary, to the people—a privilege the revocation of which imposed quite a burden on each member in the way of postage, as we have seen, and the abuse of which scarcely warranted its repeal.

But if it is true that the abolition of the franking privilege superinduced the legislation that followed it, and which we are considering, we ought to see to what extent the burdens of the people have been increased and to what extent there has been a reckless waste of their money. If it shall appear from a consideration of these two acts, and of their effect on the Treasury, that they have resulted, or rather would result, beneficially to the Treasury, and increase the annual balances therein, as I think they would, the conclusion becomes almost irresistible that the complaints, censures, and denunciations that have been uttered are unjust, however sincere may have been the convictions of those by whom they were uttered.

In order that we may ascertain the effect of the condemned legislation, considered in connection with that which preceded and superinduced it, I again invite attention to the report of the Postmaster-General for the years 1872–'73. If the cost of carrying the free matter was $3,500,000, as he states, the repeal of the law that permitted this burden to be imposed on the Treasury manifestly saves that amount, or increases the annual balance to that extent. Again, if the annual saving to the Government, on account of the expenditures for the two Houses of Congress, is, as I have endeavored to show, $380,400, it follows that the annual increase will be $3,888,400. Deducting from this the increased annual expenditures on account of the increase in the salaries of the President of the United States, the judges of the Supreme Court, and others, which amount to $47,000, we have a net annual saving of $3,841,400. But this balance will be further augmented by the amount of postage annually paid on matter that passed free through the mails under the law of 1866. This amount cannot, of course, be definitely ascertained. It is not unreasonable, however, to suppose that it will not be less than half the total of 1872. If so, it will be $1,750,000 annually, which, added to the $3,841,400, makes $5,591,400 as the probable annual increase in the balances in the Treasury by reason of the two acts, which, I believe, we must from necessity connect, if we desire to reach correct conclusions and do justice to those who are most concerned. I do not assume that the estimates I have made are exact, but I have made them as nearly so as possible by what I consider fair approximations. If these are unreasonable in any instance, I am not aware of the fact. It may be that they are. If so, I will be obliged to any one who will point out the errors, and thus enable me to correct them, as I have no desire to deceive myself, and certainly none to deceive others.

Another consideration that influenced some, at least, of those who have shared in the denunciation I have characterized as unjust, was a desire to equalize the compensation of members by abolishing the mileage system that obtained prior to the passage of the act we are about to repeal. The irregularity or inequality of compensation resulting from that system will be perceived by any one who will take the trouble to examine a distance table, and calculate the mileage at forty cents per mile, between the principal cities lying near to and remote from Washington. This inequality will be the more apparent when it is remembered that the mileage was allowed at each session. It was unjust to members and equally unjust to the people.

But, Mr. Speaker, the retroactive feature of the law is the one which has been most furiously assailed; and in consequence of which those who shared in its benefits, as well as those who favored its adoption, have been denounced as thieves and robbers. It is difficult to perceive how, in view of all antecedent legislation of a similar character, and in view of the position of those who participated in it and shared in its benefits, such epithets can be justified. It is insisted that the rate of compensation being established by law at the time the members of the Forty-second Congress were elected, there was a contract on the part of the latter to serve for that compensation, and that the act increasing it was a felony; and further, that all who received the increase received stolen property, and are felons.

I will remark, in passing, Mr. Speaker, that this argument and denunciation apply with equal force to the present and the last Congress, and fixes the alleged crime on the former as clearly as on the latter. For if it was a felony to receive the benefits of the act, for the reason given, the law that fixed the rate of compensation when the Forty-second Congress was elected, being in force at the time the Forty-third was chosen, the conclusion, if just, is equally applicable to both; and whatever of wrong was done must be shared by both; the only difference being in the amount of the benefits received. But it has been further insisted that the turpitude of the act is aggravated by the fact that the increase was made at the close of the last session of the Congress; and hence that there can be no doubt as to the criminal motive on the part of those concerned.

This argument, Mr. Speaker, if argument it may be called, impliedly admits the power of Congress to fix the compensation, but questions the right to exercise it at the close of one of its sessions. Indeed, I do not suppose there is any one who has read the provision of the Constitution as to this that will pretend to doubt the power. I do not think that any of those who voted against the measure even, in all of its stages, pretend to doubt the power that was exercised. What difference, then, can it make as to the time at which it was exercised? If the Forty-third Congress may fix a value upon the services that may or shall be rendered by the Forty-fourth, as is impliedly admitted by the argument referred to, may it not with greater propriety fix the value of its own services after they shall have been rendered? If not, why not? Is it not reasonable to suppose that it is easier to fix a value on services rendered than upon those that are to be rendered? It unquestionably is; and especially is this true when those to be rendered are unknown, or, at least, uncertain, and are rendered more uncertain by reason of our want of knowledge as to their quantity and importance. In the one case we have an opportunity to consider and pass upon all the facts necessary to a just conclusion, and in the other we are left to mere conjecture as to all of them. The policy of exercising, and not the right to exercise, the power can be safely questioned; and there can be no doubt that it is safer and more appropriate to fix it after they are rendered than before, and while they are merely conjectural.

But, as before stated, all the precedents that bear on this branch of the question are in harmony with the course pursued or action taken by the Forty-second Congress. The latest occurred during the Thirty-ninth Congress. That body, on the last day of its first session, July 28, 1866, passed an act by which the compensation of its members was increased from $3,000 to $5,000 per annum, and its provisions were retroactive, just as are those of the act we propose to repeal.

In both the Senate and House of Representatives there were at that time a few prominent democrats and many prominent republicans, some of whom were members of the Forty-second Congress, and a few of whom are members of the Forty-third. All of them, without exception, if I am not misinformed, took the increased compensation, retrospective as well as prospective, and kept it. Among them we find the names of Senators Fessenden of Maine, Sumner and Wilson of Massachusetts, Harris and Morgan of New York, Buckalew and Cowan of Pennsylvania, Saulsbury of Delaware, Creswell and Johnson of Maryland, Hendricks and Lane of Indiana, and James Guthrie of Kentucky; and Representatives Hooper, Banks, Boutwell, Washburn, and Dawes of Massachusetts, Brooks, Raymond, Conkling, and Goodyear of New York, Randall, Myers, Kelley, Stevens, Mercur, and Scofield of Pennsylvania, Niblack, Kerr, Julian, and Orth of Indiana, and Farnsworth, Washburn, and Marshall of Illinois, besides many others, equally honorable and worthy, whose names I must omit.

Another precedent is found in the action taken by the Thirty-fourth Congress at its second session, and within two weeks of its adjournment without day. The bill providing for an increase of the compensation was introduced by Senator Butler, of South Carolina. It passed the Senate and House on the 15th day of August, 1856, and was approved by the President on the day following. It increased the compensation of members from $8 per day to $3,000 per annum, and allowed the latter rate from the beginning of the first session. Although Senators and Representatives differed as to the propriety of the act, no one questioned the authority, none refused to accept the increased compensation, and none of them returned it to the Treasury.

Among the distinguished Senators who participated in that crime we find the names of Judah P. Benjamin and John Slidell of Louisiana, Charles Sumner and Henry Wilson of Massachusetts, John J. Crittenden and John B. Thompson of Kentucky, Benjamin F. Wade and George E. Pugh of Ohio, James C. Jones and John Bell of Tennessee, Hamilton Fish and William H. Seward of New York, James A. Bayard and John M. Clayton of Delaware, Henry S. Geyer of Missouri, Andrew P. Butler of South Carolina, and Lyman Trumbull and Stephen A. Douglas of Illinois, besides others I might mention were it necessary.

In the House, too, at that time, were many of those who were

honored by the people, and whose characters have hitherto defied reproach. There were Kennett, Porter, Lindley, Oliver, Miller, Phelps, and Caruthers of my own State; Banks, De Witt, Hall, and Burlingame of Massachusetts; King, Dickson, Spinner, and Morgan of New York; Pennington of New Jersey; Grow, Packer, and Covode, of Pennsylvania; Letcher of Virginia, Ruffin of North Carolina, Keitt, Brooks, and Orr of South Carolina; Cobb and Stephens of Georgia, Giddings and Wade of Ohio, Underwood and Humphrey Marshall of Kentucky, Zollicoffer and Etheridge of Tennessee, besides many others. If any of those who have hitherto honored these Representatives and Senators desire to know how they voted and spoke on the proposition to increase their compensation, they can ascertain by consulting the Congressional Globe for the second session of the Thirty-fourth Congress. The fact, however, that they received and appropriated it to their own use is of greater importance.

Still another and earlier precedent may be found in the action taken by the Senate and House during the first session of the Fifteenth Congress. It increased the compensation from $6 per day to $1,500 per annum. The act was approved March 19, 1818, and, like the obnoxious act of the 3d of March last, was retrospective; that is, it allowed "back pay" at the increased rate for a little more than three months, and forward pay, if I may be allowed the expression, for the remainder of the two years. That Congress was in session, all told, about seven months. The total compensation of its members, at the rate fixed by law when they were chosen, would have amounted to about $1,260; and at the rate established by themselves after their election, it amounted to $3,000; in addition to which they were allowed mileage and certain perquisites. Thus, it will be seen, they more than doubled the compensation allowed at the time of their election; and it is said that each Senator, Representative, and Delegate accepted and retained the retrospective as well as the prospective allowance; not knowing, I presume, or, if knowing, disregarding the fact that he was committing a theft and a robbery.

If we consult the Senate and House Journals of that period, we find among the members of that Congress some of the purest as well as most honored patriots and statesmen our country has produced. In the Senate, among other distinguished names, we find those of Rufus King, John W. Eppes, James Barbour, David J. Morrill, and John J. Crittenden. In the House of Representatives, we find those of Henry Clay, Nathaniel Ruggles, Ebenezer Huntington, William Lowndes, William A. Burwell, James Pleasants, Joseph Desha, George Robertson, Richard M. Johnson, and William Henry Harrison. These men have all passed away. Here and there, all over the land, in the stately and costly monuments that have been erected in honor of their memories, are to be found evidences of the fact that they were thought worthy to be remembered with the patriots and statesmen and heroes of our country; and it sounds strange to hear them called "thieves and robbers," or "salary grabbers and rogues." If I shall be told that no such epithets as these have been applied to these sages and heroes, but that they apply, and have been applied, to the members of the Forty-second Congress alone, I beg to be informed as to the peculiar facts that justify the application to the latter and not the former. What is it that constitutes the difference in the moral quality of these respective acts? If all those who favored the legislation that is denounced, or opposed it and afterward shared in its benefits, are "thieves and robbers," how is it possible for the members of the Fifteenth, Thirty-fourth and Thirty-ninth Congresses to escape the same condemnation? If these questions can be satisfactorily answered by those whose duty it is to answer them, they surely will not refuse to do so; and if they cannot, it necessarily follows that they in their efforts and desires to injure others have injured themselves. I apprehend that none of them will attempt to accept the logical results of the position they have assumed; but they may, and if they merit success I hope they may achieve it.

But, Mr. Speaker, I have not adverted to the fact that others have set us precedents that sustain us in what we did, for the purpose of justifying a wrong, if wrong was committed. Crime can not be justified by precedents. If the acts of July 28, 1866, August 16, 1856, and March 19, 1818, were thefts and robberies, or moral wrongs, that of March 3, 1873, was equally wrong; and if they were right the latter is right. The moral quality of each is the same, except so far as it may be made to differ by reason of the motives that produced it; and this quality was fixed the moment the act was performed, and it could not be changed by any subsequent act. I have before stated that I have been unable to discover either legal or moral wrong in the act increasing the salaries, and which we are about to repeal. Other members think differently, and pronounce it both a legal and moral outrage. They may be right and I wrong. They, or some of them at least, have indicated their views by returning their increased back pay to the Treasury, and by retaining their increased forward pay. I have indicated mine by refusing to return either. Those who drew the increased pay from the Treasury must, at the time they did so, and during most of the time they retained it, have believed that they had both a legal and a moral right to the property of which they thus acquired possession. It is uncharitable to believe otherwise. But, subsequently, by some means they became convinced that they were mistaken, and from time to time, during a period of almost nine months, as light beamed upon their pathways, they brought forth fruits meet for repentance by returning to the Treasury the amounts they had respectively drawn. This was not only right, but it became an imperative duty, so soon as they discovered or became convinced of their error in this transaction.

Each of them virtually admits that he had become satisfied of this, and that he desired to make reparation; but none discloses the argument that carried conviction to his mind and heart. This, had it been done, might have carried conviction to the minds and resulted in the conversion of the hearts of others who have not gone and done likewise. What the potent argument was that worked such important results is left to that most unsatisfactory source of information—mere conjecture. In this I will not indulge, in relation to a matter ofsuch importance. Is it probable, Mr. Speaker, that public opinion could have been the convincing power? The moral character of the act we all know and admit did not depend upon public opinion, but upon its inherent qualities, and had to be, and must be, determined by them alone. But, sir, I beg permission to ask those with whom I have honestly differed, and who have as honestly differed with me, on this subject, what their convictions would have been, and what their action in the premises would have been, had a majority of their constituents and of the public press approved and not condemned the act? And, further, had it been generally approved and commended, would they have been convinced by the other arguments and considerations that were addressed to their minds that it was their duty to return to the Treasury the several sums they did return? Much depends on the answers each may be able to give to his own conscience in reply to these questions. At that tribunal alone can the case be properly tried. If he stands acquitted and justified there, popular disapprobation and denunciation will be robbed of half their terrors; and if condemned or censured, popular confidence and popular applause, though they be unbounded, will be a barren if not a bitter triumph.

And to those whose clamor and denunciations have filled the land for months I here propound similar questions, and beg that they give themselves a fair trial at the bar of their own consciences; that they take into consideration and calmly examine all the facts and circumstances that bear upon the questions as they really exist, and ask their consciences to tell them what they would have done had they occupied the places of those they so bitterly condemn. Should they by these faithful monitors be assured that they would not have accepted either the back or the forward pay, they will have the consolation of knowing that they are, at least in the opinion of that court, better and more honest men than Clay and Crittenden and Johnson and Harrison, or any of the other patriots and statesmen with whom they were associated or by whom they were succeeded.

In conclusion, Mr. Speaker, permit me to repeat that it is my intention, and for the reason given, to vote for the bill under consideration, admitting, as before, that the views and arguments that controlled my action may have led me into grievous errors; and if they have, which I by no means admit, asking no extenuation therefor, except such as is due to human fallibility.

Mr. ORTH. How much time, Mr. Speaker, have I?

The SPEAKER. Twenty minutes.

Mr. ORTH. I will yield, then, for five minutes to the gentleman from Kansas.

Mr. PHILLIPS. Mr. Speaker, I desire in a very few words to state one or two aspects of this case as it presents itself to me. This is a peculiar measure, and it is before the House in a peculiar position. It is a peculiar measure, because it is one of the very few where the servant can say to his master what shall be the price of his labor. The distinguished gentleman from Georgia [Mr. STEPHENS] yesterday intimated that it was one of the prerogatives of Congress to fix the compensation of its members, and that right was sanctified in law as well as in morals. And some gentlemen on this floor have said that, instead of the present increase, the salary ought to be $10,000 if it were put at what was just and proper. It all reminds me of what was told of Lord Clive when he took money from the East Indian treasury. He was there as the conqueror of India. He was there with ample power, and yet he took only £100,000; and when called to account for it by the British Parliament he said, "Gentlemen, there were millions there, and I had the amplest power to appropriate to myself whatever I wanted; and I am now only amazed at my own moderation in taking what I did." But, Mr. Speaker, there must be some limit to this, and that limit is fixed by popular opinion. The people have already spoken. Where they have reposed so much confidence they expect economy and moderation. But, Mr. Speaker, this is a peculiar measure for another reason. The American Congress stands to-day at the bar of public opinion because of the passage of this bill increasing pay. The present proposition is peculiar, because it is not proposed to be put through the regular course. It does not go to the regular committees. It was put through under whip and spur, and not with that investigation and consideration by committees which are necessary for intelligent and effective legislation.

The Forty-third Congress has inherited this from the Forty-second, and it makes haste, in deference to popular wrath, to baptize its birth as a Congress by a sacrifice of obedience. And whence, Mr. Speaker, came the popular wrath? What was the measure that provoked it? The last Congress abolished the franking privilege, passed an act which increased the salary of the majority of members, and reduced the salary of some members. This was a first step on the part of mem-

bers to meet public expenditures which they might have to pay out of their own pockets. Some were for abolishing mileage, some for abolishing stationery, and so $2,500 in lieu of all allowances were placed in the appropriation bill.

Now, I wish to call the attention of the House to one point. I do it with all respect to the Forty-second Congress. I do it in justice to history. That Forty-second Congress had all the stationery, all the postage, nearly all the mileage, and then they gave themselves this additional $2,500 a year. I say this was the main feature which excited the popular wrath. Uncle Sam said it was not "fair tradin," and that it was indirection. This was the first step; but the people afterward said that the increase of salary was too much—this bill increasing the salaries of the President, the Vice-President, and the Cabinet officers, members of Congress, and a whole host of other officers; and this, too, when the country was on the verge of financial trouble, when the farmers were getting only 15 and 20 cents a bushel for their corn, and when laborers' wages were being reduced, and they justly thought every shoulder should bear its share of the burden. It might have been a fair measure at some more prosperous period. The public said that this was not the time.

[Here the hammer fell.]

Mr. ORTH. I yield five minutes to the gentleman from Illinois, [Mr. BURCHARD.]

Mr. BURCHARD. Mr. Speaker, the debate thus far has been instructive as well as interesting. Gentlemen who have addressed the House upon the salary question with few exceptions have advocated a modification or repeal of the present rate of compensation. Amid a wide diversity as to methods proposed and reasons assigned for legislation, the greatest unanimity has been manifested in regard to this practical conclusion. Whether impelled by individual conviction or in obedience to popular demand, it will be fortunate for the country and for Congress itself, if the prevailing sentiment here expressed shall ripen into legislative enactment. Our action concerns not merely the personal reputations of members but the honor of Congress itself, and will, I trust, be a vindication of its right to confidence and respect in public estimation. Nothing undermines the morality and virtue of the people more rapidly and effectually than the prevalent belief that its public men are venal and corrupt. When men selected to fill high and responsible positions for their talents, experience, and previous good character are condemned as untrustworthy and dishonest, the people lose faith in the possibility of resisting temptation; the standard of general morality is lowered, and incentives to virtuous action are weakened or wholly eradicated.

It has been charged upon our public men, and is by many still believed, that the increase of congressional compensation was induced from the most sordid and unworthy motives; that the tempting pecuniary consideration of the proposed increase swerved the action of members from following the dictates of their own judgment and secured the passage of the law. This idea is especially entertained in regard to the retroactive increase and the out-going members of the last House, although the record shows that as many, or almost as many, of the latter voted against as for the law.

The legislative branch of the Government, by the restoration of the former rate, will dissipate the distrust pervading the public mind and regain the credit it justly deserves and has heretofore possessed. I shall not, Mr. Speaker, attempt to defend or justify the action of the last Congress in raising salaries. I opposed the measure on every occasion and in every form, from its first introduction to its final passage. I pronounced it inopportune, unnecessary, unwise, and unjustifiable. My opinion remains unchanged. I thought then the salary was sufficient. I so said and voted, and say so still. Others thought differently. I did not then doubt, nor have I since questioned here or elsewhere, the honesty of their opinions and votes.

Gentlemen from rich and apparently thriving commercial and manufacturing districts, measuring their own compensation by the larger earnings in professional and mercantile pursuits, might honestly support and expect their constituents to approve of an increase. They were incredulous at the predictions of dissatisfaction and discontent uttered upon this floor. They failed to notice the lavish expenditures in other directions, the large appropriations for improvements, not only here at the capital, but for public buildings and public works throughout the country. Even then agricultural industry at the West was depressed and suffering. The sea-board market prices of its great staples scarcely realized the cost of transportation. Corn was then, in Iowa, worth as much for fuel as to ship for food.

In the light of subsequent events and the universal condemnation of the increase, its advocates and supporters acknowledge it to have been at least a grave political blunder. But if the increase was then unwise and unnecessary, how shall we justify its retention for ourselves?

The distress which then pervaded the agricultural regions of the West has extended to the manufacturing towns and villages of the East. Business and industry in the wealthiest portions of the country have been paralyzed, and workmen by the thousand are out of employment. The Treasury itself startles us with a diminution of receipts—an actual increase during the last month of over $9,000,000 of national indebtedness. Times are hard, money stringent, and taxes seem unusually oppressive. It becomes the nation's representatives to set the example of economy and frugality. They ought not to continue an unreasonable or extravagant rate of compensation which augments the public burden.

It has been urged that the so-called back pay allowed by the act of last March was the objectionable feature of the law, and that the people do not demand a reduction of the rate for the subsequent Congress. It is true that public criticism and censure were first and chiefly directed to the Forty-second Congress, and the supposed controlling consideration believed to have secured the passage of the law bitterly denounced and condemned. But the public voice, the sober second thought of the people, in view of precedents and authority which permit, if they do not justify, retroactive compensation, has settled down to the position that, whether the five preceding instances of congressional back pay were right or wrong, this increase was unjustifiable, for it was too much pay. It was not only, in the language of the gentleman from Ohio, "too much back pay," but it was too much both back and forward pay.

I agree that the compensation for the Forty-second Congress was by that law made too high. But that question is now before this House for consideration only as it involves the proper compensation for members of this Congress. Granted that the increase was wrong for the Forty-second Congress, how can the Forty-third Congress justify the retention of the same rate? It has been suggested that the members of the last Congress contracted to serve at the old rate. If so, their contract with the people was made at the time of their election, and the members of the Forty-third Congress already elected, and holding certificates of their election when the law was changed, had also contracted to serve at the old rate, and should not be paid the increase.

It may be said the argument as to a contract applies to neither, since each Congress has the legal constitutional and moral right for sufficient cause to regulate and fix its own compensation. If this is true, the Forty-second Congress could, with more justice and propriety, claim the increased compensation than the Forty-third. The members of the last Congress had a better excuse for increasing their salary than we for retaining the rate they fixed. They attended three regular sessions during their term; the law now requires but two. Their expenses were proportionally greater than ours. They were sworn into office at the commencement of their official terms, and many of them assigned to arduous and important duties during the summer recess. We have been called upon to do no official act until this December session, unless the filing of election certificates with the Clerk and the monthly receipt for congressional salary may be considered such.

The members of the last House represented larger constituencies in population and territory with proportionably greater labor, expense, and responsibility. The number of Representatives in this House has been increased by the addition of fifty members, and the congressional districts we now represent proportionally reduced in most of the States. Official labors for our constituents at the Departments, and correspondence relating to pensions, bounties, and the administrative affairs of the civil service, have been necessarily lessened. If we regard the compensation too much for their expenses and services, how shall we justify the retention of the same rate for ourselves? Much more, Mr. Speaker, if the rate should be reduced hereafter, how can we defend our action in not applying it to ourselves for the full term? Are we worth less to the country when sworn into office and in session than when private citizens and merely members-elect? Can we claim or accept a greater sum for the period while waiting at home without increased expenses to assemble here for legislative duty, than we assert is a proper compensation for the whole term? The committee's bill does not in this respect meet my judgment as to our duty. Let us repeal the law and make our compensation for our whole term no more than it would have been had the act of last March not passed.

Mr. Speaker, we are not called here to sit in judgment upon our predecessors. We are ourselves upon trial before the country. It has been predicted that no repeal or reduction of the salary increase would be made by this Congress. It has been affirmed that members of Congress would not act with unselfish regard to the public good in a matter so peculiarly affecting their personal interests. Let us disprove these prophecies and disabuse the public mind of its false and unworthy estimate.

Mr. ORTH. Mr. Speaker, I will not detain the House by a general discussion of this salary question, but simply say a few words in elucidation of the proposition that I had the honor to present on yesterday. And here let me premise that this is not my proposition. It is as much the proposition of a dozen, or twenty, or fifty members in the House as it is mine. I consented to offer it, more in the nature of a compromise than anything else, because it must be apparent to every one who has listened to this discussion that unless there be a compromise on the principle of give and take, this House will never arrive at any conclusion. While ample discussion of this question will be justified by the people, it strikes me that this matter has been already amply discussed; and hence, before taking my seat I shall ask the House to second the previous question on my proposition, and bring the House directly to vote upon it. I notice that my colleague from the Indianapolis district [Mr. COBURN] yesterday spoke of my proposition as containing "a sweeping clause." I intended that it

should contain a sweeping clause; and it strikes me that upon this subject the people of the country have in unmistakable terms told us what they expect at the hands of their representatives.

I believe, Mr. Speaker, that four propositions have been definitely settled by public opinion: First, that the law of the last session of Congress should be repealed; secondly, that mileage should never again be restored; thirdly, that the franking privilege, so far as it relates to the personal privileges, if any, of members of Congress, should never be restored, whatever else this House may do with reference to providing for the distribution of the public documents of the country among the people; and, in the fourth place, I think it has been equally settled that the salary of members of Congress shall be substantially what it was under the old law. Hence I provide in the instructions which are now pending that the committee shall report "a bill repealing the whole salary act, so far as the same can be constitutionally done." And at this point I desire to modify my proposition, if I am authorized to do so, by inserting after the word "done" the words "excepting the salaries of the justices of the Supreme Court."

Mr. TREMAIN. If the gentleman will allow me, I will say that his amendment, as I understand it, makes no provision for covering into the Treasury any portion of the back pay which may have been returned or which may not have been drawn.

Mr. ORTH. If the gentleman from New York will permit me, I will soon come to the point he has raised. I desire, then, to except from the repeal of the law of last winter the justices of the Supreme Court, and I do it for the reason, that by the Constitution their salaries cannot be reduced during their terms of office; and the result of repeal would be that whenever a judge resigned or died, and his successor was appointed, we should have two classes of judges, one class drawing one compensation and another class drawing another compensation. I doubt whether our people have seriously objected to the increased compensation to our judges.

I then come to the proposition suggested by the gentleman from New York, [Mr. TREMAIN,] and that is as to when this law shall take effect.

Mr. TREMAIN. I think the gentleman did not understand my question.

Mr. ORTH. Yes, I understand it; that in meeting the new compensation we shall take into consideration what has been received since the 4th of March up to this time.

Mr. TREMAIN. I am satisfied you did not understand me. I understand the effect of your amendment to be that there is no provision made whereby those gentlemen who have drawn their pay shall be permitted to return it to the Treasury, or by which the pay of those gentlemen who have not drawn it can be so returned.

Mr. ORTH. I did misunderstand you. That is a matter of detail to be settled by the committee. This question is one that has already addressed itself to the mind of every member within the hearing of my voice as to the point of time at which the new law shall take effect. The history of legislation upon this subject is simply this: that whenever Congress has heretofore increased its compensation that increase has related back to the commencement of that Congress; and when Congress has reduced its compensation that reduction has taken place from and after the passage of the act. That has been the history of our legislation on this subject. I am not willing, as one member, by my vote here to say that I have taken money since the 4th of March which was not mine. I came on this floor, as a large majority of the members did, having no part nor lot in the enactment of the law of last session; and the compensation fixed by that law has been received regularly, I believe, by every member upon this floor with but three exceptions. Now, then, I am satisfied that while there has been disapprobation on the part of the people with reference to the increase as provided in the act of March last, on the other hand the American people do not desire a substantial reduction of our pay. What has been paid us has been paid under that law. I would have no objection myself to let the law we are about to pass retroact; but as a matter of compromise, for the purpose of meeting the various conflicting opinions which I find expressed, both publicly and privately, I think it better, and that it will meet the wishes of the people, to let the reduction commence from and after the passage of the law. That will be in accordance with the previous legislation of the country on this subject. My proposition affects only the political salaries; that of the President of the United States—not the present incumbent, because he is beyond the reach of our legislation, even if we desired to reach him—but that after the expiration of the present presidential term it shall be brought back to where it was prior to the 4th of March last. I believe the people are as much in favor of the reduction of the President's salary as of that of Senators and Representatives; and so with regard to the members of the Cabinet. My amendment, then, applies only to what are known as political salaries provided for in the act of last March, and not judicial salaries.

Now, then, an objection has been urged to recommitting this bill to the committee, because it will take time. I will say, Mr. Speaker, that this is what influences me in asking the committal of the bill. We do not know precisely what the average compensation will be; and hence it is desirable to have the official report of the committee on this point. When we fix this compensation we desire to go before the people and state to them that upon an official report made to this House by one of its committees we found the salary thus averaged to be so many dollars, and we fixed it at that substantially. My impression is that it would vary but very little from $6,000 per annum; and if placed at $6,000 per annum, I am satisfied it would meet the approbation of our constituents.

Mr. HALE, of New York. Will the gentleman yield to me for a question?

Mr. ORTH. Yes, sir.

Mr. HALE, of New York. I desire to ask the gentleman from Indiana if it is his judgment that a salary of $8,000 for a member of the Cabinet is a fair and respectable salary, and especially if he considers that a fair and respectable salary in proportion to the pay of members of Congress at $6,000?

Mr. ORTH. I will answer the gentleman very cheerfully. And I say that, in comparison with the expenses of a member of this House—who every two years has to go before his people, upon whom devolves in a great measure the responsibility of keeping up the organization of the political party of his district; who has to neglect his business by coming here, having to stay here during the long session of Congress, then again during the short session of Congress, so that he has no permanent residence—$8,000 received by a Cabinet officer is a larger salary in proportion than $6,000 received by a member of Congress.

Mr. HALE, of New York. I desire to ask one more question.

Mr. ORTH. I dislike to yield. My time has almost expired.

Mr. HALE, of New York. I desire to ask just a single question. Is the gentleman not aware that by the first act regulating the salaries of members of the Cabinet and members of Congress, in 1789, the salaries of members of the Cabinet were fixed at more than three times the salaries of members of Congress, and that they stood in that way for twenty years?

Mr. ORTH. I have not examined the law; it was passed before I was born, [laughter,] but presume the gentleman is correct.

Now, Mr. Speaker, I desire to move the previous question. If I understand the effect of it—and if not I will thank the Chair to correct me—it will be this: that the House by seconding the previous question will come to a vote, not on the rejection or adoption of my proposition, but will simply decide this: that it will have a vote and determine whether it shall be adopted or rejected. The first question is on seconding the demand for the previous question. The next question will be on the adoption or rejection of the instructions I have moved.

Mr. KASSON. Has the time of the gentleman from Indiana expired?

The SPEAKER. When the House adjourned last evening, as gentlemen will remember, the gentleman from Iowa [Mr. KASSON] had risen to call the previous question. The Chair did not submit the gentleman's motion, because he was taken off the floor by a motion to adjourn. And this morning the Chair assigned the floor to the gentleman from Missouri, [Mr. COMINGO,] but only by consent, under the call of the gentleman from Iowa really still pending for the previous question, which, if seconded, will operate first on the amendment of the gentleman from Indiana, [Mr. ORTH.]

Mr. SHANKS. I hope the previous question will not be sustained now. There are other gentlemen quite as anxious to state their views on this question as the gentlemen who have spoken. And if the country is again to be overrun with talk about this subject, I say let us talk about it till the people are satisfied that we understand it as well as they do.

Mr. KASSON. If I have the floor now, I wish to state the purpose for which I have risen. I propose for myself solely to call the previous question. I have, however, an agreement to give up my twenty minutes—five minutes to one gentleman, a few minutes to another, and so on. As soon as that is disposed of, I assure the gentleman from Indiana that I will call the previous question; but not so as to prevent any gentleman hereafter from speaking on the subject. The proposition will be after the seconding of the previous question, which I desire to be seconded, not on the bill but on the motion to recommit with instructions; so gentlemen may vote "ay" on the previous question and "no" on the subsequent question.

That brings us to the work upon the bill. And when we get to work at the bill under the five-minute rule, then those gentlemen who wish five minutes to speak can have it upon the work in hand. I trust that arrangement will be satisfactory, as I think it will be, for I have heard from all sides of the House a desire expressed that we may be brought to the bill.

Mr. E. H. ROBERTS. I would inquire of the gentleman if he proposes to permit a vote on any other amendments than those of the gentleman from Indiana, [Mr. ORTH,] and the gentleman from Illinois, [Mr. HURLBUT?]

Mr. KASSON. I intend to be liberal so far as it is in my discretion at all.

Mr. E. H. ROBERTS. I believe it is the desire of the House rather to have a vote on certain amendments than to spend time in debate.

Mr. KASSON. That is precisely the point I wish to arrive at.

Mr. HALE, of Maine. How does the gentleman propose to get the five-minute rule in force, to which he has referred, giving those members who desire to speak for a short time an opportunity to be heard?

Mr. KASSON. As soon as the pending motions are disposed of, so that we can get rid of the incumbrances between us and the bill, I shall then move—or I will move now if it can be put in one motion—

to proceed with the consideration of the bill under the five-minute rule.

Mr. ELDREDGE. What objection has the gentleman from Iowa [Mr. KASSON] to allowing debate to be continued, so as to give an opportunity to persons to speak who have been waiting here during all this discussion?

Mr. KASSON. Simply because the same things will be again said when we come to consider the amendment.

Mr. ELDREDGE. I apprehend not. That, however, the gentleman must leave to the good judgment and the good sense of those who speak, for certainly he would not deprive them of saying what they desire. This is one of those questions in which gentlemen feel more than an ordinary interest. And most of those who were in the Forty-second Congress have had their motives impugned. They have been charged with the commission of crimes of which they think they are not guilty. They desire to give expression to the feelings and ideas they entertain upon this subject. I think the latitude of debate should be much greater on that ground, because the honor of this Congress, as well as the honor of individuals, is concerned.

Mr. KASSON. I appreciate the force of what the gentleman says, and so far as it is in my discretion I desire to give to gentlemen who desire it that opportunity. But I have been pressed from all sides of the House to get this question at an advanced stage; and the only way I know to do it is the way I have suggested. If the control of the floor is at any time in my possession for an hour, after the previous question shall have been ordered, I would give away all of it but ten minutes. I now yield to the gentleman from Ohio, [Mr. MONROE,] to whom I have promised to yield for five minutes.

Mr. HALE, of Maine. I rise to a parliamentary inquiry. If the previous question is seconded, as indicated by the gentleman from Indiana [Mr. ORTH] and called by the gentleman from Iowa, [Mr. KASSON,] does that not cut off the five-minute debate, and is not the House at once brought to a vote?

The SPEAKER. The Chair understands the previous question now asked for to be only upon the amendment of the gentleman from Indiana. In that event it would not cut off the five-minute debate on the bill.

Mr. HALE, of Maine. It does, until that amendment is disposed of.

The SPEAKER. Of course.

Mr. HALE, of Maine. And if it should be voted on, and the matter recommitted to the committee, there would be no debate.

Mr. KASSON. I do not desire any mistake in the vote of the members of the House. I believe I can state the question so clearly that no gentleman can mistake it. My purpose is, after a few minutes, to move the previous question on the motion to recommit and the amendments thereto. If the previous question is sustained, and the motion to recommit and the amendments voted down, then we get at the bill. And I propose then to consider it, and the amendments to the bill, under the five-minute rule.

Mr. HALE, of Maine. Suppose the motion to recommit is voted up?

Mr. KASSON. Then the bill goes to the committee, and when they report it back it is again before the House for some discussion.

Mr. HALE, of Maine. And the committee may then call the previous question and shut off debate.

Mr. KASSON. That is, if the committee choose to do it. It certainly would not be done under the view I entertain.

Mr. ORTH. I made the motion for the previous question before I yielded the floor.

The SPEAKER. The Chair will recognize the gentleman after the gentleman from Ohio [Mr. MONROE] gets through, which will be in five minutes.

Mr. KASSON. Does the gentleman from Indiana [Mr. ORTH] desire to take the question entirely out of the jurisdiction of the House? As his motion was made after his time had expired, I supposed the Speaker recognized me.

The SPEAKER. The only question is whether the motion for the previous question shall be made now or five minutes hence. The Chair will recognize the gentleman from Indiana [Mr. ORTH] when the gentleman from Ohio [Mr. MONROE] shall have concluded.

Mr. MONROE. I do not desire to take up the time of the House, and shall not do so to any great extent, because I know how many gentlemen are pressing for an opportunity to occupy the floor, and I also know how nearly the patience of the House has become exhausted with this debate.

I desire to say only a single word in explanation of the vote I shall give upon this measnre. My position in regard to the salary bill is this: I believe that the true thing for this House to do is to repeal, as completely and thoroughly as it possibly can consistently with the Constitution of the United States, the salary bill which was approved on the 3d of March, 1873. That is the object which I would like to accomplish by my vote, if I can do so. I disapproved at that time entirely of raising salaries; I so voted, and I am of the same opinion still. I wish to see that law totally repealed. I think that that is the simplest course. I think it is the right course and the course which will best satisfy the country. Having that feeling, that being my conviction, I desire so to vote, if possible, as to make my vote effective toward that end.

I discover that there is likely to be some difficulty in our so voting as exactly to represent our views; and it was for this reason that I felt desirous for one moment in which to state precisely my position and the end which I would like to accomplish. I honestly believe that it was wrong for the Forty-second Congress to raise salaries in the circumstances in which we were then placed. I was opposed to back pay, and I was opposed to "forward pay," as it is called; I am still opposed to them both. I thought the action of Congress on this subject was wrong, and I also thought it a great error as a matter of policy. I would be glad to see the law of last session on this subject wholly and utterly repealed. That is my feeling in regard to this matter; and my votes will be given with an honest desire to accomplish that end. I confess that in spite of the numerous explanations we have had, my mind is not perfectly clear as to what will be the most effective course of voting to accomplish that end; but that, with all the light I can get from all these distinguished sources, is the object I shall endeavor to accomplish.

One word further and I shall sit down. In my opinion the way to peace, quiet, and rest for this House upon this question of the salary bill is to get rid of the whole of it. That is my honest conviction. I believe that the sooner we repeal the act entirely, so far as it relates to this question, the sooner we shall have peace upon the subject. If we repeal but a part of it, I suspect we shall feel a certain lingering tendency to go back to the subject, to introduce new bills, to see whether we cannot finally and completely abolish what in the beginning we had repealed only in part. I fear, sir, that if we do not make a clean business of this matter at the very outset, this measure will haunt us all winter. This is an additional reason why I wish to get rid of the whole question; and I hope this House will so vote. I have made this statement simply to satisfy my own judgment and conscience in regard to this matter, and to explain the grounds upon which my votes will be given.

Mr. SPEER. The gentleman does not wish mileage restored?

Mr. MONROE. No, sir.

Mr. ORTH. Before calling the previous question I wish to say a single word. I am sorry there has been a misunderstanding between the Speaker and myself, for I gave, as I thought, ample notice of my intention in this matter.

The SPEAKER. There has been no misunderstanding involving any essential point.

Mr. ORTH. I wish to state, in answer to the suggestion of the gentleman from Iowa, [Mr. KASSON,] that if my motion should prevail and the bill should go to the committee with these instructions, the bill when reported will be before the House for amendment or discussion under the five-minute rule, or any other rule which the House may see fit to adopt. I now move the previous question.

Mr. CLYMER. With the consent of the Chair, I wish to make a parliamentary inquiry. For the benefit of the numerous new members on this floor, including myself, I hope it will be the pleasure of the Chair to state, so that we may vote understandingly, the effect of the motion made by the gentleman from Indiana, [Mr. ORTH.]

The SPEAKER. The Chair will endeavor to respond to the gentleman's request. It may simplify the matter somewhat with gentlemen when they come to vote if they understand that, of all the numerous amendments which have been indicated by various gentlemen, none are pending except those offered by the gentleman from Illinois [Mr. HURLBUT] and the gentleman from Indiana, [Mr. ORTH.] The motion to recommit the bill is pending. The gentleman from Illinois moved to amend that motion by adding the instructions which will be read by the Clerk.

The Clerk read as follows:

Strike out sections 2 and 3 of the bill and insert the following:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate, in going to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000 in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. By this amendment the third section of the pending bill, in regard to covering into the Treasury amounts undrawn, is allowed to stand. The gentleman from Indiana [Mr. ORTH] moves to substitute for the instructions of the gentleman from Illinois those which will now be read.

The Clerk read as follows:

To report a bill repealing the whole salary act, so far as the same can be constitutionally done, except the salaries of the judges of the Supreme Court, and to ascertain the average amount of salary, mileage, and all other allowances, (exclusive of any estimate for the use of the franking privilege,) paid to Senators, Representatives, and Delegates of the Forty-first Congress; and to report a bill forthwith determining the compensation of Senators, Representatives, and Delegates in Congress hereafter at the amount, as near as practicable, thus ascertained, with necessary traveling expenses, and restoring all other salaries as they were before the passage of said act.

The SPEAKER. If the House should now second the demand for the previous question, the first vote will be upon the instructions proposed by the gentleman from Indiana as a substitute for those moved by the gentleman from Illinois. Should the House agree to this substitute, the vote will next be upon recommitting with those instructions. If the House should refuse to recommit with instructions, the question will then come directly upon the bill of the committee.

Mr. BURCHARD. The previous question is moved upon the pending bill; is it?

The SPEAKER. The Chair understands the previous question to be now moved upon the whole subject.

Mr. KASSON. I do not understand that to be the motion of the gentleman from Indiana, [Mr. ORTH.] As I understand, he only calls the previous question upon the motion to recommit and the amendments thereto.

The SPEAKER. Then, whether the motion to recommit be negatived or adopted, that will exhaust the previous question.

Mr. KASSON. And the House will then be brought to the direct question upon the bill.

The SPEAKER. If the previous question be limited in the manner just stated, and the House should refuse to recommit, the bill will then stand before the House just as it does now.

Mr. KASSON. Subject to amendment?

The SPEAKER. Subject to amendment in the broadest sense.

Mr. KASSON. That is what I desire the House to understand—that the previous question is not to operate upon the bill so as to cut off amendments, but is limited to the motion to recommit, with the amendments to that motion.

Mr. CLYMER. And also subject to debate?

The SPEAKER. It will still be open to debate if the House should refuse to recommit. It will be for the House to say whether it will recommit or not; but if they decline to recommit, the whole subject will be open to debate unembarrassed by the previous question.

Mr. DAWES. I suggest to my friend from Indiana that he will get the sense of the House just as well if he should enlarge the scope of his motion.

Mr. ORTH. I thought I had moved the previous question only on my instructions.

The SPEAKER. The gentleman's instructions unless coupled with the motion to recommit would amount to nothing. The gentleman means to recommit with his instructions.

Mr. ORTH. Recommittal with my instructions.

The SPEAKER. Of course.

Mr. MONROE. I wish to make a parliamentary inquiry—whether, if we vote down the amendment of the gentleman from Indiana, we must next, under the previous question, vote on the proposition of the gentleman from Illinois?

The SPEAKER. As the gentleman limits his demand for the previous question, if the House vote down his instructions, that will exhaust the previous question.

Mr. HALE, of Maine. What will be the condition of the bill if the previous question be voted down?

The SPEAKER. If the House should now refuse to second the demand for the previous question the bill will remain precisely *in statu quo*.

Mr. HALE, of Maine. Just exactly as if the gentleman had not made the motion?

The SPEAKER. Precisely the same.

Mr. KASSON. Is it in order for me to move a modification of his motion?

The SPEAKER. It is not, because his motion is an amendment in the second degree, being an amendment of the instructions of the gentleman from Illinois.

Mr. KASSON. That is not the question I wish to ask the Chair but whether it is in order to move an amendment to his demand for the previous question so as to include not only the gentleman's instructions but also the motion to recommit?

The SPEAKER. The Chair thinks not. The gentleman who demands the previous question has the right to define upon what it is he wishes to take the sense of the House. The demand for the previous question is not amendable.

Mr. KASSON. In that case, Mr. Speaker, I wish to say that if the previous question is not sustained I shall then demand the previous question upon the bill itself, which will include the amendments.

The SPEAKER. The question now is, whether the House will sustain the demand for the previous question on the instructions of the gentleman from Indiana; and the Chair will repeat, for the information of members, that if the House refuses to second that demand the bill will remain *in statu quo*, but if the House should second the demand and order the main question to be put, then the vote would recur on the recommittal of the bill with the gentleman's instructions. The Chair will ask that the vote be taken by tellers, and appoints Mr. ORTH and Mr. CLYMER.

Mr. LYNCH. If the motion of the gentleman from Indiana should be decided in the affirmative would that commit the House to such an extent as to preclude the offering of amendments?

The SPEAKER. Should the amendment of the gentleman from Indiana prevail it will send the bill to the committee. When the bill shall be reported back again and before the House it will be open to all amendments which may be offered in order until the previous question is again called and ordered.

The House divided; and the tellers reported—yeas 132, nays 126.

So the previous question was seconded.

The SPEAKER. The question now is in order—the main question.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. YOUNG, of Georgia, demanded tellers.

Tellers were ordered.

Mr. PARSONS. I ask that the instructions be again read.

The Clerk again read the instructions moved by Mr. ORTH.

Mr. GARFIELD. The gentleman must be mistaken in saying the Forty-first Congress. He must mean the Forty-second Congress.

Mr. RANDALL. The Forty-first Congress is right.

Mr. KASSON. I hope the Speaker will explain that this is not a vote on the passage of the resolutions, but only whether the question shall be put—that is, as to whether they shall pass or not.

The SPEAKER. The House has seconded the demand for the previous question, and it is now the duty of the Chair to put the question to the House whether the main question shall be ordered or not. On the previous question tellers have been ordered, and the Chair appoints Mr. ORTH and Mr. CLYMER.

The House divided; and the tellers reported—ayes 156, noes 56.

So the main question was ordered to be now put.

The SPEAKER. The question recurs on the instructions of the gentleman from Indiana, which are proposed as a substitute for those of the gentleman from Illinois, [Mr. HURLBUT.]

The proposition will be again read.

The amendment was again read.

Mr. LAWRENCE. I wish to ask the Chair whether these instructions are divisible, so we can have a vote on the naked question of repeal. Are the instructions divisible?

The SPEAKER. They are not.

Mr. LAWRENCE. I should be glad to vote on the question of repeal by itself.

Mr. KASSON. I now ask the Speaker to state to the House that this motion, if carried, is not final.

The SPEAKER. If the House shall now vote to substitute the instructions moved by the gentleman from Indiana [Mr. ORTH] for those moved by the gentleman from Illinois, [Mr. HURLBUT,] it will then require another vote to recommit the bill with the instructions thus substituted.

Mr. KASSON. Gentlemen may vote "ay" on this question, and then, if they choose, they may vote "no" on recommitting the bill with the substituted instructions?

The SPEAKER. That is for gentlemen to determine for themselves. It is not a parliamentary question.

Mr. HARRIS, of Virginia. I desire to submit a question.

The SPEAKER. The Chair will state that proceedings at this time are apt to be delayed by questions not parliamentary; but if the gentleman has a parliamentary inquiry to make, the Chair will hear it.

Mr. HARRIS, of Virginia. There is some obscurity about this question and I wish to make an inquiry.

The SPEAKER. The Chair will state that what a resolution means, or what the effect of the law is, is not a parliamentary point. A parliamentary point is merely as to the stages of progress in acting upon a resolution or a bill. The Chair answers no question as to the effect of laws or their provisions.

Mr. HARRIS, of Virginia. I meant to ask the gentleman from Indiana, [Mr ORTH.]

The SPEAKER. That cannot be done, because the previous question is operating. The gentleman can walk across the floor and ask the gentleman from Indiana privately. The question is on substituting the instructions moved by the gentleman from Indiana [Mr. ORTH] for those moved by the gentleman from Illinois, [Mr. HURLBUT.]

The question being taken,

The CHAIR declared on the vote, by sound, that the ayes had it.

Mr. COBB, of Kansas, called for the yeas and nays.

The yeas and nays were not ordered, 16 voting in the affirmative; not one-fifth of the last vote.

Mr. COBB, of Kansas, called for tellers on ordering the yeas and nays.

The question being taken on ordering tellers, there were—ayes 22; not one-fifth of a quorum.

So tellers were not ordered, the yeas and nays were refused, and the instructions moved by Mr. ORTH were substituted for those moved by Mr. HURLBUT.

The SPEAKER. The question now recurs, Will the House recommit the bill with the instructions which have just been voted?

Mr. KASSON. Upon that I ask the previous question.

The SPEAKER. That is not necessary. The previous question is not yet exhausted. The previous question exhausts itself on the motion to recommit. If the House shall now vote to recommit, the previous question would be exhausted. If the House shall vote not to recommit, then the bill is before the House. The Chair will again submit the question, Will the House recommit the bill with the instructions?

Mr. HALE, of New York, called for the yeas and nays.

The SPEAKER. The Chair will order the count on ordering the yeas and nays to be taken by tellers. The gentleman from New York [Mr. HALE] and the gentleman from Iowa [Mr. KASSON] will act as tellers.

The House divided; and the tellers reported—ayes 29, noes 167.

The SPEAKER. The affirmative being less than one-fifth of the whole vote, the yeas and nays are not ordered. The ayes have it; and the bill is recommitted with the instructions moved by the gentleman from Indiana, [Mr. ORTH.]

Mr. ORTH moved to reconsider the vote by which the bill was recommitted with instructions; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DAWES. I would suggest to the gentleman from Maine, [Mr. HALE,] the chairman of the committee, that when he reports back the bill he will report it back for discussion under the five-minute rule.

Mr. HALE of Maine. I hope that may be done.

Mr. ELDREDGE. I hope not.

Mr. HALE, of Maine. I make that proposition.

Mr. ELDREDGE. Gentlemen who have expressed their opinions on this bill wish now to cut other gentlemen off.

The SPEAKER. Under the intructions just voted by the House the committee have the right to report at any time. The Chair would understand, unless instructed by the House otherwise, that when the bill is reported back it will be under the same rule under which the original bill was reported.

Mr. HALE, of Maine. I hope there will be no objection, when the bill is reported back, at as early a day as practicable, that it shall be considered under the five-minute rule.

Mr. ELDREDGE. If it requires unanimous consent I shall object. The gentleman from Maine [Mr. HALE] has had his opportunity for debate and should not prevent other gentlemen from having the same privilege.

The SPEAKER. The understanding, as recorded on the Journal, and as members will recollect, was that the bill was to be considered in twenty-minute speeches until the House, by a majority vote, should order otherwise; and that it should then be under the five-minute rule as in Committee of the Whole. That would enable amendments to be disposed of after one speech in favor of and another against, and bring the House promptly to vote on any amendment that might be offered to the new bill. The Chair would further observe that that is the only rule, he apprehends, which would give members the right, which many seem to desire, to have amendments of their own considered. It will bring the power of amendment within the reach of every member.

Mr. DAWES. I make that motion.

The SPEAKER. The gentleman from Massachusetts moves that when the bill is reported back it shall be considered as in Committee of the Whole. The Chair will explain what that means. It means that there shall be five-minute speeches in favor of or against an amendment. Gentlemen will understand that that gives a very large latitude to mere verbal amendments. And there is the difference between that arrangement and considering a bill in Committee of the Whole, that a gentleman may have the yeas and nays on his amendment.

Mr. HALE, of Maine. And at any time, the bill being considered in the House, the will of the House may control the length of the discussion on any particular proposition.

The SPEAKER. The Chair was about to state that on any given amendment it is within the power of the House to close debate.

Mr. ELDREDGE. Will the House now, in violation of that order which it made in this case, by a majority vote determine to take away the right we had to a twenty-minute debate?

The SPEAKER. The Chair does not understand the gentleman.

Mr. ELDREDGE. I suppose the House made an order, with reference to this bill, by unanimous consent, that twenty minutes should be allowed to each member until the House indicated an indisposition to hear further debate by ordering the previous question.

The SPEAKER. O, no; the gentleman evidently did not hear the Chair. The House ordered that the debate should proceed under the twenty-minute rule until by a majority vote it should order that it should be conducted under the five-minute rule. The House, by unanimous consent, agreed that a majority of the members should bring the debate down to the five-minute rule whenever they chose, and that the debate thenceforward should proceed as in Committee of the Whole on the state of the Union.

Mr. BUTLER, of Massachusetts. I rise to a parliamentary question; and it is whether, when we are proceeding in the House as in Committee of the Whole, there can be votes by yeas and nays upon amendments.

The SPEAKER. There can; it is different in that respect from the Committee of the Whole, because the House cannot take away the right of one-fifth of the members present to order the yeas and nays. That right cannot be waived.

Mr. BUTLER, of Massachusetts. I move, then, to amend the motion of my colleague so as to provide that the bill shall be considered in Committee of the Whole on the state of the Union.

Mr. HALE, of Maine. I do not understand that the motion is to consider the bill in the House as in Committee of the Whole. That has already been decided. It is only as to length of speeches.

Mr. DAWES. One further question. In the Committee of the Whole the bill cannot be taken out and brought to a direct vote so long as any amendment is pending. Does that apply to this arrangement?

The SPEAKER. It does not; because it has always been ruled that the House, whenever a majority chooses, can sustain the previous question.

Mr. MAYNARD. I rise to a question of order. Is there anything before the House? Has not the bill been recommitted; and is it not entirely away from the House?

The SPEAKER. There is nothing before the House except the motion of the gentleman from Massachusetts [Mr. DAWES] that the debate hereafter on this bill, when reported from the committee, shall be under the five-minute rule.

Mr. MAYNARD. Is it not necessary that he shall wait until the bill is in the House and we have something to act upon?

The SPEAKER. The Chair thinks that point would not be well taken.

Mr. MAYNARD. Does the Chair hold that it is in order to regulate the disposition of a bill not yet introduced?

The SPEAKER. The Chair holds that the House reserved to itself the right to do this thing by a majority vote. The gentleman from Tennessee will perceive that the whole of this proceeding is on the basis that a majority of the House have a right to direct their own business.

Mr. MAYNARD. The majority, I submit, must act under the rules of the House.

The SPEAKER. This is in strict accordance with the rules, and in strict accordance with what is a little more emphatic than the rules—an arrangement made by unanimous consent.

The question was then taken on Mr. DAWES's motion; and there were—ayes 128, noes 67.

So the motion was agreed to.

Mr. DAWES moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGRESSIONAL RECORD.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, and referred, under the law, to the Committee on Printing:

Resolved, That the Public Printer be instructed to furnish to each Member and Delegate of this House twenty-four copies of the CONGRESSIONAL RECORD, either daily or at the end of the session, in bound form, as each Member and Delegate may elect.

ADJOURNMENT OVER.

Mr. TYNER moved that when the House adjourns it adjourn to meet on Monday next.

The motion was agreed to.

Mr. TYNER moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTRAORDINARY EXPENSES OF THE NAVY.

Mr. GARFIELD. I move that the House resolve itself into Committee of the Whole on the state of the Union on the appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. TYNER in the chair,) and proceeded to the consideration of the bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service.

The bill was read, as follows:

That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to meet extraordinary expenses in the naval service during the fiscal year ending June 30, 1874, namely:

For pay of the Navy, $300,000.
For contingent expenses of the Navy Department, $25,000.
For the Bureau of Navigation, $20,000.
For the Bureau of Ordnance, $500,000.
For the Bureau of Equipment and Recruiting, $500,000.
For the Bureau of Yards and Docks, $20,000.
For the Bureau of Provisions and Clothing, $300,000.
For the Bureau of Steam Engineering, $335,000.
For the Bureau of Construction and Repair, $2,000,000.

And the appropriations herein made may be, in case of emergency, transferred from one Bureau to another, by special order of the President.

Mr. HOLMAN. I rise to a question of order upon the bill; and it is that the last clause of the bill, providing that the appropriations therein made may be, in case of emergency, transferred from one Bureau to another, by special order of the President, is not in order, as it is independent legislation.

The CHAIRMAN. The Chair would suggest to the gentleman from Indiana [Mr. HOLMAN] that he can raise that point of order when the committee shall reach that portion of the bill.

Mr. GARFIELD. Mr. Chairman, I ask the attention of the committee for a very few moments. This bill is not in any ordinary sense of the term a deficiency bill. The appropriations made for the support of the Navy for the current year were ample for carrying on all the various Bureaus of that Department of the Government, and there would have been, according to all appearances and all possibilities, no deficiency but for the extraordinary circumstances which occurred a few weeks ago. It is due to the Secretary of the Navy to say that during his term of office no deficiency has been asked for in that Department, but no amount of prevision or prudence can foresee or provide against such circumstances as have occurred within the last few weeks in the Navy Department. These are too well known to all who hear me to require any rehearsal here. I shall, however, in order that the record may show the grounds on which we proceed, call attention to the letter of the Secretary, which is as follows:

NAVY DEPARTMENT, *December* 8, 1873.

SIR: Under the circumstances of the present emergency, I am compelled to ask that a special appropriation be made to cover the expenses of putting the iron-clad and cruising Navy of the United States in condition for immediate and active service.

I have taken measures to put every available iron and wooden ship of our Navy in condition for immediate duty.

I have ordered all the ships of the various squadrons within reach to rendezvous at Key West. I am enlisting men to supply and fill up the crews of all our vessels. I have accumulated materials, provisions, and supplies for their maintenance and support; and ordnance, ammunition, and all the weapons of naval warfare for their use.

The circumstances which have constrained the Department to this unusual activity and consequent expenditure are known to you and to the country. The fact that they occurred during the recess of Congress made it necessary that I should myself assume the responsibility of prompt action, relying upon the wisdom and justice of the people and their representatives for support.

I have not as yet exceeded the appropriation for the current year, but these measures, with the cost of preparing, transporting, and concentrating everything necessary to carry them out, have already almost exhausted the money of the working Bureaus of the Department, and these must be supplied at once if the work is to go on.

The cost of putting our iron-clads in condition for service (a work already undertaken and in some instances far advanced,) will also require a large immediate appropriation. The amount required to reimburse the Bureaus, so as to carry them through the year, and also to put all our available monitors in order, will be not less than four millions of dollars.

If our force is to be increased, or if the powerful double-turreted monitors Miantonomah, Monadnock, and Puritan are to be put in a condition of usefulness, at least a million of dollars more will be required.

Very respectfully, your obedient servant,

GEORGE M. ROBESON,
Secretary of the Navy.

The SPEAKER *of the House of Representatives.*

I also call attention to the supplemental letter of the Secretary of the Navy, asking in addition a million of dollars for emergencies that may yet arise not provided for in the appropriations he asked. That letter is as follows:

NAVY DEPARTMENT, *December* 8, 1873.

SIR: I find, on review of my letter to the Speaker, that I omitted to ask that Congress give me the necessary authority to enlist men beyond the limit fixed by law. I shall be obliged, in order to man the ships now fitting out to exceed the limit by about 1,500 or 2,000 men, and this excess should be authorized. The number of men can be reduced at any time by discharges when they are not needed.

Also in view of the difficulty of deciding at once between the many things pressing to be done, and of the impossibility of enumerating in advance, or even foreseeing from day to day what calls the Department may have upon it, I think the fifth million asked for in the last clause of my letter ought to be appropriated, and the Department or the President given discretion in its use, to meet any emergency.

Yours, very respectfully,

GEORGE M. ROBESON,
Secretary of the Navy.

Hon. JAMES A. GARFIELD,
Chairman of the Committee on Appropriations,
House of Representatives.

The committee have, therefore, put this bill before the House, not as a deficiency bill, but as a bill making appropriations to meet special and extraordinary expenses that have arisen in that Department.

It is well understood by every gentleman here that when the apparent threat of war came upon this country we were not upon a war footing in so far as our Navy is concerned. And, although the power with which it seemed possible we might be involved in war was really inferior in military strength to ourselves, it so happened that nearly all the warlike strength of Spain lay in her navy. We were stronger in our Army than in our Navy; she much stronger in her navy than in her army.

So far as we understand the situation, Spain had afloat on the sea, at the date of these troubles, about the middle of November last, 8 iron-clad monitors, and 3 others, all mounting 351 heavy guns. She had 24 screw frigates of war, mounting 537 guns; 27 other screw vessels, mounting 75 guns in all; 9 side-wheel steamers, mounting 17 guns; 51 gun-boats, mounting 1 gun each; 2 school-ships, mounting 58 guns; and 7 transports, carrying an average of 100 tons burden. A large proportion of all this fleet was in American waters, or within easy reach of American waters, when the troubles threatened. To speak more accurately, she had 57 keels, carrying 391 guns, in American waters; and also 7 transports in American waters, ready for use.

It became a matter of absolute and overwhelming necessity that the Naval Department should be prepared for what seemed a possible emergency of war. And to meet that I am glad to say that the Secretary of the Navy has in no case exceeded the appropriation for the current year. There were, under the several heads of appropriations named in this bill set to the credit of the Naval Department, sums sufficient to run the Department through to the end of the current fiscal year, namely, to the 1st day of July next. But the Secretary of the Navy has expended the sums under these several heads, or so nearly expended them that they will have been expended by the end of the current month.

This bill, therefore, is to reimburse the Navy Department for these special and extraordinary expenses; and the Secretary of the Navy informs the Committee on Appropriations that, with the appropriations here asked for, the Department will be made whole again; and that if no further extraordinary emergencies shall arise he will go through to the end of the fiscal year by aid of the appropriations we here give him in this bill. The committee then asked him whether, if these appropriations were granted, it would be necessary that we should give larger appropriation for the Navy during the coming fiscal year. His answer was gratifying; it was that he would not only not be required to ask for larger appropriations for the next fiscal year, but that he would need less appropriations because of this present appropriation. That would come about in this way; what has been done already, or ordered to be done, in the use of the funds we are now reimbursing, has been for putting into thorough reconstruction and repairs ships that will be good next year. Of course this remark will not apply to the whole expenditure of this appropriation. It was the judgment of the Secretary that at least 90 per cent. of the appropriations we now give will go into the form of permanent betterment of the Navy, and will not need to be repeated next year. I hope this may turn out to be true.

Possibly 10 per cent. of what we are now giving will be for expenses that will measurably be lost; that is, in case there is no war and no further threat of war, 10 per cent. of what we are now giving will be the real waste resulting from the emergency that has arisen. The Secretary, in these various lines of appropriations which I have suggested, has put in commission a large number of ships that were before out of commission, and in repair a number of ships not before ready for sea. He has not only really strengthened the effective force of our North Atlantic squadron, but has re-enforced it by calling ships away from other squadrons, and put it in readiness to operate from its headquarters, Key West, in case of emergency.

I wish to say further, in general remark upon this bill, that we do not now ask Congress to touch upon the Cuban question. It is simply to take care of what has been done in view of what seemed at the time to be a possibility of war. I am glad to find that all the prospects are now for quiet and settled peace in reference to this Cuban trouble. The diplomacy of the Administration appears thus far to have been successful, and all good men everywhere will rejoice that with the comparatively small outlay that has been made we have perhaps aided in making peace certain.

If there be no question, and no gentleman desires to make general remarks, I will ask that we now proceed to read the bill by paragraphs.

Mr. BECK. I desire to say a word or two.

Mr. GARFIELD. How much time does the gentleman desire?

Mr. BECK. Five minutes, perhaps.

Mr. GARFIELD. I yield five minutes to the gentleman from Kentucky.

Mr. BECK. The only reason I desire to make a remark is this: while I have, perhaps, made objection to the expenditures of the Navy Department in times gone by, and may do so again, still when a bill is presented stating that it is to meet extraordinary expenses of the naval service, and when it would not, perhaps, be proper even for Congress to inquire what those extraordinary expenses were, nor would it be proper, perhaps, for the Department to inform us of the exact condition of our relations with Spain at this time, so that we could properly go into a detail of all matters involved in this bill, I merely desire to say that I shall vote for all the appropriations asked for under these circumstances, reserving the right, however, when the general bill comes in, to call the Secretary of the Navy and the executive officers of this Government to account for anything that may have been expended wrongfully. But, in the mean time, I feel that my mouth is closed, because I do not know what the full necessity has been for this expenditure; I have not the means of ascertaining. It would, perhaps, be improper for the Executive Department to tell now what those extraordinary expenses are. Therefore I am willing to trust them with this money, large as the amount seems to be.

Mr. WOOD and Mr. COX rose.

Mr. GARFIELD. I yield first to the gentleman from New York, [Mr. WOOD.] I will afterward yield to his colleague, [Mr. COX.]

Mr. WOOD. I assume, sir, that if an emergency should arise, or, indeed, if that emergency has now, in the judgment of the Government, arisen, this House will withhold no vote in favor of the most liberal appropriations for the Navy or the Army, or for any other purpose essential to protect the honor and the interests of our country. But for the remarks of the gentleman from Ohio [Mr. GARFIELD] I should not have risen to say one word upon this question. He has, however, made some statements to which I desire to call his attention and the attention of the House. He reports a bill, asking, for several specific objects, an appropriation of $4,000,000. He tells us he is happy to say that this appropriation of $4,000,000 must not be considered as in the nature of a deficiency; that the ample appropriations made by the last Congress for the fiscal year ending the 30th of June, 1874, are entirely sufficient to cover all the expenses of that Department during that period. He further tells us that, in consequence of the exigencies of the occasion, the Secretary of the Navy has drawn upon the appropriations for other purposes, to the extent of these $4,000,000, as in his judgment it was proper for him to do to put the Navy into a proper condition for the defense of the country.

Now, sir, we are all aware that since the first agitation of this Cuban difficulty, with which we are all conversant, but a very few weeks have elapsed. We also know that it was physically, pecuniarily, and in every other respect impossible that during those few weeks there could have been properly expended by the Secretary of the Navy $4,000,000. Now, what I desire to know from the honorable chairman of the Committee on Appropriations is, whether he will say to the House that every dollar of this proposed appropriation of $4,000,000 has been expended for the purposes indicated; and if not, whether he will say, from information in his possession and not in ours, that any contracts have been entered into, or any provision for expenditure has been made which will warrant this extraordinary appropriation to cover expenses already incurred, or which the Gov-

ernment stands obligated to incur. Further, I wish to know whether the gentleman is prepared to tell us that he himself is quite sure that the Secretary of the Navy may not have taken advantage of the late excitement for the employment of men and the disbursement of money, which under ordinary circumstances he would not have attempted. Lastly, I wish to know whether he is prepared to say distinctly, as he has said indirectly, that the whole emergency which caused and justified these expenditures has entirely passed away. If the gentleman can assure us that these moneys were properly expended without an appropriation by Congress, and that after making this appropriation we shall not hereafter be called upon to make up a deficiency in consequence of the recent transactions in the Navy Department, I, for one, will very cheerfully support this bill.

Mr. GARFIELD. In response to the five questions of the gentleman from New York, [Mr. WOOD,] which I think can be consolidated into two, I have to say, first, that the gentleman entirely misapprehended me if he understood me to say that the Secretary of the Navy had drawn from one fund to pay expenses properly chargable to another. I not only did not say that, but, on the contrary, I said that he had used several of the funds in their respective lines of use to meet the emergency, and that those special funds, and those only, were substantially exhausted.

Mr. WOOD. I did not understand the gentlemen as saying that the Secretary of the Navy had transferred a fund appropriated for a specific purpose to another purpose. What I understood the gentleman to say was that moneys appropriated for the Navy had been used for purposes not comprehended in the original appropriation.

Mr. GARFIELD. Not only is it the fact that those moneys have not been used for purposes not comprehended in the appropriations, but they have been used strictly and only for the very purposes to which they were appropriated. But it was understood when the appropriations were made that they would carry the Department through its expenditures for such purposes to the end of the fiscal year; and so they would have done but for this extraordinary emergency.

I have here a list of estimates in these several departments in which we now ask additional appropriations. For example: last year we appropriated $6,000,000 for the pay of the Navy during the fiscal year. Now the Secretary of the Navy has been compelled, under what he considered the pressing emergency, to enlist additional mer and, of course, to increase in that respect the expenditures he would be called upon to meet; and, although he has not used up the whole of that appropriation, yet it is so nearly exhausted that he asks for $300,000 more to eek out the pay of the Navy, so that the new men thus enlisted may be paid.

In the second place, this extraordinary emergency has used up—or partly used up—the contingent fund, amounting to $125,000; and the Secretary asks $20,000 more to reimburse that fund for the balance of the year. So in regard to the Bureau of Navigation, the appropriation for the fiscal year was $430,000. The Secretary has been compelled to spend more of that appropriation than would ordinarily have been spent in the first half of the fiscal year; and he asks for $20,000 to reimburse that fund.

But the largest and most important portion of these extraordinary expenses has been in supplies, in providing ordnance, in supplying shot and shell for our guns; and under this head he asks for half a million dollars to meet the expense of the ordnance he has purchased. Again, in equipment and recruiting—the clothing of men and the equipment of vessels—the Secretary asks for half a million dollars to supply what has been used for these purposes. There has been no transfer of funds. There has been no drawing on the future.

But another branch of the gentleman's question relates to contracts. I will say the Secretary of the Navy did make some contracts for procuring supplies, but the money we are appropriating will make the payments on those contracts. The Secretary asked for $5,000,000; the Committee on Appropriations thought that $4,000,000 would do. We have cut down the estimate of the Secretary to the extent of $1,000,000, believing that if any emergencies shall hereafter arise requiring the expenditure of the additional million dollars, the Secretary can then show that necessity and ask Congress to make the appropriation. But this fifth million was asked for, not to meet expenditures already made, but to meet those which it was supposed might arise even during the holidays while Congress shall be away. We thought nothing could arise in that space of time which would require us to go beyond what we are now doing. We heard the Secretary of the Navy for an hour and a half on one morning, and for nearly an hour another morning; and the committee were unanimous in the opinion that this measure as reported ought to pass.

Mr. WILLARD, of Vermont. Allow me to ask the chairman of the Committee on Appropriations one question. I notice in this bill an appropriation for the Bureau of Construction and Repair of $2,000,000. Has that amount been already expended, or is it an amount which is yet to be expended?

Mr. GARFIELD. This is to pay what has already been expended, and for work now in process of being completed. It is for what has already been contracted to be done.

Mr. WILLARD, of Vermont. Does it extend to any prospective increase of contracts already entered into?

Mr. GARFIELD. Not at all.

Mr. COX. I wish to say a word on this bill.

Mr. GARFIELD. I will yield to the gentleman from New York for a question, holding the floor so we may proceed with the consideration of the bill.

Mr. COX. I have yielded to everybody, and only ask now for myself two or three minutes. I do not wish to discuss the Cuban question, nor do I propose to embarrass this bill.

Mr. GARFIELD. I will yield to the gentleman from New York for five minutes.

Mr. COX. Mr. Chairman, I do not propose, as I have said, to discuss the Cuban question. I do not think there is enough fight in this House to kill a mouse. [Laughter.] We tried it the other day on belligerency. The diplomacy of this Government is not to the satisfaction of our people in any respect, and especially in reference to Cuba and Spain. But I will not discuss the Cuban question. Our flag is draggled in the dust on that question to-day by our diplomacy.

But one thing I am sure of, and that is, we ought to make our Navy better and stronger than it is. I have been one of those heretofore in this House who have been jealous of the increase of the Navy. I did not know exactly how ships were built in the navy-yard, nor how they were built by private contract. There were various questions propounded on both sides of the House as to the best mode and the purest mode of building our ships. But I do know that at the end of our war the ships built during the war were utterly worthless, because built of unseasoned timber. They were a failure; and, as was well said the other day by the gentleman from Maine, [Mr. HALE,] the vessels worth anything were those built before the war, of timber seasoned for twenty or twenty-five years.

We need a better navy. I am willing to go to that extent, although I am utterly in the dark as to our recent diplomacy. I believe our interests and our flag have suffered by the diplomacy of this Administration; yet I am willing in the present emergency to vote what the Secretary asks in this bill. And why? I know that what I say my colleagues on this floor will confirm, and that is, that the city of New York to-day is at the mercy of any big English iron-clads which may choose to enter that harbor. They could shell us out of our business and destroy our city. By some peculiar refinement of naval architecture or of naval warfare we are to-day at the mercy even of so mean and weak a power as Spain.

Mr. KELLOGG. Does the gentleman think, then, this is a good time to go to war?

Mr. COX. I am not speaking of going to war. But is the gentleman's vote upon this bill based upon a war or upon a peace footing? I am speaking of the increase of the Navy, irrespective of what may be our diplomacy in regard to war or peace; but when we get all our diplomacy published here we may have the opportunity, Mr. Chairman, to understand this whole business better than we do. We have not, so far, come up to the sentiment of our people on the Cuban question. This House is pusillanimous before the world to-day with regard to the old principle that the flag of our country covers the ship—as it were a part of our territory. We have not shown a scintilla of the old patriotic spirit.

But, sir, I will vote at all times to strengthen our Navy from other considerations. Our marine is growing and our Navy should grow with it to protect our commerce all over the world. I would give our flag all the strength our guns can give it. It will take thirty days before we have 300 guns ready for Cuban waters. The gentleman from Maryland [Mr. ARCHER] said yesterday, that at the meeting of Congress we had but 22 guns there; and I say to the House what I believe to be true as a reason why our diplomacy is so pusillanimous, that even if we had the pluck we had not the guns to go inside the harbor of Havana and take the Virginius thence. What we want is a stronger navy, a better spirit—a little of that spirit which belonged to our country in the better days of the Republic.

Mr. HALE, of Maine. Mr. Chairman, it is a very gratifying thing to note the sudden conversion of the gentleman from New York [Mr. COX] who has just taken his seat. Knowing something about the fights in this House for naval appropriations, I bear in very near memory the attacks which have been constantly made by him on naval appropriations. I congratulate the House and the country that to-day he is in favor of good and fair, liberal and noble, appropriations. But there is, what must have appeared to everybody, a monstrous inconsistency in the gentleman's cry for war. He starts out by declaring that this House is pusillanimous, and that the Administration is lacking in proper sentiment, and that had it been wisely guided it would have proceeded to take the Virginius from the harbor of Santiago de Cuba and brought her into our waters. And at the same time that he is urging and hounding this on, he says, what is not borne out by the facts, but is all the more inconsistent in him, that a single Spanish frigate could blockade our coasts, could bombard our towns, could burn millions and millions of property. If that is so, or if the gentleman believes it is so, what sense is there in his infuriated cry for war?

Sir, the best thing about this appropriation bill and the conduct of the Secretary of the Navy in this emergency is, that all his naval preparation is an argument, not for war, but for peace. To be well prepared in an emergency, so as to show to the world that we will not bear insult, if such is put upon us, is the best protection against insult. And when the Secretary of the Navy found the battered ships of the American Navy in the different waters of the globe, old and rotten and hardly sea-worthy, and in the past five or six weeks has put a respectable navy afloat which is on its way to the Cuban waters, he did that in the best interests of diplomacy, he did it in the

best interests of humanity. It was not to precipitate war upon this country, when to-day we are big with the memories of a war that, unless it be forced upon us, no sane man again wants in this generation. He did it in the interests of peace. And I venture to say, sir, now, when we see peace probable, when we see the speck of the war-cloud passing away, that it is more owing to the good conduct, the vigilance, the enterprise of the Secretary of the Navy in putting within this short time a good navy in the American waters ready for an emergency, if it should arise—it is more owing to that conduct on his part than to anything else.

Mr. GARFIELD. I yield five minutes to the gentleman from Pennsylvania, [Mr. MYERS.]

Mr. MYERS. I am one of those, sir, who believe that the appropriation in this bill is demanded not only by the extraordinary event which hastened the necessity for it, but by the ordinary requirements of the Navy.

The Secretary of the Navy in his report for 1872 warned the country that our cruising Navy, unless new material were added to it, would rapidly pass away. Congress responded by ordering the construction of new ships of war, and doing something in the direction of repair to the old vessels. The Secretary also called attention to the fact that our iron-clad fleet needed extensive repairs. Much of the woodwork was going to decay, greatly crippling this branch of the service. Live-oak could not be procured from Florida or Georgia during the war, the timber we were compelled to use in haste was unseasoned, and the result I have stated was inevitable.

Congress had passed appropriations under which several of our monitors were repaired, but the majority of them remained in the state complained of, and it was urged that these should be made ready for any duty.

In reply to this some gentlemen contended here that our Navy was strong enough, and no emergency was likely to arise which would call for addition to its efficiency.

If I am not mistaken, my friend from New York [Mr. COX] was in that category. How suddenly that emergency came we all know, and it should prove a lesson for the future.

The massacre of the Virginius's passengers naturally aroused the indignation of the American people. It was done in defiance of the law of nations and of civilization, in violation of our treaty with Spain, and with a haste and disregard of the protest of our consul utterly unjustifiable. Not only was the Virginius an American ship, properly registered, properly cleared, flying the American flag, unresisting, illegally captured on the high seas, beyond the jurisdiction of Spain; but the seizure of the telegram which our consul sent in order to assure himself of the nationality of that vessel, and its delay by the Cuban authorities, followed by the speedy execution of American citizens captured on it, would of itself have furnished a ground for the most serious complaint.

What, sir, did the Administration do? Protection is the first duty of the State to its citizens. That nation is derelict to its highest obligation which fails to vindicate the sovereignty of its flag.

Right faithfully and nobly have the President and Administration fulfilled that obligation Ready for war if the necessity comes, the people are glad that the Administration have obtained from Spain an acknowledgment and reparation which does no dishonor to Castelar, as fervid a republican and eloquent a statesman as Europe has produced for many years, and which republican Spain could not do less than accord. Every demand which the President had a right to make has been made and acceded to. Yet the gentleman from New York [Mr. COX] tells us we have been pusillanimous, and that our flag has been insulted with impunity. I tell him now, that the nation, eager as it was for reparation, is satisfied that not a moment has been lost nor a jot abated in vindication of our national honor in this affair, and that everything will be done to compensate for the wrong.

When the war of the rebellion came, we almost improvised a navy. Now, responding to the wishes of the people, Congress not being in session, General Grant took the responsibility and in a few brief weeks the Navy is almost on a war footing, so that however incredulous the gentleman from New York may be, the American people have faith that if the necessity shall arise it will be able, with the aid of these appropriations, to vindicate the national honor and protect the rights and persons of American citizens in Cuba or elsewhere.

It is alleged that the war cloud is passing away. I sincerely hope and believe this to be true. The nation, reunited, has had enough of war, enough of debt and taxation. The time has come when our attention should be turned to the wants of the people and their employment. The country is as rich in its resources as ever; but a panic, following the failure of many of our business houses, has for a time seriously crippled our industries and thrown great numbers of workmen out of employment. It is a matter for congratulation that this war speck, while it has added to the efficiency of our Navy, gives work to many of these, has aided to start the wheels of trade, and restore that confidence which alone is needed to dissipate the financial crisis.

I have every confidence that the Virginius will be restored without delay. The survivors of those captured on her are, however, still held captive; and though Castelar seems master of the situation, a few weeks might bring new difficulties to him and a necessity to enforce protection to American citizens in Cuba.

Such protection was needed and given last May in Panama, and, in my judgment, a sufficient power should be present in all our squadrons to enforce it at all times. Peace will be best preserved and foreign complications avoided in this way. Henceforth we are secure from danger within our borders, and it is of the highest importance that our naval power should not only co-operate in missions of civilization and humanity and protection, but by its very strength ward off the probability of war.

Mr. GARFIELD. I now yield five minutes to the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY, of Connecticut. Mr. Chairman, the gentlemen who have last spoken have anticipated in some measure what I desire to say to the House, but I wish to add a few words. I confess that my indignation was somewhat stirred by the remarks of the gentleman from New York, [Mr. COX,] who dared to tell the House that it was pusillanimous; that it had not courage enough to kill a mouse; that our flag has been trampled in the dust, with other taunts of that description. Now I have no admiration for that cheap sort of bravery. I would not retort by remarks equally cheap, or I might retort by asking where the gentleman was when a late gigantic war threatened this nation. There was a grand opportunity to plunge into the struggle—whether he took one side or the other is indifferent so far as my point is concerned—a war that shook the continent and aroused the world, involving questions that concern the course of nations for centuries. Where then was the gentleman so eager for strife? Does he know what war is? Does he know what it is to see dear friends dashed in pieces by his side—to see men go down by the hundreds and feel ground slippery with blood? Why does he get up here in the council of the nation and rant in favor of war, which means the slaughter of thousands of our fellow-men and the squandering of hundreds of millions of dollars? I say the man is, before God and the country, guilty of a crime who dares stand here and trifle with this solemn question. He does not know what war is; or if he does then is he ten times more guilty.

I commend to the gentleman an illustration which I bring from my own recollections. I once before knew a gentleman who was extremely anxious to get into a little fight. The war had progressed for about a year and a half, and he had been on delightful, peaceful duty at a distant post, with a very fine regiment that looked charming on dress-parade, and was really in admirable condition. He complained that he had never seen a fight. Well, we started on an expedition and the gallant colonel was given the lead. We came suddenly upon the enemy in a thicket, and he deployed his men in line of battle; the confederates were on a slope beyond, knowing every inch of the woods, of which the colonel knew nothing; they opened a terrible fire upon him, and in three minutes he lost eighty men. He came out of it, however, handsomely; and I asked him at night, "Colonel, how did you like it?" "Well," said he, "I am satisfied, but when, in about a minute after the fight began, I saw my men going down all around me I thought, can't this confounded thing be compromised in some way?" [Laughter.]

I want to add another word. I want to say not only something in commendation of the Secretary of the Navy, who, I believe, has done his duty nobly according to the best lights before him, but I wish to add an emphatic commendation of the President and Secretary of State for the calm, self-respecting good sense and, I may venture to say, Christian temper and Christian statesmanship (unpopular as the expression is with some) which they have exhibited in this matter. It would have been easy to plunge headlong, unprepared as we were, into a great war, but even if we had the grandest Navy in the world, we should have had a right to demand from them the same reticence, patience, and self-respect they have shown in this case.

Sir, the time has passed when the American nation need go about the world with a chip on its shoulder challenging every rowdy to fight. The world knows how we can fight, and we know that we are ready, if God puts it on us, to meet any and all enemies. For that reason we can afford to be forbearing under the insults of foes weaker than ourselves, and moderate and temperate with all. I say that nothing General Grant ever did, from the time he left Galena until he passed through the Wilderness to the White House, does him more honor than the patient firmness with which he has met the Spanish difficulty, and I hope, in Heaven's name, settled it. We do not want unnecessary war.

Mr. GARFIELD. I now yield one minute to the gentleman from New York, [Mr. CROOKE.]

Mr. CROOKE. I rise to make one remark in answer to the most remarkable assertion which has fallen from my colleague from New York, [Mr. COX.] He has stated that the harbor of New York is left defenseless and at the mercy of any attacking force. That is not so. He was speaking of that whereof he knows not, and I am speaking of that whereof I know. Thanks to the Secretary of the Navy, thanks to this Administration, the harbor of New York to-day is impregnable to all the naval forces of the world. If the Spanish navy, strong as it is—and I have inspected one of its vessels lying in the dry dock at New York—were to attempt to-day to force the harbor of New York, they would be sent to a warmer climate than that of New York.

One word more. I know the harbor of New York has been so protected within the last month; it was tolerably well protected before. It has been protected by torpedoes; by the Roanoke, a three-turreted ship, which, manned with a thousand sailors, and stationed in the Narrows, I believe could prevent the whole Spanish navy from pass-

ing it; by the Dictator; by other monitors, and by other means of naval defense. I wish the whole world to know, I wish the pusillanimous people of New York to know, and if there are any pusillanimous persons in this House I wish them to know, that the harbor of New York is to-day impregnable to the whole naval force of the world. And it is to the Secretary of the Navy and to this Administration that we owe the fact that our defenses have been quietly and secretly perfected, so that we might be ready for war if necessary.

Mr. COX. I desire to say a word.

Mr. GARFIELD. Hoping that my friend will liberate us from the charge of pusillanimity, and the city of New York from the charge of being defenseless, I will yield to him for that purpose.

Mr. COX. When I made the remark about the peculiar characteristic of this House, with respect to pusillanimity, I had in my mind the way they shoved the resolutions of belligerency into the Committee on Foreign Affairs, or rather the way they did not do it even. When I made my speech sustaining this bill, and if possible urging this House to pass it, I did not expect that a lot of these Captain Bobadils, who are fresh from the war, and who want to recount their own great deeds, would come up here and make these anti-war speeches. I never made a speech for war. But I can say that never in my life did I know any member of Congress from Connecticut, from the time of the Hartford convention down, who did not show some sort of war spirit, as against our own country or on sectional matters, and always cowed down when it came to fighting for the flag abroad.

Mr. HAWLEY, of Connecticut. If the gentleman wants to know about cowards——

Mr. COX. I am not making a personal fight on you.

Mr. HAWLEY, of Connecticut. You may do so as soon as you please.

Mr. COX. I said "cowed," not "cowards."

Mr. GARFIELD. Spell it with an "h"; make it "cow-herds." [Laughter.]

Mr. COX. I say to the gentleman from Connecticut, [Mr. HAWLEY,] who is so like most soldiers, that when he put in my mouth a speech for war he made a little mistake. I said nothing of the kind. What I did say was, that this House had not come up to the spirit of the people with respect to the Virginius. We have not yet vindicated the flag; we have not yet shown that old devotion to the flag which belonged to the other days of the Republic. That is what I said.

As to what I said about the harbor of New York, I did not consult with gentlemen who are politicians. I got my information from men who are engineers, and who understand this matter a little better than I do. I believe that to-day, unless our Navy is in some way enhanced and strengthened, unless our harbors are more or less strengthened, they are at the mercy of other powers who have these great iron-clads, and who have the advantage of this new system of aggression and defense that has grown up within the last five years.

Mr. SCHUMAKER, of New York. The Spanish navy never could get into the harbor of New York and get out again. I tell my colleague that.

Mr. COX. I am glad to hear it.

Mr. SCHUMAKER, of New York. I know it.

Mr. GARFIELD. I now ask that the bill be read by paragraphs.

The Clerk proceeded to read the bill by paragraphs for amendments, and the following was read:

For the Bureau of Steam-Engineering, $335,000.

Mr. ARCHER. I move to strike out the last word, for the purpose of making a few remarks. The remarks which I shall make I do not intend shall have any political bearing so far as the two parties of the country are concerned. But I wish to call the attention of this House, not to a state of war, but to the state of our Navy as it exists at the present time, and to the condition of the Spanish navy as it now exists.

The Spaniards have now afloat 880 guns. I hold in my hand a list of the vessels in the Spanish navy, showing where each one is stationed, the number of feet of water each draws, the number of horse-power, and the number of guns carried by each. I assert—and any member of this House will so find upon examination of this list—that the Spaniards can with great ease concentrate in Cuban waters 545 guns by the last day of this month.

Now let it be taken for granted that the Virginius is to be delivered up, that the American citizens captured upon her are to be handed over to us, that the indemnity for those executed is to be paid to their widows and orphans, there is yet a serious question for the country. That is, the demand of the popular heart, the demand of humanity, the demand of Christianity, that this Congress shall acknowledge belligerent rights to the people who have struggled so many years for their independence. That being a question which may come before us immediately after the settlement of this, it is well that we should be in a condition to defend ourselves.

I say now, and the gentlemen on the Committee on Appropriations on the other side of the House who are posted in those matters know it, that it is not possible for us to concentrate more than 414 guns in Cuban waters, while the Spaniards can concentrate there over 545 guns by the first day of the coming year. That cannot be denied. We cannot do more than that, except by the purchase of merchantmen and mounting them with the heavy guns now being made by the Navy Department, and most properly made for that purpose in case of emergency.

Sir, not only ought this bill for $4,000,000 be passed, but a larger sum should be given to the Navy Department. Every nation now that pretends to anything like ascendency upon the seas has from four to eight of these large armor-plated vessels. We have none. Our naval officers cannot hold a line of battle unless they can enter into the contest with such vessels.

But, sir, in regard to this bill I submit that it ought to be passed immediately, and I hope that the Committee on Appropriations will at an early day ask for a still larger appropriation. While on the floor I wish to call the attention of the gentleman having charge of the bill to the fact that the committee ask no additional appropriation for the Bureau of Medicine and Surgery. Appropriations are proposed for all the bureaus except this; yet I understand that a deficiency is just as likely to occur in this Bureau as in the others. Before closing I wish to submit as a part of my remarks the list, to which I have referred, of vessels in the Spanish navy.

Spanish navy.

IRON-CLAD FRIGATES.

Names.	Speed.	Men.	Guns.	Draught.	H. P.	Tonnage.	Station.
	Knots						
Numancia	9–12	700	25	30	1000	....	In hand of insurgents.
Vitoria	9–12	700	23	30	1000	....	Spain.
Tetuan	6	....	40	32	1000	....	In hand of insurgents.
Arapiles	7	....	17	30	800	....	Dry dock, New York.
Zaragoza	8	....	21	30	800	....	Spain.
Sagunto	7	....	13	30	800	....	Do.
Resolucion	8	....	6	26	500	....	Asiatic waters.
Mendez Nunez	.....	....	6	....	....	....	In hand of insurgents.
Castilla*	.....	....	....	....	....	....	
Aragon*	.....	....	....	....	....	....	
Navarra*	.....	....	....	....	....	....	

* Building.

SCREW-FRIGATES.

Villa de Madrid	8– 9	550	48	30	800	....	Mediterranean.
Almansa	9–10	550	48	28	600	....	Havana.
Navas de Tolosa	9–10	....	48	24	600	....	Do.
Gerona	9–10	....	48	30	600	....	Do.
Asturias	.....	....	51	....	360	....	Mediterranean, (unseaworthy.)
Carmen	.....	....	41	24	600	....	School-ship Ferrol, (unseaworthy.)
Lealtad	8– 9	....	33	26	500	....	Havana, (unseaworthy.)
Concepcion	.....	....	32	....	600	....	Ferrol.
Blanca	.....	400	38	....	360	....	South America.
Berenguela	.....	400	26	....	360	....	West Indies.
Maria de Molina	.....	....	18	....	300	....	Canaca.

SIDE-WHEEL STEAMERS.

Ciudad de Cadiz	6– 7	....	16	22	500	....	Havana.
Fernando el Catolico	9–10	....	16	22	500	....	Sunk by the insurgents.
Isabel la Catolica	9–10	....	16	22	500	....	Havana.
Chincurra	10–11	....	2	....	400	....	Do.
Colon	.....	....	6	....	350	....	Havana, (unseaworthy.)
Blasco de Garay	.....	....	6	....	350	....	In hands of insurgents, (unseaworthy.)
Pizarro	.....	....	6	....	350	....	Havana, (unseaworthy.)
Herman Cortez	.....	....	6	....	350	....	Do.
Ulloa	.....	....	6	....	350	....	Do.
Vasco Nuñez	.....	....	6	....	350	....	Do.
Leon	10–11	....	2	....	230	....	Do.
Vulcano	.....	100	6	....	200	....	Do.
Lepanto	.....	100	2	....	200	....	Barcelona, (unseaworthy.)

SCREW VESSELS.

Tornado	.....	....	6	....	250	....	Havana.
Consuelo	.....	....	2	....	200	....	Cadiz.
Vencedora	.....	....	3	....	160	....	Manila.
Narvaez	.....	....	3	....	160	....	Do.
Santa Lucia	.....	....	3	....	160	....	Cadiz.
Circe	.....	....	3	....	160	....	Manila.
Diana	.....	....	5	....	160	....	Cadiz.
Africa	7– 8	....	3	12	160	....	Havana.
Vad Ras	7– 8	....	3	12	160	....	Manila.
Andaluza	.....	....	3	....	130	....	Havana.
Guadiana	.....	....	3	....	130	....	Do.
Huelva	.....	....	3	....	130	....	Do.
Sirena	.....	....	3	....	130	....	Do.
Ligera	.....	....	3	....	120	....	Cadiz.
Favorita	.....	....	3	....	130	....	Havana.
Santa Filomena	.....	....	3	....	130	....	Do.
Constancia	.....	....	2	....	100	....	Mania.
Valiente	.....	....	2	....	100	....	Do.
Animca	.....	....	2	....	100	....	Do.
Prosperidad	.....	....	3	....	80	....	Do.
Condor	.....	....	2	....	80	....	Havana.
Santa Teresa	.....	....	2	....	80	....	Cadiz.
Buenaventura	.....	....	2	....	80	....	Vigo.
Caridad	.....	....	2	....	80	....	Canary Islands.
Concordia	.....	....	2	....	80	....	Fernando Po.
Edetana	.....	....	2	....	80	....	Balearic Islands.
Ceres	.....	....	2	....	80	....	South America.

Spanish navy—Continued.

SIDE-WHEEL STEAMERS.

Names.	Speed.	Men.	Guns.	Draught.	H. P.	Tonnage.	Stations.
Liniers			2		120		Catalonia.
Vigilante			2		120		Valencia.
Alerta			2		120		Malaga.
Venadito			2		120		Do.
Neptune			2		120		Havana.
D. Juan d'Austria			1		120		Do.
Guadalquiver			2		100		Do.
Pelez			2		150		Out of service.
Basan			2		160		Do.

SCREW TRANSPORTS.

San Quentin					300	1300	These vessels used to carry troops between Spain and Cuba.
San Francisco de Borgia					300	1300	
Marquis de la Victoria					160	1200	
Patino					160	1200	
Escaño					130	800	
Ferrol					120	800	
San Antonio					90	600	

SCHOOL SHIPS.

Esperanza							Laid up.
Ferrolana							In hands of insurgents.

SCREW GUN-BOATS.

Mindanao			1		30		Manila.
Calamianes			1		30		Do.
Paragua			1		30		Do.
Mindoro			1		30		Do.
Prueba			1		30		Do.
Panay			1		30		Do.
Samar			1		30		Do.
Filipeno			1		30		Do.
Bulusar			1		20		Do.
Iolo			1		20		Do.
Maribeles			1		20		Do.
Arayak			1		20		Do.
Pampunga			1		20		Do.
Bojeador			1		20		Do.
Balanquingia			1		20		Do.
Albay			1		20		Do.
Manileño			1		20		Do.
Cariteño			1		20		Do.
Activo			1		40		Havana.
Cuba Española			1		40		
Argos			1		40		Havana.
Siree			1		40		Do.
Centinella			1		40		Do.
Salamandra			1		40		Do.
Quien Vive			1		40		Do.
Guadiana			1		40		
Vigia			1		40		
Astuto			1		40		
Almendares			1		40		Havana.
Eco			1		40		
Destello			1		40		Havana.
Contramaestre			1		40		
Marinero			1		40		Havana.
Soldado			1		40		Do.
Ericsson			1		40		Do.
Zebret			1		40		Do.
Cazador			1		40		
Canto			1		40		Havana.
Gaceta			1		40		Do.
Telegrama			1		40		Do.
Criollo			1		40		Do.
Ardid			1		40		Do.
Indio			1		40		Do.
Carib			1		40		Do.
Alarma			1		40		Do.
Descubridor			1		40		Do.
Yumuri			1		40		Do.
Flecha			1		40		Do.
Daido			1		40		Do.
Caiman			1		40		Do.
Cocodrillo			1		40		Do.

Mr. Chairman, I withdraw my *pro-forma* amendment.

The Clerk read as follows:

For the Bureau of Construction and Repair, $2,000,000.

Mr. HOLMAN. I move, *pro forma*, to amend the clause just read by striking out the last word. My object in making this motion is to give notice of a point of order that I propose to raise on the succeeding paragraph, which provides that "the appropriations herein made may be, in case of emergency, transferred from one Bureau to another, by special order of the President." In a time of real public danger, or of reasonable apprehension of such danger, I should not be willing by any motion whatever to embarrass in the slightest degree those departments of the Government having charge of our public affairs; but at such a time as the present, when even the chairman of the Committee on Appropriations concedes, what everybody knows, that there is no reason to apprehend danger in the immediate future, I doubt the propriety of an extraordinary provision of this kind.

Our Government has in the past submitted to outrages on the part of the Cuban authorities more atrocious than those which have dishonored humanity during the last few weeks. In the absence of any pending difficulty I am unwilling that we should incorporate into the law a proposition which will relieve the Navy Department from its just measure of responsibility. I am not willing that the Department shall be authorized to transfer at pleasure, from one fund to another, our appropriations in such a manner that no member of the House shall be able to tell whether the money is expended for the purpose of supplying a deficiency or to meet an extraordinary emergency. I want the law on this subject to remain as it is, unless the gentleman from Ohio [Mr. GARFIELD] is able to say that there is a pending emergency making it necessary to remove this ordinary safeguard upon the expenditure of the public funds. Unless some reason of this kind can be shown I shall press my point of order against the proposition, while I should not do so in the face of a condition of circumstances which would seem to demand the most liberal policy upon the part of the Representatives of the people toward the executive branch of the Government.

I wish to say one additional word. I represent a western constituency; and it has always been a source of mortification to me that items like this now pending—$2,000,000 for the Bureau of Construction and Repair—seem to excite the wildest enthusiasm here. Sir, we have no objection to giving an adequate support to the Government. We are willing to appropriate whatever may be necessary to maintain upon the high seas a navy capable of defending our national honor in every emergency; but we are not willing that one dollar shall be improperly expended for any such purpose. I withdraw my *pro-forma* amendment.

The Clerk read as follows:

And the appropriations herein made may be, in case of emergency, transferred from one Bureau to another, by special order of the President.

Mr. HOLMAN. I raise the point of order that the clause just read is in conflict with existing law.

Mr. GARFIELD. I hope that the gentleman, reserving his point of order, will allow me to explain the reason for inserting this clause.

Mr. HOLMAN. If the point of order be reserved I am willing to hear the gentleman.

Mr. GARFIELD. The committee were, in the first instance, requested to appropriate four or five million dollars in a lump. It was our opinion that that would be an unwise and unsafe way to legislate. We therefore asked for items, that we might distribute whatever we thought it proper to appropriate, to the various Bureaus in which the deficiencies had occurred and were occurring. The Secretary said it would be impossible until the work was completed to specify precisely what sum each branch of the naval service would require, because it could not be known in advance where the pressure would come. We then asked him to make the best estimate he could, so that we might distribute the appropriations accordingly, adding, however, a provision for transferability, not upon his own discretion, but on special order from the President, and only in case of special emergency. We thought that this would be a sufficient guard and that it would be better to distribute the appropriations in this way, giving them this flexibility, than to make an appropriation in a lump for all purposes. I hope the gentleman will not press his point of order.

Mr. HOLMAN. The gentleman from Ohio of course concedes that this provision is in conflict with existing law.

Mr. GARFIELD. I presume that the gentleman, if he insists on his point, will be able to have the clause ruled out. I made my statement that he might see the propriety of withdrawing the point.

Mr. BECK. Mr. Chairman——

Mr. HOLMAN. I am willing to reserve my point till the gentleman from Kentucky [Mr. BECK] shall have been heard.

Mr. BECK. I rose to indicate an amendment which I desire to offer to the pending paragraph. It is to add these words: "which order, with the reasons therefor, shall be communicated to Congress whenever the good of the public service will permit." In other words, I desire that we may be able to ascertain hereafter the reasons for making any such transfer, thus maintaining on the part of Congress a supervision over these transfers.

Mr. GARFIELD. I have no objection to that at all, but, on the contrary, will cordially vote for it.

Mr. HOLMAN. I will withdraw my point of order on this condition, that the gentleman shall modify his amendment. I do not see any reason for the provision contained in the last clause, that the reasons only shall be reported when the condition of public affairs will permit. The reasons for transferring from one fund to another can never be affected by any pending condition of affairs.

Mr. GARFIELD. I think the proviso is a wise one, and will vote for it cheerfully.

Mr. HOLMAN. With the omission of the words I have indicated, I will agree to it.

The CHAIRMAN. Does the gentleman from Indiana withdraw his point of order?

Mr. BECK. Let me state the reason why I make it in this shape.

Mr. HOLMAN. That is what I would like to know.

Mr. BECK. While I agree with the gentleman from Indiana that ordinarily it is dangerous to allow this to be done, we must not forget that we are now making appropriations, amounting to $4,000,000, to meet extraordinary expenses which have arisen from a sudden emergency, and that something may occur when it would not be proper or compatible with the public interest to communicate to Congress the reasons for any such transfer made necessary in any of the Bureaus of the naval service, instead of applying to Congress for an additional appropriation for that particular branch where the necessity existed. My amendment generally requires when the President gives those orders he shall communicate the reasons to Congress therefor whenever it is compatible with the public interest for him to do so. In other words, Mr. Chairman, I do not wish to embarrass the President or to do anything which may tend to weaken us in our present difficulty with a foreign power. I have not been in the habit of saying many things in favor of the President or in favor of his Secretaries; but just here I wish to declare my concurrence in what has been said by the gentleman from Connecticut, that if there is anything which the President has done well it is, in my judgment, his negotiation with Spain in the dilemma in which we have been placed with that power in the seizure of the Virginius by one of her war vessels. He could, if he had seen fit, have plunged the country into a war by pursuing a different course from that which he has, and thereby perhaps have aggrandized himself at the expense of the nation. The course he has pursued, in my judgment, has been careful, moderate, and wise; and I do not wish in any way to embarrass him in reference to the appropriations which he now asks at our hands.

Mr. HOLMAN. Let the amendment be read, so we may know exactly what it is.

The Clerk read as follows:

Add to line 26, on page 2 of the bill, these words: "which orders, with the reasons therefor, shall be communicated to Congress whenever the good of the public service will permit."

Mr. HOLMAN. I withdraw my point of order, although I do not believe there is any necessity to include the words at the close of the gentleman's amendment. I believe the public interests will be better guarded by having those reasons communicated in every instance.

Mr. MAYNARD. I wish to make a motion to strike out, which will not be in order if I do not make it at this time. I move to strike out the words—

And the appropriation herein made may be, in case of emergency, transferred from one Bureau to another, by special order of the President.

I have not yet heard any good reason for the insertion of this new feature into our legislation. These appropriations are for the support of the Navy for the present fiscal year, ending June 30, 1874. It is morally certain this Congress will be in session during all that time, and if any emergency should arise it is easy to make application to Congress. I can see no contingency whatever which can make it necessary for us to take this departure from what has come to be a well-understood system of administering appropriations, and which experience has shown to be necessary in reference to the details of each Bureau.

Mr. GARFIELD. As I have already stated, the committee were unwilling to report a bill appropriating $4,000,000 in a lump, and therefore asked the Secretary of the Navy to make the best estimate he could as to what distribution should be made under payments already made by the Department, and for work which had already been contracted to be done in view of the emergency which had arisen. He said he could not do it accurately, but would approximately. The appropriations in the bill have been made in detail in accordance with his estimate, and a provision has been added allowing him, whenever the President shall so order, upon some immediate emergency, to transfer funds from one branch of the service to another. For instance, there may be a sudden call for increased expenditure for ordnance and ammunition; and to meet such a contingency this provision has been incorporated into the bill; but we have guarded it so that such transfer shall be only on the special order of the President.

Mr. MAYNARD. Let me suggest to the gentleman from Ohio there cannot arise by any possibility any emergency, in the proper legal acceptation of the term, when the law-making power could not be instantly invoked. I submit my motion is more in unison with past legislation than to incorporate in this bill the words I have proposed to strike out.

Mr. GARFIELD. I agree with the gentleman. The course suggested by him under ordinary circumstances is the safer and the more prudent one to take; but it must be remembered that Congress will take a vacation during the holidays, perhaps for two weeks; and during that time troubles may arise which may urgently call for the exercise of this power on the part of the President. We have thrown all the proper safeguards about it, while at the same time making it possible for the President to discharge whatever duties may be imposed upon him by any emergency which may occur.

Mr. MAYNARD. I will not press my motion to strike out; but I regret to hear the admission made by the gentleman that during the coming holidays Congress will not be in a condition to answer the calls which may be made upon it in case of an emergency. [Laughter.]

Mr. WILLARD, of Vermont. I move to amend the amendment of the gentleman from Kentucky [Mr. BECK] by striking out the last word, for the purpose of making an observation. I understood the chairman of the committee to say, in response to a remark of mine in the early part of the debate, that none of this appropriation was to be used, except to carry out contracts already entered into by the Secretary of the Navy; in other words, that none of it was made in anticipation of any emergency; that in the emergency that has already occurred the Secretary of the Navy had made large expenditures, and had also entered into large contracts, which were now being carried out. Now, I suppose it may happen that, in carrying out those contracts, the cost of some of our Bureaus may be more than provided for in this bill. But in that case it can be provided for afterward by a deficiency bill. It seems to me the objection to this appropriation is not only the objection stated by the gentleman from Indiana [Mr. HOLMAN] when he raised the point of order, but there is a particular objection that it makes the bill appear to be different from what it is. It makes it look as though we were putting into the hands of the Secretary of the Navy, and of the President, $4,000,000 to be used in their discretion in case of war or if an emergency should arise, when in fact we are only putting it into their hands to pay expenses already incurred or already contracted for. If the clause were worded so that appropriations for contracts already entered into or expenditures already incurred might, if necessary, be transferred, &c., I would have no objection. I withdraw my amendment.

Mr. DAWES. I renew the amendment simply for the purpose of stating that, while I am willing to meet every exigency for which the chairman of the committee shall feel under any necessity to ask the House for an appropriation, yet, if he can feel that there is no present necessity for retaining that provision in his bill, I should be glad to have it stricken out. It creates a bad precedent, which will soon grow up to trouble him amazingly. Nothing in the world can justify it but an absolute necessity. I suggest this to the judgment of the gentleman from Ohio, [Mr. GARFIELD.] However, if the necessity exists, the clause can be put in no better language that I know of than the language used in the bill.

Mr. GARFIELD. I wish to say, in response to what has been suggested by several gentlemen, that we have inserted that clause in order that we may not cripple the Department by a wrong distribution of what they satisfied us they really need. I have no objection to adopting the language suggested by the gentleman from Vermont, so as to provide that this shall be merely to meet the present special emergency.

Mr. WILLARD, of Vermont. I move, in amendment to the amendment of the gentleman from Kentucky, to strike out the word "emergency" and insert the words "necessity, to pay expenses already incurred and contracted for;" so that the clause will read:

And the appropriations herein made may be, in case of necessity, to pay expenses already incurred and contracted for, transferred from one Bureau to another, by special order of the President, &c.

Mr. GARFIELD. I have no authority from the committee to accept that amendment, but I am willing to vote for it if it is offered.

The amendment to the amendment was agreed to.

Mr. HOLMAN. I suppose that the making of these amendments does not cut off the right which I reserved of making a point of order.

The CHAIRMAN. The Chair will suggest to the gentleman from Indiana [Mr. HOLMAN] that, having yielded to an amendment, it is now too late for him to raise a point of order.

The question was next on Mr. BECK's amendment as amended; and, being taken, it was agreed to.

Mr. GARFIELD. I move that the committee rise and report the bill as amended.

The motion was agreed to.

So the committee rose; and, the Speaker having resumed the Chair, Mr. TYNER reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service, had made certain amendments thereto, and had instructed him to report the same to the House with the amendments.

The SPEAKER. Are separate votes asked on the amendments? If not, they will be considered as concurred in.

No separate vote was asked, and the amendments were concurred in.

Mr. GARFIELD. I now call the previous question on the bill as amended.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. DAWES, (at four o'clock and twenty minutes p. m.) the House adjourned till Monday next.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BEGOLE: Thirteen petitions, from as many towns in Oakland County, Michigan, containing the names of 885 petitioners, asking Congress to re-enact the thirty-fifth section of the act of March 3,

1873, so far as may be necessary to restore the free distribution of papers to the people, within the counties where published, through the mails, and also the free exchange list as provided by law in said section.

By Mr. CESSNA: The petition of the Christian Temperance Alliance, of Pittsburgh, Pennsylvania, and sundry clergymen of Alleghany County, Pennsylvania, asking for the appointment of commissioners to make inquiry concerning the alcoholic liquor traffic.

By Mr. COX: Petition and papers as to shipping law.

Also, the petition of the Grand Division of Sons of Temperance, representing 17,000 members, for a commission of inquiry concerning alcoholic liquor traffic.

Also, the petition and papers in the case of Mrs. E. Higgerbotham, as to pension.

By Mr. DANFORD: The petition of Hiram Foreman, and others, of Senecaville, Ohio, praying for the establishment of a post-route from Senecaville, in Guernsey County, Ohio, to Ava, in Noble County, Ohio.

By Mr. DUELL: The petition of John F. Wheeler, of Syracuse, New York, asking payment as second lieutenant in One hundred and forty-ninth Regiment New York Volunteers.

Also, the petition of Mary Maydole, of Marathon, New York, praying for a pension as the widow of a soldier of the war of 1812.

Also, the petition of A. S. Barnes & Co., and 300 others, business firms of the city of New York, presented through the United States Law Association, a body politic, having offices in the city of New York, and elsewhere, praying for the repeal of the bankrupt law.

Also, the petitions of citizens of Albany, New York; Newburgh, New York; Bedford County, Virginia; Franklin County, Virginia; Fairfax County, Virginia; Charlotte, Virginia; Greenville, Virginia; Marion County, West Virginia; Stillwater, Minnesota; Martin County, Minnesota; Goodhue County, Minnesota; Wyoming County, Pennsylvania; Bloomsburgh, Pennsylvania; Union County, Pennsylvania; Adams County, Pennsylvania; Cass County, Texas; McLannan County, Texas; Houston, Texas; Peck County, Texas; Jefferson, Texas; Marshalton, Iowa; Allamakee County, Iowa; Dubuque, Iowa; Henry County, Iowa; Mitchell County, Iowa; Clinton County, Michigan; Hillsdale County, Michigan; Lenawee County, Michigan; Shiawassee County, Michigan; Livingston County, Michigan; Saint Clair County, Michigan; Graves County, Kentucky; Ford County, Kentucky; Mercer County, Kentucky; Osceola, Missouri; Daviess County, Missouri Texas County, Missouri; Cole County, Missouri; Saint Louis County, Missouri; Delevan County, Missouri; Lawrence, Missouri; Kendall County, Illinois; Monticello, Illinois; Green County, Illinois; Pope County, Illinois; Harden County, Illinois; Jersey County, Illinois; Dickinson County, Kansas; Baxter Springs, Kansas; Sedgwick County, Kansas; Topeka, Kansas; Lawrence, Kansas; Ellis County, Kansas; Osage Mission, Kansas; Spencer, Indiana; Wells County, Indiana; Sandusky, Ohio; Marion County, Ohio; Sutter County, California; Green County, California; Hale County, California; Oxford County, Mississippi; Winona, Mississippi; Newton, North Carolina; Greeneville, Tennessee; Knoxville, Tennessee; Vermilion Parish, Louisiana; Brownville, Nebraska; Minnehaha, Dakota; Sussex County, New Jersey; Kent County, Delaware; Camden, Arkansas; Amherst, Massachusetts; Springplace, Georgia; Portland, Oregon; and Baraboo, Wisconsin; praying for the repeal of the bankrupt law.

By Mr. FORT: The petition of W. A. Turner and 79 other citizens of Iroquois County, Illinois, asking for the establishment of a certain mail-route therein mentioned.

By Mr. G. F. HOAR: The petition of Henry T. Cheever and others, of Worcester, Massachusetts, for commission concerning the alcoholic liquor traffic.

By Mr. HOOPER: The petition of John T. Brown and others, survivors of the war of 1812, for an increase of their pensions.

By Mr. HUNTON: The petition of the Holston Conference, State of Virginia, praying for the relief of the Southern Methodist publishing house.

By Mr. KELLOGG: The petition of Ferdinand Gregorie, for relief, with accompanying papers.

Also, the petition of Ferdinand Gregorie, for relief, with accompanying papers.

Also, the petition of Samuel Willette, president, and R. W. Underhill, secretary of a meeting of the Society of Friends, and others, for the appointment of a committee of inquiry concerning the alcoholic liquor traffic.

By Mr. LAMPORT: The petition of S. D. Hastings, Worthy Grand Templar, and W. S. Williams, secretary of the Independent Order of Good Templars of the United States, representing 35,000 members, asking for same committee of inquiry.

By Mr. NESMITH: Three petitions from citizens of Oregon, asking relief of Southern Methodist book publishing house.

By Mr. RANDALL: The petition of Catharine Kniclem, widow of Paul Kniclem, late a sergeant of Company C, Ninety-eighth Regiment Pennsylvania Volunteers, asking a pension.

By Mr. SAYLER, of Indiana: The petition of Abel M. Lewis, of the State of Indiana, for relief.

By Mr. SAYLER, of Ohio: The petition of Benjamin P. Buckner, a citizen of the State of Texas.

By Mr. SENER: The petition of C. W. C. Dunnington, of Virginia, praying compensation as superintendent of gas at the Capitol from 1851 to 1861.

By Mr. SOUTHARD: The memorial of P. A. Harris, C. P. Warner, and 39 other citizens of Saint Louisville, Licking County, Ohio, praying that the postal-code be so amended that all mail-matter may be prepaid at the office of mailing, and that some more equitable and less intricate system of determining postmasters' salaries be devised.

Also, the memorial of S. C. Mendenhall, T. J. Patterson, and 91 other citizens of Frozeysburgh, Muskingum County, Ohio, praying that the postal-code may be so amended that all mail-matter may be prepaid at the office of mailing, and that some more equitable and less intricate system of determining postmasters' salaries be devised.

By Mr. STANARD: The petition of John Baptist Hortiz, a soldier of the war of 1812, asking for a pension.

By Mr. TOWNSEND: The petition of Rev. James Fraser, president, and Mary Price Jackson, secretary of the Kennett Branch of the National Temperance Society, and also the officers of the Kennett Good Templars, asking the appointment of a commission of inquiry on the alcoholic liquor traffic.

By Mr. WALLACE: Resolutions of a mass convention, held at Columbia, South Carolina, November 23, 1873, asking redress of Congress for the wrongs committed by the Cuban authorities upon the passengers and crew of the steamer Virginius, and extending sympathy to the Cubans.

By Mr. WILSON, of Indiana. The petition of M. C. Mordecai & Co., asking compensation for mail service.

By Mr. WOODFORD. The petition of George Smith, late of Company G, First Regiment New York Volunteers, asking amendment of bounty laws so as to embrace volunteers for two years.

Also, the petition of National Temperance Society, Hon. W. E. Dodge, president, Y. N. Stearns, secretary, and T. T. Sheffield, treasurer, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic.

PAPERS WITHDRAWN.

Under the rule, leave was given to withdraw papers from the files of the House, for reference to the appropriate committees, as follows:

Mr. FORT, the memorial of Robert F. Winslow, with the accompanying papers, to the Committee on War Claims.

Mr. NEGLEY. The papers in the case of Lieutenant-Colonel John G. Parr, late of the One hundred and thirty-ninth Pennsylvania Volunteers, to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *December* 15, 1873.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Thursday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer;"

A bill (H. R. No. 483) to authorize the cancellation of the export bond for a portion of the distilled spirits of John S. Miller, on board of bonded cars of the United States; and

A bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service.

The message also announced that the House had passed the bill (S. No. 130) to remove the disabilities of Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, of Virginia, and John H. Reagan, of Texas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 470) relating to the limitation of steam-pressure of vessels used exclusively for towing and carrying freight on the Mississippi River and its tributaries; and it was thereupon signed by the President *pro tempore*.

COMMITTEE SERVICE.

Mr. FERRY, of Connecticut. I ask to be excused from serving upon the Committee on Pensions, on account of ill health.

The question being put, the honorable Senator was excused.

Mr. FERRY, of Connecticut. I now move that the President *pro tempore* be authorized to fill the vacancy on the committee.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. BOUTWELL presented the petition of William Mason, of Taunton, Massachusetts, praying compensation for the abrogation of his contract to manufacture one hundred thousand muskets of the Springfield pattern; which was referred to the Committee on Claims.

He also presented the petition of Julius A. Pickering, praying an extension of his patent, No. 23532, for attaching boot-straps; which was referred to the Committee on Patents.

Mr. SUMNER. I present the petition of upward of 1,000 citizens of Pennsylvania, principally of Philadelphia, in which, after referring to the successful issue of the Geneva court of arbitration as satisfactorily demonstrating that international difficulties may be amicably, honorably, and efficiently settled by such sensibly quiet means as were employed in that connection, they ask that Congress shall take steps to provide, in co-operation with other governments, for the settlement of international difficulties by a system of arbitration. This petition, as I understand it, is in response to a resolution which, it will be remembered, was adopted by the House of Commons during its last session, and which during the present session of the Italian Parliament has found equal favor there. I move its reference to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SUMNER. I also present the petition of John James Flournoy, of Georgia, a deaf-mute. Accompanying this petition is a letter in which the petitioner specially asks me to lay it before the Senate, hoping that it may be read or printed. With the permission of the Senate I will simply read the prayer, which relates to our pending relations with Spain:

> Hoping that your honorable body will, by the exercise of wisdom and sagacity, so order things to a happy settlement, and at the same time admonish Americans to stay at home and reform and improve social and political relations, your petitioner will most humbly pray your auspices.

I move the reference of this petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SUMNER. I also offer the petition of a large number of colored citizens of Detroit, Michigan, in which they set forth the indignities to which they are exposed, and ask the passage of Senate bill No. 1, on civil rights. I move that the petition lie on the table.

The motion was agreed to.

Mr. SUMNER. I also offer the petition of a large number of citizens of Templeton, Massachusetts, in which they set forth the hardships to which they are exposed from the existing post-office laws regulating newspapers; and they ask to have a remedy. The petition is somewhat lengthy, and I call the attention of my friend, the chairman of the Committee on Post-Offices and Post-Roads, to it. I move its reference to that committee.

The motion was agreed to.

Mr. SCHURZ presented the petition of John Bte. Hortiz, praying that he be allowed a pension for services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. CROZIER presented two petitions of citizens of Kansas, praying for the establishment of a new land district in that State; which were referred to the Committee on Public Lands.

Mr. SCOTT presented the petition of Mary D. Lord, mother of Joseph R. Newman, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of J. Snowden & Son, praying for the passage of an enabling act permitting them to sue in the Court of Claims to recover losses on their contract for building the monitors Manayunk and Umpqua; which was referred to the Committee on Naval Affairs.

Mr. SCOTT. I have had placed in my hands petitions coming from thirty-seven States and one Territory, and two hundred and seventy-five cities and towns in those States and Territory, and signed by 3,109 persons, all of whom complain of the hardships imposed upon them by the construction placed by the Commissioner of Internal Revenue upon the act of 1866, section 13, by which he extends the provisions of the stamp act beyond what was required by the exigencies of the country at the time of its enactment, and, as they believe, in violation of the intention of the act. They ask for the repeal of the act. I present the petitions, and move their reference to the Committee on Finance.

The motion was agreed to.

Mr. CHANDLER presented two memorials of citizens of Michigan, praying for legislation to carry into effect the financial plan proposed by Senator FERRY, of that State; which were referred to the Committee on Finance.

Mr. CONOVER presented the memorial of Commodore Edward Middleton, United States Navy, praying to be advanced to his proper grade on the retired list; which was referred to the Committee on Naval Affairs.

Mr. PRATT presented the petition of J. H. Stine, guardian of the minor children of Joseph Jenkins, deceased, praying for arrears of pension; which was referred to the Committee on Pensions.

Mr. PRATT. I also present the memorial of Mary Durang, widow of Charles Durang, a soldier of the war of 1812. She states that the vicissitudes of the war procrastinated her marriage until the year 1816, and that she is excluded from a pension by the general law; and she asks for the passage of a special act granting her a pension. I move the reference of her petition to the Committee on Pensions.

The motion was agreed to.

Mr. ANTHONY presented the petition of Captain William W Low, of the United States Navy, praying to be allowed and paid the difference between the pay of a master in the line of promotion in the Navy and that of a lieutenant, from September 14, 1855, to January 16, 1858; which was referred to the Committee on Naval Affairs.

Mr. FENTON presented the petition of George Smith, late of Company G, First Regiment New York Volunteers, praying to be allowed a bounty; which was referred to the Committee on Military Affairs.

Mr. ROBERTSON presented the petition of Mrs. Mary A. Holmes, of Columbia, South Carolina, asking to be compensated for fifty bales of cotton taken from her, after the war was over, by United States troops; which was referred to the Committee on Claims.

Mr. INGALLS presented the petition of Willard Davis, late collector of internal revenue, second district of Kentucky, praying compensation for clerk hire, attorneys' fees, furniture, &c.; which was referred to the Committee on Claims.

Mr. JOHNSTON presented the memorial of William B. Isaacs & Co., of Richmond, Virginia, praying that certain coin covered into the Treasury be returned to the owner; which was referred to the Committee on Claims.

Mr. LOGAN. I present a petition signed, as I am informed—I have not counted the names myself—by 3,000 citizens of the Territory of Utah. I will read one portion of it. Speaking of the condition of the country there, they say:

> Under these circumstances, the administration of the law in Utah is at a dead stand-still, and crimes go unpunished. The large and material interests now rapidly growing and expanding are substantially without the protection of law. Life and property are held at the mercy of this inimical and secret organization, rather than under the protection of civil government and wholesome laws, as we have a right to demand.
>
> Your memorialists therefore pray that your honorable body do pass such laws as may be necessary to correct these evils and abuses and give us the protection of free civil government, and at the same time bring the Territory of Utah into harmony with the Federal Government and republican institutions.

I move the reference of this petition to the Committee on Military Affairs.

The motion was agreed to.

Mr. WRIGHT. It will be remembered that a few days since I was intrusted with the duty of presenting the petition of Arch. H. Stuart and some 100 other officers and soldiers in favor of the equalization of bounties, &c. I am now commissioned by the same gentlemen to present the petition of 250 officers and soldiers of the Soldiers' Home, of Milwaukee, Wisconsin, on the same subject, and I move its reference to the Committee on Public Lands.

The motion was agreed to.

Mr. CONKLING. I present a petition signed very numerously by citizens of the State of New York, colored men, some of whom I know, and know to be respectable citizens, praying the passage of a civil-rights bill by Congress. I move the reference of this petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present also the petition of Moses Taylor & Co. and other ship-owners and cargo-owners of the city of New York, touching the Geneva award. They set forth that during the rebellion they were engaged in commerce upon the high seas; and that while so engaged, confederate cruisers other than the Alabama, Florida, and Shenandoah (after she left Melbourne) captured and destroyed their property, (vessels and cargoes,) on which they had no insurance, and they insist that they are entitled to participate in a division of the award. I move the reference of this petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. FRELINGHUYSEN presented the petition of Henry Lull, praying an extension of his patent for a shutter-hinge; which was referred to the Committee on Patents.

Mr. WINDOM presented the petition of Basil Moreland, praying compensation for land and improvements of which he was deprived by virtue of a treaty with the Winnebago Indians; which was referred to the Committee on Indian Affairs.

Mr. STEVENSON presented the petition of Mrs. Rosa Vertner Jeffrey, of Lexington, Kentucky, praying an allowance for rent, repairs, and damage to her house and furniture occupied as headquarters by several commanding generals during the recent rebellion; which was referred to the Committee on Claims.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Chief Clerk of the War Department, communicating, in compliance with a resolution of December 4, 1873, information in relation to the sale of Government property at Harper's Ferry, West Virginia; which was, on motion of Mr. DAVIS, ordered to lie on the table and be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers of J. Milton Best be taken from the files and referred to the Committee on Claims.

On motion of Mr. CLAYTON, it was

Ordered, That Patrick Sullivan have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. SCOTT, it was

Ordered, That the petition and papers in the case of the administrator of Mrs. Sarah A. R. Lord be taken from the files and referred to the Committee on the Judiciary.

On motion of Mr. SPENCER, it was

Ordered, That the petition and papers in the case of Mary E. Purnell be taken from the files and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the petition and papers of James and Emma Cameron be taken from the files and referred to the Committee on Claims.

On motion of Mr. COOPER, it was

Ordered, That the memorial and accompanying papers of Nancy J. Turk, of Tennessee, be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the petition of Rosenbaum & Co., praying to be reimbursed the cost of tax-stamps on certain tobacco burned at sea, submitted a report thereon; which was ordered to be printed; and the committee was discharged from the further consideration of the subject.

Mr. MORTON, from the Committee on Privileges and Elections, submitted the following report, which was read:

The Committee on Privileges and Elections, to whom was referred the credentials of P. B. S. Pinchback and General McMillen for a seat in this body from the State of Louisiana, beg leave to report that they are evenly divided upon the question as to whether Mr. Pinchback is, upon his credentials, entitled to be sworn in as a member of this body; and beg leave to be discharged from the further consideration of the subject, and to refer the whole matter to the determination of the Senate.

BILLS INTRODUCED.

Mr. MORRILL, of Vermont, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 167) to provide for the further endowment and support of national colleges for the advancement of general, scientific, and industrial education, and to establish an educational fund, and apply the proceeds of a portion of the public lands to the support of public education; which was read twice by its title.

Mr. MORRILL, of Vermont. I desire simply to say that this bill is not designed to divert any funds from the Treasury Department for the coming year. It is a modification of the bill introduced last year and passed by the Senate, and also passed by the House, but not in precisely the same phraseology, modifying the mode and manner of distribution, and the amount, so as to meet some objections then made; and it also combines the subject of national colleges with public education. I move the reference of the bill to the Committee on Education and Labor.

The motion was agreed to.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 168) authorizing the Secretary of War to convey certain land, known as the Fort Brooke military reservation, to the trustees of the Florida Agricultural College; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SCHURZ asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the Republic of Mexico; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 170) for the relief of certain officers of the Navy who were dropped, furloughed, or retired under the act of February 28, 1855; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 171) for the benefit of the legatees of Asbury Dickins, deceased; which was read twice by its title.

Mr. ANTHONY. I suppose, as this is a claim arising out of services in the Senate, that the bill should go to the Committee on Contingent Expenses. I wish to state that it is a claim on behalf of an old and faithful servant of this body for many years, who died very poor, leaving daughters dependent upon their own exertions and upon the very scanty patrimony he left them. Although that may not be any reason to show the justice of the claim, I think it is one for its speedy consideration; and I hope the Committee on Contingent Expenses will find time to attend to it.

The PRESIDENT *pro tempore*. The bill will be referred to that committee.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 172) granting a pension to Michael McGrayel, late a captain of Company E, Ninety-third Regiment Indiana Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 173) for the relief of Willard Davis; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 174) for the relief of certain settlers upon homestead and pre-emption lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 175) relating to leave of absence granted to diplomatic and consular officers of the United States; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 176) to promote the establishment of public marine schools; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 177) relating to the public lands in the State of California; which was read twice by its title, and referred to the Committee on Mines and Mining.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 178) to provide for the construction of the Fort Saint Philip Canal and its maintenance as a national highway; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 179) for the relief of the heirs of Robert Isherwood, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CLAYTON. At the request of a citizen of Arkansas, and without committing myself to the measure, I ask leave to introduce a bill.

There being no objection, leave was granted to introduce a bill (S. No. 180) to repeal section 6 of the act of March 3, 1865, and section 2 of the act of March 26, 1867, imposing a tax of 10 per cent. upon circulation of bank notes; and it was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 181) for the relief of William S. White, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 182) to disapprove an act of the territorial legislature of Dakota, approved May 2, 1862, entitled "An act to provide for proceedings for the collection of demands against boats and vessels;" which was read twice by its title, and referred to the Committee on Territories.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 183) to provide for a survey and estimate of cost for constructing locks and canals to remove obstructions to the navigation of the Columbia River, in the State of Oregon and Washington Territory; which was read twice by its title, and ordered to lie on the table and be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 184) relating to certain brevet appointments; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 185) for the relief of M. S. Hellman; which was read twice by its title, and referred to the Committee on Claims.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 186) for the relief of Basil Moreland, of Mankato, Minnesota; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 187) for the relief of Silas H. Hodges; which was read twice by its title, and referred to the Committee on Patents.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 188) to authorize the issue of patents to lands in cases of private land claims; which was read twice by its title.

Mr. CONKLING. Mr. President, I wish to say that this bill was sent me by a citizen of the State of New York. It seems to be right upon its face. I do not vouch for it, however. I move its reference to the Committee on Public Lands.

The PRESIDENT *pro tempore*. It will be so referred.

Mr. THURMAN. I do not know whether there is anything in that bill that makes it peculiarly a subject for reference to the Committee on Public Lands; but from the title of the bill, as read, I suppose it belongs to a class of cases which have usually gone to the Committee on Private Land Claims. That committee have the general subject now before it, by the reference of another bill to provide for cases in which patents have not issued. I do not know what the nature of this bill is; but if it belongs to that category, they ought all to go to the same committee.

Mr. CONKLING. I have no choice of committees for this bill. The title of the bill, as I observe by the reading of it, is a little deceptive, and naturally suggests to the Senator the objection that he makes. My impression is that the bill ought to go to the Committee on Public Lands, but, I repeat, I have no preference in regard to it.

Mr. THURMAN. I think it had better go, as the title indicates, to the Committee on Private Land Claims; and if it is found to belong to the other committee, it will undoubtedly be reported back and sent to that committee.

Mr. CONKLING. I suggest that the shorter way will be for the Secretary to read a few words in the body of the bill. Three or four lines of the second paragraph will show exactly what it is, and then, if the Senator wishes, I shall make no objection to the change of reference.

The PRESIDENT *pro tempore*. If there be no objection, the Secretary will read the portion of the bill indicated.

The Chief Clerk read from the text of the bill as follows:

That in case of any claim to land in any State or Territory which has heretofore been confirmed by law, and in which no provision is made by the confirmatory statute for the making of surveys and the issue of patents, the Secretary of the

Interior shall cause the same to be accurately surveyed in accordance with the provisions of the thirteenth section of an act of Congress approved March 3, 1851, entitled "An act," &c.; and shall issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land Office of plats of survey thereof, duly approved by the surveyor-general of any State or Territory, if the same be found correct by the said Commissioner: *Provided*, That such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right, if such exist, to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land: *Provided further*, That all acts and parts of acts inconsistent herewith be, and the same are hereby, repealed.

Mr. THURMAN. That is the precise subject that has always been referred to the Committee on Private Land Claims, and it is now before that committee by the reference of a bill introduced by the Senator from Missouri, [Mr. BOGY,] and there are other bills that will no doubt be referred again to that committee. It is a subject of very great difficulty, on which the committee has made progress in its investigation and has voluminous information from the Departments. The bill ought to go to the Committee on Private Land Claims.

Mr. CONKLING. I make no objection, except to the Senator's statement that such bills have always gone to the Committee on Private Land Claims. That I do object to, because my recollection is affirmatively otherwise; but I have no objection to accepting the motion of the Senator.

Mr. THURMAN. I can only say that ever since I have been on that committee they have always been sent to it.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Private Land Claims.

Mr. HAMILTON, of Maryland, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 189) authorizing the Citizens' National Bank of Hagerstown, Maryland, to change its location; which was read twice by its title, and referred to the Committee on Finance.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 190) amending and supplementary to the act entitled "An act to further the administration of justice;" which was read twice by its title, and referred to the Committee on the Judiciary.

HOUSE BILLS REFERRED.

The bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service was read twice by its title, and referred to the Committe on Appropriations.

The bill (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer" was read twice by its title, and referred to the Committee on Enrolled Bills.

The bill (H. R. No. 483) to authorize the cancellation of the export bond for a portion of the distilled spirits of John S. Miller on board of bonded cars of the United States was read twice by its title, and referred to the Committee on Finance.

LOAN OF 1858.

Mr. SHERMAN. If the morning business is through I desire to report back the bill (H. R. No. 478) to provide for the redemption of the loan of 1858, and to ask for its immediate consideration.

Mr. MORTON. I wish to submit a resolution.

Mr. SHERMAN. I will withhold the consideration of the bill until the morning business is through. I supposed it was through.

SENATOR FROM LOUISIANA.

Mr. MORTON. I offer the following resolution:

Resolved, That the credentials of P. B. S. Pinchback for a seat in the Senate of the United States for six years commencing on the 4th of March, 1873, being in regular form, he is entitled under the law and in conformity with the usages of the Senate to be sworn in as a member, and that whatever grounds of contest there may be as to his right to a seat should be made thereafter.

As this is a privileged matter, I give notice that to-morrow, after the conclusion of the morning business, I will ask the Senate to proceed to the consideration of the resolution.

Mr. SUMNER. I ask that it be printed.

The PRESIDENT *pro tempore*. The order to print will be made unless there be objection.

Mr. SAULSBURY. I hope the Senator from Indiana will not press the consideration of that resolution at so early a day as to-morrow. The committee, as has been reported by the Senator from Indiana, is divided on the subject. It involves a question of vast importance; but there are other questions the immediate consideration of which is of more importance to the country than one relative to seating a Senator on this floor. That resolution will of course provoke debate, and it will consume considerable time in the discussion. I hope, therefore, it will not be fixed for to-morrow morning, but that the Senator from Indiana will consent to postpone it until after the holidays.

Mr. MORTON. Mr. President, I do not think it would be wise to postpone the consideration of this question until after the holidays. Of course I should like to accommodate my friend from Delaware; but it seems to me that the Senate should decide this question at as early a day as possible. I do not expect that the question will be decided to-morrow. I think there will be debate upon it. I simply desire that we shall proceed to the consideration of it to-morrow, with the hope that we shall get through with it some time this week.

There are many reasons why this question should be decided speedily and should not go over until after the holidays. My friend from Delaware will have ample time, I have no doubt, to prepare himself for the argument of this resolution if he chooses to take part in it.

Mr. FERRY, of Connecticut. Are the reports and the evidence taken at the last Congress in all the Louisiana cases now before the Senate? If they are not, I wish to have them taken from the files of the Senate and laid on the table.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that they are not before the Senate.

Mr. FERRY, of Connecticut. I move, then, to take those papers from the files.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the report of the Committee on Privileges and Elections made at the last session of Congress, in regard to the Louisiana case, so called, be taken from the files and laid before the Senate.

Mr. CONKLING. Are they printed?

Mr. FERRY, of Connecticut. They are printed, and I want them where they will be accessible and can be used.

Mr. MORTON. I have no objection to the evidence formerly taken being placed on the table of each Senator. That does not make it, however, a part of this case. Mr. Pinchback was not a party to that proceeding, to the taking of that evidence, but I have no sort of objection that it shall be placed on the desk of every Senator for information. All have access to it anyhow without this motion.

Mr. CONKLING. I should like to ask the Senator from Connecticut a question. I have been detained this morning from the business of the Senate and have not been here till just now. Does the Senator report from the committee a resolution merely?

The PRESIDENT *pro tempore*. The Senator from Indiana has reported that the committee were unable to agree, being equally divided, and the committee have been discharged from the further consideratio of the case.

Mr. MORTON. And I have offered a resolution declaring that Mr. Pinchback has a *prima-facie* case, and given notice that I shall move to take it up to-morrow morning.

Mr. CONKLING. The purpose of my inquiry is to ascertain how we may learn the condition of the case; the committee, of course, know. I infer that there is no written report from any portion of the committee, and I should like to inquire whether the evidence taken by the committee now is reported with the resolution.

Mr. MORTON. The committee has taken no evidence, and has, of course, reported none. The question as presented to the committee arose upon questions of law, upon the effect of the credentials of Mr. Pinchback, the decisions of the courts of Louisiana, and other matters that I might refer to.

Mr. CONKLING. So that there is no controversy of fact?

Mr. MORTON. We present no report in regard to the facts of the case.

Mr. CONKLING. And there is no controversy of fact now before us?

Mr. MORTON. Not as the matter stands now.

Mr. EDMUNDS. I should like to make an inquiry of my friend, as I was not in when he offered the resolution. Do I understand that no issue is made before the committee in this case except the question of law arising upon the decisions of the supreme court of Louisiana and upon the credentials?

Mr. MORTON. The question before the committee, and upon which this case will be presented to the Senate, is the question of the right of Mr. Pinchback, upon his credentials—they being in proper form—to take his seat upon this floor, without going into the question of rights arising under the decisions of the courts of that State as to which is the Legislature of Louisiana and who is the governor, or the recognition of what is known as the Kellogg government by the President of the United States and by the action of the House of Representatives, and other questions of law that may be presented.

Mr. EDMUNDS. Well, do I understand that, supposing the Senate should decide that they had a right and that it was their duty to go back of that, there is any allegation on the part of those who opposed Mr. Pinckback—that there is any state of real facts behind these questions of law and behind this supposed recognition which would show that Pinckback was not duly elected?

Mr. MORTON. Yes, sir; it will be contended on the other side that Mr. Pinchback was not duly elected; that the Legislature which elected him was not in fact the Legislature of Louisiana. The question now is put upon the same basis it was in the admission of Mr. GOLDTHWAITE from Alabama. There was a contest; but it was claimed on the part of his friends that as his credentials were in regular form he had a right to be admitted to his seat upon the floor, and if there was any ground of contest it should come after that. The Committee on Privileges and Elections reported in favor of that principle, and Mr. GOLDTHWAITE took his seat, and the contest was afterward abandoned.

Mr. EDMUNDS. I did not mean to make any inquiry about tl at case, because I understood entirely the ground on which my friend stands in the resolution, and it is a very proper ground to be brought to the attention of the Senate undoubtedly; but I wished to inquire, as my friend from New York did, whether (supposing we should decide adversely to the prima-facieness, so to speak, of this case, and should say it was a subject for investigation) there was any other ground besides those of matters of law upon which opposition was

made to his being really Senator. I understood the Senator to say there is.

Mr. MORTON. That resolves itself back into what is known as the Louisiana question, which we had before.

Mr. EDMUNDS. They are pretty intimately connected, and I should think it would be better for the Senate to have returned to its official possession, so to speak—they are in our possession now—all these documents, to be laid upon the table, where they may be the subject of consideration if the Senate chooses to consider them. I believe my friend agrees (for he makes no objection to that) that this evidence should be laid on the table, so that for information on the pending question any one can refer to them.

Mr. MORTON. Certainly; there can be no objection to that.

Mr. STEVENSON. I wish to ask the Senator from Indiana a question—whether this is the report of the committee?

Mr. MORTON. No; the committee were divided, and they have reported that fact to the Senate, and have been discharged, so that the question might come before the Senate.

Mr. THURMAN. Do I understand that the report and the testimony, if any, taken before the committee are on the table and ordered to be printed?

Mr. MORTON. We have reported no testimony.

Mr. THURMAN. Nothing but the simple fact of credentials?

Mr. MORTON. That is all. The committee has been discharged, and I have now offered a resolution declaring that Mr. Pinchback has a *prima-facie* case on which he is entitled to his seat; and I have given notice that I will move to take it up to-morrow morning after the morning business.

Mr. THURMAN. This is not the proper time to argue it; but whenever it does come up I hope it will not be found very difficult to prove that he has no such *prima-facie* case as that on which the Senate has heretofore acted.

Mr. MORTON. I have no doubt about the Senator's opinion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Connecticut, [Mr. FERRY.]

Mr. BOREMAN. I wish to make an inquiry of the chairman of the committee—whether they had not some documents before them showing the credentials of these different persons, Pinchback and McMillen? If they had, they should be laid before the Senate and printed for our information before this discussion commences. The credentials of one of these gentlemen were undoubtedly before them; and there must have been something, I suppose, upon which the other gentleman made his pretensions to the seat. If there were any papers of that sort, it would be well for us to have them all printed, so that we may know the precise papers that were before the committee and upon which they have acted. They must certainly have based even their disagreement upon something.

Mr. MORTON. There were the arguments of the counsel on each side before the committee, and upon one side printed briefs. Does the Senator desire to have them printed?

Mr. BOREMAN. No, sir.

Mr. MORTON. They will be furnished by counsel, I apprehend.

Mr. BOREMAN. I suppose that Mr. McMillen, as well as the other gentleman, had some sort of credentials, some papers upon which to base his claim, some certificate of election.

Mr. MORTON. Yes, sir; Mr. Pinchback had credentials from what is known as the Kellogg government, and the other had credentials from Mr. McEnery, claiming to be governor of Louisiana.

Mr. BOREMAN. I think it would be a matter of convenience for us to have those papers printed.

Mr. MORTON. I have no objection to that being done.

Mr. CONKLING. It concerns the convenience of all of us that we should dispose, if we can in duty dispose, of this case in the first instance in the view suggested by the Senator from Indiana, and I do not mean to suggest any doubt that we shall be able so to dispose of it, because he and the committee have investigated it and I have not. I venture, however, to make one suggestion about the motion of the Senator from Connecticut. The Senator from Indiana remarked that when the motion prevailed those papers would not be here as a part of the case. It seems to me that his point is very well taken. Mr. Pinchback, as I understand, was not a party or privy to the former investigation. Under the motion of the Senator from Connecticut we gain access to this information; but whether by that motion we so attach it to this case or incorporate it with the case that when we come to act upon it we can consider it as we could if it came from the committee, or was here in this session of Congress as part of this proceeding, I think there is considerable doubt about.

Mr. MORTON. I stated distinctly that it was not to be regarded as part of the case.

Mr. CONKLING. So I understood the honorable Senator; and, as I said, I think there was great reason for his reminding the Senate of that. It seemed to make but little impression, however, and therefore I ventured to refer to it again.

This motion, as the Senator from Ohio says, does not present the occasion for discussing this case. It does, however, present the occasion for our deciding intelligently what we are going to do, with a view to a further consideration to-morrow morning; and if the effect of the motion is only to be to enable every Senator to inform himself, he may go now and take up this document on the files and read it if he chooses; but if the effect is also to be to exempt Mr. Pinchback and his contestant from any legal operation of the document as a proceeding before the Senate, then I submit to the honorable Senator from Connecticut that it will answer no purpose except one of convenience. He can send a page to get this document and bring it to him; he can ask the Secretary for it; and if his motion is only to be a request for all the Senators to have it brought here, I do not see why we should not be in precisely the same condition with the motion as without it.

Mr. MORTON. I esteem it to be a matter of simple convenience to the Senate.

Mr. CONKLING. If that is all the Senator from Connecticut intends by it, there is no objection to his motion, unless it might be objected to on the ground of surplusage. Any Senator can send and get the document, and every Senator can do the same thing. But if the motion is merely designed to obviate the necessity of each Senator supplying himself with this document, I have no objection to it. I am satisfied, however, that the motion as it presents itself to the Senate would carry a wholly different view, unless attention was called to it.

Mr. THURMAN. As I understand the case, the Senator from Indiana has only given notice; he has not submitted any motion.

Mr. CONKLING. The Senator from Indiana has reported from the committee, or from a portion of the committee, a resolution declaring that, *prima facie*, Mr. Pinchback is entitled to the seat.

Mr. MORTON. No; that is my individual motion.

Mr. CONKLING. The committee, we are told, has divided, and the Senator from Indiana, representing himself and any other member of the committee who concurs with him—not reporting it from the committee; if I said that it was not technically right—presents a resolution thus declaring, and he gives notice——

Mr. THURMAN. I do not so understand.

Mr. MORTON. That is the correct statement.

Mr. THURMAN. Has the Senator from Indiana submitted a resolution?

Mr. MORTON. Certainly.

Mr. CONKLING. And it is on the table.

The PRESIDENT *pro tempore*. The Chair will state that the Senator from Indiana reported from the committee that the committee were unable to come to any conclusion, being divided, and asked to be discharged from the further consideration of the subject, which, of course, returns the credentials both of Mr. Pinchback and Mr. McMillen to the custody of the Senate. Thereupon the Senator from Indiana, as a Senator, offered a resolution, which has been read, and he has given notice that he will move that the Senate proceed to-morrow, after the expiration of the morning business, to its consideration, declaring Mr. Pinchback entitled to the seat at present.

Mr. CONKLING. Precisely; that resolution declares that one of these parties is *prima facie* entitled to the seat. Then we are to be brought to-morrow morning to pass on this question. Pending this, the Senator from Connecticut moves, in order that we may proceed with the proper material before us, that there be brought here and put on our desk a document in which is recorded the result of another investigation which occurred in another session of Congress, that we may know what that is, and my purpose is simply to ask the attention of Senators to the fact that when that resolution prevails it will be in effect, as is suggested, just like every Senator sending for that document and supplying himself with it. It will be denied that it can be used as a part of the case, or that Mr. Pinchback or anybody else is to be affected by it.

Mr. SAULSBURY. The report of the committee at the last session was before the Committee on Privileges and Elections, and the discussion which took place by counsel representing the parties referred to that report. It was quoted before the committee by the counsel of both parties. The committee was in possession of that report, and acted partly in reference to and upon what was divulged in that report made at the last session. It was part of the *res gestæ*, a part of this very case. It furnishes information and knowledge to the Senate, and to every member of the Senate; and if laid on their tables so that they can inspect it, it will furnish that information upon which they can act intelligently in reference to this subject. There ought therefore to be no objection to its being furnished to the Senate and placed on every member's table, so that we may understand this case intelligently and thoroughly.

The PRESIDENT *pro tempore*. The Chair will remind Senators that this debate is proceeding by unanimous consent, no proposition being before the Senate.

Mr. MORTON. I desire to correct the statement of the Senator from Delaware in one respect. The report to which he alludes was before the committee because counsel brought it there and read from it just as they would read from a law-book; but it was no part of the case any more than 7 Howard or other authorities that were read from; on the contrary, it was read from in violation of the understanding with which the argument was had. The committee authorized the argument of the case by counsel, distinctly upon the understanding that the discussion was to be of a question of law; that we were not to go into the facts; but whether upon the law arising on the credentials, the decisions of the courts, and so on, Pinchback was entitled to his seat, or whether the committee should go behind them and into an investigation of facts, the argument was to be conducted on the first question, and although these things were brought there and read without objection, still they were no part of the case any more than the law-books that were read.

Mr. FERRY, of Connecticut. I certainly did not suppose there could

possibly be an objection to taking the papers referred to from the files of the Senate and laying them upon the table for the information of the Senate, and still more as a part of the case which the Senator from Indiana proposes to consider to-morrow morning. At the last session of Congress a resolution was introduced in the Senate and passed, directing our Committee on Privileges and Elections to inquire whether a legal State government existed in the State of Louisiana. Upon that resolution a large amount of testimony was taken, and voluminous reports were made to the Senate by that Committee. Every citizen of the United States was a party to those proceedings, and the proceeding which is now before the Senate by the notification which is given us by the Senator from Indiana is also a proceeding in which every citizen of the United States is a party.

The question whether Mr. Pinchback is *prima facie* entitled to a seat in this body by reason of the credentials which he presents involves an inquiry into the official capacity of the officer purporting to sign those credentials, and of the Legislature named in those credentials as the electoral body which chose the gentleman who presents himself here claiming a seat; and we have in the papers now sought evidence of over a thousand pages, taken by a committee of this body upon those very questions at the last session of Congress. It must have been, in the nature of things, impossible for either side of the Committee on Privileges and Elections to have come to any conclusion as to the *prima-facie* right of Mr. Pinchback to a seat here without considering the very facts developed in the testimony to which I have referred.

Now, a resolution is introduced by a member of the committee—not a report from the committee as I understand it, but by a member of the committee—declaring Mr. Pinchback to be thus *prima facie* entitled to a seat, and yet Senators say that the very evidence taken by a committee of this body shall not be considered by us in order to arrive at a just conclusion as to the official capacity of the persons whose names are signed to and give all their efficacy to those credentials. Surely, sir, Senators do not mean this. If we are to go into an investigation as to the *prima-facie* right of Mr. Pinchback, we must go into the inquiry as to the gubernatorial capacity of Mr. Kellogg; we must go into the electoral capacity of a body of men claiming to be a legislature with power to choose a Senator to make laws for the United States. Suppose that, when the resolution of the Senator from Indiana is before the Senate, my friend on my right [Mr. WRIGHT] moves to strike out the words "*prima facie*," as he may do, and the question is left before the Senate then as to the absolute right of Mr. Pinchback; the Senator would say at once that the evidence which has been thus taken and is upon the files of the Senate was a part of the case before the Senate, and ought to be considered by it. It was in this view, I confess, that I made the motion I did, not believing it possible that anybody could object to our having possession of the information which we need in order to arrive at a just conclusion, and that to stop our having that information the technicalites relating to parties and privies to a case in court should be made use of.

Mr. SHERMAN. As this debate is likely to be somewhat lengthy and is open to objection at any time, the resolution offered by the Senator from Connecticut being open to a single objection, I think it had better go over until to-morrow.

The PRESIDENT *pro tempore*. The Chair will inform the Senator that this debate has been going on by unanimous consent. There is no question pending before the Senate, the Senate having already adopted by unanimous consent the motion of the Senator from Connecticut.

Mr. SHERMAN. Then I will simply enter an objection and let the matter go over until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to any further debate.

Mr. HAMILTON, of Maryland. Will not this resolution of the Senator from Connecticut be the first thing in order to-morrow?

The PRESIDENT *pro tempore*. It has been adopted.

PUBLICATION OF NAMES OF ABSENTEES.

Mr. ANTHONY submitted the following resolution; which was referred to the Select Committee on the Revision of the Rules:

Resolved, That the resolution adopted by the Senate on the 4th of May, 1864, directing the reporter in making up the proceedings of the Senate for publication to put in a separate list the names of absentees in each call of the yeas and nays, be rescinded.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. ANTHONY. I offer the following resolution:

Resolved, That the Committee on Printing be instructed to inquire into the numbers and the distribution of public documents, bills, or reports, printed by the Congressional Printer, and to report what changes, if any, are necessary.

This is the same resolution that was passed at the last session, and the committee had partly performed the duty devolved upon them by the Senate, and this is to enable them to complete it.

The resolution was considered by unanimous consent, and agreed to.

LOAN OF 1858.

The PRESIDENT *pro tempore*. The morning hour having expired, the resolution offered by the Senator from Ohio [Mr. SHERMAN] from the Committee on Finance is before the Senate. It will be read.

Mr. SHERMAN. Before that is acted on I desire to make a report from the Committee on Finance. The committee have instructed me to report back, with amendments, the bill (H. R. No. 478) to provide for the redemption of the loan of 1858. As the bill has practically passed both Houses, and the amendments are of minor importance, I ask for its immediate consideration. It should be acted on at once.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides in the first section that for the purpose of redeeming the bonds issued under the act entitled "An act to authorize a loan not exceeding the sum of $20,000,000," approved June 14, 1858, as amended March 3, 1859, called "the loan of 1858," it is hereby declared to be the pleasure of the United States to pay all the coupon bonds of the loan of 1858, as well as the registered bonds of that issue, on the 1st day of January, 1874, at which date the interest thereon shall cease; and coin in the Treasury sufficient to carry into effect this provision is appropriated therefor.

The second section authorizes the Secretary of the Treasury to issue an equal amount, at par of principal and interest, of 5 per cent. bonds of the funded loan under the act for refunding the national debt, approved July 14, 1870, and the act amendatory thereof, approved January 20, 1871, for such of the bonds of the loan of 1858 as the holders thereof may, on or before February 1, 1874, elect to exchange for the 5 per cent. bonds of the funded loan, with interest from January 1. No commissions or allowances whatever are to be paid for the exchange of bonds thus authorized.

The first amendment reported by the Committee on Finance was to strike out in lines 10 and 11 of section 1 the words "of 1858, as well as the registered bonds of said issue," so as to read:

It is hereby declared to be the pleasure of the United States to pay all the coupon bonds of said loan on the 1st day of January, 1874.

The amendment was agreed to.

The next amendment was, in the same section, lines 14 and 15, to strike out the words "carry into effect the provisions of this act is appropriated therefor," and insert "redeem said coupon bonds is hereby appropriated for that purpose;" so as to read:

And coin in the Treasury sufficient to redeem said coupon bonds is hereby appropriated for that purpose.

The amendment was agreed to.

The next amendment was, in section 2, lines 6 and 7, to strike out the words "such of said," and insert in lieu thereof "any of the;" so as to read "for any of the bonds of the loan of 1858," &c.

The amendment was agreed to.

The next amendment was, in section 2, line 8, to strike out the word "as" before the words "the holders," and insert the word "which" in line 10 after the word "the;" and before "funded" insert "said;" and at the end of the section add: "And no interest shall be allowed on the new bonds for any time for which interest is paid on the bonds exchanged."

The amendment was agreed to.

Mr. SHERMAN. The amendments reported by the Committee on Finance having been agreed to, I wish simply to call the attention of the Senate to a claim made on the part of the House of Representatives which they have not seen proper to present to the Senate in a formal way. It has been asserted on the part of the House of Representatives that the Senate had no power to originate this bill, which is simply a bill to provide for the payment of a debt. The Constitution prohibits the Senate from originating "bills for raising revenue;" but I believe this is the first time in the history of legislation when it has been denied that the Senate had the power to originate a bill appropriating money to pay a debt, or for any purpose whatever. If the theory now put forward by the House of Representatives is true, we have no power to pass a pension bill or any bill whatever, providing for the payment of any debt to a creditor, or to a pensioner, or to ourselves, because it is a money bill.

I merely wish to call attention to the fact that the bill which the Senate passed the other day unanimously was laid aside, and to preserve the powers of the House, as was alleged, this bill, substantially like the Senate bill, was passed there. With the amendments which have been already made by the Senate, this is practically the same bill that originally passed the Senate.

I wished simply to call the attention of the Senate to this matter. I trust there will never be any controversy between the Senate and the House about this point. It is always unpleasant. But if the case should arise when the necessity was less pressing than it is for the passage of this bill, I should be disposed to make the point and have it settled at once, and not have this controversy back and forth between the two Houses. The power to originate a revenue bill is clearly with the House of Representatives, and never, with my consent, has it been invaded in the least. I certainly would never report a bill to the Senate that levied a tax on the people, because that must come from the House; but when they extend it beyond that, to a bill appropriating money, especially to a bill providing for the payment of a debt, it is carrying the proposition too far, and at some time or other the Senate will have to make the point upon it, and insist on its constitutional right to originate all bills except bills for raising revenue. I have not made the point in this case because of the pressing necessity for the passage of this bill now.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

EFFECT OF ABOLITION OF THE FRANKING PRIVILEGE.

Mr. GORDON. I ask leave to call up the resolution which I offered the other day, calling for information from the Postmaster-General relative to the abolition of the franking privilege, in order that I may offer a substitute embracing the suggestions made by various Senators.

The PRESIDENT *pro tempore*. The resolution of the Senator from Ohio is properly before the Senate; but if there be no objection the Chair will put the question on the motion of the Senator from Georgia, which is that the Senate proceed to the consideration of the resolution indicated by him.

Mr. SHERMAN. Before that resolution is considered, I wish to say that a bill was discussed the other day in regard to banks without circulation, and unless some Senator desires to discuss it further, I should like to have it taken up and acted on; but if any Senator desires to examine the question, or to look into it, or to discuss it further, I will not call it up now.

Mr. COOPER. The Senator from Delaware [Mr. BAYARD] desires to discuss it, and he is not in his seat.

Mr. SHERMAN. Then I will not call it up. I have no desire to debate the resolution before the Senate reported by the Committee on Finance. I desire to get a vote of the Senate on the general proposition as to whether any measure shall be reported at the present session of Congress in favor of specie payments. My own views have been expressed two or three times in the Senate, and I have no addition to make and nothing to say now. The members of the Committee on Finance have all *seriatim* expressed their opinions on this subject, and I for one do not propose to weary the Senate by repeating what I have said so often in regard to the necessity for coming to specie payments. Therefore, I am prepared to vote upon the resolution, and upon any amendments that may be offered.

The PRESIDENT *pro tempore*. The pending question being on the resolution of the Senator from Ohio, [Mr. SHERMAN,] the Senator from Georgia [Mr. GORDON] moves to lay over that order and all prior orders, and to proceed to the consideration of the resolution introduced by him in regard to the franking privilege. Is there objection?

Mr. SHERMAN. Yes; I object to that. I want a vote on the resolution reported by the Finance Committee.

Mr. GORDON. I think the Senator from Ohio misunderstands me. I simply wanted to offer a substitute for the resolution previously offered by myself, embracing suggestions made by various Senators.

Mr. SHERMAN. I have no objection to that if it will not take time.

Mr. GORDON. There will be no debate, I apprehend.

Mr. SHERMAN. I have no objection.

The PRESIDENT *pro tempore*. If there be no objection, the resolution of the Senator from Georgia will be regarded as before the Senate.

Mr. GORDON. I now present a substitute for the resolution previously offered, and ask the Secretary to read it.

The PRESIDENT *pro tempore*. The substitute will be read.

The Chief Clerk read as follows:

Whereas the abolition of the franking privilege was intended to economize the expenditures of the Government; and, whereas, its abolition prevents the general distribution to the people of improved field and garden seeds, thus defeating in a measure the benefits which otherwise would accrue to the agriculture of the country from the establishment of the Agricultural Department; and also discourages the distribution of public documents, which afford important information and are an educator of the people; and, whereas, to compensate the people for these losses, there should be an important reduction of the expenditures in the postal service of the Government: Therefore,

Resolved, That the Postmaster-General be requested to report for the information of the Senate—

1. What amount of expense, if any, has been saved to the Government by the abolition of the franking privilege; and that he state specifically and fully the items in which expense has been saved, and the amount so saved in each and every particular, separating in his report the particulars in which expense has been saved and the amounts so saved by the abolition of the privilege as it relates to members of Congress, heads of Departments, and all other formerly free mail matter.

2. How many employés in the postal service have been discharged, and how much less is charged by railroads and other carriers of the mail since the abolition of said privilege, and whether any additional clerks and additional expense have been added to the Department in the care, sale, &c., of postage stamps, and the amount of clear profit arising by reason of the additional sale of stamps.

3. The amount of revenue derived from each class of mailable matter, respectively and specifically as to letter postage, and postage upon books, newspapers, and pamphlets, and as to registered letters, and the money-order business, and the gross amount, avoirdupois, of each class transported through the mails.

4. Whether it has been the practice of the Departments, or either of them, since appropriations have been made for official stamps to send documents or packages, heretofore sent by mail, by express; if orders have been issued by any Department to its subordinates to send such matter to the Department by express and not by mail, and out of what appropriation payment for such expressage has been made.

5. Whether the Postmaster-General construes the law as authorizing the free transmission of mail matter by or to the Post-Office Department.

6. How much less appropriation will be required for the postal service now than prior to the abolition of such privilege.

Mr. GORDON. I ask unanimous consent to have that resolution adopted.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Is there objection to the consideration of the resolution?

Mr. SHERMAN. I hope it will be done informally. I have no objection to the adoption of the resolution.

The PRESIDING OFFICER. The Chair will put the question on the adoption of the resolution as modified.

The resolution of Mr. GORDON, as modified by him, was agreed to.

SPECIE PAYMENTS—THE CURRENCY.

Mr. SHERMAN. I ask for the reading of the resolution now pending, which is the special order. I have no desire to say anything further on the subject.

The resolution was read, as follows:

Resolved, That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows:

"And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin."

And the Committee on Finance is directed to report to the Senate at as early a day as practicable such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

Mr. FERRY, of Michigan. I offer the following as a substitute for the resolution:

Strike out all after the word "resolved" and insert:

That the Committee on Finance is directed to report to the Senate at as early a day as practicable such measures as will restore commercial confidence and give stability and elasticity to the circulating medium, by making banking free to all, by providing for an increase of currency of $100,000,000, (including the $44,000,000 reserve,) by making the whole currency of Government issue and lawful money by the issue of currency bonds bearing 3.65 per cent. interest.

Mr. PRATT. Mr. President, I wish to submit some remarks upon the resolution reported by the chairman of the committee. Before doing so I will ask that the views of the minority be read by the Clerk.

The PRESIDING OFFICER. The Clerk will report the views of the minorty.

The CHIEF CLERK. The resolution reported as the views of the minority by Mr. BAYARD is as follows:

Whereas a just regard for the interests of every class of the community demands that the national basis of finance shall consist of a uniform standard and intrinsic value: Therefore,

Resolved, That the Committee on Finance be, and they are hereby, instructed to report to the Senate measures which will secure at the earliest practicable day a return to specie payments.

Mr. PRATT. Mr. President, there is just this difference between the resolution submitted by the chairman of the Committee on Finance and that submitted by the Senator from Delaware, on the part of the minority of that committee. The one declares it the duty of Congress during its present session to adopt definite measures for the redemption of the United States notes in coin, but also declares it to be its duty to furnish a currency of uniform value, always redeemable in coin or its equivalent, and so adjusted as to meet the changing wants of commerce and trade; while the other instructs the committee to report to the Senate measures which will secure at the earliest practicable day a return to specie payments.

The one contemplates legislation in respect to the currency, while the other looks solely to measures for the redemption of the existing currency in coin, and that too at the earliest practicable period.

To be sure, these resolutions are not legislation. They do not bind Congress to do anything upon the subject-matter, nor do they undertake to define *when* the earliest practicable day for the resumption of specie payments shall be.

It is now nearly five years since Congress made a memorable pledge to the same effect. I read from the act of March 18, 1869:

And the United States also pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

What could sound fairer to the ear? What could be more explicit? What could the United States pledge, possessing higher guarantee to the holder of its notes, than its faith? Well, that "earliest practicable period" when this redemption should take place has not come yet; and yet, as everybody is aware, the intervening years have been marked by a higher degree of prosperity than this nation has ever known. Never, during all of our national life, has there been such diversified industrial activity; never for the same period of time have the products of labor been so large, or our commerce, foreign and domestic, so great; never was labor better paid. In fine, in agriculture, mining and manufactures especially, in commerce at home and abroad, in the increased acreage of the land cultivated—in the founding of new communities—in the extension of railways and the development of our great natural resources, the nation never exhibited greater signs of prosperity. During all this time we proudly pointed to our paper currency as the best the country had ever possessed. We boasted of its uniformity in value in all parts of the United States; of the excellence of its engraving, rendering counterfeits the next thing to impossible, and, above all, our pride was that it rested upon the wealth and credit of the country for ultimate redemption. We read upon the face of every greenback the promise of the United States to pay the bearer so much money, and upon the face of every bank note the promise of the bank to pay in money or greenbacks on presentation. So that while the bank note might be redeemed in a United States note or greenback, we knew that the greenback could be redeemed in nothing but coin. It was not a promise as in

the case of a national-bank note to redeem in another promise, but to pay the bearer so many dollars. And that was interpreted, and rightly too, to mean metallic dollars—gold or silver—the money of the Constitution, the recognized standard of value of the world.

Indorsing this view, came first the declaration by Congress in March, 1869, in the act to strengthen the public credit, and then the decision of the Supreme Court. There is nobody, I take it, that denies at this day this interpretation of the nation's obligation written upon the face of every greenback. The promise is to pay the bearer so many dollars, either at Washington or at the office of the assistant treasurer in New York. That means that they shall be paid on the demand of the holder. They are not post notes, but demand notes, due whenever presented at the place where payable for payment. If they were the notes of an individual or a bank, no one would doubt the nature of the obligation nor the effect of a refusal to pay. The notes would go to protest, the individual into bankruptcy, and the bank into the hands of a receiver.

While this is the strict legal view of the obligation of the greenback, I know it is urged that greenbacks were issued at a time of great national necessity because there was very little specie in the country at the time, inadequate entirely to the wants of the Government, and not available on account of the suspension of the banks, and because there was an absolute necessity for a larger volume of currency which possessed the functions of money. The Government, at that time in close grapple with the rebellion, needed money to carry on the war. The soldiers and sailors must be paid: they must be fed and clothed and supplied with arms and munitions of war and transportation. A great deal of money was needed; at first a million a day—then two millions, and finally three. Congress, driven to its wit's end to devise the ways and means to procure it in such amounts as were needed, devised in a happy moment of inspiration the greenback scheme, which has accomplished such a wonderful success. But it was in its nature a forced loan. You compelled soldiers, contractors, and every creditor of the Government to accept as money, and in full discharge of the debt, the promissory notes of the Government. It was as if a man deeply embarrassed, but with plenty of property, should call his creditors around him and say, "Gentlemen, I owe you and haven't the money to pay. Take my due-bills with my blessing. When I am able to pay, I will take them all up." There was just this difference in the two cases. Congress compelled the creditor to accept the due-bills. The citizen debtor had no such power. The debtor in the one case could be sued on his due-bills if not paid on presentation, while the United States could not be. The due-bill of the citizen was a simple evidence of debt; the greenback possessed the function of paying debts.

When the act of Congress passed creating greenbacks and imparting to them the qualities of money and making them a legal tender for all debts, public and private, except duties on imports and interest on the public debt, its constitutionality was questioned all over the country. It was regarded and treated as a war measure necessary for the exigencies of the times and justified only by that necessity. When we looked into the Constitution for the power, we found these words, and no more, in the enumeration of the powers of Congress:

> To coin money, regulate the value thereof, and of foreign coin.

We found the States prohibited from coining money, emitting bills of credit, and from making anything but gold and silver coin a tender in payment of debts. Thus stood the Constitution.

The objectors argued that money could not be coined from paper, leather, or any other material than metals, and that the framers of the Constitution intended from the clause I have quoted, and from the context, to confer upon Congress the simple power of coining money from gold, silver, and copper, the only metallic currency then in use in the world, and that this was all the power conferred on it.

On the other hand, it was urged that as the States were prohibited from making anything but gold and silver coin a tender in payment of debts, there was in the very terms of that prohibition an implication that Congress might do what the States could not, that is to say, make something else than coin a legal tender in the payment of debts. This view, as we know, prevailed, and it is too late now to draw in question the constitutionality of that legislation on which the greenback issues rest.

But the law, as originally passed, was as just as the necessities of the case allowed. Congress had provided as to the bonds, which had a long time to run, that the interest should be paid semi-annually in coin, and those holding greenbacks were allowed to fund them in these bonds so as to compensate them for any damage or loss in being kept out of the promised coin when the Treasury could not or would not redeem them upon presentation.

I repeat that the holder of the greenbacks could, at his option, at any time convert them into the time obligations of the Government bearing 6 per cent. interest, which contained explicit guarantees for the payment of both principal and interest. Upon these obligations the Government has never made default, but scrupulously has observed its promises; and we have seen, as the gratifying result of its good faith, these obligations constantly rising in value, until they now are, and for some time past have been, worth their face in gold both at home and abroad, and even command a premium.

But Congress, in an evil hour, as I think, repealed that portion of the law allowing the conversion of greenbacks into bonds at the option of the holder, the repeal to take effect after the 1st of July, 1863. As at first issued there was this indorsement upon them:

> This note is a legal tender for all debts, public and private, except duties on imports and interest on the public debt, and is exchangeable for United States 6 per cent. twenty-year bonds, redeemable at the pleasure of the United States after five years.

The act of March 3, 1863, which destroyed this option after the 1st day of July following, was an act of injustice, because it was a breach of the plighted faith of the United States to those who had taken them in good faith, relying upon this guarantee that they could at pleasure exchange them for bonds. From that time forth the greenbacks have been at a discount as compared with the bonds, and must continue so until Congress shall take measures either to allow their conversion into interest-bearing bonds or compel their redemption in coin.

As the matter stands now, we have $356,000,000 of this legal-tender issue afloat, circulating as money, without any power in the holders to get the promised coin, or to exchange them for bonds. They are dishonored promises to pay, or, as my friend from Vermont the other day styled them, "engraved falsehoods." This state of things has continued for ten years, and is likely to continue for ten years to come unless Congress takes measures to wipe away the dishonor.

But how shall this be done? If we count the $44,000,000 United States notes retired while Mr. McCulloch was Secretary of the Treasury, and until recently supposed to be redeemed and canceled notes, as a part of the valid greenback issue, it will require $400,000,000 of coin to redeem them. When redeemed, of course, the national banks, will be compelled to redeem their circulation in coin, which will require $354,000,000 more.

But suppose that the Government after redeeming them continues to treat them as lawful money and pay them out in discharge of its debts and in the payment of current expenses. They must in that case be redeemed again, and as often as they are issued, if the holder of them prefers coin. Thus it will be seen that Congress when it enters upon the work of redemption must take measures not only to redeem them once, but as often as they are reissued. And right here comes the difficulty. While no doubt it is practicable to borrow $400,000,000 of gold to redeem the entire issue once, yet if we are to maintain redemption we must be prepared to supply ourselves with the requisite amount of coin not only to resume, but to maintain resumption.

I repeat, sir, where is the coin to come from? If the Treasury, in addition to what is in its vaults now, could command all the coin in the country, in the hands of the banks and individuals, nobody supposes that there is enough at this time to redeem one-half of the outstanding greenbacks. There has been ever since the war a constant drain of the precious metals abroad. We are paying about $100,000,000 of coin a year in the shape of interest upon our national bonds, and probably more than one-half of them are held in Europe, where the interest must go. In addition to this there is a large volume of indebtedness of the States, cities, mining and manufacturing companies, and railway corporations held abroad, amounting in the aggregate to a greater sum than the national bonds, which are in the hands of foreign capitalists and on which we pay interest. The whole product of our mines, large as it is, is insufficient to pay this interest account. More than this, and worse than all, the balance of trade every year for the last ten years has been against us, and this balance has to be adjusted in coin or its equivalent. Until recently there has been a constant outflow of specie from this country to pay these balances. We cannot discharge them in our greenbacks or national-bank notes. They can be paid only with money, such money as is recognized by the commercial world; that is, gold and silver.

I should not omit to say in this connection that it is estimated that American citizens traveling in Europe spend $75,000,000 a year, of course in gold.

Mr. President, it is mournful to study those monthly reports emanating from the Treasury Department, which exhibit the state of our commerce with foreign countries. On the one hand, what we export is in the main the necessaries of life—such things as people must have to subsist on and clothe themselves with. To be sure, they are comprehensively classed as commodities the growth, produce, and manufactures of the United States; but when you come to analyze the tables you find what is exported is chiefly raw material, the products of the soil, the mines, the quarries, and the forests; but where are the manufactures? Leaving out the oils, mineral and animal, a few sewing-machines, mowers, and reapers, a little leather, and certain classes of machinery, and our tables of exports present a dreary barrenness of the products of skilled labor. Thus, last year, we exported over $227,000,000 in value of unmanufactured cotton, while all the manufactures of every kind, produced from that material, exported by us amounted to less than $3,000,000 in value. We exported last fiscal year in gold and silver bullion and in gold and silver coin $76,905,546. That exhausted and more than exhausted the entire products of our mines, whose yearly income is rated at, I believe, about $58,000,000.

In the mean time, what have we been importing during the last fiscal year? Here again we must turn to the tables. The total of those imports, including both those dutiable and free of duty, was the startling sum of $663,410,597. I embrace in this statement all commodities entered for immediate consumption and those entered for warehousing, which mostly go into consumption ultimately.

Now, sir, contemplate a few of the items. I want to show in this connection what we recklessly and needlessly import, to the detriment of our domestic industries, which could just as well have furnished to our hand most of the articles we have run in debt to buy, or which we were better off to do without entirely.

I begin with the manufactures of wool. We imported—

Cloths and cassimeres	$16,000,000
Shawls, a little short of	3,000,000
Carpets, about	4,333,000
Dress goods, about	19,500,000
Hosiery, shirts, and drawers	613,000
Other manufactures of wool not specified	7,500,000
Total manufactures of wool	50,946,000

We imported of—

Leaf-tobacco	6,500,000
Cigars	3,330,300
Perfumery and cosmetics, a little over	1,000,000
Precious stones, a fraction short of	3,000,000
Printing-paper, writing-paper, paper hangings, papier-maché, and other manufactures of paper, upward of	2,000,000
Paintings, chromo-lithographs, and statuary, say	1,330,300
Musical instruments	1,000,000
Leather of all kinds	6,750,000
Gloves of kid, and all other, of skin or leather, say	3,500,000

We imported of—

Pig-iron	7,203,769
Bar-iron	5,288,481
Railroad bars or rails of iron	10,541,036
Hardware	6,643,512
Machinery	1,693,966
Muskets, pistols, rifles, and sporting guns	822,119
Steel ingots, bars, sheets, and wire	4,155,234
Railroad bars or rails of steel	9,199,666
Cutlery	2,234,347
Total of iron and steel and their manufactures	47,782,130

I have omitted other varieties of iron and steel manufactures imported, exceeding in value $10,000,000.

I spoke a moment ago of the amount of raw cotton exported, while the entire manufactures of cotton exported by us were less than $3,000,000 in value. Let us now again turn to the tables, to ascertain the amount of cotton manufactures imported into the country during the last fiscal year:

The amount of the bleached and unbleached was	$3,865,558
Of printed, painted, or colored	5,028,256
Of hosiery, shirts, and drawers	5,449,201
Of jeans, denims, drillings, &c.	536,393
Of other manufactures of cotton	20,321,909
	35,201,317

We imported—

Of earthen, stone, and china ware	6,015,906
Of fancy goods	4,861,199
Of household and personal effects and wearing apparel	16,248,421
Our importation of human hair and its manufactures was	932,026
Our importation of jewelry exceeded	1,000,000

Looking at this list, who shall say that we have not been the most improvident and extravagant people under the sun, trampling under foot all wise economic laws? This country ought, upon its thousand hills and boundless prairies, to raise sheep enough to clothe our bodies, and we should have skill and enterprise enough to manufacture the wool into its various forms of usefulness. Yet I have enumerated manufactures of wool imported into this country in a single year amounting in value to upward of $50,000,000.

The exhibit I give of the imports of iron and steel manufacture is more startling still, amounting to nearly $60,000,000, while our imports of the manufactures of cotton, as I have shown, is upward of $35,000,000. We sent our raw cotton to England, France, and Germany, and here it comes back to us, after traversing the ocean twice, with foreign labor and skill added, to the extent of many millions.

Sir, no country on earth is blessed with richer deposits of iron ore than ours; none can be more accessible by water and railroad routes; and yet, here I present you with the manufactures from that ore imported within a single year from foreign countries, mounting up to nearly $60,000,000. What a blind ignoring is this of our natural mineral resources and our labor and skill!

But what I want in this connection to call the attention of the Senate to is the extravagant importation of mere luxuries, which minister only to pride and extravagance, such as jewelry, fancy goods, gloves, musical instruments, carpets, shawls, precious stones, dress goods, cosmetics and perfumery, and many other articles I will not pause to enumerate, amounting in the aggregate to many millions. I have not enumerated the silk goods and laces, and foreign liquors, of which we import so largely.

While this extravagance of importation continues, of things which, as I have said, we do not need and were better off without; or which we could as well produce at home, giving variety to our industry and profitable employment to our own mechanics and manufacturers, I see no prospect of a speedy return to specie payments.

It is a very evident proposition to me, Mr. President, that if we export all the specie extracted from our own mines or brought into the country, in paying the excess of imports over exports, year by year, we are in no condition to maintain specie payments, although by a spasmodic effort we might, by borrowing coin, redeem our legal-tender notes once.

What, then, is the actual condition of our circulating medium, having the properties of money, and which this resolution commits Congress to provide for redeeming?

The recent report of the Treasurer of the United States shows that on the 30th of June last the outstanding amount of the national currency was as follows:

Legal-tender notes issued	$356,000,000 00
Deducting amount on hand	6,392,771 00
Left in circulation	349,607,229 00
The fractional currency outstanding was	44,799,365 44
Deduct amount on hand	6,709,847 71
Which left in circulation	38,089,517 73

The sum total of legal-tender notes and fractional currency in circulation on that day was $387,696,746.73.

But this expresses only a part of our currency.

On the 1st of November, 1873, there were 1,980 national banks in existence, having an authorized circulation of $354,000,000, and an actual circulation of $348,360,149; the sum of $5,649,051 being still due to banks organized or in process of organization.

The paper currency of all kinds in circulation, it will thus be seen, is $736,056,895; greater by two-thirds than the entire paper circulation of the United Kingdom of Great Britain and Ireland in August last. To this should be added whatever sum has been drawn from the forty-four million greenback reserve, so called. The actual paper circulation at this time, including the bank reserves, is not probably far from $750,000,000; making nearly $19 *per capita* to our population, estimated at forty millions.

By the census of 1870 the entire wealth of the country was estimated at about thirty thousand million dollars, so that the currency of the country as compared with its wealth is not far from 4 per cent.

Now, it is important to understand what relation the present volume of our currency bears to that furnished by the banks of the several States before the war. That circulation in the year 1860 amounted to $207,102,000. So that it will be seen that the national bank notes and the legal-tender notes now constituting our circulation amount to more than three and a half times the entire circulation authorized in 1860 by all the States of the Union.

The bank circulation of the States in 1862, previous to the greenback issue, had increased somewhat over that of 1860, being $238,671,210; and the amount *per capita* at that time was $7.59, and the ratio of this circulation to the wealth of the country was at that time 1¼ per cent. I know that gold and silver constituted in 1860 and 1861 no inconsiderable part of the circulating medium of the country, but I am not able to state the exact ratio it bore to the paper currency—probably not greater, however, than one-third or one-half at most.

I have given these statistics to the Senate to show that, whether we measure the present volume of our currency by the wealth or population of the country, the percentage is largely in excess of the paper currency, gold, and silver, which constituted the circulating medium of the country in 1860 and 1862.

What ratio the money of a country should bear to its population and wealth is a very vexed question, upon which neither theorists nor practical business men are agreed. Many things have to be taken into consideration. Much would depend upon the nature of its productions—whether of annual growth, as in agricultural countries, or whether the inhabitants were principally engaged in manufacturing, mining, navigation, and commerce, as in Great Britain. More would depend upon the character of the population in respect to intelligence, invention, skill, and enterprise. It is evident enough that what would be a just proportion in one country would not be in another. It is not true that the wealth of a country is to be determined by the amount of money it possesses. Spain was neither more wealthy nor prosperous than her neighbors after the discovery of this country, and when the metallic wealth of New Mexico and South America poured in upon her in such affluence as was never known before or since. For ages the precious metals have been pouring into India, and are absorbed and remain there; and yet in what country is the laboring population more poorly paid, or have fewer of the comforts of life?

I have not adduced the facts I have given in respect to the amount of our currency, nor instituted the comparison that its volume bears to that which we had in 1860 and 1862, for the purpose of showing that no more currency is needed at this time to carry on the business, trade, and commerce of the country. Indeed, sir, it is quite evident that at certain seasons of the year, in the fall and winter months especially, there is great stringency in the money market—more money being required to purchase and move the crops to market than can be commanded. The President, in his last message to us, has very plainly said so, and it is very clearly implied in the reports laid upon our desks of those gentlemen managing the national finances, whose opinions command our respect. I refer to the Secretary of the Treasury, the Treasurer, and Comptroller of the Currency; all of them qualified, by the positions they hold and their means of information, to speak to us with authority upon this question.

The voice of the entire West, if I except capitalists and bankers, who have money to loan, is emphatic that we require more currency. There is one test which I regard as demonstrative that we have too little money. I refer to the extraordinarily high rate of interest which prevails throughout the western country. There must be a real scarcity when for legitimate purposes money commands 12 per cent.

But, Mr. President, I did not rise to discuss this precise question, nor the merit of the many schemes offered to graduate the currency to the wants of production and trade at different seasons of the year. That is a deep and very difficult question—I mean the adjustment of our currency to the legitimate wants of business, by a plan comprehensive enough to embrace the present and future, which shall relieve the present distress, and which shall look forward steadily to a return to specie payments, when all the currency now passing as money and all we shall add to it shall be money in fact, in its ready convertibility into gold and silver. In voting for the resolution submitted by the Committee on Finance, I wish it to be distinctly understood I do it in the expectation that the committee will furnish to the Senate a plan by which the volume of the currency may be increased at needed seasons without undue inflation. But we must constantly guard against doing anything which shall disturb the present system of values, derange prices, or affect materially existing relations between creditors and debtors. Any legislation which shall cause these results—will be vicious and disastrous.

The PRESIDING OFFICER, (Mr. SCOTT in the chair.) The question is on the adoption of the substitute of the Senator from Michigan [Mr. FERRY] for the resolution offered by the Senator from Ohio, [Mr. SHERMAN.]

Mr. MORTON. I hope the question will not be taken now. There are several Senators here whom I have heard express a desire to speak on this resolution before the vote is taken. I should be glad to be heard upon it myself for a short time, but I am not prepared to speak to-day. I hope, unless other Senators wish to speak upon it now, that it may go over until another time.

Mr. HAMILTON, of Maryland. I was about to make a motion that the Senate adjourn.

Mr. SHERMAN. If the Senate is indisposed to take a vote on this resolution now and the Senator from Indiana desires to have it postponed, I will move, leaving it still the order of business, to take up the bill in regard to national banks without circulation.

The PRESIDING OFFICER. Does the Senator from Maryland claim the floor?

Mr. HAMILTON, of Maryland. I do not. I proposed to make a motion to adjourn.

Mr. MORTON. I desire to make one other suggestion. I should be glad to hear the chairman of the committee and other members of the committee upon this subject before the vote is taken. As to whether it is desirable or proper that we should make definite arrangements at this session to return to specie payments, may depend somewhat upon the plan of the proposition, and I should be glad, therefore, to hear the distinguished chairman and other members of the committee on that subject before this debate is closed.

Mr. SHERMAN. My friend will not draw me into the discussion until I am quite ready for it. I desire to say that my opinions were expressed at the last session, and if they had had any weight with him would have brought us to specie payments practically on the 1st of January next, without any severe stringency of the money market; but they did not seem to convert him then. My opinions are still unchanged. I will furnish him, with a great deal of pleasure, with a copy of the speech that I made at the last session of Congress, [laughter,] to which he listened with attention, but which did not seem to have any effect upon him.

Now, Mr. President, we have had two speeches made from the Committee on Finance; one by the Senator from Michigan, [Mr. FERRY,] who spoke substantially in favor of the proposition that he has now offered; another by the Senator from Vermont, [Mr. MORRILL,] who submitted his proposition looking to an immediate resumption of specie payments. No one is authorized to speak for the Committee on Finance, although there has not been any such great diversity of opinion in the committee as has been telegraphed throughout the country, I have no doubt that the Committee on Finance is prepared to carry into execution the wish of the Senate as expressed after any such debate as they may choose to have on this proposition. My own opinions are still as they were at the last session—that to fix a time at some future day, say on the 1st of January a year hence, or even sooner, when the Government of the United States will redeem its broken promises, either in coin or in a bond which is intrinsically as valuable as coin, and which in the money market of the world is substantially equivalent to coin, is, in my judgment, the wisest solution we can make of this most difficult proposition.

But I do not intend to be drawn into this debate until I am instructed by the Senator from Indiana and by all the other Senators who wish to speak on this subject. Then, if I think I can express any view which is new, or different from that which I entertained before, or throw any light on the subject, I will with great pleasure engage in the debate; but until then I am ready to be instructed, but am not prepared to instruct.

Now, Mr. President, if it is the pleasure of the Senate to let this matter go over until to-morrow, I will move to take up the bill—the Senator from Delaware [Mr. BAYARD] being present—that was up on Thursday last, in regard to national banks without circulation.

Mr. BOREMAN. I have no objection to proceeding with the bill of the Senator from Ohio, but probably we are not ready to do so yet. There is some executive business to be transacted, and I think we should proceed with that.

Mr. SHERMAN. Has the Senator any objection to taking up the bill in regard to banks without circulation?

Mr. BOREMAN. No, sir; I have no objection to that.

Mr. SHERMAN. Does the Senator from Delaware wish to speak on the bill?

Mr. BAYARD. No, sir. There was some misapprehension in regard to my desire to again address the Senate in opposition to the bill referred to by the Senator from Ohio. I had no special desire to speak on that subject. I still continue of the same opinion I before expressed—that the passage of such a bill would be very unadvisable. It is quite possible that I can suggest additional reasons to those which I very hastily offered two or three days ago when the bill was first introduced. I did not desire that there should be any postponement of the measure in order that I might speak upon it. My opposition to it was declared, and, as at present advised, I am still disposed to continue it. But I am not disposed to delay the consideration of the measure, because, my opinions upon it having been expressed, it remains for the Senate to decide whether they agree with the opponents of the measure or its friends.

I will say, however, that the measure is one of a very broad nature, and it should, I think, be more thoroughly considered by the Senate. I notice the absence of a good many Senators from their seats who might desire to say a word on the subject, and who certainly would desire to vote upon the proposition as it stands. Therefore, unless there is some very pressing reason (of which I have no knowledge whatever) for the consideration of the bill, I suggest that it be not considered by the Senate at this time.

Mr. SHERMAN. I said I would not call it up if any Senator desired delay. All that I wish is to expedite public business which can be better considered now than it can be a day or two hence, when we shall have to consider appropriation bills and other public measures. If the Senator from Delaware desires a fuller Senate, or for any reason wishes a postponement of the bill, I will not call it up. That will necessarily postpone it until after the holidays. All I desire is to do my duty to the committee who reported the bill and to ask the Senate to act upon it at as early a day as possible. Unless the Senator wishes it postponed, I would rather consider it now. If he desires time, as a matter of course I have no objection.

Mr. BAYARD. While I have very positive opinions respecting the bill, my wishes are simply those of a Senator. If the honorable Senator who has charge of the measure considers it best that it should be brought to a vote at this time, I have nothing to say and no suggestion to make that will lead to the least delay in taking the vote upon it. But, sir, it is a question which affects every portion of the country. The bill provides for the creation of a brood of small banks of dimensions not hitherto known to our laws. It is a question that perhaps will be viewed in the same light of disfavor by those who admire the present banking system and those, like myself, who do not.

The effect of the creation of an unlimited number of banks without circulation, but recognized by the United States Government as banks of deposit and having charters, so to speak, under the present national banking system, will be to make banking very cheap; and I fear there will be great practical danger occurring to the ignorant, the poor, and the inexperienced by thus giving the sanction of a Government name or corporation to anybody who can scrape together $10,000 and change his shop into a Government bank. We all know the potential effect of the word "bank" or the name "banker" upon the mass of the people. It seems to imply wealth and responsibility, although we also know that it may be the guarantee of neither. Now, if $10,000 being scraped together shall give the owner the right to call himself a national bank, or any number of smaller owners, depend upon it that you will have men without responsibility either of character or wealth, who being thus favored with the name of a national incorporation will induce deposits from the unwise, from the ignorant, from the poor, and when those deposits shall have been received in excess of the sum that is placed in trust with the Government of the United States to protect them, there will be a sudden decampment on the part of those bankers, so called.

At least, such I fear will be one of the practical results of allowing banking privileges too freely upon too small amounts to men without responsibility and character. You cannot undertake to pass a measure which shall define the character of the individuals who are to receive these privileges; but they will be open to everybody; and I think we shall degrade the character of our national banks, we shall degrade the character of banking, by allowing the holders of bonds who can accumulate small sums to become bankers recognized by the Government of the United States, and to take the title of national incorporations.

Mr. SHERMAN. Allow me to correct my friend before he sits down. This bill does not interfere with the provision of the banking act which requires all the national banks to have a paid-up capital of at least $100,000, except in places of 6,000 inhabitants and under. The only effect, so far as banks without circulation are concerned, is this: That instead of loaning their money to the Government to the amount

of $30,000, and holding Government bonds to the amount of $30,000, they shall be allowed to invest it as they please.

Mr. BAYARD. But still, it places it in the power of a man who can get together the sum of $10,000 to have a national bank of his own.

Mr. SHERMAN. I beg pardon.

Mr. BAYARD. Why not?

Mr. SHERMAN. Besides that, they must pay up the capital stock in full. The bill does not change the law in that regard.

Mr. BAYARD. There is nothing in this bill to limit the amount of capital stock.

Mr. SHERMAN. The law to which it is an amendment, the banking act itself, requires that there shall be a capital of at least $100,000, 50 per cent. to be paid down when they commence business, and the remainder in installments of 10 per cent. a month.

Mr. BAYARD. Does the language of this bill in any way bind a company to have a capital stock of a certain amount?

Mr. SHERMAN. The language of the act to which this is an amendment expressly requires it; and if there is any doubt about that there need be none. This bill was not intended to change, in the slightest degree, the national banking act, except as to the amount invested in Government bonds required to be maintained by banks without circulation. I will consent, with great pleasure, to any amendment, in the nature of a proviso, to provide that this act shall not, in any way, affect any provision in regard to the amount of capital stock required until the whole is paid in.

Mr. BAYARD. But this bill increases the number of national banks operating under the present system. There is no doubt about that; and it increases them upon a basis so small that I fear the name of Government bank, which of itself is a title of respect and a creator of confidence in the people——

Mr. MORTON. Will the Senator allow me a moment?

Mr. BAYARD. Certainly.

Mr. MORTON. The original banking act makes two requirements for banks that have no circulation; first, that they shall have an actual paid-up stock, I believe, of not less than $50,000.

Mr. SHERMAN. Not less than $100,000, except in small towns.

Mr. MORTON. Not less than $100,000, except in small towns. That is the first requirement. They must have an actual paid-up capital of not less than $50,000 in any case, and of $100,000 or more in larger towns. Then it provides that, in addition to that, they shall deposit with the Secretary of the Treasury, as a guarantee of their good management and conduct, $30,000 in five-twenty bonds. This bill seeks to relieve these banks from the necessity of thus depositing $30,000 in five-twenty bonds and allows them to deposit $10,000, making that amount sufficient. It is borrowed from the old law of New York which authorized the organization of similar banks upon the deposit of only $5,000 of New York bonds.

Now, what is the advantage of this system of banks over private banks of deposit and discount? There is one very great advantage; and the whole country is interested in the establishment of these banks as contrasted with merely private banks. A great many private banks everywhere are doing business without any actual capital at all—banking entirely upon deposits. That is the case, I was informed last night by the Comptroller of the Currency, with some of the largest private banks in New York. He mentioned names, that I will not give, of banks that are supposed not to have a dollar of capital, but to bank entirely upon their reputation and upon deposits. Those private banks are not subject to examination by anybody. They conduct their business from year to year as private persons. The most of the failures have occurred with banks of that character. There have been very few failures of national banks, either with or without circulation.

Now, these national banks without circulation are required to keep a reserve, just as banks with circulation are required to keep a reserve—I mean on their deposits—25 per cent. in the larger towns, and 15 per cent. in the smaller ones. Private banks are not required to keep a reserve of that kind. They are not required to keep anything as an indemnity, or as a security, or as a fund out of which to pay their depositors in case a stringency comes or a run is made on the banks. Therefore, national banks without circulation are in their nature safer than mere private banks, and it is to the interest of the country to encourage the organization of banks that are liable to be examined five times a year, as these banks are under the law. They are required to make returns from time to time to the Secretary of the Treasury, while private banks are not required to make any returns to anybody. There is another element of safety. This bill is simply intended to relieve these banks from the necessity of depositing $25,000 in five-twenties over and above their capital stock that is paid in. I think the request is reasonable. It is regarded by them as a hardship now to have to invest $30,000 in bonds and deposit them when they have no circulation at all. If they had circulation to be secured, the case would be different.

I have thought since this panic commenced that there ought to be a law—I do not know exactly how it can be done; it ought to be done by the States, at least, if not by Congress—requiring private banks of deposit and discount to have at least a certain amount of actual paid-up capital. Most of the disastrous failures have occurred with houses that were banking entirely upon deposits and upon reputation; and when the time of pressure came, it turned out that they had no actual capital in those banks. The Comptroller of the Currency assures me that the returns of the Treasury Department will show that some of the heaviest banks in the United States do not pay any tax upon their capital. When they are called upon to show what their actual capital is, they have not got any, while at the same time they may have $500,000 or $1,000,000 of deposits.

I present these considerations as a reason why this system of banking should be encouraged instead of discouraged.

Mr. SHERMAN. I wish to read section 7 of the national banking act, which will still be in force if these banks without circulation are authorized:

SEC. 7. *And be it further enacted*, That no association shall be organized under this act with a less capital than $100,000, nor in a city whose population exceeds fifty thousand persons with a less capital than $200,000: *Provided*, That banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

So that if this bill passes no bank without circulation can be organized under the national banking act unless it has $100,000 capital in towns with a population between six thousand and fifty thousand, and in cities above fifty thousand it must have $200,000. In towns of six thousand or under it may start with a paid-up capital of $50,000; but even that is contingent upon the approval of the Secretary of the Treasury. That section would still be operative.

As I said before, this bill passed the Senate at the last session, and it seemed to me to be unobjectionable. I do not see that there can be any objection to it. If Senators, however, desire to have it go over, I shall not press it now. It is a bill in which I have no special interest except that it seemed desirable to pass it now rather than in the last days of the session. I shall be guided entirely by the view of the Senator from Delaware. If he says he prefers it to go over I will not move to take it up.

Mr. BAYARD. While I was attending to the remarks of the honorable Senator from Ohio it occurred to me that he was following a line of remarks tending to what is a very common error in logic, that two wrongs make one right. He urges this bill because there are abuses under the present system of private banking, which I do not deny and which I recognize most fully, for I fancy there is not a man in this Chamber who has not felt indignant at the frauds that have been perpetrated by the recipients of deposits upon the unhappy victims whose credulity led them to place their money in their hands. During the past year there has been, unfortunately, an immense amount of most reckless speculation by private bankers, and by public bankers too, upon deposits which they had no right to treat otherwise than as their name indicated—moneys placed in trust, to be repaid upon demand, and to be kept for the purposes of those who really owned them, and not a loan to the banker upon which to base his speculations and operations in stocks of every character. The system of private banking upon deposits has been monstrously dishonest and outrageous, and has brought wide-spread misery throughout this country. All that I admit; all that the Senator from Indiana [Mr. MORTON] himself stated; but I did not understand him to say that the evil was not also coexisting under this banking system; and I do still say, and submit it for the consideration of the Senate, that if you reduce your present banks to banks of the small dimensions which this bill proposes, to wit, banks of $10,000 capital without circulation, they will still be banks of unlimited deposit, and my own fear is that it will bring banking within the hands of a class of men without that pecuniary responsibility which the country demands its banking agents should have; for a man who banks under our law becomes a Government agent; he is invested with Government privileges, and his operations are sheltered by the reputation of the Government of the United States. The fact of a man being able to say that he has a national bank, means that he has something of credit and something of value which invites the confidence of men to deposit their property with him. I am not willing to extend such a privilege so widely as to lead the less astute, the more ignorant class of my fellow-countrymen to deposit their moneys where they will not be secure, having not only the pecuniary responsibility which a large investment in banking capital gives, but the amount of character that in general attends it.

I trust, therefore, sir, that the proposition to allow the creation of banks of deposit with the insignificant capital of $ .0,000 will not be hastily acted upon by the Senate.

That is one feature of the bill; but it not only proposes to create new $10,000 deposit banks without limitation as to their number, but it proposes to allow the banks of a larger amount of capital to diminish it to a minimum of $10,000. The two measures may pass together, but there is certainly nothing in them which requires that they should be acted upon together. The propositions can be entirely distinct. I think they should be entirely distinct; but I believe the operation of diminishing the size of the bank will be less deleterious to the community than to allow the creation of an indefinite number of these small banks.

Mr. BOREMAN. Mr. President, the Senator from Delaware says that this bill will allow the creation of banks with $10,000 capital. I do not so understand it. From the reading of the law by the Senator from Ohio, there can be no national bank without a capital of $100,000 paid up, just as in the ordinary State banks where it is established in a city of over six thousand population; and in a town under that a

national bank may be established with a capital of $50,000, but that capital must be paid up. That is a very wide distinction. I would not myself vote for the bill if it authorized the establishment of banks with a capital of $10,000. But we have the benefit here of a capital of $100,000 paid up, and then an additional deposit of $10,000 in Government bonds as a security for the depositors, so that the statement of the Senator from Delaware is widely variant from the statement of the Senator from Ohio, and it makes a very material difference in the support of this bill. This does not propose, as I understand it, to allow banks to be established with a capital of $50,000 at all. You establish the banks with $100,000 capital and then bring in this additional security. The old State bank system would leave out this additional security of $10,000 of United States stocks.

Mr. BAYARD. Will the Senator permit me a moment?

Mr. BOREMAN. Yes, sir.

Mr. BAYARD. I wish simply to ask the honorable chairman of the Committee on Finance, and other gentlemen who differ with me on this point, whether under this bill there is any pledge in the hands of the Government for the defalcations or defaults of these banks than the $10,000 of bonds. Is not that the extent of the pledge which the Government can possibly hold for the creditors?

Mr. SHERMAN. I will say to the Senator from Delaware that he is mistaken about that. Every bank organized under this act without circulation will have to keep in its vaults a reserve of 25 per cent. in cities and 15 per cent. in the country, and will be required to make the same reports and returns as a bank of issue, and the Comptroller will have the same power over it.

Mr. BAYARD. But here is the point: Suppose the reserve is not kept; suppose the affairs of the bank are conducted in violation of the banking laws of the United States; suppose your inspection shall disclose that fact; I ask you what security have the depositors of the bank beyond the $10,000 of bonds which have been deposited with the United States?

Mr. SHERMAN. If their capital should be diminished below the amount fixed by law, or they violate the law in any particular instance, it is the sworn duty of the Comptroller to have a receiver appointed and close up their affairs.

Mr. BAYARD. What will he receive when appointed? He takes the $10,000 deposited with the Government, and that is all he can find.

Mr. SHERMAN. It would be the same as in regard to a bank with circulation. If a bank is started with circulation, the circulation is secured beyond peradventure; and the same security will exist for the deposits of a bank without circulation as for the deposits of a bank now with circulation. If a bank now with $1,000,000 deposits grossly violates the law under which it was organized, there is no absolute security for the depositor; all you can do is to guard the execution of the law as well as you can by the Comptroller of the Currency.

Mr. BOREMAN. The bonds are only deposited to secure the circulation, and therefore the depositors are left just as they would be under this bill.

Mr. SHERMAN. I ask the Senator from Delaware, if he thinks differently, let him provide a remedy; but the only question in this bill is whether the owners of a bank without circulation shall be required to invest $30,000 or $10,000 in Government securities. If the Senator raises a doubt, or if he, as a lawyer—for I have great respect for his legal ability—will say there is a doubt about it, I would insert a proviso that nothing in this act contained shall relieve a bank without circulation from the provisions of the banking act in regard to capital stock. The seventh section of that act applies to banks without circulation, as I said before. If the Senator really objects to the bill being taken up, and will say so frankly, I will withdraw my motion.

Mr. BAYARD. I do not object to taking up the bill, nor do I object to the Senate passing upon it. I have, perhaps at greater length than I intended, expressed some of my objections to it. I am not at all willing to delay the consideration of it just now if the honorable Senator thinks it important to pass it. I make no motion to postpone; I am ready to vote upon it. I have given reasons, which were in some degree more or less satisfactory to myself, why I shall not support it. I cannot see still how the diminution of this deposit of Government bonds does not decrease the amount of security of the creditors of the bank. If the Comptroller of the Currency were to find that a bank had violated the banking law in many of its particulars—not keeping the proper reserve, not complying with the conditions of the act in any other way—and the Comptroller discovered this, I should suppose the deposit in his hands might be applied to the payment of the debts of the bank—not simply the circulation but all its liabilities. Such I believe is at least the current idea of the people, that this deposit of bonds under the national-bank system gives a security and a credit to the bank conducting its operations under the national system.

Mr. MORTON. I should like to make just one remark. The depositors in a private bank have no security except in the financial ability of the men who own the bank. They may be men of fortune or they may not be.

Mr. BAYARD. The Senator speaks of individual bankers?

Mr. MORTON. Yes, sir. In one of these national banks they are required to furnish a security in advance to the depositors of $100,000 of paid-up capital; in a private bank they are not; and the bank examiner comes around several times a year and examines the condition of the national bank to find whether this capital is maintained there of at least $100,000—it may be $500,000—whatever the contract of the bank with the Government determines, whatever they determine to start out with; but in a private bank there is no such thing as a paid-up capital. After men start the bank they may draw out every cent they put in and bank entirely on deposits, as a great many of them do; and there is where the most disastrous failures have come. The paid-up capital required of these banks is intended to be the security of the depositors. There are repeated examinations for the purpose of showing that that capital is maintained there intact and that the bank is well managed. I regard these things as a great security for the depositors over an ordinary private bank.

Mr. MERRIMON. Mr. President, I beg to say a word before the vote is taken. I concur most heartily in what has been said in opposition to private banks. They ought to be regarded as a curse to the country rather than a blessing. The national banks without issue have the advantage, in the first place, of having the sanction of the Government. The public are interested in them because of the security that they afford to the depositor. This proposition, as I understand it, is to reduce the security that the public have in banks of the character under consideration.

Now, let us see how a bank of this kind operates. By the law, in a small town a national bank may be created with $50,000 capital, and the whole amount of stock must be paid in. Thereupon the corporation has the right to receive deposits and to proceed with the regular business of banking, except that they cannot issue notes; but they may receive deposits, and may receive them to any amount.

Under the national banking system now, what security has the depositor? First, he has the security of the integrity of the board of directors and the officers of the bank; next, he has the security of the paid-up capital; next, he has the reserve of 15 per cent. in greenbacks constantly kept on hand; next, he has the security of the amount of national bonds which the bank is required to keep on deposit with the Government, the minimum amount of which now is $30,000. This affords a great and important advantage to the public. I understand that this proposition is to reduce that amount to $10,000, so that a bank not of issue may proceed to business with a deposit of $10,000 of Government bonds in the Treasury instead of $30,000, thus cutting down the security to the public. Now, what is the motive for that? What reasonable demand is there on the part of those who desire to engage in the business of banking that this security to the public, to the depositors, should thus be cut down?

It is said that the present requirement of the law is unreasonable, and that is the only consideration I have heard yet suggested for it. Now, sir, I insist that that suggestion is unfounded; that the requirement is not unreasonable; that, on the contrary, so far from being unreasonable, it would be reasonable on the part of the Government, in behalf of the public good, to require a larger deposit of bonds when such privileges are granted. Why? The banker, while these bonds are on deposit with the Government, has not a dead investment. Twice a year he receives his interest at the rate of 5 or 6 per cent. on the amount of his bond deposit with the Government, and, in view of the present monetary condition of the country, and the condition that it has been in since the close of the war, every one of these bankers, from one end of the country to the other, has realized from 1 to 1½ or 2 per cent. profit on the money they bank upon, the deposits that they receive, and they have actually paid the legal rate of interest in many instances to depositors, and then made large incomes by reason of the deposits placed with them.

The point I rose to make is that this is a proposition to reduce the security to the public, to reduce the security to the depositor, and to that extent to do that much injury to the business of the country; to that extent to detract from the worth of the national banking system; to that extent to cut down the security that is provided by the national banking law. I am therefore opposed to it. The demand is unnecessary, and it is unreasonable, because the banker who desires to bank in this manner has all the reasonable profit that he ought to command.

I have another objection which I will mention, but one which I will not enlarge upon at this moment, and that is this: I think it is very manifest, not only from what we have witnessed here in the Senate to-day and during the present session of Congress, but also from what we see manifested in the newspapers, that there is to be a decided change in the monetary system of the country. I trust there will be; for while I believe that the national banks have been a great blessing to the country, while they have contributed very much to promote the industrial interests of the country, I think the time has come when there must be a change, and when a different system of banking in this country must be adopted; and if that is so it seems to me that it is exceedingly unwise to burden the country with a great number of banks which, we are told, will be created if this measure shall pass. I trust, sir, that the bill will not pass.

Mr. MORTON. I should like to say just one thing in reply to my friend from North Carolina. He says that this is designed to take away the security of the depositors.

Mr. MERRIMON. My friend misunderstood me. The purpose of it is to cut down the security.

Mr. MORTON. I said to take away—the same thing in substance—to cut down the security by the amount of $20,000. Now the difference between requiring a bank with circulation to deposit bonds in the Treasury of the United States, and one not of circulation, is a very wide one. It does not pay bankers or business men to invest their money in five-twenty bonds unless they are prepared to retire from business. Those who organize banks of circulation cannot afford to invest their money in bonds, and deposit them in the Treasury of the United States, and receive simply the interest upon those bonds. Business men cannot afford that. They are compensated, however, for that by receiving a certain amount of circulation in return—90 per cent. of the face of the bonds; but these banks without circulation deposit their bonds without receiving any circulation in return from the Government of the United States. I understand that the bonds deposited in the Treasury are a guarantee for the good management, the honest conduct, of the bank, and the depositors are intended to be secured by the amount of paid-up stock in the bank, which an examination requires to be kept there, and by the reserve in greenbacks which these banks are required to keep.

Mr. MERRIMON. I have some knowledge, Mr. President, of the operations of the national banking law. As I understand it, in this case the depositor has the security of the paid-up capital; not only that, he has the security of the reserve of 15 per cent.; and not only that, he has the additional security of this deposit of $30,000 of the bonds of the United States with the Government. That deposit is not simply a guarantee for the good management of the bank, but it is a security for the depositors, for the creditors of the bank, if it shall fail. It is true, indeed, such a bank does not have the benefit of any issue, but it gets the benefit of the sanction of the Government for its banking institution, and that is a great deal. The public gets the security of these indemnities to those who shall deal with this bank, and that is a very great one; and that is what gives character and standing to this system, and what makes it advantageous to the public over the system of private banking. It is that which tends to destroy a common nuisance from one end of the land to the other.

But my friend from Indiana [Mr. MORTON] says that business men cannot afford to invest their money in the bonds if such a large amount be required to be deposited with the Government. With all respect to him I deny the fact. As I said a moment ago, these bonds are not a dead investment. It is true they are deposited with the Government, and they are locked up; but twice a year the owner receives his interest, 5 or 6 per cent. in gold, from the Government upon these very bonds that are deposited as a security. By virtue of the advantages that he derives from the banking law he receives deposits, as many as he can get. There is no limitation to that. He may receive fifty thousand dollars in deposits, one hundred thousand, two hundred thousand, five hundred thousand, or one million dollars; and then he lends that money, not at the interest prescribed by the banking law of the United States or by the laws of the several States, but he receives the rate that is stipulated for when he lends the money; and what is that? Seldom if ever less than 1 per cent. a month, oftener 1½ or 2 per cent. And yet we are told that this requirement of a deposit of $30,000 in bonds with the Government is not reasonable. Very often such enormous rates of interest are charged that persons having the benefit of this banking system will go so far as to pay interest on deposits; and that has led to many of the evils that have come upon the country recently during the panic we are now passing through.

The point I make is this: I repeat, why shall this security to the public be cut down from $30,000 to $10,000? Every one who desires to invest his money in a bank of this character, if he is fit to be a banker at all, will receive large profits from his bank in addition to receiving from 5 to 6 per cent. on the bonds that he has deposited with the Government; and, so far from being willing to cut down this security to the public, I say it might be well for the Senate to consider whether we should not require additional and higher security, say one hundred thousand dollars. If that were done it would tend to strengthen this system of banking; it would tend to encourage public confidence in it; it would tend further to secure the public, and without detriment to the banker; for, be assured, money always takes care of itself; the banking community always take care of themselves, and legislation is only necessary to protect the people against loss from those who engage in such pursuits.

Mr. HAMLIN. Mr. President, it would appear that there is a greater diversity of opinion in the Senate as to the propriety of this bill than was certainly indicated in the early stages of it; and as I apprehend we can hardly expect to get a vote this day, and to leave the matter precisely where it is in the order of business, I move that the Senate now proceed to the consideration of executive business.

Mr. SHERMAN. That leaves the resolution pending.

The PRESIDING OFFICER. The pending question is on the adoption of the substitute offered by the Senator from Michigan [Mr. FERRY] for the resolution of the Senator from Ohio, [Mr. SHERMAN.] The Senator from Maine moves that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-five minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 15, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday last was read.

MEMBER SWORN IN.

Mr. HALE, of Maine. I rise to a question of the highest privilege. Mr. Samuel F. Hersey, member-elect from the fourth district of Maine, is present, and I ask that he be sworn in.

Mr. HERSEY appeared and qualified by taking the oath prescribed by the act of July 2, 1862.

CORRECTION OF THE JOURNAL.

Mr. RANSIER. I rise to a correction of the Journal. I call the attention of the Chair to the fact that on Friday last, on the amendment of the gentleman from Massachusetts [Mr. DAWES] to the resolution of the gentleman from New York [Mr. WOOD] touching the investigation ordered by the House on the letter of the Secretary of War in relation to General Howard, I voted "no," and I find myself recorded as having voted "ay." I ask that the Journal be corrected.

The SPEAKER. The Journal will be corrected accordingly.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at thirteen minutes after twelve o'clock.

SOLDIERS OF THE WAR OF 1812.

Mr. HALE, of Maine, introduced a bill (H. R. No. 484) granting pensions to the survivors of the war of 1812, and their widows, in all cases where the service was sufficient to obtain a land warrant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOONER CARRIE.

Mr. HALE, of Maine, also introduced a bill (H. R. No. 485) to authorize the Secretary of the Treasury to issue an American register to the schooner Carrie, of Eastport, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. W. BLACK.

Mr. HALE, of Maine, also introduced a bill (H. R. No. 486) granting a pension to J. W. Black; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES KEIVE.

Mr. HALE. of Maine, also introduced a bill (H. R. No. 487) granting additional pension to Charles Keive; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. C. BAILEY.

Mr. FRYE introduced a bill (H. R. No. 488) for the relief of B. C. Bailey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. FRYE also introduced a bill (H. R. No. 489) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SHIP JOHN CARVER.

Mr. FRYE also introduced a bill (H. R. No. 490) for the relief of the owners of the ship John Carver; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

KERRY SULLIVAN.

Mr. PARKER, of New Hampshire, introduced a bill (H. R. No. 491) for the relief of Kerry Sullivan, of Company G, Fourteenth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CRIMINALS AS COMPETENT WITNESSES.

Mr. PIKE introduced a bill (H. R. No. 492) to make persons charged with crimes and offenses competent witnesses; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GILMORE BENNETT.

Mr. PIKE also introduced a bill (H. R. No. 493) granting a pension to Gilmore Bennett; which was read a first and second time, referred, with accompanying papers, to the Committee on Invalid Pensions, and ordered to be printed.

COLLECTION OF ABANDONED PROPERTY.

Mr. POLAND introduced a bill (H. R. No. 494) to amend section 3 of an act entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in insurrectionary districts within the United States," approved March 12, 1863; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

R. W. CLARKE.

Mr. POLAND also introduced a bill (H. R. No. 495) for the relief of R. W. Clarke, postmaster at Brattleborough, Vermont; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SWANTON HARBOR, VERMONT.

Mr. HENDEE introduced a bill (H. R. No. 496) making an appropriation for the improvement of Swanton Harbor, Vermont; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM HAFFORDS.

Mr. BUFFINTON introduced a bill (H. R. No. 497) granting a pension to William Haffords, of South Yarmouth, Massachusetts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPTAIN A. B. DYER.

Mr. DAWES introduced a bill (H. R. No. 498) to settle the accounts of Captain A. B. Dyer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SPECIE PAYMENTS.

Mr. PIERCE introduced a bill (H. R. No. 499) to provide for the resumption of specie payments; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WEIGHERS OF THE PORT OF BOSTON.

Mr. PIERCE also introduced a bill (H. R. No. 500) to fix the compensation of weighers of the port of Boston; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM S. SAMPSON.

Mr. KELLOGG introduced a bill (H. R. No. 501) for the relief of William S. Sampson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. JULIA L. WILLIAMS.

Mr. KELLOGG also introduced a bill (H. R. No. 502) for the relief of Mrs. Julia L. Williams, widow of William P. Williams, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. STARKWEATHER introduced a bill (H. R. No. 503) to equalize the bounties of soldiers, sailors, and marines who served in the late war of the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARBOUR OF BRIDGEPORT, CONNECTICUT.

Mr. BARNUM introduced a bill (H. R. No. 504) to continue the improvement in the harbor of Bridgeport, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOUR OF NORWALK, CONNECTICUT.

Mr. BARNUM also introduced a bill (H. R. No. 505) to continue the improvement in the harbor of Norwalk, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOUR OF WESTPORT, CONNECTICUT.

Mr. BARNUM also introduced a bill (H. R. No. 506) to repair the harbor of Westport, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOUR OF SOUTHPORT, CONNECTICUT.

Mr. BARNUM also introduced a bill (H. R. No. 507) to repair the harbor at Southport, Connecticut; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COTTON FOUND AT SEA.

Mr. SCUDDER, of New York, introduced a bill (H. R. No. 508) to secure the proper distribution of the proceeds of certain cotton picked up at sea by vessels of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSIONS OF SOLDIERS OF 1812.

Mr. LANSING introduced a bill (H. R. No. 509) granting pensions to the soldiers and sailors who served in the war of 1812, and the widows of deceased soldiers; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

THOMAS R. HARDWICK.

Mr. HOSKINS introduced a bill (H. R. No. 510) granting a pension to Thomas R. Hardwick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS OF SOLDIERS OF 1812.

Mr. HOSKINS also introduced a bill (H. R. No. 511) to extend the provisions of the act of Congress granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers, approved February 14, 1871; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

JOHN K. MAYO.

Mr. WOODFORD introduced a bill (H. R. No. 512) for the relief of John K. Mayo, of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BETSEY LEWIS.

Mr. PLATT, of New York, introduced a bill (H. R. No. 513) granting a pension to Betsey Lewis, widow of the late Rodman Lewis, chaplain of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. MAYDOLE.

Mr. DUELL introduced a bill (H. R. No. 514) granting a pension to Mary A. Maydole, widow of John Maydole, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

HOMESTEADS FOR SOLDIERS.

Mr. DUELL also introduced a bill (H. R. No. 515) to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BUILDING AT ROCHESTER, NEW YORK.

Mr. CLARKE, of New York, introduced a bill (H. R. No. 516) to provide for a building suitable for a custom-house, post-office, internal-revenue offices, United States courts, and marshal's offices, at Rochester, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SARAH F. LINCOLN.

Mr. CLARKE, of New York, also introduced a bill (H. R. No. 517) for the relief of Sarah F. Lincoln, postmistress at Spencerport, Monroe County, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS ALLCOCK.

Mr. CLARKE, of New York, also introduced a bill (H. R. No. 518) granting a pension to Thomas Allcock, of Rochester, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CANADIAN TUG NOAH P. SPRAGUE.

Mr. BASS introduced a bill (H. R. No. 519) to grant an American register to the Canadian tug Noah P. Sprague; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADDITIONAL JUDICIAL DISTRICTS IN NEW YORK.

Mr. BASS also introduced a bill (H. R. No. 520) to establish an additional judicial district in the State of New York, and to make further provisions in relation to the United States courts in said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT P. HAYES.

Mr. BASS also introduced a bill (H. R. No. 521) for the relief of Robert P. Hayes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DUTIES, INTERNAL TAXES, ETC.

Mr. WOOD introduced a bill (H. R. No. 522) to amend an act entitled "An act to reduce duties, internal taxes, and for other purposes," approved March 3, 1873; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NAVIGATION.

Mr. COX introduced a bill (H. R. No. 523) for the better preservation of harbors, havens, roads, channels, navigable rivers, lakes, and other navigable waters within the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM H. VESEY.

Mr. COX also introduced a bill (H. R. No. 524) for the relief of William H. Vesey; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

OATH FOR PENSIONERS.

Mr. COX also introduced a bill (H. R. No. 525) to repeal the oath at present required of applicants for pensions, and to prescribe another oath; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES DE LONG.

Mr. COX also introduced a bill (H. R. No. 526) for the relief of James De Long, late United States consul at Aux Cayes, Hayti; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PROTECTION OF SHIPPING.

Mr. COX also introduced a bill (H. R. No. 527) to protect shipping on the Atlantic coast from destructive easterly gales; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM S. HIGGINBOTHAM'S CHILDREN.

Mr. COX also introduced a bill (H. R. No. 528) for the relief of the children of William S. Higginbotham, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF COLONEL WILLIAM GATES.

Mr. COX also introduced a bill (H. R. No. 529) for the relief of the heirs of Colonel William Gates, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PORT OF ENTRY, ETC., ALBANY, NEW YORK.

Mr. PERRY introduced a bill (H. R. No. 530) to establish a port of entry and delivery at the city of Albany, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, CANANDAIGUA, NEW YORK.

Mr. LAMPORT introduced a bill (H. R. No. 531) authorizing improvements and fixtures for protection and preservation of United States court-house and post-office in the village of Canandaigua, Ontario County, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAIL IN DISTRICT OF COLUMBIA.

Mr. HALE, of New York, introduced a bill (H. R. No. 532) restoring to the marshal of the District of Columbia the exclusive supervision of the jail in said District; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOSEPH LEALOND.

Mr. HALE, of New York, (by request,) also introduced a bill (H. R. No. 533) granting a pension to Joseph Lealond, a private in Company A, Eleventh Regiment of New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA TOLMAN.

Mr. HALE of New York, (by request,) also introduced a bill (H. R. No. 534) granting a pension to Eliza Tolman, widow of George Tolman, late a private in Company F, Ninety-sixth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMY AND NAVY PENSIONS.

Mr. HALE, of New York, (by request,) also introduced a bill (H. R. No. 535) to amend an act entitled "An act revising, consolidating, and amending the Army and Navy pension laws," approved March 3, 1873; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M. K. LEE, JR.

Mr. HAZELTON, of New Jersey, introduced a bill (H. R. No. 536) granting a pension to Thomas M. K. Lee, jr., of New Jersey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREE TRANSMISSION OF OFFICIAL MAIL MATTER.

Mr. HAZELTON, of New Jersey, also introduced a bill (H. R. No. 537) to provide for the free transmission of all official matter of the several Departments of the General Government through the United States mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MICHAEL SHIELDS.

Mr. PHELPS introduced a bill (H. R. No. 538) for the relief of Michael Shields; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONVERTIBLE BONDS.

Mr. KELLEY introduced a bill (H. R. No. 539) for the issue of convertible bonds and the reduction of the interest of the funded debt of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CAPTAIN LOUIS C. SARTORI.

Mr. KELLEY also introduced a bill (H. R. No. 540) to restore Captain Louis C. Sartori to his original position on the Navy Register; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NORTHERN DISTRICT OF PENNSYLVANIA.

Mr. SHOEMAKER, of Pennsylvania, introduced a bill (H. R. No. 541) to provide for a district and circuit court of the United States for the northern district of Pennsylvania; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF CAUSES.

Mr. SHOEMAKER, of Pennsylvania, also introduced a bill (H. R. No. 542) supplementary to an act entitled "An act for the removal of causes in certain cases from the State courts," approved July 27, 1866, and March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES DOUGHERTY.

Mr. SHOEMAKER, of Pennsylvania, also introduced a bill (H. R. No. 543) to reimburse Charles Dougherty for his expenses to the consulate of Londonderry; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

COOLY TRADE.

Mr. MYERS introduced a bill (H. R. No. 544) supplementary to acts to prohibit the cooly trade; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PUBLIC BUILDING AT ERIE, PENNSYLVANIA.

Mr. CURTIS introduced a bill (H. R. No. 545) to authorize the erection of a public building at the city of Erie, State of Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

W. B. MORGAN.

Mr. NEGLEY introduced a bill (H. R. No. 546) for the relief of W. B. Morgan, late sergeant Company D, One hundred and forty-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT D. JONES.

Mr. STORM introduced a bill (H. R. No. 547) granting a pension to Robert D. Jones, late private in Company B, Third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEARUM ATKINS.

Mr. STORM also introduced a bill (H. R. No. 548) for the relief of Jearum Atkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARPER'S FERRY.

Mr. ALBRIGHT introduced a bill (H. R. No. 549) to authorize the Attorney-General to adjust the claim of the Government upon purchasers of property at Harper's Ferry; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES BURRIS.

Mr. SPEER introduced a bill (H. R. No. 550) granting a pension to James Burris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT BOLDER.

Mr. TODD introduced a bill (H. R. No. 551) granting a pension to Albert Bolder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF COLONEL FRANCIS TAYLOR, ETC.

Mr. SWANN introduced a bill (H. R. No. 552) for the relief of the heirs of Colonel Francis Taylor and Dr. Charles Taylor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM TALBERT.

Mr. ALBERT introduced a bill (H. R. No. 553) for the relief of William Talbert; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM I. BLACKISTONE.

Mr. ALBERT also introduced a bill (H. R. No. 554) for the relief of William I. Blackistone; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

M'CLINTOCK YOUNG.

Mr. LOWNDES introduced a bill (H. R. No. 555) for the relief of McClintock Young, of the State of Maryland; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CLAIMS FOR QUARTERMASTER STORES.

Mr. LOWNDES also introduced a bill (H. R. No. 556) to repeal and re-enact with amendments the act to restrict the jurisdiction of

the Court of Claims, and to provide for the payment of certain demands for quartermaster stores and subsistence supplies furnished to the Army of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MUTUAL PROTECTION FIRE INSURANCE COMPANY.

Mr. ARCHER introduced a bill (H. R. No. 557) to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia; which was read a first and second time referred to the Committee on the District of Columbia, and ordered to be printed.

GRADE OF REAR-ADMIRAL.

Mr. ARCHER also introduced a bill (H. R. No. 558) to regulate promotions to the grade of rear-admiral in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HEIRS OF WILLIAM C. BRASHEARS.

Mr. ARCHER also introduced a bill (H. R. No. 559) for the relief of the heirs at law of William C. Brashears; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN R. BOND.

Mr. ARCHER also introduced a bill (H. R. No. 560) for the relief of John R. Bond, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

C. W. C. DUNNINGTON.

Mr. SENER introduced a bill (H. R. No. 561) for the relief of C. W. C. Dunnington, of Prince William County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL CURRENCY.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 562) to amend an act entitled "An act to provide a national currency," approved June 3, 1864; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LIFE-SAVING STATIONS.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 563) to authorize the appointment of superintendents and keepers of life-saving stations on the Atlantic coast; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE ON YORK RIVER.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 564) to establish a light-house on York River, in Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PETERS & REED.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 565) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES E. HOZIER.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 566) for the relief of James E. Hozier, of Norfolk County, Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 567) to amend the act approved 14th February, 1871, giving pensions to certain soldiers who served in the war of 1812, and their widows; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

JOHN R. HOLLAND.

Mr. SMITH, of Virginia, also introduced a bill (H. R. No. 568) for the relief of John R. Holland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RESTORATION OF COIN.

Mr. SMITH, of Virginia, also introduced a bill (H. R. No. 569) to restore to certain Virginia banks coin belonging to them seized by the United States authorities in 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSION ACT OF 1871.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 570) to amend the pension act of 1871 by striking out proof of loyalty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 571) to so amend the pension act of February 14, 1871, as to allow pensions to widows of the soldiers of the war of 1812, without regard to date of marriage; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

TARIFF ON PRINTING-PAPER, ETC.

Mr. HARRIS, of Virginia, also introduced a bill (H. R. No. 572) to repeal all laws imposing a tariff on printing paper, type, and type-metal, and to place the same on the free list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEBTS DUE BY THE UNITED STATES.

Mr. HARRIS, of Virginia, also introduced a joint resolution (H. R. No. 18) repealing joint resolution of March 2, 1867, prohibiting payment of debts due by the United States before the war unless loyalty is proven; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FILING OF CLAIMS.

Mr. COBB, of North Carolina, introduced a bill (H. R. No. 573) to extend the time for filing claims before the commissioners of claims appointed under the act of March 3, 1871, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. THOMPSON.

Mr. COBB, of North Carolina, also introduced a bill (H. R. No. 574) for the relief of William H. Thompson, late collector of internal revenue for the eighth district of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LAW MANUSCRIPTS.

Mr. COBB, of North Carolina, also introduced a bill (H. R. No. 575) to authorize the transmission of certain law manuscripts through the mails at reduced rates of postage; which was read a first and second time, referred to the Committee on the Post-Office and Post Roads, and ordered to be printed.

UNITED STATES COURT-HOUSE AT RALEIGH.

Mr. COBB, of North Carolina, also presented joint resolutions of the Legislature of North Carolina, in relation to the United States court-house and post-office to be built at Raleigh, North Carolina; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ALLAN RUTHERFORD.

Mr. COBB, of North Carolina, also introduced a bill (H. R. No. 576) for the relief of Allan Rutherford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS AND SAILORS OF THE MEXICAN WAR.

Mr. SMITH, of North Carolina, introduced a bill (H. R. No. 577) granting pensions to certain soldiers and sailors of the war with Mexico, and the widows of deceased soldiers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT ASHEVILLE, NORTH CAROLINA.

Mr. VANCE introduced a bill (H. R. No. 578) to provide for the erection of a building suitable for the use of the United States courts, post-office, and other necessary Government offices at Asheville, North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812.

Mr. VANCE also introduced a bill (H. R. No. 579) to provide for placing the remaining officers and soldiers of the war of 1812 on the pension rolls; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

ROSALIE C. P. LISLE.

Mr. WALLACE introduced a bill (H. R. No. 580) granting a pension to Rosalie C. P. Lisle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN W. REYNOLDS.

Mr. WALLACE also introduced a bill (H. R. No. 581) for the relief of Benjamin W. Reynolds; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CIVIL RIGHTS.

Mr. WALLACE also presented concurrent resolutions of the Legislature of the State of South Carolina, passed December 5, 1873, requesting the Representatives and instructing the Senators from that State to vote for the civil-rights bill; which were referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS HARDEMAN, JR.

Mr. BLOUNT introduced a bill (H. R. No. 582) to remove the political disabilities of Thomas Hardeman, jr., of Georgia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROMOTIONS IN ORDNANCE DEPARTMENT.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 583) providing for promotions in the Ordnance Department of the United States;

which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILIP W. J. ECHOLS.

Mr. FREEMAN introduced a bill (H. R. No. 584) for the relief of Philip W. J. Echols, of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGIA STATE TROOPS.

Mr. BELL introduced a bill (H. R. No. 585) for the relief of the officers and privates of the First Battalion Georgia State Troops, volunteers in the military service of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TOBACCO TAX.

Mr. BELL also introduced a bill (H. R. No. 586) to authorize farmers and planters who produce tobacco to sell the same in leaf to consumers thereof without payment of any tax therefor, and to repeal all conflicting laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

M. RAWLS.

Mr. BELL also introduced a bill (H. R. No. 587) for the relief of M. Rawls, of Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JOSEPH L. LOCKE.

Mr. HARRIS, of Georgia, introduced a bill (H. R. No. 588) for the relief of the heirs, legatees, and creditors of Joseph L. Locke, deceased; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SHIP-BUILDING.

Mr. HAYS introduced a bill (H. R. No. 589) to establish an iron-ship building yard on the waters of the Atlantic and on the Mississippi, or one of its tributaries, and to afford facilities to the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RANK OF OFFICERS.

Mr. HAYS also introduced a bill (H. R. No. 590) relative to the rank and status of certain officers in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LAND GRANT TO ALABAMA.

Mr. WHITE introduced a bill (H. R. No. 591) to grant public lands in the State of Alabama to the State of Alabama, in trust for public schools and internal improvements within the said State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UNITED STATES DISTRICT COURTS IN ALABAMA.

Mr. WHITE also introduced a bill (H. R. No. 592) to reorganize and regulate the several districts of the district court of the United States in and for the State of Alabama, and to provide for the appointment of a judge therefor; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSIAH JONES.

Mr. BROMBERG introduced a bill (H. R. No. 593) for the relief of Josiah Jones, of Andalusia, Covington County, Alabama; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

C. M. FRANCE.

Mr. BROMBERG also introduced a bill (H. R. No. 594) for the relief of C. M. France, of Mobile, Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONTAGIOUS AND INFECTIOUS DISEASES.

Mr. BROMBERG also introduced a bill (H. R. No. 595) to prevent the importation of contagious or infectious diseases into the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TRADE WITH SPANISH AMERICAN PROVINCES.

Mr. BROMBERG also introduced a joint resolution (H. R. No. 19) in favor of reciprocal free trade with the Spanish American provinces; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PENSIONS TO SOLDIERS OF THE WAR OF 1812.

Mr. SLOSS introduced a bill (H. R. No. 596) to extend the provisions of the act of Congress approved February 14, 1871, granting pensions to certain soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

FREE POSTAGE ON NEWSPAPERS, ETC.

Mr. SLOSS also introduced a bill (H. R. No. 597) granting the franking privilege to publishers of newspapers and periodicals, on newspapers and periodicals mailed or received as exchanges, and to the publishers of newspapers and periodicals on newspapers and periodicals mailed to actual subscribers living in the county in which the same may be published; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PENSION LAWS.

Mr. BARRY introduced a bill (H. R. No. 598) to amend an act entitled "An act to revise, consolidate, and amend the laws relating to pensions," approved March 3, 1873; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. H. M'DONALD.

Mr. BARRY also introduced a bill (H. R. No. 599) for the relief of A. H. McDonald, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORTHERN JUDICIAL DISTRICT OF MISSISSIPPI.

Mr. BARRY also introduced a bill (H. R. No. 600) to amend the several acts in relation to the northern judicial district of the State of Mississippi, and to provide for the times and places of holding the district courts of the United States therein in future; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A. P. HUGGINS.

Mr. BARRY also introduced a bill (H. R. No. 601) for the relief of A. P. Huggins, assistant assessor of the third collection district of Mississippi; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDINGS AT OXFORD, MISSISSIPPI.

Mr. LAMAR introduced a bill (H. R. No. 602) to provide for the erection of a building suitable for the use of the United States courts, post-office, and other necessary Government offices, at Oxford, Mississippi; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FORT SAINT PHILIP CANAL.

Mr. SYPHER introduced a bill (H. R. No. 603) to provide for the construction of the Fort Saint Philip Canal, and its continuance as a national public highway; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ROBERT N. M'MILLAN.

Mr. DARRALL introduced a bill (H. R. No. 604) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC WORKS OF IMPROVEMENT.

Mr. DARRALL also introduced a bill (H. R. No. 605) to facilitate the execution of and to protect certain public works of improvement; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

A. S. MANSFIELD ET AL.

Mr. SHELDON introduced a bill (H. R. No. 606) for the relief of A. S. Mansfield, A. F. Jones, J. M. Courtney, A. F. Cochran, and James H. Baker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MISSISSIPPI LEVEES.

Mr. MOREY introduced a bill (H. R. No. 607) to aid in repairing the levees of the Mississippi River; which was read a first and second time, referred to the Special Committee on Mississippi Levees, and ordered to be printed.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. MOREY also introduced a bill (H. R. No. 608) extending the time for filing suits in the Court of Claims to establish title to the Hot Springs reservation, in Arkansas; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

NORMAN WIARD.

Mr. GARFIELD introduced a bill (H. R. No. 609) for the relief of Norman Wiard; which was read a first and second time, referred, with accompanying papers, to the Committee on War Claims, and ordered to be printed.

WAGONER, HOWELL & CO.

Mr. DANFORD introduced a bill (H. R. No. 610) for the relief of Wagoner, Howell & Co., of West Wheeling, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENCOURAGEMENT OF MECHANICAL INDUSTRY.

Mr. BANNING introduced a bill (H. R. No. 611) to encourage mechanical industry; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

TICE METERS.

Mr. BANNING also introduced a bill (H. R. No. 612) for the relief of distillers of spirits by refunding and repayment of moneys expended by them for Tice meters; which was read a first and second time,

referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT COVINGTON, KENTUCKY.

Mr. ARTHUR introduced a bill (H. R. No. 613) for the construction of a United States circuit and district court-house, post-office, and other Government offices on the Government site in the city of Covington, Kentucky; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DISTILLERY WAREHOUSES.

Mr. BECK introduced a bill (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of said business; which was read a first and second time, and referred to the Committee on Ways and Means.

PHILIP N. FOX.

Mr. READ introduced a bill (H. R. No. 615) for the benefit of Philip N. Fox, of West Washington, Kentucky; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LUCY A. BARKER.

Mr. STANDEFORD introduced a bill (H. R. No. 616) for the benefit of the heirs of Lucy A. Barker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF BANKRUPT LAW.

Mr. STANDEFORD also introduced a bill (H. R. No. 617) to amend the bankrupt law and amendatory acts, and to reduce the fees thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

APPROPRIATIONS FOR INDIAN DEPARTMENT.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 618) to amend an act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various tribes, for the year ending June 30, 1871, and for other purposes, approved July 15, 1870; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ELIZABETH TIPTON.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 619) granting a pension to Elizabeth Tipton, of Tennessee, widow of Stephen Tipton, late a private in Company M, Eighth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENOCH BROWN.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 620) granting a pension to Enoch Brown, of Tennessee, late a private of the Eighth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. FENNER.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 621) granting a pension to George W. Fenner, late a private in Company K, Fifth Tennessee Infantry Volunteers, in the Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN N. NEWMAN.

Mr. THORNBURGH introduced a bill (H. R. No. 622) for the relief of John N. Newman, late an acting first lieutenant Tennessee Volunteer Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MECHANICAL INDUSTRY.

Mr. CRUTCHFIELD introduced a bill (H. R. No. 623) to encourage mechanical industry; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

INTERNAL IMPROVEMENTS IN TENNESSEE.

Mr. CRUTCHFIELD also introduced a bill (H. R. No. 624) making an appropriation for the survey of the Tennessee River from a point where the Holston River empties into said river to the Chilhouse Mountains; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. CRUTCHFIELD also introduced a bill (H. R. No. 625) making an appropriation for the survey of the Hiawassie River from its mouth to Charleston, Tennessee; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC DEBT—CURRENCY—BANKING.

Mr. NUNN introduced a bill (H. R. No. 626) to reduce interest on the public debt, to provide a uniform national currency, and to regulate the system of banking; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN CLINTON.

Mr. NUNN also introduced a bill (H. R. No. 627) for the relief of John Clinton, of Brownsville, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEGATEES OF ASBURY DICKINS.

Mr. MAYNARD introduced a bill (H. R. No. 628) for the benefit of the legatees of Asbury Dickins, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COINAGE FOR FOREIGN COUNTRIES.

Mr. MAYNARD also introduced a bill (H. R. No. 629) authorizing coinage to be executed at the mints of the United States for foreign countries; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PAYMENT OF NATIONAL DEBT.

Mr. MAYNARD also introduced a bill (H. R. No. 630) to provide a fund to pay the national debt by the issue of a national currency, and to repeal the tax and restrictions on State banks; which was read a first and second time, referred, with the accompanying memorial, to the Committee on Banking and Currency, and ordered to be printed.

UNIFORM RATES ON RAILROADS.

Mr. ATKINS introduced a joint resolution (H. R. No. 21) to establish a table of uniform rates on certain railroads; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

REDEMPTION OF BONDED DEBT.

Mr. ATKINS also introduced a joint resolution (H. R. No. 20) to provide for the redemption of a part of the bonded debt of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MUSCLE SHOALS, TENNESSEE.

Mr. WHITTHORNE introduced a bill (H. R. No. 631) to build a canal at Muscle Shoals, in the Tennessee River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STORM AND FLOOD SIGNALS, ETC.

Mr. WHITTHORNE also introduced a bill (H. R. No. 632) to test a plan of storm and flood signals, &c.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RANDALL BROWN.

Mr. HARRISON introduced a bill (H. R. No. 633) for the relief of Randall Brown, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LUCY SMITH.

Mr. HARRISON also introduced a bill (H. R. No. 634) for the relief of Lucy Smith, administratrix of Adam Smith, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRODUCERS OF LEAF-TOBACCO.

Mr. HARRISON also introduced a bill (H. R. No. 635) for the relief of producers of leaf-tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOUTHERN METHODIST PUBLISHING HOUSE.

Mr. HARRISON also presented a resolution of the Senate of Tennessee, asking Congress to adjust the claim of the Southern Methodist Publishing House; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUSTIN O. LYON.

Mr. HARRISON also introduced a bill (H. R. No. 636) for the relief of Austin O. Lyon, second lieutenant of the First Tennessee Light Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SARAH A. TURNER.

Mr. HARRISON also introduced a bill (H. R. No. 637) for the relief of Sarah A. Turner, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. K. GOLD AND WIFE, OF TENNESSEE.

Mr. HARRISON also introduced a bill (H. R. No. 638) for the relief of B. K. Gold and wife, of Montgomery County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. W. AND MUNCIE H. GLASSIE, ETC.

Mr. HARRISON also introduced a bill (H. R. No. 639) for the relief of D. W. and Muncie H. Glassie, and Joseph C. Nash, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUNCAN MARR.

Mr. HARRISON also introduced a bill (H. R. No. 640) for the relief

of Duncan Marr, of Montgomery County, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF WILLIAM B. LEWIS, DECEASED.

Mr. HARRISON also introduced a bill (H. R. No. 641) for the relief of the heirs-at-law of William B. Lewis, deceased, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUGG FORT.

Mr. HARRISON also introduced a bill (H. R. No. 642) for the relief of Sugg Fort, of Robertson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH ANDERSON.

Mr. HARRISON also introduced a bill (H. R. No. 643) for the relief of Joseph Anderson, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SURVIVING SOLDIERS OF WAR WITH MEXICO, ETC.

Mr. HARRISON also presented a joint resolution of the General Assembly of the State of Tennessee, in favor of granting pensions to the surviving soldiers, &c., of the war with Mexico and of the Indian war of 1836; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

THE OHIO RIVER AND ITS TRIBUTARIES.

Mr. HARRISON also presented a joint resolution of the General Assembly of the State of Tennessee, for the improvement of the Ohio River and its tributaries, particularly the Tennessee and Cumberland Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

CROP AND WEATHER REPORTS.

Mr. HARRISON also presented a joint resolution of the General Assembly of the State of Tennessee, in favor of establishing a system of crop and weather reports, with branches in each State; which was referred to the Committee on Agriculture, and ordered to be printed.

CENTENNIAL EXHIBITION.

Mr. HARRISON also presented a joint resolution of the General Assembly of the State of Tennessee in favor of an appropriation by Congress to aid the Centennial Exhibition at Philadelphia; which was referred to the Committee on the Centennial Celebration and the proposed National Census of 1875, and ordered to be printed.

INDIAN DEPREDATIONS CLAIMS.

Mr. HARRISON also introduced a bill (H. R. No. 644) to provide for the appointment of commissioners to investigate and audit Indian depredations claims; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL BANKS.

Mr. COBURN introduced a bill (H. R. No. 645) authorizing national banks that have decided to reduce their capital stock to withdraw a proportion of bonds upon retiring their own circulating notes or depositing lawful money of the United States in the proportion provided by law; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WIDOW OF LATE GENERAL CANBY.

Mr. COBURN also introduced a bill (H. R. No. 646) granting a pension to Louisa H. Canby, widow of the late General E. R. S. Canby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES B. WHITE.

Mr. COBURN also introduced a bill (H. R. No. 647) for the relief of James B. White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD C. GARLICK.

Mr. COBURN also introduced a bill (H. R. No. 648) for the relief of Edward C. Garlick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES N. LEE.

Mr. COBURN also introduced a bill (H. R. No. 649) for the relief of Charles N. Lee late second lieutenant of the Eleventh Regiment of Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BRENNAN.

Mr. COBURN also introduced a bill (H. R. No. 650) for the relief of John Brennan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INDIANA JUDICIARY DISTRICT.

Mr. COBURN also presented a joint resolution of the General Assembly of Indiana against any division of the State into two or more judicial districts; which was referred to the Committee on the Judiciary, and ordered to be printed.

RESTORATION TO ROLL.

Mr. COBURN also presented a joint resolution of the General Assembly of Indiana, asking that the names of certain soldiers therein named be restored to their original roll; which was referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEADS FOR SOLDIERS, ETC.

Mr. COBURN also presented a joint resolution of the General Assembly of Indiana, asking Congress to provide by law for homesteads for soldiers, &c.; which was referred to the Committee on Military Affairs, and ordered to be printed.

DISTRICT COURT AT FORT WAYNE.

Mr. COBURN also presented a joint resolution of the General Assembly of Indiana, asking the establishment of a district court of the United States at Fort Wayne, Indiana; which was referred to the Committee on the Judiciary, and ordered to be printed.

HARBOR AT MICHIGAN CITY.

Mr. COBURN also presented a joint resolution of the General Assembly of Indiana, relative to the completion of the harbor at Michigan City; which was referred to the Committee on Commerce, and ordered to be printed.

THE TWO-PER-CENT. CLAIMS.

Mr. COBURN also presented a joint resolution in relation to the two-per-cent. claims of Ohio, Indiana, and Illinois, now pending before Congress, adopted by the General Assembly of Indiana; which was referred to the Committee on the Judiciary, and ordered to be printed.

FREDERICK VOGEL.

Mr. WILSON, of Indiana, introduced a bill (H. R. No. 651) granting a pension to Frederick Vogel, late assistant topographical engineer, department of the Cumberland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORY OF UTAH.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 652) in aid of the execution of the laws in the Territory of Utah, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTENT AND MEANING OF A STATUTE.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 653) to delare the true intent and meaning of a statute, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN F. SUTHERLIN & BRO.

Mr. HUNTER introduced a bill (H. R. No. 654) for the relief of John F. Sutherlin & Bro., of Parker County, Indiana; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HERMAN HULMAN.

Mr. HUNTER also introduced a bill (H. R. No. 655) for the relief of Herman Hulman, of Terre Haute, Indiana; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES O. WOOD.

Mr. HUNTER also introduced a bill (H. R. No. 656) for the relief of Charles O. Wood, of Vigo County, Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. ALEXANDER.

Mr. HUNTER also introduced a bill (H. R. No. 657) for the relief of William J. Alexander, of Bloomington, Monroe County, Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONSTRUCTION OF A SHIP-CANAL.

Mr. PACKARD introduced a bill (H. R. No. 658) directing a survey and a report on the practicability and cost of the construction of a ship-canal from the southern part of Lake Michigan, in the State of Indiana, to a point on the Wabash River, at or below Lafayette, Indiana; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

FREE TRANSPORTATION OF MAIL MATTER.

Mr. PACKARD also introduced a bill (H. R. No. 659) to provide for the free transmission by mail of certain mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

TELEGRAPHIC COMMUNICATION BETWEEN AMERICA AND ASIA.

Mr. PACKARD also introduced a bill (H. R. No. 660) to encourage and promote telegraphic communication between America and Asia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

UNITED STATES NOTES.

Mr. HOLMAN introduced a bill (H. R. No. 661) for the substitution of United States notes for the issues of the national banking asso-

ciations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. HOLMAN also introduced a bill (H. R. No. 662) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEADS ON THE PUBLIC LANDS.

Mr. HOLMAN also introduced a bill (H. R. No. 663) to enable honorably discharged soldiers and sailors, their widows and orphan children, to acquire homesteads on the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ZARAH TEANEY.

Mr. HOLMAN also introduced a bill (H. R. No. 664) for the relief of Zarah Teaney, of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT NEW ALBANY, INDIANA.

Mr. WOLFE introduced a bill (H. R. No. 665) to provide for the erection of a public building in the city of New Albany, in the State of Indiana, suitable for the accommodation and use of the post-office, United States courts and their officers, revenue offices, and other necessary Government purposes at said place; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM R. BENTLEY.

Mr. WOLFE also introduced a bill (H. R. No. 666) for the relief of William R. Bentley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NICHOLAS WHITEHALL.

Mr. ORTH introduced a bill (H. R. No. 667) for the relief of Nicholas Whitehall, of Fountain County, Indiana; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INDIAN CONTRACTS.

Mr. SHANKS introduced a bill (H. R. No. 668) relative to private contracts or agreements made with Indians prior to May 21, 1872; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN AFFAIRS.

Mr. SHANKS also introduced a bill (H. R. No. 669) to secure a more efficient administration of Indian affairs; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MINING RESOURCES OF THE UNITED STATES.

Mr. WARD, of Illinois, introduced a bill (H. R. No. 670) supplemental to and amendatory of an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPEAL OF BANKRUPT LAW.

Mr. FORT introduced a bill (H. R. No. 671) to repeal the existing bankrupt law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RAILROAD FROM OMAHA TO NEW YORK.

Mr. FORT also introduced a joint resolution (H. R. No. 22) directing the Secretary of War to survey and estimate the cost of a double-track railway from Omaha to New York city, with branches from the eastern termini of the Northern Pacific and Kansas Pacific Railroads, by way of Chicago and St. Louis, respectively, to be suitable for heavy transportation and other commercial purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. HURLBUT introduced a bill (H. R. No. 672) to regulate the distribution of public documents and to prepay postage thereon; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PENSIONS OF SOLDIERS OF 1812.

Mr. HURLBUT also introduced a bill (H. R. No. 673) to amend section 1 of an act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

DATE OF PENSIONS.

Mr. MARTIN introduced a bill (H. R. No. 674) to provide that all pensions on account of death, wounds received, or diseases contracted in the service of the United States since March 4, 1861, which had been granted or which shall hereafter be granted on application filed previous to January 1, 1875, shall commence from the date of discharge, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWSPAPERS.

Mr. MARTIN also introduced a bill (H. R. No. 675) to provide for the free circulation of newspapers in the county in which they are published, and within twenty miles of the place of publication of the same, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOSEPH R. BLACKWELL.

Mr. MARTIN also introduced a bill (H. R. No. 676) for the relief of Joseph R. Blackwell, postmaster at Litchfield, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIEUTENANT THOMAS B. KELLEY.

Mr. CLEMENTS introduced a bill (H. R. No. 677) for the relief of Lieutenant Thomas B. Kelley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH J. PETRI.

Mr. MARSHALL introduced a bill (H. R. No. 678) for the relief of Joseph J. Petri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEAMER CLARA DOLSON.

Mr. MARSHALL also introduced a bill (H. R. No. 679) for the relief of the owners of the steamer Clara Dolson; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. MORRISON introduced a bill (H. R. No. 680) for the relief of persons to whom the governors of the Northwest and Indian Territories confirmed lands, which lands were afterward sold by the United States; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CHARLES VALIER.

Mr. MORRISON also introduced a bill (H. R. No. 681) for the relief of Charles Valier, of Madison County, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENT OF MISSOURI RIVER.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 682) authorizing the improvement of the Missouri River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EPSY MASSEY.

Mr. HATCHER introduced a bill (H. R. No. 683) for the relief of Mrs. Epsy Massey, of Bollinger County, in the State of Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TIME OF ELECTION OF MEMBERS OF CONGRESS.

Mr. BUCKNER introduced a bill (H. R. No. 684) to prescribe the time for the election of Representatives and Delegates in Congress; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

EUGENE LEITENSDORFER.

Mr. BUCKNER also introduced a bill (H. R. No. 685) for the relief of Eugene Leitensdorfer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEMPHIS AND KANSAS CITY RAILROAD.

Mr. COMINGO introduced a bill (H. R. No. 686) to declare the Memphis and Kansas City and Kansas City and Memphis Railroads military and post-roads, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CIRCUIT COURTS IN MISSOURI.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 687) to provide for holding terms of the United States circuit court for the western circuit of Missouri, at Saint Joseph and Kansas City, Missouri; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FANNY A. THOMPSON.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 688) for the relief of Fanny A. Thompson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISA MASS.

Mr. STANARD introduced a bill (H. R. No. 689) granting arrears of pension to Louisa Mass, of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERRORS IN PRIZE LISTS.

Mr. STONE introduced a bill (H. R. No. 690) authorizing corrections to be made of errors in prize lists; which was read a first and

second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SAMUEL S. HIGHLYMAN.

Mr. CRITTENDEN introduced a bill (H. R. No. 691) for the relief of Samuel S. Highlyman, formerly deputy collector of the fifth collection district of the State of Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM CHESTER.

Mr. CRITTENDEN also introduced a bill (H. R. No. 692) for the relief of William Chester; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF OSAGE RIVER, MISSOURI.

Mr. CRITTENDEN also introduced a bill (H. R. No. 693) for the improvement of the Osage River, in the State of Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALICE AIDE.

Mr. HYNES introduced a bill (H. R. No. 694) for the relief of Alice Aide; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARTHOLOMEW DIGGINS.

Mr. HYNES also introduced a bill (H. R. No. 695) for the relief of Bartholomew Diggins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALICE MULLALLY.

Mr. HYNES also introduced a bill (H. R. No. 696) for the relief of Alice Mullally; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREE NEWSPAPER EXCHANGES.

Mr. CONGER introduced a bill (H. R. No. 697) to provide for the free delivery of newspaper exchanges and newspapers within the county where published; which was read a first and second time, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ENGRAVING NOTES FOR NATIONAL BANKS.

Mr. WALDRON introduced a bill (H. R. No. 698) repealing so much of the sundry civil appropriation bill approved March 3, 1873, as appropriates money for engraving new circulating notes for national banks; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

OSCAR M. BALL.

Mr. WALDRON also introduced a bill (H. R. No. 699) granting a pension to Oscar M. Ball; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHILDREN OF MICHAEL WEISSE.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 700) granting a pension to the minor children of Michael Weisse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONVERTIBLE BONDS.

Mr. FIELD introduced a bill (H. R. No. 701) to authorize the issue of 3.65 convertible bonds, and to provide for their interchangeability with the lawful money of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HOMESTEAD SETTLERS IN FLORIDA.

Mr. WALLS introduced a bill (H. R. No. 702) for the relief of certain homestead settlers in the State of Florida; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INTERNAL IMPROVEMENTS IN FLORIDA.

Mr. WALLS also introduced a bill (H. R. No. 703) making appropriations for the improvement of certain harbors and rivers therein named in the State of Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ROBERT H. WATTS.

Mr. WALLS also introduced a bill (H. R. No. 704) for the relief of Robert H. Watts, a citizen of the State of Florida; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CUBAN BELLIGERENCY.

Mr. WALLS also introduced joint resolution (H. R. No. 23) for the recognition of belligerent rights on the part of the people of the island of Cuba, in their civil war against the kingdom of Spain; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PENSACOLA NAVY-YARD.

Mr. PURMAN introduced a bill (H. R. No. 705) for the repair of the marine dry-dock, and the construction of marine railways at the Pensacola navy-yard; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EDWARD MIDDLETON.

Mr. PURMAN also introduced a bill (H. R. No. 706) for the relief of Edward Middleton, of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN N. REED.

Mr. HERNDON introduced a bill (H. R. No. 707) for the relief of John N. Reed, of the State of Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RED-FISH BAR, GALVESTON, TEXAS.

Mr. GIDDINGS introduced a bill (H. R. No. 708) for the completion of the improvement of Red-fish bar in the harbor of Galveston, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, HOUSTON, TEXAS.

Mr. GIDDINGS also introduced a bill (H. R. No. 709) to provide for the purchase of a site and the erection of a building for a post-office in the city of Houston, Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDINGS, JEFFERSON AND DALLAS, TEXAS.

Mr. McLEAN introduced a bill (H. R. No. 710) to erect post-offices in the cities of Jefferson and Dallas, Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REMOVAL OF INDIANS, TEXAS.

Mr. MILLS introduced a bill (H. R. No. 711) requiring the Secretary of the Interior to remove Indians on the Fort Sill reservation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JUDICIAL DISTRICTS, TEXAS.

Mr. MILLS also introduced a bill (H. R. No. 712) to create a new judicial circuit, and to divide the State of Texas into four judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OFFENSES AGAINST THE INTERNAL-REVENUE LAW.

Mr. MILLS also introduced a bill (H. R. No. 713) to change the penalties for certain offenses against the internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. SUSAN C. RHEA.

Mr. WILLIE introduced a bill (H. R. No. 714) for the relief of Mrs. Susan C. Rhea, widow of Dr. J. Burrows Gardiner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POTOMAC AND OHIO RAILROAD.

Mr. McCRARY, by request, introduced a bill (H. R. No. 715) to provide for the construction of a line of railway from the Potomac River to the Ohio River at some point at or below the mouth of the Great Kanawha River, in the State of West Virginia; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

CLAIMS.

Mr. McDILL, of Iowa, introduced a bill (H. R. No. 716) to cover into the Treasury of the United States all proceeds of captured and abandoned property, and provide for the payment of judgments of the Court of Claims in favor of claimants, and the recovery of the same; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, COUNCIL BLUFFS, IOWA.

Mr. McDILL, of Iowa, also introduced a bill (H. R. No. 717) to provide a public building at Council Bluffs, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DEBATES OF CONGRESS.

Mr. DONNAN introduced a bill (H. R. No. 718) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873; which was read a first and second time.

Mr. DONNAN. I move the reference of the bill to the Committee on Printing.

Mr. GARFIELD. I think it should be referred to the Committee on Appropriations.

Mr. DONNAN. It only refers to the question of printing the debates of Congress.

The bill was referred to the Committee on Printing.

Mr. DONNAN also introduced a bill (H. R. No. 719) to authorize the issue of patents to lands in cases of private land claims; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

J. A. GUTHRIE.

Mr. PRATT introduced a bill (H. R. No. 720) for the relief of J. A. Guthrie, of Butler County, Iowa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. C. SPAIDS.

Mr. ORR introduced a bill (H. R. No. 721) for the relief C. C. Spaids; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIOUX CITY A PORT OF DELIVERY.

Mr. ORR also introduced a bill (H. R. No. 722) to constitute Sioux City, in the State of Iowa, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DEBORAL A. SWAN.

Mr. ORR also introduced a bill (H. R. No. 723) granting a pension to Deboral A. Swan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY V. B. JOICE.

Mr. ORR also introduced a bill (H. R. No. 724) granting a pension to Mary V. B. Joice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES C. LIVINGSTON.

Mr. ORR also introduced a bill (H. R. No. 725) for the relief of James C. Livingston, late a private in Company E, Third Regiment Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAXES UPON INCOMES.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 726) to impose a tax upon all incomes over $3,000, and revive certain acts in relation thereto; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM H. GOOD.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 727) for the relief of Willam H. Good; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALEXANDER F. SAFELY.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 728) for the relief of Alexander F. Safely; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZA HUYCH.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 729) for a pension for Eliza Huych; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS—WAR OF 1812.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 730) to amend the act of Congress of February 14, 1871, entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and to widows of such soldiers and sailors;" which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 731) to regulate commerce between the States, and to provide for fixing reasonable charges for carrying freight in transit from State to State upon railways; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

RETIRED ARMY OFFICERS.

Mr. COTTON introduced a bill (H. R. No. 732) authorizing the President to reappoint retired and disabled Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EVIDENCE IN COURTS OF THE DISTRICT.

Mr. ELDREDGE introduced a bill (H. R. No. 733) relating to evidence in the courts of the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SWAMP LANDS AT THE BROOKLYN NAVY-YARD.

Mr. ELDREDGE. I also offer a bill, at the request of a gentleman, but I do not know what its contents are.

The bill (H. R. No. 734) to provide for reclaiming and improving swamp and overflowed lands connected with the United States navy-yard at Brooklyn, New York, was received, read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSIONS OF TOTALLY DISABLED SOLDIERS, ETC.

Mr. RUSK introduced a bill (H. R. No. 735) to increase the pensions of soldiers and sailors who have been totally disabled; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT SAN FRANCISCO.

Mr. CLAYTON introduced a bill (H. R. No. 736) to provide for the erection of a public building at San Francisco, California; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TAXES ON DISTILLED SPIRITS, ETC.

Mr. CLAYTON also introduced a bill (H. R. No. 737) to amend an act entitled "An act imposing taxes on distilled spirits and tobacco, and for other purposes," approved July 28, 1868; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC LANDS IN CALIFORNIA.

Mr. PAGE introduced a bill (H. R. No. 738) relating to the public lands in the State of California; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

Some time subsequently,

Mr. TOWNSEND said: I think the bill relating to public lands in the State of California, instead of being referred to the Committee on Mines and Mining, should have been referred to the Committee on the Public Lands.

The SPEAKER *pro tempore*, (Mr. DAWES.) Is there objection to the reference being changed?

Mr. PAGE. I object.

The SPEAKER *pro tempore*. Objection is made to a change of reference; but at the proper time the gentleman from Pennsylvania can, if he sees fit, move a reconsideration of the reference.

COOLY LABOR.

Mr. PAGE also introduced a bill (H. R. No. 739) to prohibit the employment of cooly labor; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

SOUTHERN TRANSCONTINENTAL RAILROAD COMPANY.

Mr. HOUGHTON introduced a bill (H. R. No. 740) to incorporate the Southern Transcontinental Railroad Company, and to grant the right of way through the public lands to the same; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

GRAZING LANDS IN CALIFORNIA.

Mr. LUTTRELL introduced a bill (H. R. No. 741) to provide for the sale and pre-emption of the grazing lands in California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THOMAS B. VALENTINE.

Mr. LUTTRELL also introduced a bill (H. R. No. 742) to repeal an act entitled "An act for the relief of Thomas B. Valentine;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TIMBER ON THE WESTERN PRAIRIES.

Mr. DUNNELL introduced a bill (H. R. No. 743) to amend an act to encourage the growth of timber on the western prairies; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MINNIE OSBORNE.

Mr. DUNNELL also introduced a bill (H. R. No. 744) for the relief of Minnie Osborne, widow of the late John W. Osborne, of the United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. M'DONALD.

Mr. DUNNELL also introduced a bill (H. R. No. 745) granting a pension to William H. McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAINT PAUL AND PACIFIC RAILROAD COMPANY.

Mr. AVERILL introduced a bill (H. R. No. 746) for a further extension of time to the Saint Paul and Pacific Railroad Company for the completion of its line; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. NESMITH introduced a bill (H. R. No. 747) to provide for ascertaining losses sustained by citizens of Southern Oregon and Northern California by reason of Indian depredations in the years 1872 and 1873; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CONTROL OF INDIAN TRIBES.

Mr. NESMITH also introduced a bill (H. R. No. 748) to transfer the management and control of the Indian tribes to the War Department; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WESTERN PLAINS.

Mr. PHILLIPS introduced a bill (H. R. No. 749) for the development and irrigation of the western plains; which was read a first

and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ARKANSAS VALLEY RAILWAY COMPANY.

Mr. PHILLIPS also introduced a bill (H. R. No. 750) granting the right of way through the public lands to the Arkansas Valley Railway Company; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

WILLARD DAVIS.

Mr. LOWE introduced a bill (H. R. No. 751) for the relief of Willard Davis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH RIGBY.

Mr. LOWE also introduced a bill (H. R. No. 752) for the relief of Joseph Rigby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER S. PATTON.

Mr. LOWE also introduced a bill (H. R. No. 753) for the relief of Peter S. Patton; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PUBLIC BUILDING AT LEAVENWORTH.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 754) for the erection of a public building for the use of the United States, at Leavenworth, Kansas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HARRY FONES.

Mr. COBB, of Kansas, also introduced a bill (H. R. No. 755) for the relief of Harry Fones, late a second lieutenant in Company I, One hundred and twelfth Regiment Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEAD LAWS.

Mr. COBB, of Kansas, also presented joint resolutions of the Legislature of the State of Kansas relative to the homestead laws; which were referred to the Committee on the Public Lands, and ordered to be printed.

SOLDIERS OF THE WAR OF 1812.

Mr. HEREFORD introduced a bill (H. R. No. 756) granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

REPRESENTATIVES OF DANIEL BEDINGER.

Mr. HEREFORD also introduced a bill (H. R. No. 757) for the relief of the legal representatives of Daniel Bedinger, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABRAM H. HERR.

Mr. HEREFORD also introduced a bill (H. R. No. 758) for the relief of Abram H. Herr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WATER FOR MINING PURPOSES, ETC.

Mr. KENDALL introduced a bill (H. R. No. 759) to provide for a board of commissioners to report a system for obtaining water for mining and agricultural purposes in the valleys of the State of Nevada and Territory of Utah; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

LAND GRANTS.

Mr. KENDALL also introduced a bill (H. R. No. 760) in relation to lands granted to railroad companies; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ENOS LOWE.

Mr. CROUNSE introduced a bill (H. R. No. 761) for the relief of Enos Lowe, late receiver of public moneys at Council Bluffs, Iowa; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UNITED STATES MILITIA.

Mr. CROUNSE also introduced a bill (H. R. No. 762) making provision for the arming and equipping of the whole body of the militia of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OLIVER P. MASON.

Mr. CROUNSE also introduced a bill (H. R. No. 763) for the relief of Oliver P. Mason; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JONATHAN DOLA.

Mr. ELKINS introduced a bill (H. R. No. 764) for the relief of Jonathan Dola, directing the Secretary of the Treasury to pay for lost draft on United States, deposited at Santa Fé, New Mexico; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT SANTA FÉ, NEW MEXICO.

Mr. ELKINS also introduced a bill (H. R. No. 765) providing for the repair and completion of public buildings at Santa Fé, New Mexico; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CASCADES AND DALLES, COLUMBIA RIVER.

Mr. McFADDEN introduced a bill (H. R. No. 766) to provide for the survey and estimates for the improvement of the "cascades" and the "dalles" of the Columbia River, in the State of Oregon and Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUGET SOUND RAILROAD.

Mr. McFADDEN also introduced a bill (H. R. No. 767) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet (Puget Sound) to intersect the North Pacific Railroad at or near Terrino; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

CONVERTIBLE BONDS AND NATIONAL BANK NOTES.

Mr. CHAFFEE introduced a bill (H. R. No. 768) to provide for the issue of convertible bonds and national bank notes, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PEMBINA TERRITORY.

Mr. ARMSTRONG introduced a bill (H. R. No. 769) to establish the Territory of Pembina and to provide a temporary government therefor; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

SETTLERS ON FORT RANDALL RESERVATION.

Mr. ARMSTRONG also introduced a bill (H. R. No. 770) for the relief of certain settlers on Fort Randall military reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RE-APPORTIONMENT OF LEGISLATURE OF IDAHO.

Mr. HAILEY introduced a bill (H. R. No. 771) authorizing the governor of Idaho to re-apportion the members of the Legislative Assembly of the Territory of Idaho, and for other purposes; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

JOINT ENTRY BY PRE-EMPTION SETTLERS.

Mr. HAILEY also introduced a bill (H. R. No. 772) to amend an act entitled "An act authorizing joint entry by pre-emption settlers, and for other purposes," approved March 3, 1873; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORT SANDERS MILITARY RESERVATION.

Mr. STEELE introduced a bill (H. R. No. 773) to reduce the area of the military reservation of Fort Sanders and providing for the survey of said reservation as reduced; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LANDS IN WYOMING.

Mr. STEELE also introduced a bill (H. R. No. 774) to amend an act entitled "An act to withdraw from settlement and sale a certain section of land in Wyoming Territory," approved May 3, 1872; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

BRIDGE ACROSS EASTERN BRANCH OF THE POTOMAC.

Mr. CHIPMAN introduced a bill (H. R. No. 775) to authorize the construction of a substantial iron or masonry bridge across the eastern branch of the Potomac, at or near the present Anacostia Bridge; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN also introduced a bill (H. R. No. 776) in aid of the public schools in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN also introduced a bill (H. R. No. 777) to amend and consolidate the several acts establishing and relating to the Metropolitan Police of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

STEAM RAILROADS IN THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN also introduced a bill (H. R. No. 778) for a commission to regulate the tracks and depots of steam railways within the city of Washington; which was read a first and second time, referred

to the Committee on the District of Columbia, and ordered to be printed.

RICHARD OULAHAN.

Mr. CHIPMAN also introduced a bill (H. R. No. 779) for the relief of Richard Oulahan, late lieutenant of the One hundred and sixty-fourth Regiment New York Volunteers; which was read a first and second time, referred, with the accompanying papers, to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories having been concluded, the Chair will now recognize gentlemen who have been omitted, or were absent when their States were called, for the introduction for reference of bills and joint resolutions.

COMPENSATION OF MARSHALS AND CLERKS.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 780) requiring the United States marshals and clerks of the United States circuit and district courts who have received fees and emoluments in excess of their legal compensation to deposit the same with the Treasurer of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RICHARD W. MEADE.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 781) for the relief of the heirs of Richard W. Meade; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

OFFICERS AND CREW OF THE WYOMING.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 782) for the relief of the officers and crew of the United States ship Wyoming; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HENRY L. RYDER.

Mr. SESSIONS introduced a bill (H. R. No. 783) to give Henry L. Ryder a pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF NORTHERN AND NORTHWESTERN FRONTIER.

Mr. FOSTER (by request) introduced a bill (H. R. No. 784) to provide for the better protection of the northern and northwestern frontier, and to facilitate commerce and diminish the expense of the exchanges between States; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SEA-BOARD AND ROANOKE RAILROAD.

Mr. KELLOGG introduced a bill (H. R. No. 785) for the relief of the Sea-board and Roanoke Railroad Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. L. JONES.

Mr. STONE introduced a bill (H. R. No. 786) for the payment of J. L. Jones for the use of his patent by the Government; which was read a first and second time, referred, with the accompanying documents, to the Committee on Patents, and ordered to be printed.

PUBLIC BUILDING AT AUSTIN, TEXAS.

Mr. HANCOCK introduced a bill (H. R. No. 787) to provide a building for the use of the district and circuit courts of the United States, post-office and internal-revenue offices, at Austin, Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HOME MANUFACTURE OF TOBACCO.

Mr. WHITEHEAD introduced a bill (H. R. No. 788) to encourage the home manufacture of tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXEMPTION OF APPLE BRANDY FROM TAXATION.

Mr. YOUNG, of Kentucky, introduced a bill (H. R. No. 789) removing all internal taxes from apple brandy manufactured in the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CENTENNIAL CELEBRATION.

Mr. POLAND, by unanimous consent, presented the memorial of Dr. Middleton Goldsmith and Henry Chase, centennial commissioners for Vermont; which was referred to the Select Committee on the Centennial Celebration, and ordered to be printed.

MAIL MATTER OF THE HOUSE.

Mr. KASSON. I ask unanimous consent to submit the following resolution:

Resolved, That the Postmaster of the House of Representatives be instructed to receive from the city postmaster, from time to time, all printed matter posted there with insufficient stamps thereon, so far as posted by Members and Delegates of this House.

Mr. Speaker, this is a matter which largely concerns the convenience of members. I have been informed this morning by our deputy city postmaster that there are now detained at the city post-office several packages of printed matter mailed by members of this House with insufficient stamps. This matter, which includes particularly the CONGRESSIONAL RECORD, has been mailed mostly, not at our House post-office, but from our respective lodgings and hotels. Accumulations of such matter are usually sold, stamps and all, once in three days for waste paper. These packages now remaining there represent a considerable amount of money in stamps; and the object of this resolution is to enable our postmaster to reclaim them and to enable the members who have sent them to supply the deficiency of stamps.

Mr. DAWES. Is there any law for selling such matter?

Mr. KASSON. There is a law for selling it, but I think the time that the matter is allowed to accumulate is fixed under instructions of the Postmaster-General.

Mr. SCOFIELD. Does this resolution propose a change in the law?

Mr. KASSON. No, sir.

Mr. ELDREDGE. I suggest to the gentleman from Iowa [Mr. KASSON] that he modify the resolution so as to provide that such mail matter be sent to the place of its destination.

Mr. KASSON. That would require legislation. It is not within the power of this House, acting alone, and would take time. The object of the resolution is to enable the Postmaster of the House to bring back this matter under our supervision, so that it may be sufficiently stamped.

Mr. ELDREDGE. How is this matter to be identified as belonging to particular members? Their names are no longer upon the envelopes, as was the case before the franking privilege was abolished.

Mr. KASSON. In many instances the names are put on the wrappers, and in other instances the character of the contents appears, so that it is recognized as coming from members of Congress. Gentlemen will at once see the importance of investing our Postmaster with a little discretion in this matter, where gentlemen have not put their names on packages.

Mr. MAYNARD. I ask the gentleman whether our Postmaster here, in the discharge of his duty, ought not to detain here all matter of that class not sufficiently paid by stamps? If the matter passes from this office, I submit whether we have any more right to detain it in this city than at any other point to which it might be sent.

Mr. KASSON. The Postmaster of the House does detain such matter here as far as possible; but much of this matter has been mailed from our rooms without passing through the hands of the Postmaster of the House.

The SPEAKER. If there be no objection the resolution will be considered as adopted.

There was no objection.

STAMP-TAX ON MEDICINAL PREPARATIONS.

Mr. MYERS, by unanimous consent, presented a memorial of over three thousand druggists, pharmaceutists, and manufacturing chemists of the United States, from 275 cities and towns of all the States and Territories, asking a repeal of the stamp-tax on medicinal preparations, or such modification of the law as will confine said tax to patent or proprietary medicines; which was referred to the Committee on Ways and Means, and ordered to be printed.

RETIRED NAVAL OFFICERS.

Mr. MYERS also introduced a bill (H. R. No. 790) to establish the rank and pay of certain retired officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JUDGE UNITED STATES DISTRICT COURT, ALABAMA.

Mr. E. R. HOAR, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is requisite concerning the official conduct of the judge of the United States district court for the district of Alabama; and especially whether said judge has held terms of his court required by law; whether he has continuously and persistently absented himself from the said State; and whether his acts and omissions in his office of judge have been such as in any degree to deprive the people of that State of the benefit of a district court therein, and amount to a denial of justice.

REPEAL OF THE BANKRUPT LAW.

Mr. TREMAIN. Mr. Speaker, the Judiciary Committee have instructed me to report a bill to provide for the repeal of the law commonly called the bankrupt law; and as preliminary to the motion which I desire to submit to this House for a suspension of the rules, I ask the privilege of briefly explaining the general scope, object, and purpose of the bill, and the views entertained by the committee.

Mr. WILSON, of Indiana. I desire to ask the gentleman from New York whether he proposes to allow any debate on the other side? If not, then I object to any debate on his part.

Mr. TREMAIN. As to whether my statement will be followed by debate will be governed by the rules of the House.

Mr. WILSON, of Indiana. I wish to have an understanding on that point. The gentleman now proposes to make a speech in advance of the introduction of his bill, and I object to any debate on his part upon the motion to suspend the rules, unless there is some understanding on the subject that debate shall be allowed on the other side.

The SPEAKER. The gentleman has the right to object, as the motion to suspend the rules is not debatable.

Mr. TREMAIN. Then I move to suspend the rules for the purpose of receiving and putting on its passage the bill for the repeal of the bankrupt law, which I am instructed by the Committee on the Judiciary to report to the House.

The SPEAKER. The gentleman from New York reports from the Committee on the Judiciary a bill which the Clerk will read, and moves that the rules be suspended and the bill passed.

Mr. G. F. HOAR. I desire to appeal to the gentleman from New York to frame his motion so as to suspend the rules and take up the bill for consideration. He can move to suspend the rules at any time in a later stage and pass the bill.

Mr. POLAND. Mr. Speaker, that was the distinct understanding; that was the motion to be made—to suspend the rules only for the purpose of taking the bill up for consideration.

Mr. HALE, of Maine. I rise to a parliamentary inquiry. If that motion is carried will it not bring this subject of repealing the bankrupt law before the House so it will be put in the front of everything else, and so that nothing else can be done or reached until it has been disposed of?

The SPEAKER. Necessarily, if the House suspends the rules, nothing else will be in order until it is disposed of.

Mr. DAWES. I wish to say a word.

Mr. HALE, of Maine. I hope the gentleman from New York will take the sense of the House on his original motion, for I believe the House is ready to pass the bill at once repealing the bankrupt law.

Mr. WILSON, of Indiana. I demand the regular order of business.

The SPEAKER. The regular order of business is the reading of the bill.

Mr. DAWES. I desire to say to the House that while I did not wish to interrupt——

Mr. PARSONS. Let the bill be read.

The SPEAKER. That is the first thing in order, before any remarks are in order; and the Clerk will read the bill reported from the Judiciary Committee by the gentleman from New York, [Mr. TREMAIN.]

The Clerk read the bill (H. R. No. 792) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

The first section provides that an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; and an act entitled "An act in amendment of an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1867,'" approved July 27, 1868; and an act entitled "An act to amend an act entitled 'An act to amend an act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1867,'" approved June 30, 1870; and an act entitled "An act in amendment of an act entitled 'An act to establish a uniform system of bankruptcy in the United States,'" approved July 14, 1870; and an act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States, approved March 2, 1867," approved February 13, 1873, and all other laws and parts of laws amendatory of said first-named act, and all amendments thereto, be repealed.

The second section provides that in all cases of bankruptcy now pending, whether an adjudication of bankruptcy has been decreed or not, it shall also be lawful for a majority in value of the creditors whose claims have been proved, or whose claims are provable at any meeting of creditors called as is provided for in said act, or at any adjourned meeting thereof, to determine and resolve by whom, and in what manner, and upon what terms and conditions, the estate of the bankrupt shall be managed, administered, controlled, disposed of, wound up, and distributed, and also to adopt such agreement or plan for the settlement, compromise, extension, composition of the claims against the estate and the bankrupt, or for the division of the assets or any portion thereof among the creditors in money or property, real or personal, as they may deem expedient; and upon such resolution or resolutions being properly certified and reported to the court, they shall forthwith be confirmed and made orders of the court in that case, and become binding upon all the creditors of the said estate and bankrupt, and it shall be the duty of the court to make all necessary orders and decrees to carry the same into effect. It also provides that in all such cases now pending, whether an adjudication has been decreed or not, upon the presentation to the court having jurisdiction thereof by the debtor, or any one or more of his creditors, of a petition alleging an agreement for a settlement, compromise, extension, or composition of the claims against the said debtor, or for the division of the assets or any portion thereof among the creditors, in money or property, real or personal, or for the management, administration, or winding up of the estate in any manner, to which a majority in value of the creditors whose claims have been proved, or whose claims are provable, shall have assented in writing at any time subsequent to the alleged act of bankruptcy or to the filing of the petition in bankruptcy, it shall be the duty of the court having jurisdiction, upon due proof of its execution, forthwith to carry the same into effect by all necessary orders and decrees, and such agreement shall be valid and binding upon all the creditors of the bankrupt or alleged bankrupt, and the estate shall thereafter be administered and wound up in pursuance of the terms and provisions of such agreement.

The third section provides that upon the confirmation of the resolutions as above provided for, or the making of due proof of such agreement, order, and decree, it shall be the duty of the debtor, or the marshal, or assignee, or other person who may then have custody of the estate, to convey by proper assurances of title, transfer, and deliver the same to the person or persons entitled to receive the same under and by virtue of the said resolutions, or of the provisions of said agreement; who shall, upon such conveyance and transfer, have and hold the same in the same manner, and with the same powers and rights, as the bankrupt or alleged bankrupt would have had and held the same if no proceeding in bankruptcy had been taken; or as the assignee in bankruptcy would have done if such resolutions had not been adopted, or if such agreement had not been made, subject only to the terms and conditions of said resolutions or agreement, as the case may be; and if such resolutions or agreement shall so provide, the debtor shall retain or receive the estate, or any part thereof, in the manner and upon the terms provided in said resolutions or agreement. The title and powers of the person or persons authorized by the said resolutions or said agreement to receive the estate shall vest and take effect immediately upon the adoption of such resolutions, or the filing in court of such agreement, as the case may be. Due proof of the execution of such agreement, to entitle the applicant to have such order made, shall consist in the production thereof to the proper court, and the affidavit of one or more persons, deposing to the execution thereof by the persons whose names are thereto subscribed, and to the fact that the creditors whose names are signed thereto are a majority in value, as aforesaid, of all the creditors of the bankrupt, or alleged bankrupt, whose debts have been proved, or are provable; and such agreement, with the proof thereof, shall be filed in said court; provided, however, that such decree may be vacated and set aside if it shall be made to appear that a majority in value, as aforesaid, have not signed said agreement. The person or persons appointed by such resolutions or agreement to administer the estate may from time to time apply to the court for such orders and directions as may be necessary to carry into effect the resolutions or agreement, and for the protection and administration of the estate. And the said resolutions or agreement, and any orders of the court in relation thereto, shall be deemed proceedings in bankruptcy under this act, and shall supersede all other proceedings thereunder; but the debtor shall be subject to examination, as provided by the twenty-sixth section of the act hereby repealed, whenever required by the person or persons appointed to administer the estate; and if the resolutions or agreement do not provide for a release or discharge of the debtor, the bankrupt shall have the right to apply for and obtain a discharge in the same manner, and with the same effect, as if all the proceedings had continued in the manner provided in the other sections of said act.

The fourth section provides that the creditors who shall not have signed such agreement shall be entitled to all the benefits and be subject to all the provisions of said resolutions or agreement in the same manner and with the same effect as the creditors who have signed the same, and that the provisions of such resolutions or agreement shall inure equally to the benefit of all the creditors of such bankrupt or alleged bankrupt, and that the rights of all creditors holding valid liens or security, and the rights of separate and partnership creditors of such bankrupt or alleged bankrupt, shall also be preserved and protected.

The fifth section provides that the general superintendence of the circuit court in cases of bankruptcy provided for in the second section of the act may be exercised upon appeal from any order or decree of the district court, and that an appeal may also be taken in any case involving more than $2,000 from any order or decree of the circuit court to the Supreme Court of the United States in the manner now provided by law.

The sixth section repeals all acts and parts of acts inconsistent with the provision of the act; but provides that in all cases now pending in any of the courts of the United States, the same proceedings shall be had as if the act had not been passed, except in the special cases provided for in the act; and it provides further, that nothing contained in the act shall be deemed to affect or impair any act done or right created under the provisions of the act or acts repealed.

Mr. G. F. HOAR. I desire to ask the gentleman from New York one question. Does not this bill authorize a majority of the creditors to distribute the estate among themselves to the exclusion of the minority?

Mr. TREMAIN. Not at all; the property is to be divided equally among the creditors.

Mr. MAYNARD. This is too important a bill to pass without inquiry or examination.

Mr. TREMAIN. At the suggestion of the gentleman from Vermont [Mr. POLAND] I modify my motion. I move that the rules be suspended for the purpose of bringing the bill before the House for consideration.

Mr. DAWES. I ask the gentleman to allow me fifteen minutes before he makes that motion, to call the attention of the House to a matter which the Committee on Ways and Means deem of great importance.

Mr. HALE, of Maine. If the gentleman from New York will yield to me, and if it be in order, I will move to amend his motion so as to suspend the rules and pass the bill.

The SPEAKER. A motion to suspend the rules is not amendable.

Mr. HALE, of Maine. Not if the gentleman yields to me for that purpose?

The SPEAKER. The gentleman from New York can modify his motion and move to suspend the rules and pass the bill.

Mr. DAWES. I have no desire to interfere with the gentleman's measure at all, but if he proposes to bring it before the House for discussion, of course it will take up the whole day; and I wish very much, as the organ of the Committee on Ways and Means, to get the attention of the House on a measure which they deem of the utmost importance, to-day.

Mr. TREMAIN. I had hoped that I might be permitted briefly to explain the bill, and that the minority of the committee might be permitted either to have read from the desk a minority report or to explain their views without prejudice to the motion I have made; but I am quite unwilling, as a matter of courtesy, to sacrifice the substantial right of having the House brought directly to the question to-day on the passage of this bill, because I believe the country demands immediate relief. Unless some arrangement can be made by unanimous consent whereby some time, say half an hour, shall be allowed to each side to present their views upon the bill, I shall be under the necessity of insisting on my original motion that the rules be suspended so as to pass the bill.

Mr. SCOFIELD. I hope my friend from New York will allow me to make a suggestion; and it is that he ask unanimous consent that the bill be printed and be made the special order for to-morrow after the morning hour; or if he cannot get unanimous consent for that purpose, he might move to suspend the rules so as to make it the special order for to-morrow after the morning hour, and meanwhile it may be printed.

Mr. DAWES. And I suggest to the gentleman that he fix the time that shall be allowed for its consideration—say one hour or two hours, just as he pleases; but fix some time during which it shall be considered, and then bring the House to a vote upon it.

Mr. TREMAIN. I am willing to adopt that suggestion if it can be done by unanimous consent.

Mr. DAWES. If not, you can get a two-thirds vote.

Mr. SENER. Will the bill be open to amendments at that time?

The SPEAKER. That depends on the gentleman who has charge of it.

Mr. SENER. I would like to ask the gentleman that question.

Mr. TREMAIN. I think the debate had better be limited to one hour on each side, and then, I suppose, the bill will be subject to the general rules in regard to amendments.

The SPEAKER. If the gentleman desires to leave the bill open for amendment, of course he will take no action preventing amendments; but if he desires to bring the House to a direct vote on the bill he will enter a motion to recommit the bill.

Mr. TREMAIN. I desire a direct vote on the bill, and will therefore move to recommit it. I am willing, however, that in the mean time there may be either one or two hours allowed for debate, as may be most agreeable to the House. It is suggested to me that one hour be allowed for and one hour against the bill, and that the speeches be limited to fifteen minutes, and that at the end of that time the vote shall be taken upon the bill.

The SPEAKER. The gentleman moves that the bill be printed, and that the rules be suspended so as to make it the special order for to-morrow immediately after the reading of the Journal; that the debate be limited to two hours; that speeches shall be of not more than fifteen minutes each, with the understanding that a motion to recommit is pending.

Mr. SENER. That would cut off amendments?

The SPEAKER. It would.

Mr. HOLMAN. Will not that postpone the salary bill if it should not be disposed of in the mean time?

The SPEAKER. Of course; this bill would take precedence of all other business.

Mr. HOLMAN. Give this the preference of that?

The SPEAKER. Of course.

Mr. MONROE. Does this supersede the morning hour to-morrow?

The SPEAKER. The morning hour would come up immediately afterward, although at a somewhat late period of the day, if nothing else of higher privilege intervenes.

The question was then taken on the motion of Mr. TREMAIN; and upon a division there were—ayes 147, noes 39.

Before the result of this vote was announced,

Mr. CREAMER called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 34 in the affirmative.

Mr. KILLINGER called for a count on the other side.

The SPEAKER. The Chair will appoint tellers, as being the quickest way to dispose of the question.

Mr. SCOFIELD and Mr. SPEER were appointed tellers.

The House again divided on ordering the yeas and nays; and the tellers reported that there were 30 in the affirmative, noes not counted.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The motion of Mr. TREMAIN was accordingly agreed to, two-thirds voting in favor thereof.

REVISION OF ESTIMATES.

Mr. DAWES. I am instructed by the Committee on Ways and Means to make a report, the character of which I desire to state to the House. The Secretary of the Treasury has communicated to the Committee on Ways and Means, in addition to such official communication as has been made to the House, what he deems to be a pressing and immediate necessity for an increase in taxation to the amount of about $40,000,000. In view of the importance of this recommendation, and the serious character of it, the Committee on Ways and Means, after due consideration, instructed me to report to the House the following preamble and resolution:

Whereas the Secretary of the Treasury has recommended in an official letter to the Committee on Ways and Means an increase in certain customs duties and internal taxation: Therefore,

Be it resolved, That the heads of the several Departments be instructed to revise their estimates of expenditures for the next fiscal year with the view, in the changed condition of the country, to a reduction therein, and report the same to this House, to the end that all possible effort at reduction be exhausted before new burdens be imposed upon the people.

After the Committee on Ways and Means had instructed me to make this report, it came to their knowledge that the Committee on Appropriations had been considering the same matter, as the field of jurisdiction was somewhat concurrent, inasmuch as the ways and means were exclusively under the jurisdiction of one committee and the appropriations under that of another. But still the appropriations might depend also in a great measure upon the ways and means. The two committees upon conference have come to an agreement that will secure the joint aid and co-operation of those committees in a resolution that will be offered to the House by the chairman of the Committee on Appropriations, [Mr. GARFIELD,] if I may be allowed to yield the floor to him for that purpose.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to offer the following preamble and resolution:

Whereas it appears that since the estimates of appropriations required for the service of the Government for the fiscal year ending June 30, 1875, which have been laid before the House, were made by the several Departments of the Government, the country had entered upon a period of great financial embarrassment, accompanied by a shrinkage of values and a heavy falling off in the revenues; and whereas in the judgment of this House the foregoing facts make it the duty of Congress to reduce the expenditures to the lowest point consistent with the necessities of the Government: Therefore,

Resolved, That the President be requested to cause a revision of said estimates to be made by the several Executive Departments, and cause a report to be made to the House, if possible, as early as the 5th of January next, setting forth in detail what public expenditures for the current fiscal year, and what estimates for the next fiscal year, can be reduced, and the amount of such reduction, without serious detriment to the public service.

If the House will indulge me for a moment, I will state the simple reason for requesting this action which is recited in the preamble to the resolution, but which may not have caught the attention of the House. Nearly all the estimates that are now before the House in the form of the Book of Estimates were made up in the months of August and September last, before the financial troubles which have come upon the country had begun to be felt. It is believed by the Committee on Appropriations that in view of the shrinkage of values, and the great embarrassments the country labors under in consequence thereof, these Departments might be able to make such retrenchments and such reduction in their estimates as would very considerably reduce the necessity for any increase in taxation. We do not suppose that there can be a reduction to the extent of $42,000,000. But whatever it can be, we ought to have the help of all the Departments in suggesting the places where such reduction can be made.

If the gentleman from Massachusetts [Mr. DAWES] has any amendment to propose, I will yield to him for that purpose; if not, then I will ask the House to pass the resolution.

Mr. DAWES. I wish to add to the preamble of this resolution the preamble of the resolution which I read, as follows:

And whereas the Secretary of the Treasury has recommended, in an official letter to the Committee on Ways and Means, an increase in certain customs duties and internal taxation.

Mr. GARFIELD. I accept the amendment.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to ask a question?

Mr. GARFIELD. Certainly.

Mr. BUTLER, of Massachusetts. I desire to ask the chairman of the Committee on Appropriations [Mr. GARFIELD] how much he believes the estimates can be reduced, if they have been properly made up to carry out existing laws?

Mr. GARFIELD. It is impossible for me to answer that question at this stage of the session. I only know that in the report of the Secretary of the Treasury, and it was also noticed in the message of the President, reference is made to the fact that a large number of public buildings were authorized by the last Congress. The work on them has not yet been commenced. It is suggested that if work shall be suspended, or rather if it be not begun on them, a considerable sum, perhaps amounting to three or four million dollars, could be covered back into the Treasury from that source; and the same, perhaps, in regard to fortifications and the improvement of rivers and harbors. I am able to see a number of places where it seems to me reductions may be made without damage to the public service, even in expenditures for the current year, and still more in the estimates for the next fiscal year.

Gentlemen will notice that the total amount of the estimates for the next fiscal year is $319,000,000, about $15,000,000 more than the estimates for the last year.

Mr. DAWES. Mr. Speaker, I hardly think it will be possible to cut down the estimates to the extent of $40,000,000, or $42,000,000, but an effort to cut them down is incumbent upon every branch of the public service. In addition to what my friend from Ohio [Mr. GARFIELD] has stated, there is an estimate of either $12,000,000 or $14,000,000 for fortifications, an estimate made at a time when the Department making it felt that the resources of the Government would justify that large expenditure. I have reason to believe that that very Department is now convinced, as much as anybody else, that the present exigency justifies a great reduction in that estimate. I believe that many of the Departments are feeling a desire to co-operate with these two committees in the effort to show to the country that the Government, as well as every prudent individual, in his own business affairs, is in these times willing to cut off every possible expenditure and reduce the expenses of the public service according to the demands of the most rigid economy, and this before we shall undertake to revive any taxes that have been removed, or to impose any new taxes upon the industries of the country.

If in the end we should be obliged to fall back upon additional taxation after we have shown the country our disposition to cut off every redundant expenditure, whatever it may be, and to make every possible reduction of salaries under our jurisdiction, we can then address ourselves to the work of increasing taxation, if need be, to maintain the credit of the country abroad, and to meet the demands for current expenses at home.

Mr. COX. Will the gentleman from Massachusetts [Mr. DAWES] allow me one word?

Mr. DAWES. Certainly.

Mr. COX. Mr. Speaker, there is the gravest apprehension in the country as to this matter of increased taxation. Every member here who has any correspondence from home must know that this apprehension exists. Speculation is already rife as to what we shall do on this subject. While I shall do all in my little power to assist in any measure of economy which may come from either of these committees, I think it is due to our people at home—to our merchants and traders—that something definite should be said by the honorable chairman of the Committee on Ways and Means as to the articles that are to be taxed, (if we must resort to additional taxation,) and if possible the rate of taxation. And since the gentleman has mentioned the shrinkage of values, I think he should state whether there is any intention to enlarge the volume of the currency so as, if possible, to avoid this shrinkage of values. Something is due from the "Chancellor of the Exchequer" on this subject. I believe everybody would be glad to hear from him candidly and frankly, so that no man may be enabled to indulge in speculation at the public expense.

Mr. DAWES. The letter of the Secretary of the Treasury to the Committee on Ways and Means has gone into the public prints.

Mr. COX. I did not know that.

Mr. DAWES. That letter conveys to the gentleman from New York [Mr. COX] all the information that I think he desires—certainly all that I shall feel at liberty to extend to him. The Committee on Ways and Means fully appreciate the difficulties surrounding this subject and the effect of its agitation upon trade. I may venture the remark (because the letter is in print) that a part of the recommendation of the Secretary of the Treasury is to increase taxation upon whisky. In consequence of this recommendation all the whisky stills in the country will within three days of this time be working night and day. There is no branch of industry which this proposition can reach, directly or indirectly, that is not seriously affected in all views by this suggestion of increased taxation.

Still, Mr. Speaker, it is only after all other measures shall have failed that additional taxation should be resorted to; and if such measures should fail, I have no doubt we shall have the co-operation of the gentleman from New York, [Mr. COX,] and of the gentlemen with whom he is associated, in any proper effort to maintain the credit of this country abroad and to meet its necessary expenses at home. I know of no one who in the conduct of public affairs desires anything else. Although urged to take up and pass before the holidays bills for raising $42,000,000 by increased taxation, both these committees felt that it was their duty first to ask Congress to make this appeal to the heads of Departments, so that when we return in January we can see whether it is within the possibilities to refrain from the administration of this extreme medicine.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I am a practical man and generally look to practical results. The letter of the Secretary of the Treasury recommends (I suppose it is no secret) that there should be a reimposition of the duty on tea and coffee, and increased taxation upon whisky and tobacco.

Mr. DAWES. Not on those alone.

Mr. BUTLER, of Massachusetts. No, sir; but those only concern especially my present remarks. If this additional taxation is to be imposed it should be done instantly; otherwise it will yield no revenue, because of the immense amount of whisky that would be distilled and put on the market before this tax will be imposed if we wait for the estimates called for by this resolution. Large quantities of tobacco would be forced into consumption, or into such hands as would enable it to escape taxation. More than that, merchants would import, before our taxation could go into operation, all the tea and coffee that would be wanted for a year to come; so that we should have raised the prices of tea and coffee, whisky and tobacco, for the benefit of the persons holding those commodities, without any aid to the revenue. Therefore, if we are to have new taxation in respect to these articles, it should be imposed at once. It will not do to wait to see whether three, four, or five million dollars cannot be saved by cutting down the estimates of the Departments. I do not believe that the actual reduction to be reached in this way can amount to $5,000,000; because, while the estimates for public buildings, for rivers and harbors, and for fortifications are very large, yet it was not understood or believed by the heads of the Departments when they made those estimates that all those appropriations were to be made. They only made the estimates to carry out the provisions of existing law, leaving Congress to determine what should be appropriated. So I do not believe we would get eight or ten millions actual reduction. And while we are waiting to get the statistics of those reductions the whole benefit of taxation will be taken away from us by the importation or production of all of the articles upon which taxes are expected to be raised.

Mr. DAWES. I should like to ask my colleague if he means to suggest the propriety of at once imposing such taxes?

Mr. BUTLER, of Massachusetts. At once if at all; but I will come to that in a moment. So that all of the advantage of such taxation will be taken away from the Government and simply put into the pockets of the owners of the produce or of the imported goods to enhance the prices to the consumers. Therefore, I wonder why the chairman of Ways and Means has not made another suggestion to the House and the country, and that is that we provide for this threatened deficit by reducing the interest on the public debt by substituting non-paying interest notes, which the people demand, for high-paying interest bonds which are abroad in Europe. That will be an immediate relief, in my judgment, relieving us in very many ways; and I think the people demand—the situation of the country demands, such a measure instead of a measure simply of finding out how few millions can be saved by paring here and there the estimates of the Departments, or by imposing taxes which will be fruitless. Nay, more, sir; I think that all of this taxation, and that especially this proposition to delay while our country is suffering, will only result to the good of those who desire a shrinkage of all values, which only redounds to the creditor interest by going back to that most mischievous of all financial dogmas, in my understanding, and that is the idea of a currency based on specie payments.

I want our currency to be as good as specie—ay, and better too. Any idea of making specie payment for it is a delusion and a snare. There never was specie payment in this country, and there never will be; because in any system of banking we ever had, or ever was proposed, whenever specie was called for to an amount of five millions, then the banks shut down on specie, and ruin, financially and commercially, always followed. Even in specie-paying England, as it is called, whenever there is any demand for specie the rates of interest are run up by the Bank of England until merchants and all business men are ruined, and then when the bank can run interest no further, it asks the government to allow it to suspend and leave its notes a legal-tender currency. This always is the relief sought from the evils of a specie currency. I hope, therefore, to hear from the learned chairman of the Committee on Ways and Means, as the result of the deliberations of that committee, some other measure of relief proposed, such as a loan at a low rate of interest convertible and reconvertible into "greenbacks" or non-interest-bearing notes, so that we can pare down or cut down our high rates of interest at home and abroad.

Mr. DAWES. Mr. Speaker, I will not antagonize my colleague at this time on the question whether it be better to "pare down," as he calls it, public expenditures or to trust ourselves to a reduction of expenditures, or to meet extravagant and unnecessary ones by issuing new notes of indebtedness, even if we can do it at a lower rate of interest. At the proper time I shall have no hesitancy even in trying to meet my distinguished colleague before this House and the country on the propriety of the two measures. For, sir, whether it be little or much, I believe the people of this country will call on this House to reduce our expenditures every dollar, whether it be called "paring down" or not, before we shall be permitted by them to issue any new notes to meet our current expenses. There could be no more fatal blow to the credit of this country abroad and the value of its bonds in the markets of the world than the suggestion from any proper authority, even with the weight of my colleague here in this House, that it is necessary for us, and we choose that course, instead of putting ourselves upon the most rigid possible economy, to borrow money to meet our current expenses, whatever may be the rate of interest. I know it may not be much—I fear, sir, it may not be much—I do not know, but I fear it may not be much; but could I have my own way about it the knife would go into that Book of Estimates, and with the assurance on my part it would not impair the public confidence one atom, until the difference between current receipts and current expenditures should no longer exist.

Sir, the Book of Estimates is a marvel to me. When I take up that broad book, so unlike that I used to carry under my arm, it is most unintelligible to me. The only thing about it I can realize and understand is that year after year the estimates are going on increasing, until this year, in the face of these exigencies, the grand total of esti-

mates is about twelve millions more than it was the last year, and about fourteen millions more than the actual appropriations of last year. And we are crowded with deficiencies at that. Some deficiencies, which a recent emergency makes necessary, I know are pressing upon us and which we have to meet, and which no patriotic heart in this House can resist. But there are other deficiencies, in my opinion, where it is our duty to apply the law which renders illegal everything that pertains to the incurring of debts without authority. Sir, I think my colleague, when he comes to review this matter, will see he had better join with me in what he may even call the picayune business of cutting down the expenditures, a little while at least, before he confesses to those who hold our bonds, abroad and at home, that we are in such condition financially that the only way in which we can meet the interest on our bonds now due and our current expenses is to increase our indebtedness.

Mr. COX rose.

Mr. BUTLER, of Massachusetts. I desire to say one word.

Mr. DAWES. I will yield to my colleague after I have yielded to the gentleman from New York, [Mr. COX.]

Mr. COX. I desire to ask the gentleman one question: whether or not the reduction of the tariff has been considered with a view to increasing the revenue? Has that measure come before the gentleman's committee?

Mr. DAWES. The committee has had no time to consider measures to meet these exigencies beyond those I have communicated to the House.

Mr. COX. Would it not be in order for me to suggest to the honorable gentleman, in a case so important as this, whether in the revamping of old taxes they might not during the holidays properly consider that question—the reduction of the tariff on various articles—which we all know would enhance the revenue?

A MEMBER. How can that be?

Mr. COX. I know it, for I have ciphered it out.

Mr. BUTLER, of Massachusetts. My learned colleague, [Mr. DAWES,] with his usual adroitness, has wholly avoided my proposition on the main question, and put his whole reply upon a phrase. I said "spend time in paring down estimates." Pare down, cut down, slash down, any way you please, expenditures, and I will go as far as I can in my judgment to aid you in "rigid economy." But holding open the question how much tea and coffee, whisky and tobacco, shall be taxed while you are paring, cutting, or slashing, whichever phrase you like best, estimates, is simply putting into the hands of the importer and the manufacturer, and against the people, all the taxes we put on, by allowing them to put up their prices, importing and producing their merchandise free of taxation, without getting any revenue for the Government. That is what I object to.

One word further upon the question of credit in Europe. I have heard many times before, as we have just heard, "Now, if you do anything to relieve the people we shall injure our credit in Europe;" and I want to say here that we have had too much credit in Europe for our bonds. We have them there to such an amount that we are sending $125,000,000 of gold yearly to pay interest on our bonds sold to buy and import luxuries, and the quicker Europe stops taking our bonds, the better I shall be satisfied. I have no hesitation or doubt upon this matter; yet I have always been told, whenever I said a word about bringing the currency of this country into a condition for the use and prosperity of the country, thus bringing down the rate of interest from which national banks make dividends of 10 and 15 per cent. annually and lay by 20 per cent. surplus—I have always been answered, "You will hurt our credit abroad." Sir, we carried on this great war of ours without any credit abroad, and during all that time we had to bear our own burdens and provide our currency in our own way. We then passed an act by which our credit was raised abroad, and thereby our bonds, which we had to that time carried ourselves, were sold in Europe, at from 30 to 60 cents on the dollar, and because of our raised credit we have had to buy them back, under our absurd idea of reducing the public debt, at 100 and 112 cents on the dollar. I do not desire to see this process of depletion of our wealth going on any longer, and I am not anxious what the bankers of Europe think about our credit. The quicker they stop loaning us money the happier we shall be. If they send what they are now sending over to us, the strong arms and willing hearts of the emigrant labor of their country, then we shall be able to work out our own salvation, not in fear and trembling.

Let me say a single word further and I have done. The gentleman says that estimates for appropriations are growing year by year. I hear every year from the chairman of the Committee on Appropriations very loud and vehement words in favor of retrenchment and reform; and still the appropriations increase year by year. Why is that? Is it his fault? By no means. Our country increases every year in a greater ratio than twelve million to two hundred and seventy-seven million. We have to govern Alaska. We have new industries to develop all over our country, new offices to be created, and new machinery of government to be created or set in motion and sustained, new public buildings to be erected, or rent paid for hired ones at greater cost. And when any gentleman accuses the republican party of increasing estimates year by year—for we are responsible for this Government—I want him to put in the same sentence, so that the papers cannot quote one without quoting the other, that we are legislating for and governing a country increasing every year in a still more rapid proportion. Let the bane and the antidote go forth together.

Mr. DAWES. I now yield a few moments to the chairman of the Committee on Appropriations.

Mr. GARFIELD. I have not sought, so far as I am concerned, to go into this wide debate on Treasury notes and our foreign credit. I assume that, whatever Jews and others may think, we all desire to have a Government that has a good credit; we all desire to have a Government that is careful in its expenditures, and that raises revenues enough to pay as it goes.

There is, however, a great deal of point in one suggestion of the gentleman from Massachusetts, to which I desire to call attention. It is very unfortunate, if we are not going to levy a tax on whisky, tea, and coffee, that it should have gone out to the coun'ry that the Treasury Department needs to have the revenues from those articles increased.

Mr. BUTLER, of Massachusetts. I did not send that out.

Mr. GARFIELD. And I have desired to ask the chairman of the Committee on Ways and Means whether his committee have thought it wise to divulge that to the country, if they have divulged it. I do not know how it got out, but it has seemed to me that it was exceedingly imprudent on the part of somebody to say to the country that we had to have $42,000,000 of revenue, and that we want so much on tea, and so much on coffee, and so much on whisky, and that now the country is to be told that we hesitate whether we will impose those taxes or not. Of course I cannot believe that the gentleman from Massachusetts [Mr. DAWES] has given the country this intelligence; but it seems to me very unfortunate that it got out.

Mr. DAWES. I will say that I do not know how this matter became public. I know that upon the receipt of these communications the Committee on Ways and Means resolved upon the strictest secrecy upon the matter; and while they were meeting it was in the New York dailies, so that at night, after we had adjourned with mouths as closed as if they were sealed, we received in the New York dailies all that we had resolved we would conceal. That is all I know about it.

Mr. SCOFIELD. Allow me to ask why the public should not have this information? Why should it not be known, and not confined to a single committee, to be pumped out of them by some one, and the information to be used for the personal interest of some person? I think the whole country had a right to have it, and I thank the Secretary for putting it in print. I am sorry that the Committee on Ways and Means thought it necessary to pass a resolution of secrecy.

Mr. DAWES. The reason the Committee on Ways and Means thought it best not to proclaim it was the reason suggested by my colleague, [Mr. BUTLER.] As my colleague is so much better a controversialist than I am, I turn the gentleman over to him to answer that question. One word now in reply to my colleague. He says that year after year he hears from me this announcement and this warning against the increase of expenditures.

Mr. BUTLER, of Massachusetts. I said from the Committee on Appropriations.

Mr. DAWES. And from the Committee on Appropriations. My memory serves me as to a memorable occasion on which my colleague arraigned me, when I was chairman of the Committee on Appropriations, for doing just exactly what I am trying to do now. It has been my lot more than once to get up in this House and undertake to warn the House of what I felt was coming on—because of no superior sagacity on my part, but because I happened to hold official positions which had devolved upon me without my choice. I have gone to work with my colleague and others in this House earnestly and sincerely to prove myself a false prophet time and again. And when that result has come, it has been because the House has sincerely gone to work, myself with them, and then my colleague and others have turned around and pointed at what I have said, and charged me with being a false prophet. Now I submit that no man will work more earnestly than I will do to prove myself to be this day a false prophet in reference to this matter. If I have done any good in any position I have ever occupied here in this House, it was with a sincere conviction of the truth of what I have said. I have felt as if sometimes I have contributed a little to arouse the attention of the House to a work which they did not feel just then of so much importance as I, being myself behind the scenes, knew it to be. And I congratulated the country more than once that the House proclaimed more clearly than I ever did its intention to retrench, and came up to the work in a better spirit and with a more thorough determination to accomplish it than ever I had the vanity to think I could do.

Mr. KELLOGG. I desire to ask the gentleman a single question. I wish he would state to the House whether, so far as fortifications and public buildings are concerned, and all those matters in which he proposes reduction, the committee and the House are not just as competent to settle the question now as they will be after sending back the estimates to the Departments?

Mr. DAWES. In reply, I say that I do not know. I do not know how competent the House is.

Mr. KELLOGG. We have all the items before us.

Mr. DAWES. I suggest that those whose business it is to have care of the fortifications and public buildings would be likely to know more about them than I do. I say nothing of the gentleman from Connecticut.

Mr. GARFIELD. I call the previous question on the resolution.

Mr. NIBLACK. I hope the gentleman will allow me to say a word.

Mr. GARFIELD. I yield to the gentleman from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. I do not propose to discuss the questions of currency and taxation which this Congress will have to meet. This, it strikes me, is a plain proposition. The imposition of increased taxes is, of course, a very ungracious thing for us to do in the present depressed financial condition of the country, but I presume that gentlemen here on all sides will be willing to impose whatever taxes are necessary to sustain the public credit. If, however, by calling the attention of the Departments to the estimates which have been submitted to us, and which it is understood were made in advance of the present depressed financial condition of the country, the amount of expenditures for the ensuing year can be reduced, and by that means we can be relieved of the necessity of the additional taxes recommended by the Secretary of the Treasury, I feel that every member ought to be willing to make an effort to do so, and that while the adoption of this resolution will have the effect of postponing the recommendation of the Secretary of the Treasury for a brief time, yet it will result, I hope, in satisfying the country that Congress is willing to make an honest effort to avert the imposition of these increased taxes; and if we find it absolutely necessary that they should be imposed, I think the country will submit more cheerfully to the increased taxation than they would if we were to make haste to impose them without first making these inquiries of the Departments.

Therefore I cannot see what injury this resolution can do, and I hope that gentlemen on both sides of the House will agree to support it at this time.

Mr. COBURN. The pending resolution seems to contemplate an appeal to the Departments to suggest to us what we should do in our own right upon this floor in the matter of economy. If I understand properly the duty of members of Congress, it is not to ask Departments particularly as to what they shall do, but to see to it themselves that the Departments are economical. The Departments properly enough make their estimates, and properly enough they submit them to us, and properly enough ask for ample appropriation to meet their wants. But there is something for us to do besides looking at the estimates of the Departments, and that is an intelligent examination of those subjects on the part of Congress.

Now, sir, how can that be done? Can it be done by organizing a little petty despotism on this floor composed of eleven or thirteen members of one committee who are to have the entire charge of all the appropriations of the Government? Why, sir, in looking around over the intelligent faces of members of this House one would think that it would be possible to organize a half-dozen committees to inquire into the expenses of the Government and provide for the necessary appropriations, and not to depend so entirely and abjectly upon the Departments.

I introduced some days since, and had referred to the Committee on the Rules, a resolution that, in my judgment, will be worth a hundred of such resolutions as that of the gentlemen from Massachusetts, [Mr. DAWES.] It is a resolution providing for a new rule, authorizing the division of the Committee on Appropriations into six or seven separate committees, each one of them authorized in its particular sphere to look into the expenditure of the Government and into this matter of appropriations, and not to depend upon the dictations of Bureaus; in a word, to couple the power to investigate with the power to appropriate. Every year the method of departmental dictation is followed. We apply to the Departments, we ask the Secretaries, we ask the heads of Bureaus, what we shall do as to public expenditures, and we record their decrees. It is time that that thing was over; it is time we were reorganizing the House upon this question and ceasing to apply so much to those whose province it is to cry give, give.

Sir, are we helpless; are we impotent? Shall we sit here every year and be dictated to by the Departments? Every man who has had any experience in Congress knows as well as he knows he is alive that in one Department or another the appropriations are excessive every year. And he knows this, too: that it is not for a lack of faithfulness and integrity upon the part of the Committee on Appropriations, but from the fact that they have too much to do. Here is the gentleman from Wisconsin [Mr. SAWYER] just before me, who for several years has had charge of the reports of the Committee on Commerce in relation to rivers and harbors, and in order to get up a little appropriation bill of only five or six millions, it takes that committee a large part of their time for an entire session; and yet the Committee on Appropriations will come and roll in twenty or thirty million dollars at a time upon us, and pass it through in a day or two with very little discussion, and quote the pressing demands of the Departments as ample justification for outlays that seem enormous. More than a hundred millions pass under their hands in swift succession.

Look for a moment at past legislation; see your appropriation bills saddled with the most vital and important enactments upon all subjects, and remember that the one committee having charge in and out of conference committees has been that on appropriations, and, by this, measure its overshadowing power.

This committee has had too much to do. Take any one of the great appropriation bills which for years they have had charge of; the executive and legislative bill, the Army appropriation bill, the naval appropriation bill; each one of these bills is brought in by a single member of that committee, advocated by a single member, and, perhaps, understood only by that one member of the committee. We all know very well that the plan is to refer one of these bills to a subcommittee, consisting of but one or two members, for consideration and preparation.

Now, I find no fault with anybody for this being done. The Committee on Appropriations, with their herculean labors, can do nothing else. But we should have a force of at least fifty members on this floor ready to investigate all expenses and appropriations, and to sift to the bottom every demand of these Departments.

Here the true work of saving money will begin, right here in our midst, where it ought to, and not at the other end of the line, where, in the nature of things, it never can. Let us organize a corps of economists on this floor and all assaults upon the Treasury will be made in vain.

Mr. GARFIELD. I now call the previous question.

Mr. HOLMAN. I ask that the preamble and resolution as now modified be read.

The Clerk read as follows:

Whereas it appears that, since the estimates of appropriations required for the service of the Government for the fiscal year ending June 30, 1875, which have been laid before the House, were made by the several Departments of the Government, the country has entered upon a period of great financial embarrassment, accompanied by a shrinkage of values and a heavy falling off of the revenues; and whereas the Secretary of the Treasury has recommended, in an official letter to the Committee on Ways and Means, an increase in certain customs duties and internal taxation; and whereas in the judgment of this House the foregoing facts make it the duty of Congress to reduce the expenditures to the lowest possible point consistent with the necessities of the Government: Therefore,

Resolved, That the President be requested to cause a revision of said estimates to be made by the several Executive Departments, and cause a report to be made to this House, if possible, as early as the 5th of January next, setting forth in detail what public expenditures for the current fiscal year, and what estimates for the next fiscal year, can be reduced, and the amount of such reduction, without serious detriment to the public service.

The previous question was seconded and the main question ordered; and under the operation thereof the preamble and resolutions were adopted.

Mr. GARFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HOLIDAY RECESS.

Mr. DAWES. I offer the following privileged resolution:

Resolved, (*the Senate concurring*,) That when the two Houses adjourn on Tuesday, the 23d instant, they adjourn to meet again on Monday, the 5th day of January next, at twelve o'clock noon.

Mr. SCOFIELD. I move to amend the resolution so as to provide that the adjournment shall take place on Friday, the 19th.

Several MEMBERS. That is right.

Mr. DAWES. I will simply say that the Committee on Ways and Means considered that subject, and while they did not feel willing to recommend that day, instructed me, if the amendment should be suggested, to take the judgment of the House upon the matter. I therefore yield for the amendment.

Mr. SCOFIELD. I modify my amendment so as to provide further that the day for the reassembling of the two Houses shall be Tuesday, the 6th of January.

Mr. DAWES. I am willing to take the sense of the House upon this question.

The question being taken on the amendment of Mr. SCOFIELD, there were—ayes 152, noes 61.

Mr. ORTH called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 145, nays 114, not voting 26; as follows:

YEAS—Messrs. Adams, Albert, Archer, Ashe, Averill, Banning, Barry, Bell Biery, Blount, Bowen, Bradley, Bromberg, Roderick R. Butler, Cain, Caldwell, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clinton L. Cobb, Crocker, Crounse, Crutchfield, Curtis, Davis, De Witt, Dobbins, Dunnell, Eames, Eden, Freeman, Gooch, Robert S. Hale, Hancock, Benjamin W. Harris, Henry R. Harris, Harrison, Hays, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hooper, Hoskins, Houghton, Howe, Hurlbut, Hynes, Lamar, Lamison, Lamport, Lansing, Leach, Lewis, Lofland, Lowndes, Lynch, Magee, Marshall, Martin, Maynard, James W. McDill, McJunkin, McKee, Milliken, Mitchell, Morey, Morrison, Neal, Negley, Niles, Nunn, O'Brien, O'Neill, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Phelps, Pierce, Pike, James H. Platt, jr., Thomas C. Platt, Purman, Rainey, Ransier, Rawls, Ray, Read, Richmond, Robbins, Ross, Sawyer, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Lazarus D. Shoemaker, Sloss, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standeford, Stone, Storm, Stowell, Strait, Strawbridge, Swann, Sypher, Taylor, Thomas, Townsend, Tremain, Vance, Wallace, Jasper D. Ward, Wells, Wheeler, White, Whitehead, Wilber, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—145.

NAYS—Messrs. Albright, Arthur, Atkins, Barber, Barnum, Barrere, Beck, Begole, Berry, Bright, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cannon, Cason, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crossland, Danford, Darrall, Dawes, Donnan, Duell, Durham, Eldredge, Field, Fort, Foster, Frye, Garfield, Giddings, Glover, Gunckel, Eugene Hale, Hamilton, John T. Harris, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Herndon, Hubbell, Hunter, Hunton, Hyde, Kasson, Kelley, Kellogg, Killinger, Knapp, Lawrence Lawson, Lowe, Luttrell, Alexander S. McDill, McDougall, McLean, Mellish, Merriam, Mills, Monroe, Moore, Myers, Nesmith, Niblack, Orr, Orth, Packard, Page Isaac C. Parker, Pelham, Phillips, Poland, Pratt, Rapier, Rice, Ellis H. Roberts

Rusk, Henry B. Sayler, John G. Schumaker, Sener, Sheldon, Sherwood, George L. Smith, Starkweather, Thornburgh, Todd, Tyner, Waddell, Waldron, Marcus L. Ward, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, James Wilson, Jeremiah M. Wilson, Woodford, and Woodworth—114.

NOT VOTING—Messrs. Bass, Bland, Benjamin F. Butler, Cox, Creamer, Crooke, Elliott, Farwell, Harmer, Havens, Hersey, Jewett, Kendall, Loughridge, McCrary, McNulta, Potter, Randall, William R. Roberts, James C. Robinson, James W. Robinson, Milton Sayler, Sheats, Stephens, St. John, and Walls—26.

So the amendment of Mr. SCOFIELD was agreed to.

The resolution, as amended, was adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LOAN OF 1858.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, a bill (H. R. No. 478) to provide for the redemption of the loan of 1858.

Mr. DAWES. I move to refer this bill, with the amendments of the Senate, to the Committee on Ways and Means.

The motion was agreed to.

GEORGIA CONTESTED ELECTION.

Mr. YOUNG, of Georgia, by unanimous consent, submitted the following resolution; which was referred to the Committee on Elections:

Resolved, That the Committee on Elections be empowered to grant such time for the establishment of the testimony destroyed by fire, and for the taking of additional testimony, in the contested-election case in the first congressional district of Georgia, as shall be proper.

TEMPORARY LOAN FOR SUPPORT OF GOVERNMENT.

Mr. KELLEY. I move to suspend the rules and adopt the following resolution:

Resolved, That it is the sense of this House that the taxes which now burden the people should not be increased; but that the extraordinary means, if any be required, for the support of the Government, during the temporary paralysis of the industries of the country now prevailing, should be obtained by a temporary loan or loans, bearing a low rate of interest in currency, and redeemable in United States notes.

Mr. DAWES. I wish my friend from Pennsylvania [Mr. KELLEY] would let that be referred to the Committee on Ways and Means.

Mr. BUTLER, of Massachusetts, and others. O, no.

Mr. DAWES. If the gentleman will not consent to a reference of the resolution to the Committee on Ways and Means I shall call for the yeas and nays on the adoption of the resolution.

Mr. BUTLER, of Massachusetts. Very well; we are all anxious to record our votes upon it.

Mr. WHEELER. I move that the House do now adjourn.

MILEAGE.

The SPEAKER. The chairman of the Committee on Mileage desires the following notice to be given to members:

The Clerk read as follows:

The Committee on Mileage will cause each Member and Delegate to this Congress to be furnished with forms to aid them in making up their accounts of expenses incurred in attending the first session of the Forty-third Congress, and respectfully request that they be returned to the committee after the adjournment for the holidays.

H. S. BUNDY, *Chairman.*

ENROLLED BILLS.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 130) to remove the disabilities of Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, of Virginia, and John H. Reagan, of Texas; and

An act (S. R. No. 474) to establish a post-route from the village of L'Anse, in the county of Houghton, in the State of Michigan, to Huron Bay, in said county and State.

ORDER OF BUSINESS.

The SPEAKER. The question recurs on the motion of the gentleman from New York [Mr. WHEELER] to adjourn, pending a motion to suspend the rules made by the gentleman from Pennsylvania, [Mr. KELLEY.]

The House divided; and there were ayes 131, noes not counted.

Mr. KELLEY demanded the yeas and nays.

The House divided; and there were ayes 36.

The SPEAKER. The Chair doubts whether that is a sufficient number.

Mr. KELLEY demanded tellers.

Tellers were ordered; and Mr. KELLEY and Mr. COX were appointed.

The question was again taken; and the tellers reported ayes 44—more than one-fifth of those present.

So the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 119, nays 113, not voting 53; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Barrere, Barry, Bass, Beck, Begole, Berry, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Burleigh, Cain, Cannon, Cason, Amos Clark, jr., John B. Clark, jr., Clayton, Stephen A. Cobb, Cook, Cotton, Cox, Crossland, Darrall, Dawes, De Witt, Dobbins, Donnan, Duell, Durham, Eames, Eldredge, Field, Foster, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Hathorn, John B. Hawley, Joseph R. Hawley, Herndon, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Howe, Hynes, Kasson, Lamport, Lawson, Lewis, Loughridge, Lowe, Martin, Maynard, McCrary, James W. McDill, McJunkin, McKee, McLean, Mellish, Merriam, Milliken, Mitchell, Niblack, O'Brien, Orr, Page, Pelham, Pendleton, Phillips, Pierce, Thomas C. Platt, Poland, Rawls, Read, Ellis H. Roberts, Sawyer, Henry B. Sayler, Henry J. Scudder, Isaac W. Scudder, Sessions, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Snyder, Southard, Starkweather, Stone, Swann, Taylor, Townsend, Tremain, Waldron, Wallace, Wheeler, White, Wilber, Charles W. Willard, George Willard, Charles G. Williams, Ephraim K. Wilson, and Woodford—119.

NAYS—Messrs. Albright, Ashe, Averill, Barber, Barnum, Biery, Blount, Bowen, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Caldwell, Cessna, Clements, Clymer, Coburn, Comingo, Conger, Corwin, Crittenden, Crutchfield, Curtis, Davis, Dunnell, Eden, Elliott, Fort, Freeman, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Hubbell, Hunter, Hunton, Hyde, Kelley, Kellogg, Knapp, Lamison, Lawrence, Leach, Lofland, Lowndes, Luttrell, Lynch, Magee, Marshall, Mills, Monroe, Morey, Morrison, Myers, Neal, Negley, Niles, Nunn, O'Neill, Packard, Packer, Isaac C. Parker, Pike, Purman, Rainey, Rapier, Rice, Richmond, Robbins, James W. Robinson, Ross, Rusk, Milton Sayler, Shanks, Sheldon, Sherwood, L. D. Shoemaker, Small, George L. Smith, J. Ambler Smith, Speer, Sprague, Stowell, Strawbridge, Sypher, Thomas, Thornburgh, Todd, Tyner, Vance, Waddell, Jasper D. Ward, Marcus L. Ward, Wells, Whitehead, Whitehouse, Whitthorne, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—113.

NOT VOTING—Messrs. Atkins, Banning, Bell, Bland, Freeman Clarke, Clinton L. Cobb, Creamer, Crocker, Crooke, Crounse, Danford, Farwell, Harmer, Hays, Hersey, Hooper, Hurlbut, Jewett, Kendall, Killinger, Lamar, Lansing, Alexander S. McDill, McDougall, McNulta, Moore, Nesmith, Orth, Hosea W. Parker, Parsons, Perry, Phelps, James H. Platt, jr., Potter, Pratt, Randall, Ransier, Ray William R. Roberts, James C. Robinson, J. G. Schumaker, Scofield, Sener, Sheats, Sloss, Stanard, Standeford, Stephens, St. John, Storm, Strait, Walls, and Wood—53.

So the motion was agreed to.

During the vote, there being no objection, the reading of the roll was dispensed with.

The SPEAKER said: The gentleman from Maine [Mr. HALE] desires that the bill recommitted to the Special Committee on Salaries, and which they are under instructions to report, may be ordered to be printed.

There was no objection; and the bill was ordered to be printed.

The vote was then announced as above recorded.

And then (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ADAMS: Two petitions of sundry citizens of the ninth district of Kentucky, praying for the passage of a bill for the relief of the Southern Methodist publishing house, Nashville, Tennessee.

By Mr. ALBERT: The petition of Elizabeth R. McCracken, widow of Dr. Robert McCracken, acting assistant surgeon United States Army, for a pension.

By Mr. ARMSTRONG: The petitions of J. S. Fisher, W. C. Knight, and others, of Southern Dakota, and of W. R. McLaury and W. S. Kimball, of Eastern Dakota, asking for a modification of the "timber act."

By Mr. BARRERE: The Petition of the Methodist Conference of Canton, Illinois, for the relief of the Southern Methodist publishing house.

By Mr. BASS: The petition of H. L. Griffith, Mark Whiting, and other citizens of Boston, New York, as to prepayment of postage and determining postmasters' salaries.

By Mr. BLOUNT: The petition of Hon. W. T. Price and others, of Georgia, for the relief of the Southern Methodist publishing house.

Also, the petition of Isaac T. Kein and others, of Georgia, asking that all mail matter be prepaid at the office of mailing, and for a more equitable and less intricate mode of determining postmasters' salaries be devised.

By Mr. BUFFINTON: The petition of Warren Hall and others, residents of Marshfield, Plymouth County, Massachusetts, interested in the navigation of "North River," so called, praying Congress to take measures to have sand-bars, which have recently formed to such extent in said river as to impede navigation for even small vessels, removed.

Also, the petition of William H. Eaton and others, residents of Plymouth County, Massachusetts, for same object.

Also, the memorial of Joseph B. Macy and other citizens of Nantucket, Massachusetts, for an appropriation for a canal from the east end of the harbor of Nantucket, through what is known as the "Haul Over."

Also, the petition of James E. Blake & Co., E. Holmes, and others, druggists, of New Bedford, Massachusetts, praying Congress that Schedule C of the acts of June 30, 1864, and July 13, 1866, may be repealed.

By Mr. BUCKNER: A petition from the Missouri Conference of the Methodist Episcopal Church South, for the relief of the Southern Methodist publishing house.

By Mr. CAIN: The petition of W. W. Mood and others, of South Carolina, for the relief of the Southern Methodist Church publishing house, situated in Nashville, Tennessee.

By Mr. CALDWELL: A petition of the citizens of Marshall County, Alabama, for the relief of the Southern Methodist publishing house.

By Mr. CHIPMAN: The petition of David McClelland.

By Mr. COBB, of North Carolina: Petitions from the General Conference of the Colored Methodist Episcopal Church, and Hon. D. C. Guyther and others, of North Carolina, for the relief of the Southern Methodist publishing house.

By Mr. COBURN: The petition of William N. Williams, asking relief.

By Mr. COMINGO: The petition of sundry citizens of the State of Missouri, asking Congress to consider at an early day the claim of the Southern Methodist publishing house, in Nashville, Tennessee, for damage to and for use and occupancy of said house by the Army of the United States in 1864 and 1865.

Also, the petition of Enoch Pepper, of Kansas City, Missouri, one of the heirs of William Tibbs, deceased, for remuneration on account of French spoliations, &c.

By Mr. CROSSLAND: The petition of Griffin Nicholson, William Austin, J. W. Sullivan, and sundry other citizens of Graves County, Kentucky, praying for a change of the postal laws.

By Mr. CRUTCHFIELD: A petition for the relief of the Southern Methodist publishing house, of Nashville, Tennessee.

By Mr. DARRALL: A petition for the relief of the Southern Methodist publishing house.

By Mr. DAWES: The petition of J. Nelson Wask, of New Salem, Massachusetts, asking Congress to indemnify him for losses sustained in the service of the United States.

By Mr. ELKINS: The petition of Teodosis Savedra and others, asking that a pension be granted said Savedra.

By Mr. ELLIOTT: The petition of the governor, secretary of state, treasurer, attorney-general, superintendent of education, and adjutant and inspector-general of South Carolina, for the relief of the Southern Methodist publishing house.

Also, the petition of S. R. Morrall, G. M. Mattison, and others, citizens of South Carolina, for the relief of the Southern Methodist publishing house.

Also, a petition of citizens of Massachusetts, Pennsylvania, Missouri, Delaware, Iowa, and other States, praying Congress to accord to the struggling patriots of the Cuban Republic belligerent rights.

By Mr. FARWELL: The petition of Mr. Beers and others, for payment of claims for loss of mules at the Big Horn Crossing.

By Mr. FRYE: The petition of Patrick Doyle and others, of Maine, for an increase of pension in cases of loss of arm or hand.

Also, the petition of John Bulfinch, for relief for the destruction of the schooner Wing of the Morning and the brig Ocean Belle.

By Mr. HANCOCK: The petition of Charles W. Adams, for relief.

By Mr. HARRIS, of Massachusetts: The memorial of William Mason, of Taunton, Massachusetts, praying compensation for the abrogation of his contract to manufacture one hundred thousand muskets of the Springfield pattern in June, 1862.

By Mr. HATCHER: The petition of Philip Sutherlin, John I. Duffy, and others, for the relief of Mrs. Epsy Massey, of Bollinger County, Missouri.

By Mr. HAWLEY, of Connecticut: The petition of Silas M. Norton, postmaster, Bristol, Connecticut, asking the United States to refund $185.70 paid out by him on money-orders, which money-orders were burned.

Also, the petition of William O. Buckley, Grand Worthy Templar of the order of Good Templars of the State of Connecticut, and 58 other citizens, asking for the appointment of a committee of inquiry concerning the alcoholic liquor traffic.

By Mr. HEREFORD: The petition of the West Virginia Conference of the Methodist Episcopal Church South, for the relief of the Southern Methodist publishing house.

By Mr. HOOPER: A petition for the establishment of a consulate at Saint Michaels, the consul to reside at Ponte Delgada.

By Mr. HOWE: A memorial of the Legislature of the State of Mississippi, in relation to the Methodist publishing house of Nashville, Tennessee.

By Mr. HURLBUT: The petition of James D. Fox and 52 other soldiers of the late war, asking $8.50 per month during their time of service, deducting Government bounty received, and for other relief.

By Mr. HUNTER: A petition for the relief of Elizabeth Brady, of Lawrence County, Indiana.

By Mr. HUNTON: The petition of Robert J. Edeler, State of Virginia, praying compensation for labor and material furnished the United States.

By Mr. HYDE: A petition of citizens of Caldwell and Ray Counties, Missouri, for the establishment of a new mail-route from Breckinridge, Caldwell County, Missouri, via Proctorville, Catawba, Osterville, Black Oak, Tinney's Grove, New Hope, and Morton, to Hardin, Ray County, Missouri.

By Mr. KELLEY: The memorial of Captain Louis C. Sartori.

By Mr. KENDALL: A petition of citizens of Nevada, praying for the more general establishment of the money-order system.

By Mr. LAMAR: The petition of I. I. Alexander and other citizens of the State of Mississippi, for the relief of the Southern Methodist publishing house, Nashville, Tennessee.

Also, the petition of the bishop and ministers and lay members of the North Mississippi Conference of the Methodist Episcopal Church South, sitting in Grenada, in behalf the Southern Methodist publishing house at Nashville, Tennessee, in the matter of its claim against the United States for its property used and consumed by the Army of the United States in 1864 and 1865, and previously.

By Mr. LAMPORT: Preamble and resolution of the board of trustees of the village of Canandaigua, New York, relating to an appropriation for the protection and improvement of Government property in said village.

By Mr. LEWIS: The petition of the judges and 28 lawyers of the supreme court of Tennessee, for the relief of the Southern Methodist publishing house.

By Mr. LUTTRELL: A petition from Hon. C. P. Berry and others, of California, for the relief of the Southern Methodist publishing house.

By Mr. McFADDEN: The memorial of the Legislature of Washington Territory, asking for the passage of a law authorizing Thurston County, in said Territory, to issue bonds in aid of a certain railroad.

By Mr. McKEE: The petition of Michael Mulholland, of Vicksburgh, Mississippi, for relief.

By Mr. MOORE: The petition of R. W. Downey and others, of Pennsylvania, for the relief of the Southern Methodist publishing house.

Also, petitions of citizens of Washington and Greene Counties, Pennsylvania, praying for the establishment of a post-route from Bealls-ville, Washington County, Pennsylvania, via Zollarsville and Lippencott, to Waynesborough, Pennsylvania.

By Mr. MYERS: The memorial of the San Francisco Land Association of Philadelphia, asking a grant to them of public lands equal in value, at Government prices, to the Santillan grant, which was adjudged to be invalid by the Supreme Court of the United States, evidence having been discovered subsequent to said decision proving the validity of the Santillan grant.

By Mr. NESMITH: Petition of surviving officers, soldiers, sailors, and marines of the war against Mexico, now residing in the State of Oregon and Washington Territory, asking for a recognition of their services.

By Mr. NUNN: The petition of the Tennessee Pharmaceutical Association.

Also, a petition of citizens of Tennessee, for the passage of the supplementary civil-rights bill.

Also, the petition of J. G. Reeves *et al.*, for the relief of the Southern Methodist publishing house.

By Mr. PARKER, of Missouri: The petition of John M. Henry, Williams & Overall, and others, of Macon City, Missouri, praying for relief of Southern Methodist publishing house.

Also, the petition of Ex-Governor Young, John E. Ryland, and others, of Lexington, Missouri, praying for relief of the Southern Methodist publishing house.

By Mr. PHELPS: The petition of the New Jersey State Temperance Alliance, for appointment of a commission of inquiry as to the result of the traffic in alcoholic liquors.

By Mr. PIKE: The memorial of Sarah J. Kimball, praying that she may be granted a pension as the widow of Frank Kimball, late first lieutenant, Eighth Regiment United States Colored Troops.

By Mr. PLATT, of Virginia: The petition of the Virginia conference Methodist Episcopal Church South, praying for the relief of the Southern Methodist publishing house.

By Mr. POLAND: The memorial of Joseph San Roman, administrator of Joseph B. Armstrong, praying for payment of the balance of judgment of the Court of Claims.

By Mr. RAINEY: The petition of David Risley, of Georgetown, South Carolina, praying restitution of certain records of which he was deprived by a Government official, or indemnity for the same.

Also a series of resolutions adopted by a mass convention of sundry citizens of South Carolina, expressing jealous regard for the national honor and sympathy with the Cubans who are struggling for freedom.

Also, the memorial of A. R. Eldera, late United States Indian agent for Washington Territory.

By Mr. READ: The petition of sundry citizens of Shelby County, Kentucky, for the benefit of the Southern Methodist publishing house.

Also, the petition of sundry citizens of Marion County, Kentucky, for the benefit of the Southern Methodist publishing house.

By Mr. SCUDDER, of New York: The petition of Harvey Lull, for the extension of letters-patent for seven years, which were granted to Harvey Lull January 2, 1854, for shutter-hinges.

By Mr. SLOSS: The petition of C. C. Ellis, J. R. Powel, and others, citizens of Birmingham, Alabama, for relief of Southern Methodist publishing house.

Also, the petition of Frederick Sloss, George S. Houston, and others, citizens of Athens, Alabama, for relief of Southern Methodist publishing house.

By Mr. STARKWEATHER: The petition of Ebenezer T. Robinson, postmaster at Pomfret, Connecticut, and others, asking prepayment of postage on newspapers.

By Mr. TOWNSEND: The petition of John Flowers, of Petersburgh, Virginia, asking compensation for property taken and used by the United States military forces.

By Mr. VANCE: The petition of James S. Kennedy, D. D., and others, of North Carolina, and Thomas B. Long and others, of North Carolina, for relief of the Southern Methodist publishing house, Nashville, Tennessee.

Also, the petition of J. J. Osborne and others, of Henderson County, North Carolina, praying for the establishment of a post-route from Hendersonville to Pigeon River.

Also, resolutions of the Legislature of North Carolina, in relation to the salary bill passed 3d March, 1873.

Also, resolutions of the Legislature of North Carolina, in favor of having the United States court-house and post-office at Raleigh, North Carolina, built of stone.

By Mr. WELLS: The petition of John Zoller and wife, asking for pension on account of loss of their son in the United States Army.

Also, the petition of Saint Louis Methodist Conference, for relief for loss of Southern Methodist publishing house.

Also, the petition of Peter Wiles, of Saint Louis, for loss of mules.

By Mr. WHITE: The petition of sundry citizens of Alabama, in behalf of claim of Southern Methodist publishing house.

By Mr. WHITTHORNE: The petitions of Hon. Edward Cooper and others, of Shelbyville, and of L. D. Myers and others, of Columbia, Tennessee, for relief of the Southern Methodist publishing house.

By Mr. WILLARD, of Vermont: The petition of Miss Lucy Mead, of Montpelier, Vermont, for a pension.

Also, the petition of Samuel Steel, of Roxbury, Vermont, for a pension.

POST-ROUTE BILLS INTRODUCED.

By Mr. COOK: A bill to establish post-routes in Georgia.

By Mr. HAYS: A bill to be entitled "An act to establish a post-road between Memphis and Gainesville, Alabama."

By Mr. WHITTHORNE: A bill to establish certain post-routes in Tennessee.

IN SENATE.

TUESDAY, *December* 16, 1873.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read.

Mr. FERRY, of Connecticut. I wish to ask for a correction of the Journal. I observed in the reading of the Journal that it is stated that the motion which I made yesterday in reference to Louisiana matters was that the evidence and the reports in the Louisiana contested-election cases be brought in and laid on the table. The motion was as to the papers in all the cases relating to Louisiana. The resolution referred to a committee to inquire whether there was a legal State government in Louisiana could hardly be called a contested-election case. That was the one upon which most of the evidence was introduced and reports made. And there should also be added at the end the words "and printed."

Mr. MORTON. I did not hear the concluding remark of the Senator from Connecticut.

Mr. FERRY, of Connecticut. It should also be added at the end of the statement in the Journal "and printed."

Mr. MORTON. I suppose the Senator hardly means that.

Mr. FERRY, of Connecticut. That was my intention.

Mr. MORTON. To have that large volume reprinted?

Mr. FERRY, of Connecticut. It will be of but little use if it is not printed.

Mr. MORTON. I suppose the Senate will hardly order the reprinting of a volume which will cost five or six thousand dollars without understanding what they are about. I do not care anything about it myself.

The PRESIDENT *pro tempore*. Does the Senator from Indiana object to the correction proposed?

Mr. MORTON. That was not in the motion yesterday. I think the Senate will hardly do that without some consideration.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to correct the Journal in the manner indicated by him. The question is on that motion.

Mr. SHERMAN. The question is upon reprinting that great volume. It does seem to me that we can get copies enough in the library here without reprinting it.

Mr. MORTON. I presume every Senator will find it among his bound documents now.

Mr. FERRY, of Connecticut. I have been informed that the supply is exhausted.

Mr. SHERMAN. It may be in the document room, as is very often the case; but if the Senator will send to the Library of Congress he will find enough copies.

Mr. FERRY, of Connecticut. I have a copy of my own. It is not for my own purposes that I ask the printing.

Mr. SHERMAN. It is hardly worth while to reprint it, because we can get access to thirty or forty copies of it in the library and other places.

Mr. FERRY, of Connecticut. I am perfectly willing to let the matter of printing drop for the present, until we can make further inquiries.

Mr. HAMILTON, of Maryland. I will state to the Senator from Ohio that I made every effort to get a copy and failed. There is no copy to be had.

Mr. SHERMAN. I have one which the Senator can have.

Mr. MORTON. The Senator had half a dozen copies. What has he done with them?

Mr. HAMILTON, of Maryland. I gave them away.

Mr. CONKLING. Every Senator has a copy of this document bound up with the documents of the last session. It cannot be lost, because it is in the bound documents.

Mr. FERRY, of Connecticut. The new Senators have not got them.

Mr. CONKLING. The Senators who came in after the 4th of March? I am inclined to think, under the rule, those Senators have it. My impression is that the rule covers them; some other Senator will know better.

Mr. MORRILL, of Vermont. There are plenty of these documents in the Senate Chamber and our different libraries and committee rooms.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Connecticut withdraws his motion for the present.

Mr. FERRY, of Connecticut. As far as printing is concerned. The other correction ought to be made.

The PRESIDENT *pro tempore*. Is there objection to the other correction indicated by the Senator? The Chair hears no objection.

Mr. WEST. What is that other correction, Mr. President?

The PRESIDENT *pro tempore*. It will be reported by the Secretary.

The SECRETARY. The entry on the Journal is:

Ordered, That the reports and evidence taken during the last session of the Forty-second Congress in the contested-election cases from the State of Louisiana be taken from the files.

This is proposed to be corrected by substituting the words, "reports and evidence taken during the last session of the Forty-second Congress in relation to affairs in the State of Louisiana."

Mr. FERRY, of Connecticut. That will do. I merely want to cover the whole ground.

Mr. WEST. That will do.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that correction will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following resolution; in which the concurrence of the Senate was requested:

Resolved, (*the Senate concurring*,) That when the two Houses adjourn on Friday, the 19th instant, they adjourn to meet again on Tuesday, the 6th day of January next, at twelve o'clock noon.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 130) to remove the disabilities of Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, of Virginia, and John H. Reagan, of Texas; and

A bill (H. R. No. 474) to establish a post-route from the village of L'Anse, in the county of Houghton, State of Michigan, to Huron Bay, in the said county and State.

PETITIONS AND MEMORIALS.

Mr. CHANDLER presented a petition of citizens of Michigan, praying that 160 acres of land may be given to each of the soldiers of the late war, without regard to the homestead law; which was referred to the Committee on Public Lands.

Mr. FRELINGHUYSEN. I present the petition of the daughters and sole heirs of the late George Catlin, asking the attention of Congress to a collection of several hundred oil paintings, and to the number of 20,000 figures, illustrating the various games and hunting scenes and religious customs of the Indians, and also a museum of weapons and implements of the chase. I would say, Mr. President, that this petition sets out that Mr. Catlin had declined to sell this gallery to foreign countries, and its purchase has been recommended by Mr. Webster, Mr. Cass, and other statesmen. I move the reference of the petition to the Committee on the Library.

The motion was agreed to.

Mr. FRELINGHUYSEN presented the petition of Esther M. Shubrick, widow of the late Captain Edward R. Shubrick, United States Navy, asking that her pension be restored to $50 a month; which was referred to the Committee on Pensions.

Mr. SUMNER presented a petition of colored citizens of Jefferson County, West Virginia, asking for the enactment of a law that will secure to them and to their children civil rights in the courts, schools, theaters, public conveyances, hotels, and all other public places; which was ordered to lie on the table.

Mr. CONKLING. I present the memorial of Seth Driggs, a citizen of the United States and of the State of New York, touching a claim of his arising from the arrest and detention of the ship Good Return by the Colombian Confederacy; and I move that it be referred, with an accompanying printed statement, to the Committee on Foreign Relations.

The motion was agreed to.

Mr. HAMILTON, of Texas, presented the petition of the mayor

and aldermen of the town of Austin, Texas, asking an appropriation for the improvement of Red Fish Bar, at Galveston; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a petition of citizens of the State of Ohio, praying for the repeal of the law allowing newspapers to be carried without prepayment of postage; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WRIGHT. Yesterday morning I presented a petition from soldiers and sailors in Milwaukee, Wisconsin, and moved its reference to the Committee on Public Lands. I find that prior petitions on the same subject have been referred to the Committee on Military Affairs. I ask unanimous consent that that motion may be reconsidered and the petition referred to the Committee on Military Affairs.

There being no objection, it was so ordered.

Mr. WRIGHT. I present the petition of 350 citizens, bankers, merchants, and business men of the city of New York, and also petitions from the cities of Albany and Newburgh, and from the county of Ulster, in the State of New York; from the county of Sussex, in the State of New Jersey; from six or eight different counties and cities in the State of Pennsylvania, and about the same number in the State of Ohio; from three counties and cities in the State of Maine; from the city of Amherst, in the State of Massachusetts; from the county of Kent, in the State of Delaware; from the county of the same name in the State of Maryland; from some six or eight counties and cities in the State of Virginia; from the county of Marion, in the State of West Virginia; from several counties in the State of North Carolina; from counties in the State of South Carolina; from a county in the State of Florida; from some six counties in the State of Georgia; from three counties in the State of Alabama; from four counties and three cities in the State of Mississippi; from a county in the State of Louisiana; from three counties and two cities in the State of Texas; from four counties in the State of Tennessee; from four counties in the State of Kentucky; from one county in the State of Arkansas; from one city and three counties in the State of Indiana; from four counties and one city in the State of Michigan; from some seven counties and three cities in the State of Illinois; from two counties and three cities in the State of Wisconsin; from six counties and four cities in the State of Missouri; from one county and four cities in the State of Kansas; from one county in the State of Nebraska; from two cities in the State of California; from one county in the State of Oregon; from one county in the Territory of Dakota; from one county in the Territory of New Mexico; and from five counties and three cities in the State of Iowa, all asking the repeal of the bankrupt law. I move that these petitions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. OGLESBY presented a petition of a large number of citizens of Peoria, Illinois, praying the passage of an act fixing a uniform rate of compensation to letter-carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WEST presented a memorial of several thousand citizens of Louisiana, in reference to the condition of affairs in that State; which was ordered to lie on the table.

Mr. HITCHCOCK presented a memorial of citizens of Omaha, Nebraska, praying the establishment of a branch mint at that place; which was referred to the Committee on Finance.

He also presented the memorial of Enos Lowe, late receiver of public moneys at the land-office at Council Bluffs, Iowa, asking extra compensation for services rendered in locating land-warrants; which was referred to the Committee on Public Lands.

Mr. ALLISON presented the petition of C. B. Dean, of Springfield, Iowa, praying for a pension from 1864 to 1872; which was referred to the Committee on Pensions.

He also presented the petition of the heirs and legal representatives of John Rice Jones, deceased, praying the confirmation of certain private land claims; which was referred to the Committee on Private Land Claims.

Mr. MITCHELL presented a petition of surviving officers, soldiers, sailors, marines, and Government employés who served in the war against Mexico, now residing in the State of Oregon and Washington Territory, praying Congress to recognize their services to the same extent and in the same manner as has been enacted in favor of those who served in the war of 1812 against Great Britain; which was referred to the Committee on Pensions.

Mr. PRATT. I present a joint resolution of the General Assembly of Indiana, and ask that it be read at length, printed, and laid on the table.

The Chief Clerk read as follows:

Joint resolution instructing our Senators and requesting our Representatives in Congress to restore certain soldiers therein mentioned to their original position on the rolls of the Army.

Whereas after the surrender of the rebel Generals Lee and Johnston, with their armies, in the spring of 1865, a large number of soldiers who had enlisted in the Army of the United States "to serve three years or during the war," believing the war was at an end and their term of service expired, left their regiments and returned to their homes before they were legally and finally discharged; and whereas such soldiers were charged upon the rolls of their respective companies with desertion, in consequence of which charge they have never been able to recover from the Government of the United States any bounty or the pay that was due at the time they so left their commands: Therefore,

Resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure the passage of a law by the Congress of the United States to restore all such soldiers as are mentioned in the preamble of this joint resolution to all their rights, the same as if they had been legally discharged, and to authorize the Adjutant-General of the United States Army to remove from the rolls the charge of desertion against such soldiers.

The resolution was ordered to lie on the table and be printed.

Mr. BOGY presented the petition of the International Steamship Company, renewing proposals to construct iron-ship building yards, the production of iron for ship-building, &c.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JOHNSTON, it was

Ordered, That the president of the William and Mary College in Virginia have leave to withdraw the petition and papers of said institution from the files of the Senate.

On motion of Mr. BROWNLOW, it was

Ordered, That the petition and papers of Oliver Powers, praying to be allowed pay as a private in Company K, Tenth Regiment Tennessee Cavalry, up to the day that the company was discharged, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. ROBERTSON, it was

Ordered, That the petition and papers of Prince Coit, a citizen of Georgetown, South Carolina, be taken from the files and referred to the Committee on Naval Affairs.

On motion of Mr. LOGAN, it was

Ordered, That the petition and papers of Jearum Atkins, praying to be allowed a reasonable sum for his patent, be taken from the files and referred to the Committee on Claims.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers of Anna W. Osborne, praying the passage of an act to grant her a pension, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. RAMSEY, it was

Ordered, That John R. Bond have leave to withdraw his petition and papers from the files of the Senate.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (S. No. 160) to authorize the payment of duties on imports to be made partly in legal-tender notes and national-bank notes, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. MORRILL, of Vermont, from the Committee on Finance, to whom was referred the bill (S. No. 36) to amend the act entitled "An act to reduce internal taxation, and to amend 'An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes,'" approved July 13, 1866, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 180) to repeal section 6 of the act of March 3, 1865, and section 2 of the act of March 26, 1867, imposing a tax of 10 per cent. upon circulation of bank notes, reported adversely thereon, and moved its indefinite postponement.

Mr. MORRILL, of Vermont. I will merely state that both these bills propose a repeal of the 10 per cent. tax on State banks, and it is a mooted question between the House and Senate whether the Senate has jurisdiction over the subject or not, and at all events the Committee on Finance are opposed to it.

The PRESIDENT *pro tempore*. If there be no objection the bill will be indefinitely postponed.

There was no objection, and the bill was indefinitely postponed.

Mr. SCOTT, from the Committee on Finance, to whom was referred the petition of W. A. Saylor, of Austin, Texas, praying Congress to refund certain taxes on cotton twice assessed and collected in 1867 and 1868, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

IMPORTED GOODS IN WAREHOUSE.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 24) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports, and to reduce internal taxes, and for other purposes,'" approved March 3, 1873, to report it back without amendment; and as it is merely the correction of a clerical error in a bill passed at the last session, which referred to section 2 when it should have referred to section 8 of a certain act, I ask that it be considered now if there be no objection.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 3 of an act entitled "An act to amend an act entitled 'An act to reduce duties on imports, and to reduce internal taxes, and for other purposes,'" approved March 3, 1873, so as to read as follows:

SEC. 3. That foreign merchandise which arrived at a port of the United States on or before the 31st day of July, 1872, and upon which duties were not paid prior to August 1, 1872, though the same were not entered or transferred to a public store or bonded warehouse, shall be entitled to the benefits provided for in the eighth section of the act entitled "An act to reduce duties on imports, and to reduce internal taxes, and for other purposes," approved June 6, 1872, the same as such merchandise would have been entitled to had it actually been in public store or bonded warehouse on or prior to the 31st day of July, 1872.

Mr. MORRILL, of Vermont. This bill barely changes a single

word in the act alluded to, so as to refer to the proper section instead of the wrong one.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPITOL AND DEPARTMENTAL TELEGRAPH.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government, to report it back without amendment, and as it is rather important that it should be acted upon by the House before the recess, after the bill is read, if there be no objection, I will ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place the lines of telegraph constructed under and by virtue of the act of Congress approved March 3, 1873, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," under the supervision of the officer in charge of the public buildings and grounds; and he is authorized and empowered to make rules and regulations for the working of the lines.

Mr. MORRILL, of Vermont. I will merely say that these lines have been constructed, but there is no one who is authorized to take charge of them, and this bill simply provides that the officer in charge of the public buildings and grounds shall have charge of these lines.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTRAORDINARY EXPENSES OF THE NAVY.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service, have had the same under consideration, and have instructed me to report it back without amendment and recommend its passage, and to ask for the consideration of the bill at the present time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MORTON. I should like to inquire of the Senator from Maine whether it is of pressing importance to take up the bill this morning? If not, I trust it will be passed by until to-morrow.

Mr. MORRILL, of Maine. In reply to the Senator I shall be obliged to say that I do not know that it is absolutely important that it should pass to-day. Of course a single objection would carry it over if I were to attempt to press it; but I feel bound to say this: that it is of the utmost importance that it should pass early, and I hope to-morrow. It provides for a deficiency in the Navy caused by the exigencies of the public service, which are known to the whole country as well as to Congress, and therefore it should be passed at an early day.

Mr. MORTON. I am satisfied it will give rise to debate. I understand the character of the bill, and I shall therefore object to its consideration now.

Mr. MORRILL, of Maine. The Senator feels authorized, I suppose, to object to its consideration, and therefore it will go over necessarily until to-morrow. But I take this opportunity to say that I shall feel it my duty to-morrow to invite the attention and consideration of the Senate to this bill, and hope there will then be no objection to it.

LIBRARY OF CONGRESS.

Mr. HOWE presented the annual report of the Librarian of Congress, exhibiting the progress of the library during the year ending December 1, 1873; which was ordered to lie on the table.

Mr. HOWE submitted the following order; which was referred to the Committee on Printing:

Ordered, That five hundred additional copies of the annual report of the Librarian of Congress, for the year ending December 1, 1873, be printed, with paper covers, for the use of the Librarian.

BILLS INTRODUCED.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 192) for the relief of Siloma Deck; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 193) for the benefit of Uriah Porter; which was read twice by its title, and referred to the Committee on Finance.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 195) for the relief of Patrick Eagin, in his own right, and as administrator of the estate of William Donnelly, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 196) canceling the sale of the Brazos Santiago military railroad; which was read twice by its title, and, together with the papers already on the files on the same subject, referred to the Committee on Military Affairs.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 197) to establish an iron-ship building-yard on the waters falling into the Atlantic and an iron-ship building-yard on the Mississippi or one of its tributaries, and to afford facilities to the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 198) for the relief of Fanny A. Thompson; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 199) relating to the circuit courts of the United States for the district of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 200) for the relief of Enos Lowe, late receiver of public moneys at the land office at Council Bluffs, Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CROZIER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 201) to create an additional land district in the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAMILTON, of Texas, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 202) to remove the legal and political disabilities of William Steele, of Bexar County, Texas; which was read twice by its title, and ordered to lie on the table and be printed.

Mr. WRIGHT. By request, and without by any means committing myself to its provisions, I ask leave, without previous notice, to introduce the bill which I hold in my hand.

By unanimous consent, leave was granted to introduce a bill (S. No. 203) to facilitate assorting and redeeming national-bank note currency, and to authorize the issue of circulating notes to the amount of 92 per cent. in lieu of the 90 per cent. now authorized by law; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

MONUMENT TO CHEVALIER DE TERNAY.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 194) in relation to the monument erected to the memory of the Chevalier de Ternay; which was read twice by its title.

Mr. ANTHONY. I ask that the bill may be read at length, and I desire the Senate to indulge me for five minutes while I explain the reason for its passage.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the sum of $800, or so much thereof as may be necessary, is hereby appropriated out of any money not otherwise appropriated to defray the expense of repairing and protecting from decay the monument erected at Newport, Rhode Island, to the memory of the Chevalier de Ternay, the commander of the French naval forces in aid of the American Revolution in the year 1780, the money hereby appropriated to be expended under the direction of the Secretary of the Navy.

Mr. ANTHONY. The 11th of July, 1780, was a memorable day in the history of the country. On that day, the Chevalier Charles Louis d'Arsac de Ternay, an admiral in the French navy, Knight of the Order of St. John of Jerusalem, arrived off the coast of Rhode Island, and entered the harbor of Newport, with seven ships of the line, two frigates and several smaller armed vessels; and with a convoy of thirty-six transports, carrying between six and seven thousand troops, under the command of Count de Rochambeau.

This armament arrived at one of the dark periods of the unequal struggle which the American Colonies were waging with the might of England; when baffled valor and disheartened patriotism looked, with faltering faith, to Heaven, for the succor which seemed to be denied to all human effort. A little while before, Washington had written to Joseph Reed, "I have almost ceased to hope."

The arrival of De Ternay and Rochambeau inspirited the country and filled its councils with new hope. They were received with every demonstration of official respect and of popular gratulation. The General Assembly presented an address to the two commanders; the city of Newport, which had long been renowned as the chief seat of culture and social refinement in America, welcomed them with a cordial and elegant hospitality, most grateful after their wearisome voyage of more than two months, and which called forth enthusiastic praises in the correspondence of the Duc de Lauzun and others of the French officers. The town was illuminated from pavement to steeple-top; fire-works blazed along the streets, and bonfires lighted up the unequaled harbor, in which the friendly vessels were anchored, and on whose broad bosom the navies of the world might ride with ample space and safety.

I need not refer to the plans of extensive operations that were formed by the French commanders in consultation with Washington and the chiefs of the Continental Army; nor to the cause which postponed the execution of these plans, and so long delayed the realization of the hopes founded on the alliance with France. All this is matter of history.

The Chevalier de Ternay remained in command of the French naval force in America till his death, which occurred on the 15th of

the following December, very suddenly, at the house of Dr. William Hunter, the father of William Hunter, who was twice elected a member of this body, and afterward was appointed minister to Brazil; and grandfather to William Hunter, so long and honorably connected with the Department of State.

The Chevalier de Ternay was buried at Newport. With the liberality in religious matters which, from the beginning, has distinguished the people of Rhode Island, a portion of a Protestant cemetery was set apart for his burial, and consecrated according to the rites of the Roman Catholic Church; and in this spot, hallowed by two of the great branches of the Christian faith, the warrior who had fought for two countries, and in many climes, was laid to his long repose. It was in the ground surrounding the venerable and beautiful edifice where Honeyman ministered, and where Berkeley worshipped and preached—Trinity church. The body of the dead admiral was borne on the shoulders of the men whom he had commanded. Nine priests chanted the funeral service. The imposing ceremonial of the Roman Catholic Church, the pomp of military and naval pageantry, the sorrowing population that thronged around the grave of their friend and ally, fallen in the strength of his manhood and in the fullness of his fame, made the event long remembered as the largest and most distinguished obsequies that had ever been celebrated in that city.

After the peace, the King of France placed a memorial over the grave of the man who had borne his commission on many seas and had served him with so great fidelity. On a slab of Egyptian marble, in letters of gold, an epitaph recounts his services and commemorates his virtues. The epitaph is in Latin. A translation is furnished by an accomplished scholar, Sidney Everett, in a very interesting paper read before the Historical Society at Newport, and since published in the New England Historical and Genealogical Register. It is as follows:

Charles Louis d'Arsac de Ternay, a knight of the order of St. John of Jerusalem, though not yet having taken the vows, of old and noble family of Armorican descent, one of the admirals of the royal fleets, a citizen, a soldier and a commander, deserving well of his king and country for 42 years, lies under this marble. Fortunate and bold, after the disaster of St. Croix in the years 1760 and 1761, in spite of the enemy's attacks and with severe labor, he floated off and got away the royal ships, from the dark whirlpools, and after they had been separated by the tortuous windings of the river Vilaine restored them safe to their stations. In the year 1762 he invaded Newfoundland in America. In 1772 giving up his command, he devoted himself wholly to governing the Islands of France and Bourbon during seven years, to the advantage of France, and the happiness of the colonists. In the year 1780, being sent by his most Christian King with relief to the Federal States struggling for liberty, he occupied Rhode Island. While he was preparing himself for new dangers he died in this city, to the grief of his fellow officers, and with the laments and regrets of the Federal States, eminent for every virtue and mourned by his friends, on the 15th December, 1780, aged 58. His Most Christian Majesty, the judge of virtue, in order that the memory of a distinguished man should be consecrated to posterity, ordered this monument to be placed here in 1783.*

The masonry which supported this marble had crumbled, and the whole structure was falling to decay, when it attracted the notice of the Marquis de Noailles, the French minister at Washington, who immediately directed it to be repaired and a granite slab, suitably inscribed, to be placed over it, and removed the marble, with the original inscription, renovated and restored, to the interior of the church, where it is to be placed in a perpendicular position, supported by an escutcheon in marble of the Knights Hospitallers of Saint John of Jerusalem.

It seems manifestly improper that the country should permit this pious duty to be performed—I will not say by a stranger, for the kinsman of La Fayette cannot be a stranger in America—but by any individual or by any other government. De Ternay did not, indeed, like La Fayette, inspired by the love of liberty, volunteer his maiden sword in aid of our struggling nationality; but with willing obedience to the commands of his sovereign he brought to our assistance skill, experience, and a name renowned in war. His premature death prevented the benefit which the country expected from his services, yet those services, so long as life lasted, were appreciated by both governments. His own government honored his sepulcher, and left it in the charge of ours, on the soil which he had defended, and among the people whom he had succored. We cannot delegate that trust, or permit any but the highest authority to administer it.

We must not, in the honors which we pay to the heroes of our own time, forget those whose deeds illustrate our earlier annals, lest the fame which we now celebrate may, in its turn, be put aside by that which is not brighter in luster, but nearer to the living generation. But let us hold in equal remembrance those who have identified their names with the glory of the country, in whatever time they flourished, from whatever clime they came. And let the coming generations be taught that those who contribute to the defense, the advancement, the renown of the Great Republic shall never be forgotten, but shall live in grateful remembrance, coeval with its own immortal life.

It may be proper, although it is not necessary, to say that I propose this resolution wholly without the knowledge of the Marquis de Noailles. I move its reference to the Committee on Naval Affairs.

The motion was agreed to.

Mr. ANTHONY subsequently said: It has been suggested to me, and I think myself it would be more gracious, if the bill which I introduced appropriating $800 for the repair and preservation of the monument of the Chevalier de Ternay should be passed without a reference. I am quite sure no one will object to it.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks unanimous consent that the Senate proceed to the consideration of the bill introduced by him. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM LOUISIANA.

Mr. MORTON. I move that the Senate proceed to the consideration of the resolution I offered yesterday in regard to the admission of the Senator from Louisiana.

Mr. WRIGHT. I have no objection to the proposition of the Senator from Indiana, subject to morning business. I have a resolution to offer.

Mr. MORTON. If the matter is taken up, I will then give way to morning business.

Mr. FERRY, of Connecticut. Mr. President, I wish to say a word before this resolution of the Senator from Indiana is taken up. I had intended, when the Louisiana question came before the Senate, to address the Senate upon it. I did not anticipate that it would come before us in the present shape, or so speedily. I had not supposed, indeed, that it would be called up before the holidays. It now comes before us, not in the shape of the report of a committee, not accompanied by any facts of any kind, but as a resolution offered upon the responsibility of a single Senator, declaring that Mr. Pinchback is, *prima facie*, entitled to a seat. The Senator who introduces the resolution states that, in his view of it, its correctness is established by the mere principles of law involved upon the face of the credentials of Mr. Pinchback, and therefore no inquiry and no report as to any facts surrounding those credentials are needed for the information of the Senate, in his view. On the other hand, in my view of the case, there is needed a report of the facts surrounding those credentials—facts which have been investigated once at great length by a committee of the Senate, and which have a very material bearing upon the case; and in the views which I mean to present to the Senate, should opportunity be afforded, I shall have to take into consideration, to a considerable extent, the facts to which I have alluded.

I now rise to say that, from the circumstance that I interpose no objection to the consideration of the resolution of the Senator from Indiana, I do not wish to be understood as consenting to the final disposition of that resolution at any particular time, and to add further the hope that, this week, at any rate, it will not be pressed to a vote. I cannot work quite as fast as I could once, and I would like, before the debate is closed, to submit some suggestions to the Senate.

Mr. FENTON. Mr. President, I wish to inquire in what position the pending resolution reported from the Committee on Finance will be if this motion prevails.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Indiana, that the Senate proceed to the consideration of the resolution introduced by him yesterday, in regard to the seat of Mr. Pinchback.

Mr. FENTON. Allow me to ask if it displaces the resolution reported from the Committee on Finance, or will that come up at any time?

The PRESIDENT *pro tempore*. This, if taken up, will undoubtedly displace that until this is disposed of.

Mr. SHERMAN. Until one o'clock only.

The PRESIDENT *pro tempore*. This resolution coming up in the morning hour, the resolution to which the Senator from New York refers will be the order of business at one o'clock. The Chair was mistaken in supposing this could supersede that at one o'clock.

* The following is the original inscription:

D. O. M
CAROLUS LUDOVICUS D'ARSAC DE TERNAY
Ordinis Sti Hierosolymitani, Eques, nondum vota professus,
à vetere et nobili genere, apud ARMORICOS oriundus,
unus e Regiarum classium præfectis,
CIVIS, MILES, IMPERATOR,
de Rege suo, et Patriâ, per 42 annos bene meritus,
hoc sub marmore JACET.
FELICITER AUDAX,
naves Regias, post CROISIACAM cladem,
per invios VICENONLÆ fluvii anfractus disjectas,
è coecis voraginibus, improbo labore, annis 1760, 1761,
inter tela hostium,
detrusit, avellit, et stationibus suis restituit incolumes.
Anno 1762 TERRAM NOVAM in America invasit.
Anno 1772, renunciatus PRÆTOR,
ad regendas BORBONIAM et FRANCIÆ Insulas
in GALLIÆ commoda, et Colonorum felicitatem,
per annos septem totus incubuit.
FŒDERATIS ORDINIBUS, pro libertate dimicantibus,
A REGE CHRISTIANISSIMO missus, subsidio anno 1780
RHODUM INSULAM occupavit:
Dum ad nova se accingebat pericula,
IN HAC URBE,
inter commilitorum planctus,
inter FŒDERATORUM ORDINUM lamenta et desideria,
mortem obiit, gravem bonis omnibus et luctuosam suis,
die 15a Xbris M.DCC.LXXX
natus annos 58.
REX CHRISTIANISSIMUS severissimus, virtutis judex,
ut clarissimi Viri memoria posteritati consecretur,
hoc monumentum ponendum jussit
M.DCC.LXXXIII

Mr. FENTON. While I am up, then, I will give notice that if this or other business shall occupy to-day, I will endeavor to get the floor to address the Senate upon the resolution reported by the Finance Committee to-morrow. Indeed, I am not ready to make my remarks to-day, and I give notice that I will seek an opportunity to do so to-morrow after the morning hour.

Mr. SAULSBURY. Mr. President, I hope the resolution offered by the Senator from Indiana in reference to the admission of Mr. Pinchback will not be taken up this morning. A resolution has come to the Senate from the other House, proposing an adjournment on Friday next till after New Year's day; and this is certainly a question of too much importance to be disposed of before Friday. If we get into a discussion of this question, it precludes the consideration of all other questions whatever. A question of this importance and magnitude cannot go through without general debate. That general debate necessarily stops any consideration of any other questions. I think, therefore, that we ought not to take up a subject of this kind, especially when it comes here not from any committee, but is simply a resolution offered on the individual responsibility of the Senator from Indiana himself; but we should let this matter go over until after the holidays, when we shall be more fully in possession of all the facts in connection with the case, and then let us discuss it in the light in which it deserves, calmly and deliberately, and arrive at a just conclusion in reference to what ought to be done. I hope, therefore, that the resolution will not be taken up for consideration this morning.

Mr. STOCKTON. Mr. President, in order that I may give the reasons which induce me to desire that this resolution may not come up now, I should like to have the resolution read.

The PRESIDENT *pro tempore*. The Secretary will report the resolution.

The Chief Clerk read as follows:

Resolved, That the credentials of P. B. S. Pinchback for a seat in the Senate of the United States for six years, commencing on the 4th of March, 1873, being in regular form, he is entitled under the law and in conformity with the usages of the Senate to be sworn in as a member, and that whatever ground of contest there may be as to his right to a seat should be made thereafter.

Mr. STOCKTON. Mr. President, this resolution I understand is a resolution of the Senator from Indiana, and not reported by any committee. It appears that the Committee on Privileges and Elections at the last session of Congress, and at this session of Congress, have made examination at great length in reference to this question. The result of their labors has been to come in and say to the Senate that this matter is so much involved that, after a long and laborious investigation for two sessions—after having made a report now on file, covering, some one said, nearly a thousand pages, they are unable to agree, and refer the matter back to the Senate; upon which an individual member of the committee offers a resolution declaring that one of these parties is entitled to the seat, *prima facie*, no matter what may be the result of a future investigation.

Now, Mr. President, it seems to me that the mover of that resolution has mixed up past, present, and future like a long-forgotten dream. It seems to me that, after investigation for two sessions, to offer a resolution that a man is entitled to a seat in this body without looking at the evidence which has been for two sessions taken to see whether he was or was not entitled to a seat, and upon which the committee are unable to report, is simply an absurd proposition. It is one, I say, which mixes the past and the future together. It reminds me of the expression, "I walk by your side while you follow before;" or, as an Italian gentleman once told me, "I am departed to-morrow for Europe." [Laughter.] Here, we are told, is a *prima facie* case, and the claimant is entitled, without examination, to be admitted on his credentials.

Mr. President, representing the sovereignty of the States, when a Senator came into this body in old times and put down his credentials, with the broad seal of his State upon the paper, he was entitled to his seat on his credentials, *prima facie*. That is a *prima facie* case. He was always admitted—admitted under every circumstance except when there were such allegations as denied the authenticity of the seal which gave him a right to take his seat in this body; and that was right. The rule was universal. Nothing could prevent a man taking his seat but the denial of the authenticity of his credentials; and if it turned out that the Legislature which elected him was not the Legislature of the State; if it turned out that any circumstance behind those credentials ought to be examined into under the power which the Senate possesses to decide who are chosen members of this body, that was a question which could subsequently be examined. But, Mr. President, by an act of Congress under which this election purports to have taken place, what those credentials shall be has been defined; and upon the presentation of those credentials, if they are in accordance with law, under the old doctrine any gentleman is entitled to be admitted *prima facie*.

Mr. MORTON. I wish to inquire whether it is in order now to discuss the merits of the resolution. I am willing to hear the Senator, and shall be glad to do so when the resolution is taken up; but I think he has hardly a right to make a preliminary argument against it before it is taken up.

The PRESIDENT *pro tempore*. A discussion of the merits of the resolution is not in order on the motion to take it up.

Mr. STOCKTON. I submit to the Senate that I am not discussing the merits at all, but I am discussing the reasons why we should not take up a resolution that this gentleman is entitled to his seat before an examination is made—why we should not bring it before this body at the present time.

The PRESIDENT *pro tempore*. The Chair thinks the remarks indicated by the Senator are in order. The merits of the resolution cannot be discussed on this motion, but a discussion of the merits of the motion to take up, of course, is in order.

Mr. STOCKTON. Very well, sir.

The PRESIDENT *pro tempore*. The Senator will suspend his remarks. The morning hour having expired, the Senate resumes the consideration of the unfinished business of yesterday, the resolution reported by the Committee on Finance.

Mr. MORTON. I understood yesterday that that resolution was passed by for the time being, laid on the table by consent, and another subject taken up.

The PRESIDENT *pro tempore*. The Chair does not so understand.

Mr. SHERMAN. I think Senators must perceive that it is the desire of the Senator from Indiana to make some remarks upon the resolution that he proposes to take up, and according to the established courtesies of the Senate it is always usual to allow a Senator having charge of a subject to do that. I do not understand him to propose to press a vote upon it, especially against the wishes of Senators who desire to have time to read the documents on the subject. Although I am anxious to go on with the debate on the resolution reported by the Committee on Finance, I think it is but courteous and proper that the Senator from Indiana should have the right and the opportunity now to speak to his resolution, and that any one who desires should have the right to reply to him, and then we shall have the subject before us as to this Louisiana question.

Mr. MORTON. I move to lay aside the pending order of business for the purpose of taking up the resolution that I offered.

Mr. HAMILTON, of Maryland. Do I understand the Senator from Ohio to indicate the wish of the Senator from Indiana to make a speech on this proposition, that it is to be taken up for that purpose, and then we are to resume the consideration of the financial question?

Mr. SHERMAN. I presume he wishes to speak upon his resolution.

Mr. HAMILTON, of Maryland. Of course I agree to that. No Senator will object to that arrangement at all. After he has got through with his speech, it is understood that this matter will go over and that we shall proceed with the resolution reported by the Committee on Finance.

Mr. MORTON. The whole matter will be under the control of the Senate, of course.

Mr. HAMILTON, of Maryland. I do not think we are prepared at this time to discuss the important question of the Louisiana matter. I presume the Senate will pass the joint resolution laid upon the table this morning from the House of Representatives, providing for a recess, and then we can come back here after the holidays and take this matter into consideration, as we should, and fairly discuss the whole subject. We have not the material now before us to do so. We require information. I know I do myself require further information in regard to this matter. I made every effort to obtain a copy of the report made at the last session by the Committee on Privileges and Elections, but was unable to do so. While gentlemen may say that that report does not pertain to the question, and that it is not material, yet it is part of the history of the subject, and we are required to take notice of it, and therefore we should have it. The new members of the body especially, on a matter involving so great consequences as this to the people of the country, and especially the people of Louisiana, should have an opportunity of considering it and discussing it; and how can we do it at this time? Everybody is in favor of a holiday recess, and nothing can be done before the holidays. I shall listen with great pleasure to a speech from the honorable Senator from Indiana opening the question, and then everybody can reflect upon it and come back here after the holidays prepared to do justice on the whole subject.

Mr. ALCORN. I wish to say, in behalf of the committee, that when this question came before them it was one with which the committee were well acquainted. Twelve months ago this same question was before the Committee on Privileges and Elections, and a long, tedious, patient, laborious investigation was had by that committee in inquiring into all the facts involved in the present controversy. The result of that investigation was published in a volume embracing more than a thousand pages. The witnesses lived nearly two thousand miles away. Twelve months ago they were brought before the committee and examined fully and thoroughly, and cross-examined. The testimony was published to the country. It is a part of the history of the country; it has become a part of the records of the Senate; it is before the Senate.

This testimony and these records were before the committee at the time we were called upon to investigate this case the other day. The committee did not go into the detail of investigation when called to the investigation at this session of Congress; and why? Because all that detail of investigation had been made more than twelve months ago, and it was not necessary to go into it again. It was not proper to put the Government to the expense, and we did not see proper to ask the Senate to allow us to send for persons and papers for the purpose of going over the same track that had been so well beaten

twelve months ago. Therefore, with that knowledge before the committee, with this record before the committee, with this testimony before the committee, we brought the fact to the Senate with the testimony and said to the Senate, "The committee is unable to agree; four and four, the committee are divided in their room, and they bring the case to the Senate and state to the Senate the facts as they exist."

Now, sir, I contend that the testimony is here; it is part of the records of the country; it is part of the history of the country. Why, sir, the fact is that there were no credentials that were brought to my notice the other day at all, except so far as the credentials were embraced in the report that was made by the committee twelve months ago. That this very question was investigated twelve months ago—not, to be sure, between the parties now here—but that it was substantially investigated one year ago, is shown by the fact that Mr. Pinchback's term commenced on the 4th of March, 1873, and he was not admitted to his seat by the Senate. Why was he not admitted to his seat in the Senate on the 4th of March, 1873? Because of the investigation that had been made by this committee; because of the facts that had been spread before the Senate; because of the fact that that committee had reported to the Senate that there was no legal government in the State of Louisiana. That report was made to the Senate. It is before the Senate to-day, and that report is made as to a certain state of facts embraced in the volume containing over a thousand pages and now constructively before the Senate.

Upon what subject did this committee divide the other day if it was not upon these facts? Upon what could they have adjudged the case but upon the facts that they had before them?

Mr. President, I only rose to make the point that all the testimony that was taken by the Committee on Privileges and Elections twelve months ago was before that committee the other day, and that upon those facts, and those facts alone, it was that the committee reported back to the Senate that they were unable to agree. It was said the other day that there were some other facts, but members of the committee stated that they were acquainted with the other facts that were proposed to be introduced, and they were free to say that the disclosure of those facts before the committee would make no difference with regard to their judgment in the case, and hence the additional facts that are stated to be now present or ready to be reported it was not necessary to report upon at all.

Mr. STOCKTON. I have no objection to the Senator from Indiana going on. It will give me great pleasure to listen to him. I wish, however, not to be misunderstood in this matter. Yesterday the Senator introduced this resolution and gave notice that he would call it up this morning, and this morning he called it up. Believing that it ought not to be taken up, I rose simply for the purpose of objecting to its being taken up. While engaged in those remarks, a point of order was made, and the Chair decided that I was in order. Then I was cut off by the expiration of the morning hour. Now the suggestion is made, which I did not know of before—perhaps I ought to have known it—that the Senator who introduced this resolution desired to make some remarks upon it. On that ground I shall make no objection whatever, and it will give me the greatest pleasure to listen to his remarks.

Mr. FENTON. I desire to inquire of the honorable Senator from Indiana if it will not suit his purpose as well to move to lay aside informally the pending resolution. I think there will be no objection to that from any quarter.

Mr. MORTON. I see no propriety in changing the motion. I asked to have the resolution taken up.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana, that the Senate proceed to the consideration of the resolution which has been indicated.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved, That the credentials of P. B. S. Pinchback for a seat in the Senate of the United States for six years, commencing on the 4th of March, 1873, being in regular form, he is entitled under the law, and in conformity with the usages of the Senate, to be sworn in as a member; and that whatever ground of contest there may be as to his right to a seat should be made thereafter.

Mr. MORTON. Mr. President, there have been some preliminary remarks made here this morning which, if they have any effect at all, must look to the merits of this resolution; and there have been some statements made in regard to the history of this question from which I dissent. For example, my friend from New Jersey [Mr. STOCKTON] stated that this question had been under discussion for some two sessions, and my friend from Mississippi [Mr. ALCORN] in substance affirmed that statement. I submit that they are both mistaken; that this question has never been before the committee, nor has it ever been before the Senate; and so far as that volume of testimony is concerned, while I have no sort of objection to anybody referring to it for any purpose, it is no part of the *res gestæ;* it is not a part of this case; it was taken before a different committee. The committee has been twice reorganized since that time. It was taken at a former session of Congress, in a proceeding to which Mr. Pinchback was not a party, and for which he is nowise responsible; and while it is here for reference, as every document in the document-room is, and every book in the Library is, it is no part of this case.

Mr. President, it is important that this question shall be speedily decided by the Senate. I do not mean that it shall be rushed through without consideration; but there are rights involved—the right, perhaps, of the claimant; the right of the State of Louisiana to be represented upon this floor, now deferred from the 4th of March last; and this is in every sense a privileged question. While I shall not desire to press it to the inconvenience of any Senator, I must insist that it is a question that is not to be put off with indifference from time to time.

The first proposition that I present on the resolution that I have offered is that Mr. Pinchback is entitled, upon his credentials, to be sworn in and take his seat as a member of this body; that he presents what is called a *prima facie* case, and upon that case he is entitled to be sworn in, and if there are grounds of contest, either because he was not elected by the right Legislature, or was elected by fraud or bribery, or that there was not a quorum of the two houses present, or that he was not elected in conformity to the act of Congress of 1866, those grounds of contest can only be urged after he has been sworn in and taken his seat, and cannot be brought forward now as a reason why he should be kept out of his seat until after those questions have been decided. I state that as my first proposition, and one that has been settled, I believe, by the uniform action of this body ever since its first organization.

Mr. President, we had this question before us not very long ago, on the presentation of the credentials of Mr. GOLDTHWAITE, a Senator from Alabama. Objections were made to his being sworn in upon the ground, in the first place, that one branch of the Legislature contained a number of persons who were ineligible to seats in that body under the fourteenth amendment. Another ground was, that a number of those members, more than constituted his majority, had not been elected; that one had been admitted to his seat without having any certificate of election, and that others were chosen by fraud and violence. That question came before the committee of which I am chairman; and a resolution was reported that Mr. GOLDTHWAITE was entitled upon a *prima facie* case to take his seat, and if there were grounds of contest they should be heard afterward. The Senator from Ohio [Mr. THURMAN] offered the following resolution:

Resolved, That GEORGE GOLDTHWAITE be permitted to take a seat in this body as a Senator from the State of Alabama upon taking the proper oath; and that the Committee on Privileges and Elections proceed hereafter to consider the grounds on which his right to a seat is contested, and hereafter make report to the Senate thereon.

Mr. THURMAN said, in the course of his remarks:

So far as GOLDTHWAITE was concerned that report was unanimous on the part of the committee, as appears by the report itself, a copy of which I hold in my hand. It went upon the ground, which has been observed ever since this Government was formed, that the certificate of election of a Senator was *prima facie* evidence of his right to a seat and sufficient until it was overthrown; that he was entitled on that *prima facie* case to his seat in the body, and if any one said he was not entitled to it the contestant was bound to overthrow that *prima facie* case by sufficient charges and sufficient testimony, but that in the mean time the Senator was entitled to his seat on his *prima facie* case.

There was not, and there is not, as I had occasion to observe then, after a most careful examination of all the precedents, a single case in the whole history of this Government in which that rule has been departed from.

Mr. THURMAN said more to this effect, but it is not necessary to read it.

As the chairman of the committee, in support of that resolution, I made the following remarks:

The committee reported the case as a *prima facie* case, for the action of the Senate, for him to take his seat until the question was decided. I know of nothing having been presented to the Senate since, and I believe nothing has been presented to the committee. My own views were these: that so far as the question of election of members of the Legislature by fraud was concerned, that was a matter to be determined by the Legislature itself, and that we could not go behind its decision upon the question. As to whether a member had been allowed to take his seat without having had a certificate of election and without having received a majority of the votes cast, that was also a question to be determined by the Legislature, and we could not go behind its decision.

That resolution was adopted, and Mr. GOLDTHWAITE was seated. This was regarded then as the law of the Senate. I accepted it as such toward a gentleman who differed from me in politics, for this is not a question of politics, but it is a question of law; and if it was good law for the admission of Mr. GOLDTHWAITE, a democratic Senator from Alabama, it ought to be good law for the admission of any other man who comes within the purview of it.

This question was very fully considered in the case of Potter *vs.* Robbins, in this body, in 1834, a case of contested election, and in some respects analogous to this. In that case the Legislature of Rhode Island, in 1832, had passed a law by which they extended the term of the governor and lieutenant-governor twelve months, by which they extended the terms of the members of the Senate twelve months, prolonging them that length of time. It was, as all must admit, an extraordinary law, an extraordinary proceeding, upon the part of the Legislature, and gave rise to much discussion at the time. After these twelve months began to run the Legislature, thus continued in existence by means of this law, elected Mr. Robbins to a seat in this body; but before he took his seat there was an election in Rhode Island of State officers and of a new Legislature, and when that new Legislature convened, unquestionably legal, it declared the former election a nullity, and proceeded to elect Mr. Potter, and both credentials were here at the same time. Upon the motion of Mr. Poindexter, it was declared by the Senate that Mr. Robbins had a *prima facie* case. Mr. Potter claimed that Mr. Robbins was not elected by the Legislature of Rhode Island, but that that Legislature was dead; and yet it was held by the Senate that Mr. Robbins

had a *prima facie* case upon the certificate of the governor, and was entitled to take his seat, and that the contest should be made after that time. Mr. Robbins was sworn in, and the contest was subsequently made, upon which a report was made, to which I shall have occasion to refer hereafter, and some of the most important law with regard to the organization of this body laid down that has ever been presented by the report of a committee. Mr. Robbins was sustained in his seat upon the conclusion of the contest.

The first question, therefore, that I submit to the Senate upon this *prima facie* case is: Was Governor Kellogg the governor of the State of Louisiana at the time these credentials were signed? If he was, that is the end of this argument; we need proceed no further. If we hold that he was the governor of Louisiana at that time in contemplation of law as well as fact, then we need proceed no further in the argument so far as this resolution is concerned, because he certifies that Mr. Pinchback was elected a member of this body, in conformity to law, by the Legislature of Louisiana; and if it be the purpose to call in question the real character of the Legislature by which Mr. Pinchback was elected, that cannot be done under the usage of the Senate until after Mr. Pinchback takes his seat.

Then, the first question I address to the Senate is: Was Mr. Kellogg at that time the governor of Louisiana? I submit that he was; I submit that he is now, and that his title has been overwhelmingly recognized in a way and manner that this Senate is not at liberty to question. I use that phrase purposely. There is no power to compel the Senate to recognize any title; there is no power to compel the Senate to pass an appropriation bill, or to do any other act necessary for the continuation of this Government; but the Senate is not a law unto itself. It is bound by the proprieties, it is in conscience bound by the usages of the Senate and by the laws of the land.

I said Mr. Kellogg had been conclusively recognized, and in a manner that did not permit us to go behind that recognition, and to make any inquiry in regard to the conditions of the election in 1872, or the counting of the votes, or any other objection that has been made. First, he has been in complete possession of the office now for nearly twelve months from the first Monday in January of this year; he has been acting as the governor of the State in every respect for nearly twelve months, and, I may say, in undisputed possession of the office; he has been recognized by every department of the State government of Louisiana; he has been recognized by the other State officers; he has been recognized by the Legislature in various ways. That Legislature has received him as the governor, submitted its enactments to him for approval, and twice that Legislature canvassed his election and declared him to be elected; he has been recognized by the courts of Louisiana, not only the highest but the lowest courts, the courts of subordinate or inferior jurisdiction as well as the supreme court of that State—recognized continuously, and by the supreme court in repeated decisions, which, in regard to that matter, are binding upon us in law as they would be binding upon the Supreme Court of the United States, as I shall endeavor to show hereafter.

He has been further recognized as the governor by the House of Representatives. I have a right to refer to the action of the House in regard to this matter. It does not come under the rule that we may not refer to the action of the other House in a matter pending in this, because the House of Representatives has nothing to do with the question of seating Mr. Pinchback. Only the other day a member of Congress elected at the late election, a special election to fill a vacancy, who was commissioned by Mr. Kellogg as having been duly elected, presented his credentials to the House. The same opposition was made there to his admission that is made here to the admission of Mr. Pinchback, and the House decided by a vote of nearly two to one that he had a *prima facie* case, and was entitled to take his seat, thereby recognizing Mr. Kellogg as the governor of Louisiana.

He has been recognized as such in the transaction of all ordinary business and duties of the executive. He has collected taxes; he has enforced the laws; he has performed the ordinary routine of duties that belong to the executive, and he has also exercised on several occasions extraordinary powers without having them called in question on the ground that he was not the governor of Louisiana. And right here I want to refer to one thing in the administration of the State of Louisiana—and I will say further that I believe Louisiana has been better governed in the last ten months than at any period since the conclusion of the war—that there is now more peace, order, and security in the State of Louisiana than at any time within the last seven or eight years; nor do I believe there is any considerable number of people in the State of Louisiana who desire the impeachment of the title of Mr. Kellogg now. I believe the solid men there of all parties desire peace, stability, and a settled government, and that the attempt now to unsettle the status of that government by declaring that Mr. Pinchback was not elected by the Legislature of Louisiana, that he was not commissioned by the governor of Louisiana, does not meet with the approbation of any considerable number of the solid business men and respectable people of the State of Louisiana. I am so advised. They have had trouble enough. They want a government. They care more about government now, peace and protection, than they do about the triumph of a political party.

I have here an abstract in regard to a single matter, to show the efficiency of this administration. We have heard much about the financial condition of Louisiana, of her State debt, and the failure to collect taxes, and all that. I have a memorandum here which I will ask the Secretary to read. It is made from a statement published by Governor Kellogg over his own signature, and the correctness of it will not be called in question.

The Secretary read as follows:

LOUISIANA TAX COLLECTIONS.

Taxes collected in entire year 1872	$3,222,565 79
Taxes collected in seven months, January 1 to August 31, 1873	2,701,921 38
During the same seven months of 1872 the collections were	1,858,964 69
Or only about two-thirds of the amount collected by Governor Kellogg.	
In July, 1872, the collections were	542,183 80
In July, 1873, the collections were	1,459,651 36
Interest paid by Kellogg government:	
Amount due by former administration	271,839 00
Amount of current interest, January 1 to September 30, 1873	760,868 00
Total interest paid to September 30, 1873	1,032,707 00
Accruing interest in October, November, and December, 1873, yet to be provided for	284,970 00

Mr. MORTON. That statement, Mr. President, will bear me out, I think, in the assertion that there has been a better collection of taxes during this year than any previous year in the history of Louisiana since the war; that there is now more efficient administration, and that the credit of the State of Louisiana, instead of being depressed under what is here styled a usurpation, is now being strengthened and elevated.

I was remarking that there was no considerable number of people in Louisiana now, I believe, who desire to have this government destroyed. I do not say there is not a large party there opposed in politics to Mr. Kellogg, and who would not vote against him; but they do not desire that his government shall be disturbed until they are again called to the polls. They are not anxious that there shall be a civil war inaugurated by a declaration on the part of this Senate, or either branch of Congress, that the Kellogg government is a usurpation.

Now, Mr. President, I desire to refer to the recognition of Mr. Kellogg as governor of that State by the President of the United States, and I will show in the first place what is the effect of a recognition of a State government by the Executive of this nation. I shall have occasion in this matter to refer to the celebrated case of Luther *vs.* Borden, a case arising in Rhode Island, out of what was called the Dorr rebellion, and the Senate will have no trouble in perceiving that the extract I shall read from the opinion of the Supreme Court is directly applicable to the State of Louisiana, so far as we are now considering the situation. In Rhode Island it was a contention between two governments, between the old government and what was called the new government established by Mr. Dorr and his friends. The President of the United States, for the purpose of keeping the peace, was called upon to decide which was the government of Rhode Island. He made that decision in obedience to an act of Congress; and now hear what the Supreme Court of the United States had to say in regard to the effect of that decision. I read from the case of Luther *vs.* Borden, in 7 Howard:

> So, too, as relates to the clause in the above-mentioned article of the Constitution, providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere.

Mark the language! Congress might have given the power to decide the question when the Government should intervene, but it did not; it gave it to the President.

> But Congress thought otherwise, and no doubt wisely; and by the act of February 28, 1795, provided that "in case of an insurrection in any State against the government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection."
>
> By this act the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere, is given to the President. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature, and who is the governor, before he can act.

The President must determine which Legislature is the true one, and who is the governor, before he can act. He gets that power from Congress. It has been given to him by an act of Congress, and therefore it is not the exercise of a despotic authority, not an assumption, upon his part, as has been argued for the last year very unjustly, but the power is conferred upon him by Congress to determine who is the governor and which is the Legislature, and in that respect his decision is ours. We must repeal the law before we can take from him the power. The power belongs to him, and the duty is imposed upon him of making that decision until the law is repealed. He has no choice in the matter.

But the court go on to say:

> The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must of necessity decide which is the government, and which party is unlawfully arrayed against it, before he can perform the duty imposed upon him by the act of Congress.
>
> After the President has acted and called out the militia—

I call the attention of the Senate now to this part of the opinion of the court—

After the President has acted and called out the militia, is a circuit court of the United States authorized to inquire whether his decision was right?

He has made the decision, empowered thereto by an act of Congress; and the court well say, after he has exercised that power, shall a circuit court of the United States inquire whether he has done it properly? And now I inquire of Senato s, is it for the Senate alone to ask the question whether he has made that decision properly? If I concede, for the sake of the argument, that both Houses of Congress by a bill may overrule that decision, I submit that neither House acting by itself has the right to do it.

The President decides, by virtue of an act of Congress, that the Kellogg government is the lawful government. The House of Representatives has decided that Mr. Kellogg is the governor of Louisiana, following the decision of the President of the United States. And now I ask, has the Senate of the United States the right to decide that he is not the governor of Louisiana, and thus to overrule the action of the President to which he has been authorized by an act of Congress? I say no; that while both Houses, by a law, acting under the fourth section of the fourth article of the Constitution, may declare what is the lawful government of Louisiana, it is not competent for either House, acting separately, to overrule the decision of the President of the United States in this matter. The fourth section of the fourth article of the Constitution declares that the United States shall guarantee to every State in this Union a republican form of government. We have exercised that power in regard to the States which were involved in the rebellion. Their case presented the first and the highest ground for the exercise of that great power which was known to the history of this Government. But how was it to be exercised? Exercised by both Houses in the form of a law, to be submitted to the President of the United States for his approval or rejection, not to be exercised by one House alone in any form whatever.

Therefore, I submit, Mr. President, that when the President of the United States, in pursuance of the act of 1795, has made his decision as to which is the lawful government of Louisiana, until that decision is reversed by an act of Congress, passed by both Houses in the usual way, each House is bound separately by that decision. His decision is our decision until it shall have been reversed by an act of Congress.

Now, I want to show in what form the President of the United States has recognized Mr. Kellogg as the governor of Louisiana. I refer to the dispatch sent by the Department of Justice, signed by Mr. Williams as Attorney-General, on the 6th of January last, to the marshal of the United States in Louisiana, sent by order of the President:

DEPARTMENT OF JUSTICE,
Washington, January 6, 1873.

S. B. PACKARD,
United States Marshal, New Orleans, Louisiana:

The report of the committee of two hundred that the President regards the recognition of the existing government as provisional and temporary, is not true. The recognition is final and will be adhered to, unless Congress otherwise provides.

GEO. H. WILLIAMS,
Attorney-General.

The President there recognizes the law that Congress has the power otherwise to provide, but the Senate alone has no power otherwise to provide, nor has the House. It cannot be otherwise provided, except by an act of the two Houses in the form of a law. I next read an earlier dispatch sent by the Attorney-General, by order of the President, to Mr. John McEnery, the pretender to the governorship in Louisiana, signed by the Attorney-General:

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY,
New Orleans, Louisiana:

Your visit with a hundred citizens will be unavailing so far as the President is concerned. His decision is made and will not be changed, and the sooner it is acquiesced in the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

There are two distinct and solemn recognitions of what is known as the Kellogg government, as being the only lawful government in Louisiana; and now, Mr. President, I come to another. I might refer to other dispatches to the same effect, but it is hardly necessary. I ask the Secretary to read the proclamation of the President of the United States, bearing date the 22d day of May, in the year of our Lord 1873, signed by the President, which I send to the desk.

The Chief Clerk read as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. A PROCLAMATION.

Whereas under the pretense that William P. Kellogg, the present executive of Louisiana, and of the officers associated with him in the State administration were not duly elected, certain turbulent and disorderly persons have combined together, with force and arms, to resist the laws and constituted authorities of said State; and whereas it has been duly certified by the proper local authorities, and judicially determined by the inferior and supreme courts of said State, that said officers are entitled to hold their offices respectively, and to execute and discharge the functions thereof; and whereas Congress, at its late session, upon a due consideration of the subject tacitly recognized the said executive and his associates, then, as now, in office, by refusing to take any action with respect thereto; and whereas it is provided in the Constitution of the United States that the United States shall protect every State in this Union, on application of the Legislature or of the executive, when the Legislature cannot be convened, against domestic violence; and whereas it is provided in the laws of the United States that in all cases of insurrection in any State, or of obstruction to the laws thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive when the Legislature cannot be convened, to call forth the militia of any other State or States; or to employ such part of the land and naval forces as shall be judged necessary for the purpose of suppressing such insurrection, or causing the laws to be duly executed; and whereas the Legislature of said State is not now in session, and cannot be convened in time to meet the present emergency; and the executive of said State, under section 4, of article 4, of the Constitution of the United States, and the laws passed in pursuance thereof, has therefore made application to me for such part of the military force of the United States as may be necessary and adequate to protect said State and the citizens thereof against domestic violence, and to enforce the execution of the laws; and whereas it is required that whenever it may be necessary in the judgment of the President to use the military force for the purpose aforesaid he shall forth with, by proclamation, command such insurgents to disperse and retire peaceably to their respective homes within a limited time; now, therefore,

I, Ulysses S. Grant, President of the United States, do hereby make proclamation, and command such turbulent and disorderly persons to disperse and retire peaceably to their respective abodes within twenty days from this date, and hereafter to submit themselves to the laws and constituted authorities of said State; and I invoke the aid and co-operation of all good citizens thereof to uphold the laws and preserve the public peace.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22d day of May, in the year of our Lord 1873, and of the Independence of the United States the ninety-seventh.

U. S. GRANT.

By the President:
J. C. BANCROFT DAVIS,
Acting Secretary of State.

Mr. MORTON. I would call to the recollection of the Senate a message sent us in the month of February, while we were discussing the Louisiana question, in which the President informed Congress that if it did not decide the question he should continue to maintain the Kellogg government as the true and lawful government of Louisiana, as he had done before that time. The President could do nothing else. Congress has never decided that his act was wrong, and there is no power to make that decision except by a law passed under the fourth article of the Constitution. That is the doctrine recognized by the President, and the doctrine we all recognize.

Now, sir, I come to take another step in this argument. Assuming, as I did before, that Governor Kellogg is to be received as the lawful governor of Louisiana, the argument is properly at an end; Pinchback is entitled to take his seat, and any contest that can be made must be made thereafter; and we have no right to keep him out of his seat for one hour on account of any allegation that may be made in regard to fraudulent elections in Louisiana, or bribery, or for any other cause. I now pass to the consideration of the question of the Legislature. It is not necessarily involved in this argument, but still I choose to consider the valid character of the Legislature by which Mr. Pinchback was elected.

In the first place, that Legislature was recognized by the President under the act of Congress, in express words. We are just as much bound by that recognition in regard to the Legislature as we are bound by it in regard to the governor. We are bound by it in regard to both until an act of Congress shall declare that it was wrong and shall declare what is the true Legislature of Louisiana, or whether there is any at all.

The Legislature of Louisiana that elected Mr. Pinchback is the only Legislature in that State; the only one that has ever assumed to act as the Legislature since the election in 1871, except what is known as the McEnery legislature—a body that was a contemptible sham from the beginning—and it will not be seriously pretended upon this floor that General McMillen, elected by that legislature, is entitled to take a seat in this body. There was scarcely a pretense to that in the argument made by counsel before this committee. The argument was that Pinchback was not entitled to take the seat, but not one word was said in the argument in regard to the lawfulness of what is known as the McMillen legislature. It was not organized according to the law of the State, at the time required by the law of the State, at the place required by the law of the State, and had in its organization none of those evidences required by the law of the State.

The Kellogg legislature was organized in accordance with the laws of the State, upon lists of members made out by the secretary of state, as required by law, transmitted to the clerk of the old house, and the secretary of the old senate, as required by law; and upon those lists, as expressly required by the law of the State, the new Legislature was organized at the time and at the place required by law; and as soon as the organization took place, then each house became the judge of the election and qualification of its own members, just as the Senate of the United States has that power. That Legislature acted as the Legislature of the State in every respect; was obeyed as such; its enactments were received as such by the courts, and they have been sustained by the courts without exception, I believe. I have the volume of their laws here. One hundred and nineteen acts of different kinds were passed. They have all been sustained by the courts, and are now being enforced in the State of Louisiana. They are not questioned, and have not been in any court, on the ground that they were not enacted by the proper Legislature. So far as acceptance can go, so far as recognition can go by the courts, by the people, by every department of the State government of Louisiana, that is the accepted and received Legislature of the State, and no other body has any pretension whatever to that character.

Now, Mr. President, I come to the decisions of the supreme court of the State, and I want to remark in the beginning that the supreme court of Louisiana is unquestioned; it is not involved in this conflict

at all. Four out of the five members of that court were elected in 1868 and still hold their office; and, notwithstanding some things have been said against that court, I venture to say that it will compare favorably in point of ability and of the character of its members with any of the courts of the States. It is not so numerous a body as the court of New York, and perhaps not so distinguished, because their field has not been so wide, but it is an able and a highly respectable court, and was elected five years ago, and is not involved in this controversy at all. I want to show you first, however, how, in the case of Luther *vs.* Borden, the Supreme Court of the United States placed stress upon the fact that the supreme court of Rhode Island, which had made certain decisions, was not involved in any controversy. In that case the Supreme Court of the United States said:

It is worthy of remark, however, when we are referring to the authority of State decisions, that the trial of Thomas W. Dorr took place after the constitution of 1843 went into operation. The judges who decided that case held their authority under that constitution; and it is admitted on all hands that it was adopted by the people of the State, and is the lawful and established government. It is the decision, therefore, of a State court, whose judicial authority to decide upon the constitution and laws of Rhode Island is not questioned by either party to this controversy.

There can be no question by either party to this controversy that there is but one supreme court in Louisiana accepted by all parties; and now to show what has been decided by that court let me refer to some cases that have come before it.

In the State of Louisiana *ex relatione* the Attorney-General, and on the information of the returning officers of election, *vs.* Jack Wharton *et al.*, A. P. Field, intervenor, (volume 25 of Louisiana Annual Reports, page 2,) the supreme court, after deciding that they had jurisdiction of the cause, (page 14,) say:

Our conclusion is that at the institution of this suit Warmoth, Herron, Lynch, Longstreet, and Hawkins were the legal board of returning officers under the law of 1870 (No. 100) for the election on the 4th day of November, 1872; that the defendants, Wharton, Hatch, and Da Ponte, were intruders; that the injunction against them properly issued; that the act No. 89 of 20th of November, 1873, did not have the effect of abolishing the said board of returning officers, who met on the 12th of November, 1872, and were by the first-mentioned law required to "continue in session" until the returns of said election were completed; and that the judge of the eighth district for the parish of Orleans erred in dissolving the said injunction and dismissing this suit.

It is therefore ordered and adjudged that the board of returning officers, composed of H. C. Warmoth, F. J. Herron, John Lynch, James Longstreet, and Jacob Hawkins, was the legal board of returning officers of elections of the State of Louisiana, and it is decreed that the judgment of the court *a qua* be avoided and reversed so far as the appellant is concerned, and that the defendant, appellees, pay cost of this appeal.

In the State *ex relatione* P. H. Morgan *vs.* J. H. Kennard, same volume, page 238, the facts were as follows: Associate Justice Howe of the supreme court had resigned during the recess of the senate, and Governor Warmoth had commissioned Mr. Kennard. Subsequently Governor Warmoth was impeached by the Kellogg house of representatives, (the same house which concurred in the election of Mr. Pinchback.) By operation of law Lieutenant-Governor Pinchback became acting governor, nominated Mr. Morgan, and the Kellogg senate, the same senate which participated in the election of Mr. Pinchback, confirmed him as associate justice. The supreme court say, page 243:

On the merits, the question is, have the plaintiffs proved their demand; have they shown that P. H. Morgan was appointed and confirmed to the office of associate justice of the supreme court of the State of Louisiana? The public is concerned in knowing this fact.

To determine that question, it is necessary to know if his appointment was made by the governor of the State, and if that appointment has been confirmed by the senate of the State.

The appointment was made by P. B. S. Pinchback, who signs the commission as acting governor of the State of Louisiana. Was he acting governor of the State? We have no doubt of the fact. He was elected president of the senate in December, 1871, after the death of Lieutenant-Governor Dunn. As such he became lieutenant-governor during the unexpired term of Oscar J. Dunn. Section 1560 of the Digest of the Statutes of this State provides that "in case of the vacancy in the office of governor, the lieutenant-governor shall be governor; in case of vacancy in the office of lieutenant-governor, the senate shall elect a president, who shall be lieutenant-governor." (Page 142.)

The law does not say during his senatorial term, but that he "shall be lieutenant-governor." If the governor had died or resigned the day after, the lieutenant-governor would have become governor. Can it be pretented that under those circumstances the office of governor would have become vacant by the expiration of the time for which P. B. S. Pinchback had been elected a senator? We think not. He was lieutenant-governor when Governor Warmoth was impeached by the house of representatives. During his impeachment the governor was suspended, and the "powers and duties of the office devolved upon the lieutenant-governor." (Constitution of Louisiana, article 53.)

Was the senate which confirmed P. H. Morgan the senate of the State of Louisiana?

It was composed of persons returned as elected to the secretary of state by the returning officers recognized by this court to be the legal returning officers at the late election. (Constitution, article 46.)

It was organized at the state-house by those whose names had been furnished by the secretary of state to the secretary of the senate, in accordance with the election law of this State; it was presided over by the lieutenant-governor, and subsequently it was recognized by the acting governor of the State as a part of the General Assembly. It is tacitly admitted by the defendant that the body of men who confirmed the appointment of Morgan in the senate, for he attacks a law under which this suit is brought, enacted by the General Assembly of which this senate forms a part, not on the ground that the law violates the constitution of the State and of the United States.

Though we have not the power to decide who are the members of the General Assembly, yet we, as judges, are bound to know what assemblage of men constitute the State Legislature, for we are bound to know what are the laws of the State in order to adjudicate upon the rights of litigants under the law.

We are of opinion, therefore, that P. H. Morgan was duly appointed and confirmed associate justice of the supreme court, vice W. W. Howe, resigned.

In the case of the State *vs.* Jack McFarland, the facts were as follows: McFarland had been indicted for murder, and admitted to bail. Upon his failure to appear, judgment had been entered against him and his sureties upon his bond. A motion was made to set aside the judgment, on the ground that the warrant, arrest, indictment, and bond were all void as having been made and taken by a clerk and sheriff who were commissioned by McEnery when there were a clerk and sheriff duly declared elected by the legal returning board and duly commissioned by the Kellogg government. A statute was invoked which made it criminal to usurp a public office, and defining usurpation to be the assumption of an office without the authority of an election declared by the returning board, or without authority of a commission from the governor of the State. The court reversed the judgment of the court below, which maintained the indictment, and declared null and void the whole proceedings. The court said:

Every official act of S. M. Morrison and J. B. Hawkins is therefore null and void, if they be in the category of persons declared to be usurpers in the first section of act No. 41 of 1873. They do not hold office by virtue of any title having color of authority. They claim to have been elected at the general election of 1872. They *never were declared elected* by the board of returning officers; neither have they been commissioned. The documents called commissions, purporting to have been issued by Governor Warmoth on the 4th of December, 1872, are absolute nullities, having been issued in violation of law. This we had occasion to decide in the case of Collins *vs.* Knobloch, and in other cases decided at the last term of this court, at New Orleans. We will notice judicially that no one claiming an office by election in November, 1872, could have been commissioned except by Acting Governor Pinchback or by Governor Kellogg, inasmuch as Governor Warmoth was suspended by being impeached by the house of representatives before the promulgation of the returns of the elections by the returning board, and that his trial was discontinued in consequence of the expiration of his term of office.

It is to be observed here that the Kellogg house of representatives is, *eo nomine*, declared legal, and the entire Kellogg Legislature recognized as the legitimate Legislature.

In Hughes *vs.* Pipkins, No. 2081, decided February 24, 1873, there was a contest for a judicial office, conducted under a statute passed by the Kellogg Legislature and approved by Governor Kellogg. The defendant, *inter alia*, pleaded that "the said pretended law granting this summary proceeding was not passed by a legally constituted Legislature, and that William P. Kellogg, who approved the same, was not the legal governor of Louisiana at the time." The court overruled the plea, and made a final decree determining the title to the office. Here it was absolutely necessary for the court to pass upon the legality of the Kellogg Legislature, and the validity of Mr. Kellogg's title to the office of governor, and they decided that the Kellogg Legislature was the legitimate Legislature, and that Mr. Kellogg, and not Mr. McEnery, was the legal governor.

In Kemp *vs.* Ellis (the record being still in manuscript) the supreme court recognize the validity of the Kellogg government, and the validity of Governor Kellogg's commissions.

Mr. President, I submit this proposition, that the decision of the supreme court of Louisiana upon any question that arises under the constitution and laws of that State is binding upon the Government of the United States in its dealings with that State, and that you can maintain the government of these States upon no other ground. You are bound to accept the decisions of State tribunals on all questions arising upon State laws. There are appeals allowed from the decisions of the State courts in cases where a statute of the United States or any question under the Constitution of the United States is involved; but there is no appeal allowed in any case that arises exclusively under the constitution or laws of the State of Louisiana. Therefore, when that State comes to pass on the legality of the returning board, to say who are the particular officers to count the votes in Louisiana, there is no appeal from the decision of that court to the Supreme Court of the United States or to any other tribunal. It is a question arising exclusively under the constitution and laws of the State of Louisiana, and their own State tribunals must be allowed to decide it finally and for all. I do not believe in the doctrine of State sovereignty, as many of you know; I have had occasion to resist that doctrine, and I do now; but I believe in the doctrine of State rights. I believe the States have rights sacred and unapproachable that are inviolable and that we have no right to encroach upon, and that among these rights is the right of the State, by its own tribunals, to decide upon the questions arising under the constitution and laws of the State not involving the statutes or the Constitution of the United States. If the States have not that right, then there is an end to State governments. They have that right; and when they have made their decision, the courts of the United States and the Congress of the United States are bound to follow it.

I will first read from the case of Luther *vs.* Borden again on that subject a brief extract:

The point, then, raised here has been already decided by the courts of Rhode Island. The question relates altogether to the constitution and laws of that State, and the well-settled rule in this court is, that the courts of the United States adopt and follow the decisions of the State courts in questions which concern merely the constitution and laws of the State.

Upon what ground could the circuit court of the United States which tried this case have departed from this rule, and disregarded and overruled the decisions of the courts of Rhode Island? Undoubtedly the courts of the United States have certain powers under the Constitution and laws of the United States which do not belong to the State courts; but the power of determining that a State government has been lawfully established, which the courts of the State disown and repudiate, is not one of them.

And so it would be with the converse of that proposition. The power to determine that a State government is not lawful when the

courts of that State have decided that it is would not be within the jurisdiction of the courts of the United States.

> Upon such a question the courts of the United States are bound to follow the decisions of the State tribunals, and must therefore regard the charter government as the lawful and established government during the time of this contest.

I will read an extract from an opinion in 14 Howard, in the case of Webster *vs.* Cooper:

> The question has usually been concerning the construction of a statute of a State; but we think there is no sound distinction between the construction of a law enacted by the Legislature of a State and the construction of the organic law ordained by the people themselves. The exposition of both belongs to the judicial department of the government of the State, and its decision is final and binding upon all other departments of the government, and upon the people themselves, until they see fit to change their constitution, and this court receives such a settled construction as part of the fundamental law of the State.

And, Mr. President, when the courts of the United States are bound by the decisions of the State courts, and cannot depart from them, and must accept their construction of their statutes and of their constitution as a part of the fundamental law, I ask you can this body sitting as a court—for, mark you, we are in that character to-day—disregard the decisions of the supreme court of a State, and give a different construction to their constitution and laws?

Mr. STOCKTON. I should like to ask the Senator from Indiana a question, with his permission.

Mr. MORTON. Certainly.

Mr. STOCKTON. I do not know that I really understand him. The assumption of all the cases he has read, the whole application of them is, that the question before us concerns only the laws of a State, which he asserts that, as a general rule, the courts of the United States will follow. Do I understand him correctly as holding that the question whether the Kellogg government was established, and whether that was a legal Legislature, does in no way concern the Constitution of the United States?

Mr. MORTON. Why, Mr. President, it may affect the whole country; but the question as to which is the Legislature of Louisiana is a question arising entirely under her constitution and laws. The Senator cannot deny that for a moment; and therefore to the courts of Louisiana must be left the decision of that question.

Mr. STOCKTON. Let me ask the Senator another question. The Senate of the United States having the sole power, under the Constitution of the United States, to decide whether a Legislature has chosen a Senator, when it undertakes in the exercise of that power to decide whether a particular body was the Legislature, is not the question of the construction of the Constitution of the United States directly before the Senate, and is not the question whether that is a Legislature directly before the Senate?

Mr. MORTON. Certainly not, Mr. President. We are to take the Legislature as the State gives it to us. The Constitution of the United States says that each State shall be entitled to two Senators chosen by the Legislature of the State, and it is for the State to determine what is the Legislature; and when they have fixed it we are bound to take it. Whether the Legislature has actually made the election or not is a question we can inquire into; whether there was a quorum or not there we can inquire into; but as to whether it is the Legislature, we must take it as the State gives it to us. If the supreme court of that State decide that the Kellogg legislature is the true one, I ask upon what principle can we call that in question? That is a proper question for the supreme court to decide. When a law is presented to that court upon which they must adjudicate, they must pass upon the question as to whether it was enacted by the proper Legislature; they must take notice of that fact. Suppose there are two legislatures in the State at the time, each claiming to be the proper one, and a law passed by one comes before the supreme court; the supreme court, in deciding whether that law is binding, must take notice that it was enacted by the true Legislature. They cannot pass upon that question without deciding the other point, was it enacted by the true Legislature? Therefore, that question is a proper one for the State court, and when they decide it every other department of that State government is bound by it; the people are bound by it; no other legislature has a right to elect a Senator; and we are just as much bound by it.

Mr. STOCKTON. Mr. President, I am answered. That is precisely the point that I wished to ascertain, whether the Senator took that ground. I should like now to refer him to the appointment of a joint committee on reconstruction by the two Houses of Congress, and the submission of the credentials of Senators to that committee, who were to report whether the legislatures choosing those Senators were proper Legislatures in the Union. That question was submitted to a joint committee of both Houses, and the whole legislation of Congress since the war ceased in regard to those States has been shaped by that action. I ask him whether that went on the ground that a State supreme court, and that alone, could properly decide whether the State government was properly established, and whether it was in the Union?

Mr. MORTON. I am very glad that my friend from New Jersey makes that suggestion, because it brings up the whole matter broadly upon the question of reconstruction, and whether there were State governments in the States involved in the rebellion or not. That was a question proper to be decided by the Congress of the United States under that clause of the Constitution which says that the United States shall guarantee to every State in the Union a republican form of government. A joint committee was appointed under that power. It was a joint committee; it was not the committee of one House. It was a joint question, a question looking to legislation, and we did legislate. We did declare that there were no legal State governments down there which we were bound to receive as such. We overturned their pretended State governments and we created new ones, not by virtue of the action of the Senate alone or of the House alone, but by virtue of an act of Congress passed by both Houses, and submitted to the President of the United States. There is the law. That is the broad distinction which the Senator does not take. I agree that that action was constitutional; it was right and proper in itself; but it was in the exercise of a great power that does not belong to either House alone, but belongs to the whole Congress of the United States.

Mr. ALCORN. If the Senator will allow me, I wish to ask him a single question, and that is whether the courts will not always necessarily recognize the *de facto* political organization of the government, and whether to deny that on the part of the supreme court of a State would not deny the very authority by virtue of which they are in existence? I ask, in other words, whether the supreme court of a State will not always recognize the Legislature as it exists, the *de facto* government as it exists?

Mr. MORTON. Mr. President, if I admit that, that does not affect this proposition. The courts will recognize the acting and existing Legislature, just as we ought to do in this case. There is but one Legislature in Louisiana that has been enacting laws for the last twelve months, and we ought to recognize it, and every court would recognize it unquestionably. Certainly the courts will treat *de facto* governments as governments *de jure*, in the absence of authority to the contrary. Governments cannot be carried on in any other way. But I am discussing this other question, that when the tribunals of a State have settled the character of the government, have determined which is the true Legislature, have determined who is the governor of the State, as the supreme court of Louisiana have time and time again, we are bound by it until by the joint action of the two Houses of Congress, in the form of a law, it is declared that that is not the true government.

Mr. SAULSBURY. Will the Senator allow me to ask him a question on that point?

Mr. MORTON. Certainly.

Mr. SAULSBURY. I understand the Senator to say that when the supreme court of a State recognizes the legality of the existing legislative body, that decision is obligatory on every department of the Government, and is binding on the Senate of the United States. I wish to ask him this question in connection with that position: If the Senate of the United States by evidence uncontradicted, irrefutable, convincing, and overwhelming, is satisfied that the body which has been recognized by the supreme court of the State is a revolutionary body, that it has no legal existence—if facts come within the knowledge of the Senate convincing them that such is the case, I ask, then, whether the recognition of the legality of the government by the supreme court of the State would be binding and obligatory on the Senate of the United States?

Mr. MORTON. Unquestionably it would. Governments cannot be organized without providing certain tribunals to decide a certain class of questions, and when they have decided those questions it is not for other tribunals that have not jurisdiction to undertake to decide them, because they say the first tribunal has decided them wrongfully. Murder is a great crime, but it is not every court that can punish the crime of murder. One court cannot assume jurisdiction to punish the crime of murder because another has failed to do it. No matter what our convictions may be, the question is, is that thing submitted to our determination? Why, sir, we may be satisfied that a returning board in the State of Louisiana had not the proper returns before them, or that they made a false return, but that is not a a question for our decision; that is not a question for the decision of the supreme court of Louisiana unless there is some law authorizing that court to decide it. We may be satisfied that the courts of New Jersey have decided questions wrongfully; but does that give us power over their decisions? Certainly not. We must abide by the decisions of those tribunals to which jurisdiction is given by the law, whether in our private judgments we believe those decisions are right or not. We cannot carry on a State or the General Government upon any other principle. It is not at all important for us to inquire whether, in our judgment, the legislature of Louisiana that elected Pinchback was in point of fact the true Legislature or not. We may say the supreme court of that State decided wrongfully. I have no doubt my friend from New Jersey thinks so, for he is a sincere man. But, sir, although we may think that, we have no power, no right, to overrule their decision, because that is anarchy. If we may do it in one case we may do it in every other case. If we are bound by the decision of no tribunal, provided we think the decision of that tribunal is wrong, that makes the Senate a law unto itself, and carried into society it makes every man a law unto himself and a rebel to society and a rebel to all government.

Mr. STOCKTON. I dislike very much to interrupt the Senator from Indiana, and I would not do so at all if he had not concluded his answer by asking me if I was answered; and if I should remain silent, perhaps he might suppose that I was answered.

Mr. MORTON. I did not intend to invite an answer, but I am willing to hear it.

Mr. STOCKTON. I was answered courteously, pleasantly, and very agreeably, but not satisfactorily to my reasoning powers. I asked the Senator whether, when the Senate of the United States was acting under that clause of the Constitution which made it the judge of the election and returns of its members, and it became its duty as judge to decide whether it was a Legislature which elected or chose the Senator, it had not the absolute power, inherent in itself as a Senate, belonging to no other department of the Government, to decide whether that was the Legislature of the State? He had said that the President decided. He had taken that ground, which I shall not reply to now, but may at some other time. He had also taken the ground that it was the State courts which should decide, and that the Supreme Court of the United States and Congress and all other bodies were bound by the decision of the State court. I tried to call his attention to the fact that it was no law of Congress, but the Constitution of the United States, the highest law of the land, that made it our solemn duty to say whether that was a Legislature. Then I referred him to the reconstruction acts where Congress had examined into that question. His answer is, that that was done by Congress acting together; it was not by a separate committee, but a joint committee of both Houses. That is true. That is what I said; but the question still remains: an act of Congress cannot override the Constitution. No act of Congress, no act of the President, no act of a State court, no act of any power on this earth can override that simple clause of the Constitution that the Senator is to be chosen by the Legislature of the State, and if the Senate of the United States under that power cannot ask whether the body sending a man here was the Legislature, the clause is absolutely nugatory. In all the discussions that have taken place—in Harlan's case, in the cases before his time and since his time, in the arguments of Mr. Badger and Mr. Bayard, the whole way through—all the great constitutional lawyers have maintained the position, and I doubt whether it has ever been successfully disputed, that we had a right to examine whether the body that made the choice was a Legislature. In Harlan's case, was it not the question whether it was a Legislature or a mob? They had not gone into joint meeting by a proper resolution; the majority of the members of the Legislature was there; but it was held that it was not a Legislature, but a mob. Who were the judges? The Senate of the United States, and they alone.

I beg the Senator's pardon. I did not mean to make a speech, but only to state my point so that he could understand it.

Mr. MORTON. While I might agree with the general proposition of the Senator that we must take a Senator chosen by the Legislature of the State, yet when I come to inquire as to the evidences as to what is the Legislature of the State, I am not at liberty to judge at random. I may refuse to do anything here as a Senator, but I am bound by my conscience and my oath to act in conformity to law and the principles of justice. If the State presents to me a Legislature and says "This is the body that makes laws in Louisiana," I am not at liberty to say, "You are mistaken; you do not understand yourself; that is not a Legislature." That is the point, and that point has always been maintained.

Now let me point out to my friend from New Jersey how absurd and how ridiculous would be our position if the other rule prevailed. The President has determined who is the governor and which is the Legislature of Louisiana. He has made an irrevocable decision. We are bound by it, as I have before argued, until it is reversed by an act of Congress. Upon that point there can be no dispute. Upon that point there can be no answer. But I will assume that the President has decided only for himself. Then the House of Representatives come in and agree with the President, as they have done. They have recognized Kellogg as the governor of Louisiana; and now the Senate comes in and says, "We are not bound by the supreme court of Louisiana; we are not bound by the President; we are not bound by anything but our own caprices, and we will recognize the McEnery government, and we accept the Senator from the McEnery government." The Senator smiles at the ridiculousness, the absurdity of our position under those circumstances.

Mr. STOCKTON. I smiled because the Senator substituted for "the Constitution of the United States" the words "our own caprices." I suppose with many gentlemen in this body, and himself in particular, his own caprices have often been placed in lieu of the Constitution of the United States, but it is not so with some of us.

Mr. MORTON. I will not answer the Senator on that point. The Senator understands my position. I am only arguing to show that upon his ground there would be anarchy.

Now, Mr. President, I propose to read an authority upon this subject. When my friend said that Mr. Clay and Mr. Webster had recognized his doctrine, I submit that he is entirely mistaken.

Mr. STOCKTON. The Senator did not understand me. I said Mr. Badger and Mr. Bayard.

Mr. MORTON. They never recognized any such doctrine; but, on the contrary, Mr. Clay recognized just the reverse. Now I propose to read an extract from the report of the majority of the committee in the Rhode Island case that I before referred to. After Mr. Robbins had been seated, as Pinchback is entitled to be seated here—and he is wronged and the State of Louisiana is wronged every day that he is kept out of his seat—the majority of the committee made a report which was adopted by the Senate, and I call the attention of the Senate to the reasoning in that report as absolutely conclusive, in my judgment. I beg the attention of the Senate to the language of this majority report that was adopted by the Senate in the decision of that case. They say:

> The Constitution of the United States expressly declares that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof." But what is the definition of the term legislature? Both its literal and technical meaning is "the power that makes laws." It is the highest attribute of sovereignty, and merges all other powers when it does not transcend the limitations contained in the fundamental constitution of the State. When, therefore, we find that, during the existence of the General Assembly one branch of which was continued and held their seats by virtue of the law of January, 1832, this legislature passed fourteen laws of a general nature, and twenty-eight private acts, many of them acts of incorporation, besides numerous resolutions on various subjects falling within the range of legislative power, a schedule of which is hereunto annexed, marked C; and when these laws and resolutions remain on the statute-book of Rhode Island in full force and effect, sanctioned by judicial decisions, and tacitly submitted to by the people over whom they operate, it would seem to your committee—

Now mark the language—

> a very dangerous assumption of power in one branch of Congress, or even in every department of the General Government combined, to interfere with the internal regulations of the State, and to denounce the body by which these laws and resolutions were passed as a mere assemblage of citizens without any public authority whatever, and not the Legislature of the State.

That is law, every word of it, so manifestly so that it does not admit of an answer for a moment.

> Such a power does not belong to the Federal Government, and would, if claimed and carried out to its full extent, annihilate all the reserved rights of the States.

I should like to know what my democratic friends have to say on the subject of State rights.

Mr. SAULSBURY. If the Senator will allow me, I desire to ask him whether that report was not predicated upon the existence of one legislative body alone, and whether at that time there were within the State two bodies claiming to be the lawful Legislature?

Mr. MORTON. I will come to that presently. That is wholly immaterial, as I will show to the Senator. I was remarking about State rights. While there are those who contend for the doctrine of State sovereignty, the doctrine of strict construction, and who deny to the Government of the United States those powers that are absolutely necessary to carry it on, I hope that none of those men will be found willing to deny the State any rights for the sake of keeping a political antagonist out of power; because to deny the right of the State tribunal to settle all these questions, the right of the returning board, which was the proper Legislature, and all the other questions which have been raised, is to strike at the very existence of the State governments, and, as the committee says here, to "annihilate them," and I agree with that committee entirely.

> It is a general principle of national law, applicable to all distinct and independent governments, that if there arise any disputes in a State on the fundamental laws and public administration, or on the prerogatives of the different powers of which it is composed, it is the business of the State alone to judge and determine them in conformity to its political constitution.

Why, sir, that proposition ought to command universal assent by the mere statement of it. Argument ought to be entirely superfluous to sustain a proposition of that kind.

> No government has a right to intrude into the domestic affairs of another State and attempt to influence its deliberations or to control its action. This principle is recognized in the Constitution of the United States, by which the respective States united and formed themselves into a federal republic.
>
> Conceding, as we feel bound to do, to the State of Rhode Island, in common with all the other States of the Union, the power to decide for itself all questions relating to its domestic policy, there would seem to be no ground on which to rest a doubt that she has decided, in the most solemn manner, the character and powers of the body by which Mr. Robbins was chosen a Senator to Congress. They—

That is, the Legislature—

> passed numerous laws which are in full force. They elected judges of the supreme court of the State, who have taken a new engagement or oath of office and accepted new commissions from the governor, entered on their official duties, and condemned to death a citizen found guilty of a capital offense against the laws of the State. They received compensation out of the treasury of the State for their services, and disbursed the public money necessary for the support of the government.

Mr. President, if that report had been written upon this case, it could not apply to it more directly and more powerfully than it does. Now, I want to come to a remark in this report referred to by my friend from Delaware, and to which there seems to be some importance attached, because I find an additional brief from the counsel upon the other side, laid upon our tables, calling our attention to it. They say:

> If there had existed another body of men, however chosen, contending for the offices of the governor and senators in the State, it would not be denied that their respective rights might be the subject of inquiry in deciding a contested election in the Senate of the United States.

There was no such case there. It is a mere passing remark, and it is entirely true. If they were called upon to decide between these two conflicting bodies, how would they do it? Would they do it by going back and inquiring as to the result at the polls? Would they do it by going back and seeing whether the votes had been counted right? They would do it by finding out which of those two governments had been accepted by the State. The State has power to determine that question for itself.

The report in which this remark was made was in the final contest in the Senate, after Robbins had been seated on his "*prima facie* case," and, according to the decision of the Senate in that very case, Robbins's credentials being regular, could not be raised nor any other, until after Robbins had been seated.

Why, sir, in the course of the argument of counsel before the committee, I asked the question of one of the counsel, arguing with ability and eloquence, if the State had no power to decide between two contending Legislatures in Louisiana, if there was no tribunal in the State to decide that question; and he was driven to answer no; that where there are two Legislatures in a State, each claiming to be the proper one, there was no power in the State, no power in the supreme court of the State, or in any tribunal, to settle that question; so that whenever any State gets into that unfortunate condition hereafter she is helpless; she is in a state of anarchy, and she must come to Congress to settle it. The answer was absurd. Such a difficulty as that is the precise and proper case to be adjudicated by the supreme court of the State. It becomes a law question of the highest character; and if a State has no court that can decide a question of that kind, that State has got no government. That is all there is of that.

Now, Mr. President, I believe I have gone over all the points I intend to make to-day. I intended to present simply the argument upon the law of this case. I have been advised that this case is to be made a political one, that everything is to be dragged into it, and that it is to be made the medium of an attack upon the Administration for what it has done in connection with the Kellogg government. I hope not. We are sitting as a court, and, for one, I propose to decide this question upon the law, and I will always do that when I am placed in the position I am now, without regard to the politics of the applicant. I think I have given some proof of it. I have too much respect for myself to attempt to twist the law to keep a democrat out or to put a republican in. There can be no higher duty that a Senator owes than to decide this question of law correctly. That which is good law for the admission of a Senator of one politics ought always to be good law for the admission of a Senator of different politics, and, so far as I am concerned, I intend to decide this question, and have argued it, according to my convictions. But if there be Senators here who are determined to travel out of this field and go into the field of politics in Louisiana, I beg leave to say that I think I shall be able to follow them. I am somewhat conversant with the political history of that State for the last six or seven years, and have paid special attention to it. While there are some things in that volume of testimony of importance, that volume does not contain it all. There is more valuable knowledge in regard to the election of 1872 outside of that volume than there is in it, and much that is more applicable too, I can say to Senators, than all the evidence in that volume. Whatever may have been the conclusions of the majority of the committee—and I was a minority on the committee at that time and dissented from the views of the majority on those points—the majority of the committee declared that the election in 1872 was an organized fraud, and was void in consequence of it. I dissented from that opinion, not because the election was not an organized fraud, for I declared that it was, but I dissented from the conclusion that it was void. I said it was not void upon that ground; but it was an organized fraud, and since that time that fraud in all its hideous and terrible deformity has been developed. The most stupendous, the most elaborate, the most ingenious scheme of fraud for carrying an election known to the history of American politics and worthy of its distinguished and somewhat notorious author is all developed, and I am now in possession of it. I have seen the original papers, the dispatches, the letters, the instructions, and the whole scheme as concocted from day to day, and as finally carried out, by which an acknowledged and notorious republican majority of some fifteen thousand or twenty thousand was apparently overcome by reports that were said to be the official reports of that election. I can show, if it shall become necessary, before the Senate, I think to the satisfaction of every man whose mind is impartial, that of the tickets actually put into the boxes on that day, a majority of them were republican tickets.

I have only made these remarks in anticipation of what I have understood was to be said in the course of the debate. I do not desire to go into that subject. It is not legitimate. The question as to whether Mr. Pinchback has a *prima facie* case is a question of law, and but for the intimations that have been given I should have referred to nothing else.

Mr. President, I have now said all that I intend to say at this stage of this proceeding.

Mr. STOCKTON. Mr. President——

Mr. GOLDTHWAITE. If the Senator from New Jersey will allow me, I merely want to correct an error made by the Senator from Indiana in relation to my own case.

Mr. STOCKTON. I yield the floor to the Senator from Kentucky [Mr. MCCREERY] who, I understand, wishes to make a remark.

Mr. GOLDTHWAITE. I hope the Senator from Kentucky will yield to me for five minutes, not on the main question.

Mr. MCCREERY. I may yield altogether after I make a simple statement. I desire to make a few observations upon the controversy now before the Senate under the proposition of the Senator from Indiana. I believe there is no one else wishing to address the Senate at this time; and by their indulgence I would request that this matter be laid over until to-morrow morning, with a view that I may then have an opportunity of addressing the Senate for an hour or so on the subject.

Mr. SHERMAN. The Senator from New York [Mr. FENTON] has indicated a desire to speak on another subject to-morrow, and if the Senators can harmonize their views I have no objection. The Senator from Kentucky having given notice that he desires to speak to-morrow at one o'clock, of course the Chair will recognize him. At any rate I will move that the pending resolution be postponed until to-morrow, and that the resolution reported by the Committee on Finance be taken up.

Mr. MCCREERY. With the understanding that I shall be allowed to address the Senate to-morrow, I have no objection.

Mr. SHERMAN. The Senator from New York desires to speak on the resolution reported by the Committee on Finance. I do not wish to interfere with the Senator from Alabama if he desires to say anything on the pending resolution.

Mr. GOLDTHWAITE. I simply rise for the purpose of correcting an error on the part of the Senator from Indiana.

The PRESIDING OFFICER, (Mr. MORRILL, of Maine, in the chair.) The question is on postponing the pending resolution until to-morrow.

Mr. SHERMAN. I do not wish to interfere with the Senator from Alabama if he desires to speak now.

Mr. GOLDTHWAITE. I only wish, before this question passes from the Senate to-day, to correct an error into which the Senator from Indiana has fallen with reference to my own case.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his motion?

Mr. SHERMAN. Yes, sir; if the Senator from Alabama desires to proceed now.

Mr. GOLDTHWAITE. Mr. President, I understood the Senator from Indiana, alluding to my own case, to refer to it as illustrative, and perhaps conclusive, upon the principle which he was arguing, that the certificate which has been produced before the Senate must be regarded as *prima facie* evidence to sustain the right of the claimant to a seat in the Senate. I do not at all differ from the Senator so far as that principle is concerned; but as he referred to my own case to illustrate the principle, and regarded it as being sustained by that case, I must respectfully dissent from any such conclusion. If it shows anything whatever it shows precisely the reverse.

What were the facts in my own case? Let me state them. I was elected to the Senate in January, 1871, for the term beginning March 4 of that year. In March I presented myself with my credentials here; indeed, my credentials had been laid before the Senate and filed before I presented myself on the floor of the Senate. An objection to my admission was made by the Senator from Ohio [Mr. SHERMAN] on the ground of a protest signed, if I recollect aright, by forty-one or forty-two members of the Legislature by which I was elected. The ground taken in the protest which was presented was simply this: That I was elected by a bare majority, and that one of the members of that majority who voted for me was subsequently displaced upon a contest. Upon that showing, my *prima facie* evidence contained in the certificate of the governor, in full compliance with the law of 1866, was set aside. The case was passed over. It was brought up occasionally time and again until, I think, about the 10th of January, 1872. Every time it came up, with this certificate of record here, it was pertinaciously objected to by gentlemen. There was not a single iota of proof taken in support of the grounds, insufficient as they were, which were alleged in the protest. It was not until January, 1872, nearly nine months after the presentation of my credentials, that I was admitted, and I was then admitted not so much upon the force of my credentials, for I was kept out for nine months, as upon there being no evidence whatever to sustain the protest.

While I concede very fully and clearly that credentials signed by the governor make a *prima facie* case in the first instance, yet, if there is evidence, as I contended at the last session, before the Senate which goes to overbalance, outweigh, contradict that *prima facie* evidence, then, according to every rule applicable to *prima facie* evidence, it is not sustained. If there is sufficient evidence before the Senate in the voluminous report of the committee, made at the last session, to convince Senators, to rebut and outweigh the *prima facie* evidence arising from the certificate of the governor, then, according to the precedent established in my own case, the evidence of the certificate loses its force.

Mr. LEWIS. I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. Before that motion is put, I move that the pending resolution be laid upon the table and that the resolution in regard to specie payments be taken up, with a view to leaving it as the unfinished business.

The PRESIDING OFFICER. Does the Senator from Virginia withdraw his motion?

Mr. LEWIS. Yes, sir.

The PRESIDING OFFICER. The Senator from Ohio moves that the pending resolution lie upon the table.

The motion was agreed to.

SPECIE PAYMENTS—THE CURRENCY.

Mr. SHERMAN. I now move that the Senate resume the resolution reported from the Committee on Finance.

The motion was agreed to.

Mr. FENTON. Mr. President, I rise for the purpose of taking the floor upon the resolution; and now I will give way to the Senator from Virginia to make his motion to go into executive session.

REPEAL OF BANKRUPT LAW.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 792) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto; in which it requested the concurrence of the Senate.

The bill was read a first time by its title; and its second reading to-day was objected to.

EXECUTIVE SESSION.

Mr. LEWIS. I renew the motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and ten minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 16, 1873.

The House met at twelve o'clock m. Prayer by Rev. GEORGE P. HAYS, D. D., president of Washington and Jefferson College, Washington, Pennsylvania.

The Journal of yesterday was read and approved.

REFORM OF THE CIVIL SERVICE.

Mr. WILLARD, of Vermont, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Reform in the Civil Service be instructed to inquire, first, whether any reduction can be made in the cost to the people of the civil service of the Government, both in the number of officials employed and in the compensation paid to such officials, without impairing the efficiency of the service; and, second, as to the expediency of providing that all officials in the civil service shall receive as compensation only such salaries as shall be fixed and determined by law, and report by bill or otherwise.

Mr. WILLARD, of Vermont, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBSIDIES TO RAILROADS.

Mr. LUTTRELL. I ask unanimous consent to submit for present consideration the following preamble and resolution:

Whereas the several railroad companies hereinafter named have received from the United States, by authority of the act of Congress of July 1, 1862, and the several acts amendatory thereof, money subsidies to aid in the construction of their several roads, as follows: to the Central Pacific, $25,885,120; to the Kansas Pacific, $6,303,000; to the Union Pacific, $27,236,512; to the Central Branch, Union Pacific, $1,600,000; to the Western Pacific, $1,970,560; and to the Sioux City and Pacific, $1,628,320—making a grand total of $64,623,512; and said several railroad companies have agreed to pay back said advances, together with the interest due thereon, the United States holding a second mortgage upon said roads to secure the repayment and interest; and whereas the said railroad companies have heretofore refused and omitted, and still do refuse, to pay to the United States their proportions of interest heretofore accruing, or any portion thereof; and whereas the United States has paid or advanced the sum of $20,447,986.25 interest for said several railroad companies, and there remains yet unpaid interest to the amount of $1,292,470.20: Therefore,

Be it resolved, That the Judiciary Committee is hereby instructed to report a bill authorizing and requiring the Attorney-General of the United States to institute and prosecute the requisite legal proceedings to enforce the immediate payment of such accrued or accruing interest.

Mr. SYPHER. I object.

ORDER OF BUSINESS.

Mr. HALE, of Maine. I call for the regular order.

Mr. DAWES. I wish to have action taken on a bill which has come back from the Senate with amendments.

The SPEAKER. The regular order being demanded, the House resumes the consideration of the bill to repeal the bankrupt act, reported from the Committee on the Judiciary by the gentleman from New York, [Mr. TREMAIN.]

Mr. KELLOGG. I ask the gentleman from New York to yield to me that I may offer a resolution.

The SPEAKER. If the regular order be demanded it is the duty of the Chair to enforce it. The Chair cannot permit the interruption of business after the regular order of business is demanded; otherwise the business of the House will get into confusion. The gentleman who has the floor on the bill before the House is not allowed to yield.

Mr. KELLOGG. I supposed otherwise; but I shall be satisfied if the Chair will recognize me after this order is disposed of.

REPEAL OF BANKRUPT LAW.

The SPEAKER. The House resumes the consideration of the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto. The two hours to be devoted to the discussion of the bill now begin at twenty minutes after twelve. The gentleman from New York [Mr. TREMAIN] is entitled to fifteen minutes.

Mr. TREMAIN. Mr. Speaker, the Committee on the Judiciary did not deem it important or necessary to prepare a report accompanying this bill to explain and vindicate their action. It therefore seems to devolve upon me to explain, with all the brevity and clearness that I may command, the general purpose of the bill and the principles and reasons upon which it is based.

The House will remember that the President, in his annual message to Congress, recommended the repeal of the bankrupt law. It will not be necessary for me to recall or reproduce that portion of the message which relates to the subject. In concise but comprehensive language the President explains the ground upon which this law ought to be repealed and the evils under which the commercial community is suffering by reason of its existence. While concurring entirely in the correctness and justice of the presidential statement, it is believed that the strength of the objections to this bill has only been partially stated by the President. Entire unanimity of sentiment, I believe, existed on the part of the committee as to the existence of serious defects and imperfections in the existing law. The only question upon which differences exist was, whether we should attempt to meet these defects and imperfections by an amendment or by an absolute repeal of the law; and the committee, or at least the majority of them, was strongly impressed with the conviction that this law was so defective, so radically defective, and there were so many remedies proposed, that it would be difficult to bring about a unanimity of sentiment in regard to it; and possibly, by reason of a conflict of action between the two Houses, no relief could be procured—at all events that great delay would result, and meanwhile, as the bankrupt law remained in force, the country would be deprived of the relief which it demanded.

Two questions arose as to the involuntary and the voluntary branches of the bankrupt law. Under the law, as it now stands, any trader or merchant is liable to have his estate thrown into bankruptcy, his pecuniary credit and reputation ruined, and his property subjected to ruinous losses and sacrifices, in cases where he is perfectly solvent in the legal sense of the term, where 95 per cent. of his creditors may be averse to any such forcible measure; where, if a reasonable time were allowed, he might make an arrangement to pay all his debts and have a handsome surplus left, and where no act of fraud, either by omission or commission, was alleged to have been committed by him.

No bankrupt law on earth has been so severe as this. The English bankrupt law, of which this is said to be a copy, has no such odious and obnoxious provisions. It is enough that any man's commercial paper shall remain unpaid for fourteen days; no matter though he may have been prevented from payment by such sickness that it would be unsafe to have any business relations with him, or by any other unavoidable necessity; no matter though the banks, as they have recently done, withheld from him their usual facilities, if for fourteen days he fails to meet his commercial paper his estate is liable to be thrown into bankruptcy.

The committee believe that the fact that such a law has remained upon the statute-books of the United States for six years is evidence of the great toleration, forbearance, and generosity of the American people. It is believed that the compulsory operations of this law, and the fact of its existence, tended very greatly to aggravate the recent panic, commencing in New York, extending to other commercial centers, and finally prevailing to a greater or less extent throughout the length and breadth of the land.

Under the present bankrupt law the moment a petition is filed the Federal judge has power, upon *ex parte* statements, without security, to issue an injunction and order a restraint of the disposition of any property which the alleged bankrupt may have made in good faith, the validity of which is challenged; and in a recent instance $10,000,000 worth of securities was thus tied up in New York on the *ex parte* order of the Federal judge, acting in entire accordance with the provisions of this law, when those securities consisted of stocks and the markets were falling. By means of that injunction it is alleged that many men were injured and others absolutely ruined.

The conflict that exists throughout the bankrupt courts of the country tends to increase this embarrassment. The law does not allow a transfer to be made in good faith, by way of security or sale or payment or hypothecation, within a certain period of time before the bankrupt petition is filed. The property is all liable to be overhauled and brought into the maelstrom of the bankrupt court.

The great argument in favor of this law has been that it is necessary to have equality among creditors, and to destroy preferences, to put all creditors upon the same footing. The committee have found and believe that the general experience of the country has been that when an estate is thrown into bankruptcy it is eaten up by charges and expenses. In the city of New Orleans, out of eighteen hundred bankrupt cases, it is said that in only one was any dividend realized. The experience in the great commercial emporium of New York, which I have the honor to represent, is substantially to the same effect. It is so all over the State of New York. There is an old Latin maxim that nothing comes from nothing, and it is undoubtedly true that when you have nothing to distribute all the creditors entitled to dividends stand upon an absolute equality. And this, it is believed, is the only equality secured under the operation of this bankrupt law.

The involuntary clause is ostensibly for the benefit of the creditor. Now it is believed that the creditors of the country do not desire it. Nay, with entire unanimity—I speak at all events for the commercial

classes of New York—they demand its repeal. The question before the committee, then, was whether we should retain the voluntary clause. It was believed that an attempt to amend the law would result in delay and a failure to accomplish any real good. I think, however, the voluntary clause stands an anomaly as now framed in the history of Federal legislation. The English bankrupt law has no voluntary clause.

We have in three great emergencies had a bankrupt law with the voluntary clause, and allowed it to stand in this country; but that has been always after some great commercial revulsion or embarrassment, when the debtor had no other means of relieving himself from pecuniary embarrassment, and it was desired to clear the decks and give him an opportunity once more to commence business. But these laws have always been temporary and casual in their operation. In 1816 a bankrupt law was passed, but it existed only about a year. In 1841, after the revulsion of 1837 and 1838, another law was passed, which was repealed at the end of one year. The present law stood only for about two years, so as to allow of an absolute discharge on giving up the entire property. I believe I am correct in saying that if you are to have a voluntary bankrupt law, you should have one where the debtor, when he surrenders all his property and is guilty of no fraud, should be discharged.

The present law, approved in March, 1867, was amended on the 22d of July, 1868, by providing that in all petitions filed after the 1st of January, 1869, a debtor should receive no discharge unless his estate paid 50 per cent. of his liabilities. On the 14th of July, 1870, it was again amended by declaring that the provisions of the amendment of 1868 should not apply to debts incurred prior to January 1, 1869. You now, therefore, have upon your statute-book a law providing that no bankrupt shall receive his final discharge unless his estate pays 50 per cent. of his liabilities.

The question presented to us is whether you ought to make that provision permanent. The committee did not believe that it was according to the theory and genius of our Government that that should be done. But if the sense of Congress is otherwise, the repeal of this law will present no impediment to the introduction and establishment of a uniform system of bankruptcy that shall contain all the essential elements in relation to a voluntary bankrupt law.

Therefore the committee have reported a bill for the absolute repeal of the law, both as to voluntary and involuntary bankruptcy. If this bill pass no future petitions can be filed after the law takes effect. We have adopted the bill introduced by the gentleman from Ohio [Mr. PARSONS] so far as it relates to the first clause, and we have carefully incorporated other provisions upon it to secure all rights in pending cases.

With the single exception provided for in the bill all cases shall pass through under the existing law, voluntary or involuntary, except so far as the disposition of the property is modified by this bill. We do not believe that a majority in numbers should prevent a majority in interest from controlling the affairs of the bankrupt, any more than we believe that a majority in numbers of the stockholders of a bank or corporation should be permitted to overrule a majority in interest. We do not believe that ten men representing a majority in numbers should control nine men representing a majority in interest. We give to the majority the control of the disposition of the property, so that the management as to extension of time, or compromises, or other arrangements, may be carried out.

I will simply say, in conclusion, that in my judgment no measure of relief that this Congress can pass will be hailed with such satisfaction as the repeal of the bankrupt law. Speaking for the commercial community of New York, with whom for the last two months I had opportunities of frequent intercourse; speaking for the legal profession of my State, and speaking for my entire constituency of the Empire State, I ask from this House the prompt passage of this bill; and in my judgment we can do no more grateful act than to pass it promptly, by an overwhelming majority, before the holidays. Let the Senate concur in it—although perhaps it is too much to expect that they will do it before the holidays—and we have reason to believe that it will receive the immediate approval of the Executive. I hope the House will respond to the demand of the Executive, to the demands of the commercial community, to the demands of the business interests throughout the country; and the action of the House will be hailed with acclamation and joy by the commercial interests throughout the length and breadth of the country, from its center to its circumference.

Mr. WILSON, of Indiana. Mr. Speaker, the House started yesterday in hot haste to do an act which, in my humble judgment, it will, if it is done, be called upon at an early day to undo. On the 18th of September last the banking-house of Jay Cooke & Co. failed, and to the reckless management of that firm, its hazarding the money of its depositors upon imaginary securities, is to be directly attributed the present financial condition of the country—wrecked fortunes, closed manufactories, thousands upon thousands of laboring men thrown out of employment in the winter season of the year, the prices of the produce, which is the result of a whole year's labor of the agriculturists, diminished, until it aggregates millions of loss to them; these wide-spread calamities are sprouts out of the management of that firm. Yet, sir, hardly had the Speaker announced the organization of the Forty-third Congress, until the lawyers of Jay Cooke & Co. bring upon this floor the bill the substance of which it was proposed on yesterday to pass under a suspension of the rules, without any debate or opportunity of explanation, and which it is now proposed to enact into a law. So that once more that concern is to make itself felt by the country, and, I fear, once more for evil.

The title to this bill ought to be amended. It should be called a bill to embarrass justice. It is impossible in the fifteen minutes to which I am limited to analyze the provisions of this bill, containing seven sections; but I especially call the attention of the House to one or two things that may be done.

A majority *in value* of the creditors of Jay Cooke & Co.—and this may be a few special friends—in opposition to the wishes and interests of the vast horde of creditors holding small demands for deposits that they made, may select some other special friend of Jay Cooke & Co. and place such assets as that firm may be willing to disclose in his hands, or they may place the estate in the hands of the firm.

If the estate is placed in the hands of some other person, the fourth section provides that the debtor shall be subject to examination, under oath, touching his property, &c., when required by the person or persons appointed to administer the estate, but not otherwise. That is to say, no creditor shall be permitted to call upon the debtor to say under oath what property he has hidden away; only the person appointed to administer can do that. But I cannot go into detail, and shall offer some considerations against the proposed repeal.

Sir, the framers of the Constitution foresaw clearly what, it seems to me, time has proved to me to be the true interest of the country, viz, that the law in relation to the settlement of bankrupts' estates should be uniform throughout the country. Accordingly, we find in the Constitution the provision authorizing Congress to "establish uniform laws on the subject of bankruptcies throughout the United States."

In our commercial intercourse with each other we are in no degree restricted by State lines, and consequently the relation of debtor and creditor exists between persons living under wholly different State laws. This fact alone is sufficient reason for having a law relating to insolvent estates of uniform application throughout the nation. We must have laws on this subject whereby the property of insolvents may be applied to the benefit of creditors upon just and equitable principles, and we must have them either emanating from State legislation or from Congress. To have as many different insolvent or bankrupt laws as there are States, each of which would almost inevitably differ essentially from every other, cannot but tend to confusion, uncertainty, and serious embarrassment.

The necessity for such legislation is sufficiently attested by the fact that the Legislatures of different States have attempted to legislate on this subject, and three times in the history of this Government Congress has found it necessary to pass a bankrupt law. The fact that it has *ever* been necessary to enact such a law proves the importance of such an act, and of making it, as far as human wisdom can do so, perfect, and of keeping it permanently upon our statute-books.

It is hardly possible that upon the first effort Congress could enact a law of this character that would not be found to be full of defects, especially in the details of the machinery by which it is enforced. It is the work of time and experience to perfect it in its details so as to make it effective, expeditious, and inexpensive; and it requires the close scrutiny of the courts to settle and establish rules of practice necessary to its just administration. A law on such a subject, which approximates to a complete rule of right, is necessarily a growth—a growth from wisdom and experience.

Such considerations as these, and others to which I have not time now to allude, in my judgment should lead us now to the conclusion that it is the part of wisdom not to repeal the existing law, but to perfect it; not to shut our eyes to the lessons of the past, but to remedy the defects which have been plainly pointed out to us by experience—by the practical workings of the law as it is—and to retain it as a permanent remedy.

If we repeal it we may expect that in this, as in almost all other particulars, history will repeat itself, and that hereafter the time will surely come when, as in the past, Congress will be compelled again to enact such a law. Fortunate indeed will be this nation and its citizens if no such necessity shall arise. It would be folly to suppose that it will not arise. When it does come, if this law shall be repealed, then we will be compelled to have a new law, with its unavoidable defects, with the practice under it unsettled, and the attendant confusion and waste of estates in needless expense and sacrifice of property. What, sir, is the objection urged to this law? Is it against the principle of having a law of the kind? No, sir; but the objection is that the law is defective, that hardships have occurred under it. That is no argument against a bankrupt law; it is only a reason why the defects of the present law should be remedied by legislation.

Since 1867 we have had the present law. I agree with the gentleman from New York [Mr. TREMAIN] that it is manifestly defective, but those defects have been brought to light and made apparent by the lessons learned in the school of experience. The courts have been shedding light upon it, and we now understand what abuses may be perpetrated under its present provisions, and may therefore proceed to remedy them. We know wherein it is unnecessarily expensive, we know wherein too much power has been granted to the courts, we know wherein its operations are too speedy or too tardy, and, sir, we are unfit for our high trusts if we cannot furnish the proper correct-

ives. We have learned in what particulars it fails to preserve estates for the benefit of creditors, and can therefore supply additional safeguards.

No argument or illustration drawn from the unfavorable operations of the present law is of a feather's weight against the principle of having a uniform system of bankruptcy. As I said before, it is only an argument against the defects of the existing law, and instead of being a reason for its repeal, it should be the strongest appeal to us to proceed without delay to remedy those defects.

Believing that a uniform rule of action on this subject, applicable alike to every part of the country, and to every person, whether residing in one State or another, is infinitely preferable and more conducive to justice than to have thirty-seven different rules of action enacted by as many different Legislatures, each of which would, in all human probability, essentially differ from the other, thereby producing embarrassment and confusion, and often giving creditors living in the vicinity of the debtor advantages over those living remote, I believe it to be unwise to repeal the existing law and wise to perfect it.

For these, among other reasons, I cannot give my assent to its repeal, and trust that the House will recommit the bill to the committee for further action.

Mr. ELDREDGE obtained the floor.

Mr. BECK rose.

Mr. ELDREDGE. Mr. Speaker, the gentleman from Kentucky [Mr. BECK] desires to have read for information an amendment which he proposes to offer. I yield that it may be read.

Mr. BECK. I will offer at the proper time, if I should get an opportunity, the amendment which I send to the desk.

The Clerk read as follows:

Strike out the second, third, fourth, fifth, sixth, and seventh sections of the bill, and insert in lieu thereof the following:

SEC. 2. *Be it further enacted*, That all suits and proceedings now pending in the courts of the United States, wherein an adjudication for bankruptcy has been made, shall be proceeded with and governed by the provisions of existing laws, which are hereby continued in force only for the purpose of closing up suits now pending: *Provided*, That from and after the passage of this act the fees, commissions, and charges of the officers and agents of the courts in bankrupt cases shall be reduced to one-half of the fees, commissions, and charges heretofore allowed.

Mr. HOLMAN. I hope the gentleman from Wisconsin [Mr. ELDREDGE] will yield the floor to allow that amendment to be offered.

Mr. ELDREDGE. In the present position of the question it can only be read for information.

Mr. HOLMAN. The House certainly should have an opportunity to vote on that proposition.

Mr. ELDREDGE. I suppose that in the present condition of the bill it cannot be pending as an amendment.

The SPEAKER. It cannot, because a motion to recommit is pending.

Mr. BECK. I shall endeavor to offer it if an opportunity occurs.

Mr. ELDREDGE. Mr. Speaker, the gentleman from Indiana [Mr. WILSON] has told the House that this bill is brought in here "in hot haste," and he has suggested to the House that it comes here at the instance of the attorney of the banking-house of Jay Cooke & Co. Whether this is so or not I do not know, nor do I care; but I think it is a fact new to this House. It certainly was not suggested in the committee that it was moved by any banking-house. So far as I am concerned, I say I do not care from what source it comes or at whose instance the bill to repeal was introduced. I have opposed this bankrupt law from the beginning. I have opposed it upon principle, believing that it was radically wrong and ought never to have been enacted. I have steadily voted against amendments to it, because I was opposed to any bankrupt law. My opposition has not arisen in hot haste. My opposition has been deliberate and persistent from the time the measure was first brought to the House. It is said, it is admitted, that the law is full of defects, but that if care is taken it can be amended and made what it ought to be.

The fact is well known to the House that if a bankrupt law could be prepared with care and deliberation, the existing law was so prepared. It was prepared and brought into this House and managed by a gentleman who, it is said, (I do not know how true the statement is,) was the first to avail himself of its provisions. If so, he was competent; and, preparing it for himself, that he might avail himself of its provisions and be discharged of his debts, would naturally have prepared it as well as it could be. But no bankrupt law could be made to satisfy me, and I doubt if any one could be made with less defects than the present one that would not be of greater injury than benefit to the people of the country.

Now, I should like to hear from any man on this floor, from any man in the country, a single benefit to the country that has ever come of this bankrupt law. What good has it done? Whose interests has it protected? What property has it distributed? What debts has it paid? I have had some experience in inquiring into its operation while investigating the conduct of some of the district judges of the United States, and, so far as I have been able to learn, it has operated practically as a confiscation of debtors' estates, not for the benefit of creditors, not to settle or pay debts. It has simply confiscated the debtor's property to put fees into the hands of the officers of the courts, and in some instances, I have been led to believe, into the hands of the judges themselves. The fees have been excessive to such an extent as to exhaust the debtor's property without any or but little benefit to the creditors.

The effect of the law upon the country has been, in my judgment, wholly bad. I do not believe that it has encouraged honesty in the debtor, nor has it been any advantage to the creditor. In most instances into which I have inquired the entire assets of the debtor have been consumed in the payment of fees and in the settlement of the estate. This law was never a favorite measure with the people of the rural—the farming—districts. Among the thousands upon thousands of bankrupt cases, I do not suppose there have been twenty in the entire United States where a farmer, an agriculturist, a man living in the rural districts, has availed himself of the machinery of this law to wipe out his debts or to avoid their payment. It was a scheme devised in the interest of speculators; and its effect has been to encourage undue speculation and recklessness in the transaction of business. The farmers, the agriculturists, never were in favor of this law. There has never been an hour since its enactment when the great mass of the people of the country have not desired its repeal. It has been understood and is well known by the people. They have well considered it.

There is no "hot haste" for the repeal of this law. There has not been a session of Congress since its enactment when some one upon the floor of this House or in the Senate has not introduced a bill for its repeal. At the last session this House, by a two-thirds vote, under a suspension of the rules, passed a bill for the repeal of the bankrupt law. There were then no lawyers of any banking-house here advocating that measure or desiring its passage. Those institutions were then carrying on their—it may be reckless—speculation, in view perhaps of the final opportunity of being discharged of their liabilities under this infernal law.

Gentlemen tell us about "hot haste" in regard to the repeal of this law. But, sir, the people have had ample opportunity to judge of its effects. They have seen the ruin that it has brought upon thousands of honest creditors in this country; and they have demanded its repeal. The repeal is not demanded by lawyers; it is demanded by the business men, the people. I have no doubt that to-day in the city of New York and elsewhere there are men in embarrassed circumstances who, but for the provisions of this law, might with the help of friends get through their difficulties successfully and survive the panic. But if a friend were willing to step in and advance money to aid a debtor he dare not do it, because he knows not but that the very next day the debtor may be forced into bankruptcy and he lose his advances.

The law prevents the negotiation of a settlement. It prevents all voluntary co-operation among creditors in regard to the property of the debtor or helping him from his embarrassments. It in fact interrupts all those relations in life whereby a creditor may, if he pleases, aid an honest debtor. It would be more properly denominated a confiscation law than a law for the distribution of the assets of the debtor among his creditors.

[Here the hammer fell.]

The SPEAKER. The Chair will state, in regard to the order of the discussion, that the members of the Judiciary Committee, which committee has reported the bill, are first entitled to recognition.

Mr. FRYE. Mr. Speaker, I do not desire, nor could I now argue this question of the repeal of the bankrupt act thoroughly or to my own satisfaction. I simply wish to make a few suggestions which commend themselves to me, and I hope may to the sober, sound sense of this Congress. I pray the gentleman from Wisconsin [Mr. ELDREDGE] to remember that during the last session of the last Congress the bankrupt act was repealed by a two-thirds vote with not a single word of debate in this House—a law affecting the whole country, a law under which, the moment we repealed it, there were more than ten thousand cases pending in all the stages of progress in the courts of the United States; and yet that repeal passed here by a two-thirds vote in this House without any saving clause whatever for those ten thousand cases. Ah! there was hot haste for the gentleman from Wisconsin, [Mr. ELDREDGE,] and hot haste for the House of Representatives, which, when they reflect upon it, I trust will lead the members to give a matter of this importance full, careful, and candid consideration.

The gentleman from New York [Mr. TREMAIN] says that three times there has been a great bankrupt act enacted in the United States; three times made necessary by great national misfortunes. I differ, sir, from the gentleman from New York, but not as to the facts he states. The three great whirlwinds which swept over this country and cast wrecks broadcast were not the necessity for a bankrupt law. They simply illustrated the existing necessity, and nothing more. Thousands of men are dying every moment of time, and there is not a single ripple; but when the great Agassiz dies, then the great heart of the whole world beats in sorrow and sympathy. This whirlwind, then, illustrates the existing necessity, and nothing more. There is a gale blowing always in commercial life, and beneath that gale there are wrecks every day and every hour unnoticed by the world. They are not the wrecks of the great, like those in this last hurricane which swept over the land, but of the middle class. They are going down hourly and daily, and the necessity of something which shall relieve those men from their grasping creditors was, I say, illustrated by the whirlwind and nothing more. That necessity was met by this bankrupt act when it gave an equal distribution of all of a debtor's property to his creditors and discharged him from liability.

I know, sir, in the majority of cases creditors will release an honest debtor; but there is a liability of some Shylock standing up in

the case of every insolvent debtor who shall say to him, "I demand my bond;" and there is no good judge to stand between him and the letter of the bond. There was a necessity on the part of this debtor class all over the land to relieve them from grasping, wicked creditors. This law stepped in and gave that aid to the debtor class which it desired for so many years. It is an absolute necessity to honest commercial transactions to-day. The voluntary part is to the greatest extent for the creditor. To be sure, it gives to the creditor his equal share of the debtor's estate, but it releases the debtor, and discharges him from all indebtedness whatsoever, after it is amended as it ought to be by striking out the requirement for the payment of 50 per cent. When an honest man, engulfed, fails, and turns over all his property, whether one dollar or five hundred thousand dollars, that honest man is entitled to his discharge. Therefore, amend your law in that respect; and that is all the amendment which the voluntary clause, in my judgment, requires.

But, sir, the honest debtor has not been remembered alone; unfortunately in this country of ours there are dishonest debtors. There is not an hour when some fraudulent conveyance is not being made by the debtor to secure his property from his honest creditors. How many dishonest cases there are where husbands convey their property to their wives in order that it may escape their creditors.

Now look at this bankrupt act where it is made involuntary, where it is made in the interest of the creditors. I ask you to go to our State laws and point out a single statute which takes the place of that bankrupt law. There is provision for the examination of the bankrupt which is peremptory. He is to be placed before the register, and put under examination as to all of his property and as to his disposition of it.

Show me a statute in one of our States where we do not practice under a code as you do in New York and Ohio; show me a statute which gives you that authority and that power over a dishonest debtor. Take that provision which allows the wife who has received a fraudulent conveyance to be cited before the bankrupt court and examined in relation to that; show me the statute of a State which supplies the place of that. And so I might go on illustrating again and again defects in existing State laws for the collection of debts from dishonest debtors which are supplied by the existing bankrupt law.

Now, sir, repeal that law and where are you? Why, sir, the gentleman from Massachusetts said that in Massachusetts they cared nothing about it; they had a bankrupt law there of which this was a copy and the moment this was repealed theirs was revived. It is well for the old Commonwealth that she has the sense and the justice and the mercy to provide a bankrupt law. But, sir, there are thousands of cases in which our law cannot relieve our citizens. By the *lex loci* governing in the matter of contracts when the debtor has gone through bankruptcy his property has not under their law been distributed equally among all his creditors; but when he has gone through bankruptcy and has been discharged there are creditors still existing who hold their claims against him. Congress alone having power over the whole country can enact a uniform bankrupt law which shall meet the necessities of the country.

Mr. TREMAIN. Will the gentleman allow me to ask him a question?

Mr. FRYE. Certainly.

Mr. TREMAIN. I understand that the Massachusetts law requires 50 per cent. assets; and I understand that the gentleman from Maine is opposed to that provision.

Mr. FRYE. In answer to the gentleman I will say that I did not know that there was that requirement in the law. And I say it is an unjust requirement, whether it be in the Massachusetts law or any other. I say that an honest debtor giving up all his estate under the law is entitled to his discharge, and no other law is satisfactory to me.

Now, repeal the law and what will be the result? I will illustrate it by my own State. We have a law in Maine and they have a similar law all over New England, I think, by which you may issue a writ or attachment at once. A lawyer may issue a writ, put his officer into a merchant's store and attach every dollar of property he has in the world under the writ; and prior to the passage of the bankrupt act one-half of the cases on the docket in our courts in Maine were merely suits for the collection of debts.

This bankruptcy act came in; and you will not find on our dockets to-day one single suit for the collection of debt. Why not? Why, because when a merchant is in difficulty in my city and the merchant in Boston or New York desires to collect his debt, he comes down to my city, looks the merchant's stock over, sees that it cannot be conveyed away fraudulently from the creditors, on account of the bankruptcy law, and knows that it cannot be attached because the attachment would be dissolved. He looks it over, sees what that merchant can pay, says to the merchant "pay to your creditors so much on the dollar and you shall be relieved;" and it is done at once.

Now, the provisions in the bankrupt law effect that. Repeal it and where then will we lawyers be? It will increase my business alone in my own city more than five hundred thousand dollars a year. Why? Because the vigilant creditor in New York or Boston sends down to the attorney in the city of Lewiston the inquiry "is not such a merchant in a little difficulty; are you certain about his standing?" The answer is, "I am not certain." He directs me to issue a writ of attachment. I issue a writ of attachment, send an officer in, and take possession of his stock of goods. Then the news goes at once to Boston and New York, and in less than one day fifty attachments will be put on that man's stock. Now, what is the result?

Mr. HALE, of Maine. I wish to ask my colleague one question, as I will have no opportunity of taking part in the debate. Does not the gentleman believe that the sentiment in the State of Maine, not of professional men, but of business men, is as ninety-nine to one in favor of the repeal of the bankrupt law?

Mr. FRYE. I do not.

Mr. HALE, of Maine. I do.

Mr. FRYE. If I believed that ninety-nine to one of my constituents were opposed to the views I entertained, I should not be likely to ventilate them a great deal.

I believe that the bankrupt law is a necessity, if the gentleman will allow me to go on. Fifty attachments are made and $500 costs are made. Twenty-eight of the attaching creditors, the stock being sold by the sheriff, get their pay in full; the lawyers get their pay in full; the other twenty-five creditors never get a single dollar, and the debtor gets no release whatever.

Now, that is the result in Maine, and I believe it is the result in every New England State. It is the result everywhere where an attachment can be made on the stock in trade. Sir, I hope the statute will not be repealed. It ought to be amended. We have had it in operation for years, with all of its machinery at work; we have seen all its weakness and know where it needs amendment. Let us take it and amend it and put it into working shape; let us recommit this bill to the Committee on the Judiciary, as the gentleman from Indiana [Mr. WILSON] has moved for that purpose, and, mark my words, if this House does repeal it, it will not make commercial men more honest, it will not make business men more careful; it will open the flood-gates for fraud.

[Here the hammer fell.

Mr. JEWETT. Mr. Speaker, the people I represent, having an interest in the question under consideration, I desire to make known to the House, not by way of argument, but simply by way of a statement, the consideration which induced me to concur in the report of the committee and to favor the passage of this bill.

I believe, Mr. Speaker, it is conceded by all, that the operation of the bankrupt law is unfavorable to the general business interests of the country; that it does no one good; that it inflicts evil wherever it has been in force. That is the universal conviction of those with whom I, in any capacity, have been brought in contact. Permit me a word now, Mr. Speaker with regard to a few statements which have been made in opposition to the bill. The gentleman from Indiana [Mr. WILSON] speaks of it as being brought in with great haste. How with great haste? The House in the last Congress passed a bill repealing the bankrupt law. The fact that that bill had passed the House went abroad and was known to the people throughout the entire country. Have there been any petitions against the repeal? Have there been any manifestations of opposition by the people to that act on the part of this House? No, sir; on the contrary, so far as the members of the last Congress are concerned, and, I believe, universally so far as regards the new members, they have come here with the impression made upon them by their own people that the repeal of that act was a judicious measure and ought to be renewed.

It is said that this bill is reported especially with a view to meet the case of Jay Cooke & Co. Now, as a member of the committee, in the consideration of this bill, I did not hear Jay Cooke & Co. or any other firm referred to until this discussion took place on this floor. The principle of the bill is right. It is not a new principle. In all other associated organizations, in all business arrangements, in all other departments, what is the rule? Is it that they shall be controlled by a majority of members? No such thing; it is that they are controlled by a majority of interest. That is the general rule, and whenever it is departed from it is an exception. Why depart from it in this case? I ask, why in the disposition of the property of a bankrupt, of a man embarrassed, the minority in interest should direct the disposition of the property? Why change the general rule? Why change a rule which is almost universal in every department of trade or business, that a majority in interest shall control and direct the proceedings to be had? There is no reason for it. Without having in view the case of Jay Cooke & Co., or any other party, I believe that it is unbecoming the House to legislate for or against Jay Cooke & Co., or any other firm; but that certain general, fixed, approved principles should be kept in view in all we do. I regard that as a safe and sound principle in relation to this bill and all others. The gentleman from Maine [Mr. FRYE] says that in his State they get their remedy by attachment. That means simply that they are a little behind the age in not having other remedies than attachment and provisions of law by which the property of the debtor may be protected and held for the benefit of all the creditors, instead of being absorbed or destroyed by a mere attachment creditor. Mr. Speaker, what is the result of the bankrupt act, its practical result throughout the country, as we observe it day by day? I have in my mind's eye now a gentleman of large wealth in my own State, of great enterprise, largely engaged in business, wielding his property, his energy, his skill, and his talents, for the benefit of the community in which he lives; a man not only of known wealth, but a man whose integrity has borne him up in all and every condition, and under all

circumstances. What is his condition to-day? A few days before I left the State, in an interview with that gentleman on matters of business, he remarked to me that any one of his forty creditors could consign him to bankruptcy; and yet every one knew that his property was fourfold the amount of all his obligations. Why was this? Simply because he was engaged in large enterprises, was a man of great energy, had lent his name and his credit to the young men around him that they might grow up useful and serviceable members of society, and because the banks and men of capital upon whom he relied to serve him in case of emergency were, in consequence of the condition of things in the country, unable to give him the aid they were in the habit of extending. His paper came back to him under protest. The men to whom he had extended credits had failed him, and consequently he was unable to meet his obligations; and although his property was far beyond the extent of his liabilities, yet that very day a creditor having no great interest in the community could have brought him to the door of the bankrupt court, laid him prostrate at his feet, and destroyed all the interests that that man had through life been seeking to build up. This is but one case. They are numerous. Such is the evidence we have of the operation of this law. I believe as a business man that the existence of this bankrupt act is doing more to-day to continue the present condition of things in the country than all the stringency in the money market. It is the uncertainty, the doubt, the fear that at an unexpected moment some unyielding creditor will place in bankruptcy the struggling debtor, that the means that he has will be taken beyond his control and be absorbed by the proceedings of the court. I believe, Mr. Speaker, that no good is to result from this law, and I am unqualifiedly in favor of its repeal.

Mr. E. R. HOAR. I desire to ask the gentleman from Ohio one question. I would like to inquire if the object of this bill is simply to repeal the act of 1867 and the various amendments, why did not the bill say so? Why the second, third, fourth, fifth, and sixth sections, which propose new legislation? Why not in the ordinary way repeal the bill? Why insert the fifth section, unless some special case was in view before the committee?

Mr. JEWETT. For myself I would prefer the bill without those sections, because I think they may embarrass its passage; but the object of those sections is to place the property of the debtor in the hands of the majority in interest of the creditors, and it is for that reason that I favor it.

Mr. E. R. HOAR. I wish to ask this question, whether the provisions of sections 3 and 4 of this bill do not submit the rights of the creditors in the minority to the control of a majority of the creditors in value, even if such majority consist of but one man, without judicial decision or control; whether they do not keep the case in bankruptcy so as to cut off creditors from the ordinary legal remedy and take him out of the jurisdiction of the courts, merely directing the court to register the determination of the majority of the creditors of value; and whether this is a constitutional and uniform system of bankruptcy?

Mr. JEWETT. It is simply, as I understand it, a change in the provisions of law as they now exist so as to give the majority in interest the control instead of the majority in numbers.

Mr. E. R. HOAR. It cuts off the court entirely?

Mr. JEWETT. Under the present law the court is cut off from interfering in case an agreement is made by the majority in numbers. The change is that the agreement being made by the majority in value, shall become the law of the case instead of an agreement by the majority in numbers.

Mr. E. R. HOAR. Does the gentleman say that this bill does not extend what the majority may do entirely beyond what the provisions of the existing law does?

Mr. JEWETT. It may do it; I am not prepared to say. I have assigned simply the considerations that lead me to favor this bill. I do not desire nor intend to detain the House by discussing it at large.

Mr. BECK. Allow me to ask a question which influenced me in the amendment I proposed. Suppose my son becomes a bankrupt, and he owes me more than he does all his other creditors; can I not under the provisions of this bill take the case out of the court, put him in possession of all his property, and allow him to control it against the will of all the other creditors, and keep him from being examined? And ought that to be?

Mr. JEWETT. Upon the same principle precisely that under the present law, if the gentleman had five sons, and he owed each of them $5, and there was a sixth creditor to whom he owed $10,000, the five in number would control the other creditor of a hundred times the amount. The principle is entirely the same.

Mr. WHITE. Mr. Speaker, if the question before the House was the simple repeal of this bankrupt law, and there was no other alternative submitted to us except the repeal or continuance of the law as it is, I should unquestionably be in favor of the repeal of the law. But it occurs to me, upon an examination of this subject, and looking to the condition of the country and the state of mind as exhibited in this House—and I believe I do no injustice to any one in saying that the opinion in this Congress is the same that now prevails in this country in reference to this law—after a fair and just and deliberate consideration of this subject, and of the arguments that have been adduced, the reasons which are urged, the causes of the sentiment which prevail in favor of the repeal of this law, result rather from defects in the law and abuses in the administration of that law, than from the propriety or impropriety of the law itself.

It is not possible, in the brief time allotted to me, to enter into a general discussion of the merits of the existing bankrupt law. But I wish to call the attention of the House to what I conceive to be, or what are regarded and stated to be, the defects of the law, and to the obvious amendments by which those defects can be provided against. I think that the experience of this country, and the character of our people and the character of their pursuits, prompt the consideration, if not the conviction, that a bankrupt law is proper and necessary in this country.

This bankrupt law, though defective, is like other bankrupt laws which were also defective. It was stated by the gentleman on my right [Mr. ELDREDGE] that great deliberation and care had been exercised upon the preparation of this bill. I suggest that this must be a mistake. As I understand it, this is almost a copy of the English bankrupt law. It is not a law suited to our people and to our condition.

I propose briefly to suggest the defects in the law and the remedies for them as they have presented themselves to my mind. Under the original bankrupt law a failure to pay commercial paper for fourteen days was an act of bankruptcy, provided that failure was the result of fraud; or, in other words, if there was a fraudulent failure to pay commercial paper for fourteen days, that was an act of bankruptcy. By the amendment of April 14, 1870, the mere failure to pay was an act of bankruptcy. Now, I suggest that this joint amendment of this law should be the restoration of the original clause, so as to make this fraudulent failure to pay, or the fraudulent conveyance of property, an act of bankruptcy, and to provide that the petitioning creditor who charges this fraudulent want of payment or fraudulent conveyance shall not only make an oath to the facts which constitute the fraud, but that he shall give bond and security to answer in damages for any wrong or malicious suing out of the petition.

Let me repeat this, because I believe it to be at the very foundation of what I consider the most important amendment of this law as it now stands, and one that will provide against many of the evils which are now complained of, and which are pressing and will press hard upon the minds of gentlemen here. If, then, the law be amended so as to require a fraudulent failure to pay, or a fraudulent transfer of property, to constitute an act of bankruptcy, and then providing that the party suing out the proceeding in bankruptcy or the petitioning creditor shall give bond and security to indemnify the bankrupt for a wrongful or malicious suing out of that proceeding, it will obviate capricious or malicious proceedings under this law and subserve the legitimate end of a bankrupt law—the prevention of fraud and a fair and equal distribution of the property of the bankrupt among all his creditors. And I would go further; I would require that one-third of all the creditors of the bankrupt should enter into the proceedings, or else that the proceeding itself should be dismissed.

The next amendment of this law that I would suggest to the House is, that a majority in numbers and value of the creditors of any bankrupt, after the party has been adjudicated a bankrupt, may take the administration of the estate into their hands, and may compromise with him, may make any arrangement which they may deem proper with the bankrupt, and have their agreement made an order of the court and adjudicated as in other cases, or let the final adjudication of the court conform to their action and be of the same force and validity as the usual decrees of the bankrupt court.

Now, I propose to meet an objection which has been suggested to this mode of procedure. It is said that it is new. Sir, it is not new. This proposed amendment is also borrowed from the English law. It is not a suggestion of expediency of that nation which stands at the head of the commercial world.

Another amendment of this law which I would propose is that the fees allowed the officers of courts shall be reduced one-half. I am willing to take the amendment offered by the gentleman from Kentucky, [Mr. BECK.] My proposition is that they shall be reduced; and the extent of reduction shall be left for further and more mature consideration.

Then there is another amendment which I think even still more important; and that is that the judge of the bankrupt court shall not be permitted in any case to allow other fees than those which are prescribed by the act itself. I submit to gentlemen who complain so much of this bankrupt law whether the most fruitful source of complaint against it has not been the evil to which this amendment is directed. Why have the estates of bankrupts been oftener than otherwise absorbed and not made available for the benefit of creditors? Because, in the first place, of the large fees which have been granted to the officers of the courts, and the unlimited discretion which has been given to the judge to allow whatever additional fees and compensation he may think proper.

[Here the hammer fell.]

Mr. WARD, of Illinois, obtained the floor.

Mr. WHITE. Mr. Speaker, I would like to proceed a few moments longer.

Mr. WARD, of Illinois. I am willing to yield to the gentlemen five minutes.

Mr. WHITE. I only wish to bring to the attention of the House the various amendments which have occurred to me as proper, the adoption of which I think would adapt the bankrupt law to the

emergencies which so often occur in our country, and to meet, what seems to be a matter of the highest consideration in this House, the approbation of the people.

The next amendment which I would propose is, that all conveyances made in good faith previous to an act of bankruptcy shall be held as valid. By another amendment I would allow an appeal from the decisions of the circuit court to the Supreme Court of the United States. One of the great evils connected with the operation of the present law is the contrariety of decisions—the fact that in one circuit we have one line of decisions, and in another circuit another. The injurious effects which have been experienced in this respect could be obviated by allowing an appeal from the decision of the circuit judges to the Supreme Court of the United States, thus securing uniformity of decision in reference to this law.

This bankrupt law has two features—the voluntary and the involuntary feature; and one of these, the voluntary feature, seems to have escaped observation entirely. Against this no argument has been directed. It is the involuntary feature alone which is the subject of complaint; it is obvious that this is the cause of the excitement here and elsewhere. I have pointed out how the defects in the involuntary feature of the law may be remedied. Certainly there is no reason for repealing the voluntary feature because of objections to the involuntary feature, objections which we insist can be obviated by amendments.

But I wish to call attention for a moment to an incongruity in the proposed act of repeal. It provides that as to the cases now pending, whether there has been an adjudication in bankruptcy or not, the law is not to take effect, but such cases shall go through the mill—this crushing mill, as gentlemen describe it—of the bankrupt court. Why, sir, if evils exist, why not put a stop to them as soon as we may? Why let the existing law continue to operate as to all cases already pending? Why let it inflict its injuries upon all now within reach of its operation, instead of stopping short its injurious operation wherever the rights of third parties have not intervened? Why draw this unjust line of demarkation as to where the repealing act shall take effect, or where the saving clause shall operate? A petition in bankruptcy, or even an adjudication in bankruptcy, vests no rights; it does not interfere in any sense or degree with the relative rights of the bankrupt and his creditors until there has been some action of the court ordering the sale of property, or something equivalent to it, by which the rights of third persons intervene and become affected.

Now, I insist that if we repeal this law the repeal should take effect in every case pending in the courts, whether there has been an adjudication of bankruptcy or not, unless the adjudication has gone so far that the rights of third persons have intervened, in which case the existing law should continue to operate for the protection of the rights of those third persons. But if evils exist under the operation of the present law, let us cut them short at the nearest possible point. If we propose to relieve injuries which have been experienced, let us give relief in all possible cases, unless in giving that relief we do injury to the rights of others.

[Here the hammer fell.]

Mr. WARD, of Illinois. I give way to the gentleman from Iowa, [Mr. KASSON,] who wishes to offer an amendment.

Mr. KASSON. I shall, when the proper time arrives, take the sense of the House upon the following amendment to the motion to recommit:

Add to the motion to recommit instructions to report such amendments to the bankrupt law as shall increase the authority of the judge in bankruptcy to suspend proceedings, when, upon a full and just exhibit by the debtor of the assets and condition of his estate, and a showing on behalf of his creditors, it shall appear that the debtor's assets may within a reasonable time be made sufficient to discharge all his liabilities, and to make such other and further orders in the case as shall prevent all unnecessary proceedings in bankruptcy; and also to report such amendments as shall diminish the cost and incidental expenses of proceedings in bankruptcy.

Mr. WARD, of Illinois. Mr. Speaker, it is said that the first man to avail himself of the benefits of the existing bankrupt law was a gentleman who was exceedingly active in preparing it and pressing it through this House. I do not know whether the statement is true; but if so it may be said as truly of some of us who are engaged in pressing through the repeal that we may be the last to escape its benefits. But whether that is so or not it does not weigh particularly for or against the passage of this bill. The existing law ought to stand, as all other legislation should stand, upon its merits. If it is a measure calculated to conduce to the good of the citizen, if it tends on the whole to make the community better and more honest, it ought to stand; if it be not such a law, it should be abolished.

I am one of those who believe from the testimony that has come before me, and from my own observation and experience, that this law has ceased to be useful, if it ever was so, and that it ought now at least to be wiped out.

Unfortunately, perhaps, in that State I live in a portion which differs somewhat from that in which my friend from Maine [Mr. FRYE] lives. It seems, however, according to his argument, he is in favor of it chiefly because it is never executed there where he lives. It has been attempted to be executed so much with us, or in the region where I dwell, that I believe the people are of one mind in demanding its repeal; and I have been led to think, from conversations I have heard here, that that opinion is spreading and has become almost unanimous in favor of its repeal. But, sir, that does not give me any hope in reference to its passage, for I have seen a bill now pending, which we are all in favor of, in reference to which there seems to be, however, a good deal of difficulty in passing it, and that is an illustration of how difficult it is in this House to accomplish that which seems to be desired by all the members. Of course I need not say that I refer to the bill repealing the salaries. [Laughter.]

I demand its repeal and satisfy myself with the provisions of the law asked to be enacted for the purpose of taking care of all interests already pending in the bankrupt courts. My own idea was that the law should be repealed, leaving only power in the courts to continue to grind out the grist already in the bankrupt courts in the way exactly pointed out by the old law. That is the kind of repeal I desire. But I am unwilling to risk my vote in favor of a number of sections like those we have here. It is always a difficult matter to settle and adjudicate a new law.

I now call the attention of the gentleman from New York [Mr. TREMAIN] and others interested in the passage of this law to some of its peculiar provisions, and hope and expect in some way, after the discussion of the bill has been gone through with, it will be placed in such a position that it may be made to meet what I think to be the wishes of the majority of the members upon this floor. The second section provides—and I desire the attention of the House to it for one moment, because it is worded in such a way that I am not willing to risk my vote in its favor—it is provided in the second section that it shall be lawful for the majority in value of the creditors to determine the plan by which the estate of the bankrupt shall be managed, administered, controlled, disposed of, wound up, and distributed; and also to adopt such agreement or plan for settlement, compromise, extension, composition of the claims against the estate and the bankrupt, or for the division of the assets or any portion thereof, among the creditors, in money or property, real or personal, as they may deem expedient.

That is a provision which I do not fully comprehend. It seems to me to be one which ought not to be embraced in the bill. It permits the majority of the creditors to determine the debts of the debtor that the bankrupt petitioner shall be paid in property. Now, while the majority under certain circumstances may control various proceedings relating to the bankrupt, yet to the minority has been reserved the right, which I think ought to be reserved, to reduce the assets of the debtor to cash, and to require that the payment of creditors shall be in cash.

The proviso, therefore, which declares that the assets of the debtor may be paid by distribution of property is to my mind something unjust; and I hope some proposition such as has been shadowed forth in the substitute sent up to be read by the gentleman from Kentucky [Mr. BECK] may take the place of this language in the second section of the bill.

Indeed, Mr. Speaker, in my judgment, the only legislation needed is the enactment of section 1 and an addition to section 7, by which it shall be provided that in all the cases now pending the entire proceedings shall be gone through with. I believe that is the correct way in which to do this thing.

I might, Mr. Speaker, say a word in reference to the importance of this law; I might to some extent discuss it; I have had some opportunity to witness its workings; I know to some extent the effect it has had upon the business interests of the country; but I see that my time has nearly expired, and I only wish to say, in conclusion, that, in reference to the involuntary bankruptcy, it is a question which I am very willing to consider on its own merits hereafter.

Mr. EAMES. Mr. Speaker, I desire to correct an impression of the gentleman from Illinois, [Mr. WARD,] which he appears to entertain from the statement made by him, that a distinguished citizen of my State, who was active in procuring the passage of the bankrupt law, was the first to avail himself of its provisions. That is not so; nor, indeed, so far as I know, did he ever at any time apply for the benefit of the provisions of that act.

Mr. POLAND obtained the floor.

Mr. SENER. I ask the gentleman from Vermont to yield to me to have an amendment, which I desire to offer, read for the information of the House.

Mr. POLAND. I will yield to the gentleman for that purpose.

Mr. SENER. If I get the floor I propose to submit the following amendment:

The Clerk read as follows:

Resolved, That the bill reported from the Committee on the Judiciary to repeal the bankrupt law be recommitted to the committee with instructions to report—

First. A bill suspending, for a definite period, the operation of so much of the thirty-ninth section of the bankrupt law as provides for declaring an involuntary bankrupt any banker, broker, merchant, trader, manufacturer, or miner who has stopped or suspended and not resumed payment of his commercial paper within a period of fourteen days; and

Second. So much of the thirty-third section of said law as provides that in all proceedings in bankruptcy commenced after the 1st day of January, 1869, no discharge shall be granted to a debtor whose assets shall not be equal to 50 per cent. of the claims proved against his estate upon which he shall be liable as the principal debtor, unless the assent in writing of a majority in number and value of his creditors to whom he shall have become liable as a principal debtor, and who shall have proved their claims, be filed in the case, at or before the time of the hearing of the application for discharge; and

Third. Amending and modifying the several sections of said law referring to fees of registers, assignees, and the officers of court, so as to define more accurately, and if necessary to reduce the amount of the fees to which they may be severally entitled, and which are chargeable upon and payable out of the assets of the bankrupt, together with any such amendments as in their judgment will tend to secure uniformity and efficiency in the administration of said bankrupt law.

Mr. McCRARY. The gentleman from Vermont [Mr. POLAND] yields to me to have read a substitute which I propose to offer when it is in order for me to do so.

The Clerk read as follows:

Be it enacted, &c., That an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, be, and the same are hereby, repealed.

SEC. 2. All proceedings in bankruptcy commenced under any of the acts hereby repealed prior to the taking effect of this act, shall be carried on, adjudicated, and determined in the same manner as if this act had not been passed.

Mr. DUELL. The gentleman from Vermont yields to me to have an amendment read.

The Clerk read as follows:

Recommit the bill to the Committee on the Judiciary, with instructions to strike out sections 2, 3, 4, 5, and 6, and retain sections 1 and 7, making the seventh section the second section; and that the committee have leave to report at any time.

Mr. SMITH, of New York. I desire to offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

Amend the motion to recommit by adding: "With instructions to so amend the bill as to prohibit preference of creditors hereafter by failing debtors, and to give the State courts jurisdiction to enforce the provisions of the same."

Mr. POLAND. In the very few minutes that are allowed me to speak upon this question I of course shall have little time to go over the arguments in favor of a bankrupt law. The real question, Mr. Speaker, before the House is this, whether we shall have a bankrupt law at all or not. The several members of the Judiciary Committee all agreed that many defects had been discovered in the present law which needed amendment. I entirely dissent from what was said by the gentleman from New York, that the committee disagreed in relation to wherein the law needed amendment, and that it would be a useless work for the members of the Judiciary Committee to undertake to setttle among themselves what amendments the law needed. So far as we had any discussion whatever in relation to the defects in the existing law and in relation to the particulars wherein it needed amendments, we entirely concurred.

And I do not despair at all, if this bill be recommitted to the Judiciary Committee, of our being able to agree upon amendments that would be satisfactory to us, satisfactory to this House, and satisfactory, I believe, to the whole people of the country.

Therefore, Mr. Speaker, the question substantially is this, whether if we can have as perfect a bankrupt law as can be made, whether we shall have it or whether we shall have none. That is the question that is substantially presented to the House for its decision this morning.

Now, Mr. Speaker, I am as dispassionate upon this subject as any man can be upon this floor. Perhaps the people of no State in this Union have less interest in this question, whether there shall be a bankrupt law or not, than the people of the State of Vermont, a part of whom I represent upon this floor. We are almost entirely an agricultural people. We are very little commercial. We are as free from the casualties and misfortunes and mishaps of trade as any people can be. Therefore, so far as my immediate constituents are concerned, it is a matter of very little account to them, a matter in which they take very little interest, whether there shall be a national law for the relief of insolvent debtors or a national law for the collection of debts. I speak in a broader sense. My views upon this subject are founded upon a broader basis than the interests of my own immediate constituents.

Now, Mr. Speaker, there is not a commercial country in the world that has not a bankrupt law. Most commercial countries have had bankrupt laws for hundreds of years, and it seems to me that in a country so largely commercial as ours it is indispensable that we have a national law upon the subject of debtor and creditor. And, Mr. Speaker, this is the more necessary on account of our subdivision into States. Each State has its own peculiar local polity, its own peculiar laws for the collection of debts, and for the establishment and enforcement of all the relations between debtor and creditor.

Now, Mr. Speaker, some of the States of the Union have a law by which insolvent debtors can be discharged; but I believe a majority of the States have not. Of the six New England States I believe Massachusetts is the only one that has or ever had an insolvent law. In all the other States of New England a law prevails that was described by the gentleman from Maine, [Mr. FRYE]—the attachment upon mesne or original process. All that the creditor has to do, if he has a debt against a debtor, is to take out his writ; and if he can find property of the debtor, seize it upon his writ, and he has priority over every other creditor; and for this reason the people in my State, or many of them, have been opposed to a bankrupt law. They said, "If any of our people get into debt, why, if there is any difficulty about their circumstances, we know it before people in other States know it. We want to avail ourselves of our laws, and, being the first to seize their property and get payment of our own debts, to let foreign creditors run their own chances." Now, if commerce was just as restricted—if trade was as restricted as State lines, why then there would be comparatively little necessity for a national law to establish and settle the relations between debtor and creditor; but we all know that commerce pays no attention to State lines; it goes abroad everywhere over the whole land. Why, Mr. Speaker, up in the little town among the mountains of Vermont where I live we have a firm that deals with every State in the Union, and, I presume, with every county in every State. Therefore, inasmuch as commerce itself is so universal, why we ought to have a commercial law that is equally universal—that furnishes the same rule and the same remedy everywhere throughout the whole realm.

The embarrassment about State insolvent laws is that they are partial, and must be so, in their operation. The insolvent courts are the creatures of the local State laws; and a discharge under the insolvency laws of Massachusetts is no discharge to the debtor as respects a creditor outside of Massachusetts, unless he chooses to come in as a party to the proceedings. Now, it is perfectly settled by repeated judicial decisions of the country that a discharge under a State insolvent law only discharges the debtor from debts that are within the jurisdiction that passed the law. Therefore, so far as the voluntary part of the bankrupt law is concerned, it is absolutely necessary, in order to make it effectual and perfect and wholly release the insolvent debtor who surrenders all, that the law should be national in its operation. As I said, I agree with all the other gentlemen who have spoken, and with every member of the Judiciary Committee, that the present law is defective and needs amendment in many particulars.

The involuntary part of it—that portion of it that is intended as a remedy for creditors against their debtors, either fraudulent or insolvent—needs amendment. I agree that the incorporation into the law a few years ago of the provision that the non-payment of his notes by a commercial man or trader for fourteen days is an absolute act of bankruptcy may be harsh in its operation. I believe there may be cases where a man, by some misfortune, may be compelled to allow his notes to run over more than fourteen days when he is actually solvent and has the means to pay all his debts. I would agree to an amendment of the law which would confine that provision to cases of fraudulent acts on the part of the debtor and fraudulent attempts to evade his debts, and to cases of real and actual insolvency of the commercial debtor, and let the non-payment and dishonor of his commercial paper go to the court merely as a piece of evidence tending to show whether the man is solvent or insolvent. There will be no difficulty in amending the law in that particular. In such cases, will any one pretend that the creditors ought not to be allowed to step in and have the property of the fraudulent or the insolvent debtor taken by the law and disposed of for the purpose of making equal distribution among them?

But, in my belief, this objection is more fanciful than real. The gentleman from New York [Mr. TREMAIN] has dwelt eloquently upon the hardship of it; but did he tell us of any case? Can he tell us of any case where this evil has been done? I know from the newspapers that a great banking firm in New York city, for the purpose of getting time and avoiding the sacrifice of their securities in the late panic, procured proceedings in bankruptcy to be instituted against themselves, and got themselves enjoined from paying any debts or negotiating any securities. This is the only case I have ever heard of where a really solvent man or solvent firm has been put into bankruptcy under this provision of the law. I have heard of some other great concerns that attribute their embarrassments to the existence of this provision of the bankrupt law, but I greatly fear they give this reason because they have no better one to give.

Another objection made by the gentleman from New York to the bankrupt law was the conflict of decision by judges of courts in different States. Doubtless there has been some conflict of opinion and of decision under this law, as there always is upon a new law with a great variety of provisions. But if inconvenience and difficulty have been found from the mere differences of construction of the same law by the different judges, how immensely more and greater must be the difficulty when the whole law and practice and principle in relation to debtor and creditor is diverse in the different States.

It is said, too, by the same gentleman that conveyances and transfers of property, made upon good conditions and in good faith, with no knowledge or suspicions of insolvency, are held invalid. It is sufficient to say that such is not the bankrupt law; all such conveyances and transfers are held good by the bankrupt law if made in good faith and without notice of insolvency. If any judge or court has held differently he has decided differently from what the law is.

There have no dividends ever been paid in a single case in New York, says the same gentleman. I do not mean to question the gentleman's veracity; but it is apparent that this is a wholesale statement that comes from street rumor or less authentic source. But if it were true, what of it, if there was nothing to pay with? But the gentleman means more; he means substantially to allege, what was directly alleged by the gentleman from Wisconsin, [Mr. ELDREDGE,] that all assets were eaten up by excessive or illegal fees of the officials having the charge of the cases and the property. Is this true? Are the district judges, clerks, marshals, registers, and assignees in bankruptcy a set of villains, plunderers, and thieves, as intimated by one and boldly declared by another?

Does the gentleman claim we are to have no laws for the collection of debts? If we have, have they not got to be enforced by some sort of officials? What reason is there to believe these officials are not as honest and competent as any other? None that I am aware of. But the assignee, the man who has the whole charge of the bankrupt estate, the administrator upon it—he is chosen by the creditors them-

selves. Is there something so poisonous about the bankrupt law that a man selected by the creditors themselves must necessarily steal the property intrusted to him?

I have heard complaint of the amount of fees of clerks and marshals in my own State and in others. The truth is, I believe the fees are too high, and should be reduced. Is there the slightest difficulty in fixing a fee bill for those officers that shall not be too high?

But my time is nearly run, and I must omit most that I wish to say. I should regard the repeal of the existing bankrupt law as most disastrous. It has now been nearly seven years in operation—long enough to have its defects all known and discovered. Now we can amend and perfect the system intelligently and make it as near perfect as a bankrupt law can be. But I fear this law is to follow in the wake of others, and be repealed in a spasm. The history of bankrupt laws in this country has been that Congress would refuse to pass one until the ranks of the victims of commercial disaster had become full and the swell of complaints too long and too loud to be resisted; then a bankrupt law would be passed and the victims released. As soon as the great pressure was over it was easy for some slight reason to get up a reaction, and in a spasm repeal the law. I hope we may have grown wiser, and, like every other commercial country, have a steady, well-adjusted, and regulated system of bankruptcy to keep the commercial business of the country where it may at least know its liabilities and its remedies. But I fear the law will go as others have gone, and that another generation of commercial wrecks must founder and be exiled for years in insolvency to again re-enact it.

[Here the hammer fell.]

Mr. HAZELTON, of Wisconsin. I wish to suggest that half an hour longer be allowed for debate, to be divided into five-minute speeches.

The SPEAKER. The Chair will submit that suggestion at the end of the time now allowed for debate.

Mr. BUTLER, of Massachusetts. I should like to have time allotted to me to close the debate.

The SPEAKER. It will require unanimous consent of the House to extend the time allowed for debate.

Mr. HALE, of Maine. I object.

Mr. O'BRIEN. Mr. Speaker, the repeal of unwise laws, which in their administration have been fruitful of evil rather than productive of good results, is not to be deprecated. The legislation of every state and nation will furnish examples of the enactment of measures believed to be promotive of the public good, and intended for the benefit of the people, but which in their practical developments have shown the folly of the most prudent and experienced legislators in dealing with questions affecting the varied interests of a great people. Our Federal statutes are by no means an exception; and it is quite safe to foretell that, in the various methods suggested by our financial wiseacres, from the Cabinet along the line to the petty Wall street broker, for the amendment of our laws on banking and currency, the Forty-third Congress will be prolific of many statutes that will be to the distraction and further derangement of our national finances, and by no means a source of relief to the business interests depressed and suffering from the unwise and ruinous policy of the governing powers of the country. In this very hour of distress, when the commercial interests of the country are crying aloud for relief—a voice which is re-echoed from every quarter and every class of trade—this House, when the cry is for bread, is about to offer a stone to soothe the afflicted and fill with plenty a great commercial nation famishing for wise and cautious legislation. To still the rising storm, to heal the wounds which have brought ruin to some and chronic disease to many of the most prosperous enterprises in which a great commercial nation is engaged, we are about to repeal a law which a few years ago was regarded as wise and salutary legislation, and which, with all its confessed and imputed errors, has been proven to be the highest safeguard and protection to every honest business man, and the surest guarantee against the enormous frauds and the corrupt practices which evil-minded men and gigantic corporations are ever ready to commit—a repeal which is demanded in the interest of the money kings whose sway, if permitted much longer to shape the policy of the Government and direct its laws, will end in serfdom for all but the wealthy and corrupt, the throttling of the Republic, and the consummation of the empire.

The bankrupt law, Mr. Speaker, was intended to afford a remedy for many existing evils. Commercial intercourse between our citizens of the several States must ever remain unrestricted, and so long as the laws of the States differ from each other, or conflict on matters affecting trade and commerce, no other system of insolvency than one of Federal authority will be at all sufficient for the protection of the commercial classes. Where business is done on a cash basis, no laws for the protection of debtor or creditor can be required; but the credit system, which has a universal field, demands laws regulating and controlling the action of all engaged. Besides, sir, the credit system is necessary for the life of trade, and especially so for those whose capital is limited. It is an axiom of finance that whatever interferes with or intercepts credit works an injury to the man of limited capital. Our legislation should include all classes in its practical effects; it should be general in its character; not in the interest of the few; though by that means colossal fortunes are built up and great enterprises sustained. Millions of our people should not suffer that some gigantic railroad corporation may swell until, in an unpropitious moment, it burst, and thousands of investors be stranded on the shore of bankruptcy. We have had some examples of that during the present panic, and gentlemen on the other side of the House are not entirely free from the responsibility.

The bankrupt act is thoroughly understood, and amendments are now before the Judiciary Committee which would relieve it of all its harsh and impracticable features. The asperity with which some cynics have spoken and written of it is not justified. Ample provision against fraud on the part of the failing debtor has been made—fraud concocted before bankruptcy is exposed; and herein, I surmise, will be found the powerful motive impelling many seeking its repeal. Dishonest and corrupt depositaries of the people's money are shaking with fear of the fate in view if their unfaithfulness is unveiled to the public eye. Rush on to the national capital, besiege Congress, move on their works; raise the cry of repeal, succeed, and we are safe from the institution of proceedings which would rend asunder the column of our seeming prosperity and Christian guardianship of public funds, and drag to the light the hideous specter of our foul and infamous betrayal of our trust.

Mr. Speaker, when a commercial house fails, how is the estate to be wound up? How is the property or the funds to be distributed to the creditors? Under the insolvent laws of a State the foreign creditor is often protected, paid, perhaps, in full—for State insolvent laws are void as to all creditors out of the State—and the domestic creditors may obtain nothing. The foreign creditors can attach the funds in the hands of the insolvents' trustee and make their claim. The domestic creditor is set aside, and has the same share that Lazarus enjoyed from the rich man's table. This is the law recognized by the decisions of the court of appeals in Maryland, a very high authority; and I presume it is law in every State in the Union. The bankrupt act establishes absolute uniformity; no preferences are allowed, and equal rights guaranteed to all claimants. Besides, sir, its practice is simple and effective, and the clause requiring a 50 per cent. payment by the bankrupt has a universal influence, inhibiting honest business men from sacrificing their entire assets and thus protecting the creditors from the release of debtors whose fraudulent or indifferent conduct prevents their compliance with the law requiring so large a payment to obtain a release.

There is no alternative for a settlement with creditors except a resort to an arrangement. Assignments for the benefit of creditors have sprung from the defects of the State insolvent system; they are of American origin, never having been used in England, where a wise and equitable system of bankruptcy affords abundant relief in all cases of commercial insolvency. In many of the States where the insolvent laws prevail they are regulated by laws which are by no means uniform in their application. Thus when the alternative, the assignment for benefit of creditors, is resorted to it becomes impossible to make it have application to all creditors; it may provide for all but a big fish, in whose rapacious maw the whole estate will speedily disappear by the process of attachment well known to all lawyers, and which, ofttimes, is not invoked in vain, to the great consternation of perhaps more deserving creditors.

The involuntary feature of the bankrupt law may have promoted much distress, and has no doubt often been availed of to gratify other motives than contemplated by the law-makers. It is not without some compensating benefits. The fact that a suspension of payment of commercial paper for a few days is an act of bankruptcy has in a multitude of instances impelled business men to guard their transactions with an eye single to their certain ability to pay all paper at maturity. It has proved a great check to inflated trade, and has been a strong motive to healthy business, and confined speculation. If it has been productive of more evil than good, strike it out; prune the vine if you will; let its decayed branches be sundered; but destroy it not by tearing up the roots because of evils more imaginary than real.

I have adverted to the fact, Mr. Speaker, that England has provided a bankrupt law which is admirable in its effects.

Perhaps the country from which we have derived the common law, and which is the chief commercial nation of the world, affords no example for our imitation in this regard. Some of our ablest lawyers have a lingering respect for her laws, and ofttimes quote her jurists as a guide for our own judges when patriotism has no play and on special principle of loyalty, as that word was erst understood, needed vindication. But, Mr. Speaker, assignments for benefit of creditors not being required in England, a fruitful field for fees, far in excess of any allowances under the bankrupt law, which is very common in America, is comparatively unknown in England. I allude to a feature of our law reports which is without a parallel in any country—suits to set aside fraudulent conveyances, deeds made to defraud creditors and to enrich the debtor and his family at the expense of his honest creditors. Over five thousand such cases are reported in the American decisions, and they represent but a tithe of the numberless undiscovered transactions whereby fraud triumphs to the injury and oppression of the honest creditors. The bankrupt law affords the only and a summary relief. I have said that these fraudulent contrivances are comparatively unknown in England. Need it be inquired why? My friends on the other side of the House who are moving for the repeal of this law would be slow to admit the superiority of moral character and business integrity of the commercial classes in England over this free land, where the Christian statesman

presides in the temple of government and the pious and Puritan element is so strongly represented in business and financial circles. They would be entirely right in their denial of such claim for England, for the hearts of our people are honest and incorruptible in the many, and the few, I ween, are well provided with examples of the Christian statesmen and Puritans referred to.

No, Mr. Speaker, our deficiencies arose from the imperfections of our laws, and the repeal of the bankrupt act will assuredly prove the forerunner, not of any improvement or reform in the ways of trade and commerce, but of a renewal of the corrupt practices and mischiefs against which it was intended to act as a breakwater and sure protection.

I have not the time to further demonstrate the viciousness of a repeal of the law. It has been protested against by business men in all parts of our country, and many are awaiting the issue of this agitation for repeal with dire forebodings.

I desire to state to the House that the Board of Trade of Baltimore have unanimously petitioned against the repeal of this law. Recognizing its many deficiencies, the merchants of the commercial metropolis of the South have nevertheless resolved that the bankrupt law is a great protection to all commercial credits, and is in the main a wise and salutary measure.

I incorporate the resolution:

Resolved, That it is the conviction of this board that the preservation of the bankrupt law is necessary for the protection of commercial credits, the equal distribution of assets, and the release of the honest although unfortunate bankrupt; and, while admitting its several defects, we regard it, as a whole, superior to the old State insolvent laws, to which the country would be remanded by its abrogation.

Mr. Speaker, the judgment of the commercial men who adopted that resolution is worthy of the highest consideration and respect. Their prudent course in the conduct of their business affairs has been amply demonstrated during the recent crisis. Their investments stood the test of the fiery ordeal that, as a besom of destruction, swept over the country, carrying desolation and ruin to many whose mercantile position seemed impregnable. The mercantile community of Maryland stood as a wall of brass, as firm as gates of steel—no break, no dismay; their unimpeachable integrity suffered no blemish; no shoddy fortunes were impaled on the horns of the bulls nor consumed by ravishing bears; no putrid carcasses left to fatten birds of prey and mark the line of battle. They rested confidently in the assurance of their own legitimate trade and finance, without fear of disaster; and when the storm had passed they resumed their steady and prosperous career in the avenues of lawful trade and commerce.

The repeal of this law, Mr. Speaker, is not demanded in the interest of the commercial classes. They have doubtless considered the wholesome effects of its provisions in creating a proper view of the great responsibility for the payment of debts, especially so by the great corporations whose solvency is almost guaranteed by the law if the strictest management of their affairs can promote so important an end. In case of insolvency the law affords ample remedies against corporations, and the advantages secured to the bondholder will be readily appreciated.

I desire in the short time allowed me, Mr. Speaker, to call the attention of the country to the amendments offered in the Senate providing for composition deeds.

This is an important and highly useful feature of the English bankrupt system. It enables a majority of creditors, under proper and equitable conditions, to force refractory creditors to assent to a fair compromise without any of the ordinary proceedings in bankruptcy; and an estate may be settled up to the greatest advantage of the creditors without unnecessary hardship to the bankrupt, who may be employed to aid and assist in settling up his affairs. But, sir, the provisions of the pending bill afford no such security. It is manifestly the emanation of Jay Cooke & Co. and their fraudulent brethren, intended to whitewash the gigantic frauds perpetrated by the banking and railroad corporations which have brought us to the verge of national bankruptcy.

In conclusion, Mr. Speaker, I will remark that while I have little faith that this House will recede from its apparent determination to repeal the bankrupt act, I have less faith in the efficacy of such legislation to cure the financial distemper that afflicts the country. Whatever its results may be I will not bear the responsibility. If I have protested in vain I will still have the consciousness that I did not fail to discharge my duty.

Mr. POTTER. I gave my assent in the Committee on the Judiciary to a bill to repeal the bankrupt law, saving pending rights and cases. I am not satisfied that the bill reported does not do more than that. Upon reading it I am inclined to think that one of the special provisions which it makes for pending cases is unconstitutional, and I am not entirely satisfied with the others. I trust, therefore, that my colleague on the committee will allow some amendment to the bill to be voted upon, striking out all but its first and last sections, which would be equivalent to adopting the substitute of the gentleman from Iowa, [Mr. McCRARY,] or, except as to the official fees, equivalent to the amendment of the gentleman from Kentucky, [Mr. BECK,] which I prefer.

In regard to the propriety of repealing the law, I have no doubt whatever. The law has two parts to it—one for voluntary, the other for involuntary proceedings to bankruptcy. These parts are entirely distinct. I should not oppose the retention of a proper measure to permit honest debtors to surrender their property and be relieved from their debts. But I am satisfied that a law could be framed for that purpose much simpler and better than this, and free from the cumbersome and embarrassing machinery which attends the existing bankrupt law, and therefore I do not think any one should seek to now retain the so-called voluntary clause of this law.

As regards the involuntary part of the law, I ask the House to take notice of the fact that the gentlemen who have spoken here this morning urging us to retain these provisions in the interest of creditors are generally from sections of the country which are less interested in the law as creditors than are the people of those sections of the country whose Representatives have urged the repeal of the act. The gentleman from Vermont [Mr. POLAND] who has just spoken, and who tells us that justice to creditors requires the retention of this law, tells us also that there is no State in the Union less interested in the subject than the State he represents. The gentleman from Indiana, [Mr. WILSON,] who also favors the continuance of the law, spoke expressly for himself, and not for his constituents. But so far as any expression has been given of the wish of the people of the great creditor centers of the country, so far as they have spoken by their Representatives in this House this morning, they have spoken uniformly in favor of the repeal of these provisions of the law.

The gentlemen who seek to retain the law tell us it is "*necessary*" for the interest of creditors to have a permanent Federal bankrupt law. But that is only their theory. I claim that the practical workings of the law have been such as to show that its continuance is of no use to either debtors or creditors. There have been in operation in this country, in the last eighty-five years, not only this law, but two other bankrupt laws before this. The result has been that when these laws, enacted after some great commercial revulsion, have been used by debtors to wipe out their debts, they have then been repealed, and no other bankrupt law enacted until the next generation. These bankrupt laws have come, it will be remembered, about twenty-five years apart. Such was the fate of the law of 1817, and also of the law of 1842. And so far as the people, through their Representatives in this House, have been able to express their opinion upon this law, we may assume such will be its fate also.

Gentlemen talk about haste in passing an important measure like this without debate. But the question is not of enacting a new law, but of repealing one which has been six years in operation. The action of the last House of Representatives showed how entirely the people were satisfied that this law should not be longer retained. It is a subject about which the country is perfectly informed. It is very well to talk about protecting the interest of the creditors by making debtors distribute their estates fairly. But, after all, whether this law does that wisely, and should be preserved or not, is a practical question; and upon that question the sense of the country, so far as I am informed, is all one way. Among my own clients—I practice law in the city of New York, and my clients are mainly of the creditor class—I have heard but one opinion expressed, and that has been uniformly against the law.

My colleague from the first district of our State, [Mr. SCUDDER,] also a lawyer, and having a large practice in the city of New York, told me yesterday that he had never heard among his clients any desire whatever expressed to retain this law. So far as I have heard from any of my colleagues as to the wishes of their constituencies upon this subject, their testimony has been uniformly the same. So with regard to the distinguished gentleman from Chicago, [Mr. WARD,] the gentleman from Pennsylvania, and the other gentlemen representing great commercial centers, who either in the Committee on the Judiciary or upon the floor of this House have expressed their views; they all demand a repeal of this law.

My friend from the Saint Louis district of Missouri, [Mr. STONE,] who is a large manufacturer there, tells me that he has had numerous cases in bankruptcy in that State, and in no one has he ever received a dividend of more than 10 per cent.; and you have heard from my colleague on the committee [Mr. TREMAIN] that out of eighteen hundred cases in the city of New Orleans but one paid a respectable dividend. From all over the country comes a cry against the charges and management of estates in the bankrupt court, until, as I heard one gentleman say, it should be written over the doors of that court, "When any estate enters here its creditors should leave all hope behind."

Yet at the end of six years of trial of this law gentlemen come to us from sections of the country not interested in this bill, with their theories, and tell us that it is the right of creditors to have a bankrupt law, and that it is provided for in the Constitution of the United States. But, Mr. Speaker, this is the third time Congress has tried the enactment of such a law, and each time failed to frame one which, after its temporary purpose of discharging a great class of pressing debtors was answered, the people wanted retained. When gentlemen say that this law should be retained in the interest of creditors I repeat that in a measure of this kind the persons most affected by it are those best competent to judge and to guide us; and, so far as I am informed, these persons—the creditors of the country—almost without dissent, are against the continuance of the present bankrupt law; first, because the estate goes into the hands of persons without interest in its good management, and is largely absorbed by enormous charges and fees; secondly, because the law tends to interfere with those arrangements which creditors would make with the debtor for

the distribution of what property he has left; and thirdly, because it permits the bankrupt court to interfere between the creditor and the debtor, and suspend the creditor's exercise of his legal rights and the realization of his securities during its pleasure, and thus by making the creditor the servant of the debtor or of the bankrupt court prevents creditors lending, and adds to that distrust and locking up of means which, in periods like that of a few week since, are so disastrous.

The nature of trade and credit in this country is such that in commercial business few men fail until they have paid out all their available means. The frequent practice of the country before this bankrupt law was for creditors to arrange with their failing debtors according as they found for their common interest. But Congress came in with its bankrupt law, and placed it in the power of any one creditor to put the debtor and his estate into the bankrupt court, to set aside all arrangements except ratable distribution in the court, and to put all the debtor's property into the hands of a lot of officials who have no interest but to make fees out of it, under a law inviting to conflicts of jurisdiction and dispute. The result has been that in many—indeed I think in most—cases, the creditors of the bankrupt regard bankruptcy as the end of their hopes of payment. Why, then, seek to retain a law which the persons whom it is said to benefit desire to have repealed?

The gentleman from Vermont [Mr. POLAND] says himself the law is defective and that it should be amended, and he thinks it can be amended. Sir, we have been talking this morning for two hours about this law, and have heard from both sides of the House suggestions enough from the gentlemen who seek to retain and amend it to occupy the Committee on the Judiciary the entire session. We passed through the House during the last Congress a bill to repeal the bankrupt law; it went to the Senate, and was referred to their Committee on the Judiciary, and they, not favoring the repeal, spent the entire session seeking in some way to amend it, and the result was that they agreed upon nothing. And if we do not repeal the law now, we shall have exactly that experience repeated at this session. Why should gentlemen seek to retain, that they may amend and doctor, a law which even debtors no longer need, for the benefit of a creditor class who do not desire it? If that shall be done the session will come to an end without any practical relief being afforded to the community. I trust therefore that the special provision in the bill reported will be struck out, and a bill repealing the law, without affecting existing cases, be passed.

Mr. BUTLER, of Massachusetts. I desire, with the leave of the House, to explain the theory upon which the Committee on the Judiciary acted in regard to this bankrupt law, without disclosing, I hope, improperly any of the secrets of the committee. We first considered the question whether there should be a repeal. Upon that there was a great diversity of opinion. A large number of the committee, but not a majority, desired there should be no repeal; and a majority of the committee, of course, were in favor of repeal. Then it was agreed on all hands that in case there was a repeal there must be provisions to suspend pending proceedings and to wind them up.

The theory upon which we proceeded in regard to those proceedings was this: That if there was to be a repeal, then pending proceedings should be brought as near no bankrupt law as possible, because, having repealed the bankrupt law for all men hereafter, it was quite unfair to keep these stringent provisions operating upon those people who happened to be caught within its toils before the repeal could go into effect.

I am very desirous this question should be settled here, and now, because if it is known that the matter will be pending here for any considerable time, fraudulent debtors and creditors desiring to drive men into bankruptcy will take advantage of the delay and rush everybody in as long as they can, in order to get the advantage of the law. We have therefore provided that in regard to pending proceedings, when a majority of the creditors choose to take the property into their own hands and deal with it themselves, equally and fairly, they shall have that power, and the debtors shall be no longer under the stringent provisions of the law.

This seemed to us just, and we therefore undertook to devise provisions which would meet this object. We agreed that when a majority of the creditors declared their willingness to permit the debtor to wind up his affairs for their benefit, or to take the property into their hands to administer it for their benefit, they should have that right, with the single limitation that there should be an equal distribution among all the creditors.

Now, there has been some criticism upon that provision; but there is one clause to which gentlemen making this criticism may not have had their attention drawn, because it is apparently out of its place. The clause to which I refer is as follows: "And the provisions of such resolution or agreement shall inure equally to the benefit of all the creditors of such bankrupt, or alleged bankrupt;" so that the majority cannot make any provision for themselves which does not operate equally to the benefit of every creditor, however small.

A criticism has also been made in regard to the number of creditors that may join in this agreement. I will answer that criticism by mentioning a case which occurred within my own knowledge. The present provisions of the bankrupt law require an assignee to be chosen and certain proceedings to be had by a majority in number and value of the creditors. There was a man in our section of the country who failed, owing about sixty thousand dollars, about three thousand dollars being due to some six or seven hundred sewing girls who had been in his employ, and whom he expected to employ afterward. Those sewing girls, whose claims amounted to but $3,000 out of the $60,000, came in and controlled the whole proceedings to the exclusion of the creditors who constituted the majority in value.

A MEMBER. Why should they not?

Mr. BUTLER, of Massachusetts. Because persons whose claims amounted to but $3,000 controlled the disposition of the estate of the bankrupt, without reference to the wishes of other creditors whose claims amounted to nearly sixty thousand dollars. In this respect we have modified the existing law.

I do not think that our provision in this respect is open to the objection of my learned colleague, [Mr. E. R. HOAR,] who suggested that it was not constitutional because it is not a "uniform system of bankruptcy." I beg to differ with the gentleman. It operates upon all alike. Besides, if the provision is unconstitutional it will not do anybody any harm as it will be declared invalid by the courts.

I was sorry to hear brought in, on this question, personal allusions to a particular gentleman. I have not time, nor is it my province, to enter into any defense or eulogy of his action, or any animadversion upon his character. But, sir, he is to be treated like every other unfortunate banker. He periled a great estate in what I believe to be a fruitless enterprise; he is now in bankruptcy. If his creditors have such confidence in him that they are willing to intrust to him the settlement of his estate, why should they not be permitted to manage their own affairs in their own way? Why should we interfere?

I have not spoken at all, nor do I intend to speak, upon the general question of repeal, because I suppose upon that question the whole House is substantially united. The matter does not make any difference to my constituents, for in Massachusetts we have an insolvent law to take the place substantially of a national bankrupt law. But if the House should vote for this bill the effect will be that as to pending cases they will be worked out exactly as the majority in value of the creditors by solemn resolution agree.

Mr. SMITH, of New York. Will the gentleman permit an inquiry?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. SMITH, of New York. Is the Judiciary Committee of the opinion that the feature of the existing law which prohibits preference of creditors by debtors ought to be abolished?

Mr. BUTLER, of Massachusetts. If you continue that provision you retain a bankrupt law of some sort. Every State must settle for itself about such preferences. If we repeal the bankrupt law we wipe out that provision as a national matter.

Mr. SMITH, of New York. Might not this feature be continued, and the State courts be given jurisdiction of the question?

[Here the hammer fell.]

The SPEAKER. The two hours, to which the House directed the debate on this question to be limited, have expired.

Mr. TREMAIN. Having charge of the bill on behalf of the committee, I would like to occupy about three minutes to close the debate.

Mr. BUTLER, of Massachusetts. Say ten.

Mr. TREMAIN. The gentleman from Massachusetts suggests ten minutes. I will ask five.

Mr. POLAND. The debate has been closed by a gentleman on that side. I must object to an extension of the time for the benefit of that side.

Mr. WILSON, of Indiana. The gentleman from New York [Mr. TREMAIN] yields to me that I may ask the House by unanimous consent to extend the debate for another hour, to be occupied in five-minute speeches.

Several members objected.

Mr. TREMAIN. The debate being closed, and the remarks of the chairman of the committee [Mr. BUTLER, of Massachusetts] being entirely satisfactory to me, I now withdraw the motion to recommit, and call the previous question, so as to bring the House to a direct vote on the bill.

Mr. BECK. Will not the gentleman consent to any amendment being offered?

Mr. TREMAIN. I have no objection to their being read.

Mr. BECK. They have been read. I desire a vote on my amendment.

Mr. TREMAIN. I must ask a vote at once on the bill.

Mr. KASSON. I wish to know, Mr. Speaker, whether the motion to recommit can be withdrawn so as to carry with it the proposed amendment to the motion to recommit.

The SPEAKER. Certainly. It is the uniform practice of the House that an amendment, being withdrawn, withdraws the amendment to that amendment. The gentleman from New York [Mr. TREMAIN] withdraws the motion to recommit, and demands the previous question.

Mr. MAYNARD. I ask the Chair to inform the House whether there is any way in which a motion to recommit can be brought before the House other than by voting down the previous question.

The SPEAKER. The Chair knows no other way. On seconding the demand for the previous question the Chair will direct that the vote be taken by tellers, and appoints as tellers the gentleman from New York [Mr. TREMAIN] and the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. I desire to ask a parliamentary question, not for my own information, but for that of others who may not have been here

so long as myself. If the previous question should be voted down, will not the bill then be open to amendment?

The SPEAKER. Of course.

Mr. MELLISH. Can we have a division of the question by sections?

The SPEAKER. No, sir; the rules do not permit it.

The House divided; and there were—ayes 71, noes 121.

So the House refused to second the demand for the previous question.

Mr. BECK. I now offer my amendment.

The SPEAKER. The Chair will recognize those who have had amendments read in the order in which the amendments were read. The gentleman from Kentucky is the first in order.

Mr. BECK. I move to amend the bill as follows:

The Clerk read as follows:

Substitute for the second, third, fourth, fifth, sixth, and seventh sections of the bill the following:

SEC. 2. That all suits and proceedings now pending in the courts of the United States, wherein adjudication for bankruptcy has been made, shall be proceeded with and governed by the provisions of existing law, which are hereby continued in force only for the purpose of closing up suits and proceedings now pending: *Provided*, That from and after the passage of this act, fees, commissions, and charges of the officers and agents of the court in bankrupt cases shall be reduced to one-half of the fees, commissions, and charges heretofore allowed.

Mr. BECK. I call the previous question on the bill and on the amendment, if I have the right to do so.

Mr. BUTLER, of Massachusetts. That cuts off all other amendments.

Mr. McCRARY. I hope the gentleman from Kentucky will let me offer an amendment.

Mr. BECK. I desire to test the sense of the House.

Mr. SENER. Is it in order to move that all amendments be printed and the further consideration of the question postponed?

The SPEAKER. Not when the previous question has been demanded.

Mr. DONNAN. I hope all amendments which have been proposed will be again read.

Mr. BECK. I do not object to that.

Mr. McCRARY. I hope the gentleman will allow me to offer an amendment to his amendment, or at least to allow it to be read.

Mr. BUTLER, of Massachusetts. It is not in order, pending the demand for the previous question.

Mr. McCRARY. The gentleman from Kentucky yields to me to allow the amendment to be read.

Mr. BUTLER, of Massachusetts. I demand the regular order of business.

The SPEAKER. The gentleman from Iowa [Mr. McCRARY] asks whether the gentleman from Kentucky [Mr. BECK] will allow him to move an amendment striking out the words from his amendment "wherein adjudication for bankruptcy has been made."

Mr. BECK. I will not.

Mr. WILSON, of Indiana. I should like the gentleman from Kentucky to so modify his motion as to have the vote first on his amendment and then on the bill as amended.

The SPEAKER. What point does the gentleman gain by that?

Mr. WILSON, of Indiana. Simply to give the House an opportunity first to vote on his amendment. There are gentlemen who will gladly vote for the amendment who will not be willing to vote for the bill as amended.

The SPEAKER. The question now is merely on seconding the demand for the previous question; and if that be done the vote will be first on the gentleman's amendment and then on the bill.

The House divided; and there were—ayes 138, noes 26.

So the previous question was seconded.

The main question was then ordered to be put.

Mr. BECK's amendment was agreed to.

The SPEAKER. The question now recurs, Shall the bill, as amended, be engrossed and ordered to a third reading?

Mr. SENER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. POTTER. Is this upon the passage of the bill?

The SPEAKER. It is not, but upon the engrossment and third reading.

Mr. POTTER. I hope by consent the yeas and nays will be taken as ordered on the passage of the bill, thus saving the time of the House.

The SPEAKER. If there be no objection, that course will be taken.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read a third time.

The SPEAKER. The yeas and nays have been ordered on the passage of the bill.

The question was taken, and it was decided in the affirmative—yeas 219, nays 44, not voting 22; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barnum, Barrere, Bass, Beck, Begole, Berry, Biery, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cotton, Cox, Crittenden, Crocker, Crossland, Crounse, Crutchfield, Curtis, Danford, Darrall, Davis, De Witt, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eden, Eldredge, Elliott, Farwell, Field, Fort, Foster, Freeman, Garfield, Giddings, Glover, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, George F. Hoar, Holman, Hoskins, Houghton, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Jewett, Kelley, Kellogg, Kendall, Killinger, Knapp, Lamport, Lansing, Lawrence, Lawson, Lofland, Lowe, Lowndes, Luttrell, Lynch, Magee, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McJunkin, McLean, Mellish, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pendleton, Perry, Phelps, Phillips, Thomas C. Platt, Potter, Pratt, Purman, Ransier, Rapier, Ray, Read, Rice, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, Ross, Rusk, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheldon, Sherwood, L. D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, William A. Smith, Southard, Speer, Sprague, Stanard, Standeford, Starkweather, Stone, Storm, Strait, Strawbridge, Swann, Sypher, Taylor, Thornburgh, Todd, Townsend, Tremain, Tyner, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodford, Woodworth, and John D. Young—219.

NAYS—Messrs. Albert, Averill, Barry, Bell, Blount, Benjamin F. Butler, Clinton L. Cobb, Cook, Corwin, Creamer, Dawes, Frye, Gooch, Benjamin W. Harris, Henry R. Harris, Joseph R. Hawley, Hays, E. Rockwood Hoar, Hooper, Kasson, Leach, Loughridge, McKee, McNulta, O'Brien, Pelham, Pierce, Poland, Rainey, Rawls, Sawyer, Sener, Sessions, Shanks, Sloss, J. Ambler Smith, Stowell, Vance, White, Charles W. Willard, John M. S. Williams, James Wilson, Jeremiah M. Wilson, and Pierce M. B. Young—44.

NOT VOTING—Messrs. Bland, Burleigh, Crooke, Hersey, Howe, Lamar, Lamison, Lewis, Mitchell, Morey, Pike, James H. Platt, jr., Randall, James C. Robinson, James W. Robinson, Sheats, George L. Smith, Snyder, Stephens, St. John, Thomas, and Walls—22.

So the bill was passed.

Mr. BECK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HALE, of Maine, rose.

Mr. COX. I move to reconsider the vote by which the bill was passed.

The SPEAKER. The gentleman from Kentucky was recognized by the Chair for that purpose, and the usual motion to reconsider has been made and that motion laid upon the table. The gentleman from Maine [Mr. HALE] has the floor.

Mr. COX. Will the gentleman allow me to state what I wanted? I desired to move to reconsider this bill with the view of having the action of the House on the following proviso prepared by my friend from Missouri, [Mr. BUCKNER:]

Amend the first section of the bill by inserting at the end of the section the following: "Provided that the repeal hereby enacted shall not in any way be applicable to corporations."

The SPEAKER. The bill is now past the stage where that would be in order.

MESSAGE FROM THE SENATE.

A message from the Senate, communicated to the House by Mr. GORHAM, its Secretary, announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 24) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes, and for other purposes,'" approved March 3, 1873.

A bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol and the various Departments of the Government; and

A bill (S. No. 194) in relation to the monument erected to the memory of the Chevalier de Ternay.

ORDER OF BUSINESS.

Mr. DAWES. I ask the gentleman from Maine to yield to me for a moment.

Mr. HALE, of Maine. I cannot yield to anything.

Mr. DAWES. I wish to ask non-concurrence in the amendments of the Senate to the loan bill, and have them sent to a committee of conference. Here is a $20,000,000 loan coming due on the first day of January, which must be provided for.

The SPEAKER. The gentleman from Maine [Mr. HALE] is recognized; the balance he must do himself. [A laugh.]

Mr. DAWES. I ask but a minute.

Mr. HALE, of Maine. I cannot yield.

The SPEAKER. The gentleman from Maine will proceed.

REPEAL OF THE SALARY BILL.

Mr. HALE, of Maine. The committee upon the salary bill (H. R. No. 471) to whom the subject was recommitted, has considered the instructions of the House, and authorizes me to report the bill which I send to the desk to be read.

Mr. HALE, of New York. I desire to ask, as a question of order, whether this bill takes precedence of the morning hour?

The SPEAKER. It does; because on the recommittal of the bill the committee was authorized to report at any time. On the previous reference of the subject, they were authorized to report after the morning hour; on the recommittal the language of the reference was changed.

Mr. HALE, of New York. I wish to suggest to the gentleman from Maine that we have the morning hour, and that he then call up his bill.

Mr. HALE, of Maine. I do not agree to that.

The SPEAKER. The committee on the salary revision report the following bill, which will be read.

The Clerk read the bill, as follows:

A bill (H. R. No. 793) to repeal the increase of certain salaries and to establish the rate of the same.

Be it enacted, &c., That all provisions in an act entitled "An act to provide for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, that increase the salary or compensation of Senators, Representatives, or Delegates in Congress, or of any officer or employé, are hereby repealed, except so far as the same relate to the judges of the Supreme Court, and to the President of the United States, during his present term of office.

SEC. 2. Hereafter the compensation of Senators, Representatives, and Delegates in Congress shall be at the rate of $5,500 per annum; and this shall be in lieu of all allowances except the actual and necessary individual traveling expenses in coming to and returning from the national capital once each session, which shall be paid to each Senator, Representative, and Delegate on the same being certified by him to the proper accounting officer; and the salary or compensation of all officers and employés of the Government, subject to the exceptions named in section 1 of this act, shall hereafter be the same that they were prior to the passage of the act named in said section.

SEC. 3. That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn, or which have been received as increased compensation under the provisions of said act, approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Mr. HALE, of Maine. I send to the Clerk's desk to be read the motion submitted by the gentleman from Indiana [Mr. ORTH] under which the committee acted.

The Clerk read as follows:

To report a bill repealing the whole salary act, so far as the same can be constitutionally done, except the salaries of the judges of the Supreme Court, and to ascertain the average amount of salary, mileage, and all other allowances, (exclusive of any estimate for the use of the franking privilege,) paid to Senators, Representatives, and Delegates of the Forty-first Congress; and to report a bill forthwith determining the compensation of Senators, Representatives, and Delegates of Congress hereafter at the amount, as near as practicable, thus ascertained, with necessary traveling expenses, and restoring all other salaries as they were before the passage of said act.

Mr. HALE, of Maine. The bill has not yet been printed, for this reason: during the day, yesterday, I endeavored to get the floor for the purpose of moving to have the bill printed, but was prevented by the objection of different members of the House, and so gave it up. Last night, just before the adjournment, the Speaker obtained from the House an order to have the bill printed. I did not know of it until this morning. Immediately on learning that the order had been given, I sent the bill down to the Government Printing Office. It will be here before long in a printed form, and placed on the desks of members.

Members will see from the instructions just read by the Clerk that very little scope was left to the committee. The bill itself in some particulars does not suit me; in some regards it will not suit others. On that point I may speak for members of the committee. But what the committee did was to follow out the spirit of the instructions, and that was to lump the whole mileage, and then distribute it as salary among the members. The matter was confined to the Forty-first Congress, in making the reckoning, by the terms of the instructions moved by the gentleman from Indiana [Mr. ORTH] and adopted by the House. The committee, not trusting to anything less than an official report, obtained from the Register of the Treasury a complete and accurate list, which I hold in my hand, of the mileage paid to every member of the Forty-first Congress, and also to every Senator, which I also hold in my hand, upon another sheet. The list is in detail, showing what each member and each Senator received. That, of course, was not needed; but the office wished to make their reply to my request exhaustive. The committee took simply the aggregate of the mileage to the members of the Forty-first Congress, which amounted to $209,542.40, paid to two hundred and sixty-five members in all. The mileage to the Senate was $71,382.40, paid to seventy-two Senators. The aggregate of the two amounts was $280,924.80. We of course have divided that amount by the aggregate number of Senators, Representatives, and Delegates, making as the average for the whole Congress $833.60 for two years, or for one year $416.80. To that the committee, acting under instructions, added $125 for stationery allowance, making an average of allowance for mileage and stationery, the franking privilege being excluded by the terms of the instructions, of $541.80. Under the instructions to report a bill as near this as practicable, the committee took the responsibility of fixing an even sum, and they took the nearest hundred dollars, being $5,500, cutting off $41.80, which I presume no gentleman will object to. The bill is therefore reported under the instructions, fixing the salary at the rate of $5,500 hereafter for members of Congress, and is made, in terms as distinct as the committee could make them, to be in lieu of all allowances whatever, except—and there the language of the instructions is followed—actual individual necessary expenses of Senators, Members, and Delegates in coming from their residences to the national capital and returning to them, to be duly certified to the accounting officers. The bill is amended, also, according to the instructions, so as to embrace all officials, with the exceptions referred to in the instructions, to wit, the justices of the Supreme Court and the President of the United States during his present term of office. After fixing the salaries of members of Congress, all other salaries, in accordance with instructions, are put back at the rate that they were under the law previous to the passage of the act of March 3, 1873, all that part of it which is commonly known as the salary bill.

Now, the committee in doing this have endeavored to follow strictly the instructions of the House, and have presented this bill in accordance with those instructions. If I were left entirely unhampered I should call the previous question on the bill, but the arrangement of the House the other day, if I remember it correctly, provided for some discussion, and in order that it may be before the House, as showing that the course I pursue is the just and proper one, I ask that the order be read from the desk.

The SPEAKER. The journal of that day is not here, but the Chair thinks he can state what the order of the House was; it was that the bill should be considered as in Committee of the Whole, under the five-minute rule.

Mr. HALE, of Maine. That will leave it open to amendment.

The SPEAKER. Certainly.

Mr. HALE, of Maine. And the time to which the discussion on this bill shall run is left to the discretion of the House itself. I believe that there is a general desire, in accordance with the strong desire outside of this House, that this matter should be brought to a speedy close, and I indicate that I shall move the previous question after certain amendments have been offered. There is one which I believe will be immediately offered, making the bill retroactive to the 4th of March last, so that it will apply to this Congress and subsequent Congresses. There is another amendment which will be proposed, proposing to make the salary $5,000 instead of $5,500, which would suit me for one better than the bill as it is reported.

Mr. LEACH. There will be an amendment proposing to restore the franking privilege.

Mr. HALE, of Maine. When these amendments shall have been offered I propose to call the previous question, and of course the House can, in its wisdom and pleasure, overrule me if it sees fit.

Mr. KASSON. I offer the following amendment, to come in at the close of the second section of the bill:

Provided, That Senators, Representatives, and Delegates in the Forty-third Congress who shall have received their compensation since the 4th of March, 1873, in accordance with the provisions of the act hereby repealed, shall hereafter be paid only such equal monthly installments as shall in the aggregate make their compensation severally from the 4th of March, 1873, to the close of the present Congress equal to the amount of salary herein provided.

I suppose, Mr. Speaker, that that amendment explains itself. I offer it in order that the entire compensation of members of Congress for this Forty-third Congress shall only amount to the figure provided for in this bill. I yield the rest of my time to the gentleman from Mississippi, [Mr. MCKEE.]

Mr. MCKEE. I do not rise for the purpose of supporting the amendment of the gentleman from Iowa, [Mr. KASSON;] neither do I rise for the purpose of supporting the report of the committee, for I do not believe in it. I do not believe in reducing our pay lower than it was before. Nor do I believe in this humbug and sham that have been exhibited to such an extent in this House about this back-pay bill. The American people may tolerate humbug, but they hate sham and despise demagogery.

I wonder how many men there are on this floor who think they can deceive their constituents in this matter by their hot haste to secure the repeal of this obnoxious salary bill. Sir, away down in the bottom of their hearts, if left to themselves, how many would vote for this repeal? Do not the people know that if this bill was left to its own inherent strength, uninfluenced by the force of popular clamor, it would hardly have force enough to raise a ripple in this congressional flood? That is the truth; and why not say so? Yet gentlemen are so anxious to relieve themselves of this obnoxious pay that they are willing to come up here and vote that they have acted wrongfully in taking it. Now, all this is to make the people believe that they are the only pure, true, and virtuous members. They wish merely to humbug the people. It is not because they are anxious to relieve themselves of this back pay, for that is not true. There is hardly a member here who, away down in the bottom of his heart, wants to have this law repealed.

Now, if this matter is to go before the country I want it to go to the people in its true light, just exactly as it is. It is a great deal like the old Scotchman. He put a guinea into the plate when he intended to put in but a shilling. Finding out his mistake, he desired to take it out, but the old deacon refused to allow him to do so, saying he could not take back what had been once given to the Lord. "Well," said the old Scotchman, "I hope you will give me credit for the guinea I have given." "No;" said the deacon, "the Lord will give you credit only for the shilling you intended to give." Now I hope the people will give these gentlemen credit for the shilling they intended to give.

Mr. WILLIAMS, of Massachusetts. I move to strike out the second section of this bill. I shall require only a few minutes, and should not require them were it not that one's vote is so easily misunderstood.

I have heard very little said in my district against this salary, most who have spoken to me approving the $7,500.

I was in this city last February and March when this matter of increase of salaries was being talked over, and so far as I had opportunity advised against any increase of compensation to members of Congress. I was then and am now in favor of a larger increase than was voted to members of the Cabinet, Vice-President, and Speaker. I am now in favor of restoring the old rate of $5,000, with mileage and stationery, or a compromise of $6,000 per year, to go back to the 4th of March, 1873. Personally I am not opposed to the mileage, as I think that those who come from the far West ought to have larger

pay than we on the Atlantic, but as there is such a general conviction that it is a bad system, I am in favor of yielding to the views of others. I should therefore prefer, if the opportunity offers, to vote in favor of $6,000 per annum, from the 4th of last March, and make that the permanent pay. As to our services being worth more or less than that sum, I do not think it a part of the case. I think the most of us are here because we wished to be, independently of all considerations of pay. It is worth more than any salary to be the choice of our constituency, and the honor of a seat in either House is of more value to the most of us than any compensation could be. I think the larger part of this Congress are equal in all respects, and superior in many, to those heroes and statesmen of antiquity referred to in the eloquent remarks of the gentleman from Ohio, [Mr. LAWRENCE,] or those eminent American statesmen named in the finished speech of the gentleman from Indiana, [Mr. WILSON.] Therefore, I for one, feel honored in having a seat here, and while favoring a restoration of the former salary of $5,000, I shall accept and be satisfied with any compensation that shall be decided upon. I now withdraw my amendment.

Mr. HURLBUT. I move to amend the amendment of the gentleman from Iowa [Mr. KASSON] by substituting therefor the following:

For the purpose of giving due flexibility to the question of salary, and of admitting an opportunity for the exhibition and recording of a judicious self-appreciation or an equally judicious self-denial on the part of members of the House of Representatives, three classes are hereby established, to be severally denominated and known as class A, B, and C. The members of class A shall receive a salary of $7,500 per annum; those of class B shall receive $5,000 per annum; those of class C shall receive a salary of $3,000 per annum. That once in each session, at the commencement of the same, each member of the House shall set forth in writing and file with the Clerk his own choice of the class in which he elects to be placed for that session—

[Great laughter.]

having due regard to his own estimate of his proposed services and to the capacity for endurance in his own constituents, and such election when made shall not be changed at the same session.

Now, it is very evident that this House will never agree to this amendment, and perhaps no other provision upon this subject. Now, sir, I am ready to take the inheritance which the fathers have given me with its burdens. But for the benefit of those members of the former Congress who gave us this increase of salary, I will say that, although I do not know that it would affect me at home, I believe that the liberal sentiment of the people has been in favor of a reasonable reduction of salary. "The fathers have eaten sour grapes, and the children's teeth are set on edge."

Now, it looks to me very much as if this House did not intend to pass any practical bill upon the subject, and to help them to that conclusion I have endeavored to prepare an amendment, by means of which each gentleman can go through the difficult task of assigning a fair value to himself, and still be able perhaps to satisfy those behind him, whose opinion, after all, may vary from his own. I hope my amendment will meet with patient, honest, and faithful consideration by the House.

Mr. NEAL. Mr. Speaker, I had not intended to say anything upon this question. It was my purpose to let my vote upon this bill and the various amendments that have been or may be proposed to it speak for me here, and, through the Journal of this House, to those whose Representative I am. But, sir, seeing that I am to be deprived of the privilege of voting upon all the propositions now before the House, or such number of them as will enable me to fully express my ideas in regard to what our true policy is in this matter, I desire to say a few words in explanation of my position. I came into this House as the avowed advocate of retrenchment and reform.

It was upon this platform that I went before the people of my district and secured my election. And as I propose to be true to the pledges I then made and to fulfill them to the best of my ability, I would for this reason, if for no other, favor a reduction not only of our own salaries but of the salaries of all other officials which were increased by the last Congress; and in order to make this reduction *effectual*, I am in favor of enacting such a law as will make it begin on the 4th of March last. Where, as in case of the President—who, in my judgment, was more than all others combined responsible for this increase—we are unable by reason of a constitutional prohibition to make such reduction affect the compensation of the present incumbent, I am in favor of doing indirectly that which we cannot do directly, by withholding from him during his present term, as was proposed by the minority of the select committee, all appropriations and allowances for the officers and attendants enumerated in their substitute for the bill originally reported by the majority of the committee.

But, sir, independent of this question of economy, and waiving the question which gentlemen have discussed ably and earnestly, as to whether our compensation is at present too much or too little, there is another ground upon which I advocate reduction of the salaries. It is this: The people have demanded it; and we, as their servants, are in honor bound to obey their command. I believe in the good old democratic doctrine that this is a Government of the people; that the people are sovereign in this country, and that all public officials, high and low, should in all cases pay respect to their wishes. To disregard the universal sentiment of the people upon this question, as well known as it is to all of us, would be to abandon this fundamental principle of democracy and to assert in its stead the contrary one that we are above the people; that we, the created, are greater than the creators; and I can never yield my assent to *this*. I trust, therefore, that this bill will be so amended as to make our compensation $5,000 per annum, with actual traveling expenses, and to withhold from the President his increased compensation under the present law, or its equivalent, as I have indicated; and that we shall then pass the bill. By so doing we will restore, in a measure at least, that confidence which should exist between the people and their Representatives, and which, unfortunately for us, has been almost wholly destroyed by circumstances over which we had no control.

[Here the hammer fell.]

The SPEAKER. The debate on the pending amendment is exhausted.

Mr. ELDREDGE. In order to submit some remarks on this question, I move an amendment to the amendment.

The SPEAKER. An amendment to the amendment is now pending. Does the gentleman from Illinois [Mr. HURLBUT] withdraw his amendment to the amendment?

Mr. HURLBUT. To bring this question to a conclusion, I think I must insist on a vote.

Mr. COTTON. I wish to move a substitute.

The SPEAKER. That is not in order now. A substitute would be the last thing voted on.

Mr. ELDREDGE. If the gentleman from Illinois [Mr. HURLBUT] will withdraw his amendment I will renew it.

Mr. HURLBUT. Very well; with that understanding, I withdraw my amendment.

Mr. ELDREDGE. I renew the amendment to the amendment.

Mr. Speaker, I have no idea of making a speech at this time, but I desire to say a few words, mostly personal to myself. I am one of those who have been subjected to most malicious and malignant assaults on account of voting for the salary bill of the last Congress. It is, I believe, the first and only vote of mine since I have been a member of this House that has been challenged or criticised by my constituents, though I have never "*dodged*" a vote and never been absent from the House except from unavoidable necessity.

I have voted and spoken on most or all the great questions that have come before Congress growing out of the war, being forced too many times to vote under the operation of the previous question without opportunity for discussion or reflection. For the first time I am charged with sinister motives in casting my vote. Though, up to this time, I have said nothing in vindication of it, I have by no means ignored the fact or been indifferent to the epithets that have been uttered against me in common with others, or the unjust charges made. *I voted for the bill.* I will not deny it or shrink from the responsibility of the vote. I voted for it, believing in my soul that it was right and that it was for the best interest of the country that it should be passed. *I believe so now.* Neither the clamor of the press, the so-called voice of the people, nor the arguments of the present discussion have convinced me to the contrary. I shall not now attempt to answer. I cannot in the time I shall have allowed me even refer to the objections which have been made to the law of 1873, nor will I retort in invective upon those who have maligned me. I repeat only what is no longer denied, that the Congress had the constitutional power and the legal right to enact the law. There was, therefore, no moral wrong or vice in it. It was not "*theft*," "*robbery*," *nor any other crime.* There was never, in fact, any question of any real importance involved except the sum at which the salary should be fixed. Was the sum in the law too much or too little? Was it reasonable or unreasonable, just or unjust? No fault was ever found with the amount at which the salary was established by the law of 1866. And yet I assert, what I most solemnly believe, and what no honest man can after a full consideration and understanding of the subject doubt, the old law giving a salary of $5,000, with the perquisites then provided for, and the franking privilege as it then existed, was, in a pecuniary point of view, more desirable, *better*, for the members of Congress than the salary as now provided by law. I cannot go into the figures; I have not time to show this; but the gentleman from Nevada [Mr. KENDALL] and the gentleman from Missouri [Mr. COMINGO] and others have demonstrated this beyond cavil or doubt. I do claim, therefore, and if time permitted could show and satisfy all honest men, that the pay of members is not too high.

I have been in Congress more than ten years. If there be any ten years of life better than any *other ten*, they are those when we are most mature; and in that sense I have been in Congress the best ten years of my life. I have never taken from any man during my life a dollar that did not belong to me or that I did not believe I had honestly earned. I would not do it now. I am an economical man, reared in poverty and accustomed to live upon small means. I have indulged in no extravagances, and have not even felt myself able, in view of the support of my family and the education of my children, to return or reciprocate the social courtesies and compliments that have been extended to me. And yet I now and here declare I have not been able to lay up anything or add one dollar to what I had when elected to Congress, and have not now of this world's goods as much as when first elected. My own case I supposed to be that of all those who have attended to their duties honestly and faithfully, and

who were not blessed with large wealth. *I suppose so now.* I have conversed with many members and found their experience the same as mine. The sessions of Congress have been longer and the expenses of members far more for the last ten years than ever before. The cost of living everywhere has been greater, and especially in Washington.

Mr. Speaker, I have listened attentively to this whole debate. I have waited for arguments, *for reasons* to be given why this law should be repealed. It is intimated by some that it provides for the payment to members of too large a salary. And yet when it is asserted here and demonstrated by those who have spoken, *demonstrated by figures*, that the pay and perquisites, including the franking privilege, as it is called, under the old law was as much or more than the present pay, no answer is made, no denial even is put in.

But it is said the whole question has been before the bar of public opinion and has there been decided, and Representatives are here predicating their action, their votes, upon this decision—*bowing*, as they call it, *to public opinion*. Now, sir, I have as much respect for public opinion as any man. I believe, too, when the people have a fair chance, when they have had the opportunity to examine, to know and understand all the facts, that their judgment is very likely to be right. I bow with reverential awe to such judgment—to the judgment of the people so formed. But in order to be right it is absolutely essential that the subject should have been fairly and truthfully presented and candidly and calmly considered. When this is not the case, *public opinion* is quite as apt to be wrong as right. The masses can no better judge—are no more likely to be right without deliberation, without consideration, without knowledge of all the facts and circumstances—*than an individual*. The voice of the people is only the aggregation of the voices of individuals. If the individuals are wrong, if they are moved by caprice, or passion, or error, there is no safety or propriety in following or obeying their demands. It is the duty of the representative to examine for himself, to weigh the whole subject, to ascertain the *right*, and act accordingly as duty and conscience dictate. It is not true statesmanship, it is not the duty of the representative, to bow to the storm, to yield to the passion or the caprice of the multitude and surrender his individual judgment and conscience, his honest convictions, to inconsiderate clamor. There can be no government, no individual representation, no freedom or liberty even, in such case. The power that would elect a president one day would crown a king the next. I do not agree that the representative must stand with his fingers on the public pulse and bow down or rise up according as it shall beat high or low. He is the *representative*, not the *slave* of the people. He is one of the people at the same time that he represents the people. He is chosen a representative not because he has *no* views or opinions of his own, but *because of his views and opinions*, known and understood beforehand, and because he is known to be reliable in the hour of danger and trial. There is, if you please, a "*higher law*" than the people speaking through the press—the mere echo of the hour, an unorganized and unrecognized force, appreciated only because of its noise or the good it might do. I was elected under the Constitution, hold my office, receive my instructions, and learn my duty from the people—my constituents—through that instrument. *It is the supreme law to me.* They expect me—my constituents expect me—to bow in absolute submission to its requirements, and I will obey them in that or resign. I was not, I never was chosen, because I was the weakest and most submissive of my people, but rather because I was believed to be able to withstand a storm. I have stood here on this floor in opposition to the public, the general opinion of this House, of the country, resisting some of the most popular measures of the time, assaults, as I believed then and still believe, upon the Constitution, when there were only twenty-five or thirty to stand with me and share with me the taunts and jeers of the overwhelming majority, some of whom—the gentleman from Massachusetts [Mr. DAWES] for one—admit now that they were wrongs so flagrant they will not do for precedents. The storm of public opinion does not blow now as it blew then. I remember when it was claimed that public opinion demanded the impeachment of your President, and some were foolhardy enough to insist that it ought to be done because the people demanded it, whether he was guilty or not; and there is not a statesman throughout this broad land who does not now know if that popular clamor had been obeyed it would have shivered your Constitution and Government to atoms.

Public opinion! what sacrifices has it not demanded! What crimes has it not committed! Inexorable, unrelenting, and unreasoning, it hung upon the cross the Saviour of man, and has more than once since demanded the crucifixion of the innocent. Once moved, what reason, what argument, what consideration of justice or humanity ever satiated its thirst for blood!

It is needless to multiply or suggest instances; thousands rush to the recollection of us all—both ancient and modern—where humanity, duty, and true statesmanship required, demanded the representative should resist, and not pander to, public opinion. "The voice of the people is the voice of God," is as absurd as it is irreverent and profane.

But, whether right or wrong, this question of the salaries of members, as provided for under the old law and the law of 3d of March, 1873, has never to my knowledge or belief been even fairly stated in a half dozen newspapers in the United States. Why is it that it has never been candidly discussed? Why is it that it has received only denunciation? Why have the facts been suppressed or outrageously misrepresented? It was because truth and fairness would not subserve the purpose.

The gentleman from New York [Mr. TREMAIN] says the bill was passed at a "peculiar time." Others have intimated this, but none of them have enlightened us as to what there was peculiar in the time.

Mr. Speaker, I will state what in my opinion there was peculiar about the time, and why it is that the salary question has been so magnified out of all proportion to its importance as it has.

It was done to cover up or divert attention from the infamous Credit Mobilier transactions. The time was "peculiar," because it was just after the gentleman from Vermont [Mr. POLAND] and his committee had let some light in upon that business and those concerned with it. The cry that went up all over the land was not the spontaneous outburst of indignation—the just indignation of the people—because the salaries of members and others had been increased, but Credit Mobilier had just fallen with crushing weight upon the republican party and its "Christian statesmen." Only one democrat in Congress had been found in any way implicated in that business; all the others, whatever their connection with it, were the great men, the leaders of the republican party. Some newspaper correspondents and others connected with the newspaper press of the country were more or less directly or remotely implicated. It shocked the moral sense of the country. There was no law whereby the individuals could be adequately punished, and the people stood aghast.

The party of Christian statesmen was threatened, and danger of its overthrow was imminent. Something must be done to divert attention from this great national reproach. The salary bill had been voted for by both parties. The cry was commenced; the republican press led the way. It was willing to sacrifice every republican who voted or approved of the bill, even the President of the United States, to save its Christian statesmen. The democratic press, because the republican party was in majority, and responsible for the acts of Congress, on that account joined in the cry and in the misrepresentation, or at least in not stating the case, and Credit Mobilier was in a great measure allowed to escape its just condemnation.

Sir, this is the most there was *peculiar* in the time. The cry has done a grand work for the republican party. The diversion has been a success. If, by the repeal of the salary bill now, they can go back to the old law with its mileage and perquisites, which will about equal, or it may be exceed, the sum provided for by the law as it now stands, they will lose nothing by it, and the people will be satisfied, because they will not under the old system know how much the representatives receive. One of the strong reasons to my mind for changing the law was that, under the old law, neither we nor our constituents knew what members did receive, and because there was great inequality and injustice in the pay of members growing out of the mileage.

Under the law of 1873 the people can see and know just what some members receive. No part of it is covered up or received in perquisites or mileage. And, sir, if it is repealed, as it probably will be, the dishonest and corrupt, by some scheme—another Credit Mobilier, it may be—will dishonestly, by deception and indirection, make up any real or seeming difference there may be between this and the law we shall pass.

I will not now argue that the back pay, as it is called, was too much or too little. But this I do contend, that the Constitution intended that each and every Congress should fix and determine the amount of the pay of its members. Whether it should determine this at the beginning or end of the Congress is of small importance.

If the Congress is competent to fix it at all, and the Constitution so declares, it is just as legitimate and safe to have it done at the *end* as in the *beginning*. And it has seemed to me that it could do so more wisely and justly at the end. It is known then what time has been occupied, what labors have been performed, and what expenses incurred by the members. These things cannot be known at the beginning. A moment's consideration, it seems to me, will satisfy any candid mind that no preceding Congress ought to fix the pay. Supposing this Congress, which will hold one session after the election of members of the next, should find that a majority were opposed to them, were of different politics to this, and should determine the salary at so small a sum that none but the rich could attend the sessions. This is not only possible, but in times of high political excitement it might be very likely to be done. Those of us who have been here during the last ten years have seen outrages quite equal to the one supposed. We have seen men turned out and elected by this House against the will of the constituency they sought to represent.

If a Congress is competent to fix its own pay at the *beginning* before anything has been done, and before anything can be known of the length of its sessions, or the time it will be occupied, or the labors it will perform, it certainly cannot be wrong to wait till all those things are known before it is done. This is all the meaning there is in the opprobrious term of "back pay." And, I repeat, the only essential question is, whether it is too much.

[Mr. HALE, of Maine, when Mr. ELDREDGE had spoken five minutes, obtained the floor, and yielded to enable Mr. ELDREDGE to conclude his remarks. At the conclusion of the second five minutes Mr. HALE, of New York, was recognized.]

Mr. ELDREDGE. I hope the House will allow me to conclude my remarks.

Mr. HURLBUT. I think the gentleman has rather abused the license that was given to him. I object distinctly.

Mr. TREMAIN. I hope the gentleman from Wisconsin [Mr. ELDREDGE] may be allowed to finish his speech.

Many MEMBERS. Go on.

The SPEAKER. Is there objection to allowing the gentleman from Wisconsin to conclude his speech?

Mr. HALE, of Maine. I object.

Mr. ELDREDGE. I am much obliged to the gentleman from Maine.

The SPEAKER. Debate on the pending amendment is exhausted.

Mr. HALE, of New York. I understand that the gentleman from Wisconsin has made a motion by way of amendment to an amendment, and that it is in order to speak against the amendment.

The SPEAKER. The gentleman from Wisconsin has exhausted, against the rule of the House but by unanimous consent, both sides of the debate. After speaking five minutes in favor of the amendment to the amendment, the gentleman from Maine [Mr. HALE] obtained the floor to speak in opposition, and, there being no objection, yielded to allow the gentleman from Wisconsin to continue his remarks.

Mr. ELDREDGE. I promised the gentleman from Illinois [Mr. HURLBUT] that I would renew the amendment if he would withdraw it.

The SPEAKER. And the gentleman did renew it; otherwise he would have had nothing to speak upon.

Mr. ELDREDGE. I now withdraw the amendment that the gentleman from New York [Mr. HALE] may renew it.

Mr. HALE, of New York. As a matter of form I renew the amendment to the amendment.

Mr. Speaker, this debate seems to have taken a somewhat remarkable turn. The comparison of the gentleman from Wisconsin, [Mr. ELDREDGE,] who, in his lofty patriotism, likens the call of the public for a repeal of the provision in regard to back pay and increase of salaries to the clamor of the mob for the release of Barabbas is rather far-fetched. According to my friend from Wisconsin, the Roman poet, in describing the patriot, would seem to have had in his view the man who is just and tenacious in regard to his back pay as the one whose elevated mind is above the depraved clamor of the multitude. I do not believe that the better mind of the country or the better mind of this House places in any such category the gentlemen who were instrumental in foisting upon the statute-book the provisions of the act of last March in relation to the increased pay.

The provisions of that law were condemned by popular clamor, if gentlemen choose to call it so; but it was a popular clamor based on sufficient grounds, and commending itself, in my judgment, to the mind of every upright man in this House or out of it. The complaint made against the statute increasing the pay of members of this House was, as I understand, first and last in regard to the amount as being excessive. I believe that the sentiment of the better class of the community was that the amount fixed by that bill was larger than it ought to be, irrespective of every other consideration; and I for one especially believe that it was larger than it ought to be in proportion to the other official salaries paid by the people of this country in the administration of their State and National Governments. But that, as I have said, was the least of the considerations weighing with the people in this matter. The second, and a greater consideration, was that the members of the Forty-second Congress constituted themselves the judges in their own case, increasing at the end of their term their pay for the entire term, and that to an amount which the people believed excessive. The third proposition on which this popular condemnation rested, and, in my judgment, the weightiest of all, relates to the manner in which the act was done. It was not done by square, manly, honest legislation. This House in the Forty-second Congress repeatedly by large majorities voted down the proposition for an increase of their pay when presented as a bold and naked proposition, and then by trick and subterfuge and evasion ingrafted the increase upon a bill on which they could have some excuse for saying, "We vote ourselves increased pay purely as a matter of necessity, because we must do it or defeat the appropriations for the support of the Government." Each and every one of these objections I claim to be well founded, ranking in weight according to the order in which I have stated them.

And, therefore, sir, I am unqualifiedly in favor of the repeal of that bill so far as the salaries of members of both Houses of Congress are concerned, and the return directly to the old compensation, salary, and mileage.

And now one word on mileage. I insist that there is no fairness nor justice in striking out the provision which gives some compensation to members, according to the distance which they have come to attend the sessions of this House, beyond actual expenses incurred. I come from less than the medium or average distance of members of the House—about 500 miles from Washington. I do not hesitate to say most gladly, as a pecuniary question, would I allow to be deducted 40 cents per mile or a dollar per mile from my salary if I could be placed in two hours, four hours, or even ten hours from this House as the members from Baltimore, Philadelphia, and New York are. And I do not hesitate to say that an increase of a dollar a mile to my salary would not be any inducement to double or quadruple the distance. The present rate of mileage, 20 cents a mile each way, is, I believe, no more than a just and fair compensation for the greater inconvenience and time spent and sustained by those who reside at the greatest, and beyond the average distance from Washington.

[Here the hammer fell.]

Mr. EAMES. Mr. Speaker, as a member of the Forty-second Congress I have no apology to make for my action in the legislation of that Congress in the increase of salaries for members of Congress and other officers of the Government. But as a member of this Congress I enter my protest here and now against any change in the law which does not apply to this Congress from the commencement of the Congress.

If the Forty-second Congress deserves the censure of the country for what it did in increasing the pay of members of Congress, and applying that increase to its own members, then the Forty-third Congress, it seems to me, will justly deserve reproach if, in the attempt to apply a remedy, it allows its members to receive for a period of nine months, when Congress was not in session, the increased pay under the law of March 3, 1873. Whatever pay is agreed upon as just and reasonable ought to take effect from the beginning of this Congress, and I desire to test this question, not by words expressed in debate, but by the votes of the members upon the amendment which has been proposed by the gentleman from Iowa. If $7,500 was an unreasonable compensation for the members of the Forty-second Congress, then it is just as unreasonable for the members of the Forty-third Congress.

But, Mr. Speaker, before considering this question further, I desire to express my own convictions as to what, if anything, ought to be done in changing the existing law. I am not willing to vote upon the bill reported without such expression. A vote either for or against the bill as it now stands will not express my judgment of what ought to be done in the attempt to remedy any unwise legislation of the last Congress upon this delicate and important question of compensation for official services.

In my opinion the bill reported is objectionable not only in what it proposes to do, but especially in what it omits to do. Some of the changes proposed extend beyond anything required by any intelligent expression of the popular will upon this subject, and others of them fall short of any just and reasonable demand for a change in the existing law.

After a somewhat careful consideration of this subject as a guide to my own action and votes, it appears to me that the bill which ought to receive the approval of the House should fix upon a definite sum per annum; that, in addition to this, the actual expense of the Members and Delegates in going to and returning from the seat of Government should be allowed, and that whatever sum is fixed upon as to this Congress, it should apply from the beginning of the Congress. The sum fixed upon should be a fair and reasonable compensation for one who is qualified to discharge properly the laborious and responsible duties of his position as a Member or Delegate in Congress.

It ought to be determined with reference to the office as one of honor as well as of pay, and not solely with reference to either. It should be sufficient in amount to enable any American citizen who is qualified to aspire to the office, and, in accepting it, to be able to act in the discharge of its duties independently and according to his own convictions.

The bill reported, although in some respects it answers these requisites, in others it fails to do what is required, and also does what there is no occasion to do in order to remove any just complaint against the legislation of the last Congress upon this subject.

I cheerfully assent to the doctrine that in this branch of the Federal Government the will of the people, when ascertained, ought not only to be respected but obeyed, but I assert that no such expression of the people requires, as proposed by this act, the absolute and unqualified repeal of the legislation upon this subject of the last Congress.

That some change is demanded is apparent from the general tone of the public press, from the resolutions of State Legislatures, the conventions of both political parties, and above and over all, and by authority, by the people. But what is this complaint, and what is the change demanded?

The complaint is that this increase ought not to have been made at the time and in the manner in which it was made. It is urged that any change in this respect ought to have been made, if at all, in the ordinary course of legislation by a separate bill, and not in a bill providing for the ordinary expenses of the Government, and especially that it should have been operative only from the passage of the act. It is the retroactive feature of the increase that has been the occasion, to a great extent, of the opposition to the increase that was made.

Assenting to the justice of this complaint, and yielding to the demand for a change in the law, the question which we have to consider is, what can and what ought to be done?

The compensation of the President can neither be increased nor diminished during the period for which he shall have been elected. The increase of the law of March 3, 1873, in this respect cannot be changed until the 4th of March, 1877; and, if the compensation now fixed by law needs any change, probably our successors may be able to make it as well as we can. The compensation of the judges of the Supreme Court cannot be diminished during their continuance in office. As to either the President or the judges the law is beyond our control, and I am not aware of any well-ascertained expression of the popular will which requires any change in the existing law for these

offices. Nor have I been able to ascertain that any intelligent expression of the will of the people requires any change to be made in the compensation fixed by the act of March 3, 1873, for the heads of the Executive Departments, or that of the Vice-President and the Speaker of the House. I believe that no such change is demanded, but that if submitted to the decision of the people they would say that whoever worthily represents this great Republic in these exalted positions will require as compensation the full amount allowed by the recent act of Congress.

The real complaint is against the increase of pay to Members and Delegates in Congress, and especially, if not wholly, against the retroactive clause of the act by which that increase was made. But it is not in the power of Congress to change that law so as to affect the rights acquired thereunder by the members of the Forty-second Congress. The right of Congress to fix by law the compensation of its members is unquestionable. The Constitution imposed upon Congress the duty of determining the compensation of its members for their services. When in the exercise of this undoubted power Congress has by law determined what that compensation shall be, it creates an obligation on the part of the Government which cannot be discharged except by payment, or by consent of the members to relinquish it. The Government might as well refuse to pay any of its bonds as to refuse to pay the compensation of a member of Congress thus ascertained by law. To attempt, either directly or indirectly, to avoid the payment is to repudiate its legal obligations; and although Congress may direct the Secretary of the Treasury to cover all amounts not drawn into the Treasury, such action will not release the Government from its legal obligations in this respect. I speak of this question merely in its legal aspects.

There is, then, only this that can and ought to be done upon this subject, namely, to fix a reasonable compensation for the services of a member of Congress.

The bill reported proposes to do so, naming a sum equal to that before the law was changed, but it repeats the error of the last Congress in allowing to the members of this Congress the increased pay as fixed by the last Congress. In this it fails to remedy the evil of which complaint is made.

If the salary, as increased, is too large for the Forty-second Congress, it is too large for the Forty-third Congress. If it is unreasonable for the members of the Forty-second Congress during the entire Congress, it is for the same reason unreasonable for any part of the time of the Forty-third Congress.

The complaint is that this increased compensation is unreasonable, and the last Congress has been blamed for the increase, and condemned for receiving it. This increase was made for a Congress in which there were three sessions, and after the services had been rendered, and the amount received was about forty-five hundred dollars for a period of two years. This bill proposes to pay the members of this Congress about two thousand dollars, over the salary fixed by law before the change, for a period of nine months, during which no public service had been rendered, and before, in fact, the House had been organized or the Congress was in being.

It is said to be wrong for the members of the Forty-second Congress to have received pay at the increased rate, but that it is right for the members of the Forty-third Congress to receive it. It is wrong for me to receive it as a member of the Forty-second Congress after the services have been rendered, but right for me to receive it as a member of the Forty-third Congress before any service has been rendered. And the reason given is that members of this Congress did not pass the law. It was received by members of the Forty-second Congress because it was the compensation to which they were entitled as ascertained by law; and if received by members of the Forty-third Congress it is only because such is the compensation prescribed by law. The only difference is that the Forty-second Congress received it after the services were rendered, and the Forty-third Congress, under a special provision of the law, for nine months before they had entered upon the discharge of their public duties.

If, then, the Forty-second Congress are justly open to rebuke for receiving this increased compensation, what may be truthfully said of the Forty-third Congress, who, fresh from the people, under instructions to repeal the law absolutely and unconditionally, avail themselves of the law to obtain the increased pay, when they admit that they have the power to establish a less compensation, commencing with the present Congress?

It would be better to have left the law as it is than to attempt so lame and impotent a remedy as is proposed by the bill reported.

I hope the amendment proposed by the gentleman from Iowa [Mr. KASSON] will meet with the approval of the House.

Mr. KASSON. I call for the previous question on the pending amendment.

Mr. DAWES. I should like to inquire what is the necessity for calling the previous question on the pending amendments?

The SPEAKER. If the House, as in Committee of the Whole, desires the vote on any question, it can only do it by enforcing the demand for the previous question.

Mr. DAWES. Gentlemen are entitled to a speech, one on each side, and no more. On the pending amendment debate has been exhausted, and the previous question can do no more than what has been already accomplished. Gentlemen cannot make speeches when they are not entitled to make them.

The SPEAKER. So long as an amendment can be added to an amendment, the amendment in the first degree can never be voted on unless on the demand for the previous question. The demand of the gentleman from Iowa brings the House, if the demand be seconded, to a vote, first on the amendment of the gentleman from Illinois, [Mr. HURLBUT,] and then on the amendment of the gentleman from Iowa himself.

Mr. HALE, of Maine. Does the gentleman from Iowa wish to cut off all other amendments?

The SPEAKER. It affects no other amendment, but brings the House to vote directly on the pending amendment and the amendment to the amendment.

The amendments were again read.

Mr. HURLBUT. I withdraw my amendment to the amendment, and will yield to the gentleman from Massachusetts [Mr. BUTLER] to offer an amendment.

Mr. BUTLER, of Massachusetts. I have an amendment to offer.

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Massachusetts to offer his amendment?

Mr. KASSON. Not unless it is pertinent.

Mr. BUTLER, of Massachusetts. It is directly pertinent.

Mr. KASSON. I will hear it read for information.

Mr. BUTLER, of Massachusetts. I offer the following amendment to the amendment:

The Clerk read as follows:

And provided further, That the members of this Congress who were members of any preceding Congress, and who received back pay under the act passed at that Congress, shall have the amount of such back pay deducted from the amount due them from this Congress.

[Applause and laughter on both sides of the House.]

Mr. KASSON. I decline to admit that amendment.

Mr. BUTLER, of Massachusetts. I hope the House will vote down the demand for the previous question so that I may offer the amendment.

Mr. KASSON demanded tellers.

Tellers were ordered; and Mr. KASSON, and Mr. BUTLER of Massachusetts, were appointed.

Mr. KASSON. Will the gentleman state——

The SPEAKER. It is for the tellers to count and for the Chair to state. [Laughter.] The gentleman demands the previous question on his amendment, and the effect will be, if seconded, to bring the House to a vote on that amendment, and that only. Then the previous question will be exhausted, and the bill will be left still open to amendment as though that amendment had not been passed upon.

Mr. MAYNARD. If the previous question is not sustained, then the amendment of the gentleman from Massachusetts will be in order.

The SPEAKER. Of course.

The House divided; and there were—ayes 53, noes not counted.

So the House refused to second the previous question.

Mr. BUTLER, of Massachusetts. I now move my amendment to the amendment of the gentleman from Iowa, and ask that it be read.

The Clerk read as follows:

And provided further, That the members of this Congress who were members of any preceding Congress, and who received back pay under the acts passed at that Congress, shall have the amount of such back pay deducted from the amount due them from this Congress.

Mr. BUTLER, of Massachusetts. I demand the previous question on the two amendments.

The House divided; and there were—ayes 122, noes not counted.

So the previous question was seconded.

The main question was ordered to be put.

Mr. HALE, of Maine. Is the amendment debatable?

The SPEAKER. It is not, as the previous question is operating.

Mr. HALE, of Maine. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOLMAN. I rise to make a parliamentary inquiry: Whether the proposition of the gentleman from Massachusetts is offered as an addition to the amendment of the gentleman from Iowa?

The SPEAKER. It is. The proposition of the gentleman from Massachusetts is an addition, in the nature of an amendment, to the amendment of the gentleman from Iowa.

Mr. YOUNG, of Georgia, and Mr. LEACH moved that the House adjourn.

The SPEAKER. Pending the roll-call, it is moved by two gentlemen that the House do now adjourn.

The question being put on the motion to adjourn, it was declared by the Chair, on the vote by sound, that the noes had it.

Several MEMBERS. Count the House.

Mr. WOODFORD. We may as well have the yeas and nays. Let us bring them right to the record upon this thing.

The House divided; and there were—ayes 84, noes 121.

Mr. YOUNG, of Georgia, asked for tellers.

Tellers were ordered; and Mr. HALE, of Maine, and Mr. YOUNG, of Georgia, were appointed.

The House again divided; and the result of the vote by tellers was announced by the Chair as ayes 113, noes 113.

The SPEAKER. The Chair votes "no."

Mr. YOUNG, of Georgia. There has been a mistake in the count, as reported to the Chair.

The SPEAKER. The Speaker's clerk handed to the Chair the figures, and he is generally very accurate in taking the numbers announced by the tellers. The tellers left their places rather precipitately.

Mr. HALE, of Maine. I did not keep the count toward the last of it. The easiest way will be to have the yeas and nays, and I ask for them.

The yeas and nays were ordered.

Mr. KASSON. I hope it will be a test vote as to the repeal of the law.

The question was taken; and it was decided in the negative—yeas 77, nays 183, not voting 25; as follows:

YEAS—Messrs. Adams, Albert, Ashe, Atkins, Averill, Barry, Beck, Biery, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Clayton, Clinton L. Cobb, Cook, Crocker, Crossland, Crounse, Darrall, Davis, Durham, Eldredge, Elliott, Glover, Hamilton, Hancock, Benjamin W. Harris, Harrison, Hathorn, Hays, Herndon, Houghton, Hunton, Hynes, Kendall, Leach, Lofland, Lowndes, Lynch, Maynard, McJunkin, Milliken, Morey, Nesmith, Niblack, Niles, Nunn, Page, Isaac C. Parker, Pelham, Purman, Rainey, Rawls, Ray, Richmond, Sener, Shanks, Sloss, Small, George L. Smith, William A. Smith, Snyder, Stanard, Storm, Stowell, Strawbridge, Thornburgh, Todd, Vance, Waddell, Wallace, Walls, White, Whitehead, William Williams, John D. Young, and Pierce M. B. Young—77.

NAYS—Messrs. Albright, Archer, Arthur, Barber, Barnum, Barrere, Bass, Begole, Bell, Berry, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Cox, Creamer, Crittenden, Crutchfield, Curtis, Danford, Dawes, DeWitt, Dobbins, Donnan, Duell, Dunnell, Eames, Eden, Farwell, Fort, Foster, Freeman, Frye, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Jewett, Kasson, Kelley, Kellogg, Killinger, Knapp, Lamport, Lawrence, Lawson, Lewis, Loughridge, Lowe, Luttrell, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McDougall, McLean, McNulta, Mellish, Merriam, Mills, Monroe, Moore, Morrison, Myers, Neal, Negley, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Phillips, Pierce, Pike, Thomas C. Platt, Potter, Pratt, Ransier, Rapier, Read, Rice, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Sprague, Standeford, Starkweather, Stone, Strait, Swann, Taylor, Townsend, Tremain, Tyner, Waldron, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, and Woodworth—183.

NOT VOTING—Messrs. Banning, Bland, Freeman Clarke, Crooke, Field, Hersey, Hooper, Lamar, Lamison, Lansing, McKee, Mitchell, Phelps, James H. Platt, jr., Poland, Randall, James C. Robinson, Sheats, Stephens, St. John, Sypher, Thomas, Vance, Jasper D. Ward, and Ephraim K. Wilson—25.

So the House refused to adjourn.

The SPEAKER. The question recurs upon the amendment of the gentleman from Massachusetts [Mr. BUTLER] to the amendment proposed by the gentleman from Iowa, [Mr. KASSON.]

Mr. HALE, of Maine. I ask that that amendment be read. I believe it has been for the purpose of weighting down the bill, and I want a test vote on that.

Mr. BUTLER, of Massachusetts. I deny that entirely.

The amendment of Mr. BUTLER, of Massachusetts, was again read.

Mr. LEACH. I ask that both amendments may be read.

The SPEAKER. The amendment to which that just read is an amendment will be again reported.

The amendment of Mr. KASSON was again read.

Mr. ELDREDGE. I wish to make a parliamentary inquiry. I have no doubt that the members of Congress are competent to vote on a bill fixing their salaries. But I wish to raise this question: whether those who have received their salaries under former laws are so interested as to be prohibited from voting on the pending question. I know that there are several gentlemen here who have received their pay under former acts of Congress; and I think the question now presented is a very different one from that of fixing their salaries in the first instance.

Mr. BUTLER, of Massachusetts. I ask that the twenty-ninth rule of the House be read.

Mr. ELDREDGE. I am one of those who would not wish to vote in violation of the rules.

The SPEAKER. The twenty-ninth rule of the House will be read.

The Clerk read as follows:

No member shall vote on any question in the event of which he is immediately or particularly interested.

The SPEAKER. What point does the gentleman from Massachusetts make, and against whom? The Chair does not rule upon abstract points. If the point be made on any gentleman the Chair will rule upon it.

Mr. BUTLER, of Massachusetts. Then I make the point on my colleague from Massachusetts, [Mr. BUFFINTON,] who was fortunate enough to be early here and has received back salary, as he ought to have done.

Mr. ELDREDGE. I make the point upon myself. I was here and voted for the salary law of 1866.

The SPEAKER. So far as the gentleman's own vote is concerned in a House so full as this, he will not be called upon to vote unless he chooses to do so. As to the point made by the gentleman from Massachusetts [Mr. BUTLER] on his colleague, [Mr. BUFFINTON,] the Chair overrules it. The Chair does not see in what respect the gentleman is interested in this question any more than the whole House is interested in it. The interest referred to in the rule must be an interest distinct from the public interest. The gentleman from Massachusetts only states a case in which the interest of one member is distinct from the interest of another member.

Mr. BUTLER, of Massachusetts. Distinct from the public interest.

The SPEAKER. Not at all; it is a case in which the interest of one member is different from that of another. The Chair overrules the point of order because there is nothing in it.

Mr. BUTLER, of Massachusetts. The Constitution makes it our duty to fix our own pay.

The SPEAKER. But it does not require that the gentleman shall fix it any more than it requires his colleague.

Mr. BUTLER, of Massachusetts. He may fix his own pay.

The SPEAKER. That does not give the gentleman a right to fix another member's pay without his having a say in the matter. If the point of order were sustained, the gentleman from Massachusetts would arrogate to himself the right not only to fix his own pay, but to fix the pay of his colleagues.

Mr. BUTLER, of Massachusetts. By no means; I should not think of voting on a question in which I was interested.

The SPEAKER. The Chair sees no distinction between the case raised and the case of members generally. The point of order is overruled, and the question recurs upon the amendment offered by the gentleman from Massachusetts [Mr. BUTLER] to the amendment of the gentleman from Iowa, [Mr. KASSON.]

Mr. HALE, of Maine. On that question I call for the yeas and nays.

The SPEAKER. The yeas and nays have already been ordered upon this question.

Mr. MAYNARD. Before the vote is taken upon this question, I desire to say that inasmuch as this amendment would affect me personally, I do not feel at liberty to vote upon it, and ask to be excused.

Mr. ELDREDGE. I make the same request.

The SPEAKER. The gentlemen are at liberty not to vote if they prefer not to do so; the Chair hears no objection.

The question was taken; and it was decided in the negative—yeas 121, nays 129, not voting 35; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Averill, Barber, Barry, Bass, Begole, Biery, Bowen, Brown, Buckner, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Conger, Cook, Cox, Crocker, Crounse, Crutchfield, Darrall, Davis, DeWitt, Dobbins, Duell, Elliott, Farwell, Giddings, Hancock, Harmer, John T. Harris, Harrison, Hathorn, Havens, Hays, John W. Hazelton, Hereford, Herndon, Houghton, Howe, Hubbell, Hunton, Hyde, Hynes, Killinger, Lansing, Lewis, Lofland, Loughridge, Lowndes, Luttrell, Lynch, Magee, Marshall, Martin, McDougall, McJunkin, McLean, McNulta, Mills, Negley, Nesmith, Niblack, Nunn, O'Brien, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pelham, Perry, Thomas C. Platt, Purman, Rainey, Ransier, Rapier, Richmond, William R. Roberts, John G. Schumaker, Shanks, Sheldon, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Speer, Standeford, Storm, Stowell, Strait, Strawbridge, Swann, Sypher, Thornburgh, Todd, Waddell, Wallace, Walls, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, William Williams, Willie, Wolfe, and Wood—121.

NAYS—Messrs. Adams, Albert, Ashe, Atkins, Barnum, Beck, Bell, Berry, Blount, Bradley, Bright, Bromberg, Buffinton, Burchard, Caldwell, Cannon, John B. Clark, jr., Clymer, Stephen A. Cobb, Coburn, Comingo, Corwin, Cotton, Crittenden, Crossland, Curtis, Danford, Dawes, Donnan, Dunnell, Durham, Eames, Eden, Fort, Foster, Freeman, Frye, Garfield, Glover, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Henry R. Harris, Hatcher, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hunter, Jewett, Kasson, Kelley, Kellogg, Knapp, Lawson, Leach, Lowe, McCrary, Alexander S. McDill, James W. McDill, Mellish, Merriam, Milliken, Monroe, Moore, Morrison, Myers, Neal, Niles, O'Neill, Orr, Orth, Packard, Parsons, Pendleton, Phillips, Pierce, Pike, Potter, Pratt, Rawls, Ray, Read, Rice, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Henry B. Sayler, Milton Sayler, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Sherwood, Small, John Q. Smith, Southard, Sprague, Stanard, Starkweather, Stone, Taylor, Townsend, Tremain, Tyner, Vance, Waldron, Marcus L. Ward, Wheeler, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—129.

NOT VOTING—Messrs. Banning, Barrere, Bland, Freeman Clarke, Creamer, Crooke, Eldredge, Field, Hersey, Hooper, Hurlbut, Kendall, Lamar, Lamison, Lamport, Lawrence, Maynard, McKee, Mitchell, Morey, Phelps, James H. Platt, jr., Poland, Randall, James C. Robinson, Rusk, Sawyer, Scofield, Sheats, Sloss, Smart, Stephens, St. John, Thomas, and Wilber—35.

So the amendment to the amendment was not agreed to.

Mr. NEGLEY. I move that the House do now adjourn.

Mr. HALE, of Maine. O, no; let's stay here and finish the bill.

The question was put on Mr. NEGLEY's motion; and, on a division, there were—ayes 137, noes 85.

Mr. HALE, of Maine. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 114, nays 134, not voting 37; as follows:

YEAS—Messrs. Adams, Albert, Ashe, Atkins, Averill, Barber, Barree, Barry, Bass, Beck, Biery Bradley, Bright, Bromberg, Roderick R. Butler, Cain, Caldwell, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Comingo, Cook, Crocker, Crossland, Crounse, Crutchfield, Darrall, Davis, DeWitt, Dobbins, Durham, Eden, Eldredge, Elliott, Freeman, Giddings, Glover, Hamilton, Hancock, Harmer, Harrison, Hatcher, Hathorn, Hays, John W. Hazelton, Herndon, Houghton, Hunton Hynes, Kelley, Killinger, Lansing, Leach, Lewis, Lowndes, Luttrell, Lynch, Magee Marshall, Martin, Maynard, McDougall, McJunkin, Mellish, Milliken, Mills, Moore Myers, Negley, Nesmith, Niblack, Niles, Page, Isaac C. Parker, Pelham, Pendleton, Perry, Pike, Purman, Rainey, Ransier, Rapier, Rawls, Read, Richmond, Henry J. Scudder, Sener, Shanks, Sheldon, Small, George L. Smith, J. Ambler Smith, Snyder, Speer, Stanard, Storm, Stowell, Strawbridge, Swann, Sypher, Thornburgh, Todd, Townsend, Waddell, Wallace, Jasper D. Ward, Wells, White, William Williams, Willie, Wood, and John D. Young—114.

NAYS—Messrs. Albright, Archer, Arthur, Barnum, Bell, Berry, Blount, Bowen,

Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cannon, Cason, Freeman Clarke, Clymer, Coburn, Conger, Corwin, Cotton, Cox, Curtis, Danford, Dawes, Donnan, Duell, Dunnell, Eames, Fort, Foster, Frye, Garfield, Gunckel, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Henry R. Harris, John T. Harris, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Jewett, Kasson, Kellogg, Knapp, Lawrence, Lawson, Lofland, Loughridge, Lowe, McCrary, Alexander S. McDill, James W. McDill, McLean, McNulta, Merriam, Monroe, Morrison, Neal, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Hosea W. Parker, Phillips, Pierce, Thomas C. Platt, Potter, Pratt, Ray, Rice, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Sprague, Standeford, Starkweather, Stone, Strait, Taylor, Tremain, Tyner, Vance, Waldron, Marcus L. Ward, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, Woodworth, and Pierce M. B. Young—134.

NOT VOTING—Messrs. Banning, Begole, Bland, John B. Clark, jr., Stephen A. Cobb, Creamer, Crittenden, Crooke, Farwell, Field, Gooch, Hersey, Hooper, Howe, Kendall, Lamar, Lamison, Lamport, McKee, Mitchell, Morey, Nunn, Parsons, Phelps, James H. Platt, jr., Poland, Randall, James C. Robinson, Sheats, Sloss, William A. Smith, Southard, Stephens, St. John, Thomas, Walls, and Ephraim K. Wilson—37.

So the motion to adjourn was not agreed to.

Mr. BUTLER, of Massachusetts. I rise to a privileged motion. I move to reconsider the vote by which the amendment I offered was lost.

The SPEAKER. Did the gentleman vote with the prevailing side?

Mr. BUTLER, of Massachusetts. I do not think I did.

The SPEAKER. Then the gentleman cannot make that motion.

Mr. HALE, of Maine. Upon the appeal of many members, who have been voting in the same direction I have, and as this matter will come up the first thing after the reading of the Journal to-morrow morning, I move that the House now adjourn.

Many MEMBERS. O, no.

The SPEAKER. That motion is not now in order, a similar motion having just been voted down. The question now is upon the amendment of the gentleman from Iowa, [Mr. KASSON.]

Mr. COBURN, and Mr. BUTLER of Massachusetts, called for the yeas and nays.

Mr. LEACH. Pending the call for the yeas and nays I move that the House now adjourn.

Mr. BUTLER, of Massachusetts, and others. O, no.

The motion to adjourn was not agreed to.

The yeas and nays were then ordered on the amendment moved by Mr. KASSON.

The question was taken; and there were—yeas 172, nays 76, not voting 37; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Banning, Barrere, Barry, Bass, Beck, Berry, Bowen, Bright, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cannon, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Conger, Cook, Corwin, Cotton, Cox, Crittenden, Crocker, Crutchfield, Curtis, Danford, Dawes, De Witt, Dobbins, Donnan, Dunnell, Eames, Eden, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Hamilton, John T. Harris, Hatcher, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Hunter, Hyde, Jewett, Kasson, Killinger, Knapp, Lawrence, Lawson, Leach, Loughridge, Lowe, Luttrell, Magee, Marshall, Martin, McCrary, James W. McDill, McDougall, McJunkin, McLean, McNulta, Mellish, Merriam, Mills, Monroe, Moore, Morrison, Neal, Negley, Nesmith, Niblack, O'Brien, Orr, Orth, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pendleton, Perry, Phillips, Pierce, Pike, Thomas B. Platt, Poland, Potter, Pratt, Rainey, Ransier, Read, Richmond, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Stanard, Starkweather, Stone, Storm, Strait, Swann, Taylor, Todd, Tremain, Tyner, Vance, Waldron, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Ephriam K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—172.

NAYS—Messrs. Adams, Albert, Averill, Barnum, Bell, Biery, Blount, Bradley, Bromberg, Buffinton, Roderick R. Butler, Cain, Caldwell, Cessna, Clayton, Clinton L. Cobb, Crossland, Crounse, Davis, Durham, Eldredge, Elliott, Freeman, Giddings, Glover, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Joseph R. Hawley, Hays, Herndon, Houghton, Hubbell, Hunton, Hurlbut, Hynes, Kellogg, Lansing, Lewis, Lofland, Lowndes, Lynch, Maynard, Milliken, Myers, O'Neill, Packard, Parsons, Pelham, Purman, Rawls, Ray, Rice, Sawyer, John G. Schumaker, Sener, Shanks, Small, H. Boardman Smith, J. Ambler Smith, Snyder, Standeford, Stowell, Strawbridge, Sypher, Thornburgh, Townsend, Waddell, Wallace, White, Whitehead, William Williams, and Willie—76.

NOT VOTING—Messrs. Barber, Begole, Bland, Freeman Clarke, Comingo, Creamer, Crooke, Darrall, Duell, Farwell, Field, Hersey, Hooper, Howe, Kelley, Kendall, Lamar, Lamison, Lamport, Alexander S. McDill, McKee, Mitchell, Morey, Niles, Nunn, Phelps, James H. Platt, jr., Randall, Rapier, James C. Robinson, Sheats, Sloss, George L. Smith, William A. Smith, Stephens, St. John, and Thomas—37.

So the amendment was agreed to.

Mr. KASSON. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

Mr. HAYS. And on that motion I call for the yeas and nays.

Mr. SENER. Pending the call for the yeas and nays, I move that the House now adjourn.

The motion was agreed to upon a division—ayes 142, noes 46; and accordingly (at six o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented, under the rule, and referred to the appropriate committees:

By Mr. ATKINS: Two petitions from sundry citizens of the seventh congressional district of Tennessee, praying for the passage of a bill for the relief of the Southern Methodist publishing house at Nashville, Tennessee.

By Mr. CHAFFEE: A petition of citizens of Colorado Territory, asking that the branch mint at Denver be put upon a coinage basis.

By Mr. COTTON: The petition of J. A. Robinson and 53 others, asking a modification of the postal laws.

By Mr. EDEN: The petition of Hannaman & Rhodes and others, druggists of Shelbyville, Illinois, for the repeal of that part of the revenue laws requiring the use of stamps by druggists.

By Mr. HARMER: A petition signed by over 800 citizens, asking that means may be taken as promptly as possible, in co-operation with other governments, for the settlement of international difficulties by the plan of arbitration and the formation of a high court of nations for the adjustment of all differences without a resort to arms.

By Mr. HYNES: A memorial of the Legislature of Arkansas, for relief of the Southern Methodist publishing house, with accompanying petitions from various conferences and citizens of Arkansas.

By Mr. LANSING: A petition for the relief of the Southern Methodist publishing house at Nashville, Tennessee.

By Mr. MYERS: The petition of Louis Sonntag, of Philadelphia, for bounty under act of July 28, 1866.

By Mr. NIBLACK: The petition of James F. Blunt, of Spencer County, Indiana, praying for compensation for military services.

Also, the petition of William May, sr., of Spencer County, Indiana, praying for an increase of pension to his insane son.

Also, the petition of Andrew J. Baldwin, of Spencer County, Indiana, praying for a pension.

Also, the petition of Edward Winchell, of Spencer County, Indiana, praying compensation for military services.

Also, the petition of L. D. Jay and 45 others, of Perry County, Indiana, praying that all mail matter, whether letters, merchandise, newspapers, or other printed matter, shall be prepaid.

By Mr. ROBINSON, of Ohio: The petition of H. Peters and others, of Marion County, Ohio; also the petition of J. N. McCoy and others, of Hardin County, Ohio, asking the repeal of the stamp tax on certain classes of drugs.

By Mr. SWANN: A petition of citizens of Maryland in behalf of the Southern Methodist publishing house at Nashville, Tennessee, for the use and destruction of its property by the United States.

Also, the petition of John Rutter, of Baltimore, late a private in Company G, Voltigeur Regiment, in the war with Mexico, praying for a back pension.

By Mr. WILLIAMS, of Massachusetts: The petition of Edwin C. Morse, late additional paymaster United States Army, praying for relief.

Also, the petition of William Thwing, for a new register to the ship Alhambra.

Also, the petition of Francis Low, for relief.

Also, the memorial of Cornelia A. Washburn, of Newton Lower Falls, Massachusetts, praying for a pension.

By Mr. WILLIAMS, of Michigan: The petition of Barbara Richards, for a pension to the minor heirs of Michael Weisse, deceased.

By Mr. WILSON, of Iowa: The petition of Captain Isaac V. Dennis, Twenty-second Iowa Volunteer Infantry, for arrears of pensions.

Also, the petition of Sophronia Austin, praying for a pension.

Also, the petition of A. Jackson and others, citizens of Tama County, Iowa, praying for the removal of the Sac and Fox Indians to their reservation in the Indian Territory.

Also, a petition of citizens of Marshall, Grundy, and Tama Counties, Iowa, praying for the establishment of a post-route from Traer, via Crystal and Badger Hill, Tama County, and Wadaloup, Grundy County, to Liscomb, Marshall County.

By Mr. WOLFE: A petition of sundry citizens of Washington County, Indiana, praying for an increase in the currency, by providing for the deposit of Government bonds, &c.

IN SENATE.

WEDNESDAY, *December* 17, 1873.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. LEWIS presented a petition of citizens of South Washington, praying to be protected against a nuisance created and maintained by the Baltimore and Potomac Railroad Company; which was referred to the Committee on the District of Columbia.

Mr. INGALLS presented a petition of citizens of Sedgwick County, Kansas, praying Congress to pass a law granting them relief in the purchase of certain lands in Kansas; which was referred to the Committee on Public Lands.

Mr. MORRILL, of Vermont, presented the memorial of William J. McDonald, praying compensation for damage done to his property in

consequence of an act of Congress changing the grade of the streets upon which his property is located; which was referred to the Committee on Public Buildings and Grounds.

Mr. SCOTT. I present the resolutions, in the nature of a memorial, passed by the Board of Trade of Philadelphia, calling attention to the suggestions made by the National Board of Trade, and recommending in those suggestions modifications of the bankrupt law. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. PRATT presented the petition of Luise von Püchelstein, widow of Major von Püchelstein, praying to be placed on the pension roll; which was referred to the Committee on Pensions.

Mr. MITCHELL presented the memorial of citizens of Portland, Oregon, merchants, shippers, importers, &c., protesting against the repeal of an act approved June 7, 1872, providing for the protection, engagement, and discharge of seamen shipped upon American merchant vessels; which was referred to the Committee on Commerce.

Mr. WINDOM presented a petition of citizens of Minnesota, praying for an extension of time for the payment of their lands on the Fort Ridgely reservation in that State; which was referred to the Committee on Public Lands.

Mr. WRIGHT. I present the petition of Charlotte D. Crocker, widow of the late Brigadier-General Marcellus M. Crocker, of Iowa, indorsed by the governor of our State and the adjutant-general of the State, praying for an increase of pension; and which petition, together with the papers heretofore on the files in the same case, I move be referred to the Committee on Pensions.

The motion was agreed to.

Mr. WRIGHT. I also present the memorial of James T. Powell, Davis Baker, and George Gross, a committee representing several temperance organizations in the city of Washington, asking an appropriation for the purpose of erecting a suitable building in this District to be used as a hospital for the care of inebriates, together with some other matters that are set forth in the memorial; and at the request of the memorialists I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. EDMUNDS presented the petition of Rufus Meade, United States consul at San Juan del Sur, praying compensation for performing the duties of minister at that place; which was referred to the Committee on Foreign Relations.

Mr. PRATT presented a joint resolution of the Legislature of Indiana, in favor of an appropriation by Congress for the improvement of the harbor at Michigan City, in that State; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PRATT. I move that the joint resolution of the Legislature of Indiana which I presented yesterday morning be referred to the Committee on Military Affairs.

Mr. SPENCER presented additional papers in the case of John P. Kelsey, asking a repayment of moneys disbursed by him in the execution of an order made by Brigadier-General E. B. Brown for the protection of certain interests of the United States in the State of Texas; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

Mr. HAMLIN. I ask that an order be made to withdraw from the files of the Senate the papers in the case of Annie M. Roblas Robaldo that they may be referred to the committee having the case in charge in the other House.

The PRESIDENT *pro tempore*. That order will be made.

On motion of Mr. MORTON, it was

Ordered, That the petition and papers in the case of Nathaniel J. Beachley, praying for pay as United States surgeon and for repayment of moneys expended in Government service in 1864, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. MORTON, it was

Ordered, That the petition and papers of Gallus Kerchner be taken from the files and referred to the Committee on Claims.

On motion of Mr. SPRAGUE, it was

Ordered, That the petition and accompanying papers of H. H. Lloyd be taken from the files and referred to the Committee on Claims.

On motion of Mr. LOGAN, it was

Ordered, That Robert Tillson have leave to withdraw his petition and papers from the files of the Senate.

REPORTS OF COMMITTEES.

Mr. CRAGIN. The Committee on Naval Affairs, to whom was referred the bill (H. R. No. 480) to provide for enlistments in the Navy, have had the same under consideration and have unanimously instructed me to report it back without amendment and to ask for its passage; and as it is of importance that this bill should be passed at once, as it simply provides for an increase of 1,500 seamen in the Navy in consequence of the present emergency, I hope there will be no objection to its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. DAVIS. Let it be read for information.

The Chief Clerk read the bill at length.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I have no objection to considering that bill at any time, but I am opposed to its passage, and shall deem it my duty to resist it as long as I can. Whenever the subject comes up I shall debate it.

The PRESIDENT *pro tempore*. The Chair hears no objection to the present consideration of the bill.

Mr. SUMNER. I think it had better go over.

The PRESIDENT *pro tempore*. The consideration of the bill is objected to, and it will lie over.

Mr. SCOTT. I am instructed by the Committee on Claims to report back the petition of Antoinette Darling, praying compensation for damages sustained in consequence of Indian depredations in Minnesota, with the recommendation that it ought not to be allowed; and I ask the adoption of that report at this time.

Mr. RAMSEY. Will not the Senator allow it to lie over until to-morrow?

Mr. SCOTT. I will state briefly the reason why I ask the adoption of the report, and I wish to call the attention of the Senator from Minnesota, as it does not relate simply to this petition. The petition upon which I have reported was presented in the Fortieth Congress, and it has been presented in every Congress since. It has traveled around from the Committee on Indian Affairs to the Committee on Appropriations; from the Committee on Appropriations to the Committee on Indian Affairs again, and from that committee to the Committee on Claims, until at the last session there was an adverse report upon it from the Committee on Claims. Under the forty-ninth rule of the Senate, where an adverse report is made and adopted the same case and papers cannot be withdrawn from the files of the Senate and referred to a committee unless a petition is presented setting forth that new evidence will be adduced to sustain the claim. This case, although adversely reported upon, was suffered to go by and the report not adopted; and thus a case which has frequently been considered, and which has been adversely reported upon, is again brought up, and a member of the Committee on Claims is compelled to go over it again.

I wish now to state that, wherever I find that to be the case, with the concurrence of the committee we will report it back and ask the adoption of the report, so that this incessant labor of going over a case time after time may be avoided. This is one of those cases, and I hope the Senate will adopt the report, so that when any member shall rise again and ask to have it referred, unless there is additional evidence, we can enforce the forty-ninth rule, and save ourselves a great deal of unnecessary labor.

Mr. RAMSEY. Will the Senator tell me what the case is?

Mr. SCOTT. The name of the petitioner is Antoinette Darling, and she claims compensation for injuries suffered from depredations by the Indians in Minnesota in 1862. All those claimants had the opportunity of going before a board of commissioners organized for the purpose of examining their claims, and which reported upon them. They permitted that opportunity to go by. This case was not heard, and the claimant now asks a direct appropriation out of the Treasury, whereas others who were heard were paid out of the annuities of the Indians who committed the depredations, which were retained for that purpose.

Mr. RAMSEY. I will say to the Senator that all the parties damaged by the Indians had not an opportunity of appearing before that commission. Many of them were so injured, their property destroyed, their families so scattered, that many fled to eastern cities; and some Germans especially (and many of the settlers on that frontier were Germans and Scandinavians) had no information, not reading English papers, that such a commission had been ordered by Congress or was in session. I know another case in which the party was situated in that way; he had no knowledge of it, and the Indian Committee has made a favorable report in his case under those circumstances. Hence it is not fair to conclude that in every instance the party had an opportunity to appear. Many had not for the reason I have mentioned; and it is quite improper to take this course in regard to this petition merely because it comes in this way. I hope the committee will not conclude to report invariably adversely to all these claims.

Mr. SCOTT. In answer to that statement I have to say that if the claim is now favorably reported on it can only be paid by a direct appropriation out of the Treasury. If it is paid at all it ought to be paid by the Indians out of the annuities of the tribe that committed the depredation. If it were proper to pay it out of the annuities, the subject has been three times before the Committee on Indian Affairs, and they have not acted upon it. So far, then, as the committee to which it is now referred is concerned, they wish to be entirely rid of it.

Mr. RAMSEY. I think it would be proper to pay these damages, inasmuch as the other fund has been exhausted, out of the annuities of the Indians; but would not the proper course of the Senator then be to refer the case to the Committee on Indian Affairs, who have claims of that kind under consideration now?

Mr. EDMUNDS. What is the pending question?

The PRESIDENT *pro tempore*. The pending question is on the adoption of the adverse report of the Committee on Claims.

Mr. RAMSEY. Suppose the matter is allowed to lie on the table until to-morrow morning?

Mr. SCOTT. I am only glad that the Senator from Minnesota has risen to combat this proposition, for it is one which I think is of

very great importance, not simply to the committee from which this report comes, but to all the committees of the body. It is intended to arrest this business of coming in at the commencement of the session and asking to have referred again to a committee papers which have been acted upon adversely; and simply because the report was not adopted when it was made it is not within that rule which would prevent it from being referred. I wish now to adopt this adverse report, so that when the motion shall be made to refer this petition again it cannot be referred unless the petitioner comes in and states that there is additional evidence to be acted on.

Mr. RAMSEY. How does this matter come before the committee at this time? By a reference again?

Mr. SCOTT. It comes before the committee this time by the Senator from Minnesota introducing it, and having it referred to the Committee on Claims. The Committee on Claims have considered it, and they have reported.

The PRESIDENT *pro tempore*. The question is on the adoption of the adverse report.

The report was adopted.

Mr. SCOTT. I report also from the same committee the petition of Frank C. Darling, and make the same report, that it ought not to be allowed, and move that the report be adopted for the same reason.

The report was adopted.

Mr. BOREMAN. I am instructed by the Committee on Claims, to whom was referred the petition of F. W. E. Lohman, Samuel Ruth, and S. M. Carter, asking compensation for secret service during the war, to report it back adversely and to state that there is not a particle of legal evidence in the case; and the committee give notice that unless there is evidence to support these cases they will report in the same way.

The report was adopted.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 59) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased, reported it with an amendment.

PUBLICATION OF NAMES OF ABSENTEES.

Mr. FERRY, of Michigan. I am directed by the Committee on Rules, to whom was referred a resolution relative to omitting the names of absentees in the reports of our debates, to report it back favorably and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the resolution adopted by the Senate on the 4th of May, 1864, directing the reporter in making up the proceedings of the Senate for publication to put in a separate list the names of absentees in each call of the yeas and nays, be rescinded.

Mr. FERRY, of Michigan. I think there can be no objection to the resolution.

Mr. EDMUNDS. I think it had better go over.

Mr. SUMNER. I hope it will not be passed now.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

G. W. STANDEFER.

Mr. AMES. I am instructed by the Committee on Enrolled Bills, to whom was referred the bill (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer," to report the same back and ask for its present consideration.

Mr. EDMUNDS. I feel inclined to object to the present consideration of the bill, not out of any opposition to it, but because I am desirous to reach the order of business which will enable us in the morning hour to take up the bankrupt bill which came from the House, and to dispose of it, either by sending it to a committee or in some other way. I think it ought to be sent to a committee. I do not object to this bill, however, because I understand it merely provides for a change of a letter in a law, a matter of form; but I mention it as entering a *caveat* against taking up the morning hour with business just reported.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer."

It proposes to amend the act approved on the 3d day of March, 1873, entitled "An act for the relief of P. W. Standefer," by striking out of the act, where it occurs, and from the title thereto, the name of "P. W. Standefer," and inserting the name of "G. W. Standefer."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIBRARY OF CONGRESS.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution to print five hundred extra copies of the report of the Librarian of Congress for the use of the librarian, have instructed me to report back the same without amendment and recommend its passage.

The resolution was considered by unanimous consent and agreed to, as follows:

Ordered, That five hundred additional copies of the annual report of the Librarian of Congress for the year ending December 1, 1873, be printed, with paper covers, for the use of the librarian.

BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 204) for the relief of Robert Bent and Jack Smith; which was read twice by its title.

Mr. BOGY. I am authorized by the Committee on Indian Affairs to ask for the passage of the bill, and also to say a few words on the subject.

This is a bill for the relief of two persons whose names are mentioned in it—Robert Bent and Jack Smith. These two persons are entitled each to 640 acres of land given to them by a treaty made with the Arapaho and Cheyenne Indians in 1861, and the matter has remained in abeyance from that day to this. The treaty made with those Indians in 1861 was ratified by the Senate, and these persons were justly entitled to this land. The Secretary of the Interior decided that it was not competent for him to make a title to the lands, so given to these individuals by the treaty, without an act of Congress authorizing the passage of the title; and this bill is only carrying out the provisions of the treaty made in 1861.

While upon this subject, Mr. President, I will say that this very fact shows the bad organization of the Indian Bureau and the whole system of Indian legislation. The treaty by which these persons were entitled to this land was made upward of twelve years ago and ratified by the Senate, and these persons were justly and fairly entitled to their land immediately; and yet for twelve years have they been asking for it, and without being positively refused, the matter has been neglected for the want of proper authority somewhere.

I am a member of the Committee on Indian Affairs, and I will, during this session of Congress, prepare a bill to reorganize the whole Indian Bureau, and, indeed, to take the Indian Bureau from where it is now and place it in the hands of the military department of the Government; for I do say, and I wish Senators to hear me, that a greater farce does not exist in any enlightened country than our system of Indian legislation at the present day. There is no head, there is no responsibility, there is no concentration, there is no power anywhere to do any good, but infinite power to do mischief.

All the troubles upon our western frontier, all the murders, all the depredations, are committed because of the want of proper and wise legislation on this subject. It is true the Indian commits murder, and is very often apparently the aggressor. He is the aggressor because wrongs have been continually perpetrated against him, not because the Government desires to do him wrong. I am perfectly satisfied that the wish, the intent, of the whole nation is to do him more than justice; but the system is so defective that justice cannot be done.

As a mere illustration: you have a Commissioner of Indian Affairs. The Commissioner of Indian Affairs is presumed in law to be the head of the Indian Bureau, and yet the Commissioner of Indian Affairs is merely a clerk of the Secretary of the Interior, and has no power whatever. In addition to this you have Indian commissioners appointed by the President. I believe they are not even confirmed by the Senate; but they are appointed by the President, and it is their right to pass upon all Indian contracts, to reject or to approve, doing away with the power both of the Commissioner of Indian Affairs and of the Secretary of the Interior. There are five of these irresponsible commissioners. They may be very worthy men. I know one in my own city, Colonel Campbell, and a better man could not be found in the country for the position, but I doubt if he be not the only one who is really fit for the position. If there are others I do not know them.

But, in addition to this, you have five inspectors at a salary of some three thousand dollars a year, with ten cents per mile for travel, whose duty it is to visit every agency in the United States, from the Mississippi to Alaska, and who are allowed to charge ten cents a mile for travel, with a power to remove every Indian agent, with a power to stop all contracts—with an absolute power; and they report their action and their doings to the President of the United States, doing away with the power of the Secretary of the Interior, with the power of the Commissioner of Indian Affairs, and with the power of the five commissioners.

In addition to this you have superintendents of Indian affairs whose powers are so great and so indefinite that they are in constant conflict with these five inspectors, and one will not yield to the other.

Besides all this you have Indian agents who claim that they are acting under the law too, and they cannot be interfered with; and in this way you have a system that is complete chaos, complete confusion, and there is no responsibility anywhere.

Again, sir, the Indian is in contact with the United States at this day merely, if I may so express it, in a military aspect. He is so pursued, so narrowed down in his dimensions, that he is continually in conflict with the white man. The interposition of the Army is required. From a pretty good knowledge of the subject, having once had—I may say—the misfortune of being Commissioner of Indian Affairs—for while I held it I had a great deal of trouble and was continually persecuted for holding it because I tried to do my duty, and my residence on the frontier has also given me the opportunity of knowing much about the Indians—I say, and I wish the Senate to hear it, that the whole system is a farce—is an outrage; and I believe I shall get the co-operation of the gentlemen who represent the Western States west of the Mississippi River, who agree with me on this subject. I will consult with Senators from the extreme West on that matter, and see if something cannot be done to reduce

the present heterogeneous system to some order, and get unity and concentration of power somewhere.

With regard to this bill, Mr. President, there is no question but that it should be passed. The committee is unanimous. These men are justly entitled to this land. It has been surveyed by the Government of the United States, the survey designated, and the title has been withheld for the want of positive legislation enabling the Secretary of the Interior to issue the patent. I hope the bill will be put upon its passage.

Mr. SARGENT. Will the Senator from Missouri allow me to ask him if the bill has been referred by the Senate to the Committee on Indian Affairs?

Mr. BOGY. It has been considered by the committee.

Mr. SARGENT. Is there any letter of the Secretary of the Interior on this case?

Mr. BOGY. There was before the committee.

Mr. SARGENT. I should like to have the letter read or the bill laid over until to-morrow, until I can examine it.

The PRESIDENT *pro tempore*. The Senator from Missouri asks for the present consideration of the bill.

Mr. SARGENT. I should like to have an opportunity to examine the bill.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be referred to the Committee on Indian Affairs.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 205) to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the upper and lower bands of Sioux Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 206) to provide for the publication of certain maps of survey of the Upper Mississippi and Minnesota Rivers; which was read twice by its title, and referred to the Committee on Printing.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 207) for the relief of C. E. Rogers; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 208) to reimburse the State of West Virginia for losses incurred by reason of the destruction of its bridges, court-houses, school-houses, churches, turnpike-roads, and other public property by Federal troops during the late war; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 209) supplementary to an act entitled "An act to authorize the Washington City and Point Lookout Railroad to extend a railroad into and within the District of Columbia," approved January 22, 1873; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 210) to return to William B. Isaacs & Co., of Richmond, Virginia, certain coin covered into the Treasury of the United States; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 211) to amend the charter of the Columbia Railway Company of the District of Columbia; which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 212) authorizing the Secretary of the Interior to use, for the removal of the Kickapoo Indians and other Indians on the borders of Texas and Mexico, to the Indian Territory, and for their support after such removal, the unexpended balance of appropriations made for the above purpose by acts approved July 15, 1870, and March 3, 1871; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 213) providing for the printing of the annual report of the Commissioner of Agriculture for the year 1872 and the year 1873; which was read twice by its title, referred to the Committee on Printing, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 214) for the relief of Robert Coles; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 215) in relation to the printing of the Biennial Register, commonly called the Blue Book; which was read twice by its title, and referred to the Committee on Printing.

REPEAL OF THE BANKRUPT LAW.

Mr. THURMAN. Mr. President, in order that the bill may be read a second time to-day, I move that the Senate proceed to the consideration of House bill No. 792, to repeal the bankrupt act.

Mr. SUMNER. I object to that until we get through with the morning business.

Mr. THURMAN. I only ask that the bill may be read a second time; it will take but a moment.

Mr. SUMNER. Very well; that can be attended to when we get through with the morning business. I have a resolution to offer.

The PRESIDENT *pro tempore*. The Senator from Massachusetts objects. Resolutions are now in order.

CHARGES OF INTEREST BY NATIONAL BANKS.

Mr. PRATT submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Finance be directed to report whether more efficient provisions of law are not required to restrain the national banks from charging, reserving, and taking a higher rate of interest than is allowed by law to be taken.

COLLECTION OF INTERNAL REVENUE BY STAMPS.

Mr. SUMNER. I send to the Chair a resolution which I ask to have read.

Mr. EDMUNDS. Let it be read for information.

The Chief Clerk read as follows:

Resolved, That the Committee on Finance be instructed to consider the expediency of reducing the national expenditure by abolishing the office of Commissioner of Internal Revenue and other offices under him, and forthwith providing by law for the collection of all internal taxes by the sale and use of stamps, the presence of stamps on articles being evidence that they had paid the tax, and the absence of stamps that they had not paid the tax, and taxed articles without stamps being seizable by any officer and forfeitable in any United States court, the law to be administered by the Secretary of the Treasury; and the committee shall consider the extent of saving and economy by such change.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. If there is to be no debate upon it I do not object; if there is, I reserve the right to object.

Mr. SUMNER. I do not wish to debate it.

The PRESIDENT *pro tempore*. The Chair hears no objection to the present consideration of the resolution.

The resolution was adopted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 478) to provide for the redemption of the loan of 1858.

The message also announced that the House had passed a bill (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery houses to be continued in use after changes have occurred in the management of the business; in which it requested the concurrence of the Senate.

PENSIONS TO DISABLED SOLDIERS.

Mr. WRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of so amending the existing pension laws as to provide that the allowance or monthly pension granted to soldiers who have lost an arm above the elbow shall be the same as that now allowed to soldiers who have lost a leg above the knee, and report by bill or otherwise.

REPEAL OF THE BANKRUPT LAW.

Mr. EDMUNDS. As the time is going on, I move to postpone the present and all prior orders and take up the bankrupt bill. Let us see if we cannot determine whether it shall be referred or not.

The PRESIDENT *pro tempore*. Is there objection to the motion made by the Senator from Vermont? The Chair hears none, and the bill will be read the second time.

The bill (H. R. No. 792) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws or parts of laws amendatory thereto, was read the second time by its title.

Mr. EDMUNDS. I move that this bill be referred in the usual way to the Committee on the Judiciary. I know there is an earnest desire in some parts of the country—and a sincere one and one based upon some grievances which I can see clearly—that this bill should pass as it is and be a total repeal of the existing law. But I am satisfied myself (though I am not going to make a speech about it) that there will be infinite injury with danger to the country in its financial condition with a total and absolute repeal. I am satisfied that if the subject can be considered by the Committee on the Judiciary we shall be able, with a considerable if not an entire degree of unanimity, to report a bill which will relieve the present law of the obnoxious feature that it now is said to contain and which to an extent I believe it does contain, by which oppression is practiced, and still leave the debtor class and the creditor class the means of justice and equality in commercial enterprises and in commercial securities, and to take it out of the power of any one man or any one party of men to do wrong upon either side, either in cheating creditors or oppressing debtors.

With that view, I hope there will be no objection on the part of Senators who now think there should be a total repeal, but who I feel sure I could convince, if I had the health and the time, that it would be better to modify the law and to modify it so as to affect even present proceedings in respect to composition deeds and other things of that kind, to letting it go to the committee without pressing a debate on its passage now.

Mr. CONKLING. Mr. President, the only doubt I have about the motion of the honorable Senator from Vermont depends upon the question

whether we are most certain to act on this subject before the holiday recess with or without a reference to the committee. The House bill has now been read twice; if it lies on the table it is always within the power of the Senate. The Committee on the Judiciary has before it already not only the subject of the bankruptcy act, but several bills which constitute adequate foundation for any report the committee may make. These bills have also been read a first and second time, and are therefore as far advanced as the pending bill will be should it be reported back by the committee, except that this bill has already received the favorable action of the House of Representatives. Should we amend it—should the committee propose to amend it, and the Senate ratify the action of the committee—it must go back to the House with no better opportunity of becoming a law than either of the other bills to which I refer, now in the custody of the committee, should they be moved as amendments to the House bill.

Therefore, Mr. President, I suggest a question for the consideration of Senators: the Committee on the Judiciary having already jurisdiction of the subject; having, besides the power of every committee itself to originate a bill, several bills which have already been read twice, will it not be better, in the opinion of those who think as I think, that early action should be taken on the subject, to allow the House bill to lie on the table, allowing the Committee on the Judiciary to make any report which that committee may make in season for action by the two Houses before the holidays, and thus reserve a double probability of action upon this question? I suggest this course for the consideration of the Senate and of the honorable Senator from Vermont.

Being on my feet, I wish to add another remark. That the bankrupt act as it now stands, with its onerous fees, its unusual methods of proceeding—methods with which the bar and the bench and the commercial community in the States are not contented—with the opportunity it gives to a single creditor, or to a few creditors, to control the interests of the rest, ought to be repealed or essentially and radically modified, I cannot doubt. Such is the judgment of the business community, of the bar, of the bench, in those localities with which I am most familiar.

At the last session of Congress the House of Representatives, being composed in large part of persons different from those now there, adopted by a large majority a repealing act. The present House has done the same thing. Such is the bill before us. It contains but two sections, the first repealing entirely the bankruptcy act and all supplemental acts; the second section containing but two provisions, first, a reservation as to certain pending proceedings; and, second, a provision that in such pending proceedings the costs shall be only half the costs now allowed by law. Thus the House has acted.

Mr. BOGY. Will the Senator allow me to ask him a question?

Mr. CONKLING. Certainly.

Mr. BOGY. The question is pertinent to his argument. It is this: Does the second section of the bill which has passed the House enable proceedings to be continued to a final determination that are now pending, or does it only enable those proceedings to be continued in such cases where the parties have already been adjudicated bankrupts? There is a very great difference between the two things. Proceedings may be instituted, and have to be instituted, before the party is adjudicated a bankrupt.

Mr. CONKLING. The honorable Senator is quite right; and my statement needs correction if it implied that in all cases whatever of pending proceedings a reservation is made. The section is so brief that perhaps I had better read it:

SEC. 2. That all suits and proceedings now pending in the courts of the United States wherein an adjudication for bankruptcy has been made shall be proceeded with and governed by the provisions of existing laws, which are hereby continued in force only for the purpose of closing up suits and proceedings now pending: *Provided*, That from and after the passage of this act, the fees, commissions, and charges of the officers and agents of the courts in bankruptcy cases shall be reduced to one-half of the fees, commissions, and charges heretofore allowed.

Mr. BOGY. I wish to ask the Senator, he having the reputation of being a good lawyer, this further question: whether, under the bill passed by the House, proceedings in bankruptcy where the party has not yet been adjudged bankrupt would not, by the operation of this law, necessarily terminate, and the parties be restored to their rights as if no bankrupt law had ever existed?

Mr. CONKLING. I understand the Senator to be right, and I did not intend to convey a different impression. I will not consume the time, as I am reminded that the morning hour has almost expired. I hope, however, before this bill is referred to the committee, the matter will be considered by Senators who believe, as I believe, that we ought, before the holiday recess, which threatens to commence on Friday, to do something with the bankrupt law. Suppose the Judiciary Committee shall be able to report back to-morrow; that will be Thursday; we may adjourn on Friday; a single objection will prevent the consideration of the report from the committee to-morrow; thus we may be thrown over until Friday. Is it likely that we can by this method take up and discuss this question, and send the bill back to the House and get action there? I do not answer the question; I ask it; only saying that my impression is that we are safer with the bill on the table.

Mr. EDMUNDS. I wish to ask my friend a question in regard to this point of expedition. I ask whether if this bill can be amended, as undoubtedly it can, to meet the wishes of a majority of the Senate—and I should say almost all, because I think I understand my friend's views pretty well on the general subject—it would not be much easier to have it disposed of in the House of Representatives on an amendment proposed between the two Houses to this bill than it would on an independent bill sent by us over there?

Mr. CONKLING. I am inclined to think the Senator is right in that. There is a good answer to his suggestion, however. If the Judiciary Committee shall report amendments commanding the assent of a majority of the Senate, nothing can be easier, with the bill lying on the table, when it is taken up, than to ingraft these amendments upon it; whereas if it should turn out that the Judiciary Committee shall make no report, or none satisfactory to the Senate, then this bill lying on the table keeps it constantly in the hands of a majority of the body to take it up and act upon it whenever the majority shall please.

Mr. THURMAN. Mr. President, I rose at the same time with the Senator from New York to say substantially what he has said. Therefore I shall not repeat what he has said. I am very anxious that this subject shall be acted upon before the recess. I believe the best way is, the bill having been read the second time, to let it lie on the table, and if the Judiciary Committee propose amendments to the bankrupt act, let them be moved as amendments to this bill and let us send it back to the House for the concurrence of the House in those amendments. I hope, therefore, that the bill will be left on the table, instead of being referred to the Judiciary Committee.

Mr. FRELINGHUYSEN. Mr. President, I would suggest an amendment to the motion of reference to the Judiciary Committee, and that is that the bill be referred to the Judiciary Committee with a request that they report to-day, and that they have leave to sit during the sessions of the Senate. I am opposed to having that bill lie upon the table for this reason: That bill is a total repeal of the bankrupt law. Every bankrupt law (and we have had three in this country) has been adopted during a time of financial disaster for the relief of debtors; and now, when we are suffering under financial disaster, we propose reversing all history and repealing the bankrupt law because there are defects in it, defects which are familiar to each one of us. The expenses are too great; preferences may be destroyed by subsequent bankruptcy; too few creditors can throw a man into bankruptcy—these are the defects. We all agree in reference to these subjects, and if the Committee on the Judiciary is instructed to report on this bill either to-day or to-morrow, there will be no trouble in passing a law curing all the defects at the present session of Congress.

Mr. MORTON. Mr. President——

SPECIE PAYMENTS—THE CURRENCY.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the resolution reported by the Committee on Finance.

Mr. EDMUNDS. Let us finish this matter.

Mr. SHERMAN. I have no objection to that going over informally until this matter is disposed of.

The PRESIDENT *pro tempore*. The Senator from New York [Mr. FENTON] is entitled to the floor on the resolution. Does he object?

Mr. FENTON. I think I had better retain the floor. I am not quite clear in reference to these conflicting propositions, and should be glad to consider them a little more myself.

The PRESIDENT *pro tempore*. The Senator from New York objects. The Senator from New York has the floor on the resolution before the Senate.

Mr. FENTON. I ask the Secretary to read the resolution reported by the chairman of the Finance Committee and also the resolution reported by the Senator from Delaware [Mr. BAYARD] from the minority of the committee.

The CHIEF CLERK. The resolution reported by Mr. SHERMAN, from the Committee on Finance, is as follows:

Resolved, That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows:

"And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin."

And the Committee on Finance is directed to report to the Senate at as early a day as practicable such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

The resolution submitted by Mr. BAYARD, from the minority of the committee, is as follows:

Whereas a just regard for the interests of every class of the community demands that the national basis of finance shall consist of a currency of uniform standard and intrinsic value: Therefore,

Resolved, That the Committee on Finance be, and they are hereby, instructed to report to the Senate measures which will secure at the earliest practicable day a return to specie payments.

Mr. FENTON. Mr. President, it will be seen that the resolutions do not suggest any definite plan, so I will address myself to the general principle which they present. I do not, therefore, propose a panacea for present financial disorder, but rather I would be glad to take a step in the direction of improvement. I do not doubt that timely application would have in a great degree, if not wholly, averted the existing derangement. But that is past, and it is the part of statesmanship to create a healthy condition by careful and well-considered

remedies. The financial problem is one of wide scope. It embraces the questions of debt and taxation, of banking and currency, which are in a great measure bound up together. No system can work a final and complete restoration which does not deal with all these parts. Each in their turn is more or less intimately associated with the industry and commerce of the country, the standard of value, and the rise and fall of prices.

Especially is the currency closely connected with all the varied interests of our daily affairs. In the exchanges of trade—in the work of production—in the compensations of labor, and in every business transaction it enters as a principal agent. The evils of its present depreciated and inconvertible character are apparent. I wish I could congratulate the country upon having made progress toward a better currency. Since the close of the war there has been ample time for a long step in stability, security, and confidence. To be sure, the public debt has been diminished, and all doubt of its ultimate payment is removed. The process of refunding has been carried to a point, sometimes by extraordinary methods, which shows progress. The public credit abroad has been at times somewhat improved. The taxes have been reduced and, in so far as they bore directly upon our domestic interests, with due regard to our circumstances. On the other hand the expenditures of the Government have not been retrenched with a firm and unsparing hand, nor thus far with any perceptible advantage to the country. Official duties have not been at all times discharged with economy, zeal, and integrity. So whatever improvement we note is mainly owing to the fortunate state of our national growth and elastic vigor. Wise management has done very little for us, but favorable natural conditions and irrepressible vitality have saved us from frequent disheartening revulsions.

While it is true that no nation ever emerged from a gigantic and prolonged conflict and resumed the career of peace with so little distress, it must be borne in mind that no other nation has been so favorably circumstanced. England, wiser than ourselves in some respects, came out of the long and arduous struggle at the beginning of the present century with a recurrence of commercial panics and calamitous disorders of which we have not yet had a complete counterpart. Some other nations have been even less fortunate. When compelled to adopt the usual resort of forced loans and paper money, they have generally repudiated the claims of creditors and exhausted the resources of subjects.

Our history and opportunities have been different. At the close of the rebellion our traditional policy at once directed us to the ways of peace. Our cheap and fertile lands and our opening springs of trade offered inducements to our enterprising and active people. So it only remained for the Government to enforce rigid economy in all the departments and practices of the public service, and gradually retrace our steps until we reached the normal condition from which we had departed during the period of the war. The swollen volume of inconvertible currency should have been gradually reduced as a first vital step in the right direction. Such a prudent and conservative course, coupled with the singular buoyancy, the bounding activity, and the measureless resources, capacity, and opportunities of American enterprise, would have averted general derangement and distress. At least they would have served to counterbalance evils inseparable from our condition. As it is, these natural advantages and our national characteristics have operated, in some degree, as a protection against the crippling effect of falling prices, the fluctuations, and the paralysis usually following the unbending from the feverish strain and inflated standard of war to the more natural state of peace.

In the speech which I had the honor of addressing this body on the 25th of February, 1870, I remarked: "Glancing at what I have said, I repeat that the rescue of the nation from the evils of our vast depreciated inconvertible currency and its restoration to the specie basis are urgently required by every vital and wholesome interest; that the determination of the exact amount of currency demanded by the wants of the country is an indefinite and, comparatively, an unimportant problem—inflation on the one hand causing such a rise of prices that there would be the same stringency as before—contraction on the other hand, causing such a decline of prices that the smaller volume would entirely suffice—that the volume will adjust itself when we adopt correct principles and start upon the right path—that the true situation is when specie payments may be resumed and maintained, and, finally, that this is impossible under our present expanded currency." I also endeavored to maintain "that, while the scrupulous observance of the public faith is clearly enjoined upon us, a successful funding scheme, with new guarantees asserted, would tend to this result; and, lastly, that the reduction of taxation is highly important to the relief of the country, during this period of shrinking values, crippled industry, and inert trade, and that this is not inconsistent with adequate revenue and payment of the national debt in the course of fifty years."

These words touched upon all the salient features of our financial problem, and outlined a general policy. Three years and more have elapsed since these principles were thus stated, and in the subsequent course of events I see, in the confirmation of their general truth, a reason for their reiteration. The refunding of the debt has been commenced. The policy of reduced taxation, especially internal taxation, has been adopted. The fluctuations of the currency may not have taught everybody the folly of attempting to fix the exact amount required by the wants of the country compatible with specie payments, but they serve to confirm the belief that resumption is impossible with our present redundant volume of paper. Waiving this question for the present, I wish to direct your attention to some further observations on the subject of taxation, to which we are invited by the condition of exchange and trade as bearing with considerable directness and force upon any scheme of finance calculated to meet the exigency in which we find ourselves.

The complete view of a question upon all sides leads to the soundest conclusions. The late Secretary of the Treasury was not without some warrant for his statement that "large as the revenues of the country have been during the last three years, our system of taxation has not been oppressive to individuals, nor has it, in any sensible degree, embarrassed the business of the country."

I cannot assent to this proposition in its full scope. The daily experience of the mass of our people is a standing challenge to its correctness. No gloss can make a taxation of over three hundred millions a year other than a burden. It must come out of the industry of the people, except so far as it may be balanced by the protection of duties. The strain upon the resources of the country has been severe, and amid the increased expenditure, defalcation, and waste, the people have submitted to the burden imposed upon them by their desire to see the national obligations fulfilled and the national credit maintained. It is to the patience and patriotism of the masses rather than to the wisdom and economy of the Administration that this large sum has been so cheerfully furnished. It will not do to say that our burdens in this respect, heavy as they seem, are light compared with those which have been borne by many other nations. It is true Great Britain paid three hundred millions of taxes in 1816, the load falling practically upon not more than ten millions of population, and being aggravated, too, by a vicious, intricate, and confused system of taxation. It is also true that the aggregate product of the taxes levied through the Napoleonic war reached the prodigious sum of six billions five hundred millions of dollars, ($6,500,000,000,) and it was said by some that the capital of the country was as great as it would have been had the war never occurred. But the revulsions, failures, prostration, and ruin that followed, declare the fallacy of this statement. The deduction was based upon the assumption that the increase of industry and economy added to this additional burden had, in itself, been sufficient to pay the cost of the war. Such may be the effect of taxation within a moderate limit. When it is so adjusted that it does not foster immoderate profits or monopoly at home, or from its magnitude discourage production or consumption, it may sometimes have the opposite tendency of stimulating increased exertion and industry. The class taxed seek, by this augmented effort, to compensate for the exaction and so make itself whole. Sometimes it excites inventive enterprise, and ingenuity is quickened to find out ways of larger production in order to balance the loss. I believe it is true that the stimulus of taxation has here wrought some improvements in the methods of production; but these possible compensations have not been a match for the oppressiveness and demoralization which have resulted on the other hand. Instead of greater frugality growing out of the increased burden, we have had the extravagance and overdoing which follow in the train of large expenditures and a buoyant and inflated paper currency.

Then again the effect of a high tax upon importations is to encourage smuggling and fraud. Keeping pace with this is the inducement to revenue officers to take arbitrary, not to say unwarrantable, steps in the endeavor to effect seizures and extort penalties, the proof of which is obtainable in nearly every port of entry on our coast. Especially has this avaricious zeal been illustrated in our principal seaboard city. High taxes, exorbitant profits, and great temptations are the natural prelude to tyranny of wealth and a corruption of the public conscience. And not the least evil of this condition is the fact that the laws, and the practices under cover of them, secure to capital and the favored few undue accumulation over honest personal exertion.

Our financial situation has been distinguished by two features. On the one hand taxation, swollen and amplified by the inexorable demands of a gigantic and prolonged war, has pressed upon us with its complicated burdens. On the other side, an inflated currency and the activity created by war have raised prices and stimulated projects upon a fictitious standard, and imparted an air of buoyancy and speculative spirit to our commercial life. The latter has served to make the former seem less oppressive, while in fact it has led to continual excess. We have met high prices with high nominal resources. The exhilarance of this elastic vitality has served to balance the pall of taxation.

But we must descend from this elevated plane of hollow prosperity to the level of solid values and stable security. We must get back some way, and it is for us to determine whether it shall be by the abrupt and ruinous process or by well-prepared and comparatively easy methods. The return, at best, is as arduous and trying as the ascent was smooth and fascinating. Already, instead of expanded prices and inspirited activity we have seen shrinking values and depressed enterprise. Men less easily pay their debts—some are pushed to bankruptcy—producers receive less for their productions, business is restive, and the laborer in many districts is out of employment.

I have heretofore expressed the opinion that we might properly distribute the payment of our national debt through a period of fifty years. Honor is due to a people who uncomplainingly pay at the rate of $100,000,000 a year, but no credit is due to an administration of

affairs which enjoins it when a less sum is the better rule of economy. Instead, attention should have been directed to our unredeemed and depreciated currency, and a part of these enormous collections left with the people to offset the shrinkage of values attendant upon a return to the specie condition. I do not assert that we can reduce the aggregate receipts from tax sources at present; and while we permit no actual increase the conditions may be at once improved.

I am here met with the official statement that our revenues are already falling off and are insufficient for the wants of the Government. True; but this does not impair the force of my argument. If the causes of our diminishing revenues were not transient I should still claim that we ought to meet all deficits, and more, by the practice of economy. This recourse would furnish an unfailing supply of full $50,000,000 annually, which now goes out in defalcation, fraud, and extravagance. But as we now go, swelling the volume of currency by at least $44,000,000, who can doubt that importations will not again swell, and, may be, overleap all previous bounds? So, too, of internal taxes. But I pass from this question of revenue. My point now is to show that it is only a simple and safe course to adjust the inequalities and hardships of taxation while we moderately contract the paper currency in the road to specie payments. In doing this we may reimpose a small duty on tea and coffee, and thus offset immediate or prospective reductions in other quarters. It is always a reliable source of revenue, and never much felt by the consumer because seldom affecting the price. It may be taken as a postulate, and verified by experience, that moderate taxes within rational limits are more reliable as well as more productive of revenue than high taxes. It is not my purpose to enter upon the disputed problems which gather around the discussion of protection upon the one hand and free trade upon the other. The policy of adjusting the collection of revenue so as to protect in some degree specific branches of industry, has obtained in our legislation, and for the present, at least, is hardly an open question. In what I have said upon this point I have been guided by a desire to show that in returning to a sound financial condition every interest of the Government and of the people concur in the policy of moderate taxes.

It is claimed that the value of our money is gradually and steadily advancing. If the premium on gold be the true index it is not so clear. But without accepting this fluctuating scale as at all times the correct measure—remembering that gold is a commodity, and low because of the scanty demand—and taking the general range of prices as the more reliable standard, it is true that there has been a rise in the value of money. It has acquired greater purchasing power. Shall we take advantage of this fact? If we make any permanent progress toward specie payments it must be attended by an appreciation of the currency. Such progress we all profess to seek, and to it we claim to direct the policy of the country. To accomplish it the circulating medium must be brought to the measure of specie. This may be done by a gradual and moderate reduction of the quantity of paper. At least this is the way which does not lead up to dazzling heights and down to horrible depths. I do not know what gentlemen mean when they speak of an "equalization of the commercial value of the paper currency with coin," unless it be upon the basis of the latter. The principle for which I contend has been well stated by a distinguished political economist in the following clear and compact form:

> When a country issues inconvertible paper notes, they cannot be exported to other countries in the event of their becoming redundant at home; and whenever, under such circumstances, the exchange with foreign states is depressed below, or the price of bullion rises above its mint price more than the cost of sending coin or bullion abroad, it shows conclusively that too much paper has been issued, and that its value is depreciated from excess.

There is still another point which urgently demands a return to the gold standard. Inordinate debt and speculation, entered into in time of peace, is mainly the offspring of an excessive and vitiated currency. I gave it as my best judgment, in some views submitted to the Senate during the last session, that the individual indebtedness of the country was full $8,000,000,000. After a careful examination of the subject since I am sure I did not overstate the amount. The late Census Report gives the public indebtedness of the States, including that of cities, counties, and towns, at a little less than $900,000,000. From the search I have been able to make of statistics bearing upon this point I am persuaded that this sum is $250,000,000 too small. Take the case of New York as an illustration. The Census Report puts it down at $150,000,000. But by a carefully prepared statement of the late constitutional commission of that State, made March 1, 1873, the aggregate bonded indebtedness of cities, villages, counties, and towns is given at $214,000,000. So I consider myself safe in stating that the indebtedness of the country —national, State, local, and individual—cannot fall much short of $12,000,000,000. To any other people such an enormous indebtedness would be appalling; to us the lesson is obvious. But this is not all. I have not included the railroad bond and mortgage indebtedness, which must come up to $600,000,000; it is probably more. So, without embracing current business obligations, such as bank loans, discounts, and other business paper, the amount of interest alone that we pay annually, at home or abroad—or ought to pay—I suppose is fully $720,000,000. No matter to whom paid, so far as it affects industry. This is the substratum upon which all indebtedness rests.

The payment of debt is always troublesome; but, so far as it owes its creation to an excessive and depreciated money condition, it will be found still more onerous and vexatious. There must be some privation, some suffering. Even though hard at first, we must return to the practice of frugality and industry. An example to the whole people of these cardinal virtues should come from the state, and no one can furnish it with such beneficent effect as the chief officer of the Government, supported by a great and powerful party. Instead of an expenditure by the Government of over $27,000,000 more for the past fiscal year than for the previous one, we must have a decrease of twice $27,000,000. It is now excessive; it would then be ample.

It will be borne in mind that a large amount of our indebtedness is held in Europe; and the interest and so much of the principal as we annually pay goes out of the country, to remain until we have something to buy it back with. Of this indebtedness there are national bonds, State bonds, municipal bonds, railroad bonds, and so on—in all, upon the best information I have, full $2,500,000,000. In addition to this, the balance of trade against us during the years alone from June 30, 1868, to June 30, 1873, as shown by the Treasury tables of exports and imports, was $300,000,000. We were likewise in debt to Europe from this source previous to 1868; and it is apparent that a part of these securities have been absorbed in arranging such indebtedness, instead of bringing to the country actual cash value at the time. In other words it was paying for what we had already consumed.

It may be admitted that inflated and inconvertible paper money leads to an expansion of debt, visionary schemes, wild speculation, and extravagance, and at last to frightful disasters and wide-spread distress. The men of business and the men of wealth are not alone in jeopardy. The great laboring population suffer largely from such an irregular and unnatural state of things. Their wages increased, but not in proportion to general prices. It may be that in the two years closing the 1st of September last prices depreciated more rapidly than wages, but when they were on the ascending scale the former outstriped the latter; and, taking the whole period together, the cost of living has advanced more than the means of support. It is also true that our agricultural interests have borne more of the burden and received less of the profits of the past unequal years. It should be kept in mind that the treasury from which we must draw the means for the ultimate extinguishment of our great debt is mainly in the resources of the soil. Our other favoring advantages, which are greatly beyond any other nation of the present day, rest upon this basis. The soil is our latent capital, and the prosperity of the country will be enhanced by offering the greatest encouragement to labor in the simple form necessary to its development. There would be little reason to complain if a prudent and stable system of finance had been inaugurated.

As seen, the existence of a depreciated currency has not operated to raise the price of the staple products of the farm, while almost everything else has felt the influence in increased price. The reason of this is to be found in the fact that we export the surplus of our farm staples, and the value is measured by the standard of other countries, which is gold. Thus, what our wheat is worth in gold for shipment fixes the value of the entire crop. As a remedy for this disadvantage, and in order to save the agricultural interest and the laborer from further unequal and unnecessary hardship, the currency should be restored to a healthy and normal state with the least practicable delay.

Again, when we look at our import and export business we find there is something wrong there. Overtrading, the waiting-maid of an inflated currency, here too frequently exhibits itself. High imposts in vain attempt to correct it. An examination leads at once to the fact that the effect of a derangement of the currency is to derange trade. To be sure the developments are not uniform. I do not concur with a prominent Senator on this floor, as reported at a recent lecture by him in New York, that an unfavorable balance of trade is the prime cause of our financial evils. It is bad enough, but, more strictly speaking, an unfavorable balance is rather the effect than the cause. While, therefore, a more favorable state of trade to us is altogether desirable we shall best promote such a condition by making our currency equivalent to gold. The immense expansion of 1836 carried the consumption of foreign commodities up to $10.93 *per capita* under a medium tariff; while under a still lower one in 1840, the expansion was but $5.21. In this connection it is not out of place to refer to the coincident increase of trade in the two most notable periods of currency expansion in our previous history. I embrace the year just mentioned, and come forward to another which is still fresh in our recollection. I do not here dwell upon the effects of the tariff, because it does not bear upon my argument upon this point. I only ask that it be kept in mind that taxation not only fails as a remedy for such a condition, but may even aggravate the difficulty.

Year.	Amount of currency.	Amount of imports.	Year.	Amount of currency.	Amount of imports.
1835....	$186, 000, 000	$149, 895, 742	1855...	$377, 000, 000	$261, 468, 520
1836....	255, 000, 000	189, 980, 035	1856...	408, 000, 000	314, 639, 942
1837....	276, 000, 000	140, 989, 217	1857...	445, 000, 000	360, 890, 141
1838....	200, 000, 000	113, 717, 404	1858...	341, 000, 000	282, 613, 150

In the amount of currency as here given I embrace both the circulation and deposits. The affinity observable in this table is broken, as will be seen, only in a single instance, and that is capable of a special explanation, as of a condition somewhat similar during the last three or four months. If we were to examine the statistics of exports for the same periods we should perceive a corresponding tendency to decline, though not as certain and uniform as the increase of imports. It will not do to congratulate ourselves on the past fall trade as a real change in our favor. Whatever there is of it may be traced to transient and extraordinary causes. If it were otherwise, our case would be even more critical, in that it would be evidence of a disturbed condition in Europe, which might tend to weaken confidence in our securities which are held there. Our indebtedness over the sea is so great and our commercial relations are so intimate and dependent that trouble there would increase our embarrassment here.

Here I am naturally led to the inquiry as to the amount of gold in the country and its supply. The amount in the States east of the Rocky Mountains in 1861 has been given by competent authority at $165,000,000. The annual productions of the mines average about $60,000,000, making a total for the thirteen years beginning with the fiscal year which closed June 30, 1861, and ending June 30, 1873, of about $780,000,000. The imports of coin for the same period were $244,459,652. On the other hand, the exports of coin and bullion amounted to $922,641,003. Allowance must also be made for a portion of the production of the mines which have been employed in the arts. What amount has been devoted to this use cannot be accurately determined; but if I fix it at $120,000,000 for the thirteen years it will be low enough. Treating the amount brought into the country by immigrants as offset by the amount taken away by travelers, the balance will stand thus:

Coin in 1861		$165,000,000
Production of mines for thirteen years		780,000,000
Imports for same time		244,459,652
		1,189,459,652
Exports for thirteen years	$922,641,003	
Used in the arts	120,000,000	
		1,042,641,003
Coin in Atlantic States, 1873		146,816,649

I have no doubt this sum is equal to the present amount of specie, notwithstanding the larger importations during the fall months—a sum about equal to the annual interest upon our indebtedness held abroad. To state the case another way: The average amount in the Treasury during the past few years has been about eighty million dollars. The banks hold also possibly twenty-five million dollars, and forty million dollars would be a liberal estimate for all that may be found in other hands; making not far from one hundred and forty-five million dollars, or less than one dollar of specie to every five of the paper issues. How are specie payments to be maintained with such a disproportion? Gold, if left free, will tend in the direction where there is the greatest demand. It may accumulate from temporary causes for a brief period, even when there is a redundancy of paper currency, but it will surely flow away again to other countries where it will have employment as a standard of value. We have, as matters now stand, little reason to hope for any permanent accumulation here. This position is fortified by the movements of specie during the last six years:

IMPORTS.		EXPORTS.	
Year.	Amount.	Year.	Amount.
1868	$14,188,168	1868	$93,784,102
1869	19,807,876	1869	57,128,280
1870	26,419,179	1870	58,155,666
1871	21,270,024	1871	98,441,988
1872	13,743,689	1872	79,877,534
1873	21,480,937	1873	84,608,571

It thus appears that during these six years the net exports of specie amounted to $355,096,268, while the whole production of the mines for the corresponding period has been $360,000,000.

This leads me to repeat that for a resumption by the Government there must be a reduction of paper, so that paper and specie shall bear a recognized relation to each other. Does the practice of the Government give us any hope of this? I concede that the ultimate consequences of a steady flow of gold and silver from America and Australia into Europe are to raise general prices throughout the world. I am aware that an able writer in France, whose work has lately appeared, supported by a recent English authority, takes the other view, but I am led to admit that the purchasing power of gold in Europe must decrease; that it has somewhat already. So, if we could limit the volume of our currency, avoid heavy taxation, profligate expenditure, panics, and revulsions, and steadily maintain our national credit, I suppose we should finally reach a normal condition of trade and money. Of course such an improbable state of trade and such improbable conduct of Government would tend to equalize our paper with gold. Gold would return to us when an increase of quantity and enhanced prices abroad no longer offered inducements for it to remain there. And it is this theory which affords the liberty for men to say, "Let things alone; natural causes will soon bridge over the chasm which now separates coin from paper." The reasoning is specious and altogether unreliable.

Then, again, it is said we have none too much currency now for the business of the country. I do not here discuss the question of amount; I only say we cannot restore and maintain specie payment upon the present volume. In some remarks heretofore upon this point I said, if it is contended we have none too much currency for the requirements of business, I fully concur that we have none too much at present prices If it is said we ought to have twice as much, I concur that twice as much would not be too large a sum for the conditions which would then exist. If it is said we ought to have less currency, I do not question that less would suffice with the fall of prices which would accompany the reduction of volume. In one sense there never can be a redundancy of currency, for prices adjust themselves to the amount, and the more there is issued the more there is needed to make exchanges. Let us look at this matter in the light of history. The total bank circulation of England, as shown by the letter of Mr. George Walker, some time ago, was in 1868 less by two million dollars than in 1844. The debate on the currency in the English Parliament in July last disclosed the fact that the bank-note circulation has not been increased one dollar in thirty years past, although business has more than quadrupled. Our case does not bear an exact analogy; but the truth is, neither here nor there is money needed for its own sake. Apart from being the standard of value, its great purpose is to serve as the medium of exchange, as the instrument with which transfers are made and indebtedness discharged. In the case of England the explanation is very simple. A large amount of the business is done without the handling of money, as is more and more the practice in this country, and especially in the city of New York. Bank-checks and bills of exchange in Great Britain are the ordinary mediums of commerce. With us, deposits, checks, drafts, and other banking instrumentalities, are year by year more largely employed. These, with the vast increase in the rapidity and extent of internal communication, enable the same volume to effect a large number of transactions.

The real question is, what amount of currency can be maintained upon a specie basis? Experience teaches that the true relation is about one to three. In other words, from 1838 to 1857 there was a little less than three dollars of paper circulation to every dollar of specie in the banks. The largest circulation ever known in this country before the war was in 1857, when it ran up to $214,778,822. The disproportion of specie reserve from paper was then nearly four to one. A similar case was presented in 1837 and the disaster of suspension followed in both periods, as is well known. In the former year, before specie payments could be resumed and maintained, the paper was reduced over forty million dollars and in the later period over thirty million dollars. True, the country has made great progress, but the law of money is the same now as heretofore. There is still required an approximate relative proportion in the adjustment of currency upon a safe and sound basis.

But it is interposed that a reduction of the volume of paper money would produce corresponding stringency and distress. Yet, distress we now have and are to have, in the end still more severe, if we pursue the opposite course. The recent crisis, which brought prostration and ruin to almost every department of industry and trade, is alike an example and a warning. My desire is to adopt the plan which will prevent a recurrence of like disasters. In a word, to simplify the financial machinery, curtail expenditures, and steadily advance toward the specie condition. Theoretically all admit the importance of a return, but most persons are reluctant to do what will insure it. During the war, and for several years after, there was but one view of the currency question that found public utterance. Chase, Fessenden, and McCulloch concurred in opinion. So intent upon the work of contraction was Secretary McCulloch in 1866, that the business men of the West and Southwest asked to have a limit fixed to the amount of currency to be withdrawn by him each month. In obedience to this demand the Senate added to a resolution indorsing the Secretary's policy of contraction this proviso, "That of United States notes not more than ten million dollars may be retired and canceled within six months from the passage of this act, and thereafter not more than four million dollars in any one month."

Subsequently the amount of currency was limited to $356,000,000, and, as you know, the policy of contraction was abandoned. Suppose we had continued retiring the paper money at a moderate rate, and in the same ratio put the gold into circulation which we have kept in the Treasury; the process would not have continued long before the Government would have been in a situation to resume without producing serious hardship.

I hardly need say that I am in favor of the pending resolution offered by my associate upon the Committee on Finance, Mr. BAYARD, and I likewise support the one introduced by the chairman, Mr. SHERMAN, so far as it may be construed to favor a return of specie payments. Of other propositions, the best I have seen is the bill of my honorable friend, Mr. SUMNER. If it does not wholly warrant the hope of specie resumption, at least it would prevent our getting further off from it. I thank him for this contribution on behalf of a question the importance of which to our whole people cannot be overestimated. I should have rejoiced had the President and Secretary of the Treasury done so much.

It may be admitted by all that a well-matured plan by them, by reason of their commanding position, would have given impetus to our work and increased confidence to the people. What have they done? In the general treatment of the financial question the message of the one and the report of the other fully agree. Both seem to deprecate any direct inflation of the currency. Both concede the importance of resuming specie payments. They admit that resumption cannot be effected without a change in the existing condition, either by an enlargement of the stock of coin or a contraction of the volume of paper. Both urge the necessity of what is called "elasticity of the currency," and suggest substantially the same plan for accomplishing this object. In a word, they are both right in some of their general teachings, and they are both wrong in their practical recommendations. They assert that sound policy and public interest dictate a return to the specie basis, and that there is no real safety or permanent prosperity in any other condition. This is alike just and gratifying, as a truth vitally connected with the welfare of the country. But when we advance from general statements to the specific propositions, we find that the former are not borne out by the latter. The first criticism which suggests itself is, that while the President very properly assumes the importance of specie resumption, he not only does not point out the way, but points *from* the way. The Secretary, indeed, says "the volume of currency must be reduced, or that of coin greatly increased;" and, apparently adopting the latter alternative, he suggests that the banks be probibited from selling the gold received by them as interest upon their bonds pledged to secure circulation, and thus an accommodation shall be effected.

But the Secretary greatly errs in assuming that the one proposition is the equivalent of the other. A contraction of the currency would lead to resumption, because the decrease of the volume would increase the value until it was appreciated to par with gold. But to leave the volume of paper the same, and simply increase the stock of gold, would in no sense appreciate the value of the paper. Why is the paper depreciated? It may be that its irredeemability has something to do with it. But it cannot be the chief reason, for in 1862, though specie payment had been suspended and the bank notes were not redeemable, yet they were not depreciated as compared with coin. They even remained without depreciation for months, until the new issues of greenbacks were emitted and the volume of paper began to increase. There is no want of confidence in the security upon which our present currency is based. The depreciation is due, then, to the redundancy of the volume, and an increase in the stock of gold would not remove it. Even if the stock were increased until the ordinary proportion of coin to paper in time of specie payment, had been accumulated, it would not help the matter. The gold would be depreciated—that is, cheapened as measured by the standard of general prices—but the paper would not be appreciated. If redemption or resumption were undertaken under such circumstances, it could not be maintained, for the reason that the coin, being worth less here, would flow abroad, where it was worth more. The Secretary concedes that there should be no further inflation of the currency, but he seems to forget that to attempt resumption by the accumulation of gold is simply to swell the present volume by so much addition of specie as would, in the opinion of the Secretary, suffice to maintain constant convertibility. The inconsistency as well as the fallacy of his position is apparent. The least we can do is not to add so much outright, but to replace paper with gold to the required extent. This would not involve contraction, but on the other hand it would not involve inflation.

Apparently of the opinion, however, that immediate resumption is impracticable, both the President and the Secretary share a too common idea, that the usefulness of our existing currency would be enhanced if it could somehow acquire "elasticity," so that it might adapt itself to the fluctuating demands of changing seasons. This means inflation—an irredeemable currency grows with what it feeds on, and once out, it does not voluntarily return.

The President is right in saying "the exact medium is specie, the recognized medium of exchange the world over; that obtained, we shall have a currency of an exact degree of elasticity." At the same time he seems to cherish the idea that the attribute of elasticity can be artificially given by means of legislation to our paper currency. I do not misstate him, but commisserate the error apparent in this conflict of principle and opinion touching the same point. To the end that we may have this expanding currency as the seasons change, the President suggests that the Secretary of the Treasury be permitted to issue to the banks a certain amount, more or less, of currency in addition to their present issue, upon the deposit of an equivalent amount of bonds as security, the banks to forfeit 4 per cent. of the interest accruing on the bonds thus pledged, and to be authorized to withdraw the bonds, or any portion at any time, upon returning the bills for cancellation. The Secretary presents the same proposition in a little different form, suggesting that "provision may be made to permit the national banks, under circumstances, and to a limited extent, to increase their note circulation by a pledge of United States bonds bearing no interest while so pledged."

No one will dispute that these propositions also mean inflation so long as the additional notes thus issued remain outstanding. But it is urged that the issue will not be sought except in pressing emergencies, and will be recalled as soon as the necessity—say the movement of the crops—passes away. But this is by no means clear. Indeed, the reasoning is fallacious. The proposition, reduced to its practical terms, simply requires the banks to pay 4 per cent. for the privilege of using money which they loan at 7 per cent., or even a higher rate. Many of them have been paying 4 per cent. for deposits which they might be called upon to restore at any time. Why should they not be glad to pay 4 per cent. for the equivalent of deposits which they need pay only at their own pleasure? Would it not be for their interest to secure such an issue, and, securing it, to keep it as long as possible? There is another, and even more conclusive, view of this case. Independent of the consideration just presented, what reason is there to believe that if there were such an issue it would be returned at any time for cancellation? The increased issue would increase prices; more money would be required to transact the same business, and there would be just as great a stringency as before. The present bank-note circulation is about three hundred and fifty million dollars. Forty per cent. of that amount is $140,000,000. The issue of any such sum, instead of affording real relief, would expand prices so that the increased volume would be just as necessary for the business of the country as the smaller volume was before. For this reason the notes would not be returned for cancellation, and the measure would produce permanent inflation. We are having a small edition of this policy now, and its effect in Wall street and in some other directions is plainly seen.

In conclusion, am I not warranted in saying that we find no sure guide in the words of these two State papers? We must, therefore, look for light from some other quarter, and acting at last upon our own best judgment, we can hardly fail to adopt that wiser course which is supported alike by philosophy and experience. We shall thus save the country from a further career of financial demoralization with its attendant disasters, so fatal to national morality and true progress.

Mr. CROZIER. I desire to submit some remarks to the Senate on a bill that I introduced the other day, and I therefore ask that the pending resolution may be laid aside for the purpose of proceeding to the consideration of that bill. It is of the very greatest consequence to my people. After I have explained it, I propose to move its reference to the Judiciary Committee.

Mr. MORRILL, of Maine. I have not been able to hear the remarks of the honorable Senator.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The Senator from Kansas moves that the pending resolution be laid aside in order that the Senate take up for consideration a measure affecting the people of Kansas.

Mr. MORRILL, of Maine. I am extremely anxious to ask the Senate to consider the naval deficiency bill, of which I gave notice yesterday, but certainly I do not desire to interfere with the Senator from Kansas.

Mr. CROZIER. I shall not detain the Senate long.

Mr. MORRILL, of Maine. I give notice, then, that, at the conclusion of the remarks of the Senator, I shall ask the Senate to take up the naval deficiency appropriation bill.

Mr. MCCREERY. I wish to make an inquiry of the Chair. I have agreed to give way to the chairman of the Committee on Appropriations, in order that he may submit his bill, with the understanding that the Senate will allow me the floor to-morrow at the expiration of the morning hour.

Mr. SHERMAN. I trust the Senator from Kansas will be allowed now to proceed with his remarks without any further interruption.

Mr. CROZIER. What I desire is that the pending resolution be laid aside informally.

The PRESIDING OFFICER. It is moved that the pending resolution be laid aside informally.

The motion was agreed to.

SETTLERS ON OSAGE CEDED LANDS.

Mr. CROZIER. I now move that the Senate take up Senate bill (No. 165) for the relief of the settlers on the Osage ceded lands.

The motion was agreed to.

Mr. CROZIER. I ask that the bill be reported in full. It is a very short one.

The Chief Clerk read the bill as follows:

Be it enacted, &c., That the Attorney-General of the United States shall cause to be instituted in the circuit court of the United States for the district of Kansas, in the name and on behalf of the United States, one or more suits, each against the Leavenworth, Lawrence and Galveston Railroad Company, and the Missouri, Kansas and Texas Railroad Company, to set aside and cancel patents for portions of the lands known as the Osage ceded lands, in the State of Kansas, occupied and entered under the joint resolution concerning the same, approved April 10, 1869, by the settlers thereon; which patents purport to have been issued by the United States to said railroad companies, respectively, in pursuance of the acts of Congress of March 3, 1863, and July 26, 1866, granting lands to said companies; and in case the decision of said circuit court shall be in favor of the validity of such patents, the Attorney-General shall, without delay, cause such suits to be appealed to the Supreme Court of the United States for the purpose of a final adjudication of the questions involved therein. In case of such appeal, or an appeal by said railroad companies, or either of them, it shall be the duty of the Supreme Court to hear and determine such causes at the earliest practicable day, without regard to their places upon the docket. The Attorney-General is authorized to accept the aid of any attorney or attorneys named by the settlers upon the lands concerning which such suits shall be instituted: *Provided*, That the United States shall not be liable for the compensation of such attorney or attorneys.

Mr. WINDOM. I ask the Senator from Kansas whether he will not yield to allow the Senate to take up the House resolution fixing the time for a recess?

Mr. CROZIER. Will that take any considerable time?

Mr. SHERMAN. I think the Senator from Kansas had better be allowed to proceed and conclude his remarks.

Mr. WINDOM. I give notice, then, that immediately after the conclusion of the Senator's speech I shall endeavor to obtain the floor for the purpose of calling up that resolution.

Mr. EDMUNDS. I merely wish to remark, as matter of notice, that as soon as anybody is through who now has the floor, I shall endeavor to obtain the floor for the purpose of disposing of the bankrupt question, in order that the Judiciary Committee may, in the regular way, if the Senate are willing to trust us, make diligent effort to get that bill ready for your consideration to-morrow.

Mr. CROZIER. Mr. President, it will be at once seen that in passing this bill the Senate will not thereby attempt to determine the validity or invalidity of the patents therein referred to. It will only provide for a reference of the questions involved to the proper judicial tribunals. But even this should not be done unless, upon an examination of the admitted facts and the laws applicable thereto, it shall be found there is a substantial question as to where the equitable title is, and where the legal title to the lands mentioned should be placed. I ask the indulgence of the Senate while I briefly state the former and refer to the latter.

For a long time prior and down to June 2, 1825, the Great and Little Osage Indians occupied a large tract of country west of the Missouri River. On that day they ceded to the United States all their lands, with a reservation as follows:

Within the limits of the country above ceded and relinquished there shall be *reserved* to and for the Great and Little Osage tribes or nations aforesaid, *so long as they may choose to occupy the same*, the following-described tract of land, &c. (7 Statutes at Large, 240.)

By force and effect of this clause the lands therein referred to became an *Indian reservation*, and as such were occupied by the Great and Little Osages until parts thereof were surrendered to the United States in 1867 and 1871, as will be hereafter explained. I beg to call attention specially to the language of the treaty: "There shall be *reserved* to the Great and Little Osage tribes," &c., the importance of which phraseology will subsequently appear.

On the 3d of March, 1863, Congress passed an act granting to the State of Kansas, for the purpose of aiding in the construction of what is now the Leavenworth, Lawrence and Galveston Railroad, the odd-numbered sections of land for ten miles on each side thereof; and if when the line of the railroad should be definitely located it should appear that any of such odd-numbered sections had been sold by the United States, or homestead or pre-emption rights had attached thereto, or were in any manner reserved by the United States for any purpose, other lands to an equal amount, in lieu thereof, were to be taken within twenty miles on either side of the road. The section of the act making the grant contains this proviso:

And provided further, That any and all lands heretofore reserved to the United States, by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, *or for any other purpose whatsoever*, be, and the same are hereby, reserved to the United States from the operations of this act, except so far as it may be found necessary to locate the routes of said road and branches through such reserved lands; *in which case the right of way only shall be granted*, subject to the approval of the President of the United States. (12 Statutes, 773.)

It must be apparent from this language that the lands reserved by the treaty of 1825 which lay in the path of the proposed railroad were not only not included in the grant, but were expressly excluded therefrom, except to the extent necessary for a right of way. Certainly, were there nothing else in law or treaty from which to deduce a grant of the odd-numbered sections, the railroad's claim to them would be a baseless one. The Indian title to no portion of the Osage reservation of 1825 had been extinguished, nor was it then in contemplation to extinguish it.

On the 26th of July, 1866, another act of Congress was passed, similar in all respects to the one I have mentioned, granting lands to the State of Kansas to aid in the construction of what is now the Missouri, Kansas and Texas Railroad, containing this provision:

Provided, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement or other purpose whatever, be, and the same are hereby, reserved and excepted from the operation of this act, except so far as it may be found necessary to locate the route of said road through such reserved lands, in which case the right of way, two hundred feet in width, is hereby granted, subject to the approval of the President of the United States. (14 Statutes, 289.)

Could any lawyer be found bold enough to insist that this act, containing as it does such a proviso, operated as a grant of the Osage Indian reservation, through which it was proposed to build the road? Is it not absolutely conclusive that no such grant was intended? Is not the supposition of such grant unequivocally negatived?

On the 29th of September, 1865, the United States concluded a treaty with the Great and Little Osages, which was proclaimed by the President January 21, 1867, (14 Statutes, 687,) the first and second articles of which are as follows:

ARTICLE 1. The tribe of Great and Little Osage Indians having now more lands than are necessary for their occupation, and all payments from the Government to them under former treaties having ceased, leaving them greatly impoverished, and being desirous of improving their condition by disposing of their surplus lands, do hereby grant and sell to the United States the lands contained within the following boundaries, that is to say: Beginning at the southeast corner of their present reservation, and running thence north with the eastern boundary thereof fifty miles to the northeast corner; thence west with the boundary line thirty miles; thence south fifty miles to the southern boundary of said reservation; and thence east with said southern boundary to the place of beginning: *Provided*, That the western boundary of said land herein ceded shall not extend farther westward than upon a line commencing at a point on the southern boundary of said Osage country one mile east of the place where the Verdigris River crosses the southern boundary of the State of Kansas. And in consideration of the grant and sale to them of the above-described lands, the United States agree to pay the sum of $300,000; which sum shall be placed to the credit of said tribe of Indians in the Treasury of the United States; and interest thereon at the rate of 5 per cent. per annum shall be paid to said tribe semi-annually in money, clothing, provisions, or such articles of utility as the Secretary of the Interior may from time to time direct. Said lands shall be surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, *for cash*, as public lands are surveyed and sold under existing laws, but no pre-emption claim or homestead settlement shall be recognized; and after reimbursing the United States the cost of said survey and sale, and the sum of $300,000 placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the "civilization fund," to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

ART. 2. The said tribe of Indians also hereby cede to the United States a tract of land twenty miles in width from north to south, off the north side of the remainder of their present reservation, and extending its entire length from east to west; which land is to be held in trust for said Indians, and to be surveyed and sold for their benefit by the Secretary of the Interior, under such rules and regulations as he may from time to time prescribe, under the direction of the Commissioner of the General Land Office, as other lands are surveyed and sold. The proceeds of such sales, as they accrue, after deducting all expenses incident to the proper execution of the trust, shall be placed in the Treasury of the United States to the credit of said tribe of Indians, and the interest thereon, at the rate of 5 per cent. per annum, shall be expended annually for building houses, purchasing agricultural implements, and stock animals, and for the employment of a physician and mechanics, and for providing such other necessary aid as will enable said Indians to commence agricultural pursuits under favorable circumstances: *Provided*, That 25 per cent. of the net proceeds arising from the sale of said trust lands, until said percentage shall amount to the sum of $80,000, shall be placed to the credit of the school fund of said Indians; and the interest thereon, at the rate of 5 per cent. per annum, shall be expended semi-annually for the boarding, clothing, and education of the children of said tribe.

The Senate, having this treaty under consideration, June 26, 1866, proposed certain amendments, which were, on the 21st of September, 1866, accepted by the Indians, and among which was the following:

Article 1, line 38, after the word "laws" insert the following: "Including any act granting lands to the State of Kansas, in aid of the construction of a railroad through said lands;" so that the clause as amended reads: "Said lands shall be surveyed and sold, under the direction of the Secretary of the Interior, on the most advantageous terms, *for cash*, as public lands are surveyed and sold under existing laws, (including any act granting lands to the State of Kansas in aid of the construction of a railroad through said lands,) but no pre-emption claim or homestead settlement shall be recognized."

The Senate is not to be astonished when it is stated that the only claim the railroad companies have, or pretend to have, to the Osage ceded lands is founded upon this clause of the treaty. By what process of reasoning any fair-minded, honest man can support and defend such claim is to me an incomprehensible mystery. The only laws granting lands in aid of the construction of railroads which, by any possible construction, could be made to apply to these lands are the acts of March 3, 1863, and July 26, 1866, already referred to, and I have shown that they were expressly reserved from the operation of these laws.

And again, there is no provision in these laws, or in any other applicable one, for the "sale" of lands granted "in aid of the construction of railroads through said lands;" yet it has been held in some of the Executive Departments that the amendment to the treaty did operate as a grant, and has been carried into effect accordingly.

But let us look a little more searchingly into the provisions of the treaty. It will be observed that the lands embraced therein are divided into three classes: First, thirty by fifty miles off the east end of the reservation of 1825—which includes the lands in controversy between the settlers and the railroad companies—to be sold "for cash;" second, a tract twenty miles wide from north to south, off the north side of the remainder of the reservation ceded in trust to the United States, to be sold for the benefit of the Indians; and, third, the remainder to be reserved for the use of the Indians as a home, until they should choose to leave it for a new one to be provided for them in the Indian country south of Kansas. It is with the first class we have more particularly to do.

It is to be observed that by the treaty, in terms absolute, the Indians "grant and sell to the United States" the lands of the first class, in consideration of which the United States agrees to place to their credit in the Treasury $300,000, the interest thereon, at 5 per cent. per annum, to be paid them semi-annually. If this were the only provision of the treaty upon the subject it could not well be doubted that the interest of the Indians was wholly divested, and the title to the lands vested completely and absolutely in the Government, the whole proceeds of the sales of which might be disposed of as it saw fit.

But such is not the fact. The treaty goes on to provide that "no pre-emption claim or homestead settlement thereon shall be recognized;" that "the lands shall be surveyed and sold," "on the most advantageous terms, *for cash*, as public lands are surveyed and sold under existing laws." But what is to be done with the proceeds of the sales? To be held by the Government for its own benefit? Not at all. "After reimbursing the United States the cost of said survey and sale, and the sum of $300,000 placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the Treasury of the United States to the credit of the 'civilization fund,' to be used under the direction of the Secretary of the Interior for the education and civilization of Indian tribes residing within the limits of the United States." Is it not perfectly clear

that, after reimbursing itself, the Government was to hold the remainder of the proceeds of sales in trust, to be used for the benefit of the Indian tribes, the Great and Little Osages among the rest? And if so, how was that to be done if the railroad companies were to get them, not "for cash," but as a gratuity? Can it be supposed that these untutored Indians, ignorant of the jurisprudence of the country and innocent of all knowledge of the subtleties of the laws pertaining to real-estate titles, trusts, and vested rights, considered they were giving away half of one million acres of the best of their lands to railroad companies they could not have known anything about? The treaty, even as amended, contains no words of grant, literally construed. If the amendment accomplishes any legitimate object, it is that of securing the assent of the Indians to the right of way through their lands, granted by the acts of Congress, and to a sale of them subject thereto. It could in legal contemplation have no other effect. It vested no right in the railroad companies for any other purposes than the right of way.

On the 26th of April and 17th of May, 1867, the Commissioner of the General Land Office, on the application of the Leavenworth, Lawrence and Galveston Railroad Company for the withdrawal of these lands from market, decided that the lands had not been granted to the railroad company, whereupon the President issued his proclamation for the sale thereof, in pursuance of the treaty and the laws applicable to the sale of public lands. An appeal having been taken from the decision of the Commissioner of the General Land Office to the Secretary of the Interior, (then Mr. Browning,) that officer on the 8th of November, 1867, reversed the decision of the Commissioner and decided there was a grant of these lands by the act of Congress and treaty I have referred to, in pursuance of which the President withdrew his proclamation ordering the sale.

On the 10th of April, 1869, Congress passed the following joint resolution:

Be it resolved, &c., That any *bona fide* settler residing upon any portion of the lands sold to the United States by virtue of the first and second articles of the treaty concluded between the United States and the Great and Little Osage tribe of Indians, September 29, 1865, and proclaimed January 21, 1867, who is a citizen of the United States, or shall have declared his intention to become a citizen of the United States, shall be, and hereby is, entitled to purchase the same, in quantity not exceeding one hundred and sixty acres, at the price of $1.25 per acre, within two years from the passage of this act, under such rules and regulations as may be prescribed by the Secretary of the Interior: *Provided, however*, That both the odd and even numbered sections of said lands shall be subject to settlement and sale as above provided: *And provided further*, That the sixteenth and thirty-sixth sections in each township of said lands shall be reserved for school purposes in accordance with the provisions of the act of admission of the State of Kansas: *Provided, however*, That nothing in this act shall be construed in any manner affecting any legal rights heretofore vested in any other party or parties. (16 Statutes, 55.)

In pursuance of this joint resolution, the settlers thereon purchased from the United States many of the lands therein referred to, paid their money for them, and received the usual certificate entitling them to patents. Therefore, supposing their titles were assured, the settlers proceeded to spend their money and labor on the lands; and now the Osage ceded lands are among the best improved and most desirable in the State, and worth, if the titles were settled, from twenty to thirty dollars per acre; much of which is owing to the improvements thereon. On the application of the railroad companies these entries have been and are being canceled, and patents issued to them.

Now, is it not manifest that there has been a great wrong committed in this business somewhere and by somebody? And if so, is there not a remedy in some direction? In this state of fact, is there not a substantial question as to the right of the railroad companies to patents for these lands? Is there not in all this sufficient at least to hang a reasonable doubt upon, and a very reasonable one too? Were it a transaction between individuals, is there a lawyer or enlightened layman who would not say that here is a proper question for judicial arbitrament?

In answer, it may be unthinkingly said that the courts are permanently open to the citizens for the redress of grievances judicially remediable. I reply that generally they are; but situated as these settlers are, the courts are as against them closed; yea, hermetically sealed. In the present condition of things the local courts have no jurisdiction of the subject, and can have none. Repeated efforts have been made to agree upon and submit to the Federal courts of the district an agreed case that should present the questions involved for adjudication, but the railroad companies, knowing the advantages of the situation, have constantly refused. The heads of Departments here who have the power to do so have been requested and urged to authorize the bringing of suits that would result in an authoritative adjudication of the rights of the parties to this controversy, but they have so far refused to submit the matter to such arbitrament. There is nothing now left but an appeal to the sense of justice and the consciences of the representatives of the whole people, which appeal I now stand here to make, in the name and on behalf of thirty thousand as worthy citizens as go to make up the population and contribute to the support of this proud Republic.

I am not asking the Senate to decide for or against the right of the railroad companies to patents for this land. What I ask is, that you may take such action as will bring about a judicial examination and determination of where the right is. Such an arbitrament cannot be secured without your aid. Shall it be said that thirty thousand citizens, helpless in any other direction, have appealed to you in vain?

If you ask me why this appeal, "I shall answer, I shall tell you," that there is no other power in the land to which, with propriety, it can be addressed. The governor of my State, who takes a deep interest in the welfare of and sympathizes with the settlers in their extremity, has appealed to the Chief Executive of the nation; the whole people of the State through their representatives in the Legislature have done the same; but he is powerless in the premises. Tthe settlers have besieged the Executive Departments, imploring a submission to judicial arbitrament. All has been vain; and, as a last resort, they are driven to the portals of this place of high deliberation and ultimate discretion.

Every lawyer knows that, without the legal title, these people could have no standing in a Federal court. No matter how equitable their claims, or how inequitable those of their adversaries, they cannot be heard in their own behalf in the only tribunals that can ultimately settle the controversy. Will you secure to them that privilege? If I have here stated the case fairly, is there a Senator who would refuse it to them?

This is not a controversy that concerns alone the occupants of the Osage ceded lands. Every citizen of the State has an interest in its settlement. It is a country larger than one of the States of this Union, and among the most beautiful the sun shines upon. The groves are delightful as any that were "God's first temples;" the streams as limped as the waters that gushed from the cleft rock of Old Testament memory; the soil, to its tillers, generous beyond remuneration, even to abundance; the climate such as the gods might choose for perennial habitations; the depressions and swells of the landscape as voluptuous as the most ardent artist could imagine for the proportions of the bewitching daughter of Jove; never-fading green habilitates its graceful slopes; and the gentlest of breezes, freighted with the odors of the most fragrant of flowers, perpetually intoxicate the senses, making existence thereon a realization of the dreams of bucolic poets from Virgil to Grey.

This beautiful country is a part of my State. The inhabitants thereof are a part of my people. They are not proletarian or cumberers of the ground, but many of them are men of substance and intelligence, and all are enterprising, energetic citizens. They very naturally desire to know whether their labors are to inure to the benefit of themselves, their wives and little ones, or are to aggrandize the managers of a colossal monopoly, antagonistic to them in aim, spirit, and interest. If you refuse to pass this bill, thirty thousand of as worthy citizens as ever contributed to the stability of a government or power of a state will, without a hearing, be driven from their homes to be wanderers and vagabonds upon the face of the earth, and by an invader panoplied in the mail of departmental sophistry and bristling with departmental subtleties.

I would not have it understood that I or the people most directly interested in this controversy harbor malice or animosity toward the projectors and operators of the iron highways that have connected them with the great world of commerce. They have done noble work and deserve fitting gratitude and praise. But it does not follow that they are to be justified in confiscating, under pretended legal forms, the homes of thirty thousand people guilty of no crime and defenseless against injustice.

The controversy has swollen to the proportions of a party question. Men are elected to office with reference to it, regardless of national party predilection. The question is not, is the candidate a republican or democrat, a liberal or other nondescript; but is he in favor of justice to the settlers? A feeling in their favor has been wrought up all over the State until their cry of distress and appeal for help constitute the billow now irresistibly sweeping over the Commonwealth. Will the Senate of the United States sit with folded hands, upon its dizzy height, and complacently look down upon thirty thousand people writhing and struggling in the remorseless clutches of a slimy dragon unwittingly fostered by its action? The grasping monster is stalking through the land in the penetrable mail of departmental sophistry, and helmeted with legislative techniciality, gathering into his capacious maw the heritage of a defenseless people. In their deep distress they appeal to you for aid. Shall they appeal in vain?

If it be asked whether the action invoked by this bill is legitimate, the answer is a ready one. The question is not an open one. The Supreme Court of the United States, in the case of Stone *vs.* The United States, reported in 2 Wallace, page 525, shows that it is competent for the Government to go into its own courts and ask a revocation of its own patent when improvidently issued; that the power to that end is a judicial one, deposited by the Constitution in the national tribunals alone. All that is asked of you is that their machinery may be set it motion.

No doubt it is competent for the head of the proper Department, as the law now stands, to invoke the action of the courts. The case I have referred to was a suit instituted by myself, as district attorney of the United States, by direction of the Secretary of the Interior, to set aside and cancel patents improvidently issued under a treaty with the Delaware Indians for portions of Fort Leavenworth military reservation. The decree of the circuit court canceling the patents was affirmed by the Supreme Court. But in the matter referred to in this bill the departmental chief declines to submit the controversy to judicial investigation and determination, and hence your action is invoked compelling it. The settlers never will voluntarily leave the lands until their right thereto is denied by the great tribunal of last resort; and this Government ought not to be guilty of the injustice

of driving thirty thousand citizens from their homes without a hearing.

I move, Mr. President, that the bill be referred to the Committee on the Judiciary.

Mr. INGALLS. I ask my colleague also to include in that motion Senate bill No. 116, introduced by myself, authorizing proceedings to be instituted in the United States circuit court for the district of Kansas to determine title to Osage ceded lands.

Mr. CROZIER. I will do so.

The PRESIDING OFFICER. That reference will be ordered if there be no objection.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. No. 478) to provide for the redemption of the loan of 1858; and it was thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

Mr. STEVENSON. Mr. President, I ask unanimous consent of the Senate to take up the bill which has this morning come from the House of Representatives to amend the laws relative to internal revenue, in order that it may be referred to the Committee on Finance. It is a measure greatly demanded, on which the Internal Revenue Department, as well as a great many gentlemen in the West whom I represent, desire speedy action. The revenue is now tied up in consequence of a defect in the law, in case of the death of parties owing taxes. I only ask that the bill be taken up and referred.

The bill (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business was read twice by its title and referred to the Committee on Finance.

PROPOSED HOLIDAY RECESS.

Mr. WINDOM. I now ask the Senate to take up the House resolution fixing the time for the holiday recess.

Mr. SHERMAN. Before that question is put, I desire to have the Senator from Maine, [Mr. MORRILL,] who has charge of the naval appropriation bill, present. He said he desired to be present before that question was taken up. He has gone out for a moment.

Mr. WINDOM. I presume the Senate might take up the resolution, and then await the coming in of the Senator from Maine.

Mr. SHERMAN. I object to that, because it was on that very point that the Senator from Maine desired to say a word to the Senate. He has just gone out—not a minute ago. I hope, therefore, the Senate will not take up that resolution. But I see that the Senator from Maine is here now.

Mr. MORRILL, of Maine. What is the question?

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the resolution of the House of Representatives providing for an adjournment during the holidays be now taken up.

Mr. MORRILL, of Maine. That will lead to debate, beyond all question, and I trust that no motion of that kind will be interposed against the naval appropriation bill, of which I gave notice yesterday, and for the passage of which there is the utmost necessity.

Mr. WINDOM. There is so much talking around me that I cannot understand what the Senator says.

The PRESIDENT *pro tempore*. Does the Senator insist on his motion?

Mr. WINDOM. I do. I do not know but that the Senator from Maine may have made some personal appeal to me which I did not understand. If he did, I should like to hear it.

Mr. MORRILL, of Maine. I was appealing to the sense of the Senate not to take up that resolution at the present time, after the notice I had given yesterday of a desire to proceed with the deficiency bill for the Navy. My honorable friend is upon the Committee on Appropriations, and he knows well the importance of it; and this resolution must necessarily lead to debate.

Mr. WINDOM. I presume there can be no doubt that the bill referred to by the Senator from Maine can be taken up and disposed of if we now fix the time for the recess on Friday.

Mr. MORRILL, of Maine. That is a presumption; the fact remains to be seen. Here is a bill from the House of Representatives, not yet considered by the Senate, said to be of exigent importance, about which there is a difference of opinion unquestionably and which undoubtedly will give rise to debate. I refer to the bankrupt bill, not yet considered by the Judiciary Committee. Nobody expects to adjourn until that bill is considered, and there is one day between us and the time fixed by the House of Representatives when it is said it is safe for the American Congress, after having been here exercised for three long weeks doing nothing so far as results are concerned, to adjourn from this year to the next. It may be that that is so; but if it is so, I misconceive altogether the events of the public character that are transpiring about us.

It seems to me that the Senate owes it to itself, and owes it to the country, to attend to such things as are pressing upon us now, and fix this question of adjournment when they shall have been accomplished. If the naval bill be passed to-day, this can be considered to-morrow. What is the necessity of considering the resolution at this moment to the exclusion of a bill of the character that I have the honor to represent on this floor—a deficiency bill from the House of Representatives appropriating $1,000,000 for the Navy; a deficiency needed by the Navy, demanded by the public service. And yet we are in such hot haste to take a recess of sixteen days that this must be excluded that we may go into a discussion upon that subject. That may be statesman-like; that may be wise; and, if we come back at the end of sixteen days and find the complications which I predict we shall, it may be that we shall then consider that it would have been a little prudent, perhaps, to act on the subjects that were immediately pressing on us. I shall have accomplished my duty when I say that I am ready to proceed to the consideration, and ask the Senate to proceed to the consideration, of the bill to provide for the deficiency of $4,000,000 which is necessary for the naval service under the circumstances in which it exists. If the Senate chooses to overrule that, and fix upon a day for adjournment with that and other bills which they know are pressing upon us, I have nothing further to say.

Mr. WINDOM. Mr. President, I hardly know what course to take on the motion I have made in view of the statements of friends in whose judgment I have great faith; but as I have more confidence in the judgment of the entire Senate than I have in my own, or that of my three or four friends who have protested, it has occurred to me that the wisest thing I can do now is to take the judgment of the Senate on this question of a recess.

Mr. President, for the last fourteen years—certainly twelve years—I have tried to make precisely the same speech, but never succeeded in making it half so well, however, as that which the honorable Senator from Maine [Mr. MORRILL] has delivered to-day. I have been, since my service in Congress, both in the House of Representatives and here, the persistent opponent every time a motion was made to adjourn over for a recess, and I have been as consistently beaten as I have been persistent in my efforts to defeat it; and I can only say to my honorable friend from Maine, that while I have great respect for his judgment in this matter, and while his appeal has very great weight with me, I am quite confident that whether we act upon it to-day or to-morrow, the same results will follow that have always followed every motion of this kind. Hence, having tried so many years to resist this adjournment over for the holidays, and feeling confident that the recess will be taken, it has occurred to me that the Senate might as well know to-day as to-morrow or the next day whether the recess will be taken or not. Therefore, Mr. President, I insist on my motion, in order to take the sense of the Senate on this question.

Mr. EDMUNDS. Mr. President, we have had a holiday from the 26th of March to the 1st of December, and we have devoted ourselves vigorously, by adjourning from Thursday until Monday, since the 1st of December to this day, which is the 17th. We have worked almost two weeks in the course of eight or nine months, and the necessity therefore for a holiday for the restoration of our bodies and our souls must be very great indeed. [Laughter.]

But to be serious about this business, Mr. President, and not to indulge in the little humor one might express upon it, where do we find ourselves? We find ourselves, according to a message from the President of the United States, and a report from the head of the Treasury Department, running behind hand nearly half a million dollars a day. We find ourselves with expenditures running almost in advance of appropriations, and upon the faith that we should appropriate for them, for the protection of the honor and the interests of this country; and the men who have earned this money, in the naval service in particular, and who are now working daily in the performance of the labors they are employed about, must be paid. I believe there would be no dissension in this body as to the fact that provisions should be made, that they should be paid and paid now, so that jobbers and traders and dealers in poor men's labor should not be having certificates of indebtedness hawked about the streets to pay half-price upon before the laborer can get anything.

Mr. President, in that point of view, as the Senator from Maine has said, are we going to take a holiday of two or three weeks, leaving that bill unacted upon? Can we not wait until we do that? Suppose we do not adjourn until next week, will the public interests suffer? Most certainly not. It will only be our private pleasure and convenience that will suffer.

Then we have the bankrupt law to which reference has already been made. It is of the highest interest to the community that some steps shall be taken that shall advise the public all over the land what relief is to be extended to the debtors and what justice to the creditors, in order that both debtor and creditor may have fair and equal justice distributed between them. Are we going away for fun, are we going away for the roast turkey and the duck of Christmas, leaving such things undisposed of? Are we, in order to go away for such purpose of pleasure—they are as agreeable to me as to anybody; I would like to take the trip—making haste with these important measures in such a way that we are not sure that we are legislating on solid and rational grounds? It cannot be, Mr. President; it is impossible, when we reflect upon it, as it seems to me, that we should leave the public business in the condition in which it will be if we agree to this resolution to adjourn on the day after to-morrow, without making ourselves justly deserving of that public censure which we sometimes receive without deserving.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the Senate proceed to the consideration of the concurrent resolution in regard to an adjournment over the holidays.

Mr. THURMAN. I only wish to say that in my judgment we ought not to adjourn on Friday. There are measures now before Congress which I think ought to be acted upon without delay. There is the question of repealing, or, if not repealing, amending the bankrupt act. I think that it ought to be acted upon. I think we ought also to act on the bill in relation to salaries, which probably will come from the House of Representatives to-day or, at latest, to-morrow. And there are other measures upon which we ought to act, to say nothing about the great financial questions which are before Congress, but upon which, I suppose, no one imagines we can act before a recess is taken; but these other measures we can act upon, and it seems to me that we should sit here until we do so. Hence, contrary to my usage heretofore, I am in favor of sitting here until these measures shall be acted upon, and therefore opposed to this recess.

Mr. MORTON. Mr. President, like the Senator from Minnesota, the first two or three years I was in the Senate I opposed these long adjournments at the holidays, but my opposition amounted to nothing. Never, however, has there been a condition of things since I have been in the Senate that required the presence of Congress like that which we have now. The Senator speaks of the long usage. It will be "more honored in the breach than in the observance." Now, sir, the country is laboring under the effects of a panic. We are told the consequences of it are passing off. To some extent they are; but there is suffering all over this country to-day in consequence of that panic, and thousands, and I may say hundreds of thousands of men are out of employment, and likely to be all this winter; and there is a prospect of a long, hard winter, full of suffering and full of stern discontent, too; and the whole country is expecting that Congress will do something upon the financial question. I do not know that we can do anything to relieve the country from the consequences of the panic; I do not know that we cannot; but I do know that the country is demanding that we shall consider that question and consider it promptly; and if we shall go away now for nearly three weeks without considering that question, it will be regarded by the country as trifling with its interests. The country will understand that there is no occasion for the holiday. As was said, we have had a holiday since the 26th day of March to attend to our private business and take our pleasure, and we have been variously employed during that time, and we know there is no necessity for this holiday. It may suit the convenience of many Senators; it may suit the pleasure of others; but we know that there is no necessity for it, while we do know that there is a necessity for legislation of various kinds.

The taking of this holiday now will not give the country pleasure, but will give it displeasure. We ought not to adjourn until we have disposed of the bankrupt law. If there is one sentiment that is almost universal in the whole country, it is that that law ought to be repealed, or at least ought to be so modified that it shall no longer become the instrument of great oppression as it has been heretofore, and as it is likely to be more now than it has ever been before. I say the sentiment is almost universal that we should do something with regard to that law, and do it before we adjourn.

There are other questions that ought to be considered. I should be willing, for my part, to adjourn over Christmas and to adjourn over New-Year's, but I am utterly opposed to the idea of adjourning for sixteen or seventeen days merely because they are the holidays, with nothing to do when we get home that cannot be put off. It may suit the convenience of some Senators. Some may have business; and those who have business can go home and nobody will complain about it. Senators do leave here on their private business and stay away a week, two weeks, a month, or three months, as I have known them to do, and nobody has complained about it, and not a word has been said in the newspapers on the subject. If any Senator has important business that requires him to go home and stay a week or two weeks, he can do so, and no complaint will be made. It is not necessary for Congress to adjourn on that account. I believe that there will be deep dissatisfaction, and that there will be broad foundation for it, if we shall now determine in the face of the condition of the country, to adjourn this body for nearly three weeks. I desire to enter my protest against it. I am not at all sanguine that it will have any effect. It is very likely the resolution will carry; but I desire to record my protest against it.

Mr. LOGAN. Mr. President, I only wish to add to what has been said a very few words in opposition to this resolution. I am opposed to the adjournment; and, without giving my reasons *in extenso*, I will substitute the reasons which have been given by other gentlemen who have spoken in the same direction. I rose merely to call attention to one matter before the Senate which has been mentioned by other Senators; and that is the bankrupt law; and I desire to detain the Senate only for a moment in presenting one case in a letter from a gentleman, which I have before me, showing that that law is being used as the instrument of oppression in parts of the country, if not all over the country.

I have here a letter, one out of many, from a gentleman in the city of Chicago, one of the best men in that city, which I received yesterday, in which he gives me the facts of his case, accompanied by a statement of his property unincumbered—a statement made to his creditors. He is indebted $36,000; he has $400,000 of unincumbered property in real estate; he has notes drawing interest amounting to $200,000; he has real property under mortgage amounting to $200,000, and the mortgage due in five years. There has been a petition presented in bankruptcy against him for $7,500; the paper has gone overdue fourteen days. He cites many other instances of the same character where this thing is being done, and probably it is because these bills repealing the bankrupt law are before the Congress of the United States that men desire to use this instrument of oppression, to take advantage of it before a law shall be passed preventing it from being done.

I only cite this one instance. I have perhaps fifty letters showing instances of almost precisely the same character, where oppression of this kind is being brought to bear against persons who are not bankrupts, against persons who are able to pay, but who, because of the stringency of the times, have failed to pay at the maturity of their paper. I have appeals made day after day through letters to me—inasmuch as I introduced one of the bills before the Senate, and I suppose that is the reason why I have received those letters, asking that some action be taken by the Congress of the United States in order to protect the people from this oppression, and this destruction of their property and their interests.

I do hope, without alluding to other matters that are of equally great importance before the Congress of the United States, that under the circumstances which surround us now, as the representatives of a great people, as we are, that we shall forego the pleasure of a holiday, for one year at least, in order to attend to the duties that are now pressing upon us.

Mr. HAMLIN. This practice of adjourning during the holidays is really one of a recent date. I remember well for long years when we adjourned at Christmas for two days without asking any concurrent vote, coming within the limitations of the Constitution, each House adjourning for the time named; but subsequently we have taken a longer recess—I think for some six or eight days—but requiring a concurrent vote to effect the adjournment; and now at this period of time, when, if there ever was one since we have been a Government where we are demanded to be here, it is prolonged to eighteen days. We have departed from the earlier, and, I think, the better, practice of the Government by taking a recess, and have got it to the point now where we are asked to adjourn for the term of eighteen days.

Every Senator will act upon his own responsibility and upon his own judgment; but for myself, occupying the position that I do and entertaining the opinions I do of the emergency of the times, I should consider it little less than a public crime for myself to vote for an adjournment over at this time. I do not enumerate the subjects of legislation, because they have been enumerated, and they are known not only to us, but they are known through all the broad land.

I regret that my esteemed and worthy friend from Minnesota has fallen by the wayside. Time after time we have voted together; and I want to take occasion to say that I never voted for one of these concurrent resolutions when there was business of much less importance than now before the Senate. I regret that my worthy friend has fallen by the wayside; but it is not all regret with me. I can congratulate myself when I am sustained by such other friends as the Senator from Ohio and the Senator from Indiana, who have come to what I think is the wisest course of action now.

I think, Mr. President, that the exigencies of the times demand that we should remain here and try to do the duties that appropriately belong to us, and, so believing, I shall vote against any recess at all.

Mr. WINDOM. Mr. President, I cannot say that I had fully determined in my own mind, when I made the motion, whether I should actually vote for the recess or not. If I were really in doubt upon that subject, the speeches which I have heard would tend very far to convince me that I ought not to vote for it. Certainly, these speeches, coming from gentlemen with whom I have always acted, in opposing this motion for a recess, have very great influence with me; and yet, sir, I am as well satisfied as I was a moment ago that this recess will be taken. The only point which I made in my first remarks on the subject was that, if the recess is to be taken, we may as well know it to-day as to wait until the day after to-morrow to know it. If we fix the time for the recess commencing on next Friday, I have no doubt that the bill of my honorable friend from Maine, which probably will not occupy an hour's time, can be taken up and passed, and if the Judiciary Committee are ready to report the bankrupt bill, that that may also be acted upon.

Now, sir, as to some of the arguments against this adjournment which, as I said, have weight upon my mind, I desire to say that I think Senators who will remember how business has been done generally when we have attempted to keep Congress together during the holidays will not be anxious that these important questions should be considered at that time. The Senator from Indiana says that we all know there is a necessity for financial legislation. We do, Mr. President; at least some of us think we do; but we know equally well that there will be no important financial legislation during these days fixed for a recess. Whether the custom be a good one or not, it is a usage which has almost become a law at this Capitol, that during the ten days or two weeks which precede and follow Christmas and New-Year's we take a recess. Members and Senators come here with that usage full in view and make their arrangements to go home during that time. I am not going home; I do not desire to leave here personally; but, by the order of the Senate, I shall do so on business of the Senate, if we take a recess; but, personally, I have no desire on the subject further than that we may settle this question to-day and

know whether we are to take a recess or not, and it seems to me that now is the proper time to take the vote.

It has been said that we propose to take a recess for sixteen days, and we are told of important measures pending. They are important. The most important of them that could be acted upon before the 1st of January can be disposed of before the recess. Why, sir, even during the war, in 1861, when our capital was beleaguered by the enemy and we were within sound of their guns, we took a recess of from fourteen to sixteen days.

Mr. EDMUNDS. That was the reason, I am afraid. [Laughter.]

Mr. WINDOM. I refer to that, not for the purpose of showing that we ought to do it now, but for the purpose of showing that we shall do it now.

Mr. EDMUNDS. In order to test the sense of the Senate upon the propriety of taking a recess at the present time at any rate, if it is agreeable to gentlemen, I move to lay this motion upon the table, or I am perfectly willing to take it up and take a straight vote upon it.

Mr. MORTON and others. Let us take a straight vote upon it.

Mr. EDMUNDS. Gentlemen say let the resolution be taken up. Well, let it be taken up. I withdraw my motion.

Mr. SHERMAN. I wish to say a word in regard to this matter. I feel the embarrassment in which the honorable Senator from Minnesota is placed in regard to this resolution. He is ordered by a vote of the Senate to go to New Orleans to examine, with the committee of which he is chairman, various routes of internal transportation. He necessarily has to make arrangements beforehand in order to go if it is the pleasure of the Senate that he should go. That depends entirely on whether a recess is ordered. It is therefore very natural, whatever may be his opinion about the question of the propriety of taking a recess, that he should ask the Senate to decide that question now, since it is manifest that preparations are necessary to be made by each member of that committee. I am a member of that committee, and I have agreed, if the committee go, to go along with them to discharge that public duty in obedience to the order of the Senate; and yet it is my conviction that Congress ought not to adjourn at the present time. I think we are laboring under some difficulties which we may have to meet before the 5th of January next. We not only have bills pending before us of the highest importance which we ought to act upon before we adjourn, but the condition of public affairs is now so uncertain in regard to many matters, or at least two or three matters, that I think it would be wise for Congress to be in session during the next two or three weeks. Therefore, though I have agreed to go with the committee to the Southern States, depending upon the adjournment of Congress, I feel that Congress ought to relieve the Senator from Minnesota from the uncertainty as to his going, by deciding this question now.

I shall vote against the passage of this resolution on the ground that the presence of Congress here is required now for the disposition of at least two or three important bills, and because of the possibility that we may be called upon to pass on other subjects which cannot be postponed until the second week in January. I shall, therefore, vote against the adoption of the resolution.

Mr. WRIGHT. Mr. President, my vote on this proposition will depend very much upon what I can understand to be the intention of the Senate, when the vote shall be taken on the motion as it now stands. I am exceedingly anxious that the question shall be disposed of and settled finally, and that it will be so understood when we take the vote. Now, if we shall vote down the proposition to proceed to the consideration of the concurrent resolution, and it can be brought up at any time subsequently, and it shall not be understood that the vote we now take is decisive of the question, I decidedly prefer to take up the resolution and now dispose of it.

Mr. MORTON. It is taken up by consent.

Mr. EDMUNDS. I believe all hands agree that we shall take it up and have a square vote.

Mr. WRIGHT. I believe that is the better way myself; but I wish to say, now that I have the floor, that while I have business which is to myself very important, calling on me to leave the Capitol and go home, I feel that my duty as a representative of my people is here. I feel that here is my highest duty, and so it seems to me it is of every member of this body.

It does not make any difference, in my view, particularly whether we have important financial questions, the bankrupt law, or any other questions of special importance, before us at this time; we are here to legislate for the people. If we have not any duties to perform that are important, let us adjourn, go home, and stay there. If we have duties that are important to be performed, let us remain here and perform those duties, and when performed go home and stay there. I see no more necessity for adjourning now than for adjourning at any other time, nor so much. If I was left to my own judgment upon this subject, I would say remain here until about the 1st of March, about the middle of the term, and then, if we feel in view of the time we have been here that it is important that we should have a recess for rest, take it then, but not now. I think if you come to the questions that are before the Senate, there has been no time perhaps in all the history of the Government when it was so important that we should remain each day and work faithfully and honestly in the discharge of the duties that are before us, not adjourning from to-morrow until Monday, but working each day of the week that is required of us.

Mr. TIPTON. Mr. President, I have but little to say on the subject. I cannot agree entirely with what the Senator from Iowa has just delivered as his views to the Senate, for I think from the present indications that the people are never so happy as when we are away from here. [Laughter.] Therefore I shall vote for the resolution.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota to proceed to the consideration of the concurrent resolution.

The motion was agreed to; and the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved, (the Senate concurring,) That when the two Houses adjourn on Friday, the 19th instant, they adjourn to meet again on Tuesday, the 6th of January next, at twelve o'clock noon.

Mr. EDMUNDS. I move to postpone the consideration of the resolution indefinitely; and on that question I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Vermont moves the indefinite postponement of the resolution, and calls for the yeas and nays.

The yeas and nays were ordered.

Mr. WINDOM. I only want to ask—not to argue the question—that this may be considered a test vote as to whether we take any recess during the holidays.

Mr. MORTON. I hope so.

Mr. EDMUNDS. I made the motion with that view.

Mr. ANTHONY. It may be considered a test question, but it cannot bind anybody but those who make it a test.

The question being taken by yeas and nays, resulted—yeas 37, nays 27; as follows:

YEAS—Messrs. Allison, Ames, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Conkling, Conover, Cragin, Crozier, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Hamilton of Texas, Hamlin, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Sargent, Scott, Sherman, Spencer, Sumner, Thurman, Wadleigh, West, Windom, and Wright—37.

NAYS—Messrs. Alcorn, Anthony, Bayard, Bogy, Boreman, Clayton, Cooper, Davis, Dennis, Fenton, Ferry of Connecticut, Goldthwaite, Hamilton of Maryland, Hitchcock, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Ramsey, Ransom, Robertson, Saulsbury, Stevenson, Stockton, and Tipton—27.

ABSENT—Messrs. Cameron, Flanagan, Gordon, Jones, Patterson, Schurz, Sprague, and Stewart—8.

So the resolution was indefinitely postponed.

ALLOWANCE TO WIDOW OF JOHN M. MORRIS.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported without amendment the following resolution, which had been referred to the committee on the 11th instant:

Resolved, That the Secretary of the Senate be directed to pay out of the contingent fund of the Senate to the widow of John M. Morris, deceased, late executive clerk of the Senate, $150 for his funeral expenses, and a further allowance equal to two months of his annual pay.

The resolution was considered by unanimous consent, and agreed to.

REPEAL OF BANKRUPT LAW.

Mr. EDMUNDS. I now move to proceed to the consideration of the so-called bankrupt bill.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

Mr. EDMUNDS. I believe my motion is pending—to refer the bill to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The pending motion is that the bill be referred to the Committee on the Judiciary.

Mr. SHERMAN. The observations made by the Senator from New York [Mr. CONKLING] this morning struck me with great force, but I will not resist the motion. The Senator from Vermont is aware of the great anxiety to have action on the bill.

Mr. EDMUNDS. I beg my honorable friend from Ohio to believe me that I have as great anxiety as he has that we shall modify and arrange this law so that it will be useful instead of injurious, if it be injurious to any part of the country, and that the greatest possible diligence will be used by the committee in considering it. The Senator is perfectly aware, of course, that we have other subjects which have been referred to us that we have been obliged to pay some attention to; but the earliest thing that we shall do of a legislative character, I hope, will be that of considering this bill and reporting very speedily—within two or three days at the furthest.

Mr. MORTON. I am very anxious to have speedy action upon this bankrupt bill. Now, as we have indefinitely postponed the resolution from the House for a recess, and are likely to stay here until next week, and I hope the most of the week, I shall vote for the motion to refer this bill to the Committee on the Judiciary, with the understanding stated by the chairman, that it shall be speedily reported back. I hope we shall get it back here to-morrow, and that we may act on it to-morrow.

Mr. EDMUNDS. In honor to my friend, and in truth, I cannot say that we can certainly get it back to morrow, because we are pressed with a matter now under consideration; but I hope we shall get it back by the next day certainly. The Senate may feel assured that the bill, so far as any action of mine can bring it about, will be reported by Friday morning. It may be reported by Thursday, but I

cannot have it understood that I shall agree to report it by Thursday, although I hope we may.

Mr. MORTON. I will simply say, in addition to what I have said, that I hope we shall get the bill to-morrow, or at furthest the next, morning; and I think there is an understanding now in the Senate (and I shall vote for the reference upon that understanding) that this Congress will take no recess until the bankrupt bill has been acted on by both Houses.

Mr. EDMUNDS. That I agree to most heartily.

Mr. MORTON. That is the understanding.

Mr. ANTHONY. I take it that does not bind everybody else. [Laughter.]

Mr. CONKLING. The Senator from Vermont and the Senator from Indiana, having come to that agreement, it is of course satisfactory to them, and nobody would be so unreasonable as not to be satisfied. [Laughter.] Nevertheless, I venture to make this remark: The vote taken a short time ago upon the resolution to adjourn evidently exerts much influence upon this matter. I think, from the indications earlier in the day, it would have been the pleasure of the Senate to retain in its own control the House bill, by leaving it lie on the table, accessible at any time. Now, the Senator from Indiana, for example, moved apparently by the fact that the Senate has refused to concur in adjourning over the holidays, says he will vote for a reference to the Judiciary Committee. Certainly I do not want to prolong the time before the Judiciary Committee is to get charge of this bill, but simply to say that my own judgment still is that the friends of some amendment at least of the bankrupt law had better keep the staff in their own hands. I do not believe a reference of this bill to the Judiciary Committee will facilitate the action of that committee upon this subject.

I will add, to be entirely frank, that another reason why I shall not vote for it is that I do not consider as well founded as the Rock of Ages, by any means, the decision not to adjourn over the holidays. I shall not be at all surprised if another resolution comes here from the House of Representatives. I am myself opposed to a holiday recess. I cannot, however, shut my eyes to the fact that the Constitution commits to the House and not to us the duty of originating revenue measures. One bill has been referred to by my honorable friend from Maine, upon which there is plenty of time to act. Should action be taken upon that bill, and we be left without any measure from the House relating to finances to act upon, and with the House reiterating again its judgment that there had better be an adjournment, perhaps for the reason that its Committee on Appropriations or its Committee on Ways and Means may during the recess be better able to advance measures for presentation to the House than they could do with the session continuing, I do not know by what authority any Senator can affirm from the record just made that the Senate, fuller than it is to-day or not so full, may not reverse the vote by which an indefinite postponement has fallen upon a resolution to adjourn.

I only say, Mr. President, that I still think it would be more prudent to keep the House bill where it is; and yet I am not going to wrestle at all with the chairman of the Judiciary Committee, or with other gentlemen whose attention has been drawn to the subject.

Mr. EDMUNDS. Mr. President, I should be sorry to have Senators suppose that my honorable friend from New York has so small faith in the honor and integrity of the committee of which he is one of the chief members, as we all know, and which of course in some measure includes himself, when he says anything which reflects upon that committee—I say I should be sorry to suppose that his faith in that committee was so small that he would not trust it, according to the evident desire of the Senate, to make a prompt report upon any matter sent to it; and therefore I must suppose that my honorable friend does not mean that, and that he does believe that the committee of which he is a member will endeavor to conform itself to the wishes of the Senate.

Mr. CONKLING. If my honorable friend will allow me, I think he may well believe that, inasmuch as I have not said or intimated anything to the contrary.

Mr. EDMUNDS. About that different people might have a different opinion. Out of some respect to the committee itself, inasmuch as I beg Senators to understand that they all have it in their power to move to discharge us at any moment and bring the bill back again before the Senate, (which has sometimes been done, as we know,) out of knowledge of that fact, and out of the ordinary respect that is paid to committees, and which if it cannot be paid to this one it had better be discharged and a fresh one made, I think that this bill, one important in its details if it is to be amended, one important in the little details that it contains now to be carefully scrutinized, should be sent to this committee as the finance bills are sent to the Finance Committee, important as they are, and the appropriation and the deficiency bills to the Committee on Appropriations.

I do not want to prolong this discussion. I only wish the Senate to see precisely how entirely this bill is as much in their power when it is in our hands as it is when it is on the table.

Mr. THURMAN. Mr. President, if I thought that a refusal to refer this bill to the Committee on the Judiciary involved any imputation upon that committee, or manifested any want of confidence in it, I should certainly be opposed to any such refusal and insist upon the reference. But I do not so consider it; on the contrary, the Senate has again and again manifested its confidence in the committee by sending to it at this very session divers bills and propositions upon this very subject. Nay, more; it sent a bill to that committee at the last session, and the committee considered it and reported that bill with a recommendation that it pass, and that was a bill for the repeal of the bankrupt law; in terms very nearly, in substance I believe quite the same as the bill which we have now received from the House of Representatives.

Now, Mr. President, it seems to me that the reasons for objecting to a reference of this bill to the committee do not involve at all any imputation either upon the committee or upon any member of it, for I am quite willing to bear witness that every member of that committee is anxious to act upon the subject and to act with promptness; but it may well be that when we come to consider the question in the committee with the various propositions that are before it or may come before it, the committee may not arrive at a conclusion in which a majority can concur, and we may therefore be delayed. It is for this reason that it seems to me that it is well enough to let this bill lie where it is. What practical difficulty is in the way? None at all. The subject is now before the Judiciary Committee. Suppose that committee, instead of recommending a repeal of the law, such as the bill from the House contemplates, should prefer to report amendments to the law depriving it of those features which have rendered it obnoxious and which make it oppressive, taking away the power to use the law as an instrument for levying blackmail, the worst feature in the whole law; suppose the committee should prefer to report amendments instead of an absolute repeal; what is the difficulty in reporting such amendments and instructing their chairman to move to take up this bill and then move the amendments as a substitute for the bill?

Mr. EDMUNDS. May I ask my friend a question?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. What is the difficulty in doing that with all House bills? Why do you not treat all House bills in that same way?

Mr. THURMAN. There is a very great reason why it should not be done. This subject has been considered; this subject is now before the Judiciary Committee. To use the language of the Senator from New York, that committee has jurisdiction over it. It may very well, therefore, consider the propositions that are before it and bring in a substitute for this House bill, report it to the Senate, and let it be moved as a substitute for the House bill. We have substantially the same thing as this House bill already before us in a bill introduced, I believe, by the Senator from New York [Mr. CONKLING] and referred to the committee; so that the very provisions of this House bill are already before the committee. There is no necessity, then, for sending this bill to the committee in order to give it jurisdiction over the subject.

Mr. EDMUNDS. I think the Senator from New York will correct the Senator from Ohio in that statement. The bill of the Senator from New York is one much more like what has been suggested more or less formally here in debate by way of correction for the evils which have grown up.

Mr. THURMAN. I think it is a repeal of the law.

Mr. CONKLING. No; my friend will pardon me; it differs entirely from the House bill in the fact that the House bill does, and the bill I introduced does not, repeal the bankrupt law. The bill introduced by me is in general quite like that (if I may be allowed to refer to the House proceedings) reported in the House, and which an effort was made to pass, but which was defeated by a large vote, because it did not repeal the bankrupt act.

Mr. THURMAN. But the whole subject is before us, and we can report any measure that we see fit.

Mr. CONKLING. There are several bills before us presenting various propositions.

Mr. THURMAN. The bill introduced by the Senator from Iowa [Mr. WRIGHT] at the last session, and reported by the committee with a recommendation that it pass, is before us, if I am not mistaken. I think it has been introduced and referred to us at this very session. At all events, there are bills enough before us to give us complete jurisdiction over the subject.

What reason, then, is there for this exceptional mode, I grant, of proceeding; that is, keeping the bill here? Why, sir, I agree with the Senator from New York, that the indefinite postponement of the resolution to take a recess does not settle that matter, because we do not know but that after a day or two another resolution of the same sort may be introduced and passed. We have seen that thing done before. We have seen such resolutions defeated and afterward similar resolutions passed. Now, the reason why I want this bill to remain on the table is this: that it may be taken up; it has been read the second time; that it may be amended, if necessary, and that then it may be passed and sent to the House in time for the House to act upon it, if the House is determined on insisting upon a recess, or if the House should see fit to take the matter in its own hands, and adjourn of its own volition for the time permitted by the Constitution. Therefore, without having any particular feeling on the subject one way or the other, I do think the best thing we can do is to let the bill lie on the table here.

Mr. HOWE. I wish to say one or two words about this matter. I know but little of the merits of the existing bankrupt law. From the little I do know of it myself and from what little I know of the public estimation of it, I suppose if I am compelled to vote, or have

an opportunity to vote, either to repeal or to retain the existing law, I shall vote as loud as my voice will permit to repeal that law. Nevertheless, I am of the opinion myself that a well-considered and well-digested bankrupt law is very nearly a necessity to every commercial and trading community. I think it is an honest measure in itself—not the existing law, but a good one. When a debtor is unable or unwilling to pay his debts, I think common honesty requires that his estate should be economically, if you please, but equally distributed among his creditors. That I suppose to be the aim of a bankrupt law; and I cannot help feeling that we are somewhat disgraced as legislators that, after two or three attempts, we have never yet been able to effect a bankrupt law with which the country would be content only until certain purposes had been accomplished.

If it be the deliberate judgment of the Senate that we will not prosecute the attempt to improve, to amend, to perfect the existing law, but that it shall be repealed, wiped from the statute-book—if that be the disposition of the Senate, I suppose we had better not refer this repealing bill to the Judiciary Committee, but we had better concur with the House in the passage of the bill. For myself, I am inclined to hope yet that the Judiciary Committee—if you will not hurry them, if you will not send this bill to them with instructions to bring it back to us to-morrow or the next day, if you will give them, in spite of the passion of this morning, a little time for consideration and deliberation—may, by good luck and great industry, return to us some modifications of the existing law which will make it more acceptable to the country, and may, perhaps, induce the two Houses to think that it is not necessary after all to send it adrift just at this moment. It is this hope, therefore, that induces me to vote for the reference of this bill to the Judiciary Committee.

Having occupied the floor so much, I desire to make another remark. I never, I think, since I have had the honor of a seat on that floor, have felt under such a weight of obligation for the great blessings of debate as I feel to-day. I was extremely obliged to the honorable Senator from Minnesota [Mr. WINDOM] for moving the Senate to proceed to the consideration of the resolution to adjourn over for the holidays, not because I cared at all whether the Senate agreed to it or disagreed to it, but because it furnished the occasion for rousing me from a sense of false security—torpidity, as my honorable friend from New York, [Mr. CONKLING,] who always culls the very best words there are in the dictionary, and to whom I have often been under very deep obligations, suggests, [laughter]—I was about to say a sense of false security. I had seen the Senate meet here at twelve o'clock in the day occasionally, and sit an hour or two, and introduce quite a number of bills, and occasionally make a speech about some one of them, manifesting the utmost indifference as to which one of them the speech was upon, and then at a very early hour of the day adjourning; and all this had led me into a sort of feeling that the country was not in a state of dissolution; and I suppose I should have gone home to-night feeling in the same way if it had not been for the motion of my honorable friend from Minnesota. When he moved an adjournment for the holidays, and Senators so much better informed than myself took the floor on that great question, I saw at once how much deceived I had been, and I felt a regret that Wisconsin had not at that moment one on this floor who could join her voice to the invocation of this pious sisterhood who seemed called together, just at that time and without a moment's warning, to administer what seemed to be something like extreme unction to the country, [laughter.] I saw in a moment how much more wretched was the condition of the country than I had any idea of. So I felt under the heaviest obligation for that debate; and I am not under less obligation to this debate on the present question since I have been led to understand by the remarks of the honorable Senator from New York, [Mr. CONKLING,] and the honorable Senator from Ohio, [Mr. THURMAN,] that that debate, which opened my eyes to the extreme misery and suffering which pervade every part of this widespread Republic, and which demand the instant and incessant attention and labor of every one of us—that that exposition was only made to prepare the public mind to entertain another motion to adjourn over the holidays. [Laughter.]

So you see it is only through these debates that I am getting acquainted both with the actual condition of the country and with the very subterranean reasons why that exposition of the condition of the country is made known just at this particular time.

Mr. President, I do not propose to indicate how I shall vote when that new resolution of adjournment comes. I shall listen again either to the new speeches that may be made on that occasion, or I shall reread those that have been made to-day. I shall vote for the motion to refer.

Mr. MORRILL, of Maine. Mr. President, I do not rise to make a speech on this question, but to invite the attention of the Senate to the fact that I intend to make a motion, if we can dispose of the pending matter, to take up the naval appropriation bill, and simply to say that it seems to me this bill ought to pass from the consideration of the Senate on the motion of the Senator from Vermont, as a matter of course. The idea of the bill lying upon the table to await the action of the Committee on the Judiciary in the consideration of the precise subject, when this is the only action the House have had upon it, strikes me as a most extraordinary proposition; and the only suggestion that I have heard comes from two gentlemen, themselves on the committee, and that is, that it is a strategic movement; that there may be a great advantage in having this bill lie upon the table while the committee are considering the general subject, because this is precise in its character; we know exactly what it is; it is a repeal, nothing more, nothing less; and that by some possibility we may adjourn in some unwitting day or hour, although we have now determined that we will not adjourn at all, and therefore for that reason it had better lie upon the table where it can be accessible to the Senate.

Mr. President, I submit that is a little too fine, and the Senate ought to act in harmony with its general usage and not entertain this exceptional motion, but allow the committee of the Senate to have under consideration the whole subject, both as it has been considered by the committee and as it has been considered by the House of Representatives, to the end that they may have the advantage of the opinions of the House—if I have a right to refer to the action of the House in the consideration of that subject. But I pray most especially and most fervently that this subject may pass from the attention of the Senate, so that I may invite its attention to the consideration of the naval appropriation bill, which I hope I will get an opportunity to do.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on the Judiciary.

The motion was agreed to.

EXTRAORDINARY NAVAL EXPENSES.

Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of House bill No. 481, making appropriations for extraordinary expenses of the naval service.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to appropriate the following sums to meet extraordinary expenses in the naval service during the fiscal year ending June 30, 1874:

For pay of the Navy, $300,000.
For contingent expenses of the Navy Department, $25,000.
For the Bureau of Navigation, $20,000.
For the Bureau of Ordnance, $500,000.
For the Bureau of Equipment and Recruiting, $500,000.
For the Bureau of Yards and Docks, $20,000.
For the Bureau of Provisions and Clothing, $300,000.
For the Bureau of Steam Engineering, $335,000.
For the Bureau of Construction and Repair, $2,000,000.

The bill further provides that these appropriations may be, in case of necessity to pay expenses already incurred and contracted for, transferred from one Bureau to another by special order of the President; which orders, with the reason therefor, are to be communicated to Congress whenever the good of the public service will permit.

Mr. MORRILL, of Maine. I assume, Mr. President, that the Senate are familiar, if not with the details of this bill, with the general subject out of which the bill grows, it having been passed by the House of Representatives and considered there. If any explanation is required, I will send a communication from the Secretary of the Navy to the desk that it may be read; otherwise, I will make no remark upon it.

Mr. SUMNER. I should like to ask my friend whether this is to meet what has already been done, past expenses or future expenses?

Mr. MORRILL, of Maine. It exclusively applies to what has been done—moneys actually expended and contracted to be expended.

Mr. SUMNER. No part of this appropriation is to be applied to anything in the future?

Mr. MORRILL, of Maine. No, sir.

Mr. SUMNER. Because I certainly am ready to run the line very clearly and very distinctly. I am against the appropriation of another dollar in any such direction.

Mr. MORRILL, of Maine. The committee have carefully restrained themselves from recommending anything to the Senate beyond what was originally contained in the bill. It relates to such expenditures as have been made in the several Bureaus in the Navy Department in fitting out certain vessels and contracts made for such repairs.

Mr. SUMNER. I am not disposed to discuss the question of these moneys already expended. Probably some time will come when it may be proper to inquire into these expenditures. I regret, myself, that they were made; most sincerely I regret it; but I shall say nothing about them now. The facts are not yet before the country to enable us to discuss them adequately; but I feel it my duty to declare most distinctly that these expenditures ought to stop at this hour and this minute—not a dollar more in that direction. I think it has been an ill-omened expenditure, and at this moment, when our expenditures are so large and our revenue comparatively so small, it is much to be regretted.

Mr. MORRILL, of Maine. I ask to have the communication from the Secretary of the Navy read.

The PRESIDENT *pro tempore*. It will be read if there be no objection.

The Chief Clerk read as follows:

NAVY DEPARTMENT, *December* 8, 1873.

SIR: Under the circumstances of the present emergency, I am compelled to ask that a special appropriation be made to cover the expenses of putting the iron-clad and cruising Navy of the United States in condition for immediate and active service.

I have taken measures to put every available iron and wooden ship of our Navy in condition for immediate duty.

I have ordered all the ships of the various squadrons within reach to rendezvous at Key West. I am enlisting men to supply and fill up the crews of all our vessels. I have accumulated materials, provisions, and supplies for their maintenance and support; and ordnance, ammunition, and all the weapons of naval warfare for their use.

The circumstances which have constrained the Department to this unusual activity and consequent expenditure are known to you and to the country. The fact that they occurred during the recess of Congress made it necessary that I should myself assume the responsibility of prompt action, relying upon the wisdom and justice of the people and their representatives for support.

I have not as yet exceeded the appropriation for the current year, but these measures, with the cost of preparing, transporting, and concentrating everything necessary to carry them out, have already almost exhausted the money of the working Bureaus of the Department, and these must be supplied at once if the work is to go on.

The cost of putting our iron-clads in condition for service (a work already undertaken and in some instances far advanced) will also require a large immediate appropriation. The amount required to reimburse the Bureaus, so as to carry them through the year, and also to put all our available monitors in order, will be not less than $4,000,000.

If our force is to be increased, or if the powerful double-turreted monitors Miantonomah, Monadnock, and Puritan are to be put in a condition of usefulness, at least $1,000,000 more will be required.

Very respectfully, your obedient servant,

GEO. M. ROBESON,
Secretary of the Navy.

The SPEAKER *of the House of Representatives.*

Mr. SHERMAN. Mr. President, I am not disposed to find fault with the Secretary of the Navy or with the President of the United States for expending four million dollars under the circumstances that grew out of the Virginius affair. When I came to Washington last month it was manifest to every one that the affair was a very serious matter. From the excited state of the public mind in Cuba, from the pride of the Spanish people, and from the determination on the part of our Government, as well as the determination on the part of our people to have some satisfaction growing out of the capture of the Virginius, matters did look serious. Therefore, the executive authorities were bound in the performance of the plainest duty to use all the means in their power to protect and strengthen the Navy, and to put our available forces in such a position that they could be used, if necessary. But I think by the wisdom, by the prudence, and by the care of the Secretary of State chiefly, approved and sanctioned by the Executive, we have escaped all danger of a complication with Spain, and the Virginius matter is entirely settled. Therefore, all that we ought to do, and all we can do, is to pay the money that was properly expended to prepare for an emergency that has passed away, and that should be the end of it; and I would not have said one word in regard to this bill but that I wish to caution the Senate, and if my voice will reach the Secretary of the Navy, and those having charge of these expenditures, to say to them in all candor that here the expenditure ought to cease. This Virginius affair has happily passed away. The money that has been expended on these vessels is not lost, but for such objects future expenditure ought to cease, and the expenditure of all money not absolutely necessary to maintain the Navy in its present condition, or in the condition contemplated by Congress at the last session, should cease.

I make this remark, too, in view of another bill reported here to-day. It was proposed to seize upon the controversy with regard to the Virginius to raise the numerical force of the Navy from 8,500 to 10,000 men. It was fixed at 8,500, after a long debate in the Senate and after full consideration, with some opposing ideas; and now it is proposed, either in consequence of the Virginius affair or for the purpose of carrying out the idea of a minority some years ago, that we shall advance the numerical force of the Navy from 8,500 to 10,000 men.

Mr. CRAGIN. Will the Senator allow me to correct a wrong impression? The proposition to increase is only temporary—for one year.

Mr. SHERMAN. I understand that originally it was meant as a permanent increase, but it was amended so as to be temporary and to expire in a year or two hence. But if it is a temporary increase it must have grown out of a temporary exigency. That temporary exigency has passed away. If the increase is voted at this session of Congress, it will be a permanent increase, because we know how difficult it is to reduce the force either of the Army or the Navy when it is once established. Now, I call the attention of the Senate to remember that, while both Houses of Congress have been prompt and willing to sustain the executive authorities in doing what has been done to protect the honor of the Government, and to guard ourselves against contingencies, that feeling ought not to be made the occasion of any increase in our naval expenditures.

I am reminded by the existence of the facts by which we are surrounded now with the strange similitude of historical example. His tory but repeats itself. In 1857 we had almost precisely the same state of affairs, running in a striking parallel with what we have now. My friend from Vermont [Mr. MORRILL] will remember that on the 3d day of March, 1857, we passed a bill largely reducing taxes; we passed a bill commonly known, I believe, as the Campbell bill, by which the tariff duties, then the only taxes levied by the Government of the United States, were reduced nearly 20 per cent. We authorized the payment of the outstanding public debt at any price, and the Secretary of the Treasury who came into office after the 4th of March, 1857, actually paid 16 to 17 per cent. premium on the public debt, bought in the months of April and May, 1857. We passed at that time the heaviest appropriation bills that up to that time had ever been passed. We appropriated more money for the erection of new public buildings in the sessions of 1856 and 1857 than had ever been passed before. It was a democratic administration, in democratic times, all branches of the Government being under the control of the democratic party; and yet when we came back in December, 1857, the very first act which passed Congress was a bill authorizing the issue of Treasury notes. Our revenues had disappeared; there was a deficiency within thirty days after the failure of the Ohio Trust Company, in New York; and when we came back to Congress we were met with an urgent demand from the President of the United States to provide for the temporary exigency, and the first bill that was passed at that session of Congress was a bill to authorize Treasury notes, and that was soon followed by a loan act, the same loan the redemption of which we have provided for by a bill which received your signature, Mr. President, to-day.

We are in the same condition now that we were then; but I believe that it is a temporary state of affairs. I am not disposed to make any statement that would alarm even the most timid, because I do not think there is occasion for it. We have met with one of those strange periodical panics, the causes of which seem to differ so much, but which are almost regular in their coming, like the locusts, the plague, the cholera, or something of that kind. Men may reason about them, but they come almost regularly. We have met and are now in the midst of one of those panics, and are likely to go through the same course of treatment as heretofore. It is manifest that under these circumstances it is the duty of the Executive Departments to economize in every branch of their expenditures. This extraordinary appropriation that we are called upon to meet now ought not to be made the occasion of any increased expenditure in the Navy Department or any other Department of the Government.

A very common idea prevails in the Executive Departments that when Congress appropriates money for a particular purpose it is a mandatory appropriation; that they must expend the money; that they have no option; as if an appropriation is made for the erection of a public building, they have no power to say that the building ought not to be erected. That is not the law. That is not the theory of our Government at all. When an appropriation is made for any purpose whatever, unless it be to carry into execution an existing law, as to pay salaries or the like, or where the law has made a contract, the appropriation never is mandatory, but is simply permissive. There were twenty or thirty million dollars of appropriations made at the last session of Congress, of which at least one-half, perhaps more than one-half, has not yet been expended, and which in my judgment ought to be promptly arrested. There were appropriations that depend entirely on the pleasure of the Government passed at the last session of Congress amounting to forty of fifty million dollars—appropriations for fortifications, for rivers and harbors, for public works, and for various other purposes, which are merely permissive; and there is, therefore, no question of the power of the executive authority to arrest the expenditure of public money under them, unless where contracts have been made in pursuance of law.

It is, therefore, manifestly the duty of the Government at this time to go on and adopt a system of economy. I remember in 1857, to carry out the parallel a little further, the republican party, then a struggling party, although in the minority, held the administration of Mr. Buchanan to a rigid accountability in public expenditures. I know that the committees of the House of Representatives, although the House of Representatives was then democratic, were organized with a view to promote economy in public expenditures, and we did require the administration of Mr. Buchanan to cut down all expenditures as preliminary to the passage of loan bills and other measures of relief. While the republicans of that day came forward and, without raising any party question or even any party allusion, promptly voted to the administration of Mr. Buchanan the authority to issue Treasury notes and promptly passed a loan bill, yet in connection with that they, as a minority, demanded that the administration should observe due economy and should reduce all the expenses of the Government.

I do not believe that such a demand need now be made on the Executive; and yet the times in which we are demand that the executive authorities should perform this duty. I shall not object at all if our democratic adversaries here should do the duty of a minority, and should require and hold the Government up to a rigid discharge of this duty of economy. Why, sir, the sweeping away of private fortunes, the destruction of capital, the destruction of values, that occurred in the single month of September last was enormous. It is said that, in regard to one man, he held so large an amount of securities that the shrinkage of values was over twenty million dollars. I do not know whether that be so or not; but the statement is made, and I have no doubt it is correct, that the shrinkage of values on the stocks quoted in the daily sales in New York amounted to over one hundred million dollars—an immense sum. But the immediate effect has been good. Everybody is economizing; every man, whatever may be his condition, whatever may be his circumstances, has at once adapted his expenditures to the exigency of the case. There is no one here on the floor, there is not a citizen who has not felt, more or less, the necessity of economy. What has been the result? Our importations have fallen off enormously. Last month,

for the first time for many years, our exports exceeded, even on the gold value, our imports. Our importations have fallen off enormously, and our revenues have fallen off correspondingly.

Why, sir, last month we increased the public debt over nine million dollars. What was that caused by? Not by any increase in expenditure, except so far as it was affected by these disbursements for the Navy. It was caused by the shrinkage of our revenue. During the present month we know from an official document that has been communicated to the House of Representatives that the deficiency will probably be not less than from ten to twelve million dollars.

It is manifest that in this condition of affairs it is the duty of all branches of the Government, first, to economize; to do what every private citizen in the country is compelled to do; to stop every kind of expenditure not rigidly demanded by law and the public necessities; to stop for a time all improvements that can be postponed to some better day; and then, in addition to that, if the times shall demand it, if the case shall require it, we must borrow for the time being to tide over the difficulties under which we are laboring, and if that is not sufficient, or if that is not deemed a wise policy, then, as a matter of course, we must increase the taxes upon the people.

I believe now that the panic which prevailed in September and October has passed away, in a great measure, among the people. Nearly all the ordinary course of business has resumed; the prices of commodities to-day are as high as they were before the panic, with the single exception of the article of cotton. All the great products of the West are now sold in money at a little higher price than they commanded before the panic; cotton alone is the exception. So that the difficulty has passed away in a great measure, among the people. The Government alone is now suffering from the effects of the panic by new wants partly caused by this extraordinary expenditure for the Navy, but chiefly by the shrinkage of our revenue.

Mr. President, I am sorry to have detained the Senate even with these remarks at this late hour. While I shall vote for this appropriation bill, I, for one, as a member of the dominant party here, feeling myself responsible with all the others of that party for the expenditures of the Government and the management of the Government, shall deem that my duty is not performed unless I examine with the utmost scrutiny and with the utmost care every proposed expenditure, every appropriation bill that is offered, and I believe that it is our duty carefully to limit the expenditures, not only within the law, but below the permissive laws that we passed at the last session of Congress.

Mr. HAMILTON, of Maryland. Mr. President, I cannot, with my responsibilities as a representative, vote for this proposition without knowing something more about it. This is an appropriation of $4,000,000, and for what? The honorable Senator from Ohio said that we ought to examine into the proposition and know precisely to what our money is applied. Is there a single item before this body which shows how this $4,000,000 could have been expended in one month or two months?

Gentlemen who are in favor of this bill clamor for its passage because the money is required. Why required? We gave to this Department at the last session $20,000,000 for the current year. Where is the Navy? They profess that they have one; they profess that they have five squadrons on the high seas; they profess to have a North Atlantic and a South Atlantic squadron. Furthermore, but one year ago the Secretary of the Navy announced to this House that the Navy was then more efficient than it had been the year before. We expended then $22,000,000 upon the Navy, and now we are told that we have no Navy. We are called upon to expend $4,000,000 more, making our appropriations for the fiscal year ending June 30, 1874, amount to $25,000,000, and yet it is said we have no Navy. What has been done? Where are the vessels? What should twenty millions of money command? A Navy sufficient to put down this miserable eruption that agitated the country for about a month. Here we are asked for $4,000,000 more without an item, and the $20,000,000 are gone!

Talk not to me about republican economy or democratic economy. I may have contracted notions about these matters; but it strikes me that it is time for us to accustom ourselves a little to the idea of seeing some return for our money. So far as I am concerned, until public attention is called to this branch of the subject, I shall not vote one dollar of taxes. Cut down expenditures before you undertake to tax; and I am glad to see, if I am permitted to speak about the action of the House of Representatives, that that body is inquiring into a reduction of expenditures, and properly inquiring, before voting for additional taxes.

Why, Mr. President, allow me to call your attention to the report of the Secretary of the Navy one year ago. In that report he says that upon the North Atlantic station he has 77 guns and 11 vessels, and upon the South Atlantic 3 vessels and 23 guns. I do not suppose it is within the comprehension of any Senator here that more guns than that were required to put down this recent eruption that amounted to nothing in fact, and no rational man ever contemplated that it would amount to anything. There is not a responsible human being on this floor that ever contemplated that that matter could result in anything serious to either government—that there could be any such crime committed against civilization as that Spain and America should enter into hostilities upon that subject-matter. But the Secretary of the Navy now tells us that he has expended three or four million dollars to meet that emergency. It is an item in these days; but four million is nothing for this body to vote, and vote without debate, when he had twenty millions appropriated for this year and a large portion of it ought to be unexpended at this time.

Instead of voting these four millions in addition to the twenty millions, let him retrench, cut down his expenditures, and see whether he cannot save enough by the expiration of the fiscal year to save the three or four millions that he has thus unauthorizedly, or probably authorizedly, expended. I do not care much how he spends the money, so that it is toward the Navy and so that he does not exceed our appropriations. That is what we ask the Secretary of the Navy to do. As I understand, the Secretary of the Navy has said that he has not expended a dollar beyond the appropriations made in the last year.

Two squadrons we have there, and after enumerating the number of vessels we had in service, sufficient for all practical purposes I am sure, he said this in his report of last year:

> This shows an active force slightly increased in strength since the date of the last report, with improved efficiency on account of its better distribution in a greater number of smaller and more active vessels.

The application to Congress has been for small vessels, not to prepare this country with large ones for the purpose of competition in war with other nations, but active cruisers. We voted three or four millions for the construction of six at the last session of Congress. Whether they are to be of consequence in the contemplated raid to be made either on Spain or any other foreign power which our aggressive spirit, as we have plenty of money, and can command any amount of men, may inspire us in the future, I do not know anything about. But I am opposed *in limine* to this idea of having what he calls an active navy. Listen to him in his recent report:

> I felt it to be my duty under existing circumstances to take promptly every means in my power to put our available force in the best possible condition for immediate and active service.

And in the same report the Secretary of the Navy says he intends to continue in that line. Mr. President, if it takes $20,000,000 of money to keep no navy, as it is claimed we have none, what will it do to keep an active navy in the service? Why, where are your revenues and where are your tax laws?

Mr. President, for one I protest against the whole thing. I shall vote against the bill and every other like bill that may be presented to this body. I shall vote against an increase of taxes until we have a reduction of expenditures, and when the bill shall pass I would prefer that a committee of this body be appointed for the purpose of inquiring particularly into the expenditure of this vast amount of money.

Mr. MORRILL, of Vermont. Mr. President, I move to strike out of this bill, on page 2, lines 24 to 29, inclusive.

The PRESIDENT *pro tempore*. The words proposed to be stricken out by the amendment of the Senator from Vermont will be read.

The CHIEF CLERK. It is proposed to amend the bill by striking out the following words:

> And the appropriations herein made may be, in case of necessity to pay expenses already incurred and contracted for, transferred from one Bureau to another, by special order of the President; which orders, with the reason therefor, shall be communicated to Congress whenever the good of the public service will permit.

Mr. MORRILL, of Vermont. Mr. President, I regard the conduct of the Administration in this affair of the Virginius as entirely creditable. I think it redounds as much to their honor as any act of the Administration. I am willing to vote for all the sums of money that may be needed for expenses that have been actually incurred or that may have been contracted for, and are therefore necessary. I had hoped that to-day, when the Virginius was to be surrendered, would obviate the necessity of expending so large a sum as is asked for here; but at all events I regard it as particularly dangerous and objectionable to depart from the ordinary rules and regulations by which we prescribe our appropriations. We have for many years appropriated in detail, but now this bill with these last lines in it amounts to a lump sum. You might just as well appropriate $4,000,000 to the Navy and not say a word about it, as to have that last proviso in the bill; and there is no necessity for it, because Congress is in session. If there are any of these items upon which the Secretary of the Navy shall find that he needs a larger sum, all he has to do is to report the facts to Congress. We shall be in session and can remedy it.

I therefore hope that no bill of so loose a character as this will be suffered to pass the Senate of the United States.

Mr. MORRILL, of Maine. Mr. President, this bill originates in an exigency so generally known to the country and so generally understood, as I had supposed, by members of Congress, that it should not be deemed particularly important that in reporting it we should go very much into detail; but the remarks of the honorable Senator from Maryland seem to render it necessary, perhaps, that I should state something in regard to the character of the expenditures for the Navy out of which this bill has arisen.

Those who are familiar at all with the Navy of the United States know that it is at the present time in a very dilapidated and inefficient condition. We had some slight discussion of that subject at the last session of Congress, in which, if I mistake not, the honorable Senator from Maryland participated somewhat in the same line of remarks

that he has indulged in to-day, feeling then, as now, that there was likely never to be an exigency where any portion of the Navy of the United States would be at all desirable; that the days of peace had dawned upon the earth; and that our position was of such a character that we never need expect any complication to arise with foreign nations or any disturbance of an exterior character which might lead to the use of a Navy, the honorable Senator seemed to consider quite out of the question; and that arose on an attempt to appropriate two or three millions, I think $3,000,000, with a view of increasing the strength of the Navy.

Well, now, Mr. President, the honorable Senator does not raise the question whether the Government acted promptly, fitly, or not, in the exigency which was upon us. I will not go into that at this time. My own belief about it is that we were saved from a war by the judicious conduct and treatment of this whole subject by the executive department of the Government—and a war with Spain, a little brush, as the Senator says, that nobody apprehended. Why, Mr. President, that honorable Senator undervalues Spain as a naval power very much. Spain has a large naval force in Cuba, and has had these past three months. In the condition of the Navy at the time when war was menaced and we had every reason to apprehend it, we were certainly quite unprepared; and my own judgment and belief is that the energy displayed by the Secretary of the Navy in putting the Navy in a position as well as he could for war was a very important fact inducing to peace.

Now, for the information of the Senator from Maryland as well as the Senate, I will state a specification of some of the objects for which this money has been expended. The Secretary has given the list of vessels ordered to be got ready for sea since November 9, 1873. These foot up 32 in number. The names of them are given—some wooden, some monitors; and the sum estimated for the repair of each. That amounts to $2,104,000. In addition to that are the sums taken from the different Bureaus; from the Bureau of Steam Engineering, $508,000; and estimates from the other Bureaus amounting in all to the sum of $4,000,000.

All this has been taken from the appropriations for the current year made for the expenditures in these Bureaus. In this exigency the Secretary had no authority to borrow money or to go outside for money. He therefore, in this extraordinary emergency, drew upon the several Bureaus in his Department on the ordinary expenditures; and it is, it will be seen, to supply these Bureaus that this appropriation is made; first, "for the pay of the Navy, $300,000." That is to meet the extra expenditure for the recruiting of the 1,500 men which are provided for by the bill reported by the Senator from New Hampshire this morning. Next, "for the contingent expenses of the Navy Department, $25,000;" "for the Bureau of Navigation, $20,000," drawn upon in this emergency; "for the Bureau of Ordnance, $500,000;" "for the Bureau of Equipment and Recruiting, $500,000;" "for the Bureau of Yards and Docks, $20,000;" "for the Bureau of Steam Engineering, $300,000;" "for the Bureau of Construction and Repair," because on this Bureau came the very great burden, "$2,000,000."

Now, one word in regard to the motion of the honorable Senator from Vermont. I agree with him that, as a general proposition, it is not well to authorize the Department to draw from the appropriation in one Bureau to be expended in another; but it seemed to the committee that inasmuch as these extraordinary appropriations were necessary to be drawn from these Bureaus indiscriminately, and as the appropriation is made to relieve these Bureaus, it was absolutely necessary that there should be some discretion somewhere for the redistribution of the funds so appropriated to those several Bureaus, and without regard to the sums specifically appropriated.

Mr. MORRILL, of Vermont. I hope the Senator from Maine will allow the amendment I have proposed to pass without objection. I am sure that he, as the chairman of the Committee on Appropriations, cannot be disposed to have an example set of so wide a departure from all the practice of the Senate. Even our ordinary appropriations that have been made heretofore for these different Bureaus are specified; they are itemized under the different Bureaus. Now, here is a proposition that professes to itemize, and yet at the last end it comes in and provides that it may all in gross sum be appropriated anyhow and anywhere. I am sure the Senator cannot object to the amendment which I propose, and I am also equally sure that it will be at once accepted by the House without any discussion or debate.

Mr. MORRILL, of Maine. If I was certain it would not lead to embarrassment, of course I should not object to the amendment, because the Senator well understands the importance I have always attached to this particular provision of the law which prohibits transfers. I am not certain, I do not feel confident at all, that embarrassment would arise, but I find the clause here——

Mr. FRELINGHUYSEN. It can be relieved by Congress if it does.

Mr. SHERMAN. Congress will be in session.

Mr. SARGENT. Mr. President, my objection to this bill is that it appropriates $1,000,000 too little. The Secretary of the Navy in the letter which has been read at the desk, after stating that the $4,000,000 provided for in this bill are necessary in order to complete the fitting out of the vessels which are now in hand, says that if the Navy is to be strengthened $1,000,000 more ought to be appropriated for this purpose. He has reference to the double-turreted monitors carrying four 15-inch guns each, now dismantled and useless. Now, sir, we have nothing effective for war, except some large unwieldy wooden ships, but these three monitors, which can go to sea without being propelled by power extra to themselves; without having vessels go along with them to watch these floating coffins, to see that they do not suddenly plunge to the bottom of the ocean, and that the crews may be taken off and their lives saved and they taken ingloriously ashore. The ordinary monitor is excellent for harbor defense, but it is not fit to go to sea. Now, we have three powerful vessels, probably as powerful as any in the world. I doubt if the Monarch or any iron-clad in the English navy could stand against the Miantonomah or the Monadnock or the Puritan, provided they are put in fit condition. These vessels are able to go to sea. One of them made a cruise to the Mediterranean and up the Baltic, I think. Another of them went around the Horn, through the most inhospitable sea there is on this round globe—went there safely, with nothing but a little tender, she propelling herself, the tender simply carrying some supplies that were necessary on account of the length of the voyage, and not going for the safety of the vessel.

These powerful vessels ought to be put in order to provide for an emergency. Senators cannot say in the light of the last two or three months that, considering our peace principles or our geographical location in the world, such emergencies are not liable to come. When they do come, where we are unprepared, where vessels like these—the real power of the Navy—are in such a condition that they cannot be made fit for sea under six months, we are necessarily crippled, and are exposed to insult and aggression until we can get them ready.

Why, sir, the Pacific coast is now almost entirely unprotected. The monitor to which I have referred as having gone around the Horn is now at Mare Island. Its interior work is of wood, put there during the war or at the time the war was closing, and is all rotted, so that the vessel is entirely useless and would not stand the shock of its own guns; but by replacing that wood by iron beams, not adding to the weight of the vessel in fact, but, I am told, decreasing the actual weight, it can be made so good and strong that it will last twenty-five or perhaps fifty years without further need of repair, except it may be occasionally a little paint.

If this is done we shall have something to defend the Queen City of the Pacific, where now we have nothing. Now in the case of a foreign war, with a nation maintaining a navy in those seas, we are entirely defenseless. They can readily concentrate their navies in the Bay of San Francisco, passing by the few batteries we have on each side, unstopped by any iron-clad or anything adequate for the defense of the harbor, and levy their twenty, or fifty, or a hundred millions in gold on that city, and inflict disgrace on the American name.

I understand that the extra million which was asked for by the Secretary of the Navy was to put that monitor in order so that there might be some defense for that coast, and to put these others in proper condition so that there might be some opportunity for the country in case an emergency of this kind should arise again. I fully believe that it was by the prompt action of the Secretary of the Navy, as much as by the diplomacy of the Administration in the recent emergency, that we were saved a war. It is idle to say that the aggression which was committed on that occasion was unworthy of our notice. If it was worthy of our notice, it was worthy of it promptly and efficiently. Certainly, a ship bearing our flag was snatched from the seas. Certainly those who were sailing under the shadow of that flag were executed in the vicinity of Santiago de Cuba, and it was an aggression worthy of the attention of the American nation. If you say that, considering the character of those with whom we had to deal, there was no necessity for prompt action, that we might have left our inadequate Navy scattered where it was all through the whole extent of the North Atlantic stations and in the Mediterranean, let me recall that our consul at Santiago was prohibited from even seeing those men before they were shot; that the telegrams which he was sending to endeavor to ascertain the nationality of the vessel were intercepted; that it was necessary in the streets of Havana itself to station a guard of government troops around the house of our consul there to prevent his being outraged, and American citizens hid themselves in the shade for fear of being mobbed or massacred in the streets of that city; and certainly that was an emergency which required the active intervention of this Government, and showed the character of the people with whom we were dealing, and whom only fear would restrain.

Why, sir, more than that, although I believe in Castelar, though I believe him to be a noble man and a republican from principle, and heartily in sympathy with the institutions of the United States, a patriot in every sense of the word toward his own people, I still believe that he himself could not have stood up against the populace of Spain, and against the antagonizing forces he encountered, unless there had been this attempt on the part of the Government of the United States to put itself in readiness for war and show that it was prepared to strike provided its rights and its dignity were not respected. I believe that when our squadron was ordered home from the Mediterranean and concentrated in the Cuban waters, and when every available vessel was being put in order, those who held the Spanish bonds in Europe brought a pressure to bear on the administration of Castelar and upon the Spanish nation, inducing them to assent to the propositions which were made by the Government of the United States, and thus to tide over this mischief; and that this pressure was brought because our preparations showed us to be in earnest.

Sir, although it seems to be supposed by some that this exigency has passed, I do not believe it. I think the Castelar government is liable to be tumbled down any day. I am sorry to say that that is my judgment, and I believe that those who have noticed the course of Spanish affairs during the past few months must concur with me in that opinion. Suppose that that restraining influence upon Spanish action and upon Spanish aggression shall be taken away, what will be the result? Have there not been irritations enough in the past few weeks for pretenses for war, for more aggression upon American rights, for the confiscation of estates, for injuries to American citizens who may be in Havana or elsewhere in Cuba? Take off this restraining influence, and I believe that within a few weeks we shall find that we may be brought again to the point of war, and I would not be so unprepared as we were when the late emergency arose. I would have the Secretary of the Navy go on and finish these works in which he is now engaged, expend this $4,000,000 and put the Navy on something like a decent footing; and I regret it was not the sense of the committee reporting this bill that another million should be added to increase the effectiveness of the Navy.

My friend from Maryland talks about the force which it was shown by the report of the Secretary of the Navy we had on the North Atlantic station last year. The Secretary of the Navy when he is talking, not to us confidentially, but to attentive ears in other parts of the world, must couch in certain language the information which he gives. He must not show in fact the poverty of our resources. But as stated, even in this view, the whole number of vessels there was only eleven. On the 11th of November last, when the news came to this country of the seizure of the Virginius, and the conduct of the authorities toward its crew, we had nine vessels in all on that station, which embraced the entire eastern coast of North America and that of South America, as far as Cape Orange, near the mouth of the Amazon, extending eastward to the forty-third degree of longitude from Greenwich and northward to the Frozen Ocean. In all that vast area we had nine vessels, the Worcester, the Canandaigua, the Wyoming, the Juniata, the Nipsic, the Shawmut, the Kansas, the monitor Saugus, and the hospital-ship Pawnee, which was at Key West. One of these vessels was off trying to find the Polaris. Another was in the harbor of Aspinwall, with a hundred of its crew sick. Another had been ordered to Bermuda for the same reason. One of them was dismantled at New York. So we might go through the whole list. We were utterly unprepared for war.

The Senator from Maryland says we are expending millions on our Navy. Yes, sir; we are expending millions for the pay of seamen, and for the pay of officers for the shell of a Navy, while with a foolishness which, it seems to me, must strike the mind of every Senator we refuse to put that which is most important to a navy—vessels—under the feet of our sailors in such order that they may make good account of themselves in case of war. We have admirals almost without stint, we have officers, from Admiral down to master, in superabundance, I would say too many entirely, were it not for the fact that those whom we have retained, as a rule, have distinguished themselves and earned the gratitude of the country in a war that has recently passed. But when a proposition comes forward to increase the number of seamen, not of officers, fifteen hundred, to increase by 16 per cent. the number of sailors in the Navy, and to add to its cost but 5 per cent., that is opposed on what seems to me to be false economy. I object to that, but will not now discuss it.

But, sir, I was going to say that while we had but the nine vessels I have named in the immense area of the globe which I have described, Spain had at the same time in the same waters 66 vessels—66 against 9, and she had 387 guns in the same waters. And what was the character of the vessels? Were they Wyomings or Nipsics? Were they little wooden boats with one or two guns at the outside? Here was the Arapiles, with 17 guns and 800 horse-power, and then the Almansa, with 48 guns and 600 horse-power, and so I might run through a long list of Spanish steam-frigates, of which the smallest carried 26 guns and had a 360 horse-power. I have in my hand a list of these vessels which Spain could concentrate at one week's notice upon any given point in the waters of Cuba and sweep from the ocean anything which we possessed, unless we could send out the Puritan or the Miantonomah, or some vessel of that kind, if it was ready for the emergency.

I think it wise that this bill should be passed, in order that we may put our Navy into some sort of condition. If peace comes we are at no disadvantage for that. But if war comes on account of our still, as I must think, complicated relations with Spain, or comes with any other power, we may have some opportunity to defend our rights and maintain the dignity of the American people before the world.

Mr. FRELINGHUYSEN. Mr. President, from such information as I have I cannot concur in the statement that our Navy is so unequal to that of Spain; and if I had so considered it I do not know that it would have seemed to me wise to state it. It may be true that we have no iron-clad that can stand before the iron-clads of the Spanish navy; but we have eight monitors, and Spain has none. Any one of these monitors can, with its crushing 15-inch shot, sink any of the iron-clads, and Spain knew that these monitors had congregated in considerable numbers at Key West. When this Cuban difficulty commenced we had but one monitor afloat; and the chief part of the expenditure that has been incurred has been to put seven more of these monitors afloat.

Mr. President, I express the sentiment of the American people in saying that they are grateful to the Administration for the statesman-like manner in which the most delicate and difficult duty of adjusting our differences with Spain has been performed. Our people were excited against the barbarous slavery of Cuba. They were outraged by the inhumanity of the treatment of the prisoners taken from the Virginius, and they felt that the flag and honor of the nation had been violated; and the excited feelings of the people were fanned and inflamed by public meetings, and many were influenced by motives much less worthy than those I have suggested. The tendency of the general outcry was to urge the Administration on to war. The Government, on the other hand, remembered that the controversy was with a young republic of fifteen million people, struggling for existence among the monarchies of the Old World; and remembered, too, that we were solemnly pledged to the great principles of peace and of arbitration; and the complication has been so managed that the national honor and the peace of the country have both been preserved. Sir, the American people, without distinction of party, are truly grateful to the Administration.

Mr. President, this expenditure of $4,000,000 has not been entirely lost. It has had its office in bringing about this happy result. I am in favor of the peaceful solution of difficulties, in favor of national arbitrations; and yet we all know that a little physical force in the background is an aid and support to moral influences. While it is true that Great Britain cannot be intimidated I am not quite certain that the fact of our having a million of men trained to arms and just from the field, and that a considerable Navy—not then out of repair—was in our possession, did not promote and accelerate the happy arbitration which has rejoiced this country and the world; and I am by no means certain that the calling of our squadron from the Mediterranean, and the congregating of the monitors at Key West, did not tend to bring Spain, without her being intimidated, the more carefully to consider the reasonableness of the propositions which the Administration laid before her.

The whole affair has been well managed and adjusted, and the expenditure by no means lost or wasted.

Mr. SHERMAN. I move that the Senate do now adjourn.

Mr. MORRILL, of Vermont. If the Senator from Ohio will withdraw that motion for a moment I think the Senator from Maine will accept my proposition, and we can then pass the bill.

Mr. ANTHONY. I must express my surprise that the Senator from Ohio should move to adjourn in the present state of the country. [Laughter.] Certainly he does not propose to adjourn until as late an hour as twelve o'clock to-morrow. We ought to meet at eleven, I think. After the picture the Senator from Wisconsin [Mr. HOWE] drew of the dangers impending over us and the precipice at our feet, I feel most unwilling to adjourn now.

Mr. SHERMAN. I will withdraw the motion to adjourn if a vote can be taken.

Mr. MORRILL, of Maine. I call for the question on the motion of the Senator from Vermont.

The PRESIDENT *pro tempore*. The question before the Senate is on the amendment proposed by the Senator from Vermont, [Mr. MORRILL.]

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. It was ordered that the amendment be engrossed and the bill read the third time.

The bill was read the third time.

Mr. BOGY. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 46, nays 7; as follows:

YEAS—Messrs. Alcorn, Allison, Ames, Anthony, Bayard, Boreman, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Clayton, Conkling, Cragin, Crozier, Dennis, Dorsey, Edmunds, Ferry of Michigan, Frelinghuysen, Gilbert, Gordon, Hitchcock, Howe, Ingalls, Johnston, Lewis, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Ramsey, Ransom, Sargent, Schurz, Scott, Sherman, Stockton, Wadleigh, West, Windom, and Wright—46.

NAYS—Messrs. Bogy, Cooper, Goldthwaite, Hamilton of Maryland, Kelly, McCreery, and Stevenson—7.

ABSENT—Messrs. Cameron, Conover, Davis, Fenton, Ferry of Connecticut, Flanagan, Hamilton of Texas, Hamlin, Jones, Patterson, Pratt, Robertson, Saulsbury, Spencer, Sprague, Stewart, Sumner, Thurman, and Tipton—19.

So the bill was passed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of the Interior, communicating, in further compliance with the resolution of the Senate of March 26, 1873, additional information in relation to the construction of the pneumatic tube between the Capitol and the Government Printing Office; which was ordered to lie on the table and be printed.

COMPENSATION OF MEMBERS OF CONGRESS.

Mr. DAVIS. A few days ago I offered a resolution calling for certain information in regard to the compensation of Senators. I ask that it be taken up now and passed. There is no objection to it, I believe.

Mr. EDMUNDS. I move that the Senate adjourn.

Mr. DAVIS. I hope the Senator will allow this resolution to be taken up and passed. It is simply calling for certain information

from the Secretary of the Senate. I do not think there can be any objection to it.

Mr. EDMUNDS. I withdraw my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from West Virginia.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. DAVIS on the 12th instant:

Resolved, That the Secretary of the Senate be, and he is hereby, directed to furnish the Senate all information in his office relating to the fixing of the salaries of Senators and Representatives in Congress from the formation of the Government; in what cases provisions for salaries were made retroactive; how long a time in each case was covered by retroactive provisions; the names of Senators who drew their pay under such provisions; the amounts drawn by them respectively, with the dates of payment; the names of Senators who covered into the Treasury amounts due them under such retroactive provisions, and the date of such action; and also a comparative statement of the total compensation and allowance of Senators under the acts of July 28, 1866, and of March 3, 1873, respectively.

The resolution was adopted.

Mr. EDMUNDS. Now I renew the motion to adjourn.

The motion was agreed to; and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 17, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CORRECTION OF VOTES, ETC.

Mr. ROBBINS. I rise to make a correction of the Journal. By a misunderstanding I am recorded as voting in the affirmative on the repeal of the bankrupt act. I desire to go on the record as voting in the negative.

The SPEAKER. Is the gentleman recorded as he voted, or did he vote differently from what he intended?

Mr. ROBBINS. My intention was not to be recorded as I am. I desire to be recorded in the negative.

The SPEAKER. That is not the point. It is very often the case that gentlemen, under a misapprehension, vote differently from what they intend; but in such a case the correction does not constitute a correction of the Journal, because the Journal shows a true record of the actual vote.

Mr. ROBBINS. I voted under a misapprehension.

The SPEAKER. That is not a correction of the Journal. The Journal cannot be changed in that respect; but the gentleman's statement now made will appear in the RECORD, and will show how he desired to be recorded.

Mr. ROBBINS. I ask unanimous consent to be allowed to record my vote in the negative, as I intended.

The SPEAKER. The Chair does not think he is allowed to entertain the request. If such a proceeding were allowed the gentleman can see how it might operate in a case where a motion had been carried by a very small majority—perhaps a majority of one vote.

Mr. ROBBINS. I desire, then, to explain that I am not recorded as I desired.

The SPEAKER. It is proper for the gentleman to make that statement.

Mr. CRITTENDEN. I rise to correct the record of a vote taken yesterday. Upon the motion to adjourn made by the gentleman from Pennsylvania [Mr. NEGLEY] I am recorded as not voting. I voted "no."

The SPEAKER. Has the gentleman examined the Journal to see whether he is correctly recorded there?

Mr. CRITTENDEN. I speak from an examination of the RECORD.

The SPEAKER. A correction of the RECORD is not a privileged matter. The rules do not allow the House to be detained with the correction of mere typographical errors.

Mr. CRITTENDEN. I presume the Journal agrees with the RECORD.

The SPEAKER. That may or may not be. The gentleman should satisfy himself on that point before rising to make the correction.

Mr. STEPHENS. May I be permitted to state how I should have voted if I had been in my seat yesterday?

The SPEAKER. The Chair will hear the gentleman.

Mr. STEPHENS. I should have voted in favor of the repeal of the bankrupt act, and against the proposition as adopted in relation to salaries.

PERSONAL EXPLANATION.

Mr. WILSON, of Indiana. Mr. Speaker, I wish to occupy a moment or two with a personal explanation. When the bill in relation to bankruptcy was under consideration yesterday I made some remarks in the course of which I referred to the introduction of the bill by the lawyers of Jay Cooke & Co. What I said seems to have been misunderstood by some persons. Hence, I desire to say this morning that I did not say, nor mean to be understood as saying, that any member of this House, as an attorney of Jay Cooke & Co., was introducing bills here in the interest of that firm. What I meant was that lawyers of that firm, not members of the House, had brought a bill here and procured its introduction. I intended no reflection upon any gentleman whatever.

COMMITTEE ON INTERNAL APPROPRIATIONS.

Mr. SAYLER, of Indiana. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee on the Rules be directed to report an amendment to Rule 74, by adding thereto a committee on internal appropriations, to consist of eleven members, whose duty it shall be to take into consideration all executive communications and such other propositions in regard to carrying on the Treasury Department, Interior Department, and Post-Office Department of the Government as may be presented and referred to them by the House, under the same limitations and subject to the same conditions as now apply to the Committee on Appropriations.

Objection was made.

CONDUCT OF THE DISTRICT JUDGE OF ALABAMA.

Mr. WILSON, of Indiana, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary, to whom has been referred the resolution requiring said committee to inquire into the conduct of the judge of the district court of the United States for the district of Alabama, shall have power to send for persons and papers.

IMPEACHMENT OF JUDGE DURELL.

Mr. WILSON, of Indiana, also submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be, and is hereby, authorized and directed to inquire and report to the House whether Judge E. H. Durell, judge of the district court of the United States for the southern district of Louisiana, shall be impeached for high crimes and misdemeanors; and that said committee shall have power to send for persons and papers.

REVISION OF THE LAWS.

Mr. POLAND. I desire to submit a report made by Mr. Durant in relation to the revision of the statutes. I have caused a copy of the report to be laid on the desk of every member. It will be found very useful in the examination of the revision. I move that this report be referred to the Committee on Revision of the Laws of the United States.

The motion was agreed to

PAY OF CONSULAR OFFICERS.

Mr. SENER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the expediency of revising and readjusting the compensation of the consular officers of the United States.

CUBAN BELLIGERENCY.

Mr. STEPHENS. I ask unanimous consent to present a letter and memorial from certain citizens of New York, for reference to the Committee on Foreign Affairs. I ask that these documents, which are very short, be read.

There being no objection, the Clerk read as follows:

NEW YORK, *December* 16, 1873.

DEAR SIR: As chairman of the executive committee appointed by the citizens of New York and vicinity, I have the honor to report that at a mass meeting held at Cooper Institute on the evening of the 12th of December, A. D. 1873, the inclosed memorial and resolutions were unanimously adopted; and in compliance with the following resolution, viz:

"*Resolved*, That the people in mass meeting here assembled do hereby request ALEXANDER H. STEPHENS and S. S. COX to present the memorial to the Congress of the United States."

Resolution offered by Hon. Horace Brainard, and adopted by a standing vote, which was entirely unanimous.

I herewith transmit to you said memorial and resolutions, and ask your earnest attention to the same.

Very respectfully,

EDWARD H. KENT.

Hon. S. S. COX, M. C.,
Washington, D. C.

To the honorable the Senate and House of Representatives of the United States:

The undersigned memorialists, residents of the city of New York and vicinity, respectfully show:

That for more than five years there has existed a state of revolution in the Island of Cuba, caused, as your memorialists believe, by the efforts of the native-born population to throw off their allegiance to Spain.

We further respectfully represent that, while acknowledging the right of the Spanish government and people to retain their possessions in Cuba, we claim that they are bound by the laws of humanity and civilization to conduct their measures of repression in accordance with the laws recognized by all civilized nations.

From information received, we believe that the greatest possible atrocities are frequently practiced; men, women, and children are indiscriminately murdered by the representatives of the Spanish government, even after resistance has ceased.

During the past few years nearly three thousand political prisoners have been shot or otherwise executed, many of them without any form of trial; nearly five thousand prisoners have been taken, whose fate—probably worse than death—is unknown save to their captors. Worse still, over three hundred women and children have been driven to the woods without food or shelter, the inhabitants forbidden to communicate with or assist them under penalty of death; nay, more, they have been hunted, torn, and mutilated by blood-hounds, and sacrificed to the lust of a cruel and unrestrained soldiery, acting in the name of the government.

We respectfully represent that we feel these acts to be a stigma and a disgrace to our common humanity, and that it is our duty to use all lawful means in our power to put a stop to these horrors.

We therefore pray your honorable bodies to *speedily* adopt such measures as will in future prevent the recurrence of these cruel and inhuman acts.

And it is further resolved, That the citizens of New York and vicinity, in mass meeting here assembled, most earnestly pray that the Senate and House of Representatives will immediately grant belligerent rights to the people in the present contest in Cuba for independence, against oppression, *and the holding in bondage by Spain of a people of different color and race.*

WAR CLAIMS.

Mr. HAWLEY, of Illinois, by unanimous consent, moved that the Committee on Claims be discharged from the further consideration of various war claims referred to it, and that the same be referred to the Committee on War Claims.

The motion was agreed to.

DUTIES ON IMPORTS.

Mr. KELLOGG, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to this House a statement of the amount of duties collected and paid on all the goods, wares, and merchandise specified and provided for in the second section of the act of June 6, 1872, to reduce the duties on imports, &c., which were collected under said act during the year from August 1, 1872, to August 1, 1873; and also the amount of duties which would have been levied under the law prior to the said act of June 6, 1872, or on all goods, wares, and merchandise aforesaid, if said act had not been passed.

PUBLIC BUILDINGS.

Mr. DUELL, by unanimous consent, introduced the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures on Public Buildings be authorized to investigate, and report in writing to the House—

1. The condition and management by the Government officials of the moneys heretofore appropriated for the erection of public buildings.

2. Whether such moneys have been distributed in conformity with the appropriation laws.

3. What retrenchment can be made in the expenditure of moneys appropriated as above without detriment to the public service; and that said committee have power to send for persons and papers, and to take testimony to enable it to make such investigation and report.

SHIP-CANALS.

Mr. WHEELER, by unanimous consent, moved that the Committee on Commerce be discharged from the further consideration of the following cases, and that the same be referred to the Committee on Railways and Canals:

A bill (H. R. No. 167) to provide for the construction of a ship-canal around the Falls of Niagara;

A bill (H. R. No. 85) providing for the improvement of the Dismal Swamp Canal, in Virginia and North Carolina;

A bill (H. R. No. 46) to provide for the construction of a steamboat-canal and slack-water navigation to connect the Ohio River and the sea-board, by the way of the Monongahela and Youghiogheny Rivers, the Chesapeake and Ohio Canal, and the Potomac River, for the purpose of affording a cheap and commodious transit for the agricultural and mineral products of the West, and thereby promoting commerce, stimulating industry, and rendering accessible a vast region covered with marketable timber and inlaid with rich deposits of coal and iron; and

The memorial of Joseph B. Macy and 263 other citizens of Nantucket, Massachusetts, praying for an appropriation to make a canal from the east end of the harbor of said Nantucket from what is known as the "Haul-Over."

The motion was agreed to.

PRINTING OF THE DEBATES.

Mr. FRYE. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Printing be, and they are hereby, directed to inquire into the cost of reporting and printing the debates of Congress as the work is now being done; whether it was not more acceptably and economically done by the proprietors of the Globe; whether the permanent establishment of the work at the Government Printing Office will not involve large expenditures for facilities for its prosecution, and to report by bill or otherwise at as early a day as practicable.

Mr. MAYNARD. I object.

NATIONAL DEFENSE AND CHEAP TRANSPORTATION.

Mr. PHILLIPS. I ask unanimous consent to offer, for reference to the Committee on Railways and Canals, resolutions requesting that committee to inquire into the expediency of maturing a bill for a better system of national defense and cheap transportation. I ask that the resolutions be read.

The SPEAKER. The gentleman can have the resolutions referred by title and printed. In asking unanimous consent, gentlemen should not call for the reading of long papers.

Mr. PHILLIPS. Very well; let the resolutions be referred.

There being no objection, the resolutions were referred to the Committee on Railways and Canals, and ordered to be printed.

Mr. RANDALL. This cannot come back by a motion to reconsider?

The SPEAKER. It cannot, under the rule.

Mr. HALE, of Maine. I call for the regular order.

LOAN OF 1858.

Mr. DAWES. Before the regular order is entered upon, I ask leave to report back from the Committee on Ways and Means the bill (H. R. No. 478) to provide for the redemption of the loan of 1858, with amendments by the Senate. I am instructed by the committee to move concurrence in the amendments of the Senate.

The SPEAKER. Does the gentleman desire separate votes on the amendments?

Mr. DAWES. No, sir; I desire concurrence in them all.

Mr. HALE, of Maine. I cannot withdraw the call for the regular order, if this matter is to take up time. If it can be disposed of in a short time, I shall not antagonize the gentleman.

Mr. DAWES. I have no doubt that it will be disposed of in a few minutes. The Committee on Ways and Means instructed me yesterday to ask a committee of conference. That, however, might prevent this bill from becoming a law before the holidays; and on further consultation the committee have come to the conclusion, as the amendments are of very little importance and affecting phraseology more than substance, to instruct me to ask concurrence.

The Clerk read the amendments of the Senate, as follows:

Strike out, in lines 10 and 11 of section 1, the words "of 1858 as well as the registered bonds of said issue;" so as to read, "it is hereby declared to be the pleasure of the United States to pay all the coupon bonds of said loan on the 1st day of January, 1874."

In the same section, lines 14 and 15, strike out the words "carry into effect the provisions of this act is appropriated therefor," and insert "redeem said coupon bonds is hereby appropriated for that purpose;" so as to read, "and coin in the Treasury sufficient to redeem said coupon bonds is hereby appropriated for that purpose."

In section 2, lines 6 and 7, strike out the words "such of said," and insert in lieu thereof "any of the;" so as to read, "for any of the bonds of the loan of 1858," &c.

In section 2, line 8, strike out the word "as" before the words "the holders," and insert the word "which" in line 10 after the word "the;" and before "funded" insert "said;" and at the end of the section add: "And no interest shall be allowed on the new bonds for any time for which interest is paid on the bonds exchanged."

Mr. HOLMAN. Let the bill be read as it will stand with the Senate amendments.

The bill, as proposed to be amended, was read, as follows:

An act to provide for the redemption of the loan of 1858.

Be it enacted, &c., That for the purpose of redeeming the bonds issued under the act entitled "An act to authorize a loan not exceeding the sum of $20,000,000," approved June 14, 1858, as amended March 3, 1859, called the loan of 1858, it is hereby declared to be the pleasure of the United States to pay all the coupon bonds of said loan on the 1st day of January, 1874, at which date the interest thereon shall cease, and coin in the Treasury sufficient to redeem said coupon bonds is hereby appropriated for that purpose.

SEC. 2. That the Secretary of the Treasury may issue an equal amount, at par of principal and interest, of 5 per cent. bonds of the funded loan under the act for refunding the national debt, approved July 14, 1870, and the act amendatory thereof, approved January 20, 1871, for any of the bonds of the loan of 1858 which the holders thereof may, on or before February 1, 1874, elect to exchange for the 5 per cent. bonds of the said funded loan, with interest from said January 1: *Provided*, That no commissions or allowances whatever shall be paid for the exchange of bonds hereby authorized, and no interest shall be allowed on the new bonds for any time for which interest is paid on the bonds exchanged.

Mr. DAWES. I will state in two minutes, if the House will listen to me, the difference between the bill as it went to the Senate and the bill as it comes back, so far as I understand it. As the bill went to the Senate, the House declared it to be the pleasure of the United States to pay in coin, on the 1st of January, the coupon bonds and the registered bonds; the bill as it comes back from the Senate declares it to be the pleasure of the United States to pay the coupon bonds on the 1st of January. The reason the Senate has stricken out the words "and the registered bonds" is because in the registered bonds the phrase "at the pleasure of the United States" does not occur; it occurs only in the coupon bonds. The Senate has also put in a phrase declaring a little more explicitly that there shall be under any circumstances interest only upon one set of bonds. Beyond that, if I understand the amendments correctly, there is no change. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the Senate amendments were concurred in.

Mr. DAWES moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTILLERY WAREHOUSES.

Mr. BECK. I am instructed by the Committee on Ways and Means unanimously to report back, with the recommendation that it do pass, the bill (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business.

The bill was read. It provides that when, from death or from any other cause, there shall be a change in the person, firm, or company engaged in the business of distilling at any distillery, and the person, firm, or company that by reason of such change ceases to carry on said business at said distillery has, at the time of such change, spirits in the distillery warehouse, it shall be lawful for the Commissioner of Internal Revenue, upon the written consent of the surviving members and sureties interested, and under such rules and regulations, and upon such other conditions as he may prescribe, to permit the succeeding person, firm, or company to use the distillery warehouse on the premises in the same manner as if it did not contain distilled spirits belonging to the original person, firm, or company, after setting apart and separating by a secure and unbroken partition such portion of it as may be necessary for the storing and safe-keeping of the spirits distilled by the original person, firm, or company, during the period allowed by law for the removal of distilled spirits from distillery warehouses, or until said spirits are moved and the taxes paid thereon within that time; provided that nothing therein contained shall impair or in any way affect the lien existing at the time of such change under section 1 of the

internal-revenue act of July 20, 1868, as amended, or other liabilities under any internal-revenue law, but the existence of such lien shall be no ground for refusing to approve the bonds of the succeeding person, firm, or company, anything in section 8 of said act of July 20, 1868, as amended, to the contrary notwithstanding.

Mr. BECK. I can explain in one word the reason for the passage of this bill. Under the law, as it now stands, there can be but one distillery warehouse on distillery premises, and persons who manufacture distilled spirits have a right to allow it to remain in that bonded warehouse for one year. If one partner in a firm of distillers dies, and the distilled spirits remain in the warehouse, as they have a right to do, for one year, and they are frequently sold in bond with the right to the purchaser to retain them there for one year, the Commissioner has no authority to allow the business to go on, and it has to stop, and whatever cattle or grain may be on hand has to go to waste. The injustice of this was so apparent to the Department that they framed regulations permitting this thing to be done under the existing law, but upon examination it was ascertained that it was not legal. Therefore, when a large number of cases had accrued, whereby an immense amount of revenue was being lost, the Department sent me a few lines saying that this bill ought to pass. I think beyond all question it ought to pass, and I send up the letter of the Commissioner to be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, December 15, 1873.

SIR: Inclosed I return to you the draught of a bill submitted by you for my examination. I am of the opinion that some such bill should be passed. I inclose the draught of one which embraces such changes in yours as seem to me judicious.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. JAMES B. BECK, M. C.,
House of Representatives, Washington, D. C.

Mr. BECK. I move the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BECK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL RIGHTS.

Mr. HALE, of Maine. I call for the regular order of business.

Mr. BUTLER, of Massachusetts. I rise to a privileged question. I desire to report back from the Committee on the Judiciary the civil-rights bill.

The SPEAKER. That is of no higher privilege than the bill which is before the House as the regular order.

Mr. BUTLER, of Massachusetts. But we waived the regular order for a whisky bill, and we ought certainly to waive it for civil rights.

Mr. HALE, of Maine. I insist on the regular order.

Mr. BUTLER, of Massachusetts. I call my brother's attention to the fact that after yielding for a whisky case, he now calls the regular order against civil rights.

Mr. HALE, of Maine. I called for the regular order because I thought that was the best way of disposing of the business before the House.

AMENDMENT OF A RULE.

Mr. MAYNARD, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That Rule 145 be amended by inserting the following after the word "present," in the fifth line thereof: "nor without the motion therefor being seconded by a majority, as in the case of the previous question."

CORRECTION OF THE JOURNAL.

Mr. EDEN. I rise to a question of privilege. I find myself recorded on the Journal as voting in the affirmative on the motion of the gentleman from Pennsylvania [Mr. NEGLEY] yesterday to adjourn. I voted in the negative on that motion, and I wish to have the Journal corrected accordingly.

Mr. ROBINSON, of Ohio. I rise to a question of privilege. Upon an examination of the Journal I find that I am recorded as not voting upon the motion of the gentleman from Pennsylvania [Mr. NEGLEY] yesterday to adjourn. I voted in the negative on that motion, and I wish to have the Journal corrected.

The SPEAKER. The Journal will be corrected. The Chair must say that the fault of these errors lies with the members themselves in creating so much noise that the tally clerk cannot hear the responses of members. Generally, the commencement of the roll-call is taken as a signal for disorder.

POST-OFFICE DEFICIENCIES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Postmaster-General, with estimates, vouchers, and explanations of deficiencies in his Department; which was referred to the Committee on Appropriations, and ordered to be printed.

REPEAL OF THE SALARY BILL.

The House then resumed, as the regular order of business, the consideration of the bill (H. R. No. 793) to repeal the increase of certain salaries, and to establish the rate of the same.

The SPEAKER. The pending question is upon the motion of the gentleman from Iowa [Mr. KASSON] to reconsider the vote whereby his amendment to the bill was adopted, and to lay the motion to reconsider upon the table, and upon that motion the gentleman from Alabama [Mr. HAYS] called for the yeas and nays.

Mr. RICE. Allow me one word in my own defense. Last night when the vote was taken on the amendment of the gentleman from Iowa I was not present in my seat, as I suppose I ought to have been. I came in while the vote was being taken, and supposing it to be on a motion to adjourn, I voted in the negative. If I had known what I was talking about, I should have voted "ay." [Laughter.]

Upon ordering the yeas and nays, the Speaker ordered tellers, and appointed Mr. KASSON and Mr. HAYS as tellers.

The House divided; and the tellers reported ayes 46, noes not counted.

So the yeas and nays were ordered.

The question was upon laying upon the table the motion to reconsider the vote by which the amendment moved by Mr. KASSON was adopted.

Mr. PLATT, of Virginia. Is that motion divisible?

The SPEAKER. The Chair, in ten years' experience in the House, has never known that to be done.

Mr. DAWES. If the House shall refuse to lay the motion to reconsider on the table, then the question will be on the motion to reconsider?

The SPEAKER. Of course. The Chair will explain the motion. In effect the House votes only upon one motion. The gentleman from Iowa [Mr. KASSON] enters a motion to reconsider, and follows it with a motion to lay his own motion to reconsider on the table, which is the parliamentary process of clinching a vote. Those gentlemen who desire a reconsideration will vote against the motion to lay on the table; and if that motion shall be negatived, the question will then come up on the motion to reconsider.

The question was then taken; and there were—yeas 168, nays 94, not voting 23; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Barber, Bass, Beck, Begole, Berry, Biery, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Cannon, Cason, Amos Clark, jr., John B. Clark, jr., Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Cox, Crittenden, Crocker, Crutchfield, Curtis, Danford, Dawes, Dobbins, Donnan, Dunnell, Eames, Eden, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, John T. Harris, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Howe, Hunter, Hyde, Jewett, Kasson, Kellogg, Killinger, Knapp, Lawrence, Lawson, Loughridge, Lowe, Luttrell, Magee, Marshall, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McLean, McNulta, Merriam, Mills, Monroe, Moore, Morrison, Neal, Niblack, O'Brien, Orr, Orth, Packer, Page, Hosea W. Parker, Parsons, Pendleton, Perry, Phillips, Pierce, Thomas C. Platt, Poland, Potter, Pratt, Ransier, Read, Rice, Robbins, Ellis H. Roberts, William R. Roberts, Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Stone, Storm, Strait, Strawbridge, Swann, Taylor, Todd, Tremain, Tyner, Vance, Waldron, Walls, Marcus L. Ward, Wells, Wheeler, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodford, Woodworth, and John D. Young—168.

NAYS—Messrs. Adams, Averill, Barrere, Barry, Bell, Blount, Buffinton, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cessna, Freeman Clarke, Clayton, Clinton L. Cobb, Cook, Creamer, Crooke, Crossland, Crounse, Davis, DeWitt, Duell, Durham, Eldredge, Elliott, Giddings, Glover, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hays, John W. Hazelton, Herndon, Hooper, Houghton, Hubbell, Hunton, Hurlbut, Hynes, Kelley, Kendall, Lamar, Lamport, Lansing, Leach, Lofland, Lowndes, Lynch, Maynard, McJunkin, McKee, Mellish, Milliken, Morey, Myers, Nesmith, Nunn, O'Neill, Packard, Isaac C. Parker, Pelham, Phelps, James H. Platt, jr., Purman, Randall, Rawls, Ray, Richmond, Sawyer, John G. Schumaker, Sener, Shanks, Sloss, George L. Smith, Snyder, Stanard, Standeford, Stephens, Stowell, Sypher, Thomas, Townsend, Waddell, Wallace, White, Whitehead, William Williams, Willie, and Pierce M. B. Young—94.

NOT VOTING—Messrs. Albert, Banning, Barnum, Bland, Clements, Darrall, Freeman, Lamison, Lewis, Martin, Mitchell, Negley, Niles, Pike, Rainey, Rapier, James C. Robinson, Sheats, Sheldon, William A. Smith, St. John, Thornburgh, and Jasper D. Ward—23.

So the motion to lay on the table was agreed to.

During the call of the roll,

Mr. SLOSS said: I wish to state that my colleague, Mr. SHEATS, is detained from the House by sickness.

Mr. CRITTENDEN. My colleague, Mr. BLAND, has been called home by an engagement paramount to his obligation to be here.

Mr. SCOFIELD. My colleague, Mr. NEGLEY, is unavoidably absent.

Mr. EDEN. My colleague, Mr. ROBINSON, of Illinois, has been called home on account of sickness.

Mr. HALE, of New York. I move to amend the first section of this bill by striking out the words at the close of the section "during his present term of office," after the words "and to the President of the United States." The effect of that amendment, if adopted, will be to take entirely out of the action of this bill the salary of the President, and not limit the present salary to his present term. In other words, it will leave the salary of the President for the future the same as for the present term. I wish to say preliminarily that my own disposition and preference in regard to this bill is to make it a bill, pure and simple, regulating the salaries of members of Congress, without interfering with any other officials whatever; in other words, to put it

upon the basis of the original bill reported from the committee, which met my hearty approval.

I have made the motion in this form limiting it solely to the question of the President's salary, for the purpose of seeking to take the sense of the House upon the question of the President's salary. As to the salaries of heads of Departments and the subordinate departmental officers, and the officers and employés of the two Houses of Congress, I trust they will first and last be made the subject of distinct and separate votes in the House.

I wish now to say a few words only upon the general subject of the presidential salary, whether the amount fixed by the act of the 3d of March, 1873, is an extravagant and inordinate amount or not. To determine this we have the right to look not only to the question of the value of the time, four years, which the occupant of the presidential chair spends in the execution of his office, but we are to look also to the effect upon the man himself in regard to his whole future life, to its effect upon the standing and dignity, in its proper and true sense, not the false dignity of such an officer, and to everything that relates to the position, character, and standing in the community, socially as well as in public life, of one who has been the President of the United States.

Now, the President, when he goes out of office, is substantially debarred from the ordinary pursuits and avocations of life, professional, commercial, public, or otherwise. That is the ordinary rule. With a single exception that has been the rule with regard to all our Presidents. I do not believe that a President, at the expiration of his term of office, should be left impoverished by his position, as was the case with Thomas Jefferson, who was absolutely eaten out by the social duties which his position as Ex-President imposed upon him, so that he should finally go to his grave utterly bankrupt. That was the case with Thomas Jefferson.

Mr. WILSON, of Indiana. If the gentleman——

Mr. HALE, of New York. I cannot yield.

Mr. WILSON, of Indiana. I simply want to know——

Mr. HALE, of New York. I decline to yield. One word more. By the law of 1789 the salary of the President of the United States was fixed at $25,000 a year, and stood at that sum without change until March 3, 1873. I have prepared a little statement from the statutes to show how the First Congress of the United States appreciated the presidential office in comparison with other offices—executive, legislative, and judicial—at that day. The same Congress that fixed the salary of the President at $25,000 a year fixed the salary of the Vice-President at $5,000 a year, or one-fifth of that of the President. It fixed that of the Secretary of State and the Secretary of the Treasury each at $3,500—about one-seventh that of the President. It fixed the salary of the Secretary of War at $3,000—about one-eighth that of the President. It fixed the salary of the Chief Justice of the Supreme Court at $4,000—not quite one-sixth; and the salary of the associate justices of the Supreme Court at $3,500—about one-seventh. It fixed the compensation of members of Congress at six dollars a day, besides mileage at thirty cents per mile. I leave out of my computation mileage, because at that time, when our present facilities of travel did not exist, thirty cents a mile was very little, if at all, in excess of the actual expense of travel. Under that statute, and for the first three Congresses, the average compensation of members of each House of Congress was less than $1,000 a year.

Now, it is plain that Congress, in fixing these salaries, had in view not merely compensation of the President for the time of his actual service. They did not believe, any more than this House believes, that the time of the President during his official term is worth twenty-five times as much as the time of a member of this House. They recognized the fact that the President, by virtue of his position, has a burden imposed upon him for his whole life, making it proper and just and equitable that he should be left at the close of his term with something amounting to a competency.

In this connection I desire to allude to what was said by my friend from Massachusetts [Mr. DAWES] the other day in regard to the additional allowances of the President. The salary allowed to the President by the very first act passed on this subject was in addition to the use of a house and the furniture of that house.

[Here the hammer fell.]

Mr. CLYMER. Mr. Speaker, in the shred of time allotted me under the order of the House on this question, I cannot make an argument. If I succeed in briefly stating my own views with reference to this bill, and what I desire to do upon it, I shall have accomplished all that is possible under the circumstances.

Let me say, before proceeding further, that I deeply regret (and I say it with all kindness) the tone and temper in which this question has been discussed here. The debate has been conducted too largely in a spirit of crimination and recrimination. The tone of attempted explanation and exculpation which has characterized many of the speeches delivered will not, I fear, add to the confidence with which the people will regard our deliberations or the satisfaction with which they will regard the result at which we may arrive.

Sir, if I had my own way in this matter I would repeal the whole increase of salaries made by the act of March last so far as we constitutionally may; and then, in the light of the discussion we have had here, with the benefit of the discussion in the press and among the people on this subject, I would, with deliberation, in open day, raise a committee which should dispose of this whole question so far as it affects all officers, from the President of the United States downward. If this course had been adopted, no matter what might have been the conclusions arrived at, whether the salaries finally agreed upon were those fixed by the pending bill or those provided by the act of March 3, 1873, our decision, adopted by such a process and under such circumstances, would have been willingly accepted by the people of the United States.

But, sir, the House having declined to take this course, I wish to indicate wherein I dissent from the provisions of the pending bill, wherein I approve of them, and how I would desire to alter them. In the first place I would make the deduction applicable to the present Executive. I would repeal his increased salary as well as that of others. I would repeal it because it is excessive as compared with that of every other official, as it was asserted and shown by the honorable and able chairman of the Committee on Ways and Means, that he receives in addition to it more than $50,000 a year by way of appropriations to his personal establishment. If the constitutionality of its repeal be questioned, it is not to be doubted that in more than one instance the President has affixed his signature to bills of more doubtful constitutionality than this; but if the question should be raised, let it be settled by the courts, where it properly belongs. The President being the only person affected, and his signature being the highest evidence of his belief in its constitutionality, surely his mouth would be closed forever, and it is not likely, therefore, that the question would ever be raised. Sir, if there were sincerity and earnest purpose in his late recommendation to Congress to adopt a constitutional amendment giving the President power to veto portions of an appropriation bill while approving others—if this recommendation was not intended merely to evade responsibility for the past and to cast an implied imputation upon the action of the Forty-second Congress on this subject, it will doubtless be his highest satisfaction to have this opportunity to vindicate his action and motives. I would propose to give it to him. I trust his friends and supporters will not deny it to him.

I am in favor of the provision of the bill maintaining the salaries of the judges as now fixed. I am in favor of this because we require—at least we have heretofore required—in these officers that "skilled mental power" so eloquently described by the honorable and learned gentleman from Georgia, [Mr. STEPHENS.] Heretofore we have demanded of them high character, great legal learning, unspotted moral worth. They may not engage in any of the ordinary pursuits of life. They may not better their fortunes by "accepting gifts," thereby imitating the example of him who by the common consent of the age in which he lived, and of all succeeding time, was

The brightest, wisest, *meanest* of mankind.

With reference to the pay of members of the Cabinet, with reference to the pay of employés of this House, I may have my doubts as to what the respective amounts should be; and that question could have been best settled by the process I suggested in the opening of my remarks—that is, by the *deliberate* consideration and report of a committee.

One word more, and I shall have finished. I have heard much on this floor in regard to "popular clamor." I have heard it denounced. I have heard it scouted at. I have heard gentlemen say they would defy it. I wish to say that for long years the people of this land have been astounded by frauds and corruptions in private life and in official position—in municipal, State and national affairs. Everywhere corruption and fraud have stalked abroad defiant and unpunished. Sir, the occurrences here during the last session of the Forty-second Congress, referred to in general terms by the gentleman from New York, [Mr. TREMAIN,] and more particularly by the honorable gentleman from Wisconsin, [Mr. ELDREDGE,] who addressed the House yesterday, did not do anything to calm this feeling in the mind of the public, but rather excited it still further. And this increase of salary was "the last straw which broke the camel's back."

Public clamor! What is it? It is the first evidence of that coming storm of public wrath which is rising all around and about us. He who conceives that he can withstand or defy its fury will find himself overwhelmed and undone. Yesterday, sir, it raged over the grand old Commonwealth which I have the honor in part to represent. It swept from her river which flows to the sea to that which empties into the Gulf; from her lake on the north to her southern borders. It has rendered forever hereafter impossible fraud in her elections, and has exorcised the corruption in her legislation which has heretofore cursed and degraded her.

This is what this public opinion has done for my State, and what when needed it will do for others; and when we bow to it, when we submit to it fairly and honestly, as we may and should, the people will rejoice, sustain, and approve.

I have exhausted my time and will trespass upon the attention of the House no longer.

Mr. TREMAIN. Mr. Speaker, I send up an amendment to the amendment, which I ask be read.

The Clerk read as follows:

And the Vice-President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney-General, the Postmaster-General, and the Speaker of the House of Representatives.

Mr. TREMAIN. Mr. Speaker, I concur entirely in the sentiments expressed by my colleague from New York, [Mr. HALE,] that the

President's salary stands upon an entirely different ground from the salary of members of this House. It was fixed at a time when $25,000 in gold was more than $100,000 to-day in producing the necessaries, the elegancies, and the comforts of life.

I am at a loss, however, to understand by what process the gentleman from Pennsylvania [Mr. CLYMER] calls upon this House to vote for a law which is unconstitutional, as we believe, under the expectation that the President would sign such a law and then leave it for the courts to determine as to its validity.

The object of my amendment is to leave the Cabinet officers and the second and third officers of this Government where they were left in the act which it is proposed to repeal. It is apparent from the temper of the House that the design is to establish a permanent rule regulating salaries for all future time, and we therefore ought to make it as just and as right as possible.

But, sir, I wish to say at the outset that the Speaker of this House does not desire, and I have the highest authority for saying it, that his salary should be increased. But we are establishing a rule not for him alone but for all coming Speakers. And in regard to the Cabinet officers and the other officers who are proposed to be left as they now stand under the act of March 3, 1873, I have heard no complaint anywhere that their salaries are too large. But in regard to the Cabinet officers, as I have already indicated, they have stood heretofore upon the same plane with the judges of the Supreme Court. We have placed their salaries at $10,000, which is for present and future judges, in all of which I concur. By common consent, then, the salary of Cabinet officers should be on the same foundation. They are unlike others; they can engage in no business; they spend their whole time at the capital; they have their families here; while we, with the exception of ten months out of twenty-four, are at liberty to engage in any other pursuits or avocations.

And as to the second and third officers of this Government it seems to me, in view of their dignity, it is eminently proper they and the judges and the members of the Cabinet should be put precisely upon the same level.

Therefore I hope, sir, as we are establishing a rule, we will not place the President of the United States in the humiliating position of saying to him, as we shall without these amendments, "We think you are receiving more than you are morally entitled to. You are receiving twice what your predecessors received and twice what any of your successors will receive."

I have no sympathy with any attempt to do indirectly in regard to the expenses of the President's department what we cannot do directly, by cutting them down and compelling the President to pay them out of his own purse. I think we ought to have a proper regard for the exalted dignity of that official without reference to the present incumbent, because we are legislating for the future. His salary should be $50,000; for when the salary was first established it was twenty-five times the amount then paid to members of Congress, who only received $6 a day, amounting to $1,000 a year, whereas now, with a salary of $50,000, he receives only, according to the reduced rate fixed by this bill, ten times the salary of a member of Congress. I hope, therefore, both amendments will be adopted.

Mr. LOWE. Mr. Speaker, I rise *pro forma* to oppose the amendment. In the five minutes to which I am limited I cannot enter upon a general discussion of this bill, and I shall not seek to contribute anything to the sensationalism of this debate; but, as one who participated in the legislation of the last Congress, I desire to express in the briefest manner my own position in respect to the subject under discussion. When the proposition to increase salaries was presented to the last Congress I was unable to give it my approval, not so much from any conviction that the increase proposed was disproportionate to the reasonable needs of Members and Senators in the efficient and honorable execution of the duties of their official life, as because I deemed it unwise and injudicious in the then existing state of the country, its finances, and its obligations, to enlarge expenditures in that direction, and I was of opinion that it was better for Congressmen, Senators, heads of Departments, and supreme judges to await the advent of more prosperous times before insisting upon more complete and adequate compensation. I therefore opposed and voted against the measure in all its preliminary stages; but after it had been attached to the general legislative, executive, and judicial appropriation bill by a majority vote of the House, and been approved by the conference committee of the House and Senate, I favored the adoption of the report, covering as it did other legislation of vital importance, the questions upon which could not be divided and the failure of which would jeopardize the entire bill. The circumstances and considerations which led me to the views I then entertained, adverse to the measure, still exist with increased force; and as the question is now again presented unembarrassed by complications with other legislation, I shall favor and vote for the reinstatement of the former rule of compensation, or any measure that approximates it.

Sir, although upon the hustings, and in much of the sensational journalism of the country, this subject has been largely discussed as involving a question of moral integrity, I insist that it is not actually such any more than is any other subject of legislation within the proper scope of congressional action. In view of the undoubted constitutional power of every Congress to fix the compensation of its own members, in view of the fact that that power has repeatedly been exercised by Congress, with the approval of the country, in the same mode as was done by the Forty-second Congress, and by the most honored names in our history, he must be a bold man, or a man ignorant or reckless of the facts of history, who would for that cause impute a want of personal or official integrity. Whether the legislation of 1873 upon this subject was wise and judicious or not, if those who participated in its enactment are to be impaled in obloquy by reason of its retroactive features, then it is an obloquy that must be shared by the members of the Thirty-fourth and of the Thirty-ninth Congresses, and they, embracing such names as Solomon Foote, John P. Hale, Charles Sumner, Henry Wilson, William H. Seward, John J. Crittenden, Benjamin F. Wade, Stephen A. Douglas, Hannibal Hamlin, Lyman Trumbull, William Pitt Fessenden, E. B. Washburne, Robert C. Schenck, and Thaddeus Stevens, must likewise be placed in attainder of perpetual reproach; for of these, and all the other members of Congress in 1856 and 1866, some voted for, and all (with one exception) received the benefits of, the retroactive salary bills of those years. Such names as these cannot be divided from the glory of our history, and no principle can be just the application of which would consign them to reproach. If in principle there was any difference between the act of 1866 and that of 1873, it would certainly have been sharply developed in the course of this debate; but even the industry and acumen of the eloquent gentleman from Ohio [Mr. LAWRENCE] have been unable to discover any distinction, and when pressed upon the point he is compelled to concede that the only difference between the two is that one was more generally approved than the other.

Frequent reference is made to the alleged public will of the country upon this subject. It is true, sir, that it has been the subject of wide discussion, and while no one doubts the fact that the adverse criticism has largely proceeded from honest conviction and patriotic effort and purpose in the direction of a just administration of government, it is not necessary to disguise from ourselves the fact that no inconsiderable portion of illiberal criticism has been the offspring of personal and political hates and rivalries and personal and political ambitions. Still, after making due allowance for that which is only the unconsidered vituperation of speech and pen, and which entitles itself to no consideration, I think in fairness it must be conceded that the settled judgment of the country insists upon a reinstatement substantially of the old law. To the considered and well-ascertained judgment of the country, upon any proposed subject of lawful legislation, I should be disposed to defer, even if my own views were otherwise. But in addition to the considerations originally involved in this subject, the question comes upon us now, when the condition of the country demands our earnest efforts in the direction of retrenchment and a husbanding of the resources of the country, and whatever may be our own views of the value of congressional services, we cannot do better than to begin economy and retrenchment with ourselves.

Mr. DAWES rose.

The SPEAKER. Debate is exhausted on the pending amendment.

Mr. DAWES. I will ask the gentleman from New York [Mr. TREMAIN] to withdraw his amendment to the amendment, and I will renew it.

Mr. HOLMAN. I hope the gentleman will not withdraw the amendment. Let us have a direct vote on the proposition. It stands in the way of other amendments to the bill, and I object to its being withdrawn.

Mr. DAWES. I should like to be heard a very few moments.

Mr. HOLMAN. I withdraw my objection for the present to allow the gentleman from Massachusetts to be heard.

Mr. DAWES. I renew the amendment *pro forma*, for the purpose of saying a few words. I am opposed to the amendment and the amendment to the amendment. I am opposed to it for the reasons I submitted the other day, re-enforced by the condition of the Executive Departments of this Government, and desiring to stand in defense of those officers against this legislation.

Sir, I feel at liberty to say that nothing could be so unfortunate as for us in this condition of affairs to insist upon putting these officers in the position of clutching at increased salaries with one hand and gathering in new taxes with the other—coming to Congress and imploring Congress to meet the current expenses by the imposing of new burdens upon the people, and in the next voice standing up here and claiming that they of all others shall hold on to this increased salary. No such unfortunate position as that shall be assumed by my aid. I take the liberty to say in behalf of all those men that they are in heart and in spirit with us in the desire to cut down every unnecessary and extravagant expenditure, whether it be in salaries or anything else; and the day will come——

Mr. TREMAIN. Will the gentleman allow me to ask him a question?

Mr. DAWES. I yield to the gentleman for a question.

Mr. TREMAIN. Has the gentleman the authority of any member of the Cabinet to say that he is opposed to these being the salaries for the future?

Mr. DAWES. I have the authority in the character of all those men to say that they will not stand up before this country and insist that we shall proceed to increase the burdens of the people in order to meet this increase of their own salaries while we cut down our own and all others. That is my authority. If my friend finds nothing in the character of the men who hold these high positions that justifies

him in standing by my side in vindicating them against the position into which they are thus forced, he misrakes them. Sir, the people of this country have confidence in these men. The people of this country believe that they are in those places, not for the sake of the filthy lucre that is attached incidentally to their position, but they are there to serve their country—to take its sacrifices as well as to take its honors. And that is why I have striven for the floor—solely in vindication of their honor here in this House against the position into which they are forced by this attempt.

I will not go before the people of this country and say that these men desire to have their salaries held up to this extravagant increase which the people have condemned, and that at the same time they come here and desire us to tax the people anew to find the means for paying them.

[Here the hammer fell.]

Mr. WOOD. Will the gentleman from Massachusetts permit me to ask him a question before he takes his seat?

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. WOOD. I merely desired to ask the gentleman from Massachusetts whether the President has drawn his back pay.

Mr. DAWES. Why, sir, I know nothing about such things. [Laughter.]

Mr. STORM. I rise to oppose the amendment *pro forma*.

I supported the act of March 3, 1873, and am willing to take my stand by that action. But if the system of reduction is to go on, and if the salaries of members of Congress are to be struck at in this way, then I am willing to go through the whole scale and reduce all the salaries that were increased by that act, including the President's salary, and the salaries of the Vice-President, the Speaker of the House, and the members of the Cabinet. If reduction is to be made I am willing to go back to the old law as it stood prior to March 3, 1873.

But I wish particularly to call the attention of the House to this fact. Much abuse has been heaped upon the action of the Forty-second Congress. I stand here to vindicate the action of that Congress with reference to the salary bill which took the form of law on the 3d of March, 1873. I believed that action just; I believed it to be right and fair; and I believe it to-day. And I see nothing in the condition of things, nothing in the circumstances of the times, to change my opinion, save the public clamor which has been raised against the action of that Congress.

Three great abuses came down from former Congresses which that Congress undertook to meet and remedy. These were the franking privilege, the mileage system, and the stationery abuses. I say that those three abuses had defied the action of many preceding Congresses; and the Forty-second took up those questions and disposed of them in a way that met the popular demand. In a communication made to this House by the Postmaster-General, on the 12th of January, 1871, he stated that the single abuse of the franking privilege alone amounted to the sum of $2,523,000, making a sum, if divided among the different members, equal to over $7,500; and yet which of all the newspapers that have been heaping abuse upon the action of the Forty-second Congress has ever stated that the Forty-second Congress, by repealing that franking privilege alone, made a saving to the people larger than the whole increase, larger than all the compensation received by members of Congress at the present time?

Not one of them has ever given to Congress credit for repealing an abuse which had been arraigned by public men of the past and of the then existing time. Horace Greeley had spent most of his life in arraigning and condemning the franking privilege; and I tell the gentlemen to-day who have voted to reduce salaries that they are only preparing the way for the restoration of that enormous abuse. This bill will hardly go out of the House before I expect to see some gentleman rise here and propose to restore that abuse. If gentlemen are willing to take the responsibility of that restoration they may do so, but I never will. Then there was the mileage system, which cost for each member in each Congress $900. They propose to restore that. I am not in favor of it. I believe that the act of March 3, 1873, should rather have been called an equalization of salaries than an increase of the same, because that is what it was.

I think, sir, that three things have been established in this debate, either by admissions or by countervailing arguments which have been presented. The first is that the act of March 3, 1873, was sanctioned by the Constitution. That is not denied, and the provision of the Constitution which sanctioned it did not get in there by chance; it was discussed in the Convention, it was discussed by the people of the States before they ratified it, and the Constitution supports and sanctions the action of the Forty-second Congress on this question. Another thing demonstrated is that that measure had for its support a line of unbroken precedents from the origin of the Government down to this time; that every Congress that had heretofore passed on the question had done precisely what the Forty-second Congress did; and yet which of the newspapers or which of the demagogues who have been abusing that Congress has ever given us credit, or given the public information of what was the action of prior Congresses on this subject? They have been silent on that subject which would cover with disgrace the memory of our best Presidents, of the purest statesmen that have ever lived.

Another thing that has been established here by the argument is that $7,500 is not an increase of our pay; that it is less compensation than $5,000 with the franking privilege, with the stationery allowance, and with the mileage abuse added to it. It is only a fair, honest, honorable salary which can be understood by the people. But when you put it back to $5,000, and restore the franking privilege and the mileage and stationery abuses, you will increase the salary beyond and above what it was fixed on the 3d of March last. I have said thus much because I have been abused, and my colleagues who acted with me have been abused, for our action on this question. My colleagues have been hissed into silence in the convention of our State, and we have had no fair hearing; and I am glad that this debate has furnished an opportunity for vindicating the action of the last Congress.

I desire to say, Mr. Speaker, that I am willing to bow to what is called public opinion on this question. And I do it without complaining, and would have done it in silence had not the public press forgotten its high functions of giving correct information on this important subject. It has suppressed the truth for the purpose of putting in a false position men who have ever maintained good characters for honesty and purity in all their public acts. They have been ruthlessly assailed as "thieves" and "grabbers" for doing that by which, if it had been fairly presented, none of this clamor would have been raised. The facts on both sides have now gone to the country, and I am willing to abide by the second sober thought of all good and honest people.

I have voted to repeal the act of March 3, 1873; but I shall oppose at all times any attempt to restore the abuses which that act repealed.

[Here the hammer fell.]

Mr. TREMAIN. I propose to modify my amendment at the express request of the Speaker of the House, who desires that his name shall not be included in it. I therefore propose to strike out the words "the Speaker of this House."

The SPEAKER. The gentleman has a right to modify his amendment. The gentleman from New York [Mr. HALE] moves to strike out the words "during his present term of office," so as to leave the salary of the President of the United States untouched. The gentleman from New York [Mr. TREMAIN] moves to add to that the Vice-President of the United States and the members of the Cabinet, so as to leave their salaries at $10,000. The first question is on the amendment to the amendment.

Mr. COX. I call for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 75, nays 191, not voting 19; as follows:

YEAS—Messrs. Albert, Albright, Archer, Averill, Bradley, Benjamin F. Butler, Roderick R. Butler, Cessna, Freeman Clarke, Clayton, Clinton L. Cobb, Crooke, Darrall, DeWitt, Eames, Eldredge, Farwell, Field, Freeman, Frye, Garfield, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Hathorn, Hays, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hooper, Houghton, Hubbell, Kelley, Kellogg, Kendall, Lamport, Lansing, Lewis, Lofland, Lowndes, Maynard, MacDougall, McJunkin, Morey, Myers, O'Neill, Page, Parsons, Pelham, Pendleton, Phelps, James H. Platt, jr., Poland, Potter, Randall, Richmond, Ross, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sloss, Smart, Stanard, Stephens, Stowell, Thornburgh, Townsend, Tremain, Waddell, Wallace, Marcus L. Ward, White, and John M. S. Williams—75.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barber, Barrere, Barry, Bass, Beck, Bell, Berry, Biery, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, Caldwell, Cannon, Cason, Amos Clark, jr., John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Cox, Creamer, Crocker, Crossland, Crounse, Crutchfield, Curtis, Danford, Davis, Dawes, Dobbins, Donnan, Duell, Dunnell, Durham, Eden, Elliott, Fort, Foster, Giddings, Glover, Gooch, Gunckel, Hamilton, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, Hersey, Holman, Hoskins, Howe, Hunter, Hunton, Hyde, Hynes, Jewett, Kasson, Killinger, Knapp, Lamar, Lawrence, Lawson, Leach, Loughridge, Lowe, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McKee, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Neal, Nesmith, Niblack, Nunn, O'Brien, Orr, Orth, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Perry, Phillips, Pierce, Pike, Thomas C. Platt, Pratt, Rainey, Ransier, Rawls, Ray, Read, Rice, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Sener, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Southard, Speer, Sprague, Standeford, Starkweather, Stone, Storm, Strait, Strawbridge, Swann, Taylor, Thomas, Todd, Tyner, Vance, Waldron, Walls, Jasper D. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—191.

NOT VOTING—Messrs. Barnum, Begole, Bland, Crittenden, Hurlbut, Lamison, Mitchell, Negley, Niles, Purman, Rapier, James C. Robinson, Sheats, William A. Smith, St. John, Sypher, Ephraim K. Wilson, Wood, and Woodford—19.

So the amendment to the amendment was not agreed to.

Mr. BUTLER, of Massachusetts, when his name was called, said: Under the instructions of my State I vote "ay." [Laughter.]

Mr. HALE, of Maine. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

The SPEAKER. The Chair would suggest that, as the House is proceeding as in Committee of the Whole, the motion to reconsider need not be made.

Mr. HALE, of Maine. I withdraw the motion.

Mr. POLAND. I move to amend section 2 of this bill by adding what I send to the Clerk's desk to be read.

The Clerk read as follows:

And all moneys paid to Senators, Representatives, or Delegates of the Forty-third Congress under the provisions of said act of March 3, 1873, as increase of salary for the Forty-second Congress, shall be charged and reckoned as part pay-

ment of their compensation as members of the Forty-third Congress; and that within ten days after the passage of this act the Treasurer of the United States shall forward by mail to each member of the Forty-second Congress (who is not a member of the Forty-third Congress) who received additional compensation under said act of March 3, 1873, a written or printed notice, informing him of the repeal of so much of the said act as gave such increased pay, and also stating the sum thus paid to such member, and requesting such member to repay the same to the Treasury; and within ninety days thereafter said Treasurer shall report to each House of Congress the names of all such members, the sum paid to each, the names of those who have repaid, and all replies received to such notices.

Mr. MAYNARD. That is not germane to the pending amendment.

The SPEAKER. It is not in order at this time. The pending question is upon the amendment of the gentleman from New York [Mr. HALE] to strike out of section 1 the words "during his present term of office," in relation to the salary of the President.

Mr. HOLMAN. On that question I call for the yeas and nays.

The yeas and nays were ordered, there being 55 in the affirmative—one-fifth.

The call of the roll was commenced, and after a response had been made,

Mr. WHITE said: Is it in order for me to read a clause of the Constitution in relation to this subject? If so, I desire to call the attention of members.

The SPEAKER. After the roll-call has been begun and a response given by a member debate is not in order.

The roll-call was then completed; and there were—yeas 71, nays 185, not voting 29; as follows:

YEAS—Messrs. Albert, Albright, Archer, Averill, Barber, Biery, Bradley, Benjamin F. Butler, Roderick R. Butler, Cessna, Freeman Clarke, Clinton L. Cobb, Cook, Crooke, Curtis, DeWitt, Eames, Farwell, Freeman, Garfield, Eugene Hale, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Hathorn, John W. Hazleton, E. Rockwood Hoar, George F. Hoar, Hooper, Houghton, Hubbell, Kelley, Kellogg, Kendall, Lamport, Lansing, Lofland, Lowe, Maynard, MacDougall, McJunkin, Moore, Morey, Myers, O'Neill, Packard, Parsons, Pelham, Pendleton, James H. Platt, jr., Randall, Richmond, Ross, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sloss, Smart, H. Boardman Smith, Stephens, Stowell, Thornburgh, Townsend, Tremain, Waddell, White, John M. S. Williams, and Woodford—71.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barrere, Bass, Beck, Begole, Bell, Berry, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Cain, Caldwell, Cannon, Cason, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Corwin, Cotton, Cox, Creamer, Crittenden, Crocker, Crossland, Crounse, Crutchfield, Danford, Davis, Dawes, Dobbins, Donnan, Duell, Dunnell, Durham, Eden, Field, Fort, Foster, Frye, Giddings, Glover, Gooch, Gunckel, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, Hendee, Hereford, Herndon, Holman, Hoskins, Hunter, Hunton, Hyde, Hynes, Jewett, Kasson, Killinger, Knapp, Lamar, Lawrence, Lawson, Leach, Loughridge, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, McKee, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Nesmith, Niblack, Nunn, O'Brien, Orr, Orth, Packer, Hosea W. Parker, Isaac C. Parker, Perry, Phelps, Phillips, Pierce, Pike, Thomas C. Platt, Poland, Pratt, Rainey, Ransier, Rawls, Ray, Read, Rice, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Milton Sayler, Sener, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, Snyder, Southard, Speer, Sprague, Stanard, Standeford, Starkweather, Stone, Storm, Strait, Strawbridge, Swann, Taylor, Thomas, Todd, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—185.

NOT VOTING—Messrs. Barnum, Barry, Bland, Darrall, Eldredge, Elliott, Hersey, Howe, Hurlbut, Lamison, Lewis, Lowndes, Mitchell, Negley, Niles, Page, Potter, Purman, Rapier, James C. Robinson, Sheats, George L. Smith, J. Ambler Smith, John Q. Smith, William A. Smith, St. John, Sypher, and Marcus L. Ward—29.

So the amendment was not agreed to.

Mr. BUTLER, of Massachusetts, when his name was called, said: Under instructions I vote "ay." [Laughter.]

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 478) to provide for the redemption of the loan of 1858.

SALARY BILL.

The House resumed the consideration of the salary bill.

Mr. POLAND. I now offer the amendment I indicated some time since.

Mr. HOLMAN. I think the amendment of the gentleman from Vermont [Mr. POLAND] contains two separate and distinct propositions. If it is not divisible I ask the gentleman to allow me to move a substitute for his amendment.

Mr. POLAND. I have no objection to its being divided, if it can be done, and a separate vote taken on each portion.

Mr. HOLMAN. I think the amendment which I have drawn up is a little more practicable than that of my friend.

Mr. BECK. I desire to ask my friend from Vermont [Mr. POLAND] whether he thinks there is any power in this House to take from the members of the last Congress who are not members of this Congress the money they have drawn under the bill of the last session?

Mr. POLAND. My amendment does not propose to do that.

Mr. BECK. You do not propose to take it from them. They have a constitutional right to hold it. Then why, if they have a constitutional right to hold it, as well as the President of the United States has to hold his, does the gentleman undertake to insult them behind their backs and dare not put the same proposition to the President?

Mr. POLAND. If the gentleman will wait until I have explained my amendment he will understand what I mean by it.

Mr. HOLMAN. I ask that my proposed amendment be read for information.

The Clerk read as follows:

And provided further, That the amount which shall have been received by any Senator, Representative, or Delegate of the present Congress who was a Senator, Representative, or Delegate of the Forty-second Congress, as increased compensation known as "back pay" for the Forty-second Congress, by virtue of the said act approved March 3, 1873, shall be deducted in equal monthly installments from the salary of such Senator, Representative, or Delegate hereafter accruing during the present Congress under the provisions of this act.

The SPEAKER. The amendment just read cannot be entertained at the present time.

Mr. WILSON, of Indiana. I wish to offer an amendment.

The SPEAKER. Does the gentleman from Vermont [Mr. POLAND] propose to speak to this amendment, or does he yield to the gentleman from Indiana to have his amendment read?

Mr. POLAND. I have no objection to allowing the amendment of the gentleman from Indiana to be read.

Mr. WILSON, of Indiana. I wish to offer my proposition as an amendment to that of the gentleman from Vermont.

Mr. POLAND. I cannot accept it as such.

The SPEAKER. The amendment sent up by the gentleman from Indiana will be read.

The Clerk read as follows:

Provided, That if any member of this House has received fees from the United States since the 4th of March last, pursuant to an act entitled "An act to authorize the continued employment of an agent and counsel of the United States," approved March 3, 1873, the amount thereof shall be deducted from his salary as a member of the Forty-third Congress; and if such fees have not yet been paid the payment thereof, either directly or indirectly, is hereby prohibited.

Mr. SPEER. I ask the gentleman from Indiana to state whom that amendment would hit?

Mr. WILSON, of Indiana. That would not be a part of the amendment. [Laughter.]

Mr. SPEER. The House ought to know.

Mr. POLAND. Mr. Speaker, this House has already decided by a hundred majority that the increased compensation allowed to members of Congress by the act of last March shall be repealed, and that every member of this Congress shall account upon his salary for this Congress for the compensation he has received at this larger rate since the 4th of March last. This is said to be in obedience to the popular judgment. My amendment proposes to provide that each member of this Congress who was a member of the last Congress, and who received an increase to his compensation in that Congress, shall also account for the same upon his salary for the present Congress.

I offer this proposition in obedience to that same popular judgment. Every man on this floor understands that the popular outcry against the increase of salaries was mainly directed against that portion that was called "back pay;" and if we design in good faith to carry out the popular judgment, we must, so far as it is in our power, compel every man who received that "back pay" to account for it upon his present salary, or in some other way.

So far as the "back pay" is concerned, I do not claim that by repealing the law we can authorize a suit to be brought and recovery had in any court to get that money back into the Treasury. But I do claim that we have perfect authority to provide for a deduction of the amount of that "back pay" from the salary of present members of this House; and what we have already decided by a hundred majority is a perfect precedent for such action.

Nobody would pretend—at least I would not, and I do not think any other man would—that by repealing the law we could authorize an action to be brought against any member of this House who has been drawing this increased salary monthly since the 4th of March last. It is only by applying the increase upon the salary for the future that we can reach the result; and there is no greater legal difficulty in compelling members of this House to account for the increased salary received during the last Congress, than in requiring them to account for the increased pay drawn for the term beginning last March.

Mr. HALE, of Maine. Will the gentleman permit me to ask him a single question, directly in the line of his argument?

Mr. POLAND. Yes, sir.

Mr. HALE, of Maine. Does the gentlemen believe that we have a right to pass an act affecting the pay of members in such a way as to leave the salary of some members at one rate, while that of other members of the same Congress is fixed at another rate?

Mr. POLAND. Mr. Speaker, I am proposing that the salaries shall all be fixed at the same rate. Under my proposition every member is to receive exactly the same amount of money. It is entirely immaterial whether we can or cannot lay the foundation of an action to recover the money by repealing the law. We propose to say to certain men, "You have so much money in your hands which in equity and good conscience you ought to account for."

Mr. HALE, of Maine. Does not the gentleman propose to make a deduction from the pay of some members, and not from the pay of others?

Mr. POLAND. With but five minutes allowed me, I cannot stop to have a colloquy with the gentleman. I will only say that I propose to make the salaries equal. And at any rate, as I argued the other

day, I believe that under the Constitution we have a perfect right to make the salaries unequal if we choose.

But I want to say a word to every man who received the back pay, and I am myself in that category. If Congress should provide by law that the salary shall be put back at the old figures, $5,000 a year, is there any man here who can stand up and say that he can or dare retain this accidental $5,000 which dropped into his pocket between the two Congresses? I say that the true course for every man in this position is to vote for my amendment, and to account upon his salary for the increase he has drawn. There is not a man who can keep that money in his pocket if the proposition which has already been adopted in this House by a hundred majority should become a law.

I want to say a word also to the men who have at this session come into Congress for the first time. This House has already, by a hundred majority, said that for this increase of salary which you have thus far received under the law you shall account upon your salary, although we have no authority to authorize its recovery at law. We have the same right to say that every man who, for the last Congress, and under the same law, received an increase of $5,000 shall account for it in the same way.

A word as to the other part of my amendment, which relates to those men who have gone out of Congress. I admit we cannot legally reach them. We cannot authorize an action to be brought against them; we cannot bring them into court and make them account for the increase of pay which they have received. But when we repeal the law under which they received that increase, when we have compelled every man within our reach to restore the increase of pay which he has received, if we provide that the Treasurer of the United States shall give these men official notice that the law has been repealed, with a request for them to make restitution, that money will burn in their pockets, (if it is still there,) so that they cannot keep it there.

I tell you, Mr. Speaker, this is not a mere *brutum fulmen*. It is a pretty efficient legal remedy against those men. If any of them look to any political future they will heed such a request of the Treasurer of the United States.

Mr. BECK. I ask the gentleman from Vermont whether he thinks the President's money will burn in his pocket?

Mr. POLAND. That question, Mr. Speaker, is hardly germane to the present amendment.

Mr. STORM. Let me ask the gentleman where has he kept his money during all that time?

Mr. POLAND. I have already said that I was not one of those who returned back pay. If this Congress had said $7,500 was the proper salary to be maintained for members of Congress I should have felt under no conscientious obligation to have returned it; but when this House has, by one hundred majority, said that the raising of salary was wrong, and we must go back to the old figures, I do not think I should have had the hardihood myself to keep that $5,000; and I do not believe there is a member who would do so.

The SPEAKER. The gentleman's time has expired.

Mr. ELDREDGE. I should like to ask the gentleman from Vermont whether he has been burned by the back pay which he has taken, and whether he now complains because of that burning upon his conscience and in his pocket. [Laughter.]

Mr. POLAND. There has been a considerable change of circumstances within a day or two. [Great laughter.]

Mr. WHITEHOUSE. Mr. Speaker, I have listened during this whole discussion with a great deal of interest. Being a new member, I come here perfectly untrammeled, to speak and to vote according to the best light which may be thrown upon it by the debates which have already taken place; and it is my wish and intention to act consistently with my duty as a member upon this floor. I must say, then, notwithstanding all which has been said so far by the advocates and defenders of the act of March 3, 1873, that in my judgment they have entirely failed to vindicate themselves. And although I dislike, as a new member in this House, to say anything which would seem to reflect severely upon my predecessors, still in justice to my own convictions of duty and my own opinion of what are the wishes and the interests of the people I represent, I must declare that the law increasing salaries was injudicious, unwise, impolitic, and uncalled for.

Now, Mr. Speaker, the gentleman from New York, [Mr. TREMAIN,] whose constituent I am, according to his declaration made the other day, and who represents four million people, and thirty-two members upon this floor, in advocating the amendment this afternoon does not, in my opinion, correctly represent the people of his State. Does he remember the action of his own State convention last fall? Did they not set the seal of their condemnation upon it? Although the gentleman was elected a year ago last fall, he ran some seventeen thousand votes behind his ticket; and when the Administration party went before the people in our State last fall, every man upon our State ticket, supported by the united vote of democrats and liberals, was triumphantly elected. Therefore I say I represent my constituents in denouncing the act of March 3, 1873; and I believe, sir, that I truly represent the people of my own State in this regard, without reference to party or party affiliations.

It is time, Mr. Speaker, that economy should be practiced in Government expenditures; and where can it commence better than in this House? While the great industrial interests of the country are almost paralyzed; while the laborers of the country are almost all out of employment; while mechanics' tools lie idle in their shops; when the busy hum of machinery no longer greets the ear—when such is the condition of affairs why should we not have economy here? And I tell you, sir, that economy should commence in this House by repealing the whole salary bill as far as it may be constitutionally done. I only regret we cannot reach the salary of the Executive himself.

The gentleman from Ohio [Mr. GARFIELD] during the debate the other day mentioned incidentally that the whole expenses of the Government for the fiscal year ending June, 1872, was $26,700,000, and he appeared to think that was a mere bagatelle. The fact is, a great many gentlemen have been members for so many years, and have so lavishly voted away the hard earnings of the toiling millions of the people, that they consider $26,000,000 but a very small amount. With $300,000,000 to carry on the Government and to pay the interest upon the public debt it is time the people should be looking at this question, and they are looking earnestly to see what our action will be. We should practice economy; and when we do put ourselves right upon the record, then, and not till then, can we go before the people asking for further taxation to meet the increased expenditures of the Government. The people showed themselves loyal and true during the trying days through which we passed in maintaining the national honor and the national credit, and they will not fail in this emergency. We have seen what they will do because the present administration, having failed to do its duty in this regard, the people spoke out loudly against them in the last elections.

[Here the hammer fell.]

Mr. HOLMAN rose.

Mr. WHITEHOUSE. Just one minute more. This bill is not all I desire——

Mr. PLATT, of Virginia. I object to any extension of time.

Mr. WHITEHOUSE. This bill is not all I desire; but it is the opening wedge. It will rest on a foundation as solid as granite itself, for it rests upon the intelligence and integrity of the American people, who, at their own time and in their own way, will apply their power at the purchase, and will lift from its foundation the fabric of extravagance and corruption which has come to us as one of the inheritances of our civil war.

Mr. HOLMAN. I offer as a substitute for the amendment of the gentleman from Vermont [Mr. POLAND] what I send to the Clerk's desk.

The Clerk read as follows:

And provided further, That the amount which shall have been received by any Senator, Representative, or Delegate of the present Congress who was a Senator, Representative, or Delegate in the Forty-second Congress, as increased compensation for the Forty-second Congress, by virtue of the said act approved March 3, 1873, and has not been returned to the Treasury, shall be deducted, in equal monthly installments, from the salary of such Senator, Representative, or Delegate hereafter accruing during the present Congress, under the provisions of this act.

Mr. WILSON, of Indiana. I ask my colleague to allow me to offer my amendment.

Mr. HOLMAN. I understand that the gentleman from Vermont [Mr. POLAND] accepts my substitute.

Mr. POLAND. There seems to be some question in the minds of some gentlemen as to the last part of my amendment; I am willing to accept the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. WILSON, of Indiana. I hope that my colleague will now allow me to offer my amendment.

Mr. HOLMAN. Is it the same that my colleague offered before?

Mr. WILSON, of Indiana. It is.

Mr. HOLMAN. My colleague must know that the gentleman from New York, to whom his amendment refers, was authorized to receive his compensation by act of Congress.

Mr. WILSON, of Indiana. I did not name the gentleman from New York.

Mr. HOLMAN. I hope my colleague will not insist upon that amendment. If he does, of course I should be compelled as a matter of courtesy to yield to him. But my colleague must see another thing. His amendment is not in order. The purpose manifestly in view——

Mr. WILSON, of Indiana, and Mr. PLATT, of Virginia, rose.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is entitled to the floor, and is the only gentleman entitled to it. The rules recognize but one gentleman on the floor at one time. The gentleman from Indiana [Mr. HOLMAN] will proceed.

Mr. HOLMAN. Mr. Speaker, I have not hitherto taken part in this debate, but I desire to say a few words in support of the proposition I have submitted—a proposition necessary for the complete repeal, as to members of Congress, of the salary law. If there be any one thing the House clearly understands it is that the whole country, forming an opinion upon well-considered facts, has condemned the action of Congress in the passage of the measure generally known as the salary act of the 3d of March, 1873; and that the country demands that Congress shall repeal that increase of salary, shall retrace its steps, and restore things to their former condition as completely as it can be done under the Constitution. Every utterance of the people demands this—the public press, public conventions of all parties, and, as far as it could be done, the ballot-box. It is not "public clamor," but the deliberate judgment of the people. I do not understand gentlemen when they call in question the right of the people to direct their own affairs. I understand this to be a Government of the people for the people. It is their own Government; and I hold it to be the duty of the Repre-

sentative, when he ascertains the deliberate and well-considered opinion of his constituents on a question of public policy clearly defined—not the result of the passion of the hour, but of deliberation—to acquiesce in it, and act upon it in his representative capacity; and if he is not able to do so in conformity with his own sense of what is right and proper, he should restore the trust to those who delegated it to him. Without this obligation of the Representative to his constituents, a government of the people would become practically impossible.

The people demand the repeal of this salary law. Can any reasonable man deny that this is the deliberate public judgment? They demand, as far as it can be done, repeal and restoration. It is not only the "back pay," but the permanent increase of salaries that is condemned. For myself, I concur in this public judgment. I opposed by speech and vote this salary act, and did not receive the retroactive salary. My own conviction is, and always has been, that the former pay of a member of Congress was a very ample compensation. All the salaries paid by this Government were ample, and generally more than ample. There was no justification of any increase; indeed, the argument was in favor of reduction. The legislation of the years since the war justified public alarm. Unless the people were prepared to assert their rights, and resist the ever-growing profligacy of expenditure, their Government was doomed to be overwhelmed by the remorseless flood of corruption. If the people themselves had not shut down the flood-gates of improvident and corrupting appropriations from their Treasury, there is no depth of public dishonor and demoralization which would not have been reached in the early future. The popular voice of alarm was not raised a moment too soon. This salary measure awoke the nation from a deadly repose. Did the country suppose it possible that, with the remorseless growth of expenditure, there could still be purity in public affairs?

Sir, if there are to be purity, integrity, honesty, and honor in the administration of our affairs in the future, there must be not only economy but parsimony in your expenditures. Such is the lesson which the purer and better days of this Government teach to the present hour, and such is the lesson of all history. Corruption and venality—the outgrowth of vast expenditure—may give strength to monarchy, but they are death to a republic; for integrity in public affairs is the solid rock on which a republic rests. Your expenditures will either be frugal or profligate; there is no half-way ground. If frugal, honor and integrity will control your affairs; if profligate, the nation will groan under taxes that a few may grow excessively rich.

Do you imagine that while Senators and Members of this House are drawing large salaries, greatly beyond the compensation in corresponding private employments, it is possible to have economy in government? And do gentlemen imagine that it is possible to have purity in government without economy in government? Economy and purity in the administration of affairs are convertible terms. The argument of the present hour is unanswerable. With vastly increased expenditure year after year, the standard of public honor year after year declined. The country demands that Congress retrace its steps.

This bill, as now amended, accomplishes that object substantially, except as to the retroactive salary; but one step further is required, so far as gentlemen still in Congress are concerned, and that is embodied in the amendment which I have submitted, now under consideration. The amendment is as follows:

And provided further. That the amount which shall have been received by any Senator, Representative, or Delegate of the present Congress who was a Senator, Representative, or Delegate in the Forty-second Congress, as increased compensation for the Forty-second Congress, by virtue of said act approved March 3, 1873, and has not been returned to the Treasury, shall be deducted, in equal monthly installments, from the salary of such Senator, Representative, or Delegate hereafter accruing during the present Congress, under the provisions of this act.

With this amendment the bill will stand with the salary at $5,500, all perquisites cut off, and the back pay and increased pay of all members of this Congress covered into the Treasury or provided for. I do not think that any gentleman can object to this proposition, for certainly no gentleman can doubt that the public judgment demands it. Nothing else will fully satisfy the people. This would be a virtual restoration of the former law as to members of Congress.

Speaking for my own constituents and for that great body of citizens with whom I have ever acted—the democratic party—I unhesitatingly assert that on this subject there is, on their part, but one voice, that this salary law must be repealed and restoration made, so that the compensation of members of the last Congress who are members of this Congress shall be upon the basis of the old law. And they further declare that the integrity and purity of this Government demand an actual reduction of these and all other official salaries which have been from time to time increased under the financial inflations of the late war. Their judgment is, that in consequence of the redundant currency of the war, official salaries, in common with all other forms of expenditure, have grown vastly beyond a just compensation, and that a proper regard for the public interest demands a reduction commensurate with the reduced cost of living and the general shrinkage of values.

The Committee on Ways and Means, in my judgment, will find no difficulty in saving that $42,000,000 deficiency in the revenues if they will go to work bravely and lay the ax at the root of the prevailing evil—examine expenditures, and reduce the expenses which have grown up under the excessive currency of the war to the actual wants and necessities of the country. With reasonable economy there is no necessity for increased taxation. It is economy and not increased taxation that is demanded.

[Here the hammer fell.]

Mr. HALE, of Maine, and Mr. BECK rose.

The SPEAKER. The Chair recognizes the gentleman from Kentucky, and after he is through will recognize the gentleman from Maine. Under the regulation of the debate proceeding as in Committee of the Whole, the gentleman from Indiana [Mr. HOLMAN] cannot demand the previous question until the amendment shall have been spoken against.

Mr. BECK. If the gentleman from Maine will give me five minutes of the hour allotted to him to close the debate, I will say nothing now.

Mr. HALE, of Maine. I will agree to do that.

The SPEAKER. The Chair, then, recognizes the gentleman from New York, [Mr. PERRY,] the only other gentleman whom he knows of who desires to be heard.

Mr. PERRY. Mr. Speaker, it is well known that I do not often occupy the attention of the House with speeches, and that I claim no honors conferred on me in that line; but upon matters of such moment as are now under discussion I have views which I wish to put forth in the plainest manner and fewest words.

In the matter of salary increase and the franking privilege I have a desire to put myself on record. In my opinion the salary bill passed at the last session of the Forty-second Congress ought to be repealed and the pay fixed at $5,000 per annum, with the franking privilege restored so far as to cover all public documents which Congress orders printed for the information of the people, and all letters and papers to and from members which are strictly connected with official business.

As to the matter of newspaper postages, I have a word to say on that subject. It was found after the adjournment of the Forty-second Congress that in repealing the law relative to the "franking privilege" the clause which gave newspapers free circulation in their respective counties was also annulled, and although this was not intended by Congress, it has, nevertheless, operated very injuriously, and especially upon the country press.

In its practical effect it has compelled the publishers of the country press in many instances, more than can be specified, to pay postage on their papers, and has thus diminished in many cases what was at the most a slender income and a limited local circulation. Subscribers of long standing have been known to say to the publisher, "stop my paper, for I cannot pay postage." The publisher will lose the subscriber unless he reduces his rates, which he cannot do, or pays the postage directly or indirectly, neither of which can he afford to do.

There is also the injustice of favoring the city press at the expense of the country press, village papers, for instance, and I will mention Schoharie County, a part of my district. Papers cannot be delivered from the village post-office, to which they are sent directly from the printing office, without paying as much postage as is paid on a paper from the city of Washington, which must be conveyed nearly four hundred miles in Government mail-bags. The law discriminates injuriously against the country press, which every member knows ought to be sustained. Country papers are as important to their localities as city papers are to cities, and they deserve all the more encouragement because, as their sphere is limited, their influence is more direct.

It seems to me, Mr. Speaker, to be eminently proper and right to restore to all the press throughout their respective localities the privilege of free circulation, and not deprive them of any advantages they have heretofore enjoyed in extending knowledge and information broadcast throughout our land.

If I am not mistaken, it costs the Government really no more for transmission than would have to be paid for carrying the mails if they were not transmitted at all, as it does not enhance the amount paid for mail contracts. It is thus merely a revenue tax upon the press from which they ought immediately to be relieved.

Mr. HALE, of Maine. I now do what I believe nine members out of ten desire me to do, and call the previous question on the bill and pending amendments.

Mr. MAYNARD. I hope the gentleman will not call the previous question until I can have an opportunity to test the sense of the House on an amendment in relation to the pay of our employés.

The SPEAKER. The gentleman from Maine demands the previous question on the bill.

Mr. LEACH. I have been trying for a week to get the floor to offer an amendment to restore the franking privilege, because I believe the people of the country demand it. I hope the gentleman will allow a vote to be taken upon that; otherwise I hope the previous question will be voted down.

Mr. BUTLER, of Massachusetts. What is the question before the House?

The SPEAKER. The gentleman from Maine has demanded the previous question on the bill, and on that question the Chair appoints Mr. HALE, of Maine, and Mr. LEACH tellers.

Mr. BUTLER, of Massachusetts. If the previous question be sustained, will it cut off all further amendments and debate?

The SPEAKER. It will bring the House to a direct vote on the pending amendments and on the bill.

Mr. BUTLER, of Massachusetts. Then let us vote it down.

Mr. HALE, of Maine. The debate has been running hour after hour and day after day, and I believe the House wants to settle the question. This will leave all the amendments pending.

Mr. TYNER. Is the demand for the previous question debatable?

The SPEAKER. It is not.

Mr. TYNER. Then I object to debate.

The House divided on the motion of Mr. HALE, of Maine; and the tellers reported—ayes 42, noes 143.

So the House refused to second the demand for the previous question.

Mr. MAYNARD. Is an amendment in order at this time?

The SPEAKER. It is not; debate is exhausted on the amendment of the gentleman from Vermont, [Mr. POLAND,] and on the amendment thereto offered by the gentleman from Indiana, [Mr. HOLMAN.] The previous question will be considered as operating on those amendments, debate being exhausted upon them. Does the gentleman from Vermont [Mr. POLAND] accept the amendment of the gentleman from Indiana [Mr. HOLMAN] as a substitute for his own?

Mr. POLAND. I do.

The SPEAKER. Then the question is on the amendment of the gentleman from Indiana.

Several MEMBERS. Let it be read again.

The Clerk again read the amendment, as follows:

And provided further, That the amount which shall have been received by any Senator, Representative, or Delegate of the present Congress, who was a Senator, Representative, or Delegate in the Forty-second Congress, as increased compensation for the Forty-second Congress, by virtue of said act approved March 3, 1873, and has not been returned to the Treasury, shall be deducted, in equal monthly installments, from the salary of such Senator, Representative, or Delegate hereafter accruing during the present Congress, under the provisions of this act.

Mr. BUTLER, of Massachusetts. I desire to offer an amendment as an addition to that amendment.

Mr. POLAND. That is not in order, Mr. Speaker.

Mr. BUTLER, of Massachusetts. Why not?

The SPEAKER. The previous question is operating on the amendment.

Mr. RANDALL. No; the previous question has just been voted down.

The SPEAKER. That was on the bill; the previous question is clearly operating on this amendment.

The question was put on Mr. HOLMAN's amendment; and on a division there were—ayes 61, noes 82.

Mr. HOLMAN and Mr. POLAND called for the yeas and nays.

The yeas and nays were ordered.

Mr. KASSON. I rise to a question of order. The Constitution of the United States forms a part of the rules of this House, and I raise the point that under the Constitution of the United States the House cannot adopt this amendment as a part of the law.

The SPEAKER. The Chair does not sit here as a judicial officer to expound the Constitution. If he ruled out all that is not constitutional it would probably greatly enlarge his functions. [Laughter.] He does not do it.

Mr. KASSON. I think they ought to be enlarged in relation to this question.

The question was taken; and there were—yeas 155, nays 102, not voting 28; as follows:

YEAS—Messrs. Albert, Albright, Archer, Arthur, Banning, Barber, Barrere, Bass, Beck, Begole, Bell, Biery, Bowen, Bradley, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Cain, Caldwell, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clymer, Coburn, Conger, Cook, Cotton, Cox, Creamer, Crittenden, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Dawes, DeWitt, Dobbins, Duell, Dunnell, Farwell, Field, Fort, Foster, Frye, Garfield, Glover, Gooch, Gunckel, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Holman, Hoskins, Howe, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Jewett, Killinger, Knapp, Lamport, Lansing, Leach, Lofland, Loughridge, Luttrell, Lynch, Magee, Martin, MacDougall, McNulta, Merriam, Monroe, Moore, Nesmith, Niblack, Niles, Nunn, O'Brien, O'Neill, Orth, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Perry, Phillips, Pike, Platt, Poland, Rainey, Ransier, Ray, Richmond, Ross, Rusk, Milton Sayler, Scofield, Henry J. Scudder, Sessions, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, J. Ambler Smith, John Q. Smith, Speer, Sprague, Stanard, Starkweather, Stone, Strait, Strawbridge, Taylor, Thornburgh, Todd, Vance, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehouse, Whitthorne, Wilber, Charles G. Williams, James Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—155.

NAYS—Messrs. Adams, Ashe, Atkins, Averill, Barry, Berry, Blount, Bright, Bromberg, Buffinton, Cannon, Freeman Clarke, Clinton L. Cobb, Stephen A. Cobb, Comingo, Corwin, Crossland, Davis, Donnan, Durham, Eames, Eden, Eldredge, Elliott, Freeman, Giddings, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Joseph R. Hawley, Hays, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Houghton, Hunton, Kasson, Kelley, Kellogg, Kendall, Lamar, Lawrence, Lawson, McCrary, Alexander S. McDill, James W. McDill, McJunkin, McKee, Mellish, Milliken, Morrison, Myers, Neal, Negley, Orr, Packard, Phelps, Pierce, James H. Platt, jr., Potter, Pratt, Randall, Rapier, Rawls, Read, Rice, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Sawyer, Henry B. Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Shanks, Sloss, Smart, H. Boardman Smith, Snyder, Southard, Standeford, Storm, Stowell, Thomas, Townsend, Tremain, Waddell, Waldron, Wheeler, Whitehead, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, and Wood—102.

NOT VOTING—Messrs. Barnum, Bland, Roderick R. Butler, Darrall, Harmer, Hersey, Lamison, Lewis, Lowe, Lowndes, Marshall, Maynard, McLean, Mills, Mitchell, Morey, Pendleton, Purman, James C. Robinson, Sheats, William A. Smith, Stephens, St. John, Swann, Sypher, Tyner, Jeremiah M. Wilson, and Woodford—28.

So the amendment was agreed to.

During the calling of the roll,

Mr. BUTLER, of Tennessee, said: On this question I am paired with Mr. PENDLETON, of Rhode Island. If present, he would vote "ay" and I would vote "no."

Mr. HOLMAN. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

The SPEAKER. That motion is not in order, the House now acting as in Committee of the Whole. The Chair inadvertently permitted that motion to be made and voted upon this morning.

Mr. MAYNARD. I move to amend the first section of this bill by striking out of line 8, as printed, the words "or employé." The effect of that amendment, if adopted, will be to relieve from the operation of this repealing bill the employés of the two Houses of Congress, our pages, our laborers, our doorkeepers, and that class of persons. Gentlemen who were here in the last Congress will recollect very well that the subject of their pay was considered carefully, independent of the question of the salaries of members of Congress, and it was found that many of those men were inadequately paid. The pages for the House of Representatives were receiving fifty cents a day less than pages of the Senate. These things, or a great many of them, were provided for and adjusted in the bill before provision in relation to salaries of members of Congress was incorporated in it.

I have been at the pains to obtain from the Clerk of the House a list showing the compensation of the employés of the House as it was prior to the passage of the law of last session, and as it is now. I call the attention of gentlemen to that statement, in order that they may see what we are now doing in reference to these inadequately paid officers and employés. Before the law passed at the last session there were 45 folders who were paid $3.60 per day; under the law as it now stands they are paid $4.14 per day, their pay having been increased 54 cents per day. Then there are 23 pages, who are paid now $3; and so with regard to various other employés. This question was considered at the last session entirely independent of any question in reference to our own salaries or the salaries of the President and members of the Cabinet. I respectfully submit to the House that these laborers are worthy of their hire, and I trust there will be no objection to allowing their compensation to stand where it was fixed by the last Congress after a very full, careful, and deliberate consideration. I do not desire to occupy unnecessarily the time of the House, and will submit my amendment to a vote, calling attention again to the following statement of the compensation of the employés of this House:

Employés in the Clerk's office, House of Representatives.

Name.	Designation in appropriation bill.	Particular duties performed.	Former salary.	Present salary.	Increase.
Edward McPherson	Clerk		$4,320 00	$5,000 00	$680 00
Clinton Lloyd	Chief clerk	Chief clerk and disbursing clerk	3,000 00	3,600 00	*600 00
John M. Barclay	Assistant clerk	Journal clerk	3,000 00	3,600 00	*600 00
James W. Clayton	do	Assistant journal clerk	2,592 00	3,000 00	408 00
Ferris Finch	do	In charge of files	2,520 00	3,000 00	480 00
John Bailey	do	Assistant disbursing clerk	2,592 00	3,000 00	408 00
Isaac Strohm	do	Chief of enrolling division	2,592 00	3,000 00	408 00
Albert D. Wood	do	Assistant enrolling clerk	2,160 00	2,500 00	340 00
Almont Barnes	do	do	2,160 00	2,500 00	340 00
William K. Mehaffey	do	Reading clerk	2,592 00	3,000 00	408 00
Charles W. Clisbee	do	do	2,592 00	3,000 00	408 00
James W. Nightingale	do	Tally clerk	2,592 00	3,000 00	408 00
Wallace B. White	do	Petition clerk	2,160 00	3,000 00	840 00
George W. Matthews	do	Printing clerk	2,160 00	3,000 00	840 00
John J. Cochran	do	Newspaper clerk	2,160 00	2,500 00	340 00
Joshua K. Rogers	do	Stationery clerk	2,160 00	2,500 00	340 00
Z. Moses	do	Principally financial	2,160 00	2,500 00	340 00
Judson Holcomb	do	Index clerk	2,160 00	2,500 00	340 00
Joshua H. Hatch	do	In charge of bills to committees	1,800 00	2,000 00	200 00
James H. Bonebreak	do	In charge of bill-book	1,800 00	2,000 00	200 00
George F. Dawson	do	Miscellaneous	1,540 00	1,656 00	216 00

*Increase specifically limited while the present incumbents hold the places.

Employés in the Clerk's office, House of Representatives—Continued.

Name.	Designation in appropriation bill.	Particular duties performed.	Former salary.	Present salary.	Increase.
John P. Jefferis	Assistant clerk	Miscellaneous	$1,800 00	$2,000 00	$200 00
John J. Piatt	Librarian	Librarian	2,160 00	2,500 00	340 00
Paul Stevens	Assistant librarian	Assistant librarian	2,160 00	2,500 00	340 00
Joseph Harris	Chief messenger	Chief messenger	2,102 40	2,500 00	397 60
John B. Clark	Messenger	Messenger	1,440 00	1,656 00	216 00
Theodore R. Cameron	....do	....do	1,440 00	1,656 00	216 00
George S. Stinson	....do	Copying clerk	1,440 00	1,656 00	216 00
William H. Smith	....do	In House library	1,440 00	1,656 00	216 00
John T. Miller	Engineer	Engineer	1,800 00	2,160 00	360 00
Robert S. Crawford	Assistant engineer	Assistant engineer	1,440 00	1,656 00	216 00
Levi Jones	....do	....do	1,440 00	1,656 00	216 00
Harrison S. Linker	....do	....do	1,440 00	1,656 00	216 00
Six firemen	Firemen	Firemen	1,095 00	1,259 25	164 25
E. Fayette Miner	Assistant clerk	Assistant stationery clerk	1,800 00	2,000 00	200 00
William Deplitch	Folding	Storekeeper	1,440 00	1,656 00	216 00
Louis Reinburg	....do	Assistant stationery clerk	1,440 00	1,656 00	216 00
Six folders	...do	Folding	1,440 00	1,656 00	216 00
Henry Barnitz	Page	Page during session .....per day	2 50	3 00	50
Six laborers	Laborers	Laborers	720 00	828 00	108 00
Joseph Reese	Furniture	Upholsterer	1,440 00	1,656 00	216 00
DOORKEEPER'S DEPARTMENT.					
Otis S. Buxton	Doorkeeper	Doorkeeper	2,592 00	3,000 00	408 00
John Boyd	Assistant doorkeeper	Assistant doorkeeper	2,592 00	2,980 80	388 80
Alanson Lapham	Superintendent folding-room	Superintendent folding-room	2,160 00	2,484 00	324 00
Samuel E. Duffield	Superintendent document-room	Superintendent document-room	2,102 40	2,484 00	381 60
Warren S. Young	Assistant superintendent document-room	Assistant superintendent document-room	2,102 40	2,484 00	381 60
John A. Buxton	File clerk document-room	File clerk document-room	1,800 00	2,070 00	270 00
Five messengers	Messengers	Messengers	1,800 00	2,070 00	270 00
Five messengers	....do	....do	1,440 00	1,656 00	216 00
Twelve messengers	Messengers, (during session of Congress)	Messengers, at rate of	1,440 00	1,656 00	216 00
John E. Hammond	Folder	Book-keeper of folding-room	1,800 00	2,070 00	270 00
Wilbur G. Brower	....do	Clerk to doorkeeper	1,500 00	1,725 00	225 00
Four folders	Folders	Folders	1,440 00	1,656 00	216 00
Forty-five folders	....do	....do .....per day	3 60	4 14	54
Four folders	....do	....do .....do	2 50	2 87½	37½
Three folders	....do	....do .....do	2 00	2 30	30
Twenty-three pages	Pages	Pages .....do	2 50	3 00	50
One laborer	Laborer	In charge water-closet	820 00	943 00	123 00
Fifteen laborers	Laborers	Laborers during whole year	720 00	828 00	108 00
One laborer	Laborer	Laborers during session .....per day	1 80	2 07	27
POST-OFFICE, HOUSE OF REPRESENTATIVES.					
William S. King	Postmaster	Postmaster	2,592 00	2,592 00	.....
B. M. Van Keuren	Deputy postmaster	Deputy postmaster	2,088 00	2,401 20	313 20
Four messengers	Messengers	Messengers	1,728 00	1,987 20	259 20
Five assistant messengers	Assistant messengers	Assistant messengers	1,080 00	1,242 00	162 00
Three mail-boys	Mail-boys	Mail-boys	1,728 00	1,987 20	259 20
Two mail-boys	....do	....do	1,080 00	1,242 00	162 00
OFFICE SERGEANT-AT-ARMS.					
N. G. Ordway	Sergeant-at-Arms	Sergeant-at-Arms	4,320 00	4,320 00	.....
Moses Dillon	Clerk	Book-keeper	2,500 00	2,875 00	375 00
N. A. Fuller	Paying-teller	Paying-teller	1,800 00	1,800 00	.....
Charles Christian	Messenger	Messenger	1,440 00	1,440 00	.....
L. H. Barnard	Page	Page during session .....per day	2 50	3 00	50
CLERKS TO COMMITTEES.					
George A. Bassett	Clerk Committee on Ways and Means	Clerk Committee on Ways and Means	2,592 00	2,980 80	388 80
Robert J. Stevens	Clerk Committee on Appropriations	Clerk Committee on Appropriations	2,592 00	2,980 80	388 80
Henry H. Smith	Clerk Committee on Claims	Clerk Committee on Claims	2,160 00	2,484 00	324 00
William L. Woods	Clerk Committee on the Public Lands	Clerk Committee on the Public Lands	2,160 00	2,484 00	324 00
George W. Johnes	Clerk Committee on the Judiciary	Clerk Committee on the Judiciary. per day	6 00	6 90	90
D. W. Bartlett	Clerk Committee on Elections	Clerk Committee on Elections .....do	6 00	6 90	90
Joseph P. Pope	Clerk Committee on Military Affairs	Clerk Committee on Military Affairs..do	6 00	6 90	90
Jeremiah Gray	Clerk Committee on Accounts	Clerk Committee on Accounts .....do	6 00	6 90	90
Seventeen committee clerks	Clerks to committees	Clerks to committees .....do	4 80	5 52	72
MISCELLANEOUS.					
Two official reporters	Official reporters	Official reporters	4,380 00	5,037 00	657 00
One Chaplain	Chaplain	Chaplain	900 00	900 00	.....
John D. Barclay	Clerk to Speaker	Clerk to Speaker	2,102 40	2,417 76	315 36
Thomas H. Sherman	Private secretary to Speaker	Private secretary to Speaker	2,102 40	2,417 76	315 36
Robert E. Stevens	Messenger Committee on Ways and Means	Messenger Committee on Ways and Means	1,314 00	1,511 10	197 10
Charles F. Vanderburgh	Messenger Committee on Appropriations	Messenger Committee on Appropriations	1,314 00	1,511 10	197 10
CAPITOL POLICE.					
One captain	Police	Captain of police	2,088 00	2,401 20	313 20
Three lieutenants	....do	Lieutenants of police	1,800 00	2,070 00	270 00
Twenty-seven privates	....do	Privates of police	1,584 00	1,821 60	237 60
Eight watchmen	....do	Watchmen of police	1,000 00	1,150 00	150 00

NOTE.—The number of folders and their pay is under the control of the Committee on Accounts.

Mr. CROUNSE. I am not advised very particularly in regard to the amendment offered by the gentleman from Tennessee, [Mr. MAYNARD.] While I might at the proper time and under proper circumstances vote for it, I apprehend that at this time it will embarrass what I think is the principle which is controling this House.

I have sat here for some time listening attentively to this debate on the salary question, for the purpose of discovering, if possible, what principle is guiding this House in its action. It is conceded that the act of March last found its warrant in the Constitution, and that it had precedent after precedent to support it. It is conceded on all hands that so far as the action of this House is concerned it is fully warranted by law. Now, if I have been able to discover the motives which prompt the action of this House at this time it is a reflex of the principles and the sentiment which it is said emanate from the people, and which brands the act of the last Congress in regard to salaries as a fraud *in toto*. That is why I would have liked to support the amendment of the gentleman from Vermont, [Mr. POLAND,] for the purpose of testing the honesty of the House.

It is a very cheap business for gentlemen to make their proclamations of obedience to the will of the people and all that; but, sir, it costs something when gentlemen have to put their hands right down into their own pockets and pay $5,000 for such a proclamation. I say I am totally opposed to attempts to make this sort of cheap reputation for honesty and frugality; and I am glad to have an opportunity to proclaim my conviction on this question. I desire that my acts upon this floor shall be characterized by honesty of motive. I want not to be scared by any false clamor; nor will I co-operate with those who create such clamor and then run from it, hastening in a sort of scramble to see who can run fastest, and dive deepest, and stay down longest. [Laughter.] Such a course is belittling, it is degrading to the dignity of this House. If we do a right act, let us stand by it, clamor or no clamor. It is not, I say, the province of a statesman to

cower before the clamor of his constituents. It is his duty to mold public sentiment. If we find, upon full examination, that it is necessary to increase our salaries to $10,000, let us do it; if we find it necessary to bring them down to $5,000, let us do it. But let us consider the question like gentlemen and like statesmen. Let us not stand here trembling in our shoes lest we may not return to these seats again. I let no consideration of that kind weigh with me. There is an old French saying, "What must a people be whose god is a monkey?" I say what must a people be who are to be satisfied by idle clamor and protestations of bowing to the popular will. I have but little confidence in a large part of these protestations. I make no reflection upon any member; but I appeal to all whether there has not been a sort of heartlessness and emptiness in much that has been said here.

If it should be the disposition of this House to repeal the act of last March so as to put all these salaries back *in statu quo*, I shall stand with other gentlemen in support of such a measure; and, when the proper time comes, I well consider fairly, squarely, and honestly this question of salaries; but at present let us repeal that act *in toto*, if that is a proper reflex of the sentiment of the people.

Mr. BUTLER, of Massachusetts. I offer the following amendment:

Amend the second section of the bill by adding thereto the following:

Provided, also, That the members of this Congress who were members of any preceding Congress, and who received retroactive increased compensation under an act passed at that Congress, shall have the amount deducted from the compensation which may become due them respectively in this Congress, unless such member has already returned such increase to the Treasury.

Mr. MAYNARD. I rise to a point of order. I submit that this proposition is not germane as an amendment to my amendment, which relates solely to the employés of the House.

Mr. BUTLER, of Massachusetts. I will withdraw my amendment until a vote is taken on the amendment of the gentleman from Tennessee, [Mr. MAYNARD.]

The question being taken on the amendment of Mr. MAYNARD, there were ayes 47, noes not counted.

Mr. MAYNARD. I call for the yeas and nays.

The yeas and nays were not ordered.

So the amendment was not agreed to.

Mr. BUTLER, of Massachusetts. I now offer the amendment which was read a moment ago.

Mr. HOLMAN. Mr. Speaker, is that amendment germane to the bill?

The SPEAKER. What point does the gentleman raise?

Mr. HOLMAN. I only submit that it is not germane to the bill. [Laughter.]

The SPEAKER. If the gentleman will make any more definite point upon the amendment, the Chair will rule upon it. The amendment has reference to salary, and of course is germane.

Mr. HOLMAN. It seems to me the proposition is inconsistent with the legislation embraced in the bill.

The SPEAKER. The Chair cannot see how there can be a right to go back and legislate concerning the pay of the Forty-second Congress, without there being an equal right to go back to the Thirty-ninth or any previous Congress.

Mr. HOLMAN. Very likely the Chair is right.

The SPEAKER. The proposition is evidently within the power of the House.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I have not trespassed upon the time of the House heretofore in this debate, and I do not propose to do so now. If it is logical to require the refunding of back pay received for the Forty-second Congress, it is just as logical to require the refunding of back pay received for the Thirty-ninth and the Thirty-fourth Congresses. If back pay was wrong for the Forty-second Congress it was equally wrong for the Thirty-ninth and the Thirty-fourth Congresses. Therefore, I hope we shall adopt this amendment, and then I hope we shall bring ourselves to a vote upon a proposition that shall put an end to further discussion. I think the House, in instructing the committee in accordance with the proposition of the gentleman from Indiana [Mr. ORTH] meant that our salaries should be fixed at $6,000 a year, which should be in lieu of all allowances except actual traveling expenses; that it did not mean to interfere with the salaries of the employés of Congress or the salaries of other officers of the Government.

Mr. DAWES. What, then, was the meaning of that part of the instructions which referred to that subject?

Mr. BUTLER, of Massachusetts. That part was put in, I have no doubt, to sweeten the dose. [Laughter.]

Now, let us go back to the matter perfectly clearly and like men. After we have followed this to its legitimate logical results, and included the Thirty-ninth Congress, I trust the bill which will be introduced by my friend from Illinois, [Mr. HURLBUT,] fixing the salary at $3,000, to take effect from the passage of the act, will be passed, and we shall proceed to public business.

Several MEMBERS. Good.

Mr. PARKER, of New Hampshire. Mr. Speaker, as a member of the Forty-second Congress I desire to present to this House and the country my reasons very briefly for the course I have taken in connection with the bill increasing the salaries of Senators, Representatives, and other Government officials. I am thankful that a fitting opportunity has presented itself for so doing, and that it has become not only a privilege but a duty for the members of that body to speak in vindication of their own rights and conduct. Since the adjournment of the last Congress, many attempts have been made by the press in my own State and elsewhere to provoke a controversy with me upon this question, but until now I have remained silent amid misrepresentation and abuse, preferring to be heard here upon this floor first, and address my constituents from this stand-point.

When the salary bill was before the last Congress I regarded the measure as calculated to arouse public indignation and bring upon the members of that body the severest criticism; and in this I was not mistaken. The people at that time were having their attention called to the most gigantic frauds ever committed in this or any other country, and were justly sensitive upon all matters which would tend to increase the burdens which they were then called upon to bear by a system of taxation unequal and unjust. Believing then that there was no occasion for the passage of such a bill, and that economy should characterize every act of Congress, I steadily voted against the measure from the beginning to the end. Time has proven conclusively that the legislation was unwise, inexpedient, and wrong.

There was, however, a propriety in some of the first steps taken in connection with this subject (as admitted by all) to modify the old law giving to members of Congress mileage, because under that law the pay of Senators and Representatives was unequal and unjust. This modification could and should have been made without becoming obnoxious to the people of the country who have excessive burdens of taxation, and without increasing our own pay. Justice alone demanded this, and when the question was first moved in the House, members labored more to equalize salaries than to increase them. But, unfortunately, the present law was the fruit of all their effort. Great injustice has been done many members in connection with this matter.

It seems to be assumed by a certain class of people that there was a combined effort on the part of all to defraud the Government, and by this rule men are to be judged. No matter how honestly they may have acted, or how pure may have been their motives, they are all alike guilty of corruption and stealing. The press has raised this cry in many instances, and a clamor, never before equaled, has been put forth without any regard for truth or propriety. Men who have hitherto been considered among the best and most incorruptible have been assailed and classed among thieves and the most depraved. In the name of justice and fair dealing I here enter my protest against this course, as it not only involves the individual character of the members of this body, but the good name of our country. The congressional election in my own district for the Forty-third Congress occurred five or six days after the adjournment of the last Congress, and it was stated shortly after that election, by the New York Tribune, that I stumped my district avowing my intention not to take the extra pay, and thereby secured a seat in this House, when, in fact, I remained here until the adjournment, and not a speech was made or a word uttered upon the stump in any manner whatever by myself or any one in my behalf; but, on the contrary, it was fully understood by my political friends and others that I intended to take the money and should take it. Since the meeting of the present Congress this same paper has reiterated this slander and falsehood.

Is not a little of the honor and honesty of Horace Greeley, the great founder of this paper, wanted here in this connection? Other publications, governed by the same unworthy motives, have copied these articles, and by such means false impressions were obtained, not only in regard to myself, but others throughout the length and breadth of the land. I only ask to have the truth fairly and honestly presented. I now stand ready to defend my action in connection with this matter, and have no regrets or apologies to offer to any one. If I am called upon to make presents with my own money I prefer to be my own judge to decide when, how, and to whom they shall be made, or whether made at all. Can it be assumed that, because gentlemen have taken opposite courses in this matter, as a necessary consequence some have acted honestly while others have acted dishonestly, and have been governed in their action by base and wicked motives? Cannot men honestly differ in regard to their rights and their duties? I took my money because the law of my country gave it to me, and because it was my right to do so.

Others may have a different, and what they regard a more virtuous, standard by which they are governed, than the law of their country, but I am willing to take this for my guide. In doing what I did I acted in accordance with my own judgment, and followed in the footsteps of great and good men who have gone before us, and whose examples we have been taught to believe will not lead men very far from the path of duty. Upon all of my public acts I invite the closest criticism by those whom I have the honor to represent and from the country at large, for no man has a more profound respect than I have for an honest and intelligent public sentiment. It is the surest and safest guide for us to follow in all we do and say.

Now, while I ignore and detest the madness which has characterized some men and a portion of the press upon this subject, I fully indorse that other and better sentiment which has been expressed by honest people throughout the land. They have pronounced their verdict against the present law, and in their interest, and in the interest of the country, I will most cheerfully vote to wipe out this legislation. In doing this let the principle apply to the highest as well as the lowest. Let there be no exceptions. Starting with the

President, whose hand gave force and vitality to this measure, let the work go on until it reaches the humblest clerk. If the principle is sound, and I believe it is, it should be made to apply to all classes alike. If, under the Constitution, it will not reach all now, the time will soon come when it will. If we mean genuine, thorough reform, it can be done in no other way. Having said this much I am content.

The SPEAKER. The vote now recurs on the amendment of the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I demand the previous question on my amendment.

Mr. BECK. Is an amendment to the amendment in order?

The SPEAKER. The gentleman from Massachusetts asks for a separate vote on his amendment, and demands the previous question.

The previous question was seconded, and the main question ordered to be put.

Mr. SMALL demanded the yeas and nays.

The yeas and nays were not ordered, only 19 having voted in the affirmative.

Mr. POTTER. I ask for a division of the House.

The House divided; and there were—ayes 118, noes 44.

Mr. HOLMAN. I rise to a question of privilege and move to reconsider the last vote.

The SPEAKER. The House is acting as in Committee of the Whole, and the gentleman's motion is not in order.

Mr. HOLMAN. I believe tellers were not demanded on the yeas and nays.

The SPEAKER. They were not.

Mr. HOLMAN. Then I demand them.

Mr. BUTLER, of Massachusetts. It is too late.

The SPEAKER. The gentleman's demand comes too late. The demand for tellers on the yeas and nays must be made before the vote is declared. The amendment of the gentleman from Massachusetts is adopted.

Mr. HURLBUT. I move the following substitute.

The Clerk read as follows:

Be it enacted, &c., That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly; and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in coming to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000 in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 4. That the Secretary of the Treasury is required to cover into the Treasury all sums which may remain undrawn, or which have been received as increased compensation under the provisions of said act approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Mr. HURLBUT. On that substitute I demand the previous question.

Mr. DAWES. I rise to debate it.

Mr. BUTLER, of Massachusetts. The gentleman has not the floor for that purpose.

Mr. DAWES. I have a right to debate it in opposition.

The SPEAKER. The gentleman from Illinois has the floor.

Mr. DAWES. But he has not the floor to move the previous question against my debating the amendment.

Mr. HURLBUT. I rise to demand the previous question.

Mr. DAWES. I rise to debate the question.

Mr. HURLBUT. I ask whether, on the demand being made for the previous question, the vote is not to be taken upon my proposition without debate?

Mr. BUTLER, of Massachusetts. I rise to a question of order. Is not the House acting under an agreement that whenever the majority of the House shall so determine it can stop debate and proceed to vote?

The SPEAKER. The House is acting under an order for debate as in Committee of the Whole under the five-minute rule—one speech for and one against any proposition.

Mr. BUTLER, of Massachusetts. But with this limitation, put on by the gentleman from Maine [Mr. HALE] having charge of the bill—that when a majority of the House shall so determine it can stop debate and proceed to vote by seconding the demand for the previous question.

The SPEAKER. Certainly; but not until the member who has a right to speak against the amendment has been heard.

Mr. HURLBUT. In that case, Mr. Speaker, I understand my demand for the previous question is not now directly operative, and I will say two or three words in support of the proposition I have had the honor to present to the House. It appears to me that we have wasted a great deal of valuable time in various motions.

Mr. PLATT, of Virginia. Permit me to make a parliamentary inquiry. There is misapprehension in regard to this matter. The gentleman demanded the previous question and yielded the floor; and I understand the Speaker to decide that it is now in order to speak in opposition to the substitute.

Mr. HURLBUT. I am going on now to discuss my amendment.

The SPEAKER. And the gentleman is entitled to five minutes for that purpose.

Mr. HURLBUT. I urge upon the House the importance of coming to some straightforward, practical principle. This miserable question of salaries has been occupying time of the House which ought to have been devoted to the public business. The time of the people has been wasted in all manner of explanations, needed and not needed; and I desire now, as rapidly as possible, that the House may come to a clear, distinct vote on a practical proposition looking to an adjustment of this great question. Now, if I have a right to call the previous question I will do so.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed the House that the Senate had passed the bill of the House (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer."

REVISION OF SALARIES—AGAIN.

The House resumed the consideration of the salary bill.

Mr. HURLBUT. I desire to reserve three minutes after moving the previous question.

The SPEAKER. The gentleman cannot do that under the rule. He has five minutes to speak in favor of the amendment. Five minutes are then allowed for a reply; and then there will be a vote on the substitute, if the House shall second the demand for the previous question.

Mr. HURLBUT. I am opposed to the pending bill because it undertakes to mix up questions which ought to be separated; because it is a part of that system of log-rolling legislation which has injured the reputation of Congress more than anything else. And I desire to state to the House that when our hands shall have been made clean, I will then go just as far in the pursuit of a rigid economy in all the other branches of the Government as the gentleman from Massachusetts, the chairman of the Committee on Ways and Means, or the gentleman from Iowa, [Mr. KASSON,] who has somewhat loaded a practicable bill with impracticable and improvident propositions.

Mr. DAWES. I rise to offer an amendment to the substitute.

The SPEAKER. The Chair thinks that the gentleman from Illinois, according to the ruling under which the House is acting, has a right to have the previous question operating on his own amendment.

Mr. BECK rose.

Mr. DAWES. I desire to say to the House, in opposition to the amendment of the gentleman from Illinois——

Mr. BECK. I rise to a point of order. The gentleman from Massachusetts rose to propose an amendment which was not in order. I rise to oppose the amendment of the gentleman from Illinois, and submit that I am entitled to the floor.

Mr. DAWES. I also rose to oppose the amendment.

The SPEAKER. The Chair thinks that the gentleman from Massachusetts cannot deprive the gentleman from Kentucky of the floor on that ground, having risen to offer an amendment which was not in order.

Mr. BECK. The gentleman has spoken ten times on this bill; I wish to speak on it once.

The SPEAKER. The gentleman from Kentucky [Mr. BECK] is entitled to the floor.

Mr. BECK. Mr. Speaker, after the exhaustive presentation of the law and the precedents by the gentleman from Massachusetts, [Mr. BUTLER,] the gentleman from Indiana, [Mr. WILSON,] and others, proving the acts of March last to be not only legal but in strict accordance with all former acts, it would be mere repetition if I should attempt to say more on that branch of the subject; and I think it has been made equally clear that the members of the last Congress were not only entitled to the same increase of compensation which was provided for the members of the present Congress, but their right to determine the measure of compensation was, perhaps, strictly speaking, confined to the then existing Congress. When an amendment was proposed in 1816, providing that the increased compensation should not apply to the then existing Congress, Mr. Clay said:

> As to the amendment to defer its operation until the next Congress, he would remark that, in his judgment, there was more propriety in the law ending than beginning there. It was more respectful to our successors to leave them free to determine what was the just measure of indemnity for their expenses than for us to prescribe the rule for them. We can best judge for ourselves. With respect to the supposed delicacy of our fixing upon our own compensation, let the Constitution, let the necessity of the case, be reproached for that, not us.

I have never had the slightest doubt as to my right to draw and retain the increased pay for the last and the present Congress, and I am glad to say all the Kentucky members, both of the last and the present Congress, and our Senators as well, have done the same; to have done otherwise would have been an imputation on the integrity of men whose memories are sacred with us. Mr. Clay, Mr. Crittenden, Mr. Guthrie, Mr. Davis, and many others equally honest and almost equally illustrious as they, had done precisely what we have done. The Kentucky Legislature in March, 1867, increased their own pay not less than 40 per cent., taking back pay from 1865. Many of the most eminent men in the State were in that Legislature, and while some few of them have seen fit to criticise our action they have only exposed their own inconsistency.

Having always believed that liberal compensation secures faithful and efficient service in all employments, public and private, I never considered $7,500 a year, with the burdens imposed upon us by the

abolition of the franking privilege and the deduction of all mileage and other perquisites, more than a reasonable compensation for the services of such men as the people ought to send here; indeed, I am not sure that it is much better than the old law. I am officially advised by the superintendent of the folding-room that the postage on the same books we received last Congress will amount to $1,945.68, to say nothing of speeches, miscellaneous documents, and other correspondence. I, however, opposed the passage of the bill of last March as a political blunder up to the moment when I saw a greater political danger staring us in the face than the passage of the appropriation bill of which the salary act was a part.

The constant struggle of the democratic party had been to show to the country that the extravagant expenditures of the Administration, and the enormous and unjust taxation imposed to sustain them, had rendered a change of policy and of rulers absolutely necessary and it seemed to me very impolitic for democrats to do anything which might even seem like increasing the burdens of the people for their own personal benefit. The increase of pay was of course a republican measure. That party had not only a decided majority in both Houses, but the committees by which it was reported, brought before the House, and ingrafted into the general appropriation bill, as well as the conference committee of the two Houses, were all two-thirds republican. Without the aid of that machinery the proposition never could have reached either House of Congress.

It seemed to me to be a blunder for democrats to aid them in doing so in any form, or so to vote as to weaken our attacks upon the supporters of the Administration where we knew they were weakest—in their reckless and wasteful expenditure of the public money and the taxation consequent thereon. But when the last hours of the session had arrived and the conference committee of the two Houses reported the bills which contained all the appropriations for the support and maintenance of the executive, legislative, and judicial expenses of the Government, with the increased salary clause embraced; when the Senate had rejected the proposed change to $6,500 and had insisted on $7,500; when no division of the vote could be had and no time remained for any further conference, even if a hope for change existed, another, a very serious, question was presented. If the bill failed, an immediate extra session of Congress was inevitable, and no thoughtful, well-informed democrat, especially among those of us who were re-elected, could look to that contingency with any but the most gloomy forebodings. The gentleman from New York, [Mr. POTTER,] who had opposed the increase of salaries in the few moments allowed him before the vote was taken on the conference report, expressed my views fully. He said:

> But while, in these particulars, I do not favor the report of the conference committee, I think it would be a very great misfortune—greater than any which may result from the injustice of fixing these salaries as proposed by the report—to have an extra session brought about by reason of the failure of this House to agree to this conference report even as it is. I can hardly conceive anything more unfortunate for the public Treasury than an extra session of the Forty-third Congress—the House of Representatives of which will have a republican majority of more than two-thirds—to take up the measures of legislation embraced in this bill, and proceed to such other legislation as they may. * * * * * *
>
> With reference to the next Congress, I cannot feel much confidence. I should, therefore, fear that transferring such measures of legislation from this Congress to the next, so far from leading to a saving to the public Treasury, will, no matter how objectionable this present bill as reported from the committee of conference may be, prove the very reverse. For myself, much as I object to this conference report, I shall hesitate before I take the responsibility, if it comes to that, of bringing on an extra session by rejecting this report.

My experience has taught me that in these hurried March sessions all the most mischievous legislation was enacted. I have seen the reconstruction, or rather *destruction*, of eleven States accomplished in March, 1867. In March, 1869, I saw the bondholders take possession of Congress and rob the people out of untold millions; in March, 1871, I saw the vested rights of the several States almost, if not totally, destroyed by Federal interference with and control over their elections under pretense of enforcing the fourteenth amendment; and all the Ku-Klux investigation and political persecution inaugurated when the House had not even a committee organized to consider or report upon anything; and I saw in March last the republican party, more overwhelming in strength, more united in purpose, more overbearing and arrogant than I had ever seen them before, while the democratic party was not only overwhelmed and dispirited, but by reason of our divisions and wrangles over the Greeley and O'Conner movements, it was doubtful whether we could rally what little resisting force we nominally had.

President Grant, flushed with such a victory, was then absolute master of the situation. Many of his strongest party leaders had fallen because of their disobedience; others, and especially new men, were certain not to take any risks by attempting to oppose him in anything. It was absolutely certain that the President and his Postmaster-General would promptly and vigorously urge (as they now do) the postal-telegraph scheme and the Government savings-banks, while cheap transportation in the form of railroads under Federal patronage, vast national educational schemes and civil-rights bills, utterly subverting State authority and law, to say nothing of the obvious combinations to support the then staggering and now bankrupt Northern Pacific and Southern Pacific Railroads, with all their kindred measures in combination, which would have been rapidly pressed and surely passed—measures which would have so centralized and consolidated Federal power and increased Executive authority and patronage as to have rendered a change of administration impossible.

The old republican members who had been defeated or had retired were all here, ready and anxious to bring all their influence to bear on their successors to induce them to sustain any measures the administration might desire, and claim the offices to be distributed by the President during his new term as the reward of their subserviency and zeal; in short, for those of us who had to remain and struggle against such schemes, and make a show of resistance to such odds, nothing could be so gloomy and so hopeless as the certainty of an extra session of Congress under such circumstances. I have no doubt all these measures, fraught with so much of evil, some of which I see looming up now, would have become laws within six weeks if this Congress had met in March last. Their pernicious effects upon the country cannot be estimated in money; but the mere mileage and expenses of an extra session would have cost more than the increased compensation for this and the last Congress, leaving the legislation out of the question.

In view of all these things, when the final vote was taken in the last hours of the session, when several of my Kentucky colleagues who had steadily opposed the increase of salary up to that moment voted for the bill, I declined to vote against it, and determined to take whatever of responsibility that course should involve; and I state now, notwithstanding all the *furor* of the press and the politicians, that it was wiser and better to pass that bill than to have this Congress assemble in extra session in March last. We are numerically no stronger now than we were in March; but we are now a compact, organized force, supported by a hopeful and united party. Then we were disorganized skirmishers, with no assurance that we could act in unison or that we had any organized party in the country to fall back upon after defeat. The retiring place-hunters of the old Congress are now gone, most of them disappointed and soured because they have not been provided for. The hopeless bankruptcy of the vast railroad corporations, whose schemes could not have been resisted then, is now apparent. The country is more jealous and watchful of its finances, and hope is springing up out of the development of the wasteful extravagance which has brought the country to the verge of ruin.

I fully understand why the venal portion of the press and the lower order of pettifogging politicians have inflamed the minds of the people against their Representatives and sought to destroy that confidence which is so essential an element in the usefulness of a member of Congress. Small men, without merit, can only reach a respectable level by pulling down those above them. Envy is the meanest of our low passions. It is nurtured in the heart of a brainless wretch by "worth in others, meanness in himself." The most abandoned woman does not gloat over, or roll as a sweet morsel under her tongue, the calumnies whispered against a virtuous lady more than the pot-house politician does the charges of a venal scribbler against a reputable public man.

Only two classes of men can remain in Congress without adequate compensation: those who are so wealthy that salary is not only no object, but who have their banks, their bonds, their monopolies, or their subsidies to protect against honest legislation, and who can afford to buy their place from venal constituents or Legislatures in order to tax the toiling millions to enrich themselves; the other class comprises the corrupt hounds who sell their votes, degrade the country, sacrificing their honor and the interest of their constituents whenever by so doing they can put money into their own pockets. These classes can serve here for nothing. Kentucky never sent either of them, and I trust she never will; honest people do not want either if they know it. They want men who have no interest in legislation except the public good; and they ought to be made to pay a fair recompense for the services of men of ability, so that poverty should never be an obstacle to the acceptance of public position by men of talent and integrity. If disinterested men of integrity and capacity could be excluded from the legislative halls, the lobby rings, which I fear too many of the scribblers for the press are paid to aid and sustain, would have but little trouble in consummating their schemes of plunder on the Treasury.

I had hoped, when public attention was aroused and excited over the so-called salary grab, that all the other legislation which has depleted the Treasury, crippled the resources of the country, or sapped the foundations of the Government, would, with equal diligence, be inquired into. If that had been done I would have felt, however much I may have been abused personally, that good results would follow, but I have been disappointed.

The recklessly extravagant expenditures in all the Departments of the Government; the immense sums wrongly given to bondholders; the monopolies to the banks and other great corporations; the unjust tariff taxation; even the destruction of the rights of States and peoples, and all the schemes of centralization of executive power, are not only not commented on unfavorably, but are even highly commended, by many of those who are loudest in denouncing in every form of billingsgate what they choose to call the "salary steal." In many instances these great robberies and usurpations are in part their own, and, like the Artful Dodger, they raise the "hue and cry" of thief against honest men to divert attention from themselves. The nervousness of the House shows how well they understand human nature.

No man can honestly assert that a salary of $7,500 is more than a faithful Representative is worth. The services he is compelled to

render to individuals outside of his public duties in Congress would at the lowest rate of compensation charged by attorneys for like services amount to $7,500 a year. Sir, a Representative cannot board his wife and two children (and that is not a large average family) for $500 a month at any hotel in Washington, and every man knows that he cannot engage in his profession successfully during the recess of Congress; indeed, if he does his duty, it will require every moment of his time to acquire a knowledge of the great questions which he is compelled to grapple with while here. How to raise $350,000,000 of revenue annually, and how to distribute it so as not to oppress or defraud the people; how to preserve and maintain their rights from the encroachments of power; how to protect commerce and agriculture in a contest with all the nations of the earth, are not themes for school-boys. Trained men, with all the intellect, industry, and energy they can bring to bear, can hardly master them. Only such are fit to be here. It is the fault of the people if they do not send such, and they ought to pay for their services what they are worth when they send them.

Still I will obey instructions. My opinion in a matter of the amount of compensation ought not, I suppose, to control my action against the will of the people when expressed (whether on careful consideration or not) in the way in which popular opinions are usually expressed, and I shall, against my judgment of what is for the best interest of the country, vote for a return to the rate of compensation fixed before the law of March last was passed. I will refund whatever I am required to pay by any law that may be passed. I want it to be distinctly understood that I will not pay back one dollar except as provided by law. I consider that I have rendered the country and my constituents services at least equal to all the money I have received. So believing, I shall keep what the law does not take from me.

Mr. HURLBUT. I now insist on the previous question.

Mr. DAWES. I wish to say that if the previous question is voted down I will offer as an amendment the bill reported back by the committee under the instructions of the House.

The SPEAKER. Does the gentleman from Illinois desire the previous question on his substitute only, or on the substitute and the bill?

Mr. HURLBUT. Upon the whole.

Mr. HALE, of Maine. I ask the gentleman to insert $5,500 instead of $6,000.

Mr. DAWES. I ask the gentleman to make another modification.

Mr. PLATT, of Virginia. I object to debate.

Mr. DAWES. I ask the gentleman to take the bill reported by the committee under the instructions of the House.

Mr. HURLBUT. Mine is a substitute for the bill.

Mr. DAWES. Let it be read.

The Clerk read Mr. HURLBUT's amendment, as follows:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in going to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $3,000 in addition to his pay as Representative, amounting in all to $9,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 4. That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn, or which have been received as increased compensation, under the provisions of said act approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Mr. DAWES. I make the point of order that that amendment has been altered since it was submitted and debated and the previous question called upon it.

The SPEAKER. The previous question has not yet been ordered.

Mr. DAWES. The gentleman made a motion for the previous question, and after having submitted an amendment and having it debated on both sides, he is not at liberty, without the knowledge of the House, to go and alter it.

Mr. BUTLER, of Massachusetts. How does the gentleman know the fact?

Mr. DAWES. I rise to debate it in its present form.

The SPEAKER. The point of order is well taken.

Mr. BUTLER, of Massachusetts. It involves a question of fact.

Mr. DAWES. I suggest to the gentleman from Illinois whether it was fair, after having submitted an amendment to the House in one form, debated it himself in that form, and received debate in opposition to it, then, unknown to the House, to go to the Clerk's desk and alter that amendment, and call the previous question upon it without informing the House of that fact. Now, I have to say to the House that if they will vote down the previous question I will offer as a substitute for the gentleman's proposition the bill reported back to the House by the committee under the instructions submitted by the gentleman from Indiana, [Mr. ORTH,] and then, as soon as I can under the rules, I will call the previous question. If the House will then adopt that as a substitute for the amendment which the gentleman from Illinois has felt it his duty to put in the shape he has, then they will come to a direct vote between his bill and the bill as it came from the committee, under the deliberate instructions of the House after full debate.

Mr. MAYNARD. Before the gentleman takes his seat, will he tell us in what the alteration that has been made in the amendment consists?

Mr. DAWES. I will tell the gentleman. It is in striking out "$2,000" for the Speaker and putting in "$3,000" for the Speaker, and putting in the same thing for the Vice-President of the United States; and I submit that, however right that may be in principle, he has no right, because he does not know the opinion of this House, to make that alteration. I will not say that it was a fraud upon the House, for I am willing to believe that the gentleman from Illinois had not the slightest intention of that kind; but under such a practice as that there can be no safety in legislation, and it ought not to be tolerated for one moment.

Mr. BUTLER, of Massachusetts. I desire to debate the bill now.

The SPEAKER. The Chair will be obliged to the gentleman from Illinois [Mr. HURLBUT] if he will leave his amendment in its original shape.

Mr. BUTLER, of Massachusetts. Not until I have spoken upon it.

Mr. HURLBUT. I hope the House will hear me say a few words in the nature of a personal explanation.

The SPEAKER. The Chair will be exceedingly obliged to the gentleman from Illinois if he will put his amendment in its original shape, although it reduces the Speaker's salary $500. He asks as a special favor that that be done. From the language of the gentleman from Massachusetts [Mr. DAWES] it might possibly be inferred by some persons that the Speaker might have been privy to the alteration. The language of the gentleman was susceptible of that construction.

Mr. DAWES. O, no, Mr. Speaker.

The SPEAKER. The Chair begs as a personal favor of each member of the House that before the amendment is submitted it shall be as it was originally offered, and the Chair will regard any gentleman who objects as having malice toward him.

Mr. DAWES. The Chair of course knows, for he knows me, that I did not intend anything of that sort.

The SPEAKER. The Chair does not think the gentleman intended it; but he thought the language might be so construed. It would relieve the House, it would relieve the gentleman from Illinois, and it would relieve the Chair to have the amendment put in the shape in which it was originally offered.

Mr. DAWES. Of course the Chair knows that I did not intend to cast any such imputation, and if any remark I have made may have left such an impression it was the widest thing possible from my intention; but I know how the thing was done and by what counsel it was done.

Mr. BUTLER, of Massachusetts. I have a word to say now, with the leave of the Chair. It has always been the practice in all Congresses to fix, as I understand it, the salary of the Speaker of the House and of the Vice-President at a rate greater by one-half than that of a member. I observed that by inadvertence, without intending it, the gentleman from Illinois had brought down the salary of the Speaker below that rate. And while I knew that the Speaker would not care anything about it as a matter of money, yet I supposed he would not like to have it said that the House of Representatives over which he presided had deliberately cut down his salary as the only one. Therefore I went to the gentleman from Illinois, suggested the fact to him, and said to him, "Your amendment being in your own hands and a vote not having been taken upon it you have a right to alter it." That is the counsel and advice under which the gentleman acted.

Mr. DAWES. So I supposed.

Mr. BUTLER, of Massachusetts. I know you supposed so; you certainly had nothing to do with it yourself.

Mr. WHEELER. I rise to a point of order. I suggest that the modification made by the gentleman from Illinois was void from the beginning, he having himself moved the previous question, and that while that was pending he had no power to modify his amendment.

The SPEAKER. The point of order of the gentleman from New York is a purely abstract one, as the gentleman will see when the amendment is read. The Clerk will read the amendment.

The Clerk read as follows:

Be it enacted, &c., That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in going to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000 in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SEC. 4. That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn, or which have been received as increased compensation, under the provisions of said act approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

The SPEAKER. The gentleman from Illinois [Mr. HURLBUT] and the gentleman from Massachusetts [Mr. DAWES] will please act as tellers on the question of seconding the demand for the previous question.

Mr. G. F. HOAR. I rise to a question of privilege. I wish to ask the Speaker, with the greatest respect, to withdraw the remark with which he accompanied his request that nobody would object.

The SPEAKER. The Chair does withdraw it. However, it applied to no gentleman, for no gentleman objected.

The gentleman from Massachusetts [Mr. G. F. HOAR] would have

to stand in the Speaker's place to realize the peculiar embarrassment which the situation threw around him. It put him in an attitude possibly of conniving in some way at an increase of his salary. He can stand a reduction; but not an increase.

Mr. G. F. HOAR. I sympathized most cordially with the feeling of the Chair, and respected it; but I am sure that the present occupant of the Chair knows that no man respects him more highly than I do. I do think the Chair ought not to say to the House, in determining whether objection should or should not be made, that he would regard any member who objected as having personal malice against himself.

The SPEAKER. The Chair himself knows that the expression was warm, and he regretted it afterward; it escaped his lips without sufficient consideration. But the gentleman from Massachusetts will observe that the proposition was one affecting the present occupant of the Chair only; and no member in objecting could have any other object than in some way to control the action of the Speaker. If the proposition had been one of more general application, the Chair would not have made the remark he did; and he joins the gentleman from Massachusetts in the regret that he did make it.

Mr. E. R. HOAR. I wish to know whether the Chair intends to say that if we fix the compensation of the Speaker of the House of Representatives for the future, that is a matter which only concerns the present occupant of the Chair.

The SPEAKER. No, sir; and the Chair will be very much obliged to the gentleman offering the amendment if he will modify it so as to limit its operation to the present occupant of the Chair.

Mr. WHEELER. I desire to renew my point of order.

The SPEAKER. The point of order is good.

Mr. WHEELER. I wished a ruling upon it.

Mr. HOLMAN. Is it not an almost every-day practice for members to go to the Clerk's desk and make verbal alterations in their amendments before they are voted upon?

The SPEAKER. The Chair will state the rule. In Committee of the Whole a gentleman cannot withdraw an amendment without unanimous consent; nor can he modify it, because that may make it an entirely new amendment.

Mr. HOLMAN. But the practice is——

The SPEAKER. Precisely; but practice by general consent is not consistent with the rule of the House. According to the strict rule of the House, the gentleman had no right to modify his amendment; under the practice of the House, he had.

The House divided upon seconding the previous question; and the tellers reported that there were—ayes 141, noes 48.

So the previous question was seconded.

The question was: "Shall the main question be now put?"

Mr. DAWES. Upon that I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 41 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The SPEAKER. Does the gentleman from Maine [Mr. HALE] desire to close the debate?

Mr. HALE, of Maine. I do not want time of any consequence for myself; but I have agreed that certain gentlemen shall have a part of my time.

Mr. SPEER. I move that the House adjourn.

Mr. HALE, of Maine. I do not yield for that. The hour for closing debate is after the main question has been ordered?

The SPEAKER. That is for the election of the gentleman. He can take it now, or after the main question shall have been ordered.

Mr. HALE, of Maine. I will take it after the main question has been passed upon.

The question was then taken upon ordering the main question; and it was decided in the affirmative—yeas 167, nays 105, not voting 13; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Averill, Barber, Barrere, Bass, Beck, Begole, Bell, Biery, Blount, Bowen, Bradley, Bright, Buckner, Buffinton, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clinton L. Cobb, Comingo, Conger, Cook, Creamer, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Darrall, Davis, DeWitt, Dobbins, Duell, Eldredge, Elliott, Farwell, Field, Freeman, Giddings, Glover, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, Havens, Hays, John W. Hazelton, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Hubbell, Hunton, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Killinger, Lamar, Lamport, Lansing, Leach, Lewis, Lofland, Lowndes, Luttrell, Lynch, Magee, Maynard, Alexander S. McDill, MacDougall, McJunkin, McIlish, Milliken, Moore, Morey, Myers, Negley, Nesmith, Niles, Nunn, O'Brien, O'Neill, Packard, Page, Isaac C. Parker, Parsons, Pelham, Phelps, Pike, James H. Platt, jr., Thomas C. Platt, Rainey, Ransier, Rapier, Rawls, Ray, Read, Rice, Richmond, Robbins, Sawyer, Henry B. Sayler, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheldon, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, Snyder, Stanard, Standeford, Stone, Storm, Stowell, Strawbridge, Swann, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Vance, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whitehead, John M. S. Williams, William Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, John D. Young, and Pierce M. B. Young—167.

NAYS—Messrs. Banning, Barry, Berry, Bromberg, Brown, Burchard, Burleigh, Caldwell, Cannon, Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Corwin, Cotton, Cox, Curtis, Danford, Dawes, Donnan, Dunnell, Durham, Eames, Eden, Fort, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, John T. Harris, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Holman, Houghton, Howe, Hunter, Jewett, Kasson, Kendall, Knapp, Lawrence, Lawson, Longhridge, Lowe, Marshall, Martin, McCrary, James W. McDill, McLean, McNulta, Merriam, Mills, Monroe, Morrison, Neal, Niblack, Orr, Orth, Packer, Hosea C. Parker, Pendleton, Perry, Phillips, Pierce, Poland, Potter, Pratt, Randall, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Rusk, Milton Sayler, Scofield, Sessions, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Strait, Tyner, Waddell, Walls, Wells, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, Woodford, and Woodworth—105.

NOT VOTING—Messrs. Barnum, Bland, Hersey, Lamison, McKee, Mitchell, Purman, James C. Robinson, Sheats, William A. Smith, Stephens, St. John, and Tremain—13.

So the main question was ordered.

MESSAGE FROM THE SENATE.

A message from the Senate was communicated to the House by Mr. GORHAM, its Secretary, informing the House that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service.

SALARY BILL.

The House resumed the consideration of the salary bill.

Mr. SPEER. I move that the House now adjourn.

Mr. MAYNARD. I rise to a parliamentary inquiry. If the House shall adjourn now, the previous question having been ordered upon the pending bill and amendments, will not this bill come up for action the first thing to-morrow?

The SPEAKER. It will.

The question was then taken on the motion to adjourn; and it was not agreed to.

The SPEAKER. The main question having been ordered, the first question is upon the substitute moved by the gentleman from Illinois [Mr. HURLBUT] for the bill as amended by the House.

Mr. HOLMAN. And on that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 130, not voting 16; as follows:

YEAS—Messrs. Adams, Albert, Archer, Ashe, Atkins, Averill, Barrere, Barry, Beck, Begole, Biery, Bowen, Bradley, Bright, Buffinton, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Comingo, Cook, Creamer, Crocker, Crooke, Crossland, Crutchfield, Darrall, Davis, De Witt, Dobbins, Duell, Durham, Eldredge, Elliott, Farwell, Field, Freeman, Giddings, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, Hays, John W. Hazelton, Herndon, E. Rockwood Hoar, George F. Hoar, Houghton, Howe, Hubbell, Hunton, Hurlbut, Hynes, Kelley, Lamar, Lamport, Lansing, Leach, Lewis, Lofland, Lowndes, Lynch, Alexander S. McDill, McJunkin, McKee, Mellish, Milliken, Morey, Myers, Negley, Nesmith, Nunn, O'Brien, O'Neill, Packard, Page, Isaac C. Parker, Parsons, Pelham, Phelps, James H. Platt, jr., Thomas C. Platt, Rainey, Randall, Ransier, Rapier, Rawls, Ray, Rice, Richmond, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheldon, Sloss, Smart, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Stanard, Standeford, Storm, Stowell, Strawbridge, Swann, Sypher, Taylor, Thomas, Thornburgh, Townsend, Vance, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whitehead, John M. S. Williams, William Williams, Willie, Ephraim K. Wilson, Wood, and Pierce M. B. Young—139.

NAYS—Messrs. Albright, Arthur, Banning, Barber, Bass, Bell, Berry, Blount, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Caldwell, Cannon, Cason, Freeman Clarke, Clymer, Stephen A. Cobb, Coburn, Conger, Corwin, Cotton, Cox, Crittenden, Crounse, Curtis, Danford, Dawes, Donnan, Dunnell, Eames, Eden, Fort, Foster, Frye, Garfield, Glover, Gunckel, Eugene Hale, Henry R. Harris, John T. Harris, Hatcher, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Holman, Hoskins, Hunter, Hyde, Jewett, Kasson, Killinger, Knapp, Lawrence, Lawson, Longhridge, Lowe, Luttrell, Magee, Marshall, Martin, Maynard, McCrary, James W. McDill, MacDougall, McLean, McNulta, Merriam, Mills, Monroe, Moore, Morrison, Neal, Niblack, Niles, Orr, Orth, Packer, Hosea W. Parker, Pendleton, Perry, Phillips, Pierce, Pike, Poland, Potter, Pratt, Read, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Sessions, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Stone, Strait, Todd, Tremain, Tyner, Wells, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, Woodworth, and John D. Young—130.

NOT VOTING—Messrs. Barnum, Bland, John B. Clark, jr., Gooch, Hersey, Hooper, Kellogg, Kendall, Lamison, Mitchell, Purman, James C. Robinson, Sheats, William A. Smith, Stephens, St. John—16.

So the substitute of Mr. HURLBUT was agreed to.

Mr. CESSNA. I move to reconsider the vote just taken, and also move that the motion to reconsider be laid on the table.

Mr. HOLMAN. I move that the House adjourn.

Several MEMBERS. O, no!

The motion of Mr. HOLMAN was not agreed to.

The question recurring on the motion of Mr. CESSNA,

Mr. HOLMAN called for the yeas and nays.

The yeas and nays were not ordered; there being ayes 23, noes not counted.

The question being taken on the motion of Mr. CESSNA, it was agreed to.

So the motion to reconsider the vote by which the substitute of Mr. HURLBUT was adopted was agreed to.

Mr. W. R. ROBERTS. I move that the House now adjourn.

The question being taken on the motion, it was declared not agreed to.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were not ordered; there being ayes 8, noes not counted.

So the motion to adjourn was not agreed to.

Mr. HALE, of Maine. I rise to close debate.

Many MEMBERS. Vote! Vote!

Mr. HALE, of Maine. Members are very much more anxious to vote just now than they have been heretofore.

Mr. CESSNA. I make the point of order that the gentleman from Maine has waived his right to close the debate. He ought to have commenced his remarks immediately after the main question was ordered and before any other question was taken.

The SPEAKER. The Chair thinks not.

Mr. RANDALL. I raise the point of order that the gentleman from Maine is not entitled to an hour, because the proposition he made has been voted down, whereby he loses the right to control the bill as it now stands.

The SPEAKER. The Chair does not think that that deprives the gentleman of his hour.

Mr. RANDALL. I understand that the gentleman reporting a bill is entitled to close the debate, simply because courtesy demands that he should have the control of his own bill. The bill as now amended is not the bill of the gentleman from Maine, nor the bill of the committee; it is the bill of the House.

The SPEAKER. But the gentleman will observe that although the House has amended the bill in certain respects, *non constat* that the House will pass the bill as amended.

Mr. RANDALL. The House has adopted a substitute.

The SPEAKER. Still it is an amendment, though in the nature of a substitute. Neither the gentleman from Pennsylvania [Mr. RANDALL] nor any one else can affirm that the House will pass the bill as amended. That is by no means a necessary consequence. The Chair holds that the gentleman who reported the bill has the right to the closing hour of debate.

Mr. RANDALL. As the Chair has overruled that point, I make another, that the previous question is partly executed.

The SPEAKER. It might be executed so far as the amendment is concerned, and still the gentleman be entitled to speak on the bill.

Mr. RANDALL. Then, when we reach the main question on the bill the gentleman can speak, but not before.

The SPEAKER. The question is now on ordering the bill as amended to be engrossed and read a third time. If the previous question has been executed with regard to the amendment it does not prevent the gentleman from speaking on the main question of engrossing the bill as amended. The two questions are distinct propositions. There might have been half a dozen amendments agreed to under the operation of the previous question, and then after those were disposed of the gentleman might speak on the question whether the bill as amended shall be ordered to be engrossed and read a third time.

Mr. RANDALL. Does the Speaker rule that the gentleman is entitled to an hour after the previous question has been partly executed?

The SPEAKER. The previous question has not been executed at all on this question. The question now pending is, Shall this bill as amended be engrossed and read the third time?

Mr. RANDALL. I wish to call the attention of the Speaker to the fact that the gentleman from Maine has been twice defeated by an overwhelming vote of this House when he has called the previous question. The practice heretofore has been—and I do not wish to come into collision with the Speaker's decision—the practice has been heretofore, I say, when the member having charge of a bill was voted down, that the contrary side then had control of the floor.

The SPEAKER. The gentleman from Pennsylvania will observe that this does not present the case he has in his mind. There may be a series of amendments to a bill, and the gentleman who reports the bill may be opposed to this, that, or the other one of the amendments, but gentlemen cannot infer that the bill will be passed or will not be passed. It is a matter now open for debate.

Mr. RANDALL. I do not infer anything. I look to the facts.

The SPEAKER. The Chair appreciates with the gentleman from Pennsylvania that the House is very impatient for a vote. Does the gentleman from Maine insist on his right to speak?

Mr. HALE, of Maine. I do insist.

Mr. POTTER. I hope the gentleman will yield for a motion to adjourn.

[Cries of "No!" "No!"]

Mr. HALE, of Maine. The House has shown clearly that it wants to go on and finish up this business, and I shall have little to say. I remember an occasion, not a year ago, when the gentleman from Pennsylvania [Mr. RANDALL] was just as greedily clamorous that debate should be shut off as he now is. I, for one, have not pestered the House with debate on the different bills which have been before it; but have been so anxious that the House should come to a direct vote upon substantial repeal that I have waived any right to speak here that may have belonged to me in having charge of the two bills that the salary committee have reported to this body; and I will say for the edification of the gentleman from Pennsylvania, that I do not propose now to take up much time. Before my hour is out I shall say in a few words why it is I believe that the measure now before the House is not a substantial repeal but an evasion, an attempt to make out of the long delay and botched condition in which amendments have left the committee's bill a little money to put in our purses.

But I do not here propose to go on. I have agreed to give up certain of my time, and I yield now for fifteen minutes to the gentleman from Massachusetts, [Mr. BUTLER.]

Mr. RANDALL. O, let us vote.

Mr. BUTLER, of Massachusetts. To that I say, in view of the temper of the House, I shall not take it, although I have devoted no hour or moment to debate.

MEMBERS from various parts of the House. Let us vote.

Mr. O'BRIEN. I rise to a parliamentary question for my own information, and that is whether or not the gentleman from Maine having given up the floor to the gentleman from Massachusetts, [Mr. BUTLER,] and he having refused to avail himself of the floor, in view of the temper of the House, that does not settle the question whether or not we shall have further debate?

The SPEAKER. The gentleman from Maine must determine that for himself.

Mr. HALE, of Maine. I shall be careful not to trespass upon the indulgence of the House; but I have certain privileges, and those privileges I shall surely claim. I shall not be cried nor howled down.

Everybody, Mr. Speaker, I think will admit that the passage of the salary bill on last March was unfortunate and inopportune. If there had been any doubt upon that question the almost unanimous voice of the people settled it. And, sir, it was a matter upon which the people might well pass—it was the voting of money from the public purse to pay public servants. Now, there can be no question as to that being a subject-matter which the people might consider. There can be no question as to what was the result of that consideration. It was sharp, swift, and immediate condemnation, and it was so marked and so undoubted that I see no humiliation on the part of any gentleman here following that direction of the people on this subject-matter. I, of course, feel no humiliation. I have no back track to take, no new record to make; but I do not, from this comfortable stand-point, gloat over the gentlemen who have changed their views because there was the best reason for change. The people passed upon the subject they had a right to pass upon. The contract for pay, and this is the fair formula to put it in, was a two-sided contract, and the party paying the money vetoed the bill involving the increase. The public stamped its disapproval upon it, and, therefore, I see no inconsistency on the part of gentlemen like the gentleman from Massachusetts [Mr. BUTLER] taking ground now in favor of substantial repeal, as that gentleman here assures us he does.

He has been instructed on a matter where he originally voted as he pleased, subject to the disapproval of the other contracting party, and, therefore, I repeat again there is no humiliation here in responding on this question to the people's voice.

Now, sir, I cannot vote for the proposition which is at present before the House, because I believe that it is an evasion of the public demand. It evades our instructions from our constituencies, whose money we are passing upon. The people have decided in favor of substantial repeal. There have been gentlemen enough here, who within the last ten days have reiterated this proposition, to carry it if they will vote as they have talked. But the proposition before the House is not repeal simon-pure. This House has already passed upon it that it is not. Less than a week ago—on the motion of the gentleman from Indiana, [Mr. ORTH]—this whole matter was committed to the special committee, with instructions to report a repeal of the salary increase, so far as the same was practicable under the Constitution, and to go back to the old salary and allowances; but instead of these allowances being unfairly distributed, as was the case under the mileage law, to lump the mileage and average it among the members as salary. The committee reported such an equalizing bill to this House. It involved substantial repeal. It took no more money from the Treasury than the old law. It equalized mileage, not as I would rather have seen it done, from the pockets of members who draw excessive mileage, into the Treasury, but from the pockets of one member into that of another. But so far as that goes, it was one kind of equalization. I, for one, was willing to stand to it, and the committee reported a bill fixing the salaries at $5,500, the $500 over the old law being the average amount of mileage and stationery allowances.

I tried to bring the House to vote upon that proposition. I was in favor, as I have been from the beginning, of not incumbering bills that carried repeal on their forefront with anything that would clog them. But I could get no direct vote on the proposition, though members enough would talk for it.

And now, sir, after the House has voted first upon one thing and then another; after it has instructed its committee to fix our salaries at $5,500, right in the face of the report of the committee a proposition is put in here by which at the end of a fortnight's hard fighting, with the eyes of everybody upon us, we seek to get out of the fray by increasing our salaries in the sum of $500.

Sir, it is not the amount that the people will care about. It was not, as has been often stated in this discussion, any particular sum that awakened the country last spring, but it was the conduct of the business that roused the people; and to-day, sir, this House cannot afford, as the upshot of all this agony for "repeal," to again increase our salaries over the old figure and negative the idea of repeal. Sir, the people do not expect that from us. They expect us to go back to the old law or to its equivalent. Is there any gentleman here that can give us a reason why we should add $500 to what we formerly received? And, what is the worst of it, no option is given us in voting. The gentleman from Illinois who springs this proposition

refuses to allow me to move an amendment inserting $5,500 for $6,000, and refuses to allow the gentleman from Massachusetts [Mr. DAWES] to offer as a substitute the bill reported by the select committee.

Mr. PAGE. I desire to ask the gentleman one question. The first bill reported by the committee provided that the salaries should be fixed at $5,000 a year, I believe. The gentleman from Maine was chairman of that committee. It also restored the mileage after this session, which he reported, in submitting the bill yesterday, amounted on an average to $500 a year, which for a Congress amounts to $1,000; consequently is not the bill which has been voted upon substantially the bill reported by the committee in the first place?

Mr. HALE, of Maine. The bill as reported by myself at first involved direct repeal in terms, and nothing else. It did restore the mileage in terms, just as it was, because I believed that would be satisfactory to the public, as it would be clean repeal. The second bill takes the same money from the Treasury——

Mr. KELLOGG. I desire to ask the gentleman a question.

Mr. HALE, of Maine. I cannot yield. The other proposition, as I have said, takes the same money from the Treasury and equalizes it into the pockets of the gentlemen from Pennsylvania, Maryland, and other States near around, and takes it away from those farther off.

Now, in reply to the question of the gentleman from California [Mr. PAGE] as to the amount of mileage, let me say the amount for a whole Congress is undoubtedly nearly $1,000, but we are dealing with annual salaries, not with the salaries for a term. Why, sir, the committee reporting that bill strained as far and as hard as it could so that members might be satisfied.

Mr. KELLOGG. Will the gentleman yield to me for a question?

Mr. HALE, of Maine. I decline to yield. The Forty-first Congress had three sessions. The present Congress has but two. The Forty-first Congress had an extra session in March, another session commencing the following December, and the third commencing in December of its last year. The committee, in making the calculation by which it arrived at $5,500, was sent by the mover of that resolution to that Congress. It aggregated all of that mileage for the three sessions. Gentlemen see that we can have but two mileages, but every new member coming into that Congress had three mileages.

That was my first Congress, and I had three mileages, because I came here in March to the first session, and drew actual mileage as others did; and there were about seventy-five members of that Congress who had three mileages. But the committee, seeing no better way of doing it, lumped the whole of those mileages for the two years, and divided it by two, and reported it to the House, so that it should not be said that it had discriminated against members. It did not exceed its warrant; but it had reason to suppose that its liberality would be respected and appreciated.

And now, upon the heels of this, a scheme is set about for more salary, and no amendment is allowed to be offered lessening the sum; and when a member gets up here on the floor to lift his voice and protest against this bill, there are members—I hope and believe but few—who want to crowd him down, and shout him down, and who cry, "Vote," "Vote." Sir, that is not what the American Congress in its better days—and I am not one of those who are inclined to decry the present day in congressional legislation—was accustomed to see. I have the right to protest against this bill, and I have given in brief, yet longer than I intended, certain good reasons why it is that I cannot vote for it. If it goes to the wall, I pledge myself for one—and there are many here who will uphold me in the enterprise—to introduce a measure involving a clean, straightforward, substantial repeal on the first Monday ensuing, and then I know or believe that gentlemen will pass it, and satisfy a watchful and intelligent people. I yield now ten minutes to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. NEGLEY. I would like to ask the gentlemen from Maine a question. I desire to know whether he intends the remark he made at the close of his speech as a threat to this House to drive them to the adoption of the measure which he espouses so warmly?

Mr. HALE, of Maine. The gentleman is very sensitive about threats. I made no threat.

Mr. NEGLEY. I am sensitive about threats coming from the chairman of a committee which was appointed to deal impartially with this whole question.

Mr. KELLOGG. I desire to ask one question.

Mr. DAWES. I have not time to yield.

Mr. PAGE. Will the gentleman yield to me for a moment?

Mr. HALE, of Maine. I have yielded ten minutes to the gentleman from Massachusetts.

Mr. PAGE. Will the gentleman yield me two minutes of that ten?

Mr. RANDALL. What is the custom about yielding the floor? Has the gentleman from Maine a right to yield it?

The SPEAKER. The gentleman has that right.

Mr. DAWES. I want to say in the beginning that gentlemen do not understand the rule. I have no time to yield to anybody. It is the gentleman from Maine who has the hour, and he has yielded to me for ten minutes, not to yield to any one else. I do not desire one moment of the time of the House to offer any new argument upon this subject. I simply desire to put myself upon record, and to give the reason why I cannot vote for the proposition.

I say here, lest I should forget it, that if this measure shall fail I pledge myself at the first opportunity to introduce the bill reported under the instructions of the gentleman from Indiana, [Mr. ORTH,] and to ask a vote on that bill in the very words in which this House instructed the committee to make that report. The reason why I cannot vote for this bill is because it does not undo what we did last March. The scene this evening is but a repetition of the scene last March; and when I sat in my seat struggling to be heard I was met then with the same treatment that the gentleman from Maine has received here on this occasion.

Sir, as history repeats itself now, so it will repeat itself in the judgment of the people upon this transaction. I was willing to bide my time. I am willing to-day to bide my time in the struggle I have endeavored, with all sincerity, to make to undo the unfortunate work of last March, without recrimination, with no unkind word or imputation of unworthy motives to individual members. I have no such imputations to make upon any member here now. I only say, sir, that the bill is so unfortunate in its position that I cannot vote for it; and it is unfortunate that, by nearly one hundred majority, we decided to undo, so far as the Constitution would permit us to do it, the unfortunate work of last March; and we went on until, falling into the same error we fell into last March, by an unfortunate lead we put upon this bill unfortunate amendments; and then it is unfortunate that we took the back track in all our votes upon the bill to give ourselves $500 a year. That is one reason why I cannot vote for it. Of course every other member of this House will judge for himself. I judge no man. I cannot be induced, for one, to say to the country that I will let all the other salaries remain untouched, and will go back and attempt even to repeal my own salary provided I can pocket $500 by the operation. I cannot do it, sir, and I will not do it. Other gentlemen, of course, will judge for themselves. I say to them, the country is capable of judging, and can discern the difference between the measure you gave the go-by to a moment ago and the measure you substituted for it. They will not fail to do it. I say to gentlemen that I for one wash my hands of this proceeding. I shall go against this measure, and will on the next Monday we are in session, if no one else gets the start of me, offer to this House once more the opportunity to undo all they did in this unfortunate measure of last March, so far as the Constitution will permit them to do it.

Mr. HALE. I now yield to the gentleman from Ohio [Mr. GARFIELD] for five minutes.

Mr. GARFIELD. Gentlemen will remember that I have from the first deprecated this debate. I was anxious on the first morning when the bill was introduced that we should come to a vote without debate, for I foresaw the debate would change no man's opinions—would be bitter and personal and valueless. It is clear that most men now regret that we did not silently and promptly vote to repeal the law increasing salaries. I have constantly desired to have this debate closed and the vote taken. But I am unwilling that the vote should be now taken, after what has been said by my friend from Maine [Mr. HALE] and my friend from Massachusetts [Mr. DAWES] without a word or two in answer, and a statement of the reasons that will govern me in the vote I shall give.

In the first place, Mr. Speaker, I have voted in favor of a simple, plain, and sweeping repeal of all those clauses of the bill of last March which increased salaries except those of the judges of the Supreme Court. I have voted with both these gentlemen for all the principal amendments which have been offered to this bill. But I ask the House to pause and consider before we cast a negative vote on the proposition to reduce our salaries from $7,500 to $6,000. If any gentleman here in the name of economy wishes to say that we ought not to vote to reduce our salaries to $6,000, let him take the responsibility of saying it.

Mr. DAWES. Do not undertake——

Mr. GARFIELD. I do undertake to say that this is the exact fact in the case. If the next vote is in the negative the subject of repeal is ended and the committee is discharged. This is a result that the friends of reduced salaries cannot desire.

Mr. G. F. HOAR. I desire to ask the gentleman from Ohio [Mr. GARFIELD] whether the franking privilege of all documents not being restored, and which amounted in value to about $700, is not the proposed salary of $6,000 less by $200 than the salary received by members of the Forty-first Congress?

Mr. GARFIELD. That may be so; but it is not a part of my purpose to discuss that subject. I am opposed to the restoration of the franking privilege. But I am in favor of a plain and sweeping repeal of the law of March last, and a restoration of the old salaries, with the mileage equally distributed. I prefer, and shall at all times do what I can to secure the passage of the bill of the gentleman from Maine, [Mr. HALE,] as reported from the committee by the instruction of the House. But having helped my friend from Massachusetts [Mr. DAWES] in the attempt to get just what he and I wanted to get, I shall not join him in his proposal to drop the whole subject and return here at the opening of the next year with nothing done, and only to re-enact the scenes of the last four days, and let all the great measures of public business go unheeded while the unseemly scramble to do nothing is fought over again as it has been fought for the past week.

The gentleman says that if we will only kill this bill, he pledges himself, on the first Monday in January after we meet, to bring in a bill that will go deeper than this does. Well, sir, let the gentleman bring in his deeper bill and I will help him pass it. But let us not

postpone until another year what we can do now. I agree with the gentleman from Massachusetts [Mr. DAWES] that we ought to have included others than ourselves in this bill. But does not the gentleman know that the bill he promises to introduce, or the motion he promises to make, can be made in connection with the legislative appropriation bill, by a suspension of the rules, on the very Monday that he talks of? The very motion he now pledges the House to bring in he can make in connection with the legislative appropriation bill, when that shall be reported, and get the order of the House that it shall be in order to move upon that legislative appropriation the very amendment he desires.

But I am not willing to go upon the record to-day, and to remain before the country for the next three weeks, in the attitude of having voted against the only positive proposition left me—reduction of salaries.

Mr. HALE, of Maine. I now yield to the gentleman from Connecticut [Mr. HAWLEY] for five minutes.

Mr. HAWLEY, of Connecticut. I wish merely to call the attention of the House to the fact that there is yet an opportunity for gentlemen who desire to vote for another bill, or a substitute for this, to do so. Before I sit down I will ask the Speaker to explain precisely where it comes in. I understand that when the previous question, which will be moved by the gentleman from Illinois, [Mr. HURLBUT,] shall have been defeated, then I or any other member will have the right to move that this bill be recommitted to the select committee, with instructions to report forthwith, that is, at the Clerk's desk, instantly, an amendment in the nature of a substitute. I will, if I have the opportunity, move the substitute which I hold in my hand, and that will test the sincerity of those gentlemen who have found fault with this $6,000 bill; for it proposes to reduce our pay to $5,500 a year from this date, and has reference only to Congressmen, and has in it the usual clause at the end about covering into the Treasury the back pay that has been returned; and it also gives us our actual traveling expenses, leaving out of consideration other officials whose salaries were increased by the law of last session. That is to say, it will strike out all after the enacting clause, and substitute as follows:

That all provisions in an act entitled "An act to provide for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes," approved March 3, 1873, that increase the salary or compensation of Senators, Representatives, or Delegates in Congress are hereby repealed.

SEC. 2. *And be it further enacted*, That hereafter the compensation of Senators, Representatives, and Delegates in Congress shall be at the rate of $5,500 per annum; and this shall be in lieu of all allowances, except actual and necessary individual traveling expenses in coming to and returning from the national capital once each session, which shall be paid to each Senator, Representative, and Delegate, on the same being certified by him to the proper accounting officer.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn, or which have been received as increased compensation under the provisions of said act approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

I want this, because we voted to instruct the committee to report as the basis of our future salary what was the average annual profit of the old salary, aside from the franking privilege. The committee reported that, as near as they could make it out, the amount was $5,500. The gentleman from Maine [Mr. HALE] says that they stretched it a little to make that amount; others say they reduced a little; no matter about that, they reported $5,500 as the average. I would have voted for the amendment of the gentleman from Illinois [Mr. HURLBUT] if he had placed the amount at $5,500. But having from the beginning to the end of this debate, and also to my constituents, said that I would go for the average of the old salary, I could not excuse myself to the country if I voted for a larger sum. To be sure you may say it is a small difference; but it amounts in the aggregate to nearly $200,000 a year; and we are very strong upon economy now. For that reason I am in favor of fixing the salary at $5,500; and I am very glad that there is still an opportunity to vote for it.

The gentleman from Massachusetts [Mr. DAWES] asks me why I do not take the whole bill as reported by the committee. I doubt my parliamentary power to do so; and then again I am unwilling to make the proposition, because I was opposed originally to including all those officers that are embraced in that bill. In some cases I was opposed to the reduction of salary; and I foresaw that if a bill like that of the committee were brought in, covering the whole field, then there would arise precisely the state of circumstances that has arisen: that gentlemen would object to including the salary of the President, or of the judges of the Supreme Court, (which you cannot affect except after a long time,) or of the Cabinet officers, or the Vice-President, or the Speaker, or some of the employés of Congress, and that thus the question what we should do with ourselves would be incumbered and embarrassed, so that the whole proposition for reduction of salaries would probably be defeated. And we came within a hair's breadth of that result; for we had the bill covered all over with amendments so odious that none of us dared to vote for it.

Now we come squarely to the plain, clear question, shall we members of Congress reduce our pay to the average of the old pay? That is what I am committed to; and at a proper time I shall offer an amendment which will accomplish that result.

Mr. O'BRIEN. Will that include the revival of the franking privilege?

Mr. HAWLEY, of Connecticut. No, sir.

But, having no disguises on this subject, I am perfectly willing to say that I am in favor of an independent proposition which, while keeping the matter out of my control or that of any other member—while giving us no franking privilege with the chance of abusing it—will provide for sending public documents home to our constituents. I want this, in addition to the salary of $5,500. In a proper bill—not in this—I shall vote for such a proposition. As to the sending of documents, I do not want the control of the question left with members. I do not want to receive a salary of, say, $6,000, in consideration of expense for mailing documents, because then I may or may not spend the additional $500 in sending documents. Let the documents be sent by the Government that prints them to the people for whose benefit they are printed. I desire that of the money coming into my hands as compensation I may be able to say, "This money is my own; there is no equitable claim upon any part of it."

Let me say, further, that I do not believe any measure on this subject should be retroactive. All the propositions looking to retroaction have been (I will not say they were so intended) a farce calculated to defeat the whole measure. I do not believe in retroaction of any sort. Establish $5,500 as the salary of members, and then provide some way of sending documents to our constituents at the expense of the Government. Such a proposition I shall support at the proper time. If the amendment of the gentleman from Illinois [Mr. HURLBUT] had fixed the salary at $5,500 instead of $6,000 I should have voted for it. As it was, I was compelled to vote against it.

[Here the hammer fell.]

Mr. BURROWS. If the passage of the salary law of March 3, 1873, was so obnoxious to the American people and fraught with such disastrous consequences to the republican party, this protracted discussion over a proposition for its repeal, this hesitancy and debate, will only serve to heighten that odium and enhance that peril. The longer this discussion continues the less confidence will the people have in the sincerity of our professions or the good faith of our ultimate action. The longer we postpone a vote upon some measure embodying substantial repeal the less will be the merit accorded to our final conduct. That action which in the beginning would have been regarded as an evidence of public virtue may be so delayed as to be looked upon as inspired only by public necessity. If we hesitate much longer, when we do vote for repeal I fear the people will say of us, as was said of Cæsar when he put aside the proffered crown, "He would fain have had it. He was very loath to lay his fingers off it."

Why not act upon this question now and to-day? What is the question before us? The law under which members of the Forty-third Congress entered upon their congressional term fixed their compensation of $7,500. It is now proposed to repeal that law; and the only question of any vital importance is, what should the salary of a member of Congress be?

In determining this question no possible advantage can be derived from arraigning the members of the Forty-second Congress. Their act has gone into history. The question is with us, the responsibility is upon us, and we cannot shift it.

I believe the pay of all public servants, from the President to the most obscure postmaster, should be a fixed, definite sum of money, and not a farthing of perquisites. By doing this we shall clear up some of the most startling claims upon the public Treasury and shield ourselves from charges of corruption. For this reason I am unalterably opposed to any measure which proposes to restore the obnoxious mileage system. It is odious to the American people, and unjust to the members of this House.

In determining the question of our compensation there are certain well-recognized principles which should govern us.

I hold it to be a sound principle of compensation that the salary of a civil office should never be so high as to excite the cupidity of men and furnish an inducement to seek a place solely by reason of the pecuniary advantages it offers. Cash, and not capability, will then be the surest prerequisite of success. If the time shall ever come in the history of this country when the emoluments of office shall induce men whose only ambition in life is to accumulate wealth to seek political preferment as a means of satisfying their avarice, rest assured that we shall enter upon an era of corruption unparalleled in the history of the Republic, and it will be the sure precursor of our swift and complete overthrow.

The argument of the gentleman from Georgia was well suited to the aristocracies of the Old World, but will find little approval in the Republic of the New. But while in my judgment the compensation to public servants ought not to be so high as to induce men to seek place as a pecuniary investment, yet I deem it equally important that it should never be so low as to prevent the poorest citizen from holding any place under the Government. Hence I have no sympathy with the proposition to require service in any position without compensation. Such a course might exclude the first talent of the country, and would certainly throw legislation entirely into the hands of the rich and build up a moneyed aristocracy.

I make no question but there are giant corporations, fattening upon the substance of the people, which would hail the passage of a law

taking away all compensation from members of Congress, that they might more successfully shape legislation in their interest. Under such a law you would find here no longer the representatives of the whole people, but the pliant retainers of a ruling class. Pay well, and then insist upon absolute integrity.

I think it clear that these two extremes should certainly be avoided.

Consulting the highest interests of the people, and not unmindful of our own necessities, I shall cheerfully vote for any bill which will virtually restore the old law of compensation stripped of every obnoxious feature. In my judgment, $5,500 will accomplish that result. In doing this I apprehend we shall fully satisfy the public demand and do that which is honorable to ourselves.

Let us act then to-day and now, that the country may be assured of our professions and have some substantial proof of retrenchment and reform.

The SPEAKER. The gentleman's time has expired.

Mr. BURROWS. I hope the gentleman will give me a moment longer.

Mr. HALE, of Maine. Time is precious.

Mr. BURROWS. Let me have half a minute.

Mr. HALE, of Maine. I will yield to the gentleman from New York [Mr. COX] for four minutes.

Mr. BURROWS. I wish to say one word further, if you will allow me. I am in favor of that measure which embodies substantial repeal. The bill reported by the committee makes the salary $5,500, and that is the exact equivalent of the old law. When you go beyond that you go beyond the wishes of the people.

Mr. COX. Mr. Speaker, I have but a few words to say on this matter. The word "clamor" has often been referred to in this debate. It is an old Saxon word, and not unknown to legislation. "Public clamor" is referred to as the foundation of the present proceeding. The words "common clamor," sir, may be found in the old English statute of præmunire; I think in that statute it is declared to be the basis of that legislation. It is the fair basis of legislation. Therefore, sir, if there is clamor on this business, I am, as a legislator, willing to be more or less influenced by it.

The gentleman from Massachusetts, [Mr. DAWES,] the chairman of the Committee on Ways and Means, has a hard task before him in this Congress. He has either to raise money by loan or by taxation. He would fail in the future debate did he not speak in advance and demand our attention in aid of economic reform. I applaud the gentleman from Massachusetts for this caution. I believe this side of the House, irrespective of the views on this salary question, when it comes to economy in appropriations and the reduction of taxation will be found his most earnest supporters. But I do not wish to go into that matter at this time. There is time for that, or soon will be.

I will not now discuss the question whether this bill directly or indirectly is any substantial reduction of salaries. I think we were commanded by this "clamor" of the people to reinstate the salaries as they were; and having this command, men of all views voted for the bill of the gentlemen from Iowa and Ohio [Mr. KASSON and Mr. JEWETT] by an almost two-thirds majority. It was a creditable vote—179 to 63. We also, by a majority of 8, adopted the amendment offered in good faith by my distinguished friend from Indiana, [Mr. HOLMAN.] We have, sir, by this action of the House well spoken. I feel in that we did right. But I believe the fair expression of this House is not given in this bill. I therefore invite every man who hears me or heeds me to vote "no;" so that hereafter we may have a better bill. I speak consciously of the voice of my people and of the democracy of this country. [Laughter.] I know what I say. Gentlemen may smile. Let them go to their constituents and "smile" with them after another method.

Mr. Speaker, I do not find fault with gentlemen here as to their votes on this measure; but I do say to gentlemen who are so prompt at interruption, and who are sometimes so indecorous, that our State conventions—ay, the conventions of both parties, regardless of this House of Representatives—have given us instructions which are imperative, and if this kind of bill passes they will reinstruct us. [Laughter.]

It was said the other day by the honorable gentleman from Kentucky, [Mr. CROSSLAND,] who made so much kindly amusement for the House at my expense, that I was somewhat complicated with New York politics. With special humor he did this in connection with the fact, referred to by him, that I had once introduced a bill here to change the name of the bark Industry to William M. Tweed. That was four years ago. Now, I know not who sent me that bill, or how I happened to introduce it. [Laughter.] We introduce hundreds of bills of that kind without special responsibility. But at that time no one dreamed that William M. Tweed would ever be in the penitentiary. He had been a member of Congress, to be sure; but nobody then dreamed he would have such a fate. I cannot tell who of us, four years from now, will be in the penitentiary. [Laughter.] I know who sent him there. The men who sent him there are the men who were maligned on this floor the other day; men who have purified the democratic party of New York, so that it is now the commanding power in that city and that State. They have instructed us on that question. They gave to us their platform last year at Syracuse; and I but obey the behests of the best men of my own party, as to whom my friend from Kentucky [Mr. CROSSLAND] would not take exception if he knew them; men who are high in the councils of our party; men like Mr. Tilden, and others who have helped to reform that party. I say to him that his fling at the democracy of that city and State was hardly characteristic of the good old chivalric Kentucky spirit. But I will pass that by as simply a personal thing.

I wish, in conclusion, to say to my friends on both sides of the House, irrespective of party differences, that if we would elevate the character of the national Legislature, we should be prompt to vindicate ourselves. Many have tried to do this by their votes who did not do it by their speeches. We will save the reproach thrown on us by a gentleman from Kentucky—I do not refer to Mr. CROSSLAND—when the intimation was given that the democracy was somewhat responsible for this measure. No party was responsible for it. It comes from the selfishness which belongs to our time. It comes from a spirit which is not up to the high tone of other days. I do wish the honorable gentleman from Georgia [Mr. STEPHENS] who spoke so eloquently the other day, instead of speaking for large salaries in this time of reduced wages to the workingmen and general distress—O, I wish that he could have come in like Cato, the censor, to reprove us for our inordinate greed and prompt us to a less selfish service. Long before you, sir, served here, when there were only five of us in this House who were here with the distinguished statesman from Georgia, when our expenditures were not considered extravagant even when not more than sixty or seventy millions a year, he could have spoken with emphasis the speech of men of that time, when every item in our appropriation bills was put to the knife, and the men who did not vote for economy were put to the torture.

Mr. HALE, of Maine. How much time have I left?

The SPEAKER. The gentleman has ten minutes of his time remaining.

Mr. HALE, of Maine. I yield five minutes to the gentleman from Iowa, [Mr. KASSON.]

Mr. CROSSLAND. Before the gentleman from Iowa proceeds, I desire to ask the gentleman from New York [Mr. COX] a question. Did the gentleman object to my criticism of Tweed's rascality for the reason that other members of Congress from New York might follow Tweed into the penitentiary? [Laughter.]

Mr. COX. There is not a man in New York City, in the penitentiary or out of it, who believes that I am a dishonest man in this business or any other; and, as I said the other day, I am just as fresh from the people as anybody.

Mr. KASSON. I will ask the attention of the House for but a few moments; and in doing so I desire to leave the special elements of excitement, that are just now around us, and to recall the attention of my friends on the republican side of the House to the position in which they will be placed by voting in the affirmative or in the negative on this proposition. And I wish, at the same time, to say why it is that I feel compelled to vote as I shall do when the question is determined.

We came here but a few days ago, and the first act that was taken by this side of the House, in their capacity as Representatives, after providing for the organization of the House, was to pass resolutions which went forth from this Hall to the whole country, from the Atlantic to the Pacific, for a repeal of the salary bill so far as it concerned members of Congress and other officers of the Government of the United States. The country hailed the declaration with satisfaction, and rejoiced at the fact that the old bugle-call of pure republicanism had been sounded in this Hall. Well, sir, we went to work as soon as possible. A bill was introduced, and finally there was secured from this side of the House the appointment of a committee to whom the bill should be referred, with leave to report at any time. The report was made by the committee, and every test vote by ayes and noes has shown a majority of this House in favor of carrying out that pledge in good faith, until this last question was sprung upon the House as a consequent upon a series of parliamentary tactics.

Now, I ask my republican friends upon this floor, can we, after the call has been issued to the country demanding their attention to our purpose to restore substantially the old law, after indorsing by an enormous majority the proposition of the gentleman from Indiana in the direction of fixing substantially the sum allowed by the old law—can we, instead of narrowing that in the interest of the people, expand it in the interest of ourselves? Mr. Speaker, we dare not, I venture to say, go before the country with such a lame and impotent conclusion of the call for attention which came from the republican members of this House. Entertaining these views, sir, the real repealers, to say the least, without speaking of others, voted against incumbering a clean bill. I recognized the feeling of this House as being against the amendment which I had the honor to offer, and felt it my duty to offer, as I know it was demanded by the people of Iowa and supported by every delegate from my State. I recognized that fact; but if that is to be the excuse for increasing our pay by $500, I say let it fail, and let the bill reported by the committee take its place, for that takes us back to the old standard. I dare not accept a bill increasing the pay, and must vote against it.

Mr. HALE, of Maine. I wish to answer a question which was addressed to me by the gentleman from Massachusetts, [Mr. G. F. HOAR,] who asked me why in my reckoning I had computed the franking privilege lost to members. My answer is that that was a distinctive measure, never mixed up with the salary bill. There will this win-

ter, I venture to say, and I think members will bear me out in it, a proposition pass Congress that will allow public documents to be mailed for our constituencies. That measure will pass just the same if we get $6,000 as if we got $5,500; and I do not believe we ought to have it twice. I call for a vote.

Mr. SCOFIELD. I rise to a parliamentary inquiry. I wish to inquire of the Chair, if this motion should be lost, whether the gentleman from Connecticut [Mr. HAWLEY] would have an opportunity to move to recommit?

The SPEAKER. Not unless he move to reconsider. The question about to be taken is, "Shall the bill be engrossed and read a third time?" If the House should negative that motion the bill is dead. The vote, however, might be reconsidered, and if reconsidered it would be divested of the previous question, because the previous question would then have exhausted itself. But on the other hand—and this is the point which the gentleman from Connecticut asked the Chair to explain—if the House should pass the engrossment and third reading of the bill, then the previous question is exhausted, and it would be necessary to move the previous question on the passage of the bill; but pending that the gentleman desires to enter a motion to recommit, with instructions to the committee to report a new bill forthwith. That would be in order. If the House should refuse to second the previous question on the passage of the bill it would be in order to recommit with instructions to report forthwith. A new bill may be brought before the House in that way, and the Chair merely explains this as the process.

Mr. HALE, of New York. If the motion to recommit should be lost, would the question then recur on the passage of the bill as it is now before the House?

The SPEAKER. It would.

Mr. DAWES. I would inquire of the gentleman from Connecticut [Mr. HAWLEY] if he will accept the bill reported under the instructions by the committee?

Mr. HAWLEY, of Connecticut. No; I will not. I want to hit one target at a time. I will help the gentleman afterward about that.

Mr. DAWES. Why not help me now?

Mr. HAWLEY, of Connecticut. Because I prefer to do one thing at a time.

Mr. RANDALL. I desire to call the attention of the Speaker to what I understand to be the position of the question. I would like to direct the attention of the Speaker to page 188 of the Manual, where he will find this passage:

> After commitment and a report thereof to the House, or at any time before its passage, a bill may be recommitted.

The main question has been now ordered to be put.

The SPEAKER. The main question now ordered will exhaust itself on the engrossment and third reading of the bill.

Mr. RANDALL. The previous question was called on the bill and amendments.

The SPEAKER. The gentleman is aware that the previous question exhausts itself on the engrossment and third reading of the bill, and that the previous question has to be called again on the passage of the bill. Members might naturally fall into error upon that point, because, generally, the test being made on the engrossment and third reading of the bill, it is rarely necessary to call the previous question on the passage; nevertheless, the previous question exhausts itself on the engrossment and third reading of the bill.

Mr. RANDALL. But the motion to recommit is not in order until the previous question shall have exhausted itself?

The SPEAKER. Not before the previous question exhausts itself; after that it will be. The Chair will state that should the House now pass the bill to its engrossment and third reading, the gentleman from Illinois [Mr. HURLBUT] who moved the substitute will be entitled to the floor and to the direction of the bill on its passage.

Mr. DAWES. And suppose he moves the previous question upon us, and shuts us all out?

Mr. RANDALL. You have not been shut out; you have shut us out.

Mr. GARFIELD. If the previous question shall be demanded by the gentleman from Illinois, and shall not be sustained, will it not then be in order for the gentleman from Connecticut to make the motion to recommit with instructions, and will not that motion be open to amendment?

The SPEAKER. It will be open to amendment, providing the gentleman does not move the previous question on his instructions. The gentleman from Connecticut may move to recommit the bill, and may demand the previous question upon it, or he may yield for amendments. The question now is, Will the House order that the bill, as amended by the substitute of the gentleman from Illinois, be engrossed and read a third time?

Mr. HALE, of Maine. Upon that motion I call for the yeas and nays.

The question was put on ordering the yeas and nays, and only 28 members voted in favor thereof.

Mr. HALE, of Maine. I ask for tellers on the yeas and nays. I am not certain that the House understands the question.

The SPEAKER. This is the real test vote on the bill.

Mr. HALE, of Maine. I understand this to be the test vote.

Mr. RANDALL. I object to debate.

Tellers were ordered; and Mr. RANDALL, and Mr. HALE of Maine, were appointed.

The House divided; and the tellers reported ayes 43, noes not counted.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 104, not voting 23; as follows:

YEAS—Messrs. Adams, Albert, Archer, Ashe, Atkins, Averill, Barrere, Barry, Bass, Beck, Begole, Bell, Biery, Bowen, Bradley, Bright, Buffinton, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cessna, Amos Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Comingo, Cook, Creamer, Crocker, Crooke, Crossland, Crounse, Crutchfield, Darrall, Davis, DeWitt, Duell, Durham, Eldredge, Elliott, Farwell, Field, Freeman, Garfield, Giddings, Glover, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, John W. Hazelton, Herndon, E. Rockwood Hoar, George F. Hoar, Hoskins, Houghton, Howe, Hubbell, Hunton, Hurlbut, Kelley, Kellogg, Lamar, Lamport, Lansing, Leach, Lofland, Lowe, Lowndes, Lynch, Magee, McCrary, Alexander S. McDill, McJunkin, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Myers, Negley, Nesmith, Nunn, O'Brien, O'Neill, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Phelps, Phillips, James H. Platt, jr., Thomas C. Platt, Rainey, Randall, Ransier, Rawls, Ray, Rice, Richmond, Ellis H. Roberts, Ross, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheldon, Sherwood, Sloss, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, John Q. Smith, Snyder, Stanard, Standeford, Storm, Stowell, Strawbridge, Swann, Sypher, Taylor, Thomas, Thornburgh, Townsend, Tremain, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whitehead, John M. S. Williams, William Williams, Willie, Ephraim K. Wilson, Wood, and Woodford—158.

NAYS—Messrs. Albright, Arthur, Banning, Barber, Berry, Blount, Bromberg, Brown, Buckner, Bundy, Burleigh, Burrows, Caldwell, Cason, John B. Clark, jr., Clymer, Coburn, Conger, Corwin, Cotton, Cox, Crittenden, Curtis, Danford, Dawes, Donnan, Dunnell, Eames, Eden, Fort, Foster, Frye, Gooch, Gunckel, Eugene Hale, John T. Harris, Hatcher, Gerry W. Hazelton, Hendee, Holman, Hunter, Hyde, Hynes, Jewett, Kasson, Knapp, Lawrence, Lawson, Luttrell, Marshall, Martin, Maynard, James W. McDill, MacDougall, Monroe, Moore, Morrison, Neal, Niblack, Niles, Orr, Orth, Packer, Hosea W. Parker, Perry, Pierce, Pike, Poland, Potter, Pratt, Read, Robbins, William R. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Sessions, Lazarus D. Shoemaker, Small, J. Ambler Smith, Southard, Speer, Sprague, Starkweather, Stone, Strait, Todd, Tyner, Wells, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—104.

NOT VOTING—Messrs. Barnum, Bland, Freeman Clarke, Dobbins, Hereford, Hersey, Hooper, Kendall, Killinger, Lamison, Lewis, Loughridge, McKee, Mitchell, Morey, Purman, Rapier, James C. Robinson, Sheats, William A. Smith, Stephens, St. John, and Walls—23.

So the bill, as amended, was ordered to be engrossed and read a third time.

During the call of the roll,

Mr. HEREFORD said: On this question I am paired with Mr. MOREY, of Louisiana. If he were here he would vote "ay" and I would vote "no."

The bill, as amended, was then engrossed and read the third time.

The question was upon the passage of the bill.

The SPEAKER. This is the point at which, under the rule, the gentleman from Illinois [Mr. HURLBUT] takes the control of the management of this bill.

Mr. HURLBUT. I am entitled to some time on this bill. I propose to yield to the gentleman from Massachusetts [Mr. BUTLER] for fifteen minutes, reserving to myself five minutes, at the close of which I will call the previous question on the passage of this bill.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I call the House to witness that I have taken no part in this debate so far. I felt it due as well to the House, and especially to the republican side of it, as to the country, and to the republican party in the country, that I should take no leading part in endeavoring to sustain the action of the Forty-second Congress in reference to salaries, lest it might be said that I was endeavoring to sustain that legislation in disobedience to the supposed expressed will of the people. I have proceeded in any vote or motion I have given or made upon one of two hypotheses: either that the House bill, as passed by the Forty-second Congress, was right and should be sustained, or that the people demanded its unconditional repeal, and specially because of the retroactive clause in it.

Upon this matter, also, I was instructed by the resolutions of the convention of my State, before which I put my name for a high office, in regard to the increase of the salaries of the President, judges, and Cabinet officers, by which resolutions such increase was decided to have seemed necessary, although it is most true that my action in regard to establishing these salaries was used as a means of demagogy, in order to defeat me, by the very same men who supported and elected, against the republican nominee, my late colleague, General Banks, who stood by me and aided with eloquence and vote every movement I made to increase salaries, and had received and retained retroactive pay in the several Congresses, thus demonstrating their own insincerity and unfairness.

Clearly there are but two logical results to be attained in this matter. One that the increase of the salaries ought to be sustained because necessary and right, or that the whole legislation ought to be repealed because it is decided by the people to be wrong, and we must obey their voice by a total repeal. I look upon the present measure as a compromise between these, as most all measures of a republican government of necessity must be, and therefore I support it as nearest the right that can be had.

While the Forty-second Congress had acted in passing that clause which has been denounced as a "grab," and a "steal," and a "robbery," in exact conformity with the precedents from the beginning of the Government, yet I have considered that in so doing we were acting but as representatives of the people; and although we, as

such representatives, uninstructed except by the precedents, might well act with entire good faith and propriety in conformity therewith, yet if the people, our constituents, really desired a change to be made in the manner in which we as legislators should fix our own compensation under the Constitution, it would be our bounden duty to bow to their will, however much it might be against our own judgment. And if the matter had been fully and fairly presented to the people; if the press had published both sides of the question, so that it should have been fairly discussed and the people instructed, I, for one, would have felt myself bound by the popular will, and yielded my own judgment to its behest; and in giving my votes, I have endeavored, if the repeal of the law was to take place at all, that it should be so repealed as to bring back into the Treasury all the money within the reach of the Treasury which had been received as retroactive compensation by any person. Such was the scope of the amendment which I offered, and which has been adopted by the House as a part of the bill for which the present measure has been substituted.

I have listened with wonder not unmixed with disgust and admiration [laughter] to a portion of the debate which has been had here upon this subject. With one or two exceptions, no man has undertaken to discuss the merits of the bill. The country has not been told what all know to be true, that a man cannot live in this city and support his wife and family as he ought to do upon $5,000 a year. I have not heard any man, rising in his place, say that he could keep house only as a decent man should upon less than that sum which has been insisted upon only ought to be given to members of Congress for their compensation.

But it is said that the people demand this repeal, because of the condition of the finances and the commercial distress of the country. But what was the condition of those finances when this bill was passed last March? The country was never more prosperous. We were then paying our public debt at the rate of three or four millions a month to redeem obligations which had not become due; in my opinion, a most injudicious policy, from which we are now called upon to impose additional taxes and burdens to meet our necessary expenditures.

Had the financial panic of the country anything to do with the demand for repeal? If made at all, was it not long before the financial panic began? Did it not arise immediately after the close of the session, and continue to grow stronger and louder as weak members of the Forty-second Congress yielded to the clamor and paid back their own justly earned and legally received money into the Treasury? Therefore should the panic have anything to do either with the question of the repeal or the question of the amount? But is it true that the just judgment of the people, after full discussion, has instructed us to change the rate of future compensation even? Has there been any well-considered action of the people, after any discussion whatever, upon the question of what would be a fair and just compensation for members of Congress in the future?

It has been declared here that the people demand this repeal, and the voice of the press is cited as cogent evidence of the fact. I admit that a howl was begun here and sent through the land by a venal and corrupt press against us because we would not give free passage through the mails to all the dirty sheets that their wicked conductors might print; so vile that the Forty-second Congress passed a law to punish the sending of these obscene publications through the post-office to save the youth of the land from pollution. Having passed that wise and salutary law, that Congress has been assaulted through these mud-machines, worked with forty jackass-power, to howl down every member who stood up in the image of his Maker and remained firm to his convictions of duty. [Applause.] Stories most libelous and vile have been willfully invented and maliciously circulated in order to blacken the character of those who voted for the salary increase of last session; and I have a member in my eye who kept such machine going daily, (or rather the machine kept him going,) wherein, in conjunction with my fellow-members of that Congress, I was decried continually as a back-salary grabber, robber, and back-pay stealer, with a shamelessness never equaled; for the conductor of that press had in his pocket and keeps there now—unless expended to keep his trade going—a greater percentage of "back pay" and salary grab than any other member of the Forty-second Congress.

We have read a great deal about back pay in the newspapers. Mr. Speaker, let me tell you what I call "back pay." When a newspaper editor, who has not been elected, and only the stroke of God interfering with the actions of men could give him a chance of election, and that man takes more than a thousand dollars—say thirteen hundred and forty-seven dollars and fourteen cents—pay, which covered the salary between the time his predecessor died and the date he took his own seat, and covered time before the people ever thought of electing him to Congress—that is what I call "back pay;" and if I was using hard words, or was a newspaper writer, I should characterize as "salary grab," "salary swindle," and "salary steal;" specially so if the same newspaper editor returned to the Treasury of other back pay which he took—$109.07 only—and claimed loudly in his organ and elsewhere that he had given back to the Treasury all his back pay, and was therefore more honest and virtuous than mankind in general.

Now whether one calls himself a "dew-drop" or an "ink-drop" who shall take such back pay, whether a lawyer here takes $3,705 for time before he is elected, or an editor $1,347.14 for a like time, it is all the same—it is true, genuine back pay, unearned, undue, unjust, and unclaimable. That is a kind of "back pay" I never did have. I never took any pay, back or forward, for services I knew I had not rendered, or that I had not tried to earn and had had an opportunity to earn, and when I do, any newspaper editor may call me a salary-grabber and back-pay grabber.

We have been insulted, in obedience to the howls of the press, by members on this floor, by being told that our pay received from the 4th of March last is "front pay," and that we had not earned it, and that we should receive $7,500 for a few months' service only. Is that true? Pardon me, gentlemen; have you not had duties to perform from the 4th of March last? Were you not daily called upon to take care of some constituent, to see after his interest in some way, to represent business here at the seat of Government in some form? Were you not called upon to do something in connection with the affairs of your constituents, to give your nomination and approval of officers in your district? Were not your doors besieged by your constituents, by the lame, the maim, the soldier or the soldier's widow, who asked you to look after his or her pension? Did you do nothing after the 4th of March last? If not, then you acted very differently, allow me to say, from what I, as a Representative faithful to the interests of his constituents, have been compelled to do.

I have even more work of this kind to do in vacation than I have in session time. I have often found more occupation at home than here; because my constituents reach me there without the expense of a long journey, and put before me their needs and wishes and claims. I know that I have more leisure here than I have at home, outside of my time in this House. And yet we, the Congress of the United States, are daily insulted by being told in most offensive words that we have taken pay that we have never earned. Sir, if we have severally done our duty, we earned all we got from the beginning, and the pay is fixed as the compensation of the faithful, and not the careless Representative. Notwithstanding this, a proposition was brought in here to make us refund the pay that we have already received under the act of Congress of the last session. That was supported here by gentlemen who said they yielded to the demands of the people, when there was not a man who voted for it who did not feel he was doing a wrong to his judgment and his conscience, that he was being driven to part with his just rights and lawful dues, by a pressure manufactured by some time-serving office-seeker and demagogue at home, who would otherwise seek to take advantage of him and stab him in the back.

That is the compelling power driving men to vote as we did. All that, our judgment taught us, was proper and just. Now, when I saw that measure urged and voted for by men who had more back pay in their pockets than I had, I determined to make them drink to the dregs the cup they presented to others; and therefore I proposed to make the same principle of refund apply to all Congresses, and to reach men who had in their pockets, one $11,000, another $7,000, another $8,000, another $4,000, and others who had money received for salary covering time before their services began or the people had elected them, and who got here simply upon this cry raised by them on the stump in their districts that they were more virtuous than others and therefore must be sent here to repeal the increase of salary. When I saw that I voted in order that I might carry out the other proposition, which was that we should all be served alike. Therefore I voted for the proposition to take the pay from my pocket for the Forty-second Congress; and I was beaten by the votes of men who had the pay of two or three Congresses in their pockets and voted to keep it there. [Laughter.] And then one of these same gentlemen rose in his place and told how much better a conscience he had than I had upon this question, [laughter,] and how he would bide his time.

The truth about this matter shall not be concealed or hidden under a bushel. Let me not be misunderstood. The law gave this money to these gentlemen, and I do not blame them for taking it and keeping it; but when they have it in their pockets I do not want them to set themselves up as my superiors in virtue and integrity, and amuse themselves by writing in their manuscripts the old line of the copy-book, "Be virtuous and you will be happy." [Laughter.]

I have heard another argument put forward as a reason for fixing our compensation at the lowest possible figure—that in view of the present financial distress we should bring down our pay to the lowest possible amount. Why, sir, is there a man in this House who does not know that we are fixing the compensation of members of Congress for all time—at least during this generation? In view of the clamor that has been raised no man will again have what my "dew-drop" friend calls my "audacity" to rise hereafter and ask any Congress to increase its own pay retroactively; and our fathers determined by their votes upon the first amendments to the Constitution that no man would ever vote to increase anybody's pay forward unless his pay was brought up to the same standard. No Congress, no Legislature, ever did or ever will vote to give their successors increased pay unless they themselves share in it; because, in addition to the pecuniary motive which is operative, more or less, upon all who are human, it would be understood that by such a discrimination a Congress brands its members as inferiors by declaring that their own services are worth less than those of their successors. Therefore I say there is not a man in this House who does not know that we are

this day and this hour fixing the congressional compensation for all time, so far as this generation is concerned.

Therefore, in a just and proper determination of this compensation, whatever may be the financial condition of the country to-day we are to look to the position of our country as it will be in the future—even to that time, soon coming, when we shall have taken in Mexico, Cuba, and the adjacent isles of the sea. We should remember that it is the destiny of the American Republic to send its civilizing, enlightening, and christianizing influences over this northern continent. Therefore I say that in settling this question we should not look at the ephemeral check of the moment to our great progress. We should fix what we believe to be honest, fair, and just compensation. In voting for the act of last March I believed our services to be worth to the country $7,500. I believe it now. I have never wavered in that belief. I have never entertained the idea of yielding to the mere factitious and senseless clamor. I have learned my duty as a Representative from the words of the eloquent Burke, the great philosophical statesman of England, who said: "The representative owes to his constituents not only his industry but his judgment; and he betrays instead of serving them if he sacrifices either to their opinions."

If my constituents knew the facts as well as I do I would agree that their judgment would conclude my action. They judge rightly according to the light they have and act honestly upon the subject as they understand it; but they have seen the subject in the pestiferous twilight of newspaper misrepresentation without the subject ever having been discussed before them.

Better informed than they, I based my opinion in reference to this subject upon six years of actual service here. I thought the country would believe that it made no difference to me whether I received $7,500 or $5,000 a year, and that I therefore acted impartially. Neither sum supports me here, although I live economically, in a style no other or different in its appointments than I have lived at home for twenty years. I therefore spoke and voted in behalf of those members of Congress poor but able—the sons, perhaps, of mechanics and farmers, who have worked their way through college while their fathers may have hammered on the anvil to give them the means for studying their professions—men who by industry, energy, and conscientious effort worked themselves up to positions of influence and usefulness in the confidence of their fellow-citizens who have sent them here to represent them—the peers of the proudest on this floor, but because of want of private fortune must either live meanly and feel meanly because living in a different way from their associates, or must have sufficient pay to provide themselves a decent support, as others in like conditions live. A "decent support," sir? That was not the idea of the Constitution when our fathers provided for our pay. It does not say anything about "support." It provides for a "compensation" fixed by law—a compensation for sacrificing the gains of private occupations and the comforts and social influences of home—a compensation for services rendered—a compensation as fair and just as the same class of services commands in the market outside of Congress.

Let me give you other evidence that this is the view entertained by the fathers of the Republic. When they fixed George Washington's salary at $25,000, which was practically four times as much as it is now, in comparison, the head carpenter who repaired his house received but 50 cents a day, while the head carpenter who is now repairing my house thinks he is not quite fairly treated while receiving $6 a day. Under those circumstances what was fixed as the pay of members of the Cabinet? It was fixed at $3,000 only. Why? Because in that day the largest sum received as salary by any banker, by any manager of business affairs in the United States, was less than $3,000. They gave Cabinet officers a higher salary than was received by any man at the head of any business enterprise. On this point, which I have well examined, I challenge contradiction. The intention was to put the Cabinet officers at a high level; so their income was put quite as high as that of any business man. Great wealth then differed from great wealth now as much as different business salaries then and now. In the year 1799 the largest fortunes in this country were those of George Washington and a gentleman of my district—one the great planter with a fortune of $650,000, the other the great merchant with a fortune of $900,000. They both died in that year. Now there are men in this country who reckon their fortunes by three hundred millions and four hundred millions. There are more men to-day in this country worth $1,000,000 than there were worth $20,000 at the time George Washington's salary was fixed at $25,000 in addition to horses, plate, furniture, fixtures, and almost everything else necessary for his support.

[Here the hammer fell.]

Many MEMBERS. Go on.

Mr. HURLBUT. I yield to the gentleman from Massachusetts for ten minutes longer.

Mr. BUTLER, of Massachusetts. I thank the gentleman and the House for their indulgence. Before the end of that time I hope to be out of my friend's way.

There is one thing I wish to say to my fellow-members, especially those who are here for the first time. During the seven years, more or less, that I have been here, I have found that the great fault in Congress is the self-abnegation of its members. Let but a man point his finger at a member of Congress, and we are apt to shrink away from him, and act toward him as if he must have done some wrong, without standing by him as an honest gentleman until his guilt is proven. Let a single thing be said against the acts of any member of Congress, and forthwith some demagogue—for occasionally demagogues get in here, as of Christ's twelve apostles one of them had a devil, [laughter]—some demagogue, I say, to show that he is not guilty of the same thing, when most probably his conscience accuses him, brings in a bill restraining the Congressman from doing the thing charged. This has gone on for a series of years, until a Congressman is shut out from the pursuit of almost all kinds of business. We cannot have any interest in a contract that has any relation with the Government. We cannot practice as attorneys in the courts in which the largest interests of the United States are involved. The Supreme Court is about the only one left to us. We cannot go home and practice in our State courts, or do any other business, without neglecting our public duties.

The trouble is that we do not stand together, but let the men up there, [pointing to the reporters' gallery,] who live by our bounty, sit there by our indulgence to write diatribes against us and blacken us all over until the whole world is made to believe that members of Congress are worse than other men, when, in fact, we are the chosen men of the nation, and better, as a class, than men in any other single profession—clergymen, lawyers, or doctors; for whenever a clergyman gets into Congress, we have seen he is not especially conspicuous for his virtue any more than his fellows. [Laughter.] I say that we ought to stand here and say Congress is not to be maligned; and if we are maligned, let us stand together and say that without proof the character of no man, simply because he is a member of Congress, shall be attacked, and the attack hounded on by his fellows from petty envy, jealousy, or rivalry.

Let me say here—and I speak not now of the motives of men; far be that from me; I speak of the effect of their acts—I aver here, with the bright light shining upon me and in the face of the country, that one-half of all this outcry against this salary increase came because some men—generally who could afford it pecuniarily—after they had felt the pulse of their constituents ostentatiously dropped their additional pay back into the Treasury, thus causing themselves to be advertised as paragons of virtue and economy. Am I not right? If we had all stood like men and taken what the law gave us, and spent it as we ought to have done; if none of us had undertaken to set up a supreme virtue in ourselves in giving back the money, the thing would have passed by as it did in 1866, when Congress voted itself an increase of 66 per cent. upon its previous salary in addition to all mileages and allowances, while the Forty-second Congress only voted itself 50 per cent. increase and cut off all mileage and other perquisites, which had never been done before. Yet we are stigmatized as reckless back-pay grabbers and back-salary stealers.

Mr. DAWES. In 1866 Congress reduced the mileage one-half.

Mr. BUTLER, of Massachusetts. My colleague corrects me. The mileage had been forty cents a mile, and they reduced it to twenty cents. Virtuous Congress! Economical people! [Laughter.] But at the same time they increased their pay 66 per cent., and took all their perquisites, mileage, newspapers, stationery, printing privilege, and all, in addition, and the people said not a word, although our national debt was seven hundred millions more then than now. What, then, is the cause of this different treatment of the two Congresses in regard to these like matters? The Thirty-ninth Congress left the newspapers with their perquisites of free postage; the Forty-second Congress took free postage from the press and themselves at the same time.

Mr. PENDLETON. Did not that Congress take the mileage at forty cents per mile for themselves while reducing it one-half as to subsequent Congresses?

Mr. BUTLER, of Massachusetts. I believe so; but the gentleman must settle that with my colleague, [Mr. DAWES.] I was not a member of that Congress, and he was. He will tell you all about it.

One remark further. We are here now to fix a salary—for whom? For members of Congress alone; that is the present bill. Are not the services of members of Congress worth something? Are they not worth as much as those of the heads of Departments? Do we not work as many hours as they? Do we not do more business? Coming here for only a part of each year, is not the expense greater, because those of us having houses at home have to keep them up in addition to paying for a house here? Yet gentlemen come here and say, "O, you must keep up the salaries of the heads of Departments; their services are very valuable." That may be, and is, true. Yet members of Congress are to be considered as the only ones whose services are to be given for nothing, and they to pay their own expenses—why? Simply because the power to regulate our pay has been placed in our own hands by the Constitution; for no other reason under heaven. We are to abuse and belittle our services and ourselves because we have had by the wisdom of the fathers placed in our hands the power to magnify and exalt our offices, but which we in fact have always subordinated in the matter of salaries to other like high officers of the Government.

I do not mean to say, and do not believe, the salaries of the members of the Cabinet are too high. One member of the Cabinet spends $30,000 a year to maintain his proper station, while others spend clear up to their income; and one of the ablest I know left the Cabinet because the salary was not sufficient to enable him to maintain that state, without sacrificing his private fortune, which his associates maintained around him. But this matter of holding

office with the executive officers is one of choice; but the Representative of the people comes here in behalf of the people, and, as their choice, ought to be properly compensated at least to the amount of a generous maintenance.

Let me say our services are as valuable as the services of any body of men in the world. And I want the poor men to be able to come into Congress. Rich men will buy themselves here. It is the only corruption in this regard we have ever heard of. Rich men do not come here for the salary. I admit that in the English Parliament no man gets any salary, and therefore nobody but rich men ever get into Parliament. And what has been the effect of legislation of rich men? England, with all the wealth of the world poured into her lap, with commerce whitening every sea, with colonies broader than empires, with manufactories standing over coal-beds which furnish unlimited power to her machinery, with energy indomitable and labor without stint, how does she stand to-day under the legislation of rich men? One out of twelve of every one of her population is either in the poor-house, insane hospital, or the prison every year. You could not draw an impartial jury in England out of the inhabitants without getting on it either a pauper, an insane person, or a criminal. Do we want this country to try the experiment of legislation of rich men only?

There are those of us who have either inherited wealth, or have by hard labor before we came here earned or acquired it. Some of us can by professional service and labors eke out our incomes; others can afford to live well from their own fortunes or incomes, and it makes no special difference with them. But to you, men of the West—where we of the East invest our money and get much of your profits as fast as you get it yourselves—men of the South coming up from districts impoverished by the war—you have no such means, have the most interest in this question, and I for one, although I foresaw the storm, stood up for the rights of poor men to be in the halls of legislation on a social equality, as peers in right and power. If you fix your salaries at $6,000 for this year, I shall take it as an intimation to me to equalize my salary as a member of the Forty-second Congress to that sum; but I expressly advise everybody else not to do it. I do not do it from any claim to superior virtue. I simply do it to answer the calumnies of some groveling demagogues in my own State. [Laughter.] And for another reason, that I feel I can afford to do it. Those are the two sufficient personal reasons; and I hope all who are not troubled with demagogues in their own districts, and who cannot afford it, will not pay it back.

I say again, Mr. Speaker, let us pass this compromise bill, end this profitless and in some cases acrimonious debate, and go on with the business of the country. One gentleman told us that he wanted this substitute carried in order that he might put in an amendment to cut it down $500. I can tell him how he can help the Treasury some—let him give back the $1,347 genuine back salary he took between the time his predecessor died and he was elected and took his seat, and he will help the Treasury so much, and then his conscience will be no longer troubled. [Laughter.] And my friend whom death elected from New York, after the people had rejected him, [laughter,] because nothing else could but death, [renewed laughter,] comes here and tells us we are not fresh from the people, and do not know their wishes. We are not fresh from defeat by the people, [laughter,] and we did not have to move out of our State to get elected, and then wait until a man died to get a chance. [Laughter.]

Mr. Speaker, I have done; I have said my say. I am going to the country again. I propose to meet my constituents and say to them, as I have always said, that my action last March was done after careful examination. It approved itself to my judgment. I have seen no valid reasons against it, and I stand by, defend, uphold, justify, and sustain it against all comers. If I go down I shall not be the first man who has gone down by the assaults of the unreasoning mob in acting without reflection in a just cause. But let none of those who seek my fall lay the flattering unction to their soul that I shall not rise again. [Applause.] I shall return to plague the inventors of the machinery which overthrows me. [Laughter.]

I have now only the pleasant duty to thank the House for the kind attention with which it has listened to me, and I return my time, if any I have left, to the hand which gave it to me. [Applause.]

Mr. HURLBUT. I yield five minutes of my time to my colleague, [Mr. CANNON.]

Mr. CANNON, of Illinois. Mr. Speaker, I only desire to explain my vote on the passage of this bill. I believe the act of March 3, 1873, so far as the same increases salaries, should be repealed, and that, by law to be enacted, members of the Forty-third Congress, for two years' service, should receive the same compensation they would have received had their salaries not been increased. All my efforts and votes on the floor of this House have been given to accomplish that end. I have seen the bill which I favored, known as Mr. KASSON'S substitute, loaded with amendments for the purpose of slaughtering the same, and then set aside by the substitution of the bill of my colleague from Illinois; and now, under the rules and usages of this House, I am placed in a position that I am powerless to do anything at this time except to vote for or against this bill fixing the pay of members at $6,000—a reduction at the rate of $1,500 per annum. I am in favor of that reduction and more too; and as that is all I can get now I vote for it, for if I vote the other way it leaves the salary at $7,500 per annum. But I wish to state that I stand ready, and will do what I can from now until the close of the Forty-third Congress, to reduce the salaries of members, and all others that can be reduced under the Constitution, to what they were prior to the increase of the same on the 3d of March last.

Mr. HURLBUT. I now call the previous question on the passage of the bill.

Mr. HAWLEY, of Connecticut. Will the Chair please explain the effect of seconding the previous question at this stage?

The SPEAKER. If the previous question is now seconded, it operates on the passage of the bill, and brings the House to vote on that. The gentleman from Connecticut has intimated his desire to submit a motion to recommit the bill, with instructions to the committee to report a new bill forthwith. He can only have that motion brought before the House by a refusal to second the demand for the previous question on the passage of the bill. The vote will now be had upon that. The gentleman from Illinois [Mr. HURLBUT] and the gentleman from Connecticut [Mr. HAWLEY] will act as tellers.

Mr. HARRIS, of Virginia. I would like to hear the bill reported again.

Several MEMBERS. O, no.

The SPEAKER. It is very brief, and it is in order to ask for the reading of the bill at every fresh stage. After the tellers take their places the bill will be read.

The tellers having taken their places, the bill was again read.

The House again divided; and the tellers reported ayes 143, noes not counted.

Mr. HAWLEY, of Connecticut. I call for the yeas and nays.

The SPEAKER. The previous question has been seconded, and on the main question the gentleman from Connecticut calls for the yeas and nays.

Mr. RANDALL. The negative vote on seconding the demand for the previous question has not been reported. Several gentlemen passed between the tellers on the negative side.

The SPEAKER. The ayes reported were a majority of the whole House, and the Chair understood the gentleman from Connecticut, who represents the minority side, to call for the yeas and nays on ordering the main question.

Mr. HAWLEY, of Connecticut. All I want is a chance to offer my amendment.

The SPEAKER. The Chair will further state to the gentleman from Pennsylvania [Mr. RANDALL] that it has always been the habit of the House, when a majority vote in the affirmative on seconding the demand for the previous question, not to detain the tellers any further. If the majority of the entire House vote to second the demand for the previous question it cannot be defeated.

Mr. RANDALL. We ought to know the relative strength on each side.

The SPEAKER. If all the rest were counted on the other side, still the previous question would have been seconded. The question is on ordering the yeas and nays on the main question.

The question being taken, there were ayes 50.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The SPEAKER. The House of course is aware that the real test vote is on ordering the main question. The House will understand that if the main question is not ordered to be put, the Chair will recognize the gentleman from Connecticut.

Mr. HARRIS, of Virginia. That being the understanding, I will vote "no."

Mr. RANDALL. The Chair has stated that this is a test vote. I desire to know whether if a member wishes to close the debate and bring the House to a vote he cannot vote for ordering the main question, and then subsequently vote against the bill?

The SPEAKER. That would be perfectly consistent.

Mr. RANDALL. I desire that the House should understand that, because the Chair stated that this was to be regarded as a test vote.

Mr. CESSNA. I desire to make another parliamentary inquiry. If the House should refuse to order the main question, and the gentleman from Connecticut is recognized to offer his amendment, then, if I deisre to amend his amendment further, or if any other gentleman desired to offer an amendment, would not the door be open for such amendments?

The SPEAKER. Certainly; provided the gentleman from Connecticut does not demand and secure the previous question on his motion.

Mr. CESSNA. If in that event the House should vote down the demand of the gentleman from Connecticut for the previous question, then, as I understand it, I would be permitted, if recognized by the Chair, to offer an amendment making further legislation.

The SPEAKER. Of course.

The question was on ordering the main question on the passage of the bill as amended.

The question was taken; and it was decided in the affirmative—yeas 131, nays 130, not voting 24; as follows:

YEAS—Messrs. Adams, Albert, Archer, Atkins, Averill, Barrere, Barry, Bell, Biery, Bradley, Bright, Buffinton, Benjamin F. Butler, Roderick R. Butler, Cain, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Comingo, Cook, Creamer, Crocker, Crooke, Crossland, Crounse, Crutchfield, Darrall, Davis, De Witt, Dobbins, Duell, Eldredge, Elliott, Farwell, Field, Freeman, Giddings, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Havens, Hays, John W. Hazelton, Herndon, E. Rock-

wood Hoar, George F. Hoar, Houghton, Howe, Hubbell, Hunton, Hurlbut, Hynes, Kelley, Lamar, Lamport, Lansing, Leach, Lofland, Lowndes, Lynch, Maynard, McJunkin, McKee, McNulta, Moore, Myers, Negley, Nesmith, Niles, Nunn, O'Brien, O'Neill, Packard, Page, Isaac C. Parker, Pelham, James H. Platt, jr., Thomas C. Platt, Rainey, Randall, Ransier, Rawls, Ray, Rice, Richmond, Ross, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Shanks, Sheldon, Sloss, Small, Smart, George L. Smith, H. Boardman Smith, J. Ambler, Smith, Snyder, Stanard, Standeford, Storm, Stowell, Strawbridge, Swann, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Vance, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Whitehead, John M. S. Williams, William Williams, Willie, Ephraim K. Wilson, and Wood—131.

NAYS—Messrs. Albright, Arthur, Ashe, Banning, Barber, Bass, Beck, Berry, Blount, Bowen, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cason, John B. Clark, jr., Clymer, Coburn, Conger, Corwin, Cotton, Cox, Crittenden, Curtis, Danford, Dawes, Donnan, Dunnell, Durham, Eames, Eden, Fort, Foster, Frye, Garfield, Glover, Gooch, Gunckel, Eugene Hale, Robert S. Hale, John T. Harris, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Holman, Hoskins, Hunter, Hyde, Jewett, Kasson, Killinger, Knapp, Lawrence, Lawson, Loughridge, Lowe, Luttrell, Magee, Marshall, Martin, McCrary, James W. McDill, MacDougall, McLean, Mellish, Merriam, Milliken, Mills, Monroe, Morrison, Neal, Niblack, Orr, Orth, Packer, Hosea W. Parker, Parsons, Pendleton, Perry, Phillips, Pierce, Pike, Poland, Potter, Henry O. Pratt, Read, Robbins, Ellis H. Roberts, William R. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Sessions, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Starkweather, Stone, Strait, Tremain, Tyner, Wells, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—130.

NOT VOTING—Messrs. Barnum, Begole, Bland, Hereford, Hersey, Hooper, Kellogg, Kendall, Lamison, Lewis, Alexander S. McDill, Mitchell, Morey, Phelps, Purman, Rapier, James C. Robinson, Sawyer, Sheats, William A. Smith, Stephens, St. John, Walls, and Wheeler—24.

So the main question was ordered.

During the roll-call,

Mr. HEREFORD said: I am paired upon this question with the gentleman from Louisiana, [Mr. MOREY.] If he were present he would vote "ay" and I would vote "no."

The result of the vote was announced as above recorded.

Mr. BUTLER, of Massachusetts. I move to reconsider the vote by which the main question was ordered, and to lay the motion to reconsider upon the table.

Mr. SPEER. I move that the House do now adjourn; it is nearly nine o'clock.

The question was put; and the House refused to adjourn.

The question was then taken on Mr. BUTLER's motion; and on a division there were—ayes 119, noes 57.

So the motion to reconsider was laid on the table.

The question recurred on the passage of the bill.

Mr. POTTER. I move that the House do now adjourn.

The question was put; and the House refused to adjourn.

Mr. LAWRENCE. I call for the yeas and nays on the passage of the bill.

The question was put on ordering the yeas and nays, and only 23 members voted therefor.

Mr. HOLMAN called for tellers on the yeas and nays.

Tellers were ordered; and Mr. HOLMAN, and Mr. BUTLER of Massachusetts, were appointed.

The House divided; and the tellers reported—ayes 38, noes 178.

So the yeas and nays were not ordered, one-fifth not voting therefor.

The question was put upon the passage of the bill, and on a division there were—ayes 122, noes 74.

So the bill was passed.

Mr. HURLBUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HURLBUT moved to amend the title of the bill so that it should read "An act to establish the compensation of Senators, Representatives, and Delegates."

The motion was agreed to.

EXTRAORDINARY EXPENSES OF THE NAVY.

Mr. GARFIELD. The bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service has been returned from the Senate with amendments. I ask that it be taken from the Speaker's table and referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

Mr. McKEE, by unanimous consent, introduced a joint resolution (H. R. No. 24) relative to the Metropolitan Police of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

And then, on motion of Mr. SPEER, (at nine o'clock p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. CLARK, of Missouri: The petition of H. C. Beall and others, asking that the postal code be so amended that all mail matter, whether letters or newspapers, may be prepaid at the office of mailing.

By Mr. COTTON: The petition of George Yount, late second lieutenant Company I, Third Regiment Missouri Infantry, for relief.

By Mr. FRYE: The petition of Mary A. Chute, of Maine, for a pension.

By Mr. GARFIELD: The petition of C. B. Poor, of Ohio, asking for such a change in the bounty law as to give a bounty to those who, on account of sickness, were unable to serve two full years in the Army.

By Mr. HAWLEY, of Illinois: The petition of David Mearl, praying for a pension.

By Mr. E. R. HOAR: The petition of Simeon F. Flint and others, for a constitutional amendment to prevent the increase of salaries to take effect at any time during the Congress which passes the same.

By Mr. LUTTRELL: The petition of Rev. T. L. Moody and others, of Sacramento, California, for relief of the Southern Methodist publishing house.

By Mr. MORRISON: The petition of John Scott, James Scott, and John Belsha, praying for relief.

Also, the petition of Victor Mylon, praying compensation as first and second lieutenant Sixty-eighth New York Volunteers.

By Mr. MYERS: The petition of the posts of the Grand Army of the Republic of the city of Philadelphia, asking a donation of condemned cannon and cannon-balls for the purpose of inclosing cemetery lots.

By Mr. O'NEILL: The petition of Edward McCormick, for a pension.

Also, a petition of citizens of Philadelphia, for the increase of pensions to those soldiers who have lost both eyes or both arms or legs, or two limbs.

By Mr. PIERCE: A petition of owners, merchants, and masters of American vessels, residents of Massachusetts, for the repeal of the act appointing shipping commissioners approved June 7, 1872.

Also, a petition of mariners in the port of New York, for the repeal of the act appointing shipping commissioners approved June 7, 1872.

By Mr. PLATT, of Virginia: The memorial of George H. Hickman, formerly adjutant Ninety-ninth Pennsylvania Volunteers, praying for certain relief.

By Mr. SENER: Memorial of Matilda Barnett and others, heirs of Lieutenant James Barnett, of the Second (or Sixth) Regiment in Continental Establishment, revolutionary war.

By Mr. WALLACE: A petition praying that the papers in the case of Henry Weldon, now on file in the office of the Clerk of the House, be referred to the Committee on War Claims.

By Mr. STONE: Two petitions of Cogswell & Co., for relief from taxes erroneously assessed and collected.

POST-ROUTE BILLS.

By Mr. BUCKNER: A bill to establish a post-route from Columbia to Fulton, Missouri, by way of Stephens's store and Millerburgh.

By Mr. THORNBURGH: A bill to establish a post-route in Knox County, Tennessee.

Also, a bill to establish a post-route in Tennessee.

Also, a bill to establish a post-route in Monroe County, Tennessee.

IN SENATE.

THURSDAY, *December* 18, 1873.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates; in which the concurrence of the Senate was requested.

PETITIONS AND MEMORIALS.

Mr. FERRY, of Michigan, presented two petitions of citizens of Greenville, Michigan, praying that the postal code be so amended that all mail matter be prepaid at the office of mailing, and that a more equitable system of fixing postmasters' salaries be devised; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS presented a memorial of citizens of Kansas, praying that all the soldiers of the late war may be entitled to a pension and one hundred and sixty acres of land, irrespective of their time of service; which was referred to the Committee on Military Affairs.

Mr. SCOTT presented the petition of Mrs. Jane MacMurray, widow of Ezekiel MacMurray, a soldier of the war of 1812, praying that her pension may be made to date from the death of her husband; which was referred to the Committee on Pensions.

Mr. MORRILL, of Vermont, presented a memorial of the officers of the National Association for the Care of Destitute Colored Women and Children, praying further aid from Congress to the extent of $5,000; which was referred to the Committee on Appropriations.

Mr. OGLESBY presented a petition of the Chicago Society of Surgeons and Physicians, praying for the passage of a bill to increase the efficiency of the Medical Department of the Army; which was referred to the Committee on Military Affairs.

Mr. BUCKINGHAM. I present the memorial of the American Indian Aid Association remonstrating against the organization of the territorial government of Oklahoma over the Indian Territory. This remonstrance is signed by Tappen Townsend, chairman, and W. C. Gould, secretary, in behalf of the association. The protest is based on the ground that the action proposed would be a violation of our treaties which have set apart that Territory exclusively for the Indians, and would open the door also for the admission of unprincipled white men, and be a great burden of taxation to the Indians, and impose upon them laws which they, being uneducated, would be unable to comprehend. Upon these and other reasons the remonstrance is based. I move that it be referred to the Committee on Indian Affairs.

Mr. INGALLS. If the Senator will allow me a moment, I would suggest that the bill to which that memorial refers has been referred to the Committee on Territories, and perhaps the remonstrance had better take the same course.

Mr. BUCKINGHAM. The bill to which that memorial refers is before the Committee on Territories. It seems to me it should be withdrawn from that committee, or they should be discharged from the consideration of the bill and it should be referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. Does the Senator submit that motion?

Mr. BUCKINGHAM. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the Committee on Territories be discharged from the further consideration of the bill indicated by him, being Senate bill No. 27, and that it be referred to the Committee on Indian Affairs with this memorial.

The motion was agreed to.

Mr. SUMNER. I present the petition of Margaret Meade, administratrix of the estate of Richard W. Meade, in which she sets forth certain large obligations on the part of the King of Spain to her father, which were assumed by the United States at the time of the cession of Florida, and which she represents are still good against the United States. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MERRIMON presented resolutions of the Legislature of the State of North Carolina, in relation to the tax levied on cotton by the United States Government in the years 1865, 1866, 1867, and 1868; which were referred to the Committee on Finance.

Mr. CONKLING presented the memorial of citizens of New York, remonstrating against the proposed repeal of the bankrupt law and asking that it be amended; which was referred to the Committee on the Judiciary.

He also presented the memorial of E. S. Jaffray & Co.; Arnold, Constable & Co.; S. B. Chittenden & Co.; and other leading business men of the city of New York, asking that the bankrupt law be not repealed but amended; which was referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LEWIS, it was

Ordered, That the petition and papers in the case of T. P. Pendleton, of Virginia, be taken from the files and referred to the Committee on Claims.

On motion of Mr. LEWIS, it was

Ordered, That the petition and papers in the case of W. N. Berkely be taken from the files and referred to the Committee on Claims.

On motion of Mr. RAMSEY, it was

Ordered, That the petition and papers in the case of C. E. Rogers be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. RAMSEY, it was

Ordered, That the papers relating to publishing maps of surveys of the Mississippi River be taken from the files and referred to the Committee on Printing.

On motion of Mr. LEWIS, it was

Ordered, That the petition and papers of J. R. D. Morrison be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Richard J. Murray, of Lowndes County, Mississippi, praying for an increase of his pension, reported adversely thereon, and submitted a report, which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. DENNIS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the bill (S. No. 171) for the benefit of the legatees of Asbury Dickins, deceased, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

NAME OF A YACHT.

Mr. CHANDLER. The Committee on Commerce have directed me to report a bill to change the name of the pleasure-yacht Fearless; and I ask the unanimous consent of the Senate to put it on its passage now.

By unanimous consent, the bill (S. No. 216) to change the name of the pleasure-yacht Fearless was read twice and considered as in Committee of the Whole. It grants authority to the owner of the pleasure-yacht Fearless, of the port of Detroit, Michigan, to change the name of the yacht to that of Lily, by which name the vessel shall be known and registered.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSUL-GENERAL IN EGYPT.

Mr. CHANDLER. The Committee on Commerce have directed me to report back the joint resolution (H. R. No. 16) providing for a change in the name and title of the agent and consul-general of the United States at Alexandria favorably, and to ask that it be changed from a joint resolution to a bill; and as it is the same as the bill reported from that committee a week ago, and is deemed by the State Department important, I ask for its immediate consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole. It provides that the name and title of the agent and consul-general of the United States at Alexandria shall hereafter be "agent and consul-general of the United States at Cairo."

Mr. SUMNER. Do I understand that the residence of the consul-general is changed?

Mr. CHANDLER. That is the sole object.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Michigan that, this being a House joint resolution, if it should be changed in the Senate it would interfere with their method of keeping records in the House. It will, therefore, be submitted to the Senate as a joint resolution with the same effect.

Mr. CHANDLER. Very well.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. MORTON. I should like to have that bill reported again and to inquire the effect of it.

The joint resolution was again read.

Mr. CHANDLER. It removes our consul-general from Alexandria to the capital of the country, which is Cairo. That is the sole effect and object of the joint resolution.

Mr. SUMNER. It is all right.

The joint resolution was passed.

Mr. CHANDLER. I now move that the bill (S. No. 151) in relation to the consul-general of the United States at Alexandria, Egypt, which is identical, be indefinitely postponed, for the purpose of taking it off the Calendar.

The motion was agreed to.

PRINTING OF BIENNIAL REGISTER.

Mr. ANTHONY. The Committee on Printing, to whom was referred the bill (S. No. 215) in relation to the printing of the Biennial Register, commonly called the Blue Book, have instructed me to report it back without amendment; and as that book is now going into type the bill should be acted upon immediately.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks the unanimous consent of the Senate for the present consideration of the bill. Is there objection?

Mr. MORRILL, of Maine. Let it be read, subject to objection.

The Chief Clerk read the bill. In lieu of the number of copies of the Biennial Register now authorized by law to be printed, it proposes to direct the Secretary of the Interior to cause to be printed fifteen hundred copies of that work.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. MORRILL, of Maine. I should like to make an inquiry of the Senator. Heretofore it has been contemplated—I think the Senator himself at some time recommended—the discontinuance of the printing of that book.

Mr. ANTHONY. I have done so several times, but the Senate has uniformly voted me down. It is the judgment of the Senate that the book should be printed.

Mr. MORRILL, of Maine. Allow me to inquire of the Senator if it is not a good time now to do that thing—to discontinue the printing of this work?

Mr. ANTHONY. The book has been prepared and is in the hands of the Printer. The Senator from Ohio [Mr. SHERMAN] was particularly anxious that this work should be printed, and thought it was a very useful document; and, contrary to his usual economy, he defeated me when I endeavored to have the printing of it discontinued. I think it was the very general opinion of the Senate, upon debate, that the book should be printed.

Mr. SHERMAN. I think the Biennial Register is the most useful and convenient book published for our information, as it enables us to know who the officers of the Government are. It is the only book that I know of that contains the information we have to refer to daily, giving the names of the officers of the Government and their post-office address. It is a small matter. I believe there are only five hundred printed.

Mr. ANTHONY. Seven hundred and fifty; but more have been printed latterly, because the number of the members of the House of Representatives has increased, and is now increased still more; and the number of officers to whom it is necessary for the purpose of reference has increased considerably.

Mr. SHERMAN. It does not cost as much as a day's printing of the bills that are laid upon our table.

Mr. ANTHONY. I hope not.

Mr. MORRILL, of Maine. It is a mere compilation of information contained in other documents.

Mr. ANTHONY. I think most of the information is contained in other documents, and generally it is more recent, more fresh, in other documents than in the Biennial Register.

This subject was fully debated in the Senate some time ago when we made some reforms in the public printing, and the expression throughout the Senate was so general—I think there were but eight or ten with me—that I made no further effort about it.

Mr. MORRILL, of Maine. I did not rise to object to the bill, but simply to make an inquiry. It is obvious enough that when the public printing of this country has reached the cost of $3,000,000 there ought to be some reduction or some limit somewhere.

Mr. ANTHONY. The public printing of the Government is not nearly as much as it used to be. When we talk about the public printing, we must recollect that now it includes not only what used to be included under that head, but also covers the printing for all the Departments, including the Internal Revenue Department, which is very large, though not so large as it was at one time; and, also, the binding and blank-books for the custom-houses. The amount of service which the Government Printing Office now renders is more than double what the public printing was at a former time. There has been great economy in that branch of the public service.

Mr. MORRILL, of Maine. I will ask the Senator whether he does not know as a fact, or whether it is or not a fact, that the printing of the Departments, and the printing of many of the Bureaus, is very much greater than it ever was before in the practice of the Government?

Mr. ANTHONY. The printing of the Departments is strictly fixed by law. Each Department makes an estimate of the amount of printing that it requires, and that estimate goes before the committee of which my friend is chairman, and that amount of printing is done for the Department at the discretion of its head. So much is appropriated to the State Department, and the Secretary of State disburses it or directs how the printing shall be done; and so of the other Departments.

Mr. MORRILL, of Maine. That is an explanation; but still does not the fact remain, that in these several Departments the printing has been very largely increased, both in quality and extent?

Mr. ANTHONY. Everything in the Government has been largely increased, and I do think that many of the Departments order a quality of work which is in most wretched taste and very expensive.

Mr. MORRILL, of Maine. That is what I refer to.

Mr. ANTHONY. The idea of binding a congressional document as you would a copy of Shakespeare or Byron, with turkey-morocco and blind-tooling, is just as wretched taste as it would be for a man to come up here with white kid gloves on.

Mr. MORRILL, of Maine. Is that matter of law or matter of discretion in the Departments?

Mr. ANTHONY. It is a matter of discretion in the Departments. The Departments estimate for their printing, and they disburse the amount appropriated as they see fit. I have called attention to this subject repeatedly, and I am very glad that the Senator has now called attention to it. I think the heads of the Departments ought never to order such printing. I suppose they do it at the suggestion of their subordinates, and perhaps without much reflection.

Mr. MORRILL, of Maine. I had sent me the other day a copy of a report of one of the institutions of this District, which is printed in elegant style—how large a number I do not know—printed at the Government Printing Office, with plates of a very expensive character; and I was very much astonished to see it.

Mr. ANTHONY. What was the book?

Mr. MORRILL, of Maine. The report of one of the institutions of this District—the Women's Lying-in Hospital.

Mr. ANTHONY. That was printed by one of the Departments—probably by the Interior Department. It was not ordered by Congress, I think; and I fancy that is a scientific book, like the Medical and Surgical History of the War, which is an expensive work and full of expensive engravings, but I thought that that ought to be printed.

Mr. MORRILL, of Maine. Certainly it is a scientific work; but my inquiry is, how such things as that get in print through the Government Printing Office?

Mr. ANTHONY. It must be done by order of the head of the Department in which it is printed and be taken out of the amount which the Senator from Maine allows him for his public printing. The Senator from Maine can restrict that. It is utterly impossible for the Committee on Printing to do it.

Mr. MORRILL, of Maine. The Senator from Maine is trying to get a little information, which the Senator from Rhode Island certainly has, but the Senator from Maine has not, to enable him to act discreetly.

Mr. SARGENT. The last Congress, in the hope of enforcing some degree of responsibility in the printing of the Departments, made for the first time a provision that the amount of printing required by each Department should be estimated for, that the estimates should be submitted to Congress, and the amount appropriated which each Department said it required to carry it through the year. This was done because year by year, and every year, the increase had been great in the cost of public printing. The honorable Senator from Rhode Island says that there is a large variety of kinds of printing that are now being done at the Public Printing Office which were not done several years ago; but everything that is done now was done four years ago, and during the last four years there has been a continued increase in the cost of public printing to a most extraordinary degree; and I find, by looking at the estimates laid before us at this session, that we are asked for nearly a quarter of a million more for printing for the next year than we appropriated for the current year. The appropriations for the public printing of the current year were $2,053,500, and the estimates now ask $2,259,148.92 for next year.

Mr. SHERMAN. Is not that caused by the RECORD?

Mr. SARGENT. I understand that this is caused by the RECORD partially, but beyond the increase for that paper is an increase of nearly one hundred and seventy-two thousand dollars; and this is the ordinary scale on which the public printing piles up year by year. Now, sir, I wish to say, as this provision was incorporated into the appropriation bill of last year partly on my suggestion, that I am sorry to say it has totally failed; that the Departments, so far as my observation goes—and I have inquired into the matter at the Public Printing Office and elsewhere—have not felt restrained by the hint we gave them that they should be more economical. They in some instances do not confine themselves to the estimates. For instance, I am informed, and I suppose reliably as it comes from the Government Printing Office, that already at this time the Court of Claims has expended all which was then appropriated for its printing, and the amount it estimated was given to it, and exceeded it by $25,000. In the different Departments they seem to go on the idea, "Here is a certain amount given to us, and we had better use it up or it will go back to the Treasury." Hence we have this fancy binding, turkey-morocco edges, fanciful gilt-edged literature, in which the reports of the Departments, the surveys of exploring expeditions, the observations of those having charge of our medical colleges, &c., is contained, and a scale of extravagance seems to be indulged in that needs some sharp, cutting remedy.

Now, sir, the bill which is before the Senate does not propose a volume for general distribution, as I understand. It is rather for the accommodation of Congress that this increase is asked, and the volume itself is rather for the use of Congress and the different Departments; but there is a proposition pending before the committee of which the honorable Senator from Rhode Island is chairman, referred to it yesterday on the motion of the Senator from New Jersey, to print the Agricultural Report for 1872 and 1873. If this is favorably reported, it looks to the distribution of 640 copies of each of these reports, or 1,280 copies of them by each Senator, and about the same amount for each Member and Delegate of the House. There is no provision of law made by which these books may be distributed. The postage on each one of them is forty cents. That is $512 for each Senator to distribute his share.

If it was intended when the franking privilege was repealed that Senators should pay for the distribution of the Agricultural Report, alone costing $512, and then pay for mailing the Report on Commerce and Navigation, the Report of the Coast Survey, the volume of Commercial Relations, the educational report, the reports of surveys, and all the other public reports, that is something very inconsistent with the clamor which has been raised in the country, and which has found a very considerable echo at the other end of the Capitol, for the reduction of the pay which was fixed at the time that repeal took place.

Sir, by the closest calculation I can make of the expenses of postage of a Senator or a member of the House for sending out the amount of public documents we have heretofore sent out, it is $2,000 for each Congress, or $1,000 per annum. I do not believe Senators will do this. I know that up to the present time it has not been done; that the lower rooms of the Capitol are cumbered with books heretofore ordered to be printed by Congress; that whole rooms are choked up with them, and they are not sent out. The price of mailing all these reports under the present postage law and the cost of sending them out is very high indeed. For instance, the postage on the Report on Commerce and Navigation is 42 cents, on the educational report 52 cents for each volume, and on the report of the Secretary of War as printed last year it is $2.16, and on the Report of the Secretary of State $1 for each volume, making up the full amount to which I have referred.

Now, sir, the only hope of economy by the repeal of the franking privilege is by restricting the amount of printing, is by voting down such resolutions as were yesterday referred to the committee of which the Senator from Rhode Island is chairman, because there has been no economy—there can be no saving—in the carrying of the mails or in the administration of the postal system. The mails are not carried for a dollar less in any part of the country. I doubt if it can be asserted by any one that they are. A large portion of the mail-carrying expenses is for the railway postal service, and the amount of that is fixed by law. The limit was increased last year about the time of the repeal of the franking privilege. That, of course, remains unchanged, and so through all the country.

But there are certain additional costs which necessarily arise out of the new system. I understand there have been $100,000 spent for scales for weighing matter for the different offices of Congress, in

the different Departments, and throughout the country. There has been the cost of making dies for new stamps; the cost of printing those stamps on expensive paper and by a delicate process; the pay of clerks to affix those stamps and to weigh the matter. There has been a continual expense in every direction, and the only saving is a mere nominal one; that is to say, the Government takes out of its left-hand pocket to put into its right-hand pocket. It provides for the Treasury Department between three and four hundred thousand dollars for its postage, which is the nominal amount which goes to correct an apparent deficiency in the Post-Office Department, whereas the only expenditure is the cost, perhaps, of ten or fifteen thousand dollars, which it may cost that Department to print the stamps for the Treasury Department, and which ten or fifteen thousand dollars is a dead loss to the Government. But the loss comes in other directions. I am informed that orders have been issued by some of the Departments to their subordinates in sending documents or reports to the Departments—and the rule has been adopted also in sending out reports or documents from the Departments to their subordinates in different parts of the country—that where the postage would be three, four, or seven dollars nominally, though the cost to the Government would of course only be the cost of printing the stamps affixed, if by express the matter could be sent for two, three, or six dollars respectively, the matter should be sent by express. Nominally it might cost $7 to send matter by mail, but it is sent by express at an actual cost of $6.50. Of course, the actual cost and loss to the Government is direct to the amount paid to the express company. How far that abuse (for it seems to me it is an abuse) has gone, I know not. The object, of course, is simply to show that the Departments are economical; that, if we for the Treasury Department appropriate $300,000 for the expense of its postage, it has saved $100,000, and that amount has been nominally covered back into the Treasury; but to save $100,000, which was merely a nominal consideration with the Government, its actual expense being the mere cost of printing the stamps, they may have paid $75,000 to the express companies to carry the Government matter.

So, I say, that since the repeal of the franking privilege, by the necessary effect of the law repealing it and by abuses—and I characterize the conduct I have referred to and the orders I have mentioned as abuses—the cost to the Government has been greater than it was before. Meanwhile the people have been deprived of the seeds of the Agricultural Department, the farmers have been deprived of the Agricultural Reports which are piled up here in our rooms, the merchants are deprived of our Reports on Commercial Relations, the miners in my State and all through the mining Territories lose the Report on the Mining Resources of the United States; and so all through all departments of business of the country, the information which it was designed should be furnished to them is denied to them by this repeal of the franking privilege, and nothing saved.

Now, if you say the members of Congress should pay for sending out these reports, I say in the first place it would cost us about two thousand dollars to do it, and the salary should, of course, be increased to meet that additional expense. But if members of Congress should pay for sending them out, why should they not pay for the printing of them? Why should the Government print them for us? If we are not to furnish this information in this form, why not we print it? Why not Senators pay the expense of folding these documents? It costs $70,000 to run the folding-room of the Senate for carting, &c., in order to get those documents to the mail. Why not assess that among the Senators? If you will reckon the amount of postage at $2,000 charged to each Senator, and so throughout Congress, you will find that the $70,000 added would scarcely make an appreciable difference.

Sir, I say that the only hope of economy under the repeal of the franking privilege is by abolishing the printing of these documents or by greatly restricting it. Therefore I am not prepared, as this is the only chance for economy, to vote for the bill now before us, because it is a measure that increases the public printing; and I certainly shall refrain from voting for the other proposition which was yesterday referred to the Printing Committee, because I can see no mode by which these documents can be sent out without impoverishing Senators, which certainly cannot be the design of the country. I prefer, if it is done, that we should go to the whole cost of the matter, and make a merit of it. If our private fortunes are to be encroached upon, if we are not only not to receive an adequate salary for our services, but are compelled to pay out of our own resources for sending this information to the people, I should like to be generous in it and pay also for the printing, pay for the folding, and all expenses to get this information to the people. Unless a radical measure of that kind is proposed, I am not prepared to go half way.

Mr. ANTHONY. This book is not for distribution, and the number that is ordered now is 250 less than was ordered two years ago. The permanent law orders 750, and with the increase in the business of all the Departments, and with the increase of the number of officers to whom this book is necessary for reference, there has been some additional number printed, not for distribution, for it is not given to Senators and Representatives, but all goes to the Secretary of the Interior, who supplies each Senator and each Representative with one copy. The Secretary of the Interior writes to me that the "Biennial Register is now prepared for the press," and says:

> My object in acquainting you with this fact is that some action may be taken to increase the number to be printed, if such a measure shall meet the approval of Congress.
>
> The law authorizes the printing of only 750 copies, which the experience of the last few years has shown are insufficient to supply the members of Congress and officials in the Executive Departments, who really need this book, finding, as they do, that it is a valuable aid in the transaction of the public business; and this increase in the number of copies to be furnished is the more necessary now as the House of Representatives is much larger than formerly.
>
> The Committee on Printing of the last Congress added 1,000 to the usual number, which has enabled the Department to reserve enough to furnish the new members of the present Congress; but if the supply now be doubled, that is adding 750 more, it will be amply sufficient to meet the demand.

The honorable Senator from California, I think, must be mistaken when he says that any Department has drawn all its money appropriated for printing and has ordered additional printing. I am quite sure that the Congressional Printer has printed for no Department one dollar's worth beyond the amount appropriated. He has no right to do it, and I am quite sure he has not done it. In fact he has called my attention to the fact that the appropriation would apparently be insufficient for some of the Departments, because the amount was nearly expended; and he said that he had no right to print, and that he had not printed anything, not a dollar, beyond the amount appropriated by law. If the amount appropriated is too large, then the fault remains with my friend from Maine, but must be shared with my friend from California, both of whom are on the committee appointed to supervise these appropriations. The Committee on Printing have nothing to do with it.

Mr. SARGENT. I should like to remark to my friend that it is impossible for us to keep down the appropriations if these orders are continually made for additional printing. Therefore, the responsibility does not rest with us. We can only carry out the law as it is.

Mr. ANTHONY. This is a very small amount.

Mr. MORRILL, of Maine. My friend from Rhode Island has a very seductive way of getting propositions through here in the morning, and that is one reason why I arrested his attention at this moment. I have not seen a determination at this session of Congress to look particularly in regard to any excesses which lie in the direction of expenditures for public printing, as well as other things; and it seemed to me we might begin exactly at this point. But I see I am to be baffled in that. He makes it so plausible to the Senate that I have no doubt the whole Senate will think this is a good thing to do, though I do not myself, because I think the information lies about us in different sources, though not in so convenient a form as the book will give it.

Mr. SHERMAN. This is not the point to arrest any expenditure in regard to printing. This Blue Book, as it is called, is made up of compilations from the different Departments of the Government, all of which are in type and here put together in a condensed form in one book, and 750 copies are printed and bound for our convenience. It costs nothing, therefore, but the binding in condensed form, in one book, various reports that are published according to law. Now, Mr. President, the cost of this book is not as much as the useless cost daily made by either House of Congress in printing bills. Here is a volume of bills laid on our table this morning. The cost of these bills is enormous, for sixteen hundred copies of each are printed, and probably there are not ten that will ever be reported. There is more cost every day in the printing of bills uselessly than in printing and distributing this Official Register.

I intend to act with the Senator from California, and I shall vote against every proposition to print public documents until some provision is made for their distribution. It is utterly idle, it seems to me, for us to authorize the distribution of 250,000 copies of the Agricultural Reports when they lie in piles about this Capitol, and cannot be distributed except by the expenditure of forty cents on each volume by the members of Congress; and as I hope to see the salary bill passed, it can hardly be expected that our constituents look to us to distribute these documents out of our pay. The best mode is to put a stop to the publication of all extra documents, and let the law stand by which any citizen of the United States can order any document he chooses by writing to the Public Printer and sending the actual cost. If the people do not want the documents, and are not willing to pay the actual cost of the paper and printing, it seems to me there is no great occasion to provide for distributing them. I, for one, give fair notice that I shall vote against every proposition to print extra documents that requires me to distribute them, without any means provided by law by which I can send them out unless I pay the postage on them. I will not pay the postage on the mass of documents that are distributed to me as a Senator. I could not do so out of my compensation.

Mr. BAYARD. I am very glad, indeed, to hear that there is a spirit of reform and economy in respect to the public printing and in post-office expenditures; but I hope it will not stop with the printing of public documents. I trust it may go a little further, and that the country may be saved the absurd expense which all of us have witnessed in the last vacation, of receiving little bundles of seed-wheat and seed-oats and other seeds for distribution, upon which the postage to and fro and the ordinary cost brings seed-wheat to the farmer at about eighteen or twenty dollars a bushel. We all know that just now there is a very tender interest felt in some portions of the country for the agriculturists, and no doubt there will be many champions for the agriculturists hereafter who have not been heard of

much until this time; and I suggest that this little measure to prevent the benefit to the farmers in this country of receiving their seed-wheat at about eighteen or twenty dollars a bushel may be included in the proposed reform of stopping the printing of public documents when they will not be transmitted at the individual cost of members of Congress.

Mr. SCOTT. Mr. President, I rise, partly in self-protection, to correct a statement made by the Senator from Ohio, [Mr. SHERMAN,] who is usually so accurate. His statement that the Agricultural Report is lying in piles about the Capitol will bring upon us a deluge of letters in a few days for that very report. [Laughter.] The last Agricultural Report published was that of 1871. There was no appropriation made to publish the report of 1872, and I believe there were no copies published except about one thousand, which the Commissioner had published at his own expense, or at the expense of his Department, if he has a contingent fund. I know I have been receiving so many letters requesting the report of 1872 that it is some labor to answer the correspondents who want it. I rise now so that the statement of the Senator from Ohio, who is generally so accurate, may not bring down upon us that portion of our constituency which the Senator from Delaware says is receiving at this time the kind attentions of all the persons in public life.

Mr. SHERMAN. If my friend will allow me, I will tell him for his information that I have received a notice, and I presume he has, of a list of public documents that await my order for distribution, and there are over two hundred volumes of them; and among the rest there are some Agricultural Reports.

Mr. ANTHONY. Thirteen.

Mr. SHERMAN. Very well; not many, it is true, but there are at least two hundred volumes of public documents that are now ready for distribution by every Senator, and the question is how to distribute them; whether he shall pay about $200 to distribute them——

Mr. MORTON. What would the postage amount to?

Mr. SHERMAN. I am not sure. The postage on some of them would vary from thirty to eighty cents.

Mr. ANTHONY. On some over a dollar.

Mr. SHERMAN. I could not tell how much the postage would be. I did not examine that matter. I have got the books and will send them to anybody who wants them, provided they send the postage.

Mr. LOGAN. I desire to make a suggestion to the Senator from Ohio, while he is up, with reference to distributing these documents. I think we might do it without violating conscience or law. There seems to be a large fund in the two Houses of Congress without any particular denomination or name. Members seem to be distressed about getting rid of a portion of their pay; and the Treasurer of the United States seems to be distressed as to what shall be done with it. Nobody will accept it, and it is floating around. Could we not amend the bill so as to call that a general conscience fund and apply it as postage on these documents, and allow the people to have the benefit of them? [Laughter.] I think we might do that.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENROLLMENT AND LICENSE OF VESSELS.

Mr. BOUTWELL. I am instructed by the Committee on Commerce, to whom was referred the bill (S. No. 191) to amend the act entitled "An act relating to the enrollment and license of certain vessels," to report it back without amendment, and to ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to extend the provisions of the act relating to the enrollment and license of vessels navigating the western rivers and the waters on the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea, approved February 28, 1865, to include all vessels of the United States navigating the waters of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. TIPTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 217) granting a pension to Julia A. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. AMES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 219) for the relief of Newton Knight and others, citizens of Mississippi, therein named; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 220) to authorize the appointment of a major in the artillery of the Army of the United States; which was read twice by its title, and, together with a petition of Captain and Brevet Brigadier-General James A. Robertson, United States Army, accompanying it, referred to the Committee on Military Affairs.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 221) to fund the sum due the Prairie band of Pottawatomie Indians under the provisions of the treaty of February 27, 1867, and to transfer and fund any sum which may be found due from the Citizens' band of the Pottawatomies to the Prairie band, according to an agreement entered into between said bands July 18, 1873, and to use both principal and interest for the civilization of said Indians; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 222) to extend the provisions of an act entitled "An act to provide compensation for the services of James Witherell, Ross Wilkins, and Solomon Sibley in adjusting titles to land in Michigan; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 223) for the relief of the Mission of Saint James; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 224) to incorporate the Washington City Inebriate Asylum in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. BOGY. At the last session of Congress, perhaps on the last day of the session, a bill for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish, was passed, but was not signed by the President for the want of time. I wish to introduce the same bill again with a memorial accompanying it, and ask to have them referred to the Committee on Claims.

There being no objection, leave was granted to introduce a bill (S. No. 225) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish; which was read twice by its title, referred, with the accompanying memorial, to the Committee on Claims, and ordered to be printed.

Mr. CARPENTER (Mr. MORRILL, of Vermont, in the chair) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 226) to provide for printing for the Supreme Court; which was read twice by its title.

Mr. CARPENTER. I wish to state in explanation of this bill that in consequence of the Supreme Court meeting now as they do, in October instead of the first Monday of December, they have exhausted the fund which was provided for printing records, &c., for the court, and it is therefore necessary to pass the bill at once. I move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

PENSIONS TO SOLDIERS OF 1812.

Mr. HOWE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency and the justice of placing all surviving soldiers of the war of 1812, who have been honorably discharged, upon the pension roll, irrespective of the duration of their service.

SUBSISTENCE OF PRISONERS.

Mr. MORRILL, of Vermont, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be, and it hereby is, instructed to inquire into the state of the law respecting the discharge from prison of persons committed thereto by the courts of the United States, and into the expediency of providing for furnishing to such persons the means of temporary subsistence.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, communicating, in reply to a resolution of the Senate of March 11, 1873, information in regard to the expediency of dedicating to public use a part of the island of Mackinac; which, on motion of Mr. FERRY, of Michigan, was referred to the Committee on Military Affairs, and ordered to be printed.

PROPOSED HOLIDAY RECESS.

Mr. CONOVER. I desire to enter a motion to reconsider the vote taken yesterday on the indefinite postponement of the concurrent resolution of the House of Representatives relative to a recess for the holidays. I do not wish action on it now, but desire the motion to be entered.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

COTTON SEIZURES AT THE SOUTH.

Mr. GORDON. I desire to get the action of the Senate on a resolution presented by me on the 10th of December, asking for information in relation to the number of bales of cotton seized after the war, &c.

The PRESIDENT *pro tempore*. The Senator from Georgia moves that the Senate proceed to the consideration of the resolution indicated by him.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. GORDON on the 10th instant:

Resolved, That the Secretary of the Treasury be requested to report, for the information of the Senate—

1st. The number of bales of cotton seized under orders from the Department after the close of the war; from whom taken; by whom taken; by whom and when sold, and where sold, and at what price; and what disposition was made of the proceeds, and when and how much of the same went into the Treasury; and what disposition was made of the proceeds before being paid into the Treasury.

2d. That he report a list of the claims filed before him under the act of March, 1872, showing the name of each claimant, and how much cotton claimed was alleged to have been taken from each, and when.

3d. That he state the amount of expenses deducted from the proceeds of the sales of the cotton, and whether the same were allowed by the Department, and in whose favor.

Mr. BOUTWELL. I would suggest to the Senator from Georgia whether the information called for under the first head is not already in possession of the legislative department of the Government upon former resolutions either of the House or of the Senate? I think it must be so.

Mr. GORDON. I am not aware of it if it is; but it may be so. If the Senator can satisfy me that that is so I am willing that that portion of the resolution be stricken out.

Mr. BOUTWELL. I cannot of course without examination refer to the document, but I am quite sure that the information under the first head has been communicated to Congress.

Mr. GORDON. It would be very little trouble to repeat it. It may be in the other branch; I think it is hardly in this. I hope that the resolution will pass in full.

Mr. BOUTWELL. The only objection, perhaps, is one of expense. If it is reported again it will be printed again; and I have no idea that it possesses general public importance.

Mr. GORDON. I will ask the Senator from Massachusetts if he is positive that that information has been given?

Mr. BOUTWELL. I cannot say that I am positive, but I have no doubt about it.

Mr. SUMNER. I would suggest to my colleague whether he might not introduce the words "so far as not already communicated to Congress."

Mr. BOUTWELL. That would answer.

Mr. SUMNER. That would prevent a repetition.

Mr. GORDON. I have no objection to that modification.

The PRESIDENT *pro tempore*. The Senator from Georgia accepts the modification.

Mr. CONKLING. May we hear the resolution read?

The PRESIDENT *pro tempore*. The resolution will be read as modified.

The Chief Clerk read the resolution as modified.

Mr. SHERMAN. I have seen that document. In 1865–'66, when the cotton claims, as they were called, came up, there was quite a large document. I think it would be unreasonable to require it all to be copied. It is in the public documents of 1865–'66, I think. Mr. Fessenden, as Secretary of the Treasury, made such a report, I think.

The PRESIDENT *pro tempore*. The resolution has been modified so as not to call for information that has been heretofore furnished.

Mr. SHERMAN. If that is made clear, and nothing is called for but what has not already been communicated to Congress, I have no objection.

Mr. MORRILL, of Vermont. I suggest to the Senator from Georgia to let the resolution lie over until to-morrow, till we can ascertain whether all the information that he desires is not already here.

Mr. GORDON. It has been lying here now since the 10th. We shall adjourn in a few days; and if the information has not already been given to the Senate, our recess will afford opportunity to the Secretary of the Treasury to furnish it. I think the Senate is as ready to act upon it now as it will be at any other time.

Mr. HOWE. I do not think there can be any objection to the passage of the resolution as it now stands. Some of that information, I think, is already before the Senate; but there is considerable of it that is not, and I think the Senate would desire to have it.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution, as modified, as follows:

Resolved, That the Secretary of the Treasury be requested to report for the information of the Senate, so far as such information has not already been communicated to either House of Congress—

1st. The number of bales of cotton seized under orders from the Department after the close of the war; from whom taken; by whom taken; by whom and when sold, and where sold, and at what price; and what disposition was made of the proceeds, and when and how much of the same went into the Treasury; and what disposition was made of the proceeds before being paid into the Treasury.

2d. That he report a list of the claims filed before him under the act of March, 1872, showing the name of each claimant, and how much cotton claimed was alleged to have been taken from each, and when.

3d. That he state the amount of expenses deducted from the proceeds of the sales of the cotton, and whether the same were allowed by the Department, and in whose favor.

The resolution was agreed to.

HOURS OF SESSION.

Mr. HITCHCOCK submitted the following resolution:

Resolved, That on and after Monday next the hour of daily meeting of the Senate be ten o'clock a. m.; and that the Senate take a recess daily from five and a half to seven o'clock.

Mr. SUMNER. I object to that.

The PRESIDENT *pro tempore*. The resolution will lie over.

HOUSE BILL REFERRED.

Mr. WRIGHT. I ask that the message of the House of Representatives be taken from the table.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a House bill.

The bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates was read twice by its title.

Mr. WRIGHT. I move that the bill be referred to the Committee on Civil Service and Retrenchment.

The motion was agreed to.

THE CURRENCY—SPECIE PAYMENTS.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the resolution reported by the Committee on Finance.

Mr. BOGY. Mr. President, on the special order, the resolution reported by the Committee on Finance some days ago, it is my wish to address the Senate in expressing my views; but I am not prepared to do so to-day. Whether it is proposed to ask for action on it to-day I am not advised; but if it is deferred, I will seek to address the Senate to-morrow.

Mr. SHERMAN. Has any Senator the floor on the pending proposition?

The PRESIDENT *pro tempore*. No one, unless the Senator from Ohio.

Mr. SHERMAN. I observe that several Senators have given notice of their desire to debate this proposition in the future; and in this way, it seems to me, the purpose which the Committee on Finance had in view in reporting the resolution will be defeated. We wished to get a general expression of the opinions of Senators upon the proposition as to whether our measures ought to tend toward the resumption of specie payments. Upon that general proposition every Senator has his mind made up practically. He has formed an opinion sufficient to give direction, at any rate, to the investigations to be made by the Committee on Finance. It is for that reason that I have not made any speech on the subject, nor sought to persuade any Senator to agree with me in opinion.

Now, it seems to me that we ought to have a vote on the pending resolutions without the formal debate that Senators seem to be drifting into. It seems to me that the tendency of the Senate is to enlarge this debate far beyond what there is occasion for. Of course, any measure of legislation which may be framed will be brought before the Senate for its consideration, and any discussion as to the details of the measure is manifestly out of order now. The only question now before the Senate is whether or not the Committee on Finance ought to have in view, during this session of Congress, some measure tending toward specie payments, and also the proposition submitted by the Senator from Michigan, [Mr. FERRY,] that Congress ought to provide for the enlargement of the currency. These are general propositions that we ought to vote upon without any enlarged discussion. If we have got to postpone the decision of this preliminary question until speeches are made on this subject, and as to all the various plans submitted to us, of course we shall not get to an end of this preliminary discussion for two or three months.

I hope that the Senate will proceed to-day, without any more than a general expression of opinion upon the main proposition, and let the Senate Committee on Finance during the recess, or shortly after the recess, proceed to develop, if they can, some plan tending either to promote specie payments or to enlarge the currency. It is for this reason that I have not engaged in this debate, nor do I intend to do so. Every Senator can now express his opinion upon the general proposition whether we ought to enlarge the currency or whether we ought to tend toward specie payments. This is a question which has been in the mind of each Senator and before him for a year. There is not one here who has not his opinion formed to a certain extent. As to what particular measure will carry out this view, perhaps he is not prepared to vote on; but upon the general idea as to whether he wishes to advance the value of our currency to the gold standard, or whether without regard to that he desires to relieve the people by the issue of more paper money, each Senator certainly can vote now.

I trust, therefore, that Senators will not delay the passage of a resolution on this subject until they can exhaust themselves by elaborate, prepared speeches upon a most difficult question; but let us have at least now a preliminary indication or instruction from the Senate as to what they desire the committee to do. It is for that purpose that these resolutions were reported; and when they were reported I supposed we should have a vote upon them before the holidays, and I see no reason why we should not have a vote on them to-day.

Mr. BOUTWELL. Mr. President, the honorable chairman of the Committee on Finance will pardon me if I suggest to him that it is possible other Senators may feel the difficulty which I have felt since the resolution was submitted to the Senate—that the Committee on Finance express no opinion as to the course of proceeding which by that committee is thought likely to tend toward the end contemplated by the resolution. I am prepared, for one, to say that I am in favor of a policy which will bring the volume of paper in the country to an equality, commercially, with coin; but I can conceive of ways

of doing that to which I would be strenuously opposed. I am prepared to say further that a way usually accepted is a way which I do not approve; that is, the contraction of the volume of currency of the country. That policy tends, undoubtedly, to produce equality of value, but I apprehend that the shock to the country of entering upon and pursuing that policy would be detrimental to private and public interests. I prefer to adhere to the policy which we have pursued for the last five or six years, of maintaining steadily the volume of currency at the minimum point, as far as practicable, established by law, and waiting for the development of the resources of the country and the increase of business which in time—I cannot say how long a time will be required, but in time—will certainly bring the paper and the coin of the country to an equality in value commercially. Therefore I look with apprehension upon all the propositions which contemplate contraction of the currency.

After as careful an examination as I have been able to make of the various propositions submitted to the Senate and to the country, however described, I find that they are substantially of two sorts: they either contemplate contraction, or they contemplate expansion; and each and every of these propositions I think it the interest of the country to resist. If we expand the currency permanently, we postpone the day for the resumption of specie payments; if we contract the currency by process of law, we bring the business of the country to a stand, we diminish the revenues, and by diminishing the revenues we render taxation inevitable and impair the credit of the country. All these are evils, either of which, considered separately, would in my judgment more than compensate for any gain we should realize by bringing the paper and the coin of the country to an equality in value at a comparatively early period.

These are general views. I do not purpose to-day to go into the argument, and I only respond for one to the appeal of the Senator from Ohio. I look, speaking generally, for the restoration of the credit of the country, in the particular now under consideration, to a development of its resources, and not to a financial measure specially so considered.

Mr. HOWE. Mr. President, I do not propose to make a speech on the finances, but I want permission to say amen to the speech which has just been made by the Senator from Massachusetts, [Mr. BOUTWELL.] If I could add a word by way of exhortation, I do not know but that it would give me a little relief. I agree with the Senator from Massachusetts, however, most fully, that the way to the redemption of your currency in specie is neither through contraction nor through expansion. I agree with all these expansionists, however, in one thing: that we have not money enough. That cannot be considered very strange when I say that in my judgment we have not a dollar of money in circulation, and I do not think I should be much mistaken if I said that we never did have a dollar of money in circulation. We have had in happier times something which resembled money very closely, which was made of the right material, and which would have been money if it had ever secured international recognition. We have had plenty of money, and I do not know but that we have plenty of money now; that is, money in the eye of the law, lawful money; but in the eye of commerce I think we have no money now, and never shall have until we get something that the commercial world will accept as money. That, I suppose, this Congress cannot create. It can come pretty near to it, and has in former times furnished a circulation which bore a strong resemblance to commercial money. It was not absolutely respected outside of our own country, but was so easily transmuted into what other countries did acknowledge to be money that it was about as good as money all over the world. I should be glad, therefore, to see more of this kind of money. At the present time we have not anything bearing the slightest resemblance to it. We have nothing but counterfeits, and I do not want to see any more of them. I think there are two very sound reasons why we should issue no more of this stuff that we call money. One of those reasons—I do not know how much weight it ought to have with us—is that it is dishonest to issue it.

I have been told that the world is some six thousand years old. I cannot say anything to the contrary of that estimate. We ought in that time to have learned something. If we have learned anything in that time I think we have learned this: that fraud is not fair and that lying is an instrument of fraud, and that when a man says, or a Government says, day after day and month after month and year after year, that he or it will do a thing, and never does it at all, it bears such a strong resemblance to lying that it is not worth while to undertake to discriminate between them.

Mr. President, you have been circulating through this country, in the name of the Government of the United States, promises to pay money. You have not redeemed those promises; you have not made the slightest effort to redeem one of them; and now pretty much everybody knows that there is no resemblance between those promises and money, and that there is no verity in those promises. Still we have to take them. There is that difference between Government counterfeiting and ordinary counterfeiters. We do not, any of us, take the work of an ordinary counterfeiter except when we are deluded into it. We take these shams per force of law. The Government is a little worse than an ordinary counterfeiter in that respect.

There was a good, wholesome reason why we should have substituted once paper for coin, for a metallic currency. That reason passed by long ago. I should be glad to get all this out of the way, as the Senator from Massachusetts says he would be, and put something else in the place of it. But I do hold that if this Government adds a dollar or a fragment, a square inch, to the volume of these broken promises—it will not do to call the Government a criminal, I suppose, but it will come too near the perpetration of a crime to suit me.

For these reasons, very briefly stated, I agree with the Senator from Massachusetts that we ought not to add anything to this kind of circulation. I think the Secretary of the Treasury has made a very great mistake in allowing a dollar of this circulation to get out upon the country. I do not stop to consider his legal right to do so. It would not add much to my respect for the measure if his right under the law was ever so clear, nor detract much from the measure of my respect for it if there was not a shadow of law for it. I cannot help regarding it as a great abuse of discretion, if the discretion was in him, and I hope Congress will not, by any act of its, authorize the slightest enlargement of that sort of circulation; but I agree with the Senator from Massachusetts, that it will not do for Congress to exert its authority now, or at any time, in the direction of contracting the circulation. That, I think, is altogether too harsh a remedy. You have to call on the people to contribute to the wants of the Treasury pretty large sums of that which stands in their hands in lieu of money, whether it be money or not, and which costs them that which money always costs, to carry on the Government. We know very well that the people can contribute a great deal more in the way of taxes when these contributions are regularly returned in the way of disbursements; but when you call upon them to contribute three hundred millions a year to pay the expenses of the Government, which is returned to them in the disbursements of the Government, and in addition to that call upon them to contribute fifty or one hundred millions a year not to be returned to them at all, but to be confiscated—that is a pretty harsh kind of taxation, and I do not think the country will stand it. It was tried once. The country did not stand it long; and I hope never to see it tried again. So that I cannot join my voice with any of those who insist upon having an addition to this paper circulation. And, on the contrary, I have not the slightest sympathy with those who call upon the Congress of the United States to curtail that circulation. So far, I think, I sympathize with everything that the honorable Senator from Massachusetts has said.

Now, I want to contribute not a new suggestion, for I believe I have thrown it out to the Senate once before. I want to contribute an old suggestion—that if the Government are committed to the doctrine of treating this stuff for the present as money, we should just stand there and not make this other mistake which I see some gentlemen in and out of Congress are inclined to insist upon, that is, committing the Government to the policy of undertaking to treat this three hundred and fifty or three hundred and sixty millions as bank paper and redeem it, exchange coin for it day after day. I do not want to see the Government committed to that, for this plain reason: It has been agreed to pay money, and there is that reason why it should try to do it. There is a better reason why it should not try to do it, and that is, that, in my judgment, it is utterly impossible for the Government to do it. There is not a bankrupt in the United States to-day who cannot just as well and as successfully undertake to redeem the circulation of the United States as the Government itself. It is beyond the power of a government—of this Government or of any other—to keep afloat a paper circulation convertible at all times into coin. I think that can be demonstrated if anything can be demonstrated; but I shall not stop to try to demonstrate it now.

I do not want to see the Government undertake to do that; but if you will do just this much you will content me, and I suppose you will content somebody else by not doing it. If the Government will say to the holders of this paper which you call greenbacks or legal-tenders, "We cannot pay you the coin for this; but when you get tired of carrying it as money and treating it as money and pretending that it is money; when you have borne about with you the sham just as long as you care to bear it, you may bring it back to the Treasury and we will take it and will give you our promises to pay at some other day, and pay you interest on those promises." That is not a full compliance with the promise which we made originally; but that is just what every debtor, if he has any honesty and not sufficient ability to meet his obligations in full, is always prepared to do.

But, sir, I think this should be accompanied by one safeguard; you should say at the same time that whoever wants to add anything, not to the money of the country, but the paper circulation of the country, if they will go to the Treasury and do what the existing banks have been required to do, deposit bonds, they may have the percentage of circulation which is accorded to banks under the existing law. I think that legislation ought to respect the present volume of the currency so far as to make one of these steps contingent upon the other; that the funding of the legal-tender notes of the Government into bonds should proceed only *pari passu* with the exchanging of those bonds for your banking circulation. Then the holders of this paper will have the right to exchange it if they choose to exchange it, and have the right to do so just as far and as fast as they choose and are able to substitute their own promises for these promises of the Government. Of course we shall lose interest just

as fast as that is done. I do not deprecate that at all; I do not regret it at all; for I do not believe the Government has any more right to borrow money without paying interest upon it, if the lenders want interest, than I have. I do not believe they can borrow money without paying interest to their profit and to the profit of the country, any more than I can borrow it to the profit of the lender.

Mr. President, this is all I care to say this morning.

Mr. FERRY, of Michigan. Mr. President, I do not believe there is much difference in this body as to the question whether our currency and gold shall eventually be made equivalent. As far as I have observed, from what has fallen from the lips of Senators, I am satisfied that the difference lies more in the method of reaching rather than the fact of such result.

I listened this morning with a great deal of attention to the Senator from Massachusetts, [Mr. BOUTWELL,] who went so far as to declare that he looked with apprehension upon any method of arriving at specie resumption which contemplated contraction, and added, in force of the proposition that he took, that we could not look upon the prostration of the country without anxiety.

Now, Mr. President, I desire the attention of the Senate to this fact: whatever may be said here, it cannot be denied that prostration exists now in the financial avenues of the country, and it is a very grave question whether that prostration is to be continued by the let-alone policy, or whether it becomes the duty of legislators to adopt such a policy as will secure prosperity instead of this prostration. The difficulty of agreement has been found in the committee, and this resolution appears before the Senate, to invite the expression of the Senate upon the vital question whether we shall add to this prostration, or, by a moderate expansion, restore prosperity, and thus quicken the approach in value of gold and currency.

I cannot understand why, on the one hand, a Senator can with deliberation declare that our currency is an "engraved falsehood;" and on the other hand, another Senator, representing another part of the country, can declare that it is "counterfeit currency;" and in order to cast odium upon a circulating medium which has served such value to the country, can declare it also "stuff." If I mistake not, during the midst of the panic, it was such valuable "stuff" that citizens throughout the country, not excepting the Senator himself, were too glad to stuff their pockets and vaults with this same pitiable "stuff."

Now, sir, there are two methods of testing the value of this so-called "stuff." I do not now propose to enter at large into this discussion, but to draw attention to the fact that if it had not been for this very currency, called "stuff," we should have failed in the war, rebellion would have succeeded, and you would have had no country to use or appreciate any kind of currency or money. It was the exercise of constitutional power in this very issue which you are contemning and ridiculing that enabled the people to carry you successfully through the war when you had no other alternative, for you had no coin, and were driven to suspension. You were compelled to fall back upon your credit for resources, and you did it triumphantly.

I ask your attention to the two ways of measuring the value of this currency. What are they? Go into the markets; question Wall street; and the answer made in the midst of the panic was that the value of this currency was only 6 per cent. discount—94 cents to the dollar in gold. I ask the Senator from Wisconsin [Mr. HOWE] whether that be "stuff," whether that be "counterfeit money?" And I ask the Senator from Vermont [Mr. MORRILL] if such is an "engraved falsehood?" If in market, in the midst of the panic, it was worth 94 cents, and to-day, I believe, is worth 90 cents in coin, then strictly, according to the epithets and estimate of these Senators, it would be 10 cents lie and 90 cents truth.

Mr. HOWE. O, no; that is not according to my mathematics. There is not a cent of truth in it; there are 100 cents of lie; but by virtue of a statute you compel the people of the United States to credit it with 90 cents.

Mr. FERRY, of Michigan. Then the public hug that lie, and to-day appeal for more.

Mr. HOWE. Of course.

Mr. FERRY, of Michigan. Mr. President, I am willing to go to the country with the Senator from Wisconsin or the Senator from Vermont on the question whether this currency is a lie or a truth. The people have decided the value of this currency in the shock of battle and in the toils of panic. Pronounced good by the people it cannot be made worthless by sneers. During the panic but little of it was converted into gold, showing that in their judgment they considered the currency nearly equal to gold. And I reiterate right here the fact which I stated before, that in that very period and moment the currency brought 94 cents in the market of the country in coin. How much this is "lie" and how much "truth" I leave to the mathematical astuteness of the Senator.

Now, I call attention to the other method of testing this currency, and it is by the Government itself, the author of the issue. It gives to the national banks 90 cents of currency upon its bonds. It either values its promises to pay in the form of bonds payable in the future at 90 cents truth and 10 cents lie, or else it considers the currency 10 cents lies and 90 cents truth. You may take either horn of the dilemma.

I am not discussing with the Senator the intrinsic value of this currency any more than I am discussing the intrinsic value of coin. Gold is a commodity, and finds its value in the market. This evidence of debt, this promise to pay, is not a commodity; it is a measure of exchange; but it obligates your whole Government and holds the aggregate wealth of the whole country in pledge for its security and ultimate payment. Therefore, I say that the exchange of a bond for this currency is merely putting off the period of payment. It is your greenback of to-day promising to pay in the distant future. In reality, it is begging the future to come to your rescue, saying that now you cannot pay, but by and by you hope to pay.

It is well known that every scheme that has been presented here against the plan of moderate expansion has been supplemented with this idea, that the Government shall issue bonds and accredit those bonds by paying interest at 5 or 6 per cent. in coin; simply retiring the greenbacks through bonds, exchanging non-interest-bearing promises for interest-paying one. Because the greenbacks are not paid now, the people are to be asked to issue bonds bearing 5 or 6 per cent. interest in coin, and hope for payment of principal hereafter. By this burden of coin interest you put value upon a form of national credit which you declare in the form of currency has no value whatever. We have heretofore found ourselves unable to meet our bond obligations, and have funded a portion of our debt, and we will do it again whenever the necessity arises. And this you call value and truth, I suppose, in the language of the Senator from Wisconsin, [Mr. HOWE.]

Now, sir, I want to dispel this delusion that the volume of the currency regulates the price of coin. I have a statement before me, which I have prepared with some care, showing the price of coin during different periods since the war broke out; and I find that when we had the most volume of circulation our coin was lower than it was when we had less volume. On the 1st of January, 1864, we had $603,000,000 of currency, and gold stood then at a premium of 55 per cent. On the 1st of December last the volume of currency was $765,000,000, and coin stood at a premium of 9 per cent. With that addition of $162,000,000 to the volume of the currency, coin stood at a premium of 46 per cent. less than in 1864.

So I might cite as well the close of 1866, when the largest volume of currency was in circulation—taking into account all forms of circulation, such as seven-thirties, certificates, and others, amounting altogether to $1,571,000,000—gold stood at only 34 per cent. premium, less than it did when we had but $603,000,000, the lowest volume, in 1864, by 21 per cent.

I might go through this whole list, and instance semi-annually the volume of the currency and the price of gold, and show conclusively what I have stated, that the volume of currency has not regulated the price of gold.

To assure this I will append the statement I have referred to right here, and let it speak for itself:

Date.	United States notes and other forms entering into the circulation.	National currency.	July total.	January total.	Premium on gold.
June 30, 1862	$147,725,235 00	.....	$147,725,235 00	.....	15
June 30, 1863	411,223,045 00	.....	411,223,045 00	.....	30
Dec. 31, 1863	603,264,577 25	$280,000	.....	$603,544,577 25	55
June 30, 1864	755,162,333 70	31,170,500	786,332,833 70	.....	158
Dec. 31, 1864	719,006,202 95	76,066,420	.....	795,072,622 95	116
June 30, 1865	699,371,400 25	146,137,860	845,509,260 25	.....	41
Dec. 31, 1865	700,622,011 87	236,636,098	.....	946,258,109 87	40
June 30, 1866	609,044,725 46	281,479,908	890,524,633 46	.....	50
Dec. 31, 1866	1,273,199,361 32	298,588,419	.....	1,571,787,780 32	34
June 30, 1867	1,025,231,523 02	298,625,379	1,323,856,902 02	.....	39
Dec. 31, 1867	723,135,302 85	299,846,206	.....	1,022,980,508 85	38
June 30, 1868	482,122,712 47	299,762,855	781,885,567 47	.....	42
Dec. 31, 1868	398,834,757 37	299,747,560	.....	698,582,317 37	35
June 30, 1869	292,945,058 61	299,742,474	692,687,532 61	.....	36
Dec. 31, 1869	399,544,014 68	299,629,322	.....	699,173,336 68	21
June 30, 1870	399,091,562 48	299,267,486	698,359,048 48	.....	16
Dec. 31, 1870	397,852,197 38	304,956,849	.....	702,809,046 38	10
June 30, 1871	397,182,152 06	317,212,919	714,395,071 06	.....	12
Dec. 31, 1871	403,708,970 27	327,727,308	.....	731,436,278 27	9
June 30, 1872	399,607,213 52	336,220,692	735,827,905 52	.....	14
Dec. 31, 1872	405,395,761 12	342,541,452	.....	747,937,213 12	12
June 30, 1873	401,831,067 94	344,858,627	746,689,694 94	.....	15
Dec. 1, 1873	416,908,860 45	348,544,000	.....	765,452,869 45	9

Mr. President, I state here my belief that if the Government had made its greenbacks a legal tender for all purposes, for customs dues as well as for other public and private debts, treating everybody alike, and then gone into the market and purchased its gold to meet its obligations instead of employing the agency of thousands of merchants to compete for and keep up the price of coin in the market, you would have struck the key-note and fully accredited your currency and made it equivalent to coin. So believing, and fortified by the experience of the past panic, when persons who discriminated at all did so in favor of greenbacks, I have followed that indication in the substitute that the Government shall issue all the currency and make it a legal tender for all purposes except customs and the interest on the public debt. I do not go as far as my judgment inclines, but prefer to go as far as my observation and experience justify. I do not propose to act upon theory or speculation. Senators cannot, however, gainsay the fact that greenbacks are worth

more than national currency; and if that be the case, I trust the Senator from Wisconsin as well as other Senators will join me in any effort to accredit this "worthless stuff" by making it issuable by the Government and by making it lawful money. If Congress will adopt this measure, I am satisfied that by a moderate increase of the currency prosperity will be restored throughout the country, and by that prosperity the two forms of money will gradually come together, and, as we have seen, from month to month and year to year the approach will be certain, and within a few years currency become the equivalent of gold.

We need an expression of the Senate, and I trust that Senators will avail themselves, as I have no doubt they will, of the pendency of these resolutions to express their views on this question, which is the vital one, whether we shall come to resumption by prostration or by prosperity. We are not to consult in this our own convenience either. We are to heed the industrial stagnation, the losses, the misery that appeal with a voice that cannot be shut out from this Chamber—a desperation and misery that may not be felt here, closed in this Capitol, but a calamity that is broadcast throughout the land. I solemnly believe, in my business judgment, that the only true way for relief is to give us a moderate increase of currency—not inflation, as Senators may strive to call it, nor unlimited expansion, but merely an increase demanded by the natural progress and industrial necessities of the country. Give us that, sir, and you will stimulate prosperity and enter the highway to an earlier resumption.

Mr. MORTON. Mr. President, I do not desire to make a speech on this subject, but before voting on this resolution I wish to give some reasons for my vote. In the first place, I desire to call the attention of the Senate to what this resolution is. It contains two propositions, and I will now read the first one:

> That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows:
> "And the United States also solemnly pledges its faith to make provision at the earliest praticable period for the redemption of the United States notes in coin."

The question first presented is whether it is the duty of Congress at this session to take definite measures for the redemption of the United States notes in coin, for that is the pledge given in the act of 1869. I agree that the faith of this Government is pledged to redeem what are called greenbacks in coin. I agree to that as fully and as strongly as anybody; and I further agree that we are to keep steadily in view what is called a return to specie payments; but the question is whether it is our duty at this session of Congress, at this time, in the present condition of the country, to look to and adopt such measures; and at this point I differ with the committee. There is a wrong time to do a right thing; and in my opinion this is not the time in which we should adopt definite measures to redeem these notes in coin, unless the time be put off so far that it will not increase the present embarrassment or intensify the effects of the panic upon the country.

The Senator from Massachusetts [Mr. SUMNER] has repeatedly declared before the Senate, and I think in substance the other day, and that declaration was made very strongly this morning by the Senator from Wisconsin, [Mr. HOWE,] that every day we failed to redeem the legal-tender notes the faith of the public was broken; that we were "lying," and that the country was deceived. I desire to enter my protest against that language. The Government is not liable to that charge. The Senator from Massachusetts said the other day in his argument that it was a promise to pay coin upon demand, and that is the literal effect of that promise; and yet when that promise was made it was understood by everybody that it was to be broken for an indefinite length of time. If it was to be redeemed literally and at that time, there would have been no use in issuing greenbacks. The understanding of the country was, and nobody can be deceived upon that point, that the Government was to redeem those notes in coin when it was practicable to do so, and not before; and the question may be fairly presented, has it up to this time been practicable?

My friend from Wisconsin, after making those strong declarations about fraud and the Government's lying, went on within five minutes afterward to say that the redemption of those notes in coin now was an impossibility; we had not the coin to do it. I might ask him whether we have had the coin at any time since those notes were issued to redeem them?

Mr. HOWE. The Senator did not quite comprehend me. I did not say that it was impossible to redeem those notes in coin. I said it was impossible for the United States Treasury to keep them in circulation constantly, redeemable in coin.

Mr. MORTON. I accept the correction on the part of my friend; but the point I now make in vindication of the course of the Government is, has it been practicable at any time since the end of the war to carry out the pledge to redeem those notes in coin? We cannot redeem them in coin unless we have the coin; but we have it not in any considerable amount, and we have never had it at any one time in any considerable amount.

Mr. SUMNER. Will my friend allow me just there to ask him whether in this interval we have not paid a considerable portion of the national debt, I think larger in amount than the outstanding legal-tenders?

Mr. MORTON. We have paid a larger amount of the national debt up to this time than the whole volume of legal-tender notes.

Mr. SHERMAN. And paid it in gold.

Mr. MORTON. We have paid it in gold, it may be said, by the sale of gold and the purchase of bonds, but nobody knows better than the chairman of the Committee on Finance that we have not had enough gold at any one time to authorize us or to make it safe to begin the redemption of those notes in coin. We have never had, I believe, at any one time, more than $30,000,000 of gold, excluding special deposits, at our command, and that quantity was not sufficient to authorize us to begin the work of redemption.

Mr. SUMNER. My friend is aware that when we had the gold we paid it out in paying off the debt, to redeem the bonds, instead of paying the running daily obligations of the Government.

Mr. MORTON. Certainly, Mr. President, if we had begun to pay the daily running obligations of the Government in coin when we had only forty or fifty millions of coin, and that coin worth a premium of forty, fifty, or sixty cents in the market, it would all have been taken up and the Government left bankrupt in coin in forty-eight hours. Do we not all understand that that was utterly impracticable?

Mr. SUMNER. I know my friend is anxious to elucidate the question, and therefore he will pardon me if while he is on that point I present him another aspect. Was not the original suspension of specie payments, making our paper inconvertible, essentially a war measure, to carry on the war; and therefore should it not have been terminated just as soon as possible immediately after the war? Should a war measure be prolonged indefinitely in a period of peace?

Mr. MORTON. I think I can agree with that proposition, and yet it does not change or affect the force of my argument. It was a war measure, and, as I have remarked before, the promise when those notes were issued was that they should be redeemed when it was practicable to do so. Sir, hostilities ceased seven years ago, but the consequences of the war are upon us to-day in a debt of more than two thousand million dollars. We see the effects of the war all around us, in every form, in a thousand shapes; and one of the consequences of the war to-day, in the language of my friend from Wisconsin, is that we are not able to-day to redeem those notes in coin.

Mr. HOWE. I wish to ask the Senator from Indiana if he will not accept this as a definition of the actual promise that was made by those notes: that the Government promised to pay those notes whenever they could borrow the money represented by them at a fair rate of interest?

Mr. MORTON. No; I do not think I shall.

Mr. SHERMAN. Will my friend allow me to remind him that by the very law which authorized their issue they were convertible either into coin or into a 6 per cent. bond of the United States?

Mr. HOWE. The first ones.

Mr. SHERMAN. And there has not been a day since the close of the war when that bond has not been worth from 10 to 30 per cent. above the value of these notes.

Mr. MORTON. There was a provision in the law authorizing the issue of the first one hundred and fifty millions of greenbacks to that effect. It was found that that provision would materially interfere with the ability of the Government to carry on the war, by preventing a further sale of bonds, and therefore it was afterward provided that at a subsequent day, some three or four months after the law was passed, I think the 1st of July, 1863, that privilege of converting the greenbacks into 6 per cent. bonds should terminate. The people, I think, had some three months given them in which to make that conversion—a very short time at least—and it was found necessary after that to cut off that privilege of conversion. Only one hundred and fifty millions had been issued up to that time. The subsequent issue of three hundred millions took place after that privilege was cut off.

Mr. SHERMAN. No; three hundred millions were issued before that convertibility clause was suspended.

Mr. HOWE. And the convertibility clause was cut off, if I remember aright, to enable the Treasury to float a 5 per cent. bond instead of a 6 per cent. bond.

Mr. SHERMAN. Yes, sir.

Mr. MORTON. Mr. President, I do not want to be drawn into making a long speech, and I should be glad to be allowed to go on without much interruption.

There is a sort of fanaticism about a "return to specie payments." I had it pretty bad once myself; but experience and the lapse of time have abated the violence of it in my case very considerably. I do not regard it as the panacea for all our ills. I recognize gold as the standard of value that we are bound to come back to at some time, but not until it is practicable to do so. The Bank of England suspended in 1797 by the order of the government, expecting to return to specie payments in a few months from that time, but did not for twenty-one years, because the condition of the country did not permit it. I am in favor of a return to specie payments whenever the condition of the country makes it practicable; and the question I submit upon this resolution is, whether this is the time to take definite measures for the redemption of the promise to pay these notes in coin.

My friend, the chairman of the Committee on Finance, for whose opinions on this subject I have the greatest respect, had a bill before the Senate at the last session providing what? Providing that the Government should on the 1st of January, 1874, which is just before

us now, redeem these notes in coin, or agree to give those who presented them a 5 per cent. bond. That was not carrying out the promise. To carry out that promise you must pay to the holders of the notes coin, or give them an equivalent, which they have the option to accept—not of which we have the option. When the Government says, "I will give you coin, or I will pay you in a 5 per cent. bond at the option of the Government," nobody will pretend that that is a compliance with the promise. The holder of the greenbacks must have the option. As long as the Government has the option, it is no compliance with the promise. The bill of my friend, then, did not comply with the promise; and I understood from his speech a day or two ago that that is the substance of the proposition he now has to offer. Suppose we adopt his resolution—that we will pay to the men who hold the greenbacks coin or give them a 5 per cent. bond at our option, not at theirs. The 5 per cent. bond would not, then, in all probability, be worth par. It would probably be somewhere about half-way between the present premium on gold and par.

Mr. SHERMAN. It is at par now.

Mr. MORTON. The 5 per cent. bond is at par now because it can only be purchased at par, in gold; but whenever you permit a 5 per cent. bond to be purchased of the Government for greenbacks instead of gold, you will have no more gold purchases of 5 per cent. bonds. The argument of my friend is that that will have the effect at once of bringing greenbacks up to par value with gold. I do not believe that. I believe it will increase the value of the greenbacks, and decrease the value of the 5 per cent. bond, and the 5 per cent. bond will float somewhere between the present premium on gold and par. Because a 5 per cent. bond is at par now, when the Government will only sell it at par for gold, does not prove that it will be at par in the market when the Government sells it for greenbacks.

Mr. President, is this the time (and that is the main question I rose to discuss) to adopt definite measures to return to specie payments? I submit that we should come to specie payment in prosperous times, and not in adversity; that any definite measures now to return to specie payment in a short time will create a further shrinkage of values. Everybody understands that. And now, when we want relief, when we want to come out from under the load that is upon us, it is proposed that we shall adopt measures that will increase that burden, and diminish the general prices of property and labor.

I wish to discuss this question in reference to what my friend from Ohio said the other day. He gave us to understand that if we should adopt this resolution the committee would present a measure like that we had before us last winter.

Mr. SHERMAN. I beg the Senator's pardon; I made no such statement. I simply stated my own views. I said that no one had authority to speak for the committee. I thought the Senator desired me to make a statement at that time, which I was not authorized to make, in order to enable him to make an argument on a basis not before the Senate. I will state, however, that my own opinion is that if we cannot pay our creditors what we agreed to pay them, we ought at least to do with them what every honest man would do—give them a note that will bear some kind of value in the money markets of the world. That is my position.

Mr. MORTON. Taking the statement of the chairman, the substance of it is that his views are in accordance with his former bill. I knew what his opinions were. I heard him make an able speech on the subject, in which he said that by offering to the holders of greenbacks within less than a year from that time, the 1st of January, 1874—he would now, perhaps, say the 1st of January, 1875—a 5 per cent. bond, in exchange for their greenbacks, it would have the effect of bringing the greenbacks up to par, because a 5 per cent. bond was worth par in gold. That was my friend's argument at that time, and I suppose it will be again. Suppose it has that effect; I ask the Senate if this is the time to adopt that measure? If you bring greenbacks up to par in twelve months, if you make them equal to gold in twelve months, you thereby increase their purchasing power 10 per cent.; that is to say, $1,000 in greenbacks will, on the 1st of January, 1875, purchase 10 per cent. more of property than they will purchase now, and a man who has to pay his debts by selling his property will have to sell 10 per cent. more of his property to pay the same amount of debt than he would have to do now. What is the effect of that? It makes every debt due to a creditor worth 10 per cent. more in twelve months than it is now, because when he gets it then it will procure 10 per cent. more of property than it does now. It enhances the difficulty of every debtor 10 per cent. in the payment of his debts, because it will take 10 per cent. more of his property to pay them.

Is the country prepared for that operation? Admitting that it has got to go through the process at some time, should it not be much more gradual? Should it not be distributed through two or three years? Ten per cent. increase in the difficulty of paying debts, 10 per cent. enhancement of the value of debts in twelve months, is more than twice the average profits of business in this country, taking all kinds of business and making an average.

Mr. BUCKINGHAM. Three times the average.

Mr. MORTON. My friend from Connecticut says it is three times the average profit of business. Therefore, I insist that that increase of 10 per cent. in the burden of paying debts, in the course of twelve months, will be disastrous; and when it comes upon the top of this panic, who can tell what the effects will be?

Mr. President, let me ask another question. It is said, and that has been the argument, that this is a good time to return to specie payments. I have heard it said by able men, "We have got pretty nearly down to the bed-rock now; it is a good time to return to specie payments." I ask this question: has this panic increased or does the present condition of things increase the facility of returning to specie payments? I say no. Why? Because while property has decreased in value and there has been a vast shrinkage in the price of property and in everything, still the same difference exists between greenbacks and gold that existed before the panic. Gold has now an average premium of 10 per cent. So it had before the panic took place. Therefore, if you still go down to gold value you must go down 10 per cent. more. So that the panic has not increased the facility of returning to specie payments, for you will have an additional shrinkage on the top of the shrinkage you have now.

Mr. MORRILL, of Vermont. Will the Senator from Indiana pardon me if I interrupt him to ask a single question?

Mr. MORTON. Certainly.

Mr. MORRILL, of Vermont. I suppose the Senator from Indiana recognizes the fact that during this panic we have had a very large addition to the circulation. How does he account for this shrinkage when the currency has been constantly and very largely augmented?

Mr. MORTON. Will my friend state how we have had large additions to the circulation?

Mr. MORRILL, of Vermont. By the operation of the Treasury Department, in paying out, I think, nearly twenty-five millions in all—$18,000,000 of the $44,000,000 on hand that it calls its reserve fund—and some considerable amount that it had in the Treasury of notes, that it has paid out for the purchase of bonds.

Mr. MORTON. I am glad my friend mentions that, because I intended to refer to that very fact in defense of the action of the Administration on this subject. The depreciation in prices took place at once. It was the sudden result of the panic. There has been to some extent a reaction—not a very great one except in regard to a few things—and that reaction is mainly attributable, in my judgment, to what has been done by the Government in increasing the volume of circulation. The panic caused money to be hoarded, and the addition to the currency tends to revive confidence and call forth the hoarded money.

Mr. President, what was the cause of this panic? Was it caused by any defect in our currency? Talk about this much-abused currency! My friend from Wisconsin this morning spoke of it with the utmost contempt. He called it "stuff," and I think he used the words "vile stuff." I make the assertion that this panic was not brought about by any defect in the currency. It was not because the currency was irredeemable. It seems to me that I am authorized to make the assertion that the irredeemable character of the currency had nothing to do with the panic. Why, sir, when the panic took place the currency, greenbacks, national-bank notes, and bonds were the one thing that everybody had confidence in. While they lost faith in railroad bonds and stocks, and State stocks and everything else went down, the currency appreciated in value; the credit of the Government was the one thing that everybody leaned on.

Sir, the panic was not caused by the depreciation of the currency; and if it was not caused by that, I ask how you are to relieve the effects of the panic by taking steps to come to specie payments? The good physician always looks to the character of the disease, and what brought it about, before he attempts to prescribe; and when we look to the cause of this panic we find that it was not caused by any defect in the currency. The people have faith in our currency, more than they have ever had in any paper currency this nation has had heretofore. While we may abuse greenbacks, I tell you the nation has faith in them. The great body of the people love them, and nearly all of them want more. What was it that caused this panic? Why, sir, it was just such a cause as operates in countries where they have no currency but gold and silver; and I make the statement that panics occur quite as frequently where the currency is gold and silver as where it is paper convertible into coin. They have had two panics in England when their currency was upon a gold basis since we have had one in this country. Panics are just as likely to occur in countries where they have nothing but gold and silver as in other countries. Panics do not spring out of the character of the currency generally, but out of some sudden and unexpected event. A panic in finance is just like a panic in the army. It is generally caused by some sudden event that confuses the minds of men and destroys confidence, and it has nothing to do with the character of the currency.

Why, sir, they have had a dozen panics in England worse than this, not one of which grew out of the currency but out of other causes, generally some sudden thing that surprised and confused and for a time stupefied men and made them all stand still. Now money is scarce. It is all here. There was plenty of money the morning that Jay Cooke failed, and none to be had that night. It stood still just where it was that day. It stopped circulating; and it is pretty much there now; just as if the blood in a man's veins should suddenly cease to circulate—it is all there in the arteries, veins, and tissues, but it does not circulate; and that was the effect of this panic. Jay Cooke failed—a great banker, who had been largely connected with the Government in the sale of our bonds; who had places of business all over the country and through Europe; the most prominent banker on this continent—and when he failed the people said,

"If Jay Cooke cannot be trusted, who can? If his banks are not good, what banks are good?" And then there came a run upon all the banks, more or less, and upon a few to their destruction. The banks at once refused to discount, and most of them refused to pay their depositors for a time, and collected all they could. No man could borrow a dollar even by the deposit of gold or of any other security; and what the banks did private individuals did. There was a sudden loss of confidence all over the nation in banks and individuals, and that is what caused the panic. It was not any defect in the currency, but it was a want of confidence in the solvency of banks and of men engaged in business. They had a worse panic in England in 1866, when their currency was on a specie basis and above all suspicion. They had a worse panic than we have had, growing out of the failure of a great railroad house, Overend, Gurney & Co., much like our present panic.

Then, Mr. President, I desire to meet the idea that this panic was brought about by a defect in our currency; and I assume that it was not, and assuming that proposition to be incontrovertible, I will pass on a little further.

Money is scarce—made scarce by a want of confidence. It is all in the country. Men have it, but they are hoarding it; and they are hoarding paper money as it was never hoarded before, showing the confidence the people have in this currency. They are hoarding our paper money just as they hoarded gold and silver in other times. Men were willing to convert everything they could into your greenbacks, national-bank notes, and bonds. Money became scarce by the panic because it was not in circulation.

Now, sir, what is the real remedy for a panic? I ask that question, and I should like at some time for the distinguished chairman of the Committee on Finance to answer it. Is it by the resumption of specie payments? When before was it ever proposed as a remedy for a panic? I should like to know the single time that it was ever proposed before as a remedy for a panic. Why, sir, a suspension of specie payments has generally been the remedy—not the resumption. I call the attention of the Senate to the experience of banks and governments in every country, and I maintain the proposition that so far from resumption being regarded as a remedy for a panic, suspension has often been the remedy. In 1837, when that panic took place, the solvent banks of the country were saved only by suspending specie payments. Take a single illustration: The State Bank of Indiana, one of the best banks at that time in the country, was hard run and could not discount a dollar. The Legislature came together and authorized the banks to suspend for five years. Relief was at once obtained; the bank began to discount freely; money became plenty; and when the period for resumption came around, people seemed to have forgotten all about it.

In 1857—and my friend from Connecticut [Mr. BUCKINGHAM] will remember it well—the panic bore down with crushing force until the banks of New York and all the Eastern States, by common consent, determined to suspend, and from that time there was ease; from that time discounts became free. No, sir; suspension is the remedy for panics, and resumption is a thing for times of prosperity. That is experience.

Mr. FENTON. Let me ask the Senator from Indiana right there what is the process, what road we should pursue to reach resumption at last? He has referred to the suspensions of 1837 and 1857, and said that suspension is the remedy for panics. Now what is the road to resumption? Let me remind him that it was not until after the volume of currency was reduced forty millions from the period of suspension in 1837 and over thirty millions in 1857 that the banks resumed on those occasions.

Mr. MORTON. There was a large contraction of the currency produced by the failure of banks. I do not remember the number of banks that failed in the course of a few days in 1837, or the number that failed in a short time in 1857.

Mr. FENTON. They all suspended. They were unable to maintain specie payment because the disproportion between the volume of paper and specie was so great.

Mr. MORTON. I agree to that.

Mr. FENTON. My question is whether reduction of the volume of currency was not an essential condition to resumption again by the banks after the panics of 1837 and 1857?

Mr. MORTON. There was a large curtailment of the currency—a contraction. I understood my friend, in his speech yesterday, to lean toward contraction as the means of resuming specie payments now; but that first contraction took place by the failure of the banks and their money becoming worthless in the hands of the people; but specie payments were not resumed by the banks until the general effects of the panic had passed by, trade had been resumed, and resumption took place upon good times, and not upon bad times.

Mr. FERRY, of Michigan. I should like to ask the Senator at this moment whether at that time it was not the fact that the people were glad to get rid of that currency, instead of, as now, glad to hold on to it?

Mr. MORTON. Yes, sir.

Mr. FERRY, of Michigan. That was the cause of the contraction.

Mr. MORTON. The effect of currency being good is sometimes a bad thing in a panic. Because in 1857 the people were suspicious of the paper of all the banks, and more anxious to pay their debts with it and get clear of it; and then if they had two or three hundred dollars left they would lend it to their neighbors and get a good note for it, preferring the note to bank paper; but now they do not do that. The currency is so good that they hoard it. There is that difference, and my friend from Michigan is correct about it.

Mr. President, I wish to refer to another thing right here, in vindication of the action of the Government, and in support of another general proposition. I lay down this as a general proposition, to be established by reference to the history of panics for the last hundred and fifty years: that the true relief for a panic, to bring about a restoration of confidence, has been, not resumption, not contraction, but by making additions to the currency at the time. That is a very important proposition, if it is true.

The remedy has been by making a small—I use the word "small"—addition to the volume of the currency at the time.

One word in regard to the action of the Government. The Government when this panic took place authorized the purchase of bonds to the amount of the currency balance in the Treasury at that time, about fourteen millions, if I remember correctly. It was said that that was taken up by the savings-banks in New York, Philadelphia, and Boston; and so it was. It was said that it was unwise, because the money did not go into circulation. It was the very wisest thing that could be done, and in my opinion prevented great mischief and circumscribed the evil effects of the panic at once.

The savings-banks of New York, Philadelphia, Boston, and other cities held large amounts of United States bonds, and when they sold their bonds to the Government, as they did to the amount of about fourteen million dollars, they thereby obtained currency to pay their depositors. Their depositors knew it, had perfect confidence in them, and there was no run. I happened to be in New York at the time, and I remember well that on that Saturday, and on what was called black Sunday, there were rumors upon the streets of mobs and runs upon the savings-banks, and if it had not been that the people were assured of the solvency of those banks and of their ability to pay their deposits by the sale of their bonds to the Government and getting greenbacks for them, there would have been runs upon them, and in all probability mob violence, and the consequences of that would have been most disastrous all over the nation. The Government could have done nothing better than to have supplied those banks with currency during that time, which at once restored confidence among their depositors and prevented public disorder and violence.

Next I come to the $44,000,000 reserve. There has been some improvement in times. I hear those who are opposed to what they call inflation talking about it. My friend from Wisconsin [Mr. HOWE] this morning took ground against the wisdom and the propriety of the Government encroaching upon the $44,000,000 reserve. Why, sir, that very thing has contributed greatly to the restoration of confidence. The very knowledge that the currency was being enlarged, even by the addition of a few millions, has caused the banks and the people to put their money into circulation, and to cease their hoarding to a considerable extent. It is a restoration of confidence we want; and the knowledge that money is coming gives that confidence, and that knowledge causes banks and private individuals, who have money and are hoarding it, to again put it in circulation. I want to refer to history on that very point.

In 1745, when there was a great panic in England, caused by the landing of the Pretender on the shores of Scotland, how was it averted? That panic was averted by a practical suspension of specie payments, an enlarged issue of paper money immediately; and by an agreement on the part of the merchants of London and other large cities in England that they would take that paper instead of coin. Money was made plenty, the merchants were able to borrow, and the panic was stayed.

Let me come down to 1793, when the first panic in England took place, growing out of the Napoleonic wars. Mr. Pitt, a great statesman, took the responsibility of lending to the merchants of London and of Liverpool $25,000,000, (£5,000,000 sterling,) in what were called exchequer bills. He relieved their wants; he made money plenty, and stopped the panic by it. The government collected every dollar of it; lost nothing by it. It was one of the wisest responsibilities Mr. Pitt ever took. He could do, as prime minister of England, without law, what the President of the United States cannot do under our form of government. He lent that money without authority of law, put $25,000,000 additional in circulation, and stopped the panic; and in 1797, four years afterward, when the second panic began, because they were still in war and that war was being enlarged in its area and magnitude, the ministry took the responsibility of compelling the Bank of England to suspend specie payments; and that action was confirmed by an act of Parliament; and the suspension lasted twenty-one years. It was twenty-one years before they were in a condition to resume specie payments; and just as soon as the bank suspended, and was relieved from the necessity of redeeming her notes in coin, she commenced her discounts and issued a large addition of paper money. The volume of the currency was increased; and according to the historian of the Bank of England, who gives a very graphic account of it, money that had been hoarded by bankers, private banks, merchants, and retired capitalists, immediately came forth and was emptied into the general volume of circulation; and not only the money issued by the bank, but all the money that had been hidden away, was called into active circulation, and the panic was at an end.

The same thing was done in 1816. In 1816 there was another panic, and there were two thousand bankruptcies. How was it relieved? By the government giving the Bank of England five years longer, by act of Parliament, to resume specie payments. Then her notes had risen until they were at only 2½ per cent. discount. Now our Government notes are at 10 per cent. discount. But the British government gave the Bank of England five years to overcome the 2½ per cent. She overcame the 2½ per cent. in three years—did not take the five; but no sooner had specie payments been resumed than a terrible crash came on; and one of the greatest financial disasters the people of England ever suffered occurred immediately after the resumption of specie payments in 1819.

To come further down, in 1825 there was another panic. Specie payments had been resumed; the Bank of England had been paying specie for her notes ever since 1819. How was that panic relieved? There was no actual suspension at that time, but it so happened that the Bank of England found in her vaults £1,000,000 sterling, in £1 notes, in an old box that seemed to have been forgotten; and those notes being brought out and put in circulation, it is said to have had the effect to stay the panic.

Next, in 1826, a crisis again threatened. A large amount of money was issued by the Bank of England by increasing her discounts. Now we come down to 1844. The Parliament passed what was called the bank charter, reorganized the Bank of England, and made two departments in the bank—what was called the banking department for discounts, and what was called the issue department, the department where they made the bank paper and issued it over to the other department; and they provided that the bank should have authority to issue £14,000,000 upon the basis of what the government owed her—the government owed her about eleven millions sterling—and three millions in addition upon paper securities, including exchequer bills, making fourteen millions. That was all the Bank of England had a right to issue under that charter—with this further provision, that whenever the bank issued beyond the fourteen millions sterling she must have a pound sterling of bullion in her vaults for every pound note of paper money that was put out.

Then, in 1847, came that dreadful panic, most memorable since that of 1797; and see how the bank was situated. She had at that time in her vaults over eight million pounds sterling of bullion, or forty million dollars of gold, in what was called the issue department of the bank. What was the relief for the panic? The government took the responsibility of suspending the charter of the bank. They suspended the charter, and in open violation of the law they authorized the transfer of the eight million pounds sterling from the issue department of the bank to the discount department of the bank, thereby enabling the bank to increase the circulation to the amount of forty million dollars of paper. What was the effect of it? Just as soon as the country knew that the bank was authorized to increase her discounts forty millions the panic was stayed. It took place almost in a single day. Of the $40,000,000 that the bank was authorized to issue only £400,000 were actually asked for. Confidence was at once restored by the knowledge that the bank was authorized to increase the circulation.

We come down to 1857. There was another panic in England then. How was it stayed? Did they say, like our philosophers do here, that a panic must run its course? Our financial philosophers say we must let a panic alone; it must run its course like the measles, or the small-pox, or a fever; you must not doctor it any. They never take that view of it in England. From the first they have proceeded upon the principle of doctoring a panic—of trying to stop it at once. You might just as well say that when a fire breaks out in a great city like Chicago you must let it alone, let it run its course, not try to put it out or circumscribe it by blowing up buildings all around it; or when the yellow fever breaks out at Memphis you must not strive to hem in the pestilence and stamp it out; let it run its course. I say when a panic occurs it is the duty of the Government, if possible, to stay its progress and shorten its duration. If we can shorten its duration six months we confer a vast blessing upon the country. Every day it continues millions are lost in productive labor and the profits of business, and there is vast suffering and distress; and if you shorten it but one month you have conferred an inestimable favor upon the people.

The English government, the French and German governments, have always gone upon the theory, not of letting panics run their course, but of trying to relieve them, shorten their continuance, remove their consequences as soon as possible. When the panic of 1857 took place the English government again took the responsibility of suspending the bank act and allowing the bank to issue money beyond her legal limits—in other words, to increase the volume of paper circulation; and as soon as that fact was known it had the effect of staying the panic, and but two million pounds sterling, or ten million dollars, were required.

Again, in 1866, when the great panic occasioned by the failure of Overend, Gurney & Co. took place, when the currency of England was as perfect as the currency of any country could be, what course did the English government take? The same that had been taken ever since 1745—they relieved the panic by authorizing the bank to make an addition to her circulation, and the effect was instantaneous.

In 1848, when a panic in France was caused by the revolution, the provisional government, to allay it, authorized the Bank of France to issue additional currency sufficient for the exigency, limiting its entire issue to 350,000,000 francs, or $70,000,000.

Then I say that the proposition that panics are not to run their course, but are to be doctored and relieved, is sustained by the history of panics for many years in the past, and the way that has been adopted has been either by suspending specie payments generally or making an addition to the volume of the currency. When a panic takes place it does not require a very large addition to the currency, to restore confidence and bring about a revival of trade and commerce. I am opposed to expansion. I do not believe in the doctrine of adding one hundred or two hundred or three hundred millions to the currency. I would do no such thing; but I do believe in resorting to those easy, natural, and often proved to be efficacious means of relieving the effects of a panic by making money plenty for the time being. Money is scarce because people hoard it. How do you make it plenty? Add a little to the whole volume of the currency, and that calls out what has been hoarded. That has been the experience and history of England and France and Germany. And when the panic has been relieved and good times have come you can take it back; to use a sailor's phrase, you can "take in the slack" if you desire to do so. If you think the volume of currency is too great you can fund it, as my friend, the chairman of the committee, proposes to do. There are various ways in which you can get that money back.

It does not take much to start the wheels, but when the wheels of trade are started their revolution becomes faster and faster. If any of you traveled in the West in former times you have sometimes seen a wagon stuck in the mud, and when they put on a fifth horse—a little more power—and got a single revolution of the wheels, they could pull out easily, and the additional horse could be taken off. I remember when I was a very little boy—it is about as long ago as I can remember anything—going to mill, and the mill was not running because the water was low; and I remember that the miller and his boys went to the race below, with buckets, and took water out of the race and carried it up over the overshot wheel, and when they lifted the head-gate poured the water on from the buckets, and the wheel started, slowly at first, but finally turned faster, and the grist was ground out. I doubt not, Mr. President, you have seen an old pump that had gone dry; you would pour a quart of water in the top; the circulation would be started, and the pump would resume, and you could pump water all day.

Mr. President, instead of following theory in a matter of this kind, let us follow rather the lights of experience. And now what is being done by the Treasury Department? Acting on that principle—whether they are doing it for that purpose or not, that is what they are doing. The Government is to-day, by the disbursement of the $44,000,000 reserve, adding to the volume of the currency; and those small additions which are being made, of which the whole country is aware, are doing much to-day toward removing the effect of this panic. So that this falling off in the revenue, while it is a great misfortune, is not an unmixed one; it is carrying some benefit to the people. The Government is not responsible for this panic. Why, sir, this panic was an accident, just as much as the explosion of the boiler of a steamboat, or a collision upon a railroad—an accident, the result of an event that nobody could foresee. It had no connection with our Government system of finance or anything in our currency. It was an accident that might have happened just as well in a country that had nothing but gold and silver as a currency. It was an accident; and shall not relief be provided for this accident? Our Government is now relieving against it. I was very sorry when the panic commenced that our Government did not see its way clear to put into circulation at once the whole $44,000,000 reserve. I believe if the Government had been able to do that, this panic would have stopped at once; it would not have lasted three weeks; but the President was not at liberty to do that, the Secretary of the Treasury did not feel safe in doing that. Why? He anticipated, and with a sagacity that he, perhaps, has not got credit for—he anticipated, as did the President, that there might be a falling off in the revenues, and that that falling off would require this $44,000,000 reserve to carry on the ordinary operations of the Government; and those anticipations have turned out to be correct to the very letter.

Is it said that there is no panic. I give you evidence of the existence of a panic, of its wide-spread and disastrous character, and that is in the falling off of the revenues. There is proof positive. Your imports have fallen off very largely. The very day the panic occurred, or the day after, men who had sent large orders to Europe for goods recalled them by telegraph. I know that that was done. Our imports have fallen off largely, and therefore our receipts of gold for duties have fallen off largely; and our internal revenues also have fallen off largely. These are the effects of the panic; and the best way to restore the revenue is to restore the condition of the country, and you cannot do it until you do restore the condition of the country.

As I said before, the Government is no more responsible for this panic than anybody in private life. It was a thing that could not have been anticipated, and that might happen in any government and under any system of finance that the ingenuity of man ever devised. But the accident came; the consequences are upon us.

But, Mr. President, I have said five times as much as I expected to say when I began. I was rather drawn into this line of remark by my friend from Massachusetts. I desire to say again, that while I

agree that we are bound at some time to come to the specie standard and that we are bound by the most solemn pledge to redeem our notes in coin, or by giving the holders, at their option, an equivalent, I do not believe this is the time to undertake to do it or to enter upon it.

The PRESIDING OFFICER, (Mr. FRELINGHUYSEN in the chair.) The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. FERRY] to the resolution.

Mr. BOGY. If it is the good will of the Senate at this time to give me their attention I will detain them for a few moments to give expression to my views, and, I might say, the views of my section, upon the very important question now before the Senate.

Mr. CONKLING. Learning that the Senator from Missouri would rather proceed to-morrow than to-day, I move that the Senate proceed to the consideration of executive business.

Mr. SHERMAN. It is rather an early hour of the day. Unless the Senator from Missouri desires a postponement I hope he will go on for a while longer.

The PRESIDING OFFICER. The motion is not debatable.

Mr. SHERMAN. I withdraw all objection.

The PRESIDING OFFICER. It is moved that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and eight minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 795) making an appropriation to pay the salaries of the official reporters of the proceedings and debates of the House, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a resolution that when the two Houses adjourn on Friday, the 19th instant, they shall stand adjourned until Monday, the 5th of January next, in which the concurrence of the Senate was requested.

The message also announced that the House had passed a resolution instructing the Congressional Printer to furnish to each Senator and to each Member of and Delegate in the House of Representatives twenty-four copies of the CONGRESSIONAL RECORD, or of any such other like official report of the debates in Congress as may be hereafter authorized by law, either daily as originally published or in the revised form, without binding, or in bound volumes, or part in each form, as each Member and Delegate may elect.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following bills; and they were thereupon signed by the President *pro tempore* of the Senate:

A bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service; and

A bill (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer."

HOUSE BILL REFERRED.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 795) making an appropriation to pay the salaries of the official reporters of the proceedings and debates of the House; which was read the first time by its title.

Mr. EDMUNDS. I think that had better only have one reading to-day. I object to its second reading.

The PRESIDENT *pro tempore*. The bill will go on the table.

HOLIDAY RECESS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved, (the Senate concurring,) That when the two Houses adjourn on Friday, the 19th instant, they shall stand adjourned until Monday, the 5th day of January next.

Mr. EDMUNDS. I rise to a point of order. The doors are not yet opened. All of the doors that communicate with the public of the United States are still closed. I want to have the order of the Senate executed that the doors be opened before we proceed to business.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will open the doors of the Senate. He has been ordered to do so before.

Mr. SHERMAN. I move that the Senate adjourn.

Mr. EDMUNDS. Let us have the order executed first.

Mr. SHERMAN. The doors are open. I withdraw the motion.

Mr. THURMAN. Is the resolution before the Senate?

The PRESIDENT *pro tempore*. Nothing is in order until the doors are opened. The Chair will await a report from the Sergeant-at-Arms that the order has been executed. [After a pause.] The Chair announces to the Senate that all the doors are open.

Mr. THURMAN. I wish to say a word on this resolution if it is before the Senate.

Mr. EDMUNDS. What is the pending question? Is there any question before the Senate?

The PRESIDENT *pro tempore*. The pending question is, What disposition will the Senate make of the resolution of the House of Representatives?

Mr. EDMUNDS. Has it been read?

The PRESIDENT *pro tempore*. It has been.

Mr. EDMUNDS. I thought the Clerk had not read it half through.

The PRESIDENT *pro tempore*. It has been laid before the Senate and read.

Mr. EDMUNDS. Have we taken it up for consideration?

The PRESIDENT *pro tempore*. The question is, What disposition will the Senate make of the resolution which the Chair has laid before the Senate and which the Secretary has read?

Mr. EDMUNDS. Has it been laid before the Senate to-day?

The PRESIDENT *pro tempore*. It has been.

Mr. EDMUNDS. I object to its present consideration.

Mr. SARGENT, (at five o'clock and ten minutes p. m.) I move that the Senate adjourn.

Mr. THURMAN. Does the rule of lying over one day apply to a resolution to adjourn?

Mr. EDMUNDS. It most certainly does to a resolution that we adjourn for an extensive time, and not simply adjourn.

The PRESIDENT *pro tempore*. The resolution has been laid before the Senate by the Chair and has been read. The question now is, What disposition will the Senate make of the resolution?

Mr. EDMUNDS. I rise to a point of order, and object, under the rules, that the resolution cannot be considered to-day.

The PRESIDENT *pro tempore*. The Chair informs the Senator that this is not a resolution of the Senate, but is a concurrent resolution from the House of Representatives.

Mr. SHERMAN. I renew my motion to adjourn. That is always in order.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate do now adjourn.

Mr. THURMAN. Can I be taken off the floor?

The PRESIDENT *pro tempore*. The motion is not debatable. The Chair will wait until Senators resume their seats. It is impossible for a young Chairman to hear twenty men at once. [Laughter.]

Mr. STEVENSON. I rise to a point of order. The point of order is that the Senator nearest to the outside circle [Mr. THURMAN] was on the floor when the other Senator from Ohio [Mr. SHERMAN] moved an adjournment. Therefore the Senator from Ohio who made the motion to adjourn had the floor to make it.

Mr. SHERMAN. My colleague had yielded to the Senator from Vermont, who raised a point of order; and the Chair decided the point of order.

The PRESIDENT *pro tempore*. The Senator from Ohio, [Mr. THURMAN,] the Chair understood, was in his seat when the other Senator moved that the Senate adjourn.

Mr. EDMUNDS. The Senator had not been recognized at all. He made his proposition.

Mr. SHERMAN. I move, then——

Mr. THURMAN. Who is to settle this matter?

Mr. HAMILTON, of Maryland. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Maryland will state his point of order.

Mr. HAMILTON, of Maryland. My point of order is this: the honorable Senator from Vermont wanted to know from the Chair what disposition was to be made of the proposition, and said that if it were in order to do so he would object to its consideration to-day if that would carry it over until to-morrow. The Chair was deliberating or examining into that question for the purpose of giving an opinion, and we want that opinion before any other measure can intervene.

The PRESIDENT *pro tempore*. The Chair ruled the consideration of the resolution to be in order at that point of the proceedings.

Mr. HAMILTON, of Maryland. No exception can be taken; the resolution can be considered now.

The PRESIDENT *pro tempore*. The trouble with the Senator's proposition is this: that after the Chair had ruled that that proceeding was in order the Senator from Ohio moved that the Senate do now adjourn, which is the pending question.

Mr. SHERMAN. It will come up in order to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion to adjourn.

The question being put, there were on a division—ayes 20, noes 28.

Mr. EDMUNDS. I call for the yeas and nays.

Mr. THURMAN. I hope the Senator will withdraw that call.

Mr. EDMUNDS. I will not.

The yeas and nays were ordered; and being taken, resulted—yeas 22, nays 27; as follows:

YEAS—Messrs. Ames, Boutwell, Buckingham, Carpenter, Chandler, Cragin, Crozier, Edmunds, Ferry of Michigan, Hitchcock, Howe, Logan, Mitchell, Morrill of Maine, Pratt, Sargent, Scott, Sherman, Spencer, Thurman, West, and Wright—22.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton of Maryland, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Ramsey, Ransom, Saulsbury, Stevenson, Stockton, Wadleigh, and Windom—27.

ABSENT—Messrs. Allison, Anthony, Brownlow, Cameron, Conkling, Fenton, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Hamilton of Texas, Hamlin, Jones, Morrill of Vermont, Morton, Oglesby, Patterson, Robertson, Schurz, Sprague, Stewart, Sumner, and Tipton—23.

So the Senate refused to adjourn.

Mr. HAMILTON, of Maryland. Now I move to proceed to the consideration of the resolution received from the House of Representatives.

Mr. EDMUNDS. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. I insist upon it that under the rules of the Senate, and particularly Rule 26, this resolution, coming from the House of Representatives to us to-day, cannot be considered on this day without unanimous consent. If it had been introduced here, we all agree that it could not have been considered without unanimous consent. Now, the idea that we are forced to consider, without notice and without any time for reflection, a resolution from the House of Representatives, without its lying over a day, when by our rules we provide that we cannot consider one of our own resolutions, is, of course, perfectly absurd. I submit that under the twenty-sixth rule, all other resolutions than those that are named in it must lie over one day for consideration, unless, of course, unanimous consent be given to their being taken up. Therefore, I respectfully resubmit the point of order that I made to the Chair.

The PRESIDENT *pro tempore*. The language of the rule is:

> And all resolutions proposing amendments to the Constitution, or to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceeding on them, in the Senate, in a similar manner with bills and all other resolutions—

Which must mean all other Senate resolutions—

> shall lie on the table one day for consideration; and also reports of committees.

Meaning, as the Chair thinks, resolutions introduced in the Senate, and, of course, reports of committees in the Senate. The Chair, therefore, overrules the point of order, and decides that the resolution, having been laid before the Senate, must now be disposed of by the Senate in some way, either by reference, or passage, or otherwise.

Mr. THURMAN. Mr. President, I have been voting in such strange company on this question for a few days that I feel very much like rising to explain, but I will not take up the time of the Senate, when Senators want to go home, with anything of an explanation, except to say that I believe, if this resolution should be amended so as to provide for an adjournment from next Tuesday, it is quite possible it might command a majority of the Senate; but I do hope that we shall not adjourn to-morrow.

I think it is proper for me to say to the Senate that I believe the Committee on the Judiciary will report upon the bankrupt law to-morrow, and that we shall make such a report as I firmly believe will command the assent of a majority, and perhaps the unanimous assent of the Senate. At least, I hope so; I believe so; and, if we do, then that bill which we shall introduce can become the law of the land, provided we do not adjourn to-morrow; but, if we are to adjourn to-morrow evening, it is perfectly manifest that it cannot become the law of the land.

Under these circumstances, it does seem to me that, merely for the convenience of Senators and Members of the House, for us to adjourn to-morrow, when, by sitting a few days longer, we can dispose of this great subject, with reference to which hundreds of petitions are lying upon our tables, will be a course that will be condemned by our constituents, and that we could not, upon reflection, commend ourselves.

It is for these reasons, because I want this measure acted upon if no other should be acted upon, and because I believe the results of the labors of your committee will be such that the Senate will approve of them, and that what they propose can become the law of the land if we sit until next Monday night, that I am opposed to this resolution. I have great respect for those who think otherwise. No man is more disposed to defer to the opinions of others than I am, and it pains me always to differ in opinion with those with whom I am accustomed to act, and for whose opinions I entertain such unfeigned respect; but in view of what I know to be not merely the feeling of the country, but the necessity for immediate action, I cannot let a law remain on the statute-book which every day is used as an instrument of blackmailing and destroying men who are worth twice as much as they owe, when by sitting here a few days longer the proper remedy can be applied.

Mr. HAMILTON, of Maryland. One word. Let us talk about this matter reasonably. The honorable Senator from Ohio says the report of the Committee on the Judiciary is to be here to-morrow. That is his belief only. Then it is to be printed. We are to have it before us the next day, that is Saturday, if we are to have it at all; and all the probabilities are that we shall adjourn from Friday until Monday.

Several SENATORS. No, no.

Mr. HAMILTON, of Maryland. Gentlemen say "No, no." So far as my vote is concerned, I say "Yes, yes."

Mr. EDMUNDS. You cannot vote twice. [Laughter.]

Mr. HAMILTON, of Maryland. The honorable Senator voted three times upon the question, and I voted but twice. [Laughter.] I repeat, the probabilities are that we shall adjourn from Friday until Monday. Then we are approaching Christmas. Now here is an important proposition like the bankrupt law; and we are to pass upon that in one day. I tell the honorable Senator from Ohio that that cannot be done. The debating talent of this Senate will never permit that to be done. [Laughter.] The debating talent of the Senate did permit the increase of salaries to pass last winter in one day. I remember that well. But the bankrupt bill never will, nor any other bill, from an eclipse of the sun to the closing up of the barber shops on Sunday, in this body. [Laughter.]

Why did not the honorable Senator know something about the bankrupt bill when we met at the beginning of this session? Where were these petitions then? He heard of them in the canvass in Ohio probably. We have heard of them before. I assure the honorable Senator that I will vote for the repeal of the bankrupt law; and if I cannot get an unconditional repeal, with qualifications to save pending suits, I will vote for the best amendments to the law. I am with the Senator on that point.

But let us be reasonable and sensible about this matter. Suppose we remain here until Monday or Tuesday; what then? Are we to adjourn over then until after the 1st of January? Will we do that? What becomes of the bankrupt bill? Will you pass it in a day? Try it at once, and you will see. I may be mistaken, but I do not hesitate to make the assertion here on my individual responsibility that we cannot pass that bill, with the number of lawyers there are in this body, in one day. Besides, the President is away, and the bill cannot become a law.

If we adjourn over for the holidays, we can read the amendments in the mean time, and I assure my honorable friend that I will read his amendments and report in the mean time, and come back here and give them a fair and honest consideration, and in all probability go with him.

All peoples have their holidays; and why should we be separated from our families at Christmas time? Those gentlemen who have their families here can well afford to remain here. Indeed, the fact is, that we ought not to meet until after the holidays; that is the truth of the matter, and we ought to change our day of meeting. There is not a Legislature in the Union that meets about the holidays or before the holidays, but all our legislative bodies meet in January. Some of them used to meet in December, but they have changed, in order that they may have the advantage of their holidays in their own domestic circle at home.

Why not take this usual recess this year? We can come back after the new year opens better prepared to transact business, and better prepared to act on the bankrupt law in all its various phases. I beg the honorable Senator to consider that we will do what is right, and, so far as I am concerned, I can assure him that I shall not open my mouth in respect to the bankrupt law, but shall vote for its repeal, or for whatever the exigency may require in regard to it.

Mr. THURMAN. I rise only to answer a question that is personal to myself, and which will take but a moment. The honorable Senator from Maryland asks me where was the Senator from Ohio at the beginning of this session; why did he not urge the repeal of this bankrupt law then. I can tell the Senator that if he knew what has been done in the Judiciary Committee of this body he would know that from the first day that committee was formed down to this time the Senator from Ohio has been urging this subject.

Mr. EDMUNDS. And I can add upon that subject, in justification of my honorable friend from Ohio, (of whom I may say with entire good faith that if we are to be cursed with a democratic President, I hope it will be he,) that the Judiciary Committee has been busy every day during the session of the Senate and by a technical violation of its rules in attending to the business that you have commanded us to do, business of high importance. Therefore, I must say that the suggestion of my friend from Maryland to my friend from Ohio is one which has no place in this question. We have been constant, "in season and out of season," in endeavoring to perform the duties that you have imposed upon us. We have neither slept nor rested—speaking in a broad sense, not literally of course—night or morning, in endeavoring to do the important duties that you have intrusted to us, and in respect to which you have a right to demand of us that we shall know the firm ground upon which we are treading and that you shall know it too. It comes, therefore, with rather an ill grace from those who are disposed to criticise the conduct of this Administration and of this Congress to complain of this committee that it is not able, like the Almighty, to do everything at once and to do it well.

But I know, Mr. President, the temptation of the terrapin of the Chesapeake Bay. Considerations of public necessity, the necessities of the public service, I know, become rather pale when the terrapin and the canvas-back come in about the latter days of December. I feel the force of that argument myself. I am fond of that sort of drink (if you call it that) on the western shore of the bay myself. But I submit to my honorable friend from Maryland that there is no ground, in all seriousness, to taunt the Judiciary Committee or any member of the committee with having failed for a moment to exert all his energies to carry out the will of the Senate and to report upon matters that have been confided to it.

Mr. HAMILTON, of Maryland. Just one word, if the honorable Senator will allow me. I surely do not undertake to impugn in any respect the conduct or the action of the committee, for I know that the gentlemen upon it are industrious in all matters before them; and I will suggest to the honorable Senator, as he has mentioned the severe labors they have endured, that probably a little recess may be of advantage to that committee. [Laughter.] That is an argument for it rather than against it.

Mr. EDMUNDS. It will be time enough to consider that when we ask it, sick and ill as some of us are, and embarrassed by other duties in the other committees, as many of us are, which have been made to yield to the duties of this committee all the time. It will be time enough to adjourn over for our benefit when we put in a petition of that kind.

We have undertaken to report to the Senate, if it were possible with human ingenuity, if we could agree upon anything, certain modifications of the bankrupt law, or to report for its repeal or maintenance as it is, according to what we may believe to be the just rights of all classes, debtors and creditors, and for the general public good in every part of the Republic. In order to do that, and to do it as my friend from Ohio has stated we have good reason to believe we can do it, to preserve the beneficent provisions of this act and to dispense with those which have been abused, or to put them in a condition where they cannot be abused, we shall be able to report by to-morrow, as I really trust and believe we can, something which ought to command—not upon a preconceived determination that we will vote this way or that way, as the Senator from Maryland seems to say, but reporting to our peers representing the country and the States a state of considerations which shall invite their calm deliberation and their judgment formed after the report and not before it, and which shall command the general approval of this body.

I do not mean to impute to my honorable friend from Maryland the idea that he has determined that he will vote this way or that on this important question as it may be presented; he does not know how. I know he would not do that; but the remarks which he has made might lead people who did not know him so well as I do to imagine that he had foreclosed this subject, and, being a judge in whose hands the welfare of the people is, he had determined in advance of the hearing of the cause that he would decide it this way or the other. He has not. I know he has not. If we can give him good reasons, although he is now inclined to the entire repeal of this act as his present impression, he will be open to its modification in order to protect the rights of all parties and preserve its beneficence for all, if he can. I am sure he has not denied himself the right of considering the report we may make upon the facts and the merits that we may present. I know he has not, because I know him; but he might be misunderstood.

Now, sir, shall we foreclose a fair deliberation upon this subject and upon others of importance, by determining now that we shall adjourn the day after to-morrow or Monday? We ought not by any means. In order that those who doubt what the public good requires may consider what we report, in order that there may be discussion, which we know does, be it tedious and tiresome as it may, elucidate the truth even from the dullest orators, of whom I count myself chief, and does good; in order that these discussions shall go on, we ought, if our constituents are interested in this bankrupt question, as they are everywhere, devote, and devote now if we may, even at our own personal inconvenience, sufficient time to the serious consideration of the proposals that may be made, that we may go home to the country and say that we have carefully and deliberately considered what has been proposed, and that, for reasons which we can explain and make plain to everybody, we have decided to do this or do that.

Now, what is the result if you adopt this resolution? We are forced into a certain compass of time; we are foreclosed from free deliberation. If I undertook to explain why the law should not be repealed altogether, and that the greatest interests of all demand its continuance in a modified and restricted form, you do not listen to me; you are in a hurry; you cannot wait; the time is running; the time is fixed when my voice must be silenced, and if I go too far—ten minutes, or fifteen, or twenty—then it is immediately imputed to us—not below the galleries of course, because we are all honorable men here, but above the line of the galleries it is imputed to us—that I am talking against time and that the time is running out and is fixed, and that I am going to kill this beneficent modification of the bankrupt law by talking it to death. So with any other Senator upon either side.

Mr. President, that is not right. If it be true that the present condition of the country requires either the repeal or modification of this law so as to prevent abuses that have been suggested, then it follows necessarily that it is always true that this Senate is bound to stay here to consider calmly and deliberately, without a limit of time which threatens us every moment, the provisions that we are to make.

I acknowledge the sincerity of my friend from Maryland in his wish to go home; but I do hope that he will forego his pressure at this moment until the Senate can see what it may be that we shall propose, as I believe, to-morrow; and then the Senate can determine whether it is not better to pass the measure that we propose, which we hope will satisfy everybody, than it is to run headlong on preconceived resolution either for the repeal or for the retention of the act as it stands.

I do not wish to occupy time at this hour of the day, and I find that I have not the ability to occupy it any longer. I should hope that the Senate would not fix the time for adjournment over the holidays, laying aside all other questions which might affect us until we should be able to see what should be done about this matter. I am sure my friend from Maryland will understand me as saying nothing impugning his motives or the good faith of his motives.

Mr. HAMILTON, of Maryland. The Senator says we should wait and see; but the holidays are right upon us. We have Saturday and Sunday, and then come the holidays. Therefore we have no time for consideration; they are right upon us now. Unless we determine now it will be too late.

Mr. EDMUNDS. Very well, Mr. President; if the people of this country require this measure of tolerance and security let the holidays wait for us, if that is our public duty. If, on the other hand, it appears that there is no pressure about this public affair and the others that were named yesterday, then the holidays are a very jolly thing for the terrapin and the canvas-back.

Mr. SCOTT. Mr. President, the business which seems to have filled the mind of the country, and which has finally been sent to us from the House of Representatives, as the most important measure yet claiming public attention, has been sent to the Committee on Civil Service and Retrenchment, and I think it would be but fair that it should be accompanied by this resolution fixing the time for adjournment. I move the reference of the resolution to the Committee on Civil Service and Retrenchment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

The question being put, a division was called for; and the ayes were 21, and the noes 24.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPENCER, (at five o'clock and forty minutes p. m.) I move that the Senate do now adjourn.

Mr. CHANDLER. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FERRY, of Michigan. I am paired with the Senator from Georgia, [Mr. NORWOOD.] He if present would vote "nay" and I should vote "yea" on this motion.

Mr. SCOTT. I was requested to state that the Senator from Ohio [Mr. SHERMAN] is paired with the Senator from North Carolina, [Mr. RANSOM.] Mr. SHERMAN would vote "yea" and Mr. RANSOM "nay."

Mr. WRIGHT. On this question I am paired with the Senator from Kentucky, [Mr. STEVENSON.] If he were present he would vote "nay" and I should vote "yea."

Mr. MORRILL, of Vermont. On all questions relating to adjournment over the holidays I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] He would vote in favor of it if here, and I against it.

The question being taken by yeas and nays, resulted—yeas 21, nays 23; as follows:

YEAS—Messrs. Ames, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Cragin, Crozier, Edmunds, Gilbert, Hitchcock, Howe, Logan, Mitchell, Morrill of Maine, Pratt, Sargent, Scott, Spencer, Thurman, and West—21.

NAYS—Messrs. Alcorn, Bayard, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Goldthwaite, Gordon, Hamilton of Maryland, Ingalls, Johnston, Lewis, McCreery, Merrimon, Ramsey, Saulsbury, Stockton, Wadleigh, and Windom—23.

ABSENT—Messrs. Allison, Anthony, Cameron, Conkling, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Jones, Kelly, Morrill of Vermont, Morton, Norwood, Oglesby, Patterson, Ransom, Robertson, Schurz, Sherman, Sprague, Stevenson, Stewart, Sumner, Tipton, and Wright—28.

So the Senate refused to adjourn.

Mr. HAMILTON, of Maryland. I move that the resolution be adopted.

Mr. CHANDLER. The yeas and nays have been ordered on another question.

The PRESIDENT *pro tempore*. The question is, Shall the resolution be referred to the Committee on Civil Service and Retrenchment? on which the yeas and nays have been ordered.

Mr. HAMILTON, of Maryland. I thought that was decided.

Mr. LOGAN. Mr. President, as it seems that this night has been set apart for speeches more than any other kind of business, I propose to say a few words, although I do not feel inclined to talk just now.

The scene before us reminds me of days in the past. When responsibilities are to be taken—and I hope the Senate will pardon me for this allusion—it is not necessary that the minority of the House or of the Senate should be responsible for anything, nor are they responsible before the country. The responsibility always rests upon the majority. Were I in the position of my friend from Maryland, wanting to go home and have a pleasant time during the holidays, although he lives not very far from here, I would do just as he is doing, for the reason that he and his associates on that side of the chamber are not responsible for the legislation of Congress. I am glad to find that we have one recruit on that side, who looks upon it as more important to the country that some legislation should be had in a certain direction than that we should have roast turkey and fine duck for a Christmas dinner. I notice, and I am sorry to notice it, that we are more inclined to generosity on this side of the Chamber, especially when we approach the holidays.

Now, sir, the chairman of the Committee on the Judiciary states to the Senate that that committee is prepared to report on a very important measure, one of the most important measures, to a great many people in this country, that will be acted upon during this session of Congress. He tells us that he is prepared to report on a bill repealing or modifying a measure that is being used as a means of oppression to grind the debtor class all over the country. In view of that statement, I ask whether or not the party in the majority in this Senate Chamber can take it upon themselves, merely for the sake of a little pleasure during a few days, to postpone action for sixteen or eighteen days?

I know the bankrupt bill is not a measure that comes up in a party sense, but it has this effect before the country, for we are held responsible. And in a great crisis like this, when the whole country is trembling upon the very verge of ruin, the majority here in Congress stand trifling with the great interests of the country, and are willing that they should be sacrificed, although they are the agents and representatives of the Government, merely that they may have a day or two of pleasure. I appeal to Senators in this Chamber whether they are willing to trifle with the great interests of the people of this country in this manner.

The Senator from Ohio, [Mr. THURMAN,] and I compliment him for it, appealed to his own friends, and to this side of the Chamber too, to amend this resolution by postponing the adjournment until Tuesday, in order that action might be had upon this all-important measure; but even that cannot be granted. Two days out of eighteen cannot be devoted to that labor by the dignified gentlemen who represent the people of this country. We cannot give two days; our time is too precious; our pleasure is too much to us for us to sacrifice two days in order to legislate for the people whom we represent.

I do not wonder that the people of the whole country, from one end to the other, have been complaining of us; and I put myself in. I take my full share of the responsibility with others. I do not wonder that the people have complained of us. I do not wonder that Congress has been denounced. I do not wonder that the people are getting somewhat tired of the manner in which we devote our time and attention to legislation, when we are sent here for the purpose of legislating in reference to their interests. It is because of the fact that we do not take the interest in legislation that we ought to do; we do not feel the interest that we ought. We are willing to lay aside all the measures before us and go home, and come back eighteen days from now and take them up where we left off, no matter how much the interests of the country may suffer in the mean time. While this crisis is upon the country; while the financial interests of the country are in their present condition; while the people are appealing to us to protect them from bankruptcy by doing something in reference to the bankrupt law—not that we may prevent men from collecting their debts, but to prevent men from being robbed and destroyed—I ask Senators whether they do not feel that it is their duty to stay here at least until the Committee on the Judiciary can make a report to the Senate, and we attempt at any rate to take action on the subject?

Mr. HAMILTON, of Maryland. Allow me to make a suggestion to the Senator from Illinois. The chairman of the Committee on the Judiciary has expressed it as his belief only that they will be able to report to-morrow. Now, we know that this is a very important subject. The bill has just been referred to that committee, composed, as we all know, of able lawyers, and they will have their differing views on the subject, and they will desire to perfect that bill. The chairman himself has simply said that he believed they might make a report—not that they would do so—to-morrow.

Mr. LOGAN. I have conversed with the committee on the subject, for I feel about as much interest in it, perhaps, as any one else on behalf of my constituents. The committee have had the subject before them ever since the first day of the session; for the first act of mine in the Senate of the United States at the present session was to introduce a bill, and on the very first day of the session, for the repeal of the bankrupt act, which I had referred to that committee as soon as it was organized. The Senator from Indiana [Mr. MORTON] on the very same day introduced a bill for the repeal of a portion of the bankrupt law, and both bills were referred to the Committee on the Judiciary as soon as it was organized. The President's message also recommended some modification of the law, and called the attention of Congress to it; and that, too, was referred to the committee. My friend from Pennsylvania [Mr. SCOTT] introduced a bill of a similar character. The Senator from New York [Mr. CONKLING] also introduced a bill of a similar character. Hence the matter has been before the Committee on the Judiciary from the commencement of the session, and it has been pressed upon their attention by appeals from all parts of the country.

And yet we are acting as though we were playing with the great interests of the country; as though there was no responsibility on the majority of the Senate; for I do not find fault with the minority of the Senate. They are not to blame. It is to their interest, if they can, to delay action here—not to injure the country—for they lose nothing and we lose all, so far as political matters are concerned. I do not mean to say that they would do so for that purpose; but having the desire to do what they want to do in reference to these holidays, they have no responsibility, and hence they can afford to do it much better than we can. I do not know that the constituents of other Senators are in the same condition, but I do know that appeals are coming to me from all parts of my State begging that I, at least, and the Representatives of that State, will urge this matter prior to the adjournment for the holidays.

Mr. GORDON. Will the Senator allow me to ask him a question?

Mr. LOGAN. Certainly.

Mr. GORDON. I should like to ask the Senator whether he himself is prepared to vote for the total repeal of that law, or whether he would prefer to take the plan of the President and repeal only the involuntary clause of it? I will inquire further, if he will permit me, whether he knows that his constituency want a total repeal or not?

Mr. LOGAN. I do not know what all my constituency want; but I will answer the Senator very frankly: I am prepared to vote for the total repeal of the bankrupt act. Why? Because I do not agree with the principle of the bankrupt law. I do not know that the majority of the Senate or any great portion of the Senate will agree with me; but the fact that I am prepared to vote for the total repeal of the bankrupt law is no reason why I would not modify my opinions in accordance with the opinions of the majority of the Senate to get the best thing we can from the bankrupt law. The question is not whether I shall vote for the total repeal or whether I shall vote for a modification. That is not the question before the country and the question the people are interested in. The people of the country who stand upon the verge of ruin—many of whom are about being put into bankruptcy, who, as the Senator from Ohio said, are able to pay two dollars for every one that they owe—want to know what Congress is going to do in this respect before its adjournment. The people of this country want to understand what we intend to do, whether we propose to repeal the law or to relieve them by repealing portions of it, whether we will repeal the involuntary clause of the law, or whether we will modify it, so that advantage may not be taken of men by oppressors for the purpose of destroying them in their private property. That is what the country asks of us; that is what the country wants. If we cannot afford to remain here two or three days for the purpose of deciding that question, I, for one, say that, in my judgment, we are not performing the duty which the people imposed upon us when they elected us to this honorable body.

I feel particularly interested in this subject, because I live in a large city where constant appeals are made to me, and where I know of many cases of men who are wealthy being ruined by having petitions brought against them to put them into bankruptcy. For that reason I desire to stay here until at least we take some action on this subject, although my family is not here. I have as great a desire to leave this place for a few days as any Senator, if I could do it with propriety, but I do not feel that I can do so; and hence I am opposed to this resolution.

Mr. WEST. I move that the Senate do now adjourn.

The question being put, a division was called for, which resulted—ayes 19, noes 21.

Mr. WEST. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. STOCKTON. I shall occupy the time of the Senate but a moment.

The PRESIDENT *pro tempore*. The motion to adjourn is not debatable.

The Secretary proceeded to call the roll.

Mr. FERRY, of Michigan. I am paired on this question with the Senator from Georgia, [Mr. NORWOOD.] If he were present he would vote nay and I should vote yea.

Mr. WINDOM. I am paired with the Senator from Wisconsin, [Mr. HOWE.] If he were present he would vote yea and I should vote nay.

The result was announced—yeas 21, nays 19; as follows:

YEAS—Messrs. Ames, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Cragin, Crozier, Edmunds, Gilbert, Hitchcock, Logan, Mitchell, Morrill of Maine, Morton, Sargent, Scott, Spencer, Thurman, Wadleigh, and West—21.

NAYS.—Messrs. Alcorn, Bayard, Bogy, Boreman, Clayton, Conover, Cooper, Davis, Dennis, Goldthwaite, Gordon, Hamilton of Maryland, Ingalls, Johnston, Lewis, Merrimon, Ramsey, Saulsbury, and Stockton—19.

ABSENT—Messrs. Allison, Anthony, Cameron, Conkling, Dorsey, Fenton, Ferry of Connecticut, Ferry of Michigan, Flanagan, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Jones, Kelly, McCreery, Morrill of Vermont, Norwood, Oglesby, Patterson, Pratt, Ransom, Robertson, Schurz, Sherman, Sprague, Stevenson, Stewart, Sumner, Tipton, Windom, and Wright—32.

So the motion was agreed to; and (at six o'clock and eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 18, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read.

Mr. HOLMAN. I rise to correct the Journal. The Journal states that during the progress of the proceedings yesterday a motion was made to lay the salary bill on the table. I submit that no such motion was made.

The SPEAKER. The Journal will be corrected accordingly.

PERSONAL EXPLANATION.

Mr. HALE, of New York. I ask unanimous consent of the House, for the first time in my congressional life, to be indulged for a very few minutes on a matter personal to myself.

The SPEAKER. The Chair hears no objection.

Mr. HALE, of New York. Mr. Speaker, during the debate of yesterday upon the salary bill an amendment to that bill was offered by the gentleman from Indiana, [Mr. WILSON,] which I send to the Clerk's desk and ask to have read, together with the question and answer following it.

The Clerk read as follows:

Provided, That if any member of this House has received fees from the United States since the 4th of March last, pursuant to an act entitled "An act to authorize the continued employment of an agent and counsel of the United States," approved March 3, 1873, the amount thereof shall be deducted from his salary as a member of the Forty-third Congress; and if such fees have not yet been paid the payment thereof, either directly or indirectly, is hereby prohibited.

Mr. SPEER. I ask the gentleman from Indiana to state whom that amendment would hit?

Mr. WILSON, of Indiana. That would not be a part of the amendment. [Laughter.]

Mr. SPEER. The House ought to know.

Mr. HALE, of New York. Mr. Speaker, the question what gentleman was to be hit by that amendment was doubtless a pertinent question. It was evident that some member of this House, one member, and one member only, was to be hit.

Probably a majority of the members of this House may have no knowledge as to who that member was; but the few who do happen to know that I was the only person referred to in the gentleman's amendment know that it was intended for me. It was intended to foist upon the records of this House and upon the debates reported in the CONGRESSIONAL RECORD a stigma upon me—a deliberate and planned insult; and as such I accept it.

In the summer of 1871 I was employed, under the direction of the President of the United States, by the Secretary of State as the agent and counsel of the United States before the mixed commission provided for by the treaty of Washington to represent the United States before that commission, and to defend it against the claims preferred by British subjects. I entered upon the duties of that employment. Those duties were professional purely. I stood there as the counsel and attorney of the United States. I continued in that employment down to March, 1873.

In the fall of 1872, while acting in this employment, I was elected a member of this House. Shortly after my election, and before the time for my term of office as Representative to commence, I called the attention of the Secretary of State to the fact that by the statute of 1808, as construed by a decision rendered some years ago by the Attorney-General of the United States, I could not, after my term of office commenced as a Representative in Congress, whether sworn in or not, continue to act in a professional relation to the United States, that being held to be a contract within the meaning of the statute of 1808. The Secretary expressed a desire that I should remain in charge of those cases, assigning the reason that the cases were numerous, large, and important; that in the year and a half that I had been engaged in them of course I had become far more familiar with them, and by that experience better enabled to conduct the defense in the future than a new man would be even of far superior ability. I said that if I remained it could only be by an act of Congress removing the disability imposed by the act of 1808. He—the Secretary of State and not I—asked Congress to pass an act removing that disability. It was passed unanimously by both Houses of Congress, and simply provided that, notwithstanding the disqualifying provisions of the act of 1808, the President might, in his discretion, continue to employ the present agent and counsel for the United States notwithstanding his election to Congress, until he should take the oath of office as a Representative.

Under that act I continued to act until the close of the commission and until the end of the month of November last. It is not, of course, for me to say how well or how ill I conducted that business. I can only say that for two years and more I served the Government faithfully and diligently to the best of my ability. If there is anything in these facts which authorizes any gentleman in this House to attempt to fix a stigma upon me, to provide by an unconstitutional provision, as the gentleman knew it to be, that my salary as a member of this House should be disallowed to the amount of my compensation as counsel, I am glad to learn it.

Mr. ELDREDGE. Will the gentleman allow me to ask him a question?

Mr. HALE, of New York. In a very few minutes, if the gentleman will wait.

Mr. ELDREDGE. I wish to ask a question upon the subject upon which the gentleman is now speaking.

Mr. HALE, of New York. Go on; propound.

Mr. ELDREDGE. I do not cast any stigma upon the gentleman, or any imputation whatever. But I listened attentively to his speech on the day before yesterday, wherein he stated, as I now recollect, that the salary provided for members of Congress was quite too large, and he advocated the repeal of the act fixing that salary on that ground. I wish to know of the gentleman whether during the time of his professional services for the United States he did not receive much more than members of Congress received, even if they get $7,500 a year?

Mr. HALE, of New York. The question of the gentleman from Wisconsin [Mr. ELDREDGE] is simply impertinent, and as such I decline to answer it. If he desires to know how much I received in my professional capacity from those from whom I might lawfully take it, he can ascertain by making proper inquiry.

Mr. ELDREDGE. I thought something the gentleman said day before yesterday was impertinent.

Mr. HALE, of New York. I do not yield further to the gentleman.

Mr. RANDALL. I wish to ask the gentleman a question which I think the gentleman will not consider impertinent; at least it is not so intended.

Mr. HALE, of New York. Go on.

Mr. RANDALL. In my mind the gentleman has not touched the objection which was intended to be provided against by the act of 1808, as construed by the Attorney-General. The point is this: was not the gentleman from New York [Mr. HALE] a recipient of fees from the Government of the United States, at the same time that he monthly drew pay as a member of Congress?

Mr. HALE, of New York. Certainly I was; and I certainly expected to be.

Mr. RANDALL. Does the gentleman think that was morally right?

Mr. HALE, of New York. The gentleman will allow me to answer his question. I did it under the authority of an act of Congress, properly and legally, precisely as the gentleman from Pennsylvania, [Mr. RANDALL,] and the gentleman from Wisconsin, [Mr. ELDREDGE,] and the gentleman from Indiana, [Mr. WILSON,] take fees from their clients while they are members of Congress.

Mr. RANDALL. I take my pay under an act of Congress.

Mr. HALE, of New York. I do not yield further. That is all I have to say on this branch of the case. But I have a little more in the same connection. The occasion of the assault on me was a manifest one. On the day before yesterday, in reply to some remarks made by the gentleman from Wisconsin, [Mr. ELDREDGE,] I, in my place in this House, in parliamentary and courteous language expressed my views upon the bill pending before the House and upon the bill we were seeking to repeal. I expressed myself without hesitation, without scrupling to say precisely what I meant to say. Within a very short time after I made those remarks I was warned by a distinguished gentleman upon this floor, who was a leader in passing the bill of last year, that a castigation was in store for me, and that children must not cry when hard knocks were given.

I answered the gentleman, with what courage I could assume under such a formidable demonstration, that I thought the "children" in my part of the house would be ready whenever the "children" in his part of the House were. The gentleman from Massachusetts [Mr. BUTLER] who gave me this warning did not see fit to appear in the castigation thus to be administered, nor directly to procure it to be administered, but, reaching his great arm around the gentleman from Wisconsin, [Mr. ELDREDGE,] whose remarks I had answered, through him procured the gentleman from Indiana [Mr. WILSON] to present, as his representative, the proposition which he did present.

Mr. BUTLER, of Massachusetts. The gentleman is entirely incorrect in that statement.

Mr. WILSON, of Indiana. The gentleman from New York is entirely mistaken. The gentleman from Massachusetts never said one word to me upon that subject, nor did the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. I say that every word relating to me in the statement of the gentleman from New York is untrue.

Mr. HALE, of New York. If the gentleman who gave me my information, and who is a member of this House, will allow me, I will name my authority for the statement.

Mr. BUTLER, of Massachusetts, [holding in his hand a volume of the Statutes at Large.] I am ready to give the gentleman all the information I have. [Laughter.]

Mr. HALE, of New York. I do not yield to the gentleman for any further information. I say that I have the authority of a gentleman on this floor, whom I will name if he will permit me, for the statement that the amendment of the gentleman from Indiana was put before this House at the suggestion of the gentleman from Wisconsin; and it came pursuant to the warning which the gentleman from Massachusetts had given me.

Now, Mr. Speaker, the selection made by the gentleman from Massachusetts and the gentleman from Wisconsin, of a gentleman to administer this castigation to me, was an eminently appropriate selection.

Mr. WILSON, of Indiana, rose.

Mr. HALE, of New York. I do not yield. I say it was an eminently proper selection.

Mr. WILSON, of Indiana. Mr. Speaker, I rise to——

The SPEAKER. The gentleman from New York is entitled to the floor, and declines to yield.

Mr. HALE, of New York. The gentleman from Indiana who made this assault upon me made, the day before, a similar assault upon my colleague, the Representative at large from the State of New York, [Mr. TREMAIN,] to be followed on the next day (the same which he reserved for my castigation) by a retraction which some outside of Congress might consider a humiliating retraction.

The selection was judicious in another aspect, in that the gentleman from Indiana is the special representative upon this floor of a class of men to whom the passage of the act of March 3, 1873, increasing salaries, was due. Of the classes of men who passed that bill I have this to say: There was one class—of whom the gentleman from Massachusetts [Mr. BUTLER] is the leader, the head and front—who stated their propositions boldly, fairly, and squarely to the House, and who sustained their views from beginning to end by their language and their votes. Those gentlemen on the highest vote which they attained numbered some eighty-odd out of two hundred and forty members of the House. Those eighty-odd are the only

members who ever put themselves squarely upon the record in favor of that legislation as an independent proposition.

But there was in this House another class of men, of whom I take the gentleman from Indiana as a type. This class is composed of those who by their votes, when forced to a direct and square vote, condemned the proposition, and then when they could escape from that responsibility and carry to their constituents the idea that they were opposed to this measure, which most them when they went back to their constituents characterized as a "salary steal," or "grab," contrived clandestinely and by subterfuge to procure the passage of the bill with the aid of the men who favored it from first to last.

Now, I give very briefly the record of the gentleman from Indiana upon this very question in the Forty-second Congress. The first proposition made in regard to that salary question was a resolution introduced by the gentleman from Massachusetts [Mr. BUTLER] to suspend the rules and instruct the Committee on Appropriations to include in the provisions of the miscellaneous appropriation bill in the Committee of the Whole a provision for increased salaries, substantially as contained in the bill finally passed, though it put the pay of members at $8,000 instead of $7,500. On that vote the yeas and nays were called; and 81 members voted in favor of it, 120 members against it, and 39 members did not vote—of which 39 members the gentleman from Indiana was one. That resolution of instruction therefore failed. The question then came up in Committee of the Whole, where, as the House is well aware, the yeas and nays could not be called.

Mr. PELHAM. I rise to a point of order. It is that the gentleman from New York obtained unanimous consent to make a personal explanation, and under that consent he is out of order in the line of discussion he is now pursuing.

Mr. ELDREDGE. I hope the gentleman will be allowed to go on.

Mr. WILSON, of Indiana. So do I.

Several MEMBERS. But there must be a reply.

The SPEAKER. As the House is aware, the right to make a personal explanation is obtained by unanimous consent; but when such consent is obtained the latitude of debate under the usage of the House is very wide.

Mr. COBURN. I hope, if this thing is to continue, unanimous consent will be given for a reply.

The SPEAKER. No doubt the House will give such consent.

Mr. HALE, of New York. The bill went to the Committee of the Whole, where, as we all know, the yeas and nays cannot be demanded; and so the country has no record of the votes of members there. On the reporting of the bill from the Committee of the Whole the gentleman from Massachusetts, in order to carry his point, moved to suspend the rules and pass the bill with the amendments reported by the Committee of the Whole in a bulk. On that motion the yeas and nays were taken. The yeas were 69, and nays 121; the gentleman from Indiana voting no, and thus placing himself on the record as condemning the proposition to pass this bill with the amendments. Immediately after the defeat of this motion, a motion was made to reconsider that vote and lay the motion to reconsider on the table, thus clinching the vote which defeated the bill as reported from the Committee on Appropriations with the salary increase in it. Pending that motion the gentleman from Massachusetts moved to adjourn. It was a test vote, though not a vote that the people would see to be a test vote; for every man in the House knew that to refuse to adjourn, and then vote to lay on the table the motion to reconsider the vote just taken, clinched the defeat of the bill. On that motion to adjourn the gentleman from Indiana voted yea; and the yeas were 113, nays 60. There he was found not taking the responsibility of voting for the increased pay, but directly voting to defeat a proposition to nail the defeat of the bill.

On the next day the question came up again; and then the vote recurring directly on the motion to lay on the table, which, as I have said, would have clinched the defeat of the increased salary bill, the motion to lay on the table was rejected by a vote of 66 yeas to 165 nays, the gentleman from Indiana voting no; that is to say, having voted on one day for the defeat of the measure, the moment the question came up making that defeat final by laying on the table a motion to reconsider, he voted no. Following that came the vote on the motion to reconsider, and that motion, under the lead of the gentleman from Massachusetts, was carried—yeas 104, nays 79—the gentleman from Indiana, who had voted an hour before against laying the motion to reconsider on the table, judiciously abstaining from voting. And finally, when the vote recurred on the passage of the appropriation bill with this increased salary in it, on which I know that many members voted from a consideration of the necessity of passing the appropriation bill—when that vote was taken the gentleman voted yea.

I submit that this record sustains the proposition I made, that that gentleman is to be taken as a type and representative of those who are responsible for the carrying of this measure through that House, and yet had not the courage and the manhood to go before the people fairly and squarely upon it. With that record I am not surprised that the gentleman from Indiana should be selected as the instrument to make this attack upon me. I have before now known similar cases. It is not an uncommon thing to find among men or beasts those who, when themselves defiled, are anxious to defile by their contact, or in any other way, all those whom they can reach.

I have seen, Mr. Speaker, a cur emerging from a puddle, with his hair draggling with filth, force his way among decent people, and thrust himself upon them, or shake his filth upon them. I have known that experiment tried, and have known decent people to be smirched; but I have never discovered that the cur who did it remained anything else but a dirty dog. And I believe that will always inevitably be the case.

I thank you, Mr. Speaker, and thank the House for the opportunity given me to make this explanation.

Mr. WILSON, of Indiana. Mr. Speaker, we have just had a very admirable exhibition of the dirty dog. [Laughter and some applause.]

The SPEAKER. The Chair must repeat what he has already had occasion to state within the last two or three days, that all such manifestations are strictly prohibited under the rules. The Chair must again request the attention of gentlemen to this.

Mr. WILSON, of Indiana. I asked for the gentleman from New York the consent of the House that he might proceed without interruption. I ask the same favor from the House for myself.

The SPEAKER. The Chair will not allow the gentleman to be interrupted.

Mr. WILSON, of Indiana. The gentleman from New York seems to have been stirred up by a proposition that I made yesterday to amend the bill that was then before the House, commonly known as the salary bill; and since yesterday afternoon he seems to have busied himself in hunting up my record on that question. Mr. Speaker, the record that I made on that question I have never shrunk from. I have not gone about the country calling out "salary grab;" nor have I ever in any way, to any man, under any circumstances, conceded that I had done anything that I had not the right to do and that I could not do consistently with my integrity and my honor.

Now, sir, when I discussed that question here before the House a few days ago I defined my position upon it. But the gentleman has gone back, expecting to make a little capital out of the votes that I gave, and has undertaken to show that I had voted inconsistently or that I had been dodging the responsibility that rested upon me as a Representative upon this floor; and he goes back and says, when my friend from Massachusetts [Mr. BUTLER] brought this bill before the House for the first time, and the House was brought to a vote upon it, that I did not vote. I know I did not vote, and I can tell the gentleman from New York why I did not vote. It was because this House had sent me to the city of Boston for the purpose of taking testimony in the Credit Mobilier investigation, and I was in the city of Boston at the time at which these votes were taken. Is that a sufficient explanation of that absence of voting for the gentleman from New York?

A MEMBER. It is not so stated on the record.

Mr. WILSON, of Indiana. Well, sir, I do not know that my absence is explained. I do not suppose it is explained in the Globe, because there was no friend of mine, I presume, who thought it important enough to get up here and state that I was absent in the city of Boston at the time that vote was taken.

But the question came up after I returned; I came back here, and for twenty days that salary bill was never heard of; nobody expected it would be heard of again during the session. The gentlemen here now who were members of the Forty-second Congress remember very well that on a certain night, late at night, after we had had a struggle over the bill that had been reported by the special committee of which I was the chairman, and that bill had been attached as an amendment to the appropriation bill, then my friend from Massachusetts moved to amend the same bill still further by placing the increase of salary upon it. And then, as the gentleman from New York [Mr. HALE] says, I voted against it. Now, all the gentlemen who are here to-day members of this House who were members of the last House know very well that that occurred late at night—I think about half-past eleven, if my memory serves me aright.

Mr. BUTLER, of Massachusetts. Nearer twelve, a great deal.

Mr. WILSON, of Indiana. Near twelve o'clock at night. The House had been in session from eleven o'clock in the morning until near twelve o'clock at night; a motion was then made to adjourn, and there were a great many gentlemen who voted to adjourn on that occasion who never in any manner, shape, or form voted for the increase of salary. And when the gentleman from New York [Mr. HALE] comes here to-day and says that that was dodging, he says that which is an attempt to cast a stigma upon a great many gentlemen who voted just as I did upon that motion to adjourn, yet who never voted for the salary bill in any shape.

Now what else? He says that the next morning when the proposition to reconsider came up I did not vote. Well, it just so happened, as it often has happened with a great many members, that at the time that vote was taken I had been called over to the Senate and did not vote, for I did not get back here until the vote had been finally announced.

Mr. HALE, of New York. The gentleman skips one vote, the one just before that, on the motion to lay on the table the motion to reconsider.

Mr. WILSON, of Indiana. I am very thankful to the gentleman for calling my attention to that subject, because I want to say a word in regard to it. The proposition was made to increase the salary of members of Congress to $7,500. The House voted it down, and I was found, as the gentleman says, voting against it. The next morning,

when the motion of the gentleman from Massachusetts [Mr. BUTLER] came up to reconsider the vote rejecting that proposition, Mr. SARGENT, of California, who had been opposing this increase of salary from the beginning, arose in his place upon this floor and stated to the House that he was tired of having this matter of the inequality of mileage thrown at him. He stated that in consequence of the mileage he was getting largely more compensation than other gentlemen who were sitting here with him, of whom I was one, and he proposed to the House that if they would reconsider that vote he would offer an amendment to the bill, placing the salary at $6,500 and cutting off all mileage and perquisites, which he stated would equalize salaries and be a fair compensation; that it would not materially increase the aggregate amount that was then taken out of the Treasury for the salaries of Senators and Members, and that it would equally distribute the compensation among the members of Congress. That was the proposition he submitted to the House, and upon that proposition the House reconsidered its former vote. There was a distinct understanding with all the members of the House that if the former action of the House was reconsidered Mr. SARGENT should move the amendment he had indicated.

And just as soon as the motion to reconsider was agreed to, as my friend from Massachusetts [Mr. BUTLER] and others here will remember, Mr. SARGENT did move the amendment he had indicated, and the House adopted it. My friend here [Mr. DAWES] nods his head. He remembers it very well, and others also remember it. The bill with that provision, $6,500 a year, went to the Senate. We all know what transpired there. Some Senators insisted that it was no substantial increase of salary, and they were opposed to it for that reason. And any man who will examine the debates that took place in the Senate upon that subject will see that the Senate voted in such a way as to throw the matter into a committee of conference. It went to a committee of conference; my friend from Ohio [Mr. GARFIELD] was on it to represent the House. He had labored on the bill—an important appropriation bill—for months and months. It involved the appropriation of millions and millions of dollars; it furnished the means for carrying on the machinery of the Government.

The committee of conference reported in favor of increasing the amount of compensation to $7,500 a year. It was just in the last hours of the session; it was on a bill containing these large appropriations, and involving other large interests, including the Credit Mobilier law. In that way the matter came back to the House. The question was whether we should defeat that appropriation bill and all the interests involved in it, or pass it with all the increase of salary attached to it; and I stood here in my place and voted for that conference report, and under like circumstances I would do the same thing again. I believed it to be my duty as a Representative upon this floor to vote for the report of the committee of conference. Even my friend from New York, who opposed the conference report, admitted to the House the danger of defeating that bill. He said in his place that if that bill was defeated and there was an extra session of Congress it would cost many times more money than this increase of salary; and he further said that, much as he objected to the report, he would hesitate before he would take the responsibility of bringing on an extra session by rejecting the report.

Mr. SARGENT, of California, who had been voting against the increase straight along, warned gentlemen of the House not to vote against the report. He said he would vote for it, and I believe he did vote for it.

And my friend from Ohio, [Mr. GARFIELD,] the chairman of the Committee on Appropriations, who had voted against it eighteen times, I believe, said here upon the floor that he had opposed this salary increase in the committee of conference—that he had done everything he could against it. Yet he said to the House that under the circumstances he believed it to be the duty of the House to vote for that report and pass the bill.

I am content with the record I have made upon that subject, and out of which the gentleman from New York [Mr. HALE] thinks he can make a little capital. If he wants to point me out as the type of a class, I can say that if I am the type of any class it is as an independent man, who dares to stand up in his place, in defiance of him and of all others like him, and do what he believes in his conscience to be right under the circumstances by which he is surrounded.

Now, Mr. Speaker, I have a word or two more to say. I introduced this proposition of amendment that the gentleman refers to on yesterday, and he says that I sought to fix a stigma upon him. Well, sir, the gentleman from New York has been running about this House for several days past prescribing clean linen for everybody else, and as he prescribes clean linen for me, I do not propose that he shall wear a dirty shirt, and, therefore, I offered that proposition to amend, to which he has referred, and I offered it for the express purpose of getting an opportunity to call the attention of this House to the remarks that the gentleman had made just a day before. Ah, he is exceedingly sensitive now about having a stigma cast upon him!

Mr. HALE, of New York. Not at all.

Mr. WILSON, of Indiana. He said he accepted it. Now I send to the Clerk's desk the CONGRESSIONAL RECORD, and I ask the Clerk to read what the gentleman was pleased to say about the members of the Forty-second Congress in his speech of the day before yesterday.

The Clerk read as follows:

> The third proposition on which this popular condemnation rested, and, in my judgment, the weightiest of all, relates to the manner in which the act was done. It was not done by square, manly, honest legislation. This House in the Forty-second Congress repeatedly, by large majorities, voted down the proposition for an increase of their pay when presented as a bold and naked proposition, and then by trick and subterfuge and evasion ingrafted the increase upon a bill on which they could have some excuse for saying, "We vote ourselves increased pay purely as a matter of necessity, because we must do it or defeat the appropriations for the support of the Government."

Mr. WILSON, of Indiana. Now, I call the attention of the House, and especially of gentlemen who served in the Forty-second Congress, to the manner in which this gentleman has seen fit to talk about them. He says that the thing was not done by "fair, manly, and honest legislation." He means by that, as a matter of course, that it was unmanly and dishonest legislation. That is what he is charging upon the members of the Forty-second Congress.

That is the manner in which he has been talking about this matter, and any man who will go and look at the Globe will see that the gentleman made an assertion here that was entirely without foundation in fact, and if he had been as industrious in hunting up the facts of the case as he was in hunting up my votes he would have found it out before he got up and made his statement here.

Mr. HALE, of New York. Does the gentleman dispute my statement?

Mr. WILSON, of Indiana. There is not any truth in it.

Mr. HALE, of New York. Mr. Speaker——

Mr. WILSON, of Indiana. The gentleman has had his say, and I decline to yield to him.

Mr. HOLMAN. I object to my colleague being interrupted.

Mr. WILSON, of Indiana. Now, what have the members of the Forty-second Congress been doing? Why, taking the pay pursuant to the Constitution that was fixed by law, and a law that they had a right to make—the same kind of law that had been made in times past by the very best and purest men in the Government. It is because of this that he is making this virulent attack upon the members of the Forty-second Congress. I wanted to bring to the attention of the House the fact that the gentleman who is seeking to stigmatize the members of the Forty-second Congress in this matter had been doing the very identical thing himself, only in an aggravated degree, because I say here, and the gentleman can get up and deny it if he sees fit to do so, that during the last two years he has been getting a salary of $10,000 per year as a Government attorney, and during the time he has been a member of this House, since the 4th of March last until he took the oath of office, he has been drawing salary from the Government at the rate of $10,000 a year and expenses, in addition to his salary as a member of Congress at the rate of $7,500 per year, and yet he complains of members of Congress because they get $7,500——

Mr. HALE, of New York. Will the gentleman yield to me?

Mr. WILSON, of Indiana. No; I do not yield to the gentleman.

Mr. HALE, of New York. The gentleman said he would yield if I chose to deny it.

Mr. WILSON, of Indiana. I do not yield to the gentleman.

Mr. HOLMAN. I insist that my colleague shall not be interrupted in this way.

The SPEAKER. The Chair will protect the gentleman from Indiana in his right to the floor without interruption.

Mr. WILSON, of Indiana. While he was taking fees from the Government of the United States at the rate of $10,000 a year up to the time that he took his seat, at the same time he was drawing the same compensation that you and I have been drawing under the law. And how does he defend that now? By saying that Congress had passed a law authorizing him to receive those fees. What was that law? He says that the salary law was not passed by square, manly, honest legislation. Now let us see what kind of a law it was which authorized him to draw compensation at the rate of $10,000 a year in addition to what the rest of you have got. Here is the law. I will read it myself:

> An act to authorize the continued employment of an agent and counsel of the United States.
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That it shall be lawful for the President of the United States, in his discretion, to continue the appointment and employment of the present agent and counsel of the United States, under articles 12 to 17 inclusive of the treaty between the United States and Great Britain, concluded May 8, 1871; and for said agent and counsel to act under such continued appointment and employment, notwithstanding the election of said agent and counsel as a Representative in the Forty-third Congress: *Provided*, That such appointment and employment shall not continue after said agent and counsel shall have taken the oath of office as said Representative.

That law was especially framed to enable the gentleman from New York to draw this enormous salary; at the same time he was drawing his salary as a Representative until the day he took the oath of office.

Now, it happened that we had upon the statute-books a law prohibiting this gentleman from drawing this salary. The law was expressly against it. He had to take an oath of office in serving under the Department of Justice.

Mr. HALE, of New York. That is a mistake.

Mr. WILSON, of Indiana. He was not authorized by law to draw this money; therefore he must have a special act of Congress passed for his benefit. Now let us see whether this legislation under which the gentleman has been drawing that salary has been entirely "honest" and "square." I hold in my hand the Globe, showing

how this thing got through; and it simply shows that this bill came here from the Senate, went upon the Speaker's table, and from there it was taken on the very last day of the session, on the 3d day of March—the same day on which I cast the vote for the conference report the gentleman has been talking about. The very same day on which this appropriation bill was passed, this bill for the benefit of the gentleman was, in the night-time, taken from the Speaker's table and passed without one word of debate or explanation. Was that "manly?" Was that "honest?" If the other measure was unmanly and dishonest, I think this stands in the same category. Hence when this gentleman was throwing these things in the faces of members of the Forty-second Congress, and seeking to cast stigmas upon them, I thought it high time that he should cover into the Treasury this money that he had thus taken out of it.

I thank the House very much for having indulged me thus long. The salary bill having passed away from this House, I had supposed that was the end of the whole matter. I should never have referred to these stigmas that the gentleman has sought to cast upon me and my associates in the Forty-second Congress but for the manner in which he has brought this matter up to-day.

Mr. ELDREDGE was recognized by the Chair.

Mr. BUTLER, of Massachusetts. I ask the gentleman from Wisconsin [Mr. ELDREDGE] to yield to me.

Mr. GARFIELD. If this personal debate is to go on, I hope gentlemen will name what time they want to occupy.

Mr. BUTLER, of Massachusetts. I want only five minutes.

Several MEMBERS. Take ten.

Mr. ELDREDGE. I only wish to occupy a few minutes.

Mr. GARFIELD. I propose that during the continuance of this debate each speech shall be limited to five minutes.

Mr. ELDREDGE. I do not wish to be restricted in that way.

Mr. BUTLER, of Massachusetts. I hope my friend from Ohio [Mr. GARFIELD] will not insist on that restriction.

Mr. GARFIELD. Very well; I withdraw the proposition; but I think gentlemen ought to confine their speeches to at least ten minutes.

The SPEAKER. The gentleman from Wisconsin [Mr. ELDREDGE] is recognized and will proceed, if there be no objection. The Chair hears none.

Mr. ELDREDGE. Mr. Speaker, nothing could have been further from my expectation than the discussion in which we are this morning engaged; and I little expected that the gentleman from New York would attempt to drag me into his "personal explanation." When I had spoken day before yesterday on the salary bill he responded immediately, and I thought that some of the expressions which fell from him were, in view of the position which I knew he occupied, and upon which I had never commented or remarked in any way, unbecoming and out of place. I ask the Clerk to read the passage which I have marked from his speech.

The Clerk read as follows:

The complaint made against the statute increasing the pay of members of this House was, as I understand, first and last in regard to the amount as being excessive. I believe that the sentiment of the better class of the community was that the amount fixed by that bill was larger than it ought to be, irrespective of every other consideration; and I for one especially believe that it was larger than it ought to be in proportion to the other official salaries paid by the people of this country in the administration of their State and National Governments.

Mr. HALE, of New York. The word "last" is a misprint: it should read "first and *least* in regard to the amount as being excessive."

Mr. ELDREDGE. I had served in Congress with the gentleman from New York; and I supposed that our personal respect was mutual. I had no idea that anything which I had done since he left Congress, and while he was in another capacity in the service of the United States, had lost me his esteem. But when he undertook to impute to me not only a wrong act but a wrong motive, I remembered what he had done during the period between his leaving Congress and his return. When he, a distinguished lawyer, said that the objection was "first and last in regard to the amount" of pay, that it was too much, I remembered to have heard of him when he was satisfied with $3, or $5, or $10 a day as an attorney, and was very glad to get either of those sums. I knew that since then he had been a member of Congress, and had grown to be a great lawyer, and more recently had demanded $10,000 a year for serving the United States. I had heard this; and I thought it unbecoming in him to charge me with voting *too much* for a member of Congress when I only voted $7,500 and he was charging at the same time $10,000 for his services. I could not see why he was not worth as much as a member of Congress as he was as an attorney at law.

Now, the gentleman complains that this attack upon him, this "*stigma*," as he calls it, was suggested by me. He says that I, in conjunction with the gentleman from Massachusetts, (who I believe he said had his arm around me,) concocted this scheme and employed the gentleman from Indiana to cast a stigma upon him by simply giving a narrative of this short period of his life. I did not so consider it unless there was something bad in it, something bad in the life itself.

Now, if that stigmatizes him it is his fault and not mine. I did suggest that he be questioned upon his pay, but I did not suggest it to the gentleman from Massachusetts or the gentleman from Indiana. I never shrink from anything that I do on this floor or elsewhere. I suggested it to a gentleman from Pennsylvania, and I did ask him when you [addressing Mr. HALE, of New York] were making your speech to put the question to you which I put to you and which you say was "impertinent." I wanted him to ask you if you had not been the recipient from the United States Government of $10,000 a year; and I supposed that, being an honest, upright, and pure man, and your conscience approving the course which you had pursued, you might answer it like an honest man and would not think it "*impertinent*."

I thought the inquiry was *pertinent* to the subject upon which he was arraigning the members of the last Congress. I thought his conduct, if it had been as I supposed, was a perfect answer to his speech; at least, as far as he was concerned. I thought if he had done the same things as those he was charging upon us, that he, being honest and pure, would not consider us as dishonest in doing as he had done.

The gentleman admitted the proposition which had so often been admitted in the House, that the law of Congress was a constitutional law, giving us the salary as prescribed. I cannot say that the law by which he received his $10,000 was a constitutional law. Perhaps it was. I am rather under the impression, however, that when he was first employed there was no law for his employment. I am under the impression that the first pay he received was received without law, but I may be mistaken upon that point. I do not charge that. I put it on the ground that it was legal. But will the gentleman tell me by what ethics, or logic, or morality he charges me with wrong in taking the pay of $7,500 as a servant of the United States, at the same time when he takes $17,500 as a servant of the United States? If when a man is elected to Congress his whole time and services and mind and judgment are due to the Government because of his election, and his being a servant of the United States, why did not the gentleman leave that $10,000 in the Treasury and receive only his pay as a member of Congress? But if the repeal of that statute of 1808 was proper and right, and all his acts legal, honest, upright, and pure, how could he with the views expressed in his speech take two salaries at the same time? He tells us he took them as every man takes professional fees. Lawyers in Congress may, perhaps, take professional fees of clients while in Congress with propriety when the client is not the United States. But the gentleman is employed by the year as a member of Congress at $7,500; he is employed by the year as an attorney at $10,000. What other lawyer in this House is receiving two salaries at the same time?

Is not receiving $10,000 as a servant of the United States in one capacity and $7,500 in another capacity, rendering no services in the latter, quite equal to back pay—quite equal to members taking the increased pay?

I did think that it came with an ill grace from the gentleman, following me as he did, and stigmatizing not only my act but my motive. And now if the gentleman has any stigma upon him, if he feels himself dirtied or befouled, it was not done by the gentleman from Indiana or by the gentleman from Massachusetts, or myself, but it was by the pool in which he chose to wallow for the sum of $17,500.

Mr. BUTLER, of Massachusetts. Will the gentleman from Wisconsin yield to me?

Mr. ELDREDGE. I yield to the gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. No man can regret more than I do this unfortunate scene which has occurred in this House. It is such language, whether parliamentary or not, that gentlemen apply to other members on this floor which gives those outside occasion to stigmatize the whole Congress. And I was very, very sorry that the heat of debate should have so far misled the cooler judgment of the gentleman from New York [Mr. HALE] to say that which I know he will regret. I have been on terms of quite intimate friendship with that gentleman for a very considerable length of time. I knew his services in the place of agent and counsel of the United States. I know they were well performed and valuable; nor do I think that what he received for those services was anything too much—$10,000 a year, which, I believe, was the rate at which he drew payment for those services.

Mr. HALE, of New York. Besides expenses.

Mr. BUTLER, of Massachusetts. And that being so I should not have adverted to such receipt as a wrong. But when he arose in his place the other day and characterized the legislation of the Forty-second Congress as unfair, unmanly, and dishonest, carried through by a trick, I thought he had exceeded the fair limits of debate; especially when he was speaking of a man who stood in the relation of a personal friend. When he said that, without consulting anybody, I sent for the book I hold in my hand and put it on my friend's desk, from which I had his liberty to speak—the book of the laws—and turned down the leaf at the law. And I am sure he must not have appreciated me during our intimacy if he supposes that I ever "select" anybody to do my work for me when I want to give a castigation to any one. [Laughter.]

The thing I next did (for I never proceed without facts) was to telegraph to the Register of the Treasury to get the statement of the gentleman's accounts, and I got it. And when I got into the position to show that on the same day, in the same hour, his legislation—which continued his office while a member—passed without discussion, and the legislation which I promoted had passed with full discussion, I thought I would thereby have brought him to his feet and to admit, "Well, I was a little too fast." Instead, feeling kindly

toward him, I went to him, and good-naturedly said a portion of what he reports, in the intimacy of private friendship, not knowing at that time that anybody was going to do or say anything about it. And I will ask him to consider how long gentlemen can remain together on this floor as gentlemen if we report private conversations with each other?

Mr. HALE, of New York. If the gentleman asks that of me, will he let me ask him a question right here?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. HALE, of New York. The gentleman came up in front of my seat, and, if I remember rightly, uttered what he had to say at least in the hearing of three or four members, without any of the sacredness or intimacy of private conversation.

Mr. BUTLER, of Massachusetts. Then that is a perfect justification to the gentleman if he so understood it. I was speaking to him privately; but I do not say anything privately which I am ashamed to say in public. I said to him then, "Now, having come at me, you must not object or cry if you get hurt in the contest." [Laughter.] I was fully determined whenever I got the opportunity to debate to bring two or three facts to the gentleman's mind, one of which I have already brought to the attention of the House. After that my friend from Indiana [Mr. WILSON] called upon me and said he would like to get the floor, and I asked him why. And he showed me the amendment he had drawn up and which he proposed to present to the House. I supposed he would get the floor before me because I had kept myself out of the debate very purposely, and while I was sorry my thunder was gone by his use of it I bore the infliction as well as I could. [Laughter.] That is all I had to do with the selection or employment of the gentleman from Indiana. "My offending hath this extent, no more."

And I forebore, in the remarks I made last evening, from saying a word as to the gentleman from New York, [Mr. HALE,] out of gratitude to him, because the gentleman from Maine [Mr. HALE] had yielded him some time as he informed me, and he offered me a portion of it to reply to some attacks made upon me last evening in the closing hour of the debate, when it seemed to me I should not get any other opportunity; and I always pay my debts. [Laughter.] Therefore, I said not a word of him. I granted him the mercy of my silence. [Laughter.]

Now, Mr. Speaker, we have no cause to complain that the gentleman drew his salary as a member of Congress. He had a right to it. He earned it. We have no right to complain that he drew his pay as counsel from the Treasury at the same time. He had a right to fees. I repeat again, in the face of the country, that he earned it faithfully and well. We have no right to complain that he took the $10,000—and his share of the $7,500 during the same time, because "the law allows it, and the court awards it." He had a right to both. What we have the right to complain of is, that while in the receipt of that generous income from the Treasury of the Government of $17,500, he should complain of and seek to take away our share of the $7,500 we have only. [Laughter.] It looks like the rich man taking the ewe lamb of the poor man. [Laughter.] Of that we complain.

It is true, under the law, except the special law made in favor of the gentleman, no man can draw two salaries at the same time.

I recollect, Mr. Speaker, while the war was going on I heard your eloquent denunciation of that being done, that no man had a right as counsel to take one fee from the United States while as member of Congress he was receiving a salary. I also remember soldiers from the battle-field, General Schenck and General Blair, one of them with the wounds of battle upon him, being elected to Congress and, the question coming before Congress, were made to elect between the pay they would draw as major-generals in the field and their salary as members of Congress, as they were expressly cut off by law from taking both; although wounds and service upon the battle-field are the highest title to reward on earth. I also put it to the clear judgment of the gentleman from New York, [Mr. HALE,] whether he believes, if the House of Representatives had understood, on that night when this law was passed, that it would give him double salary, we would have passed it. [Laughter.] No; I am sure if he had been here he would not have voted for it himself. [Laughter.] I am sure of this because I have such confidence in his judgment and in his integrity. But, being the law, he had the legal right and the moral right, because all legal rights are moral in human actions, leaving the propriety of their enforcement to the judgment and conscience of each man for himself; and therefore, having the legal right, he had the moral right to take both salaries, if he chose. But what I complain of is, that he has no moral right, or legal right, or parliamentary right, or conscientious right, or any other right, of the thousand forms of rights accruing in this world, to charge those who stand equal with him before the country with wrong-doing, when they were doing the same thing with himself in a less degree.

I can refer him to high authority on this, and ask him to look at the eighth chapter of the Gospel of St. John. [Laughter.] When the woman was taken in adultery and brought before the Master, what was His reply? Was it you are wrong and immoral? No; but turning to her accusers He said: "Let him who is without sin amongst you cast a stone at her." [Laughter.] Could my friend have led the stoning party on that occasion as he did the salary party in this House? [Renewed laughter.] I ask him in all fairness and sincerity, and I shall not in anything I say violate the obligations of friendship I still entertain for him, what was the answer? All the accusers went out and left the woman standing alone before the Master, and He said to her, "Go, and sin no more." [Laughter.] That is what we have attempted in this House in the matter of salary, [laughter,] only our accusers have not gone out. [Renewed laughter.]

CIVIL SERVICE.

Mr. ELLIOTT, by unanimous consent, presented the memorial of the National Convention of Colored Persons, praying to be protected in their civil rights; which was read, referred to the Committee on the Judiciary, and ordered to be printed.

TEMPORARY LOANS.

Mr. KELLEY. Mr. Speaker, I ask unanimous consent to submit the following resolution, calling for information from the Treasury Department.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to furnish this House with a statement of the total amount of money received on temporary loans under the acts of February 25, March 17, and July 11, 1862, and the act of June 30, 1864, stating specifically the largest amount on deposit under each act at any time, and the rate of interest thereon, together with the amount of said certificates presented for payment, exclusive of exchange for other securities in each month, and while said certificates were outstanding; also whether any of said certificates, and if so, what amount, was paid and redeemed out of the redemption fund of $50,000,000 authorized by said acts to be held by the Secretary for the prompt payment of said temporary loans.

The SPEAKER. This being a call for executive information, is required under the rules to lie over for one day unless by unanimous consent.

There was no objection, and the resolution was adopted.

MESSAGE FROM THE PRESIDENT.

A message was received from the President of the United States by Mr. Luckey, one of his secretaries, notifying the House that he had approved and signed an act (H. R. No. 478) to provide for the redemption of the loan of 1858.

LOUISIANA CONTESTED ELECTION.

Mr. HAZELTON, of Wisconsin, from the Committee on Elections, reported the following resolutions; which were read, considered, and agreed to:

Resolved, That Randall L. Gibson, from the second congressional district of Louisiana, be permitted to serve on Lionel A. Sheldon, sitting member from said district, notice of contest within twenty days from the 9th of December, 1873; and that said sitting member be permitted to answer the same within twenty days after service thereof.

Resolved, That the time for taking testimony in said contested-election case is hereby extended to ninety days from the time the answer is allowed to be filed to the notice of contest.

ARKANSAS CONTESTED-ELECTION CASE.

Mr. TODD, from the Committee on Elections, reported the following resolution; which was read, considered, and agreed to:

Resolved, That in the matter of contest in the second district of Arkansas, O. P. Snyder, the sitting member, have leave to retake lost testimony within thirty days from date on reasonable notice to his opponent.

GOLD BULLION DEPOSITS.

Mr. HOOPER, by unanimous consent, introduced a bill (H. R. No. 793) authorizing the issue of certificates for the return of the net coinage value of gold bullion deposited at the mints and assay offices of the United States; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

REGENTS OF THE SMITHSONIAN INSTITUTION.

The SPEAKER. Under the law it is the duty of the Speaker to appoint three regents for the Smithsonian Institution, and the Chair appoints the following gentlemen, to serve during the year from this month: Mr. E. R. HOAR, of Massachusetts; Mr. S. S. COX, of New York; and Mr. G. W. HAZELTON, of Wisconsin.

PRESIDENT'S MESSAGE.

Mr. DONNAN, from the Committee on Printing, reported back adversely a resolution providing for the printing of 2,000 extra copies of the President's message and accompanying documents; and moved that the same be laid upon the table.

The latter motion was agreed to.

AGRICULTURAL REPORTS.

Mr. DONNAN, from the same committee, also reported back the following resolution, with an amendment.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of the annual report of the Commissioner of Agriculture for the years 1872 and 1873, 255,000 copies of each, 180,000 of each of which shall be for the use of the House, 50,000 of each for the use of the Senate, and 25,000 of each for the distribution by the Commissioner of Agriculture; and those for the use of the House and Senate shall be so marked by the clerks of the respective bodies as that they may pass by the mails free of postage; and such seeds as shall be furnished by that Department to the members of either House for distribution be marked in like manner and for the same purpose by the clerks of the respective Houses.

Mr. DONNAN. The amendment of the committee is to strike out the following words:

Those for the use of the House and Senate shall be so marked by the clerks of the respective bodies as that they may pass by the mails free of postage, and such seeds as shall be furnished by that Department to the members of either House for distribution be marked in like manner and for the same purpose by the clerks of the respective Houses.

Mr. G. F. HOAR. I rise to a question of order. I desire to ask the Chair whether a report from the Committee on Printing, which, in addition to a provision for printing documents, includes general legislation on the subject of postal arrangements, is one that can be made at any time.

Mr. DONNAN. I will say that the committee recommend the striking out of that part of the resolution; and they do so because the committee had no jurisdiction in relation to questions of postage.

Mr. G. F. HOAR. My point is that if the amendment reported by the committee to strike out that part of the resolution is in order, it is in order for the House to leave that matter in the resolution.

The SPEAKER. That is the effect of it; and that being the case it deprives the Committee on Printing of the privilege of reporting at any time. The Committee on Printing is authorized to report at any time on what is legitimately connected with their duties—the printing of documents; but anything else in the shape of legislation is not in order except on a call of the committee. It is true the committee report a recommendation that that portion of the resolution be stricken out; but suppose the House refuses to strike it out, then they bring the resolution in as a matter of privilege when it is not so, and the Chair must, on the question of order, decline to receive the report.

EXTRAORDINARY EXPENSES OF THE NAVY.

Mr. GARFIELD, from the Committee on Appropriations, reported back the bill (H. R. No. 481) making appropriations for extraordinary expenses of the naval service, with the amendment of the Senate thereto, with the recommendation that the amendment of the Senate be concurred in.

The Clerk read the amendment of the Senate, as follows:

Page 2, strike out lines 1, 2, 3, 4, 5, and 6, as follows:

"And the appropriations herein made may be, in case of necessity to meet expenses already incurred and contracted for, transferred from one Bureau to another by special order of the President; which order, with the reasons therefor, shall be communicated to Congress whenever the good of the public service will permit."

The amendment was concurred in.

Mr. GARFIELD moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF OFFICIAL REPORTERS OF THE HOUSE.

Mr. GARFIELD, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No 794) making an appropriation to pay the salaries of the official reporters of the proceedings and debates of the House; which was read a first and second time.

The bill was read. It appropriates out of any money in the Treasury not otherwise appropriated the sum of $25,185 for the payment of the five official reporters of the proceedings and debates of the House of Representatives during the first year of the Forty-third Congress; said reporters to be paid monthly at the rate fixed by law.

Mr. GARFIELD. I submit, in explanation of this bill, the following letter from one of the official reporters:

WASHINGTON, *December* 18, 1873.

DEAR SIR: Allow me to call your attention and that of the Committee on Appropriations to the fact that the official reporters of debates in the House of Representatives have not so far received any pay since the 4th of March last, and to respectfully request that an appropriation be made therefor.

The facts, in brief, are these: At the expiration of the contract with the proprietors of the *Congressional Globe* the House, by resolution of March 3, 1873, provided that the reports of the House proceedings and debates shall be furnished to the Congressional Printer by the present corps of *Globe* reporters, who shall hereafter, until otherwise ordered, be officers of the House, under direction of the Speaker, and shall receive the same compensation now allowed to the official reporters of committees. (Journal 3, 42, pp. 582, 583. See also *Congressional Globe.*)

The rate at which stenographers for committees are paid is $5,037 per annum, as will be seen by reference to the statutes. There are now five official reporters of debates; and while in other years the number has been larger, they do not ask the number shall be increased nor that the clerks they are compelled to employ to get out the debates as rapidly as is now done shall be paid otherwise than out of the salary received by the reporters themselves. The amount paid to clerks yesterday, for instance, in getting out the debates, was, on an average, $8 by each reporter.

Very respectfully, yours,

J. J. MCELHONE,
For Official Reporters.

Hon. JAMES A. GARFIELD,
Chairman Committee on Appropriations.

I desire to call the attention of the House to the reason why the salaries of these officers have not been provided for. On the last day of the last Congress a change was made in the method of reporting and publishing the debates of Congress. Before that time it was done by the proprietors of the *Congressional Globe.* It was taken from their hands and put under the charge of the department of Public Printing; and the five reporters, formerly *Globe* reporters, were transferred and made officers of the House, and are to be paid now and wholly by the House, and not, as before, in part by the proprietors of the *Globe* under the old contract. On the last day of the last session a resolution was passed, which I read from the Journal of the House:

Resolved, That the reports of the House proceedings and debates shall be furnished to the Congressional Printer by the present corps of *Globe* reporters, who shall hereafter, until otherwise ordered, be officers of the House under direction of the Speaker, and shall receive the same compensation now allowed to the official reporters of committees.

That compensation was prescribed by law, and we propose to appropriate in this bill exactly the sum, to be paid monthly, that the law fixes for the official reporters of committees of the House.

Mr. HOLMAN. I desire to ask the gentleman a question in this connection: first, as to whether the compensation of the reporters is increased or diminished by this rate; and secondly, what are the indications up to this time as to whether the expense of publishing the CONGRESSIONAL RECORD is increased or diminished by taking it out of the hands of the former publishers and placing it under the control of the Public Printer?

Mr. GARFIELD. In answer to the first question I will say that I do not know precisely the amount that the *Globe* reporters received under their contract with Rives & Bailey; it was so much per column, and it depended on the amount of work done. We have paid them for many years $800 a year, besides what they received from Rives & Bailey, in order to make them officers of the House and responsible to the House. We had, however, established a rate of compensation for our two stenographers of committees, namely, a pay of $4,380 per annum, with 15 per cent. increase annually; which makes $5,037, the actual sum the committee reporters have received for several years past.

Mr. MAYNARD. Does that cover what the reporters are obliged to pay their clerks?

Mr. GARFIELD. Certainly; these reporters are required to furnish all their own clerks at their own cost.

And I am told that they sometimes pay as high as eight dollars a day for copyists to make their manuscript ready for the printers the night of the day when the debates take place. In answer to the second question of the gentleman from Indiana, [Mr. HOLMAN,] I am unable to say whether the present arrangement is more or less expensive than the old arrangement. I have lately heard it affirmed that it costs more to print the debates under the present arrangement than it did before. If that is so, the subject should be considered by the Committee on Printing and reported to the House. What the fact is I do not know.

Mr. MAYNARD. Do we not now pay exactly what it costs for labor and material, and no more, with no profits to anybody?

Mr. GARFIELD. I suppose that to be the present arrangement.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TELEGRAPH BETWEEN THE CAPITOL AND DEPARTMENTS.

Mr. PLATT, of Virginia. I ask unanimous consent to have taken from the Speaker's table, for consideration at this time, Senate bill No. 89 in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government.

Mr. HOLMAN. I object.

CORRECTION OF THE JOURNAL.

Mr. LOUGHRIDGE. I rise to a correction of the Journal. On the question of the engrossment of the salary bill last evening I voted "no." I am recorded as not voting. I desire the record to be corrected.

Mr. RANDALL. I object, if it will change the result.

The SPEAKER. The Chair is informed by the Journal clerk that the gentleman is correctly recorded upon the Journal.

Mr. LOUGHRIDGE. The CONGRESSIONAL RECORD is not correct.

The SPEAKER. Ah, the RECORD is a very different thing. This case illustrates the whole principle in regard to the reason of the rule forbidding any entry of a gentleman's name upon the roll-call if he did not vote at the time the roll was called. If the gentleman from Iowa [Mr. LOUGHRIDGE] had not been recorded, and should now be allowed to record his vote, it would change the result. The vote was 131 to 130; if allowed now to have his vote recorded, it would make the vote 131 to 131, and change the result.

Mr. LOUGHRIDGE. The Chair is mistaken as to the vote; I refer to the vote on the engrossment, not to the vote ordering the main question on the passage of the bill.

CONGRESSIONAL RECORD.

Mr. HALE, of New York. The Committee on Printing, to which was referred the resolution of the gentleman from Pennsylvania, [Mr. RANDALL,] relating to the distribution of the CONGRESSIONAL RECORD, instruct me to report back the same amended so as to read as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the Congressional Printer be instructed to furnish to each Senator, and to each Member and Delegate in the House of Representatives, twenty-four copies of the CONGRESSIONAL RECORD, or of any such like official report of the debates in Congress as may hereafter be authorized by law, either daily, as originally published, or in the revised form, without binding, or in bound volumes, or part in each form, as each Senator, Member, and Delegate may elect.

This resolution, as reported from the committee, restores precisely the old practice in regard to the published debates of the House, giving to each member, in such form as he may select of the three forms, twenty-four copies for distribution among his constituents. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was amended and adopted.

Mr. HALE, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLISIONS AT SEA.

Mr. COX. I desire to present a memorial from the Chamber of Commerce of the city of New York, having reference to collisions at sea. I will not ask to have it read to the House; but there is in it a tabular statement which should be printed, showing the number of collisions during the last six years, the number of lives lost, and the amount of property destroyed. The memorial asks for an international commission to fix the track of vessels on the ocean between the two continents, by parallels of latitude, so that there may not be in future these collisions as in the past. I ask that the memorial be referred to the Committee on Commerce and be printed.

The motion was agreed to.

RULE FOR WITHDRAWAL OF PAPERS.

Mr. COX. The Committee on the Rules have directed me to report the following resolution for an amendment to the rules of the House:

Resolved, That the following be added to the rules of the House, viz:

All motions to withdraw papers from the files of the House shall be referred to the committee which last considered the case, who shall report without delay whether or not the copies shall be left on file; and such report may be made at any time. But original papers shall not be withdrawn in any case where an adverse report has been made; and whenever the report is adverse the same shall be in writing, and ordered to be printed.

Mr. Speaker, if there be no objection to this proposition, and if no member desires to put any question to me upon this matter, I will call the previous question.

The previous question was seconded and the main question ordered.

Mr. NIBLACK rose.

Mr. COX. I yield to my friend from Indiana, [Mr. NIBLACK.]

Mr. NIBLACK. When a person desires to obtain possession of the papers in some very unimportant matter, will not this proposed rule subject him to a great deal of trouble and inconvenience?

Mr. COX. The Committee on the Rules, who unanimously agreed to this report, considered the very question suggested by the gentleman from Indiana, [Mr. NIBLACK.] In such a case as he suggests, where no public interest is involved, the House will always, no doubt, grant unanimous consent for the withdrawal of important original papers necessary for the private interest of the party concerned. But there has grown up here a vicious practice by which the greatest facility has been afforded for the withdrawal of important original papers, no one objecting. In cases of private bills which are supposed to involve bad legislation, we ought always to have an adverse report from the committee that has examined the matter. The adoption of this rule would be a safeguard thrown around our files. I have consulted with the gentleman who has charge of this business in the Clerk's office; and the committee unanimously think that we ought to guard our archives in this way.

Mr. NIBLACK. So far as the proposed rule relates to cases in which there have been adverse reports, I have no question about the propriety of the amendment; nor do I doubt that some additional rule ought to be adopted on the subject of withdrawing papers. But it does occur to me, upon a cursory hearing of the resolution as read, that its adoption will impose a great deal of additional labor upon the committees.

The SPEAKER. The Chair, being a member of the Committee on the Rules, will state that this rule, in its proper construction, will not apply to cases when papers are withdrawn for reference to a committee of the House, but only when it is proposed to move them entirely from the jurisdiction of the House.

Mr. COX. Under the present system, papers are carried from one committee to another, from one House to another, or taken to the courts; in this way papers are often withdrawn altogether from our possession, and thus the evidence upon which the House has acted is lost.

Mr. NIBLACK. In view of the statement which has been made by the Chair, I do not press any objection to the resolution.

Mr. ELDREDGE. I wish to inquire whether this proposed rule is an absolute prohibition in regard to the papers upon which an adverse report has been made?

Mr. COX. No, sir.

The SPEAKER. It is an absolute prohibition upon the withdrawal of the original papers where there has been an adverse report; it does not prevent copies being taken.

Mr. ELDREDGE. Does it put it out of the power of the House to allow the original papers in such cases to be withdrawn?

The SPEAKER. Except by a suspension of the rules. It can be done by a two-thirds vote.

Mr. ELDREDGE. I think there ought to be some privilege in regard to the withdrawal of such papers; otherwise a party might lose his rights.

The SPEAKER. The rules can be suspended in any proper case.

Mr. COX. No doubt in every just case two-thirds of the House will give consent to the withdrawal of original papers by the parties interested. We are only trying to preserve the files of the House against the undue withdrawal of papers.

Mr. ELDREDGE. Let me suggest to the gentleman from New York [Mr. COX] that in some cases—where, for instance, the original discharge of a soldier has been filed in this House, and an adverse report made upon the case—the party, if he desire to recover possession of his papers, may be subjected to a great deal of trouble if a two-thirds vote be necessary to give consent to the withdrawal. There might be a necessity for obtaining the papers in a hurry. It seems to me that the rule as reported goes too far.

Mr. NEGLEY. The case suggested by the gentleman from Wisconsin [Mr. ELDREDGE] is one that had occurred to me. I was about to suggest to the gentleman from New York [Mr. COX] that perhaps the committee had not reflected upon the embarrassment which such a rule might cause to applicants for pensions and bounties. Subsequently to the action of a committee, they may learn of the additional evidence that is necessary to complete the application for bounty or pension, and after they have subjected themselves to great labor and expense in searching out officers who, perhaps, may not be found immediately, it would do with such parties great injustice to deprive them of the opportunity of going again before the committee with additional evidence in the same case.

Mr. COX. I will say, in response to the gentleman from Pennsylvania, [Mr. NEGLEY,] that that very question was considered by the committee; the very illustration which he has put was considered; and under the proposed rule there will be ample opportunity by unanimous consent, or by a two-thirds vote suspending the rules, to withdraw from the files important papers in any good case, such as those he mentioned.

Mr. ELDREDGE. I suggest to the gentleman from New York that he modify the proposed rule so that the House, by a majority vote, may allow the withdrawal of papers.

Mr. NEGLEY. I hope that modification will be made.

Mr. COX. I am not authorized, of course, to make any change in the report of the committee.

The SPEAKER. The Chair, of course, is not in the habit of taking part in the discussions of the House; but being chairman of the Committee on the Rules, it is proper and in accordance with custom that he should explain the operation of the proposed rule, which he will be called upon to administer if it should be adopted. It provides in the first place that "all motions to withdraw papers from the files of the House shall be referred to the committee which last considered the case." This refers to applications to take papers away from the jurisdiction of the House; it does not refer to motions to withdraw papers for reference to a committee. The proposed rule provides further that the committee to whom the motion to withdraw is referred "shall report without delay whether or not copies shall be left on file, and such report may be made at any time." This will bring the question directly within the control of the majority of the House. In such a case as that suggested by the gentleman from Pennsylvania [Mr. NEGLEY]—the case of a soldier's discharge—the Chair cannot conceive that an objection would ever be raised.

Mr. ELDREDGE. In the case suggested by him will it be within the control of a majority of the House?

The SPEAKER. Entirely, at any time.

Mr. ELDREDGE. That is all I desire.

Mr. HOLMAN. I apprehend that a little familiarity with the committees having the control of such papers which are ordinarily sought to be withdrawn, would be necessary to understand such a rule as this. Very few papers are ever withdrawn from the files of the House, and very few are deemed necessary to be withdrawn. Such as the discharges of soldiers or deeds of property are sometimes offered and sometimes referred to the Committee on Claims, or to the Committee on Military Affairs, or the Committee on Naval Affairs. There are not, indeed, more than three or four committees which this question of the withdrawal of papers from the files of the House could involve; and the adoption of a change in the rules indicating the paper to be withdrawn would in my judgment be better than the proposition submitted by my friend from New York.

Very seldom is fraud perpetrated by the withdrawal of papers. Papers withdrawn are not of that character which would require great labor in copying them. They are ordinarily such papers where the copying of them requires but trifling labor. It seems to me, therefore, that the old rule is better than the proposed change in requiring that unanimous consent shall be given for the withdrawal of any paper from the files of the House, and that unanimous consent is generally given when copies are left. I know most of the papers which will be sought to be withdrawn are papers which will be referred to the Committee on War Claims, and if we require the members of that committee to go to the files of the House every time an application for withdrawal is made, and to examine the papers and report to the House, you will throw entirely too great a burden of labor upon that committee. The old rule, where a single objection to the withdrawal of papers is sufficient, will prevent the imposition of such enormous labor upon that committee as would of necessity break it down. I am opposed to breaking down the old rule, which in my judgment, is one of the best rules we ever had in this House, and I hope we will continue to insist that no paper shall be withdrawn from the files of the House unless unanimous consent has been obtained for the purpose.

The SPEAKER. In answer to the gentleman the Chair will state that, during his administration of the duties of Speaker and during

the time he has served in the House, he has never known of a refusal of any request for the withdrawal of papers from the files of the House. They are put here upon the Speaker's desk with requests for leave of absence, and when those requests are presented to the House by the Chair, as well for withdrawal of papers as for leave of absence, very little attention is paid to them by the House. Here are half a dozen of them now. It requires unanimous consent, and, like the request of a member for leave of absence, it is seldom ever refused. No discrimination seems to be made between them.

Mr. HOLMAN. If the paper be indicated, as a soldier's discharge, or a deed filed for the purpose of proving title to property destroyed, the party should have the paper, and in such cases unanimous consent will always be granted for the withdrawal of the paper from the files of the House on the condition that copies be left. If everybody be allowed to take papers from the files of the House, as proposed in this change of the rules, members will not know anything about them; but if the rules should require that the paper proposed to be withdrawn should be indicated, then members will understand what is being done. And if the paper be such as I have indicated, in my judgment, there ought to be no objection to its withdrawal.

The SPEAKER. There is nothing in the rule to prevent unanimous consent being asked.

Mr. HOLMAN. Still the rule would be an ill-operative rule. The duties under it would never be performed.

Mr. NIBLACK. I desire to make a suggestion to the gentleman. This is admittedly a matter of some importance, and I ask we come to some agreement to postpone its further consideration for a day or two.

Mr. RANDALL. I think there is a great deal of unnecessary misapprehension in regard to this matter. Under the present rule providing for the withdrawal of papers from the files of the House by unanimous consent the practice has been shown to be pernicious, and that valuable papers have been taken from the files without proper consideration. In some instances, after the papers have been withdrawn they have been changed, and in their altered form brought back here and new claims based upon them. It was to prevent any recurrence of this evil that the Committee on the Rules, after full discussion of this question in connection with the Clerk having charge of the files of the House, have unanimously agreed to report the proposition now before the House. While the committee believe papers should be allowed to be withdrawn from the files of the House in certain cases, they have come to the conclusion this is the best rule which they, in their wisdom, can devise to control such withdrawal of papers.

Mr. McCRARY. Mr. Speaker, it happens to be within my personal knowledge that important papers have been removed from the files in the Clerk's office of this House. Perhaps I should not say my personal knowledge; but I have information from authority I cannot question that papers of the utmost importance in a litigation, and which were believed would have shown some frauds committed upon the Government, have been removed from the files of the House.

We all know, sir, that these papers are removed from the files on the request of any member sending a little memorandum to the Speaker asking him to submit that request to the House. And when a gentleman comes to this Hall and asks any member to make such a request in regard to the papers on the files of the House he will make the request almost as a matter of course. We are liable to be imposed upon in that way, and I think the rule proposed is not only very proper, but a very important one that ought to be adopted without delay.

Mr. COX. I desire, Mr. Speaker, to say just a word or two, and I will then call the previous question.

Mr. HAWLEY, of Illinois. Will the gentleman yield to me for a few moments?

Mr. COX. Certainly.

Mr. HAWLEY, of Illinois. I am heartily in favor of the proposition of the Committee on the Rules, and I deem it of the utmost importance that some such rule as they have reported should be adopted. It is a fact well known that in the prosecution of claims before Congress it is quite frequent, even after committees have acted upon them, for the papers to be withdrawn from before the committees on the committee being discharged from any further action or responsibility in connection with the subject. And it is true that in many instances where adverse reports have been made, and the cases have been withdrawn, these adverse reports have been withdrawn with the original papers. And in many cases, too, most important evidence that has been procured from the Departments of the Government for the purpose of resisting claims presented to Congress has been withdrawn with the other papers, and thus important evidence intended for the protection of the Government has been spirited away and lost; and it may very often be the case that a committee of the present Congress may thus be without access to testimony which would have a very important bearing on the claim to be considered. Therefore, I think it ought always to be a rule of the House that no papers shall be withdrawn unless a competent committee shall first examine and report upon the matter. This will prevent the withdrawal of important evidence from the files of the House; and therefore I support this proposition.

Mr. COX. I now yield to my colleague, [Mr. POTTER.]

Mr. POTTER. I have never in my own experience known any serious difficulty to have arisen in connection with the withdrawal of papers. I have no doubt, however, that such difficulties may occur. Usually parties who use any proper degree of caution do not deposit important original papers with the committees, but get leave to leave copies of them instead. It does, however, happen that the original papers do sometimes get into our files; and it seems to me that that part of the resolution which forbids their being withdrawn is too stringent. Some provision ought to be made in common justice for the withdrawal in ordinary cases of original papers from the files, because there is no power in the Clerk to certify copies of them that shall be legal evidence in their stead. Beyond that it seems to me that the resolution is generally right.

The truth is that this passing bills by unanimous consent which we constantly permit here is the sort of business which is most dangerous and which attracts least attention—is that under cover of which the most improper things are frequently done. I have often thought that if one wished to get through the House something which could not be got through if the attention of the House was properly called to it, his best way would be to ask unanimous consent for it.

Mr. HALE, of Maine. That is the easiest of all methods.

Mr. POTTER. Yes; because the fact that you rise to ask unanimous consent tends to disarm the suspicion of everybody. That portion of the resolution, therefore, which required an examination and report by a committee, I think, is proper. At the same time, that portion, if I heard it rightly, which forbids the withdrawal of original papers under any circumstances is, I think, too stringent.

Mr. HALE, of Maine. I desire to make a suggestion to the gentleman from New York [Mr. COX] who has this matter in charge. It appears to me that the proposed rule might be a little cumbersome in this respect: When any matter is referred back to the committee it is to have the right to report at any time. Members are aware that that is a very great power which may be abused. Suppose that in any case which has excited great discussion and interest here, but has been disposed of and passed away, a member afterward desiring to bring the subject-matter before the House gets in a request for the withdrawal of papers, and the request is referred to the committee which has the right to report at any time—and the resolution not guarding the privilege of debate following upon that right, as I believe the language does not—may it not come up in the House at any time and give rise to debate and delay when the House is desirous of going to real business? I suggest that, because it seems to me that this difficulty may arise from a right to report at any time. Perhaps the gentleman from New York can modify the rule so that debate shall be shut off.

The SPEAKER. The Chair, under this rule, when the report was made by a committee, would not hold that it was a debatable question. The question would have to be decided without debate.

Mr. HALE, of Maine. That would obviate the difficulty.

Mr. COX. And the case supposed probably would not occur one time in a thousand, even if the question were debatable.

Mr. G. F. HOAR. I hope the House will give its attention to the point raised by the gentleman from Maine, [Mr. HALE,] because it seems to me that the multiplication of this authority to report at any time will do more than almost anything else to destroy the equality which exists between committees of this House. Of course these reports may at any time dispose of the morning hour, which is the only time when in this House the ordinary standing committees can get action. In order to meet that objection it will be necessary for the Speaker to hold that a report made under this rule would not be debatable.

The SPEAKER. The Chair will hold so, decidedly.

Mr. G. F. HOAR. Then, that being the only alternative, it is establishing a practice in regard to what may possibly be a very important question for the interest of the Government, requiring this House to act without debate. That is a practice which, it seems to me, is very objectionable in itself, contrary to the principle upon which all legislation and all free government is based, and it is a great deal better to strike out that part of the rule, and require these committees to whom such requests are referred either to report them on their ordinary call, or to get unanimous consent for a report out of order which will not really cause any debate. Ordinarily that unanimous consent would be given to the committee, just as it is now given, when the request is made without reference to a committee; when it came back from the committee, ordinarily no person would object.

Mr. HALE, of Maine. Why cannot it be arranged that the investigation of the committee shall be final, and that, on being certified to the Clerk, the papers may be withdrawn, so that the question may not come back to the House? The Chair would rule, of course, as he has stated; but this is a rule for more time than the present, and another incumbent of the chair might rule that it does not shut off the right to debate, so that at any time the House might be precipitated into a debate when it was least required.

Mr. COX. I will obviate the difficulty by withdrawing that part of the resolution which authorizes the committee to report at any time.

The resolution, as modified, was agreed to.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF RULE 145.

Mr. MAYNARD. I am directed by the Committee on the Rules to report the following resolution:

Resolved, That Rule 145 be amended by inserting the following after the word "present" in the fifth line thereof: "nor without the motion therefor being seconded by a majority, as in the case of the previous question."

Mr. MAYNARD. In order that that amendment may be understood it will be necessary that Rule 145 be read, which, it will be observed, relates to motions to suspend the rules.

The Clerk read Rule 145, as proposed to be amended, as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor without the motion therefor being seconded by a majority, as in the case of the previous question.

Mr. MAYNARD. Gentlemen will see that the effect of that will be to require that a motion to suspend the rules shall be seconded by a majority of the House, as a call for the previous question has to be now.

It seems to me that this is a proposition which hardly requires discussion or consideration. It will not operate in any other way than this: that when a proposition is made to suspend the rules, it must command the assent of a majority before the question is formally put, just as in the case of the previous question.

Mr. WOOD. I differ entirely with the gentleman from Tennessee as to the effect of this change in the rules. It strikes me that this is but an additional impediment in the way of the minority in offering any resistance whatever to any measure which the majority may, in their judgment, see proper to pass. As the rules now stand, it requires a two-thirds vote to suspend them. That gives to the majority of this House, as it is now constituted, absolute control over legislation, so far as this House is concerned. Now, this proposition to change the rules provides that, before we can proceed to vote in a legitimate manner on a proposition to suspend the rules, it shall be seconded by a majority of the House. Or, in other words, it is for the purpose of interposing an additional obstacle to giving the minority an opportunity to vindicate their rights, or to explain by their votes upon the record their position in the affirmative or in the negative upon any proposition that the majority might make. Now, I submit to the gentleman from Tennessee, [Mr. MAYNARD,] and I submit to this House, that, being constituted politically with a two-thirds majority, why should they attempt to deprive the small minority of the right which has always been accorded to the minority in every legislative body in the world? I hope, therefore, that this innovation upon the rules will not be adopted, but that they will be left to stand as they are now.

Mr. MAYNARD. I now yield to my colleague on the committee, the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. The gentleman from New York [Mr. WOOD] clearly misapprehends entirely the object and purpose of this proposed change in the rules.

Mr. WOOD. I am speaking of the effect, not of the object of it.

Mr. GARFIELD. And of the effect also. The effect of the change is not to deprive the minority of any rights they now have. Not only does it not deprive them of any right they now have, but it shields the minority against any abuse they may now be subject to, unless this very amendment be made.

Mr. WOOD. How?

Mr. GARFIELD. I will show the gentleman how. As the rule now stands, the minority might be desirous of getting something done on a day when suspensions of the rules are in order. Any one of the majority of 200 members can prevent their having an opportunity to do so in this way; some one of the minority will be likely to be recognized by the Chair, and when thus recognized, upon submitting his proposition, one-fifth of the members can compel the calling of the roll, which now takes three-quarters of an hour to complete, and thus have the whole time of the House wasted, when there might be something for adoption which a majority of the House would agree to. In other words, if I can get one-fifth of the members present here to join with me, I can compel the yeas and nays to be called and a record made of the votes of the whole body of 293 members on any proposition I or any one else may offer for a suspension of the rules. Now, would it be anything but just that this amendment of the rules shall be interposed between me and my rights, and that I should be called upon to show that a majority of the House wanted the rules suspended before I should have the right to so take up the time of the House? And if I could not do that, why shall I have the right, if I can get one-fifth of the votes to join with me, to take up forty-five minutes of the House upon a proposition to suspend the rules?

Mr. ELDREDGE. Why should not the members of the House be put upon record so that their position may be known? You cannot debate a question under a motion to suspend the rules. Therefore, I answer the gentleman that the object is to make a record, and that is the reason it should be done.

Mr. GARFIELD. If the gentleman means merely that he wants to put it in the power of much less than a majority on this floor to take three-quarters of an hour of the time of the House during suspension day, for the mere purpose of taking up time and delaying legislation, then I think the gentleman is asking something that his associates would not agree to. We now have a large House; it takes forty-five minutes to get through the roll-call. With the reading of the Journal unusually long, and with the long time that is taken up by the roll-call, I see that it will be impossible for us to get through the legislation necessary this winter, unless something be done reasonably and fairly to save time which has heretofore been wasted, and which will be more than wasted if we do not, in some way or other, try to prevent it.

The Committee on the Rules wanted to adopt a proposition, suggested by the gentleman from Pennsylvania, [Mr. RANDALL,] a member of the Committee on the Rules, to have the Journal printed and laid upon the tables of members, and providing that within one hour after that had been done, if any member wished to make a correction of the Journal it should be in order to move it; at the end of one hour the Journal should stand approved as printed unless some corrections were suggested. But the Journal clerk tells us that it would be impossible for him to prepare the Journal in time to have it printed by the next morning. Therefore that method of saving time has been found to be impracticable. This method now proposed is reasonable; it will save time and will not interfere, so far as I can see, with the rights of anybody on the floor. If I thought it would I certainly would not vote for it.

Mr. WOOD. I think the gentleman from Ohio, [Mr. GARFIELD,] in his explanation, has fully sustained the objection made to the proposed change of the rules.

Mr. GARFIELD. Not at all.

Mr. HOLMAN. I hope the gentleman from Tennessee [Mr. MAYNARD] will allow me to ask a question, so that I can understand what is now proposed to be done.

Mr. WOOD. I desire to repeat my objection to this proposed change, in view of the remarks and comments which the gentleman from Ohio [Mr. GARFIELD] has made. I stated that this change would result in an obstruction of the rights of the minority here; that it was designed to throw an additional impediment and obstruction in the way of the minority having an opportunity to place themselves on record against any measure which in their judgment should not be passed. The gentleman has admitted that by saying that he wanted to save time by this proposed change of rules; and that time is to be saved at the expense of the right which we now possess under the rules to record our vote. Therefore, I must say I regret exceedingly that the other side of the House, with their overwhelming majority, should find it necessary to resort to this process of choking off all opposition whatever. I hope the proposed change in our rules will not be made.

Mr. HOLMAN. I desire to say a word, and to ask the gentleman from Tennessee [Mr. MAYNARD] a question.

Mr. MAYNARD. I will hear the gentleman's "word," and also his "question."

Mr. HOLMAN. I suppose that this proposed rule would be of no great practical consequence, except during the last ten days of the session; and then its effect would be simply that, if a motion to suspend the rules should fail to command a majority of votes, the yeas and nays could not be called. I ask the gentleman from Tennessee whether the result would not practically be that a minority of the House could never obtain the record by the yeas and nays upon any subject, unless they could induce some portion of the majority to cooperate with them. Is not that the effect of the proposition? I hope the gentleman will explain.

Mr. MAYNARD. The gentleman before me [Mr. O'BRIEN] wants to ask a question. I will answer both gentlemen at the same time.

Mr. O'BRIEN. I desire to illustrate the effect of this proposed rule. Under the existing rule I may have a resolution—for instance, a resolution of inquiry—upon which I desire the action of the House; and, moving a suspension of the rules to adopt the resolution, I can demand the yeas and nays upon the motion, and even though I know the resolution will be defeated, yet if one-fifth of the members present should consent to order the yeas and nays, I can obtain a record in that form. But if the rules be amended, as proposed by the gentleman from Tennessee, then, in such a case as I have stated, unless I can get a majority of the House to second the demand for the previous question so that my resolution may be entertained, I can get no record whatever and the country will get no information as to who are or are not willing to order the inquiry proposed by the resolution. I ask the gentleman from Tennessee whether that is or is not a practical illustration of the operation of this proposition?

Mr. MAYNARD. Mr. Speaker, it is not presumed that gentlemen come here for the purpose of wasting public time upon questions and propositions which they know have nothing in them, which can be interposed only for the sake of delay—propositions which have no practical vitality, but which merely seek to ventilate or air the opinions of those submitting the propositions. No gentleman, I suppose, will for a moment maintain that such is the object for which his constituents have sent him here. If he wishes his constituents or the country to know his opinions on such matters, he has a very easy method of communicating with the country at large or with his constituents. We are sent here for the purpose of legislating in the interest of the country, for its development and growth. The increasing extent of its interests requires, as we all know, all the time that we have to give to it.

Now, sir, whenever any measure comes before us, a fifth of the members present, if they desire the yeas and nays, have the right under the Constitution to require them to be taken. We provide by

our rules that on Monday of each week, and during the last ten days of the session, the rules may be suspended by a vote of two-thirds. We have also a provision that debate may be suspended by what is called the previous question, that being a decision whether deliberation shall cease and voting begin, the question being settled ordinarily previous to the vote on the main question. Without such a rule as we have on this subject, the previous question and the yeas and nays thereon might be constantly demanded by any one man who chose to interpose obstacles in the way of deliberation; but the House, for reasons which I presume are understood by every one—reasons which our every-day experience enforces—has decided that no such motion shall be put to a decision by yeas and nays unless it be seconded by a majority of the members present.

Now, then, if any gentleman has a measure which he regards as of such consequence that the rules of the House should be suspended and immediate action had upon it, let him appeal to the House, in the first place, and see whether he can get a majority vote; because if he cannot it is utterly idle to suppose that he could ever get two-thirds to vote with him.

This is a proposition that will save time and will protect the rights of minorities. It will prevent our Monday mornings and the last ten days of the session from being consumed upon impracticable measures when there are measures of real importance upon which, if the House could get at them, it would act favorably. It seemed to the committee (and they were unanimous on this question) that this was a wise provision, calculated to facilitate the public business and protect the rights of everybody while interfering with the just privileges of none.

I now yield to the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. This resolution to amend the rules in the manner proposed strikes me as a very serious matter. I remember very well, Mr. Speaker, that some years ago, when your predecessor was in the chair, this House adopted a rule providing that while a motion to suspend the rules was pending but one motion to adjourn should be entertained; and, according to the ruling of the Speaker at that time, after one motion to adjourn had been negatived another such motion could not be entertained, though thereby the House might be kept together during the natural lives of all the individuals constituting it. I remember, sir, that when you took the chair you saw the absurdity of such a construction, and held otherwise, Hence we do not always know the effect of a rule by merely reading it. It is only by its use we become acquainted with its effect. I trust gentlemen do not wish further to limit the powers of the minority. They have power now to close the mouths of the minority on any question they bring here for our votes. They may by demanding and seconding the previous question against the will of the minority pass any measure they please without allowing a single word of debate. This, it seems to me, ought to be sufficient. On a motion to suspend the rules no debate is allowed. The vote is the only record which can be made of the opinions of a gentleman, and gentlemen must see, even if the committee did adopt this report unanimously, that the effect will be to deprive the minority of the privilege they have had of making a motion to suspend the rules in order to record their judgments on the questions which have been passed by the majority under suspension of the rules or under operation of the previous question; and the gentleman from Ohio is bold enough to avow that to be their object.

Mr. GARFIELD. Not at all, sir.

Mr. ELDREDGE. That the effect of it is to save time. It is, therefore, to put more completely the minority in the hands of the majority. Let this rule be passed over for to-day. The rules require, in order to change any rule, that one day's notice shall be given. Let us look this thing over and see what will be the effect of it. We may get a rule here which we will all regret, as we did once before. I think the majority ought to be satisfied with its power now without arrogating to itself further powers.

Mr. MAYNARD. The gentleman from New York is so good-natured in his appeal that I will yield to him.

Mr. POTTER. Mr. Speaker, the gentleman from Tennessee ought to yield to me. He ought not to seek to change the practice of this House, established for fully fifty years, without some chance for full and fair discussion. I agree this change in the rules is in the direction of facilitating legislation. My first impression was in favor of the change. It also adds to the action necessary to pass a measure under a suspension of the rules, by requiring a majority vote previous to the requisite two-thirds vote; but this, if the measure is to pass, is of little importance. On the other hand, the practical working of the improved rule will sometimes be to abridge the exercise by the minority of the House of this constitutional right of calling the yeas and nays when one-fifth of the members shall demand it.

But, beyond this, my further objection to the proposed rule is exactly founded on the ground upon which gentlemen advocate it here. This is because it will tend to facilitate legislation, and to facilitate legislation just when it will be desirable to prevent it. In this compound Government of ours, in which this Congress legislates about national matters, and the States generally have left to them local matters, it was the wise policy of those who preceded us here and framed the rules and practice of this House that checks should be put upon the action of the majority of the House. From the very nature of business, the necessary public measures, such as the appropriation bills, and the great ways and means bills, and other kindred measures which Congress must pass upon, cannot be passed without considerable delay, because there must be postponements for estimates, reports, investigations, debates, amendments, conferences, and the like.

But these necessary measures, while extending over a considerable period, would not occupy all the time of Congress. During those periods the Congress is left to be pestered with private bills and measures of local and special legislation, and every other form of legislation which is vicious; and the present rules do good, not only by protecting the rights of the minority, but also by enabling time to be consumed to prevent vicious legislation; so that the calling of the yeas and nays is often the best employed time in this House. I have heard gentlemen upon both sides of the House over and over again, during my service in this House, declare, in answer to some remarks about the yeas and nays, that it was the best employed time of the House. I have heard this stated nearly as often, Mr. Speaker, on the other side of the House as I have heard it on mine.

And when especially is it the best employed time? In the very last ten days of the session, when jobs are being crowded through under the suspension of the rules, and when the calling of the yeas and nays, by consuming time, is often an effectual obstacle to wrong or corrupt legislation. Into those last ten days of legislation are concentrated most of the jobs, the iniquities, and the blunders of the session. Why, sir, has not the President of the United States himself just sent a recommendation to this House that no legislation should take place in the last ten days of the session? And yet on the heels of that wise recommendation the Committee on the Rules come in here and seek to restrict the minority for the time being in their opportunities of calling the yeas and nays during those ten days when they may thereby prevent such jobs being put through. I am against the change in the rule, from beginning to end.

Mr. G. F. HOAR rose.

Mr. MAYNARD. I had agreed to yield to my colleague on the committee, the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. Let the gentleman from Massachusetts go ahead.

Mr. G. F. HOAR. It seems to me that the position of the gentleman from New York is in violation of the fundamental principles upon which this Constitution of ours is founded; that is the principle of government by the majority, by the will of the majority expressed through their Representatives. A practice has grown up in this House which, in my judgment, speaking for one, is itself clearly a violation of the Constitution, and which ought never to have been sustained in the beginning; by which at any time one-fifth of the House, perverting the constitutional privilege of having the yeas and nays called, intended to inform the people how their Representatives voted on particular measures of legislation, can at any time prevent legislation by the House. It, is therefore, under the construction which has for many years been given to the rules of the House, in the power of any party in this country to substitute for the constitutional legislation, by a majority, legislation by four-fifths. Now, an amendment of the rules, adopted at the last session, required very properly——

Mr. WOOD. Will the gentleman permit me to remind him that——

Mr. G. F. HOAR. I would rather be allowed to make my argument consecutively without interruption.

Mr. WOOD. I wish to suggest to the gentleman——

The SPEAKER. The gentleman from Massachusetts declines to be interrupted.

Mr. G. F. HOAR. Now, I am aware that by an amendment of the rules, recently adopted, this House provided that when a motion to suspend the rules was made, but one motion to adjourn—that is, but one mere filibustering motion—should be entertained and put to the House. And therefore the evil has been so far remedied that we have at last substituted a government by two-thirds for a government by four-fifths; and that is all we have gained. Now, the American people have established a Constitution which provides for a government by a majority, and although it be true that in such a government jobs, wrong-doing, hasty, and erroneous legislation may take place, I do not think any gentleman calling himself a democrat will stand in the face of the American people and say that your remedy for those things is to put the powers of this Government in the hands of any number of persons less than a majority of its people. But under the present rule, during the last ten days of the session, it is in the power of one-fifth of the members of this House by moving to suspend the rules and then calling the yeas and nays, on one motion to suspend the rules after another, to deprive the majority of this House, and thereby the majority of the American people, of the privilege of making their own laws.

Mr. POTTER. Not unless the Speaker gives the floor for a motion to suspend the rules.

Mr. G. F. HOAR. The Speaker cannot help giving the floor. No matter what motion may be pending, however important, however necessary, however desired by the people, any gentleman may get up and, if he obtains the floor from the Speaker, he may move to suspend the rules to have recorded the opinions of this House on the question of limited monarchy, or the question of the policy pursued by the Khan of Tartary.

The pending motion will be a motion to suspend the rules, which can, of course, be carried only by a two-thirds vote, but one-fifth can demand the yeas and nays on such motions. The power of this House

to legislate does not exist during the last ten days of the session of Congress, in accordance with the rules as they stand to-day.

Mr. WOOD. The Constitution gives one-fifth of the House the right to have the yeas and nays entered on the Journal, and a majority cannot take away that right.

Mr. G. F. HOAR. But it was intended by the Constitution that that should be a right to have recorded the votes of legislators on pending measures of legislation, and not to put it in the power of gentlemen like the gentleman from New York to filibuster, and thereby defeat the will of the American people. There are gentlemen on this floor who have seen the gentleman from New York occupy the time of this House for three days by filibustering designed to deprive the majority of the American people of the self-government secured to them by the Constitution. Now, this amendment of the rules simply enacts that whenever a motion to suspend the rules, which must require a two-thirds vote of the House to pass it, cannot get a majority of the House in its favor on a vote seconding the demand for the previous question, that measure shall not be further submitted to the House. That is all.

Mr. POTTER. I wish to ask the gentleman one question. The gentleman says that under a democratic government the majority should rule. I would ask the gentleman if the wisest part of democratic government is not that which limits the powers of legislation?

Mr. G. F. HOAR. Undoubtedly; and they are limited in a thousand ways. But the government of a majority of the American people is the government established by our people.

Mr. MAYNARD. I now yield to my colleague on the committee, the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. RANDALL. I did not dream for a moment that by a rule of the House we should interfere with the constitutional rights of Representatives here; and if I thought this rule would so interfere I am free to say I would be against it. But I look upon this rule simply as a facility in the proper conduct of the business of the House, and not in any manner, as far as I am able to see, abridging the right of one-fifth of the House to call the yeas and nays on any question.

Mr. MAYNARD. I will not consume any more time. I presume the House understands the question. Certainly the proposed rule was not conceived in any hostility to the Constitution or to anybody's rights under it. I demand the previous question.

Mr. ELDREDGE. I rise to a question of order. The rules require that they shall not be amendable without a day's notice.

The SPEAKER. Three days' notice has been given of this. It was introduced and referred to the committee. The Journal clerk says two days.

Mr. ELDREDGE. Does the Chair hold that the introduction of this amendment and its reference to the committee was notice to the House when the committee brings it in?

The SPEAKER. Certainly; even more than if it had been merely recorded in the Journal, which it is presumed, although the Chair knows it is a violent presumption, that members listen to it when it is read. This was more than that, for it was read in open House, and was the strongest form of notice that could be given.

Mr. POTTER. I rise to another parliamentary inquiry. Is not the existing rule on this subject the one that was adopted in 1822?

The SPEAKER. The Chair thinks it may have been.

Mr. WOOD. I desire to make an inquiry of the Chair, and it is whether it does not require a two-thirds vote to pass this amendment?

The SPEAKER. Not on a motion to amend the rules, but only on a motion to suspend them.

Tellers were ordered upon seconding the previous question, and Mr. MAYNARD and Mr. WOOD were appointed.

The House divided; and the tellers reported—ayes 106, noes 58.

So the previous question was seconded.

Mr. RANDALL, I would like to move to recommit this resolution if the effect of it is, as some gentlemen seem to think, to abridge the constitutional right of the House to call the yeas and nays.

The SPEAKER. The Chair cannot conceive how it can effect that. The motion to recommit is not in order after the previous question has been seconded.

Mr. RANDALL. I ask unanimous consent to move to recommit.

Mr. RANSIER. I object.

Mr. HOLMAN. I call for the yeas and nays on ordering the main question.

The yeas and nays were ordered.

Mr. POTTER. I move that the House do now adjourn.

Mr. HOLMAN. I call for the yeas and nays on that motion.

The SPEAKER. The Chair gives notice now, in anticipation of dilatory motions, that at the beginning of the session the Chair advised the House that, under the amended rules, dilatory motions would not be admitted; but, of course, a motion to adjourn is in order.

Mr. RANDALL. There is a belief here that this rule will operate to affect the constitutional rights of the minority of the House; and I again appeal to the House to allow me by unanimous consent to make a motion to recommit the rule.

Mr. KASSON. I would like to ask the Speaker, as chairman of the Committee on Rules, whether this rule is intended to go, or does go, beyond the point of simply requiring a majority to second the motion before the yeas and nays shall be taken on a motion to suspend the rules?

The SPEAKER. If the House desires it, the Chair will explain the operation of this rule if it shall be adopted. The Chair will explain precisely its operation.

Mr. KASSON. On this point, that it will not prevent the calling of the yeas and nays on the resolution itself, but only on the motion to suspend the rules.

Mr. RANDALL. But in the way in which the resolution is construed you could never get the question before the House on the resolution.

The SPEAKER. The House is aware that when a gentleman demands the previous question the question of ordering the main question cannot be submitted to the House until the previous question is seconded. This simply requires a second, and of course no constitutional right will be interfered with, because the question is not before the House. The rule only proposes to apply to the suspension of the rule, the same thing that applies now to ordering the previous question. If a gentleman introduces a proposition to suspend the rules it requires a two-thirds vote to adopt it. This rule would require that before a motion to suspend the rules shall be submitted it shall be seconded by a majority of the House.

Mr. HOLMAN. And we cannot demand the yeas and nays upon it without the consent of the majority of the House.

Mr. RANDALL. I again ask unanimous consent to submit a motion to recommit this rule.

Mr. G. F. HOAR. I object.

Mr. GARFIELD. I hope the gentleman will not object. I think our friends on the other side of the House are wholly mistaken about the effect of the rule as amended. But I am unwilling to be placed in the attitude of forcing them to a vote which they think is in derogation of their rights, and I ask that the resolution shall be recommitted, so that they may have time to consider it.

Mr. POTTER. I desire to ask the gentleman whether, during the last ten days of the session, if this change in the rule be made, it would enlarge the time for legislation?

Mr. GARFIELD. I think it will make it possible to get through the necessary legislation instead of compelling it to be blocked; or, as is now the case, that the Speaker must find out what any gentleman is going to offer before he recognizes him.

The SPEAKER. The Chair did not understand the question of the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. I asked the gentleman from Ohio whether the effect of this change in the rule, if adopted, would not be to enlarge the power of legislation in the House during the last ten days of the session; I mean the practical scope and facility of legislation.

Mr. ELDREDGE. I desire to make an inquiry of the Chair, and it is whether if this rule were adopted its effect would not be this, that if every member of the minority side of the House were to desire to suspend the rules no such motion could be made unless they could get some portion of the opposition to co-operate with them?

Mr. MAYNARD. I would suggest to the gentleman that every motion that is made in this House in good faith would command the assent of a majority of the House for a second. If not, I suppose that the gentleman would be content it should fall through. But I admit that we have had enough of motions made, not in good faith, but for buncombe and for delay merely.

Mr. ELDREDGE. I would inquire of the gentleman whether, if one member on this side of the House should move a suspension of the rules, and all the other members on this side of the House were desirous of having that done, could that motion be got before the House, under the proposed amendment of the rules, without the co-operation of some members on the other side?

Mr. MAYNARD. I am sure if any gentleman—I do not care whether he be a democrat or not—should bring forward a meritorious measure he would get a majority with him to bring it before the House for a vote.

Mr. RANDALL. I hope the gentleman who objected to this recommittal will withdraw his objection. Everything so far done in the Committee on Rules for this sessson, and I believe it was the same during the last Congress, when I was also a member of the Committee on Rules, has been done by the unanimous consent of the committee. Now, as one of the members of that committee, representing a minority of the House, I appeal to that gentleman to allow that same unanimity of action to continue; to allow this report to be recommitted, in order that we may provide that nothing shall be done to interfere with the constitutional right of one-fifth of the members here to have the yeas and nays called, and, perhaps, at the same time frame the rule so as to facilitate the transaction of business.

Mr. HALE, of Maine. The minority of the House is evidently in earnest in this matter, and honest in their objections to the proposed change of the rules. I hope this report will be recommitted for further consideration. I really think something is due to the minority here. After four years' experience in this House I feel like saying that the minority is entitled to respect, because it has seldom resorted to what is called filibustering in relation to any wholesome legislation. I feel that sincerely; and in regard to a proposition of this kind, that has evidently aroused candid and honest objection, I, for one, hope that, because we have a majority of two-thirds or more, we will not seek to force it upon a minority that has not sought heretofore to make itself objectionable.

Mr. G. F. HOAR. I wish to call the attention of the gentleman

from Maine [Mr. HALE] to the fact that whereas a rule of the House gives to members the privilege, on Monday morning on the second call of States, to offer in turn from each State one bill for immediate consideration, that privilege was retained with the first member who offered a bill from the State of Maine during last Congress, and a wholesome measure of civil rights, in which so large a number of our fellow-citizens are interested, was prevented from being brought to a vote from the beginning of Congress until within a week or two of the end.

Mr. HALE, of Maine. That bill was introduced under the call of States; it had nothing to do whatever with the suspension of the rules. If I introduced it, I did so for the purpose of putting it through as speedily as possible.

Mr. G. F. HOAR. The gentleman did not introduce it; it was his colleague, Mr. FRYE.

Mr. HALE, of Maine. O, the gentleman refers to the civil rights bill.

Mr. G. F. HOAR. I am speaking of filibustering. I did not speak of any particular form of filibustering. When the gentleman says that in his experience no wholesome measure of legislation has been defeated by filibustering, I remind him that this great measure, about which he and I, I have no doubt, are in full accord, was prevented for two years from being brought to a vote by sheer filibustering.

Mr. ELDREDGE. There was no filibustering against the proposition to which the gentleman refers. I was the one who took charge of the matter on this side of the House during that time. We resorted to only the legitimate means by which legislation can be correctly done, calling for the reading of bills as they were introduced. There was no filibustering; no motions to adjourn; no motions for a suspension of the rules. But when the States were called for bills for reference, we insisted upon the reading of a sufficient number of them to exhaust the time allowed for that purpose. That was the only way that bill was kept from being passed.

Mr. HALE, of Maine. That was my recollection.

Mr. MAYNARD. As the organ of the Committee on the Rules, I have brought forward this proposition to the House and have invoked their action upon it. I have indulged gentlemen in a very wide latitude of discussion. All this discussion is now proceeding out of order. I could not consent that we shall have what appears to be intended, but which I am sure is not—crimination on the one side and recrimination on the other. That is carrying the measure of liberality beyond what I think is required.

Mr. GARFIELD. Allow me to say that I thought gentlemen on the other side were laboring under a total misapprehension as to the object of this proposed change in the rule, and I wanted simply to assure them that it was not in spirit, or in purpose, or in effect calculated to injure the rights of the minority at all. And rather than they should vote under such a misapprehension, I was in favor of delay. But gentlemen have assured me they understood it fully; and if so, they are qualified to vote on it now as well as they ever will be.

Mr. HOLMAN. This amendment will have this effect: that one-fifth even shall not have the power to delay a measure for the time being, during the last ten days of the session. I ask the gentleman from Ohio [Mr. GARFIELD] if he has not known some of the most dangerous and iniquitous measures defeated by this means?

Mr. GARFIELD. I ask the Chair if this proposed change of the rules will in any degree interfere with the power of making dilatory motions, commonly known as filibustering?

The SPEAKER. The Chair dislikes to enter into any discussion of the rules; it is his province only to construe them.

Mr. GARFIELD. I wish to know the opinion of the Chair.

The SPEAKER. It has no relation to filibustering.

Mr. POTTER. I have never sought to filibuster since I had a seat in this House, except when it has been attempted to rush through under a suspension of the rules, and without debate, important and unprinted bills, which, when they are long bills and contain important legislation, should never be allowed to pass until they can be examined; such, for instance, as was the bill of last session to let the Baltimore and Potomac Railway pass through the Park and take the lands at Sixth street, and other extreme measures like that.

In submitting my motion to now adjourn I know I cannot long defeat action on this change of rules, but I seek to put upon record thereby, in the most solemn way, my conviction that this is an attempt, contrary to the wise admonition recently given by the President, to enlarge, instead of restricting, that most fraudulent and dangerous legislation which often characterizes the last ten days of a congressional session.

Mr. GARFIELD. I submit, Mr. Speaker, that this proposition will not affect at all the legislation of the last ten days of the session, so far as regards the rights of the minority to filibuster, to make dilatory motions, to interpose propositions for the purpose of delay.

Mr. POTTER. Why, sir, the gentleman knows that when a motion to suspend the rules is pending, but one dilatory motion can be interposed. That has been stated but a moment ago by the Chair.

Mr. GARFIELD. But this very measure will obstruct the exercise of the power to suspend the rules, and will thus constitute a still further means of delay.

Mr. POTTER. By substituting the previous question—taking five minutes instead of a thirty-minutes call of the yeas and nays!

Mr. ELDREDGE. Gentlemen on the other side ought to be content with having a Speaker of their own choice and a majority of more than two-thirds. The Speaker must always determine whom he will recognize on a motion to suspend the rules. The whole power in that respect is in his hands; and it is only by virtue of his generosity or his justice that we ever get the opportunity to make even such a motion. The Chair, in determining whom he will recognize, will act hereafter, as he has always done heretofore, in the manner he thinks best and wisest; and certainly gentlemen on the other side cannot complain that he has been too partial toward us. In addition to this power exercised by the Speaker of their own choice the other side have, as I remarked, a majority of more than two-thirds, so that they can suspend the rules whenever they please; they have no difficulty in obtaining the recognition of the Speaker under the rules as they now stand. In the name, then, of common sense and common justice, what necessity is there for changing a rule which has stood so long and has been found to work so well? If there is any time when we ought to have the means of delaying hasty and inconsiderate legislation it is during the last ten days of the session. It is then that such resolutions as we have heard referred to are passed through, without members knowing what they are voting upon. I think that if there is any proper and beneficial check upon legislation it is the rule under which the minority have been able to call the attention of the House and of the country to bills coming before us during those ten days of utter confusion at the end of the session.

Mr. MAYNARD. I will make a single suggestion to my friend from New York, [Mr. POTTER,] and before doing so I will certify here in my place, if the certificate will be accepted by him, that I do not believe he ever does anything in this House which he does not think, as a Representative of the people, he ought to do. But I will submit to him that the trouble in the latter part of the session is not with bills that pass under a suspension of the rules or by a majority vote. The trouble is with measures that pass unanimously—measures to which nobody objects because nobody has time specially to examine them. Some gentleman who has had given to him, perhaps, a very imperfect description of a measure makes a statement to the House, and makes it, perchance, in good faith, or it may be that no statement is made, and the bill goes through unanimously without any opposition. It is in this way that objectionable bills are passed, though they are much fewer than is generally supposed. The case in this respect is very much as it was put in this Hall many years ago. One addled egg finding its way into the pudding, no number of new eggs can make it sweet. So a single bad measure passed in the last days of the session is trumpeted to the world as a sample of our legislation, and I am sorry to say we are in this way too often subjected to unjust criticism.

Mr. POTTER. That is true, Mr. Speaker; but it is also true that most of the private bills (the private calendar from the Senate, and all that class of legislation) get crowded into the last ten days of the session; and therefore it is just during those last ten days, when by your two-thirds vote you can suspend the rules, choke off debate, and rush anything through, that the right to secure time in the interest of honest legislation by calling the yeas and nays is most important.

Mr. GARFIELD. Does the gentleman desire us still to have the unalloyed and unrestricted right to force the two-thirds rule upon the minority at any time without their having any chance for a preliminary vote to ascertain whether the demand for a suspension of the rules is seconded? We are now proposing to give him and others of the minority the power to thwart or delay the proceedings under a two-thirds vote, and yet the gentleman is protesting against this additional power which we propose to put into his hands.

Mr. HOLMAN. For fifty years the majority of this House has sustained the present rule on this subject, and all we ask is the continuance of the rule which has governed this House for fifty years.

Mr. MAYNARD. Gentlemen on the other side talk about "the minority" in this House as though they monopolized the minority. Why, sir, only yesterday I found myself in the minority on the salary bill. I introduced an amendment which I thought eminently proper and wise. I attempted to get a majority of the House with me, but failed. So that we, all of us, find ourselves in the minority on some question, almost every day. I then accepted the situation, and I trust gentlemen will do the same thing now.

Mr. POTTER. The gentleman was then only in the minority for the time being, while I allude to the recognized minority upon this floor on great party questions.

Mr. KELLOGG. Mr. Speaker, I believe that our side of the House ought to agree to the recommittal of this resolution to the Committee on the Rules, especially as there seems to be some misunderstanding as to what the resolution does precisely.

Mr. DEWITT. We on this side of the House, Mr. Speaker, have a minority of less than one-third, composed chiefly of new members, and I appeal to the magnanimity of the two-thirds majority of the House not to incorporate this change in a very important rule, which is as old as March 13, 1822, without some further examination. We have not had any opportunity—at least I have not had, and I presume a majority of the new members of the minority have not—to examine this rule and the proposed change. I appeal, then, as a new member of this House, and a new member of the minority, to the magnanimity of the two-thirds majority of the House not to do this without further deliberation.

Mr. HALE, of Maine. Is a motion to recommit to the committee in order?

The SPEAKER. It is not, unless the motion to adjourn be withdrawn.

Mr. KASSON. I wish to ask the gentleman from New York a question in order to come to a correct understanding of his position in reference to one point. I have listened to the debate, and understand what he has said, except about the last ten days of the session. I understood him to say that he opposes this proposed change, because it deprives the minority of the right to demand the yeas and nays on questions affecting legislation in any way.

Mr. POTTER. I did, and for the reason I gave.

Mr. KASSON. I wish to say I differ with him there, because it is a simple question whether they shall give a man that process as on the demand for the previous question. I wished yesterday, or the day before, to have the yeas and nays on the previous question, but I could not get them under the rule. I look upon this as one of the same kind, depriving members of the power to call up a question here on points affecting its passage unless the majority vote to take it up by a suspension of the rules. There is where I differ with the gentleman. If it were a proposition to deprive anybody of the right to call the yeas and nays, having the requisite number, I should be opposed to it. I wish to say, simply, the point I have been looking at is this: On our side of the House, as well as on that side, frequently a member gets up and puts a political conundrum at us which he words in his own peculiar way and will not allow an opportunity for amendment, but demands we shall vote yea or nay on the very language in which he puts it, when it does not affect one single item of the legislation of the country. Now, I should be glad to see some such rule applied to such idle movements not at all affecting legislation. But I do not wish to touch the right of members to have the yeas and nays on any substantial legislative question.

Mr. POTTER. I thank the gentleman from Iowa for his explanation. I agree with him in what he has said concerning resolutions introduced here, where the preamble declares one way and the resolution itself another way, so that every member is embarrassed how to vote. For myself I frequently refuse to vote on such political conundrums. But in the last ten days of the session we are not subject to that sort of thing, because the Speaker never recognizes anybody with conundrums in his pocket.

Mr. KASSON. I wish to say that if this change of the rule does that which the gentleman seems to think it does in reference to the last ten days of the session, I would agree to recommit the resolution to the Committee on the Rules.

Mr. RANDALL. I move to reconsider the vote by which the previous question was ordered.

The SPEAKER. Does the gentleman from New York withdraw the motion to adjourn?

Mr. POTTER. I do.

Mr. G. F. HOAR. I withdraw my objection to the recommittal of the resolution.

The SPEAKER. If there is no objection the resolution will be recommitted to the Committee on the Rules.

Mr. PLATT, of Virginia. I object.

Mr. RANDALL. I move to reconsider the vote by which the previous question was seconded.

The motion was agreed to.

The resolution was then recommitted to the Committee on the Rules.

Mr. RANDALL moved to reconsider the vote by which the resolution was recommitted, and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 215) in relation to the printing of the Biennial Register, commonly called the Blue Book;

A bill (S. No. 191) to amend an act entitled "An act relating to the enrollment and license of certain vessels;" and

A bill (S. No. 216) to change the name of the pleasure yacht Fearless

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 16) providing for a change in the name and title of the agent and consul-general of the United States at Alexandria.

ADJOURNMENT OVER.

Mr. DAWES. I rise to offer a privileged resolution. I have been given to understand that if we send over to the other branch another resolution for a recess it may be concurred in. I offer another resolution differing from that formerly adopted by the House only in this respect, that we shall reassemble on Monday, the 5th of January, instead of Tuesday, the 6th of January. I ask the Clerk to read the resolution.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That when the two Houses adjourn on the 19th instant they shall stand adjourned until Monday, the 5th of January next.

The question being taken, there were—ayes 124, noes 39.

So the resolution was agreed to.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CIVIL RIGHTS.

Mr. BUTLER, of Massachusetts. I desire to make a privileged report. The Committee on the Judiciary have instructed me to report a bill to protect all citizens in their civil and legal rights.

The bill (H. R. No. 795) was received, and read a first and second time.

The bill provides that whoever, being a corporation or natural person and owner, or in charge of any public inn, or of any place of public amusement or entertainment for which a license from any legal authority is required, or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight, or of any cemetery or other benevolent institution, or any public school supported in whole or in part at public expense or by endowment for public use, shall make any distinction as to admission or accommodation therein of any citizen of the United States because of race, color, or previous condition of servitude, shall, on conviction thereof, be fined not less than $100 nor more than $5,000 for each offense; and the person or corporation so offending shall be liable to the citizens thereby injured in damages to be recovered in an action of debt.

The second section provides that offenses under this act, and actions to recover damages, may be prosecuted before any territorial, district, or circuit court of the United States having jurisdiction of crimes at the place where the offense was charged to have been committed, as well as in the district where the parties may reside, as now provided by law.

Mr. BUTLER, of Massachusetts. I yield for a moment to the gentleman from Pennsylvania [Mr. SHOEMAKER] to introduce a resolution for reference.

COMMITTEE CLERK.

Mr. SHOEMAKER, of Pennsylvania, by unanimous consent, offered a resolution authorizing the Committee on Revolutionary Pensions and War of 1812, and the Committee on Coinage, Weights, and Measures, to employ a clerk jointly; which was referred to the Committee on Accounts.

NATIONAL SAVINGS DEPOSITORIES.

Mr. MAYNARD, by unanimous consent, introduced a bill (H. R. No. 796) to establish and maintain a national savings depository as a branch of the Post-Office Department; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REPORT OF COMMISSIONER OF CLAIMS.

The SPEAKER. The gentleman from Ohio, [Mr. LAWRENCE,] chairman of the Committee on War Claims, desires to offer a resolution.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was read, and under the law referred to the Committee on Printing:

Resolved, That there be printed for the use of the Committee on War Claims, and the Commissioner of Claims, one thousand copies of the last report of the Commissioner of Claims, in addition to the number already ordered.

EVIDENCE ON WAR CLAIMS.

Mr. LAWRENCE. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on War Claims be, and they are hereby, authorized to send for persons and papers whenever, in the judgment of the said committee, it shall be deemed necessary to obtain additional evidence in regard to any claim before it.

Mr. BUTLER, of Massachusetts. I object. If it was any particular case I might not object; but the general power I object to.

REPORT OF THE COMMISSIONER OF AGRICULTURE.

Mr. DONNAN. I am directed by the Committee on Printing to report the following resolution:

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of the annual report of the Commissioner of Agriculture for the years 1872 and 1873, 255,000 copies of each; 180,000 of each of which shall be for the use of the House, 50,000 of each shall be for the use of the Senate, and 25,000 of each shall be for distribution by the Commissioner of Agriculture.

Mr. DONNAN. I move the previous question.

Mr. GARFIELD. I desire to ask the chairman of the Committee on Printing what will be the cost of these copies?

Mr. DONNAN. The entire work is in print, the Senate at its last session having ordered twenty-two hundred copies for their own use. It will cost something like sixty cents a copy.

Mr. GARFIELD. I desire, then, to ask the gentleman what, in the view of his committee and himself, would be the value to this House of giving us that very large number of copies of books, with no provision yet made for the distribution of them? We cannot tell whether there will be any law in reference to that matter passed, and I suggest to him that it would be better to wait before incurring this expense until we determine whether we will have any arrangement for the distribution of documents. One of the great reasons assigned on this floor for abolishing the franking privilege was to prevent the printing of such large masses of these public documents.

Mr. DONNAN. I reply to the gentleman from Ohio that this resolution will give each member, for distribution, a little more than one hundred copies less than the average number in the last Congress. We propose to print only the usual number, and it is to be divided among the increased representation, so that it will only give to each member for distribution somewhere in the neighborhood of six hundred copies. I will say further, that, in the opinion of the Committee on Printing, there is no document printed by the Government which is so greatly in demand as is the document in question, and we believe that, whatever economy may be exercised with regard to other public documents, it is right that the largest number of this document should be printed for distribution throughout the country.

Mr. WILLARD, of Vermont. Mr. Speaker, I understand the gentleman from Iowa to say that this work is already stereotyped, so I suppose there is no hurry in regard to ordering the printing of additional copies for distribution. No provision has yet been made by law for the distribution of public documents, and it seems to me unwise for us to order this printing until Congress has provided by law in respect to their distribution. I suppose some project will be presented to the House soon, or during the present session, concerning the distribution of public documents; and why not wait until some such measure has passed into legislation? It is well known that documents that have been heretofore printed have been printed at great cost to the Government, and that many of them are entirely useless; those to whom they are sent never read them; they simply go into the waste-paper basket.

Now I hold, so far as I am concerned, and I think my constituents will agree with me, that no public documents ought to be printed by Congress, unless it may be a small number required for the public libraries of the country, until those who want them are willing to pay for such documents the actual cost to the Government of printing and transmitting them through the mails. Why cannot such a project as this meet with favor in this House: that these documents if printed at all, shall be printed, and a circular, stating what documents are printed, and their cost, be sent by the Departments to every post-office in the United States, to be posted in a conspicuous place, where every person can see what documents have been printed by the Government and at what price they can be obtained; and then let those who want them order them and pay for them, and not compel the whole body of the people to pay for documents that only go to one-tenth or one-hundredth or one-thousandth part of the people? Let us not keep up the system of printing documents at the expense of the people, giving them to the few, while the great majority get none, although paying the greater portion of their cost.

I represent what is substantially an agricultural district. Probably ten thousand of the voters in the district are farmers. I have had for distribution annually between seven and eight hundred copies of these agricultural reports, and can thus send one to every fourteenth or fifteenth farmer in my district. Now, why should the fourteen farmers be taxed both for the printing of and the postage on documents sent to the fifteenth man? Can any gentleman give me a good reason for it? Why should all the people of the country be taxed for the printing and distribution of the census reports? The members of this House received forty or fifty sets of those large volumes of the census report to distribute among their constituents. Those who had that number of public libraries in their districts doubtless sent them to such libraries, and thus distributed them wisely; but those who sent them to individuals whom they selected to show that special favor to—ten, twenty, thirty, or forty individuals in their districts—sent them a valuable public document, a valuable present, at the expense of all their constituents. Now, there is no justice, no equity, no good sense in such a distribution of these publications; and, instead of it, I am in favor of providing that the documents printed at the public expense shall be sent only to those of the people who want them, and who are willing to pay for them.

Mr. ELDREDGE. I suggest to the gentleman from Vermont that it does not cost the people anything to carry these documents through the mails. The abolishing of the franking privilege has not saved one single cent to the people of this country.

Mr. DONNAN. I now yield five minutes to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. Mr. Speaker, I am much obliged to the chairman of the Committee on Printing for yielding to me for a few moments. It seems to me that it is not proper for the House to make large orders for printing books at this time. Undoubtedly some measure must be adopted for the distribution of those documents which have already been printed, or which have already been ordered during the present session of Congress to be printed. Already the rooms for public documents are piled full of books which members have not had any opportunity, since the franking privilege was abolished, to distribute.

Some measure for the free distribution of the documents already ordered to be printed should be provided. It would be well, I think, to provide that the Post-Office Department should furnish the various Bureaus of the Government and the two Houses of Congress with the proper stamping-machine to stamp the nature of the matter sent and the amount of postage on it, upon which such matter should pass through the mails and the postage be charged to the Department issuing the matter; so that the Post-Office Department may be able to keep an account of the postage on the Government matter sent, and that matter at the same time be sent to our constituents without charge to their members of Congress. Such was the nature of the bill I introduced to abolish the franking privilege, and which passed this House in the last Congress, and which would, I think, be a wise measure of legislation if the Government is to continue the free publication of books.

But upon that other branch of the question to which the gentleman from Vermont [Mr. WILLARD] has well alluded I want also to say a word. I have an agricultural district; I distribute all my quota of agricultural reports; I generally try to get more; and I have found the result of the practice heretofore in operation was to secure a very unsatisfactory distribution of public documents. One man comes here as a member of Congress and sends his agricultural reports, for instance, to certain persons in his district; another man comes here in his stead and sends his documents the next year to another set of persons.

Thus it happens that no one person in the district gets a complete set of any documents, so that their value is largely lost. I think on the whole that it would be more useful to have the Government print a certain number of those documents that may be of public use, and allow any citizen to get them upon paying the mere cost price of printing them. If there is an agricultural report, a mechanical report, or a report on the improvement of rivers and harbors or any other subject of value, any citizen who wants it can thus have it by sending to the printing office the mere cost of printing it. That is the system which is found to work best in Great Britain. It is one free from the objections suggested by the gentleman from Vermont, and I believe would be wiser than the present plan. But however this may be, I insist that it would be improvident now to go on and order the printing of the great mass of books recommended by this resolution, at least until we make some provision for their distribution.

Mr. DONNAN. I am now taking up the time of the gentleman from Massachusetts, [Mr. BUTLER,] and I feel some delicacy in doing so. I do not think it is necessary to discuss this matter further, for I believe the House recognizes the fact that no document is printed of so much interest and value to the country as this. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. DONNAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OCEAN NATIONAL BANK, NEW YORK.

Mr. SESSIONS, by unanimous consent, submitted a preamble and resolution relative to the Ocean National Bank, of New York City; which was referred to the Committee on Banking and Currency, and ordered to be printed.

SHIP-CHANNEL BETWEEN LAKES HURON AND ERIE.

Mr. BASS. I ask unanimous consent to submit and have adopted the following resolution:

Resolved, That the Secretary of War is hereby directed to ascertain and report to this House an approximate estimate from present surveys of the expense of deepening and widening the navigable channel of the rivers and waters connecting Lake Huron with Lake Erie, so as to adapt the same to a capacity for practicable navigation of vessels drawing twenty feet of water.

Mr. SPEER. I object.

Mr. HOLMAN. This resolution should be referred to the Committee on Commerce.

The SPEAKER. The Committee on Railways and Canals has charge of the subject.

Mr. CONGER. Surveys have already been made, but no report has been sent in by the Secretary of War or by the Engineer Corps. This resolution will require no further expense or examination; it only asks for an approximate estimate on the present surveys. I hope no objection will be made to it.

Mr. HOLMAN. I insist that, unless there is some special reason for adopting this resolution at this time, it should be referred to the Committee on Commerce or the Committee on Railways and Canals.

Mr. McCRARY. This resolution comes from the Committee on Railways and Canals. It has been considered by that committee; and the gentleman from New York [Mr. BASS] was instructed to report it to the House. It involves no expenditure whatever, as I understand.

Mr. HOLMAN. With that explanation, I withdraw my objection.

No further objection being made, the resolution was adopted.

ANNUAL POST-ROUTE BILL.

Mr. PACKER. I am instructed by the Committee on the Post-Office and Post-Roads to report the annual post-route bill. It has no legislation in it.

The bill (H. R. No. 798) was received, read three times, and passed.

Mr. PACKER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS IN MISSOURI.

Mr. MOREY. I am instructed by the Committee on the Public Lands to report back the following resolution referred to them, and to ask that it be passed. It is simply a resolution asking for information from the Interior Department in relation to public lands in Missouri:

Resolved, That the Secretary of the Interior be requested to inform the House, as early as practicable, as to the numbers of acres of land within the limits of the State of Missouri now unsold and belonging to the United States; second, the number of acres of the sixteenth-section or school lands that have been set apart within said State for school purposes; third, the number of acres within said sixteenth-section or school lands that have not been appropriated to school purposes, or which have been lost to the schools by paramount title of New Madrid claims, Spanish or French grants, or otherwise; and, fourth, the entire number of acres of land within the territorial limits of the State of Missouri.

The resolution was adopted.

MEDICAL HISTORY OF THE WAR.

Mr. FORT, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Printing be requested to inqure into and report the cost and practicability of printing ten thousand copies of the Medical History of the Late War.

LEMUEL C. RISLEY.

Mr. NIBLACK, by unanimous consent, introduced a bill (H. R. No. 799) for the relief of Lemuel C. Risley, late a second lieutenant of the Eighty-fifth Regiment of Indiana Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANTONIO PELETIER.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. No. 800) to authorize the President of the United States to request the Republic of Hayti to indemnify Antonio Peletier; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

L. R. STRAUS.

Mr. GLOVER, by unanimous consent, introduced a bill (H. R. No. 801) for the relief of L. R. Straus, of Macon City, Missouri; which was read a first and second time, and referred to the Committee on War Claims.

ARCHIBALD B. RUE.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 802) for the relief of Archibald B. Rue; which was read a first and second time, and referred to the Committee on War Claims.

BONDED WAREHOUSES FOR CLEANSING RICE.

Mr. SHELDON. The Committee on Ways and Means have directed me to report a bill, which I ask to have put at once upon its passage. I do not believe there will be any objection to it.

The bill (H. R. No. 476) to establish a bonded warehouse for the storing and cleansing of rice intended for exportation, was read, as follows:

Be it enacted, &c., That from and after the passage of this act importers' bonded warehouses, to be used for the storage and cleansing of imported rice intended for exportation to foreign countries, may be established at any port of entry in the United States, under such rules and regulations as the Secretary of the Treasury may prescribe.

The SPEAKER. If there be no objection, the bill will be considered as ordered to be engrossed, read the third time, and passed.

Mr. RAINEY. I would like the gentleman reporting this bill [Mr. SHELDON] to explain it. I do not understand it.

Mr. SHELDON. A good deal of rice comes from the Indies in an unclean condition; and the object of this bill is that such rice may be put in bonded warehouses to be cleaned preparatory to exportation. It is not for local consumption at all.

Mr. RANDALL. Are these bonded warehouses to be paid for in any way by the United States, whether in the form of rent or otherwise?

Mr. SHELDON. I suppose these warehouses would fall under the ordinary regulations of the Treasury Department. I ask that a letter from the Secretary of the Treasury on this subject be read. The Committee on Ways and Means were unanimous in favor of the bill.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., December 11, 1873.

SIR: Referring to the conversation had with you this morning in regard to the bill introduced in the House of Representatives by Mr. POTTER, of New York, to permit the establishment of warehouses for the cleaning of imported rice, in bond for export, I have to say that this Department apprehends no difficulty in preparing such regulations (should said bill become a law) as will entirely prevent frauds upon the revenue in that respect, and at the same time give exporters all the facilities they may be entitled to thereunder.

I am, very respectfully,

WM. A. RICHARDSON, *Secretary*.

Hon. L. A. SHELDON,
House of Representatives.

Mr. RAINEY. I must object to the passage of the bill at this time.

Mr. BUTLER, of Massachusetts. I think such a bill as this ought to be considered more deliberately than we can consider it now.

The SPEAKER. It is not such a bill as the Committee on Ways and Means are authorized to report at any time. It is not a tax bill. The committee have no authority to report it, except on a regular call, or by unanimous consent.

Mr. DAWES. If the bill were well understood there would be no objection to it.

The SPEAKER. Objection having been made, the bill is not before the House.

WASHINGTON NAVY-YARD.

Mr. POLAND, by unanimous consent, introduced a bill (H. R. No. 803) to increase the facilities for docking, building, and repairing at the navy-yard, Washington, District of Columbia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NATIONAL BANKS.

Mr. KELLOGG, by unanimous consent, introduced a bill (H. R. No. 804) in alteration of an act approved March 3, 1873, concerning national banks, &c.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

COPYRIGHT OF PERIODICALS, ETC.

Mr. LAWRENCE. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee on the Judiciary be, and are, instructed to inquire whether, under existing copyright laws, the publishers of periodicals and newspapers can copyright their respective publications by the payment of one fee to the Librarian of Congress for each volume of a periodical or newspaper, or whether the fee is required for each number published; and if the latter, then that said committee inquire into the expediency of so amending the law as only to require one fee for each volume; and that said committee report by bill or otherwise.

I present as a reason for this resolution the following letter which I have received:

OFFICE OF GEM OF THE WEST AND SOLDIERS' FRIEND,
448 *Wabash Avenue, Chicago, Illinois, November* 29, 1873.

DEAR SIR: Previous to 1873 magazine and newspaper publishers could copyright their title by the payment of a single fee. Now, by the construction placed upon the law by A. R. Spofford, (the Librarian of the Congressional Library,) it is held that the law does not cover the title unless each issue is filed with the Librarian of Congress and a separate fee paid each week or month. Many publishers don't care to copyright the matter but only the title. Will you try to have a fair interpretation placed upon the law, by special act or otherwise, for the benefit of such publishers?

Yours, truly,

C. AUGUST HAVILAND.

Hon. WILLIAM LAWRENCE.

There being no objection, the resolution was adopted.

ADMINISTRATION OF JUSTICE.

Mr. CROOKE, by unanimous consent, introduced a bill (H. R. No. 805) to amend an act to further the administration of justice, approved June 1, 1872; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INDIANS IN MICHIGAN AND INDIANA.

Mr. PACKARD, by unanimous consent, presented a memorial of certain Indians residing in Michigan and Indiana; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CORRESPONDENCE BY TELEGRAPH.

Mr. DAWES, by unanimous consent, introduced a bill (H. R. No. 806) to provide for the transmission of correspondence by telegraph; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

POST-ROUTES IN NEBRASKA.

Mr. CROUNSE. I ask unanimous consent to introduce and have passed now a bill to establish certain post-routes in the State of Nebraska.

The bill was read.

Mr. TYNER. I think this bill had better be referred to the Committee on the Post-Office and Post-Roads. I object to action upon it now.

POST-ROUTE.

Mr. CROUNSE. Mr. Speaker, I ask unanimous consent to introduce a bill to establish a post-route in the State of Michigan, from Big Prairie to Morgan's Station.

Mr. DEWITT. I have a similar bill.

Mr. CROUNSE. The Department was about to put on service, but found there was no road between the two stations.

The SPEAKER. The Chair will entertain the bill if there be no objection, but he cannot help remarking that it is a most objectionable mode of legislation.

Mr. RANDALL. We have to-day passed a general post-route bill, which has gone to the Senate, and I would suggest to gentlemen having post-routes bills which they desire to have established, to go to the Senate and have their routes inserted in that general bill.

The SPEAKER. That would be the more expeditious method.

Mr. RANDALL. And I will further remark, in behalf of the Post-Office Committee, that if any one of those gentlemen had gone to that committee and handed in his post-routes, they would have been included in the general bill.

Mr. CROUNSE. That being the case I will withdraw the bill, and have the post-route inserted in the general post-route bill in the Senate.

CHANGE OF REFERENCE.

Mr. RUSK, from the Committee on Invalid Pensions, reported back the following cases, which were referred as indicated below:

A bill (H. R. No. 232) for the relief of the heirs of Gideon Walker, deceased, late of Indiana—referred to the Committee on War Claims;

A bill (H. R. No. 231) for the relief of George W. Harding, of Monroe County, Indiana—referred to the Committee on Revolutionary Pensions and War of 1812;

The petition of Samuel Bayley, of Elmore, Vermont, for an invalid pension—referred to the Committee on Revolutionary Pensions and War of 1812; and

The petition of Jonas Warren—referred to the Committee on War Claims.

COGGSWELL & CO.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 807) for the relief of Coggswell & Co., of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AGRICULTURAL COLLEGE, OHIO.

Mr. JEWETT, by unanimous consent, introduced a bill (H. R. No. 808) to grant to the State of Ohio, for the use and benefit of the Agricultural College at Columbus, the unsold and unappropriated public lands in the State of Ohio, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM MOORE.

Mr. JEWETT, by unanimous consent, also introduced a bill (H. R. No. 809) for the relief of William Moore, late a private in Company K, Seventy-third Regiment Ohio Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELAWARE COUNTY SOLDIERS' MONUMENTAL ASSOCIATION.

Mr. TOWNSEND, by unanimous consent, introduced a bill (H. R. No. 810) to donate four condemned cannon and sixteen cannon balls to the Delaware County Soldiers and Sailors' Monumental Association; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SALT-WORKS, KENTUCKY.

Mr. ADAMS, by unanimous consent, introduced a bill (H. R. No. 811) for the relief of those suffering from the destruction of the salt-works near Manchester, Kentucky, pursuant to the order of Major-General Carlos Buell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENROLLED BILLS.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 481) making appropriations for extraordinary expenses of the naval service; and

An act (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer."

COTTON AND OTHER ABANDONED PROPERTY.

Mr. HAYS. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be requested to report to this House the amount of money paid into the Treasury of the United States arising from cotton and other captured and abandoned property; how much has been paid to claimants out of said fund, by what authority the same was so paid, and what amount of said fund still remains in the Treasury.

Mr. DAWES. That resolution should go to the Committee on Ways and Means.

Mr. HAYS. I think it should pass.

Mr. DAWES. Does it come from the Committee on Claims?

Mr. HAYS. It does not.

Mr. DAWES. I move that it be referred to the Committee on Ways and Means.

The motion was agreed to.

POST-ROADS.

Mr. POLAND, by unanimous consent, introduced a bill (H. R. No. 812) to establish post-roads throughout the United States; which was read a first and second time.

The bill, which was read, provides that all railroads and all public highways in each State and Territory, and in the District of Columbia, are hereby established as post-roads.

Mr. RANDALL. I object to that unless it goes to the Committee on the Post-Office and Post-Roads.

The bill was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HARBOR OF REFUGE.

Mr. SAWYER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and is hereby, instructed to furnish to this House, at as early a day as practicable, a report of the progress and condition of the work on the harbor of refuge at the mouth of the Sturgeon Bay and Lake Michigan Ship-canal, Wisconsin, at the close of navigation, 1873.

OLIVE S. BREED.

Mr. SAWYER also, by unanimous consent, introduced a bill (H. R. No. 813) granting a pension to Olive S. Breed, widow of J. Henry Breed, deceased, late a private in Company K, Fourth Regiment Wisconsin Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGES OF NAMES OF NATIONAL BANKS.

Mr. MAYNARD, by unanimous consent, reported back from the Committee on Banking and Currency the bill (H. R. No. 34) authorizing the Second National Bank of Havana, New York, to change its name, with the recommendation that it do pass with amendments.

The bill was read. It provides that the name of the Second National Bank of Havana, New York, shall be changed to the Havana National Bank of Havana, New York, whenever the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance be made within six months after the passage of this act.

The second section provides that all debts, demands, liabilities, rights, privileges, and powers of the Second National Bank of Havana shall devolve upon and inure to the Havana National Bank of Havana, New York, whenever such change of name is effected.

The amendments reported by the committee were read, as follows:

In the first section, after the word "board" insert the words "confirmed by a vote of two-thirds of the stockholders."

In the same section, after the word "such" strike out the word "resolution" and insert the word "action."

After the word "act," at the end of the first section, insert "and that all expenses incident to the proposed change, including engraving, shall be borne and paid by said bank."

Mr. MAYNARD. I am asked privately what is the reason of this change. I will state in a word that the present name is a misnomer, there being no first bank recognized at this place. The bill is intended to remedy this solecism, and the committee are unanimous in recommending it.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MAYNARD also, by unanimous consent, reported back from the Committee on Banking and Currency the bill (H. R. No. 418) to authorize the First National Bank of Saint Anthony, Minnesota, to change its location and name, with the recommendation that it do pass with amendments.

The bill was read. It provides that the First National Bank of Saint Anthony, now located in the city of Saint Anthony, county of Hennepin, and State of Minnesota, is hereby authorized to change its location to the city of Minneapolis, in the county and State aforesaid. Whenever the stockholders representing three-fourths of the capital stock of said bank, at a meeting called for that purpose, determine to make such change, the president and the cashier shall execute a certificate, under the corporate seal of said bank, specifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency; and thereupon such change of location shall be effected, and the operations of discount and deposit of said bank shall be carried on in the city of Minneapolis aforesaid.

The second section provides that nothing in the act shall be so construed as in any manner to release the said bank from any liability, or affect any action or proceeding in law in which the said bank may be a party or interested.

The third section provides that whenever the location of the said bank shall have been changed from the city of Saint Anthony to the city of Minneapolis, in accordance with the first section of the act, its name shall be changed to "Merchants' National Bank of Minneapolis," and all debts, demands, liabilities, rights, and powers belonging to said First National Bank of Saint Anthony shall devolve upon and inure to the Merchants' National Bank of Minneapolis; and all actions pending by or against said First National Bank of Saint Anthony may be prosecuted by or against the Merchants' National Bank of Minneapolis in the same manner and with the same effect as if such change of location and name had not been made.

The fourth section provides that as soon as such change of name and location shall have been made, public notice thereof shall be given by publication in a newspaper in both said city of Saint Anthony and said city of Minneapolis, for two weeks successively.

The fifth section provides that the act shall take effect and be in force from and after its passage.

The amendments by the committee were read, as follows:

At the end of section 1 insert the following:

"*Provided*, That such acceptance be made within six months after the passage of this act, and that all expenses incident to the proposed change, including engraving shall be borne and paid by said bank."

Strike out section 5, as follows:

"That this act shall take effect and be in force from and after its passage."

Mr. MAYNARD. It must be obvious that there is no necessity for this last section, as all acts must take effect from their passage unless otherwise provided.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. MAYNARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALMONT BARNES.

Mr. HENDEE, by unanimous consent, introduced a bill (H. R. No. 814) for the relief of Almont Barnes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PIEDMONT RAILROAD.

Mr. STOWELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire as to the right, claim and title of the United States in and to the railroad extending from Danville, Virginia, to Greensborough, North Carolina, known as the Piedmont Railroad, and report by bill or otherwise.

METROPOLITAN POLICE, DISTRICT OF COLUMBIA.

Mr. HALE, of New York. I ask unanimous consent to report back from the Committee on the District of Columbia the joint resolution (H. R. No. 24) relative to the Metropolitan Police of the District of Columbia, and move that the Committee on the District of Columbia be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

There was no objection; and the motion was agreed to.

ACCOUNTS OF THE DISTRICT GOVERNMENT.

Mr. HALE, of New York. I ask unanimous consent to submit for present consideration the following resolution, unanimously recommended by the Committee on the District of Columbia.

The Clerk read as follows:

Resolved, That the Committee on the District of Columbia be authorized to employ an accountant for the purpose of a full and exhaustive examination of the accounts of the District government, and of the board of public works, and of the former municipal governments of the cities of Washington and Georgetown, and of the District, so far as regards the improvement of streets and avenues, sewerage, water and gas, the expenditures for the same, the amounts appropriated and paid therefor by the Federal Government, and the outstanding indebtedness of the District; said accountant to act under the direction of the committee, to be employed for not more than two months, and his compensation to be paid out of the contingent fund of the House.

Mr. HOLMAN. I think that resolution ought to go to the Committee on Accounts. All other resolutions of the same kind have gone there.

Mr. HALE, of New York. Let me say to the House that on the question arising in regard to the expenditure of money in the District of Columbia, and the question as to further appropriations by this House, it was found by the committee to be absolutely indispensable that an accountant, a professional accountant, should go through and examine those accounts under the superintendence of the committee.

The resolution was agreed to.

JANE LA FONT.

Mr. BARBER, by unanimous consent, introduced a bill (H. R. No. 815) granting a pension to Jane La Font, dependent mother of Louis La Font, deceased, private in Company C, Second Regiment Wisconsin Volunteer Infantry, detailed to Battery D, First Rhode Island Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INVENTORS' UNION.

Mr. BUTLER, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 816) to incorporate the Inventors and Canvassers' National Union; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PLEASANT M. CRAIGMILER.

Mr. BUTLER, of Tennessee, also, by unanimous consent, introduced a bill (H. R. No. 817) for the relief of Pleasant M. Craigmiler, of Bradley County, East Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUDICIAL DISTRICTS, VIRGINIA.

Mr. HUNTON, by unanimous consent, introduced a bill (H. R. No. 818) supplementary to the third section of an act entitled "An act to divide the State of Virginia into two judicial districts;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WESLEY JAMES.

Mr. WOODWORTH, by unanimous consent, introduced a bill (H. R. No. 819) granting a pension to Wesley James; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' MONUMENT.

Mr. MYERS, by unanimous consent, introduced a bill (H. R. No. 820) granting condemned cannon and cannon-balls to posts of the Grand Army of the Republic, Philadelphia, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL CURRENCY.

Mr. ROBBINS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Banking and Currency be instructed to inquire what legislation is necessary in order to provide for a more equitable distribution of the national currency among the citizens of the several States, and to report by bill or otherwise.

Mr. RANDALL. If the gentleman can only get the Comptroller of the Currency to execute the existing law he will have relief.

The SPEAKER. The resolution was a mere instruction to the committee to inquire into the matter.

DISTRIBUTION OF PUBLIC DOCUMENTS, ETC.

Mr. PACKER, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. No. 821) to provide for the distribution of public documents printed by authority of Congress, and of seeds furnished by the Agricultural Department, for the free exchange of newspapers between publishers, and for the free transmission of weekly newspapers by mail within the counties where published; which was read a first and second time, recommitted to the committee, and ordered to be printed.

NEWTON KNIGHT AND OTHERS.

Mr. HOWE, by unanimous consent, introduced a bill (H. R. No. 822) for the relief of Newton Knight and other citizens of Mississippi therein named; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARBOR OF SAVANNAH, GEORGIA.

Mr. SESSIONS, by unanimous consent, introduced a bill (H. R. No. 823) to provide payment for clearing the river and harbor of obstructions at Savannah, Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDINGS.

Mr. HURLBUT. I ask unanimous consent to submit the following resolution for adoption at this time:

Resolved, That, in view of the present embarrassed state of the national finances, and the reasonable demand for retrenchment, the Committee on Public Buildings and Grounds be instructed to report in favor of no bills for the commencement of work on new public buildings, or the purchase or acquisition of sites for the same, but that their recommendations shall be confined to the economical completion of such public buildings as are now in construction, or under contract for construction, where the stoppage of the work would involve the United States in serious damages, or be clearly prejudicial to the public service.

Mr. NEGLEY. I object.

EMPLOYÉS OF THE HOUSE.

Mr. PELHAM. I ask unanimous consent to submit the following resolution for adoption at this time:

Resolved, That the Doorkeeper, Postmaster, Clerk, and Sergeant-at-Arms of this House be directed without unnecessary delay to report to this House the name, residence and pay of each person in the employ of the Government in the various offices of this House.

Mr. SAWYER and others objected.

RAILROAD LANDS.

Mr. ORR submitted the following resolution; which was read, considered, and referred to the Committee on the Public Lands:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to certify no lands to any railroad company when such lands are claimed under the homestead or pre-emption laws; and to take no further action in any such cases until the whole subject can be investigated and some general action taken by Congress.

DEBATES OF CONGRESS.

Mr. FRYE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Printing be, and they are hereby, directed to inquire into the cost of reporting and printing the debates of Congress as the work is now being done; whether it was not more acceptably and economically done by the proprietors of the Globe; whether the permanent establishment of the work at the Government Printing Office will not involve large expenditures for facilities for its prosecution, and to report by bill or otherwise at as early a day as practicable.

Mr. FRYE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EQUALIZATION OF BOUNTIES.

Mr. HYDE, by unanimous consent, introduced a bill (H. R. No. 824) to equalize the bounties of soldiers and sailors of the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. Having yielded to so many others, I wish now, with the leave of the House, to yield to myself for one moment before I go on with the civil rights bill; and I will say that I do not propose to go on any further with that to-night than to get it in order for debate and action to-morrow.

I desire to enter a motion to reconsider the vote by which the House, upon motion of the chairman of the Committee on Expenditures on Public Buildings, [Mr DUELL,] adopted on yesterday a resolution giving that committee a general right to send for persons and papers. I do not think that ought to have been done, but that each committee, when it desires persons and papers to be sent for, should get the authority of the House to send for them in each case.

I now move that the civil rights bill be printed, together with an amendment that has been shown to me by the gentleman from Louisiana, [Mr. MOREY.]

The motion to print was agreed to.

Mr. BUTLER, of Massachusetts. I also desire to say that I propose, within the two hours which are allowed to me as chairman of

the committee reporting the bill, unless the House desires more time, to give the fullest opportunity for debate, and especially to give opportunity to my friends on the other side to debate the bill.

EXAMINATION OF PRIVATE CORRESPONDENCE.

The SPEAKER laid before the House a letter from the Postmaster-General, in answer to a resolution of the House of December 10, 1873, relative to allowing any custom-house officer or detective to examine correspondence passing through the New York or Boston post-office.

Mr. DAWES. I move that that communication be referred to the Committee on Ways and Means.

Mr. RANDALL. Why to that committee?

Mr. DAWES. Because I introduced the resolution calling for this information, and it has some reference to a measure now pending before that committee.

The communication was accordingly referred to the Committee on Ways and Means, and ordered to be printed.

TELEGRAPH OPERATOR FOR THE WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War in relation to the employment of a telegraph operator for his Department; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INCREASED CLERICAL FORCE FOR INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior in relation to an increase of the clerical force in his Department; which was referred to the Committee on Appropriations, and ordered to be printed.

PENITENTIARY IN WYOMING TERRITORY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriations to supply a deficiency in the appropriation of March 3, 1873, for building a penitentiary in Wyoming Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

CLOTHING FOR THE ARMY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a draught of a joint resolution authorizing the issue of clothing to certain enlisted men of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

ELECTION CONTEST.

The SPEAKER also, by unanimous consent, laid before the House the answer of George Buchanan and George R. Maxwell on notice of contest; which was referred to the Committee on Elections.

FRANK M. KELLEY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a draught of a bill for the relief of Private Frank M. Kelley, Company F, First Cavalry; which was referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS IN LOUISIANA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a report in relation to certain private land claims in Louisiana; which was referred to the Committee on Private Land Claims, and ordered to be printed.

CLERICAL FORCE OF PENSION BUREAU.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriations to supply deficiencies in the appropriations for the clerical force of the Pension Bureau during the fiscal year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

KANSAS INDIAN LANDS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting the draught of a bill providing for the sale of the Kansas Indian lands in Kansas to actual settlers, and for the disposition of the proceeds of such sale; which was referred to the Committee on the Public Lands, and ordered to be printed.

SUBSISTENCE OF MODOC INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriations to subsist the Modoc Indians during the fiscal year ending June 30, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

SURVEY OF THE TERRITORIES.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriations to supply a deficiency in the appropriation of March 3, 1873, for the continuation of the geological and geographical survey of the Territories; which was referred to the Committee on Appropriations, and ordered to be printed.

SUBSISTENCE OF INDIANS IN INDIAN TERRITORY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a special estimate of appropriations required to purchase subsistence for Indian tribes in the Indian Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

FURNITURE OF THE CAPITOL, ETC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Clerk of the House of Representatives, transmitting an inventory of property belonging to the United States in the possession of the Clerk of the House of Representatives on the 1st of December, 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

ABOLITION OF THE FRANKING PRIVILEGE.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, in answer to a resolution of the House of December 8, 1873, in relation to the franking privilege; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CIVILIZATION OF INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting the draught of a bill authorizing him to use, for the civilization of Indians, the unexpended balance of appropriation made by the act of March 3, 1871, and an estimate of an appropriation of $50,000 additional; which was referred to the Committee on Appropriations, and ordered to be printed.

LAND COMMISSIONERS IN IOWA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting the report of commissioners under the act of March 3, 1873, to examine lands in Iowa above the Raccoon Fork of the Des Moines River, with an estimate of an appropriation for payment of the commissioners; which was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL HOME FOR DISABLED SOLDIERS.

The SPEAKER also, by unanimous consent, laid before the House the following communication; which, with the accompanying letter, was referred to the Committee on Military Affairs:

NATIONAL HOME FOR DISABLED SOLDIERS,
Washington, D. C., December 16, 1873.

SIR: It becomes my duty, as president of the board of managers of the National Home for Disabled Volunteer Soldiers, to forward the inclosed resignation of Jay Cooke, esq., one of the board of managers, of his position in that board; and ask that it may be referred to the Committee on Military Affairs, to report a resolution for the election of a successor.

I have the honor to be, very respectfully, your obedient servant,
BENJAMIN F. BUTLER.

Hon. JAMES G. BLAINE,
Speaker House of Representatives.

GRAND CALUMET RIVER, INDIANA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House of December 3, 1873, in relation to the survey of the Grand Calumet River, in the State of Indiana; which was referred to the Committee on Commerce, and ordered to be printed.

POTTAWATOMIE INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill relative to the investment of certain funds belonging to the Prairie band of the Pottawatomie Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MILITARY PRISONS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting to the House a report on the subject of military prisons; which was referred to the Committee on Military Affairs, and ordered to be printed.

MEDICAL AND SURGICAL HISTORY OF THE WAR.

Mr. NUNN, by unanimous consent, submitted the following resolution; which was read, considered, and under the law referred to the Committee on Printing:

Resolved, That the Committee on Printing be instructed to inquire into the propriety of reporting a bill providing for printing ten thousand copies of the Medical and Surgical History of the War for the use of the House.

PUBLIC BUILDINGS.

Mr. BUTLER, of Massachusetts. I move to reconsider the vote by which the following resolution was adopted, on the motion of the gentleman from New York, [Mr. DUELL:]

Resolved, That the Committee on Expenditures on Public Buildings be authorized to investigate and report in writing to the House—

1. The condition and management by the Government officials of the moneys heretofore appropriated for the erection of public buildings.

2. Whether such moneys have been distributed in conformity with the appropriation laws.

3. What retrenchment can be made in the expenditure of moneys appropriated as above, without detriment to the public service; and that said committee have power to send for persons and papers, and to take testimony to enable it to make such investigation and report.

And I do so simply for the purpose of striking out the words "to send for persons and papers, and." I have no objection to the investigation going on; but when the chairman of the committee finds it necessary in any special case to send for persons and papers he should submit that question to the House.

The motion to reconsider was agreed to.

Mr. BUTLER, of Massachusetts. I now move to strike out the words I have indicated.

The motion was agreed to.

The resolution, as amended, was adopted.

Mr. BUTLER moved to reconsider the vote by which the resolution, as amended, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UTAH.

Mr. WILSON, of Indiana. Mr. Speaker, on the 8th of December a bill (H. R. No. 303) concerning the execution of the laws in the Territory of Utah was introduced and referred to the Committee on the Territories. I move that committee be discharged from its further consideration, and that it be referred to the Committee on the Judiciary, which committee not only has the subject under consideration at this time, but considered the whole matter very fully at the last session, and had a bill almost ready to report, but which it failed to report in consequence of not being called.

Mr. McKEE. I object.

And then, on motion of Mr. BECK, (at four o'clock and forty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ARCHER: The petition of Frederick F. Baury, for relief.

Also, the petition of Mrs. Adelaide Adams, for additional pension.

By Mr. BUFFINTON: The memorial of William T. Davis, grandson, heir, and for the co-heirs of William Davis, late of Plymouth, Massachusetts, for the payment of the French spoliation claims.

Also, the memorial of Ebenezer F. Nye and 27 others, of similar import.

Also, the memorial of Alexander Thomson, late consul at Maranham, Brazil, for relief.

By Mr. CAIN: The petition of the ministers and lay representatives of the South Carolina Conference of the Methodist Episcopal Church South, sitting at Sumter, South Carolina, for settlement of claims for property destroyed by the war.

By Mr. DUELL: The petition of Hon. Cyrus Sweet, D. P. Phelps, and 215 others, citizens of Syracuse, New York, asking Congress to make an appropriation for a public building at Syracuse.

Also, the petition of Zadock Williams and others, asking Congress to restore certain cases to the Court of Claims.

By Mr. GUNCKEL: The petition of 1,824 citizens of the fourth congressional district of Ohio, asking Congress to grant relief as against the late decision of the Commissioner of Internal Revenue on tax on proprietary medicines, by which medicines put up by chemists and druggists are made to pay the same tax as is charged upon patent medicines, by so amending the internal-revenue laws as to abolish the tax on medicines.

By Mr. HARRIS, of Massachusetts: The memorial of James A. Drew and others, for remuneration for lands on the northeastern boundary of Maine, taken from them and ceded to Great Britain by the treaty of Washington.

Also, the memorial of James A. Drew and others, for remuneration for lands on the northeastern boundary of Maine, taken from them and ceded to Great Britain by the treaty of Washington.

By Mr. HOOPER: The petition of Mrs. Sarah M. Tuttle, daughter of Commodore Henry Bruce, United States Navy, asking that said Bruce may receive pay according to his rank as commodore.

By Mr. MOREY: The petition of Harry Lott, praying for compensation as member of the Forty-second Congress.

Also, the petition of Harry Lott, praying for compensation as member of the Forty-second Congress, to which he was elected.

By Mr. NEAL: The petition of William Lockwood and other citizens of Ross County, Ohio, praying that the postal code may be so amended that all mail matter, whether letters, papers, or other printed matter, or merchandise, may be prepaid at the office of mailing; and that some more equitable and less intricate system of determining the salaries of postmasters may be devised.

By Mr. ROBBINS: Joint resolutions of the General Assembly of North Carolina, in relation to the cotton tax.

Also, resolutions of the General Assembly of North Carolina, in relation to the inequalities in the revenue laws, and irregularities in the method of their execution.

By Mr. SCUDDER, of New York: The petition of Charlotte Crane, for pension.

By Mr. SENER: The petition of Lewis H. Garnett, of Essex County, Virginia, praying relief for losses growing out of French spoliations.

By Mr. THORNBURGH: A petition of many citizens of Clay County, Tennessee, to establish a mail-route in Clay and Overton Counties, Tennessee.

Also, the petitions of the following persons: Sarah Armstrong, Margaret Alcock, Mrs. Ruhaney Brown, Major Edward Black, Isaac Beeler, Nancy Bronson, H. L. Bradley, Joseph Burt, Enoch Burnett, Mrs. A. Bronson, John T. Burchill, Mrs. Elizabeth Caldwell, Elijah Cuddington, Mary Conley, John Clinton, Susan R. Choate, Margaret A. Cox, W. C. Carson, C. W. Davis, William R. Duncan, Robert M. Denning, William L. S. Dearing, Caroline Erwin, William G. Elliott, Samuel P. Evans, Benjamin Fahnstock, John C. Griffin, George W. Graham, Jacob Gray, N. P. Green, Daniel Hampton, J. D. Hall, Crawford W. Hall, Mary Ann Hartsell, W. G. Hunter, Moses Hughes, Elijah Jones, Robert D. Jourolman, Elijah Jones, William H. Kirk, Michael Kiggins, Robert Mincy, J. L. Mann, George L. Maloney, Mrs. McGhee, C. McMillen, Michael Mulholland, Susan Mathews, David W. Nelson, Benjamin D. Perley, Nancy Patten, Isaac Risedon, William H. Rogers, Thomas Rains, William A. Rucker, Lydia S. Roark, Paul Sturm, William J. Scott, Mary E. Seay, Cynthia Sprodlin, Mary Thornhill, John Turner, Elizabeth Amphrey, Mary D. Williams, Matthias Whitehead, Kitsey Williams, Benjamin S. Weller, and David Yates.

By Mr. VANCE: Joint resolutions of the Legislature of North Carolina, asking for a law to refund the tax on cotton for the years 1865, 1866, 1867, and 1868.

POST-ROUTE BILL.

By Mr. THORNBURGH: A bill to establish a post-route in Loudon and Roane Counties, in the State of Tennessee.

IN SENATE.

FRIDAY, *December* 19, 1873.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOLIDAY RECESS.

The PRESIDENT *pro tempore*. Petitions and memorials are now in order. The Chair will ask the indulgence of the Senate for a moment before petitions are received.

Yesterday, as the reading of the Journal shows, when the resolution came from the House of Representatives for an adjournment during the holidays, its consideration was objected to by the Senator from Vermont [Mr. EDMUNDS] under the twenty-sixth rule. The Chair overruled that objection. Various proceedings were then had, and the Senate adjourned pending a motion to refer that resolution to the Committee on Civil Service and Retrenchment, upon which the yeas and nays had been ordered, which would leave that resolution the unfinished business to follow the expiration of the morning hour this morning.

Upon this subject the Chair finds upon examination that on the 13th of December, 1869, a similar resolution came from the House and was laid upon the table on the motion of the Senator from Ohio, [Mr. SHERMAN.] The point of order made yesterday was not raised upon that occasion; but the Vice-President and the Senate are supposed, like a court of justice, to take judicial notice at all times of their rules; and the motion and vote of the Senate to lay it upon the table was a dealing with that resolution as much as to have referred it to a committee.

On the 11th of December, 1871, a similar resolution was received by the Senate from the House, and this entry is made:

The VICE-PRESIDENT laid before the Senate the following resolution from the House of Representatives.

Then follows the resolution.

The VICE-PRESIDENT. The resolution is before the Senate, and the question is on agreeing to it, unless some other motion shall be made.

The resolution was concurred in.

The point of order was not raised, but must be presumed to have been disposed of by the action of the Vice-President and Senate. Therefore, the Chair yesterday, advising with the Chief Clerk, overruled the point of order made by the Senator from Vermont, [Mr. EDMUNDS,] but on examination of the rule and consideration of the principle and philosophy of it, and conferring again this morning with the Chief Clerk, I am able to announce our unanimous conclusion that the decision made by the Chair yesterday was erroneous. The rule is as follows:

Every bill and joint resolution shall receive three readings previous to its being passed, and the Presiding Officer shall give notice at each whether it be the first, second, or third; which readings shall be on three different days unless the Senate unanimously direct otherwise. And all resolutions proposing amendments to the Constitution, or to which the approbation and signature of the President may be requisite, or which may grant money out of the contingent or any other fund, shall be treated, in all respects, in the introduction and form of proceeding on them in the Senate, in a similar manner with bills; and all other resolutions shall lie on the table one day for consideration; and also reports of committees.

Last evening, looking for the first time and hastily at this rule, I was of opinion that the second branch of the rule related only to Senate resolutions; but an examination of the rule entire this morning satisfies me that that is an erroneous construction of the rule and

that the point made by the Senator from Vermont was well taken. This is confirmed by the latter clause of the fifty-third rule, which provides:

A motion to suspend, or to concur in a resolution of the House of Representatives to suspend, the sixteenth and seventeenth joint rules, or either of them, shall always be in order, always be immediately considered, and be decided without debate.

Upon the principle that expressing one thing excludes the other this rule fortifies the construction which the Chair now gives to the twenty-sixth rule. The Chair will, therefore, reverse the ruling that it made yesterday, and hold that, that ruling having been erroneous, the proceedings which were had upon it fall; that the resolution is now to be considered as having been laid before the Senate yesterday, and under the objection made by the Senator from Vermont laid over until to-day. It will, therefore, not be the unfinished business at one o'clock; but it will be in the power of the Senate to deal with it by motion to proceed to consider it, and then to agree to the resolution, refer it to a committee, or dispose of it in any other way that the Senate sees fit.

Mr. MORTON. What resolution does the Chair refer to? I was not here at the time.

The PRESIDENT *pro tempore*. The resolution for a recess for the holidays.

Mr. DAVIS. I understood the resolution had been taken up by unanimous consent and was being considered when the Senator from Vermont made his point of order. Was it not too late to make that point?

Mr. SHERMAN. After the morning hour is over any Senator can move to take up the resolution. I suppose petitions are now in order.

The PRESIDENT *pro tempore*. Petitions and memorials are now in order.

Mr. DAVIS. Mr. President——

The PRESIDENT *pro tempore*. The Chair will hear the Senator from West Virginia on that point at the expiration of the morning hour, when it will properly be in order.

Mr. DAVIS. I will wait, then.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. No. 34) authorizing the Second National Bank of Havana, New York, to change its name;

A bill (H. R. No. 418) to authorize the First National Bank of Saint Anthony, Minnesota, to change its location and name; and

A bill (H. R. No. 798) to establish certain post-routes.

The message also announced that the House had passed a resolution for printing copies of the annual report of the Commissioner of Agriculture for the years 1872 and 1873; in which the concurrence of the Senate was requested.

PETITIONS AND MEMORIALS.

Mr. ROBERTSON presented a petition of citizens of South Carolina, praying that national banks may be exempted from taxation; which was referred to the Committee on Finance.

Mr. SUMNER. I present the petition of a large number of respectable citizens of New York, in which they set forth their desire for a general disarmament and the substitution of arbitration for settling international difficulties. They further declare their belief that the war provisions of our Constitution stand in the way, and they ask for the repeal of the war clauses. I confess that to my mind the practical part of this petition is that which calls for the substitution of arbitration in the settlement of difficulties; and as that is already before our Committee on Foreign Relations, I move the reference of this petition to that committee.

The motion was agreed to.

Mr. SUMNER. I also offer the memorial of the national convention of colored persons recently assembled here in Washington, praying to be protected in their civil rights.

It will be remembered, sir, that this was a convention, numerous and also most intelligent, which recently sat in the national capital. I am told that it was composed of three hundred and thirty delegates, representing no less than twenty-nine States and two Territories. They united in adopting an address to the people of the United States, and also a petition to Congress. That petition I now hold in my hand. It sets forth the denial of rights to which they are now subjected, the indignities to which they are exposed in travel, in the school-room, in public institutions, and in the court-house through the denial of an impartial jury; and it asks for the adoption of a thorough civil rights law. Their idea is expressed in a resolution reported by a leading committee, to which the subject was referred, and afterward adopted by the convention, as follows:

That we earnestly petition the Congress of the United States, representing, as it does, the two great political parties above referred to, being committed, as they are, to the doctrine of civil rights, to pass at the earliest practicable moment, in the interest of justice and humanity, the civil rights bill now pending in the United States Senate, and known as Senate bill No. 1, or some equally comprehensive and just measure.

As this memorial, sir, proceeds from a representative convention, so numerous, so respectable, I think I shall not err, and that I shall have the indulgence of the Senate if, when I now present it, I ask that it be printed for the use of the Senate. That is a motion very rarely made, I know, with regard to petitions, which certainly I have not made myself in many years, but which I think, at this time, under the circumstances, I am justified in making.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the memorial presented by him be printed. Is there objection? The Chair hears none.

Mr. SUMNER. Now I ask that it lie on the table.

Mr. DAVIS. I ask that the memorial be read, so that we may see what it is before we order it to be printed.

Mr. SUMNER. I have already stated its contents. It sets forth the grievances of the colored race at this moment, and their earnest desire for redress, and argues them under the Constitution, to my mind unanswerably, showing that under the Constitution Congress is fully empowered to pass a law fixing all their rights. I think the Senator can have no objection to its printing.

Mr. DAVIS. I have no objection.

The PRESIDENT *pro tempore*. The objection is withdrawn. The memorial will be printed and laid on the table.

Mr. LOGAN presented the petition of C. K. Curtis and others, praying to be restored to their proper rank in the Navy; which was referred to the Committee on Naval Affairs.

Mr. CRAGIN presented the petition of Joseph Council, of Mobile, Alabama, praying compensation for raising, repairing, and delivering the steamer St. Patrick at the navy-yard, Pensacola, Florida; which was referred to the Committee on Naval Affairs.

Mr. PRATT presented the petition of Thomas H. Phillipson, late captain of the Fourth New York Volunteer Cavalry, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of Samuel Wilson, late private of Company F, One hundred and sixteenth Regiment Ohio Volunteer Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SCOTT. I present the petition of the Radical Club of Philadelphia, praying that no duty be placed upon tea and coffee, but that taxation may be decreased by certain changes of the national banking law suggested by them. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. WEST presented the petition of Mrs. Caroline L. Hoey, of Carrollton, Louisiana, praying compensation for property taken and destroyed by the United States Army in 1862, 1863, and 1864; which was referred to the Committee on Claims.

Mr. SCHURZ presented the memorial of Joseph San Roman, of Cameron County, Texas, administrator of James B. Armstrong, deceased, praying an appropriation for the payment of the balance of a certain judgment of the Court of Claims against the United States; which was referred to the Committee on Claims.

Mr. TIPTON presented additional papers in the case of Charles Lanman, in relation to the publication of the Congressional Directory; which, together with his papers now on the files, were referred to the Committee on the Library.

Mr. CONKLING. The Chamber of Commerce of the State of New York, moved perhaps by a recent very shocking casualty which sent mourning to many honored homes, particularly in the State of New York, has been considering the question of collisions upon the crowded vessel track on the ocean between Europe and this country, and send a memorial to Congress praying that an international commission be appointed to consider the whole subject and devise such regulations as may hereafter guard human life. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I beg to present also the petition of W. H. Ward, a citizen of the State of New York, asking compensation for the use by the Government of a bullet machine invented by him; and pursuant to his request I move its reference—I believe it to be appropriate—to the Committee on Military Affairs.

The motion was agreed to.

Mr. CONKLING. I present also the memorial of Mary Ann Daniel, in behalf of her son, Major John Townsend Daniel, asking an increase of his pension. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. CONKLING. I present also the memorial of Tifft, Griswold & Co., and various other leading firms in New York; Elliot C. Cowdin & Co., and others, remonstrating against the repeal of the bankrupt law. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I also present the petition of a number of persons, graduates of the United States Naval Academy, praying to be restored to their legal rank in the naval service, of which they allege themselves to have been deprived. I move its reference to the Committee onNaval Affairs.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SCOTT, it was

Ordered, That the petition and papers in the case of Madeira and Cabada be taken from the files and referred to the Committee on Claims.

On motion of Mr. HITCHCOCK, it was

Ordered, That the petition and papers praying that the military reservation at

Fort Kearney, Nebraska, be donated to certain charitable institutions of that State be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. HITCHCOCK, it was

Ordered, That the memorial and accompanying papers concerning the claim of A. V. Richards, late lieutenant United States Army, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. HITCHCOCK, it was

Ordered, That the papers accompanying Senate bill No. 1413, third session, Forty-second Congress, to authorize the appointment of a captain of scouts, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. HITCHCOCK, it was

Ordered, That the memorial of Elisha Basse be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HITCHCOCK, it was

Ordered, That the memorial and accompanying papers concerning the claim of Albert Towle, postmaster at Beatrice, Nebraska, be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. CONKLING, it was

Ordered, That the petition and papers of William McCarrick, praying arrears of bounty, be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. HAMLIN, it was

Ordered, That Peter Campbell have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. MORRILL, of Maine, it was

Ordered, That the petition and papers in the case of Ella Carroll be taken from the files and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Calvin Chipman of Manchester, Michigan, praying for a pension for services rendered in the war of 1812, reported adversely theron, and asked to be discharged from its further consideration; which was agreed to.

Mr. FENTON, from the Committee on Finance, to whom was referred a resolution of the Legislature of North Carolina in relation to the tax levied on cotton by the United States Government in the years 1865, 1866, 1867, and 1868, asked to be discharged from its further consideration; which was agreed to.

Mr. FENTON. Perhaps I ought to state that this report does not relate to the merits of the question embraced in these resolutions of the Legislature of North Carolina, but, as will be seen, any legislation relating to it must originate in the House of Representatives.

DISTILLERY WAREHOUSES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business, to report it without amendment, and to say that this bill is intended to relieve certain cases of hardship growing out of the provisions of the law in regard to distillery warehouses. I ask for its immediate consideration.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The bill (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business was read at length.

It provides that when from death or from any other cause there shall be a change in the person, firm, or company engaged in the business of distilling at any distillery, and the person, firm, or company that, by reason of such change, ceases to carry on such business at such distillery has at the time of such change spirits in the distillery warehouse, it shall be lawful for the Commissioner of Internal Revenue, upon the written consent of the surviving principals and sureties interested, and under such rules and regulations and upon such other conditions as he may prescribe, to permit the succeeding person, firm, or company to use the distillery warehouse on the premises in the same manner as if it did not contain distilled spirits belonging to the original person, firm, or company, after setting apart and separating, by a secure and unbroken partition, such portion of it as may be necessary for the storage and safe-keeping of the spirits distilled by the original person, firm, or company during the period allowed by law for the removal of distilled spirits from distillery warehouses, or until said spirits are removed and the tax paid thereon within that time. But nothing contained in the bill is to impair or in any way affect the lien existing at the time of such change under section 1 of the internal-revenue act of July 20, 1868, as amended, or other liabilities under any internal-revenue law, but the existence of such lien shall be no ground for refusing to approve the bond of the succeeding person, firm, or company, anything in section 8 of the act of July 20, 1868, as amended, to the contrary notwithstanding.

Mr. STEVENSON. I hope this bill will be acted on. It is recommended by the Commissioner of Internal Revenue. It is to the interest of the United States as well as of a large number of distillers in the State which I have the honor in part to represent on this floor. If one of the members of a distillery firm now dies, there may be whisky in bond, and there is no way to carry on that business as the law now is. A loss of revenue to the United States from the stoppage of the business must necessarily ensue. The Commissioner of Internal Revenue attempted to form regulations to allow the business to go on notwithstanding the death of one of the parties in such a firm; but he found out that the law was defective. Therefore both in Indiana and in Kentucky, and in all the States where the distilleries are being operated, the change of a firm or the death of a partner stops all their operations provided whisky is in the warehouse. This bill cures that, and I sincerely hope the Senate will take it up and pass it.

This bill was prepared by the Commissioner of Internal Revenue. I will read his letter:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, December 15, 1873.

SIR: Inclosed I return to you the draught of a bill submitted by you for my examination. I am of the opinion that some such bill should be passed. I inclose the draught of one which embraces such changes in yours as seem to me judicious.

Very respectfully,

J. W. DOUGLASS,
Commissioner.

Hon. JAMES B. BECK, M. C.,
House of Representatives, Washington, D. C.

The bill prepared by the Commissioner is the bill which passed the House, and is now the bill which I ask the Senate to pass at once.

The PRESIDENT *pro tempore*. The Chair hears no objection to the consideration of the bill. It is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRINTING OF PUBLIC DOCUMENTS.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred the bill (S. No. 140) to amend the act of Congress to expedite and regulate the printing of public documents, approved June 25, 1864, to report it back to the Senate without any recommendation. This bill involves a question much greater than that which was referred to the committee in the bill itself; and that is, whether we are going to continue the practice of printing extra copies of documents for popular distribution. Leaving my colleagues on the committee to answer this question for themselves, I have no hesitation in saying that I have come to the conclusion that, in the absence of some means of free transmission of the documents, it is unwise to publish them. It is desirable that this bill should be acted upon before we go away, because the matter is now in type and the law requires the Congressional Printer to print, I think, 35,000 copies, and of course he must obey the law unless we repeal it now, and if we are not going into the practice of printing documents for popular distribution, it is hardly necessary to go on with this publication.

Mr. MORRILL, of Maine. What is the bill? I ask that it be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That so much of the first section of the act of Congress to expedite and regulate the printing of public documents as directs the publication, in one volume, of the President's message, the executive documents, and an abridgment of the accompanying reports, for popular distribution, be, and the same is hereby, repealed.

Mr. MORRILL, of Maine. I hope there will be no action taken on the subject at the present time.

The PRESIDENT *pro tempore*. No motion is made to proceed to the consideration of the bill. It is simply reported by the committee.

Mr. ANTHONY. I asked for its consideration; but the Senator objects, and that of course concludes it.

Mr. MORRILL, of Maine. Before I object I wish to make one general remark. It is obvious that the whole subject of the publication and distribution of documents must at some time come before Congress. It is idle to print these documents and have them piled up in our rooms. It is just as idle to consider the probability of members of Congress distributing them at their own expense. As the law now stands, it seems by implication to be imposed upon members of Congress as a duty to distribute these documents; and in contemplation of the action, if I may refer to it, in the other branch, it will be seen that, having repealed the franking privilege and so disenabled Congress for the distribution of these documents, Congress must now make an appropriation out of the Treasury of the United States for the distribution of these documents, amounting to many hundreds of thousands of dollars. That is what it comes to. The question, therefore, will be for Congress to consider whether we are not to suppose that, in view of the abolition of the franking privilege, thus disenabling members of Congress to do that thing, and what is taking place now with regard to their salaries, it is utterly impossible to make this distribution.

Why, sir, the distribution of these documents now, under the regulations of the Post-Office Department, would devolve upon each member of Congress an expense of not less than $2,000. Nobody expects Congress to do any such thing as that; and nobody expects that the people are going to solicit the distribution of these documents at their own charge. While the subject remains in that condition I am opposed to the printing of any documents whatever. Therefore I hope the honorable Senator from Rhode Island, who has charge of the public printing, will see that there is no publication at all of documents of a public character beyond what is wanted for the Departments and the immediate archives here until the whole subject is considered and we determine whether it is for the public interest that these documents should be distributed under the present rates of postage. Take the document now under consideration. It contains how many volumes, if I may be allowed to ask?

Mr. ANTHONY. One volume.

Mr. MORRILL, of Maine. How many pages?

Mr. ANTHONY. Six or seven hundred pages; probably more. It depends upon the length of the document to be abridged.

Mr. MORRILL, of Maine. That will cost $1.50. Who is going to send it; who wants it at $1.50?

Mr. ANTHONY. The postage will cost about fifty cents.

Mr. MORRILL, of Maine. Allow me to say that the distribution of the Smithsonian Report costs forty-two cents postage, and that is a document of about two hundred pages. Everybody knows that the people of this country do not expect that we are to distribute these documents at their expense—that we are going to make a law by which they shall be distributed through the mails. Sir, if it were advisable at all to do this thing the documents can be sent from the city of Washington through the expresses at one-tenth the cost that they can be sent through the post-office under the present regulations.

Mr. ANTHONY. Allow me to interrupt the Senator for a moment. I think he does not comprehend the nature of this bill. This bill proposes to repeal the law which requires this particular document to be printed.

Mr. MORRILL, of Maine. I am in favor of that; but I am opposed to any action in the premises until the whole subject is considered.

Mr. SHERMAN. The Senator from Maine did not, perhaps, catch the remark of the Senator from Rhode Island, who said that during the recess, or during the next two or three weeks, extra documents will be printed unless Congress suspends the operation of those laws; and I was about to submit to him whether it would not be well enough to take up this bill and amend it so as to suspend for a reasonable time—say two or three months—the publication of these documents.

Mr. MORRILL, of Maine. I think I was under a misapprehension as to the character of this bill. It proposes to do precisely what I desire, to stop the publication of this document.

Mr. SARGENT. I should like to ascertain whether, if we pass this bill to repeal the law authorizing the condensation of the departmental reports in one volume, it does not revive necessarily the laws which require that those reports shall be printed *in extenso* in several volumes, so that we shall get something worse?

Mr. ANTHONY. Of course they must be printed *in extenso* for the use of Congress, but not for popular distribution. It would be a farce to lay a document before us and not print it.

Mr. SARGENT. I understand that the law which this bill would repeal is a measure of economy so far as it goes, in that instead of printing several volumes we simply print one condensing the matter into one volume, and dispensing with the printing of the other volumes.

Mr. ANTHONY. This bill would not require the printing of the old number that we used to print of the full set.

Mr. SARGENT. But it will require them all to be printed.

Mr. ANTHONY. They are all printed, of course. The President's message and accompanying documents are, of course, printed for the use of Congress, but not for popular distribution. They must be printed; we cannot read them unless they are printed. We cannot read them at the Clerk's desk in manuscript. While up, I will add that I find that this document will probably consist of about seven hundred and fifty pages.

Mr. BOREMAN. What is the number of copies printed now?

Mr. ANTHONY. Thirty-five thousand.

Mr. STEVENSON. May I ask the Senator from Rhode Island whether he proposes to continue the same number?

Mr. ANTHONY. I propose to discontinue the publication of it altogether, and rely on the publication *in extenso*. This is an abridgment of the President's message and the accompanying documents, which are the records of the year. They are sent to us, and must be printed as a matter of course; otherwise we cannot see them. We cannot read it in manuscript. This is the abridgment which has been for years printed for public distribution.

Mr. STEVENSON. The Senator from Rhode Island proposes to repeal the printing of the thirty-five thousand copies.

Mr. ANTHONY. Yes; that is the bill.

Mr. STEVENSON. I hope that will be done.

Mr. SARGENT. In so far as this is a measure of economy I am in favor of it; but it seems to me that the committee ought to consider and report at a very early day some bill which will cover this whole subject. The point is not merely as to the printing of this abridgment of the departmental reports, but there are a great many other volumes which are being printed under laws now in force, and which are required to be printed. There may not be extra copies of them printed, but the volumes are put in type and a limited number of each is printed at a cost of two-thirds or three-fourths what it would cost to print the whole volume with the extra copies. The great cost is in putting them in type and fixing the forms and the original press-work, as the honorable Senator from Rhode Island very well understands. There are a great many laws in force under which the Public Printer is acting continually; and it seems to me that if we adopt this measure now, the other and principal proposition may pass without notice for some time to come, and we have no remedy for this mischief.

If the resolution which is upon our table that came from the House of Representatives yesterday is passed, the cost of printing the Agricultural Reports, for which it provides, will be $138,000, as I understand from the debates on that measure in the other end of the Capitol; and although they are now in type, and there is nothing to be done except to fix the forms again upon the presses, supply the paper, and make the impressions, the cost at the Public Printing Office for the printing of and binding of these reports will be $138,000. If those reports are to go out to the people, perhaps the valuable character of the documents might justify this large expenditure; but to send out these documents alone, provided for in a single resolution, under the laws as they now are, will cost the members of Congress and Senators $92,000. The cost to each Senator will be, not a little over $500, as I stated yesterday, but on a more accurate calculation I find that it will be $675. Are we prepared to do anything of the kind?

Mr. CRAGIN. Allow me to ask the Senator a question? Does he not suppose that if the documents are printed some way will be provided by which they can be sent free through the mails?

Mr. SARGENT. I am in favor of sending those which are necessary through the mails without expense to Congress, unless we bear the whole expense of printing and binding. As I said yesterday, if we are to do anything in this matter let us do it generously and save the people from any expense. I can see no logic in requiring us to pay $92,000 for the postage on these documents and not to pay the $138,000 for the printing of them, or our proportion of the $137,968 which it costs to fold them and put them in order to be sent by the mails. I see no reason why we should pay one-third of the whole expense, or one-fourth of it, or one-half of it, and the people pay the rest. There is nothing that is sacred in postage any more than there is in printing. If we should be at the expense of sending this information to the people, let us be at the whole expense or none. In other words, I do not think we ought to be at the expense at all. I do not think the compensation which is paid to us was intended to cover that, and I am fortified in that idea by the demand that the compensation shall be reduced, the compensation having been increased at the time the franking privilege was abolished.

I do not wish to detain the Senate by a debate on this matter; but I wish to call attention to these large figures and to the fact that a careless vote either causes these amounts to be saddled upon Congress, or a greater amount for printing and folding is wasted by these documents lying for months and months, perhaps for years, unused in the rooms in the basement of the Capitol.

Mr. MORRILL, of Vermont. Mr. President, the only real saving that was effected by the abolition of the franking privilege was in the publication of documents. I am unwilling, for one, to surrender any gain that may have been made by the abolition of the franking privilege, and which, in my judgment, is the sole advantage of that most popular measure.

I attempted, some years ago, to have a reform in relation to the printing and distribution of documents. There are but two or three, or very few at most, that ought to be distributed among the people. Among these are, perhaps, the Compendium of the Census; possibly the Agricultural Report—although the President does not seem to mention it in his message this year as of any importance, and I do not know but that he judged rightly—and the Smithsonian Report. Other governments are in the habit of publishing their documents with a simple paper cover, allowing their citizens to come and take them at the net cost price. Why, sir, I can send to-day to Paris or London and get a French or an English document at a less cost than it can be obtained here, simply because they are published here with binding, and the large cost of postage.

Now, sir, I hope that we shall not go back to the franking privilege for the purpose of reviving the printing business on the part of Congress. I do not believe that we can conduct a great publication establishment with any degree of skill or advantage to the country, and certainly the abandonment of the printing of a large number of comparatively useless documents to me seems a very important measure of reform, and if we have affected it let us stick to it, so far as the enormous cost is concerned of printing, of paper, and binding, and sending out documents which are not read and rarely referred to.

But, Mr. President, I must say this: that if we should publish the Compendium of the Census, Smithsonian Report, and the Agricultural Report, and send them out free in the mails, it would not add, as I am led to believe, one single dollar to the expense of this Government, so far as any additional pay to mail contractors is concerned.

Mr. LOGAN. I desire to ask the Senator from Vermont a question in reference to the alleged reduction of expense caused by the repeal of the franking privilege, this reform that he is in favor of. Why was it when the franking privilege was repealed and the public documents stopped in their circulation that immediately the amount for carrying the mails through the different railroad companies of the United States was increased?

The PRESIDENT *pro tempore*. Does the Chair understand that any objection is made to the present consideration of this bill? ["No!" "No!"] The bill is before the Senate as in Committee of the Whole.

Mr. MORRILL, of Vermont. I do not propose to go into that subject at the present time. On a proper occasion I shall be perfectly willing to discuss this matter; but if the Senator desires to ask any question on that subject I prefer that he would ask it of the distinguished chairman of the Post-Office Committee.

Mr. RAMSEY. I can answer the Senator if he will allow me.

Mr. LOGAN. Certainly.

Mr. RAMSEY. You, by your own enactment here, regulated the compensation of railroads for carrying the mails about the time that the franking privilege was repealed, but that has not fully taken effect yet. The Post-Office Department has addressed all the railroad companies carrying the mails, and are getting returns up to October last. After that the readjustment takes place. It is in pursuance of your own law.

Mr. LOGAN. That is exactly what I wanted to get before the country—that the very Congress which repealed the franking privilege on the ground that it would save a million or more dollars in payment of mail carrying, did, by their own act, increase the prices to be paid for carrying the mail. That is the manner in which we have been saving money by repealing the franking privilege.

Mr. SHERMAN. I should like to have the bill read.

The Chief Clerk read the bill.

Mr. SHERMAN. I move to amend the bill by adding to it:

And that so much of all resolutions of Congress, or of either House, as requires the publication of extra documents for distribution be, and is hereby, repealed.

Mr. STEVENSON. I concur in the suggestions of my friend from Rhode Island; but it seems to me that a wiser course would be to refer the bill to the Committee on Appropriations, who might then have before them any mode which shall be proposed to restore in whole or in part the franking privilege, or to prescribe some plan by which these documents may go out.

I differ wholly with the Senator from Vermont as to the franking privilege. It may have been abused, but a verier humbug, in my judgment, was never thrown out to the people than the abolition of that privilege. It is the vital breath of a free people that they should know what goes on here, and that the representatives of the people should inform them, and they never can be informed, and representative responsibility ceases, when you close the doors that let your constituents know what is transacted in Congress.

Mr. MORRILL, of Vermont. The Senator from Kentucky does not differ from the Senator from Vermont in relation to the humbug of that measure. I only desire to save what I regard as a positive reform that cannot be effected in any other way. I voted in favor of this repeal because I thought the people demanded it, and then announced that I would vote for its restoration as soon as the people demanded it, it being a mere matter of expediency. I felt at liberty, as no principle was involved, to consult their wishes.

Mr. STEVENSON. I am very glad to hear the Senator from Vermont disavow the sentiment which I supposed he advocated, and I am exceedingly rejoiced to know that we shall have his valuable aid in some restoration of this franking privilege under limitations and restrictions which will prevent its abuse.

Now, if we shall refer this bill to the proper committee, who shall have before it the subject of how far the franking privilege shall be restored, that is, what documents shall go free, we shall be better informed and be better able to judge what number of documents ought to be printed. I hope, myself, that the franking privilege will be restored, subject to wholesome restrictions. I consider it absolutely essential, not only to prevent extravagant and vicious legislation, but to enable the people themselves to be enlightened as to what we, their agents, are doing.

Some gentlemen differ in regard to what documents are of value. On that point I would be with the Senator from Vermont; but there are other documents besides those mentioned by him that the western people feel a deep interest in. Let all of them have such documents as they desire, and let us restrict the number in such a way as to prevent extravagance, and let us restore this privilege, which I consider most essential in a free government, under those limitations which Congress shall provide.

Mr. ANTHONY. I have no objection to this bill being referred to the Committee on Appropriations, or any other disposition of it.

Mr. LOGAN. Let it go there.

Mr. ANTHONY. I have only a word to say. I ought to have said when I was up, and I am sure my friend from California will be glad to hear it, that he was misinformed when he stated that any printing had been done for any Department beyond the appropriation. I saw the Congressional Printer this morning. He says that not a dollar has been expended, and that he has no right to expend a dollar, beyond the amount which has been appropriated by Congress.

Mr. SARGENT. I am very glad to hear it. I will state, however, that my authority was the chief clerk at the Public Printing Office. It is possible I may have misunderstood him, but one case he instanced was that of the Court of Claims, where $25,000 worth of printing had been ordered beyond the amount appropriated for that court.

Mr. ANTHONY. But probably not executed.

Mr. SARGENT. Of course, I may have been mistaken.

Mr. ANTHONY. We hear so much about the extravagance of the Public Printing Office that I want Senators to understand that within a few years we have added to that establishment the printing of the blanks and blank-books for every custom-house in this country from Eastport to the Rio Grande; printing the blanks and the blank-books for every post-office, for every pension-office, for every land-office, for every depository of the public money. They are all printed here; and the great advantage of printing them here is that they are all uniform, and the Senator from Massachusetts, [Mr. BOUTWELL,] who lately presided with so much ability over the Treasury Department, will inform us, and the Senator from Ohio [Mr. SHERMAN] well knows how important it is that they should be all identical; that those blanks, which are in duplicate, one set being bound in the Treasury Department and the other sent from the local office, should be precisely identical and printed on the same form; how much clerical labor it saves, how much authenticity it secures. The late Secretary, or his chief clerk, addressed a letter some time since to the Congressional Printer, stating that the cost of the binding and the blank-books executed at the Congressional Printing Office, instead of being executed at the various places, was little more than one-half, and in some instances only one-fourth; and this, although printing and binding are higher here than anywhere else, because they are done here as economically as the prices paid will allow—as economically as the law will allow, which has established an aristocracy of labor here by enacting that persons who work for the Government shall only work eight hours, while the rest of us have to work ten. But it is all done with regularity and with all the economy consistent with the prices which Congress enacts, for to shorten the hours of labor is substantially to increase the wages of labor, and without any jobs or any favoritism.

Mr. STEVENSON. May I ask the Senator from Rhode Island whether, if this bill be not now passed, the printing of these documents will go on without any further order?

Mr. ANTHONY. It must go on, for the law requires it; but if there was an indication—and one object I had in offering this bill now was, that if there was an indication of a disposition to repeal these laws, I would take the liberty to advise the Congressional Printer. I could do no more than advise that he stereotype this work and wait a further time for printing, because he may occupy the office profitably with other work. That would be some expense, but not very great, for it does not cost much to stereotype.

Mr. SHERMAN. I will inform the Senator from Rhode Island that I have modified my amendment so as to suspend the operation of all these laws and resolutions requiring printing until further action by Congress, and I hope it will prevail, because otherwise there will be an immense accumulation of documents that have been previously ordered. I propose to suspend all that for the present.

Mr. ANTHONY. I should like to have the amendment read as it now stands.

Mr. STEVENSON. I withdraw all I said about a reference of the bill to the Committee on Appropriations. I would rather see this bill passed immediately so as to stop all printing, and when that is stopped we can hereafter agree as to such modifications as the case may require.

The PRESIDENT *pro tempore*. The amendment of the Senator from Ohio will be read.

The CHIEF CLERK. The amendment, as modified, reads:

And that so much of all resolutions of Congress, or of either House, as requires the publication of extra documents for distribution be, and the same is hereby, suspended.

Mr. ANTHONY. I think it would be good economy, if there is any doubt about the ultimate passage of this bill, to except stereotyping, for that is not very expensive; and if we distribute the type, and then conclude to print the document, we have not to set up the type again.

Mr. SHERMAN. I will accept that amendment. I do not know anything about the details practically.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Ohio, as modified.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SHERMAN. In the bill just passed the Senator from Rhode Island tells me that in order to cover the technical language used in some resolutions the word "popular" should be inserted before "distribution." I hope that may be done by unanimous consent.

The PRESIDENT *pro tempore*. Is there objection to that amendment of the bill just passed? The Chair hears none, and the word will be inserted.

OFFICIAL SALARIES.

Mr. WRIGHT. The Committee on Civil Service and Retrenchment, to whom was referred the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates, have had the same under consideration, and have instructed me to report it back with amendments, and, as amended, to recommend its passage. If I shall get the floor at the expiration of the morning hour, I propose to call up the bill, and trust the Senate will proceed at once to its consideration, and, with as little debate as possible, dispose of it.

BILLS INTRODUCED.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 227) relating to settlers upon Osage trust lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 228) for the relief of Bigler, Young & Co.; which

was read twice by its title, and, with the papers on the files of the Senate, referred to the Committee on Claims.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 229) authorizing corrections to be made in errors in prize lists; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 230) to establish certain post-roads in the State of Florida; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

CONGRESSIONAL RECORD.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution, received yesterday from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That the Congressional Printer be instructed to furnish to each Senator, and to each Member and Delegate in the House of Representatives, twenty-four copies of the CONGRESSIONAL RECORD, or of any such like official report of the debates in Congress as may hereafter be authorized by law, either daily, as originally published, or in the revised form, without binding, or in bound volumes, or part in each form, as each Senator, Member, and Delegate may elect.

The resolution was referred to the Committee on Printing.

REPORT OF THE COMMISSIONER OF AGRICULTURE.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution, yesterday received from the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed of the annual report of the Commissioner of Agriculture for the years 1872 and 1873, 255,000 copies of each; 180,000 of each of which shall be for the use of the House, 50,000 of each shall be for the use of the Senate, and 25,000 of each shall be for distribution by the Commissioner of Agriculture.

The resolution was referred to the Committee on Printing.

HOUSE BILL REFERRED.

The bill (H. R. No. 798) to establish certain post-routes was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

FIRST NATIONAL BANK OF SAINT ANTHONY.

The bill (H. R. No. 418) to authorize the First National Bank of Saint Anthony, Minnesota, to change its location and name was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance.

Mr. RAMSEY. I will simply state that a similar bill passed the Senate at the last session, and I hope this bill will be laid on the table for the present, and probably it can be taken up presently and passed without the necessity of a reference.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. That is very unusual.

Mr. RAMSEY. I have no objection to its lying on the table for the present.

The PRESIDENT *pro tempore*. The bill will be laid upon the table.

Mr. RAMSEY subsequently said: The chairman of the Committee on Finance has looked at the House bill to authorize the First National Bank, of Saint Anthony, Minnesota, to change its location and name. There is no objection, I believe, and I ask that it be now taken up and considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 418) to authorize the First National Bank, of Saint Anthony, Minnesota, to change its location and name.

It authorizes the First National Bank, of Saint Anthony, now located in the city of Saint Anthony, in the County of Hennepin, Minnesota, to change its location to the city of Minneapolis, in that county and State. Whenever the stockholders, representing three-fourths of the capital stock of the bank, at a meeting called for that purpose, determine to make such change, the president and cashier are to execute a certificate under the corporate seal of the bank specifying such determination, and cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location is to take effect, and the operations of discount and deposit of the bank are to be carried on in the city of Minneapolis; but such acceptance is to be made within six months after the passage of the act, and all expenses incident to the proposed change, including engraving, are to be borne and paid by the bank.

Nothing in this act is to be so construed as in any manner to release the bank from any liability, or to affect any action or any proceeding in law in which the bank may be a party interested.

Whenever the location of the bank shall have been changed from the city of Saint Anthony to the city of Minneapolis, its name is to be changed to "Merchants' National Bank, of Minneapolis," and all debts, demands, liabilities, rights, and powers belonging to the First National Bank, of Saint Anthony, Minnesota, are to devolve upon and inure to the Merchants' National Bank, of Minneapolis, and all actions pending by or against the First National Bank, of Saint Anthony, may be prosecuted by or against the Merchants' National Bank, of Minneapolis, in the same manner, and with the same effect, as if such change of location and name had not been made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SECOND NATIONAL BANK, OF HAVANA, NEW YORK.

The bill (H. R. No. 34) authorizing the Second National Bank, of Havana, New York, to change its name, was read twice by its title.

Mr. CONKLING. I know the circumstances of that case. My honorable friend from Ohio, the chairman of the Committee on Finance, says he will make no objection to my calling up that bill. If the Senate will be kind enough to hear it read, I think there will be no objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 34) authorizing the Second National Bank of Havana, New York, to change its name. It provides that the name of the Second National Bank of Havana, New York, shall be changed to "Havana National Bank," of Havana, New York, whenever the board of directors of the bank shall accept the new name by a resolution of the board, confirmed by a vote of two-thirds of the stockholders, and cause a copy of such action, duly authenticated, to be filed with the Comptroller of the Currency; but such acceptance is to be made within six months after the passage of the act, and all expenses incident to the proposed change, including engraving, are to be borne and paid by the bank.

All the debts, demands, liabilities, charges, privileges, and powers of the Second National Bank of Havana are to devolve upon and inure to the Havana National Bank, of Havana, New York, whenever such change of name is effected.

Mr. SHERMAN. I wish to inquire of the Senator from New York what is the reason of this change? The change is so slight that I have no objection to it; but I should like to have a reason on the record for the change.

Mr. CONKLING. It is very slight. The particulars of the convenience of the bank I cannot state. As it stands now, it leads to a certain confusion about the name which annoys them, and impedes their business, and they want to give it a distinctive name, as the Senate will see, transposing a little its present name. That is all there is of it, as I understand. It involves no change of location and nothing in the world but the mere appellation of the bank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLIDAY RECESS.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the resolution reported by the Committee on Finance, and on that subject the Senator from Missouri [Mr. BOGY] is entitled to to the floor.

Mr. LEWIS. I move to lay aside that resolution and that the Senate proceed to the consideration of the resolution providing for a recess during the holidays.

The PRESIDENT *pro tempore*. The Senator from Virginia moves to lay aside the pending and all prior orders, and proceed to the consideration of the concurrent resolution of the House of Representatives in regard to an adjournment for the holidays.

Mr. MORTON and Mr. SHERMAN. I hope not.

Mr. CHANDLER. I trust the Senator from Missouri will go on with his remarks. There are several other gentlemen who would like to be heard on that subject briefly; and I hope there will be no interruption, at least for an hour, of the regular order of business.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia.

Mr. BAYARD. Mr. President, I took no part in the debate yesterday respecting the order of business in this body, as affected by the propositon to take a recess in accordance with the resolution which came here from the House of Representatives, from to-night until the 5th of January. I abstained from discussion then because I thought the tone and temper of the Senate in discussing the matter was not that in which I desired to participate. I did not think it favorable to a wise, decorous, dignified disposition of a subject of so much importance.

I did not then understand, nor can I now understand, why it was that an issue was sought to be created in advance in this Senate Chamber respecting a measure of great importance, the consideration of which is soon to be brought before the Senate. I refer to the bill to repeal the bankrupt law. Upon what foundation any Senator undertook to speak for the sentiments of gentlemen on this side or the other side of the Chamber I cannot divine. The question of the repeal of that law had not been before the Senate. There had been no expression of sentiment in respect to it except those exceedingly premature expressions which came from gentlemen anticipating that the will of the Senate must necessarily fall in with what they were pleased to call a strong popular demand for the absolute wiping out of that measure from the statute-book.

Mr. President, I recognize the great importance of a bankrupt law. I recognized fully the importance of having its consideration at an early day; but I recognize, also, the great danger of considering such a measure in haste, and wiping it from your statute-book or amending it in important particulars without due consideration. Haste overruns speed, as we are told in a proverb; and to make haste slowly is certainly a wise injunction.

The bankrupt law of the United States was passed in 1867 under a strong sense of the popular necessity for such a measure. The wisdom of that provision of the Constitution of the United States that deposited this power with Congress, in order to secure uniformity in

the operation of such laws upon the commerce of the country, was strongly recognized and found expression in the law then passed. From that time to the present, six long years, that law has been the subject of constant amendment. As late as February of the present year, 1873, an amendment was brought before this body, and it became a law, permitting, under the great emergency caused by the dreadful fire in Boston, the State laws of Massachusetts to retain control of the vast assets of the insurance companies in that State, without respect to the general jurisdiction of the bankrupt law of the United States. There was not then hot haste; there was not then the creation of issues and the attempt to force expressions of opinions in advance. No, sir; there was simply presented an emergency arising from a terrible fact, the conflagration that had destroyed a great portion of the property of one of our most important commercial cities. Not one word was then said in discussion in regard to the repeal of this law; the subject was much too broad. There was something said with regard to amendment, but amendment then was felt to be so important that it had better be confined to the special class of large cases which were the subject of consideration at that time.

And I say here now that this question, if introduced to-day, ought to receive the most deliberate consideration of the Senate; and while I will not say that my mind is so closed against conviction that I shall not be willing to see this law entirely repealed, yet it will require a great degree of attention and long argument before I shall be willing that a measure so necessary in every commercial country—a measure without which no known commercial country exists—shall cease to exist in our own, and our people be thrown back to all the divergencies of opinion, to all the conflict of laws, which will result from recommitting this question to the action of the different State Legislatures.

Sir, this law has been in operation; its defects have been disclosed; its advantages have been disclosed. It is open to amendment; it requires amendment; but that its destruction is required is a proposition too serious to be passed upon without the gravest and most deliberate consideration on the part of Congress.

Now, sir, have we at this time this pressing need, instantly, within three or four days, to make this repeal the law of this country? Ought we to do it? Can we practically do it? And is there any such necessity as would compel us to sit here during the proper, reasonable, and wholesome time given for repose and recreation to all classes in this country, and to go without a recess for the Christmas season in order to enable the sentiments of Congress to be declared a few days earlier on this subject?

It seems to me to be assumed that the Congress of the United States were going to repeal this law. I do not know that such will be the case, or that they should amend it in important particulars in order to protect individuals who are now suffering from the malefficient features of this law. I do not know whether that would be the case, but I do know that although the subject is entitled to the prompt and deliberate consideration of Congress, there is no reason why it should be taken up and decided within the two or three days within which it is now proposed. I see no such necessity.

I do not believe that the people of this country are to be served by hasty legislation. I believe they are better to be served by deliberate legislation which, when once completed, is permitted to remain stable. The trouble of our legislation, Mr. President, is its want of stability; it is this constant yielding to an ignorant popular demand for change when the necessity for change does not exist. Our people do not let their laws stand long enough to understand their general result, their ultimate effect. A law cannot be judged by single cases of its influence and operation; it must be judged as to its general policy after years of experience. These hasty changes disarrange business; they destroy the dignity of legislation; they destroy that permanence of business interests which it is the best care of the legislator to protect.

Now, sir, what reason is there, unless this bankrupt bill is to be driven as a plow-share through this body without full opportunity for discussion, for its passage by Tuesday night next, as has been proposed? It is better for the people of this country that there should be some opportunity of consultation afforded to the representatives who sit in this chamber with their constituencies before the final action is taken on the bill. Public attention has been drawn to this law; the attention of Senators has been called to this law; and my own belief is that the result of our action, after two weeks of consideration and of consultation with those of our constituents whom we may meet, will lead to a far more beneficial result in the way of legislation than if we attempt to act upon it now within the few days in which necessarily the consideration must be crowded before the adjournment.

Mr. President, I have no cheap professions to make in regard to devotion to the public business. I am not disposed to push aside public interests for my private advantage or to consider my private affairs when they are brought in competition with demands upon me for the execution of public duties. I believe, however, that a recess of Congress at the season of Christmas is wholesome, decent, orderly, and proper. It is a season which should be remembered, which should be observed. In it is included the day of days for this world's history. And I think it is the part of wisdom, in America certainly, to encourage the observance of such times, of such meetings, of such household-gatherings, rather than to discourage them. Our country wants holidays; our people want holidays. There is a feverish devotion to mere business, mere money-getting, in this country which is not well, in my opinion, for the national character. I consider that the people of this country would be better served if home virtues prevailed rather more than they do in the city of Washington and in the Congress of the United States.

Our Legislatures make their adjournments at proper seasons; in fact, as was well remarked by my friend from Maryland [Mr. HAMILTON] yesterday, they do not pretend to meet for the transaction of public business until after this proper holiday of Christmas has passed and gone. Therefore I trust this resolution will be taken up. I trust that the sentiment which has been expressed by the House twice in the two resolutions sent to us, the first of which we postponed indefinitely, the second of which is under consideration and which shortens the time of the holidays by one day, adjourning to the 5th instead of the 6th of January—I trust it may be accepted and adopted by the Senate. I do not believe that any wholesome legislation can take place in respect to even so important a measure as the bankrupt act in the few days that can be given for its discussion by defeating the present resolution. I trust that it will be adopted, and that we may, upon meeting here in January next, take up at once, and thoroughly and calmly and deliberately discuss, the question whether the bankrupt law should be repealed or whether it should be subjected to such amendments as shall relieve the hardships of which it is now capable of being made an instrument.

I am in favor of the adjournment for the time fixed by the House; and it may be proper for me here to say that the Senate should recollect that it is a joint resolution. It is not the separate will of the Senate that is to be consulted; it is the joint will of both bodies, who should co-operate in respect to matters of general legislation. And depend upon it, sir, if the will of the House is to be so entirely thwarted by the Senate in disregarding its reiterated expressions of opinion in regard to this matter of adjournment, the methods by which that will has been thwarted will not be likely to receive much success when they come into the hands of that co-ordinate body. We cannot whip legislation through the Senate and compel the House to join with this body for the sake of obtaining their adjournment. Sir, that is not the proper temper of legislation; it is not the proper theory of legislation; and it would be, in my opinion, much to be condemned on every score. I think that there should be between the two Houses of Congress comity—a feeling of mutual respect and accommodation. Upon subjects of this kind I think there ought to be consideration for the wishes of the co-ordinate body. If that respect be not given voluntarily it will be in some degree compelled, and each House must learn that fact from the action of the other.

I therefore trust in this case that the assent of the Senate will be given to this reiterated expression of opinion on the part of the House, and that we may adjourn at the time indicated, and at the end of the recess come here prepared to do our full duty wisely and calmly for the best interests of the country.

Mr. CHANDLER. Mr. President, we have now been in session three weeks, and have accomplished absolutely nothing in the three weeks. We have alarmed the country a little; raised the price of gold a few per cent.; deranged business somewhat; done no good to anybody or anything; and now, having been in session three weeks and acomplished nothing, you propose to run home and rest, do you?

Mr. President, the Senator from Delaware says that the attention of the country has been called to the bankrupt law. There is the rub, sir. The attention of the country has been called to the bankrupt law, and its attention has been called to that law in such a way that it will work more mischief in the next two or three weeks than has been wrought since the panic commenced. The creditor class are now demanding their pound of flesh, under the apprehension that the involuntary clause of that law may be repealed on the reassembling of Congress. Men by the thousand will be thrown into bankruptcy during the recess which you now propose to take.

I hold in my hand a letter received yesterday from the Lake Superior iron mines, from a man interested in the iron mines there. Those iron mines have shipped this year a million and a quarter tons of iron ore, and but for the panic they would have shipped one million five hundred thousand tons this year. That ore is all sold on four months' time—sold to furnaces and rolling mills; it goes all over the United States to be mixed with poorer ore, particularly in Pennsylvania, Ohio, New York, Illinois, and Wisconsin. It is all sold upon four months' time. Those rolling mills have sold their iron to the railroads; the railroads have repudiated; the furnaces cannot pay, and there are millions upon millions—and no man can estimate the number of millions—of property in Lake Superior in the shape of iron mines that may within the next two weeks be thrown into bankruptcy unless we have some action on the bankrupt law before we take this recess. If we cannot perfect a law, let us at least suspend the involuntary clause of the old law for six or twelve months. We can do that in five minutes. Suspend the involuntary clause of the old law, and then, after having done that and proceeded a little further in the discussion of the currency question, done a few things that will at least be a credit to us, if it be deemed by the majority best, let us take a recess and enjoy ourselves with roast turkey, plum-pudding, &c.

Mr. BOREMAN. Mr. President, if the picture presented by the Senator from Michigan is a correct one as to the effect of the sitting of Congress for three weeks, it seems to me the sooner we adjourn the better. He says that we have injured the country, alarmed the

public mind, and have effected absolutely nothing. I do not agree with him in his statements in this regard; but if they be true, it would be well, probably, that we should adjourn finally.

I confess that I cannot appreciate the objections that have been made to the proposed adjournment. I have been here three or four years, and every year whenever this motion has been made to adjourn over the holidays we have had these announcements of alarm and distress in the country; everything was going to pot; the country would go to destruction if we took a recess over the holidays; and nevertheless we have usually done so and the country went on just about as well as if we had remained here. Every gentleman in this body must know that if we were to remain here over the holidays we should effect, in the language of the Senator from Michigan, absolutely nothing. We all know that for at least ten days during the holiday season nothing can be done. We might come here with a dozen members, stay half an hour or an hour and adjourn from day to day during the holidays—that would be all—nothing more. Many members have made their arrangements to go home. They will go whether we take a recess or not. They will not be here to participate in the consideration and action that may be had; and it seems to me that in matters of so much importance it would be well to have the larger portion of the members of this as well as of the other branch of the national legislature present.

Now, sir, the question of the bankrupt law must be felt by all of us as one of very great importance. The framers of the Constitution thought it of so much importance that they incorporated a provision of the National Constitution declaring that Congress should have the power to do this thing, and thereby, I believe, according to the prevailing opinion, the States are excluded from the enactment of a bankrupt law. As has been repeated here by many honorable Senators, every time that we have had a serious panic in the country, every time we have had a financial crisis, the resort has been to a bankrupt law, not so much for the relief of the creditor class as for the relief of the debtor class, those who voluntarily avail themselves of the provisions of such a law, and they may come here and appeal to us as well as the creditor class. They have rights, and it is not proper for us to go hot haste and repeal this law out and out, thereby depriving the great mass of debtors in this country of its beneficial provisions.

Sir, if we repeal this law absolutely, and you keep these men in insolvency, subject to be harassed the remainder of their lives, a clamor would come up for the reinstatement of some of the provisions of this law. I think we ought to consider as well those who wish to avail themselves of the voluntary clause of the law as those who wish to get rid of the rigorous provisions of the law by compelling bankruptcy.

I admit that this law ought to be amended. There are some of its provisions that seem to me exceedingly rigorous and severe. That clause which says that if a man is indebted on commercial paper for fourteen days after it becomes due, and does not pay, he may, if he owes $250, be put into bankruptcy, is certainly very severe, and I think very unjust. That ought to be amended. There are some other provisions of the thirty-ninth section of the act which ought to be amended, and which might be amended, if we could agree, in a very short time.

But we were informed by the members of the Judiciary Committee yesterday that this subject had been before them for three long weeks; they had been considering it during all that time, and they have not yet up to this moment been able to mature an amendment to the law which is satisfactory to that committee; and yet we are told here that this thing which the Judiciary Committee could not fix up in three weeks is to be done all right according to the best interest of this country here during the festivities of the holidays.

Sir, I am willing to remain here if we have any assurance that during the next ten days, or during the holidays, we can perfect a measure that will be satisfactory. I am willing now to vote in two minutes to repeal some of the rigorous provisions of this law; but other members may not be satisfied, may not be convinced, that I am right in this proposition. They may think that some other provisions ought to be modified or repealed that I would think ought to remain. We do not know when we are to get a report from this committee. We cannot tell. They have not yet agreed. But suppose they make their report. That committee, in the quiet of their room, have been discussing the subject for three weeks, and now we are told that if we sit four or five days possibly we shall be able to pass this bill. I am sure this cannot be done.

Mr. MORRILL, of Maine. Will the Senator yield to me for a moment? I do not like to interfere with the Senator, but I ask him to yield with a view of inquiring what is the precise question before the Senate at the present moment.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Virginia to postpone the resolution reported by the Committee on Finance, and proceed to consider the resolution in regard to the recess.

Mr. MORRILL, of Maine. On the finance resolution, then, my honorable friend is discussing the question of the bankrupt bill.

The PRESIDENT *pro tempore*. That is what the Chair is compelled to understand, from the fact that every Senator is to judge of what is pertinent to the question before the Senate.

Mr. MORRILL, of Maine. Then do I understand that everything except the merits of the question under consideration is open to discussion?

The PRESIDENT *pro tempore*. The merits of the subject to be postponed may be discussed, and every Senator is the exclusive judge of what is pertinent to that question. The Senator from West Virginia is therefore in order.

Mr. BOREMAN. Mr. President, I think the remarks of the Senator from Delaware [Mr. BAYARD] were very appropriate, and I merely rose to indorse what he so well said on this subject. I did not expect to make any extended remarks.

But there is another reason why we are told this adjournment should not take place, and that is, that the finances ought to be regulated; that we gave the people of this country to understand in March, 1869, that we were going to come to specie payments some of these days; and, now, that this Congress, after four or five years have elapsed, ought at once to prepare and perfect and pass some measure which shall bring about that desirable end—an end which no doubt nearly all of us think is very desirable, but one I apprehend which will not be perfected for the next six months; for if there is an intricate subject, if there is one that everybody knows all about, and nobody knows anything about, it seems to me it is the subject of finance; and especially this thing of coming to specie payments. I think it is a very unfortunate circumstance that the Committee on Finance introduced the resolution on that subject at all; for if there has been any alarm in the country, it has not been because we were going to adjourn, but because this resolution has been introduced here, and has created trouble and difficulty in the country.

Now, sir, I have but one word more to say, and that is that I think the best thing we can do is to adjourn over. We may not be in a very good condition to mature legislation of so much importance as the bankrupt law during the holidays. We are not ready, according to the diversity of opinions here, to mature any scheme of finance. We are ready, I apprehend to go home—a good many of us, at least. I confess I shall be glad to do so.

I think, sir, that the very best thing we can do now is to adjourn, go home, and come back here ready for work after the holiday recess. The country will not go to destruction; and I am only sorry that our friends here should resist this resolution, and attempt to make us believe that if we go home during the holidays the country will go to ruin. I do not apprehend any such thing. I think we shall be doing the very best thing we can to go home, see our families, and come back here after the holidays prepared for more active work. I trust the resolution to adjourn will be taken up and passed.

Mr. MORRILL, of Maine. Mr. President, the Senate of the United States a few days ago seemed to have a very decided opinion that there were some questions of public concern which required the attention of the Senate here for a few days longer, and some of those subjects were mentioned, and they seemed to impress the Senate that they were matters of public concern. I think that debate must have impressed upon the country the fact that there are some duties here now of an extraordinary character devolving upon the American Senate, duties not to be shirked, duties to be performed, and public obligations pressing upon Senators which cannot be easily put aside. I do not wish to say anything offensive, and certainly I shall not be supposed to say anything personal to anybody when I declare that when any Senator rises on his feet here at the present time, especially after this action of the Senate on a former day, and interposes his personal convenience against the public demand for doing something, he takes a responsibility which I think he will regret in the future.

Why, sir, what have we heard since the beginning of this session? That there was a demand, an instant demand, for some action upon the bankrupt system of the country. It is said from certain quarters that there is a demand for its instant repeal; that the suffering in regard to it is very great; that very great enormities are being perpetrated in consequence of the existence of that measure, and that at this time it is particularly oppressive; and, notwithstanding that cry, Senators here, who are representing certain constituencies from which it comes, tell you that they will turn a deaf ear to that, and that the charm of the holidays is so great that nobody can be expected, no patriotism is so high and exalted that it can be expected for a moment to withstand the temptation of the holidays, and that we must anticipate them by some four or five days to make preparation for a glorious spree.

But now, when men have made up their minds, in harmony with the usage, they say, (but which I assert never did obtain to this extent, God knows,) to have a "bust," as my honorable friend near me [Mr. MORTON] suggests, what is the use of talking about the sufferings of a suffering people? What becomes in this delirium of ours of the considerations of the people and the public interest? What of public concerns when my honorable friend from Maryland [Mr. HAMILTON] wants to go home, wants to spend the holidays in harmony with the ancient usages of the Senate? What is all that? And whoever was here yesterday to see the scenes that were enacted, the jolly faces in anticipation of the good time coming, Santa Claus, [laughter]—we are all converted into children, [laughter]—could see Santa Claus as in olden times, and notice all public concerns vanished from our vision, how willing and anxious we were to be oblivious to the facts. Then we saw all our friends on the other side voting for this adjournment. They have no responsibilities; there is nothing resting on them; the country is in admirable distress. I do not mean to say that

they rejoice at the prospect; but they were for enjoying the holidays, certainly, never feeling better than with the prospect of a speedy adjournment. Having no responsibility themselves, understanding full well that the responsibility for whatever comes rests upon our shoulders, they of course thought this a particularly good time to adjourn. But, Senators of the majority, we have the responsibility, and we know that there are several matters of public concern which need to be considered; one of them will be reported to-day, as we have reason to expect and believe, and that is a bill in regard to the bankrupt law. Another is now before the consideration of the Senate, and that is the matter of the finances.

Mr. SHERMAN. And there is the salary bill.

Mr. MORRILL, of Maine. The salary bill has been reported, and the chairman of the committee who reported it has given notice that he will seek at an early day, Monday next, to bring it up for the action of the Senate; and how anxious we have been to get at that. [Laughter.] Only get at it. [Laughter.] Do we want to draw another dollar out of the Treasury on that account? Have we not all been extremely anxious; has not this Congress been agonizing and praying for some relief on that salary bill and did not know how to do it; and have we not shown an extreme activity in all directions? Were ever men so confounded before to know how to do a thing that everybody wanted to do and in the end intended to do? [Laughter.] The House of Representatives have been able to be delivered of that, at least, as I infer. I have no reason to know what has been going on down there, but I infer from the results which came up here the other day; and within fifteen minutes after we had the information of that great fact in our history, there was an invitation to adjourn the next day. [Laughter.]

Mr. President, I do not think we shall take up this resolution. I do not expect the American Senate, having voted against it by a majority of ten votes the day before yesterday, has become childish two days after and desires to take a holiday. I trust we shall go on and consider the public business.

Mr. FERRY, of Connecticut. Mr. President, I voted the other day in favor of the motion to adjourn; I shall vote again to-day to take up the resolution to adjourn, and upon the question of its passage I shall vote in favor of it, and I do so entirely upon public considerations.

After this week, during the holiday period, is not a time when we ought to be passing bills of great public interest. At that period the Senate, we know as a practical fact, will be thin in numbers. Whatever conclusion we may come to upon this resolution, a large minority of our members at least will go home, and the measures which it is said are to be brought up for our consideration and which need our determination are measures of the very greatest importance, which the Senate ought to consider, if possible, when all its members are here and vote upon with a full attendance. The bankrupt law, as important as any statute upon our statute-book, ought not to be repealed, ought not to be seriously modified in the midst of an intense public excitement upon that subject, and perhaps, in part at least, factitiously created to bring about action by Congress which may be prejudicial to the nation. I do not believe that we ought to act upon the bankrupt bill until after the holidays, because I do not believe that we can act upon it with the deliberation, with the consideration, and with the full attendance of the Senate which the merits of the question demand. And so with regard to this financial resolution which is before us. It will indeed do no harm to stay here and talk about this resolution; but to undertake to enact measures affecting the finances of the country under such circumstances as we all know practically will surround us next week, is a thing that ought not to be done.

Therefore I believe it is better to act as practical legislators, in view of the understanding which has prevailed for many years with regard to a holiday recess occurring at this period, and of about the length of time, perhaps, indicated by the House resolution, and in contemplation of which every man of us makes his plans when he comes from home on the 1st of December to Washington. Now, to depart from our past usage in this respect, and undertake to derange plans which individual Senators have made, in respect to what must have been in their contemplation prior to the opening of the session, and to undertake to do important legislation in a very thin Senate, in my judgment would be unwise; and therefore, as I have said, I have voted, not for my convenience—for it does not make a straw's difference to me; I shall stay here through the holidays whether we have a recess or not—but I do think that the public interest demands that we shall not undertake to press these vital measures to a vote under the circumstances which will surround us during the next two weeks.

Mr. TIPTON. Mr. President, when this question was up yesterday and the day before I voted in favor of the proposed adjournment; but I have since heard the remarks of the honorable Senator from Maine, [Mr. MORRILL;] and as I always hear him with a degree of pleasure that it is impossible for me to express I have now come to the conclusion that I shall vote that way again. [Laughter.] I deduce from the honorable Senator's remarks a conclusion, which I trust is legitimately drawn, that some gentlemen are not afraid to go home and face their constituents and their wives, [laughter,] and some other gentlemen are a little shy upon that subject; and that some Senators, even of very mature age, are probably just as well satisfied to circulate in Washington City as in the vicinity of their natural-born wives and children during the holidays. [Laughter.]

In regard to another question, whether this body has done anything or not up to the present time—for I believe that was the position taken by the honorable Senator from Michigan, [Mr. CHANDLER,] seriously. One thousand bills are now upon our tables; one thousand bills have been distributed and have been acted upon in part by the committees of the other body and those of this; and we know that more matured speeches have been uttered here in the first three or four days of this session than perhaps were delivered at any previous session in the last five or six years; and if the honorable Senator from Maine and myself have not had an opportunity of delivering those that we prepared, it argues nothing against the activity and the fidelity of our brother Senators.

As time is precious, and we are about to take this adjournment, and the House of Representatives will have to be informed of it, I shall not continue the argument. But we assume here that we are the legislative power of this Government. Are there not three hundred men in the House of Representatives, the immediate and honored and direct Representatives of the people, sending us repeatedly the very same resolution? And if they can face their constituents, having been so recently indorsed by them, I suppose it is possible for us to save ourselves; and if we cannot face our constituents we can remain in Washington if we have the privilege of doing so.

Mr. WINDOM. Mr. President, when this question was before the Senate the other day I had some doubt about it, and I gave the benefit of that doubt against the adjournment. I cannot say precisely, as my friend from Nebraska has said, that after listening to the honorable Senator from Maine he concludes to vote as he has done heretofore, but I will say that the speech of my honorable friend from Illinois [Mr. LOGAN] last night, among other reasons, induced me to change my vote; and I shall now vote to take the recess.

The speech of the Senator from Illinois, however, is not the only reason. Since the action of the Senate a few days ago I have taken the trouble to inquire of certain Senators, who voted with me at that time against a recess, as to whether they intended to remain here or not, and I find that the very patriotic gentlemen who are so eloquent against the recess propose to go home and leave the rest of us here without a quorum. If that is to be the case—and judging by all past experience it will be—I can see nothing to be gained by refusing the recess. And I wish to say with reference to it that I do not thus vote on account of any personal convenience to myself, as suggested by the honorable Senator from Maine. Should I consult my own personal convenience and preferences alone, I would prefer that the Senate should remain in session. If the recess be taken I presume that, with other gentlemen upon whom the Senate has devolved a certain public duty, I shall leave the city; but consulting my own feelings I very much prefer to remain, although I believe the business with which that committee is charged is important; and by reason of certain promises that have been made to the people of the South I feel under an obligation to go into that section of the country for the purpose of investigating one of the great questions of the day. Therefore, sir, not seeking my own personal convenience at all, not consulting my personal preferences, but consulting wholly my ideas of public duty, I shall vote for this recess.

A single word as to the position in which certain gentlemen on this floor seek to place some of us who favor the adjournment. The honorable Senator from Illinois last night charged that the Senate was unwilling, or had refused, to grant even two days' extension of time to consider the question of the bankrupt law; that, with the present necessities, to which he referred, upon us, we refused to vote an extension of even two days. I know of no such action on the part of this body. I have heard of no such vote. I certainly have not refused to extend the time for two or three days, nor has any other Senator, to my knowledge. That proposition has never been before the Senate; but those gentlemen who are so patriotic on this question did last night, for an hour or two, by dilatory motions, prevent us from acting on the adjournment question at all. Had the resolution been brought before the Senate last night, I have no doubt that an extension of two or three days would have been granted, if thereby anything could have been accomplished. I, for one, am quite willing that the recess shall take place on Monday next, and if we can have the assurance that any important measure can be acted upon in the mean time, I will vote for such an extension. But it is misrepresenting, unintentionally of course, the action of those republicans who voted as I did to say that we have refused to grant two or three days' extension of time. There has been no such vote taken.

On the other hand, when the House of Representatives send a resolution of this kind to us, we indefinitely postpone it, and refuse to act upon it at all. When we sought to call it up last night, and take the sense of the Senate upon it, what was the result? Dilatory motions; motions to prevent action upon the resolution itself. Let me say to gentlemen that a ten years' service in the House of Representatives has taught me that they expect their action to be treated with some slight degree of consideration and respect. If the Senate is opposed to granting this recess, after two resolutions of the kind have come from the House, passed there by a very large majority, let us say so squarely. If it be desirable to amend it so as to extend the time for two or three days, let it be done, and send the resolution

back to the House for concurrence; but if a resolution of this kind is to be denied a respectful consideration, and then you expect the other branch of Congress to sit here during the recess, when they know, as you know, Mr. President, and as I know, and as I believe every other Senator knows, that there will not be a quorum here to do business, I can guarantee on the part of the House that you will not find a quorum there.

Now, sir, if you seek to do anything with reference to the bankrupt law, my impression is that the only thing that can be done is to take the bill that passed the House of Representatives and pass it here. I am in favor of its passage. You can act upon that within two hours, I take it; and if there be any further legislation necessary, when you come back again after the recess you can enact it. But, sir, if you seek to amend the bill of the House upon the subject of the bankrupt law by such provisions as have required our able Judiciary Committee to spend some three weeks of hard labor upon them, and yet, as said by the Senator from Virginia, they have not yet been able to agree upon them—if you expect you can amend it in that way, and receive the concurrence of the House of Representatives, you will find that the bill will not become a law until after the 1st of January. If you seek for relief, then, Senators, for that class of people who are oppressed, take up the House bill and pass it, and when you come back after the holidays deliberately re-enact such parts of the law as may be necessary.

Very much has been said about the will of the people on this subject. The Senator from Illinois last night, and other Senators, spoke eloquently about the wishes of the people, charging us with disregarding their wishes; and the honorable Senator from Illinois read us a very modest lecture upon our duties as Senators—an exceedingly modest lecture. For one, I appreciate the modesty of any Senator who gets up on this floor and reads to his peers a lecture as to their duty. I take it very kindly. I am glad that we have a censor over our consciences, and that there are those who are willing to tell us not only what their individual duty is, but also what my duty is. But, sir, I could not help, while he was speaking, comparing the parties to this question. On the one side is the House of Representatives, the direct representatives of the will and the wishes of the people of this country; on the other (and I mention it in confidence) are the candidates for the Presidency—the representatives of the people against the candidates for the Presidency—and the vote, when it comes, will show whether the candidates are in the majority. [Laughter.]

Mr. LOGAN. I did not know that we had a candidate from Minnesota.

Mr. President, I do not know whether there is any impropriety or not in delivering lectures to honorable gentlemen who are not desirous of hearing them, and who, perhaps, have a disinclination to follow them. Nor did I know before that I had ever lectured the Senate. I do know now that I am at least capable of making a convert, for my friend says I converted him last night. Now, let us understand what kind of a conversion this is. The Senator tells us that if it had not been for the speech made by me he would not have voted in favor of the adjournment. Now, let us come to the facts and see whether he or I be the most correct. When a resolution first came from the House for this adjournment over the holidays my honorable and distinguished and handsome friend from Minnesota was the gentleman who asked that it might be taken up from the table, and made a speech in favor of its adoption.

Mr. WINDOM. The Senator is entirely mistaken. He will find no speech of mine in favor of its adoption.

Mr. LOGAN. Perhaps it was not a speech. I will take that back. The Senator, then, made a few remarks of a very ordinary character, if that will suit him better. [Laughter.] When the question came up again, I find my friend from Minnesota voting for the resolution again. Whether he voted against it last night or not I am not aware. He says, however, that my speech converted him. I believe it, and I look upon him now as a convert—not to the faith that is in me but merely to the faith that is not in him, out of perverseness, because he does not want to vote as I desire him to do.

Inasmuch as he is my convert I want to tell him a story about a convert. He is about such a convert—not exactly of the same character, but he is about as much converted as the one that I heard of once. I heard of an old minister once riding down the street, and there was a gentleman lying in the gutter. As the minister rode along he said to him, "How do you do?" The minister stopped. Said he, "My friend, you are in a bad condition." "Yes," was the reply; "I have joined the church; I am one of your converts." The minister rejoined, "I think so, for I do not think the Lord had anything to do with your conversion." [Laughter.] The Senator's conversion is of that character. He has been converted adversely to the proposition from something I said to him.

Sir, I do not see why it is that Senators are so desirous of trying to intimate before the Senate that some one here has said something very offensive to them, particularly to my friend from Minnesota. I certainly meant no offense to any one. I did say to the Senate last night, and I am glad I did say it, when I found the other side of the Chamber voting solid against an adjournment yesterday for the purpose of taking up the resolution to adjourn over the holidays, that they were acting as I would act if I were in their position. Why? Because, I said, there was no responsibility resting upon their shoulders, they being in the minority; the responsibility was with the majority, on this side of the Chamber. Was that offensive to my friend from Minnesota? Sir, the responsibility is with us. There was no untruth in that statement, nor was there any impropriety in it, because it is the fact, and I merely stated the fact. I did not presume that it would give offense to any of my friends on this side of the Chamber to merely state a simple proposition that is patent to every one; and I am certainly astonished that it should have given offense.

I said more. I said the importance of legislation at this time on the subject of the bankrupt law was greater to the people, and to us as their representatives, than the pleasure we might have during a few holidays. I further said that I was sorry to see an indisposition on the part of the Senate to grant the two days' extension that were asked by the chairman of the Judiciary Committee. He stated to the Senate that he thought if the adjournment should be postponed until Tuesday next we would have ample time for the consideration of the report which would come from the Judiciary Committee on the bankrupt bill; and that statement was reiterated by the Senator from Ohio, [Mr. THURMAN.] He said that he thought if time were given them—he did not say until Tuesday, but if a short time were given them—they would report such a bill as would be favored by a majority of the Senate. I said things of this kind because I thought they were proper.

Now, I say to my friend from Minnesota that the idea of our action on this subject being of any great importance in politics hereafter is simply absurd as referring to myself or any others that may come within his suggestion or insinuation. I certainly should not have said one word on this question now if it had not been for the eloquent and able observations of my friend from Minnesota. For a gentleman of his great mind, so full of criticisms, to be so severe in his criticism, was almost enough to make a Senator wither like a leaf under the sun as it sends its heat upon it, which wilts it down and destroys its life and vigor. Why, sir, I felt as though I was almost sinking through the floor after the withering criticism of my friend from Minnesota. I really did not know his ability before.

Mr. WINDOM. I apologize to my honorable friend from Illinois.

Mr. LOGAN. The apology was accepted before it was made; it is all right. I only suffer under the criticisms; that is all.

But, Mr. President, enough of this. I have been actuated in what I have done in this matter by a sense of duty, and have stated the reason frequently here, when I have stated anything, that I, at least, as one of the representatives in this Chamber from the State of Illinois, had been called upon frequently by men who are entitled to respect, and whose opinions are worthy of consideration anywhere, to at least urge action on this measure. I hold in my hand a letter received this morning from one of the ablest jurists in the State of Illinois—a man having perhaps as extensive a practice of law in that State as any one in it—in which he urges upon me and says it is of great importance to at least the constituency there, that action of some character should be taken in reference to this bill that is now before the Judiciary Committee awaiting their report. These considerations are those that have actuated me and urged me on in what I have done, considering it a part of my duty to prevent an adjournment until we can at least consider this measure before Congress.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia [Mr. LEWIS] to postpone the present and all prior orders and proceed to the consideration of the resolution of House of Representatives providing for a recess for the holidays.

Mr. MORTON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 29; as follows:

YEAS—Messrs. Alcorn, Allison, Bayard, Bogy, Boreman, Cameron, Clayton, Cooper, Davis, Dennis, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Ramsey, Ransom, Robertson, Schurz, Stevenson, Stockton, Tipton, Wadleigh, and Windom—33.

NAYS—Messrs. Ames, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Conkling, Cragin, Crozier, Ferry of Michigan, Frelinghuysen, Gilbert, Hamlin, Howe, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Sargent, Scott, Sherman, Spencer, Sumner, Thurman, West, and Wright—29.

ABSENT—Messrs. Anthony, Conover, Dorsey, Edmunds, Flanagan, Jones, Patterson, Saulsbury, Sprague, and Stewart—10.

So the motion was agreed to; and the Senate proceeded to consider the following concurrent resolution, received yesterday from the House of Representatives:

Resolved, (*the Senate concurring*,) That when the two Houses adjourn on Friday, the 19th instant, they shall stand adjourned until Monday, the 5th day of January next.

Mr. THURMAN. I only rise to express my own individual hope that we may take a vote now on the resolution without any debate. I suppose every Senator has made up his mind whether he will vote for the resolution or not, and it is only a waste of time, it seems to me, with due respect to what others may think, to occupy the day with a discussion whether we will adjourn this evening or not. If a majority of the Senate are determined to take this recess it does not comport with the usage of the Senate to prevent their action by dilatory motions or the like. That has not been the custom of the Senate. If, on the other hand, a majority of the Senate are opposed to the resolution, let it be known. I, for one, in order that I may be engaged elsewhere, agree to the decision of the Senate, and still hoping that the resolu-

tion may be voted down, express my own wish that we should take the vote without debate.

Mr. STOCKTON. Mr. President, I shall occupy but a single moment. I attempted to get the floor last night during the debate, but failed to do so; and I tried again this morning without success. The object of my seeking the floor was to call attention to a remark that was made by the Senator from Maine [Mr. MORRILL] last night, and by some other Senators, and which, I think, is getting quite too common in this Chamber; and that is, that gentlemen who belong to the minority of this body have no responsibility. One Senator said last night that if he belonged to the minority of the body he would do as we were doing; that we had no responsibility; and the Senator from Maine reiterated the remark in so far as to say, turning around to us, that we had no responsibility.

Mr. MORRILL, of Maine. If the Senator will allow me, my remark was not quite so unqualified as that. If the Senator will take my remarks in connection, I said that the responsibility was not on that side but was on this side. I hope the Senator will do me the justice to say that I meant to say as much as that and no more.

Mr. STOCKTON. I certainly had no intention of doing the Senator from Maine injustice, and I am very glad indeed to have him explain it in that way; and permit me to say in addition that I do not believe any Senator on this floor who made that remark meant it in the sense which will be attributed to it. I think when attention is called to it that remark will not be repeated by any Senator of this body. I was led to believe when I came to the Senate that I had as much responsibility as any other Senator——

Mr. LOGAN. I presume the Senator from New Jersey alludes to myself when he says the remark was made last night that there was no responsibility on that side of the Chamber. I did say so, having reference to political responsibility, not to individual or senatorial responsibility. I meant responsibility as a party—as a political organization.

Mr. STOCKTON. I have no doubt that was the sense in which the Senator from Illinois meant it.

Mr. LOGAN. That was the sense in which I meant it, and I so stated in my remarks.

Mr. STOCKTON. I have no doubt that was the sense in which the Senator stated it; but I rose to say that this was a question which was no party question; that this was a question which has not divided the Senate as a party question; that this was a question which could not divide the Senate as a party question, and that therefore, in any sense, in my judgment, every member of this body had his full share of the responsibility. And I was about to say when interrupted by the Senator from Illinois that since I have been a member of this body I have felt a responsibility, first, to my conscience, and then to the Legislature which elected me, for every vote that I have given in the Senate; and no vote has been given because I belonged to a political party which was a minority and had no responsibility. And I do believe that on this side of the Chamber, small as we are in numbers now—and we were much smaller, sir, when I first came here—there is no occasion where the gentlemen on this side of the Chamber have not remembered their responsibilities, whether they were political or as Senators, to the country.

This question, Mr. President, as I said before, is no political question; it is a question which properly antagonizes itself with no measure before this body. I desire very much to see several bills passed which are before the Senate. When I know that the Navy Department are fitting out some of their largest vessels, some of which require from 600 to 800 men to man them, and see a bill introduced authorizing the temporary increase for one year of the Navy by 1,500 men, a matter of necessity, and see that bill laid aside, and see a proposition for a recess for fifteen or sixteen days, I might rise in the Senate and depict the necessity of that measure and find fault with gentlemen who do not see it in the same light; but I have not done so, because I do not think it is right or fair to antagonize any particular measure which I, perhaps more than some other Senators, may think is important to the interests of our country, against a proposition to take an ordinary recess, which has been the common custom of the country from time immemorial. Therefore, when gentlemen on both sides of the chamber, of both political parties, bring to my mind the fact that by taking a recess we may interfere with the speedy repeal of the bankrupt act, I do not think that I can permit issue to be joined on that point. It is to disclaim that issue that I have risen.

I do not believe that there is any man in this body who desires the repeal of the objectionable features of the bankrupt law more than myself, and when Senators ask why it is that there is such hot haste, such a great desire to repeal the involuntary features in that act, let me say this: The law was passed in 1867; was thought to be a good law, and it was probably passed in anticipation of panics and bad times; and when asked why it should be so necessary, before the holidays, to repeal it, perhaps the legal gentlemen of the Senate might answer themselves if they would look to the decisions of the courts as to the construction of that law. It is quite doubtful whether it was intended by the body passing that law that every act or piece of evidence which went to show that a man was a bankrupt or in a bankrupt condition should be considered as a substantive act of bankruptcy. It is quite doubtful whether that was the intention of the act, and yet it is not doubtful before the courts under the present law.

Therefore I say that I agree with the Senator from Michigan who spoke yesterday; I agree with the Senator from Michigan who spoke to-day; I agree with my learned and distinguished friend from Ohio who spoke yesterday, that the speedy repeal of this law, or such modification of it as will take away the hardships which now exist under it, and the wrongs which are daily being perpetrated, is a matter vital and important. And now, Mr. President, how is that to be done? The House of Representatives have passed a bill, and that bill, it is stated to the Senate, repeals in a great measure, if not entirely, the existing law. That bill, after some debate, was referred to the Committee on the Judiciary, who, it is said, have charge of the whole subject. The Committee on the Judiciary, we are told by the Senator from Ohio and by its chairman, have been laboriously engaged in examining the subject. I doubt it not, sir. They always do their duty, sick or well, whether there is much business or little before them, well and faithfully. I doubt not they are laboring—to what end? Laboring to perfect a bill, laboring to bring a bill before us which will stand the test of time, laboring to bring a bill before us which the people will not ask to have repealed when the time of trouble comes, when a bankrupt act is required. I doubt not that when they have sufficient time to examine this question, they can report a bill which will be a valuable bill, and a bankrupt act in some form may be passed. But remember what the Senator from Michigan said; remember what the Senator from Ohio said; remember how he told us that before the holidays this thing must be done. Remember what Senators have said on this floor, that it must be done before we leave here, because day after day this wrong is going on.

Then what shall we do? The Senator from Ohio, thought possibly that by Monday night, if a report was made this morning, we might go on with the bankrupt bill. Many other Senators say they want to so amend that bill as to perfect it. The committee have not yet reported; and it is hardly conceivable that a matter of so much importance brought before this body can be acted upon for several days, even if it were here now and the committee were agreed upon it. Then what shall be done, and what course shall be taken by those Senators who have depicted to us the horrors of the bankrupt law until they have convinced me that they are right? What lead will they make which I am to follow? If they want the law repealed, there is only one way in which it can be done; that is, by discharging the committee from its further consideration of the House bill, taking it up, and passing it, and then instructing the Committee on the Judiciary to go on with their labors, and by the time we come back report a bill which will stand the test of time, amending the bankrupt system of the country. If the evils are so great, if the virus is so poisonous that you are afraid for it to remain longer in the system, then cut it out at once while you are preparing your other report.

Now, Mr. President, practically, (having stated distinctly that I shall not vote in favor of this recess for the purpose of opposing the passage of that bill,) I can see no other way for its speedy passage than to take up the bill sent to us by the House, if for no other reason, that the danger is so imminent and the peril so great, because it is a House bill, and afterward pass such a bill as we think proper and send it to the House, well considered and entire.

The Senator who spoke to-day, from Michigan, said that we had been three weeks here and had done nothing. In view of what was said by other Senators on the floor, I may reply to him that the responsibility is not ours, for they free us from responsibility; and the Senator from Maine with great earnestness spoke of Senators going to their Christmas festivities and leaving the public business alone. He spoke of a "Christmas bust;" I think that was his expression. I think, after the remarks of the Senator from Delaware, few, pointed, and touching on that subject, the Senator from Maine might have spared us the connection of a "bust" and a "spree" with the most sacred day known to Christians. There are some men that seek their Christmas holiday for other purposes than "busts" or "sprees," and I will venture to say that those men who do seek their Christmas because, as the Senator from Delaware said, it was a holiday, a time-honored custom, will not be outdone by those who look upon it in another light in their devotion to the public service; nor will they be outdone in their disposition to take the full responsibility that the people of this country and their constituents may put on them for asking for this recess.

Thus much, Mr. President, was due to myself, having voted in silence in favor of the recess, and having cast my vote to bring the question up this morning. I do believe that if this law is so imminent, so perilous that it must be immediately repealed, it can be done this morning. If the gentlemen who have the responsibility desire to do it, let them move to discharge the committee and pass the House bill, and I will vote with them. If, on the contrary, it is not so perilous, and if it is better to take time to consider before acting on that subject or passing the House bill, then the result follows naturally that we had better allow those gentlemen who desire to go to their homes to pass their Christmas as they may, to do so, and come back afterward to transact the public business.

As for myself, I trust I never have permitted any personal matter, particularly a matter of enjoyment or pleasure, to interfere with my public duties. Even if I was willing so to do, I am not placed at present in that temptation. To me it matters not whether Congress adjourns or not, for my Christmas will be passed in Washington.

I know, however, that there are many of our body whose homes are within reach of this spot, whose homes are waiting for them, and who will not be the worst Senators nor the less capable of doing their duty when they return because they bring back with them the hallowed influence of a home Christmas.

Mr. SCOTT. Mr. President, I have received, perhaps, as many urgent telegrams and letters bearing upon this subject as any other Senator upon the floor, and up to this moment I have refrained from saying one word upon it in the hope of reaching a speedy determination of the question whether we are to have a holiday recess as long as usual, or whether we are to make an effort to modify the bankrupt law. It is very plain that there is where the question lies.

In referring the bill sent us by the House to the Judiciary Committee, it was manifest that the Senate expected to make the effort to modify the bankrupt law, and I favored that movement for the reason that I honestly think there are thousands of those who are to-day clamoring for the repeal of the bankrupt law, who, if the next six months should not bring the realization of the hopes which they entertain to-day, will be the most thankful men in the Union for the existence of a bankrupt law. I wish to save it, and I wish to save it not because any one who has written to me is a candidate for President of the United States. Those for whom I speak do not stand in that category. Let me read, sir, one extract, but a sentence, from one of the numerous letters I have received, to show who are the men that are asking us to remain for a few days and endeavor to modify this law. One gentleman writes to me:

> For weeks we have had 92 per cent. of our creditors in amount to sign an agreement of settlement, but for want of getting the balance of 8 per cent. we must inevitably go down.

Another man writes me that he has at least $800,000 over his indebtedness in real estate and property, and yet he has a few small creditors who are clamoring to put him into bankruptcy! Now, sir, it is not for the candidates for the Presidency that I am here to speak, but for the 92 per cent. of honest creditors and against the 8 who in these times would seek the last drop of blood from their unfortunate debtors. Here they are, sir, the creditors upon the one side, who wish to have the estates of their debtors so administered as to realize something to the debtors themselves, and on the other, both asking us for a modification of this law; and the simple question is, will we make the effort to modify it for them and save them?

I am willing to stay here for some days to make that effort. If it fails, I may be driven into voting for the repeal of this law for the purpose of obviating its operation for the next few months, for Senators should remember that it is this panic which is revealing the harsh and the oppressive features of this law, and they should remember, too, that while the holidays are running the notices in bankruptcy are running too. They do not take out the holidays in counting the notices which are to end in making these men adjudged bankrupts, and we ought to consider that if we could remain here for a few days, and bring perhaps a holiday to thousands, we seventy-two Senators ought to be willing to sacrifice a few of our holidays for that purpose. I shall stay until all hope of reaching a modification of the bankrupt law is lost, and then I may vote for its repeal if there be nothing better.

Mr. STEVENSON. Mr. President, I do not perceive how men are to be injured and ruined by the mere fact of a few days' delay in the repeal or modification of the bankrupt law. What material difference can it make whether action upon it takes place to-day, to-morrow, or ten days hence? The Senate can at once repeal the bankrupt law by discharging the Judiciary Committee. Let any Senator who feels that—as the Senator from Pennsylvania [Mr. SCOTT] does—a delay of a week may bring some of his constituents to ruin, rise in his place and move to discharge the committee and bring us to a direct vote on the House bill. The constituency of the Senator from Pennsylvania will be at once saved from pecuniary disaster if the repeal of the bankrupt law will have that effect. Now, allow me to tell that Senator with all frankness that there is no more chance to get a modification of the bankrupt bill, recess or no recess, in two weeks than I have to fly. A proper, just, and equable modification of the bankrupt law, if it is to remain, is a much more important and a much more difficult thing to accomplish than my friend from Pennsylvania imagines. I have seen, Mr. President, some little service in both Houses of Congress, and I can truthfully avow that I have never seen a committee labor more faithfully, more constantly, more earnestly, than the Judiciary Committee of the Senate have labored on proposed amendments to this measure, and they have not as yet been able to mature a bill. They are trying to do so, they are willing to do so, but the difficulties are much more formidable than gentlemen suppose. If this bankrupt law is to be amended, it must be amended in such points as will protect both creditors and bankrupts against the spoliation of those described by the Senator from Pennsylvania as willing to take the last drop of blood. Amendments must be so framed and agreed upon that while the law shall not be used as a harsh and oppressive agency for collecting debts, it shall not be a cover for fraud or fraudulent preferences of the bankrupt for one class of creditors over another. Some such general, equable principle of justice alike to creditor and debtor must be adopted if the law stands. There is a bitter opposition to the present bankrupt law. Under its involuntary feature as well as under its voluntary, the popular belief is that injustice and wrong have been committed. We have accordingly seen the unanimity with which the repeal of the measure passed the House. I do not know what the sentiment of the Senate is upon this subject of repeal or modification. I am satisfied, however, and I make the prediction that, recess or no recess—and I do not wish to attempt to induce any Senator to vote one way or the other upon that subject—there will be no modification of the bankrupt law and no vote on that question for three weeks to come. You cannot get a concurrence of opinion on such a subject in a day, and whenever the Judiciary Committee report, we shall have a debate, in my judgment, in the Senate of more than two weeks' duration. If you take no recess, action upon the measure would be postponed until after the 1st of January, and you would have gained nothing.

It occurs to me therefore that it would be a wiser and better thing for the Senate to postpone the consideration of the report until after our return. No one doubts that we shall have a holiday. Let us defer the consideration of this important subject until that recess is over. The members of the committee will have more time to consider the proposed amendments, and the Senate will be better prepared to act calmly, wisely, and with more deliberation. The legal minds of the Senate will be brought to examine the report of the committee and to point out any errors which may have escaped their observation. The debate in the Senate may tend to enlighten the House upon the impolicy of a total repeal.

The proposed amendments must look to the protection of no particular class of creditors at the expense of another, if their adoption is to be hoped for. Nor can one or more creditors expect longer to use this law for the oppression of unfortunate debtors. I am ready to-day to vote for the repeal of the bankrupt law; and yet amendments may be proposed and arguments adduced which might change my opinion and induce me to prefer a modified bankrupt law, conservative in its tendency and just in its provisions, as a remedy for existing evils, to a total repeal. The Senate knows that there is great distrust of and opposition to the present bankrupt law. Let us be considerate and wise in our proposed action. If the question were to come up to-day, and I am forced to vote, I should vote for the House bill; and yet I do not desire to vote rashly in a matter of so much public importance. No Senator knows better than my friend from Pennsylvania [Mr. SCOTT] the danger of rash legislation at any time and under any circumstances. It seems to me it would be especially unfortunate upon a measure in which the interests of so many are involved.

I am perfectly willing, Mr. President, that the Senate shall come to a vote on this resolution. I am ready and willing to stay during the holidays, however anxious I may have been for the recess. I shall, I hope, never see the day when I cannot cheerfully acquiesce in any judgment of the Senate, and cheerfully my opinions and action yield to whatever a majority of my brethren of the Senate shall decide, however much I may have opposed such action.

Mr. INGALLS. Mr. President, I rise for the purpose of inquiring if the resolution from the House, now before us, is at this time the subject of amendment.

The PRESIDENT *pro tempore*. It is.

Mr. INGALLS. I move to amend the resolution by substituting the words "Monday, the 22d," for "Friday, the 19th instant," where those words occur in the resolution.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

Mr. THURMAN. I should like to inquire of the mover of the amendment, whether he thinks that extending the session until Monday will enable us to pass a bill in regard to the bankrupt law.

Mr. INGALLS. It was my understanding from the Judiciary Committee, that they probably would be able to report at a very early day amendments upon the subject of the bankrupt act, that would meet with the approbation of the Senate; and for one, recognizing as I do, the necessity of some early action on that subject, I am willing to wait here for the purpose of ascertaining what that report will be, in order that if possible we may agree upon some act for its modification. If it cannot be modified, for one, I am in favor of its unconditional and absolute repeal.

Mr. THURMAN. It is proper that I should say that I now believe the Judiciary Committee can report the bill to-day. I will not undertake to indicate at what hour it can report, but I am satisfied from information which I have received since yesterday, since this matter was before the Senate, in conversation with numerous members of the House, and influential members too, that it is utterly idle to talk about a bill amending the bankrupt law passing the House of Representatives between now and Tuesday. I will therefore say to my friend from Kansas, that if that is his idea, there is no use in amending this resolution.

What is said by the Senator from Kentucky is literally true; it has come to be so. The question is, shall we have no recess at all, and go on and offer amendments to the bankrupt law, and submit them to the consideration of the Senate, or shall the committee be discharged from the consideration of the House bill, and the Senate agree to take the vote upon that bill? That is the only alternative; and, therefore, Senators may as well vote with that knowledge before them. It is perfectly clear that, let us report amendments ever so acceptable to the Senate in regard to the bankrupt bill—it is perfectly certain, I think, from the conversations I have had with numer-

ous members of the House, and influential members too, that there is no hope of those amendments being agreed to in the House between now and Tuesday.

I therefore repeat that there is but one of two things to do, either take no recess at all, or discharge the Judiciary Committee from the consideration of the House bill, and bring the Senate to a vote upon it.

Mr. FRELINGHUYSEN. Mr. President, the suggestion has been made several times in debate here that we might with propriety now take up the bankrupt law and repeal it. It is possible that some may think favorably of the proposed action. The statement made by the Senator from Pennsylvania, as to the great hardship which the law may work during the contemplated recess of Congress, and the general wish to relieve the country from the evil effects of some of the provisions of the law, may lead the Senate to act hastily as to that law.

I only wish to call the attention of the Senate to the fact that in any modification of the bankrupt law made after the recess, and when we come together, there is no difficulty in making that modification relate back to the present or to any anterior date, so that any proceedings taken during the recess to the oppression of either debtors or creditors can, by our amendments, be relieved. I do not know that I violate the rules in stating so much of the deliberations of the Committee on the Judiciary as to say that that committee have already taken the retroaction of its amendments into consideration, and certain contemplated modifications of the law, if reported to-day, would relate back to a day now in the past. So the Senate, I trust, perceive that there is no necessity for repealing the bankrupt law in hot haste for fear of injury which might be done either to debtor or creditor during the contemplated recess.

I wish to make one more remark on this subject of repeal. I fear that the unconditional repeal would at this time be disastrous to the country. As I understand the law, no State insolvent law now affects existing contracts; State insolvent laws must always be prospective, not retroactive. The bankrupt law, by the Constitution, is made the supreme law, and suspends all State insolvent laws. Now, if we repeal the bankrupt law, the State insolvent laws revive, but it is at least a grave question whether they would affect any contracts existing when the State law so revived. I incline to believe that existing contracts would be without relief. And if the State insolvent laws, when they revived, would not affect existing contracts there would be no possibility of relief by State legislation. Such a result would leave the country, in its present financial difficulties, in a bad condition.

I assure the Senate that, so far as I have considered this subject, the question of repealing the bankrupt law deserves their careful consideration. I am ready to stay here day by day and consider and perfect the law, but I hope the Senate will not be tempted by the desire to dispose of this subject, so as to adjourn, into hasty legislation, for that might lead to the serious injury of the country.

Mr. SAULSBURY. Mr. President, I wish to say that I have not been actuated in favoring this adjournment by any hostility to a repeal of the bankrupt law, or a modification of it; but I have felt from the beginning that if we staid here, perhaps, until New Year's day, there would be no material alteration in the bankrupt law, unless we took up the House bill and passed it as it came to us.

Now, if the condition of the debtor portion of the community is such as it has been represented to the Senate, by the Senator from Pennsylvania to-day, and by the Senator from Illinois yesterday evening, then, perhaps, it may be proper to take up this bill that came to us from the House and pass it; and I am free to say that I am ready to vote now for the House bill repealing that law, leaving it to the judgment and wisdom of the Senate and House of Representatives hereafter to enact a law that will promote the general interests of the people of this country.

I was aware in the beginning that, if there were any material modification of that law attempted or reported to us by the Judiciary Committee, it would fail to meet the assent of this Senate, much less the assent of both Houses of Congress until the time when we should be back from the recess. Therefore, in casting my vote to take up the resolution and to pass it, I have not been actuated by any spirit of hostility to such a measure; and yet it seemed to me that remarks were made yesterday evening which might at least render it necessary for us to disclaim any such hostility to the measure. We are ready, at least I for one am ready, to meet any pressing wants of the debtor portion of the community by at once repealing the bankrupt law by the enactment of the bill that came to us from the House.

I simply rose to make this explanation, not with any desire to protract this debate.

Mr. BOUTWELL. Mr. President, I have voted uniformly against the recess. I have done so in the hope that we might amend the bankrupt law upon the suggestions that have been made by the chairman of the Committee on the Judiciary. I no longer entertain the hope that that can be done. I am opposed to the repeal of the bankrupt law, and believe that the discussion of the question of its repeal is fraught with great evil to the country. I venture to say that the repeal of the bankrupt law will be followed by financial evils much more wide-spread and disastrous than any that will come from its continuance in the present form. I am persuaded, moreover, by information, general and special, which I have received, that there will be large expression of a general public sentiment among the commercial classes against its repeal and in favor of its amendment if time be allowed. I only wish, therefore, to say that I design now to vote for the recess at the earliest practicable moment consistent with other public purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs, Will the Senate agree to the resolution?

Mr. MORTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORTON. I should like to have the resolution reported.

The Chief Clerk read the resolution, as follows:

Resolved, (*the Senate concurring*,) That when the two Houses adjourn on Friday, the 19th instant, they shall stand adjourned until Monday, the 5th of January next.

The question being taken by yeas and nays, resulted—yeas 32, nays 27; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Boreman, Boutwell, Cameron, Clayton, Conover, Cooper, Davis, Dennis, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Ingalls, Johnston, Kelly, Lewis, McCreery, Merrimon, Norwood, Ramsey, Ransom, Robertson, Saulsbury, Schurz, Stockton, Tipton, and Windom—32.

NAYS—Messrs. Allison, Ames, Brownlow, Buckingham, Carpenter, Chandler, Conkling, Cragin, Crozier, Ferry of Michigan, Gilbert, Hamlin, Hitchcock, Howe, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Sargent, Scott, Sherman, Spencer, Sumner, and West—27.

ABSENT—Messrs. Anthony, Dorsey, Edmunds, Flanagan, Frelinghuysen, Jones, Patterson, Sprague, Stevenson, Stewart, Thurman, Wadleigh, and Wright—13.

So the resolution was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 131) for the relief of John Colter;

A bill (H. R. No. 826) for the relief of Elias C. Boudinot; and

A joint resolution (H. R. No. 14) giving the consent of Congress to the acceptance by Edward Young of a present from the Emperor of Russia.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 16) providing for a change in the name and title of the agent and consul-general of the United States at Alexandria; and it was thereupon signed by the President *pro tempore* of the Senate.

THE BANKRUPTCY LAW.

Mr. MORTON. I offer the following resolution:

Resolved, That the Committee on the Judiciary be instructed that in any bill they may report in regard to the bankrupt law, whether for its repeal or amendment thereto, such repeal or such amendments as relate to the acts, causes, or conditions by virtue of which any person may be thrown into involuntary bankruptcy, shall be made retroactive, to date back and to take effect at a period not later than the 1st of December, 1873.

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the resolution?

Mr. MORTON. As the Senate has now resolved to adjourn, I desire that through this resolution the Senate will give notice to the country that the proceedings in bankruptcy which may be commenced hereafter or which shall have been commenced since the 1st of December shall be made subject to such modifications or repeal of that law as may take place hereafter.

Mr. SUMNER. I ask if this debate is in order? Here is an important proposition——

The PRESIDENT *pro tempore*. Is objection made to the present consideration of the resolution?

Mr. MORTON. What is before the Senate? Nothing but my resolution.

The PRESIDENT *pro tempore*. The resolution of the Committee on Finance is the unfinished business.

Mr. SUMNER. I understand the Senator's resolution is one of instruction to the Judiciary Committee. Of course it will be debated; it must be voted on——

The PRESIDENT *pro tempore*. If any Senator objects to the consideration of the resolution to-day it must lie over. Does the Senator from Massachusetts object?

Mr. SUMNER. I object.

The PRESIDENT. Objection being made to its present consideration, the resolution must lie over.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 131) for the relief of John Colter—to the Committee on Finance;

The bill (H. R. No. 826) for the relief of Elias C. Boudinot—to the Committee on the Judiciary; and

The joint resolution (H. R. No. 14) giving the consent of Congress to the acceptance by Edward Young of a present from the Emperor of Russia—to the Committee on Foreign Relations.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the Secretary of War, recommending an appropriation for the compensation of an operator for the Capitol telegraph; which was ordered to lie on the table and be printed.

He also laid before the Senate a report from the Secretary of War, in relation to a contract entered into for the treatment of patients in the Providence Hospital; which was referred to the Committee on the District of Columbia, and ordered to be printed.

COMMITTEE ON MISSISSIPPI RIVER LEVEES.

Mr. CLAYTON. I offer the following resolution, and ask for its present consideration:

Resolved, That the Select Committee on the Levees of the Mississippi River be authorized to sit at such places as they may designate during the holiday recess, and to investigate and report upon the subject of the levees; and that the actual and necessary expenses attending such investigation be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of the committee.

Mr. CHANDLER. I object.

Mr. CLAYTON. Let me make one statement, if you please. Will my friend from Michigan allow me to make one statement in a few words only?

Mr. CHANDLER. I object to its consideration.

The PRESIDENT *pro tempore*. The resolution will lie over.

EXECUTIVE SESSION.

Mr. SHERMAN. The resolution of the Finance Committee being before the Senate as the regular order, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-nine minutes spent in executive session, the doors were reopened, and (at three o'clock and forty-five minutes p. m.) the Senate adjourned till Monday, January 5, 1874.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 19, 1873.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Clerk proceeded to read the Journal of yesterday.

Mr. BUTLER, of Massachusetts. I ask that, by unanimous consent, the further reading of the Journal be dispensed with.

There was no objection, and it was ordered accordingly.

The Journal was then approved.

WAR CLAIMS.

Mr. SENER submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on War Claims be instructed to inquire, first, as to the expediency of extending the time within which loyal adherents to the Government of the United States during the late war may file their claims, in conformity to the act of March 3, 1871; second, as to the expediency of providing by law some general plan of compensation for losses and injuries resulting to religious, charitable, and educational institutions, during the late war, from acts of the armies of the United States; third, as to the expediency of increasing the number of commissioners of claims, under the act of March 3, 1871, from three to five, so as to facilitate the work of said commission and enable said commission to bring their labors to as speedy a termination as may be consistent with the public interest.

SMITHSONIAN INSTITUTION.

Mr. KELLOGG. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That Professor James D. Dana be, and hereby is, appointed as one of the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, in place of Theodore D. Woolsey, of Connecticut, who declines to be reappointed.

Mr. KELLOGG. I trust there will be no objection to the adoption of the resolution.

Mr. GARFIELD. I suggest that it be referred to the Board of Regents.

Mr. KELLOGG. If there be any objection I will not press the resolution.

Mr. GARFIELD. I do not suppose there is any objection, but I only suggest that is the usual course.

Mr. KELLOGG. If the usual course is as stated by the gentleman from Ohio, I do not object.

Mr. GARFIELD. There is another vacancy to be filled, occasioned by the death of Professor Agassiz.

Mr. KELLOGG. I do not suppose there would be the least objection, Professor Dana being so well known; but if that is the usual course, I do not object.

Mr. BUTLER, of Massachusetts. I suggest that the resolution be referred to the Committee on Education and Labor.

Mr. KELLOGG. I move that it be referred to the Committee on Education and Labor.

There was no objection, and the resolution was referred to the Committee on Education and Labor.

JUDGE E. H. DURELL.

Mr. BUTLER, of Massachusetts. Before I proceed with the civil-rights bill, I desire to submit the resolution which I send to the Clerk's desk, and on which I shall ask to be permitted a moment's explanation.

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be, and is hereby, authorized to send a sub-committee of two members of said committee to New Orleans for the purpose of taking testimony in the matter of the impeachment of Judge E. H. Durell, heretofore referred to said committee, and that said sub-committee have power to send for persons and papers, and to employ a stenographer.

Mr. BUTLER, of Massachusetts. I desire to say that there are among the charges against Judge Durell charges of misapplication of funds and misproceedings in bankruptcy. Unless this resolution be adopted, it would require all the bankrupt records to be brought up here before the committee, or copies, at an immense expense, and there would be such a consumption of time that we probably would never get through the investigation; and although no single member—I am sure I do not want to go and am not going—although no single member of the Judiciary Committee desires to go on this errand, yet we have been compelled, by a sense of public duty, to ask for this, which will effect a great saving of expense. It is in the interest of true economy, I assure the House.

Mr. HOLMAN. Why is not the gentleman content to send a committee of one?

Mr. BUTLER, of Massachusetts. We are going to send a committee of two, one for each side, that there may be fair play.

There was no objection, and the resolution was adopted.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MAYNARD. Does the gentleman from Massachusetts [Mr. BUTLER] intend to bring up the civil-rights bill this morning?

Mr. BUTLER, of Massachusetts. Yes, sir; this morning.

Mr. MAYNARD. How much time does he propose to allow for debate?

Mr. BUTLER, of Massachusetts. Two hours; an hour before and an hour after the calling of the previous question. And I will give most of that time to the opponents of the bill.

Mr. MAYNARD. I would suggest to the gentleman that he might extend the debate somewhat longer than that. There are a number of gentlemen who desire to speak upon the bill.

Mr. BUTLER, of Massachusetts. Two hours will bring us to between three and four o'clock, and then the votes on the bill and amendment will keep us as late as we usually stay here.

Mr. MAYNARD. There is a gentleman here who has not been with us during the last few years, who will no doubt desire to be heard.

Mr. BUTLER, of Massachusetts. I will take care of that gentleman. He will have all the time I can give him.

Mr. MAYNARD. Then I object to anything but the regular order.

Mr. CESSNA. I ask unanimous consent——

The SPEAKER. Mr. MAYNARD has just objected to anything except the regular order.

Mr. CESSNA. I had obtained the consent of the gentleman from Massachusetts [Mr. BUTLER] to yield to me, and had not the slightest idea that the gentleman from Tennessee was to raise an objection.

The SPEAKER. But he has raised an objection, and the Chair must recognize it.

Mr. CESSNA and Mr. MAYNARD rose.

The SPEAKER. When the regular order has been called the Chair must enforce it. No colloquies on the floor in regard to enforcing it are in order.

CIVIL RIGHTS.

The House resumed the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

Mr. BUTLER, of Massachusetts. I desire now to call the attention of the House to the provisions of this bill.

Mr. BECK. I desire to ask the gentleman from Massachusetts a question. What arrangement, if any, can be made about the time to be allowed for debate on the bill?

Mr. BUTLER, of Massachusetts. I had proposed to have an hour before calling the previous question, of which I proposed to take only ten minutes myself. The rest of the hour I proposed to divide among the opponents of the bill. And after the previous question is seconded I propose to give a large portion of the remaining hour to the gentleman from Georgia, who has asked me for it; and I then propose to take to myself the few minutes remaining of the hour in advocacy of the bill.

Mr. BECK. I wish to say, at the request of a number of gentlemen on this side of the House, that we do not intend to have any dilatory motions if we can help it. We do not intend to obstruct the fair hearing of this bill. But at the same time we do not intend, if we can help it, to be denied the right to debate except so far as the gentleman in charge of the bill may see fit to peddle out his time to us. It is a question that cannot be discussed at all in a few minutes. I hold in my hand the opinion of the Supreme Court of the United States in

the New Orleans slaughter-house cases, which no man can present clearly to the House in less than half an hour.

Mr. BUTLER, of Massachusetts. I cannot yield for an argument.

Mr. BECK. Let me say just one word before I sit down, that I may not have occasion to rise again in regard to this point. If the gentleman insists upon holding his hour and peddling it out, and then his next hour, and peddling that out, and cutting off debate in that way, I think this side of the House has power, by what you may call filibustering, to prevent it, and it cannot be done till Monday morning. We want fair discussion, and we will make no dilatory motions except to secure honest debate. There are a dozen gentlemen here who want to be heard, and the bill ought to be discussed certainly for two days. Hitherto it never has been discussed in this House.

Mr. BUTLER, of Massachusetts. I desire to say to the House, and especially to gentlemen on the other side of the House, that just so long as this debate can run consistently with the passage of the bill to-day, just so long, up till ten minutes past nine o'clock to-night, I am willing to let it run.

Mr. STEPHENS. Will the gentleman from Massachusetts allow me a word?

Mr. BUTLER, of Massachusetts. Certainly, sir; upon the question of an arrangement.

Mr. STEPHENS. It is simply upon the question of what length of time should be allowed for debate. I would make an appeal to him not to insist upon a vote to-day. I trust that the House in the discussion of so grave and important a question will not be hastened in coming to a vote, but that ample discussion will be allowed. I would propose two days. There is no necessity for any speed or haste. As the gentleman says he intends to allow me an opportunity of speaking upon the bill, I wish to read the memorial that was presented to the House yesterday from the late convention and that was ordered to be printed. I have not seen it; the House has not yet seen the grievances complained of. I do not intend to speak further now, but simply to appeal to the gentleman and to the House, that by common consent he shall allow at least two days' debate on this question, even if the action on it goes over till after the holidays. I state to him frankly that I do wish to be heard on this bill. I am in no condition to-day to be heard, not only for want of an opportunity of reading the document which is to be laid upon our tables, but for the further reason that I am not in a condition physically to speak to-day. Therefore, if the vote is pressed to-day I cannot do anything more than vote against the bill, and I should like much to give my reasons at large for that vote. I trust that at least two days will be allowed for the discussion on this question.

Mr. BUTLER, of Massachusetts. I desire in all kindness, but with frankness, to call the attention of the gentleman from Georgia to what we who have been here before in late Congresses know well, that this bill has been, almost in the very words, before the late Congress for two sessions; it has been debated and discussed in many forms. To us this bill was linked with another one, to wit—general amnesty. On our side we desired general amnesty and civil rights to go hand in hand. They came out of and were part of the same transaction, and being a part of one and the same transaction, we thought that while we tendered to those who had sought to sever the Union the right hand of fellowship, we must also tender the strong arm of the Union to protect the rights of those who aided us in sustaining the Union at the same time. I call his attention to the fact that we upon this side—I myself rising in my place and saying that if the matter had been reported by a committee I would make no objection, for which some overzealous friends of mine are criticising my course—we on our side allowed general amnesty to go through without a word of debate and scarcely a protest.

Now, then, here is a bill which the gentleman from Vermont [Mr. POLAND] and myself reported from a committee at the last session, and faithfully tried to get a hearing upon. We failed by a proper use by the minority—mark me, I do not complain—of all those dilatory tactics which the minority have a right to adopt. Having failed then, we have now allowed amnesty to go forward; we have given precedence to the white race in that regard, and now we insist that the colored man shall have his rights enforced. While, therefore, I am willing to give all this day for debate, I think that is all that ought to be asked of the majority of the House. If I misinterpret the sentiment of the House, I certainly will not put my own individual opinion against any claim that may be made for courtesy. The only thing that has appealed to me in all the gentleman from Georgia has said is that which makes an appeal to me always—the statement that he is not physically in a condition to allow him to speak. I had arranged in my own mind to give him of the last hour, which belongs by courtesy to the chairman of the committee, forty minutes, reserving only ten minutes for myself.

Mr. ELDREDGE. Now, I was one of those who interrupted the passage of this bill, aided, of course, by all our friends on this side, but not to prevent a hearing; for the gentleman will remember that it was proposed to pass the bill without a hearing, without a single word of debate. I appealed in behalf of my friends, day after day, when the bill came up, that it should go to some committee and be reported back, so as to come before the House for discussion, and it was only for the purpose of discussion that we resisted the passage of the bill in the manner in which it was tried to be passed. It was attempted to pass it without a hearing, and, as the gentleman has said, we struggled against it as we had a right to do; we struggled, not to prevent the bill passing, but because it was attempted to pass it without a word of debate, and it was in the interest of debate, and debate only, that we struggled.

Mr. BUTLER, of Massachusetts. My friend is a little inaccurate in his recollection. The bill was reported from the Committee on the Revision of the Laws. We could not be called in our order, and we asked consent to have it brought up for discussion. We failed to get that consent, and thereupon we tried it under a suspension of the rules, or rather under a call of the States, and we failed utterly, obstructing business all last session with it.

Mr. ELDREDGE. It was not under a suspension of the rules. It was in the morning hour; and we only had to get rid of the morning hour to prevent its passage. We did it by calling for the reading in full of joint resolutions and bills, which had generally been read by the titles only at the Clerk's desk. We only made that resistance for the purpose of debate and of obtaining a hearing.

Mr. BUTLER, of Massachusetts. I desire now to enter a motion to recommit this bill. I will say that I will give the whole of this day to the discussion of this bill unless I am overruled by the House. I will not call the previous question at the end of the hour if the gentleman on the other side, to whom I surrender the floor without calling it, will agree to call it at the end of that hour. That will give two hours' debate before and one hour after the calling of the previous question.

PERSONAL EXPLANATION.

Mr. DAWES. I ask my colleague to yield to me, in order that I may make a correction of a statement which I made the other day, so that the correction may go upon the record.

Mr. BUTLER, of Massachusetts. I yield to the gentleman.

Mr. DAWES. In the debate the other day I stated, upon information that I had obtained from a member of the Committee on Appropriations of the last Congress, in looking around for places where the estimates could be cut down, that the estimates for fortifications were between twelve and fourteen million dollars, and that I thought there was a desire to cut them down to three or four million dollars. Since then my attention has been called to the estimates; and, upon referring to them, I find that my informant was mistaken; that the estimates for fortification, instead of being between twelve and fourteen million dollars, are $5,050,550; made up of $3,601,000 for seacoast fortifications, and $1,449,550 for Army fortifications. I desire to make that correction, and say that the statement I made to the House the other day was made upon information obtained from a member of the Committee on Appropriations of the last Congress.

ELIAS C. BOUDINOT.

Mr. ELDREDGE. I ask the gentleman from Massachusetts [Mr. BUTLER] to yield to me for the purpose of presenting for passage a bill of pressing necessity at this moment. It is one I am instructed unanimously by the Committee on the Judiciary to report to this House and ask action upon it at this time. It is a bill for the relief of Elias C. Boudinot, a Cherokee Indian, against whom suits are pending for violation of the revenue laws. At the last session of Congress the Committee on the Judiciary reported a bill for his relief, providing for the dismissal of the suits against him, and for the return to him of the gross proceeds of his goods which had been sold, after deducting therefrom the taxes which he ought to pay. That bill passed the House and also passed the Senate, and went to the President in the last hours of the session. In the multitude of business pressing upon him he was unable to examine the bill for approval and signature.

So anxious is Mr. Boudinot to have a bill passed for his relief at this time—because the court is in session and his security may be made liable—that he has had presented here by some friend a bill simply to dismiss the suits against him. The Committee on the Judiciary, upon examination of the matter, although Mr. Boudinot is willing to have a bill passed simply to dismiss suit against him, think that justice and equity require the passage of the bill that was passed at the last session. They have therefore instructed me to report a substitute precisely in the same form as the bill which passed the two Houses at the last session and went to the President. I hope there will be no objection to it, because if it is to do any good it must be sent to the Senate for action immediately.

No fraud, no dishonesty, is charged against Mr. Boudinot. He little supposed that when he was selling tobacco in the Indian Territory he was violating the revenue laws. Indeed, in his desire not to violate them he was so careful that he addressed letters to two Commissioners of Internal Revenue, and both of them wrote back to him that the revenue laws would not be enforced in the Indian Territory. The case went to the Supreme Court, and the Supreme Court recommended this action by Congress.

No objection being made, the bill (H. R. No. 826) for the relief of Elias C. Boudinot was received and read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill provides that the civil proceedings now pending in the name of the United States against the property claimed by Elias C. Boudinot, for alleged violation of the internal-revenue laws, be discontinued and dismissed, and that the property seized and taken

from him, and the gross proceeds of the sale of any such property on account of alleged violation of such laws, be returned and restored to him by the proper officers of the Government, provided that taxes legally due from and unpaid by said Boudinot in respect to the business shall have first been paid or deducted from the proceeds aforesaid.

Mr. HOLMAN. I did not fully understand the explanation of the gentleman. I would ask if the bill now reported by the Committee on the Judiciary is the same that was reported by that committee during the last Congress.

Mr. ELDREDGE. It is the same.

Mr. HOLMAN. The terms of the bill are the same?

Mr. ELDREDGE. It is in precisely the same form as the one of last session. I took a printed copy of the bill of last session and have offered it as a substitute for the one introduced this session.

Mr. KASSON. Ought not the words "costs of suit" to be inserted before the word "taxes?" The bill proceeds upon the theory that Boudinot did violate the laws, and, therefore, the bringing of the suit is justifiable.

Mr. ELDREDGE. It was not even so far as that he had made a mistake. On the contrary, he wrote to the Commissioners and they informed him that the revenue laws would not be enforced over the Indian Territory in violation of a treaty. But the court held that they had jurisdiction, and he was held liable. The case went to the Supreme Court, where it was held that the law repealed the treaty, and thereby he was liable. At the same time they acquit him of all motive or disposition to violate the revenue laws in any particular. I do not think he ought to be required to pay any costs.

Mr. KASSON. If that is the position of the matter—if this man first took counsel of the executive officers and they advised him that he had the right to do as he did——

Mr. ELDREDGE. That is the fact.

Mr. KASSON. Then I will not ask any amendment.

The SPEAKER. If there be no objection the bill will be considered as read three times and passed.

There was no objection; so the bill was passed.

Mr. ELDREDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPPLEMENTARY CIVIL-RIGHTS BILL.

Mr. BUTLER, of Massachusetts. I would like now to state to the House an arrangement to which I think all will agree. It is that this debate run on to-day in fifteen-minute speeches during such time as there may be after the morning hour; that the debate be continued under the same restriction on the first day after the recess, and also on the second day after the recess, until four o'clock, at which time the previous question shall be considered as ordered; the time to be equally divided between the two sides. If the House chooses to extend the time of any gentleman beyond fifteen minutes, of course it can be done.

Mr. STEPHENS. The arrangement proposed by the gentleman from Massachusetts would be very acceptable to me, and I think to this side of the House, if he would say "thirty-minute speeches" instead of "fifteen-minute speeches." Some members would like to speak more than fifteen minutes.

Mr. BUTLER, of Massachusetts. If any gentleman wants more than fifteen minutes the House would undoubtedly extend his time.

Mr. STEPHENS. With that understanding, the arrangement is perfectly acceptable.

Mr. BECK. I did not quite understand the proposition of the gentleman from Massachusetts. Is it that the debate be extended until the second day after the recess?

Mr. BUTLER, of Massachusetts. Until four o'clock of that day.

Mr. BECK. That seems to me very liberal; and the debate is to go on in thirty-minute speeches?

Mr. BUTLER, of Massachusetts. Fifteen-minute speeches; the time to be divided by the Speaker equally between the two sides, I retaining, of course, the right to the closing hour of the debate after the previous question has been seconded.

Mr. BECK. I do not want to speak myself; but I think the gentleman would be better satisfied, and so would the House, if the debate should go on in speeches of twenty minutes, instead of fifteen. This question can hardly be presented in fifteen minutes.

Mr. BUTLER, of Massachusetts. If gentlemen prefer twenty-minute speeches, I assent.

Mr. ELDREDGE. I have an amendment, which I would like to present.

Mr. BUTLER, of Massachusetts. I have no objection to its being read; but let the Chair first state the arrangement, so that there may be no mistake.

The SPEAKER. The gentleman from Massachusetts proposes that the debate shall be conducted under a rule of twenty-minute speeches, the previous question to be considered as ordered at four o'clock on the second day after the recess. That will reserve to the gentleman from Massachusetts the right to one hour after the previous question to close the debate.

Mr. COBURN. Suppose the House should not take a recess to-day, is it understood that this debate shall continue until the recess, and then be resumed afterward?

The SPEAKER. That would be the effect, unless the House should direct otherwise.

Mr. COBURN. I have been informed that very probably the Senate will not adopt our adjournment resolution as passed by us. I have talked with some Senators, who think that the Senate may not agree to an adjournment earlier than Tuesday, in which case the effect of this order might be to give four days to this debate, which I suppose gentlemen of the House do not desire.

Mr. BUTLER, of Massachusetts. To avoid any trouble of that kind, I will modify my motion so as to provide that the debate prior to the recess shall not occupy more than to-day.

Several MEMBERS. That is right.

The SPEAKER. The proposition, then, is that the bill shall be debated to-day and on the first and second days after the recess.

Mr. BUTLER, of Massachusetts. Yes, sir.

The SPEAKER. It is proposed further that the debate shall proceed in twenty-minute speeches, the previous question to be considered as operative on the second day after the recess at four o'clock, which would probably carry the closing hour over until the next morning.

Mr. HOLMAN. It is quite apparent that under this arrangement no business can be transacted to-day. Why may it not be understood by unanimous consent that no other business shall be taken up to-day?

Mr. POTTER. Can we not have a morning hour?

The SPEAKER. This subject can be postponed by a vote of the majority. The gentleman from Massachusetts brought it before the House yesterday afternoon under the right of the committee to report at any time. It comes up this morning as unfinished business, and in that respect crowds out the morning hour, subject, however, to the right of a majority to postpone it.

Mr. BUTLER, of Massachusetts. I shall not object to the morning hour.

Mr. POTTER. I move that the pending bill be postponed until after the morning hour.

The motion was agreed to.

Mr. ELDREDGE. I ask that the amendment which I propose be read.

The SPEAKER. The amendments will be entered at the Clerk's desk for printing, and will not be voted on until after the recess if opportunity be then given for amendment.

Mr. ATKINS. I should like to have the amendment of the gentleman from Wisconsin read at the Clerk's desk, so we may know what it is.

The SPEAKER. Any amendments which gentlemen may have to propose to this bill can be left at the Clerk's desk, and they will be ordered to be printed in document form as well as in the CONGRESSIONAL RECORD.

The following amendments, under the order, were left at the Clerk's desk:

By Mr. ELDREDGE: To the second section add the following:

Provided, That nothing in this act shall be so construed as to prevent any person or corporation from making any separate arrangement or provision for the accommodation, convenience, or comfort of the white citizens of the United States.

By Mr. BROMBERG: Amend by striking out all after "in charge of," in line 4, as far as the words "any line of stage-coaches," in line 6; also, amend by striking out after the words "or freight," in line 8, to the word "shall," in line 10; also, amend by striking out after the words "because of," in line 12, to the words "shall on conviction," in line 13, and insert in lieu thereof the words "any reason or pretext whatever."

By Mr. HARRIS, of Virginia: Amend, in lines 8 and 9, by striking out the words "or other benevolent institutions."

By Mr. POTTER: Amend by striking out, in the first section, these words in lines 8 and 9: "or of any cemetery, or other benevolent institution, or any public school."

By Mr. WHITEHEAD: Amend in line 9, after the word "institutions," by striking out "or any public school supported in whole or in part at public expense, or by endowment for public use."

PRIVATE-BILL DAY.

The SPEAKER. The morning hour begins at a quarter before one o'clock, and reports of a private nature are in order from the Committee on Elections, this being private-bill day.

JOHN COLTER.

Mr. WILSON, of Indiana, from the Committee on the Judiciary, reported back a bill (H. R. No. 131) for the relief of John Colter, with the recommendation that it do pass.

The bill, which was read, provides that John Colter be relieved from an assessment of $4,414.40, made against him in the fifth revenue district of the State of Indiana, in and for the month of August, in the year 1870, for deficiency of return of distilled spirits, commonly known as deficiency tax; and that any suit or other proceeding now pending against him for the collection thereof be, and the same is hereby, directed to be dismissed or discontinued.

Mr. WILSON, of Indiana. Mr. Speaker, I desire to say to the House this bill was before the Committee on the Judiciary at the last session; that it had the approval of that Committee and was passed by the House, but was not considered in the Senate for want of time.

If any gentleman desires to have an explanation of the matters connected with the bill I will be very glad to give it.

Mr. HOLMAN. It is usual to have a printed report from the committee, considering and reporting such claims, so that members may have an opportunity to examine, at their leisure, all the facts involved. If my colleague, however, has no written report of the facts in this case, I trust he will state them for the information of the House.

Mr. WILSON, of Indiana. I will say that I have here the affidavit of the assessor of internal revenue for that district, and also the affidavit of the assistant assessor, as well as the affidavits of the United States store-keeper and one other official, showing all the facts.

The reason this went to the Committee on the Judiciary is, there was a suit pending, and has been for some time, against Colter for this deficiency tax.

The case in brief was this: He was the owner of a distillery, and by reason of a break in the machinery, it was stopped for three or four days; there was mash left in the tub, and it was necessary for him to look after it so as to provide his hogs with feed. He extracted the spirits from the mash, paid the tax upon it, and then took the mash to feed his stock. In the mean time, however, this four thousand and odd dollars of capacity or deficiency tax ran against him.

I will remark that at the last session of Congress we passed a law providing for this very class of cases, that where there was unavoidable accident, and the party was guilty of no collusion or wrong, this tax should not run against him.

Mr. DAWES. How does this come from the Committee on the Judiciary? Such questions are usually considered by the Committee on Ways and Means.

Mr. WILSON, of Indiana. It came before the Judiciary Committee because there was a suit pending against this party for the recovery of this tax, and it was, therefore, properly considered by that committee. It was considered by the same committee at the last session, and the bill which was reported passed this House.

Mr. DAWES. The only objection I have is, the danger of having two rules from different committees reported for the guidance of the House. I think such matters should be considered by the Committee on Ways and Means, which has the general charge of all these subjects.

Mr. WILSON, of Indiana. The only reason it came to the Committee on the Judiciary is the one I have already given.

Mr. POTTER. This bill is reported from the Committee on the Judiciary with the consent, I believe, of every member of that committee except myself. I have such a very high regard for the ability and character of my friend from Indiana that I always doubt my own judgment when I differ from him; and I am not very confident I may not be wrong in the belief that this bill ought not to pass.

The circumstances are these, if I understand them correctly: The person for whose relief this bill provides was running a distillery, and liable to be taxed upon its capacity. His machinery happened to break down, and he could not go on for some days. By the law he was taxable upon the capacity of his distillery, whether running or not. He then had on hand a lot of "mash," by the destruction of which, however, he could escape taxation while the distillery was not running. But he has also a lot of hogs; and thinking it a serious thing to destroy the "mash" while he had hogs to feed, he fed his hogs with the "mash." Afterward he took the spirits out.

Mr. WILSON, of Indiana. He had to take the spirits out before he could feed his hogs. [Laughter.]

Mr. POTTER. Undoubtedly; I should state the process the other way. I am not familiar with the whisky business, as the House will perceive. [Laughter.]

Mr. GARFIELD. It would seem that hogs decline to take whisky. [Laughter.]

Mr. POTTER. It seems to me that this is one of the cases in which the law intended that the distiller should pay the tax. My learned friend says that we have altered the law. This is one of the cases, then, where a man engaged in the business of distilling becomes liable, under existing laws, to pay a penalty, and comes here to ask us to relieve him because the law has been changed.

Mr. HOLMAN. Did not the gentleman say the law has been changed?

Mr. POTTER. The gentleman from Indiana [Mr. WILSON] says that the law has been changed in that regard. But I insist that that is no reason for this bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. WILSON, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACCEPTANCE OF A PRESENT.

Mr. MYERS, from the Committee on Foreign Affairs, reported back, with the recommendation that it do pass, the joint resolution (H. R. No. 14) giving the consent of Congress to the acceptance by Edward Young of a present from the Emperor of Russia.

The joint resolution was read. The preamble recites that His Imperial Majesty the Emperor of Russia has been pleased to confer upon each of the official delegates of the United States to the International Statistical Congress at Saint Petersburg a diamond ring as a souvenir of that reunion; and that one of those delegates, Edward Young, Chief of the Bureau of Statistics in the Treasury Department, holds an office of profit and trust under the United States; the joint resolution therefore grants the consent of Congress to the said Edward Young to accept from the Emperor of Russia the present above mentioned.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the joint resolution; and being taken, there were ayes 143, noes not counted.

So the joint resolution was passed.

Mr. MYERS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF LABORERS.

Mr. BUFFINTON, from the Committee on Accounts, reported the following resolution; which was read, considered, and adopted.

Resolved, That the Clerk of the House be, and is hereby, directed to pay from the contingent fund monthly to William Henry Hall, John Douglas, John H. Shaw, William Jones, and George H. Shaw, compensation as laborers for the time they have served and shall serve during the present Congress.

Mr. BUFFINTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL-RIGHTS BILL.

The call of committees having been completed,

The House resumed the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] is entitled to the floor.

Mr. BUTLER, of Massachusetts. I desire briefly to explain to the House the thesis on which this bill proceeds. It is perhaps sufficiently explained in the title—"A bill to protect all citizens in their civil and legal rights." The bill gives to no man any rights which he has not by law now, unless some hostile State statute has been enacted against him. He has no right by this bill except what every member on this floor and every man in this District has, and every man in New England has, and every man in England has by the common law and the civil law of the country. Let us examine it for a moment. Every man has a right to go into a public inn. Every man has a right to go into any place of public amusement or entertainment for which a license by legal authority is required. He has a right to ride in "any line of stage-coaches, railroad, or other means of public carriage of passengers or freight," and to be buried in any public cemetery; or he has a right in any "other benevolent institutions or any public school supported in whole or in part at public expense or by endowment for public use"—that is, while he behaves himself and pays the requisite cost, charges, and fees, and he has a right of action now against every man who interferes with that right unless there is some state of hostile legislation.

Now, then, we propose simply to give to whoever has this right taken away from him the means of overriding that state of hostile legislation, and of punishing the man who takes that right away from him. This is the whole of that bill. There is an amendment offered by the gentleman from Louisiana [Mr. MOREY] which I am inclined to accept, or, at least, to permit a vote of the House to be taken upon it; and that is applying the remedies and penalties under those transactions of the civil rights bill of 1866.

Now, then, who shall say that this bill ought not to pass? What is the ground of possible opposition to it? Whether right or wrong; whether for good or ill, the result of the late war has been that every person born on the soil, or duly naturalized, is a citizen of the United States, entitled to all the rights, privileges, and immunities of a citizen. All legislation, therefore, that seeks to deprive a well-behaved citizen of the United States of any privilege or immunity to be enjoyed, and which he is entitled to enjoy in common with other citizens, is against constitutional enactment. But I am not unmindful of the great point to be taken against this bill by its opponents. They will say that it is an invasion of State rights; that the citizens ought to be left to regulate their own domestic affairs in their own way; that that is in accordance with the resolutions of 1798, and that it is in accordance with the well understood doctrines upon which this confederation of States was founded.

I know, I think, as well as I know any other portion of human knowledge, the length, breadth, and extent of State rights, and I am content to uphold them everywhere; but I am not content to uphold State wrongs, and there is the distinction I take. No State has a right to pass any law which inhibits the full enjoyment of all the rights she gives to her citizens by discriminating against any class of them provided they offend no law; and while from my teaching and from my belief I am an old State-rights democrat, yet State rights are one thing and State wrongs are another, and State wrongs must yield to the Constitution of the United States.

Why, sir, if a citizen of the United States, black or white, places his foot on the soil of a foreign country, say England for instance,

and is there deprived of his common rights by force, the whole power of the United States, the Army and Navy, can be brought to bear, and ought to be brought to bear, and will be brought to bear to protect him. "I am an American citizen" is now a prouder cry than was "I am a Roman citizen," when it was uttered by the apostle Paul in his defense against unjust imprisonment. A greater power than Rome is behind him with men, money, and political power, and civil and religious liberty, and with the determination to enforce all in his behalf.

Now, shall it be said that it is only on the soil of the United States where a citizen cannot have that power exerted in his behalf? All over the world he is entitled to the protection of that power, except where? Except if a State can inhibit it on the soil of the United States, and under the flag which he or his father or his children have shed their blood to defend and perpetuate as a symbol of the glory, the honor, and the power of his country. I say, sir, that, the Constitution having given equal rights to all men, no State, no man, no power, no potentate on earth has a right to take away or abate one jot or tittle of those rights. Whether it was wise or not to have given these equal rights is a question which no man can answer to-day, because we are trying an entirely new experiment in government. Rome threw her laws all over the world, but kept her citizenship in Latium. She held by force her colonies and gave them her laws, but she held on to the birthright of citizenship, and it was sold only by corrupt emperors at a great price. We are trying the other experiment of a republic. Rome failed; we may fail; but ours is the other and correlative experiment. We take in nations or parts of nations; we take in peoples or parts of peoples wholly diverse from us; and instead of throwing our laws over them and holding them by force, we have always given to them equal rights of citizenship with us and rights of self-government; and not only the right of governing themselves but of assisting in governing us. This great experiment, for the first time tried in the history of the world, has not yet been concluded so that any man can say with certainty that it is the very summit of human wisdom. Certain it is, however, that it is the best emanation of human wisdom yet shown in government, with the best results, and it is going forward as the missionary idea of liberty and equality in the world with the high hopes of every patriot and every well-wisher of his country for its success. It is incumbent upon us to do everything we may that that success shall be achieved, that no prejudice against race or color shall prevail for a moment in any quarter of the country. When a man is a citizen he springs up to the high plane of citizenship; and standing upon that plane he is the equal of every other citizen, whatever may have been his former condition of nationality, race, or color, and he must have all his rights secured to him inviolate. This is the ground on which we present this bill to the House and the country, and we insist that whatever there may have been in State rights in olden times, there is now no right in any State to baffle or abate one jot or tittle any constitutional right of equality in the civil and legal privileges of the meanest citizen of the Republic.

Mr. LAWRENCE. I desire to suggest to the gentleman from Massachusetts [Mr. BUTLER] whether it would not be well to amend the bill by striking out in line 17 of section 1 the words "in an action of debt," and inserting "in any proper action or proceeding, and shall be subject to all authorized remedies or processes."

It is well known that in many of the States where the New York code has been adopted, or a similar code, there is no action of debt; and it may be well to avoid any difficulty on that ground by simply providing that any corporation or person offending as mentioned in the bill shall be liable in any proper action or proceeding. Then the amendment proposes one thing further: that the corporation or person so offending shall be subject to all authorized remedies and processes. Now, there are other remedies besides an action. In some States the corporation or person so offending may be liable to proceeding by *mandamus;* and I would subject every corporation or person offending against the provisions of this bill to every remedy known to the law. That is the object of the amendment; and I suggest to the gentleman whether it would not be better to make it.

Mr. BUTLER, of Massachusetts. This matter has not been unconsidered by the two committees before whom this bill has passed. In the first place, the gentleman from Ohio will observe that all proceedings under this act are to take place, not in the courts of the several States but in the United States courts, and therefore the particular forms in the several States are not obligatory. This being in the nature of a penalty, it would be collected in an action of debt. That is the well-understood and well-defined process in the United States courts, and is obligatory upon them all, and therefore we have given that process. That this is a prosecution for a penalty deprives the party of no common-law remedy which he may have in the State court, whether a *mandamus* to put him into a stage-coach, or any like process, if he can make it available. This only deals with the penalty. Then we provide for the prosecution of the crime either through the finding of the grand jury or other criminal proceeding known to the United States, or on information by the Attorney-General or the prosecuting attorney.

Mr. LAWRENCE. One word more.

Mr. BUTLER, of Massachusetts. Certainly.

Mr. LAWRENCE. I understand very well that upon common-law principles every party injured would be entitled to the common-law remedies; that the statutory remedies proposed to be given by this bill would be merely cumulative. I understand that very well. But the act of Congress which regulates the courts of the United States authorizes those courts to adopt the practices which prevail in the State courts.

Mr. BUTLER, of Massachusetts. But it does not compel them to adopt them.

Mr. LAWRENCE. No, it does not compel them to do so. But suppose they have done so. In the State of Kansas, for instance, the circuit court of the United States has adopted the code of civil procedure in that State, excepting only that defenses in equity cannot, as in the State courts, be made available in the courts of the United States. Now, it does seem to me that in those States where the courts of the United States have adopted the State practice, as they are authorized to do, and thus have adopted a civil action, excluding the action for debt, it would be very well to make the provisions of this bill sufficiently comprehensive to include beyond all doubt every form of remedy known to the law. I will say further that the amendment I have suggested can do no harm, while if the bill is left in its present form there may be some doubt and some uncertainty as to whether it is sufficiently comprehensive.

Mr. BUTLER, of Massachusetts. The gentleman can send his amendment to the Clerk's desk and have it printed.

Mr. LAWRENCE. Very well; I will do so.

The SPEAKER *pro tempore.* That order will be made.

Mr. BECK obtained the floor.

Mr. BROMBERG. Before the gentleman from Kentucky [Mr. BECK] proceeds I wish to inquire of the gentleman from Massachusetts [Mr. BUTLER] whether any evidence was presented to the Committee on the Judiciary that this law was necessary from the present condition of the South. And was any evidence brought to the attention of the committee to show why the republican party which has held control for years of Alabama, Mississippi, Georgia, and Louisiana, and of Texas until this year, has not passed laws covering this ground? And do you come here and ask the party here to pass these laws, because of the lack of protection that the party in power there ought to have given?

Mr. BUTLER, of Massachusetts. In the first place, we hold that it is not the duty of the State Legislatures to protect the interests of citizens of the United States as such, but citizens of the State. In the second place, we have had republican Legislatures in parts of the States, it is true, but the States and their courts have been so largely under the influence of those who have prevented the party from having full control, that such legislation when enacted has not been fully carried out. And more than that, there has been a waiting on the part of the State Legislatures for Congress to give this relief. The republican party in the States believe themselves to be powerless to enforce these rights. For instance, when a railroad-car is in full speed, twenty miles an hour, passing from one State to another, and a negro is taken neck and heels and thrown out of the car, it may be difficult to tell whether that was done on one side or the other of the State line. In one State there may be a law enforcing his rights, and in the other State there may be no such law. Therefore we propose to have a law which will reach the length of the railroad, unless it runs across the Pacific Ocean. That is why the States have not passed such laws as are needed.

Now, as to whether there has been any call for such a law as this, I say, yes, sir. Over and over again there came before the committee men who were summoned as witnesses, who, having paid first-class fare on railroads—higher fare than is paid on any other railroads in the world—were thrown out of the cars unless they would go into a dirty, dusty, miserable smoking-car, or some other car that no gentleman would want to go into; and yet they were gentlemen in every regard.

Mr. LAWRENCE. Allow me to state a case showing the necessity for this bill. William Smith, a colored citizen, a most estimable gentleman, who has charge of the library of this House, while traveling within the last year with the gentleman from Massachusetts, [Mr. HOOPER,] was expelled from a railroad-car in one of the Southern States for no reason except his color, and he has been unable as yet to get any redress. This bill is designed to give him, and all others who may be similarly treated, a remedy for the wrongs practiced upon them. Mr. Smith was expelled, as I understand, against the wishes and earnest protest of the gentleman with whom he was traveling, and whose friend he was, and there ought to be a remedy for such outrages. For one, I am ready to exert the whole power given by the Constitution to secure all citizens in the enjoyment of their civil rights. It is a duty we owe to them, to the Government under which we live, to humanity, and to justice.

Mr. BROMBERG. Allow me to make one correction of the remarks just made by the gentleman from Massachusetts, [Mr. BUTLER.] It is not true that the republican party has not had power in the States referred to. In Alabama they have had control from 1868 down to this time; with thirty-two out of thirty-three members of the Senate, and eighty-odd out of ninety members of the House, and all the officers in the State, down to the lowest justice of the peace.

Mr. BECK. I cannot yield further for debate.

Mr. COX. I ask the gentleman to yield to me to offer the following amendment:

Add to section 1 the following: *Provided,* That the penalties of this act shall not be limited to persons of the white race, but that colored or black men who may be

be in charge of any places of amusement or entertainment, or any other persons hereby affected by this act, who shall discriminate against their white brethren, shall also be held liable to the penalties of this act.

Mr. BUTLER, of Massachusetts. Allow me to say that they are included now, because the bill provides for every natural person, and the negro is a very natural person.

Mr. BECK. Mr. Speaker, I desire to say in the beginning, by way of apology to the House, that I did not expect to debate this bill to-day. I have not prepared myself to do so. I am not a member of the committee that reported it, and never saw the bill till this morning, nor have I looked carefully into the authorities bearing on the question. When I urged this morning what seemed to me a reasonable latitude of debate, I spoke in behalf of other gentlemen, one of whom—the gentleman from Georgia [Mr. STEPHENS]—told me that he was too unwell to speak to-day. Another gentleman on this side, my friend from Mississippi, [Mr. LAMAR,] is also too unwell to speak. I expected, of course, that the gentlemen on the committee who object to the passage of this bill would debate it to-day, and enlighten the House upon it; but they prefer to participate in the discussion at a later stage. As no one else seems ready to speak just now, I take the floor to lay before the House a few general ideas I entertain on the subject, which I think I can state in the twenty minutes allowed me; of course, the legal and political questions involved cannot be argued in detail under a twenty minutes limit.

Mr. Speaker, I do not believe that any man on this side of the House opposes this bill because he wants the negro race oppressed, because he desires to see them deprived of education or of any other right guaranteed to them by the Constitution and laws. But many of us do object, and I for one, to the usurpation by Congress of authority over matters that belong exclusively to the States, prescribing severe penalties to be enforced by the courts of the United States; to enforce laws which are violative, as I believe, of the rights of the States and the people thereof. We are approaching consolidation fast enough. We are drifting into centralism step by step so rapidly and steadily that it will not be many years before the States will occupy the same relation to the General Government that the counties bear to the States. Ten years ago that suggestion met with ridicule only from men of all parties.

I object further to this bill, because this coercive legislation, which seeks to put the colored population of the States of the South into the common schools with the white children, will not only be no advantage to them, but will be a positive injury, and will only be available when men who are seeking to drive party politics at the point of the bayonet will make disturbances there, and will seek to enforce martial law because the behests of Congress are not obeyed, and thus carry the elections at the point of the bayonet for the man they want to elect against the popular will.

Mr. RANSIER. May I ask the gentleman one question?

Mr. BECK. Not a word now. The gentleman may have his own time.

I object to this bill because the Constitution of the United States and all its amendments are violated by its provisions. This question has been carefully examined by the Supreme Court of the United States; and that tribunal, as I read the decision, has decided in the late case from New Orleans, that these rights pertaining to the rights of corporations, and inferentially to common schools, are not embraced in the powers confided to Congress by the constitutional amendments. Under the authority to enforce the amendments by appropriate legislation, these are not rights guaranteed by them, or rights about which Congress has authority to legislate.

Massachusetts, to-day, does not allow a man to vote in the State unless he can read the constitution in the English language and write his name. If the people of Kentucky, in the exercise of their constitutional authority, should do as Massachusetts has done—should amend their constitution by incorporating such a prohibition—not one negro in a hundred in the State of Kentucky could go to the polls and vote. We have not done so; we have not thought of doing it, because we have endeavored, in good faith, to give those negroes, ignorant as they are, the rights conferred upon them by the fifteenth amendment. Under such a provision ninety-nine out of every hundred of the negroes, who were slaves in my State seven years ago, would be excluded from the polls. We could, if we saw fit, prescribe other qualifications for the exercise of suffrage or the qualification for office.

Mr. DAWES. Will the gentleman allow me to put in a word here about Massachusetts?

Mr. BECK. I do not object; I suppose it is the right of Massachusetts to be heard.

Mr. DAWES. Let me say, in all candor and kindness, that the great difference between Massachusetts and Kentucky, in the very matter to which the gentleman calls attention, is that for a hundred years or more Massachusetts has been educating every one of her people, without regard to color.

Mr. BECK. Yes; that may be. But the gentleman will recollect that we had slaves in my State till the close of the war.

Mr. DAWES. That is the difference.

Mr. BECK. Yes; that was the difference. I am not complaining of the exercise by Massachusetts of her authority under her own constitution. I simply mention the fact to show that Massachusetts exercises a power which would exclude from suffrage ninety-nine out of every hundred of the negroes in my State, or of any State of the South, going to Massachusetts.

Mr. DAWES. The gentleman will remember that we in Massachusetts had once the misfortune to have slaves.

Mr. BECK. That was a long time ago. But I am not desiring to deprive the State of Massachusetts of any rights; I am insisting that in passing laws here we ought to take care that they do not infringe the rights of the States. Massachusetts had the right to put that provision in her constitution to protect her people from the votes of the negroes of the South, if they should be so unfortunate as to go there. I am stating a fact, not complaining of it.

The Supreme Court of the United States, as I before remarked, very recently considered these questions in the slaughter-house cases, it carefully examined the bearings of the constitutional amendments on this subject. The fourteenth amendment, as is well known, did not allow to colored men the right to vote, and that was controlled by State laws, notwithstanding all the rights conferred by former amendments, and therefore it was necessary to pass the fifteenth amendment. The fourteenth amendment provides as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Now, what does the court say in commenting upon that amendment?

Let me read a few paragraphs from the opinion:

The next observation is more important in view of the arguments of counsel in the present case. It is that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citzens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of *the United States*." It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the term "citizen of the State" should be left out when it is so carefully used, and used in contradistinction to "citizens of the United States," in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizens of the State, and what they respectively are we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment. If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment. * * * * * But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.

There are many other paragraphs in the opinion equally strong, which I have not time to read or even to notice. I hope the case will be carefully examined by a gentleman who will have an opportunity to debate this proposition after the recess. The whole spirit and bearing of the decision is against the constitutionality of the law now proposed, matters of regulation as to education, local corporations, and their rights and privileges being subjects which bear only on the individual as a citizen of the State, and not as a citizen of the United States.

As the gentleman from Massachusetts [Mr. BUTLER] has well said, a citizen of the United States has a right to go upon the high seas; he has a right to go all over the world. The flag of the nation protects him. The first ten amendments to the Constitution of the United States go far beyond his claim, as he states it, in asserting what the rights of citizens of the United States shall be; and it is there declared that no State shall deprive them of any of those rights. They are laid down explicitly, and I will quote them at length:

ARTICLE I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

ARTICLE IV. The right of the people to be secure in their persons, houses, pa-

pers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The last article read ought not to be overlooked.

These are the rights of a citizen of the United States which the fourteenth amendment declares no State shall abridge. The Supreme Court recognizes them, and goes on to enumerate a few others of the same general character in the case I have quoted from. They are now secured to white and black alike; they were not, under the Dred Scott decision, till the fourteenth amendment became part of the Constitution. But it is now proposed to legislate in Congress as to matters such as the regulation of corporations, inns, endowed seminaries of learning, and how school funds shall be distributed, and to compel all children, white or black, to attend school together. That is a matter for State legislation, and Congress has no right to interfere with it. Surely, sir, the people could establish schools in any of the States which none but white females should attend or that none but white males should attend, and might do the same for colored males and females. That would not at all interfere with the colored population having their proportion of the taxes collected to be expended in the education of colored children. We in Kentucky have a right, I say, to arrange separate schools for them, wherein they will get their equal rights. I suppose no man will contend that in any school in my State, established expressly for the education of females, any male negro shall have the right to force himself there where no white male can go. The principle may be extended even that far hereafter if Congress enters upon this character of legislation. The effect of trying to force the colored children among the whites will not be of any benefit to the negro, but, on the contrary, will be of positive injury. Men make a mistake when they think coercion is the appropriate and legitimate province of legislation. Something is due even to the prejudices of men; something is due to the views which State Legislatures may entertain; and whenever Congress undertakes to take control of the States and to deprive them of power, either from spite or any other cause, it is acting unwisely; because it tends to destroy whatever is valuable in the common-school system by making people loathe and despise instead of love and cherish it.

Our legislation will not affect gentlemen in this hall. It does not affect me. I can send my children where I please to have them educated. When you undertake, by your legislation here, to force white and black, male and female, into the same school, the men who have wealth will not send their children; but the poor man will be compelled to send his or let them grow up in ignorance and vice, which will be the alternative chosen in most instances. You will force, in all the States where there is a large colored population, all the skilled industry of other parts of the world away from us, because men who are poor and desire to come among us will not, when they see their richer white neighbors sending their children to private schools or to other States, where they can send their children nowhere but to be with the colored children. You will destroy the public schools altogether, and will not benefit the colored people by doing it. If there was no question as to your power—if the Constitution of the United States gave to you the authority—it would be impolitic and unwise to force it to that extent. It is this question in regard to schools that I look at with the most serious apprehension, though the other provisions of the bill are equally vicious in principle. Does any gentleman upon this floor think that any intelligent man representing a Southern State wants to keep the colored people of the South in ignorance? If he does he is grievously mistaken.

No, sir; if he had no higher motive than his own interest, he would endeavor by every means in his power to improve them mentally and morally; and the States are rapidly developing means to do so, as rapidly as can be expected. They are straining every nerve to furnish them the means of education, to make them industrious, to make them honest, to make them understand the great duties imposed on them by the amendments to the Constitution in their altered condition. No matter what may have been his views of the policy of those changes, now that they are the fundamental law, no man desires to restore the former state of things. Every man is desirous of seeing that the interests of the colored people are promoted; that their intelligence shall be increased; and that all the elements which will make them more virtuous citizens than they were shall be given them in abundance. And if Congress will let the States alone, if it will hold its hand and not put them under coercion, I venture to say that, step by step, every State will do all that any man on this floor can want to have done. But there is many a man that can be led that will not be driven; and if you determine now, when there is no crying evil, to take hold of these States and their institutions by Federal authority, to exert your power to deprive their Legislatures of the right to pass such laws as they may think judicious, that moment the States will cease to act. They will say, "Let Congress do it," and then whatever rights the colored people may get they will get grudgingly and sulkily, and they will be of no value to them when given. But when they come cheerfully from the Legislatures of their own States, as they do come and are coming, then they are valuable rights.

My own State for a long time objected to allowing colored men to testify in cases where white men were parties. Congress threatened to pass a law to enforce this, and the Legislature folded its arms and would not move. Congress withdrew its threatened action, and then the Legislature promptly and almost unanimously passed the law; and to-day, in all the courts of the State, the colored men are testifying, having an equal right in the courts with white men, and there is not a man in the State who would deprive them of it. But if you had forced it upon them by your legislation, another and very different state of things would have existed. We ought to know that whenever a thing can be accomplished with the cordial assent of the people among whom it has to operate, then it will operate well; when it is forced upon them, then it will operate badly.

Why, sir, if Congress takes this step, it is the entering wedge to take absolute control over education everywhere. Your courts will have to watch the States, and will have to punish the wrongs done, and the colored people will be driven on and on as demagogues arise wanting their votes, and they will be brought here to hold conventions and make demands of Congress, until there is no telling where the strife will end.

I suppose there are gentlemen on this floor who would arrest, imprison, and fine a young woman in any State of the South if she were to refuse to marry a negro man on account of color, race, or previous condition of servitude, in the event of his making her a proposal of marriage, and her refusing on that ground. That would be depriving him of a right he had under the amendment, and Congress would be asked to take it up, and say, "This insolent white woman must be taught to know that it is a misdemeanor to deny a man marriage because of race, color, or previous condition of servitude;" and Congress will be urged to say after a while that that sort of thing must be put a stop to, and your conventions of colored men will come here asking you to enforce that right.

I made a few notes while listening to the debate this morning, but I find, as my time is within a minute of expiring, that I will not be able to answer much of what the gentleman from Massachusetts [Mr. BUTLER] has said as I would like to do. I will say, however, that I see one evil purpose in all this legislation. Many of the gentlemen on this floor perhaps do not see it; but the purpose is, I fear, by this Federal legislation, to impose laws so obnoxious on the States in which there are large numbers of colored persons that they will, whenever the proper occasion arises, be goaded on to demand their rights in the most offensive form. It will happen, of course, that in some localities those offensive demands will be resisted or grudgingly given. Arrests will be made; imprisonments will follow; fines will be inflicted; the cry will be raised that these men are disloyal and not in obedience to the Constitution of the United States; the Army and Navy will be called into requisition upon statements made by spies and informers in the pay of the Executive Departments. All this will be brought about whenever party electioneering interests demand it; the people will be put under the ban, and their ballot-boxes closed, or they driven away or put into jails, because of some pretended offenses that have been committed under these laws; elections will be a farce, as they are in too many places now. While, perhaps, no gentleman on this floor intends that, my word for it, that is the meaning, the intent, the purpose, and the object of driving this legislation through now, and under these circumstances time will prove the truth of what I say. Of course, it will be denied now.

Mr. RAINEY. Mr. Speaker, I did not expect to participate in this debate at this early period; and I would have preferred to wait until I should have had a full exposition of the opinions entertained by the other side of the House. I know, sir, that gentlemen on the other side have professed a great deal of friendship for the race to which I belong; and in the last presidential election they pledged themselves that they would accord to the negroes of this country all the rights that were given to other citizens. I am somewhat surprised to perceive that on this occasion, when the demand is made upon Congress by the people to guarantee those rights to a race heretofore oppressed, we should find gentlemen on the other side taking another view of the case from that which they professed in the past. The gentleman from Kentucky [Mr. BECK] has taken a legal view of this question, and he is undoubtedly capable of taking that view. I am not a lawyer, and consequently I cannot take a legal view of this matter, or perhaps I cannot view it through the same optics that he does. I

view it in the light of the Constitution—in the light of the amendments that have been made to that Constitution; I view it in the light of humanity; I view it in the light of the progress and civilization which are now rapidly marching over this country. We, sirs, would not ask of this Congress as a people that they should legislate for us specifically as a class if we could only have those rights which this bill is designed to give us accorded us without this enactment. I can very well understand the opposition to this measure by gentlemen on the other side of the House, and especially of those who come from the South. They have a feeling against the negro in this country that I suppose will never die out. They have an antipathy against that race of people, because of their loyalty to this Government, and because at the very time when they were needed to show their manhood and valor they came forward in defense of the flag of the country and assisted in crushing out the rebellion. They, sir, would not give to the colored man the right to vote or the right to enjoy any of those immunities which are enjoyed by other citizens, if it had a tendency to make him feel his manhood and elevate him above the ordinary way of life. So long as he makes himself content with ordinary gifts, why it is all well; but when he aspires to be a man, when he seeks to have the rights accorded him that other citizens of the country enjoy, then he is asking too much, and such gentlemen as the gentleman from Kentucky are not willing to grant it.

The gentleman from Kentucky says that the Constitution has prescribed what rights we ought to have and to enjoy. I ask the gentleman, in the light of the Constitution, if he can say to the House to-day conscientiously, if he can say to the country conscientiously, that the rights which are guaranteed by the Constitution are given to the negroes in the State of Kentucky? I should like to know if they enjoy those immunities and those rights there. Why, I saw not long since a measure pending—and it was pending during the last Congress—to deprive the negroes of Kentucky of the right of suffrage. They do not want any enactment by Congress that will have a tendency to elevate the negro and make him feel that he is a man and an American citizen. Just so long as you will let Kentucky and the other Southern States, and some of the Northern and Western States, mete out to us what they think we ought to have, and we receive it without objection, we are good, clever fellows; but just as soon as we begin to assert our manhood and demand our rights we are looked upon as men not worthy to be recognized, we become objectionable, we become obnoxious, and we hear this howl about social equality.

Now, gentlemen, let me say the negro is not asking social equality. We do not ask it of you, we do not ask of the gentleman from Kentucky that the two races should intermarry one with the other. God knows we are perfectly content. I can say for myself that I am contented to be what I am so long as I have my rights; I am contented to marry one of my own complexion, and do not seek intercourse with any other race, because I believe that the race of people I represent, to the extent of the opportunities which they have had, and considering how recently they have escaped from the oppression and wrongs committed upon them, are just as virtuous and hold just as many high characteristics as any class in the country. I think the statistics will prove that there is as much virtue among the negroes as among the whites. Sir, we are not seeking to be put on a footing of social equality. I prefer to choose my own associates, and all my colleagues here and the whole race I belong to prefer to make that choice. We do not ask the passage of any law forcing us upon anybody who does not want to receive us. But we do want a law enacted that we may be recognized like other men in the country. Why is it that colored members of Congress cannot enjoy the same immunities that are accorded to white members? Why cannot we stop at hotels here without meeting objection? Why cannot we go into restaurants without being insulted? We are here enacting laws for the country and casting votes upon important questions; we have been sent here by the suffrages of the people, and why cannot we enjoy the same benefits that are accorded to our white colleagues on this floor?

I say to you, gentlemen, that this discrimination against the negro race in this country is unjust, is unworthy of a high-minded people whose example should have a salutary influence in the world. I am very much surprised at the gentleman from Kentucky [Mr. BECK] making these objections and urging them upon this House. I had supposed that, having had an opportunity during the past summer to return to the land that gave him birth, and to breathe the free atmosphere among the hills of Old Scotland, he would return to the land of his adoption with a generous spirit and open heart, ready to accord to the negro in this country the rights that belong to him as a citizen. But, returning as he does to the soil of America, he comes back with the same deep-rooted prejudice against the race to which I belong, and stands up here to-day and declares that if we be permitted to enter free schools or the public institutions in this country it can only be by the power of the bayonet, because it would create insurrection and rebellion in the Southern States.

Sir, why does it not create insurrection and rebellion in the East? Why not in Ohio and in other parts of the country where these rights are now accorded to us? We have a great many, but not all, of our rights in South Carolina, and there is no rebellion there. In the Legislature of South Carolina I find democrats voting for the civil-rights bill. It is upon this floor that I find men who talk about the South being oppressed, rather than those who have an opportunity at home to give an expression to their opinion.

I say to you, gentlemen, that you are making a mistake. Public opinion is aroused on this question. I tell you that the negro will never rest until he gets his rights. We ask them because we know it is proper, not because we want to deprive any other class of the rights and immunities they enjoy, but because they are granted to us by the law of the land. Why this discrimination against us when we enter public conveyances or places of public amusement? Why is a discrimination made against us in the churches; and why in the cemeteries when we go to pay that last debt of nature that brings us all upon a level?

Gentlemen, I say to you this discrimination must cease. We are determined to fight this question; we believe the Constitution gives us this right. All of the fifteen amendments made to the Constitution run down in one single line of protecting the rights of the citizens of this country. One after another of those amendments give these rights to citizens; step by step these rights are secured to them. And now we say to you that if you will not obey the Constitution, then the power is given by that Constitution for the enactment of such a law as will have a tendency to enforce the provisions thereof.

Mr. Speaker, I will reserve much that I have to say upon this question for another time. I feel grateful to the gentleman from New York [Mr. WOODFORD] for having accorded to me so much of his time and to the House for its indulgence.

Mr. BUTLER, of Massachusetts. If nobody desires to debate this question at this time I will move that the House now adjourn until Tuesday next.

SPEAKER PRO TEMPORE.

The SPEAKER. The Chair is under a business engagement which he does not know how to free himself from, and which will require his absence from the House on Monday next. With the leave of the House he will name Hon. WILLIAM A. WHEELER, a Representative from the State of New York, to act as Speaker *pro tempore* during the absence of the Speaker.

No objection was made, and it was ordered accordingly.

APPOINTMENTS ON COMMITTEES.

The SPEAKER. The gentleman from Pennsylvania, Mr. MYERS, appointed chairman of the Committee on Private Land Claims, and the gentleman from Indiana, Mr. PACKARD, a member of the Committee on Naval Affairs, desire to exchange places. It is not within the power of the Speaker to make any such order, but by unanimous consent of the House the exchange may be made. If there is no objection it will be made.

No objection was made, and it was ordered accordingly.

ORDER OF BUSINESS FOR SATURDAY AND MONDAY.

Mr. BUTLER, of Massachusetts. I have been asked to submit to the House whether to-morrow may not be set apart for general debate, no business to be transacted. If that is satisfactory to the House, I am willing to withdraw my motion to adjourn until Tuesday and let that order be made.

The SPEAKER. The Chair has been advised that several gentlemen desire to speak on the annual message of the President of the United States as in Committee of the Whole. Is there objection to assigning to-morrow for debate only?

Mr. HEREFORD. I would suggest that Monday also be set apart for debate only.

Mr. DAWES. I trust that we will have a recess provided for before Monday.

Mr. HEREFORD. I think not, from the information I have. But if so, there will be no harm done.

Mr. HARRIS, of Virginia. I would suggest this modification to the order, that if the Senate shall act upon the question of a recess, the House will retain the control of that question to-morrow and Monday.

Mr. DAWES. If the resolution of the House providing for a recess during the holidays shall come back from the Senate with an amendment requiring some action on the part of the House, that business should be excepted from the order.

The SPEAKER. That can be done.

Mr. BUTLER, of Massachusetts. I will include that in my motion.

Mr. POTTER. If in the mean time the Senate shall send back a resolution upon the subject of the recess that would be acceptable to the House, the House could act upon it, and then the recess would ensue.

The SPEAKER. That is so.

Mr. HALE, of Maine. If there should be no quorum here, as undoubtedly would be the case if nothing is to be done except debate, there can be no action upon the resolution from the Senate.

The SPEAKER. If no gentleman calls for any action to develop the fact that there is no quorum present, it would not affect the question.

Mr. DAWES. If no record is made showing the absence of a quorum it would be all right.

The SPEAKER. Unless attention be called to the question whether a quorum be present, one member can do business as well as two hundred.

Mr. KELLEY. Are there not bills pending before the Senate that may come back to us with amendments? I understand there is a possibility, perhaps a probability, that the Senate will consent to an adjournment from next Tuesday.

The SPEAKER. That was the understanding.

Mr. BUTLER, of Massachusetts. If bills be passed, the President will not be here to sign them during the next few days; so it can make no difference.

Mr. DAWES. It is evident that the House will be so thin after to-day that no one would desire formal action upon any important bill.

Mr. BUTLER, of Massachusetts. Let it be understood that nothing shall be considered except the recess.

The SPEAKER. The proposition is that on to-morrow and Monday the House shall meet for debate only, except that it may act upon any proposition relative to the holiday recess. If there be no objection, that order will be made.

There was no objection.

PUBLIC LANDS IN NEVADA.

Mr. KENDALL, by unanimous consent, introduced a bill (H. R No. 827) in relation to public lands in the State of Nevada; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

G. ALFRED HALL.

Mr. SHELDON, by unanimous consent, introduced a bill (H. R. No. 828) for the relief of G. Alfred Hall; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADJUSTMENT OF PRIVATE LAND CLAIMS.

Mr. SHELDON also, by unanimous consent, introduced a bill (H. R. No. 829) further to extend the provisions of an act entitled "An act for the final adjustment of private land claims in the States of Florida, Louisiana, and Missouri, and for other purposes;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GERMAN LUTHERAN CHURCH, SHEBOYGAN.

Mr. ELDREDGE, by unanimous consent, presented a petition of the German Lutheran Church of Sheboygan, Wisconsin, for the refunding of duties paid on cannon donated by the Emperor of Germany for a bell for said church; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

THOMAS TORRE.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 830) for the relief of Thomas Torre: which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETTLERS ON OSAGE CEDED LANDS.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 831) for the relief of the settlers on the Osage ceded lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SELF-ADJUSTING CURRENCY.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 832) to make the volume of the currency self-adjusting according to the wants of the people; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

IRREDEEMABLE CURRENCY OF CORPORATIONS.

Mr. ELLIOTT, by unanimous consent, presented a memorial of J. W. Parker, vice-president of the Carolina National Bank; C. J. Iredell, Edwin I. Scott & Son, bankers; W. B. Stanley, merchant; and other bankers and merchants of the city of Columbia, South Carolina, praying Congress to prohibit by law the issuance of an irredeemable currency by certain corporations, &c.; which was referred to the Committee on Banking and Currency, and ordered to be printed.

COMMITTEE ON INDIAN AFFAIRS.

Mr. AVERILL. I ask unanimous consent that the Committee on Indian Affairs be enlarged by the addition of one member.

The SPEAKER. This proposition really refers to the gentleman from Indiana, [Mr. SHANKS,] who was chairman of the Committee on Indian Affairs during the last Congress, but who, by reason of his not having taken his seat when the committees were appointed, could not be recognized in their organization. The gentleman from Minnesota [Mr. AVERILL] therefore asks that the Chair may be authorized to appoint an additional member of the Committee on Indian Affairs. Is there objection? [A pause.] The Chair hears none, and names as the additional member of the committee Hon. JOHN P. C. SHANKS, of Indiana.

GEORGE H. MELLAN.

Mr. HYNES, by unanimous consent, introduced a bill (H. R. No. 833) granting a pension to George H. Mellan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT OF FIVE-TWENTY BONDS.

Mr. BUCKNER, by unanimous consent, submitted the following resolution; which was referred to the Committee on Ways and Means:

Whereas it appears from the report of the Secretary of the Treasury that there has been paid to holders of bonds of the United States the sum of $39,758,532.71 premium in the purchase of bonds of the face value of $323,253,800; and whereas the principal of said bonds for which said premium has been paid, by the express provisions of the law under which said bonds were issued, was payable in lawful money and not in gold: Therefore,

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of providing by law that all future payments of the principal of the bonds known as five-twenties be paid in lawful money, commonly called legal-tender notes; and also providing that the holders of said bonds may sue the United States in any circuit court of the United States for the principal of said bonds in gold, with the right of appeal to the Supreme Court to either party; and that the judgment of said court shall be final and conclusive as to the right of said bondholders to demand gold in payment of the principal of said bonds; and that said committee report by bill or otherwise.

PUBLIC BUILDING AT BEAUFORT, SOUTH CAROLINA.

Mr. RANSIER, by unanimous consent, introduced a bill (H. R. No. 834) authorizing the purchase or erection of a suitable building at Beaufort, South Carolina, for Government offices; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CITADEL ACADEMY, SOUTH CAROLINA.

Mr. RANSIER, by unanimous consent, introduced a bill (H. R. No. 835) authorizing the rebuilding of the west wing of the building in the city of Charleston, South Carolina, occupied by the United States, and known as the Citadel Academy, and making appropriation for the same; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GRAPE BRANDY.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 836) to remove all internal-revenue tax from grape brandy manufactured in the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUBSIDIES TO RAILROADS.

Mr. LUTTRELL. I ask unanimous consent to submit for present consideration the following preamble and resolution:

Whereas the several railroad companies hereinafter named have received from the United States by authority of the act of Congress of July 1, 1862, and the several acts amendatory thereof, money subsidies to aid in the construction of their several roads, as follows: to the Central Pacific, $25,885,120; to the Kansas Pacific, $6,303,000; to the Union Pacific, $27,236,512; to the Central Branch Union Pacific, $1,600,000; to the Western Pacific, $1,970,560; and to the Sioux City and Pacific, $1,628,320—making a grand total of $64,623,512; and the said several railroad companies have agreed to pay back said advances, together with the interest due thereon, the United States holding a second mortgage upon said roads to secure the repayment and interest; and whereas the said railroad companies have heretofore refused and omitted, and still do refuse, to pay to the United States their proportions of interest heretofore accruing, or any portion thereof; and whereas the United States has paid or advanced the sum of $20,447,986.25 interest for said several railroad companies, and there remains yet unpaid interest to the amount of $1,292,470.20: Therefore,

Be it resolved, That the Judiciary Committee is hereby instructed to report a bill authorizing and requiring the Attorney-General of the United States to institute and prosecute the requisite legal proceedings to enforce the immediate payment of such accrued and accruing interest.

Mr. MAYNARD. What action does the gentleman propose on that preamble and resolution?

Mr. LUTTRELL. I desire that they shall be acted on at this time.

Mr. MAYNARD. I object.

The SPEAKER. Objection being made to action at this time, does the gentleman wish the preamble and resolution referred?

Mr. LUTTRELL. Let it be referred and ordered to be printed.

The preamble and resolution were referred to the Committee on the Pacific Railroad, and ordered to be printed.

LEAVE TO PRINT.

Mr. PACKARD. I ask unanimous consent to submit and have printed in the CONGRESSIONAL RECORD some remarks which I have prepared on the subject of the salary bill. [See Appendix.]

There was no objection, and it was ordered accordingly.

THE REFUNDING OF TAXES.

Mr. CHIPMAN, by unanimous consent, introduced a bill (H. R. No. 837) to refund taxes improperly collected; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN FINK.

Mr. LOWNDES, by unanimous consent, introduced a bill (H. R. No. 838) granting a pension to John Fink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CITIZENS' NATIONAL BANK, HAGERSTOWN, MARYLAND.

Mr. LOWNDES also, by unanimous consent, introduced a bill (H. R. No. 839) authorizing the Citizens' National Bank, of Hagerstown, Maryland, to change its location; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MILITARY TELEGRAPH OPERATORS.

Mr. LOWNDES also, by unanimous consent, introduced a bill (H

R. No. 840) to include military telegraphic operators within the provisions of an act approved April 4, 1872, to enable honorably discharged soldiers, &c., to acquire homesteads on the public lands; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TELEGRAPH LINES BETWEEN THE CAPITOL AND DEPARTMENTS.

Mr. TYNER. I ask unanimous consent to take from the Speaker's table the bill (S. No. 89) in relation to lines of telegraphs connecting the Capitol with the various Departments of the Government, that it may be referred to the Committee on Appropriations.

Mr. RANDALL. Not to be brought upon a motion to reconsider?

The SPEAKER. Of course.

Mr. MAYNARD. Is that an appropriation bill?

The SPEAKER. The Chair does not know what it contains.

Mr. HOLMAN. I must object, if the committee is to have authority to report back at any time.

Mr. HALE, of Maine. The committee has no authority to report at any time on such a matter as this.

Mr. HOLMAN. I hope the committee will not report anything which has not the authority of law.

Mr. HALE, of Maine. The committee will scrutinize the bill very carefully.

The SPEAKER. Objection being made, the bill remains on the Speaker's table.

Some time subsequently,

Mr. HOLMAN said: I did not object to the telegraph bill going to the Committee on Appropriations, if they are not entitled to report it back at any time.

The SPEAKER. It would not be a privileged report. The Chair will state for the information of the House that the Committee on Ways and Means and the Committee on Appropriations can only report at any time appropriation bills and tax bills, and those only for reference to the Committee of the Whole. That is the full extent of the privilege.

Mr. HOLMAN. What I wish is, that the committee shall look carefully into this bill, so that no money shall be expended without the authority of law.

There being no further objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Appropriations.

NAVY-YARD AT PORT ROYAL, SOUTH CAROLINA.

Mr. CAIN, by unanimous consent, introduced a bill (H. R. No. 841) to establish a navy-yard at Port Royal, South Carolina; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRINTING THE DEBATES.

Mr. DONNAN. I rise to report back from the Committee on Printing, with the recommendation that it do pass, the bill (H. R. No. 718) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873.

Mr. RANDALL. I reserve the point of order on the bill until I hear it read.

The bill was read. It proposes to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, by adding to the proviso in the clause of said act relating to the public printing and binding the following words: "and of the House of Representatives."

Mr. DONNAN. I desire to state to the House what is the occasion for this bill.

Mr. WILLARD, of Vermont. Is this a privileged report? I wish to know if the committee have the right to report at any time an amendment to an appropriation act?

Mr. DONNAN. The bill has reference solely to the question of printing. I ask the House to hear me for one moment.

The SPEAKER. The Chair doubts whether the committee is entitled to make this as a privileged report. Privileged reports of the Committee on Printing are those which relate to the printing of documents, not those which relate to general provisions of law.

Mr. DONNAN. I ask consent to be heard in explanation of the bill.

Mr. RANDALL. As I have stated, I reserve points of order.

Mr. HOLMAN. Before the gentleman makes his statement let us understand what the bill is.

The SPEAKER. The Clerk will again read it.

The bill was again read.

Mr. RANDALL. I would like to hear the clause of the original act read in connection with this bill.

Mr. DONNAN. I can explain it in a moment. At the close of the second session of the Forty-second Congress it was enacted that no more debates of Congress should be printed at the public expense until a contract was entered into for the purpose. At the last session of Congress that proviso was repealed, and the following was enacted in its stead:

Provided, That until a contract is made the debates shall be printed by the Congressional Printer under the direction of the Joint Committee on Public Printing on the part of the Senate.

The proposition is now simply to add the words "and of the House of Representatives." As the matter now stands the House has no voice whatever in relation to the printing by the Public Printer of the debates of Congress. The matter is entirely in the hands of the Joint Committee on Public Printing on the part of the Senate.

Mr. MAYNARD. That was what was intended.

Mr. DAWES. I would ask the chairman of the Committee on Printing whether the committee have made any such investigation of the present cost of printing the debates as to enable him to say whether we are saving or losing under the existing arrangement?

Mr. DONNAN. Not as yet. That question is before the committee and will be answered in due time.

Mr. MAYNARD. I feel obliged to object to this.

Mr. DAWES. Why should the gentleman from Tennessee want that this authority should be taken away from us? The object of this bill is simply to provide that the printing of the debates shall be under the joint authority of the two Houses.

Mr. MAYNARD. The law was made in view of the extra session of the Senate. They have already acted, and I do not think we should interfere.

Mr. DAWES. From time to time, whenever there was any trouble, we have been in the habit of taking away authority from ourselves and putting it in the hands of the Senate. We made the Public Printer elective by the Senate. We have made several other officers from time to time elective by the Senate. We have been putting power into their hands which they will never give up except by act of Congress. In this instance, last spring, when there was no motive or reason for it in the world that I can think of, we put the whole printing of our debates, as well as theirs, solely under the control of the Senate. This proposition is that it may be under the joint control of the two Houses.

Mr. HOLMAN. That is right.

Mr. DAWES. I do not see why in the world the gentleman from Tennessee should object to so reasonable a proposition as this.

Mr. HOLMAN. This proposition is certainly right.

Mr. DONNAN. I hope the gentleman from Tennessee will withdraw his objection.

Mr. MAYNARD. I cannot withdraw it at present.

Some time subsequently,

Mr. MAYNARD said: I have examined the bill in relation to printing, and I have concluded that the objection to its passage at this time should not be insisted upon, and therefore I withdraw it.

No further objection being made the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY.

Mr. COTTON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Railways and Canals be instructed to inquire whether the rates charged by the Chicago, Rock Island and Pacific Railroad Company for the transportation of cars, freight, and passengers across the bridges and tracks connecting Davenport, in the State of Iowa, and Rock Island, in the State of Illinois, are reasonable; and, if not, what measures may be necessary to secure reasonable rates.

PRINTING OF THE JOURNAL.

Mr. WADDELL, from the Committee on Printing, reported back, with the recommendation that it do not pass, the following resolution; and the same was laid upon the table:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of printing the Journal of the House, and executive and legislative documents, in the same style and size as the CONGRESSIONAL RECORD; and that said committee report by bill or otherwise.

HENRY HOOVER.

Mr. RANDALL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be requested to review the finding of the court-martial in relation to Henry Hoover, late naval constructor in the United States Navy, and the action of the Navy Department thereon, and to take such action in reference to said Hoover as the justice of the case and the provisions of existing law may require.

Mr. RANDALL moved to reconsider the vote whereby the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

BOSTON POST-OFFICE.

Mr. BUTLER, of Massachusetts. I send up a resolution to be read, and then I ask consent to say a few words in explanation of it.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Appropriations be authorized to send a subcommittee of not more than three to Boston, Massachusetts, to examine the land for the site of the post-office extension there, and take testimony as to its value and the possibility of adjusting the controversy about that property.

Mr. HOLMAN. I reserve the right to object to that resolution.

Mr. BUTLER, of Massachusetts. Congress last year appropriated $500,000 to extend the post-office or to buy land to extend the post-office at Boston, after the district was burned over. That was then thought to be a proper sum, and I think so still. The Secretary of the Treasury was authorized to take the land under State laws. He proceeded to do so, and the matter went to jury, and owing, I think it must have been, to certain rulings of the court, the jury brought

in a verdict which, if it went through the whole site of the building, would make the site alone cost a million dollars. And, under the law as it stands, I do not know but a claim may be brought against the United States for that amount. That controversy is still going on, and the land cannot be occupied either by the claimants or by the United States. I do not think the United States ought to pay a million dollars for it, and I will not vote that sum if the post-office is never extended. I want, therefore, the small amount expended necessary to allow two or three members of the Committee on Appropriations, of which I am not a member, to go down there and take testimony as to the value of the land, during the vacation, or at their convenience, and, having taken that testimony, I have no doubt the controversy may be adjusted, or, if it cannot be, the House will be in a position to act understandingly, and I think they may save half a million of dollars to the Treasury.

Mr. HOLMAN. I wish to ask whether any of this land has been condemned under the State law?

Mr. BUTLER, of Massachusetts. The whole thing has been done under the State law.

Mr. HOLMAN. The additional land has never been taken in charge by the Government.

Mr. BUTLER, of Massachusetts. O, no; of course not; neither party gets the benefit of it.

Mr. HOLMAN. I think we can get along without the additional land at all, and I shall therefore have to object to the resolution. I think the Committee on Appropriations should see if we cannot save the $500,000 appropriated last year by the Government.

Mr. HALE, of Maine. Nobody here on the floor is more desirous of cutting down the expenditures on public buildings than are the Committee on Appropriations. I know it to be the determined purpose on the part of the members of that committee to meet that question, and cut down the expenditures as far as possible. But here is an embarrassing question about the Boston post-office, and I am by no means certain, although I never heard of this proposition until the resolution was read, but what it would help the Committee on Appropriations, in the direction that it is seeking to run, to investigate this subject. There is some doubt whether or not we cannot get along without the extra sum.

Mr. BUTLER, of Massachusetts. The question is whether the half million cannot be saved.

Mr. HALE, of Maine. That question is also involved in the investigation. I think the investigation proposed might aid the committee in this direction.

Mr. HOLMAN. In the present condition of the public Treasury, I shall have to object to the resolution.

Some time subsequently,

Mr. HOLMAN said: The chairman of the Committee on Appropriations [Mr. GARFIELD] and other gentlemen connected with that committee insist that the public interest will be promoted by the appointment of this sub-committee. Therefore, contrary to my judgment, I will withdraw my objection.

No further objection being made, the resolution was adopted.

Mr. BUTLER, of Massachusetts, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COPIES OF CONGRESSIONAL RECORD FOR ITS COMPOSITORS.

Mr. ORTH, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of furnishing one copy of the daily CONGRESSIONAL RECORD on the cases of the compositors on said RECORD.

COMMITTEE APPOINTMENT.

The SPEAKER. The gentleman from New York, Mr. WOODFORD, asks to be relieved from service upon the Committee on War Claims. Under the rules he has strictly the right to decline this service, because he is assigned to three committees—one special and two standing committees. He will be excused, and his colleague, Mr. MELLISH, appointed in his place.

DEFAULTING REVENUE COLLECTORS.

Mr. RAWLS. I ask unanimous consent to submit the following resolution for adoption at this time:

Resolved, That the Committee on the Judiciary be instructed to report a bill to this House, at as early a day as may be practicable, if possible to better secure the Government against losses by defaulting revenue collectors.

Mr. DAWES. That should be made a resolution to inquire into the expediency, &c., and addressed to the Committee on Ways and Means.

Mr. RAWLS. I am willing to have it referred to the Committee on the Judiciary. I simply wish to call attention to the subject.

Mr. DAWES. Let it go to the Committee on Ways and Means; that committee is now considering that very subject.

Mr. RAWLS. Very well; let it go there.

The resolution was referred accordingly.

EMPLOYÉS OF THE INTERNAL REVENUE BUREAU.

Mr. COX. I ask consent to submit the following resolution for adoption at this time:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to inform this House what number of persons were employed in the Internal Revenue Bureau December 1, 1866, and what compensation was paid them; and what number of persons were employed in said Bureau on the 1st of December, 1873, and what compensation was paid them.

Mr. DAWES. I do not object to the reference of that resolution.

Mr. RANDALL. There is no harm in it.

Mr. HOLMAN. Let it be adopted; let us have the information.

Mr. DAWES. I withdraw my objection.

The resolution was adopted.

NEW ORLEANS PRIZE-MONEY.

Mr. SCHUMAKER, of New York. I submit the following resolution for adoption at this time:

Resolved, That the Secretary of the Treasury be directed to report to this House, if in accordance with the interests of the Government, the amount of money now in the Treasury known as the "New Orleans prize-money;" how much has been paid out or is to be distributed, and how much remains undistributed; also, if any salaries or fees have been paid out of said prize-money.

Mr. BUTLER, of Massachusetts. I object to that resolution. I can tell anybody all about it, better than anybody in the Treasury can.

Mr. SCHUMAKER, of New York. Does the gentleman object to the reference of the resolution to a committee?

Mr. BUTLER, of Massachusetts. Not at all.

Mr. SCHUMAKER, of New York. Let it be referred to the Committee on Naval Affairs.

The motion was referred accordingly.

DEFALCATIONS.

Mr. MAGEE. I submit the following resolution for adoption at this time:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a list of all Government defaulters since March 4, 1869; the amount of defalcation in each case, the amount afterward collected, and whether paid by defaulters or sureties; the number and names of those prosecuted to conviction; the number and names of those pardoned, and the number and names of such defaulting officers who are still in Government employ, together with the aggregate of defalcations since that date.

Mr. GARFIELD. That information has been given several times.

Mr. MAYNARD. Is it proposed to pass that resolution or to refer it?

The SPEAKER. To pass it.

Mr. MAYNARD. Then I object. I will not object to its reference to a committee.

Mr. BUTLER, of Massachusetts. This information has been furnished twice, and is now in public documents.

Mr. MAGEE. I ask that the resolution be referred to the Committee on Ways and Means.

No objection was made, and the resolution was referred accordingly.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 16) providing for a change in the name and title of the agent and consul-general of the United Stafes at Alexandria.

BRIGADIER-GENERAL O. O. HOWARD.

Mr. COBURN. The Committee on Military Affairs, to whom was referred the letter of the Secretary of War, with the accompanying reports of the Adjutant-General and of Inspector-General Schriver, relating to the alleged defalcations, &c., of Brigadier-General O. O. Howard, have had the same under consideration, and have directed me to report the following resolution, and recommend its adoption by the House:

Resolved, That the President of the United States be, and is hereby, requested to convene a court of inquiry, to consist of not less than five officers of the Army, whose duty it shall be, when so convened, to fully investigate all the charges against Brigadier-General O. O. Howard contained in the communication of the Secretary of War to the Speaker of the House of Representatives, of date December 5, 1873, and to report their opinion thereon to the Secretary of War.

Mr. MAYNARD. Ought there not to be something in the resolution to indicate the grade of the officers of this court of inquiry? The resolution simply says "five officers of the Army."

Mr. COBURN. The President of the United States will be governed in that respect by the Army Regulations.

Mr. BUTLER, of Massachusetts. Allow me to to make a suggestion. Ought it not to be provided that at least one-half of this court of inquiry should be officers who served with colored troops? My reason for making the suggestion is this: when I took command of the colored troops, I found great prejudice against their officers existing among the officers of the regular Army, and I suppose it was natural enough.

I issued an order that where offenses were alleged against officers of colored troops, the court-martial trying them should comprise a majority of officers serving with those troops. The consequence was that complaints against such officers ceased. Now, I do not believe that the feeling of Army officers has changed much since the war. I know that there exists in the minds of one or two officers whom I have heard speak on this subject a prejudice against General Howard because he has been at the head of the Bureau of Freedmen's Affairs, a position which they think is not congenia with the dignity of an Army officer.

Mr. COBURN. It may be that some Army officers have such prejudices as the gentleman from Massachusetts speaks of; I do not know how the fact may be; but it is within the discretion of the President to select for this court officers who are free from prejudice. I see no danger in intrusting this investigation to Army officers of high rank and standing, selected by the President. I send to the Clerk, to be read, a letter which General Howard has addressed to the committee.

The Clerk read as follows:

WASHINGTON, D. C., *December* 17, 1873.

SIR: In accordance with the request of yesterday, received from your committee, I appear to make answer.

As preliminary to a formal rebutting of the charges contained in a letter of the honorable Secretary of War, dated December 4, 1873, and referred to your committee, permit me to state—

1st. That I court the fullest possible examination into all the subjects therein named.

2d. Having never been averse to a trial by any proper tribunal, civil or military, upon official charges with any shadow of foundation, I deprecate the statement of my accuser that "a general court-martial became barred in part under statute of limitation," and if it be legally possible so to do, I wish to waive all rights and privileges accorded me under such statute, to the end that the "public benefit" may receive no detriment.

3d. In considering the alleged irregularities and violations of law in the conduct of the late Freedmen's Bureau, I am confident of my ability clearly to prove that, acting as Commissioner in an administrative capacity, I am neither morally nor legally responsible for either of the several counts set forth in the Secretary's letter; and therefore not personally or officially accountable for any portion of the sum which makes up the aggregate therein charged. Certainly, it is against the usage of every department of Government to hold me pecuniarily accountable for the defalcations of subordinate officers where no collusion whatever is even claimed.

With this brief statement I shall gladly submit to the examination and judgment of the committee the work of the late Freedmen's Bureau, (or such portion of it as may be necessary,) the manner of its performance, and my own record, official and personal, connected with it, with a view to a final and complete settlement of the questions at issue, which have been so annoying to my friends and such a prolific source of public scandal.

Very respectfully,

O. O. HOWARD,
Brigadier-General, U. S. A.

Hon. JOHN COBURN,
Chairman Committee on Military Affairs, House of Representatives.

Mr. MAYNARD. Will the gentleman from Indiana [Mr. COBURN] allow me to put to him an inquiry, not in any captious spirit?

Mr. COBURN. Certainly.

Mr. MAYNARD. This investigation will be very laborious and voluminous, extending probably over many years and a large extent of country, involving inquiry into the operations of a great many subordinates and the expenditure of large sums of money. The question I wish to propound to the gentleman is, whether, in the opinion of the Committee on Military Affairs, five officers are better than a larger number? Would not a court composed of seven officers be more desirable for a work of such magnitude?

Mr. COBURN. So far as I know, that point was not discussed in the committee to any extent.

Mr. YOUNG, of Georgia. Let me mention to the gentleman from Tennessee [Mr. MAYNARD] that courts of inquiry are very rarely composed of more than three officers; most generally the number is three. The committee thought five would be sufficient in this case.

Mr. MAYNARD. If my memory serves me aright, I have known such courts to be composed of more than five officers.

Mr. COBURN. I will say to the gentleman from Tennessee that the range of this discussion will not be so extensive as he thinks The investigation will not extend over the entire history of the transactions of the Freedmen's Bureau. It will be confined to the particular charges made in the letter of the Secretary of War, which charges are not only very specific and pointed, but are limited as to time, as to persons, and as to amounts. I think the investigation cannot have a very great range.

Mr. KASSON. I wish to make an inquiry. In a hasty examination of the letter of the Secretary of War at the Clerk's desk, I thought it implicated some other officers than General Howard in this matter of deficiency of the funds. This resolution covers only the case of General Howard. Would not the inquiry necessarily lead to an investigation as to the responsibility of these other officers? Why does not the committee propose to extend the inquiry in that way?

Mr. COBURN. That would be a matter of utter impossibility. We cannot tell in advance what other officers may be implicated. The charges are very numerous; and it is always sufficient to try a man upon the charges that are made against him.

Mr. KASSON. But are not other officers named in the letter of the Secretary of War?

Mr. COBURN. Well, those are matters of separate investigation, if Congress should see fit to order it.

Mr. DONNAN. If the developments of this investigation should implicate other officers, the Secretary of War, in pursuance of his duty, will doubtless see that they are dealt with properly.

Mr. KASSON. Are not other officers named in the letter of the Secretary of War?

Mr. COBURN. Yes, sir; General Balloch and others are named.

Mr. BUTLER, of Massachusetts. Will the gentleman from Indiana allow me a single word?

Mr. COBURN. I will hear the gentleman.

Mr. BUTLER, of Massachusetts. I have no doubt if this matter were left to the choice of the President, he would endeavor to do justice between the country and General Howard; but by the rules of the service, the officers to constitute this court may have to be told off by the Army Register, and there are not many general officers; so that, constituted under these restrictions, the court might happen to be an unfriendly one. The charges in this case are very grave. The integrity of an officer who did good service during the war, and in that service lost one of his arms, is to be inquired into. He is to stand or fall by the record which is to be thus made; and, indeed, a large portion of the Army are to stand or fall by this record. Therefore I shall ask a vote of the House upon an amendment, to insert after "court of inquiry" these words: "which court shall be composed in part of three general officers who have served in command of colored troops." Does the gentleman from Indiana accept this amendment?

Mr. COBURN. No, sir.

Mr. BUTLER, of Massachusetts. Does the gentleman allow it to be offered?

Mr. COBURN. I will allow it to be offered, and then I will ask that this matter be recommitted to the committee. I understand that some of the minority of the committee wish to oppose the resolution in whole or in part; and hence it had better be taken up at a future day.

Mr. YOUNG, of Georgia. I do not understand that the minority of the committee have any objection to this resolution.

Mr. COBURN. Some gentlemen of the minority have requested me, since I have been upon the floor, to have the matter recommitted.

The SPEAKER. With the amendment of the gentleman from Massachusetts pending, the resolution will be recommitted to the Committee on Military Affairs, if there be no objection.

There was no objection.

CLERK TO COMMITTEE.

Mr. PACKARD, by unanimous consent, submitted the following resolution; which was read, considered, and referred to the Committee on Accounts:

Resolved, That the Committee on Private Land Claims be authorized to employ a clerk during the present session of Congress at the usual rate of compensation.

THE CHORPENNING CLAIM.

Mr. CESSNA. Mr. Speaker, I desire to present a petition from sundry citizens of my district; and I ask unanimous consent to make a personal explanation.

There was no objection.

Mr. CESSNA. Mr. Speaker, I hold in my hand, and desire to present to the House, a petition, signed by 201 citizens of Somerset County, Pennsylvania, relative to certain claims of George Chorpenning against the Government of the United States.

This claimant is a citizen of my district, and these petitioners are among the most prominent, intelligent, honorable, and influential of my constituents. Some of them are now occupying, and others have heretofore occupied, prominent positions of honor and trust in their county and in the State. This petition is in the following language, and I ask the Clerk to read it:

The Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States:

The undersigned petitioners, of Somerset County, in the State of Pennsylvania, would respectfully represent that on the 23d day of December, 1870, Postmaster-General Creswell did, under authority vested in him by a joint resolution, approved July 15, 1870, award and declare over his official signature and the seal of his Department that there was due and owing to George Chorpenning from the United States the sum of $443,010.60; that said claim grows out of certain contracts for mail service between California and Salt Lake; that said Chorpenning is a native and resident of our county, and is well known to us to be a man of unquestionable honesty and integrity, and is also known to have spent many years of his life in the prosecution of his several mail contracts through the frontier country; that the findings of the Postmaster-General are in part based upon the testimony of A. J. Schell and other citizens of this county, who are known to have been in the employ of Chorpenning on said mail-routes; that the said witnesses are persons of character and respectability, and their statements are entitled to full faith and credit.

That as the Postmaster-General was about to issue his warrant for the above-named award, payment of the same was suspended under mere verbal charges of fraud and corruption, made without specification or support by oath or affirmation, as in such cases by law provided; that said Chorpenning strenuously asserts his innocence of all said charges, and earnestly desires an impartial trial or investigation of his case, whereby the facts may be made known and the right be done: Therefore your petitioners would humbly pray that your honorable bodies will take such action in the matter as will give justice to and protect the rights of an individual citizen. And your petitioners will ever pray, &c., &c.

Henry Binbaker, John R. Edie, John J. Scull, C. Meyers, John S. Ellis, James W. Woolley, Edward B. Scull, W. R. Sanner, E. H. Marshall, A. Faith, J. W. Patton, Noah Roberts, Harry G. Baer, John Knable, Charles E. Herr, Albert Johnson, C. S. Rice, Daniel J. Horner, M. A. Sanner, Charles J. Harrison, Dennis Myers, G. A. Kimmel, Jacob J. Spiren, Hugh Annan, Jacob Neff, E. N. Shrock, Oliver Knepper, Daniel Grent, Jacob J. Brallier, Henry Heffly, Henry Nedrow, Jacob Enos, William Collins, George Kimmel, Samuel Hunseckr, Edward Scull, T. J. Kooser, J. J. Hoffman, Frank Stutzman, J. R. Walter, Charles C. Shafer, David Knable, Reuben Way, John Wellen, H. Keizer, Daniel Baird, John P. Gardner, James Parson, B. W. Tedwell, Wash Megahan, H. J. Knepper, W. B. Parker, C. P. Heffley, J. H, Zimmerman, V. Hay, W. H. Ruppel, A. Dunham, W. H. Platt, J. B. Sipe, J. Bills, Samuel S. Good, Andy J. Haupt, Charlie R. Ferner, H. G. Beeritz, N. B. Snyder, George M. Saylor, Robert C. Ruby, A. Zook, G. H. Walter, Hiram Beam, Jacob Showman, J. M. Cook, John A. Walter, D. E. Davis, George Dull, David Anheny, George M. Neff, Jacob J. Walter, William Heffley, J. D. Zimmerman, John Hicks, Charles H. Dietz, George Snyder, G. A. Gardner, Henry Keel, John Snyder, Cyrus Knepper, John H. Weimer, G. M. Holdubaum, P. H. Gaither, A. W. Kneppe, George W. Hay, George W. Benford, L. C. Colborn, Reuben Kretchmar, Samuel Bricker, Manassus Kretchmar, David E. Baldwin, Frank Friedline, Jacob Lenhart, Charles Stahl, William C. Davis, F. C. Sampsell, Josiah Brant, C. J. Miller, George W. Pile, Peter Heffley, Isaac Simpson, Noah Casebeer, W. B. Coffroth, James Benford, A. Dorst, E. W. Rhoads, A. J. Ankney, Marcellus Hicks, Josiah Keller, F. Weimer, W. W. Knable, F. H. Sufall, W. C. Weaver, Frederick Weimer, William Brumm, F. E. Weimer, C. F. Rhoads, A. Ferguson, A. Nichelson, N. Brendle, J. Hill,

W. W. Davis, H. J. Picking, A. C. Davis, A. W. Miller, James B. Tredwall, John Neff, W. M. Schrock, William B. Frease, Austin S. Keel, Curtis Kooser, Jacob F. Freedline, John J. Schell, John H. Kantner, Robert Laughton, Josiah Shafer, J. K. Thomas, H. L. Baer, John Buckhart, David Rubright, Solomon Uhl, Daniel S. Miller, Henry Zimmerman, Barnet Picking, James M. Marshall, Jacob S. Picking, T. J. Pidairy, L. Lenhart, Peter Friedline, William Barrick, A. Dennison, Joseph Cummins, J. A. Myers, Henry L. Young, Adam Ehrmaun, Henry Boytz, F. A. Smith, Jeremiah Rhoads, D. F. Shoff, John Q. Ewing, A. G. Miller, M. D., William Boytz, S. H. Smith, Daniel Showman, Samuel A. Rhoads, George Shuldize, George Zimmerman, E. M. Schoultz, Jefferson Rhoads, August Long, William Menser, Willard Guyras, S. A. Dietz, W. H. Tayman, W. P. Foust, Jacob F. Piles, William J. Miller, C. T. Holderbaum, William Crichfield, William B. Mier, S. W. Hays, W. P. Kooser, J. H. Robenstine, P. E. Mowery, George Ogline, Mahlon Miller, Harmon Barron, J. M. Holderbaum, John F. Blymyer, William F. Weller, Edwin F. Wirt, W. B. Knable, Simon Chorpenning, Cyrus C. Shaffer.

Mr. CESSNA. Mr. Speaker, I also have, and intend to present, the memorial of this claimant on the subject-matter mentioned in this petition. I propose to present both papers under the rules and refer the same to one of the standing committees of this House.

If at any time hereafter the majority of the House should prefer to raise a select committee to whom these papers shall be referred, with proper authority on the subject, I shall be content with such order. I do not, at this time, propose to interfere with the business of the House by offering resolutions or provoking discussion.

But I do desire, in this public manner, to give notice to every member of this body that these papers will be presented, and earnestly invite the careful attention of every member to the subject of this petition and memorial. Situated as I am, I can do no less than this. The right of petition is sacred and may not be denied to the meanest, poorest, most prostrate citizen of the Republic. All that these petitions request is a full, free, fair, thorough, and impartial investigation by an able and intelligent tribunal. I desire no more than this; but this I do entreat at the hands of the House.

It is because of the peculiar position which I know this matter occupies before the American people that I have desired to accompany the presentation of these papers with these remarks.

I am fully aware that many and repeated charges of fraud and corruption have been heaped upon the head of this claimant, as well as upon all who, in any way, seemed to countenance or aid him, not only in the prosecution of his claim, but even in the seemingly fair and just demand for investigation and trial.

I present these papers not merely from a sense of duty to my constituents, but because I firmly believe that great injustice and wrong have been done, not only to this claimant, but to all who have appeared to believe that there was any merit whatever in his demands.

I am anxious that I, and all who agree with me in opinion, should be undeceived, or that those who differ from us should be shown the truth as we understand it. A fair and honest investigation is what I desire to challenge. In order that this may be obtained, I am not only willing but anxious that the Attorney-General of the United States, the Postmaster-General, and all other officials of the Government, may be notified of the pendency of this case before the committee, and invited and urged to show cause, if any they have, why the prayer of the petitioner should not be granted.

Mr. Speaker, I do not intend to occupy the time of the House in discussing the merits of this claim at this time, nor to make an argument in its favor. I beg the indulgence of the House, however, for a few minutes, while I state a few of the points in dispute between the claimant and his adversaries. If the merits of the claim, after a careful examination, do not commend it to the judgment of the members of this House, I shall be content. There are two separate and distinct claims mentioned in the memorial; the first arises from two several contracts with the Post-Office Department, made in 1851, for carrying the mails from Sacramento City, California, to Salt Lake City, and an act of Congress for the relief of the contractor, approved March 3, 1857. The second arises upon a contract made in 1858, which was curtailed and afterward entirely annulled by the Postmaster-General.

It has been charged by those who resist this claim, and was so charged by a report of a committee made to this House, January 30, 1871, among other things: First. That this claim had been examined and passed upon by Postmaster-Generals Brown, Blair, Holt, Randall, and Creswell; by the Court of Claims, and by the Committee on Claims in this House, and that, after an examination and consideration, it was in each case rejected by these several tribunals. To these charges the claimant answers a full, complete, and positive denial. This issue, he prays, may be examined and passed upon by this House. He concedes that Postmaster-General Brown did pass upon the first part of his claim, but in his report made to Congress December, 1857, he expressly declared that he could find nothing in the act throwing light on the subject in dispute, and that in this case, as in every case of doubt, the Government was entitled to the benefit of that doubt until Congress by some new enactment should remove it.

The Committees on Post-Offices and Post-Roads in the Senate and House addressed a letter to the Postmaster-General declaring that his construction of the act of Congress was erroneous.

This letter was signed by William Bigler, William M. Gwin, G. N. Fitch, J. P. Hale, James Dixon, and J. B. Henderson, of the Senate, and William H. English, P. Powell, J. M. Wood, V. B. Horton, T. Davis, J. Craig, R. Davis, and J. D. C. Atkins, of the House.

Postmaster-General Brown died without reconsidering the case after his report, and no one can tell what effect this letter produced upon his mind, or whether he ever read it.

No other Postmaster-General ever considered or passed upon the merits of this claim prior to July 15, 1870. Messrs. Blair, Holt, Randall, and Creswell severally refused to open the case or re-examine the same without congressional action, upon the ground that the decision of Postmaster-General Brown was conclusive, and the matter was *res adjudicata*.

The Court of Claims refused to entertain the case upon the same ground, for want of jurisdiction. The Committee on Claims of this House never passed upon the case, nor made any report thereon. This claimant, therefore, has never had an examination of his case by any tribunal except the *doubtful report of Mr. Brown* made to Congress, in which he seemed to invite further legislation, and to ask the opinion of Congress on the construction of the act they had passed.

Mr. Brown died before receiving such information. This relates entirely to the first part of the claim. True, this House and the country have been made to believe that all of this claim was considered by Mr. Brown, and yet the contract upon which Mr. Creswell awarded $205,993.12 was not originally made until after Postmaster-General Brown was dead and buried.

Second. It is charged that Major Chorpenning was a bad man and did not faithfully perform his part of these contracts. He answers in the language of the Postmaster-General to a Hartford bank, "He (Chorpenning) is our model contractor," and to President Buchanan, to whom he said, "If Mr. Chorpenning cannot succeed in the enterprise, we have no contractor in the Department that can." "He is the best man I have for that work."

Third. It has been charged that $233,617.95 have already been paid above the contract price on account of the first part of this claim. This is expressly denied by the claimant, who says that only $79,072.95 were so paid.

Fourth. It is charged in this connection that the contract price was only $106,000, and that, therefore, the extra compensation was greatly disproportionate. This, too, is emphatically denied by the claimant, who avers that his contract price was $940,333.33, and that the extra allowance was greatly below the justice and honesty of the case.

Fifth. It is charged that the change of route, via San Pedro, whereby the distance was largely increased, was made at the instance of the contractor. This is conceded, but it was done in accordance with his duty. The route originally named in the contract was an experiment, and proved to be utterly impassable. The Postmaster-General accepted and adopted the change, and Congress, with a full knowledge of all the facts, ratified the action of the Postmaster-General, and passed the law of March 3, 1857, for the relief of the contractor.

Sixth. It is charged that the Congress of 1857 gave too much additional compensation, although it is admitted by those who make this charge that the original bargain was a hard contract. The claimant, in answer to this charge, avers that his original contracts of $12,500 and $14,000 were taken from him without cause, and given to another party at $50,000; that the Postmaster-General conceded his error, admitted he had annulled the contracts without cause, and restored them to Major Chorpenning with a promise that the price should be raised not to *fifty*, but to *thirty* thousand dollars; that the whole of this question was laid before Congress, and the contracts changed accordingly, by the act of March 3, 1867.

Seventh. It is charged that the act of 1857 was cunningly procured in the interest of claimant, by confining the Postmaster-General, in examining the case, to the "affidavits and proofs on file in the House of Representatives." To this it is answered that the contrary thereof is the fact. This limitation and restriction worked greatly to the injury of the contractor. He could have procured much additional evidence had the way been open to him so to do. His contract was in operation when the law was passed, and by the very terms of the law he lost all advantages accruing between the dates of his affidavits on file and the making of the award by the Postmaster-General.

Eighth. It is charged that the last part of the claim allowed by Postmaster-General Creswell, to wit, $205,993.12, was made upon a contract which provided for its own alteration or annulment; that the penalty was only one month's pay; that this had been allowed and accepted, and, generally, that this claim had often before been considered and rejected by various tribunals; that the whole amount was allowed for damages; that the whole claim was fraudulent and that no part thereof should be paid. To all of this it is earnestly answered that the contract in providing for its curtailment or annulment set forth the specific reasons for which these things might be done. That it was curtailed because Congress failed to pass the Post-Office appropriation bill; that this was not one of the reasons mentioned in the contract; that it was annulled for reasons given by the Postmaster-General, not one of which was true, or had any existence in point of fact; that this the Postmaster-General himself admitted, and the proofs on file abundantly show. In this connection, it is further averred that this claim was never presented to, much less considered by, any tribunal, except the Forty-first Congress and Postmaster-General Creswell in the fall of 1870; that of the $132,361.07 allowed by him in his award of December 23, 1870, $205,993.12 were actually due from the Government to this contractor, and that only $73,632.05 were allowed to him for an unjust and cruel curtailment and annulment of his contract, whereby his utter ruin was accomplished and he reduced to beggary and want.

It is further averred and fully proved that this contractor had expended more than $200,000 in building houses, making roads and bridges, more than seven hundred miles along this route; that all of these were taken from him and given to his successors, and that $535,271 were paid to these same successors for the completion of the work under the contract wrongfully taken from him; and it is fully proved that the actual loss incurred by this contractor on this part of his case exceeded the sum of $300,000.

Ninth. It is charged by some that something improper was done by Postmaster-General Creswell in making his award in favor of claimant for $443,010.60 on the 23d of December, 1870, and by others that the act of July 15th, 1870, was so drawn in the interest of the claimant, that the Postmaster-General was obliged to make the award he did, and that he does not believe the amount was honestly due to Major Chorpenning. To this it is answered that the claimant, believing that Mr. Creswell might be affected by the cry of fraud so extensively raised against him, was scarcely willing to submit to his decision, and, therefore, reserved the right of appeal to the Court of Claims. That the Postmaster-General is clearly of opinion that the money awarded is justly due without regard to the terms of the law. That the law of 1870 was based upon that of 1857, and that this was passed after full and complete examination, and free discussion of all the facts of the case, at a time when everything connected with the same was recent and fresh and easily understood. That not one of the Postmasters-General to whose attention the case has been brought has ever uttered one word against the honesty of the claim, but simply refused its consideration for want of jurisdiction. That the law of 1857 was framed in the interest of the Government, and not in that of the contractor. That the law was passed July 15, 1870, and the award made December 23, 1870. That Congress had then been in session more than two weeks. That the Postmaster-General was a Cabinet officer—one of the highest officials of the Government. That he was able and careful to guard her interests, and, if he had found, or believed, that Congress had passed an act which was likely to give to any citizen an unjust advantage of his Government, he would have promptly reported that fact to Congress before proceeding to execute the provisions of the law. That he did not do so is conclusive evidence of his full faith and belief in the justice and honesty of the claim and of the fairness of the award he had made thereon.

Tenth. It is alleged that the law of 1870 was repealed in 1871, and that the award of Mr. Creswell for $443,010.60 fell with such repeal; also, that this subject was again investigated by the Committee on Appropriations in the Forty-first Congress. To this the claimant responds that no just, fair, intelligent, or legal investigation was made; that he never was notified to appear, nor permitted to appear before that committee, either in person or by attorney; that he was not allowed to furnish a single witness or a paper for examination by the committee; and that although charges of fraud and crime were freely made against him, he was never permitted even to know his accuser, much less to see and cross-examine him. That but a single witness was sworn and examined on either side, and this witness was Postmaster-General Creswell; that all the evidence which produced the repealing act of 1871 was the whispering and inuendoes of evil-disposed and wicked persons, who were guilty of the very frauds and corruptions which they falsely charged upon this claimant; and that he verily believes that they basely conspired together to accomplish his ruin, by making insinuations against him to members of Congress, because he would not comply with their demands by paying a very large sum of money to purchase their virtuous silence.

It is further averred and believed that the repealing act of 1871 is an absolute nullity. There is always an implied contract at least between the citizen and his government. There are certain rights, duties, and obligations from the one to the other; these are, or at least should be, reciprocal. In the case now under consideration there were contracts expressed as well as implied. Differences arose between the parties in regard to the true intent and meaning of these contracts. The Government, through its Legislature, declared the nature and meaning of some of them.

Finally, in 1870, the Government and the citizen agreed upon terms for the settlement of certain disputes and differences theretofore existing between them. The Postmaster-General, an officer of the Government, was appointed arbitrator or umpire to examine and pass upon these disputes and differences, and to make an award and render judgment between the parties. After a long, full, patient, and conscientious examination of all the matters in dispute, the Postmaster-General performed his duties, made his award, and rendered his judgment. It stands upon his records to-day with the great seal of the Post-Office Department of the United States duly attached. The law was executed; the umpire was discharged; his duties were fully performed and finished.

The attempt of Congress to withdraw the submission comes too late. The effort is a weak attempt at repudiation.

Mr. Speaker, I have simply stated a few of the issues between the parties to this controversy. They are vital to the one party, involving all of his property of every character, his good name and reputation, and the character of himself and family, and all their hopes of the future, whether they shall be vindicated, or their very names left a by-word and reproach to posterity. That the magnitude of this controversy has assumed dimensions far beyond what I supposed them to be when in the Forty-first Congress, I fully concede. That I had then, or have now, any knowledge of any fraud or corruption, or wrong, I most solemnly deny. Since that time I have gone before my constituents in the district where this claimant resides, and facing the report made by the chairman of the Committee on Appropriations in the Forty-first Congress—as published in all the papers there opposed to my election—and, with the arguments contained in that report hurled at my head from almost every stump in the district, I have been vindicated. Those to whom I am best known, and whose confidence I most desire to retain, have fully acquitted me of the many charges made against me for the simple performance of a plain duty. Yet I am anxious that not only at home, but everywhere, and especially in this House, should my actions and conduct in the premises be properly understood and appreciated. If I am in error I am anxious to be convinced and willing to acknowledge it. If the House was in error in passing the repealing act of 1871, it is due to fairness, to justice, to truth, and to right that this unfortunate and now prostrate citizen should have an opportunity of manifesting that error. No man can or will say that he ever has had any hearing or trial on this question. All I ask is a consideration and examination of the questions submitted by the citizens of Somerset County, and the prayer of this memorialist.

The Government of the United States cannot afford to deny this reasonable request. When granted, I trust the investigation will be full, thorough, searching, and complete.

I thank the House for the leave granted to make this explanation relative to the papers I intend to present.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. GORHAM, its Secretary, notifying the House that that body had concurred in the resolution of the House that when the two Houses adjourn on Friday, the 19th instant, they shall stand adjourned till Monday, the 5th of January next.

It further announced that the Senate had passed an act (S. No. 140) to amend an act of Congress to expedite and regulate the printing of public documents, approved June 25, 1864, in which the concurrence of the House was requested.

It further announced that the Senate had passed bills of the following titles without amendments:

An act (H. R. No. 34) authorizing the Second National Bank of Havana, New York, to change its name;

An act (H. R. No. 418) to authorize the First National Bank of Saint Anthony, Minnesota, to change its location and name; and

An act (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business.

CHARLES W. PIERCE, ETC.

Mr. HAYS, by unanimous consent, introduced a bill (H. R. No. 842) for the relief of Charles W. Pierce, of Nebraska, and Jacob C. Brubaker, of Maryland; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CHARLES F. CARR.

Mr. GOOCH, by unanimous consent, introduced a bill (H. R. No. 843) for the relief of Charles F. Carr, of Boston, Massachusetts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THE CHORPENNING CASE.

The House resumed the consideration of Mr. CESSNA'S reference to the Chorpenning case.

Mr. DAWES. I desire the attention of the House for a few moments. I do not desire in seeking the floor to oppose the reference of these papers to any proper committee for investigation. No citizen of the United States who feels he has a grievance should be turned away from these Halls when he seeks in proper language for an investigation and for redress, if any wrong has been done him.

I should have said nothing upon this occasion if the gentleman from Pennsylvania [Mr. CESSNA] had pursued the ordinary course in making his request. Instead of waiting until after the investigation, so that the House could have had the facts before it, my friend from Pennsylvania has seen fit, what nobody who has any great confidence in his case is apt to do, to argue it before it is heard, and to tell this House——

Mr. CESSNA. Mr. Speaker——

Mr. DAWES. Not now.

Mr. CESSNA. Very well.

Mr. DAWES. And to tell this House beforehand, while making a request for an investigation to establish disputed facts, that the facts are so and so, and that reports of committees of Congress that state they are not so are false. That is unusual; that is what I have to say.

He has also taken the liberty in coming here and asking for an investigation of a great grievance and wrong that he alleges has been done his friend and constituent to make a charge upon the committees of Congress in these words:

> That no just, fair, intelligent, or legal investigation was made by the Congress that has gone through with the form of such an investigation.

And, so far as the gentleman's personal connection with this matter

is concerned, he and I, and he and the Congress in which this transpired, never had any words. Nobody ever sought to do anything or say anything in reference to the gentleman from Pennsylvania that he himself at the time ever thought was unjust. I had the assurance of the gentleman at the time that he felt as if he had been dealt kindly with. And why, having asked for an opportunity to make a personal explanation to his heart's content once in this matter, why he did not feel satisfied with his own explanation I do not know, nor do I trouble the House to inquire. But, sir, when he insists in advance, before a proper inquiry, on telling this House how this and how former Congresses have been unfair and unjust, I beg him to state to this House what the action of a former Congress was upon the unanimous report of a committee before whom every party having the slightest interest whatever in the case was invited to appear, and who heard every party seeking any opportunity to be heard as long and as fully as they desired; upon the unanimous report of such a committee, and after as long a discussion in the House of Representatives as anybody in the House wished, with the gentleman sitting here, where, if he could not be heard as a member, he might suggest anything he pleased—and I do not know that he was a member; I do not state that, because I am not certain about it. But, whether he was a member or not, he was around here, and having an opportunity to be heard if anything unjust or wrong was submitted to the House. Under these circumstances, sir, the House unanimously passed their judgment in conformity to the unanimous report of the committee of the House. It went to the other branch. It was there referred to a standing committee of that branch, and there before that committee written answers and arguments were presented, and personal appearance was made, to the gentleman, of everybody he desired to be heard. And a unanimous report of the committee in the other branch was, so far as I know, unanimously agreed to by that branch, in conformity with the report which the gentleman from Pennsylvania has seen fit to say was unfair, unjust, and adopted without opportunity to the party interested of being heard.

I do not ask the House to listen to the merits of this case. I am quite as conscious as the gentleman from Pennsylvania or anybody else of the liability of that committee to make a mistake. I shall be willing, quite as cheerful and readily as any man in this House, to correct any mistake whenever I shall have that mistake pointed out to me; and the gentleman from Pennsylvania will not find me slow in doing justice to his constituent, if upon re-examination of the case I find that justice has not been already done.

But, sir, what I complain of here as unusual is, that the gentleman has prepared in his room, by himself, so careful and long a statement as that, and without notice to parties whom he indirectly thus arraigns here in this House, should have come here to ask an investigation, jumping before he gets to the stile, and insisting upon declaring and arguing the case before the facts are in, and thus characterizing the unanimous report of two committees of both branches of Congress as an unjust and unfair treatment of this matter.

It may be, sir, and I do not lift my voice to say that it is not the case, that this gentleman wants a rehearing, and if he wants a rehearing, so far as I am concerned he shall have it, but I will withhold any expression of opinion to this House upon the character of the claim till the committee which shall have it in charge shall report upon all the facts; and then if I find that any act of mine in connection with it has done injustice to anybody I will see to it that justice is done to him. But for a gentleman to come to this House before any such investigation has been made, and to demand investigation in one word, and condemn in another what has been done—to assert that his client seeks a trial, and then to tell the House what is to be the result of that trial—is a different way of transacting business from what I have been in the habit of pursuing.

Mr. BECK. I desire to ask the gentleman from Pennsylvania a question. I have not kept up with this whole debate, but, at the time this matter was exposed before in the House, why did not the gentleman from Pennsylvania then rise and answer the gentleman from Massachusetts [Mr. DAWES] and myself?

Mr. CESSNA. I propose to say a few words, very briefly, because I have already trespassed on the time of the House too long, to answer the gentleman from Massachusetts, and in answering him I shall answer the question of the gentleman from Kentucky.

Mr. BECK. I want to hear the answer.

Mr. CESSNA. The gentleman shall hear it. In answer to the statement of the gentleman from Massachusetts that this is not the regular course to pursue, I will simply say that if I had pursued the usual course I should have been prepared to receive charges from all quarters that I had done this thing in a quiet, sly way, without allowing the public to know it. I prefer to give this open and public notice by reason of the magnitude of the claim and the circumstances surrounding it. That is an answer to the first proposition of the gentleman from Massachusetts. The gentleman misapprehended in part the statement I have made to the House. Instead of going on to make an argument myself I expressly endeavored to refrain from so doing. I did, however, present briefly, and in as strong language as I thought the occasion would justify, the answer and reply of my constituent against whom these charges have been made. And now I will say to the gentleman from Kentucky [Mr. BECK] that I do not desire to get up a personal controversy either with the chairman of the Committee on Ways and Means or with the gentleman; but I state in the presence of this House and the country that I did desire to go before that committee, and that my constituent asked to go before them.

Mr. BECK. What committee?

Mr. CESSNA. The committee of which the gentleman was a member and which made the investigation which has been referred to.

Mr. DAWES. Mr. Speaker——

Mr. CESSNA. Not now, if the gentleman pleases. I state here on my veracity that my constituent has reported to me again and again that he had no notice, and that he was never before the committee; and I ask the gentleman from Massachusetts and the gentleman from Kentucky, or any other man in this House or anywhere, at any time, to name the witness, or to name the lawyer, or to name the party who ever appeared before that committee on behalf of my constituent.

Mr. DAWES. I will answer you.

Mr. BECK. One word, if you please.

Mr. CESSNA. I have no objection to the gentleman's word, but the same courtesy was not extended to me.

Mr. BECK. The check was about to be paid to this man, when the gentleman from Massachusetts ascertained the facts and came in here and exposed the whole matter on the floor of this House, and I sustained him; but the gentleman from Pennsylvania sat silent here and did not even avow himself as the member who brought in the bill.

Mr. CESSNA. Certainly. I had no desire, nor have I now, that the Treasury of the United States should pay one farthing to my constituents or to any one of them—not one farthing—unless he is justly entitled to receive it.

I went to the chairman of the committee and told him that I was called home by dangerous illness in my family; and while I was gone whatever was done was done; and when I returned the first thing I knew was that the report was to be made. I do not mean to say that it was not done properly or that there was anything wrong about it. I was willing that the matter should be examined, but my constituent assures me that he was never before the committee in person, never by attorney, never by witnesses; and if that is so, while I have no personal interest in the matter, I ask that the case shall be examined. The gentleman from Massachusetts says that I charged thus and so. I have only given the language of my constituent; not, as the gentleman says, of my client, but of my constituent, who informs me and assures me that he was never present in person or by attorney. I had not then made such an examination of the claim as would have enabled me to answer the gentleman from Massachusetts, nor had I any feeling or desire to impeach anything the gentleman believed to be right, nor did I throw any obstacles in his way in any shape or form. He has expressed a willingness on his part for a fair investigation, and that is all I ask. I beg pardon of the House for the time I have consumed.

Mr. DAWES. Will the gentleman allow me to ask him a question?

Mr. CESSNA. Certainly, I will.

Mr. DAWES. You say your constituent asked to be heard; now, tell us whom he asked.

Mr. CESSNA. I say here before the gentleman, before you, Mr. Speaker, and before this House and the country, that I asked the gentleman from Massachusetts to give my constituent a hearing. I say that, and I would not assert it if the gentleman had not asked me to do so.

Mr. DAWES. I answer the gentleman from Pennsylvania that I told him the committee would be glad to hear him and his constituent when and where and whenever and as long as he pleased. Now, I say further to this House, that while no attorney for his constituent appeared in the committee-room, the attorney of his constituent, while the examination was going on, contented himself with personal interviews with the members of the committee to explain and to argue and to persuade. He knew the investigation was going on; he knew the door of the committee-room was open, but he preferred his own method of persuading and convincing the committee. The Postmaster-General was there; everybody was there who desired to be. No mortal man ever lifted his voice to say that he had not been heard there until after the same thing was repeated at the other end of the Capitol, and judgment was there pronounced unanimously, as it had been pronounced here.

Mr. CESSNA. A single word. I do not desire or wish to contradict the gentleman as to what the attorney did or said. I had no knowledge on that subject; I wanted none. I did not want to throw anything in the way of the committee or of the House doing justice. I was just as loath as any man in this House to do anything at all whereby I might seem to be desirous of retarding an examination or report, or the stopping the payment of any amount which the members of this House did not think was honestly due from the Treasury.

Mr. BECK. I repeat that the gentleman from Pennsylvania [Mr. CESSNA] was in this House when the chairman of the committee made the most frightful *exposé* I ever heard on this floor; and I backed him and indorsed him because it was true. Yet the gentleman from Pennsylvania sat here and never opened his mouth, and did not even avow his agency in this matter. And it ill becomes him now, two years afterward, to come here and make this statement.

Mr. DAWES. I hope these papers will be referred to some fair committee, and let us have another report.

The SPEAKER. To what committee?

Mr. CESSNA. I have scarcely consulted about the matter.

Mr. MAYNARD. Let them be referred to the Committee on Claims.

Mr. CESSNA. I believe this is more a question of law than anything else, and I prefer the Judiciary Committee.

Mr. MAYNARD. My impression is that this matter was before the Committee on Claims some years ago, when I was a member of that committee. The first time it appears on the statute-books was in March, 1857.

Mr. DAWES. That was before you were on the Committee on Claims.

Mr. MAYNARD. I know; but the matter subsequently came up before that committee when I was upon it, and I believe it should go there now.

Mr. DAWES. I have no choice in the matter.

Mr. CESSNA. I will consult in regard to it. My judgment is that the Committee on the Judiciary is the most appropriate. It may be that it should go to the Committee on Claims or the Committee on Appropriations. I will claim my right under the rule to indicate the committee.

The SPEAKER. The papers must be referred to some committee, or the gentleman may withdraw them.

Mr. CESSNA. I have not yet presented any papers, only given notice that I intend to do so.

Mr. DAWES. This is only a personal explanation.

The SPEAKER. Then the subject is not before the House.

PROMULGATION OF ARMY REGULATIONS.

Mr. COBURN, by unanimous consent, introduced a bill (H. R. No. 844) to authorize the promulgation of the general regulations for the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL CURRENCY.

Mr. WALLACE presented a joint resolution of the Legislature of South Carolina, asking Congress to grant relief for the present financial embarrassment by authorizing the issue of an additional amount of currency; which was referred to the Committee on Banking and Currency, and ordered to be printed.

EDWARD LOPEZ MULRENAN.

Mr. PURMAN, by unanimous consent, introduced a bill (H. R. No. 845) for the relief of Edward Lopez Mulrenan, of Key West, Florida; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES JOHNSON.

Mr. MERRIAM. I ask that the following resolution be now adopted:

Resolved, That there be paid out of the contingent fund of the House to the legal representatives of Charles Johnson, late a messenger in the House of Representatives, a sum equal to the salary of a messenger for three months.

Mr. GARFIELD. I hope that resolution will be referred to the Committee on Accounts.

Mr. HOLMAN. I will not object to the reference.

Mr. MERRIAM. Very well; let it be so referred.

The resolution was referred accordingly.

PRINTING OF DOCUMENTS.

Mr. KASSON. I wish to call the attention of the House—I do not see the chairman of the Committee on Printing [Mr. DONNAN] in his seat—to a bill which has come over from the Senate, and which seems designed to prevent an unnecessary expense that may accrue during the recess. I ask the House to listen to the reading of the bill, because I think it would be well to pass it now.

The bill (S. No. 140) to amend the act of Congress to expedite and regulate the printing of public documents, approved June 25, 1864, was then taken from the Speaker's table and read.

The bill provides that so much of the first section of the act of Congress to expedite and regulate the printing of public documents as directs the publication in one volume of the President's message and executive documents, and an abridgment of the accompanying reports, for popular distribution, be repealed, and that so much of the resolutions of Congress, or of either House, as requires the publication of extra documents for popular distribution be suspended.

Mr. HOLMAN. This seems to apply to the abridgment of the message and documents.

Mr. MAYNARD. To all documents.

Mr. HOLMAN. I think it should pass.

Mr. DONNAN. I move that it be referred to the Committee on Printing.

Mr. MAYNARD. That is right.

The bill was accordingly read a first and second time, and referred to the Committee on Printing.

REORGANIZATION OF THE TREASURY DEPARTMENT.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 846) to provide for the reorganization of the Treasury Department of the United States; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

Mr. HOLMAN. I move that the House now adjourn.

The motion was agreed to; and, (at three o'clock and, forty-five minutes p. m.,) in accordance with a concurrent resolution of the two Houses, the House adjourned to Monday, January 5, 1874, at twelve o'clock m.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule and referred to the appropriate committees:

By Mr. BASS: The memorial of Julius Francis and 50 other citizens of Buffalo, New York, that the 12th day of February, being the birthday of Abraham Lincoln, be declared a national holiday.

By Mr. CESSNA: The petition of the bar of Adams County, Pennsylvania, and other citizens of Pennsylvania, for the repeal of the general bankrupt act.

Also, the petition of 201 citizens of Somerset County, Pennsylvania, praying for a legal investigation of the rights of George Chorpenning, arising from an award made in his favor by the Postmaster-General, and the several contracts and acts of Congress upon which said award was founded.

Also, the memorial of George Chorpenning, of Somerset, Pennsylvania, praying for a legal investigation of his rights arising from an award made in his favor by the Postmaster-General, and the several contracts and acts of Congress upon which said award was founded.

By Mr. CHIPMAN: The petition of Margaret O'Connor, for a pension.

By Mr. FRYE: The petition of Hugo Wedeless, praying compensation for depredations committed upon his property in February, 1867, by Arapahoe Indians.

By Mr. HARRIS, of Virginia: The petition of Mary Byrd Dallas, praying to be restored to the pension-rolls.

By Mr. HYNES: The petition of over four hundred citizens of Ouachita and Nevada Counties, Arkansas, for the establishment of a post-road from Camden, Ouachita County, to Prescott, (on Cairo and Fulton Railroad,) Arkansas.

By Mr. KELLEY: The petition of John Wanamaker, president, and many other officers of the Young Men's Christian Association of Philadelphia, asking for the appointment of a commission of inquiry on the alcoholic liquor traffic.

Also, the memorial of the Radical Club of Philadelphia, praying Congress to avoid an increase of taxation, and replenish the Treasury by saving the $20,000,000 gold paid annually as a premium to the national banks for keeping in circulation notes printed at the cost of the people of the United States and substituted for Government notes or greenbacks.

By Mr. MACDOUGALL: The petition of William H. Ward, of Auburn, New York, asking that he receive proper remuneration for the use by the Government of his bullet-machine patented in 1857.

By Mr. MCJUNKIN: The petition of Charles C. Coulter, a soldier of the war of 1812, for pension, with 66 citizens of Washington Township, in the county of Butler, Pennsylvania, who join in the prayer thereof.

By Mr. PURMAN: The petition in behalf of Southern Methodist publishing house of Nashville, Tennessee.

By Mr. STOWELL: The petition of John Guthrie, a soldier of the war of 1812, desiring to have his name placed upon the pension-roll.

Also, the petition relative to the special internal revenue taxes imposed and known as taxes under Schedule C, signed by W. F. Spotswood & Co., all druggists and apothecaries of Petersburgh, Virginia.

Also, the petition for the relief of the South Methodist publishing house, signed by G. H. Gilmer, judge, and others.

By Mr. SWANN: The petition of Aehsa G. and Sarah L. Wilkins, of Baltimore, Maryland, in relation to property sold for taxes.

By Mr. WALDRON: The petition of G. L. Emerson and others, of Wright, Hillsdale County, Michigan, asking that all mail matter, whether letters or newspapers, be prepaid at the office of mailing.

POST-ROUTE BILLS INTRODUCED.

By Mr. COOK: A bill to establish a mail-route from Alloppa, in Berrien County, to Irwinville, in Irwin County.

By Mr. VANCE: A bill to amend an act establishing a post-route from Chilhowee, Tennessee, to Franklin, North Carolina, extending the said route to take in Charleston, County of Swain, State of North Carolina.

By Mr. WALDRON: A bill to establish a post-route from Chelsea, by Unadilla, Plainfield, and Iosco, to Fowlersville, in the State of Michigan.

IN SENATE.

MONDAY, *January* 5, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday, December 19, 1873, was read and approved.

Hon. J. W. FLANAGAN, of Texas, and Hon. WILLIAM M. STEWART, of Nevada, appeared in their seats to-day.

COMPENSATION OF SENATORS AND REPRESENTATIVES.

The VICE-PRESIDENT laid before the Senate the report of the Secretary of the Senate, in obedience to a resolution of the Senate of December 17, 1873, furnishing information as to the salaries and allowances of Senators and Representatives in Congress since the beginning of the Government; which, on motion of Mr. DAVIS, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SUMNER. Mr. President, I present the petition of Abraham Lansing, of Cambridgeport, Massachusetts, asking for an increase of his pension. He is now eighty-one years old. His case is one of singular hardship. I move the reference of the petition to the Committee on Pensions, and ask the attention of that committee to it.

The motion was agreed to.

Mr. BOUTWELL presented a memorial of business men of New Bedford, Massachusetts, remonstrating against the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CHANDLER presented two memorials, numerously signed by merchants and business men of Detroit, Michigan, remonstrating against the repeal of the bankrupt law, and asking for its modification; which were referred to the Committee on the Judiciary.

He also presented the petition of Samuel Spaulding, of Michigan, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. PRATT presented a petition of citizens of New Albany, Indiana, praying that Thomas Crawford, a soldier of the Mexican war, be placed on the pension roll; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Posey County, Indiana, praying for an appropriation to remove a tow-head and sand-bar in front of the town of Mount Vernon; which was referred to the Committee on Commerce.

Mr. PRATT. I also present a memorial of sundry citizens of Indianapolis, Indiana, embracing the wholesale dealers in that city, and among the best men in it. Referring to the bankrupt law and the proposed repeal of it, they say that in their opinion "said law might be improved and modified in certain respects, so as to extend the time to, say, sixty days instead of fourteen days for the payment of unpaid matured commercial paper;" and also that there should be a reduction in costs attending bankrupt-court proceedings. "Amended as above," they say, "we believe the present law will be promotive of sound business interests, and that its absolute repeal at present would be inexpedient and unwise." I move the reference of this petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. INGALLS presented the petition of H. C. Fuller and 55 others, citizens of Prairie Plains, Kansas, praying for the amendment of the postal laws; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of J. Collar and 146 other citizens of Kansas, asking that an amendment be made to the law relating to the growth of timber on the western prairies; which was referred to the Committee on the Public Lands.

Mr. ANTHONY. I present the petition of Rev. R. F. Nicola, George T. Downing, David E. Howard, Job Fry, John Andrews, George Henry, and about 500 other colored citizens of Rhode Island, asking for the passage of the bill known as Charles Sumner's supplementary civil-rights bill. I move that it lie on the table.

The motion was agreed to.

Mr. CROZIER presented the petition of Wilson A. Peckham and 74 others, citizens of Kansas, praying for the establishment of an additional land district in that State; which was referred to the Committee on Public Lands.

Mr. BUCKINGHAM presented the petition of Frederick B. Zidier, of Hartford, Connecticut, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. HOWE presented the memorial of Harney & Livesey, of Madison, Wisconsin, asking compensation for labor, materials, and damages under a contract to build a bridge at Rock Island; which was referred to the Committee on Claims.

Mr. FENTON presented a petition of a large number of professional and business men of the city of Syracuse, New York, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. SCOTT. I present the petition of Thomas Mendenhall and a number of other citizens of Pennsylvania, praying Congress to take steps in co-operation with other governments for the settlement of international difficulties by arbitration and without a resort to arms. I move the reference of this petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SCOTT. I also present a petition of citizens of Philadelphia, praying for the appointment of a commission to inquire into the results of the traffic in alcoholic liquors. I move the reference of this petition to the Committee on Finance, as I believe other petitions on the same subject have been sent to that committee.

The motion was agreed to.

Mr. McCREERY presented a petition of G. B. Tyler and E. B. Luckett, praying to be reimbursed for certain moneys alleged to have been illegally collected as tax on whisky manufactured by W. T. Cheatham; which was referred to the Committee on Claims.

Mr. FLANAGAN presented the petition of the mayor of the city of Jefferson, Texas, and other citizens of that place, praying for the removal of the district court of the United States for the western district of Texas from Tyler to Jefferson; which was referred to the Committee on the Judiciary.

Mr. MORRILL, of Maine. I present a memorial numerously signed by citizens of Portland, Maine, remonstrating against the repeal of the bankrupt law, and they conclude by saying that they respectfully submit "that the present is a favorable time for the revisal and improvement of the present system, but that its total abrogation would be disastrous to the interests of the business community." I move that this memorial be referred to the Committee on the Judiciary, who have the subject under consideration.

The motion was agreed to.

Mr. KELLY presented a petition of officers and soldiers who served in the Mexican war, now residing in the State of Oregon and Washington Territory, praying Congress to pass an act to place the surviving soldiers of that war on the pension roll; which was referred to the Committee on Pensions.

Mr. SARGENT. I present a memorial of the house-carpenters of the Eight-hour League of San Francisco, California, protesting against the repeal of the eight-hour law, and recommending that Mr. A. B. Mullett be rebuked by the Government for his report in favor of such repeal. I move the reference of this memorial to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MERRIMON presented a petition of citizens of North Carolina, praying for the transfer of Chatham and Orange Counties, in that State, from the western to the eastern judicial district, and for the holding of stated terms of the United States district court at Raleigh; which was referred to the Committee on the Judiciary.

He also presented the petition of R. H. Jones, executor of Wesley Jones, late United States marshal for the district of North Carolina, praying the payment of an unsettled balance due the estate of Wesley Jones for taking the census of 1860; which was referred to the Committee on Claims.

Mr. ALLISON. I present the memorial of John T. Hancock & Co. and 91 others, representing the business interests of the city of Dubuque, Iowa, protesting against the repeal of the bankrupt law. I move that this memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. ALLISON presented the petition of Mary E. Grosvenor, widow of the late Thomas W. Grosvenor, lieutenant-colonel of the Twelfth Illinois Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of James Bremner, praying for the repeal of the act exempting church property from taxation in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. CONKLING presented the petition of Eliza S. Constant, praying indemnity for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

He also presented the petition of James A. Hyde, late captain of Company A, One hundred and twentieth Regiment New York Volunteers, praying for arrears of pension; which was referred to the Committee on Pensions.

He also presented the petition of Barnet Simonson, of New York, praying to be allowed a bounty-land warrant and a pension; which was referred to the Committee on Pensions.

Mr. CONKLING. I present the memorial of Audley W. Gazzon, of the city of New York, being a remonstrance against the repeal of the bankrupt law and suggestions touching its amendment. I move that the memorial be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present also a memorial, numerously signed by business men of Brooklyn, New York, remonstrating against the total repeal of the bankrupt law, and suggesting that it be retained with modifications. I move the reference of this memorial to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present a similar memorial, signed by business men of the city of New York in considerable numbers. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present also the petition of 51 business firms; national and private banks; the county officers and local bar of the county of Lewis, in the State of New York, praying for the absolute repeal of the bankrupt law. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I also present a petition, very numerously signed by citizens of the county of Lewis, asking Congress to sweep away the bankrupt law, with all its amendments, from the statute-book of the nation. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present also the petition of a large number of citizens of the city of Syracuse, in the State of New York, and elsewhere in the county of Onondaga, praying the entire and immediate repeal of the bankrupt law. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. THURMAN presented a petition of citizens of Ohio, praying amendments of the postal laws so as to require prepayment of postage on all matter, and the better regulation of the salaries of postmasters; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON presented the memorial of the Merchants' Association of Philadelphia, suggesting modifications in the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of C. A. Finley, on the Army retired list, praying for equal pay with officers of his rank; which was referred to the Committee on Military Affairs.

Mr. FRELINGHUYSEN presented the petition of Joshua H. Butterworth, praying for an extension of his patent on improvements in bank and safe locks; which was referred to the Committee on Patents.

He also presented a petition of citizens of Harlan County, Nebraska, praying for an amendment of the "forest-culture" act; which was referred to the Committee on Public Lands.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SCHURZ, it was

Ordered, That the memorial of Benjamin Fish, praying compensation for horses and harness captured during the late war, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. DAVIS, it was

Ordered, That the petition and papers of the trustees of the German Evangelical church at Martinsburgh, West Virginia, be taken from the files and referred to the Committee on Claims.

BANKRUPTCY ACT.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 792) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto, to report the same back with sundry amendments, and with these amendments the committee are of opinion that the bill ought to pass. I will state that one of the amendments, which will show that we are not in favor of absolute repeal, is to change the title into "A bill to amend the bankrupt act," instead of repealing it altogether. I believe I am justified in saying that substantially the committee agree upon the principles and substance of the amendments that ought to be made.

BILLS INTRODUCED.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 231) to regulate and facilitate commerce across the navigable rivers forming the boundary of States; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 232) to regulate the fees received from certain steam-vessels sailing coastwise and foreign; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 233) for the incorporation of the National Washington Home; which was read twice by its title.

Mr. WRIGHT. Petitions on that subject and a similar bill have been referred to the Committee on Finance, and I move that this bill take the same direction.

The motion was agreed to.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 234) authorizing the President of the United States to appoint C. W. Cronk a first assistant engineer in the Navy of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 235) to provide for a commission to prepare and report to Congress a bill or bills with reference to the enactment of a general shipping act, and for other purposes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 236) more effectually to provide for the security of life on board of vessels propelled in whole or in part by steam; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 237) to change the name of the port of San Pedro, California, to Wilmington; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 238) permitting James McDonald, a warrant officer of the Navy, to accept a silver medal from the government of Italy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 239) to withhold from sale a portion of the Fort Smith military reservation in Arkansas, and for other purposes; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 240) to establish certain post-roads in the State of Arkansas; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 241) to confirm the title to certain lands on the Fort Kearney military reservation in Fremont County, Iowa; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 242) for the relief of Enos Lowe, late receiver of public moneys at Council Bluffs, Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 243) for the relief of Charles W. Denton, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

REGENTS OF SMITHSONIAN INSTITUTION.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 5) to supply certain vacancies in the Board of Regents of the Smithsonian Institution; which was read twice by its title.

Mr. STEVENSON. I ask for the immediate consideration of the joint resolution.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the joint resolution. It provides that the vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" be filled by the appointment of Asa Gray of Massachusetts, in place of Louis Agassiz, deceased, J. D. Dana of Connecticut, in place of Theodore D. Woolsey, Alexander T. Stewart of New York, in place of William B. Astor, whose terms have expired, and that John Maclean of New Jersey, and Peter Parker of Washington City, whose terms have expired, be reappointed.

Mr. STEVENSON. These appointments have been agreed upon by the Board of Regents of the Smithsonian Institution, and they are to supply all vacancies in that Board.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. SUMNER. I ask if that is the report of a committee or a simple resolution?

The PRESIDENT *pro tempore*. It is a joint resolution introduced by the Senator from Kentucky.

Mr. SUMNER. I suggest that it should be considered by a committee. I honor all the gentlemen named in the resolution; still I think it has been customary to consider such resolutions in committee.

Mr. STEVENSON. I have no objection to its reference to a committee.

Mr. SHERMAN. I think the resolution ought to be referred to the Committee on the Library, which has general charge of the Smithsonian Institution.

The PRESIDENT *pro tempore*. Does the Senator make that motion?

Mr. SHERMAN. Yes, sir.

The motion was agreed to.

CLAIM OF W. T. CHEATHAM.

Mr. McCREERY submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish to the Senate the papers on file with the Commissioner of Internal Revenue in the case of W. T. Cheatham, distiller in the second district of Kentucky, with an opinion from said Commissioner of Internal Revenue as to the equity of a drawback of $164 alleged to have been improperly and unlawfully collected by the revenue officers of said district.

USE OF OFFICIAL STAMPS BY DEPARTMENTS.

Mr. CRAGIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretaries of State, of the Treasury, of War, of the Navy, of the Interior Department, the Postmaster-General, and the Attorney-General, be requested to furnish to the Senate, with the number of officers and employés in or connected with their respective Departments, (classified so as to designate the name of the office,) who are furnished, directly or otherwise, with official postage-stamps for the purpose of paying postage on official correspondence; and also to state whether or not it is customary, where letters are written to persons not officers or employés of their respective Departments, asking for information, to inclose official stamps for return postage.

TEMPORARY LOANS BY THE TREASURY.

Mr. BUCKINGHAM. I offer the following resolution:

Resolved, That in order to prevent inflation of the currency and to meet the necessities of the Government, the Committee on Finance be requested to consider the expediency of reporting a bill to the Senate which shall empower the Secretary of the Treasury to make temporary loans, and which shall authorize national-banking associations to use certificates of indebtedness issued for such loans as a part of their reserve; also to provide for the redemption and cancellation of legal-tender notes equal in amount to those which have been, or which may be hereafter, paid out of the $44,000,000 heretofore held by the Secretary.

Mr. FERRY, of Michigan. I ask that that resolution go over and be printed.

The PRESIDENT *pro tempore*. The Senator from Michigan objects to the consideration of the resolution. It will lie over and be printed.

REDUCTION OF SALARIES.

Mr. WRIGHT. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Civil Service and Retrenchment be instructed to inquire into the expediency of providing for a reduction of 10 per cent. on the compensation of all officers whose salaries exceed $1,000, or who are paid more than five dollars per day; said reduction to be either permanent or for such time as the committee may deem advisable.

Mr. CAMERON. I object to the present consideration of the resolution.

The PRESIDENT *pro tempore*. The resolution will lie over.

NATIONAL BANKING LAW.

Mr. PRATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be directed to inquire whether the national banking law should not be so amended as to prohibit the stockholders and officers of a national bank from being concerned in the business of private banking in or near the locality of the national bank, whereby the means of such bank may be employed to produce a greater rate of interest than is allowed by law.

HOUSE BILL REFERRED.

Mr. MORRILL, of Maine. I ask that the bill which came from the House of Representatives before the recess, and which was read once, be taken up and read the second time, and referred to the Committee on Appropriations.

The motion was agreed to; and the bill (H. R. No. 795) making an appropriation to pay the salaries of the official reporters of the proceedings and debates of the House was read a second time by its title, and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 27th ultimo, approved and signed the bill (S. No. 130) to remove the disabilities of Thomas S. Bocock, E. J. Harvie, and Daniel Trigg, of Virginia, and John H. Reagan, of Texas.

OFFICIAL SALARIES.

Mr. WRIGHT. It will be remembered that on the last day before the recess I reported from the Committee on Civil Service and Retrenchment amendments to the House bill on the subject of salaries, and then gave notice that on the next Monday I should ask leave to call up that bill. I now move to take from the table the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates, and that the Senate proceed to its consideration.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates.

The first section provides that hereafter the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in going to and returning from the seat of Government once in each session, to be certified in writing by each.

The second section provides that the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000 in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as before provided.

Section three repeals all laws and parts of laws inconsistent with the provisions of the act.

Section four requires the Secretary of the Treasury to cover into the Treasury all sums that may remain undrawn, or which have been received as increased compensation under the provisions of the act approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

The Committee on Civil Service and Retrenchment reported an amendment, to strike out the first, second, and third sections of the bill, and in lieu thereof to insert the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of members of Congress and the several officers and employés of either House of Congress, or both, be, and the same is hereby, repealed, and the salaries and compensation of all said persons shall be as fixed by the laws in force at the time of the passage of said act.

SEC. 2. That the compensation of the several heads of Departments shall be each $8,000 per annum.

Mr. SHERMAN. I wish to call attention to an omission which I have no doubt occurred by oversight. The word "Delegates" should be inserted, so as to read "Members of Congress and Delegates." Delegates are not technically members of Congress.

Mr. WRIGHT. I suppose there can be no objection to that.

Mr. SHERMAN. In line 6, of the first section, the words "and Delegates" should be added.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to amend the amendment reported by the committee by inserting the words "and Delegates" in the place indicated.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the committee, as amended.

Mr. SCHURZ. I would ask the Senator from Iowa whether this amendment, which I may say by the way I have read to-day for the first time, which undoubtedly is my fault, is to be so construed as to oblige members of the Forty-third Congress, who have already drawn salary at the enhanced rate provided for by the law of the last Congress, to refund the excess so drawn, or whether it is to be deducted from the aggregate compensation for the two years. If not, I shall, if nobody else does, introduce an amendment to that effect.

Mr. WRIGHT. My understanding of the bill as it stands is, that it takes the compensation allowed Senators and Representatives prior to the passage of the so-called increased-salary bill from this date, but that so far as salaries have been drawn since the 4th of March last they remain untouched by the provisions of this bill.

Mr. SCHURZ. Then I desire to offer an amendment to reach the object which I have stated.

Mr. FRELINGHUYSEN. I understand the Senator from Indiana to state that the bill has the effect indicated by the Senator from Missouri now.

Mr. SCHURZ. No; that it has not.

Mr. SHERMAN. Mr. President, I suppose that all of us feel like acting on this bill promptly and with very little debate, and therefore I shall not introduce any discussion; but it is manifest that the committee that reported this bill acted on the idea that they would restore things to the precise condition they were on the 3d of March, 1873, when the salary bill was passed.

The provision reported by this committee simply restores after the passage of this act the salaries of Congressmen which were in existence on the 3d of March, and not only salaries, but mileage and all the then existing provisions of law in regard to the compensation and pay of members of Congress and the employés of the respective Houses. This is a full repeal of the act referred to of March 3, except as to two or three particulars; and, first, as to the President of the United States. There the committee was met by the plain constitutional provision, which declares that the salary of the President shall not be increased nor diminished during his term of office, and no Senator felt called upon to violate his oath by attempting to do what the Constitution forbade him to do. And the same observation may be made in regard to the judges of the Supreme Court.

This bill as amended includes members of the Cabinet, so as to restore the compensation of all the officers of the Government, except the President and judges of the Supreme Court, to the precise condition it was on the 3d of March last.

I do not intend to say one word as to our previous action on this matter, because that would only invite controversy and debate; but I do believe that a fixed public opinion, when fairly ascertained, should be obeyed by Congress. We are but the representatives of the people of the United States, and upon the question of this salary bill there is no doubt but that there is a general sentiment throughout the United States that the salary ought to be restored at least to its former level. I am not ashamed to say, whatever may have been my opinion, that I am willing to obey this voice. Indeed, I may say for myself that I do not change my opinion in this particular; but even if I believed that the salaries of members of Congress ought to be $7,500, if I believed that the passage of that law was wise, I do think that, in just deference to the opinion of those who sent us here, the salaries ought to be restored, and it is no act of humiliation for every member of Congress to join in such a bill.

There is great dissatisfaction with the bill that has been sent to us from the House of Representatives. It does seem to me the best thing, the most graceful thing, the fairest thing to be done is simply to restore the law to where it was before the act of March 3, 1873. It is true this restores an inequality as to mileage, but that is a subject which may be dealt with hereafter if necessary. I shall vote for this amendment with great pleasure, and I hope the bill will pass without much controversy.

Mr. PRATT. Mr. President, this subject has been discussed so much in and out of Congress that I have little hope of saying anything new. The single thing we seek to accomplish in the measure under consideration is to fix our compensation and that of the Presiding Officers upon a just basis. We have the House bill and the substitute reported by the committee before us to choose between. Though in form a general law, we cannot, if we would, tie the hands of a future Congress. Each one will judge for itself what shall be the measure of its compensation.

All that is said in the Constitution upon the subject is found in the sixth section of the first article:

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States.

Two things are here plainly recognized—that members of Congress unlike members of the British Parliament, shall be paid for their services; and next, that they shall ascertain for themselves what their services are worth; thus allowing them to legislate in their own interest.

Each Congress may, therefore, fix its own rate of compensation.

Another thing is plain, and that is that this compensation may be fixed at any session of a particular Congress. It does not violate the Constitution, therefore, to fix it on the last day of the last session. The power is a general one, running through the entire Congress and only expiring when it expires.

The life of a Congress continues for two years. That is the term for which Representatives are elected. Though a perpetual body in legal contemplation, it is wholly recruited in one branch every two years, and in the other every six.

During this entire term of two years the power of Congress is exactly equal.

I make these observations in the outset, because it has been often assumed that the last Congress exceeded its power in fixing the salary of its members on the last day of the last session.

Objectionable as the law is on other grounds, which I shall endeavor

to point out, there cannot, in my judgment, be any doubt on the mere question of power to fix the compensation at the time it was done.

While some reasons may be given for fixing it at the close of a Congress, more and better ones favor the settlement of this question at an early day, in order that the people, the ultimate tribunal, may have time to protest if it be fixed too high.

Mr. President, I have been at some pains to examine the legislation of Congress upon the subject of the compensation of its members from the beginning of the Government, and I will state the result as briefly as possible.

The first Congress under the Constitution met in the city of New York on the 4th of March, 1789. That Congress held three sessions. The first, beginning on the 4th of March, continued to the 29th of September, 1789. The very first legislation on the subject of the compensation of the members took place on the 22d of September, within a week of the adjournment. As is well known, the policy in that early day was to make per-diem allowances, as is the case in the State Legislatures at the present day. Congress on that day fixed the compensation of Senators and Representatives at six dollars per day for every day of attendance, and six dollars mileage for every twenty miles of the estimated distance by the most usual road from the member's place of residence to the seat of Congress. The mileage, amounting to thirty cents a mile, was to be paid at the commencement and end of every session. This first law upon the subject was, by its terms, to continue in force until the 4th of March, 1796, and no longer.

There is, however, in this law a curious provision, applicable to the Senate alone, by which it is provided that at every session of Congress, and at every meeting of the Senate in the recess, after the 4th of March, 1795, Senators shall receive seven dollars per day and mileage at the rate of seven dollars for every twenty miles of travel, or thirty-five cents a mile. No similar provision is made for members of the House of Representatives. The whole act, as I have said, was to expire on the 4th of March, 1796.

No further legislation occurred until the Fourth Congress. The first session met in Philadelphia on the 7th of December, 1795, and ended on the 1st of January, 1796.

On the 10th of March, 1796, after a session of three months, the second act fixing the compensation of the members of the Senate and House of Representatives was passed; and here again a uniform rate of six dollars per day for each Senator and Representative, and a mileage rate of six dollars for every twenty miles of travel, was established, without any limitation as to the period it should continue. The mileage was to be paid as before, at the commencement and end of every session, thirty cents per mile, by the most usual road.

The first occasion for making provision for the compensation and mileage of delegates to Congress occurred on the 18th day of February, 1802, when they were put upon the same footing with members of Congress.

From 1796 to 1816 no change was made in the rate, and the compensation, as it was fixed in the beginning, continued a per-diem allowance.

But a new rule was inaugurated in the Fourteenth Congress. The first session met on the 4th of December, 1815, and ended on the 30th of April, 1816. This, it will be remembered, was immediately after the conclusion of the war with Great Britain—a period of great depression in the country. On the 19th of March, 1816, Congress fixed the pay of each Senator and member of Congress at an annual salary of $1,500, making a stringent provision for a deduction for absenteeism except in case of sickness. Though nothing is said on the subject of mileage in this act, it was obviously continued in force, since the only change attempted or professed was the substitution of a salary for a per-diem compensation.

But the Fifteenth Congress overthrew this rule and returned to the per-diem allowance. The first session of that Congress met on the 1st of December, 1817, and ended on the 20th of April following. On the 22d day of January, 1818, an act was passed fixing the compensation at eight dollars per day for both Houses, to reach back to the 3d of March, 1817, and fixing the mileage at eight dollars for every twenty miles, or forty cents a mile. You will observe, sir, that this act was retroactive, and decreased the rate of compensation for a period of over ten months.

There was no further legislation deserving special notice until the Thirty-fourth Congress.

The first session convened on the 3d of December, 1855, and adjourned on the 18th of August, 1856.

I desire now to call the attention of the Senate specially to the act which passed on the 16th day of August, and only two days before the adjournment, since it contains the very features so objectionable in the law as it now exists.

The compensation of each Senator, Representative, and Delegate in Congress is fixed at $6,000 for each Congress, or $3,000 a year, and mileage, as then fixed by law, which, you will remember, was eight dollars for every twenty miles.

This law considerably increased the previous compensation and related back to the beginning of the session—a period of near eight months—providing, however, that what had been received under the old law should be deducted.

It seems that there was some doubt about the question of mileage, however, and as to how the salary should be paid, for on the 28th day of December, 1857, a joint resolution was passed which provided that the mileage should be paid at the beginning of every session, and the salary, at the rate of $250 per month, should be paid at the end of every month; and at the beginning of the second, or any subsequent session, the salary which had accrued during the adjournment should be paid to the member.

Nearly eleven years later, at the first session of the Thirty-ninth Congress, and on the 28th of July, 1866, the rule was again changed. That Congress assembled on the 4th of December, 1865, and the first session ended on the 28th of July following. It was, therefore, on the last day of the session, and nearly eight months from its commencement, that the legislation I am about to state took place.

The act is a short one, and constitutes the seventeenth section of the civil-service appropriation bill; and is as follows:

And be it further enacted, That the compensation of each Senator, Representative, and Delegate in Congress, shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage, at the rate of twenty cents per mile, to be estimated by the nearest route usually traveled in going to, and returning from, each regular session; but nothing herein contained shall affect mileage accounts already accrued under existing laws: *Provided*, That hereafter mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives: *And provided further*, That the pay of the Speaker shall be $8,000 per annum.

I desire to call attention to two things in this law. While the rate as to mileage is established at four dollars for every twenty miles of travel, yet those who, at the beginning of the session, received it at the rate of eight dollars are allowed to retain it; and next, the increase of the salary at the rate of $2,000 a year is made to relate back to the beginning of the Congress, a period of more than sixteen and three-fourths months. This gave each member of Congress back pay to the amount of $166.66 for each month, amounting for sixteen and three-fourths months to $2,800 over that to which he had been entitled under the law which was in force while the service was performed. More than that, the old law, which was condemned as to the salary, was accepted as to the mileage which had accrued under it—forty cents a mile, admitted by the new law to be extravagant in being cut down one-half.

To say that this law did not attract attention at the time and provoke some criticism would not be true. But it was not generally condemned, for two reasons. In the first place, it dispensed with the odious rate as to mileage, cutting the rate down one-half; and, in the next place, our currency was in a depreciated condition, and the salary established, $5,000 per year, was not believed to be more, in fact, than $3,000 before the war, in its purchasing power. The premium on gold on the day the law took effect was 150; that is to say, $150 in currency was worth only $100 in gold; and by that rule $5,000 in currency was worth only $3,333.33 in gold.

Thus stood the rule of compensation, universally acquiesced in, so far as I know, as fair and just, until the 3d of March, 1873. It was then changed, and in a manner fresh within all of our recollections. So that members of Congress are now drawing a salary, and have been since that time, at the rate of $7,500 per year and actual traveling expenses. The law was made to relate back, in its increase, to the beginning of that Congress—a period of two years—so as to give each member of the Forty-second Congress $5,000 in excess of the salary provided by the law in force during that entire Congress up to March 3, 1873. It is true, however, that this excess was in many cases more nominal than real, for it was provided that in settling the pay and allowances of members of the Forty-second Congress all mileage should be deducted and no allowance made for expenses of travel; and it was further provided that the salary given should be in lieu of all pay and allowances except actual individual traveling expenses, by the most direct route of usual travel, once for each session.

The operation of this law is well illustrated in the case of those living most distant from the seat of government. If the distance were three thousand miles, $2,400, the mileage actually paid for two sessions, would be deducted from the $15,000, leaving the actual salary paid for the two years $15,000, diminished by $2,400 and by the amount allowed and received during that Congress for stationery.

When this last rule of compensation was established gold was at a premium of 15 per cent., so that the salary allowed, $7,500, payable in currency, was on that day worth in gold $6,375, or nearly double the value in gold of the salary provided under the law of 1866.

I have thus, Mr. President, briefly as I could, stated all our legislation from the beginning upon this subject; and the practical question is, what shall be the rule of compensation for the future?

It is conceded that we must abolish the law of March last if we pretend to pay any respect to public opinion. Since we left here last spring no act of Congress passed within my recollection has been more generally criticised, I should rather say denounced. In every form in which public sentiment finds expression in this country—in the newspaper press, on the stump, in political and other conventions, county, district, and State, and by men of all shades of political opinion—the law has been condemned and its repeal demanded. We are here as the representatives of the people of the States to give the form of law to public opinion, where it is well informed and comes to us well authenticated. And, sir, as I interpret the various manifestations we have had of the opinion of the people on this subject, it is their sober second thought, their deliberate judgment, after the question has been amply debated and every reason urged by the defenders of the law calmly considered, that Congress erred in this matter, and

should make haste to retrace its steps and correct the wrong so far as it is possible to do it.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Senator from Indiana will suspend his remarks. The morning hour has expired, and the resolution reported by the Committee on Finance is before the Senate.

Mr. CONKLING. I hope the Senator from Indiana will be allowed to conclude his remarks.

Mr. PRATT. I shall be through in ten minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and the Senator from Indiana will proceed.

Mr. PRATT. It is well known now that as an independant measure, standing by itself, this law could never have been passed. It was hitched upon an appropriation bill, and was considered in the closing hours of Congress, and many, without doubt, voted for the bill containing this obnoxious provision rather than that the whole bill, freighted with appropriations amounting to many millions, should fail, and thus an extra session of Congress become necessary to make the needed appropriations for the legislative, executive, and judicial expenses of the Government. Such was the cunning device of those who sought this increase of pay.

I repeat, sir, the fair, manly way to have accomplished this increase, if to be done at all, was the one followed from the beginning of the Government down to 1866, by an act single in its purpose and bold in its announcement, usually reading like that of 1856: "*An act to regulate the compensation of members of Congress.*"

For the second time in our history—and I sincerely hope the last—this objectionable law was fastened upon the country by legislative finesse, borrowing its aid for support from the general merits of the bill to which it was attached, when it could not have stood alone.

The President has forcibly called our attention to this objectionable mode of law-making, and has thought it worthy of Congress to propose a constitutional amendment to prevent it in the future.

Now, sir, since all are agreed the law must be changed, the only real question to be discussed is, what is a fair measure of compensation? On this point we differ, and are likely to differ, unless we choose to defer to the popular judgment. I embraced what I thought to be that judgment in the bill I introduced on the first day of the session, and which I intend to offer as a substitute for that reported by the committee. The House bill, as it came over to us, fixed the compensation at $6,000 per year and actual traveling expenses. The bill reported by the committee as a substitute restores the old compensation, $5,000 per year, and the old mileage. Neither of these bills compels the return of the excess above $6,000 in the one case and $5,000 in the other paid to members since the 4th of March last. This excess amounts to $208.34 per month, rating the salary at $5,000; or for the ten months which have elapsed, in round numbers, to $2,083. My bill contemplates the return of this by an equal deduction every month on the pay-roll, so that at the end of the Forty-third Congress no member will have received in the aggregate more than $5,000 per year, or $10,000 for the Congress.

Mr. President, it seems to me the question as to this excess is yielded in now fixing the salary at $5,000. Why do we abate from the $7,500 salary at all? Is it not because public opinion has settled that this is too much; and if too much now, it was too much when the law was passed, and has been too much every day since.

I insist, therefore, that to be consistent we should make the law relate back to the 4th of March. If on every increase of salary heretofore it has been right to make the law relate back to the first day of the Congress which made the increase—and that has been the practice without exception—why should not the same principle apply when the salary is to be graded down? Why should not the decrease be governed by the same rule as the increase, and find its support in the same reasons? It seems to me the argument would be unanswerable if we could forget that we have received and spent the money.

For one, sir, I always thought that the old salary, that established by the law of 1866, was ample. It had stood upon the statute-book for nearly seven years, and had come to be recognized as the permanent rule on the subject. No one seeking a seat in Congress had ever thought it prudent to agitate the question of an increase of pay. Because of this silence, this acquiescence, as strongly implied as if actually expressed, the people, in electing members to Congress, considered there was a compact that they would serve their constituents during the term for which they were chosen at the compensation as it was then established.

To be sure, sir, there was no such compact in law, nor any express understanding on the subject; but the people regard it otherwise, and there is some color for their argument in the fact that no public man, no candidate for congressional honors, ever proposed to change the law previous to the Forty-second Congress.

But I was speaking of the sufficiency of the salary, and wish to submit a few words on that subject with great deference to the opinion of others who think differently.

In my judgment it was adequate to meet the expenses of the great majority of members of Congress and leave a surplus. Some—many, I dare say—lived beyond their salary, as it was their right to do, and they had the means of doing. It would have been so had the salary been double. I do not stand here to criticise any man's style of living. Each one must judge for himself what duty his official position imposes as to his manner of life, the scale of his hospitality, the costliness of his house, furniture, and equipage, during the few months in the discharge he remains in the capital to discharge his duties and trusts as the servant of the people; never forgetting he has been sent here to look after their interests and honor, and not to promote his own aggrandizement or selfish gratification:—I say each man must judge for himself whether he is here to be a luminary of fashion or to work.

Sir, if it be not unfashionable to say so here, I think something—nay, a good deal—is due to the character of our constituencies, to their habits and mode of life, to the economies which a stern necessity enforces them to practice, to the heavy burdens which Government lays on their shoulders, when we are discussing this question. Why, sir, I venture the assertion that what we pay ourselves, putting it at the lowest figure named, would support five average families the country over.

More, much more, is due to the republican character of our institutions. This was meant to be a plain government. It was instituted by a plain people—not for gaudy show, but to advance their interests. Our forefathers had had enough of royalty and titles and the expenses of a kingly government. They cut loose from all these and instituted a government of the people. The mass of the people now, as then, are not rich. It is a constant struggle with them to live comfortably and decently and keep out of debt. With all possible economy they cannot always make their ends meet. There is a great deal of indebtedness in the country. Men are being sold out of house and home every day. In the large cities crowds of men are besieging the city governments to give them work. Their cry is, "work or bread."

These are the people, sir, we represent, and for whom we are speaking on this question. Every wail of distress that comes up to this Capitol admonishes us to economy, and to set an example of it in our own persons. Whatever we vote into our pockets is to come from the harassed tax-payers.

But, sir, as $5,000 a year is amply adequate as a salary, so it is greatly in excess of what is paid generally throughout the country for skilled labor.

Do you doubt this? Let me institute comparisons. Let me begin with the learned professions, so called—the medical profession, the pulpit, and the bar. Not one in five hundred of the average men of these professions commands as high pay as $5,000 a year. So with the educators in our schools, our academies, colleges, and universities. So with the skilled men managing the affairs of the great corporations of the country—the banks, insurance companies, and railroads. So with the skilled mechanics, who are building the cities and the wonderful labor-saving machinery of the country.

There are particular positions, I grant you, where the pay is higher. There are exceptional men in the pulpit, with wealthy congregations, that get more. There are lawyers of great eminence in the large cities who make five times as much by their practice. But I am not talking of exceptional cases, but stating a general rule; and my proposition is that Congressmen at salaries of $5,000 a year are better paid than nine-tenths of the most learned and skillful men in other fields of labor. More especially is this true when you take into account the long vacations of Congress. Why, sir, it is only a little upward of a month since we assembled here after spending a vacation at home of more than eight months, employing our time in travel, amusement, or business, as we saw proper; and we have just reassembled after another vacation of about two weeks in which to celebrate the holidays.

But beyond all this, sir, I believe it to be true that the old compensation paid, and which the bill reported by the committee restores, is in excess of what the great majority of Congressmen could earn at home or ever did. I may err in this, but such is my belief. Looking at the present condition of our currency, $5,000 a year is equivalent to about $4,500 in gold—a rate of compensation nearly or quite three times as great as was paid to members of Congress before the year 1856, and greater by one-third than the salary at that time established. Nay, more: its gold value to-day is greater by more than $1,000 than it was in 1866, when $5,000 a year was first established as the salary of members of Congress.

But there is another consideration which has great weight with me in advocating this reduction—I mean the immense indebtedness of the country and the necessity for the greatest possible retrenchment and economy in order to maintain the public credit—defray the necessary current expenses of the Government, and make the burdens of taxation bearable. They who pay the taxes have the right to demand, and do demand, that we practice economy—a close, rigid economy. Who are we, sir, who lay these taxes and direct their expenditure, but trustees for the time being? What is the money in the Treasury but a trust fund upon which we are administering? Now, sir, since the Constitution has referred this question to us—and to us alone—to settle for ourselves, does not every consideration of honor and good faith, nay, of common honesty, require that we should do for ourselves and by ourselves what we would do for others; or, rather, to state the proposition in other words, are we not put upon our good behavior and required to observe a greater moderation in dealing with ourselves than if we were prescribing compensation for others? Let no one reply to this that if we are generous to ourselves we are to those who shall fill our seats in future Congresses; that the rule is not one for to-day simply, but for all time. No, sir; that sophistry will blind no one. We cannot tie the hands of our successors, or bind

them to accept a law giving them unjust compensation. Each Congress will be the keeper of its own conscience.

I appeal to my professional brethren on this floor to bear me out in the view I am urging. I present the question in a form familiar to you all. You have had clients who trusted in your honor. They had great interests at stake, and needed your services. They did not stop to higgle with you about the fee. You made no bargain with them, and you were free to put your own price upon your services. Well, the case was tried, and your confiding client called upon you to settle the bill. Tell me, is it not true that the man's confidence in your justice and in your honor moderated your charges; did he not get off better than had he cautiously bargained with you in advance? I need not, sir, look very deep into the human heart to tell why this is so. But it illustrates the principle that should govern us in fixing our compensation, when the whole matter is in our own hands and conscience is the only arbiter.

There is yet another view, Mr. President, which I urge against the bill reported by the committee, if it is designed to establish a permanent rule on the subject. It is this: We fix our compensation in the future at $5,000 a year. We do more. We make it the permanent rule so far as we can. It will be the permanent rule, unless some future Congress shall repeal it. Yet we, who institute this rule and place it on the statute-book as a just and permanent one, have been for ten months in the receipt of a compensation higher by one-third!

Am I not right, sir, in saying that we yield up every pretense of right to hold on to the salary we have been receiving, when we fix for the future for ourselves a lower salary? Is there any pretense that it costs us less to live now than formerly? Has there been a great fall in prices here at the capital since the 4th of March last, that we can thus drop down one-third in our pay? No, sir; no one pretends that. No one will vote for this reduction or any other reduction for any such reason. We shall reduce the pay because some of us who voted against the increase think that reduction is just and proper; others will vote it because the people, our masters, have willed that we should; because that will has been manifested in so many forms, for so many consecutive months, and comes to us so well authenticated, so stamped as the final and irreversible judgment of the people, that we are left without excuse for not obeying it.

But, sir, in one respect that will, though so strongly expressed, is not capable of being carried into effect. The popular idea is that we can compel restitution from the members of the Forty-second Congress of the back pay. But that is impossible. Many of them are not here, and we could not reach them by our legislation. But were they here the thing could not be done. What they received was in pursuance of a law on the statute-book. It was an unwise law I grant; but it was still the law, and no one can doubt that Congress had the power to pass it who will take the trouble to look into the Constitution. When the money was paid and received under that law, there is no power in Congress or the courts to compel restitution, though we repeal the law a hundred times.

But the case is entirely different, sir, in fixing the pay of the members of the present Congress. That matter is wholly in our power. We could abolish it entirely, or do what my bill accomplishes, reduce our compensation in the future so that when this Congress shall come to an end on the 3d of March, 1875, our entire pay shall have averaged but $5,000 a year.

There is one other feature in the bill reported by the Committee to which I object. It revives the old, obnoxious, unjust, and condemned system of mileage, giving twenty cents a mile, or four dollars for every twenty miles of travel, in addition to the salary. There never was any justice or equality in this since the day of travel by steamboats and railways. The true rule was stated in the act we are repealing, and is the one redeeming feature in that obnoxious law; and that is actual individual traveling expenses. Why any other rule should ever have been thought of is hard to imagine. Its unjust discrimination has been pointed out a thousand times, and I shall not dwell on it. I will say, however, there are members here who dwell within one hundred miles of this Capitol and less. This bill will pay them for one mileage coming here twenty dollars, while my friend from Oregon, who lives four thousand miles and more from here, will receive for one mileage $800, or $3,200 for one Congress, while the actual traveling expenses in either case will not amount to half the sum, no, not the third.

Mr. President, in concluding what I have to say on this question, I desire to observe that I have avoided making any reference to individual action in the passage of the salary bill. While I think it was a great mistake, I impeach no man's motive in voting for it. It is enough for me to know that no one violated the Constitution who supported it, and every one had the right to judge for himself what was a just measure of his compensation. But the question has assumed quite a different aspect now. We are here to represent the people truly and honestly, at personal sacrifice if necessary. And they have spoken upon this question and demanded a return to the old salary. As honorable men, I submit we should obey their voice or cease to be their representatives.

Mr. President, I had intended when I rose to offer the bill which I introduced on the first day of the present session as a substitute to the pending bill; but upon reading the bill—I never had an opportunity of reading it until this morning—I discovered that my end can be attained sufficiently by this amendment, which will come in at the termination of the third section, and which embraces, as I understand, the proposition of the Senator from Missouri. I will read it for his information:

Provided, however, That the Senators, Representatives, and Delegates of the Forty-third Congress who have received their compensation since the 4th day of March, 1873, at the rate of $7,500 per year, in accordance with the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall in the aggregate make their compensation for the whole Congress equal to the sum of $5,000 per year.

Does that accomplish the end of my friend from Missouri?

Mr. SCHURZ. Yes, sir.

Mr. PRATT. Then I offer this as an amendment to the bill reported by the committee.

Mr. MORRILL, of Vermont. Mr. President——

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The Chair will state that the Senator from Indiana has been occupying the time since the expiration of the morning hour by common consent. The question now before the Senate is the resolution reported by the chairman of the Committee on Finance, [Mr. SHERMAN,] upon which the Senator from Missouri [Mr. BOGY] is entitled to the floor. Does he yield to the Senator from Vermont?

Mr. MORRILL, of Vermont. I hope that resolution will be laid aside informally until this matter is disposed of.

Mr. BOGY. I prefer to go on now. This subject will, no doubt, be much discussed, and it cannot be disposed of this morning.

Mr. MORRILL, of Vermont. I think it can be.

Mr. BOGY. I think it would be as well for me to go on. The pending bill will involve a great deal of discussion and cannot be disposed of this morning.

Mr. MORRILL, of Vermont. I feel very confident that the subject will not require very much time. I do not think there is any disposition on the part of the Senate to discuss it. I believe it is conceded on all sides that a vote is better than the very best speech.

Mr. BOGY. I would prefer not to yield. There are Senators on this side of the Chamber, and perhaps on the other side, who I know desire to discuss the question, and it cannot be disposed of this morning.

Mr. WRIGHT. I trust the Senator from Missouri will consent to allow us to proceed with the consideration of this bill. I feel very certain that there is no disposition to debate it on this side of the Chamber, nor am I aware of a disposition to debate it anywhere. I think we can get a vote on the several amendments, if there be any, without discussion.

Mr. BOGY. As I have said, I prefer to go on, feeling satisfied that this subject cannot be disposed of this morning.

Mr. FLANAGAN. I simply wish to remark, that I desire to submit a few observations on this subject before the bill is disposed of. I do not think it can be disposed of this morning.

The PRESIDING OFFICER. The Senator from Missouri insists on his right to the floor. The resolution reported by the Committee on Finance is before the Senate, and the Senator from Missouri is entitled to the floor.

SPECIE PAYMENTS—THE CURRENCY.

The Senate resumed the consideration of the following resolution, reported by Mr. SHERMAN from the Committee on Finance on the 10th of December last:

Resolved, That it is the duty of Congress, during its present session, to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows: "And the United States also pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin;" and the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

Mr. BOGY said: Mr. President, a controlling sense of duty to the State I have the honor in part to represent on this floor compels me to say a few words on the absorbing question before this body, and which at this moment is also engaging the attention of the whole nation. The entire country is suffering; but my State—and if I may be allowed to speak for the West I can say that that entire section is suffering—infinitely more than the East. With us the panic is not yet over, and, in my opinion, will never be over unless the present financial system of the Government is entirely changed. We think that our pecuniary troubles, in their entirety, are forced on us by a vicious system of finance, existing under the sanction and by virtue of the legislation of Congress. To remodel this system so as to afford the relief which we need is a work which certainly calls for the highest abilities. That this can be done in a day, or even in a short time, may be impossible; but that this relief can be speedily afforded, while a more perfect system is being elaborated by the able and experienced members of this body, I sincerely believe. The subject, therefore, divides itself into two very distinct propositions. First, speedy relief; secondly, a more perfect system, based on true principles of finance. I say based on true principles of finance, for no system will answer to the wants of this great producing, manufacturing, and commercial country, which is in conflict with and in direct contradiction to the experience of mankind in all ages and the well-known opinions of the enlightened men of the world.

The first proposition is "speedy relief." How is this most important object to be effected? I see no way how this can be so well and

speedily done as by the issuing of additional currency in the way I will hereafter indicate. The act authorizing the issue of legal-tender notes provided for $400,000,000. In addition to this, we had in 1870 3 per cent. certificates, amounting in round numbers to $45,000,000. These certificates were used in commercial transactions, and practically added that much to the circulation of the country. By their withdrawal, and the withdrawal of the $44,000,000 reserve, a sum equal to $90,000,000 was withdrawn from circulation. This, of itself, was calculated to derange the business of the entire country. A part of the reserve has already been used for the daily expenses of the Government, and the balance may, with a decreasing revenue, be needed for the same purpose. This being the case, an increase of legal-tender notes, say fifty millions in amount, should be authorized. This sum should be invested in the purchase of the five-twenty bonds now due, or, if preferred, in bonds at current rates for legal-tenders. And so as to avoid concentration at one point the purchase should be made in the different cities where an assistant treasurer is located. This would add to the circulation at once an amount which, being properly distributed in the West as well as in the East, would give sufficient strength to the banks throughout the country to discount legitimate business paper liberally.

I know that the objection will be raised that this would immediately put gold up, which is not desirable; but this objection I obviate, as I will show hereafter. This, if done soon, and indeed immediately, would afford the relief so much needed, particularly by my section of the country, and enable the great crops of the West and of the South to move on to market. This measure I propose as only a temporary one, and it is forced on us by the pressing exigencies growing out of the late panic—for I look upon the whole system of legal-tenders as vicious and in conflict with the laws of finance, as recognized throughout the civilized world and sanctioned by time and experience. But the wants of the country, and particularly of my section, are so pressing as not to allow us time to do anything better just now.

I have read with care the speeches made on this floor and the different propositions which have been presented, and I cannot see any speedy relief in any of them. Speedy relief is what the country needs. The cereal crop, the meat crop, and the cotton crop, are all waiting to be moved; or if moved under the present pressure, it will be done at ruinously low prices. And while the foreign demand is greater this year than at any time before, it will do us, the producers and raisers of these crops, no good. The middle-men of means in the large cities, like New York, will take advantage of our wants and buy our products at the lowest figure, and sell to the foreigner at the enhanced price caused by the great demand abroad. Hence, I urge that something be done speedily; and if any other proposition can better effect this most important object I will most cheerfully give it my support.

The West has raised this year a very large crop; so has the South. Yet in my State we are in actual distress for the want of money, and many of our people, who are in good circumstances as to property, will be unable to pay their taxes. For, as was well said by the Senator from Massachusetts a few days ago, while we are selling our products at prices lower than they were before the war, we are paying from 25 to 50 per cent. more for all the manufactured articles that come to us from the East; and it is only a question of time, and that not long, when we will be unable to buy the manufactures of the East; and if all my constituents were like me, I would lay an embargo on all manufactured articles from that section, and make our own plows and pitchforks, our shoes and hats, even if they had to be the old Indian moccasin and the coon-skin caps. That we will be driven to this unless we can get reasonable prices for our products is beyond all doubt, and, as I said before, is only a question of time. There is hardly a town in my State which is really prosperous and is growing; and yet I believe it to be the richest State of the Mississippi Valley, having good soil, good climate, vast and various minerals, and large water-courses, with an intelligent, and, if the means existed, enterprising people. Yet I repeat, in concluding this branch of my argument, we will be ruined unless speedy relief is given us.

In presenting my views on the second branch of my argument, I candidly confess that I am embarrassed with the magnitude and intricacies of the subject. A good system of finance lies at the very foundation of all commercial prosperity, and is the only means which enables nations to transact business with the world. Can a system of this kind be inaugurated by us? Is the present one—born during the war, and for that period most admirable—such a one as will give us commercial prosperity, and enable the energetic merchants of this nation to meet their rivals in all markets on equal terms? I say it is not. It is not competent for a government to say in advance, "You need one or two hundred million dollars, or four or eight hundred million dollars." This may be too much, or it may be too little. The laws of commerce must govern this—the law of demand and supply; with too much money (calling paper money for the sake of the argument) prices are inflated and speculation engendered, and ruin and disaster very soon the result. With too little, times are hard, money scarce, enterprise checked, and poverty of the masses the result, while a few money lenders get very rich.

At this present age of extended commerce banks have become a necessity, and no nation can exist as a commercial nation without good banks. This point need not be argued. We have had three different systems in this country—State banks of circulation, a United States bank with branches in the different States, and recently the national-bank system. Of these three different systems I freely recognize the national-bank the best, and if perfected, as I humbly believe it can be, the best system yet devised by the wit of man. To make the credit of a nation the basis of a banking system, in which all are interested, is worthy of our age, and I will also say worthy of our country, for it is an American invention. For while I will not admit the correctness of the proposition that a national debt is a public blessing, yet it is a singular fact that a blessing can be extorted from it while it does continue to exist. Our debt is a fixed fact; our bonds are outstanding, and must be held by somebody, and the nation has to pay the interest; and this will continue during at least our generation. To use these bonds as a security to the note-holders, these holders being the people themselves, the tax-payers of the entire nation, is truly a grand idea. For of all the terrible curses that can afflict the laboring man, a bad and irredeemable paper currency is the very worst. Yet this system, good as it may be in principle, can be used to build up one section and destroy another; and this is the fact at the present time, as I will now undertake to show.

The national-bank system was created by the act of 25th February, 1863; and under this act and the subsequent acts of the 3d June, 1864, and 3d March, 1865, the amount of $300,000,000 of circulating notes was authorized; and under the last-named act one-half of this amount was to be apportioned according to representation, and the other half among associations formed in different sections, having regard to existing banking capital, resources, and business of each State. The $300,000,000 of circulation were not, however, distributed in accordance with the act of the 3d of March, 1865, because, contemporary with its passage, an amendment to the internal-revenue law (of 30th June, 1864) was passed, providing that the circulation of State banks should be taxed 10 per cent. after the 1st July, 1866. But a subsequent section gave to the banks already in existence the preference in becoming national banks. Under this provision the banks which had been taxed out of existence generally applied for authority to organize as national banks, and the result was that banks in the Eastern and Middle States obtained a large amount in excess of what they were entitled to under the law of apportionment.

To remedy this inequality the act of July 12, 1870, was passed, for an additional issue of circulating notes amounting to $54,000,000, to be distributed among those States having less than their proportion; and it also required the cancellation of the 3 per cent. certificates to an amount equal to the circulation issued, and a new apportionment on the basis of the census of 1870 was prescribed.

At the outset the Eastern States received $94,000,000 more than their share under the act providing for a distribution of the money on the basis of population and wealth. The final distribution of the $54,000,000 will still leave a deficiency of $40,000,000, which will require to be filled before the proportion among the different States will be equalized upon this basis of wealth and population.

Section 6 of the act of July, 1870, provides, that after the whole $54,000,000 of circulation shall have been distributed, $25,000,000 shall be withdrawn from States having an excess, and distributed among States having less than their just proportion.

I have been thus careful, Mr. President, in giving a clear, succinct, and perfectly correct history (taken from the report of the Comptroller of the Currency) of the beginning, progress, mode of distribution, and sections where distributed, so that the Senate and the country may see and understand how and why it is that, however hard our farmers and planters may work and toil, however genial and fruitful the season may have been, however plentiful and refreshing the rains may have fallen on the fruitful soil of the West and of the South, prosperity for the want of money was, and is to-day, an impossibility.

Again, Mr. President, so that these facts may go to the country, and that the newspapers of my section at least should be able to lay them before the minds of the people, I will detain the Senate by giving the following brief statement of the exact and official figures of the distribution of this money:

States.	Amount entitled to.	Amount received.	Excess.
Maine	$4,931,018 00	$8,029,252 00	$3,098,234 00
New Hampshire	2,947,938 00	4,624,525 00	1,676,587 00
Vermont	2,897,976 00	6,932,030 00	4,034,054 00
Massachusetts	19,239,189 00	59,523,671 00	40,284,482 00
Rhode Island	2,750,047 00	13,385,840 00	10,635,793 00
Connecticut	7,033,752 00	17,994,648 00	10,690,896 00
	39,799,920 00	110,489,966 00	70,690,046 00

The six New England States received an excess, which they have to this day, of upward of $70,000,000.

New York, New Jersey, Pennsylvania, Delaware, and Maryland received an excess of upward of $9,000,000.

The so-called Southern States, namely: Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, Tennessee, and Missouri, received less than their proportion a sum exceeding $51,000,000.

The Western States, namely: Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska, received less than their share a sum exceeding $21,000,000.

This great preponderance in favor of the East was caused by the amendment to the revenue law which imposed a tax of 10 per cent. on the circulation of the State banks, thus driving them out of existence as banks of circulation, and because of a compensatory preference given to them in the organization of national banks. The New England States and the Middle States had many banks with very large banking capital, while the South and West had but few and very small banking capital. In this way the Eastern States, having the State banks, had first to be supplied; the South and West when they applied found the amount left for them to be truly very small. Therefore, while money has been abundant in the East, and that section consequently very prosperous, in the West it has been, and is to-day, very scarce, and consequently this section is really very far from being prosperous.

I wish it, Mr. President, distinctly understood, that in grouping these figures, and showing the facts which I have shown, I do it in no sectional feeling or invidious spirit. Nor do I say that the East has more money than its energy, its great manufacturing establishments, and its intelligence demand. My object is to show that the West, the entire West, needs relief, and that speedily.

This relief can be afforded, I think, in the way I have already stated; namely, the immediate issue of the reserve of $44,000,000; but as this may be needed by the Government to supply its own necessities, the sum of $50,000,000 should be immediately issued in legal-tenders, and invested in the purchase of bonds. In addition, the $25,000,000 provided for by the act of the 12th July, 1870, should be at once issued to western national banks in accordance with the law.

I know it may be said that the West, having failed to absorb the $54,000,000, has no just claim to the $25,000,000. To this there is this answer: the entire $54,000,000 have long since been promised to existing banks; but which, for reasons peculiar to the banks, have not been called for. Yet if the question had been left open for new banks I know that the whole amount would long since have been absorbed. Under the present system it is impossible to organize a bank of issue, unless it is a national bank; and as the maximum authorized is already issued, the consequence is, however much we may need additional banking facilities, we cannot get them.

Much might be said on the subject of reserves. It seems to me that no reserve is necessary to secure the circulation, as that is amply secured by the bonds; and it does seem to me that the amount of the reserve to secure depositors might well and safely be in gold, silver, legal-tenders, United States bonds, or national-bank notes. These securities are all good and ample security for depositors.

While I advocate for the time being this national-bank system, and look upon it as a great system of banking, because it gives the most undoubted security to the note-holder, I hope to see the day when such a thing as a legal tender will be a thing of the past. Yet I think the system, to be perfect, should be left to the States, each knowing its wants; and if Massachusetts needs a banking capital of sixty or ninety or one hundred millions, and New York as much in proportion to its large wants, let the respective States decide this question each one for itself. In this way each State, acting for itself in view of its own needs and with perfect knowledge of them, could much better and more wisely decide this question.

In my opinion there should be no difference between legal-tenders and national-bank notes, the Government being responsible for both; and if there be any difference at all, the national-bank notes are the best, having the additional security of the stockholders.

Without being in favor of expansion, yet as we need more money in the West, and the East cannot afford to part with what they have now on hand, I advocate an additional issue, as already indicated.

The resumption of specie payment cannot be effected by merely saying "We shall on a given day resume." This must be the natural and healthy growth of a wise system. And the first great move in this direction, in my opinion, is by providing that at an early day in the future legal-tenders and national-bank notes shall be taken in payment of the duties on imports; say to the extent of 50 per cent. Our custom duties now amount to upward of $200,000,000 annually. We need to-day for the interest on our bonds about $100,000,000, and need gold for no other purpose. We could then very well receive one-half of the duties in paper money and still have enough to pay our interest. But in addition to this, if paper money was taken for duties, the difference between it and gold would soon disappear. In my opinion we shall never have steady prosperity and be able successfully to compete with our rivals in the markets of the world until specie is the basis of our entire system.

Although I hope to see the day when our paper money will be as good as gold—and I think this day would not be very distant if we did not ourselves, by our own system of legislation, create a demand for gold, thereby making it better than legal-tenders—yet, to resume speedily, or in a short time, would ruin my section, and would have the same disastrous effect upon the entire debtor class throughout the whole country. I repeat, we cannot resume by merely saying on such a day resumption will take place. This must come about in the natural order; which I think would soon be, if we diminished the demand for gold and correspondingly augmented the demand for legal-tenders and national-bank notes.

The gold is in the East. The national-bank notes were largely located there, and are held there yet. The legal-tenders are paid out there by the Government, as the largest portion of our government expenditures are made in that section. Even Indian supplies are bought in New York; and the bids for beef to feed the Indians, as well as the bacon, pork, and flour for their rations, are opened in the same city. We in the West have no gold; and, as the following figures will show, much less paper money than our legitimate needs require.

Under the law distributing money on the basis of wealth and population—

Missouri was entitled to	$15,459,409
Received and has to-day only	6,476,193
Deficiency	8,983,216
Illinois was entitled to	24,155,430
Received and has to-day only	17,824,209
Deficiency	6,331,221
Iowa was entitled to	9,711,381
Received and has to-day only	5,674,385
Deficiency	4,036,996

Here is a deficiency of very nearly $20,000,000 in these three States. Yet each State has a large population, large crops, and greatly needs capital. My State has a population of two millions. Saint Louis is a city of four hundred and fifty thousand inhabitants—the fourth in population and the third in manufactures in the Union—with varied resources greatly needing capital, and yet we have less than six and a half millions of banking capital. Therefore, to talk to us, needy and poor as we are, about early specie payments, is adding insult to injury. I am in favor of specie payment; I believe it to be the only true system; it is the system of the commercial world: but we have been placed by the legislation of our country in a position where this is impossible. As things are now my constituents would be satisfied with paper money, legal-tenders, or national bank-notes; and we would in the mean time hope and pray for the day when the old democratic hard money will again be the law of our country.

The words "inflation" and "expansion" are often used in this body, as well as by the press and by the people. While the meaning of these words is well known, nevertheless they are, I think, very incorrectly used when applied to the idea of an increased circulation. To increase the circulation to the point of the just limit required by the business of the country is neither inflation nor expansion. I have not the time to undertake to show that we have not at this moment as much capital *per capita* as we had before the war, or as much as there is in England or France, the other great commercial nations of the world. In addition to this, we need more money than France or England, for reasons which again time does not allow me to state. If the fact be admitted that we have not as much money as our legitimate business wants require, and without which we would suffer, is it inflation or expansion to obtain the amount we require? The Eastern States can very well say that they are opposed to inflation or expansion, because they have more money placed there by law than we have in proportion to our respective needs; they have all that their business wants require. Therefore to allow them more would be really inflation or expansion. With us, as I have already stated, it is neither. We must not forget that we are now under the complete control of an artificial and forced system, the Government having the power to make money scarce or plenty, which in my opinion is radically wrong; but while it does continue, the Government should in justice allow to us the amount we require for our business purposes. We have in Missouri six and a half million of dollars of circulation; the custom duties and the amount of internal revenue collected amount very nearly to as much. Would it be inflation or expansion to enable this great State to obtain a few millions more? Boston has near fifty millions, while we have six and a half for the whole State. Now, to give more money to Boston would really be inflation and expansion both, with a vengeance, and would be, no doubt, a serious misfortune for that city.

While I hope to see the day when this entire system will be changed, yet for the time being, and because our wants are pressing, I urge an issue of fifty millions—not for the West, but for the entire country—knowing now that the most of it will go to New York and other eastern cities; but as under the present circumstances we seek a market there for our products, it is our interest at this particular period to give them the means to buy our wheat and our corn, our pork and our flour, and our cotton. Their interest for the time being is also our interest. Then, I repeat, enforce the law of July 12, 1870, which provides that eastern banks should be curtailed to the extent of twenty-five millions and this amount given to western banks. Under the circumstances I would not ask these eastern banks to be curtailed of this sum. I am willing they should keep it, believing that they want it for legitimate business purposes; but give us this amount, which would be an increase of the amount allowed by law, instead of a change of location, as contemplated by the act of 1870.

A resumption of specie payments will never take place as long as there is a demand for not less than two hundred millions of gold annually by the Government. This amount exceeds the amount of gold in the country; therefore, as long as the Government will collect all its duties in gold a demand for gold will continue to exist; and as the demand is larger by perhaps fifty millions than the supply, gold will always be at a premium; and it is astonishing that the premium is

not larger than it is to-day. To insist upon the continuance of this policy while Senators are advocating a resumption of specie payments is to me incomprehensible, and makes the impression on my mind that there is a want of sincerity; for no man can be so blind as not to see that as long as so great a demand for gold continues resumption is utterly impossible, and if it did take place it would not continue forty-eight hours. If paper money was taken in payment of duties to the extent of one-half, gold and paper money would be of equal value, and the hundred and fifty millions of gold in the country, now used as an article of merchandise and trade, would be immediately restored to its true and normal functions as a medium of exchange, and the effect would be an augmentation of one hundred and fifty millions at once to the circulation of the country.

Let all this system, however, Mr. President, be of short duration. It is not competent for this Government, or any government, to make money beyond coining metal—gold and silver; and if the Government were competent, in a country like ours—composed of different States, spreading over a continent, and extending across different latitudes, with different productions, different wants—it is impossible for the national Government to exercise wisely this power. Both as a political and a commercial question, such a power should not be in the Federal Government. The States are the proper agents to discharge this duty. Each State, knowing its wants and its needs, can do this with more wisdom and without any danger of over-issue. But owing to the fact that we have different States, extending over a continent, with varied and different productions, the necessity of uniformity in value becomes of paramount importance. While my idea is that each State should have the power to charter as many banks as they might think proper, they being the judge of the amount of money they require, I would have a law for the entire nation, requiring all the States to deposit United States bonds, as is now required by the law authorizing national banks; and as the nation is responsible for these bonds, and would have possession of them, to assume, as is now the law, the payment of the circulation. This would give uniform value to the circulation. To this general law each State would be required to conform. This would take from the Federal Government the power to control now exercised by Congress and the Secretary of the Treasury. This system of banking I would call *State independence, with national security*. This change, with the payment of duties to the extent of one-half in paper money for the present and after a time all in paper money, would in my opinion be all that is necessary to provide a safe banking system, based on specie payment, adequate to all the wants of all the States.

I regret very much, Mr. President, that I have been compelled to consume so much time in explaining, in my way, my views upon this truly important question. I have done so under a great sense of duty to my State and to my section. I flatter myself I have given expression to their own views on this subject. We are suffering very much, and ask for relief from Congress. We are, we think, entitled to what we ask. Permit me to hope that we be not disappointed.

Mr. FRELINGHUYSEN obtained the floor.

Mr. WRIGHT. The Senator from New Jersey, I understand, proposes to address the Senate on the subject now before the Senate—that is, the resolution of the Committee on Finance. I trust he will give way and allow us to proceed with the salary bill. The Senator will be entitled to the floor, as a matter of course, when the pending resolution shall be taken up again.

Mr. FRELINGHUYSEN. I expect to occupy the time of the Senate but very briefly; at the same time, however, I am perfectly willing to give way.

The PRESIDENT *pro tempore*. The pending resolution can be laid aside informally, by unanimous consent, for the purpose of taking up the salary bill. The Chair will ask if there be objection to that course?

Mr. DAVIS. A communication from the Secretary of the Senate on that subject was ordered to be printed this morning, and I should like to have it printed before the bill is considered.

The PRESIDENT *pro tempore*. The Senator from West Virginia objects. A motion can now be made, if the Senator from Iowa sees fit to make it, to postpone the pending order, with a view to take up the salary bill.

Mr. WRIGHT. I do make that motion.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the pending and all prior orders be postponed, and that the Senate proceed to consider the salary bill, so called.

Mr. SHERMAN. I think my friend from West Virginia must see the propriety of speedy action upon the subject of the salary bill. The question of finance, which has been discussed and upon which I desire a vote as soon as the Senate is ready to vote, is certainly too grave a one, and too important a one, and too many Senators desire to speak upon it, to justify the hope of a vote upon it for some time. I hope that we shall proceed now and act to-day upon the salary bill, and without much debate. All the information which my friend seeks is published, and he can get it from other public documents as well as from the one which has been ordered to be printed. If there is any point on which he desires information, he can get it from public documents already in existence. Therefore, although I dislike to vote to postpone the pending resolution reported by the Committee on Finance, I shall feel bound to vote to postpone everything until this salary bill disappears from the Senate. I hope it will be acted upon to-day.

Mr. FLANAGAN. With due respect to my distinguished friend from Ohio, I hope it will not be acted upon to-day. I wish to submit some few remarks on the subject, but I am feeble to-day and unable to do so. I got up out of a sick-bed this morning to come to the Senate. I do not myself propose to plead guilty to this great fraud, as it is charged to be broadcast throughout the land. I want to meet that charge boldly. I supported the salary bill in the first instance, and I am still determined to do so to the last; and I feel a disposition to discuss it, but I do not feel able to do so to-day.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

The motion was agreed to; there being on a division ayes 23, noes 17.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 718) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, in which the concurrence of the Senate was requested.

OFFICIAL SALARIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates.

Mr. MORRILL, of Vermont. I desire to offer an amendment to the report of the committee, to come in after the substitute that is proposed for section 3.

The PRESIDENT *pro tempore*. The amendment will be reported.

Mr. MORRILL, of Vermont. I am not sure but that an amendment is now pending to that same section. If that is so, I will withdraw my amendment until that one is acted upon.

The PRESIDENT *pro tempore*. There is an amendment to an amendment pending, offered by the Senator from Indiana, [Mr. PRATT,] which will be read.

The Chief Clerk read the amendment of Mr. PRATT, which was to add at the end of the first section of the amendment reported by the committee the following proviso:

Provided, however, That the Senators, Representatives, and Delegates of the Forty-third Congress, who have received their compensation since the 4th day of March, 1873, at the rate of $7,500 per annum, in accordance with the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall in the aggregate make their compensation for the whole Congress equal to the sum of $5,000 per annum.

Mr. THURMAN. I wish to call the attention of my friend from Indiana to what strikes me as the effect of his amendment if it be adopted. It provides that Senators and Members of the House and Delegates, who have received the increased pay since the 3d of March last, shall be debited with the excess in settling with them for their future compensation. I have nothing to say against that proposition; but it leaves out the cases of those who have not taken the excess. No provision is made in regard to them by this amendment, and the consequence is, that if the amendment were adopted just as it is, those who have not taken the excess may go and take it. It makes a discrimination between them and those who have already received it. Now, there are members of the Senate and there are Members of the House who have not received the increased pay, who have only taken pay at the rate of $5,000; and there are some who although they may have taken a particular month's pay at the increased rate, yet have seen to it that the aggregate of all they have received does not exceed what would have been due to them had no change in the salary law been made. Now, the amendment offered by the Senator from Indiana only applies to such as have actually received an excess of pay, and not to those who have not yet drawn that excess. It leaves them to draw it after this act shall pass and take effect.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana to the amendment of the Committee on Civil Service and Retrenchment.

Mr. LOGAN. Mr. President, I should like to ask the Senator from Indiana a question, inasmuch as he is reputed to be a very fine lawyer, and doubtless is. He is aware of the provision of the Constitution which declares that Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. When that compensation is ascertained by law and paid out of the Treasury of the United States, has this Congress any power to reclaim it or require them to pay any portion of it back?

Mr. PRATT. I suppose that we have the control of this question during the entire term of a Congress; that we could provide now that those who had received the limit of $5,000 should receive nothing further for their services during the residue of this Congress. I suppose we could dispense with the salary entirely if we thought proper. But this bill with my amendment makes the compensation precisely equal for all—$5,000 apiece.

Mr. LOGAN. Now, Mr. President, the Senator says that he supposes that we could abolish the salary entirely. That is very probably true; but that is not the question. I put the question to him whether this Congress has any power to reclaim a salary that has been paid out of the Treasury to a Member of Congress, under a law which has fixed such salary? Is there any difference between doing that directly and providing that a Senator or Member of Congress

shall have his future salary reduced by debiting against it that which he has drawn before under the law? Is not that a taking back part of that which he has drawn under the law, when the Constitution expressly provides that his compensation shall be fixed by law and paid out of the Treasury of the United States? This is the compensation fixed by law, and it has been paid out of the Treasury of the United States, and you have no power to touch it any more than you have any other of his private property; and, as a lawyer, it seems to me that the Senator from Indiana will so say.

Mr. PRATT. It seems to me that that question does not arise here. It could only arise in case the whole $5,000 provided by this bill as compensation for each member of Congress had been in fact already paid, and, more than that, had been paid and an attempt was made to recall it. Such is not the case here. No one has yet been paid, under the law of March last, $5,000.

Mr. LOGAN. That is dodging the question again. I certainly do not desire to discuss this question at length. I expect I have received my portion of the odium of this law of March last. I do not say that we have not made a mistake in the eyes of the people; but because the country does not believe in the amount of salary we provided, that is no reason why reasonable men should demand of us to do that which we have no power as a Congress to do; nor do they.

I am willing to yield to the demands of the people as readily as any other man in this Chamber, when reasonable. I may not satisfy my constituents, but am willing to yield in my official capacity to their demands or their requests. But to go further than that, and beyond reason and law and the dictates of common sense, to satisfy the unreasonable demands of Senators who are playing a rôle for themselves, we are not called upon to do it. No demand has been made to go beyond our constitutional power by the people. Sir, the demand made by the people on the Congress is this—the repeal of the law of March 3, 1873.

What effect does the amendment have? It has the effect to charge every member of Congress for the next year to come with what he has already received in excess of the rate of $5,000 a year—to debit him with so much, and only allow him to draw enough hereafter to bring him down to $5,000. I suppose I should not get anything for the next three months under this, because my conscience has not prevented me from drawing my salary under the law. I guess I shall have to stay here without any money. The conscience of my friend from Indiana probably being a little more sensitive, he may not have drawn his amount, and hence he will be permitted to receive some pay. There is the distinction this amendment makes between Senators—between the consciences of Senators.

But it goes further. Here are our cabinet ministers, here are our heads of bureaus, here are all the men who are incorporated in the increased salary bill, and you provide that the members of Congress who are now here having seats shall return their pay, but everybody else may keep theirs. Is that honest? Is that what the people want? Is that what they demand? Do they mean that we shall perpetrate a fraud upon them; that we shall by clipping our own wings impose upon them and hide the increase of salary as it affects other officers? They demand no such thing.

Now, I do not claim that I am so versed in the law as my friend from Indiana; but what little law I do know suggests to me at least that we have no power to do that which he asks by his amendment. I am aware that when we decide questions here, sometimes our legal knowledge is overridden by outside pressure; sometimes our views are changed very much by the popular verdict, though the law is just as plain as it can be written, and we are willing to violate it merely to say before the country that we rushed to the rescue. I do not believe in such legislation.

But while I am up, if I may be permitted to say a word further, I believe I voted for the salary bill of last March. I voted for it conscientiously. I believed it was right; it was in accordance with the precedents that had been followed by nearly all our great men heretofore. I believe now that it was right. My constituents in all probability disagree with me, and I am willing to yield to their views instead of stickling for my own; but in yielding to their views I do not want to cheat them. They say to me that they are opposed to this salary bill and they want it repealed. Then what is it that we are to do if we believed conscientiously that the salary was right when we voted for it? We are to repeal it, not because we think it is wrong, for there is a majority of the Senate who voted for it; hence we repeal it because we are conforming to the will and the wishes of the people whom we represent. Now, if we mean to conform to the will of the people whom we represent, let us really do so honestly. How shall we do it? By repealing the law as far as we have a right to go. How far is that? We have a right to repeal all the salaries embraced in that law except the salary of the President and the judges of the Supreme Court.

Mr. FENTON. And those at the close of the term.

Mr. LOGAN. At the close of whose term?

Mr. FENTON. At the close of the term of the present incumbent of the Presidency; and as to the judges, at the close of the term of each.

Mr. LOGAN. That is to say, we may repeal the increased salary of the President when the present President goes out. I agree that it may be done; but it is not a question as to reaching away on years beyond, but what we shall do at this time to affect the salaries now. Either let them stand as they are or, wipe out the increase smooth and clean so far as we have the power to do it. If it was left to me to determine for myself, and I represented no one, I would leave them as they are; because I believe now as firmly as I did when I voted for the bill originally that they are not excessive; but inasmuch as that is not the public judgment, if you fail to comply with the demand you might as well do nothing, and this bill which has been introduced here to-day from the committee (and I have no disposition to criticise that committee) does not comply with the wishes of the people and their demands. I do not use the word in any offensive sense, but I say this bill is a deception upon its face. Why is it a deception upon its face? It proposes to repeal the salary bill so far as the members of Congress and subordinates about the two Houses are concerned.

Gentlemen come into this Senate Chamber and talk loudly and long about the people and their demands, and that they are rushing to the rescue in order to provide against the outrages which may be perpetrated upon them by Congress hereafter. Let those men who thus rush to the rescue bring forward a proposition that is in accordance with the demands of the people, and not bring forward one that is a fraud upon its face; and when I say that, as I said before, I do not mean it in an offensive sense. The bill only affects members of Congress and subordinates here. You are willing to reduce the wages of the men who wheel your documents about these rooms; you are willing to reduce your own salaries, but not the salaries of others increased by the Forty-second Congress in the different Departments here at Washington.

Mr. PRATT. Will my friend allow me to interrupt him one moment?

Mr. LOGAN. Certainly.

Mr. PRATT. We are acting upon the bill which was sent to us from the House. That bill provides for only a single object, the reduction of the compensation of members of Congress and the Presiding Officers of the two bodies. Now, while it might be proper to legislate generally as to the salaries of other officers of the Government, heads of Departments, heads of Bureaus, &c., I suggest that that can be done in the future in a separate measure for that purpose. We are simply amending the House bill as it came to us.

Mr. LOGAN. Exactly. I agree that it can be done in the future; but future action is not what the people want. We can do all these things in the future. We can attend to the subject now before us in the future. But it is up before us, and the question is how shall we attend to it? Shall we do it in a proper manner, or in a deceptive manner?

I do not believe that the heads of Departments receive too much salary under the law of the last Congress. I do not believe that the President of the United States receives too much salary. I believe that the amount of salary he receives to-day is less in its purchasing power than the $25,000 in gold which General Washington received as President of the United States in his day. I do not believe that the present salary is too much.

I do not believe that the salaries of the judges of the Supreme Court are too much, nor do I believe that the salaries of the heads of Departments are too much, nor the salaries of members of Congress; but inasmuch as we are repealing this law to satisfy the demands of the country, let us do it thoroughly, and not have any half-way business about it. That is my idea. If we undertake to satisfy a demand of the people, let us satisfy it fully. Hence I say now that I shall oppose any bill, so far as my strength is concerned, and that amounts to but very little, before this Senate that does not completely wipe out from the present time (for that is as far as we can go) the salary bill of the last session except in relation to the salaries of the President and judges of the Supreme Court; and anything less than this is a deception and a delusion. Is not that what we are asked to do?

Mr. PRATT. Why does not the Senator offer an amendment to that effect?

Mr. LOGAN. I am not managing this bill. The Senator from Indiana seems to have it in his charge; and he, being a man of the people and so much devoted to them, their interest being the most tender object of his care, it is his duty, having the management of this bill, to so provide that the people will not be deceived.

Mr. PRATT. Does not the Senator feel the same way toward the people?

Mr. LOGAN. One would think not, from the remarks the Senator made in his speech a few moments ago, telling about the amount of pay that a laborer gets, while a Congressman gets $5,000. It is true that some Congressmen get more probably than they are worth. I do not doubt that at all; but I look upon this kind of argument, that because a laborer gets three dollars a day, therefore a member of Congress must only get three dollars a day, as the merest humbuggery that ever was submitted or suggested to any Congress or any people. There is no analogy, no reason, for it. The laborer is just as good a man as the Congressman, but he does not expect the same pay, nor are his duties such as to require it, and the comparison so far as pay is concerned is not well taken. Hence I say that gentlemen who think their salaries should be so low should so frame their bill as to meet the demands of the people. I feel just as other gentlemen do in regard to the interest of the people and their good opinion, but I cannot go quite so far as some do in humbugging. I go just far enough to maintain my own self-respect and at the same time do that which I think my constituents want me to do, consistent with duty and law, and no further.

Now, sir, I desire some Senator on the committee that reported this bill to answer me this question, why the subordinates around the Halls of Congress here should have their wages reduced when the subordinates in the Treasury Department have not their wages reduced? Is there any distinction? Are the subordinates in the Departments any more sacred than the men here? They were put in the bill when it passed Congress, and all were placed upon an equality; their salaries were all increased; but these gentlemen, the defenders of the rights of people, come in here in hot haste to put every man who voted for the salary bill in a false position before the country; they come in here the first day that Congress convenes after the recess and say this thing must be done at once, that every man who voted for the bill may be condemned all over the country, and the first bill they bring before the Senate is a fraud and a deception.

Mr. SHERMAN. Will my friend tell me what laborers in the Treasury Department had their salaries increased by the salary bill?

Mr. LOGAN. When I say "laborers" I mean men in subordinate positions. I presume their salaries were increased. That was my understanding.

Mr. SHERMAN. As the Senator has appealed to the members of the committee who reported this bill to know why this repeal of increased salaries did not apply to all, I will state again, with his permission, if I do not interrupt him, that this bill does repeal all the increases of salaries made at the last Congress, except, first, that of the President of the United States, who is protected by a constitutional provision; secondly, the salaries of the judges of the Supreme Court of the United States, who are protected by a constitutional provision.

Mr. MORRILL, of Maine. Except the Chief Justice.

Mr. SHERMAN. Yes; in respect to one judge we could undoubtedly change the compensation; but I suppose no one would propose to make a rate of salary which would be unequal among the judges; and, thirdly, the class of officers to whom the Senator alludes. They are the Supervising Architect of the Treasury Department, who was raised to $5,000 from $3,500, and the heads of certain Bureaus in the Treasury and all the other Departments were raised from $3,500 to $4,000. Let me remind the Senator from Illinois of the distinction between this class of officers described in section 3 of this act and the officers receiving increased compensation under other portions of the law. This section was passed early in the session after debate, and in order to equalize their salaries on a grade with other salaries. It had no connection at all with what is commonly called the increased pay. It was a distinct measure, debated in both Houses of Congress, and passed by both Houses of Congress by a large majority, and put into the bill early, and therefore is not included in the general popular objection which has been made to the increased salary bill.

In answer to the Senator's appeal to us to give the reason why we did not include these officers in the proposed repeal, I simply say that the increased pay voted to these officers was passed by both Houses of Congress at an early period of the session, and is not in the same part of the bill, nor the same measure, nor has it ever been in popular estimation classed with the increased compensation bill. They were increased from $3,500 to $4,000 a year, and it seemed to me unwise to interfere with that increase. Indeed, it seemed to me a proper increase, and it would be very wrong now, when we are endeavoring to comply with the popular demand on another act of Congress, for us to reduce the pay of these particular officers down to the old standard. That is the reason why they were not included in this repeal.

Mr. LOGAN. I am very glad to hear the explanation of the Senator. I did not know that he was on the committee.

Mr. SHERMAN. The chairman of the committee, [Mr. WRIGHT,] who has the bill in charge, is not in the Chamber at present.

Mr. LOGAN. I am very glad the explanation has been made. I used the word "laborer" probably in an improper sense; but I was speaking of the justice of the measure as applicable to these individuals. Now, if it is just to reduce the salary of the postmaster of the Senate, it is equally just to reduce the salary of the men holding corresponding positions in the different Departments, the salaries of which have been raised, and they were raised; and this talk among the people about a reduction of salaries I do insist does apply as well to the salaries in the Departments as it does to the salaries of members of Congress and the subordinate positions around the Congress of the United States. Since this bill has passed the House I have noticed the comments upon it all over the country. The complaint is, not that $6,000 is too much pay for a Congressman, but that the bill did not go far enough. Now, if we reduce the salaries of members of Congress for the purpose of economizing, let us reduce the salaries of other officers for the same purpose; and inasmuch as the Cabinet and all were included in the increase, let them all go together, and let them all be reduced alike: if you can go back in one case you can do so in the other.

As I said before, I am willing to vote, as other gentlemen propose to vote, according to the sentiments of my constituents on the reduction of salaries that we can affect. And inasmuch as we cannot affect the salaries of the President and of the judges of the Supreme Court, I am opposed to touching them in any way whatever; and I should vote against touching the salary of the President unless we could repeal it altogether. I am opposed to providing for the next President to have a less salary than the present President, as suggested by my friend from New York, [Mr. FENTON.] Why am I opposed to it? If we pay the present President a salary of $50,000, I am in favor of paying the next President the same salary; and if odium is to be attached to the measure, I will take my part of it. I will not discriminate. I am willing to pay the next man who is fortunate enough to be elected President, be he a democrat, liberal, or republican, the same amount that I pay the present President.

Mr. FENTON. It would be upon the same principle, if my friend will allow me, that we pay members of Congress $7,500 for the past period, and only $5,000 for the period in the future. We pay the present President $50,000 a year for four years. We provide in the bill which authorizes the increase that at the end of this term we will reduce it to $25,000 a year, the same as we propose to reduce the compensation of members of Congress.

Mr. LOGAN. I beg leave to differ with the Senator in reference to the principle as stated by him. He says that the principle is the same in paying the present President so much and the next one only half the amount as in this Congress paying itself $7,500 and the next Congress receiving but $5,000. There is a very great difference, and it is this: The next Congress will have the right to fix their own salary, and they may fix it at $5,000 or $7,000. The President has no such right; and the next-elected President will have no power over his salary. Congress has power over its salary and over his. There is therefore a very great distinction. Let it not be said that this increase was made for one President alone as an exception to all others.

Now, Mr. President, this is all I care to say on this subject. I merely desired to state to Senators that in deference to my constituents I am willing that the salary shall be reduced; but when it is reduced, I want the bill to run right through, and reduce all the salaries that we can touch under the Constitution of the United States that were increased by the action of the Forty-second Congress.

Mr. THURMAN. I wish to say a word upon the legal question suggested by my friend from Illinois, because I think if he comes to understand it perfectly he will find there is not the difficulty in this amendment of the Senator from Indiana that he supposes to exist. If the amendment be adopted, it creates no inequality whatsoever in the payment of members. They will all be paid precisely the same sum. Nor is it any violation of vested right. The amendment proposes that the excess over $5,000 provided by the act of March last, when received by members, shall be taken into account in settling with them in the future until the expiration of the year; the whole effect of which, if carried out, would be that each member of the Forty-third Congress would receive for the year the sum of $5,000. There is this thing, which I do not know whether the Senator from Indiana noticed in his amendment, that in effect it would be a reduction of the salary below what it was when the act of March last took effect, as his amendment takes no account of the mileage; and the consequence would be, that if his amendment be adopted precisely as it is, it would be a reduction. The compensation would not be $5,000 and mileage, as it was before, for the year, but would be simply $5,000.

Mr. PRATT. Let me say to my friend from Ohio that the bill reported by the committee, to which this amendment was offered, provides for a return to the old mileage, twenty cents a mile, in express terms.

Mr. THURMAN. If that would have the effect to restore that also it would be very well; but this amendment, coming in as a proviso after that, I should doubt extremely whether it did not limit the generality of the terms of the bill as reported by the committee. However, if the Senator thinks otherwise, let it be so.

But the objection that this is in violation of vested rights of members, or will produce any inequality between them, I submit to my friend from Illinois is not well taken. It does not destroy the equality between the members at all, nor does it destroy vested rights. Let us see how that is. In regard to the compensation of Senators and Representatives the Constitution provides:

> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States.

There is no provision as to when it shall be paid, or how it shall be paid, except that it shall be paid out of the Treasury of the United States. But when we come to the compensation of the President, the Constitution reads:

> The President shall, at stated times, receive for his services a compensation, &c.

And the same provision in regard to the judges of the courts:

> The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

The first difference, then, between members of Congress, whether Senators or Representatives, and the President and the judges, is that the Constitution is obligatory in respect to the President and the judges, that their compensation shall be paid at stated times; whereas there is no such provision in regard to that of Senators and Representatives.

There is then another material difference between the two, and that is, that the salary of the President and the salaries of the judges cannot be diminished during, in the case of the President, the period for which he shall have been elected, and, as to the judges, during the term they shall hold office; whereas the compensation of members of Congress may be increased or diminished during the very term of their

office. We may increase our own salaries, or we may diminish them; and that being the case, as we have complete power over that subject to increase or diminish the salary, if now at this moment each member of Congress had already received precisely the sum of $5,000 for the year commencing on the 4th day of March last, I say, as the Senator from Indiana has already said, if we thought he had received enough for this year, we might say he should be paid no more than the $5,000 that he had already received. We may increase our own salary or diminish it, and we might diminish it for the succeeding three months down to a dollar a day, and no one could dispute that that would be a constitutional law, although the effect of it might be to make the whole compensation for the year just $5,000. I will suppose such a case as that. So we might say that it should be nothing for the next three months because we have already received enough.

I do not find, therefore, any constitutional difficulty in the adoption of the amendment of the Senator from Indiana; and I shall vote for it for this, if no other reason, that I feel myself bound by the instructions of my Legislature to undo, as far as it is in my power to do, the effect of the act of 3d March last.

Mr. LOGAN. Will my friend allow me right there to ask him a question?

Mr. THURMAN. Certainly.

Mr. LOGAN. He says that the Constitution makes a distinction in providing that the President shall receive his salary at stated times, while there is no such provision in regard to the salary of members of Congress. Is that what I understood him to say?

Mr. THURMAN. I think it does, because the Constitution provides that the President shall, at stated times, receive a salary—that means payable at stated times, and we have made it payable monthly—and that shall neither be increased nor diminished during his term of office. When the President has been in office a month, and a month's salary is due him and it has been paid to him, it is just as much his own private property as if he had received it from any individual as a consideration for a sale of property. It is a wholly different case from the case of a member of Congress.

Mr. LOGAN. Where the law provides that a member of Congress shall have his salary paid monthly, and the month expires, and he receives that pay, is not that as much his private property as anything else?

Mr. THURMAN. That does not touch the question. The law provides that his salary shall be $7,500 a year.

Mr. LOGAN. Payable monthly.

Mr. THURMAN. Payable monthly. He is not employed by the month. He is to be paid $7,500 a year, and it is payable by the month; but Congress may at any time repeal that law, and then he does not get $7,500.

Mr. LOGAN. Of course Congress may do that; but the question I ask is not as to the power of Congress to repeal the law. That is not the point in controversy. I ask the Senator whether, when the individual receives the money under the law payable monthly, it does not vest in him and become his private property?

Mr. THURMAN. I will answer the question of my friend. That question would arise provided you required the member to pay it back; but the amendment of the Senator from Indiana does not require anybody to pay back.

Mr. FERRY, of Connecticut. Does not the amendment of the Senator from Indiana require that this shall be charged to the member of Congress?

Mr. THURMAN. Yes; and if the effect of charging it is to take away any right to any more compensation for that year, he will get no more; but if the excess should be more than his compensation at the rate of $5,000 a year would be for the remainder of the year, he is not required to pay back the excess.

Mr. LOGAN. On this point, because it is the point of controversy, I want the Senator—for he is a very good lawyer—to answer me this question: Has Congress any power to deprive you of your property after it is once vested in you?

Mr. THURMAN. The Senator, being a very good lawyer himself—and I say that not to bandy compliments—does not need to be told that private property cannot be taken without making just compensation, under the Constitution of the United States.

Mr. LOGAN. Very well. The question then is, whether, if a man receives his salary, it does not become private property. Does it not? I know I cannot put questions to the Senator that he cannot answer, but I should like to know whether or not it does not become private property. If it does not, is it real estate? It is something. I should like the Senator to tell me, after he receives his salary, what kind of property it is.

Mr. THURMAN. Certainly when a member has drawn his pay and got it in his pocket it is his private property, and is liable for his debts; and if he goes into bankruptcy it can be taken by the assignees.

Mr. LOGAN. Now, following that, I will ask this question: Suppose it is private property, and it is liable for his debts, by what process can Congress divest him of it, without making just compensation?

Mr. THURMAN. It does not divest him of it.

Mr. LOGAN. Yes, it does. You do not divest a man of what he is to get, but of what he has got, by refusing to pay the amount due to him monthly until it is equalized to the $5,000 per annum. That is exactly what you do. Now I should like to ask the adroit Senator another question. Suppose this bill should be passed and become a law to-day, and I should resign my seat to-day, could the Government of the United States recover that money back from me or not? I should like for him to explain that.

Mr. THURMAN. I was called off, and did not hear the question.

Mr. LOGAN. Suppose this bill should become a law to-day. I have drawn several thousand dollars of my pay; I do not remember how much. The law passes to-day, and is signed by the President, requiring that money which I have drawn to be charged over on my account in future, and in that way the Government of the United States is to obtain the money back. Now, suppose I resign to-morrow, can the Government recover that money from me? That is the question I ask.

Mr. THURMAN. I am afraid the Senator will resign in order to keep his money. [Laughter.]

Mr. LOGAN. There is no danger of that; but I should like the Senator to answer me that question, inasmuch as his legal mind controls him in voting for this bill. He thinks it is legal and proper, because he has been so instructed. I should like him to answer that question, because if the Government can recover it back by this process it may do it by process before a court. I should like to know before we vote whether it can be done or not.

Mr. SCOTT. Mr. President, I do not intend to vote for this amendment of the Senator from Indiana. I have a very clear path marked out for myself on this subject. I voted against the increase of pay because I thought it was unwise, and I voted against the back pay because I thought it was wrong; and I have acted accordingly. And I have been more and more impressed every time I have thought of this question of the great lack of wisdom there was, at least in this instance, in the Constitution violating the old common law-maxim that no man should ever be made a judge in his own case; for I think it is perfectly apparent that if the idea of some constitutional commentators were carried out that each Congress is to fix its own salary, there would be very little other legislation done if we were called upon to act upon this subject at every session.

There is no such thing as compensation in this question of congressional salary. You cannot make it compensation, as I have argued heretofore. There must be equality of compensation, but there can be no compensation for services or for sacrifices. There is no equality in the labor that is performed, no equality in the responsibilities that are imposed. For instance—and I do not make the comparison with any invidious view—take the mere matter of labor: here is my friend from Nevada who sits behind me, [Mr. STEWART,] who has probably upon a liberal estimate fifty thousand constituents to call upon him in attending to their wants, and here is my neighbor across the way, from New York, [Mr. CONKLING,] who has four millions to call upon him. Is there any parallel between their labors and their responsibilities? And yet their compensation must be equal.

The truth is, you have two questions to consider in fixing this compensation. The one is a question of public policy, and the other is the individual one between the member and his constituents; and the misfortune of it is, that when you come to look upon that the constituency generally look only upon the individual side of the question, and lose sight of public policy altogether. I have no hesitation in saying that if I were called upon to fix my salary on the amount of labor I have to undergo, I do not think what I have been receiving is too much; and I do not intend to pay back a dollar of what I have received since the 4th of March last. I avow that openly, although I voted against the bill.

But now I come to the question which I rose to propound both to my friend from Indiana and to my friend from Ohio, under this amendment, as I intend to vote against it. The amendment proposes equalization, as I understand it; that it proposes to take all the members of the present Congress—the Forty-third Congress—who have drawn the increased rate of compensation since the 4th of March last, and to deduct from their compensation in the future an amount which will bring them down to the $5,000 per year fixed in this bill.

Now, if equalization is the purpose, if you intend to make the salaries of the members yet under congressional control as nearly equal as possible, why not go further back? Here are a large number of Senators who were in the Forty-second Congress; there are many members of the House who were in the Forty-second Congress; and if there be any feature of the legislation of last March which was considered objectionable, it is what has been popularly baptized as the back-pay feature of the bill. If the Forty-third Congress has power to defalcate against the coming salary what has been received in the months since March last, why has it not the power to defalcate against the members who took the back pay in the Forty-second Congress? Why does the amendment of the Senator from Indiana stop there? I can understand no difference. If my friend from Ohio takes the ground that Congress has the power now to open accounts, and to defalcate against the coming salary the excess that has been received since the 4th of March last, why have we not the power to go back into the Forty-second Congress?

Mr. THURMAN. That would be a discrimination between members.

Mr. SCOTT. Between what members?

Mr. THURMAN. Between those who belonged to the Forty-second Congress and those who did not.

Mr. SCOTT. Not at all. It makes no discrimination among the

present members; it reduces them all to $5,000. The only discrimination it makes is in favor of those who were in the Forty-second Congress and are not in the Forty-third. They have got the money, and you cannot reach them; but if you can reach members from the 4th of March last, you can reach every member of the Forty-third Congress who was a member of the Forty-second, and this amendment falls short of its highly patriotic purpose.

Mr. STOCKTON. Mr. President, I have not risen to discuss the question of the back pay or the question of salaries. I was unfortunate enough when this proposition to increase salaries came into the Senate, toward the end of the last session, to be absent form the Senate. I am told that it came in at a very late hour of the night, when, not being well, I had gone home. I have not, therefore, risen to criticise the conduct of any gentleman who was here at that time, nor to comment on any action which occurred subsequently, nor to make any explanations or apologies for myself. In fact, I think if the public do not understand this question it is its own fault. It does not desire to do so. It cannot well be enlightened by anything that may be said upon it now, if it has heretofore sought the truth and digested it. I have risen, therefore, simply to correct an error in constitutional construction, made by my distinguished friend, the Senator from Ohio, [Mr. THURMAN;] an error which might be more serious, having the weight of his great ability and high authority to support it, and the evil consequences of indorsing which might be more than any result which might arise from the vote on the salary bill, no matter how it may be given. If I have misunderstood the Senator from Ohio, I shall be very glad. If I have not misunderstood him, and can suggest to him that he has omitted perhaps one view of the question which should control it, and the omission of which makes his opinion a bad precedent, I feel sure that he will most cheerfully throw the weight of his judgment on the side of the Constitution, and an honest interpretation of its every clause.

I understood the Senator from Ohio to say that he could see nothing unconstitutional, he could see no invidious distinction, in an amendment which provided that those Senators who, since the 4th of March, have been drawing pay at the rate of $7,500, should have charged up to them that sum, so that they would draw now a less sum than those who did not receive the increased pay under the salary bill. To that proposition the Senator from Ohio, impelled, as he says, by the action of his Legislature to speak on the subject, has given the weight of his authority, than which there is no greater in this Senate.

Mr. President, the Constitution says that the Senators and Representatives shall receive a compensation to be ascertained by law. It must be the Senators each and all of them alike. It must be ascertained—namely, made certain as to amount. It must be by law that it is made certain; that is, by a general rule applying to all.

Mr. President, if I understand this question, a Senator of the United States, a member of the Congress of the United States, under the Constitution and the law passed thereunder, may receive the sum ascertained by law. He has no option about it. If it is nothing, he has no right to anything; if it is a larger sum than it was when his constituents elected him, he must receive that sum and no other. It is the sum "ascertained by law." Those are the words of the Constitution. That that law was unconstitutional; that that law was improper or illegal—I speak not now of motives, nor of the propriety or wisdom in its passage—but simply that it has never been claimed that there was any defect in that law by which it was not an operative law—this has never been suggested. So it has never been whispered that a Senator of the United States had a right to receive more or less than that sum. When it was received it was his own. Of course, no Senator was bound to draw it. A man may let his money that is due him pile up in the Treasury of the United States, or in the office of the Secretary of the Senate, to any amount he pleases, as he may in a bank or anywhere else. There it piles up; there it goes to his credit; it is credited to him. The day the bill became operative the amount due to each was payable; and the man who did not go to the office the day he was entitled to it and draw the sum, the average of which, it was said in this debate, was about $3,000, was just as much entitled to it as those who did; and his administrators were just as much entitled, by the laws of this land, to collect it if he died as if he had taken it during his life. That position cannot be controverted. It is impregnable.

Now, Mr. President, how would it be in case it appears that any Senator has not received this pay? No such case can exist under the law. Every member of Congress received his pay—back pay, increased pay, and all. Take the case of the gentleman who devoted the back pay, which was his legal right, to building the Washington Monument; or of the gentleman who divided among the poor of his district, kind and charitable as he was, the money so taken from the Treasury; and are they, with their charitable and generous disposition of it, embraced in the clause of this amendment, or are they excluded as those that did not take the increase? If they are included because they did with it what their good and charitable hearts suggested, nevertheless they took it. The United States Government did not make an appropriation to assist in the building of the Washington Monument. Money cannot be taken out of the Treasury to be distributed among the poor of a congressional district except by law. No, Mr. President, they took it; and a Senator who wrote a letter to the Secretary of the Senate telling him to cover the pay which was due him back into the Treasury of the United States took that money. He could only convey a title to it, because it was their property. He disposed of it where his conscience, where his means, where his disposition led him in the exercise of that right which it was his duty to exercise—where they told him it had better go; but it was nevertheless his act. It was covered into the Treasury by no law of Congress, but by the act alone and solely of that individual; and if that individual had died before he made that disposition it would have belonged to his estate, and could have been claimed by his executors. He was generous with his own, not with the public money. So that, Mr. President, whether a Senator, receiving it as all did, devoted it to pay his debts, or whether in the exercise of a noble generosity, claiming the right to do what he would with his own, he gave it for such purposes as he thought convenient and proper, or whether he did it without taking any action on the matter, still in contemplation of law this sum was to his credit; and it required his act, his conveyance, to divest himself of it; or, in case of death, the act of his representative. So it has been in every case; and in such instances, if there be such, where the voluntary disposition of it has not been made by the individual, it stands there as his property now, subject to an action in case of his death by his administrator or executor.

Now, Mr. President, in no remark that I have made have I had the slightest intention of finding the least fault with any gentleman doing as he saw fit in reference to this matter; nor do I think I have a right to do so. Being the law of the land, being the sum ascertained under the Constitution, it was a simple question for every individual in the exercise of that right which he has to make such conveyance and disposition of his property as he pleased, to do as he saw fit; and those gentlemen who saw fit to devote it to charitable purposes have, no doubt, earned the thanks of the community who were the recipients of their charity.

Whether the salary should have been increased, whether it should have been made retroactive, are not questions which arise under a proper consideration of this amendment of the Senator from Indiana.

When the propositions of the committee of the Senate, as found in their amendment to the House bill, come up, we will be called upon to act on the question of what the salary should be permanently fixed at by law. After hearing from those who have studied the subject I hope to be as clear in my mind on that subject as I am on the present.

But, Mr. President, in the mean time I hope that what I have said may induce the Senator from Ohio to so modify his expressions on this amendment that they will not conflict with the constitutional provision referred to, and with which, I think, they do conflict. We have seen that in every one the pay was received; the transfer was the individual act, and not the operation of law; and that in no sense can the amendment apply, unless, indeed, it apply to all. The power claimed to discriminate between Senators, to pay to one more and to another less, is a most dangerous and unwarranted assumption. It not only violates the constitutional provision which really, taken with the whole instrument, reads "each Senator shall receive," but it enables a partisan majority practically to deny representation in the Senate by starving the minority. Delaware and New Jersey, Rhode Island and Connecticut Senators should be paid small sums because their States are small, it may soon be said. And what becomes of that supreme and controlling clause, "Each State shall have two Senators?" We have no longer independent State representation. The equality of the States no longer exists. You might as well pay the Senators according to size of mind or body, or have an intellectual scale.

Mr. THURMAN. Mr. President, I should not say a word more on the point immediately under consideration but that I must have been extremely unfortunate in the expression of my views, or else I must be exceedingly mistaken in my view of what is the Constitution, for I find that I am criticised all around and told that I am wrong in my views. But yet, sir, I cannot see it.

In the first place, I wish to ask my friend on the right [Mr. STOCKTON] to divest himself of any idea that the back pay is involved in this amendment. This amendment has nothing to do with back pay and requires no back pay, as it is called, which was compensation paid to members of the Forty-second Congress, to be charged up.

Mr. MORTON. I will inquire of the Senator whether back pay is involved in the bill at all as it came from the committee?

Mr. THURMAN. It is not involved in the bill as it came from the committee; neither is it in the amendment of the colleague of the Senator from Indiana who has interrupted me. It is not in this controversy at all.

Mr. STOCKTON. In using the expression "back pay," I was speaking simply of the sum of money alluded to in the amendment—that is, the sum drawn at the rate of $7,500, embraced in the old salary bill. It matters not whether it be retroactive or not as far as this question is concerned. The proposition remains the same, whether it be back pay or whether it be pay paid under the present salary bill at the rate of $7,500.

Mr. THURMAN. I wish to have a clear distinction drawn. What is considered back pay in popular parlance was the additional sum of $5,000, less mileage, which was paid to each one of the members of the Forty-second Congress for his services in that Congress. That was the back pay. It amounted to different sums to the different members, according to the amount of their mileage. To the Sen-

ators from Ohio it amounted to about $4,300, or between forty-three and forty-four hundred dollars. To the Senator from Oregon, who liberally contributed his share to finish the Washington Monument, it amounted to the sum of one hundred and forty-odd dollars; and so on. It was a very different sum according to the amount of mileage that a member was to receive. That is not in this bill, nor is it in the amendment offered by the Senator from Indiana furthest from me, [Mr. PRATT.] But the act of March 3, 1873, provided that the salary of members of Congress should thenceforth be at the rate of $7,500 per annum, payable monthly. It made an annual salary, just as the previous act had made; an annual salary just as the act of 1856, which established $3,000, had made. So this act of March last provided that in the future the compensation of a member of Congress should be $7,500 per annum.

Now, it is agreed on all hands that that act is to be repealed, and we are to go back to $5,000 per annum; and, inasmuch as that is done in deference, as it is said, to public opinion, which condemns the act, the Senator from Indiana furthest from me proposes to give full effect to that public opinion and make it apply to this Congress just as fully as if the salary had not been raised at all *quoad* this Congress.

Mr. SCOTT. Will the Senator allow a question? Do I understand the Senator from Ohio to say that public opinion did not bring itself to bear upon that portion of the increased compensation which was awarded to the members of the Forty-second Congress?

Mr. THURMAN. It did; and I think that was about the blackest animal that there was in the basket—the back-pay.

Mr. SCOTT. Why not include it in the amendment?

Mr. THURMAN. For a reason that my friend from Pennsylvania must perfectly understand, and which I mean to notice presently, when I come to that branch of the subject. I will do it, but I can do only one thing at a time. Now I want to go on and state what this amendment of the Senator from Indiana is. It is simply to say in effect that the pay of members of the Forty-third Congress shall be $10,000 for this Congress, and in computing their pay $10,000 you take into account what has already been paid. I put it to any one here if this amendment, read in these words: "that the compensation of members of the Forty-third Congress, for the Congress, shall be $10,000"—if that was the simple amendment and nothing more, and not a word was said about charging up to them what they have received—would not the necessary effect be that all they have received would be taken out, and they would only receive the balance of the $10,000; and is there anybody who would say that was not constitutional?

Or suppose you take it in another way and provide that the bill shall take effect from the 4th day of March next, leaving you to receive pay at $7,500 up to the 4th day of March next, and then provide that for the succeeding year your pay shall be only $2,500 a year, would anybody say that that would be unconstitutional? And yet that would be precisely the effect of the amendment of the Senator from Indiana. It would make your pay for the Congress $10,000 and no more, and his amendment makes it $10,000 and no more, and this objection is a mere objection to the form of the thing, to what is called the charging up, the debiting members with what they have received over and above the rate of $5,000 a year; and as we have power to decrease our compensation as well as to increase it, as we may do it at any time whatsoever, as we may take into consideration what we have received heretofore in determining what we shall receive in the future, I, for the life of me, cannot see, with the utmost respect for those who think otherwise, where is the difference between the proposition of the Senator from Indiana and either one of the propositions that I have suggested; for instance, the proposition that the pay of the Forty-third Congress shall be $10,000 for the Congress, or that this act shall take effect on the 4th day of March next, and the pay for the next year shall be at the rate of $2,500.

Mr. MORTON. Allow me to ask a question.

Mr. THURMAN. Certainly.

Mr. MORTON. The Senator speaks of the law as providing that a Senator's pay shall be $10,000 for the Congress. I submit to him that the law makes no reference to the Congress at all, but only provides that it shall be so much per annum.

Mr. THURMAN. I am supposing an amendment to be offered to that effect.

Mr. MORTON. I am speaking of the law as it is. It has no application to a Congress as being two years, but it speaks of the pay as being so much per annum, so that the question of one Congress or the other has nothing to do with it.

Mr. THURMAN. That is an entire mistake. We may be confused about time here, and that has confused the minds of Senators. They have looked upon the time that has elapsed since the 3d day of March as the time when they have been performing service and earned money, and that, therefore, the money is money that has become their private property by virtue of services actually rendered, when the truth of it is that for nine months of that time they were not here at all, and were rendering no service whatever, except some few who may have been on committees. The Transportation Committee, I believe, was transporting itself back and forth. I do not know anybody else that rendered service.

Mr. BAYARD. The Senate was in session last March.

Mr. THURMAN. Take that out and it leaves eight months. I do not find fault with the payment that was made for that time, because we were liable to be called together at any moment. It does not matter much whether it was paid then or paid all in a lump after we came here. The whole of that is *modus*, but that has confused the minds of Senators in considering this subject, and they have looked on the monthly installments they have received as pay for services actually rendered; whereas that is not the fact at all. It is simply a mode of convenience. The United States say to each of us, "We will pay you so much, and we will pay you so much in advance of the service you render." That is no extraordinary thing, even as between private individuals: "We will pay you so much a year, and you shall have so much of it in advance of the time you render the service." There is nothing illegal, nothing unreasonable, in that.

Very well, then, Mr. President. Inasmuch as you might plainly provide that this law should take effect on the 4th day of March next, and that then for the next succeeding year we should receive only $2,500 a year, or inasmuch as you might provide that the compensation of members for the two years ending the 3d of March, 1875, should be $10,000, and that would leave you to be charged up with all you had received before this time, so you may take it in the form in which it is expressed in the amendment of the Senator from Indiana.

Now a word as to the back pay. The Senator from Pennsylvania says, why may you not charge up the back pay? For this reason: that that would make an inequality in the pay of members of Congress, paying some men one salary and others another and different salary. I do not go into the question whether or not there must be equality; whether there must be uniformity. I know that there are some persons who think there need not be uniformity.

Mr. CRAGIN. Will the Senator allow me a suggestion? I understand him to say that that would make the salary unequal. There are a portion of the members of Congress who have not taken this back pay, and the suggestion is that those who have should be embraced in this amendment. Would not that make it equal?

Mr. THURMAN. No; I will show the Senator that it would make it unequal. Here is the inequality: it makes an inequality between the members of the Forty-third Congress who were members of the Forty-second Congress and the members of the Forty-third Congress who were not members of the Forty-second Congress.

Mr. SCOTT. Would it not equalize it among those who are left?

Mr. THURMAN. Yes; but that would make the salaries very different for the Forty-third Congress. That is as plain as anything can possibly be.

Mr. BAYARD. If it will not interrupt the Senator——

Mr. THURMAN. Whenever, Mr. President, a Senator is endeavoring to make a legal argument, it is so charming to be interrupted just at the thread of it that I never object. I did not say that at all in any temper. I hope my friend from Delaware will proceed.

Mr. BAYARD. Go on, sir.

Mr. THURMAN. I was trying to get through what I have to say and wanted to answer this point about the back pay.

I said that there are some persons who think that it would be competent to make a law that would provide unequal salaries for members of Congress. I heard a very distinguished member of the House of Representatives, a man who was chief justice of his State for many years, insist upon it that a law which provided that members of Congress who had been ten years in service should receive more than those who had been members for less than ten years would be a perfectly constitutional law. I do not think that is the meaning of the Constitution. I think it means that the compensation of members shall be equal; and inasmuch as providing for refunding this back pay would produce inequality between members of the Forty-third Congress who were not members of the Forty-second Congress and those who were members of the Forty-second, the Senator will at once see that his proposition is obnoxious to that objection.

And now I hope my friend from Delaware will ask me the question he rose to ask, and not take it at all hard that I declined to be interrupted at the moment.

Mr. STEWART. Mr. President, I am unable to appreciate the justice of the proposed amendment, nor do I quite understand the constitutional difficulty in going further with this principle of equalization. There may be something in the Constitution that denies to Congress the power to make discrimination between members, but I have not been able to find it.

Mr. THURMAN. I can explain that if the Senator will allow me. When the term of service of a member of the Forty-second Congress ended he became a private citizen. Has the Forty-third Congress any right then to regulate after the expiration of the Forty-second Congress what members of that Congress shall receive? Certainly not; and you cannot take that money which he had received for services already rendered—it becomes his private property—and confiscate it without compensation.

Mr. STEWART. Most clearly not; but you can make a law operating *in futuro* making that discrimination, provided it is not unconstitutional to make a discrimination. Is there anything in the Constitution requiring that the pay of members of Congress shall be uniform? The Constitution provides, in cases where it was not intended that there should be discrimination, in several instances for uniform laws; such as that there shall be a uniform system of bankruptcy and uniform laws of naturalization. There are several instances where it forbids the idea of discrimination.

The matter is sprung on me; but it seems to me that it is not by

any means so clear that Congress has not the power to make discrimination in this respect. But if Congress has not the power to discriminate, then I do not understand the position of the Senator from Ohio, that to do what is suggested by several would be unequal. I think the amendment here does involve that question of discrimination. I am inclined to think Congress has the power to discriminate; but if Congress has not the power to discriminate, this amendment is clearly unconstitutional in my judgment. The law has provided that members should have so much a year, and it is payable monthly. Then when the month has passed, and the money is drawn at the end of each month, it becomes private property; and in fixing the salary for the future, what has been already received cannot be taken from the member or withheld from him, or if it is he will not get as much as another member, and that is discrimination.

Is or is not the money that has already been drawn under the law the private property of the Senator drawing it? Does it belong to him, or does it belong to the United States? Have members drawn it according to law? If they have not drawn it according to law, there might be something in the suggestion; but they have no right to draw otherwise than by law. Now, if they have drawn according to law, it is private property. You say that you will equalize the members; that you will deduct from the salary of Senators a certain amount. For what reason? Because they have drawn this money. They had a right to draw it under the law, and it has become their private property. Then you will sequester so much of this private property already drawn as will equalize the salary and bring it down to the average of $5,000 a year. If it be true that they have drawn it according to law and it is theirs now, and you do not pay them as much hereafter as you do certain other Senators for certain reasons—no matter what the reasons—you make a discrimination. I cannot see what the difference is. If a law hereafter is passed whereby I receive but $4,000 and my neighbor receives $5,000, I do not care what the reason is, it is a discrimination, unless it proceeds on the theory that the money I have in my pocket does not belong to me, but belongs to the Government of the United States. If that be true, then I can understand the position; but if it be true that the money which has been already drawn belongs to the member who has drawn it, then you do not pay him as much as you do the other member, and a discrimination is made.

I do not indorse the doctrine that Congress has not the power to discriminate. I do not see any limitation on the power of Congress in that respect; but I concur fully with the idea that it is bad policy to legislate in that way. I have seen nothing pointed out in the Constitution that denies to Congress the power to make different salaries for different members of Congress. It would be a very invidious discrimination, which it is not likely will be made; but if it be true that Congress has this power, and if it be further true that it is desirable to make the equalization, and it is done, on the theory that the party who has the money in his pocket ought not to have it there, the same reason that applies to the former Congress applies to this; the same reason applies to the Forty-second Congress that applies to the Forty-third Congress; and it is proper to say that members of the Forty-second Congress who received this increased pay shall have the extra amount taken from their pay until it shall be equalized. And it is in the power of Congress to go further, if you want to reclaim it, and say that not only those who are now members of Congress, but those who shall hereafter be re-elected, if any of them are ever after re-elected, who received any portion of that back pay, shall have it deducted until equalization is reached, so that no member of the present Congress, and no member of any Congress hereafter to be elected, shall receive any benefit from this extra pay. I do not see how you would reach those who shall never become members of Congress again, unless you say that if they shall ever hereafter have any dealings with the Government it shall be made an offset; perhaps you can get at it in that way. If you are going to do this, if you are going for a system of equalization on the principle that Congress has not the right to discriminate, where is the justice of stopping short of the back pay which has been so much talked about?

These payments, as I said, have been made monthly; the party that gets them is entitled to treat them as his private property. If you deduct anything from the future salary of a member because he has received them, you make a discrimination between him and the member who did not receive them; no matter whether you do it on account of what has been received the last year or the year previous, I cannot see any distinction, because these are not congressional payments; they are monthly payments. A month is the rest where you make the calculation.

I wish to say, furthermore, that I do not know that there has been a clear public sentiment expressed that $7,500 is an unreasonable salary for a member of Congress. I do not know to what extent that expression of opinion has been made. I do not believe that it is an unreasonable compensation. The majority of Congress did not think it was at the last session. I do not believe that one citizen in five hundred, if he understood the exact facts, would so regard it. I do believe that if we pay any compensation at all to members of Congress and hold out the invitation to all to come here, a sufficient allowance should be made to support them decently, so that they can live and pay their debts and be independent and respectable. I believe that that should be the rule. I have no doubt that it ought to be the rule.

But there is one thing in regard to the way this back-pay bill, so-called, was passed which is not thoroughly understood by the country. There had been various efforts on the part of some of us, who believed that the judges were not adequately paid, to increase their compensation. It cannot be possible that the people of the United States desire the supreme judges of the United States to be paid such a compensation as will not support them in the same manner that men in their station are ordinarily supported. It cannot be possible that the people of the United States desire the judges of the Supreme Court to be under the necessity of living in a garret or to be in debt for their board. I remember that nothing struck me so forcibly when I first came to Washington as to see that eminent and pure judge, Judge Nelson, under the necessity with his family of occupying but two rooms, and of being compelled to have his library in his bed-room. The compensation of that eminent man, who served the country for nearly half a century, barely paid his board; and he was not able to have a library apart from his bed-room in which to do his business. I talked with him about it, about the cramped way in which he was living. Said he, "My dear sir, I live on my salary, and have nothing else." He lived a life-time in that way. I am certain if the people of the United States had known how that pure and just judge was compelled to support himself at the national capital for a period of half a century, without sufficient money to rent a room in which to keep a few books and to have a separate place for his study, they would have said that it was absurd and mean, that it was placing the judiciary under temptations that were improper, and that for the just administration of the Government the judges of the Supreme Court should be paid a compensation that would support them decently as gentlemen and make them independent of money-sharks, make them independent of their board-bills, and enable them to devote themselves to the business of the country. Many of us had labored to raise their compensation.

It had also become a reproach that the President of the United States was still confined to a salary that was only thought sufficient in early times, when the purchasing power of one dollar was equal to the purchasing power of four dollars to-day. Every means was resorted to indirectly to properly compensate the President. Every means was resorted to by indirect legislation to support the White House; and still the fact remained that the salary was inadequate, and it was so admitted. But party exigencies prevented the neces sary increase. It was said: "It will hurt our party; we must not raise the salary of our judges now; we must leave the judges where they are; we must leave the President where he is; it is necessary for political ends that we shall not do justice." That was the argument.

At the last session a bill came here on this subject which contained some peculiar features. It had the back pay in it. That provision had been in all similar bills previously passed. It increased the pay of members of Congress. It increased the pay of the judges and of the President. It was voted against by the same men who voted against the proposition to raise the salaries of the judges when that stood alone, and who voted against the proposition to raise the salary of the President when that stood alone. Their votes never could be got. Party exigencies never would allow them to do what was necessary to carry on the Government. Those who were in favor of back pay, who thought they had not been sufficiently paid, voted for the bill. Those who believed that it was necessary, in order that this Government should be carried on properly, that the two co-ordinate departments of the Government, the Executive and Judiciary, should be maintained respectably, found in that bill their only opportunity for success; and, so far as I was concerned, I explained at the time my reason for voting for the bill. The back pay mattered little to me. It was only a few hundred dollars one way or the other. But there was prior to that time an unnecessary discrimination in favor of the Pacific coast in the way of mileage. It did not cost anything like the amount that was allowed for traveling expenses. Times had changed. We now travel by railroads. There had been complaints on that subject; and I was desirous that those complaints should be removed, and so stated upon that occasion. The back pay did not make much difference to me; but I was desirous to reach an end, and I believe the end we did reach justified the means, so far as my vote was concerned, particularly when I do not believe that $7,500 is too much pay for members of Congress; and I believe you will come back to it ultimately with the unanimous consent of the people when they understand the subject.

This matter was presented to the people as though there had been a general increase by means of the back pay. They complained of the back pay. They did not complain so much of the rate of compensation. If the bill could have been passed fixing the salary at $7,500 without the back-pay feature, I do not think complaint would have been raised about it; but unfortunately no Congress has ever been able to act on the subject of their pay without having some such feature in the law.

But so far as the increase of the salaries of the judges and the President was concerned, I am clear that it was a meritorious measure; that it was necessary for good government; I am clear that it was best for the country; I am clear that the American people desire that those Departments shall be placed in an independent position, and shall have a compensation that is at least respectable. I do not believe that the American people desire that the judges of the Supreme Court of the United States shall be in want of the necessaries

of life, in want of what makes them respectable and comfortable, if they are to serve in that high place. The ordinary decent administration of justice requires that they shall be paid the amount they are paid under this law.

I am glad that I had an opportunity to vote for it under those circumstances, and these were my reasons originally. But if we are going into this paltry business of equalizing, let us make an offset against any man who shall hereafter become a member of Congress of any claim he may have against the Government, and get as much of it back as we can by that process. I do not believe that the proposition that we cannot discriminate is a sound one; but I think that a discrimination is odious and contrary to the spirit of ordinary respectable legislation. I believe it is a kind of pettifogging legislation. Discrimination of any kind is unjust; but the power has not been taken from us, as it has been in the case of the bankrupt law and several other measures, for we are not required to pass uniform laws on this subject.

Mr. STOCKTON. I should like to make a suggestion to the Senator from Nevada on that point. I think he speaks without consideration when he makes that statement so broadly. The Senator from Ohio [Mr. THURMAN] made the same statement if I understood him, and that was, that he was in very great doubt whether we were obliged to make the pay uniform, and, if I understood him aright, that certain persons had suggested that it need not be uniform. The Senator from Nevada is again recurring to the same proposition which he made a short time ago. Now, Mr. President, it at once occurred to my mind that if that were so, it was a power which enabled a majority of the Congress of the United States, or a majority of the Senate, to keep permanent control of the Government.

Mr. STEWART. There is no doubt about that.

Mr. STOCKTON. I will detain the Senator but a moment. They could say, for example, that the Senators from New Jersey shall receive no compensation directly as an amendment. I can move to amend the amendment of the Senator from Indiana, in addition to those who are prevented from receiving over a certain sum on account of their having received *pro rata* their share of the sum of $7,500 from the 4th of March, by attaching the Senator from Ohio by name—that Senator THURMAN, of Ohio, shall hereafter receive no compensation. And that is embraced by the proposition of the Senator from Ohio and the Senator from Nevada. It is manifestly unjust. It manifestly never was contemplated. Both gentlemen, I think, rather admitted that from the way they stated it, for one Senator pronounced it "odious," and the other did not approve of it.

Now, Mr. President, the words of the Constitution, as near as I can recollect them, are something like these: "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law." If any proper construction of that clause will enable Congress to make a discrimination when the terms are "the Senators and Representatives," I have not the power of making a proper construction of the English language. The language in the Constitution is as plain as it can be. The appropriation when made is for the Senators—not for one, or two, or three, not with any exception; it is the Senators and the Representatives that you must make the appropriation for. I suggest this not with a view of disputing the proposition of these Senators, but merely as a suggestion to them that they overlooked the plain meaning of that clause.

Mr. STEWART. The provision is: "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States."

The PRESIDENT *pro tempore*. The Chair will ask the indulgence of the Senator to lay before the Senate a message from the President of the United States.

Mr. STEWART. I was going to occupy but a moment longer; but if we adjourn over until to-morrow I may occupy more time.

The PRESIDENT *pro tempore*. The Senator objects.

Mr. EDMUNDS. Let us adjourn.

Mr. STEWART. Very well.

Mr. EDMUNDS. I move that the Senate adjourn.

Mr. ANTHONY. I hope the Senator will allow those papers to be laid before the Senate first.

The PRESIDENT *pro tempore*. Does the Senator from Vermont withdraw his motion to adjourn?

Mr. EDMUNDS. For that purpose, certainly.

STEAMER VIRGINIUS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

In my annual message of December last I gave reason to expect that when the full and accurate text of the correspondence relating to the steamer Virginius, which had been telegraphed in cipher, should be received, the papers concerning the capture of the vessel, the execution of a part of its passengers and crew, and the restoration of the ship and the survivors would be transmitted to Congress.

In compliance with the expectations then held out, I now transmit the papers and correspondence on that subject.

On the 26th day of September, 1870, the Virginius was registered in the custom-house at New York as the property of a citizen of the United States, he having first made oath, as required by law, that he was "the true and only owner of the said vessel, and that there was no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested therein."

Having complied with the requisites of the statute in that behalf, she cleared in the usual way for the port of Curaçoa, and on or about the 4th day of October, 1870, sailed for that port.

It is not disputed that she made the voyage according to her clearance, nor that, from that day to this, she has not returned within the territorial jurisdiction of the United States. It is also understood that she preserved her American papers, and that, when within foreign ports, she made the practice of putting forth a claim to American nationality, which was recognized by the authorities at such ports.

When, therefore, she left the port of Kingston in October last, under the flag of the United States, she would appear to have had, as against all powers except the United States, the right to fly that flag, and to claim its protection, as enjoyed by all regularly documented vessels registered as part of our commercial marine.

No state of war existed, conferring upon a maritime power the right to molest and detain upon the high seas a documented vessel, and it cannot be pretended that the Virginius had placed herself without the pale of all law by acts of piracy against the human race.

If her papers were irregular or fraudulent, the offense was one against the laws of the United States, justiciable only in their tribunals.

When, therefore, it became known that the Virginius had been captured on the high seas by a Spanish man-of-war, that the American flag had been hauled down by the captors, that the vessel had been carried to a Spanish port, and that Spanish tribunals were taking jurisdiction over the persons of those found on her, and exercising that jurisdiction upon American citizens, not only in violation of the rules of international law, but in contravention of the provisions of the treaty of 1795, I directed a demand to be made upon Spain for the restoration of the vessel, and for the return of the survivors to the protection of the United States, for a salute to the flag, and for the punishment of the offending parties.

The principles upon which these demands rested could not be seriously questioned, but it was suggested by the Spanish government that there were grave doubts whether the Virginius was entitled to the character given her by her papers; and that therefore it might be proper for the United States, after the surrender of the vessel and the survivors, to dispense with the salute to the flag, should such fact be established to their satisfaction.

This seemed to be reasonable and just. I therefore assented to it, on the assurance that Spain would then declare that no insult to the flag of the United States had been intended.

I also authorized an agreement to be made that, should it be shown to the satisfaction of this Government that the Virginius was improperly bearing the flag, proceedings should be instituted in our courts for the punishment of the offense committed against the United States. On her part Spain undertook to proceed against those who had offended the sovereignty of the United States, or who had violated their treaty rights.

The surrender of the vessel and the survivors to the jurisdiction of the tribunals of the United States was an admission of the principles upon which our demands had been founded. I therefore had no hesitation in agreeing to the arrangement finally made between the two governments, an arrangement which was moderate and just, and calculated to cement the good relations which have so long existed between Spain and the United States.

Under this agreement the Virginius, with the American flag flying, was delivered to the Navy of the United States, at Bahia Honda, in the Island of Cuba, on the 16th ultimo. She was then in an unseaworthy condition. In the passage to New York she encountered one of the most tempestuous of our winter storms. At the risk of their lives the officers and crew placed in charge of her attempted to keep her afloat. Their efforts were unavailing, and she sank off Cape Fear. The prisoners who survived the massacres were surrendered at Santiago de Cuba on the 18th ultimo, and reached the port of New York in safety.

The evidence submitted on the part of Spain to establish the fact that the Virginius at the time of her capture was improperly bearing the flag of the United States is transmitted herewith, together with the opinion of the Attorney-General thereon, and a copy of the note of the Spanish minister, expressing, on behalf of his government, a disclaimer of an intent of indignity to the flag of the United States.

U. S. GRANT.

EXECUTIVE MANSION, WASHINGTON, *January* 5, 1874.

The message, with the accompanying documents, was ordered to lie on the table and be printed.

OFFICIAL SALARIES.

Mr. WRIGHT. It was my purpose this morning at the time I called up the pending bill to press it to a vote this evening. I learn from the Senator from Texas [Mr. FLANAGAN] that he proposes to address the Senate on the subject, but is not in a condition of health this afternoon to justify him in speaking. He therefore asks that the bill be passed over, so that he may have an opportunity to-morrow to talk upon it. I therefore abandon my first purpose of insisting upon a vote on the bill to-night, and shall give way to the motion of the Senator from Vermont for an adjournment; but at the same time give notice to the Senate that if the friends of the bill will stand by me to-morrow, I propose that we shall remain here until we dispose of this bill.

Mr. EDMUNDS. Lest I should be misunderstood by the people, who know I am very fond of money, according to recent reports, I wish to say that I am in favor of my friend's bill, if I understand it, and that is, a bill for the absolute repeal of all the provisions that we made last year on the subject of salaries, and with a provision also for reimbursing the Treasury as far as we have wronged it by taking the money out.

Mr. FRELINGHUYSEN. That is not the bill.

Mr. EDMUNDS. Well, I say if it shall be so amended, I shall vote for that also. I made the motion to adjourn, therefore, not to put off the disposition of this bill, but because some papers that I have which may illustrate one part of the history of the passage of the bill, and which are of interest as respects the course of the Senate in respect to what it may do in order, are at my house and not here, and I should like to present them, if I can find them, to-morrow.

Mr. ANTHONY. I do not understand that the Senator from Iowa asks us to come to any agreement that we are going to sit out a bill on the second day of the session.

Mr. WRIGHT. Not at all. I only say that I give notice that if the friends of the bill will stand by me, I propose to insist on a vote to-morrow.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont, [Mr. EDMUNDS,] that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 5, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Friday, December 19, 1873, was read and approved.

REPRESENTATIVE FROM GEORGIA.

Mr. RICHARD H. WHITELEY, a member-elect from the second congressional district of Georgia, presented himself, and was duly qualified, by taking the oath prescribed by the act of July 11, 1868.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order will be the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, and not to be brought back by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour now begins at sixteen minutes after twelve o'clock.

PORTLAND COMPANY.

Mr. FRYE introduced a bill (H. R. No. 847) for the relief of the Portland Company, of Portland, Maine; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LARRABEE & ALLEN.

Mr. FRYE also introduced a bill (H. R. No. 848) for the relief of Larrabee & Allen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. LAWRENCE.

Mr. FRYE also introduced a bill (H. R. No. 849) for the relief of George W. Lawrence; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OWNERS OF BRIG OLIVE FRANCIS.

Mr. HALE, of Maine, introduced a bill (H. R. No. 850) for the relief of the owners of the brig Olive Francis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANFORD MOTT.

Mr. HENDEE introduced a bill (H. R. No. 851) for the relief of Danford Mott; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Mr. HENDEE also introduced a bill (H. R. No. 852) to amend and re-enact an act entitled "An act to define more clearly the jurisdiction and powers of the supreme court of the District of Columbia, and for other purposes," approved June 1, 1866; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COURTS AND JUDICIAL OFFICERS IN UTAH.

Mr. POLAND introduced a bill (H. R. No. 853) in relation to courts and judicial officers in the Territory of Utah; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES CIRCUIT AND DISTRICT COURTS.

Mr. POLAND also introduced a bill (H. R. No. 854) relating to circuit and district courts of the United States; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

SIMEON FARNSWORTH.

Mr. POLAND also introduced a bill (H. R. No. 855) granting a pension to Simeon Farnsworth, of Danville, Vermont; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

BOUNTIES TO SOLDIERS OF 1812.

Mr. POLAND also introduced a bill (H. R. No. 856) extending the provisions of an act passed February 14, 1871, to all persons to whom bounty land has been granted for military services in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

SALMON B. COLBY.

Mr. POLAND also introduced a bill (H. R. No. 857) for the relief of Salmon B. Colby; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

POST-ROADS.

Mr. POLAND also introduced a bill (H. R. No. 858) establishing post-roads throughout the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FREE IMPORTATION OF A CHURCH BELL.

Mr. DAWES introduced a bill (H. R. No. 859) authorizing the Secretary of the Treasury to admit, free of duty, a bell imported for the Catholic church at Milford, Massachusetts; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF MOIETIES.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 860) to regulate the service in the collection of customs at the various ports of entry in the United States, and to abolish moieties for public officers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LABOR.

Mr. G. F. HOAR introduced a bill (H. R. No. 861) to provide for the appointment of a commission on the subject of wages and hours of labor, and the division of profits between labor and capital, in the United States; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ARMY MEDICAL DEPARTMENT.

Mr. HAWLEY, of Connecticut, introduced a bill (H. R. No. 862) to increase the efficiency of the Medical Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EUNICE CHRISTIE.

Mr. STARKWEATHER introduced a bill (H. R. No. 863) granting a pension to Eunice Christie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT L. MAY.

Mr. SMITH, of New York, introduced a bill (H. R. No. 864) for the relief of Robert L. May, late of the United States Navy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH M. HOWE.

Mr. BASS introduced a bill (H. R. No. 865) granting a pension to Sarah M. Howe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSPENDED BANKING ASSOCIATIONS.

Mr. CLARKE, of New York, introduced a bill (H. R. No. 866) in relation to suspended banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

INTERNAL REVENUE.

Mr. CLARKE, of New York, also introduced a bill (H. R. No. 867) to amend section 35 of an act entitled "An act to reduce internal taxes, and for other purposes;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DR. MARY E. WALKER.

Mr. COX introduced a bill (H. R. No. 868) to provide for the payment of Dr. Mary E. Walker for services rendered in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INFORMERS' MOIETIES.

Mr. COX also introduced a bill (H. R. No. 869) to prevent the payment of moieties to informers, and to require the proceeds of all fines, penalties, and forfeitures, under the internal-revenue and customs laws, to be paid into the Treasury, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY E. MURPHY.

Mr. CROOKE introduced a bill (H. R. No. 870) granting to Mary E. Murphy, widow of Richard Murphy, a pension from October 1, 1861; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILROAD TRANSPORTATION.

Mr. KILLINGER introduced a bill (H. R. No. 871) to establish a uniform system of railroad transportation in all parts of the United States and Territories; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

RELIEF OF INVENTORS.

Mr. KILLINGER also introduced a bill (H. R. No. 872) for the encouragement and relief of inventors and patentees; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WAR CLAIMS.

Mr. TODD introduced a bill (H. R. No. 873) for the relief of certain citizens of the State of Pennsylvania who suffered loss from the Union and rebel troops during the invasion of said State by Lee's army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADAM WARTHMAN.

Mr. HARMER introduced a bill (H. R. No. 874) for the relief of

Adam Warthman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIFE-SAVING STATIONS.

Mr. SENER introduced a bill (H. R. No. 875) to provide for the establishment of additional life-saving stations on the sea and lake coasts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-SHIP OFF COAST OF VIRGINIA.

Mr. SENER also introduced a bill (H. R. No. 876) to establish a light-ship at Winter Quarter Shoals, off the Accomac coast of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT CONE RIVER, VIRGINIA.

Mr. SENER also introduced a bill (H. R. No. 877) to establish a screw-pile light-house at Cone River, Northumberland County, Virginia; which was read a first and second time, referred to the Committeee on Commerce, and ordered to be printed.

URBANA CREEK, VIRGINIA.

Mr. SENER also introduced a bill (H. R. No. 878) authorizing and directing a survey of Urbana Creek, in the State of Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT MATTHIAS POINT.

Mr. SENER also introduced a bill (H. R. No. 879) to establish a light-house and day-beacon on the Potomac River, at or in the vicinity of Matthias Point, King George County, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

VIRGINIA JUDICIAL DISTRICTS.

Mr. SENER also introduced a bill (H. R. No. 880) to amend an act entitled "An act to divide the State of Virginia into two judicial districts," approved February 3, 1871; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENT OF THE RAPPAHANNOCK.

Mr. SENER also introduced a bill (H. R. No. 881) making appropriations for the improvement of the Rappahannock River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT FREDERICKSBURGH, VIRGINIA.

Mr. SENER also introduced a bill (H. R. No. 882) for the erection of a public building for the use of the United States at Fredericksburgh, Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ADVERTISEMENTS OF UNITED STATES COURTS, ETC.

Mr. SENER also introduced a bill (H. R. No. 883) for the repeal of so much of section 7 of the act entitled "An act making provision for the sundry civil expenses of the Government," approved March 2, 1867, as directs the mode of selecting the newspapers, in certain States therein mentioned, in which the advertisements of the United States courts and Executive Departments shall be published; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NAVAL SERVICE.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 884) relating to the naval service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TAXATION ON MANUFACTURED TOBACCO.

Mr. COBB, of North Carolina, presented a joint resolution of the North Carolina Legislature, against an increase of taxation on manufactured tobacco; which was referred to the Committee on Ways and Means, and ordered to be printed.

FREE TRANSPORTATION OF NEWSPAPERS.

Mr. RAWLS introduced a bill (H. R. No. 885) to allow newspapers, published weekly, to be transported through the mails to subscribers free of postage; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CONGRESSMAN AT LARGE FROM ALABAMA.

Mr. WHITE introduced a bill (H. R. No. 886) to provide for the election of a Congressman at large from the State of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT MONTGOMERY, ALABAMA.

Mr. WHITE also introduced a bill (H. R. No. 887) to authorize the erection of a public building in the city of Montgomery, Alabama, for the accommodation of the United States courts, post-office, revenue and other offices of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRE-EMPTION CLAIMS IN ALABAMA.

Mr. WHITE also introduced a bill (H. R. No. 888) to provide for facilitating proofs of pre-emption claims in the State of Alabama; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WINNA BLACKMAN.

Mr. WHITE also introduced a bill (H. R. No. 889) granting a pension to Winna Blackman, widow of Nathan Blackman, a soldier in the war of 1812 with Great Britain; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PRE-EMPTION RIGHTS.

Mr. WHITE also introduced a bill (H. R. No. 890) to regulate pre-emption rights to one hundred and sixty acres of land, and to secure the same to pre-emptors and families of pre-emptors, exempt from alienation for debt or by levy and sale; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. WHITE also introduced a bill (H. R. No. 891) to grant pensions to the volunteers in the Mexican war, under the act of Congress of May 13, 1846; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS—WAR OF 1812.

Mr. WHITE also introduced a bill (H. R. No. 892) to extend the benefits of an act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871, to all the surviving soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

J. M. HUSTON.

Mr. SLOSS introduced a bill (H. R. No. 893) for the relief of J. M. Huston, of Colbert County, Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOUTHERN CLAIMS COMMISSION.

Mr. SHEATS introduced a bill (H. R. No. 894) for extending the time within which to file claims before the Southern Claims Commission; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ACTUAL SETTLERS IN ALABAMA.

Mr. SHEATS also introduced a bill (H. R. No. 895) to protect actual settlers upon certain lands in Alabama; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

REUBEN J. STEWART.

Mr. SHEATS also introduced a bill (H. R. No. 896) for the relief of Reuben J. Stewart, of Fayette County, Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET A. SPENCER.

Mr. BROMBERG introduced a bill (H. R. No. 897) granting a pension to Margaret A. Spencer; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

BLACK WARRIOR AND CAHABA RIVERS.

Mr. BROMBERG also introduced a joint resolution (H. R. No. 26) authorizing a survey of the Black Warrior and Cahaba Rivers in the State of Alabama; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUREAU OF INTERNAL IMPROVEMENTS.

Mr. BROMBERG also introduced a bill (H. R. No. 898) to establish a Bureau of National Internal Improvements; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MONTGOMERY, ALABAMA.

Mr. RAPIER introduced a bill (H. R. No. 899) to constitute Montgomery, in the State of Alabama, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. EMILY MILLER.

Mr. LYNCH introduced a bill (H. R. No. 900) for the relief of Mrs. Emily Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAMP DENNISON, OHIO.

Mr. SAYLER, of Ohio, introduced a bill (H. R. No. 901) to permit William Beard and others to prosecute certain claims for back rent and damage to lands of Camp Dennison, Ohio, before the United States Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIEUTENANT HENRY Z. EATON.

Mr. SHERWOOD introduced a bill (H. R. No. 902) for the relief of Lieutenant Henry Z. Eaton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL CURRENCY.

Mr. BECK introduced a bill (H. R. No. 903) to provide a uniform currency and for the retirement of national-bank notes and the substitution of 3.65 per cent. bonds, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BRIDGES ACROSS THE OHIO RIVER.

Mr. ARTHUR introduced a bill (H. R. No. 904) for the repeal of so much of the act of December 17, 1872, as provides for a pivot-draw in any bridge to be erected across the Ohio River, between the cities of Covington and Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TAX UPON STATE BANKS.

Mr. ARTHUR also introduced a bill (H. R. No. 905) for the repeal of all acts and parts of acts imposing tax upon State banks or bankers; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

DUTY ON LICORICE, ETC.

Mr. ARTHUR also introduced a bill (H. R. No. 906) to repeal all acts and parts of acts imposing duty on licorice, paste, juice, or root, imported into the United States of America; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT COVINGTON.

Mr. ARTHUR also introduced a bill (H. R. No. 907) to amend an act entitled "An act for the erection of a public building for the use of the United States in Covington, Kentucky;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MECHANICAL INDUSTRY.

Mr. ARTHUR also, by request, introduced a bill (H. R. No. 908) to encourage mechanical industry; which was read a first and second time, referred to the Committee on Education and Labor, and ordered te be printed.

TRUSTEES OF BETHEL COLLEGE.

Mr. ATKINS introduced a bill (H. R. No. 909) to reimburse the trustees of Bethel College; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIEUTENANT H. A. KELLY.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 910) for the relief of Lieutenant H. A. Kelly, late first lieutenant Eighth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROSE HILL CEMETERY.

Mr. WHITTHORNE introduced a bill (H. R. No. 911) to relinquish the title of the United States in certain real estate near Columbia, Tennessee, to Rose Hill Cemetery; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISBURSEMENTS BY ARMY OFFICERS.

Mr. COBURN introduced a bill (H. R. No. 912) to provide for the inspection of the disbursements of appropriations made by officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SHIP-CANALS.

Mr. COBURN also introduced a bill (H. R. No. 913) to provide for the construction of a ship-canal around the Falls of Niagara River, and for the construction of a ship-canal at the mouth of the Mississippi River; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ELECTION AND APPOINTMENT OF OFFICERS.

Mr. COBURN also introduced a joint resolution (H. R. No. 27) proposing an amendment to the Constitution of the United States, in relation to the election and appointment of officers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OWNERS OF THE BARK MARY TERESA.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 914) for the relief of the owners of the bark Mary Teresa, illegally seized by Alexander H. Tyler, a consul of the United States at the port of Bahia, Brazil; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLERICAL FORCE OF THE WAR DEPARTMENT.

Mr. WILLIAMS, of Indiana, also introduced a bill (H. R. No. 915) to limit and regulate the clerical force of the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN PRATT.

Mr. PACKARD introduced a bill (H. R. No. 916) granting a pension to John Pratt; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

POTTAWATOMIE INDIANS.

Mr. PACKARD also introduced a bill (H. R. No. 917) to enable the Secretary of War to make final settlement with the Pottawatomie Indians of Michigan and Indiana, under treaty stipulations existing with them; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CALVIN HESS.

Mr. TYNER introduced a bill (H. R. No. 918) granting a pension to Calvin Hess; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMISSIONS TO POSTMASTERS.

Mr. ORTH introduced a bill (H. R. No. 919) to provide for the issuance and recording of commissions to postmasters appointed by the President by and with the advice and consent of the Senate; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHARGES OF DESERTION.

Mr. NIBLACK introduced a bill (H. R. No. 920) in regard to charges of desertion against certain soldiers who have been honorably discharged; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRESERVATION OF BUFFALO.

Mr. FORT introduced a bill (H. R. No. 921) to prevent the useless slaughter of buffalo within the Territories of the United States; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

JOSEPH SCHMIDDER.

Mr. BURCHARD introduced a bill (H. R. No. 922) for the relief of Joseph Schmidder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF OHIO, INDIANA, AND ILLINOIS.

Mr. HURLBUT introduced a bill (H. R. No. 923) to appropriate money due the States of Ohio, Indiana, and Illinois; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SNELL, TAYLOR & CO.

Mr. HURLBUT also introduced a bill (H. R. No. 924) for the relief of Snell, Taylor & Co., of Chicago, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT H. MONTGOMERY.

Mr. HURLBUT also introduced a bill (H. R. No. 925) for the relief of Robert H. Montgomery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. C. HOLBROOK.

Mr. CLEMENTS introduced a bill (H. R. No. 926) for the relief of J. C. Holbrook; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS F. ALEXANDER.

Mr. CLEMENTS also introduced a bill (H. R. No. 927) for the relief of Thomas F. Alexander; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELECTION OF UNITED STATES SENATORS.

Mr. HAWLEY, of Illinois, introduced a joint resolution (H. R. No. 28) proposing an amendment to the Constitution of the United States in relation to the election of Senators of the United States by the people; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ACTUAL SETTLERS.

Mr. HAWLEY, of Illinois, also introduced a bill (H. R. No. 928) to secure the public lands to actual settlers; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ELIZABETH YORK.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 929) granting a pension to Elizabeth York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERAL LANDS IN MISSOURI.

Mr. HATCHER introduced a bill (H. R. No. 930) relating to mineral lands in the State of Missouri; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

NATIONAL CURRENCY—PUBLIC DEBT.

Mr. BUCKNER introduced a bill (H. R. No. 931) for the gradual retirement of the national currency and to reduce the interest on the public debt, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARY E. WINANS.

Mr. HYDE introduced a bill (H. R. No. 932) granting a pension to

Mary E. Winans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT COURT AT SPRINGFIELD, MISSOURI.

Mr. HAVENS introduced a bill (H. R. No. 933) to provide for the holding of terms of the United States district court for the western district of Missouri at Springfield, in said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHARLES GORDON.

Mr. STONE introduced a bill (H. R. No. 934) for the relief of Charles Gordon, of Washington City, District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COGSWELL & CO.

Mr. STONE also introduced a bill (H. R. No. 935) for the relief of Cogswell & Co., of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF CHARLES VAISEN, DECEASED.

Mr. STONE also introduced a bill (H. R. No. 936) for the relief of the heirs of Charles Vaisen, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COGSWELL & CO.

Mr. STONE also introduced a bill (H. R. No. 937) for the relief of Cogswell & Co., of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. FLEMING.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 938) for the relief of John M. Fleming, of Lexington, in the State of Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. HUBBELL introduced a bill (H. R. No. 939) to equalize bounties to soldiers who served in the late war for the suppression of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JANE CALDWELL.

Mr. HUBBELL also introduced a bill (H. R. No. 940) granting a pension to Jane Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHIGAN INTERNAL IMPROVEMENTS.

Mr. HUBBELL also introduced a bill (H. R. No. 941) for the construction of a harbor of refuge at Grand Marais, Lake Superior, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 942) for continuing the improvement of the harbor at the mouth of the Ontonagon River, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 943) for the improvement of the harbor at the mouth of Pine River, at Charlevoix, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 944) for continuing the improvement of Eagle Harbor, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES COURTS IN MICHIGAN.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 945) to change the times of holding the circuit and district courts of the United States for the western district of Michigan; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHANCY J. POORE.

Mr. WILLIAMS, of Michigan, also introduced a bill (H. R. No. 946) for the relief of Chancy J. Poore, late a private in Battery G, First New York Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEAD SETTLERS.

Mr. WALLS introduced a bill (H. R. No. 947) for the relief of persons who have settled on the public lands under the provisions of the homestead act in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SUSAN C. CLARK.

Mr. WALLS also introduced a bill (H. R. No. 948) granting a pension to Susan C. Clark, widow of William D. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IMPROVEMENT OF MATAGORDA BAY.

Mr. WILLIE presented a joint resolution of the Legislature of the State of Texas, asking Congress for an appropriation for the improvement of the entrance into Matagorda Bay; which was referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF GALVESTON HARBOR.

Mr. WILLIE also presented a joint resolution of the Legislature of the State of Texas, instructing its Senators, and requesting its Representatives, to endeavor to secure an appropriation for the improvement of the harbor of Galveston; together with a memorial from the mayor and aldermen of that city, requesting early and favorable consideration of the subject by Congress; which was referred to the Committee on Commerce, and ordered to be printed.

THOMAS KEARNEY.

Mr. HANCOCK introduced a bill (H. R. No. 949) for the relief of Thomas Kearney, collector of customs for the district of Corpus Christi; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROTECTION OF THE TEXAS FRONTIERS.

Mr. GIDDINGS introduced a bill (H. R. No. 950) to provide for the better protection of the frontier settlements of Texas against Indian and Mexican depredators; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DAMAGES TO FRONTIER SETTLEMENTS.

Mr. GIDDINGS also introduced a bill (H. R. No. 951) to provide for ascertaining the amount of damage sustained by the citizens of Texas from marauding bands of Indians and Mexicans on the frontiers of that State; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS J. ALCORN, ETC.

Mr. GIDDINGS also introduced a bill (H. R. No. 952) for the relief of Thomas J. Alcorn, A. H. Rippetoe, and William Hickey, of Washington County, Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WIDOW OF H. F. GRIFFIN.

Mr. HERNDON introduced a bill (H. R. No. 953) for the relief of the widow of H. F. Griffin, deceased, late United States deputy marshal for the western district of Texas, at Tyler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BOARD OF TRADE.

Mr. KASSON introduced a bill (H. R. No. 954) to create a National Board of Trade of the United States, and to prescribe its duties; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. L. TEDROW.

Mr. KASSON also introduced a bill (H. R. No. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CONSOLIDATED LAND-OFFICE FEES.

Mr. KASSON also introduced a bill (H. R. No. 956) to regulate the fees of the register and receiver at consolidated land-offices in certain cases; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORSON YOUNG.

Mr. McCRARY introduced a bill (H. R. No. 957) for the relief of Orson Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT SUTHERLAND.

Mr. McCRARY also introduced a bill (H. R. No. 958) for the relief of Robert Sutherland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATIONAL WASHINGTONIAN HOME.

Mr. McCRARY also introduced a bill (H. R. No. 959) to incorporate the National Washingtonian Home; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PROHIBITIONS OF DEFICIENCIES.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 960) to prohibit the creation of deficiencies in the public service; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

REDUCTION OF THE ARMY.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 961) in relation to the reduction of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH NOCK.

Mr. LOUGHRIDGE also introduced a bill (H. R. No. 962) for the relief of Joseph Nock; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RIGHT OF WAY TO RAILROAD COMPANIES.

Mr. McDILL, of Iowa, introduced a bill (H. R. No. 963) to grant the right of way and river frontage through old Fort Kearney military reservation, to the Burlington and Missouri Railroad Company and Kansas City, Saint Joseph and Council Bluffs Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS UNDER HOMESTEAD LAW.

Mr. McDILL, of Iowa, also introduced a bill (H. R. No. 964) confirming the title in lands to persons claiming under the homestead law, in all cases where such claimants have settled on said lands in good faith and made valuable improvements thereon; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAMUEL PURCELL.

Mr. McDILL, of Iowa, also introduced a bill (H. R. No. 965) granting a pension to Samuel Purcell, Company A, First Indiana Volunteers, Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVENPORT AND ROCK ISLAND BRIDGE.

Mr. COTTON introduced a bill (H. R. No. 966) in relation to the use by the public of the wagon bridge and road connecting the cities of Davenport and Rock Island; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST-ROADS IN IOWA.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 967) to establish post-roads in Iowa; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BRIDGE AT PRAIRIE DU CHIEN.

Mr. BARBER introduced a bill (H. R. No. 968) to legalize and establish a pontoon railroad bridge across the Mississippi River at Prairie du Chien; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ANDREW WILSON.

Mr. SAWYER introduced a bill (H. R. No. 969) granting a pension to Andrew Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES J. HANSEN.

Mr. RUSK also introduced a bill (H. R. No. 970) granting a pension to Charles J. Hansen, late a private in Company K, Fifth Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLACERVILLE AND SACRAMENTO VALLEY RAILROAD.

Mr. PAGE introduced a bill (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company, to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAN JOAQUIN RIVER.

Mr. PAGE also introduced a bill (H. R. No. 972) to appropriate money for the improvement of the channels of the San Joaquin River, in California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF PRIVATE LAND CLAIMS.

Mr. HOUGHTON introduced a bill (H. R. No. 973) to expedite the survey of private land claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN A. THOMPSON.

Mr. HOUGHTON also introduced a bill (H. R. No. 974) for the relief of John A. Thompson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THREE PER CENT. LOAN CERTIFICATES.

Mr. HOUGHTON also introduced a bill (H. R. No. 975) to amend an act entitled "An act to provide for the redemption of the 3 per cent temporary-loan certificates and for an increase of national-bank notes," approved July 12, 1870; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EDWARD PYLE.

Mr. HOUGHTON also introduced a bill (H. R. No. 976) granting a pension to Edward Pyle; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

C. N. FELTON.

Mr. HOUGHTON also introduced a bill (H. R. No. 977) for the relief of C. N. Felton, late assistant treasurer of the United States at San Francisco, California; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CORDELIA THOMAS.

Mr. LUTTRELL introduced a bill (H. R. No. 978) granting a pension to Cordelia Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROSECUTION OF SUITS.

Mr. LUTTRELL also introduced a bill (H. R. No. 979) authorizing and requiring the Attorney-General of the United States to institute and prosecute suits in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SILOMA DECK.

Mr. AVERILL introduced a bill (H. R. No. 980) for the relief of Siloma Deck; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOHN M. LAMB.

Mr. AVERILL also introduced a bill (H. R. No. 981) for the relief of John M. Lamb, of Saint Paul, Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BREAKWATER AT PORT ORFORD, OREGON.

Mr. NESMITH introduced a bill (H. R. No. 982) to authorize the construction of a breakwater at Port Orford, Oregon; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

KANSAS CLAIMS.

Mr. LOWE introduced a bill (H. R. No. 983) authorizing the appointment of a commissioner and the settlement of the claims of certain citizens of Kansas named therein; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

KANSAS INDIANS.

Mr. LOWE also introduced a bill (H. R. No. 984) for the relief of the united bands of Swan Creek and Black River, Chippewa and Munsee or Christian Indians, in the State of Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. LOWE also introduced a bill (H. R. No. 985) for the protection of the rights of settlers upon public lands within railroad limits; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THE EIGHT-HOUR LAW.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 986) providing for compensation of persons entitled to pay under the eight-hour law, (so called,) approved June 25, 1868; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GEORGE A. SCHREINER.

Mr. COBB, of Kansas, also introduced a bill (H. R. No. 987) for the relief of George A. Schreiner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WATER SUPPLY FOR NEVADA.

Mr. KENDALL introduced a bill (H. R. No. 988) to provide for a board of commissioners to report a system of obtaining water for mining and agricultural purposes in the valleys of Nevada; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

COLORADO AND NEW MEXICO RAILROAD COMPANY.

Mr. ELKINS introduced a bill (H. R. No. 989) to incorporate the Colorado and New Mexico Railroad Company, and grant the right of way over the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INDIAN HOSTILITIES IN OREGON AND WASHINGTON.

Mr. McFADDEN introduced a bill (H. R. No. 990) to amend an act entitled "An act to provide for the payment of the expenses incurred by the Territories of Washington and Oregon in the suppression of Indian hostilities therein in the years 1855 and 1856," approved March 2, 1861; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

OLYMPIA, WASHINGTON TERRITORY.

Mr. McFADDEN also introduced a bill (H. R. No. 991) granting the tide-flats at the southern extremity of Budd's Inlet, in Washington Territory, to the town of Olympia, with power and authority to reclaim them; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORT STEILACOOM RESERVATION.

Mr. McFADDEN also introduced a bill (H. R. No. 992) to donate the military reservation at Fort Steilacoom to the Territory of Washington for the use of the insane asylum; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ORGANIC ACT OF COLORADO.

Mr. CHAFFEE introduced a bill (H. R. No. 993) amendatory of the organic act of Colorado Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NEW LAND DISTRICT.

Mr. ARMSTRONG introduced a bill (H. R. No. 994) to establish the Bismarck land district in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SUPREME COURT OF DAKOTA.

Mr. ARMSTRONG also introduced a bill (H. R. No. 995) to authorize the supreme court of Dakota Territory to assign the Federal judges thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CODIFICATION OF LAWS OF DAKOTA.

Mr. ARMSTRONG also presented a memorial of the Legislature of Dakota, relative to codifying the territorial laws; which was referred to the Committee on the Judiciary, and ordered to be printed.

ARTESIAN WELLS.

Mr. McCORMICK presented a memorial of the Legislature of Arizona, asking for a donation of land to encourage the sinking of artesian wells; which was referred to the Committee on the Public Lands, and ordered to be printed.

DISTRICT ATTORNEYS IN THE TERRITORIES.

Mr. HAILEY introduced a bill (H. R. No. 996) fixing the compensation of the United States district attorneys in the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

IMPROVEMENT OF YELLOWSTONE AND MISSOURI RIVERS.

Mr. MAGINNIS introduced a bill (H. R. No. 997) for the improvement of the Yellowstone and Missouri Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ASSAY OFFICE AT HELENA, MONTANA.

Mr. MAGINNIS also introduced a bill (H. R. No. 998) to establish an assay office at Helena, in the Territory of Montana; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

MILITARY ROADS.

Mr. MAGINNIS also introduced a bill (H. R. No. 999) for the improvement of the military road from Fort Benton, Montana Territory, to Fort Walla-Walla, in Washington Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHEYENNE, IRON MOUNTAIN AND HELENA RAILROAD.

Mr. STEELE introduced a bill (H. R. No. 1000) granting the right of way through the public lands to the Cheyenne, Iron Mountain and Helena Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ASSIGNMENT OF JUSTICES IN WYOMING.

Mr. STEELE also introduced a bill (H. R. No. 1001) to authorize the justices of the supreme court of the Territory of Wyoming to make assignments of the justices of the said court to the several judicial districts of said Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SETTLERS ON FORT BRIDGER RESERVATION.

Mr. STEELE also introduced a bill (H. R. No. 1002) for the relief of certain settlers upon the military reservation of Fort Bridger, Wyoming Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN LAUBE DE LAUBERFELS.

Mr. STEELE also introduced a bill (H. R. No. 1003) to authorize and direct the Secretary of War to change the name of John Rizika, a captain of the Fourth Regiment of Infantry of the Army of the United States, on the Register, rolls, and records of the Army, to John Laube de Lauberfels; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES E. MONTELL.

Mr. CHIPMAN introduced a bill (H. R. No. 1004) for the relief of James E. Montell; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DAVID HUESTISS.

Mr. STOWELL introduced a bill (H. R. No. 1005) for the relief of David Huestiss; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS OF ONE-ARMED SOLDIERS.

Mr. SMALL introduced a bill (H. R. No. 1006) relating to pensions of one-armed soldiers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCIEN M. PIKE.

Mr. SMALL also introduced a bill (H. R. No. 1007) in relation to the claim of Lucien M. Pike for compensation for property taken for war purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALARIES.

Mr. SMALL also introduced a bill (H. R. No. 1008) in relation to salaries and compensation; which was read a first and second time, referred to the Select Committee on Salaries, and ordered to be printed.

REDUCTION OF THE ARMY, ETC.

Mr. COBURN. I ask unanimous consent to submit for adoption at this time the following resolution:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of diminishing the Regular Army, and into the expediency of discontinuing, in whole or in part, the work of construction, preservation, and repair of fortifications and all other works of defense; and for this purpose may send for persons and papers, may employ a stenographer, and may report in print by bill or otherwise.

Mr. CROOKE. I object.

PRIVATE BILLS.

Mr. GARFIELD, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved That the rules of the House be so amended that all bills for the relief of private citizens by name shall be filed with the Clerk of the House and referred to appropriate committees without printing.

CHOLERA.

Mr. DAWES. I have a joint resolution to which I think there will be no objection if I can be permitted to state briefly its purport and object. A few weeks since I received a letter from a former member of the House, containing suggestions of great importance in reference to the prevalence of cholera in the western part of this country, and expressing a desire that some investigation might be made. He addressed a similar letter to another member of the House, and also to the Surgeon-General. It made such an impression upon the Surgeon-General that he addressed a communication to a member of this House, accompanied by a joint resolution, under which he proposes, without the expenditure of a dollar in money, to make certain investigations which in his opinion will be of great importance in the preservation of human life. The gentleman to whom I refer is Mr. J. Proctor Knott, well known to every member of this House, both present and past. The following is the communication from the Surgeon-General:

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, D. C., January 2, 1874.

SIR: I inclose a form of joint resolution which will, if adopted, secure the report desired by Mr. Knott, as stated in his inclosed letter. The wording is such as to give all the latitude required and not require any special appropriation. I will forward a copy to Mr. Knott.

Very respectfully, your obedient servant,

J. K. BARNES,
Surgeon-General.

Hon. JAMES B. BECK, *M. C.*

The joint resolution was read. It recites in the preamble that epidemic cholera prevailed during the year 1873 in various parts of the United States, especially in the valley of the Mississippi, causing a deplorable mortality; and that it is highly important that whenever such epidemics occur, the facts concerning the spread of the disease and its mode of propagation should be ascertained as fully as possible with a view to the prevention or limitation of future outbreaks.

The joint resolution therefore authorizes and directs the Secretary of War to detail one or more medical officers of the Army, who shall, during the present year, under the direction of the Surgeon-General of the Army, visit the towns at which cholera prevailed during 1873, or such of them as in the opinion of the Surgeon-General may be necessary; confer with the health authorities and resident physicians of such towns; collect, so far as possible, all facts of importance with regard to such epidemic, and make a detailed report of the information collected to the Secretary of War through the Surgeon-General on or about the 1st day of January, 1875.

There being no objection, the joint resolution (H. R. No. 29) was introduced, read three times, and passed.

Mr. DAWES moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The House, under the order made on the 19th of December, resumes the consideration of the bill (H. R. No. 796) to protect all citizens in their civil rights. The Chair directs the Clerk to read the Journal on that subject.

The Clerk read as follows:

The House then resumed, as the regular order of business, the consideration of the bill of the House, No. 796, to protect all citizens in their civil rights, reported yesterday from the Committee on the Judiciary, the pending question being on its engrossment.

Mr. BENJAMIN F. BUTLER moved that the bill be recommitted to the Committee on the Judiciary; pending which, by unanimous consent, it was

Ordered, That its further consideration be postponed until after the expiration of the morning hour, when debate thereon for the day, and first and second days after the recess, shall be limited to twenty minutes, and that at four o'clock p. m. on the said second day the main question shall be considered as ordered to be put; and

Amendments proposed to be submitted when in order, by Mr. ELDREDGE, Mr. WHITEHEAD, Mr. POTTER, Mr. BROMBERG, Mr. COX, Mr. LAWRENCE, and Mr. JOHN T. HARRIS, were ordered to be printed.

The SPEAKER. Under this order, made by unanimous consent, the House now resumes the consideration of the civil-rights bill. The gentleman from Maine [Mr. FRYE] is entitled to the floor.

Mr. COBURN. I rise to a point of order—whether this order does not stand on the same footing as a rule, and whether like any other rule it may not be suspended by a two-thirds vote.

The SPEAKER. No; the unanimous consent of the House suspended the rules to make this order. It was done by unanimous consent, contravening all rules that stood in the way of the order.

Mr. COBURN. My point is, whether this order is not just such a rule as any other rule.

The SPEAKER. The Chair thinks this was an order made by unanimous consent, overriding the rules. It is not a rule, but a mere temporary order with regard to the transaction of business.

ARMY APPROPRIATION BILL.

Mr. WHEELER, by unanimous consent, reported from the Committee on Appropriations a bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes; which was read a first and second time.

Mr. WHEELER. I ask that the bill may be ordered to be printed, referred to the Committee of the Whole on the state of the Union, and be made a special order for Thursday next, immediately after the reading of the Journal, and from day to day thereafter at that hour, to the exclusion of all other orders, until disposed of.

Mr. HOLMAN. To avoid the necessity of having the bill read through now, I desire to reserve all points of order on the bill.

The SPEAKER. The right to make points of order will be reserved.

Mr. COBURN. I desire to say a word before the order suggested by the gentleman from New York [Mr. WHEELER] is made. The bill which he has just reported contemplates a reduction of the Army; and I think that it ought not to be brought before the House for action until the Committee on Military Affairs have had time to investigate the question whether the Army ought to be reduced. In the short time between this and Thursday next it would be impossible to make such an investigation. I think it is due to the Committee on Military Affairs that they should be allowed at least a week or ten days to look into this matter.

Mr. WHEELER. I have no objection to that.

The SPEAKER. Will the gentleman from New York indicate the time when he wishes the bill to come up?

Mr. WHEELER. I modify my motion by substituting Tuesday of next week for Thursday of this week.

The SPEAKER. In that form, if there be no objection, the motion will be considered as agreed to.

There was no objection.

Mr. WHEELER. I desire to submit a proposition to suspend the rules, so that certain amendments proposed by the committee may be in order.

The SPEAKER. That proposition would have to come in by unanimous consent.

Mr. WHEELER. I think there will be no objection to the proposition. I ask consent to offer the following resolution:

Resolved, That the rules be suspended, so as to permit the Committee on Appropriations to submit for the consideration of the Committee of the Whole, as amendments to the Army appropriation bill, provisions for carrying certain balances of appropriations for the Departments of the Quartermaster-General and the Commissary-General of Subsistence to the surplus fund of the Treasury; also for transferring the jurisdiction and hearing of certain claims for supplies furnished those Departments during the war to the commissioners of claims.

Mr. DAWES. I suggest to the gentleman from New York that he make his proposition less restrictive and more general, so as to embrace all cases. If there is any defect in the law—and I understand there is—this provision, then, ought to be general in its character.

Mr. WHEELER. This is an Army appropriation bill, and the amendment is drawn to meet cases embraced in such bills.

Mr. COBURN. I again ask unanimous consent for the consideration of my resolution in connection with the amendment offered by the gentleman from New York.

There was no objection; and Mr. COBURN'S resolution was read again, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of diminishing the regular Army, and into the expediency of discontinuing in whole or in part the work of construction, preservation, and repair of fortifications, and all other works of defense; and for this purpose may send for persons and papers, may employ a stenographer, and may report in print, by bill or otherwise.

The SPEAKER. The gentleman from Indiana asks consent that his resolution may accompany the amendment of the gentleman from New York. The Chair hears no objection, and the propositions will be considered as adopted.

Mr. COBURN. I move to reconsider the vote by which the propositions referred to were adopted; and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. GARFIELD. I ask unanimous consent to introduce a joint resolution (H. R. No. 30) to fill vacancies in the Board of Regents of the Smithsonian Institution.

There was no objection; and the joint resolution was read a first and second time. It provides that a vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress shall be filled by the appointment of Asa Gray, of Massachusetts, in place of Louis Agassiz, deceased; J. D. Dana, of Connecticut, in place of Theodore D. Woolsey, and Alexander T. Stewart, of New York, in place of William B. Astor, and John Maclean, of New Jersey, and Peter Parker, of Washington City, whose terms have expired, shall be reappointed.

Mr. MAYNARD. Was not that subject referred to the Committee on Education and Labor?

The SPEAKER. It was, before the recess.

Mr. GARFIELD. The reference was only in reference to one of the names. This joint resolution is the unanimous recommendation of the Board of Regents.

Mr. KILLINGER. I object to the consideration of the joint resolution at this time.

Mr. GARFIELD. Then let it be referred to the Committee on Education and Labor.

The joint resolution was so referred, and ordered to be printed.

THE RELIEF OF LOYAL CREDITORS.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 1010) to provide by law for the relief of certain loyal creditors whose moneys were confiscated by the Confederate Congress in the State of Louisiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CIVIL RIGHTS.

The SPEAKER. The House now resumes the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights, on which the gentleman from Maine [Mr. FRYE] is entitled to the floor. The speeches by order of the House are limited to twenty minutes each.

Mr. FRYE. Mr. Speaker, I had a bill similar to this in my charge during the whole of the last session of the last Congress, but never was able to bring it to a vote of the House, and I have always deemed it my duty as well as my pleasure to seek an opportunity at some time to advocate its passage at length. I find that the objectionable features which were in my bill are not contained in this one. Besides, the general amnesty bill, which to a certain extent was coupled with this proposition, has passed the House by an overwhelming vote.

And now, believing that the bill now under consideration will commend itself to a large majority of this House; believing that this great people will never be guilty of denying to the colored man all the rights he is entitled to by equity, justice, and law; and believing no word of mine can add to the majority with which the bill will be passed, I will, rather than waste the time of the House, yield to my friend from Virginia, [Mr. HARRIS.]

Mr. HARRIS, of Virginia. Mr. Speaker, I return my cordial thanks to the gentleman from Maine [Mr. FRYE] for his courtesy in yielding me the floor. He shows that he is willing that we shall be heard, at least if the blow is to follow. But I appeal to him and his friends to consider calmly before they strike this blow, not only at my section, but at the whole country, to which all of us ought to devote our best thoughts and energies. The passions of the war have subsided, or are rapidly subsiding. Let us control our actions uninfluenced by those passions. The country is now being pacified and reunited in sentiment as well as in fact. The people of my own State are exhibiting this sentiment in their public actions. May we not expect it to be reciprocated here, and to have a manly response to manly overtures for peace?

Mr. Speaker, our Government is one of limited and well-defined powers. Those powers are conferred upon it, not by the people acting *en masse* or in the aggregate, but by the States, each acting separately and for itself. The Constitution, which in fact makes the Government of the United States, was thus adopted by the States. Strong as that Government is, yet it is one of limited powers, and Congress, as its legislative representative, has no right to pass any law except so far as that power has been conferred by the States. Broad and comprehensive as it is, still it has a limit, a boundary, beyond which it has no right to go. When it reaches that boundary, the rights of the States begin and the power of the Government ends. By the Constitution the States have conferred the exclusive right on Congress to do certain things, and have surrendered other powers enumerated in that instrument. To that extent then, and no further, have the States surrendered their rights or transferred their sovereignty to the Federal Government. In all other matters not so enumerated the several States are independent. The surrender of rights by the States is only those necessary to form a federal system of government. All others are expressly reserved to the States and the people. Among the rights thus reserved is their power to govern and control their internal policy free from the interference of the Federal power. When this right is invaded and infringed by the General Government, it ceases to be a republic composed of the several States, but a consolidated government, with a legislative department which acts directly upon the people of the whole country. When it assumes to control the other departments of the Government, as it has done, it becomes in fact, if not in form,

a monarchy or despotism. Mr. Speaker, let us examine the bill under consideration, and see how far its principles harmonize with the Constitution. In my opinion every provision of the bill is a plain, open, and palpable violation of that instrument. It proposes to regulate hotels, places of amusement, stage-coaches, railroads, cemeteries, benevolent institutions, and public schools, all of which subjects have from the beginning of the Government been peculiarly within the control of the States. If Congress has a right to invade the States for these purposes, then our State lines are imaginary, and our State governments but a myth, with no rights or powers not subject to the will of Congress. The friends of this bill claim their power to pass it under the late amendment to the Constitution, which reads as follows:

ARTICLE 14. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Fortunately for the country, and fortunately for this body if they would heed it, this article of the Constitution has just been construed by the Supreme Court of the United States. In the celebrated Slaughter-house cases (16 Wallace, 37) it was contended that a law of Louisiana, conferring on a corporation the right to slaughter cattle within a specified boundary and denying the right to others, was in violation of the fourteenth article, because it deprives other citizens of their privileges and immunities and the equal protection of the laws. The Supreme Court held such law was constitutional, and that Congress had no right, under the Constitution, to interfere. In that case the Supreme Court hold that none of the late amendments confer any such new rights on the Congress, but leave the States to manage their internal policy as to them shall seem best, only guaranteeing to each citizen of the United States the same protection to life, liberty, and property guaranteed to its own citizens. The court draws the distinction between citizens of a State and citizens of the United States. Every citizen of a State is, *ipso facto*, a citizen of the United States, but every citizen of the United States is *not* a citizen of a State, and that the States may pass laws which affect their own citizens, as such, which do not affect the citizens of the United States.

Mr. Speaker, I only have time for one or two extracts to sustain the position I have taken, but they are sufficient to show the enormity of this bill and that it is clearly unconstitutional. The court say:

Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of *citizens of the United States*, to transfer the security and protection of all civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiffs in error be sound. For not only are those rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but the body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States in their most ordinary and usual functions; and, in its judgment, it may think on all such subjects. And, still further, such a construction followed by the reversal of the judgments of the supreme court of Louisiana in the cases, would constitute this court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of this amendment. The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching, and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary fundamental character; when, in fact, it radically changes the whole theory of the relations of the State and Federal governments to each other and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.

We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the Legislatures of the States which ratified them.

The amendment to the Constitution guarantees to the colored race, as to all others, the privileges and immunities of a citizen of the United States. The majority and minority of the court both concur in definition of these terms—that they mean "the fundamental rights of life, liberty, and property." It is not pretended that any State in the South has denied these rights to any of its citizens, white or black, but that they are enjoyed there alike as at the North and elsewhere.

The construction given by the highest judicial tribunal in the land to the amendments to the Constitution makes each and every provision of the bill under consideration unconstitutional beyond all doubt. The object of these amendments was not to give larger power to Congress than it had before, but simply to bring the colored man on an equal constitutional footing with the white man, and so to protect him that he could not be punished by a law of any State which did not alike punish the white race. This bill descends to insignificant subjects on which even no State has legislated. It overleaps the ramparts of the Constitution, and at once enters the arena of the States and takes from them subjects on which they alone could legislate. The States have not undertaken to legislate upon the subjects of this bill, except as to schools and lunatic asylums, but if they should, the Supreme Court has said they have the *exclusive* right.

The State I represent in part has no law regulating the management of passengers on public conveyances or the frequenters of places of amusement, but leaves those questions to be governed by the own ers thereof as shall best subserve public interest and their own. For it so happens that the interest of the public and the proprietors of these various concerns is the same. Hence no one is injured. The General Government has no more right to say how the internal arrangements of travel on a railroad shall be than it has to say how any private institution shall be conducted. Sir, what would the elder patriots of our country think if they could come on earth and find the American Congress legislating as to how persons should ride on railroads; where they should sit in theaters; where the dead should be buried; that the African should be laid side by side with the white man, whether the friends were willing or not; and that Congress was trying to force the colored lunatic in an institution provided expressly for the white; that Congress was trying to force Africans into charitable institutions; and, last but not least, that Congress was forcing mixed schools against the will of the State and against the wishes of its citizens?

Mr. Speaker, they would say, "This is not the great Government we established, formed by the consent of sovereign States for the protection of the people. If so, it has degenerated into a mere despotism, dabbling into small things which are utterly disgraceful to the American Government, which strike at the very foundation of its principles, and must, sooner or later, destroy the whole structure; we fought for the sovereignty of the States and the freedom of the people, not for the degradation of the one or the oppression of the other." The bill under consideration proposes both.

Having discussed the power of Congress to pass this bill, I now ask the attention of the House to its effect as a practical measure, if it shall unfortunately become a law. It is based upon the purpose, the theory, of the absolute equality of the races. It seeks to enforce by law a doctrine which is not accepted by the minds nor received in the hearts of the people of the United States—that the negro in all things is the equal of the white man. And I say there is not one gentleman upon this floor who can honestly say he really believes that the colored man is created his equal.

Mr. RANSIER. I can.

Mr. HARRIS, of Virginia. Of course you can; but I am speaking to the white men of the House; and, Mr. Speaker, I do not wish to be interrupted again by him.

Mr. Speaker, I assert no new theory, unknown to the American mind or unasserted by American statesmen, North or South, when I declare that there is no real equality between the African and Caucasian races. I hold here, sir, a declaration of the general American opinion on this subject. What I am about to quote comes from a source to which no sectional or partisan prejudice against the negro can be imputed by any negro or any friend of the negro. I desire the Clerk to read as part of my remarks the passage I have marked in the book which I send to the desk. It is not necessary for me to say who is the author of the sentiment which is expressed in the passage which the Clerk will read.

The Clerk read as follows:

I have no purpose to introduce political and social equality between the white and black races. There is a physical difference between the two which, in my judgment, will forever forbid their living together upon the footing of perfect equality, and inasmuch as it becomes a necessity that there must be a difference, I, as well as Judge Douglas, am in favor of the race to which I belong having the superior position. I have never said anything to the contrary; but I hold that, notwithstanding all this, there is no reason in the world why the negro is not entitled to all the natural rights enumerated in the Declaration of Independence—the right to life, liberty, and the pursuit of happiness. I hold that he is as much entitled to these as the white man. I agree with Judge Douglas he is not my equal in many respects, certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal, and the equal of Judge Douglas, and of every living man.

Mr. HARRIS, of Virginia. That is the language, sir, of the lamented Lincoln. It shows the estimate which he placed upon the doctrine of the equality of the races. The equality for which Mr. Lincoln contended was the colored man's equal rights under the law, not equality with his own race, which he thought and said was superior to the African race. This every one of you gentlemen on the other side of the House must confess. Free yourselves of partisan and sectional prejudices, and every man of sense among you will express precisely the opinion expressed by Abraham Lincoln in the language which has just been read to you.

Now, sir, what does this bill propose? It proposes to put all upon an equality, and to force it upon the people of the country whether they are willing or not. In my own State—I speak for that State alone, but what I say holds good throughout the South; and I appeal to the friends of education upon this floor to confirm me when I say that—we have a free-school system in actual successful operation,

which baffles competition anywhere in this country—in Massachusetts, or in any of the New England States, or in any State in the North or West. There our schools are separate and distinct. Our constitution, adopted by what was known as the Underwood convention, composed of republicans, provided that we should inaugurate the free-school system by 1877. But a conservative Legislature in 1870, at its first meeting, inaugurated the separate school system, built separate school-houses, levied the tax, and the white people are paying that tax, and the colored people are getting the benefit of it and want no change.

I desire to have read here the report of our school commissioner. I want the Clerk, in his full and clear voice, to read it; and I commend it to the consideration of the philanthropic gentlemen on the other side of the House, some of whom have shed tears on behalf of the colored men. It ought to show them that by this bill they will do more harm to the colored man than has been inflicted upon him for a century.

The Clerk read as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
Richmond, January 3, 1874.

MY DEAR SIR: The passage of the civil-rights bill now before Congress would immediately wipe out, or practically destroy, the public-school system of Virginia. There is no power on earth, moral or physical, which can mix the children of the white and colored races in the same schools. The fine educational work now going on in Virginia would be destroyed as rapidly as the forms of law could be gone through with. Indeed, the public-school system would scarcely have a friend left among the intelligent people of Virginia. I know these are the sentiments of the intelligent republicans of the State as well as conservatives.

Very respectfully, yours,

WM. H. RUFFNER,
Superintendent Public Instruction.

Hon. JOHN T. HARRIS,
Washington City.

Mr. HARRIS, of Virginia. Next, Mr. Speaker, I desire to have read the opinion announced in his inaugural message upon the same subject by our governor who has just taken his seat. I want gentlemen to see where they are drifting when they adopt the bill which they say is proposed for the benefit of the colored race.

The Clerk read as follows:

The constitution made it obligatory upon the General Assembly to provide for the gradual, equal, and full introduction of a uniform system of free schools into all the counties of the State by the year 1876. Our predecessors, undismayed by the impoverished condition of the people, and rejecting all arguments for delay, proceeded in 1870 to organize a comprehensive system of free education, now fully operating throughout the State, which challenges comparison with any organized scheme of public schools elsewhere, under which a sum of money is being annually expended, in impartially educating both races, not far short of the amount required to meet all other current expenses of the government, and this system has received the deliberate sanction of the white race, who chiefly contribute the means by which it is maintained. As respects all other interests as well as that of education our people are subject to no State laws except such as provide equally and alike for both races, without a single discrimination.

Mr. HARRIS, of Virginia. I next desire to have read an extract from the report of the superintendent of a lunatic asylum at the city of Staunton, in my State. We have lunatic asylums both for the colored and for the white. As poor as we have been, and poor as we are now, we have made provision for the lunatics in our State of the colored race. This is the opinion of the superintendent, Dr. F. T. Stribling, one of the most distinguished and experienced in the United States, expressed by him before the bill providing an asylum for the colored insane was introduced in the General Assembly of Virginia.

The Clerk read as follows:

The reflection which we have been enabled to bestow upon the subject convinces us that it would be mutually prejudicial to white and colored, but especially to the former, were the two classes blended in one asylum or within the same inclosure. The principal reasons for this opinion are based upon a knowledge of the relation which most of the patients in our State institutions sustained to colored persons previous to their mental affliction, connected with the consideration that the prejudices existing when in health have been aggravated in all probability by the morbid state of feeling which insanity mostly engenders.

[Here the hammer fell.]

Mr. HARRIS, of Virginia. I ask unanimous consent to have another extract read, and to say a few additional words. I hope no one will object, as I do not often occupy the time of the House.

The SPEAKER *pro tempore*, (Mr. DAWES.) Is there objection? The Chair hears none.

Mr. HARRIS, of Virginia. I am very much obliged to the House. We have now in our State an institution for the education of the deaf, dumb, and blind. It is in my district, and I desire to have read a letter from the principal of that institution, and I ask gentlemen to ponder upon the statement it contains as to what will be the effect of the passage of a bill like this.

The Clerk read as follows:

VIRGINIA INSTITUTION FOR THE
EDUCATION OF THE DEAF AND DUMB AND THE BLIND,
Staunton, Virginia, January 2, 1874.

DEAR SIR: I have the honor to acknowledge the receipt of your favor of the 30th ultimo.

In my opinion, and that of all the friends of this State charity, the effect of mixing the races in this institution would be to break down the institution instantly, utterly, and forever.

Very respectfully, your obedient servant,

CHARLES D. McCOY,
Principal.

Hon. JOHN T. HARRIS, M. C.,
Washington, D. C.

Mr. HARRIS, of Virginia. Now, Mr. Speaker, I know the objection that will occur to the mind of every gentleman on the other side of the House, and of every one here who differs from me on this question. They will say this is prejudice—unjust prejudice. Admit that it is prejudice, yet the fact exists, and you, as members of Congress and legislators, are bound to respect that prejudice. It was born in the children of the South; born in our ancestors, and born in your ancestors in Massachusetts—that the colored man was inferior to the white.

Mr. RANSIER. I deny that.

Mr. HARRIS, of Virginia. I do not allow you to interrupt me. Sit down; I am talking to white men; I am talking to gentlemen.

Mr. E. R. HOAR. I call the gentleman from Virginia to order. My point of order is that when a member ceases to address the whole House he ceases to have a right to the floor.

The SPEAKER *pro tempore*. The rule requires a gentleman to address the Chair.

Several MEMBERS. That's right.

Mr. HARRIS, of Virginia. I did not desire to be interrupted, and the person who interrupted me was out of order in doing so. I merely made a side remark to him in reply. The gentleman from Massachusetts should begin correcting the evils on his right and not on his left.

The SPEAKER *pro tempore*. The gentleman will proceed.

Mr. HARRIS, of Virginia. Yes, sir. I thank you, and will do so. I say, sir, that prejudice may exist, but it is a natural prejudice, a prejudice that God himself placed in the hearts of southern children and the southern people, and it becomes us to consider that prejudice in our action here. It is for you, gentlemen on the other side of the House, to determine whether you will invade the lunatic asylums of my State and inflict an injury on the unfortunate and already afflicted inmates of those institutions. It is for you, gentlemen, to determine whether you will not only invade the asylums for the insane, but drive the poor children of Virginia and of the South from the public schools, expelling the little orphans with fair hair and blue eyes, because they have been taught by God and by their mothers that colored children are not their equals. Will you invade the institutions for the deaf, dumb, and blind and force the colored race into those institutions when there is no necessity for it, when our State has provided for that class in separate schools and in separate institutions?

Sir, I turn now to the University of Virginia, and I call upon Massachusetts, if, indeed, she has left in her any of the spirit of her noblest patriot and greatest statesman, John Adams, who was the friend of Thomas Jefferson, the founder of the university. Will you invade that institution, which lies at the foot of Monticello, where rest the honored remains of the author of the Declaration of Independence?

Sir, he founded that institution, and he loved it and cherished it while living, and he desired to have the memory of his connection with that institution preserved in his epitaph. You remember, sir, the inscription upon the tomb at Monticello, dictated by him in life: "Here lies Thomas Jefferson, the author of the Declaration of Independence, and of the bill for religious freedom, and the founder of the University of Virginia." Sir, that university was founded by Mr. Jefferson after conference with his old friend, John Adams; and now the descendants of Adams come here and seek to break up that institution by thrusting into it a race whose admission neither Mr. Adams nor its founder for a moment contemplated.

Mr. G. F. HOAR. Will the gentleman from Virginia be disturbed if I ask him a question upon that point?

Mr. HARRIS, of Virginia. I am never disturbed by my friend from Massachusetts.

Mr. G. F. HOAR. I wish to ask the gentleman from Virginia if there is anything in the charter of the University of Virginia, as drawn by Mr. Jefferson, which prevents the admission of colored students?

Mr. HARRIS, of Virginia. The charter is silent on that point, but by this innovating charter of yours you seek to force them in.

A word now as to railroads. I will ask my friend from Massachusetts, or the author of this bill if he is within the hearing of my voice, if he has not himself been many times thrust from a particular railroad car when his high position was not known, or if he has not been invited not to enter a particular car?

Mr. G. F. HOAR. I have not.

Mr. HARRIS, of Virginia. I am glad to hear it. My friend, then, has been more fortunate than most of us. Perhaps he traveled on Massachusetts adroitness rather than by the rules of the company. [Laughter.]

Mr. Speaker, the people of my State and its representatives desire to have partisan and factious feeling buried. They speak in no doubtful voice. They use no ambiguous language, but through their chosen chief magistrate, elected by the largest majority ever given to a candidate in Virginia, speak as follows:

Virginia, recognizing no such obligations as bind to any national party organization, maintaining her fidelity to all who are and who shall become allies in the defense of measures calculated to secure the ends named, is ready to co-operate cordially with men of whatever party in upholding those measures, by whomsoever proposed, supporting those who support them and opposing all opposition to them. One of the articles, announcing the principles and purposes recently ratified by an overwhelming majority of our people, declares that, disclaiming all purpose of captious hostility to the present executive head of the Federal Government, "we will judge him impartially by his official action, and will co-operate in every measure of his administration which may be beneficent in design and calculated to promote the welfare of the people and cultivate sentiments of good will between the different

sections of the Union." This article was no political expedient of the hour. It embodies the sentiments of honorable men, and binds by the obligations of good faith and justice. It pledges such liberal support as may be consistent with our principles and justified by the developments of the future. I recommend its reaffirmation by the General Assembly, if no untoward event occur to forbid such action.

In these expressions of the governor of Virginia in his message I doubt not the General Assembly will concur so soon as they have time for such a declaration.

Mr. Speaker, if this system of legislation is carried out it will sooner or later prove the downfall of our Government. History repeats itself, sir, and proves that no people will long endure such unprovoked oppression without an effort to remedy it. Thank God, these questions rise above party, and reach the hearts of men as well at one end of the country as the other. There can be no sectional struggle, but it will be a contest in favor of the sovereignty of the States, the rights of the people, and a republican government in fact as well as in name. When that day comes, woe to them who laid their sacreligious hands upon the Constitution—the bulwark of freedom—and trifled with the liberties of a generous people. They will find revenge as rapid as the whirlwind and as merciless as the angel of death.

Sir, I say to gentlemen on the other side of the House that no man desires the prosperity of this Government more than I do, or more than do the constituency I have the honor to represent. We want to see it go on prospering and expanding until all the world shall feel the beneficence and wisdom of our Government and the greatness of our country. I trust that the representatives of generations yet unborn shall stand where I stand and say, in the language of a lamented predecessor, "These, these are my people, and this, O t' is, too, is my country."

Mr. STEPHENS. Mr. Speaker, it will be impossible for me to say what I wish to say in twenty minutes; but I think I can do it in an hour. I would like it to be generally understood whether consent will be granted me to occupy an hour or not before I begin.

The SPEAKER *pro tempore*, (Mr. DAWES.) The gentleman from Georgia asks unanimous consent to occupy the time of the House for one hour. Is there objection?

Mr. E. R. HOAR. I object.

Mr. ARCHER. Is it in order to move to suspend the rules, so as to give the gentleman from Georgia the extension of time he desires?

The SPEAKER *pro tempore*. A motion to suspend the rules is not in order.

Mr. ARCHER. Not on Monday?

The SPEAKER *pro tempore*. This discussion is proceeding under unanimous consent, which suspends all rules.

Mr. SENER. Can it not be understood that the gentleman from Georgia, [Mr. STEPHENS]——

The SPEAKER *pro tempore*. Is objection still persisted in?

Mr. E. R. HOAR. My friend from South Carolina [Mr. ELLIOTT] desires to have the same privilege in reply, and therefore I will withdraw my objection.

The SPEAKER *pro tempore*. Is there objection to the gentleman from Georgia [Mr. STEPHENS] occupying an hour, and the gentleman from South Carolina [Mr. ELLIOTT] occupying an hour in reply?

Mr. WALLS. If the order be made, will the additional time allowed be taken out of the time of other gentlemen who may desire to speak upon this subject?

Mr. BUTLER, of Massachusetts. O, no.

Mr. WALLS. If not, then I will not object; if so, then I must object.

The SPEAKER *pro tempore*. The House has ordered that the debate on this subject shall close to-morrow at four o'clock p. m. Of course, the consumption of additional time by these gentlemen will work the reduction of time for other gentlemen.

Mr. WALLS. Then I must object.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. STEPHENS] will then proceed for twenty minutes.

Mr. WALLS. At the suggestion of friends I withdraw my objection.

The SPEAKER *pro tempore*. Is there further objection? [After a pause.] The Chair hears none. The gentleman from Georgia [Mr. STEPHENS] will be entitled to one hour, and the gentleman from South Carolina [Mr. ELLIOTT] to one hour in reply.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. BABCOCK, his Private Secretary; who also informed the House that the President had approved and signed bills of the House of the following titles:

An act (H. R. 474) to establish a post-route from the village of L'Anse, in the county of Houghton, and State of Michigan, to Huron Bay, in said county and State; and

An act (H. R. No. 481) making appropriations for extraordinary expenses of the Navy.

CIVIL RIGHTS.

The House resumed the consideration of the civil-rights bill.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. STEPHENS] is entitled to the floor for one hour.

Mr. STEPHENS. Mr. Speaker, before entering upon the discussion of the question now before the House, I have done what I never did but once before in addressing a legislative body; and that is, I have reduced to writing, in advance, what I propose to say. This I have done on the present occasion, as I did on the former one alluded to, because of the very great gravity, importance, and magnitude of the subject; involving, as it does, several of the most essential principles of all good government, and especially those upon which rests, the whole fabric of our complex system of free institutions.

I feel on entering upon it as the highest judicial tribunal of our land felt, as proclaimed from the bench when the same questions, in part, for the first time, came before that body for adjudication. They said, in what is known as the Slaughter-house cases, (16 Wallace, 36–83,) referred to the other day by Mr. BECK, of Kentucky:

> We do not conceal from ourselves the great responsibility which this duty devolves upon us. No questions so far-reaching and pervading, so profoundly interesting to the people of this country, and so important in their bearing upon the relations of the United States and of the several States to each other and to the citizens of the States and of the United States, have been before this court during the official life of any of its present members.

When learned judges pause in hesitation where safely to tread, in view of their responsibility in expounding laws, well may legislators pause in view of their responsibility in making them. It is in view of this responsibility on me at this time I feel the necessity of the greatest possible care in duly considering and properly weighing every word that may be uttered by me in the discharge of the high duty now resting upon me, that there may be no misunderstanding of what I may say, and no grounds for any erroneous report or misrepresentation of my own utterances as they go forth in my own words. Steady as well as skilled should be the hand of him who puts the probe about the "heart-strings of life" of any one single human being, however humble; much more should it be so with him who deals with questions affecting the vital functions of commonwealths, whether State or Federal. No graver or more serious question will perhaps come before this Congress—not even the currency or Cuba questions—than the matter now under consideration. In giving my opinions on it I shall be governed solely by my own convictions of right and duty, looking to the best interest of the people of the several States of our Union, in view of the powers with which I am clothed. What I propose to submit is intended mainly for the consideration of members of this House, and without any regard to their party distinctions. I shall assume, having no right to question it, that we all feel alike a heavy responsibility for our acts, not only to our immediate constituents, but to the judgment of mankind; and that, too, not only of those of this generation, either of one section of the Union or another, but for all time to come; for our deeds, whatever they may be, whether of evil or good, will live after us.

I am, sir, opposed to the passage of this bill, or of any of like import or character. The bill now before us is in these words:

> A bill to protect all citizens in their civil and legal rights.
>
> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That whoever, being a corporation or natural person, and owner, or in charge of any public inn; or of any place of public amusement or entertainment for which a license from any legal authority is required; or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight; or of any cemetery, or other benevolent institution, or any public school supported, in whole or in part, at public expense or by endowment for public use, shall make any distinction as to admission or accommodation therein, of any citizen of the United States, because of race, color, or previous condition of servitude, shall, on conviction thereof, be fined not less than one hundred nor more than five thousand dollars for each offense; and the person or corporation so offending shall be liable to the citizens thereby injured, in damages to be recovered in an action of debt.
>
> SEC. 2. That the offenses under this act, and actions to recover damages, may be prosecuted before any territorial, district, or circuit court of the United States having jurisdiction of crimes at the place where the offense was charged to have been committed, as well as in the district where the parties may reside, as now provided by law.

In assigning my reasons for opposing this measure, I shall state them, first, negatively; and, secondly, affirmatively. First, I shall state several grounds upon which I do not oppose it; next, some of the grounds upon which I do oppose it.

In this order, I announce, in the first place, that I am not opposed to it because of any opposition I have to doing full and ample justice to every human being within the legitimate jurisdiction of our Federal legislative powers. The chief end of all governments, whether State or Federal, should be the protection of rights. The great struggle of humanity from the first organization of society has been a strife between power and right. This has been the case in every form in which government has developed itself in all ages, climes, and countries, whether in monarchies, absolute or limited, in oligarchies or aristocracies, or democracies or republics, whether single or Federal.

The solution of the problem lies in the administration of justice. This depends upon the character of the laws, organic as well as statute, in each particular state or kingdom, and upon their correct interpretation and proper execution. Justice is the simple but magic principle which, in its silent but potent action, effects order and harmony, quiet, peace, and happiness in all political organisms, just as the simple but marvelous principle or law of gravitation produces those wonderful results of order and harmony witnessed in the material universe around us. It is the same simple principle or law of gravitation that molds an atom and shapes a world, gives form, position, and orbit to satellites, planets, and suns. It is this that keeps every particle of matter in its right place, and in its operations produces a universal fitness of things and that all-pervading concord of

melodies which swell the grand chorus of the symphony of the spheres throughout the illimitable Cosmos. As gravitation in producing its results acts alike upon bodies small or great, upon atoms, and upon stars of greater and lesser magnitude, in proportion to quantity and quality, so justice in human societies or states deals alike with all classes of persons who come within the sphere of its operation. And so with distinct and separate sovereignties, powers, or kingdoms in their intercourse with each other. The true law of nations is but a summation of the principles of justice.

In the second place, my opposition to this bill springs from no prejudice, in the slightest degree, against any man, woman, or child within the limits of the United States, on account of race or color or previous condition of servitude. I entertain no feelings of that kind, and am not governed in my action here, nor elsewhere, by any influence of that sort.

In the third place, according to the method in which I propose to treat the subject, I wish now to say that my opinion of justice and its proper administration is not founded upon the doctrine of that dogma so generally announced and so pernicious in principle—"the greatest good to the greatest number." The true rule with me, even in our old organized system of State polity at the South, was, "the greatest good to all without detriment to any."

While I do not hold the doctrine of the equality of races of men, yet I do maintain the great truth, however paradoxical it may appear to some, that all men are created equal. This great truth was first enunciated by a council of States on the 4th of July, 1776. It was then adopted and proclaimed as it came from the pen of Jefferson, the chief apostle of liberty on this continent. This truth was never meant, however, in my opinion, to convey the idea that men were created equal in all respects, either in physical, mental, or moral development; but it was meant to assert the great law of nature, that all men have an equal right to justice, and to stand, so far as governmental powers are concerned or exercised over them, perfectly equal before the law. This is the right of all classes of men, whether white, red, brown, or black. This American principle is as broad as our jurisdiction, and as catholic as the doctrines of Him who first announced to the world the true principle of justice; that is, "As ye would that men should do to you, do ye also to them likewise."

This requires no leveling of the population of a State, either upward or downward—no equality and fraternity, as announced by the Jacobins of France—but that every one should act toward another as that other ought, in turn, to act upon a reversal of their positions in the different and various relations of life, either socially, politically, or otherwise.

In further illustration of my views upon this point, and in this connection, it is not improper or out of place for me now to repeat what I have said on former occasions upon the same matter. I held, and have long been on record, in announcing to my constituents, even before the war, that if our then system of regulating the proper status of the two races among us growing out of the truth of their inequality "was not the best, or could not be made the best for both races," "it ought to be abolished." Nay, more; after the war was over I used these words before the Georgia Legislature, then reduced to writing as these are now, to wit:

Another one of our present duties is this: we should accept the issues of the war and abide by them in good faith. * * * One of the results of the war is a total change in our whole internal polity. * * * The relation heretofore, under our old system, existing between the African and European races no longer exists. Slavery, as it was called, or the status of the black race—their subordination to the white—upon which all our institutions rested, is abolished forever, not only in Georgia, but throughout the limits of the United States. This change should be received and accepted as an irrevocable fact. It is a bootless question now to discuss whether the new system is better for both races than the old one was or not. That may be proper matter for the philosophic and philanthropic historian at some future time to inquire into, after the new system shall have been fully and fairly tried. All changes of systems, or proposed reforms, are but experiments and problems to be solved. Our system of self-government was an experiment at first. Perhaps as a problem it is not yet solved. Our present duty on this subject is not with the past or the future; it is with the present. The wisest and the best often err in their judgments as to the probable workings of any new system. Let us therefore give this one a fair and just trial, without prejudice, and with that earnestness of purpose which always looks hopefully to success. It is an ethnological problem, on the solution of which depends, not only the best interests of both races, but it may be the existence of one or the other, if not of both. The most vexed questions of the age are social problems. These we have heretofore had but little to do with; we were relieved from them by our peculiar institution. Emancipation of the blacks, with its consequences, was ever considered by me with much more interest as a social question, one relating to the proper status of the different elements of society, and their relations toward each other, looking to the best interest of all, than in any other light. The pecuniary aspect of it, the considerations of labor and capital, in a politico-economic view, sunk into insignificance in comparison with this.

In the same address, upon the same subject, I also said that—

The duty of giving this new system a fair and just trial will require of you, as legislators of the land, great changes in our former laws in regard to this large class of population. Wise and humane provisions should be made for them. It is not for me to go into detail. Suffice it to say on this occasion that ample and full protection should be secured to them, so that they may stand equal before the law, in the possession and enjoyment of all rights of person, liberty, and property. * * * Legislation should ever look to the protection of the weak against the strong. Whatever may be said of the equality of races, or of their natural capacity to become equal, no one can doubt that at this time this race among us is not equal to the Caucasian. This inequality does not lessen the moral obligations on the part of the superior to the inferior; it rather increases them. From him who has much, more is required than from him who has little. * * * I speak of them as we now know them to be; having no longer the protection of a master, or legal guardian, they now need all the protection which the shield of the law can give.

Thus you have what I said to the members of the General Assembly of Georgia on the 22d of February, 1866. From this you will understand the extent to which I was then, as I am now, in favor of giving, by the properly constituted power in every State, to every class of individuals within its limits, including the colored race, the fullest measure of justice, as well as all those rights the free enjoyment of which constitutes what is recognized by all eminent writers upon public law as the entire essence of civil liberty. A denizen in all good governments is as much entitled to civil liberty as a subject or a citizen. There is, however, a very great difference between civil and political liberty, just as there is a vast difference between civil rights proper and some of those social rights claimed by this bill. I have no hesitancy in saying, however, in reference to one of its features, that under our law as it stands whoever pays for a first-class car railroad ticket is entitled to a first-class car seat, whatever may be his or her condition in life, and whether white or colored. If he be a colored man who pays for such a ticket, he is entitled to a seat of equal comfort with the white man who may purchase a like ticket; but this does not entitle him of right to a seat in the same car with the white man. Railroad companies, and all public carriers, have the right by common law to assign their passengers to such seats in such coaches as they may please, provided they are of the comforts and class paid for. This, however, is anticipating.

The address from which I have made such copious extracts, it is proper and quite pertinent for me here to state, was unanimously indorsed by both houses of our General Assembly. It is exceedingly appropriate for me here so to state, in order to show this House and the world that the Legislature of Georgia was then, and now is, as I believe, ready to secure to the colored race within their jurisdiction the amplest justice in the protection of all their natural as well as civil rights of person and property. If there is any class legislation there against the colored race, I am not aware of it. The laws of Georgia, so far as I am informed, provide the amplest protection and security for all the civil rights of all the inhabitants of the State, whether considered citizens of the State or of the United States, or of no State whatever; and if at any time it should be discovered that these laws are defective in any of these particulars, I should be in favor of a proper remedy by the proper authority. But this brings me to the second view I proposed to take of the subject. So much, then, for my reasons, negatively, for not supporting this bill.

Secondly. I am now to assign some of the reasons, affirmatively, why I oppose it. Pursuing this order, under this method of arrangement, I state, in the first place, I am opposed to the passage of this measure, or any one kindred to it, even if any of the rights proposed to be secured by it were properly just in themselves, because of the want of the necessary power, under the Constitution, on the part of Congress to apply the appropriate remedy by the enactment of any such law as this bill proposes. I presume that it will not be assuming too much to take it for granted that it will be admitted by every member of the House that the powers of Congress are specific as well as limited, and that all the powers which Congress can, legislatively or otherwise, rightfully exercise are held by delegation from the people of the several States of the Union. Where, then, in the Constitution is to be found the power which authorizes the passage of this measure? The power under which it is claimed, as I understand it, is derived chiefly from the first and fifth sections of the fourteenth article of amendment. It is true, in this connection, I have frequently seen reference made, also, to the fifteenth article of amendment. To see how far the power is sustained by the claim, we must therefore look into the purport and meaning of both these articles of amendment as they stand, without any consideration at this time as to their history, or how they became incorporated into the organic law of the Union.

The two sections of the fourteenth article referred to are in the following words:

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

* * * * * * *

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Sections 2, 3, and 4 of this article embrace a number of different subjects, not at all germane to the one under consideration.

The fifteenth article is in the following words:

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The reading of the fifteenth amendment shows it has no application whatever to the subject. Its main object was to deny to both Congress and the States the exercise of a certain power.

And as to the first section of the fourteenth, all I have to say here is that it very clearly appears from its words that it has but two objects. These were, first, to declare the colored race to be citizens of the United States, and of the States, respectively, in which they reside;

and, secondly, to prohibit the States, severally, from denying to the class of citizens, so declared, the same privileges, immunities, and civil rights which were secured to the citizens of the several States, respectively, and of the United States, by the Constitution as it stood before citizenship to the colored race was declared by this amendment.

As to the fifth section of the fourteenth amendment and the second section of the fifteenth, so far as they relate to the subject-matter of the body of each amendment, respectively, their clear meaning and import are to provide security to the colored race in the enjoyment of the privileges, immunities, and rights so declared, in the same way and in like manner as was provided for the security of like privileges, immunities, and rights of the citizens of the several States, respectively, by the Constitution before this amendment, and that no other remedy for a violation of the prohibitions on State action in either of these amendments was contemplated than such as existed for like violations of like prohibitions anterior to the amendments. The exercise of no new power was conferred by either of these new amendments. The denial of the exercise of any number of powers by the United States, severally, does not, most certainly, confer its exercise upon the Congress of the States. Neither of these amendments confer, bestow, or even declare, any rights at all to citizens of the United States, or to any class whatever. Upon the colored race they neither confer, bestow, or declare civil rights of any character—not even the right of franchise. They only forbid the States from discriminating in their laws against the colored race in the bestowment of such rights as they may severally deem best to bestow upon their own citizens. Whatever rights they grant to other citizens shall not be denied to the colored race as a class. This is the whole of the matter. The question, then, is, how can Congress enforce a prohibition of the exercise of these powers by a State? Most assuredly in the same way they enforced or provided for violations of like prohibitions anterior to these amendments.

The proper remedies before were, and now are, nothing but the judgments of courts, to be rendered in such way as Congress might provide, declaring any State act in violation of the prohibitions to be null and of no effect, because of their being in violation of this covenant between the States as set forth in the Constitution of the United States. No new power over this matter of a different nature or character from that previously delegated over like subjects was intended to be conferred by the concluding sections of either the fourteenth or fifteenth article of amendment. No such thing as the tremendous power of exercising general municipal as well as criminal legislation over the people of the several States could have been dreamed of by the proposers of these amendments. Such a construction would entirely upset the whole fabric of the Government, the maintenance of which in its integrity was the avowed object of the war. If the construction upon which this bill rests be a true construction, then you have power to prosecute and punish all those in Georgia and other States, numbering not only thousands but hundreds of thousands, who are seeking to avail themselves of the benefit of relief acts passed by their States, which acts the Supreme Court of the United States have declared, in the way properly provided by Congress, to be in violation of that clause of the Constitution prohibiting the States, severally, from passing any law impairing the obligation of contracts. The prohibition against the States in the one case is the same in words and effect as in the other. To what monstrous consequences would not such a construction lead? It is my purpose, sir, to show, beyond the power of refutation, the correctness of all these propositions or positions.

First, then, that the chief object of the first and fifth sections of the fourteenth amendment was, as stated, to make citizens of this class of persons there can be no doubt, or if there was any doubt before, it seems that there ought to be none any longer; for the Supreme Court, in the case before cited, said in direct terms of these parts of the fourteenth amendment just quoted, "that its main object was to establish citizenship of the negro can admit of no doubt." So that proposition may rest there.

Next, as to the correctness of the other propositions, I prefer to rely upon the same high authority rather than to indulge in any process of reasoning myself. I therefore shall cite extensively from the same decision in sustainment of all the positions taken.

In speaking of that clause of the Constitution as it stood before this amendment, in reference to the privileges and immunities of citizens of the several States secured by it, this court distinctly asserts:

> Its sole purpose was to declare to the several States that, whatever those rights, as you grant or establish them to your own citizens, or as you limit or qualify, or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction.

And in relation to the powers of Congress to enforce such rights under the Constitution, as it stood before, by municipal laws operating over the people of the States, the court further asserts:

> It would be the vainest show of learning to attempt to prove, by citations of authority, that up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But, with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government.

The court then, in reference to the powers of Congress to pass municipal laws as a proper remedy against the exercise of powers prohibited to the States by the Constitution, with great point and potency puts the question:

> Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of *citizens of the United States*, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

They answer it, too, with equal emphasis and power, in these words:

> All this and more must follow if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever, in its discretion, any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. And still further, such a construction, followed by the reversal of the judgments of the supreme court of Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights as they existed at the time of the adoption of this amendment.

Further on, in the same decision, in speaking of the fourteenth and fifteenth amendments and the heat and excitement of popular sentiment when they were before the people, the court gives forth certain other most important utterances on this subject, to which I call special attention. They say:

> Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of the States, with powers for domestic and local government, including the regulation of civil rights—the rights of person and of property—was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the States and to confer additional power on that of the nation.

Additional prohibitions imposed on the States severally, and additional powers conferred on the General Government, but none of a new nature or character. It is here judicially affirmed that all the essential features of our original complex federal system are still preserved. In substance it amounts to this, that these amendments (whether rightfully or wrongfully incorporated into the Constitution) do not change the nature and character of the Government. Soul-inspiring words are these! So long as an incorruptible judiciary shall sustain the pillars of the Constitution in their stately position, and the grand old Federal arch unbroken in any of its parts, no serious apprehension need be indulged in as to our future safety from the batteries of legislative demolition or reconstruction of the temple of our liberties, if the people of the several States shall continue equally true to themselves. The United States still exist as a Federal republic, and are not yet merged into a centralized empire. It is true the court here speaks of the States in union as a nation. This is also eminently correct as the word was here doubtless intended to be used. The United States is indeed, and ever has been, a nation, and a nation of the highest type. It is a Federal republic—a republic of republics. Hence, the armorial motto stamped upon the great seal, as it was in the beginning: *E Pluribus Unum*—a nation of nations!

But to proceed. I wish to call special attention to another decision, made by the same tribunal at the same term, (see 16 Wallace, 138–139,) giving additional light upon the true construction of the fourteenth amendment, which very clearly shows that the power claimed under it, even as it stands, cannot justify the passage of this bill, and that the rights embraced within its provisions are not of that character which can be rightfully legislated for by congressional enactment. I quote extensively, for nothing I could say could impart either force to the argument or clearness to its conclusion. They say:

> In regard to that amendment [the fourteenth] counsel for the plaintiff in this court truly says that there are certain privileges and immunities which belong to a citizen of the United States as such, otherwise it would be nonsense for the fourteenth amendment to prohibit a State from abridging them; and he proceeds to argue that admission to the bar of a State of a person who possesses the requisite learning and character is one of those which a State may not deny.
>
> In this latter proposition we are not able to concur with counsel. We agree with him that there are privileges and immunities belonging to citizens of the United States in that relation and character, and that it is these and these alone which a State is forbidden to abridge. But the right to admission to practice in the courts of a State is not one of them. This right in no sense depends on citizenship of the United States. It has not, as far as we know, ever been made in any State, or in any case, to depend on citizenship at all. Certainly many prominent and distinguished lawyers have been admitted to practice both in the State and Federal courts who were not citizens of the United States or of any State. But on whatever basis this right may be placed, so far as it can have any relation to citizenship at all, it would seem that, as to the courts of a State, it would relate to citizenship of the State; and as to Federal courts, it would relate to citizenship of the United States.
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> The opinion just delivered in the Slaughter-house cases (16 Wallace, p. 36) renders elaborate argument in the present case unnecessary; for, unless we are wholly and radically mistaken in the principles on which those cases are decided, the right to control and regulate the granting of license to practice law in the courts of a State is one of those powers which are not transferred for its protection to the Federal Government, and its exercise is in no manner governed or controlled by citizenship of the United States in the party seeking such license.
>
> It is unnecessary to repeat the argument on which the judgment in those cases is founded. It is sufficient to say they are conclusive of the present case.

If it is within the reserved powers of the States to deny the right of admission to the bar to any who may be held to be her citizens or citizens of the United States, is it not much more one of her reserved

rights to say who may, or who may not, be admitted into her public schools or other institutions?

Here I leave the question, so far as our powers over the subject-matter are concerned. I consider it as settled by the highest judicial tribunal of the country, so far as that tribunal is competent to settle any question of constitutional law.

But, in the second place, among the affirmative reasons for my opposition to this bill, I oppose it because of its inexpediency. Even if the power were, without question or doubt, vested in Congress to pass municipal regulations of this sort to operate over the people of the several States of the Union, I think it would be exceedingly injudicious and unwise to exercise it. Better leave all such matters to the States. In point of fact, I do not believe the colored people of Georgia have any desire for mixed schools, and very little, indeed, for mixed churches, as contemplated by this measure. The tendency on their part, throughout the State, in all the religious denominations, except the Catholic, is to separate from the whites in church association and organization. In all instances, within my knowledge, the whites have been perfectly willing, and even solicitous, for them to remain and worship in the same houses and before the same altars; but they preferred to go to themselves. So with the schools. They have no desire or wish for mixed schools composed of white and colored children. All they want is their right and just participation in the common-school fund in schools of their own. This they now have in Georgia. They also have a university for themselves at Atlanta, aided by the State; as the State university for whites is in like manner aided by the State. They have no desire for anything partaking of the character of social rights; and if the people, colored and white, in the several Southern States, shall be left to themselves to work out their own destiny under the present system, subject alone to the controlling law of justice, as before stated, without external interference of any sort, it will, in my judgment, be infinitely better for both races. Reciprocal duties will soon, of themselves, bring about as much harmony and concord as are usually found in any state or country. And in this connection I have no hesitancy in giving it as my deliberate opinion, that there is not a colored man in Georgia who knows me (and my acquaintance with that class is not very limited) who would not come to me for a personal favor, or personal counsel, or in case of real grievance for a redress of personal wrongs, with more confidence in my having justice secured him, than to any "carpet-bagger" in the State, however industrious he may be in sowing the seeds of discord between the races and vociferous in advocating the doctrines of the "civil-rights bill," so called.

Interference by the Federal Government, even if the power were clear and indisputable, would be against the very genius and entire spirit of our whole system. If there is one truth which stands out prominently above all others in the history of these States, it is that the germinal and seminal principle of American constitutional liberty is the absolute unrestricted right of State self-government in all purely internal municipal affairs. The first union of the Colonies, from which sprang the Union of the States, was by joint action to secure this right of local self-government for each. It was when the chartered rights of Massachusetts were violated by a British Parliament the cry first went up from Virginia, "The cause of Boston is the cause of us all!" This led to the declaration and establishment of the independence not of the whole people of the united Colonies as one mass, but of the independence of each of the original thirteen Colonies, then declared by themselves to be, and afterward acknowledged by all foreign powers to be, thirteen separate and distinct States.

It is not my purpose at this time even to touch upon any of the issues involved in the late war, or the chief proximate cause which led to it, or upon whom devolves the responsibility of its direful consequences. But taking it for granted that the chief proximate cause was the status of the African race in the Southern States, as set forth in the decision of the Supreme Court, to which I have first referred, suffice it to say on this occasion that that cause is now forever removed. This thorn in the flesh, so long the cause of irritation between the States, is now out for all time to come. And since the passions and prejudices which attended the conflict are fast subsiding and passing away, the period has now come for the descendants of a common ancestry, in all the States and sections of the country, to return to the original principles of their fathers, with the hopeful prospect of a higher and brighter career in the future than any heretofore achieved in the past. On such return depends, in my judgment, not only the liberties of the white and colored races of this continent, but the best hopes of mankind. And if any breach has been made in any of the walls of the Constitution in the terrible shock it received in the late most lamentable conflict of arms, let it be repaired by appeals to the forums of reason and justice, wherein, after all, rest the surest hopes of all true progress in human civilization. If, "in moments of error or alarm," we have "wandered" in any degree from the true principles on which all our institutions were founded, in the language of Mr. Jefferson, "let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety!"

This I say, in all earnestness, to the members of this House from all sections of the Union—South, East, West, and North; and especially to those who bear the party name of republican. If you, Mr. Speaker, and your political associates, be really and truly of the old republican school, then be first and foremost to rally in the support of the principles of the great chief who organized that party to rescue the Federal Government from centralization in one of the most dangerous periods of its history; and under the auspices of whose doctrines, when the rescue was accomplished, the country was so happy, prosperous, and glorious for sixty years of its existence. If you do not, be assured your opponents will rally again under the banner of their ancient creed, and seize it from the hands of those who profess it by name, but reject it by their acts—

> That keep the word of promise to our ear,
> And break it to our hope.

Excuse me, sir; please pardon something to an ardent nature. The dawn of a new epoch in politics is upon us. There will soon be a breaking up of the elements of present party organizations. The great and vital issue between constitutionalism and centralism must soon be directly met by the people of the States. Seven-tenths of the people of the United States, in my judgment, are to-day as true to the principles of liberty, on which the Federal Constitution was founded, as were their ancestors who in 1787 perfected its matchless and majestic structure. They are as much opposed to centralization and empire and the necessary consequence—ultimate absolutism and despotism—as the men of 1776 were. All that this immense majority now want for concert and co-operation are young and vigorous leaders, thoroughly in earnest, as well as thoroughly imbued with the importance and sacredness of the cause. Nothing will hasten action in this direction more than the passage by Congress of this bill, or any like it, because its unnecessary and irritating effects will strike chords which will awaken opposition in every State of the Union, from the Atlantic to the Pacific and from the Lakes to the Gulf.

A few words upon another point. The gentleman from Massachusetts, [Mr. BUTLER,] who has charge of this bill, referred in his defense of its provisions the other day to the citizenship of the republic of Rome, the like of which it seemed from his remarks he wished to see established by this Government. We would do well to consider that matter somewhat. By doing so perhaps we may profit by our pains and trouble. The great difference between this Republic and that of Rome we should never lose sight of. Ours is a Federal Republic; that of Rome was a single republic. In extending her jurisdiction over neighboring states or kingdoms Rome did not recognize that federative principle upon which alone ours extends, and upon which all affiliating neighboring States become incorporated into our Union. Rome did not allow the peoples of other separate and distinct nations coming under the protection of her eagles, as to general matters, to govern themselves in their local affairs as their own best interests might dictate to them; but she extended over them the absolute dominion of one single republic, and thus enlarged her limits beyond her capacity to enact just and wise municipal laws for so vast a country. She thus necessarily became a centralized empire, with its necessary ultimate result—despotism. To political organisms, as with all other separate organisms either animal or vegetable, there is a normal limit beyond which the vital functions cannot be performed. When this limit is from any cause transcended decay ensues, and with it death. Hence the decay and downfall of Rome, which is duly attributable to her accumulated weight of empire. And so huge was the overgrown carcass, when the vital functions ceased to beat at the heart and final dissolution came upon so immense a mass of materials, that such a pestiferous stench went up from the decomposing elements as sickened the whole political world and brought on a paralysis of civilization for centuries. This is the period known as the Dark Ages.

Not so will it be with us if we eschew the example of Rome, both as to the character of her citizenship and the nature of her single-republic centralization, and adhere steadfastly to the principles of our fathers. In the workings of our complex system under our Federal Republic each State is a distinct political organism, retaining in itself all the vital powers of individual State government and development; while to all the States, in joint Congress assembled, are delegated the exercise of such powers, and such only, as relate to extra-State and foreign affairs. The States are each perfect political organisms, with all the functions of perfect government in themselves, respectively, on all matters over which they have not assigned jurisdiction to the Federal head, or on which they have not restrained themselves by joint covenant in mutual prohibitions upon themselves. Under this system, adhered to, no danger need be apprehended from any extent to which the limits of our boundary may go, or to any extent to which the number of States may swell. For the maintenance of this model and most wonderful system of government, in its original purity and integrity, every well-wisher of his country should put forth his utmost effort. No better time for an effort on this line than now, right here in this House.

Let us not do by the passage of this bill what our highest judicial tribunal has said we have no rightful power to do. If you who call yourselves republicans shall, in obedience to what you consider a party behest, pass it in the vain expectation that the republican principles of the old and true Jeffersonian school are dead, be assured you are indulging a fatal delusion. The old Jeffersonian democratic republican principles are not dead, and will never die so long as a true devotee of liberty lives. They may be buried for a period, as Magna Charta was trodden under foot in England for more than half a century; but these principles will come up with renewed energy, as did those of Magna Charta, and that, too, at no distant day. Old

Jeffersonian democratic republican principles dead, indeed! When the tides of ocean cease to ebb and flow, when the winds of heaven are hushed into perpetual silence, when the clouds no longer thunder, when earth's electric bolts are no longer felt or heard, when her internal fires go out, then, and not before, will these principles cease to live; then, and not before, will these principles cease to animate and move the liberty-loving masses of this country. Dead, indeed! What mean these utterances just heard from the chief magistrate of the Old Dominion on his entering into office, to which he has recently been chosen by a majority of over twenty-seven thousand, in a State which General Grant carried last year by a majority I need not name? A notable point in these utterances is what he said in them of President Grant. Hear them, and judge whether they come from one dead or alive. Says Governor Kemper in his first message:

Adhering to those principles, Virginia seeks these ends: to secure and maintain her full constitutional rights and relations, and to perform all her constitutional duties, as one of the co-equal members of the Union; to exercise all rightful powers of self-government, and to determine, adjust, and regulate the internal, domestic, and municipal interests of her people, their relations and rights, including such as are known as civil rights, in strict conformity to the Federal Constitution and the late decision of the Supreme Court of the United States expounding recent amendments thereto, and the respective powers of the Federal and State governments thereunder; to obtain an equitable settlement of her just claims against the common Government; to promote universal reconciliation upon the basis of equal justice to all the States and people; to cultivate harmonious relations with the common Government; and to yield a liberal support to every department thereof co-operating in the accomplishment of the ends thus sought. Virginia, recognizing no such obligations as bind her to any national party organization, maintaining her fidelity to all who are and who shall become allies in the defense of measures calculated to secure the ends named, is ready to co-operate cordially with men of whatever party in upholding those measures, by whomsoever proposed—supporting those who support them, and opposing all oppositions to them. One of the articles, announcing the principles and purposes recently ratified by an overwhelming majority of our people, declares that, disclaiming all purpose of captious hostility to the present executive head of the Federal Government, "we will judge him impartially by his official action, and will co-operate in every measure of his administration which may be beneficent in design and calculated to promote the welfare of the people and cultivate sentiments of good will between the different sections of the Union." This article was no political expedient of the hour. It embodies the sentiments of honorable men, and binds by the obligations of good faith and justice. It pledges such liberal support as may be consistent with our principles and justified by the developments of the future.

The principles here announced are in strict accordance with the old Jeffersonian democratic republican creed. As thus uttered, they clearly indicate more than the dawn of that new epoch and future new alignment of the elements of present party organizations in this country to which I have referred. They are the key-note of that movement stirred by these old Jeffersonian principles which, dead as some may suppose them to be, will, at no distant day, be the basis of as signal a triumph by that party which plants itself squarely upon them, whether styled republican, democratic, or by any other name, as was that achieved in 1800, under the guide of Jefferson himself. These are, indeed, the ever-living principles to which the country must return, and which alone lead "to peace, liberty, and safety."

Mr. RANSIER. I am obliged to the House for its courtesy in allowing me one hour within which to——

The SPEAKER. The Chair does not understand that the gentleman was allowed an hour's time.

Mr. WOOD, Mr. HOLMAN, and others. That was the understanding.

The SPEAKER. The Chair understood that the gentleman from South Carolina, for whom Judge HOAR obtained the privilege, was the colleague of the gentleman now on the floor: the gentleman on the opposite side of the aisle, [Mr. ELLIOTT.]

Mr. WALLS. It was my understanding, when I withdrew my objection——

The SPEAKER. The Chair recognizes the gentleman now on the floor for twenty minutes.

Mr. RANSIER. Very well; I will endeavor to make that answer my purpose, and I will withdraw my acknowledgment of a courtesy not intended for me, but which I was under the impression was meant for me.

Mr. Speaker, being a "new member" of the House, I dislike much to attempt to engage just now in the discussion of any question before the House, but would prefer to listen to others, the older and abler members, in order that I might the more effectually discharge my duties as a representative of the people. Yet, sir, it would seem that I should feel called upon to say a word upon the subject now before the House. This I feel is demanded of me by my constituents, especially in view of the opposition to this measure manifested by gentlemen on the other side of the House.

NECESSITY OF THE ENACTMENT OF THIS LAW.

Sir, that there is a necessity for the enactment of some such law, and that, too, by Congress and not the Legislatures of the several States, as the pending bill, which I understand has received the sanction of the Judiciary Committee of this House, is at once apparent to every one in side or outside of these Halls who has a decent regard for the rights of his fellow-man and something like a just appreciation of the principles underlying the fabric of the Government under which we live. True, sir, that that which Tupper has described as "earth's worst abomination and nature's blackest blot"—American slavery—no longer curses our land; yet, sir, a relic of it remains in the conduct of a portion of our people toward another portion in nearly every part of our country. Five millions of people, citizens of our country, who bode you no evil, suffer to-day the most humiliating discriminations, in the matter of the most ordinary privileges attaching to them as human beings, because of their color and previous condition of imposed servitude. Political equality is vouchsafed to them, it is true, and it is said they ought to be satisfied with this; but, sir, these people, one of whom I am, are a part of the nation, this powerful, progressive, and Christian nation of ours, which has done so much for the civilization of the present century. They have contributed largely toward her wealth and bared their breasts in the face of her enemies, foreign and domestic, in the interest of her life and unification. They assist in the election of her rulers, bear their share of the burdens of government. They have established their loyalty beyond dispute; have given evidence of their fitness for political rights, and will be satisfied with nothing short of their equal civil rights, such as are enjoyed by other citizens. And may the day be not far distant when American citizenship in civil and political rights and public privileges shall cover not only those of our sex, but those of the opposite one also; until which time the Government of the United States cannot be said to rest upon the "consent of the governed," or to adequately protect them in "life, liberty, and the pursuit of happiness."

PECULIAR PRIVILEGES NOT DEMANDED.

The colored people ask of the country no peculiar privileges. But it is feared by the gentleman from Kentucky and those whom he represents in this matter of civil rights, that if we colored people are put upon a plane of civil equality with them in law—going into the same schools, hotels, and places of amusement, and into the jury-box and the cemetery—we, by virtue of our intellectual superiority and our moral and physical force, if not numbers, will absorb the race to which he and they belong. This is the logical deduction from the apprehensions to which he has given expression. Let me thank him, in the name of the colored people of the country, for the compliment he has, perhaps unconsciously, paid them: but I must here deny that that would necessarily follow civil equality in this country, or that there is any serious intention on our part to thus destroy those for whom he speaks or the race to which he belongs. We are known, Mr. Speaker, to be too magnanimous for that. If we are powerful, we know how to be merciful.

BUGBEAR OF "SOCIAL EQUALITY."

The bugbear of "social equality" is used by the enemies of political and civil equality for the colored man in place of argument. There is not an intelligent white man or black man who does not know that that is the sheerest nonsense; and I would have it distinctly understood that I would most certainly oppose the passage of the pending bill or any similar measure if I believed that its operation would be to force upon me the company of the member from Kentucky, for instance, or any one else. These negro-haters would not open school-houses, hotels, places of amusement, common conveyances, or the witness or the jury box to the colored people upon equal terms with themselves, because this contact of the races would, forsooth, "result injuriously to both." Yet they have found agreeable associations with them under other circumstances which at once suggest themselves to us; nor has the result of this contact proved injurious to either race so far as I know, except that the moral responsibility rests upon the more refined and cultivated.

BOTH POLITICAL PARTIES COMMITTED TO CIVIL RIGHTS.

Mr. Speaker, the necessity and the authority for the enactment of a law by Congress, to be made as far-reaching as the jurisdiction of the Government of the United States itself, which shall prevent or punish discrimination against the citizen in the matter of his civil and political rights and public privileges, may be summed up in a few words, although, sir, much, very much, could be said on either or both of these branches. The time allotted us, however, sir, is not sufficient for extended argument, nor did I at one time suppose that it would be deemed necessary that a member of Congress in this day should feel obliged to plead for the passage of a full and complete civil-rights bill, representing, as we do, the two great political parties of the country, both of which stand before the world committed to the principle of protection to the colored man, as well as to the white man, in the assertion and enjoyment of these rights, and both stand committed to the doctrine of protection by the national Government, the republican party at Philadelphia in these words:

Complete liberty and exact equality in the enjoyment of all civil, political, and public rights should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation; and that neither law nor its administration should admit of any discrimination in respect to the citizen by reason of race, color, creed, or previous condition of servitude.

And the democratic-liberal party at Cincinnati and Baltimore in these words:

We recognize the equality of all men before the law, and hold that the Government in its dealings with the people should mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political.

These are strong words, Mr. Speaker; and if the democratic party of the country, as well as the republican party, is not pledged, in view of these declarations, to equal civil rights for "all men before the law," "of whatever nativity, race, color, or persuasion, religious or political," and to protection in their exercise by the national Government, then, sir, words mean nothing. We are not bound to accept

these declarations in the sense of Talleyrand's suggestion, that language is made to conceal rather than to express our thoughts. We accept them as the solemn declarations of sober and earnest men—men who have studied the matter to which they refer; and, I repeat, they stand committed to the principle of protection to the citizen, and that, too, by the national Government, in the assertion and exercise of his civil rights, without regard to race, color, or previous condition of servitude.

Again, sir, it is obvious that they knew that there was a class of citizens laboring under civil disabilities, and professed to believe that they ought to be removed, else why put this plank in their platform at all? Sir, these disabilities exist, as is known to all of us, and painfully so to those who suffer under them. Colored men and women are excluded from our hotels, our common conveyances and places of amusement or resort, and our children from the public schools, in almost every State of the Union, unless, in almost every instance, they submit to unequal and degrading terms.

EQUAL OPPORTUNITIES ONLY DESIRED.

Mr. Speaker, all these people ask is an equal chance in the race of life, and the same privileges and protection meted out to other classes of people in our land. We cannot engage in the industrial pursuits, educate our children, defend our lives and property in the courts, receive the comforts provided in our common conveyances necessary to our wives and little ones if not essentially so to us, and, in short, engage in the "pursuit of happiness" as rational beings, when we are circumscribed within the narrowest possible limits on every hand, disowned, spit upon, and outraged in a thousand ways.

Mr. Speaker, the States will not give us protection in these matters, and well do these "State-rights" men know this. The distinguished gentleman from Georgia, I understand, professes to believe in the doctrine of civil and political equality for all men without regard to race or color; "but leave it to the States," says he, "where it belongs." Let me ask him if the State of Georgia, which kicked colored men elected to her General Assembly out of her legislative halls upon a convenient but flimsy pretext, because of their color, would likely give the class to which they belong equal civil rights?

STATE AND UNITED STATES CITIZENSHIP.

The States, as such, sir, have nothing to do with the regulation or protection of the rights and privileges of American citizenship. Whatever might have been the received opinions or construction of the Constitution and laws of the United States as to American citizenship, namely, as to United States citizenship, and, if you please, State citizenship, and as to the status of the negro in this country before the rebellion, whereby the heresy of almost unqualified "State rights" was sought to be asserted, slavery maintained, and the negro made less than human, there can be but one fair and common-sense construction of the organic law, at least in these respects, as it now stands.

PURPOSE OF THE CONSTITUTIONAL AMENDMENTS.

The thirteenth, fourteenth, and fifteenth amendments to the Constitution clearly set forth their purpose. When urging the passage of the civil-rights bill of 1866, in another body, that distinguished jurist, Senator Trumbull, it is said, stated that that measure was to give effect to the fourteenth amendment, which was to secure all persons in the United States practical freedom. Nor are we at a loss to understand what practical freedom is. A distinguished writer says:

> Civil liberty, the great end of all human society and government, is that state in which each individual has the power to pursue his own happiness according to his own views of his interest and the dictates of his conscience, unrestrained, except by equal, just, and impartial laws.—1 *Sharswood's Blackstone*, 127, note 8.

Now, Mr. Speaker, I assert that in very many, if not in all of the States of the Union, there is no practical freedom, so far as the colored people are concerned; nor would there be any worth talking about if left to the States to regulate; and Congress in the recent past evidently took this view of the matter, as is seen in the unmistakable terms of the amendments referred to, and the laws so far enacted in pursuance thereof.

The fourteenth amendment expressly provides that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside;" that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," &c.; and each of these amendments concludes with a proviso, that "Congress shall have power to enforce this article by appropriate legislation."

First, sir, there can be no doubt, as we have seen, that these people are citizens of the United States; secondly, that they labor under civil disabilities; thirdly, that they do not enjoy practical freedom, not having "the power to pursue their own happiness," because of these disabilities; and fourthly, that not only has Congress the power, but it is made its solemn duty, in the exercise of its constitutional control over the entire subject, to provide, by "appropriate legislation," such a full and complete remedy as is demanded by the situation.

Mr. Justice Field, of the United States Supreme Court, speaking for himself, the Chief Justice, and his associates, Justices Swayne and Bradley, in his dissenting opinion in the New Orleans Slaughter-house case, while considering the fourteenth amendment, says:

> A citizen of a State is now only a citizen of the United States residing in that State. The fundamental rights, privileges, and immunities, which belong to him as a free man and a free citizen, now belong to him as a citizen of the United States, and are not dependent upon this citizenship of any State.

Sir, even the opinion of the court in the case just named, and which is said to deny the right of Congress to legislate in this matter, says:

> We hold ourselves excused from defining the privileges and immunities of citizens of the United States which no State can abridge, until some case involving those privileges may make it necessary to do so.

CONCLUSION.

Mr. Speaker, in conclusion, let me say that it must be clear to all that Congress has the power to regulate this matter by law, except to those who construe that instrument for the purpose of evasion; that humanity and justice require that we shall do our whole duty in the premises toward a people who have suffered long years of oppression in this country; a people who have contributed toward our material wealth; who are loyal to our Government, and thousands of whose dead lie alongside of your sons and brothers on many a hard-fought field; whose lives were freely given in defense of the nation's honor and its very life.

Mr. MILLS. Mr. Speaker, it will not be expected that any member on this or on the other side of the House can discuss the momentous questions involved in this bill in twenty minutes. I desire, however, to consume the time that may be allowed me under the rule, and to ask permission to have printed whatever else I may desire to say to my constituents on this subject. It is not to be expected that any arguments that may be made, or any authorities that may be produced will prove the slightest impediment to the passage of the bill under consideration. It would require an amount of faith rarely found among men in this degenerate age to believe that, even were our lips touched by inspiration and we could speak with the tongues of men and of angels, we could induce the majority of this House to pass from the lips of the southern people the contents of this bitter cup. We know what a tyrant opinion is, and when ill-will, hate, and resentment are added to the consciousness of unresisted power, it tramples under its heel, and ruthlessly tramples, everything that dares to challenge its infallibility. We know the exigencies of its friends and the power that is behind them greater than they, and how utterly futile are all personal convictions of duty or scruples about constitutional right in the presence of impending necessity. It is, therefore, with no hope of success that we interpose our opposition. But we feel that it is due to the people whom we represent, whose feelings are so deeply to be wounded, whose social relations are so greatly to be disturbed, and whose material interests are to be so universally involved in the internal disorders which this measure will produce, that we should enter here our solemn protests against this unauthorized assumption of power. Not only is it due to them, but it is due alike to all the people throughout the entire Union who are interested in the preservation of the Constitution and a just administration of the Government under its authority.

In dealing with the great questions involved, I shall not stoop from the plane of the argument to defend the people of the South against the oft-repeated and threadbare charge of disloyalty to the Government. I will not parade before this House the evidence of her attachment to the principles of constitutional liberty in which her children have been reared. If her accusers are moved by selfish and mercenary motives, nothing I could say would win them from the occupation that fills their pockets with thrift and lifts them into places of official distinction. If they are honest and sincere in their belief, after all the evidence they have had in the last eight years, they will continue fixed in that belief though one rose from the dead to confront them. Time, whose gentle touch heals all wounds, dissipates all distrust, and soothes all passions, will vindicate her against every calumny before the unbiased judgment of mankind. To the bar of that tribunal she is now passing to confront her accusers, face to face. To its impartial decision I remit her, with all that gathers around her honor in the past, and all that pertains to her happiness and peace in the future, invoking Heaven's guidance and protection, while she receives upon her unnerved and unshielded arm the strokes of her open and declared foes on one side, and the false kisses and treacherous stabs of her own recreant children on the other.

In the short time allotted to me I desire to discuss the Constitutional questions presented by the bill, and which have been so ably treated by the venerable and distinguished statesman from Georgia, [Mr. STEPHENS.] That the Government of the United States is a government of delegated and limited powers is a doctrine as old as the Constitution itself; that the Congress has no power, save as it is expressed in the Constitution, or arises by necessary implication, has never been denied by any jurist or statesman of any party or of either section. The history of that instrument, and the history of our ancestors for centuries anterior to its formation, are known to us all.

As we ascend the stream of English history we find everywhere the indelible marks of the "irrepressible conflict" between the Crown and the people—between the powerful and the powerless—over those "inalienable rights of men." From the humiliation of King John by his barons at Runnymede to the fall of James II in 1688, the terrible contest was waged between the irrepressible belligerents, everywhere the people asserting and demanding, and the Crown denying and refusing, the recognition of those rights characterized by the people as

necessary to their peace and well-being. By every hearth-stone in the land the contest was handed down from sire to son and from generation to generation. Everywhere, from the cliffs of Dover to the mountains of Scotland, the powers and prerogatives of the Crown threw down its gage of battle upon every British threshold and fought against the subjects for their rights and liberties. The whole land wallowed in the blood of civil strife till the fall and flight of James, when the Parliament, in the exercise of the sovereign power of Great Britain, confided the scepter and crown to the keeping of a stranger, who brought stability, prosperity, and peace, and a willing recognition and enforcement of those great and salutary principles of the British constitution. When William of Orange died, the great principles of the Declaration of Rights died with him; and when the house of Hanover ascended the throne, the divine right returned from banishment and ascended the throne with it. And again England was tormented at home and in her colonies by the same usurpations and wrongs that had sown mildew and pestilence upon her people for centuries before. This persistent usurpation of power culminated in these Colonies in open revolt, and again the Declaration of Independence reiterated the old privileges and immunities of British subjects, copied from the Declaration of Rights, which was copied from Magna Charta. And when our fathers successfully ended that contest against George III. for trampling under foot the same great principles, they came together by the cohesive attraction of common interest and kindred affection and laid the foundations of their Government deep, in that great instrument that was intended to protect their lives, liberty, and happiness, and transmit its priceless blessings to their children through all coming time.

They did not have these two great and essential principles of government embodied in their union to be gathered up from history and tradition; but they wrote them in plain, strong, and vigorous English. In the Convention that formed the Constitution the question was debated whether it was necessary to have a bill of rights reserved by the people incorporated in it, and it was not done because the Constitution was federal and had no power except as granted in the instrument itself. And all the great mass of power inherent in them and ungranted by them remained in them. But scarcely had the Convention adjourned when distrust and alarm exhibited themselves everywhere. Were those great principles that had cost their ancestors so much blood, and so many lives, and so many wretched years, now to be endangered? Were these principles for which they had just emerged from a long, terrible, exhaustive struggle to be left again to doubt, to be decided again after long and bloody revolutions by their posterity? These were anxious questions that passed from lip to lip. But from every State the answer came that these rights, these inalienable rights, should be written upon the face of the great charter; and there they are to-day still speaking in all their original vigor and still full of all their original emphasis. These first amendments and some provisions of the Constitution of like import embrace the "privileges and immunities" of citizenship as set forth in article 4, section 2, of the Constitution and in the fourteenth amendment. They are the same "privileges and immunities" that Mr. Jefferson calls in the Declaration of Independence "inalienable rights," "among which are life, liberty, and the pursuit of happiness." He charges upon the King that—

> He has kept among us, in times of peace, standing armies, without the consent of our Legislature.
> He has affected to render the military independent of, and superior to, the civil power.
> For quartering large bodies of armed troops among us.
> For depriving us, in many cases, of the benefits of trial by jury.
> For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

The amendments denounce and deny these powers. Troops shall not be quartered upon the people, the trial by jury shall remain inviolate, the right of the people to bear arms shall not be infringed so that if the Government should attempt to put the civil under the heel of the military power that the people should have arms to respond to the argument of arms. When the crown is charged with suspending the local legislatures, and investing the general government with the legislative power of the colonial government, they declare that the powers not granted are reserved to the state.

The fourteenth amendment, under which this bill is attempted to be justified, makes the colored people citizens, and forbids any State from making or enforcing any law that abridges "the privileges and immunities of citizens." To be able to answer the question what those privileges and immunities are, I have referred to our past history, which covers them with a flood of light and shows very plainly what they are and what they are not. Gentlemen have discussed the question as though every right possessed by any one man in any community belonged equally to all others. Such is not the definition of those words when they have been subjected to judicial interpretation. I proceed to show what has been the uniform interpretation of that language as found in the Constitution and the amendment. I send to the Clerk's desk and ask him to read the extract from the opinion of Mr. Justice Washington, of the United States circuit court.

The Clerk read as follows:

> The inquiry is, what are the privileges and immunities of citizens in the several States? We feel no hesitation in confining these expressions to those privileges and immunities which are in their nature fundamental; which belong of right to the citizens of all free governments; and which have at all times been enjoyed by the citizens of the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the Government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and to obtain happiness and safety, subject, nevertheless, to such restraints as the Government may justly prescribe for the general good of the whole; the right of a citizen of one State to pass through or to reside in any other State, for the purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of *habeas corpus;* to institute and maintain actions of any kind in the courts of the State; to take, hold, and dispose of property either real or personal; and an exemption from higher taxes or impositions than are paid by the other citizens of the State, may be mentioned as some of the particular privileges and immunities of citizens which are clearly embraced by the general description of privileges deemed to be fundamental.

This is one of the earliest cases that reviews that provision of the Constitution, and this language has been universally copied and indorsed by all subsequent opinions of other courts in all the States as far as I have examined. The language is said by some to be happily expressed, and I remember no court that preferred its own language to that of Judge Washington in defining the meaning of those words. They are fundamental or foundation principles that underlie all free government. They are uniform, the same in all lands and latitudes. Chancellor Kent cites and approves the opinion of Judge Washington.

Judge Story, in his commentaries on the Constitution, says:

> The intention of this clause was to confer on them, if one may so say, a general citizenship.

Mr. Justice Curtis, in his dissenting opinion in Sanford *vs.* Scott, says:

> They are to be citizens of the several States, and as such the privileges and immunities of general citizenship derived from and guaranteed by the Constitution are to be enjoyed by them.

This clause of the Constitution does not confer on the citizens of one State in all other States specific and enumerated privileges and immunities. They are entitled to such as belong to citizenship, but not to such as belong to particular citizens attended by other qualifications. The supreme court of Illinois says that the privileges and immunities mentioned in the Constitution "are uniform throughout the broad and expanded Union." I have said that these words had received a uniform interpretation by the courts, and especially by the courts of the Northern States where they have been confined to the privileges of general citizenship that was uniform everywhere. They have also received legislative interpretation agreeing perfectly with that of the judicial.

At the last term of Congress, on the petition of certain women for the elective franchise, the majority of the Judiciary Committee of this House, whose distinguished chairman now sits before me, reported upon the construction of these words, indorsing the definition given by Judge Washington of the privileges and immunities of citizens that are guarded against infraction by the State governments, and they say:

> The clause of the fourteenth amendment, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," does not, in the opinion of the committee, refer to privileges and immunities of citizens of the United States other than those privileges and immunities embraced in the original text of the Constitution, article 4, section 2. The fourteenth amendment, it is believed, did not add to the privileges or immunities before mentioned, but was deemed necessary for their enforcement as an express limitation upon the powers of the States. It had been judicially determined that the first eight articles of amendment of the Constitution were not limitations on the powers of the States, and it was apprehended that the same might be held of the provisions of the second section, fourth article.

It was for the reason given by the committee that the fourteenth amendment was adopted, not to enlarge the privileges and immunities already conferred, but simply to prohibit the States from abridging them as they existed. The chairman of the committee made an able and elaborate minority report, but the majority report was adopted as the decision of the House. The Senate Judiciary Committee reported against the petitioners unanimously, and their report was adopted by the Senate. These words have been again and again subjected to the most learned and critical investigation. They have been construed by the judicial department, by the legislative department, and by the executive department, and the interpretation has always been the same. If there is any virtue in the rule *stare decisis*, which is often invoked at the bar when the rights of person and property are in question, I hold that all the departments of the Government should stand decided and refuse to go behind the interpretation of these words, so universally acknowledged, and disturb the decision when the rights of millions hang upon it.

From the authority of adjudged cases it is clear that the privileges and immunities mentioned in the fourteenth amendment are only such as are conferred by the Constitution itself as the supreme law over all; that they are fundamental, such as lie beneath the very foundation of the Government; that they are fixed and absolute; and any rights, privileges, and immunities conferred by the State, and without whose grant they could not be enjoyed, are not fundamental, and upon which its structure is built; neither are they uniform, but their differences are as great as the numbers of the States, and as changeable as the laws of the State. The privileges of the Constitution are fixed as the Constitution, which is organic law established to secure fundamental principles. These privileges are, among others, the right to the enjoyment of life, liberty, property, and the pursuit of happiness; the right of peaceable assemblage for all purposes not crim-

inal; freedom of speech, of the press, and of religion; immunity of one's person, house, and papers against unlawful seizure and search; trial by jury when held to answer for crime; to be informed of the accusation, and confronted with the accusers; immunity from excessive bail, excessive fines, and cruel and unusual punishments, and many others, all of which are recognized and guaranteed in the Constitution. But nowhere have the political and civil rights conferred by States upon their own citizens been held as guaranteed by the Constitution, nor have the States been controlled in the manner of conferring them. The privileges conferred by the State may be withdrawn or modified by the State. The State may relieve all males over forty-five years of militia duty to-day, and to-morrow withdraw the immunity, and require the discharge of the duty. The State may relieve all males over fifty years of jury duty, or all white men or all black men, and again withdraw the privilege. Are these fundamental rights? Are they uniform everywhere? Can Congress prevent the States from expanding and contracting these privileges? If a man is fifty years old in one State, and by its laws exempt from jury duty, and moves into another where there is no exemption, is he not subject to jury duty? Then it is not one of the immunities of the Constitution, but an immunity of the State from which he emigrated; that was confined to its own territory, and could not go an ell with the citizen beyond its boundary. But the Constitution, which goes with him as his shield and buckler everywhere, carries with it the privileges and immunities it guarantees.

Has the negro the right under the Constitution to enter the common schools established by the State, and supported by her own means? Then what if the State repeal the law, is not his right abridged? Can Congress prevent it? Is the constitutional right subject to be defeated by the States? Is the right one thing in one State, another in another, and still different in a third? If such are the privileges and immunities of citizenship, no man can tell what they are. Citizenship under the Constitution, with its rights, privileges, and immunities, is the same everywhere, in all the States and Territories, and upon all the seas. As long as the person is a citizen, bearing true faith and allegiance to the Constitution, wherever he goes he carries all the rights and is entitled to all the protection of an American citizen. It is the same in every land and latitude, and the State is as impotent to enlarge it as it is to abridge it; and the Congress is equally impotent to enlarge or diminish any of the privileges conferred by the State on its citizens, and which are created by its own sovereign power. Whatever rights the State confers are subject to its own sovereign pleasure. Whether it shall grant them, how grant them, and what discriminations it shall make in granting them, are questions left entirely to its own discretion.

The States have always exercised the right to fix the status of their citizens, and they will continue to do so. It is their own unquestioned right to make and unmake their constitutions and laws for the government of their people; to regulate the times, places, and manner of electing their officers; to make laws for the suppression and punishment of crime; to levy, assess, and collect their taxes; to build railroads and establish the rules and regulations governing the same; to establish universities, colleges, academies, and common schools, and govern them according to their own pleasure; to prescribe who may be admitted to share their bounty and on what conditions; to prescribe who may practice law and who may not, who may practice medicine and who not, and who shall serve on juries and who not; and it is a gross usurpation of authority for Congress to interfere with the domestic affairs of the States; and it is one of the charges made by the revolted Colonies against Great Britain in 1776.

The supreme court of Illinois decides that the constitutional provision does not interfere with the right of the State to regulate the practice of lawyers; Ohio and Connecticut hold it inapplicable to systems of school education established by the States; Massachusetts that it does not apply to marriage and divorce; New Jersey that it cannot interfere with her right to regulate fishing in her navigable waters. Judge Bradley, of the Supreme Court, holds it has no reference to railroads, canals, turnpikes, and ferries. Judge Curtis, in Sanford *vs.* Scott, says it does not apply to suffrage. All agree that the privileges protected by the Constitution are the privileges reserved by the people in the amendments from the impure and profane hands of Government. These privileges are not confined by State boundaries, but wherever the flag, the symbol of that Government, floats, whether within the jurisdiction of a State or Territory, or upon the high seas, there it carries all the vigor and power of the strong arm of the Government, and protects the citizen in the enjoyment of his "privileges and immunities."

The rule established by Judge Curtis, that the right must be enjoyed under the Federal Constitution, without other authority to constitute the privilege guaranteed by that instrument, which right is general and coextensive with the jurisdiction of the Government, and the rule by Judge Bradley for the privileges of the State, distinguished from the General Government, that they must be held under State law, without which they could not exist, seems to me clearly defines the division between the two jurisdictions. Then, as the Constitution does not create churches, schools, theaters, hotels, and grave-yards in the State, by what authority does Congress claim to regulate these domestic affairs of the State? Whether the white people admit the black people to terms of social equality with them is a question that belongs to the people of the States, to be exercised by them or not in their own sovereign pleasure. And, as Judge McLane says:

> It is a question of taste; and it is a question of taste that Congress cannot regulate.

There are other parts of this bill in the face of the Constitution. It authorizes citizens of the same State to sue each other in the Federal courts. The Constitution only grants Federal courts jurisdiction of suits between citizens of different States. Again, it creates offenses; and defines and punishes them before its courts—a power nowhere to be found in the Constitution. Where is the power found to establish a penal code? Where the power to define felonies and misdemeanors, and punish them? Where is the right to try the citizen at all for these offenses created by the bill? The Constitution levels its interdiction against the States—not the citizens. Its prohibition is against an act of sovereign power—law-making and law-enforcing. It pronounces nothing against the citizen, nor does it in the least abridge his individual action in anything.

I wish now to say a few words about the policy of the bill. What good results does it promise to the black man? And there ought to be some great good to justify an act that invades the rights of the people of the States so flagrantly as this measure does. Is his race to be benefited by constantly using the power of the Federal Government to irritate the feelings of those among whom he lives and from whom he receives his daily bread? Is he benefited when he is thrust into the theater with Federal threats, and protected by awe of Federal power, and sits down among white people while they rise and retire? Is he benefited when he goes to church leaning on the arm of the Federal Government and the people withdraw and leave him to worship alone? Has he gained anything for himself when he enters a white school like a bombshell, and blows up the whole concern? And when he is gathering the folds of his shroud around him does he die more happily because he is going to lay his bones beside the man whom in life he has persecuted and despised? Where is his good to be found? I cannot, searching everywhere, as I hope impartially, through this bill, find a solitary spot that I can place my hand or set my eyes upon that will redound to the good of the black man. But I can see ruinous and fearful mischief in this measure. He cannot force association with an unwilling people. Association will always be governed by the law of taste, and it seems to me very bad taste to seek to force ourselves upon the society of those who repel us.

The great evil this bill has in store for the black man is found in the destruction of the common schools of the South. His children have been enjoying all the benefits of liberal education, paid for by the white people of the South. Notwithstanding their terrible losses by the war, and the grievous burdens of taxation, and the legalized plunder of their State governments in the hands of enemies and strangers, they are still willing to pay the heavy taxes that gives education to all the children. Is not this a very great blessing, conferred upon him by a people whom he is seeking by every effort in his power to wrong? And will he now demand that which to him is utterly impossible at the price of the loss of the education of all the children of his race in the South? In 1870 Texas imposed a tax of some two and a half million of dollars to build school houses alone, and a taxation of over a million a year to sustain her schools. More than one-third of this amount was for the colored children. Is the black man going to forfeit all this for the chase of a phantom that flies from him as fast as he pursues it? I can assure the friends of this bill that they are going to visit a fearful punishment on the children of the colored people of the Southern States, who are guiltless of asking the perpetration of this crime. I would fain even now implore them to pause and think upon the innocent victims. Think of their happy condition now, enjoying the large bounty of a generous people sustaining yearly a heavy tax—none or but little of which is paid by the colored people, for the reason that they have but little property to pay taxes on, not a fault but a misfortune of theirs. The Legislatures of every State where the white people have control will repeal the common-school laws. Who, then, will take him by the hand and lead him to the school-room and pay for his tuition?

[Here the hammer fell.]

Mr. MILLS. I ask to be indulged for a few moments longer.

The SPEAKER. No objection being heard, the gentleman will proceed.

Mr. MILLS. I ask the gentleman, when the common schools are broken up in all the Southern States, and private schools established, and the children to be educated by those who are able to incur the expense, what is to become of the children of the colored people? Are they to grow up in ignorance and vice? Who is to take the responsibility for this? Much of it will be due to that convention of misguided men who assembled in this city but a few weeks ago to urge its passage. The great mass of the black people of the South do not demand this thing. Some months ago, in the town in which I live the black people had one of their own color teaching their school; but to serve the purposes of political trickery the colored man was removed, and a white man, who was more pliant, was placed in his stead. The colored people refused him entrance into their house, and when he was placed there against their wishes and over their remonstrances, they appeared and laid their complaints before the grand jury of the county, who indicted the common-school law that gave such arbitrary power to the superintendent of education, and the superintendent, both, as nuisances.

We all in the South know that the white people and black before the war belonged to the same churches, often had the same pastors; but now of their own volition they have separated everywhere from the white people, and have their own bishops and ministers and churches and congregations—all separate from the white people. Why is this the case if they are so clamorous for social equality? If they are so anxious to go to the same churches with white people, why did they leave them and abandon the happy association? I believe that nine-tenths of the colored people in Texas, if called upon without intercrence by their leaders, and asked upon their honor if they wanted mixed schools, churches, and social commingling generally with whites, would scout the idea. It is not the masses who are making this demand, but the leaders only, and they do it for partisan purposes. They tell us here that this bill is an expression of the common desire of all the black people in the Southern States. I do not believe a solitary word of it. And when this bill shall have passed, and the schools close, and the children return again to idleness, to be reared in ignorance, pauperism, and crime, and they shall be told that, against the remonstrances of the white people of the South, this bill was passed that closed to them the generous hand that had poured its liberal bounty upon them, they will call down curses upon this bill, and curses upon the madmen who have hung around the Capitol demanding its passage, and curses upon that fell spirit of partisan frenzy that sacrificed them, the unwilling and guiltless victims, to its ungodly lust of power.

Mr. ELLIOTT obtained the floor.

Mr. G. F. HOAR. I suggest to the gentleman from South Carolina whether he would not prefer that the House should adjourn; he has an hour, and it is now the usual time for adjournment.

Mr. BUTLER, of Massachusetts. I was about to make the motion to adjourn.

Mr. WALLS. I hope the gentleman will proceed this evening.

Mr. G. F. HOAR. If the Chair will allow me, I desire to make a suggestion. The bill in regard to the distribution of the proceeds of the public lands for purposes of education is in the morning hour. If it will be more agreeable to the House to let this debate go on to-morrow, I have no objection at all to having the morning hour stand over until Wednesday, provided we do not waive our right by that arrangement. Will that be agreeable to the gentleman from South Carolina?

Mr. BUTLER, of Massachusetts. If the gentleman from South Carolina desires to go on to-night, I withdraw the motion to adjourn.

Mr. ELLIOTT. I am willing that the sense of the House shall be tested on a motion to adjourn; and I yield to the gentleman to make that motion.

Mr. BUTLER, of Massachusetts. Then I renew the motion to adjourn; we have earned our salaries to-day. [Laughter.]

BRIDGES ACROSS THE MISSISSIPPI.

Mr. COTTON, by unanimous consent, introduced a bill (H. R. No. 1011) in relation to railroad bridges across the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PRINTING OF AN AMENDMENT.

Mr. PELHAM, by unanimous consent, submitted an amendment which he designs offering to the civil-rights bill; which was ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 34) authorizing the Second National Bank of Havana, New York, to change its name;

An act (H. R. No. 418) to authorize the First National Bank of Saint Anthony, Minnesota, to change its location and name; and

An act (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business.

CASE OF THE VIRGINIUS.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

In my annual message of December last I gave reason to expect that when the full and accurate text of the correspondence relating to the steamer Virginius, which had been telegraphed in cipher, should be received, the papers concerning the capture of the vessel, the execution of a part of its passengers and crew, and the restoration of the ship and the survivors, would be transmitted to Congress.

In compliance with the expectations then held out, I now transmit the papers and correspondence on that subject.

On the 26th day of September, 1870, the Virginius was registered in the custom-house at New York as the property of a citizen of the United States, he having first made oath, as required by law, that he was "the true and only owner of the said vessel, and that there was no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise interested therein."

Having complied with the requisites of the statute in that behalf, she cleared in the usual way for the port of Curaçoa, and on or about the 4th day of October, 1870, sailed for that port.

It is not disputed that she made the voyage according to her clearance, nor that, from that day to this, she has not returned within the territorial jurisdiction of the United States. It is also understood that she preserved her American papers, and that, when within foreign ports, she made the practice of putting forth a claim to American nationality; which was recognized by the authorities at such ports.

When, therefore, she left the port of Kingston in October last, under the flag of the United States, she would appear to have had, as against all powers except the United States, the right to fly that flag and to claim its protection as enjoyed by all regularly documented vessels registered as part of our commercial marine.

No state of war existed, conferring upon a maritime power the right to molest and detain upon the high seas a documented vessel, and it cannot be pretended that the Virginius had placed herself without the pale of all law by acts of piracy against the human race.

If her papers were irregular or fraudulent, the offense was one against the laws of the United States, justiciable only in their tribunals.

When, therefore, it became known that the Virginius had been captured on the high seas by a Spanish man-of-war; that the American flag had been hauled down by the captors; that the vessel had been carried to a Spanish port, and that Spanish tribunals were taking jurisdiction over the persons of those found on her, and exercising that jurisdiction upon American citizens, not only in violation of the rules of international law, but in contravention of the provisions of the treaty of 1795, I directed a demand to be made upon Spain for the restoration of the vessel, and for the return of the survivors to the protection of the United States, for a salute to the flag, and for the punishment of the offending parties.

The principles upon which these demands rested could not be seriously questioned; but it was suggested by the Spanish government that there were grave doubts whether the Virginius was entitled to the character given her by her papers; and that therefore it might be proper for the United States, after the surrender of the vessel and the survivors, to dispense with the salute to the flag, should such fact be established to their satisfaction.

This seemed to be reasonable and just. I therefore assented to it, on the assurance that Spain would then declare that no insult to the flag of the United States had been intended.

I also authorized an agreement to be made that, should it be shown to the satisfaction of this Government that the Virginius was improperly bearing the flag, proceedings should be instituted in our courts for the punishment of the offense committed against the United States. On her part Spain undertook to proceed against those who had offended the sovereignty of the United States, or who had violated their treaty rights.

The surrender of the vessel and the survivors to the jurisdiction of the tribunals of the United States was an admission of the principles upon which our demands had been founded. I therefore had no hesitation in agreeing to the arrangement finally made between the two governments; an arrangement which was moderate and just, and calculated to cement the good relations which have so long existed between Spain and the United States.

Under this agreement the Virginius, with the American flag flying, was delivered to the Navy of the United States, at Bahia Honda, in the Island of Cuba, on the 16th ultimo. She was then in an unseaworthy condition. In the passage to New York she encountered one of the most tempestuous of our winter storms. At the risk of their lives the officers and crew placed in charge of her attempted to keep her afloat. Their efforts were unavailing, and she sank off Cape Fear. The prisoners who survived the massacres were surrendered at Santiago de Cuba on the 18th ultimo, and reached the port of New York in safety.

The evidence submitted on the part of Spain to establish the fact that the Virginius at the time of her capture was improperly bearing the flag of the United States is transmitted herewith, together with the opinion of the Attorney-General thereon, and a copy of the note of the Spanish minister, expressing on behalf of his government a disclaimer of an intent of indignity to the flag of the United States.

U. S. GRANT.

EXECUTIVE MANSION, WASHINGTON, *January* 5, 1874.

The SPEAKER. The message, with the accompanying letter from the Secretary of State, will be referred to the Committee on Foreign Affairs, and ordered to be printed; the other documents referred to having gone to the Senate.

Mr. COX. I would like to inquire what number of these documents will be printed under this order of the House.

The SPEAKER. The usual number, fifteen hundred and fifty.

Mr. COX. There is quite an anxiety to see them.

The question recurred on the motion to adjourn; and being put, it was agreed to; and (at four o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ALBERT: The petition of Richard A. Edes, consul at Bahia, for increase of salary.

By Mr. ATKINS: A petition of the board of trustees of Bethel College, praying reimbursement for damages done to their property by the troops of the United States.

By Mr. BECK: The petition and papers in the case of Captain James F. Blount, of Beattyville, Kentucky, for relief.

By Mr. BUFFINTON: The memorial of Godfrey Ryder and Captain Washington Case, of Princeton, Massachusetts, praying compensation for the seizure and destruction of the schooner Hanover by a confederate cruiser.

Also, the memorial of B. Franklin Howland, A. H. Seabury, A. F. Manchester, and W. S. Durham, of New Bedford, Massachusetts, praying that a law may be passed to compensate them for the seizure and loss of the ship Eben Dodge by a confederate cruiser.

Also, the memorial of E. P. Worthen and 8 other keepers of the life-saving stations on the coast of Cape Cod, praying for an increase of their compensation.

Also, the memorial of George Robertson and 66 other citizens of Fall River, Massachusetts, praying for the repeal of the first section of the act approved June 17, 1870, entitled "An act exempting from taxes certain property in the District of Columbia."

Also, the memorial of A. F. Howland, of Acushnet, Massachusetts, praying for an increase of the pension allowed to totally disabled soldiers.

Also, the memorial of Mrs. E. H. Bullard, of Wakefield, Massachusetts, praying for a pension.

Also, the memorial of the officers of the Plymouth Iron Foundry, Massachusetts, in relation to an act for the better security of property in patterns.

By Mr. BURCHARD: A petition of 124 citizens of Stirling, Illinois, for the passage of an act granting a pension to Joseph Smithers.

By Mr. CHAFFEE: Petitions from citizens of Colorado, asking that the branch mint at Denver be put upon a coinage basis; and resolutions of the Denver Board of Trade for the same.

Also, petitions of the bar and citizens of Colorado, asking an increase in the number of judges for said Territory.

Also, a memorial from a convention held in Denver, Colorado, asking that some system of irrigation be inaugurated to reclaim the arid lands between the Missouri River and the Rocky Mountains.

By Mr. CHIPMAN: The memorial of Samuel S. Chiffee, making a claim for cotton.

Also, the petition of Robert B. Ferguson, for damages incurred by change of grade of streets in the vicinity of the Capitol.

By Mr. CLARKE, of New York: Eight petitions of members of the bar residing in the counties of Monroe, Wayne, Seneca, Cayuga, Madison, Onondaga, Genesee, and Livingston, for the division of the northern judicial district of New York.

Also, a petition of importers of foreign goods, for extending to the port of Rochester, New York, the privilege of the twenty-ninth section of the act entitled "An act to reduce internal taxes, and for other purposes," passed July 14, 1870.

By Mr. CLAYTON: A joint resolution of the Legislature of the State of California, relating to water in streams not navigable in said State.

Also, the petition of Prusso & Splivallo, of San Francisco, California, asking that tax be imposed on macaroni, vermicelli paste, &c., of foreign manufacture imported into the United States.

By Mr. COX: A memorial to the Congress of the United States from the executive committee appointed at the German-American mass-meeting on behalf of free Cuba, held November 21, 1873, at the city of New York.

Also, the memorial and papers for the relief of the heirs of Terrence McAree.

By Mr. DANFORD: The petition of E. S. Zevely, of Bridgeport, Ohio, for relief.

By Mr. DUNNELL: The petition of M. H. Scribner and 63 others, citizens of Minnesota, asking for changes in postal code.

By Mr. EDEN: The petition of Ashley Tipsword and others, of Effingham County, Illinois, praying for an amendment of the postal code, so as to require prepayment of postage on newspapers, &c.

Also, the petition of A. C. Campbell and others, of Mowequa, Shelby County, Illinois, praying that Martha Morris be allowed a pension, &c.

By Mr. FOSTER: The memorial of Jacob Millous, of Fremont, Ohio, asking for a pension on account of services in the war of 1812.

Also, the petition of T. J. Swank and 25 other soldiers of Monroeville, Ohio, praying for legislation equalizing pay and bounty to soldiers in the war of the rebellion; and also praying for the passage of an act giving each soldier and sailor one hundred and sixty acres of land.

Also, the memorial of Cyntha McPherson, mother of the late General McPherson, asking for a pension.

By Mr. FRYE: The petition of George Holmes, of Auburn, Maine, for a pension.

By Mr. GUNCKEL: The memorial of Charles Bertram, late of Company F, Sixth Wisconsin Volunteers, in behalf of himself and comrades at the National Soldiers' Home, asking an amendment to the pension laws, so that an invalid who lost an arm above the elbow shall receive the same pension as those who have lost a leg above the knee.

Also, the petition of Michael Mack, of Dayton, Ohio, praying for a pension.

Also, the petition of Patrick Collins, late of Company I, Twenty-ninth Indiana Volunteers, asking for an increase of pension.

Also, the petition of Thomas Condon, of Cincinnati, Ohio, for a pension.

Also, the petition of Robert Cavanaugh, late of Company D, Ninety-eighth Ohio Volunteers, for a pension.

Also, the petition of Catharine Lee, widow of Jesse M. Lee, late of Second Ohio Volunteers, for a pension.

Also, the petition of Samuel Black, late of Company F, Sixty-first Ohio Volunteers, asking for a pension.

By Mr. HAWLEY, of Connecticut: The memorial of the American Medical Association, with regard to the rank of the medical corps of the Army.

By Mr. HERNDON: The petition of the citizens of Sabine County, Texas, praying for an amendment of the postal code of the United States, and for other purposes.

By Mr. HERSEY: The petition of A. G. Wakefield and 14 others, ship-owners of Bangor, asking for an equitable distribution of the Geneva award.

Also, the petition of Peter Rogers, a soldier of the war of 1812, asking for a pension.

By Mr. HUBBELL: The petition of J. G. Murdock, C. C. Fuller, S. Bronson, and other citizens of Mecosta and Wexford Counties, in the State of Michigan, asking that the name of Jane Caldwell, widow of the late John Caldwell, of Company B, Eleventh Michigan Infantry Volunteers, be placed on the pension roll.

Also, the memorial of the mayor and common council of the city of Marquette, Michigan, asking for the appropriation of the sum of $100,000 for continuing the improvements of Marquette Harbor, in the State of Michigan.

Also, the petition of H. S. Stewart, John Wilson, and 51 other masters of steamers and sailing vessels, navigating the waters of Lake Superior, asking for an appropriation to improve the harbor of Grand Marais, Lake Superior.

Also, the petition of E. H. Green and 50 others, citizens of Charlevoix, Michigan, asking for an appropriation to improve the harbor at the mouth of Pine River, Charlevoix County, Michigan.

Also, the petition of Willard A. Smith and 150 other citizens of Charlevoix, Michigan, asking an appropriation for the same purpose.

Also, the petition of Samuel M. Lee, Albert Brown, and 56 others, residents of Charlevoix, Michigan, asking for an appropriation for the same purpose.

Also, the petition of Richard Uren and other citizens of Houghton County, Michigan, for an appropriation for the improvement of Eagle Harbor, Michigan.

By Mr. HUNTON: The petition of Thomas E. Diggs, chairman of the board of school trustees of Fauquier County, Virginia, for compensation for the destruction of a public school-house in Fauquier County by United States troops.

By Mr. KASSON: The petition of Jabez Delano and 5 other soldiers of the war of 1812, for pensions.

By Mr. KNAPP: The memorial of Robert Tillson & Co., of Quincy, Illinois, praying allowance of claim for damages sustained by them in consequence of the failure of the United States to fulfill a certain contract for equipments.

By Mr. LOWE: The memorial for relief of Peter S. Patton.

By Mr. LOUGHRIDGE: The petition of E. Cummins and 53 soldiers of Appanoose County, Iowa, for modification of homestead law in favor of soldiers.

By Mr. LYNCH: The petition of Mrs. Emily Miller, praying indemnity for cotton seized by a certain Government official during the late war.

By Mr. LUTTRELL: Concurrent resolutions of the Legislature of the State of California, asking Congress to grant to the people of the State of California the exclusive right to the use and control of all of the unappropriated waters that are not navigable within the State, and to oppose the passage of all laws which are intended to grant water-rights in the State of California to private corporations or individuals.

Also, the petition of George F. Hooper, Edgar Mills, and others, of California, in relation to the currency and banking.

Also, the petition of R. H. Newton, secretary of the American Borax Company.

By Mr. McCRARY: The memorial of Sweet & Allen, praying payment of a certain claim against the United States.

Also, the petition of Asa Reynolds, praying payment of a certain claim against the United States.

Also, petition of George H. Herring, praying to be honorably discharged from the military service.

Also, the petition of soldiers and others, praying the passage of an act granting a homestead to all honorably discharged soldiers.

By Mr. McDILL, of Iowa: The petition of J. F. Wolverton, of Pottawattamie County, Iowa, and 17 others, soldiers of the late war, asking a modification of the law granting homesteads to actual settlers so as to dispense with actual residence on the land before receiving title, in case of officers, soldiers, sailors, and seamen, honorably discharged from the service of the United States.

By Mr. McFADDEN: A petition of citizens of Clarke and Cowlitz Counties for post-route from Saint Helens, in the State of Oregon, via Pekin, to Stoughton, on the East Fork of Lewis River, in Washington Territory.

Also, a petition for a post-road from Montesana, in Chehalis County, Washington Territory, to Humptulis River, via Wiskau River.

Also, the petition of Andrew Oslaud, to be allowed to enter one hundred and sixty acres of land.

By Mr. MAYNARD: The petition of William Kuler, praying for bounty, pay, and allowances.

Also, the petition of John T. Brown, for carrying dispatches and acting as spy and pilot in the war of 1861.

Also, a memorial for the relief of Richard G. Mobley.

By Mr. MOREY: The petition of the heirs of Don Juan Filhiol.

By Mr. NEGLEY: The petition of J. Snowden & Son, of Brownsville, Pennsylvania, asking compensation for their losses in the construction of the monitors Manayunk and Umpqua.

By Mr. NESMITH: Petitions of sundry persons in Oregon asking Congress to grant relief to Andrew B. Carter, on account of wounds received in the Rogue River Indian war.

Also, the petition of Innery A. Brooks, asking Congress to establish a post road from Yreka, by Little Shista, Balls Ranch, Fairchild's, Lost River, Brooks's Ranch, and Klamath Indian Agency, to Fort Klamath.

Also, the petition of Alonzo Leland and others, for the annexation of certain parts of Idaho Territory to Washington Territory.

Also, the petition of citizens of Baker County, Oregon, asking for the establishment of a post-road from Baker City, Oregon, via Springville to North Pundes River Flouring Mills.

Also, the petition of Peter G. Stuart, for compensation for property taken for Government use in Pacific City, Washington Territory.

Also, the petition of J. D. Hubmun, for compensation for hotel in Pacific City, Washington Territory, lost by Government reservation.

Also, several petitions from citizens of Oregon, California, and Washington Territory, praying for the construction of a breakwater at Port Orford, Oregon.

By Mr. NILES: The petition of B. A. Clark and others, for payment of a claim in favor of the Southern Methodist publishing house at Nashville, Tennessee.

By Mr. O'NEILL: The petition of William Wheeler Hubbell, for settlement of royalty for his explosive shell-fuse patent, in the naval service.

By Mr. ORTH: Memorial from citizens of Posey County, Indiana, praying for removal of obstructions in the Ohio River opposite Mount Vernon.

By Mr. PAGE: A petition from citizens of San Joaquin County, California, praying for an appropriation for the improvement of the San Joaquin River.

Also, joint resolutions from Legislatures of California, asking Congress to grant to the State of California the exclusive right to use and control the unnavigable waters within their State.

By Mr. PHELPS: The memorial of Joshua Y. Butterworth, for extension of patent.

By Mr. POLAND: The petition of Simeon Farnsworth and 112 other citizens of Danville, Vermont, praying that all post-offices in the United States be made money-order offices, and that the rate of charges be diminished.

By Mr. ROBBINS: Resolutions of the General Assembly of North Carolina, in opposition to an increase of internal-revenue tax on tobacco.

By Mr. SAYLER, of Ohio: The petition of William Beard and others, for permission to prosecute claims for back rents and damages to lands of Camp Dennison, Ohio, before United States Court of Claims.

By Mr. SENER: The petition of James A. Anderson, late of Company F, One hundred and twelfth Pennsylvania Volunteers, praying for a pension.

Also, a petition of citizens of Northumberland County, Virginia, praying the passage of the civil-rights bill.

By Mr. SMITH, of Ohio: The petition of 110 citizens of Jeffersonville, Fayette County, Ohio, asking such change in the law as will require the prepayment of postage on newspapers.

Also, the petition of 46 citizens of Oregon, Warren County, Ohio, asking such change in the law as will require the prepayment of postage on all mail-matter.

By Mr. SMITH, of Virginia: The petition of Benjamin R. Crist, of Warren County, Ohio, asking for a special act granting him a pension.

By Mr. SMALL: The petition of Charles H. Ladd, for compensation for use of real estate during the war.

Also, the petition of Caroline P. Gerrish, for a pension.

Also, a petition to establish a post-route from iron-works in Tamworth to dwelling-house of Joshua N. Piper, in Albany, New Hampshire.

Also, the petition of Henry M. Fife, for a pension.

Also, the petition of Ruth B. Brown, for a pension.

Also, the petition of Mrs. Ann Brackett, for a pension.

Also, a petition for the establishment of a mail-route to Leighton's Corner, New Hampshire.

By Mr. SWANN: The memorial of James L. McPhail, Voltaire Randall, and Eaton G. Homer, of Baltimore, Maryland, praying for relief.

By Mr. TYNER: A petition from sundry persons residing in Cass County, State of Indiana, late soldiers in the service of the United States in the war for the suppression of the rebellion, asking for the passage of a law to equalize bounties.

By Mr. WALLS: A petition of the grangers of Order No. 8, of Hamilton County, Florida, asking that the cotton tax of the years 1865, 1866, 1867, and 1868 be refunded.

By Mr. WHITTHORNE: A memorial of the president and directors of Rose Hill Cemetery, of Columbia, Tennessee.

Also, a petition of H. M. Bugg and others, for post-route from Pulaski to Brick Church.

Also, a petition of W. G. Boehms and others, for a post-route from Columbia to Burns Station, via Lick Creek.

Also, a petition of W. O. Britt and others, for a post-route from Centreville to Britt's Landing.

By Mr. WILLARD, of Vermont: A petition for the relief of William Joslyn, of Vermont.

By Mr. WILLIAMS, of Indiana: A petition for the relief of the securities of James S. Collins.

By Mr. WILLIAMS, of Michigan: The petition of Chancy J. Poore, late private in Battery G, First New York Light Artillery, asking that private act No. 230, approved March 3, 1873, granting him a pension, may be so amended as to authorize pension from the date of his discharge.

By Mr. WOODFORD: The petition of John Hogan, late of the Seventeenth New York Volunteers, for amendment of bounty laws so as to equalize bounties and secure the same to two-year volunteers.

By Mr. WOODWORTH: The petition of 72 citizens of Mahoning County, Ohio, for the acknowledgment of God and the Christian religion in the Constitution of the United States.

Also, the petition of 70 citizens of Carroll County, Ohio, including nearly all the postmasters in that county, asking for a law requiring the postage upon newspapers and other periodicals to be paid at the office where mailed.

POST-ROUTE BILLS.

The following bills were introduced under the rule, and referred to the Committee on the Post-Office and Post-Roads:

By Mr. HATCHER: A bill to establish additional post-roads in the counties of Saint Francois, Stoddard, Dunklin, Scott, and New Madrid, in the State of Missouri.

By Mr. LUTTRELL: A bill to establish a post-road from Santa Rosa to Calistoga, in California.

Also, a bill to establish a post-road from Chico to Big Meadows, in California.

By Mr. WHITTHORNE: A bill to establish certain post-routes in Tennessee.

IN SENATE.

TUESDAY, *January* 6, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FERRY, of Connecticut, presented the petition of James C. Cooke, of Bridgeport, Connecticut, praying for an extension of his patent for an improvement in the manufacture of webbing; which was referred to the Committee on Patents.

He also presented the petition of Frederick B. Didier, of Hartford, Connecticut, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. FERRY, of Connecticut. I also present the memorial of the Chamber of Commerce of the city of New Haven, in which they say that the great underlying cause of the present commercial distress is found in the inevitable operation of an irredeemable paper currency; that by its operation the industry of the country has been removed from the control of those natural laws by which both commerce and industry must be regulated to be sound and prosperous; that they can see no permanent relief except in the adoption of wise measures for a return to the permanent and universal standard of value. They therefore pray that Congress may take immediate measures to lead the country back to specie payments by providing for the redemption of the legal-tender Treasury notes. I concur in the views of this petition, and move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. CHANDLER presented two memorials of citizens of Detroit, Michigan, remonstrating against the repeal of the bankrupt law, and asking for important modifications thereof; which were ordered to lie on the table.

Mr. ANTHONY. I present the memorial of M. W. Aldrich and many others, merchants, manufacturers, bankers, producers, and business men of the city of Providence, remonstrating against the absolute repeal of the bankrupt act, and asking for such modifications as Congress in its wisdom may see fit to make. The memorialists recognize the importance of a uniform rule throughout the country for the prevention of fraud and preferences among creditors in cases of insolvency, and a like rule by which honest insolvents may be discharged from their debts.

I have seldom had occasion, Mr. President, to present a paper which represents so large and general an expression of the deliberate and well-considered judgment of the intelligent business community which I have the honor in part to represent. It comes from all classes of the varied industry and production and investments which characterize the State. The opinion which it presents is much more nearly unanimous than is often reached upon controverted questions, and this unanimity is the more remarkable, because the bankrupt law was originally received with great doubt and distrust by many of these memorialists, inasmuch as it overrode our insolvent laws, to which, however objectionable they might have been, the business relations of the State had become adapted, and which could not be changed without serious temporary inconvenience, but which, after experience of both systems, they do not wish to restore.

The PRESIDENT *pro tempore*. The Judiciary Committee having reported on the subject, the memorial will be laid on the table.

Mr. HAMLIN. I have received and been requested to present a memorial, very numerously signed by merchants of the city of Bangor, Maine, remonstrating against the repeal of the bankrupt law and asking for a proper modification.

I have received also another memorial from merchants of the same place and for the same purpose; also another memorial signed by legal gentlemen, by Albert W. Paine and other legal gentlemen, of the same place and for the same purpose; also another memorial signed by legal and commercial men from the city of Belfast, in the State of Maine, of the same purport; all of which I move to refer to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Committee on the Judiciary have reported on that subject.

Mr. HAMLIN. I was not aware that the report had been made. I move, then, that the memorials lie on the table.

The motion was agreed to.

Mr. HAMLIN. I also hold in my hand a memorial signed by numerous ship-owners in the State of Maine, whose vessels were destroyed in the war by rebel cruisers other than the Alabama, Florida, and Shenandoah, who believe that the principle upon which the Geneva award was founded was applicable alike to their case. I move that this memorial be referred to the Committee on the Judiciary; I believe they have that subject before them.

The motion was agreed to.

Mr. MORTON presented the petition of John W. Truitt, late of the One hundred and forty-second Indiana Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. SUMNER presented the petition of Augusta H. Chapman, of Boston, Massachusetts, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. SUMNER. I also present the petition of citizens of New Bedford, Massachusetts, setting forth that they lost seriously by Confederate cruisers other than the Alabama, Florida, and Shenandoah, and asking compensation under the recent award. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. SARGENT presented a memorial of the Mechanics' State Council of California, remonstrating against the repeal of the eight-hour law; which was referred to the Committee on Public Buildings and Grounds.

Mr. SPENCER presented the petition of Samuel C. Cain, praying compensation for cotton alleged to have been seized by the military authorities of the United States; which was referred to the Committee on Claims.

Mr. HOWE presented the petition of Leonard Rood, of the town of Lyndon, Sheboygan County, Wisconsin, father of William Rood, deceased, late a private in Company E, Thirty-sixth Regiment Wisconsin Volunteers, praying that the charge of desertion be removed from his son; which was referred to the Committee on Military Affairs.

Mr. PRATT presented the petition of Sciotha Brashears, late of the Seventeenth Kentucky Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of W. H. H. Crandall, late captain and assistant quartermaster United States Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. INGALLS presented the petition of Anna Hancock, late Anna Bolinger, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MERRIMON presented the petition of John Julius Guthrie, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Chatham and Orange Counties, North Carolina, praying that those counties be transferred from the western to the eastern judicial district of North Carolina; which was referred to the Committee on the Judiciary.

He also presented additional papers in the case of R. H. Jones, executor of Wesley Jones, late United States marshal of North Carolina, praying payment of a balance due said Wesley Jones for taking the census of 1860; which were referred to the Committee on Claims.

Mr. CONKLING. I have sundry petitions to present on the subject of the bankrupt law; the first one, numerously signed by merchants of the city of New York, expressing the fear that Congress has not rightly comprehended the sentiment of the commercial classes touching the bankrupt law, and asking that the Senate may so direct its proceedings that that class of the public may be heard, and indicating clearly opposition to the repeal of the law.

I have another petition, signed by many leading commercial men and firms of the city of New York, to the like effect. Also, a petition, very numerously signed in Brooklyn, New York, stating the belief that the bankrupt law requires amendment, and considerable amendment, but remonstrating against its repeal. I move that all these petitions lie on the table.

The motion was agreed to.

Mr. BOREMAN presented the petiton of the Methodist Episcopal church at New Creek, West Virginia, praying relief and compensation for their church building at that place, taken and occupied by, and converted to the use of, the United States Army, under proper orders, during the late rebellion; which was referred to the Committee on Claims.

Mr. COOPER presented the petition of A. J. Tynes, of Tennessee, praying compensation for the value of buildings destroyed by military order during the late war; which was referred to the Committee on Claims.

He also presented the petition of F. E. Stewart, administratrix of Michael S. Stewart, of Tennessee, praying compensation for wood cut under a contract for the Government; which was referred to the Committee on Claims.

Mr. EDMUNDS presented the memorial of Audley W. Gazzan, a citizen of New York, protesting against the repeal of the bankrupt law; which was ordered to lie on the table.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAMILTON, of Texas, it was

Ordered, That the petition and papers of A. M. Wilson, a Cherokee Indian, praying compensation for property taken by United States troops in 1862, be taken from the files and referred to the Committee on Claims.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers of David Braden be taken from the files and referred to the Committee on Claims.

On motion of Mr. EDMUNDS, it was

Ordered, That the petition and papers of Charles W. Forbes, of Rutland, Vermont, praying compensation for the loss of a horse while in the service of the United States, be taken from the files and referred to the Committee on Claims.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of William H. Manning, of Farmington, Iowa, asking compensation for timber taken, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. MERRIMON, it was

Ordered, That the petition and papers of the soldiers of the Thirty-fifth Tennessee Cavalry, praying compensation for services rendered, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers of George A. Armes be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. CRAGIN, it was

Ordered, That the petitioners in the case of the New York and Brooklyn Improvement Company have leave to withdraw their petition and papers from the files.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers of Mrs. Candace Griswold be taken from the files and referred to the Committee on Indian Affairs.

BILL REFERRED.

Mr. BUCKINGHAM. I move that Senate bill No. 30 be taken from the table and referred to the Committee on Finance.

The motion was agreed to; and the bill (S. No. 30) to provide for free banking, to secure an elastic currency, to appreciate national obligations, and to reach specie payments without commercial embarrassment, was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (S. No. 147) authorizing national banks that have decided to reduce their capital stock to withdraw a proportion of bonds upon retiring their own circulating notes, or depositing lawful money of the United States, in the proportion provided by law, reported it with amendments.

Mr. FERRY, of Michigan, from the Committee on Finance, to whom was referred the bill (S. No. 193) for the benefit of Uriah Porter, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SCHURZ, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico, and minister to the republic of Mexico, reported it without amendment.

COLLECTION OF INTERNAL REVENUE BY STAMPS.

Mr. MORRILL, of Vermont. I have been directed by the Committee on Finance to report back the resolution introduced by the Senator from Massachusetts, [Mr. SUMNER,] instructing the committee "to consider the expediency of reducing the national expenditure by abolishing the office of Commissioner of Internal Revenue and other offices under him, and forthwith providing by law for the collection of all internal taxes by the sale and use of stamps, the presence of stamps on articles being evidence that they had paid the tax, and the absence of stamps that they had not paid the tax, and taxed articles without stamps being seizable by any officer and forfeitable in any United States court, the law to be administered by the Secretary of the Treasury; and to consider the extent of saving and economy by such change." I am directed to report the same adversely, and ask that it be indefinitely postponed.

Mr. President, I will say that until the millennium arrives we cannot expect to have our taxes voluntarily paid to the extent that they ought to be in order to sustain the Government. Unquestionably the amount of taxes collected would be reduced by this proposition nearly or quite 50 per cent.; and while we might undoubtedly reduce the expenses of collecting them almost entirely, we should lose inevitably at least one-half of the taxes by abolishing the office of Commissioner of Internal Revenue. At the present time most of our taxes are received from tobacco and spirits. These taxes require the constant vigilance of the Department here and of its officers all over the country. If they were to be abolished of course we should have any amount of fraud and illicit distillation. Under present circumstances, it is fair to say that the amount of the reduction in the expenses of collecting the internal revenue has not been as great as was anticipated, nor perhaps as great as it should have been; but I hope that for the coming year the excellent officer in charge of that Department will very largely and more vigorously reduce the expenses of collecting the revenue throughout the country, as I think he ought to do. The expenses in many districts, although the aggregate has been reduced, are yet far too large.

Mr. SUMNER. Mr. President, what is the condition of the question?

The PRESIDENT *pro tempore*. The question is on the indefinite postponement of the resolution offered by the Senator, and reported adversely by the Committee on Finance.

Mr. SUMNER. My attention was called to the Senator's remarks after he rose. I should like to know of the Senator whether the committee has considered the economy incident to the proposed change. The suggestion was that the taxes on spirits and tobacco should be by stamps—stamps to be sold at specified places throughout the country. The Senator sees at once the economy of such a change, and how it would supersede a large army of office-holders. I am unaware from what the Senator said if the point has been considered by the committee; or, at least, if their attention has been specially called to it. To my mind, and according to the information I have obtained, there is in this proposition an opportunity of practical economy. Obviously, by adopting the system of stamps, we may supersede many present office-holders. That may not be agreeable to everybody, but it will be consistent with economy, which all profess and some desire.

I fear that my friend has acted hastily. I fear that he has not considered how remedial a measure it is. Unless I am misinformed by those whose duty it is to be familiar with the question the proposition that I have presented is practical; it may be carried into operation; and it will produce a serious saving to the Treasury.

Therefore, I regret the report of the committee, and I wish that it had been in a written form that the country might have the benefit of its inquiry. As it is now we have nothing but the vague expressions of my excellent friend, to whom I always listen with the greatest respect, but who on this occasion—he will pardon me—did seem to fail in his usual practical sense, and also in his clearness of expression.

I do not wish to oppose the conclusion of the Senate. If there is a real desire to put this question out of the way by indefinite postponement; to say to the country, "No economy is to be expected in this quarter, no saving by cutting off these officers, no reduction by an economical use of stamps;" if the Senate is prepared to make such answer to the country now, I shall submit; but on the information that I have, I think they will act hastily. I have done my duty in presenting the question.

Mr. MORRILL, of Vermont. Mr. President, I do not think the distinguished Senator from Massachusetts has studied the practical working of the internal-revenue laws sufficiently to perceive the wreck that he would make in the revenue if his proposition were to be carried into effect. At the present time we collect at least 95 per cent. of all the taxes that ought to be collected upon the distillation of spirits. The men who are engaged in this operation, we know from past experience, are just as ready to pay only 10 per cent., 20 per cent., 30 per cent., or 40 per cent., as 95; and it is only through the vigilance of all the officers and the energy of the Department throughout the whole country that we have been able to reach this fortunate result, this large percentage, on so difficult a subject from which to obtain a just amount of revenue.

For instance, the wholesale merchant must be tracked on this subject; he must not be allowed to sell more spirits than those upon which the duties have been paid. His books, therefore, must be kept, and properly kept, so that they may be examined by the proper officer. Only recently there was a vinegar establishment seized in New York that had been in operation for two months, making vinegar from spirits. They had concealed artfully their distillery in the premises and reached upper stories in it by which spirits were conveyed secretly, and they were not discovered until it was ascertained that they were sending out much larger quantities of vinegar than they had previously paid taxes on the spirits from which the vinegar was manufactured. All this has to be under the charge of an officer here. It would make no difference in the expense by transferring it to the Secretary of the Treasury. He would have to have the same number of officers here that the Commissioner of Internal Revenue has in order to conduct this vast and very complicated business.

And, Mr. President, have we not had experience enough, in relation to the income tax, in reference to leaving any tax voluntarily with the consciences of individuals as to how much they would pay? Any man that has studied the subject in relation to the income tax knows that we did not collect certainly over 60 per cent. of what ought to have been collected under that law; and yet we had affidavit after affidavit from men all over the country that they had paid all that they ought to have paid. Now the Senator from Massachusetts proposes to leave the tax on whisky, tobacco, and any other taxes, throughout the country, to the consciences of men, and to allow them to put on such stamps as they may see fit and think proper. Of course, there would be a saving in all the paraphernalia of the Internal Revenue Office. We should, perhaps, save three or four millions in expenditures for the *personnel* of the office, and we would lose fifty millions of revenue. That is just the result, in my judgment, that would be brought about by the proposition proposed by the Senator from Massachusetts.

Mr. THURMAN. Let the resolution be reported again.

The Chief Clerk read the resolution.

Mr. MORRILL, of Vermont. I will add that the report of the committee was unanimous.

The PRESIDENT *pro tempore*. Will the Senate postpone the resolution indefinitely?

The motion was agreed to.

PRESENT FROM THE EMPEROR OF RUSSIA TO EDWARD YOUNG.

Mr. CAMERON. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 14) giving the consent of Congress to the acceptance by Edward Young of a present from the Emperor of Russia, to report it back without amendment; and, as I suppose there can be no opposition to it, I ask to have it acted upon at once. It cannot take more than a moment.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The preamble states that His Imperial Majesty the Emperor of Russia has been pleased to confer upon each of the official delegates of the United States to the international statistical congress at Saint Petersburg a diamond ring as a *souvenir* of that reunion; and as one of those delegates, Edward Young, Chief of the Bureau of Statistics in the Treasury Department, holds an office of profit and trust under the United States, the joint resolution gives the consent of Congress to Edward Young to accept from the Emperor of Russia the present above mentioned.

Mr. SUMNER. I will make one remark upon that resolution. It seems to me that we are about to depart from the rule thus far laid down; it will be for the Senate to consider whether wisely or not. The practice, as I understand, has been to allow any officer to accept a present or mark of honor from a foreign government in consideration of generous or humane services rendered on the ocean or elsewhere, from which some subject of that government has derived safety or help. Thus far I think it has been deemed fit to limit the acceptance of such presents to these cases. The heart of every man goes forth in honor of any service of humanity; and if a foreign government chooses to recognize it, let the officer who has rendered the service wear the honor nobly and beautifully through life. I know not if there be not some other case which may justly claim our regard. But I am sure that we ought to be cautious in a concession plainly inconsistent with the spirit of our institutions.

But when you allow a person in the diplomatic service, or otherwise employed abroad, and representing our Republic, to receive insignia of honor or other gift from a foreign government, the case is materially different. For one, sir, I shrink from allowing the representatives of our country abroad to enter into the discreditable scramble which prevails in Europe for recognition from princes. It seems to me our course should be austere. We should say to all who go abroad with the commission of the Republic, "Go not into rivalry with Europeans for crosses and rings from emperors or kings; serve your country well and your country will reward you; but look for nothing from any foreign power." Such has been the rule in times past, and I think it a very doubtful policy for the Senate now to depart from it.

This may seem a small affair; but if you allow this office-holder, who has rendered no signal service to humanity, whose life has been in no peril, who has saved no life, who has not the title to wear the fairest crown of ancient Rome—that for saving the life of a citizen—who has done nothing directly for others—if you allow him to receive this ring, where will you stop? Will not one of your ministers, one of your secretaries, one of your consuls, or somebody else in your service, apply for a similar indulgence? Will not our agents be inspired to watch the footsteps of princes or be the courtiers of foreign power? The simple citizen is under no constraint; but whoso bears title or office from the Republic must remember always that he is a republican.

Mr. CAMERON. Mr. President, I agree fully in many of the remarks made by the Senator from Massachusetts; but I think this a case distinct from those of which he has spoken. Here were a number of men appointed on a commission of a peculiar nature to go to Russia. There were eight or ten of them. While there they rendered great service to the cause of science throughout the world, so as to attract the attention of the Emperor of Russia, and he was desirous of paying them some compliment. He gave them each a small diamond ring, worth but a trifle, merely as a *souvenir* of his great respect for their merits. All of them are allowed to receive the present because they are private citizens, except this one gentleman, who happens to be an officer in the civil service of the United States.

Here is a man who has devoted his whole life to abstruse studies, a simple-minded student who has rendered that sort of service to the country and the world which few men can render, because they are not willing to devote their whole minds to that which gives no ornament to themselves and does them no honor except with a few individuals who know how much labor and time they give to the pursuit of their favorite studies. This man will think himself wronged if he alone cannot accept this compliment when he perhaps did more to make the commission respectable and useful than any gentleman who was there.

I would agree, with the Senator from Massachusetts, that a minister, an embassador, or anybody belonging to our consular service, would disgrace himself if he did accept a present from a potentate abroad; and yet I know a man, whose name I am not willing to mention just now, who is bragging all over the country that he has a costly portrait of one of the emperors of the world, presented to him, costing a very large sum of money; and he has been showing it all around the country as an evidence of his own merit. That I am opposed to. But

to say that this little bit of a ring—not of as much value as a gold-headed cane would be, because that would help to prop him up in his old days—cannot be received by this simple-minded man, I think would be cruel.

Mr. THURMAN. I wish to say a word on this resolution. The reasons that influenced the framers of the Constitution in putting in it the inhibition which it contains against any officer of the Government receiving any present from any foreign prince or potentate, are well known. It was the custom when the Constitution was formed, and had been for a long time before, and has been since, for even the ministers of a foreign country to receive presents from the country to which they were accredited; and at that time very few treaties were formed where presents were not bestowed upon those who negotiated them. The framers of the Constitution saw fit not only to forbid that, but to forbid any officer of the United States from receiving any present from any foreign potentate or prince without the consent of Congress.

Now it seems to me, as has been said by the Senator from Massachusetts, that we ought to have some principle on which we go in granting this assent. If we grant it whenever it is applied for, the provision of the Constitution amounts to nothing. If we grant it in one instance that stands on no particular principle, it is very difficult to refuse it in another instance; for it is not only then apparently an injustice to the individual who asks for relief, but it seems to be some discourtesy to the foreign princes that bestow the gift. I think, therefore, that we ought to have some principle upon which we go in giving this assent, and I can conceive of none better than that suggested by the Senator from Massachusetts. In cases where our officers or citizens have risked their own lives on the high seas in saving the lives and property of the subjects of a foreign prince, and he has recognized that by offering to bestow upon them some gift, we have a plain simple rule, and we have always granted that consent; and for the present at least, I think we had better confine ourselves to such cases. I therefore, with the most perfect respect for the gentleman to whom this ring is offered, and for the reasons that have been expressed by the chairman of the Committee on Foreign Relations, feel compelled to vote against the resolution.

Mr. CONKLING. Mr. President, "and no person holding any office of profit or trust under them"—namely, the United States—"shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state." In acting under that provision of the Constitution, operating upon no one save only persons holding offices of emolument or trust, the Senator from Ohio says we ought to have some principle. I agree with him, and in deference to the principle which I think we ought to have, I shall vote for this resolution. That principle I conceive will be sufficiently stated thus: It was, for abundant reasons at the time, and reasons certain to continue as long as human nature is human and men are made of clay, thought unwise that men representing public trusts under the United States should be permitted, of their own accord merely, secretly, without any notice or knowledge on the part of their country or the public, to accept benefits, gifts, presents, compliments from the representatives of foreign nations; and, therefore, it was provided that such gifts should be accepted only when their proposed acceptance was made known to Congress, and thus of course made publicly known and acquiesced in by the representatives of the nation, by the American people in Congress assembled. That I understand to be the principle which is to be observed in deferring to this clause of the Constitution—that it shall be done only in those cases with which Congress is acquainted, and the circumstances of which lead Congress to consent.

Mr. President, I am going to say only a word about this very unimportant case, particularly as compared with many others which, even since my short sojourn in this body, have gone unchallenged here; but I remark, that if there be one instance as harmless as any other that suggests itself to me, it must be the case of a delegate to a scientific congress or conclave of men engaged in the pursuit of statistical information—about as dry and abstract athing as could well be conceived of. If, therefore, under this provision of the Constitution, when this gentleman makes known his circumstances, we cannot allow him, as a man of science who participated momentarily in an occasion of science, to accept a compliment from the sovereign within whose realm that meeting took place, I submit that there can scarcely be found an instance in which this clause of the Constitution ought to be acted upon at all. If not in this case, I can think of none; and if a refusal would be proper in this case, then I think the Constitution should be held to amount to a total prohibition in all cases whatever.

Mr. BAYARD. Mr. President, it occurs to me that the proper way of considering this case is to consider whether or not courtesies should be encouraged between our envoys, civil or diplomatic, and the rulers of the countries to which they are accredited. It is perfectly plain that the Constitution has expressly allowed gifts of this kind, or gifts or emoluments of any kind, to be received by United States officials when the consent of Congress shall have been obtained. The question, therefore, in each case will be; whether it is a proper occasion for permitting the reception of the gift; and I do not see how anything like a general principle can be established in relation to such facts. Each case must stand upon its own merits. If the Congress of the United States have reason to believe that the official to whom a gift is sought to be presented has been governed in the execution of his duty, been swayed in the exercise of his high discretion, by gifts of any kind or by influences which the American people would suspect and reject, then the consent of Congress should be most emphatically withheld.

But there are many occasions in which a kindly courtesy will long remain to gratify not only its recipient, but his children and his fellow countrymen. I can well imagine how, in a duty so entirely abstracted from personal interest as that in which this gentleman with others has been concerned, it would be a most gracious ending of a dry business task that the affair should be marked by some *souvenir* of kindness and respect. For that reason, sir, conceiving that the full power is given to this gentleman, when authorized by the consent of Congress, to receive this present—believing it to be entirely innocent, a matter of lawful and honorable compliment to him—I shall vote with pleasure that he may be permitted to receive it on this occasion.

Mr. HOWE. Mr. President, the Senator from Delaware has said almost identically what I wished to say when I rose at the time he did. I conceive myself that if the Constitution had intended to say that no employé of the United States should receive a present from a foreign prince except in the identical case of a seaman who should peril his life to rescue a foreign citizen, the Constitution would have said so. It was as easy for the makers of the Constitution to define the precise case in which a present might be given and received as it is for us to-day to define that case; and inasmuch as the Constitution did not define the case, I conclude with the Senator from Delaware that it meant to do what by the terms employed it did do—leave it, not to the individual employé, but to the Congress of the United States to say, acting upon each case as it arose, whether or not that was a proper case in which the individual might receive the present, intending to guard, as I suppose, the public service against undue foreign influence.

And now, sir, I would not have said a word if I felt that the only consequence of this vote was to determine whether Mr. Edward Young should receive a ring or not; but I think there is a much greater question involved in the vote, and it is this: whether the American Congress will say to the Emperor of Russia that in his attempt to compliment a scientific *savan* he has offended the United States, or done a wrong, or made a movement toward a wrong to our service. If we say that Mr. Young shall not receive that present, that it is improper for him to receive that ring, we do directly say, as it seems to me, that it was improper for the Emperor to tender the ring. If it was proper for him to proffer it, it was proper for the individual to receive it. I hope we shall not reach such a conclusion as that, or make such a declaration as that. No one will contend that the service of the United States is injured by the fact of offering or the fact of receiving that small gift.

Mr. SCOTT. Mr. President, I concur entirely with the sentiments uttered by the Senator from Delaware, and will only remark in addition, that the office of commissioner to this statistical congress which Dr. Young filled, if it were an office at all, has long since expired; the duties have been discharged; and therefore the case is not within the spirit of the prohibition of the Constitution. He cannot be influenced in the discharge of his duties by this present.

But I rose more particularly to call attention to a precedent, which has been set within the last two years, of permitting persons to whom presents of this kind are offered in consideration of their scientific services or distinction to receive them by the passage of a resolution in the Senate. I will read it, and certainly if there could be no objection made to that resolution, (and I do not remember who introduced it,) there ought to be none to the case now before us. A joint resolution approved April 20, 1871, reads thus:

That the consent of Congress is hereby given to Professor Joseph Henry, secretary of the Smithsonian Institution, to accept the title and regalia of a commander of the Royal Norwegian Order of St. Olaf, conferred upon him for his distinguished scientific service and character by the King of Sweden and Norway, grand master of said order.

Certainly, Mr. President, if in the face of the constitutional inhibition that we shall not confer a title of nobility we can authorize such a distinction as this to be conferred on a scientific individual, we ought not to stumble at the little gold ring that is proffered to this humble, laborious, but yet very worthy and deserving statistician, Dr. Young.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. R. No. 29) authorizing the Secretary of War to detail medical officers of the Army to inquire into and report upon the causes of epidemic cholera; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business;

A bill (H. R. No. 418) to authorize the First National Bank, of Saint Anthony, Minnesota, to change its location and name; and

A bill (H. R. No. 34) authorizing the Second National Bank, of Havana, New York, to change its name.

BILLS INTRODUCED.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 244) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment of Wisconsin Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 245) for the relief of William Rood, late private of the Thirty-sixth Regiment of Wisconsin Volunteers; which was read by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 246) in relation to fees of registers and receivers of land-offices; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 247) in relation to the rights of single women under the pre-emption laws of the United States; which was read twice by its title, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 248) to facilitate the trials of criminal causes in the western judicial district of Arkansas, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 249) authorizing and directing the Secretary of War to give to George A. Armes, late captain Tenth United States Cavalry, an honorable discharge, to date from the 7th day of June, 1870; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 250) to amend an act entitled "An act to establish a western judicial district of North Carolina," approved June 4, 1872; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 251) for the relief of Rufus H. Jones, executor of Wesley Jones, deceased, and late marshal of the United States in the district of North Carolina; which was read twice by its title, and referred, with certain evidences of the claim accompanying the bill, to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 252) to remove the political disabilities of John Julius Guthrie, of North Carolina; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 253) to authorize the county commissioners of Thurston County, in Washington Territory, to issue bonds for the purpose of constructing a railroad from Budd's Inlet, Puget Sound, to intersect the North Pacific Railroad at or near Tenino; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 254) to donate the military reservation at Fort Steilacoom to the Territory of Washington for the use of the insane asylum; which was read twice by its title, and referred to the Committee on Territories.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 255) to authorize the President of the United States to request the republic of Hayti to indemnify Antonio Pelletier; which was read twice by its title, and referred to the Committee on Foreign Relations.

HOUSE BILLS REFERRED.

The bill (H. R. No. 718) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, was read twice by its title, and referred to the Committee on Printing.

The joint resolution (H. R. No. 29) authorizing the Secretary of War to detail medical officers of the Army to inquire into and report upon the causes of epidemic cholera, was read twice by its title, and referred to the Committee on Military Affairs.

OFFICIAL SALARIES.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the salary bill, so called, on which the Senator from Nevada [Mr. STEWART] is entitled to the floor.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates.

Mr. STEWART. I had about concluded what I wished to say when the Senate adjourned yesterday; and on further reflection I am only confirmed in what I then said, that there is no constitutional objection to any discrimination Congress may see fit to make in compensation between members; in fact it might name the Senator from Indiana, the Senator from New York, and the Senator from Pennsylvania by name, and say that they should receive no compensation, and I should like to know by what means they could enforce the payment of any compensation or challenge the constitutionality of the law?

Mr. THURMAN. The Senator says that it is competent for Congress by law to say that particular Senators shall receive no compensation. The Constitution says:

> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States.

I want to know if that does not impose upon Congress the duty of providing by law a compensation?

Mr. MORTON. It does not require us to take it, though.

Mr. THURMAN. No; I do not think it does.

Mr. STEWART. You might fix one cent of compensation. There is no limit to any law that might be passed upon the subject. The Supreme Court have expressly decided that Congress has the power to impair the obligation of contracts, although it is a power not to be exercised in ordinary cases. Though they deprecate the exercise of it, still they say Congress has power to impair the obligation of contracts. The prohibition against impairing the obligation of contracts only operates on the State Legislatures, not on Congress. I have no doubt, then, about the power to make discriminations. That question is suggested by the Senator from Indiana, [Mr. PRATT,] by his amendment, which, no doubt, is a discrimination, because these are monthly payments, and it goes on the theory that the money we have received we ought not to have, and that, consequently, there should be a deduction from our future compensation. It is on that theory that the money allowed us by this increased compensation ought not to have been paid, that it was wrong to pay it, and wrong to receive it, under this law. If that be the case, if it was wrong to receive it since the 4th of March, 1873, certainly it was wrong to have received it since the 4th of March, 1871; and, surely, if the amendment is right in principle, it does not go far enough, and there is no constitutional difficulty in doing exact justice, so far as the members of the present Congress are concerned, if it is proper to do it at all, and if justice has not been done by the law. So I propose to offer an amendment to the amendment, to substitute for the amendment the following:

> *Provided, however*, That the Senators, Representatives, and Delegates of the Forty-third Congress who have received any increased compensation under the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall in the aggregate make their compensation equal to $5,000 per annum for each Congress since the 4th of March, 1871, exclusive of mileage allowances.

Mr. PRATT. Will the Senator withdraw his amendment for a moment for the purpose of allowing me to perfect the amendment which I offered yesterday? I wish to change its phraseology so as to meet the scruple of the Senator from Ohio, [Mr. THURMAN.] I think I do it in the paper which I have drawn up, which I will now read, as an amendment to the amendment which I offered yesterday.

Mr. STEWART. I will hear the reading of it; I do not know that I shall give way to it.

Mr. PRATT. It is as follows:

> *And provided further*, That in all cases where any Senator, Representative, or Delegate of the Forty-third Congress shall not have actually drawn the full rate of compensation provided by the said act since the 4th day of March, 1873, such sums so undrawn and in excess of the rate of compensation of $5,000 per year herein provided, shall be covered into the Treasury by the disbursing officers of the Senate and House of Representatives.

I beg leave to inquire of my friend from Ohio whether this meets his scruple?

Mr. STEWART. I object to this proceeding. I cannot give way for that. I want a direct vote on the plain proposition I have offered. If any portion of the increased compensation is a steal, the whole of it is. If it be the sense of the Senate that any portion of it has been stolen it has all been stolen. I do not believe any of it has been stolen, but I will not vote for a divided proposition; I want it all in. I will read my amendment again——

Mr. WRIGHT. I wish to make a point of order, that the amendment now offered is not in order for the reason that there are two amendments already pending.

The PRESIDENT *pro tempore*. The Chair sustains the point of order.

Mr. STEWART. I should like to know what two amendments are pending.

The PRESIDENT *pro tempore*. The committee reports one amendment and the Senator from Indiana has moved to amend that. His amendment is an amendment to an amendment, and a further amendment is not now in order.

Mr. STEWART. If I am out of order in offering it now, there will be a time when we shall have a chance of voting as to whether we will divide this steal or not.

Mr. LOGAN. What do you mean by "steal?"

Mr. STEWART. I say if we have got to give any of this money back, it is on the ground that it is not lawfully and properly ours. Then it must be a steal; but you may call it embezzlement, or any gentlemanly name you can get. If any part of this money in our pockets does not belong to us, if any portion of the increase does not belong to us, none of it belongs to us, and there is no use in dividing the thing. If under this law any Senator or Member has got money that he ought to give back a part of, he ought to give it all back. Is not that right? The theory upon which we vote to give back is that we took it unlawfully. If we took part of it unlawfully, we took it all unlawfully; and there has been more complaint about the back pay that was taken for services prior to March 3, 1873, than there has

been about the increased pay subsequent to that period. The most odious part of it was that taken for services prior to March 3, 1873. The back pay was what made this law odious in the estimation of the people; and to say that what we have received since then was ill-gotten gain and what we received previous to that period is all right, is illogical and unworthy of this Senate. I do not want to be placed in any such position. I propose to amend this amendment so that it shall cover the whole case, and then test the sense of the Senate upon the question of whether the whole of this is ill-gotten gain or not.

In moving this amendment I do not retract what I said last spring when the subject was under consideration, and what I said yesterday, that I do not believe $7,500 a year is an unreasonable compensation for members of Congress. I do not believe a less compensation is in accordance with our duties or with the public good. I do believe that the public good requires that every member of each House shall be placed in an independent and respectable position while he administers the great duties of his office here at Washington. I believe he should be independent of harassing board-bills for his family. I believe he should be placed in a position where his family can entertain reasonably, modestly, quietly, their friends when they call upon them, in rooms suitable for the purpose, that they shall not constantly be humiliated in being brought in contact with the ordinary world. Seventy-five hundred dollars a year is no extravagant sum for a quiet, modest family to live upon in any city of the Union; and every citizen who is at all conversant with such matters, or whose opinion is at all valuable, must know that fact. It cannot be possible that citizens knowing that fact, knowing it as well as they do, can wish to put us on a lower salary. I have never met one that has not admitted it to me in conversation. I have talked with hundreds of people; I have put the simple question to them, "Do you believe a gentleman with his family can live decently in any city of this Union on less than $7,500 a year, and entertain his friends as a representative must when they call upon him, and have a room to receive them in; do you believe it can be done for less money than that?" and the answer has been invariably from gentlemen with whom I have conversed, "No." That is my own judgment. I am willing to vote for that sum. I believe, notwithstanding all that has been said, that that is not an unreasonable amount; but I say if the Senate think otherwise let them reduce the amount. If they think it was so outrageous to fix our pay at that sum, that the money thus taken was ill-gotten gain, and should be disgorged, then I say disgorge it all; disgorge the back pay as well as the pay received subsequent to March 3, 1873. If it be the judgment of the two Houses of Congress that it was ill-gotten gain, then I will disgorge it in obedience to that judgment—in obedience to the judgment of a majority; but let the judgment of the majority be squarely recorded upon this question, and it is fair that it should be now, since there has been so much said, and not do it by halves.

Mr. MORRILL, of Maine. Mr. President, this is one of those questions involving a good deal of personal delicacy, necessarily, from the very character of the subject itself, and it is one of those questions in the present attitude of affairs which, if it is a thing to be done, it is well, in my judgment, that it should be done quickly.

That the measure of the Forty-second Congress, known as the salary provision, came to incur the popular displeasure is undeniable, and that a sentiment of dissatisfaction found expression in a demand for repeal is probably equally true.

It is unimportant to inquire into the causes or circumstances which may have influenced this popular judgment, whether based upon an intelligent apprehension of the whole subject, or influenced by partial or incomplete views, and how much may be attributable to exaggerated and distorted representations through popular channels.

The fact conceded, upon a question of so much personal embarrassment as necessarily inheres in the exercise of the conferred power of ascertaining, by law, the compensation of its members, Congress, as it prizes its usefulness, can have no controversy with its constituency. Nor is it material to inquire as to the circumstances, motives, or other considerations which may have influenced the Forty-second Congress and prompted the measure. They were, doubtless, various, depending upon convictions of its justice or injustice, expediency or inexpediency. A curious public have not been left in the dark as to the action of Senators; and all interested may learn from the record the true relations of each to the subject-matter.

For myself, I did not think the measure politic, although I am free to say I do not think the compensation to members as adjusted, unjust for excess.

It was clearly competent for the Forty-second Congress to determine the current compensation of its members, both on authority and usage. It is equally competent for the Forty-third Congress to ascertain and determine its compensation, and neither is open to the revision of any other department of the Government.

A question has arisen as to what the public judgment really is upon the legislation in question—whether partial or general, whether it included the entire salary increase or related to that of members of Congress only, and was alike applicable to the current or "back pay" of the Forty-second Congress and the prospective increase. At the outset objection was taken to what was called "back pay," while prospective increase seemed not to be objectionable, or was at most regarded as tolerable. Upon reflection, distinctions between current and prospective increase, either on authority, usage, logic, or morality, seemed to become less apparent and were abandoned as untenable, and finally the public sense found expression in a demand for repeal.

This I am disposed to regard as the public judgment.

It is not the first time in its history that Congress has found itself at variance with its constituency upon the question of its compensation, a subject upon which the public has always been especially sensitive, arising, doubtless, from the peculiarity and amplitude of the constitutional provision. It was in the Constitutional Convention seen to be a matter of great delicacy and difficulty. It contravened the American habit of thought of stipulated compensation. Here it was left exclusively to the employed, a method in itself a constant challenge to criticism and a provocation to complaint.

So has been its history at each attempt of Congress to adjust its compensation, not more apparently on account of the amount of compensation than the fact of exercising such authority at all; as in 1816 when complaints were general and denunciations unqualified, Congress having adjusted its compensation at $1,500.

Between the judgment of Congress as to what is adequate compensation for services and charges incident to public service, and the popular questioning as to the method of ascertaining it, and whether a different rule should not obtain in the case of the legislator from that applied to other occupations, there is ample ground for contrariety of opinion and dissent, mutual misconceptions and dissatisfaction.

Mr. President, the question of the salaries was an entirety. It was a question of compensation. There never was any other question in it which should touch any man's judgment or conscience except this: Was it an adequate or an inadequate compensation? In other words, was it in excess of a reasonable compensation? If it was it applied equally to "back pay," the current pay, and the prospective pay. And no one who believes that it was in excess can take and hold conscientiously, in my judgment, either the back pay or the prospective pay.

Mr. President, I shall vote for the repeal, pure and simple.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana [Mr. PRATT] to the amendment reported by the Committee on Civil Service and Retrenchment.

Mr. CONKLING. What is that amendment?

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. The amendment is to insert at the end of line 10 of the amendment of the committee the following:

Provided, however, That the Senators, Representatives, and Delegates of the Forty-third Congress who have received their compensation since the 4th day of March, 1873, at the rate of $7,500 per year, in accordance with the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall, in the aggregate, make their compensation for the whole Congress equal to the sum of $5,000 per year, exclusive of mileage allowances.

Mr. WRIGHT. I trust that the vote will be taken upon this amendment at once, as also upon all other amendments that may be offered, though I trust none will be offered, and that we shall get to a vote on the bill in a very short time. Having been absent yesterday, however, necessarily, upon business connected with another committee, as the Chair knows officially, when some questions were made with reference to the bill, I deem it proper to say one word as I am now in my place, lest my absence might be misconstrued.

Upon this measure, as upon all others, while I have a seat upon this floor I propose, as far as I can, to look to practical results. In other words, I think a vast deal more of a practical certainty than I do of theoretical perfection. I know that we may remain here and discuss this and other questions day after day, whereas if we would come down to the real question before us, and decide it on the judgment of each Senator, we should be more likely to reach such practical results as would be beneficial to the country as well as to ourselves.

So far as the amendment offered by the Senator from Indiana is concerned, if it stood alone and aside from its effect on this bill, I certainly am not prepared to say that I should oppose it. I think my course upon this question last session, as well as this, is sufficient to indicate how I would stand upon the general proposition. In other words, I think that in justice and in right, and in view of all the considerations that obtain, it is but proper that this bill, so far as Senators and members are concerned, should relate back to the 4th of March last. But as I have already said, while that is my opinion I nevertheless am as well of the opinion that if this amendment shall be carried, it perhaps will result in the defeat of the bill—if not here, that it perhaps may fall as between the two Houses.

Further, I go upon the rule that if I cannot accomplish all that I would desire in a given case I will accomplish as much as possible in the direction that is good. I think, therefore, it is unfortunate that my friend should have offered this amendment, for I think it tends to complicate this question and to lead us off on an issue that we need not get upon if the friends of the bill will all unite in this view of the case, as I think they should.

Allow me to say further that if left to myself I am in favor of a square repeal, just a simple repeal of so much of the act of March 3, 1873, as relates to salaries—no more, no less—with no distinction between officers, between members of Congress, or any persons so far as we can reach them under the Constitution. I say that is my preference; that is what I would prefer to do; and if such a bill shall be presented, I shall vote for that in preference to any other; but if that cannot be done, and as the committee has reported the bill as it now stands, I prefer to stand by the bill rather than to encumber it and

burden it with amendments that I think must possibly and in all probability result in its defeat. I say this to show where I stand upon the general question. I prefer a square repeal of the old law. I prefer that for many reasons that I shall not enter into at this time. I know that, so far as we are concerned here, there are many reasons that justly operate upon the minds of Senators which did not operate last spring when we passed the law; and that many of our good friends who voted for it last session can now just as consistently and just as properly vote for its repeal.

Mr. President, I beg pardon for having said so much, for my purpose was not to take up time on this bill, preferring much that we vote and get it out of the way, because it seems to me that for the country and for ourselves it were better that we dispose of this very speedily than to take up time here by discussion. Hence I beg pardon for having said so much. I have only said it to put myself right, inasmuch as I was absent yesterday, and also that I might set myself right upon the pending amendment, lest any one might suppose, voting against it as I shall for the reason I have stated, that I was unfriendly to the amendment upon principle.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. PRATT. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. FLANAGAN. I am opposed to this amendment, and wish to include that in the remarks I desire to submit.

Mr. SHERMAN. The Senator from Texas wishes to speak to the bill and let the vote be taken on the amendment.

Mr. CONKLING. The Senator from Ohio appeals to the Senator from Texas to allow the vote to be taken upon this amendment.

Mr. SHERMAN. No, I do not. I misunderstood the Senator from Texas. I understood him to say that he desired to vote on the amendment and speak to the bill.

Mr. CONKLING. I suggest that this amendment is a somewhat important thing in this proceeding; and if the Senator from Texas is going to discuss the bill, I shall be glad, for one, to hear him discuss it before we vote on the amendment. I do not wish to take the floor from him, but, if the vote is to be taken now, I want to ask a question of the Chair, and perhaps of the Senator who moved the amendment, before I vote.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

Mr. STEWART. Before that is done I want to appeal to the Senator from Indiana to allow my amendment to be voted upon. I ask him to waive the question of order, to let the report of the committee be regarded as the original bill, so as to allow my amendment to be voted on. Let us test the question whether the back pay shall be returned or not.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the amendment of the Senator from Indiana, and it would not now be in order for him to consent to the proposed change.

Mr. STEWART. I suppose it could be done by unanimous consent.

Mr. FLANAGAN. I was objecting, in my slow way. I may not have been understood.

The PRESIDENT *pro tempore*. The Senator from Texas objects.

Mr. STEWART. Very well.

Mr. FLANAGAN. Mr. President, I regret upon this occasion that I am unprepared in almost every sense of the word to discuss this subject. I have no written speech. I had not expected to be called upon to cast my vote at so early a day; but I discover that my friends upon the right are remarkably anxious to dispose of this subject. They have arrived at the conclusion that really there is nothing to discuss, that we have a plain duty prescribed which the country expects us to perform, and that without ceremony. Now, sir, I for my part have not arrived at the conclusion that I will come forward and put in a plea of guilty to the indictment preferred here. By no means, sir. I am guilty, if there is guilt pertaining to any member of this Senate who advocated the passage of the bill now in question. I did it, and I did it from the purest motives. My motives were pure. I thought we had a right to enact the law; and I thought it was due to the Representatives in Congress that we should do so. I thought that $7,500 a year was not too much; indeed I remarked upon that occasion that I was not satisfied with $7,500; that it ought to have been $10,000. I have seen nothing since that day to cause me to arrive at a different conclusion.

Now, I witness here that which I would be proud to see upon different occasions. Here are a number of Senators whom I love personally. I love them for their great ability; I love them, if you please, in almost every sense of the word; but they admonish me of the words of the poet, who wrote long since—

> While the lamp holds out to burn
> The vilest—

I will not say for them what the poet said—

> may return.

No, I will not call them so. They are acting from pure motives. But, after standing up side by side with me at a rather late hour of the night, on the 3d of March last, in voting for the bill that came in from the House, they have looked at this matter maturely since, and they have arrived at the conclusion that it is proper to return the money they have received. I have not arrived at that conclusion. I find on my table to-day an official report of those Senators who have returned the increased pay. I did not know who they were previous to that report. It was not my business to know; and whatever they had done they had a perfect right to do. I have no right to say even that they erred. I ask simply the same justice for myself that I extend to them. I was one of those that are not noticed here, because I had not drawn mine. But as epidemics rage through cities and frequently reach the interior, I became yesterday a little alarmed, and, thinking this had become so perfectly epidemic, having spread all through the Union—for the various Senators that have refunded live in different directions over this mighty country—I said to myself, "I do not know what may come over my dreams;" and to make perfectly sure of it, and make it all right, this morning I went and called for mine, and I have got a few thousand-dollar bills, and some hundreds, and this, that, and the other. Here they are, [exhibiting several United States notes;] this is my pay, and I am going to fight for it to the last. [Laughter.] I have not stolen that money. I have done nothing that preys upon my conscience in voting for it. I have endeavored to earn it, and I should like to know the power under the Constitution, or from whatever source it may come, that can now divest me of it. There it is.

I am not one of those who expect at an early day to be drafted to take a seat in the White House. Therefore there is no scruple with me upon that branch of the subject; no such influence operates on me; and the returning the money will not elect any man to the presidency—you may be easy on that subject. I am gratified to say further that the Legislature of Texas was in session when I cast this vote. I, directly after leaving the Senate Chamber here, paid my respects to that Legislature. I was kindly received in every sense of the word. That Legislature did not condemn my colleague in this body, nor my colleagues in the other House, nor myself, for having cast that vote. Therefore I again feel tolerably easy on that branch of the subject.

But, Mr. President, I am admonished on this occasion that I should be brief. It is possible that I ought to be; but I am not in the habit of addressing the Senate very frequently. I differ with my friends on that point. I have no hesitancy in saying that this matter ought not to be disposed of very readily; I think it ought to be canvassed well and studiously. It is a grave question. I doubt whether one more grave will be presented during this session, though, I take it, it will be a long one.

Sir, the demagogues of the country have preferred this indictment against us, and many of my friends around me seem to have become alarmed at it. All that I said in their behalf at the outset was sincere. I can only reiterate it again; but they are human; they are just what the human family was thousands of years ago. Various influences have operated to produce this clamor.

Sir, the question to-day in the public mind is not so much the salary bill, as it is the Credit Mobilier transaction. That is the subject that is now really before you to a very great extent. The people of the country have learned the words "Credit Mobilier." They are aware of the long investigation had on that subject. My opinion, from all the lights that I am possessed of, is that there never was much in the Credit Mobilier matter first or last, except the fear on the part of good men that their reputation might be tainted. That was the whole of it, in my humble opinion. I do not think the United States Government, I do not think the people's purses, have been injured by that. The fight on that subject was a long one, and it was a drawn one between the political parties, because it was very clearly proven at the investigation that a large portion of the money that was charged to have been used to influence Congress was about equally divided between the two lamented and distinguished gentlemen who figured so conspicuously in that case. One was Hon. Oakes Ames, a venerable gentleman, a gentleman of great enterprise, and I believe one of the best men in the United States. He acted in that case as a business man, and I think from pure motives. He has gone, however, to render an account for all matters pertaining to life before that tribunal at which we shall all have to appear. Upon the other side was the distinguished gentleman, Mr. Brooks, one of the Representatives from the proud city of New York, the great emporium of this mighty nation. Mr. Brooks has likewise gone to his final account. It was found, I think, upon that occasion, that he was the medium or the representative who had as much to do with the matter as any other man, he the leading democrat in the House, and having an eye as to party. The building the road was a great national matter, at that day one of the greatest of the age, and the nation may well be proud of it.

Mr. President, I have loved in my feeble way to study human nature, and from my stand-point during that investigation I have observed many things that are interesting, and many of them very painful. I saw one of the best men that I think I ever made the acquaintance of fall, as it were, by the wayside. He was protected to a very great extent by his friends. I believed at the time that he was a pure and a good man, but he wanted moral courage. It requires moral courage to make a good Christian, because the opposite influences are so great, that men are drawn from the paths of rectitude upon thousands and thousands of occasions directly against their will. Had the man to whom I allude, when the accusation was preferred, remarked clearly and unequivocally, as I have no doubt was the case, that he had participated, to whatever extent it may

have been, and that there was no wrong intended on his part in what he did, I think the matter would all have been easy. It was the intent that should have governed the transaction. There never was any necessity for that difficulty; but in the great political struggle it was invoked, and he fell. As a square fight, no harm was done to one or the other party. Honors, or infamy if you please, were easy with the one and the other.

Now, upon the back of that investigation, and directly associated with it, came the hue and cry about the "back-salary grab," and B, trying to enlarge and get in advance of A, calls it the "back-salary steal;" and so we go. Now, I desire to know if it can be said by any Senator here that the law which was enacted upon that subject, and which I will read, was unconstitutional. Here it is:

Senators, Representatives, and Delegates in Congress, including Senators, Representatives, and Delegates in the Forty-second Congress, holding such office at the passage of this act, and whose claim to a seat has not been adversely decided, shall receive $7,500 per annum each; and this shall be in lieu of all pay and allowance, except actual individual traveling expenses from their homes to the seat of Government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Member, or Delegate belongs, to be certified under his hand to the disbursing officer and filed as a voucher: *Provided*, That in settling the pay and allowances of the Senators, Members, and Delegates in the Forty-second Congress all mileage shall be deducted and no allowance made for expenses of travel.

That bill was passed on the 3d of March, 1873, and it was under that bill that I drew this money. If that was a "steal," there have been a good many stealing with me. Let it be remembered that that law was based on the sixth section of the first article of the Constitution, in these words:

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and to be paid out of the Treasury of the United States.

Under that law, as contemplated by the Constitution, I have drawn that money. Am I entitled to it by law? Is there a Senator here who will answer in the negative that I am not? If there is, and he will give me light on the subject, I will go with him and refund; because I have not spent mine, and it will not hurt me to do it. But no such response can be given. There is the Constitution of the United States. I have wronged no man to the thousandth part of a fraction. The only question is whether it was a politic law, whether it should have been enacted or not. It was enacted, and I believe no question would have arisen about it but for the facts that I have briefly enumerated—the Credit Mobilier investigation, &c.

Now, sir, while upon the subject of the Credit Mobilier, which was condemned by everybody broadcast throughout this Union, there was not one man out of a thousand throughout the land who knew the meaning of the words "Credit Mobilier," and yet they were condemning it in all parts on the ground that it was a mighty steal, a great fraud, and millions of dollars had been stolen from the Treasury of the United States. Those very people at that moment knew not what they were talking about, except that they were prejudiced upon that branch of the question. They knew just about as much of the meaning of the Credit Mobilier and the history of it as the referee who was called upon on one occasion, which I will detail to you very briefly. The scene, I think, was laid in my own native State, Virginia. Years since there were a couple of young gentlemen at the university there, and as has been the custom for ages in such schools, and as it will continue thousands of years, attachments grew up mutually among the students. There were two who became almost as Damon and Pythias, and they pledged the one to the other that if they ever settled in life they would visit each other. Time rolled on; they were well settled, and they were divines, each teaching, lecturing, and preaching to their respective audiences where they resided. The one visited the other. The local resident who was visited, as a matter of course invited the visiting brother to perform the services, to do the needful for him on Sabbath. "Certainly," was the reply; "with a great deal of pleasure." They wended their way to church. In the mean time, however, he asked his friend, as a prudent man should do, "What is your manner of addressing your congregation? Do you use fine language or do you speak to them in a common-sense style?" "Oh," was the reply, "by all means in a common-sense style; I have nothing to do with fine language; I believe in stating everything plainly and substantially so that the people will understand it; they like it much better." On they went, and he preached his discourse and thought he had acquitted himself very well. On their return he asked his local friend what he thought of his discourse. "Well," said he, "it was very good, except that you did not carry out the agreement between us." "Why," said the other, "in what respect I should like to know; I was remarkably clear and cautious upon the occasion." "Well," said he, "for instance, you used the word 'felicity' instead of 'happiness.'" "Why," said the visiting brother, "there was not an individual in my hearing to-day that did not understand the word 'felicity,' beyond a doubt. I take it for granted that you are mistaken." Said the other, "We will test that; there goes a colored man through the yard; call upon him and see what he will say on the subject." He called him up. Up he came, presenting himself properly. Said the visiting brother, "Look here, I want to ask you if you can tell me the meaning of the word 'felicity.'" "O, yes, sir; yes, sir; I think I can." "All right," said he, "I supposed you could; what is it?" Said the colored man, "Sir, I think it is something inside of a pig." [Laughter.]

The truth is that thousands and thousands of the people who were talking about it would come just as near the meaning of "Credit Mobilier" as that boy did the meaning of the word "felicity;" he did not understand anything about it.

Now, the subject is discussed on the question of back pay. It is said that down South the colored people are remarkably ignorant. The democracy claim to be the custodians of knowledge. Well, they are learned, and I am gratified to know it, and thousands of them are good and pure men. That is equally true. There is another party, however, the republicans, who think they are in the advance and are likewise entitled to wear the honors. The colored man to a great extent is ignored. But upon this occasion look at the facts. You find the fight broadcast, republicans and democrats measuring their steel the one against the other upon the "great steal," as many of them of both parties agree it is. The black man sits quiet and silent by the way, thereby proving that he is better informed than either one of the other parties, because he does not expose himself in crying out and condemning that which he knows nothing about; he compliments himself.

Why, Mr. President, on my return home, directly after the passage of this bill, I met in the State of Texas, at the termination of the railroad upon which I had traveled, a commission merchant of position, who resided at that point. Quite a number of gentlemen were around, and he came running to me and wanted to know if his friend HERNDON, one of my colleagues in the other branch of the Capitol, had voted for "this miserable back-pay steal?" Said I to him, "What do you mean, sir?" Said he, "I hear thus and so. We do not agree in politics; yet I have confidence that you will tell me what is true on this subject." Said I, "Before I answer you, I wish to interrogate you. What newspapers do you read?" "Oh," said he, "I read none. I have long since thrown them all away; they are all lies; I do not read any." "Well," said I, "I do not feel disposed to be interrogated by a man who is so ignorant and prejudiced as to read no newspapers."

That, I think, illustrates the position of the "back-pay salary grab" to a very great extent. That was in my immediate neighborhood. That man knew nothing in the world about it; he knew, however, and declared that he was down on his friend HERNDON if he had voted for it. And right here, while speaking of my friends in the other end of the Capitol, it reminds me of the fact, which I notice with the kindest motives, that in that wing the members from my State are all democrats. They are clever gentlemen and I am fond of them; they are friendly and all right with us. They are all democrats, and every one of them had voted for this bill before it came into this House. I was the only republican from the State, and I voted for it too. It seemed to me that I ought to have been pretty well protected, because those gentlemen had been directly sent up by the people, and were elected upon the platform of reform. I thought on that occasion I could venture to go into democracy, a little at all events. [Laughter.] In I went; but I find I got into bad company, if you take the idle reports, as I hold them to be, that are broadcast throughout the land. I did nothing more on that occasion than they did, and they preceded me. They came directly from the people, and were the first to vote for this bill. I raised no issue with them, but followed them very kindly and very willingly, for I believed it was correct.

Mr. President, the day was when much money was drawn, time and again, from the Treasury of the United States for constructive mileage by my great predecessors, as I will call them, for they are so esteemed in Texas. The lamented Generals Rusk and Houston received their constructive mileage when the Senate was called together for a few days at the expiration of the different Congresses in which they served. Many good men have done so. I have not been benefited by any such act. It is true when we were convened here in extra session of the Senate by the President of the United States, to aid him in matters pertaining to the great treaty between England and the United States on the subject of the Alabama claims, we all responded I came from Texas, I very well know, at a large expense. I asked no questions as to whether I should receive compensation for mileage. I expected none. The subject was referred to the Judiciary Committee, and they reported adverse to the payment of it. Nothing more was said on that occasion, and I thought that was the end of it. But upon my return, at the regular session, after having been here for some time, I learned that a little resolution had passed the Senate allowing mileage to the various Senators. I sat then, as I am gratified I do now, by my honorable friend CLAYTON, who is at present occupying the Chair. I asked him if such was the fact. Perhaps it was from him I got the information. I communicated it directly thereafter, good-naturedly, to my friend General AMES, asking him if he knew anything about it. He replied that he had heard nothing of it. "Well," said I, "I am assured that it is the fact." Said he, "Is that so?" "Now," said I, "give me 10 per cent. for that information if you are lucky." [Laughter.] Off he went, and in a few minutes came back and said, "All right; here it is; I have got it."

Where did that come from? The Senate voted it, and I say righteously. I was absent. I am raising no issue now, mind you, upon it. I say they did right. I was gratified that they did so. I was in no hurry about it, and never drew mine until after the salary bill passed. I knew it was safe in the possession of the financial officer of the

Senate. I frequently leave my money there during the whole session, fortunately not having any use for it. I have none under heaven for it now. I have some other similar bills to the one I have shown you, when I want to exhibit them. I do so now simply to show that I am not begging the question in any manner, shape, or form. I received that $1,000 rightfully. I think there would be as much propriety in attempting to dig up that $1,000 mileage—the voting of which was an innovation upon the established rules for a considerable period anterior—as to dig down now by these amendments, and stigmatize those who are not ready to respond to charitable institutions and this, that, and the other.

Why, sir, let me relate what occurred directly after the passage of the salary bill in this proud city of Washington. There are good people here, and I love them. They have always treated me kindly. I hope I have done nothing that would prompt them to do otherwise. They have treated me kindly; but they were more than generous upon this occasion that I am now about to speak of. Some charitable institutions, of what denominations I do not remember and I do not wish to recollect, sent to me propositions directly at my room, suggesting that I could very readily divest myself of everything that pertained to wrong about this matter by contributing the little amount that I received, whatever it might be, to them. They proposed to do what? To be the custodians of that which I had stolen! It was a business that I had never entered into, and I contemptuously paid no further attention to them one way or the other. I manage my own finances.

Now, sir, the expression of the word "finances" presents an idea to me to which I will call the attention of the Senate. The Credit Mobilier is down upon you; the "back-salary grab steal," and thus and so, is upon you; the financial question is upon you and you must dispose of it, and I take it for granted that you will dispose of it correctly, as its great merit demands.

Mr. President, I invite the attention of the guardians of the people, whom I am now addressing, to this fact: At a very early day, when we are likely to get into a discussion and close voting upon the great question of finance, will we find a bowl with soap and towels and everything prepared for the convenience of each and every Senator in the Chamber? "Remarkable," say you; "what an idea! For what purpose?" Sir, for this purpose: I wish to show you now, not as a myth, but substantially, that there is no Senator upon this floor who is not directly voting to replenish his own coffers when he votes upon that question. A resumption of specie payments is spoken of. I am an advocate for that resumption. There are millionaires here who care nothing about this "back-salary grab." It may suit very well to put a high feather, a noble plume, in their caps, because they can very well live without it. These millionaires I envy not. I would like very much to be one of them, properly. I have not received those blessings in life, however, that would enable me to reach that point. There are many of them here. I wish we all were, and I think if we all were, the interests of the United States would be in just as good hands as they are at present. I deplore not that fact; I am gratified at it. But, sir, he who owns his millions in greenbacks the day that we bring about resumption, if gold is worth 10 per cent. premium, adds merely another million to his finances. How can you canvass that question? The people's eyes are upon you. They are talking of the salary grab that we are now discussing and the Credit Mobilier. They will go into all the avenues and ramifications of your action in every respect, and they will visit them upon A, B, and C.

I am gratified to know that I stand here independent. I have a few thousands, and if we should resume to-day I could very well afford to vote to waive my little pittance of back salary, because the result of such a resumption would be more to me in proportion than I would receive from the "salary grab."

Are we not to represent the people of this mighty nation because our interests are identical with those of the people? In canvassing for office in the various States of this proud Union it has always been usual for a man to say that his interests were directly identified with those whom he wished to represent, thereby intimating that they might confidently rely upon him, that if he were benefited, he being a selfish man, as candidates are often accused of being, they would likewise be, and the answer is often thus given.

Now, sir, that financial question is to be disposed of, and I ask you if one consideration is not just as legitimate as the other. I voted for the salary bill. I am yet for it. I am opposed to this amendment. The amendment is unfair. It cannot be equalized. A number of Senators, one-third perhaps, went out at the expiration of the last session who were beneficiaries under that bill. What benefit can you reap now by digging into the pockets of those gentlemen? You cannot do it. It is invidious and objectionable in that regard. I care not what you place the salary at particularly. But I voted for the bill, and I am not going to come up here and confess that I was in error, unless I should first be convinced that I was in error, and when so convinced, there is no man who would retract earlier than I would. I do not think it would have taken me as many months as it has some of my distinguished friends who have thus acquitted themselves to learn that fact. Not having done it, I propose to remain where I stood originally. I am for the bill as it was enacted in 1873.

But, say the opponents of the measure, it was done in the last moments of the session. That shows the ignorance that is abroad on the subject and the prejudices that overwhelm us. When could it have been enacted? An appropriation must be made at every session of Congress for the expenses of the Government for all purposes pertaining to it, both great and small. Is there a Solomon here who could so readily tell who was the proper mother of the child? His courtiers were laughing in their sleeves at the dilemma in which he was placed, thinking that they would be called upon every moment to cut the Gordian knot, and relieve the young judge by giving him an idea; but he gave the order to his officer, the executioner, to divide the child. "No, no," exclaimed one. Said he, "There is the mother," and the case was settled. We have not that wisdom here. No Senator here can anticipate and get up an appropriation bill three months before the adjournment of Congress. We have not been blessed with any such wisdom. I do not say that it would be a blessing even if we had it. Perhaps it would be. But, sir, those bills have never been enacted at any other period than at the close of the session.

So far as I am concerned, so far as my colleague in the Senate is concerned, this question is a matter of very small moment. Our mileage was about one thousand dollars. That is covered up in the $7,500. Then there were other items that we received. So far as we are concerned, we can well compare with any of our predecessors, for the records do not show that we have drawn anything like the amount of other Senators who have gone before us. They received their constructive mileage and various other things.

The seat that I have the honor to occupy now, representing the State of Texas in part, was vacated, not in a way that I desired it should be. An attempt to secede brought that about and created a vacancy. After due course of fighting and enacting of laws, there was an invitation extended to us, upon particular terms, known as the reconstruction laws, to reoccupy these seats. I was complimented with one of them. Now, to show just how things work occasionally: when we came here we brought proper credentials. We had complied with the letter of the law to the thousandth part of a fraction, I think. We had been very particular. Lest there should be some objection—some error—we brought the regular certificate of the acting general of that department, General Reynolds, who had supervised the election, the returns, and everything of the kind having been made to him. We likewise brought the certificate of our executive, the governor of the State. When they were presented they were laid upon the table. The distinguished chairman of the Judiciary Committee at that time, for reasons well known to himself, kept us out of our seats for about a month. Finally, my distinguished friend, Senator Sherman, called upon the chairman of the committee to report, so that the Senate might take action in the Texas case. The distinguished chairman, Judge Trumbull, declined to do so, letting the honorable Senator from Ohio know that he was attending to that subject and at the proper time he would make a report. He could not exactly say at what hour or what day, but it was sufficient to know that it was his business. "Well," said my friend from Ohio, "I think I will test that matter;" and he brought the question before the Senate, and the Senate overruled the distinguished chairman. The question was taken up and we were admitted. I do not think there was five minutes' discussion. We were admitted directly, because, as I remarked, everything was all proper, and there could be no question about the matter. What were the facts following? I merely mention this to show that so far as we are concerned, we have not run our hands into the Treasury beyond law, and that all laws pertaining to those interests have not been remarkably liberal; but still neither my colleague nor myself condescended to raise the question in the Senate. The Senate had ruled, and we were ready to abide by that rule.

In the other House the members from Texas were received upon the motion of General BUTLER, who does things in General BUTLER'S way. He does them manfully, nobly, quickly, and boldly, and, I think, generally correctly. He moved that the Representatives from Texas be accepted and seated. They were, and I think the record will show that they received their pay, not from the moment that they were seated, but back to the time when the Congress to which they were elected began its term.

My colleague here and myself had been elected in February. Upon the 31st of March we were sworn in. We were here a month, doubly armed with credentials to which no objections were raised first or last, no technicalities, no broad questions, and we were bearing our own expenses, and we were paid, by a resolution of the Senate, from the 31st day of March. We got nothing out of the United States in that transaction. We have not overdrawn our pay. We have drawn no back salary in any way, manner, or shape in this instance, and the little pittance that we have received under this general law, in excess over that which we had previously received, is a very small matter. The amendment now before us leaves us just about *statu quo*, just precisely where we were originally. We are no losers by it.

But that is not the question. I am not here to put in a plea of guilty and disgorge that which they say I have improperly come in possession of. I say the Constitution of the United States, and all the laws based upon it, authorize me to act as I have acted and as I expect to act.

Now, by way of illustration, I call the attention of the Senate to a little article published in the Chronicle, of this city, a few days since, which I ask the Secretary to read.

The Chief Clerk read as follows:

There was formerly constructive mileage paid to members of the United States Senate, who were called to meet in extra session after the adjournment of Congress, under the fiction that they could make journeys home, and return to the capital from the most distant points in the nation in a day or two. Some Senators had constitutional scruples, and refused to receive this extra allowance, which to those from long distances amounted to as much as the per diem for a whole session. Among those was Senator Mouton, of Louisiana, who represented that State from 1837 to 1841. Now he wants his back pay, too. A request was received at the Treasury Department Thursday that the mileage which he had not drawn for two special sessions of the Senate might be forwarded to him.

Mr. FLANAGAN. Now, Mr. President, I can see the propriety very readily, from that notification to the Department, of my friends here urging these amendments to have the nails or the screws so conclusively fastened in the coffin of this odious bill that it never can be resurrected under any circumstances, so that they thereby might be enabled upon a change of their views subsequently to demand it again. They believe exactly what they are doing. So did Senator Mouton, a high-toned gentleman from the proud State of Louisiana. He would not take his constructive mileage at the time, but many years afterward he comes here and says, "It is my right now, and I want it; I am not going to leave any such interregnum."

Mr. President, as I remarked in the outset, I look upon this as a very important question, differing from a number of my friends in that regard; and in connection with my remarks on the subject I ask for the reading of the "Report of the Secretary of the Senate, submitting, in compliance with a resolution of the Senate of December 17, 1873, information in relation to the fixing of salaries of Senators and Representatives in Congress from the formation of the Government."

The Chief Clerk read as follows:

OFFICE OF THE SECRETARY OF THE SENATE,
Washington, D. C., January 3, 1874.

Hon. MATT. H. CARPENTER,
President of the Senate pro tempore:

SIR: In compliance with the resolution of the Senate of the 17th ultimo, calling for information concerning salaries of Senators and Representatives in Congress, I have the honor to furnish the following:

I.—*The several rates of compensation fixed by various laws, and the cases in which the same were retroactive, and for what length of time.*

1. By the act of September 22, 1789, the compensation of Senators and Representatives in Congress was fixed at six dollars a day, and thirty cents a mile for traveling to and from the seat of Government. This rate was to continue until March 4, 1795. The same act fixed the compensation from March 4, 1795, to March 4, 1796, (at which last-named date, by its terms, it expired,) at seven dollars a day, and thirty-five cents a mile for travel.

This act was retroactive, extending back six months and eighteen days, namely, to March 4, 1789.

2. The act of March 10, 1796, fixed the compensation at six dollars a day, and thirty cents a mile for travel. (This act extended back over six days only.)

The act of March 19, 1816, fixed the compensation at $1,500 a year, "instead of the daily compensation," and left the mileage unchanged.

This act was retroactive, extending back one year and fifteen days, namely, to March 4, 1815.

(This act was repealed by the act of February 6, 1817, but it was expressly declared that no former act was thereby revived.)

4. The act of January 22, 1818, fixed the compensation at eight dollars a day, and forty cents a mile for travel.

This act was retroactive, extending back fifty-three days, namely, to the assembling of Congress, December 1, 1817.

5. The act of August 16, 1856, fixed the compensation at $3,000 a year, and left the mileage unchanged.

This act was retroactive, extending back one year five months and twelve days, namely, to March 4, 1855.

6. The act of July 28, 1866, fixed the compensation at $5,000 a year, and twenty cents a mile for travel, (not to affect mileage-accounts already accrued.)

This act was retroactive, extending back one year four months and twenty-four days, namely, to March 4, 1865.

7. The act of March 3, 1873, fixed the compensation at $7,500 a year, and actual traveling expenses; the mileage already paid for the Forty-second Congress to be deducted from the pay of those who had received it.

This act was retroactive, extending back two years, namely, to March 4, 1871.

NOTE.—Stationery was allowed to Senators and Representatives without any special limit until March 3, 1868, when the amount for stationery and newspapers for each Senator and Member was limited to $125 a session. This was changed by a subsequent act, taking effect July 1, 1869, to $125 a year. The act of 1873 abolished all allowance for stationery and newspapers.

II.—*Names of Senators who drew pay under the retroactive provisions of the several laws, amounts drawn, and dates of same.*

Act of 1789.—The records of my office do not furnish the exact information desired under this head concerning the First Congress, the compensation of which was fixed by act of September 22, 1789.

It appears, however, that the account of each Senator was made up, and that each received the amount allowed by law. The following is a copy from the record:

January 19, 1790.—That there is due to the Senators of the United States for attendance in Congress the present session, to the 31st day of March inclusive, and expenses of travel to Congress as allowed by law, as follows, to wit:

Mr. Basset	$496 50	Mr. Johnston	$534 00
Butler	796 00	King	522 00
Carroll	186 00	Langdon	618 00
Dalton	612 00	Maclay	585 00
Ellsworth	546 50	Morris	430 50
Elmer	414 00	Paterson	514 50
Few	833 50	Read	195 00
Henry	596 50	Strong	575 50
Hawkins	615 00	Schuyler	571 50
Johnson	544 00	Wingate	616 50

Act of 1816.—The records contain no showing as to the amount paid to Senators under the retroactive provision of the act of March 19, 1816. The following, taken from the books, shows the amount of compensation paid to each Senator for the entire Congress, exclusive of mileage:

Mr. Ashmun	$920	Mr. Macon	$2,946
Barbour	2,850	Mason, of New Hampshire	2,680
Barry	2,080	Mason, of Virginia	2,360
Bibb	2,070	Morrow	3,000
Brown	2,980	Noble	920
Campbell	2,950	Roberts	3,000
Chase	3,000	Ruggles	3,000
Condit	2,980	Sanford	2,720
Daggett	3,000	Smith	540
Dana	2,640	Stokes	810
Fromentin	3,000	Tait	3,000
Gaillard, President	6,000	Talbot	2,730
Goldsborough	2,840	Taylor, of South Carolina	1,990
Gore	1,940	Taylor, of Indiana	920
Hanson	530	Thompson	2,850
Hardin	900	Tichenor	3,000
Harper	1,450	Troup	830
Hersey	3,000	Turner	2,060
Howell	3,000	Varnum	3,000
Hunter	2,930	Welles	2,610
King	2,660	Williams	3,000
Lacock	3,000	Wilson	3,000

Act of 1818.—Under the retroactive provision of the act of January 22, 1818, the following-named Senators drew the amounts opposite their respective names:

Names.	Compensation.	Mileage.	Total.
Mr. Ashmun	$360 00	$308 00	$668 00
Barbour	424 00	96 00	520 00
Burrill	424 00	348 00	772 00
Campbell	408 00	600 00	1,008 00
Crittenden	424 00	583 20	1,007 20
Daggett	424 00	266 40	690 40
Dana		283 20	283 20
Dickerson	424 00	204 80	628 80
Eppes	424 00	160 00	584 00
Fisk	408 00	440 00	848 00
Fromentin	120 00	1,273 60	1,393 60
Gaillard	424 00	464 00	888 00
Goldsborough	416 00	67 20	483 20
Hersey	392 00	93 60	485 60
Hunter	168 00	375 20	543 20
Johnson		1,273 60	1,273 60
King	424 00	203 20	627 20
Lacock	424 00	225 60	649 60
Leake	424 00	960 00	1,384 00
Macon	424 00	176 00	600 00
Morril	424 00	452 00	876 00
Morrow	352 00	424 00	776 00
Noble	424 00	494 40	918 40
Otis	424 00	368 80	792 80
Roberts	424 00	140 80	564 80
Ruggles	424 00	264 00	688 00
Sanford	424 00	192 00	616 00
Smith	424 00	350 40	774 40
Stokes	392 00	353 60	745 60
Storer	424 00	451 20	875 20
Tait	424 00	528 00	952 00
Talbot	312 00	560 00	872 00
Taylor	424 00	656 00	1,080 00
Tichenor	424 00	360 00	784 00
Troup	360 00	592 00	952 00
Van Dyke	288 00	92 80	380 80
Williams, of Mississippi	424 00	1,009 60	1,433 60
Williams, of Tennessee	424 00	437 60	861 60
Wilson	424 00	144 00	568 00

Act of 1856.—Under the retroactive provision of the act of August 16, 1856, the following-named Senators drew the amounts opposite their respective names:

1856.				
Aug.	21.	Stephen Adams		$2,243 77
	21.	Philip Allen		2,202 79
	21.	James A. Bayard		2,088 03
	18.	James Bell	$100 00	
Sept.	3.	James Bell	983 93	
				1,083 93
Aug.	21.	John Bell		2,268 36
	21.	J. P. Benjamin		2,210 99
	20.	Asa Biggs		2,161 81
April	22.	William Bigler	$750	
July	3.	William Bigler	500	
Aug.	13.	William Bigler	344 24	
				1,594 24
Sept.	5.	Jesse D. Bright, president *pro tempore*		6,772 40
Aug.	22.	R. Brodhead		2,251 97
	21.	A. G. Brown		2,251 97
	21.	A. P. Butler		2,202 79
	21.	Lewis Cass		2,251 97
	21.	C. C. Clay, jr		2,251 97
	25.	J. M. Clayton		2,292 95
	21.	J. Collamer		2,219 18
	30.	J. J. Crittenden	$80 00	
Oct.	30.	J. J. Crittenden	2,163 77	
				2,243 76
Aug.	21.	H. Dodge		2,292 95
	21.	S. A. Douglas		2,268 36
	21.	C. Durkee		2,235 56
	21.	J. J. Evans		2,121 70
	28.	W. P. Fessenden		2,276 56
	21.	H. Fish		2,237 22
Oct.	16.	B. Fitzpatrick		2,194 59
Aug.	21.	S. Foot		2,292 95
	23.	L. F. S. Foster		2,112 62
	21.	H. S. Geyer		2,276 56
Sept.	6.	J. P. Hale		887 19
	6.	H. Hamlin		1,939 68
Aug.	22.	J. Harlan		2,268 36

1857.				
March	3.	S. Houston		$2,292 95
1856.				
Aug.	21.	R. M. T. Hunter		2,210 99
	21.	A. Iverson		2,210 99
	28.	C. T. James	$500 00	
Sept.	8.	C. T. James	1,710 99	
				2,210 99
Aug.	22.	R. W. Johnson		632 21
Sept.	1.	G. W. Jones		2,235 58
Aug.	21.	J. C. Jones		2,047 05
	21.	S. R. Mallory		2,276 56
	22.	J. M. Mason		2,170 00
	22.	J. A. Pearce		2,194 59
	22.	T. G. Pratt		2,129 02
	22.	G. E. Pugh		2,096 21
	22.	D. S. Reid		2,235 58
Oct.	18.	T. J. Rusk		2,292 95
Aug.	21.	W. K. Sebastian		2,137 22
	21.	W. H. Seward		2,292 95
	21.	John Slidell		2,276 56
	21.	C. E. Stuart		2,292 95
	27.	C. Sumner		2,292 95
	21.	J. B. Thompson		2,235 57
	21.	John R. Thomson		2,022 46
1856.				
Sept.	23.	Robert Toombs		2,006 07
Aug.	21.	Isaac Toucey		2,292 65
	22.	L. Trumbull		2,251 97
	21.	B. F. Wade	$2,170 00	
	22.	B. F. Wade	32 79	
				2,202 79
	21.	J. B. Weller		2,251 97
	21.	H. Wilson		2,178 20
	21.	W. Wright		2,120 82
	21.	D. L. Yulee		2,194 59

Act of 1866.—Under the retroactive provision of the act of July 28, 1866, the following-named Senators received the amounts opposite their respective names:

1866.				
Aug.	7.	H. B. Anthony		$2,805 56
	7.	B. Gratz Brown		2,805 56
	1.	C. R. Buckalew		2,805 56
	7.	Z. Chandler		2,805 56
	1.	D. Clark		2,805 56
Oct.		J. Collamer		1,3 9 15
Aug.	1.	J. Conness		2,805 56
	7.	E. Cowan		2,805 56
	7.	A. H. Cragin		2,805 56
	7.	J. A. J. Creswell		2,805 56
	7.	G. Davis		2,805 56
	7.	J. Dixon		2,805 56
	7.	J. R. Doolittle		2,805 56
	7.	W. P. Fessenden		2,805 56
Oct.	3.	S. Foot		2,136 76
	3.	L. F. S. Foster, President *pro tempore*		261 93
Aug.	7.	J. W. Grimes		2,805 56
	8.	J. Guthrie		2,805 56
	9.	I. Harris		2,805 56
	1.	J. B. Henderson		2,805 56
	9.	T. A. Hendricks		2,805 56
	9.	J. M. Howard		2,805 56
	9.	T. O. Howe		2,805 56
	3.	R. Johnson		2,805 56
	11.	H. S. Lane		2,805 56
1867.				
April	26.	J. H. Lane		2,710 49
July	31.	James A. McDougall		2,805 56
Oct.	25.			
	29.			
	30.			
Nov.	5.			
Dec.	3.			
1866.				
Aug.	11.	E. D. Morgan		2,805 56
	7.	L. M. Morrill		2,805 56
1867.				
March		J. W. Nesmith		2,805 56
1866.				
Aug.	1.	D. S. Norton		2,805 56
	1.	J. W. Nye		2,805 56
	10.	S. C. Pomeroy		2,805 56
	14.			
	2.	A. Ramsay		2,805 56
	11.	G. R. Riddle		2,805 56
	11.	W. Saulsbury		2,805 56
July	31.	J. Sherman		2,805 56
Aug.		W. M. Stewart		2,805 56
	1.	C. Sumner		2,805 56
	11.	L. Trumbull		2,805 56
	11.	P. G. Van Winkle		2,805 56
Aug.	11.	B. Wade		2,805 56
	13.	W. T. Willey		2,805 56
	1.	G. H. Williams		2,805 56
	2.			
Oct.	11.			
Nov.	9.			
1867				
Jan.	4.			
1866.				
Aug.	11.	H. Wilson		2,805 56
	14.	W. Wright		2,805 56
	22.	R. Yates		2,805 56
Dec.	26.	J. Harlan		350 00
Aug.	14.	L. P. Poland		1,361 00
1867.				
Oct.	16.	John P. Stockton		2,131 20
1866.				
Aug.	14.	S. J. Kirkwood		2,361 10
	14.	G. F. Edmunds		666 66
July	30.	E. G. Ross		180 40

Act of 1873.—Under the retroactive provision of the act of March 3, 1873, the following-named Senators received the sums set opposite their respective names:

March	24.	A. Ames		$2,840 00
	14.	J. L. Alcorn	$60 50	
	18.	J. L. Alcorn	1,250 00	
	24.	J. L. Alcorn	200 00	
	27.	J. L. Alcorn	801 89	
				2,312 39
	12.	T. F. Bayard	$200 00	
	20.	T. F. Bayard	3,000 00	
	21.	T. F. Bayard	100 00	
	28.	T. F. Bayard	1,000 00	
	31.	T. F. Bayard	500 00	
April	16.	T. F. Bayard	65 60	
				4,865 60
March	25.	F. P. Blair		3,761 60
	26.	A. I. Boreman		4,514 00
	12.	W. G. Brownlow		4,588 00
	19.	A. Caldwell		2,647 60
	12.	S. Cameron		4,856 00
April	12.	M. H. Carpenter		3,887 60
May	14.	E. Casserly		970 40
March	28.	Z. Chandler		3,906 80
	26.	P. Clayton		2,600 00
	28.	C. Cole		970 40
	31.	H. Cooper		3,760 00
	14.	H. G. Davis	$300 00	
	19.	H. G. Davis	200 00	
	20.	H. G. Davis	82 40	
April	3.	H. G. Davis	4,052 80	
				4,635 20
March	6.	O. S. Ferry	$200 00	
	24.	O. S. Ferry	513 77	
	25.	O. S. Ferry	563 23	
	25.	O. S. Ferry	3,375 00	
				4,652 00
	28.	T. W. Ferry		3,920 00
	19.	J. W. Flanagan		2,000 00
	3.	A. Gilbert		3,680 00
	26.	George Goldthwaite	$400 00	
	29.	George Goldthwaite	3,524 80	
				3,924 80
	19.	M. C. Hamilton		2,480 00
March	12.	Joshua Hill		4,083 20
April	21.	P. W. Hitchcock		2,852 80
May	2.	T. O. Howe		3,689 60
March	24.	J. W. Johnston		4,705 60
	12.	John T. Lewis		4,804 40
	12.	John A. Logan	$100 00	
	28.	John A. Logan	3,700 00	
				3,800 00
	13.	W. B. Machen		552 98
April	26.	L. M. Morrill		4,190 00
	10.	J. S. Morrill		4,386 80

[Draft in favor of the treasurer of the State of Vermont.]

April	10.	T. W. Norwood		4,169 60
March	17.	J. W. Nye		2,076 80
	27.	T. W. Osborn	$375 00	
April	7.	T. W. Osborn	3,065 00	
				3,440 00
March	12.	J. W. Patterson		4,280 00
	12.	S. C. Pomeroy		3,320 00
	12.	John Pool		4,620 80
	7.	M. W. Ransom	$150 00	
	14.	M. W. Ransom	30 00	
	17.	M. W. Ransom	1,607 00	
	18.	M. W. Ransom	300 00	
	22.	M. W. Ransom	500 00	
	25.	M. W. Ransom	100 00	
	29.	M. W. Ransom	317 80	
April	3.	M. W. Ransom	416 66	
	4.	M. W. Ransom	1,396 14	
				4,817 60
March	13.	B. F. Rice		3,200 00
	27.	T. J. Robertson		4,374 80
	12.	F. A. Sawyer	$1,981 73	
	17.	F. A. Sawyer	810 00	
	18.	F. A. Sawyer	1,502 67	
				4,294 40
	10.	George E. Spencer	$250 00	
	14.	George E. Spencer	200 00	
	17.	George E. Spencer	200 00	
	18.	George E. Spencer	300 00	
	20.	George E. Spencer	150 00	
	24.	George E. Spencer	300 00	
	27.	George E. Spencer	100 00	
	28.	George E. Spencer	2,606 00	
				4,106 00
Oct.	15.	W. Sprague		4,508 00
March	13.	W. M. Stewart	$1,277 97	
	17.	W. M. Stewart	20 00	
	25.	W. M. Stewart	20 00	
	31.	W. M. Stewart	168 43	
				1,486 40
	10.	J. P. Stockton	$400 00	
	22.	J. P. Stockton	4,390 00	
				4,790 00
	12.	T. W. Tipton		3,358 00
	20.	Lyman Trumbull		3,980 00
	17.	G. Vickers		4,880 00
	12.	J. R. West		2,468 80

III.—*Names of Senators who covered into the Treasury amounts due them under retroactive provisions of law, with date of such action.*

There is no record in my office showing that any Senator covered into the Treasury any money to which he was entitled by the retroactive provisions of either of the acts of September 22, 1789, March 19, 1816, January 22, 1818, August 16, 1856, or July 28, 1866.

The following Senators covered into the Treasury the amounts due them under the retroactive provision of the act of March 3, 1873, namely:

1873.			
May	26.	H. B. Anthony	$4,497 20
June	23.	W. A. Buckingham	4,553 60
May	21.	R. E. Fenton	4,184 00
June	2.	F. T. Frelinghuysen	4,644 80
May	19.	H. Hamlin	4,136 00
Aug.	14.	O. P. Morton	3,922 40
April	9.	D. D. Pratt	4,121 60
Aug.	25.	A. Ramsey	3,041 40
March	28.	C. Schurz	3,761 60
May	9.	John Scott	4,733 06
July	11.	John Sherman	4,336 40
May	2.	C. Sumner	4,445 60
	22.	A. G. Thurman	4,359 20
Mar.	28.	Henry Wilson	4,448 00
Sept.	6.	George G. Wright	3,140 80

NOTE.—Several of these Senators, as well as others who have not either drawn or covered into the Treasury the amounts due them under the retroactive provision of the act of 1873, expressed to me their intention to allow the money to lapse into the Treasury by the ordinary operation of law, which they supposed would occur July 3, 1873. After learning that it could not be covered in, except by their order, before July 3, 1875, some gave me written instructions to anticipate the latter date. I am unable to furnish from any information in my office the names of Senators who themselves paid into the Treasury salary drawn under the act of 1873 or previous acts. I have not furnished the names of Senators who have left increased salary undrawn, as this information was not called for in the resolution.

IV.—*A comparative statement.*

Total compensation and allowance of Senators, under act of July 28, 1866, from March 4, 1871, to March 3, 1872:

Compensation	$370,000 00
Mileage	37,041 20
Stationery and newspapers	9,250 00
	416,291 20

Average per Senator, $5,625.55 25-37.

Under same act, from March 4, 1872, to March 3, 1873, during which year members of the Senate received mileage for attending the special session of the Senate, held in May, 1872, the following amounts were paid:

Compensation	$370,000 00
Mileage	59,002 80
Newspapers and stationery	9,250 00
	438,252 80

Average per Senator, $5,922.33 19-37.

Total compensation and allowance of Senators under act of March 3, 1873:

Compensation	$555,000 00
Traveling expenses based upon the certificates of forty-six Senators, (twenty-eight having presented none,) amounting to $4,607.95, giving an average of $100.17×74	7,412 58
	562,412 58

Avearge per Senator, $7,600.17.

I am, very respectfully, your obedient servant,

GEO. C. GORHAM,
Secretary.

Mr. FLANAGAN. Now, Mr. President, I ask the Secretary to be so kind as to read a telegraphic dispatch which I have just received.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, WASHINGTON, *January* 6, 1874.

Hon. J. W. FLANAGAN, *United States Senate:*

The books of Register of the Treasury show that W. T. Clarke received $11,380.80; E. Degener, $11,596.80; J. C. Conner, $11,430.43; G. W. Whittemore, $11,632.80, pay for Forty-first Congress, in which is included the additional or full salary allowed by resolution of House of Representatives of March 3, 1871. The Register can furnish statement in detail if required.

A. M. WYMAN, *Cashier.*

Mr. FLANAGAN. Mr. President, as I remarked in the absence of this authority which I had sent for, the members of the House from Texas, by resolution of March 3, 1871, were protected in the nice little sum of $11,000 and large hundreds, whereas my colleague here and myself were only the beneficiaries of the simple pittance of $5,000 a year, from the 31st day of March. The House recognized the right to back salaries in the transaction of the Texas Representatives directly after their admission in March, 1870; and so far as her Senators stand before their constituents in Texas, and the people of the United States, if you please, the only objection that could be urged against them, it seems to me, is that they have not been vigilant enough to get that which they were entitled to, because I presume the Representatives were entitled to that which they were given, and that amounted to thousands of dollars more than we have received. In that instance, in 1871, they received back pay, and in 1873 likewise for the Forty-second Congress.

My object was to present these facts so that they could stand forth and vindicate our course against any such charges as are preferred here, and I feel proud that the nation can boast of such ability as the distinguished Senator from West Virginia, [Mr. DAVIS,] for introducing the resolution and getting those facts officially before the people broadcast throughout the United States for the benefit of those that have so simply, as I contend, exposed themselves through their prejudices without any knowledge on the subject.

I might go on and declare, what lawyers well understand, that when a witness is placed on the stand, if he testifies to a fact when he really did not know it, he is perjured. Those people know all about this though they are ignorant: and they are not few—I regret that they are so numerous. When I as a boy heard the conversation of gentlemen of talent, I loved to catch the droppings, and I heard it occasionally said that "the fools were not all dead yet." Thought I, "from what you say, they are closing out very rapidly;" but at that period we were only about ten or eleven millions of people, and now we are forty millions, and I think they have held their own most admirably. [Laughter.] They are with us yet; and that is the class that have arraigned us here to-day, led by A, B, and C, who marshaled them from the various grog-shops, near which they have in combination a little hand-press to manufacture anything that tends to excite; but it is their daily living, just as it is with the ox, the sheep, and the goat, that go into the broad field of God's beautiful green grass to make their daily living. They care nothing about the interests of the country. Patriotism! I think I heard the word "patriotism" invoked yesterday by some distingnished friend discussing this branch of the subject; but it ought not to be brought in company with the proposition here before us. Degrading it is to the Senate of the United States to stand thus pandering to such prejudices as I allude to, and not to the intelligence of the country. Our action in this case has simply been that which is to be found paralleled by legislation, running back nearly a century to the acts of the great spirits that this nation and the world so proudly boasts of, the mighty names of Clay, Webster, Cass, Calhoun, a host of them, having belonged to all political parties, the whig, democratic, republican, liberal-republican, conservative, &c. Take them when and where you may, they always looked to their interest to some extent, but I believe none of them transcended the proper action they should have taken. Guided by the Constitution of the United States, I think there has been no error in any sense of the word, and there is only now wanting, as in the Credit Mobilier case, firmness and courage on the part of Senators to show that they are Senators.

When our Constitution was formed it was not contemplated that Senators were to be boys, ready on all occasions to take up their paddles or sticks and go out into a general play of bull-pen or marbles. In the game of marbles, for instance, as many of you may remember, one would finally say, "well, I am fat; I give up the money; I will put my hand in and pull it out." I am not so fat; I am lean. [Laughter.] I do not propose to pull mine out, or go into a game of marbles. I went into this matter understandingly. I committed no error, and certainly, by the laws of the land, I have committed no crime. I defy the most strict scrutiny. I ask no pardon in any way or shape, but that justice be meted out to me; and, when placed in the scales side by side with my democratic friends in Texas or elsewhere, I think it will be found that in this respect, if anything is to be charged to me, it is that I have been remiss—that I have not received that money which the Government of the United States absolutely owes me. Sir, that is my conscientious belief; for, as I remarked before, my colleague and myself were seated on the 31st of March, 1870, and we were paid by resolution from that day only, whereas the Representatives in the other House were seated on the 3d of that month, and they not only received pay from the 3d, but went back a whole year to the beginning of that Congress.

Mr. President, I ask pardon for having detained, in my desultory manner, the Senate as long as I have. There is much more I should like to say on this subject. What I have said has been merely for my own vindication, so that my constituents may see unmistakably what my acts have been, and that I retract nothing that I have done. I submit the question to the Senate.

Mr. CARPENTER, (Mr. CLAYTON in the Chair.) Mr. President, having voted for the salary bill passed at the last session, and intending now to vote for its repeal, I wish to state, as briefly as possible, my reasons for voting for its repeal.

I have practiced law twenty-five years. I charge my clients what I think they ought to pay. If they object to the amount, I receive what they are willing to pay. To this there has been only one exception. In one case I thought my client acted badly, and sued him for compensation, demanding $1,000. He pleaded that my services had been of no value. I discontinued the suit, paid my own costs, and sued him again for $2,000 and interest. He interposed the same defense. I noticed the case for trial, called his own lawyer to the stand, proved my services to be worth considerably more than $2,000, and recovered judgment for that sum and interest. My client then came to me and told me what I did not know—that he owned a lot of land worth $6,000, upon which my judgment was a lien; that he was in great distress financially, and that if I would discharge his judgment he would sell the lot and pay me $1,000; and if he ever could pay the balance of the judgment he would, and if he could not he would not. I said "all right." I discharged the judgment; he sold the lot, put the money in his pocket, and I have never seen him since. [Laughter.]

Now, Mr. President, I propose to deal with my constituents as I deal with my clients. If we disagree about my compensation, I shall settle with them upon their own terms. When the salary bill came before the Senate at the last session I believed, as I have ever since I had any opinions whatever in regard to public matters, or business matters, or any matters whatever, that the only way to obtain a sound article was to pay a sound price, and that the only way to obtain faithful public service was to pay a fair compensation. I believed it to be for the best interests of the people to pay a liberal compensation to all public servants. The Constitution, moreover, provides that Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States; that is, in money. It is plain from the debates in the convention which framed the Constitution, and all the political literature of that

day, that those who framed the Constitution were determined to strike down the idea of voluntary and uncompensated service. They believed that such a principle would close the two Houses of Congress against poor men and foster an aristocracy. This provision of the Constitution was not inserted by accident, nor carelessly drawn. Every principle involved in it was fully debated and maturely considered. It was determined, first, that service in Congress should be compensated; second, that it should be compensated by the United States; and, third, that the compensation should be in money. They believed that the idea of the representative being the servant of the people could only be realized by requiring the servant to receive a pecuniary compensation, which compensation the Constitution made it imperative upon Congress to fix for themselves.

Entertaining these views I have uniformly voted in favor of liberal salaries for all public officers. I have voted to increase the salaries of judges, Cabinet officers, Bureau officers, clerks in the Departments, and all other public servants. I have done this from a sense of duty. I never acted more conscientiously in my life than when I voted for the salary bill at the last session. I have seen nothing to lead me to change my opinion. I have read columns of abuse without a sentence of argument, and I can see but one reason why this law should be repealed; that is, that the people demand it. And this brings me to consider for a moment the duty of a Senator thus circumstanced.

The theory of this Government entertained by the federalists was clearly expressed by Richard Rush in a pamphlet published by him in 1788, in these words:

> It is often said that the sovereign and all other power is vested in the people. This is an unfortunate expression. It should be, all power is derived from the people. They possess it only on their election day. After that it is the property of their rulers.

This theory has, happily, long since been repudiated. The principle now recognized is, not that the people elect their sovereigns or rulers, but that the people govern through their agents or servants. Every act passed in Congress, every judgment rendered by the Supreme Court, and every act of the Administration, is the act of the people, as the act of the agent is the act of his principal. We are accustomed to call ourselves the servants of the people. The correlative truth that the people are our masters is not as often repeated nor as fully appreciated. Could the question be submitted to the people of Wisconsin to-day, the salary law of last session would be repealed five to one. I regard myself as their agent upon this floor in regard to this subject, and in my opinion all the principles applicable to the relation of principal and agent apply to the relations which exist between a representative and his constituency.

And what is the duty of an agent sent abroad to transact the business of his principal? He is bound to exercise his best discretion and judgment in the first instance; but having adopted a certain policy, which he firmly believes will promote the interests of his principal, if he is informed that his principal disapproves of his course he is morally bound to change it, and that, too, whether his opinion be changed or not. Regarding myself as one of the agents of the people of Wisconsin, and knowing their wishes, it is my pleasure, as it is my duty, to vote as I know they would if this question could be submitted to them. I shall vote for the repeal of this law, as instructed by the republican State convention of Wisconsin—its unconditional repeal—and I shall vote to carry the repeal back just so far as the Constitution will permit. I congratulate my friend from Indiana [Mr. PRATT] that he has sounded the key-note on this subject. My friend from Iowa [Mr. WRIGHT] proposes to repeal the salary law from the present time, permitting Senators and Representatives to retain the pay they have received at the increased rate, and to receive compensation hereafter at the rate of $5,000 per annum. I enlist under the banner of my great and good friend from Indiana. I will vote with him to carry the effect of his repeal back to the 4th of March last. I would vote to carry it back to the 4th of March, 1871, but for the impediment of the Constitution.

Mr. EDMUNDS. That's no objection.

Mr. CARPENTER. That is a decided objection. We have no more power to repeal the law fixing the compensation for the last Congress, and under which the members of that Congress received pay, than we have to repeal the law under which Andrew Jackson received his salary as President. It is a familiar principle of law, one laid down by all elementary writers, that an act making an appropriation of money, when executed by payment and receipt, is beyond the repealing power of the Legislature. You may, indeed, declare the law to be repealed, but the repealing act would be of no effect. What has been received by a citizen from the Government in pursuance of law the legislative power can no more retake than it can take any other of his property.

Mr. STEWART. Will the Senator allow me? As I differ with him radically I should like to ask him a question.

Mr. CARPENTER. Certainly; I am subject to cross-examination.

Mr. STEWART. The Senator from Wisconsin, I understand, wishes the repeal to go back to the 4th of March, 1873, and to make deduction from the compensation.

Mr. CARPENTER. I see the Senator's point. He is sticking in the bark. I concede that we cannot pass a bill repealing the provisions of this act so as to take back what Senators received last month; but we can do what is equivalent—we can say that for the rest of the year Senators shall only receive such a sum as, added to what we have received, shall make our whole compensation for this Congress $10,000.

Mr. STEWART. Cannot we say for the same reason, and upon the same principle, that we will only take ten dollars, or take nothing, until the two sums so far meet that the back pay is extinguished? Cannot we do that?

Mr. CARPENTER. The trouble about that, Mr. President, is this: the salary of the last Congress is not the subject under consideration now, nor is it within the jurisdiction of this Congress. The salary of this Congress, from this time forth, is subject to our jurisdiction. We may fix that compensation at fifty dollars a month.

Mr. STEWART. Is the salary from this time back under our jurisdiction?

Mr. CARPENTER. Not at all. I concede the gentleman's point so far as the bark is concerned.

Mr. CONKLING. How is it in regard to the bite?

Mr. CARPENTER. So far as the bite is concerned, there is nothing in the Senator's point.

Mr. STEWART. Then, if we have nothing to do with what has been received, why should we take from them a portion of their salary? Why do you do that? Because you have the power to do it, simply? Where is your reason for it? You say you have the power because they received it illegally; that they ought not to have received it because it was an excessive charge and exorbitant.

Mr. CARPENTER. Not at all.

Mr. STEWART. Of course it goes upon that theory, that it was exorbitant and unjust, or you would not deduct from their future pay. If it was exorbitant and unjust to take the pay from the 4th of March last, certainly the "back-pay grab," as it is termed, was much more exorbitant and unjust; and why do you not deduct that from those who are here and over whom you have power? Why do you not deduct from what the Government shall become indebted to them until you get even with them as far as possible?

Mr. CARPENTER. That is a long question up to this point.

Mr. STEWART. What is the difference in a constitutional point of view? Is the Constitution in the way of deducting this back pay from the present salary? That is the constitutional point which the Senator from Wisconsin puzzles me about. I say we have the constitutional power to deduct anything we choose from any member's pay, and for any reason that seems satisfactory to Congress.

Mr. CARPENTER. I am sorry if I have puzzled my friend from Nevada, but I am certainly not puzzled by this question myself. It is clear, I think, that without a flagrant violation of the spirit of the Constitution we could not pass a law saying that democrats should have $50 a month and republicans $100 a month.

Mr. LOGAN. Will the Senator from Wisconsin allow me to ask a question?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. CARPENTER. I yield to everybody, especially to the Senator from Illinois. [Laughter.]

Mr. LOGAN. I am always disposed in legislation to follow my friend from Wisconsin if I possibly can, and therefore I should like to propound a question to him in order to get my own mind at ease upon the subject. The Senator says you cannot pay a democrat one salary and a republican another. If that rule is good, then you cannot pay one Senator one salary and another Senator another, can you?

Mr. CARPENTER. Certainly not.

Mr. LOGAN. A few weeks ago a Senator from California resigned after having drawn $5,000 of his pay. A Senator has been elected in his place. I wish the Senator from Wisconsin would explain to me how much that Senator is to get when he comes in, provided his theory is carried out?

Mr. CARPENTER. I have not examined that subject, and I have not been retained as a lawyer on the legal question. When it comes up I will think of it, and then I will inform the Senator what I think of it. [Laughter.]

Mr. LOGAN. That is a very nice way to get out of the difficulty, and my friend from Wisconsin always has a very easy way of dodging questions. The question is this, and it is a plain and simple one: You cannot legislate so as to give one Senator a different salary from another, and yet the Senator who is to come in from California will, under this bill, get a different salary from his predecessor. You legislate in reference to the Senators that are here now, back to the 4th of March last. The late Senator from California has not been here from the 4th of March to this time. Hence it does not affect him, and he is paid a different salary from Senators now on the floor. That is the proposition which I wish the Senator would explain. The Senator from California has received his salary at the rate of $625 a month up to the day he resigned, and your bill affects Senators here who voted for or against the bill, so that they only get a reduced rate of salary for that same time. I should like the Senator to explain the consistency of that.

Mr. CARPENTER. The new Senator from California will be entitled to receive the same compensation for the term of his service that shall be receivable by other Senators for the same term. If we should to-day fix the compensation, for the remainder of the two years which this Congress has to serve, at fifty dollars a month, the new Senator from California would, in common with all the rest of us, re-

ceive pay at that rate. According to the usages of the Senate, the new Senator will be entitled to the compensation fixed by law from the resignation of the old Senator; that is, he will be entitled to pay at the rate of $7,500 from the resignation of his predecessor down to the passage of this bill, and thereafter whatever compensation shall be fixed by this bill. The new Senator may regret that he did not serve during the period when Senators received a higher compensation; but he cannot complain that he does not receive during his term of service the same compensation received by other Senators during the same term.

What I mean to maintain is this, that the compensation of all the Senators must be alike at any one time, or during any one period; but that it is within the constitutional power of Congress to fix the compensation for the first year of any Congress at $7,500, and for the second year at $2,500; and that under such a regulation Senators who come in during the second year would be on an equality with all other Senators coming in during that year.

Hence, we can so adjust the compensation for the remainder of this Congress that during every day of the two years the pay of all the Senators shall be at the same rate, and the aggregate pay for the entire Congress shall be $10,000 for each Senator and Representative. This, I concede, is whipping the devil around the stump, but it is whipping him constitutionally around the stump. But should we attempt by such legislation to reclaim from members of this Congress what they received for services in the last Congress above $5,000 per annum? This equality of compensation would not exist for the service rendered in this Congress. In other words, if we should now provide that those members of the present Congress who received the increased pay in the last Congress should receive $5,000 less for their services in this Congress than should be received by the members of this Congress who did not receive that increased pay, then it would result that there would be sitting in this Chamber at the same time one class of Senators receiving compensation at one rate, and another at a different rate. This would be a discrimination which would be unconstitutional, unless it can be maintained that it would be constitutional to discriminate between Senators, as to compensation, upon political or other grounds.

I understand the amendment offered by the Senator from Indiana, [Mr. PIATT,] to steer clear of the constitutional objection, because under it every Senator will receive the same compensation during any one period of service in this Congress. His amendment proceeds upon the presumption that every member has received $625 a month from the 3d day of March last up to and including the 3d day of the present month, and that he will be entitled to pay at that rate until the passage of this bill; and that from and after the passage of this bill each Senator shall receive such sum as, when added to the sum he shall have received at the time when this bill takes effect, shall make $10,000. That is, the pay of Senators from the passage of this bill shall be less than heretofore; but what shall have been received under the existing law is not reclaimed.

I say every Senator has received $6,250; because that is the sum ascertained by law, and the Constitution declares that Senators shall receive the compensation ascertained by law; and every Senator has sworn to support the Constitution.

Mr. LOGAN. The Senator means then, as I understand him—in which case we do not differ—that this Congress has the power to fix the salary from this time forward?

Mr. CARPENTER. Certainly.

Mr. LOGAN. Nobody doubts that; but does the Senator maintain that Congress has the power to deduct the amount that has been received in fixing that salary in the law?

Mr. CARPENTER. We deduct nothing. We have received $6,250 up to the present time; that is, I desire to state that I have; and if it is material I will state that I have spent it faithfully and thoroughly. [Laughter.] Now, I know of no power under the Constitution to get a cent of that back. If there is any such power, still I have no interest in the subject. It is a question between the Government and my creditors, to whom I have paid the money, and they may fight it out. [Laughter.] I have received $6,250, and know that every other Senator has, because the Constitution requires him to do so. The Constitution says he shall receive what is ascertained by law as his compensation. It is not a matter of choice with him; he shall receive it; and I know my brethren around me have received it, every man of them; and I accept no statement on parol to contradict the record and the presumption of the law. [Laughter.] We have, then, received $6,250. We can say that for the remainder of these two years the compensation shall be a sum to be named in the bill, to be paid monthly, which sum, when added to the other, will make $10,000.

Mr. President, I do not sympathize with what seems to be a desire to satisfy the people, that we would if we could, but cannot, help retaining the increase of pay for the year that has just closed. I dealt squarely and openly with the people in voting for the increase of pay, and I will deal squarely and openly with them in repealing the law as far as it can be repealed, because they demand it, and it is my duty to obey.

Mr. STEWART. This is a very interesting subject, and I desire to say a few words more upon it.

Mr. CAMERON. I beg the attention of the Senator from Nevada for a moment.

Mr. STEWART. I shall be through in one moment. I regret that the Senator from Wisconsin did not go a little further and accomplish the real result which seems to be aimed at. I regret that he could not see his way clear. The Constitution rose up in his way. Now, I undertake to say, as I said before, that there is no difference in principle between going back to March 4, 1871, and to March 4, 1873. In each case there have been monthly installments and monthly payments of the accounts. You say that certain Senators having received certain compensation under an existing law, shall, in the future, have only such compensation as shall, back to March last, make the yearly compensation $5,000, and you say that that will operate on those present equally. Now I say that going back two years further would operate equally in the same way, for those who were not members of the Forty-second Congress did not receive this extra pay at all. They never have at any time received more than $5,000 a year. It is said that this law was contrary to public opinion, and wrong. Then nobody ought at any time ever to have received more than at the rate of $5,000 a year. But certain persons have received more than that. It only applies to those persons who have received more than $5,000 a year, reducing their compensation to what they ought to have received. There is no doubt about the constitutional power, because it only applies to the future. The Government says, "We have got an offset against you in morals and in equity; we will make the law correspond with the equity." There is no doubt about the constitutional power if you mean to do this thing. If you mean to do this thing, disgorge the back pay in consequence of which all this difficulty arose. It seems to me the logic of the case—everything indicates that if you go back at all, you should go back manfully and meet the whole question. I think that is the proper way to undo what has been done. I will not vote for the principle that we shall go back to the 4th of March and refund a portion of the salary that we have received because we have improperly received it, and then retain the other. The principle is wrong. It places the Senate in a false position.

Mr. EDMUNDS obtained the floor.

Mr. CAMERON. If the Senator from Vermont will allow me, I am desirous of moving that the Senate go into executive session for a special purpose.

Mr. EDMUNDS. It is only three o'clock. I think we had better finish this bill to-night.

Mr. CAMERON. I am afraid we cannot do so. I want to say a word or two upon it.

Mr. EDMUNDS. We have, you know, rather a bankrupt Treasury, and we have had a long holiday, and it is only three o'clock. We might possibly, without great injury to ourselves, go on for two or three hours yet. I think, Mr. President, I shall be obliged to proceed.

Mr. CAMERON. If the Senator will allow me, I shall be perfectly willing to return again to open session. There is a question which I desire to present to the Senate in executive session, of great importance to the country just now.

Mr. EDMUNDS. If the honorable Senator means to say that he only desires an executive session for the doing of a particular thing, and not then, as the usual habit is, to have the Senate adjourn and go home, but to open the doors and have this business finished, that is another thing.

Mr. CAMERON. I desire to have an executive session only for a special purpose.

Mr. EDMUNDS. Then, Mr. President, the moment that I have concluded the very little I have to say, I will move the executive session that my friend requires, with the purpose, not of adjourning the Senate, but of having the doors opened again, and this business settled before we adjourn.

Mr. HAMILTON, of Maryland. I hope that purpose will not be regarded as binding on any other member of the Senate.

Mr. EDMUNDS. I do not propose to bind anybody. I only propose to bind everybody to whatever a majority of the Senate may decide; and if the honorable Senator is so anxious to have the use of his money until to-morrow before he gives it back, as I am equally for my own individual purposes, as to insist upon an adjournment, we will try conclusions upon that. I only say that when I have finished the little I have and am able to say, I will move for my friend from Pennsylvania an executive session, not for the purpose of adjourning the Senate afterward, but for the purpose of promoting the public interest that he has in charge, and then to open the doors again to finish this affair.

I am not troubled, Mr. President, with the constitutional difficulty that seems to labor in most men's minds here in respect to returning money to the Treasury, for that is the flat of it. Since the 4th of March we have all, or substantially all I have no doubt, as our occasions required, drawn the sum that the law allowed to us. There was no visible way of separating that particular sum from some other sum which the law already repealed had formerly allowed, while we could refuse to take what had been proposed to us before, where our accounts were brought to a close, and still leave the extra money in the Treasury. So, then, I am ready to vote and intend to vote for that measure which shall absolutely repeal this misguided and misunderstood law that we passed at the last session of Congress; and I am frank to say that I vote for that repeal not because I believe the compensation for the future of $7,500 to be excessive, but because I believe the law to have been passed by this body under

a misunderstanding of what it could do to separate from an appropriation bill a provision to make back pay, as it is called, for every member of the Senate who was going out and for every member of the House of Representatives who was going out, and for every member of each House who was to stay in, for service already performed. We proceeded upon the idea that we could not instruct our own conferees to insist upon striking out this back-salary business.

I would have voted then—and if the country were now in as good a condition as it was then I would vote—now upon a proper and independent bill—not an appropriation bill, for such things have no place there, whatever the precedents may have been—for a separate bill, that could be fairly discussed upon its own merits and no other, and be sent to the solemn judgment of our constituents upon its own merits and nothing else, making a prospective increase of the pay of the members of Congress, because I know from my own experience, living as humbly as I do, that I could not live upon the sum that was paid me before this time as well as the average farmer in the State of Vermont lives in his own State and in his own home. Therefore it was that I should have been quite willing to go home to my constituents and to tell them that for the future I had voted a sufficient and proper salary for myself and my colleagues, so far as my vote would go, as an independent measure, which was not to be squeezed through by any contrivances of legislative machinery, which was not to be carried on the back of some broad appropriation bill, but which was to be submitted to their honest judgment as a measure by itself, which they could rectify in the selection of my successor and my associates' successors at the proper time if they thought we had committed a wrong.

That is one thing. But, Mr. President, I have believed that no provisions for increase of salaries ought to be made in an appropriation bill at all. I know the practice has been otherwise. It is a vicious and a fatal practice, and it ought not to be persevered in. This is the best instance we have had of showing how fatal it is to the just interests of legislation—and I do not speak for parties, but only for the country—how fatal it is for the just interests of legislation that we should ride upon appropriation bills, (which ought only to provide the money for carrying out existing law,) schemes which standing by themselves some Senators or Representatives might think would not command a majority of either House or both Houses of Congress.

I say, Mr. President, that I shall vote now, when I can get the opportunity, for a total repeal, knowing that as to the President of the United States, who has had no hand in this legislation except the formal one of signing the appropriation bill, which he could scarcely refuse under such circumstances, and which, therefore, I justify him in, and as to the judges of the Supreme Court, who, of course, have had no hand in the business at all, it has no effect. A mere repeal is not an unconstitutional act, for it leaves the old law in force as to them, and in form it could be placed in such a condition that this repealing clause as to the President and as to the judges should take effect only when the next President, whoever he may be, should come in, and whenever a vacancy should occur in the Supreme Court and a new judge should come in. You can provide as to them in that way, and as to all the others there is no difficulty; and I say, then, as to these, I vote for a total repeal, or modified by the times when it shall take effect, so as to make it on the face of it constitutional, not because I do not believe that the President of the United States ought to have his salary increased; not that I should criticise, in the least degree, the present honorable Chief Magistrate of our country in taking this pay, which we have given to him and which I believe he deserves; not that I should criticise any judge of the Supreme Court in taking this pay until a vacancy occurs; but only that I think we passed the act of 1873 under a misapprehension in this body as to how we could get at the rejection of the proposed increase of our own salaries, and how we could make that appropriation bill what it ought to have been—an appropriation bill and nothing else. And therefore, if we can pass this total repeal, whenever the condition of the country stands as favorable as it did on the 3d of March, 1873, in the prospects of its business, in the receipts of its Treasury, there shall be presented a bill which shall increase the salaries of the judges who may come in to fill vacancies, and shall increase the salary of the President of the United States for the term yet to come, and shall increase the payment given to the members of the Cabinet, and to members of Congress, I shall vote for it with pleasure. But if it were a new measure now, in the present condition of the industries of the country, when everybody must make some sacrifices in order to keep up the condition of the Treasury and to preserve the honor and the capacity of the Government to meet its obligations without imposing additional burdens upon the people, I believe it is our duty, and the duty of the other officers to whom I have referred, to bear their share of the public burden.

I say, then, Mr. President, that, while I should have voted on the 3d of March or any other time for an independent bill which should have fairly been presented upon its own merits to increase the salaries of the judges and the President and the Cabinet and the members of Congress, I might not do it at this moment if it were presented as a fresh bill, for the reason I have named. But, sir, we proceeded, as you may remember, on that night of the 3d of March, upon the idea that it was not in our power, even as to ourselves, to instruct the conferees on the part of the Senate, our own committee, that they should insist upon striking out all the then proposed increase of salaries except that of the President of the United States; and the Senate, acting upon the judgment that it then had and in the hurry of the moment and with the light that it then had, and in the absence of any precedents which could be named by those who thought the Senate had the power to instruct its conferees, determined that we could not, and that in effect we must either defeat the appropriation bill or go for this increase of salary.

I cannot help believing, Mr. President—I am bound to believe in a technical sense, as the Senate was so careful to try the question of order and was so anxious evidently to have that question of order determined in such a way, if it could be, that we could meet this salary question as to ourselves by itself, and was unable to do so—I am bound to presume that if we could have met it in that way, we should have rejected the increase of our own salary and that of the Cabinet.

I think, Mr. President, that we acted under a grave misapprehension; and I have had a very competent person, whose knowledge of the history of parliamentary law and the course of parliamentary precedents is almost perfect, look back only for a few years to see what our practice had been on that subject. You remember, Mr. President, that the Senate determined, upon an appeal by the then Senator from Illinois, [Mr. Trumbull,] who has now withdrawn to the quiet of private life and who is no more vexed with questions of this kind, that it was not in our power to instruct our own committee to insist that our salaries should not be increased—that we felt ourselves compelled to follow, and, in spite of our wishes and our will that our salaries should not be increased in that way then and there, we found ourselves compelled by what we then thought to be parliamentary law to vote that they should be increased. That, it turns out from an investigation, was an error; and I ask that the Clerk may read the congressional history which I send to the desk on that point.

The Chief Clerk read as follows:

An examination, extending back but a few years, shows two instances in direct opposition to the ruling of the Senate on the 3d of March last.

At the first session of the Thirty-eighth Congress, the committee of conference upon a bill "to increase the internal revenue and for other purposes" having reported on the 1st of March, 1864, to the House of Representatives their inability to agree, a resolution was offered by Mr. Washburne, of Illinois, as follows:

"*Resolved*, That the House insist upon its disagreement to the Senate amendments to House bill No. 122, and that the House request of the Senate another committee of conference on the said bill; and it is hereby declared to be the judgment of this House that in an adjustment of the differences between the two Houses on the said bill, there should be an additional duty of not less than twenty nor more than forty cents per gallon imposed on spirits on hand for sale." (Cong. Globe, p. 892 pt. 1, 1st sess. 38th Cong.)

A question of order being raised, the decision of the Speaker (Mr. Colfax) was as follows:

"The SPEAKER. The Chair holds that the House of Representatives has the power to instruct any committee which it authorizes to be appointed. It is a judicious check upon the power of the Speaker in appointing committees. They have a right to instruct a committee of conference as they have a right to instruct a standing or a select committee. The gentleman from Illinois moves this himself as a resolution. It seems, however, susceptible of division, first, upon asking another committee of conference, and, secondly, upon the instructions. As to the right to move instructions the Chair has no doubt." (Cong. Globe, pt. 1, 1st sess. 38th Cong., p. 892.)

The decision of the Speaker was acquiesced in by the House, no appeal being taken, and the resolution of Mr. Washburne was agreed to.

On the following day, the action of the House of Representatives having been communicated to the Senate, the Senator from Ohio, Mr. SHERMAN, offered the following resolution:

"*Resolved*, That the conference requested by the House of Representatives be agreed to; and that the conferees heretofore appointed by the Senate be instructed to agree to proper amendments to the Senate amendments disagreed to by the House, providing for a tax of not exceeding twenty cents a gallon on spirits on hand for sale." (*Ibid.*, p. 900.)

The late Senator from Maine, Mr. Fessenden, at once suggested a doubt as to the resolution being in order; to which the Senator from Ohio replied, as follows:

"I have not examined for precedents, but I think there can be no doubt of the power of the Senate to instruct its conferees on any point. It is a question of discretion. Ordinarily it would not be done; but there have been two conferences on this disagreement, which has all grown out of one difference. The House of Representatives have now expressed their opinion on that difference, and I think the Senate ought also to do so." (*Ibid.*, p. 900.)

Mr. Fessenden then raised the question of order directly for the decision of the Chair, and the Vice-President, who is now Senator from Maine, Mr. HAMLIN gave his decision in the following words:

"The VICE-PRESIDENT. The Chair can have no doubt that the resolution proposed by the Senator from Ohio is in order. Conferences are of two characters—free, and simple. A free conference is that which leaves the committee of conference entirely free to pass upon any subject where the two branches have disagreed in their votes, not, however, including any action upon any subject where there has been a concurrent vote of both branches. A simple conference—perhaps it should more properly be termed a strict or a specific conference, though the parliamentary term is 'simple'—is that which *confines* the committee of conference to the *specific instructions* of the body appointing it. The Chair therefore rules that the resolution is in order."

In the discussion which ensued, the Senator from Ohio said:

"The Senate might very properly object to any action by the Senate conferees which was not strictly within the parliamentary rule, but the Senate itself may, by its instructions, enlarge the power of the committee. There is no doubt about that. There is no limit to the power of the Senate over its committees. It may authorize its conferees to agree to amendments to its amendments, which might not be in order if those amendments to the amendments came directly from the conferees without the action of the Senate. That is the view all the conferees took, although they differed on the question of parliamentary law." (*Ibid.*, p. 900.)

In the course of the debate, Mr. HENDRICKS, of Indiana, said:

"I agree with the decision of the President of the Senate that it is competent to instruct a committee of conference on the part of the Senate." (*Ibid.*, p. 902.)

Again he said:

"In respect to the questions of disagreement, the Senate may instruct its part of the committee, but outside of the questions of disagreement the Senate cannot instruct that committee, for the reason that that is not one of the modes of legislation known to parliamentary usages. * * * The Senate may instruct the committee

upon all the questions that were referred to that committee, but not upon other questions." (*Ibid.*, p. 902 and 903.)

From this view of parliamentary law, no Senator dissented, although the debate on the subject-matter extends over many pages of the Congressional Globe.

The result of the debate, which was quite protracted, was the rejection of the resolution of the Senator from Ohio, although no one doubted the right of the Senate to instruct the conferees, and the adoption of the following resolution offered by Mr. Conness, of California:

"*Resolved*, That the Senate disagree to the resolution of the House of Representatives, of the 1st instant, proposing instructions to the conferees, and ask another free conference on the disagreeing votes of the two Houses on the bill (H. R. No. 122) to increase the internal revenue, and for other purposes." (*Ibid.*, p. 907.)

The House of Representatives having agreed to a further free conference, the conferees on again meeting, were unable to agree, and the bill was disposed of by the Senate receding from its amendments.

The proceedings in this case, as in that which follows, are recorded in the Journal, but the Congressional Globe is quoted from, because it contains the details of the points raised with the decisions made and the debate thereon, instead of the Journal, which merely records the votes.

At the first session of the Thirty-ninth Congress an amendment was added by the Senate to the sundry civil expenses appropriation bill increasing the pay of Senators and Representatives and taking effect retroactively from the beginning of that Congress. This amendment was disagreed to by the House of Representatives, but they amended other Senate amendments by the addition of a provision granting bounties to the soldiers of the war of the rebellion. Two committees of conference were unable to agree upon the disagreeing votes of the two Houses, and when the second disagreement was recorded the Globe shows these proceedings occurred:

"Several SENATORS. What shall be done?

"Mr. SHERMAN. There is but one point of difficulty. The Senate conferees proposed to recede from the amendment in regard to the pay of members, but found that that was not at all in the way; that could be laid out of view: the only difficulty is in regard to the question of bounties. The House insist upon some legislation being had in regard to the bounties, and their conferees submitted a proposition which we did not feel at liberty to accept. I will say that the proposition submitted is much more moderate and much more reasonable than any I have yet seen; but we considered that the action of the Senate did not leave us at liberty to accept it." (Cong. Globe, Thirty-ninth Cong., 1st sess., pt. 5, p. 4246.)

And subsequently the Senator from Ohio suggested:

"The Senate may instruct the conferees." (*Ibid.*, p. 4247.)

Whereupon Mr. Trumbull, then a Senator from Illinois, moved

"That the committee of conference be instructed to agree to that proposition of the House." (*Ibid.*, p. 4247.)

Meaning the proposition which had been stated in detail by Mr. SHERMAN as having been made by the House conferees.

A modification of the terms of the proposition having been suggested by Mr. Doolittle, Mr. Trumbull said:

"The proper motion, I suppose would be to recommit the report to the committee with instructions to agree to that proposition." (*Ibid.*, p. 4247.)

No point of order was raised, no doubt was suggested by any Senator as to the power of the body to instruct the conferees; and the motion having been stated, amendments to the instructions were moved, and finally, the question recurring on the motion of Mr. Trumbull, it was agreed to by a vote of yeas 23, nays 5. (*Ibid.*, p. 4248.) And on the very same page of the Globe it appears that the conferees immediately made a report conformably to the instructions of the Senate, and it was agreed to and the bill disposed of.

Mr. EDMUNDS. Mr. President, I have had this short congressional history, going back only a few years, read in order to show, as I think it ought to show, that both Houses had habitually instructed their conferees to insist upon or to agree to particular things. In this body it was done in form in that way. When my honorable friend from Maine, [Mr. HAMLIN,] whose judgment upon such matters we all rely upon, determined that a motion was in order to instruct the conferees, his opinion was that it would change in some degree the character or the name of the conference. I do not agree to that reason which he gave for holding that the motion was in order, but he did hold that the motion itself was in order to instruct the conferees to insist upon a particular point. And the same occurred on the motion of Senator Trumbull—and I must speak tenderly of him because he is not here to defend himself—the very man who on the 3d of March, 1873, stood up to appeal from the decision of the Chair upon that point, who had a few years before himself made the very same motion to instruct a committee of conference on the part of the Senate. Undoubtedly the opinion of the honorable Senator from Illinois had undergone change; undoubtedly he had forgotten what he had himself moved a year or so before and what the Senate had unanimously agreed to, that we might instruct our own agents and representatives to insist upon particular points or particular topics, and the more so as he was about to retire to private life, where he would be no more vexed by questions of this difficult and complicated character. I have no criticism to make upon the apparent inconsistency of the position of the Senator from Illinois. It would neither be becoming nor fair, perhaps, to make any criticism upon it when he is not here to defend himself. I only mention the fact of history, that a few years before the time when the Senator from Illinois made the point of order that my friend from Iowa [Mr. WRIGHT] could not move to instruct a committee of conference, he had himself made the same motion, which the Senate unanimously, by acquiescence and by suggestion, agreed was in order.

Now, it may be true that the only time when you cannot instruct a committee of conference, or your own representatives in that committee, is when your own salary is to be raised. Perhaps that is the parliamentary exception that has not appeared in the books and that ought to be made. It seems to me to be the only exception that ever has existed. So, Mr. President, I say in all seriousness that I believe that if the proposition of the Senator from Iowa, to take a distinct vote upon instructing the conferees about our own salaries, had been held by the Senate to be in order, our conferees would have been instructed to insist upon not increasing them; but not knowing the history of legislation and parliamentary order at that moment, according to what has been read from the desk, we made the mistake, as it appears to me, of determining that we were helpless and that we must go, as they used to say about the Oregon boundary, the whole figure or nothing. So, believing that if we could have had a fair and direct vote upon the single question proposed by the Senator from Iowa as to the increase of our own salaries it would have been rejected, I cannot help concluding that the Senate acted under a misapprehension, and passed this provision in that bill believing that it could not avoid passing it without defeating the bill altogether, and thus having all the appropriations for that branch of the public service fail.

Therefore, Mr. President, I conclude that we passed this unfortunate act under an entire misapprehension of our powers to protect the Treasury and the tax-payers against this foray made upon their resources; and for that reason I shall vote, if I have the opportunity, for a total and absolute repeal of everything that we did under that misapprehension.

Mr. LOGAN. Mr. President——

Mr. EDMUNDS. I beg pardon of my friend from Illinois. I promised my friend from Pennsylvania, who yielded to me, that I would move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Does the Senator from Illinois yield the floor?

Mr. LOGAN. Of course I yield the floor. I did not rise to make a speech, but merely to make a suggestion, to correct a misapprehension that arose here yesterday in the Senate; but I can do it at another time.

Mr. CONKLING. I ask leave of all these Senators to occupy not more than half a minute by the watch to make one remark; and I do it merely that silence may not be taken as acquiescence in the parliamentary law which has been laid down by the Senator from Vermont. I wish, therefore, as one member of this body, to say, and to say in the presence of the record which the Senator has produced and which I have again traversed with my own eyes, that in my judgment nothing is clearer than that the Senate cannot, without a violation of parliamentary law, instruct the managers of a free conference. I think I can prove that that is the law in the judgment of those who made this record. But my present purpose is merely to file a *caveat* against what the Senator from Vermont again insists is the parliamentary law. I shall join him in voting for the total repeal of the bill in question; but I cannot do it for the reasons which in this respect he has assigned.

Mr. EDMUNDS. I am much obliged to my friend for making that suggestion, which I anticipated that he would make because I know the clearness of his mind. But I beg leave to be allowed to suggest to him that while the reasons given by my honorable friend from Maine for his holding the motion in order would not sustain my position fully, yet he did hold the thing in order. When the House had requested a free conference in the ordinary form he did hold that it was in order to move to instruct those conferees to insist upon a particular thing or to agree to it, as I said.

Mr. CONKLING. Will my friend allow me to set him right, as I think I can, there?

Mr. EDMUNDS. Certainly.

Mr. CONKLING. In the first place, I deny that the House of Representatives in that case had asked a free conference. On the contrary, the House of Representatives, being the first of the two Houses to propose a conference, had expressly proposed such a conference as the honorable Senator from Maine, then in the chair, referred to; so that I deny that part of the premises of the Senator from Vermont.

In the next place, the then occupant of the chair, the Senator from Maine, held—and he had every treatise of parliamentary law at his back—that there are two utterly distinct species of conference, one a full and free conference, which in the British house was formerly held in the painted chamber, both houses attending and the delegates acting in their presence; and the other a simple, or, as the Senator from Maine there called it, a strict conference, which, as May and other parliamentary writers tell us, is nothing except a delegation sent by the two houses to meet each other and exchange express messages—"instructions" we call them. That the Senator from Maine ruled, and the Senate proceeded, the compiler of this record says, (not, as he supposes, because they thought anything was out of order or in order,) to reject the resolution offered by the Senator from Ohio on that occasion.

Now, if my friend will pardon me as he has indulged me so far, I will add as to the other precedent in case of raising the pay of soldiers, a motion being made by the then Senator from Illinois, no point of order whatever was raised; it was done by unanimous consent, and, therefore, I did not make my remarks in regard to that; but in respect of the former precedent I must consider it one which was not in its beginning a full and free conference asked for by the House, and in which the Senator from Maine, then in the chair, explained the law precisely as I believe it to be, and the Senate then chose for some reason to refuse to order it.

Mr. EDMUNDS. My friend from New York has lost himself, as he might well, having the chief sea-port of the nation at his door, in a sea of terms. He is sailing in a sea of nomenclature, and has lost sight of the substance of these propositions. The question before the Senate was, in the first instance, when my friend from Maine ruled it—and you can go back to the message and see how it came from the House—whether the Senate had a right to instruct its conferees who were to go, not with the written instructions of a strict conference,

as my friend stated, (in which case the conferees would have not a word to say for themselves, but would be only the bearers of a message half way, as your Secretary is the bearer of a message the whole way when we send him to the House of Representatives,) but conferees for the purpose of discussion, bound by certain rules; that is to say, bound by the will of the body that appointed them to go. That was the motion, and that was the decision. The Senator from Maine said that he considered such a motion to be in order because he thought it resulted in a simple conference. Enough of that now. Then let us go to the next precedent.

My honorable friend says that the motion of the late Senator from Illinois was made by unanimous consent, and agreed to by unanimous consent. Why, Mr. President, this affects the rights of the other House; nobody ever put it upon our own rights as among ourselves, because nobody yet ever questioned that, as it respected ourselves, we could instruct any committee to do anything that we commanded them to do; but it was in respect to the rights of the other body, and therefore unanimous consent, in my opinion, could not have come in. The Senate, by unanimous consent, as my friend truly says, that is to say, without dissent, and on the motion of the Senator from Illinois, who has now unhappily departed from us to private life, thought they could instruct our conferees in a free conference with the House to agree to pay certain bounties to the soldiers—that was the way it was put; and yet he appealed from the decision of the Chair a year ago, on the ground that we could not lawfully, with respect to the other House, instruct our agents to insist upon not increasing our own salaries for services already performed.

I think my friend from New York, in the candor that I know characterizes him, will see that there must be some force in that observation. And then when we go to the other House we find there a decision of the late Vice-President of the United States, who, on the occasion when this point was made last year, had just vacated the chair when the ruling by its temporary occupant was made, and whose opinion was understood by that occupant, I think I am safe in saying, as instructing him, that the law was clear, and that the motion was in order. But that has nothing to do with the present case. The Senator from Illinois asked the Senate, and the Senate sustained him in it, to say that upon parliamentary law we could not instruct our own agents to insist that the provision increasing our own salaries should be struck out of that bill.

I say, then, yielding entirely to the force of what my friend from New York has said as a technical argument as to the change of circumstances, that when you come to the meat of the thing, precisely the same question in all the cases has been determined, first by the House of Representatives, stated by its Speaker and universally acquiesced in when the point was raised, in terms that the House had the same power to instruct its committee of conference that it had to instruct any other committee; next by the Vice-President, now Senator from Maine, stating, without using the same terms, that a motion which was to instruct that committee was in order, although he gave a different reason for it, and one which has much force, but does not quiet commend itself to my own mind; and next the Senate, by unanimous consent, on the motion of the Senator from Illinois, instructed a free conference in the very sense of my friend from New York, as he will find by looking at the record of the House of Representatives, to insist upon a particular provision being put in or taken out; and after all this, I do say that we were acting under a misapprehension when we voted last year—a misapprehension of the history of the subject. I do not say it was owing to a want of judgment; but I say we had not in remembrance, at that time, the fact that the Senate had on two occasions and the House had upon one, then recent, done what to me appears to be the very same thing in substance and effect.

Now, Mr. President, unless my friend from New York wishes to make an observation, I move, in pursuance of my promise, not for the purpose of an adjournment, but to attend to public interests which are required to be considered in executive session, that the Senate proceed to the consideration of executive business.

Mr. LOGAN. Will the Senator withdraw the motion for a moment?

Mr. EDMUNDS. I will if my friend will renew it.

Mr. LOGAN. As I said, I do not rise for the purpose of continuing the discussion, but merely to call the attention of the Senate to one point.

In the debate yesterday I stated that the bill presented by the committee, using, perhaps, a strong term, was a deception, for the reason that it professed to repeal the law of the last session as far as we could go, and did not do it. I said that I did not make that remark in any offensive sense. I was corrected by the Senator from Ohio, [Mr. SHERMAN,] he believing that I was mistaken, that it did include all. He referred me to the third section of the appropriation bill of last year, which applied to the heads of Bureaus and other employés in the Departments. My friend the Senator from Maine, [Mr. MORRILL,] in his seat assented to the proposition, saying "except the Chief Justice of the Supreme Court;" and that seemed to me to be the impression left on the Senate, that this bill did repeal all of the salary bill of last year saving the clauses affecting the President of the United States, and the Chief Justice of the Supreme Court and the other judges of that court. Now, in order to show that I was correct, and to correct the impression, not intentionally but unintentionally made on the Senate, that this bill did go as far as the other one did, I will read the amendment proposed by the committee of the Senate:

That so much of the act of March 3, 1873, entitled "An act making appropriations for legislative, executive, and judicial expenses of the Government, for the year ending June 30, 1874," as provides for the increase of the compensation of members of Congress and the several officers and employés of either House of Congress, or both, be, and the same is hereby, repealed; and the salaries and compensation of all said persons shall be as fixed by the laws in force at the time of the passage of said act.

No man will dispute that that applies solely to Congress and their subordinates. That is so, is it not?

Mr. WRIGHT. Yes, sir.

Mr. LOGAN. The next position is—

That the compensation of the several heads of department shall be each $8,000 per annum.

That is the whole amendment. Now, the law that we passed last year provided for the increase of the compensation of members of Congress, of heads of Departments, of the Chief Justice and judges of the Supreme Court, of the President of the United States; and, further, "each assistant secretary of the Treasury, State, and Interior Departments shall receive a compensation, to be paid monthly, of $6,000 per annum." I said yesterday that this bill did not go that far, and that I desired to go the whole length of repeal, as far as we could constitutionally; and the impression was made on the Senate that the bill did go that far. Now, I call the attention of the Senate to the law that passed last session, and they will find that the assistant secretaries of the Departments were included in that bill, and that the third section referred to by the Senator from Ohio, which had been agreed to by Congress prior to that time, includes only the heads of the different Bureaus and the Commissioner of Agriculture.

My object in making the statement I did was to have this bill go as far as the law then went—to the extent that we could constitutionally carry the repeal. That kind of a bill I am willing to vote for, and that is what I think the people demand. I merely rose to make this correction.

Mr. CAMERON. I move that the Senate go into executive session.

Mr. WRIGHT. Let me say one word, with the permission of the Senator from Pennsylvania. I trust if the public interest is such that we should go into executive session now, as has been suggested by the Senator from Pennsylvania, that, while of course I cannot bind any one, it will be with a distinct understanding that we stand by this bill to-night. I call upon the friends of the bill; I think the sooner we pass this bill or dispose of the question the better for us and for the country.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were re-opened; and (at four o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 6, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. DAWES. I desire unanimous consent to change the reference of a bill which was yesterday referred, doubtless through inadvertency, to the Committee on the Judiciary. It was a bill to regulate the service and collection of customs and to repeal moieties, &c. It should have been referred to the Committee on Ways and Means. I ask that the change of reference be made.

The SPEAKER. If there be no objection the change of reference will be made.

There was no objection; and the change of reference was made.

TRANSPORTATION.

Mr. MCCRARY, by unanimous consent, from the Committee on Railways and Canals, reported a bill (H. R. No. 1012) to regulate commerce by railroads among the several States; which was read a first and second time, ordered to be printed, and recommitted to the committee with the understanding that it should not be brought back by a motion to reconsider.

DESTITUTION IN THE SOUTH.

Mr. SYPHER. I ask unanimous consent to offer a resolution which meets the approbation of the President and has his approval. I ask that it be read by the Clerk.

The Clerk read as follows:

Whereas it is known by well-authenticated reports, specifically brought to the capital by Rev. Bishop Wilmer, of Louisiana, that in certain localities in the South the people are destitute and in a condition of starvation, owing to the failure of the crops: Therefore,

Resolved, That the President of the United States is hereby authorized to direct the Secretary of War to issue army rations in such quantities as may be required to alleviate the immediate sufferings of the inhabitants of the destitute communities.

Mr. HOLMAN. Is this a joint resolution?

The SPEAKER. It is a joint resolution, and contemplates action.

Mr. WILLARD, of Vermont. I object to it.

Mr. MAYNARD. This resolution should hardly be passed without some authentic statement upon which to base it. I suggest that it be referred to some committee with leave to report it back at any time.

Mr. SYPHER. I hope the gentleman from Tennessee [Mr. MAYNARD] will not object to this resolution, for when the people of Memphis were suffering——

The SPEAKER. The gentleman from Vermont [Mr. WILLARD] objects to its being adopted at this time, and the gentleman from Tennessee [Mr. MAYNARD] suggests its reference to a committee.

Mr. WILLARD, of Vermont. I move it be referred to the Committee on Education and Labor.

Mr. SYPHER. With leave to report it at any time.

The SPEAKER. That requires unanimous consent.

No objection was made; and the joint resolution (H. R. No. 31) was accordingly received, read a first and second time, and referred to the Committee on Education and Labor, with leave to the committee to report at any time.

CIVIL RIGHTS.

Mr. BOWEN. I send to the Clerk's desk, and ask to have read, some joint resolutions of the State of Virginia.

The joint resolutions were read, as follows:

Joint resolutions reaffirming the third resolution of the conservative platform of 1873, and protesting against the passage of the civil-rights bill now pending in the Congress of the United States.

Resolved by the General Assembly of Virginia—

1. That the sentiments embodied in the third resolution of the platform of the conservative party of Virginia in the late election, ratified as they have been by an unprecedented popular majority, and commended to the favorable consideration of the General Assembly by the governor of Virginia in his inaugural message, be, and the same are hereby, reaffirmed; and this General Assembly doth declare that there is no purpose upon their part, or upon the part of the people they represent, to cherish capricious hostility to the present administration of the Federal Government, but that they will judge it impartially by its official acts, and will cordially co-operate in every measure of the administration which may be beneficent in its design, and calculated to promote the welfare of the people and cultivate sentiments of good-will between the different sections of the Union.

2. That this General Assembly recognize the fourteenth amendment to the Constitution of the United States as a part of that instrument, and desire, in good faith, to abide by its provisions as expounded by the Supreme Court of the United States. That august tribunal recently held, after the most mature consideration, that it is only the privileges and immunities of the citizen of the United States that are placed by this clause under the protection of the Constitution, and that the privileges and immunities of the citizen of the State, "whatever they may be, are not intended to have any additional protection by this paragraph of the amendment," and that the "entire domain of the privileges and immunities of citizens of the State, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government."

3. That this amendment, thus construed by the highest judicial tribunal of the country, is the supreme law of the land; a law for rulers and people, and should be obeyed and respected by all the co-ordinate departments of the Government.

4. That the bill now before Congress, known as the civil-rights bill, is in violation of this amendment as interpreted by the Supreme Court of the United States, is an infringement on the constitutional and legislative powers of the States, is sectional in its operation, and injurious alike to the white and colored population of the Southern States, "and that its enforced application in these States will prove destructive of their systems of education, arrest the enlightenment of the colored population in whose improvement the people of Virginia feel a lively interest, produce continual irritation between the races, counteract the pacification and development now happily progressing, repel immigration, greatly augment emigration, reopen wounds now almost healed, engender new political asperities, and paralyze the power and influence of the State government for duly controlling and promoting domestic interests and preserving internal harmony.

5. That the people of Virginia, through their representatives, enter their earnest and solemn protest against this bill, and instruct their Senators and request their Representatives in the Congress of the United States firmly, but respectfully, to oppose its passage, not only for the reasons herein expressed, but as a measure calculated to arrest the growing sentiments of concord and harmony between the Northern and Southern States of the Union.

6. That the Governor cause a copy of these resolutions to be forwarded to each of our Senators and Representatives in the Congress of the United States, with the request that they present the same in their respective bodies.

Agreed to by the Senate January 5, 1874.

SHELTON C. DAVIS, *C. S.*

Agreed to by the House of Delegates January, 5, 1874.

J. BELL BIGGER, *C. H. D.*

Mr. BOWEN. I move that these resolutions be printed, and referred to the Committee on the Judiciary.

The motion was agreed to.

REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. MAYNARD, by unanimous consent, introduced a joint resolution (H. R. No. 32) in relation to the appointment of regents of the Smithsonian Institution; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

ELECTION CONTEST—BETHUNE *vs.* HARRIS.

Mr. LAMAR. I am instructed unanimously by the Committee on Elections to report the following resolution:

Resolved, That the Committee on Elections be discharged from the further consideration of the case of Marion Bethune, contesting the right of Henry R. Harris to a seat on the floor of this House as a Representative from the fourth congressional district of the State of Georgia.

The resolution was adopted.

Mr. LAMAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CIVIL RIGHTS.

The SPEAKER. The House resumes the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights, upon which the gentleman from Kentucky [Mr. DURHAM] is entitled to the floor.

Mr. DURHAM. I yield to the gentleman from Alabama, [Mr. WHITE,] who desires to have an amendment printed.

Mr. WHITE. I desire to give notice of an amendment which I propose to offer at the proper time to the civil-rights bill, and I ask that it be printed.

No objection was made, and it was ordered accordingly.

Mr. BECK. I ask my colleague to yield to me to offer an amendment.

Mr. DURHAM. I will do so.

Mr. BECK. I desire to offer an amendment to the civil-rights bill, and to have it printed. It is to add to section 1 the following:

Provided, That nothing herein contained shall be so construed as to require hotel-keepers to put whites and blacks into the same rooms, or beds or feed them at the same table, nor to require that whites and blacks shall be put into the same rooms or classes at school, or the same boxes or seats at theaters, or the same berths on steamboats or other vessels, or the same lots in cemeteries.

The amendment was ordered to be printed.

Mr. RANSIER. I ask the gentleman from Kentucky to yield to me to offer an amendment.

Mr. DURHAM. I will do so, if it does not come out of my time.

The SPEAKER. It will come out of the gentleman's time. The Chair will recognize the gentleman from South Carolina, [Mr. RANSIER,] after the gentleman from Kentucky has concluded.

Mr. DURHAM. Mr. Speaker, in the twenty minutes allotted to us in this debate it is impossible to fully discuss the provisions of this bill. Nearly the whole ground has been gone over by the gentlemen from Virginia, Georgia, and Texas, [Messrs. HARRIS, STEPHENS, and MILLS;] but the importance of this bill, and the evil effects its passage will produce to the district and State which I represent, is my only apology for now asking the attention of the House. The people of Kentucky have submitted quietly and without resistance to all the various amendments to the Constitution of the United States and the laws passed by Congress in relation to the institution of slavery, and by which they have been deprived of millions of property without compensation. Slaves were recognized by the Constitution as property, and under that instrument you could pass no law impairing the right of the holder of that kind of property without a just compensation. A constitutional amendment was necessary to emancipate the slave; and the thirteenth amendment was adopted. But after this amendment he was not a citizen; and to make him such the fourteenth amendment was adopted. This being done, he could not vote; and to enfranchise him the fifteenth amendment was adopted. So that it has required three amendments to the Constitution to enfranchise him.

You could not reach this result by simple congressional enactments; and, although the bill now under consideration has been reported by the Law Committee of this House, I do not believe that it is constitutional. I do not believe that Congress has any right, under any or either of these amendments, to pass any such law. Congress had as much right to pass a law enfranchising the freedman before the adoption of the fifteenth amendment as it has to pass this bill; and yet, as before stated, no attempt was made to enfranchise him until after that amendment, because that amendment was necessary to accomplish that result. I believe the matters and things embraced in this bill are alone the subject of State legislation. I do not believe they are embraced in any of the powers delegated to the General Government.

The passage of this bill will override that provision of the Constitution, which declares—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

It interferes with State-rights and State sovereignty; and against this system of legislation I enter my solemn protest. We have no more right or power to say who shall enter a theater or a hotel and be accommodated therein than to say who shall enter a man's private house or enter into any social amusement to pass away an evening's hour. We have no more right to say that a particular class of individuals shall have access to our public schools, when those individuals have not contributed to the support of those schools, than we have to say that they shall have access to private schools. These are matters purely of local legislation or of private contract.

I know, Mr. Speaker, it is sometimes hard to determine what are the powers of the General Government; how far they extend, and where the jurisdiction and power of the States begin; and we sometimes overlook the fact that there is a citizenship of the State as well as a citizenship of the United States. Now, my idea is, if the citizen of the State should be protected in his rights and immunities, (I mean those which are fundamental,) he has no right to complain, and Congress has no right to interfere in the matter unless some of his political rights secured by the Constitution are abridged or interfered with. I think this position is sustained by several decisions of the Supreme Court of the United States. That court, in the Slaughter-house cases, lately decided and reported in 16 Wallace, on pages 75 and 76, speaking of these privileges and immunities and the clause of the Constitution securing them, says:

Fortunately we are not without judicial construction of this clause of the Constitution. The first and the leading case on the subject is that of Corfield *vs.* Corgill, decided by Mr. Justice Washington in the circuit court for the district of Pennsylvania in 1823. (4 Washington's Circuit Court, 371.)

"The inquiry," he says, "is, what are the privileges and immunities of citizens of the several States? We feel no hesitation in confining these expressions to those privileges and immunities which are fundamental, which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens of the several States which compose this Union from the time of their becoming free, independent, and sovereign. What these fundamental principles are it would be more tedious than difficult to enumerate. They may all, however, be comprehended under the following general heads: protection by the Government, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject nevertheless to such restraints as the Government may prescribe for the general good of the whole."

With this definition of the rights and immunities of citizens, can it be claimed that there is any citizen or class of citizens in Kentucky who are not protected by the State with the "right to acquire and possess property of every kind, and to pursue and obtain happiness and safety?"

The court, in these same cases, in the same book, on page 74, goes on to speak of the citizenship of the State and the citizenship of the United States thus:

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

It is a little remarkable, if this clause was intended as a protection to the citizen of a State against the legislative power of his own State, that the word citizen of the State should be left out when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

It cannot be claimed by the friends of this bill that they have the right to pass the same to define what are the implied rights guaranteed under the Constitution. In the case of Crandall *vs.* Nevada, 6 Wallace, page 36, the court defines what those implied rights are, thus:

It is said to be the right of the citizen of this great country, protected by implied guarantees of its Constitution, to come to the seat of Government to assert any claim he may have with it; to seek its protection; to share its offices; to engage in administering its functions. He has the right of free access to its seaports through which all operations of foreign commerce are conducted; to the sub-treasuries, land-offices, and courts of justice in the several States.

I assert here that no citizen of the district I represent is deprived of any of these privileges. I do not believe it was the intention of those who framed the Constitution and the amendments to give Congress power over civil rights in the States, or to deprive the States of those rights. In these Slaughter-house cases, on pages 77, 78, the court, to my mind, settles this whole controversy thus:

It would be the vainest show of learning to attempt to prove by citations of authority, that up to the adoption of the recent amendments, no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States as above defined lay within the constitutional and legislative power of the States and without that of the Federal Government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all civil rights which we have mentioned from the States to the Federal Government?

And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow if the proposition of the plaintiffs in error be sound.

For not only are these rights subject to the control of Congress, whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States in their most ordinary and usual functions, as in its judgment it may think proper, on all such subjects. And still further, such a construction followed by the reversal of the judgments of the supreme court of Louisiana in these cases would constitute this court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights as they existed at the time of the adoption of this amendment.

The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of power heretofore universally conceded to them of the most ordinary and fundamental character; when, in fact, it radically changes the whole theory of the relations of the State and Federal governments to each other, and of both these governments to the people, the argument has a force that is irresistible in the absence of language which expresses such a purpose too clearly to admit of doubt. We are convinced that no such results were intended by the Congress which proposed the amendments, nor by the legislatures of the States which ratified them.

Much more from the same opinion bearing on this question could be quoted, but the above is sufficient.

This much as to the right of Congress to pass this bill.

Mr. Speaker, I desire to say a few words as to the effect the passage of this bill will have upon the people I represent. As before said, the slave has been made a freedman—been made a citizen and enfranchised. These are political rights. The State which I in part represent protects him in the enjoyment of these rights, and I do not know of any man in my district who desires to interfere with those rights. But, sir, when you undertake to legislate as to the civil and social relations of the races, then you will have aroused and embittered the feelings of the Anglo-Saxon race to such an extent that it will be hard to control them. The poorest and humblest white person in my district feels and knows that he or she belongs to a superior race morally and intellectually, and nothing is so revolting to them as social equality with this inferior race. They will treat the freedman kindly, but socially hold aloof from him, as belonging to an inferior race. You may say these are not social relations provided for in this bill; but, sir, if I am compelled to sit side by side with him in the theater, the stage-coach, and the railroad car, to eat with him at the same table at the hotels, and my child to be educated at the same schools with his child—if these are not social relations I do not understand them.

To my mind, the most objectionable part of this bill is that which forces the children of freedmen into our common schools. The State of Kentucky in her liberality has provided a good system of common schools, which is supported by a direct tax upon the property of the white people of that State; and there are hundreds of poor children in my district, and thousands in Kentucky, who receive in these schools all the education they ever get; and they look upon this privilege as the greatest boon which an enlightened Legislature could confer upon them. Should this bill pass, and the children of freedmen demand admission into these schools, I believe the system in Kentucky will be so injured as to become worthless, and the thousands of children who thus receive a good common-school education, and who are unable to pay in the private schools, will go uneducated. Poor as they are, they will not accept of an education upon such degrading terms. I want to see the children of freedmen educated; and I believe if the people of Kentucky are let alone they will provide a way to educate them to themselves in separate schools. They are not taxed one cent to support our schools now. As far back as February, 1866, the Legislature of Kentucky provided that all the taxes collected from freedmen should go to the support of their paupers and the education of their children. The first and fourth sections of said act read as follows:

SECTION 1. That all the taxes hereafter collected from the negroes and mulattoes in this Commonwealth shall be set apart and constitute a separate fund for their use and benefit; one-half, if necessary, to go to the support of their paupers, and the remainder to the education of their children.

* * * * * * *

SEC. 4. The trustees of each school district in this Commonwealth may cause a separate school to be taught in their district for the education of the negro and mulatto children in said district, to be conducted and reported as other schools are, upon which they shall receive their proportion of the fund set apart in this act for that purpose.

The whole of the taxes of the freedmen of Kentucky go to support their own paupers and the education of their own children, and they contribute nothing to the support of the State government. They are protected in their lives, liberties, and in the pursuit of happiness at the expense of the white people. They are protected in all of their political rights without the payment of one farthing to secure that protection. There are hundreds of paupers in that State supported out of the various county treasuries, because their own funds are insufficient to support them. The insane are sent to one of our lunatic asylums and taken care of, and the expense paid out of the public treasury, which is filled alone by taxes, &c., levied upon the property of the white people of the State. Under the provisions of the above act separate schools have been organized and taught for the children of freedmen in many parts of Kentucky; and if we are let alone I believe our people will provide some way to educate them generally. I believe the passage of this bill will so embitter the white people of Kentucky that it will retard, rather than forward, the educational advantages of the blacks. I believe it will destroy our whole common-school system.

Mr. Speaker, I ask the gentlemen on the other side of the house who are pressing this bill to pause and reflect upon the consequences which must result from its passage. I ask them not thus to strike down and override the reserved rights of the States. I ask, in behalf of the white children of my district, not thus to destroy the only means they have to acquire an education. I ask, in behalf of every white person in my district, that you do not force upon them the degrading provisions of this bill. I ask you now, when the two races are living quietly together in the same State, not to pass a law, the effect of which will do more than anything else to disturb that quiet, perhaps ending in a war of the races; and when that occurs, the black race in this country will be exterminated. I shall, to avert some of the evil consequences of this bill, propose the following amendment, to come in at the end of section 1:

But should the trustees or other persons having control over the free or common schools in their respective districts cause to be taught a separate school in said district for the negro and mulatto children therein for the same length of time the other free or common school is taught, then said negroes or mulattoes shall have no right under this bill to admission to or accommodation in schools wherein white children are taught.

Mr. ELLIOTT obtained the floor, and yielded to

Mr. RANSIER. I desire to give notice, that at the proper time I propose to offer the following additional section, which I ask to have printed:

That no citizen possessing all qualifications which are or may be prescribed by law shall be disqualified for service as juror in any court, national or State, by reason of race, color, or previous condition of servitude; and any officer or other person charged with the duty of the selection or summoning of jurors who shall exclude or fail to summon any citizen for the reasons above named shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than $1,000 nor more than $5,000; and any discrimination against any citizen on account of color, by use of the word "white" in any law, statute, ordinance, or regulation, national or State, is hereby repealed.

Mr. LOWNDES. I desire to have the following amendment printed: Add to section 1 the following:

Provided, That where separate schools are provided for white and colored children, the children of each race shall have admission only to the schools for that race.

Mr. KNAPP. I desire to have read an amendment which I propose to offer whenever the opportunity may be presented.

The Clerk read as follows:

That the declaration of intention to become a citizen of the United States, when made by any person in good faith according to the statute in such cases made and provided, without distinction of race or color, shall *prima facie* entitle such person to the protection of the Government of the United States; and when desiring temporarily to absent himself from the territorial area of this Government, to the proper passports, fully guaranteeing such protection in all respects as though he had been regularly naturalized; and all laws and parts of laws or regulations in conflict with this act be, and the same are hereby, repealed and rescinded.

Mr. BUCKNER. I wish to give notice of my intention to offer the following amendment:

Strike out in lines 12 and 13 the words "because of race, color, or previous condition of servitude," and insert "alien who has declared his intention to become a citizen of the United States according to existing laws or other person within the jurisdiction of any State."

Mr. ELLIOTT. While I am sincerely grateful for this high mark of courtesy that has been accorded to me by this House, it is a matter of regret to me that it is necessary at this day that I should rise in the presence of an American Congress to advocate a bill which simply asserts equal rights and equal public privileges for all classes of American citizens. I regret, sir, that the dark hue of my skin may lend a color to the imputation that I am controlled by motives personal to myself in my advocacy of this great measure of national justice. Sir, the motive that impels me is restricted by no such narrow boundary, but is as broad as your Constitution. I advocate it, sir, because it is right. The bill, however, not only appeals to your justice, but it demands a response from your gratitude.

In the events that led to the achievement of American Independence the negro was not an inactive or unconcerned spectator. He bore his part bravely upon many battle-fields, although uncheered by that certain hope of political elevation which victory would secure to the white man. The tall granite shaft, which a grateful State has reared above its sons who fell in defending Fort Griswold against the attack of Benedict Arnold, bears the name of Jordan, Freeman, and other brave men of the African race who there cemented with their blood the corner-stone of the Republic. In the State which I have the honor in part to represent the rifle of the black man rang out against the troops of the British crown in the darkest days of the American Revolution. Said General Greene, who has been justly termed the Washington of the North, in a letter written by him to Alexander Hamilton, on the 10th day of January, 1781, from the vicinity of Camden, South Carolina:

There is no such thing as national character or national sentiment. The inhabitants are numerous, but they would be rather formidable abroad than at home. There is a great spirit of enterprise among the black people, and those that come out as volunteers are not a little formidable to the enemy.

At the battle of New Orleans, under the immortal Jackson, a colored regiment held the extreme right of the American line unflinchingly, and drove back the British column that pressed upon them, at the point of the bayonet. So marked was their valor on that occasion that it evoked from their great commander the warmest encomiums, as will be seen from his dispatch announcing the brilliant victory.

As the gentleman from Kentucky, [Mr. BECK,] who seems to be the leading exponent on this floor of the party that is arrayed against the principle of this bill, has been pleased, in season and out of season, to cast odium upon the negro and to vaunt the chivalry of his State, I may be pardoned for calling attention to another portion of the same dispatch. Referring to the various regiments under his command, and their conduct on that field which terminated the second war of American Independence, General Jackson says:

At the very moment when the entire discomfiture of the enemy was looked for with a confidence amounting to certainty, the Kentucky re-enforcements, in whom so much reliance had been placed, ingloriously fled.

In quoting this indisputable piece of history, I do so only by way of admonition and not to question the well-attested gallantry of the true Kentuckian, and to suggest to the gentleman that it would be well that he should not flaunt his heraldry so proudly while he bears this bar-sinister on the military escutcheon of his State—a State which answered the call of the Republic in 1861, when treason thundered at the very gates of the capital, by coldly declaring her neutrality in the impending struggle. The negro, true to that patriotism and love of country that have ever characterized and marked his history on this continent, came to the aid of the Government in its efforts to maintain the Constitution. To that Government he now appeals; that Constitution he now invokes for protection against outrage and unjust prejudices founded upon caste.

But, sir, we are told by the distinguished gentleman from Georgia [Mr. STEPHENS] that Congress has no power under the Constitution to pass such a law, and that the passage of such an act is in direct contravention of the rights of the States. I cannot assent to any such proposition. The constitution of a free government ought always to be construed in favor of human rights. Indeed, the thirteenth, fourteenth, and fifteenth amendments, in positive words, invest Congress with the power to protect the citizen in his civil and political rights. Now, sir, what are civil rights? Rights natural, modified by civil society. Mr. Lieber says:

By civil liberty is meant, not only the absence of individual restraint, but liberty within the social system and political organism—a combination of principles and laws which acknowledge, protect, and favor the dignity of man. * * * Civil liberty is the result of man's two-fold character as an individual and social being, so soon as both are equally respected.—*Lieber on Civil Liberty*, page 25.

Alexander Hamilton, the right-hand man of Washington in the perilous days of the then infant Republic, the great interpreter and expounder of the Constitution, says:

Natural liberty is a gift of the beneficent Creator to the whole human race; civil liberty is founded on it; civil liberty is only natural liberty modified and secured by civil society.—*Hamilton's History of the American Republic*, vol, 1, page 70.

In the French constitution of June, 1793, we find this grand and noble declaration:

Government is instituted to insure to man the free use of his natural and inalienable rights. These rights are equality, liberty, security, property. All men are equal by nature and before the law. * * * Law is the same for all, be it protective or penal. Freedom is the power by which man can do what does not interfere with the rights of another; its basis is nature, its standard is justice, its protection is law, its moral boundary is the maxim: "Do not unto others what you do not wish they should do unto you."

Are we then, sir, with the amendments to our Constitution staring us in the face; with these grand truths of history before our eyes; with innumerable wrongs daily inflicted upon five million citizens demanding redress, to commit this question to the diversity of State legislation? In the words of Hamilton—

Is it the interest of the Government to sacrifice individual rights to the preservation of the rights of an artificial being, called States? There can be no truer principle than this, that every individual of the community at large has an equal right to the protection of Government. Can this be a free Government if partial distinctions are tolerated or maintained?

The rights contended for in this bill are among "the sacred rights of mankind, which are not to be rummaged for among old parchments or musty records; they are written as with a sunbeam, in the whole volume of human nature, by the hand of the Divinity itself, and can never be erased or obscured by mortal power."

But the Slaughter-house cases!—the Slaughter-house cases!

The honorable gentleman from Kentucky, always swift to sustain the failing and dishonored cause of proscription, rushes forward and flaunts in our faces the decision of the Supreme Court of the United States in the Slaughter-house cases, and in that act he has been willingly aided by the gentleman from Georgia. Hitherto, in the contests which have marked the progress of the cause of equal civil rights, our opponents have appealed sometimes to custom, sometimes to prejudice, more often to pride of race, but they have never sought to shield themselves behind the Supreme Court. But now, for the first time, we are told that we are barred by a decision of that court, from which there is no appeal. If this be true we must stay our hands. The cause of equal civil rights must pause at the command of a power whose edicts must be obeyed till the fundamental law of our country is changed.

Has the honorable gentleman from Kentucky considered well the claim he now advances? If it were not disrespectful I would ask, has he ever read the decision which he now tells us is an insuperable barrier to the adoption of this great measure of justice?

In the consideration of this subject, has not the judgment of the gentleman from Georgia been warped by the ghost of the dead doctrines of State-rights? Has he been altogether free from prejudices engendered by long training in that school of politics that well-nigh destroyed this Government?

Mr. Speaker, I venture to say here in the presence of the gentleman from Kentucky, and the gentleman from Georgia, and in the presence of the whole country, that there is not a line or word, not a thought or dictum even, in the decision of the Supreme Court in the great Slaughter-house cases which casts a shadow of doubt on the right of Congress to pass the pending bill, or to adopt such other legislation as it may judge proper and necessary to secure perfect equality before the law to every citizen of the Republic. Sir, I protest against the dishonor now cast upon our Supreme Court by both the gentleman from Kentucky and the gentleman from Georgia. In other days, when the whole country was bowing beneath the yoke of slavery, when press, pulpit, platform, Congress, and courts felt the fatal power of the slave oligarchy, I remember a decision of that court which no American now reads without shame and humiliation. But those days are past. The Supreme Court of to-day is a tribunal as true to freedom as any department of this Government, and I am honored with the opportunity of repelling a deep disgrace which the gentleman from Kentucky, backed and sustained as he is by the gentleman from Georgia, seeks to put upon it.

What were these Slaughter-house cases? The gentleman should be aware that a decision of any court should be examined in the

light of the exact question which is brought before it for decision. That is all that gives authority to any decision.

The State of Louisiana, by act of her Legislature, had conferred on certain persons the exclusive right to maintain stock-landings and slaughter-houses within the city of New Orleans, or the parishes of Orleans, Jefferson, and Saint Bernard, in that State. The corporation which was thereby chartered were invested with the sole and exclusive privilege of conducting and carrying on the live-stock, landing, and slaughter-house business within the limits designated.

The supreme court of Louisana sustained the validity of the act conferring these exclusive privileges, and the plaintiffs in error brought the case before the Supreme Court of the United States for review. The plaintiffs in error contended that the act in question was void, because, first, it established a monopoly which was in derogation of common right and in contravention of the common law; and, second, that the grant of such exclusive privileges was in violation of the thirteenth and fourteenth amendments of the Constitution of the United States.

It thus appears from a simple statement of the case that the question which was before the court was not whether a State law which denied to a particular portion of her citizens the rights conferred on her citizens generally, on account of race, color, or previous condition of servitude, was unconstitutional because in conflict with the recent amendments, but whether an act which conferred on certain citizens exclusive privileges for police purposes was in conflict therewith, because imposing an involuntary servitude forbidden by the thirteenth amendment, or abridging the rights and immunities of citizens of the United States, or denying the equal protection of the laws, prohibited by the fourteenth amendment.

On the part of the defendants in error it was maintained that the act was the exercise of the ordinary and unquestionable power of the State to make regulation for the health and comfort of society—the exercise of the police power of the State, defined by Chancellor Kent to be "the right to interdict unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the application of steam-power to propel cars, the building with combustible materials, and the burial of the dead in the midst of dense masses of population, on the general and rational principle that every person ought so to use his own property as not to injure his neighbors, and that private interests must be made subservient to the general interests of the community."

The decision of the Supreme Court is to be found in the 16th volume of Wallace's Reports, and was delivered by Associate Justice Miller. The court hold, first, that the act in question is a legitimate and warrantable exercise of the police power of the State in regulating the business of stock-landing and slaughtering in the city of New Orleans and the territory immediately contiguous. Having held this, the court proceeds to discuss the question whether the conferring of exclusive privileges, such as those conferred by the act in question, is the imposing of an involuntary servitude, the abridging of the rights and immunities of citizens of the United States, or the denial to any person within the jurisdiction of the State of the equal protection of the laws.

That the act is not the imposition of an involuntary servitude the court hold to be clear, and they next proceed to examine the remaining questions arising under the fourteenth amendment. Upon this question the court hold that the leading and comprehensive purpose of the thirteenth, fourteenth, and fifteenth amendments was to secure the complete freedom of the race, which, by the events of the war, had been wrested from the unwilling grasp of their owners. I know no finer or more just picture, albeit painted in the neutral tints of true judicial impartiality, of the motives and events which led to these amendments. Has the gentleman from Kentucky read these passages which I now quote? Or has the gentleman from Georgia considered well the force of the language therein used? Says the court on page 70:

> The process of restoring to their proper relations with the Federal Government and with the other States those which had sided with the rebellion, undertaken under the proclamation of President Johnson in 1865, and before the assembling of Congress, developed the fact that, notwithstanding the formal recognition by those States of the abolition of slavery, the condition of the slave race would, without further protection of the Federal Government, be almost as bad as it was before. Among the first acts of legislation adopted by several of the States in the legislative bodies which claimed to be in their normal relations with the Federal Government, were laws which imposed upon the colored race onerous disabilities and burdens, and curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value, while they had lost the protection which they had received from their former owners from motives both of interest and humanity.
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> They were in some States forbidden to appear in the towns in any other character than menial servants. They were required to reside on and cultivate the soil, without the right to purchase or own it. They were excluded from any occupations of gain, and were not permitted to give testimony in the courts in any case where a white man was a party. It was said that their lives were at the mercy of bad men, either because the laws for their protection were insufficient or were not enforced.
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> These circumstances, whatever of falsehood or misconception may have been mingled with their presentation, forced upon the statesmen who had conducted the Federal Government in safety through the crisis of the rebellion, and who supposed that by the thirteenth article of amendment they had secured the result of their labors, the conviction that something more was necessary in the way of constitutional protection to the unfortunate race who had suffered so much. They accordingly passed through Congress the proposition for the fourteenth amendment, and they declined to treat as restored to their full participation in the Government of the Union the States which had been in insurrection until they ratified that article by a formal vote of their legislative bodies.
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> Before we proceed to examine more critically the provisions of this amendment, on which the plaintiffs in error rely, let us complete and dismiss the history of the recent amendments, as that history relates to the general purpose which pervades them all. A few years' experience satisfied the thoughtful men who had been the authors of the other two amendments that, notwithstanding the restraints of those articles on the States and the laws passed under the additional powers granted to Congress, these were inadequate for the protection of life, liberty, and property, without which freedom to the slave was no boon. They were in all those States denied the right of suffrage. The laws were administered by the white man alone. It was urged that a race of men distinctively marked as was the negro, living in the midst of another and dominant race, could never be fully secured in their person and their property without the right of suffrage.
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> Hence the fifteenth amendment, which declares that "the right of a citizen of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude." The negro having, by the fourteenth amendment, been declared to be a citizen of the United States, is thus made a voter in every State of the Union.
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> We repeat, then, in the light of this recapitulation of events almost too recent to be called history, but which are familiar to us all, and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested; we mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. It is true that only the fifteenth amendment in terms mentions the negro by speaking of his color and his slavery. But it is just as true that each of the other articles was addressed to the grievances of that race, and designed to remedy them, as the fifteenth.

These amendments, one and all, are thus declared to have as their all-pervading design and end the security to the recently enslaved race, not only their nominal freedom, but their complete protection from those who had formerly exercised unlimited dominion over them. It is in this broad light that all these amendments must be read, the purpose to secure the perfect equality before the law of all citizens of the United States. What you give to one class you must give to all; what you deny to one class you shall deny to all, unless in the exercise of the common and universal police power of the State you find it needful to confer exclusive privileges on certain citizens, to be held and exercised still for the common good of all.

Such are the doctrines of the Slaughter-house cases—doctrines worthy of the Republic, worthy of the age, worthy of the great tribunal which thus loftily and impressively enunciates them. Do they—I put it to any man, be he lawyer or not; I put it to the gentleman from Georgia—do they give color even to the claim that this Congress may not now legislate against a plain discrimination made by State laws or State customs against that very race for whose complete freedom and protection these great amendments were elaborated and adopted? Is it pretended, I ask the honorable gentleman from Kentucky or the honorable gentleman from Georgia—is it pretended anywhere that the evils of which we complain, our exclusion from the public inn, from the saloon and table of the steamboat, from the sleeping-coach on the railway, from the right of sepulture in the public burial-ground, are an exercise of the police power of the State? Is such oppression and injustice nothing but the exercise by the State of the right to make regulations for the health, comfort; and security of all her citizens? Is it merely enacting that one man shall so use his own as not to injure another's? Are the colored race to be assimilated to an unwholesome trade or to combustible materials, to be interdicted, to be shut up within prescribed limits? Let the gentleman from Kentucky or the gentleman from Georgia answer. Let the country know to what extent even the audacious prejudice of the gentleman from Kentucky will drive him, and how far even the gentleman from Georgia will permit himself to be led captive by the unrighteous teachings of a false political faith.

If we are to be likened in legal view to "unwholesome trades," to "large and offensive collections of animals," to "noxious slaughter-houses," to "the offal and stench which attend on certain manufactures," let it be avowed. If that is still the doctrine of the political party to which the gentlemen belong, let it be put upon record. If State laws which deny us the common rights and privileges of other citizens, upon no possible or conceivable ground save one of prejudice, or of "taste," as the gentleman from Texas termed it, and as I suppose the gentlemen will prefer to call it, are to be placed under the protection of a decision which affirms the right of a State to regulate the police of her great cities, then the decision is in conflict with the bill before us. No man will dare maintain such a doctrine. It is as shocking to the legal mind as it is offensive to the heart and conscience of all who love justice or respect manhood. I am astonished that the gentleman from Kentucky or the gentleman from Georgia should have been so grossly misled as to rise here and assert that the decision of the Supreme Court in these cases was a denial to Congress of the power to legislate against discriminations on account of race, color, or previous condition of servitude, because that court has decided that exclusive privileges conferred for the common protection of the lives and health of the whole community are not in violation of the recent amendments. The only ground upon which the grant of exclusive privileges to a portion of the community is ever defended is that the substantial good of all is promoted; that in truth it is for the welfare of the whole community that certain persons should alone pursue certain occupations. It is not the special benefit conferred on the few that moves the legislature, but the ultimate and real benefit of all, even of those who are denied the right to pursue those specified occupations. Does the gentleman from Kentucky say that my good is promoted when I am excluded from the public inn? Is the health or safety of the community promoted? Doubtless his prejudice is grati-

fied. Doubtless his democratic instincts are pleased; but will he or his able coadjutor say that such exclusion is a lawful exercise of the police power of the State, or that it is not a denial to me of the equal protection of the laws? They will not so say.

But each of these gentlemen quote at some length from the decision of the court to show that the court recognizes a difference between citizenship of the United States and citizenship of the States. That is true, and no man here who supports this bill questions or overlooks the difference. There are privileges and immunities which belong to me as a citizen of the United States, and there are other privileges and immunities which belong to me as a citizen of my State. The former are under the protection of the Constitution and laws of the United States, and the latter are under the protection of the constitution and laws of my State. But what of that? Are the rights which I now claim—the right to enjoy the common public conveniences of travel on public highways, of rest and refreshment at public inns, of education in public schools, of burial in public cemeteries—rights which I hold as a citizen of the United States or of my State? Or, to state the question more exactly, is not the denial of such privileges to me a denial to me of the equal protection of the laws? For it is under this clause of the fourteenth amendment that we place the present bill, no State shall "deny to any person within its jurisdiction the equal protection of the laws." No matter, therefore, whether his rights are held under the United States or under his particular State, he is equally protected by this amendment. He is always and everywhere entitled to the equal protection of the laws. All discrimination is forbidden; and while the rights of citizens of a State as such are not defined or conferred by the Constitution of the United States, yet all discrimination, all denial of equality before the law, all denial of the equal protection of the laws, whether State or national laws, is forbidden.

The distinction between the two kinds of citizenship is clear, and the Supreme Court have clearly pointed out this distinction, but they have nowhere written a word or line which denies to Congress the power to prevent a denial of equality of rights, whether those rights exist by virtue of citizenship of the United States or of a State. Let honorable members mark well this distinction. There are rights which are conferred on us by the United States. There are other rights conferred on us by the States of which we are individually the citizens. The fourteenth amendment does not forbid a State to deny to all its citizens any of those rights which the State itself has conferred, with certain exceptions, which are pointed out in the decision which we are examining. What it does forbid is inequality, is discrimination, or, to use the words of the amendment itself, is the denial "to any person within its jurisdiction the equal protection of the laws." If a State denies to me rights which are common to all her other citizens, she violates this amendment, unless she can show, as was shown in the Slaughter-house cases, that she does it in the legitimate exercise of her police power. If she abridges the rights of all her citizens equally, unless those rights are specially guarded by the Constitution of the United States, she does not violate this amendment. This is not to put the rights which I hold by virtue of my citizenship of South Carolina under the protection of the national Government; it is not to blot out or overlook in the slightest particular the distinction between rights held under the United States and rights held under the States; but it seeks to secure equality, to prevent discrimination, to confer as complete and ample protection on the humblest as on the highest.

The gentleman from Kentucky, in the course of the speech to which I am now replying, made a reference to the State of Massachusetts which betrays again the confusion which exists in his mind on this precise point. He tells us that Massachusetts excludes from the ballot-box all who cannot read and write, and points to that fact as the exercise of a right which this bill would abridge or impair. The honorable gentleman from Massachusetts [Mr. DAWES] answered him truly and well, but I submit that he did not make the best reply. Why did he not ask the gentleman from Kentucky if Massachusetts had ever discriminated against any of her citizens on account of color, or race, or previous condition of servitude? When did Massachusetts sully her proud record by placing on her statute-book any law which admitted to the ballot the white man and shut out the black man? She has never done it; she will not do it; she cannot do it so long as we have a Supreme Court which reads the Constitution of our country with the eyes of justice; nor can Massachusetts or Kentucky deny to any man, on account of his race, color, or previous condition of servitude, that perfect equality of protection under the laws so long as Congress shall exercise the power to enforce, by appropriate legislation, the great and unquestionable securities embodied in the fourteenth amendment to the Constitution.

But, sir, a few words more as to the suffrage regulation of Massachusetts.

It is true that Massachusetts in 1857, finding that her illiterate population was being constantly augmented by the continual influx of ignorant emigrants, placed in her constitution the least possible limitation consistent with manhood suffrage to stay this tide of foreign ignorance. Its benefit has been fully demonstrated in the intelligent character of the voters of that honored Commonwealth, reflected so conspicuously in the able Representatives she has to-day upon this floor. But neither is the inference of the gentleman from Kentucky legitimate, nor do the statistics of the census of 1870, drawn from his own State, sustain his astounding assumption. According to the statistics we find the whole white population of that State is 1,098,692; the whole colored population 222,210. Of the whole white population who cannot write we find 201,077; of the whole colored population who cannot write, 126,048; giving us, as will be seen, 96,162 colored persons who can write to 897,615 white persons who can write. Now, the ratio of the colored population to the white is as 1 to 5, and the ratio of the illiterate colored population to the whole colored population is as 1 to 2; the ratio of the illiterate white population is to the whole white population as 1 is to 5. Reducing this, we have only a preponderance of three-tenths in favor of the whites as to literacy, notwithstanding the advantages which they have always enjoyed and do now enjoy of free-school privileges, and this, too, taking solely into account the single item of being unable to write; for with regard to the inability to read, there is no discrimination in the statistics between the white and colored population. There is, moreover, a peculiar felicity in these statistics with regard to the State of Kentucky, quoted so opportunely for me by the honorable gentleman; for I find that the population of that State, both with regard to its white and colored populations, bears the same relative rank in regard to the white and colored populations of the United States; and, therefore, while one negro would be disfranchised were the limitation of Massachusetts put in force, nearly three white men would at the same time be deprived of the right of suffrage—a consummation which I think would be far more acceptable to the colored people of that State than to the whites.

Now, sir, having spoken as to the intention of the prohibition imposed by Massachusetts, I may be pardoned for a slight inquiry as to the effect of this prohibition. First, it did not in any way abridge or curtail the exercise of the suffrage by any person who at that time enjoyed such right. Nor did it discriminate between the illiterate native and the illiterate foreigner. Being enacted for the good of the entire Commonwealth, like all just laws, its obligations fell equally and impartially upon all its citizens. And as a justification for such a measure, it is a fact too well known almost for mention here that Massachusetts had, from the beginning of her history, recognized the inestimable value of an educated ballot, by not only maintaining a system of free schools, but also enforcing an attendance thereupon, as one of the safeguards for the preservation of a real republican form of government. Recurring then, sir, to the possible contingency alluded to by the gentleman from Kentucky, should the State of Kentucky, having first established a system of common schools whose doors shall swing open freely to all, as contemplated by the provisions of this bill, adopt a provision similar to that of Massachusetts, no one would have cause justly to complain. And if in the coming years the result of such legislation should produce a constituency rivaling that of the old Bay State, no one would be more highly gratified than I.

Mr. Speaker, I have neither the time nor the inclination to notice the many illogical and forced conclusions, the numerous transfers of terms, or the vulgar insinuations which further incumber the argument of the gentleman from Kentucky. Reason and argument are worse than wasted upon those who meet every demand for political and civil liberty by such ribaldry as this—extracted from the speech of the gentleman from Kentucky:

> I suppose there are gentlemen on this floor who would arrest, imprison, and fine a young woman in any State of the South if she were to refuse to marry a negro man on account of color, race, or previous condition of servitude, in the event of his making her a proposal of marriage, and her refusing on that ground. That would be depriving him of a right he had under the amendment, and Congress would be asked to take it up and say, "This insolent white woman must be taught to know that it is a misdemeanor to deny a man marriage because of race, color, or previous condition of servitude;" and Congress will be urged to say after a while that that sort of thing must be put a stop to, and your conventions of colored men will come here asking you to enforce that right.

Now, sir, recurring to the venerable and distinguished gentleman from Georgia, [Mr. STEPHENS,] who has added his remonstrance against the passage of this bill, permit me to say that I share in the feeling of high personal regard for that gentleman which pervades this House. His years, his ability, and his long experience in public affairs entitle him to the measure of consideration which has been accorded to him on this floor. But in this discussion I cannot and I will not forget that the welfare and rights of my whole race in this country are involved. When, therefore, the honorable gentleman from Georgia lends his voice and influence to defeat this measure, I do not shrink from saying that it is not from him that the American House of Representatives should take lessons in matters touching human rights or the joint relations of the State and national governments. While the honorable gentleman contented himself with harmless speculations in his study, or in the columns of a newspaper, we might well smile at the impotence of his efforts to turn back the advancing tide of opinion and progress; but, when he comes again upon this national arena, and throws himself with all his power and influence across the path which leads to the full enfranchisement of my race, I meet him only as an adversary; nor shall age or any other consideration restrain me from saying that he now offers this Government, which he has done his utmost to destroy, a very poor return for its magnanimous treatment, to come here and seek to continue, by the assertion of doctrines obnoxious to the true principles of our Government, the burdens and oppressions which rest upon five millions of his countrymen who never failed to lift their earnest prayers for the success of this Government when

the gentleman was seeking to break up the Union of these States and to blot the American Republic from the galaxy of nations. [Loud applause.]

Sir, it is scarcely twelve years since that gentleman shocked the civilized world by announcing the birth of a government which rested on human slavery as its corner-stone. The progress of events has swept away that *pseudo*-government which rested on greed, pride, and tyranny; and the race whom he then ruthlessly spurned and trampled on are here to meet him in debate, and to demand that the rights which are enjoyed by their former oppressors—who vainly sought to overthrow a Government which they could not prostitute to the base uses of slavery—shall be accorded to those who even in the darkness of slavery kept their allegiance true to freedom and the Union. Sir, the gentleman from Georgia has learned much since 1861; but he is still a laggard. Let him put away entirely the false and fatal theories which have so greatly marred an otherwise enviable record. Let him accept, in its fullness and beneficence, the great doctrine that American citizenship carries with it every civil and political right which manhood can confer. Let him lend his influence, with all his masterly ability, to complete the proud structure of legislation which makes this nation worthy of the great declaration which heralded its birth, and he will have done that which will most nearly redeem his reputation in the eyes of the world, and best vindicate the wisdom of that policy which has permitted him to regain his seat upon this floor.

To the diatribe of the gentleman from Virginia, [Mr. HARRIS,] who spoke on yesterday, and who so far transcended the limits of decency and propriety as to announce upon this floor that his remarks were addressed to white men alone, I shall have no word of reply. Let him feel that a negro was not only too magnanimous to smite him in his weakness, but was even charitable enough to grant him the mercy of his silence. [Laughter and applause on the floor and in the galleries.] I shall, sir, leave to others less charitable the unenviable and fatiguing task of sifting out of that mass of chaff the few grains of sense that may, perchance, deserve notice. Assuring the gentleman that the negro in this country aims at a higher degree of intellect than that exhibited by him in this debate, I cheerfully commend him to the commiseration of all intelligent men the world over—black men as well as white men.

Sir, equality before the law is now the broad, universal, glorious rule and mandate of the Republic. No State can violate that. Kentucky and Georgia may crowd their statute-books with retrograde and barbarous legislation; they may rejoice in the odious eminence of their consistent hostility to all the great steps of human progress which have marked our national history since slavery tore down the stars and stripes on Fort Sumter; but, if Congress shall do its duty, if Congress shall enforce the great guarantees which the Supreme Court has declared to be the one pervading purpose of all the recent amendments, then their unwise and unenlightened conduct will fall with the same weight upon the gentlemen from those States who now lend their influence to defeat this bill, as upon the poorest slave who once had no rights which the honorable gentlemen were bound to respect.

But, sir, not only does the decision in the Slaughter-house cases contain nothing which suggests a doubt of the power of Congress to pass the pending bill, but it contains an express recognition and affirmance of such power. I quote now from page 81 of the volume:

> "Nor shall any State deny to any person within its jurisdiction the equal protection of the laws."
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> In the light of the history of these amendments, and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the States where the newly emancipated negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.
>
> If, however, the States did not conform their laws to its requirements, then, by the fifth section of the article of amendment, Congress was authorized to enforce it by suitable legislation. We doubt very much whether any action of a State not directed by way of discrimination against the negroes as a class, or on account of their race, will ever be held to come within the purview of this provision. It is so clearly a provision for that race and that emergency, that a strong case would be necessary for its application to any other. But as it is a State that is to be dealt with, and not alone the validity of its laws, we may safely leave that matter until Congress shall have exercised its power, or some case of State oppression, by denial of equal justice in its courts shall, have claimed a decision at our hands.

No language could convey a more complete assertion of the power of Congress over the subject embraced in the present bill than is here expressed. If the States do not conform to the requirements of this clause, if they continue to deny to any person within their jurisdiction the equal protection of the laws, or as the Supreme Court had said, "deny equal justice in its courts," then Congress is here said to have power to enforce the constitutional guarantee by appropriate legislation. That is the power which this bill now seeks to put in exercise. It proposes to enforce the constitutional guarantee against inequality and discrimination by appropriate legislation. It does not seek to confer new rights, nor to place rights conferred by State citizenship under the protection of the United States, but simply to prevent and forbid inequality and discrimination on account of race, color, or previous condition of servitude. Never was there a bill more completely within the constitutional power of Congress. Never was there a bill which appealed for support more strongly to that sense of justice and fair-play which has been said, and in the main with justice, to be a characteristic of the Anglo-Saxon race. The Constitution warrants it; the Supreme Court sanctions it; justice demands it.

Sir, I have replied to the extent of my ability to the arguments which have been presented by the opponents of this measure. I have replied also to some of the legal propositions advanced by gentlemen on the other side; and now that I am about to conclude, I am deeply sensible of the imperfect manner in which I have performed the task. Technically, this bill is to decide upon the civil status of the colored American citizen; a point disputed at the very formation of our present Government, when by a short-sighted policy, a policy repugnant to true republican government, one negro counted as three-fifths of a man. The logical result of this mistake of the framers of the Constitution strengthened the cancer of slavery, which finally spread its poisonous tentacles over the southern portion of the body-politic. To arrest its growth and save the nation we have passed through the harrowing operation of intestine war, dreaded at all times, resorted to at the last extremity, like the surgeon's knife, but absolutely necessary to extirpate the disease which threatened with the life of the nation the overthrow of civil and political liberty on this continent. In that dire extremity the members of the race which I have the honor in part to represent—the race which pleads for justice at your hands to-day, forgetful of their inhuman and brutalizing servitude at the South, their degradation and ostracism at the North—flew willingly and gallantly to the support of the national Government. Their sufferings, assistance, privations, and trials in the swamps and in the rice-fields, their valor on the land and on the sea, is a part of the ever-glorious record which makes up the history of a nation preserved, and might, should I urge the claim, incline you to respect and guarantee their rights and privileges as citizens of our common Republic. But I remember that valor, devotion, and loyalty are not always rewarded according to their just deserts, and that after the battle some who have borne the brunt of the fray may, through neglect or contempt, be assigned to a subordinate place, while the enemies in war may be preferred to the sufferers.

The results of the war, as seen in reconstruction, have settled forever the political status of my race. The passage of this bill will determine the civil status, not only of the negro, but of any other class of citizens who may feel themselves discriminated against. It will form the cap-stone of that temple of liberty, begun on this continent under discouraging circumstances, carried on in spite of the sneers of monarchists and the cavils of pretended friends of freedom, until at last it stands in all its beautiful symmetry and proportions, a building the grandest which the world has ever seen, realizing the most sanguine expectations and the highest hopes of those who, in the name of equal, impartial, and universal liberty, laid the foundation stones.

The Holy Scriptures tell us of an humble hand-maiden who long, faithfully and patiently gleaned in the rich fields of her wealthy kinsman; and we are told further that at last, in spite of her humble antecedents, she found complete favor in his sight. For over two centuries our race has "reaped down your fields." The cries and woes which we have uttered have "entered into the ears of the Lord of Sabaoth," and we are at last politically free. The last vestiture only is needed—civil rights. Having gained this, we may, with hearts overflowing with gratitude, and thankful that our prayer has been granted, repeat the prayer of Ruth: "Entreat me not to leave thee, or to return from following after thee; for whither thou goest, I will go; and where thou lodgest, I will lodge; thy people shall be my people, and thy God my God; where thou diest, will I die, and there will I be buried; the Lord do so to me, and more also, if aught but death part thee and me." [Great applause.]

Mr. BLOUNT obtained the floor and yielded to

Mr. BELL, who said: Mr. Speaker, I am satisfied that from the number of gentlemen who desire to participate in this discussion I shall not have an opportunity to submit to the consideration of the House my views, and those of my constituents, upon this question. I therefore ask the consent of the House to the publication in the RECORD of some remarks I have prepared on this subject.

Mr. RAINEY. I object.

Mr. BLOUNT. Mr. Speaker, under ordinary circumstances I would prefer not to thrust myself into discussions on this floor, but rather to listen and learn from others of larger experience than myself the true interests of the country in shaping its legislation. I fully realize the difficulty of fairly presenting, in the time allotted to me, the true character of this bill in any of its aspects.

I am further embarrassed by the conviction that the prejudices of the late civil war, though abating, standing between myself and a majority of this House, prevent the just force of fair argument; that the spirit of conciliation which actuated the States in the revolutionary struggle, and in framing the Federal Constitution, will not mark the result of our action on this bill.

Representing, however, that small section of the Union which is most affected by it, I am impelled by so keen a sense of its unconstitutionality, of its folly, of the absence of occasion for it, of the degradation and distress to the whites, and the injury to the people of both races, that I should feel that I had acted falsely to the trust confided to me were I from any motive to remain silent. I am aware, sir, that presenting a constitutional argument to a party which has claimed and exercised the right to deprive States of representation at pleasure, to tear down State governments and establish others in their

stead, and to force them to ratify constitutional amendments by the power of the bayonet, and has thus created so many precedents in violation of the Constitution that the sanctity of its obligations is not heeded as hoped for by its framers, would seem to be a useless consumption of time. Being restricted to twenty minutes, I do not intend to review them, but merely to note them as usurpations of the legislative department of the Government. Mr. DAWES, in referring to a compilation of decisions in election cases made during and since the war by the Committee on Elections, of which I believe he was chairman, declared they did not deserve weight as precedents, because they were made amid the passions aroused by sectional strife, and were wanting in that calmness of consideration which was a condition-precedent to right judgment. May we not hope that after nearly a decade has separated us from the termination of the war the same candor can be invoked in the consideration of the present subject of discussion?

If so, then the dawn of a happier day—of peace, prosperity, and a genuine reunion—is surely breaking upon the American people.

The power to pass this law it is asserted is to be found in the first section of the fourteenth article of amendments to the Constitution of the United States. That section declares:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Then follow the third, fourth, and last section, which provides Congress shall have power to enforce by appropriate legislation the provisions of the article.

The rights sought to be secured by this bill have always hitherto been regarded as subject to State legislation. This section does not divest State authority, but fixes a qualification to the exercise thereof. The bill does not assume the States have violated that section or have failed to enforce its provisions; but proceeds directly to divest them of all power, and to prescribe penalties, and to confer exclusive jurisdiction on the Federal courts. We are told that, in some of the States, while the laws are ample the courts and juries are not disposed to execute them. It is not pretended that this is true in all the States, and yet all of them under this bill lose their power over the subject-matter.

Even downtrodden Louisiana, plundered and ruled by her former slaves, is told that this additional humiliation awaits her. The American Congress have by unconstitutional means forced a negro government upon them, and yet we are told with all its machinery in their hands the negroes cannot protect their own rights. The daring effrontery of this effort verifies the wisdom of the warning of Mr. Madison and Mr. Jefferson to the American people, to guard against the danger of usurpation in the legislative department of the Government, for there lay the greatest danger of tyranny.

I know it has been said that if the section referred to gave no power save that of a negative upon the acts of the States there could be no legislation.

The Constitution declares no State shall pass a law impairing the obligation of contracts. This is an individual right placed under the protection of the General Government; and in order to secure it Congress have passed a law authorizing a writ of error to the Supreme Court wherever the right thus secured to the individual was drawn in question. And all State laws impairing the obligations of a contract were void, and yet no one has ever doubted the right of a State to pass laws to enforce rights. Believing that it will meet the full issue with the bill, I quote the following paragraph and the opinion of the Supreme Court thereon:

"Nor shall any State deny to any person within its jurisdiction the equal protection of the laws."

In the light of the history of the thirteenth, fourteenth, and fifteenth amendments, and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the State where the newly emancipated negroes resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden.

If, however, the States did not conform their laws to its requirement, then by the fifth section of the fourteenth article of amendment Congress was authorized to enforce it by suitable legislation. We doubt very much whether any action of a State not directed against the negroes as a class, or on account of their race, will ever be held to come within the purview of this provision. In the early history of the formation of the Government its statesmen seem to have divided on the line which should separate the powers of the national Government from those of the State governments; and though this line has never been very well defined, in public opinion such a division has continued from that day to this.

When the civil war broke out, it was then discovered the true danger to the perpetuity of the Union was the capacity of the State organizations to combine and concentrate all the powers of the State, and of contiguous States, for a determined resistance to the General Government. Unquestionably this has given great force to the argument, and added largely to the number of those who believe in the necessity of a strong national Government.

But, however pervading this sentiment, and however it may have contributed to the adoption of the amendments we have been considering, we do not see in those amendments any purpose to destroy the main features of the general system. Under the pressure of all the excited feeling growing out of the war, our statesmen have still believed that the existence of the States, with powers for domestic and local government, including the regulation of civil rights—the rights of person and property—was essential to the working of our complex form of government, though they have thought proper to impose additional limitations on the States and to confer additional power on the nation.

The same reach of power here claimed can certainly grasp not only the control of State elections, but every other subject of State legislation. Beware lest unkindness to the South should prove the charming web in whose meshes our liberty shall perish. The national Legislature may yet prove the blind Samsonian strength which shal move the pillars of her temple from their place and destroy its votaries.

General BUTLER has said that in a foreign country we are bound to protect the rights of our citizens, and we must therefore have the right against the States. In the former case the States are prohibited by the Constitution from extending protection, this being entirely and necessarily delegated to the General Government, whereas they may and ought to do so as between their own citizens. Again, he says he wants this law to prohibit a negro from being pitched out of a car in cases where it is difficult to tell in what State the wrong was perpetrated. If he is serious in this, I imagine that when thrown off the negro could as easily ascertain his whereabouts as he could find a Federal court. As to any difficulty from one State having no law, and another having it, to protect their rights, I assert that in all of them they have the same law as the whites. Again, sir, how is it to be expected that if juries will not convict in State courts, they will be more virtuous in Federal courts? Is the manner of selecting jurors to be so devised as to secure men in sympathy with these prosecutions?

In my own State the jurors in the Federal court are selected so that they are comprised of persons pre-eminently ignorant and prejudiced against the white people thereof. A fair trial is despaired of by a white man if his controversy is with a negro. In the name of Christianity, of civilization, of liberty, and law; by the memories of the struggle of 1776, and the better days of the Republic; by the consciousness that a common destiny awaits us all, I urge you not to permit sectional feeling to prompt so great a crime.

And now, Mr. Speaker, I invite attention to the situation in my own city of the two races, in connection with the subjects of present legislation, which fairly illustrates my State.

The negroes have their own inns, and neither seek nor desire entertainment at those resorted to by the whites. They have the same cemetery with the whites, divided between the races, and each portion cared for alike. They have railroad facilities, comfortable and satisfactory. They have tasteful and substantial churches, erected largely by the contributions of generous white men, and which are to them a source of pride. They resort freely to places of public amusement, and have assigned them comfortable seats. They have equal educational facilities, both as to school-houses and teachers, with the whites; and could this House know how fully they are provided for in this respect it would compel their warmest commendation.

Often times they outnumber the whites in the jury-box. I do not mean to say they are in the jury-box in all counties, but do say that in many counties not one-fourth of the white voters have their names placed in it. A kindly feeling exists between the races. Labor, which had been demoralized by political excitement, is becoming profitable to laborer and employer, and mutual confidence and good-will is in process of perfect restoration. Let our people alone, and liberty, wealth, and harmony will spring forth in young and vigorous life, and commend the wisdom of your conduct.

But, sir, we are told the Government owes it to the colored people that this bill shall pass. There are in the Southern States two races, as distinct in their social feelings and prejudices as in color. These have a natural force beyond the control of human law. The sooner they are recognized by our rulers the better for both races and the country. Force the negro into the common schools where the white children go, and the whites will withdraw. The common schools will be abandoned, and the only hope for the moral and intellectual elevation of the negro will sink below the horizon forever. Force them into public inns, and the proprietor must submit to your prosecutions or abandon his calling, for the whites will not remain in such association. Public inconvenience follows, but nothing for the public good. Common carriers will be more or less affected by it.

What will be the result as to churches, cemeteries, and public amusements, I cannot exactly delineate. An unkind and ungenerous feeling will permeate all intercourse between the two races. The deplorable consequences, socially, politically, materially, cannot be overstated.

This Government cannot lay well these foundations for social equality. Mr. Speaker, the sovereignty of the States may be overthrown, the pride of the people may be mocked, their property may be swept away, cruel imprisonment may afflict them, the power of the Government may be turned in fearful vengeance upon them; but there is a law of the Creator that for a time may cease to operate, but can never become obsolete, that governs this question.

I assert, sir, that there is a disposition on the part of the whites to give the negro equal rights. Whatever inequality of public accommodations there may be is simply the result of an indisposition to social intercourse. But this even is not to be found in their laws or their courts.

Sir, the whites naturally view this as an attempt at ultimate amalgamation. This necessarily involves their degradation. A mean alliance always begets a progeny below the level of the better parent. If this is not true, why, when equal facilities for mental improvement are accorded to each race, demand they shall be placed side by side in the same school-room? The pride of the southern whites deserves admiration rather than execration.

Were the people not to be affected by this legislation seriously in

the same situation with us, I know full well this bill would not pass. Surely they are led by abstractions rather than a practical comprehension of the real wants of the South. In the name of the Constitution of our common country; in behalf of the time-honored power of the States to regulate the civil rights of its citizens; from an earnest desire to preserve the present good-feeling between the two races, and to avoid the antagonism and industrial detriment that is about to be called into life, I earnestly urge this House not to pass this measure. It contains evil, and evil only. It tells the white people of the South the war shall last forever. "While you have given to the Government great men and means whereby our liberties were established, you, their descendants, shall drink the dregs of humiliation forever!" Our people know this Government is to be theirs, and offer true allegiance to it. Only a few days ago a distinguished leader of the dominant party in this House, in discussing the bill making additional appropriations for the Navy, said he was confident there was not a man on this floor who was not prepared to vote every dollar necessary to the vindication of the national honor. It was true not only of this House, but of all sections of this country. Why stifle the feeling? Why wound the pride of such people? The strength of a nation must rest upon the affections of its subjects. Why, then, should they not be cherished?

Mr. Speaker, I represent an intelligent, brave, and generous people, and for them I have sought the attention of this House. For them I enter solemn protest against the passage of this bill, and invoke that justice which future times will award them.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed without amendment a joint resolution (H. R. No. 14) giving the consent of Congress to the acceptance by Edward Young of a present from the Emperor of Russia.

CIVIL RIGHTS.

The House resumed the consideration of the civil-rights bill.

Mr. POLAND obtained the floor, and said: Mr. Speaker, I have had occasion several times to express my general views in relation to the questions involved in this bill, and therefore do not feel at liberty to occupy time now myself. I yield ten minutes to the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. Mr. Speaker, after the magnificent and unanswerable speech of the gentleman from South Carolina [Mr. ELLIOTT] I feel reluctant to trespass on the patience of the House. I would not do so, but it seems to me there are some considerations in favor of the constitutional power and duty of Congress to pass this bill which possibly have not been fully presented.

To determine the question whether this bill should pass, we may properly inquire what it is or is not; whether it is within the constitutional power of Congress to make it a law, and if we have a discretion in the matter, the expediency of its provisions or objects.

It proposes to make it a penal offense for any corporation or person to make any distinction because of race or color in affording to any citizen of the United States the privilege of admission to or accommodation in several enumerated classes of public institutions created and protected for public purposes by authority of either common or statutory law, or both. It proposes to secure equal privileges, regardless of race or color, in public inns, licensed places of public amusement, in the means of public carriage of passengers and freight, in cemeteries, and benevolent institutions; and an equal opportunity for instruction in schools supported in whole or in part at public expense or by endowment for public use.

All these are created or recognized and protected by public law, and the bill proposes to declare that their benefits, like the dews of heaven, shall descend alike upon all citizens, whether an American, or Irish, or German, or African sun may have burned upon them.

It should be observed that the bill does not give or propose to give or create any right where none existed before; but it simply declares that wherever public rights already exist by law in favor of citizens generally, none shall be excluded merely on account of race or color. This is the rule of justice and the only rule of safety.

This bill is supplemental to the civil-rights act of April 9, 1866.

Congress has the constitutional power to pass this bill. The protection of the rights of citizens enumerated in the bill is not left exclusively to the care of the States. This may be proved by the language of the Constitution, by the history of some of its provisions, and by the determination of the courts.

The fourteenth article of amendments declares that—

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens * * *; nor shall any State * * * deny to any person within its jurisdiction the equal protection of the laws.

And—

Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

If a doubt could arise as to how these words are to be interpreted, if any question could exist as to their construction, let it be remembered they are provisions in favor of human rights, and all such are to be liberally construed to effectuate their object.

The object of this provision is to make all men equal before the law. If a State permits inequality in rights to be created or meted out by citizens or corporations enjoying its protection it denies the equal protection of the laws. What the State permits by its sanction, having the power to prohibit, it does in effect itself.

A remedial power in the Constitution is to be construed liberally. (Chisholm *vs.* Georgia, 2 Dallas, 476.)

Where a power is remedial in its nature there is much reason to contend that it ought to be construed liberally. (1 Story, Const., §429.)

The rule of the liberal construction of the power to make laws necessary and proper to carry into effect all the provisions of the Constitution was adopted in Gibbons *vs.* Ogden, 9 Wheat.

Adopting this rule, then, the word "laws" must include all laws which prevail in a State—constitutions, treaties, statutes, common law, international law—in brief, all laws.

When it is said "no State shall deny to any person the equal protection" of these laws, the word "protection" must not be understood in any restricted sense, but must include every benefit to be derived from laws. The word "deny" must include an omission by any State to enforce or secure the equal rights designed to be protected. There are sins of omission as well as commission. A State which omits to secure rights denies them. This section deals with "the privileges" and the "immunities of citizens"—not some privileges, but "the privileges"—all privileges, and for all these the "equal protection," the equal benefit, of all laws is to be extended to all citizens.

By the common law it is the duty of common carriers of passengers and freight to carry all orderly and well-conditioned persons.

Story, in his work on bailments, says:

One of the duties of a common carrier is, to receive and carry all goods offered for transportion by any persons whatsover, upon receiving a suitable hire * * * if he will not * * * he will be liable to an action unless there is a reasonable ground for the refusal. (Section 508.)

And no law-book has ventured to say the color of the person offering goods is any ground for refusal.

He says of common carriers of passengers:

The first and most general obligation on their part is, to carry passengers whenever they offer themselves and are ready to pay for their transportation * * * they are no more at liberty to refuse a passenger, if they have sufficient room and accommodation, than an inn-keeper is to refuse suitable room and accommodations to a guest. (Section 591.)

The fourteenth amendment declares, in effect, that no State "shall deny to any person within its jurisdiction the equal protection of the laws;" that is, the equal benefit of these principles of common law shared by and existing for the protection of citizens generally. Still more, it declares that Congress *shall enforce* this equality of privileges

When the States by law create and protect, and by taxation on the property of all support, benevolent institutions designed to care for those who need their benefits, the dictates of humanity require that equal provision should be made for all. Those who share these benefits enjoy in them and by them "the protection of the laws," the benefit of all that results from the laws which create, protect, and support them. And by the fourteenth amendment, no State shall deny to any the equal benefit of these laws, and Congress is charged with the duty of enforcing this equality of benefits or protection; and to make this effectual it is declared that "Congress shall have power to enforce by appropriate legislation" this right to an equal participation in the benefit to result from the law regulating common carriers. And this principle applies to every public benefit enjoyed by citizens generally under or by reason of public law.

If Congress does not have the power to legislate to secure the right to enjoy these equal benefits then what is it that "Congress shall have power to enforce by appropriate legislation?"

It is a rule of interpretation that words are to be construed so that they may have some effect—*verba ita sunt intelligenda ut res magis valeat quam pereat.*

The history of the amendments to the Constitution proves that the design of the fourteenth amendment was to confer upon Congress the power to enforce civil rights.

The first act of Congress known as the civil-rights law, is dated April 9, 1866.

The necessity for this was abundantly shown in the debates of Congress. (Globe, 1st session Thirty-ninth Congress, 1160–1833.)

This law was designed to secure equality for all citizens in the civil rights enumerated in it.

But it encountered opposition in Congress, not merely from democrats, but from republicans, on the ground that the Constitution did not authorize it. (Volume 70, Globe, 1st session Thirty-ninth Congress, 1266–1291. Appendix, 156.)

In the debate March 9, 1866, Mr. Bingham said:

The enforcement of the bill of rights, touching the life, liberty, and property of every citizen of the republic, within every organized State of the Union, is of the reserved powers of the States, to be enforced by State tribunals and by State officials. (Page 1291.)

He proceeds to say that the civil-rights bill—

Should be the law of every State, by the voluntary act of every State. The law in every State should be just. It should be no respecter of persons. It is otherwise now.

He then proceeds to say:

I should remedy that, not by an arbitrary assumption of power, but *by amending the Constitution of the United States*, expressly prohibiting the States from any such abuse of power in the future.

On the 28th of February, 1866, in discussing one of the many propo-

sitions to amend the Constitution, all having substantially the same object, he said:

The proposition * * * is simply a *proposition to arm the Congress of the United States* with the power to enforce the bill of rights as it stands in the Constitution.

One day less than two months after the civil-rights bill had been opposed in Congress as unconstitutional the provisions of the fourteenth amendment were first discussed in this House, on the 8th of May, 1866.

The "great commoner"—Thaddeus Stevens—in opening the debate, after stating the provisions of the first section, said:

I can hardly believe that any person can be found who will not admit that every one of these provisions is just. They are all asserted in some form or other in our declaration or organic law. But the Constitution limits only the action of Congress, and is not a limitation on the States. This amendment supplies that defect, and allows Congress to correct the unjust legislation of the States so far, that the law which operates upon one man shall operate equally upon all. (Globe, vol. 71, p. 2459.)

And he proceeded to show that this would not leave the civil-rights law subject to repeal, but ingraft it on the Constitution in principle and effect.

Mr. Finck said of the first section:

If it is necessary to adopt it in order to confer upon Congress power over the matters contained in it, then the civil-rights bill is clearly unconstitutional. (Page 2461.)

Mr. Boyer said:

The first section embodies the principles of the civil-rights bill. * * * The fifth and last section of the amendment empowers Congress to enforce by appropriate legislation the provisions of the article. (Page 2467.)

On the 9th of May, 1866, Mr. Broomall said:

It may be asked why should we put a provision in the Constitution which is already contained in an act of Congress? [Civil-rights law.] The gentleman from Ohio, Mr. Bingam, may answer this question. He says the act is unconstitutional. * * * While I differ from him upon the law, yet it is not with that certainty of being right that would justify me in refusing to place the power to enact the law unmistakably in the Constitution. (Page 2498.)

Mr. Shanklin said of the amendment:

There are two prominent and distinct ideas contained in this proposition. The first idea is to strike down the reserved rights of the States, those rights which were declared by the framers of the Constitution to belong to the States exclusively. * * The first section * * is to strike down those State rights and invest all power in the General Government. (Page 2500.)

Mr. Raymond said of the first or civil-rights section:

It was first embodied in a proposition introduced by Mr. Bingham in the form of an amendment to the Constitution, giving to Congress power to secure an absolute equality of civil rights, and is still pending. Next it came before us in the form of a bill, (the civil-rights bill,) by which Congress proposed to exercise precisely the powers which that amendment was intended to confer, and to provide for enforcing against State tribunals the prohibitions against unequal legislation. I regarded it as very doubtful whether Congress, under the existing Constitution, had any power to enact such a law. And now, although that bill became a law, it is again proposed to so amend the Constitution as to confer upon Congress the power to pass it. I was in favor of securing an equality of rights to all citizens; all I asked was that it should be done by the exercise of powers conferred upon Congress by the Constitution. And so believing, I shall vote for this proposed amendment to the Constitution. (Page 2502.)

The debate in the Senate is equally explicit. On the 30th of May, 1866, Mr. Doolittle said:

The celebrated civil-rights bill, which was the forerunner of this constitutional amendment, and to give validity to which this constitutional amendment is brought forward, and which, without this constitutional amendment to enforce it, has no validity, &c. (Page 2896.)

Mr. Hendricks, on the 4th of June, said:

The sixth and last section provides that Congress shall have power to enforce by appropriate legislation the provisions of this article. When these words were used in the amendment abolishing slavery they were thought to be harmless, but during this session there has been claimed for them such force and scope of meaning as that Congress might invade the jurisdiction of the States, rob them of their reserved rights, and crown the Federal Government with absolute and despotic power. As construed, this provision is most dangerous. (Page 2940.)

It had been claimed by Mr. Yates that by virtue of the thirteenth amendment "every man in the United States, without regard to color, * * was a citizen," clothed with "the muniments of freedom, the rights, franchises, privileges that appertain to an American citizen," and that Congress had power by "appropriate legislation" under the provisions of the thirteenth amendment "to enforce" that, as well as secure equal rights, civil, as well as political. (Pages 1255, 3037.) And this has been so held as to civil rights by Justice Swayne in the case of the United States *vs.* Rhodes.

In the same debate, my distinguished friend the able gentleman from Vermont [Mr. POLAND] then in the Senate, said of the fourteenth amendment:

The great social and political change in the Southern States wrought by the amendment of the Constitution abolishing slavery and by the overthrow of the late rebellion renders it eminently proper and necessary that Congress should be invested with the power to enforce this provision throughout the country, and compel its observance. * * State laws exist * * in direct violation of these principles. Congress has already shown its desire and intention to uproot and destroy all such partial State legislation in the passage of what is called the civil-rights bill. The power to do this has been doubted. * * No doubt should be left existing as to the power of Congress to enforce principles lying at the very foundation of all republican government. (Page 2961.)

The debates show that these distinct assertions of the powers to be conferred on Congress by the fourteenth amendment were not controverted. No one ventured to deny them.

The debates on the thirteenth and fifteenth amendments are explicit in corroborating this purpose.

The fifteenth amendment, as the gentleman from Georgia [Mr. STEPHENS] says, does not "bestow or even declare any rights;" but it does prohibit States from denying the equal right of suffrage. Congress has power to enforce the prohibition by "appropriate legislation." Here is the power to enforce a prohibition.

A similar power is given in the same words in the fourteenth amendment.

The power of Congress to enact the civil-rights bill and to pass this is settled by the reasoning and authority of adjudicated cases and elementary writers. Among these I will cite Smith *vs.* Moody, 26 Indiana, 307; *in re* A. H. Somers, by the chief justice of the court of appeals of Maryland; United States *vs.* Rhodes, decided in 1867 in the United States circuit court Kentucky, 7 American Law Register, N. S., 233; *in re* Turner, by Chase, C. J., *habeas corpus*, Maryland, 1867; *ex parte* Griffin, by Chase, C. J., circuit court Virginia, 1869, 8 American Law Register, N. S., 365; Farrar's Manual Constitution, 448; Paschal's Annotated Constitution, 273, 290.

In the case of the United States *vs.* Rhodes, decided by Mr. Justice Swayne, there was an indictment under the civil-rights act of April 6, 1866, for burglary, in Kentucky, and the court took jurisdiction on the ground that the statute of Kentucky discriminated against colored citizens in the law of evidence. The court held that the civil-rights act was authorized, and gave the jurisdiction by virtue of the thirteenth amendment to the Constitution, and that

Under this act all persons stand upon a plane of equality before the law as respects the civil rights therein mentioned and intended to be protected, without distinction as to race or color or any previous condition of slavery." (7 American Law Register, N. S., 233.)

In *ex parte* Griffin, decided by Chief Justice Chase in the circuit court of the United States for the district of Virginia, in 1869, the question arose whether the third section of the fourteenth amendment to the Constitution did *ex proprio vigore* remove from office persons lawfully appointed before its adoption though they may have been ineligible to hold such office under the prohibition it contains.

The Chief Justice, in holding the negative, said:

The object of the amendment is to exclude from certain offices a certain class of persons. Now it is obviously impossible to do this by a simple declaration, whether in the Constitution or in an act of Congress. * * For in the very nature of things it must be ascertained what particular individuals are embraced by the definition before any sentence of exclusion can be made to operate. To accomplish this ascertainment, and insure effective results, proceedings, evidence, decisions, and enforcement of decisions more or less formal are indispensable; *and these can only be provided by Congress.*

Now the necessity of this is recognized by the amendment itself in its fifth and final section, which declares that "Congress shall have power to enforce by appropriate legislation the provisions of this article."

There are, indeed, other sections than the third to the enforcement of which legislation is necessary; but there is no one which more clearly requires legislation in order to give effect to it. The fifth section qualifies the third to the same extent as it would if the whole amendment consisted of these two sections. (8 American Law Register, N. S., 365.)

In construing the fourteenth amendment we may properly, as Blackstone says, consider "the old law, the mischief, and the remedy."

That is, to ascertain the "remedy intended to be provided" by this amendment it is proper to know the "mischiefs complained of or apprehended," the "existing or anticipated evils." (United States *vs.* Rhodes, 7 Am. Law Reg., 247.)

These evils have been stated by Kent; by Justice Swayne; they were pointed out in the debates in Congress on the civil-rights bill and on the fourteenth amendment. (2 Kent Com., 281–282, note; United States *vs.* Rhodes, 7 Am. Law Reg., 247; Globe, vol. 70, 1st sess. 39th Cong., pp. 1160–1833.)

Mr. Justice Swayne, referring to the era of slavery up to the time of emancipation, says:

Slaves were imperfectly, if at all, protected from the grossest outrages by the whites. Justice was not for them. The charities and rights of the domestic relations had no legal existence among them.

In a note to Kent it is said the law in Louisiana—

Not only forbids any person teaching slaves to read or write, but it declares that any person using language * * * or making use of any sign or actions having a tendency to produce discontent among the free colored population, * * * or who shall be knowingly instrumental in bringing into the State any paper, book, or pamphlet having a like tendency, shall on conviction be punishable with imprisonment or death, at the discretion of the court.

And Justice Swayne said of the period after emancipation:

The shadow of the evil fell upon the free blacks. They had but few civil and no political rights in the slave States. Many of the badges of the bondman's degradation were fastened upon them. * * * The States had always claimed and exercised the exclusive right to fix the status of all persons living within their jurisdiction.

The evil then was that civil rights were unsafe when left to the States where the spirit of slavery still lived.

This evil Congress attempted to remedy in part by the civil-rights law of April 9, 1866. But, as the constitutionality of this had been called in question, Congress designed to remove all doubt, and to give Congress power to secure equal civil rights to all.

This purpose was incorporated in the fourteenth amendment, concluding with the unmistakable words: "Congress shall have power to enforce this article by appropriate legislation."

It is incredible that Congress in submitting the fourteenth amendment, or the people in adopting it, did not clearly intend to give to Congress the power claimed; did not intend to provide an effectual remedy for the evils which had been so fully and frequently denounced. The civil-rights act is dated April 9, 1866.

The final action of Congress in proposing to the people the fourteenth amendment was June 13, 1866. It was adopted by the people through the State Legislatures.

And then the civil-rights law was re-enacted April 20, 1871, by many of the members of Congress who had voted to submit the amendment. This contemporaneous construction of the amendment carries more than persuasive force as to its true meaning. (Paschal's Annotated Constitution 277, note 274; McCulloch *vs.* Maryland, 4 Wheat., 401; United States *vs.* Rhodes, 7 American Law Register, 233.)

But Congress has repeatedly added to the persuasive force of this construction—by the "enforcement" act of May 31, 1870, February 28, 1871; and, finally, the Ku-Klux act of April 20, 1871. (Appendix Congressional Globe, March, 1871, p. 70.)

All these acts proceed upon the idea that if a State omits or neglects to secure the enforcement of equal rights, that it "denies" the equal protection of the laws within the meaning of the fourteenth amendment.

The Slaughter-house cases (16 Wallace, 81) concede the power to pass this bill.

The means provided in this bill of enforcing the Constitution are fully authorized.

The power to secure equal civil rights by "appropriate legislation" is an express power; and Congress, therefore, is the exclusive judge of the proper means to employ. This has been settled in McCulloch *vs.* Maryland, 4 Wheaton, 420; Priggs *vs.* Pennsylvania, 16 Peters, 539; *Ex parte* Coupland, 26 Texas, 387; 1 Story Const., 432; Moore *vs.* Illinois, 14 Howard, 20.

These cases show, too, that Congress may enforce generally the provisions of the Constitution.

I will not now discuss the expediency of this measure. It is always expedient to do right. Equality of civil and political rights, of all rights which exist under law, is simple justice.

The fourteenth amendment was designed to secure this equality of rights; and we have no discretion to say that we will not enforce its provisions. There is no question of discretion involved except as to the means we may employ. The real question is, whether, knowing our duty, we will perform it. The colored man is a citizen of the republic, and his rights, equally with all others, this Congress must respect if the Constitution is to be obeyed.

Mr. POLAND. I yield the remainder of my time to the gentleman from Ohio, [Mr. MONROE.]

Mr. MONROE. Mr. Speaker, I will not attempt to discuss any of the legal or other of the graver questions which have been under discussion by much abler men than myself. I leave these to gentlemen who are better qualified to enlighten the House in regard to them. But I desire to say a word upon a single point; a point which, although very familiar, is nevertheless very suggestive and full of instruction when followed to its logical consequence in connection with a subject like this.

Now, sir, if any member of this House were asked to-day what is the greatest single element of national strength, of national prosperity, of national permanence and power, I believe he would unhesitatingly answer that the greatest element of strength to every nation is the universal good-will and confidence of all classes of its citizens. This is fundamental; the granite rock upon which all real national greatness must rest. Every nation that would be strong, every nation that would be permanent, must have the universal good-will and confidence of all classes, from the highest to the lowest, from the strongest to the weakest. That kind of confidence the Government must possess in the heart of the citizen which grows out of the knowledge on his part that there is both the disposition and the ability on the part of the Government to protect him; to protect him in his person, to protect him in his home, to protect him in his family, and in every natural and legal right which he may possess.

And, sir, it is necessary for the Government to pursue such a course as shall give assurance to every human being in the land—to the very humblest, to the poorest, to the most friendless citizen—that it will protect him; that it will search him out in his obscurity, in his poverty, and in his friendlessness, and will hold out over him the broad shield of the Constitution and the laws. It is necessary, it is indispensable to national greatness and power, that this impression should be made upon the heart of every citizen, so that every citizen may have confidence that the Government under which he lives will accomplish this result. It is indispensable to national permanence and national existence.

How can any country prosper without patriotism, and how can patriotism exist unless this confidence in the Government be found in the heart of the citizen? I know, sir, that poets describe patriotism as a glorious Ariel-like creature which floats in the clouds; but you and I, Mr. Speaker, know, and this House knows, that the real patriotism of this world, the patriotism that will wear, the patriotism that is good for anything for national defense, the patriotism which can give and take battle and risk life in defense of country, is not the patriotism which lives in the clouds, but the patriotism which stands upon solid ground, dusty though it be. Patriotism, to be worth anything, must have its foundation in equal protection under the law. It must spring out of hearts that cherish confidence in the Government, which cherish affection for the Government, that feel the interests of the citizen is the same as the interests of the Government; that its prosperity is their prosperity; its danger is their danger; that anything which threatens its glory and power also threatens them, however humble they may be. When the citizen feels this, then if the country which cherishes and protects him happens to be exposed to dangers from abroad or dangers from home the very blood in his heart runs lightning at the thought of peril to the Constitution and laws which afford him refuge.

Why, sir, there is no example in history of any nation sinking into decay which still possessed the confidence and affection of its citizens. And there is no example of continued prosperity on the part of any government which lost this confidence.

We are coming back again, sir, to the very fundamental principles of government. This is the very starting-point of national prosperity. If we fail to secure equal protection under the laws, we fail wholly; and it is the duty of Congress, whatever else it may or may not do, whatever else it may pass or fail to pass, that it shall leave no doubt in the mind of any human being in the land as to the question whether equal protection of the laws shall be extended to all classes of citizens.

I know, sir, that our friends on the other side of the House have spoken of this case as if it were an exceptional one. They tell us that the class of persons that this bill is designed to protect is a peculiar class, and it is not quite so easy to apply constitutional protection to them. They are a different people; they are a different race; a strong prejudice exists against them; they have lately been in a condition of servitude which subjected them to degradation and contempt, and there are peculiar difficulties in the way of carrying out constitutional protection in a right line for the benefit of this class of people. Well, sir, what does all this amount to, except that this class of people are peculiarly exposed to hazard; that their rights are in special danger?

The very fact that there are peculiar difficulties in the case shows that it is one which demands peculiar attention. The very fact of these difficulties, of these prejudices, of this contempt, shows that this is a class of our citizens which specially demands the protection of the law. And surely gentlemen do not mean to tell us or to argue that the fact that this class is in peculiar danger, and is peculiarly exposed, is a reason why the protection of the law should not be extended to them.

We must remember that no chain is stronger than its weakest link. And it is just here—in the case of a despised class, in the case of a class that is exposed to so many dangers—it is just here that the justice and the power and the disposition of the Government to protect are tested. It is only in cases of this kind that it can be tested. Why, sir, the rich, the strong, the powerful can get along well enough under almost any kind of government. The worst governments have made such men comfortable, but it is only a good and strong government that can protect those classes which specially need protection; those classes that are poor, that are friendless, that have been in servitude and lately emerged from it. It is just here that the character of the Government, its disposition, its power to do right, is fully tested. And if we fail here, if we cannot protect this class, then it may be concluded that we cannot protect anybody. This is the point to which some of our friends appear not to do justice. I say if we fail to protect the colored race upon this continent we thereby do actually fail to protect anybody. For it is a matter of principle; it is not a question as to who the individual is that is to be protected or is to fail of it. If we fail to protect the poorest, the humblest, the most despised, the blackest man, we fail totally. If we sin in one point, we are guilty of all. The principle falls to the ground, and we know not whose the loss may be; although it may be the question to-day whether the colored man's rights shall be protected, to-morrow the question may be different. And if we establish the miserable precedent that we must withdraw the ægis of protection from over the head of the poorest and blackest man, which of us shall be sure of continuing to enjoy the benefit of that protecting ægis over his own home? None of us. If we once put into our history this wretched precedent of leaving the heads of the poor to be pelted by the pitiless storms of persecution and obloquy, we leave our own homes and our own families exposed to the next attack.

[Here the hammer fell.]

Mr. BRIGHT. Mr. Speaker, I propose to speak to the reason, not to the prejudice of this body. I propose candidly to offer some reasons why I cannot vote for this bill.

Without further preliminaries, I will state that I believe it is unconstitutional, impolitic, and unnecessary; fraught only with mischief to the parties whose interests it is intended to subserve. If the fact be, Mr. Speaker, that the bill is unconstitutional, and if that fact can be demonstrated here, that ought to be the end of the question. And I presume Representatives upon both sides of the House, concurring in the conviction or opinion that it is unconstitutional, will concede that this bill ought not to pass. They will, I have no doubt, manifest a patriotism that will show that they love the Constitution and their country more than they do any color, race, or previous condition of servitude. Permit me, then, Mr. Speaker, to invite the attention of this honorable body to a few candid remarks which I propose to submit to their consideration.

The friends of the bill base their argument for its support upon the fourteenth amendment, and upon the second section of the fourth article of the Constitution of the United States. The fourteenth amendment in its first paragraph declares a dual citizenship of the people of the United States: first, a citizenship of the United States; sec-

ond by a citizenship of the States. In the subsequent paragraph it provides certain prohibitions on the States; and I desire gentlemen to permit me to give emphasis to the language of the Constitution itself—prohibitions upon the States, not upon the individuals composing the States. These prohibitions are intended to protect the citizens of the United States against oppressive legislation on the part of the States. The plain import of the words can convey no other meaning. The language forbids the idea that it was intended to confer on Congress a grand police power over the social and domestic relations of the people of the States.

Now, Mr. Speaker, the first proposition to which I invite the attention of the House, and I hope that the distinguished chairman of the committee who has charge of the bill will feel himself called upon to answer the argument, is this: that the fourteenth amendment confers no new grant of power upon the Congress of the United States. I say, sir, that that question has been settled both by legislative and judicial precedents. I invite the attention of the distinguished chairman of the committee to this argument, and I wish no evasion of it. In the first place we have the legislative action of this body. Mrs. Woodhull as a memorialist asked of this honorable body that it would grant the right of suffrage to her sex. That memorial was referred to the Judiciary Committee, of which the distinguished Representative from Massachusetts [Mr. BUTLER] was a member at the time. That committee reported this as the construction they placed upon the amendment:

The clause of the fourteenth amendment, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States," does not, in the opinion of the committee, refer to privileges and immunities of citizens of the United States other than those privileges and immunities embraced in the original text of the Constitution, article two section four. The fourteenth amendment, it is believed, did not add to the privileges or immunities before mentioned, but was deemed necessary for their enforcement as an express limitation upon the powers of the States. It had been judicially determined that the first eight articles of amendment of the Constitution were not limitations on the power of the States, and it was apprehended that the same might be held of the provision of the second section, fourth article.

Further on they say:

The words "citizens of the United States," and "citizens of the States," as employed in the fourteenth amendment, did not change or modify the relations of citizens of the State and nation as they existed under the original Constitution.

What was the legislative action of gentlemen upon the other side of the House on that subject? They voted for the reception of that report of the committee and against the report of the minority, headed, as I believe it was, by the distinguished gentleman from Massachusetts.

Mr. BUTLER, of Massachusetts. I made a minority report.

Mr. BRIGHT. I know you did; I have it before me. A similar memorial was presented to the Senate by Miss Susan B. Anthony, and was referred to the Judiciary Committee of that body. That committee reported unanimously in favor of adopting the same opinion as that of the majority of the House committee, and they followed the same line of argument.

In the Slaughter-house cases the Supreme Court of the United States says this:

In the case of Paul *vs.* Virginia the court, in expounding this clause of the Constitution, says that "the privileges and immunities secured to citizens of each State in the several States by the provision in question are those privileges and immunities which are common to the citizens in the latter States under their constitution and laws by virtue of their being citizens.

The constitutional provision there alluded to did not create those rights which it called privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised, nor did it profess to control the power of the State governments over the rights of its own citizens.

Its sole purpose was to declare to the several States that whatever those rights, as you grant or establish them to your own citizens, or as you limit or qualify or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction.

But they say further, and to this I ask especial attention:

Of the privileges and immunities of the citizens of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are we will presently consider, but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested; for they are not embraced by this paragraph of the amendment.

Is that satisfactory? Is that the law of the land? Is that the proper construction to place upon the fourteenth amendment of the Constitution of the United States? If so, the question is settled, and this body cannot override that decision without overriding the Constitution of the United States. I ask some gentleman on the other side to meet this question fairly, and say whether it was intended by that amendment to confer any new powers upon the Congress of the United States. The Supreme Court has settled that question; and if you were here, gentlemen, empanneled as a jury, you would be compelled by your oaths to decide that it conferred no new powers upon Congress.

But I add another authority. The Supreme Court, in the case of Bradwell *vs.* The State of Illinois, following up the decision in the Slaughter-house cases, made this decision:

The protection designed by that clause, (fourteenth amendment,) as has been repeatedly held, has no application to a citizen of the State whose laws are complained of. If the plaintiff was a citizen of the State of Illinois, that provision of the Constitution gave her no protection against its courts or its legislation.

Thus, after deliberation and review, the Supreme Court adhere to the construction given in the Slaughter-house cases.

I contend then, Mr. Speaker, that that is an end to the matter. If the passage of this bill would be unconstitutional, then where is the man who is bold enough to strike down the Constitution for the gratification of any prejudice or of any sympathy? If this bill is really an assumption of new powers by Congress, then its advocates are driven from the fourteenth amendment. Where, then, will they make their stand? It must be in article 4, section 2, of the Constitution of the United States, which is as follows:

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

I will endeavor to show that that will not avail them. Justice Story (2 Const., sec. 1806,) in commenting on that subject, said that clause was only intended to confer on the citizens of each State general citizenship; that it confers no privileges or immunities above or beyond the privileges and immunities enjoyed by the citizens of the State which they make the home of their adoption. In short, the adopted citizen was to be made equal to the home-born citizen. It neither created nor defined the privileges and immunities of the citizens, but left them to look to their respective State governments as the sources from which they flow. If this be so, and I maintain that it is, it effectually excludes the legislative jurisdiction of Congress over the subject.

The authorities upon the subject can be piled mountain-high, and I will here call attention to some of them. In the first place to the opinion of Attorney-General Bates; second, to Webster's opinion in the case of Bank *vs.* Primrose; third, Corner *vs.* Elliott, 18 Howard; fourth, Canfield *vs.* Coryell, 4 Washington's Circuit Court Reports, 380; fifth, the report of the Judiciary Committee of the House of Representatives January 30, 1871; sixth, report of the Judiciary Committee of the Senate January 25, 1872; seventh, the Slaughter-house cases, 16 Wallace; eighth, Bradley *vs.* Illinois, reaffirming the opinion in the Slaughter-house cases; ninth, the people who have everywhere exercised the power in all the States in the adoption of their constitutions; tenth, the legislatures have exercised these powers, granting charters to counties, towns, schools, railroads, and denying the right to vote to women, minors, ministers, felons, non-residents, and exercising power over the life, liberty, and property of their citizens. The States were governments in fact, so recognized by the Constitution of the United States, the true guardians of the immunities and privileges of their own citizens.

This great truth runs back of the Constitution of the United States and is the tap-root of American liberty, striking deep into the heart of our State and municipal governments, which lie nearest to the people, and which can best understand and provide for their wants When this body assumes a protectorate over them, it assumes a power and prerogative which never can administer equal justice.

Not only the Southern, but the Northern States exercised the right of making descriminations amongst their own citizens, on the grounds of public policy.

Massachusetts prohibited intermarriage between the races. Maine prohibited in the same way intermarriage. Connecticut denied the elective franchise to men of the colored race, as did Pennsylvania and New Jersey, and also the right to testify in cases where a white man was a party. New York had a property qualification against colored men. Ohio, Indiana, Illinois, Michigan, Iowa, denied the ballot and intermarriage between the races and the right of colored men to give testimony against whites. The Southern States did the same. All the authorities, State and Federal, legislative and judicial, rise before the nation and interpose a bulwark against the passage of this act.

The only limitation upon this ancient right of the States to regulate their own domestic affairs is the fifteenth amendment, which prohibits the States from denying the right of suffrage to any citizen on account of race, color, or previous condition of servitude.

Again, if there is no authority under the fourteenth amendment, nor in the second clause of article 4 of the Constitution of the United States, where does it get the authority? Has it a common-law authority? Sir, that never was incorporated as a part of the law of the United States. It never has been pretended to be exercised as a part of the law of the United States.

I have said that it was impolitic to pass this bill. The colored man has everything to lose by it, and nothing to gain. There is no coercive power on the part of Congress toward the State to compel it to levy a tax for educational purposes. The laws of some of the States are now giving the colored people the benefit of education, pouring its beams of enlightenment upon the African race, by dividing the school funds in proportion to the scholastic population of the two races, although they are separated into different schools. Should Congress attempt to drive the Southern States, having separate common schools, to the wall, and attempt to force their tastes, and, if you please, their natural and conventional repugnance to color and race, into social contact, they will refuse to tax themselves for the support of such an educational system. This the whites can do in Tennessee, for they can vote three to one over the colored people.

But I have no time to dwell upon that part of the subject. I have said that this bill was unnecessary. What rights are now denied to the colored race? They have the freedom of the press, the freedom of speech, the freedom of the ballot, the freedom of office, the freedom of the courts, and the rights of property. All the avenues of power and office of this Government have been thrown wide open to them.

The constitutions of the State governments have opened the avenues to them and let them in. The Constitution of the United States has opened to let them in. All the gates are wide open to them. Even the White House is now set as a prize before the eye of the African. Sir, they have all the rights of the boasted Roman citizen, the right of holding slaves excepted. Still they clamor here.

Why, Mr. Speaker, and Representatives upon the other side of the House, their civil and political elevation is unparalleled in the history of nations. No nation of their race before has emerged from the broken chains and yoke of slavery, been habilitated, and raised to the grandeur of American citizens, in the same length of time. France and England emancipated their slaves, but the emancipated never dreamed that they should have letters of nobility, or should be elevated to the woolsack; never, never.

[Here the hammer fell.]

Allow me two minutes more. I desire to refer to the real wants of the negro. Sir, he can stand a little tobacco-smoke in a railroad car better than he can the tobacco tax. Let him strive to get that off, and then to get back the seventy millions of cotton tax which the Government has taken unconstitutionally from him and us. Not only that, but cut down your tariff, lay your pruning-knife to it, and cut off the redundant excrescences. Reform your currency, which by its fluctuations has recently destroyed one-third of the value of the cotton crop, the result in a large part of the bone and the muscle, the sweat and the toil of the colored man. The wail of starving women and children comes up from the South this day on the authority of Bishop Wilmer, those of their own race, in consequence of their destitution. Let them aid to roll off the incubus from the breasts of their people, and then they will have done a service to themselves and their race, instead of contending for first places in cars and places of amusement. The vast majority of their race are laborers in the rural districts. Not one in ten thousand, perhaps, wants to travel on a car. They had better keep away from saloons and theaters. They are too poor to pay for accommodations in first-class hotels, which receive their patronage mainly from the rich and the fashionable. Only a few exceptional cases of their color can bear the expense of luxurious indulgences, and they are generally to be found about cities, and would have us turn the Government upside down for their accommodation. As a race they have their own churches, school-houses, eating-houses, boarding-houses, and as they advance in wealth they may have their own theaters. Let them look at the real matters of grievance by the Government, and not be deceived by this civil-rights bill, so called.

Mr. TREMAIN. As a member of the Committee of the Judiciary, which reported this bill, I have taken some notes of the arguments made here, with a view, if time and opportunity were allowed, to answer those that have been presented by some of the opponents of this bill, and also to present some reasons in favor of its passage. The time, however, allowed by the special order for its discussion is drawing to a close. I am admonished by the able arguments we have heard upon this floor from the representatives of the African race, who are more immediately interested in the passage of this bill, that the vindication of the newly-created rights of citizenship conferred by the amendments of the Constitution, with all those privileges and immunities which follow from that new relation, may be more appropriately and properly left in the hands of the representatives of that race on this floor. I shall, therefore, yield to the gentleman from Florida, [Mr. WALLS,] another representative of that race.

Mr. WALLS. Mr. Speaker, the legend, Liberty, Equality, and Fraternity, has been well chosen in the past as the watch-word of people seeking a higher plane of manhood and a broader comprehension of the earthly destiny of the human family.

In our own time and country, under an advanced and advancing civilization, there is something more than sentiment in this glittering generality; and in addition to its broader definitions, as interpreted by the republicanism of the past, the leavening influences of even-handed justice gives it a tangible significance alike elevating to the citizens and institutions of the Republic.

In presenting the claim for equal public rights for all citizens, though in behalf of a class who, in common with another class, labor under disabilities, it is but just to assume that the effort is made more in the interest of the Republic and its progress than for the benefit of the people for whose immunity from wrong the movement is seemingly inaugurated.

The Federal Constitution, as amended, wisely provides, (Article 14, section 3:)

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, * * * * nor deny to any person within its jurisdiction the equal protection of the laws.

Admitting, for the sake of reaching the gist of the matter, that no State attempts to make or enforce laws abridging the privileges or immunities of citizens of the United States, yet it remains to be demonstrated whether there is a denial, tacit or direct, to any person in any State of the equal protection of all law. If so, then the spirit of the provisions of the fourteenth article of amendment to the Federal Constitution is violated, and there is need for the appropriate legislation for the enforcement of the same as provided for in section 5 of said article.

It may be said that there are no positive statutes prohibiting the enjoyment of all public rights by all citizens whose comfort and convenience may be lessened by such prohibition, and who tender the equivalent fixed by law or custom for public facilities.

But if it is found that this denial is made—and I apprehend it is easy of demonstration—by corporations or individuals who exist at the will of the State, then there is need of additional legislation to enforce the spirit of the provisions of the Federal Constitution as amended.

Men may concede that public sentiment, and not law, is the cause of the discrimination of which we justly complain and the resultant disabilities under which we labor.

If this be so, then such public sentiment needs penal correction, and should be regulated by law. Let it be decidedly understood, by appropriate enactment, that the individual rights, privileges, and immunities of the citizens, irrespective of color, to all facilities afforded by corporations, licensed establishments, common carriers, and institutions supported by the public, are sacred, under the law, and that violations of the same will entail punishment safe and certain.

We will then hear no more of a public sentiment that feeds upon the remnants of the rotten dogmas of the past, and seeks a vitality in the exercise of a tyranny both cheap and unmanly.

Let equity, founded in justice, honesty, and right—the soul and spirit of the law—be prescribed by the superior power of the Government, and the inferior compelled to obey. It is the duty of the men of to-day, in whose hands is intrusted the destiny of the Republic, to remove from the path of its upward progress every obstacle which may impede its advance in the future. And while respectfully demanding at their hands the removal of disabilities from colored citizens, we as earnestly commend that all other citizens enjoy the full rights of American citizenship, and that the last vestige of our internal revolution be removed by general amnesty.

That social equality will follow the concession of equal public rights is about as likely as that danger will come to the Republic because of a general amnesty. None present this unreasonable and unnatural argument but those whose political life depends upon the existence of a baseless prejudice wholly unworthy a civilized country and disgraceful to the American people; which, galvanized into fitful life at periodical intervals to accomplish the purposes of individuals whose patriotism and love of country is measured by personal aggrandizement, creates the imperative need of additional legislation.

That the relations of the races will be changed by meting out simple justice to the colored citizen, without infringing upon the rights of any class, is the clap-trap addressed to the ignorant and vicious, and finds no response in the American heart, which in its best impulses rises superior to all groveling prejudices.

In obedience to the exalted sentiment which impelled emancipation, enfranchisement, and equal political equality in the adoption of the thirteenth, fourteenth, and fifteenth articles of amendment to the Federal Constitution, the nation, through its law-makers, was true to itself and its traditions; and the wisdom of the legislation incorporated in the three several amendments which jointly provide that Congress shall have power to enforce the provisions of these articles by appropriate legislation, is fully worthy the lofty patriotism of the men who were morally brave enough to rise superior to a petty and unworthy prejudice of race, and who were as distinctively American in their representative character as any public men who have enjoyed the confidence and led the public sentiment of the American nation.

It is for this appropriate legislation we plead—for the enforcement of the spirit as well as the letter of the provisions, whose operation disenthralled and regenerated a nation of men who without this needed legislation will not have a fair opportunity to demonstrate their fitness for American citizenship, and to whom the channels of advancement in the legitimate pursuits of life will be forever closed, if by law, prejudice, or indisposition to enforce legal enactment they are branded as a special creation of God for a special inferiority in the physical structure of government. The gentleman from Kentucky, [Mr. BECK,] in an elaborate argument, for which he says he had made no preparation, assumes some very strong but not new positions.

He asserts that "no one on his side of the House wants the negro oppressed, or deprived of education or any other right guaranteed by the Constitution and laws." This declaration, coming from such an authoritative source, is some indication that the sudden conversion at Baltimore in July, 1872, has taken deeper root than we had been led to suppose from recent events, and that when the solemn pledge of the national convention of the party with which the gentleman affiliates was given in favor of equal civil rights it meant more than platform rhetoric. Still it is difficult to reconcile this kindly declaration with the animus of the gentleman's effort.

We have heard so much of the usurpations of Congress and of drifting toward centralism and consolidation whenever some pet idol of oppression is about to be broken that we need not become exercised for the safety of the country because the gentleman from Kentucky is not happy. The declaration is made that this movement would have been ridiculed by men of all parties ten years ago; to this might have been added, with perfect propriety, that emancipation and enfranchisement would have been ridiculed twenty years ago. This proves nothing but the excellence of the gentleman's memory and the tenacity with which he clings to the obsolete ideas of the past from which progressive men desire to be emancipated.

If the recent decision of the Supreme Court in the New Orleans

Slaughter-house case has any relevancy to this bill it is not as apparent to me as it seems to the gentleman who loves to linger in the legal atmosphere of that body while threatening dreadful things to the country and humanity generally.

As he seems to be lovingly attached to the emanations of this court and also refers to the Dred Scott decision, the key-note of which was that for more than a century previous to the adoption of the Declaration of Independence, negroes, whether slave or free, had been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect, that consequently such persons were not included among the *people* in the general words of that instrument, it may be proper to remind him and his associates on the other side of the House that if this New Orleans slaughter-house decision is relevant, which I do not concede by any means, that this nation, in its onward march to a broader, higher, and brighter civilization, will not halt any longer to admire the beauties of a Supreme Court decision now than at the time a perverted and blind public sentiment made the Dred Scott decision possible and awoke the nation to the duty of the hour. How well that duty has been performed the introduction of the bill under consideration sufficiently testifies.

This argument of the gentleman would doubtless be of more force in the courts of Kentucky than on the floor of Congress in the latter half of the nineteenth century.

One would suppose that a person born and partly reared and educated in a country which at that time was feeling the benign and grateful influence of the great Wilberforce, who gave his life to the amelioration of the human race, and inaugurated the prohibition of the African slave-trade in the British West India possessions, which culminated, twenty-six years later, in emancipation, would have imbibed some early notions of justice and humanity. But from the position assumed by the gentleman, even since his recent visit to the house of his ancestors, we are forced to the conclusion that the Scottish nature is not susceptible of early impressions, and that it takes its character from accidental surroundings at any period of life. Had the gentleman's footsteps tended toward Massachusetts in early life instead of Kentucky, he would doubtless to-day be standing with Wendell Phillips and other bright spirits of the old Bay State nobly battling for the very principles he now opposes.

We are duly grateful for the gentleman's magnanimity in refraining from incorporating an educational qualification in the statutes of Kentucky; and as it was not deemed advisable to do so prior to the enfranchisement of the colored race, we trust that our appeal for equal rights now will not displease the Legislature of that State. The tenth article of amendment, which the gentleman quotes among other things, sets forth that—

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

Now I would recommend that the gentleman bring his luminous and unbiased mind to a closer study of the Constitution, including all the amendments.

It is creditable to the gentleman's ability that this argument would have been just as conclusive against emancipation and enfranchisement as against civil rights, and it is a matter of congratulation that it will answer just as well for all purposes while there is need of effort for equal rights. The uncharitable aspersion cast upon the national civil rights convention, whose respectful memorial has been presented to Congress, does great injustice to five million people, who, as citizens of the republic, believe they enjoy the right of petition.

His expressed conviction that such conventions will be called in future to enforce miscegenation is alike unworthy the gentleman's intelligence and his experience.

To show the disposition of the controlling influence in some of the States, I take the liberty to call the attention of the House to parts of the inaugural of the governor-elect of Virginia, who, in obedience to the sentiment which succeeded in the late election in that State, declares that he does not hesitate to affirm—

> That so encouraging has been the progress of the last four years; so clearly developed by the past are the obligations of to-day, that if we are but guided by Providence and go forward with courage tempered with forbearance, and if no Federal legislation shall interfere to disturb the relations between the races, we cannot fail to bring our great experiment to a successful and prosperous issue.

He says:

> Recent events prove the futility of attempting to array the colored race as a political combination upon a principle of antagonism between the races; and that as a result of the war the burden of the State is greatly increased in the education of the freedmen and support of colored paupers, * * * * thus leaving Virginia intrusted with the care and education of more than a half-million of the "wards of the nation" without being provided with the means of executing the trust.

He deplores the interference of the Federal Government with the public schools of the State as certain to result in their destruction; and says:

> Yet justice, humanity, the colored race, and the country at large demand that the national Government should furnish the State with the necessary means to educate them.

The position of the governor-elect is somewhat mixed, but I deduce from his premises the fact that he classes the entire colored population of Virginia in the category of paupers, intrusted to the care of the State, or who at least depend upon the State for education and sustenance, and for whom he asks assistance from the General Government, while deprecating the interference of Federal legislation.

Just how he expects this assistance without Federal legislation is not very clear to me. He would convey the idea that an effort has been made to array the colored people of Virginia in hostility to the whites, while the fact is fresh in the memories of all intelligent men that the cry of "A white man's party," and "Virginia for Virginians," was raised by himself and those operating with him in the late gubernatorial canvass. I cannot permit these prejudiced assertions in regard to the colored people of Virginia to go unchallenged; and in their name and in the name of all the colored people of the Republic I protest. No stronger argument has yet been offered for equal civil rights than this of the governor-elect of Virginia.

If the great experiment in that State has had no more prosperous and successful issue in four years than the reduction of the whole colored population to the condition of paupers, then I submit that the interference of Federal legislation will do much toward relieving Virginia of this humiliating trust, by furnishing the facilities instead of the means to educate these "wards of the nation," who are such a burden to that State.

The civil-rights bill now under consideration will open the common schools, lauded so highly by the governor-elect, destroy the prejudices which stand in the way of the indiscriminate employment of the brain-power and bone and sinew of the colored people of Virginia, and give to that Commonwealth, instead of half a million of paupers, the same number of substance-producing, tax-paying citizens.

Instead of issuing bonds to Virginia in trust for the colored people of that State, let Congress give her a chance to modify her customs in conformity with the requirements of the age, and the next four years will be more fruitful of good results than has been the same period just past. In the interest of liberty, justice, humanity, and of the Republic, we ask equal public rights, and concede the equity of general amnesty.

I submit that this question should be taken from the domain of partisan feeling and grappled on the plane of statesmanship, of patriotism, and the common good of the whole country.

Mr. HERNDON obtained the floor, and said: I yield for a moment to the gentleman from Kentucky, [Mr. CROSSLAND.]

Mr. CROSSLAND. I desire to submit and have printed the following amendment:

> Strike out in lines 15, 16, and 17 of the first section these words: "And the person or corporation so offending shall be liable to the citizens thereby injured, in damages to be recovered in an action of debt."

Mr. HERNDON. Mr. Speaker, I wish in the first place, as preliminary to the argument, to incorporate as part of my remarks the pending bill and amendment, which are as follows:

A bill to protect all citizens in their civil and legal rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, being a corporation or natural person, and owner, or in charge of any public inn; or of any place of public amusement or entertainment for which a license from any legal authority is required; or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight; or of any cemetery, or other benevolent institutions, or any public school supported, in whole or in part, at public expense or by endowment for public use, shall make any distinction as to admission or accommodation therein, of any citizen of the United States, because of race, color, or previous condition of servitude, shall, on conviction thereof, be fined not less than $100 nor more than $5,000 for each offense; and the person or corporation so offending shall be liable to the citizens thereby injured, in damages to be recovered in an action of debt.

SEC. 2. That the offenses under this act, and actions to recover damages, may be prosecuted before any territorial, district, or circuit court of the United States having jurisdiction of crimes at the place where the offense was charged to have been committed as well as in the district where the parties may reside, as now provided by law.

Amendment proposed to be submitted by Mr. MORRY.

Add to the end of section 2 the following:

And all of the provisions of the act entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," passed April 6, 1866, relating to the enforcement of civil rights, with the penalties therein provided, are made applicable in the prosecution of offenses under this act.

Mr. Speaker, the bill and amendment now under discussion presents one of the gravest, most difficult, and comprehensive questions that can arise under our complex system of government. It is, perhaps, unfortunate that it should be forced upon Congress for consideration so soon after the fundamental changes that have been made in our organic law. But it is upon us, and we must summon whatever of courage and ability we may command and meet it like men.

The paramount and controlling question in this measure is: Has Congress the constitutional power to assume jurisdiction and legislate upon the class of subjects presented by it within the States? If the General Government can take cognizance of this character of legislation within the States, then they may do so in advance of any real necessity therefor, whether it be expedient or not—in fact, may do so to restrain and limit the action of the States upon such subjects. Hence the important inquiry is: Does such authority exist in the Constitution? It is not even pretended that such authority existed prior to the adoption of the last three amendments, and if it exists at all, it will be an innovation upon the fundamental principles of our Government as heretofore expounded and understood.

But to properly understand and estimate the changes that have been wrought by these last amendments, I propose to briefly notice some of the more general elementary principles that underlie our system of government, their incompatibility with them, and then

discuss the changes made themselves. By this method of inquiry we may find the reasons for the changes that have been deemed necessary, and be the better able to judge of the extent to which they were intended to go.

Mr. Speaker, our system of government, as presented and understood by its framers, was measured in the extent of its powers by, and rested upon, the Constitution as its basis. This Constitution was a written compact by and between the States that signed it. The States that became parties were free and sovereign, and capable of contracting. The Constitution, when signed, embraced all political powers delegated to the General Government, and became the general agent of the States and people to the full extent of its granted powers. The people, before the States or Federal Government were established, possessed all political power in themselves in the aggregate. Sovereignty resided in the people. They created governments for their own benefit. They yielded up a portion of their political powers for the general good of all. They were the source and true fountain of power. Their representative will was reflected in every line of the State and Federal Constitution. The General Government is emphatically a federal, as contradistinguished from a national or consolidated government. And the wisdom of it consists in the perfect distribution of the political powers confided to it. It is strictly a representative, elective, federal government, resting upon concurrent rather than numerical majorities, with the most perfect system of checks, vetoes, and limitations upon power ever before attained in any other government. Under the compact with the States—the Constitution—the Federal Government became in its own orbit coequal with the States. That is, no State was superior to it, but, in fact, it required three-fourths of the States to alter or amend it. The States were not dependent upon the Federal Government for any political power; nor was it dependent upon any one of them after the compact was agreed to. Each became independent in its own appropriate sphere of action and usefulness. Therefore, the States and people reserved all that mass of political powers not granted to the Federal Government, and precise limits were assigned to the Federal Government, beyond which it could not go without an infringement upon those political powers retained by the States and people. And the same compact that gave life to the Federal Government also restrained the States from exercising or ever resisting certain powers which they had parted with in the agreement. Hence, it followed that all that combination of rights and political powers not delegated to the Federal Government, and the exercise of which were not prohibited or retained to the States by it, were, by the compact itself, recognized to stand upon equal dignity, and entitled to the same security and protection as any power or right specially mentioned in the Constitution itself. The object and purpose of this distinct recognition of those rights and powers reserved to the States and people is obvious. The Commonwealths or States that entered into the compact to form a general government well understood the value of home government, and determined that the powers of the States in their corporate capacity should not be diminished or be liable to disintegrate. Local customs, habits, laws, and institutions were to continue as before, and be fostered and encouraged. They were believed to be the life of the States primarily, and of the General Government ultimately. They were to produce the full measure of political manhood and citizenship in the States. They recognized their controlling effect in strengthening that bond of attachment between the citizen and his Government, the ruler and the ruled, without which the strongest of governments, ostensibly, must, in fact, be weak. Local self-government was not only first in the order of time, but in the order of merit. It was the most valuable to the people, and, in their estimation, if either had to fail, it would be better that the Federal Government perish than their local governments. Each State regulated its own local affairs in its own way, independent of other States or the General Government, and in this the people took part, held this right very dear, and never intended that it should be usurped or taken from them.

In fact if what the framers of the Constitution did is any index to what they intended, nothing was more distant from their purpose than to establish a consolidated form of government, which in effect should be a unit, and the States the fractions of that unit, or that the States should bear the same relation to the General Government that the parishes and counties within the States did to the States themselves. They intended that the General Government should be strictly federal, composed of independent integral members, sovereign in themselves. The confederation of these free Commonwealths in a more perfect union increased their strength, secured their protection, and opened a wider field for usefulness, without degrading or destroying the local rights and powers reserved to these States. In fact the mightiest struggles in Western Asia and Europe, for more than two thousand years, have been on the part of the former to overthrow and that of the latter to maintain the great federal idea in government. History so abounds with examples of this kind, and especially that of the Middle Ages and the earlier English history, that the framers of the Constitution must have been well advised of its importance. But to illustrate this idea more concisely, I read from the speech of Mr. Calhoun on the force bill, and his quotation from Mr. Palgrave, of England, on the same subject, both of whom are not unknown to fame:

In reviewing the ground over which I have passed, it will be apparent that the question in controversy involves that most deeply important of all political questions, whether ours is a federal or a consolidated Government; a question on the decision of which depend, as I solemnly believe, the liberty of the people, their happiness, and the place which we are destined to hold in the moral and intellectual scale of nations. Never was there a controversy in which more important consequences were involved, not excepting that between Persia and Greece, decided by the battles of Marathon, Platea, and Salamis; which gave ascendency to the genius of Europe over that of Asia; and which, in its consequences, has continued to affect the destiny of so large a portion of the world even to this day. There are often close analogies between events apparently very remote, which are strikingly illustrated in this case. In the great contest between Greece and Persia, between European and Asiatic polity and civilization, the very question between the federal and consolidated form of government was involved. The Asiatic governments, from the remotest time, with some exception on the eastern shore of the Mediterranean, have been based on the principle of consolidation, which considers the whole community as but a unit, and consolidates its powers in a central point. The opposite principle has prevailed in Europe. Greece, throughout all her states, was based on a federal system. All were united in one common but loose bond, and the governments of the several states partook, for the most part, of a complex organization which distributed political power among different members of the community. The same principles prevailed in ancient Italy; and if we turn to the Teutonic race, our great ancestors—the race which occupies the first place in power, civilization, and science, and which possesses the largest and the fairest part of Europe—we shall find that their governments were based on the federal organization, as has been clearly illustrated by a recent and able writer on the British constitution, (Mr. Palgrave,) from whose writings I introduce the following extract:

"In this manner the first establishment of the Teutonic states was effected. They were assemblages of septs, clans, and tribes. They were confederated hosts and armies, led on by princes, magistrates, and chieftains; each of whom was originally independent, and each of whom lost a portion of his pristine independence in proportion as he and his compeers became united under the supremacy of a sovereign, who was superinduced upon the state, first as a military commander, and afterward as a king.

"Yet, notwithstanding this political connection, each member of the state continued to retain a considerable portion of the rights of sovereignty. Every ancient Teutonic monarchy must be considered as a federation; it is not a unit, of which the smaller bodies-politic therein contained are the fractions, but they are the integers, and the state is the multiple which results from them. Dukedoms and counties, burghs and baronies, towns and townships, and shires, form the kingdom; all in a certain degree strangers to each other and separate in jurisdiction, though all obedient to the supreme executive authority. This general description, though not always strictly applicable in terms, is always so substantially and in effect; and hence it becomes necessary to discard the language which has been very generally employed in treating on the English constitution. It has been supposed that the kingdom was reduced into a regular and gradual subordination of government, and that the various legal districts of which it is composed arose from the divisions and subdivisions of the country. But this hypothesis, which tends greatly to perplex our history, cannot be supported by fact; and instead of viewing the constitution as a whole, and then proceeding to its parts, we must examine it synthetically, and assume that the supreme authorities of the state were created by the concentration of the powers originally belonging to the members and corporations of which it is composed."

Mr. Speaker, viewed by the light of history, contemporaneous debates, and the constitutions of both the State and General governments, it would be difficult if not impossible to escape the conclusion that ours was in fact, and so intended to be, a Federal government—one whose political power began with the people as the source, and from there flowed up to the States, and through them as independent organizations to the Federal government; that is, power is traced from the extremities to the center. But a consolidated government is the reverse of this. There the whole government is a unit, with political power fixed and located in the center, from which center, as the fountain or source, political power flows out through the divisions or States down to the people. The difference in the two forms of government and the method of operating them is manifest. In the one the States and people, holding certain checks and limitations, exercise a wholesome restraint upon the action of the general agent; they become the principals; they demand a strict account of the trusts confided to their agent, and they become the forum for the settlement and the judges of all political differences that may arise in the administration of the powers with which the agent is clothed. In the other the opposite condition exists; the seat of power being central, and the government being a unit, the officials become the exponents of that power, and dispense it to strengthen their positions; all accountability from the official to the people ceases. The officials under this character of government exactly change positions with the people, for they become the principals and the people their agents, or, rather, they become the masters and the people the servants. It grasps all subjects of legislation, however local, disregards all State sovereignty, State-rights, and State lines except to mark geographical divisions of territory, and decides all political questions by its own officials as the appropriate tribunal. The people become the mere subjects, dependent upon the good-will of their ruler. They cease to be trusted with self-government, and so far as its influence is concerned to effect good, the ballot-box might be abolished. The locality of political power, as well as the method of ruling, are reversed in the two forms of government. The federal depends upon the good-will, attachment, and love of the governed, and rules through the virtue, intelligence, and capacity for self-government of the people. The consolidated denies the capacity of the people for self-government, will not trust them to aid in the administration of public affairs, declines their advice and counsel, believes them the best subjects when they labor most and grumble least, and rules them with an eye singly to the perpetuation of official power. One rules by love, the other by force. It requires no effort to see that the federal form of government was the one instituted and established by our fathers, and intended to be perpetuated to coming generations. It was the noblest, wisest, and best that had been made by man.

From what has been said concerning the delegated and reserved powers and the limitations upon the exercise of the power of the General and State government, it is clear that no such power as is invoked by this measure could be exercised by Congress while the Constitution with its twelve amendments remained unchanged. And it is equally clear that no such power can now be exercised, unless the most fundamental principle in our system of government has been so far altered as to allow it. For the federal idea is the rock upon which the Consititution itself rests. It is the very life of free government. It is that which, above every other principle, demonstrates the capacity of man for self-government. To overthrow this principle is to defeat the ultimate end of our Government; to relapse into a consolidated despotism, the most cruel and oppressive of all forms of government.

I therefore take it that those who framed and succeeded in adopting the last three amendments to the Constitution did not deliberately intend to overthrow the great leading fundamental principles of our Government, but to make such changes in the organic law as would meet the exigencies produced by the late war. The amending power of the Constitution, it should always be remembered, is remedial in its nature and effects; was never intended to be used as a sword to destroy, but as a shield to protect the original Constitution in its true application to the development of our civilization. Hence the amendments ought to receive an interpretation harmonizing, if practicable, with the fundamental and pervading principles of the entire Constitution.

It is unnecessary to trace the causes that led to and provoked the late war. It is sufficient to say that the insecurity of slave property under the Constitution, and the failure to obtain satisfactory guarantees for its future protection, was the primary and immediate cause that hastened the rupture. This was vital to the South, and if denied or disregarded could not fail to produce the very result that happened—a resort to those sovereign powers held by the States as coequals, and by which they became the judges of the extent of the infraction and of the mode and measure of redress. At the end of this sanguinary struggle, the four million of slaves (about whom the contest was waged) were declared to be free *de facto*, by virtue of the war measures of the Government, and so continued until the adoption of the thirteenth amendment, when they became free *de jure*. The object of this amendment was clearly to give freedom to the four million of slaves, but in its scope will secure the freedom of all people from servitude under our Government.

It sanctified those acts done by force and without law, prior to that date, under the pressure of war. This amendment trenched upon the federal system, and invaded to a certain extent the sovereign powers and rights of the States. For it not only denied the right to protection of slave property, but denied the right to the property itself, seized the four millions of slave property, worth four billions of money to the owners, without compensation, and cut off redress either by the owners themselves or the States that were pledged under the compact to afford protection. To this extent the sovereign powers and rights of the States were invaded and absorbed, and what the States lost the General Government gained. The colored people who were declared free by the amendment were not citizens of the States or General Government; and they could not under our system become so except by the separate action of the States. The States delayed to act in the matter, and this delay provoked the action of the General Government. The right to clothe persons with citizenship within the States was one of the reserved rights of the States; it had never been delegated to the Federal Government, and was distinctly recognized in the Constitution itself. The fourteenth amendment was an invasion of the rights of the States to a very large extent. It was intended to cover a mass of legislation, such as civil-rights measures and reconstruction laws, which were not even claimed to be authorized by the Constitution, but were openly violations of its letter and spirit, and which were based upon certain undefined war powers that were said to be inherent in the self-preserving powers of the Government. It laid heavy taxes upon the people of the States without representation; fixed a public debt on the people of eleven States without consent or the power to question it, and decided void all claims for the compensation of slave property. It stripped the States of many rights that were regarded as sacred and even necessary to their independence, and sanctioned, as it was contended, the use of military force in the place of civil remedies to enforce the laws enacted thereunder.

After the colored people became free and the rights of citizenship were enforced, they were still far from the political plane occupied by the whites. They could not vote. The States had always held the exclusive power to confer this great privilege; and it was one of the noblest prerogatives that belonged to sovereignty. This privilege was regarded with so much jealousy and sacredness that it was believed to be the motive power, the great fly-wheel that balanced and regulated the machinery of the State governments. It was thought to furnish a strong check to power. And, therefore, the States cautiously delayed to act, and this delay induced the adoption of the fifteenth amendment, which changes the franchise, which was a privilege accorded by the States, into a right, and a right that emanates from the General Government as well as from the States. It extends not only to the colored people but to all, in its effect, within the jurisdiction of the Government.

These three amendments have, so far as they have gone, trenched upon the reserved rights of the independent sovereign States; deprived the States of the power to abridge them, and to this extent the States have ceased to be the coequals of the General Government; have lost those necessary powers, and the loss of them to the States has lost them to the true federal idea of government itself. The effect has been to infringe upon the federal system. It has gained nothing as a federal system; it has lost in its fundamental idea—in the very essence of its self-preserving power. The gain of those powers lost by the States has been to the consolidating tendency of the Government as distinguished from the federal. For it should be remembered that the wisdom, strength, and vitality of the federal idea is to maintain the States in their independent and sovereign prerogatives and powers; with all local institutions in full force, with unrestricted power to regulate all their internal and local affairs in their own way. If these independent communities should be stripped of all these necessary rights, they would cease to exist as such, and the Federal Government as such would perish with them. The constant tendency of all governments is to grow stronger; to invade the sources of power and absorb all rights and powers reserved to themselves; and this Government is no exception to the rule. It is hastening toward consolidation. Force is rapidly taking the place of that love and attachment which should constitute the rule in governing a free people. It is difficult to draw the line of demarkation between the rights of the States still left and those of the General Government, including those lately absorbed by the three amendments to the Constitution.

But the question before us requires that it be traced as accurately as possible. If we are in fact under a wholly consolidated government, then the power does exist for the passage of this bill. If, however, we have not reached the exact point where the federal system ceases, and the consolidated commences, that point where all sovereign and reserved powers of the States disappear, and the solid unity of a centralized government begins, there may still remain debatable ground. And whether the advancement that the Government has made by these organic changes toward a national centralized form has been sufficient to render it more consolidated than federal, I shall not now attempt to determine. But what I want to show is, that although the federal system has been infringed, that it has suffered loss, that this loss has been a loss to liberty itself, that still there remains intact much of the old federal system, which rests upon the Constitution for its security and protection, and which it is our bounden duty to maintain in all its purity and force. For even a part of the federal system, with a part of the consolidated ingrafted, is far better than the whole of the consolidated. And in my opinion the liberties of the people of this country depend upon which one of these systems shall be adopted and enforced.

It is claimed by the friends of the bill that the authority exists in the first section of the fourteenth amendment for its passage, and which reads as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This section was drawn in question in the late Slaughter-house cases from Louisiana and received a judicial construction by the Supreme Court, (16 Wallace,) and a few extracts will serve to show the extent to which the amendment was intended to go toward the taking away or restoring of State rights. I read from 16 Wallace, page 73:

To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States and also citizenship of a State, the first clause of the first section was framed.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

The first observation we have to make on this clause is, that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State; and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign states born within the United States.

The next observation is more important, in view of the arguments of counsel in the present case. It is that the distinction between citizenship of the United States and a citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual. We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same and the privileges and immunities guaranteed by the clause are the same.

The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection of the citizen of a State against the legislative power of his own State, that the word citizen of the State should be left out, when it is so carefully used, and used in contradistinction to citizens of the United States, in the very sentence which precedes it. It is too clear for argu-

ment that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment.

If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested; for they are not embraced by this paragraph of the amendment.

Also from the same report, in the same cases, I read from the dissenting opinion of the minority of the court, both the majority and minority agreeing upon the precise construction of the first section of the fourteenth amendment, as follows:

The first section of the fourteenth amendment is alone involved in the consideration of these cases. No searching analysis is necessary to eliminate its meaning. Its language is intelligible and direct. Nothing can be more transparent. Every word employed has an established signification. There is no room for construction. There is nothing to construe. Elaboration may obscure, but cannot make clearer, the intent and purpose sought to be carried out.

1. Citizens of the States and of the United States are defined.

2. It is declared that no State shall, by law, abridge the privileges or immunities of citizens of the United States.

3. That no State shall deprive any person, whether a citizen or not, of life, liberty, or property without due process of law, nor deny any person within its jurisdiction the equal protection of the laws.

A citizen of a State is *ipso facto* a citizen of the United States. No one can be the former without being also the latter; but the latter, by losing his residence in one State without acquiring it in another, although he continues to be the latter, ceases, for the time, to be the former. "The privileges and immunities" of a citizen of the United States include, among other things, the fundamental rights of life, liberty, and property, and also the rights which pertain to him by reason of his membership of the nation. The citizen of a State has the same fundamental rights as a citizen of the United States, and also certain others, local in their character, arising from his relation to the State, and in addition those which belong to the citizen of the United States, he being in that relation also.

There may thus be a double citizenship, each having some rights peculiar to itself. It is only over those which belong to the citizen of the United States that the category here in question throws the shield of its protection. All those which belong to the citizen of a State, except as to bills of attainder, *ex post facto* laws and laws impairing the obligation of contracts, are left to the guardianship of the bills of rights, constitutions, and laws of the States respectively. Those rights may all be enjoyed in every State by the citizens of every other State by virtue of clause 2, section 4, article 1, of the Constitution of the United States as it was originally framed. This section does not in anywise effect them; such was not its purpose.

It is clear from the construction placed upon this section by the Supreme Court, the entire court agreeing touching the exact point under consideration, that a second or double citizenship was established by the first section of the amendment; and that the two citizenships depended upon different characteristics and looked to different sources for protection. The office of this amendment was not to destroy or curtail that citizenship that already existed under the exclusive action of the States. Nor was it to deprive the States of the power to still secure and protect it in their own way. But the true intent was to add something new, to enlarge the scope of Federal power, to create a distinct citizenship of the United States as contradistinguished from that of the States, and in that might be independent of the action of the States. It was to supply a supposed defect which had always been regarded by many able statesmen as a source of weakness in our system. When this new citizenship was established it was quite natural that it should depend upon the creator of it for security and protection. For the same reason the citizenship of the States should depend upon the laws and constitutions of the States for its protection. The two in this sense are not incompatible. Both may exist and neither destroy the other, the national citizenship being under the exclusive jurisdiction of the Federal Government, and that of the States under theirs.

And the interpretation given to clause 1, section 2, article 4, of the Constitution, which is as follows: "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," is not inconsistent with the view here entertained; but rather adds force to it.

In Washington's Circuit Court Reports, volume 4, page 371, Mr. Justice Washington says:

The inquiry is, what are the prvileges and immunities of citizens of the several States? We feel no hesitation in confining these expressions to those privileges and immunities which are fundamental; which belong of right to the citizens of all free governments, and which have at all times been enjoyed by the citizens of the the several States which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are it would be more tedious than difficult to enumerate. They may all, however, be comprehended under the following general heads: protection by the Government, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety, subject, nevertheless, to such restraints as the Government may prescribe for the general good of the whole.

These are the rights that appertain to the citizens of each State as individuals, and are declared to be fundamental. And the Supreme Court again, in the case of Ward *vs.* The State of Maryland, in speaking of this subject say:

They are, in the language of Judge Washington, those rights which are fundamental. Throughout his opinion they are spoken of as rights belonging to the individual of a State. They are so spoken of in the constitutional provision which he was construing. And they have always been held to be the class of rights which the State governments were created to establish and secure.

And again, quoting from the opinion of the Supreme Court, 16 Wallace, page 77, when referring to clause 1, section 2, article 4, of the Constitution, they say:

The constitutional provision there alluded to did not create those rights, which it called privileges and immunities of citizens of the States. It threw around them in that clause no security for the citizen of the State in which they were claimed or exercised. Nor did it profess to control the power of the State governments over the rights of its own citizens. Its sole purpose was to declare to the several States that whatever those rights, as you grant or establish them to your own citizens, or as you limit or qualify, or impose restrictions on their exercise, the same, neither more nor less, shall be the measure of the rights of citizens of other States within your jurisdiction.

And the court, further remarking on those rights and the ultimate extent to which this amendment was intended to reach, say:

It would be the vainest show of learning to attempt to prove by citations of authority that up to the adoption of the recent amendments no claim or pretense was set up that those rights depended on the Federal Government for their existence or protection, beyond the very few express limitations which the Federal Constitution imposed upon the States—such, for instance, as the prohibition against *ex post facto* laws, bills of attainder, and laws impairing the obligation of contracts. But, with the exception of these and a few other restrictions, the entire domain of the privileges and immunities of citizens of the States, as above defined, lay within the constitutional and legislative power of the States, and without that of the Federal Government. Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of *citizens of the United States*, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

All this and more must follow, if the proposition of the plaintiffs in error be sound. For not only are these rights subject to the control of Congress whenever in its discretion any of them are supposed to be abridged by State legislation, but that body may also pass laws in advance, limiting and restricting the exercise of legislative power by the States in their most ordinary and usual functions, as in its judgment it may think proper on all such subjects. And still further, such a construction, followed by the reversal of the judgments of the supreme court of Louisiana in these cases, would constitute this court a perpetual censor upon all legislation of the States on the civil rights of their own citizens, with authority to nullify such as it did not approve as consistent with those rights as they existed at the time of the adoption of this amendment. The argument, we admit, is not always the most conclusive which is drawn from the consequences urged against the adoption of a particular construction of an instrument. But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions—when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character—when, in fact, it radically changes the whole theory of the relations of the State and Federal governments to each other, and both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.

We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the Legislatures of the States which ratified them.

Having shown that the privileges and immunities relied on in the argument are those which belong to citizens of the States as such, and that they are left to the State governments for security and protection, and not by this article placed under the special care of the Federal Government, we may hold ourselves excused from defining the privileges and immunities of citizens of the United States, which no State can abridge, until some case involving those privileges may make it necessary to do so.

From those explicit views of the courts it will be seen, that all those rights, privileges, and immunities described, and which are declared to be fundamental, appertain to the citizens of the States, and are under the exclusive jurisdiction of the State governments.

To give a construction to the amendment that would embrace all the rights, privileges, and immunities that belong to citizens of the General Government as such, and also embrace all those that belong to the citizens of the States, with the necessary power in Congress to follow them up to their full extent, and protect them by legislation, would be to overthrow the federal system of government, which rests upon its "free, sovereign, and independent" members. The States would be left without any of those substantial constituent elements of political power that go to make up sovereignty, and the federal system would cease to exist for the want of free local governments to support it. But the inquiry will be made, if a citizen of a State can claim all of these rights, privileges, and immunities, and protection for them under the Constitution, bill of rights, and laws of each State, then what are those that appertain to the citizen of the United States? Most of those rights may be found in the Constitution, amendments, and treaties with foreign nations. I will mention a few of them that belong to the citizen of the General Government: The right of *habeas corpus*, trial by jury, free exercise of religious worship, free speech, free press, to assemble and discuss public measures, to petition for redress, security against unreasonable searches and seizures, to go and return from the seat of Government, access to the courts, to have counsel, to hold office, aid in administering public affairs, access to the several Departments of Government for business, to all navigable waters and sea-ports within the jurisdiction of the Government, to protection for life, liberty, and property on the high seas or within the jurisdiction of foreign governments, the right to become a citizen of any State by residence therein, to be exempt from servitude, the right to vote, and of "not being deprived of life, liberty or property without due process of law." All of these, and others not enumerated, may be now asserted by a citizen of the United States, and be secured in them by the whole power of the Government, though such person be not a citizen of any State.

There are two conditions of citizenship. In the one case he may be a citizen of both by being a citizen of one. In the other, by being a citizen of the one he has the right to become a citizen of the other by actual residence. And accordingly as a person accepts the

one condition or the other all those privileges, rights, and immunities attach. And it does not matter that the person be colored or of the African race; he occupies no higher place than the white race.

The powers of the General Government, therefore, can only be invoked and brought to bear to protect the rights, immunities, and privileges of that national citizenship that lies within its appropriate sphere. And if these are not infringed or violated by the States, no legislation will be necessary on the part of Congress. This view maintains the dignity of our Federal system of Government, without doing violence to the amendment itself.

And the conclusion here reached will be greatly strengthened when it is remembered that some of the leading statesmen of the republican party, who even go so far as to deny all State sovereignty yet declare in favor of State rights; drawing a distinction between State rights and State sovereignty, repudiating the latter and sustaining the former.

In a speech delivered by Senator MORTON at Athens, Ohio, August 23, 1873, in laying down the doctrines of his party on this subject, he is reported to have said:

THE TRUE NATIONAL IDEA.

Now, what do I oppose to this doctrine? I assume that this Government was formed by the people of the United States in their aggregate and primary capacity. I assume that instead of there being thirty-seven nations there is but one; instead of there being thirty-seven sovereignties there is but one sovereignty. There is a vast body of State rights guaranteed and secured by the Constitution of the United States—by the same Constitution that created and upholds the Government of the United States; that these State rights have the same guarantee that the rights of the national Government have, are equally entitled to the protection of the Supreme Court, and that one set of rights is just as sacred as the other.

Some confound the ideas of State sovereignty and State rights as being one and the same thing, and seem to suppose that State rights are only consistent with State sovereignty; while I assume that State rights are consistent with national sovereignty, and are safest under protection of the nation.

The Constitution gives one class of rights to the Government of the United States. They are specified, and they carry with them the powers that are necessary to their full execution and enjoyment. The rest are to be held and enjoyed by the States, or reserved to the people.

THE CONSTITUTION THE AGREEMENT OF THE NATION.

The States have their rights by the agreement of the nation. That seems to be the important truth that is so often overlooked—that the rights of the States, sacred and unapproachable, are so by the agreement of the nation as much as are the powers that are conferred upon the Government of the United States.

In the consideration of this question we must reflect that the nation had assembled in convention in 1787 and there formed a government, there declared what rights should be given to the national Government, and what rights should be reserved to the States; and that in either case the grant and guarantee are an act of national sovereignty by the whole people in convention assembled. When we shall embrace this idea fully all the danger of centralization will pass away, though we discard the idea of State sovereignty.

SENTIMENT OF NATIONALITY.

The idea that we are a nation—that we are one people—should be a plank in the platform of every party. It should be the central idea of American politics, and every child should be, so to speak, vaccinated with this idea, that he may be protected from the political distemper that has brought such calamity upon our country. The man who does not possess the sentiment of nationality is intellectually and morally weak in many of the great positions and trials of life.

It is an element of strength and courage to feel that you belong to a great nation—especially to a nation that loves liberty better than any other, and is not surpassed in wealth, power, and valor. Two men met in Paris during the war, and were introduced. One said, "I am a citizen of the United States;" to which the other replied, "I am a citizen of Virginia, sir," "Ah, Virginia; that is a small part of my country, that has been a good deal cursed with slavery and the abstractions of State rights."

When the mind of the nation is fully saturated with the sentiment of nationality—that we are but one people—there will be no danger, though our boundaries come to embrace the entire continent.

THE FAR-REACHING INFLUENCE.

What the sun is in the heavens, diffusing light, and life, and warmth, and by its subtle influence holding the planets in their orbits and preserving the harmony of the universe, such is the sentiment of nationality in a people, diffusing life and protection in every direction, holding the faces of Americans always toward their homes, protecting the States in the exercise of their just powers, and preserving the harmony of all.

We must have a nation. It is a necessity of our political existence. We should cherish the idea that while the States have their rights, sacred and inviolable, which we should guard with untiring vigilance, never permitting an encroachment upon them, and remembering that such encroachment is as much a violation of the Constitution of the United States as to encroach upon the rights of the General Government, still bearing in mind that the States are but subordinate parts of one great nation—that the nation is over all, even as God is over the universe.

Here is the doctrine announced that this is a national and not a Federal Government; that there exists but one sovereign power, that of the national Government, and that the States possess no sovereignty. No statesman has gone further than this toward consolidation. Still, with these ultra views he declares that there is a vast body of rights belonging to the States that are sacred and inviolable and resting upon the guarantees of the Constitution for their preservation. As to what those rights belonging to the States are has been fully shown from the highest authority, and it is fair to infer that those rights were referred to by the speaker as constituting that mass that belonged to the States. Hence it follows that it would be repugnant to the plainest principles of the Constitution, as well as violative of the Federal system itself, for the General Government to invade the domain of the States and take jurisdiction of that class of legislation which is within the exclusive control of the States.

Examine the subjects mentioned in this bill, and then apply the construction given the first section of the fourteenth amendment, and answer if Congress can take cognizance of them. Is legislation by Congress on these subjects necessary to protect the citizen of the national Government in his privileges, rights, and immunities as defined by the Supreme Court? Did it intend to control the States in regulating their hotels, places of entertainment and amusement, their public carriers of passengers and freights, their cemeteries, almshouses, asylums, and churches, and their public schools, or those endowed for public use? These subjects are strictly local in their character, are within the exclusive jurisdiction of the States, and constitute a part of those rights that should be held sacred and inviolable under the Constitution. There could not well be concurrent authority exercised over them. The rule is, when Congress takes jurisdiction the States lose it. And if jurisdiction is assumed over these local subjects, then what others remain that would not fall under the same power? The right once conceded to extend thus far, and who will set bounds to this grasping power? If these are drawn within the scope and control of Congress, it is safe to predict that all others will be when interest or desire may dictate. Sir, if this measure becomes a law it will confirm that opinion which has been so much strengthened of late, that this Government cannot be arrested in its rapid march to final consolidation. There will be but one hope left to those who love our matchless Federal system, and that is that the Supreme Court will stay the storm which threatens to overthrow the fundamental principles of free government on this continent.

But, Mr. Speaker, let us very briefly notice some of the effects that will likely flow from the passage of this bill. That it will seriously affect, if not destroy, the patronage in many localities that now maintains places of entertainment, amusement, and benevolent institutions, I do not doubt. But the most serious blow will fall upon public the schools at the South. I believe it will crush them. Every Southern State has adopted a system of public schools, in all of which the negro is well provided for. The whites pay nearly all the taxes, and allow him to share equally with them in the benefits, but in separate schools. If the negro demands to mix with the whites in the schools, it will either be refused or the school itself will fall. No party can be kept in power that will favor equality in the schools. If it is to be forced upon them, then they will levy and collect no taxes, and although the school law will remain, the schools themselves will languish and die for want of money. Who will suffer most? The poor whites will suffer some, but they are thrifty and will join with the rest and provide private schools. But the negro, without money, and without economy to save any, will be unable to provide a school at his own expense, and the public schools will have failed, and thus he will prove to be the chief sufferer. It is said that this is caused by prejudice of the old masters against the colored race; that they are malicious toward them and seek to keep the negro under. There is one fact that proves how false this is, that the negroes generally prefer to labor for their old masters, and never seem more contented and happy than when they are under their control. There is a well-settled belief at the South that the negro, for want of social training, moral habits, and education, is unfitted to associate with the whites on terms of equality. No amount of persuasion, argument, or public law can dislodge this conviction, because it is based upon a life of experience with them, and a full knowledge of their nature and habits. The present race is believed there not to be the equal of the whites intellectually, morally, or socially. And the reasons for the difference are solid, abundant, and convincing. For many generations they have been slaves, without encouragement, training, opportunity, education, social life, or positions for public station, or even, in many cases, the blessings of Christian teaching, while the whites have enjoyed all these privileges with all the refinements of the arts and sciences, philosophy and religion, and have been brought up in the midst of a blaze of civilization. Under these influences the one race has steadily advanced while the other has remained in ignorance and darkness. No one can foresee what the negro race may be by a long course of training. He may equal the white race and surpass it in all those noble qualities that constitute true manhood; but I cannot, with my knowledge of him, believe that he will ever outstrip the whites. And if this be true, that he is not at the present the equal of the white race, why should he be forced upon terms of equality with the whites? It seems to be a malicious desire to inflict disgrace and punishment upon the whites, to wound their sense of social pride and manhood, to reduce them to the necessity of social intercourse with them.

This bill is a direct assault upon our social system. The negro race has never been admitted to it, because known to be unfitted for it. It is intended, in its consequences at least, either to crush out the present system of social life, or secure to the blacks terms of social equality. Man cannot attain his full measure of manhood except in society. He is impelled to embrace it by a law of his being. It lies at the foundation of government, and should be protected by it. And this, as a standard of society, whether high or low, exactly measures the real qualities of the government in which it exists. If it becomes disorganized and distempered, it will reflect its own image in the government itself. The overthrow of the fundamental principles that rule the social system in any country will produce anarchy in the government. Hence the wisest statesmanship has always been seen most prominent in securing and protecting the social system of communities. For when order and harmony reign here, peace and good government follow.

Then what can this great Government hope to gain by disturbing society in at least eleven States of the Union? When present and prospective evil will flow from it, why commit the act? It is useless and even malicious to say that, if the negro race is not the equal of the whites, the late masters are responsible for their igno-

rance. This is not true. The whole nation is responsible. But this affords no excuse to inflict either disgrace or punishment upon the present generation. We cannot amend the wrong, if done, by degrading our race now. I would not willingly deny the negro any legal or political right. I would not oppress him myself or willingly see him oppressed. I want to see him trained, educated, elevated, and qualified, intellectually and morally, to perform his duties as a good citizen. I will go as far toward securing his equal protection in all political rights before the law as the Constitution will warrant. But I am unwilling to legislate him into our social system on terms of equality with the white race. Nothing can be more social in its effects than the association of the two races at schools and places of entertainment, amusement, and benevolent institutions; and the measure will be viewed as nothing short of an insidious attack upon the rules of our social order that now debar the negro. Eight million whites cannot elevate the four million blacks to their standard by stooping in degradation to their level of superstition, vice, and ignorance. All history has proven that such attempts have resulted in the ruin of the stronger and more refined race. Those who put themselves upon terms of social equality with the negro race will remain on a level with them.

But there is one other consideration of much importance that ought not to be overlooked. This bill and the amendment fixes severe fines and penalties, cognizable exclusively in the Federal courts. These courts should, I admit, be co-extensive with the Federal laws; but they were intended under the Constitution to be courts of strictly limited jurisdiction. The real object of this limited power was to preserve the local courts of the States in the full and unrestricted exercise of all those judicial powers with which they are clothed in the States; for the rule is, that when the Federal courts take jurisdiction, Federal law being paramount, the State courts lose it. Each tribunal should be confined strictly to subjects within its appropriate jurisdiction. It is easy to see the dangerous effect of enlarging the powers and jurisdiction of these courts. By the late acts of Congress, since the war—those of 9th April, 1866, March 2, 1867, July 27, 1868, May 31, 1870, February 28, 1871, and April 20, 1871—the jurisdiction and powers of these courts have been so widened and enlarged that they have almost ceased to be courts of limited powers. It is now more difficult to enumerate those subjects over which they have not got jurisdiction than those that they exercise authority over. At this point more than any other the federal system of government has been attacked; for if the State tribunals are restrained and limited, and their powers absorbed by the Federal courts, just to the extent they are trenched upon does the federal system and the States themselves sustain a loss. This law will introduce a new rule—that of admitting citizens of the same State to litigate in the Federal courts—which will destroy, to the extent it goes, that limitation heretofore recognized upon their powers. But the amendment will add the penalties and method of enforcing the law found under the act of 9th April, 1866, that is, inflicting severe penalties by section 2, and by sections 8 and 9 authorizing the President to direct special courts to be held, and to enforce these rights by military power. I will read the law:

SEC. 2. Any person who, under color of any law, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party has been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding $1,000, or imprisonment not exceeding one year, or both in the discretion of the court.

* * * * * * *

SEC. 8. Whenever the President of the United States shall have reason to believe that offenses have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 9. It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

Comment is unnecessary; these sections of law speak for themselves. Can our federal system be maintained where one of the co-ordinate branches of the Government—the judiciary—is placed under the domination of the sword in the hands of the Executive? Can liberty exist and a people be free under such an invasion of their local and sovereign rights, that are as sacred as the Constitution itself?

This law expresses a total want of confidence in the people. Their plainest rights are to be disregarded. The rule of law is to be again supplanted by that of the sword; peace and order to again yield to confusion and anarchy. Institutions that have stood the test of war and pillage are to bow before the encroachments of grasping political power. A people thus wrecked and despoiled will not fail to remember with scorn those who have plotted their ruin. These rights once conferred, with the courts open to enforce them, the negro in many localities will demand them to their fullest extent; and I do not doubt but that they will be refused. The blacks will then go to the towns and cities for refuge and to file legal proceedings. They will fear to return to their labor. Thus thousands will congregate in the towns and cities and become a charge upon the whites. Our poor-houses, jails, and penitentiaries will swarm with the most worthless of the race; and, sir, it will break up the labor system in such districts. It is not remunerative now, and the farming interest in the negro districts is to-day actually disintegrating, because the system of labor is so uncertain. This will make it more so. The effect will be felt in agriculture, commerce, and all the industries of the country. And who will prove the real sufferers? The black race. For as sure as this state of things shall come to pass, the whites will combine to introduce a new and better system of labor by the importation of whites, and thus in the end the severest blow will fall upon the negro you seek to benefit.

But, Mr. Speaker, I greatly fear that if this measure should become a law it will lessen that estimate and confidence that the country ought to have in the wisdom and integrity of her public men, as well as weaken that chord of attachment that binds the ruler to the ruled; that it will tend to if not destroy that love our people entertain for local self-government and home institutions, which are the very essence of free government; that it will cause the people to grow docile and contented under the overshadowing and destructive encroachments of national power; that it will unsettle the fundamental and essential ideas of our Federal Government, and show the possibility if not the fact of a radical change in the system; that Congress would invade the rightful domain of the States by its enactment, and curtail the lawful and constitutional powers of all State judicial tribunals, cannot admit of doubt; that no subject of State home legislation will be after this considered secure and beyond the reach of the General Government; that not only State-rights as a "body," heretofore so sacredly grounded on the Constitution, would perish, but State sovereignty will go down with them. The Constitution itself, with the great fundamental federal idea that has withstood so many revolutions of faction, public opinion, internal divisions, party annihilations, and sanguinary struggles, will remain a violated compact. And what can compensate for all this? Who will be able to pacify the outraged and indignant millions that will spring to their feet to condemn this fratricidal act? Who will offer a sufficient sacrifice to atone for the wide-spread ruin produced? Depend upon it, if this measure becomes a law, it will constitute a distinct plank in the next national presidential platform, and it will prove a millstone that will grind to powder the prospects of success of that party that carries the responsibility of its enactment.

Mr. PLATT, of Virginia, obtained the floor, and said: Mr. Speaker, I had intended to spend the twenty minutes allotted to me in discussing the merits of the measure now before the House; but at the request of the gentleman from Florida [Mr. PURMAN] I will, with the permission of the House, yield my time to him.

Mr. PURMAN. Mr. Speaker, I am profoundly grateful to the gentleman from Virginia for affording me this opportunity to put myself, in sentiment and expression, upon record on this question which so vitally affects our constituents.

It would seem to be a work of supererogation on the part of members to enter into the debate of this "civil and legal rights bill," judging from the platform of political principles enunciated by both parties in their late State and national conventions.

Both parties have declared, in solemn asseveration, their adhesion to the doctrine and the constitutional amendments guaranteeing to all the citizens of the United States equal and exact equality before the law, and the enjoyment of all the rights and benefits of government. My willing and confiding constituents, and all my honorable colleagues on this floor, sent here by a similar confiding constituency, expect, in the simplicity of hope, and from such overwhelming past assurances, that the honorable Representatives of both political parties in this Congress will emulate each other in securing the early passage of the act under consideration as a triumphant proof of the sincerity of their declarations. We have not doubted such sincerity; but are sanguine that on this question, as on all others, the conviction will prevail that "honesty is the best policy."

Here I might stop, in justice to the measure and our expectations; but a brief review of honest promises may give no offense, and may serve as a gentle stimulant to their speedy fulfillment.

SAMPLES OF PROFESSIONS FROM DEMOCRATIC CONVENTIONS.

New York democratic convention, October 4, 1871:

2. That we recognize the emancipation of the freedmen of the South, and their enfranchisement and perfect equality before the law, as the inevitable sequence of the civil war and of the overthrow of the rebellion against the Union; and we hold it to be the duty of all to sustain them in the enjoyment of their established rights, and to aid them in promoting their own welfare and the general prosperity of the country.

Ohio democratic convention, June 1, 1871:

2. * * * And that, as thus constructed, the democratic party pledges itself to a full, faithful, and absolute execution and enforcement of the Constitution as it now is, so as to secure rights to all persons under it, without distinction of race, color, or condition.

Tennessee democratic convention, May 9, 1872:

3. That we recognize * * * the equality of all men before the law, and an equal participation of all citizens in the rights and benefits of government.

Thus we see that the democratic party of New York, which had the distinction of furnishing the democratic candidate for the Presidency in 1872, and that same party in Ohio, which furnished the national platform of principles for that presidential campaign, led the

advance in these strides of progress toward justice and a better statesmanship, and other similar State conventions followed in the new wake, until the 10th day of July, 1872, the democratic party, in national convention assembled in the city of Baltimore, solemnly promulgated the following new articles of political faith, namely:

We, the democratic electors of the United States, in convention assembled, do present the following principles, already adopted at Cincinnati, as essential to just government:

1st. We recognize the equality of all men before the law, and hold that it is the duty of Government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political.

IS NOT WILLING TO DOUBT THEIR SINCERITY IN FACE OF THESE RECENT ASSEVERATIONS.

Would it not be unreasonable for any honest man, in view of the foregoing promulgations, to doubt that the democratic Representatives in this House, who were elected upon this Baltimore platform, are only awaiting with eagerness the first opportunity to make good their pledges to the country? I do not doubt them; neither will I say on this occasion, "Wherefore, by their fruits ye shall know them."

To the republican party, which now has such a large majority in both Houses of this Congress, our constituents confidently look for this last signal act which will clothe them in such complete panoply of citizenship that their fruition of all legal rights and privileges appertaining to all other citizens of the Republic will never more be questioned.

This act is essentially and speedily called for, as it is apparent to every thinking man that a semi-class of citizens, without certainty in the present or security for the future, are ever an element of weakness and demoralization in the country.

FROM THE POWER OF JUSTICE DELIVERANCE MUST COME.

But not from these considerations of mere policy is this last and crowning meed to be born. No! Justice, that voice of God, which spoke emancipation out of the thunders and lightnings of war, and decreed through the enlightened sentiment of this Government that next step of civil and political enfranchisement, is still potent in tones, and will not cease its appeal to the wisdom and conscience of the country until all the blessings emanating from the Constitution and laws shall fall as equally and impartially upon all citizens as does the sunlight of heaven.

When the republican party in Philadelphia, on June 6, 1872, in national convention assembled, declared the following as a portion of its platform of principles it was no new article of faith, expressed in new language, but one of its most vital principles of civil liberty and just government:

3. Complete liberty and exact equality in the enjoyment of all civil, political, and public rights should be established and effectually maintained throughout the Union by efficient and appropriate State and Federal legislation. Neither the law nor its administration should admit any discrimination in respect of citizens by reason of race, creed, color, or previous condition of servitude.

And when he who now stands ablest in war, truest in peace, and enshrined by the side of our first President in the hearts of his countrymen, gave to the country the following in his letter of acceptance, it contained the same honesty and tenacity of purpose as that memorable sentence, "I will fight it out on this line if it takes all summer."

WASHINGTON, D. C., *June* 10, 1872.

* * * * * * *

With the expression of a desire to see a speedy healing of all bitterness of feeling between sections, parties, or races of citizens, and the time when the title of *citizen* carries with it all the protection and privileges to the humblest that it does to the most exalted, I subscribe myself, very respectfully, your obedient servant,

U. S. GRANT.

RELIES UPON PROMISES OF THE REPUBLICAN PARTY FOR FINAL TRIUMPH.

Here I might stop again, and rest our cause, with a firm reliance upon the integrity and purpose of the republican party to consummate this last climax of justice toward this class of citizens, who were born upon American soil, obtained their freedom in the usual historical manner of all people—by valor and the law, and whose legal citizenship was intended to be equal and perfect by the Constitution that conferred it. Shall native-born citizens have less rights and benefits in their own country than those who come here invited and welcomed from foreign lands?

Shall hostile legislation in States be permitted to oppress any class of citizens on account of religion, nativity, politics, or complexion, or deny to any such class their inalienable rights, among which are life, liberty, and the pursuit of happiness, and thus defeat the very spirit and provision of the Constitution itself?

This great charter of our rights, which safely withstood the gigantic assaults of the sword, must not now be circumvented by the sounding technicalities of peace.

JUSTICE AGAINST STATE-RIGHTS.

And this brings our cause face to face with the question of State rights—or State sovereignty, which would be the most undisguised term. From this stand-point, the honorable gentleman from Kentucky [Mr. BECK] informed the House, the only opposition to this bill will arise.

Into the camp of State sovereignty, then, the friends of this measure must enter, if our opponents prefer to withdraw from the common field of justice and constitutional law.

But justice is the light from divine truth, more or less clear according to the understanding of the mind and the willingness of the conscience to be in unison with it, while State sovereignty is an ancient political speculation, exploded under the tread of modern events and the advent of the nation's dispensation.

The one is God's free landscape of nature for human philosophy to develop and produce fruit upon, while the other is the shattered fortification of a human theory, but no longer affording invincible protection to its few honest veterans.

Justice consists in doing no injury to men, or, in the copious language of the great expounder of the Constitution, Daniel Webster—

Justice is the great interest of man on earth.

It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and as long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race. And whoever labors on this edifice with usefulness and distinction, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the skies, connects himself in name, in fame, and character with that which is and must be as durable as the frame of human society.

FUNDAMENTAL CHANGES IN THE CONSTITUTION SINCE THE WAR.

Since the eventful civil war through which the country passed, great and fundamental additions have been made to the national Constitution, known as the thirteenth, fourteenth, and fifteenth amendments, and which were necessary as foundations upon which to re-establish society and civil and political governments in the disrupted section.

The greatest epoch in our history as a nation brought forth these amendments, which I hope will be the only lasting monuments of our fratricidal war.

In the light of these new amendments we must look for the wand to touch this vital question, whether or not the State has the right to array itself in legal hostility or discrimination against any class of its citizens.

Section 1 of the fourteenth amendment is as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I also quote the following extracts from a recent decision of the Supreme Court of the United States in the Louisiana Slaughter-house case:

It is quite clear, then, that there is a citizenship of the United States, and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

* * * * * * *

Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

NATIVE-BORN CITIZENS.

In the light of this amendment, aided by this lucid decision of the Supreme Court of the United States—and in these we have authoritative guidance—let us examine the status of this class of citizens for whom their representatives are here pleading. These persons were born in the United States, and are therefore citizens of the United States by the irrevocable pronunciation of the Constitution and the Supreme Court of the United States.

The vast majority of these persons reside in the Southern States, are voters therein, and hold office, and therefore, by virtue of this same Constitution and decision, are also citizens of the State wherein they reside, and hereafter are subject only to such legislative regulations as may be prescribed for all classes of citizens therein.

The day and power of discrimination against them passed away when they became identified with the mass of citizens in their respective States.

When all are equal, where is lodged the right to enforce any condition of *inequality*? There is lodged in the breast or power of equals no such right; it would be might, and its exercise usurpation.

POWERS RESERVED TO THE STATES OR THE PEOPLE.

In the unexplored boundary of reserved powers belonging to the States is it pretended that any real authority, or even pretext, could be evoked which would justify, in view of the liberty and spirit of our institutions, any State legislature in the passage of such laws as follow:

SUPPOSED ACTS OF A STATE-RIGHTS LEGISLATURE.

An act to prohibit all white persons, not citizens of and not residing within the State, from being admitted and accommodated in any public inn.

An act to exclude all persons not possessed of real and personal property to the value of ten thousand dollars from all places of public amusement or entertainment for which a license from any legal authority is required.

An act to exclude all persons of the religious denomination known as Methodists from riding on any line of stage-coaches, railroads, or other means of public carriage of passengers or freight.

An act to prohibit all foreign-born citizens and their descendants from being buried in any public cemetery.

An act to exclude all children not clothed in velvet and such as have blue eyes from admission into any public school supported by public taxation.

An act to exclude all persons known as the "colored race" from public inns, cemeteries, and common schools supported by public taxation, and from equal accommodations with other persons, on all public stage-coaches, steamboats, and railroads.

RESPONSE TO SUCH PRETENDED LAWS.

Against the first five of these supposed laws the spirit and condemnation of the whole country would cry aloud.

The executive authorities of the other States would kindly call the attention of such State-rights legislature to section 2, article 4, of the Constitution of the United States:

The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

Does the colored citizen of Massachusetts, sojourning in most of the Southern States, either for business or pleasure, receive or enjoy all the privileges and immunities of "citizens in the (those) several States?"

The religious press and sentiment of the country would thunder their anathemas against this legislature, until the very stars would join the throng and flash out their fiery indignation at such intolerable outrage upon our religious freedom, and petitions, numerous as the autumn leaves, would come into this Capitol from the Christian churches, praying Congress to perform its duty under section 4, article 4, of the Constitution, by guaranteeing to such State, for the benefit of the minority of its wronged citizens, a republican form and administration of government.

And the outrage against humanity, in excluding the innocent children of the poor, and such as were born with blue eyes without any volition of their own, from the blessed benefits of an education, what punishment from Heaven would not the prayers of all good people invoke upon the heads of the heartless authors? These are the weakest and dearest of the human family—the little children—"but strong in their very weakness and from the irrepressible sympathies of good men which, by divine compensation come to succor the weak."

And against the sixth act, which is not supposed now for illustration, but is virtually in existence in most of the States of the Union, especially in the Southern States, with a modification of that portion relating to the public schools, and which is the hostile pretended legislation that the passage of the bill under consideration will wipe out, freedom, justice, citizenship, and the Constitution stand forever arrayed.

For what is Freedom but the unfettered use
Of all the powers which God for use has given.

CENTRAL POWER OF NATIONAL GOVERNMENT OVER ERRING STATES.

It is singular that in this enlightened age of the world, and especially under the influence of our boasted civil and political liberties, that citizens of the United States because of their nativity, and at the same time citizens of their respective States because of their life-long residence therein, should be subjected to such intolerance and injustice as to call for and need the protecting arm of the national Government. And this is the saving feature in our beautiful system of government, that while States may err in prejudice or passion, the national Government will rectify and save through the exercise of a parental love and power. That while our States, like planets in the solar system, are revolving with a centrifugal force and deriving the benefits from the laws of their being, they are majestically kept in their spheres by the centripetal force of the central luminary or government from which spring that sunshine, warmth, and fructification which alone make us a nation.

EXERCISE OF PROTECTION OVER THIS CLASS OF OPPRESSED CITIZENS BY NATIONAL GOVERNMENT.

The national Government exercised its parental power for the protection of this class of oppressed citizens before to-day, and when the Legislature of Virginia passed and attempted to enforce its flagitious vagrant act, the representative of this Government, General Terry, stopped its enforcement by the following historical orders:

[General Orders, No. 4.]

HEADQUARTERS DEPARTMENT OF VIRGINIA,
Richmond, January 24, 1866.

By a statute passed at the present session of the Legislature of Virginia, entitled "A bill providing for the punishment of vagrants," it is enacted, among other things, that any justice of the peace, upon the complaint of any one of certain officers therein named, may issue his warrant for the apprehension of any person alleged to be a vagrant, and cause such person to be apprehended and brought before him; and that if upon due examination said justice of the peace shall find that such person is a vagrant within the definition of vagrancy contained in said statute, he shall issue his warrant directing such person to be employed for a term not exceeding three months, and by any constable of the county wherein the proceedings are had be hired out for the best wages which can be procured, his wages to be applied to the support of himself and his family.

The said statute further provides, that in case any vagrant so hired shall during his term of service run away from his employer without sufficient cause, he shall be apprehended on the warrant of a justice of the peace and returned to the custody of his employer, who shall then have, free from any other hire, the services of such vagrant for one month in addition to the original terms of hiring, and that the employer shall then have power, if authorized by a justice of the peace, to work such vagrant with ball and chain.

The said statute specifies the persons who shall be considered vagrants and liable to the penalties imposed by it.

Among those declared to be vagrants are all persons who, not having the wherewith to support their families, live idly and without employment, and refuse to work for the usual and common wages given to other laborers in the like work in the place where they are.

In many counties of this State meetings of employers have been held and unjust and wrongful combinations have been entered into for the purpose of depressing the wages of the freedmen below the real value of their labor, far below the prices formerly paid to masters for labor performed by their slaves.

By reason of these combinations wages utterly inadequate to the support of themselves and families have in many places become the usual and common wages of the freedmen.

The effect of the statute in question will be, therefore, to compel the freedmen, under penalty of punishment as criminals, to accept and labor for the wages established by these combinations of employers.

It places them wholly in the power of their employers, and it is easy to foresee that, even where no such combination now exists, the temptation to form them offered by the statute will be too strong to be resisted, and that such inadequate wages will become the common and usual wages throughout the State.

The ultimate effect of the statute will be to reduce the freedmen to a condition of servitude worse than that from which they have been emancipated—a condition which will be slavery in all but its name.

It is therefore ordered that no magistrate, civil officer, or other person shall in any way or manner apply, or attempt to apply, the provisions of said statute to any colored person in this department.

By command of Major General A. H. TERRY:

E. W. SMITH,
Assistant Adjutant-General.

INJUSTICE OF GEORGIA.

When Georgia grudgingly permitted this class of citizens to be competent witnesses in court only in cases where persons of color were a party or the offense charged was against the person or property of a person of color; and when her statutes declared that all persons wandering or strolling about in idleness, who were able to work, and who had no property to support them; all persons having a fixed abode, who had no visible property to support them, should be deemed and considered vagrants, and upon conviction should be fined and imprisoned, or be bound out to some person for a time not longer than one year;

INJUSTICE OF MISSISSIPPI.

When Mississippi passed laws that semi-annually the sheriffs, justices of the peace, and all other civil officers of the country should report to probate courts all colored persons under eighteen years of age whose parents had not the means or refused to provide or support them, to the end that such persons might be apprenticed, preference being given to the former owner of such person, and power being granted to inflict corporeal chastisement; and if any colored person failed to pay his "freedmen's pauper-fund tax" it should be *prima facie* evidence of vagrancy, and be subject to such penalty; and that colored persons should have a home or employment by the second Monday of each January, and if living in city or country to have a license from the mayor or member of the board of police of his beat, authorizing him to do job-work; and if leaving his place of employment should be arrested and carried back to his employer, the captor being entitled to five dollars and ten cents per mile from place of arrest to place of delivery; and no colored person was allowed to rent or lease any lands or tenements except in incorporated towns or cities, in which places the corporate authorities should control the same;

INJUSTICE OF FLORIDA.

When Florida passed laws that no colored man should own or possess any gun or weapon of any kind; that his children should not be educated except by a licensed teacher, such license costing five dollars; when vending their little products to carry a certificate from some respectable person, certifying that such products were their own and had not been stolen—

When such laws as these, and many more of equal and worse hardship, were enacted by Southern States against this class of citizens, the power of the national Government went forth and leveled the false and unjust fabric of these States to the feet of the oppressed, and then called upon all citizens to rear a new civil and political structure, in which all the inhabitants should be equal in the blessings as well as the duties of government.

THIS BILL IMPOSES NO HARDSHIPS UPON ANY OTHER RACE OR CLASS OF CITIZENS.

This bill before the House imposes no hardships upon any class of people, or upon any interest or section. It asks only the removal of unlawful and unjust hardships with the same right that any free citizen may ask for the abatement of a nuisance, that the free air and sunshine of himself and family may not be poisoned; that any legal owner may ask for the restoratien of his property from the hands of the purloiner.

These hardships are as various as the incidents of every-day life, and I cannot better portray them than by quoting a portion of the address issued by the national colored convention held at New Orleans in 1872.

BILL OF GRIEVANCES.

Having been by solemn legislation of the American Congress raised to the dignity of citizenship, we appeal to law-abiding people of the States, and especially of those who in the days of the fugitive-slave law exhorted obedience to statutes

however offensive, to protect and defend us in the enjoyment of our just rights and privileges upon all conveyances which are common carriers, at all resorts of public amusements, where tastes are cultivated and manhood is quickened, and in all places of public character, or corporate associations which owe their existence to the legislation of the nation or States; against the spirit of slavery which attempts to degrade our standard of intelligence and virtue by forcing our refined ladies and gentlemen into smoking-cars amid obscenity and vulgarity; which humiliates our pride by denying us first-class accommodations on steamboats, and compelling us to eat and sleep with servants, for which we are charged the same as those who have the best accommodations; and which closes the doors of hotels against famishing colored persons, however wealthy, intelligent, or respectable they may be, while all such public places and conveyances welcome and entertain all white persons, whatever may be their character, who may apply. Now, in view of this disgraceful inconsistency, this affectation or prejudice, this rebellion against the laws of God, humanity, and the nation, we appeal to the justice of the American people to protect us in our civil rights in public places and upon public conveyances, which are readily accorded, and very justly, to the most degraded specimens of our white fellow-citizens.

NO STATE CAN ABRIDGE THE PRIVILEGES OF CITIZENS OF THE UNITED STATES.

The power of Congress is not reasonably questioned on the passage of this bill, and neither should the disposition or willingness of this Government in the performance of its duty; for a government that confers citizenship and exacts allegiance must complete its franchise and render protection to the humblest as well as to the most exalted. Section 1 of the fourteenth amendment to the Constitution provides:

No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States.

As a citizen of the United States I am entitled to all the privileges and immunities of citizens in the several States; so are my constituents; and no State, neither Virginia, Georgia, Texas, nor any other, can make or enforce any law which shall abridge the civil and political rights and the common liberties of these citizens of the United States.

My constituents in Florida, according to the Constitution of the United States, are entitled to all privileges and immunities in Georgia, the same as citizens of that State themselves enjoy, provided they have acquired a legal residence therein in conformity with the requirement of the local law; and after such legal residence or citizenship is acquired, no jot or tittle of any privilege or immunity could be denied to them on account of color.

A citizen of the United States and a State is always equal to any other citizen of said State.

"COMMON DEFENSE AND GENERAL WELFARE OF THE UNITED STATES."

The indefinable reservoir of power, in the hands of the national Government, lies out of view, in its duty to provide for the "common defense and general welfare of the United States." This fountain is unfathomable, and will ever give forth according to each exigency. When it became necessary to "establish justice" by protecting the colored voters in the exercise of their right of suffrage against hostile State administrations, the power of Congress forged that effective remedy, the Enforcement Act.

When it became necessary to "insure domestic tranquility" by protecting loyal citizens in their life, liberty, and property, against murderous political conspiracies and hostile judiciaries, Congress found the power to pass that second great remedy, known as the Ku-Klux act.

To "promote the general welfare" Congress legislated against State banks of issue, and established a national system of paper currency; and for the promotion of the same general interests of the nation Congress may, in the exercise of its high legislative prerogative, settle the question of "cheap transportation" by regulating commerce among the States.

STATE-WRONGS AGAINST STATE-RIGHTS.

No ill can be stronger than the recuperative and repelling energy of the Government; and no selfishness, prejudice, or State *wrongs*, under the name of State rights, can be permitted to repress or weaken one vital principle of the Republic.

The franchise of citizenship must not be a mockery, but a full and perfect legal fruition.

PROGRESS AND CHARACTER OF THIS ENFRANCHISED CLASS OF CITIZENS.

The duties that go with it have been well performed by this enfranchised race; for where in this broad land is a more loyal and law-abiding people, and who serve their God and country with more alacrity than this new and patient class of citizens?

A better agricultural population for the production of southern staples cannot be found in the whole world; and the superstructure of society and commerce rests upon their broad shoulders as does the globe upon the shoulders of the mythological Atlantes.

They produce millions of wealth, yet themselves receive scarcely hundreds; and yet in the midst of adversity and hardship they make such noble progress in intelligence and thrift, that no other race, under like circumstances, can truthfully declare it would excel them.

In their ignorance they cherish political convictions that can be neither bought nor sold nor swayed by blandishments or danger; and I assert that the elective franchise is exercised with more purity among them than can be found in any northern city of more than twenty thousand inhabitants.

A people so loyal, peaceful, and laborious; whose past is only distinguished for the virtues of unrequited toil, obedience, and humility, earnest for prosperity, eager for knowledge and education for their rising generation—should they not receive all the encouragement that legislators and good men everywhere could give them, as but a slight atonement for their long oppression?

Oppression is no less severe in principle than in practice, and our forefathers created a revolution upon the principle alone that "taxation without representation is tyranny."

Is citizenship, which crowns the individual with only a refined injustice, any better? Injustice is always tyranny.

PROPHETS OF BAAL.

Pass this bill, and the tyranny of prejudice, violence, and error against this class of citizens will disappear like the miasma of night before the morning sun; and the practical inconveniences which gentlemen predict will be found to be far more in the fears of imagination than in actual experience.

All the unfriendly predictions volunteered upon this people have always come to naught in the past.

They entered into freedom with more sobriety than was predicted.

They continued in the even pursuits of industry, and kept up the usual production of cotton, and did not destroy themselves in riotousness and crime, as the unfriendly wiseacres so knowingly predicted.

They voted with more intelligence and safety than even their friends dared to hope; and everywhere these prophets of Baal proved how certainly they were never called to the work of prophecy. Society always adjusts itself much easier than croakers would have the world to believe.

CIVIL-RIGHTS LAW IN FLORIDA.

The State of Florida passed an act similar in every essential respect with this bill now under discussion; and for one year this act has been in practical force and observance; and I am gratified to state that the first case of its violation has yet to come to my knowledge. It has been a panacea for many of the ills in our State.

When kindness and common courtesy fail, the law intervenes, but this will be seldom necessary; for simply to represent the power of the law seems to supersede its enforcement.

While we need not, under the dominance of the present political party in Florida, this congressional legislation to secure our citizens in the full and exact enjoyment of all their legal rights and liberties, it is sadly needed in most of the States in the Union; and I am confident that even my unwilling democratic constituents at home will feel a pang of grim pleasure when they learn of the passage of this act; for they possess that same generous charitableness, in common with the rest of the human family, which is always anxious that their neighbors shall be blessed with the same happiness or misery as themselves.

CONSTITUTIONAL BREAD MUST NOT BE TRAMPLED UNDER FOOT BY THE SWINE OF PREJUDICE.

But to the republican party, controlling the action of this Congress, this class of our constituents appeal with outstretched hands for rescue from the maltreatment of corporate hate and intolerance.

They ask no new rights, no further endowments but they do ask and demand that their constitutional inheritance shall be given to them in full and not in moieties, and that no particle of their legal bread shall be wrested from them and their children only to be trampled under foot by the swine of prejudice.

Color is no crime, and the sacrilegious hands that would make it so, by condemning the Creator who is the author of it, must be stayed by just and firm legislation.

It was well remarked by Rousseau, that "It is precisely because the force of things tends always to destroy equality that the force of legislation should always tend to maintain it."

To republican members we appeal, whose first breath of life was the pure air of freedom, whose souls grew and matured surrounded by no mildewy technicalities in freedom, for the vindication of our cause, and for that equity in the laws and the Constitution which is the sacred birthright of every citizen.

One particle of dust in the human eye obstructs the free vision, and produces irritation affecting the health and comfort of the whole system.

Is the eye of liberty less sensitive in the body politic.

Then again we appeal to you—

> Who could not change with the changing hour.
> The self-same men in peril and in power;
> True to the law of right; as warmly
> Prone to grant another's as maintain their own;
> Foes of oppression wheresoe'er it be,
> To you, the proudly free.

Mr. STOWELL. Mr. Speaker, it has been so plainly manifest to the sense of justice of every right-thinking man that further legislation should be had to fully secure the rights of our colored citizens, that we have come to look upon it as an event likely to occur in the regular course of legislation, and are in danger of overlooking its importance and its bearings upon both the white and colored races. The discussion of yesterday shows us that slavery is not yet dead, but that it stalks about with its old barbarous tendencies; if not like the bully, at least like a ghost, insisting upon the perpetual degradation of the colored race.

Under the laws and institutions of our country, a colored man elected to this House has the same rights here that are accorded to any of us, and as a natural corollary he should have the same rights everywhere in our broad land.

He is given equal privileges in Congress now. Instead of being represented by proxy as three-fifths of a man, he now represents in his own person a whole man, and has an equal voice in the selection of his representative. Being equal here, why not everywhere, as the days of his inequality have passed away? In the highest legislative branches of the nation he is recognized as having equal rights, and so recognized by the democrats; but according to the theory of the democratic party, when you come to the church, or the hotel, or the railroad, or the school-house, or the jury-box, then there is and should be no practical recognition of his equality. By a consistent course of reasoning, those who oppose this bill would, I suppose, be in favor of giving the colored member a seat in some obscure corner in the cloak-room of this House; and would, like my colleague, [Mr. HARRIS,] address his remarks only to the white members. and, yielding to the white gentleman from Massachusetts [Mr. HOAR] for a question, would decline to yield to the colored man from South Carolina, [Mr. RANSIER.] Unreasonable, apparently, as his course seemed, yet his actions accorded with his enunciations; for both expressed opposition to the rights of the colored race, and were to that extent much more consistent than the course of some of the opposition members, who, with protestations of love and friendship for the colored race, never lose the opportunity of giving him a blow in his struggle for his rights.

This position is most forcibly illustrated by the course of the democratic Legislature of Virginia, which on yesterday adopted resolutions professing to cherish no "captious hostility to the present administration of the Federal Government," while it is a well-known fact that the very members of the Legislature who adopted this resolution were elected to their seats, just two months ago, because of their bitter hostility to the republican party and the "present administration of the Federal Government."

The second resolution says—

That this General Assembly recognize the fourteenth amendment to the Constitution of the United States as a part of that instrument, and desire in good faith to abide by its provisions as expounded by the Supreme Court of the United States.

And the fourth resolution very inconsistently says—

That the bill now before Congress known as the civil-rights bill is in violation of this amendment as interpreted by the Supreme Court of the United States, is an infringement on the constitutional and legislative powers of the States, is sectional in its operation, and injurious alike to the white and colored population of the Southern States, and that its enforced application in these States will prove destructive of their systems of education, arrest the enlightenment of the colored population, in whose improvement the people of Virginia feel a lively interest; produce continual irritation between the races, counteract the pacification and development now happily progressing, repel immigration, greatly augment emigration, reopen wounds now almost healed, engender new political asperities, and paralyze the power and influence of the State government for duly controlling and protecting domestic interests and preserving internal harmony.

In regard to these resolutions I have only to say that it looks very much as if the democratic Legislature of Virginia was willing to recognize the fourteenth amendment to the Constitution of the United States if Congress would only prevent it from being carried into execution; and they desire the whole question of the rights of the citizens of the United States to be left to the control and exclusive jurisdiction of the several State Legislatures, so that those Legislatures might practically defeat the benefits to be derived from it, by adverse legislation or by non-legislation. Their recognition of the fourteenth amendment is not friendly. It is the recognition which the hostile foe gives to the enemy it dare not cope with openly. They seek to damn it with faint praise.

The General Assembly of Virginia starts out with the proposition that the civil-rights bill under consideration is in violation of the fourteenth amendment, which they profess to recognize. I deny that. It simply carries into practical execution the provisions of that amendment; and those who are friendly to the fourteenth amendment must of necessity be in favor of the civil-rights bill, as the one is but the natural, logical, and legal sequence of the other. Its constitutionality is so obvious that I need not say anything more upon that point. After declaring the civil-rights bill unconstitutional the General Assembly of Virginia follow it up with a threat that if passed they will destroy the school system of Virginia and continue the political prosecutions and social ostracisms which have been so bitterly waged against all who have hitherto dared to advocate the rights of the colored man. These are no idle threats; they are meant by the conservatives of Virginia, and are openly announced on the streets of Richmond.

The position of the colored man in life has changed. They have ceased to be slaves, and are now citizens. In this transformation they have assumed new rights and new duties. We force the duties of citizenship upon them; it is but just to give them all the rights as well. For hundreds of years the colored race was kept in chains and slavery of the most revolting and degrading character. All generous impulses, all hope and ambition, were crushed out, and they were simply machines, subject to the will of the master, liable to be placed upon the auction-block, to be separated from wife, children, and friends, denied the opportunities of religion, and condemned like criminals if they sought knowledge or intellectual advancement. Under such influences it was impossible for them to improve either in material prosperity or in mental attainments.

But through the workings of an all-wise Providence and the disinterested patriotism and humanity of the republican party, their chains have been broken, slavery forever destroyed, the prerogatives of the master have dissolved, and the rights of the servant crystallized in the crucible of civil war. All the responsibilities of American citizenship now devolve upon them, responsibilities which commenced with that citizenship; the responsibility to labor and provide for themselves and their families, to clothe the body with raiment, and the mind with knowledge, and the heart with morality; the responsibility of contributing their share to support their country in its struggle for national supremacy, or, if needs be, of defending its honor against any foe. Can this be done cheerfully or successfully by them when they are made to feel in every walk of life and in every part of our country that the laws and customs and the habits and thoughts of the people with whom they live place the stamp of inferiority upon them; when, from their entrance into life to their departure to another world when the grave closes over them; whether in the school, in the church, in the place of public amusement seeking recreation or in the grave-yard taking their final rest, a moral mark of degradation follows them wherever they go? No! The Constitution and laws of our country say no! The spirit of our institutions say no! And the voice of our common humanity and the teachings of Christianity say no! That it is unfair, unmanly, and unchristian to compel these people, who have so long labored under the yoke who by their past lack of advantages are so little able to combat successfully in the great struggle of life, to bear the full responsibilities of American citizenship and deny them those equal civil rights which would enable them to meet those responsibilities successfully, which would give them that moral *élan*, that inward feeling of the heart which is so sustaining and encouraging, that feeling that they enjoy these great privileges as of right, that self-consciousness of equality before the law, which is as necessary for a successful contest after intellectual improvement as food and exercise are in the struggle for physical development.

The democratic party has persistently and brutally opposed every measure tending to ameliorate and advance the condition of the colored man, and he can only rely in the future, as in the past, upon the republican party to recognize his claims to justice. The democratic party in Congress, and in every State Legislature, opposed the adoption of the thirteenth, fourteenth, and fifteenth amendments to the Constitution of the United States. They have opposed the execution of every law which tended toward carrying those amendments into effect. They denied as long as they could the right of the colored man to testify in our courts, and prevented him from voting at the polls. But now he testifies and votes, except in places where fraud, and intimidation and violence deprive him of his rights. We all know that hundreds of men have been murdered in the Southern States because they dared to exercise their rights against the wishes of the democracy.

But while they now by law enjoy the privilege of testifying and voting, yet they are still denied many rights to which they are entitled—to serve upon a jury, to have conveniences in traveling and at the hotels, and to send their children to school. In Virginia these rights are not denied by force, but by adverse legislation. Our State constitution provides that every voter shall be eligible as a juror; yet a democratic Legislature has for four years so perverted the spirit of that constitution that the colored man has been practically excluded from the jury-box. Our State constitution also provides for the education of all the children in the old Commonwealth, and yet a democratic Legislature has practically excluded them from this privilege. One of the leading citizens of Virginia, who is a member of the General Assembly, and who will probably represent the State for the next six years as one of her Senators in the United States Senate, said, in a speech in Richmond in 1869, when we were discussing the adoption of our present State constitution, that although the conservative party hated the constitution in all its features, they had better vote for it rather than oppose it, and thereby secure the election of democrats to the General Assembly; "For," said he, "I do not care what the constitution of the State is, if the people will only give the conservative party the control of the Legislature." By adverse legislation he proposed to defeat every obnoxious feature of that instrument.

It might recognize the right of the colored man to serve upon the jury; it might provide for the education of his children; he did not care what it was; because with a democratic or conservative legislature they could and would defeat every measure calculated to benefit the black race—and they have done it very effectually. Although our State constitution has been adopted for four years, yet ninety-nine out of every hundred colored men have never been summoned upon a jury. The report of the State superintendent of education for 1873, received by me this day, shows that Virginia has 445,893 illiterate persons ten years old and over, who cannot read and write. This is 50 per cent. It also shows that the public schools are kept open only five months of the year, and that during this short period only 15 per cent. of the colored population are in attendance upon the public schools.

Deplorable and alarming as this exhibit is, showing as it does such a hostility to the education of the poor and illiterate, yet threats are now openly made in the halls of legislation, by members of the General Assembly, who profess no hostility to the present adminis-

tration, and say they will recognize the thirteenth, fourteenth, and fifteenth amendments to the Constitution—threats are openly made that if the Congress of the United States dare to pass the civil-rights bill now under consideration they will close every public school in the State of Virginia, and a mild reflex of this threat was witnessed in this House yesterday in the speech of my colleague. And this same General Assembly has instructed its Senators and requested me, as one of its Representatives, to carry out those resolutions; but I spurn such a request, because it is against the wishes of a vast majority of the people of my district, and against the dictates of my own conscience. I have no hesitation in saying that the legal, political, and intellectual existence of the colored man is seriously threatened in Virginia, and that some immediate legislation by Congress is absolutely needed to rescue the poor, helpless, and uneducated colored man of Virginia from gradual, insidious political extinguishment. Their personal rights and their rights in property are at the mercy of their political enemies—not political opponents who simply differ in opinion and allow the same freedom that they claim for themselves—but political enemies, who believe in their political annihilation, and will not scruple to use every means in their power to tighten the screws and force them to an abandonment of their honest opinions.

Every colored man suing for his wages brings his case before a jury who are prejudiced against him because of his color. Every colored man tried as a criminal appears before a jury who are inclined to believe him guilty because of his race, and in both cases the fear of an adverse judgment may be held over him to force him to vote with that party which has been his constant and implacable foe. Such cases are by no means rare and their influence upon a poor friendless man recently a slave, and coming from the former master, can be readily imagined. The moral courage displayed by the colored man under these persecutions has been wonderful. They have lived in the constant faith that the republican party would give them exact justice and enable them to make a fair trial, free from persecutions, to become educated and prosperous citizens of our country.

This bill will enable them to make that trial. It takes away no right from any white citizen; it does no injury to any one; it does violence to no one's conscience, and it displaces no one in his position before his fellow-men. It simply gives an undeniable right to a citizen of the United States who is fully entitled to it.

The great objection made to this bill by its opponents is that it establishes social equality. But they make the mistake, which has been made for generations, of confounding what belongs to society with what belongs to personal rights.

There is no question of social equality in this bill. Gentlemen may choose their personal associates as they please; they may be white or black, or between the two; that is their choice, and no one proposes to interfere with it. This bill does not interfere with it, and I have yet to see the colored man who asks for it or desires it. They simply ask for equality under the law; that when any institution or privilege is created or regulated by law, it shall be free equally to all, without regard to race or color.

The hotel is a legal institution, originally established by common law and still subject to statutory regulations; railroads are legal institutions, chartered and vested with all their rights by legislative enactments; schools are legal institutions, established and maintained by law; the jury is a legal institution, existing here since the foundation of our Government, and is regarded as the palladium of our personal liberties; and what I now insist on, and what this bill provides, is that all these legal institutions shall be for the benefit of all alike.

You say the colored man has prejudices. If you wish to obliterate them, you can do so by kindness and generosity and an exhibition of a purpose to render justice. He is susceptible to kindness. He remembers that his labor raised you and your ancestors with all the surroundings of affluence, education, and refinement, while poverty, ignorance, and neglect were his lot. He feels that the sweat of his brow was coined into dollars which kept you in luxury, while a scanty pittance was doled out to him in his little hut; and he has an instinctive feeling that as his muscle was the productive source of income, a fair proportion was not devoted to his comfort and improvement; and he has a further feeling that your denial of equal civil rights at present is not only a denial to recognize and compensate him for his services in the past, but is also an indication that you desire to continue the policy of the past, so far as its practical benefits are concerned, into the future.

If you desire to conquer the prejudices of the past, or better still, if you wish to make some compensation for old benefits, you can do it best by securing bright prospects for his future. If you wish to restore harmony in feeling and unite in efforts to build up the material prosperity of the South, you can do it best by the gentler influences of confidence and justice. His friendship cannot be secured by keeping alive unpleasant memories and by continued indignities constantly remind him of his former degradation. But remove all trace of his past trials and associations, and then feelings will spring up to remove all doubts and brighten his future. Let us rise to a just sense of our duty and responsibility, achieve a victory over our prejudices and resentments, give up all hope of obtaining undue and unlawful advantages for the future, rise to the dignity and honor of our professions, forget ourselves, sink our differences in the respect we bear our fellow-beings, who are equal in all the elements of true citizenship, to ourselves. Suffer not the fleeting and unworthy influences of caste to outweigh our love for human rights, the immunities of the citizen, and the demands of the nation; but in view of the sufferings and humiliations of the past, let us rise to the true character of our position, and give to this long-suffering people full equality.

Mr. BUCKNER. I will yield for a few moments to my friend from Virginia, [Mr. WHITEHEAD.]

Mr. WHITEHEAD. Mr. Speaker, I desired and intended to speak on this bill, but am now satisfied that I will not have an opportunity to do so. However, inasmuch as the gentleman from Virginia [Mr. STOWELL] who has just taken his seat has attacked the Legislature and governor of that State, on account of the joint resolution which has been submitted to Congress, I ask to have read by the Clerk, in reply, what I have marked of an editorial on public schools, published in the Richmond State Journal, the organ of the republican party of Virginia. It is edited by two northern gentlemen, who are both educated and able, and is, in my opinion, the ablest republican journal south of the Potomac. The extract deserves attention.

The Clerk read as follows:

The public schools of Richmond are among the best to be found anywhere, and the time is soon coming when, if not tampered with by the meddling interference of outside legislation, they will be sought in preference to any other for the instruction of our youth of all classes, ranks, and conditions. We can imagine how their usefulness would be entirely destroyed, and the money now expended upon them be worse than thrown away, by legislating them into practical machines for the use of demagogues a thousand miles beyond our own borders. Here is the danger to the whole system of popular education in the South, and the sooner our members of Congress learn to attend to their legitimate duties under the Constitution, and let the domestic matters of the States alone, the sooner will the South and the whole country come up to the standard of educational advancement desired of them. The people of Virginia have made no distinction in the quality and quantity of education imparted to the white children of the State over its colored children. And especially is this true of our city schools under the superintendence of Mr. Binford. We think that, if the visiting committee showed any preference in their attention to the schools yesterday, it was manifested in those of the colored children, where their stay was relatively longer, and greater commendation was bestowed.

The colored people of this city ought to petition Messrs. SUMNER and BUTLER, of Massachusetts, to keep their meddling hands off the public-school system under which so many thousands of the brighter-faced children of their race are now being gratuitously educated. If they do not do this, but encourage such unconstitutional interference as is now sought, they will wake up one of these mornings to find the doors of every public-school house in the State barred to all educational advantages for their own and white children alike.

Mr. WHITEHEAD. That, Mr. Speaker, is the opinion of the republican party of the State of Virginia.

Mr. BUCKNER. Mr. Speaker, it is a palpable misnomer to designate the bill under consideration as "a bill to protect all persons in their civil and legal rights." It is a sham—a transparent deception—so to characterize it. A more appropriate title would be, "A bill to create social equality in the late slave-holding States, to consolidate the two races in hostility to each other, and to destroy the public schools." Whatever may be the apparent and ostensible purpose of the advocates of this legislation, its real objects cannot be mistaken. It professes to apply to all persons, native and foreign, European and Asiatic, black and white; but this thin disguise is thrown off when it forbids any distinction to be made as to admission or accommodation in public inns, places of public amusement, in public carriages of passengers, or in public schools, "of any citizen of the United States, because of race, color, or previous condition of servitude." It is no part of the object of the provisions of this bill to protect all persons in their rights, whether civil or social. It has exclusive application to the colored race, as if that race alone required the protecting arm of the national Government to shield it from injustice and wrong. There are "persons," and not a few of them, in the United States who are not citizens of the United States, and whose rights are not protected by this bill of sham pretensions. There are not only large numbers of such persons now here, but they are flocking and crowding to our shores by every steamer that enters our ports. The foreign-born population of the State represented in part on this floor by the distinguished gentleman [Mr. BUTLER] who has charge of this bill amounted in 1870 to three hundred and fifty-three thousand—nearly one-fourth of the entire population.

In Wisconsin and in Minnesota they constitute considerably more than one-half of the population, and in my own State they number two hundred and twenty thousand out of the million and three-quarters. What proportion of the large mass of foreign-born population within the jurisdiction of the United States is unnaturalized, or having taken the initiatory steps of citizenship have not become full-fledged citizens of the United States, I shall not stop to inquire. Whatever their numbers, or wherever they are, they are not protected in their rights by this bill. State laws may guarantee to them the right of suffrage, or the right to hold property, and to transmit it by will or devise, or even to hold office; but the ægis of American citizenship is denied to them by the negro amendments to the Constitution, as well as by all the legislation of Congress to enforce those amendments. Why this discrimination against race? Why should the legislation of Congress brand with inferiority the industrious, frugal, and law-abiding German, or the impulsive and quick-witted Irishman, after he has declared his intention to cast his lot with our people, and has abjured his allegiance to his native land? Is it because the negro has demonstrated his superior capacity for self-government; or that he is more loyal to the institutions of the country and better fitted to discharge the high duties of American citizenship? Let the condition of South Carolina and

Louisiana answer for the colored man; and let Wisconsin and Minnesota answer for the foreigner—naturalized and unnaturalized.

But what rights of the sons of Africa are now unprotected, or need enforcement? In which of the late slave States, or elsewhere, are they not equal before the law with the white man? What State is enforcing any law which "abridges their privileges and immunities" as citizens of the United States, or is denying to them the "equal protection of the laws?" Emancipated from servitude by the thirteenth amendment, elevated to the rights of full citizenship, and to the equal protection of law by the fourteenth amendment, and made a voter and a sovereign by the fifteenth amendment, and these amendments enforced by sundry acts of Congress, he is to-day in the full and complete enjoyment of every civil right possessed by his late master. There is no office in the gift of the nation that he may not fill. He can vote and be voted for. He can buy, sell, lease, convey, and devise all descriptions of property. He can go where he listeth, and come when he pleases. He can drink at the fountains of knowledge without money and without price. Schools are provided for his children at the public expense, and he can worship his Maker after the dictates of his own conscience. He can marry, and be divorced as other people. He can idle or work, sleep or feed, play the monkey or the man, as his inclinations direct. He can sicken and die, and be buried at the public expense. If this be not the largest liberty, what is it? If he is not the equal of any other man before the law, in what does his inequality consist? If there are any other "immunities or privileges" of American citizenship that this pet of Massachusetts does not enjoy in all their abundant fullness, let them be enumerated. And yet it is to be inferred from the provisions of this bill that there are certain civil rights to which the negro is entitled which some or all of the States have abridged, or which they have failed to enforce. It would seem that there are "public inns" where he cannot obtain bed or board; that he is excluded from places of public amusement; that stage-coaches, railroads, and steamboats will not transport his odoriferous person, or his baggage from place to place; that the public schools are closed to his children, and when death overtakes him, decent burial is not accorded to his lifeless corpse.

These are the facts assumed to exist; and it is to redress these wrongs, and to punish the offender, that we are urged to enact this law. But have they any existence in reality? Is the colored man anywhere excluded from places of public amusement, or from stage-coaches, railroads, or steamboats? Is the right of sepulture anywhere denied him, or are his children excluded from the benefits of the public schools? For my State I do not hesitate to affirm that there is not the slightest foundation for the assumptions of this bill so far as Missouri is concerned. Schools are everywhere provided for the negro by public taxation of which he pays an infinitesimal proportion. They are liberal supporters of all shows, theatrical performances, and public amusements, and no class of the population contributes more of their substance, relatively, to the exchequer of railroads. But it is not that they are excluded from transportation on railroads and other means of conveyance, not that they do not frequent places of amusement, not that they are compelled to take shelter from the elements in the public street or in the open highway, nor that their children are deprived of elementary education in the public schools. This is not the ground of pretended complaint. It is that they do not eat at the same table and sleep in the same bed with the whites; that they do not ride in the same car, and laugh at the stale jokes of circus-clowns from the same seat; that their children are not sandwiched between the blue-eyed German and the black-eyed American, at the same desk and con the same lessons from the same book, and that the same earth that conceals the dead body of the white man from sight shall cover the corpse of the negro. It is not equality of right, but identity of right that is demanded by this impracticable and mischievous bill. It is not civil rights but social rights that it seeks to enforce and protect. It is not equality before the law, but equality in society, that Massachusetts hankers after with such avidity. Can it be pretended when the State provides teachers and schools for the education of the future negro statesman, ample and sufficient for that purpose, that it discriminates against him, because he is taught in a school separate from the whites, male or female?

Will it be said that any "immunity or privilege" of the African citizen is abridged, or that he is denied "the equal protection of the laws," when he is required to ride in a railroad car set apart for his special accommodation? If he were refused passage altogether there might be some pretense for such legislation. The same remark will apply to theaters and other public places of amusement. So long as they are open to them, and they are not absolutely excluded, it cannot be said that they are abridged of any right or denied "the equal protection of the laws." It is inconceivable that the provisions of the fourteenth amendment should have any application to the pretended rights provided for by this bill. The "equal protection of the laws" could not have been designed for any such case. It could never have been contemplated that every citizen, male and female, black and white, foreign and native, should be accorded the enjoyment of every right in the same measure and in the same degree. Such a construction would invalidate all legislation which separated the sexes in schools supported by public funds, or which in any measure or degree discriminates in favor or against any portion or class of the community. If this be the true construction of the Constitution, all separations of the sexes in schools, churches, or elsewhere, either by law or the regulations of society, in the North as well as in the South, are violations of it, as the citizen has no sex. It is not only a strained, latitudinous, and unreasonable construction of the fourteenth amendment, upon which to base the provisions of this bill, but it is wholly impracticable, and in many of its provisions impossible of execution and enforcement. It is such an interference with the rights of private property and the rules and regulations of society that no free people would tolerate such mischievous intermeddling. No parallel or counterpart of such legislation can be found outside of the most despotic governments and of the most absolute tyranny.

But, Mr. Speaker, I take higher ground on this question. I do not base my objections to this bill on its inexpediency or its impolicy merely. That were enough; but there are graver objections to it than these. They go to the power of Congress to enact it. I maintain that Congress has no constitutional authority to take jurisdiction over this subject, and thus oust the jurisdiction of the several States. It will not be claimed that prior to the adoption of the three negro amendments, (thirteenth, fourteenth, and fifteenth,) the Federal Government ever exercised any legislative authority or control over the question of civil rights. With the exception of the restrictions imposed by the Constitution upon the States, such as the prohibition against *ex post facto* laws, laws impairing the obligation of contracts, and a few others, the whole domain of the individual rights of the citizen depended upon the several Sate governments for their existence, protection, and enforcement. It was to establish and secure these civil rights, including the right to acquire and possess property and to seek happiness and personal safety, that the State governments were erected; and the Federal Government never assumed any authority or jurisdiction over them. Has the central Government, by these amendments or by any of them, been vested with this enlarged jurisdiction? Are the civil rights of the people of all the States in the keeping of Congress, and have we the power to limit and restrain the exercise of legislative power by the several States on all questions affecting the rights of citizens? These are grave and important questions; for they involve the very frame-work of our complex system of government; they involve the very existence of the States for the purpose of home and local self-government, including the regulation of civil rights and the rights of person and property. More than that, they bring up for solution the right of self-government itself. For it cannot be gainsaid or denied, that if the men of Maine or California can legislate for the people of Missouri or Carolina on subjects local in their nature and exclusively affecting their own individual and home affairs and personal rights, this Government is at once transformed from a democratic republic into an oligarchy, and that the basis of our political fabric—the right of the people to self-government—is undermined and destroyed. If such is the effect of these amendments, we are no longer citizens, but subjects of a power foreign to us, and over which we have no control. Fortunately for the rights of the States and of the people, no such inference can be deduced from them, and no such power is vested in the Federal Government. This opinion as to the effect and meaning of these three amendments is amply confirmed and ably vindicated by the the late adjudication of the Supreme Court in the case already referred to by the gentleman from Kentucky, [Mr. BECK.] (Slaughter-house cases, 16 Wallace, pages 57–83.) And if this House shall, in the face of this exhaustive and conclusive opinion of a republican court enact this bill into a law, the country may well conclude that its action has been instigated by other than patriotic motives, and prompted by mere partisan considerations or by an insane greed for the retention of sectional political power.

The thirteenth amendment gave freedom to the slave; by the first section of the fourteenth his freedom was guaranteed and established, and citizenship, both of the United States and of the State, defined; while the fifteenth amendment elevated the late slave to the privileges of a voter and a sovereign. To each of these amendments was appended a section giving power to Congress to enforce them by "appropriate legislation;" an act of superfluity, inasmuch as Congress, under the Constitution, had power to make all laws "necessary and proper" for carrying into execution all the powers vested by the Constitution in the Government of the United States or in any department or officer thereof, except that the word "appropriate" was substituted for the words "necessary and proper," in the interest of centralism and loose construction. These appended sections gave Congress no power that it had not without them. Authority for the legislation contained in this civil-rights bill cannot fairly be deduced from any of these amendments, unless it be from the first section of the fourteenth. This section reads thus:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

The first paragraph merely declares who are citizens of the United States and what constitutes citizenship of the State. A citizen of a State must have been born in the United States or naturalized, and be a resident of the State; while to constitute a citizen of the United States, he need only be born or naturalized in the United States. It can hardly be conceived that this declaration or definition, as to

the once much-mooted question of citizenship, has conferred upon Congress power to legislate upon the rights of citizens in the States, and to divest and nullify the jurisdiction of each State over its own citizens. Nor is it believed that such legislation is claimed by its advocates to be deducible from this first paragraph of the first section of the fourteenth amendment. If Congress has any power over the subject, it must be derived from the subsequent clauses of this section, by which the States are inhibited from abridging the privileges and immunities of citizens of the United States and from denying the equal protection of its laws to any person within its jurisdiction. Assuming that by virtue of these clauses (which I am not prepared to concede) that Congress has power to legislate to protect the rights prohibited from invasion or infringement by the States, there can be no question but that the "immunities and privileges of citizens of the United States" are immunities and privileges that appertain to citizens of the Union as such, and have no reference to the civil rights of the citizen of the State. They are such privileges and immunities as belong to the citizen of the United States by virtue of the existence of the Federal Union, its national character, and its Constitution and laws. The fact that in this prohibition against State legislation citizens of the United States are mentioned, and not citizens of the State, when they are both mentioned and defined in the previous section, shows conclusively that the prohibition was not designed to extend to the rights and privileges of the latter. So that the conclusion seems to be inevitable, that the second clause of the first section of the fourteenth amendment does not give Congress any power to interfere in the regulation or control of those rights of the citizens of the State which have from the foundation of the Government been exclusively within the domain of State legislation.

Can the clause forbidding the denial by any State to any person within its jurisdiction of equal protection under its laws be construed to authorize the legislation proposed in this bill or any other legislation affecting the civil rights of its citizens, in the absence of any law of the State making discriminations against the negro as a class? There is no evidence before this House of the enactment of any law which fails to give the negro like protection with the white man, and before Congress shall commit itself to any interference with the duties of State governments on this subject, much less to the provisions of this mischievous bill, it should be satisfied that the States have disregarded this prohibition, and equal protection is denied the negro by law. On this point I quote from the opinion of Justice Miller, delivering the opinion of the Supreme Court in the case in 16 Wallace, page 81:

> In the light of the history of these amendments and the pervading purpose of them, which we have already discussed, it is not difficult to give a meaning to this clause. The existence of laws in the States where the newly emancipated negro resided, which discriminated with gross injustice and hardship against them as a class, was the evil to be remedied by this clause, and by it such laws are forbidden. * * *. We doubt very much whether any action of a State, not directed by way of discrimination against the negroes as a class or on account of their race, will ever be held to come within the purview of this provision.

Further on, after speaking of the sentiment in favor of a strong government growing out of the late civil war, the same learned judge says:

> But however pervading this sentiment, and however it may have contributed to the amendments we have been considering, we do not see in those amendments any purpose to destroy the main features of the general system. Under the pressure of all the excited feeling growing out of the war our statesmen have still believed that the existence of the States, with powers for domestic and local government, including the regulation of civil rights, the rights of person and of property, was essential to the perfect working of our complex form of government, though they have thought proper to impose additional limitations on the States and to confer additional power on that of the nation.

Mr. Speaker, I am not one of that political faith who hold that the opinion of the highest judicial tribunal, on a question of constitutional law, binds and concludes either of the other departments of the Government. They are co-ordinate and co-equal with the Supreme Court, and in its own sphere each must determine for itself to what extent the supreme law controls its opinions and its action. But as an authoritative exposition of the Constitution the opinion of the Supreme Court is always deserving of the most respectful consideration and the most thoughtful deference, not only from the people at large, but from their agents in the other departments of the Government. Twice were the questions involved in these cases argued and reargued; and coming as this opinion does from members of the same political household with the majority of this body, it merits at their hands an honest, impartial, and well-considered judgment. It is humbly submitted, that under the principles enunciated in the opinion from which I have read the Supreme Court must hold that the provisions of this bill, if enacted into law, are unconstitutional and of no effect. And if this should be otherwise, why fan the embers of sectional hate into new life? Why give your sanction to a measure that will inevitably increase the enmity of the two races, already in some sections sufficiently exasperated, and that must fail of benefit to the negro, and in all likelihood be of incalculable injury to him? For nearly a decade you have been legislating for the negro by amendments to the Constitution and by acts of Congress; the judicial power of the Government has been placed at his service; the Army and Navy have done police duty for him; Senate and House have been wrangling over him for years. He sits as a legislator in both ends of the Capitol. His pathway to wealth, position, and place have been cleared of all obstructions. He is king of South Carolina, Florida, Louisiana, Mississippi, and Alabama, and to-day he holds in the hollow of his rough hand the destiny of this grand Republic. And all this you have done for him. Is it not enough? and may you not appropriate the interrogatory of the prophet, and ask yourself in tones of heartfelt lamentation, "What more could I have done for my people than I have done?" Let the negro and his rights be dismissed these halls forever; and let him work out his political salvation, if not with fear and trembling, at least without any further sacrifice of the great interests of the country.

I find it difficult to comprehend how the negro is to be benefited by the passage of this bill. Nor can I understand why there should be such discrimination in his favor as between him and the white citizen. Justice is administered to him without sale, denial, or delay, and there is no legal wrong that he may sustain for which he cannot obtain like redress in the courts of the State with the white man. If a white citizen is excluded from a public inn or a place of public amusement he must sue in the State courts, and content himself with the actual damages sustained; but if it be a colored man who has a similar cause of action, the unfortunate inn-keeper, showman, or teacher of a public school is subjected to a penalty of from one hundred to five thousand dollars, and in addition the man "guilty of a skin" has his cause of action for damages, and both the actions must be instituted in the United States courts. Nor do I see the propriety of his being forced into the public schools against the wishes or prejudices, if you please, of those by whom they are supported, when nothing can be more certain than that success will tend to the destruction of the system, and thus leave his children without any means of education. So odious and distasteful is that feature in this bill, opening the schools to the negro, that the republican candidate for governor at the late election in Virginia, and who has just been appointed to the judgeship of the eastern district by President Grant, most unequivocally condemned their admission in the public schools of that State, and every republican speaker in the canvass took the same position.

And in confirmation of this sentiment among republicans in the South, I read an extract from one of the leading republican journals of Virginia, the Lynchburgh Press:

> As the schools are at present organized, perfect impartiality is shown; equally competent teachers are employed for white and colored schools; and while the whites, in giving in adherence to mixed schools, would have to violate in many cases the preconceived ideas that have been instilled into their minds from their birth, the colored people, on the other hand, (and we speak of those of them who are worthy of the most consideration, and not the professional politicians,) are loth to bring their children into competition with their pale-faced neighbors—as they would in mixed schools—because they fear that the impartiality that now exists would under such circumstances fail to obtain; and they know further, that while the common-school system, as now conducted, is productive of peace and harmony between the races, the innovation that Mr. Sumner and other theorists and impracticables seek to environ us with could not in the nature of things be otherwise than prolific of discord, tumult, and open rupture.
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> We are now, and ever have been, the unflinching advocates of free schools even when such views were unpopular, and in opposing this feature of the bill of Mr. Sumner we are influenced solely by a desire to perpetuate a system that is fraught with much of good to both races · and we do not, therefore, feel like quietly sitting down and folding our hands and withholding condemnation from a measure which, although originating with a whilom republican, cannot fail to be attended with the most disastrous consequences to the cause of public education.
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> We are thoroughly convinced that if this feature remains in the bill, and Congress is possessed of the temerity to pass it, the death-knell of public schools will have been sounded, not only in Virginia but in other of the Southern and some of the Western States. In this State the provision of the Constitution originating them will be rescinded, and the colored children will be the worst sufferers by so unfortunate an event, because much the larger portion of the taxes levied for educational purposes are imposed on the whites, and it is not within the range of probability that a democratic Legislature will tax the people to propagate mixed schools.

But, strange to say, the medicine which Virginia republicans refuse to administer for themselves, Massachusetts republicans insist shall be crammed down their reluctant throats, while they, happy souls, are neither in a condition to require the nostrum or to suffer from its good or ill effects. Be assured, Mr. Speaker, that "there is a nigger under this wood-pile," and notwithstanding the fair exterior and comely outside of this bill for the protection of the civil rights of all persons, it has other purposes and objects than appear on its face. The scepter is departing from Israel; the star of empire is taking its way westward. Political power is stealing from the East to the great valley, and of late there has been a terrible shaking of the dry bones in that wonderful valley. The people have been sleeping and slumbering for, lo! these many years, and while they slept and slumbered they have been robbed and plundered by those of their own household. And they too are clamoring for protection; not for the rights of the negro, but for the rights of their own unrequited labor. They demand protection against the unjust discriminations of railroad monopolies; protection against the discrimination in favor of the bondholder against the plowholder; protection against the extortions of that "sum of all financial villainies," the national-banking system; in fine, protection against all forms of monopoly, whether of land or money, iron or salt, and all forms of legislation whereby the many are plundered for the benefit of the few, and the capital of the country enriched at the expense of its labor. Let no one mistake the signs of the times; let no one be deluded with the idea that the great uprising of the farmers of the West and the Northwest is to be satisfied with cheap transportation from the valley to the sea-board, or to the Gulf. It has a far greater significance. It means cheap transportation and cheap iron as well; it means cheap salt, cheap woolens, cheap cottons, cheap hats, cheap shoes, cheap money; it means the right to

the rewards of their own labor, and the right to buy in the cheapest markets and to sell in the highest. No one comprehends more clearly the deep significance of this movement than the worshipers of mammon in the East—its money-changers and its lords of the furnace and the loom. And if by such measures as this civil-rights bill they can succeed in hoodwinking and cajoling the West into the continued worship and adoration of the ebony idol, and divert its attention from the real wrongs of the white man to the fancied and imaginary ones of the negro, and at the same time compact into one solid mass the negro population of the South and keep it under the command and control of the heirs and legal representatives of the Freedmen's Bureau, these vampires of the life-blood of the labor of the country may continue their ruinous depletion for many long and dreary years in the future. Such, I greatly mistrust, is the object and purpose of the bill under consideration.

It is difficult to conceive of anything more ill-timed and inopportune than the presentation of this measure for the adoption of Congress. There were reasons for indulging the hope that this Congress would devote its attention with zeal and alacrity to the discussion and maturing some measures for the relief of the country, and for rescuing its material interests from the stagnation and depression that now burden all branches of business. Everywhere, and in all sections of the Union, there is financial distress. Trade is stagnant and industry is paralyzed. Failure, disastrous failure of the financial policy of the Government is proclaimed by men of all parties and of all shades of opinion. The Treasury itself is on the verge of bankruptcy, and increased taxation is demanded by its head to meet its daily expenditures. Taxes, external and internal, are falling off; property of all kinds is shrinking in value; and honest labor goes unrequited and unrewarded. The shop and the manufactory are closed, and the mechanic seeks employment in vain. The wares of the merchant and the trader lie upon their shelves unsold, and they enter upon the business of the new year anxiously endeavoring to peer through the thick darkness that surrounds them.

The accumulations of a life-time disappear like snow before a summer's sun, and the millionaire of to-day is the bankrupt of the morrow. In all the great centers of population the working classes are giving unmistakable manifestations of discontent and dissatisfaction, muttering angry threats and imperiling the peace of society and the security of property—while throughout the teeming valley of the Mississippi the cultivators of its soil, with barns and granaries filled to overflowing and larders stocked with superabundance, are organizing secretly and openly against the authors of their misfortunes and against the obstacles to their prosperity. Seldom in the history of this country has there been witnessed such widespread disaster and such universal unrest and discontent. Fortunate, thrice fortunate, shall we be if, before the return of genial spring, we do not chronicle scenes in the streets of the large cities of the Union such as are only paralleled on the eastern continent in times of anarchy and revolution or when gaunt famine cursed the land. And yet amidst this financial crash, this national disorder and individual distress, and with all this wreck and ruin seen and felt everywhere, the chosen representatives of this suffering people are here gravely discussing whether the negro shall ride in the front or the rear car of a railroad or sit in the box or the pit of a theater. Surely we are stricken with judicial blindness.

Mr. BUTLER, of Massachusetts. I will yield for a moment to the gentleman from Maine.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. ARCHER. It is understood that we reserve all points of order.

The SPEAKER. Points of order will be reserved.

Mr. HALE, of Maine. I move that the bill be made the special order on Thursday next, after the morning hour, and from day to day until disposed of.

Mr. SENER. Is not that time fixed for the education bill?

The SPEAKER. That is in the morning hour, and this special order is proposed to come in after the morning hour.

Mr. BECK. Does the gentleman propose to fix Thursday of this week?

The SPEAKER. Yes; day after to-morrow.

Mr. BECK. The gentleman cannot expect to dispose of it this week.

Mr. PLATT, of Virginia. We want time to consider the bill. I object to so early a day being set.

Mr. HALE, of Maine. The only changes made in the bill are in the way of reductions, which I believe the House will assent to very readily. We have not interfered with the province of the Naval Committee by changing the law at all; and I hope that before the end of this week we will get the bill out of the way.

Mr. PLATT, of Virginia. Does this require unanimous consent?

The SPEAKER. No; a majority vote decides.

Mr. PLATT, of Virginia. Then I will insist on a vote. If the gentleman's motion is agreed to we have only twenty-four hours in which to examine and consider this important bill.

Mr. MYERS. I suggest that the consideration of the bill be assigned for Wednesday of next week.

Mr. HALE, of Maine. I desire to have it understood that, when the order is called, if the House should then consider any subject-matter to be of more importance, not only will it not be called upon to proceed with this bill, but I shall not attempt to urge it. This, however, is a bill which involves the first stroke of the committee in cutting down expenditures; and if I find the House ready to proceed with this matter of the naval appropriation bill on Thursday morning after the morning hour, I want to call it up and proceed with it; and I hope the House will sustain me in that motion, for I know the country will sustain us.

Mr. BECK. I desire to ask the gentleman a question. Has the report of the Secretary of the Navy been printed and laid on our desks? I have not seen it.

Mr. HALE, of Maine. I presume it has been printed and distributed. I have seen it, and had it in my possession for some time.

Mr. BECK. I have not seen it. I desire also to ask the gentleman whether his bill is printed?

Mr. HALE, of Maine. I propose to have the bill ordered now to be printed.

Mr. BECK. And this is Tuesday evening, and the gentleman proposes to have the bill considered on Thursday.

Mr. MYERS. As so little time will be left for an examination of the bill if the order proposed be made, I move that Wednesday of next week be fixed for its consideration.

Mr. HALE, of Maine. I hope the amendment of the gentleman from Pennsylvania [Mr. MYERS] will not prevail, for the reasons I have stated. I think we cannot do better than proceed in the direction in which the Committee on Appropriations is faithfully laboring—that is, in putting the knife into the expenditures and cutting them down. A postponement of this measure now will be looked upon by the country, I am afraid, as in the direction of putting off the cutting down of expenses.

Mr MYERS. I am afraid of nothing in insisting upon the proper examination of the questions presented to us. What we desire is to have a full examination of the whole subject and pass upon it understandingly. We cannot do that without having the proper documents before us, and the time which the gentleman from Maine proposes to leave is too brief, in my judgment. I therefore press my motion that Wednesday of next week be fixed for the consideration of the bill.

Mr. BECK. I desire to say this, that if we work this thing through without having the report of the Secretary of the Navy and without having seen the printed bill, while this may be making a pretense of economy, the result will probably be, that before the bill leaves the conference committee and becomes law the appropriations will be much higher than they would otherwise be.

Mr. BUTLER, of Massachusetts. Will the gentleman from Maine allow me to make a single observation?

Mr. HALE, of Maine. Certainly.

Mr. BUTLER, of Massachusetts. I think the House will proceed under a misapprehension, if it supposes that passing this bill on one day or on another is to lessen our expenditure before the year commencing on the 1st of July, 1874, and ending 30th June, 1875. It will not cut down the expenditure, it will not raise the expenditure, it will not interfere with the expenditure at all until next July.

Mr. HALE, of Maine. But it will be what, if possible, is more important than that; it will be an indication that Congress not only talks economy and the reduction of expenditures but means it.

Mr. BUTLER, of Massachusetts. I do not care what anybody says about me. [Laughter.]

Mr. HALE, of Maine. Well, let me say again, that if the House is not ready on Thursday to proceed, and has not sufficiently by that time examined this bill which does reduce the expenditure to the amount of millions, then I, as having charge of the bill, shall not and ought not to insist upon pressing it. But now that the question has been raised, I ask the House to adopt the motion I have made that the consideration of the bill be set for an early day.

Mr. G. F. HOAR. Does the gentleman from Maine propose to allow general debate on the bill?

Mr. HALE, of Maine. I propose that there shall be as much time for general debate on the bill as the House wishes to take. If the House insists on time for general debate I shall not attempt to contravene its will. For myself I do not propose to speak at any great length.

Mr. G. F. HOAR. It seems to me that if the consideration of the bill is set at the time the gentleman proposes, the general debate on the bill could be continued from day to day.

The SPEAKER. It can only be general debate until the House otherwise orders.

Mr. DAWES. I hope the House will sustain the motion of the gentleman from Maine; because, when the gentleman moves to go into the Committee of the Whole for the consideration of the bill, the majority of the House, if not ready to proceed, can postpone the order from day to day until they are ready. The matter is entirely under the control of the majority of the House in spite of the order for the consideration of the bill in Committee of the Whole on a certain day.

Mr. HALE, of Maine. Allow me to state another reason why we

selected an early day for the consideration of this bill. The Army appropriation bill has been set for Tuesday of next week, and if we can take up this bill and consider and pass it, it will be good work for this week.

Mr. GARFIELD. I desire to make a suggestion to gentlemen in regard to the question of time. It is very true that the cutting down of appropriations in any one of the annual appropriation bills, where no change in the law is made, will not take effect until the first of July next; but every gentleman knows that it is the almost unbroken habit of Congress to push off the appropriation bills until the last week of the session, and we then find ourselves with four or five large appropriation bills on our hands on the last night of the session. This happens sometimes because committees are not ready, but more frequently because a combination of interests pushes aside the appropriation bills, saying that they can always be passed.

Mr. MYERS. We are not near the last day of the session yet.

Mr. GARFIELD. I hope the House will allow the Committee on Appropriations to begin their work as soon as they are fairly ready and are able to present carefully prepared bills, so that they may be calmly considered. Every possible opportunity for reasonable debate the House has in its own hands by a majority vote. I hope the proposition of the gentleman from Maine [Mr. HALE] will prevail, and if for any reason the time ought to be extended, the House will always have it in its power to extend it.

Mr. BECK. I do not desire to postpone the consideration of this bill a single moment longer than is necessary to enable the House to know what it contains; to read the report of the Secretary of the Navy and the printed bill, and to examine both. We all know, those of us who have been here any time, that after a bill of this description once passes the House, we never give it any full consideration. The bill goes to the Senate and amendments of all sorts are put upon it, properly perhaps, but when those amendments come back, the Committee on Appropriations move a non-concurrence, and without any examination of the amendments the bill is sent to a committee of conference. That committee do just as they please, and when they present their report to the House they call the previous question without its being printed at all, or if printed, merely by numbers, so that no member knows what he is voting for, and must either vote for the report as a whole or against it. Hence the importance of fully considering such bills in the first instance. I was glad to hear the chairman of Committee on Appropriations make the remark he did. Heretofore the appropriation bills have been left to the last moment and crowded through with all sorts of improper legislation in them, because the House could not examine or understand them. I hope this House will agree not to fix a time for adjournment until every appropriation bill is passed, so that ten days shall intervene between the passage of the last of them and the adjournment. It is not for delay but to save time that I resist a too-hasty consideration of this bill.

Mr. HALE, of Maine. I now call the previous question on my motion.

Mr. MYERS. I rise to a point of order. I believe that before the previous question was called I moved an amendment, to make this bill the special order for Wednesday of next week.

The SPEAKER. Strictly speaking the gentleman who reported the bill and made the motion in regard to it is entitled to call the previous question.

Mr. HALE, of Maine. I have not yielded for any amendment.

The SPEAKER. This debate has been merely interlocutory. There has been no recognition of members to entitle them to make motions.

Mr. PLATT, of Virginia. Will the gentleman from Maine allow me a moment before he moves the previous question?

Mr. HALE, of Maine. It is too late, and this debate has already run too far.

Mr. NEGLEY. I must insist on my motion to adjourn, if gentlemen are going to debate this matter all the evening.

Mr. HALE, of Maine. I do not propose to debate, but I insist on the previous question.

Mr. MYERS. I give notice that if the previous question shall be voted down, I will offer the amendment I have indicated.

The SPEAKER. The question will be put directly on the motion of the gentleman from Maine.

Mr. PLATT, of Virginia. I thought the first question was upon seconding the previous question.

The SPEAKER. Neither question being debatable, the result is precisely the same.

The question was put on the motion of Mr. HALE, of Maine; and on a division there were—ayes 105, noes 79.

So the motion was agreed to.

Mr. HALE, of Maine, moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOSTON POST-OFFICE.

Mr. GARFIELD, by unanimous consent, from the Committee on Appropriations, submitted a report from the sub-committee in regard to the proposed extension of the Boston post-office building; which report, with accompanying papers, was ordered to be printed, and recommitted to the Committee on Appropriations.

WITHDRAWAL OF PAPERS.

Mr. MYERS asked, and obtained, unanimous consent to have withdrawn from the files of the House the papers in the cases of Marcus Radish and John Hatfield.

Mr. SWANN asked, and obtained, unanimous consent to have withdrawn from the files of the House the memorial of Thomas Winans and William Winans, praying for an extension of their patent for the "cigar steamship," and the papers accompanying the same.

Mr. NEGLEY moved that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ADAMS: The petition of Susan Ross, for a pension.

By Mr. BANNING: The petition of Captain A. W. Hicks, for compensation for meritorious services in the war as pilot of the Switzerland, the flag-ship of the United States ram-fleet on the Mississippi River, under Colonel Charles Elliott.

By Mr. BUTLER, of Massachusetts: The memorial of John C. Duff, of Key West, Florida.

Also, the petition of J. H. Huntington and S. A. Nelson, for compensation in establishing signal-station on Mount Washington, New Hampshire.

Also, the petition of Dwight A. Barrett, Company E, Forty-sixth Regiment Massachusetts Volunteer Infantry, for a pension.

By Mr. CESSNA: The petition of William H. Small, of Adams County, Pennsylvania, late a private of Companies E and K, Fifteenth Regiment Pennsylvania Cavalry, for a pension.

Also, the petition of Charles A. Draher, of Adams County, Pennsylvania, late of the One hundred and sixty-sixth Regiment Pennsylvania Volunteers, for a pension.

By Mr. CHAFFEE: Petitions of citizens of Colorado Territory, asking Government aid to construct a wagon-road from Rollusville via the Hot Sulphur Springs to the western boundary of Colorado Territory.

Also, a petition asking that the branch mint at Denver be put upon a coinage basis.

Also, a petition asking the passage of an act to authorize the people of the Territory to form a State government, and for admission in the Union as a State.

By Mr. CLAYTON: The petition of the House Carpenters' Eight-hour League, and Shop of United Mechanics, of California, asking the removal from office of Supervising-Architect Mullet.

Also, resolutions of the Mechanics' State Council, of California, on the same subject.

By Mr. COTTON: The petition of N. G. Clement and other soldiers, asking the passage of the House bounty bill of the last session.

By Mr. COX: The petition of Henry Meywell, for increase of pension.

Also, the petition of William H. Johnson for pension, and congressional investigation as to course of commissioners.

By Mr. DAWES: The petition of Dr. John R. Bigelow, of Washington City.

By Mr. FORT: The petition of John O. Wheeler and 360 other citizens of Livingston County, Illinois, praying Congress to authorize a commission to inquire into the liquor traffic, and its influence in producing pauperism and crime.

By Mr. GARFIELD: A petition of citizens of Ashtabula County, Ohio, praying that a pension be granted to Almond F. Mills.

By Mr. HAYS: The petition of the Colored Laborers' Association, of Greene County, Alabama, and proceedings of a meeting of said society, giving an account of their destitution and inability to obtain pay for their labor.

By Mr. PARSONS: The memorial of Lieutenant Julius M. Carrington, Company H, Tenth Regiment Michigan Volunteers, for pay as second lieutenant, under the joint resolution (approved July 11, 1870) amendatory of joint resolution for the relief of certain officers of the Army, approved July 26, 1866.

By Mr. SHEATS: A memorial of the lay-members of the Alabama Conference of the Methodist Episcopal Church South, praying compensation for use of same during the war.

By Mr. VANCE: Joint resolutions of the Legislature of State of North Carolina against any increase of the tax on manufactured tobacco.

By Mr. WOLFE: A memorial from the citizens of the city of Mount Vernon, Indiana, asking Congress to remove obstructions in the Ohio River, in front of said city.

IN SENATE.

WEDNESDAY, *January* 7, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The PRESIDENT *pro tempore* on taking the chair said: The hour of twelve o'clock having arrived, and the Senate on the first day of its present session having passed a standing order that twelve o'clock each

day should be the hour for the assembling of the Senate, unless otherwise ordered by the Senate, the Chair, seeing a quorum of Senators in their seats, calls the Senate to order; and the Secretary will read the Journal of yesterday's proceedings.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Mr. SUMNER. Mr. President, I present the protest of Francis E. Abbott, of Toledo, Ohio, and 35,179 others, against what is called "the proposed theological amendment to the Constitution of the United States." I am informed that the total length of this protest is nine hundred and fifty-three feet, and that all the names were obtained through the Index, a publication of Toledo, Ohio. The protest is brief:

We, the undersigned, citizens of the United States, respectfully and earnestly ask your honorable bodies to preserve inviolate the great guarantees of religious liberty now contained in the Constitution of the United States, and to dismiss all petitions asking you to adopt measures for amending said Constitution by incorporating in it a "recognition of God as the source of all authority and power in civil government, and of the Lord Jesus Christ as the ruler among the nations, and His revealed will as the supreme authority." We protest against such proposed amendment as an attempt to revolutionize the Government of the United States, and to overthrow the great principles of complete religious liberty and the complete separation of church and state on which it was established by its original founders.

I received this petition some time last spring, when it was too late for me to present it to the Senate; indeed, my health did not allow me to take part in public affairs at the time. As the question of constitutional amendment is always or nearly always submitted to the Judiciary Committee, I ask that this petition be referred to that committee.

Mr. THURMAN. Mr. President, the question of constitutional amendments by the action of the Senate at the last session was referred to the Committee on Privileges and Elections. I think that after the adoption of the resolution offered by the Senator from Indiana, [Mr. MORTON,] instructing that committee to make certain inquiries, all other propositions—and there were several—in relation to amendments to the Constitution were sent to the same committee. I have certainly no objection to this going to the Judiciary Committee; but if the Committee on Privileges and Elections has the matter under consideration, and if all propositions to amend the Constitution have been sent to that committee up to this time, possibly it might be as well for it to take charge of the whole subject. I make this merely as a suggestion.

Mr. SUMNER. My impression is that only a special class of questions has been referred to the committee of which my friend the Senator from Indiana is chairman. He can inform the Senate how that is.

Mr. MORTON. I do not know what this refers to; I was not listening this morning when the Senator from Massachusetts spoke; but all propositions for amending the Constitution offered at the beginning of the session were referred to the Committee on Privileges and Elections, including two proposed by the Senator from Massachusetts.

Mr. SUMNER. This is a petition most numerously signed, and largely from the West, against what is known as the proposed theological amendment to the Constitution of the United States by the insertion of new words in the preamble.

Mr. MORTON. I do not know what may be the object of the Senator in proposing to send this petition to the Committee on the Judiciary. I certainly have no objection to that reference if he wishes to send it there.

Mr. SUMNER. I simply wish to follow the usage of the Senate. I know that in times past all questions of constitutional amendment have been referred to the Committee on the Judiciary; and I thought it quite probable that this very question was now pending before that committee.

Mr. THURMAN. I think not now; but it has been at a former session, and reported upon by that committee. In the suggestion I have made I do not wish to be understood as having any objection whatever to this petition being sent to the Judiciary Committee; but if the Senate has resolved that all subjects of constitutional amendment should be sent to the Committee on Privileges and Elections, this should go in the same way. It is very true, perhaps, that only questions which relate to elections, or amendments to the Constitution relative to elections, have gone to that committee.

Mr. SUMNER. I had that distinction in view.

The PRESIDENT *pro tempore*. Unless some other motion be made the paper will be referred to the Committee on the Judiciary.

Mr. STEVENSON. I present a petition from Siloam Lodge, No. 108, Independent Order of Good Templars, of Salem, Massachusetts, asking the prohibition by law in the Territories and other places under the exclusive jurisdiction of the United States, of the manufacture of strong drinks. I move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. SARGENT. I present a petition of certain citizens of California who are officers of the California Woman Suffrage Association. They petition for the adoption of an amendment to the Constitution of the United States, and that it be submitted to the States for approval, which shall provide that the right of citizens of the United States to vote and hold office shall not be denied or abridged on account of sex. They also petition that no State shall hereafter be admitted into the Union whose organic law shall make, or which shall permit the Legislature organized under its provisions to make, any distinction among its citizens, in their personal property or political rights, on account of sex. They further petition that the laws of the District of Columbia and the other Federal Territories shall be so changed, altered, and amended, first, that woman shall have the same right to vote and hold office as is now possessed and exercised by man; second, that woman shall, after marriage, have the same rights and powers to contract, and the same absolute ownership and dominion over her own property as before marriage, so that the wife shall be, in respect to her natural and property rights, the equal to her husband; third, that the common property of the husband and wife shall succeed to the wife, as it now does to the husband on the death of the wife, with the right to manage, transfer, and convey the same, and that the right of guardianship of her minor children be secured to her.

As this petition proposes an amendment to the Constitution of the United States affecting the right of suffrage and affecting elections, and pertains generally to the privileges of one-half the citizens of the United States, I move that it be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. DENNIS presented the petition of Thomas Galloway, late captain Company C, First Regiment Maryland Cavalry, for the correction of his military record; which was referred to the Committee on Military Affairs.

Mr. MORRILL, of Maine, presented the memorial of Thomas B. Reed and other citizens of Portland, Maine, protesting against the repeal of the bankrupt law, and suggesting its modification; which was ordered to lie on the table.

Mr. BOGY. I present a memorial from the leading merchants and business men of Saint Louis, remonstrating against the repeal of the bankrupt act, and asking that it be continued with certain amendments.

I will state, Mr. President, while I am up, that I hope the bankrupt act will not be disposed of for some time. In my own city I was of the impression that it was the wish of the entire business community that the act should be repealed, and yet since I have been in this city I have received many letters, and this memorial which I have just handed to the Clerk, signed by the leading men of my city engaged in business—manufacturers, steamboat-men, men of capital, men who are largely interested in the bankrupt law—protesting against its repeal, but all expressing a wish for its amendment. I therefore hope that that bill will be permitted to remain on the table for some time, so that it may go to the country, and let the business mind of the entire country and the professional mind of the country have time to examine the subject, and that we may hear fully from them. I came to this city last fall convinced that it was the wish of my constituents that the law should be repealed, and yet I perceive now that they do not desire its repeal, but desire its amendment, and I presume that such is the case with many others. In view of the importance of the subject, of its wide-spread importance, I do hope that the bill will remain on our table for some time, so that it may go to the country and engage the attention of the country.

Mr. CONKLING. The chairman of the Judiciary Committee being absent, and he having charge of the bill referred to, I venture to remind the Senator from Missouri that his purpose as indicated when the bill was reported is in accord with the wish expressed by the Senator. It is not, I think, the purpose of the chairman to move the consideration of this bill until such reasonable time has elapsed as will enable not only the members of the Senate but other persons interested in it to express their views. It is the purpose, with reasonable diligence I suppose, to proceed with it, but not in such haste as will prevent an expression of views here or elsewhere.

Mr. THURMAN. I think it proper to say, and the Senator who has just taken his seat will remember, that the Judiciary Committee itself expects to consider other amendments before the bill is finally acted upon, and if it should approve them will report them to the Senate. The report made by the Judiciary Committee is not complete. We reserve the right to make a further report when the bill shall be called up, if we see proper.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. CONOVER presented the memorial of Mrs. Ellen Call Long, praying for the payment of the claim of the heirs of Richard K. Call, in accordance with the judgment of the United States court of Florida; which was referred to the Committee on Claims.

He also presented the petition of the Hamilton County Grange, of Florida, asking Congress to pass a law refunding the tax on raw cotton to the producer; which was referred to the Committee on Finance.

Mr. MERRIMON presented the petition of Williamson Page, of North Carolina, praying compensation for carrying the United States mails in 1860 and 1861; which was referred to the Committee on Claims.

Mr. PATTERSON presented a resolution of the General Assembly of South Carolina, suggesting certain amendments to the act to provide a national currency; which was ordered to lie on the table.

He also presented a resolution of the General Assembly of South Carolina, relating to a bill now pending in the Congress of the United States, to strengthen the credit of the reconstructed States; which was ordered to lie on the table.

He also presented resolutions of the General Assembly of South Carolina, in favor of the passage of the civil-rights bill now pending in Congress; which were ordered to lie on the table.

He also presented a resolution of the General Assembly of South Carolina, in favor of compensation being made by the United States for damages done to the west wing of the citadel in Charleston by fire, while occupied by the United States Government; which was ordered to lie on the table.

He also presented a resolution of the General Assembly of South Carolina, concerning the citadel of the city of Charleston, South Carolina; which was ordered to lie on the table.

SENATOR FROM LOUISIANA.

Mr. MORTON. I think it proper that I should state now that on the conclusion of the debate upon the resolution presented by the Committee on Finance I shall ask the Senate to take up the question of the Louisiana senatorial election. It is a privileged question, and it ought to be disposed of speedily for various reasons; and if there should be no one ready to proceed with the discussion on the financial resolution when the bill pending before the Senate has been disposed of, I shall ask the body then to proceed with the Louisiana senatorial election case.

Mr. STEVENSON. When the Louisiana election case is again before the Senate I shall move an amendment to the resolution of the Senator from Indiana, to refer back that case to the Committee on Elections, with directions to take proof and inquire into certain matters touching the validity of the election of the Legislature by which the claim to elect a Senator was made.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. STEVENSON, it was

Ordered, That the petition and papers of Anderson & White be taken from the files and referred to the Committee on Claims.

On motion of Mr. ANTHONY, it was

Ordered, That the petition and papers of Charles F. Sampson and others, principal owners of the schooner Ada A. Andrews, praying to be indemnified for losses sustained by them in consequence of the sinking of the schooner by the United States steamer Ticonderoga on the 1st of May, 1871, be taken from the files and referred to the Committee on Claims.

On motion of Mr. MERRIMON, it was

Ordered, That the petition and papers in relation to the claim of Eliza Shelton and others for a pension be taken from the files and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 94) for the relief of Isaac H. Allen, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 128) for the relief of T. C. Callicot, late Treasury agent at Charleston, South Carolina, George W. Clark, and Alexander McLeod, of South Carolina, submitted an adverse report thereon, which was ordered to be printed; and he moved the indefinite postponement of the bill; which was agreed to.

Mr. SCOTT. The Committee on Claims, to whom were referred the memorial and papers of Woodhouse, Southmayd & Rudd, praying compensation for losses by the seizure of certain hides, skins, and wool on board the schooners Carrie and Arthur, at New York, have instructed me to report that the claim ought not to be allowed; and for the purpose of bringing it within the operation of the forty-ninth rule of the Senate, I ask that this report be now adopted, as there was an adverse report on the claim at the last session.

The PRESIDENT *pro tempore*. The question is on the adoption of the adverse report of the committee.

The report was adopted.

Mr. PRATT. The Committee on Claims, to whom was referred the petition of George Brunk, of the State of Virginia, asking compensation for stock driven off by order of General Sheridan in the Shenandoah Valley, have had the same under consideration, and have directed me to report adversely, and to ask that the committee be discharged from the further consideration of the subject. I wish to say in this connection that this claim belongs to a numerous class where there is nothing brought before the committee except simply a memorial, frequently, as in this case, sworn to, but accompanied by no evidence whatever. I notified the Senator who introduced it, before the recess, of the defect of proof. I endeavored to reach the attorney who seems to have been the means of bringing it before Congress. I do not hear from him. It may be a meritorious claim; but in the mean time I ask that the committee be discharged from the further consideration of the subject.

The PRESIDENT *pro tempore*. That order will be made.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the bill (S. No. 56) for the relief of George Wright, reported adversely thereon, and it was postponed indefinitely.

Mr. BOGY, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 204) for the relief of Robert Bent and Jack Smith, reported it without amendment.

SPECIE PAYMENTS—THE CURRENCY.

Mr. SHERMAN. I desire to give notice, at the suggestion of several Senators, that, after the unfinished business is disposed of, I will press as hard as I can to get a vote on the resolution reported by the Committee on Finance. Several Senators have notified me of their desire to speak to it, and wish to know at what time they will have the opportunity. I simply wish to give notice that I desire to press the consideration of that resolution because the Committee on Finance are delayed in their examination of bills that come before them until they can ascertain the sense of the Senate. I hope, therefore, that those Senators who desire to engage in the debate will prepare themselves for it.

BILLS INTRODUCED.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 256) for the relief of Williamson Page; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 257) granting pensions to Eliza Shelton, Nancy Shelton, Cerena Metcalf, Nancy King, Patsey J. Shelton, Sarah Metcalf, Cloa Shelton, and Mary Franklin, and their children under the age of sixteen years; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 258) to amend an act entitled "An act for the relief of purchasers of lands sold for direct taxes in the insurrectionary States," approved May 9, 1872; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 259) to authorize the proper accounting officers of the Treasury to settle with Henry C. Cary; which was read twice by its title, and referred to the Committee on Commerce.

NOTICE OF A BILL.

Mr. HOWE. Mr. President, I do not wish to present a bill now, but I have drawn one for which I have proposed a pretty good title, I think—"A bill to provide for the gradual withdrawal from circulation of irredeemable national notes and the substitution therefor of redeemable national-bank notes, to remove unjust restrictions upon banks of issue and upon the amount of circulation." I rose to give notice that if I should survive the pending debate on the question of salaries, I shall ask leave to present this bill in some pleasant morning hour, and I shall want perhaps thirty minutes to introduce it to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Wisconsin gives notice of his intention to introduce a certain bill.

ORDER OF BUSINESS.

Mr. GORDON. I wish to inquire whether the Postmaster-General has yet furnished to the Senate the information asked for by a resolution passed before our vacation in reference to the franking privilege. It has not been placed on the desks of Senators.

The PRESIDENT *pro tempore*. The Chair is informed that the resolution to which the Senator refers has not been responded to as yet by the Postmaster-General.

Mr. SHERMAN. As the Senator from New Jersey who has the floor on the resolution of the Committee on Finance is not present, I will not now call it up, but I will move to take up the unfinished business of yesterday

Mr. BUCKINGHAM. I ask that a resolution which I offered the day before yesterday may be taken up, for the purpose of reference to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to proceed to the consideration of the resolution indicated by him.

Mr. WRIGHT. I object. What is the purpose of the Senator from Connecticut?

Mr. BUCKINGHAM. I will make no remarks on the subject. I wish merely to refer a resolution on finance to the Committee on Finance. ["No objection."]

Mr. WRIGHT. I have no objection to that, if the unfinished business be laid aside so as not to lose its place.

The PRESIDENT *pro tempore*. There is no objection, and the resolution of the Senator from Connecticut is before the Senate.

TEMPORARY LOANS BY THE TREASURY.

The Senate proceeded to consider the following resolution, submitted by Mr. BUCKINGHAM on the 5th instant:

Resolved, That in order to prevent inflation of the currency, and to meet the necessities of the Government, the Committee on Finance be requested to consider the expediency of reporting a bill to the Senate which shall empower the Secretary of the Treasury to make temporary loans, and which shall authorize national banking associations to use certificates of indebtedness issued for such loans as a part of their reserve; also, to provide for the redemption and cancellation of legal-tender notes equal in amount to those which have been, or which may be hereafter, paid out of the $44,000,000 heretofore held by the Secretary.

Mr. BUCKINGHAM. I move that the resolution be referred to the Committee on Finance. I will make no remarks on it.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 434) making an appropriation for the legislative expenses of Colorado Territory, in which the concurrence of the Senate was requested.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Second Auditor of the Treasury, in obedience to the act of Congress of June 3, 1834, requiring a statement of the accounts of disbursing officers in the Indian Bureau.

The PRESIDENT *pro tempore*. If there be no objection this communication will be laid on the table and be printed.

Mr. SHERMAN. I think before that document is printed it had better be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. It will be so referred if there be no objection.

The PRESIDENT *pro tempore* also laid before the Senate a letter from the Secretary of War, recommending legislation authorizing the sale of the military reservation at Camp Crittenden and old Camp Grant, Arizona Territory; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Secretary of State, communicating, in obedience to a resolution of the Senate, the number of officers and employés in or connected with the Department of State who have been furnished with official postage-stamps; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter of the Postmaster-General, communicating, in obedience to a resolution of the Senate, the number of officers and employés in or connected with the Post-Office Department who have been furnished with official postage-stamps; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a joint resolution (H. R. No. 35) filling existing vacancies in the Board of Regents of the Smithsonian Institution, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. No. 434) making an appropriation for the legislative expenses of Colorado Territory was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. R. No. 35) filling existing vacancies in the Board of Regents of the Smithsonian Institution was read twice by its title, and referred to the Committee on the Library.

OFFICIAL SALARIES.

Mr. WRIGHT. I now move to proceed to the consideration of the unfinished business of yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates, the pending question being on the amendment of the Senator from Indiana [Mr. PRATT] to the amendment reported by the Committee on Civil Service and Retrenchment.

The amendment of the committee was to strike out sections 1, 2, and 3 of the bill, as follows:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $6,000 per annum, payable monthly, and in addition thereto the actual individual expenses of each Senator, Representative, and Delegate in going to and returning from the seat of Government once in each session, to be certified in writing by each.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000 in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

And to insert in lieu thereof the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation o members of Congress and Delegates, and the several officers and employés of either House of Congress, or both, be, and the same is hereby, repealed, and the salaries and compensation of all said persons shall be as fixed by the laws in force at the time of the passage of said act.

SEC. 2. That the compensation of the several heads of Departments shall be each $8,000 per annum.

The amendment to the amendment was to insert at the end of line 10 of the amendment of the committee the following:

Provided, however, That the Senators, Representatives, and Delegates of the Forty-third Congress who have received their compensation since the 4th day of March, 1873, at the rate of $7,500 per year, in accordance with the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall, in the aggregate, make their compensation for the whole Congress equal to the sum of $5,000 per year, exclusive of mileage allowances.

The PRESIDENT *pro tempore*. On the amendment of the Senator from Indiana to the amendment of the Committee on Civil Service and Retrenchment, the yeas and nays have been ordered.

Mr. PRATT. If no gentleman wishes to speak in opposition to that amendment, I desire, having presented it myself, to submit a few words in support of it.

Let us, in the first place, see what the precise question before the Senate is. The committee to whom the House bill was referred reported a substitute, as follows:

That so much of the act of March 3, 1873, entitled "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of members of Congress and Delegates, and the several officers and employés of either House of Congress, or both, be, and the same is hereby, repealed, and the salaries and compensation of all said persons shall be as fixed by the laws in force at at the time of the passage of said act.

SEC. 2. That the compensation of the several heads of Departments shall be each $8,000 per annum.

That is the whole of it. It will be perceived that the effect of this substitute, if it passes in this form, would be that the reduction of the compensation of members of Congress would commence from the passage of the bill. The effect of my amendment is to cause that reduction to relate back to the beginning of the Forty-third Congress. That amendment is as follows, to come in at the end of the first section of the amendment reported by the committee:

Provided, however, That the Senators, Representatives, and Delegates of the Forty-third Congress who have received their compensation since the 4th day of March, 1873, at the rate of $7,500 per year, in accordance with the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall, in the aggregate, make their compensation for the whole Congress equal to the sum of $5,000 per year, exclusive of mileage allowances.

Mr. President, I could not have imagined, when I offered this amendment, that it would have provoked the hostility that it has. It has been attacked on various grounds. There has been a great deal of bad logic, I think, expended in the way of argument, and some little sneering which would be probably better appreciated outside of this Chamber than in it.

Mr. CARPENTER. Will my friend pardon an interruption?

The PRESIDING OFFICER, (Mr. MORRILL, of Vermont, in the chair.) Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. PRATT. Certainly.

Mr. CARPENTER. I wish to call attention to the phraseology of the amendment. It is entirely different from what I understood it yesterday. I understood it to be an amendment which would fix the pay of all Senators from the passage of this bill at such an amount as would, when added to the $3,250, or whatever amount they should have received or were entitled to receive under the present law, make $10,000 for the Congress. I have no doubt of the constitutionality of such an amendment; but the amendment as now read, which I have carefully listened to for the first time this morning, is not such an amendment at all. It is not the one I indorsed yesterday; at least I did not then understand it as I understand it now.

The amendment as it is now drawn discriminates from this time forth as to the pay of Senators in this Chamber. That cannot be done constitutionally, in my opinion. We can figure on this question; we can ascertain just what every Senator has received; we presume that they have received all that they are entitled to; if they have not they have but to go to the office and draw the money; it is there for them; they have received, or may to-day obtain, $6,250. Now, then, let us fix the pay of all Senators from this time out at $3,750, if that is the proper amount.

Mr. MORTON. Will my colleague allow me to make a suggestion in response to the Senator from Wisconsin?

Mr. PRATT. Certainly.

Mr. MORTON. His proposition is that the salary, after a certain time, shall be made, say, $2,400 or $2,500 a year for the balance of what is called this Congress, and in that way the whole thing may be equalized. His point is that all Senators must at the same time receive the same compensation, and that it may not be varied in amount by debiting upon future payments the amount of back pay, which varied. That is the point.

Mr. CARPENTER. That is it.

Mr. MORTON. Now, I will ask the Senator, with how much justice will that operate in the future? We are to have a new Senator here from California in a few days—he may be here this week; and then his pay will be, say, $2,400 a year. You cannot increase it in any way, because the pay of all Senators at the same time must be equal, according to the Senator's argument. We shall have a new Senator here probably from Kansas, or it may be that they will return my distinguished friend, Judge CROZIER. I cannot say how that is. But we shall have a Senator here from Kansas by election in the course of a week or two, and then he must receive his pay for the rest of this Congress at the rate of $2,400 or $2,500 a year. That is conceded not to be enough, and there is no way of making it up, because the pay of each Senator for the same days must be the same. I submit to my friend that the substitute which he suggests would be unjust in certain cases.

Mr. CARPENTER. Will my friend from Indiana indulge me further?

Mr. PRATT. Certainly.

Mr. CARPENTER. I was discussing yesterday and to-day a mere constitutional question. I say it is within the constitutional power of Congress to do this thing. I am not saying that we shall get pay enough for our services from this time. I am not saying that the Senator who comes here from California will be well compensated for his services; but he will receive as much as any other Senator will during the same time. This would in my opinion be constitutional. When the Senator from California gets here, he may naturally regret that he came at a time when the salary was so low. That is his misfortune. But it does not touch the constitutional power of this Congress to fix the pay at that figure. I do not say that it will be comfortable; I do not think it will be.

Mr. MORTON. My friend mistakes my idea. I suggested that it would not be just to put the new Senators upon a short allowance

in order to make arrangements for those who have been getting an increased pay since the 4th of March.

Mr. CARPENTER. It may not be just. I was not discussing that question. I was not discussing the justice of repealing this law at all. I was discussing a pure, simple question of constitutional law; that is, the constitutional power of this body to do a certain thing. I say we can fix the amount for our services from this time, so that every Senator will receive for the two years no more than $10,000, and still on every day of every session every Senator in the Chamber will have received or be entitled to draw the same sum. I say that is constitutional. I do not say that the Senators coming in will get pay enough. I do not think any of us are to have pay enough. But the new Senators will receive the same that other Senators receive for the same term. Whether this is fair or not, it is constitutional.

Mr. LOGAN. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Illinois?

Mr. PRATT. Certainly.

Mr. LOGAN. I want to ask my friend from Wisconsin, since he has heard the amendment of the Senator from Indiana read, if he understood the question which I put to him yesterday?

Mr. CARPENTER. I do; and I apologize to the Senator from Illinois. Yesterday I did not understand his question, and I could not, for the reason that I was mistaken as to the character of the amendment.

Mr. PRATT. Mr. President, I do not share the constitutional scruples of my learned friend from Wisconsin; but I had prepared an amendment, in case the present one should be voted down, which probably meets his views, as it meets the views of some other Senators who have opposed the pending amendment, which I will read for information:

Provided, however, That the compensation of the Senators, Representatives, and Delegates of the Forty-third Congress shall be at the rate of $7,500 for the year ending March 3, 1874, and shall be at the rate of $2,500 for the year ending March 3, 1875, exclusive of mileage and allowances.

That I understand to meet the views of the Senator from Wisconsin and of some other gentlemen who have addressed the Senate on this question.

But, sir, to return to the objections which have been made against the pending amendment, the first proposition which I make in answer to all of the objections which have been urged against it is this: In now changing the compensation of members of Congress from $7,500 a year to $5,000 a year, we do so in obedience to the will of the people, to the pronounced popular judgment. So my friend from Wisconsin has just announced to the Senate. He says that despite his own convictions on the subject he is going to vote for this reduction because the people, his masters, demand it. Now, sir, the point I make is this, that if it was wrong on the 3d of March, 1873, to raise the salary from $5,000 to $7,500 a year, it has been wrong every day since, and we are wrong-doers in having received compensation under that law, and should either return it to the Treasury or else it should be deducted from our compensation in future. I do not see how we can escape from that conclusion. The whole argument of my friend from Wisconsin is this: He yields to this demand because the people have willed it; because they have determined that this increase of salary was wrong. I submit to him that the same people likewise demand that this bill which we are now considering should relate back to the 4th of March, 1873, so that at no period should we be in the receipt of more than $5,000 a year.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. PRATT. Certainly.

Mr. STEWART. If it be wrong to receive extra pay between the present time and the 4th of March last, was it not equally wrong to have received it previous to that period, between the 4th of March, 1873, and the 4th of March, 1871?

Mr. PRATT. I think so. I voted against the bill, and I refused to take the benefit of the back pay under it.

Mr. STEWART. Then why not go back to 1871 and deduct the amount received in excess from the present compensation?

Mr. PRATT. That is not a measure that is pending before the Senate at this time.

Mr. STEWART. I have been trying to bring it before the Senate.

Mr. PRATT. It will be competent for the Senator, I suppose, when the pending amendment is disposed of, to introduce an amendment of that sort.

Mr. STEWART. If the Senator's objection was out of the way on the question of order, I could have it before the Senate now and get a vote on it first.

Mr. PRATT. I do not suppose it is proper, and it has been so ruled by the Chair.

Mr. STEWART. I know it is not in order now; but if we could have unanimous consent we could come right square to the point and vote upon it.

Mr. PRATT. Mr. President, the second proposition which I make is, that upon every increase which has been made by Congress of the compensation of its members, the increase has related back uniformly to the beginning of the Congress when the increase was made. The compensation has been changed some five or six times, and I repeat, that wherever that increase has been made it has related back to the beginning of that Congress. If that be correct as a principle, why should not the decrease of compensation be governed by the same principle, and the decreased relate back to the beginning of the Congress?

Now, take our legislation from 1789 down to the present time. The first compensation was a per-diem allowance of six dollars per day. The first increase was from six dollars to seven dollars per day; the next increase was to eight dollars a day; the next to $1,500 a year; the next to $3,000; and then, in 1866, an increase was made to $5,000, and in 1873 to $7,500. There has been but one instance, I believe, since the institution of this Government when the compensation of members of Congress was decreased, and that took place in the year 1818. The previous Congress had increased the compensation from six dollars or eight dollars a day, whatever it was, to $3,000 for the Congress, or $1,500 a year. There was great complaint made of that increase, and the succeeding Congress promptly repealed the law, decreasing the compensation to eight dollars a day, and made that decrease relate back to the commencement of that Congress. I have the act here by me if any Senator has any question upon that subject.

Mr. HOWE. I had a question on that very point. I understood that that act took effect at the termination of the Congress which passed it. It is a long time since I have seen it.

Mr. CONKLING. While my friend from Indiana is interrupted, may I request him to send his amendment to the Chair, that some of us may have an opportunity of knowing what it is—the present amendment?

Mr. PRATT. The pending amendment?

Mr. CONKLING. Will the Senator be kind enough to send it to the Chair, so that we can resort to it?

Mr. PRATT. Certainly.

I have the act of Congress here, which I will read for the benefit of my friend from Wisconsin. It was passed on the 22d of January, 1818. The first section relates to the compensation of Senators, and the second section to the compensation of members of the House of Representatives; but as they are both of similar import, the reading of the first section, I presume, will be sufficient:

Be it enacted, &c., That at every session of Congress, and every meeting of the Senate in the recess of Congress, after the 3d day of March, in the year 1817—

This act was passed on the 22d day of January, 1818, a period of more than ten months after the beginning of that Congress—

each Senator shall be entitled to receive eight dollars for every day he has attended or shall attend the Senate, and also be allowed eight dollars for every twenty miles of estimated distance, by the most usual road, from his place of residence to the seat of Congress, at the commencement and end of every such session and meeting; and that all sums for travel already performed be due and payable at the time of passing this act, &c.

And then the act goes on to provide for absenteeism, except in case of sickness, &c.

Mr. HOWE. But the date fixed for the commencement of that act was the commencement of the Congress, was it not?

Mr. PRATT. Yes, sir; of that Congress.

Mr. HOWE. And prior to the passage of that law there was no law regulating the salaries of members of Congress.

Mr. PRATT. I beg the Senator's pardon. There was a law fixing it at $3,000 a Congress, or $1,500 a year.

Mr. HOWE. The Senator is mistaken. He will find upon more careful examination, I think, that, the preceding Congress having repealed the statute, which proved very obnoxious, and which had increased salaries, they made that repealing act take effect at the close of that Congress, thereby leaving upon the statute-book no law whatever regulating salaries; and the law which the Senator reads was passed for that purpose. That is my recollection.

Mr. PRATT. The Senator may be right about that. I have the previous law of March 19, 1816, before me, and, as it is a short one, we will settle the question by reading it:

Be it enacted, &c., That instead of the daily compensation now allowed by law, there shall be paid annually to the Senators, Representatives, and Delegates from Territories, of this and every future Congress of the United States, the following sums, respectively, that is to say: to the President of the Senate *pro tempore*, when there is no Vice-President, and to the Speaker of the House of Representatives, $3,000 each; to each Senator, Member of the House of Representatives other than the Speaker, and Delegate, the sum of $1,500: *Provided, nevertheless,* That in case any Senator, Representative, or Delegate shall not attend in his place at the day on which Congress shall convene, or shall absent himself before the close of the session, a deduction shall be made from the sum which would otherwise be allowed to him, in proportion to the time of his absence, saving to the cases of sickness the same provisions as are established by existing laws.

That is the whole of it, except the concluding clause.

Mr. HOWE. That is quite enough of that; but has not the Senator discovered a law subsequent to that, and which repealed that law?

Mr. PRATT. No, sir, I have not; and I have looked very diligently. The very next act on the subject appears to be the one I have already quoted, of January 22, 1818. If there be any intervening act, I have not seen it.

Mr. ALLISON. You will find another act, dated February 6, 1817.

Mr. PRATT. I was not aware of that. I had overlooked it.

Mr. CONKLING. I asked the Senator a moment ago if he would send his modified amendment to the Chair, which I am seeking diligently to know about. I have the Senator's printed amendment, but I understand he proposes this morning to modify it.

Mr. PRATT. I stated in the beginning of my remarks that in case the pending amendment were voted down, I should offer a substitute, which I read for the information of the Senator from Wisconsin.

Mr. CONKLING. I beg pardon of the Senator. I supposed his modification was pending now—that we were to act upon it.

Mr. PRATT. No, sir.

Mr. CARPENTER. If the Senator will allow me to interrupt him once more, I will not annoy him again.

Mr. PRATT. Certainly.

Mr. CARPENTER. And I do it by way of suggesting to him this modification of his amendment, after the proper preface:

That the compensation of Senators and Representatives from and after the passage of this act, for the residue of the term of service of the Forty-third Congress, shall be such a sum as will, when added to the amount which said Senators and Representatives shall have received, or been entitled to receive, under the existing law, amount to $10,000 for the term of service of said Forty-third Congress, and shall be paid monthly.

That expresses clearly what I supposed the amendment of the Senator was yesterday, and in my opinion is entirely constitutional, and for it I shall vote. The amendment proposed by the Senator, in my judgment, is unconstitutional, and I shall have to vote against it. I therefore suggest this to him.

Mr. PRATT. Before the vote is taken I will consider the modification of the amendment suggested by the Senator from Wisconsin.

Mr. HOWE. I now ask the permission of my friend from Indiana to introduce the act which the Senator from Iowa [Mr. ALLISON] has kindly placed in my hands, and to which he has called his attention—the act of February 6, 1817.

Mr. PRATT. On what page of the Statutes at Large?

Mr. HOWE. Page 345, of volume 3. It is entitled "An act to repeal, after the close of the present session of Congress, the act entitled 'An act to change the mode of compensation to the members of the Senate and House of Representatives and the Delegates from Territories,' passed the 19th of March, 1816"—the act which the Senator has just read—and it declares,

That from and after the close of the present session of Congress, the act entitled "An act to change the mode of compensation to the members of the Senate and House of Representatives and the Delegates from Territories," passed the 19th of March, 1816, shall be, and the same is hereby, repealed: *Provided always*, That nothing herein contained shall be construed to revive any act or acts or parts of acts repealed or suspended by the act hereby repealed.

At the time this act passed, I think there was no law regulating the compensation of members until the act was passed which the Senator has just read.

Mr. PRATT. I think the Senator from Wisconsin [Mr. HOWE] is clearly right. I had not seen that act before, though I supposed I had found everything that there was on the subject.

There is but one consideration more, then, Mr. President, which I wish to submit to the Senate; and that is in reply to the objections of my friends from Illinois and Wisconsin. They complain that there will be inequality between the compensation of members of Congress; they complain that they will have to refund money which they have already received under the existing law, and the complaint is that this is violative, if not of the letter, at least of the spirit, of the Constitution, as impairing the obligation of the contract under which the money was paid.

This position would have great force in case it were well founded; but the amendment which I have offered is prospective in its operation; it compels no Senator, no member of the House of Representatives, to refund a dollar of the money which he has received under the act of March 3, 1873. Under that law the compensation for the entire Congress would be $15,000. Up to the 4th day of January in this present year the compensation under that law amounts to the sum of $6,250. That, subtracted from the compensation established by this bill, ($10,000 per Congress,) leaves $3,750 yet to be paid to members of Congress, to be distributed over the fourteen months remaining of the Forty-third Congress; and, according to my calculation, that will leave $268 per month to be paid to each member of Congress in the future. Nothing is to be returned whatever; so that I think that objection is not well taken. This amendment contemplates no return to the Treasury of any dollar that has been received under an existing law, but fixes the compensation in the future so that those who have received under the existing law $625 a month will hereafter, during the remaining fourteen months of this Congress, receive but $268 a month. That is the whole of it.

Mr. CONKLING. Before the Senator sits down I beg to ask a question. I want to vote for whatever is thorough on this subject, if I can find out what it is; and I should like to make an inquiry touching this amendment as it now stands in print. If I understand it aright, it relates to no member of Congress of either House whatever, excepting those who have drawn compensation at the rate of $7,500 a year. Therefore it says that Senators, Representatives, and Delegates of the Forty-third Congress who have received their compensation since the 4th of March, 1873, at the rate of $7,500 a year, in accordance with the act, and no other members of Congress, shall hereafter be paid only such monthly installments as shall in the aggregate make their compensation for the whole Congress equal to the sum of $5,000 per year, exclusive of mileage. Now, I beg to ask my friend what is to be the fate or the fortune of those members who have not drawn their pay up to this time, as in the case of any member who has been absent, or who, because abroad, or for any reason, has not drawn his compensation at all up to this time; is he to go on hereafter and have $7,500 a year; and if he is not, what statute is to touch him except the statute which exists now? I may not state my point clearly, but if the Senator comprehends me, I wish he would give me his view in that matter.

Mr. PRATT. I understand the Senator perfectly. My amendment was drawn on the supposition that every member of Congress had drawn his compensation at the rate established by the act of March 3, 1873. It does not in terms embrace those who have not drawn that compensation. When the point was made I prepared hastily an amendment to the amendment that I designed to offer, in order to embrace those cases, which, with the Senator's permission, I will read for his information:

And provided further, That in all cases where any Senator, Representative, or Delegate of the Forty-third Congress shall not have drawn the full rate of compensation provided by the said act since the 4th day of March, 1873, such sum so undrawn and in excess of the rate of compensation of $5,000 per year herein provided, shall be covered into the Treasury by the disbursing officers of the Senate and House of Representatives.

Mr. CONKLING. I suggest to the Senator that that will not meet the difficulty, if it be one. I will take the case of the new Senator from California—understood to be on his way. He comes here. He falls neither within the category described in the print nor within that provided in the contingent amendment that the Senator holds in his hand. What law would operate upon him? There is no pay here for him which has been undrawn. He has drawn no pay at the rate of $7,500 a year. He is not described at all. Would he not have the right to draw under the law as it now exists?

Mr. PRATT. I suggest that his predecessor, who has but recently resigned his seat in this body, has probably drawn his compensation under the existing law.

Mr. CONKLING. But that does not aid him at all. This present Senator is not his own predecessor. His own predecessor has gone. He comes here in his own right. He finds, if this act shall be adopted before he arrives here, on the statute-book an act which has no reference to him whatever. It describes two classes of persons; he belongs to neither. Where does he look for the authority under which he is to be paid?

Mr. PRATT. I suggest to my friend from New York that he is quite competent to draw an amendment that will meet that and cover every possible case that may arise, not embraced in my amendment.

Mr. CONKLING. My friend is very complimentary, but he is very unsatisfactory. I was trying to learn how I could vote for this amendment. If I am to be committed to my capacity to draw an amendment, my extremity will be great indeed.

Mr. FERRY, of Connecticut. Mr. President, I wish to say a very few words regarding this bill, and perhaps regarding the amendment, and I shall speak of them both together.

I think that the present salary or compensation of Senators and Representatives in Congress is as nearly right as it can be made. In exercising our constitutional function of ascertaining by law the amount of compensation, we are not to consider our own interests, but simply the public interest, just as in legislating upon anything else; and in my judgment in the occupation of politics, as well as in every other occupation, higher compensation will command higher average capacity and ability; and upon that ground, solely as a matter of public interest, it is my opinion that a salary of $7,500 is wiser than one of $5,000. That being so, I shall, of course, vote against the amendment of the Senator from Indiana, the amendment of our own committee, and the House bill.

Here I might stop, but I feel compelled to notice a portion of the reasoning which has been urged by different Senators in behalf of the bill and of the amendment.

Half a dozen Senators have said that they believe just as I do, that the present salary is the wiser of the two, the better for the public interest, and yet that they intend to vote to change it to one which they think worse for the public interest; and why? The people, they say, demand it. I might say that I doubt the fact; but if the fact were so, is that a good reason for a Senator to vote confessedly on the wrong side?

I confess, sir, that I have been a little shocked at some language which I have heard here. This is indeed a Government of the people, for in the preamble to the Constitution we find it is the people of the United States who ordained and established that instrument, and this Government is the product of the Constitution. But it is not a government by the people; its essential function is the law-making power; and by that same Constitution, on its very forefront, the law-making power, "all legislative power," "shall be vested," where? In the people? Is that our Government? Not at all, sir. The law-making power in this Government of ours is "vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." "Vested" there is the language. That is where the law-making power resides. This Government of ours, thank God and the wisdom of our fathers, is not the government of a mob blown about by every wind, it is a government of law; and the people through the highest exponent of their will, the Constitution, have said that we, the Congress of the United States, shall possess all law-making power; and when we make that law the people must obey.

Sir, I am sick of this talk about Congress being the servants of the people and the people being our masters. In no constitutional sense is this true; and when the day shall come that it shall be literally true, let us look for the government of the September days of the old French revolution, instead of the wise institutions that our fathers gave us.

And now, sir, because as a legislator it is my duty to vote upon

every matter of legislation according as I believe to be for the true interest of this people, I vote against the bill and all amendments. But there have been some things said about these amendments also which seem to me to demand a word or two of comment. Senators have said that ever since the 4th of March last we have been wronging the people in accepting the compensation provided for us by law. Sir, when I believe that of myself I will resign my seat and go home. Do these gentlemen who believe that the people have demanded a repeal of the retroactive features of the act of last spring also believe that the people want American Senators to come like whipped hounds to lick their masters' feet, admitting that they have been swindling their constituency for ten months of the current year? I do not believe it, sir. They may do so in the Northwest; but if they do, they have sadly degenerated from their New England fathers. No, sir; the people want to be represented by Senators and Representatives who will ask not whether they will be popular, but whether they are doing right.

Mr. MERRIMON. Mr. President, it was not my purpose at the outset of this debate to say one word in addition to casting my vote upon this amendment and the bill; but the discussion has taken such a wide range, such a multiplicity of reasons and considerations have been suggested why the amendment ought to be adopted, that I deem it worth while to say a word or two in vindication of the vote I propose to cast, and in doing so I shall not measure my judgment or my conscience by that of any other person.

I object to this amendment upon two grounds: First, in my judgment it is an infraction of the spirit, if not the letter, of the Constitution, and subversive of private right. Secondly, it proposes to accomplish by indirection what it is admitted cannot be accomplished directly.

And now let us see if I am correct in these positions; and in order to do so I beg to make a brief reference to the constitutional provision which authorizes compensation to members of Congress. The Constitution provides in these words:

> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States.

There are two things material to be considered just at this point. The first is, that members of Congress shall receive a compensation. What, I ask, is the measure of that compensation? Suppose that Congress should provide that each member should receive ten dollars a month; would that be a compliance with the Constitution? Suppose, on the other hand, that Congress should provide that each member should receive $10,000 a month; would that be a compliance with that provision of the Constitution? Manifestly not.

What, then, is the meaning of this provision, when it says that the Senators and Representatives shall receive a compensation? Why, sir, according to the plain meaning of the Constitution as well as according to all rules of construction of constitutions and statutes, it means a reasonable compensation, no more and no less. But what is a reasonable compensation? That is left to the judgment of Congress; but that does not mean an arbitrary judgment. It means a reasonable judgment; it means an intelligent judgment; it means a judgment which leaves the conscience of an intelligent man at rest; it means a just and reasonable compensation. And if Congress shall undertake, simply because they have the power to do it, to say that members of Congress shall have ten dollars per month on the one hand or shall have $10,000 per month on the other hand, in either case it is a plain violation of the spirit of the Constitution; nay, sir, I say it is a violation of the letter of the Constitution.

Then the meaning of this clause is that Congress shall provide, under the circumstances of the country, a reasonable compensation for its members, and that is to be ascertained by a statute; and when it is so ascertained, the amount so provided vests a right in each member of Congress; and when he receives the money, that money is his as absolutely as his horse, which he has paid for and received. If that is the proper construction of this clause of the Constitution, let us see how the matter stands.

At the last session of Congress an act was passed which provides in these words:

> Senators, Representatives, and Delegates in Congress, (including Senators, Representatives, and Delegates in the Forty-second Congress, holding such office at the passage of this act and whose claim to a seat has not been adversely decided,) shall receive $7,500 per annum each.

That is as much of the act as is material for my purpose. And here let me remark that Congress is charged with the power of deciding what is reasonable, and each member of Congress is bound upon his oath to decide what is reasonable; for if he exceeds it on the one hand or on the other, he has violated his official obligation, and he has violated the Constitution of his country. The Forty-third Congress, in the exercise of its power, and bound to exercise it as I have insisted, said that $7,500 a year was reasonable compensation under the circumstances of the country at that time. What was the effect of that provision? It created a right in every member of Congress which he might exercise at any time he should please until that law should be repealed or the compensation should be changed. It created a right by which he might demand $7,500 per year; but he might not only do it per year; he might do it every hour; he might do it every day. Suppose he died at the end of three months, it is manifest that his estate would be entitled to a *pro rata* part of his yearly salary. The salary accrued; it became due every hour of every day after the act passed, and he might demand it; but for convenience it is paid monthly. When the act was passed this right was created absolutely, and it was a right which, by no possible means, he could be deprived of; and when he received the money in pursuance of that act it became as absolutely his as his horse in his stable, or the coat upon his back. That is the state of the law.

Now let us see what this amendment proposes. It is unconstitutional in this, it is an invasion of the spirit of the Constitution in this, that it proposes not to give each Senator a reasonable compensation from this time forward; but it provides, in substance, that from this time forward each Senator shall not receive a reasonable compensation until such time as, if he did receive a reasonable compensation, the amount that he has received from the 4th of March last to this date in excess of $5,000 a year shall be returned to the Government. I say that is a plain violation of the spirit, if not the letter, of the Constitution. It is so because the effect of the provision is to keep each Senator from receiving a reasonable compensation for a given period, which the Constitution declares he shall have. It seems to me that that view of it is manifest. To make it a little plainer, a reasonable compensation it is said is $5,000. For each of the coming twelve months we are not to receive by this provision the one-twelfth of $5,000, but we are to receive such sum less than $5,000 as will put back into the Treasury what we have already received in excess of $5,000 since the 4th of March last. The effect of the provision is to take away that which the law gives me from this time forward as it did in the past, to wit, a reasonable compensation, and therefore manifestly it is a violation of the spirit, if not the letter, of the Constitution.

But, sir, I have another objection to the proposed amendment. It seems to me that it is very unworthy of the Congress of the United States, and through the Congress of the United States, if this amendment shall be adopted, unworthy of the American people. What is that? It proposes to do by indirection what it is admitted cannot be done directly. It is admitted that if an act of Congress were passed authorizing the Attorney-General to direct a suit to be instituted to recover back the back-pay allowance that members of the Forty-second Congress received, the Government could not recover a dollar. It is admitted that if actions were instituted to collect from the present members of Congress the amount of money they have received in excess of $5,000 a year since the 4th of March last, the Government could not recover a single farthing. Why? Because by reason of the law as it exists the money which each member of Congress has received, the money which has been set apart for him under this act of Congress, is his absolutely. But seeing that, this proposed amendment goes round about, circumventing the members of Congress and forcing them by indirect means to do that which cannot be accomplished by direct action; forcing them to deprive themselves of that reasonable compensation which the Constitution provides they shall have.

For these reasons, Mr. President, I feel constrained in my conscience to vote against this amendment. It is, I repeat, an infraction of the spirit if not the letter of the Constitution; it is a direct invasion of private right; and then again it is undertaking to accomplish by circumvention, by indirect means, that which the law forbids; and it is doing that which I trust the American Senate will not consent to do. Of course I mean to imply no reflection upon the very excellent gentlemen who have advocated a different view on this subject.

And now, sir, let me say a word in reference to the vote I shall cast upon the amendment to the House bill reported by our committee. In my judgment, in my conscience, I believe the salary that members of Congress receive now is not too great; but I do not hesitate to say that I shall vote to cut down the compensation of members of Congress. And why? Because I believe that the popular sentiment of the country demands it. I concur in the excellent sentiments expressed by the Senator from Connecticut [Mr. FERRY] a moment ago; but I maintain that while we are the law-making power, and this is a Government of law, and all legislative power is vested in the Congress, it is our duty, as Senators of the American Congress, to give ear to the people of the country. They are our constituents, and when we ascertain that there is a deliberately expressed will, (and I feel certain there can be no doubt about it in this case,) I think something is due to public sentiment. I am the more ready to pursue that course for the reason that I have a personal interest in the vote I shall cast. I am placed in a delicate position. I am called upon to cast a vote that is in my own interest, and against, possibly, the interests of the peoplee; and, inasmuch as this vote does not involve a question of conscience as to the amount, and there is a difference of opinion about what is a reasonable compensation, I feel authorized to cast a vote for the reduction of the pay to what would seem to be a reasonable compensation in the judgment of a majority of Congress; or, at all events, the manifest judgment of the American people.

I beg pardon, sir, for having detained the Senate. I thought it due to myself to make these remarks in vindication of the vote I shall cast.

Mr. SHERMAN. Mr. President, I had hoped when this bill was reported that it would be acted upon promptly, without much debate. All the questions that have been discussed here for two days were fairly considered by a committee of this body, and this bill was re-

ported as, I believe, the unanimous result of the conversations of that committee. The questions that have been discussed here now for two days are much better discussed in committee, where members can express their minds freely and compare opinions with each other better than they can in a larger body like this.

The committee reported that in their judgment it was wise to go back to the salary fixed for members of Congress prior to the 3d of March, 1873. Some of the members of that committee believed that they ought to do it, because $5,000 a year was enough, as measured by the profit and compensation received by men of equal ability with ourselves in the various walks of private life. It may be, and no doubt is, true that in some of the larger cities lawyers and other professional men receive much larger compensation; but take the country as a whole, agricultural, commercial, and manufacturing; take the yearly earnings of those from whose ranks we are chosen, and the average compensation of men of high ability, fit to adorn the Senate, is not $5,000 a year. Some of the members of this committee were actuated by the idea that this was a reasonable and fair compensation. Other members no doubt yielded to the demand made by the public voice.

Now, sir, while it may be true as a constitutional question that Congress passes laws and is the law-making power, yet it is also true that the popular judgment—not of a mob, but the deliberate judgment of the people of the United States—gathered in any way we can, is on all questions to be fairly considered, and on all questions which involve our personal interest is much more likely to be correct than our own. There is a rule of the common law that no man shall be a judge in his own case. Although I do not believe that any one who hears me now would be influenced by the fact that his own interests are involved in this question, yet it is the wisdom of the law that in ordinary cases we could not be called upon to decide these questions. Although the Constitution does confer upon Congress the power to regulate its own compensation, that grew out of the necessity of the case, because the Constitution could not have made a fixed rule; but as a matter of fact, as a matter of correct practice, no Congress ought to fix its compensation except for the future. There can be no doubt about this. The necessity of the case, however, has compelled Congress at different times to regulate its own compensation in fixing the pay for the future. But these are questions that I do not propose to consider.

The committee, after a careful consideration of this subject, with the House bill and with all the debate in the House before them, concluded that it was better from this time forth, from the passage of this bill to restore the salary of $5,000 a year and the ordinary allowances and mileage. It is true that objections were at once made that the old mileage system was objectionable, was unequal, by giving to members from remote States a greater proportion than was their due. On the other hand, it was insisted that men who come from a great distance, from their business and from their families, ought to have some additional compensation, more than the mere expense of traveling from their remote place of residence to this point. Other considerations operated. At any rate, this was a long-established system, that had not given rise to much complaint; and if there was any gross injustice in it, that might at any time be corrected by a reduction of the rate of mileage. If twenty cents a mile is now too high, owing to the cheapness of transportation, it can at any time, by a mere amendment of the law, be reduced to ten cents a mile. The committee thought it was better simply to restore the law as it was on the 3d of March, 1873; and there are grave and serious reasons why this system of mileage ought to be maintained, but perhaps at a lower rate than that now fixed by law.

In regard to other allowances, as to which so much complaint has been made, what are they? They are fixed and ascertained. We were allowed under the old law $125 per annum apiece to pay for the ordinary stationery and the incidents connected with the ordinary discharge of our duty. It is true the newspapers say that five or ten thousand knives are supplied to members of the Senate. If so, they are paid for by members of the Senate. The whole amount of our allowance as fixed by law is $125 to each member, and that is not more than sufficient for the purpose. What other allowances are given? None other. No member of Congress can by any possibility draw from the public Treasury under the old law anything but his compensation, the $5,000 a year, the mileage allowed by law, and this allowance for stationery. The franking privilege being repealed, as a matter of course we are relieved in great measure from the burden of franking public documents. The amount of postage that may be paid by any of us probably would range somewhere in the neighborhood of two or three hundred dollars a year. That may or may not be provided for, as Congress may hereafter deem wise. I say therefore, Mr. President, that the amendment reported by the committee is substantially correct.

As to the proposition now offered by the Senator from Indiana, I certainly would not vote for it. I have no more power and we have no more right to take from members of Congress money which they have earned and received in pursuance of law than we have the right to take your house or your farm or confiscate your property. It is their property, and although it is in the form of money, as exhibited here yesterday by my friend from Texas, [Mr. FLANAGAN,] what he has received is property—his property—and no man has a right to take it from him. With all due deference to my friend from Indiana, who I know would never like to do anything by indirection, I do say that the legal effect of his amendment is by indirection, by a device, to take money from the pockets of the men who earned it, and hold it and have it now by law. Why, sir, what is the proposition? Senators are discussing the various forms in which the proposition may be put. They say if it is framed in such and such words it is constitutional, but if framed in other words it is unconstitutional. Sir, I care not in what form you put it, it is unjust, and therefore I will not vote for it. I would not vote for it under any demand.

Mr. PRATT. I should like to ask my friend from Ohio one question with his permission.

Mr. SHERMAN. Certainly.

Mr. PRATT. He is satisfied with the bill as reported by the committee, fixing the compensation for the future at $10,000 a Congress, as I understand?

Mr. SHERMAN. Five thousand dollars a year.

Mr. PRATT. Five thousand a year. Does my amendment disturb that rule? Does my amendment reduce the compensation of the Forty-third Congress below the sum of $10,000?

Mr. SHERMAN. I will show the Senator in a moment. In the first place I do not think we have any right, by any device, to take money that a man has earned now under the law; and we are bound in legislating for the future (for which only have we a right to legislate) to give to members of Congress a fair compensation.

Mr. PRATT rose.

Mr. SHERMAN. Now, let me look at the effect of it, if my friend will not interrupt me, and I hope he will not. This habit of interrupting Senators has grown to be so common, that our debates are turned into conversational wrangles, instead of ordinary debates where each man has his say and then sits down. I will show in figures the effect of the amendment proposed by the Senator from Indiana. By the 1st of February next, which is the earliest period when by any possibility this repealing bill can take effect, we shall have received under the present law $6,875. That will leave of the $10,000 for the whole Congress still to be drawn $3,125. If I am correct, from the 1st of February next until the close of the present Congress there will still be paid $3,125 under his proposition. That is at the rate of $2,400 a year, or $200 a month. Now, I ask my friend from Indiana whether he could say to any man in Indiana that $200 a month is a fair compensation for his services here as a member of Congress? Could he stand before any audience in Indiana (and I know they have very intelligent audiences there) and say, when he was called upon to fix a compensation for members of Congress, that, all things considered, he thought $2,400 was enough?

Mr. PRATT. Does the Senator desire an answer?

Mr. SHERMAN. Not now; not until I get through.

I am quite sure that he would not do it. Now he is fixing the compensation for members of Congress. If he tells me now that he fixes it at $2,400 from this time to the end of this Congress in order to compel the "salary-grabbers" or "back-pay" men to pay back that which they have got, then I say he is doing a rightful thing, a lawful thing, a thing he has the power to do, but for a bad purpose, which he has no right to do, and no right to accomplish. That is the way it strikes me. Sir, you have no more right to call upon members of Congress who have received their pay under the existing law to refund it than you have to go upon my farm in Ohio and drive me off it without color of title, under the plea that you want it for public uses. The Constitution says that you may take it for public uses, but you must compensate me for it. You have no right to take this money, and I would not, for one, vote directly or indirectly in such a way as to show that it was the purpose of Congress by any contrivance to compel men to refund that which they now hold by law.

This is all I desire to say in regard to this class of amendments, which seek to make this bill retroactive. That was one of the worst features of the act of March 3, 1873, with due deference to those who voted for it, although I had no doubt about their power to make it retroactive. The popular objection against that law was that it was retroactive. The people now do not demand of us to make our law retroactive. The Senator from Indiana is now doing precisely what he himself complains was done last March, by making the compensation retroactive. He is endeavoring to make his amendment retroactive. That is not right. There is scarcely a case that I can conceive of in which it would be right or just to make a law retroactive. The Constitution forbids us from passing an *ex post facto* law. We cannot punish a man criminally for doing what, at the time he did it, was innocent; nor should we, in any way, pass laws to have an operation in the past. I would not vote for any such law unless under very peculiar circumstances.

Mr. President, there are one or two other points that have been made on which I desire to say a word, because I do not wish to speak on this bill again. When the committee reported this bill they considered other questions, which, I see from the amendments prepared all around me, are to be presented, and we have got to debate them over again; and I wish now in advance to give, as near as I can, the reasons why we did not do so and so.

In the first place, it is said that the President of the United States had the benefit of this increase of salary act, it raising his salary from $25,000 up to $50,000 a year, and that if we are now disposed, either in deference to public opinion or because we think it is right, to go back to the old salary, we ought to put the President in the same

position. I could not answer that argument if we had the power to do it. If the same public opinion which controls the votes of some members—it does not control mine, because I think the salary of $5,000 is enough—and induces them to go back to $5,000 a year, is to apply to members of Congress, it may be asked, why not go back to $25,000 for the President? The answer at once is that the Constitution of the United States forbids us to do so.

But, they say, let us do it any way; let us repeal the law of March 3, 1873, and not say anything about the President. Well, sir, if we do that, we do what we know we have not the constitutional power to do.

But, they say, the courts will set aside our action. I trust in God the Congress of the United States will never allow the courts to set aside our action in passing a law that we know to be unconstitutional; and no man now can touch the salary of the President of the United States, during his term of office, in the slightest degree, without violating the oath which he took at your desk, sir, and which ought to be sacred to him at every hour of his life. It is utterly impossible for him to do it; and we ought not to pass a law which by any construction would assert the power to do what the Constitution forbids us doing. Therefore it was that the committee omitted from the operation of this bill the President of the United States, whose salary is now protected by the Constitution; and we cannot touch it to the amount of five cents.

The same observation would apply to the judges of the Supreme Court of the United States. But it is said that there is a vacancy in the Supreme Court which may be filled after the passage of this act; other vacancies may occur from time to time, and let us pass an act that will operate upon future judges. That would be manifestly unfair. There ought to be one equal rule, applying to all the existing judges and those to be appointed in the future. Therefore you cannot make a discrimination there.

But there is another reason. I would not reduce the salary of these judges if I had the absolute power to do it, because I believe the judges of the highest tribunal of the United States are not too highly paid when they receive $10,000 a year. They are secluded; they are excluded from all other employment; they are separated from the mass of the people, nearly, to hold even the scales of justice. That is not our position. We are members of Congress, representatives of States. We are at liberty to pursue nearly all the vocations of life. We can engage in our professions during the time that we are not here employed in the public service. We are not cramped and crippled by those rules of propriety which guard and protect the Supreme Court of the United States. Therefore, in measuring our compensation, we are not to be governed by the same rules and the same principles that we would be governed by in fixing the compensation of the judges of the Supreme Court. I do not think their compensation is too high. As far as my constituents are concerned, I never have heard any one complain about the reasonable increase of the salaries of the judges of the Supreme Court of the United States.

In regard to the President of the United States, heretofore, while his salary was fixed at $25,000 a year, it was supported and aided by direct appropriations made by Congress, so that, instead of $25,000 a year, the President has for many years, away back into the time of Andrew Jackson and from thence down, been paid for certain matters which ordinarily enter into the private expenses of every citizen, in order to add to his salary of $25,000 a year. If, then, we think the salary now fixed by the Constitution and the law is too high at $50,000, we have it in our power, to the extent that we desire, to the extent we think is fair and right, to cut off those additional appropriations that have been made from time to time in addition to the salary of the President of the United States; so that we are not beyond remedy to reduce the incidental expenses of the Executive office if we think the compensation is sufficient to enable the President to pay these things out of his own salary.

These are the points that will be made in regard to this bill. My friend from Illinois [Mr. LOGAN] yesterday said that the salary law of March 3, 1873, did increase some officers not named by me. It is true the salary bill did increase the pay of the Assistant Secretaries of the Treasury. They are the only officers, I believe, the Senator found.

Mr. LOGAN. The Assistant Secretaries of the Treasury, of the Interior, and of the State Department.

Mr. SHERMAN. That is a matter entirely in the discretion of the Senate. The committee did not include in the bill any reduction in the compensation of those officers. They were put at $6,000 a year. If those offices are well filled by able men—and each of those Departments ought certainly to have a very able assistant—I do not think $6,000 a year is too high a salary. By the third section of the act of March 3 we fixed the salaries of the heads of Bureaus at $4,000 a year, and of the Supervising Architect of the Treasury at $5,000 a year; and therefore I do not think that a salary of $6,000 for the three or four assistants in these great Departments of the Government is too high. Let any Senator, if he thinks it too high, present that question, and then the matter is left as it now stands in the bill.

As to the heads of Departments, I do not know that $10,000 a year is too much. Perhaps it is not. Eight thousand dollars a year was given to them before. That would depend very much on the way they managed their office. If a salary of $10,000 was given to them, and no other contingency, or expense, or allowance, or anything else, was given to them, I should not think it was too much; but under all the circumstances I think they would not suffer much if their salary was put where it was before the act of March 3 was passed.

Mr. President, these are the general ideas that operated upon me in agreeing to report this bill. Is it not wiser and better in a question of this kind, which can be discussed with much more care in a committee room, to leave the general results, the general details, to the committee, rather than to go into all these matters by way of amendment and debate here in the Senate, occupying very valuable time? It was with this view and actuated by this idea when this bill was first called up by the Senator from Iowa, [Mr. WRIGHT,] having charge of it, that I felt like appealing to the Senate to take a vote at once upon it or any amendment that might be offered, without too many embarrassing amendments—to go on and dispose of it as a matter of ordinary legislation. Indeed, it seems to me that the whole trouble about this salary bill is that we attach too much importance to it. We seem to be acting as if we were under a scourge and wanted to resent it a little and express our indignation against the scourge, and not go on in the ordinary discharge of business. Why, Senators, every day we sit here, we pass, sometimes without debate, upon questions involving many times the amount that is involved in this salary bill, questions that are ten times as important. This is one of the least of our duties, one of the least important of our acts, whether we shall have $5,000 or $7,500 a year. I would treat it and regard it as an act of ordinary legislation, to be disposed of promptly, without any unnecessary consumption of time; and I again apologize to the Senate for consuming so much now.

Mr. SCOTT. Mr. President, I did not suppose I should be tempted to say another word upon this bill, and I would not were it not that the Senator from Ohio has repeated an assertion which has been frequently made in this debate, against which I wish, before the debate closes, to put in my protest; and it is this, that nobody has doubted the constitutional power of Congress to vote to themselves what was termed the back pay for the Forty-second Congress. I am not going to make an argument upon the question, but I do wish, by way of protest, to state the position which I take about that particular bill under the Constitution. I read the language of the Constitution first:

> The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out of the Treasury of the United States.

Now, sir, what was in 1873 the position of every member of Congress under this clause of the Constitution and the legislation which had been enacted under it? The act of 1866 had provided a compensation of $5,000 per annum for each member of Congress; the joint resolution of 1867 had provided that that compensation of $5,000 per annum should be paid monthly; and I suppose that when the law of March last received the signature of the President, I should not be far wrong if I asserted that every member of Congress had receipted to the disbursing officer for his compensation up to the third day of the month preceding the time when it was signed. Then, sir, each member of Congress had received a compensation ascertained by law, in full up to that time; and while I do not doubt the power of Congress to fix a compensation, and of the member of Congress to receive a compensation ascertained by law, I have looked in vain for anything which would justify the spirit at least of that legislation which would give two compensations ascertained by two laws for the same period.

I may be running against some constitutional law that has been promulgated by the present occupant of the chair, [Mr. CARPENTER,] who says that it is perhaps a constitutional duty to receive whatever Congress sees proper to vote; and, as I have said, I do not propose to argue the question; I only wish to state the proposition by way merely of statement and not of argument. That position, then, is, that the power of Congress having been exercised, and the compensation having been ascertained by law, and that compensation having been paid and received by each member of Congress, he had no constitutional right again to vote himself a second compensation for the same period. I wish to put in that protest against this general acquiescence in that feature of the law of March 3, 1873.

Mr. TIPTON. Mr. President, in the discussion of this question it is impossible for a Senator to look upon it and treat it in the manner suggested by the Senator from Ohio, [Mr. SHERMAN,] as coolly and dispassionately as he would discuss or act upon any other subject before the Senate. He cannot do that. Senators around me cannot do that. I appeal to the honorable Senator from Indiana farthest from me [Mr. MORTON] in regard to the amount of humiliation that he had to endure—though I do not remember that he voted for the law—when in the canvass in the State of Ohio he was called upon to utter sentiments upon the question. I suppose he did not vote for the law; but he heard his colleagues in the Senate of the United States acting with him in the republican party proper in the country denounced as "thieves"—that was the term that was used in regard to them—and then, to make it peculiarly offensive, "salary-grabbers." He did not reciprocate any of that feeling, but he felt that his party friends were arraigned before the country for a supposed act of dereliction, which, if true, gave them a very low position in the scale of common honor and public decency; and when he defined his own position, I discovered from the public prints that he uttered no single word of denunciation against his colleagues who had voted for the bill or received the pay under the bill. He felt the delicacy of the position in which he stood. He could not, perhaps, in accordance with his

own views of expediency, vindicate them, but he felt no disposition to condemn them. I say, therefore, under these circumstances—and I just happened to think of the fact that publicly the honorable Senator from Indiana did deliver some sentiments on this subject before the people—that we all felt in our turn the great humiliation of being a Senator, or of being a Representative in the other House, in connection with this law.

We know what the public prints have said; we know what our neighbors have said in regard to this matter; and when editors of the republican party were sorely pressed upon this question, one of them in my own State came to the very humiliating conclusion that in the present state of politics it had become necessary apparently that men of high honor and undoubted integrity should be stricken down in the common slaughter; that virtue would have to die in order that the party might live; that the best men of the party for the time being would have to be offered up as a sacrifice, as a propitiation for the sins of the party. He was honest in his convictions. When he was pressed further to know how he could make a distinction between my colleague [Mr. HITCHCOCK] and myself, and exonerate him from any blame and attach disgrace to me for my position, his very ready, philosophical, and sufficient reply was that I had not stood by the republican party, and the man that had not was not entitled to any pay of any kind. [Laughter.]

Mr. MORTON. If the Senator will allow me, I wish to ask whether I am to understand him as saying that I had made that remark?

Mr. TIPTON. No, sir; I referred to an editor in my State.

Mr. MORTON. So I thought; but others around me understood the Senator as saying that it was myself.

Mr. TIPTON. I say, then, Mr. President, that the attack upon the integrity of Congress did not arise, in my opinion, on account of the retroactive character of that law. Why? Because from the foundation of the Government to the present time every law on the subject of congressional salary had been retroactive in its effect. The people who sent us here, sent us here with the way marked during the last seventy-five years by retroactive laws upon the subject of the pay of members of Congress. They have never before joined in one universal clamor in regard to the action of a party on a question of this character. Am I to come to the conclusion, then—can any of you force me to it ultimately—that the people went back upon all their precedents and all their conduct towards their public servants heretofore? Not a bit of it.

I say, therefore, unhesitatingly and positively, that the attack upon the integrity of Congress, and that appellation toward the majority and toward the Congress in question of being public thieves and plunderers of the Treasury, coming from democratic papers, coming from republican papers, coming from liberal-republican papers, was not made on account of the retroactive character of that law, and I offer as my reason for my belief that heretofore the people of this country had honored the men, without distinction of party, who had always cast such votes and had always taken the back pay, as it is now in derision termed. What had been the fact in regard to the present Vice-President of the United States? Did any man ever dare before last spring to charge him with being a "salary-grabber" and "back-pay plunderer?" Never; and yet it is upon the record that in 1856 his extra pay, as I call it, amounted to $2,178. Time rolled on, and in 1866 again he received back pay under another act amounting to $2,805; and with the back pay of those two laws, amounting to $5,000, in his pockets, he was triumphantly elected the Vice-President of the United States.

How has it fared with other gentlemen? Have the people of Ohio attempted at any time to drive from his seat in the Senate of the United States the gentleman who has just addressed the Senate, [Mr. SHERMAN,] because in 1866 he received back pay to the amount of $2,805? No; rather they have given him their confidence, and left the back pay attaching to his personal goods and chattels.

How has it fared with other gentlemen on the floor of the Senate? How is it with the honorable Senator from Rhode Island nearest to me, [Mr. ANTHONY?] In 1866 he received $2,805 back pay, and he has received the constant, unfaltering affection and sustaining influence of his constituency.

How has it been with the honorable Senator from Michigan? "Z. CHANDLER"—so says the document before me—"received $2,805 back pay in 1866," and instead of being denounced and stigmatized for having in his possession back pay, he has received the appellation of the "War Senator of the United States."

How has it fared with other gentlemen on this floor? How has it fared with gentlemen who held positions here and have gone back to their constituents? Where, sir, is Hendricks of Indiana, once on this floor, receiving back pay to the amount of $2,805 under one single act? He is to-day the proud and honored executive of the great State of Indiana.

Go to the Cabinet of the President. Is there anybody there who has not pocketed just what went into our pockets under this act of March last? How is it with the Postmaster-General? The Postmaster-General in 1866 received $2,805 back pay as a Senator, and from that time to this the State of Maryland has been honoring him, or he has been reflecting honor on the State of Maryland.

How is it, also, with the Attorney-General? The Attorney-General of the United States, standing to-day on the very threshold of the highest judicial tribunal known to our institutions, has in his vest pocket $2,805 back pay received by him as a Senator under the act of 1866.

How is it with the Secretary of State—a man certainly who has carried himself so well in his high office that the country is full of commendations on the subject of his fidelity and executive ability? He received $2,237 back pay in 1856, when he was a member of this body.

I say, therefore, I cannot for one moment believe that it is owing to the retroactive feature of that law that the members of the Senate of the United States and the House of Representatives have been stigmatized and flagrantly anathematized for passing it or receiving their legal, honest pay under it. You have to find some other explanation of it; and I shall find it for you before I take my seat. There is some other cause. You cannot attribute it to the fact that the people were sensitive on account of the financial condition of the country, because in 1866, at the time that act was passed, the people of the country were laboring under more of a war debt than they are at the present time. They were also laboring under taxes, many of which have since been removed. Their debt now is not what it was then. Their taxes are not what they were then. They did not then revolt, or many vacant seats would be here in the Senate to-day or filled by others than their present occupants, for many of those of us who were here then also participated in the passage of that act and the results flowing from it. The financial condition of the country at the present time is far better than in 1866, when the other law was passed, and no clamor was raised.

I say in the first instance the people were deceived by a false clamor. They did not understand that in the enactment of this law the whole franking privilege was stricken down. They did not understand at first in the enactment of this law that the question of mileage, which was so unequal, was corrected. They did not understand at first that under this law all these inequalities had been remedied. That is one reason why their minds were corrupted in regard to this question before the facts and true condition of the matter were presented to them.

Then the case was prejudiced again by the conduct of those Senators who commenced to return to the Treasury their pay resulting from the increase under that law. The very moment that they approached a Senator and charged him with having performed a corrupt act, and denounced the law and asked him if he was about to take the result of that corruption and he returned his extra pay to the Treasury of the United States, then came, as they thought, presumptive evidence of his own conscience having troubled him, and consequently that a great wrong had been perpetrated. They were deceived, and he left them deceived.

Almost the first man that presented himself on that subject was our honored Vice-President. Under the pressure and the clamor he returned $4,448. Then, as a matter of course, they would go to the honorable Senator from Indiana and say, "Now, sir, your chief, the Vice-President of the United States, has made a clean breast of it; he has returned to the Treasury $4,448; he did it on his conscience; he felt that a wrong had been perpetrated; and as he expected and desired happiness hereafter, he felt that he would not be entitled to it if he went into heaven with this amount of blood-money upon his skirts. Now, if you have drawn yours, will you not return it also?" That is the manner in which the appeal was made. Poor fool was he who made the appeal. Did he know that our Vice-President had never given it back as a matter of conscience at all; that he smiled at the idea of conscience, because he happened to have in one vest pocket $2,178 of back pay under the law of 1856 and $2,800 under the law of 1866? He retained $5,000 and returned $4,000; and yet it answered; it was the vindication; it was the tub thrown to the whale; it was the easy purchase of popularity, which the people said would accrue if he would please set the example just this once. "Please fork over now, under the charge of 'salary-grabber' and 'back-pay stealer;' please disgorge." And when it was done to the extent of one-third of it, they said, "That will answer, that will give us the opportunity of going at the rest of the Senators." And they went at you, and Senator after Senator walked up and said, "Present your contribution-box," and deposited his pay. But I have not noticed that any one of the Senators who had received back pay under the previous laws, and who have it to-day, returned anything but only just enough to appease the clamor of the hour. Therefore there was no conscience in it, and not one of them intended to admit that he had done a wrong in the past, or that his colleagues had done a wrong; but so the changes were rung on the subject; so it went over the whole country.

Now, if the people had not been misled in this matter, what might they legitimately have done? They might have legitimately done what I will state, and they could do nothing else. The honorable Senator from Iowa, I take it for granted, voted for the bill. He shakes his head. His memory may be at fault. I shall not stand corrected. of course, unless I have a more emphatical disclaimer, because I know he generally stands by his brethren in this hall.

Mr. WRIGHT. The Senator from Nebraska certainly cannot be mistaken; he must remember that he almost took me from the floor last session when I pronounced against the bill, and worked against it from first to last.

Mr. TIPTON. What causes me, then, to have an oblivious condition of mind on this subject results from the fact that during all the campaign I understood by the public press—and the public press

must be respected—that the Senator from Iowa was making an atonement for the past, and would come here in hot haste and get here about twenty-four hours probably before the Senate would convene, in order to get in first a bill on this subject to put him right before the country. I thought probably, therefore, that he had something to atone for as he was in such hot haste; and I should not be astonished, from the manner in which his bill came here, if he had privately suggested to the Chaplain of the Senate to be as brief as possible for fear somebody else would cut under him and get another bill in first.

Now, if I am doing him injustice he will bear it like a martyr, in order that justice may be done members of the other House. I do not speak of them in their capacity here as the House of Representatives, but as canvassing on the stump at home, and many of them, going to the people, absolutely said, "Will you not please instruct me when I go back to present a resolution and urge the repeal of this law? I do not like to do it. So many honorable and honest and clever men around me voted for it that it would look like an attack on them indirectly; but if you put me under obligations to do it by instructions, they will all receive it, because we must obey instructions." And that seemed to be the object of the mission of some of these gentlemen over the country. It did not win in the State of Ohio, however. A desire was made known there, I think, to sacrifice the men of the House of Representatives who had voted for and received the back pay, but those men happened to have constituents enough that said, "Well, if they are to die on account of this, we have never lost confidence in them, and we will be at the funeral." And they were at the funeral, and some of the services were performed by the Senator from Ohio over the way, [Mr. THURMAN,] I understand, and the residue of the services are to be consummated on the 12th day of the present January.

I say, therefore, Mr. President, that if the people had not been misled they might have done one thing; they might have said this frankly, and been respectable in saying it: "Gentlemen, you have followed the precedents that we have set for seventy-five years; we have no fault to find with you for having stood by the precedents of your Government; but hereafter we would prefer that a new precedent should be established on the subject." Under those circumstances we could have met them and discussed calmly and dispassionately and cleverly with them the propriety of a new precedent; but when for the first time in seventy-five years men approached us and denounced us for having performed an act of infamy, when we can retort upon them, "Your precedents were our guide," they ought to have observed a different course, and would have observed a different course had they not been misled in the first instance. Many men were evidently afraid to meet the issue or they would not stand up distinctly and defend the position they had taken. Defend it! It needed no defense. The facts of the history of the legislation of this country were its sufficient vindication.

Now, why were the people of that time liable to be thus deceived, and why were they liable to be thus imposed upon? That is a question of some importance. I will tell you what I understood about it. The disclosures that were made last winter about the Credit Mobilier—it seems to me I heard that phrase from the other side of the Senate yesterday—were so damaging (without my uttering one single sentiment, or giving one opinion in regard to what I think on that subject) that the republican party of the country were scandalized by those disclosures. If half was true that they heard, if half was true that was sworn to and furnished to the country in the reports, they felt that they could no longer stand by party under all circumstances in that condition. Therefore, after the charges had been made, and the evidence had been presented in one or two years gone by, of an extravagant use of the public funds; after the charges had been made of corruption among the highest officials of the Government; after the evidence in the Credit Mobilier investigation had gone forth, the people were ready to receive anything that slander might dictate, or that a mistaken fancy might furnish them.

They did receive it, and they allowed, during the excitement of the hour, a degree of opprobrium to attach to the names of as honest men as ever sat in the halls of legislation, for there are such in the Senate of the United States; and there is where you have suffered here, brother Senators; there is where the error has commenced. But it cannot be reversed or redeemed by any—I was about to say—clap-trap legislation, but I cannot get the privilege to say that here. I will do it out of doors. You cannot reverse it. The history of the last year politically shows that it is utter folly to come down here on the dust of this carpet for the purpose of undoing that which is irrevocable as the fiat of doom. Go with your new legislation to the State of Wisconsin, and build up the broken, waste places of your political Zion there. You cannot do it. Go with it to Kansas. Go with it to Illinois.

You talk about there being dissatisfaction with certain species of legislation. That was not the cause of it. It was the lost confidence of the republicans of the country in the Administration at Washington. Thousands and thousands of them never would have touched the grange movement in the world but that they wanted a reasonable pretext to get away from your rule and authority and not go into the democratic party. They therefore went into that movement because confidence was lost. Confidence cannot be restored by coming here in hot haste for the purpose of buying back a position in the affection of the people of this country. This is what two-thirds of this means, and the people know it.

I might also refer to the condition of things in the State of New York in the fall campaign. I produce that by way of addendum. [Laughter.]

Mr. President, I believed at the time the law of March last was passed that the salary it fixed was not too large. I voted for it; I shall vote against all amendments, and especially, most heartily, against the amendment of the honorable Senator from Indiana. If his popularity in the State of Indiana bears any comparison to the magnitude and magnificence of his physical contour he needs no such species of legislation as this to hold him in the cords of affection of the people of Indiana; but if there is a standard that is to regulate prices in Congress for members from Indiana, I beg him to recollect that though he is here the concentrated and embodied manifestation of health, perhaps a less salary than would answer for ordinary men might attach to the remains of any citizen of Indiana that has escaped, or been left, from the ravages of the ague. [Laughter.] But I would not have him compare men and salaries and thus undertake to legislate for New England, the North, or the great West, including the principal part of the State of California.

The Senator from Ohio, in the introduction of his remarks, seemed to feel a little anxious that we should not undertake to interfere with the work of the committee. Well, so far as the work of the committee is concerned, while I cannot vote for it, I shall not say much in regard to it; but I do feel that the time of Senators is their own, notwithstanding the labors—and the successful and valuable labors—of committees.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the amendment of the Senator from Indiana to the amendment of the committee, on which the yeas and nays have been ordered.

Mr. BAYARD. Mr. President I regret now, as I did then, that the law regulating the compensation of Senators and Members of Congress was changed in the manner it was at the last session. I warmly approved the increase in the salaries of the judges of the Supreme Court of the United States, and only regretted the salaries of other judicial officers, equally meritorious, were not also advanced. I am convinced that it is for the interest of the public service that judicial salaries in the United States should be upon a higher grade than they yet have reached. There have been many causes for this opinion, and I may mention one reason which affects not only judicial salaries, but all others of public officers. The country must expect that the compensation of its public servants shall be affected by its general financial condition; and the unhappy introduction, by those in charge of the Government, of the use of an irredeemable paper currency, has so affected the cost of all living, has advanced and unsettled all trade, has brought with it so much demoralization in public and in private life, so much of inflation and speculation, that it is not rational or true to say that salaries which were proper upon the basis of a constitutional currency, of gold and silver, can be properly rated when paid in depreciated paper.

This poison which has been injected into the veins of our entire financial system by the introduction of irredeemable paper currency as money remains, to injure public service and public morals, and it has unquestionably diminished the power of men to live as comfortably upon the same pay as they could have done had this vicious change to paper money not have taken place.

I may say also that I approved then, as now, the increase in the presidential pay and that of the Vice-President, as well as that of members of the Cabinet. The question of congressional pay is one not of amount merely, but largely of public policy. It is not to be gauged by the requirements of a single officer, but it is one that affects the policy of a representative government in the most radical degree. The Constitution of the United States provides that members of the Senate and of the House of Representatives "shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States." This was not the case in that government from which our institutions were chiefly derived, because in the government of Great Britain members of Parliament, of either house, receive no pay whatever. That was a country of privileged classes, a country of established ranks. This was not to be so here. That was a country of ancient and accumulated wealth; this was a country struggling through suffering and poverty into existence among the family of nations—to be sustained with the simplicity of republican governments; and it was to enable any man, no matter what his pecuniary condition, to serve his country as a representative in either branch of Congress, that the Constitution of the United States, departing from the rule in England, provided that he should "receive a compensation" to be paid out of the Treasury of the United States.

Why, Mr. President, so broad is this question, that I doubt very much whether a more far-reaching and radical change could be made in the whole structure and practical working of the government of Great Britain than to provide pay for members of Parliament. It would open those two houses to classes of men in that country who are at present excluded, simply because they cannot stay there without pecuniary compensation; and yet no law being made for their compensation, they are practically excluded by the result of such an arrangement. If any working-man, so called, should happen to be returned to Parlia-

ment, he would have to be maintained while there by the voluntary subscription of his constituents.

I will not say what a change would be equally created in the Government of this country were Congress to disregard either the letter or the spirit of the Constitution, and decide that Senators and Representatives should not receive compensation. The word is not mere "pay;" it is "compensation," an equivalent for the services they are expected to render to the public. But should it be decided that the pay here should be merely nominal; should it be brought down to the pay of the day-laborer, and therefore totally insufficient to support men who are called upon to perform a class of duties and to meet expenses far beyond the imagination of day-laborers—what, I ask, would be the result to the American people? The Houses of Congress would be filled by men drawn from two classes—the merely rich, who would come here as a pleasant occupation, giving the influence and power to mould legislation in their own interests, to whom pay was a question of no moment at all, and the destinies and the control of the legislation of the country would pass into the hands of him who had the longest purse, without regard to his mental or moral qualities or efficiency as a representative; or there would be another class, even more dangerous, the greedy, needy, characterless adventurer, who would come here to grow rich by the result of his public action. Sir, there are many such—the lobbies of Congress are full of them. The people of this country know that if seats in Congress can be controlled by candidates outbidding each other in the cheapness, as to money, for which they shall give their valuable presence in these Halls, you not only will have no "compensation ascertained by law," but you will have men quite ready to pay a bonus into the Treasury for the privilege of coming here. There will be a premium upon seats in Congress; but at what a cost to public morals and to the real interests of the people! The men who come here poor would not remain poor long, and the history of their legislation would contain the bankruptcy and disgrace of the Government and impoverishment of the people. It would be absurd, therefore, to pass measures which would fill seats in Congress with either of the two classes to which I have referred.

Now, Mr. President, there has been so much misrepresentation and abuse of the public mind as to the law passed at midnight on Monday, the 3d of March last, the general appropriation bill, the largest known to the Congress in amount, the most multifarious in its subjects, in which was contained the provision changing the salaries of Senators and Members of Congress; it has been subjected to so much wild, ignorant, coarse abuse, that it will require care for any one to discuss it and not be moved to some degree of indignation by the coarseness of the epithets which have been heaped upon the whole Congress indiscriminately.

I hope that I have a proper respect for a just public opinion, that I recognize fully my position, and my duty as a representative to obey a deliberate and just public opinion; in other words, that I should be a representative and not a misrepresentative. I shall make no boast of my independence of popular opinion—my actions must measure that—but I can only promise that my true opinions shall be always openly expressed in relation to public measures, and when that ceases my presence here shall also cease. In an effort now to enlighten public opinion I trust I shall not be found wanting; and it is with the intent to contribute to the truth of history in regard to the effect and meaning of the law changing the salaries, in regard to the policy of the present measure of repeal and amendment, that I desire to say what I do now.

The question of increased pay and of change in the basis of pay had been mooted frequently in other Congresses immediately preceding the last. There had always been an objection in some quarters to the allowance of mileage, which, in fact, created a great inequality in pay between members of Congress. Several times it had been proposed to do away with the system of mileage, and as often the effort had been unsuccessful. An attempt was finally made to increase the compensation, I think two or three weeks before the adjournment in March last. It failed. It was voted down, and I think I speak but the common opinion of all men in this body when I say that no one suspected, at the time that it was resuscitated and sprung in upon this bill of general appropriation, that such action would be permitted by the majority to take place. It came upon us suddenly; it came upon us improperly; it came upon us when there was not time, owing to the date of its introduction, for its proper consideration and debate, and it found the Senate fettered by a rule adopted in respect to the debate upon appropriation bills, by which not more than five minutes were given to any Senator for the discussion of any feature in an appropriation bill or any amendment thereto. It was most unfortunate and most discreditable to the parties by whom it was engineered and to that majority which permitted such a trick to be successful; but such was the history of its introduction into this body.

It was proposed by the measure that came from the House that an equal pay of $6,500 per annum should be given to each Senator, Representative, and Delegate. What was the effect of that? It was to reduce the pay of nearly every member of this body from the more distant States. To that I desired then, as I do now, to express my dissent. I am not willing to see the pay in 1874 put at a less rate than it was in 1866. I may say that that change would have benefited me. My pay, with mileage, was a little over $5,000 a year. My home is not very distant. I have neither much expense nor annoyance in reaching it, which I do with convenience and frequency. My case was very different from that of gentlemen who come here from a great distance, abandoning their professions, cutting themselves off altogether from the possibility of giving attention to their private affairs at home. I therefore should have been, and am now, adverse to seeing any reduction in the emolument of Senators and Members of the House who come from the distant States.

Then the other question arose: If you will not reduce the pay of those gentlemen from the distant States, will you not equalize the compensation by increasing the pay of all others to the maximum of the pay and mileage of those from the more distant States? It was a question, therefore, of equalization of compensation, that the members from the New England States and the Atlantic coast should receive the same pay as was then allowed by law to gentlemen from the more distant States. To men from Nebraska, from Nevada, from Oregon, from California there was no increase of compensation worthy of the name—a most trival sum, amounting in some cases to little or nothing, and in one case absolutely compelling a Senator from Oregon, in order to equalize his compensation so that he should not receive more than $7,500 for the Forty-second Congress, to return to the Treasury the sum of nearly $1,500, his pay and mileage under the law of 1866 amounting to nearly $9,000 per annum. I do not think these facts have been fully considered by those who have indulged in such unhesitating denunciation, accusing the whole Senate, the whole House, of having "grabbed"—I think that is the favorite word—$5,000 each in money. Such a charge is not true in fact, nor in any way justified by the facts.

The pay-bill of March, 1873, did not increase the salary of one-third of the Senate to an amount worthy of notice. It did advance the salaries of the other two-thirds so as to make them about equal to the average of the pay and mileage of the first third of whom I have spoken. This is the fact. For instance, my pay by the law of March, 1873, was increased some $4,800 and upward, whereas the gentleman who then sat next me, my friend from California, (Mr. Casserly,) received an increase of about $800—$400 a year advance to him, and $2,400 and odd to me.

As I said before, there had been frequent objections to the allowance of mileage, and this was a proposition to abolish the mileage system, and to level up, and not to level down, the average compensation. It was a proposition to equalize, which has been wrongly construed to be a general increase of $2,500 per annum in all cases. I think I have shown that it was neither one nor the other; that it was, in a great measure, an equalization without increase of pay. It was, perhaps, in a still greater measure as to numbers an increase of compensation. To nearly one-third of both Houses of Congress, as I have said, the advance was immaterial—very slight indeed; and I have stated one case in which it created a very large reduction of compensation.

I have stated the circumstances under which the bill came here on Saturday night, March 2, and its reference to a committee of conference, compelling the session of the committee of conference on Sunday, the report of the bill on Monday near midnight, the adjournment of the Congress being fixed at twelve o'clock on the day following. Sir, it is a misfortune in our legislation on these large appropriation bills that at such a time, confused by the rush and pressure of business, overworked and fagged out as members are on such occasions so near the adjournment of Congress, opportunity for examination and discussion is not allowed, and you must frequently vote to defeat the whole bill, no matter how essential or meritorious may be the general character of its provisions, in order to object to a single vicious feature. On Monday night, when the report of the joint committee of conference was presented to the Senate—and I think it was toward midnight—the alternative was forced upon every Senator either to have a new session of Congress called by the President, or to let that bill pass with all its imperfections upon its head, with all its objectionable features. You had the option, sir, and I had it, by my vote, either to signify my preference for a new session of Congress to be called in April, or allow that appropriation bill to become the law. I chose to vote for this general appropriation bill; and, looking at events as they have since transpired by the light of my present judgment, I approve to-day my vote of last March, believing the public interest to have been largely advanced by the non-assembling of Congress in April last—not alone because of its large pecuniary cost, but chiefly that the country was saved for a time at least from much vicious and injurious legislation.

Now, Mr. President, as to this question of compensation—this question of equivalent to members here for their services to the public. Reasonably speaking, a compensation, from the meaning of the word itself, should be sufficient, for that which is insufficient is no compensation. "The laborer is worthy of his hire." He is to be compensated. And then comes the difficulty of ascertaining what a just compensation is; still more so when, by the provisions of the Constitution, we are placed in the very delicate situation of fixing it ourselves.

In the course of my professional life I have served men to a greater or less extent, and by the results of my labors I have made my support; but there never has been a case of importance in which I would not gladly have referred the question of my professional compensation to some disinterested competent person. And to-day, if it were possible for me to delegate this power and duty to somebody else, I should be most willing. But that is not the law; and it is our duty to fix this compensation ourselves.

Mr. President, in my opinion one of the chief dangers of our day

and country is the devotion of citizens to their private pursuits, to the neglect of their public duties. If this Federal Constitution shall go down, if this experiment for human self-government shall fail, there will be few more to blame than those intelligent men who have grown rich in their private pursuits and allowed places of high public trust and honor to be filled by men less worthy and able than themselves, but who were willing at least to give their time to public service. Who does not know of the frequent advice to young men of talent and character: "Keep out of politics; stick to your business, to your profession, to your ledger, to your office, to your studio; keep out of politics?" This is the common cry which is accepted as wise, as just, as commendable, in a country which must depend for the elevation and the continuance of its government upon the best efforts of its most intelligent, its most able, its most conscientious men.

What is the consequence of all this un-American, worldly-wise advice to the youth of our country, too often followed by them? They have sought to make the name of politician discreditable. They have sought to make attention to public duties suspicious. And what has been the result, Senators? Has it not been a lower tone of public service? Has it not been a degraded tone of public service? I say that to a certain degree it has; for I believe if there should be an increase in honorable competition between men of intellect and character for public position, it would tend largely to the elevation of the tone of our service and to the benefit of the whole country. This Government is not an automatic machine. It is not to run itself. It calls for the efforts constantly, and oftentimes the self-sacrificing efforts of the ablest and the purest and the bravest to guide it on in the right direction, and keep it in the paths of honor and safety.

Now, Senators, if a large pay would of itself secure really the best men, if it would really fill Congress with statesmen worthy of the name, what measure of economy would be so beneficent to the whole people? The benefit to the people of even one pure-minded, clear-headed, patriotic man in the Congress of the United States, in either House, is not to be weighed in money, and scarce any sum in reason but would wisely be paid if that alone would secure it. I do not say that it would; I do not believe that by money alone such things are to be accomplished. The thing is for us to consider upon a question so broad as this, what is the just medium that will tend to secure the presence here of proper men capable of rendering valuable service to the country. A proper, respectable maintenance ought to be secured; no more. The representatives should not be harassed and embarrassed by constant pecuniary needs. A man is not to come here to save or make money by his office and position; such a man is unfit for the place, and falls far below a proper comprehension of its duties and responsibility.

How can you fix any sum which shall be in every case just to the different members of a body so large and varied as this or the other House of Congress—so much depends upon the character of a man's culture, his tastes and education, as well as the scale of expenditure to which he has been accustomed, so much depends upon the expense which the presence of his family, large or small, throws upon him? There are single men in both Houses of Congress, men of small families, men of large families. The natural expenditures of these are so totally variant in degree that it is impossible to fix a sum that shall not be too small in one case and perhaps too large in another. You are not to discriminate between members as to their pay, which must be equal; each must have the same. An attempt at discrimination would not only be odious, inquisitorial, silly, but, worse than all, it would be in violation of the spirit and meaning of the constitutional compact under which we find ourselves in this Chamber as the representatives, each of sovereign States.

It is impossible, therefore, to state a sum which shall in one case be entirely adequate and reasonable, and yet when applied to a second case may not be found totally different. Perhaps as a matter of comparison it would not be improper for me to say that, being unwilling when I came to the Senate of the United States to separate myself from my family, I brought them to Washington, and that here I live much as I live in my home in Delaware; perhaps more expensively, but certainly less comfortably; and yet the pay that would be ample for a single man has been insufficient for my necessary expenses, surrounded as I am with the responsibilities of the education and maintenance of a large and growing family. Therefore I say, and without complaint, that the pay that might be ample for my neighbor would be insufficient for me; so that much more of my private money has been paid to support me in this city than I ever have taken from the Treasury of the United States.

I refer to this fact with hesitation and only as a matter of illustration. It is always optional for me, if I cannot in justice to myself remain here living on such a scale as I consider right and proper, to resign my place and go home. This is a privilege always open to me. It is one that I may take advantage of when I see fit, and until I do so I make no complaint whatever that my compensation has not been larger than it has been. All that I would ask is that it be equal to that of those around me.

But, Mr. President, I have not proposed to fix a sum. I found one ascertained by law when I came here. I knew what it was before I came. I never personally desired and never should have moved to increase it. I shall not move to decrease it, and I shall not permit, if my vote can prevent it, the salary and emoluments of any other Senator to be decreased from what they were when he and I entered the public service. If there be an advantage from mileage, which does not inure to my personal benefit, I propose that the recipients shall still retain it.

But, sir, the country is poor; the country is in great pecuniary distress; it has a heavy debt under which its interests and its people are staggering; its burdens are, in my opinion, very illy and unfairly adjusted. Our people in every section are the victims of an illy-contrived and dangerous system of finance, which has made panics inevitable, and by placing the entire banking system under the control of the central government, excludes the possibility of remedies which intelligent local self-government might, and in my belief would, suggest. To attempt relief is a present duty, and steps should at once be taken to do what can be done to mitigate this wide-spread distress. The first is a rigid economy in Government expenditures so far as is consistent with public interest. There is a just and righteous popular demand on this subject that should be respected, and I propose, so far as my votes here can, to respond to it. Let, then, economy begin here; let us replace the scale of our compensation to the point where it stood on the morning of the 3d of March, 1873. I simply desire to repeal the salary act of March 3, 1873, from this date. This I shall vote for. Certainly I shall not vote for the amendment of the Senator from Indiana, which proposes that the increased pay, beginning on the 4th of March, 1873, and continued to the present time, shall be recovered by charging its excess over the rate of $5,000 a year against Senators hereafter, until the amount they shall have received in the Forty-third Congress shall be equal to $5,000 a year, including the difference between $5,000 and $7,500, which has been paid from March 4th up to the present time.

My objections to that are twofold. In the first place it is entirely impracticable. In the next place I believe it to be unconstitutional. There is no such thing as lawful compulsion to pay back either the retroactive pay given by the act of March 3, 1873, or the prospective pay from and after that day. When the pay of members of Congress was ascertained by law it became their legal right to take that money. It was a vested right. It cannot be divested by any subsequent legislation. It was as much their money in law, was as liable to their debts, would have descended according to the intestate laws of their domicile, or could have been controlled by their last wills, as much as any other property which they possessed otherwise than by derivation from the Treasury of the United States. There can be no valid law compelling the restoration of pay which has been fixed by an act of Congress. The most you can do is to stop it by repealing the law and changing the rate. Your law in that respect cannot be retrospective; I deny that it can be retroactive.

But while there is no compulsion on this subject, there is a voluntary right which rests with every individual to decide for himself. If from any reason he should feel that he ought not to retain the increase of pay made retroactive by the law of March 3, 1873, or if he thinks that he ought now, upon the repeal of that law, to pay back into the Treasury the difference between $5,000 and $7,500 as paid since March 4, 1873, there is nothing on earth to prevent him. The way is open and easy. If from any motive, high or low, of high sense of conscientious duty, or the poor, low sense of meeting a temporary cry for popular favor, or whatever may be his motive, still his power of action is the same. There is nothing to prevent his not only giving his back pay, but he may give his future pay, he may give all his pay, and he may devote his entire private fortune, if he thinks that will make him a happier or better man or advance his political prospects with a sensible people. That is for his private judgment. He must act upon it as he sees fit. But you cannot take that money from him involuntarily. You cannot do so by a retroactive law, and compel him to give up money which has by law been ascertained to be his. It having been so ascertained, you cannot declare it not to be his.

Why, sir, the effect of this would be to insist that Senators and Members who have drawn salary at the rate of $625 a month since last March, shall only receive $200 a month in future until equalization had been forced. Such a law would impose gross inequality in future pay, and I cannot imagine a more utterly dangerous precedent than to allow the Congress of the United States, or any majority of Congress, to declare that the pay of members of this body shall be unequal. Why, let me illustrate. The seat upon my left was the seat of a Senator from California, (Mr. Casserly,) than whom no more devoted public servant was in public life, whose absence subtracts from this Chamber and from the councils of this nation as much of pure, high character, culture, and ability as would the absence of any other man now upon the floor of either House of Congress. Compelled by ill health, caused by over-devotion to the public service, he resigned his place as Senator on the first day of the present session. Now, I do not know whether that gentleman drew his pay up to the first of December. We shall presently have an honorable successor to him in our midst. When that gentleman comes, what shall be his compensation? Shall it be fixed by law according to the Constitution, or shall it be fixed by the action of his predecessor, over whom he can have no control? Should Mr. Casserly not have drawn all his money, will Judge Hager, his successor, have a salary equal to $5,000 a year? Or should Mr. Casserly have drawn his money, shall that draft be charged to Judge Hager, and he be compelled to live in Washington on half the pay that all the rest of us may receive? Is it not impracticable? Is it not unjust? Is it not absurd? Is it

not unconstitutional? Can you admit that, either for a month or a year or a session, a majority of the Senate shall say that between members of this body there shall be unequal pay? No, sir, there could not be a more dangerous admission, there could not be a power more fatal in its results, if it were carried out as partisans oftentimes will exert power. You could destroy the practical representation of a State here by refusing to compensate the men who come here as her representatives; for that would be the necessary result of admitting such a principle as is contained in the proposition of the Senator from Indiana.

The perfect equality of the States as States in this body in all respects—in numbers, in votes, and in all that goes to sustain them in numbers and votes—is a fact fixed by the Constitution, which cannot be destroyed by the votes of all the other States if one alone should object to it. No State shall, without its consent, by any amendment to the Constitution, be deprived of her equal suffrage in the Senate. And when you say that, you say this also, that when they are here, they are to come here in all respects on an equality with all the others; and therefore I insist that by the very federal nature of our Government, by the necessary intendment of the language of the Constitution, it would be totally without the power of Congress to say that some members of the Senate should receive one compensation and others a less sum. I trust that the Senate will under no circumstances ever permit such an attempt at discrimination to receive their assent.

Why, sir, it would be almost endless to picture the results of such a doctrine. A dominant and fierce majority might declare that so long as the political sentiment of a State was expressed in opposition to their wishes the pay of her Senators should be lowered to a mere pittance; and that when the State recanted her heresies, improved in virtue, and came to their way of thinking, then the pay should be increased to the higher level of those who were in accord with the sentiments of the majority.

Mr. President, this is all I have to say about this bill. The subject is not pleasant. It has been rendered especially unpleasant by the manner of its introduction and discussion, in and outside of Congress. Charges, gross and unhesitating, have been made against men who simply differ in opinion on this subject. I believe as pure men as this body contains, or ever did contain, considered that it was for the public interest that the pay should be increased, and that it should be paid retroactively; and yet I did not agree with them as to the retroactive feature. Had it been in my power it never would have become the law. It brought to me personal gain, and I exercised my personal discretion and my personal privilege, without regard to any dictation, to do what I thought right with the money. My hesitancy in refusing to retain that money chiefly arose from the fact that I might by any implication be held to reflect upon those of my fellow-Senators who differed from me. That was my chief objection to it; but, nevertheless, I followed my own opinion and my own conscience, and did not retain the money, but paid it back into the Treasury of the United States.

I do not believe that if this question were understood by the people of the country there would be much, if any, objection to the equalization of salaries, so that those of us who live on the Atlantic coast should receive as much as those from a greater distance. The question as to what forms a proper compensation is a very broad one, and I do not care to pursue it further at the present time.

I believe I have said all I wanted to say on that subject, and I shall simply repeat that I shall vote against the amendment of the Senator from Indiana on the grounds that I have stated—that it is an utterly impracticable amendment, and it is forbidden by the spirit if not the letter of the Constitution. I shall vote for the repeal of the law of the 3d of March, 1873, so that the pay of Congress and the emolument of its members shall stand as they had been ascertained before I came into Congress and at the time of my entrance into this body. I believe that will be best reached by a simple clause of repeal of the act. I shall oppose the reduction of the salary of the Cabinet officers. I am called upon to express my opinion to my constituents whether the sum of $10,000, which the law at present gives to a Cabinet officer, is in excess of propriety and reason or not. I answer that it is not. I know that it is not, as I have been in Washington long enough to know the nature of the requirements made officially and socially upon them and their families.

Another thing, Mr. President. This bill also contains a clause repealing our action of last March in regard to the officers and employés of either House of Congress. I object to that. I am quite willing to go back to what my salary was when I came into the Senate, and I do not want any other man's diminished because he had certain mileage privileges which I had not. If they are diminished it will be against my vote; but in fixing the pay of the officers and the employés of each House of Congress I am not disposed to think there was any error in the action of Congress last year. I hope they will not be reduced. I do not think they are excessive. And, therefore, before the vote is taken finally on this bill, I shall move to amend it in two particulars. I shall move to strike out that clause which proposes to restore the rate of compensation of the officers and employés of either House to what it was in March, 1873; and I shall also move to strike out the second section, which reduces the pay of the heads of Departments.

I am perfectly aware that there is a great deal more that is important in this subject of compensation for public service. Certain it is that I am not in favor of illegitimate appropriations for expenditures; and as I am opposed to illegitimate expenditure, I wish to prevent that by a reasonable, legitimate appropriation. You have seen already how a habit has grown into the Executive Departments of allowances of a questionable nature for those conveniences which are essential to the prompt transaction of public business, and scandal has been created by it; but I think the best way to avoid these things is to make a reasonable appropriation, that shall not drive officials, high or low, into illegitimate methods of eking out an insufficient income.

Mr. President, I think it of the last importance to the people of this country that they should have confidence in the integrity, the home-bred pecuniary honesty, of their representatives and of their rulers. It is the duty of every man to do what he can to establish that. It is his duty equally, in establishing confidence, to strike down in any place, high or low, dishonesty and peculation in officials. I rejoice, sir, that the public eye is turned in such criticism. It has not turned too soon; it cannot be turned too often or too closely; and I hope the day will come when any public official of the United States who is found engaging, directly or indirectly, in abuses of the privileges of his office by small peculations, by indirect and illegitimate gains, will be rebuked by a wholesome public sentiment of the country, and that no man in office will be found to sustain such conduct. And it is from high officials that the example can come with best effect, and the public service surely needs it.

Sir, I hope that public attention and displeasure have been aroused. I hope they will not slumber until these abuses shall have been remedied. But, depend upon it, the people, who from a sense of honesty demand these reforms, are too just to ask for a sacrifice that is unnatural, and which cannot be performed except at a loss to the public service.

Mr. MORTON. Mr. President, the Senator from Nebraska [Mr. TIPTON] made some allusion to a speech that I made in Ohio last summer during the canvass. The Senator, I am sure, did not intend to convey the idea that I had assailed my colleagues in this House who had voted for this bill or who had taken the back pay. I propose to read a brief extract from my speech upon that occasion, and that is all that I have to say upon this bill. It is the speech that I made at Athens, Ohio, in the month of August. Speaking on this subject I said:

> It might be the subject of comment if I failed to make some reference to what is called the "back pay." By an amendment to the legislative appropriation bill the salary of members of Congress was raised to $7,500 a year, instead of $5,000, which was their compensation under the old law. What was known as congressional mileage was abolished, and all allowances for newspapers and stationery. The law was also made retroactive, so as to pay this increased rate for the Congress then expiring, deducting from it, however, all sums paid for mileage, stationery, and newspapers.
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> The measure was in no sense a party one. So far as that is concerned, it may not be improper to observe that more democrats voted for it in the two Houses, in proportion to their numbers, than republicans. But it was in no sense a party measure.
>
> The actual increase of pay will vary with each member, depending upon his distance from Washington, and the amount of his correspondence and labor.
>
> It has been the general conviction of the members of the Senate, since I have been in that body, that the pay and allowances of members, all things considered, were too small, and that sound and enlightened policy dictated an increase.
>
> The Constitution has given to members of Congress the power to determine the measure of their own compensation. In this matter they are made their own judges. It is a delicate thing to give officers the power to determine and fix the value of their own services, but under our form of Government this power could be lodged nowhere else but in Congress. The pay of members of Congress has been increased on five different occasions, and on every occasion the increased pay has been dated back to the beginning of the Congress in which it was made. The last time before the present was in 1866, and gave back pay for the period of eighteen months. The principle involved in the back pay is not different or worse now than it was the first time it was voted for and taken. It is the greatest injustice to say that the members of the Forty-second Congress who voted for back pay have been guilty of stealing or of intended fraud upon the Treasury. Those that have taken the money received it according to law—a law they had as much power to enact as any other. Many of those who voted for and received this back pay in the last Congress are among the best and ablest in the land of both parties, and believed they were but exercising a constitutional power, had earned the money, and were following an example that had been set by many of the most distinguished and patriotic men who had gone before them in the Halls of Congress.
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> But while thus doing justice to the motives of the members of Congress who have voted for or received what is called "back pay," I do not wish to be understood as approving the principle involved in it. To me it appears to be a plain principle that the increase of salaries should be prospective only. Had the increase of the President's salary, or those of the judges of the Supreme Court, been made to reach back two or four years, all could see the danger of the principle. Yet there would be as much propriety and justice in giving back pay to the President, judges, and all other officers whose salaries have been too low, as to members of Congress. The only difference between the cases would be that the members of Congress have power to vote themselves back pay, and the others have not. When I rendered service during the Forty-second Congress I expected to receive only the compensation then fixed by law, and when that was paid to me I gave a receipt which I understood to be in full; and if I now receive a greater sum for that service, it seems to me that it would be in the nature of a gratuity; and this principle admitted in the general administration of the Government would be of a dangerous character. Where a salary, which has been definitely fixed by law, is increased, and such increase is made to extend back two years, it is hard to distinguish such back pay from a gift; and in this case it is regarded by the country as money paid without consideration, being given for services already paid for according to law.
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> Judge PLANTS. It has been reported, Senator, that you have personally accepted the back pay. Will you explain?
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> Governor NOYES. A note has been handed up from the crowd asking what he has done with his back pay. He feels a little delicate about answering, but I think we will press the question.
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> Senator MORTON. Well, I can say, I have not taken it, and never expect to. Immediately after the passage of the bill I had an interview with my distinguished colleague, Mr. PRATT, of Indiana, and we then agreed that we would not take it, believing that the principle involved in back pay was not a sound one. And I desire expressly to say that while I entertained that view myself in regard to the principle of back pay, it is due to other members of Congress, who voted for and

received it, to say that they thought they had a right to it; that what they did was sanctioned by precedent and by the votes and actions of many of the ablest men in the nation who have gone before them. It is a matter upon which men have a right to differ, and differ honestly. I have simply stated my convictions, while I want to do justice to their motives.

That was all I said upon the subject.

Mr. HAMILTON. Mr. President, being a member of the committee which had this bill under consideration, and differing to a very considerable degree from the conclusions of that committee, I desire to say a very few words upon it.

This is an important subject, and one that has almost always given concern and at times considerable trouble. It is a delicate subject, for it so nearly affects those who are dependent upon us for subsistence I may say, and many of whom are personally and favorably known to us, besides affecting ourselves so nearly by obliging us to be the judges of the compensation we ought to receive. Therefore I do not deprecate a fair, candid, and dispassionate discussion of it. Hasty and inconsiderate legislation upon this subject, especially in regard to our own salary, may cause more excitement and more trouble than almost any other subject, and for the simple reason that as there is no power to intervene between us and the people in taking from the Treasury what we please in compensation for our services, naturally and necessarily the attention of the people will be attracted to our conduct.

All the State constitutions, so far as I know, without an exception, fix the salary of members of the Legislature, and some of them, because of the shameful abuses perpetrated by some, fix the salary in most emphatic terms, so as to preclude, if possible, any kind of compensation beyond that fixed by the organic law.

But not so, Mr. President, with the Constitution of the United States. There is no limit to our power to take what we may. The Treasury is open to us, and any sum that we may deem satisfactory to ourselves we can take for our services. And therefore is it to be considered extraordinary by any reasonable man that the people should be particularly vigilant in observing our conduct in this respect? Their protection is our own sense of right, and if that fails, either by mistake or through perversity, their only hope rests in the power that may be manifested in the expression of a sentiment until they may correct the wrong by their action at the polls. The discussion of such subjects, which so much involve the selfishness of our nature, does good; it secures deliberation. In some respects it liberalizes, in others it justifies, and in others again it restrains; so that in the maturity of judgment a happy and a just medium is obtained satisfactory to the people, and at the same time compensatory to their representatives so far as positions of so high and honorable a character can be.

I was opposed, Mr. President, to the measure increasing salaries. I both spoke and voted against it, as you well know. I considered it hasty and improvident legislation, and so said, and nothing has happened since to change my views. There was no time for deliberation and no time for thought. In the confusion and excitement of the closing hours of the session it passed. That mistaken legislation has caused us much trouble, and no one regrets it more than I do. In speaking of trouble I do not allude to individuals, but to the country as a country, creating commotion, giving offense, stirring up dangerous clamor, giving excuses for criticism often unfair and cynical, inspiring the hopes and invigorating the efforts of demagogues. All over the country we witnessed a scene during the past summer and fall which I trust may never be repeated, and I fervently hope that upon no future occasion will any such opportunity be given for its repetition by any like inadvertent legislation.

I was opposed to the increase of salaries, and especially of our own, because I thought we had a salary which amounted to a reasonable compensation and with which the people were satisfied, and I thought it was impolitic and unwise, if for no other reason, to disturb the good feeling that then existed in this respect among the people for their representatives.

Mr. President, I am not indifferent to our common wants, nor do I fail in a general appreciation of our services, nor am I insensible to the attractions of money any more than anybody else; but I thought in all sincerity that the officers of the Government, the President of the United States and ourselves and others embraced in the measure for increasing salaries, were, under the old salaries, being fairly paid. They had all passed through an inflated currency when two dollars and more of paper would only get one of gold; and then when there was not near so much difference; when, too, every one, so far as I heard, on this floor was speaking and hoping for a specie basis—but, alas! how few, I fear, will answer for their hopes when the roll is called—under such circumstances it was proposed to increase the salary as these advantages increased.

Therefore, so believing, I am in favor of returning to the old law of compensation to all as it stood before the increase, so far as we can constitutionally do so, and shall support with great satisfaction the proposition that shall come nearest to the old law.

The Constitution provides that—

> The President shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the period for which he shall have been elected.

So thus having increased his compensation just before he was inaugurated, the President has the advantage of that part of the clause, and he has the advantage of the latter part of it in controlling our action during the period for which he was elected. While on account of this constitutional prohibition we cannot touch his salary during his term, we can now provide, as we ought to provide, for bringing it back to the old salary to commence at the expiration of his term.

Then, again, the Constitution provides that the—

> Judges, both of the Supreme and inferior courts, * * * shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

So that in respect to the salaries of the judges we may be concluded in our action by this provision, and be unable to retrace our steps, at all events, without having on the bench judges at the same time drawing different salaries as compensation.

But beyond these two exceptional cases we can have an immediate repeal of all salaries that were increased.

I was earnest, extreme it may be said, in my opposition to this whole measure of increase of salaries in its entirety. I did not then, nor do I now, question the sincerity or the motives of the gentlemen who differed then and who still differ from me. Ascribing to others fair and just motives in their action, I would that equally fair and just motives may be ascribed to me. If I know myself, Mr. President, I do not think that I have either the nature or the aspirations of a demagogue; I heed no more the unfounded clamors of a multitude than I care for the criticisms and sneers of the few, where my convictions are involved. Those I will pursue. Not, let it be understood, however, that I am insensible to the influence of those around me any more than any other man, or that I will not observe the just demands of a fair sentiment though not agreeing with my own; but acting upon my matured convictions of right, I will discharge what I deem to be my duty.

Gentlemen who differ with me upon the subject of salary as a question of political economy may view it from a more elevated standpoint than I do; and they may be right and I may be wrong, but in neither event does it at all reflect upon the sincerity of any. I believe that I do differ with a majority of the Senate, nor do I know that I agree entirely with any one in this body upon the great subject of salaries.

I had my own views long before this recent clamor, and I do not know that I ever did vote for an increase of salary; if I did it must have been in a most exceptional case. They may be singular; but they are my own, and most conscientiously entertained.

I was opposed to what is commonly called the "back pay," and I was equally opposed to what in like language may be called the "front pay;" and I was opposed to the one as much as I was opposed to the other, and for the simple reason that both were an increase and nothing more, and which it is admitted Congress had the power to make, whether upon the last or first day of the session, or of the Congress itself, including all its sessions, with this difference, let it be observed: that for the future the pay of all Congresses, Presidents, Vice-Presidents, &c., was increased, while that of the past was but for the Congress in session at the time. The past took about $1,500,000; the future, unless changed, will take untold millions.

I believed that, beside the wrong involved in the increase, it was both unwise and impolitic to go back in changing our existing salary, although the uniform action of all preceding Congresses may justify it, for the reason that it may lead to such great abuses, and it presents to a retiring Congress such strong temptations to overrate their services or commit an actual wrong.

Mr. President, I have always feared the centralizing influences of the Federal Government. I have always looked with alarm upon the growing greatness and power and opulence of the Federal Government. It is becoming so overshadowing in all its influences that, unless checked, nothing can resist even its moral, much less its physical, power. States, like stars in the midday splendor of the sun, are lost to the gaze.

When we had a simple and rational Federal Government, conducted upon the simple and rational principle of attending to its own legitimate business, leaving to the people and the States to carry on their multiplied concerns; when simplicity and frugality prevailed here; when our fathers came here, penetrating the wilderness, traversing almost impassable roads, crossing swollen and unbridged rivers, enduring all kinds of hardships and at times incurring great dangers, to discharge their legislative duties at six dollars per day, and afterward at eight dollars per day; when we had no great, exhaustive military and naval establishments, no titled generals and admirals with immense salaries—then was our Federal Government administered with that respect to the States and people which the Constitution, as it was then understood, required. Then the Federal Government was poor and frugal, and offered nothing to ambition much beyond that of any of the States. Then the States were the idol of the people. All eyes were turned to them in case of trouble. In their legislative halls were assembled among the wisest and the purest of their statesmen. All great questions were there dicussed and amplified, and policies originated. Honors were regarded equal. There was in this respect no subordination of the State to the Federal Government.

Now how is it, Mr. President? Behold the change! All eyes are turned to this Capitol, and with more devotion than the sun-worshipers of the East! Here is where all come for honors, for emoluments, for office and pay. Here flows the stream at which all would quench their thirst for honor and emolument. Here are offices without number, salaries without stint. Here the President gets $50,000 a year;

a governor of a State may get but $4,000 and less. Here a judge of the highest court gets $10,000; in the States probably $4,000 and less. Here a member of Congress gets at the rate of $14 per day for the whole year round; the member of the Legislature probably $5 and less, for it may be sixty or ninety days in most of the States; and all the other officers about in the same proportion. Everything is overshadowed by the powers and resources of the Federal Government. It is stretching out its arms and grasping the minutest powers of the States. There is hardly any subject that is now not being construed or claimed to be within its power; and for the reason that here selfishness has a wider field for its operations and unbounded resources for its prey. To the eyes of those who would have us a consolidated nation rather than a Federal Republic all this seems right; but to those, on the other hand, who would have this a government of limited and defined powers, absolutely indispensable to the existence of the federal objects and for the performance of its necessary and legitimate functions, and all the residue to be with the States and people, all this presents a gloomy picture.

I would therefore strip this Government of all that which would make it more attractive than any State governments. As it was established in necessity to conduct our general relations, I would in all things, as near as I could, restrict it to the objects that caused its establishment. I would make it poor and frugal. I would have its wants but few and its legislation simple, and literally no more than is required by the Constitution; and confined within it, how few and simple are its real duties, and how plain and practical ought its legislation to be! I would have no special attractions for members of Congress here, and short sessions, and that when done they would return to their homes and mingle with their constituents in the ordinary pursuits of life, so that they might not sink the duties and feelings of the citizen into the character of the professional politician. It is said, Mr. President, that talent cannot be commanded, especially in the service at Washington, unless it be well paid. This is a mistake. The history of our country illustrates the very reverse. Clay, Webster, Calhoun, Benton, and a host of others not less distinguished for their ability and patriotism, but probably less known to fame, have given to us the brightest pages of American history for far less pay than we get.

The honorable Senator from Illinois [Mr. LOGAN] says that the salaries were then paid in gold, and the purchasing power was so much greater. Then let us return to gold. Instead of being an argument with me for high salaries, it would be an argument for the present against it; for a settled policy of low or moderate salaries might possibly direct the attention of the office-holders of the country, now so largely engaged in attending to popular elections, to the science of political economy and the study of this question which so directly interests them, and bring to the aid of all those who believe in a gold and silver basis this powerful body, both in intelligence, talent, and numbers, in securing the resumption of specie payments.

I am not one of those who believe in paid talent for government. I am not one of those who are confounded with the mystery of government. If there be anything practical on earth it is government. The age and the people generally have the governments suited to both. If there be a plain and practical government on earth it is our own. Its duties and powers are few and simple, and so plainly defined by the Constitution that it does require a paid, a selfish, or a morbid genius to distort and pervert them.

I admit the power of genius, its exalted worth when properly directed; but how dangerous when misdirected! I confess that it does require talent, genius it may be, to undertake to make anything a legal tender for the payment of debts, from a coon-skin to the vignette of Stanton on a piece of green paper; to undertake to make a gold and silver currency by the successive issues of irredeemable paper money; to undertake to bank upon debts instead of upon capital; to undertake to cheapen articles by imposing tariffs and taxes upon them; to undertake to show that by going into debt we are getting rich; or, as in the case of the honorable Senator from Massachusetts, [Mr. SUMNER,] elaborate the right of a colored gentleman, or a gentleman of color, just as etiquette may prescribe in designating those of our fellow-citizens, to be buried by his side in some cemetery organized by charter, or to occupy a part of his bed in some public inn, or the whole of it, if the arrangement should not suit the taste of the Senator, if there be no other in the inn; and at the same time, whilst suffering from all or any of these ills, make us believe that we are enjoying the highest blessings on earth. It requires genius to do this; plain, practical, good sense, with fair education and honest intentions, could never rise to these lofty heights. But in the plain, ordinary administration of our Government, confined strictly to its real duties, fair capacity, and above all honesty, will conduct is in safety.

There is not a being, however low, that has not given its lessons of wisdom, and especially in government, for all people have had some kind of government. Take, for example, the reflections of that small race of people, the people of Lilliput, upon government and its administration, and we, great, and large, and learned, may find something even there for consideration. "In choosing persons"—among these people it is said—"for all employments they have more regard to good morals than to great abilities; for since government is necessary to mankind they believe that the common size of human understanding is fitted to some station or other; and that Providence never intended to make the management of public affairs a mystery to be comprehended only by a few persons of sublime genius, of which there are seldom three born in an age; but they suppose truth, justice, temperance, and the like, to be in any man's power, the practice of which virtues, assisted by experience and a good intention, would qualify any man for the service of his country, except where a course of study is required. But they thought the want of moral virtues was so far from being supplied by superior endowments of the mind that employment could never be put into such dangerous hands as those of persons so qualified; and at least that the mistakes committed by ignorance in a virtuous disposition would never be of such fatal consequence to the public weal as the practice of a man whose inclinations led him to be corrupt, and who had great abilities to multiply and defend his corruptions." Though coming from a very inferior people, there are thoughts in this not to be despised by us, especially in this generation and at this time, when an idea prevails among many that ability and corruption are combined in the most gigantic enterprises, whether in legislation or in the ordinary transactions of men. The past year has been prolific in developments which go far to confirm this opinion—indeed, almost make it a fact in history.

It has required the practical legislation of England for the last ten years to undo what genius and ability did in legislating for the preceding six hundred years.

And so far as we ourselves are concerned, it will take years of patient and careful and practical toil to undo the legislation and correct the evils put upon us by the inventive genius and extraordinary ability that have distinguished the legislation of the last ten years.

The question is not that of ability. We have abundant ability to manage and direct, not only our own, but any fair government; we have honesty and purity to give it virtue and power. Neither stands upon money, nor should either. A higher plane of thought attracts them. And, Mr. President, unless the country is moved by the consideration of duty, more than by "how much does it pay?" to use a vulgarism, we are approaching a period when the spirit of our institutions is departing from among us.

Mr. President, it is said that $25,000 is not sufficient compensation for the President. I think it is. Some of our republican friends, who oppose giving the general increase, seem to hesitate here.

The honorable Senator from Illinois [Mr. LOGAN] would put his opposition to reducing the salary of the President upon the ground that he would not give any less to any future President than his predecessor got. This, then, would bind us to a most dangerous principle. You could increase extravagantly, unwisely, it may be corruptly, and thereby be concluded against making any reduction in the future. In this I cannot concur.

It is said that the age presents more demands and creates more necessities, and that our Executive in his surroundings should be made equal to all. It may be true, to some extent, that the simplicity and frugality of the past is swallowed up in the ostentation and extravagance of the present; that the black broth of Sparta is supplanted by the rich dishes of Lucullus; but still it all revolves in a cycle of time, and all must eventually end. In the revolution of things you come back again to original principles, and sometimes the worse for the wear; but come back you will, as it is in the order of nature so fixed. It is for us to say whether we shall nourish the evil or resist its spread and growth. I, for one, propose to resist it, however foolish or useless it may appear.

John Quincy Adams, as President, lived and had something left; Andrew Jackson lived and had something left; Martin Van Buren lived and had something left; John Tyler lived and had something left; James K. Polk lived and had something left; Franklin Pierce lived and had something left; Millard Fillmore lived and had something left; James Buchanan lived and had something left; Abraham Lincoln lived and had something left, and that, too, while during his term we had the most wretched currency on earth, sometimes requiring $2.80 in paper to get one dollar in coin.

The simple tastes of some of these, or taste with ornament in others, alike surrounded the Executive Mansion with respect, decorum, and dignity. There was no scramble for money! There was no cry for more! There were no complaints made either to inspire friendship or to move generosity. There was no pomp nor gaudy show; but in that unpretending mansion lived in plain republican simplicity among the most powerful executives on earth. You wish to change it. I do not.

By attaching large salaries to the office, you bring to it a regal splendor, and with it all the concomitant evils. You do not benefit the man-President, if I may so speak. You only increase the demands of society upon him, which, receiving so much, he would consider it mean not to meet. The larger the salary, the more objective would he be to all the wiles of society in its wildest fancies and to its most selfish projects. Therefore, the great head of the Republic would be liable, nay, most certain to, set dangerous examples to all below him—it may be examples of luxury, profusion, extravagance, and ostentation not befitting us as a republican people, nor advantageous to either our social or pecuniary relations and condition.

Mr. President, it is said that the rich oppose the increase of salaries and the poor favor it. This is a mistake philosophically, I think, and not true in fact. The rich, generally, want to be richer; and the higher the salary, the more motive to him; while, on the other hand, the poor—I mean the prudent poor—always, under all circumstances,

appreciate the situation of things, and can more readily realize the value of both services and of money. They know that $5,000 is a sum of money that ought to compensate for fair service, and they know further that with consistent frugality they can live upon it. The higher the salary the more motive to the unscrupulous, both rich and poor, who aspire to place.

It is said that we ought to be placed beyond temptation by salaries large enough to place us beyond it. But this is not sound in principle, nor can it be done in fact. This implies corruption or susceptibility to it in all. You cannot legislate upon this principle. The man who would take the high place of either Senator or Representative to make money, or who, knowing that $5,000 was to be paid him for his services, should sell himself, could not be trusted if you made his salary $20,000; for his getting so much would only whet his appetite for more. We cannot legislate upon this principle upon the subject of salary. We must be fair and just in compensation too; but we must imply in such legislation that the representative serves rather from the higher consideration of duty to the public than as an employé for pay. And in making this compensation it ought to correspond with the relation of things around you.

We should never make it so high that an unfavorable contrast could be drawn between your own and the pay of those engaged in some similar or congenial pursuits in life. For about three months in one year and about seven months in another, of a Congress, are you engaged. Then you are at home, as you should be, attending to your ordinary business, with a salary that might justify constant employment here. You would not be able, mingling with your fellow-citizens and receiving such a salary, to escape severe, if not just, criticism, and which might breed discontent among the people, a thing above all things to be avoided where one is so personally interested. So much for my own views upon this subject generally.

I blame no one for entertaining different views, for I know upon this, as upon any other subject, there are sincere differences; and as it is a question of policy merely, like all other such questions, they are to be treated with the like candor, intelligence, and deliberation. Mr. President, I always pay great deference to any suggestion coming from my friend from Maine, [Mr. MORRILL,] whose general conservative tendencies and feelings I appreciate; but I cannot see the force of his objection to the third section of the bill covering into the Treasury all money commonly called the back pay not drawn, or that may have been drawn and returned. The gentlemen who did either, I take it for granted, meant something.

There is some difference of opinion among officers of the Treasury Department whether simple return would be effective to accomplish the purpose for all time. Again, it is said by some that that not drawn is already covered into the Treasury, and cannot now be gotten out. I believe it is all now covered into the Treasury. To dispel all doubt upon the subject, however, it is important to pass this third section. We have a general law covering all undrawn appropriations into the Treasury after a certain day; but if that law does not reach this, it should be made to do so to make the law itself consistent as to all kinds of appropriations; and, therefore, I hope the objections of my honorable friend will not prevail, and that all the salary commonly called the back pay that has not been drawn, may be thus covered into the Treasury by the force of law.

Mr. President, I shall vote against the amendment of the honorable Senator from Indiana, [Mr. PRATT,] for the reasons in part assigned by other Senators who have preceded me, and who have assigned them much more effectively than I could hope to do. It appears to me that it is not practical legislation. It would not be just to those who are to come here. It has been ably discussed in a constitutional point of view by the honorable Senator from North Carolina, [Mr. MERRIMON,] and by the honorable Senator from Delaware, [Mr. BAYARD;] and certainly their views have much force.

We know that it is provided by the law that the salary shall be paid monthly, and we know how easy it is to get a month's salary at home and spend it. It is gone; it has been drawn since the 4th of March last; it has been paid monthly. Some gentlemen, believing that they were entitled to receive it, as they certainly were by the law, may have invested it; some may have lost it; some may have believed in Jay Cooke and the Northern Pacific Railroad and invested it in that way; some may have believed in other enterprises and invested it in them; some, receiving the money monthly, may have been more improvident than they would otherwise have been; with some, getting this money thus readily visions of comfort may have opened up and expanded. It may be that some of the gentlemen who have come here are limited in means, and they are to live, under this amendment, for the next four months without a single dollar to pay their bills. Now what are such members to do, if there be such?

While I may agree with the honorable Senator from Indiana; while we might make such a law as between ourselves, and I might concur with him, I suggest to him that he stands in the same relation to this that he does to his back pay. He does not propose to punish any member here who has received that retroactive pay by undertaking to discount that from his salary for the balance of his term in this body; then why should he undertake to discount this? There is no trouble with this any more than with the other. Both can be returned to the Treasury. While I am with the honorable Senator in repealing this increase of salary from general considerations, I ask him not to embroil this bill in troubles by any fancied—though it may be a true—sense of right which so much distinguishes the character of that honorable Senator. We have got to take things as we find them. We must take the salary of the President of the United States as we find it; we must take the salary of the judges as we find it; we must take the compensation of members of Congress as we find it. Let us redress for the future as far as we can go; but let us violate no principle of law or of right or of self-respect in doing it.

In doing anything of this kind I would not violate in the slightest degree the right of any one; and I could not by voting for such a proposition as this leave a fellow-Senator on this floor without a dollar in his pocket for the next four months, because by improvidence or by absolute want or by mistaken loans or investments he has not a dollar—coming here expecting to receive his $400 monthly to live upon during the remainder of the session. It is not just to gentlemen here or in the other House who are in that condition, if there be such; and especially when they were not members when this measure was passed, and in nowise responsible for it.

Sir, I have no particular feeling upon the details of this subject. I want to do what is fair and right. I opposed the law of last session upon the substantial basis that I was opposed to high salaries. I am in favor of moderate salaries.

I have considered the question as a matter of state policy. Sir, these are my views upon this question. It may be that I am far behind the age; still that is my misfortune. I cannot agree with these new notions. They are not a part of my nature; they are not a part of my education.

Mr. SAULSBURY. I do not intend to make any speech on this subject; but as I shall be called upon presently to vote on this question, I feel it proper to state some of the reasons which will govern my vote.

I shall vote to reduce the salary of members of Congress to what it was prior to the increase of the 3d of March last. In doing so I act partly in obedience to what I conceive to be the public sentiment of the country, and partly in obedience to what I believe is right and proper. I believe that there is a very decided public sentiment demanding Congress to reduce the salary of members; and when I say "a very decided public sentiment" I do not refer to all the wild clamor that has been made on this subject by designing men, either to promote their own political interests or to advance in public estimation the idea of their own virtue and morality. I ignore all that. But I believe that there is a settled opinion in the country among men who look at this question dispassionately, and without any reference to any effect upon them politically, that at the present time the salary which existed heretofore is sufficient for the services of their public servants. I thought when the act of March last was passed that it was a very unfortunate time to increase the salaries of public officers, that of members of Congress especially. The public mind had been directed, by the investigations which had taken place during the last session of Congress, to what was supposed to be corruption among members. If I had had no further objection to the enactment of the law increasing the compensation of members, a desire to avoid any charge against the members of Congress of acting from mercenary motives would have controlled my vote. I desired to avoid giving any additional grounds for that sentiment among the people of this country, or any portion of them.

But there were provisions in that bill which I thought wrong, and which I could not conscientiously support. One of those provisions was the back-pay feature. Another one of those provisions—and here I differ very much with gentlemen who have preceded me in the debate—was the increase of the President's salary. I was as firm in my conviction that the increase of the President's salary was wrong as I was in my conviction that the provision giving what is commonly termed "back pay" to Congressmen was wrong. I believed then and I believe now that the salary for the President of the United States which existed prior to the 4th of March last was ample and sufficient. I believed, furthermore, that he was the best-paid public officer in this whole country for the service rendered. It is not simply the $25,000 salary that he received, but we all know that appropriations are voted for the White House for purposes which the President would otherwise have to provide for out of his individual purse; and, taking it altogether, I suppose that he received, in perquisites of that character and the $25,000 a year—which he before received as salary—a sum equal to $40,000 or $50,000 annually; and, therefore, I thought any increase in the President's salary was unnecessary and unwise. We cannot now reduce it, because his salary has been fixed; and during the term of his office he is entitled to receive it. But I would go for a provision limiting the salary of the President, after the expiration of the present term, to the original sum of $25,000; and I would not have much hesitation in voting for a resolution suggesting to the President that, as Congress, which had increased their own pay at the same time that they had increased his, felt called upon by public sentiment to reduce their own pay, it might be proper for him to put himself in harmony with the Senate and House of Representatives on that subject.

Now, so far as the amendment of the Senator from Indiana is concerned, I shall not vote for it, and I have two reasons for not giving my vote for that amendment.

First, I have very serious doubts of our constitutional right to pass such a law. The money which a member has received, which he has put in his pocket under a law of this land, is his own; it is his, vested in him absolutely and indefeasibly; and I doubt very much the power

of Congress to interfere and to attempt to take from him that which is vested absolutely in himself. I cannot cast a vote for a law on the constitutionality of which I have doubt. The inclination of my mind is pretty decided that no such power exists in Congress, and with that inclination of mind that there is no such power in Congress, I cannot, in keeping with the oath which I have taken, vote for a law of that kind.

There is another consideration which would induce me to vote against the amendment of the Senator from Indiana, even if we had the undoubted right. Even if there was no question on the subject of the right of Congress to charge up the excess over the old salary to the members of the Senate and House of Representatives now, still, as a question of propriety, I think it would not command my support. So far as I am concerned, though a man of humble means, it would make but little difference either in my comfort or convenience; but I am informed that there are gentlemen who are not so fortunate as some of the rest of us; there are gentlemen, I am told, who have not the means to return their excess of pay, and have not the means, independent of their salaries, to live while here attending to their public duties; and if that is true, no vote of mine will strip them of that which is necessary for the comfort of themselves and their families, especially when I have scruples as to my right, constitutionally, to do so. I shall therefore vote against the amendment of the Senator from Indiana.

But I say now (and I do not wish in making this remark to be considered as pandering to public sentiment, or as in any way subjecting myself to the charge of being a demagogue) that if the judgment of the Senate is that we have received too much, and they desire hereafter that we shall receive less, if they desire to introduce a bill to reduce our salary to what it was prior to 1866, I will give it my support. On the salary as it then existed I can live in the city of Washington. There are other gentlemen who cannot—other gentlemen who are differently situated, who are compelled to have their families here, and I should defer a great deal to their wishes on that subject. But I say if it is the pleasure of a majority of the Senate to restore the salary to what it was prior to 1866, I will interpose no objection.

I did not desire to make a speech on this subject, Mr. President. I wished simply to state publicly the reasons that would govern my vote, both on the amendment of the Senator from Indiana and on the general proposition reported by the committee.

Mr. NORWOOD, (at four o'clock and twenty-five minutes p. m.) Mr. President, I move that the Senate do now adjourn.

Mr. WRIGHT. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 29; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Clayton, Conover, Cooper, Davis, Dennis, Fenton, Ferry of Connecticut, Flanagan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Kelly, Logan, McCreery, Merrimon, Norwood, Patterson, Ransom, Saulsbury, Stevenson, and Sumner—27.

NAYS—Messrs. Allison, Bogy, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Conkling, Cragin, Crozier, Ferry of Michigan, Frelinghuysen, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Sargent, Schurz, Scott, Sherman, Spencer, Stewart, Thurman, Windom, and Wright—29.

ABSENT—Messrs. Alcorn, Ames, Cameron, Dorsey, Edmunds, Hamlin, Johnston, Jones, Lewis, Ramsey, Robertson, Sprague, Stockton, Tipton, Wadleigh, and West—15.

So the Senate refused to adjourn.

Mr. SARGENT. Mr. President, I do not desire to prolong this discussion——

Mr. WRIGHT. May I appeal to the Senator from California for just one moment? I want to suggest to the Senate that while I am exceedingly anxious that the vote shall be taken on this bill to-night, and, if no arrangement can be made otherwise, shall insist upon a vote if I can have the Senate stand by me, yet I want to make a proposition that we come to an agreement to take the vote on the pending amendment, and all amendments which may be offered, and on the bill, to-morrow at some hour, and that debate shall then close.

Mr. MORTON. We had better go on to-night rather than give it up now.

The PRESIDENT *pro tempore*. The Senator from Iowa proposes an understanding of the Senate in regard to taking the vote on this question to-morrow, without further debate, at some hour to be named.

Mr. ANTHONY. I think the suggestion of the Senator from Iowa is very reasonable. Let the hour be fixed at such time as to allow all Senators to speak who desire to speak. It is manifestly absurd in the first week of the session after the holidays to attempt to sit out a bill of this kind. That is contrary to all the practice and traditions of the Senate. We sit out a bill when debate has been exhausted, when there is a factious opposition, when it is toward the close of the session; but the idea of our sitting here until twelve or one o'clock at night, and beginning at this period of the session to make ourselves all sick (as we are obliged to do at the end of the session) is a very bad economy of time. I think the proposition which the Senator who has charge of the bill makes is very just. Let an hour be fixed—I care not how late to-morrow; four o'clock, if that will suit Senators—when we shall vote upon this bill; and in that way we shall get through with the bill quicker than we shall by attempting to sit it out to-night; for, with the vote just taken, showing only two majority against an adjournment, and with many of those who voted in the negative sorry that they voted so, it is very certain that we shall adjourn in the course of an hour or two.

Mr. CRAGIN. I would suggest two o'clock to-morrow.

Mr. WRIGHT. I am willing to agree to that. Say that at two o'clock to-morrow the vote shall be taken. Let that be the understanding.

Mr. STEVENSON. I object to any arrangement of that sort, limiting debate.

The PRESIDENT *pro tempore*. The Senator from Kentucky objects.

Mr. WRIGHT. Then I shall insist on going on now.

Mr. SUMNER. Then we shall have to adjourn soon.

Mr. CHANDLER. No; then we shall have to sit it out to-night.

Mr. MORTON. I hope so.

Mr. SARGENT. I do not intend to prolong this debate by any lengthy remarks that I may make——

Mr. ANTHONY. Will the Senator allow me one moment? I do not think the single objection of my friend from Kentucky need interrupt this arrangement, if all of us will agree to it. He will have the opportunity to speak as long as he pleases.

Mr. STEVENSON. Mr. President, I saw the most acrimonious and bitter discussion in consequence of such an agreement as this once in the Senate, and I determined then that I never would place myself in a position where this side of the Chamber could be charged with bad faith, and where we should not understand each other. I make the objection, not because I am not perfectly willing myself to sit here to-night until twelve o'clock, but I do not propose at this early day of the session to bind other gentlemen, who may want to discuss this measure. I will not agree to name an hour when this debate shall close.

Mr. ANTHONY. If, then, the Senator objects to naming an hour——

Mr. STEVENSON. I do not desire to prolong the thing. I am ready to vote now, this evening; I am ready to sit here and vote; but I think it is altogether wrong to agree to fix an hour, by which we deprive ourselves of the privilege of a discussion if the truth should require that discussion. I think it is unparliamentary; I think it is unworthy of the dignity of this body; I think it is an innovation upon the past history of this body, which has characterized us as one of the noblest and freest legislatures. There is no necessity for it, even. We can sit here an hour longer to-day, and we can come here an hour earlier to-morrow. If the absolute destiny of free institutions rested on our voting to-night or to-morrow, perhaps I might agree, but I do not see any such thing as that, and therefore I object to the arrangement.

Mr. ANTHONY. Well, Mr. President, there is no "this side of the Chamber" or "that side of the Chamber" in this vote. Here are Senators on both sides of the Chamber who are on each side of this question.

Mr. STEVENSON. It is proposed that we agree to take the vote to-morrow at one, two, three, or four o'clock. I do not want to bind myself to that agreement. I do not think it looks like free discussion to say that, no matter what happens, we give our word of honor to take this vote at a particular hour to-morrow.

Mr. ANTHONY. Then I understand that the Senator from Kentucky says he will agree to take the vote to-morrow at three o'clock, but he will not bind himself to it. [Laughter.] That will be perfectly satisfactory to us all.

Mr. STEVENSON. I say that I shall not object to-morrow to taking this vote at three o'clock, but I will not agree now that it shall be done. I have no doubt we can take it before three.

Mr. ANTHONY. The rest of us will agree to it, and the Senator from Kentucky will not object; and that will make us unanimous. I do not see but that the proposition is agreed to.

Mr. NORWOOD. Do I understand that one objection is sufficient?

The PRESIDENT *pro tempore*. The Chair thinks it is.

Mr. NORWOOD. I object to fixing any time.

Mr. SARGENT. Mr. President, I shall vote for the bill reported from the committee repealing the law by which the salaries of members of Congress and certain other officers were raised. I shall do so, not because I think the amount of compensation fixed by the new legislation is too large, but because the people seem to think so. I think it is a mistake; but I am willing to leave the responsibility with them. That mistake will be perceived by and by, and perhaps an adequate salary can be voted and received by members of Congress with the approbation of the people.

I wish to say, however, that furthermore I shall vote to put the salary which we are to receive for the rest of this Congress upon such a footing that the repeal will take effect from the 4th of March last. I have listened with some care and patience to the constitutional discussion of this question which has gone on around me, and I must say that I have been convinced that we have not the constitutional power to adopt the amendment of the Senator from Indiana. If there was power in the last Congress to make the act increasing the salaries relate back to the commencement of the session or of the Congress, there is power in this Congress to make the act decreasing relate back to the commencement of Congress. If there was jurisdiction of the whole case with the last Congress, there is jurisdiction of the whole case in this Congress; and it makes no difference whether by our law a person receives a portion of the salary due to him under the law and ascertained by Congress at one part of the year or another. I think, sir, that the call for repeal on the part of the people, if that call is recognized and is to be obeyed, means simply that matters shall be put as they were before the act of March last,

and as affecting this Congress and every month of its continuance. So believing, I shall so vote.

But, sir, I cannot agree with gentlemen on my left who have criticised the other legislation of Congress at that time. I cannot believe in their declarations that the President of the United States, as now paid, is munificently rewarded for his services; that giving $50,000 to the occupant of the White House is contrary to republican simplicity; that it is encouraging a corrupting tendency on the part of the head of the Government, setting a bad example to and demoralizing the people. I have not observed about the White House since the salary has been at the increased amount that there has been any lavish profusion, that there has been any unrepublican display, that there has been any impropriety in the reception of citizens or of officials who have had necessary business or other communication with the White House.

If it was entirely consistent with republican simplicity at the organization of this Government, when members of Congress were receiving six dollars per day, and only for the days during which they served, that the President of the United States should be paid $25,000, certainly now, when, as will be admitted, the value of money is not one-half what it was then, is not one-fourth what it was then in fact, the amount of $50,000 does not keep up with the times, is not too great. Now, sir, I believe that the salary of the President of the United States, during the last four years, has not paid the expenses of the President entailed upon him by reason of his occupying that position. I believe that if a thorough investigation were proper and were fair, it would be shown as the result that the President, during the last four years, has spent five years' salary; and yet he has only lived properly and respectably in the position.

The Senator from Delaware [Mr. SAULSBURY] says that there are other appropriations for the Executive Mansion which are treated as perquisites for the President of the United States, which before this increase would bring up his salary to forty or fifty thousand dollars per annum. The Senator certainly labors under a mistake in that, unless he means to charge (which I believe he does not mean) that there is peculation on the part of the President of the United States, that there is abstraction of funds appropriated for public purposes to the private use of the President of the United States.

I have before me some of the appropriations which are made for the Executive Mansion, and the ones to which I suppose the Senator referred, and it seems to me after such an extraordinary statement it is well for the Senate to listen for a moment to the appropriations and see what their character is, and let us understand whether it is true that the President of the United States is putting into his private pocket, as he does the salary which we have voted and which belongs to him, the appropriations which are made for the Executive Mansion.

I find on page 491 of the last volume of the Statutes, in the last legislative appropriation bill, that there was for improvement of the grounds behind the Executive Mansion appropriated the sum of $10,000. That went to swell the appropriations for the Executive Mansion. Does any part of that $10,000 go into the hands or pockets of the President of the United States? Was that treated as a part of his salary, or as an amount from which he could draw perquisites in any sense of the word?

On page 491 of the same volume and in the same bill I find the more specific appropriations for the Executive of the United States, such as his compensation at the rate of $25,000 under the old law; and then—

For compensation of secretary to sign patents for public lands, $1,500.

Does anybody doubt that that $1,500 goes into the pocket exclusively of the clerk who performs the manual labor of signing patents? And there are thousands of them, and I might say scores of thousands of them that go out every year to all parts of the West. Is that an amount from which the President abstracted perquisites?

Then—

For compensation to Private Secretary, $3,500.

The Private Secretary may be paid too much; but certainly the perquisites are not the President's, unless it is charged or believed that the President levies an assessment upon the salaries of these persons to go into his pocket.

Assistant secretary, $2,500; two executive clerks at $2,300 each, &c.

These officers we provide by law to occupy the Executive Mansion, to perform public business, duties well ascertained by law; and we pay them a certain rate. We may pay them too much, and there may be too many of them; but these are not perquisites of the President of the United States.

Then—

For contingent expenses of the Executive Office, including stationery, $6,000.

Does anybody suppose this contingent fund can be drawn, or is drawn, by the President of the United States for his own purposes? From what source comes this increase up to forty or fifty thousand dollars under the old law which provided that the salary of the President should be $25,000 a year? Are we sufficiently careful in our statements upon these matters; and I have seen in the public press remarks somewhat like those made by the Senator from Delaware with reference to the President of the United States, speaking of these appropriations to which I referred—and if there are others of any other character I wish my attention to be called to them—implying that the President of the United States received munificently outside of his salary, for the expenses of his table, the expenses of his household, &c., from the Congress of the United States or from the Treasury, none of which are true.

Then, "for the annual repair of the Executive Mansion," on page 527, "$15,000." Is it expected that the President, out of his salary, shall keep the immense White House in order; or is it supposed that of the $15,000 appropriated to repair the Executive Mansion, part goes into the presidential pocket? "For refurnishing the same, $10,000." Is not the same argument good in reference to that item? "And for fuel for the same, $5,000." The "fuel for the same," and the gas, unquestionably are furnished by Congress; but is it supposed that in the executive rooms, used for the public business of the country, and which are occupied as the President's business offices, because we furnish him no other, these expenses should be met out of the presidential pocket, or that, being paid by Congress, they go to increase the perquisites of the President of the United States?

I ask what this mere declamation means, if there is any foundation in the statute-books or in the facts of the case for statements of this kind? That not being so, then the question again recurs, is the President paid too much by the increased salary for performing the duties and incurring the expenses of his office? As a question of mere compensation, perhaps $25,000 or $50,000, or any other given sum, might be considered by some as too much. Five thousand dollars to members of Congress might be considered too much, upon the principle stated by the Senator from Indiana in his remarks the other day, when he said the laborer in his district got but three dollars a day, and therefore why should a member of Congress receive extravagant compensation. Intellectual labor is always better and higher paid, and ought to be, than mere manual labor. Skilled labor is always paid higher than unskilled labor, and the labor of the brain is always of greater value to the world and is necessarily higher paid in order to secure it; and I think that to get those qualities of mind and education fitting men to sit in the Senate of the United States, or in the House of Representatives, or to sit in the presidential chair, to conduct all our delicate negotiations with foreign powers, to manage our finances; in case of convulsion between ourselves and other nations or in our own land, to get adequate talent to see that the country suffers no harm, we must pay for intellect, for character, for brains, and not pay the rate that is paid to the unskilled laborer who holds the plow or drives the team.

Mr. PRATT. Did I understand the Senator from California to impute the remark to me that I had said members of Congress should be paid no higher per day than common laborers?

Mr. SARGENT. No; I did not say that, and I do not so understand the Senator. I understood him to argue that the salaries of members of Congress were unreasonably large, and he referred as one evidence of that to the fact that laborers in his State received three dollars a day, or thereabouts.

Mr. PRATT. I made no such remark.

Mr. SARGENT. I may have misunderstood the Senator, but that was my impression.

Mr. PRATT. While advocating that $5,000 a year was a competent salary for members of Congress, I did state in that connection that that was a sum which would support five average families throughout the United States.

Mr. SARGENT. Exactly the idea which I understood the Senator to convey has been insisted upon by some of the press in his own State, and in some other States, that there ought to be an equality of compensation between the laborers of the country and members of Congress; and they also have said that the farmer makes but so much upon his farm per annum; at the end of the year he has but so much clear, while these aristocrats who sit in council at Washington and pretend to rule the world draw this magnificent sum of $5,000 or $7,500! As I said, such arguments are fallacious, and necessarily so. But take those five families to which the Senator alludes, and require each one of them to come to the city of Washington, pay their own expenses, and then return, maintaining themselves here at any hotel in this city, paying their bills on Pennsylvania avenue, paying the high prices charged here to any Senator or Member for the use of rooms in this city, for the humblest accommodations, and how much would they be reduced in number? You take any one of these families and bring them here, and unless they retire into the very suburbs of the city, and into the filthiest streets, and occupy the smallest rooms, and buy the cheapest provisions, and see no society, no one of them can live for less than the average member of Congress lives here; and therefore the argument advanced by the Senator is entirely without foundation.

It is well known that this is the most expensive city on the American continent, and I believe it is on the whole face of God's globe. I recently inquired the price of an article in a store on Pennsylvania avenue and was told the rate, and when about to pay it, by some accident it came to the knowledge of the person from whom I wished to buy that I was a Senator of the United States, and he made a remark having a tone of pleasantry, and perhaps meaning it merely as pleasantry, that he did not know that I was a Senator or he would have asked more. It may have been nothing but a very bad joke, but I believe it expresses a principle which is acted upon by too many

of the tradesmen of this city, that members of Congress and Senators are fleeced; that Government officers are; that they are charged higher prices than others. Let any Senator go to hire a house, as we nearly all have to do, and if it is known that he is a Senator, twenty-five, fifty, or one hundred dollars a month is added from that very fact. As a principle of self-protection almost, we are compelled to get something like a decent compensation for our services.

However, I did not intend to remark upon that; it was entirely foreign to my purpose.

The members of the Cabinet receive an additional pittance of $2,000 a year by our legislation of last year. Now by this bill (and I regret this feature of the bill; it is the only regret I have in voting for it) they are cut down to $8,000 again from $10,000 a year. There are obligations of society; there are obligations that are imposed by each Senator, by each member of the House, and by the wives of such, upon Cabinet ministers and their wives, by us and by other members of society, and by all your constituents who come here to see anything of society whatever, upon these officers, to be to a certain extent hospitable, to be representatives to a certain extent of the hospitality of the American people. It is an absolute necessity of their situation; and it is so much so that no man who has not considerable resources outside of his pay can afford to keep such a station, and no one else will keep such a station long. He will be glad to get out of it. I think it is a great wrong that we do to these gentlemen in cutting down their salary, as we do by this bill, $2,000.

This argument applies with the more force to the President of the United States. He is the organ of communication between ourselves and all representatives of foreign governments. He cannot live in the mean, sordid way which some gentlemen would imply that he ought to in order to conform to their ideas of republican simplicity, which they say are twenty or thirty years old. If they are thirty years old or a hundred years old, they are false; and it is not that which the American people sober require of the President of the United States.

I will not detain the Senate by any further remarks. I will simply say that in accordance with what I believe to be an improper public sentiment, improperly fomented, starting from this Capitol and permeating from this capital city, going over the telegraph wires, and by all the modes by which prejudice is ordinarily propagated, the idea has gone out to the country that a great wrong was done by increasing salaries, when there was no wrong done, nothing but ordinary justice to those who serve the people of the United States; but the impression has gone out to the people; they honestly believe it; they ask and demand a repeal of this law, and, regardless of any personal considerations, how much I may be pinched thereby, or how much I may be called upon to supply the lack out of my own private means, I intend to conform to that wish and vote to repeal the law.

Mr. LEWIS. I move that the Senate do now adjourn.

Mr. WRIGHT. I call for the yeas and nays.

The question being taken by yeas and nays, resulted—yeas 27, nays 26; as follows:

YEAS—Messrs. Anthony, Bayard, Boreman, Clayton, Cooper, Davis, Dennis, Fenton, Flanagan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Kelly, Lewis, Logan, McCreery, Merrimon, Norwood, Patterson, Ransom, Saulsbury, Schurz, Stevenson, Stewart, and Sumner—27.

NAYS—Messrs. Allison, Bogy, Boutwell, Buckingham, Carpenter, Chandler, Conover, Cragin, Crozier, Ferry of Michigan, Frelinghuysen, Howe, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Sargent, Scott, Sherman, Spencer, Thurman, Wadleigh, Windom, and Wright—26.

ABSENT—Messrs. Alcorn, Ames, Brownlow, Cameron, Conkling, Dorsey, Edmunds, Ferry of Connecticut, Hamilton of Texas, Hamlin, Ingalls, Johnston, Jones, Ramsey, Robertson, Sprague, Stockton, Tipton, and West—19.

So the motion was agreed to; and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 7, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

MONEY OF THE UNITED STATES.

Mr. MELLISH, by unanimous consent, introduced a bill (H. R. No. 1014) to provide the money of the United States and to regulate the value thereof; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CLERK OF THE COMMITTEE ON RAILWAYS AND CANALS.

Mr. McCRARY. I am instructed by the Committee on Railways and Canals to report the following resolution:

Resolved, That the Clerk of the House be, and he is hereby, instructed to pay to George A. Henry the regular compensation as clerk to the Committee on Railways and Canals from the time he actually entered upon duty as such, notwithstanding his failure to be sworn until a later day.

I will say that Mr. Henry was actually here engaged in his duties as clerk, but failed to be sworn in.

Mr. HOLMAN. He was here during this Congress?

Mr. McCRARY. During this session.

The resolution was adopted.

TRIBUNALS IN THE OTTOMAN DOMINION, ETC.

Mr. ORTH, by unanimous consent, introduced a bill (H. R. No. 1015) to authorize the President to accept for citizens of the United States the jurisdiction of certain tribunals in the Ottoman Dominion and Egypt, established or to be established under the authority of the Sublime Porte and of the government of Egypt; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

REGULATION OF RAILROADS.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 1016) to establish certain regulations of commerce conducted on railroads among the several States or with foreign countries, and to regulate railroads with respect thereto; which was read a first and second time, referred to the Committee on Railroads and Canals, and ordered to be printed.

Mr. KASSON. In this same connection I wish to say, that I hold in my hand some very valuable statistics received from the State Department, they having been addressed to me because they were obtained at my request. They relate to the subjects before that committee, and I ask that they be printed and referred to that committee. The papers embrace the following:

1. Letter from the Secretary of State to Mr. Kasson, dated September 1, 1873, with accompanying communication from the consul-general of the United States at Paris, showing prices and importations of wheat from Black Sea, Baltic, and American ports for five years; also rates of freights on English, French, German, and Belgian railways.

2. Letter from the Secretary to Mr. Kasson, dated October 22, 1873, referring to communication on same subjects from the United States consul at Berlin, and the accompanying statistical papers.

3. Letter from the Secretary of State to same, dated November 14, 1873, with report from United States legation at London upon the commerce in wheat in Great Britain, embracing railway charges for transportation of grain and live-stock on the Great Western Railway.

4. Letter from the Commissioner of Agriculture to same, dated May 6, 1873, with statements showing the prices of wheat and flour each month for five years at Chicago and New York, respectively, with quantities and values of grains exported during same years.

No objection was made, and it was ordered accordingly.

EASTERN JUDICIAL DISTRICT OF KENTUCKY.

Mr. BECK, by unanimous consent, introduced a bill (H. R. No. 1017) to establish the eastern judicial district of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HOMESTEADS FOR DISABLED SOLDIERS AND SAILORS.

Mr. LOUGHRIDGE, by unanimous consent, introduced a bill (H. R. No. 1018) giving to disabled soldiers and sailors the right to homestead without previous settlement and improvement; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EXPENDITURES FOR INDIAN SERVICE.

Mr. LOUGHRIDGE also, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Interior be requested to furnish to the House a detailed statement of the amount of money expended and indebtedness incurred in connection with the Indian service from June 30, 1873, to December 31, 1873, together with the amount and items of deficiencies, if any, for the years 1872 and 1873; also the date of the expenditures and the bands or tribes for which made.

APPROACHES TO THE CAPITOL.

Mr. PLATT, of Virginia. I am instructed by the Committee on Public Buildings and Grounds to report the following resolution, and ask for its consideration at this time:

Resolved by the House of Representatives of the United States, That the architect of the United States Capitol extension be authorized and directed to employ a man, at a salary not to exceed $60 per month, for the purpose of keeping the approaches to the House in good order during the session of Congress.

Mr. WILLARD, of Vermont. I will reserve my right to object to this resolution until I hear some explanation of it.

Mr. PLATT, of Virginia. This resolution is reported by the committee at the suggestion of many members of the House of Representatives, to meet a complaint frequently made since Congress has been in session, that the approaches of the Capitol, particularly on the east side, are in a filthy condition. I called the attention of the Clerk of the House and also of the architect of the Capitol extension to the matter, and each of these gentlemen insisted that with their present force they could not attend to it. The Clerk of the House said it was not his business to attend to it, and even if it was, he had nobody he could assign to that duty. The architect of the Capitol said that while it might come properly under his jurisdiction, though being outside of the Capitol, he had no one to appoint to that duty. I mean by the "approaches to the Capitol" the entrances, particularly on the east side, where teams are continually driving up, leaving the mails, ice, &c. Any member of the House desiring to ascertain the necessity of this work has only to go down now and examine for himself the locality referred to, and he will come to the same conclusion which our committee came to to-day, that the condition of that approach is a disgrace to whoever is responsible for it.

Mr. WILLARD, of Vermont. Is there not some person now employed whose duty it is to attend to that?

Mr. PLATT, of Virginia. I am informed by the Clerk of the House, and also by the architect of the Capitol, that there is not.

Mr. WILLARD, of Vermont. Who has kept the approaches hitherto in order?

Mr. PLATT, of Virginia. They have not been kept clean at all.

Mr. WILLARD, of Vermont. I must object to the resolution for the present.

LEGISLATIVE EXPENSES OF COLORADO TERRITORY.

Mr. PARKER, of Missouri. I desire to report from the Committee on Appropriations, for immediate action, the bill (H. R. No. 434) making an appropriation for the legislative expenses of Colorado Territory.

The bill was read. It appropriates $20,000 for compensation and mileage of members of the Legislative Assembly of Colorado Territory, and for pay of clerks, officers, and contingent expenses thereof.

Mr. PARKER, of Missouri. I desire to make an explanation as to the necessity for the passage of this bill at the present time.

Mr. HOLMAN. I have no objection to the gentleman's making his explanation, but I wish to reserve the right to object.

The SPEAKER. The right to object will be reserved.

Mr. PARKER, of Missouri. The Legislative Assembly of Colorado Territory meets biennially, just as the Legislatures of other Territories do, under an act of Congress passed in 1869. This appropriation to pay the expenses of the Legislative Assembly of Colorado Territory ought to have been made by the last Congress, but was omitted by the Committee on Appropriations from the general appropriation bill, there having been no estimate for the purpose sent in by the Department. On investigation I find that no estimate was made because the secretary of the Territory failed to send to the Department a statement of the amount required to run the legislative body. Hence no estimate for this purpose was included in the estimates sent by the Department to the Committee on Appropriations, and thus the appropriation was omitted. The Legislative Assembly of Colorado Territory is in session at this time; it convened last Monday. There is no appropriation to pay the expenses of running the body. Twenty thousand dollars is the amount usually appropriated for paying the expenses of these legislative bodies. As the Legislature of Colorado is now in session, there is necessity for an immediate appropriation.

Mr. HOLMAN. Has the gentleman any estimate made by the Department?

Mr. PARKER, of Missouri. Yes, sir.

Mr. HOLMAN. Let us have the statement read.

Mr. PARKER, of Missouri. I have here the detailed estimate, which has been sent in from the Treasury Department.

Mr. HOLMAN. Let the Clerk read it.

Mr. PARKER, of Missouri. I have also a letter from the Secretary of the Treasury, which I would like to have read.

Mr. HOLMAN. If there are any estimates we desire to hear them.

Mr. PARKER, of Missouri. I send to the Clerk a detailed estimate, giving each item.

The Clerk read as follows:

Thirteen members council, $6 per day, forty days	$3,920
President council, $4 per day, forty days	160
Chief clerk council, $8 per day, forty days	320
Assistant clerk council, $5 per day, forty days	200
Enrolling clerk, $5 per day, forty days	200
Engrossing clerk, $5 per day, forty days	200
Sergeant-at-arms, $5 per day, forty days	200
Door-keeper, $5 per day, forty days	200
Watchman, $5 per day, forty days	200
Mileage members council	385
Twenty-seven members house of representatives, $6 per day, forty days	6,480
Speaker house of representatives, $4 per day, forty days	160
Chief clerk, $8 per day, forty days	320
Assistant clerk, $5 per day, forty days	200
Enrolling clerk, $5 per day, forty days	200
Engrossing clerk, $5 per day, forty days	200
Sergeant-at-arms, $5 per day, forty days	200
Door-keeper, $5 per day, forty days	200
Watchman, $5 per day, forty days	200
Mileage members house of representatives, (estimated)	900
Printing and binding laws, journals, &c., (not to exceed)	4,000
	19,045
Miscellaneous expenses, (estimated)	955
Total	20,000

Mr. HOLMAN. Does the committee propose to appropriate just the amount estimated for?

Mr. PARKER, of Missouri. Yes, sir; just the same amount.

Mr. HOLMAN. It has been understood that heretofore the estimates made for these territorial Legislatures have been very high; and it seems to me the committee might reduce these estimates somewhat. The estimate of six dollars a day for members of the Legislative Assembly is, I think, beyond the average.

Mr. PARKER, of Missouri. Mr. Speaker, the committee proposes to appropriate the amount provided for in the organic act, so far as the pay of members is concerned; and the amount is the same that has heretofore been appropriated for this purpose. We have looked into these estimates quite thoroughly, and we find that the amount is the least that the Territory can get along with. I hope there will be no objection to the passage of the bill.

There being no objection, the bill was read three times, and passed.

Mr. PARKER, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGENT OF SMITHSONIAN INSTITUTION.

Mr. SHERWOOD, by unanimous consent, introduced a joint resolution (H. R. No. 33) directing the appointment of Professor Leo Lesquereux, of Columbus, Ohio, one of the Regents of the Smithsonian Institution; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

HENRY ROLL.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 1019) for the relief of Henry Roll, or his legal representatives; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRE-EMPTION CLAIMANTS.

Mr. CLAYTON, by unanimous consent, introduced a bill (H. R. No. 1020) for the benefit of the widows of deceased pre-emption claimants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONTRACTS AND PURCHASES FOR INDIAN SERVICE.

Mr. BECK, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be, and he is hereby, requested to cause to be furnished to this House, at as early a day as practicable, a statement of the extent and nature of the contracts, purchases, and expenditures for the Indian service made since July 1, 1873, setting forth which, if any of them, were made or entered into without conference with the board of Indian commissioners appointed by the President, and the extent and description of contracts and vouchers objected to by said board, stating to what extent payments have been made thereon against their remonstrance.

LEAVE TO PRINT.

Mr. SOUTHARD, Mr. GLOVER, and Mr. BELL were, by unanimous consent, granted leave to print in the CONGRESSIONAL RECORD remarks which they had prepared on the civil-rights bill. [See Appendix.]

TEA, COFFEE, AND SUGAR.

Mr. HUNTER, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on Ways and Means:

Whereas, in consequence of intimations from the Committee on Ways and Means on the floor of the House of Representatives prior to the holidays, that it might be necessary for Congress to impose a tax on coffee, tea, and sugar in order to raise money to meet the expenditures of the Government; and whereas, in consequence of said intimation, the price of coffee, tea, and sugar has been so increased that it has become oppressive to the people: Therefore, in order to remove all doubts on this subject, and to relieve the country from oppression,

Be it resolved, That it is the impression of this House that no tax will be imposed upon the above-named articles by the present Congress, unless some new necessity for such taxation, not now known to the country, should arise.

MODOC INDIAN WAR.

Mr. NESMITH, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public service, to furnish the House of Representatives copies of all correspondence between the different Departments of the Government and the peace commissioners during the war with the Modoc Indians in Southern Oregon and Northern California during the years 1872 and 1873; also copies of all correspondence with, and orders issued to, the military authorities engaged in such war up to the period of the removal of said Modoc Indians from the States of Oregon and California.

Mr. NESMITH moved to reconsider the motion by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. HOLMAN. I move to reconsider and lay upon the table all references, this morning.

The SPEAKER. No reference can be brought back under the rule by a motion to reconsider.

Mr. HOLMAN. I thought that restriction was confined to Monday.

The SPEAKER. The rule now applies to all references made at any time.

Mr. HOLMAN. The Chair is correct.

The SPEAKER. On account of the absence of some gentlemen on Monday last, the Chair recognizes them to-day. The usual practice is not to recognize members, except on Monday, for the reference of bills.

FORT KEARNEY MILITARY RESERVATION.

Mr. CROUNSE, by unanimous consent, introduced a bill (H. R. No. 1021) to confirm the title to certain lands on the Fort Kearney Military reservation, in Fremont County, Nebraska; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LOUIS J. BOYER.

Mr. CROUNSE also introduced a bill (H. R. No. 1022) for the relief of Louis J. Boyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. GIBSON.

Mr. CASON, by unanimous consent, introduced a bill (H. R. No.

1023) granting an increase of pension to George W. Gibson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DAVENPORT.

Mr. CASON also, by unanimous consent, introduced a bill (H. R. No. 1024) for the relief of William Davenport, of Zionsville, Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CIVIL-RIGHTS BILL.

Mr. LUTTRELL, by unanimous consent, submitted the following amendment to the civil-rights bill, to be offered when in order:

Provided, That nothing herein contained shall be so construed as to include Chinese or Mongolians within any of the provisions of this act.

CHEAP TRANSPORTATION.

Mr. HYDE. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee on Railways and Canals be, and they are hereby, instructed to investigate and report at an early day, upon the best and most practicable plan for securing cheap transportation both by water and by railways; for securing reasonable charges upon railways to all points without unjust discrimination for or against any person or locality; for preventing all combinations among common carriers calculated to prevent competition; for regulating and prescribing the duties of the officers, directors, and managing agents of railway corporations toward the public, and in the management of their trusts, and for punishing such officers, directors, and agents for extortion, fraud, breach of trust, and other willful acts injurious to the public, or to the stockholders and mortgagees of railways.

Mr. NEGLEY. I ask the gentleman to strike out the word "water" and substitute "canals," which will then bring the subject properly before the Committee on Railways and Canals.

Mr. HYDE. I do not agree to that amendment.

Mr. NEGLEY. Then I object to the introduction of the resolution.

FLINT AND CHATTAHOOCHEE RIVERS.

Mr. WHITELEY, by unanimous consent, introduced a bill (H. R. No. 1025) for the improvement of the Flint and Chattahoochee Rivers, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War is hereby instructed to transmit to the House of Representatives a copy of the reports of the surveys of the Flint and Chattahoochee Rivers, in the State of Georgia.

LEAVE TO PRINT.

Mr. KNAPP asked and obtained unanimous consent to have printed in the CONGRESSIONAL RECORD, as part of the debates, some remarks on the civil-rights bill. [See Appendix.]

PAYMASTERS' ACCOUNTS.

Mr. WHEELER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Second Auditor of the Treasury Department be requested to communicate to this House what accounts of regular and additional paymasters of the Army, for disbursements during the late war, remain unsettled; what amounts, and from whom, are due, and what has been done toward their collection.

CIVIL-RIGHTS BILL.

Mr. CRUTCHFIELD. I send to the desk to be read an amendment which I propose to submit to the civil-rights bill, when in order.

The Clerk read as follows:

SEC. 3. That any white female who shall, by reason of the race, color, or previous condition of servitude of any negro who shall make to her any proposal of marriage, refuse such proposal, shall, on conviction thereof, be fined not less than $1,000 nor more than $5,000 for each such offense.

Mr. BUTLER, of Massachusetts. I object to the reception of that amendment. That is an insult to the House and to the race.

ORDER OF BUSINESS.

Mr. HURLBUT. I desire to offer a resolution for present consideration.

Mr. GARFIELD. After this resolution, I shall have to insist on the regular order.

The SPEAKER. The Chair desires to state that nearly all the misunderstandings about legislation and things done in this House arise from what occurs within thirty minutes after the Journal is read each morning, at a time when members are for the most part undoubtedly inattentive. Doing business by unanimous consent is the mode of legislation under which mistakes most frequently arise; and if the Chair would presume to give advice to members, it would be to listen attentively during the thirty minutes after the Journal is read. After the resolution which the gentleman from Illinois proposes to offer, the gentleman from Ohio [Mr. GARFIELD] has announced that he demands the regular order.

STATE AGRICULTURAL COLLEGES.

Mr. HURLBUT. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Education and Labor be instructed to inquire into the expediency of constituting a commission of inquiry into the condition of the several agricultural colleges established by the several States and which have received endowments from the United States; that said commission, if established, shall diligently inquire in what manner and to what extent the provisions of the several acts of Congress on the subject have been carried out; the state of the funds of each institution, and sales, if any, of land-warrants, and to whom and for what price; the amount of land actually held by each institution and the value of the same; the system of instruction adopted by each, and how nearly such system corresponds to the tenor, true intent, and meaning of the laws of Congress on the subject; and such other matters as shall show whether or not the bounty of the United States has been diverted from its true purpose.

Mr. WOOD. I object.

Mr. HURLBUT. I ask that the resolution be referred to the Committee on Education and Labor.

There was no objection; and the resolution was so referred.

J. C. M'BURNEY.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. No. 1026) for the relief of J. C. McBurney, of Georgia; which was read a first and second time, referred, with the accompanying papers, to the Committee on Claims, and ordered to be printed.

THE LATE GENERAL JOHN A. RAWLINS.

Mr. CONGER, by unanimous consent, introduced a joint resolution (H. R. No. 34) ordering the delivery of the bronze medal donated, July 14, 1870, to be applied in the execution of an equestrian monument to the late General John A. Rawlins, after the plaster-cast prepared by order of Quartermaster-General M. C. Meigs from the face of the deceased, by Fisk Mills, sculptor, and making appropriation for the cast; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CIVIL-RIGHTS BILL.

The SPEAKER. The regular order having been demanded, the House resumes the consideration of the bill (H. R. No. 796) to protect all citizens in their civil and legal rights. The gentleman from Massachusetts [Mr. BUTLER] is entitled to the floor for one hour to close debate.

Mr. BUTLER, of Massachusetts. I yield a short time to the gentleman from Tennessee, [Mr. ATKINS.]

Mr. ATKINS. Mr. Speaker, in contemplating this subject I am not unmindful that it is particularly invested with a historic sensitiveness which refers to the most bitter memories and tragic periods of our country's annals. That sensitiveness arises out of the rancor of party spirit, sectional animosities, and the prejudices of race which our former peculiar institutions entailed. I would that these memories were forever buried in the deep ocean of the unremembered past, and that if they leave any influence whatevr behind them they may serve to guide us as a nationality in our future course; as the rays of the sun having set in storm and tempest still linger in fitful beams to light the pathway of the benighted traveler as he is homeward bound.

There are now no longer any sections, it is true; but the political communities called States still live. That ominous parallel, however, which so long disturbed the repose of the people of these States and embroiled our legislative halls in angry discussions and tempestuous scenes, and finally culminated in the bloodiest drama of the "book of Time," has disappeared forever from the country's political geography, and no longer stands an impassable barrier to a broad patriotism and a true American statesmanship that rises above the atmosphere of mere partyism and embraces in its faith one flag, one country, and one constitution. To that complexion have we all come at last.

Turning, then, our backs upon the mad passions that existed in the past, and casting behind us every unpleasant recollection, now when the surging billows of party strife seem to be spending their forces and are "retreating to nothingness;" when the era of good-feeling is dawning upon the land, and men who were lately enemies are unfolding their hearts once again to each other, when, but yesterday as it were, they were locked in the cold, dark chambers of vengeance and hate, why may we not take counsel with and accord to each other, no matter what our antecedents may have been, perfect sincerity of purpose, and that we are all guided upon this and all kindred subjects by the light in which we view the Constitution and the best interests of a common country? From this broad stand-point alone would I view this issue, and by it direct my humble course in the march of passing and coming events.

It is a trite political maxim that the grand distinguishing feature of American politics is a written Constitution. The idea is of peculiarly American origin—one deeply grounded in the affections of the people, and is older than the Government itself, being born in the heroic age of the Revolution.

The Constitution of the United States is a tangible and well-defined chart of principles which in time of war may rest in abeyance and escape destruction, but which in times of peace is active, living, and cannot be disregarded or violated with safety to the body-politic.

In the division and distribution of political powers in this country no party has ever yet seriously denied that all power is inherent in the people, and that all governments which have been established exist and have their foundations laid in the consent and sovereign will of the people who are governed; that thirteen of these United States existed before the Union was formed and were independent of each other; that they owe the existence of their State governments to the people of those States respectively, and that the Federal Constitution, made by delegates from these States and ratified by the people in their corporate capacities, each for itself, constitutes the Government of the United States, possessed only of certain written powers and such implied powers as are essential to the execution of those expressly granted. The Government of the United States has no original sov-

ereignty and can only exercise delegated powers, all other powers being reserved to the States or to the people. Article 10 of the Constitution reads as follows:

The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people.

Now, then, with this chart of enumerated powers before us, and which claims our sworn allgeiance, gentlemen will excuse me for respectfully asking to be referred to the article, section, or line of that instrument which authorizes Congress to enact such a law as this bill proposes. If such authority exist, surely the learned jurists and eminent statesmen of the republican party can point it out specifically. Of course the fourteenth and fifteenth amendments are cited as authority. Of late they have become the fruitful mother of a brood of usurpations, public wrongs, and infractions of the rights of citizens. Of the amendments I will speak presently, and only now enter my denial that such monstrous powers are derived from that source.

Let us first look a little into the legal and political analysis of the term "citizenship." Citizenship of the United States is acquired by birth, or by being naturalized under the laws of Congress, and such citizen may have no particular domicile, but may live in foreign countries or on the high seas. *That* citizenship does not include all the rights belonging to the people. If so, what means the language of article 9 of the Constitution, which reads:

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

From this it is manifest that the people retained rights not granted to the Federal Government by the Constitution, and hence are not proper subjects of legislative control by Congress, as it has no power unless derived from the Constitution. I grant, under the powers of the Constitution, that Congress has a large circuit of jurisdiction, and yet it is compassed by definite limits. Article 10 plainly shows that the States and the people have reserved rights, and that those rights consist in every form of right known to society and to humanity, and which are not mentioned in the Constitution. Many of our fathers, whose patriotism or intelligence and public service would not pale before the gushing patriotism and statesmanship of to-day, thought that enough power was granted to the Federal Government to secure the objects for which it was created, to wit, the protection of life, liberty, and property. They are comprehensive and varied, and yet how definite! It may seem a little old-fashioned and out of style to recur to rudimentary principles, but the day will come, I hope, when reference to the Constitution will be more fashionable. And first and above all, the citizen turns to that great English and American right, which cost England many years of internecine war, and the blood of her bravest sons and purest patriots—the ever-sacred muniment of the writ of *habeas corpus*. This is truly the corner-stone of the temple of American liberty. To be secure in his person and papers from unlawful searches and seizures; in the right of trial by a jury of his peers; in the right of petition, and in the freedom of the press and of speech; exemption from bills of attainder or *ex post facto* laws; from capitation or direct tax, unless in proportion to census or enumeration previously taken; the freedom of trade and commerce between the citizens of the different States; the right to demand compensation for private property which is appropriated to public use, and very many other rights and immunities are guaranteed by that instrument. All these rights are the common heritage of every American citizen without regard to color. No legislation is necessary to enforce them anywhere, for our admirable judiciary furnishes an ample guarantee to every citizen of his full participation in, and enjoyment of, all these rights. Should any State be so untrue to herself and so unwise as to deny any of these rights to any citizen of the United States, then, of course, Congress could come to the rescue of such injured citizen by coercive legislation. But I know of no such refusal.

But, notwithstanding all these magnificent powers and rights which Congress possesses, yet there are rights which the States alone possess, and with which Congress has no power to deal. Such are the municipal law, controlling its own corporations, the law regulating the domestic concerns of husband and wife, parent and child, guardian and ward, its police regulations, creditor and debtor, &c. Then there are inborn rights of the people that neither States or the Federal Government have any control over. Such are the choice of a profession or business, the choice of obtaining education or remaining in ignorance, the choice or rejection of religion, the management of children, expatriation, the right of locomotion, &c. Now I freely admit that the fourteenth amendment conferred citizenship upon the colored population of this country, and that, in removing from one State into another State, that they are entitled to all the privileges of citizens of that State, but not to more privileges or immunities than they possess. The States have general laws upon subjects of their own interest and domestic policy which the passage of this bill would interfere with. The State of Pennsylvania recently—the key stone of the Federal arch—put in her newly-made constitution a clause forbidding persons of different races to marry. Why? Because sound public policy and the well-being of both races forbid the commingling of the blood of totally distinct races.

That was a subject over which the sovereign people of Pennsylvania chose to exercise their own free will. It was their own business and no one else's. Pennsylvania wisely declines to allow her manhood to be emasculated by the degeneracy which always marks a mongrel race. Has not Tennessee the same right, and did she not exercise it? Upon what ground was it done? Upon the ground of color and of race. But gentlemen argue that the fourteenth amendment permits no such thing as Pennsylvania and Tennessee has done. Does the fourteenth amendment undertake to go into the States and declare what shall be their internal and domestic policy, or does it simply mean to confine its jurisdiction and application to the enforcement of rights of citizens of the United States acquired under the Federal Constitution? It says:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

Now, citizens of the United States have no rights except those granted and conferred by the Constitution of the United States. Where in the Constitution of the United States is it declared that the Anglo-Saxon and the African race may marry? Well, if the States can regulate marriage, may they not the schools and churches?

All statesmen of all parties—indeed, the public sentiment of the colored people themselves—approve of the ordinance and statutes, now common in many of the States, which forbids intermarriage of the races. God has stamped the fiat of his condemnation upon the issue of such marriages too unmistakably to be denied—the original progenitors of both races being superior every way to the mixed offspring. If, then, the marriage of the races brings decay and death, and must be prohibited by law—leaving out of view for the present its impolicy—why have not the States the power to keep the races apart in the schools and elsewhere? These are laws and institutions arising out of local and municipal government; they belong under the American system to the States; and it will be a sad day when the representative of the people, under a delusive idea of equality before the law, shall break down and override the authority of the States and assume control of all our domestic concerns, as though this country was a grand consolidated oligarchy. Every State, according to the American idea until recently, has claimed and exercised undisputed control over its own domestic concerns. This tendency to centralization has been inherited from the teachings and practices which came into vogue during the late war, and are now sought to be made a permanent theory. The States have always controlled, among other internal matters, the regulation of their schools and churches when incorporated, their own places of amusement, their inns, public carriers, &c.

The State of Tennessee taxes its own citizens to raise a common-school fund. It is purely a State matter. The Federal Government pays not a dollar into the fund, and yet by this bill it undertakes, by prescribing severe pains and penalties, to control the manner in which that fund shall be distributed for the education of the children of the State. I do not advocate the doctrine that the colored children should not have numerically their proportionate share, although in the counties where the tax is voted the property of the white citizens furnishes nine-tenths of the school moneys; but I hold that it is the exclusive right of the State to distribute the common-school revenues in its own way, without Federal interposition. Are the States to be forced, in the education of the youth, to a procrustean rule which requires children of all colors and both sexes to be together. May not equal advantages be enjoyed by all, and yet keep the sexes and colors apart? Would that not be a general law, and would it work any deprivation or hardship to any one? The social restriction would apply to the white child as well as to the black. And admitting, under the most forced construction of the fourteenth amendment, that Congress has the right to interfere in any way—which I deny—in what respect would violence be done to the Constitution by the State law requiring the sexes and colors to be kept separate, when the same measure of justice is meted out to each? But the distinction is a plain one. The fourteenth amendment only protects the citizen in his rights as a citizen of the United States, and does not propose to interfere with the States in the management of their own domestic concerns among their own citizens under equal and uniform laws. The language of the Supreme Court in the Slaughter-house case, as it is styled, is clear and conclusive.

The court says, in commenting on the fourteenth amendment:

The next observation is more important in view of the arguments of counsel in the present case. It is that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual.

We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

The language is, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." It is a little remarkable, if this clause was intended as a protection to the citizen of the State against the legislative power of his own State, that the term "citizen of the State" should be left out when it is so carefully used, and used in contradistinction to "citizens

of the United States," in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose.

Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizens of the State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment. If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of the State as such, the latter must rest for their security and protection where they have heretofore rested, for they are not embraced by this paragraph of the amendment. * * * * But when, as in the case before us, these consequences are so serious, so far-reaching and pervading, so great a departure from the structure and spirit of our institutions; when the effect is to fetter and degrade the State governments by subjecting them to the control of Congress in the exercise of powers heretofore universally conceded to them of the most ordinary and fundamental character; when in fact it radically changes the whole theory of the relations of the State and Federal Governments to each other, and of both these governments to the people, the argument has a force that is irresistible, in the absence of language which expresses such a purpose too clearly to admit of doubt.

The friends of our federative system everywhere commend the court for this able and sound exposition of the relativs powers of the General and State governments in the face of the frowns of a party that seems bent upon blotting out all State lines and erecting a grand imperial government upon their ruins. It will serve to dispel a cloud of mist which has settled down upon the minds of many who both favored and opposed the adoption of this amendment. Like all other parts of the Constitution, it, too, is to be strictly construed as laid down in article 10. It recognizes a citizenship of the United States and it recognizes a citizenship of a State as a different thing. It awards to Congress the power to protect a citizen of the United States, and leaves untouched the rights of a citizen of a State and the rights of the State itself to its own internal control.

From all this the conclusion is inevitable that the fourteenth amendment confers no positive grant of power upon Congress, but only places a limitation or restriction upon the power of the States, forbidding the enactment of any statute that would abridge the rights of any citizen of the United States as defined by the Constitution itself; and, further, simply enjoins the duty upon Congress to provide by appropriate legislation a remedy against any such unconstitutional enactments by the State governments. No State has made it necessary for Congress to interpose to enforce this or any of the amendments, or, rather, to speak more technically, to see that the limitations of power imposed by them have been observed. And unless such prohibited legislation occurs, Congress has no power to interfere, as has been before intimated. The decision of the Supreme Court in the case of Fox *vs.* State of Ohio, to be found in 5th Howard, sustains that position.

Now, sir, I appeal to the myriads of State statutes to-day, and confidently assert that in all that mass of laws there is not to be found one that discriminates between its citizens. Nowhere does a disabling statute exist founded upon race, color, or previous condition of servitude. The same rights, privileges, and immunities belong to all—all enjoy the benefits of property, liberty, and the pursuit of happiness. The same avenues to honor and promotion are open to all who have the genius and the merit to attain to them. The same flag, Constitution, and laws protect all alike. Why ask this exclusive and class legislation? There is no State statute forbidding colored people from entering any of the schools, churches, inns, theaters, &c. They are only required to submit to even chances with white people. Is ther eany oppression or wrong in that? Nay, more; as the laws are now administered in the States a white man may be refused admittance to an inn, theater, or railway car, but under this bill a black man may force himself unwelcomed into them, or sacrifice both the liberty and the property of the proprietor. The customs of society cannot be innovated upon without producing a shock which will eventually shatter the nerves of the whole political system; and nowhere are these customs stronger or less likely to yield than in the New England States, sanctioned and strengthened as they are by the civilization running back into centuries. I greatly misinterpret the historic character of the people of rock-bound New England when they consent, under the specious and false plea of the equality of all men, that Congress, without any warrant of constitutional power, shall usurp the prerogative of the States—trample under foot their fundamental laws, simply to secure to the colored man exclusive and superior privileges in society.

There is an analogy to be drawn from the nature of the fifteenth amendment, sustaining this view that the fourteenth amendment is only inhibitory, and not a grant of positive power.

The fifteenth amendment reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

It is impossible to state it and not see plainly that it is a mere limitation of power. The State of Massachusetts has an educational qualification, and any black man resting under that educational disability, or white man either, cannot vote. Hence you see that the State, except the single limitation imposed by the fifteenth amendment that suffrage shall not be withheld on account of race, color, or previous condition of servitude, has supreme control over this great bulwark of liberty, the elective franchise—even the power to prescribe the qualifications of voters is not asserted, for Congress by the terms of this amendment—its power is only negative—it confers no power, but simply imposes an impediment or limitation for certain causes upon the powers of the State in the all-important right of suffrage. Suffrage, then, the boon of an American citizen, is not derived from the Federal Government, but is essentially a right granted and controlled by the State. If, then, the States have the right to regulate suffrage with the exception referred to, and as the elective franchise outweighs in importance and power almost all other rights and immunities, why cannot the State control its affairs in matters of less moment and concernment, as schools, &c.?

The fourteenth amendment only makes an inhibition on the States; but this bill empowers Congress to disregard the State and invade the domain of the people, and operate by its penalties, through Federal courts upon individuals directly, although the State may have observed strictly the inhibition.

In most if not all of the civil-rights bills which heretofore have been introduced into Congress was contained the feature relative to the churches. This bill is silent on that subject. Has it been ascertained that our Puritan friends in some of the New England States are opposed to having their costly and magnificent temples of worship opened to the admission of the negroes—to having them seated among their wives and daughters in the worshiping congregations? How is this? I suspect that there is want of fair play in this omission in this bill. So far as the power of Congress is concerned, there can be no doubt that it has as much right to force open the doors and pews of the incorporated churches as it has to throw open the doors of our public schools and incorporated colleges and universities. Our republican friends certainly do not intend to pale before the storm of public opinion and surrender a principle. If the Federal arm is required to secure the colored man's rights in the schools, certainly in the far more important matter of the education of the soul it should be invoked. Do the friends of this bill believe that the negro has a soul? If so, are they unwilling to kneel at the same altar and receive the divine unction from the same hands? Gentlemen must be consistent.

The descendants of Roger Williams cannot tolerate interference by the Government in the religious opinions of the people. If Government can say who shall listen to the gospel, it can say who shall preach it, and what doctrines shall be taught from the pulpit, and away totters and falls to the ground our boasted fabric of religious liberty. Then would the descendants of the Pilgrim Fathers no longer reverently point to Plymouth Rock and exclaim:

> Ay! call it holy ground,
> The soil where first they trod—
> They left unstained what here they found—
> Freedom to worship God.

Sir, society protests against the passage of this bill. On this point much might be said; indeed, volumes cannot contain the reasons. I will not enter upon them. I will not use any expression that can be tortured into any prejudice on account of my antecedents. If I had prejudices I have laid them all aside. I speak upon this subject from the cold stand-point of logic alone. So far as my political antecedents are concerned, I have only to say that, if my reappearance upon this floor is not proof of my loyalty to the Government, no protestations I might make would be regarded by the skeptic.

Looking at this question as an American citizen who would see the country great, prosperous, and happy—who especially desires to see the Southern States rehabilitated and relieved of political and social burdens, I tremble for the results. Let me not be misunderstood. I fear that this bill will sink those States in deeper, darker, blacker night than they have yet seen. I fear that the passage of this bill will sound the death-knell of that great, popular, and efficient instrumentality in the cause of education—the common school. The result would be especially disastrous to the poor children of the States. The rich—but they are few—have the means of educating their children wherever and under whatever auspices they may select. But the poor! Must they grow up in ignorance or be forced into the schools without regard to sex or color? Several of the Southern States have been making a manly struggle to re-establish their common schools, and if let alone will do so efficiently and justly for both colors. Take my own State. The white population is very largely in the ascendant, and yet there is a heavy colored element. No objection is ever urged to the colored children having their share of the school moneys. Men of all parties in Tennessee desire to see the colored population educated, that they may make better citizens. We want our unrivaled mineral and agricultural resources developed. We invite cordially all friends of progress as co-workers in the development and growth of our State. We think that those who wish to immigrate and settle among us would prefer, as we do, that our schools and churches for white and black should be kept separate, and each protected from all interference whatever. I believe that our colored population prefer it, unless it is among the negro politicians who are manipulated by demagogues for party purposes for special use on election days. Some of them, I admit, have got the idea of social equality in their heads. Pass this bill and it will either prove a dead letter upon the statute-book, or, if effectually enforced, then we shall have the *ultima thule* of these modern philanthropists and negrophilists—social equality.

Social equality means amalgamation, and that means moral and

political decay. Look abroad over the wide earth, and wherever totally distinct races have amalgamated the issue has descended the stream of degeneracy with its long retinue of ills, until it reached extinction, the penalty which Nature imposes for the violation of her laws. Death to the races is a physiological result, and along with it death to the State; for "What constitutes a State, but men?" These are judgments from which there is and ought to be no appeal. We have right at our doors an illustration. Unfortunate and unhappy Mexico! A prey to contending factions, whose motto is plunder and rapine; they revel in the horrors of anarchy and misrule. Nationalities have comming'ed until almost the entire population is mongrel, and at best Mexico is a nation of castes.

Sir, it is a fearful responsibility which gentlemen assume, to force by Federal statute systems obnoxious to the people and at war, as they believe, with the constitution of the States. Such violent assumptions of power weaken the force and majesty of the laws, while its practical effect is blighting upon the cause of society and progress generally. But if the only harm to result from this most unwelcome measure were the wearing away of the rights and privileges of local State governments by the abrasion of these Federal statutes of iron rule, and by the retrogression of civilization which will assuredly follow, as effect follows cause, serious as I regard these evidences of political degeneracy and social disorder, there is still a more immediate and irritating evil, which strikes directly at the peace and happiness of the people.

Under this bill any poverty-stricken or impecunious colored man who, being too lazy to earn an honest livelihood by honest labor, can force out of others the money he seeks by false swearing; the informant being entitled to one-half the fine and the Government to the othar half, if the party who is indicted is convicted. Now, the half of $5,000 is no small sum to be held up as a reward to perjury. And even should there be no convictions, no fines or imprisonments, do not gentlemen see that a good opportunity is afforded for colored men, instigated but too often by low, cunning, and vicious white men, backed by the mailed hand of the Government, to levy blackmail upon white citizens, in order to prevent annoying and vexatious lawsuits which this most pernicious law will spawn upon the country?

May we not appeal to the distinguished gentleman from Massachusetts to desist in further pressing this unnatural measure?

Why not withhold all legislation upon the subjects suggested in this bill, and let the States enforce and protect the rights of all its citizens by requiring that the races be kept separate in all these matters of schools, churches, cemeteries, inns, theaters, and public carriers, by protecting each race with equal laws, and requiring of each to keep aloof from the other? The bill in its present form is a direct and fatal blow to the harmony and order of our federative system, and is fraught, I fear, with the gravest results to the peace and well-being of society—a law for which there is no authority in the Constitution, and under which the States themselves will be humiliated; a law against which the masses of the people of all colors will protest, society remonstrate, civilization inveigh, and nature herself rebel.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I recognize fully the importance of the bill now before the House, as well to the legislation of the country as to the great interests of political science, and the spread of just ideas of the equality of men in all nations of the earth. No graver subject, I agree with the gentleman from Georgia, [Mr. STEPHENS,] can occupy the attention of any legislative body. I desire, therefore, representing from my position as a member of the committee the majority party in this House upon this occasion, that there shall be nothing done herein by us, who have the power to do as we will, that shall not be done after the most careful consideration and deliberation, so that it shall be a measure when made law to commend itself to the judgment of all mankind. This is made a double duty upon us, having so great a majority, and being opposed by so small a minority in numbers, to see to it that by our legislation the republic shall take no detriment. And therefore it will be convenient for me to indicate the purpose I have, after finishing what I have to say, and that is, to move to recommit the bill to the committee, in order that the ten or twelve amendments which have been offered—and which are cut off by the motion to recommit—shall not fail to have that full consideration by the Law Committee of the House, to which all amendments offered in good faith are entitled in so grave a matter; and I desire further——

Mr. WOOD. The gentleman from Massachusetts indicates his intention—indeed he has so declared—after he has closed his remarks, to move that the bill with the amendments be recommitted?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. WOOD. Now, I think it due to frankness to say that after he has exhausted three or four days in fruitless debate, a proposition to recommit the bill in the same form in which he reported it is, in my judgment, trifling with this House, and with this country. He has succeeded in producing irritation and in exhausting time in impracticable speeches on a question of no practical use to the country, to the exclusion of legislation useful and necessary to the country. I say, sir, that he owes an apology to the House and the country if he proposes to recommit in view of the circumstances to which I have referred.

Mr. BUTLER, of Massachusetts. I may, Mr. Speaker, owe an apology to the House and the country if I move to recommit this bill, but certainly I shall not owe any apology to my friend from New York for taking such action as I believe to be just and proper when he lectures me in the time which I grant him. Further, sir, I am sorry to hear the gentleman from New York characterize this debate as "fruitless," because a large part of it has been carried on by those who associate with him politically. I thought the same thing in some degree, but I dare not say it; and I am very glad that he has said that to his political associates which my sense of courtesy to them has prevented me from saying. I leave him and the learned and distinguished gentleman from Georgia, [Mr. STEPHENS,] who occupied more time than anybody else, to settle that question of fruitlessness of debate between them. It is no affair of mine. I have not occupied ten minutes yet.

Now, sir, my apology to the House for moving to recommit this bill is that I desire that these amendments which have been offered shall be fully and fairly considered. There are some twelve of them. Otherwise the majority of the House would be placed in this unpleasant position, they must either refrain from allowing amendments to be voted upon, or must take up two days in calling the roll in voting upon these twelve amendments. That is my apology to the House and the country; for let me say to the gentleman and the House that when we bring back the bill matured, after due consideration of all this "fruitless debate," and carefully weighing all the amendments offered in good faith—and in bad faith, as one or two of the latter seem to have been—we shall not allow any more time to be spent in "fruitless debate" over it, but make it the law as speedily as due regard to legislative forms will permit.

Now, sir, let me point to a few of the arguments which have been adduced against this bill on the other side of the House.

Mr. DAWES. If it will not disturb my colleague I would like to inquire whether the order authorizing the committee to report at any time will extend to a new report of the bill?

Mr. BUTLER, of Massachusetts. I so understand it. I understand that the order to report at any time will extend to a new report of the bill.

The SPEAKER. The Chair would so rule.

Mr. BUTLER, of Massachusetts. I so understood, and was proceeding on that assumption. I thought it due to the minority to consider their objections to the bill, dealing with them fairly, openly, and in a spirit of candor after we heard them. I was saying, when interrupted, that I proposed to reply now to some of the arguments which have been adduced as well as I may in the very short time I have reserved for myself. I should have considered more at length the constitutional argument, were it not for the exhaustive presentation by the gentleman from South Carolina [Mr. ELLIOTT] of the law, and the only law quoted against us in this case that has been cited, to wit, the Slaughter-house cases. He, with the true instinct of freedom, with a grasp of mind that shows him to be the peer of any man on this floor, be he who he may, has given the full strength and full power of that decision of the Supreme Court. If I should criticise that decision at all, it would be to say that I think the court has too strictly confined the operation of the fourteenth amendment to the establishment of human rights alone, for the decision says it was meant to secure human rights, personal rights, life, liberty, and the pursuit of happiness, and was meant for nothing more and did nothing more, and the decision expressly points to the security of those rights by the appropriate legislation which was enacted by that great amendment—an amendment which was a step forward in the progress of human events—which gave liberty to the world. Having myself no doubts upon the constitutionality of the measure, not believing for a moment that there is any right which a subject of Great Britain has under the Magna Charta that a citizen of the United States has not under the Constitution of the United States as now amended to conform to that great bill of rights of the subject, I pass to some other objections.

The first objection we meet, but last presented, is that we propose to establish social equality; and the gentleman from Tennessee [Mr. CRUTCHFIELD] offered an amendment that our daughters shall be prohibited by penalty from their right of choice in those who propose marriage to them. If he has got no further than that after hearing the debate of the last few days, then, indeed, I agree with the gentleman from New York, that to some men the debate has been futile and fruitless. If he does not understand we are not enacting any such proposition, then he could never even appreciate the answer a lady of the North would make to his addresses when she answers "no," which after fathoming his capabilities would assuredly be given.

"Equality!" We do not propose to legislate to establish any equality. I am not one of those who believe that all men were created equal, if equality is to be used in its broadest sense. I believe that "equal" in the Declaration of Independence is a political word, used in a political sense, and means equality of political rights. All men are not equal. Some are born with good constitutions, good health, strength, high mental power; others are not. Now, we cannot by legislation make them equal. God has not made them equal, with equal endowments.

But this is our doctrine: Equality, if I understand it and may be allowed for the moment to speak for the republican party—and I will embody it in a single phrase, as the true touch-stone of civil liberty—is not that all men are equal, *but that every man has the right to be the*

equal of every other man if he can. Let me repeat it. Every man has the inalienable, God-given right to be the equal of every other man if he can. And all constitutions, all laws, all enactments, all prejudices, all caste, all custom in contravention of that right is unjust, wicked, impolitic, and unchristian, and surely will be brought to naught.

This bill of ours only removes all impediments to every man in making himself the equal of every other man if God has given him the power to become thus equal; and I think the exhibition of yesterday showed that God has given to one of the negro race the power to be the equal, in all that makes a man, of the proudest man on this floor. And the debate has not been so far fruitless if it teaches us that God has not given to every man on this floor the power to be the equal of the colored man who spoke for his race yesterday, and such equality we cannot attain by legislation, or legislate some white men up to and some negroes down to the same level, however much we may try so to do. [Laughter and applause.]

Sir, we were told yesterday also that we must *respect*, in this regard, the prejudices of the South. Pardon me; we must *lament* the prejudices of men in the South. We cannot respect them; we lament them, and we pity them. With deep sorrow, and not offensively, I say this: prejudice can never be the ground of legislation in regard to the rights of the citizen—never. We must legislate to give every man who is a citizen of the United States all the rights that every other man has. We must demand that prejudice shall square itself with the law. It is to meet that prejudice that this legislation has been devised; that the fourteenth article of amendments to the Constitution of the United States was enacted, and to control which this legislation is brought forward.

I thank the gentleman from Virginia [Mr. HARRIS] for saying, as I find in his reported speech he did say, that upon the subjects covered by this bill no State has legislated. That is exactly why we must legislate here and now. States have made no guarantees in behalf of this class of their citizens; have established no safeguards around them. It becomes our imperative duty, they being citizens of the United States, to make these guarantees, and to place around them these safeguards. That is why we are here. If it was not for this we should not have wasted any time in debate—"fruitless" or otherwise.

Again, we are told that if we do pass this bill we shall break up the common-school system of the South. I assume this is intended as a threat. If so, to that I answer, as Napoleon did, "France never negotiates under a threat." I regret the argument, if it was one, was put forward in that form. "Break up the common-school system of the South!" Why, sir, until we sent the carpet-baggers down there you had not in fact a common-school system in the South. [Laughter.]

Mr. MILLS. I would call the attention of the gentleman from Massachusetts [Mr. BUTLER] to the fact that Texas had the finest common-school system in the United States.

Mr. BUTLER, of Massachusetts. What State?

Mr. MILLS. Texas; and more lands appropriated to it than any other State, and educated every indigent child in the State long before a carpet-bagger came into it.

Mr. BUTLER, of Massachusetts. I have a report on that subject, which I had intended to read to the House.

Mr. MILLS. What report is it?

Mr. BUTLER, of Massachusetts. Hold a moment and you will hear it. I at first read from the North Carolina Common-School Journal, published in 1856, and from the third annual report of the superintendent of common schools of North Carolina:

COMMON SCHOOLS IN THE UNITED STATES.

There are State systems of common schools in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, *Delaware, North Carolina, Florida, Louisiana, Kentucky, Missouri*—

And there it stops, so far as the Southern States are concerned. Where was the "finest school system" of Texas then? The report goes on:

There are also imperfect systems, intended mostly for the poor, in Virginia, Tennessee, and South Carolina; and in various counties in Virginia this system is doing good.

That is, they had pauper schools, where nobody could go unless he went as a pauper—as a matter of charity—and few took advantage of that.

There is a system in Arkansas that seems to be very imperfect, and is attended by very few children. In Mississippi there is no uniform system of common schools; but in each county there is a reservation of public lands devoted to the cause of general education. Georgia has a small school fund, from which donations are made for the poor, &c.

That is the system which I find, from southern authority, was in vogue in the Southern States before the war. There were no common schools to which every boy and girl who was of age for scholarship could with honor go, freely and without price. Of a school system the pet of the people and the pride and boast of the State, as in the North, nothing was known in the South. Indeed, if you reflect for a moment you will see that such a school system for all was then impossible. Because of your large estates, you did not live within two miles of each other, and you could hardly get two small children together within a reasonable distance to make a school. [Laughter.]

Now, then, for Texas. Texas, the gentleman says, appropriated large bodies of lands for educational purposes. Let me read from a report which bears this title: "*First* Annual Report of the Superintendent of Public Instruction for the State of Texas." When do you suppose it is dated? In 1871, long after the "carpet-baggers" had gone among you and taken control of your affairs. [Laughter.]

Now, let us see what became of this immense fund. I ask the Clerk to read the passage I have marked.

The Clerk read as follows:

This fund, that in 1861 amounted to $2,592,533.14, became during the war the prey of the enemies of the national Government, and every available portion of it was used by them, in violation of all law, for furthering their treasonable purposes. One million two hundred and eighty-five thousand three hundred and twenty-seven dollars and five cents of available funds were, from time to time, during the existence of the rebellion, withdrawn from the school fund and expended, most of it under the direction of the military board. Part of this fund accrued from sales of school lands, the balance was cash in the treasury, accrued interest and negotiable bonds and coupons. The amount ($320,367.13) given in Statement II, as part of the permanent school fund, is the interest and principal paid in by railroad companies during and at the close of the rebellion in State warrants that had been issued during the war or at its close, and represented so much money that had been applied to unlawful purposes by the rebellious State government.

Mr. MILLS. I now call the attention of the distinguished gentleman from Massachusetts to the incorrectness of the assertion he made that there was no such thing as common schools in any of the Southern States until the "carpet-baggers" took possession of those States. The report just read shows what I intended to state to the gentleman—that out of the sales of a portion of her territory many years ago Texas set apart two of the five million dollars paid to her, and devoted the amount to common schools, or to school purposes if the gentleman likes the term better. The interest on that amount and a portion of the revenue derived from taxation were set apart for the education of her children.

Mr. BUTLER, of Massachusetts. I cannot yield my time to the gentleman further. The difficulty is that the gentleman does not know what a system of common schools for a State is.

Mr. MILLS. Not such as you advocate.

Mr. BUTLER, of Massachusetts. There was a very large fund devoted to schools in many of those States, but it was used only for education in the higher institutions of learning, or for "indigent scholars." There was no system under which all children could go to common schools supported at the public expense. There was a large fund; but, as shown by the report of the Commissioner of Education, (which I have here but have not time to read, a report made before the war,) this fund existed on paper only, and not as an operative fact.

The gentleman from Kentucky [Mr. BECK] told us how generous a provision had been made by the State of Kentucky for the school fund; and he threatened the repeal of that provision in case we should pass this bill. I have in my hand the laws of the State of Kentucky, and I read from an act passed in 1866:

SECTION 1. That all the taxes hereafter to be collected from negroes and mulattoes in this Commonwealth shall be set apart and constitute a separate fund for their use and benefit, one-half, if necessary, to go to the support of their paupers, and the remainder for the education of their children.

How generous! What noble generosity! [Laughter.] You collect from the poorest class in your State a capitation tax, and then say that one-half of the money so raised shall go to their paupers, and the other half to educate their children. That is all.

I read further from the same act:

SEC. 7. The auditor shall apportion each year the revenue from the fund realized under this act for the benefit of said paupers among the several counties of the State, according to the number of said paupers in each county, as shown by the reports of the several county courts, but no part of said fund—

That is the other half of it—

shall not be otherwise drawn than pursuant to this act in aid of common schools for negroes and mulattoes.

Now you say that if we pass this bill you will take away that fund. Certainly, then, you will not tax the negro, will you? Let us have that understood. If you take away all use from them of the fund raised by their taxation, do not continue to tax them. The poorest class of its citizens are taxed to support their own paupers and educate their own children; and that is a Kentucky idea of a common-school system!

I am not to be moved by threats because the negroes are beyond your reach, if you choose to go into any unfriendly legislation against them. You are dependent upon them for the cultivation of your soil, for the labor in all departments of your industries, for the making of your States habitable. If you legislate against them, they will leave you to the poverty and disgrace consequent upon lazy, disgraceful poverty. [Laughter and applause.] Therefore I would, in all sincerity and kindness, advise no retaliatory or antagonistic legislation to the negro.

But there are reasons why I think this question of mixed schools should be very carefully considered. The negroes, children as well as parents, have never, till the last few years, had any opportunity for education. It is to them the greatest boon on earth. It is to them the manna from heaven. They seek it as eagerly as did the Israelites seek the good gift of God which fed them from the clouds. Therefore, in negro schools which I established as military commander during the war I found that while I had plenty of school-boys with "shining morning faces," there were none "creeping unwillingly to school." They sprang to the school as to a feast; their advancement and acquirements were wonderful. And I shall move

to recommit this bill, among other reasons, because I want time to consider whether upon the whole it is just to the negro children to put them into mixed schools, where, being in the same classes with the white chilldren, they may be kept back by their white *confrères*, and not get on in learning as fast as they otherwise would. [Laughter.]

I do not think there will be any difference in the races in the next generation. There may be unwilling colored school-boys then as there are unwilling white school-boys now in my own State. I do not mean that white boys in Kentucky are different from white boys in Massachusetts. In Massachusetts we have truant-commissioners, who go round to see that our children go to school, because the schools are an every-day task to them—but for the colored child there is no need of any commissioner, and for this generation there never will be. And, therefore, I am quite content to consider this question in the light of what on the whole is best for the white and the colored child before the matter is again before the House.

I come now, sir, with your leave, to deal with what is the only argument which has been introduced here, the argument to prejudice The learned gentleman from Georgia [Mr. STEPHENS] agrees with me that every colored man now has all the rights which this bill gives him, but insists it is the States' duty to enforce them. But because of prejudice the States will not enforce them. What then? To show how deep that prejudice is in the South, and that it is not shared by the North, I call the attention of the House that there has yet, in these two days of fruitless debate, been no man from the North who calls himself a democrat who has risen to oppose this bill or make a speech against its provisions. If I am wrong in this, point him out. It shows that the North have all come to a conclusion on this subject—we on this side of the House actively, they on that side of the House passively—that these are rights guaranteed by the Constitution to every citizen, and that every citizen of the United States should have the means by which to enforce them.

Mr. DEWITT. Mr. Speaker, as a northern democrat, I, for one, repudiate the inference which the gentleman chooses to draw from my silence in this debate.

Mr. BUTLER, of Massachusetts. Who is next? [Laughter and applause.]

Now, Mr. Speaker, if these are rights, again let me ask, why should they not be given to all citizens of the United States, if we have the constitutional power so to do? If the States give them and execute them, then there will be no longer any need for this statute. It will not be enforced and will do no harm. Where a State will do its duty, there this statute will be inoperative. Where the State does not do its duty in this behalf, then the flag of the United States, and the power of the United States, and the judiciary of the United States, should protect the citizens against all unfriendly State legislation, or against the want of legislation. And I have the authority of the gentleman from Virginia [Mr. HARRIS] for saying "that no State has legislated on the subject."

And it is because of the very prejudice which has prevented such legislation that I claim the passage of the bill.

Is it a prejudice at all? Was there any objection in the South to consorting with the negro as a slave? O, no; your children and your servants' children played together; your children sucked the same mother with your servants' children; had the same nurse; and, unless tradition speaks falsely, sometimes had the same father. [Laughter and applause.]

Would you not ride in first-class cars with your negroes in the olden time? What negro servant, accompanying its mistress or master, and administering to his or her health, was ever denied a first-class passage in a first-class car in the South before the war? What negro girl, being the nurse or servant of a lady, was not allowed to sit by that lady and her child in a first-class car? What negro servant, accompanying a lady or a gentleman, was ever denied admittance to a first-class hotel? My friend from Tennessee, confirming this, told us that in the olden time the master and his slave always used to worship together in the same churches, but that now there are separate churches, and the negroes prefer to worship by themselves.

These are facts before the war? You talk about your prejudices against social equality! I put this question to the minds and consciences of every man of you. Who is the highest in the social scale, a slave or a freeman? You once associated with the slave in every relation of life. He has now become a freeman, and now you cannot associate with him; he has got up in the scale, and you cannot stomach him. Why is this? It is because he claims that as a right which you accorded him always freely as a boon. It is because the laws of your land, the Constitution of your country, gave all men equal rights in accordance with the fiat of God Almighty which has made some of them your equal in all things, and therefore he is no longer to be associated with or tolerated! This is not a prejudice against the negro or any personal objection to him—it is a political idea only.

I had, sir, to deal with this question early in the war, and I cannot better explain the operations of this kind of prejudice than by stating the exact fact which happened on board one of the boats upon Chesapeake Bay, between Baltimore and Fortress Monroe. A member of the Christian Commission went North after two school-teachers, and brought back two ladies, one of whom had some colored blood in her veins, but so much more white that it took a *connoisseur* to find the color. The women bought first-class tickets, and took their state-room, sat down at the table, and paid for their supper. A Virginian, who was on board, being able to know a negro, from long use, whenever he saw one, smoked out the fact that one of them, a lady in dress, a lady in culture, a lady in manners, had some negro blood in her veins, and he complained to the clerk of the boat that he could not eat at the table in the saloon with her, and the clerk ordered her forward among the deck-hands and servants. The lady and her companion, frightened, ran to their state-room, and locked themselves in. The Virginian insisted on her being taken out of that. But a provost messenger on board was roused to his duty, and insisted that all that should be stopped. Next morning complaint was made to me as commanding general, and I sent for the clerk—an inoffensive old gentleman, who looked as if he would not harm anybody. I said, "What is all this?" He said, "I was only carrying out the rules of my boat." I said, "Do you not recognize the fact the war has made a difference in these things?" He answered, "Not in the rules of our boat." I asked, "What were the rules of your boat before the war? Could not a colored nurse go with the children of her mistress, and occupy a state-room with them?" "Yes, sir." "Could she come to the table with them?" "Yes, sir." "Which do you think, Mr. Clerk, is the highest in the social scale, a freeman or a slave?" "O, a freeman, General, of course." "Very well, Mr. Clerk; I think I can make a rule for your boat now that will be easy of enforcement. Do not go away and say that the commanding general says that the negro is as good as a white man. I am not going to say any such thing. But hereafter let this be your rule: Let no free person ever be deprived of any privileges on your boat that were ever accorded to a slave person. Do this, and there will be no trouble hereafter." And there was none.

That tells the whole story and covers the whole argument of prejudice. It is not a prejudice, gentlemen. You make a mistake. A prejudice is where you do not like the thing itself. We in the North had somewhat of this prejudice against the colored. You of the South had none. From the rarity, they were offensive to us. But we are getting used to the negro, and are getting free from our former mode of feeling and speaking on the subject. That was a prejudice. But you had not any such feeling of dislike or offensiveness at the South. Now I am getting over that feeling and you are getting it. And it is a political idea you are getting and not a prejudice at all. [Laughter.]

Now, sir, you will allow me to state how I got over my prejudices. I think the House got over theirs after the exhibition we had yesterday. I think no man will get up here and say he speaks only to white men again. He must at first show himself worthy before he can speak to some colored men in this House after what occurred yesterday. [Applause.]

I got over my prejudices from the exhibition of like high qualities in the negro, but in a different manner from that in which, I have no doubt, many a prejudice was removed against the negro in the House yesterday. In Louisiana, in 1862, when our arms were meeting with disasters before Richmond, I was in command of the city of New Orleans with a very few troops, and those daily diminishing by the diseases incident to the climate, with a larger number of confederate soldiers paroled in the city than I had troops. I called upon my Government for re-enforcements, and they could not give me any, and I therefore called upon the colored men to enlist in defense of their country. I brought together the officers of two colored regiments that had been raised by the confederates for the defense of the city against us—but which disbanded when we came there because they would not fight against us, and staid at home when their white comrades ran away—and I said, "How soon can you enlist me one thousand men?" "In ten days, General," they answered; and when the thousand men were brought together in a large hall, I saw such a body of recruits as I never saw before. Why, sir, every one of them had on a clean shirt, a thing not often got in a body of a thousand recruits. [Laughter.] I put colored officers in command of them, and I organized them. But we all had our prejudice against them. I was told they would not fight. I raised another regiment, and by the time I got them organized, before I could test their fighting qualities in the field, the exigencies of the service required that I should be relieved from the command of that department.

I came into command again in Virginia in 1863. I there organized twenty-five regiments, with some that were sent to me, and disciplined them. Still all my brother officers of the Regular Army said my colored soldiers would not fight; and I felt it was necessary that they should fight to show that their race were capable of the duties of citizens; for one of the highest duties of citizens is to defend their own liberties and their country's flag and honor.

On the 29th of September, 1864, I was ordered by the Commanding General of the armies to cross the James River at two points and attack the enemy's line of works; one in the center of their line, Fort Harrison, the other a strong work guarding their left flank at New Market Heights; and there are men on this floor who will remember that day, I doubt not, as I do myself. I gave the center of the line to the white troops, the Eighteenth Corps, under General Ord, and they attacked one very strong work and carried it gallantly. I went myself with the colored troops to attack the enemy at New Market Heights; which was the key to the enemy's flank on the north side of James River. That work was a redoubt built on the top of a hill of some considerable elevation; then running down into a marsh; in that marsh

was a brook; then rising again to a plain which gently rolled away toward the river. On that plain, when the flash of dawn was breaking, I placed a column of three thousand colored troops, in close column by divisions, right in front, with guns at "right shoulder shift." I said, "That work must be taken by the weight of your column; no shot must be fired;" and to prevent their firing I had the caps taken from the nipples of their guns. Then I said, "Your cry, when you charge, will be, 'Remember Fort Pillow!'" and as the sun rose up in the heavens the order was given, "Forward," and they marched forward, steadily as if on parade—went down the hill, across the marsh, and as they got into the brook they came within range of the enemy's fire, which vigorously opened upon them. They broke a little as they forded the brook, and the column wavered. O, it was a moment of intensest anxiety, but they formed again, as they reached the firm ground, marching steadily on with closed ranks under the enemy's fire, until the head of the column reached the first line of abatis, some one hundred and fifty yards from the enemy's work. Then the ax-men ran to the front to cut away the heavy obstructions of defense, while one thousand men of the enemy, with their artillery concentrated, poured from the redoubt a heavy fire upon the head of the column hardly wider than the Clerk's desk. The ax-men went down under that murderous fire; other strong hands grasp the axes in their stead, and the abatis is cut away. Again, at double-quick, the column goes forward to within fifty yards of the fort, to meet there another line of abatis. The column halts, and there a very fire of hell is pouring upon them. The abatis resists and holds; the head of the column seems literally to melt away under the rain of shot and shell; the flags of the leading regiments go down, but a brave black hand seizes the colors; they are up again and wave their starry light over the storm of battle; again the ax-men fall, but strong hands and willing hearts seize the heavy, sharpened trees and drag them away, and the column rushes forward, and with a shout which now rings in my ear, go over that redoubt like a flash, and the enemy never stop running for four miles. [Applause on the floor and in the galleries.]

It became my painful duty, sir, to follow in the track of that charging column, and there, in a space not wider than the Clerk's desk and three hundred yards long, lay the dead bodies of five hundred and forty-three of my colored comrades, slain in defense of their country, who had laid down their lives to uphold its flag and its honor as a willing sacrifice; and as I rode along among them, guiding my horse this way and that way lest he should profane with his hoofs what seemed to me the sacred dead, and as I looked on their bronzed faces upturned in the shining sun to heaven as if in mute appeal against the wrongs of the country for which they had given their lives, and whose flag had only been to them a flag of stripes on which no star of glory had ever shone for them—feeling I had wronged them in the past and believing what was the future of my country to them—among my dead comrades there I swore to myself a solemn oath, "May my right hand forget its cunning and my tongue cleave to the roof of my mouth if I ever fail to defend the rights of these men who have given their blood for me and my country this day and for their race forever;" and, God helping me, I will keep that oath. [Great applause on the floor and in the galleries.]

From that hour all prejudice was gone, and an old-time States-right democrat became a lover of the negro race; and as long as their rights are not equal to the rights of other men under this Government I am with them against all comers, and when their rights are assured, as other men's rights are held sacred, then, I trust, we shall have what we sought to have, a united country North and South, white and black, under one glorious flag, for which we and our fathers have fought with an equal and not to be distinguished valor. [Applause.]

Now, Mr. Speaker, these men have fought for their country; one of their representatives has spoken, as few can speak on this floor, for his race; they have shown themselves our equals in battle; as citizens they are kind, quiet, temperate, laborious; they have shown that they know how to exercise the right of suffrage which we have given to them, for they always vote right; they vote the republican ticket, and all the powers of death and hell cannot persuade them to do otherwise. [Laughter.] They show that they knew better than their masters did, for they always knew how to be loyal. They have industry, they have temperance, they have all the good qualities of citizens, they have bravery, they have culture, they have power, they have eloquence. And who shall say that they shall not have what the Constitution gives them—equal rights? [Continued applause.]

The SPEAKER. There has been too much tendency exhibited here of late to applaud the remarks of speakers. The rules require that upon any manifestation of applause in the galleries they shall be cleared.

The pending motion is that made by the gentleman from Massachusetts, [Mr. BUTLER,] that the pending bill and proposed amendments thereto be recommitted to the Committee on the Judiciary.

Mr. WILLARD, of Vermont. I desire to offer an amendment to this bill, to be printed and referred with the pending bill.

Mr. BUTLER, of Massachusetts. I wish that any member who desires to offer an amendment may have it printed and referred with the bill.

The SPEAKER. If no objection be made, amendments will be received at the Clerk's desk and referred to the Committee on the Judiciary.

No objection was made; and amendments were accordingly filed by Mr. WILLARD, of Vermont, Mr. DURHAM, Mr. HATCHER, and others.

The motion to recommit was agreed to.

Mr. BUTLER, of Massachusetts. I desire to enter the motion to reconsider.

The SPEAKER. The motion will be entered upon the Journal.

REPEAL OF MOIETIES TO INFORMERS, ETC.

Mr. BUTLER, of Massachusetts. I desire also to enter a motion to reconsider the order by which the Committee on the Judiciary was discharged from the further consideration of House bill No. 862, to regulate the service in the collection of customs, and to repeal moieties, &c., and the same was referred to the Committee on Ways and Means.

Mr. DAWES. Can that be done?

Mr. BUTLER, of Massachusetts. Why not?

Mr. DAWES. The bill was first referred under the rule which does not permit it to be brought back into the House by a motion to reconsider. It was taken from that committee and referred to another by unanimous consent.

The SPEAKER. The Chair does not think that it follows that the last reference cannot be reconsidered.

Mr. DAWES. I tried to have it brought back from the committee to which it was referred.

The SPEAKER. It could not be brought back into the House by a motion to reconsider. But it was brought before the House by unanimous consent, and then referred to the Committee on Ways and Means, which reference can be reconsidered.

Mr. DAWES. I would like to have the question of reference settled as early as possible.

Mr. BUTLER, of Massachusetts. Certainly; that is my wish.

ORDER OF BUSINESS.

Mr. GARFIELD. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at twenty-seven minutes before two o'clock. The first business in order is a bill reported from the Committee on Education and Labor, in relation to an educational fund.

Mr. HOLMAN. I hope there will be some intimation as to the line proposed to be adopted in reference to this bill.

Mr. MONROE. There are some other matters to be considered before the bill to which the gentleman refers will come up. It is the design of the gentleman [Mr. G. F. HOAR] who has charge of the educational fund bill, as it is called, to give ample opportunity for discussion.

Mr. HOLMAN. That is what I desired to ascertain.

AID TO SUFFERERS IN LOUISIANA.

Mr. MONROE. The Committee on Education and Labor, to whom was referred the joint resolution (No. 31) introduced by the gentleman from Louisiana [Mr. SYPHER] instructing the President to issue, through the Secretary of War, rations to certain distressed persons in Louisiana, have had the same under consideration, and have instructed me to report the same back, and ask that the committee be discharged from its further consideration.

I will state, briefly, the reasons which have led the committee to come to this conclusion. Every member of the committee felt a deep sympathy with what had been said upon this floor in regard to the sufferings of certain persons in that portion of our country. We gave a great deal of attention to the matter, and talked it over fully and freely. The result which the committee finally reached was this: that we do not regard it as the proper sphere of Congress, under the Constitution of the United States, to enter upon a general system of providing for pauperism in the States. I think that if we were to enter upon this work, if we were to begin here, if we were to establish this precedent, we should soon find that we had entered upon the business of taking charge of pauperism generally throughout the States of this Union. The committee are already advised that if Congress shall undertake to relieve the distress of these sufferers in Louisiana, it will at once be called upon to relieve the sufferings of distressed persons, during the winter, in several other States of this Union.

We hear of distress in Chicago; of great distress in New York; of distress in other cities and in other portions of the Union. A gentleman near me says that there is great distress in Western Iowa, if I understand him correctly, and we think it certain that the committee will be overwhelmed with applications of this kind for the relief of pauperism throughout the country if we once undertake to enter upon this very broad subject. The committee shrank appalled from an undertaking of this kind. We felt that if we were to enter upon a system of this sort, it would be necessary first of all that the Committee on Ways and Means should act upon the business that must come before that committee, before we should inaugurate such a system. We think there would be no end to our work.

The committee did not feel authorized to establish a precedent of that kind. While we are truly sorry for the sufferings of these people, and wish we could, as a part of our proper business, grant them relief, yet, after discussion, we could come to no other conclusion than that we ought to ask to be discharged from the further consideration of this subject.

The report was agreed to, and the joint resolution laid on the table.

Mr. MONROE moved to reconsider the motion just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. MONROE. The Committee on Education and Labor have also had under consideration sundry resolutions in regard to filling vacancies in the Board of Regents of the Smithsonian Institution. Some other gentlemen had asked for an opportunity to suggest names; but there seemed to be reasons for prompt action upon the subject, and the committee, therefore, instructed me to report at once a joint resolution naming certain gentlemen to fill these vacancies.

The resolution now reported by the committee is identical with that which was introduced by the gentleman from Ohio, [Mr. GARFIELD,] one of the regents of the institution, with the exception that in a single name we propose a change, which, it was thought, would perhaps, on the whole, more fairly distribute the appointments and meet better certain interests which were deemed by the committee to be of great importance. The highest esteem and respect were felt by the committee for all the gentlemen whose names have been suggested; but, on the whole, the arrangement proposed in the resolution which I now report seemed to the committee to be the best they could make.

The joint resolution (H. R. No. 35) filling existing vacancies in the Board of Regents of the Smithsonian Institution, was read. It provides that the existing vacancies in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, shall be filled by the appointment of Asa Gray, of Massachusetts, in place of Louis Agassiz, deceased; J. D. Dana, of Connecticut, in place of Theodore D. Woolsey; Henry Coppée, in place of W. B. Astor; and John McLean and Peter Parker, whose terms have expired, are to be reappointed.

Mr. MAYNARD. Will the gentleman allow me to occupy one moment? I introduced yesterday and had referred to his committee a resolution in accordance with an idea I entertained, but had had no occasion to express specially, that the Smithsonian Institution, founded and endowed by the munificence of a British subject "to increase and diffuse knowledge among men," should be made, so far as possible, national in its character. Now, in looking at the list of regents, I find that while they are all most excellent and eminent men, (and I hope the day is far distant when any section of our country will not have eminent and distinguished men enough to more than furnish the list of regents,) the appointments are at present limited geographically.

I suggest to the chairman of the Committee on Education and Labor whether, as a matter of wise policy, it would not be well to emphasize the national character of the institution by extending geographically the citizenship of the gentlemen constituting the Board of Regents. With this view I have proposed, in the joint resolution introduced by me yesterday, that one member of the board shall be a distinguished and eminent citizen of my own State. I refer to Rev. Dr. Thomas W. Humes, president of the University of East Tennessee, a citizen by birth and continued residence in that State, and a gentleman of great attainments and high personal character: not that he is more distinguished, more worthy, or in any respect superior to the gentlemen who have been named. I make no such claim. But this gentleman, if appointed, will be the representative of a large region of our country, the great Southwest, (embracing also a portion of the South and of the West,) whose scientific possibilities are very great—whose scientific resources, if I may use that expression, have been hitherto very largely unconsidered and undeveloped. It has seemed to me wise to include in the Board of Regents a representative from that very large portion of our common country.

I do not wish it to be understood that I would not accept as readily any other distinguished name that might be suggested that would represent the same general region of country; but I certainly think it would give greater effect and importance to the labors of that institution to have its regency distributed more generally throughout the country. I am reminded by gentlemen sitting near me that there is no one on that board from either the South or the West.

I bring this subject generally before the House; I move to substitute the name of Thomas W. Humes, a citizen of Tennessee, for that of Henry Coppée, of Pennsylvania.

Mr. G. F. HOAR. Mr. Speaker, it may possibly interest the House if I occupy a few minutes in stating the purpose of the Smithsonian Institution; for in view of that purpose I am sure the gentleman from Tennessee [Mr. MAYNARD] himself will commend the wisdom of the recommendations we make. The Smithsonian Institution has for its Board of Regents three persons appointed from the members of this House, three persons appointed from the Senate, the President of the United States, the Chief Justice of the United States, and certain other officers of the Government are regents *ex officio*. These officers give the regency of the institution its national character. The whole nation of course has its voice in their selection. There are six other regents who are specially appointed by joint resolution of Congress; and it is to fill vacancies in this number that this resolution is designed.

The purpose of the Smithsonian Institution is the "advancement of knowledge among men;" and after very full and thorough debate at the time of its origin, the authorities of that day determined that it was best to devote the fund at their disposal, not to the mere dissemination of knowledge as is done by the publication and distribution of books, nor to mere educational purposes as would be done by the endowment and support of institutions for instruction, but that the fund should be applied to promoting, and publishing the results of, such original investigations as may tend to advance and increase the pure scientific knowledge of mankind. To this end a fund of about $700,000, part of which is invested in buildings, leaving an income-bearing fund of about $500,000, is within the control of the institution.

The income of that fund is appropriated in this way. Suppose, for instance, an eminent mathematician says that he desires to have made a computation in connection with certain investigations to determine the cause of the perturbation of a planet, such as those of Leverrier which led to the discovery of the planet Neptune. If those investigations require a large amount of mathematical computation which may almost be termed mechanical, this would involve a good deal of expense to him. Suppose the Smithsonian Institution decides that the result of such investigation will advance scientific knowledge, it will advance a sum of money to pay for such computations, if it does not pay anything to the scientific man himself as compensation, or for support. So if a scientific man wishes to make a certain inquiry into the laws of optics or of electricity, and if the Smithsonian Institution is satisfied of the capacity of the person and of the usefulness of the results likely to be obtained, it appropriates such sum of money as may be necessary to obtain the requisite apparatus, and lets him have the use of it. And then if the result of that investigation is found to be of value to science, it appropriates the money for its publication.

Now everybody knows the familiar instance when Morse invented his alphabet for recording telegraphy. The knowledge of thelaws of magnetism, which made that magnificent invention serviceable to mankind, which has rendered the name of American science illustrious, came from the previous researches and investigations of Professor Henry, who brought from the vast treasure-house of science that knowledge of the laws of nature which the invention of Morse made useful for the practical benefit of mankind. Now, in order to determine what papers are proper to be published, or what kind of investigations, among the large number that are offered to the Smithsonian Institution, will be useful for the advancement of science, you should have among the members of that board persons who are authority in particular departments of science. They are not selected as a public honor to the persons themselves; they are not selected for the purpose of recognizing the claims of or of stimulating interest in the institution in different portions of the country; but men are selected whom Professor Henry and his associates in that institution deem competent to decide in regard to the particular scientific investigations which it may be desired to make. For instance, my distinguished friend from Tennessee [Mr. MAYNARD] proposed the name of Professor Snell, of Amherst College, in place of the late Professor Agassiz. Professor Snell, of Amherst, is one of the most eminent scholars of my State; a pure, earnest, modest devotee of learning, who has made a thousand contributions to science, for which he has received no benefit. But Professor Snell's life has been devoted to the investigation of optics, magnetism, and certain branches of natural science, which are also the special pursuits of Professor Henry, the secretary and director of the institution; and it is not important, therefore, to add at this moment to the force of the Smithsonian Institution another gentleman who will be an authority on matters of optics, magnetism, galvanism, &c. But one thing on which Professor Agassiz, just deceased, was the great authority in this country and the world, was natural history, including the growth of animals, the origin of species, the growth of plants, of trees, &c., and this is a matter in regard to which the science of the world is especially busying itself at the present time, and of a knowledge of which the practical need of this country is the greatest.

The prairie lands of the Northwest, which lie between the dense settlements of the Atlantic and the Pacific, are in need of the scientific information—as my friend [Mr. KELLEY] who does me the honor to listen to me, knows very well—which may cover those lands with forests, with shade-trees, with vegetation. Professor Gray is, perhaps, the greatest authority in the world on that special matter. Now, how idle, how unwise, it would be for the members of this House to say that, because Colorado or Wyoming are to be represented on the Board of Regents of the Smithsonian Institution, they may appoint some man from those Territories rather than appoint Professor Gray, the greatest authority on this question. He happened to reside at Cambridge in his youth and in the time of his early studies. The libraries and scientific apparatus which were necessary for the prosecution of his studies in that department of science, were there. So in the case of Professor Dana. I suppose any California gentleman on this floor will agree that no man has been so great a benefactor to the development of the mineral resources of the State of California as Professors Dana and Whitney. (Professor Whitney, indeed, has resided in California of late years.) Professor Dana is a great authority on matters of mines and minerals, and his life has been where a library and apparatus, making the prosecution of his labors pleasant and profitable, existed.

Now the name of Alexander T. Stewart, a distinguished financier, has been recommended in the place of another man of wealth and a business man in the State of New York, (Mr. Astor,) and the committee would have been delighted to adopt that recommendation; but we were informed by a gentleman on the committee, from the State of New York, that the state of Mr. Stewart's health is such that it would not be certain he would be able to give his personal attention to the busi

ness of the Board of Regents. Therefore, because it was not a matter of personal honor, but because it was a matter of supplying the wants of this institution, we recommend in his stead the name of an eminent man of science in the State of Pennsylvania, formerly the head of a university in that State, who adds to the reputation and capacity of a scientific man great financial ability, as exhibited in the management of his institution.

Mr. WOOD. Will the gentleman from Massachusetts, before he sits down, please tell me whether Mr. Astor retires at his own request?

Mr. G. F. HOAR. Yes, sir.

Mr WOOD. I am sorry for it, for he is one of the best belle-lettres scholars in the country. I will say, further, that I cannot see what practical service these gentlemen render when they come here once a year for a day or two.

Mr. G. F. HOAR. I am glad the gentleman has made that suggestion. Suppose the gentleman from New York goes to Professor Henry with a paper composed by himself or some friend, or asking an investigation involving the use of apparatus or other expenditure from the funds of the institution; Professor Henry refers that paper or that request for an examination to one of these scientific gentlemen; he sends it to him at his home, and he spends perhaps days or weeks in determining whether the paper is one proper to be published at the expense of the Smithsonian Institute, or whether the investigation is one fit to be pursued. This meeting once or twice a year in Washington is but a trifle to the labor which these five or six scientific gentlemen perform in the course of the year. There is residing in my own city a gentleman, the librarian of the antiquarian society there, who prepared by the labor of years a very interesting and important paper upon the origin of races in this country—the aboriginal settlers of the country. That paper was published at the expense of the Smithsonian Institute; and now letters come from all parts of Europe testifying to the appreciation of the scientific world of that paper published by the Smithsonian Institute. Now, the man who is to pronounce upon the character of a publication, or upon the propriety of an examination, should be the best authority upon that special question in the country.

Mr. MAYNARD. I desire, in the first place, to make a verbal correction. My friend from Massachusetts has fallen into a common error in speaking of this establishment as the "Smithsonian Institute." James Smithson, who founded it, called it the "Smithsonian Institution."

Mr. G. F. HOAR. I am much obliged to the gentleman for that correction; and now will the gentleman be kind enough to state to the House, with regard to the gentleman whose name he proposes, what special branch of science he has devoted himself to? I am not myself as familiar with his labors as perhaps I ought to be.

Mr. MAYNARD. I listened to the gentleman from Massachusetts with great pleasure and instruction, as I always do. We can best ascertain the character of the regency of the Smithsonian Institution by giving the names and residences of those who recently constituted it. They are, Louis Agassiz, a citizen of Massachusetts; Theodore D. Woolsey, a citizen of Connecticut; William B. Astor, a citizen of New York; Peter Parker and William T. Sherman, citizens of Washington; and John MacLean, a citizen of New Jersey. All of these gentlemen, it will be seen, come within the category of the gentleman from Massachusetts; but the time has not yet come, and I trust it never may come, when the scientific talent of the country will be confined within a limited area.

The gentlemen proposed are all distinguished, and I did not predicate my motion upon any unfitness, suggested or implied, or intended to be understood, in reference to the superior fitness of any one of them. I suggested what seemed to me to be a better and wiser administration of this great public trust—a trust committed to us in the presence of the civilized world, and for the wise administration of which we stand conspicuously responsible. My suggestion is that we should select the regency from different portions of the land, so as to represent the vast geography of the whole country. The gentleman from Massachusetts asks me what have been the distinguishing studies and the character of the intellectual labors of the eminent gentleman whose name I have ventured to mention—a divine of eminence in the Protestant Episcopal Church, and at the head of the leading university of my State, if not of the great Southwest. He is eminent for his high literary and scientific attainments, and has been a scholar all his life; and his head, like mine and that of my friend, begins to bleach from the effect of years. Many gentlemen on this floor are acquainted with him personally or by character, and there will be no controversy, I am sure, about his fitness for this duty. But I have placed the discussion upon higher ground. The question is, whether it is not a wiser, better, more politic arrangement, other things equal, to distribute these offices a little more, rather than to concentrate the whole regency within a few States upon the Atlantic coast. With these remarks I leave the question.

Mr. MONROE. Mr. Speaker, I desire to say a word in regard to what has been said of the action of the committee on this subject. It is a matter of great delicacy to discuss this question here in the House to any great extent, and to discuss the multitude of names that would at once be offered here if the question of the claims of the several States were to be fully examined on this floor; for their claims are all very excellent and very valid. I am not without some sympathy with the local feeling expressed by the gentleman from Tennessee, [Mr. MAYNARD.] As a member of the committee I represent Ohio. Now, Ohio is a State also; there is some land in Ohio; it is quite a piece of territory; and I could not help thinking of a large number of accomplished gentlemen and dear friends of mine in that State, some of whom I would be very glad to have named for these places, and men whom I know would have filled them with credit to themselves and with high usefulness to the objects of the institution. But I saw at once that this was just one of those questions in which we must give up local preferences. In discussing questions of science, of all others, I imagine on the whole a man will be most useful who can be most capable and who can yield most readily to local preference belonging to his own district. I recognized the necessity for that; and although I had no doubt I had even in my own congressional district, where there are four colleges of a very high order, the very best men in the world to fill these vacancies, I thought it quite right to make the great sacrifice of yielding up this question of the local claims of my congressional district.

What is there of locality about these great names in science? Who cares anything about where their domicile is? How inferior any question of that sort is in comparison with the high commission upon which God has sent them into this world and the grand work they are accomplishing! Will anybody who hears me tell me that Professor Dana, of New Haven, is not a man in whom my own locality will be interested? He belongs to my locality; he belongs to my vicinage; he is my neighbor; he is one of the nearest and best of my neighbors; he is by intellect among the men in whom my neighborhood has the deepest interest; he belongs to my neighborhood; and so do Professor Gray and Professor Agassiz. They have, by the services they have rendered and are rendering to science, secured the interest not only of New England and New York, but the interest of the whole world. And there is no better principle, Mr. Speaker, upon which to select these men than to search diligently for the best and put them in these places. We, therefore, thought it best upon the whole to make this report and secure its adoption by the House if we could.

Mr. COX. I ask the gentleman from Ohio to yield to me for a moment.

Mr. MONROE. I was going to demand the previous question on this matter, but I will yield to the gentleman from New York. I recognize his right to be heard.

MESSAGE FROM THE PRESIDENT.

A message, in writing, was received from the President of the United States, by Mr. BABCOCK, his Private Secretary, together with an announcement that the President had approved and signed bills of the following titles:

An act (H. R. No. 470) relating to the limitation of steam-pressure on all vessels used exclusively for towing and carrying freight on the Mississippi River and its tributaries; and

An act (H. R. No. 482) to correct the enrollment of an act entitled "An act for the relief of P. W. Standefer."

SMITHSONIAN INSTITUTION.

Mr. COX. I would not intrude my voice on the House on this question but for the fact that for some dozen of years I have been more or less associated with this Smithsonian regency; and I would say to the House we have never had any special need for men of financial ability, at least since I have been a regent of the Smithsonian Institution. Our affairs have been conducted with economy. There has been no surplus which has not been used in a proper way, and there has been no deficiency. I supposed the Board of Regents had sent in the name of Mr. Stewart in place of Mr. Astor after some consultation with him, but I learn this committee has withdrawn the name of Mr. Stewart on the simple suggestion that his health is not good.

I propose to amend the amendment offered by the gentleman from Tennessee so as to replace the name of Mr. Alexander T. Stewart, of New York; and I do it for this reason: There is no special need or requirement for the presence of these regents at Washington except once or twice a year. There is no special need for any culture in any particular line of science, on the part of some of the regents at least, for we are supplied with men of that quality in the presidents and professors of colleges who are now there. But I will say, Mr. Speaker, on behalf of Mr. Stewart, who is perhaps entirely ignorant of these proceedings, that he adds to his great wealth, his wonderful mercantile ability, and his skill in finance, rare education and great refinement of culture. He would give strength, solidity, firmness, to this institution. I think the original idea should be carried out, and his name replaced. Then we would avoid all these discussions as to particular localities which have been raised by the gentleman from Tennessee [Mr. MAYNARD] in the suggestion of a man from that State. I therefore move to amend the amendment of the gentleman from Tennessee by inserting the name of Alexander T. Stewart.

Mr. MONROE. I now yield five minutes to the gentleman from Pennsylvania, [Mr. STORM,] a member of the committee, after which I propose to call the previous question.

Mr. STORM. I hope that the resolution, as modified by the Committee on Education and Labor, will be adopted. That committee carefully considered the resolution referred to, and came to the conclusion which they have reported. The name of Mr. Stewart was before that committee, together with several other names. After full discussion and interchange of views by the members of the committee they came to this conclusion, and I trust the action of the committee will be approved by this House at this time.

If we follow the course indicated by the gentleman from Tennessee [Mr. MAYNARD] and the gentleman from New York [Mr. COX] I have no doubt that every gentleman upon this floor has some particular friend whom he would desire to honor by suggesting his name for this position. The committee have looked solely to the qualifications, scientific and literary, of the persons whose names have been suggested. If the gentleman can give one single reason or state one single particular wherein Mr. Stewart is superior to Professor Coppée, I will yield to him. Mr. Stewart is a merchant, of large business, engrossed and absorbed in mercantile pursuits. I dare say he would be entirely unable to pay any attention at all to any question that might be referred to him should he be appointed to this place.

Professor Coppée, as a scientific and literary man, is abreast with the age upon all questions of science, and is largely interested in metallurgy, civil engineering, and mining, questions which are now pressing themselves upon the attention of our colleges and schools, and the study of which is replacing the old study of the dead languages. He has given great attention to these matters, and is to-day in Pennsylvania one of the leading scientific minds upon all these great questions, in which the people have such a deep interest. I think that it is due to that class of our people that they should be represented upon the Board of Regents by such a man as Professor Coppée. He is in every way qualified for the place, and I think to strike him from the list proposed would be an ungracious act, and one which the House would not desire to perform, and to replace him by a man who has nothing but his wealth to recommend him.

Professor Coppée has a thorough military training, has been honorably connected with some of our most honored colleges, and is now the president of the Packer University. He has published one of the best text-books we have on logic and rhetoric; he is the historian of General Grant, and his criticisms on the military movements of the Army in the late war are the best we have. He is a scholar of high attainments and of great financial ability, and his appointment would be a deserved compliment to his great talent.

Mr. MONROE. I now call the previous question.

The SPEAKER. Does the gentleman call the previous question on the bill and amendments?

Mr. MONROE. At the earnest requests of gentlemen I gave my personal consent that a vote should be had upon the amendments.

Mr. RANDALL. Did the committee instruct you to do that?

Mr. MONROE. No; the committee gave me no instructions.

Mr. RANDALL. Then you cannot permit it.

Mr. MONROE. I merely said that I was willing to have votes taken on these amendments.

Mr. G. F. HOAR. Allow me to make a suggestion. Should the House vote down the previous question, and permit amendments to be in order, and the name of any gentleman should be proposed and rejected, it would put him in a very uncomfortable position. But if the House should sustain the previous question it will determine that the House will adopt the recommendation of the committee as a whole. I hope, therefore, that the chairman [Mr. MONROE] will insist upon the previous question upon the bill without amendments.

Mr. MAYNARD. After having debated the matter for half an hour, I think that is an unkind suggestion.

Mr. RANDALL. I think there is but one safe course for us to pursue in all such matters. We cannot in this House canvass the personal merits or qualifications of individuals. I dare say that Mr. Stewart is a very proper man for the place. But the committee have fully examined the whole question, and have made their report. I think the only safe course for us to pursue is to adopt the report of the committee.

In regard to Professor Coppée, allow me to say that he is a gentleman I have known for years. He was a professor in the university in which I was partly educated, and is without a superior in science or literature in this country. He would be a very worthy successor to Mr. Agassiz.

Mr. MONROE. I must now call the previous question.

The SPEAKER. Does the gentleman include amendments?

Mr. MONROE. I have given my consent personally. Am I the proper person to decide that question?

The SPEAKER. The only person.

Mr. MONROE. Then I will call for the previous question upon the bill and amendments of the gentleman from Tennessee [Mr. MAYNARD] and the gentleman from New York, [Mr. COX.]

The previous question was seconded, and the main question ordered.

The SPEAKER. The gentleman from Tennessee [Mr. MAYNARD] moves to insert instead of the name of Henry Coppée, of Pennsylvania, the name of Thomas W. Humes, of Tennessee. The gentleman from New York [Mr. COX] moves, as an amendment to the amendment, to insert instead of the name of Mr. Humes the name of Alexander T. Stewart, of New York. The first question is upon the amendment to the amendment.

The amendment to the amendment was not agreed to.

The question recurring on the amendment of Mr. MAYNARD, it was not agreed to.

The joint resolution was then ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MONROE moved to reconsider the vote by which tee joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DONATION TO MICHIGAN FOR EDUCATIONAL PURPOSES.

Mr. MONROE. I am also instructed to report back, with an amendment, the bill (H. R. No. 169) to grant the buildings and grounds known as Detroit arsenal to the State of Michigan, for the purpose of aiding said State in establishing and maintaining thereon a free industrial university. We have considered this bill with some care, and, seeing no objection to it, recommend its passage with the amendment.

The bill, as amended by the committee, was read. It provides that one parcel of land in the township of Dearborn, in Michigan, together with the buildings thereon, known as Detroit arsenal, be granted and conveyed to the State of Michigan for the purpose of aiding the State in establishing upon the land a school of technology. The land is granted upon the condition that the Legislature of the State shall, within two years from the passage of the act, enact the necessary laws to provide for the establishment of a school of technology and provide for its maintenance.

Mr. MONROE. I yield to the gentleman from Michigan [Mr. FIELD] to explain the object of this bill, of which he is the author.

Mr. FIELD. The Secretary of War in his annual report has recommended the sale of this property known as the Detroit arsenal. It contains a little more than two hundred and twenty acres of land, and the buildings, although erected upon this property about forty years ago, are suitable for a technological school.

The committee in reporting this bill recommend that this property known as the Detroit arsenal be conveyed to the State of Michigan, on condition that the Legislature of that State shall within two years establish upon the ground a school of technology.

You know, Mr. Speaker, that over thirty years ago Congress granted to the State of Michigan certain public lands which have been used by that State in establishing a great university, known throughout the country as the University of Michigan; and I wish to call attention to the fact that although this university is maintained by the State of Michigan, it is freely open to citizens of every State of the Union, and thousands from other States have received at this university the benefit of a liberal education. It is the intention of this bill, in conveying to the State of Michigan this small parcel of property, to aid in the establishment of a technological school there, the advantages of which may be enjoyed by citizens of every State.

I am very much obliged to the chairman of the committee for the time he has given me.

Mr. MONROE. I yield ten minutes to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I do not desire to occupy ten minutes. I merely wish to say that the committee have given to the House no information as yet in regard to the value of the property which is thus proposed to be donated to the State of Michigan; and now when our national Treasury is worse than empty—when it is proposed to raise new taxes by special levies—it is not a time when we can afford to give away public property, which, if not needed by the Government for public purposes, can be offered for sale, and the proceeds used for the general benefit of the country. I hope the gentleman from Michigan [Mr. FIELD] will be good enough to tell us whether this property is situated near the city of Detroit, and what may be its value.

Mr. FIELD. I will do so. This arsenal is located at Dearborn, a village ten miles from the city of Detroit, on the Michigan Central Railroad. The grounds embrace about two hundred and twenty-four acres, and are estimated by the Chief of Ordnance to be worth $33,000, exclusive of the buildings. There are upon the grounds a number of buildings, which for any other purpose than that of a technological school would be almost worthless. If this property should be offered for sale, as recommended by the Secretary of War in his annual report, the sale, whether public or private, would not probably realize $25,000.

I will state for the information of the House that we have precedents for this action. On the 13th of October, 1853, the arsenal at New Castle, Delaware, was donated to the town of New Castle, and, I believe, for educational or charitable purposes. By acts approved July 25, 1868, and March 3, 1869, a portion of the arsenal property at Saint Louis was given to that city for some public purpose of a local character. By an act approved December 15, 1868, portions of the arsenal property at Harper's Ferry were conveyed for charitable and educational purposes. I call attention also to the fact that by the act of December 15, 1870, the Apalachicola arsenal, with seventeen hundred and thirty acres of land, was conveyed to the State of Florida for educational purposes. The Vergennes arsenal, in the State of Vermont, was, I believe, offered for sale, and the insignificant sum of $10,000 was realized for the property. But on the plan recommended by the committee, if these arsenal grounds at Dearborn are conveyed to the State of Michigan, it will be on the express condition that the Legislature of that State shall by law provide for the establishment and maintenance of a technological school as a free educational institution for the benefit of the people of the whole country.

If by granting this parcel of land to the State of Michigan, Congress shall secure the establishment of a school of technology, to be open free to all, it will obtain a compensation a thousand times greater, in my judgment, than any money price that can be obtained for it.

Mr. KASSON. I am obliged to the gentleman for the statement he has made; but I observe the bill provides for the disposition of one "section" of land, meaning, I suppose, a statutory section.

Mr. FIELD. That is the language of the printed bill; but it

has been amended by the committee so as to read one "parcel" of ground.

Mr. KASSON. It is estimated to be $33,000 in value, apart from the buildings. It is also not recommended by the War Department to be donated, but only to be sold. We have just cut down the War Department, or propose to do it, on its estimates by many millions of dollars; and yet we are now asked to give away what might otherwise add to the resources of that Department of the Government. I have every sympathy with the gentleman from Michigan [Mr. FIELDS] in his desire to secure this grant for this purpose for his State. I have no complaint to make against any gentleman to have any such property of the United States in his State donated for like purposes of education. The only point I make is, that we ought not to give away one single dime of the public money or one acre of the public land at this time without the fullest consideration. If we have established precedents, as we have done heretofore, in giving away property, I think it is time to stop those precedents. Let us not make now any others.

When you examine this bill you will see that it is entirely unguarded; that it is not guarded like the agricultural-college-land bill, where we went on to provide details for execution by the States of the duty imposed upon them. This is simply a grant of this property, not to be forfeited by the failure of any conditions. There is no provision for forfeiture. The State is in four lines required to establish an industrial university and provide for its continuance. There are no terms or conditions whether it is to be free or not. There are no terms whatever on the subject.

I do not rise, however, Mr. Speaker, to go into a consideration of the details of this bill, but only to call attention to the fact that we here propose to give away, without any recommendation of the War Department, valuable property belonging to the United States, and that, too, for the purpose of establishing a new kind of school, which we have not provided for any other State in the Union. We have given to all of the Western States university land alike; we have given to all the States in the Union agricultural-college lands; but we have not yet established the principle of giving away Government property for the purpose of allowing one State to establish in its borders a school under its own exclusive control and regulation, without the right on the part of any citizen of any other State to enter it. I hope the committee, therefore, will have the bill recommitted.

Mr. CONGER. Mr. Speaker, this property in dispute does not lie in or upon the borders of any city where it is of any more value than any other agricultural land in the country. It is at a little village, more than ten miles from the city of Detroit, and so far removed that the value of property in that city does not affect the value of this property. It has been established since the time of the last war. It is in the midst of an agricultural district and on the borders of a little village of a few hundred inhabitants, walled in, with certain buildings on it, and is used by the United States as an arsenal. It was located at that distance from the city of Detroit and from the Detroit River as a protection against incursions from Canada. In the midst of that little community it has lain there some thirty-five or forty years. It has occupied so much of the surface of Michigan, paying no taxes and doing no benefit to the State of Michigan, and adding nothing to its own value up to this time. There are buildings on it which are used as an arsenal by the Government, and for other purposes. Those buildings with few changes can be made to answer the purposes proposed in the pending bill. The walls built around this public property as well as buildings upon it can be fitted up for such a public school as is proposed with very little additional expense. They could not well be adapted to any other purpose.

As I have said, this property is in the midst of an agricultural region. It would bring at a sale nothing more than the value of the material upon it. I submit, therefore, in accordance to the precedents established in regard to many of the other States, North and South, where there was like property belonging to the Government, that we should turn over this property, which has been lying in our State free from taxes, for the last forty years, to be used in the establishment of this university, for the benefit not only of the citizens of Michigan, but for the benefit of the citizens of all the States.

And it does not become a liberal-minded gentleman from Iowa, [Mr KASSON,] to which State has been dealt out with bountiful hand, ay, with bountiful hands, the public lands of the country for railroads and agricultural colleges and for all the purposes of the improvement of that State, until it has been put far in advance of the older States of the country in all the materials of wealth and the means of communication—I say that it does not become my friend from Iowa, whose State has received such liberal donations from the Government, to oppose this bill. I regret that opposition should have come from him.

Mr. KASSON. The gentleman will observe that my point is that this is a donation to this State only, and does not apply to the other States. If we grant this to this State, in practice we must follow out the precedent and grant likewise similar property to the other States. But I call his attention to the language here used, that this is for the establishment of an industrial university. Now, what does that mean?

Mr. CONGER. I will answer the gentleman.

Mr. KASSON. Before the gentleman answers that, let me say one thing more.

Mr. CONGER. Let me answer that question first. I will tell the gentleman what it means. It means, that although there are universities and colleges in this land to which the sons of the rich can go and receive the mental culture which their money will furnish the means to buy—although we have established and provided for that, and established in the Northern States agricultural colleges to which the sons of farmers and of others may go for instruction in agriculture, yet there is a class of earnest seekers after knowledge, to be used in other pursuits and other businesses of life than those contemplated by the agricultural colleges, for which there is no provision in the Western States. It means that there are young men all over the land who desire an education, by which they may become engineers, by which they may become scientific and skilled mechanics, for which there are no universities and for which there are no privileges. It means to provide a place for the industrious, poor, earnest seeker for that knowledge which will fit him for taking his place in the various branches of business for which in the West we have no institution.

I know not what the opportunities of the gentleman from Iowa in early life may have been, but I know and he knows that scattered through the West there are young men by tens, by scores, by thousands, longing for an opportunity, without going through the full course of education provided for in our universities and colleges—longing for an opportunity to perfect themselves in the knowledge of particular branches of industry and skill, where in a shorter time than the colleges require they can fit themselves for an honorable struggle in the battle of life. It is for such a purpose that this school is designed to be established in our State. The State of Michigan has long endeavored to provide for the establishment of such a school as a part of its great and glorious system of education by its own means, but hitherto it has not been able to accomplish this.

I trust that, if that course be thought desirable, the bill may be recommitted to the committee, in order that it may be perfected so as to obviate the objections of the gentleman from Iowa, or any other objection that may be made; and I yield to the gentleman from Ohio [Mr. MONROE] to make that motion.

Mr. MONROE. As I see that the morning hour has about expired I will say but a single word. A good deal of interest was expressed in this measure by the gentleman from Michigan, [Mr. CONGER,] and such explanations were made as greatly interested the committee in the matter, and they were willing that the sense of the House should be tested in regard to it. But it is evident that the bill should be further considered by the committee before being finally passed upon in the House. I therefore move that the bill be recommitted to the Committee on Education and Labor.

Mr. SPEER. I think this bill should go to the Committee on Military Affairs. It relates to lands belonging to the Government of the United States especially in the charge of the Secretary of War. It is not a bill properly for the Committee on Education and Labor; and, therefore, I move to amend the motion of the gentleman from Ohio, by substituting the Committee on Military Affairs for the Committee on Education and Labor. The Committee on Military Affairs is the committee where it properly belongs.

Mr. CONGER. This property is not now used for military purposes, and the War Department recommends its sale.

Mr. SPEER. Does not the arsenal belong to the Government of the United States?

Mr. CONGER. But it is an unused arsenal.

Mr. SPEER. The bill belongs properly to the Committee on Military Affairs, and, therefore, I hope it will be sent to it.

Mr. MONROE. I have no feeling, Mr. Speaker, on the subject of commitment. The bill was not sent to the Committee on Education and Labor at the request of myself or of any member of the committee.

Mr. SPEER. I understand that. I meant to make no reflection on the chairman of the Committee on Education and Labor.

Mr. MONROE. But now that the bill has been sent to us, and since, so far as I can judge, the Committee on Education and Labor have exhibited considerable ability in taking proper care of it, I hope the House will send it back to that committee.

The question was on Mr. SPEER'S amendment to Mr. MONROE'S motion, to substitute the Committee on Military Affairs instead of the Committee on Education and Labor; and being taken there were—ayes 67, noes 61; no quorum voting.

The SPEAKER. No quorum having voted, the Chair will appoint tellers, and names the gentleman from Ohio, (Mr. MONROE,) and the gentleman from Pennsylvania, (Mr. SPEER.)

The House again divided; and the tellers reported—ayes 80, noes 67.

So the amendment was agreed to.

The question recurred on the motion as amended, and it was agreed to. So the bill was referred to the Committee on Military Affairs.

Mr. WILLARD, of Vermont, moved to reconsider the vote by which the bill was referred to the Committee on Military Affairs; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NANTUCKET HARBOR.

The SPEAKER. Reports from the Committee on Education and Labor are still in order.

Mr. G. F. HOAR. I ask unanimous consent to offer a resolution which is not reported from the Committee on Education and Labor.

It is for a survey of the harbor of Nantucket, which can be made at a very trifling expense.

The Clerk read as follows:

Resolved, That the Secretary of War be requested to cause an examination to be made of the harbor of Nantucket, Massachusetts, with a view to dredging and improving the same by deepening the water in such harbor on what is known as the "Haul-over," so as to offer greater protection and facilities to commerce; and that he report upon the feasibility of making such improvement and the probable cost thereof to the House of Representatives.

Mr. HOLMAN. I ask that that resolution be referred to the Committee on Commerce.

Mr. G. F. HOAR. It has been referred to the Committee on Railways and Canals, and a majority of that committee have authorized me to put it on its passage. It is a mere resolution for a survey at a very trifling cost. Surveys are now going on close to the spot, and my colleague [Mr. BUFFINTON] wants it passed early so that the same surveyors may perform this work.

Mr. HOLMAN. If it has been referred to the Committee on Railways and Canals, of course I do not object.

Mr. WHEELER. I know of no reason why this should be made an exceptional case. I hope that it will take the ordinary course, and be referred to the Committee on Commerce.

The SPEAKER. The gentleman objecting to the resolution, it, of course, cannot be considered now.

Mr. G. F. HOAR. I ask, then, that it be referred to the Committee on Commerce.

No objection was made, so the resolution was referred to the Committee on Commerce.

EDUCATIONAL FUND.

The House then resumed the consideration of the bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people.

The SPEAKER. This bill has been read twice and has been read at length. It will not, therefore, be read now unless some gentleman requires it.

Mr. G. F. HOAR. I understand that when this bill was reported the other day a motion to recommit was entered, and that other reports from the committee have merely come in out of order during the morning hour.

The SPEAKER. The bill is before the House.

Mr. HOLMAN. I hope the gentleman from Massachusetts, in consideration of the unusual importance of this measure, will indicate to the House the course he proposes to pursue in allowing debate, and whether the bill is to be left open for amendments or not.

Mr. G. F. HOAR. I propose to allow such debate as shall be desired by the House, and to enter a motion to recommit, and let the debate proceed under that motion. The sense of the House will be tested in some way or other as to the length of the debate. I propose to resist as far as I possibly can all hostile amendments, all amendments designed, not to perfect the bill, but to embarrass it.

Mr. Speaker, after the excited discussions which have taken place in the House during the whole of the present session, I suppose it is not disagreeable to all of us to address ourselves to a measure intended purely for the benefit of the country, containing nothing which can appeal to partisan or sectional ambition, interest, or desire.

One-fourth of the voters of the country to-day are unable to read or write. For the next ten years thirty-two Senators and one hundred and four Representatives, constituting, when voting compactly, a power which will be able to control on very important measures of legislation of the country, are to be chosen by States one-half of whose voting population have not knowledge enough of reading or writing to make either of practical advantage in receiving or conveying information. This condition of things, disclosed by the census of 1870, is, in the opinion of those persons most capable of judging, growing worse instead of better. And if a census were to be taken of the illiterate portion of the population of the country to-day, it would disclose a very much larger number unable to derive any information in the discharge of their duties as citizens from reading, and unable to convey such information to others by writing. It is true, I ought to say, that a sentiment has grown up in many, and perhaps all, of the States which promises better things in that respect; that is an encouraging symptom. It is true, also, that the State of Virginia is a most conspicuous and honorable exception to the general statement that I have made. But, with the exception of the fact that men are waking up in the southern portion of the country to labor in this matter, and with the exception of the State of Virginia, to whose democratic authorities I desire to pay a tribute of respect which their recognition of this great work deserves, this condition of things is rapidly growing worse.

Now, Mr. Speaker, this is a republic. The public opinion of this country is to determine its policy. Upon the intelligence and soundness of that public opinion is to depend the fate of the continent which we possess, with its vast resources, its vast wealth, its vast hopes. Upon the public opinion of this country and the influence which that public opinion may have upon its political policy is to depend the fate of the principles of self-government the world over. Now, Mr. Speaker, the republican statesmen of the period of reconstruction made, in my judgment, one grave and almost fatal error. They forced upon unwilling communities the principle of absolute equality in political power and political rights, without distinction of race, color, or intelligence. In this they did right. They said to twelve States which had withdrawn themselves from their political relations to the Government that if they were restored to the Government, they should establish their political institutions upon the doctrine which I have stated. Sir, they themselves represented States which for two and a half centuries, in some cases down to the newest State admitted on the Pacific coast, had recognized in their own constitutions the absolute, essential necessity of making suffrage intelligent, by provision for a comprehensive, universal, free system of public education. And, sir, whatever of wealth, whatever of political success, whatever of strength they had, was owing to the recognition of that essential principle. Weak and blind—I may say that of them, as they belong to my own party—they failed to see the need of applying to the Southern States this principle recognized in their own constitutions. It is too late for us to undertake to retrace their steps and correct that error. I trust the necessity will never arise when anybody will ever propose the application of any further compulsion by national authority upon the institutions of the States of this Union.

If that error had not been committed; if in 1865 Congress had required as a condition of the readmission of the rebel States that they should establish systems of free schools, and had appropriated, if necessary, one, two, three hundred million dollars to aid them in that establishment, in my judgment the question of the perpetuity of the Union, the question of the attachment of any portion of its people to our institutions, would have been long ago settled. You would have had to-day voting in these States, of both races and both political parties, a generation of instructed and educated children, who themselves, and their parents and friends, would feel that they owed their education and elevation in life to the wisdom and policy of the national Government.

That opportunity has passed away. The only opportunity left to us is to encourage as far as we can the establishment of such institutions in the States themselves, by the devotion of some portion of the resources of the General Government to the accomplishment of that result. I do not propose at this time to go over the statistics upon this question, which I have heretofore and with great care collected and presented to Congress and to the public, of the early legislation of this country on this subject. Nothing is better established by the precedents of our legislation than the propriety of the application of the proceeds of our public lands to purposes of education.

When Virginia made that magnificent gift of her public lands to the nation in 1787, it was upon the express condition, imposed by her statesmen of that day, that in their management the encouragement of public schools and the education of the people should be kept specially in view. With the exception of recent gifts to railroads, every gift which has been made of those public lands, a certain number of sections to the new States on their admission into the Union, 5 per cent. of the proceeds of their sales, a large distribution for the purpose of encouraging agricultural and technical education—every disposition that has been made by the national authority of the public lands has been in that direction.

Accompanying the tables of the census of the United States is a picture more eloquent than any words. The Superintendent of the Census has accompanied the tables of population and wealth by two maps, one of which shows by difference of shades the portions of the country where education prevails and where illiteracy prevails, and the other shows the same thing in regard to wealth. And the same identical territory which in the one map appears black with ignorance, in the other shows black with poverty. The same territory which in the one appears white and pure as representing education, in the other appears white and pure as representing wealth.

Now there are two main objects which are intended to be reached by this bill. The first is to consecrate forever to the purpose of the education of the people this vast national domain, so far as it may be considered the property of the nation. Of course whatever policy may commend itself to Congress as necessary for furthering the interests of the settler, to that the legislation which treats of the public lands as mere property must give way. The interests of the great States which in the future are to cover this domain, the interests of the people that are to compose their population, must of course be paramount to every other interest whatever.

But at the present time the policy of the country is to sell for reasonable prices these lands, and the proceeds are received into the public Treasury. This bill proposes to make an annual distribution among the States of one-half of the amount of those proceeds, for the purpose of aiding in the endowment of public schools in the different States. It is proposed that for the first five years this distribution shall be made on the basis of illiteracy; that is, of the need of the particular States. It is true that this distribution will create a certain inequality among the States for the first five years. But I think every gentleman who remembers, looking now at the interests of his own State, that the vote of an illiterate and uneducated person in another State affects all national questions, affects the policy of the country as much as the vote of the most educated and instructed citizen of his own State; that the humble black laborer in the rice swamp by his vote affects the national policy of the country with exactly the same power that Agassiz, or Elliott, or Barnard does, will see that it is for the interest of each State that the distribution should be made for the present in proportion to the needs of the several States.

Heretofore, in discussing this question, I have presented to the House some statistics, with the view of showing the need of different States, growing out of the number of persons therein who are unable to read or write. When I presented those statistics some gentlemen, representing States where the number of illiterate was large, seemed to suppose that it was done for some purpose of exciting reproach against their States or of vaunting in some way the superiority of my own. Sir, it was with no such purpose that these statistics were presented to the attention of the House and of the country. I am perfectly aware that the State which I have the honor to represent, if it has any advantage in this respect over any other State, owes that advantage largely to its wealth, its compactness of population, and the length of time which it has been settled. And I am not here, in discussing a question of this kind, to make any claims to any special merit or credit on account of anything that may have been done by my people or by my forefathers in this respect. I am aware that other States, new, with populations scattered over a large territory, which have had, whether by their fault or the fault of others, the great burden of slavery, which have been devastated by war, have been unable, even if willing, to supply this want for themselves.

But I will beg of the representatives of the States now to be affected not to reject this olive-branch which is held out to them by the people of the wealthier and more-densely populated States, which offers them not merely national aid in the establishment of their institutions of education, but offers to give them for the first five years, subject to extension by Congress hereafter, if at the end of five years such a condition continues to exist, this great advantage in the distribution of a common fund.

I have prepared, and shall have printed as a part of my speech, a table showing the amount of the fund which will be received by different States under this distribution. Let me refer to the manner in which the distribution will operate as respects two or three States.

The whole net proceeds of the sale amount to about $2,000,000 annually. Of this sum one half is proposed to be distributed annually, while the other half is to constitute a permanent fund, the income of which shall be distributed in the same way. Under this distribution the State of Alabama, with a population of 996,992, would receive as its share of $1,000,000 the sum of $67,689.71, while the State of Connecticut, with a population of 537,454—a little more than half the population of Alabama—will receive only $5,234.03. The State of Kentucky, with a population of 1,321,011, would receive $58,705.46, while the State of Massachusetts, with a population of 1,457,351, would receive only $17,273.94.

I submit the table in detail.

Table showing from the United States census of 1870 *the population of the several States and Territories, the population* 10 *years old and over, and the number of illiterates* 10 *years old and over; also the share of each State and Territory on the distribution of* $1,000,000, $1,500,000, *and* $2,000,000, *respectively, calculated on the basis of the number of illiterates* 10 *years old and over.*

States.	Total population.	Total population, ten yrs. of age and over.	Illiterate population, ten years of age and over.	17.68 cts.	26.51 cts.	35.35 cts.
				$1,000,000	$1,500,000	$2,000,000
Alabama	996,992	706,802	383,012	$67,689 71	$101,534 56	$135,379 42
Arkansas	484,471	341,737	133,339	23,565 00	35,347 50	47,130 00
California	560,247	430,444	31,716	5,605 16	8,407 74	11,210 32
Connecticut	537,454	425,896	29,616	5,234 03	7,851 03	10,468 06
Delaware	125,015	92,586	23,100	4,082 46	6,123 69	8,164 92
Florida	187,748	131,119	71,803	12,689 74	19,034 61	25,379 48
Georgia	1,184,109	835,929	468,593	82,814 44	124,221 66	165,628 88
Illinois	2,539,891	1,809,606	133,584	23,308 30	35,412 45	47,216 60
Indiana	1,680,637	1,197,936	127,124	22,466 62	33,699 93	44,933 20
Iowa	1,194,020	837,959	45,671	8,071 43	12,107 14	16,142 86
Kansas	364,399	258,051	24,550	4,338 72	6,508 08	8,677 44
Kentucky	1,321,011	930,136	332,176	58,705 46	88,058 19	117,410 92
Louisiana	726,915	526,392	276,158	48,805 40	73,208 10	97,610 80
Maine	626,915	493,847	19,032	3,367 05	5,050 57	6,734 10
Maryland	780,894	575,439	135,499	23,946 73	35,920 10	47,893 46
Massachusetts	1,457,351	1,160,666	97,742	17,273 94	25,910 91	34,547 88
Michigan	1,184,059	873,763	53,127	9,389 13	14,083 70	18,778 26
Minnesota	439,706	305,568	24,413	4,314 50	6,471 75	8,629 00
Mississippi	827,922	581,206	313,310	55,371 27	83,056 90	110,742 55
Missouri	1,721,295	1,205,568	222,411	39,306 69	58,960 03	78,613 38
Nebraska	122,993	88,265	4,861	859 08	1,288 62	1,718 16
Nevada	42,491	36,655	872	154 10	231 16	308 20
NewHampshire	318,300	260,426	9,926	1,754 22	2,631 33	3,508 44
New Jersey	906,096	680,687	54,687	9,664 83	14,497 25	19,329 66
New York	4,382,759	3,378,959	239,271	42,286 36	63,429 54	84,572 72
North Carolina	1,071,361	769,629	397,690	70,283 75	105,425 63	140,567 50
Ohio	2,665,260	1,953,374	173,172	30,604 68	45,907 02	61,209 36
Oregon	90,923	64,685	4,427	782 38	1,173 57	1,564 76
Pennsylvania	3,521,951	2,597,809	222,356	39,296 97	58,945 45	78,593 94
Rhode Island	217,353	173,751	21,921	3,874 09	5,811 14	7,748 18
South Carolina	705,606	503,763	290,379	51,318 68	76,978 02	102,637 36
Tennessee	1,258,520	890,872	364,697	64,452 90	96,679 35	128,905 80
Texas	818,579	571,075	221,706	39,181 57	58,772 35	78,363 14
Vermont	330,551	258,751	17,706	3,129 18	4,693 77	6,258 36
Virginia	1,225,163	890,056	445,893	78,802 66	118,203 99	157,605 32
West Virginia	442,014	308,424	81,490	14,401 72	21,602 58	28,803 44
Wisconsin	1,054,670	751,704	55,441	9,798 08	14,697 12	19,596 17
Total of States	38,115,641	27,899,535	5,552,488	981,29,103	1,471,936 54	1,962,582 08

Table showing the population of the several States, &c.—Continued.

Territories.	Total population.	Total population, ten yrs of age and over.	Illiterate population, ten years of age and over.	17.68 cts.	26.51 cts.	35.35 cts.
				$1,000,000	$1,500,000	$2,000,000
Arizona	9,658	8,237	2,753	$486 53	$729 80	$973 06
Colorado	39,864	30,349	6,823	1,205 82	1,808 73	2,411 64
Dakota	14,181	10,640	1,563	276 22	414 33	552 44
Dist. Columbia	131,700	100,453	28,719	5,075 50	7,613 25	10,151 00
Idaho	14,999	13,189	3,388	598 76	898 14	1,197 52
Montana	20,595	18,170	918	162 23	243 35	324 46
New Mexico	91,874	66,464	52,220	9,228 84	13,843 26	18,457 68
Utah	86,786	56,515	7,363	1,301 26	1,951 89	2,602 52
Washington	23,955	17,334	1,307	230 99	346 48	461 98
Wyoming	9,118	8,059	602	106 39	159 58	212 78
Total of Ter's	442,730	329,410	105,656	18,672 54	28,008 81	37,345 08
Grand total of United States	38,558,371	28,228,945	5,658,144			

Now, Mr. Speaker, I do not fear to confront my constituents, and I do not believe that any man in this House, representing an intelligent and educated constituency, will hesitate to confront his constituents with the statement that he has consented to a distribution on this basis, unequal as it may seem to be. I do not believe that the intelligent constituency represented by my friend from Pennsylvania [Mr. KELLEY] who sits near me, will be offended if every dollar of the proceeds of the public lands be devoted to increasing the intelligence of the ignorant classes in distant States. They know that the policy which is dear to them—that the national policy on which their prosperity depends—that their vast interests, commercial, manufacturing, mechanical, and educational—the administration of law, the recognition of human rights, the determination of their own fate and that of their children—depends largely on the intelligence and patriotism of the people of these illiterate States, and their capacity to understand public measures.

I admit that the method of education in Arkansas, for instance, the general control of the educational system there, should be determined by the people of that State alone. Massachusetts or Pennsylvania has no right under the Constitution, and should have no right under the Constitution, to interfere with any other State in these respects. But in the question whether Arkansas shall be educated, we, brethren of a common country, having one hope, one political faith, one political destiny, have an equal interest with the men who live within that locality. Therefore we propose simply to say to them, "If you desire to attempt to educate your people, to fit them, so far as education will do it, for the duties of American citizens, we will forego until you are equal with us in these respects any claim to a distribution of this public bounty founded on population, and will make the distribution to you according to your need."

We expect that Arkansas shall pay her share for maintaining the light-houses on the coast of Massachusetts, (that being a national interest,) although she may not have a light-house within her borders; and we are willing in our turn, so far as we constitutionally may, to pay our share according to the need, not according to the numbers, in furnishing these lights for the guidance of the people of any other community that may happen now to be in darkness.

Now, Mr. Speaker, this bill in its mechanism is exceedingly simple; but I believe (and in the expression of this belief I am fortified by the unanimous testimony of educators in all parts of the country) that its protection of the Government against the waste or misapplication of these funds is absolute and complete. It requires of the States just two conditions, and declares that every State which shall within one year comply with those two conditions shall, in the next year, receive its share of this distribution. Those two conditions are: first, the establishment of a system of free public schools for all its citizens, leaving all the details of that system to its own discretion; and, secondly, a report that it has established such a system, and that it has applied the money in accordance with the provisions of the bill, and a report of the number of children that have been in attendance at those schools during the previous year. A great many other conditions have been suggested as desirable to be added; but it seems to me that the performance of these conditions will be sufficient for the end proposed.

Many gentlemen say, "Why, how is it possible that a gift of $50,000 to a State of a million and a half of inhabitants, one-half of whom cannot read or write, can suffice to produce the result which this bill aims to accomplish?" But, Mr. Speaker, the history of education in this matter answers that question, and answers it to the surprise as well as the satisfaction of persons who have not previously investigated the subject. I am informed by the distinguished agent of the Peabody fund, Dr. Sears, perhaps the highest authority in this country on this special subject, that the expenditure of $30,000 a year from this fund (I believe that is the amount, though I may not have it precisely in my memory) causes probably an expenditure of from ten to twenty times that amount in the localities where this slight expenditure has been made; and not only that, but that the results

proceed in a vastly increasing ratio. When you say to a town, or a parish, or a neighborhood, "We will give you $5,000 for the establishment of schools," not only is the proposition readily accepted—for any community dislikes to see such an offer go by unimproved—but every town or community within the circuit of forty miles around comes in and says, "Why can you not do the same for us?"

The bill contemplates that there shall be made to the General Government a report setting forth the number of schools in each State, and the number of pupils actually attending therein.

That list will be tabulated and reported to Congress, and the result will be if in any State it appears, either that the State has refused to get its share of the bounty of Congress, or that the State stands lowest in rank in these particulars which are reported, somebody in that State will set its rivers on fire until that state of things is changed. It was that stimulant, and that stimulant alone, giving a few dollars only to each town, by which Horace Mann created anew the common-school system of Massachusetts, and raised it from its degraded condition, thereby making his name immortal among the benefactors of mankind. On this point the authority of the various school superintendents as given by Dr. Sears, to which I have alluded, is decisive.

Then, Mr. Speaker, that will leave the other million dollars to be deposited in the national Treasury, and invested in Government bonds, the interest only to be distributed, leaving the principal to accumulate as a national educational fund.

It seems to my mind the vast public domain we are rapidly disposing of in one way or another ought not to be used up for the necessities of a single generation. The people of the country, and especially the laborers of the country, take a deep interest in the public lands. They will not consent to any disposition of the proceeds of the sale of these public lands; and this bill gives no public lands, but simply disposes of the proceeds of their sale when paid into the Treasury—they will not consent, I say, to the disposition of them to any purpose less sacred than that of the education of the people.

It does not seem just that the entire proceeds of this vast national heritage should be disposed of for the necessities of a single generation and nothing left for the future.

If this fund is once established by the national Government, I believe very large accretions will come to it from time to time from various other sources. The amount of private benefactions made for the purpose of education in this country is very large. Last year, such as could be gathered from the newspapers, and not including those benefactions made by contributions specifically to such benevolent societies as the American Missionary Association, amounted to over $10,000,000, and the previous year to over $3,000,000. A very large portion of these benefactions will, in the course of time, take the direction of this national educational fund, and will go, as they should go, to the benefit of common schools.

Now, Mr. Speaker, I hope the gentlemen who are interested in the general objects of this bill will be kind enough to bear in mind that its details have been prepared with the very greatest care.

It has passed substantially one House of Representatives on a full debate, received the approbation of the President in his annual message in the fall of 1872, and, I believe, had the favor of a majority in the other branch of Congress.

Now a great many gentlemen will suggest various details which might be amended in order to satisfy them personally. Such amendments will, in my judgment, if adopted, seriously embarrass, and not facilitate, the passage of the bill itself. I do not disguise from any person that, although this bill declares it does not interfere, or pretend to interfere, with the right of Congress in the future to make any disposition of the public lands it may choose to make for agricultural colleges, or for any other purpose, and especially it does not undertake to affect the policy which Congress may adopt toward actual settlers—I do not disguise the fact that among the vast benefits of this legislation I reckon that it is to be a substantial and sufficient protection of our public lands in the future against wasteful or extravagant distribution. The railway speculator or fraudulent schemer who comes to Congress hereafter, however specious his claims may be, demanding a portion of these public lands, is to be, and should be, encountered by the argument that what he demands is so far to diminish the school fund which the nation has set apart for this special purpose. And I do not expect the vote of any gentleman for this measure who prefers a disposition of the public property of that kind to the accomplishment of the end which this bill undertakes.

We have been specially pressed to divert this endowment, in whole or in part, to the benefit of agricultural colleges or technical colleges, which the country feels the need of, and which have been largely, in many of the States, endowed by public liberality. Many excellent and admirable persons, for whose judgment I have the highest respect, desire to make this endowment for technical education. They would double the entire grant made by the legislation of 1863 to agricultural colleges, or other institutions for applied science. Now I will yield to none of those gentlemen in my deep sense of the fact that the success of the industries of this country, both agricultural and manufacturing—if we are to compete with Europe in the great strife for supplying the markets of the world—lies in instruction in these applied sciences. Human muscle and human brain, without the control of the forces which science is developing, will no longer win the race, either in agricultural or mechanical competition. I have given a good part of some of the best years of my life to the study of the systems of technical education in existence in this and other countries, and have helped to wake up the people of my own State to a sense of this necessity. And I declare, as the result of all, that the true benefactor of the agricultural college, the true benefactor of the technical school to-day, is not he who increases its pecuniary endowment, but he who supplies it with a universal and elevated system of common-school education from which it can select its pupils.

The manufacturers of England, disgraced in the competition with Europe in the world's fair of 1867, went home mortified and ashamed to establish the system of technical education which France, Prussia, and Switzerland, and even Austria, have established, in order that they might be able to sell the products of their manufacturing skill in the markets of the world. In 1851, at the world's fair, out of one hundred branches England led the manufacturers of the world in ninety. In 1867, out of the same one hundred divisions, England led the manufacturers of the world in but ten. The difference was occasioned by the establishment of technical schools on the continent by France, Austria, Prussia, and Switzerland. Then she set about to remedy that evil. Parliament appointed a commission. Boards of trade all over England and her men of science met in conventions. Her manufacturers petitioned Parliament and gave liberally of their own funds. But England found that it was impossible to establish a system of technical education until she first established her system of common schools, and the common-schools act of 1870, introduced by Mr. Forster, who is the coming man in the liberal party of England, is due not to England's sense of the claims of the manhood of her people—not primarily or chiefly due to that—but is due to the necessity, first, of technical education for the success of her manufacturers, and, next, of a good and thorough system of common-school education, from which the pupils in technical schools can be drawn and can be devoted to the particular branches for which their circumstances or capacities render them fit.

Therefore, Mr. Speaker, I for one set my face resolutely against any attempt to endow an agricultural college, however much I may desire its prosperity; against any attempt to endow the technical school for manufactures or the technological institution for scientific men, however much I may be sensible of their value to this country, until first the common schools, on which alike the political future and the political prosperity of this country, and the success and value of these institutions for technical education themselves are to depend, are amply provided for.

Another thing I would say. Technical education will always find sufficient benefactors. The wealthy mechanic, the wealthy merchant, likes to devote the proceeds of his life's industry to the university. He does not give it to the common schools. And these technical schools to-day in my State, where our system of common-school education ranks respectably, to say the least, with that of other States, are needing, not the opening of the purses of her men of wealth, to endow professorships and laboratories, so much as the exalting in the common school of the standard of education afforded there, so that the pupil in the technical school at sixteen or seventeen may begin sufficiently advanced in his acquirements to be in three or four or five years rendered competent to apply science to agriculture or the mechanical arts.

Mr. Speaker, I trust that this measure may find favor with the House. I trust that it may be in the beginning of this new session and this new administration the key-note of its policy; that, turning aside from the disgraceful jangle, from the personal taunt, from the confession of past weakness, this House may address itself without distinction of party to a measure so well calculated to elevate the character of our people.

I desire, Mr. Speaker, to conclude this brief exposition of the bill by quoting the weighty admonition of a distinguished citizen of my own State, who gave his life to this work:

> In our country, and in our times, no man is worthy the honored name of statesman who does not include the highest practicable education of the people in all his plans of administration. He may have eloquence, he may have a knowledge of all history, diplomacy, jurisprudence, and by them he might claim, in other countries, the elevated rank of a statesman; but unless he speaks, plans, labors at all times and in all places for the culture and education of the whole people, he is not, he cannot be, an American statesman.

Mr. MONROE. Before the gentleman from Massachusetts takes his seat I desire to ask him to explain somewhat a proposition he laid down, and which I have heard a number of gentlemen inquire about. He was understood to say that illiteracy is on the increase in the country, and many gentlemen seem to question that statement.

Mr. G. F. HOAR. In answer to the gentleman from Ohio I will say, that I made inquiry of the Commissioner of Education, and of several other gentlemen who have been conversant with the educational position of the Southern States, both in official capacities and as personally interested, and every one of them to whom I have put the question agrees in saying that although, as I said before, the public sentiment enlisted in those States was hopeful, and such improvement in the future might be expected, yet, with the conspicuous and honorable exception of the State of Virginia, the actual number of pupils at schools and the actual provision of public schools had diminished within the last three years.

Mr. HEREFORD. I hope the gentleman will exclude West Vir-

ginia from that statement. Her population is less than five hundred thousand, yet she devotes $600,000 annually to educational purposes.

Mr. G. F. HOAR. I should be very glad if every gentleman in the House should be able to rise and show me that in regard to his State this statement is an error. As I said before, I can prove the statement which I make, but I can prove it simply by a review of the legislation of the States, of the statistics, of the reports of public meetings, and by the certificates of conspicuous persons in various States. If I undertake to do it, however, gentlemen will suppose that I do it for the purpose of hostile criticism upon their States, or for the purpose of asserting the superiority of particular States in this regard. I did it to some extent in the last Congress, but I purposely refrained to-day from showing statistics to the House to prove that fact, saying to them that after a very full and careful study of the matter, I believe that statement is true. But, of course, the correctness of my statement in this particular is not essential or important to the strength of my general argument.

Mr. MELLISH. I want to know what are the reasons why the General Government should give aid to the common schools which are under the charge of the States, and if it will not be likely to have the effect of inducing the States to reduce their taxation for educational purposes to the extent of this grant? Is it not in reality a gratuity?

Mr. G. F. HOAR. I do not think it will have that effect. Some of the States are really unable to make as ample provision for educational purposes as they desire to do. In answer to the first part of the question of the gentleman from New York, [Mr. MELLISH,] I will say that this has been the policy of the Government since its foundation. The State of Virginia, in the first grant of public lands to the nation by which it acquired all the public lands it then possessed, declared that the express purpose of the grant was that the lands should be devoted to educational purposes. I have before me a list of thirty or forty acts, from the administration of Washington down to the present time, in which this policy has been recognized. It is too late for any gentleman conversant with the history of the country to ask why the national Government should undertake to stimulate institutions of education among the people. Some persons go further, and claim not only the right but the duty of the Federal Government, in the absence of an efficient system of education in a State, to exercise, control, and provide for the establishment of such a system. This bill makes no such claim; it contemplates no such measure; it is simply to give to the common schools the aid which the Government has given to other means of education. The need of the country to-day is public schools.

Mr. COX. I desire to ask the distinguished gentleman from Massachusetts if he has calculated how much, under this bill, would go to the various States during the first year?

Mr. G. F. HOAR. Yes, sir; I have a table here, a portion of which I read.

Mr. COX. It must be an interesting table. Has the gentleman calculated how much the amount would be *per capita*?

Mr. G. F. HOAR. I have the table here. I read from it in regard to several States, and I said that I would read the figures in regard to any State that any gentleman desired to hear read.

Mr. SMITH, of Ohio. This bill provides that for five years the proceeds of the public lands shall be distributed among the States in proportion to their illiteracy. Why not make it perpetual?

Mr. G. F. HOAR. The reason was, that many gentlemen doubted about the adoption of this principle as a permanent policy of this Government. They said that after these States had had this benefit and had got established on an equality with other States in this particular, it would not be just to offer a premium on continuing illiterate in the future; and it seemed to me, therefore, that the wisest way was to fix the policy of the Government in this particular for this short period, leaving it to the future to determine what is just and necessary hereafter.

Mr. DUNNELL. Mr. Speaker, I desire to make some remarks upon this bill, but shall not long occupy the attention of the House. I think there are very grave questions involved in the measure—some that we ought not to forget or overlook in the discussion of it. While it is not agreeable for me ever to vote against any measure that looks toward public free schools, yet I am constrained to present a few considerations in opposition to the passage of this bill, and give some of the reasons why I shall vote against it. In the first place, it is a new departure; it is the adoption of a new policy—a policy which has never hitherto been pursued since the formation of the Government. Ever since there have been public schools in any State of the Union, those public schools have relied wholly and entirely on State support and State appropriations. Never before has a direct attempt been made to go to the Treasury of the United States and take out money and parcel it among the several States for educational purposes. I have, sir, in past years of my life, had some little connection with public education, and I have been a firm believer that that kind of interest which is needed for a happy, full, and successful development of the common-school system must be close at home.

It is utterly impossible to rely upon the General Government to foster and keep alive that kind of spirit that is needed for a successful free-school development; and most certainly I do not think we should go to the Treasury this year—and I say this to the chairman of the Committee on Ways and Means, [Mr. DAWES]—to a Treasury well-nigh depleted, and take out of it the sum of $3,000,000 and scatter it through the Union, even for so good a purpose as free education.

Mr. MAYNARD. Only $2,000,000; the net proceeds.

Mr. DUNNELL. The net proceeds last year were about $3,000,000.

Mr. MAYNARD. No.

Mr. DUNNELL. Well, say $2,000,000. Here I might stop and remark that that is probably the largest annual sum that ever will be for distribution, and that hereafter the sum will certainly be diminished, and very rapidly, and that in a few years we will have very little money derived from this source to give, even for this laudable purpose.

Now, my great objection to this bill lies in this: what are these public lands of ours which we propose practically to tax in order that we may get money, and get "net proceeds," wherewith to pay out and create this fund? We must recollect that we will get no "net proceeds" unless we tax these lands. We have had a great deal said here about these lands belonging to the people. If these lands are to be taxed in order that we may get a fund that shall be worthy of the name, who are to be taxed?

We have two policies: the homestead and the pre-emption policy. Where do we get the most of the proceeds of our public lands? We get them under the operation of the pre-emption law. Both Houses of Congress, however, at the last session, voted to repeal the pre-emption laws, and henceforth and forever open up the entire public domain to the homestead principle. The homestead principle has been adopted by both of the great national parties of the country; it is the popular sentiment of the country to-day. Nor is it proposed insidiously to keep on the statute-book a pre-emption law that shall give us "net proceeds." Without that law we shall have only the income that shall arise from the sale of the mineral and pine lands, and very few of these now remain. Therefore I say that, as legislators here, we ought to remember that these public lands are, as it were, our outlying opportunities for national development. What are we going to do with the poor man coming over from Europe to settle in this country? Whither shall we direct him? We wish to direct him to the great prairies—the public lands of the West. Shall we tell these men that these lands are open to be entered under the homestead law? Yes. We should let that word go to Europe in advance, and let the people there understand that this is our policy. But pass this bill, and its friends will inevitably, naturally, and logically oppose the repeal of the pre-emption laws.

Mr. LAWRENCE. Will the gentleman——

Mr. DUNNELL. No; not now.

Then you must inform every person in the East, in the older States, who desires a home in the West, every incoming settler upon our public domain, that he must pay $1.25 or $2.50 an acre. Will it pay thus to burden the public lands? I say not. We will be taxing those who are the poorest and yet the best people in the country; we will be taxing the men who wish a home, the poor men who come into the country; for unless we sell them these lands we will get no "net proceeds."

The Committee on the Public Lands has already before it a bill to repeal the pre-emption law. It ought to be repealed. The gentleman from Massachusetts [Mr. G. F. HOAR] talked about speculators. Sir, where does the speculator in public lands get the chance to defraud and carry on his business? It is under that identical pre-emption law. Abolish that, and every man may have a free home. Give us the homestead law alone. The pre-emption is where the fraud comes in; it is where the fearful swearing takes place; it is where the speculator thrives and flourishes.

I say that we need these public lands for national development. We must increase our national population. Whither shall the hundreds of thousands go who come here? They must go out on the prairies of the West. We must amend the timber act of last session, so that the prairies of the West may be made timber lands, and must encourage the cultivation of forests upon these prairies. Then, with the rich soil that God gave us, with the good climate that there prevails, which will be vastly improved by forest culture, they will furnish homes for millions on millions. Let us not, I say, tie up these public lands by this kind of legislation.

I sympathize with the gentleman from Massachusetts, [Mr. G. F. HOAR.] I know his heart is all right; it is nearer right in this instance than his head. He feels an interest that I feel, and have felt for years—a profound interest in public education. But this is not the way to accomplish it.

Mr. G. F. HOAR. Will the gentleman allow me to ask him whether that interest did not lead him to make a very earnest and eloquent speech in favor of this very bill last winter?

Mr. DUNNELL. No, sir; it did not.

Mr. G. F. HOAR. You voted for it.

Mr. DUNNELL. This identical bill has not been before the House and passed upon.

Mr. G. F. HOAR. Yes; the only difference between the bill the gentleman voted for and spoke for last winter and this bill is that this makes the basis of illiteracy last for five years and the other for ten.

Mr. DUNNELL. I think there was a very great difference.

Mr. G. F. HOAR. Will the gentleman be kind enough to state what the difference was?

Mr. DUNNELL. I cannot now state the difference.

Mr. G. F. HOAR. Then I presume that if this bill made the basis

of illiteracy ten years, instead of five, the gentleman would make an eloquent speech in its favor.

Mr. DUNNELL. Mr. Speaker, since the other bill was before the House I have had a full year in which to note the practical operations of the pre-emption law—a year of valuable observation from the locality in which I live; and I am willing that the experiences of a year shall modify or change my action upon this or any other subject. I have, within the year, had peculiar opportunities to observe the practical operation of the pre-emption law; and therefore I believe that these public lands should be kept for the settlers of the country; that they ought not to be squandered or disposed of in the way here proposed.

One word further and I shall sit down. The friends of this measure have deluded themselves with the belief that they were to receive from it a very large sum of money—a very large fund. I fancy that this fund, for the entire country, would not exceed $10,000,000. Divide the interest on these $10,000,000 among all the States of the Union, and the amounts would be so insignificant that in many instances they would be frittered away and never made of any practical value to the particular localities. It is practically to be taken from the Territories of the country and distributed in sections where, if there are to be public systems of education, the seeds must be sown by themselves, and a public sentiment must spring up and grow which shall support schools by voting the necessary taxation.

If the people of North Carolina, or of Georgia, are ever to have public schools, they must have them as the result of local legislation, local home sentiment and conviction. We cannot force an educational system upon them. It is vain for us here in Congress to expect to legislate schools into existence in the various States of the Union.

I yield the floor to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. Mr. Speaker, I wish to occupy some little time on this subject; and it is now about the usual hour of adjournment.

Mr. COX. I will make a motion to adjourn if the gentleman will yield.

Mr. KASSON. I desire that the House shall exercise its own pleasure on that subject.

Mr. COX. With the consent of the gentleman from Iowa, I move that the House now adjourn.

Mr. SENER. I wish to give notice that whenever the proper opportunity may present I shall offer the following amendment:

In the thirteenth line of the fourth section strike out "five" and insert "ten;" so that the proviso will read thus:

Provided, however, That for the first ten years the distribution of the said fund to and among the several States and Territories, including the District of Columbia, shall be made according to the numbers of their respective population of ten years old and upward who cannot write, as shown, from time to time, by the last preceding published census of the United States.

SAC AND FOX INDIANS OF MISSOURI.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriation for educational purposes for the Sac and Fox Indians of Missouri; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY ROAD IN WASHINGTON TERRITORY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War in relation to the construction of a military wagon-road from Wallula to Seattle, Washington Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

INDIANS IN MONTANA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill to establish a reservation for certain Indians in the Territory of Montana; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ABOLITION OF FRANKING PRIVILEGE.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Attorney-General, in answer to a resolution of the House of December 8, 1873, in relation to the expenses incurred by the abolition of the franking privilege, &c.; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INDIANS IN TEXAS AND NEW MEXICO.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill and estimates of appropriation for the removal of the Kickapoo and other Indians from Texas and New Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIANS OF NORTHERN SUPERINTENDENCY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting estimates of appropriations to aid Indians of the northern superintendency in the arts of civilized life; which was referred to the Committee on Appropriations, and ordered to be printed.

PROTECTION OF AMERICAN SEAMEN.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of State, transmitting a report in compliance with the act of March 2, 1799, for the relief and protection of American seamen; which was referred to the Committee on Commerce, and ordered to be printed.

PAWNEE INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of an appropriation to indemnify the Pawnee Indians for forty-eight hundred acres of land; which was referred to the Committee on Appropriations, and ordered to be printed.

APACHE INDIANS IN ARIZONA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriations for collecting and subsisting the Apache Indians in Arizona and New Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY RESERVATION, FORT SUMNER, NEW MEXICO.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War in relation to the military reservation at Fort Sumner, New Mexico; which was referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN TRIBES IN THE NORTHERN SUPERINTENDENCY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting a draught of a bill to the House for the relief of certain tribes of Indians in the northern superintendency; which was referred to the Committee on Appropriations, and ordered to be printed.

CAPTAIN JAMES M. ROBERTSON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War in relation to the military history of Captain James M. Robertson, Second United States Artillery; which was referred to the Committee on Military Affairs.

SETTLEMENT OF ACCOUNTS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a draught of bill for the settlement of certain accounts; which was referred to the Committee on Claims.

WINNEBAGO INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations required to fulfill treaty obligations with the Winnebago Indians of Nebraska; which was referred to the Committee on Indian Affairs, and ordered to be printed.

CONTESTED-ELECTION CASE—FIRST DISTRICT OF LOUISIANA.

The SPEAKER also, by unanimous consent, laid before the House additional papers relating to the contest in the first congressional district of Louisiana; which were referred to the Committee on Elections.

FREDERICK H. E. EBSTEIN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a draught of a bill for the relief of Frederick H. E. Ebstein, first lieutenant, Twenty-first Infantry; which was referred to the Committee on Military Affairs.

PROPERTY IN THE WAR DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of July 15, 1870, inventories of the public property in the several Bureaus in his Department; which was referred to the Committee on Appropriations, and ordered to be printed.

FREEDMEN'S BUREAU.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting certain additional developments connected with the late Bureau of Refugees, Freedmen, and Abandoned Lands; which was referred to the Committee on Military Affairs, and ordered to be printed.

BELL *vs.* SNYDER—SECOND DISTRICT OF ARKANSAS.

The SPEAKER also, by unanimous consent, laid before the House the depositions of witnesses in the case of M. L. Bell *vs.* O. P. Snyder, from the second district of Arkansas; which were referred to the Committee on Elections.

REMOVAL OF KANSAS TRIBE OF INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriation for the removal of the Kansas tribe of Indians to the Indian Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

COURT OF INQUIRY OF GENERAL DON CARLOS BUELL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of June 5, 1872, as full and complete a transcript of the phono-

graphic notes taken during the court of inquiry in the case of General Don Carlos Buell as could at the present time be furnished; which was referred to the Committee on Military Affairs.

The SPEAKER. The Chair has had his attention called to the fact that the transcript of the record in the Don Carlos Buell case, transmitted by the Secretary of War, is very voluminous, and it has been suggested that it had better be referred without any order to print, leaving it to the committee to have it ordered to be printed if they so desire.

Mr. RANDALL. Of course power is left with the committee to order it to be printed, if they shall deem it necessary.

The SPEAKER. There being no objection that will be taken to be the order of the House, and the committee can have the record printed if after examination they deem it necessary.

TRANSIENT PAUPERS IN THE CITY OF WASHINGTON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War in relation to transient paupers in the city of Washington; which was referred to the Committee on the District of Columbia.

STATE DEPARTMENT EMPLOYÉS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting, in compliance with the acts of April 18, 1818, and August 26, 1842, the names of the clerks and other persons employed in his Department, or any of its offices, during the year 1873; which was referred to the Committee on Appropriations, and ordered to be printed.

REVISION OF ESTIMATES.

The SPEAKER also laid before the House the following message from the President of the United States:

To the House of Representatives:

In reply to the resolution of the House of Representatives of the 15th of last December, requesting a revision of the estimates for the expenses of the Government for the fiscal year ending June 30, 1875, I have the honor to transmit herewith amended estimates and replies from the several Departments.

U. S. GRANT.

EXECUTIVE MANSION, WASHINGTON, *January* 7, 1874.

The message, with the accompanying documents, was referred to the Committee on Appropriations, and ordered to be printed.

EDUCATIONAL FUND.

Mr. BROMBERG. I send to the desk to be read an amendment which I desire to offer to the bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people.

The SPEAKER. The gentleman from Alabama [Mr. BROMBERG] will understand that during the pendency of the motion to recommit no amendments are in order. The amendment can only be received as a notice.

The Clerk read as follows:

Amend in section 11, by striking out all after the words "hereby created" in line 14.

The SPEAKER. The gentleman from Alabama gives notice that he will offer the amendment which has been read, when in order.

DANIEL SUDDARTH.

Mr. YOUNG, of Kentucky, by unanimous consent, reported back from the Committee on Invalid Pensions the bill (H. R. No. 326) granting a pension to Daniel Suddarth, of Adair County, Kentucky; and the same was referred to the Committee on Revolutionary Pensions and War of 1812.

JAMES G. BETTS.

Mr. ELLIOTT, by unanimous consent, introduced a bill (H. R. No. 1027) for the delivery to James G. Betts, receiver, of certain bonds now in the Treasury of the United States of America; which was read a first and second time.

Mr. ELLIOTT. I move that the bill be referred to the Committee on Ways and Means.

Mr. HOLMAN. I do not think that the bill properly belongs to the Committee on Ways and Means. I suggest that it be referred to the Committee on Claims.

Mr. ELLIOTT. Very well.

The bill was referred to the Committee on Claims.

Mr. HOLMAN. I demand the regular order.

The SPEAKER. The regular order is demanded, which is on the motion of the gentleman from New York [Mr. COX] that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BARBER: Papers in connection with the bill to authorize and establish a bridge across the Mississippi River at Prairie du Chien.

By Mr. BERRY: Petition of John Sterling and others, of Whartonsburgh, Ohio, relating to postal matters.

By Mr. CESSNA: A petition of citizens of Fulton County, Pennsylvania, praying for the passage of a law to require prepayment of all mail matter and a change in the manner of fixing salaries of postmasters.

By Mr. CHIPMAN: A memorial of the board of health.

Also, the memorial of Ella O. N. Doyle.

Also, the memorial of Susannah A. Chapman.

By Mr. CLAYTON: The memorials of Landsberger & Co., and Schleifer & Co., of San Francisco, California, asking that a tax be imposed on imitation sparkling wines, and compound liquors to be sold as wine or as a substitute for wine.

Also, memorials of the First National Gold Bank, of San Francisco; the National Gold Bank and Trust Company, of San Francisco; the National Gold Bank of D. O. Mills & Co., of Sacramento; the First National Gold Bank, of Stockton; and the First National Gold Bank, of Santa Barbara, all of California, asking that gold banks be allowed the same percentage of circulation on their bonds as currency banks.

By Mr. COBURN: The memorial of 50 wholesale merchants, of Indianapolis, Indiana, asking an amendment of the bankrupt law—not a total repeal.

By Mr. FRYE: The remonstrance of Ora Cushman and 75 others, manufacturers and merchants of the cities of Lewiston and Auburn, in the State of Maine, against the repeal of the bankrupt act.

By Mr. GARFIELD: A petition of citizens of Painesville, Ohio, asking Congress to make an appropriation to complete the repairs of Fairport Harbor, on Lake Erie.

By Mr. HYNES: A petition of citizens of the State of Alabama, for the improvement of the port of Sabine Pass, on the coast of Texas.

By Mr. LAMISON: Memorial of D. Whiteman, A. C. Smith, and 64 other citizens of Putnam and Defiance Counties, praying for the establishment of a post-route between Ottawa, Putnam County, Ohio, and Defiance, Defiance County, Ohio.

By Mr. MAYNARD: The petition of Thomas L. Goddard, for a pension.

By Mr. McCRARY: The petition of Isaac M. Grant, of Newton, Kansas, praying a pension.

Also, the petition of John Baker, to be placed on the pension rolls.

By Mr. MYERS: A petition of 81 chemists and druggists of London, Ohio; Newark, New Jersey; Shreveport, Louisiana; Detroit, Michigan; Council Grove, Junction City, and Abilene, Kansas, asking a repeal of the stamp-tax on medicinal preparations.

Also, a memorial of the heirs of Jacob Cramer, a soldier of the Revolution.

By Mr. NEAL: The petition of E. A. McFadden and other citizens of Ohio, praying for the passage of a law granting pensions to soldiers in the war with Mexico.

By Mr. NIBLACK: The memorial of the citizens of the city of Mount Vernon, in the State of Indiana, praying for the improvement of the harbor of that city.

By Mr. O'BRIEN: The petition of Samuel Jackson, for bounty and pension.

Also, the petition of Jane Gartland, for pension.

By Mr. RAINEY: A petition of South Carolina Conference of Methodist Episcopal Church South, for relief of Southern Methodist publishing house, Nashville, Tennessee.

By Mr. SENER: Petition from the Virginia Conference of the Methodist Episcopal Church South, in behalf of the Southern Methodist publishing house, of Nashville, Tennessee.

By Mr. SMART: The petition of James Cummings and 2,000 other iron-molders of Troy, New York, and vicinity, asking for a charter for an international union of iron-molders.

By Mr. SMITH, of Virginia: The petition of Hon. Hill Carter, asking payment for property used by United States troops.

By Mr. STONE: The petition of Martin Hoff, Caspar Doerr, and George Gebhart, of the city of Saint Louis, State of Missouri, praying for the payment of their claims for labor and materials.

Also, the petition of John W. Jennings, for relief for destruction of machinery.

By Mr. SWANN: The petition of Bishop Ames and 34 other ministers of the Methodist Episcopal Church, of Baltimore, Maryland, for relief of the Southern Methodist publishing house, of Nashville, Tennessee.

POST-ROUTE BILL.

The following bill was introduced under the rule, and referred to the Committee on the Post-Office and Post-Roads:

By Mr. WHITELEY: A bill to establish certain post-routes in the counties of North Colquitt and Berrien, in the State of Georgia.

PAPERS WITHDRAWN AND REFERRED.

The following papers were withdrawn under the rule, and referred:

On motion of Mr. SWANN, the memorial of Thomas and William Winans, with the papers accompanying the same, were taken from the files of the House, and referred to the Committee on Patents.

IN SENATE.

THURSDAY, *January* 8, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. WRIGHT presented a petition of G. R. Manning and other citizens of Iowa, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

He also presented additional papers in the case of John Hannegan, for himself and as administrator of the estate of William Hannegan, deceased, praying compensation for damages which accrued under a certain contract; which were referred to the Committee on Claims.

Mr. RAMSEY. I present a memorial of business men in the city of Saint Paul, Minnesota, in which they say that, approving the principle of the bankrupt law of the 2d of March, 1867, that the estate of an insolvent debtor should, by law, uniform throughout the United States, be divided equally among the creditors of the insolvent; and believing that a uniform rule should exist throughout the whole country for the prevention of frauds upon and preferences among creditors in cases of insolvency; and that a like uniform rule should prevail by which an honest insolvent may obtain a discharge from his debts; and while agreeing that in a number of its provisions the law ought to be amended so that the period of delinquency of payment of commercial paper shall be longer than fourteen days, as now, before a debtor can be subject to an appeal of the creditor to the bankrupt courts, and that it shall require the demand and consent of at least one-third, or some similar proportion (in amount) of the creditors, before the courts shall be at liberty to grant an order in bankruptcy, they respectfully remonstrate against the proposed repeal of the bankrupt law, and pray Congress to take action for the amendment of the same as above suggested, and also by a reduction of present charges. This memorial is signed by a great number of the principal business men of the State of Minnesota.

The PRESIDENT *pro tempore*. The committee having reported on that subject, the memorial will lie on the table.

Mr. RAMSEY presented a petition of citizens of Minnesota, praying for the establishment of a post-route from Wadena to Parker's Prairie, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER presented a petition of citizens of Michigan, praying for the passage of a law granting pensions to soldiers of the war of 1812 who served less than sixty days; which was referred to the Committee on Pensions.

Mr. ANTHONY. I offer the petition of Lucian Sharpe and others, of Providence, Rhode Island, asking that the site of the old lighthouse may be sold at private sale on such terms and conditions as shall be acceptable to the Secretary of the Treasury. I move its reference to the Committee on Commerce.

The motion was agreed to.

Mr. BUCKINGHAM presented the petition of Alpheus Winter and other officers of the Grand Lodge of Good Templars of the State of Connecticut, and the petition of James W. Denton and other citizens of New Haven, Connecticut, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. KELLY presented a petition of officers of the State Temperance Union, State Temperance Alliance, Grand Lodge of Good Templars, and Father Mathew Temperance Society of the State of Oregon, praying for the appointment of a commission concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. SUMNER. I present a petition of Italians, now citizens of the United States, assembled in different associations at New York, in which they represent that being fully convinced of the existence of the inhuman traffic in Italian children, an evil which no lover of freedom can contemplate unmoved, and heartily sympathizing with Italian citizens in their efforts to emancipate from unjust and tyrannical rule these unfortunate children, and fully concurring with the sentiments expressed in the resolutions hereto annexed, they respectfully petition Congress to pass the necessary laws for the suppression of this disgraceful abuse. There is a bill on this subject already pending before the Judiciary Committee, introduced by me on the first day of the session, and I move that this petition be referred to that committee.

The motion was agreed to.

Mr. SCOTT. The president of the National Board of Trade has forwarded to me memorials of that body adopted and directed at their recent session in Chicago to be prepared and presented to Congress. One is a memorial calling attention to existing laws requiring bonds of exporters of spirituous and malt liquors, to the impolicy and doubtful constitutionality of imposing an internal-revenue tax on exported articles, and to the diversity of construction of these laws in different districts by the revenue officials, and praying for such legislation as will remove and remedy the evils suggested and complained of. I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. SCOTT. I present another memorial of the same body—the National Board of Trade—representing that no part of the quarantine laws of our sea-ports can be effective against the importation of diseases without uniformity in time and method, and praying for the establishment of a uniform system of quarantine under national supervision. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

Mr. SCOTT presented the petition of Samuel Pennock and other citizens of Chester County, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. SCOTT. I also present the memorial of Colonel and Brevet Major-General Samuel W. Crawford, of the United States Army, on the retired list, praying for the passage of a special act retiring him upon the rank which he held at the time he received his wound in battle by reason of which he was retired, thus placing him upon an equality with the officers who have heretofore been retired under the act of Congress. I move that the petition and accompanying papers be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. BOUTWELL presented the petition of Isaac Wilson and 92 other citizens of Georgetown, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. CONKLING. I present the petition of D. Minor K. Johnson, of Rome, New York, and other gentlemen, comprising apparently the entire bar of that city, asking the unconditional repeal of the bankrupt law.

The PRESIDENT *pro tempore*. The petition will be laid upon the table, the committee having reported upon that subject.

Mr. CONKLING. I also present a petition signed by business men in the city of Rochester, New York, praying that the bankrupt law be amended rather than repealed.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. CONKLING. I present also a similar memorial, signed by citizens of the State of New York, residents of Syracuse. Perhaps, Mr. President, in presenting these memorials preferring the amendment rather than the repeal of the bankrupt law, I ought to state that sometimes a circular comes to me with these memorials, not, I suppose, intended as a part of them; but as it is inclosed with them I think perhaps I should bring it to the attention of the Senate—a circular which, it seems, is sent out with these printed petitions from gentlemen—registers and others—calling upon those to whom they are sent to circulate and obtain subscriptions to them, and calling also for contributions to defray the expense of sending persons to Washington to oppose the repeal of the bankrupt law. As, I say, I cannot think this circular is intended as a part of these memorials, but as it comes in one instance this morning in the same envelope with the memorial, although I do not present it, I think it may be right to call the attention of the Senate to it.

Mr. LOGAN. Will the Senator allow me to make a remark right there in connoction with these memorials?

Mr. CONKLING. Certainly.

Mr. LOGAN. Inasmuch as the Senator from New York has called the attention of the Senate to the fact mentioned by him, I desire to say a word in regard to it. I have received a blank petition sent to me by a gentleman who was formerly an officer under the bankrupt law, but is not now. Presuming that he was still an officer under the bankrupt law and would take a great deal of interest in it, certain parties sent him one of these blank memorials. Having read one of those that have been presented heretofore, I find that they are the same as this blank memorial against the repeal of the bankrupt law; and with it was a circular of the same character as the one that the Senator from New York alludes to, I presume. I will take the pains to read it to the Senate. Here it is:

NEW YORK, *December* 26, 1873.

DEAR SIR: We inclose herewith blank memorials remonstrating against the repeal of the bankrupt act, with the request that, if consistent with your views, you will have the same signed by the business men of your place, so far as possible, and forward at once to your Senator or Representative in Congress. A strong lobby is at work in Washington in favor of absolute repeal—

All of which we know is not true—

but if the business men of the country in favor of the law will act promptly, it is believed that the law will be amended, and not repealed.

It has been thought necessary to send persons to Washington to oppose the repeal as soon as Congress reassembles; and, as expense will be incurred for this purpose, for printing, &c., any contribution you may feel inclined to send to Aaron Smith & Co., treasurers, 20 Warren street, New York, will be thankfully received, duly acknowledged, and judiciously and properly expended.

Very truly, yours,

EASTMAN, BIGELOW & DAYTON, 425 Broadway,
CHAS. M. DICKINSON, 289 Broadway,
LUKE A. LOCKWOOD, 110 Broadway,
Committee.

I merely call the attention of the Senate to the fact that the shysters who practice under this bankrupt law, and make their money by black-mailing men, have organized to oppose the repeal of the law, and are sending these circulars to every person in the United States connected with the administration of the law as an officer, and asking him to have these petitions signed and sent here to members of

Congress as showing the sentiment of the country against repeal. On comparing this blank petition with other petitions that I see members have presented here in opposition to the repeal of the bankrupt act, I find that they are the same, which proves to me that a majority of these petitions were gotten up in this way, and presented here to show a sentiment of the country that is not really the sentiment of the people of the country.

Mr. ANTHONY. I desire to say that I presented a memorial yesterday from the very first business men of the city of Providence, and I have information from there since I arrived here that corresponds with what I obtained when I was there, that no commercial question ever received so unanimous a judgment in the community which I have the honor in part to represent as that does, and there were no shysters concerned in getting up that memorial.

Mr. CAMERON. What was that?

Mr. ANTHONY. Against the repeal of the bankrupt law.

Mr. LOGAN. Mr. President, the Senate will understand that I do not make this remark applicable to all the petitions presented. I only say that the printed blank I have presented is a copy of some of the petitions that have been presented here, which shows that these gentlemen are circulating these petitions in blank, sending them to officers under the bankrupt law to get them signed, and then sent here to show the sentiment of the country. That does not prove that all the petitions are of that kind, but it does prove that a portion of them are. That is what I mean.

Mr. THURMAN. I do not think this is a very proper course to be taken by officers under the bankrupt act; not that they have not a right, as any other citizens, to send petitions here, or procure petitions in a proper manner to be sent here; but so far as their sending out petitions in this way to be signed is concerned, they have a very strong precedent, which perhaps they followed. The Senator from Illinois will recollect that not a great while ago one of the Departments of this Government sent out thirty-odd thousand blank petitions, printed and circulated at the public expense, to officers of the Government of the United States, instructing them to procure signatures to them, and send them to Congress, asking for a repeal of the franking privilege. With such a precedent as that before us, and which never invoked the condemnation of the Senate, these poor registers may think that they ought to be allowed this privilege.

Mr. LOGAN. I merely wish to say to the Senator from Ohio, and for the information of the Senate, that at the time those petitions were presented to Congress, although the gentleman who did that agreed with me in politics, I denounced it at the very time.

Mr. THURMAN. That is very true.

Mr. CONKLING. Mr. President, nobody can deny that among business men of the highest character there is a very general judgment that the bankrupt law ought to be amended rather than repealed; and even in speaking of the circular which he held in his hand, the Senator from Illinois, had he known personally some of these gentlemen, would except them from the remark he made. Interested they are, but men of character they are, also; and as it is common for men to act in the pursuit of their own interest, particularly when they think their interest tallies with right and expediency, these gentlemen, no doubt, are moving in this direction, and they have sent, as both these Senators remark, very wide-spread over the country, prepared and printed petitions; and, as we all know, that fact must be taken in derogation of the force of these petitions.

Those who are opposed to the bankrupt law, who are in favor of its unconditional repeal, move spontaneously in a sense. There is nobody at large interested in an organized movement for the repeal of the bankrupt law. Particular men may be interested; they may move in their neighborhood; but we can all see that the organized movement on this subject of course comes from those who have and naturally take an interest on their own behalf.

Now, Mr. President, as illustrating somewhat the diversity of views which prevails on this subject, since this debate sprang up I have received, and ask leave now to present, a memorial signed by citizens of the city in which I live. I know who they are. It is signed by an array of men such as have very seldom, I venture to say, united in any single judgment upon a public question. I find here the names of men of both political parties; I find the judges of the supreme court of the State; the judge of the court of appeals who lives in that city; Mr. Kernan, the recent democratic candidate for governor of the State, who is one of the leading lawyers; and the bar and business community with almost absolute unanimity, demanding in earnest terms the absolute repeal of the bankrupt law, and upon a judgment which unquestionably is their own, unprompted by anybody; and this petition, I venture to say, represents as fully as any petition containing no greater number of names the enlightened public judgment on this question. I move that it lie on the table.

The motion was agreed to.

Mr. CONKLING presented the petition of Bishop E. L. Janes, Rev. Cyrus D. Foss, D. D., Rev. Mansfield French, and 40 other clergymen of the Methodist Episcopal Church of New York City and vicinity, praying for the appointment of a commission to make inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

He also presented the petition of the Green Point Presbyterian church, of Brooklyn, New York; signed by Rev. William Howell Taylor, pastor, J. N. Stearns, and Charles Kennedy, officers, praying for the appointment of a commission to make inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. CAMERON presented the petition of Caleb Clothier and other citizens of Philadelphia, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented the petition of the Belleville Avenue Congregational church, Newark, New Jersey, signed by the pastor, Rev. George M. Boynton, and other officers of the church, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. MORRILL, of Vermont, presented the memorial of the Merchants' Association of Philadelphia, remonstrating against the repeal of the bankrupt law, and praying for a modification thereof; which was ordered to lie on the table.

Mr. WADLEIGH presented the petition of James Pike and other citizens of Concord, New Hampshire, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

The PRESIDENT *pro tempore* presented the petition of Benjamin C. Skinner, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Joanna W. Turner, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. STEVENSON presented the petition of Rev. D. H. Marimon and other citizens of Kentucky, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. FENTON presented the petition of the Young Men's Christian Association of the city of Brooklyn, New York, signed by Professor D. H. Cochran, president, and William M. Martin, secretary, and representing five thousand members, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. HOWE presented the petition of the officers and members of the Oshkosh Division of the Sons of Temperance of the State of Wisconsin; the petition of the Grand Division of the Sons of Temperance of the State of Wisconsin, and petitions of the Ladies' Temperance Union of the Sons of Temperance Division No. 2, and of the Young Men's Christian Association of Janesville, Wisconsin, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. LEWIS presented the petition of Joseph Segar and Caleb C. Willard, praying compensation for a hotel alleged to have been seized by the military authority of the United States at Old Point Comfort, Virginia; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers of Jesse Connell and Barrett S. Johnston, praying to be allowed the sum of $4,265.30 for corn furnished for the use of the Army in 1862, be taken from the files and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers relating to the claim of officers of the Fourth and Fifth Indian Regiments be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. INGALLS, it was

Ordered, That the report of a commission appointed by the governor of Kansas, by authority of the Legislature of that State, to examine and audit the claims of citizens of Kansas for losses sustained at the hands of hostile Indians, be taken from the files and referred to the Committee on Indian Affairs, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. HAMILTON, of Texas, from the Committee on Pensions, to whom was referred the bill (S. No. 82) for the relief of Margaret E. West, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HAMILTON, of Texas, from the same committee, to whom was referred the petition of Oliver Powers, representing that he was marked upon the roll of Company K, Tenth Regiment Tennessee Cavalry, as a deserter, and praying to have the roll of the company corrected, and pay, bounty, and other emoluments accorded to him, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

BILLS INTRODUCED.

Mr. SCOTT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 260) in regard to the retirement of Brevet Major-General S. W. Crawford; which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 261) for the benefit of those purchasing lands from the United States; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SCHURZ asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 262) for the relief of the University of the State of Missouri; which was read twice by its title, and, with the papers relative to the case now on the files of the Senate, referred to the Committee on Claims.

Mr. FENTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 263) for the relief of the executors of Benjamin Brittin, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 264) for the relief of the officers of the Fourth and Fifth Indian Regiments; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 265) to establish the Corcoran Park and Zoological Garden near the Capitol, in the District of Columbia, and to incorporate a society to maintain the same, and a company to construct a street railroad thereto; which was read twice by its title, and referred to the Committee on the District of Columbia.

ENCROACHMENTS UPON INDIAN TERRITORY.

Mr. MORRILL, of Maine, submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate any information in his possession relative to the unauthorized occupation or invasion of, or encroachment upon, the Indian territory, so called, by individuals or bodies of men, in violation of treaty stipulations.

OFFICIAL SALARIES.

The PRESIDENT *pro tempore*. If there be no further Senate resolutions, the unfinished business of yesterday, being the salary bill, so called, is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates; the pending question being on the amendment of Mr. PRATT to the amendment reported by the Committee on Civil Service and Retrenchment.

Mr. RAMSEY. I should like to have that amendment reported.

The Chief Clerk read the amendment to the amendment; which was to insert at the end of line 10 of the amendment of the committee the following:

Provided, however, That the Senators, Representatives, and Delegates of the Forty-third Congress who have received their compensation since the 4th day of March, 1873, at the rate of $7,500 per year, in accordance with the act of March 3, 1873, shall hereafter be paid only such monthly installments as shall, in the aggregate, make their compensation for the whole Congress equal to the sum of $5,000 per year, exclusive of mileage allowances.

The PRESIDENT *pro tempore*. On this question the yeas and nays have been ordered.

Mr. WRIGHT. Before the vote is taken on this amendment I beg to suggest to my good friend from Indiana, inasmuch as he must be satisfied that there are members of the Senate who will vote against his amendment who are in favor of it upon principle, and yet vote against it because they are satisfied that it attempts to reach an end in a manner not contemplated or warranted by the Constitution, and as he has prepared an amendment which will reach the end perhaps in a more acceptable manner, to withdraw the call for the yeas and nays on the pending amendment, let us take a vote upon it at once, and he can then offer the other amendment, and have the yeas and nays upon that.

Mr. PRATT. I am satisfied to do that.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the call for the yeas and nays?

Mr. LOGAN. I object.

The PRESIDENT *pro tempore*. The Senator from Illinois objects. The Secretary will call the roll.

The question being taken by yeas and nays, resulted—yeas 14, nays 45; as follows:

YEAS—Messrs. Bogy, Conkling, Cragin, Fenton, Ferry of Michigan, Hamlin, Morton, Oglesby, Pratt, Sargent, Schurz, Thurman, Wadleigh, and Windom—14.

NAYS—Messrs. Allison, Bayard, Boreman, Boutwell, Brownlow, Buckingham, Cameron, Carpenter, Clayton, Conover, Cooper, Crozier, Davis, Dennis, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hamiliton of Maryland, Hamilton of Texas, Hitchcock, Howe, Ingalls, Kelly, Lewis, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Norwood, Ramsey, Ransom, Saulsbury, Scott, Sherman, Spencer, Stevenson, Stewart, Sumner, Tipton, and Wright—45.

ABSENT—Messrs. Alcorn, Ames, Anthony, Chandler, Edmunds, Gordon, Johnston, Jones, Patterson, Robertson, Sprague, Stockton, and West—13.

So the amendment to the amendment was rejected.

Mr. PRATT. I now offer the following amendment to come in at the conclusion of the first section of the amendment reported by the committee:

Provided, however, That the compensation of the Senators, Representatives, and Delegates of the Forty-third Congress shall be at the rate of $7,500 a year for the year ending March 3, 1874, and shall be at the rate of $2,500 for the year ending March 3, 1875, exclusive of mileage as fixed above.

I ask for the yeas and nays on this amendment to the amendment.

The yeas and nays were ordered.

Mr. BOGY. As I understand the amendment of the Senator from Indiana, the members of the Forty-third Congress will get $7,500 a year up to the 3d of March next, and mileage.

Mr. PRATT. I did not hear the inquiry of the Senator from Missouri.

Mr. BOGY. As I understand the amendment of the Senator from Indiana, the Senators and Representatives of the Forty-third Congress will for the first year of the Congress be entitled to $7,500 and mileage.

Mr. PRATT. And mileage as fixed by the act to which this proviso is attached—I mean, as fixed in the substitute which was reported by the committee.

Mr. BOGY. As I understand the import of the words, the members of the Forty-third Congress for the first year of the present Congress will be entitled to $7,500 as a compensation, and in addition to a full mileage.

Mr. PRATT. That is the meaning of the proviso, certainly—mileage as it is fixed in the bill reported by my friend from Iowa.

Mr. BOGY. As I understand the amendment, the gentleman has changed his position very radically on the subject. Instead of being for a small pay he is now for a larger pay than has yet been proposed in this body, because we should get the mileage and the $7,500 also, under his amendment, for the first year.

Mr. PRATT. That is precisely what the bill reported by the committee of this body makes provision for.

Mr. CONKLING. May I inquire of the mover of this proposition whether it is to follow line 10 of the amendment reported by the committee?

Mr. PRATT. The amendment is to come in at the end of the first section of the substitute reported by the committee.

Mr. CONKLING. It comes at the end of the first section of the substitute. Then I ask the attention of the Senator while I read that provision as it would stand:

That so much of the act, &c., be, and the same is hereby, repealed, and that the salary and compensation of all said persons shall be as fixed by the laws in force at the time of the passage of this act:—

That is, for members $5,000 a year, mileage, and so on—

Provided, however, That the compensation of the Senators, Representatives, and Delegates of the Forty-third Congress shall be at the rate of $7,500 for the year ending March 3, 1874, and shall be at the rate of $2,500 for the year ending March 3, 1875, exclusive of mileage as fixed above.

Mr. PRATT. "Mileage as fixed above." That is the section to which this is an amendment.

Mr. CONKLING. Now I inquire of the Senator whether the effect of this provision will not be that we now enact that for this year every Senator, Representative, and Delegate shall be paid $7,500 and mileage?

Mr. PRATT. Yes, sir; I suppose so.

Mr. CONKLING. Then I should like to inquire from some gentleman who comes from the Pacific coast—my friend from Oregon if he will be kind enough to tell me—what is the mileage from the city of Portland, Oregon, for example, to the city of Washington?

Mr. KELLY. The mileage for the session, coming and returning, is sixteen hundred and twenty-three dollars and some cents.

Mr. CONKLING. Stationery and newspaper money added to that will amount to nearly $2,000. Then it is proposed that we shall vote that some members of this body shall be paid this year at the rate of ninety-five or ninety-six hundred dollars, and that other members shall be paid in less degree all the way down to a minimum of somewhere near $8,000. I hardly think that this amendment is the idea with which my honorable friend from Indiana began.

Mr. SHERMAN. Mr. President, it is very easy to compute the saving in this matter. It is true that the United States will pay out more this year under the proposed amendment, to the extent of the mileage for one session, but the United States will save $5,000 on every Senator and Member next year. It is a very simple proposition. The amendment now proposed by the Senator from Indiana is perfectly constitutional. There is no trouble in voting upon it on that ground. We have the right to fix the salary at $2,500 if we choose to do so. The purpose in fixing it at $2,500 for the next year is to draw back money that members have received under the law. I can stand it to live next year on a salary of $2,500, if the rest of the Senators can; and if there is really a desire in Congress to get back into the Treasury the money that has been received during the year thus far accrued in excess of the old salary, this is the way to do it, and I am rather disposed to vote for this amendment. I do not think it is right; I think it is a device to get back into the Treasury money which we have received under the law. That is all there is of it; and no one would seriously, as a separate and distinct measure, propose to fix the salaries of members of Congress at $2,500 a year, just about the compensation of a fourth-class clerk in the Treasury Department; but still if there is a desire here to fix the salary next year at $2,500, I can stand it.

Mr. HOWE. Will the Senator allow me to ask him a question?

Mr. SHERMAN. Yes, sir.

Mr. HOWE. Does the Senator think that the effect of this amendment would be, in the case of every Senator who may hereafter come into the Senate before the close of this Congress, to take from him to replenish the Treasury for whatever any sitting member may have unjustly taken since the commencement of the Congress?

Mr. SHERMAN. Undoubtedly; and I have no doubt about the

power of Congress to do a great many unjust things. There is no doubt that this is unjust. It is unjust to us.

Mr. HOWE. But the Senator is willing to vote for it.

Mr. SHERMAN. I am willing to vote for it in deference to a desire to economize. I am determined to economize at this session of Congress, and I am disposed to strike at everything that will reduce the expenses of the Government; and as this is a proposition now that we shall serve during the next year for $2,500, just about one-half of what I consider a fair compensation, and as I expect during this session to vote against every appropriation that can possibly be got along without in order to avoid levying taxes, I shall commence by voting for this proposition to surrender one-half of what I consider our fair and reasonable compensation.

Mr. CRAGIN. I wish to ask the Senator from Ohio before he takes his seat to explain to me the difference between this amendment and the one which we have just voted down.

Mr. SHERMAN. There is no difference so far as the result is concerned; but the other was unconstitutional in form, in my judgment. Senators differed with me in that, and I have no comment to make upon it. But this accomplishes by indirection, in the exercise of a power that we clearly have, the same result.

Mr. MORRILL, of Maine. I should like to ask the Senator a question.

Mr. SHERMAN. Before I answer any other question I desire to say now that Senators must see that to push these amendments and enter into this contest is likely to put this bill just where it was left in the House, and compel us to go over the ground again. I do hope that in a grave deliberative body like this, where we ought to legislate with calmness and discretion, we shall avoid constant embarrassing amendments on collateral matters of this kind. Now I will hear my friend from Maine.

Mr. MORRILL, of Maine. The question I desire to ask the Senator is, whether he is satisfied that this amendment will produce this effect, namely, to put back into the Treasury of the United States what may have been taken, or what is assumed by the bill to have been taken, as an excess of prospective pay—whether it does precisely that, nothing more and nothing less?

Mr. SHERMAN. I think it does. That is, it compels members of Congress after the 4th of March, 1874, to serve for $2,500, to punish them for having served for $7,500 during the current year. That is the long and short of it.

Mr. MORRILL, of Maine. In other words, it is a provision for restoring to the Treasury the excess between $5,000 and $7,500 received under the act of March 3 last. If that is precisely the amendment—and I am not sure whether it is or not—I am disposed to vote for it.

I am disposed to go a farther step. If anybody shall offer such an amendment, (for I do not intend to be officious in this matter,) I am disposed to go one step farther, and to take from the salaries of members of the Senate the back pay—the pay relating to the last Congress—and to say that whoever has got that, or has received that and disposed of it for his own advantage, cannot properly, in logic or in law, on the principle of this legislation, retain that. He ought to serve his country long enough without salary till that portion of the compensation has been refunded. If we intend to be thorough about this business it is idle to put three or four thousand dollars, or whatever it was, of the pay of the last Congress into our pockets, and then say that we return this; and it is just as illogical in my judgment to go back to the increase of last session and hold on to the prospective increase. It is all just one proposition. The increase of salaries was just a single proposition of increase of compensation to members of Congress; and we who were here—Senators—and accepted the increase that came to us as members of the Forty-second Congress, received it as a compensation in morals, in logic, and in law, precisely as we have been receiving it since the 4th of March last.

Now, I am disposed to go for a proposition which covers the whole question, if we can get at it. I shall vote for this amendment, if it is what the Senator from Ohio thinks it to be.

Mr. FRELINGHUYSEN. Mr. President, I have said nothing on this subject, and I intend to say only a word now. I understand the Senator from Ohio to say that he can live next year on $2,500, which I do not question. There may be a number of Senators that can do the same. But is my friend entirely certain that it would be convenient for all of his associates (some of whom may not have his means) to receive only $2,500 next year; and is the fact that he can live with a salary of $2,500 a proper consideration why he should vote for this amendment, and thus inconvenience his associates?

Mr. President, those who have received their pay at the rate of $7,500 since the 4th of March received it lawfully. They had a right to spend it; they have spent it; and it seems to me it would be most unreasonable to say that the members of the Senate, each and every one of them, no matter what their means are, shall be compelled to live on $2,500 next year. Sir, the American people do not expect any such legislation from us. We underrate their intelligence, we underrate their sense of justice if we think they do.

Further, Mr. President, I opposed the law proposed to be repealed when it was before the Senate last March. I opposed it on principle, because we were changing an executed contract. We had served through the whole Congress at $5,000 a year; and in the last hours of the Congress we were saying to the three or four hundred members of Congress, "If you will vote ay, each of you shall have $5,000 in your pocket, which you will not have if you vote no." It was bad legislation. It was an infringement of principle, because it was changing an executed contract. And what are we now asked to do? Why, the very same thing. After the money is due, has been received, been paid, and the contract executed, we are by legislation saying that the money shall be surrendered. Mr. President, I have no restitution to make; and I believe the people of my State would think less of me if I, by a voluntary humiliation, should here say, what is not true, that I have wronged the Treasury of the United States. I will not vote for the amendment.

Mr. SCOTT. Mr. President, I have been faithfully following the lead of this committee for the purpose of repealing the salary bill of the last session, and I regret very much to hear my friend from Ohio, who sits by me, [Mr. SHERMAN,] announcing that, as one member of the committee, he is about to give way to an amendment which, whether intended to do so or not, will inevitably kill this bill.

The Senator from Ohio announces to us that it is not a measure simply for the purpose of fixing the compensation of members of Congress, but it is a penal statute; it is a punitive measure. He is to punish every member of Congress for having drawn at the rate of $7,500 a year since the 4th of March last, by compelling him to live on $2,500 for the next year; announcing that he can do so—with a very safe condition—if other Senators can; and, as my friend from New Jersey has intimated, there may be other Senators who will not be able to do so unless they can secure the indorsement on their notes of gentlemen who are able to do so.

Now, sir, suppose we put this amendment on as a punitive measure, what is the first thing that your attention is called to? It is this: you are going to punish men who had no part in the crime that you propose to punish. How many members came into the Senate on the 4th of March last? About twenty-two, or twenty-four perhaps, taking one-third of the number.

Mr. SPENCER. Sixteen.

Mr. SCOTT. Sixteen or eighteen at all events, who had not been in before. They had no part in the enactment of the salary law, and according to the construction given to it by the Senator from Ohio, we, who were here, whether we voted for it or not, whether we voted against it and spoke against it or not, whether we have received the money or not, are now to take part in punishing sixteen or eighteen of our colleagues for our own act.

Mr. LOGAN. And a majority of the House.

Mr. SCOTT. And probably a majority of the House, as the Senator from Illinois suggests. We are calling on our innocent colleagues to take part in the castigation which the public have been laying upon the backs of those who are guilty. That is magnanimous, certainly, to come from a member of the committee who have been invoking us to stand by them and repeal this law, and certainly more magnanimous with reference to two Senators, at least, who are to come in here in a few days, and who have got no part of the $7,500—one from California and one from Kansas; and we are to point to them as the black sheep of the next session, having $2,500 a year to live on. While the others who took part in what has been called a wrong have had their $7,500 for the year that is past, those who had no part in the offense at all come in during the next year and receive $2,500 as a punitive measure. They would feel good in drawing that $2,500, feeling all the time that it was the lash laid on them for the offenses of others, in which they had no part.

Mr. President, I have said that I received this money since the 4th of March last, and that, unless I am compelled to do it by way of some penal enactment or otherwise, I do not intend to pay it back. I voted against the measure of last session, as I said, because I believed the back pay to be a wrong; I believed the raising of the salary to be inexpedient; but when I was outvoted on that question, I did as the honorable Senator who now occupies the chair did—I drew the money promptly, and it has been spent faithfully; and unless this legislation compels me to pay it back I do not propose to do it; and I do not propose, moreover, to vote for amendments here which, as I have already said, whether intended to have that effect or not, will have the effect of preventing the repeal of the law, because the moment you get these amendments on, these injustices to which I have called attention must so shock every man's sense of propriety that he certainly cannot be a party in inflicting punishment upon men who are acknowledged to have had no part in the offense to be punished. I shall vote for the repeal of the law; but I shall vote against all amendments that are calculated to defeat that repeal.

Mr. MORTON. Mr. President, of the two amendments proposed by my colleague, the one that was voted down is the fair one, in my judgment, and is the one that gives equality; the other does not. The constitutional objection presented to the first amendment of my colleague I regard as having no foundation whatever. I have heard no argument that even raises a question in my mind in reference to its constitutionality. Its effect was to produce equality, and reference was had to what the member had received since the 4th of March simply for the purpose of making the payment in the future such that all the members would come out equal at the end of the year. Equality was the precise result of that amendment. But suppose it had not resulted in equality; Congress has a right to pay its members unequally; I have no doubt of that. There is no provision of the Constitution that requires our compensation to be the same, any more than there is a provision which requires a first or a second

class clerk to be paid in the same way. It is perfectly constitutional for Congress to provide that a Senator entering upon a second or third term shall receive a higher compensation than one who just comes in. There is no doubt of that.

Mr. BOREMAN. I ask the Senator from Indiana if he does not believe that it would be a violation of the spirit of the Constitution, if not of the letter?

Mr. MORTON. I do not, any further than the Constitution contemplates just enactments. I would not favor any proposition making inequality in the compensation of members; I would think it inexpedient, and I would think it unjust; but we all know that every unjust law is not unconstitutional. There is no sort of doubt about our power to do it, any more than there is to distinguish between the payment of one clerk who has served two years and another who has served five. The power is equally within this body. My friend from West Virginia can point to no clause of the Constitution that distinguishes this case from any other. So that, so far as the question of constitutional power is concerned, I put it out of the way entirely.

Now I come to the absolute injustice and absolute inequality of this amendment. How is it? We shall have two new members here from Kansas and California in the course of a few days, who have received no compensation since the 4th of March last, unless, indeed, my friend from Kansas [Mr. CROZIER] should be returned, and that will be agreeable to us all. But we will suppose that the Senator is to be a new man. We know there is a new man from California, and there may be another new man by the 4th of March, or immediately afterward. What is the effect of this amendment? That these new members, who have received nothing, who are responsible for nothing, who have committed no sin, are to receive but $2,500 for the next year that they are here—an absolute and downright injustice.

Mr. OGLESBY. Make an amendment in that respect.

Mr. MORTON. Make an amendment how? That amendment violates the supposed want of constitutional power. The first amendment was unjust, because it was said it was unconstitutional. Now, if you make an amendment to prevent increased compensation for the new members over and above what the others have, there you have the inequality again. You cannot do that, for the very same reason that Senators opposed the first amendment.

How is it as to the House of Representatives? There are always new members coming in there. Some resign; some die. The probability is that they will have a dozen new members in the House between this and the 4th of March, 1875, and they are to be paid $2,500 a year. If they had been here all the time to have received the large pay since the 4th of March last, and have had the benefit of it, they would be equal in the end; but they have not been here during that time; they are new members. They get only the small compensation, and are made to suffer because of those who got the large compensation since the 4th of March last.

I therefore oppose this amendment upon the ground of absolute injustice to new members. It will be a punishment to them for sins, if there be sins, that others have committed; and what is the ground? Upon the ground of a want of constitutional power to pass the first amendment offered by my colleague. I regard that ground as utterly without foundation. It is a mere method of complication.

Mr. SHERMAN. I should like to ask my friend a question, with his permission.

Mr. MORTON. Certainly.

Mr. SHERMAN. He voted for a proposition a moment ago that would give to a new Senator coming from Kansas $5,000 a year, and to himself $2,500 a year, because the new member, as a matter of course, would come in and get the old salary fixed by the law prior to 1873, $5,000 a year; while the Senator from Indiana, under the operations of the law, would get $2,500 a year. I ask the Senator if that is constitutional; and if it is constitutional, whether it is right, especially on the ground that old members ought to have a higher pay? I want to get the argument if I can.

Mr. MORTON. Why, sir, what is the effect of that? It is to make us all equal. We have been here since the 4th of March last. We have received the increased compensation. It is now proposed that our future compensation shall be adjusted with a view to what we have received since the 4th of March last, the effect of which will make us all come out evenly at $5,000 a year.

Mr. SHERMAN. Then, if my friend will allow me, he proposes to take the $2,500 that is already ours, gone, spent, possessed, invested, to make good the pay for the next year; that is, he proposes to take our own money to pay us for future services.

Mr. MORTON. Not at all. What I mean to say is, that it is competent for this Congress to adjust the pay of my friend from Ohio so that he shall come out even, $5,000 a year, for this Congress, by putting as a debit upon his future pay what he has received in excess of the old pay since the 4th of March. Is there any doubt at all about that power? We cannot take from him what he has got. That is his private property. But we can say, in view of the fact that he has received a very large pay since the 4th of March last, that his pay from this on to the 4th of next March shall be that much smaller. Is not that competent?

Mr. SHERMAN. And then you pay another man $5,000.

Mr. MORTON. The other man gets $5,000, but you and he come out exactly even. There is the absolute principle of equality in it. The fact is, you have got your pay in advance, that is all, and that is not generally considered a disadvantage.

Mr. FRELINGHUYSEN. I desire to ask my friend a question. I understood him to maintain that the amendment which had been voted down was constitutional; that it was not unconstitutional to have different rates of pay for different Senators. Now, passing by the question whether it would be constitutional for the republican majority here to vote that the democrats should have only half pay; admitting, as suggested, that we may have a first and second class of Senators here, as they do among the clerks of the Departments, I submit to my friend that there is an express provision in the Constitution against it. The Constitution provides, not that the Senators and Representatives shall respectively receive compensation, but that "the Senators and Representatives shall receive a compensation for their services." It is one thing, not different compensations for each member of Congress; so that, throwing aside the unreasonableness of it, according to my apprehension it is against the express letter and provision of the Constitution.

Mr. MORTON. I do not think that the clause of the Constitution that my friend from New Jersey reads requires any such construction; but the effect is not what he complains of at all. It produces no such effect. Suppose that my friend has only drawn his salary since the 4th of March last at the rate of $5,000 per annum, and there is a considerable balance in the Treasury now to his credit; suppose I have drawn mine at the rate of $7,500 per annum, and there is no balance; what is the effect of that amendment? The effect of it is that on the 4th of March next we shall come out precisely even; he will get $5,000 in future, and I shall get something less than $5,000 in future; but the principle of equality and of justice is preserved exactly. My pay is to be less from now until the 4th of March, 1875, than his, because I have drawn more in the past; his will be more than mine, because he has not drawn so much. Now I ask if we do not come out precisely even, and if it is not just the same compensation precisely.

Mr. CONKLING. If the Senator from Indiana will allow me, right there I wish to bring to the attention of the Senate the fact that the difference between the amendment which he voted for a moment ago—and I voted with him—and this, is, first, that this amendment expressly provides that no diminution of pay shall take place until next March, in place of leaving it to occur, as the other amendment did, at once; and, secondly, this amendment compels us to legislate over again afresh, not only that $7,500 for this year is to be the salary, and a proper salary, but that that is to be the proper salary, with all the old mileage added to it. That is the difference between the last amendment and this, as I conceive; and I agree with the Senator that the other amendment did not at all run against the Constitution, and I do not see why anybody should have that difficulty about it.

Mr. MORTON. I agree with the remarks of the Senator from New York; and in conclusion I will simply call the attention of my colleague, who I know wants to do just right about this thing, to the fact that the first amendment placed all members of Congress since the 4th of March on a precise equality; they would come out exactly even; one would get not a cent more than another. But this last amendment will have the effect of cutting down the compensation of new members to come in hereafter to $2,500 a year—men who have not received the increased compensation from the 4th of March. That is an absolute injustice. I know my colleague does not desire that, but that is the effect of this amendment; and for that reason I do not desire to vote for it.

Mr. PRATT. If my colleague will permit me to interrupt him for a moment, I see the point he makes, and I think the point is well taken; and I propose to modify my amendment so as to insert the words "elected or chosen previous to December 1, 1873." That will remove the objection, I think.

Mr. THURMAN. That is the very amendment I was going to suggest to the Senator from Indiana who moved this amendment, because it removes the objection stated by his colleague, the Senator nearest to me, and makes his proviso apply only to Senators and Representatives who have been chosen or elected before the commencement of this present session.

Mr. MORRILL, of Maine. Since the 4th of March last.

Mr. THURMAN. No; since the 1st day of December last. There has been but one election held, that in California, and there is to be another in Kansas; that removes that objection.

There is a singular confusion somehow or another about this amendment. If I understood you, Mr. President, you voted against the amendment upon which the vote has been taken on the ground that it was unconstitutional; but you can vote for this on the ground that it is constitutional. If I understood the remarks of the Senator from Wisconsin yesterday, that is his position. The Senator from Indiana [Mr. MORTON] voted for the proposition upon which the vote has been taken, because he believed it to be constitutional; but he cannot vote for this, because he believes it to be unconstitutional.

Mr. CONKLING. No, no; because he believes it to be unjust.

Mr. THURMAN. And unconstitutional too, as making a discrimination between the salary of different Senators.

Mr. CONKLING. No.

Mr. THURMAN. Well, then, he cannot vote for it, because it is unjust. Let it be in that way. Now what is this amendment? As it is now modified, the only difference between it and the proposition

upon which we have voted, is that this extends the present law, or continues the present law, in force until the 3d day of March next. If this proposition be adopted, the result will be that each member of the Forty-third Congress will receive $10,000, if he shall serve during the whole Congress, and mileage—just precisely what the bill, as reported by the committee, proposes shall be his compensation. That is the whole effect of it.

Mr. CARPENTER, (Mr. FERRY, of Michigan, in the chair.) Will the Senator allow me to interrupt him for one moment?

Mr. THURMAN. Certainly; or you may have the floor.

Mr. CARPENTER. No, I do not wish it. I wish to ask a question. As I understand the amendment proposed last by the Senator from Indiana [Mr. PRATT] to make the first amendment apply only to those who are elected prior to the 1st of December, it would then result that from this time forth in this Congress and during this same session there would be two classes of Senators here as to compensation—those elected before the 1st of December drawing at one rate, and those elected after the 1st of December drawing at another rate. Am I right in that?

Mr. THURMAN. The result of it is this——

Mr. CARPENTER. I am not talking about results; I want to know the fact.

Mr. THURMAN. To be sure.

Mr. CARPENTER. I call on the Senator for facts. I am "some" on results myself. [Laughter.] The result would be, in my judgment, to violate the Constitution palpably, unless the Senator can maintain, with the Senator from Indiana [Mr. MORTON]—and I am glad to see such tremendous forces yoked together on a constitutional question—that the Senate can stand here and fix discriminating compensation among its own members.

Mr. MORTON. Let me ask the Senator if this last suggestion does not present the question of inequality more strongly than it has been presented heretofore?

Mr. CARPENTER. If it does, that will be beneficial to some Senators here on this question, and especially to the Senator from Indiana, who maintains that it is entirely constitutional to do that.

Mr. MORTON. You do not answer my question.

Mr. CARPENTER. I did not intend to. [Laughter.]

Mr. THURMAN. Now, Mr. President, let us see what the outcome of the thing is.

Mr. CARPENTER. Does the Senator desire to interrupt me?

Mr. THURMAN. No; I thought you interrupted me.

Mr. CARPENTER. No; everybody was interrupting me.

Mr. THURMAN. I thought I had given way to you.

The PRESIDING OFFICER. The Senator from Ohio is entitled to the floor.

Mr. CARPENTER. I misunderstood it. I thought I was interrupted by two or three, especially by the Senator from Indiana. If I was mistaken about that I will give way.

Mr. THURMAN. I have only to say this: the outcome of it is that each member receives pay at the rate of $5,000 a year and mileage. Now, the supposed unconstitutionality of it in the mind of the Senator from Wisconsin rests upon the idea that any bill which does not pay, precisely at the same time and precisely for the same period of time, exactly the same compensation, without any reference whatever to any other consideration than the mere efflux of time, is necessarily unconstitutional. I do not agree to that. I agree that the compensation must be uniform. I believe that, and have believed it all the time. I do not believe that you can discriminate. As to the case put by the Senator from New Jersey—the idea that you can provide to pay the republicans here twice as much as you pay the democrats—that would violate the principle of justice and shock the common sense of everybody. [Laughter.] It would violate the principle of *quantum meruit*. It ought to be the other way. You ought to pay us two dollars to your one. [Laughter.]

Mr. CARPENTER. Will the Senator allow me at that point——

Mr. THURMAN. Let me finish.

Now, I do not agree that in order to make it constitutional you must necessarily pay at precisely the same day precisely the same sum to every member.

Mr. CARPENTER. Will not the Senator specify how great the difference may be?

Mr. THURMAN. Here is the case: For the reasons which now actuate us we propose that those who have received this enlarged compensation shall receive a less compensation for the time to come until the end of this Congress. That is not unconstitutional; because with respect to a new member you give him the same rate of compensation, to wit, $5,000 a year, and pay him from the time he takes his seat. I cannot see any unconstitutionality in that. We have had the advantage; we have received our pay in advance. Those who have received it have received payment in advance. They have had that advantage. That is very true; that is a thing you cannot undo; but because you cannot undo that advantage which they have thus received, it does not produce any constitutional inequality that you pay them a less sum per month, so long as you make the compensation precisely the same that you pay a new member who comes in for the first time and who has received none of this increased compensation. I can therefore vote for the amendment as it is now proposed by the Senator from Indiana, [Mr. PRATT.]

Mr. TIPTON. Mr. President, I am utterly at a loss to characterize in parliamentary language this effort on the part of Senators to accomplish that by indirection which they aver cannot be accomplished directly. If I were tenacious of the reputation of these gentlemen, I should be very sorry that they should go out of this Chamber successful with such cheap political wares and commodities on their hands in the effort to filch legally, constitutionally, and parliamentarily from the pockets of fellow-Senators. "Honor among thieves" is a proverb; but on the question of comity, legislating among equals in everything only in the amount of the wealth—for the last document that comes on my table this morning says:

> Men like SHERMAN, of Ohio, at the head of the Finance Committee of the Senate, now a millionaire, went to Congress poor—

if that is true, then we differ; and I differ from the honorable Senator in regard to that. I do not differ with him——

Mr. SHERMAN. I ask the gentleman from Nebraska if he says that statement is true?

Mr. TIPTON. I know nothing about that statement. I give it as I get it.

Mr. SHERMAN. Then it is grossly unsenatorial and grossly false; I say that it is grossly unsenatorial to read it here—it is a garbled statement; and it is grossly false in fact. Such a statement as that was never made in my presence. As a matter of course I could not answer a newspaper; but I say that the Senator who introduces that statement here, without knowing whether it is true or false, violates his duty as a Senator, and is deserving of the common execration of all his fellow-members.

Mr. TIPTON. Mr. President, I read that extract to illustrate the proposition I was making, that there was probably a difference between us in regard to pecuniary ability when the honorable Senator says that he can stand a salary at the low point now proposed, until the end of the present Congress, and he wishes us all to do so; and that happening to be the last document that came upon my desk, I thought it nothing at all discreditable to read this much of the document, which referred to a single fact which is not discreditable to the honorable gentleman: for how many other Senators have come here without large pecuniary ability and by this time of service have become rich. I insinuate nothing about means; and therefore the honorable Senator is too fast when he asserts that I wish to give to that any improper bearing or turn toward him or his character. I meant no such thing. But so far as the honorable Senator is concerned I am not astonished to hear him say, as I understood him—and he will correct me if I am wrong—that he thought the proposition was not right, but nevertheless that he would adopt it and vote for it. Am I correct in that?

Mr. SHERMAN. When you get through I will answer.

Mr. TIPTON. I am not astonished if that should be the correct exposition of the Senator's words, for I remember on a more memorable occasion in the Senate, when the question was, shall the honorable chairman of the Committee on Foreign Relations be removed from the high and honorable position he had occupied so long before the Senate of the United States and the courts of the civilized world? that the honorable Senator from Ohio then took that identical position, if he has taken it to-day; and I was not astonished that he should take it, for then, in regard to the means used to depose and decapitate the distinguished Senator from Massachusetts, he said in his place in the Senate that they were wrong; that they were unjustifiable; that they could not be in any sense vindicated; "but," said he, "I will do the act;" and he did it. And therefore I am not at all astonished that he should occupy such a position as that; and yet he does not give me to understand whether he occupied it this morning or not. If he did, I unite the two, because they are connected in my mind.

If the logical conclusion of the amendment carries the honorable Senator from Maine to make an invidious distinction here, and undertake to take from the pockets of Senators that which they have received by law since the 4th of last March, then I have an amendment that will meet his case and the case of the honorable Senator from Ohio, and it is this:

> *And be it further provided*, That there shall be taken from the pay of the Hon. Senators MORRILL, of Maine, and SHERMAN, of Ohio, the sum of $2,805.56, by them received as back pay under the act of July 28, 1866.

And then we shall have an approach to equality and Heaven's justice in the legislation of the Senate of the United States; and when I see that that goes through swimmingly, I will then make that motion in regard to sundry other gentlemen who can get the privilege of relieving their consciences and their pockets at the same time.

Mr. SHERMAN. Mr. President, if the Senator will now repeat the question he put to me a moment ago, I will answer it, as I now have the right to do.

Mr. TIPTON. Whether, in regard to the operation of the pending proposition, the Senator said that it was not just and was not fair, but that under the circumstances he was willing to adopt it?

Mr. SHERMAN. Mr. President, I stated that the proposition made by the Senator from Indiana was not just and was not fair, but if the Senate of the United States was desirous to accomplish the object of paying the members of the present Congress $5,000 a year, I felt disposed to vote for it.

Mr. TIPTON. That is what I understood.

Mr. SHERMAN. Now, Mr. President, let us look at the spectacle that is presented here this day. Here we are in a high deliberative body, supposed to be governed, not only by the rules of order, but by the rules of gentlemanly courtesy. Here is a debate in which I cer-

tainly have not participated so as to make allusions of any personal character whatever; I have not referred to myself or to my course in this whole matter, although it is known to Senators that I have opposed the salary bill from first to last and have not received the back pay. I have not alluded to any Senator. And yet here a member of this body, which ought to be marked by the highest degree of gentlemanly courtesy, introduces what? He calls it a document. What kind of a document? Where is it? I will ask the Senator what he read from?

Mr. TIPTON. "The financial system unmasked and dissected. Address of Horace H. Day, of New York, before the Illinois State Farmers' Association at its annual meeting, December 17, 1873, upon the subjects of banking and currency and their relations to the industrial classes."

Mr. SHERMAN. Now, Mr. President, here is a Senator who comes before us and reads a paper that I never saw, not laid upon our tables, not a document of Congress, but a speech made by somebody in Illinois, in which I am charged with being a millionaire—I wish I was; that I came to the Senate poor; and this Senator did this with the purpose of making the imputation that in some way or other I had become a millionaire by being in Congress or made money out of my office.

Mr. TIPTON. No, Mr. President; I utterly disclaim any such intention. The only force I intended it to have was, that if it was true that such was the financial change in the condition of the Senator, he should not have more—sympathy with others—but that he should not be so fast in a step forward here not justified, in the assumption of many around him, as constitutional, to embarrass other men equal in position with himself, but not equal in pecuniary ability. That was all.

Mr. SHERMAN. If the Senator did not intend to make that imputation, why did he introduce it here? It was intended for that purpose.

Mr. TIPTON. Mr. President, my disclaimer is worth as much as the disclaimer of the honorable Senator. I have made it to him.

Mr. SHERMAN. Very well, then, Mr. President; I accept the disclaimer; but I wish to say now, as I have had occasion to answer to a newspaper paragraph of this kind brought by my political adversaries, that so far as the allegation of fact is concerned it is not true in either branch of it. I can say before man and before God, and defy the world and every individual in the world to show that ever I received, directly or indirectly, while I have been a member of the Senate of the United States or a member of Congress, any single dollar except the pay allowed me by law; and I have been so fastidious that I have disconnected my private business from everything that could, by direction or indirection, spring from my public position. I hope that will be an answer to the Senator, unless he finds somebody to contradict this statement of mine, and then I will meet him or anybody else who makes the assertion.

Mr. TIPTON. I made the disclaimer in good faith; and unless the gentleman should have accepted that——

The PRESIDING OFFICER. The Senator from Nebraska will suspend until the Senator from Ohio yields him the floor.

Mr. SHERMAN. The Senator from Nebraska makes the disclaimer in good faith, and I accept it. But when an imputation is made in the Senate of the United States against a fellow-member by a Senator, it is quite a different thing from that common clamor and slander which sometimes floats over the surface of society. And when it is made here I meet it and defy it. But I now again say, the Senator having disclaimed it, I have nothing more to say about it. I wish now to make another observation on another point in his speech unless he desires to say something.

Mr. TIPTON. I am gratified that you have come to the conclusion that you can afford to accept it.

Mr. SHERMAN. I wish to proceed further, but I will hear the Senator if he desires to say anything more about this matter. I dismiss it from my mind.

Mr. TIPTON. I have nothing more to say, sir.

Mr. SHERMAN. Very well, then. Mr. President, in regard to the particular matter that brought this up, I said before that if Senators were determined to embarrass us by amendments, they could easily do so. I believe the committee who carefully examined this matter came to a wise solution of this whole question. They carefully examined all these points of difficulty, and decided them as I think was right. They declared that, for the future, the salary of members of Congress should be $5,000 a year; that the law, as it existed on the 3d of March last, should be the law of the land still. I believe now that the proposition made a while ago and voted upon is as clearly unconstitutional as it is possible for anything to be. I believe that if we should attempt to change the salary of the President, it would be clearly unconstitutional; and this proposition was no more so. But finding a large number of distinguished Senators in this body who seemed desirous that we should go back and fix the salary at $5,000 a year from the 3d of March last, I felt disposed to gratify them. I do not think it is right; but I do not wish to make issues of this kind that will embarrass either me or the party to which I belong. But if Senators are determined to force them upon me, I say again that I would rather suffer the injustice to myself and the inconvenience of a salary of $2,500 a year from the 4th of March next than to go home and talk to my people about a matter which concerns myself. We ought to feel a little delicate in regard to this question, which involves our own personal and private interests; and if Senators can live on $2,500 a year for the next year, I am perfectly willing to do so, or I am willing to stand by the report of the committee.

I regret, sir, the debate in the Senate upon this question, which ought not to excite the slightest feeling, which involves comparatively little when compared with any of the great interests that are brought before us day by day. It is likely to consume a great deal of time and lead to just the kind of discussion that occurred in the House of Representatives, and I fear with the same results.

Now, sir, having made these observations, I say again that if these amendments are to be pressed and issues are to be made to embarrass members of this body before their constituents or in public opinion, I am willing to surrender, not only one-half of my pay for the next year, but the whole of it, rather than to have these issues constantly presented and be told that I refused to surrender a part of what is called "the salary grab." I would surrender the whole of the pay rather than have these personal questions raised against me.

Mr. BOREMAN. Mr. President, when the bill came here from the House of Representatives on the subject of salaries I was willing to vote then without a word, and I am inclined to think that the bill as it came from the House is more equitable, nearer just, and fairer in all regards than the bill reported by our committee. It showed to the country upon its face precisely what the members of Congress were to receive. The old law did not do so. While it purported upon its face to give members $5,000 a year, there were other sums which were allowed us in the law fixing the salary and in other laws and resolutions of Congress which increased our pay very nearly to the sum fixed in the House bill. The better way, with candid and fair men, would have been to say so in so many words, and let the law so stand.

Sir, I cannot understand why it is that gentlemen seem so frightened at the clamor in the country on this subject. I can say, I think, that I never have taken, and I never intend to take, action in this body or in any other official position on account of public clamor. I intend to exercise my judgment, and take the consequences. If the people do not like it, they have their remedy.

When the committee made their report, I was willing, taking into consideration the feeling which seemed to exist in Congress and throughout the country, to vote for the substitute reported by the committee; but it seems that we are to have no peace on this subject; that propositions are offered, I will not say with the intent, but which have the tendency, to perplex the minds of the public, to embarrass the members of this body, to require of them much time in explanation before the people of the country, and which can result in no good whatever, as the proposer of this and the preceding amendment must have seen ere this time.

The proposition now offered is a remarkable, indeed a marvelous proposition; it is unique in its proportions; and if it shall be adopted, it will be regarded as an anomaly in the legislation of this country. Sir, it is nothing short of an indictment by this body against its own members. It is a charge upon those who have received their legal salary since the 4th of March last of wrong, of getting money out of the Treasury of the United States by unfair and unjust means. It is a charge of criminality upon those members which I do not propose to indulge in, and which I would not vote for for any consideration. If I believed that the members of this body were taking money out of the Treasury corruptly, as seems to be claimed by some persons in the country, I would resign, and go to my home and remain among an honest people. I do not believe that I am surrounded by thieves and robbers. I have a higher opinion of the Senate of the United States and of the House of Representatives.

Here was a law of Congress, passed and approved by the President on the 3d of March last. It is admitted by every Senator who has opened his mouth upon the subject to have been constitutional. After the law passed and was approved by the President most of us, I apprehend, have from month to month drawn the sum thereby fixed. What wrong was there in taking that money? The salary was "ascertained," in the language of the Constitution, "by law;" the law was passed before the year commenced or the money was drawn. The money was ours in right, in justice, and in fairness. And, sir, this effort, by indirection, to get it back is an imputation upon those of us who have taken the salary accruing since the 4th of March last. I do not mean to say that it was offered for the purpose of casting such an imputation; but if the Senate shall adopt it they acknowledge themselves to have been guilty of wrong, to have violated their duty to their country and to themselves. I do not propose to yield my self-respect.

Now, sir, I have no doubt myself of the violation of the spirit of the Constitution by the adoption of such an amendment as this. The letter may not be infringed upon, but the Constitution does not speak in express terms in regard to many things which are embraced in that instrument; and are we here, while acknowledging that we cannot do this thing directly, to say that we will violate the spirit of the Constitution by doing that indirectly which we cannot do directly? The accomplishment of this purpose cannot be effected by proposing it in so many words; for if a suit should be instituted against a member of this body who has received this money, it is admitted that it could not be recovered by the Government in such suit; and that being so, you propose by force of law, operating on

your officers, to require some members of this body to refund, because others, for reasons that no doubt are satisfactory to themselves, see fit to make a present of what they have received to the Government.

Mr. President, I think it is time to cease this child's play. For what purpose this thing is gotten up I do not know. It seems, however, that this question is to be presented in various forms, in order, it may be, thereby to embarrass some. To me, I wish to say, there is no embarrassment about this business. I intend to vote what I believe is right and leave the consequences to take care of themselves. Whatever law this Congress may pass upon this subject I expect to obey, but I intend to protest and to vote against injustice, and at least to preserve my self-respect.

Mr. PRATT. Before the Senator from West Virginia takes his seat I desire to ask him a single question. I do not wish to make an argument in the case. I wish to inquire of him whether, if my amendment be adopted, the effect is not to give the members of the Forty-third Congress the same compensation precisely that the members of the Forty-fourth and Forty-fifth Congresses will receive, and the same compensation that the members of the Forty-first, and Fortieth, and Thirty-ninth Congresses received, namely, $5,000 a year and mileage at the rate of four dollars for every twenty miles? If that be the effect of my amendment, wherein is the injustice? Does not every Senator and every Member and Delegate in the House of Representatives receive for this entire Congress $10,000, or $5,000 a year, and mileage as established by the law in force previous to the 3d of March, 1873? I desire to inquire of the Senator from West Virginia whether that is not precisely the effect of my amendment, and if so where is the injustice?

Mr. BOREMAN. I have answered that. The Senator's statement of his proposition is too specious. It is the accomplishment of the purpose of withdrawing from those of us who have received the money by indirection when you cannot do it directly. Why, sir, what is this proposition? That we will cut down the pay of members to $2,500 during one year, while the bill itself to which this is an amendment fixes the salary thereafter, and indeed from its enactment were it not for this proviso, at the sum of $5,000 per annum. Sir, it is an evasion; and I am only astonished that the honorable Senator from Indiana should undertake to evade the spirit of the Constitution in this way. It is just as palpable as if it ran against the plain provisions of the Constitution; that is, so far as the spirit of it is concerned, and the injustice to members. He cannot accomplish it in so many words; he cannot accomplish it directly; but he wishes now to make an arrangement by which he will withdraw money from the pockets of those who did receive it; and the objection I make to it is not simply the money, but it is a brand upon those gentlemen who have received the money, that they have committed a wrong, and not simply a legal wrong but a moral wrong. I do not propose to stultify myself before the country in that way.

Mr. PRATT. If my friend will pardon me, I desire to say that I took the same oath that he did to observe the Constitution of the United States, and I desire now, as he thinks that this amendment of mine violates that Constitution in some way, that he will lay his finger upon that particular part of the Constitution which is supposed to be violated. I want to be convinced that this measure is going to have the effect to violate the constitutional rights of the members of this body or of the other House, and I shall be very ready to withdraw it if he will convince me of that fact.

Mr. BOREMAN. Well, Mr. President, according to my judgment, there is no difficulty in that matter at all. The spirit of the Constitution evidently contemplated that every member of this body should receive the same salary; and this amendment does not expressly provide, but it is subject to the objection which has been urged here in regard to those members who are to come in hereafter, and I do not regard the amendment which has been added to it fixing the date before which the election shall take place to remove that objection at all. The purpose of this amendment also, as I have repeatedly said, is to withdraw money already received under the law by the members; and it is no use to say that it complies with the letter of the Constitution; the purpose of it is as plain as if it were expressed. That is it; and the frankness and candor of my friend from Indiana ought to acknowledge the fact that it is to accomplish by indirection what we cannot do directly; that is to say, it temporarily reduces the pay of members and thereby draws from them what they have already received under a given salary fixed by law. It seems to me that it is too plain to admit of controversy, that it is intended to do that by indirection which cannot be done directly. While it perhaps comes within the letter of the Constitution, I say it is a violation of its spirit and of all fairness and justice, and it is an effort to ask us to stultify ourselves, to become our own judges, to pass sentence upon ourselves as guilty, and execute that sentence, which I do not propose to do.

Mr. LOGAN. Mr. President, I presume I have taken about as much of the time of the Senate on this subject as Senators care to have me do; but inasmuch as this amendment presents the question in a new phase, I desire to be heard respecting its constitutionality. The Senator from Indiana says he would like to have the unconstitutionality of this proposition pointed out. Old Polonius warns us against men who "by indirection find direction out." I think if Polonius was on this floor he would find the gentlemen who "by indirection find direction out." I understand some of the Senators, and good lawyers too, take the position that if the salary bill made a distinction in the amount of salary as between Senators or Representatives in Congress, it would be clearly a violation of the spirit of the Constitution.

The Constitution provides that—

> The Senators and Representatives shall receive a compensation for their services to be ascertained by law and paid out of the Treasury of the United States.

It does not mean that they shall receive several different compensations, but they shall receive a compensation for their services, meaning a like compensation. That evidently is the plain construction of the language of the Constitution. I will not say that good lawyers may not take a different view of this question, because gentlemen who are reputed to be good lawyers have taken a different view of it, and have said that you might pay one Senator one compensation and another Senator another compensation. I beg to differ with them upon this point, and I start my proposition on the basis that we must have equal compensation for our services. First, then, if we debit Senators with the amounts they have received, so as by that process to reduce their salary for the incoming year below that which Senators who now come in shall receive, it is an unlike compensation paid to them instead of a like compensation.

I will demonstrate that this amendment of my friend from Indiana does discriminate. The amendment provides that the Senators, Representatives, and Delegates of the Forty-third Congress, elected prior to the 1st day of December, 1873, shall receive $7,500 per annum up to the 4th day of March, 1874. That applies to Members and Senators elected prior to the 1st day of December last. All Senators and Members of Congress elected prior to the 1st day of December last are to receive $7,500 to the 4th of March, 1874, and then $2,500 thereafter, until the 4th day of March, 1875. Then the whole amendment applies in this particular to Senators and Representatives elected prior to the time stated. What is the salary of Senators elected subsequent to that time? If I understand the construction of this amendment (and if I do not the chairman sits here and will correct me,) Senators and Representatives in Congress elected subsequent to the 1st day of December, 1873, will receive $5,000 and mileage up to the 4th of March, 1875. Am I not correct? [Mr. WRIGHT nodded assent.] You fix the compensation of Senators from the passage of this bill forward and not back; and the very moment you admit that, you take into consideration that which they have received by law heretofore, which is vested in them as their property. No Congress or court in this country has the power to divest them of that right except by confiscation, or for public uses for which they must be remunerated by a just compensation. Then the salary bill commences from now; and if it commences and affixes a salary from the passage of this bill forward, that salary must be equal among the Representatives in Congress and the Senators of the United States. If it is not, it is clearly in violation of the Constitution, or of the spirit of it. Then, without reference to the salary back, you fix a salary for the future, and what is it? Seventy-five hundred dollars to the 4th of March for a portion of the members, and $5,000 to the 4th of March for another portion of the members. That is the effect of this amendment, and I defy contradiction. I ask the Senator from Indiana if I have not stated correctly the effect of this amendment?

Mr. PRATT. The Senator will pardon me; I was not paying attention.

Mr. LOGAN. I say that this amendment fixes the salary of Senators now, who were elected prior to the 1st day of December, at $7,500, until the 4th day of March, 1874. Does it not?

Mr. PRATT. Certainly.

Mr. LOGAN. But it fixes the salary of members elected subsequent to that time at $5,000. Then there is an inequality from the very day that the bill passes until the 4th day of March, 1874; one receives $7,500 and another $5,000. Now I appeal to the Senate if, according to the views of the Senate expressed, this is not clearly beyond our authority? When the other amendment was up, when the proposition was to withdraw that and substitute this, I opposed it, because I thought this more clearly and palpably in violation of the Constitution than the former proposition.

Now let us go a little further. You then fix the salaries of Senators and Members from the 4th day of March, 1874, who were elected prior to the 1st day of December, 1873, at $2,500. Then you must fix the salary for those elected subsequent to that time at the same amount, which would be $2,500 per annum. But you do not. You fix it at $5,000. Can you make this inequality? I say not.

Mr. WRIGHT. Will the Senator allow me to make a suggestion to him?

Mr. LOGAN. Certainly.

Mr. WRIGHT. I suggest whether it does not also follow, from this amendment, that the Senators elected after the 1st of December, as contemplated by the amendment, will receive $5,000 after March next while the rest of us receive $2,500?

Mr. LOGAN. Certainly; that is what I just stated. It does provide that Senators who are fortunate enough to be elected after the 1st day of December shall receive at the rate of $5,000 a year for the next fourteen months coming, and we shall receive $2,500. That is the proposition. I do say that that proposition is so clearly and palpably in violation of the Constitution, in my judgment, that I would resign my seat before I would vote for it. I do not believe that my constituents require me to swear that I will support the Constitution, and when I believe a thing is in violation of it to violate that oath, and I shall not do it.

I am acting here under instructions from my constituents. I intend to vote for the repeal of this law, or so much of it as I have a right to do, because the Legislature of my State have declared against it. Hence, I consider myself instructed to vote to repeal it; but I am not instructed to violate my conscience by voting for any such amendment as this, nor will I do it. As I said before, I vote to repeal the law because I am acting as the agent of my people, not because I am going to confess that I did wrong when I voted for the law, for I do not believe that I did. It is a difference of opinion between them and myself. I obey their wishes, but it does not change my opinion. I act for them, and not for myself. When I followed the precedents from the beginning of the Government to the present time, I thought I was right. I still think so.

Now, sir, I am through, so far as the constitutional point is concerned. I have a word or two in reference to this kind and character of legislation. I believe the Chicago Tribune has been as strong in its condemnation of the vote of March last as any paper in this country. I have here an article published in that paper—from a correspondent—within the last few days, and which has been read by their subscribers all over the country, which defines this kind of legislation; and I will ask the Clerk to read it in such a voice as that Senators may understand it.

The PRESIDENT *pro tempore*. The paper will be read if there be no objection.

The Chief Clerk read as follows:

CAPRICIOUS LEGISLATION.

To the Editor of the Chicago Tribune:

SIR: Capricious legislation is as much to be feared as that which is induced by corruption. Generally it is more wide-spread in its effects, and almost always has less reason to back it. In most cases corrupt legislation has some well-defined object, the attainment of which affects but comparatively few persons. Capricious legislation is almost invariably of an opposite character, as weak in definiteness of purpose as it is deficient in wisdom. The old saying, "Don't whip your child when you are in a passion," has a deal of wholesome philosophy in it. Its observance is conducive to sound parental government. Passion seldom does anything wisely, and its sequel is an everlasting undoing of what never ought to have been done. A madman may harm nobody if he keeps his passion to himself; but, if he acts under its impulses, he is sure to go wrong and injure others. Caprice is as unreasoning as passion, and as a legislative motor it surpasses all others in power for mischief.

Take the outcry raised against the late increase of salaries as an illustration of this subject. Let all that has been urged against that act be admitted, and still the leading demand made for its repeal was an example of pure capriciousness, full of mischief and danger. The people were mad; this they had a right to be. They demanded repeal; this they had a right to do. But they had no right to combine madness with repeal. Keep the two things separate, and they are well enough. Fuse them in legislative action, and they are wholly bad. A simple repeal, with a revivor of the former acts regulating the salaries, would place all of them that can be constitutionally affected just where they were at the date of approval of the act of increase—the change taking effect, of course, from and after the approval of the repealing act. But this was not the capricious demand which thundered about the ears of frightened Senators and Representatives. A retroactive repeal was the thing demanded. Since the 4th of March last salaries had been drawn as provided by law. The amounts so drawn were lawful in every sense of the term. When drawn, the money obtained thereby was as strictly the private property of the person in possession of it as any other of his funds, derived from whatsoever rightful source they might have been; and Congress would have the same right to legislate a man out of his title to real estate as it would have to require him to refund to the Treasury any part of his lawful salary. The Constitution says, "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law." The compensation in this case was ascertained to be at the rate $7,500 per annum, payable in monthly installments. One-twelfth part became due each month, and, whether drawn or not at the time, became the rightful property of the member. If he should elect to present it to the Government, that is one thing; to take it from him by force of law is quite a different thing. The past is a sealed book so far as the salary is concerned; the future is open for action. Whatever change may at last be settled upon, it can rightfully take effect only from and after the passage of the law.

If wrong and capricious action in the present exciting case could spend its force upon the salary question it would be bad enough; but it can't stop there. The perpetration of wrong familiarizes us with wrong. What has been once done may be done again, and with far less hesitation. Unwarrantable action toward salaries may lead to like action relative to other interests. Legislative confiscations of portions of salaries may lead to hurtful encroachments upon other property. If the people may, by a capricious outcry, force Congress to do a wrong in the former case, another burst of popular passion may drive it to unlawful action in the latter. Now it may be salaries; hereafter it may be land.

Mr. LOGAN. Now, Mr. President, I have had that article read to show that men outside of newspapers have opinions on this subject. I presume that article was written by a gentleman of some legal attainments; I know not who, however; but he entertains the same views in reference to the right or power, and when I say "power" I do not mean the mere force, but the legal right or power to take from an individual that which has vested in him as property. I know it is wearisome to the Senate for me to talk at this time; yet I have a constituency behind me who amount to considerable in numbers and a great deal in thought and reflection. I desire to place myself as near right as I can before them by telling them honestly that I am voting their sentiments and not my own, but that I do it willingly, inasmuch as I understand it to be theirs. But I must say I am a little sorry to see the disposition manifested here on the part of some gentlemen. We sometimes become overzealous; we sometimes become so enthusiastic in a certain direction that our zeal carries us beyond that which in cooler moments would be our better judgment. I am sorry to see the zeal manifested on the part of some gentlemen here who did not, perhaps, very fortunately for them, vote for this salary bill when it passed, but voted against it; their disposition seems not only to repeal the law, for which repeal I am ready to vote, but to force Senators who voted for the bill into a false position before the country; to force them to stand upon the record as obstinately refusing to do right when they conscientiously believe they are going as far as they can go.

Now, Mr. President, I received my pay every month under the law of last March. I believed I was entitled to it. I think it was my property vested in me by law. I have used it. I do not propose to pay it back unless this Congress shall force me by an unauthorized law to act contrary to what I deem manly to do. There is a difference of opinion here in reference to the duty of Senators on this subject. Those who are so sensitive, and so conscientious, and so desirous of unloading themselves—I will not say for objects in the future; I will not say from a want of manhood—but they should not drive others to do an act which would show a want of manhood. There is an easy way for them to settle this question with themselves; let every man who believes that it his duty to do so go and give his money back. He can do that. The Treasurer will receive it now. No one will object to their doing it; but you should not force men who believe that they are entitled to it under the law to do what your consciences fail to force you to do, when no obstacle presents itself preventing you from doing it.

Mr. President, I am reminded of a little story by the disposition manifested on the part of some gentlemen here; and I respect all of these gentlemen, and I hope that some of them will be Presidents in future. I do not suppose that they have dreams of that kind, because such things hardly ever occur to men nowadays; but if they have, I hope their brightest prospects and fondest hopes may be fully realized in the future. But let me say that the vote on this amendment will neither make nor unmake great men, nor will it put them in higher positions than they are. It is not the kind of legislation, it is not the kind of great statesmanship that elevates men; small things for the purpose of driving others to degrade themselves is not the character of statesmanship that makes men great in this or any other country. They declare they ought to give their money back; but at the same time they want a law passed to force them to do what their consciences now tell them they ought to do. They want a law to help them do it.

Now my story, Mr. President. I heard of two boys once who were out hunting, that came across a wild boar. Both became very much alarmed and tried to get up a tree. One of them was fortunate enough to do so; the other was not. The wild boar ran between his legs and the boy seized him by the ears and held him. He looked up the tree and said, "John come down here." "What do you want?" said John. "Come and help me let this hog loose." [Laughter.]

That is about the condition of these gentlemen. They want a law passed to help them let the money out of their pockets. It will not hurt you to do it without a law; you can get rid of it easy enough. Congress will cover it into the Treasury for you. The people ask you to repeal this law, and that is all they ask you to do, all they require you to do, and all I propose to do.

Now let me say a word to the Senator from Indiana and other gentlemen who are so anxious to receive $2,500 per annum. If they pass such a law, and I am to receive $2,500 per annum, I shall receive it without complaint. I cannot live on it; but I suppose I will have to, like others, try it. Some men are better able to do it than I am, but I will stand it. If I do not I can quit; and, Mr. President, I do not want to quit. I know I can stand it as well as my healthy friend from Indiana; but I suggest to him a proposition that I think would be fairer than this. In the Methodist Church they have a rule by which they pay superannuated ministers according to the number they have in family. Do you not think it would be a good idea to regulate the compensation of Senators according to the number they have in family? [Laughter.] Inasmuch as you are trying to fix a salary of $5,000 for the incoming Senators, and $2,500 for the present Senators, upon what principle do you do it, unless it is upon the principle of large families or small ones, or is upon the principle that new members will be of greater service than the present Senators, and therefore entitled to a larger compensation? It must be upon some such principle; or perhaps my friend from Indiana has an idea of gradation in the Senate. We find nowadays that men are promoted to offices. Under the civil-service rules, I suppose we are to set up a sort of grade in the Senate; we will let some Senators get $7,500 a year, some $5,000, and some $2,500; the civil-service rules will promote those long in service if worthy, but this civil-service rule of my friend from Indiana will reduce us the longer we have been in the service.

I have another suggestion to make. Instead of trying to grade the Senators by law, suppose you offer an amendment to let our constituents, when they elect a member of Congress, mark on the ballot about how much they think his services are worth, and let him agree to take that; and also an amendment that whenever a Senator is elected by a Legislature, that Legislature shall estimate his worth and send it here to the Senate, and let the Clerk pay him according to the value they put upon his services. Then you will have an equalization, not in compensation, but according to the estimates of the different Legislatures that elect Senators. That would be just as reasonable as this amendment. It is of the same character. It is grading men down, or grading them up, on the idea that new men may be worth more than old men, or old men may be worth more than new.

Sir, I think I represent a constituency equal to any in this country in energy and in intelligence. I do not think they want me to vote that any man who comes in here shall get more pay than I do. They are willing for me to receive the same as other people; no more, no

less. They think I am getting a little too much just now. Hence I am willing to knock off a part and take the old salary or its equivalent from this time forward. That is what they tell me I ought to do, and I am willing to act in obedience to what they say. That seems to be the judgment of the constituents of nearly every Senator here. But let our position before the country not be one of degradation.

Who has ever heard of a Legislature or convention asking us to take $2,500 as our salary? I have seen criminals go into court, and the officer of the court would say "Stand up." The criminal would stand up before the court, the jury, and the spectators, and to the indictment he would be asked to plead "Guilty or not guilty." The prisoner nearly always replied "Not guilty;" but I heard of an Irishman once who thought he would split the difference. He rose in his majesty before the court and responded to the indictment. Said the court to him, "Prisoner"—calling him by name—"are you guilty or not guilty?" He replied, "If the court plaze, in part guilty and in part not." [Laughter.] So my friends here, if we do not confess that we are guilty, want us to confess that we are guilty in part; that is, that we are $5,000 guilty, and therefore we will pay ourselves $2,500.

Sir, I am not guilty of any crime. I enter no such plea, nor can I be punished nor my property confiscated for anything that I have done. I have no objection to others confessing guilty if they desire. I shall not. I will not lose my manhood so much as to stand before the Senate and the country and tell them I confess that I have done a criminal act for which I am to have a penalty affixed.

I believed that I did right when I did what I did, and now I only take it back by voting for the repeal of the law at the demand of my constituents, and not on account of my convictions; and when I have done that I have done all that I propose to do, and all that you have a right to make me do. You have no right to force members of Congress and Senators to do that which the law does not require and which you cannot legally compel them to do. You should leave it to every man's conscience and to his own self-respect as to what he shall do with the salary he has drawn—keep it or return it, just as he pleases.

I say to you here now, before the country—and I want the world to know it—I drew my salary according to law, by virtue of a law passed by Congress and signed by the President. It was my property when I drew it. I took it, and I used it as my property, and I do not intend to pay it back willingly. If any one thinks he can acquire greater fame in this country by running and confessing that he has been guilty of stealing money, let him go ahead and confess it. I shall not do it. I got mine honestly. My conscience does not hurt me a particle. Whenever you offer me a bill to repeal the law with unconstitutional amendments or provisions, I will repudiate it by my vote, and I believe the intelligent constituency that stands behind me will have more respect for me and my manhood and sincerity than for the man who plays the demagogue. I beg pardon; I take that back; I will not use that word in the Senate Chamber. I am through, Mr. President.

Mr. MORRILL, of Vermont. Mr. President, I have not been very anxious to participate in this debate, and I am not now. I have a certain sort of conviction that Congress made very little reputation in passing the salary law in March last, and it seems to me we are not likely to make very much in the mode or manner of repealing it. It is clear, however, that our action, whatever it may be on this occasion, in relation to fixing salaries, is to last. No Congress at any very early day will again be likely to meddle with the subject. It ought, therefore, to be considered fairly and properly. Let us do what is just and right and pass upon it without delay. It is only that I am anxious to have early action on the subject that I rise to speak at all. I am anxious to get hold of some other subject of legislation, as I think there are some requiring immediate attention, and the whole business of the session will be delayed until this question is disposed of.

Now, Mr. President, it seems to me that the proposition reported by the committee is perhaps as just and fair as any that will be presented, and I am not for entangling it with these various amendments which, whether designed for the purpose or not, will have the effect of defeating it either in this body or the other. I am not disposed to believe that any of us here do not understand the system of tactics by which a measure of this kind is to be defeated, nor am I disposed to think that the people of this country do not understand the tactics by which a measure of this kind may be defeated. I impute no such purpose on the part of the honorable Senator from Indiana; but those who have been here very long understand the effect of loading a bill with amendments, and I know, if these various propositions that are brought in here, some of which may be just and some unjust, or inexpedient, shall be ingrafted upon the bill, it will insure its defeat, either here or in the other House, and a less satisfactory bill will ultimately be adopted.

I voted against the proposition first introduced by the Senator from Indiana because I believed it would have this effect. I shall vote against the one now under consideration because I believe it will have this effect. More than that, I shall vote against it because it establishes the salary for the present year at $7,500. I voted against that proposition last March. If it was wrong, or too much, then, that we should receive $7,500 for a year's service, it is wrong and too much now, and it is not to be sweetened by the other project, proposing to pay $2,500 for a year to come, which stands no chance of being finally adopted. The question is, shall we have $7,500 for this year? Having always voted against that, I shall vote against it now.

When the proposition for an increase of pay was before us at the last session, the great and the most potent argument that was then presented for its passage was that we were doing away with the very great abuse of the mileage system, by which one member received 50 per cent. more than another; and the only objection that I have to the report of the committee is that they have not presented any proposition by which that abuse, then so denounced, shall be done away with now. If the proposition of the committee had embraced something to relieve us from that abuse, then, in my judgment, the measure would have been as equitable and as just, perhaps, as the occasion demands. I shall, therefore, at the proper moment, offer an amendment remedying the defect pointed out, and with such an amendment I shall vote in favor of the passage of the bill as reported by the committee. I am opposed to all other amendments that are introduced for the purpose, or if not for the purpose, which will have the effect to prevent early and efficient action on the part of the entire Congress on this subject, and such action as will be satisfactory to the country.

Mr. WINDOM. Mr. President, I had fully resolved not to say a word on this subject except to vote, and I do not now design troubling the Senate more than two or three minutes.

It was my intention to vote for the amendment offered by the Senator from Indiana, now pending, until his last modification was made. I believe that without that modification it is perfectly equal and just; that with it it is not equal. As modified by the addition of the words "elected or chosen prior to the 1st day of December, 1873," those who take their seats on the 4th day of March next, or who have been elected since the 1st of December, will draw $5,000 a year; and those who have served during this present year will draw but $2,500. That is not equal, in my judgment. I cannot vote for the amendment with that modification. As it stood before, however, I could see nothing unjust or unequal about it. Nor do I regard it as a punitive measure, as suggested by several Senators. There is nothing of the character of punishment about it.

It is well known that it was the passage of the bill increasing the salaries and paying for back services that gave offense to the country. The verdict of the people has been distinctly expressed on that subject. I believe that verdict requires that that act should be entirely wiped from the statute-books, and all its effects. I believe that the amendment proposed by the Senator from Indiana, without his last modification, would have accomplished that object, and I would have been glad to vote for it. It would have done nothing more nor less than this: to have paid for the present Congress $10,000 and the mileage, precisely what we would have received if the bill of March 3, 1873, had never passed. It is true that those of us who serve during this year would have been a little in advance on the 4th of March next; but that would be to our advantage rather than to our disadvantage, I take it. So far from having anything in the character of punishment about it, it is simply a declaration on the part of Congress that that bill was an error of judgment, or, in other words, that it does not meet the judgment of the people of this country, and hence is repealed; and we draw precisely the salaries we would have drawn if it had never been enacted. I think the principle of equality is not violated where the same compensation is paid for the same service at the same time; and that would have been precisely the effect of this amendment before its recent modification. Those of us who serve from the 4th of March next, during the following year, would all receive precisely the same amount for the same number of days of service.

It is said that those who come in after that time would not be fairly treated. Why not? I believe in the opinion of almost every member of this body a man who is competent to serve here ought to be able to make $7,500 outside of these Halls. These gentlemen have been at perfect liberty to do that during the last year. They have not been here; they have rendered no service; and if they shall come in hereafter and receive the same sum that we do, nobody is injured. I am very sorry that the Senator from Indiana has made his recent modification, for I desired to vote for this amendment. I voted for the other because I believed it would have accomplished the same object. If he will withdraw the modification I shall be very glad to vote for this amendment; otherwise, I shall be compelled to vote against it.

Mr. MORRILL, of Maine. A remark fell from the Senator from Nebraska [Mr. TIPTON] which justifies me perhaps in making an observation; not that I take exception personally to the Senator's allusion; the felicity of it he must judge of for himself. The remark the Senator makes is that apparently, from some observations I have made, in order to be consistent, I ought to be willing that this bill should be amended so as to include the back pay of the Congress of 1866. Now, sir, I will say a word in relation to the proposition as it stands before us, and then I will allude to the logic which may be inferred from that remark as bearing on this general subject, as it seems to lie on the mind of the Senator.

The bill as it stands before us, reported from the committee, is a simple repeal of the salary act of last year. I take occasion to say now for the first time—for I have not cared to go into this subject particularly—that my own judgment is that that would meet, in a general way, what is termed the public demand upon the question of the salary bill of the last session, and therefore I did not propose

myself to offer an amendment, and I should be entirely content to accept the proposition as it comes from that committee. In the few observations I made the other day, I steered entirely clear of any question such as has been raised by the amendment of the Senator from Indiana, contenting myself with accepting an entire repeal of the law, and leaving all questions of the excess of salary which may have been received during the Forty-second Congress, or since. in this Congress, to the conscience or the judgment of the gentlemen receiving it, to dispose of as they pleased.

My own belief now is, that the repeal of the salary bill as provided by the report of the committee is the substantial thing to be done; and I come the more readily, perhaps, to that conclusion than some other gentlemen because, as I took occasion the other day to say, I did not believe that the increase from $5,000 to $7,500 without mileage, without perquisites, and without allowances of any description, and thus freeing the question of compensation from these objectionable features, and equaling the same with Senators, was an injustice to the American people, or was in excess of a reasonable compensation for services which Senators and Representatives ought to render their constituents.

The Senator from Indiana, however, has raised another question. That divides us upon a question which, perhaps, justifies the Senator from Nebraska, if he so thinks, in commenting upon a former act of mine, when I took pay under circumstances similar, I agree with him, to those which transpired on the 3d of March last, by which all of us were entitled to receive back pay, and many, I suppose—some, at least, according to the report which has been submitted by the Secretary of the Senate—having taken back pay, as did the members in 1866.

Now, Mr. President, upon the question raised by the amendment of the Senator from Indiana my ground is this, and to be consistent I do not see how I can act otherwise: As I said yesterday, I think the salary question, as raised by the last Congress, was an entirety; that it was a question of compensation relating as properly to the current pay of the Forty-second Congress as to the prospective pay of the Forty-third Congress, and, being so in law, I am sure there is no difference. In law, the back pay of the Forty-second Congress is as much the property of the Senator and the Representative as the prospective pay. No man gainsays that. The authority under the Constitution to pass the act is complete. The exercise of that authority by the Congress of the United States vested that money in every Senator and Representative who chose to take it. Nobody denies that. It is his, if he chooses to appropriate it, as much as that which has intervened since March 4 last. Now, when the Senator from Indiana raises that question as to whether we ought to cover into the Treasury the excess since the 4th of March last, the reply is, looking at the legal aspect of the case, as the honorable Senator from New Jersey [Mr. FRELINGHUYSEN] argued a few moments ago, it is ours by law and cannot be reached by legislation, and therefore we are entitled to retain it.

That answers the law of the case unquestionably. But what are we doing here? We are repealing a law not obnoxious, it may be, to the sense of justice of many of us, but we are repealing a law that has offended the moral sense of the community—that has offended the public sense as an act of public injustice. Upon that ground, if we hold it to be so, then, I ask, how are we to purge ourselves except by going back with the excess, both current and prospective? And when the Senator from Indiana puts that question to me by this proposition I do not well see how to avoid the force of it. That is to say, if I carried back the excess of the Forty-second Congress on the ground that that was either illegal or immoral or unjust, it seems to me that I am bound by every sense of the fitness of things to carry this back also.

Now, I say to my friend from Nebraska, on the question of the back pay of 1866, I received it. I believe every member of Congress did. I agree with him that in logic, in law, and in morals, that is identical with the back pay of 1873, and I agree that the same moral obligation, so far as I can see, rests on me in either case. I speak only for myself, and not for others.

Well, sir, when this question arose at the close of the last Congress, what was to be done? We have seen the diversity of opinion on this very question; some Senators taking the money and appropriating it to their own use, other Senators taking it and carrying it back to the Treasury, others taking it and giving it to their constituents, others offering it to eleemosynary institutions—disclosing the diversity of opinion and sentiment existing on the subject. I say now, for the first time in a public manner, that I have neither taken nor refused the back pay; I have not appropriated it in the sense of using it, and my own determination in regard to that will be affected somewhat by the action of Congress. The circumstances under which that act passed and my connection with it—not holding myself responsible for it—did not permit me, with proper self-respect, at the dictation of anybody, at clamor from any quarter, to say what I would do when the subject should come up properly for consideration.

Therefore, Mr. President, I do not object at all to the honorable Senator from Nebraska calling my attention to the fact that I stand in relation to the law of 1866 precisely as I do in regard to the salary of 1873. I am myself able to make no distinction whatever, and with the "salary-grab"—if I may be pardoned for using that phrase—in my pocket, of 1866, I hesitate a little whether, under circumstances entirely similar in all respects both in law and in morals, I should make haste at the dictation of anybody to go back with the back pay of 1873, with the back pay of 1866 yet unatoned for. Other gentlemen may think differently. I arraign nobody. I question nobody's motives. I dare say that everybody has acted alike conscientiously on this subject. I refer to the fact now, because the honorable Senator from Nebraska has seen fit to bring it up, and also to justify, or at least explain, my vote on this occasion. I am perfectly willing, I repeat, to take a pure and simple repeal; and I believe that would meet the popular demand; and I believe in that way it would pass away from the Senate, and enable us to engage in the business pressing for consideration. I am willing to do that. As the matter stands I shall cordially vote for the proposition of the honorable Senator from Indiana, and make the return as ample and complete as was the increase, both current and prospective.

Now, Mr. President, I do not believe I shall be drawn into making other or further remarks on the subject while it is before the Senate.

Mr. GORDON. Mr. President, may I hear the amendment read that is proposed by the Senator from Indiana? I was not in when it was offered.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read as modified.

The CHIEF CLERK. It is proposed to insert at the end of the first section of the amendment reported by the committee the following:

Provided, however, That the compensation of Senators, Representatives, and Delegates of the Forty-third Congress, elected or chosen prior to the 1st day of December, 1873, shall be at the rate of $7,500 for the year ending March 3, 1874, and shall be at the rate of $2,500 for the year ending March 3, 1875, exclusive of mileage, as fixed above.

Mr. GORDON. Mr. President, if I desired to make a speech on this question it would not be consistent with my ideas of propriety to do so. As a newly-elected Senator, I had no connection with the law which it is proposed to repeal—no opportunity to vote upon it, and no responsibility for its passage. It does not become me, therefore, to criticise those who made the law. It is not for me to condemn or approve. It is proper, however, that I should explain my vote and the object of an amendment which I propose to offer at the proper time. I rise, therefore, with no purpose or desire to make a speech, but simply, as I said, to explain my vote and the nature of an amendment which I shall propose.

I cannot vote for the amendment which has just been read, offered by the Senator from Indiana, and for reasons which have already been so fully explained, and which I think ought to be so satisfactory, that I shall not take the time of the Senate in repeating them. But for the constitutional difficulty, my own opinion is that it were infinitely better to adopt the amendment suggested a few days ago by the Senator from Nevada, [Mr. STEWART;] for if I know anything of public sentiment upon this salary business, the objection of the people does not lie against the salary as fixed for the future, but against the retroactive feature of the law—the back pay, as it is termed.

If, then, Senators are anxious that their action shall conform to the public demand, they cannot do so by the adoption of the amendment offered by the Senator from Indiana; neither can they do so by the adoption of the amendment proposed by the chairman of the committee, the honorable Senator from Iowa, for that amendment proposes simply to repeal the law, leaving untouched the most objectionable feature—indeed, I think I may say the only feature to which the people have ever objected.

I repeat, sir, that, so far as I have been able to read public sentiment, the people have not made objection to the salary as proposed for the future, and still less will they object when such a fact as was stated yesterday by my friend from Delaware [Mr. BAYARD] is known, namely, that one who lives so unostentatiously as he has been compelled to supplement his salary by draft upon his private means to meet his expenses, and when the further fact is known that the pay as now fixed by the law is insignificant compared to the services which a faithful, honest, and earnest public servant may render to his country in this Chamber—that it is also insignificant as compared to the pay now fixed by law for other public servants, having not one tithe of either the expense or responsibility of a Senator.

But so far as I am individually concerned, Mr. President, I shall be governed in my votes on this question, and I trust upon all other questions, solely by considerations which shall seem to my own judgment just and proper. I do not boast of independence of public opinion. I trust in all my public acts on this floor to receive the approval of those who sent me here. But however that may be, I shall at least endeavor to act so as neither to forfeit my own self-respect nor fail of the approval of my own judgment and conscience. I cannot vote, as I stated, either for the amendment offered by the Senator from Indiana or for that reported by the Senator from Iowa, because neither accomplishes the purpose for which Senators say they are intended, namely, to meet the demand of the public; and the amendment of the Senator from Iowa, the chairman of the committee, not only fails in this particular, but revives an old law which discriminates in the pay given to Senators who do equal service upon this floor, and is therefore unjust. Sir, this is not what the people demand. which Senators seem so anxious to conform to. The people do not demand that a law shall be revived which gives to my friend from Oregon double the pay that is given to my friend from Maryland, by reason of the greater distance of his residence from the seat of Gov-

ernment. This is not what the people demand. Nor do the people demand a repeal of the present salary, unless by that repeal we shall give them the substance and not the mere shadow of retrenchment.

I cannot, therefore, vote for either of those amendments. But, sir, in view of the responsibilities which rest upon me because of my position here, and in view of the general tendency to extravagance by the General Government, I can vote most cheerfully for the House bill, provided an amendment to that bill shall be adopted which I shall offer, or some similar amendment. The House bill is just. It makes the pay of every legislator absolutely equal. It does not give to the Senator from Oregon double the pay it gives to the Senator from Maryland, but it makes the compensation equal. It not only does this, but it does it without an increase of the burdens of the Government. That bill fixes the annual pay of each Senator and Representative at $6,000; and it will be seen by reference to the report of the Secretary of the Senate that the average pay of the Senators who served in 1872 was $5,922.33, making the difference between the pay fixed by the bill as passed by the House and the pay actually received under the old law the sum of $77.67. Why not then, let me ask, adopt the House bill instead of the amendment offered by the committee? Why revive the discriminating features of the old law?

But, sir, as I said before, I cannot vote even for that bill unless some such amendment as I shall offer shall be adopted by this body.

The first section of the amendment I shall propose reduces the salaries of all Army officers which have been raised since the war. It reduces the pay of the General from $17,070, as now fixed by law, including only commutation for quarters and fuel, to $13,500, including the same allowances. It reduces the pay of the Lieutenant-General from $12,674 to $10,140, including all allowances. This was the amount paid to officers of that grade during the war, even when the Lieutenant-General was in command of the Army; at least it was the pay paid him prior to February, 1864; while the officer holding the second grade, which corresponds to the present grade of Lieutenant-General, was paid only $6,528, including allowances. My amendment further provides for the reduction of the pay of a major-general from $9,174 to $6,528. This was the amount paid to officers of that grade during the war; and the grade of major-general, let it be remembered, now corresponds with what was then the grade of brigadier-general, who was only paid $4,650; and it would seem but just that this latter amount, and not the amount I have proposed, should be the sum fixed for the future pay of an officer of the third grade, let him be called by whatever title he may.

The second section of the amendment provides for the reduction in the same proportion of the pay of all other commissioned officers whose compensation has been increased since the war.

Mr. WRIGHT. Mr. President, I wish to make an inquiry of the Senator from Georgia. It seems to me that he must have some bill before him other than the one pending.

Mr. GORDON. I beg the Senator's pardon. I will make what I say very pertinent to this question before I get through with it.

Mr. WRIGHT. He referred to section 2 of the House bill, as I understood him.

Mr. GORDON. No; I beg the Senator's pardon.

The PRESIDENT *pro tempore*. The Senator from Georgia has given notice of an amendment.

Mr. GORDON. The second section of which I am speaking refers to the amendment which I shall propose. I am simply describing that amendment.

Mr. WRIGHT. I beg the Senator's pardon. I thought he was speaking of some other bill.

Mr. GORDON. Mr. President, I find, upon examination, that the pay of the Quartermaster-General, of the Commissary-General, of the Chief Surgeon, of the Paymaster-General, and the pay of several others, has been increased to $6,890.50, being, as I compute it, an advance of from two to four thousand dollars over the pay of those same officers during the war.

The third section provides for the reduction of the salary of the Admiral of the Navy from $13,000, to which it was raised by the act of July 15, 1870, to $10,000, which was the compensation fixed by the act of July 25, 1866, and a similar reduction of the pay of all other officers of the Navy whose compensation has been similarly increased since the war.

The fourth section provides that the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877, and that the appropriations made for the expenses of the Presidential Mansion shall be, for each of the years 1873, 1874, 1875, and 1876, less than the average amounts so appropriated for each of the four preceding years by the sum of $25,000.

Sir, in 1860, and during the war up to February 29, 1864, so far as I am able to ascertain by a diligent search of the voluminous acts of Congress, the pay of General Winfield Scott, and of every other commander of the armies of the United States, was, including all allowances for rations and everything else, $10,140. By the act of February 29, 1864, the amount allowed for commutation of rations was doubled, an increase from $4,320 to $8,640 for rations alone, making the total pay by that act, $14,460. By the act of July 25, 1866, the grade of General was revived and applied to the commander of the Army, whose headquarters were to be at Washington, and his pay proper placed at $300 per month, with the same allowances hitherto given to the commander of the Army when known as Lieutenant-General, with the solitary exception of the item of fuel and quarters, which was increased from $75 to $300 per month. The total compensation, therefore, of the commander of the Army, according to my computation, under the act of 1866 and the act of July 15, 1870, cannot be less than $17,520, two-fifths more than was allowed to Scott or to any commander of the Army during the war. That of the Lieutenant-General cannot be less than $12,674; of a major-general, $9,174; of a brigadier-general, $6,890; of the Quartermaster-General, Commissary-General, Paymaster-General, and of several others, not less than $6,890.

Mr. President, in addition to this pay which is fixed by law, officers are entitled to other perquisites which are denied to Senators and Representatives, or for which they pay out of their private means, such as medical attendance, mileage when traveling under orders, fixed at ten cents per mile, and the purchase of rations and supplies at Government cost price. So that, taking all these perquisites into consideration and the addition which is given in rations for each succeeding five years of service, I estimate that the pay of the commander of the Army is not to-day under $20,000. I may be mistaken in that, but that is my estimate, and I am sure it is not far short of it.

Now, sir, why should the pay of the General exceed the salary of the Chief Justice of the United States? Where is the Senator who will stand in his place and state that the unavoidable expenses entailed upon Senators is not fourfold that which attaches to the position of Lieutenant-General or of a major-general? Where is the Senator who will stand in his place and say that the services which he renders to the country, if he is faithful to the trust reposed in him by his State, are not of greater importance to the country than that which is rendered by any officer of any grade of the Army in time of peace? Where is the common-sense citizen who will argue that the Lieutenant-General, or a major-general who reviews in peace his corps, or enforces the orders of his superiors, or hunts the wild Indian or the wild buffalo on the western prairies, is worthy of higher consideration or higher compensation than the man who, in this or the other end of the Capitol, is responsible for the laws under which we live, responsible for the protection of the public interests, and of the private rights and personal liberties of the citizen?

Sir, I would not be understood as in any degree disparaging the high vocation of the soldier. No act of mine upon this floor, no word of mine, here or elsewhere, shall ever be so ambiguous as to be construed into a reflection upon him who is always ready to obey the call of his country. No man is more ready to grant to him all the honors and all the emoluments which this country can afford to give. I am ready to vote to pay him well—to pay high, even in peace, for the man who holds himself always ready to give his blood and his life in obedience to the orders of his country or to the dictates of his conscience. I am ready when war comes to be the foremost in voting large pay and large honors. But I am not ready to concede the justice of giving double emoluments to the far inferior and less important portion of the public service. I am not willing, I am very far from being willing, by my vote, to so disparage the highest, the most important department, the legislative department of the Government, by what I esteem as a most inexcusable discrimination against it. I will not now, nor will I ever, consent to say by my vote that if a lieutenant-general, in the day of profound peace, is worth $13,000 per annum to the country, a Senator who honestly, earnestly, and faithfully labors for the public good, is entitled to less than half that compensation. I will not now nor will I ever consent to an effort to stifle the public clamor for retrenchment by degrading the position where brain and nerve and honesty are most needed, and stamping it as inferior to the position of the military. Such a course would be consistent in a monarchy or a despotism, but it is most reprehensible in this Republic, where the legislative acts of the representatives of the people make permanent or destroy our free institutions.

But, sir, while I take that position, and while I do not believe the present salary an undue compensation to a Senator, I also take this, and I wish to be distinctly understood: I will vote for $6,000 salary to a Senator, I will vote for $5,000 salary to a Senator, I will vote for $4,000 salary to a Senator, or for any reasonable salary to a Senator, provided that with such reduction we also reduce every other salary of every other public servant to an amount commensurate with the services he renders the country. I will vote for the House bill, if this amendment or any similar amendment shall be added to it. I will not vote for the House bill or for any other bill reducing the salary of a Senator, unless by that reduction we can both meet the wishes of the people and secure absolute economy.

I do not stand here in my place for the purpose of attempting to deceive the people, nor do I charge that any other Senator desires to deceive the people; but I do charge that when we refuse to touch the exorbitant salaries I have referred to, and shall attempt to silence the just demands of the people for retrenchment by the passage of any such meaningless bills and amendments as those now before this body, we shall fail to accomplish the purpose and betray the high trust reposed in us. For my part I am resolved that we shall have such real retrenchment, or the people shall know where the responsibility lies for its refusal. If we really mean retrenchment, if Senators desire the economy which they have so eloquently apostrophized, let me say to them that their logic and their rhetoric can be much better expended in urging the passage of a law which will retrench by the million instead of by the hundred.

I do not like to strain at a gnat and swallow a camel. I do not like

that political ethics which pays to the public tithes of mint and cumin and yet withholds from them the weightier measures of true economy. If we mean to economize, if we mean to have retrenchment, let us not mislead the people by the shadow when they have not the substance.

For myself, I repeat, I am ready for the personal sacrifice of any amount of economy, provided you can secure it to the people, relieve them from their burdens, lessen the taxes, and at the same time place the public servants in the various departments upon the same footing. I shall offer, at the proper time, this amendment. If it pleases the Senate to accept it, or to accept any other amendment of a like character, I am ready to vote for any reduction; if not, I shall record my vote against a policy which I consider a policy of deception.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana to the amendment of the committee.

Mr. BUCKINGHAM. Mr. President, I have tried to hold my peace upon this subject, as I have upon many others, and I have but a few words to say now——

Mr. RAMSEY. I appeal to the Senator from Connecticut, and ask him whether he will not give way to a motion to proceed to the consideration of executive business?

Mr. BUCKINGHAM. I will not occupy more than three or five minutes. I am willing to give way if the Senate desires. ["Go on;" "Go on."]

Mr. President, I do not believe that taking the extra salary voted at the last session was either unlawful or immoral. I voted at every step against every proposition which tended toward the increase of the salary of members. I think the question of receiving the back pay was simply one of propriety. To my mind it was not proper for me, after having occupied a seat here until within a few hours of the close of the session of Congress, to receive a larger amount of money than had been voted by previous Congresses, and therefore I determined, and I expressed my determination at the close of the vote, to let that extra pay, whatever it might be, remain in the Treasury. I believe that every man who received it, contrary to my impressions of my own duty, was as honest, as true, as patriotic as I was, and I am not disposed to condemn any man.

But the question is, what shall we do now? I should be very glad to vote for the amendment of the Senator from Indiana if I thought I could do so with propriety and accomplish the great object which he is aiming at; but it does not appear to me to be right for me to stand here and condemn my associates by asking them to return into the Treasury the money which they have received during the last ten months, and I believe we can better accomplish that which we are aiming at by rejecting his amendment, as we have the previous amendment which he offered, and coming directly to the vote on the report of the committee. I think that is all that we can accomplish. I think that will be as satisfactory to the public, perhaps, as anything we can do; and while I know that $5,000 a year, or twice or thrice that, is not a full compensation for the sacrifices which many men make by coming here, yet I think, on the whole, that it is as near an equitable adjustment, an equitable compensation, as we can determine. Therefore I shall vote, as opportunity shall offer, to restore the old law and have it take effect as soon as we can pass such a bill.

Mr. WRIGHT. Mr. President, I am sure the Senate will bear me witness that, notwithstanding I have had charge of this bill, and from the beginning of the session have been the friend of the principal question that is involved in the bill, I have kept my silence, and said but little, if anything, upon it. I have pursued this course largely from a conviction that there could be nothing truer than was said by the Senator from Maine, that the sooner we act upon this bill the better for the reputation of the Senate. I have been more solicitous at all times to have votes and dispose of this question than to take up time by debate. Now I trust the Senate will come to a vote upon the pending question, and that all amendments which may be offered afterward will be voted upon at once.

I took occasion to say on the day before yesterday that if left to myself upon the question, as an independent proposition, presented by the Senator from Indiana, I should have voted for his amendment. I have no constitutional difficulties in my way on the question as it was then stated. The amendment, as now stated, I think is clearly unconstitutional. But I vote against both of them—and in this I am embarrassed, as you will see, because I believe in the principle of the amendments—but I vote against both of them, because I believe and know that the effect of their adoption would be to defeat the bill, and I regret exceedingly that my friend from Indiana, after he had had a square vote on the proposition this morning, should have felt it necessary to submit it in a different form, when he knows beyond all question what is the sense and judgment of the Senate upon it.

I do not say that my friend is unfriendly to the bill reported by the committee; I do not say he is unfriendly to the repeal of the salary law; but I do say that the effect of his amendment is to postpone the passage of the bill, and if he shall succeed in ingrafting it upon the bill, the defeat of the bill is inevitable.

I regret also, Mr. President, that my friend from Ohio, a member of the committee, should have found it necessary to give his approval to this amendment. I can well understand the reasons that may have influenced him; I can well appreciate them; but I regret exceedingly that, being a member of the committee, he should h ve found it necessary to give his approval to the amendment.

Now, I appeal to the friends of this measure that we shall stay here to-day until we pass this bill or dispose of it. I do not know what may be the final action of the Senate; but I do know that it is infinitely better for us and for the country that we pass upon this bill and defeat it rather than to consume day after day and day after day here by debate. I can conceive of no good result from that. I am sure that every Senator has his mind made up as to what he intends to do. I believe the sense of the Senate is in favor of a square repeal, and in favor of the bill as reported by the committee. I desire to say that that bill does not in all respects meet my approval. I prefer the bill I introduced here on the first day of the session, which provides for a square repeal, leaving the law to stand for $5,000 hereafter.

I have said, Mr. President, that I have no trouble upon the constitutional question. It is amazing to me that there is not the least constitutional scruple when you propose to increase salaries from this time on, whether there be a Senator who will probably come in hereafter or not; but when you propose to decrease from this time on, then the constitutional difficulty arises at once. I imagine that the true rule is this: that when you pass a law providing that the salary hereafter shall be so much, every man who comes into the Senate hereafter, if he be elected since I was or you were, comes in taking the same salary that I do and you do for the subsequent time. If he was not here when you and I were, if we had a larger salary, it was our good luck and his misfortune. If he comes in now he takes just as we; no more, no less. I say, then, I have no trouble so far as the constitutional question is concerned; but there is a clear difficulty so far as the amendment of the Senator from Indiana is concerned, in that it makes a different salary from this time to the 4th of March to those who serve for the last year of the Forty-third Congress.

I do not desire to take up time on this bill. I certainly have evidenced by my action that I do not. I appeal to the Senate now to come to a vote. If it is the sense of the Senate that we shall adjourn and postpone this question until to-morrow and until the next day, then I do not know but that I shall be inclined to abandon all effort to press the bill to a vote and leave the Senate to take its own course, to determine the question in its own good time. I feel, however, that it is a matter of much importance that we should vote on this question and get it out of the way. Here are other and grave questions demanding the attention of the Senate. The financial question, the Louisiana question, the bankrupt-law question—all these matters are pressing upon our attention, and the country is demanding that we should act upon them. Now, upon a little matter involving salaries, hour after hour must be expended, detailing the biography of members upon this question; biographical and autobiographical discussions are the constant theme before the Senate. If I may be pardoned, I may say that I regret that such things have been brought into this debate. I know that every member acts and has acted on this question according to what his conscience has dictated. If he has taken what has been called back pay, he has taken it honestly and conscientiously; if others have refused it, they have refused it honestly and conscientiously.

Now, I trust that my friend from Indiana, having had a vote on the main proposition, will find it consistent with what he believes to be the best interests of the country and of this measure to withdraw his amendment, or, at all events, that the friends of the measure will not stand here and vote for amendments, whatever may be their convictions as to the right of the thing, when they know the inevitable result will be to defeat the bill. If this amendment is carried, it will be carried by those who are in favor of it in fact, and by those who are opposed to it and yet are willing to incorporate it in the bill for the purpose of defeating the bill before the Senate. I tell Senators that that will be the effect of it. I believe so; and so believing, though I was ever so conscientiously in favor of it, and though I believed it was constitutional, I should vote against it, because I want practical results here, and practical results are what I know the people want, as well.

Mr. SPRAGUE. Mr. President, I am one of those who think that the discussion of the salary bill is not unprofitable. Whatever can be done to make members of Congress pecuniarily independent while exercising congressional functions, the people will in the end sanction. When the people of this country pursue a course that will send none but rich men here, they will regret it. Rich men have given us our financial system.

I have heretofore expressed my views on that question, and will not now trespass on the attention of the Senate to restate those views. Those views are to-day stronger than over. Owing to our financial system and its operation the salary now provided by law at $7,500 will not purchase more than $2,500 in England, or one-third as much. The simple reason is that money to do business in this country, and to produce articles which enter into the cost of living, is required to turn the whole value of an article of production, while in England money sufficient only to turn the balance between two articles exchanged is required. As the people in this country are situated, they require I should pay twenty dollars to do the same business that one dollar will do in England. This fact calls for treble the rates of interest we pay in our business, absorbed either in the percentage we pay directly, or in the cost of the article produced. Herein rests the reason for the increasing cost of living.

Again, I think that the sum total of our civilization is exhibited in the building of cities and towns. I do not say that the highest progress of the citizen is best attained thereby; rather the contrary of it;

but such is the fact. Every house built in a city increases in a measure the price of every foot of land in the city; the rents, food, and service. A Cabinet officer cannot get a respectable house here for less than three or four thouand dollars a year rent. Every article of consumption very nearly approximates to the cost for rent. If the people were really aware of the exact status of this question, they would not exact restitution or diminution of salary.

I believe the machinery of our Government is very rickety; but it is all we have, and so long as it exsits I will do all I can to preserve it. It is rickety because of a rickety finance, and is the cause of the increase of salary to members of Congress. Its rickety condition calls upon legislators and the Executive for more careful attention than if it was sound.

I do not know of any employment in this world that is so wearing upon the strength of a man as the present employment of a conscientious member of Congress, for I can see the evidences of it, if each member cannot see it for himself.

I voted, because of a disposition to economize, against the increase of the salary, but careful consideration has convinced me of my error, and, for the reasons embodied in these remarks, I shall vote against all reduction. I think the reduction of the present pay of a member of Congress, with a view to economize, is in the wrong direction.

The back-pay portion of the salary act was perfectly right if you conclude that the old salary was inadequate for the service, as, without that, the votes of the outgoing members would not have been had, and the pay would not, therefore, have been increased for the future. If the increase of salary was proper, the back-pay clause was proper, also. The two cannot be separated.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Indiana [Mr. PRATT] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. HAMILTON, of Maryland. I offer an amendment, to strike out the first and second sections of the amendment reported by the committee, and insert what I send to the Chair. This amendment provides for the restoration of the old law as near as it can be, and I ask that it be read.

The Chief Clerk read the words proposed to be substituted, as follows:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the salaries of the President, Vice-President, Members of Congress, and Delegates, and all other officers therein named, be, and the same is hereby, repealed; and the salaries and compensation of all said officers and clerks, of every name and description, shall be and remain as fixed by the laws in force at the time of the passage of the act the provisions of which are hereby repealed: *Provided*, That this repeal, so far as it relates to the salary of the President, shall not take effect until the 4th day of March, 1877, on and after which date said repeal as to the salary of said officer shall have full force and effect, and as to all other officers from and after the taking effect of this act: *And provided further*, That this repeal shall not relate to or affect the salaries of the chief and other justices of the Supreme Court of the United States as now established by law.

Mr. MORRILL, of Vermont. I propose to amend one of the sections reported by the committee, and I suppose that my amendment will be in order before the motion to strike out.

The PRESIDENT *pro tempore*. That is so.

Mr. MORRILL, of Vermont. I then offer the following amendment, to come in after line 10 of the first section of the amendment of the committee, as a proviso:

Provided, That the allowance for mileage hereafter to be paid to each Senator, Representative, and Delegate for going to and returning from the seat of Government once in each session shall be one-half of the sum allowed and paid prior to the act of March 3, 1873.

I desire to say that one of the strongest arguments that was made use of in order to carry the increase of salaries, and to defend it after it had been carried, was that it rectified the great abuse of the mileage system, by which we paid for travel four, five, or six times as much as the cost thereof. It would suit me, perhaps, better than any mileage at all, to have a fixed sum; but as it is not perhaps practicable to introduce a measure in relation to that matter here, or is not as practicable as it would be to reduce it, I propose to fix the same amount that we allow our military officers, that is ten cents per mile; reducing it from what it is now—twenty cents a mile—to ten cents a mile, which is the same we allow our military officers to have for traveling expenses. That will be in most cases twice the amount of the cost, and it is amply sufficient.

If there had been a provision inserted by which the whole mileage had been done away with and a fixed sum given, I would prefer it to the bill that was passed last year. This rendering an account of the expenses of members of the House and of the Senate is utterly repugnant to me, and I suppose it is to almost every other Senator. Therefore, while I would prefer to have a fixed sum, sufficient to cover in all cases the amount of traveling expenses, yet I deem it nothing but reasonable that the mileage abuse shall be rectified in rectifying anything else on this subject.

Mr. RAMSEY. I think it must be evident to Senators that we are not going to dispose of this bill to-night, and therefore I move that the Senate proceed to the consideration of executive business.

Mr. MORTON. O, no; let us finish the bill.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. Before submitting the motion of the Senator from Minnesota, the Chair will lay before the Senate some papers which are on his table.

Mr. RAMSEY. I make no objection to that being done.

The PRESIDENT *pro tempore* laid before the Senate a message of the President of the United States, communicating a report of the commission appointed under the act of March 3, 1873, entitled "An act to authorize inquiries into the causes of steam-boiler explosions;" which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, communicating information called for by resolution of the Senate of December 2, 1873, as to the amount expended in aid of the construction of public works in the several States and Territories; which was ordered to lie on the table and be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, communicating information in response to a resolution of the Senate of the 5th of January, 1874, in relation to the number of officers in his Department furnished with official postage stamps; which was ordered to lie on the table and be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 14) giving the consent of Congress to the acceptance by Edward Young of a present from the Emperor of Russia; and it was thereupon signed by the President *pro tempore* of the Senate.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore* announced the appointment of Mr. ALLISON to fill the vacancy in the Committee on Pensions, caused by the Senate excusing Mr. FERRY, of Connecticut, from service on that committee.

AFFAIRS IN LOUISIANA.

The PRESIDENT *pro tempore* presented a petition of R. H. Marr and other citizens of Louisiana, praying for the application and enforcement, in that State, of the guarantee contained in section 4 of article 4 of the Constitution of the United States; which was referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Chair has received a telegram, addressed to the present occupant of the chair, and to the Speaker of the House of Representatives, which the Secretary will report to the Senate, and then the Senate will be called upon to dispose of it.

The Chief Clerk read as follows:

NEW ORLEANS, *January* 5, 1874.

Hon. M. H. CARPENTER, *President of the Senate of the United States;* and
Hon. JAMES G. BLAINE, *Speaker of the House of Representatives:*

The legal Legislature of this State assembled to-day in obedience to our organic law. We beg of you to lay before your respective bodies the circumstances under which we meet. The orders of the general commanding this department, his statement of which we transmit herewith, who is acting under instructions from the Federal Executive, are of such a character as to prevent a large portion of our body taking part in this assemblage.

Were these orders withdrawn and our people assured that no interference would be made, we should be at once placed in a condition to discharge the duties resting upon us.

We earnestly beg that Congress, in the exercise of its constitutional powers, will afford us such relief as the nature of the case may require. We are the victims of a dreadful oppression. The powers of government have been taken from the representatives elected by the people, and given to a body of men who cannot even pretend to have been elected.

We make this appeal, not only in the interest of our own people, but in the interest of the people of all the States, in the interest of public liberty. Our liberties have been destroyed by the action of a Federal court supported by the Army of the United States. Will not the guarantee article in the Constitution enable you to protect us? Judge Story has predicted that the erection of a despotism in one of the States will bring on the destruction of the whole Republic.

On behalf——

Mr. MORTON. I should like to inquire by whom that paper is signed.

The PRESIDENT *pro tempore*. It is signed at the end, and the Clerk is almost at the end of the paper.

The Chief Clerk continued the reading, as follows:

On behalf of forty-four representatives and twenty senators of the Louisiana General Assembly.

Signed by

EDWARD BOOTH,
ROBERT WORRELL,
Of the Senate.
JAMES L. LOBDELL,
M. J. FOSTER,
F. C. ZACHARY,
Of the House of Commons.

The PRESIDENT *pro tempore*. What disposition will the Senate make of this communication?

Mr. HAMILTON, of Maryland. I move that it be referred to the Committee on Privileges and Elections.

Mr. MORTON. I see no purpose in referring that paper to the committee. That is a mere imposition—and it is not the first time that some men in New Orleans have done that—sending telegrams here and having them read. It ought to be laid upon the table.

The PRESIDENT *pro tempore*. The Chair will simply say, in explanation of laying this paper before the Senate, that the Chair regarded it as a petition, which it was the duty of the Chair when he received it to lay before the Senate, and which it is the duty of the Senate, in some form, to dispose of.

Mr. MORTON. This trick has been practiced a number of times from down there.

Mr. HAMILTON, of Maryland. It should be considered like any other petition, and it ought to be referred, certainly, to the Committee on Privileges and Elections; and I make that motion.

The PRESIDENT *pro tempore*. The Senator from Maryland moves that this communication be referred to the Committee on Privileges and Elections.

Mr. HAMILTON, of Maryland. And printed.

Mr. CONKLING. A Senator near me suggests that the shortest way to dispose of this is to adopt the motion made by the Senator from Maryland. Notwithstanding that, I cannot sit here as one member of this body and assent to a motion to refer this telegraphic dispatch to a committee and print it. What are we going to print? The Constitution allows everybody to address this body in the way of a petition; but can it be that we are to sit here and receive telegraphic communications sent from anybody at any time, and treat them as if they were parliamentary documents upon which proceedings are to be founded, print them as part of the documents of the Senate, and refer them to the committees of the Senate? I can see, as the acting President of the Senate has said, that becoming the recipient of a communication addressed to him personally, as President of the Senate, it became his duty to lay it before the Senate; and he having done so, I submit that if the Senate allows it to lie upon the table, it takes of it all the notice which ought to be taken of such a communication, no matter now what may be the particular subject to which it relates. Therefore I hope the Senator from Maryland will assent to the motion which I make, that this communication, having been read, lie upon the table.

The PRESIDENT *pro tempore*. The Senator from New York moves that the communication be laid upon the table.

Mr. HAMILTON, of Maryland. Mr. President——

The PRESIDENT *pro tempore*. This motion is not debatable.

Mr. STEVENSON. I did not hear the Senator from New York make that motion. I thought he asked the Senator from Maryland to withdraw his motion.

Mr. CONKLING. I did make the motion, and I did it by saying that I hoped my friend from Maryland would assent to the motion that I did make, to wit, that this communication lie on the table.

Mr. HAMILTON, of Maryland. I hope the gentleman from New York——

The PRESIDENT *pro tempore*. The motion is to lay the communication on the table.

Mr. HAMILTON, of Maryland. I hope——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. STEVENSON. I call for the yeas and nays on the motion to lie on the table.

The yeas and nays were ordered.

Mr. THURMAN. I ask whether the motion made by the Senator from New York takes precedence over the motion made by the Senator from Maryland?

The PRESIDENT *pro tempore*. Certainly it does.

Mr. THURMAN. It is not a motion to lay the whole subject on the table.

The PRESIDENT *pro tempore*. There is no subject here but this communication, which the Senator from New York moves to lay upon the table.

The question being taken by yeas and nays, resulted—yeas 36, nays 26; as follows:

YEAS—Messrs. Anthony, Boreman, Boutwell, Brownlow, Buckingham, Cameron, Chandler, Clayton, Conkling, Cragin, Crozier, Dorsey, Flanagan, Frelinghuysen, Gilbert, Hamlin, Howe, Ingalls, Logan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Ramsey, Sargent, Scott, Sherman, Spencer, Sprague, Stewart, Wadleigh, West, and Windom—36.

NAYS—Messrs. Allison, Bayard, Bogy, Carpenter, Cooper, Davis, Dennis, Fenton, Ferry of Connecticut, Ferry of Michigan, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Kelly, McCreery, Merrimon, Norwood, Ransom, Saulsbury, Schurz, Stevenson, Thurman, Tipton, and Wright—26.

ABSENT—Messrs. Alcorn, Ames, Conover, Edmunds, Johnston, Jones, Lewis, Robertson, Stockton, and Sumner—10.

So the communication was ordered to lie on the table.

EXECUTIVE BUSINESS.

Mr. RAMSEY. What has become of my motion, Mr. President?

The PRESIDENT *pro tempore*. The motion of the Senator from Minnesota is pending, which is that the Senate now proceed to the consideration of executive business.

Mr. HAMLIN. Is that a debatable question?

The PRESIDENT *pro tempore*. It is not.

Mr. HAMLIN. Then we had better vote it down. [Laughter.]

Mr. WRIGHT. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON. It is no harm to say that I hope we shall go into executive session.

The question being taken by yeas and nays, resulted—yeas 28, nays 36; as follows:

YEAS—Messrs. Bayard, Bogy, Boreman, Brownlow, Cameron, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Flanagan, Gilbert, Goldthwaite, Gordon, Hitchcock, Kelly, Lewis, McCreery, Norwood, Patterson, Ramsey, Ransom, Saulsbury, Sprague, Stevenson, Stewart, and Tipton—28.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Cragin, Crozier, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hamilton of Maryland, Hamlin, Howe, Ingalls, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Sargent, Schurz, Scott, Sherman, Spencer, Thurman, Wadleigh, West, Windom, and Wright—36.

ABSENT—Messrs. Alcorn, Ames, Hamilton of Texas, Johnston, Jones, Robertson, Stockton, and Sumner—8.

So the motion was not agreed to.

OFFICIAL SALARIES.

The PRESIDENT *pro tempore*. The bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates, is before the Senate as in Committee of the Whole, the pending question being on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment reported by the Committee on Civil Service and Retrenchment.

Mr. PATTERSON. Let this amendment be read.

The Chief Clerk read the amendment to the amendment, being to insert at the end of the first section of the amendment reported by the committee the following proviso:

Provided, That the allowance of mileage hereafter to be paid to each Senator, Representative, and Delegate for going to and returning from the seat of Government once in each session, shall be one-half of the sum allowed and paid prior to the act of March 3, A. D. 1873.

Mr. MORRILL, of Vermont. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. STEVENSON. I should like to inquire of the Senator from Vermont why he desires in his proposed reform to adhere in his amendment to the inequality and alleged injustice of the former system of mileage. If he seeks to reach an exact standard of justice, why not pay every member of Congress exactly what it costs him to travel to and from the capital? The Senator remarked that the bill to increase pay at the last session derived its greatest strength from the injustice and inequality of the mileage system which that compensation bill dispensed with. It does not occur to me that his amendment removes that injustice. It is true that those who receive mileage will, by the amendment, only get one-half as much as they did under the old law, but still the mileage will be unequal, and the injustice of the measure would seem to me to run just in the same ratio that it did before, though the amount of mileage would be lessened. For instance, a Senator from the Pacific coast, who can come here for $300, would, under the Senator's pending amendment, get $800; while a Senator living in the vicinity of Washington would only get one-half of the mileage he would be entitled to, which, perhaps, might not, under the reduction, pay him what he had absolutely expended. Now, if the object of the Senator be to reduce it to a proper standard, why not fix the amount at the precise sum which it costs every member by the most direct route of travel to reach Washington? Why go back to the principle of inequality in mileage which must always discriminate so unequally between members of Congress, and which it was one object of the present law to get rid of?

Mr. MORRILL, of Vermont. I have already admitted that this amendment does not remedy the abuse wholly, but it does remedy it to the extent of one-half, and it leaves that amount in the Treasury. It gives us precisely the same mileage that we allow the officers of the Army and Navy when they are compelled under military or naval orders to travel over the country; and that sum is deemed to be a just one. If we are to have any mileage at all, it strikes me that ten cents a mile is amply sufficient. We all know that it is much more than the actual cost of travel.

Then, when you come back to the proposition of the Senator from Kentucky, as I said before, the idea of giving an account of our traveling expenses is to me offensive and rather repugnant. Shall I, when I make out my bill of expenses, if I happen to smoke cigars—as I do not—give an account of how many cigars I have smoked? When I travel, shall I come on night and day, or shall I be allowed for the expense of a day at a hotel in New York, or at Springfield? I do not know precisely what is legitimate. If I come with my family, part of the expenses, perhaps, may be mingled up with those of my family. I hardly know how to separate them. Suppose I stop a day in New York, and require a parlor for my family; am I to charge that to the Government? Therefore I would much prefer to have a fixed sum for us all. If, perhaps, the total salary had been fixed at $5,500, it might have been acceptable; but in the absence of any such provision I do propose to remedy the gross abuse that exists in the mileage system; and I therefore propose that we shall be paid, what we allow our military officers, ten cents a mile—that is to say, to reduce the former mileage allowances from twenty cents a mile to ten cents a mile.

Mr. LOGAN. Allow me to make a suggestion on this subject. I do not want to discuss it at all. The Senator misapprehends the matter in one particular, I think. Members of Congress get mileage but once—going and returning. If they go a dozen times back and forth at half a dozen extra sessions, it makes no difference. The military mileage applies to every mile a man travels at any time when he travels under orders. That is the distinction.

Mr. MORRILL, of Vermont. I suppose, Mr. President, these traveling committees, that travel under orders, will get their mileage for it; but I do not know of any necessity for members of Congress to travel half a dozen times to and fro in the course of a session.

Mr. LOGAN. The Senator misunderstands me. I say if they should happen to do that, if they should have to come to extra sessions of

Congress, they would get no mileage except for one regular session a year. That is what I mean to suggest.

Mr. MORRILL, of Vermont. That is of so rare occurrence that it need not be provided for.

Mr. LOGAN. The time has been when it was not rare.

Mr. MORRILL, of Vermont. Besides, when the pay was raised from $3,000 to $5,000 it was distinctly understood that there should be but one mileage, whether we had an extra session or not.

Mr. STEVENSON. The Senator from Vermont seeks a curious mode of reaching a remedy for an admitted wrong. He proposes an amendment which, while reducing the amount of mileage actually received, yet perpetuates and legalizes a system which that Senator denounces as unequal, and which discriminates unjustly in the compensation received by members of Congress. If the Senator from Vermont desires to reach the enormity of the former mileage system, he can easily do it by limiting the amount that each member of Congress shall receive in lieu of mileage to the exact sum which it actually costs him to travel to and from the capital. Such an amendment reaches the evil complained of; such an amendment makes the compensation and cost of travel equal. The honorable Senator says he would not know how to make out his traveling expenses; he would be at a loss to know whether to charge for cigars which he might smoke, or for a parlor in a hotel if he had one. Such luxuries would depend upon the taste of each member, and address itself to his conscience whether it was within the legitimate rule of traveling expenses. But all this is dispensed with by the House bill. That bill includes all incidental expenses cited by the Senator by an increase of salary, which is made equal to and does not exceed in amount that provided by the Senate bill, but limits the amount for travel to the sum expended.

The Senator from Vermont admits that under the old system of mileage much more is allowed than is necessary—that it renders the compensation unequal to different members, and yet his amendment, although reducing the amount, retains the odious discrimination which he so warmly disapproves. Some members neither indulge in cigars nor parlors. How with them? I respectfully suggest to the honorable Senator from Vermont that he can reach the question precisely by passing the House bill. That increases the salary to the amount of incidentals which under the House bill would be received and abolishes mileage.

Some gentlemen, in addition to a parlor and cigars, might like to stop at Niagara for two weeks on the way to Washington; but their ability to do so would depend greatly upon how much they were receiving by way of compensation. Let us adopt the rule which shall pay a fixed sum of five or six thousand to each member, and pay him his actual cost of travel.

What I object to in the amendment is the avowal of the Senator that he admits that mileage is wrong, but that he is willing to retain it in a less degree with all its inequality. What I suggest to the Senator is, that he can remedy and extirpate the wrong entirely. Put the salary at what he believes it should be for every Senator, including stationery, and then just pay him his actual expenses coming here, that is his actual traveling expenses of eating and traveling; then distance will not increase the compensation, and every member will receive the same compensation and be reimbursed whatever sum his expenses of travel amount to.

Mr. MORRILL, of Vermont. Obviously the Senator from Kentucky is disposed to criticise this amendment. If he was disposed to amend it, by offering the proposition which he suggests, of course he has ample power to do so. It does not strike me as being an objection to this measure that it does not go far enough, and therefore should be voted down because it still leaves a great abuse. Evidently it corrects a very large abuse and restores a large amount of money to the Treasury, and it does take as the standard that which we have fixed in reference to the military service of this country. I regard it as very nearly just and proper. I suppose that the traveling expenses of Senators who represent the Pacific coast may be something like seven or eight cents a mile. The charge for fare over the Pacific Railroad is greater than upon other roads in the country. Even this amount might be too much for those who travel mainly upon the lines of New York, where they are prohibited from charging more than two cents or two and a half cents a mile—I do not remember now which. It would be too large if all railroad charges were fixed at the same rate as the New York railroads, but at the same time it is a large stride in favor of reform, and I trust the Senate will vote for it.

Mr. EDMUNDS. I do not rise to debate this question, but to make a correction in the proceedings of the 7th of January, in which Senator CARPENTER, in the course of his remarks, is represented as saying:

> I will vote with him—
>
> That is, the Senator from Indiana—
>
> to carry the effect of this repeal back to the 4th of March last. I would vote to carry it back to the 4th of March, 1871, but for the impediment of the Constitution.
>
> Mr. EDMUNDS. That is no objection.
>
> Mr. CARPENTER. That is a decided objection.

I wish to say, Mr. President, that I was not the author of that remark from my seat, or if I was, (which I do not remember,) I thought the speaker was referring to the 4th of March, 1873, as he appears to have been in one part of the phrase. I certainly agree with what the Senator from Wisconsin stated, that we could not with constitutional propriety go back beyond the 4th of March, 1873.

Mr. WRIGHT. Mr. President, if we were at this time fixing the mileage of members or their compensation without reference to what has taken place, I am not prepared to say that I should vote against the amendment of the Senator from Vermont. It will be remembered, however, that this is a simple proposition to repeal the law of last session. There are reasons for and against the mileage allowed by the law as it stood before. The committee did not propose to go into those reasons, nor to consider whether they were better on one side or the other of the proposition, but simply to recommend a repeal of the old law and a restoration of the old compensation, leaving the mileage as it stood for a number of years. Now, if, when this law is repealed, it is proposed to change the mileage, I think there will be no objection to it; at least I do not know that I should object to it; and yet there are reasons upon the other side, as I suggest to my friend from Kentucky.

It is utterly impossible for a Senator who comes here from California or Nevada to go home during the session, unless circumstances are such as to make it absolutely necessary. It is impossible for him to attend to any private business. He is compelled to remain here during the session and devote his entire time. A Senator who resides nearer the capital, however, is able, you can see, readily to return home and attend to his private business. If he is a professional man, a lawyer, he can go to his courts; whereas in Iowa, or Nevada, or Nebraska, or California, it is impossible for him to do it. Then, too, this is the mileage that has been established for a number of years.

But without intending to go into the reasons that influenced the committee, all I ask is that we shall stand by this bill as it is. While there are many amendments that I would like to vote for to this bill; while I should have liked to have the bill reported differently from the committee, I trust we shall stand by the bill as it is; and then, if my friend from Kentucky or others should suggest that we change the mileage or that we change the compensation hereafter, let it be done.

So far as the allowance of mere traveling expenses is concerned, in addition to what was said by my friend from Vermont let me suggest this: Some persons have the idea that if they come here upon passes, it is entirely legitimate for them to charge the expenses of travel the same as if they had paid money; others do not regard it as proper to do so; and hence reflections arise and invidious comparisons are made. I therefore think that upon the whole the mileage system is preferable to the other.

I only rose, however, for the purpose of suggesting that I trust we shall stand by this bill as it came from the committee; and then, if it be found hereafter that this mileage system is improperly arranged, let us rearrange it in a subsequent measure, instead of endeavoring to ingraft it upon this bill.

Mr. STEVENSON. I had no purpose, and have none now, to interfere with the passage of this bill by offering any amendment on compensation or mileage. It occurred to me that to remedy the great abuse of mileage, to which the Senator from Vermont called the attention of the Senate and the country, he could better reach his object by a concurrence in the House bill than by his amendment.

Mr. President, I did not vote for the law of the 3d of March last increasing salaries. I was not in the Chamber when the vote was taken. I did, however, draw the pay allowed under that law. I have retained it, and am willing to bear my just proportion of the responsibility of that measure. I did not consider that I had committed a crime when I drew what the law authorized, both as to the prospective and back pay. I found that all my distinguished predecessors upon this floor and in the other House, of both parties, including such names as Clay, Johnson, Crittenden, Guthrie, Powell, who, in my own State and throughout the confederacy, have always been proudly regarded as patriots, without fear and without reproach, drew both the back and prospective pay under bills precisely similar to this. I have yet to learn that they were ever deemed salary-grabbers or representative men on whose escutcheon the stain of dishonor had ever rested. In drawing that pay I took that which the law gave me.

If in pursuing the course that my judgment commended to me as the proper one for a Senator to pursue my constituents shall condemn me, while I should deeply regret it, I shall prize my own self-respect higher than any position or distinction to be obtained at its sacrifice.

The Senator from Connecticut, [Mr. FERRY,] in his remarks on this subject upon yesterday, expressed views in which I, for the most part, heartily concur. I did not consider that I had dishonored my State or dishonored myself in drawing the compensation which was then fixed by law. I shall always honor the enlightened public sentiment of my own State and of the country, and cheerfully bow to it when I can do so without dishonoring myself; and if I believed that the mass of my constituents believed that I had acted improperly or even indelicately, I should deeply regret it.

But, Mr. President, I do not believe there is a Senator within this Chamber who, if he believed his constituents concurred in the sentiment that the present compensation was a just and proper one, would not now gladly approve the measure and retain the entire pay. I should be glad to see a Senator rise in his place to-day and say, his people approving, that the compensation was too high or that any one who had taken it was a salary-grabber.

Mr. President, the Senate of the United States, in the organization of this Government, was created by its founders as a bulwark against

popular error. I am not one of those who believe that the people can do no wrong. They are subject to the same passions and the same errors that poor humanity is heir to. How often have they in after years welcomed the check which this body has put upon popular excitement, which, could the popular wish under the excitement of the hour have been carried out, would have ended in unwise and impolitic legislation.

I am therefore perfectly willing to take all proper personal responsibility for the passage of the compensation bill on the 3d of March, 1873, though I did not vote for the bill. If I had believed it to be wrong I would have scorned to take the money. I did take it, and I stand by that action. I desire that the people shall fully understand it. If an enlightened and just constituency shall deem that action wrong, while I will cheerfully and willingly bow to their judgment, I shall adhere to the sincerity and integrity of my opinion that the public interest was served in the passage of that bill. I believe when the people come to understand the very important difference between the present bill and the former one, including mileage, stationery, and the franking privilege, they will wonder at the excitement and abuse which the present law has called forth. I have done.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont [Mr. MORRILL] to the amendment of the committee.

The question being taken by yeas and nays, resulted—yeas 30, nays 33; as follows:

YEAS—Messrs. Anthony, Bogy, Boreman, Buckingham, Cameron, Carpenter, Conkling, Crozier, Davis, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hamlin, Ingalls, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Pratt, Ramsey, Ransom, Saulsbury, Schurz, Scott, Sherman, Sumner, and Thurman—30.

NAYS—Messrs. Allison, Bayard, Boutwell, Brownlow, Chandler, Clayton, Conover, Cooper, Cragin, Dennis, Dorsey, Flanagan, Gilbert, Goldthwaite, Hamilton of Maryland, Hitchcock, Howe, Kelly, Lewis, Logan, McCreery, Merrimon, Mitchell, Patterson, Sargent, Spencer, Sprague, Stevenson, Tipton, Wadleigh, West, Windom, and Wright—33.

ABSENT—Messrs. Alcorn, Ames, Gordon, Hamilton of Texas, Johnston, Jones, Robertson, Stewart, and Stockton—9.

So the amendment to the amendment was rejected.

Mr. CRAGIN. As I understand the bill as it came from the committee, it seeks to repeal the law of last spring so far as it relates to members of Congress, but the effect will be, should it become a law, that up to the time of its passage we shall receive at the rate of $7,500 a year and traveling expenses, and then be authorized to draw mileage under the revived law. Therefore, I move to add at the end of the first section of the committee's amendment the following:

Provided, That mileage shall not be allowed for the first session of the Forty-third Congress.

There cannot be any objection to that, I think, as we have received our actual traveling expenses.

Mr. WRIGHT. That is in accordance with the spirit of the bill itself, and I think it is what was contemplated by the committee.

Mr. NORWOOD, (at four o'clock and thirty-eight minutes p. m.) This is an important amendment, which I desire a night to reflect upon, and I therefore move that the Senate adjourn.

Mr. WRIGHT. I call for the yeas and nays on that motion.

Several SENATORS. Try it without the yeas and nays first.

Mr. WRIGHT. I withdraw the call for the present, and let us have a rising vote.

The PRESIDENT *pro tempore*. The question is on the motion to adjourn.

The motion was not agreed to, the ayes being 17—less than a majority of a quorum.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from New Hampshire [Mr. CRAGIN] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the amendment proposed by the Senator from Maryland, [Mr. HAMILTON.]

Mr. MORTON. What is that?

The PRESIDENT *pro tempore*. It will be reported.

The Chief Clerk read the amendment to the amendment, which was to strike out the first and second sections of the amendment of the committee, and insert the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the salaries of the President, Vice-President, Members of Congress, and Delegates, and all other officers therein named, be, and the same is hereby, repealed; and the salaries and compensation of all said officers, and clerks of every name and description, shall be and remain as fixed by the laws in force at the time of the passage of the act the provisions of which are hereby repealed: *Provided*, That this repeal, so far as it relates to the salary of the President, shall not take effect until the 4th day of March, 1877, on and after which date said repeal, as to the salary of said officer, shall have full force and effect, and as to all other officers from and after the taking effect of this act: *And provided further*, That this repeal shall not relate to or affect the salaries of the chief and other justices of the Supreme Court of the United States as now established by law.

Mr. HAMILTON, of Maryland. I demand the yeas and nays on that question.

The yeas and nays were ordered.

Mr. EDMUNDS. I should like to have the Secretary read the last clause again—as to how long this present salary is to continue.

The Chief Clerk read as follows:

Provided, That this repeal, so far as it relates to the salary of the President, shall not take effect until the 4th day of March, 1877, on and after which date said repeal, as to the salary of said officer, shall have full force and effect, and as to all other officers from and after the taking effect of this act: *And provided further*, That the repeal shall not relate to or affect the salaries of the chief and other justices of the Supreme Court of the United States as now established by law.

Mr. EDMUNDS. Is it in order to move, where this amendment speaks of this act taking effect now, to declare that, in respect to others except the President and the judges, it shall take effect as of the 4th of last March, and that the computation of salaries shall be made accordingly?

The PRESIDENT *pro tempore*. This is an amendment to an amendment, and such a motion would not be in order at the present time.

Mr. EDMUNDS. As soon as it is in order, if I can muster the strength to stay here, I wish to make that motion.

Mr. WRIGHT. I desire to say, before the vote is taken, that the amendment offered by the Senator from Maryland is substantially the bill that I introduced on the first day of the session; and, while I propose to stand by the committee, it will be seen at once that I cannot consistently do otherwise than vote for this amendment. I do that for the reason that I do not understand it to be at all in conflict with the report of the committee, but it only goes one step beyond it and includes other officers. I do this very reluctantly; but, the question being presented, I have no alternative as it seems to me.

Mr. FRELINGHUYSEN. I should like to ask my friend who has charge of this bill whether he thinks that amendment would promote or endanger the passage of his bill?

Mr. WRIGHT. As I am asked the question I will say that I think it would promote the passage of the bill.

Mr. ALLISON. Then let us vote for it.

Mr. ANTHONY. Does not that strike down the salaries of the Assistant Secretaries?

Several SENATORS. Yes.

Mr. ANTHONY. That leaves the salaries of the assistant secretaries below the salaries of their chief clerks.

Mr. HAMILTON, of Maryland. I suggest that we can attend to those matters at the proper time; and if necessary a special committee can be appointed to revise the whole subject of salaries.

Mr. MORRILL, of Maine. I wish to say one word. If the Senator who has charge of this bill, and who has been appealing all day to us to bring this matter to a conclusion and to keep off all amendments, chooses to abandon the bill at this moment, he probably will not see the end of it until next week.

Mr. ANTHONY. I think we had better adjourn, in that case.

Mr. MORRILL, of Maine. I do not propose to stay here, for one, if he abandons it now.

Mr. WRIGHT. I do not abandon the bill, but I feel that I cannot do otherwise than vote for this amendment, for I have said from the beginning that I believe in a square repeal of the old law. That is what I do believe in.

Mr. HAMLIN. Mr. President, I have not mingled in this discussion at all, and I did not suppose that I could be provoked to open my lips; but I have a few words that I want to say on this amendment, and to give the reasons why I will not vote for it.

In the first place, it places the President in a position which will be anomalous, and in such a position as the Chief Executive of this nation has never before been placed in. You have established his salary, by the law of last March, at $50,000 per annum. The Constitution provides that it shall remain at that sum during his term of office. You now propose to repeal that law at this time, to take effect three years hence; he, in the mean time, drawing the salary upon a law which he knows has only a limited tenure, and that when he goes out of office his successor will be elected to a compensation one-half that which has been furnished to him. I ask Senators if they are willing to-day to vote for a law that shall put the Executive in that position? I am not; and I do not believe that the people of this country demand it. Is the compensation too much? That is a question which I will not stop now to consider, but I will discuss that matter at the close of this Administration, should I be here, or the Senate can discuss it at the close of the Administration, when, if it should be reduced, will be the appropriate time to do it, and not now.

Sir, as I am on my feet, I desire to invite the attention of the Senate to one or two considerations which have controlled my action and which will control it to the end. I have regarded this increased compensation to members as unfortunate. I said so at the time of the passage of the law, and the event has proved that I was correct. I have been at all times willing and ready to restore the old law—to repeal the law of March last so far as its application was to ourselves, and I was in favor of the House bill in committee, as I am in favor of the House bill here and now, to accomplish that result. It is a matter which pertains to ourselves. I think we had better deal with that subject as the House dealt with it, by itself, and not mingle the salaries of other officers with our own. If it shall be deemed wise and prudent, at the proper time, to reduce the salary of the Executive, I will vote for it. If it shall be deemed prudent and wise to reduce the salaries of some of the heads of the Bureaus and the assistant secretaries, I will vote for it; but there must be other and better arguments than I have yet heard to induce me so to believe, I am willing frankly now to admit.

Now, sir, if you will take the House bill and strike out $6,000 and put in $5,500, and take that bill with no entangling alliances about it, you send it back to the House with the simple proposition of reducing it from $6,000 to $5,500, and then you will cover the amount of compensation, mileage, and incidental sums that were paid to us prior to the passage of the act that established our salaries at $7,500. You will do it smoothly, and you will accomplish the result in that way, and leave all these other questions to be dealt with by themselves and upon their merits, without making other officers in the Government suffer for anything we have done here, or refuse them an adequate compensation in our effort to correct what we may have wrongfully done here. I think that would be the wise course to pursue.

I agree with my friend from Kentucky [Mr. STEVENSON] fully in regard to the mileage. I voted for the amendment of the Senator from Vermont, [Mr. MORRILL,] because it was a slight reduction in the mileage; but that amendment left that very vexatious question to vex us again hereafter. For long years do we not know that the inequality produced by the system of mileage, established in the early formation of the Government, has been one of the fundamental reasons always argued for changing our compensation? And there is an injustice, a palpable injustice, when you pay one man $5,000 a year and another between seven and eight thousand dollars a year; the one away from his business and away from his home, if he does his duty to the Government, just as long as and just as thoroughly as the man who comes from the Pacific coast.

It was my purpose to move an amendment at the appropriate time, as I shall, to perfect the House bill simply by reducing the $6,000 to $5,500, and then let us pass it. I hold in my hand a computation of the compensation paid to Senators at the last two sessions of the Senate; and I find, taking compensation, mileage, newspapers, and stationery, that in the year 1872 each Senator received $5,525.65; in 1871, taking the same items that were paid to us, I find that each Senator received $5,625.56; the difference arising from the number of Senators by which you divide the sum total, the Senate not being then as full as now. Now, sir, if we take the House bill and put the salary at $5,500, it will be a little inside of what was our old compensation; and in doing that you will remove the objectionable feature in the bill reported by your committee, to wit, that feature which permits the old mileage rule to obtain, although it obtained then to a less extent, and to a still less extent on the adoption of the amendment of the Senator from Vermont; but its inequality *pro rata* is precisely the same, and you cannot make any distinction in principle. It is just as unequal.

I know my friend from Vermont says that it is rather obnoxious—that he does not like to render an account of his actual traveling expenses. There may be some slight difficulty in that way, but it is very slight indeed. I think no Senator will be at all unable to determine what is the fair and legitimate amount of his expenses in traveling to and returning from the capital of the country.

For these reasons, thus briefly stated, I favored the House bill in committee, reducing the pay to that sum which would make it equivalent to what was our compensation before the law of last March was passed; and I shall move at the appropriate time to so amend that bill, and then take it as it is.

There is another thing which I think renders it wise that we should do so. I do not think the discussions in this body on this subject have redounded to the credit of the body or of the country, and I had hoped that we should have gotten through with this bill without one word of discussion. I ought not, perhaps, to say that, inasmuch as I have finally been provoked into saying these few words. If we act as I suggest, it will send the bill back to the House in a better form, and in a form, I think I have a right to say, which will conform to what was the vote of that body of instructions to its committee. I will not vote to put the President of the United States in the position in which this amendment will put him. I will not vote to put our assistant secretaries at a compensation lower than their clerks under them, and I do prefer myself to vote for the House bill with the change which I have suggested.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Maryland, [Mr. HAMILTON,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 32, nays 29; as follows:

YEAS—Messrs. Allison, Bogy, Boreman, Carpenter, Clayton, Conkling, Cooper, Davis, Dennis, Edmunds, Fenton, Ferry of Michigan, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Kelly, Lewis, McCreery, Merrimon, Norwood, Oglesby, Patterson, Pratt, Ramsey, Ransom, Saulsbury, Schurz, Stevenson, Thurman, Windom, and Wright—32.

NAYS—Messrs. Anthony, Bayard, Boutwell, Brownlow, Buckingham, Cameron, Conover, Cragin, Crozier, Dorsey, Flanagan, Frelinghuysen, Gilbert, Hamlin, Howe, Ingalls, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Sargent, Scott, Sherman, Spencer, Sprague, Sumner, Tipton, Wadleigh, and West—29.

ABSENT—Messrs. Alcorn, Ames, Chandler, Ferry of Connecticut, Hamilton of Texas, Johnston, Jones, Logan, Robertson, Stewart, and Stockton—11.

So the amendment to the amendment was agreed to.

Mr. EDMUNDS. I now move to add to the amendment just adopted, in line 13, after the word "repeal," these words:

Which salaries shall be computed to take effect as of the 4th of March, 1873; and the accounting officers of the Trearury are hereby directed to make the computation accordingly, and to apportion such deduction from salaries already received as shall be necessary to carry this provision into effect.

I believe that covers the idea.

The PRESIDENT *pro tempore*. The amendment will be reported.

Mr. EDMUNDS. I shall have to reduce it to writing, because the Clerk cannot read it without. I am sorry to take up the time of the Senate.

Mr. HAMILTON, of Maryland. If I understand it, this proposition of the honorable Senator from Vermont [Mr. EDMUNDS] is the same as that offered by the Senator from Indiana, [Mr. PRATT.]

Mr. MORRILL, of Maine. It is substantially the same.

Mr. EDMUNDS proceeded to prepare his amendment at his desk.

Mr. LEWIS. If it is in order, I move that the Senate do now adjourn.

Mr. EDMUNDS. I have the floor, I believe, proposing an amendment.

The PRESIDENT *pro tempore*. The Senator from Vermont is entitled to the floor for the purpose of offering an amendment.

Mr. EDMUNDS. I will now read the amendment, and then the Clerk can probably read it also. It is in substance what I believe has been proposed before in connection with other things and rejected, and I wish the Senate, without any debate on my part, to take a direct vote upon this question. Where the pending amendment provides that the salaries shall be, and remain fixed as by law in force at the time of the passage of the act of March 3, 1873, the provisions of which are hereby repealed, I propose to insert:

And the reduction of salaries herein provided for shall take effect as of the 4th day of March, 1873; and the accounting officers of the Treasury shall compute the same accordingly, and shall make ratable monthly deductions from said salaries at the rate necessary to effectuate this provision within nine months next hereafter.

That is, I divide up the rebate by the period of nine months.

Mr. CONKLING. I should like to hear the amendment read by the Secretary.

The PRESIDENT *pro tempore*. The amendment to the amendment will be reported.

Mr. CONKLING. I beg that the Secretary will read what precedes that, so that we may see the context.

The CHIEF CLERK. In line 13, after the word "repealed," insert——

Mr. CONKLING. Please read a line or two back.

The CHIEF CLERK. The words preceding the proposed amendment are:

And the salaries and compensation of all said officers and clerks of every name and description shall be and remain as fixed by the laws in force at the time of the passage of the act the provisions of which are hereby repealed.

Then the amendment of the Senator from Vermont is to insert at this point:

And the reduction of salaries herein provided for shall take effect as of the 4th day of March, 1873; and the accounting officers of the Treasury shall compute the same accordingly, and shall make ratable monthly deductions from said salaries at the rate necessary to effectuate this provision within nine months next hereafter

Mr. CONKLING. The reading of that part of the amendment does not enable us to understand what officers these provisions cover; but if the mover of the amendment will state, that may answer for the purpose of enlightening us as to its effect.

Mr. EDMUNDS. It covers all the officers whose salaries were raised except the judges of the Supreme Court of the United States and the President of the United States, in respect to whom there is an exceptive provision further on.

Mr. FRELINGHUYSEN. I move that the Senate now proceed to the consideration of executive business.

Mr. EDMUNDS. I hope the Senator will let us take a vote on this.

Mr. FRELINGHUYSEN. You cannot take the vote now.

Mr. EDMUNDS. Yes; we can.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Jersey.

The question being put, there were, on a division—ayes 40, noes 16.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at five o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 8, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

REFUND OF TAXES.

Mr. E. H. ROBERTS. The Committee on Ways and Means direct me to report back the following resolution, and to recommend its passage.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be directed to inform this House the amount of money refunded since March 4, 1873, on account of customs duties and internal taxes previously paid into the Treasury, the names of the persons to whom paid, and the amount to each, respectively, and upon what articles the said refund was made, together with a recital of the reasons for said payment, and the laws under which the payment was made.

The resolution was agreed to.

MILWAUKEE HARBOR.

Mr. MITCHELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be directed to communicate to this House any supplementary or additional report he has received with respect to the condition and needs of the harbor of Milwaukee, Wisconsin, since the transmission to this House of his last annual report.

LAND GRANTS TO RAILROADS, ETC.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. No. 1028) to regulate the issue of certificates or patents for lands granted to railroads or other companies; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM SAUNDERS.

Mr. CLEMENTS, by unanimous consent, introduced a bill (H. R. No. 1029) for the relief of William Saunders; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRESIDIO RESERVATION.

Mr. CLAYTON, by unanimous consent, introduced a bill (H. R. No. 1030) leasing the Presidio Reservation to the city of San Francisco for a public park; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ENROLLED JOINT RESOLUTION.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 14) giving the consent of Congress to the acceptance by Edward Young of a present from the Emperor of Russia.

NEW MEXICO PRIVATE LAND CLAIMS.

Mr. PACKARD, by unanimous consent, from the Committee on Private Land Claims, reported a letter from the Secretary of the Interior, transmitting the reports of the surveyor-general of New Mexico on two private land claims in said Territory; which was recommitted to the same committee, and ordered to be printed.

W. B. CRITCHFIELD AND H. L. ANDERSON.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 1031) for the relief of W. B. Critchfield and H. L. Anderson, formerly of the Thirteenth Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HOLMAN. I now call for the regular order.

EDUCATIONAL FUND.

The SPEAKER. The regular order having been called, the morning hour begins at eighteen minutes past twelve, and the House resumes the consideration of the bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people. The gentleman from Iowa [Mr. KASSON] is entitled to the floor for thirty-five minutes.

Mr. KASSON. The chairman of the Committee on Education and Labor [Mr. G. F. HOAR] has suggested to me that inasmuch as we have but the morning hour this morning, to be followed by the naval bill, it would be better to postpone the further consideration of this bill until some day when more time can be devoted to it. If there is no objection to that I am willing that it shall be done.

Mr. G. F. HOAR. I said, not that it was my desire, but that if it was the desire of the Committee on Appropriations I would very cheerfully accede to it.

The SPEAKER. If that be done, a day for its consideration had better be named now, so that the bill may be taken out of the morning hour.

Mr. G. F. HOAR. That I do not want to do. I understand that the Committee on Appropriations have no such wish; and therefore we will proceed with the bill now.

The SPEAKER. The Chair must impress upon gentlemen the necessity, when a bill is in the morning hour, of disposing of it as soon as possible, so that the call of committees may proceed. It is difficult, even at the best, to get through with all the committees.

Mr. G. F. HOAR. I did not express any other desire than to consider this bill this morning, but I thought it might be the desire of the Committee on Appropriations to go on with their business to-day.

The SPEAKER. The Committee on Appropriations are not entitled to the consideration of their business until after the morning hour.

Mr. HALE, of Maine. The Committee on Appropriations are prepared to call up their bill after the morning hour.

The SPEAKER. The gentleman from Iowa [Mr. KASSON] is entitled to the floor for thirty-five minutes.

Mr. KASSON. Until yesterday, Mr. Speaker, I was not aware of the general scope and effect of this bill presented by the Committee on Education and Labor, and had no intention of asking the attention of the House to the consideration of the questions involved in it. During the debate of yesterday, upon an examination of the bill, I found that it involved both principles and results worthy of an unusually serious consideration on the part of the members of this House before it should be passed.

I wish to say, preliminarily to what I have to offer upon the bill, that no man on this floor can have a more sincere appreciation of the labors of that committee, and of the patriotism, ability, and sincerity of the learned gentleman from Massachusetts [Mr. G. F. HOAR] who has the bill in charge, than I have myself. Let us at the beginning eliminate from this discussion any possible misapprehension of the feeling of the American House of Representatives touching the importance of the education of the masses of the people of this country. No man from any congressional district in the United States will rise on this floor and interpose any objection to those measures which are legitimate and proper and effective for educating the masses of the people of this country. Let us, then, leave out of the discussion any possible misconception upon this subject. Be the member democrat or republican, he is in favor of the education of the masses of the people; or, if not, I do not believe he could ever again find a seat on this floor.

But hitherto in the history of the country this whole question of the education of the people has been submitted to the States and Territories of the Union and to the people thereof. This bill therefore endeavors to introduce a new scheme for the education of the people; to call into exercise new powers on the part of the Federal Government of this country.

My first objection to the bill, to which I call attention, has respect to the details of it, that gentlemen may not fail to see the character of the provisions by which it is proposed to carry into effect the theory of the bill. In the very title of the bill it proposes to take charge of this question of the education of the people. It does not propose, as has been the case with former donations by the Congress of the United States for such purposes, to give certain funds to the control of the States of this Union, to be by them applied to the education of the people; it proposes itself to take charge in part of the education of the people of the United States.

Sir, the States of this Union have varying provisions for applying public funds to these uses. They have their own theories of the most effective mode in which the education of the masses can be effected. They have their own systems of administration for this purpose.

This bill proposes to introduce to some extent an arbitrary system of administration for the benefit of education. In the first section it also declares that the net proceeds of the public lands shall be forever consecrated and set apart for the education of the people without limitation. In the last section it provides that nothing in this act shall be construed to affect the 5 per cent. clause existing in the laws in respect to the proceeds of the public lands—leaving, it seems to me, a partial conflict to which I call the attention of members. That, however, is a matter of detail.

When you come to consider further the details of the bill you find that the distribution of this money is to be made upon a different basis from that which, so far as I know, exists in any State in the Union. In the fourth section of the bill it provides that the distribution shall be made according to the numbers of the population of the respective States of ten years old and upward who cannot write, a basis of distribution that I think does not exist in any State in this Union. In subsequent clauses it also provides for the partial regulation of the duties of State officers, officers appointed under State constitutions, officers regulated by State laws, officers over whom we, in the Congress of the United States, have no more control than we have over the governor of any State in the Union.

It will be found that, in the ninth section, the bill imposes duties on "the superintendent of public instruction of each State and Territory and of said District, or such other officer as shall by the laws of such State, Territory, or District be required so to do." It is proposed to require the performance of these duties under a law of the United States. I repeat, we have no more right to impose a duty upon a State officer than we have to regulate the administration of the governor of a State.

Mr. MONROE. Will the gentleman yield to me just one moment? With his consent, I desire to call his attention and the attention of the House to the fact that these duties are to become the duties of State officers only on condition that the State voluntarily accepts the benefit offered, and itself imposes these duties.

Mr. KASSON. The provision in that respect is simply that the State shall accept the grant on its condition, and it proposes, by a contract between a State and the United States, to regulate directly by acts of Congress the duties of State officers, which I hold cannot constitutionally be done.

You have the right to give a grant to a State of this Union, and to impose conditions on the grant; but you have no right by a contract between a State and the United States to impose administrative duties directly on an officer of any State of this Union. I challenge gentlemen to point me to one law upon the statute-books of the United States, during nearly a century of relations between the Federal Government and the State governments, which involves this principle of the direct imposition of duties by law of Congress upon State officers, and seeking to make the imposition effective in the manner contemplated by this bill.

Mr. G. F. HOAR. If it does not disturb the gentleman for me to make the suggestion, I would like him to point out the distinction in this respect between this bill and the argicultural-college act of 1863, or some forty railroad grants of the public lands which Congress has made.

Mr. KASSON. I will do so with pleasure when I come to consider the relation of the bill to the public lands.

Mr. G. F. HOAR. But my suggestion relates to the point the gentleman is now making. He denies, as I understand, the constitutionality of a contract which undertakes to bind State officers to perform their local duties in a certain way. He affirms that this bill introduces a new principle, although it is put in the form of a condition; to which I reply, that in my judgment (and I wish to see whether the gentleman differs with me on this point) there is no more the making of a contract in this case than in the imposition of conditions upon a State in railroad grants—the grants, for instance, to Massachusetts, Maine, and a great many other States, or the grants for agricultural colleges under the legislation of 1863. In other words, it is simply proposed to provide that a State which has done something one year shall have a certain sum of money the next year.

Mr. KASSON. In reply to that point I shall speak as fully as the gentleman desires when I come to consider the relation of the bill to the public-land system. At present I only say, that in all those cases we have required legislation by the State as a condition of the acceptance of the benefits of the grant. We have never ourselves legislated in the manner proposed in this bill, by undertaking to impose duties directly upon the officers of the State; and it has been repeatedly decided that we have no power to impose such duties on a State officer.

Mr. RANDALL. Does the gentleman maintain that a grant of land by Congress can derive validity from the action of a State Leigslature?

Mr. KASSON. On the contrary, I say that this bill does not propose to make the exercise of this authority by Congress conditional upon State legislation. It provides that the State shall accept the grant upon the terms of the bill; and then Congress itself undertakes to tell the State officers what their duty shall be. I hope the distinction is plain.

Mr. RANDALL. The result is the same. We lose the land ineither case.

Mr. KASSON. The results may be the same; but in one case they may be accomplished by a violation of the Constitution, and in the other not.

Mr. RANDALL. I think there was such a violation in the cases to which I refer.

Mr. KASSON. However that may be, at any rate this bill is a palpable, original effort on the part of Congress to establish relations of control over the officers of a State.

Then, again, Mr. Speaker, in the eleventh section of the bill it is provided that—

The officer or officers, person or persons, willfully so misapplying, misappropriating, squandering, or embezzling such funds, or knowingly consenting thereto, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by fine in double the amount so misapplied, misappropriated, squandered, or embezzled, or by imprisonment not less than one nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

And the twelfth section declares—

That the circuit courts of the United States shall have exclusive jurisdiction of all offenses committed against the provisions of this act.

Now, what is the position in which we are placed by this bill? You impose duties on State officers who have also duties under State laws. In construing your two systems they may misappropriate or misapply moneys coming into their hands; and if they should do so, the courts of the United States are to have exclusive jurisdiction of the question of their punishment; and the jurisdiction of the State courts as to the action of its own officers in the distribution of this fund is entirely taken away.

I insist, therefore, that in the respects I have named we cannot accept this bill without introducing a new theory of central administration by this Government with relation to the States of this Union. So much is all I care to say upon the details of the bill.

Now, Mr. Speaker, I propose to ask the attention of the House to the other point, the point of the general constitutional position into which this bill seems to drift us. The States of the Union, and particularly the land States of the West, by virtue of the grants of land made to them for educational purposes—made to them without any effort to control their State officers, but simply providing the object of the grant of public lands—have realized large sums of money from those grants, which have either been deposited in the State treasury or invested in bonds, the annual proceeds of which are applied to the education of the people. In my own State, the State of Iowa, we have a fund of about three million dollars, annually increasing by the wise action of our State government. We have also a system of distribution of the proceeds of this fund, and we distribute it to the county officers, and the county officers to their subordinate officers, and upon a well-known basis, ascertained by State census and State laws and with respect to certain classes of scholars. This bill proposes to impose a new class of duties upon those officers, and I will state what I should have said in speaking of the details of the bill, that it seems to bring the United States Government into direct contact with the school districts of the States.

I call the attention of the House to the ninth section, which provides—

That the superintendent of public instruction of each State and Territory and of said District, or such other officer as shall by the laws of such State, Territory, or District be required so to do, shall, immediately upon the receipt of the certificate provided in section 4, proceed to apportion the amount so certified to his State, Territory, or District to the *several school districts* therein, &c.

That is to say, it shall have no intermediate mode of distribution in harmony with the law of the States; which law in my own State is, that it shall be apportioned through the county officers, and not directly to the school districts; thus running directly across the system under the State laws.

Then, again, in the tenth section is the other provision to which I have alluded—

That the amount apportioned to the school districts of any State or Territory, or of the District of Columbia, and certified as herein provided, shall be paid upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States.

I do not wish to misconstrue this bill, but it seems to me to imply that warrants are to be issued from the Treasury of the United States by United States officers to the school districts of this Union. The subsequent part of the tenth section speaks of its being distributed to the proper State officers, but the first portion of the section seems to indicate that there are to be separate apportionments here in Washington, directly to the school districts, which are to be sent to the proper officers of the State. There being doubt about it, I do not know whether the committee understood that language as I have indicated, but unless the words "school districts" are stricken out it bears that construction.

Now, I wish to call the attention of the House particularly to this fact, that we are endeavoring by this bill to move further in the direction which was rendered necessary by the war, but which has ceased to be necessary with the declaration of peace. Sir, in this Congress we have fought many battles in which, under the so-called war-power of the Union, we have assumed powers of a very dangerous character, but also of a very necessary character at the time. During the continuance of the war we gathered great powers into this body, and, to secure the fruits of the war, we amended the Constitution so as to get still further powers for a condition of peace. I ask gentlemen now whether, when the Constitution has been amended as thoroughly as any gentleman desires, and when we are in a condition of peace and restored Union, there is a man upon this floor who desires in any respect to further centralize the Government at this time? I ask what clause of the Constitution can bring us into connection with the school districts of the different States of this Union? I wish some member of the committee would point me to a clause of the Constitution, or to any amendment of the Constitution, that brings the Congress of the United States into contact with subdivisions of States of this Union, known as school districts, and with teachers' wages therein. I know of none. I know of no power in that instrument by which we can touch the school districts of this Union in the manner of regulation; and yet this bill provides for the payment of the salaries of the teachers of a certain class of school districts in the several States; it provides for a certain class of scholars that shall be entitled to the benefits of the fund appropriated from the people's Treasury, to the exclusion of others.

Sir, I say it is a stretch of power which, as a member of the republican party, I repudiate as not being within the range of the powers of the Congress of the United States. I have stood upon this floor in times of danger, and have advocated the use of all the powers that could be gathered to strengthen the hands of the Government; but I am here to-day to protest with all my force against taking away one solitary State or municipal right that exists now in this free Union.

Sir, the great pendulum of the clock of history is moving ever to and fro. After reaching one extremity it is bound to go back toward the other extremity. We reached the extreme in one direction during the war, and now the pendulum has commenced sweeping in the other direction. If gentlemen on this floor are not wise, we shall find ourselves now, with the views we entertain as the majority, imploring Heaven to come to our help to prevent these powers being turned against us and our dearest home interests. Can no gentleman on this side of the House imagine such a political revolution in the future as shall take from men of our views the power on this floor, and at the other end of the Capitol? Can they not see, then, that the principles established in this bill will put us, perhaps, under a majority here who do not appreciate our municipal organizations of the North, our school-district system and its value; who may, like we are doing now, put the strong hand of the Federal Government upon the dearest rights which we cherish in the States to which we belong and which we love? Everybody, sir, who looks at all to the philosophy of history must see that the time has come when we must heed the swinging of this great constitutional pendulum, when we must guard against the extreme to which we shall inevitably drift, unless we commence early to apply the steadying powers of a more wise and constant and peaceful judgment.

Sir, we are going rapidly at this time upon the great railroad train which bears public affairs. Put on the brakes upon expenditures; put on the brakes upon establishing new powers in the Congress of the United States; put on the brakes against creating for the first time in the Treasury of the United States a permanent public fund to be paid out in driblets from year to year to the school districts in the several States of this Union. We want no additional duties, no additional powers, which interfere with or exclude the exercise of the powers of our States in times of peace.

So much, Mr. Speaker, for the constitutional considerations which apply to the bill now before the House.

Now, sir, I ask attention to its relation to the public-land system;

and here I ask gentlemen who come from parts of the country which know nothing of our land system of the West, its history and its administration, to a few very plain statements and observations on that question. In those States we know and feel alike the benefits and the evils that have attended the system of that administration. Our States in the Northwest are made up of sections of the public lands which have been subject from time to time to the legislation of Congress. No man can fail to look with anything else than glorious admiration upon that vast domain which came to us from our fathers. No man can fail to look with anything else than admiration upon the fruits of the policy which kept these lands open to entry at a low price to the children of the older States and to emigrants from foreign countries. While that system continued in its purity the tide of emigration advanced steadily from the Alleghany Mountains westward to the Mississippi River. It populated vacant districts; it built wagon-roads; it cultivated the soil; it gave homes to the poor. It gave these lands to the people of the older States and to the emigrating people of the Old World as almost a free gift. It gave homes to the children of poverty in this and other countries who came to us. How did you change that policy, members of Congress? You proposed, and largely at the request of us from the West—I admit it—you proposed to commence making enormous grants of that public land to corporations who took it away from the control of the settlers and from the control of the Government of the United States, and thus you put millions upon millions of acres under the control of great corporations whose sole interest was to make the most money possible out of their grants. What has been the effect to-day? Why, sir, the Government failed to keep its title in these lands, or within its power the fixing of the price, but left it to these corporations to fix that price and the time of sale; and the result has been what I, in many weary journeys across the prairies, have seen, time and again.

Gentlemen, if you could have traveled there, and at evening arrived where a stream runs through the prairies, and seen the group of emigrant-wagons, with the poor man, his wife and children, building scanty fires upon the ground to cook their supper, all engaged hunting public lands upon which they could settle, but who from day to day were forced to travel many scores of miles, finding section after section open and untilled, but in the hands of corporations or of non-resident speculators who had lifted the price so high that they could not buy the land—if you had seen these things day after day and month after month, then you would begin to understand what I mean when I speak of the evils of the present land system of this country. If you had seen all this you would recognize the justice of my protest against any continuation of that system.

It is not railroad corporations alone which have brought about these evils. You allowed your public lands to be sold for the purpose of putting money into the Treasury, when the proceeds of the sales of the public lands were a large part of the revenue of the Government. Now, on the contrary, they constitute but a small part; and you propose to leave them open still for entry by anybody, whether he wants to cultivate the soil or not. Sir, in this respect you have violated what has become patent to us now as a sound and necessary principle of administration of the public lands. Why do millions of acres in our States of this public land lie fruitless? God Almighty gave it not to you or to me to speculate with. He gave it to the laboring man to earn his bread by the sweat of his brow, and you have given it to speculators who have hoarded it, and who have refused the poor man an opportunity to secure a home. You have given it to still further enrich the rich men who have made it inaccessible to the laborer and the poor man. You have violated the law of the Almighty and the best interests of the United States of America.

In the Thirty-sixth Congress—I think it was—you commenced reforming. You passed your homestead law in spite of capitalists and speculators, and you gave the privilege to the poor man to settle upon any land the title of which was in the United States, and provided, should he till and cultivate it and make bread out of it, that he would have it for nothing, or next to nothing. Then, sir, you also established, prior to that, a preemption law to enable a man to go on and cultivate land before he could get his title, on condition that he would improve it. Under that, also, the speculator has grasped hundreds and thousands of acres by hiring fictitious settlers to go on and build cabins, holding it long enough to get his title for the speculator, who will proceed to hoard it as the miser hoards his money.

Now, for these reasons, and because this bill intends to perpetuate a system of speculation in the public lands—for these reasons we have found it indispensable, to take further steps in the West and Northwest, to call the attention of the gentlemen in this House, who appreciate the sound policy applicable to public lands, to these points and to reform. Why, sir, I can point you to one county in my State, the county of Ida, where to-day I think over one-half of all the land in the county is unoccupied, while counties are better settled all around it, because, being a late county for settlement, the railroads absorbed—first, under the alternate-section grant, and then under the additional grant to enable them to obtain what they might have obtained if no lands had been settled—because, I say, the railroad companies absorbed those lands, got the title from your Government, hoarded them, and lifted the prices so high that no poor man could go on and settle and till those lands. And what has been the effect of such a policy? The lands never have been improved. There is no enhancement of value by improvement of land in the county. All local county expenses are paid by the few instead of the many. Our taxes are increased. And so your wealthy capitalists in the East, who own these large bodies of land, invest in and hold them as a profitable investment for the next generation. I could mention names—but I do not desire to do it here—of men who have tens and fifties of thousands of acres. One of these gentlemen, distinguished in the history of this country, told me that notwithstanding all the loss of interest on his money, all the loss by the taxation which he had paid, his holding land for twenty-five years had netted him more than any other investments he had made.

I know a wealthy manufacturing concern in the State of Rhode Island whose policy is, never to sell, always to buy, who are holding fast thousands of acres in my State to-day, and which cannot be settled except at extravagant prices; and immigrants are forced westward, and far west.

Now, are gentlemen prepared to continue this policy? Are you prepared to allow speculators still to go on and absorb these vast lands of the West? Is your legislation still to be continued in the direction of aiding the rich man's capital; or will you legislate in the aid of the poor man's hopes? This is no question of demagogery. It is a solid question of fact connected with the public interest of this country. Capital always knows how to take care of itself. The poor immigrant to whom I have alluded, driven from one State to another by stress of circumstances; the son of the poor farmer, who takes a wife, and, being allowed by his father a pair of horses and a wagon, goes to seek a new home on vacant lands—and these amount to hundreds of thousands—all these are profoundly interested in this question whether you are going to let them have homes in the future, or will you continue to give the speculator the first opportunity of obtaining lands by purchase from the United States Government?

Mr. Speaker, I earnestly entreat the members of this House to review this question of land reform. It is a question deeply concerning every citizen, particularly of the Northwest; and if you will be pleased to reflect upon it, you will see that it concerns your laboring men and your poor men in all the States of the Union. Why, sir, it is but a few days since we saw thousands of laborers resolving in their poverty, in the cities, that the municipal governments should give them bread at once, or threatening them with fearful demonstrations if they did not. Now, if you take a policy which is going to disable you from saying to them, "Go upon the lands of the United States and earn bread for your children, and get the lands for nothing," then you must not be surprised if the demands of your laborers in the East become more aggressive and more fearful as time wears on. Come back to the original policy; come back to the idea that God gave the land to be cultivated. Let no man purchase the public domain unless at the same time he goes upon it and puts it to the use that the Almighty intended.

[Here the hammer fell.]

Mr. HOLMAN. I trust the House will consent to the gentleman from Iowa being allowed to continue his remarks.

There was no objection to an extension of time.

Mr. KASSON. I hope, sir, that no gentleman will consider these remarks, in the light of the facts to which I have alluded, as unduly radical. They are earnest, because I feel earnestly. They are earnest, because I look to the future of my country. They are earnest, because I look to the hundreds of thousands who come here annually to our shore from foreign countries, in the hope of finding our public domain accessible to them. I speak earnestly because, unwarily, heretofore this House has taken action which interferes with the permanent prosperity of our country. Sir, look at the millions of acres—I have the statistics here, but cannot read them—look at the millions of acres that have been taken entirely away from the range of the men who till the soil; vast millions of the richest lands of the country. Recollect that we are being rapidly led to that condition in which we shall have only mountains and dry plains to give to the poor immigrant. Then remember that you are asked now to introduce and adopt a system that contemplates the continual sale of these public lands to any speculator who desires to possess them. Remember, too, that with his capital he can, and does, send out agents to pick out the choicest and richest lands, which ought to be reserved for the actual settlers by the Government, but which he holds for that advanced price which he sees coming with the future prosperity of the country. Let any man from the Northwest upon this floor say if I am not giving a true picture of our later land system and of its effects. It is known to be true by every one, and a clamor comes up from thousands of our constituents demanding of the Congress of the United States the consideration of this subject and the introduction of proper reforms.

Sir, I had hoped that the House would see fit to consider favorably, and that the Committee on the Public Lands would report, a proposition which I introduced and which is before that committee. That proposition is, that at the end of the first century of the existence of the Government of the United States it shall shut down upon all disposition of our public lands except to the men who till them. That bill is pending; and this bill ought not to be acted on, unless adversely, until the Committee on the Public Lands have reported on the other bill. After one hundred years of a system of wild donations and grants and land speculation, leading to a vast diminution of the public domain, the time has come when on the return of that great anniversary—on the 4th of July, 1876—there should not be a land warrant, or land scrip

floating, or any floating claim to an acre of this vast inheritance of our countrymen. We should then proclaim to the people of this country and to immigrants from the whole world that from that anniversary not an acre of land shall be taken from the public domain except by men who will settle upon it and make bread out of the soil. That will be a glorious consummation of our first centennial anniversary—a triumph greater than what I hope will be the brilliant triumph of the centennial exhibition. I ask the members of the House to take these reforms into consideration, and to consider them favorably if the views I have presented commend themselves to their judgments. Let us reject every theory under which the public lands of the country may be accumulated by speculators and land-grabbers, instead of distributed to the actual occupant and tiller of the soil.

Mr. BUTLER, of Tennessee, obtained the floor.

Mr. G. F. HOAR. The gentleman from Tennessee yields to me for a moment, simply to say, as an amicable reply to the gentleman from Iowa, that it is impossible to believe that he has read the bill which he has been discussing. The bill contains absolutely no such provisions as he has discussed in either branch of his argument. It does not interfere with, postpone, affect, or delay the policy of reserving the public lands for actual settlers. It simply declares that as long as they are sold for money their proceeds shall be applied to the education of the children of the country. The bill does not contain a provision which undertakes to interfere with, prescribe, or affect the duties of any State officer, the character of the children who shall be received into the schools, or the management of those schools, or the conduct of their teachers. But it simply declares that when a State for one year has established a common-school system, and has reported to the General Government how many children it has got in its schools, it shall next year have its share of those proceeds of the public lands which have been paid into the Treasury. Now, I am forced to believe, by my respect for the candor and integrity of the gentleman from Iowa, that when he made his argument it was intended for some distant audience and not for the House.

Mr. BECK. Before the gentleman from Massachusetts sits down I desire to ask him a question, and I ask it because he is better informed than any one else about this bill. By a provision of section 5 the benefits of the bill are confined to such States as will provide by law before January, 1875, for the free education of all their children; and by the provision of section 11 it provides—

> That the conditions herein prescribed may be subject to such modification or addition as Congress may hereafter deem necessary for the better accomplishment of the purposes of this act.

The question I desire to ask is, whether the bill does not apply the proceeds of the public lands which belong to all the people of all the States, to such States only as see fit to conform to the act of Congress, and to deprive all those States of any part of the public money which refuse to comply with all the terms which Congress has prescribed or may hereafter prescribe? I ask him, further, whether he thinks that is constitutional?

Mr. G. F. HOAR. I understand that every State in the Union claims to have provided by law for the free education of all its children. If, however, any State has not so provided, this bill simply requires that it shall engage to do so. It is true that the State that will not provide a common-school system at all will not get its share of this fund, just as, in a similar case, a State that would not establish an agricultural college did not get its share of the lands granted in 1863 for agricultural colleges. Every grant of the public lands, from the time of the administration of Washington down, to the States for educational or railroad purposes, has been made on some condition, which the State or recipient might comply with or not as it saw fit; and if it did not comply with the condition, then to that extent, it is true, the distribution of the public lands was not equal; that is, the State that did not want the lands on that condition was not obliged to take them.

Mr. KASSON. One word only in reply to the remark of the gentleman from Massachusetts, [Mr. G. F. HOAR,] that my argument, that this bill contemplates a continuance of the speculative system, was unfounded. Sir, the first two lines of the bill declare—

> That the net proceeds of the public lands are hereby forever consecrated and set apart for the education of the people.

Does the gentleman tell me that does not contemplate a permanent continuance of the sales? It says, "forever consecrated." Does he tell me that I am mistaken when I say this bill proposes to legislate in reference to State officers, when it proposes to punish them for embezzlement, misappropriation, and misapplication? Does he say that it does not put them under Federal jurisdiction, when the bill provides that no court but the circuit or district court of the United States shall take cognizance of questions arising under this act? Does he say there is no ground for the argument that this bill seeks to get hold of State officers?

Mr. G. F. HOAR. When the bill declares that the proceeds of the sales of the public lands shall be forever consecrated to this purpose, it does not imply that there shall be proceeds forever, but that whatever proceeds there are shall be forever so consecrated. In the next place I concede that if a State officer steals the money of this fund, then under this bill he will be taken charge of and punished by the courts of the United States. But there is no interference with State rights in providing that a State officer shall not steal the money of the United States.

Mr. KASSON. One word: I omitted to state that when we last year had this bill under consideration, the Treasury was full of money from the proceeds of taxation. That is not the case now. Whatever we now appropriate for this purpose must be raised by taxing the people.

Mr. DEWITT. I desire to have printed an amendment which I propose to offer to this bill—to strike out the proviso of section 4, as follows:

> *Provided, however,* That for the first five years the distribution of the said fund to and among the several States and Territories, including the District of Columbia, shall be made according to the numbers of their respective population of ten years old and upward who cannot write, as shown, from time to time, by the last preceding published census of the United States.

No objection was made, and it was ordered accordingly.

Mr. HAWLEY, of Illinois. I have prepared a substitute for this bill, which I will offer if I have the opportunity. I do not ask to have it read, but I ask that it may be printed.

It was ordered accordingly.

Mr. BUTLER, of Tennessee. Mr. Speaker, no one was more interested in the remarks of the gentleman from Iowa [Mr. KASSON] than I was, because I was anxious to ascertain the condition of the public domain; and a Representative coming from a State that so boasts upon this floor that they have a school fund of $3,000,000, certainly understands the operation of the land system in the State from which he comes. The gentleman from Massachusetts [Mr. G. F. HOAR] to some extent replied to the remarks to which I intended to address myself.

This bill when it was discussed last January, notwithstanding it was passed by a good substantial majority here, was subject, to say the least of it, to the same misapprehension that it has met with this morning at the hands of the gentleman from Iowa. This bill does not propose to interfere in any one single particular with the land laws of the country to-day. It does not propose to change a single statute; it does not propose to change a single officer; it does not propose to make a single change in existing laws. The speech of the gentleman was a very good one, but it does not fit the proposition under consideration to-day.

The gentleman may talk about railroad monopolies, and land grants, and homes for the homeless. This bill provides better things for the poor and the downtrodden and oppressed, about which he talked to-day so eloquently. It provides food for the mind, which is worth more than land for the foreigner and poor man of the country to cultivate. This bill does not propose to take away the pre-emption that he talks so much about, nor the homestead. It leaves the laws as they exist to-day, providing that every citizen, that every downtrodden and oppressed foreigner who may land upon the shores of our country, may enter one hundred and sixty acres of the public domain, and, after remaining thereon a sufficient time, receive a patent therefor.

The objection raised by the gentleman from Iowa is not new to the advocates of this bill. The doctrine of State rights comes from a strange section of the country. If it had emanated from my own State, or from any of the other Southern States that made a little experiment in State rights a few years ago, it might have seemed more natural. But it comes from the far distant West, from a State that is reveling in the wealth of a school fund of millions which the Government gave them to educate their poor children. That State now refuses a little pittance to the old States of this Union, which gave the Northwest every foot of land which she now possesses. When we come here and ask a little pittance out of the proceeds of the public lands, we are told that it is interfering with State rights, because we provide that if a fellow steals the money of the United States he shall be indicted, tried, and punished in the courts of the United States, because he steals the money that the United States gave the poor old States of this Union to educate her illiterate children.

I think that if we would look a little more to personal rights, and disregard State rights, our population would be in a better condition in regard to education than they are, according to the official figures, in my own State and other States of this Union that are asking a small pittance from the proceeds of the public lands to assist in the education of their children.

Does this bill propose to interfere with the States? No, sir; it contains no such proposition. There is in this bill no line, word, or syllable seeking to interfere in the least with any State regulation so far as common schools are concerned. It says, as many previous laws have said, that if the Federal Government makes a grant of land, the State or corporation or other party receiving it shall do certain things before acquiring any rights under the grant. What are the States required to do by this bill? To raise a certain amount of money, to provide for a census of the scholastic population, to make a report, receive a certificate, &c. The bill does not propose to create a single new officer. It proposes to impose only two or three new duties, which are simple, plain, and inexpensive, relating merely to putting the State in a condition to receive the pittance contemplated.

Now, Mr. Speaker, my friend from Minnesota, [Mr. DUNNELL]—for he is my friend—startled the supporters of this measure yesterday by turning a most remarkable somersault. Last January he made a most eloquent, independent, bold, and courageous speech on this subject; and if there is any one thing I admire it is courage, moral or physical. When I compare his speech of yesterday with his speech last January, I find that the gentleman has experienced a most re-

markable change of head and heart. [Laughter.] I ask the Clerk to read a few paragraphs from the speech made by the gentleman last January.

The Clerk read as follows:

The gentleman from Ohio (Mr. Shellabarger) this morning has made an explanation in relation to the remarks which he made the other day, and which I felt that he was bound to make, because the bill is not at all open to the construction which he gave to it. Simply the proceeds of the sales of the public lands are dedicated for this purpose, to aid all the States in the establishment of free education. I have myself never questioned but what it was in the power of Congress to dedicate the proceeds of the sales of the public lands for such a purpose. Years ago Congress by an act gave to the new States, many of them one section, and many others two sections, in each township, for educational purposes. That provision of law was never questioned, the constitutionality of it, even at that time, nor is it questioned at the present time.

* * * * * * *

Some amendments have been indicated here to which I wish to call the attention of the House for a moment. Some of those amendments, I think, should not receive the consideration and approval of this House. If this bill is worth anything, it is because it is in the interest of universal education, free education of all the children in the land, no matter what may have been their former condition, no matter what may be their color; their free education, because they are a part and parcel of the people of the country about which we are legislating, and in the interest of which we purpose to legislate.

The point which the gentleman from New Hampshire made the other day against this bill was that it would give to some States but a few thousand dollars. To Tennessee, for instance, it would give forty or fifty thousand dollars. But no matter what the amount may be, if it be only $10,000, if that $10,000 shall warm into life a system that shall ultimately culminate in a well-organized scheme of free education it will have done its work, and I will vote for it as readily as though the donation were half a million. With this educational want staring me in my face, and with the hope and belief that that small sum might work that grand result, I am unable to withhold my vote. It needs sometimes just a little sum of money to be the kernel, so to speak, from which there shall germinate and spring into being a full and well-rounded system.

* * * * * * *

We do not want any of the money in our State. Thanks to the General Government, we have received for educational purposes two sections of land to the town line; and we have prospectively a fund of $15,000,000. We guarded our educational fund by wise legislation; and no part of our school lands has been sold at less than five dollars an acre, and none can be. We do not want it. But suppose we were to put into the bill a provision giving the proceeds of these public lands to a mere section of the country, then it would be argued that these lands belong to the people, to all of the people, and the proceeds must be divided according to population.

Mr. FARNSWORTH. Let me ask the gentleman a question. The bill says the proceeds of the public lands are to be consecrated forever to the purpose of education. Does that mean that the public lands hereafter are all to be sold, and the proceeds kept for that purpose?

Mr. DUNNELL. I do not understand that the bill interferes at all with the policy of the past, or with the policy of the future, with regard to the public lands. If I believed that by voting for this bill I should indirectly at any time lessen the liberality of our legislation in regard to the actual settlers or the soldiers, to whom I trust that Congress will grant a bounty, I would not vote for it. Nor would I vote for it if thereby Congress would be less ready to vote lands for needed internal development. The proceeds of so many of the public lands as may be sold are to be consecrated to the purpose of education.

Mr. Speaker, I wish to make one or two other points before I close. I support this bill from the hope that it will furnish some good stimulus to the organization of public-school systems in those States where that system is most needed. The sum is said to be small. It may prove enough to bring about the needed organization. But £500 were given to Harvard, and out of it has sprung Harvard College. But a small sum may do the work. One, or two, or five, or ten, or twenty, or forty, educational people in those States may gather about this sum, and persevere in the work of organization, and it will widen and spread, I hope, until we find in those States well-developed school systems. With this hope I support this bill, as voting nationally and not locally. We want universal education in this Republic. We want educated masses. Ignorance is fearful. It is to be dreaded everywhere. Let light go forth. Let education everywhere triumph; free education, universal education. In this we trust, and in that is our only hope.

Mr. BUTLER, of Tennessee. Now, Mr. Speaker, the remarks just read express my sentiments more fully and forcibly than I can find language to do myself. Yet the gentleman yesterday took the ground that the sum proposed to be distributed by this bill is too small, notwithstanding he reminded us last January that Harvard College, which has done so important an educational work, was started upon an endowment of but £500. And so far as the constitutional question is concerned which was raised by the eloquent gentleman from Iowa, I turn him over to his late ally, my friend from Minnesota, who has so ably answered his constitutional objections in his speech of last January.

Now I have but one word more to say in conclusion. If gentlemen desire to vote against this bill, let them first examine it; for I reiterate here, and reassert, as the gentleman from Massachusetts [Mr. G. F. HOAR] did, that there is not a sentence in this bill to which the objection made by the gentleman from Iowa can truly be made to apply.

No deductions can be drawn from the language of this bill like those which the gentleman from Iowa has so eloquently and ably argued.

So far, Mr. Speaker, as my own State of Tennessee is concerned, and so far as my own district is concerned, I ask the passage of this bill as a matter of justice, and as a matter of right. Strange as it may appear, we have a gentleman on this floor, not only a New England man, but a Massachusetts man, coming from a State whose people are perhaps the best educated of any in this Union, whose State according to population pays more to the Government in the way of revenue than any other State of this Union—we see the gentleman from Massachusetts, [Mr. G. F. HOAR,] I say, earnestly advocating upon this floor the passage of this bill because of its justice, which will take directly two millions of money out of the Treasury of the United States and distribute it for the purpose of educating the illiterate children of other States of the Union. By the census Virginia has 450,893 illiterate persons; Kentucky 332,176, and my own State 354,697. These States, without saying anything of Georgia, Florida, the Carolinas, Alabama, Louisiana and Mississippi, will receive largely under this bill if it should become a law. The great bulk of the money here provided for will be distributed to those States by virtue of this bill; for it provides that the fund shall not only be distributed according to the scholastic population, but according to illiteracy.

Now, Mr. Speaker, State rights, I trust, will not be intervened to prevent the poor people of the country from receiving this educational fund. The idea of centralization which emanates from the North so suddenly and so unexpectedly I trust will not drive any one away from voting for this fund for the education of poor children all over the country.

Let us vote for the passage of the bill, so that the poor children everywhere may at least learn to read and write, and be able especially to read the Scriptures, so that they may know something of their creation and destiny. I sincerely trust that the great Northwest, which has received nine-tenths of the benefits arising from public lands, where they have magnificent school systems, with boasted millions, independent of Congress, because they have received all they asked from Congress and have now all they want and are full and running over—I sincerely trust they will not now fold their arms and sound their trumpets to warn the Northwest members they have gone so far in swinging the pendulum, that it must never swing any more for anybody else. They have not only obtained grants of lands for railroads, but for agricultural colleges and schools, and for every other imaginable purpose, and after they have received those grants they now come and talk of the pendulum swinging to an extreme. All then was bright and lovely, and there was not the least doubt of its constitutionality, at least on their part.

Now, however, when you propose to give to the poor people of the South who are down trodden and oppressed, then we are told it is unconstitutional. You can donate ten millions at one stroke for a railroad through Iowa and the Northwest, and it is constitutional and proper; but when it is proposed to give to the States of the South this little pittance for the purpose of educating their children, we are told that the pendulum is swinging to an extreme, and we had better be careful. The grangers are at work in the Northwest, and I suppose it is on that ground we are to account for the sudden conversion of my friend from Minnesota, [Mr. DUNNELL.] I presume the grangers want all that remains of the public lands to sow their grass in order to furnish hay-seed to that gentleman and others to put in their hair. [Laughter.] I trust this bill will pass, as it did in the last Congress. If anybody has scruples, let him give the benefit of that doubt to the poor children of the country. Minnesota, which has the best school fund now in the Union, and Iowa, which has $3,000,000 of an educational fund, which are matters of boast by their Representatives upon this floor, will not object, I hope, to giving the older States, from whom they derived this public domain, the small pittance here provided from the proceeds of the sales of the public lands for educational purposes.

Mr. WILLARD, of Michigan. I give notice I will offer the following amendment, if I get an opportunity to do so:

Insert after section 6 the following: In each State and Territory, and in the District of Columbia, the sum of 10 per cent. of the amount which may be apportioned under the provisions of this act may, at the discretion of the Legislature thereof, be annually applied to the use and support of at least one university.

Mr. DUNNELL. I give notice that I will propose the following amendment:

Insert in line 7 the following words: On the entry of public lands, under the act entitled "An act to encourage the growth of timber on the prairies," approved March 3, 1873.

Mr. LOUGHRIDGE. I give notice, if I get an opportunity, I will move a substitute to the bill; which I ask to be printed.

There was no objection, and it was ordered accordingly.

Mr. BURCHARD. I give notice I will move the following substitute:

Strike out all after the enacting clause, and insert in lieu thereof: That the net proceeds arising from the sale, entry, location, or other disposition of the public lands of the United States are hereby set apart and annually appropriated for the maintenance of common schools for the free education of all the children in the United States of suitable school age, which proceeds shall be distributed to each State and Territory, and to the District of Columbia, in proportion to its respective population as ascertained by the census last preceding such distribution: *Provided*, That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands or the entry of public lands for homesteads; nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands: *And provided further*, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain, or interfere with granting bounty lands to the soldiers and sailors of our late war.

SEC. 2. That the Secretary of the Treasury shall cause an account to be taken after the close of each fiscal year, and ascertain the amount of expenditures during the last preceding fiscal year incurred in, or occasioned by, the survey, sale, location, entry, or other disposition of the public lands of the United States, including appropriations for the expenses of the general and district land-offices during such year, and the total receipts from the sale or other disposition of such lands, including all fees received at such offices, and shall, on or before the 1st day of December of each year, certify to the Secretary of the Interior the amount of the net cash proceeds from the sale, entry, location, or other disposition of such lands after deducting such expenses and expenditures.

SEC. 3. That upon the receipt of such certificate the Commissioner of Education, under the direction of the Secretary of the Interior, shall proceed to apportion, upon the basis of population, the amount so certified to the District of Columbia and Territories of the United States, and to each State wherein provision is made by law for the free education of all the children thereof between the ages of six and fifteen years, and shall certify to the Secretary of the Treasury of the United

States such apportionment, and to the superintendent of public instruction of each State and Territory, or other officer empowered by the laws of such State or Territory to perform the duty herein enjoined, the amount so apportioned to such State or Territory.

SEC. 4. That the superintendent of public instruction of each State and Territory, or such other officer as shall by the laws of such State or Territory be required so to do, shall immediately, upon the receipt of such certificate, proceed to apportion the amount so certified to his State or Territory to the several districts therein which shall have maintained for at least six months during the preceding year a free school for all the children of such district between the ages of six and fifteen years, which apportionment shall be upon the basis of the population of such district, and the amount so apportioned shall be solely applied in payment of teachers' wages. The said superintendent or officer shall report his apportionment so made to the Commissioner of Education, who thereupon, under the direction of the Secretary of the Interior, shall certify the same, or so much thereof as appears regular and correct, to the Secretary of the Treasury, and to such superintendent or other officer designated as aforesaid.

SEC. 5. That the amount apportioned to the school districts of any State, and certified as herein provided, shall be paid upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Treasury, out of the Treasury of the United States, to the State or territorial treasury, or to such officer as shall be designated by the laws of such State or Territory to receive, account for, and pay over the same to the several districts entitled thereto under such apportionment, which treasurer or officer shall be required to report, on or before the 1st day of October of each year, to the Commissioner of Education, a detailed statement of the payments made and balance in his hands withheld, unclaimed, or for any cause unpaid.

SEC. 6. That in case any State or Territory shall misapply or allow to be misapplied, squandered, or in any manner appropriated or used other than for the purposes herein required the funds, or any part thereof, received under the provisions of this act, or shall fail to report, as herein provided, through its proper officers, the disposition thereof, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof, until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory and applied as herein required and until such report shall have been made.

SEC. 7. That the Commissioner of Education shall be *ex officio* superintendent of public instruction for the District of Columbia, and as such shall make the appointment, returns, report, and certificates for said District of Columbia in the manner and for the purposes and under the limitations prescribed in section 4 of this act, and the money thus apportioned in said District shall be paid out of the Treasury of the United States to the proper officers entitled to receive, use, account for, or pay over the same, as may be provided by law.

SEC. 8. That nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States upon their admission into the Union of 5 per cent. of the net proceeds of the sales of the public lands within their respective limits.

Mr. COX. When in order, I shall propose an amendment to strike out the eleventh and twelfth sections of the bill.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented by Mr. BABCOCK, one of his secretaries; who also announced that the President had signed bills and a joint resolution of the following titles:

An act (H. R. No. 418) to authorize the First National Bank of Saint Anthony, Minnesota, to change its location and name;

An act (H. R. No. 614) to so amend the laws relative to internal revenue as to allow distillery warehouses to be continued in use after changes have occurred in the management of the business; and

Joint resolution (H. R. No. 16) providing for a change in the name and title of the agent and consul-general of the United States at Alexandria.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole for the consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. E. H. ROBERTS in the chair,) for the consideration of the special order, being the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill making appropriations for the naval service. Unless objection is made the first reading of the bill will be dispensed with, and it will now be read by sections for amendment.

Mr. HOLMAN. I object to dispensing with the first reading of the bill.

Mr. HALE, of Maine. As there has been a desire intimated by several gentlemen to debate this bill, I do not propose at present to ask to have the bill read for amendment, but I propose to leave the matter open for general debate until such time as the Committee of the Whole is willing to proceed to the consideration of the bill by paragraphs for amendment. In order to the general debate proceeding I suppose there is no necessity for the bill being read at all at present; but when the time comes for amendments, if any gentleman insists, of course the bill will then have to be read, first in full and afterward in detail.

Mr. HOLMAN. I have no objection to the debate proceeding now, but shall object when the proper time comes to dispensing with the first reading of the bill.

Mr. HALE, of Maine. Perhaps, then, it may be as well to have the first reading now.

Mr. BECK. I desire to ask the gentleman from Maine whether or not it is the fact that neither the report of the Secretary of the Navy, nor the reports of any of the heads of Bureaus making their estimates for appropriations, have yet been printed?

Mr. HALE, of Maine. I said the other day, in reply to a like question, that I could not answer as to the stage of the progress of the printing of these reports; so far as I am myself concerned I have seen them all. But I will state to the gentleman from Kentucky that, as bearing upon the principal feature of this bill, that is, its large reduction of the estimates, the reports of the Bureau officers, or of the Secretary, give very little light; because the appropriations have in almost every case been largely reduced from the estimates of the Bureaus.

Mr. BECK. I desire to make a suggestion.

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Kentucky?

Mr. HALE, of Maine. Not if it is to occupy the time to which I may be entitled.

Mr. BECK. I do not wish to take any time. I wish to say to the House that, after making the statement I did the evening before last, that I did not want delay but wanted information, I went to the Navy Department yesterday morning, and saw the chief clerk. I desired to be able to look over the reports of the different Bureaus, to see why the items in this bill were put as they are. I wanted, in other words, to understand it; and I was advised that none of the reports had yet been printed—that is, they were still in the printer's hands and not ready for distribution.

Mr. HALE, of Maine. That is undoubtedly correct.

Mr. BECK. Therefore I have been unable to see any of them. I suppose no member of this House, except, perhaps, one or two members of the Committee on Appropriations, has seen any of them. Therefore we are groping in the dark—at least I am. And although I have no doubt, from the aggregate of the bill, that the committee have been as economical as they can be, I do not see how any of us can vote intelligently on the bill, unless we assume that the Committee on Appropriations knows all about it, and that we will just do as they tell us.

Mr. HALE, of Maine. Let me say on this point—because there may be the same difficulty in the minds of other gentlemen—that while I am desirous that the House should be kept at work upon the appropriation bills as steadily as possible—and in that I represent the feeling of the committee—yet, so far as this bill is concerned, while I shall push it as fast as the sentiment of the House inclines that it shall be pushed, I do not propose to drive it through, or attempt to drive it through, with any unseemly haste so as to prevent gentlemen from having full opportunity to consult the documents now in the printer's hands, which I presume will soon be here.

Mr. Chairman, in submitting this appropriation bill to the House of Representatives—reducing expenditures in a single Department, as it does, nearly $3,000,000—I have deemed it advisable to enter somewhat at length into the considerations that influenced the committee in making these reductions.

The American Navy, Mr. Chairman, has had a checkered history. In the Revolution it bore no very leading part; but the exploits of its enterprising captains, almost always performed in single-handed combat against a superior power, showed to the world that no decks were better manned or better fought than ours, and taught the American people the first lesson of pride in their Navy. During the period of confederation the service languished, as all others did. In the twelve first years of our present system, when under Washington and Adams, to a large degree the British fashion as to establishments, civil or military, was followed, the foundation was laid for a respectable navy. The tide turned under Jefferson, who, if he could have had his way, would probably have reduced every department of the Government to a bare and almost pastoral simplicity, and all idea of a large naval establishment was abandoned, wooden gun-boats for harbor defense being substituted. The war of 1812 changed things again, and the brilliant naval triumphs of Porter and Perry and McDonough and Decatur and other naval commanders floated the American Navy to the topmost wave of popularity, all the more because those triumphs were contrasted with mortifying and continued defeats on land. It then became certain that for all time, or for a long time in the history of the Government, a respectable naval establishment would be made a part of our Government service.

For fifty years all administrations have assented to this, and liberal appropriations have, from time to time, been made for the Navy, generally increasing from year to year; and, if gentlemen care to look into this matter during the time from the war of 1812 up to 1860, they will find that then, as during the late war, much of the money that was appropriated was injudiciously expended, and that many of the vessels built were a bad investment. The immense line-of-battle ships, to be named after the different States of the Union, and to carry from 75 to 120 guns each, sunk an enormous sum of money, and many of them were almost entirely valueless in adding anything to the strength of the Navy. They were of no more account, or of little more account, than if the money put into them had been sunk into the water which they were built to float upon. But notwithstanding this, many good ships were built during this period, noticeably the Wabash, the Franklin, the Colorado, the Minnesota, and others of a like kind built in the decade between 1860 and 1870; so that when, in 1861, the war broke upon us, there were some vessels in the American Navy which I venture to say were the finest afloat upon all the seas.

At this time the annual appropriations for the Navy had reached over $15,000,000. I beg gentlemen to bear this in mind when I come to discuss the main feature of this, namely, its reduction.

The war of 1861 launched us on a vast sea of expenditure; it is a period with which no fair comparison can be made as to the expendi-

ture of public money, either on the land or on the sea. The salvation of the Republic was at issue. To insure this Congress made large appropriations for the Navy and for the Army, and the loyal people sustained them.

It is this feature in our naval history that has always dwelt in the minds of such gentlemen here as are represented by my friend from Kentucky, [Mr. BECK,] who has always found a difficulty in reconciling the need of any great appropriations to-day with the fact that so much money was expended during the war. The gentleman should remember that money went but a little way and in many directions during the war. Everything needed to be created at that time. We had a coast of two thousand miles to blockade; we had to chase from the sea the cruisers of the confederacy, built and equipped in England—the Alabama, the Shenandoah, the Georgia, and others. New ships must be built for this need. We had to fit out immense military and naval expeditions to capture important points on the coast. There is hardly anything that is so great an absorbent of the public treasure as these expeditions. Let any gentleman read the military history of Great Britain and he will find that every one of her military and naval expeditions was followed by a depletion of the treasury, and an increase of taxation.

More than all this, causing more expenditure, and to a degree furnishing an excuse for the Navy Department at that day, was the fact that there came in a new era in naval architecture. When the iron-clad Merrimac came out of Norfolk Harbor she crushed our best vessels like egg-shells, and frightened our people very much as the monsters of fable and mythology frightened whole nations. Had it not been for the little Monitor which met the Merrimac and drove her back we should have been entirely and hopelessly helpless.

Of course new plans and schemes of naval construction came in, new monitors had to be built, iron-clad vessels were started in all the yards of the North. It was new ground. Experiment after experiment had to be resorted to during this time, and they were all expensive. But in one way and another all these difficulties were met; the coast was blockaded; it became an enterprise of life and death for a blockade-runner to attempt to go in or to come out of one of the southern ports; every hostile sea-board town was captured; the rebel cruisers were chased off the sea; an immense iron-clad navy was built up, such as it was, and hundreds of wooden vessels stood on the rolls of the Navy, either built or bought by the Government in its day of peril. The list in 1865 exceeded six hundred in number. What kind of vessels were they when the immediate emergency which had called them into use had passed? That is the point for my friend from Kentucky to consider when he is tracing our present small Navy back to the day when the war ended. That is nine years ago, and good vessels will go in that time. How much have we really got out of that war-navy for our moderate peace establishment since? That question bears upon the discussion of this bill.

I cannot enter into the details to show why nearly all this great force faded away.

During the time of the war every dollar was spent for the immediate emergency; there was no thought of the future. I recall one class of vessels, twenty in number, laid and built, not one of which could ever float. I always believed there was fault in the Navy Department in its war management; but that is a question that we have not to deal with now. The light-draught monitors, that would drop like a leaden plummet to the bottom of the sea the moment they were set afloat, must be charged to profit and loss. And so with wooden vessels. Scores of them were built of green timber, and capable of being kept afloat only a few years. And when a ship was once launched and it was found she would swim, she was run without repairs as long as she would stay above water.

A simile that I have before used in this connection occurs to me. The American Navy in the war was run like a race-horse. It had to win the race, no matter what the strain to muscle and sinew. And so the result was, that when we came out of the war the very best vessels that we had were the old ships, that had been built before the war and that had come through it—the ships that had been carefully built in peace, of seasoned timber, with ample time bestowed upon their construction.

From year to year appropriations were lessened, and all that remained for the administration of the Navy Department was to take these shabby, rotten, war-built vessels and the few ships of older construction and to make the most of them, to keep them in repair from year to year, so that we could have a respectable Navy afloat on the seas of the globe. And that is what has been done in the years since the war.

While these appropriations have been continually lessened, I wish gentlemen to bear one thing in mind, and that is, that the present Secretary of the Navy, to his credit be it said, has always cut his garment according to the cloth which Congress has given him. He has not exceeded the appropriations in his expenses. He will not the next year if peace holds. Whatever his limitation, he runs his Department of the Government upon the theory that with Congress rests the responsibility as to the amount of money to be given to maintain the naval establishment.

This brings us down to the year 1873.

In November there came up, as all gentlemen know, the troubles with the Spanish authorities upon the case of the Virginius. Public feeling was greatly aroused and excited. I remember that—perhaps in the district of my friend from New York, [Mr. WOOD,] who proposes to speak on this bill, whether in opposition or not I do not know—an immense meeting was holden to urge and inflame the Administration to war measures. Whether or not the whole country wanted war I will not here discuss. I do not believe it did. But the public sentiment did demand firmness on the part of the Government. If Spain, or the Spanish officer commanding their ship, had been guilty of a violation of international law as we had always maintained it to be, it was our bounden duty to make demand for satisfaction. And, Mr. Chairman, upon the Navy Department was put the burden of showing that, when we made a demand, we were in a condition to enforce it. There was no other Department of the Government that was so directly involved in the result had war instead of peace come upon us. I cannot here express all my gratitude to the President and the Secretary of State for the skillful manner in which the whole matter was managed, but had they been unable to settle the question by diplomacy, the result must have fallen directly upon our Navy.

The Secretary of the Navy acted with vigor, and, as I believe, with wisdom. He called home from the Atlantic squadrons every ship. He brought up to the North from the southern seas vessels that were almost sinking and needed repair and outfit, and put them in course of repair. He took from the docks and the yards the iron-clads, and set to work upon them skilled mechanics, in order to put them in fighting condition. The work was of course done hurriedly, but I believe it was done wisely and well. And the result was, that had war struck us he would have had in Cuban waters by the 15th of this month a force of four hundred guns, as large as, if not a little larger than, the Spanish fleet in those waters.

Now, sir, all this cost money, and when Congress reassembled it appreciated that fact and voted money liberally. It gave in the first naval appropriation bill $4,000,000 to cover the extraordinary emergency and to reimburse the Bureaus of the Department that had had their usual funds swallowed up by the necessity forced upon us. I ask gentlemen to bear this in mind, that this money was not used as a part of the regular naval expenditures, and would never have been called for had the usual state of things existed.

This brings me directly to the bill in question—the regular naval appropriation bill for the next year—the first of the appropriation bills that has come before the House for consideration; the Army bill having been first reported, but delayed by no fault of the gentleman having it in charge, but for other reasons. We are brought then directly to this bill and to its leading feature, the reduction of expenditures. In considering this bill, as well as others, the Committee on Appropriations found themselves confronted with a stern duty. Upon that committee, more than any other representing this House, was the responsibility of initiating the policy of retrenchment in governmental expenses. There was no shirking, and I may truthfully say that there was no disposition of the part or the committee to shirk this duty.

The close of the year found us in no prosperous condition so far as revenue and expenditures were concerned. A great financial panic had set in and had run desperately for weeks. The revenues of the Government had fallen off, and yet the wheels of its machinery must be kept in motion. A deficiency stared us in the face. We were in the condition of spending more money than we were at the time receiving as revenue. We had presented to us three alternatives—new taxation, which is always offensive; a loan, (which means borrowing money to pay our bills;) or the cutting down of expenditures so that in the next year the Government would be run on a basis within its current revenues. The Committee on Appropriations believe—I believe, sir—that for the year commencing July 1 next, enough of reduction can be made in the expenses of the Government, so that with the improved revenues expected from our present system of taxation the next year will show no falling behind.

The committee has not felt itself above the task of cutting down these expenditures. The committee has not believed this to be a "cheese-paring" operation, as the gentleman from Massachusetts [Mr. BUTLER] called it, or, as some of the papers have put it, "a petty business." The committee has found itself confronted with what it believes to be indisputable facts—that there is in many, in almost all, of the Departments of the Government, superfluous force; that there is opportunity and occasion for restriction in this line; that too much money has been spent in the way of decoration and adornment in public buildings, in fortifications, in river and harbor improvements, and in all the civil and military departments of the Government.

And no better day to cut down can come than the present. In setting about this work, the committee do it in no spirit of hostility to the Departments. The gentlemen at their heads are not, nor is the present Administration, accountable for the existing condition. The swollen condition of our civil establishments has not come during the tenure of these gentlemen in office.

These enormous expenditures in the *personnel* and in the running of the Departments grew up during the war, and in the immense labors thrown upon each Department immediately thereafter. To-day, almost for the first time, Congress is confronted with the duty of reduction.

Let us look at the Navy Department. The annual naval appropriation for the last year amounted to $22,000,957.65. This amount (and it is fair that the statement should be made in making the estimate as to the reduction proposed by this bill) included $3,000,000

voted for the construction of eight new sloops-of-war. Making this deduction, the regular appropriation for the Navy for last year was $19,000,957.65. The reduction in this bill upon that amount is $2,602,939; making the aggregate appropriation in the bill in round numbers, $16,500,000. It is a little more, but I have not in my eye the exact figures.

Mr. Chairman, the committee in making up this bill has planted itself on this position: wherever any part of the $4,000,000 appropriated in December last enters into the improvement of the regular cruising Navy which we are to keep up in time of peace, corresponding deduction has been made in the appropriations for the coming year. Wherever stores derived from that appropriation have accumulated in any of the Bureaus that can be used in the ordinary naval service, such amounts have been deducted. Wherever enterprises that have been begun can be dispensed with, they have been cut off. Wherever there has been found too large civil force in the Department, in its navy-yards, the committee has put the knife to these establishments and has cut them down. I give some of the details as to different Bureaus. Here are the figures for the present and next year, showing the reductions in the different Bureaus:

Bureau, &c.	1873-'74.	1874-'75.	Reduction.
Pay	$6,250,000	$6,250,000	
Contingent	100,000	100,000	
Navigation	325,900	199,350	$126,550
Ordnance	633,516	455,000	178,516
Equipment and Recruiting	1,500,000	1,100,000	400,000
Contingent	125,000	75,000	50,000
Yards and Docks	900,000	800,000	100,000
Naval Asylum	58,478	53,273	5,205
Medicine and Surgery	90,000	60,000	30,000
Provisions and Clothing	1,592,600	1,330,000	262,000
Contingent	75,000	50,000	25,000
Construction and Repair	3,500,000	3,300,000	200,000
Steam Engineering	2,300,000	1,500,000	800,000
Naval Academy			34,000
Marine Corps	1,145,267	877,606	267,670
			2,474,832
Civil establishment	255,000	153,000	102,000
Hospitals	65,268	99,161	26,107
			2,602,939

The Pay Department is a matter fixed by law; that, of course, has not been interfered with. All these are reductions in the running expenses of the Department, inclusive.

So that, Mr. Chairman, this bill, (and I beg the attention of gentlemen who may be inclined to criticise it as being yet too large,) with all the advanced cost of labor and material, as compared with the period before the war, makes an aggregate appropriation only about a million dollars larger than the naval appropriations for 1859. Now, in candor and fairness, I ask gentlemen who are anxious for economy, I ask the gentleman from Kentucky, [Mr. BECK,] who has always given intelligent criticism and scrutiny to naval bills, whether he really expected the Committee on Appropriations would cut down the naval appropriation bill to a figure so near the expenses of the Navy for 1859? If, on examination, he is satisfied that the committee has done this, then I trust that, in the progress of this bill, he and I shall be found working side by side; for, having been a member of a Committee on Appropriations that attempted faithfully to reduce expenditures, he knows how much difference there is between a reduction proposed by a responsible committee on fair examination, and a reduction that may be attempted by a motion from the floor, not backed up by complete and judicious investigation. That is what the committee has given in the case.

A gentleman at my right, Mr. Chairman, asks what guarantee we have that all this will not come back as a deficiency.

That guarantee, I tell him, I have already stated to the House—that the Secretary of the Navy will make his garment according to the cloth we give him, as he has thus far always done.

And let me say here—for it is pertinent, and I am glad the gentleman has asked the question—that almost all of this reduction is made with the assent of the Secretary of the Navy. It is fair to him to say that he does not believe that the committee of the House, in cutting down expenditures, is engaged in a "petty business." He has contributed to forward the efforts of the committee in this direction, and I am glad to say it for him, and know my associates on the committee will bear me out.

Now there is one thing, Mr. Chairman, to which I wish to call the special attention of the committee, and that is, the civil establishment of the Navy Department, because it is here that the committee has first put in the knife in cutting down superfluous departmental force. It is but the beginning of the long road that the committee has to travel. Previous to the war, sir, the navy-yards were run with but few Bureaus and with but a small force, but by the act of 1862, in the second year of the war, the Navy Department was subdivided into eight Bureaus. Each Bureau had a head; each head had under him a corps of clerks, which were undoubtedly needed in the immensely increased labor of the Department. But after awhile, sir, it came about that this system of having every Bureau represented as it was at the head of the Department extended to every yard. And this not only continued in the immediate years after the war, when there was much labor to be performed, but down to the present day. And it is a fact, and it may be new to some gentlemen here, that in every yard in the country, from Kittery to Mare Island, California, every Bureau is represented by a corps of clerks. They are called by all sorts of names. If gentlemen will turn to the estimates for naval appropriations under the different Bureaus they will find "time-keepers," "gate-keepers," "bill-head clerks," and "draughtsmen," and, indeed, almost every imaginable name that could be applied to any duty.

Now, the committee has done this, and the result is found in the second clause of the bill before us. The committee do not deem it advisable to go into the list of clerks to see what one should be cut off and what one left, for that might result in turning out a good man and keeping in a poor man. But in preparing this bill I carefully aggregated the appropriations for the civil establishment in each yard. I found at the Kittery yard that thirty thousand dollars and odd were paid for twenty-five clerks; I found at Charlestown were paid thirty-eight thousand dollars and odd for twenty-seven clerks; at the Brooklyn yard thirty-nine thousand dollars and odd for twenty-nine clerks; at Philadelphia thirty-five thousand dollars and over for twenty-five clerks; at Norfolk thirty thousand dollars and over for twenty-four clerks; at Washington thirty-one thousand dollars and over for twenty-three clerks; and at Mare Island thirty-three thousand dollars and over for twenty-one clerks. The Committee on Appropriations believed here was a good place to cut down. Some of us knew, having seen for ourselves, that this force was too large. What should be done? We deemed it better to cut down the force than to keep all and reduce individual salaries. We did this—and I want the attention of gentlemen to it, because it is significant, not simply for the amount saved, but as a step in the path the committee mean to take. We took the appropriations for every yard and reduced them 40 per cent., giving only 60 per cent. of the appropriations which have gone on for years for this work. It is fair here to say that last year there were some smaller reductions made in advance of this in some of the Bureaus, so that the reduction last year and this amounts to nearly one-half of the civil establishment; and that is the way it stands in this bill.

With the hospitals I did the same. I found that the expenditures for the civil force were $65,268, and I cut them down 40 per cent., leaving it at 60 per cent. for the whole force.

Now the committee believe, on some examination, that these Bureaus and these yards can be run with this money, and perhaps, sir, for less; but of this I do not feel sure. But I feel that the committee, which has before it the real, sober task of effectual reduction, will not imperil its bills by attempting so rank a reduction that there shall be a revolt of sentiment in either branch of Congress or in the country, and so what is a real intent shall have its "current turned awry and lose the name of action." The committee want these bills, which are to reduce expenditures, not merely to be reported with a parade of trumpets, but that they go through, and that no excuse be given to gentlemen whose navy-yards are affected to make a fight against them; and so the committee fell upon 40 per cent. as being the reduction here which it would recommend to Congress. So much for the civil establishment.

Gentlemen will see that in all the Bureaus, with the exception of one, the reduction has been large, large enough I think to satisfy any reasonable man. The exception to which I allude is that in the Bureau of Construction and Repair. Now, Mr. Chairman, this Bureau is the one which goes to the general maintenance of the Navy, in keeping it afloat. The repairs upon the vessels, all that goes into them—with the exception of what belongs to the Steam-Engineering Bureau—all draw upon its fund. The Secretary, when he came before the committee, said to us, "Gentlemen, whenever you find a superfluous officer, cut him off; whenever you find stores provided in excess, cut down the appropriation; whenever you find the Navy run on too vast a scale, cut that out; but if you leave anything comparatively untouched, let it be in the Bureau of Construction and Repair, for it is to that Bureau that I look in maintaining the Navy as it is upon the water. The committee, sir, respected that argument. It is an argument which should have force here. It is an argument which will have force in the country. I have no doubt, in selecting the places for cutting off, that the committee has done wisely in cutting off from other Bureaus and leaving this one as it is.

Now, sir, some gentleman, perhaps, will ask me if we could not cut down more because of the $4,000,000 already given to the Navy Department. My answer to that is this: what we are appropriating now, Mr. Chairman, is not for a Navy that we believe will be hurried at a day's notice into war—because if that were so we should ask for more money—it is simply for the maintenance of a prudently regulated naval establishment on the seas of the globe. The money that we gave in the four-million bill almost all of it went into the fitting out of vessels which, if we had had trouble with Spain, would have felt the first shock of the conflict, but when it was over must be again laid up in the docks and navy-yards for a future warlike purpose. It went upon such large vessels as the Minnesota and the Franklin, the Florida and Colorado, vessels too large to be kept afloat in a time of peace, but terrible in a time of war. It went upon such iron-clads and monitors as the Dictator, the Ajax, the Catskill, the Nahant, and others. It put them into proper condition for fighting the enemy, but not a dollar upon this class of vessels was of the

least good to the Navy itself that we are keeping afloat, and which our history shows that we need to keep afloat, in time of peace.

I have here, sir, a list of the money expended in this Bureau of Construction and Repair upon the kind of vessels I speak of that do not count in the regular Navy; and it amounts, Mr. Chairman, to $2,370,000; and all that we gave in the emergency bill to this Bureau was $2,000,000. Is there any gentleman here so ingenious that he can draw from that any argument that the Bureau of Construction and Repair should be cut down because it has already been helped by the contributions derived from the emergency bill? To the Bureau of Ordnance the same applies, but not in so great a degree. Into the supplies and munitions that were appropriated for these large vessels and iron-clads and monitors, nearly $350,000 of the emergency appropriation entered, and we cut down the Bureau of Ordnance last year $178,000. In the Bureau of Engineering we have cut down $800,000 from last year. These three Bureaus cover a large portion of the expenditures in the Navy that are not fixed by law, like pay, and provisions and clothing.

The money given in December was not misplaced. These vessels were put in a condition by which, if war should again loom upon us, they could at twenty days' notice be put to sea and meet the foe at home or abroad. That tells the story as to the $4,000,000 given for the emergency bill.

Now, Mr. Chairman, I have gone over at more length than I intended the details of this bill. I could amplify and enlarge more, but that seems to me not necessary. The reduction is, I venture to say, as great or greater than any gentleman who has given this subject fair examination expected us to make. It is, as I have said, almost as low as the appropriations were before the war. Were it not that Congress has already authorized one year ago eight new sloops-of-war to be built, and that five or six others have been made as good as new in the last three years, we could not have made this bill so small as it is. I may truthfully say to gentlemen that it is a bill that has been prepared faithfully by the committee, with much consideration, and represents the faithful and sincere desire of that committee to cut down appropriations.

Sir, it is no easy task. In this matter of the civil establishment, where we have taken off 40 per cent., it was not a comfortable thing to do. There are men to-day living under the old extravagant system, in the navy-yards as elsewhere, with wives and families, who are pinched to maintain themselves. Some of them must go out; God only knows where they will go to. All these things involve serious consideration. But notwithstanding that, the committee did consider that upon them was put the sober duty of cutting down this establishment to the point where they believed it could be run in accordance with the best interests of the Government.

There are gentlemen here whose localities will be affected; there is no doubt of that. There is no man who has a navy-yard in his own district with good friends filling the places that will not be tempted to consider this question in a narrow view, and to struggle to keep up these establishments. But there is a higher duty before the House of Representatives and Congress than that, and I ask the House upon this and upon all other parts of the bill to sustain the Committee on Appropriations in reducing these expenditures. Hardship will of course come of it; but the money of the people should be only taken, the committee believe, to the extent that is imperatively necessary to insure a good, fair, working administration of the Government. To that work sir, the Committee on Appropriations is dedicated for this Congress, as I hope it will be for all future Congresses.

Mr. ARCHER. I yield ten minutes to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. Mr. Chairman, I do not propose to make a speech now upon this bill, and I would not have asked the floor even for ten minutes but for the fact that the gentleman from Maine [Mr. HALE] has several times alluded to the difficulty I seemed to have in understanding naval appropriation bills, and appeared to indicate that I had been making objection to very many things to which there was no valid objection.

Mr. HALE, of Maine. The gentleman will allow me to say that he misunderstood me entirely. What I intended to say was, that the gentleman had been on the Committee on Appropriations, and that he knew how easy it is to make objections, but that his objections, I thought, were actuated by a real desire to cut down expenditures. I do think so. I give him that credit.

Mr. BECK. In the noise and confusion in this House it is extremely difficult to hear what is said, and therefore I misunderstood the gentleman. I propose, before the general debate is over, to lay before the House, if opportunity is allowed me, the reasons why I have from time to time objected to these appropriations.

I rise now merely for the purpose of saying that the only reason why I objected to the consideration of this bill now was because I want information upon which to act. I do not believe that the appropriations for the Navy can be held at the amount now fixed by the committee. Sixteen million dollars and a fraction is all they propose to allow, while for every year, from 1868 to the present time, we have been compelled to appropriate a much larger amount for this purpose. In 1868 the appropriations amounted to $25,700,000; in 1869 to $20,000,000; in 1870 to $21,780,000; in 1871 to $19,431,000; in 1872 to $21,449,000; and in 1873 to $23,525,000, and I am not one of those who believe that we can bring down the appropriations for the Navy to $16,000,000 during the year 1874, however much we may desire to do so.

One other word. We have, as I have shown, appropriated over $20,000,000 every year. I have seen low appropriation bills presented before. I believe the dominant party in this House have never failed to make their appropriations very low at the session immediately preceding a general election, but they have never failed to bring them up after the election was over. My information is that deficiencies amounting to about $28,000,000 were passed after the first election of the present President in 1868, and of over $15,000,000 after they had bridged over the last election.

Mr. GARFIELD. The gentleman speaks of the "dominant party." Does he apply the remark generally to whichever party is dominant here?

Mr. BECK. Sir, the party to which the gentleman belongs has been very dominant here ever since I have been in Congress. I am not sure that my own party would not do the same thing, but we have never had a chance. I hope we shall have one soon. [Laughter.]

Mr. HALE, of Maine. I meant to ask the gentleman one question, and I think I know what his answer will be. He says he does not think these low figures can be stuck to and followed out. Now, will he not join with the Committee on Appropriations during this session and hereafter in trying to keep the appropriations down to this figure?

Mr. BECK. I will say this: After I see the estimates of the Bureaus and am satisfied that the Committee on Appropriations have cut them down to a point where they can be maintained I surely will sustain the committee; but if upon examination of the estimates it is clear to my mind that the reduction will have to be met by a deficiency next fall, then I will not agree in advance to vote with the committee.

Mr. HALE, of Maine. Nor would I recommend you to do so under such circumstances.

Mr. DAWES. Will the gentleman allow me to ask him a question?

Mr. BECK. Certainly.

Mr. DAWES. If I understood the gentleman from Kentucky aright, he stated that the deficiencies the first year after the election of the present Chief Magistrate amounted to $28,000,000?

Mr. BECK. That is my information.

Mr. DAWES. Does the gentleman speak from figures?

Mr. BECK. I speak from information furnished me by a gentleman who was himself at that time a member of the Committee on Appropriations, and who tells me that that is his recollection.

Mr. HALE, of Maine. Does the gentleman mean the deficiency that came over from the last year of Andrew Johnson's administration, or of the first year of General Grant's administration?

Mr. BECK. From the last year of Andrew Johnson's administration.

Mr. HALE, of Maine. Undoubtedly.

Mr. DAWES. That is what I wanted to know.

Mr. BECK. The republican party, wanting to appear to be very economical before the election, made the appropriations low, so that they could go before the people and claim to have been economical, and when the election was over they made up the amount by deficiency bills.

Mr. DAWES. I desire to call the gentleman's attention to what he said in regard to the first year of President Grant's administration. I ask him if he thinks that Administration was responsible for deficiencies which came over from the last Administration?

Mr. BECK. Let me answer. The gentleman was here, and his party had then a two-thirds majority in this House, just as it has to-day.

Mr. DAWES. Deficiencies do not come from legislation, but from administration. Now I want to inquire of my friend——

Mr. BECK. Will the gentleman from Maryland [Mr. ARCHER] extend my time?

Mr. ARCHER. I cannot.

Mr. DAWES. One question. I understood the gentleman to say that the deficiencies in the following year were $20,000,000.

Mr. BECK. No; I said that two years ago, according to my recollection, the appropriations were comparatively small prior to the general election, and then when the election was over the deficiencies were very large. Not expecting to take part in this debate, I have not looked up the exact figures, but have only given them as furnished me by a friend who was a member of the Committee on Appropriations.

Mr. DAWES. I think the gentleman is substantially correct as to the first deficiencies; but as to the second deficiencies, when the gentleman himself was on the Committee on Appropriations, according to my recollection, there was none that exceeded seven millions.

Mr. BECK. If the gentleman will allow me I will look up the figures and correct myself; I have no time to do so now.

Mr. DAWES. I do not speak from authority; I only speak from memory.

Mr. BECK. So do I. What I want to say is this: I am in favor of all legitimate reduction of expenditures. I am in favor, so far as I can, when I have the information, to stand by the committee in all they do in that direction. But the objections I have for the last few years persisted in making are, that for the last six years we have been expending over $20,000,000 a year; yet our Navy has been constantly running down and getting more and more inefficient. I have

never complained, as I might have done, of the war expenditures. I showed by the reports of the Secretary of the Navy and the Secretary of War, furnished during the last Congress upon a resolution of mine calling for information, that the War Department had expended over and above the appropriations we made $130,060,000, received from the sales of our property. I showed that at the close of the war we had six hundred and odd ships, and that now we have but one hundred and thirty or forty, and that large amounts of other property had been sold and expended. I showed also, and General Morgan, of Ohio, did so still more fully, that about $3,800,000 had been given for extra compensation to officers of the Navy without authority of law. These were the things of which I complained, and as to which I demanded information before I would vote for large additional appropriations for these Departments.

But as I have no time, I must waive all that until another opportunity. I want to say explicitly, since I am on the floor, that my object is to cut down the appropriations as low as possible, because the state of the Treasury absolutely requires it. The Secretary of the Treasury is now calling upon us for at least $40,000,000 more than the present revenue, to be raised of course by additional taxation. I will by every possible means resist additional taxation; I will resist any increase of the public debt by every means in my power. And as means must be furnished to meet all demands upon us, I will endeavor by reducing expenditures to sustain the Government in all legitimate demands without any additional taxation or increase of debt, and I am satisfied that can be done.

The pressure upon the Treasury has been and is so great that the Secretary has felt compelled to increase the debt by issuing a large portion of what he calls the reserve of $44,000,000. He is doing this, in my opinion, in clear violation of law. I say "in clear violation of law" because by the act of April 12, 1866, (chapter 39,) it was provided—

That of United States notes not more than $10,000,000 may be retired and canceled within six months from the passage of this act, and thereafter not more than $4,000,000 in any one month.

The act of February 4, 1868, provided—

That from and after the passage of this act, the authority of the Secretary of the Treasury to make any reduction of the currency, by retiring or canceling United States notes shall be, and is hereby, suspended.

At that date $356,000,000 were outstanding, and the Secretary assumes that he is authorized to reissue the other $44,000,000 or not, at his discretion. He has put into circulation lately over $22,000,000 of this, which he calls a reserve. It is in no sense a reserve. To be "retired and canceled" are the words of the act of 1866. When retired the Secretary's duty was to cancel, and he cannot reissue a canceled note.

I know that reserves were provided for, both by the laws of 1862 and 1864, but the object in each was clearly set forth, and the present over-issue of legal-tender notes is not covered by any law, and none of the provisions in any of the laws providing for the reissue of a like amount of circulation in consequence of the cancellation of mutilated notes cover the case.

Sir, no Secretary of the Treasury ought to have the right to contract or inflate the currency to the extent of either $44,000,000 or any other sum without direct authority of Congress. And the present Secretary of the Treasury has not that right, although he is exercising it every day.

If that can be done by the Secretary there is no use for a Congress; there is no use for us to limit by law what shall be the currency of the country if the Secretary of the Treasury can make it $44,000,000, more or less, to suit his own convenience, or meet any exigency, however urgent, as he now claims the right to do, and as he is exercising the right——

[Here the hammer fell.]

Mr. BECK. I will not ask for more time from the gentleman from Maryland, [Mr. ARCHER.] I will make this very plain when I can get the floor in my own right.

Mr. ARCHER. Mr. Chairman, the bill reported by the Committee on Appropriations shows a want of appreciation on the part of that committee of the condition either of the Navy or of the country. I confess that I was somewhat surprised to hear the gentleman from Maine [Mr. HALE] advocate this bill. It is a delusion, and a gentleman knowing as well as he does the condition of the American Navy must be satisfied that the amount of $16,000,000 appropriated by this bill must necessarily cause a deficiency bill for the years 1874 and 1875 of at least $5,000,000. It is not possible that the Navy of the United States, as it now stands, can be run for any such sum of money.

The gentleman in his remarks said that in 1859 the expenditures for the Navy were $15,000,000 per year. He now proposes by his bill that the Navy Department, with all its increase of ships, with all its increase of officers, with all the increase in the expenses of mechanics, shall be run for only one million more per year. Sir, that cannot be done. I say to this House now that five millions additional would not more than meet the actual requirements of the Navy of the United States.

And then, too, the Committee on Appropriations show no appreciation of our foreign relations as they exist at this time. The difficulty that exists between this country and Spain has not yet passed by. There was a probability that the relations which existed between Spain and this country might remain peaceful when Castelar was at the head of the Spanish government, for he was known to be individually a friend of this Republic. But what was the result? This very friendship for the American people has caused his deposition, and in his place has been put Serrano, who has nothing but hatred and dislike to our country. Yet, sir, the proposition is that our Navy should stand, not upon the usual peace basis, but one-fourth below the usual peace basis.

Mr. HALE, of Maine. The gentlemen is mistaken in that statement. The aggregate appropriation last year was but $19,000,000.

Mr. ARCHER. Nineteen million five hundred thousand dollars.

Mr. HALE, of Maine. This bill makes a reduction upon that aggregate of only $2,600,000; and the committee believe that the amount we now propose to appropriate will run the Navy on exactly the same peace basis, for all practical purposes, as it has been run on heretofore; that there will not be any necessity for reducing the number of vessels, for reasons which I will give in reply to the gentleman.

Mr. ARCHER. But that is an impossibility, as can be demonstrated. We have now sent out to sea, fitted out, manned to the utmost capacity which the law permits, fleets that have not since the close of the war floated upon the ocean. The expense attending those vessels must continue. The fleet that we have now at Key West and in the Cuban waters must remain.

Mr. GARFIELD. How long?

Mr. ARCHER. Until all probability of difficulty with Spain shall have passed away.

Mr. GARFIELD. How long will that probably be?

Mr. ARCHER. The gentleman dares not, as a member of the republican party, recommend the withdrawal of our fleet from the Cuban waters with these difficulties pending.

Mr. GARFIELD. The gentleman will allow me to remind him that when the proposition for a permanent increase of the Navy was before the House—an increase of the Navy to ten thousand men—I moved a limitation of that increase so as to make it temporary, to provide that it should be cut off by the 1st of January next at the latest date; and the Secretary of the Navy can cut it down below that at any day he pleases.

Mr. ARCHER. The Senate has struck out that provision.

Mr. GARFIELD. And the Senate refuses to pass the bill altogether, so as not to allow any increase at all.

Mr. ARCHER. But if the bill be passed, have we not that additional expense until the 1st of January next?

Mr. HALE, of Maine. That is allowed for in this bill. Now, does not the gentleman know that so far as concerns these increased expenditures resulting from the Virginius affair, the Secretary of the Navy has already taken measures to cut them off; that he has put out of commission certain vessels that he had intended to send to the Cuban waters, saving for other and smaller vessels the great force that would have been put upon them, while he holds those ships in readiness (they being already repaired) to go at a few day's notice, the expense meanwhile being stopped?

Mr. ARCHER. But still expense has already been incurred; and a separate appropriation has been made. Besides, these vessels must be kept in their present state of repair. I am sure that my friend from Maine, in view of the vast sea-coast of his State, would not now advise the removal of these vessels from the Cuban waters with the Spanish difficulty still pending.

Mr. Chairman, if I am correctly informed we have now afloat in the Cuban waters three or four hundred guns. Spain has an equal number. There is every day danger of a collision between these forces. Sir, there is at this day a feeling in the country that this House, controlled by the republican party, has smothered the resolution of the gentleman from New York, [Mr. COX,] declaring in favor of granting belligerent rights to these people in Cuba who have been so long struggling for their freedom. Are my friends on the republican side going to ignore this demand of the people? Are they going to ignore this cry of humanity? Do they intend by the passage of an appropriation bill such as this to invite war or to invite further butchery of our citizens? This bill means an invitation to the Spaniards to butcher with impunity any of our citizens whom they may arrest upon the high seas, although they may be covered by an American flag.

What matters it whether or not the Virginius was rightfully bearing our flag? The blood of our murdered citizens cries aloud from Spanish soil that the outrage perpetrated upon them has not been avenged. The widows in our land are to have—what? Reparation in money damages! When? Perhaps when their children become gray-haired sires, if they are paid as claimants against the Government in cases of this kind are usually paid. No, sir; this bill is a delusion. In my opinion the Committee on Appropriations cannot have had the serious recommendation of any Secretary of the Navy that any such bill should be passed.

So far as the bill proposes to reduce the civil expenses of the navy-yards, it is right. During the six years I have been here no naval appropriation bill has passed when I have not insisted upon a reduction of the civil force in the navy-yards. Three or four times a provision for twenty-nine or thirty clerks was struck out by this House at the earnest solicitation of Mr. Lynch, then a member from Maine, and myself; but the appropriation was always restored in the Senate until last year, when we did manage to strike out a provision for twenty-nine clerks. And this navy-yard here had an establishment of

forty-three officers and civil employés to run, at one time, about four hundred and fifty men. They have kept up the navy-yards, until this bill came in, with a civil force in them equal to the civil force which was used during the war. I have always protested against that; and I earnestly commend the Naval Committee and the Navy Department for recommending this reduction. It is right, and it is proper, for these expenditures are unnecessary and uncalled for in every respect, and should be reduced.

The next reduction this bill makes is in furnishing and buying materials. Large reductions are made in that respect. Now, sir, the little preparation we had to make in the course of a month when threatened with a war in reference to Cuban affairs was accomplished under former appropriations in the accumulation of materials in the navy-yards which could be immediately used. By the proposed great reduction in this bill we will cease to lay up in the navy-yards that material and those supplies which will be necessary to give life and activity to the Navy when the stormy day of war approaches. In that respect there is a reduction, and there is almost the only reduction.

Another reduction is in the appropriations for ordnance. While we were in our recent difficulty we were left in the position of needing one hundred eleven-inch guns which had been ordered, and which could not have been got ready in the time of thirty days if a partial pacification had not taken place. Yet, sir, they were absolutely necessary for the efficient fighting of the Navy, to make any contest at all.

Mr. Chairman, no greater mistake, on the cry of economy, can be made than the reduction of the Navy. The true economy of this country is to keep up a fair, strong Navy, in order that war may be averted, and not be economical until war comes and then go into wild extravagance, which always follows in a state of war. The true economy of a government is to keep a strong Navy. We have the naval officers, and we should keep up our naval vessels and sustain the Navy Department.

For years past the friends of the Navy have been doing their utmost to keep its head above water, with varied success.

Now and then a liberal spasm seems to animate Congress, but the effect is only momentary; an economical reaction ensues, and the Navy sinks back to its ancient inefficiency as regards material of war, until we are finally caught napping at the critical moment when we should be prepared to defend the honor of our flag.

No civilized people know so little about a Navy and what it requires as those of the United States. It is a separate profession, only understood by those who have been educated in all its details and who comprehend its necessity for the protection of our citizens and commerce.

The recent troubles with Spain have turned public attention to the necessity of placing our Navy in a condition not only to defend our shores, but, if necessary, to carry the war into an enemy's country.

In time of peace most of those who are not personally interested in keeping up a naval establishment are clamoring for retrenchment and the cutting down of appropriations to such a figure that it would be impossible for any Secretary of the Navy to keep our squadrons up to the standard of the most inferior powers.

As soon, however, as there is a prospect of war the noisiest opponents of naval expenditures are the first to cry out, "Where is the Navy upon which the nation must depend when its flag is insulted, its ships captured upon the high seas, and its citizens butchered?"

A foreign nation may, in our naval weakness, undertake to decide what vessels have a right to carry the American flag, which she would not do if the United States were powerful enough at sea to look after their own interests, and we may fairly conclude that the United States Navy is an illusion, since it in no way represents the power of the country nor is adequate to protect our citizens.

Congress is often deluded by assertions and such decided language that it would seem as if they were spoken by authority. For instance, on the 11th of December my friend from Connecticut [Mr. STARKWEATHER] stated in his speech in this House that, "at Key West and other places within eight hours' sail, there are nearly four hundred guns that can be promptly placed on the scene of action whenever necessary." Such statements lead people astray, and it is inconceivable how my friend could make them, especially a late member of the Naval Committee.

The fact is, on the 11th ultimo there were at Key West, the Worcester, of 16 guns; Saugus, 2 guns; Mahopac, 2 guns; Ossipee, 8 guns; and at Santiago de Cuba, the Juniata, 8 guns; Wyoming, 6 guns, and the Kansas, 3 guns—45 guns all told; and these had been sent there after unexampled energy in getting them ready for service. All the guns that the United States Government could concentrate in Cuban waters after withdrawing the European and Brazil squadrons would only amount to 468, and this would leave the two latter stations with only one vessel each to look after American interests.

Had the Secretary of the Navy hesitated in the course to be pursued we should have had but a corporal's guard of ships in Cuba and would have made a sorry figure; but he took the proper steps, and the officers have responded with an energy that shows of what stuff the Navy is made when emergency demands haste.

My object is to show the exact condition of the Navy, so that every member can fully understand the situation of affairs; and I hope after this that we shall not deceive ourselves with the idea that we are a great naval power, or that we possess as many ships now as we did when the rebellion ended.

Many persons are harping upon the large fleet we possessed at the close of the war. These were mostly vessels that were bought from the merchant service or improvised for use on the rivers. Some were built of green timber, a number were experiments and failed, and what were not really serviceable for naval purposes were sold and the proceeds turned into the Treasury.

At this moment there remain on the list 93 wooden vessels of all kinds, including sea-going ships, receiving-ships, store-ships, hulks, school-ships, and on the stocks, of which number 40 are serviceable or capable of being made so in six months, carrying, all told, 349 guns.

These are all the available guns in steamers the Navy can command. The few sailing-vessels can only be used in the future as receiving or store ships.

We have about 8 iron-clads that could be got ready in a short time for service, carrying 18 guns of large caliber; but I will not give them in detail.

The fact that the Navy Department calls for $21,000,000 a year would lead people to suppose that we must have something to show for it in the way of ships; but none of this money is intended for the building of vessels, and only part of it is used for repairs, which enter so largely into the accounts of a naval establishment.

The report of the Secretary of the Navy for the year 1873 will show that out of $19,252,235, only $5,705,000 were required for repair of vessels and machinery, and none for increase, all the rest going for pay of officers, seamen, and marines, pay of civil establishment, Ordinance and Torpedo Corps, coal and equipments, navigation supplies, hydrographic work, Naval Observatory, provisions, repairs of hospitals and laboratories, surgeons' necessaries, contingent expenses of various Departments and Bureaus, Naval Academy, support of Marine Corps, Naval Asylum, maintenance of navy-yards and docks.

Twelve years ago, previous to the late war, the estimates were not so large; but it must be remembered the entire expenses of the Government were very much less at that time and the prices of labor and material have nearly doubled. A portion of the increase of expenses is due to the fact that members of Congress living in districts which contain navy-yards get a greater number of men employed than is required, and these are not always skilled workmen.

Any one taking the register for 1873 as a guide would suppose we possess a respectable Navy even for this great country. But the register fails to state the number of vessels fit for war purposes and how many are worthless.

There are means of ascertaining all these matters, however, and what I have here stated can be relied on.

An exposition of the facts will, I trust, tend to dispel the illusion that has so long prevented our Navy from taking the stand to which it is entitled among the navies of the world.

When the war of the rebellion ended our best ships had gone through a terrible ordeal, and all that were not required to be sold were laid up for repairs. Battle and hard usage had rendered them unfit for service, and many had to be almost entirely rebuilt. This was a slow task to accomplish out of appropriations which, as I have before stated, were made for specific purposes, and in which only small sums were allowed for construction and repairs.

Time after time the condition of the Navy has been brought to the attention of Congress by the Department, and the wants of the service plainly stated; but with the exception of eight sloops-of-war authorized to be built at the last session, two of which were of iron and of little value as war-vessels, no steps have been taken to save the Navy from the scrap-heap.

Mr. HALE, of Maine. Does not the gentleman know that during the last three years the Secretary of the Navy has been able, out of the fund given him by Congress, to repair five or six vessels to that extent that they are to-day almost the same as new vessels; and that with the new vessels which were authorized to be built last Congress they will add thirteen new vessels, at least practically new vessels, to the Navy; and, being new, will not require so much repair as old vessels, and that therefore he can afford to cut down?

Mr. ARCHER. I believe such is the fact, except in reference to cutting down; because others have been rotting while you have been cutting down.

Mr. BECK. Let me ask my friend from Maryland whether, since the settlement of our difficulty with Spain in the Virginius matter, the Committee on Naval Affairs could not unite in recommending to the Senate the return of the bill sent to them by us to authorize the employment of fifteen hundred additional sailors, as they are now no longer necessary?

Mr. ARCHER. The views of the Naval Committee I cannot communicate to the gentleman, because the matter has never been discussed. It was not offered from our committee. Whether or not I should advise the withdrawal of that bill from the Senate depends very much upon whether or not this House intends to acknowledge the belligerent rights of struggling Cuba; or whether or not this House intends to allow her citizens, when taken under our flag, to be offered up without trial, in contravention of solemn treaty, not as martyrs, but to be butchered by a foreign people. And as the gentleman has propounded a question to me, I ask him whether or not he is in favor of acknowledging the belligerent rights of the Cuban people?

Mr. BECK. I would like to see Cuba free, but I would not violate any treaty in order to obtain that result; but I would, if I were on

the Naval Committee, insist on that bill being returned to us after the developments which have been made, because fifteen hundred additional men are no longer needed for the Navy; and I hope the gentleman will urge that on his committee.

Mr. ARCHER. Then the Naval Committee would assume a power which this House ought to assume, to determine whether or not Congress intends to acknowledge the belligerent rights of the Cuban people. It is not within our province—I mean within the province of the Naval Committee—after the vote by which the bill was passed and sent to the Senate, that we should arrogate this to ourselves.

Mr. BECK. Was not that done at a time when war seemed to be imminent?

Mr. ARCHER. Not more imminent, I believe, than it is at this moment.

Mr. BECK. Have not reports been put in that we knew the condition of the Virginius six months ago, and that we have put ourselves in a position which cannot be very gratifying even to the gentleman from Maryland, [Mr. ARCHER?]

Mr. ARCHER. It matters not what may have been the position of the Virginius. Our duty is the same as though she had been a pirate, provided the American citizens on board of her were innocently on board of her, and knew not that she was a pirate when they went there; and when they claim as American citizens the protection of the flag, the Government should see that they are protected.

Mr. SCOFIELD. When the bill to increase the number of enlisted men in the Navy to ten thousand was before the House, I stated, the bill being under my charge, that I would not of myself have agreed to enlarge the number of men in the Navy on account of our supposed difficulties with Spain alone, because I had no doubt that the Virginius would be in one of our ports in a very few days. I happened to know, what I suppose was unknown to the House generally or to the country, that the order for her delivery had been given and a vessel had been sent from this country to Cuba in order to receive her. And therefore I stated that I would not, on account of any threatened difficulties with Spain, vote to enlarge the number of men, if I had not been of opinion that the Navy needed this enlargement all the time for its ordinary purposes. Ever since I have been the chairman of the Naval Committee the Navy Department have been urging the necessity of more men, and I had at last become fully convinced that they ought to have more men for the ordinary force of the Navy; and the committee had concluded to report that increase of men. This statement, Mr. Chairman, was made to the House at the time the bill was on its passage.

Mr. BECK. Now, let me ask the gentleman from Pennsylvania [Mr. SCOFIELD] this question: Does he believe that this House, but for the impression that was upon the minds of its members that war was imminent, or that there was danger of it, would have increased the Navy from eighty-five hundred to ten thousand men? No matter what his individual opinion was, if he had told us that he knew then that there was no danger, does he believe the House would have done it?

Mr. SCOFIELD. I believe the House would never have passed that bill if they had not had this Cuba-Spanish craze. The whole country had it, too, at that time. But I was frank enough to state to the House that that did not affect me, and I believe it did not affect the committee. They reported the bill because they believed we needed that force all the time, even if we had had no difficulties with Spain. And if the House was fairly treated by the committee which reported the bill, they have no right to complain if they did what they may think now they should not have done.

Mr. BECK. Does the gentleman not think that it was his duty to have told the House what he now tells us he knew at that time?

Mr. SCOFIELD. I could not tell the House, because that would be telling the country what I knew at that time; but I do state that I had the best evidence to believe the Virginius would be in our ports in a very few days. And the committee did not ask the House to pass the bill on account of any threatening difficulties with Spain.

Mr. ARCHER. I shall now resume the floor, after I have yielded to the gentleman from New York [Mr. COX] for a question.

Mr. COX. If I can get the attention of the gentleman from Pennsylvania, [Mr. SCOFIELD,] I wish to ask him how long before that bill was reported he knew that the Virginius would be sent back to our ports?

Mr. SCOFIELD. I cannot say now.

Mr. COX. Was it when that peculiar bill was in committee?

Mr. SCOFIELD. I never said anything to the committee about it. I happened to learn almost accidentally that a vessel had been detailed for the purpose of receiving the Virginius. I received the fact in such a way that I was not in a condition to communicate it.

Mr. COX. Then the gentleman regarded it not as a war measure, but as a peace measure?

Mr. SCOFIELD. I did so regard it. I judged from the complaints of the Navy Department, and from the representations made by naval men to the committee at the time, that we needed this additional number of men. When we sent a single vessel to join a squadron abroad we had to get a number of men to man the ship we sent out, and we had difficulty in getting them. We did not have the relays that were necessary, and the Navy was complaining all the time.

Mr. COX. I wish to ask the gentleman from Pennsylvania one more question. Did he know at that time the peculiar circumstances under which the Virginius was to be delivered to us; that we were to omit the salute to our flag; that the Virginius, in other words, was to be sneaked out of Havana; that she was to be sent to a distant bay and there delivered?

Mr. SCOFIELD. I do not know if anybody knew all that. [A laugh.]

Mr. COX. I did not suppose that you did.

Mr. RANDALL. I want to ask the chairman of the Committee on Naval Affairs whether, admitting that a force of ten thousand men was necessary for the Navy, it was a matter which required legislation to be brought into this House and passed through a *furor* of war, and whether it is his duty now to obtain a repeal of that law?

Mr. SCOFIELD. I believed we needed the men all the time, and if anybody else voted under the *furor*, they were properly informed about it by the committee.

Mr. RANDALL. I voted under patriotism; a patriotism which the Government did not exhibit.

Mr. GARFIELD. I ask the gentleman to allow me to make a statement.

Mr. ARCHER. I will yield for a moment longer.

Mr. GARFIELD. I think gentlemen are laboring under a misapprehension as to a matter of fact. The Secretary of the Navy sent in a letter to the House of Representatives, setting forth that when the emergency arose he took the authority, assumed it in order to meet the emergency, of increasing the number of enlisted men in the Navy to ten thousand; that in doing so he exceeded the law; and he laid the facts before Congress, and asked Congress to pass a condoning law and an additional sum of money to pay for the enlistment of the additional men. He asked the Committee on Appropriations to legalize his action; but the committee told him that they could give him an appropriation but could not in an appropriation bill legalize what he had done contrary to law; and that he had better call upon the Naval Committee to bring in a condoning act authorizing this temporary increase of the Navy. We referred that very letter to the Committee on Naval Affairs, and they brought in a bill, not to provide for a permanent increase of the Navy, but to condone what had been done by the Secretary in the emergency.

Mr. ARCHER. By referring to the Navy Register of 1873 we find the following classification of vessels:

Class.	No.	Tons.	Guns.
STEAMERS.			
First rates	5	15,163	186
Second rates	22	57,247	553
Third rates	31	14,126	112
Fourth rates	5	2,453	16
SAILING-VESSELS.			
Second rates	5	13,300	36
Third rates	16	14,706	188
Third rates	10	7,307	89
Fourth rates	4	2,644	9
IRON-CLADS.			
Second rates	7	14,386	32
Third rates	4	4,275	16
Fourth rates	37	18,458	73
TUGS.			
Tugs	27	4,802	11
RECAPITULATION.			
Steamers	63	88,989	867
Sailing-vessels	29	38,125	322
Iron-clads	48	37,119	121
Tugs	27	4,802	11
Grand total	.....	169,035	*1,321

*In this number of guns are included 41 howitzers.

I will now proceed to classify the different vessels, with their approximate cost. The Colorado, Wabash, Minnesota, and Franklin cost $3,795,000. The three first named were built eighteen years ago, and the Franklin was launched ten years ago. They were built with auxiliary steam-power, and their average speed under steam is not over seven knots.

The Niagara was pulled to pieces for repairs, work suspended on her, and the vessel has so deteriorated that she cannot be rebuilt.

Of the 31 second rates, 5 have never been launched, but have rotted on the stocks. The Nevada and California were condemned, having been constructed of green timber.

In 1869 a board of naval officers was ordered to examine into the condition of the vessels of the Navy, and their report was laid before Congress. The board stated that the Florida, Iowa, and Tennessee were worthless for war purposes; that the Severn, Congress, Worcester, Benicia, Alaska, Omaha, and Plymouth are white-oak vessels, and not to be classed as ships of war, although some of them have represented the country abroad. The aggregate cost of the above

vessels was $11,248,000, and they are characterized by the board as the offspring of irretrievable blunders.

The Delaware and Illinois are decayed; on them over $2,000,000 were expended.

The Susquehanna is eighteen years old, and has gone to the scrap-heap. The Powhatan and Saranac, side-wheel steamers, are twenty-five years old, and although in service for want of better vessels, have outlived their natural term of existence. The 5 ships of the Lancaster class, with the 4 old frigates, are the only vessels in the service deserving the title of ships of war, and even they are not at all suited to go into battle with more modern vessels or resist the improved ordnance at present in use. The Lackawanna class, carrying 10 guns, have been somewhat improved, but still possess so many defects as to be very objectionable ships of war. They are slow under sail and under steam, and have no room for provisions or coal.

Of the 23 third rates, the Juniata and Ossipee can neither sail nor steam fast, and are dangerous at sea. In a recent gale the Ossipee lost all her boats.

The Quinnebang, Swatara, and Galena have all gone to decay, but, like the Phœnix, are rising from their ashes with new live-oak frames. What they will be remains to be seen a year hence.

The Mohican, Iroquois, Kearsarge, Wachusett, Tuscarora, and Wyoming are a fair class of vessels, but too small to cope with ships of any size. They steam and sail well, however, and would do irreparable damage to an enemy's commerce.

The Navy is much in need of such vessels with modern improvements.

The Mohican is rotten, the Nantasket in like condition, and the Narragansett is so slow she can scarcely keep out of her own way. Thus, out of these 31 vessels, only 5 are fit for service.

In the East Indies we have 2 old "double-enders," the Monocacy and Ashuelot. These cruise in the rivers of China, and are too unseaworthy to be sent home. Everybody conversant with naval matters is aware of the utter worthlessness of this class of vessels, and in what a spirit of stupidity they were conceived. It is only strange they have not long ago proved coffins for all on board of them, yet these offsprings of the late war are classed among the ships upon which the country must depend in case of hostilities. Even the Chinese laugh at them as inferior to their junks.

The Nyack, Shawmut, Kansas, Nipsic, Saco, and Yantic are small 3-gun vessels, whose best point is their imposing appearance since being rigged as full ships. Such vessels may delude the Chinese, but cannot deceive those accustomed to ships of war. The Nyack is in Rotten Row, in California, where all the rest of her class will go in the course of two years, at the end of which time they will be literally worn out.

RECAPITULATION OF STEAMERS.

On the stocks, work suspended, and decayed	16
Worthless	2
Under reconstruction, which will require six months	2
Number not to be classed as ships of war	5
Total number of steamers not available	25

Leaving a remainder of 38 available vessels, including the 10 ships reported by the board of naval officers "worthless as ships of war."

Of the sailing-vessels, the New Orleans, at Sackett's Harbor, and Virginia, at the Boston navy-yard, have been on the stocks since 1818, and are both rotten. Six are receiving-ships, and are mostly decayed, their decks in some cases not permitting the exercise of guns, and the spars and rigging in such condition that the men cannot be sent aloft to exercise sails. Most of these vessels have attained the usual age at which an admiral in the Navy is retired, and were formerly put down in the register as mounting 74 guns each.

The average age of our sailing-ships, leaving out the Idaho and fourth rates, is thirty-seven years.

The Constitution was built in 1797, and is all in pieces, to be patched up for the centennial celebration. The Independence, at Mare Island, is fifty-nine years old, is decayed, and is used as a receiving-ship. The Vandalia and Marion, built in 1828 and 1829, are being converted into screw-steamers, and will not be ready for sea under six months, and even then will be but a small addition to our naval force. These vessels are now on the register as carrying 12 guns—a system of estimating batteries that has existed since 1818; but which affords no clew to the actual force of our ships.

The Portsmouth sailing sloop-of-war, with a light battery, is absent surveying the Pacific Ocean. Being engaged in peaceful pursuits she is unprepared for war, and in case of hostilities would be an easy prey to some 1-gun steamer that could take position and cut her to pieces.

Four of the sailing-vessels are store-ships. The Idaho, built at an expense of $500,000, is lying at Yokohama, Japan, good for nothing, and has been ordered sold and the money turned into the Treasury.

Four of the sailing-vessels are used as practice-ships at the Naval Academy, and as ordnance-vessels; but none are in condition to go to war for want of steam-power; and although noted in the register as carrying a certain number of guns, they are, in some cases, not armed at all, and in others have only unserviceable ordnance.

All the old ships of the line, once so formidable, are used as receiving-ships. They are mostly gone to decay; are unfit for sea; and it would be unwise to expend money on them, as no officer would wish to command such vessels in time of war.

When Ericsson built his little Monitor and it was launched against the plated-vessel Merrimac, all the wooden ships of the line went to cover, as sportsmen say, and from that day to this no vessels of that kind have been used for battle in foreign navies. All experienced seamen knew how useless a sacrifice it must be to bring these ancient structures into action against the thickly-plated war-vessels of the present day. Had we vessels of this kind now with steam-power we should probably use them from sheer necessity, as we did unfit vessels during the war of the States, when the indomitable spirit of our officers undertook the most difficult enterprises and succeeded, to the surprise of all Europe, whose officers predicted certain defeat.

We have no right to ask men to sacrifice themselves when we deny them the means to insure success.

Naval officers do not fight for pleasure, but from a stern necessity and the orders of their Government. The Navy was not made as an amusement for naval officers, but to protect the honor and interests of the Republic when assailed by foreign arrogance; and if we expect success, we must give the Navy the means of accomplishing it.

We send our officers to school at an annual expense of $120,000, and educate them to the highest professional standard; that is, we educate them to be killed in defense of their country and make them food for gunpowder. We expect them to conquer or die, and woe be to the officer in command of a 5-gun ship who should be obliged to strike his flag to an enemy of four times his force; the nation, in its humiliated vanity, would never forgive him. We expect everything from naval officers, and yet deny them the means to accomplish the ends in view. It is like telling a man to walk the rope across Niagara Falls, and giving him a thread to walk on.

I will now refer to our iron-clad navy, of which so much has been said and so much repeated. Constant allusions are made to the great efficiency of this part of our naval force and the wonders to be accomplished by their formidable guns. There stand on the Navy Register 48 vessels of this class, carrying 121 guns, and were they really good vessels this would be a formidable force; but they were built without due consideration of what they were to accomplish.

Originally intended for coast and harbor defense, they have been made to do the duty of sea-going vessels, for which they are utterly unsuited.

In his report for 1871 the present Chief Naval Constructor speaks of the iron-clads, as follows:

> Very little can be said in their favor; 40 of the 51 vessels are of less than five hundred tons measurement, cannot carry a modern battery, have very little speed, and consequently cannot be of much use in fighting an enemy in an offing or in protecting a harbor.

They were built in violation of established principles of naval architecture, and have been of no practical service to the country, unless their name "iron-clads" has spread terror throughout the world. Four of the largest iron-clads are now on the stocks, two of which are too much decayed to be completed and should be broken up.

Referring to the Secretary of the Navy's report of 1869–'70, he says:

> The remainder of the Navy, not in commission, consisted first of 46 iron-clads and monitors of every class, laid up at various stations, none of which could be got ready for service without thorough overhauling and extensive repairs to hull and machinery, and of which 32 had been condemned and ordered to be sold as not adapted to our service, 26 of them never having been in commission.

The Secretary should have added, that after being built these latter vessels barely floated and that was all, and that had their batteries been placed upon them they would have gone to the bottom.

Some twenty of these, called light-draught monitors, were all built on one plan, but whose plan no one ever found out. Like "Japhet in search of a father," no paternity has been discovered for them. They were built during Mr. Welles's administration, and benefited nobody except the contractors.

No naval officer had anything to do with these vessels, nor gave any advice in relation to them, but all condemned them from the beginning. They cost upwards of $15,000,000, and stand a frightful monument of the folly of designing vessels in which officers are to fight, without consulting their experience in such matters.

In fact, for the past fifteen years the Navy has been most sadly managed from the absence of the proper naval advice and experience in the designing of ships, and the only thing built during that period approaching a success was the "New Ironsides," planned and superintended by Rear-Admiral Joseph Smith.

This vessel was allowed to burn up, as she was a reproach to the failures by which she was surrounded.

An attempt was made to sell these so-called "light-draught monitors," and a few were disposed of for old iron, bringing but a few thousand dollars. For two now at the navy-yard $2,500 was offered, but the Government declined to sell, as they would answer for rafts in case it was desired to block up a channel.

Here, then, at once disappear 40 of the 121 heavy guns yearly reported in the Navy Register, which report, however, let me repeat, did not originate with the present Secretary of the Navy.

Then there is another lot of monitors—the Mahopac class. Three of these, the Mahopac, Manhattan, and Saugus, have been repaired and improved as far as the nature of the vessels would permit, and are now at Key West. Yet, although, as they are now, they are good vessels in smooth water and for harbor defense, they were never intended for a sea voyage. Such, however, are the necessities of the Navy De-

partment that the Seretary has either to send these vessels to sea or else have the Cuban coast without ships of war when it is necessary that every gun should be there. These monitors must all be towed to Cuba. Their hatches are battened down, and all holes, including ventilators, closed up, so that the inmates are nearly stifled and have to take turns on the little turret to catch a mouthful of fresh air.

If they should get adrift from the vessel towing them (a not unusual circumstance) the chances are they will founder in the gale or be run over by some passing vessel that cannot see them in the dark. Let me ask, is this the kind of vessel on which such a nation as ours should depend for victory, or on which to condemn their officers and men to serve at sea?

For harbor defense the monitors have no superiors, for they can run into shoal water out of the way of the great leviathan rams which all nations but our own possess, and which in an open sea would run through a fleet of these vessels, sinking and scattering them in all directions.

Imagine one of the best of our monitors exchanging shots with the iron-clad Numancia. The latter, displacing some ten thousand tons and going at the rate of fourteen knots, would strike the monitor with a force of one hundred and thirty thousand foot-tons, which would capsize her like a turtle and send her with all hands to the bottom. It is for such work that these large vessels are built.

The largest of our iron-clads, the Amphitrite and Terror, are both rotten—the former unable to carry her coal and provisions. The latter is being prepared as well as circumstances will admit to go to the West Indies.

Some of our iron-clads have been miscalled sea-going, but there are none of them that properly come within that category. Such as were so called are now almost worthless. The Roanoke is scarcely fit for harbor defense; the Puritan now lies at League Island with only her machinery and boilers on board, and the Dictator is undergoing such repairs as the Department can give her preparatory to joining the fleet in the West Indies. She may arrive out there in safety, but there are chances against it.

These vessels are all failures. They were built by contract during the rebellion at a cost of $4,000,000. They are condemned by professional men except for harbor defense, though officers go on them without flinching, notwithstanding their unsuitableness for making war outside of six fathoms of water. Four of this class, each of a tonnage of 2,117, are now on the stocks. They were commenced in 1862, and have attained a rotten condition without ever having dropped into salt water. The cost of these four vessels was over $4,000,000.

The number of available iron-clads at this moment is very small, amounting in all to 6, only 3 of which are ready for sea. Thus of the great list of iron-clads in the register, 42, carrying 84 guns, are available for service. After the launching of the first light-draught monitor, with all the tinkering that could be done to her, there was no expectation of utilizing the others, and they remain at League Island—a monument to the stupidity that designed them. Thus it will be seen that the total number of guns available in monitors is 14; and in the course of four months five or six more of these vessels, mounting an equal number of guns, may be got ready. That is all the Department can do in this direction without incurring a very heavy expense for which Congress makes no appropriation.

A recapitulation shows that out of 121 guns named in the register, we can count on 14 guns now, and 14 guns more in four months' time.

Among the vessels reckoned available are 27 tugs, such as you may see any day in the Delaware or in New York Harbor, tugging merchant-ships to sea. They vary in size from thirty to three hundred tons, and some are built of wood, others of iron. The Polaris, lost in the Arctic expedition, still figures on the Navy list, and other tugs are employed in towing vessels in and out, or running from the navy-yard to the powder-station. None of them are fit to carry anything larger than a howitzer, and few of them have any speed. For want of better vessels several of the tugs have been fitted as torpedo-boats, and one or two used as dispatch-vessels at Key West; but such craft do not enter into the number of war-vessels, and their names on the register only serve to delude people with the idea that we have an effective Navy.

In the above statement you have the facts, which can easily be verified by a reference to the reports of the Secretaries of the Navy since 1861, in which all these things are set forth, and they are particularly noted in the report of the board of which Rear-Admiral Goldsborough was president in 1861-'62. It is a humiliating story to tell, and it looks as if some one had neglected his duty, but as Congress has made no appropriation whatever for the repair of these vesssls or to supply their places, we must conclude that the Navy Department is not to blame; but the blame is with us. The magnificent bubble of 167 ships and 1,200 guns has been pricked, and the indisputable fact remains that we have only a Navy on paper, and it has required herculean efforts on the occasion of the Cuban imbroglio to get a few ships to sea to maintain the honor of the flag, which is on the ocean in the keeping of our Navy. Out of all our ships afloat when these troubles broke out we could only command 37 vessels, carrying 530 guns, in the European, North Atlantic, and South Atlantic waters, to recall which would leave our commerce, in case of war, at the mercy of the smallest privateer the Spaniards could send to sea. You naturally ask, "What has become of all the money appropriated for naval purposes since 1861?"

During the war $280,000,000 were spent for the Navy, out of which all the above-mentioned vessels were built or contracted to be built; and it is safe to say that in no country were there ever so many frightful failures made, or so little professional knowledge brought to bear. Naval officers were not consulted in the construction of these vessels, and contractors made large fortunes out of the life-blood of the service.

Since the war $203,000,000 have been expended, but this has gone for the annual expenses, as $400,000,000 have gone for the annual expenses of the Army. Some of the annual appropriations have gone toward saving from actual destruction the few good ships we had left after the war, and in keeping up the navy-yards to meet the increasing demands of the country, the utility of which has been seen in the rapid manner in which our available ships have been fitted for sea on the present occasion.

And now the condition of the whole Navy has been fairly stated, and there is no remedy for many mistakes of the past. The only thing to be done is to avoid such expensive errors in the future; but this cannot be done unless the subject is thoroughly examined and the remedy applied in the proper place. Let us have no more such frightful failures as have made us the laughing-stock of the world, and left us, at the moment when our flag has been outraged and our citizens butchered, without the means of forcing compliance with our just demands in case they had been refused. Let us build up the Navy anew, and place our officers in possession of means to do what the American people demand of them in case of war. We may hold our own against imbecile Spain in case we should drift into war with her, but if so, it will be owing more to the indomitable energy of our officers than to the aid Congress has given them.

And now let me say a few words with regard to our future policy in building ships.

Heretofore the naval element has been ignored altogether, and designs for ships of war have been intrusted to men who have never been on the ocean, and who, no matter how great may be their mechanical ability, know very little of the qualities required in a ship of war. The result has been those miserable failures which have cost so much money, and left the Navy in time of necessity in no condition to meet emergencies.

No ships should be built unless the plans are approved by the highest professional ability in the Navy, for no men are so well qualified to pass judgment in such matters as officers who have commanded ships and fleets in peace and war, who have studied the best specimens of naval architecture abroad, and who have devoted their life-time to their profession.

One would suppose that the hearts of our officers would fail them when ordered to give battle to an enemy ten times their superior in ships and ordnance; but still they obey orders with alacrity, never thinking of objecting to the feeble arrangements which they know offer almost certain destruction to them in case they should encounter any of the improved vessels of war.

When the original Monitor encountered the Merrimac in smooth water at Hampton Roads, which was the most desirable condition of affairs for her, and held the monster at bay, all Europe was astounded; they saw that the day for wooden ships in action was over, and they laid aside their large vessels and constructed new ones of the heaviest iron—far superior to anything we ever built. They commenced where we left off, and have so far outstripped us that England now has an iron-clad fleet that we could not prevent entering any of our principal harbors.

One of her heavy iron-clads would go through our entire fleet unless an accidental shot from our fifteen-inch guns should disable her, which would be a mere chance. Nothing in our Navy could stand the crushing power of these vessels, and our array of guns would dwindle in one battle to a very small fraction.

With the lights of European experience to guide us we have done nothing; and notwithstanding the warning we have had we shall very likely continue to do nothing, until some day this nation will be so humiliated before the world that there will be a howl from one end of the Union to the other.

We are not wanting in skilled mechanics to carry out the plans of experienced naval officers, who are alone familiar with the best models in foreign navies, have seen the ships in service, have heard them criticised in all points by their officers, and have noted the defects which we should avoid in constructing such vessels. England has made some failures in her great experimental vessels, but they are nothing in comparison to our own, and have cost not half as much.

England, to-day, can hold in check with her iron-clad fleet all the navies of the world. It is her policy to build such ships. The safety of her coasts and the interests of her great commerce demand it. We have a like interest at stake. Our coast is as important to us as England's to her, and our once more increasing commerce demands our fostering care. Our policy should be to build as heavy iron-clads as any nation on earth, and with the best speed, for without speed ships are of little use. We should have a certain number of powerful monitors, ready at a moment's notice to keep an enemy from our harbors, for our late experience in war tells us that ships don't hesitate to attack and silence forts, or pass them when the opportunity presents itself.

History shows us that in no instance have forts alone been able to withstand the concentrated fire of ships properly directed. Witness Nelson at Copenhagen, Exmouth at Algiers, Duckworth at the Darda-

nelles, the English at Acre, the French at Vera Cruz, and our own success against New Orleans, Mobile, and Fort Fisher.

All these facts should be seriously considered, and wise men should ask, "What is the remedy, under similar circumstances, that may be forced upon us ere we know it?"

Part of our further policy should be to build fair-sized, swift cruisers that can keep the sea for a long period and destroy an enemey's commerce. This is the shortest way to finish the contest, for when a war begins to affect commerce there is always a loud cry for peace.

England could not long continue a war with a nation well supplied with fast cruisers, and for that reason she has adopted that system herself, only building six vessels of that kind to our one. She does not stop to consider the expense when providing for the safety of the nation and its vast commerce.

We spend thirty or forty millions a year for an army to keep down the Indians on our frontier, and are ready at any moment to double the amount for the raising of troops, to say nothing of spending millions in gratuities to the different tribes to keep them peaceful. Is our sea-board with its millions of people less dear to the country than the comparative handful of hardy pioneers, who are quite able to take care of themselves if permitted to do so?

In case of foreign war, which we are as likely to have as any nation, the seas would swarm with privateers, swift vessels that none of our cruisers could catch; and the sooner we go to work the sooner we shall be prepared for the emergency. When the proper number and kind of iron-clads are built there will be no more expense, as the vessels will endure for a century if properly cared for; and when the wooden ships are built they can be kept in repair with the ordinary appropriations, provided proper economy is exercised; and the number of mechanics in the navy-yards in time of peace be limited by law, unless the threatened approach of hostilities requires us in the absence of Congress to make needful preparations.

One word about our shipping system or enlistment of seamen. When an occasion occurs for increasing the naval forces, the hands of the Department should not be tied, but the Secretary ought to have authority to ship as many men as the manning of the vessels require. What is the use of ships if the Navy Department is unable to man them? There is no fear of any Secretary of the Navy overstepping the bounds of discretion. The Department would more likely keep within the limit, if it was liberal, than go beyond it. It is a difficult thing to get seamen in a hurry, especially in the summer time, when work is plenty and business brisk in the commercial line. Even now, when winter has blocked up the avenues of trade, and the commerce of the lakes is suspended for the season, sailors offer slowly because the inducements to enter the service are insufficient. Time after time the naval authorities have urged upon Congress the importance of supplying seamen with an outfit of clothing similar to that allowed soldiers and marines, for they are better entitled to it than either of the former. There is no reason why an outfit should be withheld from them, especially as in the Navy the wages are one-third less than in the merchant service. Now, every man in the Navy is in debt at the end of the year; hence so many desertions and the difficulty in keeping ships properly manned.

Mr. WOOD. Mr. Chairman, desirous of giving any bill reported from a committee so respectable as is the Committee on Appropriations candid and careful consideration, I feel very much embarrassed in attempting to address the committee to-day on this bill, because it came into my hands only this morning. It will be recollected that the bill was reported the day before yesterday, late in the afternoon, ordered to be printed, and made the special order for to-day. And until I could get possession of the bill itself it was, of course, impossible for me to give to it that attention which its importance demands. I feel, sir, not only embarrassed in attempting to discuss this bill from that cause, but additionally so because I find myself differing for the first time with friends on this side of the House with reference to the bill itself. Indeed, sir, I differ with the gentleman who has reported the bill in behalf of the Committee on Appropriations as to the fact of the alleged reductions; I differ entirely with the gentleman from Kentucky [Mr. BECK] as to the fact stated by him, that, in his opinion, the amount appropriated is entirely insufficient for the ordinary expenditures of the Navy; I differ also from my friend from Maryland, who goes much further and wants to give this country a largely increased naval establishment.

Mr. BECK. The gentleman will allow me to state that I intended to say that the amount at present included in the bill is far below what I know they will call upon us to give them before they get through.

Mr. WOOD. I understood the gentleman subsequently to say, in reply to the gentleman from Maryland, [Mr. ARCHER,] that he thought this would be an insufficient sum for the purpose.

Mr. BECK. O, no, sir.

Mr. WOOD. Then I misunderstood the gentleman, and, of course, I take that back.

But before proceeding to give the reasons for this difference of opinion, I desire to call the attention of the committee to some reflections which present themselves to me. Sir, before we proceed to consider one of the most important appropriation bills that may be reported to this House for its consideration, before we enter upon this great and important question of the disbursement of public money, I desire the House to remember precisely the attitude of the people of this country and the condition of its Treasury, because we cannot expend if we have not got the money, and it is a very pertinent and appropriate consideration to know in advance where the money is to come from.

We all know the lesson of last fall, and the unfortunate condition of the material interests of the country, growing out of what is popularly known as the panic, so destructive to many and injurious to all. We all know that one of the deepest and gravest lessons taught by that sad experience was the absolute necessity for economy. Every individual in the ordinary transactions of life, in his own individual disbursements, first thought how he should reduce his expenditures. The people of this country, instead of continuing the extravagance which had grown up during and since the war, have been endeavoring by every possible means to reduce their expenses to the lowest minimum.

The next point to which I wish to direct the attention of the Committee of the Whole is the embarrassment of the public Treasury. We find our revenues falling off, our internal revenue materially decreasing, and our receipts from foreign imports also materially decreasing. We find the Secretary of the Treasury, driven by the necessities of the case, and in my judgment, as has been properly stated by the gentleman from Kentucky, [Mr. BECK,] illegally and unwarrantably, to lay his hands upon a reserve that was as much a sacred deposit in the Treasury as any other special deposit may be in a bank, or the pockets of an individual. He was compelled to dishonor the credit of the United States or to draw upon the reserve fund of $44,000,000, which in my judgment the law gave him no right to do. But from the necessities of the case he did it; and I apprehend that Congress, in view of the circumstances, will be quite willing to pardon that extreme exercise of power.

What was the next step? Upon the assembling of Congress, within five days after we assembled in this Capitol, the Secretary of the Treasury sent us a requisition for additional taxation, internal and external, to the extent of $42,000,000, to supply this deficiency. So urgent was the case that he requested that before our holiday vacation we should pass such a bill into a law, so that he could immediately fill up this vacuum in the Treasury, and supply the deficiency which the circumstances of the country and the loss of the revenue had created. Taxation was demanded—more taxation upon the people of the United States at this juncture in their affairs. More taxation pending the absolute starvation of working men in this country, the prostration of our commerce, our trade paralyzed, and industry itself ahungered and starving.

Well, sir, what did Congress do? What did this House do? However others may reproach the action of this House for sins of omission and commission, I say that it deserves lasting credit for the course it took in response to this demand of the Secretary of the Treasury. Instead of complying with this demand for taxation upon the people, this House paused. It did as a practical, common-sense man would do when embarrassed in his pecuniary circumstances. It said, "First Mr. Secretary, before proceeding to this extreme measure, we will cut down expenditrres; we will not borrow; we will not tax, but we will see if we can reduce our expenses." A plain, homely, practical, Anglo-Saxon principle, coming home to the common sense and good judgment of every man in the country.

Then it was that the Committee on Ways and Means, through the Committee on Appropriations and by their consent and advice, with entire unanimity, reported to this House that the estimates furnished us by the Departments should be referred back to the Administration, that before we would provide the ways and means we would see if we could not reduce the expenditures so as to be brought within the revenues accruing to the Government, and avoid both more debt and more taxation. The resolution passed this House with entire unanimity, directing the several Departments of the Government to report to this House, on the 5th day of January, how far they could revise and reduce the estimates made by them for appropriations required to meet the expenditures of the Government.

Now, sir, I do not wish to say anything in derogation of the Committee on Appropriations. I believe that committee to be industrious, to be composed of gentlemen of intellect and integrity. But I cannot commend that committee when in advance of these revised estimates it reports its leading appropriation bills. Before the 5th day of January they brought in their Army appropriation bill, appropriating, I believe, about $28,449,000. And on Tuesday last, the 6th day of January, before the revised estimates had been received, they reported the Navy appropriation bill, proposing to appropriate between fifteen and sixteen million dollars more. And all this in contravention of their own action, by which they virtually declared to the world that until those revised estimates came in and were considered they would withhold the appropriation bills, in order to see how far they could be reduced to the present condition of the times and of the Treasury.

These are the facts; the fact of almost utter national and individual bankruptcy; the fact of a demand by this Administration for more taxation; the fact that this House has declared that before it will proceed to tax it will reduce expenses.

Now, does this bill show a reduction? Notwithstanding the able argument of the gentleman who reports it, when considered with the previous bill, already passed, it is not a reduction. This bill is not, with the four millions voted, a reduction of the ordinary annual expenses of the Navy Department, as compared with the last six

years. On the contrary, the two bills, the one we have passed already appropriating $4,000,000, and this bill, make an aggregate of $20,505,856, which is more than for any year since 1866 except one—the last. I hold the official statement in my hand and challenge contradiction. There is no reduction proposed by this bill. The gentleman from Maine [Mr. HALE] argued very elaborately and with ingenuity to show that there was a reduction. He told us, however, that the reduction was only in the civil force. Well, sir, I do not know what he calls this civil force of the Navy Department. I find no reduction in the Marine Corps, which is utterly useless.

Mr. HALE, of Maine. The gentleman must be mistaken; he cannot have examined the bill. The Marine Corps is cut down nearly 25 per cent.; the force in the Marine Corps is cut down exactly 25 per cent.

Mr. WOOD. One moment.

Mr. GARFIELD. The gentleman is misled by a misprint of the bill.

Mr. WOOD. I am not responsible for errors in the printing of this bill. The bill, I presume, was printed as reported, and when it is criticised we are told that it is a misprint.

Mr. HALE, of Maine. The misprint applies only to a single part of the bill. If the gentleman will examine the figures he will find that they show a reduction of 25 per cent. in the appropriations for the Marine Corps. And before the gentleman states that any particular item in this bill is not in the direction of economy because it does not show a reduction, he had better examine the figures of this bill in compraison with the act of last year.

Mr. WOOD. I have done so, sir; and I can show (though I had intended to reserve that part of my discussion until we should take up the bill by paragraphs) that the most important part of this bill is precisely in accordance with the original estimates sent in here from the Department—precisely.

One of the most remarkable paragraphs ever placed in an appropriation bill since the foundation of the Government may be found on the first page of this bill. For the edification of the House I will read it:

> For pay of commissioned and warrant officers at sea, on shore, on special service, and of those on the retired list and unemployed; and for mileage and transportation of officers traveling under orders; and for pay of the petty officers, seamen, ordinary seamen, landsmen, and boys, including men of the engineer's force, and for the coast survey service, eighty-five hundred men——
>
> Now, mark—
>
> Eighty-five hundred men, at an average pay of $300 each per annum, $6,250,000.

In other words, the object is to have it go forth to this House and the world that all these expenditures, amounting to over $6,000,000—over one-third of the whole amount—are on the basis of only $300 per annum per man, as if these men were paid by annual compensation; while the fact is that there is included in this item a variety of other subjects not comprehended within their compensation or pay at all.

Mr. HALE, of Maine. The gentleman will allow me a word just here, to begin with that clause, "at an average pay of $300 each per annum," is in the bill by a mistake of the clerk; it was directed by the committee to be struck out, because it might mislead gentlemen of the House. But in addition to the pay of these men, whatever it may average, this item of $6,250,000 includes the pay of all the vast number of officers of the Navy, whose pay in every instance is fixed by letter of law as clearly and as plainly as the salary of the gentleman and myself is fixed. [Laughter.]

Mr. WOOD. I doubt whether the gentleman's salary is fixed. [Laughter.]

Mr. HALE, of Maine. It may not be fixed for the future; but it is fixed as to the present.

Mr. WOOD. The gentleman has stated accurately, I have no doubt, that the aggregate sum here proposed to be appropriated is in pursuance of existing law; but in all my experience of legislation, covering nearly a third of a century, I have never yet known any appropriation bill to contain a paragraph of this character. I recollect Mr. Benton's declaration in regard to "a stump speech in the body of a bill;" but this is, in my judgment, far worse than anything to which he could possibly have referred.

Mr. HALE, of Maine. What is the clause that troubles the gentleman?

Mr. WOOD. "Three hundred dollars each per annum."

Mr. HALE, of Maine. Have I not stated that the committee directed that to be struck out because it might mislead and is useless? I shall, when the bill comes to be considered by paragraphs, move that that be struck out.

Mr. WOOD. Mr. Chairman, I supposed that we were discussing and passing upon the bill as reported by the committee. The committee have had the advantage of discussion; they have matured and reported this measure; they have precipitated action upon it. The gentleman from Maine when he reported his bill on the day before yesterday, would not wait three days, but demanded that we should take it up and consider it at once; and now, when he discovers that the bill is full of errors, he complains that we discuss the bill as it is before us.

Mr. HALE, of Maine. Has not the gentleman himself, during his long experience on this floor, sometimes reported bills which, upon examination, he found to contain verbal errors that had crept in through the oversight of clerks?

Mr. WOOD. Yes, Mr. Chairman; but I never knew any member, fathering a bill and occupying the floor for one hour to discuss it, who did not, before beginning the discussion, point out such errors to the House.

Mr. HALE, of Maine. I supposed the gentleman would look at larger subjects than this.

Mr. WOOD. I suppose the gentleman considers $6,250,000 a small matter.

Mr. HALE, of Maine. The gentleman's criticism does not affect the amount. I do not understand him to find fault with that, but merely with a verbal error.

Mr. WOOD. Now, Mr. Chairman, I did not intend to refer to this, but the gentleman's questions have drawn the difficulty upon himself; he cannot hold me responsible. I have said that this bill proposes no reduction. That is a general proposition, and in making it I do not propose to go into the details of the bill.

I assume when we take up the bill, paragraph by paragraph, every gentleman will have an opportunity to show what errors there are and what reduction should be made. But I make the general declaration that, notwithstanding the long and beautiful explanation of the gentleman from Maine, [Mr. HALE,] notwithstanding his glorification of the American Navy and the beautiful history he gave us of the prowess, the power, and success of the American Navy, when he comes down to facts and figures he will find that he is entirely mistaken in supposing that substantially the Navy Department is in the line of reduction. I deny that there is any economy there. We have already passed a bill last month in which we have appropriated for the pay of the Navy, for the contingent expenses of the Navy, for the Bureau of Navigation, the Bureau of Ordnance, the Bureaus of Equipment and Recruiting, Yards and Docks, Provisions and Clothing, Steam Engineering, and Construction and Repair, $4,000,000.

I know the gentleman will reply to me and say, "Yes; but that was an extraordinary appropriation; that it was outside of the annual appropriation; that it arose out of the Virginius difficulty." He will endeavor to show that $4,000,000 were spent in three weeks, because that was the whole period the Secretary of the Navy was going from navy-yard to navy-yard personally scrutinizing and inspecting the preparation for making these extraordinary expenditures.

But the bill individualized and itemized the purpose for which that appropriation was made. And it is a physical impossibility that amount could be expended in that period for any such purpose. Indeed, the gentleman has told us but recently in this side discussion between himself and the gentleman from Maryland, [Mr. ARCHER,] in his attempt to eulogize and defend the action of the Secretary in resorting to these extraordinary means in that period of excitement, that he had not used it all; that a great deal of it was not needed; that he held some of the vessels in reserve. I am very glad to hear it; and if it be so it is an additional reason why I am right in stating that it is a part and parcel of the regular appropriations made by Congress for that Department, because every dollar expended went for material and supplies. Where are that material and those supplies? They are not destroyed. They could not have been eaten up by the Cubans. They must have a physical existence at this time. They are as good to-day for the purpose of use by that Department as they were then. Therefore, sir, I think I am right in the assumption that $4,000,000 is part of the appropriation made to the Navy Department, and to that extent does away with the necessity for making any additional appropriation now.

Mr. HALE, of Maine. Will the gentleman answer me one question? Will he tell me how it is that nearly $3,000,000, or, perhaps, quite that, out of the $4,000,000, expended as it was upon iron-clads and monitors needed in view of the impending immediate conflict, and which iron-clads and monitors were lying up in our navy-yards in time of peace, can be reckoned as an appropriation for the general Navy in time of peace? How does the naval establishment, which we continue from year to year on a peace footing, get the benefit of a dollar of that emergency appropriation?

Mr. WOOD. Mr. Chairman, the answer is very easy.

Mr. HALE, of Maine. What is it?

Mr. WOOD. If the gentleman will keep quiet I will tell him. Vessels of war, I assume, are always, when in service, prepared for aggression or defense. There is no such thing as a peace basis or a peace footing for the Navy when on duty. We have not been expending $20,000,0000 annually since 1866 for nothing. It was to provide a naval force for the protection of the country and its mercantile marine in foreign ports, and to be ready at all times to meet a foreign enemy to the extent of its power. You cannot make me believe these extraordinary expenditures which, as he says now, were expressly for war purposes, are not as good for war purposes to-day as then, when war threatened us. It is impossible a dollar of that money, except that portion eaten up by the extraordinary number of men, necessary perhaps at that time, has gone forever. So far as iron-clads are concerned, so far as supplies are concerned, so far as equipments appertaining to fitting out a ship, whether in war or peace, I say it is there yet if the money was expended, and if it was not expended, it is still or should be on hand. But we have appropriated it, and he says he had expended it, or was in the course of expending it. When that bill was under discussion I made the point, and the gentleman

from Ohio, [Mr. GARFIELD,] the chairman of the Committee on Appropriations, answered me. I asked the question whether this money was necessary for contracts made or absolute expenditures agreed on for the Navy, and he replied to me that it was for contracts made for purposes of the Navy.

Now, I will say that when an effort is made here to make the House and the country believe that the $4,000,000 expended by the Secretary of the Navy during the three weeks of excitement when we expected from hour to hour to be plunged into war—and I do not censure him for what he did—when an effort is made to divert that to a separate purpose, and make us believe that that $4,000,000 has eternally gone, common sense rejects that proposition, and I do not believe it.

Mr. HALE, of Maine. If the gentleman will permit me a word, it is this: I give it up. I cannot convince him. Where a man says there is no difference between a peace footing and a war footing; or, what is equivalent, that there is no such thing as peace footings and war footings for naval establishments, he plants himself on a position where I decline to attempt to convince.

Mr. WOOD. I do say, sir, that a ship of the United States Navy should never float outside of the navy-yard that is not in a condition for war. And I say, further, that if the President of the United States and the Secretary of the Navy send afloat upon the ocean ships that are unprepared for war, they are criminally neglectful of their rightful duty. I say the things are one and inseparable; that if a vessel is seaworthy she is sent to sea; if she is not seaworthy she should not be sent to sea, to become a coffin for our poor sailors. But when a vessel of the Navy bearing the stars and stripes, with such armament as she carries on board, goes out of port and leaves the American coast, she is in hourly danger of aggression. Why, sir, some of our vessels of the Navy are for weeks and weeks away without knowing the complications into which our country may be plunged in the meanwhile. In the Pacific Ocean and between this and the East Indies they might be for months without any intelligence from the United States.

Will you then, sir, make me believe that an American ship of war should not be prepared for any emergency? How could our Asiatic fleet, how could our fleets in distant waters, have known the precise condition of our negotiations lately with Spain, when we ourselves at the capital did not know when we went to bed but there would be a declaration of war before we got up in the morning? And the gentleman does the President and the Secretary of the Navy no credit when he would make us believe that they have been in the habit of sending the Navy to sea without preparation for any emergency. That is my answer.

Mr. HALE, of Maine. I crave the gentleman's indulgence again. Can he not see that all of the vessels that are sent to sea in time of peace may be good and safe vessels, but that in the aggregate as a naval force, in amount it is by no means large enough for a war footing but ample for a peace footing? It is not that a single vessel is incomplete and unfit, but that peace means economy and smaller establishments, and that war means the expenditure of money and large establishments.

Mr. WOOD. Mr. Chairman, the gentleman has changed his position entirely. If he means to declare that the same quantity of ships will not answer for a time of war that would in a time of peace; if he means to declare that the American Navy must be materially increased before we are able to cope with the maritime power of Europe, I agree with him. But he cannot make me believe that, whether in time of peace or war, in regard to any vessel as a war-vessel, not as one of the merchant marine—otherwise than that she must not only have safety of bottom to prevent her being submerged in the ocean like the Virginius, must not only have a sound hull and good rigging, but she must have an armament. And I shall attempt to show, if I have time here, that in my judgment we have an ample Navy to-day for the purposes of this country; and not only that, but that we have too much, if it is necessary to tax the people again in future to maintain it.

I believe, sir, by a proper distribution of the existing force that we have navy enough. Instead of taking your favorite commodores who are playing the courtier here to the White House, sending them upon a pleasant tea-party excursion to the Mediterranean Ocean, and to dance attendance at the courts of Europe to have themselves telegraphed back as being at this prince's ball and that royal *fête*, as has occurred within these two years back; instead of having playthings, a pleasant-weather Navy, used, like some of our revenue-cutters, for the purpose of excursions, you should have them really and in fact men-of-war, and then distribute them to our different squadrons where our various mercantile necessities may require their presence. The Mediterranean Ocean! A fleet there! How absurd! Sir, the American flag is driven from the Mediterranean Ocean; the American flag is seen there no more. The only trade with the Mediterranean is the trade between her fruit-ports and the port of New York; and that is now conducted in foreign bottoms. We have no interest now in the Mediterranean. Those nice summer and winter watering-places, Genoa, Nice, Civita Vecchia, Marseilles, and those delightful places where Americans and others spend their winter seasons, do not require a navy to protect their rights and their interests.

Now, sir, I say there is an improper distribution of the existing forces at our command. There is an extravagance on the part of the men who are undertaking to run your Navy Department, and who are utterly incapable of understanding practically the great interests over which they preside. I can show, taking the statement of the Secretary of the Navy made to this House in his annual report, now in my hand, that the appropriations which have been made are ample. I represent a constituency which beyond any other in the country requires protection for its commerce in foreign oceans. No representative from the city of New York will in my judgment do aught to detract from the necessary protection of American commerce in foreign waters. I am willing to vote not only this sixteen million dollars, but twenty-six or thirty-six millions if they should be necessary for that purpose. But I do not vote one dollar for unnecessary purposes, not one dollar to maintain a great establishment for the glorification of any man. I want the expenditures of this Government in all its departments brought down to the lowest minimum of economical possibility of expenditure. I want no more boasting to the people of this country that we are on the line of economy. I do not want to hold out to the people of this country the idea that we are reducing these estimates and reducing these expenditures twenty or forty or fifty millions of dollars, while we come in slyly with our appropriation bills and really increase them. Let us deal fairly with the people of the United States, and in my judgment they will willingly respond to any proper demands we may make.

The Secretary of the Navy in his annual report sent in here on the first day of the session tells us that he has 63 steamers, other than iron-clads and tugs, carrying 826 guns, and 29 sailing-vessels, carrying 322 guns, and 48 iron-clad vessels, carrying 125 guns, making altogether an aggregate of 165 naval vessels. Now, how many naval stations have we?

Mr. PLATT, of Virginia. I would like the gentleman to state how many of the vessels enumerated by him are in commission, or in such a condition that it is possible to put them in commission, for any service whatever.

Mr. WOOD. Well, sir, we have heard that annually and regularly for five years past. As soon as the war closed we found ourselves burdened with an extraordinary number of vessels and we gave them away. The naval appropriations in the year 1865 amounted to $109,000,000. When the war was over in 1865, 1866, and 1867, we sat here to deliberate what we should do with our Navy, and we then did—what? We sold for a song what had cost us many millions of dollars. Every vessel sold, we were told, was unseaworthy, and the Navy Department has been disposing of old vessels every year since, some of them probably quite as good as required; and the Secretary says in his report that he has sold thirteen vessels since last year. Now the presumption is that he has at last weeded the Navy out until he has nothing left but what is necessary and useful. He scolds us over his own signature for asking him to revise his estimates; at least so it is reported in the newspapers of the day. The newspapers contain summaries of the replies of these gentlemen who are at the head of the Department to the called-for reduction of the estimates, and that of the Secretary of the Navy is given in full in this morning's papers. He says substantially, "Gentlemen, I cannot reduce my estimates, but remember, if I am forced to reduce them, you must take the responsibility, not me." That is the answer of the Secretary of the Navy.

Mr. PLATT, of Virginia. Will the gentleman allow me to interrupt him again?

Mr. WOOD. Well, Mr. Chairman, I should like to be allowed to occupy a few minutes of this hour of mine myself, but I will hear the gentleman.

Mr. PLATT, of Virginia. I dislike to trespass on the courtesy of the gentleman, but while his remarks are very eloquent indeed, I have not discovered that he has answered the question I put to him. I simply desire that at the same time he gives the House information as to the number of vessels and guns now in the Navy, he should also state how many are stated by the Secretary to be in commission. Ships in commission constitute the real force of a navy, and not old hulls.

Mr. WOOD. In order to answer that it is necessary to state that the Secretary himself virtually determines what vessels shall go into commission; and if he determines that none but first-class vessels shall go into commission, he can exclude two-thirds, and the better part of the Navy itself. The gentleman may know, but I do not, precisely what vessels are now in commission; but I do know that the Secretary of the Navy tells us what he has done, and I believe he tells us the truth.

Now, I hope that I shall not be misunderstood. I do not believe there is any reduction in this bill. With the $4,000,000 already appropriated the appropriation for the Navy will amount to over twenty million dollars. Every year but one since 1866, and that was last year, we have appropriated for this object less than twenty million dollars. Now, in my judgment, with a proper distribution of the existing force, what we propose to appropriate in this bill is not only sufficient but capable of further reduction. Sir, the whole expenditures of this Government must come down. [Cries of "O, no!"]

In my judgment everything connected with our Government is conducted at an extravagant, ay, a profligate expenditure. The people, I am told—I do not believe all I hear—have demanded that members of Congress shall come down. They have complained because the last Congress voted what, in their judgment, they deemed a proper compensation for their services, and this House readily and hastily jumped at the conclusion that the people are right, and propose to go back to an economical basis so far as their own pay is concerned.

Wages, expenditures of every kind, throughout the whole United States, are in a state of reduction. We have, in New York City, a hundred thousand men to-day who cannot get work at any price. I have had men come to my house in this town, since I have been here, willing to work for fifty cents a day. The necessities, the absolute necessities, of a large portion of the people cry for economy.

Now, why should not the Government itself come down a little? Why should we continue to maintain, as we do propose to maintain, notwithstanding what has been said to the contrary, the full expenditure for the Navy Department? I am in favor of reducing at every point, of paring down every dollar, and not expending yearly over $300,000,000 to run this machine. I believe we can reduce this without injuring the efficiency of the Navy.

My eloquent friend from Maryland [Mr. ARCHER] is afraid of a foreign war, and wants to keep the Navy up to his exalted standard. The history of our country shows that no war can come too precipitately for the American people not to be prepared for the emergency. But a few years ago we improvised armies overnight to preserve the integrity of the Union. We can improvise a navy in three weeks, yes, in two weeks, which in my judgment will be able to compete with any nation in Europe, much more Spain. I believe that with the money that we would have for that purpose, which would be freely appropriated by Congress, we can command the finest ships of the world, whether of American or foreign bottoms, for our naval marine and for naval purposes. Almost with telegraphic speed could we obtain the best iron-clads of the world sufficient to produce the finest navy in the world. When that evil day comes, then, and not till then, let us make preparation for it. When it does come, I will stand by my friend from Maryland [Mr. ARCHER] in voting as large an expenditure as his exalted idea of what the Navy should be may require. But in times like these, with want and hardship pressing upon the people, with a Treasury bankrupt, with a Secretary demanding to lay additional burdens at this particular juncture, I say it is madness, it is worse than folly, for us to attempt to continue an expenditure not called for by the necessities of the country.

[Here the hammer fell.]

Mr. HALE, of Maine. I propose to move that the committee rise. But before doing so I desire to say that the Committee of the Whole has started out with an important bill, involving reductions. Of the positions that have been taken by the gentleman from New York, [Mr. WOOD,] not a single one of them is borne out by the facts and figures. Before this debate closes I will more at length show the disingenuousness of his position in attempting to show that the $4,000,000 appropriated by the emergency bill should be counted for the regular naval establishment.

In the mean time allow me to say that I hope there are few or no gentlemen on this side of the House that will oppose this bill in the interests of economy and reduction. Thus far all the friction and opposition come from the other side. The gentleman from Maryland, [Mr. ARCHER,] an old and distinguished democratic member of this House, fights this bill to the knife because it does not give enough. The gentleman from New York, [Mr. WOOD,] sensitive because the Committee on Appropriations, and perhaps the republican party, has initiated a day of retrenchment, fights this bill to the death because it does not reduce enough. I will not take more time of the House now, but turn these gentlemen over to each other. Let the gentleman from Maryland [Mr. ARCHER] answer the gentleman from New York, [Mr. WOOD,] and the gentleman from New York answer the gentleman from Maryland.

> And as for me I care not a toss-up
> Whether Mossop whip Barry or Barry whip Mossop.

Mr. RANDALL. You can judge by our votes whether we are in favor of economy or not.

Mr. HALE, of Maine. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and, the Speaker having resumed the chair, Mr. E. H. ROBERTS reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the special order, being House bill No. 1013, making appropriations for the naval service for the year ending June 30, 1875, and for other purposes, and had come to no resolutions thereon.

STEAM-BOILER EXPLOSIONS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

In compliance with the act of Congress approved March 3, 1873, entitled "An act to authorize inquiries into the causes of steam-boiler explosions," I directed the Secretaries of the Treasury and Navy Department to create a commission to conduct the experiments and collect the information contemplated by the act. Such a commission was created, and I have the honor to submit herewith a report of the result of their labors to the present time.

U. S. GRANT.

EXECUTIVE MANSION, *January* 8, 1874.

The message, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

REFORM SCHOOL IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior in relation to a deficiency in the appropriation for the erection of buildings for the reform school of the District of Columbia; which was referred to the Committee on Appropriations.

Mr. DAWES. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. ATKINS: A petition of citizens of Henry County, Tennessee, praying the establishment of certain postal routes.

By Mr. BASS: The petition of James Stevens, David C. Oatman, and 200 other citizens of the thirty-first congressional district of New York, that steps be taken for the settlement of international difficulties by arbitration, and without a resort to arms.

Also, the petition of S. V. R. Graves, Melvin Gwin, and others, that a pension be granted Betsey Dye, widow of William Dye, a soldier of the war of 1812, who served fifty-nine days.

Also, the petition of William B. Sirrel & Co., Miller & Sirrel, and others, hat manufacturers of Buffalo, for the repeal or modification of the heavy duty on hatters' silk-plush.

Also, the petition of William H. Peabody, O. H. P. Champlain, and many other druggists of Buffalo, New York, for the substantial repeal or modification of the provisons of schedule C of the stamp act, as applied to druggists.

By Mr. BUCKNER: A petition of citizens of Callaway County, State of Missouri, for prepayment of all mailable matter.

By Mr. BUNDY: The petition of Samuel Rothgeb and 38 other citizens of Addison Township, Gallia County, Ohio, for an act compelling the prepayment of printed matter sent through the mails, and for a more equitable mode of fixing salaries of postmasters.

By Mr. BUFFINTON: The memorial of Benjamin B. Mondy, a citizen of Marion, Barnstable County, Massachusetts, praying Congress to allow him compensation for carrying the United States mail for two years and one month before the award for the purpose was made.

By Mr. CLARKE, of New York: The petition of members of the bar of the county of Rensselaer, for the division of the northern judicial district of New York.

By Mr. COBURN: A petition of citizens of Grant County, Indiana, asking for a law providing for a reserve in the Treasury of the United States, of United States notes, to be drawn upon by persons depositing United States bonds.

Also, like petitions from citizens of Boone, Madison, Blackford, Randolph, Shelby, Hancock, and other counties of Indiana.

By Mr. COMINGO: The petition of J. H. J. Harris, J. M. Havron, and 60 other citizens of Jackson County, Missouri, that the money-order system be extended to every post-office in the United States.

By Mr. CROSSLAND: The petition of Judge Wengate and 35 other citizens of Fulton County, Kentucky, for the relief of the Southern Methodist publishing house at Nashville, Tennessee.

Also, the petition of Judge A. B. Ross and numerous other citizens of Ballard County, Kentucky, for the relief of the Southern Methodist publishing house at Nashville, Tennessee.

By Mr. DARRALL: The petition of C. Donato, and others, of Saint Landry Parish, Louisiana, to be allowed to sue in the Court of Claims for proceeds of cotton taken by the United States Army during the war.

By Mr. DONNAN: The petition of Mrs. Anna M. English, for compensation for loss of property belonging to her late husband, taken and used for the benefit of the United States Army in the late war.

By Mr. DUELL: The petition of F. A. Garlick, of McGrawville, New York, praying that soldiers placed on the pension-roll by special acts of Congress may have the benefit of the increase provided by the act of March 3, 1873.

By Mr. FRYE: The petition of Nathaniel Greer, for a pension.

Also, the petition of Everett Stuart, of Hiram, Maine, for balance of bounty.

Also, the petition of Joseph A. Soper, for bounty.

By Mr. HAWLEY, of Connecticut: The petition of the New Orleans Gas-light Company, for the refunding of moneys seized by the Army during the war of the rebellion.

Also, the petition of the Mechanics and Traders' Bank, of New Orleans, for the refunding of moneys seized by the Army during the war of the rebellion.

Also, the petition of Harriet S. Jandón, and John P. Crosle, executor, for the refunding of moneys seized in New Orleans by the Army during the war of the rebellion.

By Mr. HAYS: The petition of Judge Goldson and 41 others, citizens of Prattville, Alabama, for relief of the Southern Methodist publishing house, of Nashville, Tennessee.

By Mr. HERSEY: The petition of Joseph S. Colcord and 453 other citizens of Piscataquis County, Maine, praying that the law may be so changed as to allow newspapers to be delivered free of postage in the county where published, and also that such newspapers be allowed to exchange with any newspaper free of postage.

By Mr. LAMAR: The petition of John F. Williams and 23 other citizens of Iuka, Mississippi, for the relief of the Southern Methodist publishing house, of Nashville, Tennessee.

By Mr. LOWNDES: The petition of John Fague, John J. Brogmuier, David Crist, David Grogg, Jacob K. Tucker, and Maurice Albaugh, employés in the office of the United States assistant treasurer at Baltimore, for increase of pay.

By Mr. MARTIN: A petition of 119 citizens of Bond County, Illinois, asking that the name of Sarah A. Trump be placed on the pension-rolls.

Also, a petition of 104 citizens of Bond County, Illinois, asking the passage of a bill granting Nancy A. Guigles a pension.

Also, a petition of 118 citizens of Bond County, Illinois, asking that the name of Anna Givens be placed on the pension-rolls.

Also, a petition of 84 citizens of Greenville, Illinois, that a pension be granted Nancy Parrott, daughter of Edmund Fear, a private soldier of the revolutionary war.

By Mr. MILLS: The petition of the Northwest Texas Conference of the Methodist Episcopal Church South, for the relief of the Southern Methodist publishing house at Nashville, Tennessee.

By Mr. MOREY: The petition of the Union Bank of Louisiana.

By Mr. O'NEILL: A memorial of the National Board of Trade, asking for the appointment of a commission, to consist of the Attorney-General and seven bankers, merchants, and manufacturers, to revise the bankrupt law of 1867, and praying for the enactment of a judicious law upon bankruptcy.

Also, a memorial of the National Board of Trade, praying for the enactment of a uniform national system of quarantine laws.

By Mr. ORTH: A remonstrance from the Woman Suffrage Association of Indiana, against the passage of a law limiting suffrage in the Territories to male citizens.

By Mr. PLATT, of Virginia: The petition of Mrs. Adelaide Armstrong, for arrears of pay withheld from her late husband, Captain William M. Armstrong.

Also, the memorial of A. F. Yarby, asking payment for timber taken from his land for use of the Army during the rebellion.

Also, the memorial of mates in the United States Navy, asking for an amendment to section 3 of an act approved July 15, 1870, regulating the pay of certain officers of the Navy.

Also, the memorial of Joseph Segar and C. C. Willard, asking for indemnity for loss sustained in having their hotel demolished by the United States authorities during the war.

By Mr. SAYLER, of Ohio: A memorial of the Board of Trade of the city of Cincinnati opposing a further inflation of the volume of irredeemable currency.

By Mr. SCHUMAKER, of New York: A memorial of 187 druggists and tax-payers of the city of Brooklyn, New York, asking for the repeal of so much of the internal-revenue laws as relates to the using of stamps by druggists, chemists, and apothecaries.

By Mr. SENER: The petition of Catharine Taylor, widow of Thomas Casey, deceased, praying a pension for services of her first husband in the war of 1812.

By Mr. SHANKS: The memorial of the Indianapolis Woman Suffrage Association, in opposition to the repeal by Congress of the right of female suffrage in the Territories.

By Mr. VANCE: The petition of J. G. Martin and 100 other citizens of Asheville, North Carolina, praying for the payment of damages to E. Clayton, esq., for the destruction of property by the Federal authorities after peace was made by the contending armies.

POST-ROUTE BILL.

The following bill was introduced under the rule, and referred to the Committee on the Post-Office and Post-Roads:

By Mr. LUTTRELL: A bill to establish a post-road from Ukiah to Mendocino, California.

PAPERS WITHDRAWN AND REFERRED.

The following papers were withdrawn from the files, and referred under the rule:

By Mr. HANCOCK: The papers relating to the claims of Nancy M. Bean, and of Stanley Cooper and wife—Committee on War Claims.

Also, the papers relating to the claims of A. C. Kenton and of Charles Nordhousen—Committee on Claims.

By Mr. NEGLEY: The papers in the case of A. J. Carroll, now on file in the office of the Clerk of the House—Committee on War Claims.

IN SENATE.

FRIDAY, *January* 9, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. MORTON. If there are no Senators desiring to hear the minutes, I suggest that the reading be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none, and the reading is dispensed with.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented a petition of citizens of Kansas, asking an amendment to the act of March 3, 1873, in relation to the growth of timber on the prairies; which was referred to the Committee on Public Lands.

Mr. ANTHONY. I present the memorial of Jacob Dunnell and others, citizens of Pawtucket, Rhode Island, asking for a modification of, and remonstrating against the repeal of, the bankrupt act. I recognize among the signers of this memorial many of the first business men of that very enterprising and flourishing community. I move that the memorial lie on the table.

The motion was agreed to.

Mr. ANTHONY. I also present the memorial of the Board of Trade of the city of Providence, asking that Congress may so amend the bankrupt law that an application of creditors holding in amount one-fourth of the whole indebtedness shall be required as a condition of forcing a debtor into bankruptcy; also, the substitution of salaries to officers of the court, instead of fees as now charged; also, uniformity of exemptions of property of bankrupts in the several States, and the enlargement of the power of the assignee, with the right on the part of the creditors to authorize compromises with debtors, and to direct the sale of the property for such account and to make distribution. I believe this memorial was adopted unanimously, and these suggestions come from gentlemen who are eminently entitled to be heard upon this subject. I move that the memorial lie upon the table.

The motion was agreed to.

Mr. ANTHONY presented the petition of Henry F. Ferrin, Seth G. Robbins, and other members of the Temple of Honor and Temperance of Providence, Rhode Island, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. HAMILTON, of Maryland, presented the petition of James H. Webb and other citizens of Maryland, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. HAMILTON, of Maryland. I also present a memorial largely signed by business men of Baltimore, remonstrating against the proposed repeal of the bankrupt law, and asking an amendment of the same; and also the petition of Ulman & Co. of the same city, remonstrating against the repeal of the bankrupt law. I move that these memorials lie on the table.

The motion was agreed to.

Mr. HAMLIN. I hold in my hand the petition of Mrs. Sarah Parker, with accompanying papers, praying to be allowed a pension for the reasons therein stated. I ask the careful, and I hope favorable, consideration of the Committee on Pensions to it. I move its reference to that committee.

The motion was agreed to.

Mr. ALLISON presented the petition of Peter Mihm, of Dubuque, Iowa, praying compensation for work done on the Dubuque custom-house; which was referred to the Committee on Claims.

Mr. CRAGIN presented the petition of Asa D. Smith and other officers of the State Temperance Union of New Hampshire, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

He also presented the petition of C. W. Adams, of the city of New York, asking compensation for the seizure of his property by officers of the United States Government; which was referred to the Committee on Claims.

Mr. BOGY presented the petition of Durant H. L. Bell, of Kansas City, praying the passage of an act granting him compensation for property destroyed during the late war; which was referred to the Committee on Claims.

Mr. CONKLING presented a petition of a large number of citizens of Boonville, Oneida County, in the State of New York, of various professions and trades, asking for the absolute repeal of the bankrupt law; which was ordered to lie on the table.

Mr. CONKLING. I present also the proceedings of the Board of Trade of the city of Buffalo, New York, setting forth that, under rulings of the Treasury Department, canal-boats are held to be subject to the act of 1793, touching coasting licenses; setting forth that these boats ply—those in which this board is interested—on the various canals of the State of New York; and that although the district courts, as they understand them, held that such boats were not subject to the coasting act, they are continually seized still at various places, which they indicate; and they ask that the coasting act be so amended as to carry out what they believe to be its original intention, which was, giving no application of its provisions whatever to boats changing ownership from year to year and from month to month, and sailing under different masters, or, rather, being towed by horses mainly under different masters, on the canals of the State. I think this is a subject which ought to receive attention, and I move the reference of the memorial to the Committee on Commerce, in the hope that all the members of that committee will give it an early supervision.

The motion was agreed to.

Mr. LOGAN presented the petition of Charles B. Signor, praying for

a pension on account of the causeless shooting away of his right arm by a soldier; which was referred to the Committee on Pensions.

He also presented the petition of Lorenzo Brentano, setting forth the reasons why the consulship at Dresden ought to be salaried; which was referred to the Committee on Commerce.

PRINTING OF A REPORT.

Mr. ANTHONY. I move that the report of the Secretary of the Interior, in regard to the pneumatic tube from the Capitol to the Government Printing Office, be taken from the table and referred to the Committee on Printing.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

Mr. HAMILTON, of Maryland. I move that Angelica Hammond have leave to withdraw her petition and papers from the files of the Senate. There has been an adverse report.

Mr. MORRILL, of Maine. If there has been an adverse report, it ought not to be done without a copy of the papers being left on file.

Mr. HAMILTON, of Maryland. Certainly.

The PRESIDENT *pro tempore*. If there be no objection, the papers may be withdrawn, copies being retained on the files of the Senate.

On motion of Mr. LEWIS, it was

Ordered, That Mrs. Mary Ann Randolph Lee have leave to withdraw her petition and papers from the files of the Senate.

On motion of Mr. McCREERY, it was

Ordered, That the petition and papers of John B. Bland be taken from the files and referred to the Committee on Claims.

On motion of Mr. SARGENT, it was

Ordered, That the petition and papers in the case of Mrs. Refugis M. Bowler be taken from the files and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers of Joseph Shelton be taken from the files and referred to the Committee on Pensions.

On motion of Mr. LEWIS, it was

Ordered, That the petition and papers in the case of Mrs. Mary D. Anderson, daughter of James Downs, deceased, late of the United States Navy, be taken from the files and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SCOTT. The Committee on Claims, to whom was referred the memorial of J. Gillingham Fell, George Burnham, and Edward Hoopes, trustees of the Walnut Grove Gold Mining Company, praying compensation for depredations committed by Indians in Arizona, have instructed me to report that whatever amount of compensation be due to these parties should not be paid out of the Treasury, but out of the annuities due to the Indians committing such depredations, if such annuities there be. The reasons for this conclusion are embodied in a written report, and the recommendation of the committee is that this memorial, with the written report, be referred to the Committee on Indian Affairs, and the Committee on Claims discharged from its further consideration.

The report was ordered to be printed; and the Committee on Claims was discharged from the further consideration of the memorial, and it was referred, with the report, to the Committee on Indian Affairs.

PRE-EMPTION SETTLERS.

Mr. BOUTWELL. The Committee on Public Lands, to whom was referred the bill (S. No. 21) for the relief of aged or infirm pre-emption settlers, have instructed me to report the same back with an amendment, and I desire the present consideration of the bill, if there be no objection.

By unanimous consent the bill was considered as in Committee of the Whole.

It provides that in cases where sickness, infirmity, or great age renders it difficult for pre-emption claimants to attend before the local land-offices to make affidavits in pre-emption cases, such affidavits may be made before any officer authorized to administer oaths, and, on being filed in the land-office, shall have the same force and effect as if taken by the officers thereof; and effect is to be given to the act by regulations to be prescribed by the Commissioner of the General Land-Office.

The amendment reported by the Committee on Public Lands was, in line 6, after the word "officer," to insert "of the district," so as to read: "such affidavits may be made before any officer of the district authorized to administer oaths," &c.

Mr. SARGENT. I would suggest to the Senator from Massachusetts that it should read "land-district," not "district," which is an indefinite term.

Mr. BOUTWELL. Very well; I do not object to that.

The PRESIDENT *pro tempore*. The amendment will be so modified, and the question is on the amendment as modified.

The amendment as modified was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLORADO LEGISLATIVE EXPENSES.

Mr. MORRILL, of Maine. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 434) making an appropriation for the legislative expenses of Colorado Territory, to report it back and to ask for its present consideration, as there is a necessity for its prompt passage.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill, which appropriates $20,000 for compensation and mileage of the members of the Legislative Assembly of Colorado Territory, and for pay of clerks, officers, and contingent expenses thereof.

Mr. MORRILL, of Maine. I will state that that Legislature is in session, and that there was no appropriation made last year to pay its current expenses. This is for the ordinary and current expenses. This difficulty arises from the omission on the part of the secretary of that Territory to make his annual requisition, and so no appropriation was made last year. This is to supply an ordinary appropriation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE BANKRUPTCY ACT.

Mr. THURMAN. Mr. President, I have received a number of applications, and I suppose other Senators have, for copies of the bankrupt bill as reported by the Judiciary Committee of the Senate, and more than I am able to supply. As one of the objects of letting that bill lie was to invite to it the consideration and criticism of the legal profession throughout the country, I think we ought to have enough copies to supply the requests that are made to us for that bill. I move therefore that one thousand extra copies of that bill be printed.

The PRESIDENT *pro tempore*. That motion will be referred to the Committee on Printing, unless there be unanimous consent to its present consideration.

Mr. THURMAN. The Clerk will please reduce my motion to writing.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that one thousand extra copies of the bankrupt bill be printed.

Mr. THURMAN. A Senator suggests fifteen hundred copies.

The PRESIDENT *pro tempore*. It is moved that fifteen hundred copies of the bankrupt bill be printed for the use of the Senate.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 266) for the protection of society in the Territory of Utah, and for other purposes; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduced a bill (S. No. 267) to aid in the execution of the laws in the Territory of Utah; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduced a bill (S. No. 268) for the relief of the officers and crew of the United States steamer Champion; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 269) to change the titles of certain naval officers; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 270) making provisions for arming and equipping the whole body of the militia of the United States, and for other purposes; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 271) for the relief of Frances A. Robinson, administratrix of John M. Robinson, deceased; which was read twice by its title, and referred to the Committee on Claims.

WITHDRAWAL OF BONDS OF NATIONAL BANKS.

Mr. MORTON. I ask the unanimous consent of the Senate to take up a bill reported from the Committee on Finance, with a view to its passage. I think it will take but a few minutes.

Mr. CONKLING. What is the bill?

The CHIEF CLERK. "A bill (S. No. 147) authorizing national banks that have decided to reduce their capital stock to withdraw a proportion of bonds upon retiring their own circulating notes, or depositing lawful money of the United States in the proportion provided by law."

Mr. CONKLING. Is that the same bill that was up heretofore?

Mr. MORTON. Yes.

Mr. CONKLING. Then I am against it.

Mr. SUMNER. I observe that the chairman of the Committee on Finance is not in his seat.

Mr. MORTON. It is only a small bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SUMNER. I think we ought not to proceed with it in the absence of the chairman of the Committee on Finance. [Mr. SHERMAN entered the Chamber.] There he is now. I ask the Senator from Ohio to take notice of the bill proposed to be taken up.

Mr. SHERMAN. That bill is all right.

Mr. SUMNER. Very well. I saw the Senator was out of his seat, and merely stated the fact.

Mr. SHERMAN. It is a bill that was debated here for a day or two.

Mr. CONKLING. Is it the same bill?

Mr. SHERMAN. No; only a part of it.

Mr. CONKLING. If it is the same bill, I am opposed to it.

Mr. MORTON. I ask to have the bill read, as reported by the committee, with amendments.

The CHIEF CLERK. The bill, if amended as proposed by the Committee on Finance, will read as follows:

Be it enacted, &c., That any banking association that may decide to reduce its capital stock, as provided in the thirteenth section of the act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be entitled to take up a *pro rata* portion of its bonds, upon depositing lawful money of the United States, or returning its own circulating notes in the proportion required by law; and whenever such reduction shall be authorized under said section, any notes of such bank thereafter coming into the Treasury of the United States shall be canceled until the amount so canceled, together with such as shall be redeemed, shall equal the amount of reduction authorized.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. MORTON. I will state that this bill is designed to remedy an omission in the law. The law now provides that where a bank retires its circulation altogether, it can do so by depositing an equal amount of legal-tender notes in the Treasury; but there is no provision that authorizes a bank which proposes to reduce its circulation in part to deposit legal-tender notes.

Mr. CONKLING. Not $10,000?

Mr. MORTON. No; it has nothing to do with that at all. If a bank having $100,000 circulation proposes to retire its circulation, it may do so without depositing its own notes, by depositing an equal amount of legal-tender notes—greenbacks; but if it proposes to retire only $50,000 of its circulation, as the law now stands it must furnish its own notes, and it may be impossible to collect them. I simply propose to extend to the bank the same right, where it proposes to retire only a part of its circulation, that it would have if it proposed to retire the whole of it.

Mr. FRELINGHUYSEN. I ask the Senator from Indiana if the effect of this bill is not to render it much more easy for a bank to contract its circulation, and thus produce a contraction in the currency of the country? It may be a very desirable measure; but it does not occur to me that it is a measure of such little importance as the Senator from Indiana would indicate. As I understand it now a bank, for the privileges of banking under our law, has a certain circulation which it is bound to take care of, which is a great advantage to the country. This bill enables them to reduce that circulation while they retain all the privileges of banking, if I understand it. It seems to me that that may lead to a very decided contraction of the currency of the country.

Mr. SCOTT. Mr. President, this subject was before the Senate a few days ago because of the addition to another bill of the provisions in substance of this bill; and the objection which the Senator from New Jersey now makes was then partially considered, and was also considered in committee in reporting this bill. Having reported this bill and paid some attention to it, I will state briefly the difference between the provision which was in that bill then considered and this bill as now reported.

The bill which was then considered authorized national banks to make successive reductions, of $10,000 at each time, of their circulating medium by depositing in the Treasury legal-tender notes instead of redeeming their own circulation. There was no reference in that bill to the section of the national-currency act under which the reduction of capital was authorized; but in the bill introduced by the Senator from Indiana there is a reference to the thirteenth section of the currency act, under which these reductions were previously authorized; and the difference between the original act and this modification of it is, that now, instead of returning their own notes and lifting the bonds, they are authorized to return legal-tender notes to the amount which they propose to reduce their capital, and lift their bonds. The section, however, under which they are now required to make this application prohibits them from reducing their capital below the minimum amount authorized in the national-currency act, whereas the bill under consideration a few days ago had no such prohibition; and the effect of that provision would have been to enable a national bank, by successive reductions of $10,000 each, absolutely to go into liquidation, or reduce its capital below the minimum amount and still continue business.

Now, by depositing any amount to which they propose to reduce their capital, not going below the minimum authorized by the national-currency act, they are permitted to contract their circulation to that extent. But the objection which was then made—and I think I made it myself—was, that it might contract the currency, because, these legal-tender notes being deposited in place of a specific security which had been retained in the Treasury for the redemption of the bank-notes, it might be held that there could be no reissue of those legal-tender notes; and that would to that extent have been a contraction of the currency. But upon an examination of the successive acts relating to the issue of legal-tender notes, I am entirely satisfied that the notes thus deposited by a bank in lieu of its own circulating notes may be reissued. Therefore the objection which the Senator from New Jersey makes does not apply—that it would be, to the extent of the reduction of capital, a contraction of the currency. The national-bank notes would still be in circulation until redeemed. When redeemed they can again be awarded to that portion of the country which would be entitled to them under the provisions of the national-currency act.

I believe this answers the point made by the Senator from New Jersey, unless I have failed to apprehend his whole point.

Mr. FRELINGHUYSEN. It does answer the objection I made. I only see this effect to the bill now—that it would produce a contraction, perhaps, in one part of the country, but a corresponding advantage, by reissuing these notes, to another part of the country. I suppose that would be the effect of the bill. Some of the Southern States, too, that have not their due proportion of circulation, would probably by this act get circulation which is now in New York and in the Eastern and Middle States.

Mr. SCOTT. This circulation would again have to be apportioned by the Comptroller of the Currency to that portion of the country which, under the provisions of the existing law, would be entitled to it.

Mr. ALLISON. I desire to ask the Senator from Pennsylvania a question with reference to this circulation. What is the custom or rule in the office of the Comptroller with reference to the redistribution of this currency? I understood the chairman of the Committee on Finance, when this question was up before, to state that brokers were in the habit of paying as high as 3, 4, or 5 per cent. for this currency with a view of establishing new banks. It seems to me hardly fair that bankers should be permitted to deposit legal-tender notes in the Treasury, still leaving out the circulation of their banks, and thus permitting brokers and others to buy up this circulation at 3, 4, or 5 per cent. premium, with a view of establishing new banks. It seems to me that if a bank desires to surrender its circulation, it ought to be compelled to surrender its own notes and withdraw its bonds, or else it ought to be required to deposit such premium in addition to the legal-tender notes as will induce the holders of its own notes to return them to the Treasury, so that if this redemption of national-bank notes is to be made at the Treasury some inducement should be held out for the return of the notes of banks in liquidation or such banks as desire to retire their circulation. It seems to me there ought to be some provision so as to take these national-bank notes ont of the hands of brokers who are in the habit of paying, as the chairman informed us the other day, from 3 to 5 per cent. for them.

Mr. SCOTT. Will the Senator from Iowa direct his attention to the amendment which the committee has added to the bill as originally introduced, which to a certain extent and to a considerable extent will obviate that objection. It requires that whenever any of the notes of such bank shall, after the reduction is authorized, come into the Treasury in any manner, it shall at once be the duty of the officers of the Treasury to cancel those notes until such cancellation, together with the redemption that they are authorized to make, shall equal the amount of reduction authorized.

Mr. ALLISON. That, of course, will remedy the evil to some extent; but I think it is a bad practice to have these banks placing legal-tender notes in the Treasury and withdrawing their bonds, still leaving their own notes in circulation to be picked up by brokers with a view of establishing new banks in particular favored localities. It seems to me that if legal-tender notes are returned to the Treasury, there ought to be some inducement held out whereby these circulating notes will be sent into the Treasury for redemption, and new banks may then be formed under such rules as the Comptroller of the Currency may establish, without reference to the brokers.

Mr. HOWE. Mr. President, I think there is a great deal of force in the suggestion just made by the Senator from Iowa; but I rise now to submit another question to the Senator from Pennsylvania. He argues, as I understand him, that contraction will not be a result flowing from the adoption of this proposition, because, although a bank might decide to reduce its capital and would wish to reduce its circulation, and therefore might deposit in the Treasury $10,000 or $50,000 of legal-tender notes, yet the Treasury would have authority to reissue those notes, and therefore there would be no contraction of circulation. That I understood the Senator from Pennsylvania to say. I wish to ask him how the Secretary of the Treasury is going to reissue those notes; on what account is he going to reissue them; what opportunity will the Secretary of the Treasury have to reissue those notes; whom shall he issue them to, and what for?

Mr. SCOTT. I will answer the gentleman from Wisconsin by reference to the provisions of the acts of February 25, 1862, July 11, 1862, and March 3, 1863; the concluding provision of the act of March 3, 1863, being:

And any of the said notes, when returned to the Treasury, may be reissued from time to time, as the exigencies of the public service may require.

Then follows this provision:

And in lieu of said notes, or any other United States notes returned to the Treasury and canceled or destroyed, there may be issued equal amounts of United States notes such as are authorized by this act.

That latter provision, however, does not apply to the specific case which we now have under consideration; but any of the notes authorized by any of these acts are authorized to be reissued by the

Treasury Department for any of the purposes of the Government. It was my objection to the bill heretofore under consideration that these notes being deposited in lieu of bonds specifically deposited as security for circulating notes, it might be held that these notes should be retained in the same specific manner; but upon examination of the various acts I find the language so broad that I have no doubt of the power of the Treasury to reissue these notes for any purposes that they may find the exigencies of the Government require, for the payment of any demands against the Government.

Mr. HOWE. Conceding that they might be issued to meet any exigency, the question which I put to the Senator is, how is it possible that such an exigency could arise? The Treasury can only pay money upon an appropriation, and to meet every appropriation you are supposed to collect a tax. Now, when the Treasurer holds in one hand from taxes the money to meet every appropriation which he is required to satisfy out of the other, I do not see just where it is going to bring in these legal-tenders.

Mr. MORTON. Will the Senator allow me to make a suggestion to him?

Mr. HOWE. Certainly.

Mr. MORTON. I suggest to the Senator that when these legal-tenders are deposited in the Treasury for this purpose they are there to be paid out for the current expenditures of the Government in any way, just as if they had been collected in the way of revenue and taxation, unless there is some prohibition of law that would prevent legal-tenders paid in in that way from being so paid out. They are there for any use for which we may have money, and they would save, if they were there now, so much of the forty-four million reserve.

Mr. HOWE. Ah, yes; here would have been an exigency; the first one we have seen since the forty-four million reserve came into existence. The Senator from New York [Mr. FENTON] reminds me that my memory is failing; that there was an exigency just like this, a first cousin to it, in 1872. I had entirely forgotten that. I had not known of an instance in which any part of the forty-four million reserve had been issued up to this time. The Senator from New York, reminds me that two years ago $7,000,000 of the forty-four million reserve were issued.

Mr. FENTON. Four million dollars. It was in October, 1872, just prior to the election in the State of Pennsylvania.

Mr. SHERMAN. That is true.

Mr. HOWE. I had forgotten the fact.

Mr. SHERMAN. That issue of a portion of the forty-four million reserve a year or more ago led to the controversy which gave rise to the report of the Committee on Finance last winter on the subject.

Mr. HOWE. Then there have been two such exigencies; but I think, unless we improve our legislation in that direction, they will not occur often enough to prevent this working a contraction.

Mr. MORTON. I will say to the Senator it does not require an exigency. When this money is paid in, it is there to be paid out in the way of ordinary expenditure like every other money in the Treasury, unless you pass some law preventing it.

Mr. HOWE. I understood that from the Senator from Pennsylvania; but what I wish to call the attention of the Senator to is, that for all those ordinary expenses you have other money in the Treasury derived from taxes; and now if the Bank of Commerce puts one million or three millions into the Treasury to be used by and by to retire its notes, and taxes supply the same three millions, then you have six millions to meet three millions of liabilities; there are three millions more than you want, whatever that is. I do not see how those three millions are going to get out except by retaining three millions derived from another source.

Mr. SCOTT. The point the Senator from Wisconsin makes is one well worthy of consideration. It is renewing in another form the same objection which I had to the bill which was previously considered; and, to get it down to the finest point, it is simply this: that when, for instance, $10,000 of legal-tender notes are paid into the Treasury in lieu of circulating notes for the purpose of reducing the capital of a bank, those notes will have to be covered into the Treasury formally before they can again be used by the Treasury Department in payment of any expenses of the Government. That is the point which the Senator makes.

Mr. HOWE. Not exactly that point. I think they ought to be covered into the Treasury and be held there as a fund dedicated to a specific purpose, to wit, the cancellation of the bank-notes when they come in. But whether that is so or not, the consequence is the same. You have got twice the amount of money in the Treasury that you need for the legitimate purposes of the Treasury. The taxes supply all the money you want for ordinary purposes; and yet they will tell you you may use this money which the banks pay in for those purposes. Suppose you do; you have then the same amount locked up in the Treasury derived from contraction—and that is a contraction beyond all question.

Mr. BUCKINGHAM. I have no doubt that the Senator from Wisconsin is right when he speaks of this measure as being a contraction; but it appears to me that it is not objectionable on that account, for if it is a contraction, it is a contraction made necessary because those who are interested in finances have no occasion for the money which they return. It is to be those instances of contraction where the necessities of commerce do not demand the amount of currency which is in circulation. Therefore, on that account, I do not see the objection to it.

Mr. HOWE. Well, Mr. President, that is a very ingenious and very manifest—fair in one sense—justification of this contraction. To-day your banking system amounts to just this, and no more: that the United States shares with bankers the profits of furnishing a circulating medium; the Government furnishing one half and the banks furnishing the other half, and the Government redeeming the whole. This proposition, as defined by the Senator from Connecticut—and I think he defines it accurately—amounts to this: that, in addition to all this, the Government proposes to borrow from the banks whatever surplus of circulation they may have from time to time. It is to become the sponge to absorb whatever surplus of circulation the banks may have, and pay them interest for it until, by and by, the community needs it again and will pay more for it than the Government pays. That is loading the Government beyond what I think ought to be done.

Mr. BUCKINGHAM. It seems to me perfectly right and reasonable, as I have said repeatedly before, when the Government is indebted and does not meet its obligations, if its creditors demand pay, that the Government should pay a consideration for holding off, or, rather, interest on its debt until it does pay it. So that the objection which the Senator from Wisconsin makes is not, to my mind, any serious objection.

Mr. BOUTWELL. Mr. President, I will take the liberty to say, in response to what has been said by the Senator from Wisconsin, that this bill, practically, does not work a contraction of the currency, nor an expansion. It does furnish, however, additional facilities for doing what upon the whole I think it is inexpedient to have done. A practice has grown up which possibly the Treasury Department might stop by what would be an exercise of arbitrary power. Persons desiring to organize a new bank, or to obtain additional circulation for a bank already in existence, purchase the issues of insolvent banks, or the issues of solvent banks, desiring to diminish their circulation, at a premium varying from 2 to 6 per cent. At present there must be deposited for the redemption of the issues of insolvent banks United States notes; for the redemption of the issues of solvent banks, or for the decrease of the circulation of solvent banks, the issues of the particular banks. This bill proposes that solvent banks may diminish their circulation by a deposit of United States notes. Of course this facilitates the process of diminishing the issues of solvent banks, and increases the facility for transferring the circulation of solvent banks to other banks, or to banks to be organized.

There is vested in the Treasury Department a general discretion within the law as to the place where additional circulation shall be supplied. But when parties desiring a new bank, or desiring to add to the circulation of an existing bank, have made arrangements through brokers for the circulation of insolvent banks, or with the officers of solvent banks that desire to diminish their circulation, it is difficult for the officers of the Treasury Department to say that that particular transaction shall not be completed, although, as will be seen, it takes from the Treasury Department its discretion to decide where the new circulation shall be placed.

I think it is better when the circulation is to be transferred from existing solvent institutions, or from insolvent institutions, to new localities, that it should be left to the Treasury Department rather than to individuals outside; and in so far as that is wise, this bill is unwise, inasmuch as it increases the facility for doing that particular thing.

I will take this occasion, Mr. President—not in reply to the Senator from Connecticut, but in consequence of a suggestion made by the Senator from Connecticut—to submit an observation touching an opinion that seems to be pretty common, which is that the Government of the United States has a vast amount of its demand notes in circulation and discredited by not being redeemed when once due. Whoever will look at a United States note will see that there is no obligation expressed—and I think none implied—in what is written upon the note, that it is to be paid at a particular time. It is redeemable at the pleasure of the Government, but not payable at any particular moment. Such was the spirit of the law. Such, I think, has been the view of the Treasury Department.

Mr. MORTON. I suggest to the Senator that the Supreme Court of the United States, in a decision delivered by the Chief Justice, decided that those notes were not payable on demand, and that the Government was not bound to pay any part of them until it was ready to redeem the whole currency.

Mr. BOUTWELL. Undoubtedly. I do not see how the court could have decided otherwise, inasmuch as there was nothing in the law implying that the notes were to be redeemed at a particular time; and there was nothing expressed or implied upon the face of the notes that they were to be redeemed at a particular time. The Government in reference to all these issues stands precisely as it does in reference to the five-twenty bonds, with the exception that there is no period of time assigned when the notes are to be paid. The five-twenty bonds are redeemable in five years, but they are not payable until twenty years. As regards the United States notes they are redeemable at any time, but they are payable only at the pleasure of the Government; that is to say, the Govern-

ment will consult its own convenience—the ideas that prevail as to a wise public policy. I only make these remarks that I may put an end, so far as an expression of opinion can put an end, to the opinion prevailing in the community that the Government has for a moment been discredited in the reference or the redemption of these notes.

Mr. MORRILL, of Vermont. I desire to put a question to the Senator, before he takes his seat, in relation to the point which he has suggested. If an individual were to give a note, with no time specified as to date of payment—a promise to pay five dollars or ten dollars—will he say as a lawyer that any court would not enforce payment on demand?

Mr. BOUTWELL. I will answer that, according to my ideas, the relations between individuals are determined by the laws. I suppose the courts would enforce the payment of a similar private obligation after the demand was made, considering the circumstances, whether they were reasonable or not; but the rule does not apply to the Government. There is no power of making the demand. These notes were issued upon an express and general notice as to the character of the obligation, and discretion as to the time of payment is left with the Government.

Mr. MORRILL, of Vermont. Then the only difference is that an individual cannot sue the Government. If the claim existed against another citizen of course it could be enforced; but this claim being a promise made by the Government, which cannot be sued by an individual, therefore it stands upon a different basis.

Mr. MORTON. Will my friend allow me to suggest that the Supreme Court of the United States passed upon that very point, holding that these notes were not in their nature, and were not understood to be, payable upon demand, but at the convenience of the Government?

Mr. MORRILL, of Vermont. I am quite ready to admit that there is no obligation which can be enforced by law; but it does not destroy the moral obligation.

Mr. SCOTT. Recurring to a point which bears upon the bill under consideration, I wish to get from the honorable Senator from Massachusetts [Mr. BOUTWELL] a distinct understanding as to an impression which I think he has left upon my mind, although he may not have left it upon the minds of others, and which I think may do injury to the country. It is this: that where those interested in an insolvent bank make an arrangement with others to buy up their circulation, or where those who wish to decrease their capital and diminish their circulation make an arrangement with brokers and others to buy up their circulation and give it to banks already established, or to new banks to be established, the Treasury officers feel bound by that arrangement to give their sanction to it and to permit that circulation to go to the banks that have thus arranged for it. If such an arrangement has been made, either by an insolvent bank or by a solvent bank, is there anything in the national-currency act which prevents the Comptroller of the Currency from apportioning that circulation, according to the population or wealth, under the terms of that act; and if the Comptroller refuses to persons having purchased the circulation his sanction to the arrangement which they have made, can they do anything more than present the notes at the Treasury and have them redeemed?

Mr. BOUTWELL. The Senator is quite right as to the powers of the Treasury Department; and I may say that while, ordinarily at least, four or five years since, as far as I know, there were no regulations existing in the Treasury Department by which this business was controlled, yet about a year and a half or two years since certain regulations were made designed to limit this business in such a manner as to make the organization of new banks concur with the general policy of the law. But it is with difficulty that it can be done. When respectable parties have obtained the currency and paid for it, and are ready to organize a new bank, unless there is some special reason adverse to the plan which they have, it is difficult for the Treasury Department to say that that bank shall not be organized in that particular place; and yet if the question were submitted to the Treasury Department originally, without any influences at work, the opinion might be different. I do not speak of it as a great evil; but this bill facilitates that business undoubtedly.

Mr. MORTON. Will the Senator allow me to read an extract from the opinion of the court on the very point?

Mr. HOWE. Yes; let us hear it.

Mr. MORTON. It is in the case of Bank *vs.* Supervisors, (7 Wallace, 29:)

> Under the exigencies of the times it seems to have been thought inexpedient to attempt any provision for the redemption of United States notes in coin. The law, therefore, directed that they should be made payable to bearer at the Treasury of the United States, but did not provide for payment on demand. The period of payment was left to be determined by the public exigencies.

And there is more to the same effect.

Mr. MORRILL, of Vermont. I was a little surprised by the statement of the Senator from Massachusetts, undertaking to defend, as it seemed to me, the morality of issuing Government paper without any specified time for payment, and claiming therefore that legally, as well as morally—for it must be so understood—it had the right to postpone the day of payment forever. Now, sir, without pretending to understand very much of the niceties of law, I know as a business man that in case any individual were to give his paper out in this form with no time specified as to when it should be paid, if, on demand, the party issuing the paper did not pay it, the courts would decide that he should pay, and that it was a fraud to evade the payment of it. Now I do not like to place the Government of the United States in that position. I believe that it was the intention from the first to pay this paper at a very early moment. When it was first issued there was a special provision that it should be redeemed, and bonds were authorized in lieu of the paper issued. Subsequently that part of the law was repealed, but the form of the obligation was not changed.

Mr. HOWE. Mr. President, touching this question of the meaning of the promise which is inscribed on your greenback, I think if I were sitting as a justice of the peace or as a judge in the Court of Claims, I should say precisely what the Supreme Court said in the case which has been referred to. I would not give judgment against the United States upon one of these notes. But because your law was so framed as not to make a contract upon which individuals could sue, as not to make a contract upon which a court could give judgment, it does not follow that we are exempted from the obligation to give judgment for the payment of these notes whenever the United States is able to meet the obligation of that contract.

Mr. BOUTWELL. Will the Senator from Wisconsin allow me a word?

Mr. HOWE. Certainly.

Mr. BOUTWELL. I take no issue with the Senator from Wisconsin or with the Senator from Vermont as to the obligation of the country, at the earliest possible moment, to make all these notes equivalent in value to specie and to redeem them. But I have yet to learn how the public credit is improved or the character of the country increased by the statement that it is living in constant financial dishonor. I said what I did simply for the purpose of bringing before the Senate what I understood to be the law, because nations act upon the law. The equity and the morality are to be sought for in the hearts and the purposes of the people; but a nation cannot be charged with dishonor when it has stipulated beforehand what it will do and is in the direction, as it has been for the last five or six years, of performing what it has undertaken ultimately to do; and that is, to make these notes of the value of coin and redeemable in coin. But while this process is going on, and while we are under no obligation to bring the process to an ultimate and favorable result at a particular time, I do not hold the nation to be discredited or dishonored if it be acting in good faith towards a result which it has promised ultimately to perform, but which it has not agreed to perform at a particular time.

Mr. HOWE. Mr. President, the Senator from Massachusetts has made one admission, and it covers about all that I insist upon with reference to the character of the greenback. He has accompanied it by a statement which remains to be verified, and that is, that for five or six years the Government has been in the direction of making your deferred promises equal in value to coin; what you promised to do when you put them afloat. That business has been in that direction I think is correct; that the Government has taken a step in that direction I have yet to learn. Something has been accomplished, the Senator suggests. Yes, by business, and in spite of the Government; not by the Government. That is my understanding of the case in reference to the greenbacks.

ADJOURNMENT TO MONDAY.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the unfinished business, which is the salary bill, so called.

Mr. LEWIS. If in order, I move that when the Senate adjourns to-day it be to meet on Monday next.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. SHERMAN. I trust the Senator will withdraw that, and let us get rid of this one bill that is before us. If we do that to-day, I shall have no objection to adjourning over to-morrow.

The question being put, there were on a division—ayes 28, noes 23.

Mr. EDMUNDS and Mr. MORTON called for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 32, nays 29; as follows:

YEAS—Messrs. Bayard, Bogy, Boreman, Brownlow, Cameron, Carpenter, Clayton, Conover, Cooper, Crozier, Davis, Dennis, Fenton, Flanagan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Kelly, Lewis, McCreery, Norwood, Patterson, Ramsey, Saulsbury, Spencer, Sprague, Stevenson, Sumner, Thurman, and Tipton—32.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Chandler, Conkling, Cragin, Edmunds, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Ingalls, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Sargent, Schurz, Scott, Sherman, Wadleigh, and Wright—29.

ABSENT—Messrs. Alcorn, Ames, Dorsey, Johnston, Jones, Ransom, Robertson, Stewart, Stockton, West, and Windom—11.

So the motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 253) for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City, and a bill (H. R. No. 215) to exempt George M. Richards, of Pittston, in the State of Pennsylvania, from the payment of $881.29 for postage-stamps stolen from his office while postmaster; in which it requested the concurrence of the Senate.

OFFICIAL SALARIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Vermont [Mr. EDMUNDS] to the amendment reported by the Committee on Civil Service and Retrenchment, as amended.

Mr. EDMUNDS. I ask that the amendment be reported.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to insert after the word "repealed," in line 13, the words:

And the reduction of salaries herein provided for shall take effect as of the 4th day of March, 1873; and the accounting officers of the Treasury shall compute the same accordingly, and shall make ratable monthly deductions from said salaries at the rate necessary to effectuate this provision within nine months next hereafter.

So as to read:

And the salaries and compensation of all said officers and clerks of every name and description shall be and remain as fixed by the laws in force at the time of the passage of the act the provisions of which are hereby repealed. And the reduction of salaries herein provided for shall take effect, &c.

Mr. SARGENT. Mr. President, I think it was unfortunate for the bill under consideration that the Senate last evening concluded to adopt the amendment of the Senator from Maryland, [Mr. HAMILTON.] I think it was unfortunate that the Senator from Iowa who had charge of this bill [Mr. WRIGHT] thought proper to depart from the rule, which he had announced throughout the debate, of voting down all amendments, for fear they might retard or prevent the passage of the bill, to vote for that amendment simply because in some of its terms it resembled a bill which he had himself introduced on the first day of the session.

Now, sir, I very strongly desire to vote for this bill. Certainly a very serious doubt exists in my mind at the present time whether or not I shall vote for the bill if this feature is retained in it; and I speak not merely for myself, but think that I express the opinion of other Senators. The amendment already adopted singles out the President of the United States alone, separates him from the Supreme Court judges, from every other officer, and puts him in a pillory for four years; nails his ears to a post, to be the object of all the attacks, of all the slang, which malignity and genius combined can invent to throw at his devoted head. This amendment does not provide that the increased salary of the President and of the supreme judges shall cease after the expiration of the present term of the incumbents of these positions, placing him in company with the supreme judges, so that any reflection cast upon him must be shared by others, and therein, perhaps, their injustice be shown. But the amendment says that this repealing act shall take effect as to the President from the termination of the presidential term, and then goes on to say that the repeal shall not now, nor then, nor at any time, take effect on the salaries of the judges of the Supreme Court of the United States.

I wish to know if that is the purpose of the American Senate. I wish to know if it is our purpose that the President of the United States from now until his term expires shall be the object of attacks which this gives fertile occasion for. If we intend covertly and cunningly by this provision that the President shall not, on account of a public opinion that shall be aroused against him if he should take the increased pay for three or four years, get what the law allows, then I say it is unworthy of us as legislators thus to avoid, thus to endeavor to circumvent, the constitutional provision. But if that is not our purpose, we at any rate put the President in such a position that he is compelled to forego one-half the pay which is his by the Constitution, or else plead what will be alleged as a mere constitutional technicality in order to receive this increased pay. We put him in a position where papers with little character, and papers, perhaps, with greater, may be able to say each quarter as he goes to the Treasury and draws the enhanced compensation, "The thief has been once more to the Treasury and carried off double the amount to which he was equitably entitled;" double the amount because the Congress of the United States has said that he ought to have only one-half that amount in effect, by saying that his successor should only have one-half that amount and his predecessors had but one-half.

Now I am unwilling as a Senator, and I am unwilling as a republican Senator most certainly, to put the President of the United States, and again I say the President chosen by the party to which I belong, in the position of being an object of the abuse that can be heaped upon him by the reckless papers of the United States. I do not characterize them all by that term; but Senators know to what I refer, and know that there are papers of this description which will gladly seize upon this or any other occasion to besmirch the fair reputation of the President of the United States, and we by this amendment provide that he alone, and simply because he is shielded by what they well declare is a constitutional technicality, shall retain his increased compensation and his successor shall not have it. I ask, can this as it stands, singling him out from the Supreme Court judges of the United States, bear any other construction, and does it not make the President a mark for the arrows of abuse during the remainder of his term?

The Senator from Iowa, when this amendment was proposed, varying the terms of the bill, arose and said that it was necessary for him to vote for this because he had introduced it, or something like it, at the commencement of the session. I can forgive a good deal to pride of authorship; but it seems to me that there was another obligation, which I wish to suggest kindly to the Senator, and that was to stand by the committee, to stand by the bill he reported, and that obligation he recognized when on two several occasions, when the Senator from Indiana had brought forward amendments making this retroactive to the 4th of March, he said, "Well, this is right; if it were a separate proposition, or came in at such a time that it would not injure the bill, I would vote for it; but I call upon the Senate to vote down these amendments even if they be right, and I believe they are right; otherwise the passage of the bill will be endangered." But when comes that amendment so injurious to the President of the United States, injurious to the reputation of the President of the United States, then all this solicitude for the bill seems to vanish in the face of the pride of authorship.

I tell the gentleman that his bill is in more danger to-day, and on account of that course of his own, than it would be by the adoption of the amendment of the Senator from Indiana, or almost any other amendment that can be proposed. And why? Because there is a spirit of fair play in the Senate and Congress, because we do not want to see the President of the United States the object of the assaults of ruffianism all over the country; we do not want by indirection to circumvent the President of the United States; we do not want to unconstitutionally prevent his receiving the compensation which was provided before his term commenced; we do not want to inflict that injustice on him. It is the sense of fair play of the Senate that I rely upon. I know the amendment was adopted without much debate. The Senator from Maine [Mr. HAMLIN] called attention to it in a few remarks; but I doubt if it was generally understood, and I doubt if the Senator from Iowa himself understood that the amendment singled out the President and separated him from the judges of the Supreme Court, and said the repeal should take place at the end of his term, and the repeal should not take place at the end of their term, whereby they would have shared the responsibility with him of taking the pay which the Constitution and our laws have provided they shall receive.

Now, sir, as I voted in the negative on this proposition, I am not in a position to move a reconsideration of it; but it seems to me that the matter is grave enough for some Senator who did vote in the affirmative to move a reconsidertion of the amendment. I trust it will be done.

Mr. HAMILTON, of Maryland. Mr. President, just one word. I have had no personal or hostile feeling in my action on this question in proposing the amendment which the Senate has agreed to; and it is really the proposition of my honorable friend from Iowa, [Mr. WRIGHT,] and was first introduced in this body by him. It was offered by me because it met my views, and was what I believed the fair sentiment of the country required. So far as I am concerned everybody knows that I am a democrat, and a very decided one; but in any amendment that I proposed on this question I had no idea of reflecting, nor does the amendment itself reflect at all, upon the President of the United States. It is the only time we can have the opportunity of determining this question.

Mr. SARGENT. Will the Senator allow me? I should like to ask if there is not an opportunity at any time during the next three years to pass a provision of this character which will not reflect upon the President of the United States? I would further ask if, when he is separated from the judges, and it is said that he shall receive the increased salary only during his term, that is not a reflection on him? Is it not an indication of the sense of Congress that he ought not to have the enhanced amount, and consequently that he does wrong in taking it?

Mr. HAMILTON, of Maryland. I think not. We may as well act upon it now, as it is before us, as any other time within the next three years. We have got to do it in order that it may be effective and apply to his successor. We are to do it during his period of service. It would be just as much a reflection, and more so, if we made the provision just as he was going out of office. If I know the character of President Grant, if I understand him at all, he will care nothing about the action of this Congress, because he is not responsible for it and for our conduct here upon this subject. The law now provides that he shall have $50,000 a year. The Constitution of the United States says that he shall have it, and we cannot take it from him. I cannot blame the President for taking the $50,000. I do not blame anybody here for returning his $5,000 or keeping it. The argument of the honorable Senator from California would apply to our action on this bill, and he might as well say that by the repeal of this law we reflect upon every member of the Senate who has drawn the increased pay prior to the 3d of March, or what is commonly called the back pay. This legislation reflects as severely upon those gentlemen as it can possibly upon the President of the United States. There is no reflection upon either, in my judgment. I do not intend to reflect upon President Grant for taking the salary. It was his right to do it. We gave it to him as the representatives of the people, and, as the Executive officer of the Government, he signed the bill.

So far as I am concerned, in offering the amendment I designed no reflection upon anybody, and it reflects upon nobody. The amendment only does this: it carries out what I believe to be a fair expression of the public sentiment of the people of this country; and in

the expression of that sentiment it has reference alone to the provisions of the bill, and to no individual that may have taken the advantage of it. But we are not to remain here and undertake to combat the suggestions of newspapers, or the criticisms of newspapers. It is their right to criticise the conduct of the President and to criticise our conduct, and it is their duty at times to do so. Are we to make laws to suit that criticism at all times, or are we to control and direct our legislation to avoid that criticism? I think the honorable Senator has not stated the question fairly. He says that he has observed that some newspapers are already making suggestions about the President of the United States—that he has already been the subject of abuse and criticism. Sir, members, too, have been subject to abuse and criticism. We cannot help that. We desire to do what is right; and I am sure I do not know that I can say so positively, but I am sure that, amidst all the newspaper criticism, and amid all the reflections that some people may cast upon the President of the United States if this measure shall pass both Houses of Congress, he is well able to stand it, and will stand it.

Mr. EDMUNDS. I do not rise, Mr. President, to debate this amendment. It is perfectly well understood, and I suppose has been debated at sufficient length already. My single observation is, not that public opinion is for or against this refunding of the accruing pay during this time. I do not know that we are bound to know what public opinion is, and I do not know that we are bound to act upon it if we do know, because a public opinion that grows up suddenly may change as suddenly; and I believe that our terms were made long in order that we might not mistake that for a public opinion which at the moment seemed to be such. I offer the proposition now pending because I believe the passage of that clause in the appropriation bill relating to our salaries was wrong in itself—first, because it was attached to an appropriation bill; and, second, because we forced ourselves to pass it for the reason that we thought, either rightfully or wrongfully—I think wrongfully—that we could not vote it out of the appropriation bill, or direct our committee to insist upon taking it out, without defeating the whole bill. The bill having passed, either under a wrong interpretation of our rules, or, if under a right one, under a rigorous interpretation that prevented us from voting, as, presumably, we otherwise would, I think that such vicious legislation as that ought to be wiped off the statute-book and matters put *in statu quo*. The way to do that is to put this matter where it stood on the 3d of March, as far as we have the power to do so. Having done that, I shall be quite willing to face public opinion, when our affairs are in as good order as they were on the 3d of March last, by voting for a proper increase of the salaries of members of Congress, and other officers of the Government who seem to deserve it, to take effect in the future and not in the past. I ask for the yeas and nays on the adoption of my amendment.

Mr. CHANDLER. Mr. President, I am somewhat embarrassed as to my action on this bill. I had assured the honorable Senator from Iowa [Mr. WRIGHT] that if he would introduce a bill simply restoring the compensation of members of Congress and the employés of the two Houses to the exact position that was occupied by them before the passage of the bill of the 3d of March, 1873, I would stand by him and vote down with him every amendment offered, and I did stand by him and voted against amendments of which I was really in favor, because I considered myself bound in honor to do so. But when the Senator who had charge of the bill abandoned that position, I did not vote on the last proposition which was added to the bill. I did not believe then, and I do not believe now, that any other bill will become a law than the bill which I pledged myself to stand by with him. I do not believe that this bill in its present shape will become a law if we pass it through the Senate. Hence, as I said before, after the abandonment of the position taken by the honorable Senator having charge of the bill I felt myself very much embarrassed, and am still so. I should be very glad to vote for several of the amendments that I voted against because I considered myself bound not to vote for them. I hope the Senator from Iowa will reconsider his action and stand by his original proposition, and give us a bill that we are sure we can pass, which will restore matters precisely as they stood before the passage of the act of the 3d of March last.

Mr. BOREMAN. As I understand this amendment, it proposes to make the last amendment that was attached to the bill, so far as the employés and officers other than the President are concerned, to take effect from the 4th of March last, and it would withdraw from the officers and employés in effect, although not in terms, a portion of the salaries which they have already received. The Senate voted down a proposition like this applicable to the members of this body, and I apprehend they will not now attach to this bill and make applicable to other officers and employés a proposition which they would not impose upon themselves. It would be a singular course of legislation for us to say that a proposition of this sort was good for other officers, but was very inappropriate for Senators. I shall vote against it upon the same principle that I voted against the amendment yesterday, which was to make the law itself operative from the 4th of March, taking away a portion of the salaries, as I understood, of the members of this body.

Mr. EDMUNDS. My friend from West Virginia I think misapprehends the scope of my amendment. It does not operate retroactively as to the officers and employés of the Senate and leave the Senators to have their back pay between this time and the 4th of March last. It provides for all that the law of the 3d of March provided for, excepting the President of the United States and the judges of the Supreme Court.

Mr. BOREMAN. I should like to have the amendment reported again. I have misapprehended its terms, probably.

The Chief Clerk read as follows:

> And the reduction of salaries herein provided for shall take effect as of the 4th day of March, 1873; and the accounting officers of the Treasury shall compute the same accordingly, and shall make ratable monthly reductions from said salaries at the rate necessary to effectuate this provision within nine months next hereafter.

Mr. BOREMAN. Then, Mr. President, it includes Senators and all other officers except the President and the judges, so that to that extent I have misapprehended it. It is the same proposition, however, only that it is broader, which we voted down yesterday. I trust this will also be voted down.

Mr. WRIGHT. I have nothing to say upon the amendment now pending; and what I may have to say upon the other question would hardly be appropriate at this time. When the question shall again come before the Senate touching the amendment offered by the Senator from Maryland, I may, perhaps, then make a response or answer to the very kindly and friendly lecture which has been read to me by the Senator from California, [Mr. SARGENT.] Of course I recognize the right of that Senator and of others to question my action and my conduct here. Of course that Senator understands very much better than I do what should be my course of conduct in the control of a bill. Of course, by reason of his larger experience, he is able to tell much bettter than I can what is to be the effect of the bill, the amendment having been adopted which was adopted yesterday; and of course I should hardly be expected to question the correctness of the conclusion at which he has arrived. I think there is a very clear distinction, however, between the position I occupied yesterday upon the one amendment and the position I occupied upon another. It may arise from a mistake on my part, he understanding the subject involved very much better than I do. If I had believed when the amendment was offered that it would endanger the success of the bill, I should certainly have occupied the same position upon it that I did upon the other amendments. If I could be led to believe that, I certainly should occupy the same ground that I did before; for, as I have said on more than one occasion, what I want is results, and I do not care to wrangle and quarrel and controvert over the matters intermediate or questions which may arise that do not affect such general results. I say if I believed the amendment would have the effect indicated by the Senator from California, and he doubtless understands it very much better than I do, I should certainly not insist on the amendment.

But it was not my purpose at this time to speak of the amendment adopted yesterday, for there is an amendment now pending before the Senate that raises an entirely different question. I will, however, now that I have the floor, say one thing. The Senator from California seems to intimate that I, by the amendment adopted yesterday, singled out the President of the United States. Does not that Senator know that the amendment of the Senator from Maryland includes other officers as well as the President of the United States? The question involved is simply this: whether we as Senators here will eat humble pie and confess that last March we were wrong in increasing our own salaries, but right in increasing the salary of everybody else. I am not prepared to do that.

Mr. SARGENT. Will the Senator name the other officers?

Mr. WRIGHT. It increased the Assistant Secretaries of the Treasury Department; it increased the Supervising Architect of the Treasury; it increased the solicitor of claims in the State Department; it increased some four or five or six other officers besides those named in the Senate bill.

Mr. SARGENT. The increased salary of all of whom is repealed by this amendment?

Mr. WRIGHT. Yes, sir.

Mr. SARGENT. Very well; then the President is the only one whose salary is continued during this term, with the intimation that it shall end by and by. If the Senator will allow me a moment, the point is simply this: that if there were constitutional power to repeal the salary of the President at once, so that he could receive the smaller compensation, and thereby be on an equality with those other officers whose salaries are repealed, I should raise no objection, except the one that his salary is not too great at the increased rate; but then it would be on an equality, and the Senator says plainly he is not now on an equality.

Mr. WRIGHT. Mr. President, it is only a question of names after all. Suppose we should pass this bill and say nothing about the President, or suppose we should pass it and except him from its operation, and fix no time when it should take effect upon him, I ask if the moral effect of it is not the same as by the amendment that is proposed here? We say to the country, according to the Senator's argument, that we do not touch the President's salary, because we cannot in the case that I have supposed. But, sir, it was not my purpose to argue this question at this time. At the proper time I shall attempt to give the reasons more at length for the course I have taken. I have no question as to it.

Mr. SARGENT. Mr. President, it was very far from my purpose to instruct the Senator from Iowa in his duties, and it is very far from my purpose, either, to be deterred in the expression of my own senti-

ments upon this floor by the assumption of that Senator, or any other one that I have not a full right and liberty so to do. I am not to be deterred from the expression of my sentiments because I am not, as the Senator implies, more than a young Senator on this floor. I shall endeavor, if I can, to express them modestly and properly; and express them I certainly shall, whenever in order under the rules. That is all that I desire to say in reply to the Senator's remark—perhaps sneer—as to the comparative age of himself on this floor and myself.

Now, sir, so far as related to the change in tactics of the Senator in the conduct of the bill, it was so obvious to every Senator around him that, it seems to me, it was a proper subject of remark. When there were amendments offered which he himself stated on the floor—as a reference to the RECORD of yesterday will show—that he believed to be right, he suggested that they, and all amendments, should be voted down, because otherwise the passage of the bill would be imperiled. But when there came an amendment which he himself had drawn and introduced in the form of a bill at the commencement of the session, or something resembling the bill that he then introduced, although it is not the same, he said that he wanted that to be adopted; and the only reason he gave was that it was a bill of his own introducing. If all amendments were to be voted down because they would imperil the bill, then, by the same logic, that amendment should have been voted down lest it should imperil the bill, and the Senator should not have voted for it.

It is true that, under the legislation of last session, the salaries of a number of officers were increased. All of them, except that of the President of the United States and the judges of the Supreme Court, can be constitutionally repealed as ours is repealed, to take effect, as the Senate insists the repeal of ours ought to take effect, from the time of the passage of this bill. They are placed in the same category with ourselves. To that I do not object; and I would not object, except on the simple score of the inadequacy of the compensation, to a reduction of the salary of the President of the United States and the judges of the Supreme Court, if they also could take effect at the same time; but when there is a general amendment offered which, in terms, repeals everything that passed at that time, there is a proviso at the end which excepts from the general repeal the salaries of the judges of the Supreme Court of the United States. Why is this? The Senator voted for that. That was a part of the amendment which the Senator desired to have incorporated upon this bill. Why except the salaries of the Supreme Court judges? As far as the Chief Justice is concerned it could not be upon any constitutional pretense, for there is now a vacancy in that office, and any law which we pass would take effect before the filling of the vacancy, or might be made to do so; but at any rate the judges' salaries should be put on the same footing with that of the President of the United States, if it is to be repealed and that repeal is to take effect at the close of the term. And here is another inequality forced upon the President of the United States—that while the increase of the judges' salary, which was complained of by this public clamor just as much as any other increase, is continued, the notification is given to the country that Congress thinks the President is getting too much—more than he ought to receive—and the law is changed, to prevent any subsequent President from taking advantage of the constituional technicality to retain more compensation than he ought to have.

Now, sir, I utter these sentiments in defense of the President of the United States, not because the present incumbent fills that place especially. I would do so in behalf of any President of any party, he being an honorable man who occupied that position. I would object to his being made the mark of scorn and contempt, excited in the minds of the people by the tirades of the evil-disposed conductors of the press for this reason; and I say that we do ourselves a wrong in passing a bill with this provision in it, thus singling him out and placing him at this disadvantage.

I believe, sir, that the bill is now in Committee of the Whole, and that a vote can be again reached on the amendment of the Senator from Maryland in the Senate.

The PRESIDENT *pro tempore*. Yes, sir. The question now is on the amendment of the Senator from Vermont, [Mr. EDMUNDS,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 19, nays 39; as follows:

YEAS—Messrs. Bogy, Carpenter, Chandler, Conkling, Cragin, Edmunds, Fenton, Ferry of Michigan, Mitchell, Morrill of Maine, Morton, Oglesby, Pratt, Ramsey, Sargent, Schurz, Sherman, Thurman, and Wadleigh—19.

NAYS—Messrs. Allison, Anthony, Bayard, Boreman, Boutwell, Brownlow, Buckingham, Clayton, Cooper, Crozier, Davis, Dennis, Dorsey, Ferry of Connecticut, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hamilton of Texas, Howe, Ingalls, Kelly, Lewis, Logan, McCreery, Merrimon, Norwood, Patterson, Ransom, Saulsbury, Scott, Spencer, Sprague, Stevenson, Sumner, West, and Wright—39.

ABSENT—Messrs. Alcorn, Ames, Cameron, Conover, Hamlin, Hitchcock, Johnston, Jones, Morrill of Vermont, Robertson, Stewart, Stockton, Tipton, and Windom,—14.

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported by the committee, as amended.

Mr. BOREMAN. I move to add this additional proviso:

And provided further, That after the date last mentioned the salary of the President shall be $35,000 per annum.

The amendment to the amendment was rejected.

Mr. CLAYTON. Is it in order to move to recommit the bill with instructions?

The PRESIDENT *pro tempore*. Such a motion would be in order.

Mr. CLAYTON. Then I make the following motion: That the bill with the proposed amendments be committed to the Committee on Civil Service and Retrenchment, with instructions to report a bill looking to a general reduction of all salaries, both civil and military, as far as the same can be lawfully done; said reduction to be apportioned so as to equalize as near as may be the salaries of all officers in accordance with the nature and with respect to the amount of service rendered by them.

Mr. President, I do not offer this motion for the purpose of defeating the measure now before the Senate, but for the purpose of perfecting it and facilitating its passage. I am impressed with the opinion that this is a very important subject. I arrive at that conclusion from the fact that we were told before the late recess by many Senators that the bankrupt law was a question that we could not possibly allow to pass unacted upon during the time we proposed to occupy in the recess. We were told that the whole country was clamoring for action on that subject. We were told that the people were groaning under the evils inflicted by that law. We were led to believe that unless something was done, everything would go to rack and ruin. Now we find that question for nearly one week has been allowed to slumber here unacted upon, and this measure, which seems to be of such vital and paramount importance to all others, is thrust upon the attention of the Senate.

I cannot, therefore, agree with what has been said by many Senators on this floor, that we ought not to discuss this question, that we ought to act upon it at once, blindfolded as it were. I am in favor of its discussion. I do not believe that the people of this country expect us to act upon a great measure like this without giving it a careful consideration and a dignified and full discussion. From the debate that has taken place already I am satisfied that we can arrive at some measure which will meet the demands of the people of this country. I do not believe that the people ask us to do anything that will humiliate ourselves. I do not believe that the people ask us to act hastily on this or any other question. I believe that what they desire is that we shall so legislate that the greatest good may be done to the people. I believe that what they desire and ask is that we shall relieve them from the burdens of taxation, that we shall cut down as near as may be, not our own salaries alone, but all salaries of all officers in all branches of the Government, where we can do so justly and fairly to all parts of the country and to the public service.

I voted for this measure which it is now proposed to repeal, and under the same circumstances I would vote for it again; but the circumstances are somewhat different now. We know that the whole country is involved in financial distress; we know that the poorer classes of the people of this country are, in many instances, clamoring for bread; we know that labor and the prices of labor are being reduced everywhere. Then, Mr. President, I say that we can afford to reduce the price of our own services; but when I say that I want to treat all branches of the Government alike. I was very much impressed yesterday by the remarks of the Senator from Georgia, [Mr. GORDON.] I do not know that his figures are correct—I presume they are—but I was impressed with the remarks of that Senator. It struck me, as it struck him, that we could make this matter thorough and complete. And, Mr. President, unless that can be done I think we shall fall short of what the people demand of us. I do not believe they demand us in hot haste to repeal this measure as it affects ourselves. I believe that their attention was directed to us; and when they directed their attention to us they intended that we should direct our attention to all branches of the public service. They intended when they called our attention to our salaries that we should direct our attention to the salaries of others and see whether we cannot, under the circumstances, relieve the people of a portion of their burdens.

Now, Mr. President, when I move to recommit this subject to the committee I do it with the best intentions. I do not do it for the purpose of throwing obstacles in the way; I do not do it for the purpose of defeating the measure; but, as I before said, I do it for the purpose of perfecting this measure and of facilitating legislation. I think there are other questions before the Senate which we can as well take up and act upon while the committee is considering this measure. We shall not lose time by laying this question temporarily aside, putting it in the hands of the committee and allowing the committee to carefully and calmly go over the whole ground and see if they cannot report to us something which shall be more acceptable to the Senate and to the country.

I have nothing further to say.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Arkansas to recommit with instructions.

Mr. KELLY. Mr. President, when the existing law was under consideration at the last session of Congress, I voted against it. I did not receive any back pay; indeed, for a very good reason—I could not get any. It so happened in this wise: Mileage was allowed to every Senator at the rate of twenty cents per mile for each session, and it so happened that there were four sessions of the Senate and three of Congress during the two years ending March 3, 1873, and my mileage was more than the back pay allowed me by that law.

I have now a few words to say on this question of mileage, as it seems to have attracted the attention of the Senate to a considerable extent. Objection has been made that the mileage is altogether too large, that twenty cents per mile should not be allowed. I admit that twenty cents per mile will more than pay every member of Congress for his actual expenditure in traveling from his home to the capital and returning; but I do not look at it in the light of mere compensation for traveling from the home of a Senator to the capital, but as a provision to compensate for that necessary travel which every member of Congress is required to do in order to transact the business devolved on him in a fair and reasonable manner. There is not a Senator here who does not at times go home and attend to his business and then come back here. Business necessarily calls him away sometimes. If traveling for this purpose is a necessary part of his vocation, why should he not be compensated for it to a certain extent? The Constitution provides that Senators and Representatives shall "receive a compensation for their services." What does "compensation" mean? It means an equivalent. If a Senator has to travel from his home here and then go back to spend the holidays with his family, and returns here again, why should he not have a reasonable compensation for that?

Take the Senator from New York, [Mr. CONKLING.] He resides in Utica. He is at times necessarily called home to attend to his professional business there. Is it expected that he should do that at his own expense? I say it is no more reasonable to require that than that he should have his pay stopped when he leaves the Senate until he comes back.

Again, take a member of Congress from the Pacific coast, and especially I will say a Senator who comes here for the term of six years. He has to separate himself entirely from his family, ignore for the time being all family ties, or else he must bring them with him here; and let me say that no man coming from that coast, or from any distance, should come here without those with whom he is so dearly connected as his wife and children. He must therefore bring them to this place. It is true he gets enough to defray the actual cost in money of bringing them here; but still it is an expense that is imposed upon him in the discharge of his duties as a member of Congress. If a member of Congress chooses to allow his family to remain at home, he can, with the mileage that is allowed him, when the holidays come, return to them and spend those days with his family, as he ought to do, instead of idling his time away in the capital.

So I can see nothing wrong in allowing a reasonable compensation, and I do not think twenty cents a mile is unreasonable when it applies to a man's coming from his home here and returning there occasionally during the session to attend to his business. I think that is the principle which has always controlled; that the mileage is not a mere compensation for traveling one time, but for the necessary travel during the sessions of Congress.

Again, look at it in another light. Travel to the Pacific coast is no light thing. I know that my friend from Indiana [Mr. PRATT] and you, Mr. President, (Mr. STEVENSON in the chair,) have both intimated that the allowance of actual expenses would be really enough for every one. Now, suppose you were both to go with me to my home. Suppose you and I and my brother from Indiana should start on that journey. We commence here; we go for seven days by rail, traveling day and night, to the Pacific coast. Then we reach San Francisco, and we stop perhaps in a hotel, waiting there for the steamer three or four days, and by and by we get on board. We go about perhaps in a chopping sea, a little rough, or it may be making headway against the northwest breezes that blow there in the summer time. Presently we shall see our brother from Indiana sea-sick and looking forward wistfully. A sailor will come along and tell him, "Oh, you land-lubbers, go to the lee side; don't be heaving over here." I think I then look into my brother's face and say to him, "Brother PRATT, are actual expenses sufficient for this?" And he would look up and say, "I think twenty cents a mile is little enough for it all." [Laughter.] We go on; we reach my home in Oregon; we stay there, and we return perhaps by land, unwilling to come back the same way we went. "A life on the ocean wave" once is enough for us. We determine to return by stage-coach. Three days and three nights we ride in the body of that coach, rolling along in that way, dusty and dirty, way-worn and wearied, without sleep and without rest, consuming one month of time, because it will take at least two weeks to come and the same length of time to return if we expect to travel as men reasonably will. There is one month lost; one month of our precious time is lost; to say nothing of the hardships that we endure on the journey there and on the journey back.

I merely instance this to show that this question has two sides, and that there is a hardship involved; but I put it on the other ground to which I referred, that it is necessary to pay the ordinary expenses of Senators and Members when they go to attend to their necessary business at home. You might as well, on the same principle, say to my friend from Ohio [Mr. THURMAN] that when he goes to Ohio to attend the courts, if it is necessary for him to go, he shall have a deduction from his pay here, and bear all the expense necessarily involved himself. Why should he pay it out of his own pocket? His actual expenses for travel in a year no doubt amount to more than his mileage. I dare say if his family were living in Ohio he would return to them two or three times during the session, and if he brings them here it costs him money to do it; and all this is because of the duty imposed on him as Senator.

So much for the question of mileage. I did not intend to say much on the subject, but while I am up I will refer to the position which I shall take and the vote which I shall cast when this bill comes before the Senate for final action.

As I said, I voted against the increase of salary last year. I shall now change that vote, and I will state the reasons why. Among other things, we know that the franking privilege has been abolished. I asked Mr. Merchant, the superintendent of our document-room, what would be the expense of postage for a Senator transmitting to his constituents the various documents which were given to us at the last session of Congress. After figuring it up he says it will be nine hundred and twenty-one dollars and some cents. "This," said he, "does not include the speeches that may be sent, nor does it include such seeds as may be sent from the Agricultural Department. It is simply the postage on the documents that each Senator is entitled to." So there is $921 postage on documents, and when we include other things which we may send from the Agricultural Department it would certainly bring the postage to over $1,000.

If this amendment should prevail and the salary be put at $5,000, that would deduct $1,000 already from our salaries, because I suppose every man here will send these documents to his constituents, as is expected of him. The voice of the country demands that they shall receive these documents, which are published for public use.

Now, what are the expenses of a Senator or Member of Congress here? Suppose he brings his family; and every Senator, I maintain, should, and so the President himself thought when he suggested the propriety of each State providing a residence for its Senators. I say every Senator should have his family here who has one, unless he lives in the immediate neighborhood, as some do. Every one who knows the price of rents knows that no suitable house can be rented and furnished for less than $1,800 or $2,000 a year, and most of the Senators live in houses that cost more than that. Take the coal bills and gas bills alone, and they are $500 more. Now make that simple deduction—$1,000 for postage, $2,000 for house and furniture, $500 for coal and gas bills—and what have you to live on? Fifteen hundred dollars to support the family of a Senator or Representative! Fifteen hundred dollars for all things that are to be bought in the market at the same high prices as rent, coal, and gas. How can a Senator lay up anything against the time when he shall leave here? It is not pretended that he can. The Senator from Delaware [Mr. BAYARD] stated that he could not live on his salary, and every one knows that he is a prudent man, given to no spendthrift habits, and so Senator after Senator has made the same declaration on this floor.

With all this before us, can it be expected that we shall satisfy the country that a reduction would be timely and proper now? I do not think it requires any great amount of talent to satisfy the people at large that living in this place, perhaps the most costly place in the whole country, we ought to be compensated in a reasonable way. It is true we might live on the cheapest pay; we might live on Potomac herrings; we might imitate the example of a frugal member of Congress some years back and bring our Bologna sausages in our pockets here and eat them. We know that that has been done; and yet with all the economy of that member from Ohio, one of those nimble-witted Bohemians who are so ready with their pens gave him the name of "Sausage Sawyer," and it has clung to him from that day to this. It shows that however men may economize, this thing of "poor but honest" will not pay in the eyes of the public. They expect their representatives to live decently; they expect them to live as a member of Congress should; they expect each Senator and Member to receive his constituents, when they come here, in a reasonable and an honorable way. They do not expect their Senators to go into the suburbs of the city to reside; and if they live in a proper way, as I have shown, it takes every cent of the salary that they get. I do not think the public sentiment is such that the people are crying out for this repeal knowing these facts. It is simply because they do not know the situation in which we are placed that this clamor is raised. I think when the subject comes to be understood it will all pass away.

Now, let us look at the duties of a Senator; let us look at his labors. The labors are not those which take place simply in this Chamber. This is nothing but, as it were, a dress parade. The work is done elsewhere. The work is done in committees. And let me say further that I believe the Judiciary Committee, on which is my friend from Ohio, [Mr. THURMAN,] has just as much work while it is in session as the Supreme Court of the United States. Its labors are just as hard, constant, and unremitting. Questions of great importance are presented before it. That is but one committee. Every member has other committee duties to attend to, and every one here knows that every morning until the time when the session of the Senate commences he is busily engaged in the discharge of his duties. Then there is correspondence at night. Every member must answer the inquiries of his constituents. It consumes his time to answer letters on public business. He cannot do it unless he employs a clerk; he cannot do it, at least, without great inconvenience to himself. If he employs a clerk, that is so much added to his expenses, and that is one reason why the salary should not be reduced.

Again, Senators are bored continually by office-seekers to go and

see some one through whom they may get a situation either here or in some of the Departments. These things are to be attended to. It is true that those who belong to my party are not much troubled in this way now, but my friends of the majority are annoyed by applicants for office. All these annoyances a Senator has to endure, and on the small compensation I have mentioned.

But, again, a Senator is elected for six years. After that he goes out of office. He may be re-elected, it is true; but this is not like other offices. Officers of the Army are in office for life; the judges of the Supreme Court receive their salaries while they are in office and while they live.

Let us look now at some of the other salaries—at the salaries of, say, the heads of the different Executive Departments. They do no more labor than we do; their labors are not so exacting as ours, for they can employ clerks for everything they do. We must attend to our duties ourselves unless we pay a clerk out of our own pockets. Therefore I say, while our duties, if we discharge them aright, are more onerous, our compensation is far less than that of members of the Cabinet.

Then look at the military. What does the General of the Army receive? Thirteen thousand five hundred dollars. General Sheridan's salary is $11,000. Every major-general of the Army receives $7,500; every brigadier-general $5,500. Every brigadier-general receives more than any Senator is expected to get. They are also paid ten cents a mile for every mile they travel, and their offices are for life; and when they retire from active duty the United States still pays them their salaries. So much for the military.

The judges of the Supreme Court are paid $10,000 a year, and their offices are for life; and they can provide their homes here and live in ease and comfort all their days; and when they retire from office they still receive their salary, as when they were on the bench discharging their duties.

We ought to look at these things. Why is it that the members of this co-ordinate branch of the Government shall be paid less than either the executive or the judiciary? Have we not the same dignity to maintain? Are we not a co-ordinate branch of the Government? Why should we give every one a higher salary than we vote to ourselves? The Congress of the United States has the right to decide upon the questions of peace and war; it has the right to decide upon our internal and our foreign policy; and yet we are to work for a bare living! It is not just, and is not reasonable. If our salaries are to be lessened, why shall not every other one be? Ah, no; that would be destroying, gentlemen tell us, the dignity of office. Well, I do not see why Senators and Representatives should lessen the position that we hold in this Government—one of the co-ordinate branches of the Government. We ought to maintain its dignity. There is no use in our getting down in the dust of self-abasement and saying that we are unworthy of being on the same plane with the other branches of the Government. I think we are certainly equal to any one of them.

For these reasons it seems to me that we should not lessen our salaries, or, if we do, others should be reduced in proportion. I do not think the American people desire that we should come here and work for a bare living. Why, some of the ablest men that ever sat in this Chamber, princes and potentates of the realm of thought, have given their life-labors to the people here, and retired poor at last. I say if other officers are to be paid as they are, these old brain-workers, when they retire from public life and go to their homes to die, should have something more than the bare honor of having been a Senator. They should have some compensation by which they could live at ease at the close of their lives. I do not think the country demands this reduction. I know that I am not insensible to the public approbation or insensible to public condemnation. I dislike as much as any one to have it said of us that we are not doing our duty; but when these things are presented in a proper way to the people I think they will see them as I do. It has been said here by a dozen Senators on this floor, "The salary is too little, but let us yield to the public clamor; let us yield to the public demand; lessen our salaries now, and we can raise them hereafter." It seems to me that that is not the proper proceeding. It is only postponing that which we ought to do to-day. If our present salary is right, let us stick to it. If we can give good reasons for it, the public will be satisfied. If we cannot, of course we must be condemned. This is the view I take of it. I think it is a proper one; and I think we should do what we believe to be right now. Do what is right, and let the consequences take care of themselves. The people will be satisfied in the end.

There is another thing. A motion has been made to refer this bill back to the Committee on Civil Service and Retrenchment. I had thought of that myself. I shall favor the motion, but I would rather send it to a new committee. I have no doubt the Committee on Retrenchment is overburdened with labor; it has much to do all through the country. It seems to me that if we had another standing committee on officers and their compensations, or something like that, it would be one very much needed; and this matter could be referred to that committee, and they could take into consideration the salaries of all officers of the Government from the President down to a page, and have the subject presented in one systematic, comprehensive whole. That would certainly be better; and then, when any increase of salary was desired, let the petition for that purpose be referred to that committee. I know there is no such committee in existence now, but it seems to me it could be readily created; and having the subject of officers and their compensation constantly in view, every petition for an increase of salary could be referred to that committee; they would understand the whole subject; they could report, not only what would be a proper compensation for officials, but when it was necessary to dispense with any officer—and I have no doubt there are many that might be dispensed with now—they could so report.

Again, there are inequalities in the compensation of officers—glaring and gross inequalities—some doing the same amount of labor as others and receiving only one-half the salary. I do not see why women should not have the same compensation, when they perform the same labor, as men. There are a great many of them living on half the salary and doing the full amount of work of others. I think that is unjust and unequal, and it ought to be remedied.

I would prefer to have this whole matter referred either to this committee or to another, say a select committee, and let them examine the whole question of salaries; let them see what officers are necessary and what can be dispensed with. If there are any officers that could be displaced the committee could attend to them. Suppose a month or two, or even a session, should be consumed by this course, how much would be gained by it. I think the people would not censure us if we should dispense with the consideration of this bill for the present and refer the whole question to a committee, to investigate, and to report a bill fixing the salary of every officer of the Government, as I said, from the highest to the lowest; and then let us consider and act upon it. Then every one would know what he was to receive.

For these reasons I shall vote for the reference which has been suggested if the motion be made. I would prefer, as I said, that it should go to another committee unless this committee has ample time to attend to it among their duties. I would not wish to take it from their consideration if they have time to attend to it fully. I know it would take quite a long time and close investigation and constant attention. If they can find this time, I will certainly vote to refer it to them. If they find it impracticable, or if they cannot attend to it properly, let it go before a select committee, or create, if you please, an additional standing committee, as I have suggested, and let the matter be discussed as a whole; and the people, my word for it, will be satisfied in the end.

Mr. CRAGIN. Mr. President, I did not think it was possible for this bill to get into such shape, or that the discussion should be so long protracted, that I could be induced to say one word in relation to the subject. But, sir, I have been reflecting this morning, and I have come to the conclusion that the Senate of the United States has now for five days been acting the play of "How not to do it;" and it is a question that we should consider, in my judgment, how long this play is to be continued—whether we will let other interests suffer by prolonging the discussion upon this question.

When the committee reported the bill to the Senate I made up my mind that they had met the average sentiment of Congress; that they had reported a bill upon which we could stand, those of us who had opposed the salary bill in the last Congress, and those who had voted for it and yet concluded it was now better to repeal it; and I believed that we might get a vote in a single day upon that plain, simple proposition demanded by the people, the simple repeal of the salary bill, especially so far as it related to members of Congress. But the friends of the measure were not content to stand upon that proposition. My friend from Indiana, [Mr. PRATT]—and I know that he was honest; I know that he meant well—came in here with a proposition that those members of Congress, some three hundred and seventy of them, who had been receiving a compensation under the law at the rate of $7,500 per annum, should restore one-third of the compensation they had received since the 4th of March last, or have it deducted from a reduced salary hereafter. I voted with him on that proposition when we reached a vote; but I very well knew that it could not carry; I very well knew that we could not find a majority in the Senate and in the House of Representatives who had taken this compensation, as they were entitled to do by existing law, who would vote to pay it back. Of course "unconstitutional" objections would be found, as well as uncomfortable objections. It was useless to present that amendment. It only tended to embarrass the bill. It only tended to defeat the passage of the bill. It was not so intended, but such was calculated to be its result.

Then, after that amendment was disposed of, the Senator from Maryland [Mr. HAMILTON] came forward with an amendment which has been adopted by the Senate, which, in my judgment, greatly embarrasses this measure. I felt myself obliged under a sense of duty to vote against that amendment. It was a different proposition; it not only proposed the repeal of the salary bill so far as members of Congress were concerned, but it went to the employés around the Senate and House of Representatives, the men who do the labor here, and said, "We will also repeal their compensation and put them back where they were before."

Mr. WRIGHT. Mr. President, will the Senator from New Hampshire allow me to correct him?

Mr. CRAGIN. Certainly.

Mr. WRIGHT. I call his attention to the fact that the bill as reported by the committee had the very effect he now speaks of; that

is to say, it reduced the compensation of all the employés of both Houses, as well as that of members of both Houses; and the amendment offered by the Senator from Maryland did not reach that question beyond what it had already been reached.

Mr. CRAGIN. I think the Senator from Iowa is correct; but the amendment did go to repeal the law increasing the salary of the assistant secretaries of three of the Departments, which was not included in the committee's bill; and it also went to repeal, if I recollect aright, the increased salaries of the heads of Departments and reduce them to their old salaries, whereas the committee's report placed them at $8,000 per annum.

Mr. WRIGHT. I am not certain whether that is the same amount it was under the old law or not. I have the impression that it is.

Mr. LOGAN. It is the same amount.

Mr. CRAGIN. Then there is no change in that respect.

But, Mr. President, the main objection I had to this amendment was, as has been stated by the Senator from California, [Mr. SARGENT,] that it singled out the President of the United States and said to him in plain words, "We believe that the salary as fixed by law for your office is too great, but as we cannot repeal it until the close of the present term, we will enact that after 1877 the salary of the President of the United States shall be $25,000; and you shall be hung up for three years and challenged to take the salary now provided by law, or to take simply $25,000 according to the salary as it was before, and as it will be after your term expires." It was placing the President in a most embarrassing position; it was, in my judgment, an insult to the President. Although not so intended, I have no doubt but the effect of it was to humiliate him and put him in a position where he would be most embarrassed; and for that reason I voted against that amendment.

Now, sir, this morning we have another amendment proposed looking in the same direction as the one offered by the Senator from Indiana, only going further and providing that the employés of the Senate and House of Representatives shall also pay back out of their salary what they have received additional since the 4th of March last. That amendment was voted down, as was the other offered by the Senator from Indiana.

Now, sir, the bill stands before the Senate with the amendment offered by the Senator from Maryland, and I am not disposed to join with those who criticise the chairman of the committee for voting for that amendment, because I think he was attached to it. It was only a choice with him between first-born and the second-born, and he chose the first. That is human nature, and we should not question too closely his motives in this matter; but I will join with those who say that he made a mistake. I think so. I think that if he had stood and voted against that amendment, this bill would be in a much fairer way of becoming a law than it is at present; it would have become a law much sooner.

Mr. President, I rose deprecating the delay, deprecating the consumption of time upon this bill. So far as my own record goes I have nothing to say. I have no apologies to make. It will be remembered by some that at the last session of Congress, when this original measure was passed, when we were all exhausted physically, and I especially, I made some intemperate remarks, perhaps, in protesting against the passage of the bill, and made certain predictions; and I am not happy to say that those predictions are verified, although such is the truth. I hope that we may without delay, without unnecessary delay at any rate, dispose of the bill. I hope we may not run this subject into next week and consume all the next week. I predict, however, that we shall, unless wiser counsels and a determination to stand by this measure and sit out, prevail. Unless we can dispose of this bill to-day I have no hope that we can reach a vote before a week from this time. I trust that we may reach a vote to-day, and that we may, so far as we can, satisfy the public demand upon this question.

Mr. WRIGHT. I understand the question is on the motion to recommit.

The PRESIDENT *pro tempore*. With instructions.

Mr. WRIGHT. There is one very good reason, it seems to me, in favor of recommittal; and that is, that it will extend the time of the increased pay four or five months probably to members of the Senate and the House. Inasmuch as I do not propose to be influenced by that consideration——

Mr. CLAYTON. I ask the Senator if he regards this measure as a measure of economy or of a different character? Is this a measure of economy and retrenchment alone, or is it a measure to punish members of this body or cast reflections upon them? I take it for granted it is a measure of economy. Now, I should like the Senator from Iowa to answer me whether it is purely and strictly a measure of economy and retrenchment?

Mr. WRIGHT. I do not know whether it is in the nature of economy or not. It depends on our action how far we can go; but I do not propose by this bill to correct all the evils of the time, and if we undertake to do too much my fear is that we shall not be able to do anything.

I only rose to say that there was, as I have stated, a very excellent reason why this bill could be recommitted; and that was, that we should have the increased pay, and all these officers would have it, for four, five, or six months, because we probably should not get a report before that time; but inasmuch as I do not propose to be influenced——

Mr. CLAYTON. I should like to ask the Senator whether there are not other officers in this Government whose salaries should be reduced; and if so, whether they will not, during all the time that elapses hereafter, have the benefit of their enlarged salary? Take the Army officers, if you please. Will it not cut both ways? And so far as the public Treasury is concerned, and the reduction of taxes, will it not amount to about the same thing, if you recommit this measure and apply the pruning-knife to all alike?

Mr. WRIGHT. All that I have to say on that is, that I propose to reduce these at present, and not let them all run on for five or six months. I trust the motion to recommit will be voted down.

The PRESIDENT *pro tempore*. The question is on the motion to recommit with instructions.

The question being put, a division was called for; and the ayes were 22.

Mr. CLAYTON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. FRELINGHUYSEN. I hope after we have spent a week over this unpleasant subject, putting aside subjects of vastly more importance, we shall not now, by recommitting this bill, have it before us again for discussion for another week. Let us stay here to-day until the bill is passed.

Mr. FERRY, of Michigan. On this question my colleague [Mr. CHANDLER] is paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. WINDOM. My colleague [Mr. RAMSEY] is paired with the Senator from Georgia, Mr. GORDON, on all questions connected with this bill.

The question being taken by yeas and nays, resulted—yeas 19, nays 41; as follows:

YEAS—Messrs. Bogy, Cameron, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Flanagan, Gilbert, Goldthwaite, Kelly, Lewis, Merrimon, Norwood, Patterson, Spencer, Stevenson, and Tipton—19.

NAYS—Messrs. Allison, Anthony, Boreman, Boutwell, Brownlow, Buckingham, Carpenter, Conkling, Cragin, Edmunds, Fenton, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hamilton of Maryland, Hamilton of Texas, Hamlin, Hitchcock, Howe, Ingalls, Logan, McCreery, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Ransom, Sargent, Saulsbury, Schurz, Scott, Sherman, Sprague, Sumner, Thurman, Wadleigh, West, Windom, and Wright—41.

ABSENT—Messrs. Alcorn, Ames, Bayard, Chandler, Crozier, Gordon, Johnston, Jones, Ramsey, Robertson, Stewart, and Stockton—12.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment reported by the committee as amended.

Mr. LOGAN. Is the amendment now to be acted on by the Senate amendable?

The PRESIDENT *pro tempore*. It is.

Mr. LOGAN. I then offer the following amendment to the amendment: Strike out the word "President" in line 9, and strike out all of lines 17, 18, 19, 20, 21, 22, and 23, and line 24, to the words "and provided," and also insert the word "President" in line 26 before the words "Chief Justice."

Mr. SHERMAN. I submit that my friend is anticipating the time when he can offer that amendment. I think it is not in order now.

The PRESIDENT *pro tempore*. The amendment before the Senate in its present form is only amendable by adding to it. It cannot be amended by striking out what has been already inserted by vote of the Senate.

Mr. LOGAN. I asked the question of the Chair, and understanding that it was amendable I offered the suggestion. I see the force of the decision now. I will reserve the amendment until the bill is reported to the Senate.

The PRESIDENT *pro tempore*. It will be amendable in the Senate.

Mr. SARGENT. I suggest to the Senator from Illinois that the object he has in view can be reached by having a separate vote on the Hamilton amendment when the bill is reported to the Senate.

Mr. LOGAN. Very well. I merely desire to accomplish the object I have indicated.

Mr. HAMLIN. The first question will be on striking out that part of the House bill which is included in brackets.

The PRESIDENT *pro tempore*. The question will be on striking out that portion of the House bill and inserting the amendment already agreed to by the Senate.

Mr. HAMLIN. It is in order, then, to perfect the House bill before that motion is put?

The PRESIDENT *pro tempore*. Certainly.

Mr. HAMLIN. Then I move to amend that bill where the compensation is made at $6,000 by striking out "$6,000" and inserting "$5,500."

Mr. MORTON. Let the House bill be reported.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Maine to the original bill.

The PRESIDENT *pro tempore*. The Clerk will read the bill as it would be, amended as proposed.

The CHIEF CLERK. The first section of the House bill, if amended as now proposed, would read:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $5,500 per annum, payable monthly, and in addition thereto, the actual individual expenses of each Senator, Representative, and Delegate in going to and returning from the seat of Government once in each session, to be certified in writing by each.

Mr. EDMUNDS. I move to amend the amendment of the Senator from Maine by making that clause read "$5,000" instead of "$5,500."

The PRESIDENT *pro tempore*. The Senator from Vermont moves to

amend the amendment proposed by the Senator from Maine by striking out $5,500 and inserting $5,000.

Mr. HAMLIN. I think my motion will be first in order as being the larger sum.

Mr. EDMUNDS. That only applies to filling blanks.

The PRESIDENT *pro tempore*. That rule applies to filling blanks.

Mr. HAMLIN. Very well.

Mr. BOREMAN. Mr. President, it seems to me that the best thing we can do now is to defeat the amendment, and take the bill as it came from the House. That would be a substantial repeal of the law of the last session, with a slight increase in the sum formerly paid to each member. I do not think there is much in the phrase that we have heard here as coming from the people, that they demand a square repeal. We have had that repeated several times. It seems to have gotten into the minds of some gentlemen, and of that impression they cannot get rid. Some talismanic influence seems to be attached to the phrase "square repeal," as if the people were to be pleased and flattered by phraseology of that sort; as if they were not reasonable, and would not allow us to do about what was right under the circumstances. The people understand all about this business; they are not unreasonable in their demands; and if we fix this salary at what in their judgment would be the fair thing, it seems to me it does not matter whether it comes by a "square repeal," by a repeal in part, or by an amendment to the old law. I think the bill which came from the House is a fair one and a just one; and if we adopt it and let it become a law there will be very little objection to it. I should like to vote upon that bill by itself. I think it the best of the various propositions that are offered here. Let us get rid of all the amendments that have been offered and attached to this bill and pass the original bill as it came from the House.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont to the amendment of the Senator from Maine.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I will not detain the Senate by making a speech. I will only say that the amendment brings this part of the bill which relates to salary merely exactly to what the law was before. Now, if we are in earnest about doing anything when we are on the precise point of salary, let us do that.

Mr. HAMLIN. The sum which I have named will bring the compensation to a little less than that which was paid to us prior to the act of March last, including mileage, and it will settle the vexed question of mileage. The motion submitted by the Senator from Vermont will virtually diminish our compensation $500 below what it was under the old law; mine will make it about what it was, perhaps $100 less. I do it for the purpose of keeping certainly within the sum.

Mr. EDMUNDS. I am obliged to ask the Senate to delay the vote for a moment now that I may reply to my friend from Maine. I cannot, unhappily, put my two motions into one when I move to amend his $5,500 and bring it down to $5,000, because that is in the clause which relates to salary alone, and if I had offered an additional amendment at the same time I should have been out of order. If this amendment is agreed to, I hope my friend in charge of the bill, or somebody, will make a motion which will make the first part of this House bill a simple repeal, in effect, of the old law, even if it shall take effect now, and leave the old law exactly where it stood before in respect to compensation; and then we shall be left in the attitude of taking up a fresh bill at the proper time, which stands upon its own merits, and for the future to determine how this question of compensation and salary ought to be adjusted.

Mr. HAMLIN. And it is just upon that point that I disagree with the Senator, and ask the judgment of the Senate. He would leave open all this question of mileage again to disturb us; I would settle it now.

Mr. LOGAN. Before the roll is called I desire to place upon the record the figures. My figures differ a little from those submitted by my friend from Maine, and they may not have been arrived at in the same way. Taking the appropriation of March 3 for the salary and compensation of Members of Congress, Senators, and Delegates, I find that the pay for 74 Senators and 253 Members and Delegates was $1,635,000; mileage, $330,000; other perquisites, such as newspapers and stationery, for which $125 each, I believe, was allowed, $40,875, making $2,005,875. Taking that amount and dividing by 327, the number of Senators, Members, and Delegates, makes the pay $6,134, if it was equally distributed to each Senator, Member, and Delegate in Congress. That is the average amount of the pay and allowances, if equally distributed, under the law prior to March 3, 1873.

Mr. PRATT. I wish to inquire of the Senator from Illinois whether that is not simply the amount appropriated; whether the amount that was actually paid is not five thousand five hundred and some odd dollars? I am informed that that is the case. His estimate embraces the appropriations, but not the amounts that were actually paid for compensation, for mileage, and for stationery. I am told that they amount to simply five thousand five hundred and some odd dollars.

Mr. LOGAN. I took these figures from the appropriations. Of course I did not inquire any further than that. The appropriation for pay, I suppose, was based upon an estimate of the exact amount required for the compensation of Senators, Representatives, and Delegates, and the appropriation for stationery, I presume, was for the exact amount required; each member receiving so much in round numbers. The mileage was computed exactly as a matter of course, because they have the estimates for each member, and the appropriation was made in accordance with these estimates. Taking these figures the pay, equally distributed, would be $6,134. Of course I asked no clerk in regard to it; I merely took the appropriations. By the statement of our Secretary, which has just been handed to me, I see that the average for Senators is $5,922.33 and a fraction of a cent. The reason why the Senators' compensation alone, adding it together and dividing by the whole number, is less than when you put the pay of the two Houses together and divide by the whole number of the two Houses is, that there are a greater number of Representatives from far-off distances drawing large mileage than there are Senators. The distributive amount to Representatives and Delegates is larger than the distributive amount to Senators for that reason; but when you put both together and then distribute the whole amount equally it makes the sum I have stated, as I understand.

Mr. PRATT. I have no information on the subject except what has just been communicated to me by a member of the House of Representatives who has examined the matter very carefully; and he tells me that the statement which has just been given by the Senator from Illinois embraces the appropriations correctly that were made for the compensation of members, mileage, and stationery; but that in point of fact the sum paid out of that fund amounted for each Senator, Representative, and Delegate in the House of Representatives to five thousand five hundred and some odd dollars.

Mr. LOGAN. I merely took the appropriations as they appeared. I have not talked with the clerks on the subject, for I have not had time since this morning; but I was told by a gentleman that the reason of that is that sometimes, owing to the resignation of a member and the lapse of time, the pay would not be the same as if it continued, according to some of the different payments made there. I do not know exactly how that is; I do not pretend to say; but that is the information I had. I do not say that it is correct, for I have not taken the pains to go to the Secretary's office and examine there. I made it up from the law, and not from the statement of any of the officers.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS,] on which the yeas and nays have been ordered.

Mr. MORTON. I should like to have the question stated.

The PRESIDENT *pro tempore*. The Senator from Maine [Mr. HAMLIN] moves to strike out $6,000 in the House bill and insert $5,500, and the Senator from Vermont [Mr. EDMUNDS] moves to amend that amendment of the Senator from Maine by striking out $5,500 and inserting $5,000.

Mr. FERRY, of Michigan. My colleague [Mr. CHANDLER] is paired with the Senator from Delaware [Mr. BAYARD] on this question.

The question being taken by yeas and nays, resulted—yeas 31, nays 28; as follows:

YEAS—Messrs. Allison, Bogy, Buckingham, Carpenter, Conkling, Cragin, Crozier, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hamilton of Maryland, Howe, Ingalls, Logan, McCreery, Mitchell, Morrill of Vermont, Morton, Oglesby, Pratt, Saulsbury, Schurz, Scott, Sherman, Stevenson, Thurman, Wadleigh, West, Windon, and Wright—31.

NAYS—Messrs. Boreman, Boutwell, Brownlow, Cameron, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Ferry of Connecticut, Flanagan, Gilbert, Goldthwaite, Hamilton of Texas, Hamlin, Hitchcock, Kelly, Lewis, Merrimon, Morrill of Maine, Norwood, Patterson, Ransom, Sargent, Sprague, Spencer, and Tipton—28.

ABSENT—Messrs. Alcorn, Ames, Anthony, Bayard, Chandler, Gordon, Johnston, Jones, Ramsey, Robertson, Stewart, Stockton, and Sumner—13.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment offered by the Senator from Maine, [Mr. HAMLIN,] as amended.

The amendment, as amended, was agreed to, there being, on a division—ayes 23, noes 26.

Mr. EDMUNDS. Now, to carry out what I stated, the restoring of the old law, I move, in this perfection of the House bill that we seem to have gotten back to all at once, to strike out in lines 6 and 7 the words "actual individual expenses of each Senator, Representative, and Delegate," and to insert the words "and mileage allowed by law prior to the act of March 3, 1873," so that it will read:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $5,000 per annum, payable monthly, and in addition thereto the mileage allowed by law prior to the passage of the act of March 3, 1873.

Mr. HOWE. I ask the Senator from Vermont if we shall not do that precise thing if we make the amendment reported by the committee?

Mr. EDMUNDS. Very likely we shall; but the Senator from Maine, under his right, went back to the original House bill to perfect it, and we have taken one step toward perfecting it; and now let us take the second, and then we can go back to the amendment of the committee if we want to do so.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.]

Mr. MORRILL, of Vermont. I move to amend that amendment by inserting before the words "the mileage" the words "one-half of." I

do not like the idea of increasing our pay by mileage. Let us make it a round sum.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to amend the amendment of his colleague so that it will provide for one-half the mileage.

Mr. FERRY, of Connecticut. In either form which this amendment may assume it is a revival of the old system of mileage. The only feature in the law of last March which the people of the country have almost unanimously approved was the abolition of the mileage system. Now we propose to restore that same abuse, and with the result that that abuse will probably continue for a very indefinite time in the future; for, as was well said here yesterday, it is not probable that the settlement of this question of compensation which we now make will be disturbed for a great while to come. I think that upon this matter the act of last spring contains the only true principle—that the member shall be paid his actual traveling expenses; and there is no difficulty, that I can see or imagine, in any member of the House or of the Senate making a careful estimate of those traveling expenses. I hope that the old mileage abuse will not be revived under this pretense of reform.

Mr. SAULSBURY. I shall vote for the amendment of the Senator from Vermont, [Mr. MORRILL,] which proposes to reduce the mileage one-half; and I shall then vote against the amendment of the other Senator from Vermont, [Mr. EDMUNDS,] for I am opposed to this whole mileage system. If there has ever been an objection to any subject I think there has been a decided objection for years to the payment of mileage to members of Congress. It was enacted at a time when the modes of transportation to this capital were very different from what they are now. A gentleman had to take his private carriage and travel for hundreds of miles, at much fatigue and expense, to reach this capital. Now the modes of transportation and the facilities of reaching the capital are so great that almost any member of the Senate can come here from his home in a week, or eight days at farthest. I shall, therefore, vote for the amendment now pending, and subsequently I shall vote against the amendment which proposes to make an allowance of mileage. I would prefer to see a single sum. I am perfectly satisfied with the sum of $5,000 as a full compensation for members of Congress for their services. I think that such a sum would meet the approval of the whole country.

Mr. EDMUNDS. I only rise to reply to my friend from Connecticut, [Mr. FERRY,] for whose good judgment I always have the greatest respect. I was a little amused to hear him, in support of his opposition to my last proposition, appeal to the opinion of the people, when I think I remember that he had not a very high respect for what has been called the opinion of the people upon the subject of the salary business. It seems that the opinion of the people is not good for anything when it disagrees with his own, but is something to stand upon when it agrees with his. I might agree with him about the first branch of the proposition, but I do not think he needs the last branch of it.

Now, to come back to the point, Mr. President—and I will not occupy time—I will condense into a word what I have to say about this mileage. I beg leave respectfully to say that the mileage principle, though the amount allowed may be too great or too small a sum, is the best possible way to provide for the travel of members of Congress from their homes to this capital. Our forefathers I do not believe acted upon the idea that a member of Congress was to take his carpet-bag and "go it alone," as the saying is, but that he was to bring his family here, and his servants here, if he had any, and was to set himself up in such a condition as that he could be at the same time respectable and comfortable upon the pay that he had. The mileage, therefore, was not intended to pay the bare railroad fare of one man, who might have a pass in his pocket at that, (a matter which we ought to look into while we are on this subject of actual traveling expenses, and be careful that nobody travels by commutation or computation or by favor,) but it meant that a reasonable allowance was to be made for the whole body of the two Houses—who might be expected generally to be men in middle life, who, presumably, had families, or ought to have at any rate, and to that extent ought to be encouraged in providing themselves with families—to come here, where they are obliged to stay for six months, with their families. I think every Senator will agree that when he comes on with his family of four or five or six persons, the average of families under the census of the whole population of the United States, the amount of mileage under the old law, even from Oregon, if the sums were paid, not commuted by passes and favors, but actually paid, as we must presume they are, and they ought to be, would not be excessive, because in proportion to the distance the mileage is no greater for Oregon than it is for Vermont; and I find, with my small family, under the old law, when I get to Washington, I have not saved enough from the mileage to pay the boot-black and the paper-man the next morning; and I do not pretend to be usually a very extravagant man. Therefore, the principle of mileage, in my judgment, is the right one. If it be too large, then reduce it upon principle; but have it fixed at a certain sum, which shall be sufficient for the member to come here with those with whom he is accustomed to live, and have his domestic life at home.

Mr. HOWE. Mr. President, a friend asked me the other day if I was going to speak on this question, and I told him that unless God forgot me I should not speak. [Laughter.] I am afraid that God has forgotten me, and I am not sure but that He has forgotten us all, and I am sometimes a little inclined to think that I wish He would [Laughter.] I am not particular about being taken notice of at present. [Laughter.] Any way, I propose to say just a word about this question of mileage. I intended to vote on every proposition that should be submitted here, from the beginning to the end of this controversy, whether it ended this year or next, just as my judgment dictated; and hereafter if anybody in God's universe should be curious to know why I voted as I did, I will tell him in a respectful way.

But yesterday, or the day before, I voted against a motion made by the Senator from Vermont [Mr. MORRILL] to reduce the mileage to ten cents, instead of twenty cents as it now stands. I had said before—not in the Senate, but outside—that if that proposition were made at any other time than while this bill was pending I would support it, for I am inclined to think, and I have some experience on that question, that ten cents a mile will pretty nearly cover the expense of bringing a member here with his family. It will not cover the expense in every case. Of course it depends upon the size of the family. But I stand here now to say that what the Senator from Vermont who usually sits before me [Mr. EDMUNDS] remarked, to wit, that the principle of mileage is the fair principle upon which to adjust the compensation for coming here, is a correct remark; and I rise to say to the Senator from Maine who was by my side just now, [Mr. HAMLIN,] and to the Senator from Delaware who sits across the way, [Mr. SAULSBURY,] that I think they are both mistaken when they fancy that they are opposed to mileage. They both seem to me to ask for compensation for coming here, but they both seem to me to insist that the United States shall pay the same compensation for bringing a Senator or a Member here from Delaware or from Maine that is paid for bringing a member here from Nebraska or from Oregon. That is not fair.

The people of the United States, I think, are willing that members should bring their families here, and are willing to pay a fair price for bringing them. And I differ entirely with the Senator from Connecticut [Mr. FERRY] when he says that the people have made clamor against the mileage principle. I never heard a word of it in my life anywhere. I do not think there ever was any complaint on the part of the people with reference to that principle of our compensation. I think, however, since all sorts of amendments are pressed here, since one has been agreed to, that I will reverse the vote I gave the other day, and vote with the Senator from Vermont [Mr. MORRILL] to put the mileage down to one-half the present rate, which I think, as I said before, is about an adequate compensation, in the hope that it will stand there, and that that will end this whole controversy; and that then we shall agree to the report made by the committee, and send the bill from the consideration of this House.

Mr. CAMERON. Mr. President, I did not intend to say a word upon this bill. I voted for the law of last year increasing salaries because I thought it was right. I thought the compensation as fixed by that law was about the amount which a Senator or Representative should receive. I did not care about the compensation myself; but a good many gentlemen in both Houses came to me and said that while they knew I did not care about the compensation, they trusted I would have some liberality toward others who were not so able to pay their expenses in coming here and while they were here as they believed I was; and therefore I voted for the bill.

I had another great reason for voting for that bill, because it rid us of the annoyance of the mileage system. That has been a question which has annoyed and given unpleasant sensations to members of Congress ever since I have been a member of this body. I remember perfectly well that the first year I came to the Senate, a person editing a paper in New York became a great reformer on the subject of the franking privilege and the mileage. He put down the mileage of everybody who was then in Congress, and he put me down as having charged for eight miles more than I really traveled in coming here. I have no doubt he was honest; but in getting those eight miles more than he saw looking at the map I had to travel a distance of some seven or eight miles to cross the river Susquehanna. There were no ferries except that from my house until you came to where the river empties into the Chesapeake Bay, and of course I charged what I believed the law allowed me for the distance I actually traveled. I believe my whole charge for coming here was fifty-four dollars. After a while we made railroads; we built a bridge over the river close by where I live, and my mileage got down to forty-eight dollars; but I was still charged with having made my expenses too high.

On looking over the accounts the other day, I found that a gentleman who served in the Senate at the same time I did charged fifty-two dollars for coming from Baltimore, where he resided, forty miles from here. I came a hundred and twenty miles, and I got but forty-eight dollars, while he received fifty-two dollars. It was a mere error of opinion, because there is not a more high-toned, proud gentleman in the United States than that gentleman, for he is still living; but still I was subjected to this censure by somebody who wanted to complain of me. The other day I sent to the Secretary's office and got a statement of the mileage paid to every member of the Senate under the act of 1856, and also under the act of 1866; and as showing how utterly wrong, unjust, and unequal this whole mileage system is, let me present it to the Senate. Here it is:

Paid December, 1865, under act of 1856, mileage forty cents.

Names.	Miles.	Amount.
Anthony, Rhode Island	900	$360 00
Sprague, Rhode Island	900	360 00
Brown, Missouri	2,474	989 60
Henderson, Missouri	2,474	989 60
Buckalew, Pennsylvania	416	166 40
Cowan, Pennsylvania	688	275 20
Chandler, Michigan	2,162	864 80
Howard, Michigan	2,274	909 60
Clark, New Hampshire	1,028	411 20
Cragin, New Hampshire	1,192	476 80
Creswell, Maryland	200	80 00
Johnson, Maryland	84	33 60
Davis, Kentucky	1,644	657 60
Guthrie, Kentucky	1,098	439 20
Dixon, Connecticut	700	280 00
Foster, Connecticut	750	300 00
Doolittle, Wisconsin	2,860	1,144 00
Howe, Wisconsin	3,210	1,284 00
Fessenden, Maine	1,230	492 00
Morrill, Maine	1,350	540 00
Foot, Vermont	1,000	400 00
Poland, Vermont	1,200	480 00
Grimes, Iowa	3,960	1,584 00
Kirkwood, Iowa	4,016	1,606 40
Harris, New York	780	312 00
Morgan, New York	464	185 60
Hendricks, Indiana	2,516	1,006 40
Lane, Indiana	2,616	1,046 40
Lane, Kansas	5,400	2,160 00
Pomeroy, Kansas	5,400	2,160 00
McDougal, California	13,706	5,482 40
Conness, California	13,906	5,562 40
Nesmith, Oregon	14,920	5,968 00
Williams, Oregon	14,920	5,968 00
Norton, Minnesota	4,660	1,864 00
Ramsey, Minnesota	4,760	1,904 00
Nye, Nevada	14,056	5,622 40
Stewart, Nevada	14,056	5,622 40
Riddle, Delaware	220	88 00
Saulsbury, Delaware	400	160 00
Sherman, Ohio	1,326	530 40
Wade, Ohio	1,194	477 60
Sumner, Massachusetts	924	369 60
Wilson, Massachusetts	924	369 60
Trumbull, Illinois	3,100	1,240 00
Yates, Illinois	3,368	1,347 20
Van Winkle, West Virginia	814	325 60
Willey, West Virginia	688	275 20
Wright, New Jersey	460	184 00
Stockton, New Jersey	360	144 00
Patterson, Tennessee	874	349 60
Fowler, Tennessee	2,000	800 00

Paid December, 1871, under act of 1866, mileage twenty cents.

Ames, Mississippi	3,600	$720 00
Alcorn, Mississippi	2,100	420 00
Anthony, Rhode Island	838	167 60
Sprague, Rhode Island	820	164 00
Bayard, Delaware	224	44 80
Saulsbury, Delaware	318	63 60
Blair, Missouri	2,064	412 80
Schurz, Missouri	2,064	412 80
Boreman, West Virginia	810	162 00
Davis, West Virginia	456	91 20
Brownlow, Tennessee	1,030	206 00
Cooper, Tennessee	1,550	310 00
Buckingham, Connecticut	744	148 80
Ferry, Connecticut	580	116 00
Caldwell, Kansas	2,928	585 60
Pomeroy, Kansas	2,800	560 00
Cameron, Pennsylvania	240	48 00
Scott, Pennsylvania	444	88 80
Carpenter, Wisconsin	1,854	370 80
Howe, Wisconsin	2,184	436 80
Casserly, California	6,716	1,343 20
Cole, California	6,716	1,343 20
Chandler, Michigan	1,822	364 40
Ferry, Michigan	1,800	360 00
Conkling, New York	956	191 20
Fenton, New York	1,360	272 00
Corbett, Oregon	8,116	1,623 20
Kelly, Oregon	8,116	1,623 20
Cragin, New Hampshire	1,192	238 40
Patterson, New Hampshire	1,200	240 00
Davis, Kentucky	1,644	328 80
Stevenson, Kentucky	1,564	312 80
Edmunds, Vermont	1,070	214 00
Morrill, Vermont	1,022	204 40
Flanagan, Texas	5,000	1,000 00
Hamilton, Texas	4,200	840 00
Frelinghuysen, New Jersey	444	88 80
Stockton, New Jersey	350	70 00
Gilbert, Florida	2,200	440 00
Osborn, Florida	2,600	520 00
Goldthwaite, Alabama	1,792	358 40
Spencer, Alabama	1,490	298 00
Hamilton, Maryland	250	50 00
Vickers, Maryland	200	40 00
Hamlin, Maine	1,440	288 00
Morrill, Maine	1,350	270 00
Harlan, Iowa	2,556	511 20
Wright, Iowa	2,324	464 80
Hill, Georgia	1,528	305 60

Paid December, 1871, under act of 1866, mileage twenty cents—Continued.

Names.	Miles.	Amount.
Norwood, Georgia	1,384	276 80
Hitchcock, Nebraska	2,684	536 80
Tipton, Nebraska	2,736	547 20
Johnston, Virginia	736	147 20
Lewis, Virginia	326	65 20
Kellogg, Louisiana	3,486	697 20
West, Louisiana	3,164	632 80
Logan, Illinois	2,000	400 00
Trumbull, Illinois	1,700	340 00
Clayton, Arkansas	3,000	600 00
Rice, Arkansas	3,000	600 00
Morton, Indiana	1,796	359 20
Pratt, Indiana	1,464	292 80
Nye, Nevada	4,872	974 40
Stewart, Nevada	5,856	1,171 20
Pool, North Carolina	632	126 40
Ransom, North Carolina	456	91 20
Ramsey, Minnesota	3,264	652 80
Windom, Minnesota	3,094	618 80
Robertson, South Carolina	1,042	208 40
Sawyer, South Carolina	1,176	235 20
Sherman, Ohio	1,106	221 20
Thurman, Ohio	1,068	213 60
Sumner, Massachusetts	912	184 80
Wilson, Massachusetts	920	184 00

Thus it will be seen that before this mileage was changed under the law increasing the compensation from $3,000 to $5,000, some Senators received nearly $6,000, and I believe one Senator got $9,000, for mileage, while other Senators received only the annual compensation of $3,000. That was not fair. It is not fair now under this bill that some Senators shall get $1,700 for mileage, while a man coming from New Hampshire, traveling nearly as far, shall get but $200, or that I, coming from Harrisburgh, where it costs me nothing but $5, shall get $48. That is all wrong. I am therefore inclined to vote for the sensible amendment offered the other day by the Senator from Maine, [Mr. HAMLIN,] for he is always sensible. He is one of the wisest men that I have known in this body; and I say it because he is not now in his seat. He is always right; and if you will take his amendment there will be no complaint.

Mr. President, it matters very little to me whether I get $3,000, or $5,000, or $7,500 a year; or whether I get, as I did when I first came here, $8 a day—which amounted to about $1,600 a year. That paid my expenses then, and a little over. The salary of $3,000 a year paid something more than my expenses, and the $5,000 a year paid not a bit more than the $3,000; and the $7,500 will not pay a bit more, because these people in Washington always manage by their great skill and kindness and benevolence to get all that I receive.

This question of mileage is always bringing us into trouble. I remember hearing of a gentleman who was a member of the Legislature of one of the States somewhere along the coast, and he lived on a place called Rock Island. I think the island was about thirty miles from where the Legislature met. He was an honest, good man, who swore to the truth, and believed that if he did not tell the truth under his oath he would go to eternal damnation. When he brought in his bill for mileage he had a charge of forty dollars, at four cents a mile, for coming to where the Legislature met. Somebody thought it was an outrageous charge, and said to him, "Mr. Jones, how does it come that you charge forty dollars, when I live the same number of miles from the seat of government that you do, and I charge but three dollars?" Said he, "My God! didn't I come in a ship, and hadn't I to take in all the tackings and windings of the vessel; and we were driven about by the winds and the sea until I had to travel four hundred miles to get down here?" [Laughter.] Now that was an honest man. And so it might be with a gentleman coming from California or some place else. He would be compelled to take a railroad going away down to San Francisco, and then away up—not to Utah, because I think that would be in a straight line—but somewhere up to look after Jay Cooke's improvements on the Northern Pacific, [laughter,] and then come down by Minneapolis and Saint Paul, and then go to New York and come around here; and he might not think he was wrong in charging for every mile he went over, because the Government of the United States thinks it is perfectly right to send the mail going from here to Elmira through Baltimore and through Philadelphia and up to New York, and then away around to Elmira, while Elmira is nearer to the city of Washington than it is to the city of New York. The mail is carried away around there, and has been from all time, because the people were in the habit in the first place of going by the canal to New York, and then from there around this way, and they thought there was no other way of going there; and so the mail goes now.

Whether I vote to reduce this pay or not makes no difference to me, and there is not one of my constituents who will complain. Last year, after I voted for the salary bill, the Legislature of Pennsylvania increased the salary of her governor from, I think, $4,000 to $10,000 a year, and everybody said it was right. Those who growl are not my friends. [Laughter.] Besides that, the people of Pennsylvania are an intelligent and liberal people. They know that a man is worth all that he can get by his honest services; and no man there has complained of any vote I ever gave in this House. I say I voted for that salary law because I believed that it was right that a

Senator serving here should be paid such a compensation as would induce the best talent of the country to come here, and not prevent poor men from coming. When I first came here the dollars might have been of some account to me; the compensation certainly was of some account; but since I have grown old I care very little about that; and I suppose it will be so with all of you gentlemen when you get as old as I am. I should be perfectly willing to serve here without any compensation, if I alone were to be benefited or injured by it; but I am not willing that in a Government like ours, where every man may aspire to the highest place under the Government if he has merits, he shall be kept from filling the highest place in the country only because he is not able to come here and pay his own expenses.

Something has been said in regard to the compensation of the gentlemen who hold Cabinet offices. We are told that they ought to have higher pay than the members of Congress because they are compelled to entertain. Why are they compelled to entertain? No man is compelled to do that because he occupies a place here. It is supposed that if he does entertain his friends it is because he is able to pay the expenses of their coming here. I entertain my friends at home, and I shall be glad to see, at any time and on all occasions, every member of the Senate there; and I shall not growl at all because it costs me something. The honor which gentlemen receive from having held the office, and the power which they exercise as members of the Cabinet, ought to be sufficient to compensate them for their expenses. Few men have ever occupied a place in the Cabinet—whether because of accident or design I do not know—who could not afford to entertain everybody who came to see them without any compensation from the public.

I did not intend, as I remarked before, to say a word on this subject, and I do not much care how I vote; but if the proposition of the Senator from Maine can be entertained at all, putting us back exactly where we were, with the exception of this troublesome question of mileage, I will cheerfully vote for that.

Mr. LEWIS. I move that the Senate proceed to the consideration of executive business.

Mr. WRIGHT. I call for the yeas and nays.

Mr. EDMUNDS. Yes; we might as well take the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 30; as follows:

YEAS—Messrs. Bayard, Bogy, Boreman, Brownlow, Cameron, Clayton, Cooper, Davis, Dennis, Dorsey, Flanagan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Kelly, Lewis, McCreery, Merrimon, Norwood, Patterson, Ramsey, Ransom, Sargent, Saulsbury, Spencer, Sprague, and Stevenson—28.

NAYS—Messrs. Allison, Anthony, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Cragin, Crozier, Edmunds, Ferry of Connecticut, Ferry of Michigan, Frelinghuysen, Hamlin, Howe, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Pratt, Schurz, Scott, Sherman, Sumner, Thurman, Wadleigh, West, Windom, and Wright—30.

ABSENT—Messrs. Alcorn, Ames, Conover, Fenton, Hamilton of Texas, Hitchcock, Ingalls, Johnston, Jones, Morrill of Maine, Robertson, Stewart, Stockton, and Tipton—14.

So the motion was not agreed to.

Mr. THURMAN. Mr. President, I wish to occupy about five minutes to correct, if possible, a very prevalent mistake with respect to the question of mileage.

The general idea is that mileage has been allowed members of Congress as a reimbursement of their traveling expenses. There is no foundation whatever for that idea; there never was any foundation for it. On the contrary, mileage has always been allowed upon the theory of paying a member for the time employed in traveling to and from the capital. The idea upon which the mileage act went was this: that as the Constitution provided that Senators and Representatives should receive a compensation to be ascertained by law, that compensation was to be measured by the time expended by those members in the service of the Government; and that therefore, as a member who lived at a distant point from the capital was under the necessity of expending more time in the public service, counting the time that was spent traveling to and from the seat of Government, he was entitled to more compensation than the member who lived near the seat of Government; not that there was any different rate of compensation, but that they were all to be paid alike at a uniform rate for the time actually employed in the service of the Government. And, therefore, it was estimated by the First Congress, at a time when there was scarcely any travel in the country except upon horseback, that twenty miles per day was a fair average distance to expect any man to travel with the means of locomotion which then existed. Hence the pay of members of Congress was fixed at a per diem of six dollars per day during the time of their actual attendance in Congress, and at six dollars for every twenty miles of travel, it being estimated that twenty miles of travel was equivalent to twenty-four hours. And what shows it more conclusively is the provision that if any one of them were taken sick on his way to the capital, or on his return, each day of his necessary detention by sickness should be counted as a day, and he should receive six dollars for that. I have before me now the first act passed on the subject, the act passed by the First Congress; and you will see that I am quite right in this; and the same principle has obtained ever since. It provides—

That at every session of Congress, and at every meeting of the Senate in the recess of Congress prior to the 4th day of March, in the year 1795, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate, and shall also be allowed at the commencement and end of every session and meeting six dollars for every twenty miles of the estimated distance by the most usual road from his place of residence to the seat of Congress; and, in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance.

The idea was that we should receive a compensation, and in order to make that compensation uniform and just, it was made a per diem compensation; and twenty miles' travel was estimated then as the fair average day in going to and from the capital; and if the means of locomotion were now the same that they were when that act of 1789 was passed, no man in the country would have one word to say against the payment of mileage. The whole criticism upon mileage arose from the fact that, with improved means of locomotion, a man instead of traveling twenty miles in twenty-four hours came to travel twenty miles in one hour, and consequently got five or six or seven days' pay for one day's service. That was the trouble; that gave rise to the difficulty which exists now; and the mileage system, therefore, is to that extent unjust. It is no longer a per diem, as it was originally intended to be, but in point of fact a man receives for one day's time what was intended to be the pay for half a dozen or a dozen days' time.

Mr. President, I think that there have been great abuses under the mileage system, and they ought to be corrected, if possible; but you never will correct them if you go upon the theory of simply paying actual expenses. With what justice can you say that the Senator from Maryland, living within three hours of this capital in travel, shall receive exactly the same compensation, or nearly so, although it takes him but three hours to come here at the beginning of the session and three hours to return home, that the Senator from Oregon receives, when it takes him one entire month to go and to come? He devotes to the service of the Government one month more time than does the member from Maryland who lives within sight of the Capitol. What justice is there in that? There is none at all. It was to obviate such an injustice that members were originally paid per diem, and that a fair average number of miles was considered as a day spent in traveling.

Now, the way to get at this thing and make it just, is, not to adopt the idea of actual expenses, but to so regulate this mileage as that the members shall be paid a per diem for the time that they are traveling; and that does not conflict at all with the idea of a fixed salary, because the theory, as I said before, whether you have a fixed annual salary or not, is that the members shall be compensated for the time spent in the service of the Government; and if you have a fixed salary, and yet the practical fact is that some members have to expend a month in traveling to and from the seat of Government and others but a few hours, it is but just to make the former a compensation that shall pay them for this time which they are compelled to expend and which others of us who only live a few miles from the capital are not. You must, therefore, if you would make this thing just, discard the idea of actual expenses and so equalize it that you will not require that a Senator from Oregon or a Senator from California shall give up one month of his time in traveling back and forth from the seat of Government, while I and my colleague can go and come in forty-eight hours.

Mr. MORRILL, of Vermont. Mr. President, the general drift of the Senator from Ohio is unquestionably correct, but he is entirely wrong in the application at the present time. Formerly we did pay a per diem. We no longer pay a per diem, but pay a salary for the whole year; our entire time, if called for, is paid for by the Government. Some compensation should be made for mileage in some shape, and, admitting, as he does, that it is a great abuse, I trust that I shall have his vote to correct it so far as the amendment proposed by me goes, which is certainly a reasonable amount even for the Senator from Oregon, and it is amply sufficient for those of us who live nearer.

Mr. CHANDLER. Mr. President, I do not think the Senator from Ohio is quite accurate in his statement that the intention of the fathers was to pay for time. In my humble judgment, their intention was that every Senator and every Member of Congress should travel with his family; bring his family here in the family carriage if he had one; and the assumption was that a pair of horses, through the bad roads of that time, would travel with the family about twenty miles a day. The intention of the fathers evidently was, and it was the practice for members of the Senate and for members of the House, to travel with their families; and the six dollars a day was supposed to be compensation for the expense of travel for the man and his family. Now I am disposed to encourage the idea that the fathers inculcated. I want members to bring their families here when they come. I do not want the Senator from Oregon, who may have as large a family as the Senator from Delaware, to be prohibited from bringing his family from Oregon here at great expense in order to increase the salary of my honorable friend from Delaware. There is no parity of reason in the cases. The Senator from Oregon may have as large a family as my honorable friend from Delaware. If he has that family, he cannot travel night and day and Sundays right through from Oregon here. He must stop at San Francisco and rest with his family; he must stop from time to time on the road and rest with his family; and my word for it if he has a large family twenty cents a mile will not pay his expenses from Oregon here to-day with his family. It is but a simple act of justice, an act of justice which it was intended should be done when the original law was passed, that men should be enabled upon the allowance given by Congress to travel with their families

and keep their families here. Now if the Senator from Delaware sees fit to bring his family here he may bring them, even if their number be large, for an expense of fifty dollars, while it will cost the Senator from Oregon to bring his family here every cent of his mileage.

Mr. GORDON. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. GORDON. The Senator from Michigan seems very anxious that Senators should bring their families here. I should like to ask the Senator what they will do with their families with a pay of $5,000 when they get them to Washington?

Mr. CHANDLER. They can live very well upon it, [laughter;] I have tried it.

Mr. GORDON. I ask the Senator if he spends less than $5,000 a year.

Mr. CHANDLER. I have done it in the course of my life, and could do it again if necessary.

Mr. GORDON. In Washington?

Mr. CHANDLER. Yes, I have done it in Washington, and can do it again if necessary.

Mr. CAMERON. Allow me to say a word to my friend from Michigan. The Senator from Michigan says he has lived here for $5,000 a year, but he forgets to say that he had a house of his own which, if it had been rented by anybody else, would have cost at least $5,000 a year.

Mr. CHANDLER. Well, we are not discussing my private expenses, Mr. President. [Laughter.] I have always contrived to pay as I go, and I expect to do so as long as I live; but I object to taking from the mileage of the Senator from Oregon what is justly his due and giving it to those Senators who live near by.

Another thing, Mr. President. If the Senator from Delaware has occasion to go home to attend to his law cases he can do it. If the family of the Senator from Oregon is sick, or his relatives are sick, or death occurs in his family, it costs him many hundreds of dollars to go home and attend to the case of sickness or death, while the Senator from Delaware can go home in three hours at an expense of not over $2.50. There is no reason on earth why the reduction should be made from the Senator from Oregon or from the Senator from California, or anybody, for the benefit of Senators from Maryland, or Delaware, or New York, or New England. I object to the whole thing.

Mr. WINDOM. Mr. President, I shall vote against the amendment offered by the Senator from Vermont, [Mr. MORRILL,] for two reasons.

In the first place, I have determined to vote to repeal the law of 1873, and to place the salary precisely where it was before; every vote I have cast has been in that direction, and my votes will continue to be so given.

I vote against the amendment of the Senator from Vermont [Mr. MORRILL] for another reason. I believe that the mileage principle of compensation is the only equitable and fair principle of adjusting it. I will not enumerate the reasons, already better given than I can give them. But I would much rather vote for a reduced salary and an increased mileage, although it makes no sort of difference with my compensation whether I vote for the amendment offered by the honorable Senator from Maine, [Mr. HAMLIN,] making the pay $5,500 a year and actual traveling expenses, or vote for $5,000 with mileage, so that I can speak entirely disinterestedly upon that point; but because I believe in the principle of compensation by mileage, I would vote for $5,000 and mileage, which would make my compensation a little less than $5,500, rather than to vote for $6,000 without mileage; because I believe one to be just and the other to be unjust.

I know, Mr. President, that a number of Senators—and I have known it to be so with members of the other House—do transact their business at home; they are not compelled to break up their business as members living in California, Oregon, and other distant places are. I have seen members sitting at their desks in the House of Representatives preparing briefs for their courts. I know of gentlemen of this body who return home almost every week to continue their business; they are not compelled to give it up as gentlemen living at a distance are.

But without going into these reasons any further, I believe in the mileage compensation, and shall vote against every motion to reduce it; and I shall also vote to repeal the existing law and place it where it was before the late act.

Mr. CHANDLER. I wish to correct a statement that I made a few minutes ago. I believe I said that I had lived on $5,000 a year in Washington. I did not intend to say that. I have lived on it, but I did not intend to say that I had lived on that in Washington. [Laughter.]

The PRESIDENT *pro tempore*. The pending question is on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment offered by the Senator from Vermont, [Mr. EDMUNDS.]

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

Mr. MERRIMON. I apprehend, sir, that the objection of the people to the increase made by the act of the 4th of March last was not so much to the increase itself as to the manner in which it was adopted, and the retroactive features of the act. There seems to be an objection to the manner more than to the increase; and I believe that it is the desire of the Senate that we shall place the matter just where it stood before the act increasing the pay was passed. I have a sincere desire to see that done, and shall vote to that end. I therefore desire to offer an amendment, to come in after the word "mileage," so as to read in this way: "mileage and other allowances."

Mr. EDMUNDS. I ask the Senator to withhold that until the question is taken on the present amendment, when it will be equally in order, and let us see if we are willing, on the question of mileage alone, to restore the law as it stood. Then he can offer his amendment.

Mr. MERRIMON. I accept the Senator's suggestion.

Mr. CRAGIN. I ask leave to offer an amendment to the amendment; and I offer it now as I expect to leave the city this evening. It is the same amendment which I offered yesterday to the committee's substitute, and I suppose there will be no objection to it. It is to add—

Provided, That mileage shall not be allowed or paid to Senators, Representatives, and Delegates for the first session of the Forty-third Congress.

Mr. EDMUNDS. Why is that?

Mr. CRAGIN. The Senator from Vermont asks why that is. If we repeal the act of 1873 and restore the law paying $5,000 a year and mileage, as is proposed by the House bill, by the bill from the committee of the Senate, and by the bill as it now stands, each member will be entitled to draw his mileage, as I understand, for the session after we have already drawn pay at the rate of $7,500, and actual expenses. This amendment of mine will save about $150,000. Some of us have been trying to go back and save some of the excess over $5,000 since the 4th of March. There cannot be any doubt that this amendment is correct.

Mr. EDMUNDS. I do not think it is necessary, because I suppose that where we have settled and received our compensation for coming under existing law, we probably should not be expected to unsettle it, beause that has gone by. At least that seems to have been the vote of the Senate. In that point of view I have no objection to the amendment of the Senator from New Hampshire; but I will let the Senate vote upon it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire [Mr. CRAGIN] to the amendment.

Mr. CRAGIN. The Senator from Vermont thinks there is no need for this proviso. To my mind there is. We are now living under the salary law of 1873. This bill proposes to repeal that and to revive the law that was in existence prior to the passage of that act, which provides that each member shall receive $5,000 per annum salary, and mileage for two sessions per Congress.

Mr. WEST. If I have properly understood the sentiment of the Senate, it is now arriving at the point of determining that the compensation shall be restored to the old rule, $5,000 per annum and mileage. Under the proposition that is now made by the Senator from New Hampshire, the compensation for this session will be so much less than it was before. Now, he can accomplish the object that he desires by saying "and where actual mileage has been paid it shall be deducted from the mileage due." That will accomplish it. For instance, if he will word his amendment "less the amount actually paid for traveling expenses," I will cheerfully vote for it.

Mr. CRAGIN. We have all been receiving pay since the 4th of March at the rate of $7,500 a year; and I presume nearly if not quite every Senator has presented his account to the Secretary of the Senate for actual expenses of travel under the existing law. I know many have received it. To avoid paying the mileage over again, if this bill passes, is the object of the introduction of this amendment. I think it must strike everybody as manifestly right.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New Hampshire to the amendment of the Senator from Vermont.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS] as amended.

Mr. HAMLIN called for the yeas and nays; and they were ordered.

Mr. MORTON. Let it be read.

The PRESIDENT *pro tempore*. The Secretary will report the pending amendment.

The CHIEF CLERK. The amendment is, to strike out of the House bill the words "actual individual expenses of each Senator, Representative, and Delegate," and insert, "mileage allowed by law prior to the passage of the act of March 3, 1873;" so as to read:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $5,000 per annum, payable monthly, and in addition thereto the mileage allowed by law prior to the passage of the act of March 3, 1873, in going to and returning from the seat of Government once in each session, to be certified in writing by each.

And after the word "each," to add:

Provided, That mileage shall not be allowed or paid to Senators, Representatives, or Delegates for the first session of the Forty-third Congress.

Mr. MORTON. I desire simply to say that I think the provision that Senators shall be allowed their individual traveling expenses is not a good one. It leaves a Senator to pay out of his salary the expense of bringing his family here. It discourages the bringing of families here to spend the winter in the capital; and I think in that respect it is bad—bad to those who have large families, as was remarked by the Senator from Michigan, or who have to bring them a long way. It becomes very expensive and onerous. If the amount of mileage under the late law was too high, let it be reduced by the

motion of the Senator from Vermont farthest from me, [Mr. MORRILL;] but still I think it ought to be sufficient to pay the expenses not only of the Senator, but of bringing a reasonable-sized family here.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] as amended, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 34, nays 25; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Boreman, Buckingham, Carpenter, Chandler, Clayton, Cooper, Cragin, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Goldthwaite, Hamilton of Maryland, Hamilton of Texas, Hitchcock, Howe, Ingalls, Kelly, Logan, McCreery, Merrimon, Mitchell, Morton, Ramsey, Sargent, Sprague, Thurman, West, Windom, and Wright—34.

NAYS—Messrs. Boutwell, Brownlow, Cameron, Conkling, Conover, Crozier, Davis, Dennis, Ferry of Connecticut, Frelinghuysen, Gordon, Hamlin, Morrill of Vermont, Norwood, Oglesby, Patterson, Pratt, Ransom, Saulsbury, Scott, Sherman, Spencer, Stevenson, Sumner, and Wadleigh—25.

ABSENT—Messrs. Alcorn, Ames, Fenton, Gilbert, Johnston, Jones, Lewis, Morrill of Maine, Robertson, Schurz, Stewart, Stockton, and Tipton—13.

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the amendment reported by the Committee on Civil Service and Retrenchment, as amended on the motion of the Senator from Maryland, [Mr. HAMILTON.]

Mr. MERRIMON. I now offer my amendment, to insert after the word "mileage," in line 9 of the part of the House bill just amended, the words, "and other allowances." That puts the law just as it was.

The PRESIDENT *pro tempore*. It is proposed to insert after the word "mileage" in the amendment first adopted the words "and other allowances." The question is on the amendment of the Senator from North Carolina.

The amendment was agreed to.

Mr. GORDON. I wish to offer an amendment to the first section of the House bill as now amended, which I send to the desk and ask to have read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. The amendment is to add to the first section of the bill the following:

Provided, That the salaries of all officers of the Army and Navy whose pay is $2,000 per annum or more, and that the salaries of Government officers and employés and heads of Departments, and of all who receive pay of $2,000 or more from the Government Treasury, and whose salaries are not fixed by the Constitution, be, and the same are hereby, reduced in the same ratio, at the rate of 25 per cent., calculated upon the full pay and all allowances now paid under law: *Provided further*, That instead of mileage, the Senators, Representatives, and Delegates in Congress shall receive actual traveling expenses as now provided by law, and that officers of the Army traveling under orders shall receive only their actual traveling expenses.

Mr. EDMUNDS. I make the point of order that the last part of it, about actual expenses, is directly the reverse of what the Senate has just voted.

Mr. GORDON. I did not intend to offer the last part, the Senate having just voted on that point. I withdraw that portion of the amendment.

Mr. WRIGHT. I trust, however much of justice and propriety there may be in the amendment offered by the Senator from Georgia, he will not seek to incumber this bill in any form by the amendment that he now offers. These are matters that we can attend to in due time if it becomes necessary. The proposition as it stands now, what it is proposed to do, is a simple repeal either of the entire act of the 3d of March last or of a portion of it. My friend from Georgia must see that it will necessarily follow, if we undertake to add on all these things, that we shall either never get through with this bill or that it must fall. I therefore beg of him that he will not insist on this amendment, and I beg of the friends of the bill that they will not undertake to put upon the bill those matters that must certainly result in its defeat. We are proposing a simple repeal of the old law. Now, if my friend will offer a bill on this subject and have it referred to the committee in the proper way, or if we take up this whole subject of salaries in time, I will join with him most cordially in the general proposition; but at present, when we are simply seeking to repeal the law, I trust he will not insist upon this.

Mr. GORDON. I am sorry to disoblige the Senator from Iowa, but the point of difference between us is too decided to be determined by anything short of the decision of this body. The question is simply this: whether the Senate means economy or means to deceive the people into the belief that we are for economy. The question, as I understand it, is not whether Senators are to live upon $5,000, but the far more important one as to whether we are to have economy in the administration of this Government in all its branches.

Now, sir, for one I am ready to state upon this floor and everywhere that I believe the salaries of Senators are too low as fixed by this amendment, and that the salaries of military men are too high, as they are fixed by existing laws. Sir, we have had enough of the elevation of the military at the expense of the civil departments of this Government, and every step we take in that direction, every time we discriminate against the legislative department of the government, as we shall do if, in our pretended efforts at retrenchment, we refuse also to strike down the exorbitant salaries of the military, we are pursuing the precise course which tends to the destruction of republican government.

That is a political objection to the course we are pursuing; but if we refuse to adopt this amendment, we shall refuse to relieve the country of the real extravagance, and that is an economic objection. On both grounds I must insist on a vote on this question. I desire the country to know whether we mean economy or do not mean economy. I desire the country to know whether we mean to continue the extravagant salaries to military men and reduce only the salaries of those engaged in the civil departments, and upon these questions I ask that the Senate now vote.

Mr. EDMUNDS. I wish to inquire whether the amendment is not separable. I should like a vote taken on the first clause separately. I think it is.

Mr. BOREMAN and others. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

Mr. EDMUNDS. If it is separable, I should like a vote taken on the first clause first.

The Chief Clerk read the amendment as modified, as follows:

Provided, That the salaries of all officers of the Army and Navy, whose pay is $2,000 per annum or more, and that the salaries of Government officers and employés, and heads of Departments, and of all who receive pay of $2,000 or more from the Government Treasury, and whose salaries are not fixed by the Constitution, be, and the same are hereby, reduced in the same ratio, at the rate of 25 per cent., calculated upon the full pay and all allowances now paid under law.

The PRESIDENT *pro tempore*. The Chair is of opinion that this is one proposition and not divisible. The question is on the amendment.

Mr. HAMILTON, of Maryland. As an amendment to the bill from the House, I shall vote for this proposition, so as to avoid all misconception in the future; but as an original proposition I do not know that I should vote for it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia.

Mr. GORDON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I do not rise to make a speech, but we can test this question just as well in another way. I move to amend the amendment by striking out the provision for the reduction of the pay of the officers of the Army and Navy; and we can take the yeas and nays on that.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to amend the amendment by striking out the reduction of pay of officers of the Army and Navy.

Mr. HAMILTON, of Maryland. I rise to a question of order. Is not this an amendment in the third degree?

The PRESIDENT *pro tempore*. It is not. It is an amendment to an amendment, and therefore in order.

Mr. EDMUNDS. Let my amendment be reported, so that we may understand exactly what we are voting upon.

The CHIEF CLERK. The amendment to the amendment is to strike out the words,

That the salaries of officers of the Army and Navy whose pay is $2,000 per annum or more.

Mr. MORTON. I shall vote against the motion of my friend from Vermont for the reason that by striking it out, so far as the military are concerned, we seem to favor the passage of the proposition so far as civil officers are concerned. I shall vote against the whole proposition. Some salaries may be too high, both military and civil; but this proposition is too indiscriminate; it strikes at all. Some salaries are now perhaps not too high; some may not be high enough; others may be too high; but this proposition strikes at all alike. I agree with my friend from Iowa that we should not embarrass the passage of this salary bill by undertaking a general regulation of salaries, military and civil. I think that would be better undertaken as a separate matter.

Mr. EDMUNDS. This forces me to say a single word. My friend from Indiana is entirely wrong in supposing that voting for this amendment of mine to strike out the proposition as to the Army and Navy, it is a vote in favor of reducing the others at their expense. By no means; but it is the usual, and in the case of this amendment, as the Chair has decided, and rightly I think, the only possible means of having a separate vote upon the proposition to reduce the pay of the several departments of the Government as a sweeping thing. I am ready for an inquiry into the compensation of all the officers of the Government, but I am not ready in this way to declare by one sweeping and indiscriminate stroke that no man who has served this country as some men have, who go upon crutches now and get the sum of $2,000 a year or upward, shall be entitled to hold it any longer.

Mr. SARGENT. I move that the Senate proceed to the consideration of executive business.

Mr. WRIGHT. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and being taken, resulted—yeas 31, nays 29; as follows:

YEAS—Messrs. Bayard, Bogy, Boreman, Brownlow, Clayton, Conover, Cooper, Davis, Dennis, Dorsey, Ferry of Connecticut, Flanagan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Kelly, Lewis, McCreery, Merrimon, Mitchell, Norwood, Patterson, Ransom, Sargent, Saulsbury, Spencer, Sprague, Stevenson, and Tipton—31.

NAYS—Messrs. Allison, Boutwell, Buckingham, Carpenter, Chandler, Conkling, Cragin, Crozier, Edmunds, Ferry of Michigan, Frelinghuysen, Hamilton of Texas, Hamlin, Howe, Ingalls, Logan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Pratt, Schurz, Scott, Sherman, Sumner, Wadleigh, West, Windom, and Wright—29.

ABSENT—Messrs. Alcorn, Ames, Anthony, Cameron, Fenton, Johnston, Jones Ramsey, Robertson, Stewart, Stockton, and Thurman—12.

So the motion was agreed to.

Mr. WRIGHT. If I can get the attention of the Senate I want to make a proposition. ["Too late."]

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1039) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Corps d'Afrique, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. No. 253) for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City, was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 215) to exempt George M. Richard, of Pittston, in the State of Pennsylvania, from the payment of $881.29 for postage-stamps stolen from his office while postmaster, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 1039) for the relief of John B. Weber, late colonel of the Eighteenth Regiment Corps d'Afrique, was read twice by its title, and referred to the Committee on Military Affairs.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After fifty-five minutes spent in executive session the doors were reopened, and (at five o'clock and thirty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 9, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

WOMAN SUFFRAGE IN UTAH.

Mr. MELLISH, by unanimous consent, presented the following memorial; which was read, referred to the Committee on the Judiciary, and ordered to be printed:

At a meeting of the New York Woman Suffrage Society, held at Plimpton Hall, New York City, November 25, 1873, the following resolution was unanimously adopted:

Whereas the elective franchise has become vested in the women of Utah by law, and established by usage; and whereas the continued exercise of this right by those women affords the surest guarantee of the ultimate peaceful and thorough extinction of polygamy: Therefore,

Resolved, That we demand of Congress that no legislation be enacted which will have the effect to debar the women inhabitants of Utah from the exercise of their right of suffrage.

CLEMENCE S. LOZIER, M. D.,
President.
HANNAH MCL. SHEPARD,
Vice-President.
LILLIE DEVEREUX BLAKE,
HERMAN H. SHOOK,
Secretaries.
JEANIE MACADAM,
Treasurer.
FRANCES V. HALLOCK,
Chairman Executive Committee.

CASES BEFORE COURT OF CLAIMS.

Mr. DUELL, by unanimous consent, introduced a bill (H. R. No. 1032) to restore certain cases to the records of the Court of Claims; which was read a first and second time, referred to the Committee on Revision of the Laws of the United States, and ordered to be printed.

ORDER OF BUSINESS FOR TO-MORROW.

Mr. RANDALL. I ask that to-morrow be assigned for debate only as in Committee of the Whole, no other business to be transacted.

Mr. SPEER. I observe that the chairman of the Committee on Elections [Mr. SMITH, of New York] is now absent; and I ask that if the order suggested by my colleague [Mr. RANDALL] be adopted, an exception be made so that the Committee on Elections may make a report to-morrow for the purpose of having it printed.

Mr. GARFIELD. I hope that we may meet to-morrow, and go on with the consideration of the naval appropriation bill. We can probably finish it to-morrow.

The SPEAKER. The order suggested by the gentleman from Pennsylvania can be made only by unanimous consent; and the Chair understands the gentleman from Ohio [Mr. GARFIELD] as objecting.

JURORS IN UNITED STATES COURTS.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. No. 1033) regulating the drawing and summoning of jurors in the district and circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CATHARINE F. CAMPBELL.

Mr. RANDALL also, by unanimous consent, introduced a bill (H. R. No. 1034) granting relief to Catharine F. Campbell for the killing of her son, Daniel F. Campbell, by a guard of United States soldiers sent in pursuit of deserters; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NAVAL ENLISTMENTS, EXPENDITURES, ETC.

Mr. BECK, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the House how many, if any, of the fifteen hundred men sought to be added temporarily to the Navy by the bill now pending in the Senate of the United States, which passed the House of Representatives December 9, 1873, have been enlisted, giving the date of said enlistments, and the amount expended in consequence thereof; and that he further inform the House how much of the appropriation made for the fiscal year ending June 30, 1874, was expended prior to January 1, 1874; and that he further inform the House how much of the $4,000,000 appropriated by the present Congress has been expended, and for what purposes.

UNITED STATES MILITARY PRISON.

Mr. COBB, of Kansas, by unanimous consent, introduced a bill (H. R. No. 1035) amendatory of an act entitled "An act providing for the establishment of a military prison, and for its government, approved March 3, 1873;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORTIFICATION APPROPRIATION BILL.

Mr. STARKWEATHER, from the Committee on Appropriations, reported a bill (H. R. No. 1037) making appropriations for the construction, preservation, and repair of certain fortifications and other works of defense; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, ordered to be printed, and made the special order for Wednesday next after the morning hour, and from day to day until disposed of.

Mr. BECK. I reserve the right to make points of order on this bill.

WIDOW OF NATHANIEL ALBERTSON.

Mr. CRITTENDEN, by unanimous consent, introduced a bill (H. R. No. 1037) to authorize the Treasurer of the United States to pay to the widow of Nathaniel Albertson the sum of $160; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GARFIELD. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins at thirteen minutes past twelve o'clock; and this being Friday, the committees will be called for reports of a private nature.

THOMAS HILLHOUSE.

Mr. E. H. ROBERTS, from the Committee on Ways and Means, reported back, with a recommendation that it pass, the bill (H. R. No. 253) for the relief of Thomas Hillhouse, assistant treasurer of the United States in New York City.

The bill was read. It authorizes and directs the proper accounting officers to allow Thomas Hillhouse, assistant treasurer of the United States at New York City, in the settlement of his internal-revenue-stamp account, a credit for the sum of $185,000, being the proceeds of sale of internal-revenue stamps embezzled by James I. Johnson, a clerk in his office, without the default or negligence of the assistant treasurer.

Mr. HOLMAN. From what committee does this bill come?

The SPEAKER. It is reported from the Committee on Ways and Means by the gentleman from New York, [Mr. E. H. ROBERTS.]

Mr. HOLMAN. I believe it is not subject to any point of order now. The reason why I should desire to make such a point is that I do not think the bill ought to have gone to that committee. The Committee on Ways and Means are constituted for the consideration of more important questions of a general nature, and so long as they are charged with the examination of these little claims so long will there be a lack of correctness and uniformity in the adjustment of claims.

The old practice which so long prevailed is the only safe one, and that is to refer all of these claims to the committee especially charged with their consideration, so that some uniform rule may be adopted. They should all go to the committee responsible for that particular branch of the legislative business of the country. Then there would be some certainty in regard to the action of this House of Representatives. But when a committee like the Committee on Ways and Means report on private claims, which have to do with the great questions of the country, and by whom, from the very nature of the business before them, questions of this kind cannot and will not receive proper consideration, it seems to me that considerations of policy should demand that report should not have the same confidence, no matter how high the character of the several gentlemen on that committee may be, as if the report came from the committee properly charged with such duties. It affords me great pleasure to say that there is no committee of the House in whose judgment I have more respect and confidence than the Committee on Ways and Means, when its action is confined to matters properly before it for consideration under the rules of the House.

Mr. DAWES. Mr. Speaker, I desire to second every word which has been said by the gentleman from Indiana. No more appropriate remarks could be made to the House than those which have just fallen from his lips. If there is anything which embarrasses the action of the House more than another it is the conflict of jurisdiction between the several committees, growing out of inadvertent references, not

growing out of the special and just jurisdiction provided by the rules themselves.

I wish in this connection to call attention to a very singular fact illustrating this. On the last day before the recess there was a public discussion in the House over a private claim, when the House indicated clearly that that private claim—and I will say that I refer to the Chorpenning claim—should go to the Committee on Claims or to the Committee on Appropriations, where it had been considered; but the member having it in charge withdrew it from the consideration of the House, saying he was not prepared to have it referred immediately; and then, after withdrawing it, he, unbeknown to the House, caused its reference under the rule to the Judiciary Committee—a private claim calling for the examination of witnesses.

I would say in reference to the Judiciary Committee precisely what the gentleman from Indiana has kindly said in reference to the Committee on Ways and Means. No one can have any more confidence in that committee than I have myself, and these remarks do not refer at all to the character of the committee, but simply to the habit of referring bills improperly to the different committees.

Mr. HOLMAN. Did I understand the gentleman from Massachusetts to say that the Chorpenning claim was referred to the Judiciary Committee?

Mr. DAWES. Certainly it was.

Mr. HOLMAN. I have been constantly in my seat, and I know that no such reference was made by public action of this House.

Mr. DAWES. It was referred to the Committee on the Judiciary under the rule by the member who had it in charge; but it was referred by him without the knowledge of the House.

Mr. HOLMAN. I know that it was not done by any public action of the House.

Mr. DAWES. When it was presented, and the gentleman made his speech, it was afterwards withdrawn, and referred under the rule to the Judiciary Committee.

Now, I wish to say, Mr. Speaker, that these remarks do not bear and are not intended to reflect on the character of the committee or on the rights of the gentleman who caused that reference. I wish merely to second the remarks of the gentleman from Indiana, and seize the occasion he has given for asking the members of the House to see to it that we ought not to take any action which involves conflicting jurisdiction between the committees of the House.

The reason why the particular bill under consideration came from the Committee on Ways and Means, although it is in the nature of a private claim, is this: it grew out of transactions of the sub-treasury in New York over the revenue stamps, and was referred last year to the Committee on Ways and Means. It was referred this session, without any agency on the part of any member of the Committee on Ways and Means, to that committee, because they have had general supervision of the subject of revenue stamps.

It grows out of a defalcation of one of the clerks of the sub-treasury in New York; and it was supposed, therefore, as it had been the custom in the House, whether right or wrong, to refer all claims growing out of the revenue system to the Committee on Ways and Means, that it should in this instance take that reference. No committee would be so glad as the Committee on Ways and Means to have everything of the kind go to the Committee on Claims; and this subject went to the Committee on Ways and Means without any agency on their part.

Mr. CESSNA. I beg the indulgence of the House to make a single remark.

Mr. E. H. ROBERTS. Mr. Speaker, I trust questions not relating to this bill will not be introduced in this discussion.

Mr. CESSNA. I trust I will be allowed to make one single remark, as I have been specially referred to in what has already been said. I agree fully in the remark of the gentleman from New York, that this subject, in my judgment, is not a proper one to be brought up in the discussion of the pending bill; but in order to correct what are no doubt accidental errors into which the gentleman from Massachusetts has fallen, in regard to the subject-matter referred to in his remarks on this occasion, I beg leave to call the attention of the House, as well as that of the gentleman himself, to one or two remarks made by him at the time when the subject first came up. I then said to the House that I desired some consultation before I could indicate to what committee I would send the papers.

I stated distinctly at the time that I had not presented the papers, and I therefore did not withdraw them; but I intended to present them thereafter. While I was making those remarks, a message was received from the Senate of the United States, announcing concurrence in the House resolution of adjournment. I was therefore compelled to act at once, which I did. I stated then that, in my judgment, the papers related to a question almost entirely legal in all its bearings, and not in the nature of a claim, and that therefore the Judiciary Committee was the proper committee to have charge of the claim. After I made that statement the gentleman from Massachusetts [Mr. DAWES] answered that he had no choice in regard to the committee to which the papers should be referred; and I then stated that I would exercise my own right as to the presentation of the papers and the choice of the committee to which they should be referred. The adjournment being about to take place, I was compelled to act; and I presented the papers at the desk, as I thought I had a right to do, and as I had publicly stated that I had the right to do; and they were sent to the committee I had indicated in my remarks. I therefore, in my opinion, took no advantage of the House, and I had no intent to do so. I simply carried out my own declaration, as far as I was able to do it; and having heard from the gentleman from Massachusetts that he had no preference or choice as to the committee, I sent the papers to what I believed to be the proper committee.

Mr. DAWES. I stated that I did not design to reflect on the gentleman or his committee. I had no choice in regard to a committee. My confidence in the Judiciary Committee is as great as in any other committee of the House. I only spoke, in connection with the discussion which grew out of the pending bill, of the manifest impropriety of sending a private claim to the Judiciary Committee.

Mr. BECK. I want to say a word upon this subject, if the gentleman from New York [Mr. E. H. ROBERTS] will allow me. I desire to call the attention of the gentleman from Pennsylvania [Mr. CESSNA] to the fact that I objected then, or tried to object, to any disposition being made of this Chorpenning claim except by the House. When I learned that after being withdrawn the papers were referred to the Committee on the Judiciary, I determined to move, and I wish to give notice now that at the earliest opportunity I intend to move, that the House shall take that claim from the Committee on the Judiciary and send it to a committee on which there is no one personally interested. The gentleman from Pennsylvania was sufficiently interested, and has been sufficiently attacked, to be induced to make a personal explanation on this floor relative to his connection with the matter, and he had no right, after what took place the other day, to send it to the committee where he himself would be one of the judges in the case.

Mr. CESSNA. When the gentleman from Pennsylvania assumes to perform the duties of a judge he will be prepared to answer for his conduct. The gentleman from Pennsylvania heard no objection from any gentleman to the papers being referred to the Judiciary Committee. He heard some remark on the part of the Committee on Claims and made some answer to that, but he stated distinctly his right to have the papers referred to the committee of his own choice, and the gentleman from Pennsylvania is not aware that the gentleman from Kentucky, [Mr. BECK,] by a single objection, would have any right to interfere with the reference.

Mr. BECK. I give notice now that at the earliest opportunity I will move to refer the claim to the Committee on Claims or the Committee on Appropriations. By its reference to the Judiciary Committee the gentleman from Pennsylvania is sitting as a judge in his own case, for he is the man being tried.

Mr. SMITH, of Ohio. I desire to say a word on this matter.

Mr. E. H. ROBERTS. I must decline to yield further. The pending bill was referred in the last Congress to the Committee on Ways and Means, and that committee unanimously directed that a report should be made in favor of its passage; but on account of the lateness of the day the report was not made. In this Congress the bill was referred again to the Committee on Ways and Means, and the committee unanimously directed a favorable report to be made. I regret that questions in regard to the reference of another matter about which there may be a difference of opinion should have arisen in connection with the report upon this bill, about which I think there can be no difference whatever. The loss in the office of the assistant treasurer was at the time investigated by a committtee appointed by the Secretary of the Treasury, Mr. BOUTWELL, and that committee reported that the loss was without fault on the part of the assistant treasurer. That report is Executive Document No. 41, made to the third session of the Forty-second Congress.

A special committee was also appointed by the last Congress, and its report, made at the third session by the distinguished gentleman from New York, [Mr. MERRIAM,] is conclusive that the relief ought to be granted. It is printed as House report No. 70, for the third session.

In this Congress again the Secretary of the Treasury, by an official letter to the Speaker of the House, recommends the passage of this bill.

Mr. HOLMAN. With the permission of the gentleman from New York I desire to say, that my sole objection was to the reference of such matters to the Committee on Ways and Means. I desire to say further, that I have been told by General Spinner, a gentleman whose statement on such a matter should be of great weight, that this relief ought to be afforded. I have no doubt that the recommendation of the committee is in accordance with the facts of the case.

Mr. E. H. ROBERTS. I agree with the gentleman from Indiana that General Spinner's opinion should have great weight. With the recommendations of two Secretaries of the Treasury and the evidence before the committee, with the reports to which I have referred, the case for this bill, is irresistible.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was next on the passage of the bill; and being taken, there were—ayes 118, noes 40.

So the bill was passed.

Mr. E. H. ROBERTS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair does not desire this subject to pass from the attention of the House without a single word on his part.

There are continually arising conflicts with regard to the reference of bills, which occur, according to the observation of the Chair, from references on Monday morning to which no attention is paid by any member except the member introducing the bill. The Chair is disposed to think that many inappropriate references are made from inattention or perhaps lack of knowledge of the proper jurisdiction of the various committees, and gentlemen send many matters to various other committees which should go to the Committee on Claims. This bill, the Chair has no hesitation in saying, belongs to the Committee on Claims, although it was regularly referred to the Committee on Ways and Means; and unless some attention is given to the reference of bills on Monday morning, or unless the various committees conceive it to be a point of honor to report back such bills as are wrongly referred to them, there will continually arise these questions of jurisdiction, which ought never to occur in the House.

Mr. WILLARD, of Vermont. I desire to inquire if it would be in order within twenty-four hours to move to reconsider a reference made at the Clerk's desk?

The SPEAKER. It would not be, because the rule is that bills referred on Monday morning shall not be brought back by a motion to reconsider.

Mr. WILLARD, of Vermont. That is not the point I make. This Chorpenning claim was referred at the Clerk's desk, and not on Monday morning.

The SPEAKER. That is not the question under consideration now. The Chair knows nothing about any mode of reconsidering the presentation of petitions. A gentleman presenting a petition ordinarily indicates the committee to which he wishes it to be referred. If he indicates a wrong committee the Chair has no hesitation in saying that the committee to which it is referred should report it back.

Mr. RANDALL. It is not possible for the Chair to correct errors of that sort.

The SPEAKER. It is not possible for the Chair to do it.

Mr. WILLARD, of Vermont. The Chair has not answered the inquiry I made. It is the practice here to refer petitions at the Clerk's desk under the rule, and a gentleman can indicate to what committee a petition shall be referred. My inquiry is whether it is in order any time within twenty-four hours after that reference to move a reconsideration.

The SPEAKER. The Chair thinks not; the remedy lies in the committee to which it is referred doing its duty if it is wrongly referred. The Chair observes every Monday morning numerous references that are wrong, but it is not the province of the Chair, nor within his power to correct them. It gives rise to disagreeable questions as to the proper jurisdiction of committees which never ought to arise here. The Chair does not know of any mode of reconsidering the reference of a petition to a committee.

Mr. COBURN. I think the difficulty arises in great part from the fact that petitions, memorials, and bills are put into that box in front of the Clerk's desk.

The SPEAKER. No bills are put there but post-route bills.

Mr. COBURN. I think that sometimes petitions with accompanying papers, including bills, are put in there.

The SPEAKER. That is not practically worse than a Monday morning reference. Just as much attention is given to a petition put into that box as to a bill referred on Monday.

Mr. BECK. I rise to make a parliamentary inquiry. I ask whether, if a bill or petition has been referred to a wrong committee, there is any other mode to correct the misreference except by moving to suspend the rules on Monday?

The SPEAKER. The Chair does not know of any.

Mr. BECK. Can that be done?

The SPEAKER. It can be done. The Chair observes on every Monday that bills proposing to reimburse postmasters for lost postage-stamps are referred to the Committee on the Post-Office and Post-Roads; that bills for the relief of officers who have lost horses are referred to the Committee on Military Affairs; that bills for the relief of gentlemen who have claims against the Naval Department are referred to the Committee on Naval Affairs, when they all belong under the rules to the Committee on Claims, and undoubtedly belong there.

ABEL GILBERT AND WILLIAM GERRISH.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported a bill (H. R. No. 1038) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the name style of Gilbert & Gerrish; which was read a first and second time.

The bill was read at length. It authorizes and directs the Secretary of the Treasury to pay the sum of $26,250 to Benjamin W. Gilbert, administrator of the estate of said Abel Gilbert, and Isaac Watts, administrator of the estate of William Gerrish, in full accord and satisfaction for damages for violation of a grain contract entered into the 21st day of May, 1859, between Colonel G. H. Crosman, deputy quartermaster-general of the United States Army, in behalf of the United States, and said Abel Gilbert, in his own name, but in behalf of said Gilbert & Gerrish.

Mr. HOLMAN. As this bill contains an appropriation, I think, on account of the amount in it, as well as of the principle involved, it should go to the Committee of the Whole.

Mr. HAWLEY, of Illinois. I desire to say for the information of the House, and in reply to the gentleman from Indiana, [Mr. HOLMAN,] that this bill passed the House during the last Congress, some months, I think, before the close of the session, and also passed the Senate.

Mr. HOLMAN. I do not waive the point of order.

Mr. HAWLEY, of Illinois. The bill passed the Senate the last night of the session, too late to receive the signature of the President.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] makes the point of order that this bill contains an appropriation, and must have its first consideration in Committee of the Whole.

Mr. HOLMAN. I wish to reserve that point of order; but I trust the Chair will hear the statement of the gentleman from Illinois.

Mr. HAWLEY, of Illinois. I will, then, continue what I was about to say when interrupted. This bill passed both Houses of Congress during the last session, but passed the Senate at the close of the session, too late to receive the signature of the President. It has at this session received the consideration of the Committee on Claims of the House, and has the unanimous approval of that committee. I think no claim could be presented to the House that could appeal more strongly to Congress for relief than this.

The bill is accompanied by a long report, setting forth the grounds on which the claim rests, and the reasons for the passage of the bill. I shall not ask to have that long report read unless it be insisted on by some gentleman desiring further information. I hope, Mr. Speaker, in view of the fact that the claim is a just one, that it has passed both Houses of Congress at previous sessions, the gentleman from Indiana [Mr. HOLMAN] will not insist on its being sent to the Committee of the Whole on the Private Calendar, where it may not be reached during the present session.

Mr. HOLMAN. I ask unanimous consent to say a word on this subject. I hold in my hand a proposition which I desire to submit to the House as early as possible, providing for adding the following amendment to the rules:

> All private bills making appropriations of property or money, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall first be considered in a Committee of the Whole House; and no such bill shall be considered on the day of its commitment.

I make the point of order with the more freedom on this particular bill because, from the full discussion upon it in committee at the last session, I understand its nature; and I indorse substantially what the gentleman has said in regard to it. It was before the Committee on Claims in the last Congress; a very careful report was made upon it, and it passed the House without objection. But, sir, having observed the evils resulting from the too rapid action of the House on private claims, where no point is made against them, the gentleman, I think, must see the importance of such a rule as I have suggested, providing that such claims, when brought before the House, shall lie over one day. I trust I shall have the co-operation of the gentleman in the adoption of the proposition I have read. I desire to do no injustice; but this being the very beginning of the session, and the precedent being important, I must insist on my objection.

Mr. HAWLEY, of Illinois. I desire to say a word in reply to the remarks of the gentleman from Indiana, [Mr. HOLMAN.] He stands here and states that at the last Congress, during the whole of which he was a member of the Committee on Claims, this very bill was before that committee, and he knows it to be a just claim; yet in the face of that statement he desires now to make a point of order upon it for the purpose of sending it to the Committee of the Whole on the Private Calendar.

Mr. HOLMAN. What I said was that the subject had been thoroughly discussed, and that I indorsed, in the main, the remarks of the gentleman from Illinois.

Mr. HAWLEY, of Illinois. I stated that the bill was a just one and ought to be passed; so that, when the gentleman indorsed what I said, he indorsed that statement; and I understand him to do so now. Does the gentleman insist on his point of order?

Mr. HOLMAN. O, yes, sir. I have already stated to the gentleman that I should have to insist upon it. If I should consent to this bill going through I could not, in consistency and justice, make the point upon similar bills hereafter.

Mr. HAWLEY, of Illinois. If the gentleman insists on his point of order I suppose the bill must go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair suggests that when a point of order is made it should be decided at once. There is no necessity for debating it. The bill goes to the Committee of the Whole on the Private Calendar.

Mr. HAWLEY, of Illinois. The point of order was not made until this moment. The gentleman from Indiana reserved the right to make the point until after I had made my statement, and after that statement he made the point.

Mr. SPEAKER. When a gentleman permits a point of order to be discussed he thereby waives the point.

Mr. HAWLEY, of Illinois. I understood the Chair to say that the point could be reserved.

The SPEAKER. By unanimous consent.

Mr. HAWLEY, of Illinois. And that was done in this case.

The SPEAKER. The Chair so understood; otherwise the discussion could not have gone on.

Mr. HAWLEY, of Illinois. I would like to know whether the gen-

tleman, by anything that has occurred, has lost the right to make the point.

The SPEAKER. He has not lost the right, because unanimous consent was given that he should reserve the point; but he had no right under the rules to have it reserved.

GEORGE M. RICHARD.

Mr. SHOEMAKER, of Pennsylvania, from the Committee on Claims, reported back with amendments the bill (H. R. No. 215) to exempt George M. Richard, of Pittston, in the State of Pennsylvania, from the payment of $900 for postage-stamps stolen from his office while postmaster.

The bill was read.

Mr. SPEER. I hope my colleague will give the House a statement of this case.

Mr. SHOEMAKER, of Pennsylvania. I was just about to do so; but first I will send up the report to be read.

The Clerk read the report. It states that, on the night of March 19, 1873, the office of George M. Richard, postmaster at Pittston, Luzerne County, Pennsylvania, was entered by burglars, and his safe, containing postage-stamps, was blown open and robbed. The safe and doors of the office were properly locked and secured on the evening of the robbery; and no negligence is charged on the postmaster. These statements are sustained by affidavits of the postmaster, his two clerks, and the occupants of the premises adjoining the post-office building. The postmaster, from the average daily sales of January and February, estimates the amount of stamps in his office at the time at $926.12; while the Post-Office Department, estimating from the average daily sales for seventy-nine days previous to December 31, 1872, concludes the amount of stamps in the office at the time of the robbery to have been $881.29. The committee recommend the passage of the bill, with an amendment fixing the latter amount as the credit to be allowed to the postmaster.

Mr. SHOEMAKER, of Pennsylvania. I ask also that a letter from the Third Assistant Postmaster-General be read.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., December 18, 1873.

SIR: In compliance with the request in your letter of yesterday, I herewith transmit the affidavits and other papers received from George M. Richard, late postmaster at Pittston, Pennsylvania, relative to the robbery of his post-office by burglars on the night of the 19th of March, 1873.

An estimate of the amount of postage-stamps and stamped envelopes on hand at the office, on the date of the alleged robbery, is as follows:

Amount on hand on the 31st of December, 1872, (as per returns to the Auditor)	$701 32
Sent on orders, from January 1 to March 19, 1873	1,394 20
Total,	2,095 52
Deduct estimated sales for 79 days, (average daily sales for two quarters ending December 31, 1873, being $15.37)	1,214 23
Leaving the probable amount on hand March 19th, 1873	881 29

or $112.88 less than the amount claimed to have been stolen.

Respectfully, &c.,

E. W. BARBER,
Third Assistant Postmaster-General.

Hon. L. D. SHOEMAKER,
House of Representatives.

Mr. HOLMAN. I think that this bill should go to the Committee of the Whole, and I desire to make that motion.

Mr. HAWLEY, of Illinois. I object; it is not in time.

The SPEAKER. The gentleman makes the motion, not the point of order.

Mr. SHOEMAKER, of Pennsylvania. I do not yield for that purpose. I call the previous question on the bill and amendments.

The question was taken on seconding the previous question, and upon a division there were—ayes 79, noes 21; no quorum voting.

Mr. HOLMAN. I insist that there shall be a full vote on this question.

Tellers were ordered; and Mr. SHOEMAKER of Pennsylvania and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported that there were—ayes 125, noes 20.

So the previous question was seconded; and the main question was then ordered.

The first question was upon the amendment to reduce the amount from $900 to $881.29; and being taken, it was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SHOEMAKER, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARGARET E. WEST.

Mr. SMITH, of Ohio, from the Committee on Claims, reported back the bill (H. R. No. 62) for the relief of Margaret E. West; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Invalid Pensions.

The motion was agreed to.

CHARLES CLINTON.

Mr. SMITH, of Ohio, from the same committee, reported adversely upon the bill (H. R. No. 308) for the relief of Charles Clinton, late assistant treasurer of the United States at New Orleans, Louisiana.

The committee was discharged from the further consideration of the bill; and it was laid upon the table, and the report accompanying it was ordered to be printed.

ROBERT N. M'MILLAN.

Mr. HAWLEY, of Illinois, from the same committee, reported a bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the proper accounting officers of the Treasury to adjust and settle the accounts of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana, and allow him the sum of $706.56, being the amount paid for salaries of keepers and assistant keepers of light-houses for the first quarter of the year 1861.

Mr. HOLMAN. Does not this bill make an appropriation?

The SPEAKER. It involves an appropriation of money.

Mr. HOLMAN. Then I make the point of order that it should be referred to the Committee of the Whole on the Private Calendar.

The SPEAKER. The point of order is well taken, and the bill will be referred accordingly.

COLONEL E. M'CARTY.

Mr. EDEN, from the Committee on Claims, reported back a bill (H. R. No. 1039) for the relief of Colonel E. McCarty.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Secretary of the Treasury to pay to Colonel E. McCarty, of Illinois, the sum of $1,450, being the amount paid by him to the Government on a direct-tax sale by the judgment of the United States court, and for which payment of money the said Colonel E. McCarty received no consideration.

Mr. HOLMAN. I make the point of order that this bill contains an appropriation, and must receive its first consideration in Committee of the Whole.

The SPEAKER. The point of order is well taken, and the bill will be referred accordingly.

Mr. HAWLEY, of Illinois. The Committee on Claims have no further reports to make this morning.

AMENDMENT OF THE RULES.

Mr. HOLMAN. I ask unanimous consent to submit to the House, for reference to the Committee on the Rules, an amendment to the rules, the substance of which has been approved by the Committee on War Claims, but the precise form is suggested by the Journal Clerk of the House. I desire by the approval of the Committee on War Claims merely to have it referred.

Mr. G. F. HOAR. I object to the morning hour being used for this purpose.

Mr. HOLMAN. It will take but a moment.

Mr. G. F. HOAR. I must object.

JOHN B. WEBER.

Mr. ALBRIGHT, from the Committee on Military Affairs, reported a bill (H. R. No. 1039) for the relief of John B. Weber, late colonel Eighteenth Infantry, Corps d'Afrique; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill directs the Paymaster-General of the Army to allow and pay to John B. Weber, late colonel Eighteenth Infantry, Corps d'Afrique, out of the appropriations for the pay of the Army, the pay and allowance of a first lieutenant from the 28th of September, 1863, until the 8th of November of the same year, being from the time he received his commission as such officer until the time he was mustered into the service, provided that he has not been paid for his services for that time.

Mr. HOLMAN. Does this bill require the payment of money out of an appropriation heretofore made? I think it is a claim which belongs to the Committee on War Claims.

The SPEAKER. Paid out of the appropriation for the pay of the Army.

Mr. HOLMAN. The bill itself does not make an appropriation?

The SPEAKER. It does not make a direct appropriation.

The report accompanying the bill was ordered to be printed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALBRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

H. E. TINKHAM.

Mr. SCOFIELD, from the Committee on Naval Affairs, reported adversely on the petition of H. E. Tinkham, of Freetown, Bristol County,

Massachusetts, who, having served in the Navy during the late war, prays to be placed on the retired list of the Navy; and the same was laid on the table.

PENSIONERS OF WAR OF 1812.

On motion of Mr. RUSK, the Committee on Invalid Pensions was discharged from the further consideration of a bill (H. R. No. 469) to restore pensioners of the war of 1812, the Mexican war, and other wars, who forfeited their pension by participating in the rebellion, to the pension-rolls; and the same was referred to the Committee on Revolutionary Pensions and War of 1812.

WILLIAM MOORE.

Mr. RUSK. I am directed by the Committee on Invalid Pensions to move that that committee be discharged from the further consideration of a bill (H. R. No. 810) for the relief of William Moore, late private in Company K, Seventy-third Regiment Ohio Infantry Volunteers, and that the same be referred to the Committee on War Claims.

Mr. COBURN. Bills for paying bounty should go to the Committee on Military Affairs, and so ought bills referring to the pay of officers and soldiers. As I understand it, the Committee on War Claims has, under the rules, jurisdiction over claims for property taken or destroyed during the war.

The SPEAKER. The reference suggested by the gentleman from Indiana is a proper reference.

Mr. RUSK. Let it be referred, then, to the Committee on Military Affairs. I make that amendment of my motion.

The motion was agreed to.

MRS. CAROLINE M'GHEE.

Mr. RUSK. I am directed by the Committee on Invalid Pensions to move that that committee be discharged from the further consideration of the petition of Mrs. Caroline McGhee, widow of Leonard McGhee, Company F, Second Regiment Tennessee Volunteers, praying for a pension; and that the same be referred to the Committee on War Claims.

Mr. COBURN. That seems to be for a pension.

The SPEAKER. On what ground does the gentleman ask that the committee be discharged from the further consideration of that bill?

Mr. RUSK. It is a claim, and does not belong to the Pension Committee.

Mr. RANDALL. Then it has a wrong title.

The SPEAKER. It seems to be a petition for a pension; and, if it is not, it is improperly indorsed.

Mr. COBURN. What is the claim for?

The SPEAKER. It seems to be for certain services rendered the Union Army in East Tennessee.

Mr. COBURN. If it be to pay for services, then it ought to go to the Committee on Military Affairs.

Mr. HOLMAN. It is a claim against the Government, and certainly does not belong to the Committee on Military Affairs.

The SPEAKER. The Chair does not think it belongs to the Committee on War Claims, but to the Committee on Military Affairs. It is simply a claim, and not a claim growing out of the war.

Mr. COBURN. I supposed it was a claim by some officer or soldier for services rendered.

The SPEAKER. It is a claim of the widow of a man who lost his life in certain alleged services, and not as an officer.

Mr. COBURN. I withdraw my motion to refer it to the Committee on Military Affairs.

The Committee on Invalid Pensions was discharged from further consideration of the subject, and it was referred to the Committee on Military Affairs.

WILLIAM PHILLIPS, ET AL.

Mr. RUSK. I move that the Committee on Military Affairs be discharged from the further consideration of the petition of William Phillips *et al.*, for a special act to place the name of Stephen Phillips on the rolls of Company K, Ninth Tennessee Cavalry, and that it be referred to the Committee on War Claims.

The SPEAKER. This has been once referred to the Committee on Military Affairs, and then to the Committee on Invalid Pensions; but the Chair thinks, instead of going to the Committee on War Claims, it should go to the Committee on Claims.

Mr. RUSK. I make that modification of my motion.

The motion as modified was agreed to.

SOLDIERS OF THE WAR OF 1812.

On motion of Mr. RUSK, the Committee on Invalid Pensions was discharged from the further consideration of the following bills; and the same were referred to the Committee on Revolutionary Pensions and War of 1812:

A bill (H. R. No. 570) to amend the pension act of February 14, 1871, by striking out "proof of loyalty;"

A bill (H. R. No. 484) granting pensions to the survivors of the war of 1812, or their widows, where the term of service exceeded fourteen days; and

A bill (H. R. No. 286) granting a pension to Mary Horton, of Franklin County, Alabama.

WAR CLAIMS.

On motion of Mr. WARD, of Illinois, the Committee on the Judiciary was discharged from the further consideration of a bill (H. R. No. 353) for the relief of certain citizens of the counties of Jackson, Cass, Bates, and Vernon, in the State of Missouri, and for other purposes; and the same was referred to the Committee on War Claims.

CLAIMS OF MISSOURI CITIZENS.

Mr. WARD, of Illinois, also, from the Committee on the Judiciary, reported back the bill (H. R. No. 355) referring certain claims of loyal citizens of the State of Missouri to the Court of Claims of the United States, and for other purposes; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on War Claims.

The motion was agreed to.

COURT TERMS IN IOWA.

Mr. WARD, of Illinois, also, from the Committee on the Judiciary, reported back, with the recommendation that it do not pass, the bill (H. R. No. 179) to change the time of holding certain terms of the district court of the United States for the district of Iowa; and moved that the same be laid on the table.

The motion was agreed to.

AMENDMENTS TO THE RULES.

Mr. WILLARD, of Vermont, by unanimous consent, submitted the following resolution; and the same was referred to the Committee on the Rules:

Resolved, That the Committee on the Rules be instructed to consider the expediency of adopting the following rule:

All references at the Clerk's desk shall be published in the next issue of the official report of the proceedings of the House, with the name of the Member or Delegate requesting the reference, and of the committee to which the reference is made; and at any time during the next legislative day after such reference any member may make a point of order as to the propriety of such reference, and upon such point of order being made the Speaker shall determine, without debate, the proper reference to be made.

Mr. HOLMAN. I ask that the following resolution be referred to the Committee on the Rules.

The Clerk read as follows:

Resolved, That the rules be amended by adding at the end of Rule 112 the following:

And all private bills making appropriations of property or money, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, shall be first considered in Committee of the Whole House; and no such bill shall be considered on the day of its commitment.

Mr. PLATT, of Virginia. I object.

Some time subsequently,

Mr. GARFIELD said: I trust the gentleman from Virginia [Mr. PLATT] will withdraw his objection, and allow the amendment to the rules proposed by the gentleman from Indiana [Mr. HOLMAN] to be introduced for reference.

The SPEAKER. The Chair will remark that the rule requires that no amendment of the rules shall be considered in the House without one day's notice. The gentleman from Virginia [Mr. PLATT] will observe that an objection to a reference to the Committee on the Rules does not in any way estop the committee from considering it. The reading of the proposed amendment in open House is a notice. So it may as well be referred.

Mr. PLATT, of Virginia. I withdraw my objection.

There being no further objection, Mr. HOLMAN'S resolution was referred to the Committee on the Rules.

ORDER OF BUSINESS.

Mr. BUTLER, of Massachusetts. I rise to make a parliamentary inquiry. Has the morning hour expired?

The SPEAKER. The morning hour never expires until a privileged question closes it.

Mr. HALE, of Maine. I rise to make a privileged motion. I move that the rules be suspended, and that the House resolve itself into Committee of the Whole, for the consideration of the naval appropriation bill.

Mr. HAWLEY, of Illinois. I desire to make a motion which I believe, as this is private-bill day, has preference over the motion of the gentleman from Maine. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. MAYNARD. I desire to make a motion which I believe is of higher privilege than either of those two motions.

Mr. BECK. I have a resolution for reference to the Committee on the Rules, which I ask may be read before the question is taken on any of those motions.

The SPEAKER. Two gentlemen have made privileged motions. They must yield before the resolution of the gentleman from Kentucky can be entertained.

Mr. HALE, of Maine. I have no objection to the resolution of the gentleman from Kentucky being read.

AMENDMENT OF RULES.

Mr. BECK. I offer the following resolution for reference to the Committee on the Rules.

The Clerk read as follows:

Resolved, That the rules of the House be so amended as to authorize any committee to which petitions, memorials, and bills may be referred, under the rules, at the Clerk's desk, by a member, to send such matters as in their opinion should have been referred to some other committee directly to that committee, without bringing the subject before the House for its action.

There was no objection, and the resolution was referred to the Committee on the Rules.

Mr. G. F. HOAR. I have a resolution on the same subject, which I desire to have referred to the Committee on the Rules.

Mr. BUTLER, of Massachusetts. We have more rules now than we observe. [Laughter.]

Mr. G. F. HOAR. I offer the following resolution for reference:

Resolved, That the Committee on the Rules consider the expediency of so amending the rules as to authorize the Speaker to decide, subject to appeal, the question to which committee of the House any bill or resolution introduced shall be referred at the time of its original introduction: *Provided*, That he may submit the question to the House if he see fit.

There was no objection, and the resolution was referred to the Committee on the Rules.

ADJOURNMENT OVER.

Mr. MAYNARD. I rise to a question of privilege. I move that when the House adjourns to-day it be to meet on Monday next. I desire to have the question settled whether we are to have a session to-morrow or not.

Mr. HALE, of Maine. I hope that motion will not be agreed to. We have just got back here after the holiday recess, and should attend to the public business. If we go on with the naval appropriation bill to-day and to-morrow I think we can finish it.

The SPEAKER. The Chair is advised by gentlemen from the State of New York and the State of Michigan that it is the intention of those giving the notices to bring to the attention of the House the deaths of members from those States to-day at three o'clock.

Mr. HALE, of Maine. Then I certainly hope, if the Committee on Appropriations can only go on until three o'clock to-day, that the House will give us to-morrow for work.

The SPEAKER. The question is not debatable.

The question being put on Mr. MAYNARD's motion, there were—ayes 91, noes 69.

Mr. HALE, of Maine. I must call for the yeas and nays upon this question.

Mr. RANDALL. I hope the gentleman from Maine will not consume the public time by insisting on the yeas and nays. Let us have the question tested by tellers.

Mr. HALE, of Maine. I hope the public time will not be consumed by the adoption of this motion. It is because time is precious that I insist upon the yeas and nays.

Mr. SCOFIELD. I desire to state to the House that the estimates made by the Secretary of the Navy have not yet been printed.

Mr. RANDALL. Is debate in order?

The SPEAKER. It is not.

Mr. RANDALL. Then I object to debate.

Mr. SCOFIELD. I ask unanimous consent to make a very brief statement.

Mr. RANDALL. I object.

The question being taken on ordering the yeas and nays, there were—ayes 44.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 128, nays 119, not voting 39; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Atkins, Averill, Barrere, Bass, Beck, Bell, Berry, Bland, Blount, Brown, Buckner, Burchard, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, jr., John B. Clark, jr., Clements, Clinton L. Cobb, Cook, Corwin, Cox, Crooke, Crossland, Crounse, Crutchfield, Davis, De Witt, Dobbins, Durham, Giddings, Glover, Gooch, Gunckel, Hamilton, Harmer, Benjamin W. Harris, Harrison, Havens, Joseph R. Hawley, Hays, Hereford, Herndon, Holman, Hooper, Houghton, Howe, Hynes, Knapp, Lamison, Lamport, Lansing, Leach, Lowndes, Lynch, Martin, Maynard, McDougall, McJunkin, McLean, Milliken, Mills, Mitchell, Moore, Morey, Morrison, Myers, Negley, Niles, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Pelham, Perry, Pierce, James H. Platt, jr., Thomas C. Platt, Purman, Randall, Rawls, Read, Richmond, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sheats, Sheldon, Smart, J. Ambler Smith, William A. Smith, Snyder, Southard, Stanard, Standeford, Stone, Storm, Stowell, Swann, Sypher, Thornburgh, Vance, Waddell, Walls, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, William Williams, Willie, Wood, John D. Young, and Pierce M. B Young—128.

NAYS—Messrs. Albright, Banning, Barnum, Begole, Biery, Bowen, Bright, Bromberg, Buffinton, Bundy, Burleigh, Burrows, Caldwell, Cannon, Cason, Cessna, Clayton, Clymer, Stephen A. Cobb, Comingo, Conger, Cotton, Crittenden, Crocker, Curtis, Danford, Darrall, Dawes, Duell, Dunnell, Eames, Eden, Elliott, Field, Fort, Foster, Frye, Garfield, Eugene Hale, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hathorn, John B. Hawley, Gerry W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hoskins, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Kasson, Kelley, Kendall, Lawrence, Lawson, Loughridge, Lowe, Luttrell, Magee, Marshall, McCrary, Alexander S. McDill, James W. McDill, McKee, McNulta, Mellish, Merriam, Monroe, Neal, Isaac C. Parker, Parsons, Pendleton, Phelps, Phillips, Poland, Pratt, Rainey, Rapier, Ray, Rice, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Sessions, Sherwood, L. D. Shoemaker, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Speer, Sprague, Starkweather, Strait, Todd, Townsend, Tyner, Waldron, Marcus L. Ward, Wheeler, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, Ephraim K. Wilson, James Wilson, Wolfe, Woodford, and Woodworth—119.

NOT VOTING—Messrs. Barber, Barry, Bradley, Freeman Clarke, Coburn, Creamer, Donnan, Eldredge, Farwell, Freeman, Robert S. Hale, John W. Hazelton, Jewett, Kellogg, Killinger, Lamar, Lewis, Lofland, Nesmith, Niblack, O'Brien, Pike, Potter, Ransier, William R. Roberts, James C. Robinson, Henry J. Scudder, Shanks, Sloss, George L. Smith, Stephens, St. John, Strawbridge, Taylor, Thomas, Tremain, Wallace, Charles G. Williams, and Jeremiah M. Wilson—39.

Mr. RANDALL moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed a bill (S. No. 21) for the relief of aged or infirm pre-emption settlers.

Also that the Senate had passed without amendment the bill of the House (H. R. No. 434) making an appropriation for the legislative expenses of Colorado Territory.

SESSION FOR DEBATE.

Mr. MAYNARD. I desire to ask unanimous consent of the House that to-morrow we meet as in Committee of the Whole for debate alone.

Mr. GARFIELD. I object; if we cannot meet to work do not let us meet at all.

PATENT AND COPYRIGHT LAWS.

Mr. CONGER, by unanimous consent, from the Committee on Patents, reported a bill (H. R. No. 1040) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights," approved July 8, 1870; which was read a first and second time, ordered to be printed, and recommitted to the committee not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. HALE, of Maine. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union, for the consideration of the naval appropriation bill. That will give the House one hour's work on the bill. I certainly hope, as the Committee on Appropriations has got its bills in readiness and desires to go on with this, the most important of all the public business, at once, and in view of the fact that a day has been cut out, the House will give the committee the time between now and three o'clock.

Mr. RANDALL. I just want to say to the gentleman from Maine that we are not here under drill-sergeants. We will give the committee fair time, but we do not wish this thing pushed down our throats all the time.

Mr. HALE, of Maine. It is very well for the gentleman to talk about drill-sergeants, and to claim that he will give, so far as he is concerned, good time to the consideration of the appropriation bills, but the best way in which he can prove it is by voting in accordance with what he states.

Mr. RANDALL. I shall vote upon each occasion as I deem best.

Mr. HAWLEY, of Illinois. This being private-bill day, and some bills having been referred to the Committee of the Whole on the Private Calendar, I desire to move that the House resolve itself into that committee.

The SPEAKER. The gentleman's motion would take precedence of that of the gentleman from Maine if he had made the exception when the naval appropriation bill was referred to the Committee of the Whole on the state of the Union and made a special order. No such exception having been made, the motion of the gentleman from Maine will first be put.

Mr. HAWLEY, of Illinois. At the time the appropriation bill was reported, no bills had been referred to the Committee of the Whole on the Private Calendar. But now there are several bills on the Private Calendar which were referred this morning upon points of order made by the gentleman from Indiana, [Mr. HOLMAN.] Friday and Saturday being the only private-bill days in the week, I think we should consider these bills to-day.

The SPEAKER. Should the House refuse to go into Committee of the Whole on the naval appropriation bill, then the Chair will recognize the gentleman from Illinois, [Mr. HAWLEY,] to submit his motion.

The question was then taken upon the motion of Mr. HALE of Maine; and upon a division there were—ayes 68, noes 61; no quorum voting.

Tellers were ordered; and Mr. HALE of Maine and Mr. RANDALL were appointed.

The House again divided; and the tellers reported that there were—ayes 65, noes 99.

So the motion was not agreed to.

SESSION FOR DEBATE.

Mr. GARFIELD. I desire to withdraw my objection to a session being held to-morrow for debate only, as in Committee of the Whole, no business whatever to be transacted.

Mr. PELHAM. I renew the objection.

PRIVATE CALENDAR.

Mr. HAWLEY, of Illinois. I move that the House now resolve itself into Committee of the Whole on the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SCOFIELD in the chair,) and proceeded to the consideration of the Private Calendar.

ABEL GILBERT AND WILLIAM GERRISH.

The first bill upon the Private Calendar was House bill No. 1038, for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish.

The bill directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $26,250 to Benjamin W. Gilbert, administrator of the estate of said Abel Gilbert, and Isaac Watts, administrator of the estate of William Gerrish, in full accord and satisfaction for damages for violation of a grain

contract entered into the 21st day of May, 1859, between Colonel G. H. Crosman, deputy quartermaster-general of the United States Army, in behalf of the United States, and said Abel Gilbert, in his own name, but in behalf of said Gilbert & Gerrish.

Mr. HOLMAN. I desire to make a parliamentary inquiry. I am a little rusty in the rules. I desire to inquire if this is objection day.

The CHAIRMAN. The Clerk will read the rule.

The Clerk read as follows:

On the first and fourth Friday and Saturday of each month the Calendar of Private Bills shall be called over, (the Chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. But when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.

Mr. HOLMAN. I must object to this bill. The object of the rule is to give time to examine all these bills.

The CHAIRMAN. The Chair overrules the objection of the gentleman; this is the second Friday of the month.

Mr. HOLMAN. I forgot; I thought it was the first. I call for the reading of the report.

Mr. HAWLEY, of Illinois. I do not object to the report being read if the gentleman from Indiana insists upon it. But it is well known to him what the report is.

Mr. HOLMAN. Of course I insist upon the report being read.

The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the memorial of Isaac Watts, administrator of the estate of William Gerrish, asking damages on account of an annulment of a contract of Abel Gilbert, of the firm of Gilbert & Gerrish, have considered the same, and ask leave to report:

The following is a statement of the facts in this case, as they appear upon the records in the office of the Quartermaster-General, and not denied by either party:

On the 21st of May, 1859, a contract was entered into at Salt Lake City, between Colonel George H. Crosman, deputy quartermaster-general United States Army, and Abel Gilbert, according to the terms of which the latter was to supply the army of General Johnston, then stationed at Camp Floyd, Utah, with forty thousand bushels of wheat, rye, barley, corn, and oats, in equal or unequal portions of each, at the option of the parties, and for which Colonel Crosman was to pay $2 per bushel for the wheat, rye, barley, and corn, and $1.50 per bushel for the oats; and the contract expressly reserved to the United States the privilege of increasing the quantity of grain to be delivered to one hundred thousand bushels at any time within fifteen days from the date of the contract. Within the time stipulated, Colonel Crosman notified Gilbert that he would be required to deliver one hundred thousand bushels. The contract was, therefore, for the delivery of one hundred thousand bushels. This grain was to be delivered by Gilbert to the United States at points not more distant from Camp Floyd than the town of Manti, San Pete Valley. But the contract further provided that if Colonel Crosman should require the grain to be delivered at Camp Floyd, Gilbert was to receive $2.50 per bushel for corn, rye, wheat, and barley, and $2 per bushel for oats. Payments were to be made from time to time, as the grain was delivered, or as funds were received by the Quartermaster-General. The whole of the grain was to be delivered, at the convenience of Gilbert, between the 1st of July, 1859, and the 1st of June, 1860, not less than ten thousand bushels to be constantly kept on hand at Camp Floyd.

Gilbert received notice from Colonel Crosman to deliver the grain at Camp Floyd, instead of the points mentioned in the first article of the contract, and, in accordance therewith, commenced the execution of the contract, by delivering the grain at Camp Floyd, and delivered a large quantity of grain at that point, which was received and paid for, and he was proceeding in the execution of his contract, when, in the winter of 1859, or late in the fall of 1859, he was requested by General Johnston and Colonel Crosman to discontinue further deliveries of grain except in small quantities, from time to time, as needed for issue, they stating that the number of mules had been largely reduced, three thousand having been sold at auction, and that there was no room in the store-houses for more grain at that time.

To this Gilbert assented, with the understanding, as Colonel Crosman says, that there would be no objection to extending the time for completing his contract into another year. Accordingly, on the 17th day of April, 1860, an agreement was entered into between Colonel Crosman and Gilbert, by which the time for the delivery of the grain was extended from the 1st day of June, 1860, to the 30th day of June, 1861, Gilbert having at that date, (April 17, 1860,) executed about one-half of his contract.

This change in the contract, as abundantly appears by the statements of Colonel Crosman, was made for the convenience of the Government and for its benefit, at the instance of Colonel Crosman. Gilbert did not seek the change. On the contrary, it appears that he was ready to continue the delivery of grain and complete the contract.

On the 14th of July, 1860, three months nearly after the agreement extending the time for the delivery of the grain had been made, General J. E. Johnston, Quartermaster-General, wrote to Colonel Crosman, informing him that the said agreement changing the time of delivery had been disapproved and annulled by the Secretary of War, on the ground that there were no sureties to guarantee its fulfillment, and that the competition required by the regulations had not been invited, and directing Colonel Crosman to inform Mr. Gilbert of his action. To this letter Colonel Crosman replied, remonstrating against such action, and explaining that the agreement of April 17, 1860, was not a new contract for grain, but merely one extending the time for the completion of the original contract, which had been made at his instance for the convenience and benefit of the Government, and urging that Mr. Gilbert be permitted to complete his contract.

It appears from the records that the original contract with Gilbert was made after advertisement, according to regulations for proposals to furnish the grain had been made, and that Gilbert's was the lowest bid of fifteen, a majority of which ranged from four to six dollars a bushel, one being as high as thirteen dollars, and that both that contract and the one extending the time for its completion were approved by the commander of that department, General Johnston. It also appears that there were approved sureties to the first contract, and that those sureties consented to the extension of time by the second.

Regarding, then, the agreement of April 17, 1860, as merely an extension of time for the completion of the original contract made at the instance of the Government, and for its benefit, there seems to be no force in the reasons given by the Secretary for disapproving it. That the second agreement was, by its terms, and was intended so to be by both Colonel Crosman and Mr. Gilbert, is conclusively shown by the record.

On the 17th day of August, 1860, four months after the second agreement was made, and while Gilbert was actively engaged in supplying the grain called for by the contract, Colonel Crosman notifies him of the action of the Secretary of War, and informs him that no more grain will be received from him on the contract.

Mr. Gilbert protested against this violation of the contract, and gave notice of his readiness to comply with his part of the contract by delivering the full quantity of grain required to fill it, representing that he had already purchased the grain, and if it was not received the loss would be ruinous to him. He tendered the grain to Major Clary, then chief of the quartermaster's department of Utah, and Major Clary, under the instructions from the War Department, declined to receive it. Mr. Gilbert then appealed to the Secretary of War to reconsider his action, but in vain. Finally, in November, 1860, the Secretary of War referred the question of the validity of the contract to the Attorney-General for his opinion, who decided that the contract was valid and binding upon the parties; that it had clearly been violated by the Government, and the contractor was entitled to damages; and suggested that the most equitable course would be to permit the contractor to execute the agreement. Mr. Gilbert then again offered to deliver the grain, but the Quartermaster-General declined to receive it, on the ground that they had all the grain that would be needed. Again and again did Mr. Gilbert propose to complete the contract, but his offers were declined. There is not in the record the slightest intimation that Mr. Gilbert failed in any respect to comply with his contract, but the Secretary of War had annulled the contract, and there he let it rest, notwithstanding the opinion of the Attorney-General.

It appears that there were delivered by Mr. Gilbert on the contract 60,976 bushels, leaving yet to be delivered 39,024 bushels.

After the contract with Gilbert was annulled, a new contract was made by the Government with another party for the grain.

From the evidence submitted by the claimants, it appears that at the time Mr. Gilbert received notice of the annulment of his contract by the Secretary of War, in the middle of August, 1860, he had purchased and had on hand at Camp Floyd, ready for delivery under the contract, about thirty-five thousand bushels of the grain, which had cost him an average of about $1.50 per bushel; that after the crop of 1860, which was an abundant one, was harvested, the prices of all grain declined very rapidly, as grain was very plenty and the demand for it quite limited, and that he lost on the grain on hand in August, 1860, which he had bought to deliver on the contract, from seventy-five cents to one dollar per bushel by the decline of prices alone, to say nothing of the expense of storing and caring for it, transporting it to a market, &c.; that after the harvest of 1860 grain sold in Utah, at market prices, for from fifty to seventy-five cents per bushel, and that thousands of bushels of sound corn, which had been transported from the Missouri River by the Government, was sold by the Government at Camp Floyd early in the summer of 1861 at twenty-five cents per bushel; that the prices of grain in 1859 and the early part of 1860 were high, ranging from $1.75 to $2 per bushel, and that Mr. Gilbert made very little, if anything, on the grain which he delivered on the contract, by reason of the high prices and the large expense attending business in that country; that Abel Gilbert was a member of the firm of Gilbert & Gerrish, and that the said firm was greatly embarrassed financially and bankrupted by the violation of this contract by the Government.

Although this contract was made in the individual name of Abel Gilbert, it appears that he was acting for the firm which was composed of Abel Gilbert and William Gerrish. Mr. Gerrish died in 1865, and is represented by Isaac Watts, the administrator of his estate, and Mr. Gilbert died in 1871, and is represented by Benjamin W. Gilbert, his administrator.

Wherefore, they recommend the payment to these legal representatives of the estates of said Gilbert and Gerrish, as damages, seventy-five cents a bushel loss on thirty-five thousand bushels of grain, amounting to $26,250, providing said sum shall be received in full satisfaction for all damages sustained by said estates for breach of said contract, and for that propose the enactment of the accompanying bill.

Mr. HAWLEY, of Illinois. I think that by this time the committee understand the character of this bill, and will see that the relief proposed to be given is proper and just. I will say further, repeating somewhat what I said when the bill was up in the House this morning, that it received, as I understand, the unanimous approval of the Committee on Claims of this House of the last Congress, which committee adopted the report exactly as read in the hearing of the committee now. The bill passed the Senate in the expiring hours of the session, but failed to be signed by the President for want of time.

The bill is again reported unanimously by the Committee on Claims of this House. I do not know that I could add anything to what is said in the report to show the propriety of the passage of this bill. I will say this, however: that I believe every member of the Committee on Claims of the present Congress is of the opinion that the amount proposed to be given by this bill is not at all adequate to the damages sustained by the parties; that the damages they sustained were much greater. But this bill having passed both Houses of the last Congress, in the exact form now presented, it was deemed proper by the committee to present the same bill here. If there be no further objections to it I move that it be laid aside to be reported to the House.

Mr. HOLMAN. A word before the bill is laid aside. I take it for granted that this bill will pass. I think our experience of late years has been that when a measure of this kind of any plausibility comes before the House its passage is a foregone conclusion. The number of claims against the Government has been enormously increased, especially war claims and claims connected with the military operations of the Government. The number of claims of all kinds against the Government introduced into this Congress is beyond all precedent. I think there are more claims now pending before committees of this House than ever before, even the first year after the war.

I find, Mr. Chairman, that there is a disposition to question the right of members on this floor to throw reasonable obstacles in the way of the passage of these bills.

Mr. HAWLEY, of Illinois. I hope the gentleman does not make that intimation in regard to myself; for I have given him the floor every time he has sought it.

Mr. HOLMAN. I am indebted to the gentleman from Illinois for his courtesy. Though of course I am now entitled to the floor in my own right, I must say that the gentleman has always acted courteously, so far as I am aware, toward his fellow-members. But the general sentiment here is that obstruction to the passage of private bills is not to be encouraged. Such opposition is considered as rather discreditable on the part of members. Now I wish to call the attention of the gentleman from Illinois to the fact that, only thirteen years ago, in a time of profound peace, and always before that time

for years and years, when the only claims presented to the Government were those incident to a time of peace, it was deemed so important to sift carefully these one-sided proceedings (for these cases are all *ex parte*) that all of them went to the Committee of the Whole.

When I came here (and that was not many years ago) no member thought of bringing in a bill of this kind and putting it on its passage at once. Such bills were always referred to the Committee of the Whole; and when the House was in committee for their consideration the seats on both sides of the House were full of attentive members watching the hundreds of cases pending for consideration. Every member of the House regarded it as part of his duty to see that such claims were carefully considered, remembering all the time that the cases were *ex parte*, that active, energetic, and shrewd agents on the one hand had prepared the cases, while the Government had had no voice in the preparation of proofs. Such was the practice at that time. Gentlemen of the finest talents on both sides of the House devoted earnest attention to the examination and consideration of these cases, and the reading of the printed reports. Now, it is deemed, I think, somewhat discreditable—it places a gentleman in a rather unpleasant position with reference to the House—if he throws any obstacle at all in the way of the prompt depletion of the Treasury by the payment of claims in these *ex-parte* cases.

Entertaining the highest respect for the gentlemen composing the committees that examine these private claims, regarding them as wholly equal in integrity and capacity to their predecessors, I must remind my friend from Illinois that not only are these cases made up entirely *ex parte*, without any participation by the Government in the preparation of the proofs, but the examination in this House is conducted practically by a single member. We talk about "unanimous reports" of committees, but we know that such reports must be in most cases the conclusions of a single member, and that, too, upon an *ex-parte* case. He states to the committee as a whole the substance of the conclusion, he has reached; he has to do it very briefly, as a matter of course; and the committee, if the general principles involved are in harmony with their practice, accept the action of the single member as sufficient. It is impossible that each member of a committee shall take up and examine the proofs in each case. Yet, sir, it is impossible to conceive of any class of claims that may be more justly regarded as *ex parte* than the private claims presented here against the Government.

Although not so long a member of this House as many other gentlemen here, I have had considerable experience in connection with these claims against the Government; and I have frequently found that the persons most interested in these claims are claim agents. Only last evening a gentleman called upon me—an old gentleman borne down with years—who a year or two ago succeeded in obtaining $16,000 upon a claim of $32,000; in other words, about half of the amount had been paid out to claim agents in this city. Indeed, this business is largely carried on for the benefit of claim agents.

Sir, there is everything to incite, not only each member having charge of these claims, but each member of the House, to a most careful examination of them; so that whether or not I may raise obstacles to their passage, I shall feel under great obligation to every gentleman here who will undertake to see that such bills shall receive full and scrutinizing consideration; and I trust that the gentleman from Illinois, the chairman of this very important Committee of Claims, will not consent again that a claim shall be taken up for consideration before the report in the case is printed, so that members may not be compelled to depend for their information upon the uncertain voice of the Clerk in the midst of the confusion prevailing too often in this House on private-bill day, but that members desiring to understand claims upon which allowances are to be made out of the Treasury may have before them in print the report itself.

Mr. FRYE. Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] declares that these private claims are on the increase, rapidly so, and that great caution must be exercised in acting upon them. Now they are on the increase beyond any manner of doubt. The war increased them in the proportion of one to one hundred. Now, so long as the Government dares not allow itself to be sued in the courts of the United States, where it has its own attorneys, where there would be no *ex-parte* statements, but where every case would have a fair, impartial, complete trial; so long, I say, as the Government dares not allow claimants against it for violated contracts to go to the courts of the United States, so long we must expect that Congress, the only body authorized to consider these claims, shall have them before it in superabundance.

Now, sir, take the claims that were before the Committee on Claims last session. Some of them were bad undoubtedly; some were good beyond question. Take this identical claim: I examined it at the last Congress with the utmost care. I found that the Government of the United States through its officers had made in writing a contract binding on the United States as well as on the other party; but when the Government found it convenient to violate the contract it had deliberately entered into with these individuals, it violated it without hesitation. The grain for which the Government had contracted to pay these men $1.75 a bushel was thrown back upon their hands, and was bought by the Government within the next month for about one-half that price, because the price of grain had fallen. Now if grain had gone up, instead of going down, the officers of the United States would have demanded of Gilbert & Gerrish that they should furnish every bushel they had contracted to deliver. But the price fell, and the Government deliberately violated its contract. Its own Attorney-General declared in writing that it had done so; that the Government was in the wrong, and ought to afford to these men the remedy to which they were entitled.

If it had not been the Government of the United States, if it had been the chairman of this committee or any other private individual who violated this contract, Gilbert & Gerrish would years ago have gone to the courts and recovered twice or three times what the committee has decided to allow to them; they would have received this money long ago, and would have been saved from bankruptcy, perhaps from death; for after becoming bankrupts they both died, I understand, broken down in health by their troubles.

But this great nation of ours, having the power to violate contracts, does it deliberately, and says that no court of the country shall be open to the party injured, but that he must come to the Congress of the United States. And, sir, these claimants are all compelled to come to the Congress of the United States.

Mr. HOLMAN. Mr. Chairman, I wish to inquire of my friend from Maine whether the Secretary of War was not invested at that time, and whether he is not still invested, with the necessary power to furnish the very relief which this bill contemplates if the claim grew out of, as my friend thinks it did, any violation of contract on the part of the Government. Now, does it not occur to my friend that the Secretary of War could have furnished relief, if the case was as strong as it is claimed to be upon the papers, if they had been submitted to him for examination? Is it not, then, a case not within the scope of the duties of the Committee on Claims, but rather belonging under the law to the Secretary of War?

Mr. FRYE. I will say that these officers of the Government violated this contract within a year or two of the time when this country was plunged into a rebellion which made every man forget his contract, whether kept or violated. These contracts were lost at once in the terrible rebellion under which the Government was laboring. No man having a contract entered into before the war could get the ear of the Secretary of War while the rebellion was upon us, for that rebellion took up all the time of every man connected with the Government; and immediately after it these two men died. Now the time lapsed when these men were allowed to go to the officers of the Government, by limitation. They could not go to the Government. They had a remedy nowhere except the remedy they pursued here.

Mr. HOLMAN. Would it not have been much safer to have removed the limitation in this particular case, so that under the well-known and well-established rules of the War Department the proper accounting officers of the Treasury might be enabled to adjust this claim?

Mr. FRYE. I say no, decidedly, because the officers of the Government were the very men of whom they complain that they did deliberately construe, as no lawyer living, I do not care who he is—as no lawyer living—would construe a legal contract and the powers under it; that they so construed this contract that they violated it, as they said, legally. These men should not, under the circumstances, be compelled to go back to the very officers of the law who gave that construction by which the contract was violated. They then came here for relief, as they had a perfect right to do. Their claim was considered in our committee. It was discussed during two sessions of the committee. The gentleman from Indiana was there; and I defy any private claimant to get any claim whatsoever, except it be for some poor soldier, through the Committee on Claims as it was, or the Committee on War Claims as it is now, so long as my brother HOLMAN was or is a member of that committee, without its being investigated to the very bottom; for he stands there, as he stands here, objecting to every single claimant who comes there. He looks upon the claimant as a pirate sailing his ship directly into the ship of the United States of America, without any right and without any justice; and immediately, in behalf of the United States, he "goes" for the pirate claimant, always and everywhere. [Laughter.]

Now I wish to say, sir, from my examination of this case, that I never knew a stronger one than this is. I say that no man, reading the evidence as I have read it, can say that this committee has allowed these claimants one-half—without interest, too—more than one-half of what any jury or any court of law in the country would have allowed them.

Mr. GARFIELD. I desire to say one thing, not on the special merits of the point made by the gentleman from Maine, but in regard to the question raised by the gentleman from Indiana. I think it a misfortune in our mode of settling claims before Congress that we have made it so difficult for claimants to get a fair, unprejudiced hearing. I mean that in exactly the language I use—that a claimant, in order to press his claim before this House and get himself fully and thoroughly heard, is compelled to employ attorneys or claim agents; and the custom of the House and the method we have adopted for doing business make it almost dishonorable for a lawyer to come before a committee of the House to present and press a claim, partly because it is a one-sided matter, and partly because it is not in the nature of a judicial proceeding. I think we shall never be right on this matter until we have an advocate for the Government, a congressional attorney, paid to serve each Congress as against every claimant who presents a claim before the Claims Committee; and the Claims Committee sitting as a court, hearing and deciding upon the matters presented to their con-

sideration by counsel, their judgment to be examined and properly reviewed afterward on the part of the Congress of the United States.

Mr. HOLMAN. Allow me a minute. The gentleman from Ohio will bear in mind that every claimant coming before Congress with a legitimate claim against the Government could have his claim adjusted under the law at the proper Department, whether the War, the Navy, the Quartermaster's, or Commissary's Department, as the case might be; or, if not adjustable there, it could be adjusted in the Court of Claims.

The cases which come before Congress belong to the shadowy kind of claims which do not come within the tabulations of the Departments of the Government, or of the Court of Claims, or of the southern claims commission. The powers of adjustment of claims by the southern claims commission and the Court of Claims are in full operation; and these cases which come before Congress are, as I have said, of a shadowy kind, in which we may sometimes discover a species of equity; and the parties urging the claim are in a position to appeal to our sympathies with the weaker side. The result is that we deal with claims which are shadowy in their nature from the very necessity of the case.

Mr. GARFIELD. I was not attacking my friend from Indiana. On the contrary I was rather defending much that he said. And I make this point again, that the trouble in all these cases is, that the claim, being in great part a one-sided matter, it has really come to be understood that a first-class attorney who cares much for his reputation keeps clear of taking cases before committees of Congress. It ought to be the most respectable and honorable form of employment that a lawyer can have—to present a claim before a grave committee of Congress, a committee appointed to sit in a judicial capacity and hear it. But the thing the gentleman said that I most thoroughly approve is this: that when, in a different manner or by different regulation, a claim has been considered by a committee, a report should be made by that committee; and if it is a claim that has any sort of complexity about it, the report ought to be in print and in the hands of members of Congress. It ought to be on our desks, so that we may understand the facts better than we can from the casual reading of the report at the desk.

Who does not remember how, at the close of almost every session, late at night, when a motion is made to go into Committee of the Whole on the Private Calendar, with two or three hundred bills on the Calendar, the man is considered almost impertinent who demands the reading of a report, and the report if read at all is read very hurriedly, consisting perhaps of ten or fifteen pages, and the vote is immediately taken. Under such circumstances who can get any reasonable idea of what is in the report?

I think the chairman of the Committee on Claims would do the country a great service if he would have a rule established, requiring as a practice in his committee that the report be in print when the committee brings a bill before the House. We would be greatly helped by that. It would facilitate the deliberation of the House on such bills and make it more real and complete.

I am glad that I have had an opportunity of making these remarks on a case that I think is good, for I have no doubt from all that I have heard that this bill ought to pass. I believe it has been carefully considered by the committee. The chairman has done his full duty in reporting it, and I am ready to vote for the bill. But I do hope that we shall have just as much elaborate and formal preparation in laying all bills of this kind before the House that we may have the whole case as fully and clearly in our hands as possible. This will prevent us from being taken by surprise, and will protect the committee in their work, so that no one will charge them with having brought anything as a surprise upon the House. I take this occasion to make these observations, as the result of much reflection, on what I have seen in many sessions of Congress.

Mr. WILLARD, of Vermont. I think it worth while to make a suggestion in addition to the suggestion made by the gentleman from Ohio, [Mr. GARFIELD,] and the gentleman from Indiana, [Mr. HOLMAN,] and that, not in reference to this particular bill. Parties who have claims against others outside of Congress usually get but one hearing. They bring their claim before some competent tribunal, and prosecute it to final judgment, and that is a bar to all subsequent proceedings in that case. Any one who has been in this House for more than one session understands that the judgment of this House adverse to a claim, and sometimes even the judgment of this House in favor of a claim in part, is no end to that claim; that it comes here Congress after Congress and year after year, and is sent at times to different committees, as we have had an illustration here this morning. After it has failed in one committee in one Congress, it will come before the next Congress and be sent to another committee, with the hope by these various devices of getting some reversal of some former adverse judgment.

Now, sir, it seems to me there has been legislation in the last few years in the right direction in creating the southern claims commission and other commissions outside of Congress to hear these matters, and in making some provision that the disposal of the claims before these commissions shall be final, and that they shall not afterward plague Congress or any other body. I know, of course, that Congress can consider any of these claims, although the commission or court may have rejected them. But these claims come here frequently of so old a date, some of them twenty, thirty, or even fifty years old—one came here during the last session of Congress nearly fifty years old, and had been here, I presume, as many times as it was years old—that, although the old members may be familiar with them, there is a hope on the part of those who press them that the new members may not be acquainted with them, and that somehow or other they may pass. Now gentlemen have seen here to-day how few members of the House really attend to a report which is read from the desk, and how few members know the merits of the claim which has been discussed here. I confess I do not know them, and I should not be prepared to decide in regard to it, except on the judgment of those who have reported this claim as a just one.

It seems to me, therefore, that the gentleman from Indiana [Mr. HOLMAN] is entitled to the thanks of the House for the persistent way in which he insists on getting the facts before the House on all these claims; and the member who is in fact an obstructive in such legislation as this is after all, while not increasing his own popularity with his fellow-members, doing the country and the Treasury a service. And if the growth of these claims should induce Congress to authorize the constitution of some tribunal in which the United States can be sued and in which all parties can go and ask redress, if they have any legal claim, it would be a great step, in my judgment, toward facilitating the business of Congress; toward the taking out from this body the great mass of private claims which comes here and occupies the attention of committees and of this House, to where they can be decided on their merits, and where, as the gentleman from Maine [Mr. FRYE] has said, if a person has a lawful contract, he can have it respected by a court which decides according to the principles of law.

So far as my experience goes here in this House the honest claim, as a rule, is the claim that does not get through. A claim that is not backed by men who are to share in what is looked on to some extent as the plunder or the bounty of the Congress is a claim that stands small chance of passing; but a claim that is often a fraud, almost, on its face, that comes in here with a swarm of supporters on the outside pressing it on the attention of Congress in every possible way, is as likely as not to get through in the end by unanimous consent. Now, if we can do anything to have these claims tried upon their merits it will be a great step in the right direction, and in my judgment this body is not the proper body to try them.

Mr. HAWLEY, of Illinois. I believe, Mr. Chairman, it is conceded by every one that this bill ought to pass. There has been a good deal of discussion upon it, but I do not understand that any gentleman has had anything to say in opposition to the bill itself.

I am glad to see that the labors and duties of the Committee on Claims are appreciated by the gentlemen who have addressed the committee. I can assure gentlemen that the committee feel that they have a work to perform which requires great labor, care, and diligence; and I think I may say on behalf of the committee that they will not shirk any labor or responsibility imposed on them by reason of the position they occupy. They will endeavor to examine every claim carefully, and to present it to the House in such shape that the House may be enabled to understand its merits.

Now, for the purpose of relieving the Committee on Claims, the Court of Claims was established, and afterward what is known as the southern claims commission, and during the present session a Committee on War Claims has been created for the purpose of relieving the Committee on Claims of a portion of the onerous labors cast upon it in previous Congresses. There is, of course, however, an immense amount of business still referred to the committee. This case was properly sent to that committee, and could not have properly gone anywhere else; and it is conceded by every one who knows anything about it that it is a just and meritorious claim. As I remarked before, the only difficulty the Committee on Claims had in regard to it was that they thought it an outrage that the Government had not paid these gentlemen before. It was shown before the committee of the last Congress that these men were worth $40,000 at the time they entered into a contract with the Government, and because the Government refused to carry out that contract they were bankrupted, and both died bankrupts. Their representatives have sought everywhere for redress, and have failed to get it. In 1860 or 1861, when Mr. Black was Attorney-General, the question was referred to him by the War Department whether the contract had been violated on the part of the Government, and he stated unhesitatingly and unequivocally that the contract had been violated by the Government; that these men had a right to deliver the grain under the contract, according to its terms, and that that right was denied them. Their representatives now ask, not to be reimbursed, not what they might have made in the way of profits, not even what they sustained in the way of damages, but simply a part of what they lost because the Government failed to fulfill its agreement solemnly made with them.

I now move that the bill be laid aside to be reported to the House, with the recommendation that it do pass.

The motion was agreed to.

ROBERT N. M'MILLAN.

The committee proceeded to the consideration of the next bill upon the Calendar, being a bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana.

Mr. HAWLEY, of Illinois. I understand that the House has agreed

to take up another matter at three o'clock, and as that hour has arrived, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and Mr. WHEELER having taken the chair as Speaker *pro tempore*, Mr. SCOFIELD reported that the Committee of the Whole House had had under consideration the bills on the Private Calendar, and had directed him to report to the House the bill (H. R. No. 1038) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish, with the recommendation that it do pass.

GILBERT AND GERRISH.

Mr. HAWLEY, of Illinois. I move the previous question on the bill reported from the committee.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SESSION FOR DEBATE.

Mr. KELLEY. Objection having been withdrawn to the holding of a session to-morrow for debate only as in Committee of the Whole, I renew the suggestion. I may say that there are a number of gentlemen prepared to speak, and they may as well be permitted to speak to-morrow as at any other time; there will be no votes taken.

Mr. HOLMAN. I hope there will be no objection to that; several gentlemen on both sides of the House desire to speak.

Several MEMBERS objected.

Mr. KELLEY. I hope gentlemen will withdraw their objections. There can be no harm done by speaking, and no votes can be taken. Gentlemen have their speeches prepared and may as well be permitted to make them.

The SPEAKER *pro tempore*. Is there objection?

Mr. LOWNDES. I object.

DEATH OF HON. JAMES BROOKS.

Mr. COX. Mr. Speaker, it becomes my duty to announce to the House, according to our invariable custom, the death of Hon. JAMES BROOKS. He was the member-elect from the sixth district of New York—the district which has honored me as his successor. He was not a resident of the district; nor is it the custom there to limit selections from the mere fact of locality; (the district is made up of men of various industries and nationalities;) but he was in his previous service, as in the last election, regarded rather as one of the chosen of the whole city—representative of all classes of men and interests.

There are others here—especially my colleague, [Mr. WOOD,] who is better fitted, by longer acquaintance with Mr. BROOKS, to speak of him and his characteristics—who will address you.

Mr. Speaker, there is sometimes a mournful amenity in these offices of respect to the dead. I always approach this kind of duty with a feeling of depression that scarcely allows me the ordinary utterance. Sometimes in my line of duty I have been called on to speak in public of the dead. Once, when first in Congress, when the chivalric soldier of our Mexican war and that southern statesman, General Quitman, died. The task seemed easy then; for I had almost felt his gentle, low tones, when as a very young Congressman I sat at his feet, and his shining and dashing military service gave bright points for memory and speech; but when the time came, although my preparation had been made, my heart failed me. Then, again, when Judge Douglas died, it was, in part, mine to pronounce his eulogy here. He was very near to me; for we had shared our dissent from our party, and expected to make our future alike during the imminent events of the then impending struggle. Besides, the marked features of his mind, knotted to intense strength by that fearful spring and summer of 1861, made an analysis of character and associations of patriotism spring full-armed from the thought. Again, when the war ended, I was summoned to the grave of Vallandigham. I had been with him in his marked and peculiar career, sometimes in resistance to it and sometimes in its aid; but I found in his case that time and reflection had mitigated the fiercer, and elevated the better elements of his nature, and, amid the mourning of the valley in which he lived, no party harshness disturbed the gentle and tearful thoughts which the illustration of his admirable traits recalled. And later, only last winter, when the jarring of the elective contest was over, and the sudden tragedy of Horace Greeley's death was recognized in fitting terms even by his opponents in Congress, it was again my duty, in a brief tribute, to awaken the better angels of our nature; not, I trust, altogether in vain; for, after all our bickerings, these angels appear to touch the chords of finer feeling, and their sad melody, while they chasten the heart, inspire a nobler sense of private and public duty. On all of these four occasions, the dead who were honored were connected, as was Mr. BROOKS, with the struggles incident to our civil conflict; and, with all, there had been relations that outlive the fleeting honors and passions of the hour.

Now another voice is still. It was seldom raised in angry debate, though it had at times its high and indignant key. One so used to it as myself, hearing it by day and night here for many years, making even statistics attractive and ethics graphic, can easily recall its mellifluous periods. As Bulwer wrote of Derby, the Rupert of English debate—

> —who not listened with delighted smile
> To the sweet music of that silver style?

I heard it first in 1856, in the city of Columbus, Ohio. It was then full of warning against the excesses of sectional strife. I heard it often between that time and our last service together. It was as effective on the questions of finance and economy as for the public credit and personal liberty. In both these lines of legislative battle, the minority could only protest.

As a member of the Ways and Means Committee, Mr. BROOKS had many opportunities for mitigating the rigors of our taxing systems. In the long contest of the Forty-first Congress on the tariff, after two months in discussion on each one of the thousand articles of taxation, when every sort of information was required, we compelled the able leader, General Schenck, to drop down forty millions. The credit for that reduction should inure as much to JAMES BROOKS as to the honored minister at Saint James. But it was during the closing years of the war, and even long after its termination, that the dash of this "Rupert of debate" was most brilliantly effective. Questions of personal liberty were involved. These questions were not alone associated with rights of suffrage; they touched the rights of communities and States; and they involved the use of that dangerous engine of government which Blackstone said "would soon put an end of all other rights and immunities." There had come into our public conduct the frequent use of that senatorial decree, when Rome had recourse to a dictator, "*Senatus consultum ultimæ necessitatis.*" During those contests that found Congress in violent session at dawn, the voice and gesture of JAMES BROOKS were heard and seen in constant and defiant remonstrance. These things are matter of honorable record, which, however we may for a time forget in the irreconcilable spirit of actual war, are, nevertheless, an incentive and ensample to all time for the perpetuity of earnest and critical debate in the interests of freedom of thought and opinion. They are hallowed by the powerful prose of John Milton in his Areopagitica, a plea for unlicensed printing, and vindicated in the message of Thomas Jefferson.

Mr. BROOKS was a successful journalist, of great experience. It was that experience, aided by extensive travel and intelligent observation, which gave him such a ready and facile power as a parliamentarian and debater. What Lord Coke said of his own profession, might be said with reference to that of Mr. BROOKS: it fitted him for the "occasion sudden." When in his earlier career in Congress in 1847, 1848, 1849, and 1850, he was associated with the giants of those days, his varied information and graceful elocution made his discussions interesting, cogent, and emphatic. He was equally at home in finance, in international law, in domestic and interstate and federal relations. His early discussions abound in proofs of readiness of repartee and richness of imagery and thought. The orators of that day, men like Webster, Douglas, Clay, Gentry, Winthrop, Ashmun—a whole heaven of stars—made it difficult for a young member to rise above the ordinary horizon of influence and discussion. But Mr. BROOKS accomplished it.

But what an extensive field he has occupied since! When he began in the Thirty-first Congress it had hardly more than half the number which Congress now has. Now we have three hundred members. Then it was easy to attract the House; now it is almost impossible, except with such debaters as JAMES BROOKS, to have or hold what the Spaniards call in the Cortes "the word," and which we ignobly call "the floor." Since then we have grown in territory and area. We have grown beyond prophecy great, and with fresh and dangerous complications in our federal policies.

With these growths has grown the arena of legislative and newspaper debate. In form and size, as well as in subjects of intellectual gladiatorship, it has grown; but we are producing the gladiators. In these new phases of our progression, Mr. BROOKS, had he been spared, would have taken a capital part. In questions of commercial adventure and advantage, of liberty to trade over sea and land without shackles for any; and especially in those problems of finance, the legacies of the war, and those which affect the credit of our bonds, and the lightening of our burdens upon industry, he would have shone peerlessly.

But for him there is now no more an earthly prospect. He who so lately told us of his travels to distant Cathay and the gates of India, making his voyage around the globe, and in vain seeking for health in the perpetual change of scene and in the too fatal unrest of journeying, has sailed, at last, upon a shoreless sea. But the interest associated with his name, whether as an orphan boy and a self-made man, as a scholar and teacher, a rare journalist and legislator, an observant and adventurous traveler, and a man of reserved though active life; whether as a friend, husband, and father, these will be remembered long after criticism is hushed, and the events which have fashioned his life and character have been erased by the lapse of time.

There is a class of influences which follows upon decay and death to relieve us from the pain of both. Animosities fail and memory ceases to remind us of their transient causes; the judgment grows calm, lenient, and just, as well toward the dead as the living; worldly advancement has less inducement, and the felicity which it is supposed to give seems, alas! so unreal, fleeting, and brief. Time is said

to be the best ally of our moral nature; it acts as well upon mind as body; "it brings mellowness by the operation of decay much as it brings beauty to ruins." As palaces crumble into picturesqueness, so we melt and fade, as we become less passionate and irritable, into the gentle and good. This is a wise provision of the good Author of our being from which no one is exempt. Congresses which listened to Mr. BROOKS so often and so attentively; New York City, whose fame and interests were so enhanced by his pen and vote; this country, which he loved with all the ardor of patriotism, in the light of these gentle amenities of time and death, honor themselves by honoring him. In the great volume of our American peerage his insignia may not be illustrated by stars, orders, or crosses; these he would have won in other lands. He takes precedence here by virtue of a thoughtful, energetic, American manhood.

In conclusion, Mr. Speaker, I offer the following resolutions:

Resolved, That this House has heard with deep regret the death of Hon. JAMES BROOKS, a member of this House from the city of New York.

Resolved, That as a testimony of respect to the memory of this distinguished statesman, the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Mr. WOOD. Mr. Speaker, with the departed member, to whose recollection and memory we have set aside this flitting hour, I had peculiar relations. I knew him well. He had been my colleague and associate in Congress for many consecutive years. Our official and personal intercourse was necessarily frequent—indeed constant. Whatever may have been his appearance to others as a man, while acting in common with us all his part on this legislative stage, to me he was known in the field of humanity when the heart beats only to natural impulses and the brain moves the judgment, uninfluenced by passion, prejudice, or interest. Therefore I can speak of JAMES BROOKS as he was, not as he appeared to others; not as malevolence may have conceived or partiality may have wished; not as error may have accused nor friendship defended; but as he was as a man, as God had made him, improved and ornamented by a high order of cultivation, and thus made superior to the original inherent qualities. And as such I propose to speak of him. I admit that to the exterior observer he seemed cold and unsocial, but this estimate of his character was taken from distant observation, made too far off to enable an accurate conclusion.

The man of superior mental strength, feeling secure in the advantage of his own power, is often erroneously charged with want of sympathy with others. A consciousness of greater intelligence will sometimes cause reserve, especially from the crowd which attempts to surround and influence public men. Nor will true merit bend readily to that irresponsible tyrant which assumes at once to create, represent, and direct what is called popular opinion. Establishing his own estimate of political right, founded on principle, he cannot deviate from his position without a loss of self-respect and a departure from duty which would render him unworthy of the character of a Representative. Like the strong ship at sea, pursuing regularly and steadily her onward course to a destined end, so will such a man continue in the maintenance of his position, confident that, notwithstanding the foreboding clouds and threatening elements, he will be finally vindicated and his adherence to right crowned with the approval of all good men who love their country. The commendation of others is unworthy of consideration.

Of this class was JAMES BROOKS. As such he was no ordinary man. It was difficult to understand him. He should not be judged by the standard which the temper of the times has established. Although always heartily supported by the masses, he was apparently not of them nor with them. He never appealed to the people in vain; they always responded to his call, though he never flattered nor deceived them. He was too proud and too conscious of innate strength to resort to the now common practice of assuming to be what he was not, so that he could obtain preferment.

As a man, he possessed remarkable personal characteristics. His mind, as originally constituted, was of the first order. By study, travel, observation, and practical contact with the world for a third of a century, he had added the advantages thus acquired, and at the time of his demise he was in possession of personal qualities equal to those of any other man now living in the enjoyment of active political life.

Few of our public men are scholars; he was one of the most cultivated. Few are orators; he had no superior as such in either House of Congress. Few are sufficiently studious to master the abstruse sciences, and to excel in the mathematical arrangement of statistics so far as to make them illustrations for argument and demonstrations for conclusions; he was distinguished for these rare qualities. Few know when to enter the arena of debate, and to seize the opportune moment to successfully attack the weak points of an opponent's stronghold; but he never failed in the attempt to do so. As a parliamentarian he was skillful and well informed; as a committeeman he was attentive and laborious; and as a member of this House he was seldom absent or unmindful of the obligations and duties imposed.

Mr. Speaker, thus far I have referred to Mr. BROOKS only as a public man. I hesitate to enter that sacred precinct hallowed to the dearest emotions of us all—the domestic sanctuary. All of us have two phases to our characters—the outdoor and the indoor. That for the world, where men act a part; and that of the fireside, where the more natural qualities are developed and so many more congenial pursuits are practiced.

As a husband and father he was devoted, affectionate, indulgent, and kind; and in all his personal intercourse with others he was just, considerate, and liberal, commanding respect—often admiration, and sometimes esteem.

That he went to his grave without enemies and without accusation I do not affirm; but that he was justly accused and merited the reproach so unmercifully heaped upon his devoted head I do deny. The last days of his public life was an eventful period in his career. It seemed as if the vials of wrath which had been hidden for a quarter of a century had all been reserved for that occasion, so as to accomplish at once a social, political, and physical death.

But this is not the occasion to revive that painful scene, so familiar to us all. Whatever may have been the motives which prompted it, whatever may have been its effects in producing results, he is now beyond the reach of either. His name and fame rest secure in the hearts of those who knew him best. But while this may not be the occasion to recall these attendant incidents of the last days of his career, it is the occasion to make them useful as a moral. Let us pause to do so, and to dwell for a moment upon what I deem to be the most dangerous existing obstacle in this country to the success of our experiment of free government. I refer to the want of respect for authority—the lack of reverence, so to speak, for the public acts of those who make and those who enforce the laws—a pervading contempt for the law-making as well as the law expounding and executing power. The wholesome restraints which the security of life and property require are thus loosened. Men who are taught to believe that those who make the laws are themselves lawless will not have much respect for either. Thus classes which, while under proper check, are harmless, become dangerous even to the foundation upon which rests the security of social order. And even with the more intelligent there is a disposition to encourage this want of confidence in the chosen rulers, which as an example operates prejudicially to their own interests in its demoralizing effect upon others who are less qualified to judge. Take for instance this Congress. It has been in existence but for a few weeks; it is the elected representation of the people of the United States, recently chosen. If is made up as a whole of men of pure personal and public character, of much ability, who desire to do their duty, and to command the respect and confidence of those who sent them here; and yet this body has been maligned, charged with sins of omission and commission, and held up to public contempt. In advance, before really having had time to prepare matter for deliberation and conclusion, an attempt is made to depreciate its intelligence, integrity, and usefulness, so as to deprive anything it may do hereafter for the public welfare of its proper merit and respect. We are accused when we act, and accused when we do not act; assailed in our motives, reproached in our capacities, and decried in our characters. Nothing receives encomium which emanates from Congress. Instead of being a post of honor, a seat on this floor would seem to be one of dishonor. However pure and upright, however eminent and able members may have been esteemed at home, the fact that they hold seats here appears to have changed their characters, and they have become ignorant or depraved. Such it would seem the people are being taught to look upon us. An influence is constantly at work to establish for us such a position before the world. Thus, those in authority are lessened in public esteem. We who make the laws are ourselves denounced as lawless, the effect of which is to lessen respect for the law itself, and to bring into disrepute the Government and institutions of the country. May it not be said that a false public sentiment of this character will at some period demand victims to be offered up as sacrifices to its own distempered and feverish error? And may it not be further said, that as "Death loves a shining mark," so does this pernicious monster seek the highest and brightest walks of public life for those whom it would slay upon the altar of its folly? And should it therefore be thought a marvel, with such a prevailing error of public judgment, and such a distempered and diseased demand for the destruction of reputation, that Mr. BROOKS should have been accused, even as he was, upon the mere shadow of a foundation of the slightest pretext of a possible case, and then condemned without trial, amid the howl of an infuriated demand for a victim, before which his judges stood aghast, fearing to do their duty, lest they themselves should also be accused and be sacrificed?

I will not pursue this thought further. He is gone. All that was mortal has departed from this life forever. That bright intellect, that proud heart; that man of thought, of brain, and nerve has gone to his long rest, to the home of his ancestors. He precedes us but by a day. Yesterday became his time. To-day thousands of others are following; and to-morrow we shall crowd into that narrow cell, and take our places in the long line of candidates for immortality. May our places here be filled by those who will throw the mantle of charity over our errors. May our faults find no reproaches from those who will come after us. And when at last the great call shall come for all to render their accounts, then, and not till then, let us be adjudged. We shall then know, and not till then, who has filled the requirements of the law, and fully come up to the standard of public and private virtue reared for the measurement of the public men of the day.

Mr. DAWES. Mr. Speaker, whatever of eulogy or tribute to character is fit for this occasion has already found eloquent utterance from the lips of colleagues of Mr. BROOKS, as Representatives of the State of New York. I hope it may not be deemed intrusion if one who has served many years with him in this Hall should venture to add a word of testimony to his fidelity to convictions in the public service.

And after all, sir, this is the test and measure of our life here. Whatever may be the present flavor, fruit gathered from any other tree will sooner or later turn to dry ashes in our grasp. Varied attainments, intellectual culture, rare gifts, or great powers, however conspicuous, cannot alone achieve immortality in public station. On the other hand, he who reaches the joy of conviction, though it be through the pains of doubt, clasping it as a mother doth her first-born, and then marks all his pathway with the courage of its assertion, builds for the future, however he may fail of passing recognition.

I was a member of this body when Mr. BROOKS returned to it at the beginning of the Thirty-eighth Congress from that retirement into which the final dissolution of the whig party had forced the public men who had distinguished and survived it. Eight or ten years, not inappropriately termed "the formation period in politics," had elapsed between the extinction of whig expectations and hopes and the reentrance of Mr. BROOKS into this Hall as a democratic Representative. It is consonant neither with propriety nor inclination to dwell for a moment upon those great historic questions around which parties ultimately crystallized into present political organizations. It is sufficient, in illustration of that element in Mr. BROOKS's character of which I speak, to say that he did not at once take up his position in the ranks of the hereditary enemy of that grand old organization whose flag had just been furled away by its gallant but unsuccessful followers. Those were years to him of doubt and examination, of the study of men and measures, as well as the ultimate tendency and drift of events. And if in the end, when alone the unerring judgment of mankind on these times shall be made up, it shall appear that he erred in his final decision between men and parties, yet such were his convictions, and he obeyed them. What other guide could he follow?

It was thus that Mr. BROOKS left this Hall in 1853, a most zealous and effective opponent of the then democratic party, and returned to it in 1863 an equally ardent and enthusiastic supporter of the men and measures of that same party as now organized and dominated. One who has been a witness of his subsequent public life, and has constantly differed with him on all political questions, is ready, now that the curtain has fallen upon it and it cannot be amended, to bear testimony to his fidelity throughout, to convictions that followed careful and enlightened examination.

Few, if any, public men have ever been able to bring to the discharge of public duties minds so well stored and trained for their work as Mr. BROOKS. For more than forty years he had been intimately conversant with the public men of all parties who, here at the Capitol, shaped or were shapen by the events here transpiring; and during all that time was in the most confidential relations with the leading men of his own party affiliations, of whom for many years he was a chief. He was himself the founder, as he was through all the subsequent years of his life the restraining guide, of that power which the daily press of the country has set up here in Washington, making and unmaking public men, invaluable when under just and intelligent control, but pestiferous when blinded by prejudice or ignorance. His were the first "Letters from the Capitol" upon current events and characters, so popular and attractive as to draw after them imitations of every variety of merit and every measure of success. With the largest opportunity for travel at home and in foreign lands, he delighted in its pleasures and profits, constantly storing his mind with its lessons, and cultivating a rare and refined taste for the enjoyments they so richly afford. The conductor of a leading political daily paper for more than a generation, his mind was at all times drilled and equipped for every shifting phase of political warfare—constantly filed for incisive attack, always armed for the most desperate defense, abundantly supplied for the most protracted siege, and ever waiting in readiness for the most subtle surprise. Thus the every-day weapons of the journalist became the armor in which he entered upon the conflicts of this arena, making him a formidable antagonist whenever he engaged in debate. The remarkably comprehensive character of that erudition with which the great variety and diversity of his pursuits from early life had stored his mind gave him a greater share than almost any of his contemporaries of that first element of successful oratory, a thorough knowledge of all possible topics of discussion. He was consequently better prepared for instant debate than most men after elaborate preparation on all questions of current legislation. Attractive in the manner of his speaking, affluent and ornate as well as accurate in his style, and always new and fresh in thought and matter, he never failed for attentive and instructed listeners.

Mr. BROOKS was also faithful to detail in the discharge of his duties here. For the last eight years he served upon the Committee on Ways and Means, the last two of which I was his colleague, and the daily witness of his fidelity to the minutest details of its diversified and exacting duties. There is hardly a constituency—if there be any—represented here so sensitive in all its multiplied and diversified variety of pursuits and interests to the work of that committee as the one represented by him, and his zeal and fidelity in their behalf long outlasted his strength.

His associates in the committee-room first observed, in his relaxing grasp of labor there, the presence of that fatal disease whose insidious approach he himself had not yet detected; and as day by day it fed on his strength, they came more and more to value, as they were losing it, the share he had borne of the burdens there imposed. As the end approached clouds gathered around his good name. And the saddest of all thoughts read upon his countenance when, more than once, strength failing him at the very door of the committee-room, I helped him to a place of rest beyond the sound of denunciations raging in this Hall, was the fear that he might not live to see that vindication which faith and justice told him that the future would surely tender him. The times are not yet ready for that vindication, nor is this the occasion to enter upon it, but you will bear one word from me: The reputation of a life may be assassinated as well as lost.

Mr. BROOKS has left no other in public life whose connection with it dates back like his to the very beginnings of those great conflicts which ultimately drenched the land in blood. No one now remains to still further participate in public affairs who, like him, witnessed the first wrestling of the giants of the Republic with those great constitutional questions which found their solution only on the battle-field.

Who can now mark the march of events through each of the great historic periods, from nullification to secession, from secession to surrender, and from surrender to restoration, and like him say, "All of which I saw, and much of which I was?" The grave is closing over the witnesses; the lessons only survive. And as our ranks close up for the discharge of those duties to which these lessons summon us, let us be admonished, while the shafts are falling thick and fast among us, that death leaves no room for amendment of the record day by day made up.

Mr. KELLEY. Mr. Speaker, after all that has been so well and appropriately said, it may still be not improper for me to utter a brief, spontaneous tribute to one with whom I served in these Halls for nearly ten years. When, at the beginning of the Thirty-eighth Congress, Mr. JAMES BROOKS and I met, it was as members of opposing parties in a time not only of high party but of great national excitement. I saw at once that he was a man of more than ordinary power, and was armed with all the weapons derived from great legislative observation and experience; that he was a man in whom the ablest on this floor would find on any question a dangerous antagonist. I would, therefore, have been glad to know him, but there was a reserve in his manner that made him almost inaccessible to strangers.

I soon discovered that it was almost impossible for JAMES BROOKS and me to arrive at the same conclusion on public questions. From the same premises we ever deduced conflicting conclusions. We seemed to be born antagonists; and to the day he left this Hall, as those who listened to the discussions on industrial and financial questions during the last Congresses will remember, this antagonism was never overcome. Yet, sir, I learned not only to know but to love Mr. BROOKS as a genial and instructive companion.

For the last four years of his life I served with him upon the Committee on Ways and Means. And in 1869, under instructions from this House, we traveled not only along the Atlantic coast, inquiring into the administration of our customs laws and as to the possibility of improving them by congressional action, but across the continent in the first train of passenger cars that bore citizens from the waters of the Atlantic to those of the Pacific, thence by sea along the Pacific coast from the beautiful city of San Francisco to Portland, Oregon, and over the waters of the Willamette, and through the unequaled scenery of the Columbia River. We returned as companions, mingling, at each port of entry, duty with pleasure. Then it was that I learned what JAMES BROOKS was in social life, how gentle was his heart, how cordial though courtly his manner, how studious he was of the comfort and enjoyment of all within his social influence. That was a season of rare instruction to me. Travel is ever instructive to a thoughtful and observing man. But Mr. BROOKS had been a traveler from his youth; and his life when not in motion had been passed in the widest field of observation of men and manners afforded by our country.

While yet little more than a boy he had won the confidence and intimate association of the then great men of our country by the vigor of his pen and his effective power of description of the scenes accompanying discussion and debate, and his analysis of public measures, and the motives of men who were dealing with them. His memory was charged with instructive anecdotes and incidents running back through the history of his country for the better portion of half a century. And O, how apt he was in giving them application.

From my social intercourse with Mr. BROOKS I have derived one of the chief lessons of my legislative life. It is a useful one, and would have been eminently so to me at the commencement of my career. It is this, to accept as conscientious the convictions of my adversary, and yield to him all the respect for their maintenance that I claim for myself when resisting conscientiously the cherished convictions of others, and to hope to find, outside of the angry controversies of debate, that which is genial and lovable in him in whom I have found a courageous and persistent adversary.

In the respects to which I have alluded, we shall rarely find another JAMES BROOKS, who was so positive on the line of duty, yet so gentle and so winning in the social circle. We who knew him well will long mourn his loss. And we alone can duly sympathize with those in whose life his own was centered, and who found in him the very light of their lives, the dear ones who nestled at his hearthside.

The question was then taken on the resolutions offered by Mr. COX; and they were adopted unanimously.

SESSION FOR DEBATE TO-MORROW.

Mr. KELLEY. Before proceeding with any other business, I again suggest that to-morrow be set apart for debate only, as in Committee of the Whole, no business whatever to be transacted. I understand that the gentleman from Maryland [Mr. LOWNDES] withdraws his objection.

The SPEAKER *pro tempore*, (Mr. WHEELER.) Is there further objection? [After a pause.] The Chair hears none; and it is ordered accordingly. Mr. BUTLER, of Tennessee, will occupy the chair to-morrow as Speaker *pro tempore*.

DEATH OF HON. WILDER D. FOSTER.

Mr. WALDRON. Mr. Speaker, it is a common event, in the experience of this body, which reminds us of the uncertainty of life, but this is the first time that a Representative from Michigan has interrupted the regular course of legislation in this Capitol to announce the death of a colleague.

On the 20th day of September last Hon. WILDER D. FOSTER, a Representative from the fifth district of Michigan, sank to his last rest. He met the last summons in the midst of family and friends, receiving every kind attention that devoted affection could suggest. His last visions on earth were of scenes most endeared to him by the memories of the past, and he ended his earthly career in the city of his home, where as neighbor, friend, husband, and father he had been longest known and was best appreciated.

Mr. FOSTER was born in Orange County, New York, on the 8th of January, 1819. In the year 1837 he moved to the State of Michigan, and the year following found him toiling as a mechanic in the village of Grand Rapids. His industry, sound judgment, and integrity were the sure passports to business success, and from a humble beginning he advanced to a prominent position among the manufacturers and merchants of what is now the second city of our State. For thirty years he was identified with the interests of that city, and no man enjoyed in a greater degree the confidence and respect of its citizens. While he sought no official recognition, the clear, sterling sense of his neighbors sought him out, as the man who, tried by years of experience, was the proper depositary of official responsibility. For a quarter of a century he was a member of the board in whose charge the educational interests of his city were placed. He filled repeatedly the offices of city treasurer and mayor. He was a member of the State senate for two years. He was elected in 1871 to the Forty-second Congress, and was re-elected to the Forty-third Congress by the largest majority ever given in the counties composing the district.

Mr. FOSTER was possessed of a vigorous constitution and had enjoyed uniform good health. The cares and confinement of congressional life had, during the last session, impaired it, but when he left this Hall in March last he did it with a hopeful confidence that wasted vigor would be restored by change of scene and relaxation from labor; but the heavy hand of disease had fastened itself upon him; human sympathy and skill were alike unavailing to alleviate its rigor or lighten its weight; and arranging his worldly interests in view of the approaching end, he went down into the dark valley with the confidence that is born of a clear conscience and an honest life.

It was my fortune during the last session of Congress to live under the same roof with my late colleague—to meet him daily at the same board; and I there had abundant opportunity to learn his worth, appreciate his excellence, and prize his friendship. As a legislator he was marked by clearness of apprehension, soundness of judgment, and sterling integrity of purpose. As a man he possessed the generous impulses and the winning frankness which secured for him popularity and esteem. Knowing him as I did, I could well understand why the tidings of his death were to his constituency the announcement of the loss of a long-tried and valuable friend. He had no enemies. "Performing his own duties in private life, and making his own record in public life," as his conscience and judgment dictated, he won alike the respect of political friends and foes.

There is much, Mr. Speaker, in the contests of political parties which savors of uncharitableness, of unfairness, and of bitter detraction toward candidates for place; but it was a bright contrast to this prevailing tendency when the political opponents of Mr. FOSTER assembled in convention to nominate his successor. They prefaced their deliberations by a resolution bearing public testimony to the purity of his character and the worth of his services. It was a departure from the usual routine of convention work, and it showed how a good man's life disarmed the hostility of partisan warfare.

By his death the State loses an honored citizen and a faithful Representative. The city of his residence misses one who was foremost in every good work of development and improvement. The poor will miss a kind counselor and generous friend. But it is within the sanctuary of his own home that the darkest shadow rests. It is where he was best known and most fondly loved that the blow falls with most crushing weight. But even to these mourners this loss is not without its consolations. The legacy of a stainless reputation is to them more precious than the competence which his industry had earned. The consciousness that the responsibilities of his life had been well met, that its duties had been well performed, is a satisfaction even in the hour of sorrow; and the tribute that we pay to his memory in these feeble utterances, and in the expression which this House is about to make, will be a grateful recollection to those who mourn.

Mr. Speaker, the tidings of death which are so often heard in this Chamber warn us to turn aside from the contests of parties and the pursuits of ambition to listen to the voice of one who, speaking to us by the death of our associate, reminds us how vain the hopes, how empty the honors, how fleeting the years, of human life. When our time comes to join the ever-moving procession to the tomb, we shall be indeed fortunate if we leave behind us the same good name, the same cherished memories, which now cluster about the grave of WILDER D. FOSTER.

Mr. Speaker, I offer the following resolutions:

Resolved, That this House has heard with deep regret the announcement of the death of Hon. WILDER D. FOSTER, late a member of this House from the State of Michigan.

Resolved, That as a testimony of respect for the memory of the deceased, the members and officers of this House wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of this House transmit a copy of the foregoing resolutions to the widow of the deceased.

Resolved, As a further mark of respect, that this House do now adjourn.

Mr. WILLIAMS, of Michigan. Mr. Speaker, there are times when, in the midst of the hurry and turmoil of every-day business life, we are called, as citizens, neighbors, friends, and relatives, to leave our labors and our strifes, our anxieties and our cares, to mourn with those who mourn, weep with those who weep, and extend our sympathies to the afflicted and the bereaved.

While this is not only our duty, but our high privilege as citizens, it is also a time-honored custom in the representative halls of the States and of the nation, when one of the members is called from time to eternity to lay aside for the passing moment the duties that devolve upon its members as statesmen, for the purpose of paying the due tribute of respect to the departed, and extending sympathy and condolence to the afflicted and bereaved.

In rising to second the adoption of the resolutions introduced by my colleague I desire to add my feeble tribute of personal respect and regard for the departed, and extend my sympathy to the afflicted widow and bereaved family.

Standing here as I do, in the place of the lamented WILDER D. FOSTER, endeavoring to represent a constituency that he so honestly and faithfully represented, I can but feel the responsibility that rests upon me, and I shall have reached the height of my ambition if I shall have succeeded, when called to leave these Halls, in securing as high and honorable a place in the hearts of my constituents as that acquired by the honest and faithful service of the deceased—a position that led them to say, as with one accord and with one mind, regardless of past political differences and party feelings, "Well done, good and faithful servant."

My personal acquaintance with him was brief. Although residing in a county adjacent to that in which he resided, it was not my good fortune to meet with and make his acquaintance until his first election to Congress; but such acquaintance, though so brief, was sufficient to thoroughly impress upon me the conviction of his purity of motive and integrity of character.

As a business man, his success, though not brilliant, was of that firm, steady, onward growth that showed him to be in an eminent degree the sound, honest, practical man of business.

As a citizen, holding a prominent position in the business interests of the city of Grand Rapids, he was looked up to as a sound financier and a prudent and cautious adviser. The educational interests of that city have received a care and attention unsurpassed by that of any other city in our State. Mr. FOSTER was a watchful guardian of that interest. In the every-day vocations of life he was respected and esteemed for his purity and integrity of character and kind-hearted benevolence and generosity.

As a statesman, he manifested the same regard for the interests of his constituents that he had shown in the interests of his city and his private business. Although not a politician in the ordinary acceptation of the term, he was firm in his convictions of political duty and earnest in carrying them forward.

Modest and retiring in his manner, he was not one to seek for political preferment and official station; but the office the rather sought him and imposed its duties upon him. Influenced by no motive other than the good of his constituents and his country, he was truly the Representative of his district, and esteemed and honored as such.

In his death the district mourns, the State loses one of its most faithful citizens, and the nation is deprived of the valuable services in this Congress of the tried and trusted Representative; but there are others to whom the loss is greater than that of the nation, State, district, or city, and more keenly felt—the afflicted widow mourns, the fatherless mourn. Their loss is not like our loss. We will pass on again after stopping for a brief moment to shed the sympathetic tear, and soon "the place that once knew" the departed "will know him no more forever" among us. Not so with the widow and the fatherless: the sweet memories of the departed will always linger around the hearthstone and the bitter loss. To them we extend our sympathy.

And now, having extended our sympathy to the bereaved and afflicted, and cast a brief glance at the life of the deceased, we will again turn to our daily labors and duties, and soon forget the hour and the

occasion. We have these reminders repeatedly brought before us, to convince us that we too "are passing away;" but how readily we forget them—how little do they impress upon us the lesson of our mortality and the necessity of our being "also ready." May this occasion not be so easily forgotten; and may we be able to so fill up the time allotted to us here that when we are called to go down into the dark valley we may receive from the hearts of our neighbors, friends, and constituents the same unanimous verdict received by the lamented FOSTER, "Well done, good and faithful servant." With such a verdict here, may we not have the strongest reason to hope, when we shall have crossed the cold river of death, we will also receive the welcome judgment, "Enter thou into the joy of thy Lord?"

The resolutions submitted by Mr. WALDRON were unanimously adopted; and in accordance therewith (at four o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ADAMS: The petition of Mrs. Mary Baley, of Magoffin County, Kentucky, for restoration to pension-rolls.

By Mr. AVERILL: A remonstrance of business men of Saint Paul, Minnesota, against the repeal of the bankrupt law.

By Mr. BASS: The memorial of Buffalo Board of Trade, that canal-boats be declared exempt from the provisions of the act of February 18, 1793, providing for enrolling and licensing ships and vessels engaged in the coasting-trade.

Also, the petition of Judge James, Charles G. Myers, and other members of the bar of Saint Lawrence County, New York, that the northern judicial district of said State be divided.

By Mr. BOWEN: A petition of sundry citizens of Craig County, Virginia, praying prompt action on the Nashville Southern Methodist publishing-house affairs.

By Mr. BROMBERG: The petition of Price Williams, and other citizens of Mobile, Alabama, in behalf of the Southern Methodist publishing house of Nashville, Tennessee.

By Mr. BUNDY: The petition of Stephen Wilcox, and 13 others, citizens of Gallia County, Ohio, for an act to compel the prepayment of postage on printed matter going through the mails, and that rates be fixed by weight.

By Mr. CHIPMAN: The petition of Susannah Espiuta, for a pension.

By Mr. CLAYTON: Memorials of the California Mutual Marine Insurance Company, the Merchants' Mutual Insurance Company, the Union Insurance Company, the State Investment Insurance Company, and the Firemen's Fund Insurance Company, all of San Francisco, in relation to distribution of the Alabama award.

By Mr. COBURN: A petition of citizens of Morgan County, Indiana, asking for a law providing for a reserve of currency in the Treasury which may be drawn upon by persons depositing therefor United States bonds, the same to be interchangeable.

By Mr. DURHAM: The petition of Ira Sanders, praying for a pension.

Also, the petition of William Hancock, of Adair County, Kentucky, praying for a pension.

By Mr. FRYE: A petition of the National Division of Sons of Temperance—Oscar D. Wetmore, Most Worthy Patriarch, Samuel W. Hodges, Most Worthy Scribe—representing 93,252 men and women, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic.

By Mr. GARFIELD: Petitions of soldiers of the Trumbull Guards, of Ohio, asking to be placed on the same footing as other volunteers of the late war in relation to pay and bounty.

By Mr. GUNCKEL: The petition of James Livingston, of Dayton, Ohio, for a pension for military service rendered in the war for the suppression of the rebellion.

Also, the petition of Margaret A. Willis, widow of William Willis, late of Darke County, Ohio, for pension.

Also, the petition of John Donney, late of Company D, One hundred and forty-fifth New York Volunteers, now of the National Soldiers' Home, Dayton, Ohio, for a pension.

Also, the petition of Andrew S. Ball, late of Company F, New York Artillery, for a pension.

Also, the petition of Lewis Markgrass, late captain Eighth Ohio Independent Battery, for a pension.

Also, petition of James McMullen, late of Company I, One hundred and eighteenth New York Volunteers, for a pension.

Also, the petition of John W. Wright, late of Company E, Seventeenth Kentucky Volunteers, for a pension.

By Mr. HARRIS of Massachusetts: A memorial of the town of Hingham, Massachusetts, praying for an appropriation for the removal of obstructions in Hingham Harbor.

By Mr. HARRIS, of Virginia: The petition of John Wilson and 50 others, of Greenville, Augusta County, Virginia, praying the payment of the claim of the Southern Methodist publishing house of Nashville, Tennessee.

By Mr. HAWLEY, of Connecticut: The petition of Alpheus Water and other officers of the Grand Lodge of Good Templars of Connecticut, asking for the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. LAMPORT: The petition of the Social Union of the Society of Friends, of Ghent, New York, and others, asking for the appointment of a commission of inquiry concerning the liquor traffic.

Also, the petition of the Methodist Episcopal church of Whitestone, New York, for the appointment of same commission.

By Mr. LYNCH: The petition of the mayor of Enterprise, Mississippi, and 49 other citizens of Clark County, Mississippi, for the early settlement of the claims of the Southern Methodist publishing-house, of Nashville, Tennessee.

Also, the petition of the president and faculty of Whitworth Female College, of Mississippi, for the payment of the claim of the Southern Methodist publishing house.

By Mr. NILES: The petition of G. B. Perkins and others, asking for the prepayment of all mail matter.

By Mr. PACKARD: The petition of H. C. Beckman and many other citizens of Lake County, Indiana, asking for the prepayment of newspaper postage and a change in the manner of adjusting the salaries of postmasters.

By Mr. PARKER, of Missouri: The memorial of the Improvement and Manufacturing Aid Association, of Saint Joseph, Missouri, asking for an appropriation for the erection of a public building for the use of the post-office, United States courts, and custom-house in said city.

By Mr. POLAND: The petition of Emerick W. Hansell, praying compensation for injuries received in defense of Hon. William H. Seward, Secretary of State, on the 14th April, 1865.

By Mr. E. H. ROBERTS: The petition of W. P. Bartlett, of Camden, New York, for a pension.

By Mr. SCUDDER, of New Jersey: The petition of the American Institute of Homeopathy, that the signal service be so extended as to make known the existence and spread of epidemic diseases in such parts of the country as are embraced in their operations.

By Mr. SMITH, of Virginia: The petition of John M. Botts, administrator, for property sold during the rebellion.

By Mr. TOWNSEND: The petitions of Samuel Pennock, Samuel Whitson and 237 other citizens of Chester County, Pennsylvania, asking for the appointment of a commission of inquiry concerning the results of the liquor traffic.

By Mr. WHITE: The petition of the Alabama Conference of the Methodist Episcopal Church South, for relief of the Southern Methodist publishing house of Nashville, Tennessee.

By Mr. WILLIAMS, of Massachusetts: The petition, with accompanying papers, of John R. Heath, of Brookline, Massachusetts, a soldier in the war of 1812, praying for relief.

POST-ROUTE BILLS.

The following bills were introduced under the rule, and referred to the Committee on the Post-Office and Post-Roads:

By Mr. DURHAM: A bill to establish a post-road and post-route from Waco, in Madison County, Kentucky, to College Hill, in the same county and State.

Also, a bill to establish a post-road and post-route from Liberty, Casey County, Kentucky, to Casey's Creek post-office, in Adair County, Kentucky, to run by the way of Hall's store and the Chapel, in Casey County.

By Mr. ROBBINS: A bill for a post-route from Boone, North Carolina, to Cranberry, North Carolina.

By Mr. THORNBURGH: A bill to establish a post-route from Morrowville, in the county of Campbell, State of Tennessee, to Pine Knot, in said county.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 10, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was partly read, when

Mr. MAYNARD said: It is manifest, Mr. Speaker, that the reading of the Journal to-day is a merely perfunctory matter. It is, I believe, desired by the gentlemen present that the day shall be occupied in the delivery of speeches. In order to allow as much time as possible for that purpose, I move that the further reading of the Journal be dispensed with.

There being no objection, the motion was agreed to.

Mr. FIELD obtained the floor, and yielded to Mr. ARTHUR.

THE LOUISIANA QUESTION.

[See Executive Document No. 91, Forty-second Congress, third session, House of Representatives, and Senate Report No. 457, Forty-second Congress, third session.]

Mr. ARTHUR. Mr. Speaker, as preliminary to the views to be submitted, I invite the consideration of the House to the following authorities:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence. (Constitution of the United States, art. 4, sec. 4.)

If the President in executing this power shall fall into error, or invade the rights of the people of the State, it would be in the power of Congress to apply the proper remedy. (Luther *vs.* Borden, 7 Howard, 45.)

New States may be admitted by the Congress into this Union. (Constitution of the United States, art. 4, sec. 3.)

The inhabitants of the ceded territory (Louisiana) shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion they profess. (Treaty by and between the United States and the French Republic, April 30, 1803.)

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land. (Constitution United States, art. 6, par. 2.)

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. (Constitution United States, art. 2, par. 9.)

Unquestionably a military government, established as the permanent government of the State, would not be a republican government, and it would be the duty of Congress to overthrow it. (Luther *vs.* Borden.)

General Grant was elected to the Presidency in 1868. Previously in the same year H. C. Warmoth had been elected governor of the State of Louisiana. Both those high officials were republicans of the same political communion, and both elected by republican votes. In due time they were respectively legally and formally inaugurated. They went forward in the development of their respective administrations. From the period when they were respectively invested with official authority down to the day of the re-election of the general to the Presidency, and subsequently, the official relations of the Federal administration at Washington and the State administration at New Orleans were constitutional and normal. Apparently there was no repulsion, no encroachment, no non-recognition of functionaries. In unquestioned operation, from year to year revolved in appointed orbit all the designated machinery of the three great co-ordinate departments of the local government of reconstructed Louisiana. The Federal Government, together with all its officials, was daily in all legal, practical intercourse with the State government, and the latter with all its officials, of whatever rank or functions, was all the time recognized and accredited as republican in form and practice, and so in terms conceded the habitual fruition of every right, immunity, dignity, and authority requisite in a State of the Federal Union.

In legal contemplation and in fact the existence of the State of Louisiana, with its then pending administration, as an established government, was not only in conformity with the terms of the Federal Constitution, but it was so recognized and observed by the Federal administration, and it so constantly contributed its constitutional part in organizing and equipping the co-ordinate departments of the Federal Government itself.

This completeness of State autonomy, Federal recognition, and executive comity, was equally as absolute and pronounced as to the *personnel* of the State government. And to the official authority of Governor Warmoth and every other officer of the State the Federal administration was actually, practically, and formally committed, in every aspect of law and fact known or pertaining to our Federal and State systems.

Again and again Louisiana had elected and accredited her Senators and Representatives in Congress. Again and again her Senators and Representatives had appeared at the bar of the Senate and of the House, clothed with their commissions or certificates, signed by Governor Warmoth, and sealed by the great seal of her sovereignty, affixed and attested by his secretary of state. Again and again, the legislative and executive departments of the United States recognized, affirmed, and enforced those commissions. And in all respects those accredited Representatives of the government and people of Louisiana bore their constitutional part, from 1868 to 1872, and subsequently, in the undisputed practical exercise of the supreme law-making power of the central Government.

These facts compose a part of the trite history of the recent past. They are familiar to all. But their suggestion serves a preliminary purpose here. We see in them a perfect instance of the harmonious co-operation of the general and local governments. We see in them a demonstration of the *entente cordiale* of the Executive of the United States and the executive of the State. In them it is made apparent that Louisiana and her officers bore the same relation, in law and in fact, to the officials of the Union, borne by her sister States and their officials. The difference was none, whether in theory or practice. The parallel was complete, and it continued.

So the two governments stood face to face; so they were intertwined; so they acted and were acted upon.

Congress had decided that the Warmoth government was the established government of Louisiana; the President had decided that the Warmoth government was the established government of Louisiana; the combined official judgments of the legislative and executive departments of the Federal Government had decided that the government of Governor Warmoth was the established government of Louisiana, and so authoritatively settled the grave political question of her constitutional and practical federal status, that the judiciary, the only remaining co-ordinate department, would be bound to, and did, take notice of it as the paramount law. (Luther *vs.* Borden.)

In the mean time the internal condition of the republican party itself in Louisiana became unsettled. Personal rivalry engendered personal feud. Intestine strife sprang up, and the party was rent asunder. Flushed with dominion, having left no common political enemy to fight, the truculent factions turned upon and fought each other. They had shared each other's confidence, and past community of deeds justified present reciprocity of hate.

> Into the womb
> That bred them they return and howl, and gnaw
> My bowels, their repast; then bursting forth
> Afresh, with conscious terrors vex me round,
> That rest or intermission none I find.

The turbulent annals of dominant faction, torn by feuds blazing up out of a scramble over the common conquests and spoils, furnish no more striking examples of bitter denunciation, imputed infamy, and impatient vengeance.

In the ides of August, 1871, at Baton Rouge, in serried ranks, the furious malcontents were confronted, and open proclamation of revolt and reprisal boldly made. One wing of the party, called the Gatlin-gun convention, nominated William Pitt Kellogg for governor. The other wing, called the Turner-hall convention, departed in savage grandeur home, and in New Orleans nominated P. B. S. Pinchback for governor; and then the word was given to—

> Apply petards, and force the ars'nal gates.

It is not a little curious that this high debate and division in the vitals of the republican party formed the lineal progeny of jealousies and criminations among United States republican office-holders on the one side and Louisiana republican office-holders on the other. And the apple of discord, heretofore found only elsewhere, so grew in the once happy republican family, and disrupted it, by bringing on a sinister party conflict in internal party management, between its State administration and its Federal administration, within the limits of the State of Louisiana.

At the head of one of these hosts militant, now called the custom-house republicans, waved the audacious oriflamme of United States Marshal S. B. Packard; and over the other, now yclept the Turner-hall republicans, floated the *nascent* banner of P. B. S. Pinchback, called lieutenant-governor of the State.

But ere yet smote the final shock of impending battle and the ensanguined field ran red with *sang* of patriots, by patriots shed, under the pale glimpses of the inconstant moon, a new shuffle and deal were had, a new cast of characters arranged, and new parts and places in the moving drama assigned. *Presto!* Pinchback descended from the command of the Turner-hall republicans, and with his following dropped into the ranks of the custom-house republicans, and, *presto!* again emerged into view among his whilom antagonists their chosen candidate for Congress from the State at large on the Kellogg ticket. So they stood—

> And such a frown
> Each cast at the other, as when two black clouds,
> With heaven's artillery fraught, come rattling on
> Over the Caspian, then stand front to front,
> Hovering a space, till winds the signal blow
> To join their dark encounter.

It is needless to enumerate or enlarge. Those party phenomena cannot be misinterpreted. They are in no sense enigmatical. They may be understood of all men. They disclose a shameless struggle among spoilsmen for the spoils. Candor must so denominate it. The House and country must judge it.

In the course of events rolled round the State and Federal election day. They were identical in time and place in Louisiana. The day was Monday, the 4th day of November, 1872. In addition to electors for President and Vice-President of the United States and members of Congress, on that day were to be elected, for the ensuing four years, governor, lieutenant-governor, secretary of state, attorney-general, and other State officers, including senators and representatives of the General Assembly, to hold for their respective constitutional terms. Accordingly there were presented for the choice of voters two classes of candidates, comprising two rival tickets. The regular republican ticket was headed by Ulysses S. Grant and Henry Wilson for President and Vice-President; William Pitt Kellogg and Cæsar C. Antoine for governor and lieutenant-governor; R. G. Deslonde for secretary of state; A. P. Field for attorney-general; Charles Clinton for auditor; and P. B. S. Pinchback for Congress from the State at large.

The fusion or liberal-republican ticket was headed by Horace Greeley and B. Gratz Brown for President and Vice-President; John McEnery and D. B. Penn for governor and lieutenant-governor; S. Armstead for secretary of state; H. N. Ogden for attorney-general; James Graham for auditor; and G. A. Sheridan for Congress from the State at large.

The present constitution of Louisiana was adopted March 7, 1868. By it is provided—

ART. 25. At its first session under this constitution the General Assembly shall provide by law that the names and residences of all qualified electors shall be registered in order to entitle them to vote; but the registry shall be free of cost to the elector.

ART. 26. No person shall be entitled to vote at any election held in this State except in the parish of his residence, and at the election precinct in which he is registered: *Provided*, That no voter, in removing from one parish to another, shall lose the right to vote in the former until he has acquired it in the latter.

In pursuance of these provisions of the constitution, on the 16th day of March, 1870, was passed and approved the present registra-

tion law of Louisiana, entitled "An act to provide for the revision and correction of the lists of registered voters of the State, the appointment of the various officers necessary therefor, and to prescribe the duties, powers, and compensation of the same," &c.

It was passed by a republican Legislature and approved by a republican governor, and went into, and continued to be in, unquestioned operation. It is eminently a prerogative act. It was obviously intended to, and it plainly did, invest the governor of Louisiana with arbitrary power over popular elections; and the governor, as the representative of his party, had continually executed that power, unchallenged by any republican.

By its provisions the governor of the State, by and with the advice and consent of the senate, was empowered to appoint a State registrar of voters, to hold his office for two years, with a salary of $3,000 per annum, and a clerk, with a salary of $1,500 per annum. By it the governor was empowered to appoint, for the same term, one supervisor of registration for each and every parish in the State, with a salary of seven dollars per day, together with assistants at seven dollars per day and clerks at five dollars per day; and by it the governor was empowered to remove any supervisor or assistant supervisor of registration for failure, refusal, neglect, or inability to perform the duties enjoined upon him by law.

The registration records of the State were transferred from the department of state to the custody of the State registrar of votes, subject to revision and correction by him. The registration of voters, and consequently the liberty of voting, were under the sole arbitrary control of the parish supervisor. He was empowered, at his discretion, to perambulate his parish to facilitate registration. And he was required at stated times, for designated periods prior to election day, to attend at his office for the completion and correction of registration, and it was made his duty to keep open his office until the ninth day before the general election day. He was empowered arbitrarily to strike from the registration-book names of persons for death or removal from the parish since the last registration, and to insert the names of other persons for removal within the parish since the last registration. On examination of the registration-books he is empowered to strike therefrom, by "drawing a line in red ink through the same," the names of all persons whom he may arbitrarily determine to be improperly there. And, restrained only by his arbitrary discretion, he may strike therefrom the names of any number of persons for non-residence in the parish or precinct on the tenth day before the election. And the names remaining on the book of registration, as so corrected by the supervisor of registration, "shall constitute the registry of citizens qualified to vote in the said parish at the next election."

And it is provided in—

SEC. 24. That the said book of registration *shall be the only* evidence that the persons whose names are found therein have resided for ten days immediately preceding the said election in said parish.

Nine days next before the day of election from the period fixed for the closing of the books of registration, each supervisor is required to make out and furnish certified copies of the lists of all registered voters to the commissioners of election of each parish or polling-place, to be used at the election to be held therein; and the supervisor is required to give to each voter a certificate of his registration; and in case it shall be made to appear by the voter's affidavit that the original has been lost or destroyed, to furnish him a duplicate certificate.

On the application of a voter for registration the supervisor may exact from him, in addition to his own sworn statement, proof by the affidavits of two qualified voters of the precinct whose names are on the registration-books.

And the act further provides, in section 33, "that the decision of any supervisor of registration on all questions of erasure from, or addition to, the registry, and on all questions relating to the registration of voters, shall be final, and shall not be subject to any revision or correction by any parish or district judge. No parish or district judge shall interfere by writ of injunction or mandamus, or other order of court, to compel any supervisor or assistant supervisor of registration to register, or prohibit him from registering, any person," under penalty of, upon conviction, fine, imprisonment, impeachment, and removal from office.

The act consists of forty-four sections. It is diffuse, and contains many formalities and details irrelevant to the main purpose of my remarks, and therefore, and for the necessary economy of time, omitted.

It would require more than Arcadian simplicity not to discern in that registration law all the machinery and latitude necessary to enable an unscrupulous partisan executive, with his venal minions, to dictate the benefits of registration.

By the constitution of Louisiana it is further provided:

ART. 98. Every male person of the age of twenty-one years and upward, born or naturalized in the United States and subject to the jurisdiction thereof, and a resident of this State one year next preceding an election, and the last ten days within the parish in which he offers to vote, shall be deemed an elector, except those disfranchised by this constitution, and persons under interdiction.

* * * * * * * * * *

ART. 103. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence therein from power, bribery, tumult, or other improper practice.

* * * * * * * * * *

ART. 107. In elections by the people the vote shall be taken by ballot. * * * *

In virtue of the foregoing provisions of the constitution of Louisiana was passed and approved, March 16, 1870, the election law of that date, entitled—

An act to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making, and designate the officers who shall make, the returns thereof; to prevent fraud, violence, intimidation, riot, tumult, bribery, or corruption at elections, or at any registration or revision of registration; to limit the powers and duties of the sheriffs of the parishes of Orleans and Jefferson; to prescribe the powers and duties of the board and officers of the metropolitan police in reference to elections; to prescribe the mode of entering on the rolls of the senate and house of representatives the names of members; to empower the governor to preserve peace and order; to enforce the laws; to limit the powers and duties of the mayors of the cities of New Orleans and Jefferson with regard to elections; to prohibit district or parish judges from issuing certain writs to commissioners of elections; to make an appropriation for the expenses of the next revision of the registration and of the next election, and to enforce article 103 of the constitution.

Under and in pursuance of that law was held the election of November, 1872, now under consideration. It was passed and approved simultaneously with the registration law previously referred to, and evidently formed part of the same carefully-digested system of state policy. It was conceived and brought forth by the same republican General Assembly, was approved and enforced by the same republican executive, and continued to be recognized by that paramount organization as the only subsisting, valid law upon its subject-matter. This, too, is a grossly prerogative act. It was palpably intended to make the will of the party paramount by means of the executive, whether or not coincident with the will of a majority of the legal voters. And the sweeping prerogative thus conferred had been exercised by the then head of the Louisiana government with the undisguised approbation of the autocratic party which set him up, and by such legislation held up his hands in its own interest; exercised by him, too, without question, and without responsibility or accountability as to the fact or the manner of its exercise.

I will undertake, at the hazard of being tedious, by a few quotations and otherwise, by synopsis, to state, with substantial fairness, the parts of the act relied on by me in the views I am to present.

Except the parishes of Orleans and Jefferson, each parish in the State was designated an election precinct; and the supervisor of registration was empowered in his discretion to direct what number of polls or voting places should be established in each precinct, and to fix the places of holding the election. In the city of New Orleans each ward was made a voting precinct; and in the remaining part of the parish of Orleans, and in the parish of Jefferson, the supervisor of registration was empowered in his discretion to fix both the precincts and voting places in each precinct; and each supervisor of registration was empowered to appoint the commissioners of election throughout his parish.

The election at each poll or voting place was to be presided over by three commissioners of election, with power to fill vacancies, whose sole qualification was to be able to read and write.

It was made the duty of the commissioners of election to receive the ballots of all legal voters and deposit them in the ballot-box in view of the voter of the ballot. For disorderly conduct at the polls they had discretionary power to issue warrants of arrest, and summarily to commit to prison. They were required to keep, signed and sworn to, a list of all the names, numbered, of all persons voting at each poll, and to deliver it, with the box containing the ballots, to the supervisors of registration. They were empowered to administer oaths, and to examine persons touching their right to vote. Each commissioner of election was to receive five dollars per day of duty, upon his written statement, subject to the approval of the supervisor and the governor. They were enjoined to allow only persons to vote who had been duly registered, according to law, as qualified voters. Each voter was allowed to vote only in the parish of his residence, except as to the parishes of Orleans and Jefferson, where they were allowed to vote only in the election precinct of their registration. Every person applying to vote was required to produce his certificate of registration to the commissioners of election. The supervisor of registration was required to furnish to the commissioners of election a list of all registered voters and the number of the certificate of registration of each voter; and it was made the duty of the commissioner to erase from the list the name of the voter on depositing his ballot in the box. It provided in—

SEC. 29. That in any parish, precinct, ward, city, or town, in which during the time of registration, or revision of registration, or on any day of election, there shall be any riot, tumult, or acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, at any place within said parish, or at or near any poll or voting place, or place of registration, or revision of registration, which riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, shall prevent or tend to prevent a fair, free, peaceable, and full vote of all the qualified electors of said parish, precinct, ward, city, or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences occur on the day of election, or of the supervisor of registration, or any assistant supervisor of registration of the parish, if they occur during the time of registration or revision of registration, to make, in duplicate and under oath, a clear and full statement of all the facts relating thereto, and of the effect produced by such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, in preventing a fair, free, peaceable, and full registration or election, and of the number of qualified electors deterred by such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, from registering or voting, which statement shall also be corroborated under oath by three respectable citizens, qualified electors of the parish.

On the close of the election both copies of the statement are to be forwarded to the supervisor of registration; and the supervisor is

immediately to forward one copy to the governor, and deposit the other with the clerk of the district court of the parish.

Under penalty of grievous fine and imprisonment, all parish and district judges are prohibited from interfering by injunction, *mandamus*, or other order of court, with the commissioners of election in any matter relating to the election. And it is made the duty of the governor to cause to be prosecuted such recusant judges. At the polls no voter may be challenged on any question of residence if his name is registered.

Supervisors of registration in the parishes of Orleans and Jefferson, six days previous to any general election, shall furnish to the metropolitan police commissioners a copy of the list of registered voters in each precinct in said parishes, upon whose report to the supervisor of registration, as to the names said to be improperly on the list, the supervisor is empowered to strike out and erase therefrom all such names found there.

Under penalty of fine, imprisonment, and removal from office, all sheriffs and their deputies of the parishes of Orleans, Jefferson, and Saint Bernard are prohibited from interfering in any manner with elections, from being stationed at any poll or voting place, and from maintaining or preserving the peace on the day of election. The whole care of the peace and order of the cities of New Orleans, Jefferson, and Carrollton, and of the parishes of Orleans, Jefferson, and Saint Bernard, on the day of election, is placed in the charge of the metropolitan police, subject to the orders of the governor. And the act provides:

SEC. 53. That immediately upon the close of the polls, on the day of the election, the commissioners of election at each poll or voting place shall seal the ballot-box by pasting slips of paper over the key-hole and the opening in the top thereof, and fastening the same with sealing-wax, on which they shall impress a seal, and they shall write the names of the commissioners on the said slips of paper; they shall forthwith convey the ballot-box, so sealed, to the office of, and deliver said ballot-box to, the supervisor of registration for the parish, who shall keep his office open for that purpose from the hour of the close of the election until all the votes from the several polls or voting places of the precinct shall have been received and counted. The supervisor of registration shall immediately upon the receipt of said ballot-box note its condition and the state of the seals and fastenings thereof, and shall then, in the presence of the commissioners of election and three citizens, freeholders of the parish for such poll or voting place, open the ballot-box, and count the ballots therein, and make a list of all the names of the persons and officers voted for, the number of votes for each person, the number of ballots in the box, and the number of ballots rejected, and the reason therefor. Said statements shall be made in triplicate, and each copy thereof shall be signed and sworn to by the commissioners of election of the poll and by the supervisor of registration. As soon as the supervisor of registration shall have made the statement above provided for, for each poll in his precinct or parish, and it shall have been sworn to and subscribed as above directed, the supervisor of registration shall inclose in an envelope of strong paper or cloth, securely sealed, one copy of such statement from each poll, and one copy of the list of persons voting at each poll, and one copy of any statements as to violence or disturbance, bribery or corruption, or other offenses specified in section 29 of this act, if any there be, together with all memoranda and tally-sheets used in making the count and statement of the votes, and shall send such package by mail, properly and plainly addressed, to the governor of the State. The supervisor of registration shall send a second copy of said statement to the governor of the State by the next most safe and speedy mode of conveyance, and shall retain the third copy in his own possession.

SEC. 54. That the governor, lieutenant-governor, the secretary of state, and John Lynch and T. E. Anderson, or a majority of them, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning officers. The returning officers shall, after each election, before entering upon their duties, take and subscribe to the following oath before a judge of the supreme or any district court:

"I, A B, do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election; so help me God."

Within ten days after the closing of the election said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the supervisors of registration, and make returns of the election to the secretary of state. They shall continue in session until such returns have been completed. The governor shall at such meeting open, in the presence of said returning officers, the statements of the supervisors of registration, and the said returning officers shall, from such statements, canvass and compile the returns of the election in duplicate. One copy of such returns they shall file in the office of the secretary of state, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and offices voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The returns of the elections thus made and promulgated shall be *prima facie* evidence in all courts of justice and before all civil officers until set aside, after a contest according to law, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected. The governor shall within thirty days thereafter issue commissions to all officers thus declared elected, who are required by law to be commissioned.

SEC. 55. That in such canvass and compilation the returning officers shall observe the following order: They shall compile, first, the statement from all polls or voting places at which there shall have been a fair, full, and peaceable registration and election. Whenever from any poll or voting place there shall be received the statement of any supervisor of registration, assistant supervisor of registration, or commissioner of election, in form as required by section 29 of this act, an affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, which prevented, or tended to prevent, a fair, free, and peaceable and full vote of all qualified electors entitled to vote at such poll or voting place, such returning officers shall not canvass, count, or compile the statement of votes from such poll or voting place until the statements from all other polls and voting places shall have been canvassed and compiled. The returning officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll or voting place; and if from the evidence of such statements they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the result of the election, then, and not otherwise, said returning officers shall canvass and compile the vote of such poll or voting place with those previously canvassed and compiled; but if said returning officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If, after such examination, the said returning officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting place, or did prevent a sufficient number of the qualified electors thereat from registering and voting to materially change the result of the election, then the said returning officers shall not canvass or compile the statement of the votes of such poll or voting place, but shall exclude it from their returns. The returning officers may appoint clerks, &c.

SEC. 56. That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last General Assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the General Assembly; and it shall be the duty of said clerk and secretary to place the names of the representatives and senators elect, so furnished, upon the roll of the house and of the senate, respectively; and those representatives and senators whose names are so placed by the clerk and secretary respectively in accordence with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate. Nothing in this act shall be construed to conflict with article 34 of the constitution, to wit:

"ART. 34. Each house of the General Assembly shall judge of the qualifications, election, and returns of its members; but a contested election shall be determined in such manner as may be prescribed by law."

SEC. 57. That should any of the returning officers named in this act be a candidate for any office at any election, he shall be disqualified to act as returning officer for that election, and a majority of the remaining returning officers shall summon some respectable citizen to act as returning officer in place of the one so disqualified.

* * * * * * * * * * * *

SEC. 83. That the governor shall take all necessary steps to secure a fair, free, and peaceable election; and shall on the days of election have paramount charge and control of the peace and order of the State; over all peace and public officers, and shall have the command and direction in chief of all police officers, by whomsoever appointed, and of all sheriffs and constables in their capacity as officers of the peace.

The advent of the election day of November, 1872, found in force in Louisiana those two remarkable statutes. Under them all the elections occurring since their approval had been held and determined. Those elections were all successes for the united republican party, and such salutary results more than justified the sanguine expectations founded in the magical pliancy of the machinery of the statutes. The admirers of those statutes had not anticipated division and strife in their own party, when the edge of those very statutes might be turned by republicans against republicans, and hence, in whilom security, they looked forward for the recurrence of the usual auspicious results in the then ensuing election. That election came, and was consummated, no doubt, in pursuance of both the letter and spirit of those statutes. But the result of it, it was soon plain to be seen, was not in harmony with the cherished hopes of the Gatling-gun or custom-house republicans, and thenceforth ensued the most unprecedented and shameless imbroglio in all the multiplied annals of State elections. It arose "not from the casting of the vote, but from the counting of the vote." Baffled but implacable faction immediately sought to recover its losses under cover of a perfidious net-work of specious pretexts and bewildering wiles. Plottings and counter-plottings, never so versatile and grotesque, with demoniac levity pursued the labyrinth around the dishonored, helpless form of Louisiana. Let us thread the giddy maze of ensuing events, with but little amplification or comment, so far forth only as may be necessary and convenient in arriving at rational conclusions upon the merits as affected by Federal interference.

The first registration was made in Louisiana in 1867, under General Phil. Sheridan, of the United States Army, pursuant to the reconstruction acts of that year. By it it appears that there were then in Louisiana, not disfranchised, of persons entitled to vote, white, 44,723; colored, 82,865; total, 127,588. In the same year the vote for and against the convention to frame a State constitution showed a total of 79,174.

At the gubernatorial election in April, 1868, Warmoth, republican, received 64,901, and Taliaferro, democrat, 38,046 votes; total, 102,947.

The registration of 1868 showed a total of voters of 146,398.

At the presidential election in November, 1868, Grant, republican, received 33,322, and Seymour, democrat, 74,668 votes; total, 107,990.

The registration of 1870 showed a total of voters of 153,360.

At the State election for auditor, November, 1870, Graham, republican, received 65,532, and Jume l, democrat, 41,010 votes; total, 106,542.

By the United States census of 1870, the population of Louisiana is set down at, white, 362,065; colored, 364,210; total, 726,915.

The voting strength of that population is estimated, on a ratio of one to five, at, white, 72,311; colored, 72,802; total, 145,113.

The registration of 1872 is not before me.

At the gubernatorial election in November, 1872, by the official returns, McEnery, fusion, received 66,403, and Kellogg, republican, 59,760 votes; total, 126,163.

By adverting to these figures, we may plainly contrast the votes registered and the votes cast in Louisiana heretofore, and by analogy approximately test the integrity of the vote of November, 1872:

	Voters.
Registration in 1867	127,588
Registration in 1868	146,398
Registration in 1870	153,360
	Total vote.
Gubernatorial election in 1868	102,947
Presidential election in 1868	107,990
State auditor's election in 1870	106,542
Gubernatorial election in 1872	126,163

And it appears that in 1867 the registered vote exceeded the actual vote 24,741; in 1868, 38,408; in 1870, (for auditor,) 46,818; in 1872, (for governor,) 27,197.

The election law above cited provides that the governor shall take all necessary steps to secure a fair, free, and peaceable election; and shall, on the days of election, have paramount charge and control of the peace and order of the State. What, then, was the manner of this election, as to fairness, freedom, and peace?

To the main purpose of these remarks an answer to that question would be merely incidental and immaterial, but, nevertheless, I propose to briefly cite some general testimony responsive to it.

Mr. S. B. Packard says of himself that he resides in New Orleans; is a United States marshal for the district of Louisiana; chairman of the republican State committee; is thoroughly acquainted with political affairs in Louisiana, and took an active part in the election of 1872.

Question. What was the conviction as to whether the election was fairly conducted or not after it was over?

Answer. In a majority of the parishes I should say it was fair, or as nearly so as you might expect. We understood, of course, that it is legitimate for those in power to give advantages to their friends, such as are legitimate. Other than that, I should say that in the majority of parishes there was no complaint; but there are some parishes where there is no question but that there were well-grounded complaints of fraud.

Q. I will ask you what you know about the election in New Orleans?

A. Well, I think the count of the vote was tolerably fair in New Orleans. The registration I do not think was fair and truthful. In some instances there were a large number of persons registered as residing in a certain house, which under no circumstances could have contained so many.

Q. You spoke of this election as being in a majority of the parishes a fair election.

A. Yes, sir.

Q. Compared with the elections of 1870 and 1868, and on back, how does it compare in fairness with the elections prior to this?

A. I think it was not so fair as the election of 1870, although I did not regard that as a perfectly fair election. I think that in those parishes located in the fourth congressional district especially, which is the strongest republican section in the State, there were greater frauds or more unusual methods used to change them.

Q. Was the complaint made in 1870 by the democratic party in the State that there were frauds committed in them by the republicans?

A. Yes, sir; in some instances they were well founded, and that was the pretended justification in this election, with that party, for the course that they pursued toward the republicans in many instances.

Q. Was the election of 1870 an unfair election?

A. I think there is no such thing as a reasonably fair election; I think an election should be fair; if it is not fair of course it is unfair.

Q. Were you not pretty well satisfied with the election of 1870?

A. The republican ticket prevailed.

Q. There were frauds committed in 1870?

A. Yes, sir; I think there were.

Q. By the republicans or democrats, those of which you complain?

A. In some instances by one, and in some the other.

Q. I ask whether the republican votes cast in 1870 were in favor, in most instances, of the republican or democratic party?

A. I should say in favor of the republican in most instances.

Q. How many fraudulent votes do you think were polled in 1870 for the republican ticket?

A. Not many for the regular republican ticket. In the city of New Orleans I think there were some fraudulent votes polled for the regular republican ticket proper, but that was done for the purpose of getting through members of the house of representatives and senators.

Q. Was not that the case with all the municipal ticket in New Orleans and the parochial ticket?

A. The vote was increased for the city ticket, but the object seemed to be to get through those gentlemen that I have mentioned.

Q. What I want to know is, whether there was a large number of fraudulent votes polled for the republican ticket in 1870?

A. I have no means of getting at the number. My impression is that some fraudulent votes were polled.

Q. As many as 1,000?

A. I should say there was.

Q. Two thousand?

A. I cannot say. My impression is there were as many as that.

Q. Three thousand?

A. I do not know; though my impression is there were 5,000 or 6,000 fraudulent republican votes in 1870 in New Orleans. * * * * *

Mr. GEORGE A. SHERIDAN sworn: Was appointed register of the parish of Carroll in 1867 by General Phil. Sheridan, United States Army. Was afterward sheriff; was subsequently adjutant-general of the State, and for three years last past tax-collector for New Orleans, and was Pinchback's opponent for Congress; traversed the entire State, and twice canvassed it during the campaign of 1872.

Question. Did you find in this campaign a great many colored people who favored the fusion ticket?

Answer. Well, I should think there were 50,000 or 60,000 that attended our meetings, that seemed to take an interest in the proceedings.

Q. That included women and children?

A. Yes, sir; and the men.

Q. About how many colored people would you estimate, from what you saw during the campaign, supported the Greeley fusion ticket in Louisiana?

A. I should think anywhere from 8,000 to 15,000.

Q. Your acquaintance in the State is extensive?

A. As much so as almost any man's, I think.

Q. You think 8,000 to 15,000 colored men supported the fusion ticket in Louisiana?

A. I do.

Q. How many white republicans in Louisiana supported the other ticket?

A. I do not think there are 250 outside of the employés of the Federal Government.

Q. Where are they found? Are they in the city of New Orleans, or all over the State?

A. They are mostly in New Orleans; there are some few in the country; I do not know of 100 men outside of New Orleans.

Q. What is your opinion in reference to the fairness of the election?

A. I think it was the fairest election that has been held in Louisiana for forty years.

Q. You have not been there forty years?

A. No, sir; but I have talked with people who have been there a great deal longer. It is the fairest election we have had since reconstruction, in my judgment.

Q. Was it as fair as in 1870?

A. I do not think there was one-third as much ballot-box stuffing as there was then.

Q. Was there a good deal in 1870?

A. I think there was a large amount of it.

Q. Who had charge of the election in 1870?

A. It was under the auspices of Governor Warmoth.

Q. You think it was a fairer election than in 1870?

A. I think this election was fairer than in 1870; I think it was a better expression of the popular will and feeling, black and white, in the State, than in 1870.

Q. Was there a good deal of complaint about the State in regard to difficulties in the way of registration, and finding the places of registration and voting?

A. There were some complaints.

Q. Were they general?

A. I do not think so; not until after the election had taken place and the Kellogg party found themselves defeated, and then there was a large complaint from all sections of the State.

Q. You say this was the fairest election ever held in that State for forty years?

A. Yes, sir.

Q. If this is the fairest election in Louisiana for forty years, what has been the character of the elections heretofore since you have been there?

A. They have been pretty rough; we have been constantly urged from Washington to carry the State republican, and may have been misled into some little exertions that would never have taken place otherwise.

Q. Who urged you?

A. Our Senators, Mr. Kellogg, Mr. WEST, and prominent gentlemen.

Q. They did not urge you to commit frauds?

A. O, no, sir.

Q. Merely urged you to exert yourselves to carry the State?

A. That is what we did.

Q. But you carried it in a fraudulent manner?

A. I do not know that we did.

Q. You say this was the fairest election you have had.

A. I am personally familiar with this election. I am speaking from hearsay about the others.

Q. You spoke of ballot-box stuffing.

A. Yes, sir.

Q. Has that been a common thing?

A. Yes, sir.

Q. All over the State?

A. Yes, sir.

Q. Do the people down there regard that as anything like fair in conducting an election?

A. I think they have got demoralized since the war to a certain extent.

Q. They seem to have been educated to frauds in all elections?

A. I do not know whether they have been educated to it or come by it naturally; I do not think it is confined to any one class of people.

Q. You say "educated;" it is not taught in the schools, I suppose, but has been a part of the political education of men to vote fraudulently?

A. I think in Louisiana there has been, as in every other State, more or less manipulations of elections. We cast this year 20,000 more votes than ever before, and had a fuller registration than ever before.

Governor P. B. S. PINCHBACK. * * * I do not think there were 500 colored men in the whole State that voted for the fusion ticket. I do not think there were 100 who voted against the national republican ticket; in fact, I do not think there was one colored man voted against Grant in the State; but there may have been, perhaps, 50 or 100. I would be willing to stake my reputation that there was not 100 colored men in Louisiana who did not vote for Grant and Wilson. Eight or ten thousand white republicans voted for Grant and Kellogg.

Question. Was there not a great deal of dissatisfaction among the republicans throughout the State at the nomination of Mr. Kellogg and his whole ticket?

Answer. There was. There was a great deal of dissatisfaction toward Mr. Kellogg on the part of those republicans who did not belong to my wing of the party. Of course, we did not like Mr. Kellogg, nor any of that side, at that time. We had been fighting for recognition; we did not like to be shut out.

Q. Was there not a protest, signed by Mr. Billings and Colonel Carter, and other gentlemen, Mr. Ladd and others, protesting against the manner in which the convention had been manipulated by the United States officials and Kellogg's nomination secured; and was not that protest sent to the President?

A. I think not. I think there were papers of this character made up by Mr. Billings, the defeated candidate for governor, and he may also have been supported in his papers by Mr. Wilson and General W. Carter; but I think those three will constitute the whole number signing any papers that went to Washington. I remember distinctly one of these gentlemen made a proposition to me to join in this protest, and I thought it was useless; that it made no difference.

Q. How long after the Kellogg ticket was nominated before that difference healed up?

A. Well, it was some time; I think the ticket was nominated on the 19th of June; the fusion took place on the 27th of August, or on or about that time.

Q. I would like to ask you a question or two, Governor Pinchback. There have been some references to the election of 1870. Was there a charge of fraud in the election of 1870?

A. It is supposed to surpass anything in the shape of an election ever held in any State in the Union.

Q. Was it charged by democrats?

A. By both parties.

Q. State whether there was a general apprehension or feeling entertained about the repetition of those frauds in the last election.

A. Yes, sir; so strong, indeed, was that feeling that all parties were bidding for the governor. The republicans made herculean efforts to retain him, because we were afraid that if he wielded his powers against us we were gone. You, gentlemen, know, many of you, the efforts I made, and how tenacious I stuck to him; for I confess I like to be on the winning side. To tell the truth, I did not think it possible to beat him. That is square, Governor.

Q. You and the governor were good friends in 1870?

A. Yes, sir.

Q. In that election of 1870 you and the governor co-operated?

A. No, sir. In 1870 I was not friendly with him; I was fighting him, since I think of it.

Q. You took no part in it?

A. No, sir; only to advocate the election of the republican ticket in my own locality. * * * The governor's power is set down at about 20,000. It is supposed that Governor Warmoth is worth about 20,000 freemen to his side.

Q. What is your power worth?

A. It was supposed that I had a following, and I have heard my enemies estimate my strength at about 25,000.

Q. Stronger than the governor?

A. O, yes, sir. He always acknowledged he could not get along without me. * * * It was thought that his management of affairs and appointment of shrewd supervisors of registration, who understood the business well, would make a difference in the votes cast.

Q. A difference of 20,000?

A. Yes, sir.

Q. You used to be a friend of mine—a pretty strong one?

A. Yes, sir.
Q. We made some lively fights together?
A. Yes, sir.
Q. Against them custom-house men?
A. We did. I was one of your exceptional friends.
Q. Speaking about friends in 1870, was that the common talk among people on both sides?
A. Yes, sir.
Q. Did Governor Warmoth then have the appointment of supervisors of registration as now?
A. Yes, sir.
Q. The same power?
A. Yes, sir.
Q. Did those supervisors have the appointment of commissioners of election as now?
A. Yes, sir. It was the same law precisely.

Hon. WILLIAM L. MCMILLEN:

Question. * * * * * Some questions were asked yesterday as to the number of white voters in New Orleans who voted the Government ticket. What is your opinion about that?

Answer. My belief is, that the number of white votes in the State of Louisiana for the republican party is, compared with the total vote, very small. I do not believe there are over 2,500 white voters in the city of New Orleans, and I do not believe there are over 2,000 white voters in the entire State of Louisiana, outside of New Orleans, who voted the republican ticket at the last election.

Q. Was it the understanding of all parties that this election in Louisiana was as peaceable and fair as you had ever before had?

A. I answer, I think that has been admitted by all persons and by all the newspapers in the State.

Q. Was it admitted in the newspapers of both parties after the election closed?

A. Yes, sir; it was admitted by the New Orleans Republican repeatedly in editorials after the election was held, and the result generally conceded.

Q. Was the New Orleans Republican the organ?

A. It is the leading republican paper of the State and the official organ of the State government. If you desire it, I can submit now, I think, an extract from an article in the New Orleans Republican, published as late as the 19th day of November.

Q. Do you remember it yourself? Did you see it at the time?

A. Yes, sir.

Q. Read it if you please, stating the date first.

[From the New Orleans Republican, of the 19th November, 1872.]

"In our testimony we have so recently reviewed the positions of the parties contending for the control of the public affairs of the State, that it is unnecessary to comment further at this time. But as it is rumored that the President is preparing his message with the most kindly sentiments toward the southern people, we deem it a duty to add the testimony of the Republican as impressing those sentiments more strongly upon him. This testimony cannot but from our stand-point be accepted as impartial. The Republican, then, assures the President that no people were ever more orderly and obedient to law than the people of New Orleans and Louisiana, in the State and Federal elections recently held; that the relations between the races are kindly and cordial, the colored people voting by the side of the whites openly without military protection, State or Federal, and free from any insult or molestation whatever. Difficulties which have arisen since the elections are simply official, and are not alleged to have sprung from force or fraud of the people. The controversy now pending has not arisen from the casting of the vote, but from the counting of the vote. This indication of order and harmony is not only proper for executive consideration, but to counteract, so far as may be, the slander that New Orleans is under control of lawless mobs. This slander has not only prejudiced the mind of Congress, but has impeded immigration and excluded capital. Whatever, then, may be the result of legal or political questions, growing out of the Louisiana elections, the Republican deems it a duty to assure all whose opinion may have a bearing upon the political or commercial condition of New Orleans or Louisiana that the people, without regard to race, color, or previous condition, have demeaned themselves well and deserve well of the country for their conduct in the recent State and Federal elections."

Q. That article not only states that the election was peaceable, but that both races voted, and that it was without fraud and fair?

A. Yes, sir; that it was not only peaceable but fair.

Q. Is it true that any white people were disfranchised in 1870 by a constitutional provision which was abrogated at this last election?

A. Yes, sir; the article disfranchising them was changed in 1870.

Q. Did not that disfranchise several thousand people?

A. It really disfranchised, whether legally or not, a great many people; it had the effect of disfranchising or making a vast body of the white people of Louisiana feel that they were laboring under disfranchisement. The majority of the white people of Louisiana had the impression when we made our constitution in 1868 that they were disfranchised by it.

Q. Have you stricken that article out?

A. Yes, sir; I am happy to say that we have made that much progress.

Q. The recent election was the first since the abrogation of that article?

A. Yes, sir.

Q. Do you think that the abrogation of that article will account for the increase of the opposition vote in Louisiana?

A. I think it would account reasonably for a great deal more than that increase, as shown at the last election.

Q. Is it not true that in the election of 1872 there was more activity and zeal displayed by the white population than has ever been displayed since the reconstruction before?

A. I think so; I think, as a class, the white people took more general interest in the canvass than I have ever known before. The better class came out and took an interest in the last election, which is not true of any election previously, since reconstruction.

John Lynch went to Louisiana as a soldier in 1862; is the Lynch of the Lynch returning board.

Question. Was there not at the recent election in Louisiana a larger number of votes cast than was ever cast before at any general election?

Answer. As far as my knowledge goes, that is true.

Q. Was not the election generally peaceful and quiet in New Orleans; and was it not generally recognized as a fair one; and were there any disturbances at any poll in Louisiana, to your knowledge?

A. Yes, sir; from the evidence before me there was; in the case of officers who attempted to be present in conformity with the law just read.

Q. That law does not apply outside of New Orleans?

A. I will state generally that, in my opinion, on election day there was very little disturbance. It was very quiet and peaceable on election day.

On this point let these extracts suffice. They have insensibly encroached too far upon my time. They are from the evidence of persons, perhaps among the most candid, accredited, and responsible on the opposing sides. As disclosures of circumstances illustrative of the fairness and freedom of the election, for which purpose they are cited, it is obvious they are more general than particular. The countless details are plainly incompatible with my limited time; moreover, those details are various, vicious, and voluminous; but, according as they might be credited or discredited, would, no doubt, more or less color—strengthen or weaken—the one opinion or the other. On the question of fairness, however, and freedom in the election of 1872, I am of the opinion that these details are not of a nature to change the moral and judicial conclusion of every candid mind that has gone over them, that the election was a customary reconstructed Louisiana election, conducted by the authorities, and in obedience to the forms of law, in its results fortified by all the law's highest sanctions, and subject to be reviewed and set aside only after a lawful contest before the lawful tribunals, and in conformity with the forms prescribed by the laws of Louisiana for the trial of contested elections.

And finally, whether as to the registration, or the supervisors of registration; whether as to the commissioners of the election, or to the voters at the election; whether as to the total of the votes registered or not registered, or polled or not polled, as compared with the registrations or elections of 1868 and 1870, we stand confronted with this pivot fact; that down to this point in our inquiries, whether as to the manner or the substance of the election of 1872, the Federal authorities had no lawful business with it.

By the constitution of Louisiana, article 46, returns of all elections for members of the General Assembly shall be made to the secretary of state. Section 53 of the election law of March 16, 1870, heretofore quoted, directs the supervisors of registration to make returns to the governor of the sworn statements of the poll, as provided for therein; and the fifty-fourth section creates the board (to be composed of the governor, lieutenant-governor, secretary of state, and two other persons) of returning officers, therein defined, for all elections in the State, a majority of whom should constitute a quorum, with power to make the returns of all elections. And it is made the duty of that board, within ten days after the close of the election, to canvass and compile the statements of votes, and make return of the election to the secretary of state. Now it is objected to the direction given to the primary returns in these two sections of the election law, that it is in conflict with article 46 of the constitution. If that objection be good, it would be equally good as against all the rival boards. It is, however, probably not well taken. But however that may be, the question is not material to the main purpose of these remarks, and I will not pause to discuss it.

By the article 68 of the constitution of Louisiana it is provided that—

There shall be a secretary of state, who shall hold his office during the term for which the governor shall have been elected.

And by article 69 it is provided that—

The secretary of state, &c., shall be elected by the qualified voters of the State; and in case of any vacancy caused by the resignation, death, or absence of the secretary, &c., the governor shall order an election to fill said vacancies: *Provided*, The unexpired term to be filled be more than twelve months; when otherwise, the governor shall appoint a person to perform the duties of the office thus vacant until the ensuing general election.

And by article 96 it is provided that—

Impeachments of the governor, secretary of state, &c., shall be tried by the senate.

And the judgment to be rendered is limited to removal from office and disqualification from holding office.

By article 66 it is provided—

If any bill shall not be returned by the governor within five days after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly by adjournment prevent its return; in which case the same shall be returned on the first day of the meeting of the General Assembly after the expiration of said five days, or be a law.

At the election for governor in April, 1868, George E. Bovee was duly elected secretary of state; and on the 15th June ensuing he was duly commissioned, qualified, and installed in office.

In February, 1871, the Legislature of Louisiana passed and sent to the governor for his approval an act incorporating the Crescent City Water-Works Company, by which it was proposed to take the control of the water-works from the city of New Orleans and confer it upon a private company of individuals. Within four days after the enrolled bill reached the governor the General Assembly adjourned. Therefore, under article 66, the governor was not required to act upon the bill before the first day of the ensuing meeting of the General Assembly. In the May following the passage of the bill Mr. Bovee asked the governor whether he should promulgate it as a law. The governor's written reply was that the bill had come to him on the heel of the session; that it was still in his possession; and that as it was not a law, Bovee could not promulgate it; and that he intended to veto it on the meeting of the General Assembly. Nevertheless, in August following, Mr. Bovee substituted for the original a different bill, by the same title, and signed, certified, sealed, and promulgated the substitute as having become a law by the lapse of time, without the approval of the governor. Subsequently Mr. Herron averred, in a record, in the eighth district court, that that was an act of flagrant malfeasance in office, and justified Bovee's removal from office by the governor. The governor held he could suspend and appoint *ad interim*, and thereupon promptly issued the following order:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, August 29, 1871.

Whereas George E. Bovee, secretary of state, has, in violation of the constitution and laws of this State, caused to be promulgated as having become a law, "An act to incorporate the Crescent City Water-Works, to define its rights and duties, and to punish offenses committed against the franchises of said company and the public health," with his official certificate that the foregoing act, having been presented to the governor of the State of Louisiana for his approval, and not having been returned by him to the house of the General Assembly in which it originated within the time prescribed by the constitution of the State of Louisiana, has become a law without his approval; the said certificate having been made by the said Bovee with the knowledge communicated by the governor of the State of Louisiana, on the 4th day of May, 1871, that said bill would not become a law, or be acted upon, until the first day of the next session of the General Assembly; and whereas the said Bovee has knowingly, willfully, unlawfully, and with the purpose of imposing upon the people of the State as law that which he knows has not become law:

Now, therefore, I, H. C. Warmoth, governor of the State of Louisiana, charged with the faithful execution of the laws under the constitution of the State, do issue this my order, suspending the said George E. Bovee from the office of secretary of state, and do hereby appoint F. J. Herron to discharge the duties of said office until the Legislature shall act upon the subject in accordance with the constitution.

Given under my hand and seal this 29th day of August, A. D. 1871, and of the Independence of the United States the ninety-sixth.

H. C. WARMOTH,
Governor of Louisiana.

O. D. BRAGDON, *Private Secretary to the Governor.*

Afterward were instituted proceedings No. 3556 in the eighth district court for the parish of Orleans, entitled the State of Louisiana *et al. vs.* Franklin J. Herron. The suit was brought by the attorney-general, Simeon Belden, at the instance of Mr. Bovee, under what is called the "intrusion in office act," to invalidate the action of the governor and for the reinstatement of Bovee. Herron defended, justifying the official action of the governor, and the court rendered the following judgment, to wit:

In this case, submitted to the court for determination, after deliberation, and for the reasons assigned in the written opinion this day delivered and filed, the court considering the law and the evidence to be in favor of the defendant,

It is ordered, adjudged, and decreed, that this suit be dismissed at the cost of the plaintiffs.

Judgment rendered October 10, 1871, and signed October 20, 1871.

CHARLES M. EMMERSON,
Judge Third District Court, Parish Orleans,
Acting in absence of Hon. H. C. Dibble, judge.

From this judgment an appeal was taken to the supreme court, and finally by that court the appeal was dismissed for informality.

Pending the ensuing session of the General Assembly the governor, in his message to the house, charged Bovee with the above and other official offenses; the matter was referred to a committee with the usual powers, a great deal of testimony was taken, but in the mean time the end of the session approached, and on the application of Bovee time was given him until the ensuing session to prepare his defense, on the condition that Bovee's existing status should remain, and abide the action of the ensuing session. (This condition was subsequently violated by Mr. Bovee, who again brought suit against Herron and about December 2, 1872, obtained judgment in his favor as against Herron, who had then been superseded and Mr. Wharton installed.) But to resume: So Mr. Bovee was actually out and Mr. Herron actually in. And from the 29th day of August, 1871, down to, and after, the election of the 4th November, 1872, a period of over fourteen months, the government and people of Louisiana were permitted to possess themselves in peace. The omnipotence of Federal power was suffered to continue in its normal repose, and still the artillery's "bruised arms hung up for monuments."

Now, whether the removal of Mr. Bovee was illegal and tortious or was a constitutional and legal exercise of executive authority, was and is, comparatively, a matter of very little interest to the State and people, and that little interest could have been effectually subserved and vindicated in due course of remedies and time. But it was a matter of vital importance to the government and people of Louisiana that the wheels of the State government should not be blocked and the public business paralyzed, "while the petty inquiry was being investigated whether one or the other of two persons was the legal incumbent, entitled to exercise the duties of the office and receive the pay therefor." (2 Abbott's Prac. Rep., 290.)

Moreover, the charges against Mr. Bovee are uncontradicted in the record, and hence in this forum, for the purposes of this investigation, they must be considered as proven. And if, peradventure, his taking off by the act of the governor was premature and abnormal, let the governor be impeached and dealt with, if still amenable to trial; and if not, public opinion can be trusted to see to it that he shall not again have power so to pervert. But who is he, beside the conspirator and the spoilsman, who would complain that such an unfaithful official as Bovee was summarily deprived of power to practice an evil which poisons the law at its fountain-head and diffuses the infection through all the arteries of justice.

Article 61 of the constitution provides that—

The governor shall have power to fill vacancies that may happen during the recess of the senate, by granting commissions, which shall expire at the end of the next session thereof, unless otherwise provided for in this constitution.

Having, as he evidently thought, legally made a vacancy in the office of secretary of state by the suspension of Mr. Bovee, the governor, it appears, relied upon article 61 as furnishing him ample authority for filling it by the appointment of Mr. Herron, to discharge the duties of said office until the Legislature shall act upon the subject in accordance with the constitution.

Now, eventually the Legislature met and acted, but did not conclude their action upon the accusation and suspension of Bovee, but by implication sanctioned the appointment of Mr. Herron on the part of the governor. The governor's idea, as disclosed in the record, was evidently that Herron's appointment, "until the Legislature shall act," and also the terms of article 61, limited his term to the duration of the ensuing session of the Legislature, and his term thus expiring with the session revived the original vacancy which arose from the supension of Bovee. It is however probable that if Herron was legally in at all, he was legally in until his successor "shall have been inducted into office," in virtue of article 122; to the effect that all officers shall continue to discharge the duties of their offices until their successors shall have been inducted into office, except in cases of impeachment or suspension.

But it would seem that Mr. Herron, so far as he was personally concerned, was at no time the lawful secretary of state, for the insuperable reason that he had been ineligible *ab initio*. Let the following uncontradicted facts speak to this point.

On the day of its date the governor received the following notice:

STATE OF LOUISIANA, AUDITOR'S OFFICE,
New Orleans, November 12, 1872.

This is to certify that the books of this office show an indebtedness of eleven hundred and sixty-five dollars ($1,165) for licenses of 1871 against F. J. Herron, late tax-collector for the sixth district of New Orleans.

The above is for a balance due on licenses issued in 1871 to the said F. J. Herron, which should have been finally adjusted in the month of November, 1871, as prescribed in act 42 of 1871, and that notwithstanding the repeated demands made by this office upon the said F. J. Herron for a full settlement of the above-mentioned indebtedness, the amount due is still unpaid.

JAMES GRAHAM, *Auditor.*

By the provisions of the constitutional amendment of 1870—

No person who may at any time have been a collector of taxes, whether State, parish, or municipal, or who may have been otherwise intrusted with public money, shall be eligible to the General Assembly, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collections, and for all public moneys with which he may have been intrusted.

The revised statutes of Louisiana of 1871 provide that the auditor shall furnish the governor a list of defaulters to the State, and the amount of the several defalcations; forbids the governor to issue a commission to any person who appears to be a defaulter by reports on file in his office, (until he shall be satisfied the money has been paid,) and provides the governor shall order a new election, or make a new appointment, to fill vacancies thence arising.

Wherefore, on the morning of the 13th of November, 1872, the governor issued the following proclamation, in which he referred to the law, and concluded—

And whereas official information has been received at this office that F. J. Herron is indebted to the State for moneys collected by him as tax-collector in and for the sixth district of New Orleans:

Now, therefore, I, Henry C. Warmoth, governor of the State of Louisiana, charged with the faithful execution of the laws under the constitution of the State, and in due observance of the provisions of the amendments to the same, do issue this my order removing F. J. Herron from the office of secretary of state, and do hereby appoint Jack Wharton to discharge the duties of said office.

Given under my hand and the seal of State this 13th day of November, 1872, and of the Independence of the United States the ninety-seventh.

H. C. WARMOTH,
Governor.

And simultaneous therewith the governor issued the following appointment and commission to Mr. Wharton, (who was immediately sworn in,) and then put him into the actual possession of the office and archives of state; and Mr. Wharton then entered upon the performance of his official duties:

In the name and by the authority of the State of Louisiana, know ye, that I have nominated and constituted and appointed, and by these presents do nominate, constitute, and appoint Jack Wharton secretary of state in and for the State of Louisiana; and I do authorize and empower him to execute and fulfill the duties of that office according to law, and to have and to hold the said office, with all the powers, privileges, and emoluments to the same, from and after the date hereof.

In witness whereof I have hereunto signed my name and caused the great seal of the State to be affixed, at the city of New Orleans, this 13th day of November, in the year of our Lord 1872, and of the Independence of the United States of America the ninety-seventh.

H. C. WARMOTH.

The election was begun and concluded on the 4th day of November, 1872. The statute returning board, as constituted down to the evening of the 13th of November, consisted nominally of Governor Warmoth, Lieutenant-Governor Pinchback, F. J. Herron, secretary of state, John Lynch, and T. C. Anderson. On the 12th day of November, Warmoth, Pinchback, Herron, and Lynch, of the board, met in the governor's office to organize, and, having done so, adjourned over. On the 13th, at twelve o'clock m., after Mr. Wharton had been inducted into office, the same parties again met, in the same place, and Messrs. Pinchback and T. C. Anderson (the latter of whom was not present) were formally retired from the board on the ground of having been candidates, the first for Congress from the State at large, and the second for the State senate, at the pending election, which facts disqualified them by the terms of the fifty-seventh section of the election law of 1870, to wit:

That should any of the returning officers named in this act be a candidate for any office at any election, he shall be disqualified to act as returning officer for that election, and a majority of the remaining officers shall summon some respectable citizen to act as returning officer in the place of the one so disqualified.

Warmoth, Lynch, and Herron composed the remnant of the board. Thereupon Judge Ludeling administered the official oath to those three gentlemen. At this moment the newly-appointed secretary of

state, Mr. Jack Wharton, (vice F. J. Herron, removed,) presented himself, exhibited his commission of secretary of state, the legal evidence of his having qualified as such officer, and also as a member of the returning board, together with the executive order removing Mr. Herron. Whereupon Mr. Wharton's official character was recognized in both those regards by Governor Warmoth, and the new secretary then took his seat as a member of the returning board. Mr. Herron protested, and pronounced the whole transaction illegal and void. Then Governor Warmoth produced the auditor's certificate of Mr. Herron's defalcations as tax-collector, and, from the constitution of Louisiana, read the amendment upon which he relied for the authority to remove Mr. Herron. Mr. Herron then began, but did not complete, a motion to fill the vacancies in the board. Governor Warmoth, in his capacity as president of the board, silenced Mr. Herron by referring to the fact that he was no longer a member of the board, and stated that any motion from him would be out of order and could not be entertained. Governor Warmoth then moved to fill the vacancies by the election of Messrs. Da Ponte and Hatch. The governor and Mr. Wharton voted in the affirmative. Mr. Lynch did not vote. Mr. Herron was heard again to protest. Such are the facts of this scene in the drama.

Now Mr. Lynch vaguely states that Mr. Herron, first in the order of time, moved, and put his motion, to fill the vacancies by the election of General Longstreet and Judge Hawkins, and that he and Herron voted in the affirmative; that Governor Warmoth voted for Da Ponte and Hatch; and that, if Mr. Wharton voted at all, he did not hear him. But it cannot be disguised that Mr. Lynch's statement, supported only by Mr. Herron, in this respect is, at best, halting and equivocal; and, more than that, he is flatly contradicted by Messrs. Warmoth, Sheridan, Wharton, Hatch, Da Ponte, Bragdon, and Judge W. H. Cooley, in all seven witnesses, who were present, and whose sworn statements are in the most positive terms.

But whether the one or the other motion was first in point of time is wholly immaterial. Surely Herron and his coadjutors were in no condition to dispute the right of the governor to create and then fill a vacancy in the office of secretary of state; for the governor had previously, as we have seen, on the 29th day of August, 1871, suspended Mr. Bovee, Mr. Herron's predecessor; and Mr. Herron thereupon received and accepted his appointment from the governor to fill the vacancy, and so affirmed the authority, and justified, and profited by, the exercise of the authority of the governor so to suspend and appoint. Mr. Herron, having now been ousted by the act of his appointing power, and Mr. Wharton actually performing the duties, and placed in the possession of the office and archives of state, and being, moreover, fortified by claim and color of title at least, he was, by virtue of his actual official position, one of the returning officers of election. Clearly, if the governor could suspend Mr. Bovee and install Mr. Herron in August, 1871, by the same authority he could remove Herron and install Mr. Wharton in November, 1872. At best Mr. Herron, like Mr. Bovee before him, in this official chase, stood remitted to his remedy at law; and in the mean time Secretary Wharton became, and was, as fully as his predecessor, Mr. Herron, had been, *de facto* secretary of state and returning officer; and as such his official acts of a public nature were valid and binding as against Herron and the rest of the world. An officer *de facto* is, *prima facie*, an officer *de jure*.

The doctrine of credence given to acts of *de-facto* officers is based on this, that the public has a right to be secure in the validity of acts of officers who under color of law exercise functions of office, and have been dealt with and trusted by the public.

So Messrs. Warmoth, Wharton, and Lynch, being the only returning officers, and the first two having voted in the affirmative and the one last named having not voted at all on the motion to elect Messrs. Da Ponte and Hatch to fill the vacancies, those gentlemen were pronounced by the president of the board duly elected. Hatch and Da Ponte were then sworn in by Judge Cooley, and seated at the board of canvassers as returning officers. In the mean time Mr. Lynch retained his seat at the head of the table, and these proceedings were all had in his presence and hearing, without one dissenting murmur or sign from him. His silence was of course equivalent to acquiescence, and though it is immaterial, he was as much bound by those proceedings as were his colleagues, Messrs. Warmoth and Wharton.

Finally, Mr. Herron appealed to Mr. Lynch to leave the board, and the latter, after being urged again and again, reflecting that he was in a minority, rose, deliberately seceded from the board, and silently withdrew from the room, in company with Mr. Herron, taking with him the minutes of the proceedings on the 12th, regardless of the objection urged by the governor. Then the governor, as the presiding officer of the board, pronounced the returning officers duly organized and ready for business; and, as the lawful custodian of the sealed returns of election, he proceeded to open and lay them before the board, for the purpose of canvassing and compiling them in pursuance of law. Mr. Da Ponte was appointed secretary, and Mr. Bragdon (private secretary of the governor) assistant secretary; and the board then ordered the returns to be tabulated and made ready for examination and compilation. And to facilitate the business Mr. Bragdon proceeded to employ some twenty-five clerks.

The board of returning officers, as thus made up, which may be called board No. 2, is called the Wharton board, and consisted of Messrs. Warmoth, Wharton, Hatch, and Da Ponte, (and Lynch, who had seceded.) Lynch and his confederates forthwith set up board No. 3, called the Lynch-Herron board, composed of Messrs. Lynch, Herron, Hawkins, and Longstreet. And now began another Iliad of "woes unnumbered." The curtain rose, and the battle of the boards and the comedy of the courts appeared and vanished, only to appear and vanish again amid the shifting scenes.

The election returns were in the lawful possession of the governor, who, under the election law of March, 1870, was the sole lawful custodian thereof, and he and the Wharton board alone controlled them. The Lynch board had consequently no election returns, and were therefore, to all appearances, impotent. But their way had, nevertheless, been blazed. They flew to the courts.

On the 14th of November they filed their petition (No. 13545) in the eighth district court for the parish of Orleans. Time will not permit me to cite the pleadings. I will state the main points. They claimed the Lynch-Herron board to be the board of returning officers, (together with the governor, whose name they presumed to use for form's sake;) Messrs. Wharton, Hatch, and Da Ponte were intruding and usurping the office of returning officers, and concluded with a prayer for judgment declaring them to be intruders and usurpers.

But the disorganizers soon saw that would not be effectual. The governor and the other returning officers, his colleagues, might still proceed in the performance of their official duty. Wherefore the plot must be thickened.

> Round about the cauldron go;
> In the poison'd entrails throw.
> Toad, that under coldest stone,
> Days and nights has thirty-one
> Swelter'd venom sleeping got,
> Boil thou first i' the charmed pot!
> * * * *
> Double, double toil and trouble;
> Fire, burn; and, cauldron, bubble.

They mended their hold. On the same day they filed a supplemental petition. In it they reaffirmed the statements of the original petition, averred that the proceedings were had for the further purpose of maintaining F. J. Herron in office as secretary of state, &c., averred that without an injunction the proceedings would be nugatory, and concluded with a prayer for the writ of injunction against Messrs. Wharton, Hatch, and Da Ponte, enjoining and restraining them from sitting or acting as returning officers, or from interfering with the petitioners as such, &c.

On the same day a cross-injunction was granted, on the motion of the Wharton board, against the Lynch-Herron board, restraining them from canvassing any pretended returns pending the litigation; and afterward, on the motion of the same parties, another injunction was granted, restraining the Lynch-Herron board from canvassing any returns other than the legal returns in the possession of the governor pending the litigation; and it appears that that injunction has never been dissolved, but was disregarded by the Lynch-Herron board throughout.

In the Lynch-Herron suit, on the day of the filing of the supplemental pleadings, an order was made by the court (Hon. H. C. Dibble) for the defendants, at eleven o'clock on the 16th of November, to show cause why the injunction should not issue, and commanding them to desist in the mean time from the acts complained of. The rule was issued and served. On that day Wharton and others answered, denying the jurisdiction of the court and setting up the facts upon the merits. On the 16th of November the rule was made absolute; Mr. Herron adjudged to be secretary of state; the Lynch-Herron board sustained; the injunction issued and served; and so far forth the election of the 4th of November, 1872, the executive department of Louisiana, and the State government were summarily tied up like the wallet of an unlicensed itinerant peddler, by the judgment of the eighth district court.

On the 22d of November a motion was made for a new trial; on the 2d of December following the motion was heard by Hon. W. A. Elmore, (who on the 21st of November had succeeded Judge Dibble as judge of the eighth district court.) On the 3d of December a new trial was granted. And thereupon, on motion of defendant's counsel, the suit was dismissed and the injunction dissolved, on the ground that the act of March 16, 1870, in virtue of which the complainants claimed to be the legal returning officers, had been repealed by the act of November 20, 1872, and the Lynch board abolished, and the complainants were without standing in court.

It appears that this judgment was final and irreversible unless on appeal prayed within ten days from the date of its rendition. But that judgment sealed the fate of the eighth district court. For on the 11th day of December—only seven intervening days—the Lynch-board legislature, then in blast, abolished it, created a new court, called the superior district court, with all ordinary and extraordinary jurisdiction requisite for the exigency, and transferred to it the docket of the abolished court. Whereupon Governor Pinchback, whom the Lynch-board legislature had made its governor upon the suspension of Governor Warmoth, appointed as judge of the new court Mr. Jacob Hawkins, who had just made the legislature by counting it in from certain fables, called by him and his colleagues returns. And then, on the 17th day of December, an appeal was granted from the aforesaid judgment of the eighth district court, fourteen days after its rendition, to the supreme court, on the petition, called a petition of intervention and appeal, of A. J. Field, who had not been a party to the proceeding in the eighth district court. He had been a

candidate for attorney-general on the Kellogg ticket, and he claimed that he was pecuniarily interested and injured in that judgment, in its tendency to deprive him of his salary by declaring illegal the Lynch returning officers, who had returned him duly elected. And, finally, on the 23d day of January, 1873, he obtained a judgment in the supreme court avoiding and reversing the judgment of the eighth district court and sustaining the Lynch board. But that court was not thereupon abolished. It still survives.

We return to returning board No. 2—the Wharton board. The restraining order of the 14th November was served on the 15th, and that board, without having made any report, finally ceased to act; but on the 19th it was nevertheless further enjoined. So, board No. 2 being *hors du combat*, and the governor so far thwarted, not daunted, he resolved to bring his reserve into action. We will now see how this maneuver was accomplished.

Within less than five days prior to the adjournment of the last session of the General Assembly, was passed, and sent to the governor for his approval, another act for the regulation, &c., of elections, very similar to the previous act on the same subject, approved March 16, 1870, but containing the following wholly dissimilar provisions to those of section 54 of that act, heretofore quoted, for the composition of the returning officers, to wit:

SEC. 2. That five persons, to be elected by the senate from all political parties, shall be the returning officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the return of all elections, with power in the board to fill vacancies.

And in the concluding section (71) it is provided that "this act shall take effect from and after its passage, and that all others on the subject of election laws be, and the same are hereby, repealed."

By this act were plainly abolished both the Wharton and Lynch boards, (if the latter had any legal existence at all.) They fell with the law of 1870, out of which they grew. By article 66 of the constitution, as construed and applied in Louisiana, the governor was not required to act on that bill before the first day of the ensuing session of the General Assembly; and the bill at any time prior to that day would become a law upon receiving the approval of the governor. The governor had constitutionally retained that bill, and now, in the dilemma in which he was placed, exercised his constitutional prerogative by taking up that bill and approving and promulgating it.

By section 2 of this new law the returning officers were "to be elected by the senate;" and as the senate was not at the time in session, and so could not elect them, the governor held that this state of fact formed a vacancy within the meaning of article 61, heretofore quoted, of the constitution, to be filled for the time being by the exercise of his appointing power. Accordingly, on the 20th day of November, after the law of that date went into effect, he appointed board No. 4, called the De Feriet board, of returning officers, in pursuance of that law. This board consisted of Messrs. De Feriet, Austin, Taylor, Wiltz, and Isabelle. Those gentlemen were at once qualified and organized. Then the governor, with the concurrence of the Wharton board, turned over all the official election returns to the De Feriet board, and the latter proceeded with the business of canvassing and compiling.

It appears that on the day following the governor was impelled by the state of affairs to issue the following executive proclamation:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT,
New Orleans, November 21, 1872.

Whereas, the present condition of public affairs presenting an extraordinary occasion, I do hereby, by virtue of the power in me vested by the constitution, and the laws enacted thereunder, convene the General Assembly elected on the 4th day of November, A. D. 1872, in extra session, for the period of ten days.

Senators and representatives of the General Assembly elected on the 4th day of November, A. D. 1872, and the senators holding over, are, therefore, summoned to meet in their respective chambers, at the Mechanics' Institute, now used as a state-house, in the city of New Orleans, at twelve o'clock noon on Monday, the 9th of December, A. D. 1872.

In witness whereof I have hereunto set my hand and caused the seal of the State to be affixed, at the city of New Orleans, this 21st day of November, A. D. 1872, and of the Independence of the United States the ninety-seventh.

On the 30th November, 1872, Governor Warmoth brought suit (No. 13579) in the eighth district court, alleging the illegal and revolutionary course of the Lynch-Herron board, &c., with a prayer for an injunction, restraining that board from acting, &c., or interfering, &c. The process was duly issued and served. Whereupon the congressional enforcement law of May 31, 1870, and the amendments thereto, were invoked as a lion in the path, on the petition of the Lynch-Herron board, in the United States court for the district of Louisiana, (Hon. E. H. Durell.) A writ of *certiorari* was promptly ordered, issued, and served upon Judge Elmore, of the eighth district court, and the cause immediately transferred to the United States district court. Exit cause No. 13579.

On the 6th of December, in the eighth district court, the De Feriet board filed their petition against the Lynch-Bovee board, (that board having now, by virtue of a judgment in the supreme court of the 2d of December, put out Herron and put in Bovee, although the latter was individually ineligible to the returning board, because at this very election he was a candidate for the office of police juror for the parish of Saint James, and had counted himself in,) setting up the facts, and obtained an injunction which was issued and served the same day, restraining them from acting, &c., as returning officers, or interfering with the complainants pending the suit; which defendants disregarding they were ruled to show cause why they should not be attached for contempt. But the rule was prematurely swallowed up in the maelstrom of military conquest.

Samuel Armstead is a colored man. He was a candidate for the office of secretary of state at the election on the McEnery ticket, and returned duly elected by the legal official returns. In the eighth district court, on the 6th of December, he filed his petition and complaint (No. 13596) against the Lynch-Bovee board, alleging their usurpation of the functions of returning officers and their revolutionary and fraudulent combinations, &c., upon which he obtained an injunction, which was duly issued and served, restraining them from acting, &c., and from counting any other returns than the legal official returns in the possession of the governor in pursuance of law.

On the 7th of December, on the petition of defendants in the United States district court, before Judge Durell, proceedings for a writ of *certiorari* were had as in case No. 13579; and thereupon case No. 13596 was immediately transferred from the eighth district court to the United States district court. Exit No. 13596.

We return to the 16th of November. On that day the prospects of the revolutionists, composing the active managers of the custom-house party, apparently were gloomy and alarming. The legal official returns were fatal to them. By those returns the Kellogg party knew they were inexorably beaten; else why did they not abide by them and pursue their legal remedies? The spirit in the party, never to submit or yield, stimulated into hopeful activity by the well-known appliances of United States Marshal Packard, assured them it was indispensable to their schemes that those returns, even more than the returning officers canvassing and compiling them, must be stifled; yea, even—

> Though you untie the winds, and let them fight
> Against the churches; though the yesty waves
> Confound and swallow navigation up;
> Though bladed corn be lodg'd and trees blown down;
> Though castles topple on their warder's heads;
> Though palaces, and pyramids, do slope
> Their heads to their foundations; though the treasure
> Of nature's germins tumble all together,
> Even till destruction sicken.

Wherefore, on the 16th of November, 1872, in the United States district court, for the district of Louisiana, Hon. William Pitt Kellogg filed his petition (No. 6830) in equity *vs.* Governor H. C. Warmoth, the Wharton board, and the publishers of the official journal of the State, alleging, among other things, that complainant was a candidate for governor; that Warmoth tried to beat him with McEnery; that the registration was fraudulent; that ten thousand persons were refused registration on account of color, race, and previous condition of servitude; that ballots were illegally rejected at the election, to his prejudice; set up and relied upon the enforcement act of May, 1870, together with the amendments thereto; and avers he has the proof prescribed in that act by which to determine the State election in Louisiana; that Warmoth and others are going to make a false count of the returns that Wharton was not secretary of state; that the Wharton board was wholly illegal; that the Lynch-Herron board was the only legal board; that the Wharton board intended to return McEnery duly elected and Kellogg duly defeated; that McEnery was countenancing, aiding, and abetting those fraudulent schemes to defeat the lawful results of the election; that it is all contrary to equity and good conscience, (God save the mark!) wants all the certificates, returns, and statements of election preserved from impending destruction, so that the legal evidence of his right to the office of governor should continue available when the time should come to bring the proper action; that Warmoth intends to overthrow a republican form of government in the State; that unless restrained he will destroy the legal evidence necessary to prove Kellogg's election, before the time comes for the commencement of legal proceedings to establish his right to be governor, &c.; and he prays for the most gracious writ of injunction, restraining Warmoth, *pendente lite*, from acting as governor, the Wharton board from counting the returns, &c., McEnery from making any claim to the office of governor, &c., and the newspaper, the New Orleans Republican, the official journal, from publishing anything from Governor Warmoth or the Wharton board in relation to the election of November 4, 1872; and further, that the governor be required to make and deposit with the clerk of the court full, true, and exact sworn copies of every paper, document, affidavit, tally-sheet, list, sworn statement, certificate, or letter, from every commissioner or other officer concerned in the election, in order that the same might not be destroyed by Warmoth and his confederates, and that Kellogg might have them to establish his right to be governor of Louisiana in some suit which he might thereafter see proper to institute to that end.

The defendants were cited to show cause on the 19th November why, &c., and in the mean time were restrained, &c., and on the 19th they were enjoined and restrained *pendente lite*, according to the prayer of the petition.

On the 19th of November Governor Warmoth excepted to the jurisdiction of the court, answered and denied each and every material allegation of the petition, &c.

The De Feriet board had never been enjoined. They made their report, as we have seen, on the 4th of December, and in accordance therewith the governor issued his proclamation of the 4th of December. Thereupon, on the 5th of December, the Hon. E. H. Durell, of

the United States district court, issued the following order in the case of Kellogg *vs.* Warmoth *et al.*:

Now therefore, in order to prevent the further obstruction of the proceedings in this cause, and further, to prevent a violation of the orders of this court, to the imminent danger of disturbing the public peace, it is hereby ordered that the marshal of the United States for the district of Louisiana shall forthwith take possession of the building known as the Mechanics' Institute, and occupied as the state-house for the assembling of the Legislature therein in the city of New Orleans, and hold the same subject to the further order of this court, and meanwhile to prevent all unlawful assemblies therein, under the guise or pretext of authority claimed by virtue of pretended canvass and returns made by said pretended returning officers, in contempt and violation of said restraining order; but the marshal is directed to allow the ingress and egress to and from the public offices in said building of persons entitled to the same.

E. H. DURELL.

I maintain the enforcement act of May, 1870, and the several acts amendatory thereof, to be unconstitutional and void; but I do not now propose to discuss that question.

The parties to this suit were citizens of the same State, and the bill was an original bill. It related to matters not before litigated in the court by the same persons, standing in the same interest, nor was it ancillary to a case of which the court had jurisdiction. (Constitution United States, art. 3; Shields *vs.* Barrow, 17 Howard, 130; Christmas *vs.* Russell, 14 Wallace, 81.)

The jurisdiction, however, claimed by the court in virtue of the twenty-third section of the act is special, and is predicated only on a state of fact or class of cases expressed and enumerated therein; and therefore all other or different states of fact or classes of cases are necessarily excluded therefrom. Now, the pleadings and proof in the cause fail to show that the state of case provided for had yet arisen or existed at the filing of the bill, the making of the orders, or the rendition of the final judgment. Moreover, the proceedings of the court, in deposing the State board of returning officers and in its stead setting up a board of the court's own creation, was a plain usurpation, contrary not only to the spirit of the act, but violative, palpably, of its express terms; because the natural tendency, the actual effect, and the sole intention of these proceedings involved the determination of the election of delegates in Congress and members of the State Legislature—as to each and all which jurisdiction is not only not conferred, but is expressly denied by the very terms of the act itself.

Here is a case, too, where the executive of Louisiana was about to officially execute a State law generally, and especially as a member of the returning board. Not so to execute the law was to violate his oath of office, and to call down upon his own head merited denunciation, together with lawful impeachment and expulsion; whereupon the court steps forward and says to the executive, "You must renounce your convictions, violate your sworn duty, and leave the law unexecuted; and, on the other hand, you must do what I tell you—that which you believe to be unlawful and revolutionary." And this the court proceeds to compel him to do.

The functions of the executive generally, but more especially as a member of the returning board, were not merely ministerial, but, by virtue of the constitution and laws of the State of Louisiana, they were discretionary and judicial in their nature, their details, and their objects, and therefore wholly above and beyond the jurisdiction of the court. And I understand the doctrine to be well settled that on principles of public policy an action will not lie, nor will an injunction issue in a Federal court against a State officer of that description, restraining him from the performance of his public official duty. (4 McLean, 26; 14 Haz. Pa. Reg., 129; Lee *vs.* Preuss; 3 Cr. C. C., 112; Baldwin's Rep., 205; 1 Cranch, 166; 12 Peters, 524–609; 6 Howard, 100; 6 Wallace, 407; State of Mississippi *vs.* President Johnson; 4 Wallace, 498–500; United States, &c., *vs.* James Guthrie; 17 Howard, 304; Decatur *vs.* Paulding; 14 Peters, 497; Gaines *vs.* Thompson, 7 Wallace, 347.)

But, I ask, can it now and here be seriously pretended by any one that the action of Judge Durell by such orders and proceedings is of lawful authority to arrest the vital functions of the established State government, paralyze State officials, great and small, in the actual necessary discharge of lawful public duty, and overthrow, *toto cœlo*, a republican State government in perfect relations with the Government of the United States? Shut our eyes to the fearful enormity of this usurpation in the scope and verge it takes, and look at only one familiar practical effect of it. If the State returning officers, merely, can thus be arrested and enjoined in the discharge of public official duty in the very crisis of an election, then could the supervisors of registration be so arrested and enjoined in the discharge of public official duty—then could the commissioners of election be so arrested and enjoined in the discharge of public official duty—on election day, and so the voter himself be stricken dumb and powerless at the polls, and the whole fabric of State government be so made, by this fly upon the charriot wheel, to fall into the condition, as it were, of a lapsed legacy.

Nevertheless we see such orders and writs were thrown about like fire-brands in the very sanctuary of popular government. Such an exercise of equity and good conscience, and of the *most gracious writ*, finds no warrant whatever in judicial precedents. It is original and devilish. In Illinois it was held:

If it be meant that a court of equity can grant a temporary injunction to stay the election, or prevent the officers elected from acting until a final hearing, the grounds are not well taken. A temporary injunction is but a matter of discretion, and a court would hesitate long before granting an injunction to stop the holding of an election, or to prevent an officer from entering upon the discharge of official duties, even if equity had jurisdiction, at least until after the final hearing of the case. We are aware of no well-considered case which has enjoined the holding of an election, or prevented an officer of the law from giving the required notices for or the certification of election. To sanction the practice of granting temporary injunctions in such cases would be highly calculated to obstruct the various branches of government in the administration of public affairs. Courts of equity can have no such power; otherwise any and all elections might be prevented. (The People *ex rel. vs.* City of Galesburgh, 48 Illinois, 489.)

So in the State of New York it was held:

I think there can be no doubt that in actions to oust persons exercising the duties of public offices, under a claim of right, a temporary injunction, restraining them from exercising the duties of the office pending the litigation, will not be granted. I have looked in vain for a single case recognizing such a right. The reasons for refusing such an injunction in such cases are clear and powerful. The exercise of the duties of offices are necessities to the public welfare. Unless the officer *de facto* is permitted to discharge the duties, they cannot be discharged until the end of the litigation and the legal title is determined. This, in many instances, might involve a long time, and the public might suffer serious injury, loss, and inconvenience. In frequent cases it might block the wheels of state while the petty inquiry was being investigated whether the one or the other of two persons was the legal incumbent entitled to exercise the duties of the office and receive the pay therefor. The controversy is essentially personal, in which view the public have no care. The people, by their laws, require that certain duties essential to the well-being of the State or community shall be exercised by individuals as officers or agents. The body-politic is too unwieldy to act, and the power is delegated, under rules, restrictions, and penalties, that the essential duties may be performed under responsible official sanction. Under these circumstances, it has been deemed better that an officer *de facto* should discharge the duties of an office rather than they should not be discharged at all. (See cases cited.) If the defendants are public officers within the meaning of the foregoing cases, the injunction should be dissolved beyond any doubt. Even though they be not public officers, the same reasons apply in a lesser degree, why they should not be restrained from discharging the duties of an office which they, in fact, hold, and no one else is authorized to hold in their place or stead. I think the rule applicable to public officers and to officers of corporations is the same, and in neither case will courts exercise their equitable power by injunction in a legal action practically to oust an incumbent from his office during the pending of the litigation brought to determine that very question. (The People *vs.* Mattier; 2 Abbott's Prac. Rep., 200; 12 Peters, 524; Cross *vs.* Du Valle, 1 Wallace, 7 Robertson's N. Y. Rep., 280; Taylor *vs.* Commonwealth, 3 J. J. Marshall, 407.)

The order of Judge Durell is a notable device. If maintained as the settled policy of the country any Federal administration may, at any time, through turbulent or venal politicians and subservient Federal judges, coin a pretext and defeat any popular election in any of the States. It is, indeed, of the very quintessence of centralism. Political liberty and it cannot coexist. Their enmity is organic, implacable, and eternal.

Judicial vengeance was, however, not yet sated; the architect of ruin still raged in the ermine. In the United States district court, on the 7th of December, Cæsar C. Antoine filed his petition (No. 6851) *vs.* Governor Warmoth, Secretary Wharton, Governor McEnery, the secretary of the outgoing senate, the clerk of the outgoing house, the Wharton returning board, the De Feriet returning board, the newly elected General Assembly, the official journal, the metropolitan police, and everybody and everything not in harmony with the custom-house conspiracy for the overthrow of the government and people of Louisiana. Cæsar C. Antoine, although at that time an officer of the Treasury Department of the United States, was a candidate on the Kellogg ticket for lieutenant-governor, the State constitution to the contrary notwithstanding, to wit:

ART. 52. No member of Congress, or any person holding office under the United States Government, shall be eligible to the office of governor or lieutenant-governor.

In his petition Mr. Antoine alleged everything which Mr. Kellogg had alleged in his petition, (No. 6820,) and much more, to give the injunctions he prayed for room and verge enough to quite encompass and paralyze the whole expanse of government in all its most requisite functions. And promptly, on the same day, Hon. E. H. Durell issued and had served the order "that said defendants, each and every one of them, be, and are hereby, commanded and restrained to the extent and effect as in said bill of complaint prayed for," until the further order of the court in the premises.

On the 4th day of December, 1872, board No. 3, the De Feriet board, completed their returns to the extent only of the election of members of the senate and house; and on that day they filed a copy of such returns, containing lists of the names of senators and representatives elect, in the office of the secretary of state, (in compliance with the law,) with the following sworn certificates:

We, the undersigned returning officers, pursuant to authority vested in us by act No. 98, of 1872, approved November 20, 1872, do hereby certify that the foregoing is a true and correct compilation of the statements of votes cast at an election for State senators held in parishes above named, on the 4th day of November, A. D. 1872, as made by the supervisors of registration of said parishes; and we hereby declare that the following-named persons were duly and lawfully elected State senators, [setting out their names.]

The returns being so incomplete in the senatorial districts composed of the parishes of West Baton Rouge, Iberville, Saint Martin, Iberia, Carroll, Madison, Morehouse, and Richland, that we do not feel able to declare accurately the results of the election in such districts, we, therefore, postpone action, and refer the returns to the senate itself for determination.

The same sort of a certificate (setting out the names of persons elected) was sent to the House, concluding as follows:

There being no returns from the parishes of Saint Tammany and Terre Bonne, and only meager, informal, and illegal returns from the parishes of Iberville and Saint James, we do not take the responsibility to declare the result of the election in the same, but postpone action to await the determination of the General Assembly.

A list of persons so returned elected to the senate and house was on the same day duly transmitted to the secretary of the senate and

clerk of the house of the last General Assembly, and proclamation of the result was duly made by the governor in accordance with the law, to wit:

STATE OF LOUISIANA, EXECUTIVE DEPARTMENT.

Whereas P. S. Wiltz, Gabriel de Feriet, Thomas Isabelle, J. A. Taylor, and J. E. Austin, returning officers appointed by the governor to fill vacancies existing in accordance with the constitution and laws of the State of Louisiana, have made declaration of the result of an election held November 4, 1872, and have declared certain persons elected to the senate and house of representatives of the State of Louisiana, as will appear from the returns herewith attached and made a part of this proclamation; and whereas such returns are compiled from the official returns of commissioners of election and supervisors of registration, on file in this office, and are in fact and in form accurate and correct, and made in conformity with law:

Now, therefore, I, Henry C. Warmoth, governor of the State of Louisiana, do issue this my proclamation, making known the result of said election, and command all officers and persons within the State of Louisiana to take notice of and respect the same.

Given under my hand and the seal of the State this 4th day of December, A. D. 1872, and of the Independence of the United States the ninety-seventh.

Both by the second section of the law of November, 1872, and by the fifty-fourth section of the repealed act of March 16, 1870, it is provided that "the returns of the election thus made and promulgated shall be *prima-facie* evidence in all courts of justice and before all civil officers until set aside after a contest according to law."

On the 9th day of December the General Assembly, as returned elected by the De Feriet board, met in Lyceum Hall (it was excluded from the state-house by United States troops) in pursuance of the governor's proclamation of the 21st November, organized, and proceeded with the public business. On the 11th of December the senate, in pursuance of section 2 of the election law of November 20, 1872, elected as returning officers of election Messrs. Forman, Mitchell, Thomas, Hunsaker, and Todd. Subsequently Thomas resigned from the house, and Mr. Southmayd was elected returning officer to fill the vacancy in the board. This board forms returning board No. 5. Forman was a reformer, Todd and Hunsaker were republicans, and Mitchell and Southmayd were democrats. This board succeeded the De Feriet board. The latter made returns only as to the General Assembly. On the election of the Forman board all the returns of the election were turned over to that board, (by whom they were finally delivered to the committee of the United States Senate;) and the latter went over all the returns of the election—except as to electors for President and Vice-President of the United States—and made their full and complete return thereof to the secretary of state, in pursuance of law. I will not stop to cite the report.

The Forman return was identical with the De Feriet return as to the members of the General Assembly, except in this, as to three members in the house—one from Saint James, one from Iberville, and one from the third representative district in New Orleans—who were excluded by the Forman report.

And as to the State officers, the following is their certificate accompanying their return:

We, the undersigned, returning officers, pursuant to authority vested in us by act No. 98, of 1872, approved November 20, 1872, do hereby certify that the foregoing is a true and correct compilation of the statements of votes cast at an election for State officers and Representatives to Congress, held in the several parishes of the State of Louisiana, on the 4th day of November, 1872, as made by the supervisors of registration of said parishes; and we hereby declare that the following-named persons were duly and lawfully elected to the offices set against their names respectively, to wit:

John McEnery, governor; D. B. Penn, lieutenant-governor; Samuel Armstead, secretary of state; H. N. Ogden, attorney-general; James Graham, auditor; R. M. Lusher, superintendent of public instruction; and George A. Sheridan, Congressman at large.

There being no returns from the parishes of Saint Tammany and Terre Bonne, and only meager and informal returns from the parishes of Iberville and Saint James, we do not take the responsibility to declare the result of the election in the same, but postpone action to await the return of the General Assembly.

ARCHIBALD MITCHELL.
B. R. FORMAN.
S. M. THOMAS.
O. F. H. HUNSAKER.
S. M. TODD.

DECEMBER 11, 1872.

Their report shows the following relative votes for the first two offices, and for Congressman at large:

For John McEnery	65,579
For William P. Kellogg	55,973
McEnery's majority	9,606
For D. B. Penn	68,251
For C. C. Antoine	53,194
Penn's majority	15,057
For George A. Sheridan	65,016
For P. B. S. Pinchback	54,402
Sheridan's majority	10,614

Let us return to board No. 4, the Lynch-Herron board. When Mr. Lynch seceded from the original board and left the governor's office on the 14th of November, after Secretary Wharton and the newly-elected returning officers, DaPonte and Hatch, took their seats at the board, it appears that he and Messrs. Herron, Hawkins, and Longstreet resolved themselves into what they called *the* board of returning officers; and on the 15th United States Deputy Supervisor Longstreet, in the behalf of the Lynch board, his colleagues, in writing demanded the election returns from the governor, who refused them on the ground that the returns were lawfully in his possession as governor of the State and *ex officio* president of the State board of returning officers. He said he had no lawful authority to surrender them to any one, and he refused to recognize any such self-constituted, illegal combination as the Lynch board. The Lynch board consequently never at any time got possession of the State official returns of election or of any part of them.

Thereupon the Lynch board began the battle of the boards and the comedy of the courts. I have already anticipated many of the ensuing events. On the 2d of December this board changed their minds as to Mr. Herron being the legal secretary of state, and arrived at the conclusion, as we have already seen, that he was not that officer, but that Mr. Bovee was; whereupon they promptly shoved Mr. Herron aside, and shoved Mr. Bovee in his place on their returning board, as secretary of state.

Subsequently, on the 7th day of December, the Lynch-Bovee board (No. 6) published a list of the names of persons declared by the board to have been duly elected to the General Assembly, and the following is their appended certificate:

We, the undersigned, returning officers, pursuant to authority vested in us by act No. 100, approved March 16, 1870, do hereby certify the foregoing is a true, correct compilation of the statements of votes cast at an election for representatives to the General Assembly of the State of Louisiana, held on the 4th day of November, A. D. 1872.

The same form exactly was used as to the senators—the first signed by John Lynch, James Longstreet, Jacob Hawkins, and George E. Bovee, returning officers; the second by the three first named only.

Now, as we have seen, the fifty-third section of the law they claim to have pursued provides that—

The supervisor of registration shall make a list of all the names of the persons and offices voted for, the number of votes for each person, the number of ballots in the box, and the number of ballots rejected, and the reason therefor. Said statements shall be made in triplicate, and each copy thereof shall be signed and sworn to by the commissioners of election of the poll, and by the supervisor of registration. * * * The supervisor shall inclose one copy, * * * together with all memoranda and tally-sheets used in making the count and statement of the votes, * * * to the governor of the State.

Such, and such only, form the lawful data for the returning officers; and the act quoted by the Lynch board in their certificates, in pursuance of which they say they acted, imposed upon them the following oath:

I do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election; so help me God.

It will be borne in mind that, in the sworn certificates of the De Feriet board and the Forman board, they asseverate that their respective reports—

Are true and correct compilations of the statements of the votes cast, * * as made by the supervisors of registration of said parishes.

And it will be perceived that no such asseveration is anywhere made in their certificates by the Lynch board.

The report of the latter submits the following comparative results of voting as to the first two officers and Congressman at large:

For William Pitt Kellogg	72,890
For John McEnery	54,029
Kellogg's majority	18,861
For C. C. Antoine	70,127
For D. B. Penn	56,340
Antoine's majority	13,787
For P. B. S. Pinchback	68,947
For George A. Sheridan	58,700
Pinchback's majority	10,247

On the basis of the Lynch board report, a body known as the Pinchback-Kellogg general assembly, under the actual protection of the United States forces, met in the Louisiana state-house (which had been previously surprised, surrounded, and captured by the troops) on the 9th day of December, 1872, under color—but in contempt—of the governor's proclamation of the 21st November, and hastened to organize and proceed with their plans.

At the general State election in 1868 O. J. Dunn had been elected lieutenant-governor for the ensuing four years on the Warmoth ticket, and in the summer of 1871 he died. To fill the vacancy, on the 24th of November, 1871, Governor Warmoth issued his proclamation, and convened the senate in extraordinary session on the ensuing 6th day of December, 1871; and the senate on that day elected "one of their members," to wit, Senator Pinchback, provisional president of the senate, in pursuance of the following provision of the constitution:

ART. 53. The lieutenant-governor shall, by virtue of his office, be president of the senate, but shall only vote when the senate is equally divided. Whenever he shall administer the government, or shall be unable to attend as president of the senate, the senators shall elect one of their own members as president of the senate for the time being.

Senator Pinchback had been elected to the senate in 1868, for the term of four years, and his term expired on the 4th day of November, 1872, at which time he ceased to be "one of their own members," became, and continued, constitutionally ineligible to the office of "president of the senate for the time being," and consequently was, on the 9th day of December, 1872, and continued to be, without even

that quasi official status in the senate, indispensable, under article 122 of the constitution, to enable him to act until a successor "shall have been inducted into office."

Nevertheless, Mr Pinchback assumed to be lieutenant-governor of Louisiana, and was presiding officer of the Pinchback-Kellogg senate, which body straightway organized under him, as we have seen, on the 9th day of December.

Being palpably without even color of authority in law, and wholly devoid of the sympathy or countenance of the people, this General Assembly, immediately (with involuntary recreancy) adopted a concurrent resolution calling upon the President of the United States, in their own behalf, to "afford the protection guaranteed each State by the Constitution of the United States, when threatened with domestic violence." Themselves the sole creators of domestic violence, themselves begotten of it in the foul engendering of faction, themselves subsisting upon that, in and of which they had and kept their very being, and by means of which they were themselves shamelessly struggling to overthrow the State government, they yet had the unutterable effrontery to call themselves the State, and the State the thing they were; and then, in the prostituted name of the Federal Constitution, to call upon the Federal Executive to destroy that which his oath of office bound him to preserve, protect, and defend.

A resolution of the Pinchback house was hurried into the senate, impeaching Governor Warmoth of high crimes and misdemeanors, with notice of forthcoming particular articles of impeachment, and a demand then made that the senate take order for the appearance and trial of the State prisoner. The senate without delay resolved itself into a high court of impeachment, suspended the governor, elected Senator Harris presiding officer of the senate, and declared Mr. Pinchback acting governor, the constitution to the contrary notwithstanding.

ART. 53. The General Assembly may provide by law for the case of removal, impeachment, death, resignation, disability, or refusal to qualify, of both the governor and the lieutenant-governor, declaring what officer shall act as governor; and such officer shall act accordingly.

On the 9th of December, 1872, Mr. Pinchback was not a member of the senate, and could not then be its presiding officer. An officer, in the meaning of the constitution, is a person who holds a commission from the government. On the 9th of December Mr. Pinchback held no commission from the government of Louisiana. He was not an officer, and it was not in the power of a constitutional senate to declare him to be the "officer who should act as governor."

Moreover, Mr. Pinchback was, on that day, claiming to have been duly elected a member of the Forty-third Congress from the State at large, and as such member of Congress was ineligible to the office of governor or lieutenant-governor by the constitution of Louisiana, which declares:

ART. 52. No member of Congress, or any person holding office under the United States Government, shall be eligible to the office of governor or lieutenant-governor.

However, constitutions within the last decade have become but the husks of faction, whereon they feed and fatten, in unnatural gluttony, and turn, and overturn again, in all the frenzy of malevolent progression.

On the 10th of December Governor Pinchback sent in his first message to the General Assembly. The emergency was pressing. He recommended a speedy trial of Governor Warmoth; wanted the frauds in elections investigated, and the guilty authors punished; apostrophized suffrage; considered it painful for Congress to interfere with the subject of voting in the States, but was especially thankful for such interference on the present occasion, &c.

To all the resulting events of successful revolution the Lynch board had contributed their full share. The names of the worthies composing it may be remembered as Lynch, Herron, Bovee, Hawkins, and Longstreet.

It is averred to have happened to these gentlemen—and I am not aware that it has been gainsaid—that Mr. Herron received the appointment of recorder of mortgages for the parish of Orleans, worth. Mr. Lynch swears, from ten to twenty-five thousand dollars per annum,

Judge Hawkins received the appointment of judge of the superior district court, (an office created by the Pinchback-Kellogg general assembly which he counted in,) at a salary of $5,000 per annum.

Mr. Lynch's son, John, a minor, received the appointment of inspector of live stock, estimated to be worth $12,000 per annum.

General Longstreet received the appointment of levee commissioner, worth $6,000.

Mr. Bovee, who was a Federal supervisor of election in November, 1872, received the office of police juror, (counted in by his own board.) The police juror has charge of county roads, bridges, paupers, construction of court-houses, and everything of the kind, with power to levy specific taxes for roads, &c.

Mr. Kellogg, declared elected governor, was at and after the election a Senator in Congress.

Mr. Antoine, declared elected lieutenant-governor, was at and after the election United States collector for the port of Shreveport, and therefore a person holding office under the United States Government.

Mr. Clinton, declared elected auditor, was at and after the election sub-treasurer of the United States in the city of New Orleans.

Such are only a few of the peculiar characteristics of the Pinchback-Kellogg dynasty. To the natural vision it appears to have been from top to toe an impure, unmixed, pernicious usurpation.

Said Marshal Packard, when examined under oath:

Question. If the United States authority should be withdrawn entirely from the State of Louisiana and the two governments left to battle it out among themselves, which do you think would triumph?

Answer. I think the McEnery government would triumph.

We have considered the reports of the conflicting boards of returning officers; let us now inquire upon what basis rested those rival reports, in virtue of which the hostile legislative bodies were respectively organized.

We have seen by section 53 of the election law of March 16, 1870, heretofore quoted, that the sworn statements and accompanying papers of the supervisors of registration and the commissioners of election of each poll in each parish, officially sealed and sent to the governor, form the only legal data which the returning officers may and shall canvass and compile and thereof make returns to the secretary of state, &c. And under and in pursuance of this law all the conflicting boards profess to have acted, and to faithfully conform to which all were sworn.

Now the sworn statements, &c., of the sworn officers of election, provided for in that law, were all made and delivered from every poll and parish in the State to the governor, and by him opened and laid before the Wharton board of returning officers of the 14th November, 1872, afterward delivered to the De Feriet board, by that board delivered to the Forman board, (and finally by the latter delivered to the committee of the United States Senate,) in conformity with the provisions of that law. True, it is averred, and I think in some instances proven, that there had been frauds in the registration and frauds in the election—sometimes by one wing of the republican party and sometimes by the other—an evil, however, which had prevailed ever since reconstruction, but plainly in a less degree in the election of 1872, and these were easily susceptible of correction in the mode prescribed by law. But with these exceptional taints, these returns were the constitutional and legal statements, &c., of the election and the only data for the returning officers. These facts cannot be disputed with any propriety. Those identical papers the Lynch board ostensibly tried to obtain, thereby admitting their paramount and exclusive official authority; and they are at this moment in the possession of a committee of the United States Senate, and their identity and integrity sworn to by a cloud of witnesses, who alone, of all men, are best qualified to know the facts whereof they speak, to wit, Messrs. Warmoth, Wharton, Da Ponte, Hatch, De Feriet, Austin, Taylor, Wiltz, Isabelle, Forman, Mitchell, Thomas, Southmayd, Hunsaker, Todd, Bragdon, Woodward, and others. The question of boards was comparatively insignificant. The legal board is but a medium. On the other hand the returns were of the first importance as the only legal, official, decisive proof to be brought out. And the final abandonment of these returns by the Lynch board and the Pinchback-Kellogg party, after failing in their illegal efforts to control them, was the abandonment of the only proper official proof of the results of the election, and was equivalent to a confession of judgment in open court. Here this point is rested.

Now, upon the foundation, such as it is, of the return of the Lynch board rests the whole fabric of the Pinchback-Kellog government. Upon what, then, do those returns rest? Not upon those official statements prescribed by the law as the only foundation for the action of lawful returning officers; hence, for this cause, the so-called returns are illegal and fraudulent—a mere fiction, and the flimsy fabric a fraud built thereon. And as the best proof of this, I will cite to the House and the country some extracts from the sworn statements of Messrs. Lynch, Packard, Bovee, and others:

WILLIAM BOVEE sworn:

Question. The returning board of which you were a member did not return to the office of secretary of state any papers, but simply the result?

Answer. Simply the returns of the canvass.

Q. Not the papers on which they based the returns?

A. No, sir.

Q. Where are they?

A. I think they have been, until recently, in the hands of the Federal supervisor.

Q. Federal supervisor of what?

A. Chief supervisor of Louisiana.

Q. Do you remember whether you had any papers before you as a member of that board returned by the returning officers of the State?

A. We received no statements of votes from the governor. He was the proper party to lay them before us.

Q. Your canvass, then, was made chiefly upon the returns made by the United States supervisors, on a blank furnished by the republican State committee to the republican supervisor at each poll; that was the paper you had before you when you made the canvass?

A. Yes, sir; certainly it was, as far as State officers were concerned.

Q. You do not know what the official returns were from the parishes in Louisiana, then?

A. I never saw the statements of votes made by the State supervisors of registration.

Q. Did you ever see the sworn returns of the commissioners of election from any of the polls?

A. None, except in the parish of Saint James.

Q. Upon what basis did you make the count?

A. Upon the report of the Federal supervisors, and various affidavits.

Mr. LYNCH sworn: We had three classes of returns. We had first the returns made by supervisors of registration, representing the United States, who were in every parish we had then certified copies from State supervisors from certain parishes; and we had the affidavits of individuals. From these three classes of evidence we came to the result.

Q. From whence did you obtain those returns?
A. From the chief supervisor, according to my recollection.
Q. Who was the chief supervisor of election?
A. F. A. Woolfly.
Q. Acting under the act of Congress?
A. Yes, sir; and representing the State. * * * Those returns were turned over to him, and he turned them over to us, at our request. * * * I availed myself of every kind of information within my reach—not only these affidavits, but my former knowledge of the political divisions of the inhabitants of the State, as corroborative of the evidence placed before us.
Q. You estimated the vote upon the basis of what you thought the vote ought to have been?
A. Yes, sir; that was just the fact; and I think on the whole we were pretty correct.
Q. When you speak of the returns from those supervisors of the United States, do you mean that both those supervisors made returns?
A. No, sir; I believe they were generally on one side.
Q. Was not that one side that made those returns the republican side, or the Grant side?
A. They came, generally speaking, sir, from that side.
Q. Do you recollect of an instance where both supervisors outside of New Orleans submitted any returns to you?
A. I do not know that I remember any.
Q. Did you make your canvass upon affidavits, and upon the returns of one supervisor, and general report, and your general knowledge; was that the way?
A. We made up our returns from the reports from the United States supervisors of registration.
Q. Did you have any official returns before you furnished under the laws of Louisiana?
A. Did we have any?
Q. Yes; did you have any?
A. Not unless those I have stated.
Q. Did you have any at all?
A. No, sir; I do not think we had.
Q. You had no official returns furnished in pursuance of the laws of Louisiana before you?
A. No, sir.
Q. You made your canvass without those?
A. Yes, sir; we came to the conclusion that there were no official returns in existence, as the law had been trampled upon.
Q. Would the law having been trampled upon prevent an official return from being an official return as well?
A. No, sir; I suppose not.
Q. There were then official returns somewhere?
A. Yes, sir.
Q. When, as you stated here, you gave notice to Governor Warmoth, did you not suppose he had official returns?
A. Yes, sir.
Q. Then there were official returns?
A. Yes, sir.
Q. They were not before you?
A. No, sir.
Q. You counted votes, as you estimate, which were not polled at all, did you?
A. Yes, sir.
Q. Well, upon what ground?
A. On the authority of the United States law, and on the ground or principle of justice.
Q. You had no statement from any State officer of fraud, illegality, intimidation, disturbance, bribery, or corrupt influence, which prevented a fair and free and peaceable vote, before you?
A. Not from a State officer.
Q. No State officer whatever?
A. No, sir.
Q. Did you have before you any United States law that induced you to believe that United States officers had a right to make returns to you of persons elected to the Legislature?
A. We gave the law a liberal construction. * * * I believe so; I believe that the law goes into the school districts. * * * *
Q. Then, whatever you got was not from the United States supervisor who was present at the election, but you received them from the general United States supervisor of that State?
A. Yes, sir; we received them through him.
Q. You received nothing from the supervisors at the different polls, except through him?
A. No, sir.
Q. You had no communication, officially or otherwise, with the supervisors in the parishes directly?
A. Not directly, unless through these papers.
Q. Have you any information as to how those affidavits were made which you counted—as to how they were gotten up in those different parishes?
A. No, sir.
Q. Did not all the affidavits and other papers belong to your board?
A. No, sir.
Q. Whom did they belong to.
A. They were transferred to us merely by this officer, Woolfly.
Q. He was the United States officer who sent you the returns of the United States supervisors?
A. Yes, sir.
Q. And not the affidavits?
A. The affidavits came mostly through him.
Q. And those that did not come through him?
A. There were very few that did not come through him.
Q. What did you do with those few?
A. They were all returned to that office.

Mr. BOVEE recalled:

Question. Upon what ground was this material, upon which a State board was acting, returned to a man who was not an officer of the State at all?
Answer. I understand it to be through the courtesy of Mr. Woolfly that we received this evidence of the election.
Q. Is it not the duty of the canvassing board to return the papers before them to the office of the secretary of state?
A. That is the law of the State, but we did not get them from the proper officer.

By United States Marshal PACKARD:

Question. You stated yesterday that you had published in advance three forms of affidavits?
Answer. Yes, sir; I think there were four, upon reflection.
Q. Did those affidavits contain anything as to "race, color, or previous condition of servitude?"
A. No sir; the allegation is that the person was deprived of his right to vote as a citizen and legal voter.
Q. Did any of the affidavits as filled up state the person swearing to them had been deprived of the right to vote on account of "race, color, or previous condition of servitude?"
A. I think it was not printed in any of them.
Q. Was it written in any of them?
A. I have not examined scarcely any of them.
Mr. RAY (of the Kellogg party) interposing: I suppose it may go down on the record as admitted that they do not state that it was on account of "race, color, or previous condition of servitude." I will examine the affidavits; and if upon that examination I find the fact to be otherwise I desire to save the question.
Q. I observe that Mr. Ray has been examining the affidavits produced here as having been before the Lynch returning board. I now ask if it is agreed that none of these affidavits stated that the person making the affidavit was excluded from voting on account of "race, color, or previous condition of servitude."
A. (by Mr. RAY.) None of them contain that statement; and I think none of the others do. I will make that admission as to these.

Mr. BOVEE, again:

Question. In regard to the preparation of these affidavits, do you know where they were prepared?
Answer. I think they were prepared in New Orleans, by the republican executive committee.

Mr. PACKARD, again:

Question. You stated that you had printed, before the election, three forms of affidavits?
Answer. Yes, sir.
Q. How many did you have printed?
A. My recollection is about thirty thousand. I caused them to be distributed to nearly every parish before the election.
Q. To whom were they distributed, * * * to both the United States supervisors of election or only to the republican supervisors?
A. Well, probably to the republicans.
Q. Did you get up a form of returns in your committee for the supervisors to make in the State election?
A. I did.
Q. Did you send them to all the United States supervisors?
A. I said I sent them either to the supervisors or to the chairmen of the republican parish committees.
Q. Were there two supervisors appointed at each polling place throughout the State?
A. There were, generally.
Q. When you stated you sent out those blanks to the United States supervisors, whom did you mean?
A. I referred to the republican supervisors.
Q. You did not send them to the democratic supervisors?
A. In no instance, I think.
Q. Did you have any communication with the persons selected as supervisors on the fusion or liberal side?
A. I do not remember having had any communication with them directly.

I mention, as only a few examples, the proof shows that one man took 25,000 affidavits to the Red River parishes, and that in the following-named parishes affidavits were counted as votes, to wit: In Natchitoches, 1,206; Bossier, 1,159; Rapides, 1,000; Madison, 600; Saint Mary's, 500; Plaquemines, 1,314; Washington, 450, &c.

THEODORE JAQUES, (a Grant republican,) sworn: * * * *
A. I put a thousand names to a thousand affidavits.
Q. Without any authority from those men?
A. Yes, sir; for many of the men were men of straw.
Q. How did you go to Plaquemines?
A. I went in a steam-launch belonging to the Government.
Q. Where did you sign these affidavits?
A. In New Orleans.
Q. Who was present when you went to the office of the returning board?
A. Mr. Bovee, General Longstreet, Colonel Lynch, and leading politicians, and, I think, General Herron, but I won't be positive.
Q. Did you hand these affidavits to the board?
A. Yes, sir.
Q. To what member of the board?
A. I think to Mr. Bovee or Mr. Lynch.
Q. What did Mr. Bovee say to you when you handed to him these affidavits?
A. "Jaques, you are a hell of a fellow."
Q. What did you reply?
A. "George, if you want a few more I can get you some by ten o'clock in the morning."

But I must forbear. Comment is unnecessary. So the so-called returns of the Lynch board had not even the counterfeit semblance of law. They do not come to us in the merely questionable shape of legal official returns, with a taint here and there, susceptible of being purged away from the healthy body by a legal contest. No; they stand transfixed before the world, the guilty embodiment of total depravity. They fall, and with them, toppling down, comes the whole spurious fabric of the Pinchback-Kellogg government.

We recur to Judge Durell's midnight order of the 5th of December, in the case of Kellogg *vs.* Warmoth. Near eleven o'clock, in the night-time, United States Marshal Packard was sent for by the judge, and arriving at the judge's lodgings the marshal was informed by him that he was going to issue an order for the occupation of the state-house, and he wanted it executed in the morning, and inquired of the marshal if he could get ready for it. The marshal immediately made requisition for the United States forces. And on the 6th—

> At midnight, when mankind is wrapt in peace,
> And worldly fancy feeds on golden dreams,

a detachment of the Army of the United States surprised, surrounded, and captured the state-house of Louisiana, and reduced it to military occupation.

Captain R. M. JACKSON sworn:

Question. What is your position?
Answer. I am a captain in the First Artillery.
Q. Where are you stationed?
A. My station now is Fort Barrancas, in Florida.
Q. Were you at New Orleans?
A. Yes, sir.
Q. During the recent election?
A. No, sir.
Q. When did you go to New Orleans?

A. On the night of the 5th of December.
Q. Did you go there with your company?
A. I went there with two batteries of my regiment.
Q. How many men?
A. Eighty-six.
Q. Did you take possession of the Mechanics' Institute, used as a state-house in New Orleans?
A. Yes, sir.
Q. At what time?
A. I think about two o'clock on the morning of the 6th. * * * I took possession under verbal orders from the adjutant-general of the department, Colonel Duncan. * * * Those orders were to take possession of the state-house and hold it, under the orders of the marshal.

So it appears that the marshal did get ready. The truth is only too plain, that all the foregoing were carefully-prepared proceedings in pursuance of a previously well-digested plot.

And now come thick and fast the unerring proofs of sinister schemes in the no longer disguised confident reliance upon the President and Army of the United States by the Pinchback-Kellogg managers for the successful consummation of their conquest of the government of an unoffending State. Artful bulletins of the current of events, and inflammatory calls to hurry up Federal succors, chased each other back and forth upon the burdened wires, to wit:

On the 16th of November, Marshal Packard (telegram) to Attorney-General Williams, requisition for troops referred to General Ewing to learn desire of Government. Enforcement act defied by Warmoth's returning officers.

On the 2d of December the following ominous order:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD,
United States Marshal, New Orleans:

You are ordered to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

On December 6 James F. Casey, United States collector of the port of New Orleans, and brother-in-law of the President, hastens exultingly to inform him that Pinchback had taken possession of the state-house; that Judge Durell's sweeping decree against Warmoth, &c., had been rendered; that "if enforced it will save the republican majority and give Louisiana a republican legislature and State government, and check Warmoth in his usurpation;" that the Pinchback legislature would meet in the state-house, under the protection of the court.

On the same day Marshal Packard to Attorney-General Williams, announces the promulgation of the report of the Lynch returning board, &c.

On the 9th of December, the same to the same, states Kellogg's majority.

Another, on the same day, from the same to the same, stating Pinckback had taken possession of the governor's office.

Another, on the same day, from same to same, states the high court of impeachment for the trial of the governor had been duly organized, &c.

Another, on the same day, from same to same, stating supreme court had sent Judge Elmore, of the eighth district court, to jail, and announced republican strength in the Pinchback-Kellogg legislature.

Another, on the same day, from same to same, states Governor Warmoth had been impeached, and that the McEnery legislature was not in session.

On the same day P. B. S. Pinchback to the President of the United States, announces himself as governor of Louisiana, refers to the resolutions of the Legislature, and asks for the protection of the United States Government, &c.

On the 10th of December, Marshal Packard to Attorney-General Williams, says the Pinchback legislature met and counted the vote; that Kellogg is elected governor and Antoine lieutenant-governor.

On the same day, Pinchback to the President, states that a majority of honest citizens approve his course, and declares the democrats are inflammatory and incendiary,

On the 11th of December, Marshal Packard to Attorney-General Williams, says the defiant Warmoth legislature is in session at the city hall.

On the same day, J. R. Beckwith, United States attorney, to Attorney-General Williams, says condition of affairs disturbed; that Warmoth, though suspended, had issued his proclamation against Pinchback and his legislature; feared a collision; says the question is now political, and that Pinchback and his legislature are legitimate.

On the same day, Marshal Packard to Attorney-General Williams, says the Warmoth senate met this day, and that it has only seven *bona-fide* senators in it.

On the same day, the same to the same, says Warmoth legislature is in session at city hall; that Warmoth issued two proclamations declaring the Pinchback-Kellogg authorities and proceedings wholly illegal, and that he will resist them with all the power of the State, &c.

On the same day the following appeal to the President for fair play and non-interference was made by his former political *confrère:*

NEW ORLEANS, *December* 11, 1872.

To the President of the United States:

Under an order from the judge of the United States district court, investing James Longstreet, Jacob Hawkins, and others with the powers and duties of returning officers, under State election laws, and charging them with the duty of compiling the legal returns and declaring the result in accordance therewith, those persons have promulgated results based upon no returns whatever, and no evidence except *ex-parte* statements. They have constructed a pretended general assembly, composed mainly of candidates defeated at the election, and those candidates, protected by United States military forces, have taken possession of the state-house, and have organized a pretended legislature, which, to-day, has passed pretended articles of impeachment against the governor; in pursuance of which, the person claiming to be a lieutenant-governor, but whose term had expired, proclaimed himself acting governor, broke into the executive office, under the protection of United States soldiers, and took possession of the archives. In the mean time, the General Assembly has met at the city hall, and organized for business with sixty members in the house and twenty-one in the senate, being more than a quorum of both bodies. I ask and believe that no violent action be taken, and no force used by the Government, at least until the supreme court shall have passed final judgment in the case. A full statement of the facts will be laid before you and the Congress in a few days.

H. C. WARMOTH,
Governor of Louisiana.

On the same day, Hon. William Pitt Kellogg to Attorney-General Williams: "If President in some way indicate recognition, Governor Pinchback and Legislature would settle everything. Our friends here acting discreetly."

On the same day, James F. Casey, to the President, says opposition trying to array the people against us; rich against poor. "Our quorum in danger;" delay of troops "disheartening our friends, cheering our enemies;" if requisition of Legislature is complied with, all difficulty will be dissipated, the party saved, and everything go on smoothly.

On the same day, the same to the same: "Important you should immediately recognize Governor Pinchback's Legislature in some manner; I earnestly urge this and ask a reply."

On the same day, Acting Governor Pinchback to Attorney-General Williams: "I suggest the commanding general be authorized to furnish troops upon my requisition upon him for the protection of the Legislature and the gubernatorial office. The moral effect would be great."

On the same day, William Pitt Kellogg and James F. Casey, to the President, again urging compliance with the requisition for troops, otherwise fearing a collision.

Then came the following decisive response:

DEPARTMENT OF JUSTICE, *December* 11, 1872.

P. B. S. PINCHBACK, *Governor of Louisiana:*

Requisition of Legislature transmitted by you is received. When it becomes necessary in the judgment of the President, the State will be protected from domestic violence.

GEORGE H. WILLIAMS,
Attorney-General.

Another appeal for fair play:

NEW ORLEANS, *December* 12, 1872.

SIR: As chairman of a committee of citizens appointed under authority of a mass meeting recently held in this city, I am instructed to inform you that said committee is about leaving here for Washington to lay before you and the Congress of the United States the facts of the political difficulties at present existing in this State, and further earnestly to request you to delay executive action in the premises until after the arrival and hearing of said committee, which is composed of business and professional men without regard to past political affiliation.

THOMAS A. ADAMS,
Chairman.

His Excellency U. S. GRANT, *President of the United States.*

On the same day John McEnery to the President:

Claiming to be governor-elect of this State, I beg you, in the name of all justice, to suspend recognition of either of the dual governments now in operation here until there can be laid before you all facts and both sides, touching legitimacy of either government. The people denying the legitimacy of Pinchback government and its legislature simply ask to be heard, through committee of many of our best citizens on eve of departure for Washington, before you recognize the one or the other of said governments. I do not believe we will be condemned before we are fully heard.

On the same day the following:

DEPARTMENT OF JUSTICE, *December* 12, 1872.

Acting Governor PINCHBACK, *New Orleans, Louisiana:*

Let it be understood that you are recognized by the President as the lawful executive of Louisiana, and the body assembled at Mechanics' Institute as the lawful Legislature of the State, and it is suggested that you make proclamation to that effect; and also that all necessary assistance will be given to you and the Legislature herein recognized to protect the State from disorder and violence.

GEO. H. WILLIAMS,
Attorney-General.

And on the ensuing day the following:

DEPARTMENT OF JUSTICE, *December* 13, 1872.

Hon. JOHN MCENERY, *New Orleans, Louisiana:*

Your visit with a hundred citizens will be unavailing as far as the President is concerned. His decision is made, and will not be changed; and the sooner it is acquiesced in, the sooner good order and peace will be restored.

GEO. H. WILLIAMS,
Attorney-General.

And on the same day the following:

NEW ORLEANS, *December* 13, 1872.

Hon. GEORGE H. WILLIAMS, *Attorney-General United States:*

The entire republican party of this State thank the President and yourself for action of yesterday in recognizing the legal and constitutional State government. This action has prevented the consummation of the most barefaced and outrageous election frauds. Every indication points to quiet and good order. The bogus legislature of Warmoth has adjourned *sine die.* Police reported last night to Governor Pinchback.

WILLIAM PITT KELLOGG,
C. B. DURELL,
CHARLES CLINTON,
JAMES F. CASEY,
E. C. BILLINGS, &c.

On the 14th of December Acting Governor Pinchback to the President, announcing the Warmoth party in arms and in warlike array to resist him, &c.; says the Warmoth force is too strong for him; says they will surrender only to the United States military force; says he has called on the commanding general of the department for the requisite military force, &c.

On the same day E. D. Townsend, Adjutant-General, to General W. H. Emory, United States Army, commanding, New Orleans, Louisiana:

You may use all necessary force to preserve the peace, and will recognize the authority of Governor Pinchback.

On the same day the following:

NEW ORLEANS, *December* 14, 1872.

To the Adjutant-General, U. S. A.:

On the receipt of your telegram last night an officer was sent to the contesting parties to ask the evacuation of the arsenal and the dispersion of the armed forces. The demand was promptly complied with, and the arsenal turned over to the State authorities this morning. Everything is now quiet.

W. H. EMORY,
Colonel Commanding, Bv't Maj. Gen.

On the 6th January, 1873, the following:

DEPARTMENT OF JUSTICE, *January* 6, 1873.

S. B. PACKARD, *U. S. Marshal, New Orleans, Louisiana:*

The report of the committee of two hundred, that the President regards his recognition of the existing government as provisional and temporary, is not true. The recognition is final, and will be adhered to unless Congress otherwise provides.

GEORGE H. WILLIAMS,
Attorney-General.

And on the same day the following:

NEW ORLEANS, *January* 6, 1873.

To General W. T. SHERMAN, *commanding the Army, Washington, D. C.:*

The day passed quietly. No disturbance whatever.

W. H. EMORY,
Colonel Commanding.

And on the 7th January, 1873, the following:

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 7, 1873.

Official copy respectfully submitted to the Secretary of War.

W. T. SHERMAN, *General.*

Such is the succinct chronicle, by telegram, of the decline and fall of Louisiana.

The revolting exhibitions of bad faith, corruption, and conquest, in the dishonored names of peace, order, and the guarantees of the Constitution, infesting the tortuous paths we have now explored, will lead, when unchecked, in the future as in the past, to tyranny, to chaos, and to death:

> When the world bow'd to Rome's almighty sword,
> Rome bow'd to Pompey, and confess'd her lord:
> Yet one day lost, this deity below
> Became the scorn and pity of his foe:
> His blood a traitor's sacrifice was made,
> And smok'd indignant on a ruffian's blade:
> No triumph's sound, no gasping army's yell,
> Bid, with due horror, his great soul farewell.

Such exhibitions cannot be dismissed as forming merely—

> The wily shifts of state, those jugglers' tricks
> Which we call deep designs and politics.

They are of far deeper significance. They form the oft execrated and always execrable orgy of perfidy, usurpation, and spoils, upon the blackened and bleeding body of order, liberty, and law.

Brought face to face with this unhappy conflict for the government of Louisiana by disappointed office-seekers, with the undisputed constitutional administration of the State, what then was the plain, paramount duty of the President in the premises? Why, there was actually nothing whatever difficult or embarrassing in it. His duty was simple and most obvious. The President had merely to be consistent with himself in leaving local affairs to local authorities, by adhering for the time being in his executive action to those authorities and that administration which constantly in every form, at the time, and for years previous, had been officially recognized by all three of the great co-ordinate departments of the United States Government. The State constitutional administration was in the constitutional possession of the only official returns of the election of 1872. The great body of those returns was, in any aspect of the case, by the lawful officials, and, on the face of them at least, in conformity with the forms of law; and therefore, *prima facie*, legal and conclusive until set aside or purged in the mode prescribed by the constitution and laws of Louisiana in cases of contested elections. By all the sanctions of law and order, by whatever is essential to the authority and stability of constitutional government, general or local, it was absolutely indispensable that they should be recognized and respected on the part of every branch of the Government, State and Federal, and by the entire citizen body everywhere.

By the constitutions of all the States known to this Union the legislative departments everywhere are made, and of necessity must be, the sole judges of the elections, returns, and qualifications of their own members. That has universally been regarded as a legislative, not as a judicial, function.

If one turbulent and unscrupulous man, on the bench, for instance, of an inferior court, or several such men on several such benches, whether local or federal, undertake to obliterate constitutional boundaries; to swell above and overtop the very law-making power by whose arbitrary fiat they live and have their being, and so overspread the whole ocean-bed of political expediency and party strife, surely such pernicious example should be condemned, not sanctioned, in high places.

Wherefore, when one or two unsuccessful candidates for State offices, contrary to the evidence of the only official returns, factiously claim to have been elected, and under the plausible mask of a bill in equity ostensibly to perpetuate testimony, covertly seek through such judicial iniquity to overthrow the laws and subvert the established government of a State of this Union, they have no right to deceive and degrade an American President in his high office to that lower level, the level of a co-operating partisan in Louisiana republicanism. And when in furtherance of such perfidy, that essential and exclusive function of every legislative body is usurped and wielded, and lawful legislatures pulled down and unlawful legislatures pulled up under cover of a writ of injunction in a decree in chancery, it is in the highest degree indecent and scandalous, if no worse, to call upon an illustrious Executive to consummate the brazen crime, under color of officially enforcing the mandates and decrees of an enlightened and virtuous court, adjudicating within the impartial, inviolable, and venerated precincts of the Constitution and the law.

The President is the head of a powerful party, has performed achievements which will outlive States and survive the oblivion of empires, is burdened with military renown, aspires to civic eminence, and ought to be animated by a patriot's and a statesman's love of stainless glory. A virtuous fame cannot afford to deserve the homage of faction and the execration of liberty.

The pendency of a suit, on and after the 16th of November, 1872, in the United States district court for the district of Louisiana, to perpetuate evidence, formed no decent ground for the Executive of the United States to depart from his long-established official recognition of the government of Louisiana in the administration of Governor Warmoth. The legitimacy of that republican administration could not be, and had not been, assailed by any friends of the President. And its constitutional status was everywhere recognized. On the 14th of November, on the 16th of November, and on the 6th of December, 1872, and throughout, that administration had been engaged in the usual lawful way in the business of carrying out the will of the people expressed and evidenced in pursuance of law, at the State November election, and was in the act of lawfully handing over the government to the representatives of the people, who had been legally elected to the succession.

Suddenly, this constitutional, established, universally recognized government is assailed by a *knot* of men, calling itself the official body, the government. Without official position; without any lawful evidence of election to the succession, unknown to the law, officially unknown to the authorities, State or Federal, this *knot* of men unable to deny their total destitution of the official returns—that by these returns other persons had been elected to the succession—nevertheless boldly proclaim they believe it to have been elected—if not elected it ought to have been—and *à fortiori* it is the government of Louisiana.

Having performed those extraordinary feats, they have the effrontery to call upon the Executive of the United States to officially recognize the *knot* as the government. What ensues? That great department, so fully informed in the premises, that further information is curtly repelled, naively repudiates all its subsisting official relations with the constitutional government of Louisiana, revokes its recognition of the Warmoth administration, and not only recognizes in the place of it this *knot*, this *tertium quid*—not only throws around it the whole moral panoply of full Federal communion, but deliberately, in the face of the world, and to the consternation of the devoted people of Louisiana, officially, with the United States Army, escorts it into power and place, and fortifies it there with all the dread blazonry of war.

The constitutional government of Louisiana as represented by its executive continued at the date of those events to have every previous claim upon the constitutional and moral support of the United States, as well in its executive as in all its co-ordinate departments. The revolutionary government never had any such claim, and intrinsically and extrinsically was notoriously misbegotten, illicit, and incendiary.

In Rhode Island in 1841–'42, when a formidable and far more respectable effort was made to overthrow the established government, the executive of the established government invoked Federal protection, and the then President recognized him, adhered to his previous recognition of him as the lawful executive power of the State, and took measures to call out the militia to support his authorty if it should be found necessary for the General Government to interfere. If in the Louisiana case the present President had only followed that judicious and most salutary precedent, what would have been the result? Why, it is conceded by all that if the Federal Executive had merely stood aloof, here as there the established government would have gone on in peace in its accustomed grooves, and the revolutionary government would have instantly sunken, here as there, into the most abject contempt. Unlike the Rhode Island case, it was at all times plain that the great body of the people of Louisiana were faithful to the established government, as represented by the State executive, and that the latter was in no need of Federal protection against threatened disorganization. He did not call for any. He asked only that the local government should be left to its own constitutional

resources and the will of the people. The inherently feeble machinations of the *knot* awakened no uneasiness in Louisiana, until in its support was outstretched the omnipotence of the Federal Executive arm.

Under the fourth section of the fourth article of the Federal Constitution "it rests with Congress to decide what government is the established one in a State. For as the United States guarantees to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority, and its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal." (Luther *vs.* Borden.)

The established government of Louisiana, as represented by Governor Warmoth and his successor, was in unison, and up to all the constitutional requirements, as heretofore so authoritatively expounded. The President had, as the case then stood, properly nothing to do with the question. He had nothing to do in that connection but simply to keep on then, as in the past, acquiescing in the *statu quo* of an established State government which he had no lawful right to control. If the officials of that government had become in point of fact illegal or revolutionary in design, the peaceful pursuance of the course prescribed by the constitution and laws of Louisiana by the aggrieved pointed the only way to tribunals and remedies sure and steadfast, and so in due course of time the wronged could have been righted.

It was pretended by the faction that Federal interference was necessary to insure a republican form of government; pretended in behalf of a faction then engaged in overturning a government long recognized as republican in form by every department of the United States; pretended in behalf of a faction afterward the successful builders of military despotism upon the ruins of a republican form of government. Such pretenses savor of the devil quoting Scripture.

Was Governor Warmoth about to establish an aristocracy, a monarchy, a military despotism? Whatever his faults, he was then in the very act of surrendering power and installing his successor in pursuance of law. Was Governor McEnery about to set up a monarchy, an aristocracy, or a military despotism? He was in the very act of accepting official responsibility by the command of the popular voice, expressed and proved, in pursuance of the constitution and the law.

Boldly reversing the actual condition of the debatants, calling the government insurrection and insurrection the government, it was pretended, in the interest of faction, that the resolute purpose of the Louisiana State government to exercise its constitutional functions and perform its official duties, factious combinations to the contrary notwithstanding, constituted a case of domestic violence, in the meaning of section 4 of article 4 of the Federal Constitution; a case of insurrection against the government, in the meaning of the Federal acts of February 28, 1795, and March 3, 1807: this done, one of the faction was then called governor, and more of the faction a General Assembly; and this combination thereupon, by swift-chasing telegrams, pathetically broke the news to the President that there was great danger of a collision, (with a constable or a *capias*, I suppose;) they assured the President if he would only recognize them and send the military they would soon settle things, and they begged him again and again to hurry up to their relief and protection "such part of the land and naval force of the United States as shall be judged necessary."

We have seen that in due time the promised aid was received; the regular government of Louisiana immediately succumbed to the military power of the United States, and usurpation and faction, with their loathsome progeny, "in many a scaly fold, voluminous and vast," now sit brooding over a heritage of liberty, the "fairest among ten thousand, and altogether lovely."

In view of those lamentable abuses, is it the part of candor to deny that the President, on his part, has fallen into a grievous mistake; that he has actually invaded and overturned the rights of the people of Louisiana?

A wrong confessed is a right vindicated, and the path of reparation is lighted with the smiles of angels and paved with the plaudits of men.

However, the duty of the Federal Legislature is obvious, the exigency great, and cannot with safety or with fidelity be postponed or evaded. It belongs to the dominant party in this Congress to vindicate the Constitution and uplift a wronged and fallen State. That party holds all the outposts, all the seats of power. It commands the vantage-ground, and wields and is responsible for the initiative. The minority are in themselves powerless. It is only too plain that an anti-republican, a despotic government, has been set up and is being maintained in Louisiana. True, a constitution on paper, republican in form, still exists there, but it exists chiefly in name, and only by sufferance in fact. That constituent element of the government which the administration composes is in deadly antagonism with every part of the fundamental law. Even if in all else, save only as to the persons who wield the power, that republican constitution be administered line by line, precept by precept, that still would not be the constitution acting *proprio vigore*, but solely by the policy or caprice of successful usurpation and protected crime, in defiance of those essentials of every organic law, its unity and supremacy.

Wherefore it is the inexorable duty of the Congress of the United States to overthrow the monstrous usurpation, recall the *statu quo* of the constitutional government at the time it was overawed, subjugated, and superseded by the Executive and the Army of the United States, and so restore to the government and people of Louisiana the untrammeled management and control of their own local and domestic affairs, subject only to the Constitution and laws of the United States.

FINANCES—CURRENCY.

Mr. FIELD. Mr. Speaker, early in the session I introduced a bill (H. R. No. 701) entitled "A bill authorizing the issue of 3.65 convertible bonds, to provide for their interchangeability with legal-tender notes, and to lessen the interest on the public debt;" and I will now explain the provisions of the bill and submit my reasons in support of the measure.

The first section provides that the Secretary of the Treasury shall issue on demand, in exchange for legal-tender notes, the bonds of the Government in denominations of fifty dollars and upward, bearing interest at the rate of 3.65 per cent. per annum, and principal and interest payable in the legal-tender or lawful money of the United States. I assume that no opposition will be made to this section of the bill. If the people choose to lend our Government money bearing this low rate of interest, I think convenient arrangements should be made to accommodate them.

The venerable Frederick Fraley, president of the National Board of Trade, a gentleman of ripe judgment and large experience, in a speech on the finances before the board at its recent annual meeting, expresses the opinions very generally entertained by our intelligent business men upon the necessity and public utility of this measure. He says:

> During the summer season money accumulates in the great commercial centers of the country and becomes such a drug there that it is loaned for all sorts of speculations. It is not actually demanded for the business purposes of the country, and it is loaned, to a very large extent, to the speculators and gamblers in stocks, and this leads to a very dangerous state of things which is very dangerous to the structure upon which our business rests. Now this proposition for the issue of certificates of debt, bearing a moderate rate of interest, is intended to provide for such a state of things, by giving to those who hold this currency in excess an opportunity of converting it into a security of the highest character, bearing a reasonable but modera'e rate of interest, with the privilege of reconverting it into currency when the necessities of trade and the fluctuations of the season shall demand such proceedings. The issue of such certificates would give an opportunity for investment of the funds of the savings institutions; and it would also give an opportunity for the investment of the surplus currency which might be held by the national banks; it would enable them to get some small return upon their money, instead of throwing it into the vortex of speculation.

The issue of Government bonds convertible into legal-tender notes is also recommended by General Spinner, the distinguished and venerable Treasurer of the United States. In his last report he says:

> At other seasons of the year nothing like the legally fixed quantity of currency is needed; neither can it be used for any legitimate purposes. At such times the holders, naturally desirous to "turn an honest penny," finding all the legitimate avenues of trade closed, either engage in speculations themselves, or place their money at interest with corporations and individuals, who too often use it for purposes that, in point of morality, are but little removed from ordinary gambling and downright swindling. * * * For these notorious evils a remedy should be found and interposed. In looking over the whole ground, no scheme has presented itself that would be so likely to accomplish the end in view as the authorization by Congress of the issue of a certain amount of legal-tender notes, that could at all times be converted into a currency interest-bearing stock of the United States, and for which the holder of such stock so authorized could at pleasure at any time receive legal-tender notes, with the accrued interest, from the day of issue of such stock to the day of its redemption. It is believed that a rate of interest no higher than 3.65 per cent. will be high enough to absorb the desired amount of the circulation when not needed for commercial purposes, and low enough to force the return of the bonds in exchange for legal-tender notes at the times when the business wants of the country shall require more currency.

It is now more than ten years since Congress, on the advice of the Treasury Department, refused to give a willing and patriotic people the privilege of furnishing all the money required for the maintenance and support of the Government at a moderate rate of interest. For some reasons, to the public unknown and unexplained, our financial chiefs and leaders insisted upon selling bonds at extortionate rates of interest and on conditions calculated to facilitate their shipment to Europe, so that at the present time more than one-half of our bonded indebtedness is held by foreign capitalists. If the terms and conditions on which these loans were invited had been more favorable for investment in our own country, the Government would have been supplied with an overflowing Treasury from the hands of the American people. In issuing currency, too, the Government has, upon the largest portion, insisted on paying interest—amounting in the aggregate nearly to $300,000,000—and the issues have been so cunningly arranged that the accruing interest, in nearly every case, instead of going into the hands of the people, was gathered into the swollen coffers of bankers and money-changers. The interest paid on compound-interest legal-tender notes, one and two year 5 per cent. legal-tender notes, and certificates of indebtedness was a gratuitous and shameful waste of public money, and nineteen-twentieths of this interest money fell into the hands of syndicates and bankers. If plain greenbacks had been issued instead of these interest-bearing notes, the burdens of the people in taxation might have been less oppressive, and no man can assert that greenbacks would not have accomplished this purpose just as well, if not better. The issue of compound-interest notes was a stupid compound folly of the Treasury Department for which our tax-payers have paid over $50,000,000 interest.

I aver that the interest paid by our Government was wholly unnecessary and unjustifiable on the following obligations, all of which were national currency in circulation:

Statement of interest paid since 1862 on national currency in circulation.

Compound-interest notes, (legal-tender)	$50,923,993
United States notes, one-year, (legal-tender,) 5 per cent	2,226,000
United States notes, two-year, (legal-tender,) 5 per cent	16,648,000
Certificates of indebtedness, (issued for commissary stores,) one-year, 6 per cent	33,705,194
Temporary-loan certificates, 4 per cent	3,000,000
Temporary-loan certificates, 5 per cent	5,000,000
Three per cent. certificates, (convertible into greenbacks on demand,) 3 per cent	5,100,000
Three-year Treasury notes, 7.3 per cent.,	181,770,000
Total	298,373,187

Now, there is no hidden mystery about this matter. Nearly three hundred million dollars have been needlessly expended for interest on Government obligations, which were a part of the circulating medium of the country; and our hard-working farmers and producers understand these questions, and they can estimate this enormous waste of the public money as well as Jay Cooke, McCulloch & Co.

In view of these facts and wrongs, and the stupendous mistakes, if not gross designs, against the Treasury, let us now offer the people a convertible bond, bearing 3.65 per cent. interest, in exchange for the legal-tender greenbacks which Congress on the 25th day of February, 1862, by solemn enactment, promised the American people should be convertible, at the option of the holder, into Government bonds at par. Let us at least make good this express contract in the legal-tender act.

The second section of the bill provides that the convertible bonds shall be issued bearing interest at 3.65 per cent., and the same shall be made payable on demand at the Treasury of the United States, and at such other convenient places as the Secretary of the Treasury may designate for the purpose. I think no objection can be urged to this provision in the bill. It provides at once against plethora or inflation of the currency, assures its elasticity and stability, and, if adopted by Congress, will be hailed with joy by the people, for they will know that on this fiscal arrangement no financial or commercial crisis can disturb the commerce and industries of the country, and for all time to come we may enjoy exemption from the destructive, distressing, and baneful effects of revulsions and financial panics. Let such a law be enacted by Congress, securing, as it will, elasticity to the currency, its volume to be expanded or contracted to meet the exact needs of the societary circulation, in active as well as in passive seasons of business, and we shall have a financial panacea which will exempt our country in the future from the power of the rings, the money-changers, and the swindlers, who, with a fixed and unalterable quantity of lawful money, possess the power to crush commerce and industry to suit their own avarice or caprice. We need at once and forever to clear ourselves from the unflinching grasp of unprincipled and unpatriotic men, who, by cornering and locking up our lawful money in times of stringency and peril, exercise their power to bring upon the country disaster and ruin; and while merchants are in distress, and industries embarrassed or paralyzed, they step in to buy up the hard earnings of a helpless and bankrupt people at their own will and at their own prices. Thus "the rich become richer and the poor poorer." But on the plan proposed in this bill we need have no apprehension of such combinations and misfortunes in the future; the surplus earnings of the people will be lodged with the Government, and whenever the business needs of the country require an increase of the currency, it will be at their easy call furnished by the Government in exchange for its convertible bonds.

The Treasurer of the United States, again, in referring to the necessity for an improvement of the currency, in his last annual report says:

> Few, if any, believe that the volume of the circulating medium, as fixed by law, stands at an amount that is exactly right. It must be obvious to all who have watched the course of the business and financial relations of the country that there are times when the real wants of the country demand, and there should be, an increase of the currency; and that there are other times when the safety of all legitimate business requires that it should be largely reduced. What is really needed is a currency so flexible as to at all times accommodate itself to the real business wants of the whole country.
>
> The greatest objection to an exclusively metallic currency is its want of elasticity. That there are regularly recurring times when the wants of legitimate trade require an expansion of the circulating medium to an amount much greater than is necessary at other times, is a fact that is patent to all observing business men.

From the days of barter among the savage and nomadic tribes, when shells and bark and stamped leather were in use as money, and afterward when bullocks and iron blooms were employed for the purpose, even down to the period of silver and gold currency, the use of credit in exchanges and settlements was wholly unknown; but during the past and present centuries the bank-note and the bank-check have been more universally employed as the instruments of exchange than any other description of money. Like the railroad and the telegraph, they have been the outgrowth, the necessity, and the complement of civilization. They are esteemed by merchants as superior to metallic money, for without their use the business of the wholesale community could not be transacted, and the wheels of commerce would become clogged and blocked. In England, as well as in the large cities of the United States, the bank-check performs the function of currency in volume a thousand times greater than the metallic money. Some idea of the extent of its use may be formed by considering the operations of the clearing-house in the city of New York, where the average daily transactions exceed $100,000,000; and in effecting exchanges of this magnitude very often not a quarter of a million dollars of lawful money is required. But outside of our cities, in the interior sections of our broad country, bank-checks are not so practicable, and the currency of lawful money is a greater convenience, if not an actual necessity, for the people.

There are two kinds of money: first, that created by the sovereign or by the national legislature, called lawful money; second, that of courtesy, which is employed by common consent and convenience, such as bank-notes, bank-checks, letters of credit, promissory notes, bills of exchange, and bank credits. If, however, an abundant and adequate supply of the first or best kind be furnished, a less amount of the second or inferior description would be required and used by the people.

Some ignorant persons have a notion that money should be redeemed, and they call ours "irredeemable currency" and "false promises to pay." Now, the power of transferring a debt from one to another is the true and only function of money. Who ever heard of English sovereigns or American eagles being redeemed in any other sense? Our greenbacks are in fact redeemed every day in effecting exchanges and in the payment of debts. Again, others, still more ignorant, assert that our money should be the money of the world—they never specify what world, nor do they describe the kind of money wanted, nor how Congress is to exercise its "express powers" to provide lawful money for other nations. If they mean gold coin, then what shall be done for China and the East Indies, containing probably one-third of the whole population of the globe, and whose money consists solely of copper and silver? Our sentimental writers on finance should know that the lawful money of one nation becomes merchandise, like corn and pork, in another; our gold coins, when shipped abroad, leave the country like other of our raw products, and bankers draw for the avails at sight. Such persons should also know that Congress can only provide money for the New World; and that our national credit—the greenback—is the best lawful money for the people of the United States.

Owing to a disturbance in private credits, commencing with the failure of Jay Cooke & Co., a shrinkage in discounts began in September; debts could not be paid by the usual currency; a vast volume of promissory notes and bills of exchange became unavailable and useless for settlements and exchanges, and a great manufacturing and trading population were compelled to fall back on the totally inadequate and limited supply of legal-tender and national-bank currency. The banks in New York and throughout the country were obliged to suspend payment in currency and resort to an illegal issue of clearing-house checks, which were used as money to the extent of $24,000,000. An increase of our lawful money was the true and proper remedy for the crisis, and even a knowledge of the fact that legal-tender notes could be had in exchange for Government bonds would have resulted in the complete restoration of confidence and commercial prosperity.

All our bank-notes and legal-tenders are not equal in volume to one in a thousand of other credits used in ordinary times as currency, for the entire circulating power is the circulating medium of the country. The rich trader requires, in ordinary times, but little legal-tender currency; he deals in private credits, such as bank-checks, bills of exchange, and promissory notes. This is the currency of wholesale. But the industrious classes, the day-laborer, and many others of small means, must have small bills for daily use. This is the money of retail.

Unfortunately, our laws fix and limit the volume of legal currency, which has been very much contracted since 1865. In the mean time the business of the country has vastly increased; paid labor now fills the Southern States, while the producing classes of the North and of the great West have multiplied in public and private enterprises until the army of laborers is counted by millions. The boy of eight years ago has now become a man and must have a man's clothes, else he will split his garments in every seam. Money is made for the use of producing classes principally, and its volume should be increased with the increase of population and with the growth of the productive industry of the country.

It is manifest that our money or currency must be increased sufficiently to pay all classes for their daily labor, or we must reduce the work and discharge the workers now employed on our farms, in our mines and workshops. The question is, shall the currency be increased with our increase of labor and business, or shall we reduce the labor and business of the country so as to handle the traffic conveniently with the volume now in circulation? The factory employing one hundred mechanics to-day certainly requires more currency than last year when only ten were employed. The production of wealth by labor has been more than doubled in eight years; in the mean time our national currency has been reduced over $1,300,000,000. While the demand, therefore, has been increasing, the supply has been rapidly diminishing, and the tightening process finally culminated last September in throwing one-half of our laboring population out of work.

The question is, shall we reduce the population of the country, keep one-half of our productive forces out of work, and destroy two-thirds of the wealth and property now on hand for the purpose of accommodating our condition to the present volume of the currency? If Congress shall refuse to augment the currency in order to meet the increasing needs of a growing country, then provision should be made for the annual destruction of our wealth. We should burn up our corn and cotton, our hominy and our hogs, to enable us to effect

our exchanges, and thus to suit the views of the ancients on finance and currency. The amount of money required being manifestly proportionate to the number and value of the exchanges made, it follows that as population increases domestic commerce enlarges, and occupations are diversified, an increase of the circulating medium becomes an absolute necessity to growth and prosperity.

The money that will pay one thousand men will not pay two thousand unless the latter reduce the price of labor one-half. Thus, currency must be increased or wages reduced. Which of these alternatives, Mr. Speaker, will you choose?

It is thus apparent that in this question of currency lies the conflict between capital and labor. It is a well-known fact that when money is abundant the laborer receives his full reward, and prospers, but when money is scarce the laborer finds but little employment even at "starvation prices." Thus, then, if we unduly restrict the volume of currency we oppress and pauperize labor, while we give capital more power to deny to the laborer and producer a fair reward for their toil. An abundant supply of currency facilitates and aids production like tools in the hands of the mechanic, and like oil on the axle, it accelerates and expedites. Its volume should not be fixed by law, for its uses are as changeable and variable as the wants of man. A single cup of water may suffice in winter, but the workman during the heat and dust of summer may need another draught; and so it is with currency—more is required at one season than at another.

Under the operation of this bill, the volume of our currency would be self-adjusting, expanding or contracting with the needs of the people, by this simple property of interconversion; for convenient facilities are afforded for changing at any time currency into bonds, or bonds into currency. The total amount of 6 per cent. bonds now outstanding is $1,218,728,150; and should this entire amount within a few years become transferred to 3.65 convertible bonds there would be an annual saving of $28,642,744 in interest on the public debt. On this point I again refer to the able report of the Treasurer of the United States. He says:

> This would change a large amount of the indebtedness of the nation from 6 per cent. gold-interest-bearing bonds to others bearing a lower rate of interest, payable in currency, thus making a great saving to the nation, and at the same time giving to all the people who choose to avail themselves of its benefits a place of safe deposit where they will be able to receive interest on their surplus means.

I have prepared statements showing the large contraction made during the past eight years in the volume of circulation.

On the 1st of September, 1865, the circulating medium consisted, in part, as follows:

United States notes	$433, 160, 569
Fractional currency	26, 344, 742
National-bank notes	300, 000, 000
Compound-interest legal-tender notes	217, 024, 160
Temporary-loan certificates, 10 d-d	107, 148, 713
Certificates of indebtedness	85, 093, 000
Treasury 5 per cent. legal-tenders	32, 536, 901
Treasury notes, legal-tenders past due and not presented	1, 503, 020
State-bank notes	78, 867, 575
Three-year Treasury notes	830, 000, 000
Total	2, 111, 678, 680

On the 1st of December, 1873, the circulating medium consisted in part as follows:

United States notes	$367, 001, 685
Fractional currency	48, 000, 000
Certificates of indebtedness	678, 000
National-bank notes	350, 000, 000
Total	765, 679, 685

It will be perceived by the exhibit here made that the currency has been reduced $1,345,998,995 since September 1, 1865.

The history of panics in England and in our own country discloses the fact that a sovereign and unfailing remedy is obtained by increasing the currency. In England this has been done in violation of law. In America let enlightened legislation prevent the occurrence of financial disorders in the future.

Referring to the existing panic, the Treasurer of the United States says:

> This could not have happened had there been an elastic and flexible instead of our present rigid and unyielding currency. There is scarce a doubt but this financial revulsion has cost the people in the aggregate hundreds of millions of dollars, to say nothing of the loss of revenue to the Government.

The views of the Comptroller of the Currency on the panic and the remedy therefor may be found in his last report, (page 22.) He says:

> It can hardly be doubted that if the surplus means of the country banks which were invested in call loans by their city correspondents had been invested in public funds, convertible into cash upon demand, the disastrous results of the late panic would have been avoided.
>
> A Government issue of certificates, bearing a low rate of interest, to be counted as a certain proportion of the reserve, is the proper remedy for such a state of things. If the surplus of the country banks had been to a considerable extent invested in such Government certificates the drafts upon the city banks would have been proportionately less: and if the surplus funds of the city banks had likewise been held in such certificates, the avails of such certificates would have been quietly withdrawn from the Treasury, and the banks would have found themselves possessed of ready means with which to supply the demands of their dealers.

By the act of March 3, 1863, Congress authorized the issue of fractional currency "not exceeding $50,000,000;" but the traffic of the country not requiring so large a sum of these small bills, the amount issued has never exceeded $48,000,000. The amount outstanding has varied between $25,000,000 and $48,000,000, and probably $10,000,000 of the issue have been worn out and destroyed. I refer to this fact as an illustration of the safe working of the convertible plan contemplated by this bill. The people have taken only $48,000,000 fractional currency, although they might have had $50,000,000; and so it will be with regard to the amount of greenbacks to be issued in exchange for bonds—no more will be taken than the business interests of the country require; and should the volume of currency at any time become redundant, the unproductive or excessive portion could be conveniently exchanged for the interest-bearing bonds.

Now, if the Secretary of the Treasury at the beginning of the existing panic had promptly paid out the $44,000,000 legal-tender reserve in exchange for Government bonds, distributing the same to the principal cities of the country, it would have been checked and ended. The Secretary would not have been under the necessity of asking Congress to tax the people to increase the revenue, for the prosperity of the country—a reserve not to be disregarded—would have continued, the receipts of the Treasury would have been ample for all public expenditures, and the wealth of the nation would have been over $1,000,000,000 greater than it is to-day. No business man of any experience will doubt this statement. Let us, therefore, in behalf of a depressed and paralyzed people, act with signal promptness in adopting measures that will start every workshop and factory throughout the land, set the unemployed laborers at work, and bring contentment and happiness to the people of the whole country.

The experience of England has been similar to ours in commercial revulsions. The panic of 1825 has been graphically described by Mr. Huskisson in the House of Commons, (Parl. Debs., vol. 14, page 230.) He says: "It was impossible to convert into money, to any extent, the best securities of the Government. Persons could not sell exchequer bills, nor bank stock, nor East India stock, nor the public funds." Mr. Baring said that "men would not part with their money on any terms nor for any security. Persons of undoubted wealth and real capital were seen walking about the streets of London not knowing whether they should be able to meet their engagements of the next day." At this juncture of the crisis, December 14, the banks totally changed their policy and discounted with the utmost profuseness. They made enormous advances on exchequer bills and securities of all sorts, and the great London panic of 1825 was completely allayed by the profuse issue of the notes of the Bank of England in excess of the limitation fixed by its charter. Between the 14th and 17th of December the bank issued over £5,000,000 in bank-notes. This bold policy on the part of the Bank of England directors and the ministry was crowned with the most complete success; the panic was stayed almost immediately throughout the kingdom, and private credits were again available for business purposes. (Macleod on Banking, vol. 2, p. 253.)

> All contemporary evidence proves that it was this profuse issue of £5,000,000 of paper by the Bank of England in a few days that stayed the panic. If the bank had persevered in the restrictive policy required by law for three days longer, the total and entire destruction of commercial credits would infallibly have ensued.—*Macleod on Banking*, vol. 2, p. 252.

I again quote from the same authority, describing the great panic of October, 1847:

> From Monday, the 18th, to Saturday, the 23d, was the great crisis. On Monday the Royal Bank of Liverpool, with a paid-up capital of £800,000, stopped payment, which caused the funds to fall 2 per cent. This was followed by the stoppage of the North and South Wales Bank, also of Liverpool, the Liverpool Banking Company, the Union Bank of Newcastle, heavy runs on the other banks of the district, and other bank failures at Manchester and in the west of England. As the whole commercial world knew that the resources of the banking department were being rapidly exhausted a complete panic seized them. A complete cessation of private discounts followed. The most exorbitant sums were offered to, and refused by, merchants for acceptances and commercial bills.
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> The continued and ever-increasing severity of the crisis caused the ministry on the 23d to authorize the bank to issue notes beyond the limits prescribed by the bank act, whereupon the bank immediately acted upon it and discounted freely at 9 per cent. The letter of the ministry proposing to submit to Parliament a bill of indemnity for the infringement of the law by the bank was not made public until one o'clock on Monday, the 25th, and no sooner was it done than the panic vanished like a dream.
>
> Mr. Gurney stated that it produced its effects in less than ten minutes. No sooner was it known that notes *might* be had than the want of them ceased. Not only did no infringement of the act take place, but the whole issue of notes in consequence of this letter from the ministry was only £400,000, so that while at one moment the whole credit of Great Britain was in imminent danger of total destruction, within one hour it was saved by the issue of £400,000 of the Bank of England notes.—*Ibid.*, p. 313.

Now, if the illegal issue of bank-notes saved England from an impending commercial catastrophe, should we not provide by law for the issue of our greenbacks in exchange for Government bonds in times of need, and thus prevent the recurrence of panics and commercial disorders in the United States?

"In every civilized country," says Tooke, "supplying and regulating the circulating medium is a function of sovereign prerogative." This doctrine has been admitted, and the power exercised in all ages; and since the Conquest the legal money of England has been regulated or altered by proclamation of the Crown, or by act of Parliament, one hundred and eighty-four times. Nearly every sovereign has altered the standard of money and legalized variations in its weight and denominations, and it has been so often reduced in value, and its quality from time to time so debased, that the lawful money of England to-day in weight is not one-third what it was in the twenty-eighth year of Edward I. In the days of William the Conqueror

the "pound" actually was a pound weight, pure silver, and a shilling was a twentieth part of a pound; but at the present day the pound is coined into sixty-six shillings; and yet the standard of money has been less degraded in England than in any other country.

To fix the standard and regulate money is of necessity a governmental function, and in this country this power has been lodged solely with Congress. All governments have assumed to alter the standard of money, and to change what they had a right to make. The facts in the history of American coinage show the view which Congress has taken of its own powers. On the 6th of July, 1785, the money unit of the United States was adopted, and on the 8th of August, 1786, Congress enacted that the silver dollar should contain 375.64 grains; that the gold eagle, or ten dollars, should contain 246.268 grains; and that the half-eagle, or five dollars, should contain 123.134 grains, all composed of eleven parts fine and one part alloy. The mint price of a pound, troy weight, of uncoined silver was fixed at $9.92. On the 16th of October, 1786, an ordinance was passed establishing the United States Mint, and the mint price of one pound of silver coin was then fixed at $13.77. By the act approved April 2, 1792, the weight of the eagle was increased and fixed at 270 grains, the half-eagle 135 grains, and the silver dollar 416 grains. The dollar was declared to be the unit of Federal money, and both gold and silver coins were made a legal tender for all sums. By the act of June 28, 1834, the weight of the eagle was fixed at 258 grains, the half-eagle at 129 grains, and the silver dollar at 412½ grains, thus reducing the weight of these coins 4 per cent. By act of Congress approved January 18, 1837, the weight of silver and copper coins was altered, and the standard of both silver and gold was altered to *nine* parts fine and *one* part alloy. Other changes, exceeding 6 per cent., were made in the standard and quality of money by acts of Congress approved March 3, 1851, and February 21, 1853, and the legal-tender quality of silver was limited to sums of five dollars.

This summary of legislation shows that Congress has exercised the power of determining what shall be legal tender—altering the laws regulating money according to the exigency of circumstances; increasing or diminishing the quantity and purity of gold, silver, and copper coins at its pleasure; changing their intrinsic worth, while retaining the same titles, bestowing upon them the same nominal value, and declaring Treasury notes issued at the close of the war of 1812, and also during the Mormon troubles in 1857, legal tender for certain purposes. The act of Congress approved February 25, 1862, invested the United States notes with the legal-tender quality. They were of small denominations and entered into general circulation, and they continue to be the lawful money of the country. Congress having the power to make these changes has also the same right to make any further changes which may seem to it wise. If it can declare that silver shall not be a legal tender for any amount above five dollars it can declare that it shall not be a legal tender at all, and it may deal in the same way with gold. It is not bound to either except by its own discretion. So, also, if it can alter the intrinsic value of these coins 1, 2, or 6 per cent. without impairing their legal-tender quality at the same nominal value, it may do the same thing to a still greater extent. In one word, Congress has always proceeded upon the assumption that the whole question of creating money and altering it lies within its constitutional competency. Moreover, when changes have been made in the weight and fineness of legal-tender coins, reducing their intrinsic worth, debts contracted before such changes, and made payable in dollars, have been paid in the new coins at their nominal value, and the debts discharged. In every such case the obligation was contracted under one standard and liquidated under another.

It is quite true that not until the late war had any occasion arisen to alter the legal tender except in relation to coinage. Then, however, Congress, in the exercise of those powers which are "necessary and proper" for carrying into execution its express powers, saw fit to invest United States notes with the legal-tender quality. It had the powerful precedent of the English Parliament in the bank act of 1833, wherein the legal-tender quality was imparted to bank-notes, and carried in the House of Commons by a vote of 214 to 156. There is not a clause in the fundamental law of the land, which confines Congress to gold and silver as the materials of which the legal tender must be composed, or which forbids it to use copper or platina, or anything else in its discretion, or restrains it from making any change in quality or kind, which in its judgment may be required by circumstances. There are such clauses in respect to the powers of the States, but none in respect to those of Congress. As to the whole question of creating money, designating its titles, and fixing its value, the people chose to make Congress the sole depository of legal power, without limitations upon its exercise; leaving it to act in the premises, to revise its own action, and from time to time to change its monetary laws according to its best judgment. It is not true, as is too often assumed, that in respect to the laws of Congress the legal-tender property is by the Constitution attached to gold and silver, and to these only. The truth is the Constitution does not make anything money—either gold, or silver, or anything else—but leaves this question with the legislative department of the Government, imposing no restraints or limitations upon its discretion, and assuming that it would be governed by the general principles of expediency and common sense. Now, in view of these antecedents and principles, I feel compelled to regard the powers of Congress over the money of the Republic absolutely sovereign, complete, indivisible, and unrestrained.

By act of Parliament in the time of William IV, the promissory notes of the Bank of England were declared a legal tender. This bank is a private corporation; and yet Parliament deemed it necessary and expedient to declare its notes a legal tender throughout England. Would it not have been more in accordance with the traditions and precedents of England had Parliament conferred this quality of lawful money and legal tender on the credit of the British government? They had not advanced far enough for that, and it remained for the Congress of the United States, representing the most intelligent and the most highly civilized people of the world, to coin "the credit of the nation," and it has thus wisely provided a lawful money for the people, an instrument of exchange more perfect than that of any other nation. In our progress and development a great stride was taken in monetary science when the legal-tender act of 1862 was approved by the President of the United States; and now to perfect our fiscal system is the task which Congress must undertake and accomplish. I have referred to the acts of Parliament and of Congress in relation to metallic money, and the innumerable changes and depreciations made therein by law, for the purpose of showing the superior advantage of choosing the national credit for use as money. Its quality and weight cannot be debased or reduced, nor is it liable to commercial changes in value, like gold and silver. Such commodities are always affected by the condition of foreign trade, and by the law of supply and demand. On the contrary, the credit of a great and powerful and wealthy nation is unchangeable; it possesses, too, intrinsic value, and it represents labor; for the credit of our country was issued in exchange for the labor expended to perpetuate the nation's life. It is less changeable in value than any other thing, and for this reason it is the best instrument ever devised for a circulating medium.

I call the attention of the House to the petitions, the resolutions and declarations, of numerous societies and associations of workingmen, of conventions and granges, throughout the country, demanding expressly the provisions of law embraced in this bill. I will particularly refer to the following resolve of the Detroit Manufacturers' Association, adopted on the 30th of January, 1868:

Resolved, That Congress should now provide for the funding of that portion of the national debt not required for a circulating medium, by the issue of bonds or consols bearing interest not to exceed 3.65 per cent.; and the national money, (greenbacks,) at the option of the holder, should be convertible to such bonds at par, and the bonds should also be convertible to legal-tender notes at par on demand.

They all ask that the principle of *interconversion* of bonds and legal-tender notes may become the permanent fiscal system of the country. It is not inflation, because when the small notes are paid out the larger bonds are withdrawn; and if this system had been put in operation by the Forty-second Congress, the existing panic could not have visited and desolated our country.

The third section of the bill provides that the money received in exchange for the convertible bonds, after redeeming such as may be presented for payment, shall be used weekly in buying up the 6 per cent. obligations of the Government in open market. Who can object to this? Will it not tend slowly but gradually to transfer our interest-bearing debt from 6 per cent. to 3.65 per cent., the greater portion of which will be lodged in the hands of our own people instead of being transported to foreign countries to be forced back upon us at unpropitious times? If the objection be made that bonds bearing 3.65 cannot be floated at the present time, I have to say that, in view of our financial history since 1861, and the promptness exhibited by our people in taking the temporary-loan certificates, the 3 per cent. certificates, and other similar securities, and with my experience in business affairs for a quarter of a century, I am satisfied that at least $250,000,000 of the convertible bonds would be taken within twelve months, and the difference in interest—a clear saving to the Treasury—even on this amount would enable us to discontinue the stamps now required on bank-checks, druggists' goods, and matches, and the obnoxious, unprincipled, and chafing tax now levied on the leaf-tobacco produced by our farmers. The terms and conditions of a credit have much to do with its value, and the convertible bonds provided for in this bill would be more attractive to thousands and millions of our people than these 6 per cent. non-convertible bonds, on account of the value of the option of converting the same on demand into legal-tender notes. The people want this right, and for it they will lodge their money at a very low rate of interest. A national standard rate of interest as a regulator is thus secured. The rates for the usance of currency when required in moving the great crops of the South and West, and in all our manufacturing and other useful industries, cannot ever rise above the limit of its profitable employment. In short, working with the ease and simplicity of the governor on the steam-engine, a system will be inaugurated, doing good to all and injustice to none, a system which will prevent money-changers and Shylocks from extorting from useful industry a slice or shave for interest, in the past often exceeding the whole earnings of labor, thus cursing and blighting the efforts of toil, and effectually shackling the prosperity of the whole country. In providing, therefore, for the interchange of national bonds and currency the Government is benefited in lessening the interest on the public debt; and at the same time facilities are afforded the people for investing their earnings

with a knowledge that they cannot possibly suffer loss. The scheme, therefore, commends itself as a financial reform of the highest importance to the Treasury. I call the attention of the House to the simplicity of the arrangement. There is no useless machinery. It can be plainly understood by every person, the interest being a penny a day on each one hundred dollars of the bonds; and on surrender of the bonds at any Government depository the principal, with the accrued interest, will be paid in legal-tender notes and the bond canceled. If only a part be required, then a new bond will be issued for the difference. In this respect the operation will be similar to the certificates of deposit now issued by the banks. When the certificates are presented for payment and paid they are canceled; when part paid a new certificate is issued for the difference and the old certificate surrendered. The notes of the Bank of England, you know, when once redeemed are never reissued.

Some persons may think that these convertible bonds will not be called for while 5 per cent. ten-year bonds are in the market, but I remind the House that a 3.65 convertible bond would in many cases be preferred, for the convenient conversion of the bonds to greenbacks whenever the necessity of the holder requires is a condition which gives them a greater value than those bearing a higher rate of interest but on long time. The temporary-loan certificates which were authorized by Congress in 1862 to the amount of $175,000,000 were all taken up by the people, although made payable on ten days' notice and at 4 per cent. and 5 per cent. interest. They were held until their surrender was demanded by the order of the Treasury. The 3 per cent. certificates authorized by Congress to the extent of $75,000,000 were also speedily taken and held by the people until their surrender was required; and in like manner the bonds bearing 3.65 as provided for in this bill will be promptly taken; and should the amount in the lapse of a few years be equal to the total amount of the 6 per cent. bonds now outstanding, I see no objection to the working of the measure; on the contrary, a grand fiscal success is achieved, for which a patriotic and intelligent people will be ever grateful to Congress. The British consols or "3 per cents" are owned by Englishmen, for the reason that certificates are not issued at all and the consols are not transferable except on the books of the chancellor of the exchequer at the Bank of England; so our convertible 3.65 bonds would be a domestic loan, and they would remain in the hands of the American people.

I now come to the last section of the bill, which provides that the national banks shall, on and after the 30th of June, 1874, cease to be banks of issue, and that their notes are to be withdrawn in the same manner as now provided by law for banks that are being wound up or choose to discontinue the issuing of bank-notes. I very much question the power of Congress to authorize private associations to issue notes to be used as money by the people; and at any rate it is, in my judgment, a bad bargain for the Government to hire banking associations to furnish money, paying them for the service the handsome sum of $18,000,000 per annum. The banks lodge the national credit in the shape of 6 per cent. bonds to secure their circulation, and which yield them no less than $18,000,000 interest in gold. Now, why should we not cut up this $300,000,000 of 6 per cent. bonds into small notes for circulation bearing no interest, and thus save $18,000,000 per annum? Take notice, it is the national credit for the same amount, but in a different shape; and by making the change we lessen the burden of the people, who will have that much of interest less to pay each year. The banks of course will cry out "inflation," and we must be prepared for that; but it is simply a "stop-thief" dodge. The fact is, our banks in issuing notes effect an actual inflation of credit, for on Government bonds of $1,000,000 they issue, say, another million in bank-notes, making $2,000,000 floating credit instead of $1,000,000. The credit of the Government, being less changeable in intrinsic value than any other thing, is good enough for our lawful money, and we do not require the aid or indorsement of banks in furnishing a circulating medium for the people. Congress has enacted that the credit of the nation should be money; it is our legal tender and lawful money for many purposes; it now requires the act of Congress to make our national greenback currency a legal tender for all purposes, and thus secure for the people a perfect instrument of exchange.

The bill provides for the issue of $5,000,000 of legal-tender notes, and such additional sums as may be required to carry into effect the provisions of the act. If legal-tender notes should be required at any time for the entire issue of convertible bonds, the Government would be benefited thereby to the extent of the interest, for while greenbacks are out no interest is required. My opinion is that $5,000,000 greenbacks would put in operation the financial reform contemplated by the bill and effect the floating of at least $250,000,000 of the convertible bonds within a single year. The views of General Spinner on this subject are so clear and philosophical that I am constrained to make the following quotation from his last annual report. He says:

> It is very probable that the present legally authorized amount of $400,000,000 of legal-tender notes need not be increased in order to carry out this scheme, and it is more than likely that under the then changed condition of the currency, with no tendency to go into wild projects and stock speculations, the minimum amount of $356,000,000 would, on account of its being readily obtained in exchange for the proposed stocks, be sufficient for the easy transaction of the legitimate business of the country at times when commercial wants shall need the largest amount. Should, however, the maximum of legal-tender notes authorized by law be found to be inadequate and insufficient to prevent the brigands and banditti who infest our money marts, and who at times conspire against the public weal by "lock-ups," making money scarce when most needed for business purposes, thereby robbing whole communities to enrich themselves, the Secretary of the Treasury might be authorized by law in such cases, or at any other time when the exigencies of the Treasury may require the same, to issue an additional limited amount of such convertible legal-tender notes in exchange for any United States 6 per cent. stocks.

At the close of the war of the rebellion the circulating medium, as I have shown, was largest, and private credits were very much less in vogue. The farmer and gardener prospered, the merchant sold his goods for cash or on short credit, the manufacturer found a ready sale for his products in exchange for greenbacks, and private credits of all kinds were less resorted to than at any other time in the history of our country. You know we then enjoyed prosperous times. Labor was in good demand and well paid; more work was done at that time, and consequently more wealth created, than at any former period in the history of our country. The cause for this prosperity is to be found in the fact that the tariff shielded our manufacturers and reserved to them the markets of the country, and we had a greater supply of currency than we ever had before or since; but Hugh McCulloch, in an evil hour, induced Congress to put on the screws of "contraction." Our money was wound up tight, and the prosperity of the country with it.

Now, experience has proven that where the public credit is used for such, purposes private credits, such as due-bills, shin-plasters, &c., for workingmen, are less employed, and to the manifest advantage and profit of the people.

It is of the highest importance to the prosperity of the country that Congress should furnish an adequate amount of the public credit for a circulating medium to facilitate the exchanges and settlements of a population of forty millions, and of the vast traffic and business of an active, enterprising, and industrious people, rapidly developing a continent, building up great cities, constructing railways through every State and Territory, and establishing industries of every variety and description, opening mines, digging canals, building churches and school-houses and universities, and adding to our population by immigration four hundred thousand per annum.

In conclusion, Mr. Speaker, I will call your attention to the unhappy situation of our country. Our merchants are embarrassed and business of all kinds is stagnant and unprofitable. Workingmen in processions and mass meetings demand work or bread.

In this situation, Mr. Speaker, the people look to Congress for relief. Sir, will you disappoint them?

Believing that the adoption of the financial reform contemplated in the pending bill will be a great boon to the American people, and a substantial benefit to mankind, I have given much time to its consideration, with the sole purpose of accomplishing an object of vast common interest, involving the advancement and freedom of labor, and the general welfare and prosperity of my beloved country.

Mr. VANCE obtained the floor.

Mr. TOWNSEND. Before the gentleman from Michigan [Mr. FIELD] takes his seat I would like to ask him a question.

The SPEAKER *pro tempore*, (Mr. BUTLER, of Tennessee.) If the gentleman from North Carolina [Mr. VANCE] yields for that purpose the gentleman from Pennsylvania [Mr. TOWNSEND] can proceed.

Mr. TOWNSEND. I think I understood the gentleman from Michigan to say that since 1865 the circulation of the country has been reduced to the extent of $1,300,000,000. If I correctly understood the gentleman, I would like him to state where he derives that information.

Mr. FIELD. I refer the gentleman to the official reports. The national circulation outstanding on the 1st of September, 1865, is shown by the official statement published at that time. The amount at that time, as I have stated, was over $2,000,000,000.

Mr. TOWNSEND. What do I understand the gentleman to mean by "circulation?"

Mr. FIELD. The gentleman can ascertain that by an examination of the remarks I have already submitted. I embrace in my statement all legal-tenders. I do not confine the estimate to the greenbacks, because the 5 per cent. legal-tenders were currency; the 4 per cent. legal-tenders were currency; so were the compound-interest notes, and other notes which the gentleman will find fully enumerated in my printed remarks. The gentleman will find that my statement is correct.

Mr. TOWNSEND. Then the gentleman includes as circulation bonds as well as notes.

Mr. FIELD. I mean——

Mr. KELLEY. If the gentleman from Michigan will permit the remark, I understand him to mean simply whatever may be held by the banks as a reserve.

Mr. FIELD. I mean whatever was in circulation as currency. I do not embrace in my statement the five-twenties, or any other bonds of the Government.

The SPEAKER *pro tempore*. The gentleman from North Carolina [Mr. VANCE] is entitled to the floor.

Mr. VANCE. Mr. Speaker, having been unable to obtain the floor on the civil-rights bill, I propose to devote a portion of my time to the discussion of that subject; and I think I can do so without prejudice and without subjecting myself truthfully to the charge of hatred toward the colored race. In the will of my grandfather (who was one of those who struggled for liberty upon the heights of King's

Mountain) he enjoined it upon his children and his grandchildren to treat kindly the colored people upon the plantation. I hope never to forget a sentiment so noble and so worthy of obedience. In fact, as a southern man, as one who has sympathized from my earliest time of knowledge with the South in all the great principles and struggles which have interested her, I have felt it my duty to advance in every laudable way the interests of the colored race in this country. I have even taught a colored Sunday-school of one hundred and fifty scholars. I have endeavored in every way possible to advance the interests of that race. I feel, therefore, that I can speak upon this subject without prejudice.

The charge has been made against the people of the South that their opposition to such measures as the civil-rights bill has arisen from prejudice and hatred. This charge is unfounded; it is untrue. Before the war—in the days past and gone—in the days when there were four million slaves in the South, the churches of the South sent missionaries into the cotton plantations, and down into the orange groves, and out upon the rolling prairies of Texas. Into all parts of the country where great numbers of colored people were collected the churches sent their missionaries, and held up there the standard of the Cross, instructing them in the sublime principles which relate to questions vastly more important than mere earthly things.

I have yet to meet the southern man (and I thank God for it) who does not in his heart rejoice that the colored man is free. In my intercourse with the people of my own land, in my travels through the "sunny South," I have found the feeling everywhere one of gratitude and thankfulness that the chains of the colored man have been broken; that he is now permitted to walk the earth a free man.

Sir, the people of the South were not to blame for the introduction of slavery among them. It came from elsewhere, and became incorporated as a part of our institutions. The old colored women nursed the white children of the South, while kindness and friendship were maintained between the two races. Such an institution could not be readily abolished. It could probably only be done by the shock of arms.

Every southern man who will call to mind the fact that after the thunder of artillery had ceased, when the clang of arms was no more heard in the country, the southern people rallied and took the oath to support the proclamations of Mr. Lincoln, in order that the colored man might be free. Those proclamations, Mr. Speaker, were regarded at the time as unconstitutional; yet the southern people were willing that the colored man should enjoy his freedom, and all over the South they came forward and took the oath to support those proclamations.

Following hard upon that, the conventions of the Southern States assembled, and by a solemn act ratified the freedom of the colored man, confirming it forever by statute upon the records of their governments.

What else did they do? They went to work and secured the colored man in all his civil rights, or what may properly be termed civil rights. The people there consented that he should vote; they consented he should hold office; they consented he should serve upon juries; they consented that he should hold property, and that he should be a witness in court. All the real rights properly known as civil rights were guaranteed to the colored man in that section; and the charge cannot justly be made against this people that they are opposed to according civil rights to the colored man on account of any prejudice or hatred, for it is not in their hearts.

Why, then, do we oppose the civil-rights bill? That is the question; and speaking as I do, and feeling as I speak, without prejudice, I will show what is the real objection to the bill known as the civil-rights bill. I think gentlemen of the House will bear me out when I say the title of the bill we had before us ought to be changed, and made to read thus: "A bill to protect the colored people in their social rights." That is the way it should read.

Now, Mr. Speaker the distinguished gentleman from Massachusetts [Mr. BUTLER] laid down the law, and it has not been controverted, that all men are entitled under the law to the right to go to a hotel, to ride in a public railway carriage, to interment, and to be taught in the public schools sustained by moneys raised by taxation.

It is laid down as the common law of the land. Now, let us see for a few minutes, Mr. Speaker, how the case stands. There is no railway car in all the South which the colored man cannot ride in. That is his civil right. This bill proposes that he should have the opportunity or the right to go into a first-class car and sit with white gentlemen and white ladies. I submit if that is not a social right. There is a distinction between the two. Now, there is not a hotel in the South where the colored man cannot get entertainment such as food and lodgings. That is his civil right. The bill of the committee provides that there shall be no distinction. Even if he is allowed to go into the dining-room, and is placed at a separate table because of his color, it will be a violation of this law. Placing him, therefore, at the same table with the whites is a social right.

Now, sir, provision has been made for free schools in my own native State of North Carolina. We have cheerfully taxed ourselves there for the education of our people, including the colored race; but separate schools are organized for the instruction of the latter. One of the civil rights of the colored man undoubtedly is the right to be educated out of moneys raised by taxation. His children, under the law, have that right; but this bill goes further, and provides that colored children shall go into the same school with white children, mixing the colored children and the white children in the same schools. I submit to the House whether that is not a social right instead of a civil right. Therefore it is I say this bill ought to be changed, or rather its title ought to be changed. The real objection, then, to civil rights, so called, is that it is not best for both races; that in fact it will be detrimental to the interests of both races.

Now, Mr. Speaker, I propose to show briefly how that will be. In the first place, the true policy in regard to the intercourse of mankind all over this broad earth is in the recognition of the fact that such intercourse is one made up of mutual interests. It is the interest of the hotel-keeper to entertain his guests, it is the interest of the railway company to transport passengers; the interests are mutual; and that is the true policy all the world over. But whenever you undertake to force persons of color into their social rights, then, in my judgment, you have done the colored man a serious damage. Let the people of the South alone, sir, and this thing will adjust itself. It will come out all right. In coming to this city the other day colored men were sitting in first-class cars with their wives, where they were admitted by the managers of the road; and I am told in this city one of the first hotels admits colored men as guests. It will adjust itself if let alone; but if you undertake to coerce society before it is ready, you will damage the colored man in all his interests, and at the same time do damage to the white race.

There are between four and five millions of colored people in the South, whose interests are intimately and closely connected with those of the white people. The one cannot well do without the other. Where does the colored man get his place to live, where does he obtain employment? In a great measure from the white men of the country, and almost entirely from those opposed to this bill. And I tell the House now, through you, Mr. Speaker, that the great majority of the people of the Southern States, of all political shades of opinion, are opposed to anything like force in this matter.

Look at my own State, sir. As I went home from the capital during the holidays I met with republican members of the Legislature of North Carolina who stated that we ought to oppose this bill. Republicans do not want it. They think it is wrong. A resolution was introduced into the Legislature of North Carolina in regard to this subject, and it received a very small vote. It did not receive the vote of the republican party. And, sir, it is my opinion that the colored people of the South *en masse* do not want it. They do not want to be brought into apparent antagonism to the white people, because their interests are closely connected together. The colored man cannot do well in the South, he cannot prosper, unless he has the sympathies, unless he has the fostering hand, unless he has the kind care, of the white man extended to him; his interests will suffer if this should not be the case.

And, sir, it is necessary anyhow in this world of ours that there should be kindness running from heart to heart. There has been enough trouble and enough sorrow in this world already. War has stamped its foot upon human sympathies. It has left its scars upon every human heart, sir; and now there ought to be sympathy, there ought to be kindness, there ought to be oneness of interest pervading the whole land. And these people need that thing. You rob the colored man by the passage of this bill more or less of the friendship of the owners of the soil in the South. And you rob him, sir, of the opportunity of education. Gentlemen may treat this statement lightly. The distinguished gentleman from Massachusetts [Mr. BUTLER] said the other day that he would not act under a threat. He regarded the declaration made here that the schools would be broken up as a threat. It was not a threat, sir, it is a solemn fact.

I ask the attention of the House to this fact: the University of South Carolina was one of the most honored in all the land. That university has turned out some of the most eminent men of this country—Presidents, Senators, governors, and distinguished military chieftains. Where, sir, is it now? In what condition is the University of South Carolina? A law was passed in South Carolina that colored students should be received into that institution. What has been the effect? Some time since there were only from six to nine scholars in the University of South Carolina; while the professors are paid out of moneys raised from the people by taxation. This is no threat, sir. It is a plain, simple truth, that in passing bills of this kind and having mixed schools you destroy the school system of the South. That is to be the effect; and you thereby lessen the chances of the colored children for an education.

There is another point to which I ask the attention of the House. A bill like this gives rise to an antagonism of races. If the people are let alone in the South they will adjust these things and there will be peace in the country. But by passing a bill of this kind you place a dangerous power in the hands of the vicious. Here comes a vicious colored man and presents himself at a hotel and demands that he be permitted to go to the table with the whites, and that he shall have his choice of rooms. The hotel-keeper, acting upon his right as he understands it, handed down from all ages, that "every man's house is his castle;" that no man can come into his house without his consent, recognizing that as being the old Anglo-Saxon law of our ancestors, may refuse. Then you have it placed in the power of this man to have the hotel-keeper arrested, tried, and fined a sum not less than $100 nor more than $5,000. And that, sir, would be placing a dangerous power in the hands of the vicious.

This bill, Mr. Speaker, will, more or less, bring about an antagonism

of the races; and that state of things would not be best for the colored man. I submit it in good faith, that if the question is ever presented in the South, shall this country be ruled by white men or ruled by colored men? the colored man is not able to stand any such an antagonism as that; he will necessarily, sir, go down. I ask what race has ever been able to stand before the Caucasian? Look at the history of the world. Where is the Indian? Why, sir, less than two centuries ago on this spot the Indian reared his wigwam and stood upon these hills and looked upon the broad, beautiful Potomac, or his eye swept over the hunting grounds of the West; and he had the title to this magnificent country. Where is he now? He has gone back, step by step, before the advancing march of the white man. No race, sir, in the world has been able to stand before the pure Caucasian. An antagonism of races will not be good for the colored man.

There is another objection to this bill. It begets hopes and raises an ambition in the minds of the colored man that can never be realized. It is true, sir, that we can find some ten or twelve members of Congress here from densely-populated regions of the South where the colored race is dominant. But how is it in other States? Where is the colored man from Massachusetts? Is he here? Where is even Fred Douglass, who is acknowledged to be a man of ability? Is he here? No, sir; he has not found his way into this House. This bill, therefore, as I have said, begets in the minds of these people hopes and an ambition that can never be realized; and in that view of the case it is unfortunate for them. And I say, sir, that it is not for the best interest of the white race that this bill should pass. And why? Because if the common schools are to be destroyed, which are beneficial to the colored man, their destruction will also be against the interests of the whites, and the poor white children of the South will fail to receive those educational advantages which they ought to have; and in that respect it will not be best for the white race.

Another view of this question, Mr. Speaker, is this: that by placing the colored race and the white race continually together, by throwing them into social contact, the result will be more or less that the distinction between them will be broken down, and that miscegenation and an admixture of the races will follow. Sir, it must necessarily follow on such close intercommunication. I presume that no man will stand upon this floor and say that it is best for all the races of men on the face of the earth to become one by amalgamation.

Let us look for a moment and see how it is. We are told that colored men have not succeeded in this country because they had been borne down by chains and slavery. I admit, sir, that the colored man when in a state of servitude had not much opportunity to develop his mind and expand the powers that God has given him; but will any gentleman on this floor undertake to say that the colored race has not had an equal chance in the world with the white race? I suppose no man will controvert the theory that colored men were at the tower of Babel, and that when God confounded the languages of men and sent them forth into the world the colored race was among them. Some went one way and some went another. Some went north and some south, some east and some west; they went into all portions of the world. Well, sir, what has been the history of the Caucasian race? It has gone on progressing; it has whitened every ocean on the globe with the sails of commerce; it has reared monuments which will be everlasting; it has stamped its language on the world—the strong German, the elegant French, the soft Italian, and the ever-living and ever-spoken English. What language has the colored man given to the world? He started on an equal footing with the white race—what has he done? Look at Africa. There she is, bowed down by superstition and under the shadow of death.

Sir, it is absurd for gentlemen to talk about the equality of the races. But let us give to the colored man the opportunity of improvement; let us give him an education. I for one will vote cheerfully and gladly for the appropriation of a portion of the proceeds of the splendid domain of this country for the education of the colored race; but I think it ought to be done in separate schools. Sir, we have already given him the opportunity to be educated; we have allowed him to hold office; we have seen and heard colored men on this floor; they are here now.

The bill ought not to pass; the matter ought to be left to the States. I will not undertake to argue the constitutionality of this question; that has been done by others, and well done. I have only spoken to the effect of the passage of such a measure, and what is best for the interests of both races; and I submit in concluding my remarks that we have really extended to the colored man everything that I think he ought to ask at our hands. If I belonged to the colored race I would not stand here and ask the passage of a law to force me into what are termed my civil rights. If I belonged to the colored race I would come up by my own merit. I would wait for time and opportunity, and I would not ask any help from Congress. I would not stand here as a beggar asking for these social rights; I would depend on my own merits. Sir, it reminds me of an anecdote that I heard up in the mountains of my own district which illustrates this point. There was a camp-meeting up there, and it was a very good time, and there were a great many shouting. The presiding elder went up to an old colored man and said to him, "Shout on, brother; shout on, if you feel like it; we shall all be white in heaven." The old fellow replied, "Bless the Lord, I feel the white coming now." [Laughter.] Now the rights of the colored man are coming on, and if he will place himself in a proper attitude he will secure them.

I hope if the bill is to pass that the amendment of the gentleman from Alabama [Mr. WHITE] will be adopted, leaving it to the school districts or townships to decide whether they will have mixed schools or not.

I thank the House for its attention.

Mr. RAINEY. Before the gentleman sits down I would like to ask him a question.

Mr. VANCE. Certainly.

Mr. RAINEY. The gentleman has just said that if he was a colored man he would not ask Congress to pass the civil-rights bill, which has for its object the removal of the disabilities imposed upon us by prejudice. I ask him what he thinks of those Southerners who ask Congress to remove from them their political disabilities on account of their action toward this Government?

Mr. VANCE. I might have expected something of that kind. I find that everywhere men are disposed to bring up the horrid skeleton of the war. Wherever a southern man goes he is almost sure to be confronted with the fact that he was a rebel, if you please; yes, sir, a rebel. I say it was right for the Congress of the United States to remove the disabilities of those men, and place them on an equality with others before the law. We have now been placed equal before the law. The colored man is placed equal before the law. I ask gentlemen why it is that the war is always flaunted in our faces? The distinguished gentleman from Massachusetts, [Mr. BUTLER,] the member from South Carolina, [Mr. ELLIOTT,] and the one just now questioning me, are all anxious, it seems, to bring up the troubles of the war. We do not want to deal with the dead past. Let the dead past bury its dead. Let the war be gone. No southern man is ashamed, thank God, to stand here and say that he did what he thought was right. No, sir. God Almighty has not branded the mark of Cain upon the brow of the southern man. He stood with his own sunny South; he stood with his own land; he stood with his own brethren and kindred. And, sir, at Chickamauga, Missionary Ridge, in the Wilderness, at Spottsylvania, and at Petersburgh, everywhere, the bones of my kindred and my countrymen lie in their narrow graves, wrapped in their bloody blankets, because of what they conceived and believed to be the best interests of human rights in this country of ours. Thank God, I am not ashamed of it; and I will not go back upon their memory.

Mr. FORT. Will the gentleman answer me a question?

Mr. VANCE. I will.

Mr. FORT. Does the gentleman still think that rebellion was right?

Mr. VANCE. Under the circumstances, yes; that is, place us back as we were, with the same surroundings.

Mr. FORT. I was going to ask you if you would do it again.

Mr. VANCE. Do not misunderstand me. I say, under the same circumstances. But they can never come up again. Secession is settled forever. No one wants or ever expects it to be revived. Now I will ask you a question. Would you not have done as we did if you had been there with us?

Mr. FORT. I think not. I cannot think of any circumstance that would induce me to raise my hand against my Government.

Mr. VANCE. I want to say this only: I have sworn with this right hand of mine to support the Constitution of the United States of America, and I intend to do so to the best of my ability.

When General Lee surrendered at Appomattox there was beheld the most sublime sight this world ever saw.

Mr. FORT. I want to ask the gentleman another question.

Mr. VANCE. Wait until I get through.

I say a more sublime sight never was seen than after the surrender of General Lee, with his ragged boys, and eight thousand muskets, at Appomattox. These men went home, resumed their labors in the field and elsewhere, and all over that land there was a generous outburst of sympathy for the return to the Government of their fathers and the old flag they had loved in the days past and gone.

Sir, I stand here to-day to defend the people of the South. They are true to this Government. But I would draw this line; it is that loyalty, as men choose to call it, does not, thank God, consist in devotion to a party. What is it? It is a true allegiance to the Constitution of our fathers. Gentlemen, we have rallied around that sacred instrument. Under it we propose to discuss questions and to dischargeour duties.

But I was going on to remark that when these men returned from Appomattox, there was a universal sentiment of good will and love springing up in their hearts. But what was the result? Instead of love and kindness we were met with disabilities and reconstruction. I could point gentlemen, if I had time, to the history of Russia. I wish I had here now a book called the Life of Catherine the Great. There was a revolution in Russia, and one hundred thousand lives were lost before it was quelled. What did they do? Did every stump-speaker throughout the land discuss the rebellion? No, sir; they did not do that. What did they do in Russia? They passed a law that no man should even allude to the rebellion. I commend this fact in history to the consideration of gentlemen.

And I say now the war has been over for these many years—how many I can hardly tell—and yet southern men are all the time confronted with this thing. Very well; if it is necessary for gentlemen to get up here and rake up this grinning skeleton, and to uncover the wounds of the war, in order to support a failing cause, let them do it.

I, for one, stand here under the broad flag of my country. Gentlemen may say what they will, but I am true to it; and I stand here to say that my position is for peace and fraternity.

We desire to meet our brethren of the North cordially, and to shake with them the hand of friendship. When that old philosopher, Greeley, said that he would shake hands with us across the bloody chasm, we looked and saw his hand with no weapon in it; and then the South rushed forward to the opening of the chasm with a desire to extend the hand across it and grasp the philosopher in that embrace, which we thought was right under the Constitution.

Mr. FORT. Will the gentleman answer me another question before he takes his seat?

Mr. VANCE. I yield the remainder of my time to the gentleman from Virginia, [Mr. WHITEHEAD.]

Mr. FORT. I desire to ask the gentleman from North Carolina——

Mr. WHITEHEAD. I hope this will not be taken from my time. I am not going to speak on the war. [Laughter.]

Mr. FORT. The gentleman from North Carolina, I believe——

The SPEAKER *pro tempore*. Does the gentleman from North Carolina yield?

Mr. VANCE. I leave it with my friend from Virginia whether I shall do so. He can dispose of his time as he pleases.

Mr. FORT. I understood the gentleman from North Carolina to say that he had sworn to support the Constitution——

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. FORT] cannot proceed unless it be taken from the time of the gentleman from Virginia.

Mr. WHITEHEAD. I do not yield, because I do not want this discussion of the late war to proceed further. I propose to discuss the proposition for increased taxation on the production of tobacco.

The SPEAKER *pro tempore*. The gentleman from Virginia declines to yield.

Mr. FORT. Has that gentleman the floor?

The SPEAKER *pro tempore*. Yes, sir.

Mr. FORT. Then I wish to state that, at a proper time, I wish to ask the gentleman from North Carolina another question.

Mr. VANCE. I am willing the gentleman should ask his question if my friend from Virginia will yield the time.

Mr. FORT. I hope it will not be taken out of the time of the gentleman from Virginia.

Mr. WHITEHEAD. I never was discourteous, either on the battlefield or anywhere else; but I do not see that any good is to come from fighting over what was settled eight years ago to my entire satisfaction. [Laughter.]

Mr. FORT. We do not wish to fight the war over; but we wish to understand the position of the gentleman from North Carolina. I hope the gentleman from Virginia will yield for my question.

Mr. WHITEHEAD. I will yield if you will give me about three minutes' additional time afterward.

Several MEMBERS. We will do that.

Mr. FORT. We are very forbearing and generous on this side of the House, and no doubt the gentleman from Virginia can have his time extended if necessary. Let me now put my question to the gentleman from North Carolina. He says that he has sworn to support the Constitution and the Government. Now I wish to know whether the leading men who engaged in the rebellion had not taken such an oath before they tried to overthrow the Government.

Mr. VANCE. Certainly. That question amounts to nothing. Everybody knows that leading men of the South had taken such an oath; and everybody knows that, after their States seceded, the oath was not considered binding, when the persons who had taken it were acting in another capacity. But it is not worth while to undertake to argue that matter.

Mr. FORT. I do not wish to argue it; but I wish to ask the gentleman another question. He states with much flow of language that, coming now into this Hall, he has again sworn to support the Constitution and the Government, and he vaunts his love for the flag. Yet he says that under like circumstances he would join in secession again. Now, I wish to ask him whether he would consider that perjury or not?

Mr. VANCE. Not. [Laughter.]

Mr. FORT. Then how much more is the second oath worth than the first? If the oath the gentleman has taken be worth anything, is not its violation perjury? I want an answer to this question. The gentleman from Virginia need not be so nervous about his time. If he wants time I presume he can have all he asks for.

Mr. VANCE. I submit that I did not bring up this discussion. I was going on to argue the civil-rights bill when I was interrupted. I have determined to be as polite as any other living man; and when the member from South Carolina [Mr. RAINEY] asked me a question I was disposed to answer it civilly. I did not bring on this discussion; but I say that I am not ashamed of what I did in the late war. I acted conscientiously in the sight of God; and I say that under similar circumstances I would do the same again. But I say to the gentleman that I hope such circumstances will never arise again.

Mr. FORT. I hope so, too.

Mr. VANCE. I do not believe they ever will.

A MEMBER. They never can.

Mr. VANCE. No, they never can; and that settles the question for all time. Now, I say to the gentleman that if he will come to my room, 608 M street, I shall be happy to talk over this matter with him; or, if he will come down into North Carolina among the "tarheels," I shall gladly discuss the matter with him. [Laughter.]

Mr. FORT. I hope the gentleman does not mean to insinuate a challenge.

Mr. VANCE. O, no!

Mr. FORT. For if so, I shall have to decline, because my State by law forbids me to engage in a duel.

TAXATION ON TOBACCO, ETC.

Mr. WHITEHEAD. Mr. Speaker, I had hoped "this cruel war was over." [Laughter.] I propose to submit some remarks upon the proposition now before the Committee on Ways and Means to impose additional taxation upon the production of tobacco and other products of my State. I am more interested in this question than in any military matters. I do not see that any good is to come from a discussion here upon what occurred before the surrender at Appomattox. I take it for granted that others who, like myself, surrendered at that time intend to support the Government as good citizens; or at least, like "Miss Nancy Jane" in the song, we want to "try and do the best we can." [Laughter.]

I ask attention to the consideration of the proposition of the Secretary of the Treasury that increased taxation be raised, in part, by an increase of four cents a pound in the tax upon tobacco, and by an increase of taxation on brandy, whisky, sugar, and coffee. In this subject I am vitally interested. I am not speaking for "buncombe;" I am not speaking specially to have my remarks printed; I desire the attention of members of the House to what I shall say, because my State is particularly interested in this subject. We raise better tobacco than is raised anywhere else on the face of the earth. By this system of taxation we are subjected to annoyances and oppression. The laboring man and the land-holder of my State are directly injured by the present internal-revenue system. I think I can show this to the satisfaction of any man who knows anything about this subject, and I think to the satisfaction of a great many here who in times past have seemed to know nothing about it.

Now, sir, the present tax on tobacco is twenty cents a pound upon the manufactured article. It is one-half of 1 per cent. upon tobacco in the hands of the planter, which is taken out of his pocket before he draws his money, by the operation of this internal-revenue system. Take the impoverished State of Virginia. When we came out of the war we had nothing but our bare land, and were laborers who worked it. That State has paid, even in its impoverished condition, millions of dollars out of the pockets of our people every year because of this unjust internal-revenue tax on tobacco. We paid in 1873, from a State well known to members of this House, if they paid any attention to the subject at all, to have been by war left destitute in its resources, $7,353,000 of internal-revenue tax. There are States which by the operation of the war made money, and which have never yet been oppressed until at this day, when the cry of a financial crisis is heard throughout the land, and then they come here, through their Representatives, demanding that Congress shall impose additional taxation upon us who have already been taxed again and again. Take Vermont, for instance, and it pays the miserable sum of $78,000 of internal-revenue tax. Maine pays only $214,000 of internal revenue. And while this is so, the proposition of the Secretary of the Treasury is not to impose any tax upon these States, which have not been affected by this internal-revenue taxation as we have been—not to go upon the incomes of the millionaires in those States, who have not been affected—not to increase the tariff, which might perhaps affect the North more than it would us; but the proposition of the Secretary of the Treasury is to impose still further taxation upon us in the South who are engaged in the raising of tobacco.

The internal revenue derived by the United States from tobacco in 1873 was $34,365,629, of which the State of Virginia paid $6,470,684; one-fifth of the whole revenue derived from the whole tobacco tax raised in the United States.

Mr. LOUGHRIDGE. Let me ask the gentleman from Virginia whether the people out West who chew tobacco, and the people of Vermont who chew tobacco, do not really pay the tax which is imposed upon it?

Mr. WHITEHEAD. That is a mistake you everlastingly fall into, and which seems to satisfy your conscience; you suppose the tobacco tax is really paid by you of the West and North, when in reality it is paid by the tobacco-growers of the South.

Mr. LOUGHRIDGE. Is not the tax paid by those who consume the tobacco?

Mr. WHITEHEAD. I am going to argue out that point to the fullest extent; I will show how it is in my own State. I will show to the gentleman from Iowa, [Mr. LOUGHRIDGE,] who I know is friendly and will help us if he can do so conscientiously on this subject, there is a tax, and not a small one, which the farmer pays absolutely. In the city of Lynchburgh and in the city of Richmond, in the State of Virginia, there are, every summer, buyers of tobacco from Canada. The effect of this internal-revenue law has been to drive the manufacture of tobacco into Canada, and a great deal of the manufactured article I believe is smuggled across the line into Michigan, thereby underselling the men who manufacture tobacco in this country. In Canada there is no tax upon tobacco, nor upon the sugar, licorice, or rum which enters into its manufacture; there is entire

exemption in favor of tobacco by the laws. These men from Canada come into our State every summer and buy tobacco for the purpose of shipping it to Canada for manufacture. One-half of 1 per cent. is deducted as internal-revenue tax when the bills are made out, and that tax is paid by the farmer who raises the tobacco, and not by the buyer in Canada, who purchases it for shipment. The Canadian manufacturer carries it to Canada without taxes. The result is that the Canadian manufacturer has, in effect, driven us from the markets of Mexico, and of the West Indies, and almost everywhere else in the world.

And more than that. You think the tax of twenty cents a pound upon chewing-tobacco, and upon the famous brands of smoking-tobacco, is paid by those who chew and smoke in Vermont and Iowa. I will show you that such is not the case. You do not pay it. The fact can be shown by proof, if necessary, that you do not pay one cent more for tobacco now than you paid for the best tobacco before the war. You do not pay for the best chewing-tobacco, what we call "plug-tobacco," and I believe you call "cavendish," more than you did before the war, or for the best brands of smoking-tobacco, "Lone Jack," "Brown Dick," and "Highlander." You do not pay for any of them more now than you did before the war. Who, then, pays the twenty cents per pound tax upon this tobacco, when we know it brings no more now than when there was no tax imposed upon it? How is that tax paid?

Now I think I will show you, sir. This list of sales in the cities in my State will show that before the war the price of fine fillers, which I may state, if you do not understand the operation, make the interior of plug, and of fine wrappers, which make on its outside the beautiful yellow color which you see on the tobacco—the price of those tobaccos now in our markets is from 50 to 100 per cent. less than it was before the war; while the prices of shipping tobacco, the coarse, heavy tobacco of Missouri and Kentucky, and made only on the richer lands of our State, are higher than before the war, because it is never manufactured and never pays the tax of twenty cents, but only pays the tax of one-half of 1 per cent., which the dealer in tobacco takes out of it; and that is all it pays when shipped to England; so that there is a discrimination in favor of foreign markets against the peculiar tobacco of Virginia and North Carolina—the fine chewing and smoking tobacco. Now, it is to the interest of my people, as well as to the interest of the people of North Carolina, to make this fine tobacco. But we cannot make it, because it takes more care, more attention, and more capital; and, therefore, it cannot be made, when bringing less in price, in competition with heavier shipping tobaccos, which require less attention, and they are ceasing to make this finer tobacco in my country. That is being driven from the country by this law, and we are making the coarser tobacco, coming into competition with our friends in Kentucky and Missouri, and reducing the price of all.

How does it operate? A planter comes into market to sell his tobacco. He has the tobacco suitable for the fine kinds of chewing and smoking. The manufacturer has to pay twenty dollars per hundred-weight, for it is estimated by the hundred-weight in my country, not by the pound; he has to pay the tax of five dollars as a buyer; he has to pay at least $2.50 per hundred-weight to make the boxes to receive the peculiar stamp which is necessary in order that the Government may not be cheated; and that is twenty-seven and a half cents per pound. Then he has to pay nine cents on his licorice, and the tariff on rum, sugar, and other ingredients. All that has to come out before that tobacco is put upon the market, besides the cost of manufacturing. And then if he should get as high a price as he expects, he must guarantee himself in the event of the tobacco spoiling by an accident—he must make himself his own insurer—and he does that by "backing" the price on the farmer. And there is a tacit agreement among all the manufacturers that they will not give beyond so much for a certain class of fillers and a certain class of wrappers; so that the farmer has the price of that kind of tobacco reduced. I have seen cases where the man has got fourteen dollars per hundred-weight for the class of tobacco for which he got nine dollars before the war, and cases where a man has got only fifteen dollars for fine tobacco for which he got forty-five dollars before the war.

Now, if that is not an objection to this whole system as far as the producer is concerned, I will add this to it. At any rate, whether the producer is thus made to pay the whole of the tax or not, it is divided between him and the consumer. But the manufacturer in no case intends to lose any of it, because he quits the business before he becomes a loser, so that when there is a division of the extra cost between the consumer and producer, every one knows that it is easier to cut down the price of an article when it is thrown upon the market by the farmer, who finds it necessary to sell, than it is to raise the price in the market after it is given out to the consumer.

Now, there is another objection to this law. There is a general objection—and every man who pretends to be a statesman knows it—there is a general objection to that system of taxation by means of espionage which invades every man's house, which sets a gauger to watch every distillery, and a detective to watch every tobacco manufacturer. Such a system renders the Government and the law offensive to the people, offensive to their ideas of liberty and to their general ideas of the treatment which should be given to the people by an honest government. It is a costly system also, and all its costliness, be it remembered, comes out of the pockets of the producer in the end.

I believe it was reported in Congress a year or two ago that one-fourth of the internal revenue was "lost" in the collection. I would not put it exactly in that way. I would spell the word "s-t-o-l-e-n." One-fourth of the internal revenue lost in the collection! Lost wheer? Lost precisely where this law is offensive—among the host of officers sent to watch the tobacco-houses of the men who make the tobacco.

Now all these taxes, as I have said, are offensive to the people; and while I do not come from a country that has spoken very strongly in favor of tariff, I beg to say that I would go for a tariff or anything else to abolish this law which operates burdensomely upon the people and to the injury of the standing of the Government among the simple people of the country, who find themselves harassed by officers, and in many instances taken and carried before courts at great expense on account of mere mistakes in the entries. I know of one case in my country where an honest old Tunker, one of the people known as Mennonites, who had never intended to do anything wrong in his life, left the stamp on his boxes. The Government had said that after the tobacco was sold the producer should destroy the stamp or be liable to a fine of $500 or to be put in the penitentiary. The man I speak of, not having seen that regulation, thought he would show his fidelity to the United States Government and his own honesty by leaving the stamp on the boxes, which he considered would show every one that he paid the Government its taxes, and acted on the principle of Mr. Wesley's doctrines that a man could not get to heaven who had cheated the Government out of its revenue. Well, a revenue officer went and told him that he had violated the law. He was very much astonished and said that he could not possibly have done it. The officer told him that he had, for he had left an uncanceled stamp upon the box. The old fellow replied that he had left it there expressly to show that he had paid the tax. He was indicted, and it cost him $200 or more to get out of the difficulty.

Now this law is not popular down my way where tobacco is grown and brandy made. It is not our fault, but the fault of those who made the law. The question is, who pays the tax, the consumer or the producer? Who paid the tax on cotton that you had here? There was a tax of five cents on cotton; why was it taken off? It was taken off simply for the selfish reason that you of the majority manufactured the whole of the cotton. Why was the income tax taken off? We raised, in 1867, $52,000,000 from that source, more than enough to supply the deficiency of which the Secretary of the Treasury now complains. In 1868 we raised $32,000,000, and in 1869 $34,700,000, from the same source. Why was that tax taken off? You took it off because you were paying it, and we were too poor to have any incomes on which to pay taxes. I wish to meet this question fairly and honestly; but this enormous amount of taxation is to be raised out of the black and white labor of my State and others which raise tobacco. If it is a luxury to you or to me to roll under our tongues the sweet morsel, it is no luxury to the hard-fisted man who makes it up in the mountains of my district. If it is a luxury, you must satisfy me that this tax comes from the consumer and not from the producer. The amount produced is less than in 1860, and yet the price is less.

Now, there is a reason why my State and the State of North Carolina are particularly interested in this subject. Missouri is very little interested in it. She makes a large, strong, coarse tobacco, that is shipped to Europe, but there are only two counties in which she makes fine tobacco. Limestone land will not make fine chewing-tobacco. That is a chemical and agricultural fact. You may put licorice in it, and rum, and weak brandy, and make it look like good chewing-tobacco, but it will be of the Navy sort. They made such tobacco in the North during the war. Our men, during the war, when on picket duty, used to swop genuine tobacco for genuine coffee, for we had been drinking coffee made out of grain, and the enemy had been chewing tobacco made out of the devil only knows what. [Laughter.] Why, sir, Massachusetts turned up a tobacco State during the war, and Connecticut went to raising tobacco, and Ohio manufactured a chewing-tobacco; and, sir, it would knock the horns off a bull to chew it. [Laughter.] I admit that you have got to making a considerable quantity of tobacco up that way, but you never can make tobacco that a gentleman will chew. You can only raise that kind of tobacco on the slopes of the Blue Ridge in Virginia and North Carolina.

Mr. CROSSLAND. I hope the gentleman will include Ballard County, Kentucky.

Mr. WHITEHEAD. Is that a mountain county?

Mr. CROSSLAND. It is.

Mr. WHITEHEAD. Then, I think, may be you may raise a little of it there; but I tell you, sirs, in all seriousness that the tax upon this sort of tobacco amounts to a direct tax upon the maker of it, and the result in my State is, that the cultivation of this kind of tobacco is being driven out and giving way to the cultivation of a coarse tobacco which has to be doctored and fixed up before any man can chew it.

Sir, I claim to be tolerably loyal, and I do not object to my State paying its share of taxes to the United States Government, although I do wish that some financial gentleman here would invent some scheme to raise the money in another way; but my State complains of this tax, because it is an unjust one. It has not complained of paying a fair proportion of the taxes necessary to support the Government; it has not raised any row here about salaries; it has not made any

mock professions of honesty and economy; but we have paid more than we ought to have paid, and we never knew how to make anything out of the Government. To be sure we dodged the reconstruction laws, borrowed a governor, and are here to-day as well off as any of you. I am not going to war upon this subject with my friend opposite from Illinois, [Mr. FORT,] but I want a fair chance in this matter. If you want to tax agricultural products, tax cotton and wheat and tobacco and other products alike, and give all a fair chance.

But if you intend to tax tobacco and not corn, I would like some gentleman to show me the religious reason for doing so. [Laughter.] If you want to tax brandy, I will tell you what is done in my State. I saw last fall an orchard with apples——

[Here the hammer fell.]

Mr. MELLISH obtained the floor.

Several MEMBERS. Let the gentleman from Virginia [Mr. WHITEHEAD] go on.

Mr. BURCHARD. I move that the time of the gentleman from Virginia be extended if he desires it.

The SPEAKER *pro tempore*. For how long?

Mr. WHITEHEAD. I will not take more than three minutes to round up on apples. [Laughter.]

Several MEMBERS. Give him five.

Mr. BURCHARD. I move that the time of the gentleman be extended for five minutes.

There being no objection, the motion was agreed to.

Mr. WHITEHEAD. I want to say a word on this brandy tax. We are not interested much in whisky. Of fourteen hundred and twenty-one distilleries in Virginia, only twenty-one make whisky, and I think they must be run by western men. Virginians know how to make brandy, but I do not believe they know much about making whisky, except one or two celebrated brands in Judge HARRIS's district.

The fear of being involved in trouble with the internal-revenue officers, and the uncertainty in regard to the tax, has had the effect, in places far distant from railroads, to stop almost entirely the process of distilling. Men have been dragged great distances to answer before the courts for an unintentional and innocent violation of the revenue laws in regard to distilling. One old man, who moved a keg of liquor a few hundred yards before it had been stamped, had to pay about $300 in consequence of being brought up to answer for violating that provision of the law which forbids the removal of distilled spirits from the place of distilling before stamping. That is a specimen of the troubles growing out of this law. A distinguished friend of mine in Virginia was made a wholesale liquor dealer without his knowledge or consent by an internal-revenue officer. [Laughter.] He did not know it at the time, nor understand how it was done.

The result of our internal-revenue system has been a real oppression to the people. Orchards have been left standing, and the fruit unsold. In a fine orchard in my section where at Christmas time thousands of bushels of apples were lying upon the ground more than six inches deep, the apples were offered at six and a quarter cents a bushel, with nobody to buy them. That statement sounds very much as if it might be put in an almanac, [laughter;] but it is the truth. This condition of things operates very unjustly to two important interests in our State, the interest of the land-holder and of him who works the land. We in our State have very little besides land; but we have as good land as any of you ever saw.

A MEMBER. Where?

Mr. WHITEHEAD. In Virginia. [Laughter.] The man who asked that question ought to have known the answer before asking it.

The result of this system of taxation upon brandy has been that in the county of Southampton, which formerly produced $60,000 of fruit every year, the production has been curtailed two-thirds. All over the State the produce of the orchard has been reduced, so that shortly after the war it was not one-fourth what it had been. We are doing a little better now, because the tax has been reduced to fifty cents. But, sir, if the tax were taken off altogether, we would cease to compete with the West, and under certain circumstances would cease to compete with any one, in regard to grain and meat, and would turn our attention wholly to the fine classes of tobacco and fruits. This would be an advantage to all sections of the country. It is desirable that our people should see that when they labor in the manufacture of tobacco and the production of fruit, they are not alone to be taxed upon the invitation of the Secretary of the Treasury, while cotton, wheat, cattle, and every agricultural product of other sections is allowed to go free. We alone ought not to be annoyed by the internal-revenue officers; we alone ought not to pay taxes on our agricultural products, or gentlemen had better look out for the grangers.

As I have already said, I do not make these remarks for "buncombe," and not particularly to have them printed. I have desired to address the House in advance of the action of the Committee on Ways and Means. I hope for an opportunity hereafter to put before that committee more fully the facts and the figures, with statements from men who understand this subject, showing that we have been improperly treated in this matter.

[Here the hammer fell.]

MONEY OF THE UNITED STATES.

Mr. MELLISH. Mr. Speaker, I congratulate myself that I speak before an audience not overpowering in numbers, for I have neither the gift nor the habit of oratory. Indeed, those who know my antecedents anterior to the time I was assistant appraiser at New York, will remember that my place has been with the short-hand reporters—that I have been in the habit, to be sure, of taking but not of making speeches—and therefore it would not be at all strange if, in such a transition, such a complete somersault, as it were, I should fail to make a taking speech. But I will not stop for further apology, except to say that I regret want of time has prevented the arrangement in my mind as I desired of the ideas I shall attempt to present.

The vast number of documents received from all parts of the country on finance indicate a wide-spread and deep interest in the subject at the present time. I purpose to offer some views in reference to the bill (H. R. 1014) "to provide the money of the United States and to regulate the value thereof," which I had the honor to present on Wednesday last. As it will take some time to read it, I would respectfully request that it be here inserted in the printed report. It is as follows:

A bill to provide the money of the United States, and to regulate the value thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the 1st day of July, 1874, each and every national banking association may determine for itself the amount of lawful money of the United States that it will keep on hand; but every association shall, on demand, redeem its circulating notes at such localities as are now, or may hereafter be, designated by law, either in coin or in United States legal-tender notes, or in United States interest-bearing bonds at par, as such association shall elect.

SEC. 2. That the Secretary of the Treasury of the United States is hereby authorized and directed to prepare for circulation, as standard value United States money, certificates of the denomination of one, two, five, ten, twenty, fifty, one hundred, two hundred, five hundred, one thousand, two thousand, five thousand, and ten thousand dollars, to express on their face, in words and conspicuous figures, the several above-named denominations, with vignettes, letters, numbers, signatures, and such engraved decorations as shall tend to prevent forgeries and imitations, and also express on their face that they are respectively, by the Constitution and laws of the United States, the standard and measure of values to the amount expressed on their face, in all transactions within the United States involving the payment of money, and receivable in payment of all debts, public and private, and shall be a legal tender, at their face value therefor, except the funded debt of the United States, which is by its terms payable in gold, and except as hereinafter provided, and shall be received in deposit at par by all national banks. Such certificates shall be put in circulation and applied by the Secretary of the Treasury under, in pursuance of, and in the manner in this act provided.

SEC. 3. That all customs duties due and payable to the United States shall be paid and collected in gold coin and paper currency as follows: From and after the 1st day of July, 1874, to and until the 30th day of June, 1875, both inclusive, said customs duties shall be paid and collected, one-fourth in Treasury notes, or other currency of the United States, or circulating notes of national banks, and three-fourths in gold coin of the United States; from and after the 1st day of July, 1875, to and until the 30th day of June, 1876, both inclusive, said duties shall be paid and collected, one-half in Treasury notes, or other currency issued by the United States, or circulating notes of national banks, and one-half in gold coin of the United States; from and after the 1st day of July, 1876, to and until the 30th day of June, 1877, both inclusive, said customs duties shall be paid and collected, three-fourths in Treasury notes, or other currency issued by the United States, or circulating notes of national banks, and one-fourth in gold coin of the United States; from and after the 1st day of July, 1877, the whole amount of customs duties shall be paid and collected in Treasury notes, or other currency issued by the United States, or circulating notes of national banks.

SEC. 4. That on and after the 1st day of July, 1874, all customs duties, proceeds of taxes, and sales of public lands, interest, and dues from all sources received for account of the United States in Treasury notes and circulating bank-notes, by each and every officer of the United States, shall be transmitted in the identical currency received to the Secretary of the Treasury. The Secretary of the Treasury shall issue and promulgate, to all Federal officers authorized to receive such moneys for account of the United States, rules, regulations, and instructions prescribing, directing, and regulating the time, manner, and means of transmitting such sums of money from the places where they are received to the Secretary of the Treasury at Washington, and such rules, regulations, and instructions shall have like obligation and effect as if the same were embodied in this act.

SEC. 5. That the Secretary of the Treasury on receiving, for account of the United States, Treasury notes and circulating bank-notes, as provided in the last section, shall cause a memorandum of all such notes to be made and kept in books appropriate for the purpose, and as often as the sum of notes so received shall amount to $1,000,000, he shall cause the same to be destroyed by burning them to ashes, as directed by section 24 of the act to provide a national currency, approved the 3d day of June, 1864. He shall cause a certificate and record of such destruction and burning to be made and entered in the books above mentioned, and a duplicate of so much of said certificate as relates to such portion of the destroyed paper currency as consisted of circulating notes of national banks (or associations) shall be transmitted to the several banks (or associations) the circulating notes of which shall have been destroyed, and then the amount of circulating notes permitted by law to be issued by such banks, respectively, shall be reduced to the extent of the circulating notes so destroyed; and when and as often as the circulating notes of any such bank or association shall have been destroyed under the provisions of this act to the amount of $50,000, the Secretary of the Treasury shall adjust the interest account with such bank or association, and release and deliver up an amount of the United States bonds pledged for the redemption of a like amount of the circulating notes of said bank or association.

SEC. 6. That immediately upon the destruction of any sum of Treasury notes and circulating bank-notes, in pursuance of the provisions of this act, the Secretary of the Treasury shall pay into the Treasury of the United States, of and from the United States certificates of standard value authorized and provided under the provisions of this act, an amount equal to the total sum of Treasury notes and circulating national-bank notes so destroyed as aforesaid, and such certificates so paid into the Treasury shall thereupon and thereafter become and be the lawful money of the United States, and as such shall be paid out of the Treasury of the United States for the purposes and in the manner provided by law.

SEC. 7. That it shall not be lawful for the Secretary of the Treasury to issue of the said certificates provided in pursuance of this act an amount at any time exceeding $300,000,000.

SEC. 8. That when, in pursuance of the provisions of this act, 80 per cent., or a larger per cent., of the circulating notes of each of the national banks and banking associations shall have been received by the Secretary of the Treasury, and destroyed, and an equivalent amount of the bonds of the United States shall have been returned to said banks and banking associations, notice shall be given thereof by the Secretary of the Treasury to each of such national banks and banking asso-

ciations. And thereafter circulating notes of national banks and banking associations shall not be received by the United States in payment of any public dues whatever, and thereafter the interest accruing on the bonds remaining in the possession of the Government as security for the redemption of circulating bank-notes shall not be paid to the banks until the whole amount of the circulating notes of such banks shall have been received and destroyed by the Secretary of the Treasury.

SEC. 9. That when under the provisions of the last section circulating notes of national banks and banking associations shall be no longer receivable by the United States in payment of public dues, the Secretary of the Treasury shall redeem such circulating bank-notes at par, at points and places designated by him, by issuing and delivering in exchange therefor equal amounts of the United States certificates of standard value provided in pursuance of this act to the parties presenting such circulating notes for redemption, and shall destroy the circulating notes thus redeemed in the manner hereinabove provided.

SEC. 10. That this act shall take effect immediately.

As introductory to my remarks, I desire to quote a few sentences from that great thinker, Calhoun—for, though he advocated one or two pestilential political opinions, his was, as a rule, one of the most logical minds America has yet produced.

In his speech on his amendment to separate the Government from the banks, October 3, 1837, Calhoun said:

It is, then, my impression that, in the present condition of the world, a paper currency, in some form, if not necessary, is almost indispensable in financial and commercial operations of civilized and extensive communities. In many respects it has a vast superiority over a metallic currency, especially in great and extended transactions, by its great cheapness, lightness, and the facility of determining the amount. * * * It appears to me, after bestowing the best reflection I can give the subject, that no convertible paper, that is, no paper whose credit rests on a promise to pay, is suitable for currency. It is the form of credit proper in private transactions between man and man, but not for a standard of value to perform exchanges generally, which constitutes the appropriate functions of money or currency.

No one can doubt but that the Government credit is better than that of any bank—more stable, more safe. Why, then, should it mix it up with the less perfect credit of those institutions? Why not use its own credit to the amount of its own transactions? Why should it not be safe in its own hands, while it shall be considered safe in the hands of eight hundred private institutions, scattered all over the country, and which have no other object but their own private profit, to increase which they almost constantly extend their business to the most dangerous extremes? And why should the community be compelled to give 6 per cent. discount for the Government credit blended with that of the banks, when the superior credit of the Government could be furnished separately, without discount, to the mutual advantage of the Government and the community? Why, let me ask, should the Government be exposed to such difficulties as the present by mingling its credit with the banks, when it could be exempt from all such by using, by itself, its own safer credit? It is time the community, which has so deep an interest in a sound and cheap currency, and the equality of the laws between one portion of the country and another, should reflect seriously on these things, not for the purpose of oppressing any interest, but to correct gradually disorders of a dangerous character, which have insensibly, in the long course of years, without being perceived by any one, crept into the State. The question is not between credit and no credit, as some would have us believe, but in what form credit can best perform the functions of a sound and safe currency.

Believing that there might be a sound and safe paper currency founded on the credit of the Government exclusively, I was desirous that those who are responsible and have the power should have availed themselves of the opportunity, &c.

Again in the same speech, he said?

It has another and striking advantage over bank circulation, in its superior cheapness, as well as greater stability and safety. Bank paper is cheap to those who make it; but dear, very dear, to those who use it, fully as much so as gold and silver. It is the little cost of its manufacture, and the dear rates at which it is furnished to the community, which give the great profit to those who have a monopoly of the article. Some idea may be formed of the extent of the profit by the splendid palaces which we see under the name of banking-houses, and the vast fortunes which have been accumulated in this branch of business; all of which must ultimately be derived from the productive powers of the community, and, of course, adds so much to the cost of production. On the other hand, the credit of Government, while it would greatly facilitate its financial operations, would cost nothing, or next to nothing, both to it and the people, and of course would add nothing to the cost of production, which would give every branch of our industry, agriculture, commerce, and manufactures, as far as its circulation might extend, great advantages, both at home and abroad.

Later still, (22d of March, 1838,) in his speech on the sub-treasury bill, Calhoun said:

I now undertake to affirm positively, and without the least fear that I can be answered, what heretofore I have but suggested, that a paper issued by Government, with the simple promise to receive it in all its dues, leaving its creditors to take it or gold and silver, at their option, would, to the extent that it would circulate, form a perfect paper circulation, which could not be abused by the Government; that it would be as steady and uniform in value as the metals themselves; and that if, by possibility, it should depreciate, the loss would fall, not on the people, but on the Government itself; for the only effect of depreciation would be virtually to reduce the taxes, to prevent which the interest of the Government would be a sufficient guarantee. I shall not go into the discussion now, but on a suitable occasion I shall be able to make good every word I have uttered. I would be able to do more—to prove that it is within the constitutional power of Congress to use such a paper, in the management of its finances, according to the most rigid rule of construing the Constitution.

Since introducing the bill my attention has been called to an article in the October number of the Westminster Review, and a paragraph therein so well expresses the purposes of this measure, that, with some slight modifications, I shall employ it for that purpose:

This is an attempt to establish a system of currency under which the sovereignty of the nation shall be the sole fountain of issue; under which no money shall circulate except on the credit of the state; under which all profits upon the issue of money shall form part of the revenue of the country. The power of issue is and ought to be a sovereign right. The profits of the manufacture of paper money should no longer be allowed to remain in private hands. It is high time that all rights of issue were gathered into the hands of the state, and that the profits upon paper currency were secured to the state, and appropriated to the reduction of taxation. Why should not there be returned to the Treasury the profit upon paper currency, instead of returning a loss and allowing the profit to slip through its fingers and find its way into private purses? In other words, why should not the creation of currency be made to pay the Government its profit instead of enriching private individuals? Private individuals make a very handsome profit upon the currency at the expense of the people and through the permission of Congress. It is you and I and all of us that are responsible for this state of affairs, and I ask the various reform and other organizations throughout the country to study this matter, as the most important that can engage their attention. It indeed affects every human interest.

No change should be made in the financial system of a country, unless such change can be shown to be an improvement. I agree with Webster, that "a strong impression that something must be done is the origin of many bad measures. It is better to do nothing than to do mischief." And I am free to say that a year ago I should not have favored the proposition now presented. But, having gone over this whole subject, I am of the opinion that the plan is suitable and desirable as an American system of currency, and if once in full operation would produce results of great value to the country. Two things, however, are to be considered: First, it is to some extent a departure from the formere urrency schemes of the world; secondly, it is likely to be opposed by numbers of men who have position as financiers, bankers, &c. For these reasons, perhaps, it is not likely to meet with favor in Congress.

Indeed, when I had explained this plan to an eminent financier in New York he admitted that its practical operation would be in the interest of the people; "but," he added, "it will be useless to attempt to get it passed by Congress, for so many members are interested in banks it will be impossible to obtain the necessary votes for any measure that will trench on monopoly and privileges enjoyed by these institutions."

I think, with many others, that our present currency is much the best we ever had, and I am not at all sure that it is not better than the currency of any other country.

In the address which I made on receiving the nomination for the place which I now occupy, I said that—

The public benefits resulting from a settled and continuous commercial and business system should not be lost sight of. The banker and the merchant, the manufacturer and the agriculturist, are required to transact business having regard to a future period of a year or more. To them it is of the utmost consequence that the laws and measures of administration that affect values should, as far as possible, be unchanged; and to as great a degree as possible, changes, when made, should be gradual and prudent. The welfare of these great interests is of the highest consequence to every individual of the nation. Let us have peace, and let well enough alone, unless a change can be proposed which shall be generally conceded to be an improvement.

It is in strict accordance with the views then expressed that I advocate this bill.

Some of the suggestions of required legislation presented on this floor make one's hair stand on end. It astonishes one to hear proposed a paper currency issued by authority of the United States which shall have no limit in quantity except "the wants and wishes of the people," with the possibility that we shall have transmuted into circulating bank-notes the total amount of the funded debt of the United States.

My notion is, that our recent crisis was produced by a too large creation of credits, mainly in railroad-building. To use the expressive phrase of Vanderbilt, "Railroads were built from nowhere to nowhere." It was, however, but a moderate deluge of bankruptcy, drowning only the great dealers on credit, a deluge that only overflowed, in a figurative sense, the docks and piers of New York, &c., filling the cellars and drowning the rats. But give us the currency system known as the convertibility-bond scheme, and we should have a period of unequaled (apparent) prosperity to be ended and succeeded by a deluge of bankruptcy which, figuratively, would submerge the steeple of Trinity and financially drown all (American) mankind. I suspect that you will find that most inflationists, unless quite ignorant on financial matters, are so because in some way connected with parties who are up to their ears in building the same kind of railroads which broke Jay Cooke & Co., and which ought to break the railroad men I have referred to, and I guess will, unless they are saved by an inflation which will be most damaging to the American people.

We read that some thousands of years ago a set of men put up a golden calf to worship; to hear men talk about a specie basis, it would seem as though a numerous progeny of those foolish persons of old were still at large and worship the gold bull. It is said that some of them have found their way into Congress. I do not propose to add to their number.

But to recur more directly to the subject of the bill. It is not sound logic to assume that because in all past experience the human family has found gold to be the necessary standard of commercial values, there cannot be a better standard; because the same argument applied to other affairs—such as locomotion by steam, &c.—would prevent all change, and consequently all improvement.

We have had the theory of specie payments, convertibility of paper money at pleasure into gold, but we have not had the fact. There never has been a time when the currency of the country was convertible into gold at the pleasure of the holder; that is, there has always been more paper currency than gold in the country. And in all probability the deficiencies and evils of that system, pointed out now by the anti-specie party, are the result of the fact that we had the theory

only, and not real convertibility. The system failed and was disastrous because we did not have what our theory required. But the experience of the past ought to be satisfactory that we cannot in the future have the theory realized in actual practice. It may be safely said that there is not gold enough in the world to be a sensible security for the paper currency actually in use in commerce; meaning by that to include not circulating notes only, but drafts and other evidences of debt.

Cannot it be safely assumed that a bill having pledged to its redemption all the property, private and public, in the United States, including gold itself, is not as well secured as the same note itself would be by a simple security of the gold only? If that be so, then the bill founded on the credit of the Government is better secured than the bill founded upon the gold that is within the reach of the parties that issued the bill. And the difficulty of rendering operative the great fact that all property of the country is pledged for its redemption is one of detail of administration and execution. With the powers of the Federal Government and its machinery, may it not be held that it is possible to provide that the fund pledged to the redemption of this class of bills shall be so well in hand and under control as to be able to redeem them on demand? Assuming that the methods may be provided by law to attain this end, we can then assert and maintain that the defeat of the system could only result by an overthrow of the powers of the Government. Allowing that the circulating notes of the country should become valueless because the government that controlled its securities was overthrown and destroyed, the same consequences would overthrow and destroy the gold basis if that system had been in operation. Witness the fate of the *assignats* when anarchy ruled in France. We may, therefore, infer that it is within the capacity of the Government of the United States to supply to its people a circulating medium that shall be of equal value in every part of our wide-spread domain, worth its legal value to every citizen in it in the purchase of commodities and in the payment of debts, and which will have certain characteristics or qualities not possessed by any gold coin, and yet of the greatest value to the people. That is to say, it will be a circulation that under no circumstances can be drawn away from us by the influence of foreign bankers, or foreign governments, or foreign conditions, until foreign governments and foreign bankers shall have adopted as their standard the same measure of value. The notes will be a legal tender. Whoever holds them can always pay his debts, and, except for foreign payments, he could want no more. With a sufficient supply of the legal tender of the country a man can always pay his creditors.

Such a circulation would have the fault, if it is a fault, that it could not be made, or would not be made, the medium of transactions in foreign commerce. The balance of trade between us and other countries with such a system would necessarily be paid in gold or silver—not gold or silver coin, but bullion. It is not easy to perceive why those balances cannot be just as well discharged in bullion as in coin.

In point of fact the precious metals usually take the form of bullion in foreign commerce; paper currencies are of no use there, and coins pass only as they contain more or less bullion. This would put us in the position of a trading people that had cut loose from gold and silver as a trading basis or measure of value, and allowed them to go into the category of merchantable commodities. But it is available to pay the balance to foreign countries, because in foreign countries gold and silver have a fixed and legal value.

It ought, perhaps, to be considered what would be the situation if this new revelation of government credit as a standard of value should be adopted by all commercial nations, and gold and silver, in the eye of all the world, should become a mere chattel; how then would the balance between us and foreign countries be liquidated and paid? This question would not be important if the change were to be confined to this country; but if it is fundamental and sound in this country, how can it be assumed that it will not be adopted by others?

We may here fairly assume that our proposed currency is entirely secure, and has all the attributes that we ask for it. But how about stability, and how shall we reconcile the claimed necessity for flexibility and the conceded necessity of stability? The new fiscal revelation does not claim, I believe, that the volume of currency has no effect upon the prices of commodities. Under the new as under the old system it is true that enlarging the volume of our measures of value directly tends to increase the prices of all commodities that are the subject of purchase and sale. Nothing is truer than that the value of a national currency changes as the government chooses to enlarge or contract the issue. Therefore, be careful that while you are exerting your ingenuity to produce flexibility in your currency so that under some automatic principle not fully described, (and called the convertibility theory,) there shall be in existence just the proper volume of currency to answer the exigencies of the day. Guard on the one hand against a redundancy, and on the other against a deficiency. Indeed, may we not fear that "elasticity" or "flexibility" of the currency will show when its visor is lifted that it is simply instability—the most objectionable feature that a currency can have? And it certainly illustrates the fitness of things that the great rubber man of New York should be the self-elected champion of an "elastic" currency.

Can this be left to the unregulated acts of individuals? Will it do to permit bankers and others to call on the Government for, and issue in circulation, greenbacks to as large an amount as they may choose to secure by the pledge of Federal bonds? Who can tell that under that system would not grow up inflation such as was never before known in the currency of any country? And who will venture to say that in case of such inflation of currency there would not be an enormous inflation of prices? And if the inflation of prices were great who can doubt that that would put an end to all exportation, and destroy our markets throughout the world?

A great merchant—I may say the leading merchant of the United States and the world—has had occasion to examine and the capacity to comprehend and apply the rules that govern trade, commerce, and currency with perhaps more wisdom and success than any man living. In a conversation which I had the honor to have with Mr. A. T. Stewart in New York City on the 30th of December last, he said:

> I had been anticipating financial difficulties in the country, and was preparing for it. I was in Europe when the crisis came; and it came suddenly and unexpectedly. We are in a measure governed in our business by the promise of the crops of the country. If a short crop is expected we curtail enterprises. If a large crop is expected we are likely to extend our business. The present year was expected to be a prosperous year for business; but the crisis came, and all who were in debt suffered. Those who were out of debt and had money were less seriously affected.
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> I have always said that issuing bank currency based on bonds deposited with the Federal Government ought to have been avoided. I am still of that opinion. I insist that the volume of the currency ought not to be increased. This country will have reached its most secure financial position when gold and greenbacks are of equivalent value. Toward that point we have been for some time traveling. If we increase the currency we shall to that extent defer the time of reaching that desired point.

In respect to the collection of customs duties, Mr. Stewart said:

> I urged Mr. Chase in the beginning of our war troubles not to have the customs collected in a currency different from that used in the other transactions of the Government. I sought to convince him that it would have the effect to depreciate the value of the national currency, that is to say, the issues of Government credits. Mr. Chase said, "I agree with you; but how shall I get gold to pay the interest on my bonds?" I said, "Do as I do—go in the market and buy it." The present system compels the importing merchant to go to Wall street to buy gold, where he is subject to the disturbing influence of the gold speculators, who, in large measure, control that market. On this subject of collecting the customs duties, I am of opinion that the mistake of collecting them exclusively in gold ought to be corrected, and that payment of a portion thereof should be made in currency, increasing the amount thus payable from time to time until the whole shall be payable in currency. I am clearly of opinion that the amount of duties received will be sensibly increased by such a measure. And I am of opinion that the street market price of gold would be sensibly reduced by the same measure, and we should approach nearer to par as between greenbacks and gold.
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> Referring to the schemes of optional conversion of bonds into greenbacks, and greenbacks into bonds, I regard it as simply a tampering with the currency. We want, we need, a stable currency of reasonable but not excessive volume, received everywhere throughout the country at par. And being stable, the prices of commodities of which it is the measure will themselves be stable, and the producer and the trader will be relieved from a large share of the hazards growing out of fluctuations in the standards of values. As an illustration of the evils of a fluctuating currency, suppose I sell goods on thirty days' time when gold is 10 per cent. premium, and at the end of thirty days gold is 15 per cent. premium, I lose several per cent. by the transaction, owing to the fluctuating currency. This illustrates in degree every transaction that is had under a fluctuating currency. It is the great risk of the trader, and greater still for the producer of commodities, because he has to do his business on several months' time. I have said that I should prefer to lose one-third of what I am considered to be worth to get to a specie basis rather than not have it, because then, in ten years, if not in five, I would be better off than now.

And thus emphatically ended Mr. Stewart's statement.

The cost of commodities depends upon the price of labor, which is the principal factor in it. A great inflation in prices of labor would put the cost of our commodities at figures so high that no other people could possibly take them. And as an attendant of that all other producing communities would offer the same commodities we have been accustomed to produce at prices much lower than we can at home, and bring about such a perfect disgust with tariff laws that would be required as the result of our inflated prices as would force the at least partial repeal of the tariff. In this way we would be led to a state of things where all our industrial enterprises would be broken down by foreign competition; selling at lower rates, all our leading commodities would necessarily be purchased abroad and have to be paid for in money because of the destruction of our export trade; and the only money we should have to pay it with would be our greenback circulation, which, under such a state of things, would probably be of so low value as compared with gold that we could not buy it except at a ruinous sacrifice.

This feebly painted picture of possible results might properly lead to the suggestion that if we accept the credit of the nation as our standard of values exercised through the medium of a paper currency there should be a reasonable maximum limit to its issue established by law. For, as Webster says forcibly and happily, "a sound currency is an essential and indispensable security for the fruits of industry and honest enterprise. Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he can honestly earn has a direct interest in maintaining a safe circulating medium—such a medium as shall be a real and substantial representative of property; not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but made stable and secure by its immediate relation to that which the whole world regards as of a permanent value." We have already considered that a bill having pledged for its redemption all the property, public and private, in the United States, including gold itself, is at least as well secured as the same note would be by the simple security of the gold only.

"A disordered currency," he adds, "is one of the greatest of political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy, and it fosters the evil spirits of extravagance and speculation."

The change proposed would be a simple substitute of greenbacks for national-bank notes and canceling an equal amount of Federal bonded debt. The effect would be to make the whole circulation as good or better than greenbacks are now and save to the Treasury the interest on $350,000,000, or upward of $20,000,000 of gold annually, beside the use of the currency by the banks, which may be estimated at twenty or thirty millions more, making in all a subsidy of upward of $50,000,000 a year, or about $1,000,000 per week, making a total subsidy paid by the people to the banks for work which the Government could have done better at no expense whatever—I say making a total subsidy, which has been wrung from the people since the banks were established, of over $500,000,000, which, with the accruing interest thereon, would have been sufficient to have liquidated from one-third to one-half of the national debt.

By this arrangement the United States have paid to the banks the interest pledged on the securities. The banks have had the benefit of that. The Government pays in the first instance the interest on the securities which it would not have to pay if it issued the currency itself. To the extent that the Government issues greenbacks the United States gets a loan without interest. The Government has in effect given a subsidy equal to the amount of interest on the use of the currency issued by the national banks. Precisely how much this amounts to seems to belong in the category of those things which Lord Dundreary says "no fellah can find out." I will leave that to the experts. I will not claim that the estimate just given is at all accurate. Indeed, I am willing to put on record a statement in reference to this matter furnished to me by the president of one of the banks in the city of New York I propose to recur to this subject at some future time.

INCOME.

Six per cent gold on $100,000; say 10 per cent. premium	$6,600	
Six per cent. currency on three-fourths of $90,000, or $67,500, (one-fourth must be held as reserve according to law)	4,725	
		$11,325

COST OF—

$100,000 of sixes of 1867, say at 117, $117,000; one year's interest on $117,000	$8,190	
One per cent. Government tax on circulation, $90,000	900	
		9,090
		2,235

Showing a net profit of $2,235, over and above 7 per cent. per annum on the original investment of $117,000, the cost of $100,000 Government sixes, 1867, to secure circulation, $90,000.

But this does not fairly represent the loss sustained by the Government. For if the bonds were canceled and their amount out in greenbacks, the $3,600 of interest would be saved. And should not the interest on $90,000—equal to $5,300—be included, making in all $12,900? I think the real profit to the banks exceeds this sum.

Perhaps the grangers may deem the question of some moment, whether the millions upon millions the people are continually rolling into the bank-doors, and which go to support its officers and others interested in more than oriental luxury and splendor, and for which no consideration whatever is received on the part of the people, could not with profit to the country be diverted to construct lines of transportation in order that the poor farmer of the West may connect with market without being almost limitlessly mulcted by the railroad kings.

Let the grangers in these quiet winter evenings study up this matter, and ask themselves whether this thing should any longer be permitted. Let them in one column compute the sums poured down in everlasting showers upon the banks, and, in another, the cost of a four-line railroad from the extreme East to the extreme West, and then strike the balance.

For a moment consider the constitutional bearings of the question.

Article I, section 8, of the Federal Constitution provides that—

Congress shall have power to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

Section 10 provides that—

No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal, coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts.

In the first place, the bestowal of power carries with it an obligation for the exercise of that power whenever its exercise is needed for the general welfare of the people of the United States. And it is a sound proposition of law that when the United States shall have assumed its sovereign authority on the subject of coining money and regulating the value thereof, no other power within the jurisdiction of the United States has a right to do the same thing, or attempt to do the same thing. So that now the States are in the legal status where it would be unlawful to do any act of coining money, or in any way to assume to regulate the value thereof. That whole sovereign power granted to the Federal Government by the Constitution has been put in force by the Federal Government, to the exclusion of all minor jurisdictions, to wit, States, corporations, municipalities, and so forth, and in the proceedings of the Government in the matter of coining money and regulating the value thereof, it has the right under the Constitution to do any acts necessary and appropriate to that end.

We have seen that in section 10 of the first articlee of the Constitution we have the positive, expressive, and comprehensive proposition that no State shall emit bills of credit—that is, billsor notes for raising money on the mere credit of a State.

It is an attribute of sovereignty to issue anything that is to be used to circulate as money; and it is manifestly one of the acts that most materially affect the regulation of the value of money, because the value of money depends on its volume. Indeed the most direct way of affecting the value of money is to act upon its volume. A secondary way is to act upon the rate of interest it shall draw.

It seems strange that up to the time of the war the Federal Government never undertook to regulate the value of money in the United States. It was not until the nation was thought to be at death's door, and as a last resort, that the Government undertook to exercise that beneficent power which the wisdom of our fathers had conferred in the Constitution. And now, as we have seen already, the general Government having assumed that jurisdiction, no State is permitted to do any act to regulate the value of money circulating in the United States. The Federal Government, as soon as it took hold of the subject, gave the United States a currency that was of equal value in every hamlet in all its broad domain.

In confirmation of this view Mr. Webster, in his argument in the case of Ogden *vs.* Saunders, in the Supreme Court of the United States, January term, 1827, says:

That among the objects sought to be secured by the Constitution were commerce, credit, and mutual confidence in matters of property; and these required, among other things, a uniform standard of values or medium of payments. One of the first powers given to Congress, therefore, is that of coining money and fixing the value of foreign coins; and one of the first restraints imposed on the States is the total prohibition to coin money.

These two provisions are industriously followed up and completed by denying to the States all powers of emitting bills of credit, or of making anything but gold and silver a tender in the payment of debts. The whole control, therefore, over the standard of value and medium of payments is vested in the General Government. And again collating the grant to Congress and the prohibition on the States, a just reading of the provisions is this: "Congress shall have power to coin money, regulate the value thereof, and of foreign coin; but no State shall coin money, emit bills of credit, or make anything but gold and silver coin a tender in payment of debts."

These provisions respect the medium of payment, and, thus collated, their joint result is clear and decisive.

The Constitution, by its grants to Congress and its prohibitions on the States, has sought to establish one uniform standard of value or medium of payment.

But when a constitutional provision has had executive, legislative, judicial, and popular exposition, construction, and sanction for a series of years, is it not too late to appeal from the decision? Ought not the question to be considered *res adjudicata*?

A currency good in the payment of all debts would fix the price of commodities, and the value of debts would be adjusted to it. The price would be high or low, depending upon the volume of the currency. Perhaps there might be tables of the increase of population, and authority given the Government in the course of paying its expenses to issue a fixed increase of currency annually, to keep pace with the growth and the increase of population of the country, and to provide for the loss or destruction of the circulating medium; or that feature might be left to congressional action in the future when the necessity of the case should require it.

The Government could probably easily put out twice as many greenbacks as it now has in circulation, and retire the national-bank note currency without shaking public confidence.

The Government is the largest, most important, and most conspicuous entity with which the mass of the people are acquainted.

What the Government puts out it puts out as the standard of value in commercial transactions. The par will be expressed on the face of the certificate. The circumstances never can arise that will impeach it as a standard. And so useful and safe will it be that there would be no one seeking to subject it to the measure of any other standard.

There will never be any occasion for redemption, because there will not be any desire on the part of the holder that it should be redeemed—no more than the holder of a ten-dollar gold piece would ask to have it redeemed in another ten-dollar piece. The only difference between the paper and the gold is, you can melt down and sell as bullion the gold, but the paper you cannot. Gold is a commodity as well as a coin, while our certificate will be a coin alone, and will get its value entirely from its legal character. That gold coin is a metal, and can be melted down and sold as bullion, is a feature which is totally unimportant when you are talking about a measure of value. A yard-stick made of pine is just as good as one made of silver for the purposes of a yard-stick.

With some slight exceptions these bills shall be received for all public and private dues. This being the case, it cannot be said with truth that the bill is not worth its face absolutely. Apparently it is used under circumstances where its value will never be impeached.

With the system just hinted at may we not anticipate that our standard, being relieved from the influences that attend the former standard of value, will be so permanent, and will produce such a degree of prosperity, as to compel the prices of foreign commodities—gold included—to adjust themselves to it; producing a state of things when our currency and gold, the standard of other nations, by the operation of the laws of trade, shall have been brought to a state of equal

value. With the currency we advocate Government could at any time buy gold to pay its obligations requiring gold, as well as its citizens. Indeed, with the provision in regard to payment of customs duties, may we not reasonably expect that the national certificates will, before long, be worth their face in gold?

Government is the bull in the gold market, and he compels into confederation with him every importing merchant; and he makes a party in Wall street to bull gold in law. If he will put himself on a par with other traders and retire from Wall street, gold will cease to be sought for, except for the single purpose to be exported abroad to pay the balance of trade.

The first section of the bill provides for a repeal of the reserve. As a consequence there will be $150,000,000, more or less, of circulation set free. This will be to the advantage of the banks, for of course the less money lying idle the greater the dividend. These are certificates of value. They are different from Treasury notes in what they pretend to be. They (the certificates) pretend here to be the national standard of value, expressing the value on their face, and are issued as such, and not in the form of a promise to pay. They are a certificate of the standard of value of the United States money. In the case of greenbacks it was put on the simple ground that the Government would pay so much, and when the time came, and to the very last, they had not the means of paying for them. But in the case of the certificates it is the legal declaration that it shall be used as a measure of value in all transactions to that amount which gives them their value—the legal declaration of the sovereignty that they are a measure of value to that extent, and there is no other. The legal machinery run by the whole power of the sovereignty is supplied to enforce them as a measure of values in all transactions involving the payment of money. How to treat them after you get the authority and duty to create and issue this currency as provided in this bill: Suppose the Secretary of the Treasury has the bills printed and prepared. Then there come into the Treasury as customs duties, say $600,000, of which $300,000 are greenbacks, bank-bills, and currency. It belongs to the United States. It comes into the Treasury by operation of law.

The bill provides that such portion of this amount collected from customs or otherwise as is in bank-bills or currency, shall be canceled and retired, and an equal amount of these certificates shall be placed in the Treasury in place of the bank-notes. Then we have got it into a position where it will circulate from the Treasury, and an equal amount of the bonds pledged as security for the bank-notes, shall be released and be returned to the bank. I would retire the bank-notes and greenbacks both, and put certificates in their place and make it a uniform currency, and avail ourselves of the benefit that grows out of this substitution, including losses and counterfeit issues. Start anew; so that when this is worked out the currency of the country will be homogeneous—all alike—a sound, stable currency, of equal value throughout the United States, and receivable for any manner of obligation except funded United States obligations payable in gold.

It was a mistake to make a gold bull of the United States.

Stewart goes into the market and buys gold, and other importing houses also go into Wall street and bid against each other. The law drives them there, and the competition runs up the price and burdens the merchants and the country with a stimulated, excessive price. No industry or honest enterprise is benefited by this bulling of gold.

The Government desires gold at low rates. It takes the most active means to keep it at a high rate. Having done that, it occasionally goes into the market as a gold bear, and sells gold at a premium to the very importing merchants who are compelled by its own law to purchase gold to pay duties.

The issue of national currency through the banks constitutes a subsidy at the expense of the Federal Treasury and for the benefit of the banks in its practical operation. The banks make a great deal of money out of circulation. There is no practical redemption, and it is all out earning something all the time. In the first place, suppose a bank has placed bonds to the amount of $100,000 with the Comptroller of the Currency as security for the 90 per cent. thereof the bank issues as currency on that $100,000; the bank draws from the Government $6,000, more, or less, interest, which is equivalent to at least $7,000 in currency. Should the bank keep their currency out at 7 per cent. the two interests combined would equal about 14 per cent. But the probability is that the bank will receive a considerably higher interest than that. The people and the Treasury cannot afford to continue that, except so long as it shall be deemed indispensable to the safety of the bank system. And this is deemed a proper time to gradually withdraw that subsidy to the banks, wholly or partially. As an offset to this it is proposed immediately to relieve them of the excessive burden unused in their vaults—the reserve provided by law. This is deemed equivalent to enlarging their capacity to earn money by discounts to the extent of that reserve, which is named at $150,000,000.

There ought to be, in this view of the subject, an end to the claim that the banks have supported the Government. In fact the Government has supported the banks, and supplied them with a sum equal to their total capital, and on which they may now do business, and upon which it is hoped they may do business successfully without any further subsidy. If, on the contrary, it is found to be necessary for the purpose of preserving the banks to continue the subsidy, then the sooner we admit the necessity of getting along without banks of issue the better. One thing this bill will accomplish is the setting free their reserves; the other is, and the main feature is, that it will supply a currency for the banks and for the people that the banks will never be under any necessity for redeeming or for being prepared to redeem.

The Government has assumed jurisdiction. The Government has exercised its constitutional function, and must forever after control and direct the whole subject of the whole currency of the country. No matter what the past has been, the Government is now in the condition where it must go forward to regulate and control the currency of the country for good or for ill.

It is safe to say that no sound system can be gathered from the opinions or advice of classes of citizens who are engaged in special enterprises for private gains. All such opinions, if honest, will be mistaken and distorted.

The only sound system will be one that, on the whole, was best for the whole people and all the interests of the country. Such a system is not likely to be framed or devised in Wall street, nor in the factories of New England, nor in the iron-manufacturing establishments of Pennsylvania, nor even in the conclave of delegates of the grangers of the West. The views of such parties must necessarily be special, and limited to their own particular interest, and therefore unsound as applicable to the interests of the whole. But let me say that I am glad to see grangers and other organizations—the people in their primary capacity—holding frequent meetings to inform themselves upon and to discuss public affairs. A meeting every week, with a reading-room and library for reference, held in every school district in the United States, would do more for the education of the people than the passage of a hundred such bills as have been advocated by the gentleman from Massachusetts, [Mr. GEORGE F. HOAR,] which is only a gratuity to the States. Besides, such action on the part of the people would be one of the best possible checks against corruption.

The creation of currency is, in the present state of the world, the most important exercise of sovereignty. Its exercise is of more moment to the people than any other power conferred or exercised by the sovereignty. It touches every human interest. And, strange to say, the American people have not until just now, within the last twelve months, entered upon a serious consideration of the matter in its details.

In the first place the standard of values of commodities, so far as the people of the United States are concerned, must be fixed and certain. It should be fixed and unchangeable. It should be beyond the reach and influence of affairs and interests and measures outside of the United States. It should be such as is cheapest and most convenient and most easily understood.

The law fixes the measure of the foot and the yard and the mile, the standard of superficial measurement, the standard of weights; and they operate with convenience and success and perfect justice in the transactions of the people, and there is no basis for it, no gold or other basis for the standard, except what is contained in the laws of the nation. Why should it be that the measure of value of internal commerce needs to be placed upon any different basis than the constitution and laws of the sovereignty. It will be said that the standard will not serve in our transactions with foreign countries. This is admitted; and the consequence is a strong argument in favor of a standard. It will not serve as a standard in our transactions with other countries, and is therefore independent of all foreign conditions, and more reliable and equitable for that reason.

But in order to claim for our standard the effects that have been mentioned, we must make sure that it is not itself tampered with and from year to year contracted and expanded by unwise legislation. If, after experiment, it should appear that the views upon which this system is founded are sound and ought to be continued, the Constitution should be amended and a permanent standard fixed by that great charter, beyond the reach even of the law of Congress. It is claimed that such a standard would be far more stable and permanent, less liable to fluctuation by far, than gold. The gold medium is of itself so entirely flexible that three or four respectable gentlemen in the parlor of the Bank of England, by raising the rate of discount in the bank 3 per cent., can set the currents of gold running to the Bank of England from all nations with whom they have commercial transactions; the result of which is to change essentially the value of gold in London and all other points. So that in point of fact it is, perhaps, a commodity that fluctuates, not in as great degree, but more constantly than any other.

It is a popular error to suppose that gold is worth intrinsically anything like the value that is placed upon it conventionally by legal enactments and the consent of trading nations. In truth, intrinsically, gold is one of the least valuable of the metals. Conventionally, it is the most valuable. Take from it that conventional value placed upon it in use among men, and its value is very low in the scale of metals. Steel and zinc and tin and some of the other metals are intrinsically more valuable.

The Government undertakes by this bill—and it pledges its power and its faith—that the currency that it has established shall be equal to the value that has been fixed upon it in the hands of every holder. That faith and that power of our Government have been so exhibited and expressed in the history of the country that not one of the inhabitants of this wide Republic will doubt it. It offers to the citizens of the United States a standard of values in a circulating medium which shall divorce us from the exigencies and the schemes and the ambitions of all foreign populations, and leave us to pursue our career

of industry and civilization and accumulation without the embarrassments that result in all countries where the people are governed too much. Under this system the lawful currency of the country will at all times represent the values of the property and products of the country; and if sensible measures are taken to protect the people against undue expansion of the volume of the currency they can rely upon steady prices and uniform rewards of industry. These features are not possible with a currency based on the gold standard which is subject to be operated upon by increase or diminution with every people with whom we have intercourse, and by all governments that recognize the gold standard and by all the speculative schemes of bankers in every other country. The time has been within the memory of the youngest as well as the oldest of us when a resolution by the governors of the Bank of England, fixing the rate of discount of their bank, would raise or depress the price of every commodity in the United States.

This is what the certificate promises: it promises it shall be of the value expressed on its face to every holder; and the faith and power of the Government are pledged that it shall be so. The sovereign authority decrees it; and the laws have provided the means to enforce that authority.

It is a thing to thank God for that, by the progress of enlightenment from our recent experience, we are able to declare ourselves now as independent in our financial relations as in '76 we were to declare ourselves to be independent of the sovereign authority of Great Britain.

We were reasonably free and theoretically independent, but not actually independent nor actually free until the war of the rebellion. We had the forms of a sovereignty and the appearance of a government, but whether we were or not had never been tested until the question came whether we could govern ourselves. No people can be considered competent until the test has been had by a real trial. Our trial came; it was formidable and fearful; but in the end, by a million of bayonets and the sacrifice of hundreds of thousands of lives, we demonstrated that the people of the United States were sovereign—were able to govern themselves and maintain their integrity as a nation. The verdict of the world was rendered in our favor without further argument. And since that date we have a right to claim that we are a sovereign people, with the power of governing ourselves and defending ourselves against all assaults. Formerly the faith and power of the Government was a theory; now it is a demonstrated fact. In the act of issuing greenbacks as currency the very highest exercise of the sovereign power was exhibited with entire and complete success, so that no man from that day to this has ever questioned its value or doubts it now. We shall cut loose from a metallic basis, and the American system is to modify all other systems of finance.

The past, at least, of the republican party is secure; but it is a party of progress; and let it beware of the blandishments of the buxom banking Vivian, golden-gifted, profuse of amours, else, ere long, in the cold splendor of marble walls of banking institutions, from which is no escape forevermore, it will lie "lost to life, and use, and name, and fame." Rather, disinthralled, let it close up its ranks with the party of the future, and still, as of old, keeping step to the music of the Union, amid the appreciative applause of the nation, move solidly together to assured victory with the cry, and under the banner bearing the inscription, ONE COUNTRY, ONE CONSTITUTION, ONE CURRENCY.

Mr. CAIN obtained the floor.

Mr. KELLEY. I would like to put a question to the gentleman from New York, [Mr. MELLISH.]

Mr. MELLISH. I do not know whether I have time to answer the question.

Mr. KELLEY. If the gentleman from South Carolina [Mr. CAIN] will yield for a moment, I wish to ask the gentleman from New York a question. Did I apprehend him correctly in understanding him to state that the gold dollar is a standard of value?

Mr. MELLISH. As provided by the bill I have been considering?

Mr. KELLEY. No, sir. I understood you in general argument to assert that gold coin is the standard of value.

Mr. MELLISH. I understand that gold is the world's standard of value.

Mr. KELLEY. Is it not rather the measure of a standard?

Mr. MELLISH. I think that in practice it is the standard.

Mr. KELLEY. Is it?

Mr. MELLISH. In practice it is, and is so considered the world over.

Mr. KELLEY. Well, sir, is it the standard for regulating the value of a barrel of flour, as well when flour is but four dollars a barrel as when it is ten?

Mr. MELLISH. Certainly.

Mr. KELLEY. How can it be said to regulate the value of flour when it takes sometimes but four dollars, and sometimes ten, to pay for one hundred and ninety-six pounds of the same article put up in a common barrel.

Mr. MELLISH. Sometimes flour is worth more than at other times, and therefore brings a higher price.

Mr. KELLEY. May it not then be said with equal reason that gold is sometimes worth less than at other times? Are not both gold and flour commodities?

Mr. MELLISH. No, sir. Gold is the world's standard of value. Flour is at one time worth more than at another.

Mr. KELLEY. Is it not rather a measure of values, in local markets, than a standard of values?

Mr. MELLISH. I think it is the world's standard of value. I do not see how you can look at it in any other light.

Mr. KELLEY. That is a queer standard which sometimes measures two and a half times as much as at others.

Mr. MELLISH. It is the flour, not the gold, that changes, though, in a certain sense, everything is subject to change.

Mr. HUBBELL. Does not the question of supply and demand affect the value?

Mr. KELLEY. And has not the question of supply and demand also something to do with the value of gold? Is its purchasing power never affected by this law?

Mr. HUBBELL. Certainly.

Mr. KELLEY. Then how is it that that which is constantly changing its own value is a standard for the measure of the value of other articles?

Mr. SMITH, of Ohio. I wish to ask the gentleman from Pennsylvania what is the difference between the meaning of the word "measure" and the word "standard?" It takes sometimes more money to buy a barrel of flour than it does at others. How can that be a measure any more than it is a standard of value, as the gentleman asserts?

Mr. KELLEY. I have not asserted anything. I am an inquirer, in pursuit of information.

Mr. SMITH, of Ohio. So am I in pursuit of information. I wish to ask the gentleman how it is that the word "measure" differs in meaning from the word "standard?"

Mr. KELLEY. I do not like to take up more of the time of the gentleman from South Carolina, [Mr. CAIN;] but if he will allow me, I will say that the real measure of value is the money of account of each nation. There is no "currency of the world." The phrase is a delusion. If you will go to London with your trunk full of twenty-dollar gold pieces and undertake to spend one of them in a shop, you will find that you will have to go through the broker's shaving-shop, though it be dignified by the name of bank, in order to get the currency of England, just as we used to, when we had State bank-notes, and went beyond the limits of the State in which they were issued. You will then find that your "currency of the world" is United States currency, and that England does not recognize it, and that you will have to stand a shave to get it converted into sovereigns.

Then, if you cross the channel and go to France—having converted your United States gold currency into English gold currency—you will have to get it converted into French currency, or gold coins the unit of which is the franc, say into louis; and, with each change, you will be shaved by a broker—albeit it be called the Bank of England or the Bank of France—as you used to do when we had the old-fashioned State-bank notes.

But further, when you shall be about to start from France with your currency of the world reduced by having paid for two changes, and which has borne three forms and the stamp of three nationalities, you must determine how you will change it next. If you are going south to the Peninsula, you will want to get Spanish or Portuguese coinage. If you are going into Germany you will want quite another currency, to wit, the currency of Germany, which may be gold or silver. Leaving Germany with your "currency of the world" thus frequently changed through broker-shops, if you are too far northward, you will have to get another set of coins, to wit, the gold currency of Sweden. The truth is that gold coin outside of the country whose sovereign right to institute money they represent are but merchandise. There is no other currency of the world than commodities. The making of money pertains to the sovereignty of each nation.

Sir, the measure of value is, as I have said, found in the money of account known to nations respectively. It is dollars in the United States, pounds, shillings, and pence in England, francs in France, and I am not sufficiently acquainted with the subject to tell you what it is in Spain or Sweden, in Russia, Germany, Italy, Denmark, and other countries.

But if you recross the ocean with your "currency of the world" as coined in the last country you visited and go into South or Central America you must again submit to as many shaves there in getting your gold changed as you shall pass from one nationality to another; I reiterate the figure I used, and say just as you did with the old State-bank notes.

Now, sir, the standard of value is the money of account. The currency of the world is woven and spun at Manchester and Dundee, or forged at Birmingham, so far as England requires it to settle adverse international balances. The "currency of the world" that settles American balances in foreign lands is grown on our cotton and tobacco fields, is pumped out of our petroleum-wells, is found in the wheat-fields of the Northwest and the mines of the Rocky Mountains and Pacific slope. With that currency we settle international balances according to the standard of value in each country, which is the money of account as found on the books of merchants and quoted in mercantile journals within its limits.

Mr. SMITH, of Ohio. Another question.

Mr. KELLEY. Before I hear the question, I desire to say that I

cannot now consent to consume more of the time of the gentleman from South Carolina, [Mr. CAIN,] but will on next Saturday meet the gentleman here, and submit to be catechised by him all day.

CIVIL RIGHTS.

Mr. CAIN. Mr. Speaker, I feel called upon more particularly by the remarks of the gentleman from North Carolina [Mr. VANCE] on civil rights to express my views. For a number of days this question has been discussed, and various have been the opinions expressed as to whether or not the pending bill should be passed in its present form or whether it should be modified to meet the objections entertained by a number of gentlemen whose duty it will be to give their votes for or against its passage. It has been assumed that to pass this bill in its present form Congress would manifest a tendency to override the Constitution of the country and violate the rights of the States.

Whether it be true or false is yet to be seen. I take it, so far as the constitutional question is concerned, if the colored people under the law, under the amendments to the Constitution, have become invested with all the rights of citizenship, then they carry with them all rights and immunities accruing to and belonging to a citizen of the United States. If four, or nearly five, million people have been lifted from the thralldom of slavery and made free; if the Government by its amendments to the Constitution has guaranteed to them all rights and immunities, as to other citizens, they must necessarily therefore carry along with them all the privileges enjoyed by all other citizens of the Republic.

Sir, the gentleman from North Carolina [Mr. VANCE] who spoke on the question stated some objections, to which I desire to address a few words of reply. He said it would enforce social rights, and therefore would be detrimental to the interests of both the whites and the blacks of the country. My conception of the effect of this bill, if it be passed into a law, will be simply to place the colored men of this country upon the same footing with every other citizen under the law, and will not at all enforce social relationship with any other class of persons in the country whatsoever. It is merely a matter of law. What we desire is that our civil rights shall be guaranteed by law as they are guaranteed to every other class of persons; and when that is done all other things will come in as a necessary sequence, the enforcement of the rights following the enactment of the law.

Sir, social equality is a right which every man, every woman, and every class of persons have within their own control. They have a right to form their own acquaintances, to establish their own social relationships. Its establishment and regulation is not within the province of legislation. No laws enacted by legislators can compel social equality. Now, what is it we desire? What we desire is this: inasmuch as we have been raised to the dignity, to the honor, to the position of our manhood, we ask that the laws of this country should guarantee all the rights and immunities belonging to that proud position, to be enforced all over this broad land.

Sir, the gentleman states that in the State of North Carolina the colored people enjoy all their rights as far as the highways are concerned; that in the hotels, and in the railroad cars, and in the various public places of resort, they have all the rights and all the immunities accorded to any other class of citizens of the United States. Now, it may not have come under his observation, but it has under mine, that such really is not the case; and the reason why I know and feel it more than he does is because my face is painted black and his is painted white. We who have the color—I may say the objectionable color—know and feel all this. A few days ago, in passing from South Carolina to this city, I entered a place of public resort where hungry men are fed, but I did not dare—I could not without trouble—sit down to the table. I could not sit down at Wilmington or at Weldon without entering into a contest, which I did not desire to do. My colleague, the gentleman who so eloquently spoke on this subject the other day, [Mr. ELLIOTT,] a few months ago entered a restaurant at Wilmington and sat down to be served, and while there a gentleman stepped up to him and said, "You cannot eat here." All the other gentlemen upon the railroad as passengers were eating there; he had only twenty minutes, and was compelled to leave the restaurant or have a fight for it. He showed fight, however, and got his dinner; but he has never been back there since. Coming here last week I felt we did not desire to draw revolvers and present the bold front of warriors, and therefore we ordered our dinners to be brought into the cars, but even there we found the existence of this feeling; for, although we had paid a dollar apiece for our meals, to be brought by the servants into the cars, still there was objection on the part of the railroad people to our eating our meals in the cars, because they said we were putting on airs. They refused us in the restaurant, and then did not desire that we should eat our meals in the cars, although we paid for them. Yet this was in the noble State of North Carolina.

Mr. Speaker, the colored men of the South do not want the adoption of any force measure. No; they do not want anything by force. All they ask is that you will give them, by statutory enactment under the fundamental law, the right to enjoy precisely the same privileges accorded to every other class of citizens.

The gentleman, moreover, has told us that if we pass this civil-rights bill we will thereby rob the colored men of the South of the friendship of the whites. Now, I am at a loss to see how the friendship of our white friends can be lost to us by simply saying we should be permitted to enjoy the rights enjoyed by other citizens. I have a higher opinion of the friendship of the southern men than to suppose any such thing. I know them too well. I know their friendship will not be lost by the passage of this bill. For eight years I have been in South Carolina, and I have found this to be the fact, that the higher class, comprising gentlemen of learning and refinement, are less opposed to this measure than are those who do not occupy so high a position in the social scale.

Sir, I think that there will be no difficulty. But I do think this, that there will be more trouble if we do not have those rights. I regard it important, therefore, that we should make the law so strong that no man can infringe those rights.

But, says the gentleman from North Carolina, some ambitious colored man will, when this law is passed, enter a hotel or railroad car, and thus create disturbance. If it be his right, then there is no vaulting ambition in his enjoying that right. And if he can pay for his seat in a first-class car or his room in a hotel, I see no objection to his enjoying it. But the gentleman says more. He cited, on the school question, the evidence of South Carolina, and says the South Carolina University has been destroyed by virtue of bringing into contact the white students with the colored. I think not. It is true that a small number of students left the institution, but the institution still remains. The buildings are there as erect as ever; the faculty are there as attentive to their duties as ever they were; the students are coming in as they did before. It is true, sir, that there is a mixture of students now; that there are colored and white students of law and medicine sitting side by side; it is true, sir, that the prejudice of some of the professors was so strong that it drove them out of the institution; but the philanthropy and good sense of others were such that they remained; and thus we have still the institution going on, and because some students have left, it cannot be reasonably argued that the usefulness of the institution has been destroyed. The University of South Carolina has not been destroyed.

But the gentleman says more. The colored man cannot stand, he says, where this antagonism exists, and he deprecates the idea of antagonizing the races. The gentleman says there is no antagonism on his part. I think there is no antagonism so far as the country is concerned. So far as my observation extends, it goes to prove this: that there is a general acceptance upon the part of the larger and better class of the whites of the South of the situation, and that they regard the education and the development of the colored people as essential to their welfare, and the peace, happiness, and prosperity of the whole country. Many of them, including the best minds of the South, are earnestly engaged in seeking to make this great system of education permanent in all the States. I do not believe, therefore, that it is possible there can be such an antagonism. Why, sir, in Massachusetts there is no such antagonism. There the colored and the white children go to school side by side. In Rhode Island there is not that antagonism. There they are educated side by side in the high schools. In New York, in the highest schools, are to be found, of late, colored men and colored women. Even old democratic New York does not refuse to give the colored people their rights, and there is no antagonism. A few days ago, when in New York, I made it my business to find out what was the position of matters there in this respect. I ascertained that there are, I think, seven colored ladies in the highest school in New York, and I believe they stand No. 1 in their class, side by side with members of the best and most refined families of the citizens of New York, and without any objection to their presence.

I cannot understand how it is that our southern friends, or a certain class of them, always bring back this old ghost of prejudice and of antagonism. There was a time, not very far distant in the past, when this antagonism was not recognized, when a feeling of fraternization between the white and the colored races existed, that made them kindred to each other. But since our emancipation, since liberty has come, and only since—only since we have stood up clothed in our manhood, only since we have proceeded to take hold and help advance the civilization of this nation—it is only since then that this bugbear is brought up against us again. Sir, the progress of the age demands that the colored man of this country shall be lifted by law into the enjoyment of every right, and that every appliance which is accorded to the German, to the Irishman, to the Englishman, and every foreigner, shall be given to him; and I shall give some reasons why I demand this in the name of justice.

For two hundred years the colored men of this nation have assisted in building up its commercial interests. There are in this country nearly five millions of us, and for a space of two hundred and forty-seven years we have been hewers of wood and drawers of water; but we have been with you in promoting all the interests of the country. My distinguished colleague, who defended the civil rights of our race the other day on this floor, set this forth so clearly that I need not dwell upon it at this time.

I propose to state just this: that we have been identified with the interests of this country from its very foundation. The cotton crop of this country has been raised and its rice-fields have been tilled by the hands of our race. All along as the march of progress, as the march of commerce, as the development of your resources has been widening and expanding and spreading, as your vessels have gone on every sea, with the stars and stripes waving over them, and carried your commerce everywhere, there the black man's labor has gone to enrich your country and to augment the grandeur of your nationality. This was done in the time of slavery. And if, for the space of

time I have noted, we have been hewers of wood and drawers of water; if we have made your cotton-fields blossom as the rose; if we have made your rice-fields wave with luxuriant harvests; if we have made your corn-fields rejoice; if we have sweated and toiled to build up the prosperity of the whole country by the productions of our labor, I submit, now that the war has made a change, now that we are free—I submit to the nation whether it is not fair and right that we should come in and enjoy to the fullest extent our freedom and liberty.

A word now as to the question of education. Sir, I know that, indeed, some of our republican friends are even a little weak on the school clause of this bill; but, sir, the education of the race, the education of the nation, is paramount to all other considerations. I regard it important, therefore, that the colored people should take place in the educational march of this nation, and I would suggest that there should be no discrimination. It is against discrimination in this particular that we complain.

Sir, if you look over the reports of superintendents of schools in the several States, you will find, I think, evidences sufficient to warrant Congress in passing the civil-rights bill as it now stands. The report of the commissioner of education of California shows that, under the operation of law and of prejudice, the colored children of that State are practically excluded from schooling. Here is a case where a large class of children are growing up in our midst in a state of ignorance and semi-barbarism. Take the report of the superintendent of education of Indiana, and you will find that while efforts have been made in some places to educate the colored children, yet the prejudice is so great that it debars the colored children from enjoying all the rights which they ought to enjoy under the law. In Illinois, too, the superintendent of education makes this statement: that, while the law guarantees education to every child, yet such are the operations among the school trustees that they almost ignore, in some places, the education of colored children.

All we ask is that you, the legislators of the nation, shall pass a law so strong and so powerful that no one shall be able to elude it and destroy our rights under the Constitution and laws of our country. That is all we ask.

But, Mr. Speaker, the gentleman from North Carolina [Mr. VANCE] asks that the colored man shall place himself in an attitude to receive his rights. I ask, what attitude can we assume? We have tilled your soil, and during the rude shock of war, until our hour came, we were docile during that long, dark night, waiting patiently the coming day. In the Southern States during that war our men and women stood behind their masters; they tilled the soil, and there were no insurrections in all the broad lands of the South; the wives and daughters of the slaveholders were as sacred then as they were before; and the history of the war does not record a single event, a single instance, in which the colored people were unfaithful, even in slavery; nor does the history of the war record the fact that on the other side, on the side of the Union, there were any colored men who were not willing at all times to give their lives for their country. Sir, upon both sides we waited patiently. I was a student at Wilberforce University, in Ohio, when the tocsin of war was sounded, when Fort Sumter was fired upon, and I never shall forget the thrill that ran through my soul when I thought of the coming consequences of that shot. There were one hundred and fifteen of us, students at that university, who, anxious to vindicate the stars and stripes, made up a company, and offered our services to the governor of Ohio; and, sir, we were told that this was a white man's war and that the negro had nothing to do with it. Sir, we returned—docile, patient, waiting, casting our eyes to the heavens whence help always comes. We knew that there would come a period in the history of this nation when our strong black arms would be needed. We waited patiently; we waited until Massachusetts, through her noble governor, sounded the alarm, and we hastened then to hear the summons and obey it.

Sir, as I before remarked, we were peaceful on both sides. When the call was made on the side of the Union we were ready; when the call was made for us to obey orders on the other side, in the confederacy, we humbly performed our tasks, and waited patiently. But, sir, the time came when we were called for; and, I ask, who can say that when that call was made, the colored men did not respond as readily and as rapidly as did any other class of your citizens? Sir, I need not speak of the history of this bloody war. It will carry down to coming generations the valor of our soldiers on the battle-field. Fort Wagner will stand forever as a monument of that valor, and until Vicksburgh shall be wiped from the galaxy of battles in the great contest for human liberty that valor will be recognized.

And for what, Mr. Speaker and gentlemen, was the great war made? The gentleman from North Carolina [Mr. VANCE] announced before he sat down, in answer to an interrogatory by a gentleman on this side of the House, that they went into the war conscientiously before God. So be it. Then we simply come and plead conscientiously before God that these are our rights, and we want them. We plead conscientiously before God, believing that these are our rights by inheritance, and by the inexorable decree of Almighty God.

We believe in the Declaration of Independence, that all men are born free and equal, and are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness. And we further believe that to secure those rights governments are instituted. And we further believe that when governments cease to subserve those ends the people should change them.

I have been astonished at the course which gentlemen on the other side have taken in discussing this bill. They plant themselves right behind the Constitution, and declare that the rights of the State ought not to be invaded. Now, if you will take the history of the war of the rebellion, as published by the Clerk of this House, you will see that in 1860 the whole country, each side, was earnest in seeking to make such amendments to the Constitution as would forever secure slavery and keep the Union together under the circumstances. The resolutions passed, and the sentiments expressed in speeches at that time, if examined by gentlemen, will be found to bear out all that I have indicated. It was felt in 1860 that anything that would keep the "wayward sisters" from going astray was desirable. They were then ready and willing to make any amendments.

And now, when the civil rights of our race are hanging upon the issue, they on the other side are not willing to concede to us such amendments as will guarantee them; indeed, they seek to impair the force of existing amendments to the Constitution of the United States, which would carry out the purpose.

I think it is proper and just that the civil-rights bill should be passed. Some think it would be better to modify it, to strike out the school clause, or to so modify it that some of the State constitutions should not be infringed. I regard it essential to us and the people of this country that we should be secured in this if in nothing else. I cannot regard that our rights will be secured until the jury-box and the school-room, those great palladiums of our liberty, shall have been opened to us. Then we will be willing to take our chances with other men.

We do not want any discriminations to be made. If discriminations are made in regard to schools, then there will be accomplished just what we are fighting against. If you say that the schools in the State of Georgia, for instance, shall be allowed to discriminate against colored people, then you will have discriminations made against us. We do not want any discriminations. I do not ask any legislation for the colored people of this country that is not applied to the white people. All that we ask is equal laws, equal legislation, and equal rights throughout the length and breadth of this land.

The gentleman from North Carolina [Mr. VANCE] also says that the colored men should not come here begging at the doors of Congress for their rights. I agree with him. I want to say that we do not come here begging for our rights. We come here clothed in the garb of American citizenship. We come demanding our rights in the name of justice. We come, with no arrogance on our part, asking that this great nation, which laid the foundations of civilization and progress more deeply and more securely than any other nation on the face of the earth, guarantee us protection from outrage. We come here, five millions of people—more than composed this whole nation when it had its great tea-party in Boston Harbor, and demanded its rights at the point of the bayonet—asking that unjust discriminations against us be forbidden. We come here in the name of justice, equity, and law, in the name of our children, in the name of our country, petitioning for our rights.

Our rights will yet be accorded to us, I believe, from the feeling that has been exhibited on this floor of the growing sentiment of the country. Rapid as the weaver's shuttle, swift as the lightning's flash, such progress is being made that our rights will be accorded to us ere long. I believe the nation is perfectly willing to accord this measure of justice, if only those who represent the people here would say the word. Let it be proclaimed that henceforth all the children of this land shall be free; that the stars and stripes, waving over all, shall secure to every one equal rights, and the nation will say "amen."

Let the civil-rights bill be passed this day, and five million black men, women, and children, all over the land, will begin a new song of rejoicing, and the thirty-five millions of noble-hearted Anglo-Saxons will join in the shout of joy. Thus will the great mission be fulfilled of giving to all the people equal rights.

Inasmuch as we have toiled with you in building up this nation; inasmuch as we have suffered side by side with you in the war; inasmuch as we have together passed through affliction and pestilence, let there be now a fulfillment of the sublime thought of our fathers—let all men enjoy equal liberty and equal rights.

In this hour, when you are about to put the cap-stone on the mighty structure of government, I ask you to grant us this measure, because it is right. Grant this, and we shall go home with our hearts filled with gladness. I want to "shake hands over the bloody chasm." The gentleman from North Carolina has said he desires to have forever buried the memory of the recent war. I agree with him. Representing a South Carolina constituency, I desire to bury forever the tomahawk. I have voted in this House with a free heart to declare universal amnesty. Inasmuch as general amnesty has been proclaimed, I would hardly have expected there would be any objection on this floor to the civil-rights bill, giving to all men the equal rights of citizens. There should be no more contest. Amnesty and civil rights should go together. Gentlemen on the other side will admit that we have been faithful; and now, when we propose to bury the hatchet, let us shake hands upon this measure of justice; and if heretofore we have been enemies, let us be friends now and forever.

Our wives and our children have high hopes and aspirations; their longings for manhood and womanhood are equal to those of any other race. The same sentiment of patriotism and of gratitude, the same spirit of national pride that animates the hearts of other citizens,

animates theirs. In the name of the dead soldiers of our race, whose bodies lie at Petersburgh and on other battle-fields of the South; in the name of the widows and orphans they have left behind; in the name of the widows of the confederate soldiers who fell upon the same fields, I conjure you let this righteous act be done. I appeal to you in the name of God and humanity to give us our rights, for we ask nothing more. [Lond applause.]

[Mr. CROSSLAND addressed the House. His remarks will appear in the Appendix.]

Mr. MELLISH. Mr. Speaker, grave apprehensions seem to be entertained by gentlemen on the other side of the House from the passage of a bill guaranteeing equal civil rights to all American citizens. They appear to think that it will undermine the foundations necessary for the support of the social system. I do not share in these apprehensions. I know that where prejudice, passion, and fear are excited that arguments and appeals to reason have little effect. Besides, the subject has been already ably and eloquently presented. I will therefore merely refer to a fact that came within my own observation where the granting of equal rights in public conveyances that are often overcrowded was quietly brought about—indeed, so far as I am aware, without any protest—and this in a great city where prejudice against color was perhaps as intense as in any part of the world, and was kept constantly excited by appeals of democratic stump-speakers and by the democratic press, and which feeling, thus encouraged and stimulated, finally culminated in the most disgraceful riot known to history.

It is well known that for many years, while some of the lines of street-cars in the city of New York did not allow any colored passengers to ride in their cars, other lines placed upon their routes cars conspicuously labeled with these words: "Colored people allowed in this car." A person of color was not allowed to ride upon any other car; and thereby much inconvenience was occasioned to our colored fellow-citizens, to say nothing of the degradation implied by the practice. On one occasion the wife of an officer—and her husband was at the time fighting in the Union Army—got into an empty car near the Astor House to proceed up town. The conductor of the car, by perhaps a somewhat close scrutiny—for I observed at the trial that the lady had nearly straight hair and might easily have passed for simply a native of the tropics—discovered that she was partly of the African race. Thereupon, in accordance with the rules of the company, he ordered her out of the car. The lady declined to go. Then the conductor called a policeman, who, on hearing a statement of the case, ejected her from the car. The lady made a complaint against the patrolman which was heard before the commissioners of the metropolitan police department. It was not claimed that any unnecessary violence was used on the part of the policeman, or that he was guilty, in the technical sense of the phrase, of conduct unbecoming an officer, the whole matter turning on the question whether the officer had any right to eject the lady at all. After hearing the evidence the Hon. Thomas C. Acton, then president of the board of police—and who, of all men I ever knew, detests a mean act and will go as far as the farthest to secure equal and exact justice to the oppressed—told the officer in substance, that, if he ever saw a conductor attempting to put out a passenger from a street-car on account of color, or was called upon by a conductor to eject a passenger on that account, to immediately arrest such conductor and take him to the station-house, and see to it that the rights of the citizen were protected. The policeman was fined ten days' pay for the offense.

What was the consequence?

Why, as soon as the change could possibly be made, the managers of the street railroads of the city of New York caused to be erased from over their car-windows the inscription, "Colored people allowed in this car." And from that day to this colored citizens have rode indiscriminately and without molestation in all the street-cars of that city.

I venture to predict that the operation of this statute will be only beneficial—that it will produce none of the terrible results that have been conjured up by the affrighted imaginations of the opposition.

Mr. Speaker, the bill before the House is treated as a party question by the opposition. I, for one, am quite willing that the issue shall be thus made. What is this bill? It simply proposes to get the civil rights of black and white citizens settled on a basis of equality. I need not attempt to describe what the nation has done and suffered for the abolition of slavery and the establishing of equal rights of all American citizens, without regard to race or color. The struggle from beginning to end was the struggle between two parties, the republican and the democratic. The same spirit is here and now manifested. The civil-rights bill was filibustered against by the opposition with a pertinacity worthy of a better cause in the last Congress. As an indication of the spirit that still animates that party, I read from the RECORD the report of a scene enacted on this floor day before yesterday:

Mr. HARRIS, of Virginia. I know the objection that will occur to the mind of every gentleman on the other side of the House, and of every one here who differs from me on this question. They will say that it is prejudice—unjust prejudice. Admit that it is prejudice; yet the fact exists, and you, as members of Congress and legislators are bound to respect that prejudice. It was born in the children of the South—born in our ancestors, and born in your ancestors in Massachusetts—that the colored man was inferior to the white.

Mr. RANSIER. I deny that.

Mr. HARRIS, of Virginia. I do not allow you to interrupt me. Sit down; I am talking to white men; I am talking to gentlemen.

I shall watch the yeas and nays on this question, not with solicitude—for that it will pass by a large majority would seem scarcely to admit of doubt—but to see whether the division on the vote may not represent the division of parties. This is a proper sequel to the struggle of the democratic party in behalf of slavery.

And now, in the few brief moments I have at command, I shall confine myself to that feature of the question which has been made so prominent by the opposition. I refer to its aspect as a party question. We know that men are apt to be guided in their action by their gratitude or their apprehension, and their apprehension is sometimes the safer guide of the two. By the course of the debate here the question is pressed upon the colored man, to what party shall he lend the aid of his vote and influence? Let him ask himself the questions, What party maintained African slavery in the United States for one hundred years? What party in the United States sought to extend slavery into the entire Union? What party succeeded in their efforts in that direction to exact from the highest tribunal in the land a formal judicial decision that the colored man had no rights that a white man was bound to respect? What party, failing in the arts of politics to succeed in their efforts for the extension of slavery, resorted to the issues of war—that marshaled armies, and fought battles, and sacrificed human life, and destroyed property, created widows and orphans and brought upon the nation such woes as no enlightened people ever before suffered—for the single but infamous object of extending and perpetuating the slavery of the colored race? What party established the black laws of the slave States, by which marriage was made a nullity, the domestic relations a farce, by which the mother was deprived of her rights of maternity and robbed of an opportunity of exercising natural affection toward her offspring; that separated husband and wife and sold both and all like cattle in the market; that contemned the laws of modesty and virtue between the sexes, and made a traffic of female charms for the rewards of money? What party, in violation of the articles of war, assassinated and burnt and murdered the surrendered prisoners of Fort Pillow? Coming nearer my own home, in the city of New York, what party hung the colored man to the lamp-post, burned him over with kerosene, nailed to his breast-bone derisive placards, drove him from the streets into the protection of the police, and denied him in all forms the right to live which was at the same time accorded to the brute creation? If they know such a party, they will recognize in it the great enemy of their race; and they will not need to be advised not to give it their countenance and support.

On the other hand, if they know a party whose doctrines and whose measures have been uniformly for five and twenty years hostile to slavery and friendly to emancipation, if they know a party which during the fearful war of the rebellion, supported the Government, gave of their means, risked and sacrificed their lives in the field of battle by thousands and hundreds of thousands, and finally triumphed in the war which achieved the emancipation of their race, following political action by constitutional enactments intended and calculated to secure that freedom and equality forever; if they know such a party, whose great leader now was their great leader then, whose sword cut the rivet of their shackles, whose cannon blew away those shackles utterly and forever, they will not need to be advised to what party to accord their influence and their votes.

CHEAP TRANSPORTATION.

Mr. LOUGHRIDGE obtained leave to have printed in the CONGRESSIONAL RECORD remarks on cheap transportation.

And then, on motion of Mr. PARKER, of Missouri, (at four o'clock and twenty minutes p. m.,) the House adjourned.

PETITIONS.

The following petitions were presented under the rule, and referred to the appropriate committees:

By Mr. MYERS: The petition of Margaret Young, widow of John Young, late of the United States Marine Corps, for commutation money which was due her said husband under the artificial-limb act.

By Mr. WALDRON: The petition of G. F. Spence and others, of Oakville, Michigan, asking that all mail matter be prepaid at office of mailing.

Also, the petition of L. B. Christie, and others, of Monroe County, Michigan, soldiers of the late war, for equalization of bounties.

By Mr. WILLARD, of Vermont: The petition of William H. H. Buck, of Middlesex, Vermont, praying for a pension.

IN SENATE.

MONDAY, *January* 12, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Attorney-General, communicating, in obedience to a resolution of the

Senate, the number of officers and employés in or connected with the Department of Justice who have been furnished with official postage-stamps; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. FENTON presented the petition of the Saint Paul's Methodist Episcopal church, of New York City, signed by the pastor, Rev. Cyrus D. Foss, and other officers of the church; and the petition of the Social Union of the Society of Friends, of Ghent, New York, signed by its officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. BOUTWELL presented the petition of the First Baptist church of Melrose, Massachusetts, signed by the pastor, Rev. Almond Barrelle, and officers of the church; the petition of L. C. Howard and other citizens of Sutton, Massachusetts; the petition of John Tobias and other citizens of Boston, Massachusetts; and the petition of the Universalist church of Waltham, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. CHANDLER presented a petition of citizens of Michigan, praying for the extension of the postal money-order system to every post-office in the United States, and a reduction of the rates; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of M. B. Nash and 51 others of Kent County, Michigan; the petition of Frank M. Smith and 100 others, of Barry County, Michigan; and the petition of Bradford Smith and 76 others, of Detroit, Michigan, praying Congress to enact a general law prohibiting to the extent of its constitutional powers the traffic in intoxicating liquors to be used as a beverage; which were referred to the Committee on Finance.

He also presented a petition of citizens of Trempealeau County, Wisconsin, praying Congress to enact a general law prohibiting to the extent of its constitutional powers the traffic in intoxicating liquors to be used as a beverage; which was referred to the Committee on Finance.

He also presented the petition of P. T. Stiles, William Cross, and 82 others, of Genesee County, Michigan; the petition of M. D. L. Rowley, C. S. Shaw, and 22 others, of Chester, Eaton County, Michigan; the petition of Jacob Dingman, George Kemp, and 76 others, of Sault Ste. Marie, Michigan; the petition of H. N. Norton, Samuel Rood, and 46 others, of Pontiac, Oakland County, Michigan; the petition of Bradley Crippen and 72 others, of Geneva, Van Buren County, Michigan; and the petition of M. V. Brown and 82 others, of Saint John's, Michigan, praying Congress to enact a general law prohibiting to the extent of its constitutional powers the traffic in intoxicating liquors to be used as a beverage; which were referred to the Committee on Finance.

Mr. PRATT presented the petition of G. W. Warner and other citizens of Indiana, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. LOGAN presented a petition of John Allen and other citizens of Chicago, Illinois, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

He also presented the petition of citizens of Chicago, Illinois, praying the repeal of the act fixing a tax of 10 per cent. on the circulation of State banks; which was referred to the Committee on Finance.

Mr. FERRY, of Michigan, presented the petition of Charles Nohler and other, citizens of Michigan, praying that the "Chinese indemnity fund," so called, be appropriated for the education of the Chinese on the Pacific Coast; which was referred to the Committee on Foreign Relations.

Mr. RAMSEY presented the petition of Bishop H. B. Whipple and other citizens of Minnesota, praying for the establishment of a system of education on board the naval men-of-war, including the rudimental branches of an English education, nautical science, &c.; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the federal council of the International Workingmen's Association of North America, asking for the establishment of savings-banks in connection with the Post-Office Department; which was referred to the Committee on Finance.

Mr. CONOVER presented the petition of Duval Division No. 1, Sons of Temperance, of Jacksonville, Florida, and the petition of the Lake City, Florida, Division, No. 4, Sons of Temperance, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. FRELINGHUYSEN presented a memorial of citizens of Tioga County, Pennsylvania, remonstrating against the repeal of the bankrupt act, and praying a modification of the same; which was ordered to lie on the table.

He also presented the petition of a committee from the American Institute of Homeopathy, a medical society of more than 1,200 members, resident in various parts of the United States, asking an extension of the signal service so as to obtain information for the benefit of the public health; which was referred to the Committee on Military Affairs.

He also presented the petition of Rev. C. S. Woodruff and other officers of the Temple of Honor and Temperance of the State of New Jersey, and the petition of the Grand Division and of subordinate associations of the Sons of Temperance of the State of New Jersey, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

He also presented the memorial of the Farmers' Club of the American Institute of New York, suggesting amendments to the so-called forest laws; which was referred to the Committee on Agriculture.

He also presented the petition of E. Mellach, praying for relief for himself and sureties from all responsibility on account of alleged embezzlements, and the petition of citizens of New Jersey for the reappointment of E. Mellach to his former position of passed assistant paymaster in the Navy; which were referred to the Committee on Naval Affairs.

Mr. EDMUNDS presented the petition of M. Malone and many other citizens of Winooski, Vermont, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. BUCKINGHAM presented the petition of the Good Templars of New Haven, Connecticut, signed by officers and members, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. BUCKINGHAM. I also present the memorial of Cyrus Winthrop and other citizens of Connecticut, asking that the fund in the Treasury of the United States, known as the Chinese indemnity fund, be appropriated for the education of Chinese youth in the Pacific States. I take this occasion to say that if that fund is not returned to the Chinese government, I know of no better use that can be made of it than that indicated by these memorialists. I move the reference of the memorial to the Committee on Education and Labor.

Mr. SUMNER. Allow me to suggest that that subject has always gone to the Committee on Foreign Relations, and the question, I should say, is primarily one for that committee; and I will call attention to the fact that not very long ago that committee, after a very careful consideration of the whole question, reported a bill to the Senate returning the money to China. It was felt, after the most careful inquiry and consideration of testimony and public opinion throughout our own country, that the most equitable course was to return the money to China.

Mr. BUCKINGHAM. Then I move the reference of the memorial to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CONKLING. I present the petition of many citizens residing in Fulton, Oswego County, New York—citizens of African descent—praying the passage of a law which will put an end to that condition of things under which, because they are citizens of African descent, they cannot travel upon railroads, steamboats, or stages, without being subjected to inconvenience, proscription, and insult; nor can they apply for accommodation at a public inn without being uncivilly treated. I believe bills upon this subject are before the Committee on the Judiciary, and therefore I move the reference of this petition to that committee.

The motion was agreed to.

Mr. CONKLING. I present the memorial of the Chamber of Commerce of the State of New York, attested by its officers, suggesting amendments, three in character, and, perhaps, three in number, to the bankrupt law. The judgment of the chamber is that the bankrupt act, in place of being repealed altogether, should be so amended as to require a larger representation of creditors in number and amount in order to enforce compulsory bankruptcy; second, that *bona fide* purchasers and dealers with those who become bankrupts should be protected, as they are not now protected, in their rights; and third, that the expenses now incident to bankruptcy proceedings should be cut down and guarded. I move that the memorial lie on the table, as the bill on that subject has been reported.

The motion was agreed to.

Mr. CONKLING. I present also the proceedings of a public meeting held in the city of Utica, New York, and participated in very generally by all classes of the community, praying for the absolute repeal of the bankrupt act. I move that it lie on the table.

The motion was agreed to.

Mr. CONKLING presented the petition of J. H. Kellogg and other citizens of Troy, New York, and the petition of the Delaware Division of the Sons of Temperance of Franklin, New York, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

He also presented the petition of Phœbe Riker, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. BAYARD presented the memorial of Charlotte S. Dupont and

others, heirs of General A. Henderson, late of the United States Marine Corps, asking to be allowed the difference between the pay of a colonel and that of a brigadier-general, on account of services rendered by General Henderson from January 1, 1846, to January 6, 1851; which was referred to the Committee on Naval Affairs.

Mr. SARGENT presented the petition of the Grand Division of the Sons of Temperance of California, signed by its officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. SARGENT. I also present the petition of Elizabeth Cady Stanton and Miss Susan B. Anthony, asking that the same protection be extended to women in their right to vote that is now enjoyed by colored men. They recite that as the United States Constitution as it is, with all its recent amendments and the laws to enforce them, does not, in the opinion of the Supreme Court judges, guarantee such protection in the several States, they demand of Congress further legislation that shall secure to women their civil and political rights. I move that this petition be referred to the Committee on Privileges and Elections, and I trust that it will receive early attention, and that appropriate legislation will be the result.

The motion was agreed to.

Mr. SCOTT. I present the memorial of the National Board of Trade, calling attention to six several points in which the existing bankrupt law should be speedily modified, and also praying for a general revision of the bankrupt act of 1867 by a commission to consist of the Attorney-General of the United States and seven merchants, bankers, and manufacturers. The latter clause of this petition, I suppose, might be appropriately referred to the Judiciary Committee, as it relates to future amendments to the law.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on the Judiciary.

Mr. SCOTT presented the petition of the State Temperance Union of Pennsylvania, signed by James Black, president, and Rev. D. A. Babcock, secretary, and the petition of James M. Fox and other citizens of Bucks County, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. HOWE presented the petition of R. S. Kneeland and other citizens of Hartford, Wisconsin, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. SHERMAN presented the petition of Joseph H. Miller and a large number of other citizens of Springborough, Ohio, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. CLAYTON presented a memorial of the Legislature of Arkansas, in favor of an increase of mail service on route 7509, in the State of Arkansas; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Legislature of Arkansas, in favor of further donations of lands by Congress in aid of agricultural colleges, as provided by the act of July 2, 1862; which was referred to the Committee on Education and Labor.

He also presented a memorial of the Legislature of Arkansas, in favor of the enactment of a civil-rights law; which was ordered to lie on the table and be printed.

He also presented a memorial of the Legislature of Arkansas, in favor of the removal of the Red River raft; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Arkansas, in favor of an appropriation by Congress for the improvement of Petit Jean River in that State, so as to make it navigable; which was referred to the Committee on Commerce.

He also presented a resolution of the Legislature of Arkansas, in favor of the adjustment, settlement, and payment of the alleged claim of the Southern Methodist publishing house, of Nashville, Tennessee, for the use of their building and property by the United States in 1864 and 1865; which was referred to the Committee on Claims.

Mr. SUMNER. Mr. President, I present the memorial of a large number of merchants and others doing business in Boston, protesting against the repeal of the national bankrupt law, and representing it as a national necessity to secure the interests of both debtor and creditor, protesting especially against leaving settlements subject to the complicated machinery of conflicting State laws.

The same gentlemen who have signed this memorial and protest are also, most of them, members of the Boston Board of Trade, and they have at the same time united in a resolution that—

> Inasmuch as we consider a uniform bankrupt law essential to the safety and prosperity of the trade of the United States, we earnestly protest against the repeal of the act of 1867, but recommend that it be amended in such a manner as to reduce the expenses of bankruptcy, and secure more prompt settlement of bankrupt estates.

I move that this memorial, with the paper which I have read, be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Committee on the Judiciary having reported on this subject, such memorials have been laid on the table.

Mr. SUMNER. Then let this lie on the table.

It was so ordered.

Mr. SUMNER. I also present the petition of the Methodist Episcopal church of West Quincy, Massachusetts, signed by its pastor, asking for the appointment of a commission concerning the liquor traffic; also another petition of the same character from the Congregational church of Quincy, Massachusetts; also another petition of the same character from the First Universalist church of Quincy, Massachusetts; also another petition of the same character from Saint Paul's Methodist Episcopal church of Lynn, Massachusetts; also another petition of the same character from Saint John's Roman Catholic church of Quincy, Massachusetts; and also another petition of the same character from the Methodist church of Quincy Point, Massachusetts; and another petition of the same character from the First Presbyterian church of Boston, Massachusetts. I move the reference of these petitions to the Committee on Finance.

The motion was agreed to.

Mr. FLANAGAN presented the petition of Simon Celaya, praying compensation for rent of building at Brownsville, Texas, during the late war; which was referred to the Committee on Claims.

Mr. KELLY presented the petition of R. Bird, Jacob Ormsby, and a large number of other citizens of the State of Oregon, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. BOGY presented the petition of Matthew Woodruff, late of Company G, Twenty-first Regiment Missouri Volunteer Infantry, praying for an honorable discharge from the Army, and to be allowed back pay and bounty; which was referred to the Committee on Military Affairs.

He also presented the petition of Bordeau and Lamoureaux, praying indemnity for depredations committed by Sioux Indians in 1865; which was referred to the Committee on Indian Affairs.

He also presented the petition of W. H. Moore & Co., praying compensation for depredations committed by the Cheyenne Indians in 1869 upon their property; which was referred to the Committee on Claims.

Mr. DENNIS presented the petition of H. Price, and other citizens of Baltimore, Maryland, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. NORWOOD presented the petition of the Grand Lodge of Good Templars of the State of Georgia, signed by its officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. MERRIMON presented the petition of C. G. Barbee, praying compensation for mail service rendered in North Carolina in the year 1861; which was referred to the Committee on Claims.

Mr. MORRILL, of Vermont, presented the petition of Julius Converse and other citizens of Woodstock, Vermont, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. WEST presented the petition of Mrs. Angela Dauzat, wife of Eugene Brocbaud, praying compensation for thirty-three bales of cotton taken by the Federal fleet under command of Admiral Porter at Port De Russey, on the Red River, on the 16th of March, 1864; which was referred to the Committee on Claims.

Mr. WEST. I also beg leave to present joint resolutions of the Legislature of Louisiana in reference to Hon. P. B. S. Pinchback, United States Senator-elect from the State of Louisiana, and ask to have them read.

The Chief Clerk read as follows:

Joint resolutions relative to Hon. P. B. S. Pinchback, United States Senator-elect from the State of Louisiana.

Whereas this General Assembly, at its session of 1873, did proceed, as provided in the constitution and laws, to elect Hon. P. B. S. Pinchback United States Senator from the State of Louisiana for the term beginning March 4, 1873; and whereas certain parties politically and personally hostile to him have made his claim to a seat in the United States Senate, by virtue of said election, the occasion of virulent and malicious personal assaults, using the journals of the country to disseminate the same to his detriment; and whereas the repetition of these slanders is a reflection upon us no less than upon Senator Pinchback: As a matter of justice to him and to the General Assembly, therefore,

Be it resolved by the senate of the State of Louisiana, (the House of Representatives concurring,) That we have full and unabated confidence in the integrity of Hon. P. B. S. Pinchback, Senator-elect from the State of Louisiana; and that not only as the legally elected Senator of said State, but as a citizen whose manliness and great public services entitle him to our respect, we urge his immediate admission to his seat in the Senate of the United States.

Be it further resolved, That a copy of this resolution be furnished by the governor to Senator Pinchback and also to Senator J. R. WEST, to be presented to the Senate of the United States as expressive of the sense and will of the General Assembly of the State of Louisiana.

C. C. ANTOINE,
Lieutenant-Governor and President of the Senate.
CHARLES W. LOWELL,
Speaker of the House of Representatives.

Approved January 7, 1874.

WILLIAM P. KELLOGG,
Governor of Louisiana.

The resolutions were ordered to lie on the table.

Mr. OGLESBY presented the petition of the officers and members of the Saint Clair Pharmaceutical Association of Southern Illinois, for the repeal of the thirteenth section of the act of July 13, 1866, imposing a stamp tax on medicines sold at retail; which was referred to the Committee on Finance.

Mr. HAMILTON, of Maryland, presented the petition of Benjamin F. Weishampel and others, citizens of Baltimore, Maryland, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. MORRILL, of Maine, presented the petition of John May and other citizens of Winthrop, Maine, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. HAMLIN presented the petition of Joshua Herrick, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CAMERON presented the petition of the religious society of Progressive Friends, of Longwood, Chester County, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. CAMERON. I also present a memorial from certain Mennonites, the representatives of many Russians, who desire an appropriation of public lands for their own use. By its reading it will be better understood than I can explain it. I ask that it be read.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

We, the undersigned, belonging to the Christian denomination called Mennonites, of South Russia and Prussia, in our own behalf and that of our brethren, respectfully address the following to you:

For three generations our denomination has lived in Russia under their own control, free to enjoy, as a separate colony, our own religion, language, lands, and customs, the Russian government only interfering to punish crimes and collect its revenues. Now, by a recent edict of the Russian government, passed 4th (16th) June, 1871, we are deprived of all of those rights, liberties, and privileges which had been granted to us forever, and the choice is presented to us of leaving Russia within ten years from the above-mentioned date, or after that time become Russianized in language and religion. In Prussia, where we lived for more than two hundred years in the liberty of conscience, the government acted the same.

We have determined to emigrate to some country where we can enjoy civil, social, and religious liberty.

By examining your Constitution and country we find the full assurance that, under your Constitution and laws, we shall find the liberty we so earnestly desire, and the sentiment expressed by President Grant, in his message of March 3, 1873, gives us great encouragement.

Desirous of settling in your country in colonies, there is, however, one obstacle in the way: the unimproved lands which we would be likely to select for our future homes being owned in alternate sections by railroads and the Government, if we should purchase from the railroad companies, some of the sections belonging to the Government would be taken up by persons who do not belong to our colony and who are not in sympathy with us. Besides this, our mode of farming is for fifteen or twenty families to join together on a large tract of land, and to have portions of it set aside for common pasture, where all the horses and cattle may graze together, kept by one herder. This saves much expense in fencing.

It will require time—no doubt the eight years yet open for migration—before all property in Russia can be disposed of, business finally settled, and the last of our brethren brought to their new home.

In behalf, therefore, of our brethren, numbering between forty and fifty thousand, we would respectfully ask:

1. That, if we select portions of railroad lands in different places suitable to our different wants as cattle-raisers, agriculturists, &c., we be allowed to take up and secure the sections of Government lands lying adjacent thereto, either by purchase or under the homestead laws, and to reserve the same until the year 1881.

2. If we find unoccupied bodies of land belonging to the Government, suited to our purposes, that we be allowed the same privilege of taking up and securing a sufficient quantity of land protected from the interference of outside parties.

The Canadian government has offered to present us as much land as we would occupy, within the before-mentioned time, but a party of us would prefer to settle in the United States, if the opportunity is given us to locate in colonies.

Our only object being to care for those in distress, should there be anything in our petition looking like speculation, we beg you will prevent it.

"Justice exalts a nation," says the word of God; and if you will use your great influence to promote this mission and assist the emigration of those who are persecuted for conscience' sake, you will have the deepest thanks of the sorrow-stricken Mennonites of Russia and Prussia, and what is much more, the blessings of Him who says that even a drink of cold water shall not be without reward.

We are, with high estimation,

SOME OF THE EMIGRANTS FROM RUSSIA AND PRUSSIA, CALLED MENNONITES.

P. S.—Our residence being transitory, if any reference should be required we beg to address to our brethren, Rev. Amos Herr, Lancaster County, Pennsylvania, and John F. Funk, Elkhart, Indiana, who are in sympathy with us and conversant with our movements.

Before the reading of the paper had been concluded,

Mr. FERRY, of Connecticut. Mr. President, it appears on the face of that memorial that it is from citizens or subjects of a foreign government.

The PRESIDENT *pro tempore*. The Senator from Connecticut objects to receiving the petition.

Mr. CAMERON. I wish the Senator would let it be read through.

Mr. FERRY, of Connecticut. I have no objection to its being read. I shall object, however, to its being received.

Mr. CAMERON. Let it be read, and I will ask afterward that it be received.

The PRESIDENT *pro tempore*. The reading will proceed.

Mr. SUMNER. I suppose it can be done by unanimous consent.

Mr. FERRY, of Connecticut. I have no objection to its reading, but I shall object to its reception.

Mr. SUMNER. Perhaps it is important to put the objection on record so that other petitions of the same character may not be received as of course.

The Chief Clerk resumed and concluded the reading of the memorial.

Mr. CAMERON. My intention is to have the memorial referred to the Committee on Public Lands, and I trust there will be no objection to that.

Mr. FERRY, of Connecticut. I object to the reception of the petition.

Mr. CAMERON. I think the Senator will not object when I shall have said a word about it.

The PRESIDENT *pro tempore*. Objection is made, and the petition cannot be received. It will be returned to the Senator from Pennsylvania.

Mr. CAMERON. I trust I shall be allowed to say a few words. These people can hardly be called subjects of the empire of Russia. They have been told that they may have eight years to leave that country and settle themselves wherever they please; but if they remain longer than that they must undergo all the penalties which are prescribed by the decree of which they speak. They are a peace people and never go to war. About one hundred and fifty years ago a large colony of them came into Pennsylvania. Mr. Penn gave them as much land as they thought proper to take at a shilling an acre. They have made the best farmers we have in Pennsylvania. They have sent their descendants into Ohio, Michigan, and various other States of the Northwest. Everywhere they are a peaceful, quiet people. Between forty and fifty thousand of these people desire to come here and become citizens as their brethren did one hundred and fifty years ago. I cannot see why there should be any objection on the part of my friend the Senator from Connecticut to allowing the petition to be received.

Mr. MORTON. May I ask the Senator from Pennsylvania how many of these people propose to immigrate to this country?

Mr. CAMERON. Between forty and fifty thousand. One of the elders of the church called on me and had a long conversation with me, and I became very much interested in their case. They desire to come here. As they say in their petition, they were offered from the government of Canada any amount of land they pleased to choose, without cost; but they prefer our laws and our Constitution, and desire to become citizens of the United States. Taking the example of the success of their brethren in Pennsylvania, they want to settle upon the public lands of the great Northwest.

Mr. SUMNER. May I ask the Senator, what does he suggest now that we should do?

Mr. CAMERON. I suggest that this matter shall go to the Committee on Public Lands, and that we shall sell to these people, at a fair price, the number of acres of land that they desire to have. Let them pay what other people pay. They are willing to do so. That is all they ask.

Mr. SUMNER. I ask the Senator whether on the whole it would not be expedient for him to introduce a resolution instructing the Committee on Public Lands to make an inquiry touching this case, setting forth in the resolution all the substantial facts. I believe such a resolution would be in entire conformity with the rules of the Senate and its usage, whereas the reference of such a petition, I am sorry to say, is contrary to the usage of the Senate.

Mr. FRELINGHUYSEN. I suppose the Senator from Pennsylvania could petition, himself, on the subject; he is a native-born citizen.

Mr. MORTON. I was about to make the same suggestion that has been made by the Senator from Massachusetts, I hope the Senator from Pennsylvania will do that.

Mr. CAMERON. I shall do so, then.

Mr. ANTHONY. I think this is a little different from a petition from foreigners. It is a petition of persons who desire to become citizens of the United States and who ask for certain privileges under our laws and institutions. I do not wish to see the practice of the Senate upon the subject broken down; and if the object can be reached in the way suggested by the Senator from Massachusetts, perhaps it would be as well; but I see a marked distinction between this petition and those which we have refused to receive because they came from foreigners.

The PRESIDENT *pro tempore*. There is such a distinction, undoubtedly; but this is a petition from the subjects of foreign nations, which, under the rules of the Senate, cannot be received, as the Chair understands the rules, if objection be made.

Mr. CAMERON. If the technicality be insisted upon, which I think had better not be observed in this case, I will meet it in the other way and present a petition on the subject myself.

Mr. MORTON. I present a petition signed by a number of citizens of Jeffersonville, Indiana, asking the appointment of a commission of inquiry of five or more persons, whose duty it shall be to inquire and take testimony as to the results of the traffic in alcoholic liquors in connection with crime, pauperism, and public health, and the moral, social, and intellectual well-being of the people. I move its reference to the Committee on Finance.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers of James P. Gillespie, praying that he be paid the sum of $26,545.33, claimed by him as informer in revenue cases, be taken from the files and referred to the Committee on Claims.

On motion of Mr. SAULSBURY, it was

Ordered, That the Committee on Revolutionary Claims be discharged from the further consideration of the claim of the heirs of Hugh Montgomery, and that the petitioners have leave to withdraw their petition and papers.

On motion of Mr. BOGY, it was

Ordered, That Anthony S. Robinson have leave to withdraw his petition and papers from the files.

REPORTS OF COMMITTEES.

Mr. RAMSEY. I have been directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 798) to establish certain post-routes, to report it with amendments, and to ask the immediate consideration of the bill.

The PRESIDENT *pro tempore*. It requires unanimous consent. The bill will be read for information.

Mr. RAMSEY. It is nothing but the post-route bill; and I presume it need not be read unless some one specially desires it.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. DAVIS. Let it be read for information.

The Chief Clerk read the title of the bill.

Mr. DAVIS. I withdraw the call for the reading.

The PRESIDENT *pro tempore*. The bill will be reported.

Mr. RAMSEY. The demand for the reading of the bill is withdrawn. There is no legislation in it. It is simply the post-route bill.

The PRESIDENT *pro tempore*. The reading of the bill as in Committee of the Whole will be dispensed with if there be no objection. Is there objection?

Mr. MORRILL, of Maine. I do not know what the bill is.

Mr. RAMSEY. It is the post-route bill, and there is no legislation at all in it.

Mr. MORRILL, of Maine. Is it not establishing post-routes by legislation?

Mr. RAMSEY. Yes, sir.

Mr. MORRILL, of Maine. Then there is legislation in the bill. We had better be accurate, and not critical.

The PRESIDENT *pro tempore*. Is there objection to dispensing with the reading of the bill in full?

Mr. MORRILL, of Maine. Is the bill reported this morning?

The PRESIDENT *pro tempore*. It is.

Mr. MORRILL, of Maine. Then I object to its present consideration. Let it be printed.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and printed.

Mr. CHANDLER, from the Committee on Commerce, reported a bill (S. No. 272) for the relief of Bishop & Co., bankers, of Honolulu, Hawaiian Islands; which was read and passed to a second reading.

Mr. HOWE, from the Committee on the Library, to whom was referred the joint resolution (S. R. No. 5) to supply certain vacancies in the Board of Regents of the Smithsonian Institution, asked to be discharged from its further consideration, and that it be indefinitely postponed; which was agreed to.

Mr. HOWE. The same committee, to whom was referred the joint resolution (H. R. No. 35) filling existing vacancies in the Board of Regents of the Smithsonian Institution, have had the same under consideration, and have instructed me to report it back without amendment, and with the recommendation that it pass. I ask for the present consideration of the House resolution.

Mr. CONKLING. I ask that that resolution lie over for the present.

The PRESIDENT *pro tempore*. The Senator from New York objects to proceeding to the consideration of the joint resolution. It will lie over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1038) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish, in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 434) making an appropriation for the legislative expenses of Colorado Territory; and it was thereupon signed by the President of the Senate *pro tempore*.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 273) for the relief of Butler, Miller & Co., and Hawkes, Miller & Co., of Ohio; which was read twice by its title, and, together with the papers in the case on file at the last session, referred to the Committee on Claims.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 274) amendatory of the pre-emption and homestead law; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 275) for the relief of Grace B. Peck; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 276) relating to the several courts in the Territory of Dakota; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 277) making an appropriation of $792.46 due the late James L. Day, of Connecticut, for transporting the mails over post-route 8152; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 278) to provide for the manner of paying annuities to Indian tribes under treaty stipulations or legal enactments; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 279) for the relief of Stephen H. Myers, of Bound Brook, New Jersey; which was read twice by its title, and referred, with accompanying papers, to the Committee on Claims.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 280) granting a pension to Thomas Reilly, late a private in Company H, Second Regiment United States Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 281) ceding to the several States within whose limits they respectively lie the beds of unsurveyed lakes and other bodies of water; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 282) to provide for building a United States custom-house and other public buildings at Tallahassee, Florida; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 283) to provide for building a United States custom-house and other public buildings at Jacksonville, Florida; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 284) to provide for repairing the custom-house at Key West, Florida; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FENTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 285) to provide for the permanent location of the records and offices of the United States attorneys and marshals, and of the records and clerks' offices of the circuit and district courts of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 286) fixing the pay of civil engineers in the United States Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 287) for the relief of C. S. Barbee; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 288) in reference to the carrying of freight and passengers on the Union Pacific Railroad and its branches; which was read twice by its title.

Mr. INGALLS. As this bill refers to the construction of acts already in existence, and provides remedies for wrongs alleged to exist under them, I move the reference of the bill to the Committee on the Judiciary, and also that it be printed.

The motion was agreed to.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 289) to locate and establish an assay office at Portland, Oregon; which was read twice by its title.

Mr. MITCHELL. I desire in this connection to call the attention of the chairman of the Committee on Finance to a communication addressed by myself to the Secretary of the Treasury and the answer received from the Director of the Mint, Dr. Linderman. The bill is to provide for a United States assay office at Portland, Oregon. I desire to read the communication addressed by me to the Secretary, and the answer, for the information of the Committee on Finance.

Mr. SHERMAN. I suggest that the Senator send the communication to the Clerk's desk to be read.

Mr. MITCHELL. Very well.

The PRESIDENT *pro tempore*. The papers will be read if there be no objection.

The Chief Clerk read as follows:

UNITED STATES SENATE CHAMBER,
Washington, December 15, 1873.

DEAR SIR: The almost universal demand made upon me by the people of the North Pacific coast, by which I mean Oregon, Northern Idaho, Washington Territory, and Alaska, for some Government regulation by which the large amount of

gold dust produced annually in this section of country might be reduced to bars without shipment, and by which a fixed value might be placed upon these bars, has induced me to make an attempt in Congress to secure the passage of a law establishing an assay office at Portland, Oregon; and I have entertained the hope that I might secure your recommendation of such a measure and your cheerful co-operation.

It is estimated by those who are in a position to be well informed on the subject that not less than from four to five millions of gold dust come to and pass through Portland, Oregon, annually, and although every facility for assaying by a private assay office is given, a little less than $400,000 are annually assayed there—and why? For the simple reason that gold bars have no fixed value. Bankers and brokers in Portland seldom pay for gold bars within 2 per cent. of their value in San Francisco, although the cost of shipment between the two places is only about one-fourth or three-eighths of one 1 per cent. by Wells, Fargo & Co's. express.

The establishment of an assay office in Portland would obviate all this, by the agent of the Government in charge of the office issuing to the owner of the gold assayed a certificate upon any sub-treasury of the United States for the full Government value of the gold bar, less the charges for transportation to the United States Mint, which would leave a balance in favor of the producer—the man who digs in the mines and who owns the bar—of nearly 2 per cent. But another and a greater evil, and one that affects the prosperity of our whole country, in draining it of its gold, would be remedied by the establishment of this office, and that is this: It is estimated that over $1,000,000 worth of gold dust passes through Portland annually in the hands of Chinamen, and is taken directly out of the country to China. The Chinese can realize more money from their dust in China than they can here.

Valuable gold mines, it is currently reported, have been recently discovered in Alaska. All of Northern Idaho, part of Montana, Washington Territory, and most of Eastern Oregon, draw their supplies from Portland. The mines of Elk City, Florence, Warren's, Salmon River, Snake River, Slate Creek, Miller's Camp, Oro Fino, Pierce City, Newsom Creek, Clear Water, Santioni, Umatilla, and many other camps, as also the mines in Southern and Western Oregon, are now being worked to good advantage, and unquestionably will be by thousands of men for many years to come with fair profit. In these various camps there are engaged not less than fifteen thousand Chinese, who work their own placer claims, either taking up abandoned ground or purchasing claims too low in yield to be worked profitably by white labor. Ground thus taken turns out to be very valuable. It is this class of mines that export from the United States over $1,000,000 annually from this section; a great portion of which could be kept in the country if they could obtain something near its value, and many would prefer to purchase drafts from our bankers on Hong-Kong and Canton, which exchange is needed to pay for the many cargoes of lumber and flour which we export by ships sailing directly from the ports of Portland and Puget Sound.

Should an assay office be established in Portland, it would not be necessary, at least not at present, to erect a Government building, as there is ample room for all offices in the new custom-house just completed.

I shall be pleased to have your views in relation to the matter, and inclosed I submit for your consideration a bill which I hope will receive your sanction. An appropriation of $50,000 would be ample to purchase the present private assay office in Portland, the material of which, with a small addition of stock, would make a first-class United States assay office.

Very respectfully,

J. H. MITCHELL.

Hon. W. A. RICHARDSON,
Secretary of the Treasury.

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
January 5, 1874.

SIR: Your letter of the 15th ultimo to the Secretary of the Treasury, in reference to the establishment of an assay office at Portland, Oregon, for assaying gold and silver, having been referred to this office, I have the honor to state that the present production of bullion from the mines of the North Pacific coast appears to be sufficient to justify the Government in providing assay facilities at the most convenient point for the accommodation of the same. The city of Portland being the commercial center of that section of the country, and the custom-house affording the necessary room for assay operations, is the place where the proposed office should be located.

Very respectfully,

H. R. LINDERMAN,
Director.

Hon. J. H. MITCHELL, *United States Senator,*
Washington, D. C.

Mr. MITCHELL. I move that the bill be referred to the Committee on Finance, with the letters which have been read, and that the bill and letters be printed.

The motion was agreed to.

PROPOSED MENNONITE SETTLEMENT.

Mr. CAMERON. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Public Lands be instructed to inquire whether the circumstances attending the proposed immigration to this country of a colony of Mennonites of South Russia and Prussia would not justify, in their case, the sale of a tract of land larger than is allowed by the homestead law to be sold in one body; and that the committee be further instructed to report such amendments to the land laws as will facilitate the objects had in view by the colonists aforesaid, who propose to settle in this country.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FERRY, of Connecticut. I think the latter part of the resolution had better be changed so as not directly to instruct the committee to bring in such a bill as is mentioned there, but to inquire whether it would not be expedient to do so.

Mr. SUMNER. "To consider the expediency" would be the proper form.

Mr. CAMERON. I have no objection to that change.

The PRESIDENT *pro tempore*. The resolution will be so modified, and the question is on the resolution as modified.

The resolution was adopted.

MINISTER TO SWEDEN AND NORWAY.

Mr. RAMSEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Foreign Relations be directed to inquire into the expediency of advancing the rank of the minister resident to the court of Sweden and Norway to a mission of the first class.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, communicating, in obedience to law, a statement of expenditures at the Springfield armory for the year ending June 30, 1873; which was referred to the Committee on Military Affairs, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 1038) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business, under the style of Gilbert & Gerrish, was read twice by its title, and referred to the Committee on Claims.

OFFICIAL SALARIES.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, being the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates; the pending question being on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Senator from Georgia, [Mr. GORDON.]

Mr. GORDON. Mr. President, I desire to ask unanimous consent to withdraw the amendment offered by myself, and to substitute therefor the amendment which I now hold in my hand. I will state, for the information of Senators, that the amendment which was offered by me did not embrace the ideas which I really had upon the subject. It was not in conformity with the ideas I had set forth in my first remarks. The amendment was gotten up hurriedly, upon the moment, after various changes had been made in the bill, and when I had not time to perfect it. I now hold in my hand the amendment as perfected, embracing the ideas which I really had on this subject, and ask consent of the Senate to withdraw the amendment as it stands, that this may be acted upon in its stead.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent to withdraw the amendment offered by him on a former occasion, and substitute another. Is there objection?

Mr. CONKLING. Let us hear the amendment proposed.

The PRESIDENT *pro tempore*. The proposed amendment will be read for information.

Mr. GORDON. I will explain to the Senator from New York that this is intended to come in at the end of the first section of the House bill as now perfected.

The Chief Clerk read as follows:

Provided, That from and after this date the salaries of all commissioned officers of the Army and of the Navy whose salaries have been increased since the war, and whose pay and allowances aggregate $3,500 or more, and between that sum and $5,000, shall be, and the same are hereby, reduced 10 per cent.: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of brigadier-general, of Paymaster-General, of Surgeon-General, of Inspector-General, of Quartermaster-General, of Commissary-General, of Adjutant-General, and of a commodore of the Navy, shall not exceed during peace the sum of $5,000 per annum: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of major-general and of rear-admiral of the Navy during peace shall not exceed $6,000 per annum: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of the Lieutenant-General of the Army or of the Vice-Admiral of the Navy shall not exceed during peace the sum of $7,000 per annum: *Provided further*, That the pay, including all allowances, of the General of the Army and of the Admiral of the Navy shall not during peace exceed $10,000 per annum: *Provided further*, That the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877, and that the appropriations made for the expenses of the Presidential Mansion shall be, for each of the years 1873, 1874, 1875, and 1876, less than the average amount so appropriated for each of the four years preceding the 4th day of March, 1873, by the sum of $25,000.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the original amendment of the Senator from Georgia that the one just read may be substituted for it? The Chair hears none.

Mr. GORDON. I shall detain the Senate but a very few moments.

Mr. BOREMAN. Before the Senator proceeds: The Chair inquired if there was objection. Will an objection throw this amendment over?

The PRESIDENT *pro tempore*. An objection will prevent the Senator from Georgia from withdrawing the amendment which he offered, and which was agreed to on a former day.

Mr. GORDON. It will do no good if the Senator pleases to object.

The PRESIDENT *pro tempore*. Does the Senator from West Virginia object?

Mr. BOREMAN. No, sir, I do not object to that.

Mr. GORDON. I shall detain the Senate but a few moments. I propose this amendment to test the sense of the Senate as to the propriety of reducing the salaries, which are exorbitant as compared with those fixed for the legislative department. The amendment gives to each Senator the opportunity of voting upon the salary of each officer. It is not my object to strike down the salaries of junior officers, but only of those officers whose pay has been greatly increased since the war, and are relatively too high. I want, as often stated by me in this debate, real retrenchment. My own opinion is that the salary of no Army officer, whatever be his grade, ought to exceed the salary of a Senator of the United States; certainly it ought not to exceed the salary of the Chief Justice of the Supreme Court of the United States; and I will give my reasons therefor presently.

Senators in reply to the suggestion that $5,000 for a Senator, as compared with the salaries now fixed for Army officers, was too low,

have stated frequently upon this floor that gentlemen of ability could be found who were willing to serve in this body at $5,000.

Mr. President, I apprehend that if the salaries which are proposed in this amendment were to-day fixed by law, no brigadier-general nor major-general nor lieutenant-general, nor any other officer of the Army would resign because of that reduction. I apprehend that any number of able officers can be found, who are the equals possibly of some who now hold these positions, who will be willing to serve at even a less sum than is fixed in this amendment. I believe that statesmen of great ability might be found who would be willing to serve even as the President of the United States at a salary of $10,000.

I make these suggestions to show the irrelevancy of such arguments. The question before us is not how low we can induce gentlemen to serve. We do not propose the sale of public offices of trust and responsibility to the lowest bidder, like a street contract, but the question is, what is a just and legitimate compensation for a Senator and a general? The question is, how are we to secure real retrenchment?

I find, sir, a most anomalous state of things as to salaries under the laws of this country. I find that a rear-admiral or the Vice-Admiral, even upon leave, doing no duty whatever, draws from the Treasury more pay than is allowed by this bill to a Senator or to an Assistant Secretary of the Treasury. I find that the salary of the Lieutenant-General is more than double the salary fixed by this bill for a Senator of the United States; and that the salary of the commander of the Army is now double what is allowed to the Chief Justice of the United States.

Now, sir, I wish to repeat what I have already said, that, in my judgment, the salary of no Army officer of any grade ought to exceed the salary of a Senator, and certainly ought not to exceed the pay of a Chief Justice. Why should it? I have yet to hear one good reason given for this discrimination. The one simply obeys and executes the orders of superiors; the other has the gravest responsibilities. The General of the Army but executes the orders of the President, who by the Constitution is the Commander-in-Chief of the Army and Navy.

The legislature is the creator, the military but the creature. The law-maker is superior to the instrument which enforces the law. The superior dignity therefore of this body, as well as its superior responsibility, would seem to demand at least equal emoluments. What reason can be given to satisfy a reasonable mind or to satisfy the country for paying the General of the Army $17,000 and a Senator of the United States $5,000? What citizen will agree that we mean economy while we leave these salaries untouched? Senators ask that this question be postponed to a more opportune time. What more opportune time, sir, will ever present itself than now, while we are upon the subject of salaries, and while the financial distress of the country makes it incumbent upon us to retrench in all directions? Will the opportune time ever come? Already seven or eight years have elapsed since the war, and these salaries are not yet reduced. On the contrary, they have increased by the operation of law and by the action of Congress. If we mean to economize, let us vote for this amendment.

I beg now that the Senate will indulge me in a word of personal explanation. I have been greatly surprised and not a little pained to learn that there had been, or by possibility could be, any misconception of the spirit with which I offered this amendment. I had hoped, sir, that my disclaimer of any intention to disparage the high calling of the soldier in my opening remarks had been sufficiently frank and emphatic to make it impossible that I should be misconstrued. I had hoped that the passions of the past and the prejudices engendered by the war had been so completely banished this Chamber, that a representative of any State in this Union might stand upon this floor and discuss measures looking to the general good with freedom, and without the danger of being misapprehended. But so careful was I, because of the relations which I had hitherto borne, that no word should escape me which by possibility should be construed into an effort to depreciate the calling of the soldier, that I stated then, what I beg to repeat now, that no act of mine, no vote of mine, in time of war or in peace, shall ever be so ambiguous upon this question as to be misconstrued; and hence I ask the privilege of this personal explanation.

I may as well express an opinion here which I have often expressed in private, and which I now repeat in this most public manner, here at the capital of the nation—here in the high court of the representatives of sovereign States or sovereign States, so called—namely, that had the questions which have so disturbed the country been left to the soldiers of the two armies after the surrender we should have had less of ill-will between the sections.

It was my fortune, as the commander of one wing of the southern army at Appomattox, to be selected to confer with the general officers of the Federal Army as to the terms of surrender and parole. Let me state a fact which ought to be recorded as most honorable to the commanders of the successful army. In the long conference between us no word of exultation escaped the lips of these commanders; but, on the contrary, they avoided any semblance of exultation which might increase the grief of the defeated—a grief, compared to the poignancy of which, permit me to say, my heart had never known grief before. So careful were these officers, that they declined to speak of battles in which they had been successful, and with a consideration and deference which deeply impressed me, turned the conversation to engagements in which they themselves had been defeated. I refer to this now, that I may by no possibility be misunderstood now or hereafter. It is related of some defeated commander—who, I do not remember; indeed, I am not sure that he ever said it, but it will serve just as well to illustrate what I have to say as though he had said it. It is related of him that he said of the commander who had defeated him, "Great let me call him, for he conquered me."

Whatever else may be said of me in the future, I trust no man will ever charge me with a lack of generous appreciation for the true soldier of any army. I would scorn to be actuated by the motives which I hear have been attributed to me for the offer of this amendment. The soldiers of both armies can but respect each other. Alike, they were honest, earnest, and true to their convictions. Alike, they endured the fatigue of the march, the privations of the camp, and the lonely bivouac of the picket. Alike, they felt the chagrin of defeat and the glory of victory; and together these soldiers would have united in writing the epitaph of the dead of both armies, "They fell in the discharge of duty." I trust that I have now said enough to forever silence the tongue of calumny, that would attribute motives to me unworthy of any man who ever bore the name of soldier.

In all I have said, in all I have done, my purpose has been to test a great question; not only a question of economy, but a question of the relative dignity of the different departments of this Government. I desired to test the question as to whether we are to stamp the law-making power, the creative power, as inferior to the military power, the created. This is a grave question, and no more opportune time than this will ever come to settle it; and I therefore ask the candid and immediate vote of the Senate upon this amendment. If it is defeated, I shall feel constrained to vote against the bill; for I cannot consent by my vote that the party which has the power to secure real retrenchment shall have the credit of reform without giving the people the reality; nor can I be a party to any programme which permits the unjustifiable discriminations which this amendment seeks to destroy.

Mr. WRIGHT. Mr. President, I only desire to say to the Senate that I trust the friends of this bill will assume that all amendments which are foreign to the purpose of the bill are unfriendly to it, and whatever may be their opinion on the abstract question or the propriety of adding a particular thing suggested at a proper time, we shall not have this bill burdened by these foreign amendments.

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The question is on the amendment of the Senator from Georgia.

Mr. EDMUNDS. I ask that the amendment may be divided so as to separate the military from the civil provisions that are made, as they are distinct propositions, and let the vote be taken separately on the two branches.

The PRESIDING OFFICER. If there be no objection the amendment will be divided. Will the Senator point out the division?

Mr. EDMUNDS. I do not think, on reflection, my asking for a division is in order. I therefore move to amend the amendment by striking out clear down to where it speaks of the President of the United States, being that which covers all the military changes proposed in the law.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to strike out all of the amendment of the Senator from Georgia, except the last clause, in the following words:

Provided further, That the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877, and that the appropriations made for the expenses of the Presidential Mansion shall be, for each of the years 1873, 1874, 1875, and 1876, less than the average amount so appropriated for each of the four years preceding the 4th day of March, 1873, by the sum of $25,000.

Mr. EDMUNDS. My motion is to strike out all that precedes the paragraph just read, which relates to regulating the compensation of officers of the Army and Navy, my only object being to get a separate vote upon the two questions.

The PRESIDENT *pro tempore*. The question is upon the amendment of the Senator from Vermont to the amendment of the Senator from Georgia.

Mr. EDMUNDS. Let the words proposed to be stricken out be read.

The Chief Clerk read as follows:

Provided further, That after this date the salaries of all commissioned officers of the Army and of the Navy whose salaries have been increased since the war, and whose pay and allowances aggregate $3,500 or more, and between that sum and $5,000, shall be, and the same are hereby, reduced 10 per cent.: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of brigadier-general, of Paymaster-General, of Surgeon-General, of Inspector-General, of Quartermaster-General, of Commissary-General, of Adjutant-General, and of a commodore in the Navy, shall not exceed during peace the sum of $5,000 per annum: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of major-general and of rear-admiral of the Navy during peace shall not exceed $6,000: *Provided further*, That the pay, including all allowances except mileage as now fixed by law, of the Lieutenant-General of the Army or of the Vice-Admiral of the Navy shall not exceed during peace the sum of $7,500 per annum: *Provided further*, That the pay, including all allowances, of the General of the Army or of the Admiral of the Navy shall not, during peace, exceed $10,000 per annum.

Mr. EDMUNDS. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. NORWOOD. As I understand the amendment now, it simply applies to the salary of the President and the amount that shall be

allowed for the expenses at the White House. Am I correct? This amendment to the amendment strikes out all but that, does it not?

The PRESIDENT *pro tempore*. The effect of the amendment, if agreed to, would be to leave only that proviso in the amendment of the Senator from Georgia, [Mr. GORDON.]

The question being taken by yeas and nays, resulted—yeas 29, nays 21; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Carpenter, Chandler, Conkling, Crozier, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Hamlin, Howe, Ingalls, Lewis, Logan, Mitchell, Morrill of Vermont, Morton, Oglesby, Pratt, Ramsey, Scott, Sherman, Spencer, West, Windom, and Wright—29.

NAYS—Messrs. Bayard, Bogy, Brownlow, Cameron, Clayton, Davis, Flanagan, Goldthwaite, Gordon, Hamilton of Maryland, Kelly, McCreery Merrimon, Norwood, Patterson, Robertson, Sargent, Stevenson, Stockton, Sumner, and Tipton—21.

ABSENT—Messrs. Alcorn, Ames, Buckingham, Conover, Cooper, Cragin, Dennis, Dorsey, Ferry of Connecticut, Gilbert, Hamilton of Texas, Hitchcock Johnston, Jones, Morrill of Maine, Ransom, Saulsbury, Schurz, Sprague, Stewart, Thurman, and Wadleigh—22.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Georgia as amended.

Mr. FRELINGHUYSEN. I should like to have that reported.

The CHIEF CLERK. The amendment now is to insert at the end of the first section of the House bill the following proviso:

Provided further, That the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877, and that the appropriations made for the expenses of the Presidential Mansion shall be, for each of the years 1873, 1874, 1875, and 1876, less than the average amount so appropriated for each of the four years preceding the 4th of March, 1873, by the sum of $25,000.

Mr. EDMUNDS. I do not rise to debate this proposition, but only to say that we have had this bill in committee now, under the twenty-eighth rule, ever since we began it, and everybody understands what he wishes to do, whether he understands what other people wish to do or not; and now I move that this bill be reported to the Senate. That does not cut off the amendment of my friend from Georgia, or any other amendment that any gentleman wishes to offer; but to save our doing things over and over again, first in committee and then in the Senate, when we have all understood the bill, I move that the bill be reported to the Senate with this amendment and the others.

Mr. GORDON. Does the Senator from Vermont include this amendment?

Mr. EDMUNDS. Certainly; all amendments. So that we can stand in the Senate exactly where we do now, only that we shall have made some progress toward the end of the affair.

Mr. NORWOOD. I wish to inquire whether, if the bill is reported to the Senate, any other amendments will be in order?

The PRESIDENT *pro tempore*. The bill will be open to amendment in the Senate after it has been reported.

Mr. HAMLIN. I am not going to oppose the motion; but I want to enter my protest, that whenever a question shall be before the Senate in which I do feel an interest I will object to such a motion.

Mr. FRELINGHUYSEN. Is it in order to say a word on this motion?

The PRESIDENT *pro tempore*. Certainly; the question is debatable.

Mr. FRELINGHUYSEN. I wish to say a word in reference to this amendment which is now offered, and I shall say very little. The effect of this amendment is to say to the President of the United States: "The Constitution prevents us from reducing your salary to $25,000, but we will pass a law now to take effect at the end of your term, showing that our will is that the salary shall be but $25,000; and we will go further than that; we will reduce the appropriations to the White House $25,000 a year, so as to intimate to you very decidedly, Mr. President, that we are unwilling that you should receive the compensation which Congress has voted you." It is in my opinion a moral repeal of the law. It is doing morally what the Constitution prohibits us from doing by legislation. My objection to reporting this bill to the Senate is, that if we vote upon this amendment now, we shall have an opportunity of reconsidering it in the Senate; but if the bill is reported to the Senate, the vote on it there is final.

Mr. EDMUNDS. Which amendment?

Mr. FRELINGHUYSEN. Yours.

Mr. EDMUNDS. I must correct my friend. Every amendment that has been adopted or rejected while we have been acting as in Committee of the Whole may be reopened for consideration when the bill is reported to the Senate.

Mr. FRELINGHUYSEN. I have no doubt about that.

Mr. EDMUNDS. So that we have to vote again on everything in the Senate; and if we go on in this way in committee for three weeks we shall still be in the same category.

Mr. FRELINGHUYSEN. If the bill is reported to the Senate now, before a vote is taken upon the amendment of the Senator from Vermont——

Mr. EDMUNDS. I have not any amendment pending.

Mr. FRELINGHUYSEN. Then I have no objection to the bill going into the Senate.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

Mr. DAVIS. What is the motion?

The PRESIDENT *pro tempore*. That the bill be reported to the Senate.

Mr. DAVIS. I think, as part of the amendment before the Senate has already been voted on, and now comes the square question as to the salary of the President, that, in justice to the mover of it, it ought to be voted upon; and I hope the Senate will vote upon it squarely.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont.

The motion was agreed to; there being, on a division—ayes 24, noes 19.

The bill was accordingly reported to the Senate.

The PRESIDENT *pro tempore*. The question now is on the amendment offered by the Senator from Georgia [Mr. GORDON] to the first section of the bill.

Mr. ANTHONY. In what shape does that come before us—the amendment as amended?

The PRESIDENT *pro tempore*. It is the amendment as amended.

Mr. PATTERSON. I should like to have the amendment reported.

The Chief Clerk read the amendment; which was to insert at the end of the first section of the House bill the following:

Provided further, That the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877, and that the appropriations made for the expenses of the Presidential Mansion shall be for each of the years 1873, 1874, 1875, and 1876, less than the average amount so appropriated for the four years preceding the 4th of March, 1873, by the sum of $25,000.

Mr. SARGENT. I ask for the yeas and nays on that proposition.

The yeas and nays were ordered.

Mr. MERRIMON. I inquire of the Chair if the amendment offered by the Senator from Georgia contains a proposition which is divisible?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. MERRIMON. If the Chair will permit me, I submit whether the first proposition contained in that amendment is not whether the salary of the President shall be reduced; and, next, whether or not the expenses of the Executive Mansion shall be reduced?

The PRESIDENT *pro tempore*. The Senator will accomplish his object by moving an amendment to the amendment; but the Chair is of opinion that the amendment of itself is not divisible.

Mr. MERRIMON. Then I move to strike out the first clause, embracing the President's salary.

The PRESIDENT *pro tempore*. The Secretary will report the proposed amendment to the amendment.

The CHIEF CLERK. It is proposed to amend the amendment by striking out the words "That the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877;" so that if amended, the amendment will read:

Provided further, That the appropriations made for the expenses of the Presidential Mansion shall be for each of the years 1873, 1874, 1875, and 1876, less than the average amount so appropriated for each of the four years preceding the 4th of March, 1873, by the sum of $25,000.

Mr. MERRIMON. Then the proviso will omit so much as applies to the President's salary.

The PRESIDENT *pro tempore*. It will.

Mr. STEVENSON. I rise to a question of order. Is that amendment in order? Does it not interfere with existing legislation?

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendment is in order.

Mr. FRELINGHUYSEN. We are now called upon to determine what the appropriation for the Presidential Mansion shall be for the next three years on a salary bill. That is the logic of this amendment. On a salary bill we are to determine what appropriations will be needed for the next three years, and to make them $25,000 each year less than they are this year, though the expenses may be two or three times as much.

Mr. ANTHONY. I suppose if this provision amounts to anything, it is binding. My friend from Georgia is a lawyer, and I am not; but I suppose if this amendment amounts to anything, it prohibits Congress from making above a certain amount of appropriation; and if Congress in its wisdom should make larger appropriations this law would be in the face of it. If that is not so, it does not amount to anything at all. Now, suppose the White House should burn down, we cannot build a new one, if this provision would amount to anything. If it does not amount to anything I think it would be great nonsense for us to pass it; if it does amount to anything it is saying to the Representatives who shall be elected after our seats are vacated that they shall not pass certain laws.

Mr. BAYARD. I think the Senator from Rhode Island is distinctly right. The amendment, so far as it relates to the power of this Congress to restrict succeeding Congresses in respect to the appropriations for the support of the Executive Mansion is mere *brutum fulmen*. I do not say it was intended to be such; but with my high appreciation of the intelligence of the source from which it came, I can scarcely believe that it was intended to be in earnest. It is saying to future Congresses, "You shall be prohibited by our action from judicious appropriations, which shall be dictated by the circumstances under which you may find yourselves placed hereafter." So far, then, as it is an attempt on the part of the present Congress to limit other Congresses in respect of lawful appropriations, I say it is beyond our power—to use the phrase of my profession, simply *ultra vires*—in the present Congress to attempt it; and therefore I shall not vote for it.

And, sir, I shall not vote, at this time at least, for this prospective reduction of the presidential pay. A year ago, when the subject was proposed, I looked at it, using the best of my judgment as to what I would say, as a representative here, is a proper sum to be paid to the President of the United States as his salary. It was raised in great

respect—almost veneration—for the character of the men by whom this Government was founded. I believed that but seldom in human history had men more tried by affliction and elevated by their troubles and their trials come together to frame a government than our forefathers who framed the Constitution under which we live. Certainly there was no disposition for idle extravagance, no disposition for mere show. Economy and simplicity marked the establishment of their Government in every feature. And what did they do at that time, with a community of some three million of poor people in the scantily-populated Colonies along the Atlantic sea-board? What did they, at that time, fix as the proper pay of their Chief Magistrate? Twenty-five thousand dollars in 1789 was no more immoderate and was no more moderate than $100,000 would be at the present time. Mr. President, the people of this country have, and well may have, confidence in the moderation, the self-control, the honesty, and the virtue of George Washington. If at that time, in the simplicity of the life of that day, he conceived it right and proper that he should draw from the Treasury his entire salary, and expend it, together, I apprehend, with other money of his private resources, surely it is proper that an equivalent, or something near an equivalent, should be paid to his successors in office.

I may say this more properly, if such considerations should be supposed to come in, because I act with a party differing *toto cœlo* in regard to all political measures with the present occupant of the Executive chair. Fifty thousand dollars is not more than equal in its purchasing power to-day to $12,500 in 1787; and I did concede, and I concede to-day, that the salary of $50,000 for the President of the United States is a moderate, just compensation. I voted for it last spring, and I would vote for it again to-day. Therefore I shall vote against this proposed amendment, which while it recognizes the fact that under the Constitution the salary of the President of the United States cannot be diminished during his term of office, and therefore it is well understood that no sudden spasm of economy, no sudden response to what is believed to be a strong public opinion on this subject, can effect anything at present, yet proposes to effect something four years hence. Sir, the men who shall be in this Chamber and in the other House of Congress four years hence will be responsible for their action at that time. If the voice of the country, after this experiment of an advance in salary for four years, shall still be in favor of a more rigid economy, of still greater simplicity in the Executive mode of life, the men of 1877 or 1878 will be quite as competent to deal with it, and to deal with it in a much better sense of their personal responsibility for their votes, than we can do to-day

I should like to ask gentlemen of this body far more experienced than I in legislation whether such a proposition as this has any precedent at all in our legislative history. I apprehend not. We are undertaking to fix a salary three or four years from the date at which we vote. It is perfectly plain that if a remedy be needed it can best be applied when the time arrives for it. You cannot reduce the present occupant's pay; the Constitution forbids that; and whether it did or not I would not vote for it, because upon my responsibility as a representative here I believe the present pay to be moderate, reasonable, and proper. I voted for the increase of pay because I object to this eking out of insufficient salaries by irregular allowances. I know such are made, and will be made, so long as salaries fall short of their due proportions; and one of my motives in voting to increase the legitimate salary of the President was that there should be an end of irregular, not to say illegitimate, allowances in connection with his support at the Executive Mansion.

For the reasons thus hastily given I shall oppose this amendment by my vote; and I wished to give some of my reasons before casting it.

Mr. GORDON. I think my friend from Delaware misapprehends the force of this amendment entirely. I understood my friend the other day to state that he voted for the reduction of the salaries of Senators because the public demanded it. If I know anything of the public sentiment on this question it demands equally the reduction of all salaries that were raised by that law. And the effect of this amendment is immediate, and not four years hence, as my friend seems to think. The provisions of this amendment are that the appropriations henceforward from now shall be less than they have been heretofore, so as to equalize the future pay with the previous pay; in other words, putting the salary of the President where the bill puts the salaries of Senators—just where the law of last March found it when it was passed.

Mr. BAYARD. The honorable Senator surely is mistaken. It cannot be contemplated by any amendment here to reduce the salary of the President of the United States *in presenti*. The Constitution strictly forbids that.

Mr. GORDON. It is not reducing the salary at all. It is simply making the amount of money which shall come out of the Treasury for these different departments equal to the amount of money which did come out of the Treasury before the passage of the law of the 3d of March last. It is not reducing the pay that goes into the President's pocket, but it is reducing the appropriations that go to the President's house. And I am unable to see, if the Senator will pardon me, that this amendment is obnoxious to the objection he suggests in view of the Constitution, when the bill which we are now about to act upon has precisely the same effect. I am unable to see why it is not competent for Congress to say that money shall not be appropriated to the White House just as easily as we can say that money shall not be appropriated to pay Senators and Representatives. I see no provision in the Constitution or in the law which would make any distinction between the two.

Mr. BAYARD. Why, Mr. President, is it not perfectly plain that when you fix an annual salary, and ascertain and establish it by law, you are simply doing what is customary in letting men know before they take an office what shall be their compensation during their term, and in case of the President that it shall not be lowered or diminished during his term? But when you speak of annual appropriations upon what do you base them? You base the appropriation upon the necessities of the year. They are required to be annual. They are not for four years, but for one year, and each year must prescribe the amount required for its own purposes. As suggested by the Senator from Rhode Island, suppose a conflagration takes place, and part of the equipment of the Presidential Mansion is destroyed by fire, or a part of the equipment of any other of our Executive Departments, the Treasury or the State Department, is destroyed by fire; common sense would say that in the year when such an accident took place and such destruction of property occurred, there must necessarily be an increased appropriation to meet the deficit. Every one who comes to Washington goes to the Executive Mansion as a matter of right. It is kept in order at the public cost for the benefit of the public. Every one knows that fact. It does not require to be furnished each year, and therefore there is sometimes in one year a great outlay, which, the year following, is diminished because of the appropriation that preceded it. Therefore it is the custom in the legislation of this country to make annual appropriations, which are based upon the estimates of the Departments, approved by the committees of each House, which are the organs of their respective bodies; and they, making due examination, report to the Houses, and the measures are debated and the requirements of each year are provided for by annual bills. Therefore I say, as this is the custom, there is no reason why now we should look in advance and say that for four years to come appropriations shall only reach a certain limit, when, as each House would have proper control over the subject when the question arises, the amount to be appropriated would be determined just as well for 1875, when that year arrives, as it will be for 1874, when that year arrives. I am ready and willing to vote for an economical administration and an economical appropriation for 1874. Let it be shown that a large sum is not required, and I will gladly vote for the smallest sum that shall be necessary to accomplish the object. But I do not propose to say now that in 1875 only as much shall be spent as was spent in 1874, because the Congress of 1875 will be quite as competent to judge of that, and will have much better knowledge whereupon to judge, than I can have at the present time.

Now, sir, one word as to the question why I voted or did not vote upon the subject of the salaries of Congress. I do not propose to fatigue this body by reiterating my views on that subject; I gave them at large, and they are in print. Perhaps it would be a matter of little curiosity or interest to anybody to know what I did say on that subject; but my friend from Georgia will find that he can scarcely place my reasons for voting for or against the salary bill upon the mere matter of public demand.

Mr. GORDON. I beg my friend's pardon if I misunderstood him. I understood him to say that he thought the salary fixed for Senators was not too much, but that, in consideration of the public demand, he would vote to repeal the law.

Mr. BAYARD. I gave a great many reasons which I do not propose to repeat, and which I can hand my honorable friend for his satisfaction in a much better form—in print. My reasons were given frankly and at some length. I do not care to repeat them. The question of fixing my own pay or the question of fixing the pay of Congress rests upon very broad considerations, that I do not think apply to the case of a single office like that of the Executive. However, I propose to discuss each matter by itself. I have stated my position in regard to the pay of the Executive, and I have stated my reasons of objection to the present amendment, and I shall be satisfied to follow the impression of my mind on the subject.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The question is on the amendment offered by the Senator from North Carolina [Mr. MERRIMON] to the amendment of the Senator from Georgia, [Mr. GORDON.]

Mr. SAULSBURY. I concur in the view expressed by my colleague, that we cannot by our action in reference to the appropriation made for the White House bind any future Congress. I suppose if we were to pass a law to-day saying that there shall not be appropriations made in 1875 beyond $10,000 for the Executive Mansion, any other session of Congress prior to that time might repeal that provision. But, sir, the question immediately before the Senate is on the amendment offered by the Senator from North Carolina, to strike out that portion of the amendment of the Senator from Georgia reducing the compensation of the President to $25,000 after March 4, 1877. I shall vote against that amendment, because, as I said a day or two ago, I believe if there is any feature of the law passed at the last Congress to which the people of this country object, and which is objectionable in itself, it is that feature which increases the salary of the President from $25,000 to $50,000 per annum. I shall, therefore, vote against the amendment of the Senator from North Carolina, and I am not deterred from it by the objection that was raised by my

friend the Senator from New Jersey, that it would be a reflection upon the President of the United States. Sir, in the performance of duty I hope I am not to be deterred either by what may please or what may displease the President or any other living man. I do not intend it as a reflection upon the President; I do not intend that it shall have that effect, nor do I believe that it would have that effect. Here I am called upon to say whether the present salary of $50,000 shall be continued after the expiration of the term of the present incumbent. Upon that question, having firm and decided convictions that the salary is too large at present for the executive officer of the Government, I shall vote unhesitatingly that, after the 4th of March, 1877, the salary of the President of the United States shall be but $25,000 a year.

Now, sir, what objection could the President rationally take to such action? I think the time has not come when the Senate is to bow down to the pleasure of the Executive in reference to the performance of its duty which does not pertain to him. While I would defer to the President in everything that pertains to his own position and to the performance of his own duties, I hope never to see the time when the will or the pleasure of the Executive of this country shall shape the action of this high body.

Mr. CONKLING. May I ask the Senator a question before he sits down?

Mr. SAULSBURY. Certainly.

Mr. CONKLING. I wish to ask him, as a lawyer rather than in any other character, am I to understand from the Senator's observations that he affirms as a lawyer that passing a section now declaring that the presidential salary shall or shall not be of a certain amount after March, 1877, is of the slightest effect whatever, any more than a resolution passed by this body would be, or a speech made in the air, by those who vote for it?

Mr. SAULSBURY. I do say that the Congress of the United States may declare that, from and after the 4th of March, 1877, the salary of the President of the United States shall be but $25,000, and it would be as valid as any law which the Congress of the United States can enact, so long as it remains on the statute-book.

Mr. CONKLING. Of course the Senator cannot suppose that I asked him that question. I am talking about things, not about words.

Mr. SAULSBURY. I answered the question.

Mr. CONKLING. If, when 1877 comes, a majority of Congress choose to say, either by negative or positive action, as the case may be, that $25,000 shall be the salary, it will be. We all know that. The Senator need not tell me that. But my question is whether, aside from what the two Houses may do when the time comes, either by leaving it $25,000, or making it $25,000, or saying what it shall be—whether, aside from what shall result from that action, positive or negative, when the time comes, the Senator means that the slightest value legally is to be attached to what we may say now ought to be the law then?

Mr. SAULSBURY. I certainly must have been very unfortunate if the distinguished Senator from New York could have understood me to say that an act which we passed at the last session of Congress may not be repealed at a subsequent session of Congress. Sir, I am not such a novice as to suppose that the behests of this session of Congress are as firm as the eternal decrees. Far from it. But here I am called upon, and the proposition is now presented to the Senate, to declare what shall be the salary of the President after the 4th of March, 1877; and why are we so called upon? Because at the last session of Congress we increased the salary of the President from $25,000 to $50,000, and the public sentiment of this country has compelled the action of the Congress of the United States in reference to that bill, so far as it affects themselves, and so far, I believe, as the public expression has been heard, it has been heard with as much condemnation as of anything else of the action of Congress at the last session in enhancing and increasing the salary of the President. I propose, now that this question is here, to put myself exactly square upon the record, and to say that, so far as my vote shall go, the President's salary, after the termination of the present term of the present incumbent, shall be what it was originally, $25,000.

It has been intimated that this would be a reflection upon the President of the United States. Not at all. The present President could still draw his salary at the rate of $50,000 per annum; no one could object to it; because he would have the perfect legal right to do it; and as to the consideration of the moral question, whether he could morally do it, I propose to leave that exactly where the law would leave it, with the President himself.

Mr. MERRIMON. Mr. President, I have said more than once during this debate that my sincere desire was to place the law in reference to the compensation of members of Congress as nearly where it was before the act of March 3, 1873, was passed as it was possible for Congress to do, and I have assigned the reasons that move to that course, and I do not propose to repeat them now.

It is competent for Congress now to pass an act reducing the compensation of members of Congress from this time forward; and I am prepared to vote for that proposition, and to place the pay at just what it was before the act increasing the compensation was passed. But, sir, it is not competent for Congress to pass any act decreasing the pay of the President for his present term of office. It is also incompetent for us to undertake to pass an act decreasing the salaries of the judges. I think, therefore, those matters ought to pass entirely out of our consideration on this bill. It will be time enough for us to consider whether the President's salary ought to be decreased at some period in the future. I repeat, that is the purpose of my motion in this behalf at this time; that we shall, so far as members of Congress are concerned, return as nearly as we can to what the law was anterior to the 3d of March last. We cannot touch the President's salary so far as the present term of office is concerned. If, two or three years hence, Congress shall deem it wise to go back to $25,000 for him, it will be competent to do so then, but it is unnecessary to do it now.

Mr. HAMILTON, of Maryland. Legislative action must be had before the next presidential term.

Mr. MERRIMON. I concede that; but we shall have time enough before then.

I wish to make a further remark. I thought that the amendment of the Senator from Georgia was divisible, that it contained two distinct propositions. One was in reference to the salary of the President; the other was in reference to cutting down the expenses of the Executive Mansion. If the expenses of the Executive Mansion are too great—and it has been suggested here and elsewhere that they are—then the amedment of my friend from Georgia is appropriate and proper, and I am prepared to vote on that just as I am prepared to vote on my proposition to strike out so much of his amendment as applies to the President's salary.

Mr. CARPENTER, (Mr. CLAYTON in the chair.) I desire to ask my friend, the Senator from Iowa, [Mr. WRIGHT,] a question in regard to this bill. As I stated the other day, my purpose is to follow him, as I always follow my leader in a measure of this kind, sure that he will go right, and anxious to do what is right in the premises. It seems to me that our better way is to repeal this bill of last year, flat and square, and do nothing else at the present time. These other amendments may all be very well; they may be amendments which we would all vote for; but it seems to me that if we go to changing the salaries of other officers it will seem, perhaps, to some that we do it out of spite—that, the people having demanded that we should put our own salary back where it was, we wanted to punish somebody else by putting his salary down also. It seems to me that the most gracious way to do this thing is to do it at once, and put the salary back, as to ourselves, where it was before; and when any Senator shall introduce a resolution instructing any committee to report a bill here grading these other salaries, from the President down, and making them in some sort relative and proper, I shall support it most cordially.

Now, what I want to know is, whether the Senator from Iowa having charge of this bill desires us to support these amendments or to vote against them; and I shall follow his lead in that particular so far as I have seen the amendments.

Mr. WRIGHT. I was endeavoring to get the floor for the purpose of answering the very question that the Senator from Wisconsin asks me. I think the safety of this bill demands that we shall vote down the amendment of the Senator from North Carolina, and vote down the amendment of the Senator from Georgia as well. I think that both of them, taken together or taken separately, are hostile to the bill, and endanger its passage; and therefore I shall vote against all such amendments; and if the Senator will allow me to say one word more in this connection——

Mr. CARPENTER. Will my friend permit me to interrupt him at that point to inquire how it is in regard to the amendment that came from the committee and the amendment adopted on the motion of the Senator from Maryland, [Mr. HAMILTON?]

Mr. WRIGHT. So far as that amendment is concerned, I can hardly claim to act as chairman, and therefore do not know that I can be regarded as the leader, as my friend from Wisconsin has kindly suggested, with reference to it. If he will allow me to make a suggestion as to what I prefer in that connection, I will do so now.

I have said from the beginning that my anxiety was to have a bill passed that shall repeal the salary law of last year. If I cannot obtain the passage of a bill that shall repeal it *in toto*, providing as to when it shall take effect as to the President, as is contemplated by the amendment of the Senator from Maryland, then I am ready and willing to provide by the bill that the President shall be excepted from the operation of the reqeal, as also the judges of the Supreme Court. If, therefore, I were left to myself, as the bill now stands, and if the friends around me who are in favor of repeal will stand by me in that, I think the better course is to have a square repeal of the old law with reference to members of Congress and all of the officers therein named, excepting the President and the judges of the Supreme Court from the operation of the repeal; and if no other one will offer the amendment, I will at the proper time move to so amend the proposition made by the Senator from Maryland as that, instead of providing that the repeal shall take effect absolutely on the 4th day of March, 1877, we shall except the President and the judges of the Supreme Court from the operation of the repeal, and that will leave it a square, simple repeal of the old law so far as we can now go constitutionally. I trust I am understood by the Senator from Wisconsin.

In saying this, however, it is proper to add that the amendment was offered by the Senator from Maryland, and has been put upon the bill; and to that extent I suppose that it is his amendment, and it is for him to take care of it. I voted for that amendment, it will be

remembered, and gave the reasons at the time. I do not propose to go into those reasons now.

If I am not trespassing on the time of the Senator from Wisconsin I wish to say one word more. I have upon my table a dispatch signed, as is said, by a thousand citizens of Pennsylvania, saying to us:

Make your salaries $5,000, $7,000, or $10,000; pay all men well who serve well; but for the honor of the country and its safety dispose of the question, and get at legislation for which the people, from ocean to ocean, are suffering.

I submit to my friends on this floor that we act upon this and all questions that may be raised; that we vote upon them without debate; and that we dispose of this matter once and forever, as far as we can, before we adjourn to-day.

Mr. LOGAN. Will the chairman of the committee allow me to make one suggestion to him right here?

Mr. WRIGHT. Certainly.

Mr. LOGAN. I believe this suggestion will be agreed to by the Senate: that he offer, according to his position as chairman, a substitute for the whole bill, embodying about that which he believes to be such a proposition as can be passed and become a law; that is, excluding the President and Supreme Court, and repealing all the balance of the law of last year.

Mr. HAMILTON, of Maryland. We cannot hear over here.

Mr. LOGAN. My suggestion was that the chairman of the committee move a substitute for the bill and all the amendments, providing for a total repeal of the law, saving and reserving the salaries of the President of the United States and of the judges of the Supreme Court from the repeal. I am prepared to vote for that.

Mr. WRIGHT. That proposition can just as well come up when we come to the question of the amendment of the Senator from Maryland.

Mr. MERRIMON. I am rather surprised at the disposition now manifested by the honorable Senator from Iowa. He calls on his friends to stand by him and vote down all amendments intended—as I think sincerely this is—to put the bill in a proper shape. Now, who are his friends? I trust that we are all his friends, and are all sincerely engaged in trying to put this bill in a proper shape; and I trust, furthermore, that no one will be driven from what he thinks is proper by a suggestion of that sort.

My amendment is to strike out an objectionable feature, it seems to me, in the amendment of the Senator from Georgia. I am prepared to vote for the amendment which I propose. If my amendment fails, then I think the amendment of the Senator from Georgia is in a more objectionable shape than if the provision I propose to strike out were stricken out. Let us make it as nearly right as we can, and when we have matured the bill in a proper way, then take the vote upon it.

I beg to make one further remark. I do not understand that the bill in its present shape is the bill that came from the Senate committee. We have now before us the House bill amended. The House bill is so amended as to strike out the sum fixed by the bill as it came from the House and insert as the compensation of members $5,000 a year, with mileage and other allowances as they existed before the act of March 3, 1873, increasing the compensation of members of Congress;

I came here prepared to vote, and vote at once, for two propositions.

First, anabsolute repeal of the salary provision, so called, of the actof March 3, 1873. I was prepared to vote for a repeal for all the reasons which led me at the time to vote against the enactment; and also because of the confirmation those reasons have received from the public judgment. I will not stop to pay tributes to public sentiment. I shall not be deemed paying compliments to the public when I say that considerate and enlightened public sentiment is high evidence to us all. I think the honorable Senator from Delaware [Mr. BAYARD] was warranted in saying that there has been much extravagance and heat touching those who felt themselves justified in voting for the increase of salaries; but still I think that Senator will agree with me that there is a general public judgment, calm and sincere, pronouncing this act ill judged and demanding its repeal. I repeat that I came here prepared the first day and the first hour of the session to vote for absolute repeal, and to rest my action upon the reasons for which I cast my vote against it, confirmed as those reasons have been since by the general judgment.

so that we are not now considering the bill that came from the Senate committee at all.

Mr. CONKLING. Mr. President, if I except two or three questions asked for information, I shall be exact in saying that I have had no part in this debate. Voting when my name was called on the various propositions presented, I have waited and hoped for the end.

I was prepared also to vote for a provision to put an end, once for all, to doubts and quibbles touching the situation and ownership of money, "back pay," so called, which those to whom it was voted have chosen not to draw or receive, or which having drawn they have returned to the Treasury. It has been said that those who simply washed their hands of the back pay voted to them and left it to remain in the public coffers so left it subject forever to the claims of themselves, their representatives, or their descendants. One officer of the Government has advised the public that, according to the construction given by some to the acts covering unexpended appropriations into the Treasury, the only way by which back pay could be irrevocably sealed to the United States would be for the man to whom it had been voted to make his will and bequeath it to his country, and I believe he stated this should be upon consideration of his love and affection for his native land. He thought a consideration essential, and that such a consideration would uphold a bequest, and in that way the money would ultimately inure to the benefit of the Government!

I believed, and I believe now, though I join no issue upon it, that the back pay, so called, voted Senators and Representatives, which they do not take, which they leave and refuse, is covered into the Treasury absolutely by operation of general and existing laws. But a doubt has arisen; and therefore my intention was to vote, in addition to a repeal of the act, for a provision which would carry at once and forever to the Treasury all sums of back pay, so called, remaining undrawn, and all sums which had been drawn and then handed back to the Treasury or returned to the Treasury. I therefore introduced on the first day of the session a provision having this latter effect.

Mr. President, my belief is—I trust I shall give offense to no Senator by so declaring—that we might have acted, and we ought to have acted, in much less than one day upon this whole question. I cannot doubt that a large majority of the Senate is in favor of repealing this salary law, and that a majority of the Senate is in favor of declaring the law to be that those who leave the money voted them where it is leave it in the Treasury, and thereby forever commit it to the Treasury for the public benefit. These two things, I think, we might have said and done. An hour, in my belief, was time enough for the purpose. When the honorable Senator from Iowa [Mr. WRIGHT] made report from the committee his report was in both respects to the general effect of which I speak, and I stood ready then, as I stand ready, now, to vote for his report. Meanwhile other Senators, taking a different view of the question, have offered amendment after amendment; and when I have been called to vote upon them I have felt bound to vote upon the merits of each amendment as it occurred. Senators around me have differed with me in this respect, holding it better to vote against all amendments, regardless of their merits, in order to preserve the integrity of the report of the committee. It seemed otherwise to me. When I am required to record my judgment in the Senate on my oath, I do not see how I can exclude the merits of the proposition because I think it inopportune. However this may be, I have voted upon these amendments, usually in their favor, for the reasons I indicate.

The result of discussion and varying plans has been that much time has been wasted. I say time has been wasted. I say it with deference to every Senator who has waged the debate. I cannot believe that any good can come of discussing a subject so trite, which has been some times in coolness and sometimes in passion held up in so many lights, true and false, as the increase of official salaries. Whether the time has been wasted or not, it is gone, and we are now in the tenth or eleventh day, I think, of the consideration of the subject; and I venture, before suggesting an amendment which I am going to offer when it is in order, to make an appeal to every Senator who has the credit of the Senate at heart—and I know I thus appeal to every Senator—to unite with me in putting an end to the whole matter, that we may proceed to the bankrupt law, to financial questions and to other serious questions which wait upon us.

It will be in order, I take it, Mr. President, as soon as a vote shall occur upon the pending amendment, to offer, now that the bill is in the Senate, a substitute for our work in Committee of the Whole. Such a substitute I have prepared and will offer. I need not read it, because in few words I can explain it. It is one single section designed to take the place of all of the pending propositions, and to do in legal effect substantially that recommended by the committee in the beginning, except that it takes care to observe one or two improvements made by the Senate in committee—especially one preventing the repetition of mileage during this Congress, or rather the receipt of mileage for the session for which actual traveling expenses have already been paid. It contains nothing except that which the chairman of the committee agrees to, as he stated this morning; nothing which the committee itself does not approve, as shown by its report; nothing but that which I think it may be inferred from successive votes is approved by a majority of the Senate. When it is in order, I will offer it in the hope that we may have a square vote upon it at once by yeas and nays; if it turns out that a majority is for it, it will take the place of the bill, and for the time being at least we shall have an end of this subject, which has already consumed so much time needed for grave and urgent affairs.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from North Carolina to the amendment of the Senator from Georgia.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Georgia.

Mr. CONKLING. I offer the following amendment as a substitute for the bill and all pending propositions——

The PRESIDENT *pro tempore*. The Chair is of the opinion that the substitute offered by the Senator from New York is not in order at the present time, and will not be until the pending amendment has been perfected and the bill which it proposes to strike out has been perfected. Then the pending amendment will become the original bill, and a substitute for it will then be in order.

Mr. CONKLING. Then I am in error as a matter of fact as to the situation of the bill. The Senate in Committee of the Whole agreed

to an amendment offered by the Senator from Maryland on my left, [Mr. HAMILTON.] Is there any other amendment pending?

The PRESIDENT *pro tempore*. Certainly.

Mr. LOGAN. The amendment of the Senator from Georgia.

Mr. CONKLING. I thought we had voted on the amendment of the Senator from Georgia. If that has not been voted on, I will offer mine when that amendment has been disposed of.

Mr. ROBERTSON. I have not the pending amendment before me; but I wish to make a motion to strike out all after "1877" in the amendment of the Senator from Georgia.

The PRESIDENT *pro tempore*. The Secretary will report the amendment of the Senator from South Carolina to the amendment of the Senator from Georgia.

The CHIEF CLERK. It is proposed to amend the amendment by striking out the following words:

And that the appropriations made for the expenses of the Presidential Mansion shall be, for each of the years 1873, 1874, 1875, and 1876, less than the average amount so appropriated for each of the four years preceding the 4th day of March, 1873, by the sum of $25,000.

So that, if amended, the amendment will read:

Provided further, That the salary of the President of the United States shall be $25,000 per annum after the 3d of March, 1877.

The PRESIDENT *pro tempore*. The question is on this amendment to the amendment.

Mr. GORDON. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 47, nays 9; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Clayton, Conkling, Conover, Crozier, Edmunds, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Hamilton of Maryland, Hamlin, Hitchcock, Howe, Ingalls, Lewis, Logan, McCreery, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Sargent, Saulsbury, Schurz, Scott, Sherman, Spencer, Stevenson, Stockton, Wadleigh, West, Windom, and Wright—47.

NAYS—Messrs. Bogy, Brownlow, Davis, Goldthwaite, Gordon, Merrimon, Norwood, Sprague, and Tipton—9.

ABSENT—Messrs. Alcorn, Ames, Boreman, Cooper, Cragin, Dennis, Dorsey, Ferry of Connecticut, Hamilton of Texas, Johnston, Jones, Kelly, Ransom, Stewart, Sumner, and Thurman—16.

So the amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Georgia as amended.

Mr. SARGENT. Let it be reported.

The Chief Clerk read as follows:

Provided further, That the salary of the President of the United States shall be $25,000 per annum after the 3d day of March, 1877.

Mr. SARGENT. On that the yeas and nays have been ordered, I believe.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered, and the Clerk will call the roll.

The question being taken by yeas and nays, resulted—yeas 18, nays 38; as follows:

YEAS—Messrs. Allison, Bogy, Clayton, Davis, Dennis, Fenton, Goldthwaite, Gordon, Hamilton of Maryland, Kelly, McCreery, Norwood, Oglesby, Saulsbury, Schurz, Stevenson, Tipton, and Wadleigh—18.

NAYS—Messrs. Anthony, Bayard, Boreman, Boutwell, Brownlow, Buckingham, Cameron, Carpenter, Chandler, Conkling, Conover, Crozier, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Hamlin, Hitchcock, Howe, Ingalls, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Stockton, West, Windom, and Wright—38.

ABSENT—Messrs. Alcorn, Ames, Cooper, Cragin, Dorsey, Ferry of Connecticut, Gilbert, Hamilton of Texas, Johnston, Jones, Lewis, Ransom, Sprague, Stewart, Sumner, and Thurman—16.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment of the committee as amended in the Senate.

Mr. CONKLING. I now offer the amendment which I have sent to the desk.

The CHIEF CLERK. The proposed amendment is to strike out the first, second, and third sections of the House bill as amended, and to insert in lieu thereof the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employés, whether members of Congress, Delegates, or others, (except the President of the United States and the justices of the Supreme Court,) be, and the same is hereby, repealed; and the salaries, compensation, and allowances of all of said persons (except as aforesaid) shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-third Congress; that all moneys appropriated as compensation to the members of the Forty-second Congress in excess of mileage and allowances fixed by law at the commencement of said Congress, and which shall not have been drawn by the members of said Congress respectively, or which, having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States, absolutely, the same as if they had never been appropriated as aforesaid.

Mr. CONKLING. The Senate will see that that is one single section, and I offer it, not precisely as indicated by the Secretary, but as an amendment in the nature of a substitute for the House bill, the amendment of the committee and the amendment adopted in Committee of the Whole. I offer it as one single section, to take the place of everything before the Senate, by way of substitution.

The PRESIDENT *pro tempore*. It cannot be done in that form until the committee's amendment shall have been acted upon; but the Senator accomplishes the purpose by moving this as a substitute for the House bill; and if it be so adopted, then the question will be whether this shall be stricken out and the report of the committee adopted in place of it.

Mr. CONKLING. I do not care which way. It is as well one way as the other.

Mr. SHERMAN. It seems to me that the direct vote is on the proposition of the Senator from New York as an amendment to the amendment reported by the committee. That enables us to choose between the proposition now submitted to us and the proposition reported from the committee. Otherwise we shall have to take several votes on the question; otherwise the amendment reported from the committee is open to many amendments, and we may never get through. The Senator from New York has it in his power to offer this proposition as an amendment to the amendment adopted by the committee of the Senate as a substitute; and then if that amendment is adopted that is the end of the controversy. I hope we shall take the shortest way out of it.

Mr. CONKLING. It seems to me there can be no doubt whatever about what the Senator from Ohio says. That was my purpose; but I found that other Senators thought it ought to be offered the other way. Now I will offer it in any way that anybody would like to have it if we can only have a vote upon it. My judgment is that it is a substitute for the amendment adopted in Committee of the Whole, and a substitute for the bill; but if anybody wants it in any other way I shall be willing to have it so.

The PRESIDENT *pro tempore*. The question is, Will the Senate adopt the amendment proposed by the Senator from New York in place of the House bill?

Mr. HAMILTON, of Maryland. I misunderstood the Chair in submitting the proposition to the Senate. If I understood the Chair properly, the amendment now proposed by the honorable Senator from New York is an amendment to the House bill. I thought the proposition made by the Senator from Ohio was——

Mr. SHERMAN. It is an amendment to the amendment reported by the committee.

Mr. HAMILTON, of Maryland. But the President of the Senate does not say so.

Mr. SHERMAN. It comes to the same thing.

Mr. CONKLING. In order to elicit at least the decision of the Chair, I will move my amendment as an amendment to the amendment adopted in Committee of the Whole, and I will see if there can be any parliamentary objection to that. Now, I propose to strike out all of the amendment of the Committee of the Whole, and to substitute what I have sent to the Chair, unless some point is made on that.

Mr. ANTHONY. I want to make a point of convenience; I do not know that I can make a point of order. This is not amendable. Now, I wish to vote upon a proposition to give to members of Congress precisely the compensation we had before, and not to disturb the compensation of any other officer whatever, either the employés of the Senate and House or the executive officers; but I am unable to move such an amendment to the proposition now before us.

Mr. SHERMAN. Does not the Senator think that this debate has gone far enough to justify us in voting on propositions that are not amendable?

Mr. ANTHONY. The Senator must address that remark to some Senators who have occupied more of the time than I have, for I have not taken five minutes altogether on this bill. I merely want to have the proposition presented in such form that I can vote for it, and I do not intend to inflict my reasons on the Senate at all. But if the Senator can and will present his proposition in such a form that I can move to amend it by striking out all except what relates to members of Congress, I should like to get at that.

Mr. HAMLIN. You voted against that the other day when I offered it.

Mr. ANTHONY. No.

Mr. HAMLIN. Yes, you did.

Mr. ANTHONY. Then I did not know what I was about.

Mr. HAMLIN. Possibly that may be so.

Mr. CONKLING. I should be very glad, if I could, to oblige my honorable friend from Rhode Island. I do not know anybody whom it is a greater luxury to oblige than it is to oblige him. I am satisfied that it will never fall within the ingenuity of man to offer a proposition on this subject which will be entirely satisfactory to everybody; and therefore I am engaged now in the attempt—feeble to be sure, but an attempt—to get one vote from the Senate upon the question whether this salary business, which the people hate, shall be stricken out or not, whether it is members of Congress or anybody else who have been increased, save only the President and the justices of the Supreme Court, and there the Constitution confronts us and says we shall not repeal that, no matter what we think. As to every other officer, every man that we can reach, I want one vote on the question of putting him *in statu quo*, putting him back where he was and where he would be had there been no salary enactment on the 3d of March, 1873. Now, this amendment certainly will test the sense of the Senate on that question; and I hope my friend from Rhode Island will indulge himself and all the rest of us in voting on that as far as it does enable him to express his convictions; and if it is not satisfactory, then he can move such amendments hereafter as will enable him to vote satisfactorily to himself.

Mr. ANTHONY. I wish to know whether, after the amendment of the Senator from New York shall be adopted—if it be adopted—there will then be any way in which the proposition of the Senator from Maine, [Mr. HAMLIN,] which it is said I was so unfortunate as to vote against, can be brought before the Senate; for, although that is not precisely what I wanted, it is nearer to it than any proposition I have seen. I should be in favor of a salary of $5,000 and mileage for members of Congress, with the usual allowances for stationery, and that there should also be in the bill an allowance for postage. There is no more reason that Senators should pay their postage than that the executive officers should pay theirs, except that the postage of the executive officers is so much greater that it would be impossible for them to do it. We send a letter to the Secretary of the Treasury, and pay the postage on it—a letter entirely on the public business, having no relation to ourselves—and he sends back an answer, and the postage is paid by the Government.

Mr. MORRILL, of Maine. Allow me to ask the Senator from Rhode Island whether, upon the adoption of this proposition, it will not be open to amendment, so that the Senator can move to amend it in that way.

Mr. ANTHONY. Not after it is adopted.

Mr. MORRILL, of Maine. Then you can move to amend now.

Mr. ANTHONY. It is not amendable now. It is an amendment to an amendment. It is in the second degree, as the Chair informs me.

Mr. SHERMAN. As this is likely to be a test vote on this question, and as both the House bill and this amendment offered by the Senator from New York contain a proposition to cover certain balances into the Treasury, I wish to call the attention of the Senate for a moment to the law as it now stands. I have not a doubt that under the law as it now stands it was the duty of the proper accounting officers of the Treasury Department to cover all the undrawn money appropriated for the pay of the Forty-second Congress into the Treasury on the 1st day of July last. I have the law before me. I know that at the close of the last session of Congress Senators—among the rest my colleague and myself—examined this law when we were discussing among ourselves in consequence of the salary bill what course we would pursue in regard to what is commonly called the back pay. We examined the law, and both concurred that this money would be covered into the Treasury by operation of law, and we had the law before us. But a decision made by the Treasury Department during the summer, when this question of back pay was exciting the public mind, placed us all in a very embarrassing position. Now, sir, I wish to place upon the records of the Senate the law as it stands. I shall vote for the proposition to cover the money into the Treasury, but I call the attention of the Senate to the law as it now stands, and let us see if it will be any clearer after we have passed this amendment, although I shall vote for it. The fifth section of the act approved July 12, 1870, provides as follows:

All balances of appropriations contained in the annual appropriation bills, and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year, and such balances, not needed for the said purposes, shall be carried to the surplus fund: *Provided*, That this section shall not apply to appropriations known as permanent or indefinite appropriations.

Now, sir, when this law was about to be put in force and the time came for covering this money into the Treasury, it was said that a decision had been made at the Treasury Department that the money appropriated for the pay of members of Congress was a permanent appropriation. I find in the regular annual estimates published in pursuance of law that the term "permanent appropriations" has a clear, legal, and defined meaning, recognized as such almost from the foundation of the Government; and that under existing law a list of the permanent and indefinite appropriations is required to be published every year in the annual Book of Estimates. The only appropriations that are called permanent are three. They are published in this list as permanent appropriations. One is for the Smithsonian Institution; another for collecting revenue from customs; another for arming and equipping the militia, &c. Those are the only defined permanent appropriations. Then there is a large class of what are called indefinite permanent appropriations, such as appropriations for the interest on the public debt, appropriations for the sinking fund, appropriations for refunding taxes illegally collected. All of those are defined by law and specified in the Book of Estimates. The idea that the pay of members of Congress is in the nature of a permanent or indefinite appropriation would practically defeat and nullify the law, because if the pay of members of Congress is a permanent appropriation, then an appropriation for the pay of officers, or soldiers, or sailors, or contractors, and everybody else, would be in the nature of a permanent appropriation.

The purpose of this law of 1870 was to cover into the Treasury all balances except those required to carry into execution contracts or for personal services, and then in those cases section 6, which follows the section I have already read, provides that "all balances of appropriations which shall have remained on the books of the Treasury, without having been drawn against in the settlement of accounts for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury," and shall be covered into the Treasury.

Now, let us see upon what ground this decision is made. This section requires the covering in of all balances of appropriations which shall have remained on the books of the Treasury without having been drawn against in the settlement of accounts for two years. The appropriation for the pay of members of Congress was made in a regular annual appropriation bill and for a fiscal year, because it was for the pay of members of the Forty-second Congress, whose terms expired on the 3d of March, 1873, and that fiscal year expired on the 30th of June. Here is the language of the law, which the officers were called upon to construe:

That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Then follows an appropriation in another part of the bill for the pay of members of the Forty-second Congress, whose term expired on the 3d of March, 1873. If it is held that the appropriation for the pay of members of Congress is for payment of expenses properly incurred during the year, or for the fulfillment of contracts properly made within the year, then, as a matter of course, these appropriations must be carried into the Treasury under the sixth section of the act, which required it to be done within two years after the appropriation was made. The way in which the operation of that sixth section is avoided is by a narrow construction drawn from the word "against:" "all balances of appropriations which shall have remained on the books of the Treasury which shall not have been drawn against in the settlements of accounts." The accounting officers hold that if there is a balance of an appropriation for a given year of $100,000, and there is a draft outstanding, against that appropriation of $500, that holds up the whole appropriation until two years after that draft is paid, because it is an appropriation, or a balance of an appropriation, against which there is a draft. The plain and obvious meaning of this phraseology is, that only so much of the balance should be retained in the Treasury as is necessary to meet the outstanding draft, and the remainder should be covered into the Treasury. That, it seems to me, is the common-sense construction of the sixth section of the act.

Mr. BOUTWELL. If the Senator will allow me, the point of difficulty in administration is this: that the Treasury Department does not know—and cannot officially know, because it has not the means of knowing—what claims there may be outstanding against particular appropriations. The appropriation is not kept open because it is known to the Treasury Department that there may be a draft outstanding against it; but it is kept open for two years after the last payment for the purpose of protecting other departments of the Government in contracts which may have been made, based upon appropriations, and the evidence of which has not been presented to the Treasury Department.

Mr. SHERMAN. What I insist upon is that the Treasury Department should carry all balances of appropriations in an annual appropriation bill into the surplus fund without exception, except such drafts as have been made upon them within the time to cover actual existing liabilities made during that year; and that the provision of the law which requires them to suspend balances against which there is a single draft, only requires them to suspend enough of that balance to pay the draft.

Mr. BOUTWELL. I did not make myself understood by the Senator. The particular appropriation account is not kept open because the Treasury has knowledge that there is a claim outstanding against it, but because, upon the construction given to the statute, two years must elapse after the last payment before the balance of a particular appropriation can be carried to the surplus fund. If that construction is wrong, then perhaps the only way is to remedy it by legislation; but the Treasury Department cannot know officially what claims there may be outstanding against particular appropriations. When two years have passed after the time of the last payment from a particular appropriation, then the balance of that appropriation is carried to the surplus fund.

Mr. SHERMAN. It is that very construction of the Treasury Department that I complain of. The practical operation of it would be that a balance never would be carried into the surplus fund. Take this appropriation for salaries. It was made in 1872 for the service of the last fiscal year. According to the statement of the Treasury there were about five hundred thousand dollars of this money undrawn on the 1st of July last. Can it be said that this money shall not be carried into the Treasury as long as within two years after that time there may be a single draft of a thousand dollars against the fund? By the construction they put upon it, if there is a single outstanding draft paid within two years after the 1st of July, 1873, against this fund of $500,000, they cannot cover it in until the end of two years. The purpose was that if there is an outstanding draft against a particular fund, an amount sufficient to cover that draft should remain applicable to the payment of the draft for two years, and then it must be covered into the Treasury.

But I do not know that it is necessary to debate this question. I desired to direct the attention of the Senate to it because it will be necessary to have some provision of law made more distinctly to define the meaning of Congress in regard to balances of appropriations.

Mr. WRIGHT. I wish to inquire whether the pending proposition of the Senator from New York is a substitute or an amendment for the pending amendment as reported from the committee?

The PRESIDENT *pro tempore*. The Chair understands that the Senator from New York varies his proposition as originally made, and now moves it as a substitute in place of the amendment reported by

the committee as amended by the Senate. Then the question will be on striking out the bill and inserting the amendment as finally amended.

Mr. WRIGHT. Do I understand that that is in order?

The PRESIDENT *pro tempore*. It is in order.

Mr. WRIGHT. Mr. President, while I have the floor I wish to say one thing in reference to this amendment. It is known to Senators here that perhaps no one has been more radical on the subject of the repeal of the law of 1873 than I have been. I have been radical from the first day of the session. I was radical in my opposition to the law last spring. If it were left to myself I would make this bill an absolute repeal as far as I could constitutionally, and dating back to the 3d of March last. I have, however, been satisfied from the beginning that such a bill could not pass. Then I have asked myself the question, what can pass here, and what ought I to do if I cannot get what I want? I was in favor of making the repeal take effect at once, if I could not date it back, upon all that we could constitutionally, and to declare in express words that it should take effect in 1877, as far as the President was concerned. I believed at the time that amendment was offered that it could be carried in this body and carried through both Houses of Congress.

Now, I desire to make an appeal to the friends of the measure; and I beg my friend from North Carolina [Mr. MERRIMON] to understand that I do not wish to be understood as speaking of "my friends," but of the friends of the measure. I beg to appeal to the friends of the measure here, to those who want some legislation on the subject, if we cannot get all we want, that we shall take the proposition as it now comes from the Senator from New York, which is substantially the proposition I said this morning I would be willing to vote for. I appeal once more to the Senate—that proposition being squarely before us; we all understand what it is; we have understood from this discussion, and we know where we stand upon it—to come directly to a vote upon it. We all understand that it is a simple proposition to repeal the law of the 3d of March as far as we can constitutionally. If we adopt the substitute of the Senator from New York, as I understand, it will have that effect.

I repeat, I have been thoroughly radical on this subject; I have been anxious to accomplish a practical result with reference to it; but I am willing to forego the views I entertain, when I cannot go as far as I would like to go. I know that the people whom I represent here would like to have more; I know they will justify me in getting all I can; and I feel and know that they will justify me in giving such a vote as will end this question and get it out of the way of the Senate. I trust, therefore, that we shall come to a direct vote on this proposition, and that we shall know how we stand on the question, and when the result shall be ascertained, if it shall be voted down, then we can take a vote upon other questions as they may arise, at once, without further debate.

Mr. MORTON. I suggest to the Senator from New York, and the Senator from Iowa who has charge of this measure, that perhaps this repeal with regard to other public officers and employés is too sweeping. This amendment repeals all increase of salary provided for by the act of the 3d of March last, not only in reference to members of Congress, which is the particular thing we are trying to get at, but also with reference to the Assistant Secretaries, all members of the Cabinet, heads of Bureaus, clerks, and others provided for. Some of the salaries that were raised by that act were confessedly too low; we all agreed to that; and a sweeping repeal of all the increase would not be doing justice. The increase of pay to some heads of Bureaus and to the Assistant Secretaries of the Departments was confessedly just, and against that increase there has been no clamor whatever. The Senator from Maine [Mr. MORRILL] suggests to me that the salaries embraced in the third section of the act were not passed upon the last day of the session; that that was not the result of the hurry and rush; that those salaries had been increased upon discussion weeks before. It was the salaries of members of Congress that was put through under the peculiar circumstances that have so excited the country; but the increase of pay to the heads of Bureaus and other officers provided for in the third section had been made some time before, had been debated in both Houses of Congress, and in regard to them there was no surprise; there was no want of consideration. Now, this amendment repeals all, and while it will accomplish what we want in regard to members of Congress, it will repeal the increase of pay in regard to others, which we will all admit is a manifest injustice.

Mr. FRELINGHUYSEN. May I ask my friend a question?

Mr. MORTON. Certainly.

Mr. FRELINGHUYSEN. I suppose if this amendment should be adopted it would be in order to add to it an amendment providing that nothing in this act shall affect the Assistant Secretary of the Treasury and any other officers you see proper.

Mr. ANTHONY. I am quite sure that the Senator from New York does not wish to take advantage of any parliamentary tactics upon a bill of this kind, if upon any, to defeat a just expression of the will of the Senate; therefore I trust he will withdraw his amendment for the present and let the amendment that was offered by the Senator from Maine, [Mr. HAMLIN,] and which came within two votes of passing, be tried first. If that shall be voted down the Senator from New York can again offer his amendment; but if his amendment is pressed now we are driven either to vote against it or we shall be cut off from all opportunity of amendment. If we can take the sense of the Senate upon the proposition of the Senator from Maine, which I know many Senators desire to vote for distinctly, and that expression shall not be in accordance with the views of the Senator from New York, then he can offer his own amendment.

Mr. CONKLING. I think I shall answer my friend sufficiently when I say that I have been here in a private and convenient place on this grand jury without meat or drink, water excepted, for a great many hours without offering any amendment at all, although I should like to have had the views of the Senate upon it some time ago, and inasmuch as I have waited almost a fortnight to offer my first amendment, I hope the Senator will not grudgingly give me his vote.

Mr. LOGAN. On the last day of our session, I believe, I gave notice that I would offer an amendment to this bill, which was intended to do exactly what the amendment of the Senator from New York proposes to do, and I am glad it has been offered. In my remarks before, I said I was voting under instructions from my Legislature—a unanimous vote of that Legislature, instructing the Senators from Illinois to vote for the repeal of the salary bill. They did not instruct us to vote for a repeal of a part of the salary bill, but the repeal of the salary bill, thereby meaning that we should vote to repeal it as far as we have the right to do under the Constitution. I said I would do that. This amendment does accomplish that purpose, and for this amendment I am now ready to vote. I know it works a hardship in striking down some of the Bureau officers and the Assistant Secretaries, but they were included in the law of March last, and if our salaries are to be stricken down, there is no reason why theirs should not be also. The people demand a repeal of that law. There is no use in our making excuses now about this thing; there is no use in our trying to work it around so as to save one Secretary or Assistant Secretary, or some Bureau officer. That is not complying with the demand of the people, if we merely vote in compliance with their demand. If that is the object of our legislation, merely to comply with the demand of the people, let us comply with it; and this amendment does it. I should like to save these gentlemen myself, but I cannot do it if I vote for a repeal of the law. The Assistant Secretaries of the Treasury now receive $6,000 under the law of the 3d of March last. Prior to that time they received $3,500. We reduce our salaries to $5,000, and we do not want to reduce the Assistant Secretaries a cent. We think they ought to receive $6,000, although we have but $5,000. My impression is that they are entitled to no more than we are. I would vote to increase their pay to $5,000. I would not vote for any more if I were voting to fix a salary for them now. I think that is enough, if we are to receive $5,000, and only that. But the people demand of us that we shall repeal the law, and this amendment does it. I am, therefore, for this amendment; and it is the only proposition I have yet seen before the Senate that does comply exactly with what I consider my duty under the instructions of my Legislature, and, therefore, I hope the amendment will be adopted.

Mr. HAMILTON, of Maryland. If I understand the condition of the question as it now stands before the Senate, the honorable Senator from New York has offered an amendment to the one submitted by me, and the difference between the two is this: his relates not at all to the salary of the President, while the one submitted by me and reported by the committee does; so that the question is fairly presented by this proposition whether we shall, while repealing the act passed in March last in respect to all other officers of this Government, also repeal the provision in respect to the President, as far as we can by substituting the old salary, to take effect when it can constitutionally take effect—we understand that to be now—the vote to be taken by the Senate. I shall vote against this amendment, because I believe the one offered by me goes further and is better than the one submitted by the honorable Senator from New York.

Mr. MORTON. I will say to the Senator that upon the particular point of difference between the two, the sense of the Senate has been taken, and I suppose the Senator does not want to try it again.

Mr. HAMILTON, of Maryland. I beg the Senator's pardon; I think the sense of the Senate has not been taken. The sense of the Senate was taken upon a proposition to amend the original House bill; that is all.

Mr. MORTON. On the amendment of the Senator from North Carolina [Mr. MERRIMON] we voted specifically upon that question.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from New York.

Mr. BAYARD. I desire to vote to place the congressional pay where it was last March. I do not desire to reduce the pay of the Vice-President of the United States from $10,000 to $8,000, or the members of the Cabinet from $10,000 to $8,000; and I regret exceedingly that the proposition, which has met with a great deal of favor and which I believe would command the support of a great majority of the Senate, cannot be placed before them for their votes; that is, whether the members of Congress shall or shall not profit by the law of last Congress any further than to-day? I will vote for what is termed a "square repeal" from this day, so that we shall have hereafter the same emoluments that we had when I came into the Senate. I regret exceedingly that that proposition should be complicated with another that I regard with disfavor, and that is, the reduction of the salaries of the officers I have mentioned.

Mr. MERRIMON. I wish to say just one word in relation to the vote I am about to give. The amendment offered by the Senator

from New York accomplishes exactly what I desire to see accomplished, except so much of it as is embraced by his proviso. If it were likely to be operative at all I could not vote for that proviso, because I believe it would violate the spirit of the Constitution; but I understand that every one who has not already drawn what was in the Treasury to his credit has made some disposition of it, so that I can vote for the whole amendment. I wish to make this explanation in order to show that I am acting consistently upon the matter.

The PRESIDENT *pro tempore*. The question is upon the amendment of the Senator from New York.

Mr. HAMILTON, of Maryland. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. KELLY. I wish to have the amendment reported.

Mr. SUMNER. Before the vote is taken I should like to have the amendment read.

Mr. HAMILTON, of Maryland. Both amendments.

The PRESIDENT *pro tempore*. Both will be reported.

The CHIEF CLERK. It is proposed to strike out the following words:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the salaries of the President, Vice-President, members of Congress, and Delegates, and all other officers therein named, be, and the same is hereby, repealed; and the salaries and compensation of all said officers and clerks of every name and description shall be and remain as fixed by the laws in force at the time of the passage of the act the provisions of which are hereby repealed: *Provided*, That this repeal, so far as it relates to the salary of the President, shall not take effect until the 4th day of March, 1877, on and after which date said repeal, as to the salary of said officer, shall have full force and effect, and as to all other officers from and after the taking effect of this act: *And provided further*, That this repeal shall not relate to or affect the salaries of the chief and other justices of the Supreme Court of the United States as now established by law.

And in lieu thereof to insert the following:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employés, whether members of Congress, Delegates, or others, (except the President of the United States and the justices of the Supreme Court,) be, and the same is hereby, repealed; and the salaries, compensation, and allowances of all said persons (except as aforesaid) shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-third Congress; that all moneys appropriated as compensation to the members of the Forty-second Congress in excess of the mileage and allowances fixed by law at the commencement of the said Congress, and which shall not have been drawn by the members of the said Congress respectively, or which having been drawn have been returned in any form to the United States, are hereby covered into the Treasury of the United States and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid.

Mr. MORTON. Will it be in order if this amendment is adopted as an entirety to move to strike out any portion of it?

The PRESIDENT *pro tempore*. It will not. It will be in order to add to it, but not to strike out any portion of it.

The Secretary proceeded to call the roll.

Mr. ANTHONY (when his name was called) said: I vote "yea," under protest.

The roll-call having been concluded, the result was announced—yeas 37, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Conkling, Conover, Crozier, Edmunds, Ferry of Michigan, Frelinghuysen, Hitchcock, Howe, Ingalls, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Stockton, Wadleigh, West, Windom, and Wright—37.

NAYS—Messrs. Bogy, Brownlow, Clayton, Fenton, Flanagan, Gilbert, Goldthwaite, Gordon, Hamilton of Maryland, Kelly, Lewis, Norwood, Schurz, Sprague, and Tipton—15.

ABSENT—Messrs. Alcorn, Ames, Bayard, Cooper, Cragin, Davis, Dennis, Dorsey, Ferry of Connecticut, Hamilton of Texas, Hamlin, Johnston, Jones, Ransom, Saulsbury, Spencer, Stevenson, Stewart, Sumner, and Thurman—20.

So the amendment of Mr. CONKLING was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on substituting the amendment of the committee, as amended, for the House bill.

Mr. EDMUNDS. I move to amend the amendment which has just been agreed to by adding the following words, to come in at the end of line 13 of the amendment as printed:

And the reduction of salaries of Senators and Members of Congress and Delegates, herein provided for, shall take effect as of the 4th day of March, 1873; and the accounting officers of the Treasury shall compute the sum accordingly, and shall make ratable monthly deductions from said salaries at the rate necessary to effectuate this provision within nine months next hereafter.

This is the amendment that I offered the other day, and which the Senate, not being then, I believe, very full, did not concur in. I feel it a duty to offer it again to really perfect the repeal of this measure of the 3d of March.

Mr. BOREMAN. This is substantially the amendment that was voted down the other day, and a subsequent one to effect the same purpose was also voted down, and I had hoped that the same proposition would not be renewed again during the pendency of this bill. As I understood the expression of opinion the other day by the Senate, it was that this amendment was in violation of the spirit of the Constitution; that this was the most objectionable form in which it had been offered. I rise not to discuss its merits, but simply to call the attention of Senators to the fact that this amendment in my judgment is in violation of the Constitution; for it proposes to take from those members who have received their salary from the 4th of March last the excess beyond the rate of salary at $5,000 a year, and I trust they will treat it as they did before and vote it down.

Mr. WRIGHT. I regret that my friend from Vermont has deemed it necessary to offer this amendment. In my judgment the bill is in as good a shape now as we shall be likely to get it, and I trust we shall stand by the amendment which has just been adopted. While there are many of us who have amendments that we would like to offer and get upon this bill as it stands, yet I hope that we shall vote down all amendments, and stand by the bill as it is, and take a vote upon it.

Mr. MORTON. Let us have a vote; we all understand it.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS.]

The amendment was rejected, there being on a division—ayes 8, noes 36.

Mr. HAMILTON, of Maryland. I offer an amendment now, upon which I ask for the yeas and nays. It is to come in at the end of the first section of the bill:

Provided, That from and after the 4th day of March, 1877, the compensation of the President of the United States shall be the same as that provided by law before the passage of the act aforesaid of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of Government for the year ending June 30, 1874."

The yeas and nays were ordered.

Mr. STOCKTON. Mr. President, I did not intend to say anything upon this bill; but inasmuch as this amendment, which was voted down specifically a short time ago, is again offered, and inasmuch as a considerable portion of the party with which I act and to which I am proud to belong vote upon it in a different way from myself, perhaps I ought, in a very few words, to give the reasons for my vote.

It appears that only a short time ago (about a year since, I think) the Congress of the United States voted, among other questions that they voted upon in that same bill, that the President of the United States should have his salary increased. His salary was raised from $25,000 to $50,000. On that question the Senator from Delaware [Mr. BAYARD] has said this morning that he thought it ought to have been increased; that he thought, considering what the President's salary was at the time of the formation of the Government, and considering the great change in the value of money, and considering the great difference in the requisitions that our country makes upon its public officers, the increase made last year was proper, and he voted for it. Upon this point I am inclined to believe that he is right. I am inclined to think that the ordinary and necessary requisitions made upon the President make this as small a sum as it is possible for him to get along with with proper and decent economy.

But if I simply agreed with him and thought he was right in that respect, I should not have risen to express myself. I have another reason. I cannot understand why, three years ahead, we should be called upon to assert that in 1877 we shall begin to reduce this salary. I cannot see what the motive is for doing it. I am aware, as gentlemen have repeated it, of the clause in the Constitution which prevents us decreasing this salary during the present executive term; but why we should make such hot haste, so many years ahead, to say to the people that then, by our vote, it shall be decreased, when we are not the parties who will then be called upon to act, is more than I can see.

I can see, too, the distinction between the position stated by the Senator from New York [Mr. CONKLING] when he made his inquiry of the Senator from Delaware on my left, [Mr. SAULSBURY,] and that assumed by the latter Senator. I can see a distinction between an annual appropriation for a salary which is fixed by law and the passing of a law fixing that salary. I can see a very vast difference between our saying to anybody, three or four years ahead, "When that time comes the salary shall be fixed at such and such a sum," and our making an appropriation annually; and I can see how Congress at that time may make its annual appropriation giving the President $50,000 after we have gone to our homes and this Congress is over. But I do not see any good to be attained, nor do I see any result to follow practically, except for us to say to the people that we believe that when that time comes the Congress which will then be in existence should make the reduction. Then, what does it amount to practically? It amounts to this, that at the last session of Congress we passed a bill in which we said that Ulysses S. Grant while he is President of the United States shall receive the sum of $50,000 annual salary; and now Congress is called upon to vote, and democrats are called upon to vote, that as soon as the term of Ulysses S. Grant expires, the next President, who may be one of my distinguished friends around me, shall not receive that same sum.

Sir, it seems to me that for us to make hot haste to fasten our party down to the fact that three or four years hence we will still insist, no matter what is the change in the value of money, and no matter who is President, of one party or another, that he shall not receive the same sum allowed to President Grant, would not be wise. There ought to be some good and sufficient reason given for it. I believe that the salary as now fixed in all human probability will turn out not to be too high, and that the Senator from Delaware [Mr. BAYARD] was not only right but that he was patriotic and just, as he always is on such subjects; that he did not attempt to make any political capital in this country by striving to show that the republican party desired to raise the salary because their President was in power.

I think there is no necessity for this amendment. If that salary is not precisely the sum; if it should turn out that it would be better to have a more economical administration; if it should turn out that when a reform party shall come into power it does not need so much salary, can get along without it, it will be time enough for that reform party to do it when they get into power; and if they wish to have the benefit of it they can go before the people and say they have done it. But it does seem to me that when we engage in fixing the salary, it would be unwise for us to put ourselves in the position of volunteering to fix it three or four years in advance, when the appropriations of Congress at that time may make entirely null and void all such regulations as we may now make.

My impression is that there is no reason whatever why the salary of the President should be attempted to be altered in anticipation, when the plain fact is before us that we are not called to act on the subject now. When the vote was given that the salary of the President of the United States during this term should be double the sum it had been, every Senator knew that a constitutional barrier stood in the face of his altering it for four years, and every Senator who voted against it knew the same thing. Now, because the barrier still exists, which we knew of at the time, I can see no reason whatever why we should come in and say to the people, and say here on the records of Congress, "We wish we could do it, but we know we cannot, and therefore we will say that if we should be here at that time we think we would at that time alter it;" condemning themselves for what they did a year ago, which I think is very little, if any, to be condemned, particularly in reference to the President of the United States—condemning themselves, unnecessarily rushing to court the condemnation of their constituents.

Sir, there was a good deal of sense in something that has been said in this debate; there was one observation in this debate that had some sense in it. I do not say there was but one: I leave that to the wiser men around me who are so wise on this subject I hesitate to correct them; but I do say that there was one sensible thing said in this debate, and I regret to say it was not by any Senator on this floor, nor was it, so far as my reading goes, in another body in this building. I refer now to a little telegram received by the Senator from Iowa, and which he read to the Senate; a telegram in which the suggestion is made by one thousand people, if I heard it read aright, from Pennsylvania that the people had had quite enough discussion on this subject and wished we would dispose of the bill and attend to the things for which we were sent here. I allude to it now to extract that grain of common sense, for I may even be able to do that if I can do no more, to apply that to this presidential salary.

Being called upon a second time in immediate connection to vote upon this, I felt that I must make this explanation in order to say that if this proposition applies to any one part of the salary bill more than another it is to the salary of the President of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, [Mr. HAMILTON,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 16, nays 43; as follows:

YEAS—Messrs. Bogy, Clayton, Cooper, Davis, Fenton, Gordon, Hamilton of Maryland, Kelly, McCreery, Norwood, Oglesby, Saulsbury, Schurz, Stevenson, Tipton, and Wadleigh—16.

NAYS—Messrs. Allison, Anthony, Bayard, Boreman, Boutwell, Brownlow, Buckingham, Carpenter, Chandler, Conkling, Conover, Crozier, Dorsey, Edmunds, Ferry of Michigan, Flanagan, Frelinghuysen, Gilbert, Goldthwaite, Hamlin, Hitchcock, Howe, Ingalls, Lewis, Logan, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Patterson, Pratt, Ramsey, Robertson, Sargent, Scott, Sherman, Spencer, Sprague, Stockton, West, Windom, and Wright—43.

ABSENT—Messrs. Alcorn, Ames, Cameron, Cragin, Dennis, Ferry of Connecticut, Hamilton of Texas, Johnston, Jones, Ransom, Stewart, Sumner, and Thurman—13.

So the amendment was rejected.

Mr. ANTHONY. Mr. President, I wish to offer an amendment, but first I will re-establish myself in the good opinion of my friend from Maine, [Mr. HAMLIN.] I did not vote against his amendment. I have just examined the record. I was quite sure I could not have done so. My amendment is to insert the following:

Provided, That the provisions of this act shall not be construed to reduce the salaries now provided by law for the Vice-President of the United States, for the Secretaries of State, of the Treasury, of War, of the Navy, of the Interior, and of the Attorney-General, and Postmaster-General, or of any of the employés of the Senate or of the House of Representatives; or of any of the officers named in the third section of the act approved March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes."

The effect of this amendment is nearly the same, almost literally the same, as that intended by the amendment of the Senator from Maine, which came within two votes of passing the Senate; and although I know it comes in very awkwardly and makes the section read inconsistently, still I believe that it can be legally construed to effect the purpose which is intended. The object of it is to confine the reduction to Senators and Members of Congress alone.

Mr. WRIGHT. I understand the effect of this amendment is to leave the bill so that it will be substantially a repeal of the law as far as Senators and Members are concerned, and nothing beyond that.

Mr. ANTHONY. Nothing beyond.

Mr. WRIGHT. As I stated the other day, I do not propose to eat humble pie and say that we voted wrong in increasing our own salaries, and that we were right in increasing the salary of every person else. I trust, as I have said so often to-day, that we will vote down this amendment, and all other amendments, and take the bill as it stands. It seems to me the shortest and best way out of this question. If it be true that these salaries ought to be increased, we can do it hereafter. But what I think we ought to do now is to just squarely repeal that law, as is proposed by the bill as it now stands; and then, if my friend from Rhode Island or others will suggest hereafter—after we have made this repeal simple and square—that there ought to be changes in the salaries of the Cabinet officers or others, I am not prepared to say that I might not go with him. I reserve any opinion on that until the question shall arise; but I think the safest and best way is to stand by the bill as it is now.

Mr. ANTHONY. I do not see any humble pie in this bill. We are repealing the law so far as it relates to our own salaries, avowedly in conformity to the wishes of the people. There has been no expression of the popular wish adverse to the increase of salaries for the executive officers, (and we all know that those salaries are very small indeed for the services which they have to perform and the men who are required to perform them.) And now if we pass this bill precisely as it stands we reduce the salaries of the Assistant Secretaries of State below some of their own subordinates.

Mr. DAVIS. I have not the amendment of the Senator from New York or that of the Senator from Rhode Island before me, but it appears to me from the reading that they are inconsistent. If that is the case, I ask the Chair whether this proposition is in order.

Mr. SARGENT. The amendment of the Senator from New York was to the committee's report, and perfected that report as far as it went. There was at the time the House bill, which also had been amended, and, I might say, perfected. After the adoption of the amendment of the Senator from New York in the nature of a substitute for the committee's bill, does not the question now come up on the substitution of the committee's report, as amended by the amendment of the Senator from New York, for the House bill?

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) But pending that the Senator from Rhode Island proposes an amendment. Meanwhile the Senator from West Virginia raised a point of order that the amendment of the Senator from Rhode Island is not in order. The Chair will rule that the point of order is well taken, as the Chair is advised that the Senate have heretofore adopted a provision bearing upon this very question, and the amendment of the Senator from Rhode Island is to except, so far as certain officers are concerned, from the vote which the Senate has taken under the amendment proposed by the Senator from New York. In other words, the amendment of the Senator from Rhode Island proposes to amend what has already been adopted by the Senate, the rule being that a paragraph received or adopted cannot be amended afterward in the same stage, because the House has, on a vote, agreed to it in that form. The Chair therefore sustains the point of order.

Mr. ANTHONY. Is that out of order?

The PRESIDING OFFICER. The Senate having by vote adopted the amendment of the Senator from New York, and the amendment proposed by the Senator from Rhode Island being an amendment of, and in conflict with, that, the Chair rules that the point of order is well taken.

Mr. ANTHONY. I will not dispute with the Chair, but it seems to me that it is perfectly competent, although that is not the purpose of this amendment, to make an amendment to a bill for the very purpose of making it inconsistent.

The PRESIDING OFFICER. The Chair observed that the Senate have agreed to a proposition in the affirmative form. The proposition of the Senator is to amend by a negative of a portion of the same, and which is in conflict with, and directly opposite to, the amendment already adopted, and therefore inconsistent with prior action of the Senate. A proposition agreed to cannot be amended unless it is done by striking out and adding of what has already been agreed to by the Senate. This does not propose to strike out, but does seek to amend, what has been affirmed by a vote of the Senate. The Chair rules that it is out of order.

Mr. ANTHONY. This proposition does not strike out anything that has been adopted, but it is only to add something to what has been already adopted.

The PRESIDING OFFICER. It is to except a part of what has been adopted already by the Senate, and would be putting the Senate in an inconsistent attitude. If the Senate should adopt the amendment of the Senator from Rhode Island it would negative the vote already taken. Therefore the Chair cannot see how he can entertain the motion, as the Senate already have adopted, in a positive form, the amendment of the Senator from New York. The Chair's attention has been called to a case where a similar question arose on an amendment to a tax bill, and the matter was submitted by the Chair to the decision of the Senate, and the view taken by the Chair affirmed.

Mr. ANTHONY. I ask that the Clerk read, from page 255 of McDonald's Manual, the first three paragraphs, being an extract from Jefferson's Manual.

Mr. CONKLING. May I inquire, does my friend from Rhode Island appeal from the decision of the Chair?

Mr. ANTHONY. I do not appeal from the decision of the Chair, but I should like the Chair to reverse his decision himself.

Mr. CONKLING. I think that is asking too much.

Mr. ANTHONY. I should like to have those three paragraphs read.

The Chief Clerk read as follows:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order. For were he permitted to draw questions of consistence within the vortex of order, he might usurp a negative on important modifications, and suppress, instead of subserving, the legislative will.

Amendments may be made so as totally to alter the nature of the proposition, and it is a way of getting rid of a proposition, by making it bear a sense different from what it was intended by the movers, so that they vote against it themselves.

Mr. CONKLING. Now, I beg to ask for the regular order of the Senate. There is no question before the Senate on this matter.

Mr. DAVIS. It appears to me the rule that was read sustains the decision of the Chair.

Mr. CONKLING. That is disposed of, if my friend will allow me; nobody has appealed from the decision of the Chair. I demand the regular order.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment as amended, which is the amendment of the committee as amended by the amendment of the Senator from New York.

Mr. EDMUNDS. I want to recall to the attention of the Chair whether it is not possible that the ruling of the Senate to which he referred has not been correctly read. I think it appears that it was decided that the amendment was in order in that case; but I am not sure.

Mr. CONKLING. Mr. President, I demand the regular order.

The PRESIDING OFFICER. The Senator from New York demands the regular order. The Chair will state that his attention was called to the decision of the Senate in the case of an amendment to a tax bill which he before mentioned. On examining the record, however, the Chair finds that on that occasion the question was submitted to the Senate, and the Senate differed from the Chair by a vote of 27 to 21. The Chair is of the opinion that, as the Senate has already adopted the proposition of the Senator from New York, it is not in order now to amend it; but deferring to and following the precedent established by the Senate, to which reference has been made, the Chair will withdraw his decision, and submit the question to the Senate. The Senator from West Virginia has raised a point of order upon the admissibility of the amendment proposed by the Senator from Rhode Island, and the Chair will submit to the Senate the question whether that amendment shall be received.

Mr. ANTHONY. Let the decision referred to be read.

Mr. SHERMAN. I suggest that we take the vote on the amendment and be done with it. That will take less time.

Mr. ANTHONY. I have no objection to that; but certainly what was read from Jefferson's Manual sustains me.

Mr. MORTON. Let us waive the point of order, and take the vote on the amendment.

Mr. SHERMAN. That is the shortest way.

Mr. MORTON. Let us have the question on the amendment.

Mr. ANTHONY. Very well.

Mr. SHERMAN. That is the easiest way. I hope, therefore, that the President will change his decision.

The PRESIDING OFFICER. If the Chair hears no objection he will accept the suggestion, to expedite the solution of the question, by waiving a decision and allowing the precedent already established by the Senate to be now followed. If there be no objection the question will now recur on the amendment proposed by the Senator from Rhode Island.

Mr. DAVIS. It occurs to me if this is to be a precedent that it had better be settled now.

Mr. STEVENSON. It has been settled.

Mr. DAVIS. No; it has not.

Mr. HAMLIN. It has been settled fifty times.

Mr. DAVIS. Mr. President, on the promise of numerous of my friends that they will vote against the proposition, I will withdraw the point of order and make no further objection.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Rhode Island, [Mr. ANTHONY.]

The amendment was rejected.

The PRESIDENT *pro tempore*. The question is now on the amendment of the committee as amended by the Senate. It will be reported.

The CHIEF CLERK. The amendment of the committee is to strike out the first, second, and third sections of the House bill, which, as amended, reads as follows:

That from and after the passage of this act the compensation of Senators, Representatives, and Delegates shall be at the rate of $5,000 per annum, payable monthly, and in addition thereto the mileage and other allowances allowed by law prior to the passage of the act of March 3, 1873, in going to and returning from the seat of Government once in each session, to be certified in writing by each: *Provided*, That mileage shall not be allowed or paid to Senators, Representatives, and Delegates for the first session of the Forty-third Congress.

SEC. 2. That the compensation of the Speaker of the House of Representatives shall be at the rate of $2,000, in addition to his pay as Representative, amounting in all to $8,000; and that of the Vice-President shall be the same amount, with the same allowance for traveling expenses as hereinbefore provided.

SEC. 3. That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

And in lieu thereof to insert the following words:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employés, whether members of Congress, Delegates, or others, (except the President of the United States and the justices of the Supreme Court,) be, and the same is hereby, repealed; and the salaries, compensation, and allowances of all of said persons, (except as aforesaid,) shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-third Congress; that all moneys appropriated as compensation to the members of the Forty-second Congress in excess of the mileage and allowances fixed by law at the commencement of said Congress, and which shall not have been drawn by the members of said Congress respectively, or which, having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid.

Mr. NORWOOD. If in order now I offer the following amendment, to come in at the end of the words proposed to be inserted:

SEC. —. That the act approved January 31, 1873, repealing the franking privilege, be, and the same is hereby, repealed.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment proposed by the Senator from Georgia.

The amendment to the amendment was rejected; there being on a division—ayes 19, noes 35.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the committee as amended, which is to substitute what has been read for three sections of the House bill.

The amendment was agreed to.

The PRESIDENT *pro tempore*. If no further amendment be proposed the question is on the third reading of the bill. The bill as it now stands will be read.

Mr. EDMUNDS. May I ask a question? Is there anything in the bill now except that proposed by the Senator from New York as a substitute for the committee's amendment?

The PRESIDENT *pro tempore*. There is.

Mr. EDMUNDS. What is that?

The PRESIDENT *pro tempore*. It will be reported. The object of the Chair in directing the bill as it stands to be reported was to call attention to that.

The Chief Clerk read the fourth section of the House bill, as follows:

SEC. 4. That the Secretary of the Treasury is required to cover into the Treasury all sums that may remain undrawn or which have been received as increased compensation under the provisions of said act approved March 3, 1873, and which shall have or may come into his possession by the return thereof.

Mr. CONKLING. I did not understand the effect of previous votes if that still stands in the bill.

The PRESIDENT *pro tempore*. A motion to strike it out now will be in order.

Mr. CONKLING. I move, then, to strike it out.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is, Shall the amendment made by the Senate be engrossed and the bill read the third time?

The amendment was ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

Mr. EDMUNDS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. ANTHONY. I shall vote very cheerfully for the reduction of our own salaries. I vote with great reluctance, and only because I cannot effect the other purpose without it, for the part of the bill which reduces the just compensation—certainly not more than the just compensation—given to a great many other officers by the law of last year.

Mr. COOPER. On this vote I am paired with the Senator from New Hampshire, Mr. CRAGIN. If he were here he would vote "yea" and I should vote "nay."

The question being taken by yeas and nays, resulted—yeas 50, nays 8; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Boreman, Boutwell, Buckingham, Cameron, Carpenter, Chandler, Clayton, Conkling, Crozier, Davis, Dorsey, Edmunds, Fenton, Ferry of Michigan, Frelinghuysen, Goldthwaite, Hamilton of Maryland, Hamlin, Hitchcock, Howe, Ingalls, Logan, McCreery, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Patterson, Pratt, Ramsey, Robertson, Sargent, Saulsbury, Schurz, Scott, Sherman, Spencer, Stevenson, Stockton, Sumner, Wadleigh, West, Windom, and Wright—50.

NAYS—Messrs. Brownlow, Conover, Flanagan, Gordon, Lewis, Norwood, Sprague, and Tipton—8.

ABSENT—Messrs. Alcorn, Ames, Cooper, Cragin, Dennis, Ferry of Connecticut, Gilbert, Hamilton of Texas, Johnston, Jones, Kelly, Ransom, Stewart, and Thurman—14.

So the bill was passed.

On motion of Mr. Conkling, the title of the bill was amended so as to read: "A bill repealing the increase of salaries of members of Congress and other officers."

THE CURRENCY—SPECIE PAYMENTS.

Mr. SHERMAN. I move now, in order to leave it as the unfinished business, that we take up the special order, unless the Senator from Vermont desires to take up the bankrupt bill.

Mr. EDMUNDS. No, sir; we are not ready. I rose to move an executive session.

Mr. SHERMAN. I move to take up the resolution reported by the Committee on Finance in relation to the currency and specie payments.

The motion was agreed to.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. SARGENT. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from California moves that the Senate do now adjourn. The question is on that motion.

The motion was agreed to; and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 12, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order during the morning hour is the calling of the States and Territories for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of State and Territorial Legislatures may be presented for printing and reference. The morning hour now begins at three minutes past twelve o'clock.

CONDITION OF THE UNITED STATES NAVY.

Mr. HALE, of Maine, introduced a joint resolution (H. R. No. 36) providing for an inquiry into the condition of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INTERNAL IMPROVEMENTS IN NEW HAMPSHIRE.

Mr. SMALL introduced a bill (H. R. No. 1042) authorizing the Secretary of War to have a survey and estimates made of the cost of removing obstructions to navigation from Lamprey and Exeter Rivers, in the State of New Hampshire; which was read a first and second time, and referred to the Committee on Commerce.

He also introduced a bill (H. R. No. 1043) to provide for continuing and completing the improvement of the Cocheco River in the State of New Hampshire; which was read a first and second time, and referred to the Committee on Commerce.

SEIZURES, ETC., IN CUSTOMS-REVENUE CASES.

Mr. DAWES introduced a bill (H. R. No. 1044) to regulate the seizure and examination of invoices, books, and papers in customs-revenue cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

B. W. HARRIS.

Mr. DAWES also introduced a bill (H. R. No. 1045) for the relief of B. W. Harris, late collector of internal revenue for the second district of Massachusetts; which was read a first and second time, and referred to the Committee on Claims.

ESTIMATES OF APPROPRIATIONS, ETC.

Mr. DAWES also introduced a bill (H. R. No. 1046) in relation to estimates of appropriations and appropriation accounts; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SAFETY OF LIFE ON RAILWAYS.

Mr. G. F. HOAR introduced a bill (H. R. No. 1047) to further insure the safety of the lives of passengers on railways; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

RIGHT TO VOTE.

Mr. LAWSON introduced a bill (H. R. No. 1048) to amend an act entitled "An act to amend an act approved May 31, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,'" approved February 28, 1871, and the act amendatory thereof or supplementary thereto, and the act to which said acts are amendatory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN C. LEMON.

Mr. BASS introduced a bill (H. R. No. 1049) for the relief of John C. Lemon; which was read a first and second time, and referred to the Committee on Claims.

JOSEPH BARTON AND WILLIAM THORN.

Mr. DUELL introduced a bill (H. R. No. 1050) for the relief of Joseph Barton and William Thorn; which was read a first and second time, and referred to the Committee on War Claims.

RESTORATION OF ARMY OFFICERS.

Mr. LANSING introduced a bill (H. R. No. 1051) for the restoration to their several positions in the Army of Captain J. Horace McGuire, First Lieutenant Henry D. Gardiner, Second Lieutenant William D. McGuire, and Second Lieutenant W. C. Reddy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CURRENCY.

Mr. MELLISH introduced a bill (H. R. No. 1052) to provide the money of the United States and to regulate the value thereof; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NEW YORK INDIANS.

Mr. SESSIONS introduced a bill (H. R. No. 1053) authorizing the Cattaraugus and Alleghany Indians in the State of New York to lease lands and quit titles to lands; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JEFFERSON W. DAVIS.

Mr. SESSIONS also introduced a bill (H. R. No. 1054) granting a pension to Jefferson W. Davis, first lieutenant Company F, Sixty-fourth New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NAVIGATION NEAR STATEN ISLAND.

Mr. CLARK, of New Jersey, introduced a bill (H. R. No. 1055) to appropriate money for the improvement of the navigation between Staten Island and New Jersey; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF PASSAIC RIVER.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 1056) making an appropriation for continuing the improvement of the Passaic River; which was read a first and second time, and referred to the Committee on Commerce.

AMENDMENT OF THE TARIFF.

Mr. KILLINGER introduced a bill (H. R. No. 1057) to repeal the second section of an act entitled "An act to reduce duties on imports, to reduce the internal taxes, and for other purposes," approved June 6, 1872; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RELIEF OF OFFICERS.

Mr. KILLINGER also introduced a bill (H. R. No. 1058) for the relief of certain officers of the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC-LAND LAWS.

Mr. TOWNSEND introduced a bill (H. R. No. 1059) to provide for a more efficient administration of the laws relating to public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GENERAL LAND-OFFICE.

Mr. TOWNSEND also introduced a bill (H. R. No. 1060) to reorganize the clerical force of the General Land Office; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GEORGE W. BRADLEY.

Mr. TOWNSEND also introduced a bill (H. R. No. 1061) for the relief of George W. Bradley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN SNOWDEN & SON.

Mr. TAYLOR introduced a bill (H. R. No. 1062) referring the claim of John Snowden & Son to the Court of Claims; which was read a first and second time, and referred to the Committee on Claims.

CAPTAIN JOHN C. BEAUMONT, UNITED STATES NAVY.

Mr. SHOEMAKER, of Pennsylvania, introduced a bill (H. R. No. 1063) to restore Captain John C. Beaumont, of the United States Navy, to his original position on the Naval Register; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

OLD LAZARETTO TRACT.

Mr. SHOEMAKER, of Pennsylvania, also introduced a bill (H. R. No. 1064) to authorize the Secretary of War to lease not exceeding five acres of the tract of land known as the Old Lazaretto tract, for the purpose of erecting thereon a magazine or store-house for the storage of gunpowder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROMOTIONS IN THE ORDNANCE DEPARTMENT.

Mr. CESSNA introduced a bill (H. R. No. 1065) to repeal so much of section 6 of the act of June 30, 1870, as prevents promotions in the Ordnance Department; which was read a first and second time, and referred to the Committee on Military Affairs.

EQUALIZATION OF PENSIONS.

Mr. SCOFIELD introduced a bill (H. R. No. 1066) to equalize pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM WARTHMAN.

Mr. HARMER introduced a bill (H. R. No. 1067) for the relief of Adam Warthman; which was read a first and second time, and referred to the Committee on War Claims.

LIGHT-HOUSE BOARD.

Mr. NEGLEY introduced a bill (H. R. No. 1068) to extend the jurisdiction of the Light-House Board; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INTERNAL-REVENUE SERVICE.

Mr. RANDALL introduced a bill (H. R. No. 1069) to reorganize the office of the Commissioner of Internal Revenue and to reduce the ex-

penses of the internal-revenue service; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HAND-MADE REAL LACES.

Mr. STORM introduced a bill (H. R. No. 1070) to amend the duty on hand-made real laces; which was read a first and second time, and referred to the Committee on Ways and Means.

BARBARA RENNER.

Mr. LOWNDES introduced a bill (H. R. No. 1071) for the relief of Barbara Renner, widow of Valentine Renner, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AGRICULTURAL AND POLYTECHNIC INSTITUTES.

Mr. LOWNDES also introduced a bill (H. R. No. 1072) to aid in establishing agricultural and polytechnical institutes in the several counties of the States and Territories and the District of Columbia; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

IMPROVEMENT OF NEW RIVER.

Mr. BOWEN introduced a bill (H. R. No. 1073) to appropriate the sum of $50,000 to improve New River; which was read a first and second time, and referred to the Committee on Commerce.

PAYMENT OF RENT.

Mr. HARRIS, of Virginia, introducing a bill (H. R. No. 1074) to pay for rent of real property used by the Army of the United States; which was read a first and second time, and referred to the Committee on War Claims.

RELIEF OF MAIL CONTRACTORS.

Mr. VANCE introduced a bill (H. R. No. 1075) for the relief of mail contractors for services rendered in the State of North Carolina prior to 31st May, 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REFUND OF COTTON TAX.

Mr. COOK introduced a bill (H. R. No. 1076) to refund certain taxes collected by the United States on raw cotton during the years 1863, 1864, 1865, 1866, 1867, and 1868; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARGARET S. FAIN.

Mr. BELL introduced a bill (H. R. No. 1077) granting a pension to Margaret S. Fain; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NATIONAL SCHOOL OF MINES.

Mr. BELL also introduced a bill (H. R. No. 1078) to establish a national school of mines in the North Georgia Agricultural College, at Dahlonega, Georgia, to provide for the selection of a faculty for the same, and to appropriate a sum of money for the support and maintenance thereof; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

ALLOWANCES TO CHEROKEE INDIANS.

Mr. BELL also introduced a joint resolution (H. R. No. 37) providing for the payment of a certain *per capita* allowance to the Indians of the Cherokee nation residing in the State of Georgia; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JACOB R. DAVIS.

Mr. FREEMAN introduced a bill (H. R. No. 1079) for the relief of Jacob R. Davis, of Richmond County, Georgia; which was read a first and second time, and referred to the Committee on Freedmen's Affairs.

SELMA, ROME AND DALTON RAILROAD COMPANY.

Mr. WHITE introduced a bill (H. R. No. 1080) to authorize the payment of moneys due the Selma, Rome and Dalton Railroad Company for mail services in 1861; which was read a first and second time, and referred to the Committee on Claims.

MONROE DONOHUE.

Mr. WHITE also introduced a bill (H. R. No. 1081) for the relief of Monroe Donohue; which was read a first and second time, and referred to the Committee on Claims.

PENSIONS AND BOUNTY LANDS.

Mr. WHITE also introduced a bill (H. R. No. 1082) to repeal certain acts and parts of acts excluding certain persons from pensions and bounty-land warrants for military and naval services rendered previous to 1861; which was read a first and second time, and referred to the Committee on Claims.

VIOLATION OF REVENUE LAWS.

Mr. CALDWELL introduced a bill (H. R. No. 1083) for the relief of persons who have unintentionally and unavoidably failed to comply with certain sections of the revenue laws of 1862; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES COURTS IN MISSISSIPPI.

Mr. HOWE introduced bill (H. R. No. 1084) to change the place of holding the district court of the United States for the northern district of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM S. MASSEY.

Mr. BUNDY introduced a bill (H. R. No. 1085) for the relief of William S. Massey; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM O. CORY.

Mr. BUNDY also introduced a bill (H. R. No. 1086) for the relief of William O. Cory; which was read a first and second time, and referred to the Committee on Military Affairs.

NATIONAL BANKS.

Mr. LAMISON introduced a bill (H. R. No. 1087) to prohibit national banks from receiving or paying interest on current deposits of other national banks; which was read a first and second time, and referred to the Committee on Banking and Currency.

BUTLER, MILLER & CO. ET AL.

Mr. SMITH, of Ohio, introduced a bill (H. R. No. 1088) for the relief of Butler, Miller & Co. and Hawkes, Miller & Co., of Ohio; which was read a first and second time, and referred to the Committee on War Claims.

GREEN, MARKS & CO.

Mr. NEAL introduced a bill (H. R. No. 1089) for the relief of Green, Marks & Co.; which was read a first and second time, and referred to the Committee on War Claims.

CURRENCY AND THE PUBLIC DEBT.

Mr. BERRY introduced a bill (H. R. No. 1090) to establish a uniform and elastic currency, and to reduce the interest on the public debt; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM P. RICHARDSON.

Mr. SPRAGUE introduced a bill (H. R. No. 1091) for the relief of William P. Richardson, late collector of internal revenue, fifteenth district of the State of Ohio; which was read a first and second time, and referred to the Committee on Claims.

ARTHUR W. M'CARTY.

Mr. SPRAGUE also introduced a bill (H. R. No. 1092) for the relief of Arthur W. McCarty, late first lieutenant Seventy-eighth Regiment Ohio Infantry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

EMPLOYÉS OF CONGRESS.

Mr. SPRAGUE also introduced a bill (H. R. No. 1093) for the relief of the employés of the Senate and House of Representatives of the Forty-second Congress who did not receive the 15 per cent. increase of compensation; which was read a first and second time, and referred to the Committee on Appropriations.

TRANSPORTATION AND RAILROADS.

Mr. WOODWORTH introduced a bill (H. R. No. 1094) to establish a bureau of transportation, and to regulate the management of railroads and transportation companies employed in interstate commerce; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

REVENUE LAWS.

Mr. BECK introduced a bill (H. R. No. 1095) to regulate the seizure and examination of invoices, books, and papers in custom-revenue cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES ROACH.

Mr. DURHAM introduced a bill (H. R. No. 1096) granting a pension to James Roach, of the District of Columbia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. HUMPHREY MARSHALL.

Mr. STANDEFORD introduced a bill (H. R. No. 1097) for the relief of the widow of Humphrey Marshall; which was read a first and second time, and referred to the Committee on Claims.

SOLDIERS CHARGED WITH DESERTION.

Mr. ADAMS introduced a bill (H. R. No. 1098) relieving certain soldiers and sailors from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF OFFICERS OF THE ARMY.

Mr. ADAMS also introduced a joint resolution (H. R. No. 38) amendatory of "A joint resolution for the relief of certain officers of the Army," approved July 26, 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

KENTUCKY VOLUNTEERS.

Mr. ADAMS also introduced a bill (H. R. No. 1099) for the benefit of sundry citizens of Eastern Kentucky who volunteered to aid in the protection of supplies for the Army; which was read a first and second time, and referred to the Committee on Claims.

JOHN T. FRIEND.

Mr. ADAMS also introduced a bill (H. R. No. 1100) for the benefit of John T. Friend, of Kentucky, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions and War of 1812.

JONATHAN MARTIN.

Mr. READ introduced a bill (H. R. No. 1101) granting a pension to Jonathan Martin, of Hardin County, Kentucky, for services in the war of 1812 with Great Britain; which was read a first and second time, and referred to the Committee on Revolutionary Pensions and War of 1812.

PASCHAL M'CULLAR.

Mr. NUNN introduced a bill (H. R. No. 1102) for the relief of Paschal McCullar, of Bethel Springs, McNairy County, in the State of Tennessee; which was read a first and second time, and referred to the Committee on War Claims.

MR. BENJAMIN F. SCATES.

Mr. NUNN also introduced a bill (H. R. No. 1103) for the relief of Benjamin F. Scates, postmaster of Union City, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN ALDREDGE.

Mr. MAYNARD introduced a bill (H. R. No. 1104) for the relief of John Aldredge, of McNairy County, Tennessee; which was read a first and second time, and referred to the Committee on War Claims.

NATIONAL ORPHANS' HOME, GETTYSBURGH.

Mr. MAYNARD also introduced a bill (H. R. No. 1105) for the relief of the National Orphans' Home at Seminary Hill, Gettysburgh, Pennsylvania; which was read a first and second time, and referred to the Committee on Appropriations.

MARY PATTON.

Mr. THORNBURGH introduced a bill (H. R. No. 1106) granting back pension to Mary Patton; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HARRISON MITCHELL.

Mr. PACKARD introduced a bill (H. R. No. 1107) granting a pension to Harrison Mitchell; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ALFRED FRY.

Mr. PACKARD also introduced a bill (H. R. No. 1108) for the relief of Alfred Fry; which was read a first and second time, and referred to the Committee on Military Affairs.

J. C. HANNUM.

Mr. CASON introduced a bill (H. R. No. 1109) for the relief of J. C. Hannum, late postmaster of Delphi, Indiana; which was read a first and second time, and referred to the Committee on Claims.

BREVET APPOINTMENTS.

Mr. COBURN introduced a bill (H. R. No. 1110) relating to certain brevet appointments; which was read a first and second time, and referred to the Committee on Military Affairs.

PATRICK O. HAWES.

Mr. COBURN also introduced a bill (H. R. No. 1111) for the relief of Patrick O. Hawes, late second lieutenant Forty-fifth Kentucky Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

SOLDIERS' ORPHANS' HOME.

Mr. McNULTA introduced a bill (H. R. No. 1112) to donate certain military equipments to the trustees of the Soldiers' Orphans' Home of Illinois; which was read a first and second time, and referred to the Committee on Military Affairs.

STORAGE OF MANUFACTURED TOBACCO.

Mr. KNAPP introduced a bill (H. R. No. 1113) to amend the revenue laws so as to permit the storage of manufactured tobacco in warehouses; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SAMUEL GAMAGE.

Mr. BARRERE introduced a bill (H. R. No. 1114) for the relief of Samuel Gamage; which was read a first and second time, and referred to the Committee on War Claims.

ANNA BRASEL.

Mr. BARRERE also introduced a bill (H. R. No. 1115) to restore pension to Anna Brasel; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARY R. THOMPSON.

Mr. CORWIN introduced a bill (H. R. No. 1116) for the relief of Mary R. Thompson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DELANA HOWARD.

Mr. CORWIN introduced a bill (H. R. No. 1117) for the relief of Delana Howard; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES M. TRUE.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 1118) for the relief of James M. True, late colonel of the Sixty-second Illinois Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

SESSIONS OF THE SUPREME COURT.

Mr. WELLS introduced a bill (H. R. No. 1119) changing the time of holding the Supreme Court and providing for a session of the same at Saint Louis; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

W. H. MOORE & CO.

Mr. WELLS also introduced a bill (H. R. No. 1120) for the relief of W. H. Moore & Co., for depredations committed by Cheyenne Indians; which was read a first and second time, referred to the Committee on Claims, and, with accompanying papers, ordered to be printed.

WAR ACCOUNT WITH MISSOURI.

Mr. WELLS also introduced a bill (H. R. No. 1121) for the relief of the State of Missouri on account of ordnance and ordnance stores issued to said State by the United States during the late war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARTHA E. NORTHUP.

Mr. HAVENS introduced a bill (H. R. No. 1122) granting a pension to Mrs. Martha E. Northup, widow of First Lieutenant Edward B. Northup, late of the Seventeenth United States Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INTERNAL TAXES ON TOBACCO.

Mr. HYDE introduced a bill (H. R. No. 1123) to repeal the internal taxes upon tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SOLDIERS AND SAILORS OF THE WAR OF 1812.

Mr. HYDE also introduced a bill (H. R. No. 1124) to extend the provisions of an act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers and sailors;" which was read a first and second time, and referred to the Committee on Revolutionary Pensions and War of 1812.

BRIDGE ACROSS THE MISSISSIPPI.

Mr. GLOVER introduced a bill (H. R. No. 1125) giving the consent of the United States to the erection of a bridge across the Mississippi River at the town of Canton, Lewis County, State of Missouri; which was read a first and second time, and referred to the Committee on Commerce.

PROMOTIONS IN THE ORDNANCE DEPARTMENT.

Mr. FIELD introduced a bill (H. R. No. 1126) to repeal so much of section 6 of an act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1870, and for other purposes," approved March 3, 1869, as prohibits promotions and new appointments in the Ordnance Department of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENT OF DUTIES ON IMPORTS.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 1127) making United States Treasury notes a legal tender for duties on imports; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PREVENTION OF FINANCIAL PANICS.

Mr. FIELD also introduced a bill (H. R. No. 1128) to prevent financial panics; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

The reading of the bill being called for, it was read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to issue, from time to time, on demand, in exchange at par for legal-tender notes, the bonds of the United States in denominations of fifty dollars, or any multiple thereof; said bonds to be called three sixty-five convertible bonds, to bear interest at the rate of 3.65 per cent. per annum, and principal and interest payable on demand in legal-tender notes of the United States.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to redeem said bonds on demand at the United States Treasury, at the offices of the assistant treasurers of the United States, and at such other convenient places within the United States as the Secretary of the Treasury may designate for the purpose, and under such regulations as he may prescribe; and whenever said bonds shall be presented for payment and paid, as aforesaid, the same shall be immediately canceled and stamped with the date of payment and the word "paid" on the face thereof, and the same shall be forwarded to the Treasurer of the United States. And the Secretary of the Treasury shall monthly cause the bonds so paid to be destroyed in the presence of the Treasurer of the United States and the Register of the Treasury, of which destruction a memorandum or record shall be made, showing the date, denomination, number, and date of payment of each bond, in a book to be provided for that purpose, and signed by the officers aforesaid.

SEC. 3. That the Secretary of the Treasury is hereby authorized and directed to issue $44,000,000 of United States legal-tender notes, known as "greenbacks," and commonly denominated the "reserve," and such further sum of legal-tender notes as may be required to carry into effect the provisions of this act, of such amounts as he may deem expedient, not less than one dollar each, which, together with all legal-tender notes heretofore issued, shall be receivable in payment of all taxes, duties, excises, debts, and demands of every kind due to the United States, and for all claims and demands against the United States of every kind whatever, except where the law creating such claim or demand requires that the same shall be paid

in coin, and shall be lawful money and legal tender in payment of all public and private debts, except as aforesaid, within the United States, and shall be receivable in payment of all loans made to the United States. Said notes shall be in the similitude of the legal-tender greenback currency-notes heretofore issued, except that they shall bear on their face the denomination or value for which they are money, and the words "convertible at the option of the holder to United States bonds bearing interest at the rate of three and sixty-five hundredths per centum per annum," together with appropriate vignettes to prevent counterfeiting, and such signatures, checks, and numbers, or other references, as may be best to prevent over-issue or forgeries, and on the back thereof shall be printed the provisions of law under which they are issued.

SEC. 4. That the Secretary of the Treasury is authorized and directed to apply the amount of the legal-tender notes received in exchange for the bonds authorized by the first section of this act, to the extent that may be required for the purpose, in the redemption of such of the said three sixty-five convertible bonds as may be presented for payment, and the residue of said legal-tender notes, received in exchange for bonds as aforesaid, in the purchase weekly of the 6 per cent. bonds of the United States known as five-twenty bonds, each and every week after the passage of this act, until the entire issue of said 6 per cent. bonds shall have been redeemed and paid; and the Secretary of the Treasury is hereby authorized and directed to purchase said 6 per cent. bonds, at the lowest prices he can obtain, by inviting proposals for the same, giving at least five days' public notice, and requesting holders thereof to state the lowest price they will take for such bonds, payable in the legal-tender notes of the United States.

SEC. 5. That after the 30th day of June, 1874, the national banking associations shall cease to be banks of issue, and that all taxes on their circulation shall thereafter cease; and the Comptroller of the Currency shall, from the date aforesaid, charge to each national bank interest semi-annually at the rate of 6 per cent. per annum, in coin, on the amount of their bills outstanding and unredeemed, and he shall deduct the amount thereof from the amount of the interest payable by the United States to such bank on the United States registered bonds lodged to secure the redemption of its circulating notes, and the Comptroller shall continue half-yearly to charge and collect interest as aforesaid until such national bank shall deposit with the Treasurer of the United States lawful money of the United States sufficient to redeem all its outstanding circulation, and thereafter the notes of such national bank shall be redeemed at the Treasury of the United States as by law provided.

MICHIGAN SHIP-CANAL.

Mr. WILLARD, of Michigan, presented a joint resolution of the Legislature of Michigan, asking Congress for an appropriation for the survey of the Michigan ship-canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

NIAGARA SHIP-CANAL.

Mr. WILLARD, of Michigan, also presented a joint resolution of the Legislature of Michigan, asking Congress to provide for the early construction of the Niagara ship-canal; which was referred to the Committee on Railways and Canals, and ordered to be printed.

TAXING LANDS OF THE UNITED STATES.

Mr. WALDRON introduced a bill (H. R. No. 1129) giving the assent of Congress to the State of Michigan to tax all lands sold by the United States therein from and after the date of sale; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

WILLIAM H. DANIELS.

Mr. WALLS introduced a bill (H. R. No. 1130) for the relief of William H. Daniels, late collector of Apalachicola, Florida; which was read a first and second time, and referred to the Committee on Claims.

IMPROVEMENT OF KEY WEST HARBOR.

Mr. WALLS also introduced a bill (H. R. No. 1131) making an appropriation for the improvement and deepening of the northwest channel of the harbor at Key West, Florida; which was read a first and second time, and referred to the Committee on Commerce.

SAMUEL KILGORE.

Mr. HERNDON introduced a bill (H. R. No. 1132) for the relief of Samuel Kilgore, a citizen of Texas; which was read a first and second time, and referred to the Committee on Indian Affairs.

IMPROVEMENT OF SABINE AND TRINITY RIVERS.

Mr. HERNDON also introduced a bill (H. R. No. 1133) appropriating money for the improvement of the navigation of the Sabine and Trinity Rivers, the Cypress Bayou, and the construction of a canal connecting Sabine Lake and Galveston Bay, in the State of Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ANDREW NEWMAN.

Mr. HANCOCK introduced a bill (H. R. No. 1134) for the relief of Andrew Newman; which was read a first and second time, and referred to the Committee on Claims.

WAR CLAIMS.

Mr. GIDDINGS introduced a bill (H. R. No. 1135) for the relief of certain citizens of Benham, Texas, and to pay for property appropriated and destroyed by United States soldiers in September, 1866; which was read a first and second time, and referred to the Committee on War Claims.

MIRANDA MATTHEWS.

Mr. HERNDON introduced a bill (H. R. No. 1136) to reinstate upon the pension-roll the widow of Henry Matthews, who was a private in Company A, Texas Mounted Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FEES OF UNITED STATES COURTS.

Mr. WILLIE introduced a bill (H. R. No. 1137) to further regulate the fees and costs to be allowed clerks, marshals, and district attorneys of the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REVISION OF PENSION LAWS.

Mr. DONNAN introduced a bill (H. R. No. 1138) to amend section 4 of an act to revise, consolidate, and amend the laws relating to pensions; which was read a first and second time, and referred to the Committee on Invalid Pensions.

OCCUPYING CLAIMANTS.

Mr. ORR introduced a bill (H. R. No. 1139) for the benefit of occupying claimants; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FEES OF REGISTERS, ETC.

Mr. ORR also introduced a bill (H. R. No. 1140) fixing the fees of registers and receivers of land-offices in cases of contested entries; which was read a first and second time, and referred to the Committee on Public Lands.

JOHN CLEGHORN.

Mr. ORR also introduced a bill (H. R. No. 1141) for the relief of John Cleghorn, late register of the land office at Sioux City, Iowa; which was read a first and second time, and referred to the Committee on Public Lands.

DES MOINES RIVER GRANT.

Mr. ORR also introduced a bill (H. R. No. 1142) authorizing the Secretary of the Interior to indemnify the holders of pre-emption and homestead certificates and certificates of entry and patents upon lands in Iowa within the so-called Des Moines River grant, on account of failure of title and a relinquishment of the paramount title of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SOLDIERS' AND SAILORS' HOMESTEADS.

Mr. McDILL, of Wisconsin, introduced a bill (H. R. No. 1143) relating to soldiers' and sailors' homesteads; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

RACHEL PHILLIPS.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 1144) to grant a pension to Rachel Phillips, widow of Gilbert Phillips; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARTIN LAFLIN.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 1145) granting a pension to Martin Laflin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN E. COX.

Mr. HAZELTON, of Wisconsin, introduced a bill (H. R. No. 1146) granting a pension to John E. Cox; which was read a first and second time, and referred to the Committee on Invalid Pensions.

APPRAISER-GENERAL FOR PACIFIC COAST.

Mr. CLAYTON introduced a bill (H. R. No. 1147) to provide for the appointment of an appraiser-general for the Pacific Coast; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHINESE IN THE UNITED STATES.

Mr. HOUGHTON introduced a bill (H. R. No. 1148) providing for a commission to collect information relative to the condition of the Chinese in the United States; which was read a first and second time.

Mr. CLAYTON. I move that the bill be referred to the Committee on Education and Labor.

Mr. G. F. HOAR. Would not the bill more properly go to the Committee on the Centennial Celebration, which has in hand all matters connected with the census?

The SPEAKER. This bill provides for a commission to collect information relative to the condition of the Chinese in the United States. The Chair thinks the Committee on Education and Labor is the proper committee to which it should be referred.

The bill was referred to the Committee on Education and Labor, and ordered to be printed.

HOMESTEAD AND PRE-EMPTION LAWS.

Mr. DUNNELL introduced a bill (H. R. No. 1149) in relation to the occupation of the public lands under the homestead or pre-emption laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MRS. MARY A. M'COMB.

Mr. DUNNELL also introduced a bill (H. R. No. 1150) for the relief of Mrs. Mary A. McComb; which was read a first and second time, and referred to the Committee on Patents.

CHARLES W. DENTON.

Mr. NESMITH introduced a bill (H. R. No. 1151) for the relief of Charles W. Denton, of Oregon; which was read a first and second time, and referred to the Committee on Claims.

RAILROAD LAND CLAIMS.

Mr. PHILLIPS introduced a bill (H. R. No. 1152) to define and limit

the claims of certain railroad companies to certain lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OSAGE CEDED LANDS.

Mr. PHILLIPS also introduced a bill (H. R. No. 1153) to reimburse certain settlers on the Osage lands who made improvements on the same while they were ceded as public lands, for such improvements; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. COBB, of Kansas, introduced a bill (H. R. No. 1154) authorizing proceedings to be instituted in the United States circuit court for the district of Kansas to determine title to the Osage ceded lands; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUPPLIES FOR INDIAN SERVICE.

Mr. COBB, of Kansas, also introduced a bill (H. R. No. 1155) to provide for the mode and place of purchasing supplies for the Indian service; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM C. O'BRIEN.

Mr. LOWE introduced a bill (H. R. No. 1156) for the relief of William C. O'Brien; which was read a first and second time, and referred to the Committee on War Claims.

MEXICAN WAR CLAIMS.

Mr. ELKINS introduced a bill (H. R. No. 1157) to provide for the payment of certain volunteer companies in the service of the United States in the war with Mexico, and in the suppression of Indian disturbances in New Mexico; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DISTRICT COURTS IN WASHINGTON TERRITORY.

Mr. McFADDEN introduced a bill (H. R. No. 1158) to provide for the manner of fixing the terms of the district courts in the Territory of Washington, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SEATTLE AND WALLA WALLA RAILROAD COMPANY.

Mr. McFADDEN also introduced a bill (H. R. No. 1159) granting the right of way to the Seattle and Walla Walla Railroad and Transportation Company, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

He also introduced a bill (H. R. No. 1160) to grant and confirm to the Seattle and Walla Walla Railroad and Transportation Company the tide lands in, under, and about Elliott's Bay, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORT REYNOLDS MILITARY RESERVATION.

Mr. CHAFFEE introduced a bill (H. R. No. 1161) to authorize the sale of the military reservation of Fort Reynolds in Colorado Territory and the Government buildings thereon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DENVER AND PACIFIC RAILROAD COMPANY.

Mr. CHAFFEE also introduced a bill (H. R. No. 1162) granting the right of way through the public lands to the Denver and South Park and Pacific Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SAINT PAUL AND SIOUX CITY RAILROAD.

Mr. ARMSTRONG introduced a bill (H. R. No. 1163) to authorize the Saint Paul and Sioux City Railroad Company to construct a branch from Sibley, in the State of Iowa, to Yankton, in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DAKOTA CENTRAL RAILROAD COMPANY.

Mr. ARMSTRONG also introduced a bill (H. R. No. 1164) granting the right of way to the Dakota Central Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MILTON B. DUFFIELD.

Mr. McCORMICK introduced a bill (H. R. No. 1165) for the relief of Milton B. Duffield, late United States marshal for the Territory of Arizona; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOISE BASIN FLUMING COMPANY.

Mr. HAILEY introduced a bill (H. R. No. 1166) granting the right of way to the Boise Basin Bed Rock Fluming Company, of Idaho Territory, over public lands of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LAND DISTRICT IN IDAHO.

Mr. HAILEY also introduced a bill (H. R. No. 1167) to create an additional land district in the Territory of Idaho; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INDIANS IN MONTANA.

Mr. MAGINNIS introduced a bill (H. R. No. 1168) to amend an act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley in the Territory of Montana," approved June 5, 1872; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TILFORD KUTCH AND OTHERS.

Mr. STEELE introduced a bill (H. R. No. 1169) for the relief of Tilford Kutch, W. P. Davidson, and other settlers in Wind River Valley, Wyoming Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INTERNAL TAXES.

Mr. CHIPMAN introduced a bill (H. R. No. 1170) to amend an act entitled "An act to reduce internal taxes, and for other purposes," approved July 14, 1870; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE P. FISHER.

Mr. CHIPMAN also introduced a bill (H. R. No. 1171) for the relief of George P. Fisher; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

The SPEAKER. The call of the States and Territories having now been completed, the Chair will, by unanimous consent, receive bills for reference from such members as were not in when their States were called.

DUTIES ON IMPORTED GOODS.

Mr. DAWES introduced a bill (H. R. No. 1172) to regulate duties on certain imported goods; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

W. E. PRINCE.

Mr. KASSON introduced a bill (H. R. No. 1173) granting a pension to W. E. Prince, of Iowa; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JONATHAN BROCK.

Mr. KELLEY introduced a bill (H. R. No. 1174) for the relief of Jonathan Brock; which was read a first and second time, and referred to the Committee on War Claims.

COLLECTION DISTRICT IN NEW JERSEY.

Mr. SCUDDER, of New Jersey, introduced a bill (H. R. No. 1175) to make a collection district in the State of New Jersey; which was read a first and second time, and referred to the Committee on Ways and Means.

HEIRS OF MATTHEW ALEXIS ROCHAMFOIS.

Mr. PARSONS introduced a bill (H. R. No. 1176) for the relief of the heirs at law of Matthew Alexis Rochamfois; which was read a first and second time, and referred to the Committee on Claims.

JAMES LILLIE.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 1177) to exempt James Lillie, of Missouri, from the payment of fifty-five dollars for postage-stamps, stamped envelopes, and funds, destroyed by fire while postmaster; which was read a first and second time, and referred to the Committee on Claims.

MRS. MARY ANN TYSON ET AL.

Mr. O'NEILL introduced a bill (H. R. No. 1178) to refer to the Court of Claims the case of Mrs. Mary Ann Tyson *et al.* against the United States; which was read a first and second time, and referred to the Committee on Claims.

INVALID PENSIONS.

Mr. WOODFORD introduced a bill (H. R. No. 1179) establishing an increased rate of invalid pensions after July 1, 1874; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STENOGRAPHERS FOR UNITED STATES COURTS.

Mr. WOODFORD also introduced a bill (H. R. No. 1180) to provide stenographers for the United States courts of the northern, southern, and eastern districts of the State of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEGAL EXPENSES OF THE GOVERNMENT.

Mr. WOODFORD also introduced a bill (H. R. No. 1181) making an appropriation for the payment of certain legal expenses of the Government; which was read a first and second time, and referred to the Committee on Appropriations.

GENERAL SAMUEL W. CRAWFORD.

Mr. MYERS introduced a bill (H. R. No. 1182) in regard to the retirement of General Samuel W. Crawford, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY R. ROBINSON.

Mr. BUNDY introduced a bill (H. R. No. 1183) granting a pension to Mrs. Mary R. Robinson; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REVOLUTIONARY CLAIMS.

Mr. ARCHER introduced a bill (H. R. No. 1184) to provide for the settlement of the claims of the officers of the Revolutionary Army, and of the widows and children of those who died in the service; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF J. B. ARMSTRONG.

Mr. SMITH, of New York, introduced a joint resolution (H. R. No. 39) in the matter of the payment of certain moneys appropriated to the estate of J. B. Armstrong, deceased; which was read a first and second time.

Mr. SMITH, of New York. I move that this joint resolution be referred to the Committee on the Judiciary and ordered to be printed.

Mr. BUCKNER. I object to the resolution. If it was introduced by unanimous consent I want to see it. I have clients that are interested in the matter.

Mr. SMITH, of New York. It is merely explanatory of a bill that was passed by the last Congress.

The SPEAKER. It does not require unanimous consent, but it requires a majority vote.

Mr. RANDALL. Let the joint resolutions be read, so that we may know what we are voting upon.

The SPEAKER. Will the gentleman from New York [Mr. SMITH] state from what committee came the act of which this joint resolution is explanatory?

Mr. SMITH, of New York. It came from the Committee on Claims, and required proof of the loyalty of the claimants. This joint resolution was not drawn by me.

The SPEAKER. If the gentleman will accept a suggestion, the Chair thinks this joint resolution should go to the same committee that reported the matter in the last Congress.

Mr. SMITH, of New York. I have no objection, and will make that motion.

The motion was agreed to; and the joint resolution was accordingly referred to the Committee on Claims, and ordered to be printed.

GEORGE M. BOOK.

Mr. MOORE introduced a bill (H. R. No. 1185) to reinstate Lieutenant George M. Book on the active list of the Navy; which was read a first and second time, and referred to the Committee on Naval Affairs.

RECRUITING SERVICE.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 1186) to discontinue the recruiting service of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRADEWATER RIVER, KENTUCKY.

Mr. CROSSLAND introduced a bill (H. R. No. 1187) making an appropriation for the improvement of Tradewater River, Kentucky; which was read a first and second time, and referred to the Committee on Commerce.

JAMES M. NEELY.

Mr. ATKINS introduced a bill (H. R. No. 1188) granting a pension to James M. Neely, late first lieutenant Company C, Seventh Tennessee Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANTHONY LAWSON AND THOMAS A. BREWIS.

Mr. HUNTON introduced a bill (H. R. No. 1189) for the relief of Anthony Lawson and Thomas A. Brewis, and their heirs; which was read a first and second time, and referred to the Committee on Claims.

LANDS SOLD FOR DIRECT TAXES.

Mr. HUNTON also introduced a bill (H. R. No. 1190) for the relief of owners and purchasers of lands sold for direct taxes in insurrectionary States; which was read a first and second time, and referred to the Committee on Revision of the Laws of the United States.

PASSENGERS ON STEAM-VESSELS.

Mr. BURLEIGH introduced a bill (H. R. No. 1191) to amend "An act to provide for the better security of life on board of vessels propelled in whole or in part by steam, and for other purposes," approved February 28, 1871; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MAJOR C. S. UNDERWOOD.

Mr. MACDOUGALL introduced a bill (H. R. No. 1192) for the relief of the estate of the late Major C. S. Underwood, paymaster United States Army; which was read a first and second time, and referred to the Committee on Military Affairs.

FREIGHT RAILWAY.

Mr. HURLBUT introduced a bill (H. R. No. 1194) chartering a double-track freight railway from tide-water on the Atlantic to the Missouri River, and to limit the rates of freight thereon; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JAMES L. BARNWELL.

Mr. RANSIER introduced a bill (H. R. No. 1195) for the relief of James L. Barnwell, late of Beaufort, South Carolina; which was read a first and second time, and referred to the Committee on Claims.

CIRCUIT COURTS OF THE UNITED STATES.

Mr. BUTLER, of Massachusetts, introduced a bill (H. R. No. 1196) to order and appoint the times for holding the circuit courts of the United States for the fourth judicial circuit, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

He also introduced a bill (H. R. No. 1197) to confer concurrent jurisdiction on the circuit courts of the United States in matters relating to the revenue; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

He also introduced a bill (H. R. No. 1198) to provide for the removal of suits from the State courts to the circuit courts of the United States in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

He also introduced a bill (H. R. No. 1199) for expediting the business of the judicial courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SURETIES OF JESSE J. SIMKINS.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 1200) for the relief of the sureties of the late Jesse J. Simkins, collector of the port of Norfolk, Virginia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES STEAMER BIENVILLE.

Mr. BUTLER, of Massachusetts, also introduced a bill (H. R. No. 1201) authorizing the payment of prize-money to the officers and crew of the United States steamer Bienville; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ADJUDICATION OF COTTON CLAIMS.

Mr. MOREY introduced a bill (H. R. No. 1202) to transfer for adjudication to the Court of Claims all claims which have been presented to the Secretary of the Treasury under the provisions of the act of May 18, 1872, for the proceeds of cotton taken by the United States subsequent to June 30, 1865; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL BROWN AND JAMES ROBINSON.

Mr. MOREY also introduced a bill (H. R. No. 1203) for the relief of Daniel Brown and James Robinson; which was read a first and second time, and referred to the Committee on Claims.

AMENDMENT OF AN APPROPRIATION ACT.

Mr. MOREY also introduced a bill (H. R. No. 1204) to amend an act entitled "An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1872, and for former years, and for other purposes;" which was read a first and second time, and referred to the Committee on Claims.

DUTY ON SALT.

Mr. KNAPP introduced a bill (H. R. No. 1205) to repeal the duties on salt; which was read a first and second time, and referred to the Committee on Ways and Means.

CHARLES J. SANDS.

Mr. WOODFORD introduced a bill (H. R. No. 1206) for the relief of Charles J. Sands, of Brooklyn, New York; which was read a first and second time, and referred to the Committee on Claims.

JAMES W. BOWEN.

Mr. KILLINGER introduced a bill (H. R. No. 1207) for the relief of James W. Bowen, late provost-marshal of the tenth congressional district of Pennsylvania; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROTECTION OF PERSONS OF FOREIGN BIRTH.

Mr. NEGLEY introduced a bill (H. R. No. 1208) to protect persons of foreign birth against forcible constraint or involuntary servitude; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIQUOR TRAFFIC.

Mr. MELLISH, by unanimous consent, presented the following petition; which was referred to the Committee on Education and Labor, and ordered to be printed in the CONGRESSIONAL RECORD.

To the United States Senate and House of Representatives:

The undersigned, citizens of the United States, respectfully ask you to provide for the appointment of a commission of inquiry, of five or more competent persons, whose duty it shall be, first, to inquire and take testimony as to the results of the traffic in alcoholic liquors, in connection with crime, pauperism, the public health, the moral, social, and intellectual well-being of the people; second, concerning prohibitory legislation in Maine, Massachusetts, and other States of the Union, and its effects upon intemperance; and, third, to recommend what addi-

tional legislation, if any, would be beneficial on the part of Congress to suppress, in the sphere of national authority, the traffic in alcoholic liquors as beverages.

On behalf of the members and congregation of Saint Paul's Methodist Episcopal church of New York City.

CYRUS D. FOSS, *Pastor.*
ALFRED S. PURDY,
GEORGE FORRESTER,
SAMUEL R. SPELMAN,
WILLIAM L. RAYMOND,
JOSEPH GRAYDON,
A. V. STORER,
EDWIN HYDE,
WILLIAM TRUSLAND,
EDWIN MEED,
Officers.

UNITED STATES SHIPPING COMMISSIONERS.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish for the information of this House a statement showing the amount or amounts of money paid into the Treasury of the United States under section 66 of the act of June 7,1872, authorizing the appointment of shipping commissioners, and for other purposes.

JOHN M. LAMB.

Mr. AVERILL. Mr. Speaker, the bill (H. R. No. 981) for the relief of John M. Lamb, of Saint Paul, Minnesota, has been erroneously referred to the Committee on Military Affairs. I move that that committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

The motion was agreed to.

INDIAN PEACE COMMISSION.

Mr. AVERILL also, from the Committee on Indian Affairs, reported back a communication from Samuel M. Janney, on behalf of the executive committee of Friends, relating to Indians; and moved that the same be printed and recommitted.

The motion was agreed to.

ENGRAVING NATIONAL-BANK NOTES.

On motion of Mr. GARFIELD, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of the bill (H. R. No. 698) repealing so much of the sundry civil appropriation bill, approved March 3, 1873, as appropriates money for engraving new circulating notes for national banks; and the same was referred to the Committee on Banking and Currency.

C. N. FELTON.

On motion of Mr. GARFIELD, the Committee on Appropriations was also discharged from the further consideration of a bill (H. R. No. 977) for the relief of C. N. Felton, late assistant treasurer of the United States at San Francisco, California; and the same was referred to the Committee on Claims.

OREGON INDIAN WAR.

On motion of Mr. GARFIELD, the Committee on Appropriations was also discharged from the further consideration of a bill (H. R. No. 990) to amend an act entitled "An act to provide for the payment of the expenses incurred in the suppression of Indian hostilities therein in the years 1855 and 1856," approved March 2, 1861; and the same was referred to the Committee on Claims.

REMOVAL OF OBSTRUCTIONS.

On motion of Mr. GARFIELD, the Committee on Appropriations was also discharged from the further consideration of the petition of citizens of Posey County, Indiana, praying for the removal of obstructions in the Ohio River, opposite Mount Vernon; and the same was referred to the Committee on Commerce.

NATIONAL WASHINGTONIAN HOME.

On motion of Mr. GARFIELD, the Committee on Appropriations was also discharged from the further consideration of a bill (H. R. No. 959) to incorporate a National Washingtonian Home; and the same was referred to the Committee on the Judiciary.

DENVER MINT.

On motion of Mr. GARFIELD, the Committee on Appropriations was also discharged from the further consideration of petitions from the citizens of Colorado, praying that the United States branch mint at Denver may be authorized to coin gold and silver; and the same was referred to the Committee on Coinage, Weights, and Measures.

SARATOGA MONUMENT ASSOCIATION.

On motion of Mr. GARFIELD, the Committee on Appropriations was also discharged from the further consideration of the petition of the Saratoga Monument Association, for the appropriation of $200,000 to aid in the erection of the monument at Schuylerville, New York, to commemorate the surrender of the British army, under General Burgoyne, on the 17th of October, 1777; and the same was laid upon the table.

WRONG REFERENCE.

Mr. GARFIELD. I desire to state, Mr. Speaker, in this connection, that the Committee on Appropriations will report back all claims improperly referred to that committee, and ask they shall be referred to the Committee on Claims. It will save the trouble of making double entries upon our dockets, and at the same time save delay in action upon business which gentlemen present, if they will refer in the first place all such papers to the Committee on Claims instead of to the Committee on Appropriations.

CHANGE OF REFERENCE.

On motion of Mr. HAWLEY, of Illinois, the Committee on Claims was discharged from the further consideration of the following cases; and the same were referred to the Committee on War Claims:

Petition of Julia A. Nutt, administratrix of Haller Nutt, deceased, of Natchez, Adams County, Mississippi, for quartermaster-general's stores taken by the United States forces;

Memorial of Francis A. Gibbons, for the payment of grain furnished under a military order of the Quartermaster-General, at Baltimore, Maryland, in 1861;

Memorial of N. H. Dunphee;

Petition of Silas Wolverton, of Lexington, Kentucky, for compensation for horses captured by the Confederates on mail route;

Petition of the heirs of Seth Lamb, of the city of Washington, to be reimbursed for expenses incurred in furnishing meals to officers and soldiers of different companies of United States volunteers in 1861;

A bill (H. R. No. 704) for the relief of Robert H. Watts, a citizen of the State of Florida:

A petition for the relief of Robertson Topp and William L. Vance; and

A bill (H. R. No. 568) for the relief of John L. Holland.

NORTH BERWICK NATIONAL BANK.

On motion of Mr. HAWLEY, of Illinois, the Committee on Claims was discharged from the further consideration of a bill (H. R. No. 1099) authorizing the Secretary of the Treasury to issue new national-bank notes to the North Berwick National Bank for mutilated notes burned in mail-car; and the same was referred to the Committee on Banking and Currency.

ROBERT BENT AND JACK SMITH.

Mr. RAINEY, from the Committee on Indian Affairs, reported a bill (H. R. No. 1209) for the relief of Robert Bent and Jack Smith for six hundred and forty acres of land each, granted them by the Arapahoes and Cheyennes, as per treaty concluded February 18, 1861; which was read a first and second time, ordered to be printed, and recommitted.

The SPEAKER. These references are all made, and will be so entered upon the Journal, with the understanding they are not to be brought back by a motion to reconsider.

EDUCATIONAL FUND.

Mr. PAGE, by unanimous consent, presented the following amendment to a bill (H. R. No. 477) to establish an educational fund and apply the proceeds of the public lands to the education of the people, which he intended to offer when in order; and the same was ordered to be printed:

Strike out the words in line 3, section 1, page 1, "That the net proceeds of the public land," and insert the following: "That one-half of the net proceeds of the public lands embraced within railroad limits and contiguous to the alternate sections of lands granted to aid in the construction of any railroad or canal, the price of which is fixed by law at double the minimum rates."

INCREASE OF TAXES.

The SPEAKER. There comes over from a previous Monday's proceedings a motion by the gentleman from Pennsylvania [Mr. KELLEY] to suspend the rules and agree to the resolution which the Clerk will report in full.

The Clerk read as follows:

Resolved, That it is the sense of this House that the taxes which now burden the people should not be increased, but that the extraordinary means, if any be required, for the support of the Government during the temporary paralysis in the industries of the country now prevailing, should be met by a temporary loan or loans, bearing a low rate of interest in currency, and redeemable in United States notes.

Mr. DAWES. I ask the gentleman from Pennsylvania whether he will not allow the resolution to go to the Committee on Ways and Means?

Mr. KELLEY. I would rather have a vote on it, as expressive of the sense of the House. That is all it purports to do. It does not legislate.

Mr. DAWES. It seems to me that the sense of the House could be better obtained after reference than before.

Mr. KELLEY. I believe it is not open to debate. I move the rules be suspended and the resolution passed.

Mr. COX. Would it be in order to have the question divided?

The SPEAKER. It would not—under a motion to suspend the rules.

Mr. MAYNARD. I would like to have the resolution again reported.

The resolution was again read.

Mr. HAWLEY, of Connecticut. I desire to make a parliamentary inquiry. Is it possible to have the question divided?

The SPEAKER. It is not. A division of the question is a right under the rules. This is a proposition to suspend the rules.

Mr. HAWLEY, of Connecticut. Would the gentleman from Pennsylvania consent to divide it?

Mr. KELLEY. I decline to divide it.

Mr. MAYNARD. I appeal to the gentleman from Pennsylvania to modify his motion so as to suspend the rules and bring the resolution for discussion before the House. I think it would be very instructive,

both to the House and the country, to have the principle involved in it discussed.

Mr. KELLEY. The resolution has been before the House and the country for three or four weeks, and, as I know, has been very largely discussed. I would rather have a vote on it.

Mr. WOOD. With the permission of the gentleman from Pennsylvania I desire to make a remark. Since the gentleman introduced his resolution it is understood that the Treasury is in a condition that it can avoid not only taxation but also the temporary loans proposed in this resolution. Therefore, I submit to him whether he had not better divide the resolution, so as to take the sense of the House on the first part of it, to which I am sure nobody would object, and lay over the second.

Mr. KELLEY. I would prefer taking the sense of the House on the resolution as it stands. I call for the question.

Mr. GARFIELD. Will the gentleman from Pennsylvania allow me to make a suggestion? He must know that everybody recognizes the very great importance of the subject which is brought up by his resolution; and I am sure that no one would be readier than he to debate this question and show the reasons for his opinions on this as on all other political topics. Therefore, I hope he will allow a debate on the very important issues involved in his resolution. I appeal to the gentleman from Pennsylvania to consent to this.

Mr. KELLEY. There is a great deal of business pressing upon the House, and there is considerable anxiety upon the part of the country to know the sentiments of the House upon this question. The Committee on Banking and Currency and the Committee on Ways and Means have bills before them which will come before the House at an early day and invite the amplest discussion. I do not wish that the resolution, which is an expression of the sense of the House in response to the demands of the Secretary of the Treasury——

Mr. COX. Is debate in order?

The SPEAKER. It is not, except by unanimous consent.

Mr. COX. Then I object to debate, unless it is to be made general.

Mr. KELLEY. So do I; and I call for the question.

Mr. POTTER. Will the gentleman allow me to state that the manner in which he insists on getting at this vote——

Mr. KELLEY. Will the gentleman from New York [Mr. COX] please interpose his objection to debate? If he does not, I must interpose it for him.

The SPEAKER. Debate being objected to, it can only be proceeded with by unanimous consent.

Mr. KELLEY. I demand the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. CONGER. I ask that the resolution be again reported.

The resolution was again read.

Mr. HEREFORD. Would it be in order to move a substitute?

The SPEAKER. It would not.

Mr. POTTER. I rise to make a parliamentary inquiry. Is it in order to now move to refer this political conundrum to the Committee on Ways and Means?

The SPEAKER. The Chair does not regard that as a parliamentary inquiry.

Mr. BECK. Would it be in order to move that the House do now adjourn?

The SPEAKER. It would.

Mr. BECK. I make that motion. I wish to put a stop to this humbug, if possible.

The question was taken on Mr. BECK's motion, and it was not agreed to.

Mr. SCOFIELD. I wish to ask my colleague [Mr. KELLEY] whether he will accept in the last clause an amendment that the deficiency be made up by retrenchment and economy?

Mr. KELLEY. I want a vote on the resolution as submitted by me; not on any other gentleman's resolution.

The question was taken; and there were—yeas 155, nays 82, not voting 49; as follows:

YEAS—Messrs. Adams, Albright, Archer, Arthur, Ashe, Atkins, Averill, Barry, Bass, Begole, Bell, Berry, Biery, Blount, Bowen, Brown, Buckner, Bundy, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crossland, Crutchfield, Curtis, Danford, Darrall, Davis, Dobbins, Donnan, Duell, Dunnell, Durham, Eden, Elliott, Farwell, Field, Fort, Freeman, Glover, Harmer, Henry R. Harris, Hatcher, Havens, John B. Hawley, Hays, Hereford, Hersey, Holman, Houghton, Howe, Hubbell, Hunter, Hunton, Hyde, Hynes, Kelley, Kendall, Killinger, Knapp, Lamison, Lansing, Lawrence, Leach, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Magee, Marshall, McJunkin, McNulta, Milliken, Mills, Monroe, Moore, Morey, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Pratt, Randall, Rapier, Read, Richmond, Robbins, James W. Robinson, Rusk, Henry B. Sayler, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, L. D. Shoemaker, Sloss, Small, William A. Smith, Southard, Sprague, Stanard, Standeford, Strait, Strawbridge, Taylor, Thornburgh, Todd, Townsend, Tyner, Vance, Waddell, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whitthorne, Wilber, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—155.

NAYS—Messrs. Albert, Barnum, Beck, Bland, Bradley, Bright, Buffinton, Burchard, Burleigh, Clayton, Clymer, Cotton, Cox, Crocker, Crounse, Dawes, DeWitt, Eames, Foster, Frye, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Benjamin W. Harris, Harrison, Hathorn, Joseph R. Hawley, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hoskins, Kasson, Lawson, Lewis, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, Mellish, Merriam, Mitchell, Morrison, Niles, O'Brien, Pendleton, Perry, Phelps, Pierce, Thomas C. Platt, Poland, Potter, Rainey, Ray, Rice, Ellis H. Roberts, Sawyer, John G. Schumaker, Scofield, James S. Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Starkweather, Stone, Storm, Stowell, Swann, Waldron, Wheeler, Whitehouse, Charles W. Willard, Charles G. Williams, John M. S. Williams, Wood, and Woodford—82.

NOT VOTING—Messrs. Banning, Barber, Barrere, Bromberg, Clements, Clinton L. Cobb, Creamer, Crooke, Eldredge, John T. Harris, Gerry W. Hazelton, John W. Hazelton, Hooper, Hurlbut, Jewett, Kellogg, Lamar, Lamport, Lofland, Martin, McKee, McLean, Parsons, Pelham, Phillips, Pike, James H. Platt, jr., Purman, Ransier, Rawls, William R. Roberts, James C. Robinson, Ross, Milton Sayler, Henry J. Scudder, George L. Smith, J. Ambler Smith, Snyder, Speer, Stephens, St. John, Sypher, Thomas, Tremain, Walls, Whiteley, George Willard, Ephraim K. Wilson, and Jeremiah M. Wilson—49.

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. HUNTON. My colleague, Judge HARRIS, has been called home on account of illness in his family.

Mr. STARKWEATHER. My colleague, Mr. KELLOGG, is absent on account of severe sickness in his family; if present he would vote "no."

Mr. RANDALL. I desire to announce that my colleague, Mr. SPEER, is necessarily absent.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 434) making an appropriation for the legislative expenses of Colorado Territory.

REVENUE EXPENDITURES.

Mr. HOLMAN. I ask for action at this time upon the resolution which I send to the Clerk's desk and desire to have read, and I move that the rules be suspended and the resolution passed.

The Clerk read as follows:

Resolved, That in the judgment of this House there is no necessity for increased taxation or for an increase of the public debt by a further loan if there shall be severe economy in the public expenditures; and in view of the condition of the national finances this House will reduce the appropriations and public expenditures to the lowest point consistent with a proper administration of public affairs.

Mr. BECK. I call for the yeas and nays on that resolution.

Mr. MAYNARD. I suggest to the gentleman that he add, "and if there shall be general prosperity through the country."

Mr. RANDALL. Prosperity is coming rapidly.

The yeas and nays were ordered.

Mr. GARFIELD. I ask the gentleman to modify the first clause of that resolution so as not to make the absolute statement that no increase of taxation in any way is needed, but to so word it as to declare that we will do everything we can to prevent the necessity of an increase.

Mr. BECK. There is none.

Mr. GARFIELD. I want to ask the gentleman from Indiana [Mr. HOLMAN] if he means to say that we do know now that we can cut down the appropriations so as to meet the present emergency without any taxation. I do not know it; I wish I did.

Mr. HOLMAN. I think the House can safely say to the country that no further taxation is necessary.

Mr. DAWES. I hope the gentleman will propose to reduce the expenditures to the current receipts, whatever they may be.

Mr. BECK. I object to debate.

Mr. MAYNARD. I suggest to the gentleman that he move to amend the rules, so that our appropriations shall be reduced to the lowest point consistent with a proper administration of the Government.

The question was taken on Mr. HOLMAN's motion; and there were—yeas 221, nays 3, not voting 62; as follows:

YEAS—Messrs. Adams, Albert, Albright, Archer, Arthur, Ashe, Atkins, Averill, Banning, Barnum, Barrere, Barry, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Cox, Crittenden, Crocker, Crutchfield, Curtis, Danford, Davis, Dawes, De Witt, Dobbins, Donnan, Duell, Dunnell, Durham, Eames, Eden, Elliott, Farwell, Field, Fort, Foster, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, Holman, Hooper, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kendall, Killinger, Knapp, Lamison, Lansing, Lawrence, Lawson, Leach, Loughridge, Lowe, Lowndes, Luttrell, Lynch, Magee, Marshall, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, McDougall, McNulta, Merriam, Milliken, Mills, Mitchell, Monroe, Moore, Morrison, Myers, Neal, Negley, Nesmith, Niblack, Nunn, O'Neill, Orr, Orth, Packard, Packer, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Phillips, Pierce, Thomas C. Platt, Poland, Randall, Ransier, Rapier, Ray, Read, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, Small, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Sprague, Standeford, Starkweather, Stone, Storm, Strait, Strawbridge, Swann, Taylor, Thornburgh, Todd, Townsend, Tyner, Vance, Waddell, Waldron, Walls, Jasper D. Ward, Wells, White, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—221.

NAYS—Messrs. Barber, Hays, and William A. Smith—3.

NOT VOTING—Messrs. Bass, Bromberg, Benjamin F. Butler, Clinton L. Cobb, Creamer, Crooke, Crossland, Crounse, Darrall, Eldredge, Freeman, Robert S. Hale, John T. Harris, Hathorn, John W. Hazelton, George F. Hoar, Jewett, Kellogg, Lamar, Lamport, Lewis, Lofland, McJunkin, McKee, McLean, Mellish, Morey, Niles, O'Brien, Page, Pike, James H. Platt, jr., Potter, Pratt, Purman, Rainey, Rawls, William R. Roberts, James C. Robinson, Ross, Henry J. Scudder, Sener

Smart, George L. Smith, J. Ambler Smith, Snyder, Speer, Stanard, Stephens, St. John, Stowell, Sypher, Thomas, Tremain, Wallace, Marcus L. Ward, Wheeler, Whiteley, George Willard, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—62.

So (two-thirds voting in favor thereof) the rules were suspended and the resolution agreed to.

During the roll-call the following announcements were made:

Mr. RANDALL. I desire to state that my colleague, Mr. SPEER, is necessarily absent; if here he would vote "ay" on this question.

Mr. GARFIELD. I vote "ay" with a reservation as to the first clause; I vote "ay" on the resolution, but I have doubts about what appears to be a preamble.

Mr. HAWLEY, of Connecticut. I have one more resolution upon this subject, which I send to the Clerk's desk; and I move that the rules be suspended, and that it be passed.

Mr. GARFIELD. I suggest to the gentleman that he allow us to go into Committee of the Whole on the naval appropriation bill, so that we may go on with the work of economy practically, rather than theoretically.

The Clerk read Mr. HAWLEY's resolution, as follows:

Resolved, That, in the opinion of this House, the expenditures of the nation can and should be so reduced and regulated that they can be met by the existing taxes; and in no event should there be an increase of either interest-bearing or non-interest-bearing obligations of the Government.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the resolution was adopted.

WASHINGTON MONUMENT.

Mr. CHIPMAN. I ask consent to submit the following resolution for consideration and action at this time:

Resolved, That a committee of thirteen be appointed by the Speaker, whose duty it shall be to confer with the officers and members of the Washington National Monument Association upon the practicability of completing the Washington Monument by the approaching Centennial; and that said committee have leave to report at any time, by bill or otherwise.

Mr. WILLARD, of Vermont. I object to giving the committee leave to report at any time.

Mr. CHIPMAN. I will omit that portion of the resolution.

The resolution as modified was then adopted.

MARY E. SACIA.

Mr. BARRY, by unanimous consent, introduced a bill (H. R. No. 1210) to direct a patent to be issued to Mary E. Sacia for certain land in the State of Iowa belonging to her; which was read a first and second time, and referred to the Committee on the Public Lands.

COMMITTEE CLERK.

Mr. BARRY, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Expenditures in the Post-Office Department, and the Committee on Expenditures in the War Department, and the Committee on Expenditures in the State Department, and the Committee on Expenditures on Public Buildings and Grounds, have leave to jointly employ a clerk during the present session of Congress, at the usual rate of compensation.

DUTY ON SUGAR.

Mr. SYPHER. I ask consent to offer the following preamble and resolution, for consideration and action at this time:

Whereas by an act to reduce internal taxes and for other purposes, approved July 14, 1870, the duty on imported sugars was reduced at the rate of 33⅓ per cent.; and whereas said reduction of duty diminished the revenues of the Government $12,000,000 in gold annually without reducing the price of sugars to the consumers: Therefore,

Resolved, That the Committee on Ways and Means is hereby directed to inquire into the expediency of restoring the duty on all imported sugars to the rates established by law previous to the passage of the aforesaid act.

Mr. RANDALL. I ask that a separate vote be taken on the resolution. I do not want to vote for the preamble now.

Mr. SYPHER. I have the figures backing up that statement.

Mr. RANDALL. I dare say the gentleman has; but I have not.

Mr. SYPHER. I prefer it as it is, and ask that it be referred to the Committee on Ways and Means.

The motion was agreed to.

REDUCTION OF THE TARIFF.

Mr. COX. I have a resolution in the same connection as that of the gentleman from Louisiana. I ask that it be adopted.

The resolution was read, as follows:

Resolved, That the Committee on Ways and Means be requested to inquire whether the revenue cannot be increased by reducing the tariff, and if the same can be done, to report a bill in accordance with their conclusions.

Mr. COX. I ask that this resolution be now adopted.

The SPEAKER. That requires unanimous consent.

Objections were made.

Mr. COX. Then let it be referred to the Committee on Ways and Means.

No objection was made, and it was ordered accordingly.

INDIAN AFFAIRS—WAR DEPARTMENT.

Mr. KASSON, by unanimous consent, introduced a bill (H. R. No. 1211) to restore the jurisdiction of Indian affairs to the Department of War; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STATIONERY FOR COMMITTEES.

Mr. PACKARD, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Private Land Claims be allowed twenty-five dollars for stationery, and that the Committee on Public Expenditures be allowed ten dollars for stationery.

REDICK M'KEE.

Mr. CLAYTON, by unanimous consent, introduced a bill (H. R. No. 1212) for the relief of Redick McKee; which was read a first and second time, and referred to the Committee on Claims.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. The House seems to be so animated by a sentiment in favor of economy that I propose to give gentlemen an opportunity to illustrate it now by actual retrenchment. I therefore move that the House resolve itself into Committee of the Whole on the naval appropriation bill, and pending that motion I move that all general debate be limited to one hour after the consideration of the bill is resumed in Committee of the Whole. I believe from the indications given to me that that will be ample time for general debate.

The question was taken upon the motion to limit debate; and it was agreed to.

The question recurred upon the motion to go into Committee of the Whole; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. E. H. ROBERTS in the chair,) and resumed the consideration of the special order, being House bill No. 1013, making appropriations for the naval service for the year ending June 30, 1875, and for other purposes.

The CHAIRMAN. By order of the House all general debate upon this bill is limited to one hour. The gentleman from Maryland, [Mr. SWANN,] a member of the Committee on Appropriations, is entitled to the floor.

Mr. SWANN. Mr. Chairman, I design to say but a very few words on this bill. As a member of the Committee on Appropriations on this side of the House I have given to this subject all the examination that it seemed to require in order to enable me to make up my judgment in reference to its important recommendations. I will say in advance that I cordially concur in the views which have been submitted to this House by the Committee on Appropriations.

It will be found by an examination of the bill that the total reduction proposed, after a careful examination by the committee as well as an interchange with the heads of the Departments who have spoken in reference to it, amounts in the aggregate to $2,700,000. I am not prepared to say positively that that reduction can be maintained. It proposes a large decrease in the amount originally recommended and concurred in by officers who have the means of forming a correct judgment connected with this subject. But I think it is a move in the right direction. If we are compelled hereafter to bring in a deficiency bill, we stand then just as we stood before, as the deficiency, whatever it may be, will have to be provided in some shape or other.

I regret that the antagonism to this bill has come mainly from this side of the House. My honorable friend from Kentucky [Mr. BECK] seems to be doubtful as to his exact position. Although he did not positively object to the provisions of the bill, he seemed to feel uncomfortable under the report of the committee, exhibiting some doubt as to whether we should be able to carry out the large reduction which has been made in the estimates originally submitted. But I do not really know now exactly in what position my honorable friend from Kentucky stands in reference to the leading provisions of this bill.

My friend from New York [Mr. WOOD] has given us the benefit of his experience in reference to the recent panic which has swept over this country, in its bearing upon these estimates; and I was sorry to hear that it had fallen with so heavy a hand upon the great commercial community which he represents in part on this floor. I concur with him as to the effect of that panic, not only in New York but throughout the country; but I was sorry to hear from the gentleman one remark which I am not prepared to sanction—that this Government is in a state of bankruptcy. Although this panic has been wide-spread, affecting all the important commercial, manufacturing, and material interests of the country, I am not prepared to admit that it has so far affected the credit of this Government as to place it in a condition of bankruptcy, or anything approaching it. Far from it, Mr. Speaker. I think that the financial credit of this Government stands as high to-day as it did before that panic commenced. I think that at this particular time, when in the opinion of the gentleman from New York, our national Treasury is bankrupt, the power of the Government to raise money upon its credit is as undoubted as at any former period. I am not disposed to admit that if the Government wanted ten million, twenty million, one hundred million dollars, to-day, it would not be able to obtain it promptly either by loan or in whatever way the judgment of Congress might in its wisdom suggest.

The panic, I grant, has unsettled values and produced distrust throughout the country; it has prostrated financially many strong men; but it is a significant fact, a fact honorable to the Government and the public credit, that when we were in the midst of the panic Government securities stood as high, if not higher than the obligations of any other moneyed institutions in this country. I say, then, that it is idle for us to entertain any doubt as to the power of this Government to raise whatever amount of money may be necessary

to meet its wants, its present or increased ordinary expenses, if this House should think proper to maintain, without change or abatement, the position in which we have heretofore stood in support of the great interests now dependent upon it for support. I was, therefore, a little surprised to hear my honorable friend, who comes from a community embracing a large proportion of the ablest financiers of the country, advance the opinion that we were in a condition of bankruptcy.

I wish gentlemen to understand the position in which I have always stood in reference to this naval appropriation bill, and all similar bills making appropriations for the legitimate wants of the Government in the construction of its public improvements and in the doing of whatever may be necessary to carry on this Government upon a liberal scale. I believe not only that it is within the power of this Government, but that it is wise and judicious, that we should not materially change the course we have heretofore followed in fostering all the great interests upon which we are so dependent.

Another of my honorable friends on this floor—a gentleman from my own State, [Mr. ARCHER,] whose opinions as a member of the Naval Committee are, I know, always founded upon careful examination—objects to this bill, if I understand him correctly, upon the ground that we have not gone far enough in our estimates of the probable wants of the Navy. He wants a large increase of the Navy. I feel bound just here to say that I am not prepared for any large increase of the Navy at the present time; and I will remark in general terms that I am utterly opposed to any increase of the Navy which shall operate hereafter as a tax upon the people, whom we all know are taxed heavily enough already. I would not burden the people to keep afloat a navy which could compete with those of Great Britain and other nations of the same class, which the gentleman no doubt had in his eye at the time he made his speech.

Mr. ARCHER. With the gentleman's permission I will say that he misconstrues my remarks. So far as they were applicable to this bill, I meant to say that the appropriations made in the bill cannot run the Navy as it now stands; and that a deficiency bill will inevitably be necessary to make up for what should have been appropriated in this bill.

Mr. SWANN. Now, Mr. Chairman, I am not expressing the opinion that upon the estimates submitted in the bill we shall be able to run the Navy upon the scale which has been suggested by my honorable friend. But from a careful examination by the heads of the Departments and those who are immediately connected with the details of this bill I am not prepared to say that we may not maintain these estimates. At all events I consider it my duty as a member of the Committee on Appropriations to accept whatever reduction has been offered by the majority of that committee. I will do them the justice to say that they took up this whole subject in a spirit of economy, with a sincere and single purpose to reduce the expenditures of this Government. This is the spirit that will control their policy, not only in reference to this bill, but to all other great measures that will engage the attention of the committee.

Just here I feel it my duty to recognize the valuable services of the honorable gentleman from Maine, [Mr. HALE,] who reports this bill and takes charge of it in this House. The Committee on Appropriations are largely indebted to him for the zeal, energy, ability, and intelligent perseverance with which he labored in the preparation of the bill. He has singled out the various objects of appropriation and made such recommendations as have enabled us to act advisedly and with proper circumspection. I have found in that committee entire accord in the effort to reduce the expenditures of the Government; and I will say for myself that, although as one member of the committee, I am not prepared to promise that these estimates can be maintained or that we shall be able to make the large reductions proposed in this bill, I for one am disposed to accept the measures offered here, because I believe them to have been offered in a spirit of honesty, with a single-minded determination to reduce if possible the expenditures of this Government.

My honorable friend from Maryland [Mr. ARCHER] spoke of the exigency of the occasion. He spoke of the precarious position in which we stood in regard to foreign nations. He was afraid we were on the verge of another war. He believed we were so complicated with Spain that in all probability war was imminent and might come upon us at any moment. I considered that as an expression on his part of some knowledge, of information which has not yet come to this House. My honorable friend from Pennsylvania, chairman of the Committee on Naval Affairs, [Mr. SCOFIELD,] as stated in debate the other day, was in possession of information which it would have been convenient for the House to have had before legislating on the subject which was at that time pending. It would have been convenient for the House to have been put in possession of that information, and we might have acted more advisedly than we did when we came to vote on this subject. I now put the question to my honorable friend from Maryland, whether any information has come to him, as a member of the Naval Committee, which leads him to believe our complications with Spain are such that we may be precipitated into a war at any moment?

Mr. ARCHER. None such has come to the committee to my knowledge.

Mr. SWANN. Then I understand my friend to express the opinion these naval estimates ought to be greatly increased. He is not satisfied with what we have done here, nor is he satisfied with the existing Navy; and he thinks, owing to the condition of affairs, and the warlike spirit which has been manifested in Spain by the minions of that power, it is necessary we should make these large appropriations. The question arose in the committee, I recollect, when this bill was before the committee, as to whether we would or not put in commission the vessels now lying in Philadelphia Harbor, which involved about $1,000,000; and I said to the Secretary of the Navy at the time, if he would come before the committee and say that there was necessity for putting those vessels in commission I was prepared to vote that million dollars if necessary for the wants of the service and the exigencies of the country. But, sir, we had no direct recommendation of that sort, and it was the only thing which deterred me from voting for the additional million dollars; for I would have voted for it if it had been urged and insisted upon by the Secretary of the Navy.

Mr. Chairman, when war is imminent, when we are so complicated that it is necessary for the American people to fight, I am ready to vote the money of this Government freely, if it be necessary to maintain its character and dignity. I would vote millions of dollars if the same complications existed now which made it probable that we were to have a conflict with Spain. I would have said, so far as I am concerned and my individual vote is concerned, "Ask whatever is necessary to maintain the character and dignity of the Government and you shall have it."

Now, Mr. Chairman, this Cuban matter has given rise to some uneasiness. My honorable friend from New York, [Mr. COX,] in the speech he made the other day, took occasion to say that the great harbor of New York was without defense; that if a foreign power were to get into the harbor they would find it in such a condition as not to be capable of making any successful resistance. That I understand to be the opinion expressed by the honorable gentleman from New York. I can only say, from information with which I have been furnished by the heads of Bureaus in the Navy Department, by high officers of the Government, that by reason of appropriations made for interior defense, and for the defense of our great harbors, that if such an attempt were made, while it might be possible a hostile fleet might go into that harbor, it was not very certain it would ever come out again. I do not think the thing would be possible; and I thought it a subject of just remark that a gentleman occupying the high position he does as a member of the Committee on Foreign Affairs should have expressed an opinion which might have been an inducement perhaps to foreign powers to try whether or not they could risk the experiment. I believe New York at this day is prepared for any such emergency. A foreign enemy would find there, in torpedoes and in the preparation necessary to give protection to that harbor, although these preparations may not be as complete as they are likely to be hereafter, that it would be difficult to penetrate into that harbor and make an effective hostile demonstration against the city of New York.

Mr. Chairman, the Cuban matter appears to have produced a sort of panic. I have had something to do with it in time past, when I happened to be a member of the Committee on Foreign Affairs. I have expressed my views at large on that subject; and while I should like to see that community free and independent under its own government, I was not prepared at that time to vote for the resolution offered by the gentleman from New York, [Mr. COX;] and I was not prepared then to recognize the belligerency of Cuba, because I believed such a measure would have resulted in war in forty-eight hours. And what would have been the effect of that war? Why, sir, our commerce would have been exposed to the mercy of Spain. I believe that such a war, no matter how controlled, would have entailed millions of expense upon this Government. It would have cost more than the honorable gentleman from Maryland [Mr. ARCHER] would require to build up his whole Navy. I am satisfied that the people of this country are not prepared for any such action on the part of this House. We have had enough of war.

It would have had, sir, another effect, which I duly weighed at the time when this resolution was presented here for the sanction of the House. It would have had the effect of building up a power there that would have been felt in this House. For if you recognize the independence of Cuba, or the belligerency of Cuba, you are erecting that government into an independent government, or are putting it under the protection of the United States; and then, sir, it would have been inevitable that Cuba should be represented upon this floor. I was not prepared to countenance the infusion of such an element into this body, because I believe it would have been adverse to the interests of the country and adverse to the principles upon which this Government has been established and worked heretofore.

I am not here, Mr. Chairman, to say that I have approved of all that has been done by the State Department in reference to Spain. I might have thought that that Department might have acted more rigorously with that power. I might have been more exacting. But I do say, and not because I am a member of this House, but because I am one who looks closely into the material interests of the country where no question of power is involved as well as its honor, that although outrages were perpetrated by Spaniards in Cuba, although our citizens were massacred in cold blood, while I might have demanded reparation for every man that was struck down in that unfortunate massacre, I should have endeavored to manage it with the same caution and the same deliberation that characterized the acts of the Secretary of State in relation to this important question. I believe,

sir, that he has conducted this whole affair in the spirit of a Christian statesman. And I say that boldly, not that I wish to shield him from censure, but because I believe he has been trying to do his duty; and by the result, so far as it is known to this House, I believe he has already saved this country, by his judicious management in reference to these complications, millions upon millions of money that would have been required to conduct a war of this sort, if it had been allowed to break out. I say this, sir, in justice to the Department of State, without reference to party, without reference to any feeling that I might have had when these difficulties were engaging the attention of the country. I might have hanged the captain of the Virginius, and I dare say I would have hanged him as high as Haman. I would have done what was necessary to maintain the honor of the country as I understood it. But I admit, sir, that a little deliberation and reflection and a little caution are necessary in all such complications, where there is reasonable doubt; and I think that the Secretary in the settlement of this question, so far as it has been settled, up to this time has acted judiciously and wisely according to his unbiased judgment and as became a man occupying the high and responsible position which he did at the time.

Now, sir, I am opposed to this whole system. I know that my honorable friend from Maryland [Mr. ARCHER] entertains different views. But I am opposed to these large floating palaces, for no other conceivable purpose, so far as I understand, than to eat out the substance of the people, costing the Government an enormous amount of money. The details of the cost I must refer to my honorable friend, because I do not know what appropriation will be necessary to keep one of these first-class steamers afloat; but I suppose eight hundred or one thousand men would not be a complement for one of these vessels, to put it in condition in a time of peace; for I must say to my friend that we are enjoying the blessings of peace at this moment. Though Spaniards are fond of bluster, are fond of getting up all sorts of complications, yet the settlement of this question is a settlement, so far as I can understand, and I do think they would be the last power to try to disturb the existing relations with this country. And why, sir? In the first place it would wipe out Cuba. People may talk as they please; but our Navy as it stands now could take Cuba almost without a serious effort, if we threw our whole strength into an attempt of that sort. It is a very easy matter to take Cuba. But we have to look to what would be the future consequences of such a measure, and the depredations that might go on in every water on our commerce by privateers infesting the seas. And I say, in a time of peace, when this Government is pronounced bankrupt by my friend from New York, [Mr. WOOD,] although I am sure he does not mean it——

Mr. WOOD. My friend from Maryland [Mr. SWANN] has criticised in his usual good-natured manner the remark I made in the discussion of this bill to the effect that the country was bankrupt. He is kind enough to give me the opportunity to say now just what I meant by that remark. That gentleman represents, like myself, a commercial constituency. He, as well as myself, knows what is meant by bankruptcy. I esteem either a government or an individual bankrupt if they cannot pay their liabilities, or if they cannot pay their liabilities from funds legitimately, properly, and appropriately within their possession. Now, I repeat, and I think that in a few moments I can show, that this Government has been bankrupt for these last two months. It has been unable to meet its obligations. It could not pay its debts from the funds appropriated and provided for that purpose; but it has laid violent and illegal hands upon a sacred fund, a special deposit kept in reserve beyond the reach of any executive action. It has taken a portion of that reserve, which on no ground it could properly appropriate to its own uses, and has with that fund paid its obligations. I therefore had a right to conclude that as it could not pay its debts it was bankrupt. If I, as a merchant, cannot pay my obligations, I am forced under the law into the bankruptcy court; my affairs are summarily wound up, and I am declared to be a bankrupt.

Now, I say, this Government could not pay its debts. I say that it cannot pay its debts to-day, and that it is drawing continually on a reserve of $44,000,000, that the law explicitly declares shall not be touched forever. That is the language of the law. Hence it is that I repeat what I said the other day, that the Government is bankrupt.

Mr. SWANN. I resume the floor. I am not here, sir, to take issue upon this collateral question. I listened to the gentleman with very great pleasure, but I could not agree with him when he declared the Government of this country was bankrupt. If the gentleman will take into due consideration the great resources of this country—I had almost said the illimitable resources of the country—he will say that it is in the power of the Government at any time to raise a fund of one hundred millions if necessary, or forty millions, or thirty millions, in any emergency which might arise.

Mr. WOOD. Let me say to the gentleman that many of the commercial and other houses that have failed in the city of New York had resources, that were not available, to the extent of twice the obligations upon which they failed; and therefore the fact that Congress could vote money does not save the Government from the disgrace involved in laying its hands upon a fund to which it was not entitled.

Mr. SWANN. Sir, I do not propose to discuss that point with the gentleman. What I mean to say is, that this Government is not only able to meet all the obligations which are forced upon it now, but I mean to say that it could go into the market to-morrow and raise whatever amount of money it needed in the course of a very short time—every dollar necessary to extricate it from the emergency in which it was placed. That is all I wish to say upon that point.

Well now, Mr. Chairman, I am aware that this panic has disturbed values, not only in the city of New York, but in my own city and throughout the country. It has deranged all the operations of trade, and the inconvenience resulting from this we may not recover from for a long time to come. But I cannot admit that it has affected the Government in the same proportion that it has individual citizens. Sir, the Government of this great nation can raise money by millions and hundreds of millions of dollars. But when Jay Cooke & Co. and these other men went down they had been overtrading, and perhaps that was the reason why many persons in the gentleman's district and in his city failed. What I mean to say is, that the power exists here to raise whatever money may be needed for this Government to carry it on successfully. We have the power, and we have only to exercise it through this Congress, to raise all the money necessary for the wants of the Government, and it could be accomplished in a time that would surprise even the gentleman himself, whatever views he may entertain on that subject.

Now, Mr. Chairman, the Committee on Appropriations have suggested to the House the adoption of the recommendations contained in this bill. The estimates on which it is founded have been made up upon a careful examination of all these different Departments. There has been entire co-operation everywhere. The reductions have been made with the consent of those who recommended higher appropriations in the first instance; and they are now disposed to co-operate with the committee in this great work of retrenchment in which we are all earnestly engaged. And, sir, although I might admit here that the committee may not be able to maintain the appropriations at the rate at which they are suggested in this bill, still I will vote for this measure, even if I thought it would be necessary to bring in a deficiency bill to cover any deficiencies that may exist hereafter from the inability of the Government to supply the needs of this Department. Sir, it is our duty in the present condition of things, with the nation convulsed by these extraordinary panics—extraordinary, because they have existed to an extent to which they have never existed heretofore—it is our duty to make any reduction we can, looking to economy in the affairs of this Government. We are bound to do this work, and I say that the committee have done it without fear and without the expectation of any antagonism on the part of this House. As I said before, I regret extremely that the main antagonism to this bill has come from the democratic side of the House. The democratic members of the Committee on Appropriations have been working with the same diligence and industry that could be expected from anybody for a reduction in these large expenses, and we have concurred in the report of that reduction to the House.

Mr. Chairman, I will say, once for all, and I think that has been my course ever since I have been a member of the committee, that I will vote whatever is necessary to conduct this Government on a liberal scale. I cannot consent by my vote that it shall be conducted on a niggardly scale. We ought to make proper provision for all the Departments of the Government, and we should not ignore those great and useful improvements that are going on now in every State in this Union upon any such ground as that which has been indicated—that our Government was bankrupt.

We are not in a bankrupt condition; we are in a safe condition, a condition of which no other nation can boast to-day. As for a matter of one hundred millions or two hundred millions to sustain the credit of this great nation and keep in operation all the great works of improvement, I would say for one, as a member of that committee, that I feel myself bound to vote liberally whatever is necessary to conduct this Government upon a plan commensurate with its greatness and importance, and to do whatever else is necessary to maintain the credit of the nation.

I now yield the remainder of my time to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. I yield for a few minutes to the gentleman from Tennessee, [Mr. WHITTHORNE.]

Mr. WHITTHORNE. Mr. Chairman, I had no purpose to engage in the present discussion until the colloquy which occurred on this floor on Thursday last between the gentleman from Kentucky [Mr. BECK] and the chairman of the Committee on Naval Affairs, [Mr. SCOFIELD;] in reference to the matter of which I believe it to be due myself, as a member of the Committee on Naval Affairs, to say that I was not in possession of any information, other than that furnished by the letter of the Secretary of the Navy and the general knowledge had by the country. Believing that out of the complication then existing with Spain a war with that power was imminent, I thought it was my duty not to withhold sanction to any reasonable request made by the Government toward preparation for the defense of the lives, property, and honor of the people of the United States, and hence I assented to the proposition made to increase the naval force. And such were the motives of this side of the House. By its faith and traditional policy the democratic party is committed to a most jealous regard for the rights of the citizen of the United States, wherever he may be. And hence, when it was believed that it was the purpose, as it was the duty, of this Administration, in the measure alluded to, to maintain at all hazards the right of an American vessel to sail unquestioned wherever her commander might choose to hoist

his flag, and the right of the American citizen, under the protection of his flag, to life, liberty, and the pursuit of happiness, the representatives of the democratic party on this floor did not hesitate to give their sanction and approval to the measure.

May I pause here, sir, to ask those who have the ear of the Administration, has that emergency and duty passed? From my own observation I would answer no. But it would seem, in the professions now being made by the party in power, that they answer affirmatively.

The present bill is said to be in the interest of economy. And the fact that it is less in amount than the appropriations of last year, and the fact that in the civil list, so called, there are reductions made, is paraded as conclusive evidence of retrenchment and reform. Is it true?

When you come to regard the fact that at the time the four million appropriation was made by this House it was known by those who demanded it that war was not imminent with Spain; that the necessities of the country did not require so large an amount; and that what was really required was simply used or to be used, so to speak, anticipatory of what would have been (as was usual) the customary appropriations, the common sense of the country will arrive at the conclusions presented by the honorable member from New York, [Mr. WOOD,] that the pretense of large reduction and economy made in this bill is not true.

It may be admitted that the proposed reduction in the civil list is submitted; but in considering this, it is well to inquire if the reductions here made go to the extent of the increase made in these offices and salaries since the year 1865.

I invite the attention of the gentleman from Maine—who has called our attention to the comparison of the expenditures of the Navy Department for 1859 and this bill—to a comparison of those for the year 1868, which were $16,288,244.01, to those of the present bill, which are $16,500,000, and to which justly should be added the sum of $4,000,000 appropriated this session. In this comparison there is no partisanship. But in making it he will find that since the year 1867 there has been an increase of officers and an increase of salaries not warranted by the exigencies of the service; and that, looking to the present condition of the country and its just demands for retrenchment and reform, these should be repealed. When this is attempted to be done we will be sincerely on the road of reform. And deferentially I suggest that, if the party in power mean to retrace their steps, intend to call back extravagant expenditures, correct gross abuses, lop off all "useless and dead limbs," and clean the "Augean stables," in this branch of the public service there is room for work, in this, that there are useless navy-yards which should be abolished; that there are too many and unnecessary officers and employés in the civil list of these yards, and that they are too highly paid. Again, the policy of increase of rank and pay—especially of increase of rank and pay on the retired list—is one that should be repealed and abandoned. When these measures of reform are adopted, then indeed will the people be convinced of the sincerity of the professions now being made by those in power and in influence on this floor.

Mr. BECK. Mr. Chairman, when the Committee on Naval Affairs called upon the House in December, asking for authority to be given to the President and his Secretary to enlist fifteen hundred additional sailors in consequence of the threatening aspect of our relations with Spain, growing out of the Virginius affair, I, in common with all the gentlemen on this side of the House, avowed my willingness to furnish them all the men and all the money necessary to maintain the dignity of this country and the honor of the flag; all we asked was that the Navy should not be increased permanently beyond the eighty-five hundred men to which it is now limited by law. Therefore we voted for the amendment proposed by the gentleman from Ohio, [Mr. GARFIELD,] which reads thus:

Provided, That the temporary increase of the force of enlisted men in the Navy herein authorized shall not continue beyond the 1st of January, 1875.

This amendment was adopted by a vote of 134 to 26, and, as amended, the bill passed without a division.

A few days afterward this bill was followed by one from the Committee on Appropriations, calling for $4,000,000 to meet the expenses incurred in putting the Navy in order, and to pay the additional men we were willing the Secretary should employ. When that bill was laid before us the chairman of the committee caused to be read from the Clerk's desk the following letters from the Secretary on the subject of enlisting sailors, from which it appeared that up to that date at least no additional man had been enlisted; indeed, none could be legally, and cannot be now, as the Senate has not yet passed the bill authorizing it to be done; and I hope it will not, as it is now admitted that the exigency which was presented to the House has passed away, if, indeed, it ever existed. The letters read as follows:

NAVY DEPARTMENT, *December* 8, 1873.

SIR: Under the circumstances of the present emergency, I am compelled to ask that a special appropriation be made to cover the expenses of putting the iron-clad and cruising Navy of the United States in condition for immediate and active service.

I have taken measures to put every available iron and wooden ship of our Navy in condition for immediate duty.

I have ordered all the ships of the various squadrons within reach to rendezvous at Key West. I am enlisting men to supply and fill up the crews of all our vessels. I have accumulated materials, provisions, and supplies for their maintenance and support; and ordnance, ammunition, and all the weapons of naval warfare for their use.

The circumstances which have constrained the Department to this unusual activity and consequent expenditure are known to you and to the country. The fact that they occurred during the recess of Congress made it necessary that I should myself assume the responsibility of prompt action, relying upon the wisdom and justice of the people and their representatives for support.

I have not as yet exceeded the appropriation for the current year, but these measures, with the cost of preparing, transporting, and concentrating everything necessary to carry them out, have already almost exhausted the money of the working Bureaus of the Department, and these must be supplied at once if the work is to go on.

The cost of putting our iron-clads in condition for service (a work already undertaken and in some instances far advanced) will also require a large immediate appropriation. The amount required to reimburse the Bureaus, so as to carry them through the year, and also to put all our available monitors in order, will not be less than $4,000,000.

If our force is to be increased, or if the powerful double-turreted monitors Miantonomah, Monadnock, and Puritan are to be put in a condition of usefulness, at least $1,000,000 more will be required.

Very respectfully, your obedient servant,

GEORGE M. ROBESON,
Secretary of the Navy.

The SPEAKER *of the House of Representatives.*

I also call attention to the supplemental letter of the Secretary of the Navy. That letter is as follows:

NAVY DEPARTMENT, *December* 8, 1873.

SIR: I find, on review of my letter to the Speaker, that I omitted to ask that Congress give me the necessary authority to enlist men beyond the limit fixed by law. I shall be obliged, in order to man the ships now fitting out, to exceed the limit by about fifteen hundred or two thousand men, and this excess should be authorized. The number of men can be reduced at any time by discharges when they are not needed.

Also, in view of the difficulty of deciding at once between the many things pressing to be done, and of the impossibility of enumerating in advance or even foreseeing from day to day what calls the Department may have upon it, I think the fifth million asked for in the last clause of my letter ought to be appropriated, and the Department or the President given discretion in its use, to meet any emergency.

Yours, very respectfully,

GEORGE M. ROBESON,
Secretary of the Navy.

Hon. JAMES A. GARFIELD,
Chairman of the Committee on Appropriations,
House of Representatives.

[Indorsement.]

DEAR SIR: I am directed by the Committee on Appropriations to refer the paragraph of the within letter, relating to authorizing additional enlistments into the Navy, to your committee; and to say that the Committee on Appropriations do not feel authorized to consider it. If your committee desire to offer any amendments to the appropriation bill which we expect to introduce to-day, this committee will be glad to have you do so.

Respectfully,

J. A. GARFIELD,
Chairman.

Hon. G. W. SCOFIELD,
Chairman Committee Naval Affairs.

There can be no pretense that the Secretary by either of these letters advised the House that he was enlisting men in excess of his authority or in violation of law. In that to the Speaker he showed that he was enlisting men to fill up the crews of our vessels, of course within the eighty-five hundred limit; and his letter to the chairman of the Committee on Appropriations [Mr. GARFIELD] makes that construction clear, because in it he says he omitted to ask for authority to go beyond that limit, adding, "I shall be"—not "I have been"—"obliged in order to man ships now fitting out"—December 8, 1873—"to exceed the limit"—when of course the ships are ready for sea. That is the plain meaning of these letters.

When that bill was before the House I said:

The only reason I desire to make a remark is this: while I have made objection to the expenditures of the Navy Department in times gone by, and may do so again, still when a bill is presented stating that it is to meet extraordinary expenses of the naval service, and when it would not, perhaps, be proper even for Congress to inquire what those extraordinary expenses were, nor would it be proper, perhaps, for the Department to inform us of the exact condition of our relations with Spain at this time, so that we could properly go into a detail of all matters involved in this bill, I merely desire to say that I shall vote for all the appropriations asked for under these circumstances, reserving the right, however, when the general bill comes in, to call the Secretary of the Navy and the executive officers of this Government to account for anything that may have been expended wrongfully. But, in the mean time, I feel that my mouth is closed, because I do not know what the full necessity has been for this expenditure; I have not the means of ascertaining. It would, perhaps, be improper for the Executive Department to tell now what those extraordinary expenses are. Therefore I am willing to trust them with this money, large as the amount seems to be.

That feeling seemed to pervade the House, and the appropriations were granted precisely as asked for, the House adding, on my motion, to the provision that the appropriations made may be, in case of emergency, transferred from one Bureau to another by special order of the President, these words: "which orders, with the reasons therefor, shall be communicated to Congress whenever the good of the public service will permit," so as to keep the representatives of the people fully advised of any change made in the disposition of money voted for special objects by those to whom it is intrusted. When these bills were passed we had not been furnished by the Secretary of the Treasury with the estimates of expenditures for the next fiscal year, nor had any account been laid before us of the expenditures of any of the Departments for any portion of the current fiscal year. Since that time we have been furnished with the Book of Estimates, and on page 257 of it, under head of "Statement of appropriations for the service of the fiscal year ending June 30, 1874," title "Navy Department," I find the following:

Appropriations for pay of the Navy for 1874	$6, 250, 000 00
Expended during the first quarter of the fiscal year	5, 035, 818 90
Available for the remaining three quarters	1, 214, 181.10

That statement was so remarkable that I could scarcely realize its truth. The $6,250,000 was amply sufficient to pay all the eighty-five hundred men and the officers legally in the naval service for the whole fiscal year ending June 30, 1874. Neither the Secretary nor any of his subordinates had any right to use a dollar of it for any other purposes than the pay of the officers and sailors in the service under existing laws after it had been specifically appropriated by Congress for that purpose. The Secretary of the Navy had given the House to understand, in his letter of December 8, 1873, that up to that date at least he had not enlisted any additional men, and asked authority to do so to man ships then being repaired. I knew that the Secretary of the Treasury would not lay before Congress a false report, and I did not see how to reach the facts otherwise than by presenting the resolution of inquiry which the House passed on last Friday, which reads thus:

"*Resolved*, That the Secretary of the Navy be directed to inform the House how many, if any, of the fifteen hundred men sought to be added temporarily to the Navy by the bill now pending in the Senate of the United States, which passed the House of Representatives December 9, 1873, have been enlisted, giving the date of said enlistments, and the amount expended in consequence thereof; and that he further inform the House how much of the appropriation made for the fiscal year ending June 30, 1874, was expended prior to January 1, 1874; and that he further inform the House how much of the $4,000,000 appropriated by the present Congress has been expended, and for what purposes.

I had been startled the day before by the extraordinary statement, made by the chairman of the Committee on Appropriations, [Mr. GARFIELD,] that the Secretary had enlisted men in violation of law, that his letter, which I have read, admitted it, and that he had asked Congress to ratify his acts and condone his offenses; no part of which statement is sustained by the facts. Let me read his statement, so as to do him no injustice:

Mr. GARFIELD. I think gentlemen are laboring under a misapprehension as to a matter of fact. The Secretary of the Navy sent in a letter to the House of Representatives, setting forth that when the emergency arose he took the authority, assumed it in order to meet the emergency, of increasing the number of enlisted men in the Navy up to ten thousand; that in doing so he exceeded the law; and he laid the facts before Congress, and asked Congress to pass a condoning law and an additional sum of money to pay for the enlistment of the additional men. He asked the Committee on Appropriations to legalize his action; but the committee told him that they could give him an appropriation but could not in an appropriation bill legalize what he had done contrary to law; and that he had better call upon the Naval Committee to bring in a condoning act authorizing this temporary increase of the Navy. We referred that very letter to the Committee on Naval Affairs, and they brought in a bill, not to provide for a permanent increase of the Navy, but to condone what had been done by the Secretary in the emergency.

I venture to assert, and I challenge contradiction here and now, that there is no intimation in the letter of the Secretary which I have read—and it is the only one ever laid before the House—that he had in violation of law enlisted fifteen hundred men, and asked Congress to condone his offense; and I assert further that the record will show that neither the chairman of the Committee on Appropriations, [Mr. GARFIELD,] nor the chairman of the Committee on Naval Affairs, [Mr. SCOFIELD,] nor any member of either committee, nor any one else, informed the House that the law had been violated, the force of the Navy illegally increased, or the money appropriated by Congress for the pay of the regular officers and men for the year ending June 30, 1874, diverted from its legitimate purpose and applied to other and illegal purposes. The record shows that the first intimation we ever had of that fact was on Thursday last, nearly four weeks after we had passed both bills.

The gentleman in charge of the naval bill, [Mr. HALE,] in his speech of an hour on Thursday, not only did not allude to it or intimate that any of the fund of $6,250,000 for pay of the Navy had been used for other purposes, or had been all exhausted except $1,214,181, in the first three months of the year, but he assured us there would be no deficiency in the naval appropriations for the current fiscal year; and he furnished a tabular statement of the appropriations for 1874 and those proposed in his bill for 1875; in each of which the pay is put down at $6,250,000. At the close of the tabular statement he says: "The Pay Department is a matter fixed by law; that of course has not been interfered with." Why did he not advise us, as he must have known from the Book of Estimates, with which he was more familiar than any of us, that $5,035,818.90 of the pay for the current year had been spent in the first three months of it, if he knew, as his chairman says he did, that fifteen hundred men had been enlisted in violation of law, and the money appropriated for the regular service expended on them? Why did he not so inform the House? And why did he take so much pains to show that nearly $3,000,000 out of the $4,000,000 of the extraordinary appropriation made for the Navy in December had been expended on three large ships not fit for service in time of peace?

Mr. HALE, of Maine. Let me ask the gentleman a question.

Mr. BECK. Yes, sir.

Mr. HALE, of Maine. Does the gentleman not know that in the previous year, with the same naval force, the appropriation was the same for the entire year? And does he not know that at the end of the year there was not a dollar of deficiency?

Mr. BECK. I know that five out of six millions were spent in the first three months according to the statement of the Secretary, and that one million cannot pay the officers and men of the Navy for the rest of the year. I know, too, that the gentleman announced that there would be no deficiency. He gave us a tabular statement, in which he put down the pay of the Navy at $6,250,000 for this year, and $6,250,000 for the next year. And he then added that the pay of the Department fixed by law has of course not been interfered with.

Mr. HALE, of Maine. Does the gentleman really believe that in the first quarter of the fiscal year now running the Navy Department paid out over $5,000,000 of the appropriation for the whole year? And if he does believe that, does he believe that it was paid out because it became due, and that the Department intends to bring in a deficiency corresponding to that large amount? Has the gentleman any real fear of that?

Mr. BECK. I state the facts; I have no fears. My statement is this: that $6,250,000 was the whole amount appropriated to pay all the officers and men of the Navy; it was all the Department asked. The Secretary of the Treasury shows that over $5,000,000 of that $6,000,000 were gone in the first three months. I know that the statement is not false when made by the Secretary. But I knew that this remarkable statement was kept concealed from the House when this bill was reported to us. Therefore it was I offered the resolution I have read.

The chairman of the Committee on Naval Affairs also took part in the debate on Thursday, and he not only admits in his statement then made that he did not tell the House what the gentleman from Ohio [Mr. GARFIELD] says was told, but that he withheld information he had, because he believed the House would not pass the bill if he had told what he knew. He says he wanted a permanent increase of fifteen hundred men, and took advantage of the "Cuba-Spanish craze" as he called it, but he never intimated that any of the fifteen hundred were already in the service when he presented his bill. I was so much astonished at his statement that I asked him two questions, which, with their answers, were as follows:

Mr. BECK. Now, let me ask the gentleman from Pennsylvania [Mr. SCOFIELD] this question: Does he believe that this House, but for the impression that was upon the minds of its members that war was imminent, or that there was danger of it, would have increased the Navy from eighty-five hundred to ten thousand men? No matter what his individual opinion was, if he had told us that he knew then that there was no danger, does he believe the House would have done it?

Mr. SCOFIELD. I believe the House would never have passed that bill if they had not had this Cuba-Spanish craze. The whole country had it, too, at that time. But I was frank enough to state to the House that that did not affect me, and I believe it did not affect the committee. They reported the bill because they believed we needed that force all the time, even if we had had no difficulties with Spain. And if the House was fairly treated by the committee which reported the bill, they have no right to complain if they did what they may think now they should not have done.

Mr. BECK. Does the gentleman not think that it was his duty to have told the House what he now tells us he knew all that time?

Mr. SCOFIELD. I could not tell the House, because that would be telling the country what I knew at that time; but I do state that I had the best evidence to believe the Virginius would be in our ports in a very few days. And the committee did not ask the House to pass the bill on account of any threatening difficulties with Spain.

Now let the chairman of the Committee on Appropriations, [Mr. GARFIELD,] and the chairman of the Committee on Naval Affairs, [Mr. SCOFIELD] answer each other. The chairman of the Committee on Appropriations said "We referred the letter of the Secretary of the Navy, who asked us to condone what he had done; we referred that to the Committee on Naval Affairs, and they brought in a bill, not to provide for a permanent increase of the Navy, but to condone what had been done by the Secretary." The chairman of the Committee on Naval Affairs says that is not true, that they brought in the bill for a permanent increase, and that the committee did not ask the House to pass the bill on account of any threatening difficulties with Spain.

Mr. SCOFIELD. The bill itself shows that it was a permanent addition to the number of enlisted men.

Mr. BECK. Then the chairman of the Committee on Appropriations told the House relative to your committee what he ought not to have done.

Mr. SCOFIELD. The bill itself shows that it was a permanent addition, and the limitation was put on by an amendment in the House.

Mr. BECK. The gentleman from Ohio said that they referred that letter, not to provide for a permanent increase, but to condone what had been done by the Secretary of the Navy. Now, I ask if any member of either of those committees rose here in his place and told the House that the Secretary had enlisted those men before the bills were presented, or that he had spent, in the first three months, five millions out of the six that had been appropriated for the entire year, or told any of the facts that have now leaked out? I say not.

Mr. SCOFIELD. Will the gentleman allow me to say a word?

Mr. BECK. O yes; but I may want a little extension of my time

Mr. SCOFIELD. The bill as reported provided for a permanent increase. That was my view; and it was the action of the Committee on Naval Affairs. The gentleman from Ohio, [Mr. GARFIELD,] holding the opinion that the increase ought to be limited as to time, and should relate only to the occasion, moved an amendment, that all these additional men should be discharged at the beginning of the year 1875. That sentiment prevailed with the House, but it was adopted as an amendment. Both ideas were presented to the House, one proposition (that reported by the committee) providing for a permanent addition, the other proposing a temporary increase in accordance with the idea of the chairman of the Committee on Appropriations.

Mr. BECK. What does the gentleman from Pennsylvania [Mr. SCOFIELD] do with the statement made by the gentleman from Ohio

that the Secretary of the Navy for himself did not ask this increase, but that he came and asked pardon for what he had done wrong?

Mr. GARFIELD. It was not regarded as "wrong." It was a violation of law; but not wrong.

Mr. BECK. What is implied by the word "condone?" Does not that imply an offense? I again read the language:

He asked the Committee on Appropriations to legalize his action; but the committee told him that they could give him an appropriation but could not in an appropriation bill legalize what he had done contrary to law; and that he had better call upon the Naval Committee to bring in a condoning act authorizing this temporary increase of the Navy. We referred that very letter to the Committee on Naval Affairs, and they brought in a bill, not to provide for a permanent increase of the Navy, but to condone what had been done by the Secretary in the emergency.

[Here the hammer fell.]

Several MEMBERS. Let him go on.

Mr. BECK. I would like to have ten minutes more.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr BECK] has expired; and the hour to which general debate was limited has expired.

Mr. GARFIELD. The committee cannot extend the time without unanimous consent; but I hope it will be granted.

Mr. HALE, of Maine. I think there will be unanimous consent to a proposition which I am about to submit. At the end of the hour already allowed for general debate I had proposed that we should proceed to consider the bill in detail, for the purpose of amendment; but as some gentlemen who desire to speak, not at great length, have not yet been heard, I hope there will be no objection made now to allowing the general debate to run on for half an hour longer. The gentleman from Kentucky has indicated that he can finish in ten minutes. Let him do so; and let the remainder of the time be divided among other gentlemen.

The CHAIRMAN. That can be done only by unanimous consent.

Objection was made.

Mr. HALE, of Maine. I move, then, that the committee rise. I will make the motion in the House.

The motion of Mr. HALE, of Maine, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. E. H. ROBERTS reported that the Committee of the Whole on the state of the Union, having had under consideration the naval appropriation bill, had come to no resolution thereon.

Mr. HALE, of Maine. I move that general debate in Committee of the Whole on the naval appropriation bill be extended for half an hour longer.

Mr. GARFIELD. Say forty minutes.

Mr. HALE, of Maine. I modify my motion as suggested by the gentleman from Ohio, [Mr. GARFIELD.] I also add a further provision that speeches under this extension be limited to ten minutes.

The SPEAKER. That matter can be regulated by the Committee of the Whole.

Mr. HALE, of Maine. Then I do not press that part of the motion.

The motion of Mr. HALE, of Maine, as modified, was agreed to.

The House, on motion of Mr. HALE, of Maine, again resolved itself into Committee of the Whole on the state of the Union, and resumed the consideration of the naval appropriation bill.

Mr. HALE, of Maine. I move that the forty minutes allowed by the House for a continuation of the general debate be divided into speeches of ten minutes each.

There being no objection, the motion was agreed to.

Mr. BECK resumed the floor.

Mr. MYERS. If the gentleman from Kentucky will yield a moment, I desire to make a single statement. I was not a member of the Naval Committee at the time the bill which has been alluded to was reported. The chairman of that committee, however, very properly stated that, as reported, it provided for a permanent increase. The Committee on Appropriations desired that the increase should be temporary; and an amendment to that effect, which I opposed, was adopted by the House. The gentleman has spoken of an "offense," and of "condoning" it. I desire to know from him whether, in view of the emergency existing at that time, a war with Spain being apparently imminent, he considers that the Secretary of the Navy did wrong in enlisting more men; whether it was a very grave offense if he did transcend the law, (Congress not being then in session,) and wait until it assembled in order to have his action approved.

Mr. BECK. I regard it as a far higher offense on the part of committees of this House not to call attention to facts within their knowledge than for the Secretary of the Navy to overstep the law on account of emergencies. But I deny the right of any Secretary, or the President, or anybody else, to make or to violate laws. This Congress alone determines what the laws shall be, and it is the duty of our executive officers to execute them. I make the same comment upon the action of the Secretary of the Navy in using for another purpose the money appropriated for the pay of the Navy and for enlisting men without authority that I did upon the action of the Secretary of the Treasury in regard to the $44,000,000 that he used illegally. I am not making personal attacks; I am dealing with official conduct. No Secretary, no President, has any right to take such action. No monarch in Europe has such authority. No legislative body that has any respect for itself will allow such proceedings on the part of executive officers. This is the old conflict between legislative and executive authority. Whenever executive officers can grasp power they will do so, and use it for their own purposes, without asking the consent of the law-making power. That is despotism when successful. It is against such proceedings that I protest, and demand that respect for law shall be demanded from all officials.

Mr. MYERS. If the gentleman's doctrine were carried out, might it not, in a time of great emergency, destroy the life of the nation?

Mr. BECK. Congress can be called together at any moment by the President of the United States; and, as in this case, democrats as well as republicans will vote him all the men and all the money he may want to protect the national honor. But we deny the right of any Secretary, or of the President himself, to put his hands into the Treasury of the United States and take out what he pleases without authority of law, or to increase the Army or Navy at his pleasure; and we demand of all our committees, whenever they may have any private information from a Secretary, or any other official, and seek to induce the Representatives of the people to vote money, which must be raised by taxation, upon it, that they should state what they know, whether it militates against their own views or sustains them. We have a right to know what they have learned; and when they fail to give it to us, it is the duty of every one of us to get the information as best we may, as I have tried to do through the resolution the House passed on Friday.

I do not follow men blindly any longer when I find they hold back information because they do not like it. That is not their right. It is their business to tell us. They are committees working for us to enable us to act on all the information they can obtain for us. That is all I have time to say.

Now, leaving this subject, I desire in the few moments I have left to refer to my statement on Thursday last, that in appropriations made before presidential elections there is great apparent economy practiced, the deficiency always being made up afterward. I want to put myself right upon that point, as I overstated it the other day when I said the deficiency asked for was about $28,000,000. The report of Secretary McCulloch in December, 1868, states the deficiencies as follows:

TREASURY DEPARTMENT, *December* 7, 1868.

SIR: Agreeably to the joint resolution of Congress of the 7th of January, 1846, I have the honor to transmit, for the information of the House of Representatives, printed estimates of additional appropriations required for the service of the fiscal year ending June 30, 1869, and previous years, namely:

Civil and miscellaneous	$7,276,682 23
Indian	93,469 48
War	13,975,000 00
	21,345,151 71

Very respectfully, your obedient servant,

HUGH McCULLOCH,
Secretary of the Treasury.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

I admit I stated, on information, the deficiencies then to be more than they really were. I will verify my declaration still further by saying that the next year, 1869, when no elections were pending, the deficiencies were only $3,200,000. That is the fact, as the Book of Estimates shows. Again, it appears that at the last session of the last Congress, after the last presidential election was over, and when members were not soon to be called to answer to the people, then, for the first time since I have been in Congress, for the first time in the history of the country as I believe, Congress appropriated $15,329,000 more than all the estimates of all the Departments. Three hundred and eight million dollars was the amount the Departments asked; Congress gave them $319,600,000, and $4,000,000 more the other day, making $323,000,000, an excess of $15,000,000, the highest amount ever given in time of peace, and that, too, immediately after the last presidential election was over.

And let this be observed: we are spending these immense sums now, when only last year $302,000,000 was called for by the estimates and $299,000,000 was the amount of the appropriations; and this is being done, too, at a time when we have paid off enough bonds of the country to reduce the interest $21,000,000, and when we have converted $200,000,000 of 6 per cents into 5 per cents, saving $2,000,000 in that form, having nearly $23,000,000 less interest to provide for than we had four years ago. Yet, I repeat, in the face of all that, the appropriations are going up twenty-odd millions beyond what they ever were before, and for this year are $15,000,000 beyond the estimates of all the Departments. The Departments have taken advantage of that; and now they are asking for $319,000,000 for the next fiscal year, because Congress gave them $319,000,000 for this year. They will add the other $4,000,000 whenever they have time to consider. So much on that subject, as my time is nearly out.

Now, one word on another point. I refused to vote for the resolution of the gentleman from Pennsylvania [Mr. KELLEY] to-day. Why? Because I deny that there is any necessity now either to lay additional taxation or to increase the debt. Therefore, I would not vote for that resolution, and pronounced it a humbug. I say we can, by economy in expenditure, without embarrassing any Department, furnish the Government with all the means it needs from our present revenues. I have the figures of the Department, showing that at the close of the last fiscal year the excess of revenues over expenditures—as given in the report of the Secretary now lying before me—was forty-odd million dollars—in round numbers $43,000,000. There was, he says, in money in the Treasury, $131,000,000 on the 1st day of last July. We have collected, as I learned at the Department on

Saturday, from customs, internal revenue, and other sources from the 1st of July to 1st of January, $142,000,000. Of the $131,000,000 in the Treasury, I was told the Government could use about $60,000,000. I put it at $58,000,000. The Secretary claims the right to use all of the $44,000,000. It makes a total in his hands now, without additional interest-bearing debt and without additional taxation, of $244,000,000 if the legal-tenders are restored to $400,000,000. All the appropriations for this year, extravagant as they were, amounted to $323,000,000; one half of that would make $166,500,000; while in fact $152,000,000 have been expended. So, on the 1st day of January last, the cash balance in the Treasury was only cut down $10,000,000, as the Treasury books will show.

How, then, Mr. Chairman, can it be said that we must issue more bonds? How can it be urged that we must resort to additional taxation, that we must borrow money, when it appears, notwithstanding the crisis we have passed through, that we have received $142,000,000 into the Treasury, and have only been compelled to pay $152,000,000 out, with a cash balance in the Treasury of $131,000,000 at the beginning of the year, with $44,000,000 now being used as they are by the Secretary? Beyond all question reasonable economy will enable us to run this Government without additional debt and without additional taxation. We can reduce our expenditures to $275,000,000, and amply provide for every just demand of the Government, as I will show when time will allow.

Mr. GARFIELD. I welcome all close, thorough, and searching criticism of the acts of the Committee on Appropriations, and of their recommendations to the House. I desire now to call attention to some of the criticisms made by the gentleman from Kentucky, [Mr. BECK.] In the first place, the gentleman charges that the Committee on Appropriations, and, in company with it, the Committee on Naval Affairs, have withheld or misrepresented facts in their possession concerning the extraordinary appropriation of $4,000,000 to meet emergencies in the naval service. I deny this allegation *in toto*, and call the gentleman's attention to the plain facts. On the 8th of December a letter, addressed to the Speaker, was printed and referred to the Committee on Appropriations, setting forth what the Secretary of the Navy had done in consequence of the threatened Spanish war. And, among other things, the Secretary said:

> I have taken measures to put every available iron and wooden ship of our Navy in condition for immediate duty. I have ordered all the ships of the various squadrons within reach to rendezvous at Key West.

Also, in this letter, he said:

> I am enlisting men to supply and fill up the crews of all our vessels.

What does that mean? Manifestly that our Navy, which was already enlisted to its full complement, was afloat on the sea, and that the Secretary was putting more ships in commission, and was enlisting men to fill up the crews of those new vessels thus put in commission; a plain, palpable statement that he was then filling up the naval force beyond the limit fixed in the law. Nobody was taken by surprise. Everybody understood it. Everybody approved it, except those who claimed that the Administration had not gone far enough.

The Committee on Appropriations considered that letter and called the Secretary to explain more fully the situation, to show for what purpose the four millions would be needed. The Secretary gave us the statement of the repairs he had ordered, of the supplies he had purchased, and of the sum he would need to reimburse the several Bureaus for the expenditures required by the trouble with Spain. Among other sums, he asked for $300,000 for the pay of enlisted men. In the bill reported by the committee and passed by the House on the 13th of December, the first item was "for pay of Navy, $300,000." Was that a surprise to the gentleman? There was no need of $300,000 except for the purpose of paying more men than were already provided for by law. In our naval appropriation act of last year we had appropriated for the pay of eighty-five hundred men. Gentlemen will see this in the language of the Book of Estimates, page 77, where enough was asked and granted to pay the full quota of men. Why, then, did we appropriate $300,000 more if it was not for these very extra men that the Secretary said in his letter he was then enlisting in the Navy? There was no concealment in this. It was a plain matter of public business, properly done by the Secretary, by the Committee on Appropriations, and by the House.

While the subject was being considered by the committee I myself called the attention of the Secretary of the Navy to the fact that he needed the authority of law for continuing this work of enlistment; and by the direction of the committee I sent his letter to the Committee on Naval Affairs, making this indorsement, which I find printed in the CONGRESSIONAL RECORD of December 13:

> DEAR SIR: I am directed by the Committee on Appropriations to refer the paragraph of the within letter, relating to authorizing additional enlistments into the Navy, to your committee; and to say that the Committee on Appropriations do not feel authorized to consider it. If your committee desire to offer any amendments to the appropriation bill which we expect to introduce to-day this committee will be glad to have you do so.
>
> J. A. GARFIELD,
> *Chairman.*
>
> Hon. G. W. SCOFIELD,
> *Chairman Committee Naval Affairs.*

In brief, the Secretary on that day, at the suggestion of the Committee on Appropriations, asked special authority to increase his enlistments to ten thousand men. We gave him $300,000 to do it with. The Committee on Naval Affairs brought in the bill to authorize the increase of fifteen hundred men. His letter was written on the 8th of December. On the 13th of December the House voted to give him $300,000 to meet the extraordinary demand in the Bureau of Enlistment and Recruiting, and on the same day the House passed the bill from the Naval Committee, authorizing the increase for one year.

Now, what has happened? A month passed, and the Secretary of the Navy, before the Committee on Appropriations on the 6th of January—for I have the memorandum here in my copy of the estimates—informed the committee that he had completed his enlistment of fifteen hundred additional men to man the ships he had put in commission to meet the dangers of threatened war. This he had done mainly during the holiday recess of Congress. We had given him money to do it with. Congress had made the necessary appropriation and the House had passed a bill authorizing him to make the temporary increase. When Congress adjourned the Spanish question was looming up and hastening to its crisis. The Secretary would have deserved impeachment if he had not made every reasonable preparation to meet it. He did his duty wisely and well. It was largely due to his promptness that the crisis was safely passed. When he was before the committee on the 6th of January he was asked if he could not now abandon his proposed increase of the Navy. He answered that it was already done, and the new recruits were afloat. Thus, on the 6th of January, the Committee on Appropriations first learned that the temporary contingent of fifteen hundred men had been filled; and two days afterward stated in the House that the actual enlistments had been made, but it was understood to be only a temporary increase. So far as I was concerned, and so far as the Committee on Appropriations was concerned, we have regarded it as altogether temporary.

Now, if the gentleman from Pennsylvania [Mr. SCOFIELD] took a different view—if he was in favor of a permanent increase of the Navy—that was his own affair. He was not bound by my opinion nor I by his. I spoke for the Committee on Appropriations, that treated it only as a temporary increase to meet a great and pressing emergency.

If the gentleman can find in all this any concealment of the facts, or any lack of frankness in dealing with the House, he is welcome to his discovery.

Nothing in my remarks on Friday last can be construed into an attack on the Secretary of the Navy. I am glad that he met the emergency as he did. In my judgment he did right. He would have committed a very grave wrong if he had not armed and manned these additional ships so as to put the Navy in readiness to meet a possible war with Spain; and when gentlemen represent me as calling it a crime or a wrong that needs to be forgiven, they use no words which I uttered. He technically violated the law, and needed an act of Congress to condone that technical violation. That was what I said on Friday last, and I say so yet.

Now, Mr. Chairman, I call attention to another remark of the gentleman from Kentucky, [Mr. BECK,] which I cannot allow to pass unchallenged. It is my purpose, when the legislative appropriation bill comes up for discussion, to go quite fully into a statement of the relations of appropriations to estimates for a series of years past; but I will only now ask the indulgence of the committee to say that the gentleman from Kentucky is wholly in error when he says that last year Congress appropriated $13,000,000, or $15,000,000, or any other sum whatever above the aggregate estimates sent to us by the Executive Departments. I deny the truth of that statement, and am prepared to maintain that denial against all comers.

Mr. BECK. I hold now in my hand a book prepared at the Treasury Department, which shows that the appropriations amounted to $319,000,000, when the estimates amounted to only $308,000,000. Here is the book, and the gentleman can examine it for himself.

Mr. GARFIELD. Who says that the appropriations amounted to $319,000,000, and the estimates to but $308,000,000?

Mr. BECK. The Secretary of the Treasury.

Mr. GARFIELD. The Secretary of the Treasury says that the aggregate of his estimates for next year is $319,000,000.

Mr. BECK. No, sir.

Mr. GARFIELD. Will the gentleman turn to the final footings of the Book of Estimates?

Mr. BECK. My dear sir, I suppose you never saw this book before.

Mr. GARFIELD. I am familiar with that book.

Mr. BECK. You never saw it, or you would not talk in that way about it.

Mr. GARFIELD. I am perfectly familiar with the book, and I say to gentlemen that if they will turn to the ordinary Book of Estimates, I will give them facts which will, perhaps, help to guide us all. On page 36 the Secretary of the Treasury has summed up in one column this statement: "Appropriations for the year 1874, three hundred and six millions and odd dollars." In the next column, "Estimates for 1874, three hundred and eight millions."

Now, the Secretary of the Treasury is himself on record in the book before you, printed as the first document of this session, as saying that the total estimates laid before the last Congress for the year 1874 amounted to but $308,322,256.27; and this is one of the sums from which the gentleman draws the inference that the appropriations made by Congress exceeded the estimates by some thirteen millions. I have seen this charge floating through the press; but I am surprised to hear the Secretary of the Treasury quoted as authority for it.

[Here the hammer fell.]

Mr. NIBLACK obtained the floor.

Mr. GARFIELD. I beg the gentleman from Indiana to yield to me for a few moments to complete the statement I am making concerning this matter. It is due to the House and to the Committee on Appropriations that that statement should be completed.

Mr. NIBLACK. I yield to the gentleman for that purpose.

Mr. DAWES. Let me suggest to the gentleman from Ohio that it is true that there were appropriations made last year for which there were not corresponding estimates in the Book of Estimates, but there were estimates sent in for those items.

Mr. GARFIELD. I am coming to that point, and will now proceed with my statement. I ask the committee to inquire how the Secretary of the Treasury got the three hundred and eight and one-third millions which the gentleman sets down as the total estimates for last year. I will tell you. He goes to the old Book of Estimates of last year, the book we received on the first day of that session, and takes the sum of its estimates as the total of all the estimates for that year. But, sir, that book had not been in our hands one week before additional estimates began to pour in upon us, in letters and reports, by the hundred, from all the Departments, asking additional appropriations, appropriations not asked for in the original Book of Estimates. Those additional estimates came to the Speaker, were referred to the Committee on Appropriations, or went to the Senate and were there added to the bills. They were just as really estimates as though they had been printed in the Book of Estimates, and should all be reckoned among the estimates of the Executive Departments as all others are; and yet in the statement made by the gentleman he uses figures in which the Secretary of the Treasury has not credited Congress nor charged the Departments with any estimates whatever, except those in the last year's Book of Estimates, which was delivered to the House on the first day of its meeting. Now, sir, I have compiled and will soon lay before the House a list of items amounting to nearly $13,000,000, which at its last session Congress was asked to appropriate, but which do not appear at all in the Book of Estimates from which the Secretary quotes his $308,000,000 as the sum asked of Congress. For example, we gave $3,500,000 to eight new sloops of war. That never entered into the Book of Estimates last year, but it came as an estimate backed up by the whole strength of the Navy Department, and the House and Senate gave it. Now Congress is charged with having appropriated $3,500,000 more than was asked for, simply because the $3,500,000 was not asked for in the big printed book, but was asked for by executive letter, transmitted a few weeks after the Book of Estimates was printed. I can multiply this example by hundreds.

The charge that Congress has thus exceeded the estimates I repel as an outrage both on the House and on the Committee on Appropriations. I affirm, on the contrary, that last year the Committee on Appropriations cut down the estimates in almost every branch of the service, and in many cases largely reduced them. It is true there were many appropriations made that the committee did not have charge of, and all of which went to make up the aggregate of appropriations.

Every pension granted by Congress, every private claim that passed through the Committee on Claims, every new building provided for that came from any committee or from individual members, the salary increase, and all such appropriations, went to swell the total; and for these the Committee on Appropriations were in no sense responsible. I say, without fear of successful contradiction, that the Committee on Appropriations cut down item by item, from beginning to end, these very estimates of the Secretary of the Treasury, who is now quoted as saying to the country that we made appropriations far beyond his estimates. I am willing that Congress shall bear its full share of the responsibility; but I insist that each Department shall likewise bear its own burdens, and not toss them over upon the shoulders of this House, much less of the Committee on Appropriations.

Mr. NIBLACK. Mr. Chairman, having served for years on the Committee on Appropriations, I feel of course an interest in the subject of appropriations, and my attention is naturally directed to every important appropriation bill that is brought in here. I shall endeavor to co-operate with the Committee on Appropriations in every way possible. From the very condition of things to which I have referred I am disposed to treat that committee with the utmost fairness always, and to always concur with them when I think they are right, and to differ with them only in cases where I think they are clearly wrong.

I do not complain that in the present instance the committee has reported too large a sum for the Navy Department. On the contrary, if this bill passes both Houses without any increase in amount, I believe that the sequel will demonstrate that the sum which the bill appropriates will be found insufficient for the purpose of supporting the naval establishment of the country during the next fiscal year. I make that prediction with regret; but what I have seen and realized during the last four Congresses convinces me of the truth of that proposition.

I do not care who may be at the head of the Departments of this Government, or what administration may be in power; I have come to the deliberate conclusion that no material reduction can be made in the expenses of any Department of the Government except by the active, energetic, and enlightened co-operation of the head of that particular Department. I do not wish to be understood as intimating—because I have no facts upon which to base properly any such intimation—that the Secretary of the Navy does not desire to economize in every way that is practicable, that he does not desire to co-operate with the Committee on Appropriations in an honest effort to reduce the expenses of the Navy Department. But I am entirely convinced that so long as the present laws governing the Navy Department are allowed to remain in force the sums proposed by the Committee on Appropriations, to be appropriated by this bill, will not be sufficient to carry that Department through upon the scale it is now organized upon. There is but one way to successfully apply the knife to that Department, and that is by the proper committee, the Committee on Naval Affairs, taking the matter in hand, and modifying or repealing existing laws in relation to that Department.

Mr. HALE, of Maine. Will the gentleman allow me to ask him a question?

Mr. NIBLACK. Certainly.

Mr. HALE, of Maine. Does the gentleman not know, from his experience heretofore as a member of the Committee on Appropriations, that the present Secretary of the Navy has always kept himself and his Department religiously within the appropriations?

Mr. NIBLACK. So far as my information goes I believe he has.

Mr. HALE, of Maine. And that the Secretary of the Navy is almost the sole exception to the rule?

Mr. NIBLACK. I believe that he has endeavored in good faith to conform his expenditures, as far as possible, to the appropriations made year by year. I am the more disposed on that account to give him credence for what he says on this occasion. My principal object in seeking the floor now was to have read to the House a letter addressed by the Secretary of the Navy to the President of the United States when he was called upon to revise the estimates of his Department. I ask to have read the letter of the Secretary of the Navy, which I send to the Clerk's desk.

The Clerk read as follows:

NAVY DEPARTMENT.
Washington, January 5, 1874.

SIR: I have the honor to acknowledge the receipt of a copy of the resolution passed by the honorable the House of Representatives on the 15th day of December last, requesting, for reasons therein stated, a revision of the estimates of the various Executive Departments.

I recognize fully the propriety of every economy which can be practiced without injury to the best interests of the country, and I have, in consultation with the Committee on Appropriations of the House of Representatives, indicated where reductions in the estimates for the civil establishment and other parts of the machinery of the naval service can best be made without seriously crippling this most important arm.

These reductions, amounting in the aggregate to about one million and a half of dollars, are shown in detail in the accompanying statement.

Though earnestly desiring to reduce the naval expenditures wherever reduction is economy, I cannot say with truth that I think reduction to any greater amount, or in any other direction, is either proper or safe.

The estimates of the Navy, already considerably less than the appropriations of last year, are based upon the legally authorized force in the service, and are made largely to meet the fixed requirements of existing laws.

That portion which is estimated for the general maintenance of the Navy is closely calculated to meet its absolute necessities in time of peace, and these necessities are not reduced by anything which has occurred since the estimates were made.

There has been some accumulation of available supplies during the last two months, and where this has been the case there I have indicated corresponding reductions. But it must not be assumed that all, or even a large part, of our recent accumulations will be available for ordinary purposes.

Very few of the ships fitted out to meet the emergency just passed will be useful for our ordinary purposes.

The monitors are in no sense sea-going cruisers, and the size of the large wooden ships prevents their economical use in time of peace.

Thus neither of these classes, though of immense value in time of war, are available for the peace purposes of our cruising Navy, while their equipment, armament, and ammunition, adapted to their special use, are unsuited for vessels of different size and character.

Our cruising force in commission is not large. Indeed, our squadrons are exceedingly small for the immense area over which they are distributed, and the various and extended work which is required of them. Within the last six weeks it was necessary, in order to concentrate a respectable force at Key West, to abandon every other station on the Atlantic Ocean, and to call home every available ship, with the single exception of one on the South Atlantic station.

Yet to maintain these squadrons in efficiency, supplying the places of the old, worn-out, and expensive ships with new and useful ones, will require the full amount estimated for the various working Bureaus, and if these are materially cut down the squadrons themselves must be reduced.

All the foregoing considerations apply to a condition of profound and lasting peace. But we cannot expect this always to endure, and when war does come, it will come to us from the ocean, scattering our commerce, infesting our immense coast line on both oceans, and threatening our great sea-ports, where is concentrated so much of the business and the property of the people.

The lesson of the day in truth is, that our Navy should be increased, not diminished.

Recent events have demonstrated to all that the great immediate military necessity of this nation is seaworthy war-vessels adequate to contend with those of other nations, and well armed and completely equipped for cruising or fighting. In my judgment the expenditures to meet this necessity cannot be wisely, perhaps not safely, postponed; and while I have, in accordance with the resolution of the House of Representatives, indicated the reductions referred to which may be made, possibly without serious injury to the service, I am constrained to the duty, disagreeable as it is, of declaring frankly my opinion not only that no reductions should be made at this time in the appropriations which are especially intended to put the cruising vessels of the Navy in condition for active and immediate service, but that, on the contrary, it will be wise statesmanship and real economy to increase these appropriations to a sum sufficient at least to make efficient all the remainder of our iron-clad force, and also to place the dock at the Pensacola navy-yard in a condition for use. And this work should be commenced as soon as possible, even to the postponement, if necessary, of other public works. It is hardly necessary to add that while I entertain these views, and I feel bound to express them when called upon, I shall, of course, be ready to accommodate the action of the Department to the wishes of

Congress on this subject, and do the best I can with the means they see fit to supply; for theirs is the power, and with them will rest the responsibility.

Very respectfully, your obedient servant,

GEORGE M. ROBESON,
Secretary of the Navy.

The PRESIDENT.

Mr. NIBLACK. One remark further and I shall be through. I desire to call the attention of the House to the fact that, assuming the Secretary of the Navy endeavors to deal frankly with the House—as I have always found him dealing with everybody he comes in connection with—it will be impossible for him to carry on the Navy Department, under its present organization, with the amount of money proposed to be appropriated by the Committee on Appropriations. Therefore, if we really desire to economize we must repeal existing laws, we must cut down the naval establishment as at present existing, under authority of law; we must not expect to accomplish the result by merely reducing appropriations.

Mr. KASSON. Mr. Chairman, I was startled, as I think the House was, by the declaration of the gentleman from Kentucky [Mr. BECK] that the Navy Department had expended in the first quarter of the year $5,000,000 of the $6,000,000 appropriated for the year. This has led me to make some examination, which I think will be verified to-morrow; and the investigation I have thus far made leads me to believe that the figures which seem to sanction the gentleman's statement have been accidentally transposed; that the figures $1,214,700 should have been embraced in the column comprising expenses of the first quarter, while the $5,000,000 should have been included in the column charged with the remaining three quarters. In other words, there has been a transposition by a clerical mistake.

Mr. BECK. The gentleman will not find it so.

Mr. KASSON. If the gentleman will look at the pay of the Marine Corps, which has not been transposed, he will find that it exactly harmonizes with the proportions of the pay of the Navy as it would be if my hypothesis is correct.

Mr. GARFIELD. That point will be settled to-morrow.

Mr. BECK. Mr. Chairman, the gentleman from Ohio [Mr. GARFIELD] did not seem to understand from what book I was reading. I want to call his attention to the fact that I was not referring to the Book of Estimates at all. I was referring to a book containing all the laws making appropriations, giving the amounts appropriated.

Mr. GARFIELD. I presume it was the Book of Warrants. I have that book.

Mr. BECK. It is not the Book of Warrants at all. It is a book of which the title page is as follows:

Appropriations for the support of the Government of the United States, on account of the service of the fiscal year ending June 30, 1874, and of deficiencies for previous years; made by the third session of the Forty-second Congress, and an account of permanent and indefinite appropriations made by that and previous Congresses, 1874.

This book is prefaced by the following notice of the Secretary of the Treasury:

NOTICE.

The following appropriations made by the third session of the Forty-second Congress, for the service of the fiscal year ending June 30, 1874, and for deficiencies for previous years, including the permanent and indefinite appropriations made by that and previous Congresses, are printed for the information of those concerned. In all estimates, disbursements, accounts, vouchers, settlements, and warrants affecting or relating to any appropriation herein authorized the titles as printed in *italics* shall be quoted as the appropriation out of which payment is to be made.

WILLIAM A. RICHARDSON,
Secretary.

The summary is as follows:

	Second session, fiscal year 1873.	Third session, fiscal year 1874.
Legislative	$5,276,061 19	$6,636,074 61
Executive	6,610,428 09	9,888,147 42
Judicial	4,588,775 00	3,743,243 87
Foreign intercourse	1,945,299 00	1,874,515 00
Independent Treasury	577,526 00	499,660 00
Mints and assay offices	959,772 00	976,620 31
Territorial governments	267,721 92	280,038 57
Military establishment	32,484,766 64	36,732,025 17
Naval establishment	18,248,198 02	22,498,620 55
Indian affairs	6,633,897 51	6,468,977 44
Pensions	30,480,000 00	30,480,000 00
Public works	14,256,616 66	20,057,132 00
Rivers and harbors	5,888,000 00	6,102,900 00
Forts and fortifications	2,037,000 00	1,899,000 00
Public lands	1,838,025 00	1,982,979 59
Postal service	6,425,970 00	6,496,602 00
Miscellaneous	15,698,694 29	15,674,164 29
Totals	154,216,751 32	172,290,700 82
Permanent appropriations	159,162,907 13	147,361,943 49
(Book of Estimates 1873–'74, page 158.)		
		319,652,644 31
Additional for Navy in December		4,000,000 00
		323,652,644 31
Estimates for 1874		308,323,256 27
Excess		15,329,388 04

The additions only are my figures. The amount of permanent appropriations is stated as obtained at the Department. The excess of expenditure is $18,000,000 over the year before, or $172,000,000 against $154,000,000.

Mr. GARFIELD. The gentleman will allow me to add to his reading the line at the head of the title-page, "Treasury Department-Warrant Division." In other words, the book comprises the appropriations made by warrant.

Mr. BECK. It does not say so.

Mr. GARFIELD. That is what the book is understood to be everywhere.

Mr. BECK. That is a mistake. It is a book giving the various laws making appropriations, showing every dollar of appropriation passed by Congress for the year. It does not contain appropriations paid by warrant, but appropriations made by law, whether set forth in estimates or not, and is swelled by appropriations for former years, for this District and for other things not estimated for as current expenses by the Departments.

Mr. HALE, of Maine. The statement of the gentleman from Kentucky about that matter did not startle me. I do not believe, and I do not suppose he believes, that the Navy Department has really expended during the first three months of the fiscal year three-quarters of all its appropriation for the pay-list, and that it now comes in with a deficiency resulting from that excessive expenditure. The gentleman has simply made a point on the figures; and to-morrow morning I will show him how the mistake occurred.

I now propose to move that the committee rise. But, before doing so, I wish to ask unanimous consent that the first reading of the bill be dispensed with. Then, to-morrow, when we go into Committee of the Whole, we shall be ready to consider the bill clause by clause for amendment.

Mr. HOLMAN. I must object to that proposition, for this evening at least.

Mr. HALE, of Maine. Then I will renew the request in the morning. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. E. H. ROBERTS reported that the Committee of the Whole on the state of the Union, having had under consideration the naval appropriation bill, had come to no resolution thereon.

Mr. HALE, of Maine. I move that the House now adjourn.

CENTRAL PACIFIC RAILROAD.

Mr. LUTTRELL, by unanimous consent, submitted the following resolution; which, without being read, was referred, together with evidence upon the same subject, to the Committee on the Pacific Railroad, and ordered to be printed:

Whereas the Central Pacific Railroad Company, was incorporated by the State of California on the 27th day of June, A. D. 1861, to construct a railroad to the eastern boundary of said State; and whereas by acts of Congress of the years 1862 and 1863 said company was authorized to extend said railroad eastward through the territory of the United States by an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean," and received from the United States, under said act and the acts supplemental thereto and amendatory thereof, and from the State of California and counties and corporations within said State, from the State of Nevada, and from the Territory of Utah, the following amounts, estimated in gold coin, to wit:

Aid granted by the United States, of the value in gold coin of	$50,288,000 00
Granted and donated by various corporations within the State of California	5,000,000 00
Granted and donated by various corporations and individuals situated within the State of Nevada	3,000,000 00
Granted and donated by various corporations and individuals within the Territory of Utah	1,500,000 00
Donated by the State of California	1,500,000 00
Bonds on which the State of California guarantees and pays its interest	12,000,000 00
Donated by the county of Placer, in the State of California, bonds	250,000 00
Donated by the city and county of San Francisco, interest bonds	400,000 00
Donated by the city and county of Sacramento, interest bonds	300,000 00
Bonds by the United States Government	27,389,120 00
First-mortgage bonds of the Central Pacific Railroad Company	27,389,120 00
Second-mortgage bonds of said Central Pacific Railroad Company legalized by law	15,601,741 83
Second-mortgage bonds issued and sold as above	11,787,378 17
Total	156,825,360 00

And whereas the directors of said Central Pacific Railroad Company made contract with certain of their own members, to construct said road, known as the "Contract and Finance Company," for consideration in lands, money, and bonds far in excess of the actual cost of construction; and whereas said Central Pacific Railroad is and has been completed and in running order for, in part and in whole, over six years last past; and the profits accruing from the same, amounting to over ——— million dollars annually, have been kept and appropriated to their own use in violation of their duties and in fraud of the United States Government; and whereas said directors of the said Central Pacific Railroad Company issued to themselves and for their personal profit the second-mortgage bonds of said Central Pacific Railroad Company, to the amount of $27,387,120, payable in United States gold coin, with interest at 10 per cent. per annum, and have with said profits accruing to the Central Pacific Railroad Company from the sales of the United States bonds, lands, and other subsidies as aforesaid mentioned, and the issue to themselves of the bonds aforesaid, bought, in order to defraud the Government of the United States out of the interest now due from said Central Pacific Railroad Company, other railroads in the State of California, and expended in doing the same all of the accruing profits of said Central Pacific Railroad for the benefit of the directors, failing and fraudulently refusing to pay the Government of the United States the interest legally due on said second-mortgage bonds: Therefore,

Be it resolved, That a select committee of seven members of this House be appointed by the Speaker, and such committee be, and is hereby, instructed to inquire whether or not any person connected with the organization or association commonly known as the Contract and Finance Company of the Central Pacific Railroad Company, now holds any of the bonds, lands, or other subsidies granted said company for the payment of which, or the interest thereon, the United States is in any way

liable; and whether or not such holders, if any, or their assignees of such bonds, lands, or other subsidies are holders in good faith and for a valuable consideration, or procured the same illegally or by fraud and whether or not the United States may properly refuse to pay interest thereon, or the principal thereof when the same shall become due; and whether or not any relinquishment of the first-mortgage lien that may have heretofore been made by the United States with reference to the bonds of said Central Pacific Railroad Company, or any other branch roads connected therewith, may be set aside; and to inquire into the character and purpose of such organization, and fully of all the transactions of said Central Pacific Railroad Company, and of all transactions had and contracted by and between the directors of the Central Pacific Railroad Company and Charles Crocker & Co., and of all transactions and contracts made by said directors with the Contract and Finance Company, for the furnishing of material of every kind and character whatsoever, and the construction of the Central Pacific Railroad and other branch roads connected therewith. and of all contracts made by said directors of the Central Pacific Railroad Company with Wells, Fargo & Co., or any other corporation or corporations, individual or individuals for material furnished, or for the construction of said Central Pacific Railroad, or railroads constructed or purchased by said directors; and what officers of the United States, or members of Congress, if any, have at any time been connected therewith; and to report the facts to this House, together with such bill as may be necessary to protect the interest of the United States Government and the people on account of any of the bonds, lands, and subsidies of the class hereinbefore referred to, and against the combinations to defraud the Government and the people. And said committee is hereby authorized to send for persons and papers, and to report at any time.

FRED RETTIG.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting the draught of a bill for the relief of Fred Rettig, first lieutenant in the First Florida Battery; which was referred to the Committee on Military Affairs, and ordered to be printed.

FALLS OF SAINT ANTHONY.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to an appropriation for the preservation of the Falls of Saint Anthony; which was referred to the Committee on Commerce, and ordered to be printed.

FORT REYNOLDS MILITARY RESERVATION.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the sale of the military reservation at Fort Reynolds, Colorado Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

APPROPRIATIONS FOR INDIAN SERVICE.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting the draught of a bill to authorize the Secretary of the Interior to use certain unexpended balances of appropriation for the Indian service; which was referred to the Committee on Appropriations, and ordered to be printed.

PERMANENT DEFENSES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a statement showing in detail the amount of appropriations which have been, or will be, expended on each of the permanent forts and batteries for which regular appropriations have been made, from the period of the commencement of each of them to the present time; which was referred to the Committee on Appropriations, and ordered to be printed.

GOVERNMENT RECEIPTS AND EXPENDITURES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the act of August 26, 1842, an account of the receipts and expenditures of the United States for the fiscal year ending June 30, 1871; which was referred to the Committee on Ways and Means.

PROCEEDS OF SALES OF COMMISSARY STORES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the draught of a bill repealing section 5 of the act making appropriations for the legislative, executive, and judicial expenses of the Government, approved May 8, 1872, relating to the proceeds of sales of commissary stores; which was referred to the Committee on Appropriations.

PAWNEE INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill making available certain unexpended balances of funds to be used for the civilization of the Pawnee Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOLMAN. I ask for the reading of the draught of that bill. This practice of draughts of bills coming from the Departments is not new, I know, but I have never known so large a number of draughts of bills coming from the Departments to this House before. I hope, therefore, we will see what this draught of a bill is.

The SPEAKER. Does the gentleman ask to have it read?

Mr. HOLMAN. I do.

The SPEAKER. It is quite lengthy, and has been ordered to be printed.

Mr. HOLMAN. If it has been ordered to be printed I do not ask to have it read.

The SPEAKER. The Chair agrees with the gentleman from Indiana that draughts of bills from the Departments are more frequent than any necessity seems to call for.

CAPTAIN ROBERTSON, SECOND UNITED STATES ARTILLERY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the promotion of Captain Robertson, Second United States Artillery, to the rank of major; which was referred to the Committee on Military Affairs, and ordered to be printed.

CONTEST—FOURTH DISTRICT OF LOUISIANA.

The SPEAKER also, by unanimous consent, laid before the House additional papers relating to the contest in the fourth district of Louisiana; which were referred to the Committee on Elections.

PACIFIC MAIL STEAMSHIP COMPANY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Clerk of the House, transmitting testimony taken by the Committee on Ways and Means, third session Forty-second Congress, touching the subsidy to the Pacific Mail Steamship Company; which was referred to the Committee on Ways and Means.

INCREASED SOLDIERS' PAY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a draught of an amendment to the act entitled "An act to increase the pay of soldiers in the United States Army, and for other purposes;" which was referred to the Committee on Military Affairs, and ordered to be printed.

UTE INDIANS, COLORADO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in relation to an agreement concluded with the Ute Indians in Colorado, September 13, 1873; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MODE OF PAYING INDIAN ANNUITIES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a draught of a bill providing for the manner of paying annuities to the Indian tribes under treaty stipulations; which was referred to the Committee on Appropriations.

Mr. HOLMAN. I move that it be printed.

Mr. RANDALL. I ask whether these departmental bills have any special privileges?

The SPEAKER. None whatever.

Mr. RANDALL. I think we ought to be able to draw up our own bills without dictation from the Departments.

The SPEAKER. They are sent here, perhaps, after consultation with some member and upon his request.

Mr. HOLMAN'S motion was agreed to.

SPRINGFIELD ARMORY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of April 2, 1794, a statement exhibiting the expenditures at the Springfield armory; which was referred to the Committee on Appropriations, and ordered to be printed.

The SPEAKER. The Chair is of the opinion that these draughts are sent here on the request of some members of the House.

Mr. HOLMAN. I ask that all draughts of bills coming from the Departments to-day be ordered to be printed.

The SPEAKER. It will be so ordered.

Mr. G. F. HOAR. These draughts are merely a part of the letters sent to us.

The SPEAKER. If there be any excuse it will be found, perhaps, in the request of the members of Congress to the heads of Departments to put their recommendations in the shape of bills.

Mr. G. F. HOAR. I do not see why the bill should be printed unless the committee to which it is referred chooses to report it back.

The SPEAKER. Executive communications, in nine cases out of ten, are usually ordered to be printed.

JOHN B. CHAPMAN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of February 14, 1873, the claim of John B. Chapman against the Osage Nation of Indians; which was referred to the Committee on Indian Affairs.

PAYMENTS TO THE ILLINOIS CENTRAL RAILROAD, ETC.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to the resolution of the House of December 12, 1873, in relation to payments made to the Illinois Central and other railroad companies since January 1, 1866; which was referred to the Committee on Railways and Canals, and ordered to be printed.

ABOLITION OF THE FRANKING PRIVILEGE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of State, in answer to a resolution of the House of December 8, 1873, transmitting a statement of expenses incurred by the abolition of the franking privilege; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ARMY EXPENDITURES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a statement of expenditures effected by the reduction or increase of the Army; which was referred to the Committee on Military Affairs.

Mr. COBURN. I think that it is not necessary to have that communication printed.

WILLARD HOWE.

Mr. WILLIAMS, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 1213) for the relief of Willard Howe, of Massachusetts; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads, not to be brought back by a motion to reconsider.

PAYMENT OF COMMITTEE CLERK.

Mr. HARRISON. I am directed by the Committee on Elections to report the following resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, instructed to pay to Henry R. Wells the regular compensation as clerk to the Committee on Elections from the time he actually entered upon duty as such, notwithstanding his failure to be sworn until a later day.

Mr. HARRISON. I will state that a similar resolution was adopted in the case of the Committee on Railways and Canals the other day. The Clerk of the House did not feel authorized to pay the amount unless the party had taken the oath on the first day of commencing his duties. He took it subsequently; and the committee directed me to report this resolution.

The resolution was agreed to.

Mr. HARRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The question was then taken on the motion of Mr. HALE, of Maine, that the House do now adjourn; and it was agreed to.

And thereupon (at four o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. ALBERT: The memorial of Joseph Forrest for compensation for occupation of his property, and for wood cut from his land.

Also, a petition of the State Temperance Union, Grand Division Sons of Temperance, and Independent Order of Good Templars, of the State of Maryland, for the appointment of a committee of inquiry concerning the liquor traffic.

By Mr. ARMSTRONG: Petitions from citizens of Northern Dakota, praying for the organization of the new Territory of Pembina.

Also, petitions of citizens of Yankton County, Dakota, in relation to reserving lands for Menonnite (Russian) colonies.

Also, petitions of citizens of Lincoln, Turner, and Armstrong Counties, Dakota, praying for an amendment of the act to encourage tree culture on western prairies.

By Mr. ATKINS: A petition of sundry citizens of McNairy County, Tennessee, praying the establishment of a post-route from Purdy to Stantonville.

By Mr. AVERILL: Petition of the State Temperance Union of Minnesota, asking for the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. BANNING: Resolutions of the Board of Trade of Cincinnati, against further inflation of the currency.

Also, the petition of Mrs. Frances A. Kusie and others, praying for an amendment to the act of Congress of April 22, 1872, providing for payment of $100 bounty to soldiers who enlisted prior to July 22, 1861.

By Mr. BASS: A petition of Jewett & Root, Pratt & Co., and Pratt & Letchworth, manufacturers, of Buffalo, against the repeal of the bankrupt law, and for its amendment.

Also, a petition of Messrs. Altman & Co., Barnes & Bancroft, Flint & Kent, and other merchants of Buffalo, New York, for amendment of the bankrupt law, and against its repeal.

By Mr. BLOUNT: A petition of the South Georgia Conference of the Methodist Episcopal Church South, for the payment of the claim of the Southern Methodist publishing house, of Nashville, Tennessee.

By Mr. BRIGHT: The petition of W. B. Black and others, of Tennessee, for the relief of Southern Methodist publishing house.

By Mr. CALDWELL: A petition of certain citizens of Alabama, in relation to newspaper postage and the manner of appointing postmasters.

By Mr. CESSNA: A petition of the Grand Temple of Honor and Temperance of the State of Pennsylvania, signed by its officers, asking the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. CHAFFEE: A petition of citizens of Denver, signed by over 2,000, asking the passage of an act to enable the people to form a State government and be admitted as a State.

Also, a petition asking that the branch mint at Denver be put upon a coinage basis.

By Mr. CHIPMAN: The memorials of J. N. Carpenter, M. W. Galt, and others, and Thomas Malone.

By Mr. CLAYTON: A petition and resolutions of the House Carpenters' Eight-hour League and Shop of Mechanics of California, condemning the recommendations of Supervising Architect Mullett, for the repeal of the eight-hour law, and indorsing an editorial on the subject in the Shop and Senate; also a copy of said editorial above referred to.

Also, the memorial of Redick McKee, late disbursing agent of the Indian Department in California, asking certain allowances.

By Mr. COBB, of Kansas: A petition relative to the tree-culture act.

By Mr. COX: A memorial of the Chamber of Commerce of New York State, on the bankrupt law.

Also, a memorial of the Chamber of Commerce of New York State, on the use of electric lights on ships at sea.

Also, another from the same, as to the use of life-rafts at sea.

By Mr. CROUNSE: A petition of citizens of Nebraska, asking Congress to provide for the appointment of a commission to inquire into matters relating to traffic in intoxicating liquors in the United States, &c.

By Mr. DANFORTH: The petition of George Macomber and others, of Cambridge, Ohio, asking that the law of February 14, 1871, be so amended as to grant pensions to all soldiers of 1812 who were mustered into service during said war and honorably discharged.

By Mr. DONNAN: The petition of M. A. Chamberlain and 35 other officers and soldiers of the late Union Army, now residents of Iowa, asking for a modification of the homestead laws so as to dispense with the requirement of actual residence before receiving title to lands located by soldiers and sailors honorably discharged from the United States Army.

By Mr. DURHAM: The petition of Mrs. Elizabeth J. King, praying for a pension.

By Mr. FREEMAN: The petition of Martha J. Waits, praying for a pension.

By Mr. FRYE: The petition of C. E. Barron, and other citizens of Maine, asking for an appointment of a commission of inquiry concerning the liquor traffic.

Also, petition of M. H. Scott and other citizens of Maine, for same.

Also, petition of Moses Stone and other citizens of Maine, for same.

By Mr. HANCOCK: The memorial of Mary K. Brown, widow of James D. Brown, with accompanying papers.

By Mr. HARRIS, of Virginia: Petition and resolutions of the manufacturers of tobacco, at Richmond, Virginia, protesting against the increase of tax on tobacco.

By Mr. HAVENS: The memorial of Edward Dunscomb, late acting assistant surgeon United States Army.

Also, the memorial of Alexander C. Cloud, of Newton County, asking compensation for certain cotton appropriated to Government use.

By Mr. HAWLEY, of Connecticut: A petition of officers and members of the Grand Temple of Honor and Temperance of Connecticut, asking for the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. HENDEE: The memorial of A. M. Gangeson and others, for aid to the Industrial Home School.

By Mr. HOOPER: The petition of Henry Savage, for compensation for his services as acting chargé d'affaires of the United States in Gautemala.

By Mr. HUBBELL: A petition for the improvement of Pine River Harbor, Charlevoix County, Michigan.

Also, the petition of Charles L. Sheldon, and 28 others of Marquette County, Michigan, praying the enactment of a law providing for the issue of convertible United States bonds, bearing interest at the rate of 3.65 per cent. per annum, and authorizing the national banks to hold such bonds as a part of their reserve.

By Mr. LOWE: The memorial of J. H. Frint and others, with reference to irrigation and land grants.

Also, the petition of Judge M. V. Voss and others, for relief of settlers on New York Indian lands in Kansas.

Also, the petition of Marcelles La Croix and others, Indians of the Miami tribe, for relief.

By Mr. McCRARY: The petition of Captain W. G. Allen, and other soldiers of Iowa, praying the passage of an act granting one hundred and sixty acres of land to each honorably discharged soldier of the United States.

By Mr. McFADDEN: A petition of 254 citizens of Olympia, in Washington Territory, praying that the Tide Flats of Budd's Inlet may be donated to the town of Olympia.

Also, a memorial of the Legislature of the Territory of Washington, relative to the Tide Flats on Elliott Bay, adjacent to the town of Seattle, in said Territory.

Also, a memorial of the Legislature of the Territory of Washington, relative to the Seattle and Walla-Walla Railroad and Transportation Company.

Also, a memorial of the Legislature of the Territory of Washington, praying Congress to grant William Packwood three hundred and twenty acres of land as compensation for his exploration and discovery of stone-coal and minerals in the Cascade Mountains of said Territory.

By Mr. MOORE: A petition of 125 citizens of Lawrence County,

Pennsylvania, praying that the postal laws be so amended as to require prepayment of the postage on newspapers; and also that a more simple and equitable method of determining the salaries of postmasters be devised.

By Mr. MORRISON: The petition and resolutions of the Saint Clair Pharmaceutical Association of Southern Illinois, for modification of section 13, schedule C, of the internal-revenue law of 1866.

By Mr. MYERS: A memorial and accompanying papers of General Samuel W. Crawford, United States Army, asking for the rank of major-general on the retired list.

By Mr. NEGLEY: A memorial relative to artificial obstructions to the navigation of the Ohio River.

By Mr. NESMITH: Sundry petitions from the people of Oregon, asking for an appropriation to improve the navigation of the Willamette River.

Also, the petition of R. Bird, Jacob Armsley, and a large number of citizens of Oregon, asking for the appointment of a commission of inquiry concerning the liquor traffic.

Also, a petition of the State Temperance Alliance and Father Mathew Society of the State of Oregon, signed by their officers, asking for the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. NIBLACK: The memorial of Isaac H. Laud, of Perry County, Indiana, praying for a pension.

By Mr. O'BRIEN: The memorial of Isaiah Dewling, acting assistant surgeon, United States Navy, to be appointed to the retired list of the Navy with the rank of passed assistant surgeon, from the volunteer service, on account of loss of eyesight while on duty on board the United States coast survey steamer Corwin, in May, 1867.

By Mr. O'NEILL: A petition of the Religious Society of Progressive Friends, of Langwood, Chester County, Pennsylvania, for the appointment of a commission of inquiry concerning the liquor traffic.

Also, a petition for the relief of John P. Ellison, formerly a private in Company C, Twenty-second Regiment Pennsylvania Volunteers, and Company A, Sixty-ninth Regiment.

By Mr. ORR: A memorial of the Central Temperance League, of Washington City, in behalf of a home for inebriates.

Also, a petition for a mail route from Wolfdale to Oto, in Woodbury County, Iowa.

By Mr. PERRY: The petition of C. K. Curtis, K. Niles, and 24 other graduates of the United States Naval Academy of the date of June 4, 1869, praying that said graduates may take rank and precedence as determined by the date of their graduation.

By Mr. PHILLIPS: Petitions in favor of a prohibitory law, from the National Temperance Society.

By Mr. ROBBINS: A petition of numerous citizens of North Carolina, for a mail-route from Lenoir to Boone, North Carolina.

By Mr. E. H. ROBERTS: A petition of the officers of the Delaware Division of the Sons and Daughters of Temperance, of Franklin, New York, asking for the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. SCUDDER, of New Jersey: A petition of the Grand Division of the Sons of Temperance of the State of New Jersey and subordinate lodges, asking for the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. SENER: The petition of J. R. Garrison and R. M. Shelton, trustees of Methodist church near Garrisonville, Stafford County, Virginia, praying compensation for damages and injuries for use of said church by Federal troops in 1862 and 1863.

Also, the petition of Robert R. Morrison, Moses Morrison, James Morrison, Thomas L. Morrison, George Morrison, and William C. Morrison, praying to be reimbursed for property lost by them during the late war for the preservation of the Union.

Also, the petition of John B. Crenshaw, trustee of Richmond Female Institute, of Richmond, Virginia, praying relief.

By Mr. SHOEMAKER, of Pennsylvania: The petition of James B. Pierce and others, citizens of Luzerne County, Pennsylvania, asking for the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. STONE: The petition of James Clark, private, late of Captain Robert Colven's Company, Pennsylvania Volunteers, for pay and pension.

By Mr. STRAWBRIDGE: A petition of citizens of Bradford County, Pennsylvania, against the free transmission of newspapers through the United States mails.

Also, the petition of Elias Snyder, Chandler Eves, and 974 other citizens of Pennsylvania, in favor of the settlement of all international difficulties by arbitration or other pacific measures, and for the establishment of a high court of nations.

By Mr. SWANN: The petition of the Library and Literary Association of the Society of Friends of Baltimore, Maryland, signed by E. Stabler, jr., president, and George M. Lamb, secretary, asking for the appointment of a commission of inquiry concerning the liquor traffic.

Also, the memorial of Thomas Galloway, late captain Company C, First Maryland Volunteer Cavalry, for change of record in Adjutant-General's office.

By Mr. TOWNSEND: A petition of the officers of the Kennett Branch of the National Temperance Society and the Good Templars of Kennett township, Chester County, Pennsylvania, asking for the appointment of a commission of inquiry concerning the liquor traffic.

By Mr. WARD, of New Jersey: A petition of the Grand Temple of Honor, &c., asking appointment of commission of inquiry concerning the liquor traffic.

By Mr. WOLFE: A memorial of the Indianapolis Woman Suffrage Association, against any legislation by Congress limiting suffrage in the Territories to male citizens.

By Mr. WOODFORD: A petition of druggists of Brooklyn, New York, asking repeal of stamp tax on medicinal preparations.

Also, the memorial or petition of Edward Bissell, for restoration to the pay corps, United States Navy.

Also, a petition of the Kings County Temperance Association, of Brooklyn, New York, asking for the appointment of a commission of inquiry concerning the liquor traffic.

Also, a like petition of J. N. Stearns and others, citizens of Brooklyn, New York.

POST-ROUTE BILLS.

The following bills were introduced under the rules, and referred to the Committee on the Post-Office and Post-Roads:

By Mr. DONNAN: A bill to establish certain post-roads in Iowa.

By Mr. GARFIELD: A bill to establish a post-road between Orwell, Ashtabula County, Ohio, and Claridon, Geauga County, Ohio.

IN SENATE.

TUESDAY, *January* 13, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. MORTON. If there are no Senators desiring to hear the minutes, I suggest that the reading be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the further reading of the Journal be dispensed with. Is there objection? The Chair hears none, and the reading is dispensed with.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, communicating, in obedience to a resolution of the Senate, a statement of the number of officers and employés in, or connected with, the War Department, who have been furnished with official postage-stamps; which was ordered to lie on the table, and be printed.

He also laid before the Senate a report from the Secretary of the Navy, communicating, in compliance with a resolution of January 5, 1874, information in relation to officers or employés of the Department furnished with official postage-stamps; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of L. M. Goddard and others, of Wisconsin, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

He also presented five petitions of citizens of Bent County, Colorado Territory, complaining of the manner in which patents have been issued and sales made of the public lands in that county; which were referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Chair also presents the memorial and petition of DeLorma Brooks, of Wisconsin, representing that he has been despoiled and defrauded of a large amount of property by a decree of the district court of the United States for the district of Wisconsin, affirmed by the Supreme Court of the United States, in flagrant violation of law and justice, and praying that steps be taken to procure an amendment of the Constitution of the United States dispensing with our present judicial system, and substituting therefor arbitration by persons chosen and paid by the parties litigant. The memorial will be referred to the Committee on the Judiciary.

Mr. WRIGHT presented the petition of H. W. Read, with accompanying papers, praying compensation for superintending the transportation of money belonging to the United States from Saint Louis to Santa Fé, New Mexico, in the year 1863; which was referred to the Committee on Claims.

Mr. PRATT. I present a memorial, emanating from a meeting held by working men and women in Philadelphia, on the 4th instant. They pray—

First. That no further national bonds may be issued payable in gold.

Second. That national legal-tender money be issued in place of the existing currency, bearing on its face that it represents a national debt, convertible into United States bonds at the option of the holder.

Third. That the national money be increased until it represents 5 per cent. of the wealth of the country.

Fourth. For amendments to the national-banking law, particularly one prohibiting what are known as "call loans."

I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. MITCHELL presented a letter of the Secretary of War, communicating information in relation to the military reservation at Fort Stevens, Oregon; which was referred to the Committee on Claims.

He also presented a petition of citizens of Southeastern Oregon, praying compensation for property destroyed by the Modoc Indians during the late war with them; which was referred to the Committee on Indian Affairs.

He also presented a petition of citizens of the counties of Marion, Polk, Linn, Benton, and Lane, in the State of Oregon, praying an appropriation of $75,000 for the removal of obstructions in the Willamette River, in that State, so as to make it navigable; which was referred to the Committee on Commerce.

Mr. CHANDLER presented the petition of Robert Halsey, praying for the repeal of the fifth section of the mining law of May 10, 1872, and the amendment of the law in other particulars; which was referred to the Committee on Mines and Mining.

He also presented two petitions of soldiers and the heirs of soldiers, who served in the late war, praying to be allowed one hundred and sixty acres of land, and for the equalization of bounties; which were referred to the Committee on Public Lands.

Mr. CLAYTON presented a memorial of the Legislature of the State of Arkansas, asking for the passage of a law allowing bounties to all soldiers alike, without regard to race, color, previous condition, or record of slavery; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Legislature of the State of Arkansas, asking for the passage of a law to perfect the title to certain lands entered under the graduation act; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Arkansas, asking for the passage of a law providing for the sale of the Hot Springs reservation, reserving to *bona-fide* settlers the right of pre-emption; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Arkansas, asking the General Government to reimburse the State for expenses incurred in arming, equipping, and subsisting the militia called into service during the years 1868 and 1869, to protect the citizens, and quell disturbances arising in consequence of the enforcement of the reconstruction laws in that State; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Legislature of Arkansas, asking that the cotton tax may be refunded; which was referred to the Committee on Finance.

He also presented a memorial of the Legislature of Arkansas, asking Congress to restore the right to, or compensate citizens of, the State of Arkansas for lands of the State surveyed and marked off as a portion of the Indian Territory; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Arkansas, asking that the law authorizing the disposal of the Fort Smith military reservation may be amended, so as to set apart the buildings and a certain portion of that reservation for the use of the United States courts, other portions for a national cemetery, and that the residue shall be disposed of and the proceeds applied for the benefit of public free schools; which was referred to the Committee on Military Affairs.

He also presented the petition of the trustees of Cane Hill College, Cane Hill, Washington County, Arkansas, praying for indemnity for property destroyed during the war; which was referred to the Committee on Military Affairs.

Mr. RAMSEY presented a petition of a large number of citizens of the Territory of Dakota, settlers on the Bois des Sioux River and the Red River of the North, praying an appropriation for the improvement of the Red River of the North, and that a *pro rata* proportion of such appropriation be expended upon that river between Moorhead and Breckinridge; also praying for the establishment of a land district at Chahinkapa, the county seat of Richland County, in that State; which was referred to the Committee on Public Lands.

Mr. CONKLING presented resolutions of the Chamber of Commerce of the State of New York, in favor of the adoption of the monitor life-saving raft for the use of steamships carrying passengers; which were referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of the State of New York, in favor of the use of electric lights at sea; which was referred to the Committee on Commerce.

Mr. SCOTT presented the petition of William Wheeler Hubbell, praying for the settlement of his claim to a royalty for the use of his explosive shell-fuse patents in the naval service; which was referred to the Committee on Naval Affairs.

Mr. HITCHCOCK presented the memorial of Benjamin Holladay, praying to be indemnified for losses to property sustained by Indian depredations while transporting the mails on the overland mail route between the Missouri River and Salt Lake City, Utah Territory, from 1860 to 1866; which was referred to the Committee on Claims.

Mr. FERRY, of Michigan, presented the petition of Rev. A. Owen, A. Sheley, and other citizens of Michigan, praying that the "Chinese indemnity fund" be appropriated for the education of the Chinese in the Pacific States; which was referred to the Committee on Foreign Relations.

Mr. CLAYTON presented additional papers in the case of Captain George A. Armes, late of the Tenth United States Cavalry, praying for an honorable discharge; which were referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FLANAGAN, it was

Ordered, That the petition and papers of L. D. Evans, late collector of the fourth district of Texas, praying relief for losses sustained by him while holding office, be taken from the files and referred to the Committee on Claims.

On motion of Mr. CHANDLER, it was

Ordered, That the petition and papers of B. H. Shepard, of Ann Arbor, Michigan, praying to be allowed a pension, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. ALLISON, it was

Ordered, That the petition and papers of Susan Currier, widow of the late Captain Currier, be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. SCOTT, it was

Ordered, That the citizens of Allegheny County, Pennsylvania, who petitioned for reimbursement of expenditures to prevent the damaging effects of the Parkersburgh bridge upon the navigation of the Ohio River, have leave to withdraw their petition and papers from the files.

REPORTING OF THE DEBATES.

Mr. MORRILL, of Maine. The Committee on Appropriations, to whom was referred the bill (H. R. No. 795) making an appropriation to pay the salaries of the official reporters of the proceedings and debates of the House, have had the same under consideration, and instructed me to report it back with an amendment, and to ask for its present consideration, as it is a matter of importance.

The PRESIDENT *pro tempore*. The Senator from Maine asks for the present consideration of the bill reported by him. It will be read for information.

The CHIEF CLERK. The House bill is as follows:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,185 for the payment of the five Official Reporters of the proceedings and debates of the House of Representatives, during the first year of the Forty-third Congress, said reporters to be paid monthly at the rate fixed by law.

The amendment of the Committee on Appropriations is to insert as additional sections the following:

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,636.12 to pay D. F. Murphy, Official Reporter of the Senate, for reporting the proceedings and debates of the Senate at the special session of March, 1873, according to the arrangement made with him by the Committee on Printing of the Senate, which was reported by said committee to the Senate on the 21st day of March, 1873.

SEC. 3. That there is hereby appropriated for reporting the proceedings and debates of the Senate for the congressional year ending March 4, 1874, the sum of $6,000, or so much thereof as may be necessary, which sum shall be added to the contingent fund of the Senate, and be disbursed by the Secretary of the Senate under the terms of the resolution aforesaid.

Mr. MORRILL, of Maine. It is due, perhaps, to the Senate that I should make a statement of the facts upon which the bill is reported.

At the close of the Forty-second Congress the contract for publishing the Globe and reporting the debates in it with Rives & Bailey expired. That left the reporting without anybody to perform the service. The House, on its part, assuming that it had a right to provide for its own reporting, passed a resolution by which it made the reporters under the old contract its official reporters, and fixed their salary at the rate of $5,000 a year, and the sum of $25,000 named in the House bill is to cover that salary, they having five reporters, paid at the rate of $5,000 each for one year, ending on the 4th of March, 1874.

The amendment to the bill is to provide for the reporting on the part of the Senate. A provision was made by the Senate Committee on Printing by which the compensation which had been fixed under the old contract was applied to our reporters, and by the resolution passed by the Senate on the recommendation of that committee it was established at the old price, and the present reporter was declared to be the Official Reporter of the Senate for the time being. In the House it will be seen that the compensation is fixed by a salary; the compensation in the Senate is fixed upon the basis of piecework—if I may express myself in that way—so much for a thousand ems.

Mr. CONKLING. On the basis of what?

Mr. MORRILL, of Maine. On the basis of a thousand ems.

I have now stated the bill and amendment.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CONKLING. Before the Senator from Maine takes his seat I propose to see, if the Chair will permit me, whether I want the bill to go over, that I may look at it, or not. I should like to know from the Senator from Maine whether, for the year ending March 4 next—the twelve months between March 4, 1873, and March 4, 1874—the reporters in the House will have received $5,000 each, and the reporters in the Senate, for precisely the same time, $1,000 and something over each?

Mr. MORRILL, of Maine. As I understand, the law is as I have stated; and the effect is a matter of inference, of course. I do not understand that the House was in session after the 4th of March until the 1st of December. Consequently, up to December 1 I suppose there

was no reporting done; but a resolution of the House was passed on the 3d of March last fixing the salaries, which of course covers the vacation, and the compensation of the House reporters is as well for the time between March 4 and December 1 as since that time. That is my understanding.

Mr. CONKLING. And that is $5,000 a year?

Mr. MORRILL, of Maine. Yes, sir.

Mr. CONKLING. And for Senate reporters how much?

Mr. MORRILL, of Maine. The Senate reporters, by the contract, which is of a different character, get paid for precisely the work done.

Mr. CONKLING. And that comes to how much?

Mr. MORRILL of Maine. To sixteen hundred and some odd dollars for the extra session; and then their compensation begins with this session.

Mr. CONKLING. Without due information on this subject, I do not wish to express any opinion at this time. I wish, however, to make one suggestion. If, by reason of a contract or a law amounting to a contract, we have no discretion except that which good faith in the execution of an obligation leaves us, there probably is little, perhaps nothing, to be said. If, however, we are to legislate in the ordinary acceptation of that term, in order to determine what is right, I am struck by a consideration which in a moment I can state. The last Congress expiring on the 3d of March last, the end of that parliamentary day, the House never reconvened until the first Monday of December, which was only the other day. On the contrary, the Senate did convene, not for executive business merely, but to consider, among other things, a long contested-election case. We sat here for weeks, and, my recollection is, sat rather more than the average number of hours per day. During all that time the reporters of this body—and certainly I shall not disparage the House reporters when I say that no reporters are more skillful or faithful than the reporters of this body—sat here and performed work which, measured by the thousand ems, at the regular price, amounts to $1,600, and only $1,600. During that time the reporters of the House performed, and can have performed, no service whatever. Now, as the result of this bill, the reporters of the House are to be paid $5,000 each, all of which is unearned except that which falls between the 1st of December last and the 4th of March next, and the reporters of the Senate, who have performed an amount of work so large as to amount as piecework measured by ems to $1,600, are to receive precisely the fixed equivalent for what they have actually done.

If the House has placed us in this position, as I said before virtually withdrawing from us all discretion and leaving us nothing to do but to perform or refuse to perform an ordinary obligation, I repeat perhaps very little can be said; but certainly my honorable friend from Maine will agree with me that if this question was before his committee, or if it is within reach of the Senate, we should hardly in this time, when "back pay" is not so fashionable as "back pay" once was, vote to reporters of either House $3,400, if not $5,000, for nothing, while at the same time we are adjudging that had they rendered service for a length of time as long as that during which this House sat, $1,600 would be an abundant reward for the service rendered.

I do not know that I shall interpose an objection to the consideration of this bill; and yet, unless my friend from Maine is prepared to assure us that we cannot exercise our discretion here to make this right without violating a contract, I think it had better lie over, to the end that we may consult a little and see it, and judge what we can do.

Mr. MORRILL, of Maine. Will the Senator allow me to make an explanation before he makes the objection?

Mr. CONKLING. Certainly.

Mr. MORRILL, of Maine. I have stated the general facts controlling the case. The House did pass a resolution by which they undertook to make a contract in the nature of law with these parties fixing their salary at $5,000. Now, whether technically that is the law or not, the Senator is quite as competent to judge as I am, and perhaps as any man on the floor. The Senate committee were disposed to regard it as a contract, if not in law technically, still by comity, because such has been the practice of these bodies; and particularly as we find ourselves involved in precisely the same predicament. We did undertake to fix a compensation for our reporters, and they are acting upon it now. They are either acting upon a *bona fide* contract, or they are acting under a total misapprehension. My own belief about it is that, regarding the usages of these two bodies over their own employés, we are bound to consider the resolution of the House in the nature of a contract, as we are the resolution of the Senate employing reporters, and should appropriate accordingly.

The committee felt obliged to regard this as a contract, and particularly as the Senate has participated practically in the same thing; and it does not seem to me that we are in a predicament to go back upon it. But the Senator from New York will observe that we have limited this whole arrangement to the 4th of March following, within which I take occasion now to admonish the Senator from Rhode Island, [Mr. ANTHONY,] or would if he was in his place—accidentally, for the first time, I believe, in several days, he is now out of his seat—that some definite arrangement ought to be made by the joint consent of the two Houses in regard to the publication of our proceedings; and, therefore, we have limited the action of Congress upon this whole subject to the 4th of March next.

I hope my honorable friend from New York, on the whole, will come to the conclusion, although there is a great deal in what has been suggested about drawing the salary, yet that it is a compensation fixed unquestionably in good faith on the part of the House with reference to their employés by a usage which I think has obtained in both branches, and will not feel that he ought to interpose an objection to the present consideration of the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. DAVIS. Whether or not there is a remedy, I of course leave to Senators of more experience than myself; but the result of this bill is that the Senate reporters, including the extra session, according to the calculations, up to March 4, 1874, get $7,600, and the House reporters get a little upward of $25,000; so that while the reporting of the debates in the Senate will cost $7,600 for the year ending the 4th of March next, the House reporting will cost $25,000 and a little upward. Perhaps it results from a regulation in the House of a fixed salary and here by the thousand ems; but that is the practical result of it.

The PRESIDENT *pro tempore*. The Chair will assume that there is no objection to the present consideration of this bill. It is before the Senate as in Committee of the Whole, and the question is on the amendment reported by the Committee on Appropriations.

Mr. SHERMAN. Upon the amendment I have but a word to say, and that is, that in my opinion we ought to now fix the question of the compensation of these reporters, and I think by a salary. I am inclined to believe that my friend from New York was mistaken in supposing that the pay of the Senate reporters would be less under the provisions of this bill than the House reporters. I have no doubt the pay of the Senate reporters will be more, and I think it ought to be more. The Senate reporters are confined here a greater number of hours; there are but two of them who constantly take notes, and they have, consequently, more work to do than the House reporters, and they ought to have a liberal salary, because their art is a very difficult one to acquire; they are very skillful in their art, and probably none surpass them in the United States. They ought to be well paid, but I think they ought to be paid by a fixed salary.

I wish therefore, if possible, as the House has already abandoned the habit of paying by the thousand ems—a very indefinite measure to outsiders like ourselves—to have a fixed salary for our reporters. That might give some motive to cut down these debates. I am willing to vote any salary to the reporters of the Senate that a committee of the Senate—the Committee on Appropriations or the Committee on Printing—may allow; but I am not willing to do anything more now than carry out the resolution of the Senate during the last called session, that for that session we shall pay the reporters at the old rate; and so, perhaps, until a new contract can be made. But I suggest, as an amendment to the amendment, that after the 4th of March next the compensation of the reporters of the Senate shall be fixed at an annual salary, to be reported by the Committee on Printing. The House have provided $5,000 a year. There may be reasons why the Senate reporters should have a larger salary, because they are here more hours. There are but two of them doing the note-taking regularly, while there are five in the House. I propose to leave the amount of the salary to the Committee on Printing; but I would prefer a compensation at so much per annum, to be fixed by the Committee on Printing. I am perfectly willing to leave to that committee the adjustment of this matter, because they are better informed than I am. I move an amendment to the amendment:

That after the 4th of March the compensation of the Senate reporters shall be fixed by contract at an annual salary, to be paid monthly; the amount thereof to be arranged by the Committee on Printing.

Mr. CONKLING. If there were nothing but the regular sessions of Congress to be taken into consideration, it might be feasible to fix for the reporters' salary that the salary in each House should be the same; but when you come to called sessions of the Senate particularly, and the repeated unusual sessions of Congress that we have had in the past, and may, to some extent, have in the future, it would be pretty difficult, I should say, for the committee on the one side or the reporter on the other to undertake for a compensation measured by the year to do all the work falling within the year. It might, contrary to his expectations, occur that a called session would take place, and he would be occupied two or three months, which he might otherwise devote to the practice of his art in other fields. I suggest that merely to the Senator from Ohio for his consideration.

I wish also to ascertain whether the Senator is right in supposing that I have fallen into an error about this comparative compensation. The Senator says, as I understand him, that I am mistaken in supposing as to the past, namely, as to the period from now back to the 4th of March last, under the resolution of the House, the House reporters receive the most.

Mr. SHERMAN. That is not what I said. I meant that, taking a Congress through—taking the compensation of the Senate reporters for the two months of the session now passed, and adding it to the compensation they earned in March of last year and the compensation they will draw under the present arrangement, it is, probably, higher than a salary for the year would be.

Mr. CONKLING. That may be so; I had not all that in mind; and the Senator doubtless knows what he says. The point to which I called the attention of the Senate, and to which I again invite the

attention of the Senator from Ohio, is this: under this bill, as I understand it, the Senate reporters are to be paid for what they earn, and nothing more; while at the same time the House reporters are to be paid a large sum of money, to wit, $5,000 a year, for which, less the unexpired period from now to the 4th of March, they have rendered no service whatever. Will the Senator from Maine tell me whether I am right in that?

Mr. MORRILL, of Maine. That is true.

Mr. CONKLING. Now, Mr. President, the Senator from Ohio, and the Senate, as far as Senators attend, will see the point. Unless the Senate is constrained by a contract, which cannot be violated except by bad faith, we are voting to pay a large sum of money, thirty-five hundred or four thousand dollars each, amounting to eighteen or twenty thousand dollars for a past period, during which period not one ounce of service was rendered by those who are to receive it. I say again with the Senator from Maine, as far as this is a question between the Senate and the House, it would be governed by considerations of courtesy—comity, I think my honorable friend styled it. As far as it is a question between Congress, as I suppose it to be, on the one side, and the persons who are to receive this money on the other, it is a matter of contract and good faith. But if the question can escape those two considerations so as to be committed to the discretion and conscience of every member of this body, then I say, whoever these gentlemen may be, however meritorious they are, the simple question is, whether the Senate is going to vote, applicable to a period already past, a large sum of money for which no service whatever has been rendered. I venture to say that there is no Senator, however kind might be his inclinations toward the particular claimants, who would for one moment entertain the idea if, as I said before, it is a new question, open to his unrestricted discretion and conviction, of voting away $20,000 for a past period for which no equivalent whatever has been rendered. So I have said. My honorable friend from Maine [Mr. HAMLIN] reminds me that it runs up to the 4th of next March. But the point is, it not only pays the legal and contract rate for all service to be rendered between the 1st of December and the 4th of March, but it goes back and pays for all the period between the 1st of December and the 4th of March last, during which time there was no session of the House, and no possibility of the performance of any service. That is the point.

Now, Mr. President, if this be a contract—and I do not understand the Senator from Maine [Mr. MORRILL] to have said that, although he says the committee were disposed to so treat it even if technically it might be otherwise—if it be a contract, so be it. If it is nominated in the bond, be it the pound of flesh or anything else, the bond must prevail. If, on the contrary, it is a question of comity or etiquette between the two Houses, and the House of Representatives say, "In courtesy we have the absolute *jus disponendi* of a question of this sort, because it is our own," and if we cannot interfere with it without an impropriety, certainly I acquiesce in that; but if I am called on to vote upon my conscience and my judgment, and the case is such that I have the right to judge of it, then I must say that I do not see how, sitting here as a trustee voting away trust-money, I can justify myself in voting $20,000 of back pay for a period of time during which no service whatever was performed.

Mr. MORRILL, of Maine. I think this general fact may be stated in regard to the compensation of the reporters of the House: that the compensation which the House fixed would not be much in excess of the compensation which they would have received under the rule by which our reporters are now receiving pay; and therefore it would not be a question of a salary greatly in excess of the ordinary pay. It is true, unquestionably, as the Senator from New York says, that while doing very little or nothing, they have been receiving a portion of this pay, but he fails to remark that now the time has come when they are to earn this salary. The House thought that a salary of $5,000 was not excessive; and probably it was not excessive. It is not as much, perhaps, as we are paying our own reporters to-day, and the only question which can arise which can address itself to the Senate here at all, is, whether the fact that this is a proposition to pay the reporters of the House for a period of time when they were doing nothing, considering that now the time has come within which they are to do all the work, really affects the equity of the case. I do not see that it does. I do not see that they stand any different from other officers who are paid by a salary instead of being paid by their work.

Mr. MORTON. If the arrangement of the House is to pay their reporters a salary of so much per annum, what have vacations to do with it? Members of Congress get so much per annum, and they get it monthly, without regard to vacation or session; and so it would be with any employés paid by the year. The Senate pursues a different system at present—pays by the job. Which is the more economical I believe the chairman is not ready to say.

Mr. MORRILL, of Maine. I think the salary would be the more economical.

Mr. MORTON. I hope we shall pass the bill.

Mr. SHERMAN. I wish to make one observation more. The argument of the Senator from New York is sufficiently answered by the statement of the Senator from Indiana. This is a question of compensation, and we have always adopted the principle of salary rather than compensation by a rule that we cannot understand. The chairman of the Committee on Printing not being present at the moment, I was informed by his clerk that that committee had under consideration this question. If so, I do not want to embarrass it. I wish to observe, however, that my object in preferring a salary to a compensation such as is proposed to the Senate reporters, is this: I want to exclude from our published records here everything that does not pertain to the debates of the Senate; and we know that this mode of paying by ems—I do not know precisely what they are, but I know printers use that term very often—does tend to increase the volume of the published debates. The object of Congress ought to be to reduce as far as practicable the volume of the RECORD. Therefore, I trust that in any arrangement that may be made hereafter, they will have some amount of compensation that will induce, so far as proper, the reporters to condense the debates of Congress, and certainly not to put in more than has been uttered on the floor of the Senate.

Under the circumstances, as the Senator from Rhode Island is now present, I will withdraw my amendment, upon the understanding that the Committee on Printing are considering this subject, and that the bill now before us only extends to the 4th of March next.

Mr. ANTHONY. I was not in when the Senator from Ohio put the question to me; but it will be remembered that at the end of the last Congress the contract for publishing the debates in the Globe ceased—ceased by law—and at the opening of the special session of the Senate there was no law for publishing the debates, or would have been none but for the fact that a provision was put into an appropriation bill directing the Committee on Printing on the part of the Senate to make a temporary arrangement; and the power was confided to the committee on the part of the Senate, not including the House committee, because at that time there would be no Committee on Printing on the part of the House. Under that provision, under that instruction, the Committee on Printing on the part of the Senate made an arrangement with the chief of the old reporting corps to continue the work, at precisely the compensation which had been paid for it before, until we could have time to make a new contract, which we of course preferred to do in consultation with the committee on the part of the House. I notice that there is a bill before us now, sent over by the House, placing the RECORD under the charge of the Committee on Printing of both Houses instead of under the charge of the committee of the Senate alone, which is very proper and very much in accordance with the wishes of the committee on the part of the Senate. We have thought it better to make a contract with one man for reporting the Senate debates and hold him responsible, he employing his assistants. In the House they make a contract with a certain number of reporters, they employing their own assistants, and paying them a fixed salary.

Mr. SHERMAN. Employing this one man, would it not be better to fix a gross sum rather than fix it by a rule which tends to amplify the debates? That is the question.

Mr. ANTHONY. It is very difficult to do that justly; and there is no amplification. There is nothing put in the RECORD that is not said on the floor of the Senate. Undoubtedly, it would be a very great advantage if the RECORD could be edited and the unimportant and irrelevant matter left out; but I would not edit it for $50,000 a year; and, after all, there is a very great advantage in having in an authentic form a complete literal record of everything that is said in both Houses of Congress. There are more than two bushels of chaff to two grains of wheat; but the two grains of wheat are worth finding, and there are times when the light which a discussion throws upon a law is of very great importance. Although I am not very patient of debate, and although I know there is an immense amount in this publication that is entirely useless, still, upon the whole, I think we should make a mistake if we changed the form and reduced it from its present literal completeness.

Mr. MORRILL, of Maine. I desire to say one word for the benefit of the Senator from Rhode Island. The Committee on Appropriations have made this appropriation with reference to the termination of the present arrangement for the compensation of our reporters on the 4th of March next, in the expectation that some arrangement by the proper committee will be made or brought before Congress to provide for the future compensation, which shall be in harmony in both branches; and I desire to invite his attention to that subject.

Mr. ANTHONY. There is ample time for that, and it has been delayed only because there was no provision for placing the work under the charge of both committees; and although I do not wish to violate parliamentary propriety by making any reference to what was said in the other House, yet if there is any jealousy on the part of the House that the whole of this business is in the control of the committee on the part of the Senate, the members have only to remember that at the time that it was put in the control of the committee on the part of the Senate there was no committee on the part of the House.

The PRESIDENT *pro tempore*. The Senator from Ohio withdraws the amendment proposed by him, and the question is on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

On motion of Mr. MORRILL, of Maine, the title of the bill was

amended so as to read: "A bill making appropriations to pay for reporting the debates and proceedings of Congress."

BILLS INTRODUCED.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 290) changing the present boundaries of the eastern and western judicial districts of Texas; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. FLANAGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 291) to create a port of delivery at Jefferson, Texas; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. BROWNLOW asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 292) for the relief of the trustees of the Tennessee Hospital for the Insane at Nashville, Tennessee; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CROZIER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 293) authorizing the sale of a portion of the Fort Leavenworth military reservation to the Kansas Agricultural and Mechanical Association for fair grounds; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. DENNIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 294) for the relief of Thomas Galloway, late captain Company C, First Regiment Maryland Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOREMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 295) for the relief of the trustees of the Methodist Episcopal church at New Creek, West Virginia; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 296) to establish a reservation for certain Indians in the Territory of Montana; which was read twice by its title, referred to the Committee on Indian Affairs, and, with papers presented by him, ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 297) to authorize the Secretary of the Interior to use certain unexpended balances of appropriations remaining on the books of the Indian Office June 30, 1873; which was read twice by its title, referred to the Committee on Indian Affairs, and, with papers presented by him, ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 298) to increase the pension of Harriet DeWitt Mitchell, invalid daughter of the late General O. M. Mitchell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill(S. No. 299) to establish the Bismarck land district in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SUMNER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 300) providing for a bust of the late Chief Justice Chase, to be placed in the room of the Supreme Court; which was read twice by its title, referred to the Committee on the Library, and ordered to be printed.

JOINT COMMITTEE ON THE STATE OF THE NAVY.

Mr. HAMLIN submitted the following concurrent resolution; which was read, referred to the Committee on Naval Affairs, and ordered to be printed:

Resolved by the Senate, (the House of Representatives concurring,) That a committee of four members, two of whom shall be members of the House and two of the Senate, shall be appointed, who shall inquire into the condition of the Navy of the United States, its adaptability to the necessities of the country, the method of enlisting for the Navy, the system pursued at the dock-yards, and report what changes, improvements, and suggestions are necessary to bring it to the highest state of efficiency; and that the report of said committee shall be presented to this Congress at the opening of the second session.

Resolved, That the joint committee to inquire into the state of the Navy can have associated with them two officers of the Navy, either from the active or retired list, not below the rank of commander, to be selected by the Secretary of the Navy, and may request as secretary a captain or commander from the active list of the Navy.

REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. STEVENSON. I ask unanimous consent of the Senate to take up a resolution reported from the Committee on the Library yesterday morning, to supply certain vacancies in the Board of Regents of the Smithsonian Institution. It was objected to at the time by my friend from New York, [Mr. CONKLING,] who has no objection now. This action is necessary at once, because these vacancies exist, and before the board can meet they must be supplied.

There being no objection, the Senate proceeded, as in Committee of the Whole, to consider the joint resolution (H. R. No. 35) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

The resolution proposes to fill the existing vacancies in the Board of Regents of the Smithsonian Institution, of the class other than members of Congress, by the appointment of Asa Gray, of Massachusetts, in place of Louis Agassiz, deceased; of J. D. Dana, of Connecticut, in place of Theodore D. Woolsey; and of Henry Coppée, of Pennsylvania, in place of W. B. Astor; and John Maclean and Peter Parker, whose terms have expired, are reappointed.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The Chair appoints the Senator from California, Mr. SARGENT, to fill the vacancy in the Board of Regents of the Smithsonian Institution on the part of the Senate.

SPECIE PAYMENTS—THE CURRENCY.

The PRESIDENT *pro tempore*. If there be no further morning business the Senate will resume the consideration of the resolution reported by the Committee on Finance on the 10th of December last, upon which the Senator from New Jersey [Mr. FRELINGHUYSEN] is entitled to the floor. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That it is the duty of Congress, during its present session, to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows: "And the United States also pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin;" and the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

Mr. FERRY, of Michigan. Before the Senator from New Jersey proceeds, will he yield to me for a moment?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. FERRY, of Michigan. Mr. President, sharing the public anxiety that the Senate should act upon the question of finance in a manner that shall give tone to financial interests and reanimate the business confidence of the country, I am to that end desirous of stripping every other consideration from the primary one which I think will effectually restore confidence to the country. The increase of currency, in my judgment, is that primary act, and the principal one, which will have in its effect the restoration of confidence by assurance of adequate circulation, and thereby in effect unlocking the currency which is now withheld by individuals and by banks. Not withdrawing, but waiving for the present subsidiary features of the plan which I have had the honor to propose as a remedy for existing evils in our financial affairs, I shall now so far remedy my substitute as to narrow down the question to the moderate increase of currency, and upon that I shall invite a vote of the Senate; and when it shall have expressed itself upon that feature, I shall then offer the others *seriatim*, that the Senate may on the different features I propose express itself, and thus give its judgment to the country.

I therefore withdraw my former substitute for the resolution, and ask that this may take its place:

Strike out all after the word "Resolved" in the committee's resolution and insert: "That the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will restore commercial confidence and give stability and elasticity to the circulating medium through a moderate increase of currency."

Mr. FRELINGHUYSEN. Mr. President, while fulfilling my obligation to render what aid I may in solving the important financial problem before us, I shall hold myself free from all advocacy even of the measure which I shall suggest; and I shall hold myself ready to act with unbiased judgment on all worthy propositions in reference to this important question.

In my view the evils resulting from the character of our currency, the many pledges which we have made in reference to it, and the duty that rests upon us growing out of the provision of the Constitution, that we may regulate the value of money, forbid that we longer procrastinate this subject, and demand its present consideration.

Let me premise, that we are not bound now to consider the whole subject of political economy as it affects our financial system. We as a people may have imported too much; we may have lived too luxuriously; we may have exhausted our credit by untimely and extravagant expenditures, even in behalf of imporant and valuable internal improvements; and these causes may have tended to produce our financial disaster; but these are considerations with which we are not now directly dealing. The question that we have to do with is our monetary system, and nothing else.

We must remember, too, that financial credit by no means rests alone on the currency of a country, be it convertible or inconvertible. It rests on property, on capital, on skill, on enterprise, on industry, and on all that gives the ability to keep the promise of payment and that gives the assurance that the promise will be kept. Credit rests on the assurance and the confidence that the promise will be kept. Why, sir, all the mines, mints, machines for printing in the land, pouring out coin and currency continually could not supply a sufficient circulation to transact the business of the country if confidence be banished. With confidence a hundred dollars will pay thousands. Without confidence it will not pay the sum nominated on its face, because it will not circulate but will be hoarded.

The soundness of the currency is one element in creating and preserving this confidence. It is a very important element, and it is the only one with which we have to do. I make this suggestion for the purpose of reminding us that the credit of the country may not be established or business prosperity restored necessarily by any monetary system that we may devise, be it ever so perfect; but we can do much by giving the country a sound currency.

The problem we have before us is this: How shall we establish a proper volume of currency for the business of the country, and how place it and keep it at par, at home and abroad, when measured by the world's index or standard of values, which is gold? I do not say that the world's standard of values should be gold. Perhaps our beautiful greenbacks, our five-twenties or our ten-forties—perhaps that dreamy, undefined thing called "the great wealth of the nation," ought to be the standard of value. I am not theorizing or dealing with ethics, but with facts. The world's standard of value is gold, and every Senator knows it. The question is, how shall we get a proper volume of currency and bring it to the world's standard at home and abroad?

Let me name, though not elaborate, a few pertinent and unquestionable financial truths:

First, the principal use of currency is for the purposes of daily private traffic, and to settle balances. The great bulk of the business of this and other countries is not transacted with currency but by means of book accounts, bonds and mortgages, barter, due-bills, promissory notes, bills of exchange, and checks. Why, sir, the checks of this country pay a hundred times the amount of debts that the currency does. Experience shows that in England checks alone in a given time pay of debts and exchanges one hundred and thirty-five times as much as money.

Then, as currency represents so inconsiderable a portion of the business transactions of the country, it is very clear that our financial prosperity does not depend upon the amount of our currency. Whether our currency were $700,000,000 or $800,000,000 convertible into coin would be a matter of very little importance. If it was the larger sum more business would be transacted in currency; and if the smaller sum it would only discover greater ingenuity in devising means to economize the currency, as we have recently seen in New York. There is a convenient amount of currency necessary for the purposes of daily traffic and to settle balances; but whether that amount be seven hundred millions, or seven hundred and forty millions, or eight hundred millions, convertible into coin, is very immaterial. If the currency be irredeemable paper, mere promises to pay, then of course the more of those promises there are out the farther is it removed from having the essential qualities of money.

I make this suggestion for the purpose of calling the attention of the Senate to the fact that our financial troubles are not to be cured by increasing our currency fifty or sixty millions, and if any one believes so he is cherishing a grave error and a delusion.

Secondly, while little depends within certain limits on the amount of the circulation, everything depends—financial prosperity or adversity depends—upon the character of the currency; and for these reasons: We make the currency of the country the index and standard of values, a standard affecting every one of the millions of transactions which constantly occur. Every contract is based and predicated on the currency. The "dollar" is the essential thing in every contract. Now if that dollar is not an index of values, but is itself subject and subordinate to the true standard of values, gold, so that it rises and falls in value from month to month and week to week, as from various considerations it is more readily or with greater difficulty converted into coin, of course all business transactions and contracts are changing and fluctuating, and these changes discourage and embarrass business and prevent true prosperity. The change in the value of the dollar in which the contract sounds, must be to the injury of one party and to the undue advantage of the other, and the affairs of life thus become a game of chance, which in the long run is disastrous to all.

To illustrate: Suppose in 1860 I sold a lot for $1,000; in 1863, the interest having been paid, the purchaser owes me $1,000 in gold, or owes me $2,800 in currency, because gold in 1863 is worth 280; but the contract is not regulated by the permanent dollar, but by the uncertain and changing dollar, and instead of his owing me in 1863 $1,000 in gold or $2,800 in currency, he owes me $357.14 in gold or $1,000 in currency. This is a strong illustration, but it brings out the effect of a fluctuating currency.

Take another illustration which I saw stated somewhere. A merchant buys an invoice of goods in Europe on four months' time; he brings the goods here and sells them at what he supposes will remunerate him, and gets his pay; but in the mean time gold has risen in value and he meets with a loss, or gold has fallen in value and the purchaser meets with a loss.

This fluctuation has for ten or twelve years embarrassed the business of the country, and unless our currency is brought to a gold basis the difficulty will continue and increase.

It is said, however, that our currency and gold have now so approximated that the same difficulty does not exist. That is only temporarily true. We know that during the continental wars England sent gold to pay her troops and to support them, and the Bank of England was obliged to suspend, and remained suspended for twenty years. During that time there were many periods in which gold and notes very nearly approximated, but yet the bank could not resume. Who will give the assurance that this approximation of gold will continue? The panic has induced people to hoard the currency, and the demand being greater than the supply it has appreciated in value; but it will again depreciate. Remember, gold is not only a standard, not only an inactive index; it is also valuable and necessary for currency. It must be had to pay duties, to pay foreign balances, to pay the interest on our bonds, while at the same time we are excluding it from our circulation because it cannot commingle with our currency. Thus causes are at work to make the supply of gold small, the demand considerable, and the price high; so that the approximation of the price of gold and greenbacks is only temporary. This fluctuation in the currency which we make our standard of values, affecting every contract, will continue to increase unless we come to the true standard, gold.

Thirdly, our currency should not only be divested of this fluctuating nature, but it should have all the characteristics of money, and that all over the world. Our currency performs many of the offices of money; but it is nothing else—no one can gainsay or deny the proposition—it is nothing more than a promise to pay money. And observe—for it seems to me that here is the strongest argument for resumption—our currency derives its chief value from the expectation that its promise will be kept, and that it will be redeemed in coin. Were it settled that one promise was only to be paid by another promise, one piece of paper by another piece of paper in infinite succession, the purchasing power of our currency would constantly become less; the depreciation would create the necessity for a larger volume of currency, and the increased volume produce greater depreciation.

It is said that our currency if permanently inconvertible would still be valuable, because by force of law it has the capacity to pay debts. That is true only in this country, which is only a fractional part of the world's market. And, besides, let it be understood by our want of action that our currency is not to be redeemed, and contracts will be so formed and shaped that they cannot be satisfied by irredeemable and depreciating paper.

It is said again that our currency, though inconvertible into coin, will buy bonds. But the United States must some day stop selling bonds, and irredeemable paper will have no more capacity to purchase bonds of any party other than the Government than to buy any other commodity.

It is said again that our currency is good, though inconvertible, because sustained by the whole wealth of the nation. What is the meaning of the phrase "the whole wealth of the nation?" The bill-holder cannot issue an execution. The wealth of this nation is a matter of no interest to the bill-holder if we sitting here refuse to appropriate any part of this great wealth for his benefit. It is a delusion to suppose that the nation's wealth makes the greenbacks good if we say that we will not pay them. Our currency is valuable because of the expectation that it will be redeemed in coin, and is valuable just as that redemption is near and probable. Let us place and keep our currency at par by making its convertibility into coin not an expectation but a realization.

Our currency, too, is unworthy of the nation, and inadequate to the business of the people, unless it is good everywhere and for every purpose. We are not an isolated people. We have business relations with every part of the world. The advance of civilization, the submarine telegraph, and the ocean steamer, have made of all the nations of the world a republic, of which we are a prominent member. Our business relations extending everywhere, our currency should be good wherever our trade finds its way.

It may be said that, if our legal-tenders were convertible into gold, they would not be received in Europe. Perhaps not; yet that is a subject upon which we have no experience. We have never yet had a currency of the nation readily and surely convertible into coin. The notes of the Bank of England are received in settlements by the merchants of this country, and those notes circulate freely on the continent of Europe. Why, in the rapidly increasing intercourse between this country and Europe, may it not be that the specie-paying notes of the United States will be received there, and we thus profit by the credit?

Mr. MORTON. Will my friend allow an interruption to ask a question?

Mr. FRELINGHUYSEN. Certainly.

Mr. MORTON. The Senator speaks about the notes of the Bank of England circulating freely on the continent of Europe. I desire to ask him to what extent that circulation takes place, and if it is not a very rare thing to meet with a note of the Bank of England anywhere on the continent or to meet with a note of the Bank of France in England?

Mr. FRELINGHUYSEN. I cannot inform my friend of the amount of the circulation; but I well know the fact that those notes circulate freely, and are the best possible currency that travelers can get who are traveling on the continent of Europe.

Mr. MORTON. That brings me to another point, if my friend will allow me. I ask him if American gold at any time ever circulated in England or anywhere upon the continent of Europe? Was it not shipped simply in bullion?

Mr. FRELINGHUYSEN. I think that is so, and for reasons not affecting this question.

Mr. FERRY, of Michigan. I do not wish to interrupt at all, but the Senator from New Jersey has stated a point that I should like a little explanation upon; and if it will not embarrass him I should like to interrupt him now.

Mr. FRELINGHUYSEN. Just as the Senator pleases. I would prefer that he should wait until I get through; but I am willing to hear him now.

Mr. FERRY, of Michigan. The Senator prefers that I should wait till he concludes, but as my question is in regard to a statement that has just fallen from his lips, I prefer to put it now. He says that this country has had no experience of the convertibility of the issues of the Government, either directly or through its banks. I want to call his attention to the old demand notes, and ask him if, upon the fifty or sixty millions of those, we had not the very experience which he states now that the country has not enjoyed?

Mr. FRELINGHUYSEN. I do not think we ever had a national currency readily convertible into gold. The demand notes were receivable for dues, and that gave them no value abroad. But, be that as it may, one thing is certain, that if our currency was convertible into coin it would afford a suitable and fixed index or standard by which all contracts with other parts of the world could be measured, and it would command readily that circulating medium which would pass everywhere. With such a currency the gold money of the world would flow in and circulate here as in other specie-paying countries, and we should have an increase of circulation without inflation. The large quantities of gold that came to this country a few months since for the purpose of purchasing and moving commodities did not relieve the panic because they did not enter into the circulation, for we have little more gold than diamond circulation. Canada is flooded with silver, but it does not cross the Saint Lawrence, because it cannot commingle with our currency. Our circulation is provincial. Make it cosmopolitan, and the world's monetary currents will visit and enrich us. A quarter of a century ago one of our ablest statesmen said this:

> One of the highest functions of money is to measure values. That is a function which paper cannot perform. The measure of values must itself possess intrinsic value, and must itself be free from sudden or material variations of value. It must have a uniform and a universal value. As well might you attempt to make a measure of lengths out of that which has no length; a measure of weight out of that which has no weight; a measure of quantities out of that which has no capacity to hold any quantity, as to endeavor to make a measure out of that which has no intrinsic value. The precious metals alone can constitute a measure of values; paper money can measure the value of nothing, not even of itself.

Mr. President, it is not only to remove the fluctuating and provincial character of our currency, not only because its chief value results from the uncertain expectation that it will be made convertible, but it is especially because the faith and honor of the nation are pledged to redeem our promises that we are bound to return to specie payments. And, sir, we are bound to do it speedily, because we have the ability to do so, and that, too, without injury to business or to trade, not by a destructive contraction, but by a healthful expansion.

But before coming to the measure of redemption which I shall suggest, let us see if the faith of the nation is not pledged to pay its legal-tenders in coin now.

Here is a legal-tender note. It is the best of our currency. Bank circulation is redeemed by it. It says on its face, "The United States will pay to bearer one dollar." This it says when the United States exacts specie dollars for duties, and renders its bonds marketable by making the interest payable in gold. The one dollar to be paid is a gold dollar; it is something different from the paper on which the promise is written.

It is said "This is true, but no time of payment is fixed, and therefore it is a mistake to suppose the United States in any default." Let me say that a proposition bearing the form of a promise, in which no time of performance is fixed or capable of being fixed, by demand or otherwise, is no promise, but is a deception. One hundred dollars placed at interest, as sure as time rolls on, will pay the $356,000,000. They bear no interest; and the $100 in the cycles of ages will meet the payment. Is that keeping the promise?

But, Mr. President, let us see whether there was no time fixed. By the act of March 18, 1869, the Congress of the United States declared as follows:

> The United States solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

The faith of the nation is pledged, not inertly to wait and see if the wonderful resources of the country will not struggle through difficulties and embarrassment, so that at some future day we may fall into specie payments, but the pledge is that we, who are now considering the subject "will make provision for the redemption of the notes in coin." When does the solemn pledge of the nation's faith stipulate that this provision shall be made? It is at the "earliest practicable period." Has that time come? Let us see. The whole volume of legal-tenders is, say, three hundred and fifty-six millions.

Mr. ALLISON. Three hundred and eighty-one millions now.

Mr. FRELINGHUYSEN. It is three hundred and eighty-one millions now, but I will call it the same as it was before we drew on the reserve. Have we not been able? Has it not been practicable, to keep the solemnly-pledged faith of the nation, not to pay them but to make them convertible into coin? Why, sir, from July 1, 1866, to July 1, 1873, we actually reduced our national debt, not by substituting one security for another, but by final payment, five hundred and seventy millions. Our debt in 1866 was twenty-seven hundred and seventy-three millions, and in 1873 only twenty-two hundred and three millions. To make these legal-tenders convertible into gold, if we could have obtained the gold, would not have cost their face—three hundred and fifty-six millions; not a third of it, as we shall see—would certainly not have cost the five hundred and seventy millions of indebtedness which we have paid off. It would cost the interest on the amount of gold that is necessary to make the legal-tenders convertible into gold.

Has the "earliest practicable period" come for us to begin to redeem the pledge? I think we should have made the effort long ago. Making these notes a legal tender was a proper measure, but it was only proper as an exercise of the war power of the nation. It was proper because "necessity has no law." But for eight years the war has ceased, and necessity has now become subordinate to law, and the tax on the people by this forced loan, since the war, at simple interest, is one hundred and seventy-one millions, if the greenbacks were issued at the time they were authorized to be issued.

But there is something more in this law beside this pledge. The act of 1869 contains a provision to this effect:

> But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States, bearing a lower rate of interest than the bonds to be redeemed, can be sold at par in coin.

We have not made these notes convertible into gold. It may be said that we have not redeemed or paid our obligations. That is very close sailing. We have bought our obligations and canceled them. While these notes were not convertible into coin, it is very close sailing to say that we have not violated our express faith.

Mr. ALLISON. We have violated it.

Mr. FRELINGHUYSEN. If it was any other country than the United States I would say, with my friend, that we have violated it.

Sir, the time has come when this exercise of war power should cease and an earnest effort be made to redeem the solemnly-pledged faith of the nation.

And now, Mr. President, what plan should we adopt to render the legal-tenders convertible into gold? In attempting to answer that inquiry I realize that we are entering upon a dangerous sea. It is easier, much easier, to theorize and criticise than to act affirmatively; but I will suggest a measure rather for the purpose of seeing whether our excellent Committee on Finance will not by placing it in its crucible evolve from it gold, than because I imagine that there is not much of alloy in my suggestion.

The Secretary of the Treasury should be authorized to issue bonds of the United States, bearing 6 per cent. interest, payable in United States specie-paying notes, or in gold; and these bonds should be issued in exchange, at not less than par, for gold, from time to time, as the opportunity occurred, or be issued and sold and the proceeds used from time to time in the purchase of gold, such gold to be held in the Treasury until enough was accumulated wherewith to commence the redemption of the outstanding United States notes in specie.

That there be no unnecessary issue of these bonds in obtaining the requisite amount of gold wherewith to commence the redemption, and that a sufficient supply of gold may be continuously in the Treasury, the Secretary should have the right to reissue the redeemed Treasury notes in exchange for coin at par, and for no other purpose, the aggregate amount of such notes which may be outstanding and those which may have been redeemed and held at no time to exceed the amount that shall have been lawfully issued at the date of the passage of the proposed act.

And to put it beyond question that when the redemption is commenced it will not be discontinued, the Secretary should be authorized, in the event of the supply of gold being unequal to the redemption, and in that event only, to redeem the said notes in sums of $1,000 with such of the 6 per cent. bonds as have not been issued.

To this plan (as to any other) plausible, perhaps grave, objections can be urged. Let us briefly consider those objections.

1. The first objection is, that we could not get the gold; that any great accumulation of gold in our Treasury would, to a degree, disturb the finances of the world; that the price of gold would rise, and thus the effort at resumption defeat itself; and that to prevent its flow to us, various devices and hostile legislation would be resorted to by other nations. All this is probably true, if the proposal was to secure this accumulation in a short period of time. And to meet that difficulty the proposed plan avoids fixing any period within which the accumulation shall be made, or the gold purchased, and it fixes no specific time when the redemption shall commence. The proposed act leaves that necessarily to the discretion of the Secretary, who would act in view of the price of gold from time to time, and would avail himself of those products of our own mines, which have never yet constituted a portion of the circulative medium of the world—a product which, I understand, is estimated to amount this year to sixty millions.

We at one time had in our Treasury one hundred millions; and if we had that amount now, with the power in the Secretary to reissue the redeemed notes at par for gold, and in default of gold to redeem with 6 per cent. bonds, we could, without risk of suspension, commence to redeem in coin to-day.

2. The next objection is, that the plan proposed would create a too sudden transition in the modes of business, and would produce a shock injurious to the country. I agree that resumption should not be sudden; and such is not the purpose of the bill. Due notice would be given by the passage of the act that the Government was moving slowly, though irresistibly and inevitably, to the fulfillment of its provisions and to resumption. The act would fix no time when the resumption would commence; that would depend on what success the Secretary had in obtaining the coin on sufficiently favorable terms,

and when, in view of the situation of the money market, it was wise to commence the payment of coin; of all which the public, week by week, would have full notice.

Thus the objection as to impossibility of at once obtaining the gold, and the objection that the plan would be a shock to business, are met by having no arbitrary and definite time fixed for resumption, but having taken the firm resolve to redeem, having conferred on the Secretary the power to obtain the means wherewith to redeem, it is left to the Secretary, fully informed as to all the circumstances in his discretion, exercised in full view of the nation, to fix the day to commence resumption.

3. Another objection to the plan is, that combinations would be made to drain the Treasury of the gold, and resumption would be a failure—that it would be followed by suspension.

The one important point in any attempt at resumption, a consideration in importance overshadowing all others, is, that when we commence to redeem, the impossibility of defeat or failure must be apparent. It must come so slowly as to produce no jar, and so inevitably as to disarm opposition. The Secretary of the Treasury should have the power to issue two hundred and twenty-five million of these 6 per cent. bonds. He should have the right to reissue the redeemed United States notes in exchange for coin at par; to avoid possible failure he should have the right to redeem the United States notes in sums of $1,000 with such of the bonds as remained unissued. With such powers and resources, it would be apparent that resumption could not be defeated, when the Secretary, selecting the opportune time, should say the resumption would begin. That time he would select in view of the accumulation of gold he had made, in view of the condition of the money market, and in view of the permanent approximation in value the United States notes had made to gold. The passage of the proposed act, rendering it certain that at some time the United States notes were to be redeemable, would do much to raise their value in the market, and a much less gold reserve in the Treasury would be required for redemption than I would be willing now to state. Perhaps few would agree with me as to the amount.

A perfectly convertible currency is preferred by the people to gold, and if these United States notes were convertible into coin, coin would not be sought after. The banks would exchange their gold for the United States notes, as being a safer and more convenient shape in which to keep their reserve. This would be specie payment by the banks, as they would redeem in notes convertible into gold. It would become a matter of indifference whether the duties and interest on the bonds were paid in notes or gold, and consequently gold would not be in demand. By the reissue of the notes in exchange for coin at par, and by means of the other resources that the Government now possesses, the specie reserve could be maintained. There would be no occasion for issuing the bonds to redeem the greenbacks, thus producing a temporary contraction, as that could be done only when the Treasury was drained of its gold, which event would not occur. The provision for redeeming greenbacks with bonds is a mere reserve force, strengthening the column, but which in fact never would be brought into action. Resumption would not be a failure.

4. There is another objection that may be made, and I hesitate to name it, because should it invoke prejudice it would be less easily disposed of than those objections having some foundation in reason.

It may be said that giving the Secretary of the Treasury the right, after the redemption of the United States notes, to reissue them from time to time in exchange for coin at par, (even under the restriction that the aggregate of those outstanding and those on hand redeemed should not be increased,) would be subject to some of the objections applicable to a national bank. I answer that it would be giving the Secretary a power, incapable of abuse, which would secure to the nation all the benefits, and be free from all the dangers and abuses of a national bank. The dangers of a national bank are, that it affords an opportunity for the existence of a league of opulent capitalists, exercising through the bank an undue influence over the finances of the country; that the bank becomes the depository of large sums, which are subject to be withdrawn at inconvenient times, to the great injury of the national credit; and that the bank, by the power of discount and loan, can exercise a favoritism and influence injurious to a free people with an elective government.

None of these evils can be charged against the power proposed to be conferred on the Secretary of the Treasury, which is simply the authority to reissue United States notes in exchange for coin at par, thus enabling him to keep on hand a sufficient accumulation of coin to preserve and render stable the credit of the nation and of those moneyed institutions which, under our system, are dependent on the Government for the character of their reserve; and thus by rendering the currency of the country strong and steady, render business more healthful and prosperous and lessen the rate of interest the Government must pay on its loans.

The power given the Secretary of the Treasury creates no stockholders, and no institution either of deposit or discount, and this power to reissue the United States notes would be entirely under the control of Congress, and when the payment of specie was sufficiently established, the power could be withdrawn,

Among the reasons given for creating the Bank of England, I find in Francis's History the following:

It was necessary for the sake of a secure paper currency. It was required for he support of national credit. It was desirable as a method of reducing the rates of interest paid by the state—a rate so high that men were induced to take their money out of trade for the sake of securing it, an operation big with mischief.

5. The last objection to this plan of redemption is the expense that it will be to the nation. Let us consider that.

It will cost no premium to procure the gold. The premium on our 6 per cent. bonds in the market is 5 per cent. more than the premium on gold. The syndicate have placed two hundred and ten millions, and including those taken by national banks and the Geneva award, two hundred and eighty-eight millions of our bonds in exchange for gold securities, and those bonds bear only 5 per cent.

Where we have experience we discard theory. The Secretary of the Treasury, by his humoring the market, availing himself of the products of our own mines, and by acting with that deliberation which the avoiding of a jar to the business of the country requires, could with these 6 per cent. bonds accumulate an amount of gold equal to the issue of bonds. There would be no expense for premium. There would be an expenditure equal to the principal and interest of the bonds issued. I submit that it is as dishonest to take that expenditure into the account as for one to refuse to pay an honest debt because by so doing he loses the money that he pays, and the interest on it.

These three hundred and fifty-six millions of legal-tenders are a loan constitutionally imposed on the people in the exercise of the war power. It was a necessary and wise measure. The nation, by its sovereign right, took possession of the houses, horses, provisions, and other property of the people to save its own existence, and it had also a sovereign right to compel the creditor (who otherwise would have received no payment) to take the notes of the United States in payment of his debts, and thus constrain him without injury to himself to contribute to the defense of the nation.

But the issue of these legal-tenders was nevertheless a loan. It was effected under the eighth section of the first article of the Constitution, which provides that "Congress shall have power to borrow money on the credit of the United States." It is under this provision of the Constitution that the most approved decisions find the authority for the measure. I do not maintain that the right to continue this forced loan ceased with the war, but I do insist that the right to continue without payment ceases when we become able to pay. And we might with the same propriety object to the payment of any other debt as to object to redeeming these notes because of its being expensive.

The interest on this loan of three hundred and fifty-six millions, if they were issued when authorized, of which I am not accurately informed, for the eight years since the war amounts to one hundred and seventy-one millions. We can afford to begin to be just by taking the initiative for payment. We do not know what amount of these United States notes would be presented for payment. If the measure proposed, or some like measure rendering it certain that the Government had the ability and the purpose to redeem, were adopted, I do not believe that one hundred millions would be presented for payment; and in that case the Government would, without any cost, have the benefit of the balance of one hundred and fifty-six millions of outstanding notes and the interest thereon.

These notes being as good as gold could be used for all the financial purposes of gold. But whether the interest on the amount of bonds to be issued be six millions on one hundred millions, or thirteen millions on two hundred and twenty-five millions, we should exorcise from our breasts the guilty greed which prompts us to retain in our coffers money we have "solemnly pledged the faith of the nation" to pay.

Mr. MORTON. Will the Senator allow me to ask him a question at that point?

Mr. FRELINGHUYSEN. Certainly.

Mr. MORTON. I do not understand whether the Senator's plan of resumption contemplates retaining the greenbacks as a part of the permanent circulation after they have been brought to gold value. Does the Senator contemplate that after the greenbacks shall have been brought to par with gold they shall remain as a part of the permanent circulation of the country?

Mr. FRELINGHUYSEN. The plan proposes—I will submit my bill presently—that these greenbacks shall be reissued by the Secretary of the Treasury from time to time, at par, in exchange for coin, so as to keep a sufficient gold reserve on hand, and that the amount of notes that are outstanding and those that are on hand redeemed shall never exceed the amount that are issued at the time of the passage of the act. Of course, when the legal-tenders were out they would be in the circulation.

Mr. President, we are subjecting the nation to a greater loss by neglecting to fulfill its promises than the expenditure required to perform them. We are doing that which neither individual nor nation can afford—impairing credit. Better far the expenditures necessary to its maintenance than the greater sacrifices incident to its decline.

To legislate for the benefit of the business interests of the country is an important duty; but it is not the highest duty. We are trustees for the great governmental corporation known as the United States of America. Its bonds issued to save its existence are scattered over the world. We are responsible that its promises are not dishonored nor its finances bankrupt. In 1881 one hundred and sixty millions, and in 1882 two hundred and sixty millions, of these bonds

fall due. Many temporary loans are constantly becoming payable, and in the not distant future hundreds of millions mature. These bonds are payable in coin, and the payment can only be effected by our making new loans. We are and must continue to be in the market as borrowers. If we neglect to provide for the payment of the United States notes now, after eight years have passed since the war, we impair that assurance of payment which constitutes the highest attribute of value in the securities we must sell. The doubt, "Will it be paid as agreed?" the capitalist will see stamped on and depreciating every obligation. The recent placing of bonds by the syndicate does not militate against this view, for we had not then, under the favorable circumstances in which we are now placed, determined that we would make no provision for the payment of our outstanding notes; and had our credit been what it should be, had it been at par, 4 instead of 5 per cent. would have commanded the market. And further, if we continue our present provincial and local currency, (excluding, by its want of homogeneousness, the circulation of the world with its healthful expansion,) whether we should or should not, we will have an increase of the volume of irredeemable paper.

Under the plea that our obligations are sustained by the vast wealth of a gigantic nation—when the holder of our securities cannot reach a blade of grass or single plank of our wealth without our positive action conferring it upon him, which action we withhold; under this plea of national wealth—we will have promise added to promise in infinite succession; we will have prices enhanced, speculation rife, and our currency constantly removing farther and farther from the world's standard of values, and the expedient to meet the feverish craving of business will be currency, currency, more currency. And thus the day will come when we must pay much higher rates of interest to place our securities, and then the capitalist, tempted by the high interest Government securities afford, will withdraw his capital from the uncertain investments of industry, so that one class will toil to be taxed, and another, in inert security, will enjoy and hoard the fruits of such labor. And if this system of paper expansion is insisted on, the day will inevitably come when, no matter at what sacrifice, we must either abandon this policy of substituting promises for performance or we must face the possible bankruptcy of the Government.

Why, sir, the interest that we would be called upon to pay on the accumulated gold requisite to make resumption a certainty is inappreciable, when contrasted with the pecuniary loss which must follow when we break the bonds of national faith and drift away into the wild sea of inflation.

All other plans of resumption than some such as I have suggested will, in my opinion, create a monetary stringency injurious to the industries of the country, because all other plans seek the contraction of the currency so as to bring it within the compass of a small gold reserve. This plan, on the contrary, produces expansion. The currency will substantially be left as it is; and in addition thereto we will introduce into our circulation the general gold circulation of the world. This is the expansion we want. Can we not afford to pay the interest on the gold accumulation for the purpose of keeping our faith, preserving our credit, and securing a safe and self-adjusting currency? We cannot afford not to pay it.

This plan is in no way inconsistent with other plans to the same end. This would constitute the backbone of all measures to bring us to specie payments; it will do it alone; but it is perfectly consistent with the doctrine of free banking, and it puts the country in a better condition to carry more currency. I do not say, however, that even with this plan adopted I am in favor of free banking or more currency. We could bear both better with than without the resumption proposed.

Let, then, the resolute determination be made to pay the United States notes in coin, and we will have a currency affording a stable standard, by which our multitudinous business transactions will be measured; a currency which, by reason of its high credit or ready convertibility into gold, will aid in placing our trade and commerce on an equality with other nations; a currency which will commingle with the money circulation of the world, and thus permit our country to profit by the superior attractions it presents to capital; a currency which will expand with the demands of our industries, without that treacherous inflation which is sure to collapse, most untimely, under the strain of enterprise; a currency, too, which, by ever evincing our good faith, will place at par everywhere not only our moneyed securities, but our national honor.

Mr. President, I now ask leave, without previous notice, to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 301) to secure the resumption of specie payments without contracting the currency; which was read twice by its title, and referred to the Committee on Finance.

Mr. SCHURZ obtained the floor.

REDUCTION OF SALARIES OF ARMY AND NAVY.

Mr. GORDON. If the Senator from Missouri will allow me one moment, I simply wish to introduce a resolution and have it printed. It lies on the desk, and I ask that it be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Civil Service and Retrenchment be, and it is hereby, instructed to report a bill to reduce, as far as the same may be reduced with due regard to economy and with reference to the salaries of civil officers, and as far as may be consistent with the efficiency of the service, the salaries of all officers of the Army and Navy whose salaries and allowances exceed $5,000 per annum.

Mr. GORDON. I move that the resolution lie on the table and be printed.

The motion was agreed to.

DEATH OF MESSRS. BROOKS AND FOSTER.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, communicated to the Senate intelligence of the death of Hon. JAMES BROOKS, late a member of the House from the State of New York, and of the death of Hon. WILDER D. FOSTER, late a member of the House from the State of Michigan, and transmitted the resolutions adopted by the House of Representatives on the announcement of the death of each.

Mr. FENTON. Mr. President——

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from Missouri yield to the Senator from New York?

Mr. SCHURZ. I understand from the Senator from New York that he desires to take up the resolutions just received from the House of Representatives. He asks me to yield, and I am willing to do so with the understanding that I shall have the floor upon the resolution of the Committee on Finance to-morrow.

Mr. SHERMAN. Before the resolutions of the House are called up, I desire to state that I shall be compelled to be absent to-morrow. I am sorry that I shall not be able to be present, but I hope that the order now pending will be continued and disposed of as soon as possible. The Senator from Missouri has the floor, I believe, upon it.

The PRESIDING OFFICER. The Senator from Missouri will be entitled to the floor when the resolution of the Senator from Ohio shall be again taken up.

Mr. FENTON. I ask that the resolution of the House of Representatives announcing the death of Hon. JAMES BROOKS be read.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That this House has heard with deep regret the death of Hon. JAMES BROOKS, a member of this House from the city of New York.

Resolved, That as a testimony of respect to the memory of this distinguished statesman the officers and members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Resolved, That these proceedings be communicated to the Senate.

Mr. FENTON. Mr. President, if we could transfer the tributes to the memory of Mr. BROOKS uttered by his associates in the House of Representatives from the city of New York to the records of the Senate, nothing more would be required by the highest civilization and sorrow. At least I cannot in terms so fitting speak of the early promise, the life of industry, the domestic virtues, the intellectual triumphs, and the noble patriotism of the distinguished dead.

At an early period, almost in his youth, his discernment and happy use of the pen challenged favorable attention, and from that on to the close of life his course led up to the heights of usefulness and knowledge. His success as a journalist and his eminence as a popular speaker were fully equaled by his mastery and presentation of public questions in the halls of legislation. His learning and experience served to supply his graceful pen and to give beauty and persuasiveness to the eloquence of his tongue.

But the scenes of these efforts and these triumphs, which already occupy an honorable place in the history of the period, are now closed. He comes not back to the Hall in yonder wing of the Capitol; he returns no more to editorial labors; he cannot indulge in the flights of oratory or in careful research; nor can he again enjoy the dear intercourse with family and friends which he so prized.

I know these customary tributes of Congress to the memory of departed members afford no benefit to the dead; but they serve to dignify the living and lead to profitable reflection. We are brought to see in these events of Providence the grand comparison between the strifes of politics, the honors of public station, and the achievements which are temporary on the one hand, and the endless and marvelous scenes of eternity—the life of immortality—on the other. To my mind the former are a failure, the chaff that scatters before the wind when they are unregulated by the hope of that enduring reward which lies beyond the grave. The rivalries for public honors and the ambitious aims of men, when fastened to this hope, are indeed worthy and tend to elevate and adorn our common humanity.

On an occasion like this I will not attempt to offer words of solace to those who occupy the chamber of private mourning; but I may be allowed to point the young men of my State to the industry, the perseverance, and the ability which enabled our departed friend to ascend high on the pathway of usefulness and honor, while I invoke the beneficence of his aspirations upon us all.

Mr. President, I offer the following resolutions for the action of the Senate:

Resolved, That the Senate receives with sincere regret the announcement of the death of Hon. JAMES BROOKS, late a member of the House of Representatives from the State of New York, and tenders to the family and relatives of the deceased the assurance of sympathy with them under the bereavement they have been called to sustain.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. BROOKS a certified copy of the foregoing resolution.

Resolved, That in further token of respect for the memory of the deceased the Senate do now adjourn.

Mr. FERRY, of Michigan. I ask for the reading of the resolutions of the House of Representatives in regard to the death of Mr. FOSTER.

The Chief Clerk read as follows:

Resolved, That this House has heard with deep regret the announcement of the death of Hon. WILDER D. FOSTER, late a member of this House from the State of Michigan.

Resolved, That as a testimony of respect for the memory of the deceased, the members and officers of this House wear the usual badge of mourning for thirty days.

Resolved, That the Clerk of this House transmit a copy of the foregoing resolutions to the widow of the deceased.

Resolved, As a further mark of respect, that this House do now adjourn.

Resolved, That these proceedings be communicated to the Senate.

Mr. FERRY, of Michigan. Mr. President, the message of the House announces to the Senate the sad fact that still another member of Congress has departed life. In a special manner do I feel the force of this event. My immediate successor in the body sitting in the other wing of the Capitol, and a personal friend, the ties sundered forever leave sorrowful associations.

At the last session, Hon. WILDER D. FOSTER, representing the fifth congressional district of Michigan, filled his seat, attentive as ever to the duties which he always discharged with notable fidelity. With rooms at the same house, sharing the same table, and often conferring upon public interests kindred in local respects, a mutual regard and trust grew up, which, ripening into attached friendship, make this occasion to me the more sad and mournful.

Residing in cities but thirty miles apart, my personal acquaintance with the deceased dates back over a score of years. Learning his character in a more private way, and earlier impressions strengthening by later public contact, he had grown into my esteem by the force of his solid virtues. The first impression an acquaintance with him made was that of a manhood built upon faith in self and a simple-hearted trust in the living world surrounding him.

Born in the State of New York, Mr. FOSTER removed to Michigan in 1837, and took up his residence in Grand Rapids in 1838. With loss of the early advantages of the more favored, he commenced his fortune with a common-school education, an honest heart, resolute purpose, and the practical maxim that he is helped who helps himself. Of a business bent and mechanical turn, he apprenticed himself to the manufacture of and traffic in hardware. His industry and love of truth won him the confidence of his youthful city. Elected municipal treasurer, alderman, and repeatedly mayor, a broader district sent him to his State senate; then, at the occurrence of a vacancy in his congressional district, elected him, in 1871, to the Forty-second, and re-elected him, by increased majority, to the Forty-third Congress.

Having proven his capacity as a practical man by rising to the proprietorship of a leading mercantile house, passing through financial crises with no reproach upon his integrity and credit, he seemed a fit selection to illustrate like practical energy in a wider representative sphere. Modest in his estimate of self, he accepted with hesitation, but rarely sought, office. In the narrower labors in his State, in private walks and public trust, he won esteem for his virtues; was trusted for his integrity, respected for his modesty, honored for his charity, and beloved for his amiability and generosity. These formed the granite of his structure.

Availing myself of the privilege of attendance at his burial, I read in the throng of all classes present, from the most influential to the humblest, a reflex of his life in that living tribute at his grave. One incident illustrative, I may be suffered to mention, which speaks of his generous nobility. When from home during his last illness, seeking restoration, his affairs directed more immediately by others, one of his veteran employés wrote him that he was fearful of being pushed aside to make place for one more active; and the prompt reply came back, "As long as I do business you shall have place, if it is only a chair to sit in to draw your salary."

Dying in his fifty-fifth year, in the vigor of his powers, his loss, in the city of his pride and the State he honored, is widely felt. All who knew him mourn, for a good man has fallen. He will be missed most in the broad avenue of hearts his good deeds have so often touched. Many an obscure and humble one, made glad by his unpretentious bounty, will feel the loss of this touch.

A private life pursued with such considerate regard for others, and with a zeal and fidelity which gave him fame at home, was the key to unstinted trust in his integrity while filling official relation in the councils of the nation. Painstaking and matter of fact in his service, seldom seeking the floor, he was found vigilant at his seat and a worker in committee.

The wants of his constituents he regarded with a concern next to his personal interests; his State was his pride, and to serve his country the goal of his ambition. His sense of justice and charitable nature made him conservative in his views, which often led him to exculpate rather than excoriate political opponents.

Never an ultra partisan, he recognized in the most catholic spirit the brotherhood of man, and sought by example to inspire in others the mutual respect which an honest purpose, under whatever garb embodied, has a right to demand of a fellow-being.

Living as best he could near to a high resolve, he aimed in his life to realize the fact that whatever man does in thought or deed modifies, for weal or woe, the public conscience, and to the measure of ability must by a just tribunal be held responsible. Such an ideal of personal responsibility will carry to the individual conscience the burden of its part of the public faith.

It was not surprising, therefore, to those who knew him best that, howsoever his judgment might be questioned upon issues of public policy or private measures, his career would not unfold an act to impugn the purity of his motives. This characteristic of my friend is worthy of emulation, and any character thus made up stands, as his did, an impregnable rock in tides of crimination and recrimination.

To add more, Mr. President, would be trenching upon the proprieties of a sad memorial. Unhappily for all, his life is ended. To soothe the anguish of family bereavement is far from me to attempt. To speak to the ear of friends would only disappoint their estimate of his loss.

His State already writes him true to her trust. His country marks his fervid patriotism. His Maker, we believe, seals him "faithful servant."

The life is gone, but not the example. Its fragrance, like breath of flowers caught by rugged way-side, quickens the dawn of days, when more of public men and measures shall share the ennobling traits of life and acts, exemplified by WILDER D. FOSTER.

Mr. President, I ask for the adoption of the following resolutions, which I offer:

Resolved, That the Senate has received with sincere regret the announcement of the death of Hon. WILDER D. FOSTER, late a member of the House of Representatives from the State of Michigan, and that it tenders to the family of the deceased the assurance of its sympathy under the bereavement they have been called to sustain.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. FOSTER a certified copy of the foregoing resolution.

Resolved, That as a further mark of respect for the memory of Mr. FOSTER the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair will submit to the Senate the question on the two series of resolutions together.

The resolutions were unanimously agreed to; and (at two o'clock and twenty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 13, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

EDUCATIONAL FUND.

The SPEAKER. The morning hour begins at seventeen minutes past twelve o'clock, and the House resumes the consideration of the bill (H. R. No. 477) to establish an educational fund, and to apply the proceeds of the public lands to the education of the people. The gentleman from Ohio [Mr. MONROE] is entitled to the floor.

Mr. MONROE. I yield the floor for a few minutes to the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. When this bill was before the House at the last session I gave it my hearty support. I hailed it as a measure calculated, however there might possibly be defects in detail, as meeting a new and pressing exigency upon the Government that we could not ignore and must in some way provide for. I have never been able to divest myself of the conviction that when the Government entered into the local administration of affairs in this country, by undertaking itself to prescribe qualifications of suffrage and limitations upon local administration, it took upon itself a correlative duty and obligation; that it was not at liberty to impose upon the States limitations upon the right of suffrage, and then to withhold from them anything that was in its power to make those limitations safe to the States and to the nation; and that therefore, so far as it was in the power of the General Government, it was its bounden duty, if it declared to the States that no longer should it be in their power to say who in their local administrations should discharge the duties of the elective franchise, to see that, as regarded the exercise of that franchise, it should be made as safe as possible. I could not shut my eyes to the dangers which came along with these amendments to the Constitution, and therefore I hailed and gave my feeble support to this measure at the last session as doing something toward furnishing safe guards to those all-important amendments of the Constitution.

I am, sir, now, and for the same reasons, in favor of this measure. I believe that sooner or later the Government must address itself in good earnest to these duties which I have already indicated; and so far as we have been able to devise methods, this is the first, and it seems to me a wise provision.

But, sir, in the support of this measure to-day I find myself embarrassed. It comes before the House at a time and under circumstances quite different from those under which it came before the House at the last session. Then there was every reason to suppose that the receipts and expenditures of this Government bore such a relation to each other that this measure could be adopted without serious em-

barrassment to the Government. Now, sir, I find myself in quite a different position. I find the Government of the United States in its resources, as compared with the expenditures, if I may use the expression, straitened. I find the executive branch of this Government in such a condition at the present time as to make necessary a demand for increased taxation. Then, sir, the House of Representatives yesterday by three very significant votes, each of them by a very striking majority, declared, first, that they would not meet these exigencies of the Government by increased taxation; then, by an equally significant and even more striking majority, they declared that they would not meet them by borrowing money; and then again, by another striking majority, they declared that they would not meet them either by taxation or borrowing money. Therefore, sir, with the Administration of this Government declaring to us that there is a deficit that demands to-day several millions of dollars from one source or another, and this House of Representatives having by these three distinct votes declared that there is but one way left for us to meet the condition of the Treasury, and that is to cut down our expenditures until they meet our receipts, I am forced to the conclusion that this is not the right time to pass this measure. I hold, sir, that the Government of the United States, like individuals, is bound to cut its coat according to its cloth; that it is no more justified than is an individual in borrowing money to pay its current expenses; and I do not think that we are at liberty in time of peace to impose new taxes except by necessity. Therefore, sir, I am compelled to adopt this line, that I will not give my support at this time to any measure that does not fall within the line of absolute necessity. The policy that I propose to pursue in regard to our expenditures is to keep them at the present time down to the line of the absolute necessities of this Government; and however heartily I should give my approval to the measure before the House under ordinary circumstances, if the friends of this bill should press it to a vote to-day I should be compelled, according to this rule, to vote against it.

But, sir, I feel encouragements in reference to the receipts of this Government which perhaps are not indulged in by every member of the House, and which govern me in relation to the expenditures of the Government. I look forward to an early day, when, with economy, and retrenchment, and the improvement in our receipts consequent upon the revival of industry, enterprise, and prosperity throughout the land, the receipts and expenditures of the Government will come together; that is to say, that the receipts of the Government will meet its expenditures. With this confidence with reference to our finances, I hope before this session shall close to see such a condition of things as would justify me, even by the rule I have here laid down, in giving my ultimate support to this bill.

Sir, in the interest of the bill itself and of the cause it is intended to establish, I entreat the gentlemen having charge of the measure to themselves, of their own motion, postpone the further consideration of this bill to some day in the future of this session when we shall be able to make such an exhibit of our receipts and expenditures as will justify its support. I say this in the interest of the measure itself, as well as in the interest of the Government of the United States and its Treasury. Sir, the gentlemen who have special charge of this bill have a right to feel that they are promoting the best interests of this country; but I commend to them the idea that they jeopardize a great and good measure by pressing it at this time. I do not ask them to withdraw their bill altogether, but I do ask them, in view of the present exigency, to postpone it until such time in the future as we have reason to expect we can show such a condition of things that we can justify ourselves in giving it our support.

Mr. HALE, of Maine. I ask leave of the gentleman to make a suggestion. I trust that as the committee have announced, both publicly and privately, that they propose to recommit this bill, they will listen to the appeal that the gentleman from Massachusetts has made to them looking in that direction.

Mr. G. F. HOAR. Mr. Speaker, the committee who reported this bill cannot be blind to the force of the appeal made by my colleague, the distinguished chairman of the Committee on Ways and Means. A class of objections has been made to the bill in this debate by the gentleman from Iowa, [Mr. KASSON,] and by the gentleman from Minnesota, [Mr. DUNNELL,] which I am sure, although I know they prevail largely in the West, are based upon the want of a careful understanding of the provisions of the bill.

This subject has been before the House twice already. It has encountered in the debate the same arguments this time that were urged before. No arguments have yet been presented to show that gentlemen opposing the bill have fully examined the statistics upon the subject or read carefully the provisions of the bill itself.

But this appeal from the representative of the Committee on Ways and Means of this House is one that cannot be disregarded. We have no right to stand by his side and say we propose to obey the resolutions of the House passed on yesterday in regard to every other matter involving the expenditure of money, and to except from their operation the particular bill which we have in charge. Therefore I am prepared to accede to his request, and to move that the House postpone the further consideration of this bill until the fourth Tuesday in March, after the morning hour, so that it may be taken up in the morning hour and not stand longer in the way of committees. Before doing so, however, I will first yield to the gentleman from Kansas [Mr. PHILLIPS] for ten minutes.

NATIONALITY OF MERCHANT VESSELS.

Mr. BUTLER, of Massachusetts. With the consent of the gentleman from Kansas I ask permission to submit a resolution, to be referred to the Committee on the Judiciary.

The resolution was read, as follows:

Resolved, That the Judiciary Committee of the House be directed to inquire and report whether, under existing laws, the courts of the United States have adequate jurisdiction and authority to prevent and punish the improper use of the flag and national character of the United States on board merchant vessels upon the high seas and in foreign ports; and, furthermore, to inquire and report if any, and if so what, additional legislation by Congress is expedient or necessary to punish persons who fraudulently obtain or illegally use marine documents creating vessels of the United States, and to punish officers of the Government who carelessly and corruptly issue such documents; and also to inquire and report if any, and what, legislation is needed to enable military, naval, or consular officers of this Government to seize, on the high seas or in foreign ports, vessels illegally assuming the American national character, and to send them within a judicial district for adjudication.

The SPEAKER. This requires unanimous consent.

Mr. HOLMAN. I object. This manifestly belongs to the Committee on Commerce, and I must certainly object to its going to any other committee.

Mr. BUTLER, of Massachusetts. I cannot discuss that question now, in the time of the gentleman from Kansas, [Mr. PHILLIPS.] I will, therefore, withdraw the resolution.

Mr. HOLMAN. I will withdraw my objection to the introduction of the resolution, and move that it be referred to the Committee on Commerce.

Mr. BUTLER, of Massachusetts. I withdraw the resolution.

EDUCATION FUND.

The House resumed the consideration of the educational-fund bill.

Mr. PHILLIPS. Mr. Speaker, I am sorry the gentleman has moved to postpone action on this bill. It necessarily conflicts with measures of land reform that will come before this House and that are before the committees, and I should prefer to dispose of it at once.

It is with profound regret I rise to oppose a measure which the learned and accomplished gentleman from Massachusetts, who has charge of the bill, has prepared with such labor and defended with such eloquence. His long, able, and consistent career as a champion of philanthropic and progressive measures, enables him to bring to the bill now before the House a great weight, and one to which it otherwise would not be entitled. I think I can comprehend the spirit which animates him, and other gentlemen with him; and its honesty and sincerity I admire and respect.

But, sir, it has been the misfortune of a small portion of the legislation of the past few years that its enthusiastic defenders mistook theories for statesmanship and earnest convictions for fact. Looking at the grand work which has regenerated American politics, fired with a laudable ambition to contribute something new to the work, inspired with a generous emotion, each new proposition was thrust on the country by its advocates as if it was a part of the great republican work that has dignified the history of the country for the past twelve years. And thus it has happened that many shooting and falling stars have crept into that grand constellation, and many outlandish barnacles been fastened to the bottom of the grand old ship.

And yet I have occasion to thank the gentleman from Massachusetts that he has not attempted to find support for this as a party measure or to dragoon this House. His candor and sense of justice led us naturally to expect this. It is one step in advance of the accidents which have environed us, and the course he has pursued I honor, because he has used no argument or effort save those which in his judgment might commend it to the discretion of this House.

In the brief remarks I propose to make, I shall confine myself chiefly to that phase of the question which deeply and vitally affects the constituency I have the honor to represent on this floor. The measure proposes in substance forever to devote the proceeds of Government lands for the purposes of education through the most ignorant portions of the United States. Now, sir, I yield to no man on this floor in devotion to the cause which urges intellectual and moral culture and the higher development of our people. I profoundly sympathize with the ignorant and darkened portions, although I do not presume to say which they are; nor does the gentleman's bill. Neither does it contain the requisite machinery to determine a question so delicate. We have "Old Probabilities" to measure the prospects of the weather; we have gas meters to measure the quantity of gas which flows in a certain direction; Providence has set the nose over the mouth, as a sort of alcoholimeter, to determine and expose the amount of strong fluids that pass beneath it; but what board of education or public works will have the ability to ascertain and the hardiness to publish the communities most entitled to the moneys flowing from the provisions of this bill.

The gentlemen defending the measure have claimed that this bill interferes with nothing; that it leaves the pre-emption and homestead laws intact; that it interferes with no new legislation; that it only takes moneys formerly derived from public lands and applies them as a school fund in the way specified. In taking this position I believe the gentlemen are honest; in expressing it, I am sure they are candid; I feel equally sure that they are mistaken.

On the American land question the public mind is deeply stirred; and the settlers, who are, after all, the interested parties, are determined on reform. An indignant protest has gone up against permitting the lands to go into the hands of corporations and speculators, great or small. The public lands left have little or no value save that which the labor of the settler gives them. That this value should not be taxed to sustain other interests, is demanded. And while these demands are being made, while the few good steps already taken are sought to be blended with better ones still to be taken, while the Committee on the Public Lands is engaged in preparing measures to properly dispose of the public domain, this bill comes in from the Committee on Education and Labor to settle the question effectively and ruinously, and to bar the avenues to land reform forever. Do not tell me that legislation hereafter may do what it pleases. Pass this bill, and you create a great interest, which will forever fight all questions of land reform, and which will be here, whenever a bill is pending to aid the struggling settlers, to argue that all lands are consecrated to education, and the ghost of religion and morals will be conjured up to make this bill a finality, and to seal and foreclose all the blunders of American land legislation.

The American land system, if anything so incongruous and absurd is worthy of the name, has been a chapter of accidents. The settlement of its lands is the one thing that has underlain the civilization and development of the whole North American continent. On this its politics, its progress, and its civilization rested. This was the pillar of its wealth and the pillar of its Government. Under such circumstances we are amazed at the manner in which the subject has been treated. It began in cupidity and ended in a compromise between cupidity and the fear of popular wrath. On the land question our governments, colonial and State, have never been overly wise and never overly virtuous. Individuals speculated in land, and States speculated in land. Everybody pretended to the right of disposing of it. Indian chiefs sold it for beads and blankets, the European governments sold it when they could find a purchaser, the Popes bestowed it on the faithful in Europe, the colonial governments sold it, the States sold it, and lastly the United States assumed a monopoly of the business, as if huckstering in land was one of its legitimate functions.

In early colonial days a Virginian named Henderson wandered across the Blue Ridge, and bought, or pretended to buy, from some Indians a large portion of what is now Kentucky. The colonial Legislature of Virginia took cognizance of the fact. They declared that the sale was good as far as the Indians were concerned, but bad so far as Henderson was concerned; and then, having allotted Henderson a small portion of his purchase on the ground that what they gave him was worth more than he gave for the whole, proceeded to dispose of the remainder by an act unparalleled even in legislative impudence.

From these and other modes of selling and granting, great and small, we come down step by step to the pre-emption of 1841 and the homestead law. Then we had gigantic grants to railroads. They, with all their faults, had some advantages. The theory was that the increased value of the soil should be used in its development. The internal improvements of Illinois developed that State. Where railroads are built through countries where there are no navigable streams they render its occupancy possible. The great blunder was that the Government parted with its title to these lands, and left corporations to speculate in them and make the hardest terms with the settler.

Now, what gives value to these lands? Go out on the plains, beyond the present settlements, and it is worth nothing. To-day, in the market of the world, it is not worth the parchment on which a deed of conveyance would be written. It derives almost its sole value from the labor of the pioneer, and this has been taxed just long enough. I do not doubt but the gentleman thinks so, but he propose taxing the settlers on their lands nevertheless.

The present popular movement against land monopoly is a just one. The people have groaned against the public domain going into the hands of great corporations. They have protested against all land speculation. In the present temper of the public mind these cannot be brought here. But we have the picture of a pedagogue, with a birch in one hand and a barefooted negro boy in the other—the last of all the land-grabbers.

I think it high time that the land question be considered apart from all such propositions. It is the foundation-stone of American politics. The time is surely coming when the hardy pioneers will no longer be asked to develop the country and maintain outside benevolence. I would a thousand times rather vote money from the Treasury. The last thing Congress should part with is the public domain.

I say there is a system of reform demanded, which shall sanctify to those people the right of occupancy, the right of improvement with respect to the lands to which they give value by their toil. I am sure that in asking to tax those lands for such a purpose as this bill contemplates, the framers of this bill have fallen into an error.

Mr. G. F. HOAR. Let me ask the gentleman from Kansas, [Mr. PHILLIPS] whether he finds in this bill anything proposing to tax those lands in any form or manner?

Mr. PHILLIPS. The bill proposes in effect a tax upon the energy of the settlers. The only value that those lands have is what the settlers give them; and the gentleman proposes to tax them for the support of schools in the Southern States.

Mr. G. F. HOAR. I beg to inform the gentleman that there is no such thing in this bill; there is no such proposition pending before the House.

EDUCATION—MIXED SCHOOLS—ECONOMY.

From the time when rulers were thought demi-gods, there has been a gradual decline in men's estimates of their power. This decline is still in progress, and has still far to go. All superstitions die hard; and we fear that this belief in government omnipotence will form no exception.—*Herbert Spencer's Essays*, page 106.

Mr. COX. Mr. Speaker, I am opposed to this bill for several reasons: first, on economic grounds; secondly, because I am opposed to the enactment by Congress of the civil-rights bill as reported and recommitted; thirdly, because the bill itself augments Federal power, is unjust in the distribution of the funds, and is a part of a pernicious system of "over-legislation."

First, as to economy. Whether we stop prodigal expenditure or husband legitimate resources, it is alike wise; in fact, it is necessary in this emergency of the Treasury. I have before me the President's message. Last year, he says that there were 1,626,266 acres of public lands sold for cash. This was some 300,000 more than the year before. By the Land-Office Report of October 20, 1873, it appears that there were gross cash receipts, under various heads for lands sold, for the year ending June 30, 1873, amounting to $3,408,515.50. Under this head are certain scrip not strictly cash. These are to be deducted, together with the expenses of sale. The appropriation for land sales ending June 30, 1873, was $772,000.

Without being too nice, therefore, I may take the calculation of the gentleman who reports the bill, [Mr. G. F. HOAR,] and reckon the proceeds of the lands for each year as from one to two millions net cash, the mean being one million and a half. Of this, under the bill, for five years the more illiterate sections, as where the negroes predominate, will get the most in proportion. New York gets $63,429.54, on a basis of one million and a half, being nearly sixty cents *per capita* of her illiterate school children, these children, of ten years and over, numbering in New York 239,271 in a population of 4,382,759; while the next State on the list—North Carolina—gets nearly twice as much money ($105,425.63) because she has more illiteracy, or 397,690 children of ten years and over in a population of 1,071,361. If these figures are inducement enough for North Carolina and other States to vote for this bill and "mixed schools," they are not inducement enough for one member from New York, at least, to divert one million and a half at this time from an imperiled Treasury. I say nothing now of the imminent disturbance it will bring upon the most admirable school system of the United States.

I am sure my colleague [Mr. MELLISH] who favored the civil-rights bill and its mixed-school system, in his speech of Saturday, could not have been aware of the public sentiment of the city of New York or of his own district. Why should he urge such imprudent legislation? The little thus donated to New York for education, in the present condition of the Treasury and country, while it would not be a great boon to our community or State, when inexorable economy is demanded should not be diverted for any purpose, however laudable.

The public lands belong to all. I suppose that they should be regarded in equity as property the proceeds of which are to be held in trust for extinguishing Indian titles and furnishing Indian annuities. That matters little? It matters much that taxes should be reduced, rather than reimposed as threatened; that no more debt should be created, even if no more debt is canceled. The very existence of society, in these days of disaffected farmers and unemployed workingmen—at least its harmony and peace—depends on a better system of economy.

It is not my purpose at this time to argue elaborately for economy. I know how combinations are made for prodigality under the shrieks of locality. Last year, how fruitlessly I contended against the reckless appropriations for the improvement of dried-up creeks and little local rivers! I know how hard it is, even for the distinguished chairman of the Committee on Ways and Means, [Mr. DAWES,] to vote against this bill of his colleague. But he must do it. If he does not, woe to that emphasis which he expects to wield when we come to close quarters on tax and appropriation bills.

Our resolution of December 15, calling on the Departments to reduce their estimates, has been answered. The replies are not such as to cheer us; but they fix responsibility on Congress for retrenchment.

The revenue required for the fiscal year of 1873–'74 will amount, at least, to $315,000,000. The Secretary of the Treasury's estimate is $319,198,736. The receipts for the first quarter of this year are $81,853,492. The estimated receipts for the other three quarters are $187,100,000. In any calculation there will be an expenditure in excess of income of $40,000,000. The illegal use of the forty-four million reserve will soon be ended by its consumption. We have to tax, or borrow, or else break. Congress must retrench or be condemned.

The question arises, why is it that a country like ours, so affluent in natural wealth and so rich in accumulated resources, should present such an exhibit of impoverishment and panic in business, labor, and government? Have we not plenty of land? Is it not full of

iron, coal, gold, silver, copper? Have we not communications in abundance from inland to sea-board? Is not its surface fat and laughing with profusion? Do we not more than double the cereal product of all Europe? When were crops better?* When was labor more skilled, willing, and effective? When were there more accretions by immigration to our capital and muscle? Why does commerce languish, labor despair, and agriculture grumble? Why is our currency but a paper substitute, not even having the advantage of clipped or sweated coin as a standard?

To these queries there is but one reply—bad administration. All science, especially the science of politics and economy, is prevision. Has there been prevision? Where has there been any foresight to achieve the good and avoid the bad? Are we not late in applying the remedy? Or have we as yet found any remedy?

The party with whom I act are not responsible for the late panic or the present embarrassment. It is not our fault that instead of paying off the debt at one hundred millions a year it is growing at that rate, showing a loss of two hundred millions in resources. It is not our fault if the administration of this city and country has its—

> Rings of rogues that rob the luckless town,
> Those evil angels creeping up and down
> The Jacob's ladder of the Treasury stairs;
> Not stage, but real Turpins and Macaires.

It is, however, the fault of Congress that appropriations have been so lavish. The expenditures of 1860-'61, which included the first four months of Mr. Lincoln's administration, omitting pensions and interest, were less by $94,653,678.98 than they are now. Allowing for the increase of population in ten years, the expenses rose 150 per cent. compared with 22 per cent. only for population—or seven to one. Whence this ruinous excess? In the Army? Yes. The expenses there are doubled. The Indian business? Yes. With fewer red men by one-half, the cost is more than doubled. The premium paid for the purchased debt in advance of its maturity in 1870, 1871, 1872, and 1873, is nearly forty millions; yet this House, years ago, on my motion, passed a resolution condemning that policy.

But, sir, upon a bill of this nature, in which I only propose to reserve our resources, an exhaustive debate on economy is not so pertinent. Yet we should begin the work at once and here on this bill. Let the knife reach everywhere. Let it reach all useless leeches who hang upon the Government. Cut down exorbitant salaries! Let your pruning ramify to every department of the service!

I well remember that in 1857, when embarrassments like the present threatened Mr. Buchanan's administration, orders were at once issued to all the Departments and Bureaus to cut down unsparingly. It was done. It can be done again. We have a right to make this demand. It is in the interest of the workingmen of all classes, especially in the large cities. I can demonstrate that, on twelve necessary articles for a family of four, for twelve months, the increase of price from 1860 to 1873 is 92 per cent.; the increase in wages in New York City for workmen in eight different mechanical occupations is 60 per cent.; but the average increase days' labor to earn these twelve necessaries is 19½ per cent. The average purchasing power of labor has decreased 19½ per cent. For the tables from which I deduce these figures I am indebted to Mr. J. S. Moore, whose letter of May 27, 1873, to Hon. D. A. Wells I have before me. They are authentic—from official sources. The articles are beef, mutton, corned beef, butter, rice, milk, coffee, tea, sugar, molasses, coal, and rent. They are not directly influenced by the tariff. If the calculation included clothing, blankets, furniture, boots and shoes, spirits, tobacco, &c., another and a worse exhibit would appear. I add the tables to my remarks:

TABLE A.—*Showing the annual consumption of twelve commodities by a family consisting of two adults and two children, and the cost of the same in* 1860 *and* 1873, *respectively, in the city of New York.*

Article.	Quantity used during twelve months.	Price in 1860.	Amount of money expended in 1860.	Price in 1873.	Am't of money expended in 1873.
Fresh beef	250 lbs.	$0 10½ lb.	$25 62½	$0 20 lb.	$50 00
Mutton	100 lbs.	9 lb.	9 00	15 lb.	15 00
Corned beef	100 lbs.	7½ lb.	7 50	12 lb.	12 00
Butter	70 lbs.	18 lb.	12 60	30 lb.	21 00
Rice	50 lbs.	6 lb.	3 00	10 lb.	5 00
Milk	200 lbs.	5 qrt.	10 00	10 lb.	20 00
Coffee, (roasted)	20 lbs.	20 lb.	4 00	35 lb.	7 00
Tea	5 lbs.	63 lb.	3 15	80 lb.	4 00
Sugar, (good yellow)	100 lbs.	9½ lb.	9 50	13 lb.	13 00
Molasses	20 galls.	50 gal.	10 00	80 gal.	16 00
Coal	5 tons.	5 50 ton.	27 50	8 00 ton.	40 00
Rent for three rooms	12 m'nth.	5 00 m'nth	60 00	12 00 m'nth.	144 00
Total for twelve months			181 87½		347 00

Increase in price of commodities in 1873 over that of 1860, 92 per cent.

* The aggregate cereal product of all the nations of Europe, in 1868, with a total population of 296,123,293, was reported to the International Statistical Congress at the Hague, in 1869, to be 4,754,516,604 bushels, being 16 bushels to the head. The product in the United States, in 1870, of 1,357,230,096 bushels, with a population of 38,558,371, was 35 bushels to the head.

TABLE B.—*Showing the earnings of workmen in eight different mechanical occupations in the city of New York in* 1860 *and* 1873 *respectively.*

Occupation.	Earnings, per day, 1860.	Earnings, per day, 1873.
Cabinet-maker	$1 75	$2 75
Cooper	1 65	2 75
Carpenter	1 75	3 00
Painter	1 77	3 00
Shoemaker	1 50	2 35
Tailor	1 66	2 50
Tanner	1 75	2 65
Tinsmith	1 75	2 75
Total	13 58	21 75

Increase of average wages in 1873, a fraction over 60 per cent.

TABLE C.—*Showing the number of days' labor it required the different-named mechanics to perform to procure the twelve commodities in Table A, in* 1860 *and* 1873 *respectively.*

Occupation.	Number of days' labor to procure the twelve commodities in 1860.		Number of days' labor to procure the twelve commodities in 1873.		Increase of days' labor in 1873 over 1860.	
	D.	H.	D.	H.	D.	H.
Cabinet-makers	103	9½	126	2	22	2½
Coopers	110	2	126	2	16	0
Carpenters	103	9½	115	6½	11	7½
Painters	102	7½	115	6½	12	9½
Shoemakers	121	2½	147	6½	26	4½
Tailors	109	6	138	8	29	2
Tanners	103	9½	130	9½	27	0
Tinsmiths	103	9½	126	2	22	2½
Total	859	5	1,027	3½	167	8½

Average depreciation of purchasing power of labor in 1873 to that of 1860, 19½ per cent.

RECAPITULATION.

Average increase of cost of twelve articles in 1873 over that of 1860, 92 per cent.

Average increase of wages of workmen in eight different trades in 1873 over 1860, 60 per cent.

Average increase days' labor in 1873 to earn the twelve necessaries, to 1860, 19½ per cent.

When, therefore, you seek to divert two millions from the Treasury, the proceeds of our common lands, and impose, as you must, so much additional burdens upon labor; when in this bill you give to the poor and illiterate of other States the larger shares for education, which, if fairly divided, should go *pro rata* to all the States on the basis of proprietorship and population, you pass an inequitable bill, and at the same time neglect the desideratum of the day—economy. Our legislation must be according to the facts. If we are not to reduce the taxes through the tariff, in so far as we can reach them in a Federal legislature, and at the same time increase revenue as I have proposed, we might at least keep all the funds we can to prevent further taxation, and among them the proceeds of the public lands; keep them as well from railroad and less obnoxious schemes as for credit and revenue.

Secondly, I am opposed to this bill because I am opposed to the congressional enactment of the civil-rights bill, as it was when recommitted.

Whoever opposes the civil-rights bill on account of the mixed-school system must oppose this bill, which furnishes funds for such a system. It is now very relevant, therefore, to discuss the civil-rights bill. This I do not propose to do, except so far as to show its consequences, if passed, as affecting this bill and the probability of its passage. It does not follow, however, that all who favor the civil-rights bill must vote for this; although it is singular to me how so sound a reasoner on this matter as the eminent and eloquent member from Iowa [Mr. KASSON] can aggrandize Federal power by voting mixed schools, and oppose this bill, as he does, because he would restrain this centralizing tendency. He seems to swing with the pendulum and describes the oscillating arc he so happily represented.

Nor does it follow that the colored advocates who have enraptured the galleries on the former bill will vote this. Can they do it if the House should "proscribe" them from the common use of the schools? Is it not irrefragable that if the right to the inn, railroad, theater, and cemetery be conceded to the black to the same extent as to the white to enjoy them, (though the enjoyment of the grave-yard is perhaps a melancholy hilarity,) that the same right should be extended to them as to the schools? The colored members are correct in their reasoning, assuming these premises. Indeed, all the *amis des noirs* who have spoken are right in demanding equality alike in school and inn, in cemetery and car. When you debar them from the school you as much keep up the

bar sinister as by keeping them from the play-house. Would it not be a craven logic, unworthy of the struggling blacks and their admirers, to insist on the one and not the other? Is it not, therefore, nonsense to pretend that this bill does not have in it, indirectly, a colored element? "*Hic niger est, hunc tu, Romane, caveto!*"

Mr. Speaker, without invidious reflection upon any one, may I not commend the calm and statesmanlike way in which the gentleman from Massachusetts [Mr. G. F. HOAR] presented this bill. He did not appeal to the clamor of the House or to the claqueurs of the gallery. He did not seek to question that body up yonder, which, like the African Sphinx, sits an insoluble riddle until its sensibility is tickled by allusions to its industry, education, and heroism! If, however, its plaudits serve to grace the noble fervor of the gentleman from South Carolina [Mr. ELLIOTT] who spoke so well for his race, or the chartered libertines of debate who tumble about in bellicose drollery, I am content to praise and enjoy this novel mode of deliberation.

But I do not refer to the civil-rights bill merely to mark the difference in the manner of debate. This act consecrates the net proceeds of the public lands for education, and provides the mode of their application. The civil-rights bill provides for mixed schools; and if it becomes a law the funds thereby dedicated will be thus applied.

"But," it is said, "the civil-rights bill is recommitted; and may be reported back without the mixed schools." I do not know as to that. I will give three or four reasons why I think "civil rights" and mixed schools will return to us again for our action: first, partisan reasons; secondly, the speech and oath of the gentleman from Massachusetts, [Mr. BUTLER,] the champion of the measure; and, thirdly, the attitude of the colored people as to mixed schools since the recommittal of the bill.

First. Frequent reference has been made by members, both colored and white, to the democracy. The acrimony of the debate has sprung from their chronic prejudices against color. I have no such prejudice; nor do I mean to express any, when I say that the white advocates of the bill might well entitle it "An act to revive prejudice so as to rehabilitate the republican party." The appeals to the colored gallery, the plaintive reference to the African soldiers, the unintentional satire about black children outstripping the white at school, and even the sudden collapse of the bill, by its recommittal to placate a white republican opposition in Virginia and elsewhere, all indicate that it is a measure of party necessity with party complications. Is it not intended to renew and to keep up discussion upon it, and thus enkindle and embitter partisan rancor, now somewhat dull, "in the agricultural districts?" Is it not intended to revive something of the dying war feeling and re-create a new soul under the ribs of radical death?

It was remarked that the northern democrats took no part in the debate on the civil-rights bill. Why this remark? Was it a part of the plan of the shrewd leader of the republican party to inveigle the northern democracy into the debate, so as to arouse dormant antipathy; or to call attention from the bankrupt condition of the Treasury, or from the discontent and impoverishment of the laboring people? Was it a movement to recover from the overwhelming defeats of the Administration in Ohio, New York, Pennsylvania, Wisconsin, California, and Iowa? Was it intended to reorganize the scattered forces of republicanism on the colored issue? I would do no injustice to the gentleman from Iowa, [Mr. KASSON.] On the contrary, at the risk of embarrassing him, I say that I am sure he is sincere in his appeal to Heaven to save his party from the effects of such a measure as this of education; but he made no such appeal as to the civil-rights bill. Is Heaven against him irrevocably upon that? It is not the first time that that party has planted itself in a pietistic attitude. This is once too much. The grangers are up and alive. I could almost see my friend, like another Cincinnatus, at the plow; his auburn hair full of hayseed, and his democratic logic mowing down the crop of fallacies by which this and similar bills are defended. But I doubt if Heaven listens to the appeal. The "crow is not reckoned a religious bird because it keeps cawing from a steeple." The northern democracy are satisfied with such expositions of Federal power as the gentleman gives us. They would apply them further. They should go to the civil-rights bill, *a fortiori*.

His argument is not a new one to me. On the 17th February, 1864, when the Freedmen's Bureau bill came in, I was first to denounce it, for the very reasons given by the gentleman. In the light of recent developments, what a commentary is there in these remarks of mine, then made. May I be allowed to recall them?

> It begins, for this Federal Government of limited and express powers, a policy so latitudinarian that the whole system is changed. This is a new system. It opens a vast opportunity for corruption and abuse. It may be inaugurated in the name of humanity; but I doubt, sir, if any government, much less our Government of delegated powers, will ever succeed in the philanthropic line of business, such as contemplated by this bill. Hence, the highest humanity is in building strong the ramparts of constitutional restraint. If the gentleman can show us warrant in the Constitution to establish this eleemosynary system for the blacks, and for making the Government a plantation speculator and overseer and the Treasury a fund for the negro, I will then consider the charitable light in which he has commended his bill to our sympathies. If you can so frame your bill as to draw no money from the Treasury, and make your scheme self-supporting; or, if you can so perfect the system as to connect it legally with the military without degrading the Army, and still discipline and care for the unfortunate blacks, male and female, young and old, strong and weak, then we may consider its propriety and legality, with a view to aid its passage.

As in matters of charity and police, so in matters of education; the forum for their consideration is the State Legislature. New York has its educational system, and its civil-rights bill. The one is admirably executed; the other may be in time. But something is due to the spirit of a people. All the punishments you can invent as to school officers or their squandering, as to the theaters and schools, and the admission of the colored race to them, will not answer. There is no remedy here for the inconvenience and trouble likely to arise from such peculiar Federal intermeddling. Self-help, not State-help, is the law of success for every race and people.

When De Foe, the great friend of liberty, (better known as the author of Robinson Crusoe,) was placed in the pillory for defending the dissenters, the populace who were expected by the law to pelt him with eggs and heap contumelies on him, hung garlands on his pillory, huzzaed, and sung hymns to him.

> Tell them the men that placed him here,
> Are scandals to the times,
> Are at a loss to find his guilt,
> And can't commit his crimes.

So will it be with all legislation which interferes with local, social, and home relations. Honors will be heaped on those who defy the law when that law is adverse to public opinion and domestic prejudices. So it was with the fugitive-slave law; and so it will be with all laws interfering with matters of local and social concernment.

But, Mr. Speaker, if the civil-rights bill does come back with mixed schools out, the colored members here, and colored voters elsewhere, will not be satisfied. The battle will rage again. You may give them the freedom of the inn, the railroad, and the theater; you may bury them side by side with the white in the cemetery; you may go further, and provide that we shall all rise together out of the same mold in the resurrection, irrespective of race, of color, or of previous condition; but the broad-voweled Africanese tongue will talk, and the elegant elocution of the successor of John C. Calhoun will still make its music of agitation. Gentlemen of white persuasion may tender the forty acres, but the inquiry still will be, "Where's your mule?"

Secondly. Why do I say this? Because the gentleman from Massachusetts [Mr. BUTLER] has sworn it on a gory battle-field? I am sure no one could have been more interested than myself in the dramatic effect of that adjuration, or rather in its histrionic recital. It was a masterpiece. It displayed the eminent actor in a new *rôle*. He wears, it seems, the buskin as well as the sock; his words so naturally fall into the heroic and tragic measure:

> How the cothurn treads majestic,
> Down the deep iambic lines,
> And the rolling anapæstic
> Curls like vapor over shrines.

But is he not a painter as well? His battle-scene is worthy the pencil of Vernet; nay, it has the rare *chiarooscuro* of Rembrandt, with its "gloomy light much like a shade;" and its weird afterpiece of death in its setting of bronze seemed so realistic that one could almost wish that the painful picture were overdrawn.

Here is the terrific oath that followed his eloquent battle-piece:

> Among my dead comrades there I swore to myself a solemn oath, "May my right hand forget its cunning and my tongue cleave to the roof of my mouth if I ever fail to defend the rights of these men, who have given their blood for me and my country this day and for their race forever;" and, God helping me, I will keep that oath. [Great applause on the floor and in the galleries.]
>
> From that hour all prejudice was gone, and an old-time State-rights democrat became a lover of the negro race; and as long as their rights are not equal to the rights of other men under this Government I am with them against all comers, and when their rights are assured, as other men's rights are held sacred, then, I trust, we shall have what we ought to have, a united country North and South, white and black, under one glorious flag, for which we and our fathers have fought with an equal and not to be distinguished valor. [Applause.]

This sudden change from an old State-rights democrat to what Caleb Cushing used to sneeringly call a negrophilist was not less marvelous—like a certain scriptural conversion—than the scene itself which so wrought upon the gentleman's subjectivity.

But, sir, to the remarkable speech of the gentleman from Massachusetts! I do not assume to be an *arbiter elegantiarum* in oratory; but I confess to an æsthetic desire to commend this work of art. It had in it, besides, natural tremulous touches of pathos. I saw more than one "dew-drop" in the eyes of rugged veterans, like my gallant colleagues, the generals from Brooklyn. He who is capable of such an effort should give to his declining years more of that gentle service. Even though he depicts his own experience, we can pardon it. As was said of Raphael, "who but himself could paint his portrait?" Can this be the same rude hand which made those horse-laughs of the gallery groundlings by the free use of gamboge and small beer—sometimes plastered on with a wash-brush, like a theatrical side-scene? Nor is it necessary, in passing on a work of art which evoked such feeling, to inquire whether it springs from unreal grief and imaginary scenes. The sorrows of Werther and the troubles of Richardson's Clarissa—I do not refer to any females of the Treasury—have made worse men tearful; but they were signs of genius as well as of feeling. The point at which I aim in this line of remark is, that the persistent and vigorous gentleman from Massachusetts [Mr. BUTLER] is in terrible earnest in his sworn devotion to the black; and that he will never, never give up until his bill with mixed schools is law, and these funds are fixed in trust for their sustentation.

Already, Mr. Speaker, the angry press, because of the speeches of the gentlemen toward their craft, have tried to wreak their revenge, by casting suspicion over the plain, unvarnished tale of war, so eloquently recited by the gentleman from Massachusetts, and thus weaken our faith in his courage. It has been hinted, first, that in such an exciting and sanguinary scene the gentleman could not have been so observant of details as to recall the precise number of yards, miles, and troops. It has been more than hinted that the whistling bullets, crossed bayonets, disrupted abatis, and capless muskets, and even the redoubts, were "works of the imagination;" and that the brave black man, waving the "flag of starry light over the storm of battle," including the great oath itself of the general, are but figments, worthy of an unconverted democrat or a Sir John Falstaff.

It is further surmised that the gentleman could not have been there at all. Now, sir, I meet this last allegation boldly; not with a flat denial, but with an explanation honorable to the service and to his discretion. Where should the general be except in the rear? Who ever heard of a general, unless it were some youthful Napoleon at Lodi, or a careless Sedgwick, under fire? It is his duty—not to take to a stump, as Jomini would recommend, but for success to follow in the "track" of victory. Any general who would do otherwise would be cashiered.

No, sir. The past is at least secure on all these points. Let us who are making history forestall its careless muse of the future. Time has a relentless tooth. How it destroys our pleasing prospects! how it tumbles down our enchanted castles! What is Rome since the skeptic Niebuhr erased Romulus and Remus and the wolf from our juvenile faith? What is Greece with Numa and the divine nymph a mere myth? What the Argonautic expedition? Hardly a voyage for wool. The Golden Fleece has been washed out by the encrimsoned waves of the Crimean war. The heroes and gods of Homer; the ghostly figures of Dante's Inferno; the devils and angels of Milton, and the shadowy creations of Ossian—where are they now? Children of the mist—remote as the Milky Way! The braveries of Troy; the wanderings of Ulysses; the death of Agamemnon; the magical history of the Atrides; the knights of Prince Arthur in Spenser's Faërie allegory? Ashes only, inurned in golden verse!

Within our own time many believed in Dr. Whately's brochure, entitled "Historic doubts concerning Napoleon's existence." And yet men were still living who had seen the great Corsican. What may not be said of the distinguished gentleman from Massachusetts, when the 4th of July, 1900, shall be celebrated?

If the Xanthus and the Scamander "dry up" under skepticism, where may not James River be ten centuries hence? Where then this battle of the blacks? A dactyl, a spondee—the hexameter verse of some New Zealand Virgil, or some Alaskan Longfellow—singing of a supposititious general on an imperceptible horse upon an imaginary battle-field, with an army of impalpable blacks cutting away a fictitious abatis with intangible axes, to capture an airy redoubt, held by a ghostly enemy, who did not incontinently fly over any number of miles, with nobody in pursuit!

Such is the fickleness of fame and the unreliance of history. If only twenty-seven names survive of all the millions before the flood, what matters it if these heroes are forgotten? It matters much. The heroic mind would have all the grand deeds of our world recorded in enduring brass. Alas! we have but a CONGRESSIONAL RECORD, made up of printing-ink and the pulp of rags.

Before the century is out, it may become as difficult to decipher our RECORD as the Egyptian hieroglyph or the Babylonian script. Some future Champollion or Smith, struggling through our mutilated record, may doubt, first, that if there ever was a rebellion, no such battle as that of Spring Hill took place; secondly, if there was such a battle, no colored troops fought in it; thirdly, if there were colored troops engaged, there was no such commander; fourthly, if there was such a commander, it was not General BUTLER; fifthly, if it was General BUTLER, no rebels ran away.

To dispel these possible illusions of posterity, the gentleman from Massachusetts, with wonderful foresight, called on those present who were cognizant to confirm his statement. Their silence afforded that confirmation. Lest, however, the captious critic of 1976 may still doubt, I add my belief to magnify the truth, by completing this epic of "arms and the man." Anxious for my country's future in history, and that the leader of the Forty-third Congress shall have his niche in the Pantheon of fame, I would resolve these nebulous doubts into authentic stars.

Nay, I confirm my belief by a document before me, dated October 11, 1864, from the army of the James before Richmond, issued by command of General B. F. BUTLER.* It refers to this fight and the colored troops in admirable phrase. It only lacks the picturesque and poetical imagery and oath of the impassioned orator. I call attention to this order only to show that the general of that army is in dead and bloody earnest in swearing that he would lose the cunning of his hand and the use of his tongue before he would give up the colored cause; and hence I infer that the proceeds of the public lands will go to the mixed schools.

I have been elaborately particular on these points, for the gentleman knows well the apochryphal character of printed matter; in fact I think I have heard him make a few remarks as to the unreliable character of the daily press. How much more, then, sir, would he doubt the literature of the coming centuries, when Time's effacing hand shall spoil the now, alas! imperfect record of the newspapers.

I am the more inclined to make this vindication, because, as my friend once confidentially told me, I was debauched by literature; so that the quality of that species of human employment stands in poor esteem in his mind. I fear it will stand still less so when I tell you, sir, that my apprehensions about the future of this remarkable battle and his gallantry in its track may subject him to such derogation as I find in De Maistre's "Journey round my room." That vivacious and clever Frenchman, with spiteful jealousy of our nation and malicious prophecy as to our war, says in his last chapter but one: "How many men there are who, finding themselves clothed in uniform, firmly believe they are officers until the unexpected appearance of the enemy; and more than this, if it be the king's good pleasure to allow one of them to add to his coat a certain trimming, he straightway believes himself to be a general; and the whole army gives him the title without any notion of making fun of him. So great an influence has costume on the human imagination! (*Voila l'effet de costume sur l'imagination!*)" I am sorry, Mr. Speaker, that the translation fails to give the exquisite aroma of the polite French original.

Besides, if I may be allowed other classic reference, all history concerning Africa and her sons and scenes is a record of enchantments and prodigies, and it is apt to be discredited. I do not speak to disparage, but partly from reading and partly from observation upon the northern part of that continent, when I recall the dangers of disbelief as to anything concerning Africa. There the lotus grew, whose fruit when strangers ate they forgot even their own race and native land; there was the palace of the Gorgons; there Strabo locates the seven-cubit leeches, a single one of which drained the blood of a dozen men. These were doubtless the antetype of the Freedmen's Bureau! Africa is full of legends of satyrs and other goat-footed genii, who greeted sunrise and sunset with yells; of one-eyed beings with a single leg, outrunning the ostrich; of basilisks, dragons, and all sorts of miscegenated monsters. Hence, these prodigies naturally beget incredulity where Africa is concerned; and we must anticipate this effect, *à priori*, by fixing this battle as a prodigy, as authentic, and having the enchantment of verity. This I have essayed.

But while the task is easy as to the details of the battle, it is more difficult when we approach the oath of the general; and here, lest any member should make a point of order that my remarks are irrelevant, I make my concatenation with the bill. If the oath be authentic, and the juror is that man of determination which his race for governor of Massachusetts illustrates, then mixed schools will be kept in the bill, and the public lands will be thus dedicated. To assume that the gentleman would fail of that oath, would add an illustration of that other prodigy, which Herodotus says belongs to Africa, where the cattle graze backward on account of their strange horns.

I will not now inflict upon the House a dissertation on oaths. Some sessions ago I urged the inutility of frequent and familiar oath-taking, with reference to the repeal of the iron-clad. My friend behind me [Mr. MAYNARD] answered me; but time has led him to my side; for it was he who brought in the bill to melt down the iron-clad! Oaths should be reverent and rare, to inspire respect. Not that I intimate any want of rarity on this occasion. But by many good people oaths are rejected entirely. "Whatever is more than this"—that is, the simple truth—"cometh of evil." The Golden Age had no oaths. When cozenage and deceit and lack of confidence began in our world, oaths arose. All the best writers agree that there is still a slippery uncertainty in an oath. There are various modes of swearing. Abraham's style was peculiar. In fact the binding nature depends sometimes on the mode of taking the oath. In this regard, we are ignorant of the precise ceremony of the gentleman. He only tells us he swore to himself. The Greeks swore by Apollo; the Saxons by the head of their king. Cyrus swore he would not eat till he did it. Other persons swear off that they will not drink. The Magi swore by the Ganges; Palinurus by the rough seas. Some Athenians swore by cabbages; Theseus by Mars the Red; Socrates by a dog. The King of Polonia in 1573 swore that if he failed in fealty to the Turk he would be apostate, oppose altar and priest, and slay swine upon the font, and worship them! Hamlet swore by Saint Patrick; for the whole Northern world had then their learning from Ireland. Shakespeare, who was a Celt, like the gentleman from Massachusetts, knew an oath was necessary for supernatural effect!

But it is the martial oath I would analyze. Swearing is a soldierly habit. The army swore in Flanders. Our armies, Federal and confederate, swore continually; they swore in recruits and swore in disloyalists; and swore them out. Even this oath of the gentleman which I have quoted, cannot be his only one. He must have sworn somewhat at the court-martial who sentenced a soldier to work ten years on his Dutch Gap canal; and he might be well excused if he swore

*In the charge on the enemy's works by the colored division of the Eighteenth Corps at Spring Hill, New Market, better men were never better led—better officers never led better men. With hardly an exception, officers of colored troops have justified the care with which they have been selected. A few more such gallant charges, and to command colored troops will be the post of honor in the American armies. The colored soldiers, by coolness, steadiness, and determined courage and dash, have silenced every cavil of the doubters of their soldierly capacity and drawn tokens of admiration from their enemies—have brought their late masters, even, to the consideration of the question whether they will not employ as soldiers the hitherto despised race. Be it so; this war is ended when a musket is in the hands of every able-bodied negro who wishes to use one.

when, contrary to the general belief, powder did not go off before Fort Fisher.*

The sublime oath, however, of all time, quoted by Longinus, is from Æschylus—where, upon a black, orbed shield, seven valiant chiefs slew a bull, and dipping their hands in his blood, went out to ravage and destroy! The gentleman's oath was by his hand and tongue; and as neither the one nor the other is impaired, my conclusion is that he will insist on perfect equality and confiscate our lands for mixed schools.

It is urged that most of these oaths are, like that of Hamlet to the ghost, only a fiction. I may admit it; it is but another illustration of a licentious press. Even this splendid oath of the founders of Swiss freedom has been called a myth: "We swear," exclaimed Walter Fürst, Werner Stauffacher, and Melchthal, extending their arms, "we swear in the presence of God, before whom kings and people are equal, to live or die for our fellow-countrymen; neither to suffer injustice nor to commit injury; to respect the rights and property of the Count of Hapsburg; to do no violence to the imperial bailiffs, but to put an end to their tyranny." Around this oath has gathered the haze of time. It is very beautiful. It has its conservative reservations as to certain rights of property and person, which the distinguished gentleman from Massachusetts omitted in the hurry of his movement in the track of that black charging column. I would advise him to copy it next time. It is very effective, and lacks the diabolic energy which not only appeared in the oath of the gentleman, but in his speech. But alas! alas! for human asseverations. Oaths became so common in the war, and since. They became the sport of the privates and the joke of the officers. It is Congress only which listens to them with awe, while the galleries cheer in exultation. But the object of the oath and speech is gained, and then—O! fatal indecision, not unlike that of the Dane, who let "I dare not, wait upon I would"—the native hue of resolution became sickly, the oath failed, courage sank, and the bill, on the motion of the eloquent gentleman and soldier, was recommitted.

Thirdly. But will the bill remain thus? No. I ask the gentleman from South Carolina, [Mr. ELLIOTT,] or his *confrères:* are you going to give up mixed schools? Not thus do I interpret the serenade remarks of that member. Not thus do I read these ringing sentences, which come to us (as did the words of the ghost to Hamlet, "Swear! swear!") from below, in the restaurant—from Mr. Downing and his thirty-nine men of nerve:†

> Having this regard, you will not consent to have the clause securing us from proscription in public schools in the several States stricken from the civil-rights bill now before you. It is to us the clause of primary import. Public schools inculcate ideas, teach the rising generation. If the rising generation is taught by the State to look on the color of a citizen, and (as the arrangement setting them apart implies) to despise them, to regard the class as inferior, one that may be outraged, they not only, in thus educating them, unfit the despised as well as the despising class to sit on the juries, but the arrangement wars with the Constitution, which forbids any State from making or enforcing any law abridging the right of citizens. * * * Rights should not be disregarded in deference either to prejudice or threats; the very threats are an argument that, without law, the parties are not likely to act equally and justly by us. * * * Why not act justly, fully? Let us and the country have rest. The material interest of a burdened country cries out for rest; for a rest it cannot hope for until our rights, like others, are fully secured and respected.
>
> We ask, as proud Americans, to be dismissed from your gates. We do not desire to stand in the position of suppliants. We want our rights, and no more than our rights. Nothing short of them will satisfy us. If driven to the wall, it must be by those who, having the strength, may, if they will, secure them.

I know what this means. Mr. Downing does not care so much for the hotel. It is not in his line. The privilege of five dollars a day at the Fifth Avenue or the Arlington is not to be greedily sought for. As to the rail-car too, "are we not," says the colored traveler, "treated like the whites, to separate cars? Was not a Massachusetts member [Mr. HOOPER] turned out of a colored car in North Carolina? Are we not equal in that?" And the theater; who cares to pay the price of a family's food for a week to see a blackamoor making love and finally smothering a weak young lady of Venice, then throwing himself away and finally committing suicide on account of a lot of "white trash?" Who would beg to pay the price of intrusion into a theater, where "Box and Cox" do nothing but bother each other and poor Mrs. Bouncer? As to the cemetery: I fancy I do not derogate from the spiritual elevation of the colored race when I say that, compared with the school question, it is no matter where they are buried. What matters, my colored brother, from what spot you or I put on the wings of an immortal flight; whether "way down upon the Suwanee River," or far off upon the banks of the Yang-tse-Kiang? There is more pensive thought in the little burial mounds I have seen in a Carolinian thicket than in the stupendous monument of Metella! The gentleman [Mr. ELLIOTT] has read Sir Thomas Browne's Urn-burial. I think I hear his rotund and serious voice rehearsing its quaint philosophy:

> To die, indeed, is to be again ourselves, and 'tis all one to lie in Saint Innocent's church-yard, as in the sands of Egypt, beneath the pyramids; ready to be everything in the ecstacy in *being ever*, and as content with six feet as the moles of Adrianus.

Not his the philosophy of Ulysses in Hecuba, who did not care how meanly he lived, so he might find a noble tomb in death; but rather that of Socrates, who was indifferent, so that his friends regarded his immortal part, whether his body was buried or burned. It is all one how we are buried or where we lie. Was not Pompey burned with a piece of an old boat; and did not Cæsar cast off his enmity with his body, and with accord accompany his enemy, Pompey, to a Latin hell? "Nay, after all," says our quaint friend, "has not water proved the smartest grave, which in forty days swallowed almost mankind and the creation, fishes not wholly escaping?" What of the dead past—save a few royal bones and priestly dust—remains? These are entombed in mounds and minsters! Of Adam, our earliest forefather and blood relative, no fixed site is pointed out as holding his loved remains; and yet his death "was only six thousand brief summers ago!" Even Mark Twain was not entirely certain of the precise locality. Hence, he wept!

So far as I am individually concerned, I quarrel not about being sepulchered with the black. I am not perhaps as certain as some of them as to the resurrection; but I rather believe with Joaquin Miller that it is hardly

> Worth while that we battle to humble
> Some poor fellow-soldier down in the dust.
> God pity us all! Time eftsoon will tumble
> All of us together like leaves in a gust—
> Humbled indeed down into the dust.

Therefore I feel authorized to say for the living fathers and mothers of Africa that all other reasons for the civil-rights bill may fail; but the chief cause remains, so long as their children are proscribed from the schools. They will have that boon as a part of their equality. In no other way do they feel that they can secure a victory over the whites. If that be not given, "not death, nor hell" can drive them to remain with the republican party.

So that, whether we like the mixed schools or not, ultimately, as I prophesy, this Congress will enact it. You cannot get rid of it. It is the Old Man of the Sea.

Gentlemen, therefore, will be wary in voting this bill. It is a bill to furnish the proceeds of the public lands for a policy which, if we are to believe many of them, will make the whole scheme of free education South, a failure. If we thus dedicate the lands, the trust will in the end go to prop up a failure.

Aside from that, coming to the bill itself, I should like to support it in a different shape, and under different circumstances, and as a State measure. If we could reconcile our best wishes toward the negro, with State action and public sentiment, we will do more for them than any party has hitherto done, where it has had the power.

The bill before us is what the gentleman from Massachusetts [Mr. G. F. HOAR] calls a compromise. In other words, it is a great advance on his former views. We have objected to previous bills from that quarter, as tending to enlarge Federal powers, to absorb those local functions which have been the life of the State systems, especially their school systems. I cannot yet divest myself of a certain caution in looking at this gift. *Timeo Danaos.* The bill does aggrandize, though insidiously, the function of the Federal Commissioner of Education. His certificate may give or withhold from the State its share of the fund. He is to judge whether the State has complied with the seventh section. If, for instance, he holds that a free-school system requires the admixture of the races, and so regards the "shrieks of locality," and the clamor of districts, counties, or States, as to withhold the ratio of a State, who is to question him? Congress? Not immediately; and perhaps never. So in regard to the misapplication of the funds. There is a severe penalty. How if "misapplication" may mean the application under a law of a State to white schools alone and not in accordance with the Commissioner's views? Is he to be punished for that?

There is another query, which as a legislator I am bound to make. There is a penalty in the eleventh section for the misapplication of the funds. A felony is declared. Fine or imprisonment is provided for the officer or person willfully misapplying the funds. What officer? Any one in any of the hundred thousand school districts of the United States. What person? Any one, banker, depositary, custodian, or messenger. The pursuit of such a felon is to be by the United States circuit court exclusively! Of this the gentleman from Iowa [Mr. KASSON] remarked exhaustively.

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* Fellow-citizens, I have lived with you, man and boy, for thirty years, and I am going to live with you, if you will have me, for thirty years longer. [Great applause.] I have stood before you many times, and I hope to stand before you many times more to advise with you upon that which is for the good of the country; but often as I have met you here no man can say that I ever misrepresented a fact, and when I now tell you that I never saw that powder-boat, that all I had to do with it was to order my ordnance officer to turn over to the Navy one hundred and fifty tons of powder, and that the whole thing was under the charge of the Navy, and was arranged exactly as the Navy desired, when they wished and how they wished, you can judge of the truth of the dispatch which states that I prepared the powder-boat.

Whoever states it, there is no truth in it. But the powder-boat it is said was a failure. Granted; as the powder in it was never wholly set on fire. It was intended that there should be then exploded more powder than ever was at once exploded before—powder enough, in my judgment, to have done very great damage—so much, in fact, that I have the written advice of Admiral Porter that I should stand out twenty-five miles, let off the steam, and draw the fire from the boiler of my boat before it went off, lest the explosion should blow me up even there. [Laughter and applause.] I am prepared to take the issue; and hereafter, fellow-citizens, when you bear me to that little inclosure on the other side of the river, which I hope for as my last resting-place, I pray you to put over me for my epitaph: "Here lies the general who saved the lives of his soldiers at Big Bethel and Fort Fisher, and who never commanded the Army of the Potomac." I ask for nothing else. [Great applause.]—*General Butler's speech at Lowell, January* 29, 1866.

† *Ghost,* (beneath.) Swar!
Hamlet. Ha! ha! Boy! says't thou so?
Art thou there, true penny?
Come on! you hear this fellow in the CELLARAGE—
Consent to swear.

When will we have done with penalties? When will there be such a system of education and polity as will remove the inducements to crime, so as to avoid the frequency of punishment? Especially, when will we cease to enact here laws whose harsh penalties are an assurance of their impotence?

These objections which I have mentioned might be obviated by judicious amendment. The amendment I propose is to strike the eleventh and twelfth sections out of the bill.

Let no one say that these objections spring from any opposition to an efficient system of education. No one can feel more deeply—especially since the new order of suffrage—the need of general and generous education. The South to-day would not be under the heel of Federal usurpation if the exceptional culture here shown by colored Congressmen were shared generally.

Education is the safety of society. "We must," said an English minister after suffrage had been enlarged in England, "educate our masters." One of the greatest objects of government is education. Education has been well described as a "companion which no misfortune can depress, no crime can destroy, no enemy can alienate, no despotism enslave. At home a friend, abroad an introduction, in solitude a solace, and in society an ornament. It chastens vice, it guides virtue, it gives at once grace and government to genius. Without it, what is man? A splendid slave, a reasoning savage!" No father, whether himself educated or not, cares to see his children grow up comfortless in body or dull in mind. This country has not been unmindful of this demand. It has answered it in most of the States, and will answer it in all, and best by local institution. We want no supervision of it from this Capitol. Indeed, there is much complaint among good men, even as to State and local supervision. Our experience with the eleemosynary bureaus and schools teaches us better. We want no new Federal police emanating hence, whose Fouchés or Vidocqs will be sharpened by party needs, or prompted by publishing greed, to interfere with the State systems. We have enough now to attend to in our indispensable Federal duties, and especially in connection with the misapplication or squandering of public funds.

Therefore, in conclusion, I oppose this bill as over-legislation. It will be barren of practical results. Many years of service have taught me some lessons of humility. I did not miscalculate at the beginning of the war, as to the way it would end, as some did of my party. I expected that slavery would be riddled to death by the bullet. I did not miscalculate as to the Freedmen's Bureau and its mischievous results; nor as to the consequences of universal suffrage, now seen in the radical States South compared with the conservative States—as to their taxes, peace, prosperity, and credit. But I did miscalculate as to the effect of enlisting the blacks as soldiers, and as to their reception and conduct here. Besides, I had thought that in time they would see the importance of dividing their vote between the parties, and thus, while avoiding collisions with the white race, command more care and respect.

It is hard to prescribe for the evils which have grown up since and out of our civil war; but there is a rule which is safe: Put not your faith in legislation to rectify social troubles and race divisions. The pendulum of the gentleman from Iowa is swinging just now in favor of *laissez faire*, and away from that "subtle form of fetichism"—the blind adoration through the centuries, of governmental omnipotence. We are admonished against this, by the size of our files, by the clogging of our business here, by the paralysis of our industries, by the flurry of our bourses, by the panic in our banks and marts, by the changes in our politics, by the expenses of our living, by the insecurity of our property, by the luxury of our millionaires, by the poverty of our poor, by the prodigality of our officials, and by the insecurity to life, liberty, and the pursuit of happiness, which are the consequences of a bad administration even of the best form of government.

Mr. G. F. HOAR. I now move that this bill be postponed till the third Tuesday in March, after the morning hour. I do not ask that it shall take precedence of other orders.

Mr. BURCHARD. I suggest to the gentleman to make the bill a special order after the morning hour and from day to day until disposed of.

Several MEMBERS. O, no.

Mr. G. F. HOAR. That would require unanimous consent.

Mr. BURCHARD. If there is objection, of course it cannot be done; but unless such an order be made the bill may never be reached.

The SPEAKER. Is there objection?

Several MEMBERS objected.

Mr. HOLMAN. For the purpose of getting this matter fairly before the people, I move to amend the motion——

Mr. G. F. HOAR. I do not yield to the gentleman. I call the previous question on my motion.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] is of course aware that the gentleman from Massachusetts [Mr. G. F. HOAR] did not yield the floor.

Mr. HOLMAN. The gentleman from Massachusetts simply made the motion to postpone; he did not call the previous question.

Mr. G. F. HOAR. My purpose was to call the previous question. I did not yield to the gentleman from Indiana.

Mr. HOLMAN. The country has never had an opportunity to pass upon this measure; and I had intended to move to postpone it uutil next December, so that the judgment of the country may be taken upon it during the campaign next fall.

Mr. G. F. HOAR. The judgment of the country has been very thoroughly expressed on the subject.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts, [Mr. G. F. HOAR,] on which he has demanded the previous question.

Mr. KILLINGER. If it be in order, I move that the bill be laid on the table.

The SPEAKER. That motion is in order.

The question being taken, there were—ayes 81, noes 71.

Mr. SENER and Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 110, nays 137, not voting 39; as follows:

YEAS—Messrs. Archer, Arthur, Ashe, Banning, Barber, Barnum, Beck, Bell, Berry, Bland, Blount, Bright, Brown, Buckner, Caldwell, Cannon, John B. Clark, jr., Freeman Clarke, Clements, Clymer, Comingo, Cook, Corwin, Cox, Crittenden, Crossland, Crounse, Danford, DeWitt, Dobbins, Donnan, Duell, Dunnell, Durham, Eden, Giddings, Glover, Hamilton, Henry R. Harris, Hatcher, Havens, Herndon, Holman, Houghton, Hunter, Hyde, Kasson, Kendall, Killinger, Knapp, Lamison, Lawson, Loughridge, Magee, Marshall, Martin, Mellish, Milliken, Mills, Mitchell, Moore, Morrison, Neal, Negley, Nesmith, Niblack, O'Brien, Orr, Orth, Packard, Isaac C. Parker, Perry, Phelps, Phillips, Pratt, Randall, Rawls, Ray, Read, Rice, Robbins, James W. Robinson, Henry B. Sayler, Milton Sayler, John G. Schumaker, Sessions, Sheats, Sloss, Smart, Southard, Stanard, Stone, Strait, Swann, Tyner, Waddell, Waldron, Jasper D. Ward, White, Whitehouse, Whitthorne, Wilber, Willie, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—110.

NAYS—Messrs. Albert, Albright, Atkins, Averill, Barry, Bass, Begole, Biery, Bowen, Bradley, Bromberg, Buffinton, Bundy, Burchard, Burleigh, Burrows, Roderick R. Butler, Cain, Cason, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crooke, Crutchfield, Darrall, Davis, Dawes, Eames, Elliott, Farwell, Field, Fort, Foster, Frye, Garfield, Gooch, Eugene Hale, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Harrison, Hathorn, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Hersey, E. Rockwood Hoar, George F. Hoar, Hooper, Howe, Hubbell, Hunton, Hurlbut, Hynes, Kelley, Lamport, Lansing, Lawrence, Leach, Lowe, Luttrell, Lynch, Maynard, McCrary, Alexander S. McDill, MacDougall, McKee, McNulta, Merriam, Monroe, Morey, Myers, Nunn, O'Neill, Packer, Page, Hosea W. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Ransier, Rapier, Richmond, Ellis H. Roberts, Ross, Rusk, Sawyer, Scofield, Isaac W. Scudder, Sener, Shanks, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Snyder, Sprague, Standeford, Starkweather, Stephens, Storm, Stowell, Sypher, Thornburgh, Todd, Townsend, Vance, Wallace, Walls, Marcus L. Ward, Wheeler, Whitehead, Whiteley, Charles W. Willard, George Willard, John M. S. Williams, William Williams, William B. Williams, and Woodford—137.

NOT VOTING—Messrs. Adams, Barrere, Benjamin F. Butler, Cotton, Creamer, Crocker, Curtis, Eldredge, Freeman, Gunckel, John T. Harris, Hoskins, Jewett, Kellogg, Lamar, Lewis, Lofland, Lowndes, James W. McDill, McJunkin, McLean, Niles, Pike, Purman, William R. Roberts, James C. Robinson, Henry J. Scudder, Sheldon, George L. Smith, H. Boardman Smith, Speer, St. John, Strawbridge, Taylor, Thomas, Tremain, Wells, Charles G. Williams, and Jeremiah M. Wilson—39.

So the House refused to lay the bill upon the table.

During the vote,

Mr. CROSSLAND stated that his colleague, Mr. ADAMS, was detained at home by sickness.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs on seconding the demand for the previous question on the motion of the gentleman from Massachusetts, [Mr. G. F. HOAR,] that the further consideration of this bill be postponed until the third Tuesday of March, after the morning hour.

Mr. HOLMAN and Mr. KILLINGER asked and obtained unanimous consent to print remarks on the pending bill in the RECORD. [See Appendix.]

The previous question was seconded and the main question was ordered; and under the operation thereof the further consideration of the bill was postponed until the third Tuesday of March next, after the morning hour.

Mr. G. F. HOAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE LAWS.

Mr. G. F. HOAR. I ask for unanimous consent to offer the following resolution; which I am sure the House will agree to as soon as they hear it.

The Clerk read as follows:

Resolved, That a copy of the Revision of the Laws, bound, be furnished to every member of the House as soon as possible.

Mr. HOLMAN. That resolution should go to some committee.

Mr. G. F. HOAR. Mr. Speaker, does that resolution go to the Committee on Printing under the law? Members cannot get along without a bound copy of those revised laws.

The SPEAKER. The Chair thinks that under the law the resolution goes to the Committee on Printing; and it will be so referred.

LOUISIANA CONTESTED ELECTION—LAWRENCE *vs.* SYPHER.

Mr. ROBINSON, of Ohio, from the Committee on Elections, reported the following resolution; which was read, considered, and agreed to:

Resolved, That J. Hale Sypher, the sitting member from the first congressional district of Louisiana in the Forty-third Congress, be, and he is hereby, permitted to file his answer to the notice of contest served on him by E. Lawrence with the Clerk of the House within the time allowed by the resolution of the House for answer; and that such filing shall be deemed a full compliance with the law governing such matters; a copy of said answer to be forwarded by the Clerk at once to the contestant by mail.

Mr. ROBINSON, of Ohio, moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE WAR OF 1812.

Mr. SHOEMAKER, of Pennsylvania. Mr. Speaker, a communication has been sent to the Committee on Revolutionary Pensions and War of 1812, from the Pension Office, giving valuable statistics in reference to the pensioners of that war; and I move that it be printed and recommitted to that committee.

There was no objection, and it was ordered accordingly.

DRAWBACKS.

Mr. COOK. I ask unanimous consent to submit the following resolution:

Resolved, That the Secretary of the Treasury be directed to furnish the House—
First, with the names of all persons and their place of residence, by States and internal-revenue districts, who have collected any claim or claims known as "drawbacks," or tare on raw cotton;
Second, the names of attorneys or agents collecting the said claims, and the amount collected in each revenue district of the State; and
Third, the amount of such claims rejected and still pending.

Mr. PLATT, of Virginia. I object to the adoption of that resolution. I have, however, no objection to its reference, and move that it be referred to the Committee on Ways and Means.

The SPEAKER. That is the proper committee to which the resolution should be referred; they can report it back.

The resolution was so referred.

YELLOW FEVER.

Mr. BROMBERG. I ask unanimous consent to submit the following resolution:

Resolved, That the Surgeon-General of the Army be, and is hereby, requested to communicate such reports and parts of reports in his office on the epidemic of the yellow fever in the United States in 1873 as illustrate the question of national quarantine.

Mr. DAWES. The Surgeon-General's Office is not one of the Departments, and the resolution should be directed to the Secretary of War. The Surgeon-General is under the Secretary of War.

Mr. BROMBERG. They have the information I seek in the Surgeon-General's Office.

The SPEAKER. Gentlemen should be careful in drawing up their resolutions not to call upon heads of Bureaus, but upon the heads of Departments to which the Bureaus belong.

Mr. HOLMAN. I suggest that the resolution be amended to "direct" the Secretary of War, instead of that he be requested.

The SPEAKER. The language of the House to heads of the Departments, in resolutions calling for information, is directory. The amendment will be considered as agreed to.

The resolution, as modified, was adopted.

JAMES M. NEELY.

Mr. ATKINS. On my motion yesterday a bill (H. R. No. 1189) granting a pension to James M. Neely, late first lieutenant Company C, Seventh Tennessee Cavalry, was referred to the Committee on Invalid Pensions, and I desire to have it withdrawn and laid upon the table.

There was no objection, and it was ordered accordingly.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I move that the House resolve itself into the Committee of the Whole on the naval appropriation bill.

The question was taken, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. E. H. ROBERTS in the chair,) and resumed the consideration of the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union, and resumes the consideration of the special order, which is House bill No. 1013, a bill making appropriations for the naval service for the year ending June 30, 1875, and for other purposes. General debate is exhausted. The bill will now be read the first time.

Mr. HALE, of Maine. I renew the proposition that I made last night, to which I hope there will be no objection; that is, that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maine asks that, by unanimous consent, the first reading of the bill be dispensed with. Is there objection?

Mr. HOLMAN. I think the first reading of the bill ought not to be dispensed with. We have plenty of time, and I think the practice is a good one of reading the appropriation bills at length before proceeding to have them read for amendments. I hope the gentleman from Maine will not insist on dispensing with the first reading.

Mr. HALE, of Maine. It is a matter which a single gentleman by his objection can prevent. I will only say that the reading of the bill at length by the Clerk will consume nearly an hour of our time.

Mr. HOLMAN. If the gentleman insists I will waive the objection.

Mr. BECK. I object. And I object for this reason: I went to the document-room again within the last five minutes, and found that neither the report of the Secretary nor the reports of any of the heads of the Bureaus are yet printed; and this House has no means of knowing anything about this bill except by the reading of it. I desire that the House shall hear the bill read.

Mr. HALE, of Maine. Very well; let the Clerk go on.

Mr. WOOD. I desire the gentleman who has charge of the bill to say whether he has had corrected all the errors which occurred in the printing of it.

Mr. HALE, of Maine. When in the reading of the bill for amendments we reach any errors in the printing, I shall of course move, on behalf of the committee, that they be corrected.

Mr. BECK. Will the gentleman from Maine tell us why it is that the report of the Secretary and the reports of all his subordinates have been withheld from the House and are now withheld?

Mr. HALE, of Maine. There is no force, and let me say no fairness, in the use of the word "withheld" by the gentleman from Kentucky. As to why documents long since in the printer's hands have not yet appeared here, I have no more knowledge than he has. But there has been no withholding. And I hope by this time the Committee of the Whole is satisfied that the Committee on Appropriations in its actions as to these bills is not inclined to withhold any information whatever.

Mr. BECK. The reports are withheld in some way. It is now the 12th day of January, and Congress met on the 1st of December, and we have not yet seen them.

Mr. HALE, of Maine. There are many documents I would like to have for my convenience that I have not got; but I accuse nobody of withholding them.

Mr. BECK. I ask the gentleman if it is possible for any member or this House, outside of the Committee on Appropriations, to know anything about any item of appropriation in this bill in the absence of the reports of the heads of Bureaus of the Navy Department?

Mr. HALE, of Maine. I have said to the gentleman before, and I repeat now, that the report of the Secretary and the reports of the Bureaus will throw little or no light upon the questions which are mainly involved in this bill, namely, the reductions which it embraces.

Mr. BECK. Will the gentleman tell us where else we can get information?

Mr. HALE, of Maine. Well, sir, the gentleman can get it if he chooses, by doing as I did—spending time at the Navy Department, going over figures, unearthing papers, making comparisons with the past, and consulting as to the needs of the future.

Mr. BECK. Why, sir, they would not allow me to do it.

Mr. HALE, of Maine. I have done all of that.

Mr. WOOD. I, for one, desire to express my confidence in the Committee on Appropriations. I am conscious of the embarrassment and difficulties which surround the discharge of the duties imposed on that committee; and I believe that they have discharged their duty with fidelity and ability, with this exception. They are precipitating upon this House the consideration of a measure, proposing to appropriate between sixteen and seventeen million dollars without giving us the facts and figures and the documents. Now I will say, in reply to the gentleman from Maine, [Mr. HALE,] that the fact that those documents are not here—I will not say withheld, because the gentleman is sensitive as to the expression—the fact that these documents are not to be reached by the members of this House, so as to give us the necessary information on which we may proceed to the consideration of this bill, is a reason why they should not thus hasten and precipitate its consideration. We want the documents. We want the information. We want to have the facts in our possession, so that we can fairly and honestly determine as to the amount of money we should appropriate for these expenditures. I think the gentleman should not force us to the consideration of this bill till we have those documents.

Mr. GARFIELD. Let me make a suggestion to the gentleman from New York, [Mr. WOOD.] When we take up any given item, if the gentleman will then put any question or point out any matter in regard to which he has not sufficient information from the Book of Estimates and from the committee, and show that further information is needed, he will then have a good ground why we should postpone action. But a general statement that we have not the documents now does not meet the point. I pledge the gentleman that so far as I am concerned, and I know I speak for all the members of the Committee on Appropriations, when he comes to a place in the bill, or puts his finger on a clause of it, of which an explanation is necessary, he shall have our help to obtain that information.

Mr. WOOD. In reply to the gentleman from Ohio, I will say that until the Secretary of the Navy has made a reply to the resolution offered by the gentleman from Kentucky, [Mr. BECK,] and passed unanimously in this House, we are not, in fact, in a position to vote upon even the first item of the bill which relates to the pay of the Navy.

Mr. HALE, of Maine. I presume this debate proceeds only by unanimous consent?

The CHAIRMAN. Only by unanimous consent.

Mr. BECK. I desire to ask the gentleman from Ohio one question, and it is this: if we are not to have the report of the Secretary of the Navy and the reports of the chiefs of the different Bureaus of the Department before the House at the time we are considering the naval appropriation bill, can he tell us when they are necessary to Congress, and when and how we can use them?

Mr. GARFIELD. What particular document does the gentleman want?

Mr. BECK. I want the reports of the heads of the different Bureaus showing the working of the Departments, as they all do or ought to do, and the necessity for all the appropriations. It is from these reports that the Secretary of the Treasury makes up his Book of Estimates. Without them we have nothing to guide us, except the statements of the Committee on Appropriations, in which I confess I have great confidence; still these are the reports upon which the Secretary of the Treasury makes up his estimates, and we ought to have them before us.

Mr. GARFIELD. Has not the gentleman seen the report of the Secretary of the Navy?

Mr. BECK. I got a copy of it privately by going to the Department for it.

Mr. GARFIELD. So has every member who has applied for it.

Mr. HOLMAN. It has not been furnished to the House generally.

Mr. BECK. No, sir; and the reports of the heads of Bureaus have not been furnished, and I have been unable to obtain them.

Mr. GARFIELD. The Committee on Appropriations have had the report of the Secretary before them since the first day of the session, and the obtaining of it was only a matter of diligence.

Mr. WHITEHOUSE. I would like to ask the gentleman from Ohio a question.

Mr. HALE, of Maine. I object to further debate, and call for the first reading of the bill.

The Clerk proceeded to read the bill at length and afterwards by clauses for amendment.

The first clause of the bill was read as follows:

That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June 30, 1875, and for other purposes:

For pay of commissioned and warrant officers at sea, on shore, on special service, and of those on the retired list and unemployed, and for mileage and transportation of officers traveling under orders, and for pay of the petty officers, seamen, ordinary seamen, landsmen, and boys, including men of the engineer's force, and for the Coast-Survey service, eighty-five hundred men, at an average pay of $300 each per annum, $6,250,000.

Mr. CLYMER. I move to strike out the word "dollars" in that clause, and I do it for the reason that I do not think this committee can act intelligently or intelligibly on this appropriation bill unless we are furnished with the reports from the various Bureaus on which the estimates are made up.

MESSAGE FROM THE SENATE.

Here the committee rose informally, and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. R. No. 35) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

The message further announced that the Senate had passed the following bills, with amendments, in which the concurrence of the House was requested:

The bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates; and

The bill (H. R. No. 795) making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House.

NAVAL APPROPRIATION BILL.

The Committee of the Whole on the state of the Union then resumed its session.

Mr. CLYMER. It may be that the Committee on Appropriations understand the nature of the different clauses of this bill, and it may also be that the Committee on Naval Affairs understand them; but that a vast majority of the members of this committee have any adequate idea of any of the different appropriations asked for in this bill, I think it must be evident to us all is not true. I think, sir, that in fairness to those we represent, and probably in fairness to the Department itself, we should have this information.

The chairman of the Committee on Appropriations [Mr. GARFIELD] says that if any questions be asked regarding any item of the bill, he will be glad to reply. I would suggest to him that it is impossible to ask questions unless we have the data on which questions may be founded. The chairman of the Committee on Naval Affairs [Mr. SCOFIELD] says we should vote blindly for all the appropriations in this bill because the general amount is reduced some $4,000,000 under the amount appropriated last year. While that may be true, it is nevertheless also true that it may be in the power of this committee to reduce the appropriations still further if they have a knowledge of the various items in the bill.

That being the case, I ask, is there now such urgent necessity for further progress in this bill that without information or data the committee should be asked to pass one of the most important appropriation bills of this Congress? Therefore, sir, in order that we may obtain further information, I beg to withdraw my informal motion to amend the first clause of the bill, and to substitute for it a motion that the committee do now rise, in order that I may make a motion in the House that some time be fixed for the further consideration of this bill, after such information has been obtained as will enable the Committee of the Whole to act intelligently upon it.

Mr. HALE, of Maine. I trust the gentleman will not press the motion to rise, which is undebatable, until I can have a moment to reply.

Mr. CLYMER. I will withdraw the motion if the gentleman will renew it.

Mr. HALE, of Maine. A word right to the point of this motion—that the committee shall rise for the purpose indicated by the gentleman from Pennsylvania, [Mr. CLYMER,] to postpone the further consideration of this bill. I ask the attention of members of both sides of the House to the fact that this is the first bill being considered in Committee of the Whole from the Committee on Appropriations, although it is now six weeks since the commencement of this session of Congress. The Committee on Appropriations has labored faithfully upon this bill—all of the members of the committee have so labored. Let me tell the gentleman from Pennsylvania that on yesterday a member of that committee—a fellow-democrat with him upon the same side of the House—stood here; and if he were here now he would bear me out in the statement that he said he, with others representing the minority of the committee, had carefully scrutinized this bill; that he believed it was a fair bill, and in the interest of economy. I can only reassert here, for the information of the House, that I know there are other gentlemen on that side of the House who look upon this bill as in the direction of economy, who feel that the reduction proposed is large.

Now it is easy, almost the easiest thing imaginable, for gentlemen on this floor—and I give them credit for good motives—to raise objections to an appropriation bill; to say that we have not got all the information which we desire; that we have not seen all the reports; that we want more time; that we want delay. Mr. Chairman, if the Committee on Appropriations waited, before it put in its bills, until every member of this House had examined all the reports and all the documents, and felt that he knew as much about it as he does of other subject-matters that have been submitted to his committee, no appropriation bill would ever be passed. Such would be the result of his objections.

Now, the Committee on Appropriations has matured this bill carefully, and has brought it forward here, and it is now being considered paragraph by paragraph. I am here, representing the committee, to explain in detail, if gentlemen have any difficulties about the details, so far as in my power, and my associates on the committee are also here. The Committee on Naval Affairs, which also has its attention called to matters affecting the Navy, is here. This bill is not prepared by that committee, of course; but still I do not know, it has not come to me that there is antagonism between the Committee on Appropriations and the Committee on Naval Affairs in reference to this bill.

I know that my five minutes are running out. I close by appealing to members here not to put off this bill, not to postpone it. We have been in session here for six weeks, and this is the first thing brought into the House in the direction of cutting down the estimates. Give us a fair chance.

Mr. CLYMER. I do not conceive that the remarks of the gentleman from Maine [Mr. HALE] have at all altered the position I assumed when up before. He still asserts that the bill is right, and that he knows it to be right, and that the other members of the Committee on Appropriations know it to be right. This may be so; but I say it is the common privilege of every member of this House to know for himself that it is right. While we do not wish to offer any factious opposition to any appropriation bill for the support of the Government, it is our right, as the representatives of the people, to know the data upon which these appropriations are based.

While I respect the gentleman from Maryland, [Mr. SWANN,] who belongs to this side of the House, and upon ordinary subjects would receive his judgment with all the weight it deserves, yet it might not be that I and all the members here are to be governed by his *ipse dixit*. For the first time possibly in the history of the House a bill of so great importance as this has been presented for its consideration without a single iota of information upon which the House generally should act save the report of the Secretary of the Navy, and that report can only be obtained by applying to the Navy Department for it. I propose always in this House, if I am able to do so, to legislate understandingly. I say it is utterly impossible here and now to proceed understandingly with the consideration of this bill unless we have the reports of the various Bureaus, as I have indicated.

Mr. GARFIELD. I desire to call the attention of the gentleman——

The CHAIRMAN. The Chair calls the attention of the committee to the fact that no amendment is pending.

Mr. CLYMER. I was intending to renew my motion that the committee rise.

Mr. GARFIELD. Then to that motion I desire to say——

The CHAIRMAN. That motion is not debatable.

Mr. GARFIELD. If the gentleman will withdraw that motion——

Mr. CLYMER. I will, if the gentleman will renew it.

Mr. GARFIELD. I will yield to him to renew it.

Mr. CLYMER. Then I withdraw my motion.

Mr. GARFIELD. I move to strike out the word "dollars" for the purpose of replying to the speech of the gentleman from Pennsylvania, [Mr. CLYMER.] He thinks the Committee of the Whole are without documents, without data sufficient to enable him to vote intelligently on this clause appropriating six and a quarter millions for the pay of the Navy. Permit me to refer him to a venerable document known as Statutes at Large of the United States.

If the gentleman will turn to page 334 of volume 16, and from the third to the seventeenth sections inclusive of the act approved July 5, 1870, a document that almost every lawyer in the country has had in his office for the last three years, he will see there laid down the exact number of enlisted sailors in the Navy authorized by law, the number of ensigns, the number of cadets at the Naval Academy, the number of masters, lieutenants, commodores, rear-admirals, admirals, and all that, and the pay per month that each one is authorized to receive. And if he will look into the Book of Estimates that has been before the House since its meeting he will find that we are asked for a little more than the amount fixed by law. But in this bill the Committee on Appropriations have cut down the estimates and given to the Department just exactly the amount the law requires for the full number of persons enlisted in the service, and no more—just what was given last year.

If he wants any better voucher than the actual statutes which point out both the number of officers and the rates of pay, then we are quite in competent to give him that intelligence. Such information is sufficient for me; and it has usually been sufficient for any member of the House of Representatives.

Mr. PLATT, of Virginia. I rise to oppose the motion of the gentleman from Ohio, [Mr. GARFIELD.] I am opposed to striking out the word "dollars." [Laughter.] If I recollect aright the action of this House the Army appropriation bill was made the special order for to-day, to be continued from day to day until disposed of; and I believe that if the motion made by the gentleman from Pennsylvania [Mr. CLYMER] should prevail and the committee should decide to rise, a motion to go into Committee of the Whole on the Army appropriation bill would be in order. In regard to that bill we have from the War Department information as to estimates and appropriations for the military branch of the Government—such information as we do not possess in regard to the Navy Department. I ask the gentleman from Maine [Mr. HALE] whether I am right in supposing that should the committee rise it would be in order to go into Committee of the Whole to consider the Army appropriation bill reported from the same committee?

Mr. HALE, of Maine. I did not hear the gentleman's inquiry; my attention was diverted at the moment.

Mr. PLATT, of Virginia. I desire to ask this: If the committee should now rise and the further consideration of the naval appropriation bill should be postponed, would it not be in order under the order of the House to make a motion to go into Committee of the Whole to consider the Army appropriation bill, which was made the special order for to-day, to be continued until disposed of?

Mr. HALE, of Maine. I have no doubt that it would suit the gentleman from Virginia [Mr. PLATT] to take up the Army appropriation bill in preference to this; for there is a navy-yard in the gentleman's district, and there are no navy-yards cut down in the Army bill. [Laughter.] But the men on this floor who are not thoroughly "booked up" in reference to the Army bill are just as numerous as those who lack information concerning the naval bill; I venture to say they are more numerous.

Mr. PLATT, of Virginia. I decline to yield to the gentleman further. [Laughter.] It is true I have a navy-yard in my district, and my constituents are deeply interested in this naval appropriation bill. It is for this reason I desire to possess all the information it is possible for me to obtain on this subject before I attempt to meet in Committee of the Whole the questions presented in this bill. I believe the committee will sustain me in saying that I would not be doing my duty to the constituents I represent if I did not insist that they should have the right to be heard, and that I should have the benefit of all attainable information before this matter is pressed to action in this House.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HALE, of Maine. What is the question before the committee?

The CHAIRMAN. The motion of the gentleman from Ohio [Mr. GARFIELD] to strike out the word "dollars."

Mr. CLYMER. I yielded the floor to the gentleman from Ohio on a condition.

Mr. GARFIELD. I intended to return the floor to the gentleman.

Mr. CLYMER. On the amendment of the gentleman from Ohio I beg leave to say a word.

The CHAIRMAN. On that proposition debate is exhausted.

Mr. CLYMER. Then I insist on my motion that the committee rise.

Mr. GARFIELD. I withdraw my amendment, and yield to the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. CLYMER. I insist on my motion that the committee rise.

Mr. ARCHER. Mr. Chairman——

The CHAIRMAN. The motion is not debatable.

The question being taken on the motion of Mr. CLYMER, there were—ayes 59, noes not counted.

So the motion was not agreed to.

Mr. HALE, of Maine. I now move to amend the pending paragraph by striking out in lines 14 and 15 the words "at an average pay of $300 each per annum." This amendment is to correct a clerical error. It meets the point raised by the gentleman from New York [Mr. WOOD] the other day. The language should not have been inserted, and the committee directed it to be struck out. as it might mislead, but it remained in the bill by an error of the clerk of the committee.

Mr. Chairman, as some question has been raised upon this matter of pay of the Navy, I want to say a few words upon it. As has been stated by the gentleman from Ohio, [Mr. GARFIELD,] the pay of everybody in the Navy, from admiral down to landsman, is fixed by law; and no Secretary of the Navy can vary that pay. All the payments must be according to the letter of the law.

While upon this matter, and directly in the same line, I wish to refer to a question raised yesterday by the gentleman from Kentucky, [Mr. BECK.] Upon page 257 of the Estimates he discovered what he thought was an alarming fact—that while for the fiscal year beginning July 1, 1873, the whole appropriations for the Navy were $6,250,000, yet in the first quarter there had been expended $5,035,818.90; and the gentleman urged that point with great vehemence. I said then I did not believe that the gentleman supposed the matter to have all the significance that he seemed to put upon it, although I am inclined to give him always credit for fairness in the treatment of facts coming before him. Now, Mr. Chairman, if the gentleman's point meant anything, it meant that during the first three months of the fiscal year the Secretary of the Navy had expended five-sixths of the appropriation for pay of the Navy; and that, as a result, he would come in with a deficiency of from fifteen to twenty million dollars. Why, sir, the pay of the Navy is a part of the subject-matter of the naval appropriation bill which is rigidly fixed by law; and a Secretary of the Navy who would make expenditures in that way, preparing for a deficiency to the extent that must have been indicated by the gentleman from Kentucky, would deserve the reprobation of the House, and worse than that.

Now, the fact in regard to it is this: at the beginning of each year, in the first quarter, the Treasury Department, in keeping its accounts, credits to the Navy Department under each head of appropriation. There is $6,250,000 credited entirely to the pay of the Navy. Now, in the first three months of each year—and every year shows it—the Secretary of the Navy draws a large proportion from the Treasury. Usually they charge it to him for pay. He does it for this purpose. The naval squadrons are all abroad. In time of peace we have nothing at home, and the money is disposed where the pay officers of the Navy can draw it. Therefore, when this large amount is drawn from the Treasury it is charged to the Navy Department against the pay item, and so appears upon the books. But so far from being expended by the Navy Department, this large amount drawn runs over nearly the whole year. The accounts of the fleets are not settled up until toward the end of the year. By that time it all comes in, and then the balance which is left in the Treasury is drawn. And the test of fairness, let me tell the gentleman from Kentucky, [Mr. BECK,] the test of fairness and good judgment is, that at the end of the year the Secretary of the Navy never brings in a dollar of deficiency in the pay account. Is that explanation satisfactory to the gentleman from Kentucky?

Mr. BECK. I desire to answer the gentleman in my own time. If the gentleman has concluded I will now go on to oppose the amendment.

Mr. HALE, of Maine. Has the gentleman any objection to this amendment being passed? It is only a verbal one.

Mr. BECK. Let me go on. I will oppose it *pro forma*. I wish to say a word in reply to the gentleman from Maine.

Mr. Chairman, I said yesterday that the Book of Estimates of the Treasury Department showed the fact that the pay of the Navy for the whole year was $6,250,000; and showed the further fact, in the language of the Secretary of the Treasury himself, that there had been expended during the first quarter of the fiscal year $5,038,000, leaving an available balance for the remaining three-fourths of the fiscal year of $1,214,000. That is the statement of the Secretary of the Treasury himself. The gentleman from Iowa [Mr. KASSON] thought he had discovered there was a mistake in the figures, and made a speech showing they had been transposed; that $1,214,000 had been drawn during the first quarter, leaving $5,000,000 for the remaining three quarters, and should have been included in the third column. That is now admitted to be a mistake on his part, and the fact remains as I stated it, that the $5,000,000 has gone out of the Treasury; beyond that we know nothing, except that over $5,000,000 have been taken out of the Treasury within the first three months of the fiscal year. That is not denied. Now the apology is that the Secretary of the Navy has to draw a large amount in order to get in hand money to pay for seamen during the three-fourths of the year. Why not allow it to remain in the Treasury of the United States until the Navy paymasters want it?

Mr. HALE, of Maine. The gentleman from Kentucky [Mr. BECK] is mistaken. It is not drawn for the purpose of paying them for three months, but to pay them along for nearly the whole year.

Mr. BECK. Why draw three-fourths of the amount and put it into the pockets of paymasters of the Navy, instead of allowing it to remain in the Treasury of the United States?

Mr. HALE, of Maine. It is not put into the pockets of anybody.

Mr. BECK. It has gone out of the Treasury; that is certain. It has gone beyond the control of the Government into the hands of private officers. It is somewhere; it is beyond our control. Hence it was, seeing that this large sum of money had been drawn out of the Treasury, I called upon the Secretary of the Navy, or the House did at my motion, to tell us not only when he enlisted the men, but the amount of money he had expended prior to the 1st day of January,

1874; and to tell us how he expended the four millions of dollars we gave him this session. Why does he not answer that resolution of the House? He has had it since last Friday morning.

Mr. HALE, of Maine. Let me tell the gentleman that the Secretary does not refuse to answer the resolution, and the only reason why he does not answer it at once is because there are some branches of the inquiry presented by the gentleman from Kentucky in reference to which information has to be obtained by sending out of the city, and as soon as he receives that information he will answer the gentleman's resolution. I am authorized by him to say that the answer will be full.

Mr. BECK. That shows the importance of the motion made by the gentleman from Pennsylvania, [Mr. CLYMER,] and is the reason why we should not pass this bill until we receive information in answer to the resolution of the House. The questions were simple. "How many of the fifteen hundred men have you enlisted?" The law does not allow any to be enlisted. "How much of the money given for the last fiscal year has been expended up to the 1st of January?" These questions he could answer in an hour. How much of the four millions of dollars given at this session has been expended, and for what purpose? Let him tell us that, and when that is done we can understand what our duty is.

Now we are told, when it appears that five millions out of the six have been drawn out of the Treasury within three months and gone somewhere, that we have to take the word of the gentleman managing the bill that it is in good hands, scattered about among the officers of the Navy, to pay men for three-quarters of the year. I want to know what was the necessity for drawing it; and, if it has been in their hands, how much of it has been paid out. When an extraordinary draft of that kind is made—for it is now admitted that it has gone from the Treasury; I was not in error; the gentleman from Iowa [Mr. KASSON] is mistaken in that supposition; the Secretary of the Treasury can surely tell us how much was expended; and I say we are entitled to that information from the Secretary of the Navy before we vote $6,250,000 more.

The gentleman from Maine seems to think I am reflecting on the Secretary of the Navy. I never have reflected on him as regards his individual conduct. I am criticising his official conduct. I am requiring accountability of public officers strictly in accordance with law. That is all. If they have acted in accordance with law, it is all right; if they have not, we must try to make them. That is our duty.

The question being put on the amendment of Mr. HALE, of Maine, it was agreed to.

Mr. RANDALL. I offer the following amendment:

The Clerk read as follows:

At the end of line 7 add the following:

And any person holding any office or appointment under the authority of the United States who shall contract for, authorize, or consent to any expenditure, within any fiscal year, over and beyond the appropriations for such year, for a purpose for which such appropriation may not have been specifically made, or who shall at any time contract for, authorize, or consent to any expenditure over and above appropriations made before such time, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000 and not more than $10,000.

Mr. RANDALL. I freely admit that it is always desirable that we should have the fullest information possible. But I also agree with the gentleman from Maine [Mr. HALE] that it is utterly impossible, in reference to most appropriation bills, to furnish all the information that everybody wants. Now, I have much confidence in this committee. I find that in answer to an inquiry the Secretary of the Navy stated that $2,000,000, of the estimates could be safely cut down, but that he would not go further. I find that the Committee on Appropriations has gone further and has reduced the appropriations four millions below the estimates. I mean to give credit for sincerity to the Committee on Appropriations, and I mean to follow them in every reduction which they propose. And if any gentleman here will show by a statement of facts that there is any overwhelming reason, or any reason, why a further reduction still should be made, then I will vote for a further reduction. But I do not mean in any manner to factiously interfere with or obstruct any of these appropriation bills. And what I have said in regard to this bill will be, so far as my individual vote is concerned, my course as to all the appropriation bills. I have not introduced that amendment invidiously here, but I have introduced it simply because this is the first appropriation bill that has been offered in the House for action.

And now, as to the Secretary of the Navy, I have only to say in this connection that, so far as his conduct was concerned relative to the Cuban affair, it met with my highest approbation, and I feel now warranted in saying, knowing my own mind, that if he had pursued any other course, if he had shown the slightest lack of pluck in that matter, I should have condemned him with tenfold the vehemence with which I now say a word in favor of his conduct on that occasion.

I desire, without being invidious, that that amendment shall go into this bill, being the first appropriation bill brought before this House, and that we shall put an end, so far as the law can put an end, to the executive officers of the various Departments spending one dollar, or contracting for or looking in the future to the payment of one dollar, of indebtedness on the part of the Government beyond the appropriation that is made. If this had in the past been the law, many millions of dollars would have been saved; and it is my judgment that if we adopt it now many millions will be saved in the future.

Mr. HALE, of Maine. Let me make a suggestion to the gentleman from Pennsylvania, [Mr. RANDALL.] I do not raise the point of order on his amendment to shut it out because it is new legislation, for I think there is merit in the amendment; but it is an important matter, and, as having charge of the bill, I should desire to have an opportunity of examining it.

Mr. RANDALL. I am perfectly willing to have the amendment postponed for a little to allow gentlemen time to examine it.

Mr. HALE, of Maine. I ask the gentleman to withdraw it for the present, and he can bring it up at some future stage of the bill.

Mr. RANDALL. I have no objection to do so.

Mr. SCOFIELD. If my colleague withdraws his amendment, perhaps he will not be able to bring it up again.

Mr. WILLARD, of Vermont. I wish to make a remark upon it.

Mr. RANDALL. I should like to hear what the gentleman from Vermont has to suggest.

Mr. WILLARD, of Vermont. For the purpose of putting myself in order I move to strike out the last word.

Whether this proposed amendment, or this proposed provision of law, is the best provision that can be put in such a bill as this to accomplish the purpose that is looked for or desired by the amendment, is a proper matter to be considered, as suggested by the gentleman from Maine, [Mr. HALE.] But that the purpose which this amendment seeks to accomplish is the proper one seems to me beyond all question.

Now what has been the experience of all gentlemen who have paid any attention to appropriations here in past Congresses?

I remember, and the gentleman from Massachusetts [Mr. DAWES] who was at that time chairman of the Committee on Appropriations, will remember very well, that when the first proposition came in here to make an appropriation for the post-office in New York City, the gentleman who brought in that proposition did it with the limitation, express and particular, that the whole expense of that structure should not exceed a certain sum—$3,000,000 I believe—and not only that it should not exceed that sum, but that no dollar of the expenditure provided for should be paid out until the estimates and contracts had been made, which would make it possible to complete the structure within the estimate made at that time. Now we all know that that estimate has already been largely exceeded, and we know also that the structure is not completed; in fact I am not certain but that all the money then appropriated was expended before the structure got above the level of the streets in New York.

Sir, that is only one example of the way in which the Departments act in these matters. I do not speak now of any particular office or Government official. We start here by making an appropriation, with a limitation that the whole expense contemplated by that appropriation shall not exceed a certain amount; and the official who has it in charge seems really to snap his fingers in our faces. The Supervising Architect of the Treasury goes on and changes his plans and estimates and contracts, and draws money by millions out of the Treasury, which Congress, so far as it can do except by a penal statute, has prohibited him from doing.

Now, unless we enact, as this proposition does, that the officials of the Government shall not expend, nor contract for, nor consent to any expenditure, within any fiscal year, beyond the sum appropriated by Congress for that specific purpose, we shall never put a stop to these excessive expenditures of money and to the deficiency bills which come in here year after year, and in the middle of the year, calling on us to make large appropriations to meet the unauthorized contracts and expenditures of Government officials.

Mr. BUTLER, of Massachusetts. I rise to oppose the amendment of the gentleman from Vermont. I agree that if his premises were correct, it should not only be made a case of fine and imprisonment for doing what he has stated has been done, but I should say it was a case for capital execution. But I desire to call his attention to one or two facts which are incorrect in his statement. In the cases of these great buildings like the New York post-office, the Cincinnati post-office, the Boston post-office, and other buildings of that class, we appropriate here every year only so much as will be expected to be spent during that year. For instance, if a building is to cost $3,000,000, we do not make a direct appropriation of $3,000,000, because, if we did, the building could not be completed within a year, and a portion of the appropriation would be covered into the Treasury. We therefore appropriate year by year what is necessary to be spent in that year. The consequence is that the building costs very much more than the money you intend to appropriate, and that is the case with the New York post-office. It was estimated that it would cost something like $3,000,000. We appropriated one million and a half, if I remember right, the first year, and we have been appropriating for it since.

Mr. GARFIELD. The gentleman will remember we have increased the number of stories in that building.

Mr. BUTLER, of Massachusetts. Yes, Mr. Chairman, in view of the increased business of the city, requiring increased accommodations, Congress voted to put on another story to that post-office, and we increased the expense about one-quarter; so that the architect has of course exceeded his former estimate. I say that in justice to the officer, and I know that if my friend from Vermont had known the fact he would not have done that officer the injustice which his remarks contain. I agree that it is the habit of officials not to bring

the cost of public buildings and other Government works within the original estimates. Now, if my friend from Vermont will get an architect to estimate for that new house he is going to build, I think he will find it necessary after he has had the estimate made to add at least 33 per cent. to it before his house is finished. That has been my experience. I never found an architect who would, could, or did estimate for a building for me that it did not cost from 25 to 33 per cent. more than the original estimate; and especially when, after I got his plans, I changed my mind, adding a little here and taking a little off there.

Mr. WILLARD, of Vermont. The gentleman will allow me to say that he can change his mind about such a matter in the morning without altering the law of the land, but when these officials change their minds they actually repeal the law of the land.

Mr. BUTLER, of Massachusetts. In my case but one man changes his mind, but when Congress alters its mind two hundred and eighty men alter their minds two hundred and eighty times. [Laughter.] The officials have to obey the law of Congress, for no money can be drawn from the Treasury now, and no valid contract made, except in accordance with an appropriation by Congress. I am willing that any man shall be punished who violates that law; and I do not mean to oppose the amendment at all. I always like to have a bullet in my gun when I shoot. I like to have a penalty in the law for its violation.

But I rose now only in order to disabuse the minds of the Committee of the Whole in regard to the architect, who I look upon to be an honest, energetic, and very expensive man, [laughter;] but within the law, I think. He has been expensive in this, that he gives us very splendid structures, and gives us our money's worth, but he wants good structures all the time.

[Here the hammer fell.]

Mr. WILLARD, of Vermont. I withdraw my amendment.

Mr. DAWES. I renew the amendment merely to state that what my colleague [Mr. BUTLER] says is true—that we change the law. But that does not cure the evil. The evil is often brought upon us by the very determination of those having the administration of our law, to put things in such a condition that we are obliged to change the law.

Take, for instance, the case of the New York post-office. Just as soon as the limitation was put upon that building, we were informed by the architect that it would be impossible for him to build it for $3,000,000; in other words, he could not put up the building unless he had more than $3,000,000. We had so fixed the law that he could not make his contracts except he made them within the $3,000,000; and he went to work and put the thing in such a position that he convinced Congress that it was better to amend that law so as to spend $4,500,000.

Then Boston came in here and induced Congress to serve Boston as well as we had served New York. And when we put $1,500,000 into the Boston post-office, then Saint Louis, which had come here and said that they would build their public building for $300,000, and when we had made that appropriation, limiting the building to that amount, Saint Louis came to Congress, and said they were entitled to as good a building as Boston; that they were as important a city; and they induced Congress to turn around and make an appropriation of $1,500,000 for Saint Louis for a public building, when Saint Louis had offered to put it up for $300,000, and we had made the appropriation with that limitation.

No sooner had Saint Louis got $1,500,000 for that purpose, than Cincinnati came here and said that she was just as important a city as Saint Louis; and she got a public building with a limitation of $1,500,000. Then Chicago followed with a building limited to $4,000,000.

That is the way it came about. It is not a technical violation of the law on the part of the architect. I agree with my colleague [Mr. BUTLER] that he is the most accomplished architect in the United States; and so far as I know he is an honest architect. But he is the most extravagant man I ever had anything to do with in the way of furnishing money to. He believes in building his monuments all over the country. He is erecting monuments which will last, if they are ever finished, and will be an honor to the United States. But the effect of this policy is seen in the condition of the Treasury at this time.

[Here the hammer fell.]

Mr. BECK. I rise to oppose the amendment.

Mr. BUTLER, of Massachusetts. A single word before the gentleman proceeds. I want to say only that my colleague [Mr. DAWES] has convinced me that our architect is a very smart one, and has great influence over members of Congress; that he is superior as an architect to members of Congress as members.

Mr. DAWES. I am glad my colleague is convinced of what everybody else knew all the time.

Mr. BECK. As I am so often charged with attacking somebody when I have no idea of doing so, I hope nobody will charge me with attacking the Supervising Architect of the Treasury in what I am about to say. I want to show the importance of passing the amendment of the gentleman from Pennsylvania [Mr. RANDALL] by showing how Congress has acted in regard to the works in charge of the Supervising Architect.

I am glad the cases of the New York and Boston post-offices have come up here. We passed a law for the erection of the New York post-office, and appropriated sums of money from time to time for its erection. In nearly every law we inserted and reaffirmed the following limitation:

Provided, That the building shall not begin until contracts have been entered into with the lowest responsible bidder for a sum not exceeding $3,000,000; and the expenditure of any sum in violation of this proviso shall be unlawful.

We made the same provision for Boston, and limited the expenditure on that post-office building to $1,500,000. We continued making appropriations for these different post-offices. I have here the exact data, the laws passed and the limitations fixed. We said that the New York post-office should not cost over $3,000,000, and the Boston post-office should not cost over $1,500,000. We gave to New York, besides the ground site, first $200,000, next $1,000,000, then $500,000, then $1,394,000, then $500,000, then $500,000 more, and then $1,900,000. We continued to make appropriations until the New York post-office has cost $5,994,897, independent of the ground, as I understand it.

We appropriated for the Boston post-office, first $500,000, then $250,000, then $942,000, then $76,278.75, then $800,000, and then $200,000; until Boston has now obtained $2,768,852. And all the time this Congress has been pretending to the country that the cost of the New York post-office was not to exeeed $3,000,000, and of the Boston post-office $1,500,000, and asserting and reasserting these limitations in the law.

The laws are violated in this way: Buildings are begun which cannot be completed for the amount fixed, and these pretended limitations are put in sometimes to deceive the country. The fact is, in these cases New York has received for her post-office nearly $6,000,000 and Boston nearly $3,000,000; and commissioners were sent the other day to Boston to see, I suppose, how much more we should give her. Nothing can be more obvious than that the amendment of the gentleman from Pennsylvania [Mr. RANDALL] should prevail, (though I rose to oppose it formally,) and that we should prevent any man from going on and making the appropriations necessary by commencing the erection of buildings upon a scale that renders it absolutely necessary for Congress either to abandon the work or give him all the money he asks.

Mr. HALE, of Maine. I hope that we shall now dispose of the pending amendment suggested by the gentleman from Pennsylvania, not by withdrawing it, because thereby it might be liable to a point of order when renewed, but let it be regarded as pending, and be ordered to be printed. The proposition is in the direction in which I am desirous of legislating.

Mr. RANDALL. In the introduction of this proposition I did not dream of striking at any particular individual. It is a general proposition, and a safe one for us to adopt. As the debate may seem to have given the amendment some personal significance, I disavow any intention of reflecting on the Supervising Architect or anybody else. But if Congress wishes to legislate intelligently in the appropriation of the public money we must impose restrictions which will prevent any officers of the Government from going beyond the limits we prescribe.

Mr. HALE, of Maine. Let the amendment be passed over for the present and be printed.

Mr. RANDALL. I will consent to that, if it be considered as pending.

Mr. GARFIELD. Let it be pending, and we can go back to it hereafter. We want a chance to look at it—to examine its verbiage.

Mr. RANDALL. During all this debate I have not heard a word of objection to my amendment. Still I am perfectly willing to accede to the proposition that it shall lie over.

The CHAIRMAN. The gentleman from Massachusetts, as the Chair understands, withdraws his formal amendment.

Mr. PLATT, of Virginia. I renew the amendment. I am sorry to occupy one moment of the time of the committee in the discussion of a question that I consider entirely foreign to the bill before us. I am surprised, and I regret, that a discussion upon public buildings should have been interjected here, when the subject for consideration should be confined to the bill before the committee.

In the outset of my remarks, I desire to say that so far as I have been able to catch the tenor and scope of the amendment offered by the gentleman from Pennsylvania, I am in favor of it. But I wish to meet here, at the same time and place that they have been made, some statements in regard to the public buildings of the country and the Supervising Architect of the Treasury Department.

It has been stated here that the post-office building in New York City has cost nearly $6,000,000, though Congress in passing the original act for its erection provided that the expenditure should never exceed $3,000,000. That statement is true; and knowing full well the responsibility that I assume in what I am about to say, I declare to this Congress and to the people of the country that, costing as it has, nearly $6,000,000, that building is the cheapest public building we have ever had erected; the people of the country have obtained more for their money in this instance than in any other in this country. I will go further and say that the people of no country on earth have ever received more for an expenditure of this kind than our Government has received in this case.

The gentleman from Kentucky charges that the building of the New York post-office is an illustration of republican extravagance; that the republican party, while professing a desire for economy,

have shown the insincerity of their professions by spending nearly $3,000,000 in the construction of this building at New York City. Sir, fortunately for us there is an opportunity to compare right here the manner in which a republican administration has expended money with the manner in which the party to which the gentleman belongs managed the expenditure of public money. I ask the people of this country to contrast the cost of erecting the New York post-office under a republican administration with the expenditure made in the erection of the court-house for the county of New York, which stands side by side with our post-office, and which was built under a democratic administration, by a commission appointed under democratic authority.

Mr. BECK. Those fellows have been put in the penitentiary. [Laughter.]

Mr. PLATT, of Virginia. Sir, I ask gentlemen to contrast the cost of the erection of public buildings constructed by the State of New York with the cost of public buildings erected in that State by the Government of the United States. Gentlemen who may make such an examination will get valuable information on this subject. Let them compare the cost of erecting the new State capitol at Albany, the construction of which has been done under the supervision of a commission, with the cost of erecting the New York post-office. Such has been the expense attending the erection of the New York State capitol that the governor of New York, in his last message, recommends that the direction of the work be taken out of the hands of the commission under whose charge the work has thus far proceeded, and that, together with the direction of other buildings, it shall be placed under the charge of a supervising architect.

In reply to the allegation that the present Supervising Architect of the Treasury Department is a very expensive and extravagant man, I wish to say that he gets more work done for the amount of money expended than any other architect I have ever known in this country. If any of the expenditures entering into the construction of our public buildings be compared with expenditures for similar purposes made by private individuals or corporations anywhere in this country, the comparison will be largely to the advantage of the Government in every instance. The economy in Government expenditures for public buildings is very manifest as compared with private expenditures for similar purposes.

Hurrying on in this discussion, as I must necessarily do, I will refer to but one other point. I wish to call the attention of the committee to the fact that all the great public buildings which we shall require for many years to come are already erected or in process of erection. There are only a few in the very large cities of this Union that Congress can be called upon to erect in order to meet the wants of the Government or the people. The necessity may arise very soon for erecting new appraisers' stores and a custom-house at New York City—a work that must be done some time or other; and there are also some public buildings needed in the city of San Francisco. Apart from these two cases I do not now recollect any large city of the Union where for a long time to come the exigencies of the public service will demand the incurring of expenses such as have been necessary in these other cities.

Mr. HAYS. Mr. Chairman, it would seem that the gentleman from Virginia [Mr. PLATT] and the Committee of the Whole have gone to sea on this Navy bill on the subject of public buildings. Let me bring the committee back to the subject before it.

Now, Mr. Chairman, to all men, from every part of our common country, who are interested in the glory and honor of our flag, the protection of American commerce, and the ability of our gallant little Navy to cope with foreign powers that may be grander in the number of their war-ships, but not braver in the hearts of the men who man them, this bill is of peculiar importance and significance. The Committee on Appropriations, through the honorable gentleman from Maine, [Mr. HALE,] have reported to this House a bill making appropriations for the naval service for the year ending June 30, 1875. The aggregate appropriations asked for may seem large and uselessly prodigal to the uninitiated portion of our countrymen who have not had the requisite data to make up an intelligent or a correct opinion. But, sir, to those who are cognizant of the doings of the Navy Department, who are aware of its silent, unostentatious, but nevertheless active, preparations, it is a matter of astonishment and congratulation that the committee have been able to agree upon a bill cutting down so largely from former expenditures, and at the same time covering the legitimate needs of that Department for the current year.

Three million dollars reduction of expenses in one single Department of the Government is no mean item of retrenchment, and calls for commendation of the economy and watchfulness of the committee as well as the distinguished Secretary who has given his concurrence in this matter of reform.

For one, sir, I vote most cheerfully for this appropriation, and if needs be I should vote for additional appropriations. The Navy of the United States should be the boast of our American people. Stout arms and gallant hearts are enrolled to-day in the ranks of our Navy, but the rotten hulks and pigmy ships on which they are compelled to float and fight are a disgrace to this vast country, and a standing monument of the false economy of an American Congress.

Great Britain has a navy-yard greater than all our navy-yards combined. Every hammer and anvil in foreign yards may be ringing to-day with the strokes of laborers employed in fabricating ships and machinery to defend their flags; but we, threatened with war and with an inadequate navy, stand idly by, hugging the delusive phantom that arbitration, and protocols, and compromises can always avert war and strife.

The committee having this bill in charge have not appropriated an amount, in my opinion, adequate to carry on the works of building and improvement that I feel are necessary. But I suppose something must be yielded to the popular demand for cutting down the expenses of the Government. The probabilities are that it will be a false measure of economy; for, build as we may the castles of peace in our minds, there seems to be an unerring star of destiny slowly rising in the Gulf Stream sky and pointing with the relentless finger of fate to that little gem of an island that nature has made to hug our southern shores, and which sooner or later must be ours. If gentlemen are disposed to shut their eyes to impending facts, be it so; but for one, with an eye to economy, to future need, and to pressing present emergency, I shall support this bill.

Mr. HALE, of Maine, obtained the floor.

Mr. BECK. I ask the gentleman from Maine to give me a few minutes longer; I will not speak any more to-day, and I think I am making a pretty fair bargain for the gentleman.

Mr. HALE, of Maine. How much does the gentleman want?

Mr. BECK. Three minutes.

Mr. GARFIELD. By all means let the gentleman from Kentucky go on.

The CHAIRMAN. If there be no objection the formal amendment will be withdrawn.

Mr. BECK. What I wish to say is just this, and it is in reply to the gentleman from Virginia, [Mr. PLATT,] who thinks $6,000,000 for a post-office is no great thing. Let me direct his attention and that of the House to a fact which will be found in the report of the Secretary of the Treasury, pages 14 and 15, that from the year 1791 to 1811, both years inclusive, the net ordinary expenses of the Government in the Army, Navy, for Indians, pensions, legislative, executive, and judicial departments—indeed all the net ordinary expenses of the Government—averaged $4,800,000 a year. We give, then, New York City $1,210,000 more for a post-office than the average expenses of the Government for the first twenty-one years of its existence, and yet it is said that is nothing. I believe we had democrats in New York who did expend money in all sorts of ways which I could never quite understand, but I also know this, that they are now in the penitentiary, [laughter,] and if you will send your fellows there perhaps we will get on a great deal better. [Renewed laughter.]

Mr. HALE, of Maine. The discussion on this bill has run off into a discussion of public buildings, and I did not wish to interrupt it, because the gentlemen seemed to be very desirous of having their say on the subject. I would move, as this bill is not making any very great progress, and as there are other matters of importance to attend to, that the committee rise. And if in order, pending that, I will ask that the amendment of the gentleman from Pennsylvania [Mr. RANDALL] be printed.

Mr. RANDALL. I agree to that.

Mr. GARFIELD. Let it be pending, but you cannot order the printing of an amendment in the Committee of the Whole.

Mr. RANDALL. I am perfectly willing to have it printed.

Mr. HALE, of Maine. I ask for a vote on my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. E. H. ROBERTS reported that the Committee of the Whole on the state of the Union, having had under consideration the naval appropriation bill, had come to no resolution thereon.

Mr. HALE, of Maine. I now ask that the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] which was moved to the naval appropriation bill in the Committee of the Whole, be ordered to be printed.

The motion was agreed to.

Mr. HURLBUT. I now move that the House proceed to the consideration of business on the Speaker's table, in order that we may take up and act on the amendment of the Senate to the salary bill.

The motion was agreed to.

OFFICIAL SALARIES.

The SPEAKER. The first bill upon the Speaker's table is a bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates, returned from the Senate with the amendment which the Clerk will read.

The Clerk read as follows:

Strike out all after the enacting clause, and insert in lieu thereof, as follows:

That so much of the act of March 3, 1873, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employés, whether members of Congress, Delegates, or others, (except the President of the United States and the justices of the Supreme Court,) be, and the same is hereby, repealed; and the salaries, compensation, and allowances of all of said persons, (except as aforesaid,) shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-third Congress; that all moneys appropriated as compensation to the members of the Forty-second Congress in excess of the mileage and allowances fixed by law at the commencement of said Congress, and which shall not have been drawn by the members of said Congress respectively, or which, having been drawn, have been returned in any form to the United States, are hereby

covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid.

Mr. HURLBUT. It was my fortune, sir, to introduce the bill which comes back amended by the Senate. I believe the bill which I introduced was just and fair as a measure of future compensation. I believed then, and believe now, that mileage was injudicious, discriminating, and unfair. But, sir, the Senate of the United States has sent back to us practically a new bill, restoring the status not only of the members of the House and of the Senate, but of all other officers and employés of the Government whose salaries were increased by the act of March 3, 1873, with the exception of the President of the United States and the judges of the Supreme Court, who are covered and protected by a constitutional provision. I propose to accept that measure as a measure looking to economy, and as a settlement, so far as I am concerned, of this vexed question. And, sir, I do not intend to stand here to lead in this measure, nor to stand at all upon the accidental position which I obtained in the House; because when this House has appointed a committee specially charged with the matter, the duties of which have not as yet been completed, I hold it to be decorous and proper that the committee, through its chairman, should take charge of this measure. I therefore yield the conduct of this measure on the floor, not as a matter of favor but as a matter of right, to my friend the gentleman from Maine, [Mr. HALE,] as the chairman of that select committee.

Mr. HALE, of Maine. I thank the gentleman from Illinois [Mr. HURLBUT] for his courtesy in the matter. I have no ambition, as he has shown none, to lead in the subject; certainly not to take up further time of the House. And as the best indication of the sincerity of this statement, and without comment—for I believe that not needed—and to bring a vote upon the bill itself as it reaches us from the Senate without further complication—and gentlemen know from the history of this session for the first month how dangerous such complications are—for these reasons I move, Mr. Speaker, that the House concur in the Senate amendment; and upon that I call the previous question.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to offer an amendment?

Mr. HALE, of Maine. I have said that I wished to avoid all complications, and therefore I cannot yield for an amendment, but call the previous question upon the Senate bill. If we begin to amend, if we begin to change what we have now before us, we will drift away, nobody knows where, and open the whole subject again. The bill is so nearly a clean, thorough, substantial repeal, that I believe we cannot do better than to take it.

Mr. DAWES. I would like the gentleman from Maine to permit me to offer an amendment which I will indicate. I desire to amend by inserting——

Mr. HALE, of Maine. I decline to yield.

Mr. DAWES. Will the gentleman allow my amendment to be read?

Mr. HALE, of Maine. I cannot. Two gentlemen, acting on this question in different directions, have already indicated a desire to offer amendments. If I once yield, I cannot resist the vast sea of amendments that will come in.

Mr. COX. I desire to make a parliamentary inquiry. Would it be in order to move a disagreement to the Senate amendment?

The SPEAKER. No such motion is ever made. To non-concur is to disagree. If the House wishes to non-concur it has simply to vote no. The Chair will explain the effect of the vote now to be taken. If the previous question is sustained the House comes directly to a vote on the question, will it concur in the Senate amendment? If it concur, that ends the matter.

Mr. BUTLER, of Massachusetts. I desire to know whether, if the previous question is voted down, it will then be in order to move to concur with an amendment?

The SPEAKER. Of course; that will be in order if the previous question is not sustained.

Mr. COX. I desire to ask the Chair to explain what will next be the order of procedure if the House should non-concur in the Senate amendment?

The SPEAKER. It is impossible for the Chair to tell. That action of the House would leave the question quite open, and the Chair does not know what might occur then.

Mr. HAZELTON, of Wisconsin. I demand the regular order.

The SPEAKER. The regular order being called, the House will come to a vote on the question of sustaining the call for the previous question. The Chair will indicate the gentleman from Maine, Mr. HALE, and the gentleman from New York, Mr. COX, as tellers.

Mr. COX. I do not wish to be put in the predicament, by acting as a teller, of being considered as being in favor of the House bill or the Senate bill. I want a better bill.

The SPEAKER. The Chair only indicates the gentleman from New York so far as he believes the gentleman will make a good count.

Mr. COX. I will do that.

Mr. PLATT, of Virginia. I desire to ask if the seconding the demand for the previous question will not cut off all amendments?

The SPEAKER. Of course.

The question was taken; and the tellers reported—ayes 126, noes 57.

So the previous question was seconded and the main question was ordered, which was on concurring in the Senate amendment.

Mr. GARFIELD. I demand the yeas and nays on the question of concurrence.

Mr. NEGLEY. I desire to make a parliamentary inquiry. At what time can the title of the bill be altered?

The SPEAKER. There is an amendment from the Senate to alter the title of the bill. That will be voted on last.

Mr. NEGLEY. The title should be, "A bill to restore the inequalities of the salary system."

The yeas and nays were ordered.

Mr. NIBLACK. I ask that the amendment of the Senate be again read.

The SPEAKER. The Chair takes the liberty of remarking that it appears in full in print on the sixteenth page of the CONGRESSIONAL RECORD this morning. The Clerk will again read the amendment.

The amendment was again read.

Mr. HAYS. I move that the House do now adjourn.

The motion to adjourn was not agreed to; there being—ayes 12, noes not counted.

The SPEAKER. The question recurs on concurring in the Senate amendment, on which the yeas and nays have been ordered.

Mr. CLYMER. I desire to make a parliamentary inquiry. Many members like myself, doubtless, are in favor of the reduction of the salaries to $5,000 who are opposed to the restoration of the mileage system. I ask if the question be divisible? If not, I shall be compelled to vote against the whole bill.

The SPEAKER. The question is not divisible.

The question was taken; and it was decided in the affirmative—yeas 225, nays 25, not voting 36; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barnum, Bass, Beck, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Caldwell, Cannon, Cason, Cessna, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Cotton, Crittenden, Crooke, Crounse, Crutchfield, Curtis, Danford, Davis, Dawes, DeWitt, Dobbins, Donnan, Dunnell, Durham, Eames, Eden, Elliott, Farwell, Field, Fort, Foster, Frye, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, Harrison, Hatcher, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, Hersey, E. Rockwood Hoar, George F. Hoar, Holman, Hoskins, Houghton, Howe, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Kasson, Killinger, Knapp, Lamport, Lansing, Lawrence, Lawson, Leach, Lewis, Loughridge, Lowe, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Milliken, Mills, Mitchell, Monroe, Moore, Morrison, Myers, Neal, Nesmith, Niblack, Niles, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, Thomas C. Platt, Poland, Potter, Pratt, Purman, Rainey, Rapier, Rawls, Read, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Isaac W. Scudder, Sener, Sessions, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, William A. Smith, Southard, Sprague, Stanard, Starkweather, Stone, Strait, Strawbridge, Swann, Thornburgh, Townsend, Tyner, Vance, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitehead, Whitehouse, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodford, Woodworth, John D. Young, and Pierce M. B. Young—225.

NAYS—Messrs. Albert, Averill, Barry, Clymer, Cox, Crossland, Hays, Hynes, Kelley, Kendall, Lamison, Morey, Negley, James H. Platt, jr., Randall, Shanks, Sloss, Standeford, Storm, Stowell, Todd, Waddell, White, Whiteley, and William Williams—25.

NOT VOTING—Messrs. Adams, Barrere, Freeman Clarke, Creamer, Crocker, Darrall, Duell, Eldredge, Freeman, John T. Harris, Hooper, Jewett, Kellogg, Lamar, Lofland, Lowndes, Maynard, McJunkin, McLean, Phillips, Pike, Ransier, Ray, William R. Roberts, James C. Robinson, Henry J. Scudder, George L. Smith, Snyder, Speer, Stephens, St. John, Sypher, Taylor, Thomas, Tremain, and Jeremiah M. Wilson—36.

So the amendment of the Senate was concurred in.

During the roll-call the following announcements were made:

Mr. SMALL. My colleague, Mr. PIKE, is detained at his home in New Hampshire by sickness. If he were present he would vote "ay."

Mr. E. H. ROBERTS. My colleague, Mr. TREMAIN, is confined to his room by ill health.

Mr. TYNER. My colleague, Mr. WILSON, is absent by order of the House. If present he would vote "ay."

Mr. G. F. HOAR. My colleague, Mr. CROCKER, is absent on important business, and was not aware that this question would come up to-day.

Mr. STARKWEATHER. My colleague, Mr. KELLOGG, is absent on account of sickness in his family; if present he would vote "ay."

Mr. RANDALL. My colleague, Mr. SPEER, is necessarily absent from the House, but I think he will probably be here to-morrow morning.

Mr. FORT. My colleague, Mr. RAY, is absent; if present he would vote "ay."

Mr. BUTLER, of Massachusetts. My colleague, Mr. CROCKER, is absent; I have no doubt that if here he would vote "ay," as we are all doing.

Mr. LOWE. My colleague, Mr. PHILLIPS, is absent, I presume on account of illness; if present he would vote "ay."

Mr. BURCHARD. My colleague, Mr. BARRERE, is absent on account of illness; if present he would vote "ay."

The result of the vote was announced as above recorded.

Mr. BUTLER, of Massachusetts. I move to reconsider.

Mr. HALE, of Maine. I move to reconsider the vote by which the amendment of the Senate was concurred in, and to lay the motion to reconsider on the table.

The SPEAKER. The gentleman moves to reconsider the vote by which the amendment of the Senate was concurred in, and to lay the motion to reconsider on the table.

Mr. BUTLER, of Massachusetts. No, sir; I do not. I simply move to reconsider.

The SPEAKER. The Chair must recognize the gentleman from Maine who has charge of the bill.

Mr. BUTLER, of Massachusetts. I desire to move a reconsideration for the purpose of making a single inquiry of the chairman of the committee that had the original charge of this bill; and it is this: Whether the amendment of the Senate does not cut off the actual expenses of members in coming here?

Mr. GARFIELD. No, sir.

Mr. BUTLER, of Massachusetts. It does, for I have examined it carefully, and that is the disadvantage of legislating hastily.

Mr. HALE, of Maine. There was no haste in this case; we were ready for the question. I insist on my motion.

The question was taken upon Mr. HALE'S motion, and it was agreed to.

So the motion to reconsider was laid upon the table.

The question recurred upon the following amendment of the Senate to the title of the bill:

Amend the title so as to read: "An act repealing the increase of salaries of members of Congress and other officers."

The amendment was concurred in.

Mr. HALE, of Maine, moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolution H. R. No. 35, filling existing vacancies in the Board of Regents of the Smithsonian Institution; when the Speaker signed the same.

INDIAN DEPREDATIONS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in compliance with the act of May 29, 1872, transmitting sundry claims for Indian depredations; which was referred to the Committee on Indian Affairs.

OFFICIAL REPORTERS OF CONGRESS.

The next business on the Speaker's table was the bill (H. R. No. 795) making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House of Representatives, returned from the Senate with amendments.

Mr. GARFIELD. I move that that bill, with the amendments of the Senate, be referred to the Committee on Appropriations.

The motion was agreed to.

AMENDMENT OF THE RULES.

Mr. GARFIELD. I am instructed by the Committee on the Rules to report to the House the resolution I send to the Clerk's desk.

Mr. RANDALL. That is so important that I suggest to the gentleman to bring it in in the morning, when it will be better understood.

Mr. GARFIELD. It can be understood now; let it be read.

Mr. RANDALL. It is the most important rule that has been introduced for twenty years.

The resolution was read, as follows:

Resolved, That Rule 112 be amended so as to read as follows:

All bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first considered in Committee of the Whole.

Mr. GARFIELD. The substance of this rule was introduced by the gentleman from Indiana, [Mr. HOLMAN.] It was considered by the Committee on Rules, and has been reported back in a somewhat modified form, but retaining, I believe, the substance of all originally embraced in it. Before drafting this rule we considered the old rule, in order to add to the old rule what would accomplish the desire of the gentleman.

I believe it will be a great help, in controlling the appropriation of money and other property, to adopt this proposed amendment. Now if we have a bill pending to appropriate land or any piece of property, it is not open to the point of order that it makes an appropriation, and therefore must be first considered in Committee of the Whole. For instance, a bill that does not in terms appropriate money, but which authorizes money to be used out of some appropriation for a general purpose, would not be liable to the rule as it now stands. As we propose to make the rule, all these cases would be included, I think.

Mr. DAWES. The present rule does not cover bills directing the payment of money out of appropriations to be made.

Mr. GARFIELD. It does not. It has been the habit, very much on the increase, to seek to evade the rule requiring appropriation bills to be considered in Committee of the Whole, by providing in the bill that the money shall be paid out of some appropriation already made or hereafter to be made for some general purpose. Under the rules as they have been administered it has been held that such a bill does not contain an appropriation. We now propose that even such a case as that shall come under the rule, and a point of order can send it always to the Committee of the Whole.

Mr. HOLMAN. This original proposition came before the House from the Committee on War Claims. I simply brought the question to the attention of the House at the request of that committee.

Mr. CONGER. Will this proposed rule cover cases of bills coming back from the Senate with appropriations added?

Mr. GARFIELD. I suppose so. Of course all the regular appropriation bills must now go to the Committee of the Whole.

Mr. CONGER. Suppose the Senate puts an appropriation on some other bill?

Mr. GARFIELD. It does not affect the ordinary custom of general appropriation bills, for they must all go to the Committee of the Whole.

Mr. CONGER. I think the rule should include the class of cases to which I have referred.

Mr. MAYNARD. Allow me to call the attention of my colleague upon the committee [Mr. GARFIELD] to the word "consider," which he has substituted in place of the word "discussed." The word "discussed" is the word in the original rule, and it has received such a construction for many years past.

Mr. GARFIELD. It should have been "discussed."

The SPEAKER. The Chair will direct that word to be changed.

Mr. RANDALL. You recollect, Mr. Speaker, that we agreed to that in committee.

Mr. HOLMAN. "Discussed" is the proper word.

The SPEAKER. The Chair will also suggest to the gentleman from Ohio to amend by saying that Rule 112 be amended by adding thereto what is here proposed. The old rule reads as follows:

All proceedings touching appropriations of money shall be first discussed in Committee of the Whole.

The proposed rule goes somewhat into elaborate detail as to the nature of the appropriation. It is not in conflict with the old rule of 1794, and by adding it we will preserve that rule.

Mr. NIBLACK. Will not this new rule require that all bills for the payment of claims shall be first considered in Committee of the Whole?

Mr. GARFIELD. This will carry all bills—pension bills, claim bills, all kinds of private bills that grant money or property in any form to individuals—into the Committee of the Whole House.

I called the attention of the Committee on the Rules, and I may say it here without any impropriety, to the fact of the growing disuse during the past few years of the Committee of the Whole House. Up to eight or ten years ago, certainly fifteen years ago, a very large share of all the business of the House of Representatives was done in Committee of the Whole. I am sure that the Speaker is right in saying that that is the safest way to legislate; where, under the five-minute rule, we debate item by item, considering carefully the clauses and phrases used in the bill, then reporting the bill back to the House with all this careful sifting, and then having the House act upon it. That is a much safer method of legislation than the method where everything is done in the House either by unanimous consent or under the previous question.

The rule now proposed to be adopted will throw a very large share of work upon the Committee of the Whole which is now being done in the open House. In that respect we will be returning, as has been suggested, to what is the older and better practice of the House of Representatives.

I call the attention of the House to that as one of the effects which I think likely to result from the adoption of this proposed rule.

Mr. DAWES. With the consent of the gentleman from Ohio [Mr. GARFIELD] I wish to illustrate the consequences which have resulted from the disposition to avoid the rule by charging new appropriations upon general appropriations already made. A few years ago, during the last hours of a session, there came in here a bill to pay the expenses of detecting those who had been engaged in the assassination of President Lincoln and the attempt upon the life of Secretary Seward. In order to avoid the reference of the bill to the Committee of the Whole, that appropriation was charged to the contingent expenses of the State Department. Thus the contingent fund of that Department was charged with the expense of hunting up those who attempted the murder of the Secretary of State himself! In that way, without the knowledge of the Department, the contingent fund was appropriated; so that after Congress adjourned that fund was found to have been absorbed in that manner.

Mr. GARFIELD. I yield for a few moments to the gentleman from Massachusetts, [Mr. G. F. HOAR.]

Mr. G. F. HOAR. It seems to me, Mr. Speaker, that this proposed amendment to the rules is one of the most important measures that can be devised toward the restoration of the House of Representatives to its rightful place of dignity and power under the Constitution of the United States. When the First Congress was about to meet, Mr. Madison, having his choice between the Senate and House as his field of public service, declined to enter the Senate, preferring to take a place in the House. Of the two statesmen from Connecticut, whose eminent connection with the revolutionary period of that State has just been recognized by placing their statues in the hall formerly occupied by this House, both, although at the time advanced in political life, selected a seat in this House in the First Congress in preference to a seat in the Senate. Many other instances could be given

showing how this body was regarded in the early history of the Government. The change which has occurred in this particular is owing, not wholly, not chiefly, to the increase of the number of members in this body, but much more largely to the deprivation of the right of debate under the rules of the House.

The House of Representatives is to-day a sort of presbytery. Its business on all important subjects is controlled by a few of its senior members, who, holding places on leading committees, have the power practically to determine what measures of legislation shall be presented for the consideration of the House; who shall speak upon those measures; how long they shall speak; and what amendments shall be admitted. The House, it is true, may control this right by a refusal of the previous question when it is called; but this is a control rarely exercised. The result is that individual members, apart from their position as committeemen, have no opportunity to shape legislation, to offer amendments, or to defend their opinions or votes before their fellow-members or before the people of the country.

The power thus exercised by a few is not accompanied, as it should be, by a proper measure of responsibility. In the English House of Commons the executive officer who represents the government in matters of finance or of law, or with respect to the army and navy, is upon the floor; and although the leaders of the House of Commons control legislation and debate even more than the leading men in this body control our proceedings, yet, as the general of an army is held responsible for its direction, so the English nation holds the individual leader responsible for any measure which he may carry through. This House presents the anomaly of a body composed of equals in the eye of the Constitution, yet having certain leaders, the responsibility for whose action rests, not on themselves, but on the House.

Now, as the Speaker has justly observed, (if he be correctly reported,) the tendency in recent years has been more and more to take the business of the House out of the Committee of the Whole, where the right of debate is equal, where the opportunity for offering amendments is equal, and to put it in the morning hour, where the committees are crowding one another, where the committee having charge of any bill determines who shall speak, and for how long; what amendments shall be considered by the House, and in fact exercises complete control over the measure. The tendency of the rule now proposed will be to restore the House to its rightful place; to reinvest it with dignity, power, responsibility, capacity for independent action under the Constitution—in a word, to place it again in its true position of equality with the Senate.

Mr. GARFIELD. I yield three minutes to my colleague, [Mr. LAWRENCE.]

Mr. LAWRENCE. I desire to say only a word on this subject. The original proposition for this rule, as referred to the Committee on the Rules, came from the Committee on War Claims. My friend from Indiana [Mr. HOLMAN] is entitled exclusively to the credit of suggesting the rule to that committee; but when it was suggested, it was very fully and carefully considered by the committee and they decided to recommend it to the House. I trust it will be adopted, as I have no doubt it will be.

I wish to call attention to the scope of the rule. It applies not only to bills which call for and require appropriations, but to all bills which may result in appropriations. If a bill shall require, after its passage, an appropriation to carry it into effect, such a bill will, under this rule, be required to go to the Committee of the Whole.

The SPEAKER. The gentleman is probably giving the proposed rule too wide a latitude.

Mr. LAWRENCE. I understand that to be the effect of it.

The SPEAKER. The Chair desires that the rule shall not be misunderstood.

Mr. PLATT, of Virginia. I wish to put a question to the gentleman from Ohio, [Mr. LAWRENCE.] I understand him to hold that, according to the scope of this rule, any bill which may involve, however remotely, the possibility of an appropriation will necessarily be required to go to the Committee of the Whole. Now, suppose the Committee on Public Buildings and Grounds should report a bill providing for the construction of a public building, but making no appropriation for the purpose, (leaving it to the Committee on Appropriations to report the necessary appropriation,) must that bill, according to the gentleman's view, be first discussed in Committee of the Whole before coming under consideration in the House?

Mr. LAWRENCE. The construction which I understood the Speaker to give the amended rule is, I believe, the correct one.

The SPEAKER. The Chair will be glad to give his construction of the scope the rule will have as it is proposed to be amended; but he does not desire to interrupt the gentleman from Ohio who is upon the floor.

Mr. LAWRENCE. I am sure the House will be glad to hear the Speaker. Undoubtedly the construction which the Chair gives to the rule is correct. I supposed the rule, as I heard it read at the Clerk's desk, would go to the extent I have stated.

The SPEAKER. The Chair will announce what construction he would give to the rule, and what he understands it to be, if amended as proposed.

Mr. LAWRENCE. The rule would not go as far as I stated. It is an important one, and will, I think, furnish safeguards to prevent hereafter any improper appropriation. It will give to the Committee of the Whole a dignity and an importance which it has not heretofore had. It will prevent money bills from going through which ought not to go through. It will get information to the House which could not be obtained by any other means.

Mr. GARFIELD. I now ask the Chair, if he please, to give to the House the construction which he places upon this rule as it is proposed to be amended.

The SPEAKER. The Chair has given considerable attention to the subject embraced in this rule, and will be glad to communicate to the House his understanding of the scope of the proposed amendment, because it is proper he should take part in the discussion in regard to the rules.

Mr. GARFIELD. I hope we may have order, so we can hear the Chair's remarks.

The SPEAKER. The rule which this proposes to amend bears date November 13, 1794, and in its language is very broad and comprehensive: "All proceedings touching appropriations of money shall be first discussed in a Committee of the Whole House." Now it is the belief of the Chair, if that rule were to-day before the House without having received the constructions which it has from previous Presiding Officers, that it embraces everything proposed by the amendment. "All proceedings touching appropriations of money." That language makes the rule very wide, and was undoubtedly intended to embrace everything involving an expenditure from the public Treasury. But, as gentlemen of the House are well aware, it has received a series of constructions within the last thirty years, so that its construction has now been determined. We are familiar with bills brought in here involving "an appropriation to be hereafter made." That is a very common phrase. Then another form is, "to be paid out of some appropriation already made." Both of these, in the judgment of the Chair, are very clear and palpable evasions of the spirit of that rule of 1794. The scope of the present rule is to cure those defects. Whenever a gentleman has a proposition which involves payment from the public funds it shall, and of right ought to be discussed in the Committee of the Whole, unless the House by unanimous consent shall otherwise direct. That is the scope of the rule.

The gentleman from Ohio [Mr. LAWRENCE] whom the Chair took the liberty to interrupt gave this a construction which the Chair probably would not enforce. There might be, for instance, a bill for the establishment of an educational system, like that the further consideration of which has been postponed until the third Tuesday of March next, and there may be various other measures which in their ultimate effect would require the expenditure of money, but which do not involve a direct appropriation. Indeed, you can scarcely bring in any legislation which, directly or indirectly, will not involve somehow or other expenditure of money. The Chair would not give the rule in reference to those propositions such construction, for that would take from the House everything which belongs to the open House. The rule is intended to cure the defect of construction of bills which do directly involve the appropriation of money; and to that extent the Chair has no hesitation in saying he regards the rule as a most valuable improvement upon the present practice.

Mr. LAWRENCE. It will of course refer to claims.

The SPEAKER. Of course, and to all pension bills.

Mr. LAWRENCE. And appropriations of property?

The SPEAKER. Yes, sir; and everything of that kind.

Mr. BUTLER, of Massachusetts. I ask the Chair to allow me a single question as to the effect of this rule. Suppose a bill is brought in here to take some fund which does not come from appropriation of money. I have in my mind the Japanese fund, for instance, which is now in the State Department.

The SPEAKER. It is not in the Treasury of the United States.

Mr. BUTLER, of Massachusetts. Or the Geneva award?

The SPEAKER. Nor is that in the Treasury of the United States. The Chair would not hold the Geneva award should, under the rule, go to the Committee of the Whole, because it does not lie in the Treasury of the United States in the sense intended by the rule.

Mr. CONGER. Let me ask the Chair what would be the construction of the rule in reference to the appropriation of lands, which are not in the Treasury.

The SPEAKER. The Chair thinks it does include lands, because the language is, "all bills making appropriations of money or property belonging to the United States."

Mr. BUTLER, of Massachusetts. That is land.

The SPEAKER. Of course—property belonging to the United States; but in the case put by the gentleman from Massachusetts where there is a separate fund under the law, belonging, not to the United States, but to somebody else, which is in the custody of the United States, it would not, in the judgment of the Chair, come within the operation of the rule.

Mr. BUTLER, of Massachusetts. I should like to hear the answer of the Chair to the question of the gentleman from Michigan [Mr. CONGER] as to the public lands.

The SPEAKER. Any proposition to donate or appropriate public lands the Chair would hold would, under this rule, necessarily go to a Committee of the Whole House.

Mr. CONGER. I desire to ask the Chair this further question. Suppose a bill came back from the Senate with an appropriation

grafted upon it, not originally put there by the House, whether there had been or had not been an appropriation made in the House, and the question came up here on concurrence, would such a case as that come under this rule?

The SPEAKER. Of course. It has always been the rule that if the Senate put on an amendment which, if an original proposition, would require to be discussed in Committee of the Whole, an objection carries the whole bill to the Committee of the Whole.

Mr. CONGER. Does that hold if the change is merely an increase?

The SPEAKER. Yes, sir; the effect is the same.

Mr. G. F. HOAR. Does the Chair say that a fund which is the legal property of the United States, which can be disposed of solely by its authority, part of which is absolutely claimed by the United States as its own, such as the Geneva fund, is not the property of the United States under this rule?

The SPEAKER. In regard to that particular matter, the case of the Geneva award, the Chair takes it that that fund is not money in the Treasury of the United States. It is property, but not property belonging to the United States in that sense; and it is specifically certified by the Treasury not to be so. The Chair, however, begs to remark that cases of that kind are necessarily very rare, and are not likely to come up to interfere with legislation under this rule.

Mr. GARFIELD. Of course, as the cases arise, the Chair will hear discussion as to their coming or not coming under the rule.

The SPEAKER. The Chair would further remark that he does not support the action of the Committee on the Rules in this matter with any desire of avoiding labor on his part in this House. And he would seek to enforce the remark of the gentleman from Massachusetts, that the amount of business done in the House now, compared with former years, is a growing evil. The Chair does think that the great bulk of the business of this House ought primarily to be done in the Committee of the Whole as it was for fifty years after the organization of the Government.

Mr. GARFIELD. I yield for a minute to the gentleman from Virginia, [Mr. PLATT.]

Mr. PLATT, of Virginia. From the remarks of the gentleman from Ohio [Mr. GARFIELD] who reported this resolution, and of his colleague, [Mr. LAWRENCE,] the chairman of the Committee on War Claims, I would infer that this is one of the most important measures that has been presented to Congress, certainly since the commencement of this session, and one, therefore, that ought to be very carefully considered. I am in favor of the adoption of the proposed rule as I now understand it; but it is so important in its possible results that I think the House ought to have a full opportunity of very carefully examining it before acting upon it.

I understood the Speaker to say that he would give, under certain circumstances, certain constructions to this rule. Those are perfectly satisfactory to me. But what security have we that the gentleman who might happen to occupy the chair in the absence of the present incumbent, or who might succeed the present incumbent, might not give an entirely different ruling, and give the rule all the scope and all the importance ascribed to it by the chairman of the Committee on War Claims, which considered and first reported this matter? I wish to have the subject carefully considered, and desire to have action on it postponed until, at least, it can be printed and members have an opportunity of fully considering the question. I therefore move that the present resolution be postponed and the resolution printed.

Mr. GARFIELD. I did not yield to the gentleman for the purpose of making a motion.

Mr. PLATT, of Virginia. The gentleman yielded to me without any condition.

Mr. GARFIELD. I yielded to the gentleman one minute for debate only.

Mr. PLATT, of Virginia. I am willing to abide by the decision of the Chair. I understood that the gentleman yielded to me unconditionally.

The SPEAKER. It is the uniform practice of the House that a gentleman entitled to the floor for one hour, if he yields his time to other members, has himself the right to announce the conditions on which he yields. And of course in the first hour another gentleman to whom he yields could not move an amendment or make any motion unless the floor was yielded to him for that purpose.

Mr. GARFIELD. The rule has been so very fully debated and so clearly expounded that it seems to me it must be as well understood as a rule can be understood. As now drafted, at the suggestion of the Speaker, it incorporates both the old rule and the new in one. I must now call the previous question on its passage.

The SPEAKER. The Clerk will read the proposed rule as it now stands, incorporating the rule of 1794 with the amendment.

The Clerk read as follows:

Amend Rule 112 to read as follows:

All proceedings touching appropriations of money, and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in Committee of the Whole House.

The SPEAKER. The Chair will make one single remark, that the House may clearly understand the effect of the rule. It is a matter of great importance upon the point brought up by the gentleman from Ohio, [Mr. LAWRENCE,] that notice should be taken of the effective significance of the word "requiring." The construction which the gentleman from Ohio was giving it would imply that the word was "involving." The Committee on Rules made a distinction between the two. A bill that might ultimately *involve* an appropriation is not a bill *requiring* an appropriation, and there is the distinction between the words. The Committee on Rules purposely put in the word "requiring."

Mr. LAWRENCE. I think that was right.

Mr. MAYNARD. I ask consent to say a single word. This rule is substantially in its terms what Rule 112 was during the period of my first service in the House. Then all pension bills and all bills for private relief went to the Committee of the Whole on the Private Calendar, and that calendar became frequently quite voluminous, so much so that a great many of the cases upon it never were reached. The effect of the adoption of this rule—and gentlemen may possibly have suggested it with that view—will be to prevent the passage of a very large percentage of the private bills reported from the Committee on Pensions and the other committees having charge of private claims. I have no doubt that that will be the result, and gentlemen, no doubt, will vote upon the question with that view, and to accomplish that purpose.

Mr. GARFIELD. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment to the rules was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATIONS.

The SPEAKER. The gentleman from New York [Mr. DUELL] and the gentleman from Illinois [Mr. RAY] desire to make some explanations in reference to their votes on the salary bill.

Mr. DUELL. I desire to inquire how my name is recorded on the Senate amendment to the salary bill.

The SPEAKER. The gentleman is not recorded as voting.

Mr. DUELL. I voted when my name was called, and voted in the affirmative, but I was not present when the roll-call was read. My colleague, [Mr. LAWSON,] who sits by me, heard me vote on the question.

Mr. RAY. I desire to say that I was absent at the time the vote was taken, being over at the asylum to see an inmate there. If present I should have voted "ay."

The SPEAKER. These statements will go into the CONGRESSIONAL RECORD, but the Chair does not feel authorized to have the names placed on the roll.

Mr. DUELL. I ask unanimous consent that, under the circumstances, my name be placed upon the list.

Mr. DAWES. I suppose that when the Journal is read to-morrow these gentlemen can correct it if it is not done to-night, and that the gentleman from New York can insist upon his name going upon the record.

Mr. DUELL. I ask unanimous consent to have it done now.

The SPEAKER. The Chair begs to call the attention of the House to this fact, that this involves the question whether a gentleman's name may be entered on the list after the vote has been recorded and announced and the result carried by one vote. If it becomes a matter of right, it may afterwards be used to the great inconvenience of the House.

Mr. DAWES. I suppose the object of reading the roll-call is to see if the record is made correctly, and that a member has a right to have it corrected in case it is incorrect?

The SPEAKER. He has a right to have his name recorded if he gives attention when the names are read over. That is the very purpose for which the names are read; but there evidently the right ceases. It is because the gentleman from New York probably did not give attention to the reading of the roll-call at the Clerk's desk that this error occurred. The right must end somewhere, and the Chair thinks that it ends there.

Mr. DUELL. I was called out by a person who wished to see me outside.

The SPEAKER. That is the gentleman's misfortune. The rule cannot be altered to meet a case of that kind.

Mr. G. F. HOAR. I desire to make a parliamentary inquiry. Before the Journal is made up, is it not in the power of the House to direct it to be made up according to the facts, and the fact is that the gentleman voted?

The SPEAKER. But the gentleman from Massachusetts will observe that the rules have prescribed the mode of ascertaining and recording the facts.

Mr. G. F. HOAR. But I understand the fact is certified to both by the gentleman himself and by a colleague who heard him vote. My claim is, that until the Journal is finally made up and read to-morrow morning, it is in the power of the House to correct it, and have it made up according to the facts; and that although the reading of the roll-call was for the purpose of ascertaining that the names had been correctly recorded, still, if the placing the gentleman's name on the list does not alter the result, the House in its discretion may correct the Journal.

The SPEAKER. If the amendment of the Senate had been con-

curred in by one majority, how would the gentleman uphold that right?

Mr. G. F. HOAR. Undoubtedly, if the amendment had been concurred in by one majority, it would be in the power of the House, the fact being ascertained, to amend the Journal, and have all its subsequent proceedings set right. But if it changed the result, the House would undoubtedly exercise great caution in the use of that discretion.

The SPEAKER. Then the gentleman does not place it on the ground of the absolute right of the member; because if it be the absolute right of the member to have that change made, it could not be in the discretion of the House.

Mr. G. F. HOAR. I put it upon the ground of the right of the House at any time before the Journal is made up and closed to-morrow morning to direct it to be made up according to the fact. That is the right which exists in every court and in every body under the sun which records its proceedings. It is a universal law.

Mr. DAWES. It is not a Jnaourl of any particular member; it is a Journal of the House; and the House has authority over its own Journal.

Mr. RANDALL. I desire to ask a parliamentary question. It is, whether a member, having lost his right under the rule, as stated by the Chair, is it in the power of the House to reclothe him with such right even by unanimous consent?

Mr. G. F. HOAR. Will the Chair entertain a motion directing that in making up the Journal the vote of the gentleman from New York [Mr. DUELL] shall be recorded in the affirmative?

The SPEAKER. The Chair would rather have that motion submitted when the Journal shall be read, to let the question go over until to-morrow morning. The Chair cannot help warning the House that upon a proposition which was concurred in with great unanimity, a very grave precedent may be set in regard to changing the record of votes.

Mr. RANDALL. I would ask the Chair to rule upon the point of order which I raised. It is, whether the right of a member under the rule having ceased, as stated by the Chair, can he be reclothed with that right even by unanimous consent?

The SPEAKER. The roll having been called, those not answering on the first call are afterward allowed an opportunity to vote by rising and requesting it. Then, for the purpose of certification of the record, the roll is read aloud at the Clerk's desk to see whether gentlemen have voted, and, if so, have been recorded properly. The vote is then announced, and then, so far as any correction is involved, it is accomplished.

Mr. MELLISH. Will the Chair state what are the precedents on this subject?

The SPEAKER. The Chair knows no precedent to contradict that.

Mr. MELLISH. Would it not be dangerous to establish such a precedent now?

The SPEAKER. It would be dangerous to allow a vote to be recorded by the understanding of a member himself, or of those who happen to sit where he was.

Mr. RANDALL. Will the Chair decide my point of order?

The SPEAKER. The Chair has decided it; the Chair agrees with the gentleman.

Mr. G. F. HOAR. I ask the Chair to have read the last sentence of Barclay's Digest, on page 226.

The SPEAKER. That relates to an erroneous record.

Mr. G. F. HOAR. Let it be read.

The SPEAKER. The Chair will read it.

A member has a right to have an erroneous record of his voting corrected after the announcement of the result of a vote.

Mr. G. F. HOAR. Is it not the same whether the record records him erroneously as not voting, or as voting the wrong way?

The SPEAKER. The Chair thinks not.

Mr. G. F. HOAR. Then if the gentleman from New York [Mr. DUELL] was recorded as having voted "no," he would have the right now to have the record changed; but being recorded as not voting at all he has not the right.

The SPEAKER. The Chair would like to have the matter go over until to-morrow morning, to be settled when the Journal is read.

Mr. RANDALL. Will the Chair look into the question I have raised?

The SPEAKER. The Chair will.

Mr. SCOFIELD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. BANNING: Resolutions of the Cincinnati Board of Trade, against the repeal of the bankrupt law.

By Mr. CHAFFEE: Ten petitions from citizens of Colorado, asking the passage of an act to enable the people to form a State government, and for admission as a State.

Also, petitions asking that the branch mint at Denver be put upon a coinage basis.

By Mr. CROSSLAND: A petition of the mayor of Columbus, Kentucky, and sundry other citizens, for the relief of the Southern Methodist publishing house at Nashville, Tennessee.

By Mr. DOBBINS: The memorial of Robert Sinnickson, of New Jersey, praying for a disposition of the public lands in the interest of labor.

By Mr. DUELL: The petition of Sewall B. Corbett, asking payment for property used and occupied during the war of the rebellion.

Also, the petition of William B. Lacy, for the same.

Also, the petition of Lott W. Crocker, for the same.

By Mr. ELKINS: A petition of citizens, asking for the establishment of a post-route from Las Vegas, New Mexico, to Center Station, Texas; and also a bill to establish the same.

By Mr. MELLISH: The memorial of Mrs. Matilda Leipsker, of the city of New York, widow of Joseph B. Leipsker, for redress for the wrongs sustained at the hands of the authorities of Peru, and claiming a restoration of her late husband's property; the facts alleged being that on the 4th of November, 1870, the said Joseph B. Leipsker was robbed and assassinated on the road from Paita to Puira in the republic of Peru, South America, by Joseph Varea, chief of the police of Paita; that at the time said Leipsker was peacefully engaged in his ordinary business and under the apparent protection of the armed police of Paita.

By Mr. MONROE: The petition of M. Spahu and others, representatives of the Bricklayers' Association of the District of Columbia, asking for relief.

By Mr. E. H. ROBERTS: The petition of Mary Costello and minor children for pension.

IN SENATE.

WEDNESDAY, *January* 14, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Interior, communicating, in obedience to a resolution of the Senate, the number of officers and employés in or connected with the Department of the Interior who have been furnished with official postage-stamps; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. WEST presented the petition of Mary C. Haile, widow of Captain C. M. Haile, late of Company C, Fourteenth United States Infantry, praying for a pension; which was referred to the Committee on Pensions.

Mr. WADLEIGH presented the petition of James H. Hall and others, citizens of Brookline, New Hampshire, praying the establishment of a new post-route from Brookline, New Hampshire, to Townsend, Massachusetts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Almus Fairfield and others, citizens of New Hampshire, praying the establishment of a new post-route from Antrim to North Branch, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL presented a petition of citizens of Oregon, praying Congress for a grant of alternate sections of public land to the extent of six sections in width, to aid in the construction of a military wagon-road from the terminus of the military road from Roseburgh to Coos Bay to the California line, along the coast, by the most available route, via Port Orford and Ellensburgh; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HAMLIN presented the petition of Elisha E. Rice, formerly commercial agent for the United States at Hakodadi, Japan, praying remuneration for certain real estate, with improvements thereon, in in Hakodadi conveyed to the United States Government by request of the Department of State, but for which he has not been paid; which was referred to the Committee on Foreign Relations.

Mr. HAMILTON, of Texas, presented the memorial and petition of A. J. Cotten and M. S. Cotten, sole heirs of the late John Smith, Washington, North Carolina, praying indemnity for the spoliations committed by the French prior to the year 1801; which were referred to the Committee on Foreign Relations.

Mr. CONKLING. I present the memorial of the Chamber of Commerce of the State of New York, asking the attention of Congress to the inefficiency of the merchant marine of the United States, calling attention to the fact that the city of New York is about to establish a nautical school, expressing the belief that several sea-board States will do the like if properly encouraged, and praying, first, that the Secretary of the Navy may be authorized in his discretion to supply for such nautical schools vessels of the Navy, which can be conveniently spared therefor, and to detail or permit officers of the Navy to act as presidents, superintendents, or instructors thereof; and second, that the system of government and discipline of American merchant vessels may be carefully revised, with a view to elevate the character of the service, and to correct the disorders and demoralization that now prevail, and to guard the responsibilities of command of such vessels by proper examination and enrollment of masters and mates, and by prompt and full reports upon and accountability for disasters to life

and property at sea. I move the reference of this memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I ask to state, because the paper which has been sent to me and which I hold in my hand, is not, I believe, under the rules of the Senate, in order as a petition, that the Buffalo Board of Trade wish to make a correction in a memorial recently sent here and presented by me, touching the enrollment of canal-boats. I move that this paper which I now submit, although not a petition, but a part of a petition, may be referred to the Committee on Commerce, to go with the petition to which it relates.

The motion was agreed to.

Mr. PRATT. I present the memorial of the Indianapolis Woman Suffrage Association. Though a memorial, it is in the nature of a remonstrance. They protest against the passage of a bill which has been offered in the Senate, limiting suffrage in the Territories to male citizens. I do not know to what committee that bill was referred, but I presume to the Committee on Territories. I move, therefore, the reference of this remonstrance to that committee.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers in the case of Samuel S. Potter be taken from the files and referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. RAMSEY. A few days since, inadvertently no doubt, a memorial of the Legislature of Kansas, asking for an increase of mail service in that State, was referred to the Committee on Post-Offices and Post-Roads. I am authorized to report it back and to ask that the committee be discharged from its further consideration, and that it be transmitted to the Postmaster-General, to whose Department it more properly belongs.

The PRESIDENT *pro tempore*. The committee will be discharged, if there be no objection.

Mr. HAMLIN, from the Committee on Mines and Mining, to whom was referred the petition of citizens of Omaha, Nebraska, praying the establishment of a branch mint at that place, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. SARGENT, from the Committee on Mines and Mining, to whom was referred the bill (S. No. 16) supplemental to the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, reported it with amendments.

He also, from the same committee, to whom was referred the bill (S. No. 177) relating to the public lands in the State of California, reported it with amendments, and moved that the amendments be printed, and the bill re-referred to the committee; which was agreed to.

Mr. DAVIS. The Committee on Claims have directed me to report back the petition of Julius Frank, praying compensation for sutler's supplies seized by order of General Thomas in 1864, with a written report that the claim ought not to be allowed. I move that it be indefinitely postponed.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

Mr. SCOTT. I would ask, instead of being indefinitely postponed, that the report that the claim ought not to be allowed be adopted, and the committee discharged from its further consideration. I do so for the reason that it is a case in which there was a former adverse report, and the desire of the committee, in which I know the Senator from West Virginia concurs, is that the withdrawal of these papers for the purpose of referring them again after there has been an adverse report should be stopped; and the language of the forty-ninth rule requires that the report of the committee shall be adopted in order to accomplish that result. I hope the Senator will withdraw the motion to postpone indefinitely.

Mr. DAVIS. The chairman of the Committee on Claims is undoubtedly correct; but my idea was that an indefinite postponement would carry it over this Congress at least. I accept the suggestion of the chairman of the committee.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee.

The report was adopted.

Mr. PRATT, from the Committee on Claims, to whom was referred the bill (S. No. 68) for the relief of Hiram Prather, late lieutenant-colonel of the Sixth Regiment Indiana Volunteer Infantry, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 69) for the relief of William H. Vesey, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. BOUTWELL, from the Committee on Claims, to whom was referred the petition of Mrs. Caroline L. Hoey, of Carrollton, Louisiana, praying compensation for property taken and destroyed by the United States Army in 1862, 1863, and 1864, reported adversely thereon.

He also, from the same committee, to whom was referred the petition of W. C. Williams, of Brooklyn, New York, respecting money paid by him for a substitute in the Army when he was deaf and not liable to service, reported adversely thereon.

He also, from the same committee, to whom was referred the petition of M. C. Mordecai & Co., praying compensation for mail service between Charleston, South Carolina and Havana, Cuba, reported adversely thereon.

He also, from the same committee, to whom was referred the petition of Elijah Fuller, Alfred Spates, and others of Alleghany County, Maryland, praying for compensation to George Herring for property taken for the Army during the late civil war, reported adversely thereon.

The reports were adopted.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Dr. Edward Jarvis, praying compensation for services rendered by him in the preparation of the United States census for 1850, reported a bill (S. No. 302) for the relief of Dr. Edward Jarvis.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. SCOTT. I am instructed by the Committee on Claims to report back the petition of A. J. Sypher, of Louisiana, praying compensation for certain lumber which he alleges was taken by the United States and used, and to ask that the committee be discharged from its further consideration, on the ground that there is no evidence accompanying it whatever to support it.

The report was adopted.

Mr. SCOTT. I am also instructed by the same committee to report back the petition of Thomas F. Bowler, praying indemnification for losses and damages sustained by the annulment of his contract for carrying the mails from Neosho, Missouri, to Albuquerque, New Mexico, in 1859, with the report that the claim ought not to be allowed; and I ask that this report be adopted.

Mr. SARGENT. I trust that there will not be hasty action on that matter. I know something about the case. It is one of the very few claims which I have ever taken any interest in, and I should like to have an opportunity to be heard before the committee in regard to it.

The PRESIDENT *pro tempore*. Does the Senator object to the present consideration of the motion to concur in the report of the committee?

Mr. SARGENT. I do; but I would like to have the Senator withdraw the report for the present. The case was only referred a day or two ago, and I had not any notice that the committee intended to take it up. It was referred on my motion. It is very seldom that I speak in support of a claim of any character.

Mr. SCOTT. Let me state to the Senate the reasons why this report is made, and I trust what I say will not be taken unkindly by the Senator from California or by any other Senator. This case was submitted in the last Congress, and in January, 1873, a written report was made by the then chairman of the committee, the Senator from Wisconsin, [Mr. HOWE,] giving the reasons why the claim ought not to be allowed. Under the forty-ninth rule of the Senate, where there is an adverse report, it is provided that the papers in such case shall not be withdrawn from the files of the Senate and again referred unless the claimant present a petition stating that there is new evidence to sustain the claim, and stating what that new evidence is. A habit has grown up of withdrawing nearly all papers from the files of the Senate upon which there have been adverse reports, and sending them again to the same committees for consideration; and in the Committee on Claims we have adopted the rule, as a matter of self-protection as well as for the vindication of the rule of the Senate, that we will report all cases back adversely that come within the spirit of that rule, so that the committee shall be protected against a flood of claims that have already been examined coming back upon them, unless there is something new to command their attention.

Mr. SARGENT. I was not aware of the report made at the last session; on inquiry, I was informed that there had been no adverse report, but, on the contrary, that there was a very strong favorable report made in the House of Representatives. The report to which the Senator refers I have not seen; and if he has no objection, I ask that this report lie on the table for the present until I can examine into the matter.

Mr. SCOTT. Certainly; I have no objection to that.

The PRESIDENT *pro tempore*. If there is any objection, the report must lie over one day. The Senator from California objects to present action on this report.

GILBERT & GERRISH.

Mr. WRIGHT. The Committee on Claims have instructed me to report back a bill; and before I make the report I wish to make a statement, and I call the attention of the Senator from Missouri [Mr. BOGY] and the Senator from Maine [Mr. HAMLIN] to it. At the last session of Congress a bill was passed, precisely such as I report back now, by both Houses, for the relief of the administrators of Gilbert & Gerrish, but for some reason it failed to get into the hands of the President, so that there was no action upon it. A report was made by the House committee and also by the Committee on Claims of the Senate, the two committees substantially concurring that this bill ought to pass. The bill was again introduced into the House at this session, with all the papers, and the committee there has reported in favor of the same allowance—a unanimous report, and setting forth the same facts. The Committee on Claims of the Senate has had the same subject under consideration again, and instructed me to report

the bill, and recommend that it shall pass at this time. I am requested by the Senator from Missouri and also by the Senator from Maine to ask that the bill be put on its passage at once. It is a bill for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1038) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish.

The bill is a direction to the Secretary of the Treasury to pay $26,250 to Benjamin W. Gilbert, administrator of the estate of Abel Gilbert, and Isaac Watts, administrator of the estate of William Gerrish, in full accord and satisfaction for damages for violation of a grain contract, entered into the 21st day of May, 1859, between Colonel G. H. Crosman, deputy quartermaster-general of the United States Army, in behalf of the United States, and Abel Gilbert, in his own name, but in behalf of Gilbert & Gerrish.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 303) for the relief of Elisha E. Rice; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 304) relative to the metropolitan police of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 305) for the relief of Albert Von Steinhousen, late major Sixty-eighth Regiment New York Infantry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 306) for the relief of George F. Heidemann; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 307) granting a pension to Henry Oglesby; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 308) for the relief of John Logan, late marshal of the southern district of Illinois; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 309) to extend the time for proof and payments on pre-emption claims upon the public lands; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

WILLIAM STEELE.

Mr. HAMILTON, of Texas. I ask unanimous consent to take up the bill (S. No. 202) to remove the legal and political disabilities of William Steele, of Bexar County, Texas. It is the last case in Texas, I believe. They are very importunate there, and I should like to have the bill passed this morning.

The PRESIDENT *pro tempore*. The Senator from Texas moves to proceed to the consideration of the bill indicated by him.

Mr. CONKLING. I should like to hear it read for information.

The Chief Clerk read the bill (S. No. 202) to remove the legal and political disabilities of William Steele, of Bexar County, Texas.

The motion to take up the bill was agreed to, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed by a two-thirds vote.

POST-ROUTE BILL.

Mr. RAMSEY. I ask the unanimous consent of the Senate to be allowed to call up the post-route bill for action, as there is great anxiety that bids may be invited and the service ordered. To gratify that anxiety I ask to be allowed to call it up now. It will lead to no debate.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 798) to establish certain post-routes.

Mr. INGALLS. I desire to offer an amendment to the bill on page 8, after line 155.

The PRESIDENT *pro tempore*. Let it first be read.

Mr. HOWE. Has the bill got to be read at length?

The PRESIDENT *pro tempore*. Unless the reading is waived by unanimous consent.

Mr. HOWE. I hope it will be unanimously dispensed with. I want to ask the chairman of the Committee on Post-Offices and Post-Roads, from whom this bill comes, what possible objection there is to making every highway a post-route?

Mr. RAMSEY. That matter has been spoken of frequently; but there is this objection on the part of the Post-Office Department, that then they would be importuned to a larger degree than they are now to put service on every conceivable road in the country. This is a little protection to them.

Mr. HOWE. It is just this protection, that they are not permitted to put service on any road until it is declared a post-route; but how little protection that is you may discover from one circumstance, that you have only got to breathe a wish to have any particular highway made a post-route, and it is made a post-route.

Mr. RAMSEY. Still there are ten thousand outside of your list.

Mr. HOWE. I do not know how many there are outside; but if there is any one in the United States, it is simply because nobody has ever thought to ask to have it made a post-route. You swell the cost of printing every winter, you make your statutes bulky, by naming and describing every one of your post-routes. It seems to me a great point would be gained by making a general declaration to cover the whole subject, and it would not embarrass the Department.

Mr. RAMSEY. The objection I have mentioned is the only one I know of to making every highway, every road in the country, a post-route. Every railroad now is—every boatable river, every boatable lake is—a post-route by general law. If all highways were made post-routes the Department would be importuned at once for service on every road in the country. This is a protection to them. This is the reason why this practice is continued. However, that point is not up now.

The PRESIDENT *pro tempore*. If there be no objection the reading of the bill at length will be dispensed with.

Mr. CONKLING. As I suppose it will take no time, I wish the Senator from Minnesota would be kind enough to let me know the provision in the bill of which he has been speaking, which protects the Department from these applications.

Mr. RAMSEY. The Department cannot place service on any route unless it has been made a post-route by Congress.

Mr. CONKLING. I misunderstood the Senator. I thought he said he had put some provision in the bill on that subject.

Mr. RAMSEY. Not at all.

Mr. COOPER. I desire to amend the bill.

The PRESIDENT *pro tempore*. The first question is on the amendments reported by the Committee on Post-Offices and Post-Roads.

Mr. INGALLS. I first offered an amendment, which I believe is pending.

The PRESIDENT *pro tempore*. The amendment of the Senator from Tennessee is first in order if it is an amendment to the amendments of the committee. It will be read.

The CHIEF CLERK. The amendment of the Senator from Tennessee is, under the head of "Tennessee," on page 15, to insert:

From Purdy, in McNairy County, Tennessee, to Stantonville, in the same county.
From McKenzie, in Carroll County, via Como, Cottage Grove, Tennessee, and Crossland, Kentucky, to Murray, Kentucky.

The amendment to the amendments was agreed to.

Mr. INGALLS. On page 8, after line 175, I move to insert the following:

From Coffeyville, via Osage agency, Sac and Fox agency, Wa-pa-la-tha, Isabelle, to Cherokee Town, in the Chickasaw Nation, there to connect with route from Atoka to Fort Sill, Indian Territory.

The amendment to the amendments was agreed to.

Mr. ALLISON. On page 6, after line 130, I move to insert the following:

From Pella, via Peoria, to New Sharon, in the State of Iowa.

Mr. RAMSEY. I suggest to the Senator to strike out the words "in the State of Iowa," as they are unnecessary. The caption shows the State in which the routes are located.

Mr. ALLISON. Very well; I modify my amendment accordingly.

The amendment to the amendments was agreed to.

Mr. CLAYTON. On page 4, line 69, I move to strike out the word "and" before "Magnolia" and insert the word "to;" and also to strike out all after the word "Magnolia;" so that the clause will read:

From Hope Station, via Clayton, Falcon, Lamartine, to Magnolia.

The amendment to the amendments was agreed to.

Mr. SARGENT. I should like to ask the attention of the chairman of the committee to page 4 of the bill, where I observe certain post-routes for California are stricken out. I should like to know the reason why they are stricken out.

Mr. RAMSEY. Well, sir, the bill after it came from the House of Representatives was submitted to the Post-Office Department for its correction so far as it could modify it, especially so as to prevent the repetition of routes already made such by law, and it is their suggestion that these are already routes by law, and hence they are stricken out in this bill.

Mr. SARGENT. They are already provided for?

Mr. RAMSEY. They are already provided for, and there is no occasion to re-enact them.

The PRESIDENT *pro tempore*. The question now is on the amendments reported by the Committee on Post-Offices and Post-Roads.

The amendments as amended were agreed to.

Mr. SCOTT. On page 14, after line 332, I move to insert the following:

From Newton Hamilton, Mifflin County, via Vineyard Mills and Germany Valley, to Shirleysburgh, Huntingdon County.

Mr. RAMSEY. I suggest to the Senator to strike out the names of the counties. It is unnecessary to insert them.

Mr. SCOTT. Very well; I will so modify the amendment.

The amendment as modified was agreed to.

Mr. HOWE. There is a very fundamental defect in this bill to which I wish to call the attention of the committee. It is in line 397.

Mr. RAMSEY. I have already been furnished a memoranda by one of the Senator's colleagues in the House on that subject. The name "Gravewood" should be "Greenwood."

Mr. HOWE. I move that correction.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves to amend the bill in line 397, by changing the name of "Gravewood" to "Greenwood."

The amendment was agreed to.

Mr. MORRILL, of Vermont. I move to add the following proviso at the end of the bill:

Provided, That postal service on mail-routes where the aggregate receipts shall not amount to one-half of the expenditures thereof shall be discontinued on and after June 30, 1874.

I desire to relieve the Postmaster-General from the importunity to put on mail service where there are no people. I remember some years ago of a mail-route being established that would cost $250,000. It was admitted that there were no people there; but the gentleman moving the amendment claimed that there would be if we established mail service there. I know that this is a difficult subject for the Postmaster-General to regulate; but here is a basis upon which the vast expenditures of the Department may be curtailed, and I see nothing unjust, improper, or impolitic in adopting the amendment which I propose; that is, that where the receipts of a mail-route shall not be at least one-half of all the expenditures, the mail-route shall be discontinued.

Mr. CLAYTON. That might be very well for the country from which my friend from Vermont hails—a thickly-settled country; but it certainly would work a great hardship upon that portion of the country which is not thickly settled. I hold that it is the duty of the Government to afford mail facilities to the people of this country. If it is their misfortune to live upon the frontiers, at points difficult of access, they ought not to be deprived of mail facilities. If we should adopt a rule of this kind it would affect very unfavorably a portion at least of the people of my State; and I presume the same is true of other Western and Southern States that are sparsely settled. I should certainly object to the adoption of such a rule.

Mr. MORRILL, of Vermont. I ask the Senator if he thinks that applying it only to those routes the receipts of which do not amount to one-half the expenditures would affect any considerable portion of his people?

Mr. CLAYTON. I do, in some instances.

Mr. MORRILL, of Vermont. Then I will reduce it to one-fourth.

Mr. CLAYTON. I shall object to it in any shape.

Mr. FERRY, of Michigan. Allow me to ask the Senator from Vermont why we should trammel the Postmaster-General in this regard? The discretion rests with him. If we establish a post-route, it lies with him to put service on that route or not; and certainly, having in his charge the postal relations of the country, he, above all others, is the proper person to determine whether service is needed. I indorse what has been said by the Senator from Arkansas on this subject. He represents one of the Southwestern States. I represent a Northwestern State, where we are not so favorably situated as the constituency represented by the Senator from Vermont; and we have in our State many pioneers who are carving out the fortunes of the country. The Senator represents a constituency who are provided for, living on large routes, where of course they enjoy all the postal facilities. The people in various portions of the West are deprived of these advantages, and they need intelligence as much as the people of the East—and, in fact, they emigrate from the East; and it is for the constituency of the Senator that I am pleading, as well as my own.

Mr. TIPTON. I think it would be very improper this morning hastily to pass any such proposition as this. I think it should go to the committee, if it must be considered, for their calm and dispassionate consideration. We know that in the Territories and in the new States the postal system cannot be self-supporting for a long time; and yet we know, in regard to those expenditures, that it has always been considered proper and necessary that they should be made, in order that the people who go there and endure the hardships of pioneer life may have the benefits and blessings which are enjoyed from the postal system in the old States, without let or hinderance. If any action is to be taken on this subject at all, I would move that the proposition be referred to the Committee on Post-Offices and Post-Roads for future consideration and report.

The PRESIDENT *pro tempore*. Does the Senator make that motion?

Mr. TIPTON. I do.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves to recommit the bill with the amendment.

Mr. RAMSEY. I imagine that the Senator from Nebraska does not wish to recommit the bill, but simply the proposition of the Senator from Vermont.

Mr. TIPTON. I do not desire to embarrass the bill at all. I would simply move to refer the proposition of the Senator from Vermont, if possible.

The PRESIDENT *pro tempore*. That motion would not be in order.

Mr. TIPTON. Then I do not make the motion.

Mr. MORRILL, of Vermont. I will relieve Senators from any embarrassment on this subject. I admit that it is a subject which it is proper to have considered by a committee. Only a few years since the Post-Office Department was a self-supporting Department. It now costs many millions beyond its receipts. I have no doubt the Postmaster-General would be glad to economize. But when post-routes are established by law members of the House and of the Senate importune the Postmaster-General to put service upon them, and he can hardly resist those importunities. I only desire to establish some rule, just and equitable in itself, by which the Postmaster-General might be able to economize. I have no disposition to curtail the frontier settlements of any just and proper accommodations. I imagine that there are many mail-routes in the older States which do not begin to pay one-half of what they cost. But I will withdraw the amendment and ask to have it referred to the Committee on Post-Offices and Post-Roads. I presume there will be no objection to that.

The PRESIDENT *pro tempore*. It will be necessary for the Senator to reduce his proposition to the form of a resolution or in some other shape.

Mr. MORRILL, of Vermont. I will merely place that amendment in the form of a resolution.

Mr. HAMLIN. You can do that after this bill is out of the way.

Mr. MORRILL, of Vermont. Very well.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his amendment to the bill.

Mr. BOREMAN. I offer an amendment, to insert after line 378, on page 16, under the head of "West Virginia," the following:

The post-route from Parkersburgh to Lubeck, in Wood County, West Virginia, is hereby extended from Lubeck to New England post-office in the same county; and also from Lubeck to Wadesville, in the same county.

Mr. RAMSEY. Allow me to suggest to the Senator an amendment to that. Let him simply say "from" one point "to" another.

Mr. WEST. While the Senators from Minnesota and West Virginia are conferring, I wish to notify the Senate that there are certain inaccuracies in spelling names in the State of Louisiana. I ask permission to have the Clerk correct those without taking up the time of the Senate.

Mr. RAMSEY. These proper names are very apt to be misspelled, they are usually so incorrectly or indistinctly written.

The PRESIDENT *pro tempore*. If there be no objection, an order will be entered allowing the spelling of names to be corrected. The Chair hears no objection to that. The question is on the amendment proposed by the Senator from West Virginia, [Mr. BOREMAN.]

The amendment was agreed to.

Mr. MORRILL, of Maine. I desire to ask the chairman of the Committee on Post-Offices and Post-Roads if he can inform the Senate of the extent of service provided for by this bill.

Mr. RAMSEY. I imagine that some hundreds of miles have been added this morning, within five or ten minutes. It is impossible for me to keep the calculation so close as I know the Senator would like to have it. It would take me some time to make the calculation of the additional routes which have been placed on here in ten minutes.

Mr. MORRILL, of Maine. Can the Senator give the Senate information as to the number of miles reported by the committee?

Mr. RAMSEY. I cannot.

Mr. MORRILL, of Maine. Can the Senator give the Senate an approximate estimate?

Mr. RAMSEY. Well, sir, I should judge it is considerably exceeding five thousand miles.

Mr. MORRILL, of Maine. Twice five thousand, for instance.

Mr. RAMSEY. No; exceeding five thousand, I should say.

Mr. MORRILL, of Maine. I am told when I inquire about this bill that it—the annual installment—does not amount to much; that it should not create much concern in the minds of Senators; that it is the annual installment which we are likely to have and which we do have constantly, and that it is a matter of course. The honorable Senator who is chairman of this committee made the remark that it did not contain any legislation, and therefore it was not worth while to be particular about a bill that did not contain any legislation, and did not seem in his judgment to involve any consequences.

Now, Mr. President, the postal service of the United States has got to be a matter of very large concern in many ways, beneficent as an institution, if I may so say, and very important in its relations to the community in many respects; but, nevertheless, it has come to very large proportions, and it is swelling and increasing with great rapidity. Going on at this rate, where it will end it would be difficult to predict.

Now, the inaccuracy with which this thing is being done is shown by the fact that the honorable chairman of this committee, so accurate as he can be when he desires to be, when he takes pains to be, cannot tell, even as to thousands of miles, the amount of public service provided for by this bill. Can any Senator here on this floor tell us what the mail service of the United States is at the present time? Have we not, all of us, legislated on this subject with a very vague idea of what we were about?

Mr. RAMSEY. I would say to the Senator that the report of the Postmaster-General gives the length of the various routes in the United States annually, those by rail, by steamboat, and those by the ordinary conveyances of the country, the total aggregate being about two hundred and fifty thousand miles.

Mr. MORRILL, of Maine. That is very well for my honorable friend to say; but if there is the accurate information, he ought to be pretty well imformed about it, and ought to be able to give us some sort of an approximate idea on the subject. Now, here are five thousand miles and more, he says, added to the public service. I hear it remarked that it is only to permit the Postmaster-General to put upon these routes just so much mail-carriage as in his judgment the public service requires. Sir, it should never be left to the Postmaster-General to execise that discretion. I will not vote for this bill or any other bill on any such supposition as that. If any Senator upon his own information desires a route here, I am willing to vote for it; but I am not willing to vote five or ten thousand miles to the public service, involving an expenditure which none of us here can tell anything about, and leave it to the discretion of any Department of the Government; nor do I believe in times like these, when we are endeavoring to curtail the expenditures of the Government, that it is a safe thing to do at all.

Mr. FERRY, of Michigan. Will the Senator allow me a question? If I understand the Senator from Maine, he says that upon the statement of any Senator that a post-route was necessary he would be willing, as one of this body, to grant the route, to establish that specific route as a post-route. Now, suppose, upon a long line, the Senators representing the States through which the line passes should recommend its establishment as a post-route, what would be the action of the Senator from Maine who now addresses the Chair?

Mr. MORRILL, of Maine. I do not know that I comprehend the inquiry of the Senator from Michigan.

Mr. FERRY, of Michigan. I will endeavor to make myself clearer. The Senator, if I understood him, said that upon the statement of any Senator upon this floor that a route was necessary he would be disposed to vote in favor of establishing that route. Now, as I understand, he objects to routes through different States, in other words, in distant territory. Suppose every Senator representing the States through which these long proposed lines pass should recommend the establishment of those routes, what would be the action of the Senate then, in the judgment of the Senator from Maine?

Mr. MORRILL, of Maine. I should think it would not be very difficult for the Senator to infer what my action would be from the statement I have made. I have said, and I repeat, that upon the statement of a Senator that such a route, in his judgment and belief, upon his information, was necessary, I should not combat it; but I was replying to a remark of the Senator himself, who said there was no difficulty at all in allowing these routes to be established, leaving it to the discretion of the Post-Office Department whether service should be put upon them or not. That I do not agree to. Sir, the postal service should be established upon the information of Congress and none other. That is what I maintain; and whoever examines the postal service of this country will see that it has grown to enormous proportions, and in my judgment—I say it here upon the floor of the Senate after some considerable examination—there are fundamental defects in that system which need to be corrected. Why, sir, the cost of this service has grown up within the last seven years from fifteen million to a fraction short of thirty million dollars, and is still going on.

Mr. BAYARD. Thirty-three millions.

Mr. MORRILL, of Maine. Thirty-three millions, I am informed. The chairman of the committee charged with the supervision of this service I suppose knows the facts, and if I am in error in any of these particulars he will correct me; but it has had this growth. And in what direction has it grown? It has grown in this direction, and none of us know or have the slightest idea; and we are legislating here constantly under such circumstances that we do not know what is being imposed upon us. I do not use the word "imposed" in any offensive sense; I mean what is being enacted. We do not know to what extent, nor can anybody guess, expenditures will be imposed upon the Treasury of the country by what is being enacted here as a matter of course. It may be all right; it may be all well; it may be that somebody does know; but I doubt it.

Now, Mr. President, if you look at the postal service, it has grown up to these proportions, as I have already remarked, within the last seven or eight years—doubled in its expenditures. We have taken from this service what it is said was a very great embarrassment to it, and what was attributed to it as one of its chief expenditures—the franking privilege. I will not stop to comment upon that now. My expectations are now what they were before that privilege was repealed, to wit, that we should see no reduction in the expenditures on that account, and that is the truth of it. The expense of the service goes on all the time increasing and magnifying; and, sir, to-day the prominent feature in this service is this, that carrying the mail proper, carrying letters—postal service as it was understood by this system, and as it ought in my judgment to be practiced—is subjected to the carrying of dead weight, freight. The postal service of the country has become an express system, and the carrying of freight is 300 per cent. cheaper than the carrying of intelligence. Can the chairman of the Committee on Post-Offices and Post-Roads tell us how much is paid for dead weight and how much for intelligence? Somebody ought to know. How much of this expense of $30,000,000 is paid for carrying dead weight, for carrying express matter, and how much of it is for intelligence, how much for letter postage, and how much for newspaper and for printed matter, which is legitimate and only legitimate in my judgment under any system of carrying the mails? My own belief about it is—I cannot be accurate, because it is impossible to get the information; the information was sent for early in the session but has not come—my belief is that this whole system is so embarrassed by express business, merchandise, and all that sort of thing, that there the great difficulty comes. At any rate it is an incongruity that ought to be eliminated. I will give you an instance, sir, in my own knowledge.

Since the abolition of the franking privilege postage has to be paid upon all communications with the several Departments. There happens to be in my city a pension agent. He is required to make his returns through the post. The quarterly returns of that office, made to the Interior Department, cost thirty-three dollars for transmission through the mail. They could be sent by express for $2.50. Two dollars and a half would bring them by the ordinary expresses of the country established by private enterprise, while thirty-three dollars is required to carry them by mail. I mention that as an illustration.

Mr. SARGENT. Will the Senator allow me to ask him a question?

Mr. MORRILL, of Maine. Yes, sir.

Mr. SARGENT. I ask whether the real cost to the Government of that thirty-three dollars expense was not simply the nominal cost of printing the stamps, while in the case of the $2.50 paid the express company the whole amount comes out of the Treasury?

Mr. MORRILL, of Maine. Well, sir, the thirty dollars goes in to swell the revenues of the Post-Office Department at any rate. It does not make any difference whether it is real or imaginary, so far as the expenditures of the Government are concerned; that is the estimate on which it is based.

I am only speaking on this subject to illustrate the principle. It is impossible for anybody on earth, from any information we are in possession of, to tell how much of it is dead weight and how much of it is for carrying the mail proper. But what I am undertaking to assert and maintain, and can maintain, is, that there is this incongruity in this branch of the public service, that carrying the mail proper is subjected to carrying dead weight.

Mr. RAMSEY. I should like to ask the Senator from Maine whether the post-office is in the habit of carrying through the mails anything else than that authorized by law and directed by law to be carried?

Mr. MORRILL, of Maine. Certainly not. That is what I am talking about. The honorable Senator knows that he has been chiefly instrumental in that action. I am not after the post-office so much as I am after the chairman of the Committee on Post-Offices and Post-Roads. [Laughter.] This whole thing has grown up under his administration and all without any legislation; and when we inquire into this, "Why," says he, "do not be critical; this is only a little bill about post-routes; there is no legislation in it." [Laughter.] I tell you there is legislation in it, and there is legislation of the character I am speaking of, and the postal service of the country is subjected to express business——

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business, which is the resolution reported from the Committee on Finance.

Mr. MORRILL, of Maine. That cuts me off, I suppose. I will renew my remarks when this bill comes up again.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 793) to establish the compensation of Senators, Representatives, and Delegates.

The message also announced that the House had passed a bill (H. R. No. 945) to change the times of holding the circuit and district courts of the United States for the western district of Michigan; in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 35) filling existing vacancies in the Board of Regents of the Smithsonian Institution, and it was thereupon signed by the President of the Senate *pro tempore*.

THE CURRENCY—SPECIE PAYMENTS.

The Senate resumed the consideration of the resolution reported by Mr. SHERMAN from the Committee on Finance.

Mr. SCHURZ. Mr. President, I would ask the Secretary to report once more to the Senate the resolution and amendment now under discussion.

The PRESIDENT *pro tempore*. The Secretary will report the resolution pending before the Senate.

The CHIEF CLERK. The resolution is as follows:

Resolved, That it is the duty of Congress, during its present session, to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows: "And the United States also pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin;" and the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

The Senator from Michigan [Mr. FERRY] proposes to amend the

resolution by striking out all after the word "Resolved," and inserting:

That the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will restore commercial confidence and give stability and elasticity to the circulating medium through a moderate increase of currency.

Mr. SCHURZ. Mr. President, it is scarcely possible to over-estimate the importance of the subject under discussion. It touches not only our national prosperity, but our political as well as social morals in the broadest sense of the term. I approach it with a painful diffidence in my own ability to do it justice; but the Senators being called upon to express their opinions, I feel it my duty to lay before you the results of such conscientious study as I have been able to devote to it.

The object of the resolution before us is evidently to call out the opinion of the Senate upon the general subject. We are not to discuss a specific method of resumption; but we are to declare whether we are in favor of a resumption of specie payments at as early a day as practicable at all. To this resolution an amendment has been offered by the honorable Senator from Michigan, [Mr. FERRY,] looking not toward specie payments, but an expansion of the currency as I understand him, to the amount of at least one hundred millions. Thus the plain issue between resumption and what I call inflation is before us.

Mr. FERRY, of Michigan. I do not wish to interrupt the Senator——

Mr. SCHURZ. I yield.

Mr. FERRY, of Michigan. The Senator doubtless wishes to place me right. I suggested the increase of the currency $100,000,000, inclusive of the legal-tender reserve of $44,000,000.

Mr. SCHURZ. I understand that, but it does not alter the case. There are two questions involved—one of legal and moral obligation and one of financial policy. As to the first, I had fondly hoped that it would be absolutely unnecessary to say one word to the Senate about it. I had hoped so until I listened to the very remarkable debate which we had on this point on Friday last; a debate in which the startling doctrine was announced, that as to the redemption of its promises to pay the Government of the United States had to consult nothing but its sovereign pleasure and convenience.

The Senate must pardon me if I add a few words to what has been already said on this point by the Senator from New Jersey, [Mr. FRELINGHUYSEN.] He called the emission of legal-tender notes "a forced loan." This expression, "a forced loan," has been called a mere empty figure of speech; but in my opinion it is something better than that.

The Government issued legal-tender notes to buy commodities in a great variety of forms, including labor and service. It gave for those commodities not money, but its promises to pay money; and of those who for such promises to pay sold anything of value to the Government, the latter thus borrowed the value of the things so sold to it. This virtually constituted a loan. The seller was obliged to take the legal-tender notes for what he had to sell, because he could not get anything else in payment. He had to sell for what he could get or keep his goods. And thus the issue of legal-tender notes constituted a forced loan; and the Government promise to pay, bearing no interest, it constituted a forced loan without interest. Soon these Government promises to pay, made a legal tender in the payment of debts, went from hand to hand, and became the only current medium of exchange in all business transactions, and the whole American people stepped into the places of the original lenders to the Government. Thus the issue of legal-tender notes became a forced loan, without interest, levied upon the American people. This, I think, is clear. It carries with it, therefore, all the obligations of a forced loan, such obligations being aggravated by the fact that not only the loan did not bear any interest to the creditor, but it imposed further loss on the creditors by the depreciation of the Government promises to pay in the market.

Now, what is that obligation, *prima facie*? The inscription of the legal-tender note is, "The United States will pay to the bearer one dollar." We all agree that it means one dollar in the gold coin of the United States. That one dollar in the gold coin of the United States the Government promises to pay; when? It has very well been said, and not denied, that the form of the legal-tender note is the same which in private transactions would be considered that of a due-bill, payable on the demand of the creditor; and that such demand, as between private parties, can be enforced by legal process. It has been argued in reply that such a demand may, indeed, be enforced by process of law as against private parties, but that it cannot be enforced against the Government; and that, therefore, the Government is not under any legal obligation to pay its promise to pay on demand. Now, assuming the Government to be under the moral obligation to pay on demand, the argument will amount to this: that the Government will safely and rightfully repudiate such moral obligation, because nobody has any means to enforce the demand by process of law. I will let the argument stand there in its nakedness. But did the Government morally bind itself to redeem the legal-tender notes in gold at par on demand?

We are told that when the legal-tender notes were issued it was generally understood that the Government would not redeem them on demand at the time. Why was it so understood? Because it was known that the Government was not able to do so at the time, pressed as it was by the necessities of the war; but I affirm (and I trust nobody will undertake to deny it) that it was also generally understood and confidently expected, that the legal-tender notes would be redeemed in gold, as promised, as soon as the Government, relieved of the pressing necessities of the war, should become able to do so. The gravity of that general obligation was so well understood and appreciated by Congress, when the first issue of legal-tender notes was resolved upon, that while no immediate redemption on demand at the time could be provided for, the holders were at least authorized by law to convert, at their option, their notes into five-twenty bonds, payable in gold within a stated time, and bearing interest, in gold, at the rate of 6 per cent., which provision was afterward repealed.

But we heard on Friday last, from the Senator from Massachusetts, [Mr. BOUTWELL,] that the Government is not only not bound to pay its legal-tender due-bills on demand, nor even when it may be able—that is, when by its own action it may enable itself to pay—but that it is bound only by its own pleasure as to when and even as to whether it will discharge its obligations; and all this upon the sole ground that on the legal-tender notes no specific time is expressly stated at which they shall be redeemed in gold. I am not going too far, I think, when I call this an alarming, a dangerous doctrine; a doctrine which if applied to transactions in private life would, according to all standards of honesty, be called dishonorable. If Congress should adopt it, in what attitude would the Government of the United States be placed before the world? In the attitude of a trickster who passes off upon the people a due-bill with the fair inscription, "The United States will pay to bearer one dollar," and then interprets that promise as meaning that the Government will pay when and if it pleases, or not pay at all if it does not please at all. It would be a notice to this and all other nations that a due-bill given by a private citizen may be taken with confidence; for if the honesty of the debtor should fail, then, at least, every court would enforce the payment of the due-bill at the pleasure of the creditor; but when you deal with this great Government of the United States you must, before accepting a promise to pay from it, look sharply whether the time of payment is expressly and distinctly stated on it, for you may be told that a due-bill of the Government is not to be paid on the demand of the creditor, nor even when the Government is able to pay, but when the Government may please and if the Government please at all; that is, entirely at the pleasure and discretion of the debtor. Now, I would ask Senators whether, proud as they are of their country, that is the attitude in which they want to place the Government of this great Republic in the eyes of the world?

The Senator from Massachusetts said on Friday that he had—and I quote his words—"yet to learn how the public credit is improved, and the character of the country increased by the statement that it is living in constant financial dishonor." I would tell the Senator from Massachusetts that I have not yet to learn, but that I know that the public credit will certainly not be improved, but most seriously impaired; that the character of the country will certainly not be raised, but most deplorably lowered, when, in contempt of its moral obligation, the Government adopts his doctrine that it is bound to redeem its promises to pay only when and if it pleases to do so. No, sir; the question of redeeming the legal-tender notes is and must be, according to all rules of ethics, not a question of mere pleasure, but simply a question of ability, and nothing else. To say that it is a question of mere pleasure is, calling things by their right name, putting in a plea for contingent repudiation, nay, a plea for the right of repudiation on the part of the Government pure and simple; and in the name of the honor of the country I protest against it.

When the legal-tender notes were issued, and down to the end of the war, everybody thought that the Government ought to, and everybody expected that the Government would, make it its first care to take the redemption of its promises to pay in hand immediately after its utter inability, under the necessities of the war, had ceased. When our inability ceased, there our immediate duty began; and with it, if that duty remained unfulfilled, there began our financial dishonor, and it will remain financial dishonor as long as that duty remains unperformed. It will help the Senator from Massachusetts little to say, as he did say, that a process of development is going on which will ultimately make the legal-tender notes of the value of coin; it will help his moral position especially still less when he adds that "the Government is"—mark his words—"under no obligation to bring that process to an ultimate and favorable result at a particular time." I confess myself painfully astonished at the looseness of principle underlying that language. It would have been less surprising had it come from some one of those who, a few years ago, advocated the paying off in our depreciated currency of the bonded debt of the United States, which we had solemnly promised to pay off in gold; but I did not expect the Senator from Massachusetts to turn up so late a convert to something akin to that doctrine. I say "something akin to that doctrine," for the Senator must know, first, that a government under a solemn obligation to pay a gold dollar for a dollar note has no right, without an effort of its own in that direction, to rely on an uncertain contingency that the debt will pay itself, which contingency I will not now discuss. But the Senator must know, secondly, that at this very moment the process upon which he depends is being most seriously counteracted, and its ultimate result postponed and jeopardized, by the Government itself, which, during the last few

months, has been adding $25,000,000 to our dishonored promises to pay, thus making their redemption still more difficult.

No, sir; if we mean to uphold the honest name of this Republic we absolutely must recognize the binding force of the duty of the Government to pay a dollar in gold for a dollar in its paper under its solemn promise, not at its arbitrary pleasure, but as soon as it is able to pay—that is, as soon as, by its own action, it may render itself able to pay. Every other doctrine is repudiation in a thin disguise, if disguise at all, and I trust the American people will repel it as it deserves to be repelled.

I shall now approach the question of financial policy. Is there any one among us who, under ordinary circumstances, when we had a metallic currency in the country would have thought of substituting for that metallic currency an irredeemable Government paper money? If there is any one I have not heard of him. We all know that there was a time when the great leaders of public opinion in the United States—a large majority of them at least—considered it unconstitutional to make anything a legal tender save the precious metals. I might quote for hours from the sayings of the great men of the past, whose names are mentioned only with respect. I state this not for the purpose of reviving a discussion on the constitutional point, which would now be too late, as it has been otherwise decided, but to give a specimen of the old-fashioned way of thinking which quite generally prevailed before the war, and which was disturbed only by its extreme necessities. Leaving the constitutional question entirely aside, certainly no consideration of financial policy was then advanced to urge the substitution of irredeemable legal-tender paper currency for gold dollars. Nobody thought of such a thing.

The reasons why the precious metals were considered the most reliable measure of value and the best available tool of exchange were so generally accepted then, and are in fact so little called in question now, in this debate at least, that I do not feel called upon to go into an elaborate defense of a position which is virtually not attacked. Even the opponents of the resolution under debate on this floor seem to recognize them as valid, for they admit that only actual distress has forced us to give up the specie basis, and that at some time we must return to it. I think even the honorable Senator from Indiana on my left, [Mr. MORTON,] and the honorable Senator from Michigan on my right, [Mr. FERRY,] want to be considered hard-money men in a certain sense.

I am well aware that in the country all sorts of schemes are broached by which an irredeemable paper currency is to be made a perpetual institution. Every one of us is fairly flooded with pamphlets from all sides, setting forth the wildest conceptions, which pretend to be new discoveries, but in fact, wittingly or unwittingly, are only repetitions of schemes which have always appeared in the same way in every country when an irredeemable currency had entangled a nation in great embarrassments which it was difficult to overcome. Most of them only show that a disturbed condition of things is apt to throw the minds of men out of balance; and that while an irredeemable currency was but recently looked upon as a disease, patients may sometimes become so afraid of a cure that they positively fall in love with their ailment. I will not spend any time in discussing any of these schemes now, but shall take them up when they come before us. I merely mention them to point out to the inflationists on this floor in what direction they are tending.

Now, sir, have we any inflationists on this floor? Those who oppose the resolution repel the name. They do not like it. There is a certain odious flavor about it. They say that they are not opposed to resumption, but want to put it off to a better time. But what do they propose now? There is the Senator from Indiana [Mr. MORTON] who proposes an increase of our currency at least to the amount of $44,000,000. There is the Senator from Michigan [Mr. FERRY] proposing an increase of our irredeemable currency to the amount of at least $100,000,000. Now, gentlemen, I call this by its right name—inflation. Whatever circumlocution they may use to disguise the fact, it remains after all what it is.

Thus we have the alternative plainly before us—resumption or inflation. The inflationists all speak of our business embarrassments as the reason why resumption should be put off and inflation resorted to. In discussing their arguments I shall have occasion to expose what I consider their fallacies, and to state what I believe to be the correct principles upon which we should proceed.

We are at the present moment surrounded by the embarrassing circumstances of a crisis in our economic affairs. What was the cause of that crisis? The Senator from Indiana, [Mr. MORTON,] in a speech he made at an early stage of this debate, called it a "panic caused by mere accident." There are, in my opinion, two great errors in that single expression. It was neither a mere panic, nor was it caused by mere accident. Let us for a moment try to be precise. In Patterson's Science of Finance I find the following definition:

> A commercial crisis is a partial breakdown of mercantile credit. A financial crisis is a collapse of speculative enterprise. A panic is a partial breakdown of bank credit, producing a run upon the banks for payment of their deposits.

Accepting that definition as correct, a panic will in this sense be in most cases a mere symptom or incident of a commercial or financial crisis, or both combined, as they frequently are, unless it be the sudden giving way of the solvency of an individual bank unconnected with general circumstances. But such crises, of which panics are mere symptoms or incidents, are not caused by mere accidents. Let the Senator from Indiana run down the history of crises from the commercial crisis in Lubeck at the beginning of the seventeenth century and the tulip mania in Holland to the present time, and he will find there is not one of them that was caused by mere accident. You might just as well say that *delirium tremens* is a mere accident after a period of hard drinking. A candid study of all those events will discover the operation of certain causes common to them all. As a German writer on political economy says:

> Crises occur only in nations which enjoy an advanced state of civilization. Where there is no division of labor, where everybody produces what he needs, crises in production and commerce are impossible. Home trade is less subject to them than foreign commerce, and the greater the development of the credit system the greater the danger of crises.

This is substantially true. Crises may spring from a variety of causes. Great wars or civic disturbances attended with extensive destruction of wealth, or failing crops and destructive epidemics, or sudden and far-reaching revolutions in the condition of production and consumption, such as spring from important inventions and discoveries, or great changes in the channels of trade, &c., may produce them; but crises are also produced without the occurrence of such distinctive occurrences by a process which in our day seems to repeat itself almost periodically.

The President in his message says that the present crisis surprises us in a state of extraordinary prosperity. That is true in a certain sense; but it is nothing new. It is a very common, I might say almost natural, occurrence. In times of prosperity capital is rapidly produced, and it accumulates. As capital accumulates it will not find as profitable a field of employment within the same limits within which a smaller amount of capital operated with profit before. In other words, when a certain business has been carried on with a sufficient capital and yielded a certain percentage of profit, a larger capital employed in the same business without an enlargement of the field of operation will yield a smaller percentage of profit. Profits in that case decline in proportion to the increase of capital employed. Capitalists are, of course, dissatisfied with that decline of profits, and seek for other and larger fields of employment. If this is done in harmony with the public want, that is, if the accumulated capital is employed in production to satisfy existing demand, or such demand as may be created by the progress of civilization, without discounting too much the future, all will go well. But when capitalists, carried away by the greed of rapid gain, seek a field of employment for their capital beyond the limits of existing demand, a sort of speculation ensues which works for great profit at the risk of great loss. Enterprises are undertaken which, not being called for by existing demand, can yield no immediate returns, but will create fictitious values, and which therefore cannot be set on foot nor sustained except by an immoderate strain on the system of credit. Credit is a chain of many links running between the producer and the consumer. When that chain is strained beyond a certain point it snaps. Then the true nature of the fictitious values created by the employment of capital beyond the limits of present demand becomes suddenly apparent; confidence is lost; distrust becomes general; speculation breaks down; and the crisis is there.

It turns out, also, that the fictitious values produced by such an employment of capital are no values at all, at least not as far as the present demand is concerned, and that therefore the capital employed in their production, at least for the time being, has been unproductively consumed or wasted. This unproductive consumption or waste of capital may be assigned as the principal cause of most commercial and financial crises in our day. It appears in a variety of forms; and in this respect the history of commercial and financial crises is most instructive. At one time it was speculation in things which had only an imagined value; then again over-trading in foreign commerce beyond possible demand; then again the getting up of Mississippi schemes and South Sea bubbles; then again the overproduction of certain products of industry; then over-speculation in wild lands or in mines; then the premature building of railroads, or public improvements, and the like. And all these things accompanied by a reckless dealing in accommodation paper, by the wildest sort of stock-gambling, and by a general overstraining of the credit system, until the bubbles burst.

The same German economist to whom I have alluded gives the following as among the symptoms of an approaching crisis:

> An uncommonly excited spirit of enterprise; an extraordinary boldness of speculation; an epidemic desire to get rich quickly by speculation instead of relying upon the slow and sure profit of honest labor; a remarkable, almost insane, credulity of the public as to the safety and profitableness of enterprises which the least careful consideration would show to be mere bubbles; a prevalence of the spirit of gambling in an endless variety of forms; a rapid and alarming development of luxury and extravagance in private life, &c.

The same writer remarks that—

> The very agencies which ultimately produce commercial and financial crises are very apt to develop themselves most strongly when great national or civic dangers have been successfully overcome, and when such success has confirmed the self-reliance, and strengthened the trust in the favors of good fortune, and stimulated the spirit of enterprise of a people.

Now, sir, if the Senator from Indiana will compare this picture with recent events in this country and the circumstances now surrounding us, the striking similarity may induce him to suspect that the present crisis was, after all, caused by something more than mere accident. He will find that this has been a period of mad speculation; that visionary schemes "to develop the resources of the country"

were started and partly executed at enormous expense, without being called for by present demand; that many of our most important banks and institutions of credit, instead of ministering to the wants of legitimate business, became mere tenders to windy schemes, wild speculation, and reckless stock-gambling, especially since the sale of the stock and bonds of American companies abroad was stopped by failing confidence in Europe; that many of our large merchants and manufacturers, instead of confining themselves to their legitimate business, spent their capital and risked their credit in all sorts of heterogeneous enterprises; that the morbid desire to get rich without honest labor pervaded all classes of society to a most alarming extent; that luxury and extravagance in public and private expenditure were carried to a point almost without precedent; that the productive forces of the country were thus largely diverted from the channels of immediate usefulness; and that a considerable portion of our capital has been unproductively consumed or wasted, either absolutely or in such a way that it will yield no return for many a day. The disasters, the embarrassments, which have grown out of such a condition of things cannot, therefore, be dealt with as a mere accident which happened on some day in September last, like the stumbling of a horse over a stone. It is a crisis in our economic affairs, and as such it has to be treated.

Now, sir, what has this crisis to do with the currency, and what has the currency to do with it? The Senators from Indiana and from Michigan assert, first, that it was not caused by any defect in the currency; and, secondly, that to cure the difficulty an addition to the currency is necessary and will be effective.

Let us see whether our irredeemable and depreciated currency had nothing to do with the causes of this crisis. I affirm that the influence which is always exercised by an irredeemable and depreciated currency has very seriously aggravated the causes which produced this crisis. I ask you, sir, where was it that the spirit of speculation, of gambling, which has so disastrously swept over this land, held its first orgies? It was in the Gold Room in New York. It was there that in that period of our economic history which commenced with our recovery from the crash of 1857, mad speculation, gambling on a large scale, I might almost say as a national occupation, first began. It was incited by our irredeemable currency. Was it surprising that it should have been so? An irredeemable currency, whose value is uncertain from day to day, will always develop and excite the spirit of gambling. When a man does not know what his money will be worth to-morrow he will naturally be more inclined to risk it on the fortune of a card or any other venturous chance. Thus the very origin of the Gold Room stimulated at once the spirit of speculation in every direction, for that spirit is contagious as soon as it appears.

But men were not only seduced, they were forced to become speculators by the same agency. The fluctuations of our irredeemable currency obliged all our merchants and manufacturers whose business was in any way connected with foreign commerce and depended, therefore, largely upon the relative value of greenbacks and gold—I say forced them to become gold speculators in spite of themselves, whether they would or not; and this is the case to-day, and it will continue to be the case as long as we have an irredeemable and necessarily fluctuating paper currency. It will continue to be the case not only with relation to gold, but with relation to all commodities, for that currency makes all that we possess, all that we buy, and all that we sell, uncertain in value from day to day. Speculation and gambling in one direction are sure to beget and stimulate speculation and gambling in others; and it would not be difficult to go through almost all branches of business showing the demoralizing influence our irredeemable and fluctuating currency has exercised upon all of them; but it is not necessary, for the facts are too patent to require further exposition. Therefore, while I certainly do not pretend that the character of our currency was the sole cause of our present crisis, I do insist that it mischievously stimulated the agencies by which the crisis has been brought forth. Senators will discover the same thing in almost every instance in the history of similar events; and our currency will naturally continue to exercise the same influence as long as its character remains the same.

Now we come to the second question, the remedy to be applied to the difficulties surrounding us. At an early stage in this debate the Senator from Indiana and the Senator from Michigan were ready with their answer. The Senator from Indiana says, not resumption, but suspension of specie payments has always with good effect been used as a cure for panics. When listening to him I wondered how the panic could have occurred at all here at this time, since we were already in a decidedly suspended condition, and since the remedy had been applied for eleven years constantly before the disease broke out. Now, what does the Senator from Indiana want? Does he want to cure this crisis by suspending us still more? He may by his advice suspend us more, but certainly he will not cure the crisis.

To prove the correctness of his assertion the Senator went into a long historical disquisition. In many instances I decidedly disagree with him as to the facts, especially where he seemed to confound the suspension of the bank act of 1844 in England with a suspension of specie payment; but I let that go. What the Senator wanted to say is, that sudden panics were allayed by an addition to the circulating medium to facilitate loans and discounts.

Well, sir, supposing a sudden fright, a run on the banks, can be stopped, and the immediate disasters it might bring on lessened by an addition to the currency in circulation, is not the Senator from Indiana aware that in our case we passed that stage of the business long ago? The sudden fright, the run on the banks, has been over for months.

The Senator must also be aware that the remedy vaunted by him as a certain cure has been amply applied. It has been applied in a greater measure than it was done in England in most, if not all—yes, I say in all—the instances that he quoted. The Secretary of the Treasury in September bought bonds to the amount of fourteen millions, and threw that amount of currency into the market. Since then the forty-four million reserve has been drawn upon to the amount of twenty-five millions, and those twenty-five millions have again been added to the currency. But not only that, all the other reserves of the Treasury Department have been exhausted, and that currency also is in the hands of the people.

The Senator from Indiana says he only wants a small addition to the currency to relieve the panic. Why, sir, he has had that. He has had more than that. He has had vastly more than was ever used in England for such purposes; and what is the result? The run on the banks, the first scare, was over, before the bulk of the addition was issued. The first scare is, in fact, almost forgotten. There seems to be now an abundance of money in the banks. Discounts and loans are not difficult to obtain on good mercantile paper and good securities; but, in a certain sense and in a very important sense, the crisis is not over. Why is this? Because the liquidations are going on which were made necessary by the unsound transactions of the past. In consequence failures are still occurring here and there, revealing still more unsoundness, and furnishing good reason why confidence should not again degenerate into credulity. Speculation is crippled. Fancy stocks and fictitious values are at a more or less low ebb. Business men are cautious in their operations. Capitalists are circumspect in investments; and the business community is slowly and timidly feeling its way to a new and safe basis upon which to start on a new career of prosperity. In other words, the crisis is working itself out. And under such circumstances, not to head off a sudden panic, for there is no sudden panic now, the Senator from Indiana and the Senator from Michigan urge forthwith an addition to our irredeemable and depreciated currency, the one of at least forty-four millions, and the other of at least one hundred millions.

Let us see, sir, what that means. The matter has two aspects—one of State policy, and the other of financial expediency.

As to the first, I have already shown, and I suppose nobody will question it, that the use of inconvertible legal-tender paper money was resorted to at the beginning of the war under the pressure of extreme danger and necessity. The very life of the Republic was in jeopardy; and, overruling our scruples, that extremity forced us to use what expedients we had at our disposal. That was the only justification we had before our own consciences and before the world for the issue of an inconvertible paper currency. To-day neither a foreign war nor a domestic rebellion is at our gates. We are in profound peace. Nor is there any other necessity of similar import pressing upon us. To be sure our revenues are falling short of our expenditures; but there are several honest means by which such a difficulty can be provided for—rigorous retrenchment, or a new loan in the ordinary way, or taxation. In all these respects there is absolutely not what you could call unavoidable necessity for the issue of an addition to our irredeemable currency; and yet without such necessity we are urged to resort to a measure so extreme that only the direst necessity can justify it—the levying another forced loan, without interest, upon the people.

What are the reasons given in favor of such extraordinary advice? Not even that a sudden and general financial thunder-storm must be neutralized; for, I repeat, that stage of the business, as much as there was of it, lies far behind us in our case. No; the distinct purpose is, as Senators say, to make money easy; to give a new impulse to enterprise; to revive prosperity. Now, I would ask gentlemen, have they considered what that means? It means the inauguration of a system by which the Government of the United States is to exercise the power at its discretion, in order to produce a certain effect upon the business of the country, to issue any amount of irredeemable legal-tender paper money it pleases, which paper money by additional issues may—nay, certainly will—further depreciate, thus changing all current values in the country; in other words, a system which virtually will place all the private fortunes of the country at the sovereign mercy of the Federal Government. Do not say that the Executive alone will not be permitted to exercise such a tremendous and dangerous power. We will suppose Congress reserves it all to itself—is the danger less? Do you think that the American people, calmly considering the matter, ever will or ever safely can intrust any branch of the Federal Government with so awful a discretion? And such a system is inaugurated as soon as we admit that Congress may, without the most overwhelming necessity springing from immediate and extreme public danger, at its discretion, merely to exercise a certain influence upon the business of the country, issue whatever amount of legal-tender currency it pleases. None but despotic governments have ever claimed such a power—virtually the power of debasing the coin of the realm, and even worse. It has never been resorted to without the most sweeping ruin and disaster; and I hope Congress will pause and consider well before raising so monstrous a policy to the dignity of a system.

Now, as to the economic aspect of that matter; let us first clearly determine in our own minds what we are driving at before taking action. Senators say that more irredeemable paper money is to be issued to revive prosperity. I admit that you can, by an increase of our irredeemable currency, produce certain effects. Issue it freely and abundantly, and you can and will, perhaps beyond your own expectations, for a little while give a new impulse to that business which by the crisis has in part come to a stand-still; but you will do more in effect; you will get more than you bargained for. You can and you will by this measure revive and endow with new and greater strength all those pernicious influences which our inconvertible currency has exercised for the last eleven years upon the business of the country. You can and you will put the Gold Room in New York in full blast again. You can and you will make the whole menagerie of bulls and bears jolly once more. You can and you will prop up some of those rotten concerns which the longer they stand the more innocent people they will involve in their downfall. You can and you will reanimate that spirit of reckless speculation, and set up again some of those windy enterprises which have drawn away so much of the capital of the country from productive business, and wasted it. You can and will make our banks and institutions of credit once more the mere tenders of wild speculation and dealers in fictitious values. You can and will seduce our merchants and manufacturers once more to spread their capital and their credit all over creation. You can and will make trade lively for a while by driving up prices to an unnatural height. You can and will stop that economy which has now commenced, and incite reckless extravagance in our social life once more, even beyond any point which it had reached before. You can and will encourage the importation of luxuries even beyond the figures of 1872. You can and will make people believe once more that they can get rich by gambling in its various forms much more easily and much more rapidly than by honest work, and thus deter them from that honest work. In one word, you can and will fill that balloon once more with the gas of a redundant, irredeemable currency, and thus prepare for a near future a crash, a collapse, attended with even more bankruptcy, ruin, and misery than we are now beholding around us.

Why will all the evil influences of an irredeemable currency be even more active than before if in this case you revive them? Because by the very act of issuing additional currency at this time Congress will give the schemers, the speculators, and the gamblers of the country reason to expect that whenever their wild operations produce another crisis, Congress will again step in "to revive the business of the country and give prosperity a new start," so as to secure to them a double chance of gain, or at least impunity in their operations.

All this can and will most surely be accomplished by inflation. An inflation of $44,000,000 will go very far toward doing it, and an inflation of $100,000,000, as proposed by the Senator from Michigan, will most certainly do it; for you may be sure the more of an addition you give now, the more imperative will soon be a demand for still more. And for exactly the same reasons which move you now to propose an addition to the currency you will have to grant still more. Why will this be so? Let us see.

The Senator from Michigan says that the crisis was caused by the circumstance that the volume of currency was insufficient for the business wants of the country. Now, sir, leaving aside the in my opinion utterly untenable assertion that the crisis was owing to such an insufficiency, I ask is it really true that the volume of the currency was insufficient for the business of the country? Consulting the best authorities that I can command, I find that in 1860 we had a currency circulation, specie and bank notes, of about $14.50 *per capita*, while to-day we have a *per capita* circulation of $18.75; that is to say, we had that before the $44,000,000 reserve was drawn upon so largely. With the additions so recently made it will be $19 and over. It appears, then, that according to that circulation the currency of the country has not only been very largely increased in the aggregate, but that even the ratio per head has been increased about 28 per cent. since 1860.

I know it is said that our general business has grown so immensely that not only not the same aggregate amount of currency, but not the same ratio per head, would be sufficient. I ask, sir, would an increase of business transactions at the same or even a greater rate render necessary a corresponding increase of the volume of the currency? I answer that it would not. It is a fact very well known to every one who has given the least study to this subject that the amount of currency actually handled in the transactions of business is exceedingly small in proportion to the values passing from hand to hand in the shape of mercantile and banking paper, bills, checks, &c. The Senator from New Jersey [Mr. FRELINGHUYSEN] yesterday called attention to this fact; and in order to illustrate I will make a quotation from one of the standard works. To show approximately the proportion of banking transactions which are settled through the clearing-house in London, Sir John Lubbock, in a paper laid before the Statistical Society in June, 1865, made the following analysis of £23,000,000 sterling which passed through his bank in a few days:

Amount settled through the clearing-house, £16,346,000, or 70 per cent.; checks and bills not passed through the clearing-house, £5,394,000, or 24 per cent.; bank notes, £1,216,000; coin, £139,000; in all (bank notes and currency) 6 per cent.

From this statement it appears that 70 per cent. of the banking transactions are settled through the clearing-house, and consequently without the use of money. Of the remainder, also, 24 per cent. are settled without the use of money, by means of checks and bills; nearly 5 per cent. are settled in bank notes; and little more than 1 per cent. is settled in coin. So it appears that only 6 per cent. of money was used in the transactions here stated. I refer to these matters not as if they were anything new, for I know they are not, but because, after what we have heard on this floor, it is not entirely inappropriate now and then to refer to the elementary text-books.

Mr. MORTON. I should like to ask the Senator a question, if he will yield.

Mr. SCHURZ. Certainly.

Mr. MORTON. I should like to ask the Senator a question in connection with that authority. I ask if he is prepared to state to the Senate what is the actual volume of the currency of England, including paper money and coin?

Mr. SCHURZ. I had not intended to speak of that; but I am prepared to satisfy the Senator.

Mr. MORTON. Any other time will do.

Mr. SCHURZ. I can state it now. I think it will fit in my argument very well here.

A recent and intelligent writer on finance and banking estimates—

The gold and silver in circulation in Great Britain at £70,000,000, or $339,500,000.

The circulation of the Bank of England, October 16, 1872, was £34,328,708, or $166,500,000.

The notes in circulation in the United Kingdom, other than those of the Bank of England, September, 1872, were as follows:

England	£5,057,910
Scotland	5,313,560
Ireland	7,242,081
	17,613,551

Or $85,425,000.

That was the state of the case in 1872; the total circulation in England amounted to $591,425,000, but the bank-note circulation at the present moment is less than that. According to a statement that I have seen the aggregate is about £42,000,000 at present. It appears from this statement that our circulation in the United States is vastly larger than that of England.

Mr. MORTON. I did not exactly understand that statement—whether the coin statement applies to England or the United Kingdom.

Mr. SCHURZ. The gold and silver in circulation in Great Britain is estimated at £70,000,000. That includes Scotland and Ireland of course.

The purposes for which this currency is mainly used are daily expenses, are wages, are balances, and so on; and the proportion of business transactions in which the whole value of the commodity passing from one person to another and is settled in currency is very small, as I have shown. It is also a well-known fact that it is the progress of civilization, in its various forms, which gradually diminishes the proportion of currency necessary for the transaction of trade, by the extension of railroads and telegraphs facilitating the rapidity of circulation, by further developments of the clearing-house system, and so on. So that as we progress we may rely upon it that a less volume of currency will be needed as compared with the business transactions going on.

It is of course very difficult, if not impossible, to state exactly in figures how much currency is needed by the business of the country; but there is a test by which the sufficiency or excess of an irredeemable currency for the wants of the country can be estimated. I hold in my hand a very valuable treatise on currency by Bonamy Price, in which this question is treated as follows——

Mr. MORTON. Would it interrupt my friend if I asked him a question, for I am seeking for information?

Mr. SCHURZ. Not at all.

Mr. MORTON. I ask him this question: whether, according to the showing he has just made, that the aggregate currency of England, coin and paper, is about $550,000,000——

Mr. SCHURZ. So it is stated.

Mr. MORTON. I ask him now if that is not a larger currency, all things considered, than ours at this time, for these reasons: In the first place, we have over forty millions of people, and they have about thirty-two millions. In the next place, their territory is comparatively small, and ours is vastly extended. In the next place, they have many more banking facilities than we have; they are close together, and the facility of bank credits is much greater than it is or can be in this country. Therefore, all these things considered, their facilities for bank credits being more than double ours, taking our great area, I ask my friend if the currency of England is not proportionally larger than that of this country?

Mr. SCHURZ. Yankee fashion, I will answer the question of the Senator by another question. Can he tell me whether, in the aggregate, the business transactions and the values involved in the business transactions in England are not much larger than the number of business transactions and the values involved in them here? Can he tell me? He does not answer; and if he cannot, then he confesses his inability to answer his own question.

I said that there was a test by which the sufficiency or excess of an irredeemable currency for the wants of business can be ascertained; and I am going to quote now from the treatise of Bonamy Price:

It remains for me now to speak of inconvertible paper money.

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It is very important here to have a clear understanding of the events which occur under such a system of currency. In the first place, how are such notes born into the world?

* * * * * * *

A government finds itself in want of resources; it seeks the means of buying, of procuring the articles which it wants. To obtain, like a banker, the funds of other people without giving anything in return but a mere acknowledgment of debt, a mere promise to pay, is a temptation to which many states have shown themselves to be accessible. The government pays its debts, and makes purchases with these promises to pay, and then passes two enactments respecting them: first, that these promises to pay shall not be liable to be paid on demand; and, secondly, that they shall be a legal tender in the discharge of all debts and contracts throughout the land. And thus the question instantly arises, what effect does this exemption from immediate payment produce on the value of these inconvertible notes? Will a debt pledged to be repaid at twenty shillings pass from hand to hand when no longer capable of claiming the twenty shillings on demand, or will it and must it suffer depreciation? Experience has proved that it need not of necessity suffer any depreciation of value; that it may still circulate at twenty shillings, in spite of being no longer a warrant which can be immediately converted into coin. For years after the passing of the bank-restriction act the notes of the Bank of England suffered no discount; at a later period a guinea was worth twenty-seven shillings in notes.

How is this difference of effect to be explained? The general principles of currency, if you have fairly grasped them, will soon enable you to understand what occurs. You have seen that the public has a certain definite want for notes to use in the daily operations of buying and selling; there is a specific work to be done, and for that work it needs and will buy tools, precisely as a carpenter procures a basket of tools for the house that he is employed to build. For some portions of this work the public purchases sovereigns; for other portions it uses notes. Up to the full extent of this want, of this demand, of this capacity, to use notes, the public will not send them in for payment, but retain them, although it knows, when they are convertible, that it can at any time obtain sovereigns for them in exchange. This being so, it is plain that the prohibition to pay the notes can make no difference in the extent of the use which exists for the notes; so far as this reaches, it is immaterial whether the notes will or will not be paid on demand. The only fact which could stop their circulation would be their intrinsic worthlessness, for then they would be altogether incapable of doing the work of money; they would be unable to give security to the man who gave his goods for them, that he would be able by their means to buy other articles of equal value with those he had sold. This destructive feeling the law always takes care to guard against by enacting that these inconvertible notes shall be a legal tender and effectual discharge of all debts. They become good and serviceable notes then, in a measure; but in what measure, to what extent? In the first place, they are efficient tools, as good money, as convertible notes, provided that they are not issued in greater numbers than the quantity of convertible notes which would have been used; that is, provided that their numbers are not larger than the public can find employment for and hold. And remember always carefully the meaning of the phrase, that the use and demand for notes are those exchanges, that buying and selling, in which notes are actually handled. In the early years, under the bank-restriction act, the bank did not put more notes into circulation than were required for this specific use. Accordingly the notes suffered no depreciation, for there was no cause at work to depreciate them. It was understood all along that the bank recognized the notes as debts due by her to the public, though not to be paid for a while; and so long as the public really needed them, and would not have sent them in for payment had they been convertible, it did not matter a straw whether the day of payment was the day of their use or a day a hundred years later.

But circumstances were radically altered when the bank transgressed the limits of the real demand for notes, of the quantity which was actually needed for daily use. The difference of action between convertible and inconvertible notes then became instantly manifest. A convertible paper money encounters a most solid and objective obstacle to excess. The test, and a most real one it is, is instantly applied to superfluity; the notes issued beyond the public wants are immediately sent back to the banker for payment. The vessel is full, and every additional note makes it to overflow.

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But inconvertible notes once placed with the public cannot be driven back. The issuing valve opens in one way only; the excess remains amongst the public. What are the consequences of this fact, and by what rule are they measured? The notes which surpass the demand become an article, of which the supply exceeds the demand; they fetch a lower price, as every other commodity does under similar circumstances.

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In other words, the notes fall to a discount, as when twenty-seven shillings of notes had to be given for a guinea of gold; or, which is the same thing, gold rises to a premium compared with the paper currency, as we now see happening in America. The American premium on gold does not indicate that gold, as such, has acquired a larger purchasing power; it is only another name for the discount attached to the greenbacks.

Mr. FERRY, of Michigan. Will the Senator allow me to put a question to him?

Mr. SCHURZ. Yes, sir.

Mr. FERRY, of Michigan. I am not disposed to interrupt the Senator out of curiosity, but my object is to arrive at the truth, as we all are desirous of arriving at it. The Senator has elaborately read the theory of some writer. I would like to ask him if he can explain the experience of France at this day, where it has seven hundred millions of coin, and but six hundred millions of currency, and is yet under suspension?

Mr. SCHURZ. Whenever we come to discuss the affairs of France I shall take up the facts and figures concerning that country, which I have not now before me; but the Senator will understand that if I permit myself to be led away from my subject into an explanation of all the financial systems and phenomena of Europe, I shall never get through with the discussion now in hand. I suggest to the Senator that we take up extraneous matters at another time. In the meanwhile I shall proceed to show the Senator in the course of my remarks that it will not be easy to controvert the theory laid down in the passage just quoted.

Mr. FERRY, of Michigan. I am not disposed to controvert it any more than to put experience against theory.

Mr. SCHURZ. The principle laid down here that an inconvertible currency may remain at par as long as it does not exceed the amount of money actually required by the business of the country, and that its continued depreciation is a sure indication of excess in issue, is verified by the history of all countries in which an irredeemable currency has existed. It is a thing in which, so far as I know, all political economists are perfectly agreed. And here again I could multiply quotations for hours to substantiate that assertion.

The Senator from Michigan, when he spoke last, affirmed that the volume of the currency had nothing to do with its depreciation, and he produced a table showing that in our case the premium on gold did not always correspond with the expansion or contraction of the currency, but that it indulged in singular freaks sometimes. This has undoubtedly been so. The amount of depreciation which an inconvertible currency suffers, the extent of its fluctuations in value from time to time, do certainly not depend upon its volume alone. They depend in a great measure upon public opinion, upon the hopes and fears entertained by the people, especially in times of great public danger and political commotion. Unfortunate events, gloomy prospects, will increase the depreciation, and *vice versa*. Popular confidence or distrust in the Government will do the same. The financial operations of the Government, the combined action of speculators, the temporary currents of business will occasionally affect it; and thus it happens that the amount of the depreciation of the currency is not always an exact measure of the amount of its excess in volume over the natural wants of general business. But such occurrences do not refute the general principle, that the issue of an inconvertible currency, in excess of the natural wants of the business of the country, results at once in its depreciation, and that such depreciation, when it steadily continues in comparatively quiet times, undisturbed by extraordinary events, as it has here during the last four years, is a sure sign of its excess as to the wants of the country. The Senator from Michigan himself, when he considers the matter without prejudice, will, by every process of reasoning and every method of observation, be led to the inevitable conclusion that had the existing volume of the circulating medium been really insufficient for the necessities of the legitimate business of the country, it would have been absolutely impossible for the prices of commodities to maintain themselves at the high inflation point at which they have stood for years; and the unavoidable demand for currency would have undoubtedly raised its current value to a par with gold. Nay more than that, had the vacuum caused by the insufficiency of the circulating medium been so great as seriously to impede the exchange of commodities, the very force of necessity would have driven the gold coin which is still attainable out of its hiding-places, to fill that vacuum and to circulate by the side of the paper currency.

When now, in the face of all these facts and economic laws, the Senator from Michigan still undertakes to assert that the volume of an irredeemable currency has nothing to do with its depreciation, he performs a feat of courage which, down to this time, no political economist has ever been capable of. And I venture to assert that no sooner will Congress, adopting his proposition, declare in favor of inflating the currency instead of making preparation for resumption, than the mere fact will at once increase the depreciation of the currency once more. The issue of these $100,000,000 will probably depreciate it beyond any point at which it has stood since 1869; and possibly then the Senator from Michigan will also recognize the relation between cause and effect.

Mr. FERRY, of Michigan. If I have understood the Senator correctly, he has stated that the gradual decline of the premium on gold has been caused mainly by the peaceful, quiet condition of the financial affairs of the country, and that in no regard, as his argument tends, does the volume of currency affect the premium on coin.

Mr. SCHURZ. Did I say that? No, I beg your pardon. I said that the fluctuation of the depreciation of the currency is not regulated alone by its volume in excess of the wants of business, but that there are other agencies which now and then affect it, and I have mentioned those agencies.

Mr. FERRY, of Michigan. I understood the Senator to say that the nearer we approached par, the greater the prospect of gold taking the place of the deficiency in the volume of currency.

Mr. SCHURZ. No, sir; I did not say anything of the kind. I did not speak of any approach to par at all; but I said that when in comparatively quiet times, when none of the disturbing agencies which I had mentioned as possibly affecting the depreciation of the currency were acting, and when the currency remained steadily depreciated, it was a sure sign that the currency was in excess of the real wants of the business of the country.

Mr. FERRY, of Michigan. Just let me ask one question, and I will not interrupt the Senator further. I ask the Senator how he accounts for the fact that in the midst of the panic coin was at its lowest ebb, or at least the premium was the lowest. I think gold stood 106 in the market then, and that was the lowest point since the war. That was in the midst of the panic, when the whole country was disturbed.

Mr. SCHURZ. What does the Senator mean by that question? What point is he driving at?

Mr. FERRY, of Michigan. As I understand the Senator, he said that the relation between currency and coin was affected very much by the disturbed condition of the financial or business interests of the country.

Mr. SCHURZ. The Senator is undoubtedly aware that during panics there are moral agencies at play which are not active in ordinary times; we notice these extraordinary phenomena. I will not, however, attribute to this general fact the low rate of the discount on our cur-

rency during the panic. The immediate cause was the circumstance that very large amounts of the currency were hoarded, and thus withdrawn from circulation—a circumstance which naturally had the same effect that contraction would have had. In what way does this fact discredit the theory I have just been stating? Can the Senator tell me?

Mr. FERRY, of Michigan. All I have to say is, that the Senator has attempted to refute the position I have taken, verified by the table which I submitted to the Senate. I did not state that the volume of currency had not somewhat controlled, but that the volume of currency had not regulated, the price of gold; and in support of that I submitted a statement of the semi-annual relation between currency and coin since the currency was issued up to last fall. In that table is shown the fact that during the panic gold stood the lowest, coming down to a premium of 6 per cent. And now I answer the question put directly by the Senator to me. When he states that the relation between the two is governed largely by the attitude of the country and the attitude of the financial and industrial relations of the country—in other words, that when it is peacefully controlled the gradual decline of the premium is assured, I state to him that in the midst of a panic, when the country was never so disturbed as it was last September, the price of gold was the lowest that it has been since the war.

Mr. SCHURZ. The Senator must be aware that although the premium on gold did go down to about 6 per cent. during the panic, it has been down to almost that premium several times within the last three years. It was down to 107 in 1871; it was down to 107⅛ in 1872; and then went up again.

Mr. FERRY, of Michigan. That is not so.

Mr. SCHURZ. It is certainly so. The record shows it. I conclude that in this light the fluctuations of the currency do not disprove the theory I have stated; and the decline of the premium on gold during the panic does not alter the case.

Mr. MORRILL, of Vermont. If the Senator will permit me, I think he admits too much. The price of gold did not go down to 6 per cent.; it went down to 9 or a fraction under, and bills were locked up so that 3 per cent. premium was paid for bills; and that made a difference as between bills and specie of 6 per cent.

Mr. SCHURZ. But the particular effect which the Senator from Michigan mentioned during the panic has, as I have stated, and as I now repeat, been in a natural way brought about by the withdrawal of large quantities of currency from circulation, many people hoarding it.

Mr. FERRY, of Michigan. In answer to the Senator from Vermont I will say that my table was made up from the quotations in Wall street; and if the daily quotations there have been wrongfully submitted to the country, I am not responsible for it. But the quotations during the panic were 106. If the Senator from Vermont has authority that overrides this, then, certainly, I will surrender the argument; but so long as that was the quotable rate of the premium on coin, being at the lowest ebb in the midst of convulsion, I take it that it refutes the position taken by the Senator from Missouri.

Mr. SCHURZ. I think the Senator will stand alone in that assertion; but he will have an opportunity to explain his theory on that point when I am through. I merely desire to repeat a third time that the main cause of the fall of the premium on gold during the panic was that a large amount of currency was hoarded and thus withdrawn from circulation.

In one sense, however, the assertion of the Senator from Michigan appears more plausible, and it would remain so if we should expand the currency to the amount of ten thousand millions. Even then many people would complain, and have certain reason to complain, of the insufficiency of the currency, just as they are now doing, if not more. Why will this be so? It is a universally known fact, and I believe not doubted by any well-informed person, that an excessive issue of currency at once effects a general rise in the prices of commodities. It has always been so, and naturally must be so. When this is the case with a currency which to the vice of redundancy adds the vice of inconvertibility, as it depreciates its purchasing power becomes less, and the rise in prices continues; and this being so, the efficiency of the currency as a means of exchange has, in spite of its expansion, virtually not increased, but in consequence of this process rather diminished. For this reason a continually progressive increase of the currency is demanded. I may quote here the language of a political economist of note on this point. It is Amasa Walker. He says:

> A credit currency—
>
> Meaning an irredeemable currency—
>
> never has been regulated in such a manner as to keep it on a par with specie, and probably never will be. The necessities of government are so pressing that the temptation to increase the amount becomes too great for resistance. As prices rise in consequence, the currency becomes of less and less value—that is, has a decreasing power in exchange, so that the inducement to issue becomes continually stronger as the volume expands. Unless this course can be arrested, final bankruptcy is sure.—*Walker's Science of Wealth*, page 135.

And in another place, speaking of a redundant currency generally, he says:

> The more that is issued of a mixed currency, the more will be wanted. The supply does not satisfy the demand; it excites it. Like an unnatural stimulus taken into the human system, it creates an increasing desire for more; and the more it is gratified the more insatiable are its cravings.
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> There are two reasons for this: one, that, as the currency is expanded, prices are raised correspondingly, and more currency is demanded to effect the same exchanges; the other, that the speculation inevitably following the rise of prices leads to an enormous extension and repetition of indebtedness, which requires for its discharge a greatly increased amount of the circulating medium. Thus, by the action and interaction of these causes, the demand for the issue of this kind of currency is certain to be greatest when it is already redundant.

The least reflection will convince us that it is so. This is one of the causes of our apparent insufficiency which does not exist in reality, and of a continual demand for more. But there is still another. It is not that there are not enough greenbacks and bank notes as tools of exchange in the hands of the public generally to supply the natural wants of business, but because some people who want to use them in legitimate business have not got them, while others who do not use them in legitimate business contrive to control them. It is a universally recognized fact that a redundant currency, and especially an irredeemable one, always begets and stimulates speculative enterprises, that such speculation diverts capital from legitimate business, that especially when carried on by powerful combinations it presses currency into its service, and that the currency is thus concentrated at the centers of speculation, while it is drawn away from where it is needed by legitimate business. Legitimate business is thus sometimes cramped, while of course the speculators themselves can never get enough for their operations. Hence a continual and insatiable demand for more; and if you want the proof of this assertion examine only the transactions of the New York banks in our days.

Now this cannot be remedied by an expansion of our irredeemable currency. The more the currency is expanded and speculation stimulated, the greater will this evil become and the more strenuous the demand for more. For this reason, also, I do not believe that the remedy suggested by my colleague [Mr. BOGY] the other day will be effective. He proposed that the national banking currency should be so redistributed as to give to the West a greater amount. In many respects, I should see good reasons to approve of this proposition, but I do not think that if in the West new national banks were created or the issues of those that exist already were increased, the money would stay there. It would not remain near its point of issue, and for this reason it is impossible for national banks whose issue has been out for some time to gather up any considerable amount of their circulation. It will go where it is attracted by the business of the country, and especially by speculation. The operation is as if you emptied a vessel of water on the top of a hill; it will not stay there but find its way down.

Thus it becomes certain that as some people complain of the insufficiency of the currency now, they will complain still more loudly after a new inflation of the currency shall have had its effects, and if we should follow the cries for more and more, I candidly ask the Senators from Indiana and Michigan where we shall land? We shall land where the *assignats* landed France; and where the continental money landed the United States at the commencement of our national career—in overwhelming bankruptcy.

Equal to the remarkable delusion that an expansion of our irredeemable currency will increase its efficiency as a means of exchange is the kindred hallucination that such an expansion will reduce the current rate of interest. Just the reverse is true; and why? Let me read a few words from John Stuart Mill's Principles of Political Economy, which will set this question in the clearest possible light:

> Suppose money to be in process of depreciation by means of an inconvertible currency, issued by a government in payment of its expenses. This fact will in no way diminish the demand for real capital on loan; but it will diminish the real capital loanable, because, this existing only in the form of money, the increase of quantity depreciates it. Estimated in capital the amount offered is less, while the amount required is the same as before. Estimated in currency, the amount offered is only the same as before, while the amount required, owing to the rise of prices, is greater. Either way the rate of interest must rise. So that in this case increase of currency really affects the rate of interest, but in the contrary way to that which is generally supposed, by raising, not by lowering it.
>
> The reverse will happen as the effect of calling in or diminishing in quantity a depreciated currency. The money in the hands of lenders, in common with all other money, will be enhanced in value; that is, there will be a greater amount of real capital seeking borrowers; while the real capital wanted by borrowers will be only the same as before, and the money amount less. The rate of interest, therefore, will tend to fall.
>
> We thus see that depreciation, merely as such, while in process of taking place, tends to raise the rate of interest; and the expectation of further depreciation adds to this effect; because lenders who expect that their interest will be paid, and the principal perhaps redeemed in a less valuable currency than they lent, of course require a rate of interest sufficient to cover this contingent loss.—*Principles of Political Economy*, page 391.

Nothing in the world could be clearer; and it is a spectacle appealing to our pity, as well as exciting our indignation, when we see men who ought to know better go about the country peddling the atrocious nonsense that if we only issue five or six hundred millions more of irredeemable currency the rate of interest will go down to 3 per cent.

Thus the relief sought by an inflation of our currency turns out to be a mere delusion, as anybody who had given any attention to the subject always knew it must. But there are people who seem to be clinging with a child-like faith to the ridiculously absurd notion that by printing and issuing more Government promises to pay we shall increase the wealth of the country. We might call it a ludicrous form of superstition, if not insanity, were it not so serious and sad. Now, suppose for a moment we could, by some sort of witchery, wipe out all existing engagements in which money is involved, such as debts, contracts, and so on, and then multiply all the greenbacks and national-bank notes in the possession of the people by ten, so that, waking up some beautiful morning, every individual in the United States would find ten greenback dollars in his pocket, or safe, where

the day before he had only one. What a jubilee there would be among fools. But what a disappointment as soon as the true state of the case became generally understood. Does any sane man think that by such multiplication the wealth of the country would be increased one farthing? It is evident that it would not. Does any sane man think that any individual in these United States would have become richer by the multiplication? Not a cent's worth; for, going to market the next morning, he would find that he would have to pay just ten dollars for what cost one dollar the day before. Does any sane man think that the currency, so multiplied, would have received an increased power of exchange? Not the least, for every transaction would require the use of ten dollars which the day before had required the use of only one. What would be the effect, then? No benefit at all to anybody; but the Government of the United States, still promising to pay one dollar in gold for one dollar in greenbacks, and being obliged to buy all it needs at ten times the former price, would soon find its debts increased beyond its power to bear it, its Treasury utterly bankrupt, and absolutely forced into repudiation. Then the greenbacks so multiplied would not be worth anything to anybody, and the people would find themselves forced, through universal confusion and ruin, to struggle slowly back to a specie basis in order to be able to do business at all.

You may say that this is supposing an extreme case, but I tell the Senator from Michigan and the Senator from Indiana that every step we take in the direction of inflation is a step in the direction of just that result. I repeat, not only will expansion not bring in any sense the relief sought, but it will grievously aggravate the evils from which we are now suffering; and it will do that in two ways—first, by stimulating anew the evil tendencies which have already brought such disaster upon us, as I have shown; and secondly, by incalculably increasing the difficulties which stand in the way of a return to a sound and safe basis for our monetary system.

It is absolutely in vain for the Senator from Indiana to say that as soon as times grow more prosperous we may retire the greenbacks which we now issue in addition to the present volume. The very same class of reasons which urge him now to advocate an expansion of the currency will then be used against contraction. As in troublous times we are told that the currency must be increased to revive business, so in times of revived business, especially that kind of business which a new inflation of the currency is apt to revive, the cry will be, "Let well enough alone;" or, rather, "For Heaven's sake do not touch the bubble lest it burst at once;" and I shall wonder whether the Senator from Indiana will be the one to touch it. No illusion about that; the more we expand our irredeemable currency the farther we slide down the slope at the bottom of which is, not resumption, but repudiation; and every descending movement makes it more difficult to arrest the dangerous course.

It is equally in vain for the advocates of inflation to indulge in poetic eulogies on the beauties and virtues of our present currency. What do they mean when they tell us that our irredeemable legal-tender notes are the best currency this country ever saw, and that the people are so extremely fond of it? Do they not themselves know better? Can a currency be the best which fluctuates in value from day to day, thus unsettling all exchangeable values in the country?

But I will put the Senator from Indiana and the Senator from Michigan to another test. If I should buy a house of either of them for $10,000, and now step before my honorable friends with $10,000 in gold in one hand and $10,000 in greenbacks in the other, and give them the choice as to which to take in payment, which would they choose? With both hands they would reach for the gold. Why? Because they know that $10,000 in gold are worth to-day at least $11,000 in greenbacks; $10,000 in the old currency worth at least $11,000 in the new. They would prefer 10,000 pieces of substance to 11,000 pieces of promise, would they not? I take it that the people of the United States are just as sharp as my honorable friends from Indiana and Michigan. There is not a person in the land who, if offered the choice, would not make the same. The people may be very fond of the greenback currency, and have great confidence in it; but being willing to pay one dollar and ten cents in greenbacks for one dollar in gold, the people like the gold currency at least 10 per cent. better than the greenbacks. Which is, now, the best currency that this country ever had? In which have the people more confidence? And what kind of an argument is it by which gentlemen try to prove the unbounded confidence of the people in the greenback currency when they say that people were actually so fond of it as to hoard it during the crisis? Of course they did. They had nothing else to hoard; and so, distrusting the banks, they hoarded the only currency they had. If they could have exchanged that currency at par for gold would they not have done it? Or is there anybody foolish enough to think, or bold enough to assert, that if they had had gold they would have made a run on the banks and on the Treasury to exchange that gold for greenbacks? The absurdity is apparent. I hope we may stop talking about "the best currency this country ever had," and "the popular confidence in irredeemable depreciated paper currency," since we all know better. It is mere talk to befog the good sense of the people.

But I am confident the people will gradually and surely learn to understand, if they do not understand it already, that, aside from its demoralizing influences, an irredeemable, depreciated, and fluctuating legal-tender currency is the most expensive money that can possibly be invented, for it obliges the Government to pay extravagant prices for all that it needs, and in consequence of its depreciation and its fluctuations it imposes upon the people a most unequal, unjust, extortionate, and oppressive tax, the more extortionate and oppressive as it is uncertain and irregular. And every addition to the currency causing further fluctuation and depreciation and further uncertainty of values renders that tax but more unjust and oppressive. The laboring man will learn to understand, if he does not understand already, that upon him this tax imposes an especially unjust and oppressive burden, because in the rise of general prices which always accompanies the expansion and depreciation of the currency, the wages of the laborer always rise last when he has already had for a time to pay inflation prices for his necessaries; while as soon as the inflated balloon collapses, he is the first to be plunged into the most grievous misery. And the farmer will learn to understand that while the prices he receives for most of the products of his toil are regulated by the foreign market, untouched by our home inflation, and exposed to the competition of all the world, the price of all he has to buy at home is driven up to an extravagant point by the influence of a depreciated currency, he being thus compelled to buy all he has to buy at prices which are far advanced, and to sell almost all he has to sell at prices which have remained very far behind. The farmer will understand at last that, injurious as is to him the tyranny of transportation monopolies and the operation of the tariff, the oppression he suffers from a fluctuating and depreciated currency is as great, if not greater; and it is to be hoped that the farmers who have risen to protect their interests will in their efforts not forget this most insidious and most burdensome oppression.

Thus, from whatever point of view we may look at it, every consideration of honor, of good faith, of general advantage, and of sound policy urges us to make an end as soon as possible of this iniquitous system.

Now, since all Senators admit that ultimately we must come back to a specie basis, the only question to be discussed in that respect seems to be that of method and opportunity. The difficulties which stand in the way of redemption I see clearly enough. In considering them I have at once to enter my protest against two plans suggested, which, as I believe, involve dangerous delusions. The first is that proposed by the Senator from Michigan, [Mr. FERRY,] that we should first expand the currency in order to revive prosperity, which revived prosperity would then enable us to return to specie payments with greater ease and facility. The second is that proposed by the Senator from Massachusetts, [Mr. BOUTWELL,] to do nothing, but let things remain as they now are, and to wait until the business of the country will have grown so much that its necessities will bring gold and paper to a par by a natural process of development.

The proposition of the Senator from Michigan appears to me so illogical, so visionary, that I can scarcely understand how he can have been in earnest in advancing it. Had the Senator proposed it for the distinct and avowed purpose of making our irredeemable currency perpetual, at least till the final breakdown shall come, it would have been intelligible and eminently practical; but as a pretended preparation for the resumption of specie payments, with due respect be it said, it looks to me like a huge joke. That the way to the resumption of specie payments, when there is already so much of irredeemable paper money that its very quantity is said to make resumption next to impracticable, should be to issue still more, appears to me, to say the least, somewhat funny. Most of the fallacies involved in this singular scheme I have already exposed. I have shown that an additional issue of greenbacks would at once revive all the dangerous influences which that kind of currency has exercised before, and always exercises wherever it exists, that wild enterprise, speculation, and gambling will spring up again, that a new expansion of credit will take place, that the cry for more and more paper money will appear with imperative and almost irresistible force; and so on until another crash puts an end to it. I need not go over that catalogue again.

It is really amazing that anybody should have to be told that the return to specie payments must be preceded by certain conditions the fulfillment of which will be rendered utterly impossible by the inflation policy proposed by the Senator from Michigan. It must be preceded by severe retrenchment in our public and private expenditures; by the abandonment of windy schemes and enterprises leading to the unproductive consumption and waste of capital; by abstinence from wild speculation and gambling; by moderation and prudence in the conduct of industrial and mercantile business; by a new and practical recognition of the truth that honest, productive labor is the true source of wealth; by the accumulation and judicious employment of savings, instead of an unnatural expansion of credit and an accumulation of debt.

These are the things that are necessary to render specie resumption practicable without leading to serious embarrassment and disaster. But now let the cry of the Senator from Michigan, "Prosperity through currency expansion," prevail, and what will be the result? Then, sir, good-by retrenchment and economy, whatever may be said or attempted to-day, with the spectacle of an embarrassed Treasury before us. Already we hear prominent inflationists say that a great government like ours should consider it beneath its dignity to be niggardly in its expenses. Let "prosperity through inflation" prevail, and in a short time our expenditures, public and private, will be more extravagant and reckless than ever. Then good-by prudence and moderation

in enterprise and in the conduct of industrial and mercantile business. In a short time wilder schemes than ever will waste our capital. Then good-by to general respect for honest labor, for getting rich through speculation and gambling, without work, will be more popular and seductive than ever. Good-by reduction of indebtedness in the business community, and contraction of credits. The credit balloon will be strained soon to the bursting point again. That is your "return to specie payments by prosperity through inflation." We had a curious instance the other day how, in such things, cause and effect are mistaken.

The junior Senator from Indiana [Mr. PRATT] gave us the statistics of our extravagant importations of luxuries, to show how difficult the resumption of specie payments would be if we continued to export specie for luxuries at such a rate, and then he exclaimed, "Look at this list, and who shall say that we are not the most extravagant people under the sun, trampling under foot all wise economic laws?" That was very well spoken. The Senator was right. But then he went on advocating an increase of our irredeemable currency; and now what will he answer when I show him that in making that proposition he did some of that trampling under foot of all wise economic laws himself? He evidently did not consider that an expansion of the currency is always accompanied by an increase of importations. Here I hold in my hand a table showing that in thirty years, with the exception of only two, which exception can be explained upon other grounds, the importation of goods from abroad has continually and most strikingly corresponded with the expansion of our currency, and *vice versa*. This fact stares us in the face. It is impossible to question it.

This being so, if the Senator from Indiana wants to reduce the extravagance of importations, he should insist upon contraction and not upon expansion. If the Senator is disturbed by our extravagant importations now, what will he have to say when more paper money is issued, and the importations become more extravagant than ever? There is another instance of your return to specie payments by "prosperity through inflation." It is exactly like the advice to drink brandy in order to get sober.

I approach now the proposition of the Senator from Massachusetts, [Mr. BOUTWELL,] that we should sit still, do nothing with the currency, waiting patiently and quietly for the development of the resources of the country and the increase of business to bring greenbacks and gold together in value, as he said in his speech a few days ago. When in his opinion that period is likely to arrive the Senator did not tell us, and yet an answer to just that question would be a very valuable piece of information coming from the principal champion of that policy. I will venture to ask the Senator from Massachusetts, in perfect good faith, whether in his opinion the present condition of things is entirely satisfactory? He certainly will say no.

Mr. BOUTWELL. Does the Senator want an answer? I say no; and I say that the suggestion made by the Senator from Missouri promises to bring upon us a more unsatisfactory condition than that which exists now.

Mr. SCHURZ. I ask whether in his opinion what I have said about the evil influences of our irredeemable and depreciated currency is not substantially true; whether that kind of currency has or has not shown a tendency to engender unproductive enterprises, over-speculation, and gambling; the creation of fictitious values, an over-straining of the credit system, a general demoralization of business, not to speak of social life; a continual demand for more and more of such money, and so on; apt to lead finally to great breakdowns and ruinous disaster? He certainly will not deny that; and if he cannot in the face of the facts known to all deny it, I would further ask whether every day that such a system is continued just as it now is, with all these influences and effects, is not a day of danger?

Mr. BOUTWELL. Mr. President, as the Senator from Missouri has appealed to me, I will take this occasion to state very concisely the position which I occupy. In what he has said concerning the evils of an inflated paper currency, barring some exaggerations of rhetoric, I concur with him. In what he seems to propose—immediate, unconditional, forcible contraction of the currency of the country, as a means of remedying the evils which we suffer—my position is, that the consequences of that policy would be infinitely more disastrous to the country than the evils under which we are now suffering.

Mr. SCHURZ. The Senator from Massachusetts has somewhat anticipated my conclusions.

Mr. BOUTWELL. I supposed I should.

Mr. SCHURZ. But he has not anticipated them quite correctly. If he had waited until I had finished my speech I think he could have spoken with much more intelligence of what I was going to propose than now.

Mr. BOUTWELL. If the Senator from Missouri is against contraction, and is disposed to wait for the development of the country, and the increase of the business and power and prosperity of the people by natural causes, and does not propose a remedy by artificial application, then we are together.

Mr. SCHURZ. No, sir; we are not together. When I asked the Senator from Massachusetts whether he does not substantially agree with me in all I have said as to the evil influences of an irredeemable and redundant currency, he declared, as the Senate has heard him, that he did. I was just now asking him, unable and unwilling as he is, in the face of the facts known to all, to deny these evil influences, whether every day that such a system is continued just as it now is, with all these influences and effects, is not a day of danger. Can it be continued without serious peril to every interest we hold dear? Certainly it cannot. And if it cannot be continued without such peril, and he still advises us to hold on to the currency just as it now is and thus to continue that peril, may we not at least expect of him to show that he has himself a definite idea whether the period which, by some natural process of development, is to bring us the relief so sorely needed, is near at hand or not? Is it quite enough that he should refer us to some indistinct, nebulous future, the darkness of which he himself does not pretend to have penetrated? Is it enough to say, as he said in his speech the other day, that it will come in time; how long a time it may require he cannot tell, but in time? Has he considered what may intervene; nay, what is most likely to intervene, according to the laws of cause and effect, between this day and that indefinite future? Has he considered that unless we soon take decided steps to change our system, it becomes with every day more probable that by some means further inflation will be forced upon us as it is being enforced upon us now, and the promised period of relief will be removed into a still further and more nebulous future; and that if we want to avoid the most evident danger of sliding backward, it is absolutely necessary that in some way we should go forward.

Mr. BOUTWELL. Will the Senator from Missouri allow me to ask him a question?

Mr. SCHURZ. Yes, sir.

Mr. BOUTWELL. I ask whether he, with his sense of the evils of inflation, will for himself favor inflation if the Congress of the country should not favor contraction, or whether he will then stand upon the good we have rather than to fly to evils because we cannot get a better system?

Mr. SCHURZ. No, sir; I shall never favor inflation; but I hope——

Mr. BOUTWELL. If there is a majority of members of this body or of the other standing either with the Senator from Missouri or with myself, we are then able to resist the tendency to inflation; and if it be not possible for those who are in favor of contraction, who are by the number of one at least less than those together who occupy the position I occupy and those who occupy the position of the Senator from Missouri, how can he with his associates expect to resist inflation, if through their influence, combined with others, inflation is probable?

Mr. SCHURZ. Why, sir, I have been trying to demonstrate all the time that if we want to resist inflation, we cannot stand still with our arms folded; for the simple reason that then we shall be driven into inflation. Has he not understood me? We are being driven into inflation at this very moment. Already the reserve has been drawn upon to the amount of $25,000,000. Has not the Senator from Massachusetts himself, perhaps unwittingly, in his speech expressed an instinctive apprehension of the possibility of a pressure pushing us in the direction of inflation? When he spoke of his policy of "maintaining steadily the volume of currency at the minimum point," he then added the very important and significant qualification, "as far as practicable." Does he not know how elastic such an expression, "as far as practicable," has already been made by the drafts upon the $44,000,000 reserve which we witnessed, and by which the Government itself started inflation? Does he not know how much more elastic the expression, "as far as practicable," may be made when, by new embarrassments or a new period of speculation, the minds of men are again thrown out of their balance? Does he not know that inflation "as far as practicable" without legislation is going on to-day? Does he not feel himself, therefore, the truth of what I say, that if we want to resistthis current which drives us into inflation, we absolutely must go forward in the opposite direction? And now, in the very face of the disasters surrounding us, and the awful chances and perplexities which threaten us, is a mere passive reliance upon a dim idea, a vague trust, that things which so far have gone badly will henceforth go very well and come all right in time—is that the only foundation upon which a great Government like ours should build its financial policy, when our honor and good name, when the fortunes of the country, and the morality of the people, are at stake?

Let me now apply to the Senator's policy a practical test. In his remarks the other day he declared himself opposed to contraction, which term, to judge from the spirit of his speech, included all legislative measures tending to bring on resumption of specie payments. The reason he gave was this: it would, he said, bring the business of the country to a stand, diminish the revenues, and by diminishing the revenues render taxation inevitable, and impair the credit of the country. Such were his words. Now, I would ask him whether I misrepresent the meaning of those words when I say that the Senator advocates the let-alone policy—and I call his policy so with all respect to him—that he advocates his favorite policy distinctly in order to avoid these disasters and difficulties? Of course I do not misrepresent him, for I quoted his words.

Now, let the Senator look around and examine the events which have recently taken place. What does he behold? He beholds there a crisis which did "bring business to a stand;" which did "diminish the revenues," which did thus imperil the credit of the country; and thus the identical things which he predicts as the result of legislation tending to specie payments have actually come to pass, and have come to pass under that identical do-nothing policy which he ad-

vocates in order to avoid those very disasters, and which he as Secretary of the Treasury, as well as his successor, faithfully adhered to, "as far as practicable." I venture to say, further, that that very do-nothing policy, keeping alive all the evil influences of a redundant, irredeemable currency, and strengthening them by creating a popular belief that according to the settled policy of the Government nothing will be done to counteract them, has very naturally aggravated the causes which brought about such results. I need not go over that whole catalogue again.

Such was the practical upshot of the do-nothing policy. This is a piece of history which cannot be denied, for it is known to all; and we had better try to understand its teachings instead of wasting our time looking through a telescope into the fog-banks of infinite space to watch the condensation of those nebulæ into that benignant star whose advent is to make us all happy and comfortable in spite of ourselves. The teachings of that piece of history, if we are willing to understand them, will convince us that the same economic disturbance which has occurred under the do-nothing policy now may and will come again if the causes and agencies which brought them forth are kept alive, even with a probability of their being strengthened; and that finally, after much more disgrace, much more tribulation, and much more suffering, we shall after all have to do the very things which the Senator from Massachusetts is afraid of doing, but then under far greater difficulties.

The policy of the Senator from Massachusetts is particularly dangerous because it carries a certain plausibility about it. There are a good many persons in this country, as there are in all other countries, who, not seriously occupying their minds with the subject, consider the science of finance one of those mysterious things which, as Lord Dundreary says, "no fellow can find out;" and who, because they do not take pains to investigate its laws, content themselves with saying there are none. When, in difficult circumstances, they do not know what should be done, and are confronted by difficulties and dangers which they cannot clearly comprehend, they easily persuade themselves that doing nothing is as safe as anything else. At any rate it relieves them of the trouble of thinking.

I need not say to the Senator from Massachusetts how highly I respect him; and I believe in the conscientiousness with which he advocates his favorite policy; but it must occur to him, also, that it is that inert state of mind in the country which is so little suited to the exigencies of the country that his policy is best calculated to confirm. I submit to the Senate that it is not a fitting part to be played by the Congress of the United States, when called upon to find remedies for a diseased condition of things, to stand still and let the disease work on for fear of "bringing business to a stand and of diminishing the revenue," when by the very operation of that disease business did come to a stand and revenues have been diminished. We shall indeed present a sorry spectacle to the world, hiding our heads in the sand, paralyzed with the apprehension that by moving we might break something, while the breakdown has actually occurred and the pieces of the wreck are flying about our ears. If the Senator will consult history he will discover that no country that was to any great extent cursed by an irredeemable legal-tender paper money ever got back to specie payments without bringing them on by decisive governmental action; and, as far as I know, every country that trusted to the dim idea of the general development of things to bring things all right, and thus abstained from governmental action, ran irresistibly into bankruptcy and ruin. So much for the policy of happy expectation.

Now, I repeat I do not underestimate the difficulties that stand in the way of resumption; but I declare as my candid opinion that since the first year after the close of the war, when our irredeemable-currency system had not so deeply eaten its way into the whole economic life of the nation, and when the business of the country had to adapt itself from the ways of war to the ways of peace—a moment which unfortunately we missed—the present time is the most opportune for the inauguration of a resumption policy; and if we lose that opportunity again we shall have to wait for another and perhaps more disastrous revulsion to see it return. And it is just from the present crisis in our economic affairs that the new opportunity springs. The reason is very simple. Many of the difficulties which, it was feared, would accompany and follow resumption have already been anticipated by the crisis. Much of that preparation which must precede resumption in order to avoid disastrous embarrassment has already been performed by the crisis.

What are those difficulties, and what is that necessary work of preparation? It is said that by a policy of resumption the debtor class would be greatly injured, inasmuch as a debt paid in gold would represent a greater value than the same debt did when it was contracted in depreciated paper. That is true; but it will always remain true; and if it is added that the debtor class is not yet ready for specie payments, it is certain that in that sense the debtor class never will be ready for specie payments, and that, therefore, resumption must be given up forever.

I do not underestimate the importance of the argument; but let us look it in the face.

In the first place, speaking of a debtor class and a creditor class, we involve ourselves in a confusion of ideas. There is no fixed debtor class composed of persons who always owe money and never have any money due them; nor is there a fixed creditor class composed of persons who always have money due them and never owe any. If there were such fixed and well-defined classes, the problem before us would appear very simple. Then we might say that when we suspended specie payments, and the legal-tender currency in which debts were discharged depreciated, the debtor class profited and the creditor class suffered loss to the amount of that depreciation; while, when we return to specie payments and the depreciation of the currency diminishes until greenbacks are on a par with gold, the debtor class would lose again what it had profited, and the creditor class would regain again what it had lost by the former operation. The accounts for the last thirteen years, as between the two classes, would then be about evenly balanced. But the fact is that some persons only occasionally owe money without having any due them, and some only occasionally have money due them without owing any; that those who are debtors to-day frequently become creditors to-morrow, and *vice versa;* and that a vast number of people owe money on one hand and have money due them on the other, thus being debtors and creditors at the same time; and this applies universally to the class of business men.

The talk about a debtor class and a creditor class in connection with the resumption of specie payments is therefore very mischievous, as it represents the question in the light of a struggle between two permanently distinct social bodies, the one trying to enrich itself by despoiling the other. The misrepresentation is only furnishing a fallacy to demagogues to excite the ignorant.

It is true, there are a great many people who owe more money than is due them, and who, if we should suddenly jump into specie payments, that is, all at once reduce the depreciation of the currency or the premium on gold from such and such per cent. to nothing, would suffer that percentage of loss through the increase in the value of their indebtedness; thus losing more in their character of debtors then they would gain in their character of creditors. But here two things are to be taken into consideration. In the first place, a wise resumption policy will not force the transition from a depreciated paper to a specie basis all of a sudden, but approach the result to be reached with gradual steps, extending over a sufficient space of time, say two or three years. To this statement I call the attention of the Senator from Massachusetts, who thought he had anticipated me. I do not know a single advocate of specie payments who proposes anything else. Such a gradual reduction of the depreciation of the currency would endanger and injure debtors much less than they have hitherto been endangered and injured by the continual fluctuations of that currency.

The Senator from Indiana [Mr. MORTON] told us the other day that the country could not endure a change in the value of our paper money of 10 per cent., which, at that time, was the discount on greenbacks.

Mr. MORTON. I wish the Senator would state the whole proposition. I said, not within a year, or a short time.

Mr. SCHURZ. Exactly. This makes my case only stronger. I might then ask him how it was possible for the country to survive the violent and fitful ups and downs which the currency has passed through during the last eight years. In the year 1866 the difference between the highest and the lowest point of the premium on gold was 42¼ per cent.; in 1867 it was 14⅜ per cent.; in 1868 it was 17⅞ per cent.; in 1869 it was 38½ per cent.; in 1870 it was 13½ per cent.; in 1871 it was 7 per cent.; in 1872 it was 7½ per cent., and in 1873 13 per cent.; so that it appears that that difference of 10 per cent., which the Senator from Indiana stands in such mortal fear of, has occurred over and over again, and fourfold in one year, within the last eight years. And now the Senator from Indiana wants to perpetuate the present system, nay, seeks to aggravate it by adding to the currency, and keep these fluctuations going on as they have been for the last eight years.

In the second place, this difficulty has been considerably lessened by recent events. The crisis has led to a very extensive liquidation of debts, so that the aggregate amount of pivate indebtedness is to-day much smaller than it was a year ago; while in consequence of a reduction of business transactions new debt is being contracted at the present moment to a far less degree than it has been for years.

It will naturally go on decreasing if a resumption policy is adopted, and the sure prospect of a return to specie payments gives warning to the business community to beware of extensive engagements. Every sensible man will take care not to run into debt any more than is absolutely necessary when he knows that the money in which he will have to pay that debt will appreciate to a certain amount in a certain time.

Aside from greatly reducing the losses which otherwise resumption might bring with it, these circumstances would naturally prevent a dangerous expansion of credit and give back to the business of the country a healthy tone and a safe and sound basis; and that I suggest is a thing which we stand very much in need of. There is not a business man in the country who could not with a little circumspection, and with the certainty of resumption at a certain period before his eyes, so arrange and manage his affairs as to reduce the possibility of loss through the appreciation of his debts to a minimum that will not very much injure him, especially as in business life debt contracts run only on short time; very short indeed in proportion to the period in which the gradual appreciation of the currency is to take place.

I say, therefore, as far as the debt question is concerned, no better time for the inauguration of the resumption policy can possibly be found than just the present moment. The number of creditors and the aggregate amount of indebtedness will hardly ever be less than

after the liquidations and the business contractions of a crisis, and both will certainly grow again at a rapid rate, unless we enjoin caution upon the business community by the sure prospect of resumption. They will grow to an enormous extent if we expand the currency, and blow up the credit balloon once more.

In this connection I must devote a few words to the confused talk about the West as the debtor section of the country upon which resumption would inflict peculiarly heavy losses. The fallacy involved in the term "debtor section" I have already exposed when speaking of the debtor class. It is true that western business men have to depend in their operations to a very great extent upon their credit in the East, and therefore contract from time to time considerable indebtedness, which, however, is periodically covered by shipments of western products. I have already shown that in consequence of the crisis private indebtedness all over the land is very considerably reduced, in which respect the West certainly does not form an exception, and how business men by prudent management, as will be forced upon them by the prospect of resumption, can easily protect themselves against serious difficulties.

But there is another aspect of the case. The economic interest of the West is mainly agricultural. The western people are, by overwhelming preponderance, a farming population. Their whole prosperity depends upon the successful and profitable cultivation of the soil. If it is true that the farmer, for all the necessaries he had to buy, had to pay prices blown up by our irredeemable and redundant currency, even far beyond the point to which the tariff alone would have driven them, while the prices of almost all the staples he had to sell were regulated by a foreign market, untouched by home inflation, governed by a specie measure of value, and exposed to the free competition of the world—if that is true, and I trust nobody will deny it, must it not be equally true that the farming interest, and through it the whole western country, will not only not be injured, but be vastly benefited, by a resumption of specie payments, which will greatly reduce the prices at which the farmer has to buy his necessaries, while not reducing, but greatly increasing, the purchasing power of the crops he produces and has to sell? And will not this immense advantage in fact vastly overbalance any possible amount of loss which might be suffered in consequence of temporary indebtedness, and which by prudent management may be made very small?

I hear it said that there are a great many farmers whose farms are covered with mortgages, and who would be greatly injured by specie resumption, inasmuch as the money in which they would have to pay off the mortgages would be of higher value than the money in which they contracted the debt. But how can they expect to pay their mortgages unless they derive the necessary profit from their farms? And how can they derive that profit from their farms if they continue to labor under the same disadvantage, having to buy at high prices and to sell at prices that are low? Moreover, what will be the consequence if we inflate the currency still more? Will not, by the operation of the same laws, the farming business be still more depressed? Will not, in consequence of the still aggravated disadvantage of buying at high and selling at low prices, the mortgages accumulate upon their farms in a worse degree than heretofore, and when, then, the day of settlement comes, will not their discharge be more difficult than ever? I insist, therefore, that the agricultural interest, and with it the whole West, and the South, too, which were never benefited, but always injured by inflation, and will be still more grievously injured by further inflation, will not in any way be injured, but in every respect be vastly benefited by a return to specie payments; and if I stood upon this floor not as the advocate of the interests of the whole country, but as a mere advocate of western interests, I would advocate specie payments with no less zeal than I am now doing.

Another difficulty standing in the way of resumption arises from the shrinkage of the prices of commodities accompanying that process. But this difficulty also is far less formidable now than at any time within many years. The crisis has brought down prices already, and it is questionable whether resumption would depress the general average much lower. For several months merchants all over the country have been careful to keep only light stocks of goods on hand in view of a sinking market, and many of those stocks have been laid in at prices already considerably reduced. With the prospect of resumption before their eyes, they will be obliged to persevere in that cautious policy, adapt their purchases to the limits of actual demand, abstain from speculation and excessive importations, and be careful not to engage themselves beyond the bounds of safety. Thus they will be able to approach specie payments without serious difficulty, and their losses in consequence of the shrinkage of prices will be as light as we ever can expect them to be.

Moreover, there are certain kinds of property which will scarcely suffer any depreciation at all, because they did not participate in the inflation of prices. I have already called the attention of the Senate to the fact that all those products of agriculture whose prices are regulated by the foreign market did not keep pace with the rise of home prices caused by currency inflation; and I may add that the price of that class of farming lands which did not happen to become the subject of speculation, or whose value was not enhanced by the building of railroads or other contrivances of communication, but depended for their value upon the value of their products—that is, a large majority of the farming lands—has been left behind in the general rise of prices altogether; and this is especially the case in the West.

I repeat, it must be evident to every candid observer of passing events that a large part of the work of preparation for a return to specie payments, and perhaps the most delicate and painful part, has already been performed by the present crisis in our economic affairs. We have only to respond to the impulse we have thus received and we shall reach the end. At last the popular mind is beginning to measure the iniquities the existing system has brought forth, and to appreciate the necessity of reform—reform in private as well as in public affairs.

The cry of "economy and retrenchment" is resounding all over the land, so that even politicians begin to hear it, some with hope and some with fear.

The lessons taught by the recent disasters have impressed themselves upon the minds of men. The business man has been made to understand that an unnatural expansion of credit is not prosperity; that an accumulation of debt is not an insurance of wealth; and that the fruits of speculative gambling, seductive as they may appear, are apt to turn to ashes when you bring them to your lips. Let us take care to act upon these teachings before they are forgotten again; let that state of mind be confirmed and be taken advantage of before it again passes away.

Look at the forces opposed to us and examine their situation, their temper, and their power. The resumption policy is opposed, and a new inflation of the currency pressed by three classes of persons: first, the men who, with honesty of purpose and patriotic intentions, have arrived at what I consider erroneous conclusions—and on this floor we have heard their voice; secondly, men who, hearing the cry for more paper money, think it a popular cry, and therefore join in it; but behind them, pushing on with all the energy of unscrupulous selfishness, is a third class, consisting of speculators and gamblers, who were caught by the recent revulsion in the midst of their reckless operations, stripped of their spoil, and involved in heavy liabilities, who now want no end of inflation and further depreciation of the currency to settle their old scores cheaply, to recover their losses, and then to set out with full sail again on a new career of speculation and gambling, knowing full well that they are only preparing a new crash, but hoping to reap at least their harvest before it comes, and then "let the devil take the hindmost," no matter what may become of the country.

The first of these classes we may hope to convince by sound argument. The second may be turned by a new breeze of opinion clearing away the fog and revealing that the cry for more irredeemable paper money is not the cry of the people after all. But the third class consists of men of purpose, selfish, unbending, unscrupulous. Active and cunning as they are, no trick, from falsification of public opinion to downright corruption, will be left untried by them in their effort to control the movements of the business world as well as the legislation of the country. To-day they are still in a somewhat crippled condition, for the crisis has happily curtailed their means and exposed the character of their schemes; but before long they will be as powerful as ever, if the continuance of the present system enables them to recover from the recent shock and to entangle the business community of the country once more in the net of their operations, so that their fate will involve the fortunes of many others. Would it not be well to take advantage of their weakness?

Let me now, in as few words as possible, sum up the points I have stated, and I hope satisfactorily established:

1. The Government of the United States is in law and honor bound to pay the debt incurred by the issue of its promises to pay, as soon as by its own action it can render itself able to pay.

2. When, under circumstances like ours, an irredeemable paper currency is constantly depreciated, at a discount as to coin, that depreciation proves that its volume is in excess of the real wants of the general business of the country. This being the case with our paper currency, the present crisis cannot have been caused by any insufficiency of that currency as to the real requirements of business.

3. While a sudden fright or panic, showing itself in runs upon banks, &c., may under certain circumstances be momentarily checked by an additional issue of currency—a stage of affairs which lies several months behind us—a crisis caused by the unproductive consumption of capital and overspeculation cannot be remedied by an addition to an already redundant paper currency.

4. The proposition that the Government may, without the most pressing necessity springing from extreme public danger, issue any additional amounts of irredeemable paper currency at its arbitrary discretion, merely to exercise a certain influence upon the business of the country, tends to create a system which will place all the private fortunes of the citizens at the mercy of the Government.

5. A currency which to the vice of inconvertibility adds the vice of redundancy has always had, and must naturally have, the effect of stimulating overspeculation and gambling; of diverting the energies of the people from honest productive labor; of leading to the unproductive consumption of capital and the creation of fictitious values; of unnaturally expanding the system of credit; of demoralizing business as well as social life; and thus of seriously aggravating the causes which produce the general breakdown at once.

6. The further expansion of such a currency during or after a crisis can only revive and stimulate anew the influences which have already demoralized business and brought forth crops of disaster.

7. An addition to such a currency does not only not add to the wealth of the country, but does not increase the efficiency of the cur-

rency itself as a means of exchange, for the reason that it drives up prices, and by stimulating speculation causes its being drawn away from the legitimate business of the country to the centers of speculation. It will not make, permanently, money easy, but rather raise than reduce the current rates of interest.

8. For the same reasons every addition to such a currency will not satisfy, but excite the demand for more and more, and thus push the country forward on the road to bankruptcy and repudiation.

9. No legitimate economic interest of the country will, therefore, be permanently benefited by such expansion, but all will be injured.

10. Least of all is the agricultural interest benefited by our irredeemable and redundant currency. It is, on the contrary, most grievously injured by it, because the farmer must pay extravagant prices for all he has to buy, while the prices of the principal products he has to sell are regulated by a foreign market untouched by our home inflation and controlled by the competition of the world.

11. These evils will be increased by every further expansion and consequent depreciation of the currency, and the idea that the agricultural interest and those sections of the country—the West and the South—whose prosperity depends on a profitable cultivation of the soil, can be really benefited by further expansion, is therefore fallacious in the highest degree.

12. On the other hand, the agricultural interest will be vastly benefited by a return to specie payments, because resumption will greatly reduce the prices of the commodities the farmer has to buy, while it will not, in proportion, reduce the price of the principal products he has to sell, thus adding greatly to the purchasing power of his income.

13. The idea that the return to specie payments can be facilitated by that sort of prosperity which would be brought forth by further inflation involves a mischievous fallacy. Further inflation would only revive and stimulate all the evil influences of a redundant, irredeemable currency upon all economic movements, again excite overspeculation, promote excessive importations, thus turning and keeping the trade balance against us, again expand the credit system to the bursting point, and lead to new and more disastrous revulsions.

14. Such expansion would render impossible the fulfillment of the conditions which must precede the resumption of specie payments, retrenchment, and economy in public and private affairs, contraction of the credit system, and of private indebtedness, prudent management of business, &c.

15. The idea that the return to specie payments can in the safest way be brought about by doing nothing and waiting until the development of the resources of the country and the growth of business shall have brought our paper money and gold to a par in commercial value is equally fallacious, for the reason that the period of relief thus vaguely pointed out lies in an undefined and undefinable future; that in the mean time all the demoralizing and dangerous influences of our irredeemable and redundant currency remain at work with undiminished vigor and activity; that there will be continued danger of further inflation being forced upon us by agencies beyond our control, as the Government at the present moment is already expanding the currency; that thus the day of promise is put off farther and farther, and that the very difficulties and disasters which the advocates of the do-nothing policy fear will spring from legislative action in the direction of specie payments, will naturally occur, and have in fact occurred under the do-nothing policy itself, as recent events have clearly demonstrated.

16. The resumption of specie payments cannot surely be brought on but by legislative action; and no more propitious moment can be found for the inauguration of a resumption policy than the present, for the reason that much of the work of preparation which must precede resumption has already been done by the crisis. Private indebtedness has been greatly reduced; credit in business transactions has been largely contracted; the prices of commodities have already declined to a low point; business men have generally but light stocks on hand, and for months have been circumspect in their operations. The possibility of loss through the appreciation of the current money or the decline of prices will therefore be now as little as we ever can expect it to be.

These are the principal propositions which I have endeavored to substantiate. Now, I beg Senators to notice that I have not dealt in philosophical deductions from abstract principles, nor in vague theory, but in facts visible to all, and in practical observations which it requires only common sense to appreciate. I am very sensible of the incompleteness of my remarks as to several important branches of this great subject; for instance, the effect of an irredeemable and redundant paper currency upon commerce and manufactures, and the benefit these economic interests would derive from a return to specie payments; but it was my principal object to touch the main points which had appeared in this debate, and I am afraid I have already taxed the patience of the Senate too severely. I have also confined myself to a discussion of the general aspects of the question, because the Committee on Finance ask only for general instructions. The consideration of a specific method of resumption in detail would have served only to raise side issues and to confuse the debate. That will be in time when we shall have an elaborate scheme in the shape of a bill before us.

But one word more. I am very far from representing the resumption of specie payments as the absolute remedy for panics or commercial or financial crises; neither do I ignore the fact that such revulsions will sometimes occur where a metallic currency exists. Gold coin is by no means an unfailing medicine for all the ailments of the economic body. I know that well; but I know also that an irredeemable and redundant currency must seriously aggravate all those ailments, and that, issuing from our present troubles, we shall never succeed in laying a sound basis for a new development of prosperity, unless by doing away with our vicious paper money we remove that agency which inevitably would make that basis unsafe and that new development unhealthy. And thus whichever way we may turn our eyes, I cannot impress it too strongly upon the minds of Senators, that if they really desire to rid the American Republic of the disgrace of Government promises to pay, which stand dishonored and a solemn duty unperformed; of a fraudulent measure of values, which is like an elastic yard-stick, long to-day and short to-morrow; of an unjust, unequal, and extortionate tax, which oppresses the people and bankrupts the Government; of an incentive to overspeculation and gambling, which has diverted so much of our capital from useful production, has wasted our energies, has undermined the respect for honest labor, has corrupted our morals, and is an inexhaustible fountain of fraud and disaster—if we really desire to rid the American people of these iniquities and to prevent still greater dishonor, demoralization and ruin, it will be in vain to hope for a more propitious moment than the present.

The very misfortunes that have befallen us have paved the way for our deliverance. We shall never be better prepared for a resolute beginning of the work which, if not undertaken to-day, will become still more necessary, and much more difficult, to-morrow. We have suffered the ills of the crisis; now let us also reap its benefits. If this opportunity be lost—and it will be lost unless we seize it promptly—who knows when, and in what form and measure of disaster, it will return?

As to the resolution now under discussion, I shall vote for the amendment of the Senator from Delaware, [Mr. BAYARD,] in which I find the simplest and clearest statement of the object I pursue. If that should fail, the resolution introduced by the honorable chairman of the Committee on Finance will of course have my support. Let me express the hope that at an early day a bill embodying a method of a return to specie payments will be laid before us. It is a matter of experience that in things of such moment there is always danger of losing the general object by wrangling disagreements on details. As for myself, I shall be ready to support any measure which will fulfill two conditions: first, of putting us practically on the road to resumption in such a way that the retreat will be cut off; and secondly, of providing for a method of preparation which will make the transition as easy as possible. Senators scarcely ever fail to protest that they are in favor of a return to specie payments. Let us have a little less of that protestation, and a little more of action, proving at last that those high protestations were something better than mere idle words. Where there is a will there is a way; and I hope we shall not give the world reason to say of the Congress of the United States that for the performance of a great and solemn duty no way was found because the will was wanting.

HOUSE BILL REFERRED.

The bill (H. R. No. 945) to change the times of holding the circuit and district courts of the United States for the western district of Michigan was read twice by its title and referred to the Committee on the Judiciary.

EXECUTIVE SESSION.

Mr. LEWIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 14, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

SALARIES.

Mr. STEPHENS. I wish to state that if I had been in my seat yesterday, when the vote was taken on the Senate amendment to the salary bill, I would have voted "no."

Mr. BARRERE. I am recorded as not voting on the Senate amendment to the salary bill. I desire to have my vote recorded in the affirmative.

The SPEAKER. It is not competent to record the vote of the gentleman now.

Mr. BARRERE. I was absent from my seat on account of sickness. If I had been here I would have voted in the affirmative.

Mr. LOWNDES. I was compelled to be absent from the city on yesterday. If I had been present when the vote on the salary bill was taken, I would have voted in the affirmative.

UNITED STATES COURTS IN MICHIGAN.

Mr. POLAND, from the Committee on the Judiciary, reported back House bill (H. R. No. 945) to change the time of holding the circuit and district courts of the United States for the western district of Michigan.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRY SAVAGE.

Mr. E. R. HOAR. Mr. Speaker, I am directed by the Committee on Foreign Affairs to move that the petition of Henry Savage, with accompanying papers, be withdrawn from the files of the Forty-second Congress, before which the petition was pending, and be referred to the Committee on Foreign Affairs.

There being no objection, the motion was agreed to.

FACILITIES FOR TRANSPORTATION.

Mr. RICE. Mr. Speaker, I hold in my hand a memorial signed by over twelve hundred business men of the city of Chicago and the Northwestern States. It refers to additional facilities for transportation from the Northwest to the Atlantic border. I ask unanimous consent to present the petition now, and have it referred to the Committee on Railways and Canals, and orderd to be printed.

The SPEAKER. If there be no objection the petition will be referred as indicated, and will be printed without the names.

There being no objection, it was so ordered.

MERCHANT MARINE.

Mr. COX, by unanimous consent, presented a memorial of the Chamber of Commerce of New York City, in reference to the merchant marine service; which was referred to the Committee on Commerce, and ordered to be printed.

RAILWAY AND TELEGRAPH FROM NEW YORK TO SAINT LOUIS.

Mr. HURLBUT, by unanimous consent, introduced a bill (H. R. No. 1214) to incorporate the New York, Chicago, and Saint Louis Railway and Telegraph Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

ELECTION CONTESTS IN ARKANSAS.

Mr. HYNES, by unanimous consent, presented a transcript of the record of the county court of Lincoln County, Arkansas, giving the election precincts of that county, with reference to contests from the State of Arkansas; which was referred to the Committee on Elections, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HALE, of Maine. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour now begins at fifteen minutes after twelve o'clock. Reports are in order from the Committee on Revision of the Laws.

CIRCUIT AND DISTRICT COURTS.

Mr. POLAND, from the Committee on Revision of the Laws of the United States, reported back, without amendment, a bill (H. R. No. 854) relating to circuit and district courts of the United States.

The bill was read as follows:

Be it enacted, &c., That when a district court is required by law to be held at different places in the same district, it shall not be necessary to adjourn by reason of the intervention of a term of the court elsewhere; but the court intervening may be adjourned over, by a written order of the judge to the clerk, a copy of which shall be posted on the front door of the court-house where such court is to be held, until the business of such session is concluded.

SEC. 2. That the judge of any district court may adjourn the same, from time to time, to meet the necessities of the business; and the intervention of a term of the district court at another place, or of a circuit court, shall not preclude the power to adjourn over to a future day.

SEC. 3. That if the judge of any district court is not present at the time for opening any regular, adjourned, or special term thereof, the clerk may open and adjourn the court from day to day for four days; and if the judge does not appear before two o'clock, afternoon, of the fourth day, the clerk shall adjourn the court to the next regular term, unless otherwise directed, in pursuance of the next section.

SEC. 4. That if the judge of any district court is unable to attend, or, in any case where he is so authorized by law, omits to attend and open any regular, adjourned, or special term thereof, he may, by written order to the clerk, either before the time for opening the term or within the first three days thereof, adjourn the court to the next regular term, or to any earlier day. And the clerk shall give such notice of the adjournment, and in such manner, as said written order may direct.

SEC. 5. That whenever any district judge shall hold a district or circuit court in another district, by designation or appointment, in any manner provided by law, he shall be allowed his reasonable traveling expenses, to and from his residence, to the place of holding such court, and his reasonable expenses while holding such court; and such expenses shall, when certified by the clerk of such court and district attorney for such district, be paid by the marshal of such district, and allowed him in his accounts with the United States.

SEC. 6. That any circuit court may at any regular term thereof adjourn to a future day, to be specified in the order for the adjournment, to meet at the same place, and any business may be transacted at such adjourned term which might be done at such regular term.

SEC. 7. That all transcripts from the records, files, or papers of any circuit or district court, remaining in the offices of the clerks thereof, which have been or may be made by the clerk of any circuit or district court in pursuance of any law establishing or altering a judicial district, and certified by the clerk making the same to be true and correct, shall be evidence in all courts and places equally with the originals.

SEC. 8. That whenever any final judgment or decree shall be rendered in any circuit or district court in any civil cause or proceeding, any suit or proceeding to make available any attachment of property, or bail, or other security made or taken in said cause, or for the default or neglect of any marshal or other officer therein, may be brought and prosecuted in the same court in which said judgment or decree is recovered.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE LAWS.

Mr. POLAND. Mr. Speaker, I am directed by the Committee on Revision of the Laws to report a bill (H. R. No. 1215) revising and consolidating the statutes of the United States in force on the 1st day of December, 1873. I suppose, Mr. Speaker, it is understood by all gentlemen in the House that for a considerable number of years we have had commissioners at work making a revision of the United States statutes; that this work has been completed, laid before the House, and referred to the Committee on Revision of the Laws for their examination. The committee now report this work for the consideration of the House. Of course, considerable time will be necessary for its examination and to carry it through the House.

I take it for granted, Mr. Speaker, that every gentleman here feels the same anxiety that is felt by members of the committee, that after so much time and labor have been spent upon this work, it should be brought to a successful termination. I suppose every gentlemen is aware of the very great necessity existing for a revision of our statutes. Those laws now occupy seventeen volumes; but a large part of these enactments have either been repealed or susperseded, or were merely temporary statutes, like appropriation bills or private bills. The commissioners have embraced in the volume I hold in my hand the whole of what they term the general statutes of the United States—the general public laws. The supposition of the committee is that all laws of this general character, in force at the commencement of this session, may be embraced in a single volume.

This work, as gentlemen know, was done by three commissioners appointed under a law of Congress. Their labors were completed last May. Under a law passed on the very last day of the last session of Congress, a sub-committee of the Committee on Revision of the Laws employed Mr. Durant, a lawyer of eminence in this city, to go over this revision and put it in the form of a bill to be brought before the House. The volume I hold in my hand is the work as completed by Mr. Durant, going over the work of the commission.

The committee have decided that in their judgment it was not advisable to attempt any change whatever in the existing law. By the original law of 1866, under which the commissioners were appointed, they were authorized to make changes to some extent, of which liberty they availed themselves—probably not to any greater extent than they were warranted in doing by the law under which they were appointed. But the Committee on Revision of the Laws at the last Congress came to the conclusion that within the limited time that could be allowed for the work in this House, it would be utterly impossible to carry the measure through, if it was understood that it contained new legislation. Therefore the committee, when they employed Mr. Durant to go over this work, directed him, in every case where he found that new legislation had been inserted by the commissioners, to strike out such modifications of the existing law. This, of course, did not refer to mere changes of phraseology not affecting the meaning of the law; but he was directed, wherever the meaning of the law had been changed, to strike out such changes. Mr. Durant has in the main done this.

Perhaps those gentlemen who have seen Mr. Durant's pamphlet report, as laid before the House, may have drawn a wrong inference in relation to the labors of the commission, as if in various particulars where he has made changes the commissioners have fallen into errors. Almost all of these changes made by Mr. Durant in the work are where he has struck out new provisions and changes they have made.

The committee are aware that in the multiplicity of engagements members of Congress have no time to go over this work to any great extent, and therefore we expect, if this work shall be adopted by Congress at all, it will be mainly upon their faith in the commissioners and in the committee which has it in charge. Since the commencement of this session, since this work has been laid before the Committee on Revision of the Laws, they have been patiently and faithfully at work endeavoring to go over it with care, so we shall be able to assure the House the work has been presented with such changes and amendments as we find necessary to make that it will be an exact transcript, an exact reflex, of the existing statute law of the United States—that there shall be nothing omitted and nothing changed.

With these few remarks, Mr. Speaker, I come to the question of how we are to consider this. I do not suppose the House will desire we shall take possession of the morning hour for nearly the residue of the session of this Congress. There are so many other things, so many other committees which have business to present, that we cannot expect to stand in the way of the House; and I do not desire to stand in the way of the general legislation of the country. Therefore it has

occurred to me, Mr. Speaker, that some arrangement may be made by which some one day in the week may be devoted to this until completed; or we may be allowed to have a series of evening sessions, say two evenings of the week, which shall be devoted entirely to this subject. The committee desire to go on with the work, but at the same time to throw as little obstruction as possible in the way of the general business of the House and the country.

Mr. MAYNARD. I suppose the committee, of course, have a written report accompanying this bill, which will set forth all the facts more fully; and if that report be printed it can be examined by members of the House, which will, perhaps, be entirely satisfactory.

Mr. POLAND. Does the gentleman ask whether the committee has submitted a written report?

Mr. MAYNARD. Yes, sir.

Mr. POLAND. We have not made any written report, and do not expect to make any. It would be impossible.

Mr. MAYNARD. The gentleman's remarks, so far as they have gone, have been very satisfactory; and if he would but extend them to the length of an hour's speech, covering the points involved in this revision of the statutes, we could no doubt be as ready to vote, upon an examination of his remarks, just as readily and intelligently upon the proposed measure as if its further consideration were postponed for two or three months. I am afraid, however, the gentleman's remarks have not been heard by many members of the House; and besides, as far as he has gone, they have been quite too limited to meet my wishes.

Mr. POLAND. I do not suppose I can ever speak loud; and, being hoarse this morning, I can hardly speak as loud as usual.

Mr. MAYNARD. The gentleman, if he thought proper, might make whatever additions he pleases to his remarks this morning and have them printed in the RECORD, where they could be examined by the members at their leisure.

Mr. POLAND. The honorable gentleman from Tennessee seems to mistake me in supposing this is to be taken in a lump—swallowed at one dose.

But the committee have not yet gone through with the entire work. We have examined a considerable portion in reference to which the report is ready to be presented; but there are various chapters we have not yet examined.

We have not gone through with the entire work, and expect to devote a great deal more time to its examination. We have, however, enough examined to lay before the House.

We expect the House to go through the ordinary form of legislation on this subject. The committee have amendments to various sections, in order, as they thought, to make them perfect. Therefore my proposition is, we either have one day in the week set apart to us, or, if it is thought best by the House, we have two evenings in the week set apart. We are ready to work evenings, when we can sit down and devote ourselves to this entirely.

Mr. MAYNARD. The gentleman is much better informed on this subject than I am or can be. I infer from the tenor of his remarks it was not contemplated to amend the general body of the statutes, but simply to compile them; and so we could have the assurance—and I know of no higher assurance we can have than the report of this most able and intelligent committee—the work of compilation has been faithfully and conscientiously performed. I do not see how it is possible for us to have any higher or more satisfactory basis of action. We have not time to take up the seventeen volumes of the Statutes at Large and go through them section by section and act by act. We must trust something to somebody; and when the gentleman tells us the committee has performed this work faithfully and conscientiously it seems to me it is the highest assurance the laws have been properly compiled.

Mr. POLAND. The gentleman understands correctly precisely what the committee proposes to do; and I have not expected, myself, that this volume shall be passed without a word of it being read in the House. I supposed we had to be allowed time when we could go through with it carefully in the House, so that any gentleman in the House who was not satisfied that the commissioners or the Committee on Revision of the Laws had got everything perfect, he might offer a proposition to make it more perfect if he chose.

Therefore we desire to have some time fixed when everybody will have an opportunity to aid in the perfection of this work. We want to do the best we can, and to do all we can, and to devote our whole time to it.

Mr. MAYNARD. Now I ask the gentleman whether he believes it to be a physical possibility that the body of the statutes can be revised in this House, and amendments made to meet the views of the majority, by any sort of means in our power?

Mr. POLAND. It is a considerable labor, Mr. Speaker; but I am not yet discouraged in regard to our being able to go through with it, and to go through with it carefully and considerately.

Mr. MAYNARD. Great is the power of faith in the gentleman.

Mr. DAWES. While I agree with the gentleman from Tennessee that if any body of men are entitled to the confidence of this House and of the country it is that body of men who have had charge of this from time to time, beginning with the commissioners and ending with the committee, I ask the attention of the gentleman, because he can perhaps appreciate them as well if not better than any other man in this House, to the difficulties connected with one or two chapters in that book—those relating to the tariff laws. He knows what the Secretary of the Treasury says in his report, that the tariff laws have come down to us from the very first session of Congress under the first President, without any revision, but complicated by amendments from time to time almost every session of Congress; so that the Secretary of the Treasury tells us that they are so complicated that it is almost impossible to administer them at the custom-houses. Now, I submit to the gentleman that the idea that these men can have revised all those laws without making one particle of change in their meaning is to suppose that they can work almost a miracle. When this matter came into the House I supposed that possibly the committee of which I am a member might have some special interest in looking into that chapter in the book; and I confess for one that I am oppressed with a sense of the responsibility of the House upon that question and upon that chapter in the book. It involves interests all over the country, ramified over every branch of industry; and a comma or a semicolon, honestly but inadvertently put into that book, might change—as my friend from Tennessee knows as well as or better than any other man in this House—the whole construction of the law. Commas changed into semicolons in the law of 1872, after it left this House and before the official copies were printed, have taken out of the Treasury of the United States hundreds of thousands of dollars. And a like change might inadvertently be made by men who perhaps did not understand exactly the intent of the phraseology of the law, which might affect, prosperously or otherwise, the various interests depending on the tariff laws.

Mr. G. F. HOAR. Does my colleague think that changing back a semicolon to a comma would restore the money to the Treasury? [A laugh.]

Mr. DAWES. I suggest to my colleague that $250,000 has been paid back to citizens of Boston within the last month which had been paid by them under a mistake. What we want is to reproduce the law as it is.

Mr. MAYNARD. I take it that the work of the committee will do that.

Mr. DAWES. If you have entire faith that they have done that, then that is enough.

Mr. G. F. HOAR. I hope the gentleman from Vermont will ask the House to order that when the revision of the statutes is considered, any proposed amendment to the existing law or change in the existing law shall be ruled out of order, as in the case of ordinary appropriation bills; otherwise the tariff, the currency, and the entire policy of the Government, will be open to motions to amend, to debate, to discussion, to long speeches. On the tariff alone the power of amendment and debate would be enough to consume the entire time allowed for the legislation of a single Congress almost, as we saw three or four years ago.

Mr. POLAND. I had the same suggestion in my mind as has been made by my friend from Massachusetts, [Mr. G. F. HOAR.] But there were various difficulties which occurred to me in reference to it. Suppose a gentleman offers an amendment which he says is not a change of the law but is only to make the existing law more plain, who is to decide the question what the existing law is?

Mr. G. F. HOAR. It would be decided, as is now done on the point of order to any amendment to an appropriation bill, that it is new legislation.

Mr. POLAND. We might have a great deal of debate as to what existing law is under my friend's proposed rule; and although I had at one time the idea of getting some order or rule of that kind made, I came to the conclusion, on reflection, that it would be entirely impracticable.

Mr. G. F. HOAR. Will my friend from Vermont allow me to suggest that all the appropriation bills are considered in this House under exactly that rule; and in practice the Chairman of the Committee of the Whole determines the question of order made in regard to any amendment that it would change the existing law, subject, of course, to an appeal to the committee? Ordinarily, the member making the motion acquiesces at once in the decision of the chairman.

Mr. POLAND. The Committee on Revision of the Laws considered this same proposition which my friend from Massachusetts suggests; and we came to this conclusion, that every member of this House who is desirous of having this rule go through, and having a revision of the statutes at all, would see that any attempt to ingraft new legislation upon it would be in substance preventing the completion of the work and a destruction of it; and that, therefore, we could come before the House with an altogether better grace, and with a greater likelihood of getting on, and being free from any effort to change the existing law, by an appeal to the judgment and good sense of the members themselves, than by the adoption of any such rule as my friend from Massachusetts proposes. And, therefore, the committee thought they would not ask the House to make any rule on the subject. Our proposition, then, is, that the House shall consider the revision reported, with such modifications as we might suggest to make it more perfect, and that we shall resist any attempt on the part of anybody to ingraft any new legislation upon it. And I think we can look with confidence to the aid of every gentleman upon this floor in adopting that course. If there is to be any revision at all we must abstain from any attempt to introduce new legislation.

Mr. MAYNARD. I understand the gentleman to say that they do not contemplate any modification of existing law.

Mr. POLAND. Not at all; not the slightest. The very title we have adopted to this bill is, "An act to revise and consolidate the statutes in force on the 1st day of December, 1873."

Mr. WILLARD, of Vermont. I ask my colleague to yield to me for a suggestion.

Mr. POLAND. I will do so.

Mr. HAWLEY, of Illinois. The question has been asked in the House, privately among members, whether or not it was the intention of this committee to allow any amendment to the bill where it embodies the law as it at present exists.

Mr. POLAND. The design of the committee is not, themselves, to propose any amendment that shall change the law, nor to allow anybody else to do so if they can prevent it.

Mr. HAWLEY, of Illinois. Has there been anything already incorporated in this bill that does change existing law?

Mr. POLAND. As I have already said, the commissioners have made some changes in the law, as they were authorized to do under the law. Mr. Durant was employed by the sub-committee of the House, appointed under a bill passed on the last day of the last session, to go over this work and strike out everything in the nature of a change of the law. We purpose to present the law, when we have gone over it, as a reflex of existing statutes in force in the United States on the first day of this session.

Mr. G. F. HOAR. I desire to inquire what is the parliamentary attitude of this bill? Has it been reported from the Clerk's desk?

The SPEAKER. The gentleman from Vermont, [Mr. POLAND,] chairman of the Committee on Revision of the Laws, reports this consolidated revision of the laws for some agreement of the House as to how it shall be disposed of.

Mr. G. F. HOAR. I desire to ask whether this bill, containing propositions for re-enacting the tariff and tax laws and laws making appropriations, and amendments to it being in order, would it therefore be necessary under the rules to have it first considered in Committee of the Whole?

The SPEAKER. The Chair has supposed that the intention of the gentleman from Vermont was to obtain, by unanimous consent, or, if necessary, by a suspension of the rules, some order of the House directing the mode of disposing of this bill. It is very evident that it cannot be disposed of in the morning hour, for it would be liable to the objection suggested by the gentleman from Massachusetts.

Mr. G. F. HOAR. My purpose was not to raise the objection myself.

The SPEAKER. The Chair so understands the gentleman; but this bill would be liable to the objection suggested. It is, of course, very evident that a work of this magnitude cannot be disposed of in the morning hour.

Mr. POLAND. I would suggest that Wednesday and Thursday evenings of each week be assigned to the consideration of this bill until we complete it, beginning with Wednesday evening of next week.

Mr. WILLARD, of Vermont. I have been trying for some time to submit a suggestion. Of course so far as it is in the power of any committee composed of the best men in this House, and dealing with the subject with the very greatest care, to report a consolidation without changing existing laws, this committee has done it. But nevertheless there may be some change made in existing law by oversight on the part of the commissioner, or in some other way. Of course we would all desire to avoid any difficulty of that sort that might arise hereafter. I suggest that the committee ultimately report to the House that in the re-enactment of the statutes by this bill there should be a provision to the effect that nothing contained in this re-enactment shall be construed or held in any way to change the law in existence at the commencement of this session, or whenever this bill shall go into effect. It seems to me that such a provision as that would be better than anything else to preserve the law as it now exists.

Mr. E. R. HOAR. I should not desire to say anything in addition to what has been said by the gentleman from Vermont, [Mr. POLAND,] my friend, the chairman of the Committee on Revision of the Laws, except that I wish this subject to be brought to the attention of this House, and of every member in it. And the voice of my friend this morning is in such a condition, from a cold, that I fear what he has said has been heard mainly by the little group of gentlemen who gathered about him.

The report of the committee contains an appeal to the consideration of this House upon a subject that has nothing of party in it, nothing contained in it but the public interest and convenience, and to which they ought to give their careful attention, their individual attention. If they will be so good as to do so, the committee think we may arrive by unanimous consent at a practical result upon a measure of the utmost importance. What the committee proposes to do with this great volume which is reported to the House is this: the House is aware, I will say by way of prelude, that a commission of competent gentlemen, carefully selected for the work, have for three years been engaged in it, availing themselves of the labors of their predecessors—a former commission having for three preceding years been to some extent engaged in the same work. That commission have reported the laws as they understood them to be at the present time. They were authorized to report amendments where there were doubtful provisions, or where the law could be made better by something which should not in their judgment substantially change it, or where through inadvertence the intent of the law had not perhaps been carried out in its enactment.

When the result of their labors was reported at the expiration of their official term the Committees on the Revision of the Laws of the Senate and of the House became satisfied that it was physically impossible to make a revision of the laws which should contain any amendment, because if you allow one amendment in way of substance, the bill is open to the amendment of every member who may think that any branch of the law needs change. Therefore the best that could be done was to confine themselves to reporting a bill which should codify the existing laws, and nothing more.

And I appeal, Mr. Speaker, to every member of the House, whether the attainment of this result is not most important to the interests of the people and the convenience of every officer of the Government throughout the whole country. If, instead of having seventeen volumes of statutes, passed at different times, passed sometimes without distinct reference to other provisions, you can make these statutes consistent and bring them within a single volume, the price of which will place it within the reach of the ordinary office-holder or any other person interested in the administration of the laws, will not this be a great benefit to the people of the country?

That commission having finally reported their revision, those two committees employed, under the authority of Congress, a competent and eminent lawyer to go over this work during the recess; and from last March until the assembling of the present Congress he most faithfully gave his entire time to the duty. He has undertaken to look at every law, comparing the work of the commission with it; and wherever they have made any change in the law, although they thought it an amendment within their power to recommend, he has struck out such change. The result is the volume which is now laid before the House. The House has also the additional security that the commissioners have undertaken, wherever they have suggested alterations of the law, to state the law as they understood it to be and then the change embraced in the revision.

It has been found by the committee in going over this work (and they have not yet completed their labors) that in some instances the revising lawyer who has been employed has differed with the commission as to what the law is—not in many particulars, only in occasional instances which are often not of very great importance; but in order to determine every question arising in this respect the committee have divided up this book among them, and have gone to work faithfully upon it to revise and compare, and then take the judgment of the whole committee upon the question whether there was any change in existing law. Confining themselves to this proposition, they have found some alterations, either from oversight or from differences of opinion, between the commissioners and the lawyer employed to revise their work.

I may say to the House that on the first morning of the recent holiday recess I sat down after breakfast and spent the whole of that day until dark in going over but two pages of this report, so that I might be enabled upon such examination to say to the committee, and through them to the House, that this part of the revision embraced no change in existing law. I have followed up that work with all the time at my command since, and I have made some progress in the part assigned to myself, though I have not yet completed the examination.

We now propose to lay before the House this great volume, and take it up section by section. This process can probably proceed in most cases rapidly, as, where the commissioners, the revising lawyer, and the committee of the House are agreed that there is no change in the existing law, nothing more will be required than the reading of the provisions.

Mr. HEREFORD. Will the gentleman state the name of the lawyer who was employed to go over the work of the commission?

Mr. E. R. HOAR. Mr. Durant, of this city, was employed under authority given to the committee at the close of the last Congress.

We desire that this work shall be submitted to the House, for the purpose of ascertaining that it does not change existing law, in order that every member of the House who is interested in any chapter or section may have the opportunity at a session of the House, held for this purpose, to suggest, if he can, any point in which the existing law has not been scrupulously followed, even though the difference be only as in the case suggested by my colleague, [Mr. DAWES,] the difference between a comma and a semicolon.

We believe it important that every member of the House should have such an opportunity. After three revisions, first by the commissioners, then by the revising lawyer, then by the committee, the work has been submitted to the House; and if members will strictly confine themselves to a criticism of this work in regard to its conformity to existing law, we apprehend that the suggestions made will be few, and that the principal part of the time spent by the House in the consideration of the work will be that devoted to the reading of the various provisions.

Therefore the committee propose, as the chairman has stated, not to consume the morning hour through the whole session—which of course the House would not allow, because it would deprive other committees, other business, and other interests, of their proper opportunity—but that Wednesday and Thursday evenings of each week, beginning with next week, be set apart for sessions at which this bill can be read regularly through, every member having an opportunity to suggest, as we come to anything in which he is interested, that the work is not perfect, though we have done all we can to make it perfect. By

thus going on week after week I think we may within some reasonable time during the present session complete this work in the only manner in which it is physically possible to complete it.

This proposition seems to me to contain all the elements of fairness. The measure will thus be submitted in a form which will afford every member an opportunity to consider what we are doing. When this process shall have been gone through with, we may have confidence that the work is substantially perfect. If there should be discovered any amendments that are regarded as necessary and proper, they can be reported in a supplemental bill, on which debate and amendment can be allowed.

Mr. GARFIELD. I desire to ask the chairman of the committee whether it has been suggested to him (if it has not been I think it ought to be) that there should be some special rules of procedure adopted with reference to this measure; as, for instance, that debate should not be allowed except on questions whether there is a change of the existing law; that no discussion shall be allowed on the merits of the existing law, or anything of that sort. If members be allowed to go into a discussion of the wisdom or unwisdom of existing statutes, we can certainly never get through with this measure. I therefore suggest that the committee should be prepared to recommend hereafter (if they are not so prepared now) some special rules which shall apply to the consideration of this bill.

Mr. POLAND. The suggestion of the member from Ohio, [Mr. GARFIELD,] like that of my friend from Massachusetts, [Mr. E. R. HOAR,] has been considered by the committee, and we have come to the conclusion we would get along better with this without attempting to get up any special code of rules; that we can appeal to the good sense and the good judgment of every man on the floor more effectually than we can coerce them by any special rule we can adopt.

Mr. NIBLACK. Mr. Speaker, I for one regard it as utterly impracticable for each member of this House individually to look into and examine and compare the bill as reported with the original law, to ascertain whether the bill is in exact conformity with the statute laws or not. Whatever action may be taken in the House we have to trust—at least the great majority of us have to trust—somebody, some committee or some person who may be employed by the committee to which this matter shall be submitted, or some sub-committee. Our consideration of the bill, therefore, in the open House must I think, from the very necessity of the subject-matter, be a mere formal consideration. I suggest, therefore, that the matter be allowed to rest upon our tables, or be referred to the Committee of the Whole, if the Chair thinks it must go to the Committee of the Whole—and I believe he so intimated this morning—and allowed to remain for a reasonable length of time, so as to give every member who feels any interest in the matter an opportunity to examine and report to the Committee on Revision of the Laws; and then after a reasonable length of time has been given we can take it up, either in Committee of the Whole or in open House, and act upon it summarily. I confess, whatever time may be given by other members, my other duties will not enable me to give special attention to this subject. I am willing to trust the Committee on Revision of the Laws on this question, with the distinct understanding if there be any mistake Congress will be frequently in session to enable us to remedy that mistake. Therefore I suggest to the gentleman from Vermont [Mr. POLAND] who has control over this matter that he will make some effort at some reasonable time in the future to pass this bill in some summary way as I have suggested, either by the supension of the rules or in some other way; otherwise we will have to consider it section by section, and that I think everybody must realize is an utter impossibility.

Mr. E. R. HOAR. Let me say that the gentleman from Indiana misapprehends my suggestion. When we meet for this purpose and we come to a particular chapter, and it is stated that chapter contains no alteration of the law, and the committee has no amendment to suggest from the committee, and no member present has any amendment to suggest, I do not suppose we need then do more than read it by its title and pass on to the next chapter.

Mr. NIBLACK. I agree with the gentleman, that if we debate it at all we will go on debating it indefinitely, and it will be an endless task. We have to trust the committee in great part. I propose to trust them in every respect, and to vote on this bill as the committee reported it, which is, in my judgment, the most practicable thing we can do. I think we ought to have a reasonable length of time given to members to examine the subject, and to dispose of it in some summary way.

Mr. POLAND. If my friend from Indiana had spent any time on this subject he would see the utter impossibility of our adopting his suggestion. Now, no one man, no one member, of the committee, can go through the whole of this. The work has been parceled out to different members of the committee for their special examination, and each one has some suggestion to make, or some amendment or alteration to move. I have discovered in that portion I have examined some things which I think are not perfect as they stand. We want to amend the work of the commissioners. It is utterly impossible that our suggestions and amendments should be laid before members. The work has been printed. It is utterly impossible that members of this House should know everything about it. While I expect about as much faith will be given to us as my friend from Indiana suggests, I suppose the evening sessions which I propose will be more a session of the committee than of the House; but they will enable the members of the committee who are here, and as many members of the House as may please to be here, to know about it; and when we go through a chapter, and any amendment is proposed and agreed to, we can then go on to the next chapter. It is utterly impossible that this can all be acted on any other way. We are willing to be out of everybody's way, and therefore I propose a series of evening sessions, which, I suppose, will practically be sessions of the committee. I do not expect we shall have a very full House, but members will have an opportunity to give such attention as they can, and to give such faith and confidence in the committee as my friend from Indiana, and other gentlemen, have expressed. I see no other practicable way by which we can do this.

Mr. HOLMAN. It does seem to me that the suggestion of the gentleman from Vermont, that when the revision comes up for discussion in the House it will be a matter simply for the committee themselves, is not one which should be entertained. I consider it necessary that this revision should be carefully examined, to ascertain whether, upon any given subject, there has been an alteration of the law. If it should be found that that has happened, why of course it is only one of those misfortunes to which all are subject. I do not concur, therefore, in that suggestion of the gentleman from Vermont. No more important subject has ever been before Congress; and I trust that every gentleman who ordinarily attends the sessions of the House will be in his seat, so that if the member has had his attention directed to any particular mistake that mistake may be corrected; for instance—and I refer to an instance which I have already observed—where the word "shall" is used, when the word "may" was the original word.

I do not apprehend that more than a very few weeks would be necessary to dispose of this matter entirely. A revision of the laws of my own State almost as complete as this was compiled a number of years ago. On that occasion every single provision was read carefully through in both branches of the Legislature; and no very large amount of time was consumed in the work. I hope no other course will be suggested than one which will subject all of us to the duty of seeing that this compilation is as perfect as human caution can make it.

Mr. NIBLACK. I desire to say one word in this connection. I do not wish to get rid of any responsibility which attaches to me as a member of this House in regard to this revision or compilation; for I regard it as more of a compilation of existing laws than a revision of them. It is from the very nature of the case a work upon which very few minds can be brought to bear at the same time. It is essentially and necessarily a work of a committee composed of but a few persons. This has passed three ordeals, as I understand it: the ordeal of the commissioners appointed for that purpose, the ordeal of the attorney appointed for that purpose, and then the ordeal of the Committee on Revision of the Laws. And I have not the vanity and confidence in myself to suppose that in all the time I can give to it I can add anything to the perfection of this work. I repeat that it is necessary to trust somebody. And inasmuch as this has gone through so many ordeals, I am willing to take it on trust as it comes from the committee, with the distinct understanding that we shall have an opportunity to repeal and correct any gross mistakes into which the committee may have fallen. I am willing to come here at evening sessions and spend as much time as is practicable on the work; but I do it with the distinct expression of my opinion that what we shall do in the House is more likely to breed confusion and inject something into the law which will destroy the system that has been adopted in this compilation than to work an improvement upon the revision as reported by the committee. Any consideration that may be given in this House will be of necessity merely a formal consideration, and will be likely to do more mischief than good.

Mr. BECK. I hope the suggestion of the gentleman from Indiana [Mr. NIBLACK] will not be adopted. I hope we will be required to come here to attend to and investigate this matter. There have been many suggestions made to me of changes which ought not to have been made and mistakes that have been committed. I have not had time to look at many of them, not having opened the book until this morning. But having one in my desk, furnished me by a gentleman who once belonged to the War Department, being the memorandum of a mistake which he said had been committed, I went over to the chairman's seat and obtained the book. I call the attention of the House to this as showing the importance of going over this work. Article 61 of the Articles of War (volume 2 Statutes at Large, page 366,) is as follows:

ART. 61. Officers having brevets, or commissions of a prior date to those of the regiment in which they serve, may take place in courts-martial and on detachments, when composed of different corps, according to the ranks given them in their brevets, or dates of their former commissions; but in the regiment, troop, or company to which such officers belong, they shall do duty and take rank, both in courts-martial and on detachments, which shall be composed only of their own corps, according to the commissions by which they are mustered into the said corps.

Mr. GARFIELD. What was the date of that?

Mr. BECK. The date is April 10, 1806. The act of March 1, 1869, (volume 15 United States Statutes at Large, page 281,) provides as follows:

Be it enacted, &c., That the sixty-first article of "An act for establishing rules and articles for the government of the armies of the United States," approved April 10, 1806, be, and is hereby, repealed.

I turned to the revision, and in the volume here which I have exam-

ined just now there is a reference to article 61 of the Articles of War, and article 58 of this revision re-enacts that old law, although it is in fact repealed and was repealed four years ago. That is the way in which it stands now. There is a re-enactment of a repealed law in this revision without any notice being taken of its repeal. Of course it is an oversight, but there may be hundreds like it. I merely point out one, and desire to call attention to the fact that we are asked to re-enact a repealed law as a reason why we should look carefully into this revision. I have a number of other memoranda on various subjects on which it has been suggested to me there are omissions, and I hope we will at least have time to look into them. It is impossible for any committee, however intelligent or careful, to avoid mistakes in a matter of this magnitude; and it is due to them that the House should furnish all the aid it can, and divide the responsibility of mistakes which will be found after we have all done our best to prevent them.

Mr. LAWRENCE. The remarks of the gentleman from Kentucky show the necessity of having this entire volume considered in the House. Now, while it is possible that each member cannot undertake to examine the whole volume, yet each member will doubtless be familiar with some particular provisions or chapters of the laws on which he can make suggestions that will be of good service in enabling us to arrive at absolute accuracy. The chairman and members of the Committee on Appropriations are familiar with the general law relative to appropriations; when that chapter shall be before the House, the members of that committee will have their attention drawn to it, and we shall have the benefit of their acquaintance with the subject. When the chapter relating to military affairs shall be before the House the members of the Committee on Military Affairs will have their attention called to them, and, being more familiar with those subjects than other members of the House, can give to the House the knowledge necessary to reach absolute accuracy. So I might refer to other committees of the House. All these things being considered, it seems to me that the proper mode of proceeding is to have the entire volume read in the House, so that we may have the benefit of the criticism, the knowledge, and the learning of members who have paid particular attention to its several parts.

I know, sir, that it is not possible for any one member to examine the whole volume. It embodies the labors of commissioners for six years, and also the labors of Thomas J. Durant for nine months. Now, the labors of six years and nine months cannot well be understood by any one member of this House. It is utterly impossible that any one member should go over this volume to ascertain if the work has been rightly done or not. I do not suppose that with all that has been done absolute accuracy has been arrived at. My friend from Indiana [Mr. NIBLACK] said that he regarded this as rather a compilation of the laws than a revision of the laws. I am not sure that he is quite correct. This is not a compilation of the laws. This volume does not undertake to present the text of the statutes on any one subject as enacted by Congress. That would be utterly impossible. You have half a dozen statutes on a different subject, one modifying another, and a subsequent statute modifying both, and it is impossible to collect these together and preserve the original text of the laws passed by Congress. As a consequence of that, this revision undertakes to give, not the language of Congress, but a transcript of the laws; the reviser translates the ideas of Congress in his own words, giving his understanding of the law in his own words, and that I regard as rather a revision than a compilation.

Mr. NIBLACK. Is not that confined to a small proportion of the sections?

Mr. LAWRENCE. I think not; there are seventeen volumes of the laws of the United States, and, in my judgment, this is more a revision than a compilation.

Mr. MAYNARD. Could not the work have been so done as to present exactly in every case the law as it now is?

Mr. LAWRENCE. The design of the revision was to present the existing law precisely as it was on the 1st of December last. Every lawyer knows that in an attempt to translate into new language several conflicting statutes it is impossible that we should arrive at absolute and perfect accuracy. But, I believe, this has been done so far as it has been practicable. Every lawyer knows that even able, excellent, and accurate lawyers will differ as to their construction of statutes when brought together in this manner; so that I have no idea in the world that any revision we will make will be absolutely perfect, or will reflect the existing law, as possibly it might be construed by the courts if submitted to the courts. But there is such a necessity for a revision of the laws, of bringing into one volume the whole body of the laws, that something ought to be done; and that something we are attempting to do by bringing the subject to the attention of the House. I trust the plan suggested by the able and learned chairman of the Committee on Revision of the Laws [Mr. POLAND] will be adopted by setting apart two or more evenings in each week in order that this entire revision shall be read, considered, and agreed to, chapter by chapter. I suggest, however, to the chairman, in view of the fact that this volume comprises thirteen hundred and one pages, whether it is necessary that it should go into the CONGRESSIONAL RECORD. It would swell the RECORD immensely, and it does seem to me that we ought to make some previous order by which this immense volume shall not be transcribed and put into the RECORD, merely because it is read and considered in the House. It will lumber up the RECORD unnecessarily.

Mr. POLAND. Well, sir, we will not trouble ourselves about the RECORD at present. The gentleman from Maine, [Mr. HALE,] who has charge of the naval appropriation bill is a little impatient, and I am desirous to get this matter disposed of this morning, so as to leave the morning hour of to-morrow to some other committee. I ask unanimous consent that Wednesday and Thursday evenings of each week, beginning with next week, be devoted to the consideration of this measure until disposed of, the House meeting at half-past seven; and I am willing that it shall be considered as in Committee of the Whole.

Mr. STORM. The House will meet, I presume, for that business only?

The SPEAKER. For that business alone; nothing else will be considered in order. If there be no objection the order will be made.

No objection was made.

Mr. POLAND moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICIAL REPORTERS OF CONGRESS.

Mr. GARFIELD, from the Committee on Appropriations, reported back the bill (H. R. No. 795) making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House, with the amendments of the Senate thereto; and moved that the House non-concur in the amendments of the Senate, and ask a committee of conference on the disagreeing votes of the two Houses thereon.

Mr. HOLMAN. I hope the amendments will be reported.

The SPEAKER. The Clerk will read them.

The Clerk read the amendments, as follows:

Add to the end of the bill:

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,636.12 to pay D. F. Murphy, Official Reporter of the Senate, for reporting the proceedings and debates of the Senate at the special session of March, 1873, according to the arrangement made with him by the Committee on Printing of the Senate, which was reported by said committee to the Senate on the 21st day of March, 1873.

SEC. 3. That there is hereby appropriated for reporting the proceedings and debates of the Senate for the congressional year ending March 4, 1874, the sum of $6,000, or so much thereof as may be necessary, which sum shall be added to the contingent fund of the Senate, and be disbursed by the Secretary of the Senate under the terms of the resolution aforesaid.

Amend the title of the bill so as to read:

A bill making appropriations to pay for reporting the debates and proceedings of Congress.

Mr. GARFIELD. I will say that the reason why I ask a reference of these amendments is, that in taking away the printing from the Globe people and putting it in the hands of the Public Printer, the Senate made one provision for reporting their debates and the House another; one House adopted one rule of compensation and the other another; one pays by the piece, so much for one thousand ems, and the other pays by a fixed salary, so much a year. The debate on this matter in the Senate yesterday, reported in the CONGRESSIONAL RECORD of this morning, shows that there is such a disagreement in the two methods of paying that the Committee on Appropriations believed there ought to be a conference between the two Houses with a view to establishing one rule of pay for the reporters of both Houses. We therefore ask a disagreement in the amendments of the Senate, so that both Houses may have one rule of pay. We do not know now whether we are paying more or whether the Senate is paying more. We ought to know just what we have to pay. The reporters of the Senate being paid by piecework, the Committee on Appropriations of the Senate cannot say in advance how much they are to receive; and we want a free conference on the subject with a view to the adoption of a uniform system of payment.

Mr. HOLMAN. I desire to ask the gentleman from Ohio a question, one which I have already propounded, but which was not answered at the time. I desire to know what is the effect of the arrangements made by the House and the Senate upon the compensation of the reporters; whether it increases or decreases it. I desire to know whether we have increased or diminished their compensation under the old system.

Mr. GARFIELD. We are increasing the amount paid by the Government directly. Under the old system the company of Rives & Bailey furnished the reporters and paid them, except that Congress paid them about $800 a year for the sake of making them officers of the House. The bulk of their compensation came from Rives & Bailey. Now, of course, we pay them altogether, and I cannot say whether what we pay them is more or less than what they were formerly paid. In the appropriation bill which I presented providing for their payment, I simply followed the law which fixed their compensation; and I will say to the gentleman that our action here brought these reporters under the influence of the 15 per cent. increase of pay, which we only repealed yesterday. My only reason for asking a committee of conference is that we may adopt a rule that shall be equal all around.

Mr. HOLMAN. I see much propriety in the reference of this matter to the Committee on Appropriations, but I trust the gentlemen having charge of the bill will, when they report it back, be able to inform

the House fully as to the effect of the change made, and to let us know whether we are paying under the new system more for this work than we did before.

Mr. GARFIELD. Does the gentleman refer to the reporters merely, or to the printing?

Mr. HOLMAN. To both.

Mr. GARFIELD. We cannot in reporting a bill of this kind go into the question of the relative cost of the two printing establishments; that question has already been referred to the Committee on Printing.

Mr. HOLMAN. I hope that the gentleman will give us some information on the points I have suggested when this matter is reported back.

Mr. GARFIELD. I call the previous question on my motion.

The previous question was seconded and the main question ordered, and under the operation thereof the motion was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF THE LAWS.

Mr. POLAND. It is suggested to me that unless some order be made by the House on the subject the Congressional Printer will be bound to print this revision of the laws in the CONGRESSIONAL RECORD. I had not anticipated any such consequence.

The SPEAKER. The Chair thinks he will not be so bound; he will have to insert merely the title.

CHANGE OF REFERENCE.

On motion of Mr. LAWRENCE, the Committee on War Claims was discharged from the further consideration of the memorial of Matilda Barnett *et al.*, heirs of Lieutenant James Barnett, Second Virginia Regiment on Continental establishment; and the same was referred to the Committee on Revolutionary Pensions and War of 1812.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I move that the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. E. H. ROBERTS in the chair,) and resumed the consideration of the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875.

The CHAIRMAN. The pending question is upon the amendment offered to the first clause of the bill by the gentleman from Pennsylvania, [Mr. RANDALL.]

Mr. HALE, of Maine. As that question has not come to the attention of most of the members of the House yet, and has not been fully examined, I ask that the amendment be passed over informally for the present, to be considered in the progress of the bill.

Mr. BECK. I hope the gentleman from Pennsylvania will strike out the minimum punishment.

Mr. RANDALL. I will attend to that when the amendment comes up for action.

The CHAIRMAN. Unless there be objection the amendment will be regarded as passed over informally. The Chair hears no objection.

Mr. WILLARD, of Vermont. I call the attention of the gentleman who has this bill in charge to a previous passage in the first clause, that I may ask him what is the difference between "mileage" and "transportation" in the tenth line.

Mr. HALE, of Maine. In some places, under the regulations of the Navy, the matter is regulated by mileage and in some cases by transportation, but not the two together.

The Clerk read the second clause of the bill, as follows:

For contingent expenses of the Navy Department, $100,000.

Mr. WOOD. I do not understand, sir, that we have passed from the consideration of the first clause of the bill.

The CHAIRMAN. The second paragraph has been read.

Mr. WOOD. I rose to offer an amendment to the first clause before the Clerk proceeded to read the second. I desire to obtain some information from the chairman of the Committee on Appropriations. He was kind enough to say yesterday that when we reached the consideration of any appropriation, the documents in reference to which had been called for but not furnished, he would cheerfully give us any information about it that we wanted.

Now, I want to know what proportion of this $6,250,000 is to go for mileage and transportation. When the chairman has answered that I desire to propound other inquiries to him in reference to this same paragraph.

Mr. HALE, of Maine. I do not know whether the gentleman directs his question to me in terms.

Mr. WOOD. I recognize the gentleman as chairman so far as this bill is concerned.

Mr. HALE, of Maine. The whole pay of the naval establishment, of its officers and men, was established and regulated in 1870. If the gentleman will examine the naval appropriation bill of that year, and if he will direct his memory back to that year, he will find that at that time the pay of the Navy was fixed; and that all of the officers and men of the Navy are now subject to a schedule of pay fixed at that time. The aggregate appropriation here is $6,250,000. The pay for the officers of the Navy, including all the ranks, from the Admiral down to ensigns and cadet midshipmen, amounts to something over one-half of this appropriation. I have not the exact figures here, but I have examined into that very question, because I was curious to know how it was that this sum was distributed. More than half of it, I may say to the gentleman, is consumed in the pay of the officers of the Navy.

Mr. WOOD. How much for the rank and file?

Mr. HALE, of Maine. In dividing it some hundreds of thousands of dollars more than half goes to the officers. Of course less than one-half the amonnt goes to the men.

Mr. WOOD. Leaving probably how much for mileage, and how much for transportation?

Mr. HALE, of Maine. That is comparatively a small sum.

Mr. ARCHER. That is not included in this first paragraph.

Mr. WOOD. It is.

Mr. ARCHER. This paragraph is for pay only.

Mr. WOOD. The paragraph also says "for mileage and transportation." Now, I desire to know what amount goes for that.

Mr. HALE, of Maine. If the gentleman from Maryland [Mr. ARCHER] will look at the bill he will see that it does include mileage and transportation.

Mr. ARCHER. It is not usual to include it. I supposed it was not included here.

Mr. WOOD. It is the first time it has appeared in any appropriation bill in this way.

Mr. HALE, of Maine. In that the gentleman is mistaken. I have before me the acts making appropriations for the Navy for 1873 and 1874. I have only those two, because I did not deem it necessary to arm myself with information further back. In those two acts I find the same language: "For pay of commissioned and warrant officers," &c., and "for mileage and transportation," &c. So far as my knowledge goes, that has been the invariable rule. There are by law certain allowances of this kind which must be paid until the law is changed, and in reporting an appropriation bill we have no right, of course, to change the law. The Committee on Naval Affairs, in investigating the subject-matter of the *personnel* of the Navy, may at any time report a change of the law, and when that change is made the Committee on Appropriations will conform its bills to the law But of course, as the gentleman knows, under existing laws the Committee on Appropriations has no discretion of that kind. The amount for mileage and transportation is comparatively small.

The CHAIRMAN. The Chair suggests to the committee that no amendment is pending.

Mr. WOOD. I move to strike out the last two words. I have failed to obtain from the gentleman an answer to my question. He leaves it entirely to conjecture what proportion of this appropriation of $6,250,000, ostensibly for pay, is to be diverted for other purposes. Those other purposes are fruitful sources of wrong. In every Department of the Government there are large sums appropriated for mileage, when no actual mileage is paid.

Mr. HALE, of Maine. If the gentleman is troubled about the matter, if he wants the exact figures, I will get them for him; there is no difficulty about that.

Mr. WOOD. I presume it is half a million dollars.

Mr. HALE, of Maine. O, no.

Mr. WOOD. Well, we will say $250,000. In the Department of the Interior, in the War Department, and, I have no doubt, also in the Navy Department, constructive mileage is allowed. Men are sent upon political duties, with free passes, and receive from the Treasury pay for mileage when they have not disbursed one dollar. And in the other matter of transportation, while the same character of wrong is impossible, it is yet capable of very great abuse. I would have preferred, therefore, that the committee should have reported an appropriation of so much for mileage and transportation, and so much for pay simply.

The law referred to yesterday by the gentleman from Ohio, [Mr. GARFIELD,] as I understand it, is confined to the regulation of the pay of the Navy. It does not bring under the head of pay either mileage or transportation. In voting for this appropriation of $6,250,000 ostensibly for pay, it is impossible for us to know what proportion of that amount may be diverted, and improperly diverted, to other purposes. I have sought this information because I was in hopes that we would have the information here in detail.

And there is a singular omission in the estimates from the Navy Department. The appropriation in this bill is copied verbatim from the estimates, even the clerical errors to which the gentleman refers in the Book of Estimates, which were intended to deceive this House and this country. Now, while we are always ready to appropriate every dollar required for the Navy of this great Government, we are not to be deceived or misled by any covering up of the purpose for which this money is required.

I desire to ask the gentleman what per diem mileage or what rate of mileage, is allowed by the Navy Department.

Mr. HALE, of Maine. If the gentleman is through I desire to have read——

Mr. WOOD. I desire an answer to my question.

Mr. HALE, of Maine. I will wait until the five minutes of the gentleman have expired.

Mr. WOOD. I will sit down until the gentleman answers my question.

Mr. HALE, of Maine. I ask the Clerk to read a portion of section 4, Statutes at Large, volume 16, page 332.

The Clerk read as follows:

SEC. 4. *And be it further enacted*, That the pay prescribed in the next preceding section shall be the full and entire compensation of the several officers therein named; and no additional allowance shall be made in favor of any of said officers on any account whatever, and all laws and parts of laws authorizing any such allowance shall, on the 1st day of July, 1873, be repealed; but this shall not be construed as repealing existing laws allowing rations and traveling expenses to officers; and their traveling expenses in foreign countries shall be considered to include such expenses of transportation of baggage as were necessarily incurred; but no charge for transportation of baggage in connection with travel in the United States shall be allowed.

Mr. SCOFIELD. I wish to inform the gentleman from New York [Mr. WOOD] where he can get, very readily, all the information he seeks upon this subject. The Navy Department, as he is well aware, publishes every year, or every six months, a register in which the name of every officer is printed, with the amount of his salary. The number of men employed, with their various divisions or ranks, is given in tables, which are very brief and easily examined. This book gives the exact pay which each officer gets. For instance, referring to the book, which is before me, I find that it begins with Admiral, stating his salary; then comes the Vice-Admiral; then the rear-admirals, with a statement of their pay. Turning on a page or two, I find given the exact number of admirals in the service, the exact number of commodores, and so on. Thus it would not take any clerk half an hour to ascertain from this book the exact amounts annually paid to all the officers, all the men, all the employés of every kind, without the variation of a dollar, unless sometimes a slight variation might arise, where for instance a man who was captain when the book was printed had subsequently advanced to the rank of commodore, getting in the latter position a little more pay.

Mr. WOOD, Let me suggest to the gentleman from Pennsylvania [Mr. SCOFIELD] that the question is not as to the salary of these officers; I know that that information is accessible to us all; but I want to know something more. I want to know what the Secretary of the Navy, in his discretion, allows to these persons outside of the salaries fixed by law.

Mr. SCOFIELD. If the whole amount of salaries and pay of officers and men be deducted from $6,200,000, the result will show how much is paid for transportation and mileage.

I concur with the gentleman from New York in the wish that the Committee on Appropriations had figured up exactly the pay of the officers and men, and put it in a paragraph separate from the amount appropriated for mileage and transportation. Thus we would have been informed on this point without the trouble of a reference to books and documents. I was only undertaking to suggest to the gentleman from New York where he could get the information. I suppose that the form in which the Committee on Appropriations have reported this paragraph is because of the necessity imposed upon them to condense their bills. They cannot re-enact the Book of Estimates; it would make their bills too long. I think, however, it would have been better if these two items had been put in separate paragraphs, because thereby the Secretary of the Navy would have been freed from the suspicion of possibly using a large portion of this sum in a very liberal way to pay the traveling expenses of officers, while in fact, as I think, he has not done so, as everybody would have been able to see at a glance if the appropriation had been put in the form I have suggested.

[Here the hammer fell.]

Mr. BECK. I move, *pro forma*, to amend by striking out the last word. I do not know, and I have no information leading me to believe, that this matter of mileage is specially abused in the Navy Department; but it is perfectly certain that this system of allowing ten cents a mile as mileage to persons in the employ of the various Departments has grown to be a grievous abuse. Men traveling for not exceeding three cents a mile receive the full amount of this mileage, as they do when they travel, as they generally do, on free passes. General Farnsworth, lately a member of this House, presented in the last Congress a case in which he showed that an official, traveling under the direction of a Department from Washington to Baltimore, Philadelphia, New York, and Boston, charged mileage at ten cents a mile to Baltimore and back, to Philadelphia and back, to New York and back, to Boston and back, when there was, in fact, but one trip, and that made upon free passes. The case he presented only illustrated hundreds of others. It is a gross abuse, which ought to be stopped at once.

Ought there not to be a separate item of appropriation for mileage, so that a separate account can be kept for this matter? And is there not some way of reducing the allowance made so as to limit it to the actual traveling expenses, instead of paying this enormous allowance of ten cents a mile? I again say that I do not know of any special abuse in the Navy Department in this respect.

Mr. HOLMAN. Does not the law already provide that these officers shall be allowed only their actual traveling expenses?

Mr. BECK. I think not; I think the legal allowance is ten cents a mile.

Mr. HOLMAN. I hope the gentleman from Pennsylvania will state whether there is now a law allowing mileage at ten cents a mile, or any other rate, for traveling expenses of persons connected with the Navy.

Mr. HALE, of Maine. The provision which was read a few moments ago by the Clerk provides in express terms for that.

Mr. HOLMAN. On the contrary, I thought it provided in express terms for the allowance of only actual expenses.

Mr. HALE, of Maine. By one clause of the law the mileage allowance is fixed at ten cents a mile.

Mr. SCOFIELD. But that is only paid when the person is traveling under orders. For instance, if a naval officer on the Pacific coast wants to come home to his family, though it may be absolutely necessary for him to do so, he travels at his own expense; but if the Department orders him home, then, traveling under orders, he gets ten cents a mile.

In reply to the gentleman from Kentucky, [Mr. BECK,] I would say, from my observation naval men are very rarely inclined to stretch the law to pay themselves. They hold their office during life or good behavior, are liable to court-martial, and when sixty-two years of age go upon the retired list, and make their calculation to live upon their salary or their retired pay after they go out of active service. They have less temptation than clerks or other persons employed in civil life for only a short time. My experience is, they are a very honest class of public servants. I have had no occasion ever to have heard of any particular extravagance on the part of the officers of the Navy. Some of them we pay tolerably well, while some of them are poorly paid.

But the gentleman from Kentucky referred to the case of some clerk. He was, perhaps, a clerk appointed to stay here a year or two, or as long as the gentleman who recommended him should be in a position of influence, and expected to go away again in a short time; to go home to find the little business he had before broken up, and he wanted to get all the mileage he could. I think the officers of the Army and Navy are not exposed to any such temptation, because they hold their office for life, as I have said, or good behavior. Indeed, in my belief, they are as honest and perhaps the honestest class of officers under the Government.

Mr. BECK. One word more, if I have the time. I make no complaint as to the officers of the Navy, as I have been informed they have not abused their privilege. I rose, particularly, to call the attention of the Committee on Appropriations in their other bills to what I think they will find a flagrant abuse in reference to this question of mileage in the different Departments for which they have to provide appropriations. This is said to be a very common case: A person in the Department, who wishes to go home upon his own private business, will be asked to look after the case of a pensioner who has died, or in reference to some other matter under some other Department, which makes him a special agent, and he travels free, and gets ten cents a mile going and coming. This practice has continued, I am informed, until it has grown to be a great abuse and a heavy charge upon the Treasury. I thought it quite as well to allude to it now so it might be before the Committee on Appropriations when they were preparing their other bills.

Mr. HALE, of Maine. I rise to oppose the amendment, in order to say that the Committee on Appropriations is not only ready but willing to learn and to improve. These things are put together because, as I have shown, in all of your appropriation bills it has been customary heretofore. I recognize the force of the objection made both by the gentleman from New York [Mr. WOOD] and the gentleman from Kentucky, [Mr. BECK,] and in preparing any other Navy bill, if it fell to my lot to prepare it, I should prefer that the pay simple should be by itself in one item, and the pay for mileage and transportation by itself in another; not that I think it would show any marked amount diverted for this purpose, but it would be on its face more satisfactory.

On this matter of pay I agree with the gentleman from Pennsylvania, [Mr. SCOFIELD,] that while it may be that the very highest officers in the Navy are very well paid, yet taking them as a class they are not overpaid. The pay in the Navy of officers of corresponding rank in the Army is not as large. The pay of commodore, commander, captain, lieutenant-captain, and lieutenant, and of all other grades, clear up to Admiral, is not so high as the corresponding pay in the Army, and the allowances which they get are meager. These allowances do not apply in any particular year to any great number, because gentlemen will see, on account of the greater part of the Navy being abroad on the seas, there is not any call or claim for mileage, so that the number and amount altogether of transportation and mileage in the aggregate would be very small. Yet, on the whole, naval officers do not receive so large pay, everything being put together, as the officers of the Army.

Mr. LAMISON rose.

The CHAIRMAN. The power of amendment has been exhausted.

Mr. LAMISON. I wish to make an explanation on the subject now before the House without committing myself for or against.

Mr. BECK. I will withdraw my amendment, and the gentleman can renew it.

Mr. LAMISON. I thank the gentleman from Kentucky, and will renew his amendment for the purpose of saying a few words.

I do not know, nor does it seem that the gentleman who presented the bill knows, the amount paid for transportation and mileage to the officers or the men of the Navy; but we have these data: The Navy

is composed of eighty-five hundred men and its officers. The gentleman who has charge of this bill says that about one-half, and probably less than one-half, of the $6,200,000 or whatever it may be which is sought to be appropriated by this bill, goes to the payment of officers, and the other half or more to the payment of the men. If that be so, these men are paid at the rate of $300 per annum. Admitting the sum is split in two and equally divided between officers and men, we will then have for transportation and mileage $66.27 for each man, or in the aggregate $56,100 of the annual appropriation for the purpose of paying mileage and transportation to these men. Now I do not know whether that is too much or whether it is too little. I only submit the fact to the committee that it may dispose of this question; for I presume the Committee on Appropriations have some means of knowing how much is consumed in this branch of the service—the transportation and mileage. That is all I desire to say.

The amendment was withdrawn.

Here the committee informally rose, and Mr. TYNER took the chair as Speaker *pro tempore*.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill of the House (H. R. No. 1038) for the relief of the estate of Abel Gilbert and William Gerrish, late copartners in business under the title of Gilbert & Gerrish.

The message further announced that the Senate had passed a bill (S. No. 202) to remove the legal and political disabilities of William Steele, of Bexar County, Texas.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

For contingent expenses of the Navy Department, $100,000.

Mr. HOLMAN. I move to reduce the amount $50,000, for the purpose of saying a word.

The older appropriation bills had no such items as this. I mean that they had no large appropriations of this kind. In every one of the older appropriation bills that I have been able to examine the exact purpose to which the appropriation is to be applied is set forth. I find that in the estimates the purposes to which this sum of $100,000 is proposed to be applied are set forth. I would suggest to the gentleman from Maine [Mr. HALE] that it is certainly a very unsatisfactory mode of appropriating money simply to say, "for contingent expenses of the Navy Department, $100,000." This same bill contains also appropriations for contingencies of the various Bureaus. For instance, for the Bureau of Equipment and Recruiting there is an appropriation of $75,000 for contingent expenses. I do not complain of appropriations for contingencies if the purposes are specified to which they are to be applied; and I think old practice requires that the Bureaus should report the exact nature of the expenditures made under those appropriations.

I ask the gentleman from Maine to consider the proposition which I submit, that the exact nature of the expenditures provided for by this appropriation of $100,000 shall be specified in the bill. The country is scandalized by the rumors of malappropriation of this contingent fund. It is of the utmost importance that it should be known that the fund is properly applied; and with that view it is necessary that the country should be assured that those to whom is intrusted the power of regulating these matters see to it that there shall be proper expenditures of the moneys appropriated. I submit to my friend from Maine that the appropriation of $100,000 for contingencies is too vague and indefinite. The language of the estimates, also, in regard to these contingencies is too vague and indefinite. When they speak about "livery," for instance, what is meant and whom do you hold accountable? I submit to the committee whether there is not a chance for economy here. Can we not, while still keeping up the Navy, reduce these large sums for contingencies which are appropriated year after year?

Mr. HALE, of Maine. The form adopted in this bill in regard to contingent expenses, in the items now under consideration, is the same form as has been observed for many years. Formerly, before the war, the form and the practice were different; but, Mr. Chairman, it was not so good a practice as now. If the gentleman from Indiana will examine the naval appropriation bills, or other appropriation bills—but I specially now call his attention to the naval appropriation bills—before the war, he will find that under this head of "contingencies" was sometimes embraced the whole expenditure in a Bureau; so that if $1,000,000 were given to the Bureau of Yards and Docks, or some other Bureau, there was discretion in the head of that Bureau to divert the money in one way or another. Now, instead of that having grown worse, it has grown better; and this committee has taken some part in the bettering of that condition of things. Why, sir, the item on page 81 of the estimates, and included in this bill, for the "maintenance of yards and docks, Bureau of Yards and Docks," was always a contingency until within the last two years. The committee has struck out wherever it could these expenditures under the head of "contingencies;" because, as the term implies, these expenditures are not all regular, that can be estimated for under the statutes, but are contingent, or dependent upon emergencies.

Now, the smaller that that fund can be in the hands of any Bureau or Secretary the better. But still, gentlemen should bear in mind that if you have particularized in the large military or naval appropriations as far as it is possible for human ingenuity to go, there are yet many items that will come up during each year that must be met and paid; and while we have confidence enough in the heads of Departments to maintain them in office there must be some discretion left them in regard to contingent expenses. The gentleman from Indiana asks why we do not particularize in the bill what this appropriation shall go for. Well, sir, in the estimates which the gentleman has submitted these different items are given:

Rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial and courts of inquiry—

Who can tell what that will amount to?—

boards of investigation, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording; expenses of purchasing-paymasters' offices at the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing, foreign and domestic; copying; mail and express wagons, and livery and express fees, and freight; all books for the use of the Navy; experts' fees, and costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress, and pilotage; recovery of valuables from shipwrecks; quarantine expenses; care and transportation of the dead; reports, professional investigation, and information from abroad; and all other emergencies and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified.

Now, for instance, in the past year there has been, what I presume the gentleman from Indiana would approve of, an examination and investigation into the Polaris disaster, a vessel sent out by the United States Government. The Treasury paid the bill. Every one knows the unfortunate and calamitous result of that expedition. Certain questions arose of great interest to the public in reference to the conduct, the honor, and character of the officers and men engaged in that expedition, and the Secretary, of course, had to make an examination. I mention this as an instance of the contingent expenses which may fall on the Department; and I think gentlemen must see that under these circumstances, putting in everything as regularly as you can, still something will be needed for expenses that cannot be estimated for regularly and for the precise amounts. The committee considered this matter, discussed it, and concluded that while it has cut down the other items of any amount for contingencies in the Navy from what they have been in former years, in this case it was not advisable to cut down the contingencies below what they were last year. It did cut down the estimates $25,000.

Mr. HOLMAN. In looking at the earlier system of legislation on this subject does not the gentleman find that the uniform practice was to set forth the items for which the contingent fund should be expended?

Mr. HALE, of Maine. That is not the result of my examination, but I do not know to what particular era the gentleman refers.

Mr. HOLMAN. I refer to the time before the war. I insist that we should come back not simply to a more economical system, but to a system of more responsibility on the part of officers; a system of non-responsibility grew up during the war, but if the gentleman will refer to the act of 1859, or 1860, or to any preceding that year, he will see what I refer to.

Mr. HALE, of Maine. The gentleman will find in that very bill certain contingent funds of a more sweeping character than those in this bill.

Mr. HOLMAN. There is the Bureau of Docks and Yards, with an appropriation for its contingent fund of $100,000, but with no items given.

Mr. HALE, of Maine. The gentleman knows that the expenditure of a contingent fund depends upon emergencies, and that it is impossible to give, in advance, a detailed list of the objects for which it shall be expended.

Mr. HOLMAN. I know, undoubtedly, that it is done in this bill; but in the legislation to which I have referred the items were specified upon which the contingent fund should be expended. Let the gentleman examine any of those of former years, and he will see that what I am complaining of now is the latitude which this bill allows the Departments.

Mr. O'BRIEN. I move as an amendment to strike out the whole of the third section of the bill. The gentleman in charge of this bill, [Mr. HALE,] in behalf of the Committee on Appropriations, seems to be very anxious to advance legislation upon the pending bill, and I will say that in most cases the desire of the committee in that regard would be very praiseworthy. But I want to call the attention of the gentleman to the fact that we are discussing questions in which the material interests of the country are deeply concerned, when he knows that one-half of the members of this House are legislating in the dark.

There are, Mr. Chairman, upon this floor now over one hundred and forty new members, who never before had the pleasure of being members of the American Congress, and there are twenty additional members who were not members of the last Congress. I put to the gentleman who has charge of this bill whether, when the distinguished gentleman from Pennsylvania [Mr. CLYMER] and the distinguished gentleman from Kentucky, [Mr. BECK,] are not properly informed as to matters pertaining to this discussion, on which they should have full knowledge before they pass on these appropriations, how can he expect that others, who have not had the advantages that those gentlemen have had, can be prepared to vote at all.

Now, Mr. Chairman, the gentleman proposes to carry through this

bill so hastily upon the score of economy. And I also say to the Committee on Appropriations that doubtless the whole country will be gratified at any proposition, looking to economy, that may come from either side of the House. But I call their attention to the further fact, that it has been gravely charged upon this floor by a member of the Committee on Naval Affairs, [Mr. ARCHER,] who stands second to none in his knowledge and information on these questions, that this bill is a delusion and a fraud; that the appropriations asked for are not in the interest of economy, but for the purpose of deluding and deceiving the people of the country. Sir, I have a right to conclude that that assertion, coming from my colleague from Maryland, [Mr. ARCHER,] was made with the full knowledge and approval of the Committee on Naval Affairs, because it has not been contradicted by any other member of the committee. Now, sir, although I do not claim to be the especial organ in any respect of the new members on this floor, I ask the Committee on Appropriations whether, in face of the charge made by the gentleman from Maryland, we have not a right to conclude that there is some other, deeper, and not so praiseworthy a motive in pressing this bill than the economy of which the gentleman from Maine so loudly speaks, and which he vaunts as his motive for pressing this bill.

I will say further to the Committee on Appropriations that my colleague from Maryland [Mr. ARCHER] in whom I have all confidence, and on whose statements I must rely, has stated that our Navy is not in a condition to sustain the honor of the country—is not in such a condition as will justify the passage of this bill. Why, sir, I remember the impression that was created in the minds of many upon this floor and throughout the country by the debate which took place a few day ago upon the bill appropriating four millions for naval deficiencies; and remembering that impression, I am rather astounded that gentlemen on the other side of the House should place themselves and the country in such an unenviable position as they did by the utterances which fell from their lips on that occasion. I call the attention of the gentleman who has charge of this bill to what he then stated.

It was, as well as I can recollect—not having his speech before me—that the inefficiency of the Navy, or rather its weakness in Cuban waters during the recent complications, was mainly the cause of the Government being compelled to pursue the inglorious policy which was followed, instead of demanding instant redress from Spain for the outrages committed on our citizens, the insult to our flag, and the barbarous execution of the crew and passengers of the Virginius. Now, Mr. Chairman, does the gentleman imagine that the country will approve the legislation of this House that imperils the honor of the country, as far as it may be committed to the care of the Department of State, for want of proper appropriations? Is that the economy that he demands; or would it not be more consonant with the dignity of the Republic and spare us future humiliation, to respond to the demands of the Navy Department and place our Navy in a condition that would save our flag from degradation and protect our citizens in every quarter of the world? But, Mr. Chairman, as I before stated, we have no estimates upon which proper appropriations may be based. While I am favorable to the Navy being put in an efficient condition in order to answer all calls that may be made on that arm of the service, I prefer legislating with all the light that the reports from the heads of the Bureaus of the Navy Department will give me. These reports are not before us; and I trust this bill will not be passed until we have full information through the report of the Secretary of the Navy.

[Here the hammer fell.]

Mr. DUNNELL. I rise to sustain the motion to amend.

The CHAIRMAN. The only debate in order is in opposition to the amendment.

Mr. O'BRIEN. I withdraw the amendment.

Mr. DUNNELL. I renew the amendment. I do not see how we can hope to make any reduction in the expenses of this Government unless we make them in some such manner as is proposed by this motion to amend. I agree with the gentleman from Indiana [Mr. HOLMAN] that since the commencement of the war there has undoubtedly grown up the custom of appropriating larger and smaller sums of money for contingent funds. And I think that the time has come now when we ought to go back to the old method of appropriating; that the condition of the country now does not call for large contingent appropriations. The fact is, as every member of the House knows, there is no guard at all to the contingent appropriations. Any Department of the Government, having a contingent appropriation for its benefit, may expend that appropriation *ad libitum;* there is no kind of restraint on that Department.

Mr. GARFIELD. Will the gentleman tell us on what authority he makes that statement?

Mr. DUNNELL. I am assured by those who I know possess all the requisite information that the Comptroller of the Treasury does not feel himself called upon to scrutinize a voucher or bill that comes before him to be paid out of some contingent fund.

Mr. GARFIELD. Does the gentleman consider it no restraint upon these Departments to require them—as they are required by law—to furnish an itemized statement of every dollar expended from that fund?

Mr. DUNNELL. We know that the country is not aware of the manner in which these contingent funds are expended.

Mr. GARFIELD. They are published by the House of Representatives.

Mr. DUNNELL. Not all of the expenditures of these contingent funds.

Mr. GARFIELD. Has the gentlemen looked for any he has not found?

Mr. DUNNELL. I have.

Mr. GARFIELD. What, if you please?

Mr. DUNNELL. I have been unable to find a report printed that will cover what we have been told has been paid out of many of these contingent funds.

This contingent fund proposed in this bill, of $100,000 for the Navy Department, seems to me to be too large; and I have noticed, what the gentleman from Indiana [Mr. HOLMAN] referred to, that there are other contingent items in this bill. I do not find fault with the Committee on Appropriations; but I think they are a little too sensitive when a member of this House attacks a bill of theirs, as if they were not careful enough, or had not all the knowledge necessary for their action.

I had before me a moment ago a bill reported to this House from the Committee on Naval Affairs in 1858. In that bill there is not enumerated a single contingent expense. Wherever expenses are referred to that could be classed as contingent, the items are enumerated for which the sum thus contingently appropriated is to be expended.

Mr. POTTER. Does not the gentleman know that that was under a democratic administration?

Mr. DUNNELL. That is true; and if there was anything good in a democratic administration we ought to go back to it. I am willing to go back to anything good in a democratic administration, though it may be somewhat difficult to find out what it is.

I do not propose to, and probably shall not, say another word on this appropriation bill, or perhaps on any other appropriation bill that may come before this House at this session. But as a member of this House I do believe that we ought to look after contingent appropriations with a great deal of care and with the greatest fidelity to the Government. We have here $100,000 for the contingent expenses of the Navy Department, when subsequently in the same bill we are called upon to appropriate contingent amounts to the different Bureaus which go to make up that very Department.

[Here the hammer fell.]

Mr. SCOFIELD. I have felt, ever since I have been in Congress, now some ten years, the same embarrassment that the gentleman from Maryland [Mr. O'BRIEN] says he is experiencing now, and I think if he should remain here ten years consecutively, as I have done, he would still have more or less of the same embarrassment. It is not solely new members who feel it, but old members as well.

This Government is a very vast machine. When you come to expend several hundred millions of dollars every year, it is impossible for any one man, brought here from some professional business at home, never having made the subject of national expenditures his study, to understand it in one year, or in any length of time. If in the course of a few years he comes to learn his own duties, those which particularly pertain to his committee, or those which come before him in some other way, he will be a very faithful student.

We cannot understand all these things. I think that one mistake that new members as well as old make all the time is to suppose that everything they do not understand, because they have not been able to give the necessary time to its consideration, is something wrong; that every appropriation that they have not tried to investigate perhaps, or trying have failed to understand the details of, is perhaps a steal.

In such a vast government as this we must trust somebody; we must to some extent trust our own committees. When we send a matter to the Committee on Appropriations, we must, until convinced to the contrary, believe that they endeavor to find out what is right, and to appropriate no more than what is necessary. We must, to some extent, trust the heads of the Departments. It will not do to violate the charity of the old criminal code, and instead of giving a man credit for being innocent until proved to be guilty, charge him with being guilty until he proves himself to be innocent.

Mr. O'BRIEN. That is the only safe way.

Mr. SCOFIELD. No; it is not the only safe way. We may be suspicious enough to investigate as far as we can; but we have no right, after entertaining those suspicions of the weakness of humanity, if we find nothing to sustain them, to come here into this House and assail the character of a man who is our equal in every respect, and probably just as honest as we are, when we are not able to point out a single thing in his conduct that is wrong.

Now, the gentleman complains that he has no information. I wish he had sent for the document I hold in my hand—Executive Document No. 5 of the present Congress—in which all these things have been printed, and printed for nearly a month. It has been lying there awaiting the gentleman's call. If he had obtained it and turned to page 77, he would have found exactly for what the Secretary of the Navy estimates this $100,000 as contingent expenses.

Mr. O'BRIEN. I was not referring to that specially.

Mr. SCOFIELD. Now, Mr. Chairman, I do not know that the Secretary of the Navy needs this $100,000; I am not going to say so, because I do not know it. I presume the Committee on Appropriations thinks he does, and thinks so upon an examination in detail,

But the gentleman from Indiana [Mr. HOLMAN] says the Department does not need any contingent fund at all. Did I not understand the gentleman correctly?

Mr. HOLMAN. I said that in bills passed years ago, including the first appropriation bill reported to this House in the Thirty-sixth Congress by a gentleman from Ohio now in the Senate, no fund was appropriated as a mere contingent fund without indicating the purpose for which it was to be expended.

Mr. SCOFIELD. Does the gentleman mean to say that we never should give a Department a contingent fund?

Mr. HOLMAN. I refer the gentleman to the acts passed at the session of 1859–'60 and the session of 1860–'61, the latter of which he will see at once was enacted with a view to intestine troubles——

Mr. SCOFIELD. I do not wish to discuss that question. If the gentleman does not take the position that we should have no contingent fund, I shall have no discussion with him at present. I was going to reply to what I thought was his allegation that no Department ever needs a contingent fund.

I am aware that the gentleman from Indiana [Mr. HOLMAN] often subjects himself to opprobrium among members—never with me—by his criticisms upon proposed expenditures of money coming before this House. The gentleman knows that I have often gone over to his seat and told him that I honored him for his efforts in this respect, and regretted the opprobrium to which he subjected himself by his criticisms of measures appropriating money. In all his efforts in that direction I have sympathized with him, although I have not perhaps the courage to do as much as he does in that respect. But if the gentleman intended to urge that we need no contingent fund, I was going to show that we have had some such fund always. Whether the amount proposed here is too large the Committee of the Whole can judge.

Mr. DUNNELL. I withdraw my *pro forma* amendment.

Mr. GARFIELD. I renew the amendment in order to say a word. Gentlemen who have criticised the clause now before the House have had, I think, no rejoinder to indicate that the Committee on Appropriations are restive under criticism. I think no disposition of that sort has been shown. The only thing under which I am restive is vague, general, clawing, sweeping charges, to which it is no more possible to reply than it is to kick a cloud with your big toe. [Laughter.] If any man comes here and makes a specific charge, I welcome him; but when he says that he is inclined to think that somewhere there is a motive in the background that is other than the public good; that the object is not really to cut down the expenses, but that there is some concealed motive on the part of the Committee on Appropriations for pushing this bill unduly, who can reply to such an intimation? Could omnipotence undertake to answer it? If it could I must enlarge the scope of my theology to understand that term.

But, sir, the point which has been made by the gentleman from Indiana [Mr. HOLMAN] is one that deserves a careful response; for in principle he is right. I agree with him in the position, that whenever an appropriation of money is asked for, the purpose for which the money is to be used ought to be stated as specifically as possible; but the question is whether it is practicable to embrace in specific items all the appropriations in a bill for a great Department I affirm that it is not. I affirm that when you have itemized to the last degree of your capacity in that direction there will still be left something that you cannot enumerate, which you must cover under some general term, as "miscellaneous expenses" or "incidental expenses," or a "contingent fund."

The gentleman from Indiana referred us to the naval appropriation bill of 1859; but he forgot in his zeal to tell the House that although in that act there was nearly half a column of items to describe the contingent, the aggregate amount of that contingent in that single naval bill alone was $890,000.

Mr. HOLMAN. But the items were all indicated.

Mr. GARFIELD. But many of the items are almost as vague as the language "contingent expenses."

Mr. HOLMAN. But if the gentleman will take the next bill reported in this House by Mr. SHERMAN, of Ohio, he will find that it requires the objects of expenditure to be more clearly indicated on the face of the estimates.

Mr. GARFIELD. My friend does me honor in following me so attentively; for I desire his attention, and that of the committee, to a further point.

In this same volume which I loaned to the gentleman I turned to a bill which is always as particular as a bill can possibly be made—the legislative appropriation bill; and I find under that two columns of contingencies. How contingencies?

Mr. HOLMAN. The gentleman is confessing and avoiding.

Mr. GARFIELD. Not at all.

Mr. HOLMAN. Confine yourself to the bill under consideration.

Mr. GARFIELD. What bill does the gentleman refer to?

Mr. HOLMAN. To the bill of 1869–'70, the naval appropriation bill.

Mr. GARFIELD. That is the one I am responding to.

Mr. HOLMAN. The gentleman is referring to the bill for legislative purposes.

Mr. GARFIELD. The gentleman afterward said the committee in charge of the naval appropriation bill ought to be more explicit in their other bills, and I am replying to that point which he made.

Mr. HOLMAN. In that naval appropriation bill to which I have referred there is a provision "that the expenditures under the foregoing appropriations," giving each item one after another, "shall be so accounted for as to show disbursements for each Bureau under each respective appropriation; and provided further, that the estimates for expenditures for such purpose shall be hereafter given in detail." That provision in reference to giving these contingencies in detail is more definite than the language of the bill now before the House.

Mr. GARFIELD. My friend from Indiana helps me again. The language which he has read is the law to-day, and it is our protection in regard to every contingency; so that every one of these Departments is required to send us itemized statements of how they expend every dollar of their contingent fund. That is our protection.

I wish to call attention to the value of itemizing. Suppose we had taken that long statement of items under the head of "contingent expenses" in the Book of Estimates and put it in the bill before us; what would we have? Rent and furniture of buildings, offices not in navy-yards, expenses of courts-martial and courts of inquiry, and a long list of other items, finally winding up with "and other miscellaneous items and incidental expenses."

Mr. HOLMAN. I would have moved to strike that out if it had been in there.

Mr. GARFIELD. If the gentleman had fifteen yards of items he still would have the final residuum "of other miscellaneous items and incidental expenses" in reference to any great Department of the Government.

The CHAIRMAN. The gentleman's time has expired.

Mr. GARFIELD. Just one sentence more and I will conclude. It has been determined, while prudent to call contingencies by the name of the contingent fund, to require all of the Departments to report how they have expended every single dollar of it.

Mr. HOLMAN. I hope the gentleman will substitute for the vague language here the more specific language of the bill of 1869.

Mr. WILLARD, of Vermont. Mr. Chairman, it appears to me the debate has not yet touched the point of objection in this item of the bill. It is clear, and I think all agree, that the contingent appropriation should be as small as it possibly can be, but at the same time to be sufficiently flexible for the uses of the Departments. What the gentleman from Ohio [Mr. GARFIELD] observes is undoubtedly true, that no head of a Department or head of Bureau can estimate precisely just what the requirements of his Department or Bureau will be for the next fiscal year, but unquestionably he can approximate it. He called attention to the estimate which has been made in this case—not in the bill before us, but furnished in the Book of Estimates—which recites, as he has read to the House, a dozen or twenty different items. These items have been appropriated year after year under the head of "contingent expenses." Now what I suggest is, what obstacle is there to heads of Departments coming here, under each one of these items hitherto classed as contingent items, and estimating the amount required for that particular item? Take, for instance, the item of mail and express wagons. The Navy Department know, or ought to know, what they are going to require for the next year, or very nearly so, for mail and express wagons; they know, or ought to know, how much will be required for livery for the next year; they know, or ought to know, how much will be required for rent and furniture of buildings. Then each one of these items can be appropriated for specifically. Unquestionably there will be a small margin for contingent expenses over and above that which will have to be taken care of, and that will come under the head of the item for emergencies and extraordinary expenses, arising at home and abroad, and impossible to be anticipated and classified. What is possible to be anticipated or classified can be set down with the figures. If you go outside of that, you do need a contingent fund of course, and one should be provided. It seems to me in this item we may appropriate for at least seventy-five thousand dollars of this one hundred thousand, leaving only a margin properly appropriated as a contingent fund.

Mr. GARFIELD. I withdraw the amendment.

Mr. BURCHARD. I renew it, for the purpose of answering the remark made by the gentleman from Indiana [Mr. HOLMAN] in regard to the appropriation bill of 1861. I have before me the act passed February 21, 1861, United States Statutes at Large, page 148, where I find specifications for contingencies, commencing with "freight, ferriage," &c., and ending with "paving, and other purposes, $32,500."

I wish to say that in answer to implied suggestions that the republican party, which has charge of these appropriation bills, had introduced a new feature in legislation by omitting to specify the objects to which these appropriations should be applied.

Mr. HOLMAN. On the contrary, I called attention to this very bill as the bill reported in the first republican House of Representatives. The bill I have referred to was passed on the 22d of June, 1860, and reported to the House by a republican Committee on Ways and Means.

Mr. BURCHARD. It is no new, no late, feature of legislation that has been adopted by the committee which has reported this bill. It seems to me that there is much in the argument made by the gentleman who has charge of the bill that you cannot specify all the details. I will go as far as the gentleman from Indiana, [Mr. HOLMAN,] or any other gentleman on this floor, in favor of rigid economy. I have carefully looked through this bill and compared it with the estimates recommended by the Navy Department and the appropriations heretofore made; and I find that before the war, in 1860, the appropriations

were in the neighborhood of ten or twelve millions of dollars. At this time the committee here report only in favor of an appropriation of about sixteen millions of dollars. Now, when the price of living, the price of supplies, the price of everything that is required by the Navy Department is increased to a large extent, it is necessary, in order to maintain the same naval force, that there should be a larger appropriation than at that time.

I believe the committee have, in the interests of economy, scanned all the expenditures and cut them down; and that, perhaps if they should specify here in detail all the appropriations that would occur to their minds we might find that other expenditures would aries for which there was no appropriation, and that it would be necessary either that the service should be jeopardized and injured, or that there should be a deficiency bill to meet necessary and unavoidable expenditures.

Mr. HALE, of Maine. I hope the committee will now allow a vote on this matter. I do not feel inclined to call for a vote when gentlemen on either side of the House show a desire to speak to the subject-matter to any reasonable extent. But as this discussion has run nearly two hours, I hope the committee will sustain me in asking for a vote; only saying in regard to this item that the committee scanned it carefully and cut down the estimates $25,000, and I do not believe that under the circumstances it could have done better.

Mr. BURCHARD. I desire to be permitted to make a remark in reply to the gentleman from Indiana, [Mr. HOLMAN.] The estimates to which the gentleman has referred were asked for by a democratic administration, and while they may have been passed, as has been suggested, by a House having a republican majority, the democratic party had a majority in the Senate, and the estimates were asked for by a democratic administration.

Mr. HOLMAN. I desire also, Mr. Chairman, to say but a word before the vote is taken. The gentleman from Illinois [Mr. BURCHARD] misapprehends me entirely. I had no political or party thought in my mind in connection with this matter. It affords me pleasure to say that the party of which the gentleman from Illinois is an honored member was distinguished at first by an earnest desire to reduce expenditures to the lowest dollar. But that was a long time ago. Vast events have transpired since then, and the last ten or twelve years have produced an entire change in these bills. All I ask is, that the gentlemen who control the appropriations of public moneys—for the appropriation of public moneys, as was shown very well by the gentleman from Massachusetts, [Mr. G. F. HOAR,] yesterday, has fallen into the hands of a very few gentlemen—will give heed to this matter; for I feel bound to say that the country will be exceedingly fortunate if the same severe view of economy is entertained now by the Committee on Appropriations that was entertained by the Committee on Appropriations at the time that bill was passed. No such vague appropriations as this were made at that time. Let me call the attention of the gentleman from Illinois to this fact: The bill, now pending contains items of contingent appropriations for the various Bureaus, and contains also an appropriation of $100,000 under the head of "contingent expenses of the Department;" whereas the bills at the times I have referred to contained no vague appropriations of $100,000, or any other sum.

[Here the hammer fell.]

Mr. HALE, of Maine, rose.

The CHAIRMAN. The time of the gentleman from Maine, [Mr. HALE,] part of which the Chair understood him to have yielded to the gentleman from Indiana, [Mr. HOLMAN,] has expired.

Mr. HALE, of Maine. I wish only to say, for the information of the gentleman from Indiana, as he is so fond of recurring to this particular bill in comparison with the past, that the contingent expenses of the Navy Department for the year he has referred to, particularized or not particularized, amounted to more than double the contingent expenses of this bill; and that it is a matter of more importance to us and to the people that we are saving money, than it is that the phraseology of the bill should be made to satisfy the gentleman from Indiana.

Mr. HOLMAN. The gentleman makes a mistake in that statement.

The amendment to the amendment was withdrawn.

The question recurred on Mr. HOLMAN's amendment to strike out "$100,000," and insert "$50,000;" so that the paragraph would read:

For contingent expenses of the Navy Department, $50,000.

The question being taken, there were—ayes 50, noes 72, no quorum voting.

Tellers were appointed; and Mr. HOLMAN, and Mr. HALE of Maine, were appointed.

The committee again divided; and the tellers reported—ayes 65, noes 87.

So the amendment was disagreed to.

The Clerk read the following paragraph:

For civil establishment at the different navy-yards, as follows: At Kittery, Maine, $18,759; at Charlestown, Massachusetts, $23,093.40; at Brooklyn, New York, $23,789.40; at Philadelphia, Pennsylvania, $21,293.40; at Norfolk, Virginia, $18,538.20; at Pensacola, Florida, $3,145; at Washington, District of Columbia, $19,123.20; at Mare Island, California, $20,317.20; and at League Island naval station, Pennsylvania, $4,680; making in all the sum of $157,738.80.

Mr. WILLARD, of Vermont. For the purpose of eliciting information from the gentleman who has this bill in charge in behalf of the Appropriation Committee, I move to strike out in line 20 of this clause, "eighteen thousand seven hundred and fifty-nine dollars," and insert in lieu thereof the words "fourteen thousand dollars," so that the appropriation for Kittery, Maine, shall be $14,000. My reason for offering the amendment is this: in looking at the naval appropriation bill passed last year, so far as I can make up the figures, I find that the appropriations for the civil establishment at Kittery, Maine, amounted to $17,590. This bill appropriates $18,759; in other words, the appropriation made by this bill is larger than the appropriation made last year. At Charlestown, Massachusetts, the appropriations only amount, as I understand it, to $30,000—a reduction on the appropriation made last year. And the same reduction has been made in the appropriations for all the other navy-yards except League Island, which last year had only an appropriation of $2,600, and this year has an appropriation of $4,680.

I understood the gentleman in the remarks he made upon this bill when it first came before the committee to say that these civil establishments at the various navy-yards of the country had been kept up on a scale much too expensive; that we had miniature Bureaus in each navy-yard to correspond with the Bureaus of the Navy Department in Washington; and that the object of the committee was to make large reductions in the civil establishments of the navy-yards—a measure which would undoubtedly meet the concurrence of a large portion of the House. But it occurred to me—I may be wrong in my opinion—that this navy-yard in Maine—I am sure it could not have happened, because the gentleman having charge of the bill is a Representative from that State—is the only one which did not happen to be struck by this blow of economy. The expenditures for the other navy-yards are reduced from 25 to 40 per cent., while the appropriation for this yard is actually increased over what it was last year. I may be wrong in my figures, but so far as I have been able to gather them from the bill passed last year and the bill which we are now considering, that is the state of facts. If this be so, it occurs to me that unless some very good reason can be given why that navy-yard at Kittery, Maine, should have no reduction made in its appropriation, we ought to reduce the amount; and I have moved to reduce it to $14,000.

Mr. HALE, of Maine. I am sorry that the gentleman from Vermont should have made what might be construed into an imputation at least of unfairness on my part, in reporting this bill. Mr. Chairman, if I had, after what I said the other day on this very subject-matter, attempted to reduce the civil establishments in the different navy-yards 40 per cent., and it was found that in doing it I had left the appropriations for the Kittery navy-yard unreduced, I should certainly be called under very disadvantageous circumstances to make an explanation. Now, the fact is that the gentleman's figures are all wrong. If he will take the appropriation bill of last year and follow it through he will see how easy it is to get at the items of the eighteen thousand and odd dollars which this bill proposes for the Kittery yard.

Luckily I have the figures by me in tabulated form, because I did not want in this movement in the direction of reduction to have any man question the accuracy of my movements. Now, the gentleman will see that in the bill of last year for the Bureau of Equipment and Recruiting, the sum of $3,400 was appropriated for the Kittery yard. That will be found upon page 4 of the naval appropriation bill of last year. Under the head of the "Bureau of Yards and Docks" there was an appropriation of $4,400; under the head of the "Bureau of Medicine and Surgery" there was an appropriation of $1,200; under the head of the "Bureau of Construction and Repair" there was an appropriation of $8,500; and under the head of the "Bureau of Engineering" an appropriation of $5,600. But I call the attention of the gentleman to the fact that in a part of this bill of last year a portion of the appropriations are put down as for the Portsmouth navy-yard in New Hampshire, and a part for the Kittery yard in Maine. That did not occur to me until this moment. Then, in addition to that, I had also to add the items for the two Bureaus of Navigation and Ordnance, which were not put down by detail in the former bill, but were aggregated and divided by the number of the navy-yards. I directed the clerk of the committee to figure up these figures, and I found that the reduction made in the appropriations for this yard amounted to 40 per cent.—the same reduction that was made in the appropriations for other yards. Of course I may have been in error in my figures, but I think not; because I submitted the matter to the clerk of the committee, and the bill is the result of those figures. I am sorry the gentleman did not bear in mind that the Portsmouth and Kittery yards are one and the same.

Mr. WILLARD, of Vermont. I think I may be excused for not knowing the geographical fact that Portsmouth, New Hampshire, is Kittery, Maine.

Mr. HALE, of Maine. The yard is there, just upon the State line, and it is sometimes called by the one name and sometimes by the other.

Mr. WILLARD, of Vermont. I move, *pro forma*, to amend the amendment by striking out the last word. I do not understand fully the explanation now given by the gentleman from Maine. Of course the object I had in view was not to reduce the appropriations for the Kittery yard below what they ought to stand at. As I understand him now, the appropriation charged in the bill last year for the navy-yard at Portsmouth, New Hampshire, amounted to $5,000 which, if added to the amount appropriated for Kittery, would make $22,000

instead of $18,000. Still, if the gentleman himself has looked into the matter and made the proper reduction, I will take his word for it. I am willing that we shall appropriate for this navy-yard in New Hampshire or Maine, whichever it is—I will not undertake to settle the geography of the question—that it shall be appropriated for as other yards are, and I am satisfied with his statement that the appropriation is in the same proportion as in regard to other yards, and I therefore withdraw my amendment.

Mr. HALE, of Maine. I say this because I have learned that there is nothing a man may be mistaken in so easily as in regard to figures. I will look over these figures again to-day, with the clerk of the committee, and if I find that there is any correction that should be made in this matter I will move it to-morrow morning.

Mr. WILLARD, of Vermont. I withdraw my amendment.

Mr. GARFIELD. I renew it, for the purpose of saying that there is another statement that should be added to that of the gentleman from Maine, [Mr. HALE.] By referring to the different portions of this Book of Estimates that relate to Kittery I find the items to be as follows: For the Bureau of Recruiting, $3,400; for the Bureau of Yards and Docks, $9,100; for the Bureau of Construction and Repair, $8,600; for the Bureau of Steam Engineering, $5,600; for the Bureau of Medicine and Surgery, $1,290; amounting in the aggregate to $27,990 as I add them up. These were the estimates for the civil establishment at Kittery. We have in our bill cut them down to $18,759, making a deduction of over $9,000 out of $27,000, which is about 33 per cent.

Mr. BECK. If there is anything in which money is expended wastefully it is in these navy-yards if I understand the facts. And I am glad to see that the gentleman from Maine [Mr. HALE] is trying to cut them down. The civil expenses of these navy-yards and the machinery necessary to run them, when you come to analyze them, constitute one of the worst expenditures of the Navy Department. They are kept up and have been for years, not only under the present but under former administrations, as mere political machines. My idea is that they ought to be reduced in number to not more than three on the Atlantic and one on the Pacific coast. My friend from Massachusetts [Mr. DAWES] tried that some years ago, but did not succeed. I have no doubt that the civil establishments in the navy-yards ought to be and can be cut down as proposed by this bill, even if the number of them is not curtailed, without any sort of injury to the public service.

But what I want to say especially is this: I have heard during the discussion on this bill some reflections made on former administrations of the Navy, and a great deal said about the economical way in which the Navy Department is now administered. I wish to call the attention of the committee to one or two facts which it ought to know. They are facts furnished by a republican Senator, Mr. CRAGIN, of New Hampshire, chairman of the Committee on Naval Affairs in the United States Senate, who I suppose would not do any injustice to the present administration of the Navy Department. He made a speech in which he took occasion to show, on the floor of the Senate last January, that the present condition of the Navy was deplorable as compared with what it was in 1860 and 1861, at the close of the administration of Mr. Buchanan. He gave the total number of ships then and now, and said, among other things, after showing that we had a better Navy in 1861 than we have now, with more ships, and more guns in order:

> As I remarked before, Congress has not authorized the building of a single ship during the past eight years. During the four years of Buchanan's administration Congress authorized the building of twenty-seven vessels of war, and some of the vessels built at that time are among the very best in the service, as the Hartford, the Lancaster, and the others of that class. Congress annually authorized the building of vessels during those years, and as I have before me the laws that were passed on those occasions, perhaps it will not be improper if I read them. In 1857 Congress enacted:
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> "That the Secretary of the Navy be, and he is hereby, authorized to cause to be constructed for the United States Navy, at as early a day as practicable, consistent with a due regard for economy and efficiency, five sloops of war, to be provided with screw propellers, and properly armed and equipped for service; said vessels and machinery to be built by contract or in the Government navy-yards, as the Secretary of the Navy may think most advisable for the public interest; and that there be, and is hereby, appropriated, to be expended under the direction of the Secretary of the Navy, for the purpose above specified, the sum of $1,000,000, out of any money in the Treasury not otherwise appropriated."
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> This law is almost exactly like the bill now pending. Then in 1858, the year after, Congress enacted—
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> "That the Secretary of the Navy cause to be constructed, as speedily as may be consistent with the public interests, seven steam screw sloops of war, with full steam-power, whose greatest draught of water shall not exceed fourteen feet; which ships shall combine the heaviest armament and greatest speed compatible with their character and tonnage; and one side-wheel war-steamer, whose greatest draught shall not exceed eight feet, armed and provided for service in the China seas; and that there be, and is hereby, appropriated, to be expended under the direction of the Secretary of the Navy, for the purpose above specified, the sum of $1,200,000, out of any money in the Treasury not otherwise appropriated."
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> And in February, 1861, Congress passed another act:
>
> "That the Secretary of the Navy be, and he is hereby, authorized to cause to be constructed for the United States Navy, at as early a day as practicable, having due regard to efficiency and economy, seven steam screw sloops of war of the second class, as vessels are rated in the Navy, with full steam-power, whose greatest draught of water shall not exceed fourteen feet, which sloops shall combine the heaviest armament and greatest speed compatible with their character and tonnage; and for the purpose above specified the sum of $1,200,000 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Navy."
>
> Those were the three acts passed during Mr. Buchanan's administration, adding, with seven vessels that were purchased during that administration, twenty-seven vessels to the Navy of the United States.

Now, sir, look at the facts. While twenty-seven first-class vessels were added to the Navy during Mr. Buchanan's administration, and not one has been added during the last eight years, what have been the expenditures of the Navy during that time? In 1857, $12,000,000; in 1858, $14,000,000; in 1859, $14,000,000; and $11,000,000 in 1860. What have they been for the last four years? In 1870, $21,000,000; in 1871, $19,500,000; in 1872, $21,000,000; and in 1873, $23,000,000.

Mr. PLATT, of Virginia. Will the gentleman allow me a question?

Mr. BECK. I have only five minutes.

Mr. PLATT, of Virginia. I ask for information.

Mr. BECK. The Chair will rap me down before I get through.

Mr. PLATT, of Virginia. No; we will extend your time. Is the cost of building the twenty-seven vessels referred to by the gentleman included in the appropriations he has given?

Mr. BECK. Certainly.

Mr. PLATT, of Virginia. Were there not separate appropriations for those vessels?

Mr. BECK. No, sir; every dollar of it was put in the statement of the expenditures of the Navy Department by the Secretary of the Treasury in his annual report for this year. Now let me call attention to this fact also, that we have given to the Navy Department in the last three years $63,000,000; while all the expenditures of the Government during the three years 1843, 1844, and 1845—the last two of Mr. Tyler's and the first of Mr. Polk's administration—for war, navy, legislative, executive, and judicial expenditures, Indians, and everything else, were only $53,000,000. We have not built a ship during these last eight years. What has become of the appropriations? They have gone into these navy-yards and to other political rings to keep up the (so-called) civil service, and the gangs of retainers who are not used for the purpose of building ships or for any other warlike or useful purpose, but for that which is purely political.

[Here the hammer fell.]

Mr. GARFIELD. I withdraw the amendment.

Mr. HALE, of Maine. I renew it formally for the purpose of saying that I do not like to be on the floor as much as I am obliged to be in this matter. I had hoped that this bill would run through without my occupying so much of the attention of the committee; but some of the statements made here need to be answered.

The gentleman from Kentucky [Mr. BECK] talked to us until after four o'clock last evening, and he has been reading up again old speeches on this old subject-matter, which he is never tired of dinning in the ears of the House. His unceasing strain is that so much money is bestowed on the Navy of to-day. If he were answered doubly and trebly every day, he would still rally his forces and still inquire why more money is needed for the Navy to-day than was needed in the years before the war; just as if he had never asked the question before; as if he had not asked it twenty, forty, and a hundred times; as if it had not been answered twenty, forty, and a hundred times. I cannot and will not undertake to occupy the time of the committee by the answer that has been so often given. The gentleman knows that every dollar appropriated now for materials, for labor, for new kinds of machinery introduced within recent years, goes no farther than half a dollar or the third of a dollar would go before the war. The gentleman knows that in this respect the Government is like every private establishment. No man lives as he did twelve or fifteen years ago; no man can do so.

And, sir, after the Committee on Appropriations have in this bill cut down the appropriations nearly $3,000,000, when they are seeking to crystallize their action into formal law, it is poor encouragement that the gentleman continually gets up and talks about the amount of money that has been expended during the last three years. We should never have been able to cut down these appropriations as much as we have done but for the fact that new vessels have been provided for in the act of last year, some of which will go into the Navy during the present year. Besides this, the Secretary of the Navy has been able, out of the appropriations we have already given him, to repair vessels so that they are almost or quite as good as new. Therefore it is that the Committee on Appropriations, scrutinizing faithfully, have believed that the Navy Department can be run for a little over $16,000,000; and in meeting the legitimate expense of keeping the Navy afloat, I venture to say that this $16,000,000 will not go as far as $10,000,000 would go in 1859. I withdraw my *pro forma* amendment.

Mr. BECK. I renew the amendment. Mr. Chairman, during the debate which has been kept up for the last two hours, contrasts have been made, and made sharply, by the gentlemen on the other side and the gentleman from Indiana, [Mr. HOLMAN,] and others, as to the comparative expenditures now and before the war for naval purposes. Hence I thought I had the right to show, as I attempted to do a few minutes ago, that whatever expenditures were made in former times, under democratic rule, showed what they were made for. I proved by authority that will not be controverted that twenty-seven first-class ships were produced by those expenditures during the administration of Mr. Buchanan, and that now more than double that expenditure produces no ship.

The gentleman from Maine [Mr. HALE] answers by saying that money does not produce now anything like what it did then. If a given amount of money does not pay for as much now as it did before the war, why is it? The answer is obvious. It is because gentlemen on the other side have taken occasion, in order to enrich the men of the eastern sea-board, to protect what they call their "industries," to put

tariffs and taxation upon all the products of the people of the country, and upon all their consumption, robbing all the people west of the Alleghany Mountains and south of the Potomac, to enrich a few men in New England and Pennsylvania. For no other purpose than this everything has been made to cost more than double what it ought to. Gentlemen on the other side have themselves to blame for these high prices and for this most unfortunate condition of things.

In 1860 foreign nations were paying us $25,000,000 as the balance in our favor in the carrying trade of the world, while to-day we are paying them $65,000,000, which goes from us forever to build up the strength of foreign nations. Why is this? Because you have taxed everything that constitutes a ship, everything that constitutes a railroad, everything that enters into commerce, in order to enrich a few monopolists along the eastern sea-board. That is the reason you are paying the present prices for everything.

Twenty millions ought to produce something; and we have given that amount every year to the Navy. Let the gentleman from Maine [Mr. HALE] tell his people in the next canvass that Congress has given to the Navy Department over $20,000,000 a year, raised by taxation on the products of labor, for the last four years, while not a new ship has been produced; and let him explain what an immense sum $20,000,000 is. A short time ago I asked the Director of the Mint, "Why do you not coin silver, which you can get at a discount for greenbacks, at the rate of $3,000,000 a month, so that we can have silver for change instead of fractional currency?" "Sir," replied he, "do you know that a million of dollars of silver weighs thirty tons, and that it is no easy thing to handle ninety tons of silver in a month, and make it into ten cents, quarters, and half-dollars?" Let me tell the gentleman from Maine, what he might not think prudent to tell his people, that during every year for three years we have been giving the Navy Department $20,000,000—or, in plainer terms, six hundred tons of silver coin; so that if you should load wagons with a ton of silver each, and allow twenty yards to be occupied by each wagon, they could not drive through the gentleman's district in single line in a procession seven miles long. Let such a procession drive through the gentleman's district, in view of his constituents, so they could realize the facts; and let him tell the people that all this went into the Navy every year, and that for such expenditures we have nothing to show; nothing but navy-yards and their civil establishments; nothing but voters; nothing but rotten hulks; and there will be a democrat in his place in the next Congress to a certainty. [Laughter.]

Mr. STARKWEATHER. Mr. Chairman, I have listened attentively through these days of debate, and I am very unwilling to occupy the time of the committee. As one member of the Committee on Appropriations, I do not feel sensitive under these criticisms; I do not feel called upon to reply to anything that has been said in criticism of this bill. As a member of the Appropriation Committee, I can say that we have worked faithfully to reduce the appropriations in this bill to the amount as reported, $16,000,000.

I think the Navy can be run now on this. For one member of the Committee on Appropriations, I would under no circumstances report a bill which would call for a deficiency. Looking to what has been done before by special appropriation under an emergency, fully justified by the facts of the case, I have thought and believed the Secretary of the Navy can run the Department creditably, unless some emergency like war occurs, upon the sum we have appropriated.

We do not object to fair criticism. I have not felt like replying to any fair criticism of the bill. Some gentleman began by saying the bill reported was so small—this was said by gentlemen on the other side—that the expenses could not be paid, and a deficiency would be called for. They are mistaken. There will be no deficiency.

But, Mr. Chairman, when the gentleman from Kentucky [Mr. BECK] goes outside of a just criticism of this bill and talks about Mr. Buchanan's administration and about finance and tariff, it seems to me that he indulges in a line of debate not to be justified. Will the administration of Mr. Buchanan, which ran the country into debt in a time of peace—will that administration compare favorably with any administration since that time? Do we forget that in a time of peace it ran this country into debt and had to borrow money, and when at its expiration difficulty did occur we had no ships, not a single vessel, within reach to look after and follow up the vessels of the Southern Confederacy, so that the burden was then thrown upon Mr. Lincoln's administration to provide the first vessel which could be of any efficient service, and the few vessels we had were put by Buchanan's administration beyond the reach of our Government? The amounts expended under Mr. Buchanan's administration for the Navy were larger, taking into account the expense of building a ship, than they have been under the last four years of this administration, and one-third larger than is proposed in this bill.

The gentleman talks about the tariff, and tells us that some of those articles which are taxed go into the construction of vessels and increase the expense. Did the gentleman from Kentucky [Mr. BECK] ever refuse to vote for a tariff upon hemp, a product of his State, which also enters into the finishing of our vessels?

Mr. BECK. I never voted for it.

Mr. STARKWEATHER. The gentleman must have been a singular member from Kentucky, for all his colleagues repeatedly voted for the imposition of duty upon imported hemp.

Mr. BECK. I tried to get every other thing down to where they put hemp, but could not do it.

Mr. STARKWEATHER. He says he has tried to put other things down; but his colleagues, as everybody in the House knows, tried to keep hemp up. The gentlemen, too, on the other side of the House have spoken on the subject of currency here. Are they above criticism? Why only yesterday two-thirds of the members on that side of the House voted to increase the volume of currency. They voted for inflation. Is he to talk to us about high prices and inflated currency when two-thirds of his colleagues on that side voted for inflation? Consistency is a jewel; and when the gentleman parades Mr. Buchanan's administration, which was the most inefficient we ever had, and the most expensive, considering its weakness, going out of office, as it did, after having run the nation into debt in a time of peace, I must be allowed to say he has brought forward a very poor apology for the comparisons he has chosen to make.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, I intended to keep out of this debate, but the extraordinary remarks of the gentleman from Kentucky, [Mr. BECK,] attributing the increase of prices since 1860 to the tariff, attracted my attention, and call for a response. When I proposed the other day to pay the loan of 1858 instead of exchanging bonds, I did but propose to liquidate a debt contracted by the democratic administration whose glory the gentleman lauded so sonorously.

With what nation were we at war when the democratic party in 1858 saddled us with twenty millions of a gold loan, which we are just trying to renew, and which, according to the gentleman's theory that we are unable to pay it, must remain a debt, and in consequence of which when we shall have paid twenty millions of simple interest on it, compounded to nearly double the sum, we will still owe the whole twenty millions of dollars in gold, which that democratic administration saddled us with in his lauded period of commercial grandeur? With what nation or with whom were we at war in 1858? We were at war, sir, simply with the adherents of free trade and hard money. It was free trade that rooted out our manufactures, and thus closed the American markets upon the sea-board against the productions of the country west of the Alleghanies. It was hard money which enslaved the producing classes of the United States to the bullion and credit mongers of England and the continent. Sir, the gentleman's favorite theories of free trade and hard money were the only enemies with which we were at war. They it was who bankrupted the people and the Government. Then, sir, we had the democratic party of the South and their maritime ally, the British government, to sweep our commerce from the ocean. We were, as the gentleman said, carrying a large part of the trade of the world. But the tariff did not affect this; it was, as I have said, the democratic party of the South and their British ally who broke up our carrying trade and swept our commerce from the sea.

Under the benign influence of protection and paper money we are rebuilding our commercial marine so rapidly that it does not require one to be skilled in mathematics—for a poor arithmetician may do it—to compute and predict with certainty the day when American trade, international trade I mean, will exceed that of Great Britain. That is shown in our greater annual increase than hers in each of the last five years. Our ratio of increase is steadily and strikingly in excess of hers. For proof of this I refer to the official figures representing the annual exports and imports of both nations.

And I tell the gentleman that to-day the most prosperous and growing industry in our country is that of iron-ship building, and that if he and our old enemies will leave us alone and not, under the cry of "specie basis and hard money," contract our currency, and by free trade close up our ship-yards and workshops, we will help the South and West develop their fields, and carry all their surplus productions in American bottoms and under the American flag to all the countries of the world.

Mr. HALE, of Maine, rose.

Mr. BECK. Allow me to answer the gentleman from Pennsylvania this once, and I will speak no more to-day. [Laughter.]

Mr. HALE, of Maine. I am glad that the gentleman should have that opportunity. I wanted to answer the gentleman from Kentucky on one point, but he may have others, and I yield to him now, intending to follow him.

Mr. BECK. The gentleman from Connecticut [Mr. STARKWEATHER] I know does not intend to do any injustice to anybody. He is greatly mistaken when he announces that ships of the United States in 1860 were put out of the way in order to deprive the United States of their use in the anticipated war with the South. Mr. CRAGIN, of New Hampshire, who is himself a republican, and chairman of the Naval Committee in the Senate, I suppose would not tell a falsehood. He states, in the speech from which I read when I had the floor before:

> It has frequently been stated, and I have myself repeated the remark, that Secretary Toucey, at the breaking out of the rebellion, sent the ships of the United States into foreign seas, in order that they might not be used against the rebellion. I have stated that myself, fully believing it was true; but the investigation I have made during the consideration of this bill has convinced me that I was wrong in that statement. I find no evidence whatever to justify it. I find that Secretary Toucey was a faithful Secretary of the Navy so far as caring for the interest of that service was concerned, and at the breaking out of the rebellion there were probably as many naval vessels of war in the ports of the United States as there are to-day, and if we should to-day be called upon to furnish vessels of war, as we were in 1861, I apprehend that we should be even in a worse condition than we were then.

Mr. CRAGIN in that speech lauds Secretary Toucey as an effective

man, and shows that we had more ships then than we have now, with more guns and in far better order.

I desire to say one word more in answer to the gentleman from Pennsylvania, [Mr. KELLEY.] The debt of the United States of $20,000,000, created in 1858, of which the gentleman from Pennsylvania speaks, was incurred because of the Mormon war, as I am advised.

Mr. KELLEY. It was incurred in 1858, in a time of profound peace.

Mr. BECK. The gentleman from Pennsylvania wanted to force us to pay that twenty millions in gold on the 1st day of last January. He wanted to deny the Secretary of the Treasury the power of converting it into 5 per cent. bonds, as we are seeking to do with all the balance of our debt. Why, sir, his position must be on account of his protective theory. He wanted to pay that debt in gold in order to run the United States more in debt, so that higher tariffs could be laid and more protection demanded. And why, sir, did that gentleman, and men like him, insist upon free tea, free coffee, and the abolition of internal taxes? In order to pile up mountain-high the tariffs that were robbing the people of the whole country, and especially of the producing regions, and putting ten dollars into the pockets of the men he represents for every dollar that went into the Treasury of the United States.

Mr. KELLEY. Are internal taxes a luxury which you cherish? [Laughter.]

Mr. BECK. If the gentleman had better politics he would be better-tempered.

Mr. KELLEY. I am angry only at your having disturbed my nap. I would have been asleep but for the sound of the word "Pennsylvania" reaching me in the gentleman's sweet voice.

Mr. BECK. I have no doubt the gentleman is ready to sleep whenever the truth is told, if he can. If there is any man who has been instrumental in keeping up the tax on articles of prime necessity, especially pig-iron, when there is no necessity for it, the gentleman from Pennsylvania is that man. Why should we protect it, when it is worth fifty dollars per ton, and can be made in Tennessee for nineteen dollars, and in Missouri for twenty-one dollars? If there is any resistance to the honest efforts of men who want to keep the country from being plundered by monopolists, the gentleman from Pennsylvania is sure to be the head and front of it.

Mr. HALE, of Maine. Well now, Mr. Chairman, having had public buildings lugged into this bill, we have now the tariff and pig-iron; and I begin to think that a better place for this bill in my charge, so far as comfort goes, instead of being at the beginning, would be at the tail end of the heap, so that this torrent of objection might be expended on other bills. But, sir, here it is, and I desire that we shall go through with is as fast as possible.

There is one argument which the gentleman from Kentucky [Mr. BECK] has used which is unworthy of him, and this is the argument of locality—the attempt to set one part of the country against another upon this bill. Why, sir, he says that all the naval appropriation bills are for the benefit of gentlemen of fortune, or otherwise, upon the coast of New England and Pennsylvania; and that the laboring men of the West are robbed to keep up the Navy. Well, sir, God made the sea-coast here to be protected, and in protecting it the West is as much protected as the East. The gentleman might as well claim that because nearly all the appropriations for the Army go to keep up the establishments on the western frontiers, and to protect them from the incursions of the savages, and to expend in Indian wars, these appropriations are for the benefit of those localities alone, and the East should grumble. He might as well complain that all the magnificent appropriations of public lands that have been made for railroads on the western line of our civilization were for those localities alone, and that the East is not interested in them. Sir, the gentleman's argument is fallacious; it is unworthy of him. He is fond of going back to the days of Mr. Buchanan—the last democratic administration. What was the condition then, sir? Did the East alone feel then, or the West alone feel, the abandonment under which the Executive and the administration left the country? Now, he or his subordinates sent those ships abroad, so that when the rebellion came we had no navy to protect our coast or to protect our harbors. Did the gentleman less feel the war than we did at the East? Was not his western blood aroused as much as that of any eastern man when the rebel cruisers went in and out of our harbors and brought the munitions of war and sustaining life to the confederacy? Sir, it was a matter in which the whole country was interested; East and West arose alike in prompt rebuke of that administration, and rallied for the defense of the country. Sir, the gentleman should know that national establishments are kept up for the whole country, not for the East, not for the West. This is the first instance I have known on the floor of this House of an attempt being made to array one section against another. Why, sir, if you draw that line and begin to combat expenditures of the public treasure in this way, everything will be at a dead-lock.

I close by saying again that the argument was unworthy of the gentleman from Kentucky, and I hope I shall not hear him repeating it again. I now withdraw the amendment.

Mr. DAWES. I renew the amendment merely to state a matter of history in reply to the gentleman from Kentucky, [Mr. BECK,] who has read from the speech of Senator CRAGIN, of New Hampshire, in which he says that it is altogether a mistake that the vessels of the Navy of the United States, before the rebellion, were abroad and out of our reach. Sir, the Senator from New Hampshire did not quite say that. He simply stated that Mr. Toucey did not put them there with the intention that they should be beyond the reach of the United States. If the gentleman will turn to the proceedings of the Congress of 1860 and 1861, he will find there a report on this subject, and in that he will find the statement of Mr. Toucey himself that at the time of the firing on Fort Sumter almost every vessel in the United States Navy was absent on foreign stations; and then he will be able to judge where in point of fact every one of them was. What the purpose of the Secretary of the Navy was in having them so located of course none of us know; but if my memory does not mislead me, the gentleman will find that every vessel of the United States Navy, excepting two, was in service beyond the reach of the Secretary of the Navy at that time, and one of those two vessels drew so much water that it could not enter Charleston Harbor, except at spring-tide, and the other was a supply-boat. Sir, that was the report made to Congress by the Secretary of the Navy himself; and, if I do not forget, that very Congress passed a resolution of censure on Mr. Toucey for that very disposition of the Navy. I withdraw the amendment.

Mr. PLATT, of Virginia. I move to amend that clause by striking out in lines 26 and 27 the words "eighteen thousand five hundred and thirty-eight dollars and twenty cents," and to insert in lieu thereof, "twenty-one thousand two hundred and ninety-three dollars and forty cents."

I am aware, Mr. Chairman, that it is a very difficult and ungracious thing for any member of this committee to move to increase any appropriation in this bill, but I desire to have the appropriation for the civil establishment of the Norfolk navy-yard raised to the same amount appropriated in the bill for other navy-yards, because at that yard there are as many men employed as at other yards, and from the very nature of the case so much work cannot be done for the Government at any other yard, especially at this season of the year, as at the Norfolk yard. I am aware that the reduction in the appropriations for the Norfolk yard recommended by the committee is, perhaps, *pro rata* equal to that of the other yards—a reduction of 40 per cent.; but that brings the navy-yard at Norfolk below any other yard in the country except that at Pensacola. Sir, the Norfolk yard is the only one of any importance in the South, and there is no reason at all why a smaller sum should be allowed for this purpose in that yard than in any other. I venture to say that the gentleman can give no reason except the fact that in previous bills a smaller appropriation was made for that yard than for others, for the reason that at that time the district and the State had no representation on this floor, and no one to protect their interests. Advantage was taken of this fact by gentlemen representing other yards, and this yard was plundered for the benefit of others. I ask, as a measure of justice, that this yard be placed in the same position as the other yards. I do but ask an expenditure as great as that at the other yards which are not doing as much work for the Government.

Mr. HALE, of Maine. I can only say in reply that the reduction the committee made was on a level scale of 40 per cent., and if we begin increasing the appropriations for one navy-yard some gentleman will offer an amendment to increase the appropriations for another yard. Sir, I trust this committee will sustain the Committee on Appropriations in the reduction they have made in this appropriation.

Mr. HOLMAN. I wish to ask the gentleman from Maine [Mr. HALE] if the Committee on Appropriations have considered the propriety of discontinuing several of these navy-yards.

Mr. HALE, of Maine. For one, I am in favor of two navy-yards on the Atlantic coast and one on the Pacific coast. But all the navy-yards at the present time exist under statute laws, and the Committee on Appropriations has no jurisdiction in that direction. If the Committee on Naval Affairs will report some such consolidation as that, I for one will give it my hearty support. But the gentleman must know, from his long experience here, that we cannot initiate that proceeding; because the other committee would at once say that we were encroaching upon their prerogatives, and our action would also be subject to a point of order.

Mr. HOLMAN. That remark is undoubtedly correct. But it is unquestionably clear that if we are to have any reduction of the expenditures of the Navy Department we must reduce the number of our navy-yards. I think that two on the Atlantic coast are sufficient. I called the attention of the chairman of the Committee on Naval Affairs [Mr. SCOFIELD] to the necessity of legislation in that direction.

Mr. SCOFIELD. I have been trying for a number of years to consolidate all the navy-yards at League Island, [laughter,] and having got a little start there, I was very much discouraged last winter when I found that gentlemen who had prompted me to aid in getting a navy-yard there were opposed to our building any ships in that yard, but sent them to private navy-yards to be constructed. I told them that after having tried to build a first-class stable, I thought it a little hard that the first horse we had should be sent to a livery stable for board.

Mr. HOLMAN. When gentlemen insist that the navy-yards on the Atlantic coast shall be reduced to two the gentleman who controls this House is allowing appropriations to be made for League Island navy-yard, with the certainty that we shall in consequence have another navy-yard on our hands.

Mr. SCOFIELD. The object is to remove the old navy-yard at Philadelphia to a new locality.

Mr. PLATT, of Virginia. I am as much in favor of reducing the number of navy-yards in this country as is the gentleman from Indiana, [Mr. HOLMAN.] I would like to have them reduced to two on the Atlantic coast, for if they were reduced to two, I am certain the navy-yard at Norfolk would be one, and if they were reduced to but one I am certain that Norfolk would be the one retained. Therefore in no instance would there be any loss to the Government, even if the reduction should take place, in keeping up the Norfolk navy-yard to a condition of efficiency.

Mr. RANDALL. Allow me to correct the gentleman from Indiana [Mr. HOLMAN] when he states that League Island is to be an additional navy-yard. On the contrary, the establishment of the League Island navy-yard is simply a transfer, whereby the Government is likely to realize an enormous profit by the sale of the land vacated, while the land occupied is given to the Government.

Mr. MYERS. That transfer will probably be made at this session.

The question was taken upon the amendment of Mr. PLATT, of Virginia, to increase the appropriation for the civil establishment at Norfolk navy-yard from $18,538.20 to $21,293.40; and there were—ayes 25, noes 61; no quorum voting.

Tellers were ordered; and Mr. PLATT of Virginia and Mr. HALE of Maine were appointed.

The committee again divided; and the tellers reported that there were—ayes 63, noes 84.

So the amendment was not agreed to.

The following paragraph of the bill was read:

For civil establishment at the several naval hospitals and naval laboratory, $39,161.

Mr. ARCHER. I move to increase this appropriation to $50,000. I make this motion more to ask the gentleman who reported this bill whether or not there has been any report on this point from the medical officers of the Navy, as to whether there is sufficient appropriated here for the hospitals. The estimate was for $75,000.

Mr. HALE, of Maine. The reduction that is made here is the same only that is made in the other civil establishments at the navy-yards. There were no reports from any of the Bureaus in favor of the reduction of 40 per cent. that the Committee of the Whole has just sanctioned. If the Committee on Appropriations had waited for that, there would never have been any reduction. So, in the same way, there is no recommendation from the Bureau of Medicine and Surgery in favor of this reduction. In looking over the items of the old bill, and this coming in the class of civil-service clerks, employés, &c., the committee thought these hospitals should be cut down like the other Bureaus of the service.

Mr. ARCHER. I am satisfied that the Committee on Appropriations are in error with regard to these hospitals. The civil force of these hospitals does not consist in its clerical force. The civil employés of these hospitals are the hospital nurses. There is no probability of any reduction in the number of the sick in the hospitals along the sea-board of the Atlantic. On the contrary, it is likely that there will be a large increase in the number of patients on account of the exigencies of the service requiring the naval force to be kept in the malarious regions of Key West and elsewhere.

Happening to be in the Navy Department this morning, I saw in the office of the Surgeon-General of the Navy a letter from a New York hospital, speaking of the provisions for the sick in that hospital. It stated that in that hospital there were accommodations for only twelve small-pox patients; that they now had nine of such patients, and that they were coming in almost every day. The provision there for those afflicted with small-pox, is in a small out-building, without gas-light, without proper furniture, and improvised for the time being only.

The Government ought more particularly to be liberal to the hospitals, because they are sustained almost entirely—perhaps I go too far when I say almost entirely—but they are largely supported by contributions of twenty cents per month from every officer and every seaman in the service.

The Government adds only a small amount to this contribution which is thus made up by monthly deductions from the pay of every officer and enlisted man in the Navy. I am satisfied that the Committee on Appropriations have erred from want of sufficient information on this subject. I give them credit for all diligence in seeking to reduce the civil establishment in our navy-yards and the other branches of the Navy. In this respect I think they have done exactly what they ought to have done in every single item except in regard to these hospitals, for which I ask the small allowance of $11,000 in addition to the appropriation proposed by the committee. I am satisfied that even with this addition, the appropriation will be insufficient.

Mr. HALE, of Maine. I call the attention of the Committee of the Whole to the manner in which this appropriation is reported. There are existing at present eight naval hospitals. I believe that the number of these hospitals, like the number of our navy-yards, is greater than necessary. Perhaps these hospitals should be reduced, not to three, but to half their present number.

In each navy-yard are such employés as the following:

One purveyor, at $1,000; one chief cook, at $540; one cook, at $480; four baymen and four washers, at $480 each; one watchman and two laborers, at $360 each; two mess-room attendants, at $216 each; one engineer, at $1,000; one fireman, at $500.

These are for Mare Island; at other establishments the employés are more numerous. Now, I do not believe all these are needed.

But the appropriation for naval hospitals has all been lumped together. It amounted to $65,268. Now, instead of taking each hospital and appropriating to each 60 per cent. of the former appropriations, I aggregated the whole, took 60 per cent. of that, (thereby saving $26,000,) and provided for appropriating it altogether. What is the result? The appropriation is made flexible. If the Department believes that a particular hospital can be run with hardly any attendants, it can put its force into other hospitals where it may be more necessary. Thus this is a measure within the law in the direction of economy. If we pass the appropriation in this form, the Secretary of the Navy, if he believes that the hospital at Pensacola, or Boston, or Mare Island can be run with an apothecary, a purveyor, and a single attendant, can make such a reduction of force. But in the aggregate there will be, under the plan we propose, a saving of nearly $30,000; and I sincerely believe that under this arrangement the Secretary of the Navy can run these hospitals better than they are run now.

The question being taken on agreeing to the amendment of Mr. ARCHER, it was not agreed to.

The Clerk read as follows:

For purchase of copper, iron, wood, and other materials necessary for the manufacture of torpedoes, and for work on the same, $25,000.

Mr. COX. I move, *pro forma*, to amend by striking out the last word of the clause just read. I propose to submit some remarks, but I will yield for a motion that the committee rise, if any gentlemen wishes to make that motion.

Mr. STORM. I move that the committee rise.

Mr. HALE, of Maine. I hope that motion will not be pressed now. I intend to make the motion myself very soon. Let us run on until half-past four o'clock. I think we may make some progress with the bill.

Mr. STORM. I withdraw the motion.

Mr. COX. Mr. Chairman, several weeks ago I happened to state in a debate on this floor that the city of New York was vulnerable to attack from any foreign power having the extraordinary iron-clads which some of the European nations have. When I made that statement, my friend from Maryland [Mr. SWANN] got up and questioned it, remarking that he had information from men connected with the Navy Department, engineers and others, showing the incorrectness of my position. I simply wish, Mr. Chairman, to reaffirm what I said, and to support it by reading from an editorial in the Army and Navy Journal of December 20, 1873:

It is not very probable that the Thunderer and Devastation will steam into our harbor before the year is out and exact tribute from New York, but it is possible, and, as things now are, they could do it.

* * * * * * *

Before steam was introduced as a naval motor, before armor was applied to war vessels, our sea-coast forts at New York, Boston, Charleston, and other points were no doubt fully adequate to destroy a hostile fleet that should attempt to pass them in order to capture the cities they were built to defend. Of their kind they were excellent, but within the last decade the whole system of such defenses has been revolutionized, and forts which once were fairly impregnable are to-day of scarcely more account for defense than pasteboard boxes. No one who has the slightest knowledge of the great changes which have occurred in naval warfare can now hold the opinion that our forts are equal to the defense of our cities. To be of avail against the latest naval constructions, they must be assisted by floating defenses and systems of submarine attack. If the outbreak of war should find us without these indispensable adjuncts to land defenses, we might forget our maxims of economy in the presence of actual peril to our great cities. What have we to offer, except an untried and still doubtful torpedo system, to prevent a foreign iron-clad fleet from entering, for example, the harbor of New York? It is substantially nothing; and if the capital and business of the city were aware of the fact they would tremble for their security.

Mr. Chairman, you know and we all know how utterly futile was the attempt, with merely guns and forts, to prevent Admiral Farragut from going up the Mississippi or from entering Mobile Bay. There has been a revolution on this subject of naval defense; and I submit that there is no possible protection for our large cities on the coast except it be from a refined system of torpedoes. As I understand, we have not these torpedoes now in our harbors. I hope we shall have them. I believe they may possibly protect our large cities.

The gentleman from Maryland, in replying to me upon this subject, rather intimated that it was indelicate, or unpatriotic, or something of that sort, for a member of the Committee on Foreign Affairs to throw out in the American Congress such a statement as I had made; that it was in effect an invitation to hostile fleets to enter our harbors.

Sir, I tell my honorable friend that every nation of any consequence, with which we are likely to be at war, has a perfect chart or map of the harbors of our principal cities. Those nations know our strength and our weakness.

Mr. Chairman, though torpedoes have been known for more than a century, it is but comparatively of recent date that they have been put to actual use.

Since the Crimean war, more especially, the attention of the maritime powers has been directed toward the development of a complete system of submarine warfare. During the late rebellion in this country great use was made of torpedoes by both Federals and confederates. Many vessels were destroyed by them; in fact not one of the Federal vessels was destroyed by guns, while between twenty and thirty were destroyed by torpedoes. The rebel ram Albemarle was blown up by a torpedo in charge of Lieutenant Cushing. That gallant officer has

since stated that he could have compassed her destruction in no other way. During the late Franco-Prussian war the Prussians kept the formidable fleet of the French at bay by the exclusive use of submerged mines.

While our Government has relied upon monitors for coast and harbor defense, it is probable that a perfected torpedo system must supersede them altogether, for the reason, while the monitor does not prevent the actual entrance of the enemy's vessel into the harbor, but is simply one vessel pitted against another, the torpedo effectually stops any entrance whatever. Again, monitors cost large sums to construct, and are perishable; torpedoes cost but a very trifling amount, and can be made and fixed in a very short time.

With a system of fixed mines and movable torpedo-boats, such as has been devised in this country within the past few years, any harbor can be most effectually fortified upon a few days' notice. As I understand it, our principal cities have not yet been thus fortified.

Assuming a war between this country and England, the latter approaching our coast with fifty iron-clads and as many or more wooden ships, what have we at the present time to cope with them? Nothing of any account but our land fortifications. Farragut demonstrated at Fort Saint Philip and at Mobile but too well their inability to damage even wooden ships, to say nothing about iron-clads. We have no iron-clad fleet sufficient to cope with second-rate powers.

While it is desirable for certain purposes to build iron-clads, we should have at our command a perfected system of submarine defense, capable of destroying the most formidable fleets. I made a statement the other day that the city of New York was at the mercy of foreign powers, especially such a power as has such vessels as the Devastation and Thunderer. My statement was questioned; perhaps it was not discreet, even if true; but, sir, it is but just to myself to say, that many accomplished engineers have vindicated my statement. The Army and Navy Journal confirms it. There is as yet no torpedo system adopted which can answer the purpose. It is time we should make use of this submarine system in its most advanced and successful results. The cost is comparatively small; the implements, once made, can be kept intact for years without any expense; they can be ready at any moment for actual service.

I shall not be niggard, as a Representative from New York City, where so much is at stake and where the peril is so great in case of war, in voting liberally to make the Navy strong. I would add to its strength by the building of wooden or iron ships, made after the latest models, especially for speed, carrying heavy guns and such torpedoes as are adapted to naval warfare. In the event of an aggressive war, these same vessels can be more readily utilized in transporting and operating torpedoes than cumbersome iron-clads.

Mr. SWANN obtained the floor.

Mr. CROOKE. Allow me to say one word on a personal matter. Although a very new member, Mr. Chairman, at the beginning of the session I expressed my astonishment at the statement made by the gentleman from New York, [Mr. Cox,] that the harbor of New York was at the mercy of the Spanish navy. I expressed my astonishment then; I am still more astonished now, to find the member from New York backing up that statement by something which he read very indistinctly from some scientific journal. I did not hear it, and therefore cannot answer it; but I state here, now in the presence of this House and in the presence of the whole world, that the Spaniards had not a powerful iron-clad ship in all their navy which could have crossed the bar at New York. You will find in documents before the House that every iron-clad in the Spanish navy draws thirty-four feet and over of water, and that no ship can carry over twenty-eight feet over the New York bar, and it cannot carry twenty-six feet of water after it gets over the bar.

Mr. ARCHER. Then it was the strength or weight of the Spanish navy which would have given safety to New York, and that is the only defense we have.

Mr. CROOKE. I stated that New York was perfectly safe. I believe she was safe otherwise; but in order to meet these remarks on the defenseless condition of New York it may as well be known that there is not a European iron-clad ship of war of any force in the world which can cross New York bar. I call the attention of the House to the fact that only three or four years ago, when the remains of Mr. Peabody were sent over here, the iron-clad Monarch could not cross the New York bar, but had to lie off and send the remains on shore in a tug.

While I did not hear the remarks of the gentleman, or the extract read by the gentleman, I wish to say that I know something about New York Harbor, and that I do know something about the defenses of New York City. I know that New York was perfectly defended outside of the fact that nothing could get in there to attack her, and that was defense enough. The Spanish iron-clad Arapiles, which was there in the navy-yard during all our recent unpleasantness with Spain, had to leave part of her armament behind her in Cuba in order to enable her to cross the bar, because she never could have crossed New York bar with her full war armament. In order to get her down to twenty-six feet draught she had to leave a part of her heavy metal behind, to get in at all. I will conclude by saying that there is not a Eupopean iron-clad, with full armament on board, which does not draw more than thirty feet of water.

Mr. KELLEY. And I wish to state a fact in verification of what the gentleman from New York has said; that when the Cathedral was unable to get into the port of New York they sent her round and discharged her cargo at Philadelphia, which cargo was sent by rail to New York City. [Laughter and applause.]

Mr. COX. One word in reply to the gentleman from Pennsylvania, [Mr. KELLEY.] In the first place, I beg to say that the State of New Jersey has been encroaching upon our harbor, narrowing the channel toward New York. Furthermore, our harbor has been filling up with the refuse of the city, with ashes and what not; and a bill is now pending to clean out our channel, which will be done, as I believe, on the report of the Committee on Commerce.

Now, in the next place, the only dependence which my colleague from New York [Mr. CROOKE] believes New York City has against foreign ingression is in the shallowness of the channel. Now does he not know that may be obviated either by enlarging the channel or deepening the channel? May not our city, and his city also, be imperiled by an iron-clad or foreign vessel of war which draws less water than he has stated? He has said that he did not hear my remarks. Now I did not limit my remarks to the Spanish navy. The Army and Navy Journal, from which I quoted, said that the Devastation and Thunderer, those large English iron-clads, can enter New York Harbor. I know my friend from Maryland [Mr. SWANN] said the other day that even if they did enter it they could not get out again. If they got in there they would do their part of destruction upon that city whether they got out or not. It is not the part of wisdom, Mr. Chairman, for us to conceal the fact that we are more or less at the mercy of other powers who have more or less increased their naval strength by the skill which has been brought to bear recently in the construction of naval vessels.

I speak of this not for the purpose of derogating from the Navy. The Navy may do its whole duty, and perhaps has done its whole duty in this respect. I understand that experiments are going on with a view to making its torpedoes appropriate to river defense, as they were in the Franco-Prussian war, against invasion. I only call attention to it for the purpose of warning this House that the city of New York, to which two-thirds of our commerce on which we depend for revenue goes for outland and inland transportation, might at any time be at the mercy of the British power, when we have a cause of war with that power.

Mr. CROOKE rose.

The CHAIRMAN. Debate is exhausted on the pending amendment.

Mr. CROOKE. I desire to say just a word about a personal matter, if the committee will allow me. There is as much water on New York bar to-day as ever there has been since the river was first discovered by Henry Hudson. The obstructions of New York Harbor are above the bar. There never has been a time when at low tide a ship drawing over twenty feet could not go over New York bar.

Mr. COX. The board of pilots do not say so.

Mr. CROOKE. I know as much about that as the pilots do. And the commercial representative of New York should know that the obstructions are not on the bar at Sandy Hook. It is five or six miles above that encroachments have been made, and there are only twenty-four or twenty-five feet of water at high tide, so that the large merchantmen scrape the bottom as they go out. But there is as much water to-day in New York Harbor as there was two hundred years ago, and the commercial representative of New York ought to know these facts. I do know them. [Laughter.]

Mr. HALE, of Maine. This discussion to-day has had fearful and wonderful complications. I do not know what might come next. So I move that the committee rise.

Mr. COX. Pending that motion, I withdraw my *pro forma* amendment.

The motion that the committee rise was agreed to.

So the committee rose; and the Speaker having resumed the chair, Mr. E. H. ROBERTS reported that the Committee of the Whole had had under consideration the special order, being the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

WEST VIRGINIA CONTESTED ELECTIONS.

Mr. SMITH, of New York. I desire to make a privileged report from the Committee on Elections. The Committee on Elections have instructed me to report the following resolutions.

The Clerk read as follows:

Resolved, That Mr. Davis, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected and is not entitled to a seat in this House.

Resolved, That Mr. Hagens, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was not duly elected and is not entitled to a seat in this House.

Resolved, That Mr. Wilson, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress in the State of West Virginia, and is hereby admitted to a seat in this House.

Resolved, That Mr. Martin, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress in the State of West Virginia, and is hereby admitted to a seat in this House.

Mr. HAZELTON, of Wisconsin. I present a minority report, and ask to have it printed with the report of the majority.

Mr. SPEER. Concurring in the conclusions of the report submitted by the chairman, which I have signed, I submit on behalf of three

members of the committee their reasons for holding the elections held in October to be valid.

The SPEAKER. When does the chairman of the Committee on Elections propose to call up the report?

Mr. SMITH, of New York. I propose to call it up at an early day.

The SPEAKER. These papers, the report from the committee, the minority report, and the reasons presented by the three gentlemen represented by the gentleman from Pennsylvania, will be printed and laid on the table; and the chairman of the Committee on Elections intimates that he will call them up at an early day.

SALARIES.

Mr. SPEER. Having been detained at my home in Pennsylvania yesterday, I was not here when the vote on the salary bill was taken. If I had been here I would have voted "ay," trusting to the future to correct the mileage abuse.

The SPEAKER. The Chair announces the following conferees on the bill (H. R. No. 795) making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House of Representatives: Mr. GARFIELD of Ohio, Mr. DONNAN of Iowa, and Mr. HOLMAN of Indiana.

WITHDRAWAL OF PAPERS.

On motion of Mr. COBURN, by unanimous consent, leave was given to withdraw papers on the application of Alma D. Brooks, widow of G. Brooks, for a pension, that they may be filed in the Senate.

On motion of Mr. TYNER, by unanimous consent, leave was given to withdraw from the files of the House papers relating to the claim of Samuel S. Potter, considered by the Committee on Claims of the Forty-second Congress.

Mr. RANDALL. Cannot that be done under the rules?

The SPEAKER. It is done by unanimous consent.

The Chair finds among the papers sent to his desk this morning one to which he desires to call the attention of the House: "The gentleman from New York, Mr. DUELL, asks leave to withdraw from the files of the House the papers relating to the claim of James Byers and others, there being no adverse report in the case," and he appends to it a certificate from the file clerk that there has been no adverse report in the case. The Chair thinks that is a valuable improvement, and that gentlemen in asking for the withdrawal of papers should present a certificate from the clerk in charge of such matters that no adverse report has been made; because the great objection is that after a claim has been adversely reported on an attempt is made to approach the Treasury by referring it to another committee.

Mr. BECK. I ask leave to withdraw from the files of the House, the papers in the case of the claim of the Louisville and Bardstown Turnpike Company against the Government, for the purpose of referring them in the Senate.

Mr. RANDALL. Does that come under the rule?

The SPEAKER. No; the withdrawal can only be made by unanimous consent.

Mr. RANDALL. I shall object to anything that interferes with our rules.

The SPEAKER. These papers are to be referred to a committee of the Senate, and the Chair thinks there will be no objection to their withdrawal.

Mr. BECK. I only desire to have them referred in the Senate.

Mr. RANDALL. I do not object to that, but I think if we have rules we ought to live up to them.

Mr. TYNER. I desire to say that the motion I made for leave to withdraw the papers in the case of Samuel S. Potter was made with a view of having them referred in the Senate.

Mr. BECK. I withdraw my request.

The SPEAKER. Papers may be taken from the files of the House and referred to a committee of the House, under the rules, at the Clerk's desk; but in case a gentleman desires the absolute withdrawal of papers, the Chair suggests that he should go to the Clerk's office and get a certificate from the file clerk that no adverse report has been made in the case.

TEMPORARY LOANS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of December 18, 1873, transmitting a statement of temporary loans authorized by the acts of February 25, March 17, and July 11, 1862, and of June 30, 1864; which was referred to the Committee on Ways and Means, and ordered to be printed.

EMPLOYÉS IN CLERK'S OFFICE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Clerk of the House of Representatives, transmitting, in compliance with the act of August 26, 1842, a statement containing the names of the clerks and other persons employed in his office; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER, of Massachusetts. I move that the House do now adjourn.

The motion was agreed to; and the House (at four o'clock and forty minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented under the rule, and referred to the appropriate committees:

By Mr. COX: The petition of Mrs. A. B. Walker and other women of Wyoming County, New York, for suffrage.

By Mr. DOBBINS: The memorial of D. H. Bates and others, of New Jersey, praying for an increase of pensions to disabled soldiers of the late war, &c.

By Mr. FIELD: The petition of Jane Hinsdale, of Detroit, Michigan, for compensation for services rendered during the war.

Also, a petition of citizens of Detroit, Michigan, for the application of the fund known as the "Chinese indemnity fund" to the education of the Chinese in the Pacific States.

By Mr. HUBBELL: The petition of A. Beers and 121 others, in favor of the improvement of Pine River Harbor, Charlevoix County, Michigan.

Also, the petition of William P. Naley, Justin Shapley, and 178 others, citizens of Keweenaw County, Michigan, asking for an appropriation to continue the improvements at Eagle Harbor, Lake Superior, Michigan.

By Mr. MAGINNIS: A petition in favor of the prepayment of postage by publishers of newspapers.

Also, a petition from the settlers on public lands in the Bitter Root Valley, Montana, in favor of an extension of the homestead act to their benefit.

By Mr. McDILL, of Wisconsin: A petition of soldiers of Wisconsin regiments, for equalization of bounties.

By Mr. O'BRIEN: The petition of Theresa Keibler, of Baltimore, for pension on account of the death of her son, Henry G. Keibler, while in the Army, in the Second Regiment Infantry, Maryland Volunteers; killed in engagement at White House, Virginia, in December, 1862.

Also, petition of sundry citizens of Baltimore, to have pension granted to Theresa Keibler.

By Mr. O'NEILL: The petition of Elizabeth Brannix, widow of Captain George H. Brannix, formerly of the United States volunteers, for relief.

By Mr. SCUDDER, of New York: The petition of E. J. Swayne and others, of New York City, asking the appointment of a commission of inquiry concerning the liquor traffic.

Also, the petition of William Irwin and many others, of Troy, New York, asking for like commission.

Also, the petition of Dr. O. S. Pine and others, of New York City, asking for like commission.

By Mr. SENER: Memorial of James R. Doughty, of Washington, District of Columbia, praying an allowance to compensate him for his services in the late war, and for his property lost and destroyed as the result of his loyalty.

By Mr. THORNBURGH: The petition of the trustees of the Mossy Creek Baptist church, East Tennessee, praying for relief.

By Mr. VANCE: The petition of sundry citizens of Mitchell County, North Carolina, for the establishment of a post-route from Mica post-office to Cranberry post-office, in the county of Mitchell, State of North Carolina.

By Mr. WALLACE: The petition of the president and faculty of Wafford College, Spartanburgh, South Carolina, for the early payment of the Southern Methodist publishing house, Nashville.

By Mr. WARD, of Illinois: The petition of Mrs. Eveline Dunn, for a pension.

By Mr. WILLIAMS, of Massachusetts: The petition of Abraham Lansing, of Cambridgeport, Massachusetts, for an increase of pension.

POST-ROUTE BILL.

The following bill was introduced under the rule, and referred to the Committee on the Post-Office and Post-Roads:

By Mr. VANCE: A bill to provide for establishing a post-route from Mica post-office, Mitchell County, North Carolina, to Cranberry, North Carolina.

IN SENATE.

THURSDAY, *January* 15, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 854) relating to circuit and district courts of the United States, in which the concurrence of the Senate was requested.

PETITIONS AND MEMORIALS.

Mr. CHANDLER presented a petition from citizens of Michigan, soldiers in the late war and members of the First Regiment of Michigan Cavalry, praying that justice may be done to them in the matter of their services to the country; which was referred to the Committee on Military Affairs.

Mr. BOUTWELL presented the petition of Henry L. Lochlin and 147 other citizens of Dorchester, Massachusetts, and the petition of Isaac F. Sawtell and 58 other citizens of New Bedford, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the pub-

lic health, and general welfare; which were referred to the Committee on Finance.

Mr. BOUTWELL. I also present a petition of the New England Shoe and Leather Association, in favor of the extension of the post-office grounds and buildings in the city of Boston. I wish to say that this memorial is from an association composed of merchants whose dealings amount to $250,000,000 a year. I move its reference to the Committee on Appropriations.

The motion was agreed to.

Mr. MITCHELL presented the petition of George S. Hollister, late a captain in the Seventh Regiment of Infantry, United States Army, praying Congress to consider the justice and propriety of passing a law to amend the act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1871, and for other purposes," approved July 15, 1870, so far as it relates to section 12 of the act, which honorably mustered him out of the service, he being a supernumerary officer, and that a court of inquiry be established with a view of reinstating him in the service; which was referred to the Committee on Military Affairs.

He also presented the petition of Charles E. Farrand, late a captain in the Twentieth Regiment of Infantry, United States Army, praying that the twelfth section of the Army appropriation act approved July 15, 1870, be so amended as to create a court of inquiry with a view of reinstating him in the service again, from which he was honorably mustered out by that section; which was referred to the Committee on Military Affairs.

Mr. FENTON presented the petition of the Methodist Episcopal church of Little Neck, Queens County, New York, signed by the pastor, Rev. Stephen Baker, and other officers of the church; the petition of the First-day school of the Society of Friends of New York City, signed by its superintendent and teachers; the petition of the Harmony Lodge of Good Templars of New York City, and the petition of the Second Baptist church of Williamsburgh, New York, signed by the pastor, Rev. J. N. Folwell, and other officers of the church, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. FENTON. Mr. President, I desire also to present a petition forwarded to me by Miss Susan B. Anthony, president of the National Woman Suffrage Association, now in session in this city. The petition is signed by several ladies of Western New York, and is in relation to the enfranchisement of women and their right to equal suffrage. I ask that this petition be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. Such petitions have usually been referred to the Committee on the Judiciary.

Mr. FENTON. I am requested in the communication from Miss Anthony to ask its reference to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. BUCKINGHAM presented the petition of Philip Bacon and other citizens of Simsbury, Connecticut, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. HAMLIN presented the petitions of pastors of eight churches of Portland, Maine, and a large number of other citizens, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. SARGENT. I present the petition of Lydia S. Sharp and 95 other United States citizens, praying for the equal protection of women to vote with colored men; the petition of Elizabeth Wright and 155 other women, for national protection of their citizen's right to vote; the petition of Mary Bloomer and 85 others, for the national protection of woman's right to vote in the several States; the petition of Emily R. Barker and other citizens of the United States, asking for women equal protection with colored men in the exercise of their right to vote; the petition of Lydia Ann Alburger and others, asking for women equal protection with colored men in the exercise of their citizen's right to vote; the petition of Lydia B. Jones and others, asking for women equal protection with colored men in the exercise of their right to vote; the petition of George O. Morgan and others, for the equal protection of women with colored men in the exercise of their right to vote; and the petition of James H. Blake and other citizens, asking for women equal protection with colored men in the exercise of their right to vote. I move the reference of these petitions to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. COOPER presented the petition of Asa Faulkner, of Tennessee, praying compensation for the value of a cotton factory and materials destroyed by military order; which was referred to the Committee on Claims.

Mr. INGALLS. I present the petition of Leonora S. Van Brunt and other citizens of Kansas, asking for women equal protection with colored men in the exercise of their right to vote; the petition of Mrs. Hannah Allen and 180 citizens of the State of Kansas; the petition of Hannah Hiatt and others, of Kansas; and the petition of Mrs. Ann H. Winans and other citizens of Kansas, asking for women equal rights with colored men in the exercise of their right to vote. I move the reference of these petitions to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CROZIER presented the petition of Louisa H. Griffin and others, of Kansas, asking for women equal protection with colored men in the exercise of their right to vote; which was referred to the Committee on Privileges and Elections.

Mr. PRATT presented the petition of Canady O'Brien, late of Company K, Third Infantry, praying for an increase of pension for services rendered in the Mexican war; which was referred to the Committee on Pensions.

Mr. DENNIS presented the petition of Martha E. Burgess, Mary J. Cristy, and other citizens of Baltimore, Maryland, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. LOGAN presented a petition of certain soldiers of the late war, residing in Montgomery County, Illinois, in regard to pay and bounty; which was referred to the Committee on Military Affairs.

He also presented the petition of Euphemia Martin and 42 other citizens of Illinois; the petition of Susan Evans and other citizens of Illinois; the petition of Mrs. Kimball Labaugh and 40 other citizens of Chicago, Illinois; the petition of Mrs. Fannie S. Edgar, and the petition of Martha H. Walsh and others of Illinois, asking for women equal protection with colored men in the exercise of their right to vote; which were referred to the Committee on Privileges and Elections.

He also presented the petition of George Townsend, praying for a pension for services rendered in the war of 1812, he having served fifty-eight days, or within two days of the time required by law; which was referred to the Committee on Pensions.

He also presented two petitions of T. J. Tillery and a large number of other citizens of Danville, Illinois; the petition of J. W. Bullock, John Wright, and others, citizens of Young America, Illinois, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. SCOTT presented the petition of the monthly meeting of the religious Society of Friends, of Kennett, Chester County, Pennsylvania, signed by the clerks, Thomas F. Seal and Martha M. Tussy; the petition of the First Presbyterian church of Allegheny, Pennsylvania, Rev. E. E. Swift, pastor; the petition of the Second Presbyterian church of Pittsburgh, Pennsylvania, Rev. W. D. Howard, pastor; the petition of the Third Presbyterian church, of Pittsburgh, Pennsylvania, T. A. Noble, D. D., pastor; the petition of the Second Presbyterian church of Allegheny, Pennsylvania, representing 270 members; and the petition of the Central Presbyterian congregation, numbering 900, (350 communicants,) Rev. William H. Gill, pastor, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. HAMILTON, of Maryland, presented the petition of members of the Sons of Temperance and other citizens of Baltimore, Maryland, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

He also presented the petition of George R. Murphy, praying indemnity for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. SCHURZ. I hold in my hand a paper, which is not exactly a petition addressed to the Senate of the United States, but a petition addressed by the officers of the camp at south end of Tule Lake, California, to the President of the United States concerning Acting Assistant Surgeon B. Seming, who enlisted in the United States Army as a private, went through the Modoc campaign, and was dangerously wounded. The officers of that command wish to have him promoted to the rank of assistant surgeon. The Secretary of War communicated these papers to me with a view to have them submitted to the Senate and referred to the Committee on Military Affairs, so that the Committee on Military Affairs may take such action as it pleases.

The PRESIDENT *pro tempore*. The papers will be received and so referred if there be no objection.

Mr. HOWE presented the petition of Robert D. Brown, J. W. Weston, and other citizens of La Crosse, Wisconsin, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. MORRILL, of Vermont, presented the petition of R. T. Nash and many other citizens of Winooski, Vermont, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. OGLESBY presented the petition of B. N. Wiles and other citizens of Macomb, Illinois, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. FERRY, of Connecticut, presented the petition of Rev. Rodney L. Tabor and others, of Hartland, (west parish,) Connecticut, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. MORTON presented the petition of the Oakland Lodge of Good Templars, of Oakland, Indiana, signed by its officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. EDMUNDS presented the petition of M. W. Ladd and other citizens of Woodstock, Vermont, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. SHERMAN presented the petition of Rev. Charles E. McCaslin and other citizens of Greentown, Stark County, Ohio, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. FENTON, it was

Ordered, That the petition and papers of Annie E. Page be taken from the files and referred to the Committee on Claims.

On motion of Mr. FENTON, it was

Ordered, That the petition and papers in the case of the Mercantile Insurance Company, of New York City, be taken from the files and referred to the Committee on Claims.

On motion of Mr. BUCKINGHAM, it was

Ordered, That the petition of Miss Harriet DeWitt Mitchell, daughter of General O. M. Mitchell, for an increase of pension, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers of Thomas H. Yeatman be taken from teh files and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers of E. A. Coleman be taken from the files and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers of Charles P. Redmond be taken from the files and referred to the Committee on Claims.

On motion of Mr. INGALLS, it was

Ordered, That the petition and papers of Elkanah Huddleson be taken from the files and referred to the Committee on Claims.

Mr. MORRILL, of Vermont. I will inquire whether there has been any adverse report in any of these cases?

Mr. INGALLS. I am informed by the party who requested me to have these orders made that there has been no adverse report in any of these cases.

The PRESIDENT *pro tempore*. If there has been an adverse report in any of these cases the Secretary will not deliver the papers until copies are retained.

On motion of Mr. LOGAN, it was

Ordered, That the petition and papers of Sebastian Reichart be taken from the files and referred to the Committee on Private Land Claims.

On motion of Mr. LOGAN, it was

Ordered, That the petition and papers of John M. Scott and others be taken from the files and referred to the Committee on Private Land Claims.

REPORTS OF COMMITTEES.

Mr. RAMSEY, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of a large number of citizens of Peoria, Illinois, praying for a uniform rate of compensation for letter-carriers at $1,000 per annum, asked to be discharged from its further consideration; which was agreed to.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of W. W. Elliott, formerly in the Twenty-second Illinois Infantry, praying compensation for extra services as acting assistant surgeon United States Army, reported a bill (S. No. 310) for the relief of W. W. Elliott; which was read, and passed to a second reading.

Mr. BUCKINGHAM, from the Committee on Commerce, reported a bill (S. No. 311) for the relief of Joseph Montanari, and for other purposes; which was read and passed to a second reading.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 149) for the relief of certain settlers on the Fort Randall military reservation, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. STEVENSON. I ask the unanimous consent of the Senate to take up Senate bill No. 193, for the benefit of Uriah Porter, which was reported favorably by the Committee on Finance when I was out of the Senate. It is a local bill, relating entirely to a citizen of Kentucky. The Committee on Finance have reported it favorably, and I ask the Senate now to take it up.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the bill at this time.

Mr. WRIGHT. I have no objection if the Senator will allow me to introduce a bill for reference; and I have a resolution, also, which I should like to present.

The PRESIDENT *pro tempore*. That is in the nature of an objection.

Mr. CLAYTON. I have a report to make.

The PRESIDENT *pro tempore*. The Chair will receive the report.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the petition of Daniel Ivens, M. D., late hospital-steward Thirty-sixth Regiment Iowa Infantry, praying compensation for services rendered as assistant surgeon between October 4, 1862, and August 26, 1865, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

Mr. HITCHCOCK, from the Committee on Territories, to whom was referred the bill (S. No. 254) to donate the military reservation at Fort Steilacoom to the Territory of Washington for the use of the insane asylum, reported it without amendment.

Mr. MERRIMON, from the Committee on Post-Offices and Post-Roads, to whom was referred a petition of citizens of Minnesota, praying for a repeal of the law providing for the registration of letters, asked to be discharged from its further consideration; which was agreed to.

Mr. WADLEIGH, from the Committee on Military Affairs, to whom was referred the bill (S. No. 110) for the relief of the East Tennessee University, reported it without amendment.

Mr. INGALLS, from the Committee on Pensions, to whom were referred the petition of Lizzie M. Mitchell, widow of Captain John Mitchell, Forty-third United States Infantry, praying for a pension; the petition of Samuel Spaulding, of Michigan, praying to be allowed a pension; and the petition of Mary D. Loud, mother of Joseph R. Newman, late private of marines, praying for a pension, reported adversely thereon, and the committee were discharged from the further consideration of the petitions.

HOUSE BILL REFERRED.

The bill (H. R. No. 854) relating to circuit and district courts of the United States was read twice by its title, and referred to the Committee on the Judiciary.

INDIAN WAR IN DAKOTA.

Mr. KELLY. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862, to report it back with an amendment and recommend its passage. This bill passed the House at the last session, and is now reported by the Committee on Military Affairs of the Senate; and as it makes no appropriation of money, but simply requires the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for supplying arms, &c., I ask that it be put on its passage at this time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which requires the Secretary of War to ascertain, or cause to be ascertained, the amount of expense necessarily incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all expenses of the volunteer forces called out to suppress Indian hostilities in the Territory of Dakota in the year 1862, and report to Congress at the next session the names of the persons entitled to relief, together with a statement of the facts and sums upon which such report may be based.

The amendment reported by the Committee on Military Affairs was to strike out in line 10 the words "at the next session," so as to read, "and report to Congress the names of the persons entitled to relief," &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; was read the third time, and passed.

BILLS INTRODUCED.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 312) to establish an assay office at Helena, in the Territory of Montana; which was read twice by its title, and referred to the Committee on Finance.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 313) to confirm the purchase by the executive department of three acres of land, more or less, in the vicinity of Nashville, Tennessee, known as the site of Fort Houston, and to donate and convey the same to the Fisk University for educational purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 314) for the relief of the heirs at law of Mathieu Alexis de Rochefermois; which was read twice by its title, and referred, with papers on file, to the Committee on Revolutionary Claims.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report of the Attorney-General, communicating, in obedience to a Senate resolu-

tion of February 24, 1873, information in relation to the expenses of proceedings in bankruptcy in United States courts; which was ordered to lie on the table and be printed.

GRAIN-SACKS.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the propriety of providing under proper guards for the return, duty free, of grain-sacks which are of American manufacture, or which have been imported into the United States and duty paid thereon, and subsequently used in the shipment of grain to foreign countries.

RAILING IN THE SENATE CHAMBER.

Mr. WRIGHT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the propriety of removing the railing back of the seats of Senators in this Chamber.

POSTAL SERVICE ON NON-PAYING ROUTES.

Mr. MORRILL, of Vermont, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire into the expediency of providing by law that postal service on mail-routes where the aggregate receipts shall not amount to one-fourth of the expenditures in any one year, shall thereafter be discontinued; and to report thereon at an early day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 202) to remove the legal and political disabilities of William Steele, of Bexar County, Texas, without amendment.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 795) making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the House Mr. JAMES A. GARFIELD, of Ohio, Mr. WILLIAM G. DONNAN, of Iowa, and Mr. WILLIAM S. HOLMAN, of Indiana.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the bill (H. R. No. 793) repealing the increase of salaries of members of Congress and other officers; and it was thereupon signed by the President of the Senate *pro tempore*.

YELLOW FEVER EPIDEMIC.

Mr. FENTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas yellow fever has again prevailed during the past year as an epidemic of frightful severity in some of the cities and towns of the United States, paralyzing trade and commerce throughout large sections of the country by impeding travel and menacing neighboring communities; and whereas many cities, equally exposed with those which suffered most severely, escaped with slight mortality, indicating that certain conditions and measures may control or arrest the spread of the epidemic; and whereas the history of the disease tends to show that it is almost uniformly introduced into the United States by seamen already infected with the contagion, or arriving from ports where the disease exists; and whereas the United States marine-hospital service, through its medical officers at the ports where the epidemic prevailed, was enabled to become familiar with the course of the disease, the conditions favorable to its introduction and progress, and the measures which were successful in controlling or checking it: Therefore,

Resolved, That the Secretary of the Treasury be, and hereby is, directed to instruct the supervising surgeon of the marine-hospital service to prepare, or cause to be prepared, from the reports and observations of the marine-hospital surgeons, and from other available sources, a brief and succinct history of the yellow fever epidemic of 1873, as it prevailed at the various ports of the United States, with especial reference to details of prevention and hygiene, and transmit the same to the Senate at the earliest day practicable.

POST-ROUTE BILL.

Mr. RAMSEY. I move that the Senate now resume the consideration of the post-route bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 798) to establish certain post-routes.

The PRESIDENT *pro tempore*. On this bill the Senator from Maine [Mr. MORRILL] is entitled to the floor.

Mr. MITCHELL. If the Senator will allow me I should like to offer an amendment to the bill, adding after "Ohio," in line 321, the words—

OREGON.

From Eugene City via Diamond Lake, Fort Klamath, Sprague's River, Drew's Valley, and Goose Lake, to Winnemuca, in the State of Nevada.

From Newport, Benton County, via Seal Rock on beach Pacific Ocean, mouth of Alsea River and Peake's Mill, to Alsea Valley.

The amendment was agreed to.

Mr. PATTERSON. I offer an amendment on page 14, after line 316, to insert under the head of "South Carolina:"

From Rock Hill, York County, to Lancaster Court-house, Lancaster County; also, from Chester, Chester County, to Lancaster Court-house, in Lancaster County.

The PRESIDENT *pro tempore*. The reference to counties will be omitted if there be no objection.

Mr. PATTERSON. Very well.

Mr. MORRILL, of Maine. I should like to ask the chairman of the committee whether he approves of the amendment?

Mr. RAMSEY. It has not been formally considered by the committee. The practice has always been to take the suggestions of members of the Senate and members of the House of Representatives. The Senator from Maine, in what he said yesterday, created the impression that this bill was gotten up either by the committee itself, without any suggestion from members who knew the wants of the locality in which they live, or by the Post-Office Department. It is a bill gotten up just as he suggested it should be gotten up, on the representation of Senators who know the wants of the communities they represent and upon the representation of members of the House of Representatives. This, as I understand it, has been the practice of Congress from the very beginning of the Government. There is no possibility of scrutinizing either the distance of the respective routes proposed or the absolute wants in all these cases. These matters are referred to the Post-Office Department subsequently, without the consent of which not one cent is spent upon any one of these routes. They have a topographer, they have other officers, and they have communication and correspondence through their deputies all over the United States, and they ascertain, after the lines are authorized, whether the business of the country will justify the expense which service on them would involve. Unless service is placed upon a route, there is no expense growing out of it at all.

The Senator asked me yesterday to tell him off-hand what number of miles of service was provided for in this bill. For the reason I mentioned it is impossible for myself and for the committee to ascertain that. If the Senate desire that information, if it be at all important, the bill may be referred to the Post-Office Department, so that its topographer may ascertain the distances covered by the proposed routes.

The Senator asked me what was the length of the mail routes in the United States. I told him off-hand that I thought it was two hundred and fifty thousand miles. I told him that that matter was fully gone into by the Postmaster-General in his annual reports.

Mr. President, there are but six or seven States of this Union where the receipts pay the postal expenditures within their respective States; and I would say to the Senator from Maine, that Maine is not one of those States; and to my friend from Vermont, who is interested in this bill by rigidly scrutinizing its details, that his State is not one of those that pay the expenditures of the Post-Office Department within the boundaries of the State. But, Mr. President, suppose neither State does, it has never been the practice of the Government to expect, at least, that the Post-Office Department should bear its own expenditures. Probably in the States that pay least in that regard the greatest service is rendered by postal facilities. The correspondence from the State of Maine that passes over the large State, territorially, of Minnesota, for instance, is as valuable to the people of Maine as it is to the people of Minnesota; so with the correspondence that passes through the State of Illinois, the State of Missouri, and so on.

Mr. MORRILL, of Vermont. If the Senator will allow me, in relation to Vermont, I will say that the State itself pays for all its accommodations, and very much more; but it is compelled to carry the large mail, commencing at the end of the State, from New York across into Canada by Lake Champlain, and also by the Connecticut River. The immense cost there is mainly for the transportation of these large mails for the Dominion of Canada.

Mr. RAMSEY. Then I would suggest to the honorable Senator to cut off that mail entirely, and that, then, will make his State a contributing State to the treasury of the Post-Office Department. And so to the gentlemen who desire to curtail the expenditures for transportation, I suggest simply that they cut off the remote States of the Union, where the expenditures are larger than in other States. There was a period in the work of the Post-Office Department within the last twenty years when there was a surplus of revenue, but that was when the Southern States were entirely cut off. Now, I suggest to these gentlemen if they entirely cut off the States in the valley of the Mississippi from all postal facilities, then the Post-Office Department in the East would pay for itself. But can they, can the trade and commerce of the Eastern States, afford that? Is not the correspondence from Maine carried in the West and South just as profitable to the State of Maine as the correspondence carried within its own borders?

But, sir, after all, is the expense of the Post-Office Department increasing in any extraordinary degree? Why, Mr. President, it is just in one regular proportion from year to year. Just as the population of the country has increased, in about that proportion the expenditures of the Post-Office have increased.

Mr. SARGENT. Will the Senator allow me a moment?

Mr. RAMSEY. Certainly.

Mr. SARGENT. The increase of the population of the country is about 9 per cent. annually; and if the gentleman is correct in his figures in regard to this bill, that it authorizes about five thousand miles more of additional routes, as the whole number is two hundred and fifty thousand miles, the increase in this bill to keep up with the population of the country ought to be about twenty-two thousand five hundred, whereas it is only about one-fourth that sum.

Mr. RAMSEY. I do not know that I am precisely accurate in fixing the amount at five thousand miles.

Mr. SARGENT. Well, it strengthens the Senator's argument. The increase of expenditure is not as great as the increase of population.

Mr. RAMSEY. The expenses of the Department for 1837 were $3,000,000; they are now $29,000,000. The population has increased

in about the same proportion, and the business of the country has increased in the same proportion.

Again, you can reduce the expenditures of the Post-Office Department by not enacting continuously, as you do, that every kind of transportation shall be carried by the most rapid and expeditious service the country can afford. You ask not only that the letters which pass from one portion of the country to another shall be carried by the fastest possible service in the United States, but also that your newspapers shall and that your miscellaneous matter shall be carried in that way. Cut that off, tell the Postmaster-General to send simply the letters by the very fastest lines, the lightning lines of the country, and if you want to reduce the expense to the lowest cent, direct him to send the newspapers and the miscellaneous matter by slower lines. Instruct him to do that, and you will reduce the cost of transportation. These expenditures have grown up under instructions of your own in your own statutes, and in no other way.

Probably no Department of the Government is so economically administered as the Post-Office Department; and if it is subjected to extraordinary expenditures it is because of your own legislation. The honorable Senator from Maine says it has got to be an express company. Mr. President, you cannot carry a parcel in the mails over twelve ounces in weight.

Mr. EDMUNDS. Unless it belongs to the Post-Office Department.

Mr. RAMSEY. That is simply transmitting its own documents and papers. There is this exception, that by an amendment that you introduced here—and which became a law at the last session—in favor of the transmission through the mails of seeds, bulbs, and plants, they may be sent to the extent of four pounds in one package. In the countries of Europe, the post-office department, at least in Germany, does the general express business of the country. I do not know that that branch of it is unprofitable to the government.

Mr. MORRILL, of Vermont. Mr. President, the Senator from Minnesota says——

The PRESIDENT *pro tempore*. The Senator from Maine is entitled to the floor if he claims it.

Mr. MORRILL, of Maine. I am willing to give way.

Mr. MORRILL, of Vermont. A single word. I do not rise to attack the Post-Office Department at all. I am only desirous that that Department shall have an opportunity with all other Departments to economize to a reasonable extent. The Senator from Minnesota represents that the increase of the expenditures of that Department is caused solely by the legislation of Congress. I agree with him, for Senators will bear witness that any kind of a postal route may be established in any bill that is presented here. There is no objection on the part of the committee to any application for a further extension of mail-routes, and when once established Senators and Representatives go to the Postmaster-General and say to him, "Congress has ordered this; you have no discretion about it; you must establish service upon this route, because Congress has established it."

The Senator claims that these postal routes have only increased with the population of the country. Have not our revenues increased with the population of the country? He seems to utterly ignore the fact that the revenues of the Post-Office Department have also increased. Why, sir, up to 1850 the Post-Office Department was a self-supporting Department. We increased in population from 1830 to 1850 more rapidly than we have done since; and yet it was then made a self-supporting establishment. It was represented by the distinguished chairman of the Committee on Post-Offices and Post-Roads last year that if we would abolish the franking privilege we should reduce the expenses of the Department. Instead of that, what are the facts? We have a larger deficiency than we have ever had before. The Department has become more expensive than it has ever been before in any year of the Government. I only call attention to this fact so that if there be any proper remedy it may be applied. I do not desire to apply any remedy that will be unjust to any portion of the country, whether it is to the frontier States or the older settled States; but I desire that the Committee on Post-Offices and Post-Roads shall diligently inquire as to whether there is any remedy for this vast increase in the cost of conducting the Post-Office Department.

Mr. RAMSEY. Will the Senator from Maine allow me one word on this point?

Mr. MORRILL, of Maine. Certainly; with great pleasure.

Mr. RAMSEY. The Senator from Maine says, and the Senator from Vermont repeats, that notwithstanding our promises that with the abolition of the franking privilege there would be greater economy and saving in the expenditures of the Post-Office Department, they have increased. Other Senators have said that also. They ought to consider that the Post-Office Department has not had time enough yet to work up that system.

Mr. EDMUNDS. How much time do you want?

Mr. RAMSEY. The abolition of the franking privilege only commenced on the 1st day of July last. The whole country was then under contract for the transmission of the mails. Contracts were in existence in all the various sections of the country. The Post-Office Department divides the country into four sections, and every four years one of those sections is let. Not one of them has been let since the abolition of the franking privilege has been in force.

Mr. EDMUNDS. I ask the Senator whether there are not some companies who carry by weight?

Mr. RAMSEY. Yes, sir.

Mr. EDMUNDS. Has any change been made in the contracts with them?

Mr. RAMSEY. You cannot make a daily change. The contracts are for a long period. Congress passed an enactment that required the reweighing of the mail in the month of October last; and those returns must be ascertained before new contracts can be entered into.

Mr. EDMUNDS. Then I understand that the reform of the franking privilege, like the repeal of the President's salary that was proposed, has not begun yet, and it will not be likely to do so for some time to come.

Mr. RAMSEY. It has begun, but its effects are not yet seen. [Laughter.]

Mr. MORRILL, of Maine. I was called up unexpectedly yesterday, and said all that I intended and much more when I was up. I was called up simply from the answer of the honorable Senator from Minnesota to an inquiry of mine in regard to the bill before the Senate. My honorable friend had the candor or simplicity to say that there was no legislation in the bill, and that led me to remark upon the whole character of the legislation in regard to these bills; and my honorable friend comes in here this morning with most admirable freshness and seems to corroborate the whole of it. He says the amendments offered here he has never seen and knows nothing about, and has not the slightest idea what they add to the service, but he says this legislation is so much a matter of course that he takes it for granted that they are all right. When anybody proposes an amendment to the service, no matter exactly what, whether he has the slightest idea what it is or not, it is taken as a matter of course.

Mr. President, I do not rise in the spirit of invidious criticism to anybody; but does not that honorable Senator know that the spirit of retrenchment is abroad in the land? Does he not know that everybody who is charged with any branch of the public service which requires or justifies, or in which there is the slightest possibility to retrench, is expected to do something in regard to it?

Having been assigned by the kindness of the Senate to a position which requires me to look into that matter, my attention has been attracted to this branch of the public service, and I take occasion to repeat now what I said yesterday, that it is increasing with such magnificent proportions, in spite of all the endeavors of the honorable Senator to restore it to its pristine purity by lopping off the excrescence of the franking privilege, that this year, although the honorable Senator seems to think the expenditures are to be but about twenty-nine millions, they are to be thirty-six millions. The Senator knows that, doubtless. And looking around for the balance against the Treasury this year, I find that we are to be called upon for a balance out of the Treasury of the United States to make good the difference between the receipts and the expenditures of the postal service for the year ending June 30, 1875, of $7,000,000. Is that such an event in the progress of development in this branch of the public service as that we are at liberty to regard it with indifference? And am I to be told that I am here assailing a branch of the public service when I make this suggestion?

I rose in no spirit of invidious criticism, but to remark the general fact; and I stated yesterday, and I will be more accurate this morning, that since 1865 this service has more than doubled. Is that keeping pace with the population? Has the population of this country more than doubled, if that is your basis? Of course it has not. What, then, is the justification of this extension of the public service? I am not speaking as to the mails. I do not think that is the difficulty. We have ingrafted upon this service incongruities which are burdening it.

Mr. RAMSEY. If the Senator will allow me a word I will say this: I know he does not want to be unfair. Since 1866 the Senator says the expenditures of the Post-Office Department have increased more largely than the population. He knows why. Prior to 1866 we were discharged from carrying the mail throughout all the Southern States; that has been thrown upon us since. Then the Senator from Vermont said that in 1850 the Post-Office Department was self-supporting. He knows that at that time we had just obtained all the country on the Pacific coast, and that immense region and the intermediate spaces had to be served by the Post-Office Department.

Mr. MORRILL, of Maine. That does not affect my remark at all. Prior to 1866 the service was very much below what it was in 1866. In 1866 the mails were running everywhere in the southern country. Does not the honorable Senator know that fact? Does he not know that the service had been reorganized? Now, in 1873, the cost of the service is $29,000,000 in round numbers; in 1866 it was $15,000,000. It has grown up in this way to these gigantic proportions. Why? I am not going to stop to analyze that. I know why, and at the appropriate time when the appropriations for this service are before the Senate, I intend to tell the Senate why, and I think the Committee on Appropriations will not be disagreed as to the direction in which we can go without crippling this service at all; I mean in what belongs to the postal service legitimately. Without crippling that at all, giving all the facilities for the circulation of that intelligence which the honorable Senator emphasizes this morning; giving full play to that and full circulation to that, I think it will not be difficult to find that we can reduce the cost of the service by lopping off excrescences, striking out from the mail—which loads it down and incumbers it and embarrasses the free circulation of intelligence—

all that dead weight; not seeds and bulbs merely, but dry goods, anything you choose to put into the mails not exceeding four pounds, in any single package. Free it from the characteristics of an express.

Why, Mr. President, in 1872—the honorable Senator will correct me if I am wrong—he asked for a deficiency of little more than four millions, to make good the difference between the receipts and the expenditures. Now, for 1875, which we are to appropriate for at this session, we are to have about seven millions, or a little short of that; my friend on my left [Mr. SARGENT] will know—a little short of seven millions. The exact amount is $6,811,363. Can my honorable friend account for that? Does his theory of the increase of population account for that? Of course it does not. Does my honorable friend know that that great measure of reform which he urged upon Congress persistently, "in season," and I will not say "out of season," but certainly with all the ability of which he is master—the abolition of the franking privilege—has had any effect?

It was said that the franking privilege was overbearing the public service; that these immense expenditures were attributable to that; that these balances which we were constantly being asked to vote out of the Treasury of the United States were attributable to that. Now we have come to a period when that great reform is in force, and what is the result? The result of it is that your deficiency is nearly doubled.

When I rose I had not the slightest intention of alluding to these facts, but to arrest the attention of the Senator from Minnesota to the fact that in the present condition of the public service it is not well for him to adopt the principle that these bills may be made up, as a matter of course, without inspection and without examination; because my belief is—that Senator will know better—that when a post-route is established it is an authority which, if it is not imperative upon the Postmaster-General, certainly is a very great embarrassment to him, because he will necessarily, it seems to me, adopt the logic of the Senator himself, and feel that it is his necessity to adopt whatever amendment a Senator proposes. That was the only object I had in the beginning.

Mr. HAMLIN. Mr. President, this is a question which I think is surrounded by very many embarrassments; but I am of opinion that there are some remedies which may be afforded.

It is true that the Postmaster-General feels called upon to put mail service upon all routes that are established by Congress. He can hardly feel able to discriminate and to act upon the information within his knowledge upon any other rule. If Congress deem it wise to create a post-route, he holds it to be his duty not to supervise their action, but to place mail service upon it. In the newer portions of the country there are mail-routes called for which undoubtedly can supply but a small proportion of the expense from the revenues that will be received. We cannot, therefore, limit ourselves by creating post-routes that shall be self-paying. It would be a great injustice to many sections of the country. Indeed, I think I know of routes, of miles in extent, where the intermediate offices between two very considerable commercial points would pay but a very small proportion of the expense of the route, but yet the communication between the larger points is necessary, and the communications to be furnished to these intermediate points, although they are not self-paying, are absolutely demanded. But it is equally true that there has been a looseness in the formation of these bills that is inexcusable; and though I am on the Post-Office Committee I stand here to say that.

Senator after Senator here yesterday offered an amendment, without telling us that he had any knowledge within himself, or that he had ever had any petition for such routes as he proposed. Well, it is very pleasant to create a route because it may please some friends. I hold that there should be a greater scrutiny in that committee as to the necessity of proposed routes, and to guard, to aid, and to protect the Post-Office Department from the enormous demands that are now made upon it. But we do not do it. I do not know, I have no knowledge, that every amendment offered here was not just, and proper, and called for; but I know how easy a thing it is for a Senator to do to propose amendments establishing routes which are really not needed.

Now, as a practical matter, as my colleague has seen fit to call the attention of the Senate to this subject, I am going to make a suggestion to my colleague, and he can adopt it or not as he sees fit. I do not know how much there is in it, but I think there is something. The Post-Office Department has its special agents, either in every State, or in every group of two, or I think at most three States. I think they are called special agents of the Department. They are paid for their time, and the Government has a right to the use of all their time. I think a section or a provision might be incorporated in this bill that no service shall be put upon any one of these routes until they shall have been investigated by the proper officer of that Department and his report made that the service is just and reasonable.

The PRESIDENT *pro tempore*. The Senator from Maine will suspend, the morning hour having expired. The Senate will resume the consideration of the unfinished business.

Mr. HAMLIN. I am through.

THE CURRENCY—SPECIE PAYMENTS.

The Senate resumed the consideration of the following resolution, reported by Mr. SHERMAN, from the Committee on Finance:

Resolved, That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows: "And the United States also pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin;" and the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

The pending question being on the amendment submitted by Mr. FERRY, of Michigan, to strike out all after the word "*Resolved*," and insert the following:

That the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will restore commercial confidence and give stability and elasticity to the circulating medium through a moderate increase of currency.

Mr. MORTON. Mr. President, I desire to ask the attention of the Senate for a short time in reply to some points made by the Senator from Missouri [Mr. SCHURZ] yesterday. The Senator from Missouri, without intending it, failed to state correctly the position that I had taken in the few remarks I submitted to the Senate some time ago; and not intending to go over that ground again, I will read a brief passage from my speech then:

The question first presented is whether it is the duty of Congress at this session to take definite measures for the redemption of the United States notes in coin, for that is the pledge given in the act of 1869. I agree that the faith of this Government is pledged to redeem what are called greenbacks in coin. I agree to that as fully and as strongly as anybody; and I further agree that we are to keep steadily in view what is called a return to specie payments; but the question is whether it is our duty at this session of Congress, at this time, in the present condition of the country, to look to and adopt such measures; and at this point I differ with the committee. There is a wrong time to do a right thing; and in my opinion this is not the time in which we should adopt definite measures to redeem these notes in coin, unless the time be put off so far that it will not increase the present embarrassment or intensify the effects of the panic upon the country.

That is all I have to say in restatement of my former position. The Senator from Missouri yesterday, in a very able and elaborate speech, described the misfortunes and evils arising to the country from what he calls an irredeemable currency; and from the account he gives of it it is the worst possible infliction that could fall upon this or any other country. I listened very carefully for some suggestion from the Senator as to how we were to return to specie payments immediately or within a short time. The Senator suggested no method except by contraction. He argued that the currency is redundant. He undertook to show the evils of a redundant currency, and the only method pointed out by which we could return to specie payments was by contraction. I beg leave to read a very compact statement of his position on that subject in the conclusion of his speech. He said:

When, under circumstances like ours, an irredeemable paper currency is constantly depreciated, at a discount as to coin, that depreciation proves that its volume is in excess of the real wants of the general business of the country. This being the case with our paper currency, the present crisis cannot have been caused by any insufficiency of that currency as to the real requirements of business.

The proposition of the Senator is that the redundancy of the currency is measured by its discount. The discount is 10 per cent., and according to his logic a reduction of the volume of the currency 10 per cent. would bring it to par. Now I do not believe that. I believe that to bring this currency to par you must resort to some other means than contraction. But the argument of the Senator is that by a reduction of the currency 10 per cent. you will bring it to par; that the redundancy is measured by the discount and the discount by the redundancy. The drift of the Senator's argument is in favor of a general reduction of the prices of labor and of property. He argues that if the purchasing power of a smaller sum of money is equal to that of a larger sum, nothing is lost. That argument was made once before, I believe, in the Senate of the United States, by a distinguished statesman who is now no more, and who said that it would be just as well to have wages ten cents a day, provided the purchasing power of ten cents was equal to what a dollar was then, as to have wages at a dollar a day, and I believe that he obtained by that remark the *sobriquet* of "Ten-cent Jimmy," and the *sobriquet* outlived him.

I do not agree to a reduction in the price of labor and of property, although the purchasing power of money may be increased. One of the greatest attractions of our country to the laboring population of Europe has been our high wages. We all know that. It has brought millions to our country, and the mere fact that you may increase the purchasing power of money is no argument in favor of putting the wages in this country upon a level with those in Europe. You may bring down the price of everything along with the price of labor, so that fifty cents a day will purchase as much property as a dollar a day in former times; but you do not bring down the volume of your debt. We owe two thousand millions. There is a large private indebtedness, equal in amount, on the part of corporations, to say nothing of the indebtedness on the part of individuals.

Mr. President, I am opposed to this whole doctrine of reducing the price of labor and the price of personal property to what it is in Europe. I know that it is the argument of standard writers that it will make no difference to us, everything else coming down in proportion; but if it were so, it ought to be done very gradually; it ought not to be done in one year or two years. It ought to be done very gently.

Mr. SCHURZ. Ought it to be done in three years?

Mr. MORTON. Our prices are now upon a certain scale. The Sen-

ator would bring them down to a lower scale, and he would do it all at once. He would descend from Erie to Ontario over Niagara.

Mr. SCHURZ. The Senator knows very well that I did not say that I wanted to do it all at once, but in the whole course of my remarks I said that the process ought to be gradual. The Senator speaks of one year or two years. Why, if I can see specie payments before me even at the end of three years I shall be perfectly satisfied, and I said that virtually yesterday.

Mr. MORTON. The Senator's speech, as I have read it this morning, makes the impression upon my mind that this change should be made very suddenly, but I will take the Senator's correction of that; and I wish to say that if it is made it ought to be made very gradually. The prudent sailor will descend from Erie to Lake Ontario by the way of the Welland Canal, locking down by easy gradations and going a long way around; but these bold admirals of finance scorn this roundabout way, and insist upon going over Niagara at once.

I wish to consider very briefly whether our currency is redundant, and I will satisfy myself with a single comparison upon that point. I will compare it with the currency of England. The Senator yesterday gave the currency of Great Britain—England, Ireland, and Scotland—at $591,425,000 of coin and paper. I think I can show by data in my possession that it is over $600,000,000. I will assume for round numbers that it is $600,000,000. He only makes it $9,000,000 less than that.

England has 32,000,000 people; a very compact population, in a territory not much larger altogether than twice the State of New York. We have 41,000,000 people, scattered over this continent from the Gulf to the frozen regions of the north and from the Atlantic to the Pacific. By the way, I would remark that $600,000,000 of currency to 32,000,000 people in England upon the same ratio would give $768,000,000 of currency upon a specie basis to 41,000,000 population, about what we now have, being within a few millions of our currency as it now stands.

I remarked to the Senator yesterday that the currency of England was greater *per capita*, all things considered, than our currency is now, which he says is redundant; and I think I can demonstrate that beyond all question. In the first place, speaking of bank-credits, which take the place of money to a very large extent, they are much more numerous in England than they are in this country. There is hardly a man in England who lives five miles from a bank, public or private. Every man there can keep his account in a bank. A much larger proportion of the people of England live in cities, towns, and villages than in this country. Those who live in the country there are almost in sight of public or private banks; so that there is a much larger business done in the way of checks and bank-credits than in this country.

Mr. SCHURZ. If the Senator will permit me, I do not wish to say anything in regard to the argument he is just pursuing, but merely to put in a remark to set him right as to the drift of my remarks yesterday.

Mr. MORTON. Certainly.

Mr. SCHURZ. My language was this:

> In the first place, a wise resumption policy will not force the transition from a depreciated paper to a specie basis all of a sudden, but approach the result to be reached with gradual steps, extending over a sufficient space of time. To this statement I call the attention of the Senator from Massachusetts, who thought he had anticipated me. I do not know a single advocate of specie payments who proposes anything else.

I have just told the Senator what I understand by a sufficient space of time. I am not in a very great hurry, provided I know that at a certain period we shall reach a certain result. Whether that be two or three years is indifferent to me; at least it is almost indifferent to me, if I only know that certain results will appear at the end of a certain period. That was the whole drift of my remarks.

Mr. FENTON. Will the Senator from Indiana allow me one word?

Mr. MORTON. It breaks the thread of my argument.

The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) Does the Senator from Indiana yield to the Senator from New York.

Mr. MORTON. I always yield with pleasure.

Mr. FENTON. Concurring fully with the general views so ably expressed by the honorable Senator from Missouri yesterday, I desire not to be misunderstood by the Senator from Indiana or others upon the point which has just been raised. I read from my remarks upon the resolution now before the Senate, made a few days since:

> I must not be understood as advocating rapid withdrawal of the currency, but rather that the time should be fixed not far off to commence. It should be gradual. The well-argued plan of my colleague [Mr. MORRILL] upon the Committee on Finance may do. The process may even extend through several years. My argument is to the end that we should begin some time; and when we begin, firmly and regularly proceed; so that all can see and know that in the course of years we shall reach solid ground again. Let us at least cut loose forever from this uncertain and varying course which has marked the conduct of Government for some time past, and conspicuously during the last few months.

Mr. MORTON. I will remark, in reference to the Senator from New York, that I listened to his speech with pleasure. The remedy that he presented, the means of returning to specie payments, is like that offered by the Senator from Missouri—contraction of the currency. It is well for the country to understand now that the proposition is that we shall return to specie payments by the contraction of the currency, while the great body of the people in the Northwest, and I have no doubt in the South, believe that the currency is not sufficient—that we need more money; and I had the assurance of the other Senator from Missouri [Mr. BOGY] only last week in a strong argument made by him to show that the volume of the currency was too small. While this is the opinion, in my judgment, of an overwhelming majority of the people of the West and South, we are urged to return to specie payments by a contraction of the currency, aggravating vastly the evils under which the country is now suffering.

But I was making a comparison between this country and England. I was stating that the facilities for doing business through banks by means of checks and in the absence of money was far greater in England than in this country. Now, how is it in this country? Take the whole West: the people there, the most of them, live far from banks. They cannot resort to them every day. They are compelled to do their business with money. The farmers when they receive payment for their wheat and for their pork receive it in money and carry it home with them. The business between farmers is carried on with money, because they have not the facility for bank credits. Therefore, with the same population and anything like the same amount of business, there is a far greater need for currency in the United States than there is in England.

Mr. SCHURZ. If the Senator will permit me, he knows just as well as I do that a great deal of the business done by farmers is done by means of book credits at stores, where they carry their grain, sell it, buy there their necessaries, and finally settle their accounts in some way.

Mr. MORTON. I know there is some of it done in that way, but that is comparatively small.

Mr. SCHURZ. Most of it is done so.

Mr. MORTON. The amount is comparatively small. I think I understand the way in which business is done in the country in the West as well as my friend does; I think my opportunities of knowing have been as good; and I say that the actual necessity for money in the States of the West and of the South is a hundred times greater than it is among people who live in towns where there are banks, or who live in the immediate vicinity of towns.

Mr. SCOTT. With the permission of the Senator from Indiana, as bearing on this question, without desiring to enter into the argument, I wish to state what was the business of the clearing-house of London for the year ending April 30, 1872, on the amount of currency which was stated by the Senator from Missouri yesterday—about six hundred millions, I believe. The business of the clearing-house of London for the year ending April 30, 1872, was £5,359,722,000, and for the year preceding, £4,018,464,000.

Mr. MORTON. That is a very important statement. The general proposition that I make cannot be answered by my friend from Missouri, that the facilities for bank-credits *per capita* in England are infinitely greater than they are in this country, and therefore there is correspondingly more need for money in this country than there is in England; and yet England has six hundred millions of currency to thirty-two millions of people, while we have got something over eight hundred millions of currency, including the fractional currency, to forty-one millions of people.

Mr. FERRY, of Michigan. I should like to ask the Senator at this point if the broadness of our territory, requiring more time to make the exchanges from the interior to the sea-board, does not largely enter into the element of the volume of the currency and require a larger amount to transact a like amount of business than it does in Europe in a more compact territory?

Mr. MORTON. The Senator's statement is self-evidently correct. I need not enlarge upon it.

I desire to come to another important question. If the price of labor is 50 per cent. less in England than it is in this country it takes a smaller amount of currency to pay for it. If the price of personal property generally, of dry goods, of those things that are to be used by families, is 50 per cent. less on the average than it is in this country, a smaller amount of money will do the purchasing. And yet in England, with her currency of six hundred millions, the average price of labor is 84 per cent. less than it is in this country, and the price of dry goods and of those things that supply families, leaving out the price of wheat and flour, is in about the same ratio. When we take all these things into consideration it will appear that England has a larger currency than we have; that our currency is not redundant; on the contrary, that it is too small if there be anything in these comparisons.

Now, you take the currency of France as it was before the war. I have a statement here which I will not take, time to read, showing that the currency of France before the Germanic war—I think perhaps in 1868—was about eight hundred millions in coin and two hundred and fifty millions in paper.

Mr. SHERMAN. Seven hundred millions in coin.

Mr. MORTON. Seven hundred millions in coin. The currency of France was larger than our currency is to-day by two hundred millions; and France is comparatively a small country, though it is larger than England, and the price of labor is much less in France than it is here—even less, I believe, than it is in England.

Mr. SHERMAN. I desire to correct now, while the Senator is upon this point, the statement I see in the debate made yesterday by my friend from Michigan, [Mr. FERRY.] It is true that France, before the Germanic war, had $700,000,000 of currency distributed among the people.

Mr. MORTON. Of coin.

Mr. SHERMAN. Gold and silver—mostly silver. He stated also that now it had the same gold in circulation, and $300,000,000 of paper money. It has about $700,000,000 of paper money—that is 3,500,000,000 francs; but it has very little silver and gold. Nearly all the specie in France has gone to Germany to pay the expenses of the war and the large, enormous levy put upon France by the German government.

Mr. FERRY, of Michigan. If the Senator will allow me I will call his attention to the fact that the premium on the currency in France is but one-half of 1 per cent. It seems to me that controverts the position taken by the Senator.

Mr. SHERMAN. I shall endeavor to show in a day or two that we can learn a great deal from France. France maintains now, at or about the par of gold, $700,000,000 of paper money; and if we do precisely what France is doing to-day, give to our paper money the qualities that are conferred by law in France, we shall do what I propose to do at least toward the resumption of specie payments.

Mr. FERRY, of Michigan. Will the Senator state what that is?

Mr. SHERMAN. I will do so when I come to argue the question.

Mr. MORTON. Mr. President, I have generally one satisfaction when I make a speech here; and it is, that although I make a very poor one myself, a number of very good ones are injected into it, so that it is valuable in that respect if in no other. [Laughter.]

Now, sir, I wish to come to another point. The Senator from Missouri yesterday went on to show the bad effects of an irredeemable currency—of a redundant currency, as he called it—producing speculation, as if it was the peculiar effect of an irredeemable currency like ours to produce mad speculation. I simply desire to say, in reply to that, that the greatest periods of speculation in England have been upon a coin currency and paper redeemable in coin. We have never had such speculation in stocks in this country as they had in England during the period when they built their railroads, and when their currency was coin, or paper redeemable in coin. And now Germany is suffering from just such speculation. It has run mad there for a year in real estate, and especially in stocks of every kind, and has brought great distress upon the country, not by means of irredeemable paper, but by means of gold, because $800,000,000 or $1,000,000,000 of gold from France have been poured into the lap of Germany. The assertion, therefore, that this speculation is a peculiar result of an irredeemable currency is not borne out by the facts. It belongs to an access of currency or to an excess of enterprise, and not to the character of the money that is employed. It has occurred just as often in countries where the currency is specie, or where it is paper redeemable in coin, as in countries where the paper is irredeemable.

The Senator talks about the evils of this currency and the suffering it has brought upon the country. Let me say to him that the greatest period of prosperity this country has ever known has been the period of irredeemable paper—not that I want to continue irredeemable paper, but the fact stands right out, and cannot be overlooked, that we have flourished under irredeemable paper as we never did before. That may be all wrong. I suppose the Senator will argue that it is. The old doctors, you know, argued that it was better for a man to die *secundum artem* than to be cured by a remedy that was not acknowledged by the faculty. It may be all wrong for this country to have flourished under this irredeemable currency as it has, but the great fact is that it has flourished.

I have some data here, taken from the last census, to which I will call the attention of the Senate, as showing what has been the progress of our country in the last ten years, notwithstanding the war. Since the 1st of January, 1865, we have built 32,000 miles of railroad. The whole number of miles now is 67,104, and 32,000 have been built since the 1st of January, 1865. I have heard Senators say that we are suffering because of railroads being built where they were not wanted, where they were not needed. I do not know of any such railroad. There is not a Senator on this floor who will say that his State has got one railroad too many, one railroad that she is willing to give up. They are sometimes built in advance of being profitable. That is a loss to the men who build them, to the States or the counties that give them money; but railroads are the pioneers of growth and prosperity, and the country grows up to them rapidly; and nothing so builds up a country now as the construction of railroads. We have not one railroad too many; we need more than we have.

But I will go on. The number of manufacturing establishments in the United States of every kind in 1860 was 140,433; in 1870, 253,148; being an increase of 111,715 manufacturing establishments in those ten years. The number of hands employed in manufactures in 1860 was 1,311,246; in 1870, 2,053,966; being an increase of 742,750. The capital employed in manufactures—and this, perhaps, is a very imperfect computation, being too small in both cases—in 1860 was $1,009,855,715; in 1870, $2,118,208,769; being an increase of $1,108,353,054. The products of manufactures in 1860 amounted to $1,885,861,000; in 1870, $4,232,325,000; being an increase of $2,346,464,000. The real and personal property in the United States in 1860 was valued at $16,159,616,000; in 1870, $30,068,518,000; being an increase of nearly $14,000,000,000; and during eight years out of that ten we have had an irredeemable paper currency. It may have been very wrong, it may even have been wicked, for us to have grown so under the influence of this currency, but the great fact cannot be disputed.

Now, I should like to ask my friend from Missouri a question. I should like to ask him what four countries in Europe have made the greatest progress in material development and growth in the last ten years. I know he is familiar with the history of Europe.

Mr. SCHURZ. I must confess I have not got any statistics before me, and would not venture upon an answer to such a question without them. I want to have the correct figures.

Mr. MORTON. Has the Senator an opinion that he would be willing to give?

Mr. SCHURZ. I suppose the Senator from Indiana has made up an answer to that question before he asked it, and he might just as well state it himself.

Mr. MORTON. I wanted to have the Senator's opinion. I supposed he was familiar enough with the condition of Europe at least to give an impression on that subject. I understand that the four countries of Europe that have made the greatest progress in the last ten years are Austria, Russia, Germany, and Italy. Austria has made the greatest comparative progress in her internal improvement and growth, as I understand it, next to that of the United States. Russia comes next; Germany comes next; and then Italy. During this period the currency of Austria has been irredeemable, and at a discount of from 10 to 20 per cent.; the currency of Russia from 10 to 25 per cent.; the currency of Italy somewhere from 5 to 20 per cent., varying at different times. In defiance of the evils of an irredeemable currency, those three countries have flourished as they had not done before in any like period, perhaps, within a hundred years. Mr. President, there is a great difference between enough money and an excess. Fifteen hundred millions might be a great excess, but eight hundred and fifty millions might not be an excess.

The Senator made another statement yesterday, that by making money abundant you did not decrease the rate of interest.

Mr. SCHURZ. The statement I did make was this, that by an addition to an irredeemable currency already redundant, you did not lower the rate of interest. That was it.

Mr. MORTON. "By an addition to an irredeemable currency already redundant." Well, I will come at that with all those words put in. I had supposed that the law of supply and demand governed the rate of interest as it does the price of everything else. I had supposed that when money was plenty interest would be lower than when money was scarce. But according to the argument of the Senator the right way to make money cheap is to make it scarce and hard to get. I had supposed that when there was a large accumulation of money in the city of New York interest would be lower there—money would be a drug; but according to the logic of the Senator the way to make money cheap and reduce the rate of interest is to make it scarce—that is, to contract the volume of the currency. The Senator from Illinois [Mr. LOGAN] suggests that in the same way you may make horses cheap by decreasing the number of horses. If you want to make pork cheap, so that everybody can buy it, have a small pork crop. [Laughter.]

Mr. President, an abundance of money, plenty of money, does produce enterprise, prosperity, and progress. There is no sort of doubt about that. Now, I put aside all these old theories. My friend can bring from the books, as he has brought, authority that we ought to have absolute free trade. He can bring from the books authority in favor of the contraction of our currency to one-half of its present volume. I know he can do that. But after he has stated all these commonplaces of the books, these platitudes of finance, has given us the metaphysics of finance, there is no vitality in them. I prefer to take the actual results and the actual condition of the country, and let theory go to the dogs. There is no more vitality in these theories, as applied to the condition of our country now, than there is in the petrified snakes or the geological specimens upon the shelves of some venerable antiquary. Let us take things as we have seen them pass under our eyes for the last ten or fifteen years, and take the actual condition of the country.

The Senator did not venture quite upon the statement yesterday that our irredeemable currency had brought about the panic. He was entirely too familiar with financial history to say that; but he said that it had greatly aggravated the panic. I made an argument before the Senate, which stands unanswered, that this panic did not spring out of any defect of the currency. But the Senator says that the irredeemable character of the currency aggravated the panic. How? Did the currency depreciate when the panic began? Did it run down? Not at all. On the contrary it increased in value. How, then, did it aggravate the panic? How did it protract the panic?

Mr. SCHURZ. I am sure the Senator does not want to misstate me.

Mr. MORTON. Not at all.

Mr. SCHURZ. I did not say that the currency aggravated the panic, but that the currency aggravated many of the causes which brought about the panic. That is what I said.

Mr. MORTON. If there be any difference between the two propositions——

Mr. SCHURZ. There is certainly a difference between these two things, and I am sure the Senator sees it.

Mr. MORTON. I see behind all this argument, I see behind all this opposition to the national banking system, the shadow of the old State banking system looming up. The Senator from Delaware, [Mr. BAYARD,] some three or four weeks ago, in a speech in this body, declared himself unconditionally opposed to the national banking

system and in favor of a return to the old State-bank system—no, I do not say the old State-bank system, but to a system of State banks; and I want to call the attention of the Senate, very briefly, to the argument that was offered by the Senator from Delaware in favor of a return to the system of State banks. He said:

I only wish to state my opposition to the further increase of the national-bank system. I wish to see another system restored—not too hastily, not by breaking away from the habits, the rights, the duties, and the obligations that have gradually grown up with the present system; but I desire to see a currency which is to be the localized currency; which will stay near the point of its issue by being discredited when it gets far from it. I desire to see some such currency restored for the benefit of the rural sections of this country—

I presume he was speaking for the backwoods of the Northwest—

and not as now; when currency leaves the counter of the bank, it flows off in a rapid current to the money centers of the country, whence it is only to be returned by the payment of a premium.

I can say that the rural portions of the country have suffered enough by the old system of State banks. Then that paper had the precise quality that the Senator desires. He wants a paper that will stay at home because it is discredited when it goes abroad. That was the precise character of the old State banks. The notes of the State Bank of Indiana before the war, as good a bank as there was in the West, would not pay my hotel bill in the city of New York or the city of Washington. I must get eastern notes; I must provide myself with different money, just as if I was going to France or England; and every merchant that had a debt to pay in Boston, or in New York, or in Connecticut, was compelled to buy exchange at from 1½ to 5 and sometimes 10 per cent. That was a continual tax which was levied on all the western country. The Senator from Delaware desires that we should return to that currency—a currency that cannot go abroad because it is discredited. Now, sir, the national-bank notes you can put in your pocket in Saint Louis, and they will pay your hotel bills or your debt at Portland, in Maine—they are just as good in one place as another, being a national currency. But the Senator from Delaware wants a currency that will stay at home, because it is discredited when it gets out of the State where it is issued. I hope we shall never return to it, or anything like it.

My attention is called to the fact that the Senator from Missouri [Mr. SCHURZ] yesterday declared himself in favor of the policy of the Senator from Delaware, [Mr. BAYARD.] I do not know whether that referred to the Senator's amendment proposed here or whether it referred to his general policy; but I do understand that our friends on the other side of the Chamber, the democratic party, with few exceptions, are opposed to the national banking system and are in favor of returning to a system of State banks. I must make the exception of my friend from Missouri, [Mr. BOGY,] who declared himself in favor of continuing the national banks. And now I want to compare the position of the distinguished Senators for a moment.

The Senator from Missouri [Mr. BOGY] comes and says that the State of Missouri is suffering from a scarcity of money—needs a larger volume of currency. He is opposed to anything like an immediate return to specie payments. He says that should be the work of time. The other Senator from Missouri [Mr. SCHURZ] says we have too much money; we ought to contract the currency. Now, which of these two distinguished gentlemen represents the people of Missouri? I undertake to say that my friend on the left [Mr. BOGY] represents the great majority of them, unless it may be those who have money to lend and whose interest would be in having money scarce that the money they have already may be more profitable. Those who want to borrow money, those who are engaged in other business, are not in favor of the contraction of the currency.

As I said, Mr. President, that we shall have our currency redeemable in coin is the normal condition; but we must come to it gradually. If you come to it by a hot-bed process you must keep the bed hot all the time. When you have all our greenbacks at par by the hot-bed process they will not stay at par unless you continually employ the same means. If you bring them to par by the means suggested by the Senator from Ohio, [Mr. SHERMAN,] by making them convertible into a 5 per cent. bond, we must always have the 5 per cent. bonds on hand to exchange for them. If you do it by accumulating gold, as proposed by the Senator from New Jersey, [Mr. FRELINGHUYSEN,] although his plan has merits, perhaps, that have not been fully considered, you must always have the gold on hand, because if there be a day when the Treasury is not prepared to redeem then the premium on gold begins. You have not accomplished the work by simply bringing them to par for one day. The means resorted to for the purpose must be kept up all the time.

Mr. President, we are now suffering under the effects of a panic. I know that the times are getting easier. The Senator from Missouri [Mr. SCHURZ] yesterday deplored the issue of any part of the forty-four million reserve, which I expressed myself in favor of, because the currency was already too redundant. I desire to repeat what I said before, that the disbursement of a part of the forty-four million reserve has greatly contributed to the relief of the country up to this time; it has given much relief; but still the effect of this panic is upon us. There are thousands upon thousands of men out of employment and crying for bread in every part of our country, and we are threatened with bread riots; for when there is starvation at the door you must not expect those who are in danger of starvation to be statesmen and to talk about theories and proprieties.

Sir, this contraction of the currency is to me filled with visions of disaster and ruin to our country. I would rather see the currency increased to a small amount. How is it? We have now $354,000,000 of national-bank notes. There is a great excess of the national-bank currency in the Eastern States. Massachusetts, with, I believe, something less than 1,300,000 population, has $57,000,000 of that banking capital; and Indiana, with over 1,700,000 people, has about $16,000,000 of it. There is a deficiency in many of the States of the West and of the South. Our friends in the East do not want more money. Let them bear in mind that they have immense advantages over us. It is a very great advantage to have a banking capital at home, and why? When Massachusetts lends out her $57,000,000 of national-bank notes they have to come back there in payment every sixty, ninety, or one hundred and twenty days. The money is constantly coming back, and the State is full of money. If she ever lends it to our people in Indiana they have the benefit of it at the time, but they have to pay interest on it, and at the end of sixty or ninety days the money goes back to Massachusetts. But if we had the banks at home, the money simply comes back to the banks in Indiana; and so in Illinois. That is the great advantage of having this banking capital in the different States. The report of the Comptroller of the Currency for 1872 shows that it would take $44,000,000 of national banking capital to equalize the circulation between the different States. Are our friends from the East now opposed to giving us exact justice and putting us upon the same footing with themselves? I ask that. I appeal to them——

Mr. BUCKINGHAM. We will give you all you want.

Mr. MORTON. My friend says they will give us all we want. Well, you have not done it up to this time. We do not ask a great deal, but I think we have a right to ask that the national-bank circulation shall be so increased as to equalize it between the States according to the basis of the act of 1865. What was that basis? That $150,000,000 should be distributed according to population; that would have given the people of the Western States a proportion according to their population, not according to their wealth. That the remaining $150,000,000, or whatever it might be, should be distributed according to business and according to wealth. That basis has been violated all the time.

Then we passed an act in 1870 increasing the national-bank circulation $54,000,000, and providing that it should be distributed upon the basis of the act of 1865, to which I have referred, and according to the census of 1870. That act provided that $25,000,000 of currency should be taken from the Eastern States and given to the States that had not their fair proportion, providing for the transfer of $25,000,000. That has never been done; and it never will be done. That has been the law now for nearly four years, but that $25,000,000 has not been re-distributed. If a law was passed giving to the States not having their full proportion an amount to make them equal to the Eastern States, and repealing this $25,000,000 provision, that would be satisfactory. We do not want to take a dollar from Massachusetts, or a dollar from Connecticut or Vermont, where they have the excess. Let them keep it; but while they do keep it they should not stand like lions in the path and prevent other communities from getting their fair proportion. I therefore address this consideration particularly to our friends from the East. They ought to be willing to accord to us justice upon this subject. We have borne this injustice patiently; I do not think we have complained in an unseemly manner; and they ought to be willing to have this national-bank capital distributed equally upon that basis.

Now, Mr. President, what would be the effect of that? Would that cheapen the greenbacks? I think not. I am not speaking now of increasing the greenbacks beyond the four hundred millions, including the forty-four million reserve; but I am speaking of increasing the national-bank circulation forty-four or fifty millions, so as to make the States equal, and requiring it to be redeemed in greenbacks. That would not cheapen the greenbacks; it would not affect the value of our currency at all. The national-bank notes would still have to be redeemed in greenbacks, and the number of greenbacks would not be increased. I submit, therefore, that increasing the national-bank currency to the amount that I speak of, which is little enough, would not cheapen the value of the greenbacks, and would not increase the premium on gold; would not interfere with that gradual return to specie payments that I hope for.

Mr. President, the general demand for some relief from the States of the West and of the South ought not to pass by unheeded. I say to the Senate that there ought to be some respect paid to that demand. I say it ought not to be answered by dry and barren theories. The great body of the business men of this country are intelligent, and many of them study this subject more than we do, more than you or I have time to do, and they understand it well; and the general complaint is that there is not enough money. I do not agree to a large increase. I am not unreasonable. What I speak of is a moderate increase; that is, it does not even keep pace with the growth of population. What the currency was to our people in 1867 it is not to our people in 1874. There is a smaller volume of currency this day, when compared with the population and the wealth and business of this country, than there was five years ago. Shall there not be some consideration given to that? Are we to be whistled down the wind and answered by theories from John Stuart Mill or from Bastiat? I hope not. Let us rather look at the actual condition of our country; let us be governed by the circumstances that surround us, rather than by

those which surround other countries; and yet the lessons of history are all in favor of what I advocated the other day and of what I say to-day. You can no more make the wages and prices that prevail in Germany and France applicable to this country than you can make the map of Europe answer for the map of North America. Suppose you take a plaster of Paris cast of the topography of the continent of Europe, with all her mountains, plains, and rivers, could you make that fit upon the continent of America? No more can you make a theory that may suit Germany fit the condition of things in the United States.

One word now in regard to former times. I want to say that we never were properly upon a specie-paying basis in this country; and I will refer to my friend from Connecticut, who can speak more intelligently in regard to the banks in the East. I will take the banks of Illinois, Ohio, Indiana, and Michigan, and I say they were never properly specie-paying banks in the best of times. Why? They were nominally so; but any man who came to a bank in Michigan or Indiana with $500 of the notes of that bank was looked upon as a public enemy by the officers of the bank and by all the people in the town, and every obstacle was thrown in the way of his presenting those notes and getting specie for them. They always kept an amount of five-cent pieces and ten-cent pieces and quarter-dollars on hand, and they counted them out very slowly and with great care, and they would weary the life out of a man who came there with their notes. They never were properly on a specie-paying basis. It was a myth. While I believe it is the normal condition, and I hope we shall get back to it when we can, yet specie payments are not the cure for our troubles; not the cure for a panic; not the cure for the difficulties we are laboring under; because irredeemable paper did not produce the panic and does not produce the present stringency in the money market. This thing of specie payments is a sort of fanaticism; some people have it on the brain. It takes possession of them. It is a kind of sentiment; they have read about it so long and heard so much about it that they think there is no other remedy for our troubles; but when you ask them to give a reason for it, all the reason they can give is that we ought to return to specie payments.

Mr. President, I have said more than I intended. I simply wanted to reply to some of the points made by the Senator from Missouri yesterday.

Mr. HOWE. Mr. President, the other day I was provoked into saying a few words on this subject of finance. There was a stress of debate that induced me to say a word, and having said it once I thought I would try to say it once more, "say it slow," as they express it in Nevada. Indeed, so many propositions have been submitted on this subject, so many bills, so many resolutions, so many plans have been drawn and devised, that I began to fear I might be thought unpatriotic if I did not contribute something myself. So I gave notice to the Senate the other day that I would at some future time introduce a bill. I have that bill in my hand, and with the permission of the Senate I will send it to the desk to be read.

The PRESIDENT *pro tempore*. The Senator from Wisconsin sends a bill to the desk to be read for information.

The Chief Clerk read as follows:

A bill to provide for the gradual withdrawal from circulation of irredeemable national notes and the substitution therefor of redeemable national-bank notes, to remove unjust restrictions upon banks of issue, and upon the amount of circulation.

Be it enacted, &c., That any national bank which has been or may hereafter be organized in accordance with the laws of the United States, and which shall deposit with the Treasurer of the United States national notes in sums equal to some even number of thousands not less than fifty, shall receive in exchange therefor registered bonds of the United States equal in amount to the sums so deposited, payable in thirty years from date, with semi-annual interest thereon at the rate of 5 per cent. per annum, both principal and interest payable in gold coin, and shall also receive national-bank notes, in the form prescribed by law, equal to 90 per cent. of the principal of such bonds.

SEC. 2. It shall be the duty of the Treasurer to cause to be destroyed national notes equal in amount to the bank-notes so at any time issued, less the percentage fixed by law as the reserve of such circulation, until the volume of national notes outstanding shall be reduced to —— millions; and thereafter no more national notes shall be printed, and no more shall be destroyed, except such defaced and mutilated notes as may be returned to the Treasury from time to time, which returned notes the Treasurer shall redeem in gold and silver coin.

Mr. HOWE. The Senator from Massachusetts who sits farthest from me [Mr. BOUTWELL] remarked the other day, aptly as I thought, that all the bills and propositions submitted here on this subject, when inspected, were found to involve either contraction or an expansion of the currency. I think that is so. I imagine that we have in the country but two financial parties. I am not sure that we ever had. They are known in the metropolis, I believe, as the "longs" and the "shorts." In the country we are in the habit of calling them the debtor and the creditor classes. We mean by the debtor class, I suppose, those who are most anxious about the debts they have to pay; and we mean by the creditor class those who are most anxious about the debts they have to collect. The former are, perhaps not unnaturally, though it may be unreasonably, anxious to pay as little as possible, and so we see them struggling for an expansion of the circulation; the others are, not unnaturally perhaps, anxious to collect as much as possible, and so we see them struggling for a contraction of the currency.

Now, Mr. President, if this battle goes on, if it is to be fought out on that line and between these two parties, it is my impression that one or the other will be victorious. If I dared to enter upon the office of prophecy, I should predict that one of them would be victorious, and not the other. It is evident to me, and I think it will be to the Senate, that in this contest the expansionists have very decided advantages over their antagonists. The Government is no longer a mere coiner of money; it is a manufacturer of money; it is a manufacturer possessing very ample resources. It has a great many mills; it has a great deal of raw material; it has plenty of skilled labor; and I ought not to omit to mention that it makes its own capital, which is always a great advantage to manufacturers. I think my friend from Connecticut [Mr. BUCKINGHAM] will agree to that. Like a saw-mill that uses its own saw dustfor fuel, you know, sir, very well, the more fuel it consumes the more it has; and so of this money manufacturer—the more capital it consumes in its business the more capital it has to work with. The expansionists only need the assent of Congress, and money will roll out of your machines by the million. And recent events have developed the somewhat curious fact that our Secretary of the Treasury has been keeping on hand for several years a large assortment of money, keeping it "in stock," as the merchants say. If age improves the quality of money, as it is said to improve the quality of some wines, this stock that is now being put upon the market ought to be a choice lot, for it has been kept a good while; and we have lost by it unless it has improved in quality, for we have been paying interest on the amount certainly for many years.

So you see the expansionists have this advantage: if they can get the assent of the Secretary of the Treasury they may expand the circulation by tens of millions, and if they can get the assent of Congress they may inflate it by hundreds of millions; whereas the contractionists, before they can contract the circulation, must not only get the assent of Congress, but they must get the money, the currency, to confiscate; they must collect it, gather it up, and they must gather it from a community, let me say, vividly impressed with the idea that they have much too little of it instead of a little too much of it, and who will, therefore, be likely to part with it very reluctantly.

Under these circumstances I put it to the Senate which of these two parties is likely to triumph if the battle goes on? Suppose wheat could be made as readily as Treasury notes, and suppose parties were to divide upon the question whether a few million bushels should be made or a few million bushels should be burned, and suppose the question were submitted to a popular election, to be determined, too, at a time when nine out of every ten voters want to buy wheat, whereas there is only one out of every ten who has wheat to sell. Which party do you think would triumph at that election? I think the Senator from Vermont [Mr. MORRILL] could answer that question. He is a practical statesman.

Nay, I put this question, which I think is within the comprehension of all Senators: which one of these parties would probably be embraced by every sagacious politician who has not any wheat to sell, who can get along without buying any, who has no positive need in the world except to get into the Legislature, or into Congress, or to be translated into the White House—which of these parties would such a man be likely to join? These questions need not be answered, perhaps; certainly not until Senators have considered them very carefully. But I think this question must be answered very soon, and that is, which of these two parties ought to control the Government? For myself I have answered that question. I think neither ought to control the Government. I do not think the expansionists ought to control, for that would enable them to settle their debts at less than one hundred cents on the dollar; and I do not think the contractionists ought to control the Government, for that would enable them to collect more than one hundred cents on the dollar. And I think it strange that gentlemen who see very clearly that a contraction of the currency would be unjust to the debtor class cannot also see that an expansion of the currency would be unjust to the other class, and I think it very strange that gentlemen who see that an expansion of the currency would be unjust to the creditor class cannot see equally clearly that the reverse of that policy would be unjust to the debtor class.

If the Government means to be just between these two parties, it seems to me that it should be neutral between them; and yet it seems to me very evident that something ought to be done—something which is neither a contraction nor an expansion of the currency. The Committee on Finance does not seem to be entirely agreed what should be done, and I believe the country is not quite harmonious on that question. If I understand the proposition of the chairman of the committee, he recommends that we now set our faces toward the resumption of specie payments, and that we achieve that end within a given time. If I understand the Senator from Delaware, [Mr. BAYARD,] he recommends to us that we achieve it at once. If I understand the Senator from Michigan, [Mr. FERRY,] he would recommend to us to resume specie payments when the printing of national notes shall be numbered among the lost arts.

Mr. President, if I know that my neck is sure to be broken, it has always been an open question with me whether I would rather have it done to-morrow or next year; and so I should hesitate to choose between these recommendations of the Senator from Ohio and the Senator from Delaware, for I should feel very certain that broken necks were to be the result. This country is doing business on a scaffold a great way up from solid ground. You are sustained there by a statute. Repeal it, and down you come. Undertake to resume specie payments now or next year, undertake to convert your whole volume of paper into specie now or next year, and I think disaster would

be the inevitable result. I am so sure of that that rather than agree to either of those expedients I think I should join the Senator from Michigan and go up in his balloon and not come down at all.

Sir, there is within a few yards of this Chamber a large brick mansion which a few years since rested upon the top of a high hill, twenty feet at least from the street which passed it. It was always a disagreeable spectacle for me to contemplate; but I never doubted that the draymen of Washington could level that house with the street. Just remove the earth from beneath it, and the house would come down; but it would come down a mass of shapeless ruins; and precisely how many draymen would have been buried beneath the ruins I do not know. Mechanical skill has produced the same result. Mechanical skill has contrived to remove the earth from beneath that house so gradually, supplying it all the time with a solid wall of masonry, that to-day the house stands there level with the street; no two bricks, so far as is perceptible, started from each other.

Mr. President, I have believed that we might draw instructions from that experiment; that instead of bringing down the whole volume of your currency to the level of coin either now or at any other given time, the business of statesmen was to build up coin to the level of your paper issues, and I have sent to the table a bill suggesting my idea of the way that is to be done—a bill which will not expand the existing circulation, which shall not contract that circulation, which does not command specie payments, either now or next year, but which shall open a way, and a safe one, along which the country may move toward specie payments, just as fast as its needs and its ability will justify; which will not, in a single day, either in the present or in the future, level your whole paper fabric to the basis of specie, but will steadily sustain that fabric where it is, while the reassured capital and labor of the country shall build up that solid basis of coin to the support of the fabric.

The essence of the bill is to allow the holders of your greenbacks to convert them into interest-bearing bonds just so fast as they will replace them by bank-notes and pledge the bonds as security that the bank-notes shall be redeemed in legal-tender notes or in coin on demand. The bill assumes that national notes cannot, while bank-notes can, be made convertible. I venture upon this assertion with great confidence, notwithstanding it is impugned by the high authority of the Senator from Massachusetts, [Mr. BOUTWELL.] In his last report from the Treasury Department I understand him to teach that under favorable conditions of our foreign trade the Government will be able to maintain its share of our paper circulation on a specie basis, but that without such support the banks will not be able for many years, if ever, to maintain a paper circulation on such a basis. I differ with such authority with reluctance; but I am compelled to dissent from that conclusion altogether. I hold, upon the best consideration I can give to the subject, the very reverse of both propositions. I believe no possible condition of our foreign trade, and no probable condition of our Treasury, will enable the Government to maintain a convertible paper issue of $350,000,000 for any length of time. A corporation whose capital yields just enough to pay its current expenses, and yet undertakes to carry a debt of millions in the shape of promissory notes, and actually to pay those notes in coin on demand, I think will fail in the endeavor. But I believe the capital of this country can maintain a paper circulation equal to its utmost needs and habitually convertible into coin. Of course I know that the banks can no more pay four dollars with one than the Treasury can. But that is not what resumption means.

A convertible paper currency is not one the whole volume of which may be exchanged for coin at the same instant. It is one which may be exchanged as fast as presented. Well-regulated banks are adequate to that endeavor. The Treasury, I think, is totally inadequate. The banks are associations of capitalists with resources beyond their liabilities; the Government is a chronic bankrupt with liabilities far beyond its resources. The bank-note is conclusive evidence that its maker has accumulated capital exceeding its face by at least 10 per cent. The Treasury-note is conclusive evidence that the Government has borrowed a sum equal to its face, has spent it, and has not a dollar to show for it. The bank-note cannot be issued until the bonds of the Government have been pledged for its payment. The Treasury-note is issued simply because there is nothing else to issue and consequently nothing to pay it with. The bank-note is *loaned* out, and the borrower himself promises to bring it or its equivalent back. The Treasury-note is *paid* out, and the payee takes it because the statute compels him to take it, and in the forlorn hope that the Government may sometime be prepared to take it back. The bank-note is issued because business wants in and borrows it. The Treasury-note is out because the public creditor wants payment and cannot get anything else. The bank-note is a laborer, and earns money for him who makes and him who borrows it. The Treasury-note is a mendicant, which the Government quarters upon its creditors in time of peace, simply by assuring them that when they meet a creditor they may in turn transfer the mendicant to him.

The quantity of specie required for business purposes is always inconsiderable. No one bank, to be sure, could supply it; but if the business of issuing currency was surrendered to the banks, not less than four thousand would be employed for that purpose, having a paid-up capital of at least seven hundred millions. The profit derived from issuing that currency is the sufficient consideration for undertaking to supply to business the needed coin. The coin when paid out of a bank soon returns in deposits or payment of loans. The obligation to supply coin would be a joint one, resting upon all the banks. Who can doubt their sufficiency?

But the Treasury issues but little more than half the paper in circulation. It has not a dollar of capital. More than fifty millions of its paper are found habitually in the different banks within twelve hours of Washington. More than fifty millions may be presented for redemption any day, and if redeemed would in the regular course of business get back to the same depositories in ninety days to be presented again, while a dollar of coin paid out of the Treasury would never get back. That fact must not be lost sight of. When the Government undertakes to redeem its paper in coin, it will surrender the power to collect a dollar.

Mr. SCHURZ. Will the Senator state that again?

Mr. HOWE. When the Government undertakes to redeem its paper in coin it will surrender the power to collect a dollar in coin. Now, indeed, you collect a part of your revenues in coin simply by the exercise of that most extraordinary prerogative by which you undertake to repudiate your own debts in the hands of your debtors. But when you no longer repudiate your debts, when you yourselves respect them as money, what importer is ever going to pay coin for his duties? If your law continues to require it of him, he will simply visit the sub-treasury and exchange his greenbacks for coin, then go to the custom-house and pay his duties in coin; and when the transaction is closed the funds in the sub-treasury will be increased by greenbacks to precisely the amount of the duties paid, but the coin will remain the same.

And yet it is proposed to make the Treasury, thus crippled, poor, and helpless, for the sake of saving the interest on four hundred millions, assume the obligation of redeeming seven hundred millions. Mere reason would convince me that the banks, and not the Treasury, are able to maintain a convertible currency, even if we were without the light of experience. But we have ample experience. Look around us. Capital supplies trade with all the coin it needs to-day, and has done so all through the suspension. To be sure, a premium is paid for it; but capital does not exact that premium, or profit by it. Go into any bank in Washington and ask for a thousand dollars in gold, and before they tell you the price they will look at the New York quotations. The manipulations of the gold gamblers fix the price of coin. Crucify them, and the banks can as readily supply coin at par as at a premium of 10 per cent. Take your spurious legal-tenders out of the way, and let the business of this country, made heavy with a sense of the wrongs it has endured, drop on the knights of the Gold Board, and they will disappear.

On the contrary, the Treasury has twice tried the experiment of redemption. In 1861 we authorized the issue of fifty millions in convertible Treasury-notes. We were then out of debt and in good credit.

My friend from Massachusetts [Mr. BOUTWELL] reminds me, and he is quite right, that a short time before that we had sold bonds for eighty cents on the dollar, or thereabouts. But I never could regard that as an impeachment of the credit of the United States. I thought it was an impeachment of the character of the administration at that time. The Senator says we are dealing with facts. To be sure. The fact I state is that the United States was in good credit. Does the Senator from Massachusetts deny that?

Mr. BOUTWELL. No, sir; I am not in the debate.

Mr. HOWE. He was so near the debate that he attracted my attention.

Mr. BOUTWELL. I only suggested that difficulty.

Mr. HOWE. I am not in any difficulty unless the Senator denies that statement. I say the United States, at that time, were in good credit. To be sure we were then at war; but it was only a war "for ninety days." That was well understood; that was settled. Under those conditions the Treasury continued to redeem those notes until they had got out about $40,000,000, and then took refuge in suspension. How long would the Treasury hold out now if we knock away the bulk-heads which hold back a flood of four hundred millions, having a ten-foot head on?

A more recent experiment is still more discouraging. On the 27th of October last the Secretary of the Treasury was seduced into a slight demonstration toward specie payments. Treasury-notes were then quoted at the full par of silver. The state of our foreign trade seemed auspicious. Gold was arriving with every steamer. That dear delusion known as the balance of trade was with us. The Secretary was tempted, but he was coy. He did not venture to say that he would redeem greenbacks with silver. He did not recognize the holder of a national note as a creditor to be paid in anything else. But holding all such persons fully paid, he ordered that creditors who had not been paid at all might be partially paid in silver; but he prudently required that creditors should not be hoggish, and therefore commanded that no one creditor should be paid more than five dollars in silver. On that extremely narrow gauge specie payments continued not quite thirty days. On the 22d of November the Secretary was compelled to modify the order so as to require that all creditors claiming a specific number of even dollars should be paid in paper; but that happy creditors whose claims embraced fractions of a dollar might demand the fraction in white and precious silver.

Robert Walpole is said to have remarked that he would leave the business of taxing the colonies to be tried by a bolder minister than

he was. I am free to admit that whoever shall undertake to commit this Government to the task, not merely of paying off its dishonored millions, but of paying them daily in coin, will exhibit a courage to which I make no sort of pretensions. I shall regard that statesman very much in the light the New Jersey farmer looked upon his yearling heifer when she squared herself across the track of the Camden and Amboy road, fired with the ambition to engage a locomotive drawing the lightning-express train. When the farmer, who witnessed the collision, saw his poor calf stretched lifeless on the meadow about fifty yards distant from the track, he remarked that he admired her pluck, but he had not the slightest respect for her judgment. [Laughter.]

If, therefore, a convertible currency be really a desideratum of trade, you may, I think, have such a circulation if national notes can be retired. But is such a currency desirable? It is manifest that a large party in the United States—and I am not sure but a growing party—is to be found who do not desire such a currency. Some deprecate it because they fear it cannot be attained except through contraction; others decry it because they are resolved to keep the way open to expansion. The Senator from Indiana [Mr. MORTON] the other day denounced this desire for specie payments as a fanaticism. I think he repeated the expression to-day. He acknowledged the other day—and I thought he seemed to blush when he made the acknowledgment—that he once had that fanaticism himself bad. I really hope the honorable Senator will not reproach himself too severely for that temporary aberration of judgment. A great many able statesmen have shared that weakness with him. Some respectable gentlemen betray it still. My conviction is that the business world will ere long yield to it again.

Mr. President, we ought not to deceive ourselves; we ought not to deceive the country if we can help it. This prepossession for a convertible currency is a fanaticism, or it is the true faith. Our duty requires us to provide for such a conversion, or to provide against it. The interest of the American people will be promoted, or it will be retarded, by achieving resumption. If a convertible paper circulation is better than one inconvertible, it may not be our duty to jump at it; but it is clearly our duty to work toward it. I agree with the Senator from Indiana that resumption is now out of our power, but it is not necessarily for that reason the less desirable. I may be entirely justified in telling my creditor that I cannot pay him now; but that is the saddest of all reasons for calling him a fanatic, merely because he desires payment.

Sir, if we please to vote to-morrow or next day that not money but promises to pay money—promises always renewed and never performed—are the true currency for business; that the whole creation have groaned and travailed in ignorance until now; that William Patterson and John Law were, after all, the world's model financiers; that true financial wisdom, begotten of a panic in October, was prematurely born in January, there is nothing in the Constitution to prevent our doing so. Suppose both Houses shall concur in such a resolution, will that act conclusively prove that the wisdom of the past was mere fanaticism, or will it show that the wisdom of the present is utter foolishness? Does any one suppose that we can repeal the lessons taught by three hundred years of unvarying human experience by a statute passed in 1874?

If the sole object of money is to pay debts, and it is none of the creditor's business in what he is paid, then I grant you should not employ gold or silver for that purpose; neither ought you to employ finely-engraved pictures like those on which your promises are inscribed. That is a useless and a profligate expenditure. You should use for that purpose in that case what the debtor least needs and most wants to get rid of. Your statute should, in the interest of economy, make old newspapers and last year's almanacs legal-tender at about a dollar for the square inch; and you might use the worn-out type on which they were printed for small change.

But the creditor has a right to be consulted about the commodity in which he is paid, and when your statute, merely to favor the debtor, enables him to pay his debt in a currency cheaper than that existing when his debt was contracted, it perpetrates an outrage as manifest, though not as great, as if it should order the sweepings of your kitchen to be thrown into your creditor's hat and call that the cancellation of his debt.

And then, be it remembered, the paying of debts is not the only function of money. That is not its highest office. Money enters upon its great priesthood only when it officiates as the prime minister of commerce, the agent of exchange, the standard of values, that common denominator in which you can accurately write the value of every fraction of the world's wealth; that subtle indicator by which the Minnesota farmer when he has thrown his wheat into the bazaar of nations can know how much tea or coffee or cloth he may take out. The most important feature of such money is, not that it should be pretty, not that it should pay the farmer's debts, not that it should be cheap, but that it shall mean the same thing when the tea and coffee are weighed out as when the wheat is thrown in. Irredeemable paper money never had that characteristic and never can have.

I represent a Western State. The West is popularly supposed to be in debt. I do not doubt that Wisconsin owes something; I have not inquired how much; but I believe I reflect her views when I tell you that she is willing to pay one hundred cents on the dollar for all she owes; and if you will leave the currency as it was when she contracted her debts, she is quite willing to account in that currency. I know I defend her interests when I tell you her pressing need is, not for a special currency in which she may adjust the inconsiderable balance which may appear for or against her after her sales and purchases are effected, but she imperatively demands at the earliest day practicable a stable currency of unvarying value into which she may convert the hundred millions of products which annually result from her industry, with some assurance that the shrinkage in that currency while it remains in her hands will not more than consume the profits of her toil. Now she is compelled to turn the vast products of her soil, her forests and her mines, not into money, but into promises to pay money. The amount of paper she gets depends upon its gold value when she sells. What she will get for her paper depends upon the like value assigned to it by the knights of Black Friday at the time she makes her purchases. Gold is demonetized, said Mr. Chase. When paper usurps the office of money coin becomes a marketable commodity; but it never ceases to be the standard by which all other commodities are valued. And when the bulletins report the price of gold to be 110 or 115, they only declare the quantity of paper requisite to obtain a dollar of coin. The more paper is required to purchase a dollar of coin the more is required to purchase a pound of tea or of any other commodity, since, the relation of supply to demand being unchanged, the same commodity will purchase the same quantity of gold one day with another. So the price of all commodities is often advanced or depreciated merely because the medium has advanced or receded. That medium fluctuates under the manipulations of the gold gamblers on Wall street, who buy and sell daily uncounted millions with as much nonchalance as the devil offered unnumbered kingdoms, and owning as few of the former as he did of the latter. In that famous den gather the bandit clans, who, without other risk than that of fortunes which they hope to make, levy their contributions on the industries of a nation.

And I beg to remind the West especially of a favorite trick of the Wall street fraternity. Year after year, as regularly as the return of the harvest season, they operate for what is properly known as a stringency in the money market. Year after year your harvests are disposed of to a market which, no matter how hungry it is, is, by the exploits of speculation, straitened for the means to buy with; and when your harvest is thus transferred to a stingy market your members come to the capital luminous with the disastrous experience, clamorous for an expanded currency, and confident in the belief that because they sold very cheap when money was made artificially tight, they will be able to buy very cheap if they make the currency artificially free. So it happens that we find men now quite urgent for an expanded circulation, although money is abundant in New York at 5 and 6 per cent., simply because in August and September last the banks piled so much money on the stock-board that they could not even pay their depositors in October.

Sir, it has occurred to me that if these urbane freebooters should, some time after locking up the money market while they purchase our crop, succeed in persuading us to flood the market while they sell it, they will be likely to make a good thing by the operation. The great apostle once said deprecatingly that he had planted and Apollos watered, but God gave the increase. We are brought to that time when we are bound to say that though Paul may plant, and Apollos may water, and God may give the increase, it depends upon the gambling in Wall street what shall be the profit of that increase.

My conviction is that the most urgent need of the producer is that gold gambling be destroyed; and I believe if this pauper Government will quit the banking business, protected labor and unfettered capital will soon break up the circle of the knights of Black Friday.

The bill I have introduced is framed upon the idea that a paper currency convertible into coin is desirable, that the existence of national notes is the only obstacle in the way of such a currency. It proposes a way of retiring those notes—a way which seems to me entirely just to both private debtors and private creditors, since it leaves the facility for paying debts and the value of the payment precisely as they now stand. It does not propose to disturb the volume of the currency, but steadily and gradually to appreciate its value.

It may be objected that the paper which the bill would retire is better than the substitute it suggests—that national notes are better than bank-notes. That is simply impossible, since the latter may be converted into the former at the pleasure of the holder. The same government which issues the one guarantees the conversion of the other, and is secured for doing so. It may be objected that funding the national notes will increase the interest account of the Government. Undoubtedly. Do you then mean to tell the holder of your deferred promises that you will neither pay them nor pay interest upon them? Only debtors who are beyond the reach of law dare say that; only the most dishonest debtors will say it. When the nation says that, it must thereafter wear the brand of repudiation above that of insolvency.

It may be objected that the bill will interfere with the banking monopoly now existing. Undoubtedly. That monopoly must be surrendered. I marvel that it has been endured so long. I am confident that the people will not submit to it much longer. I know of no heavier reproach to your laws nor to any law than is the shameful fact that communities all over the country desire additional banking facilities, capital desires to supply them, but are daily told at the Treasury, "The pool is full; you cannot come in."

The outrage is aggravated by the scandalous disproportion in the authorized circulation. Wisconsin is entitled upon the basis of wealth and population to nine millions. She is allowed three millions. I state the sums in round numbers. Rhode Island, upon the same basis, is entitled to two and a half millions, and has over thirteen millions. Massachusetts is entitled to nineteen millions, and has fifty-eight millions.

I know, sir, banking cannot with safety be free when subjected to no other responsibility than that of redemption in a medium so abundant as that of the national notes. That would lead to ruinous inflation. The freedom which the bill proposes is guarded against the possibility of inflation.

Sir, it is not every new machine which performs exactly in accordance with the anticipations of the inventor. Perhaps mine may not realize all my expectations. But in spite of all the wrecked hopes scattered along the track of invention I am inclined to warrant mine to yield the following results:

Pass the bill I have laid on your table, and,

First, you will at once have hushed the clamor against a banking monopoly, for that monopoly will no longer exist. One thing is gained certain.

Secondly, you will at once relieve the Government from the reproach of having deprived large sections of the country of needed banking facilities; for wherever capital is willing to start a bank, one may then be started.

Thirdly, every bank which is organized, while it will not aid creditors in effecting contraction, will aid in protecting them against expansion. It will be a re-enforcement of the party which opposes expansion.

Fourthly, every such bank, while it will not aid debtors to expansion, will secure them all the advantages and none of the disadvantages of inflation. It will increase the facility for borrowing without depreciating the value of what is borrowed. Every bank of issue loans more than its own circulation. Some loan several times the amount of their circulation. The aggregate of loans is ordinarily more than double the aggregate of circulation. The national banks of Boston returned, in October last, an outstanding circulation of $26,000,000 and loans to the amount of $84,000,000. Those of the city of New York returned a circulation of $27,000,000 and loans to the amount of $122,000,000. The banks of Chicago, with a circulation of $5,000,000, had out loans of $14,000,000. The banks of Wisconsin, outside of Milwaukee, with a circulation of $2,000,000, had made loans to the amount of $5,000,000. A hundred millions of legal-tenders added to the existing volume would depreciate the value as much as it would increase the facilities for loans. The same amount of notes issued by new banks, under the terms of the bill, would increase the facilities for loans as much and not depreciate their value at all.

Fifthly, it will be, not a literal but a substantial fulfillment of the promises so often made to the holders of our national notes. The bill will not give them coin in exchange for their notes, but will give them a bond, which is substantially the equivalent of coin.

Sixthly, it will set us at once on the only safe and, I think, the only practicable road to a convertible currency. We shall be drawn toward it by intelligent capital, and not by blind cupidity. Our progress will be controlled by the necessities of business, and not by the exigencies of politics. A bank will be organized whenever and wherever business warrants the step. Every such organization will remove a fragment of that partition which now separates us from specie. Every million of greenbacks retired enhances the value of the remainder, and so brings paper and specie nearer and nearer together. But the ability to dispense with national notes keeps even pace with the constantly increasing importance of them. Every time $90,000 are retired the capital which is finally to dispense with them altogether is re-enforced $100,000. The approach of paper to specie is so gradual that no one notes it, and when they meet no one feels it.

Of the national notes now outstanding $200,000,000 are required by the national banks as reserve to protect their liabilities. When $100,000,000 shall have been retired the whole remaining volume will be required for the same purpose. Thereafter, as new banks are organized, specie must come in aid of legal-tenders; the two will for a time work together. The old age of legal-tenders will linger a little to nurse the infancy of specie. When the national notes are reduced to a sum to be determined by the wisdom of Congress, when the whole amount outstanding is inadequate or not more than adequate to supply the basis of the bank circulation, when a dollar of coin must be substituted for every dollar of paper destroyed, it would seem to be safe to stop printing notes and to charge the Treasury with the duty of exchanging coin for such worn-out notes as shall be returned for that purpose. The Treasury will no longer be in danger of a raid; its notes will then be known as the twin-brother of coin and its most efficient ally. Every dollar will be guarded with jealousy and surrendered with reluctance, the holder knowing that once surrendered to the Treasury it can never return. Of course when that time comes the organization of new banks can no longer depend upon the retiring and funding of Treasury-notes. Banking will then, of necessity, be free to all who will secure their circulation by the pledge of any interest-bearing bonds of the Government.

This, then, is in brief the theory of the bill I have sent to your table; that the Government should maintain absolute and strict neutrality between those who demand more, and those who demand less, currency; that the Government is not made a capitalist by reason of its outstanding notes, but is a debtor to their whole sum; that to compel its creditors to carry its debts merely for the purpose of saving interest is a manifest wrong; that to keep the present volume in circulation and to make them convertible is simply impossible; that so long as we maintain an inconvertible paper currency, we subject the results of every man's labor to the hazards of the ceaseless battle between the bulls and the bears of the gold market; and that honesty and policy combine to urge that we say at once to the holders of our promises, "We will permit you to fund them just so fast as you can do it without disturbing the currency, and so affecting the obligations of contracts now existing."

Mr. MORTON. How fast would that be, may I ask the Senator? That is an important question.

Mr. HOWE. Mr. President, that is an important question. Pass the bill, and I will prove by the history of the country just how fast it will be.

Mr. MORTON. That is not answering my question.

Mr. HOWE. No, sir; and it is a question I might just as well put to the Senator. One man's opinion upon that question is just about as good as another's, and I do not think any man's opinion would sell for much in any wholesome market.

Mr. MORTON. Will the Senator excuse me a moment?

Mr. HOWE. Certainly.

Mr. MORTON. I think our positions are not precisely the same. The Senator is proposing a remedy, and he would retire these notes as fast as it can be done without disturbance. It becomes a very pertinent question how fast, under his remedy, he thinks that could be done, and the Senator fails to answer that. Whether it can be done in one year or two is very important.

Mr. HOWE. Mr. President, I have heard a very animated dispute in this Chamber, since this debate opened, on the question whether we have too much money or too little. I do not undertake to discuss that question. I do not know whether we have enough or not. If you ask about my own individual condition, I will tell you that I have not more than half enough. [Laughter.] If you ask me what I think about the condition of the country, whether the business of the country has enough, I will tell you it depends a great deal upon what the business of the country is. We have not enough, I am sure, to float Erie Railroad stock to par and Northern Pacific to 200; but that we have money enough to effect the exchanges of commodities in this country I have never seen any reason to doubt. I spoke just now rather enthusiastically of the facilities this Government enjoys for making money. Put them all in requisition to-morrow, start all your mills, and you can scarcely make money enough for the use of the stock market, but I think you could make it a little faster than it is wanted for honest business. But, sir, I do not believe that it is given to Congress to know whether there is or is not money enough in the United States. I believe sagacious business men can form a pretty reliable opinion as to whether more money is needed in the city of New York, or in Milwaukee, or in any other town.

Pass the bill I have sent to your table, and wherever such men think more money is needed new banks will be organized, and nowhere else. Then you will learn what the business of the country thinks upon that question, not what politicians think; and I would rather take the judgment of the business portion of the community than the judgment of politicians on questions of that kind.

Mr. MORTON. I am very willing to leave it to the judgment of the business men of the country, taking the whole country over.

Mr. HOWE. As expressed at the polls; as expressed in the election of Representatives? Business men do not always control the results of those elections. I am speaking of business which risks something upon its decisions.

Mr. MORTON. I mean that, too.

Mr. FERRY, of Michigan. As the Senator from Wisconsin stated that he was unable, after the discussion, in his judgment, to determine just the precise amount of the volume of currency necessary for the country, and said that if he were interrogated himself he should say that he had not half enough, I ask if the Senator will not be as generous to the rest of the people of the Union as he is in his judgment of the wants of himself.

Mr. HOWE. Yes, sir; and whenever I come to the Congress of the United States asking them to make more money for my use, I will ask them to put the name of my friend from Michigan in the same bill—and all the rest of you. [Laughter.] If I ever get any more money, I suspect I have got to make it myself. I never tried to get it in any other way but once, and then I did not try it; I did get a little in the way of back pay, but it was not by any effort of my own. [Laughter.]

Now, Mr. President, I should like to have the bill introduced by me referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator can introduce the bill at the present time if there is no objection.

There being no objection, leave was granted to introduce a bill (S. No. 315) to provide for the gradual withdrawal of the circulation of irredeemable national notes and the substitution therefor of redeemable national-bank notes, to remove unjust restrictions upon banks, of issue, and upon the amount of circulation; and it was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. MORRILL, of Vermont. Yesterday I said, in interrupting the

Senator from Missouri, [Mr. SCHURZ,] that the price of gold did not go down so low as 6 per cent. premium. I find by the record that there was one day when it did go down as low as 6¼. I was not aware that it had gone below a fraction under 9 per cent.

But I desire to say a single word to the Senator from Indiana, [Mr. MORTON.] I know that he desires nothing only what is just in relation to this matter; but he asserts that the issue of twenty-five millions of the reserve on the part of the Secretary of the Treasury has been of vast service to the country.

Now, if he will look at the bank returns of the city of New York, a little subsequent to the panic, he will find that the amount of notes held by the banks of the city of New York was reduced to $25,000,000, and that to-day they hold $50,000,000. Therefore the entire amounts of United States notes which have been issued since the panic have been taken up, and are absorbed solely by the city banks of New York, and not a dollar thereof has gone West.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Michigan, [Mr. FERRY.]

Mr. SHERMAN. It was not my purpose and I do not now desire to address the Senate on this proposition if any other Senator wishes to do so.

Mr. FERRY, of Michigan. I will state to the Senator from Ohio that there are, I know, three Senators who desire to speak on this amendment, which is the pending question, and I notice that two of them are not present. I suppose the chairman of the committee would not be desirous of preventing them from expressing their views on the question now pending before the Senate. I hope, therefore, he will not press a vote at this time.

Mr. SHERMAN. Before the vote is taken I wish to submit some observations myself, but I do not want to take the floor until every other Senator has had an opportunity to speak who desires to address the Senate. I wish to close the debate, and if no other Senator wishes to speak I will take the floor now.

Mr. WRIGHT. With the permission of the Senator from Ohio, I have a suggestion to make. I infer from what the Senator from Michigan has said that there are Senators who are not now present who desire to address the Senate on the subject, and probably will not be ready to do so before Monday. I had thought myself that I might say something upon the general subject. While it is not at all important, either to myself or the Senate, that I should talk, I would prefer, if it suits the Senator from Ohio as well, that we have it understood that the vote shall be taken on Monday upon this resolution.

Mr. SHERMAN. The debate might go on in the mean time. If no other Senator desires to speak, I will do so myself to-morrow, and if any other Senator is prepared to go on, I will give way to him to-morrow morning.

Mr. WRIGHT. So far as I am concerned I do not know that I shall be ready to proceed before Monday; and, indeed, I do not know that I shall talk at all; but I think most likely if I do it will not be until Monday.

Mr. STEVENSON. I ask unanimous consent of the Senate to take up Senate bill No. 193, which is a local bill applicable to Kentucky, reported by the Committee on Finance.

The PRESIDENT *pro tempore*. The pending order may lie aside informally for that purpose.

Mr. SHERMAN. Let the resolution go over until to-morrow at one o'clock, and then, if no other Senator desires to address the Senate, I will claim the floor.

Mr. SCHURZ. If no further discussion is to take place to-day on this subject I wish to submit a remark of a personal nature. It has been suggested to me by the Senator from Massachusetts that I did him injustice in something I said in my speech of yesterday. He referred to the following words:

> But we heard on Friday last, from the Senator from Massachusetts, [Mr. BOUTWELL,] that the Government is not only not bound to pay its legal-tender due-bills on demand, nor even when it may be able—that is, when by its own action it may enable itself to pay—but that it is bound only by its own pleasure as to when, and even as to whether, it will discharge its obligations; and all this upon the sole ground that on the legal-tender notes no specific time is expressly stated at which they shall be redeemed in gold.

I need not assure the Senator from Massachusetts or the Senate that if any injustice has been done it certainly has not been done intentionally. I think it is due to him, as well as to myself, that I should quote the passages of his speech of Friday last which led me to make this statement; and I will say that I should have done much better had I quoted his own language in full, as I shall do now. He said:

> Whoever will look at a United States note will see that there is no obligation expressed—and I think none implied—in what is written upon the note that it is to be paid at a particular time. It is redeemable at the pleasure of the Government, but not payable at any particular moment.

Again:

> I will answer that, according to my ideas, the relations between individuals are determined by the laws. I suppose the courts would enforce the payment of a similar private obligation after the demand was made, considering the circumstances, whether they were reasonable or not; but the rule does not apply to the Government. There is no power of making the demand. These notes were issued upon an express and general notice as to the character of the obligation, and discretion as to the time of payment is left with the Government.

Again:

> The equity and the morality are to be sought for in the hearts and the purposes of the people; but a nation cannot be charged with dishonor when it has stipulated beforehand what it will do and is in the direction, as it has been for the last five or six years, of performing what it has undertaken ultimately to do; and that is to make these notes of the value of coin and redeemable in coin. But while this process is going on, and while we are under no obligation to bring the process to an ultimate and favorable result at a particular time, I do not hold the nation to be discredited or dishonored if it be acting in good faith toward a result which it has promised ultimately to perform, but which it has not agreed to perform at a particular time.

I must confess that I saw reason to construe this language as meaning that, in the opinion of the Senator from Massachusetts, the Government might, just as it pleased, redeem the greenback notes or not redeem them at all; its pleasure being the only rule of its action. That was my construction, and so I stated. I am now informed by the Senator from Massachusetts that the meaning of his language is different, and that he virtually agrees with me as to the duty of the Government to redeem the greenbacks as soon as it is able to do so. Nothing could give me greater pleasure than to make this statement as to the real intentions of the Senator from Massachusetts.

Mr. MORTON. I desire, Mr. President, to make one statement in answer to the Senator from Vermont in regard to the disbursement of twenty-five millions of the Treasury reserve. The Senator says that did the country no good, because every dollar of it went into the banks of New York.

Mr. MORRILL, of Vermont. The Senator will excuse me. I did not make the latter statement that it did not do the country any good; but I said that the fact was that that currency did not go West, but went to the city of New York.

Mr. MORTON. I think my friend, who is generally very accurate and always intends to be so, is quite mistaken in his statement. That money was not disbursed in New York; only a part of it. It was disbursed in the ordinary expenditures of the Government here, at New York, in the West, wherever the Government had money to pay out. It went into the general circulation; it was not poured from the Treasury into the lap of the New York bankers; but the disbursement of that money gave confidence to some extent all over the country. Business men understood that the circulation was being increased, and that relief to some extent was being given. It gave confidence to business, more or less, everywhere; not enough to restore our business fully, but it did give relief. That the banks of New York have been making themselves strong I know very well; and that the general recuperation of business has helped them to do it I know very well; but if my friend intends to leave the impression that this $25,000,000 of the reserve has gone into their lap and has not gone into circulation, I think he is mistaken. They have increased their reserves in the way banks know how to do when money becomes easier and money becomes plentier; and the disbursement of this money by the Treasury has contributed greatly to relief from the effect of the panic.

I would add one remark further, that the very knowledge that the Government would disburse this forty-four million reserve, and was doing it to some extent, contributed to restore confidence; just as in the case of the Bank of England, when the ministry, by suspending the bank act, authorized the bank to increase her discounts $40,000,000, or £8,000,000; the very knowledge of that fact restored confidence almost in a day, and the bank was only called upon for £400,000, or $2,000,000. That has been the effect, to a certain extent, of the knowledge that the Government was increasing the volume of currency by the disbursement of a part of the forty-four million reserve.

Mr. MORRILL, of Vermont. I did not mean to express any opinion as to whether the issue had really contributed anything to the recuperation of the country or not. I merely meant to state a fact which I think is the vice of our whole paper system. As long as it is not redeemable in specie, and as long as there is no redemption on the part of the national banks, our circulation of money does not fertilize the whole country, but the tendency is for it to run at once to the city of New York, and to increase the speculation there; and that is what I condemn. Now, so far as the fact is concerned, if the Treasury Department has issued $25,000,000, there is not a dollar more in circulation in the country, because the banks of the city of New York have accumulated $25,000,000 of the same kind of money.

Mr. MORTON. Allow me to ask my friend a question in the form of a statement. I ask whether before the war under the old State-bank system there was not the same proportional accumulation of money in New York? The Western States then labored under the difficulty that their paper was not current in New York, and people in the West were compelled to buy exchange at heavy prices. The effect was that the banks in the West were kept in debt to New York, and there was the same accumulation there in a different form. Now the money goes to New York on account of its being the commercial metropolis, the general financial center; it goes in the form of currency by express from the West. Then it went in a different form; but there was the same accumulation proportionally before the war as there is now.

Mr. MORRILL, of Vermont. It is impossible that that should be the case, and the facts in relation to the returns of the banks will show that it is not the case. The amount of deposits in New York has very largely increased within a few years, showing that it has become the money center of the country; and any banker will see at once that so long as there is no necessity for the national banks to keep any money at home they can use all their surplus in the city of New York, or anywhere where they can get a daily interest on their bal-

ances. But if we should return to specie payments, or even if we were to return to a system of redemption that compelled the national banks to redeem their bills at New York weekly, then the banks at home, in order to have any means to redeem their bills that they had issued, would be compelled to discount at home, to discount to those near them, who would pay them in bills of some other or neighboring banks, and thereby they would have the means to redeem the money that had accumulated in New York, which would be brought back and circulated in the local districts and keep up a healthy circulation.

Mr. MORTON. Will my friend allow me one further question in regard to deposits?

Mr. MORRILL, of Vermont. Certainly.

Mr. MORTON. There is a defect in our national banking system allowing our banks in the country and in the West to deposit their reserves in the city of New York in a particular way. That is a thing which ought to be corrected; but I will ask the Senator what difference it would make whether the banks were paying specie or not, so far as that is concerned? If a bank is allowed to deposit her reserve in New York and get interest on the surplus there, I ask if it makes any difference whether the bank is redeeming in coin or not? If the bank has a surplus to deposit, the inducement to deposit in New York and get interest is the same that it would be now if the Government was redeeming her notes in coin and the banks redeeming their notes in greenbacks—that is, indirectly in coin. Would the result be changed by what the Senator says?

Mr. MORRILL, of Vermont. I think it would, most emphatically.

Mr. CHANDLER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. STEVENSON] has asked unanimous consent that the pending order be laid aside informally for the purpose of taking up a bill indicated by him. Is there objection?

Mr. BUCKINGHAM. I should like to say a few words on the question now before the Senate. I do not propose to go into any lengthy discussion of the question, but merely to make a statement in regard to one or two points which are involved in this question of banking and currency.

I think we misjudge as to our duty, by not understanding that we are laboring under two different kinds of currency—one the currency with which we transact our business abroad, and the other that by which we transact domestic commerce. I do not hesitate to say that the currency which now passes from one end of the country to another, of equal value in all parts of the country, is the best currency that ever was devised for a people. Take it distinct from the currency with which we must settle international exchanges, simply as a currency fitted to transact domestic business, I can conceive of nothing more perfect; and therefore I should be very sorry to see any return to a system of State banking which would interrupt the value of the currency and make it unequal in different sections of the country.

I also differ from statements which have been made frequently on this floor by other Senators in regard to the amount of banking facilities our people should have, and the amount of currency which we should be permitted to circulate. I agree with the Senator from Indiana that the West should not be restricted in the privileges of banking. I fully agree also that the East should not be restricted. I think the amount of banking capital necessary to transact business in this country cannot be defined by the Senate of the United States nor by Congress. It is to be measured by the business of the country, and that business is constantly fluctuating and changing; and until you can determine how much capital can be used to advantage in banking institutions, you cannot determine how much you ought to incorporate. You can no more determine this question than you can determine the amount of capital which ought to be invested in the cotton manufacture or in any other branch of business. My judgment is that we should allow banking to be free, so that men may organize banks under your law with whatever capital they please, in whatever locality they please, provided only that they be held strictly to redemption. To allow free banking without redemption, without redeeming bank-notes in that which is of more value than the notes themselves, would be only to place us in the position suggested by the Senator from Missouri, [Mr. SCHURZ,] and the Senator from New Jersey, [Mr. FRELINGHUYSEN.] It would place us on the downward path, precisely as we should be treading that path if we were constantly expanding. It must be by redemption that you must hold your banking institutions to proper responsibility.

Another point I would remark upon. You are afraid of expansion; you are afraid of an increase of currency. So am I. But I am also afraid of contraction; and do we not mistake when we suppose that an exchangeability of one kind of indebtedness for another is expansion? What I am against is an expansion of the indebtedness of the country. That is a step which has been taken by the honorable Secretary of the Treasury. What I ask is that the Committee on Finance will consider some measure by which we can retrace the steps that have been taken by the honorable Secretary. I believe that can be done. I believe that temporary loans can be made, payable at the convenience of the Government, and the money received by those loans need not be placed in the hands of the Treasurer to be used at his discretion hereafter, but canceled, destroyed, and then we shall not be in a position to expand our indebtedness.

Let me state another fact. We have two descriptions of indebtedness—one of bonds and one of legal-tender notes. Now, I ask if the Government is more embarrassed, more unable to meet its obligations, if a man holding greenbacks is allowed to exchange them for interest-bearing bonds? I ask if the Government is in that case in any way crippled or straitened in consequence of its ability to perform its former pledges? It has changed the form of indebtedness, but that is all. Reverse it: suppose a man holding bonds would like to have legal-tender notes; true, it would be a contraction of the currency if he should go to the Treasury and make the exchange; but would it be injurious? He would not do it unless it was for his interest as a business man, and when he had made that exchange there would be no contraction of the indebtedness of the Government.

What I ask Senators to consider is, that the great question is not whether we shall expand or contract the legal-tender notes, but whether we shall expand or not the indebtedness of the Government.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky renew his request?

Mr. STEVENSON. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent to lay aside the pending order and take up the bill which he has indicated.

Mr. SHERMAN. Informally, I suppose.

The PRESIDENT *pro tempore*. Informally. The Chair hears no objection.

URIAH PORTER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 193) for the benefit of Uriah Porter.

Mr. STEVENSON. I move two amendments that the Commissioner of Internal Revenue suggests. The bill, if amended as I propose, will read:

That Uriah Porter, of Allen County, Kentucky, be, and is hereby, authorized to operate his distillery in the county and State aforesaid, without being required to procure the written consent of John H. Page, who holds a lien on the land and distillery of said Porter: *Provided*, That said Porter, prior to distilling, shall execute a bond to the United States, such as is prescribed by section 8 of the internal-revenue act, approved July 20, 1868, as amended, to be taken in lieu of the written consent of the owner of the fee. But nothing herein contained shall be construed as dispensing with any of the requirements of the law in this case than that of the procuring of the consent aforesaid.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

REPORTING OF THE DEBATES.

On motion of Mr. MORRILL, of Maine, the Senate proceeded to consider its amendments to the bill (H. R. No. 795) making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House, non-concurred in by the House of Representatives.

On motion of Mr. MORRILL, of Maine, it was

Resolved, That the Senate insist upon its amendments to the said bill, disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. MORRILL of Maine, Mr. ANTHONY, and Mr. STEVENSON, the conferees on the part of the Senate.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1038) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish; and it was thereupon signed by the President of the Senate *pro tempore*.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The resolution reported by the Committee on Finance is before the Senate.

Mr. SHERMAN. I move that the Senate go into executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at four o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES

THURSDAY, *January* 15, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

WILLIAM STEELE.

On motion of Mr. HANCOCK, by unanimous consent, the bill (S. No. 215) to remove the legal and political disabilities of William Steele, of Bexar County, Texas, was taken from the Speaker's table, received its several readings, and was passed.

Some time subsequently,

Mr. BROMBERG said: I desire to move to reconsider the vote by which the House passed, a short time since, a bill for the removal of the political disabilities of William Steele, of Texas. I wish to amend by adding another name. I think that all amendments of that kind should be made to these bills in this House.

Mr. HANCOCK. I trust the motion to reconsider will not be made.

Mr. BECK. Let the gentleman introduce another bill.

The SPEAKER. If the gentleman will introduce a separate bill it would probably facilitate the object he has in view.

Mr. BROMBERG. I understand that they have stopped the consideration of all private bills of this character in the other House. [After a pause.] But I will not ask for a reconsideration against the judgment of gentlemen about me.

BIENNIAL REGISTER.

On motion of Mr. DONNAN, by unanimous consent, the bill of the Senate (S. No. 202) in relation to the printing of the Biennial Register was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

REYNOLDS POWER-LOOM PATENT.

Mr. SMART, by unanimous consent, introduced a bill (H. R. No. 1216) for the extension of the patent known as the Reynolds power-loom patent; which was read a first and second time, and referred to the Committee on Patents.

EIGHT-HOUR LAW.

Mr. COBB, of Kansas, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to furnish this House, at as early a day as practicable, copies of all the decisions of the Second Comptroller of the Treasury, based upon the act of Congress known as "the eight-hour law."

CHEAP TRANSPORTATION.

Mr. HYDE. I ask to submit the following resolutions for consideration at this time:

Resolved, That the Committee on Commerce be instructed to examine and report at an early day in favor of the most effectual means for promoting cheap transportation upon the navigable waters of the United States; and for preventing combinations calculated to prevent competition upon said waters, including the tug-boat combination said to exist at the mouth of the Mississippi River.

Resolved, That the Committee on Railways and Canals be, and they are hereby, instructed to investigate and report at an early day upon the best and most practicable plans for securing cheap transportation both by canals and railways; for securing reasonable charges upon railways to all points without unjust discrimination, either for or against any person or locality; for preventing combinations among common carriers over such railways or canals calculated to prevent competition; for regulating and prescribing the duties of the officers, directors, and managing agents of railroad corporations toward the public in the management of their trust; and for punishing such officers, directors, and agents for extortion, fraud, breaches of trust, and other willful acts injurious to the public or to the stockholders or bondholders of said railways.

Mr. HALE, of Maine. What is the power proposed to be given by this resolution as to the committees' reporting?

Mr. HYDE. At an early day.

The SPEAKER. These are mandatory resolutions, instructing the committees named to examine and report at an early day in favor of, &c.

Mr. HALE, of Maine. Let the resolutions be referred to the committees.

Mr. HYDE. If there be objection to the passage of the resolutions I will move that the first be referred to the Committee on Commerce.

The SPEAKER. The gentleman would remove all difficulty by modifying the resolutions so as to direct the committees to inquire into the expediency of reporting bills for the purpose indicated.

Mr. HYDE. I will accept the suggestion, and make the modification as indicated.

Mr. WILLARD, of Vermont. Are the resolutions still open to objection?

The SPEAKER. They are.

Mr. WILLARD, of Vermont. I must object to anything more than a reference.

The SPEAKER. The resolutions have been modified so as to direct the committees named to inquire into the expediency, &c.

Mr. WILLARD, of Vermont. I will not object.

There being no objection, the resolutions as modified were adopted.

COMMITTEE ON EXPENDITURES, DEPARTMENT OF JUSTICE.

Mr. SENER. Upon examining the rules of this House, I find that there are committees appointed at the commencement of every session to audit the expenditures of the respective Departments, save that of the Department of Justice. To remedy that defect in the rules, I beg leave to offer the following resolution:

Resolved, That the Committee on the Rules be directed to inquire into the expediency of so amending Rule 102 of the standing rules of this House as to provide for a committee on so much of the public accounts and expenditures as relates to the Department of Justice.

The resolution was referred to the Committee on the Rules.

CLERK OF COMMITTEE.

Mr. ORR. I ask unanimous consent to submit the following resolution for reference to the Committee on Accounts:

Resolved, That the Committee on Expenditures in the Interior Department have leave to employ a clerk during the present session of Congress, or such part thereof as may be necessary, at the usual rate of compensation.

Mr. BUFFINTON. I would prefer that the House pass upon this resolution directly, without referring it to the Committee on Accounts.

Mr. ORR. I have no objection.

Mr. HOLMAN. Let it go to the Committee on Accounts.

The SPEAKER. That is the usual mode.

The resolution was accordingly referred to the Committee on Accounts.

COMMISSIONS TO POSTMASTERS.

Mr. ORTH. I am directed by the Committee on Foreign Affairs to report back, with a recommendation that the same do pass, House bill No. 319, to provide for the issuing and recording of commissions to postmasters appointed by the President, by and with the advice and consent of the Senate.

Mr. RANDALL. I object.

REVENUE REFORM.

Mr. LAWSON, by unanimous consent, presented resolutions of the Chamber of Commerce of the city of New York upon revenue reform; which were referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HALE, of Maine. I call for the regular order of business.

The SPEAKER. The regular order being called for, the morning hour now begins at twenty-four minutes past twelve o'clock, and reports are in order from the Committee on Revision of the Laws.

APPEALS FROM CIRCUIT COURTS OF THE UNITED STATES.

Mr. POLAND, from the Committee on Revision of the Laws, reported a bill (H. R. No. 1217) providing for an appeal from circuit courts to the Supreme Court in certain cases of *habeas corpus;* which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that from the final decision of any circuit court, upon an application for a writ of *habeas corpus*, or upon such writ when issued, in the case of any person alleged to be restrained of his liberty in violation of the Constitution or any law or treaty of the United States, an appeal may be taken to the Supreme Court.

Mr. POLAND. Mr. Speaker, I do not desire to have the House vote upon this bill without understanding precisely what it means. By an act passed in 1867 jurisdiction was given to the several United States courts and the judges thereof to issue writs of *habeas corpus* in all cases in which a person alleged that he was restrained of his liberty in violation of the Constitution or any law or treaty of the United States. That law provided for an appeal from any district court to the circuit court, and from the circuit court to the Supreme Court of the United States. By an act passed March 27, 1868, so much of the act of 1867 as provided for an appeal from the circuit court to the Supreme Court was repealed in general terms. Those gentlemen who were members of the House at that time know something of the manner in which the act was repealed.

Among the alterations proposed by the commissioners who revised the statutes of the United States was the restoration of this right of appeal. Inasmuch as the committee have decided not to include in the revision any changes of the existing law, we have reported this proposition as an independent bill to restore the right of appeal in that class of cases. I do not desire to enter into any argument in relation to the propriety of the measure; but I wish the House to understand precisely what it means.

Mr. WOOD. I think the gentleman from Vermont [Mr. POLAND] should accompany his proposition with an explanation as to the fraud which was practiced in the enactment of the law which it is now proposed to repeal. Such a statement would be very interesting as a matter of history, and I think the gentleman from Vermont knows something about the circumstances.

Mr. POLAND. I had no more knowledge in reference to the matter than the gentleman from New York [Mr. WOOD] had, and I prefer that he should make the explanation himself.

Mr. WOOD. Well, Mr. Speaker, I think the gentleman from Vermont was a member of this House at the particular time to which I refer, when, by a combination on the part of certain members, the majority here succeeded in precipitating upon the House at an improper time the bill which was subsequently passed by both Houses for the purpose of anticipating a judicial determination in the Supreme Court of the United States, virtually in advance of the judicial decision of an important question bearing upon the reconstruction laws; we interfered by legislation after the case reached and was pending in that court. I believe the gentleman is quite familiar with the whole subject; and I think a statement of the circumstances might be pertinent as a very great argument why the bill now proposed should be passed.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX TITLES IN INSURRECTIONARY STATES.

Mr. POLAND. I am directed by the Committee on Revision of

the Laws to report, with a favorable recommendation, the bill (H. R. No. 1191) for the relief of owners and purchasers of lands sold for direct taxes in the insurrectionary States. This bill, I suppose, under the rule recently adopted, must go to the Committee of the Whole, as it involves to some extent an appropriation of money out of the Treasury.

The SPEAKER. The Chair, on examination of the bill, finds that it contains a direct appropriation, Does the gentleman wish to ask unanimous consent that the bill may be acted on now?

Mr. POLAND. I suppose it must go to the Committee of the Whole.

The SPEAKER. It will, unless there be unanimous consent for its consideration in the House. Unless the gentleman asks such consent the bill will be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

COMMITTEE ON REVISION OF THE LAWS.

The SPEAKER. The gentleman from Nevada [Mr. KENDALL] desires to be excused from further service on the Committee on Revision of the Laws; and the Chair appoints in his stead the gentleman from Pennsylvania, Mr. CLYMER.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1038) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish; and

An act (H. R. No. 793) repealing the increase of salaries of members of Congress and other officers.

FIRE-EXTINGUISHERS FOR THE CAPITOL.

Mr. STRAIT, from the Committee on Public Buildings and Grounds, reported a bill (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building; which was read a first and second time.

The bill was read. It authorizes the Secretary of the Senate and the Clerk of the House of Representatives, in co-operation with the architect of the Capitol, to purchase not exceeding eight fire-extinguishers, to be placed in those parts of the Capitol and those rooms most exposed to danger from fire, the purchase to be made after a proper test of the merits of the extinguishers offered shall have been made; and payment therefor is to be made out of the contingent fund of the respective Houses.

Mr. STRAIT. I ask that this bill may be considered in the House instead of the Committee of the Whole.

Mr. HOLMAN. It seems to be a very important measure. I insist on its going to the Committee of the Whole.

Mr. PLATT, of Virginia. Is it in order to move to go into Committee of the Whole now?

Mr. G. F. HOAR. Does the rule adopted the other day cover bills making disposition of the contingent fund of the House?

The SPEAKER. The Chair thinks it does, because it expressly refers to payments of money out of appropriations already made.

Mr. PLATT, of Virginia. There are circumstances making it important to have this bill acted on to-day; and I hope unanimous consent will be given for such action in the House. The circumstances are these, (I beg attention to the statement I am about to make:) It has been stated that a very large amount of property, very valuable in its nature, has been stored in the various parts of this building, where, should a fire break out, there would be very great destruction in a few minutes. The purpose of this bill is to authorize the placing of fire-extinguishers in those exposed positions. In the office of the Supreme Court, for instance, are the records of that court; in another portion of the building is the Library; in other portions valuable documents are stored. It is a very small amount that is involved. It is considered necessary by the gentlemen having the charge of the building that there should be not more than eight of these fire-extinguishers, the cost of which would be only between four and five hundred dollars. As there is a great risk in the meanwhile, and as it is necessary in order to provide these extinguishers that the bill should pass the House and the Senate and be approved, I hope it will be allowed to pass without objection.

I submit, as part of my remarks, a letter I have received from the Clerk of the House and the architect of the Capitol extension.

The Clerk read as follows:

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 5, 1874.

SIR: As directed by your committee we have examined the lofts and document-rooms of the Capitol, with a view to the better protection of their contents from loss by fire. We find that the space between the ceiling of the Supreme Court and the roof, which is used for the storing of documents by the Senate, and which is mainly made of wood, should be protected by a fire-extinguisher. There are also several document-rooms which, in our opinion, should be protected in the same manner. We therefore recommend the purchase of eight fire-extinguishers.

Very respectfully, yours, &c.,

EWD. MCPHERSON.
EDWARD CLARK.

Hon. J. H. PLATT, Jr.,
House Representatives United States, Washington, D. C.

Mr. PLATT, of Virginia. I trust the House will pass the bill without any delay.

The SPEAKER. The gentleman from Indiana has made a point of order on the bill. It is for him to say whether he withdraws it or not.

Mr. HOLMAN. Mr. Speaker, I withdraw the objection to this bill, although I take it that there is no imperative necessity for it, as we have got along so many years without it. I give notice, however, that I will hereafter not withdraw my objection to such bills.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STRAIT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILING IN HALL OF REPRESENTATIVES.

Mr. LOWNDES, from the Committee on Public Buildings and Grounds, reported back, with the recommendation that it be not adopted, the following resolution:

Resolved, That the architect of the Capitol be directed to place a substantial railing outside the outer circle of members' seats in the Representatives' Hall.

Mr. HOLMAN. I object to that.

Mr. LOWNDES. I ask non-concurrence in the resolution.

Mr. HOLMAN. Very good.

The SPEAKER. The gentleman from Indiana withdraws his objection, and the resolution is laid on the table.

APPROACHES TO THE CAPITOL.

Mr. PLATT, of Virginia, from the Committee on Public Buildings and Grounds, reported back the following resolution, with the recommendation that it be adopted:

Resolved by the House of Representatives of the United States of America, That the architect of the Capitol extension be authorized and directed to employ a man, at a salary of not exceeding sixty dollars per month, for the purpose of keeping the approaches to the House in good order during the session of Congress.

Mr. RANDALL. I think we have got hands enough already employed about the House.

Mr. WILLARD, of Vermont. I make the point of order that the resolution should be first discussed in the Committee of the Whole.

Mr. PLATT, of Virginia. Does that come under the rule?

The SPEAKER. Necessarily it does. Sixty dollars a month is money.

The resolution was referred to the Committee of the Whole on the state of the Union.

COMMITTEE CLERK.

Mr. BUFFINTON, from the Committee on Accounts, reported back the following resolution:

Resolved, That the Committees on Revolutionary Pensions and War of 1812 and on Coinage, Weights, and Measures, have authority to employ a clerk jointly to serve during the sessions of this Congress, and to be paid the usual rate of compensation.

Mr. MAYNARD. Is there not a sum of money involved in that resolution?

The SPEAKER. The Chair thinks there is.

Mr. MAYNARD. I do not make the point of order. I merely call the attention of the House to the fact that an objection might be made.

Mr. BUFFINTON. It is necessary, of course, that these committees should have a clerk.

The resolution was agreed to.

Mr. BUFFINTON moved that the vote by which the resolution was agreed to be reconsidered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

OFFICIAL REPORTERS OF DEBATES.

Mr. RANDALL. I am instructed by the Committee on Rules to report the rule which I send to the desk, and to ask for its adoption by the House.

The Clerk read as follows:

Resolved, That the following be added to the Rules of the House, namely:

RULE —. The appointment and removal of the Official Reporters of the House shall be vested in the Speaker; and in addition to their other duties the reporters of the House proceedings and debates shall prepare and furnish for publication a list of the memorials, petitions, and other papers, with their reference, each day presented under the rule.

Mr. RANDALL. I desire to offer a word of explanation in reference to this rule. On the 3d day of March last, the last day of the last Congress, these gentlemen who report our debates were made officers of this House. But an omission was made in reference to that matter, the result of which is that they are a sort of nondescript officers, under the direction of no one, although they are officers of the House; and the committee have deemed that they should be under some moderate restraint. They have, therefore, offered this resolution to give to the Speaker of the House the selection of these gentlemen.

It is proper for me to say in this connection that the Speaker of the House did not desire, but on the contrary strenuously opposed, his being the party to select them. But the committee were reminded of the fact that they were now legislating not for the present alone but for the future. And it may not be inappropriate for me to say that perhaps I, as one of the minority of the committee, was selected to present this resolution, so as to show and indicate that the Speaker of the majority did not desire this power. But it is very plain that this con-

trol over the reporters should be put somewhere. It is not in view to displace—so far as I know and believe, and I think I feel authorized to say that much—any of the gentlemen who occupy those positions at present; but it was deemed necessary for the good order of the House and the proper regulation of the reports and debates that they should be put under some one's authority.

Mr. HOLMAN. I ask that the last clause of the proposed rule be read again.

The Clerk read as follows:

And in addition to their other duties, the reporters of the House proceedings and debates shall prepare and furnish for publication a list of the memorials, petitions, and other papers, with their reference, each day presented under the rule.

Mr. HOLMAN. Is not that the rule now?

Mr. RANDALL. No, sir. I will explain the matter. The gentleman is familiar with the practice of the House, which is for each member to go down to the desk and place in that box there the petitions and memorials he presents, and at the same time to make a transcript and give it to the Official Reporters of the debates. The effect would be that members would not be required to make the transcript at all. Under the present system, new members who are not familiar with the system fail to get their petitions in the RECORD at all. This rule requires the reporters to take from that box all the petitions deposited there, and to publish them in the RECORD, stating specifically to what committee they have been referred. This has never been done heretofore. There has been a general statement that "the following petitions were presented and referred to the appropriate committees." This rule will require that the reference of each petition and memorial shall be printed, so that members who are interested in the subjects to which they refer may see in the morning to what committee they have been referred.

Mr. HOLMAN. That is exactly right, and I understand the only change is that this bill requires the reporters to add to the announcement of the presentation of a petition, the reference that is made of it.

Mr. RANDALL. It only adds the reference, so that we may be enabled to trace any petition or memorial by its reference. New members who are not familiar with the practice fail to give a transcript of the petitions and memorials they present to the reporters.

Mr. WILLARD, of Vermont. I suggest to the gentleman that the resolution be amended, so as to say "for publication in the CONGRESSIONAL RECORD."

Mr. G. F. HOAR. I want to ask the gentleman from Pennsylvania a question. I understand that it is the well-settled exposition of the first article of the amendments to the Constitution, which provides that the right of the people peaceably to assemble and petition the Government for redress of grievances shall not be abridged by law, that Congress shall make no law abridging this right. It was designed to secure to the American people the right to petition both branches of Congress without obstruction.

Mr. RANDALL. This in no manner interferes with that right; on the contrary, it gives greater publication to the petitions.

Mr. G. F. HOAR. I understand that by the rules of this House no petition can be presented to the House in open session; and there is no mode by which a petition ever can be brought to the attention of the House unless the committee to which it is referred at the Clerk's desk shall elect in the morning hour to bring it into the House in connection with some recommendation, either of legislation or against legislation. The only way now in which a petition presented can get the notice of Congress is, that a member may read in the RECORD that on a previous day a petition was presented on a certain subject.

Now I understand, further, that the Speaker rules that the reports in the RECORD are not official, and that it is not a question of privilege to make any question concerning their correction. I ask the gentleman how he reconciles this usage under the rule, even as amended by his committee, with the Constitution of the United States?

Mr. RANDALL. I will answer the gentleman. He cannot be more in favor than I am of the widest latitude of the right of petition; but the complaint he makes does not hold good at all against this rule. This rule gives a wider publication to petitions presented here than they received under the existing rule. It will enable us to trace any petition that has been presented here, and gives a wider publication to the petitions presented here, and that is the only purpose of the rule.

Mr. G. F. HOAR. I desire to make a parliamentary inquiry of the Chair in this connection. I understood the Chair to state to the House the other day his understanding of the meaning and effect of the proposed rule, as the representative of his committee.

The SPEAKER. The Chair thinks it his duty to do so.

Mr. G. F. HOAR. Should this rule be adopted, so far as it is applicable to petitions, would the question of their being correctly inserted be a privileged question?

The SPEAKER. The Chair would not hold that a publication in the CONGRESSIONAL RECORD was more privileged than any other publication in a journal. Gentlemen cannot bring typographical errors in here as matters of privilege, or the House would never do any business.

Mr. G. F. HOAR. I hope before this amendment is adopted by the House that it will be recommitted to the Committee on the Rules, to determine whether the constitutional right of petition is not invaded by the rule of the House as it now stands, the rule which the committee propose to amend.

I think that two amendments to this rule better not be attempted when one can be made to cover all. As I understand the rule, it grew out of a purpose to abridge the right of petition of the American people, in the interest of a polity intended to abridge the freedom and personal liberty of a large portion of the people of this country. The result is that to-day, under a rule of this House, the right of the people to petition, as secured in the first article of amendments to the Constitution, is practically denied, because no petition can be presented to the House of Representatives unless the committee to which it is referred at the Clerk's desk see fit to report it to this House.

Mr. WILLARD, of Vermont. Will the gentleman allow me to ask him a question?

Mr. G. F. HOAR. Certainly.

Mr. WILLARD, of Vermont. Does the gentleman understand that there is anything in the rule now to prevent him from offering the petition of any citizen of the United States in open House, and asking that it be read at the Clerk's desk?

Mr. G. F. HOAR. Yes, sir; I do not understand that there is any time in any session of Congress when that can be done, unless, possibly, on the first morning of its assemblage, before any other business has come before the House.

Mr. WILLARD, of Vermont. Then the rules of the House are as much opposed to the right of petition as this particular rule is.

The SPEAKER. The Chair begs to say that the point at which the gentleman aims, and with which the Chair would express considerable sympathy, is not at issue in the question now before the House. The point to be reached by the proposed rule is this: at present petitions are presented at the Clerk's desk and deposited in the box provided for that purpose. Notice of the presentation of those petitions is not published in the CONGRESSIONAL RECORD, nor formerly in the Globe, unless the member presenting them shall prepare a slip and hand it to the reporters for publication. This proposed rule is to make it the duty of the Official Reporters to themselves prepare a statement of the petitions and have it printed in the CONGRESSIONAL RECORD; and so far that is in furtherance of the right of petition.

Mr. G. F. HOAR. So I understand. But the point I make is that in amending this rule we should go so far as to cure the whole difficulty.

The SPEAKER. This proposed rule, if adopted, would not be at all in conflict with what the gentleman desires.

Mr. RANDALL. The gentleman admits that this is in the right direction, but complains that it does not go far enough. I am willing to go as far as the gentleman, but not in this way.

Mr. G. F. HOAR. Will the gentleman from Pennsylvania [Mr. RANDALL] permit me to move to recommit this report, with instructions to the Committee on the Rules to devise and report an amendment of the rules which will secure the constitutional right of petition?

Mr. RANDALL. I cannot do that, because I have not the authority to do it.

The SPEAKER. A single further remark. The gentleman from Massachusetts [Mr. G. F. HOAR] will observe that this proposed rule merely prescribes a certain duty of the Official Reporters. But it does not in any way touch the question of the presentation of petitions to the House.

Mr. RANDALL. Except that it gives greater publicity to the petitions.

Mr. BUTLER, of Massachusetts. I desire to say that I have always believed, as my colleague [Mr. G. F. HOAR] believes, that when under the rule we put a petition in the box at the Clerk's desk, that is an infringement of the right of petition. I remember, better, perhaps, than he does, from being more intimately connected with the matter, the occasion and probable purpose of that rule. It was an attempt to prevent John Quincy Adams from presenting slave petitions in the House, and was regarded as a gag-law by one set of politicians, and by another as a great preservative measure to prevent slave insurrections. But all that has now passed away. And the reason for the rule passing away, I would suggest to my colleague to bring the matter distinctly before the House, and have it referred to the Committee on the Rules.

Mr. POTTER. Allow me to inquire of the Chair whether Rule 131 is not merely a permissive rule. Under it we may present petitions at the Clerk's desk. I do not understand that there is anything requiring petitions to be presented at the Clerk's desk and put into that box. It is a mere facility afforded for the presentation of petitions. Am I right in that?

The SPEAKER. Under existing rules it requires unanimous consent to present a petition in open House.

Mr. POTTER. Then I was mistaken.

Mr. COX. I was about to refer to that matter. Every gentleman in this House knows that in the last ten or twenty years, especially since the war, the right of petition has been practically nullified. I think the publicity given to our proceedings, the general discussions among the people, the diffusion of information by means of the press, have rendered the old constitutional right of petition almost obsolete, both in Parliament and in Congress. And therefore it is, since our business in Congress has increased so much—we being choked up with business of all kinds—that, in order to carry out the first amendment to the Constitution, we must seek a more convenient mode than filling up an hour here every morning by the presentation of petitions, three-fourths of which have scarcely any significance.

The reason of the rule requiring us to deposit these petitions in that box was for the convenience of Congress. It does not take away the practical right of the people to petition. I never yet knew a case when, in a matter of any importance, memorials or petitions were presented by any member from any locality, that the House did not give unanimous consent for the presentation and for the recording of the petitions.

Now, sir, as we pay our reporters for preparing our published proceedings, one object of this rule is that they shall do this work of preparing the petitions for publication, instead of the members themselves doing it. The adoption of this rule will prevent any omission of these petitions or memorials from the RECORD, thus enlarging the right of petition, if you please, in the most convenient mode for the transaction of business.

The Committee on the Rules were unanimous in the opinion that something should be done in this matter, and especially that petitions should not have the wrong direction. We desire that the RECORD shall be perfect as to the reference of these petitions, so that no question shall arise hereafter as to the reference of any petition to any particular committee; so that any member, by looking at the RECORD, may see to what committee any petition presented on the previous day has been referred. The committee think that this rule, as a matter of convenience to the House and the country, is most indispensable.

Mr. RANDALL. I yield to the gentleman from Tennessee, [Mr. MAYNARD.]

Mr. MAYNARD. Mr. Speaker, the proposed rule now under consideration connects itself with another rule on our list that is historic in its character. Thirty years ago and more, there was a great deal of agitation in the House and the country over a certain class of petitions which were generally offered here by one of the then Representatives from Massachusetts; I refer to the late John Quincy Adams. Those petitions were in their character very offensive to the people in one portion of the country. They were presented persistently and their presentation was persistently resisted; but they were presented under this constitutional guarantee, which it was very difficult to overcome. Hence the rule was devised under which petitions should be referred at the Clerk's desk, under direction of the Speaker, being sent by him *sub silentio* to such committee as he might think proper. Thus they went to the "tomb of the Capulets." The right of petition was sacredly preserved! The petitions were received, and that was the end of them.

After a while, however, members began to hand to the reporters little slips, stating that Mr. So-and-so presented a certain petition. A few only of such notices at first appeared in the columns of the Globe. Gradually they increased in number, until now they probably represent the great body of the petitions introduced.

The rule now proposed is a movement toward the original practice of presenting petitions in open House, as is done in the Senate. It is, if the gentleman from Massachusetts will allow me to say so, getting back to the attitude that was occupied by the House in the time of his distinguished predecessor, by showing in the RECORD not only the petitions presented but the names of the members presenting them, with the committees to which they are referred. Hence this proposition, instead of exciting any alarm or apprehension on the part of the gentleman, should elicit his congratulation that we are getting back to what he and I conceive to be the spirit of the Constitution.

Mr. G. F. HOAR. My point is, that this amendment does not cure the constitutional difficulty; that although this is a proposition in the right direction, the committee had better make it broad enough to meet the difficulty I suggest. But as the Chair and the gentlemen having this matter in charge think it best that my proposition should have a separate consideration, I do not know that I shall press it in connection with the rule now reported.

The trouble is that even if this amendment be made, the citizen cannot get his petition before the House in the sense intended by the Constitution. His Representative takes it, drops it in silence into a box at the Clerk's desk; a memorandum of it is printed in the RECORD, which, as the Chair rules, (I have no doubt correctly,) is not an official publication. In other words, we say to the citizen, "You may exercise your constitutional right by putting a statement of your petition in a newspaper." My objection was not to this amendment, but I desire to point out that it did not go far enough.

Mr. MAYNARD. Will the gentleman bear in mind that our Journal, under the practice already prevailing, shows each petition presented, the name of the gentleman presenting it, and the reference?

Mr. G. F. HOAR. But the petition is not in any way brought directly to my notice of the House.

Mr. MAYNARD. The only difference between the old practice and that which will be introduced under the rule now proposed is, that under the old practice the member would get up in his place, state orally the substance of the petition, with the reference he desired, which statement would appear as a part of his remarks in the congressional report.

Mr. G. F. HOAR. It may be that the old practice was not the best one; but it is manifest that the present rule absolutely denies in practice the right which the Constitution grants. The fact that the petition appears in the published Journal does not meet the difficulty. Take the case of a petition presented on the last day, or the last day but one, of the session; it does not appear in the printed Journal until months afterward; and as to the publication in the CONGRESSIONAL RECORD, the Chair rules that to be on the same basis as a mere newspaper publication—for instance the New York Times.

Mr. MAYNARD. If a petition were presented in open House, the country might know nothing about it, though its presentation might perhaps be known to the persons happening to be in the galleries at the time.

Mr. G. F. HOAR. But that is not a question for us after we have discharged our duty in the matter.

Mr. RANDALL. I yield to my colleague, [Mr. MYERS.]

Mr. MYERS. I have heard no complaint from the country that the right of petition has been abridged. Certainly I should do nothing upon this floor which I would deem an abridgment of it. Now, what is the right of petition? The citizen has it. But has he it upon this floor? Here he has representation. What was the reason for the rule first adopted? Perhaps some of the reasons given are true; but the great prevailing reason for its continuance now was that the business of the House and of the country is increasing, and therefore it is desirable that members may file these petitions and have them set forth in the Globe or RECORD. That is done now. The member, if he does his duty to the petitioner, makes an abstract of the petition, and it appears in the RECORD, where very few of the public see it after all. If the petitions are very important, the member, by going to the Associated Press reporter, can always have them telegraphed over the United States. If they are unimportant they will not be telegraphed any more by being presented in open House than they are now.

I say, then, while this proposed rule may be good, still I should like to have it referred, in order that it may become better. It would take too much of the time of the House to read these references openly, as some gentlemen desire. If the rule is adopted in its present shape it will occupy a large portion of the time of the reporters, who I do not think should attend to this business of condensing for members petitions which I think they ought to attend to themselves, and which they at present have the privilege of condensing and recording officially.

These petitions go to committees. The member presenting them can follow them up before the committees; and there never has been any abridgment of the right of petition by the House, or by any decision of the Speaker which prevents these petitions going to the proper committees. On the contrary, the member presenting them has to a greater extent the privilege of referring them to the committee of his choice than if presented in open House.

Mr. RANDALL. I yield now to the gentleman from New York, [Mr. WOOD.]

Mr. WOOD. I am very glad that the gentleman from Massachusetts [Mr. G. F. HOAR] has brought the attention of the House to this question; because I am glad, sir, that a gentleman of his ability has seen it necessary to call us back again to the Constitution of the United States, and I will go with him, or with any other gentleman in this House, into a strict construction and a strict compliance with the Constitution. But, sir, I think the gentleman is laboring under an error; that he reflects, in his remarks upon this question, what in my judgment is a very common popular error. I deny that there is anything in the Constitution of the United States that gives to any man, woman, or child the right to send a petition to this House. The only provision in the Constitution that covers the subject at all, that I know of, is article 1 of the amendments to the Constitution, which is as follows:

> ARTICLE 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

"And to petition the Government for a redress of grievances"—having expressed those grievances in popular assembly. Now, sir, are we to assume that this House constitutes the Government of the United States? It is proposed that we shall act separately and distinctly as a House, as one branch of Congress, in the consideration of this question. And therefore, to reach the conclusion which the honorable gentleman from Massachusetts has reached, it would be necessary to hold that this House—not even both Houses—constitutes the Government, the only authority to which, under the Constitution, there is the right to petition at all.

But, sir, I go a little further. I deny that there is anything in the existing rules of the House that denies to the people the right of petition. They may have the right to petition; we receive their petitions; we make a speedy and practical disposition of those petitions, or else they would incumber and take up the whole time we devote to legislation.

What do we do with them? We refer them to the appropriate committees for consideration; and if these petitions present cases that may influence, or should influence, proper legislation in the determination of bills and matters before this House, those committees properly pay due deference and respect to them.

Therefore, sir, I hold that it would be physically impossible for us to make any other disposition of the thousands of petitions that are constantly flowing in upon us than that which the rules now existing point out and direct. During my long experience here—and

I was here when John Quincy Adams fought this very question of the right of petition in reference to the abolition of slavery in the District of Columbia—at least from 1850 down to 1874, I have never known these petitions to be opened in the committee-room and made the subject of consideration there. Sir, we have already in the Committee on Ways and Means enough petitions sent us during this Congress to almost fill the Chamber; and if we were to untie, to read, to ponder and deliberate upon the requests made upon us by these petitioners, why, we would never be able to report a bill to this House. Therefore, sir, in my judgment we have done all and more than all that the Constitution requires. And, in the second place, it would be impossible to carry out the views of the gentleman as to reading and acting upon the petitions here as presented. Practically, so far as relates to the legislation of Congress, these petitions might as well be kept at home. I have never known any influence exercised by them during my experience here.

Mr. SENER. Will the gentleman from Pennsylvania yield to me for a moment?

Mr. RANDALL. Yes, sir.

Mr. SENER. I desire merely to ask a question. Under the old system, if I am correctly informed, of reporting and printing these debates, the contractors not only had the printing but had the selection of their own reporters. Am I correct?

Mr. RANDALL. You are.

Mr. SENER. Then if this report is adopted is it not a step in the direction, on the part of the House, of permanently sending this printing to the Government Printing Office, even though that printing should cost more?

Mr. RANDALL. Not in the least. On the contrary, the committee considered that very question. They did not wish to enter at all upon it. If Congress in the future shall give the contract for printing elsewhere than to the Government Printing Office, these reporters will still do the reporting, unless the law shall provide otherwise, and give to the contractors this selection, which they never should again do. These reporters should always be in the power of the House.

Mr. SENER. Then we will have to rescind this rule.

Mr. RANDALL. Not at all. The printing is now done at the Government Printing Office; and if a contract be made for the printing to be done elsewhere, these reporters will still supply a full report of the proceedings and debates of the House. The adoption of the rule does not complicate that question at all. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

RIGHT OF PETITION.

Mr. RANDALL. I now yield to the gentleman from Massachusetts, [Mr. G. F. HOAR.]

Mr. G. F. HOAR. I ask leave to present a resolution for the consideration of the Committee on Rules, and not for any action at this time.

Mr. RANDALL. I do not think that the gentleman's resolution need go to the Committee on the Rules, for it is so plain in the direction of the right of petition that I am ready to act on it at once. In that connection I wish to say that I differ *in toto* with the remarks of the gentleman from New York [Mr. WOOD] in regard to the right of petition.

Mr. G. F. HOAR. I ask leave to submit the following resolution:

Resolved, That the Committee on the Rules consider whether the existing rules of the House interfere with the right of petition secured by the first article of amendments to the Constitution, and what change, if any, is necessary in the same.

Mr. MAYNARD. I move that the resolution be referred to the Committee on the Rules.

The motion was agreed to.

Mr. G. F. HOAR moved to reconsider the vote by which the resolution was referred to the Committee on the Rules; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

OFFICIAL REPORTERS.

The SPEAKER. The Chair will say, in regard to the rule just adopted, that on the 3d of March last the House adopted a resolution "that the report of the House proceedings and debates shall be furnished by the present corps of Globe reporters, who shall hereafter, until otherwise ordered, be officers of the House, under the direction of the Speaker." The rule just adopted vests in the Chair the appointment and removal of these reporters. Whenever there is any point of doubt as to what the rule may be supposed to be it is the duty of the Chair to give his own construction of it. The Chair, therefore, now announces that he will appoint the existing reporters, and will consider that the power of removal is only vested in him for cause, which he will have entered upon the Journal. When the appointment of reporters is announced it will be for this Congress, and for subsequent Congresses until action removing them for cause may be taken by the then Speaker. The reporters, as now appointed, are to continue in office until removed for cause.

PRINTING OF BILLS.

Mr. MAYNARD. I am instructed by the Committee on the Rules to report the following:

Resolved, That the following be added to the rules of the House:

RULE —. Private bills shall not be printed except on the request of the committee to which they are referred.

Now, Mr. Speaker, the Committee on Rules instructed me to offer that resolution, for the reason that the printing of bills has come to be so voluminous that, practically, the object for which they are printed is very much defeated. We are now in the second month of the first session of this Congress, and we have already printed a large number. Formerly, as gentlemen will recollect, a comparatively small percentage of the entire number of bills introduced was printed. Of the number introduced on this file in the House, of eleven hundred and twenty-six, there have been printed ten hundred and ninety; which is a very large percentage of the bills introduced. Quite a number of these are bills which in their nature relate to but a single individual. I notice one for W. H. Moore & Co.; another for the relief of a postmaster of one of the towns in my State; another for the relief of a colonel in the late war, &c. The committee thought, unless it should be deemed important by the committee to which the bill was referred, it would be better as a rule of the House it should not be printed; and they have instructed me to recommend this rule for adoption. Unless some gentleman desires to discuss it I will call the previous question.

Mr. HOLMAN. I understand that the rule now is that bills are only printed by order of the House. It seems clear to me that a large number of bills, in addition to private bills, ought not to be printed until a report is made on them by the committee having them in charge. I think the practice ought to be not to print bills unless the fact be reported by the committee having them in charge that they ought to be printed. I supposed, a single objection now would prevent the printing of any bill, except it be one of the general appropriation bills; and if that is the present rule we are simply narrowing the objection to printing bills and increasing the facilities for their being printed. Sir, this has become a crying evil. Not only ought not any private bill to be printed before it is reported on by a committee, but a large proportion of the other bills introduced ought not to be printed until reported on. It seems to me that the rule should go further and provide that no bill except a regular appropriation bill shall be printed until reported on by a proper committee.

Mr. WILLARD, of Vermont. Will the gentleman from Tennessee yield to me for a moment?

Mr. MAYNARD. Certainly; I will yield to the gentleman.

Mr. WILLARD, of Vermont. It occurs to me that what would be, on the whole, a very much preferable rule would be this: that no bill shall be considered by the House, either in the House or in committee, until it is in print. The money expended in printing what the House is called to act upon and makes legislation of is better expended than it could be in any other way. The reading of a bill at the Clerk's desk, if it be one of any length, gives members a very small idea of its contents or effect.

I am aware that our files get crowded by the printing of bills; and if some rule could be adopted which would limit the printing of bills on their introduction, but at the same time require all bills to be printed before they are brought before the House for final consideration, I should have no objection to the limitation of printing at the outset; but I object to any limit on the right of the House to have a bill printed before it is called upon to consider it.

Mr. HAWLEY, of Illinois. I should like to say a word or two upon this question.

Mr. MAYNARD. I will yield to the gentleman.

Mr. HAWLEY, of Illinois. I have been very much in the habit of concurring with the Committee on the Rules in all the propositions they have presented, and I dislike very much to oppose one of them; but if I were to propose a change in the existing rule, instead of limiting the printing, I would provide that every bill that comes into the House shall be printed. I think the rule as it now stands ought to be changed in some manner so as to lessen the number of bills, but a bill can never be examined at any time to advantage unless it is printed. If it be not printed, only one man can see it at a time; and when it is referred to a committee, if it is not printed, nobody knows what it is; and when it comes into the House, I care not how important it may be, no member has any information in regard to it except from hearing it read at the Clerk's desk; and it may be a bill with twenty, thirty, or forty sections.

Now, in answer to this it may be said that the committee may recommend that it be printed; but suppose the committee do not recommend that it be printed. A bill ought never to be acted upon favorably which has not been printed, so that its contents may be known to others than the member who introduced it and the committee who had it in charge. If a bill is printed, members are constantly looking over their files, and if a bill be obnoxious, members will certainly find it out; they will remember it when it comes before the House and will be ready to meet it. But if a bill is not printed, it is impossible to provide for its defeat in advance; and therefore I think, if the rule be changed at all, it should be so changed that every bill introduced should be printed rather than that none should.

Mr. G. F. HOAR. I hope the Committee on the Rules will not press

this amendment to the rules. In the first place, when a member of Congress has taken the pains to draw and present a bill, and states to the House, on his official responsibility, his desire to have it printed, it seems to me that that desire ought to be granted without waiting until in the multiplicity of business some committee may be able to investigate it. This is especially true with private claims. A large proportion of the private bills introduced in the House are bills for the extension of patents, or for the allowance of claims against the Government.

Now, when such a bill is introduced, we get letters from our constituents who are interested in the matter asking us to send them copies of the bill. If a bill be designed to extend a patent or to provide for the payment of a certain claim and it be printed, persons interested in it have their attention called to it, and their remonstrances come in if we oppose it. All the facts are laid before the House, and the Government is protected. It seems to me that when a private bill is introduced providing for the payment of money from the Treasury, or for putting a person on the pension-rolls, or for extending a patent-right, which may be an agricultural patent, and one in which the whole Northwest has a special interest, information of it ought to be spread as widely as possible; and that the small sum or the large sum, if it be a large sum, which is devoted to securing this publicity is well expended and is a great protection to the Treasury.

Mr. DUNNELL. Allow me to inquire of the Chair, what is the rule now in regard to the printing of bills?

The SPEAKER. The Chair does not understand that there is anything in the rule, as it now exists, that prohibits the House on Monday, when bills are introduced on the call of States for reference, or on other days when they are introduced by unanimous consent, from ordering the bills to be printed. The only ground for a contrary inference might be that the rule provides that the morning hour of Monday shall be "for bills on leave, for reference only, and without debate." That would seem possibly to exclude printing. But the practice of the House has for so many years allowed the printing of bills to be ordered on Monday morning that the Chair would rule that on Monday morning the House had the right to order the printing of any bill.

Mr. MAYNARD. I yield to the gentleman from New York, [Mr. POTTER.]

Mr. POTTER. My views upon the subject of private legislation will probably be thought somewhat extreme. I believe that Congress should never pass any private bill at all. If I could have the Constitution so amended that Congress could never have the power to pass any private bill whatever, I would do so. The great source of corruption and abuse in the legislation of this country, in both State and Federal Legislatures, is the power of private, special, and local legislation; and those States which have reformed their fundamental law so as to put an end to special and local legislation have gone furthest toward finding the true secret of sound and honest government. In some of the Western States it is provided by their constitutions that there shall be no special legislation at all. The effect of that change in the fundamental law has been absolutely to put an end to corruption, and generally most beneficial.

I appeal to gentlemen who have served long in this House whether every measure which has excited suspicion of corruption and improper influences has not been some measure of a private character, or of local legislation, or special in its action, like the bounties afforded by the provisions of a protective tariff.

But, Mr. Speaker, if we must continue to have private legislation here, let us know at least what is proposed by these private bills, and have them all printed. Let us not allow such measures to be introduced, and then left unprinted, so that when called up for action on the last night of the session we cannot know what is before us. I am told by a gentleman near me that they have had in Alabama exactly that evil; that on the last night of the session private bills not printed were called up for action; some one would explain that the particular bill read had this or that effect, and the bill would be passed upon that statement; but after the bill had become a law it would be found to have some provision which, in the hasty reading of it by the clerk, was not appreciated. If, sir, we are to have private legislation at all, let us at the first moment possible have such measures put upon record in a printed form, so that everybody in the House, and outside of it, too, may know what special privilege is asked of us. Whatever we do, do not let us conceal from ourselves or from the world what applications are made to us for special favors. It may be that this will cost something for useless printing, but more will be saved in the avoidance of improper legislation.

Mr. GARFIELD. I think gentlemen who are debating this proposed rule have entirely misconceived its object and purpose. Before last Monday—and not counting the vast flood of bills introduced in the House on that day—there had been introduced into this House and referred to the various committees ten hundred and eleven bills, and three hundred and eighty-nine of them, almost 40 per cent., were for the relief of individuals by name—bills not for general legislation at all, but relating simply and solely to individuals whose interests and wants were known only to their own representatives, or at the most in any particular case to two or three representatives. You can see by reference to the file of bills on the desk of each gentleman here that it is absolutely impossible for us, from the mere difficulty of handling it, to make use of such a file of bills as that. There are now on this floor about fifty more members than ever before, and the number of bills has been greatly increased in consequence.

Now, what happens in regard to our printing? I hold in my hand three bills, with three different numbers, introduced on the same day by three different members, yet all the bills are in exactly the same words. In that way our files are incumbered by mere repetition. The merits of this bill are of no consequence in this connection; I refer to it simply to illustrate the way things go as we now do business.

In this connection I may refer to another thing. Here is a bill which was introduced in the last Congress for the relief of F. A. Sawyer. It was printed at that time and referred to a committee. It was afterward reported to the House and passed, with a change of just one word, and it was reprinted as changed. Then it was sent to the Senate, and that body made a change in the bill of one word, and it was again reprinted. It came back to the House, when the change of a single word made by the Senate was concurred in by the House, and the bill was printed again. Then it was printed in a little slip by itself, a single leaf, as one of the laws. And then at the end of the session it was printed in the volume of session laws, as is usually done. And a little later it was published in Boston in the volume of laws. So that you have some nine prints of one little private bill. I refer to this as objectionable, not only on the score of expense, which is something, but because our files are made cumbersome by this printing and reprinting and printing again.

Mr. WILLARD, of Vermont. Will this rule stop more than one printing of the nine?

Mr. GARFIELD. Even that would be a very considerable saving when we have several thousands of bills printed in a session.

Now, all that the Committee on the Rules mean by this proposition is that private bills shall be referred without printing, but that whenever a bill is to be brought into the House for action of course it shall be printed. A great mass of these bills never get back into the House at all. They are, as it were, so many stump-speeches of individual members, telling their constituents the good things their Representatives would do for them if they could. Bills are introduced without the slightest idea that they shall ever be heard of, except that the member may send a printed slip to his constituent to let him know that his Representative has been devising a good thing for him. And the very fact that these bills are printed increases their number by hundreds. What I ask, as a member of the Committee on the Rules, is that this phase of the evil be corrected.

I think there should be added a provision (I thought it was already included in the proposition, but I find that it is not, in the form in which it has been drafted by the Journal clerk) that whenever a bill is reported to the House for action it shall be printed. With the permission of my colleagues on the committee I will move to add to the proposition a provision that whenever any private bill is reported to the House for action it shall be printed before action is had upon it.

Mr. COBURN. Have the Committee on the Rules made any estimate as to what these bills would cost per page?

Mr. GARFIELD. We have not; we had no means at hand of making such an estimate, though possibly it might have been ascertained. Probably it would facilitate business if these private bills were kept on separate files from the general bills; but as the matter is now going on (and the country ought to know it) 40 per cent. of the bills presented in this House are for the benefit of private citizens by name.

Mr. SPEER. Of the bills now introduced what proportion is printed?

Mr. GARFIELD. Nearly all. Indeed, for some strange reason which I cannot understand, it appears that more bills have already been printed than have been introduced. For instance, I hold in my hand one of the latest bills, upon which I find this imprint, "House bill No. 1046. Printer's No. 1056."

Mr. MAYNARD. The printer's number includes joint resolutions.

Mr. BURCHARD. Often bills reported and recommitted are ordered to be printed a second time.

Mr. GARFIELD. However that may be, I find it to be a fact that of the ten hundred and eleven bills of the present session introduced prior to last Monday, every one has been printed. We have fallen into the habit of allowing bills to be printed as a matter of course. I regard this as an abuse.

Mr. LAWRENCE. In further explanation of the matter stated by my colleague, [Mr. GARFIELD,] I will state that, when a bill is reported back with a substitute, the substitute is generally printed and is numbered as a new bill.

Mr. HALE, of Maine. I ask the gentleman from Tennessee to bring this question to a close as soon as possible. The morning hour has already expired, and I am informed that several gentlemen, who have laden themselves overnight, are anxious to talk upon the naval appropriation bill.

Mr. MAYNARD. If the gentleman from Maine does not think this proposition of infinitely more consequence than the naval appropriation bill he certainly has not paid much attention to this discussion. [Laughter.]

Mr. HAWLEY, of Illinois. The gentleman from Ohio [Mr. GARFIELD] argues that, because many of the bills are private bills, therefore they should not be printed. Now, sir, those private bills may propose to appropriate any amount from one hundred dollars to two or three million dollars; and does the gentleman say that because the

bills are private in their nature it is of no importance for members to see them in print? If a bill is introduced and referred to a committee without printing, it goes into the hands of a sub-committee, rarely consisting of more than three members, often only one, who takes charge of the papers; so that while a bill is thus pending in committee it is impossible for the House to get any knoweledge of its provisions unless it be in print.

Mr. GARFIELD. But the gentleman will observe that by the amendment which I have offered (embodying, I think, the idea which was in contemplation of the Committee on the Rules) it is required that before any committee shall report any such bill for action they shall ask for its printing and that it shall be printed.

Mr. HAWLEY, of Illinois. I think it more important that the bill be printed before it comes from the committee than after it gets into the House.

Mr. GARFIELD. The gentleman will see, I think, that the amendment I suggest protects the House perfectly in the direction he suggests.

Mr. MAYNARD. I do not propose to consume any further time of the House upon this rule. It is a matter that must address itself to the experience of gentlemen, without any great amount of debate. A gentleman here reminds me that at the time of our first service here in this House these bills were rarely ever printed.

It has been suggested here for the sake of argument that some members may introduce bills surreptitiously for dishonest purposes. Sir, I do not stand in my place as a legislator to assume any such disposition on the part of my associates here. I legislate in no such spirit of suspicion, not to say denunciation. But I say that if such instances were possible, such bills would never find their way to the printed files.

Mr. G. F. HOAR. A member presenting a bill may be imposed upon.

Mr. DAWES. Will the gentleman from Tennessee allow me to call his attention to one point?

Mr. MAYNARD. My attention has been called so much and so often by gentlemen that I will allow it to be called once more.

Mr. DAWES. The gentleman from Tennessee in his remarks a few moments ago should also have stated to the House that when he first came here the passage of private bills was not thought of till they first went upon the Private Calendar and passed through the Committee of the Whole. When the gentleman from Tennessee and myself first came here there was on the Private Calendar a list of three or four hundred bills. Objection day was invented in order to get through with it, and the bills went through on objection day. Then it was altered again, so that any five men could object on every other Friday, and in that way the Private Calendar was sifted. And when I came here no private bill was put on its passage directly, but went into the Committee of the Whole, where no act could get through except it passed through two Fridays. I think the gentleman should state that to the House in connection with the other statement in order that there may be a full understanding of the matter.

Mr. MAYNARD. I am glad the gentleman from Massachusetts has referred to this, because in the rule which we adopted the day before yesterday we recurred to that old practice. We have put ourselves in the hands of my friend from Indiana, [Mr. HOLMAN,] who will see that no private bill gets through without first being considered in Committee of the Whole and going to swell the Private Calendar of which the gentleman from Massachusetts has spoken. We are recurring to the old practice which obtained when the gentleman from Massachusetts and other old members were first here in the House. And I submit that this practice of the printing of private bills which gentlemen introduce, not one-twentieth part of which probably will ever be heard of again, will so incumber our files as to make the printing of them absolutely useless, and their volume so great that it will be practically impossible to find them. It is for that reason the Committee on the Rules in considering this matter unanimously thought we should recur to what was the common practice of not printing private bills except at the instance of the committee having them in charge when they thought and requested that they should be printed.

Mr. MELLISH. I desire to ask the gentleman a question.

Mr. MAYNARD. I have consumed so much time that I am afraid I cannot yield further, as I am reminded by the gentleman having charge of the naval appropriation bill that we are encroaching upon his time.

Mr. MELLISH. I desire merely to ask this: What printing is done by Congress so important and so much for the convenience of members as the printing of bills? All this debate might have been thrown out of the RECORD without much detriment to the public interest; but to do the business of the House properly we ought to have the bills in print so that we can examine them leisurely, which we could not do if they were stowed away in a room in the hands of one man. I think none of our printing is so important as the printing of bills.

Mr. MAYNARD. It is important, undoubtedly, to have some bills printed; but I think there is a vast quantity of bills that are never considered after their introduction—at least 90 per cent. of them—relating perhaps to matters that concern nobody but a single individual, which ought not to be printed. This I think applies, generally speaking, to all private bills. I will therefore, in order to test the sense of the House after this discussion, now call for the previous question.

Mr. SENER. Before the previous question is called I ask that the rule which discriminates between public and private bills be read.

Mr. SMITH, of Ohio. I wish to inquire of the gentleman from Tennessee whether he accepts the amendment of my colleague, [Mr. GARFIELD,] that private bills should be printed before the action of the House is taken on them?

Mr. MAYNARD. No, sir. The House can always, without a rule, refuse to act upon a bill which has not been printed.

The SPEAKER. The Clerk will read the rule drawing the line of distinction between public and private bills.

The Clerk read as follows:

The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill. It has been the practice in Parliament, and also in Congress, to consider as private such as are "for the interest of individuals, public companies or corporations, a parish, city, or county, or other locality." To be a private bill it must not be general in its enactments, but for the particular interest or benefit of a person or persons. A pension bill for the relief of a soldier's widow is a private bill; but a bill granting pensions to such persons as a class, instead of as individuals, is a public bill. Bills for the incorporation of companies, and whose operations are confined within the District of Columbia, have been treated as private; but where such companies are authorized to have agencies, and transact business outside of the limits of the District, they are treated as public. Bills granting lands for railroads have always been held to be public; while a bill authorizing the extension of a railroad into the District of Columbia, or conferring certain privileges upon such an incorporation, has been held to be private.

The SPEAKER. This is not a rule, but a note incorporated in the rules by the compiler of the Digest.

Mr. GARFIELD. I desire to have my amendment read, as I now send it to the desk.

The Clerk read as follows:

Private bills, introduced for reference, shall be referred without printing; and whenever any private bill is reported to the House for passage it shall be printed before any action is had thereon.

Mr. COBURN. Would it be in order to move to lay this whole subject on the table?

The SPEAKER. It would. Does the gentleman from Tennessee accept the amendment offered by the gentleman from Ohio?

Mr. MAYNARD. I do not accept it, but I am willing that he shall offer it.

The SPEAKER. The rule, as reported from the Committee on the Rules by the gentleman from Tennessee, will be read, and also the amendment of the gentleman from Ohio.

The Clerk read the resolution of the Committee on the Rules, as follows:

Resolved, That the following be added to the rules of the House:

RULE —. Private bills shall not be printed except upon the request of the committee to which they are referred.

The Clerk also read Mr. GARFIELD'S proposed amendment, as follows:

Private bills, introduced for reference, shall be referred without printing; and whenever any private bill is reported to the House for passage it shall be printed before any action is had thereon.

Mr. POTTER. I ask the gentleman from Ohio to allow me to add this to his substitute:

But no bill to incorporate any company or grant any privilege to any corporation shall be treated as a private bill.

The SPEAKER. That would be the ruling of the Chair any way.

Mr. KILLINGER. I move to lay the whole subject on the table.

The question was put; and on a division there were ayes 88, noes not counted.

So the subject was laid on the table.

Mr. G. F. HOAR. I desire to move to reconsider the vote just taken, and to make one suggestion which I think will meet this difficulty; and it is that the proposed amendment be recommitted to the Committee on the Rules, and that they report a rule providing that the committee to which a bill is referred may order that it be printed at once, without bringing the matter before the House.

The SPEAKER. That matter can be taken up afterward; there is no necessity of recommitting this resolution.

Mr. G. F. HOAR. Very well, sir; I withdraw the motion to reconsider.

CHANGE OF REFERENCE.

On motion of Mr. PACKER, by unanimous consent, the Committee on the Post-Office and Post-Roads were discharged from the further consideration of bills of the following titles; and the same were referred to the Committee on Claims:

A bill (H. R. No. 955) for the relief of J. L. Tedrow, of Clarke County, Iowa;

A bill (H. R. No. 842) for the relief of Charles W. Pierce, of Nebraska, and Jacob C. Brubaker, of Maryland;

A bill (H. R. No. 865) to provide for the payment of William Brook for services as mail-route agent; and

A bill (H. R. No. 593) for the relief of Josiah Jones.

NAVAL APPROPRIATION BILL.

Mr. HALE, of Maine. I move that the House resolve itself into Committee of the Whole on the state of the Union on the special order.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. E. H. ROBERTS in the chair,) and resumed the consideration of the bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875.

Mr. HOLMAN. I move to strike out from line 240 of the bill the following words, "and general maintenance of the Navy."

Mr. HALE, of Maine. The gentleman will allow me to say that that matter was considered in the Committee on Appropriations this morning; and I was authorized, in accordance with the suggestion made by the gentleman, to move to substitute for the words "general expenses of the Navy," these words, "the care and protection of the Navy in the line of construction and repairs." I presume it was the gentleman's view that the Secretary should have authority to use that fund for the general care and protection of the Navy in the line of construction and repair.

Mr. HOLMAN. I apprehend that that language will still authorize the Secretary of the Navy to build ships with this money.

Mr. HALE, of Maine. If the gentleman can suggest any other words that will accomplish the object at which he and I are both driving I will accept them.

Mr. HOLMAN. I do not know but that these words may be sufficient to meet the case; but the Secretary of the Navy may desire to divert a portion of this fund to the building of new ships instead of repairing them, contrary to the desire of Congress. However, I withdraw my motion to strike out.

Mr. HALE, of Maine. Then I offer the amendment I suggested.

The amendment was agreed to.

Mr. HOLMAN. In lines 240 and 241 the words "incidental expenses" seem to me to be unnecessary. It is in the paragraph relating to the Bureau of Construction and Repairs. Those words are certainly unnecessary if incidental expenses are intended simply to include the words which follow, to wit, "advertising and foreign postages."

Mr. HALE, of Maine. That is the intention.

Mr. HOLMAN. Then those words are unnecessary.

Mr. HALE, of Maine. The word "namely" might be inserted after "expenses," as it is in some other clauses of the bill.

Mr. HOLMAN. I have no objection to that, and I move to insert that word after the word "expenses" in line 241.

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

Bureau of Steam Engineering:

For repairs and preservation of boilers and machinery on naval vessels, and for fitting, repair, and preservation of yard machinery and tools; and for labor in navy-yards and stations not before included; and for incidental expenses; and for purchase and preservation of oils, coal, iron, and all materials and stores; and for completing and erecting on board vessels compound engines with boilers, $1,500,000.

Mr. WILLARD, of Vermont. I move to strike out the last word of the paragraph just read, for the purpose of asking the gentleman from Maine [Mr. HALE] a question. I notice that in the naval appropriation bill of last year this appropriation was divided into its separate items—so much for fitting, so much for repair, so much for labor, so much for purchase and preservation of oils, &c. I would inquire if there is any particular reason why that should not be done here?

Mr. HALE, of Maine. I am glad to answer the gentleman. Last year, as the gentleman has suggested, the appropriation was divided into the several subject-matters and applied in detail. This year the appropriation has all been put in a lump, and the same objects and purposes in the last bills are included in this. The appropriation is put in one lump, for the reason that in the present condition of the Bureau of Steam Engineering, in erecting the engines already built and paid for under the appropriation made last year, and in the conduct of the Bureau generally, it may well happen that the Secretary may consider it necessary to spend a greater or less amount for some particular items. Therefore the amount of the appropriation is all put together; but all the purposes for which the money is to be expended are named in the bill, as the gentleman will notice.

Mr. WILLARD, of Vermont. Of course I notice that. But the point I make is, that last year the appropriation was divided up, so that for each one of the items no expense could be incurred greater than the proportion of the appropriation set apart for that particular item. As I understand it, under this bill the whole of this appropriation might be expended for any one of these items.

Mr. HALE, of Maine. If the exigencies of the Department, running through the year, would require it, that could be done. But I do not see any serious mischief to come from that.

Mr. WILLARD, of Vermont. Only the mischief that always comes from leaving these appropriations in that general way, so that they may be diverted from one purpose to another. I do not know that there is any serious objection to this paragraph as it stands; and as the gentleman from Maine seems to consider it all right, I will withdraw my amendment.

The Clerk proceeded to read the paragraph in relation to the Naval Academy, and read the following:

For pay of watchmen and others, $36,659.50.

Mr. WILLARD, of Vermont. I move to strike out the words "and others" for the purpose of inquiring what is comprehended under that term.

Mr. HALE, of Maine. It refers to those who may be employed for special purposes on any great occasion, as that of an examination, when an extra force in the nature of police is employed. The number varies at times, because the occasion for the employment varies.

Mr. WILLARD, of Vermont. How much of the appropriation is to be expended for watchmen?

Mr. HALE, of Maine. Four-fifths or more.

Mr. WILLARD, of Vermont. I wish to ask the same question in regard to succeeding paragraphs: "for pay of mechanics and others;" "for pay of employés in the department of Steam Engineering, for machinists, boiler-makers, and others." Who are the "others" there?

Mr. HALE, of Maine. I cannot tell the gentleman what the force of the words "and others" may be, for I have not examined them in that connection as I have in regard to the other matter. I do not know precisely what it is.

Mr. CROOKE. Laborers in the navy-yards.

Mr. HALE, of Maine. The gentleman from the Brooklyn district suggests that it may mean laborers; I do not know.

Mr. WILLARD, of Vermont. Then there is an appropriation for the "pay of employés," which is a very comprehensive term.

Mr. HALE, of Maine. That is restricted to the particular department in which they are employed.

Mr. MYERS. There are, for instance, in the navy-yards persons known as "helpers;" not so dignified as mechanics.

Mr. HALE, of Maine. In reference to these navy-yards and the Naval Academy, words that with us have a general significance, with them have a certain technical significance and a limited application. As the gentleman from Pennsylvania [Mr. MYERS] says, "mechanics" has a technical meaning.

Mr. WILLARD, of Vermont. My reason for making this suggestion is, I notice that in the first paragraph of the appropriations, under the head of "Naval Academy," there is much detail in respect to the persons to whom this money is to be given, commencing with the professor of drawing and running down to second-class musicians, drummers, and fifers. It seems to me that if there is anything gained by that detail in that paragraph there would be equal gain to have the same detail in the other paragraphs. But if the gentleman thinks it necessary for these words to remain in the bill, of course I will not oppose him, as he has examined the subject.

Mr. HALE, of Maine. I do not think any evil will result from it. The first part of the appropriation in relation to the Naval Academy was particularized because, as gentlemen will see, it refers to officers and employés paid at particular rates and designated by particular titles. I do not think that can be very well done when we come into the mechanical detail.

Mr. HOLMAN. I submit to the gentleman from Maine [Mr. HALE] that the only way to inform the country what all this money is spent for is to embody in the bill the detail of the estimates. The whole country is astonished at the rapid growth of expenditures in connection with our Naval Academy. The expenses there increase more rapidly than in any other branch of the naval service, however rapid may have been the increase in those other branches. I therefore suggest to the gentleman from Vermont [Mr. WILLARD] that if he does not press his motion to strike out the words "and others," he should move to add to the paragraph the particularization of the estimate.

Mr. WILLARD, of Vermont. I will withdraw my amendment and allow the gentleman from Indiana [Mr. HOLMAN] to move the one he has indicated.

Mr. HALE, of Maine. Can the gentleman do that at this stage of the bill?

Mr. HOLMAN. Why not? I simply propose to strike out the general provision and insert the details for which this appropriation of $30,659.50 is to be made.

Mr. HALE, of Maine. I have no objection to its being done.

Mr. WILLARD, of Vermont. Let it be done in the other cases.

Mr. SMITH, of Ohio. Does the gentleman from Maine mean to say that four-fifths of this amount of $30,659.50 is for the employment of watchmen?

Mr. HALE, of Maine. It is for the regular force there. Whenever they reach a certain limit they put the additional force under the head of "attendants." But the regular force employed there, according to my recollection of the report of the Naval Academy, is four-fifths of the whole. This extra number are employed, for instance, on the occasion of the graduation exercises.

Mr. SMITH, of Ohio. Then four-fifths of this appropriation of $30,000 is paid to watchmen of the regular force?

Mr. HALE, of Maine. I do not think they are all watchmen. The money is used to pay the regular force in all the different departments of the Naval Academy. I suggest that the amendment of the gentleman from Indiana should apply as well to the next paragraph as to this.

Mr. HOLMAN. Very well. I ask that my amendment be read.

The Clerk read as follows:

Strike out the following:

For pay of watchmen and others, $30,659.50.
For pay of mechanics and others, $17,462.75.

And insert in lieu thereof the following:

Pay of watchmen and others:
Captain of the watch, at $2.50 per diem, $912.50.
Four watchmen, at $2.25 per diem, $3,285.
Foreman of the gas and steam-heating works, at $5 per diem, $1,825.
Twelve attendants at gas and steam-heating works of Academy, at new quarters for cadet midshipmen, and at school-ships; one at $3.50, three at $3, and eight at $2.50 per diem each, $11,862.
Three joiners, two painters, and two masons, at $3.50 per diem each, $8,942.50.
One tinner, one gas-fitter, and one blacksmith, at $3.50 per diem each, $3,832.50.

Pay of mechanics and others:
One mechanic at workshop, at $2.25 per diem, $821.25.
One master-laborer, to keep public grounds in order, at $2.28 per diem, $832.20,

Fourteen laborers to assist in same, three at $2 per diem each, and eleven at $1.75 per diem each, $9,216.25.

One laborer to superintend quarters of cadet midshipmen, public grounds, &c., at $2.28 per diem, $832.20.

Four attendants at recitation-rooms, library, chapel, and offices, at $20 per month each, $960.

Twenty servants to keep in order and attend to quarters of cadet midshipmen, public buildings, &c., at $20 per month each, $4,800.

The amendment was adopted.

The Clerk read as follows:

For contingent expenses, $30,000.

Mr. ARCHER. I move, *pro forma*, to amend by striking out the last word of the clause just read. I wish to put a question to the gentleman who reported this bill. The appropriation recommended in the estimates for contingent expenses is $61,000, while for this item the committee report but $30,000. Now, one of the items embraced in these contingent expenses is $19,000 for coal alone, to heat the navy-yards; $2,000 for the Board of Visitors; about $30,000 for repairs; and several other items are named. Now, I wish to ask whether the committee, in this appropriation of $30,000 for contingent expenses, have provided anything for the repair of the various Government buildings for naval purposes—buildings which are so numerous and extensive?

Mr. HALE, of Maine. That is all provided for, as the gentleman will notice, in another part of the bill. The committee did examine into this matter, and made up its mind that, upon this item of contingent expenses for the Naval Academy, $34,000 could be saved; therefore the appropriation of $64,000, made last year, has been cut down to $30,000—a saving of $34,000. Of course the general expense for heating will not vary. But as to one of the large items of the contingencies in the bill of last year, being for the purchase of gas and steam machinery, steam pipe, fixtures, &c., the committee believed that a large saving could be made; that all this amount did not need to be expended next year. So, in the exercise of its best judgment, the committee cut down this contingent from $64,000 to $30,000, believing that the Academy can be run through the coming year with an appropriation of the latter amount for contingent expenses.

Mr. ARCHER. Is not a large portion of the $34,000 recommended simply for the purpose of completing the gas-fixtures of the Naval Academy and grounds, which are partially under contract and the work in progress?

Mr. HALE, of Maine. I do not understand that a large portion will be needed during the next year for this particular object. Before the works are entirely completed in a satisfactory manner larger sums will, probably, be required; but the works are, I believe, in such a state now that during the next year this fund of $30,000 will be sufficient to carry them along in good condition.

Mr. ARCHER. Then, as I understand the gentleman, this bill provides elsewhere for keeping the buildings of the Naval Academy in repair.

Mr. HALE, of Maine. Repairs and improvements are in another part of the bill.

Mr. ARCHER. Does the gentleman mean repairs and improvements for the Naval Academy, or only those under the Bureau of Equipment?

Mr. HALE, of Maine. For the whole Academy—everything. We make a distinctive appropriation for that.

Mr. ARCHER. Then I withdraw my formal amendment.

The Clerk read as follows:

For pay of two thousand privates, and no more, $270,000.

Mr. HALE, of Maine. The words "two thousand" in the clause just read are an error in the print. I move to amend by striking them out and substituting "fifteen hundred."

Mr. ARCHER. I make the point of order that that is a proposition to change existing law.

Mr. GARFIELD. This should not be regarded as an amendment. It is simply putting the bill in the form in which it was actually agreed upon by the committee.

Mr. ARCHER. Adopting that view the point of order would still be good, as the right to make points of order on the bill itself was reserved when the bill was reported. The existing law fixes the number of marines at two thousand; and it strikes me the Committee on Appropriations go very far in proposing to change the existing law in this respect by making an appropriation below that which the law requires.

Mr. HALE, of Maine. I do not understand, Mr. Chairman, that the limitation with regard to the force of the Marine Corps is such that it prevents us from legislating in an appropriation bill by way of limitation; that is, that whatever we appropriate shall be applied to the expense of sustaining fifteen hundred as the rank and file of the Marine Corps. I have no doubt about the point of order myself, nor do I think that the limitation of two thousand—not the minimum but the maximum—is such as to prevent Congress at any time, if it chooses, from appropriating for a less number. Now, upon this point, let me say here, as the question has been raised, that I believe, and the committee believes——

Mr. ARCHER. I do not wish to interrupt the remarks of the gentleman, but I wish it to be understood that I still reserve the point of order.

Mr. HALE, of Maine. I would be glad to have the ruling of the Chair upon that.

The CHAIRMAN. The Chair understands that this changes the existing law; that, particularly by the words "and no more," it contravenes existing legislation.

Mr. HALE, of Maine. Will the Chair allow me to make a suggestion? I do not think the words "and no more" add anything to the legal force of the amendment, except as a reminder to the corps. It is simply that we appropriate for fifteen hundred, and no more. Now after this appropriation, if those who have charge of the Marine Corps believe that they are authorized to maintain two thousand men, and choose to run the risk of a deficiency, that brings up the question of the law. But has not Congress the right to appropriate and limit its appropriations?

Mr. WILLARD, of Vermont. I should like to have the existing law relating to this matter read.

The CHAIRMAN. The gentleman from Maryland [Mr. ARCHER] will be kind enough to send to the Chair the existing law, that it may be read by the Clerk.

Mr. ARCHER. I cannot at this moment lay my hand on it; but I think it is familiar to gentlemen here.

Mr. WILLARD, of Vermont. It is asking a great deal of the Chair to ask him to decide that a paragraph changes existing law when the law is not before him.

Mr. ARCHER. I can get it in a few minutes if the gentleman wishes it. Meanwhile I ask that the point be reserved.

Mr. BECK. Before we pass from this, I desire to ask the gentleman from Maine a question. According to the bill, $319,760 are necessary for the pay of the officers, non-commissioned officers, musicians, and others; and $270,000 for the pay of two thousand privates. I would like to know why it is that the officers cost so much more than the privates, and how many officers there are.

Mr. HALE, of Maine. I will say to the gentleman from Kentucky that I believe that there are altogether too many officers in this Marine Corps. So far as I know, they are very excellent and worthy and accomplished gentlemen. But they have got a list from brigadier-general nearly down to corporal, running, in some grades, up as high as twenty captains, thirty first lieutenants, thirty second lieutenants, and so on it runs, and I believe that is too large. I believe that this corps, first and foremost, is larger than it need be, and therefore the committee, believing it has the right under the law, sought to cut down the force to fifteen hundred.

Now, so far as the officers go, they are fixed by the direct letter of the law just as they are in the regular establishments, and the committee cannot, unfortunately, touch them. That is a subject-matter that my friend from Pennsylvania, the chairman of the Committee on Naval Affairs, should take under his cognizance and see if the Marine Corps cannot be reorganized and cut down, so that its force of men shall bear a proper proportion to its entire force and its expenses.

Mr. BECK. Could we not cut it down by withholding appropriations for some of these officers?

Mr. HALE, of Maine. The gentleman must know, from his own experience here, that if we fail to appropriate for an officer who has a distinctive rank and distinctive pay by law, all he has to do is to prefer his claim against the Government and he can receive it. It is different, sir, with the force; because if any of these Bureaus or Departments have any regard for a monition from Congress, and if Congress says they shall have but fifteen hundred men, instead of two thousand, they will at once cease to enlist and in a few months the reduction desired by Congress will come about; the force will fall down to the figures we fix.

Mr. BECK. I desire to ask the gentleman just one more question. There is an item here of $3,000 for "forage for horses belonging to field and staff officers." We have heard people talk about the "horse marines." Has this anything to do with them? [Laughter.]

Mr. HALE, of Maine. The gentleman from Kentucky, [Mr. BECK,] having run out of all his good speeches on the appropriation bill, is now trenching on the ground of the gentleman from New York [Mr. COX] by referring to this forage paragraph on which the gentleman from New York has every session since I have been here made a gallant raid and a pretty witty speech.

Mr. BECK. I take back my question on that. [Laughter.]

Mr. COX. I would be glad to think that the gentleman from Maine coincides with me. If he is really desirous of economy he will.

Mr. HALE, of Maine. I always think better of the gentleman's wit than of his political sentiments.

Mr. COX. The gentleman ought to be better in his wit and in his political economy. [Laughter.] I send to the desk to be read an amendment to come in after line 302.

Mr. HALE, of Maine. Is there an amendment pending?

The CHAIRMAN. There is no amendment pending. The gentleman from Maryland [Mr. ARCHER] raised the point of order on the paragraph at line 305, and his point of order was by unanimous consent reserved until the gentleman should present the law.

Mr. HALE, of Maine. I understood that that being reserved we were now proceeding with the bill.

The CHAIRMAN. The gentleman from New York [Mr. COX] offers an amendment, which the Clerk will now read.

The Clerk read as follows:

Provided, That from and after the term of the present incumbent as general, no other appointment to that grade shall be made in the Marine Corps.

Mr. HALE, of Maine. I must make the point of order on that

amendment, because I have not examined it sufficiently to be willing to legislate on that point. I would prefer that the matter should be under the control of the proper committee, who should report some measure in reference to the reorganization of this force, cutting it down, but to strike down a particular officer is not, I think, the right thing to do.

Mr. COX. The same thing was done by the House in reference to the General of the Army and in reference to the Admiral of the Navy. If I were to move to amend by striking out their pay, I might make some remarks, but the remarks would be of no consequence, for I have already made them on this floor.

Mr. SCOFIELD. I would remind the gentleman that the law which he refers to in relation to the Admiral of the Navy was never passed

Mr. COX. It is the general impression that it was.

Mr. SCOFIELD. The Committee on Naval Affairs endeavored to pass it through the House, but they were defeated finally by an amendment put upon it in the Senate, and the bill was lost.

Mr. COX. I would inquire if the Chair rules the amendment out of order.

The CHAIRMAN. It is new legislation, and therefore not in order. At what point does the gentleman move the amendment?

Mr. COX. At line 302.

The CHAIRMAN. There is another point of order raised; which is, that we have passed that portion of the bill. The bill has been read down to line 307.

Mr. COX. Then, sir, I offer a formal amendment for the purpose of saying only one thing. I have pursued for a couple of years a line of duty with respect to saving, as I conceive, about $1,000,000 on this Marine Corps; but my efforts have been entirely fruitless. Gentlemen have joked the matter down; talked about horse marines, and all that kind of thing. They have not looked to the origin of this corps, or to the question of its necessity on land or sea, or on both, for they are a kind of amphibious corps. But, sir, I will make no further argument as to its utility on land or sea, but I will call the attention of gentlemen who argue for economy to this point, that at certain times, without infringing on anybody's vested rights, the general of this corps might be dismissed honorably. I have therefore proposed only to make the change prospective; I do not want to tear from the Marine Corps a man who has been long associated with it. Nor do I wish to embarrass the members of the committee. I stand with them. But if gentlemen are in earnest about economy they have had an opportunity in this case to make a saving of perhaps some one-half or three-fourths of a million of dollars; and, if I mistake not, the gentleman from Maine who has charge of this bill, and the chairman of the Committee on Appropriations, and the chairman of the Committee on Naval Affairs, do already agree with my own views as to the necessity of getting rid of this remarkable and anomalous corps. Sir, the French navy has no such corps; and although the English navy has one it does not care much for it. It originated there in the time of the old system of press-gangs, in early days, when men were impressed into the naval service in the cities and coast towns of England. It is an old remnant of tyranny. The only excuse offered for it is that it is for police purposes on shipboard. The marines cannot handle a marline-spike or tie a knot. They do nothing but stand around as butts for the sailors. Gentlemen of the dominant party who are in favor of economy have an opportunity to economize now; and I give notice that if they do not choose to do something in this line I will pursue the matter no further.

I do not think this an extravagant bill. I think it is rather in the interest of economy. I think the shrewd gentlemen on the other side have brought in this bill first, because it is rather an economical bill. I think, nevertheless, that the objections of my friend from Maryland [Mr. ARCHER] as to the deficiencies it will incur will prove prophecies.

I expect to vote for the bill; but I trust and hope that gentlemen on the other side of the House will, in every conceivable case, strike down these expenditures as much as possible.

Mr. MYERS. Of late years it has become fashionable, when the naval bill is under consideration, to attack the Marine Corps; and I believe the gentleman who just spoke, every year, when representing a constituency either in Ohio or in New York, has got off his jokes at that corps.

Mr. COX. O, no; that is a mistake; for until I came down to salt water I never knew there was such a corps.

Mr. MYERS. I do not think my friend has much information on the subject now, for I understood him to state that neither France nor England had such a corps. Now, it so happens that England has fourteen thousand marines, besides a large force of marine artillery, and that France has fifteen thousand marines and four thousand "*artillerie de marine*," who have a right to ride their horses as much as the gentleman, who so often mounts his Pegasus on this floor.

I shall make no factious opposition to this portion of the bill, but I do think the reduction of five hundred men in the marine force an unwise one. The complement of marines on the ships of our several squadrons and on receiving ships is fully thirteen hundred, while to guard all our naval stations, seven in number, and for the drill and discipline so necessary to fit men for the service, only two hundred are allowed, should this reduction pass, and that, too, while in rapid construction of the eight new sloops of war ordered by Congress.

The gentleman from New York [Mr. COX] says that marines have nothing to do on board ships. This is a great mistake. He seems to think the need of this arm of the service has passed away with the days when close encounters at sea were more frequent—the days of cutlasses and small-arms, like those of the Constitution, when the gallant seamen and marines repelled the boarding attack from the Guerriere; but I point him in reply not only to the importance attached to it in the countries I have named, but to the views of our most distinguished naval officers in this era of steam and long-range artillery.

Admiral Farragut said:

I have always deemed the marine guard one of the great essentials of a man-of-war for the preservation of order and maintenance of discipline. * * * They work and fight their guns well.

Admiral Wilkes says:

Since the introduction of steam into our Navy, the necessity of a marine guard on board such vessels is greatly increased. They are the most efficient part of the crew of a steamer, and are regularly called upon to perform duties appertaining to the great guns, at which they are as proficient as sailors and landsmen, besides their ordinary duties, and are essential at all times in guarding the public property.

Vice-Admiral Porter wrote:

If the marines are abolished half the efficiency of the Navy will be destroyed.

Commodore Turner added:

If you please, disband or transfer it, and but a short time will elapse before there will be a clamor from every quarter for its restoration to service.

There are but eighty-seven officers in this corps, or one to thirty men, while in the Army, which is less subject to being broken into detachments, the proportion is almost double. As to the men, when on board ship they keep watch and watch with the sailors; they do guard and relief duty; they pull and haul; they fight the guns in time of war; they are sent on shore to reconnoiter; they are frequently called to fight. We all remember what their services were in the war of 1812 on Lake Erie and Lake Pontchartrain, and, above all, at Bladensburgh; nor can I forget to-day, when the veterans of the Mexican war are meeting in this city, the part they bore in it. Only last year I was able to pass a pension bill for the mother of a brave boy—Lieutenant Welsh, of the marines—who died on the march to the city of Mexico. In the war of the rebellion the marines did their duty, from the boat attack on Fort Sumter all through the engagements of Admiral Farragut, under Dahlgren at Charleston, and Porter at Fort Fisher. Everywhere their record has been good. As Rear-Admiral Stewart said, "If we refer to the past services of the Marine Corps they will be found to be among the most distinguished." If you reduce their numbers then you must employ that many more landsmen.

Their record has been a good one. Their force is but small, and if not employed they must be replaced by others, on land as well as on sea. It costs seventy dollars per month per man for watchmen to guard the stores and the navy-yards, and they are not held to as strict responsibility as a marine, whose cost to the Government is now half that sum. I think the proposed reduction unwise. We should in my opinion have at least two thousand marines, which is five hundred less than now allowed by law; and time will illustrate whether these views are correct.

Mr. COX. I withdraw my amendment.

Mr. ARCHER. I renew it for the purpose of saying, in addition to what my honorable friend from Pennsylvania [Mr. MYERS] has said, that of the number of marines now in service fourteen hundred and forty are now on board ships if the ships have anything like the complement of marines that should be on them. I believe there are now that number on board ships. In the marine barracks here in Washington there are at this time, and are generally, about three hundred marines. They are here for the purpose of drill and instruction, in order to prepare them for sea service. The others making up this full number of twenty-five hundred of which the Marine Corps consists are, as my friend from Pennsylvania said, on duty as watchmen and as guards in the navy-yards, at really about one-third the expense of watchmen proper. They are found to be on all occasions much more serviceable than ordinary watchmen.

Now, with regard to the number of officers being larger in this corps in proportion than in the Army. It arises from the fact that the Marine Corps is divided up into small squads of men to be taken on board ships; and it is necessary to have an officer with each squad to command them. They do not stand in full companies as in the Army, because of the necessary division of the force into squads, for police duties and other duties on board ships.

The duties of the marines are very much greater than my friend from New York [Mr. COX] and others in this House are disposed to give them credit for. I know the old adage, "as lazy as a marine." But they are the fighting crew of the vessel; upon every movement of every gun on board ship the marines are always called in, and are necessary in fighting the guns. They are necessary in effecting landings. About one-half of all the duties they perform are duties which would otherwise pertain to seamen, and would have to be performed by others in the service, if not performed by them.

Really, in looking at the economy of the service alone, I think that no better economy can possibly be used by this House than to preserve the corps as it now stands. With regard to the general at the head of the corps, I think myself that he should not be continued beyond the service of the present incumbent. The office of General of the Army, I believe, has been abolished upon the vacation of the position by General Sherman. I think the office of Admiral of the

Navy has been abolished in the same way. I know our committee reported such a provision to the House at the last session. My friend from Pennsylvania, [Mr. SCOFIELD,] the chairman of the Committee on Naval Affairs, tells me that it failed in the Senate. I had forgotten that, and thought it had become a law. I think that both with regard to the Admiral of the Navy and the general commanding the Marine Corps such a provision should be made, so that after the present incumbents shall cease to hold their offices no promotions shall be made to those grades. In regard to the proposition to reduce the number of the Marine Corps from two thousand to fifteen hundred, I am sure the Committee on Appropriations are in error in an economical point of view. I have handed to the chairman the law, which fixes the number of marines at twenty-five hundred.

Mr. HALE, of Maine. One word of explanation of the action of the Committee on Appropriations in reference to this Marine Corps. I think the point of order will not stand, on consideration; but that I will not discuss now.

I believe that here is an opportunity within the law for retrenchment. In the view of the committee fifteen hundred men in the Marine Corps, their duty being to patrol and guard naval vessels and establishments, is a sufficiently large number. The whole force of private seamen in the Navy is only eighty-five hundred men as fixed by law. Here it is proposed to keep two thousand men on guard duty, being nearly 25 per cent. of the entire force of seamen in the whole Navy. Does not that proposition settle the matter in the mind of this House? Can there be any need for more than fifteen hundred men in this Marine Corps? If we now fix fifteen hundred as the number, Congress giving its word of direction to the Department, and the enlistment of additional men being stopped, I am by no means certain but that next year it may be found that three hundred or five hundred more may be dispensed with. But the committee has not desired to be so radical in its recommendations for reduction upon any part of this bill as to imperil the fate of the measure or to arouse a spirit of revolt against the committee as having gone too far.

In respect to this Marine Corps, the committee have made reductions in pay, in provisions, in clothing, and in other regards; so that while the bill of last year appropriated for this corps something more than $1,000,000, (I have not the precise figures before me,) the committee have been able to make a reduction of $267,670—a little more than a quarter of a million of dollars saved in this corps alone. In this respect certainly there is, I think, a creditable exhibit. I see that our proposition in this matter has aroused opposition, just as our proposition for a reduction in the civil establishments aroused some opposition; but the Committee of the Whole, passing upon the former question, sustained the Committee on Appropriations, as I hope it will do upon this question, should the chairman, on final consideration, rule the amendment to be in order. Let us see whether, for the year to come, with enlistments stopped, this Marine Corps cannot be cut down to fifteen hundred men. I certainly do not wish to cripple the American Navy; but I think the reduction proposed by the committee can safely be made.

Mr. ARCHER. I withdraw my amendment.

Mr. WHEELER. Does the gentleman withdraw his point of order?

Mr. ARCHER. I do not.

Mr. WHEELER. I desire to say to my friend from Maryland that I do not think his point of order well taken. This amendment proposed by the committee does not and cannot affect the force of the Marine Corps as fixed by law. The words "no more" in this clause are simply a limit on the appropriation of money. This bill, in other words, appropriates money enough to pay fifteen hundred privates, and "no more."

Mr. ARCHER. The gentleman will allow me to suggest that the Committee on Appropriations propose to change the bill as reported by making the number fifteen hundred. It is upon the amendment that I make the point of order.

Mr. WHEELER. I am speaking of the amendment proposed by the committee, as I understand it.

The CHAIRMAN. Will the gentleman from Maryland be good enough to state again his point of order?

Mr. ARCHER. It is this: the bill as it is before us in print provides for two thousand men for the Marine Corps. The gentleman from Maine [Mr. HALE] on behalf of the Committee on Appropriations moves to strike out "two thousand" and insert "fifteen hundred." I make my point of order on that amendment.

Mr. WHEELER. I desire to say to my friend from Maryland that the amendment relates simply to the amount of money which this bill shall appropriate. It does not at all affect, and cannot affect, the force of the Marine Corps as fixed by law. *Non constat* that this very Congress may appropriate a sum sufficient to pay the remainder of the corps. These words "no more" simply make the limit of the appropriation.

The CHAIRMAN. Does the Chair understand the gentleman from Maryland to make the point of order that the change from "two thousand" to "fifteen hundred" cannot be made?

Mr. ARCHER. Yes, sir.

The CHAIRMAN. The Chair is bound to rule——

Mr. PLATT, of Virginia. Before the Chair announces the decision on this point of order I would like to say a word in reply to the gentleman from New York, [Mr. WHEELER.] I cannot understand how a limitation of this kind in an appropriation bill does not change an existing law. The law certainly provides that the Marine Corps shall consist of a certain number of enlisted men. The Committee on Appropriations propose to limit the amount of money appropriated by Congress so that it shall suffice only to pay a smaller number of men.

Mr. SCOFIELD. Might we not, if we chose, strike out the whole appropriation?

Mr. PLATT, of Virginia. Yes, sir; but that is a very different matter.

Mr. WHEELER. Let me put this test question to the gentleman from Virginia. Suppose this Congress should withhold all appropriations for the Marine Corps; is the corps established by law thereby dissolved?

Mr. PLATT, of Virginia. No, sir; nor is the existing law changed. But when we make an appropriation, and in the same paragraph which makes the appropriation undertake to say what number the Marine Corps shall consist of, I do not think there is any lawyer in the House who will take the amendment and consider the question who will not believe, if we do adopt any such proposition, it will in effect change the existing law. I ask the gentleman from Pennsylvania, [Mr. SCOFIELD,] chairman of the Committee on Naval Affairs, whether he does not believe the adoption of the amendment proposed by the chairman of the Committee on Appropriations would not compel the Secretary of the Navy to reduce the Marine Corps to fifteen hundred men? Even if that be not his construction, will not that be its effect?

Mr. SCOFIELD. That is not the point before the Chair. The question is whether the amendment limiting the amount of money to be appropriated is in order. The gentleman from Virginia will recollect that for a number of years we struck out of the appropriation bill the salary of the minister to Portugal, because the House did not approve of his conduct in some way or other; but that did not change the law. It did not abolish the office of minister to Portugal.

Mr. PLATT, of Virginia. In that case neither did the law say that there should be no minister to Portugal.

Mr. SCOFIELD. It did not prevent the President of the United States from appointing a minister to Portugal. The House only would not make an appropriation to pay his salary. Some years afterward, however, when we got sensible, or less so, whichever way it may be considered to be, we appropriated the whole amount for years back, and paid the minister to Portugal his whole salary.

Mr. MYERS. Was not that action or non-action deemed unwise, and did we not admit it was so by our subsequent conduct?

Mr. SCOFIELD. But that has nothing to do with the point of order whether it was wise or unwise.

Mr. PLATT, of Virginia. I cannot yield further, but insist on holding the floor; and if gentlemen have anything to say they can answer in their own five minutes. I wish to say that it would be as lawful, according to the reasoning of the gentleman from Pennsylvania, chairman of the Committee on Naval Affairs, to abolish the Government and all the Departments of the Government. While I admit it is possible for the committee and for the House to make appropriation of any sum they please, I do not think it in order in an appropriation bill to limit in express terms the number of men of which the Marine Corps is to consist, and thereby change the number which is authorized by existing law.

[Here the hammer fell.]

Mr. COX. Mr. Chairman, I wish to say one word in reply to what fell from my friend from Pennsylvania.

Mr. GARFIELD. There is no amendment pending.

Mr. COX. I will renew the amendment. The gentleman from Maine [Mr. HALE] will concede there is a reform in this bill to the amount of about $380,000.

Mr. CLYMER. About $280,000.

Mr. GARFIELD. Two hundred and sixty-nine thousand dollars on this particular item of the Marine Corps.

Mr. COX. Now, I suppose you gentlemen claim credit for that when you have abused me for years for calling attention to the Marine Corps. [Laughter.] I wish you to give credit for this reform where the credit is due, and modesty forbids me to say who is entitled to that credit. [Laughter.]

Mr. HALE, of Maine. The committee had the gentleman in mind—it had him in mind, and nobody else—because we wished to satisfy him in order to see if we could not keep him from talking on the Marine Corps, at least on the naval appropriation bill, for this year.

Mr. COX. I suppose the gentleman from Maine never talks himself, or never shows himself here on any subject.

Mr. HALE, of Maine. I do not, unless I have a bill in charge.

Mr. COX. The gentleman from Pennsylvania, who undertook to take off my colleague from Brooklyn on a matter which transpired yesterday, had better himself inquire whether there are not more ignoramuses than one in connection with our Navy. And that is all I have to say on that subject.

Mr. MYERS. The gentleman from New York must not be so touchy.

Mr. COX. The gentleman has had his time, and I am now making a speech myself. As I said a moment ago, it has always been the reproach of all reformers like myself never to have anything but discredit. [Laughter]. I tell this House confidentially, so it will not go to the reporters' gallery or even to the CONGRESSIONAL RECORD, that the gentleman who is chairman of the Committee on Appropria-

tions and the other cunning gentleman from Maine [Mr. HALE] are both friendly to all my propositions on this subject. I convinced them of it two years ago. They are gradually working up to it. They are not fully in accord with all the high ideas of conduct which belong to a statesman. [Laughter.] But we must give them time. Let the House be patient with these men; they are perhaps in some stress. [Laughter.] Elections perhaps have gone awry.

Mr. GARFIELD. We have given the gentleman credit.

Mr. COX. Why did not the gentleman speak in Ohio last fall to support his party? Why did not gentlemen go to New York to save their party there? Why do they not go out with hay-seed in their hair to save their party in the West? [Great laughter.] Now they are going all for economy. There never was such a corps of economists. Last year and the year before they were for every thing like prodigality. They imposed taxes of every conceivable kind, and made appropriations of almost every conceivable character.

But there has been a halt called somewhere. It began out West; it worked its way here; so we have gentlemen coming here on this bill claiming special credit, when everybody knows the humble member who addresses you on this marine business is the man to whom the credit is due. [Laughter.]

Mr. GARFIELD. I desire to say only a word on the point of order, and then another word in reply to my friend from New York, [Mr. COX.] I understand it to have been the uniform ruling, since I have known anything of parliamentary law, that Congress can fix any limit to an appropriation that does not change existing law. Any limitation that relates to the particular sums of money appropriated in a particular bill can always be put off. If it goes beyond the bill, and beyond the year, and changes the law generally, it will be out of order. Now what does this do? We simply say that by this bill we will appropriate only enough to pay fifteen hundred marines. We do not know what the Congress may do hereafter, whether they may not appropriate enough to pay for ten thousand marines; but we simply say in this bill that we will appropriate enough money to pay for fifteen hundred marines, and no more, at the rate provided by law. It does not change one line of existing law.

Mr. SCOFIELD. I wish to ask the gentleman a question. The law provides that the Marine Corps shall consist of twenty-five hundred men. That is the law—the judgment of Congress.

Mr. GARFIELD. Not that it "shall," but that it "may."

Mr. SCOFIELD. No, sir; the word is "shall."

Mr. GARFIELD. Does the gentleman then say that the Secretary is violating the law?

Mr. SCOFIELD. I do not say that he violates the law. I say the law provides that the Marine Corps shall consist of so many men. The word "shall" does not require that we shall always have precisely that number; but that is the composition of the corps according to the judgment of Congress, the law of the land.

Now, I wish to ask the gentleman from Ohio if the Committee on Appropriations has come to the conclusion that fifteen hundred men is all that the country needs, or that the service needs. If they have examined into that question and deliberately come to that conclusion, then of course I suppose they ought to make an appropriation for only fifteen hundred. But as long as the law stands as the judgment of Congress I do not see why they should attempt to overrule the law in that way; not violating the law exactly, but really making it of no account by only appropriating for fifteen hundred. I have not myself examined that question. I am not prepared to say that we ought not to have more than fifteen hundred in the Marine Corps. But what I am asking now of the gentleman is whether his committee has examined into the question, and has come to the conclusion that fifteen hundred is all we need.

Mr. BURCHARD. I desire to ask the gentleman, what is the date of that law?

Mr. SCOFIELD. The Chairman has the law before him. Will the Chair please to answer the question of the gentleman from Illinois [Mr. BURCHARD] as to the date of that law?

The CHAIRMAN. It is the 12th of January, 1858.

Mr. GARFIELD. Now I have spoken only on the point of order, and not at all on the merits of the amendment. I take it I have the support of my friend from Pennsylvania on the point of order; for in his remarks a moment ago I think he took the same ground.

Mr. MAYNARD. Before the gentleman proceeds further, will he allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. MAYNARD. I wish to ask the gentleman whether he thinks this is a statesman-like, fair, and proper mode of changing laws? If we thought six judges of the Supreme Court were enough, would we attempt to change the law by appropriating only for six?

Mr. GARFIELD. Gentlemen are constantly desirous that I shall leave the point of order and discuss the question on its merits; and with the leave of the Chair I am ready to do that.

Mr. MAYNARD. I thought you were doing that now.

Mr. GARFIELD. No, sir. But I will come to that. For several years the missionary from New York, or from Ohio, has been pressing this point on the attention of the House, and we would be poor and dull heathen indeed if we had not taken some notice of the discovery he has made. The committee looked over the question of the Marine Corps with a good deal of care. The law, as the chairman has said, authorizes twenty-five hundred men in the Marine Corps; that is twenty-five hundred officers and men.

Mr. ARCHER. Will the gentleman allow me to call his attention to the words of the law? They are these: "twenty-five hundred privates."

Mr. GARFIELD. Privates, is it?

Mr. ARCHER. That is the law.

Mr. GARFIELD. Then if the number is below what is provided by law, I am so much the more pleased. But I will tell the gentleman, from the Book of Estimates, what we are asked to appropriate for. We are asked to appropriate for ninety-nine commissioned officers, commencing with one brigadier-general, and going on with one colonel, three lieutenant-colonels, six majors, one adjutant and inspector, one paymaster, one quartermaster, three assistant quartermasters, twenty captains, four captains, (retired,) thirty first lieutenants, thirty second lieutenants, two second lieutenants, (retired.) And then for musicians and non-commissioned officers, to the number of four hundred and seventy-three; then for nine clerks to the brigadier-general commandant and the other officers; then for three messengers and one hospital steward, making a total of twenty-four hundred and eighty-six persons estimated for in the book before us, at an expense, with the forage for horses and with the $30,000 for wood to burn and for all other purposes together, $1,146,767 for the Marine Corps. More than one-fifteenth of all we appropriate for the American Navy is asked for the Marine Corps in this Book of Estimates.

Well, sir, as we are endeavoring to reduce the general expenses of the Navy, we think it would be very unjust to allow this portion of it to hold its present vast proportions. We do not wish to enter upon the question of law. We felt that that was beyond our reach and ought to be taken up by the Naval Committee. But we do have control of the question of recommending appropriations, and we therefore determined to recommend that one-quarter of the strength of the enlisted force should be left out of the account for which we would appropriate money, and by an amendment pending that a deficiency should not be called for or incurred. Now if this is done we can test the working of a plan to reduce and save over a quarter of a million dollars in this single item. But if, by the ruling of the Chair, or the vote of the committee, this should be thrown out, we shall feel compelled to move into the bill a quarter of a million dollars as the result of such ruling or vote.

The CHAIRMAN. The Chair has taken counsel with a number of the oldest members of the House, and finds that the practice is to permit limitations upon appropriations which are themselves in order. The Chair feels therefore compelled, under the language of the law before him, to rule that the clause as reported by the committee is in order, and the amendment of the gentleman from Maine, [Mr. HALE,] to change the number from two thousand to fifteen hundred, is also in order.

Mr. HALE, of Maine. I hope we shall have a vote upon it.

The question was taken on Mr. HALE's amendment; and it was agreed to.

Mr. O'BRIEN. I move, *pro forma*, to strike out the last word. I have not the slightest desire, Mr. Chairman, to occupy the time of the House in discussing a subject with which I am not familiar. But I desire to say a word in reply to what fell yesterday from the gentleman from Pennsylvania who is chairman of the Committee on Naval Affairs. His speech yesterday seemed to convey the impression that I was making charges of fraud against the Committee on Appropriations, and he added that it was unwise and impolitic to make such charges without specifications. I desire to say that I had no such intention. I was making inquiries, desiring to be satisfied as to what will be the effect of this bill. The gentleman from Ohio, the chairman of the Committee on Appropriations, [Mr. GARFIELD,] in the remarks which fell from him a few moments afterward, used this language:

> The only thing under which I am restive is vague, general, clawing, sweeping charges, to which it is no more possible to reply than it is to kick a cloud with your big toe. If any man comes here and makes a specific charge I welcome him.

Now, I desire to call the attention of the gentleman who has charge of this bill to this fact, that but a few moments ago he stated that there were too many officers in the Marine Corps, and that the number ought to be cut down. The point I make is this: Some time ago I had the honor of offering a resolution for the consideration of the House, which was pertinent to the very matter now under discussion, and which was objected to by the gentleman from Pennsylvania who is chairman of the Committee on Naval Affairs. I think it would be proper, in order that an opportunity may be given to those gentlemen who think that the Marine Corps is too largely officered, and that economy demands that it be cut down, that that resolution shall be read to the House as a part of my remarks. I therefore send it to the Clerk's desk in order that it may be read.

The Clerk read as follows:

Resolution of inquiry of the Secretary of the Navy.

Resolved, That the Secretary of the Navy be, and he is hereby, requested to report for the information of this House the names, if any, of all officers now in the United States Marine Corps who, having been appointed to the United States Military Academy, or Naval Academy, were dropped, dismissed, or who failed to graduate at either institution before receiving their appointment in said Marine Corps; also, the names, if any, of all officers now in the United States Marine Corps who failed

to pass the examination for admission into said corps, and by what authority of law said appointments, if any, were made.

Mr. O'BRIEN. Mr. Chairman, I have had that resolution read merely for the purpose of calling it to the attention of the gentlemen of the Naval Committee, and of the gentleman who has charge of this bill on behalf of the Committee on Appropriations, and that I may ask them whether, if the spirit of economy which they profess to entertain in regard to the appropriations in this bill be really sincere, they will help me when I have an opportunity to present that resolution to the House for consideration and passage in obtaining the information set forth in the resolution.

Mr. SCOFIELD. I think, Mr. Chairman, there is nothing in the resolution that bears upon the question of expenditures of any kind. It was said that some boys who had failed to pass an examination at the Naval Academy had afterwards been appointed, and the information the gentleman sought only tends to bring out the fact that some boys who had at one time failed in that examination had afterwards been appointed. It was designed to disgrace them, probably without the knowledge of the gentleman from Maryland, and the resolution was prompted by some persons in the Navy who wanted to injure some of their fellow-officers in the service. Sir, the resolution would not turn anybody out of the Navy nor affect anybody in it.

Mr. O'BRIEN. If that were really the spirit of the resolution I would have been the last member on this floor to offer it.

Mr. SCOFIELD. I thought that was what prompted it, and therefore I objected to it; at any rate it could have no economical result.

Mr. O'BRIEN. I rather think it would. This information has been given to me; of course I have no personal knowledge of the facts; but if there is any information of this character in the possession of the Secretary of the Navy as to the officers of the Marine Corps, I think we ought to have it; and, sir, if the number of officers in that corps is too great, it would only be proper that that fact should be known and the country saved the expense of the appropriation required to pay the surplus officers. I withdraw my amendment.

Mr. HALE, of Maine. I now ask that the amendment of the gentleman from Pennsylvania, [Mr. RANDALL,] that was pending and was passed over informally, may be considered at the end of the bill, where it would come in more properly than at the point where he offered it—after line 7.

Mr. RANDALL. I am not particular about what place in the bill it comes in.

The Clerk read Mr. RANDALL's amendment, as follows:

And any person holding any office or appointment under the authority of the United States who shall contract for, authorize, or consent to any expenditure within any fiscal year over and beyond the appropriation for such year for the purpose for which such appropriation may have been specifically made, or who shall at any time contract for, authorize, or consent to any expenditure over and above appropriations made before such time, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $1,000 and not more than $10,000.

Mr. RANDALL. I want to say one word only upon this amendment before it is acted upon. I offered the amendment to this bill because it was the first appropriation bill that came up for action. I did not select the naval appropriation bill for any other reason, nor did I desire to cast any reflection on the administration of the Navy Department in connection with this subject.

Mr. HALE, of Maine. By consent of the gentleman from Pennsylvania [Mr. RANDALL] I move that the word "specifically" be struck out of his amendment.

Mr. RANDALL. I have no objection to that.

Mr. BECK. I desire to move to further amend the amendment by striking out the words "less than one hundred thousand and not more than," and inserting "exceeding," so that it will read "shall be fined not exceeding $10,000." I do not like these minimums of penalties.

Mr. HALE, of Maine. That is right.

Mr. RANDALL. I have no objection to either of the amendments proposed, and will modify my amendment accordingly.

Mr. LOUGHRIDGE. I move to amend the amendment by adding thereto the following:

But that in case of any sudden or extraordinary emergency involving actual war or threatened war or civil commotion, requiring an immediate expenditure beyond and in excess of the amount of appropriation that may be legally used for such purpose, and when the public interest and safety might suffer materially for want of such expenditure, the President may in his discretion, upon the written application of the head of the proper Department, in which application the facts and reasons therefor shall be stated, authorize in writing such necessary expenditure as the exigencies may require, and shall report such action to Congress within the first five days of the next session.

Mr. HALE, of Maine. I do not understand that the gentleman from Pennsylvania [Mr. RANDALL] objects to that amendment.

Mr. LOUGHRIDGE. I agree most fully with the gentleman from Pennsylvania [Mr. RANDALL] as to the necessity for the amendment offered by him. If there is any one thing that has demoralized the civil service of the country for the last few years it is the deficiency appropriation bills that are brought in here every session of Congress. It seems to me that something of the kind offered by the gentleman from Pennsylvania is absolutely necessary.

In the debate upon this bill reference has been made to the deficiencies in regard to the service of erecting public buildings. These deficiencies are not confined entirely to that service. In every Department of the Government the officers are creating deficiencies. Let me refer, for instance, to the Indian Department, and go back a few years. For the fiscal year 1868–'69 the regular appropriation for the Indian service was $2,214,000, while the entire amount expended for that year was $6,900,000, or three times the amount of the appropriation. In 1869–'70 the appropriation was $2,400,000, and the expenditure $3,400,000. In 1870–'71 the appropriation was $3,100,000, and the expenditure $7,456,000. In 1871–'72 the appropriation was $4,000,000, and the expenditure $7,000,000. Therefore, in almost every year, the entire expenditures have more than doubled the appropriation for that service. I say, then, that something of this kind is absolutely necessary in regard to the civil service.

But the amendment of the gentleman from Pennsylvania, without the amendment I have offered, it seems to me would place the Government, in case of war or threatened war, in a very precarious position. I think that when we make it a crime, punishable by fine, for an officer to exceed the appropriation, we ought to except the case of war or threatened war. A case in point is that of the Secretary of the Navy just before the meeting of this Congress, when he was required to make some expenditure of money, perhaps, beyond the appropriations. The amendment I have offered has received, I believe, the general approbation of the committee. It has seemed necessary to make the amendment, and I think the gentleman from Pennsylvania will accept it.

Mr. COX. This bill is almost finished, and I beg leave to say but one thing. I have not taken part in the discussion of the details of this bill. Although reference has been made to our Spanish relations by the gentleman from Maryland, [Mr. SWANN,] I have made no remarks in relation to it. I think one thing should be said about our Navy, and our foreign relations connected with our Navy, and there is no other opportunity except upon this bill to say what ought to be said in this connection.

I do not desire to renew the discussion that came up the other day in respect to the four-million exigency bill. We understand all about that now. I want to vote for this bill, because I do not want to be placed in the predicament of refusing to make our Navy strong and at the same time criticising the policy of the Administration. But if things continue as they now seem likely to continue, I prophesy that before this Congress is over we will have the Virginius affair over again—the same old trouble. I believe it to be wisdom for this Congress to at least acknowledge the independence of Cuba. In that way I believe slavery in Cuba would be abolished. The other side of the House should remember my words in this regard if they would retain a certain class of voters. I believe that free institutions would be encouraged by our independent action here with reference to Cuba. I believe that in this way the assassination of our citizens as well as of English subjects might be properly avenged, and that thus the murderers might be driven from that island.

It may not be necessary to declare war. But our people demand from the Government something which shall be more satisfactory upon this question than anything which has been done heretofore. They do not look with complacency on the fact that the United States minister at Madrid, when his life was threatened, was protected by the interposition of Mr. Laird, the British minister. They do not look with satisfaction upon the fact that the life of our consul, Mr. Phillips, was preserved in Santiago by the British vice-consul, Mr. Ramsden. Why, sir, American missionaries, prisoners in the hands of the brutal Theodorus of Abyssinia, were protected by the interposition of British power. With respect to foreign affairs, our people desire that their nation shall be as strong, as defiant, as thoroughly patriotic, as the British nation.

I think that this Congress owes it to itself to make, by resolution of thanks, some acknowledgment of the gallant conduct of the commander of the British man-of-war Niobe, who by his interposition in behalf of our citizens, before our vessels were able to reach Santiago, prevented the massacre of one hundred and one passengers on the Virginius, who would have been shot on the 7th of December but for his timely arrival and noble demand for the cessation of the brutal executions. The detailed facts as to the gallant conduct of this British officer deserve record. I read from one of the published accounts of the transaction:

An English man-of-war, the Niobe, arrived in port. The captain, on coming into the harbor, did not salute the Spanish forts. He was in his boat before his anchor touched the bottom, and on landing, proceeded straight to the governor's house and peremptorily demanded that the executions should cease. The governor at first declared that he had no right to interfere, but the captain said that in the absence of an American man-of-war he would take the responsibility of protecting American citizens and guarding the honor of the American flag. It is said he gave the governor-general his choice between yielding to his demands or having the city bombarded, and the governor accordingly gave way. Only for the arrival of the Niobe there can be no doubt but that the fifty would have been shot that afternoon. All the Americans in port were loud in praise of the manner in which the captain of the Niobe acted. A few days after his arrival he stated that he came in answer to a telegraphic message from the American consul, sent after the massacre of Captain Fry and the crew, asking to have an American man-of-war dispatched to Santiago de Cuba. There happened to be no American man-of-war at Kingston at the time, but the commander of the Niobe immediately got up steam, and even though he had not his full complement of men, many of them being on shore, without delay started for Santiago de Cuba. One of his first acts was to compel the Spaniards to remove the American flag from the place on the deck of the Tornado, where it had been thrown about and trampled upon for days more like a rag than a flag. He also compelled the governor of Santiago to furnish him with five copies of the official proceedings in regard to the trials—one for himself, one for his commodore, one for the American Government, one for the British, and the remaining one for the American commodore.

Humanity and international comity demand that this Congress should make some acknowledgment of the noble conduct of this British officer who, leaving his station in the British islands, went to Cuba and rescued our citizens from the hands of assassins.

This matter of the Virginius, although it is said to be settled, is not altogether ended. Either the Virginius was an American vessel or she was not. If General Grant tells the truth in his message on this subject she was an American vessel, and the proper consequences of that fact should have followed. If the Virginius was not an American vessel then the Administration is responsible for all the expenditure and humiliation consequent upon our bungling diplomacy.

Sir, I give notice in this House that, on every occasion when I have an opportunity, I shall press my proposition for the recognition of Cuban belligerency or independence. If I cannot get a vote on that, I want a vote expressing, on behalf of the American people, the indignation of this Congress against the inhumanity enacted at Santiago, and a vote of thanks to the gallant commander of the Niobe for saving at least one hundred of our citizens from that terrible massacre.

Mr. HALE, of Maine. This House is supposed to be discussing the naval appropriation bill. I had hoped that we might get through without lugging in Cuba and the Virginius; and I hope now that no gentleman will undertake to deliver upon this bill a speech on the repeal of the bankrupt act, or the disposition of western lands, or the construction of additional railroad facilities, or the salary bill. If any gentleman has a speech on either or all of those subjects, I beg that he will postpone it until we take up some other appropriation bill. [Laughter.]

Mr. COX. I have served in Congress some eight or ten years longer than the gentleman from Maine; and Gamaliel does not take lessons from Paul who sits at his feet. [Laughter.]

Mr. WILLARD, of Vermont. I wish to suggest an amendment which I understand is acceptable to the gentleman from Iowa [Mr. LOUGHRIDGE.] It is to strike out the words "and civil commotion," and insert "or insurrection."

Mr. LOUGHRIDGE. I have no objection to that modification.

Mr. HALE, of Maine. Now let the amendment of the gentleman from Pennsylvania [Mr. RANDALL] be read in connection with that of the gentleman from Iowa, [Mr. LOUGHRIDGE.]

The amendments were read.

Mr. MAYNARD. Is the proposition just read liable to a point of order as proposing new legislation upon an appropriation bill?

The CHAIRMAN. It has been admitted by unanimous consent.

Mr. MAYNARD. Then I have this to say upon that amendment; on the one hand it vests a great deal of power in the Executive—entirely too much—or, on the other hand, it is liable to have the effect of arraigning as offenders, men who have no improper intent. There is already a provision of law that no money shall be expended that has not been appropriated. That enactment has been incorporated in our statutes I do not know how often, and we shall again have it presented in the fortification bill. If that provision of law is ever violated with a criminal intent, so as to constitute a misdemeanor on the part of a public officer, then, instead of proceeding against him in this form, articles of impeachment should be reported to the House and preferred against him at the other end of the Capitol. Such a violation of law is a matter to be punished by impeachment, not by indictment, as for a misdemeanor.

Mr. HALE, of Maine. I ask the Clerk to read the provision of the existing law to which, I think, the gentleman from Tennessee [Mr. MAYNARD] refers.

The Clerk read as follows:

It shall not be lawful for any Department of the Government to expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or to involve the Government in any contract for the future payment of money in excess of such appropriations.

Mr. MAYNARD. If that or any similar provision of law be violated with a criminal purpose, the officer guilty of such violation should be proceeded against under the highest authority we have for the punishment of such offenses—the power of impeachment.

Mr. GARFIELD. The law as it stands at present provides no penalty.

Mr. MAYNARD. There is no need of any penalty. It is a well-understood principle of administration that where an executive officer willfully, knowingly, designedly, violates the law, he should be arraigned at the other end of the Capitol, under the most serious proceeding known to the Constitution.

Mr. BECK. Mr. Chairman, I think the amendment of the gentleman from Pennsylvania eminently proper, notwithstanding the law which has just been read. I see no penalty provided for in that law; and if there was, that applies generally to all appropriations for a Department. The amendment of the gentleman from Pennsylvania [Mr. RANDALL] provides that no officer of the United States shall consent to any expenditure within the fiscal year over and beyond the expenditures for such year for the purpose for which such appropriations may have been made.

We make appropriations that go to the War Department, and when we say what purpose they shall be applied to under this provision no officer of the War Department has the right to transfer them from that purpose to any other; and if he does he shall be liable to such penalty as the court may impose. Before this amendment there was no such mode of punishment provided. I therefore think that is right.

But the amendment of the gentleman from Iowa [Mr. LOUGHRIDGE] goes way beyond that; and to that amendment I object, because, under it, I see no reason why the President of the United States should not, on the 5th day of March, when we adjourn at the short session, if you please, increase the Army, increase the Navy, and draw out of the Treasury whatever he may see fit, on the recommendation of the heads of these Departments, to carry on any purpose he sees fit short of actual war, and I am not sure even up to the point of actual war, without the consent of Congress, simply requiring him, five days after we meet, to report the facts to us. These expenditures should be made by Congress alone, and under authority of law, and no power ought to be given to any executive officer of this Government either to increase the Army or Navy or to take a dollar out of the Treasury of the United States without the consent of Congress. The expense of calling Congress together may be great, but it is not anything in comparison to the charges which will follow whenever we empower executive officers to do what the law does not authorize them to do. Therefore, in a few words, I shall vote against it; and if the yeas and nays can be had in the House, when we go back there, I hope they will be required.

Mr. G. F. HOAR. I trust the gentleman from Pennsylvania will permit me to offer an amendment in line 8, inserting after the word "time" the words "knowing the same to be an expenditure not authorized by law." This amendment, as it is proposed, creates and defines the crime which it punishes. Therefore a crime is committed whenever the phraseology of the statute is satisfied, and an indictment following the statute would be good, the result of which is that no *scienter*, no knowledge on the part of the parties transgressing the law, is required to be found as a fact by a jury in order to procure conviction. I think, under this proposition, the President of the United States, the head of any Department, or any other public officer authorizing the expenditure of a dollar, under what may be deemed a mistaken construction of a doubtful phrase in an appropriation bill, is liable to be convicted of a misdemeanor and fined at least $10,000. The object of the amendment is to require guilty knowledge to be proved.

Mr. WILLARD, of Vermont. Is it not a maxim of law that every person should know the law?

Mr. G. F. HOAR. That does not apply to the case where the statute defines the crime without requiring the *scienter*, or guilty knowledge.

Mr. RANDALL. I submit to the gentleman from Massachusetts whether it is not the duty of every officer to know the law.

Mr. G. F. HOAR. The insertion of the word "willful" would accomplish the whole thing.

Mr. RANDALL. I suggest that it is the duty of every executive officer of the Government who is clothed with the power to spend the public money to know exactly what the law is.

Mr. G. F. HOAR. There is not probably an appropriation bill ever passed by Congress in regard to which a great many members of the House that passed it would not honestly differ as to the precise meaning of some of its provisions. A Government officer is obliged to act; he cannot say "I will not spend any money," because it is his duty to make such expenditures as the law requires. The jury is not required to have proved the fact of guilty knowledge.

Mr. RANDALL. I would rather leave that to the judgment of the jury than to put it in here, for it would produce great difficulty in enforcing punishment upon the guilty officers who spend the public money without authority of law.

Mr. G. F. HOAR. This provision as originally drafted subjects the President of the United States perhaps, and the head of every Department and Bureau without any peradventure, to a trial, liable to be held and convicted as criminals, subject to heavy fines, provided they honestly err in expending an appropriation.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. RANDALL] accept the amendment of the gentleman from Massachusetts, [Mr. G. F. HOAR?]

Mr. RANDALL. I do not.

Mr. MAYNARD. I rise to oppose the amendment.

The CHAIRMAN. Two amendments are already pending, and debate is exhausted upon them. The question is upon the amendment moved by the gentleman from Iowa to the amendment of the gentleman from Pennsylvania.

Here the committee informally rose.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed the bill (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862.

The message further announced that the Senate insisted upon its amendments to the bill of the House (H. R. No. 795) making appropriations to pay the salaries of the Official Reporters of the proceedings and debates of the House, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MORRILL of Maine, Mr. ANTHONY, and Mr. STEVENSON conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HALE, of Maine. I hope that the amendment of the gentleman from Iowa will be adopted. The amendment originally offered by the gentleman from Pennsylvania is, I think, in the right direction. I could have wished that it could have been put on some other appropriation bill, because the Navy Department is exceptional in this matter of deficiencies, and, as I have frequently said before, does not expend more money than is appropriated. But the gentleman offering the amendment has declared that he has only offered it as an amendment to this bill because it is the first appropriation bill, meaning to make no reflection by implication on the Secretary of the Navy or his Department.

The amendment meets, for all time to come, what has been a pernicious thing heretofore—that executive officers at the head of Departments and Bureaus do not heed the warnings of Congress as to the amount of money to be expended. The amendment of the gentleman from Pennsylvania seeks to cut out, to extirpate, that wrong practice, and provides a penalty wherever it can be done. So far so good. Now the gentleman from Iowa, recognizing that there may be such an emergency when Congress is not in session, and where prompter action is needed than can be furnished by the assembling of Congress, puts into the hands of the President of the United States, the highest executive power, this authority: that in case of sudden emergency involving war, actual or threatened, or insurrection, the President may authorize, upon written application from the head of the Department, in writing, expenditure necessary and such as the needs of the country demand; and provides that that shall be reported immediately to Congress on its assembling.

Now, Mr. Chairman, this proposition of the gentleman from Iowa, joined to the proposition of the gentleman from Pennsylvania, presents a matter of some difficulty. I recognize that it strikes down, more profoundly than we can go here, into considerations which we cannot wholly enter into. But is there any real objection, provided that it is admitted that there may be contingencies such as may arise in any year in the administration of the Government, to giving this power to the President? Why, sir, it has been said that under it, as soon as Congress adjourns, the President may increase the Army and the Navy. The human imagination may devise more terrific things than that. But is it likely to occur? Is it a real objection in the path of our legislation? If we adopt the amendment, with the amendment of the gentleman from Iowa, any President who shall rankly violate the letter of the law fixed by this amendment, by doing what has been suggested by the gentleman from Kentucky, would be tenfold over liable to impeachment. No President, sir, would venture upon that. If war was threatened or imminent, as may have been the case in the month of December, temporary measures could be taken. But so far as any increase of any of the military establishments of the country goes, the moment that Congress assembles it is entirely in the hands of that body to discharge or reduce the force, and to bring it to the old figure; so that the difficulty raised by the gentleman from Kentucky does not seem to be a practical difficulty.

The legislation itself is undoubtedly, I will not say extreme, but marked in a very great degree with rigidness. Something of the kind is needed. Now if we legislate in that direction, let us so limit it that in any sudden needs, such as are constantly arising, and of which we had an instance recently, power to make it somewhat flexible may be left with the highest officer of the Government. I hope both amendments will be adopted.

Mr. RANDALL. On reflection I will interpose no objection to the use of the word "willful."

Mr. G. F. HOAR. I think the gentlemen must see that the word "willful" does not meet the point. The point is that the officer expending the money must know that it is an excess of appropriation. I have made a phrase which covers that.

Mr. RANDALL. I ask that the amendment proposed by the gentleman from Massachusetts [Mr. G. F. HOAR] may be read.

The Clerk read as follows:

In line 8, after the word "time," insert these words: "Knowing the same to be an expenditure not authorized by law;" so that it will read:

Or consent to any expenditure over and above appropriations made before such time, knowing the same to be an expenditure not authorized by law, shall be guilty of a misdemeanor, &c.

Mr. RANDALL. I would suggest a modification of the language, so as to make it "knowing the same to be in excess of the appropriation," instead of "not authorized by law."

Mr. G. F. HOAR. I have no objection to that change, if the gentleman likes it better.

Mr. SCUDDER, of New Jersey. It seems to me that our generous friend from Pennsylvania should not at this time have introduced his amendment. By the law of the land no Department of the Government can exceed its appropriation; but the learned gentleman says by the practice of the land they do it every year. Now, if by the practice of the land they do it every year, there is a method of righting that otherwise than by a petty indictment in a criminal court.

In all civilized governments, while the power of making war rests with the crown, the power of making appropriations rests generally with the parliament. Now, here the war-making power and the appropriating power are both combined in the legislative body. Now, sir, in this state of circumstances it seems to me that when we recur to what has so recently taken place with reference to the responsibility assumed by the Secretary of the Navy, and when we remember the gallant response of the whole country to that action when it was found that the honor and dignity of the nation had been maintained, it seems to me that this amendment which the generous gentleman from Pennsylvania [Mr. RANDALL] has offered is improper. The power of impeachment exists in all governments, and I think the House would be wiser to let the law in reference to this matter remain as it is.

Mr. RANDALL. In answer to what has been said by the gentleman from New Jersey [Mr. SCUDDER] I will only say that I presented this amendment to this bill merely because it was the first appropriation bill offered.

Mr. SCUDDER, of New Jersey. Why not, if necessary, pass a general law upon this subject?

Mr. HAWLEY, of Connecticut. I think this debate shows the wisdom of the rule that we should not undertake general legislation in an appropriation bill. We have had no better example of the viciousness of that practice than this. I dislike both the amendment and the amendment to the amendment, in this place at any rate; but lest there should be danger of their passing here, I wish to say a few words, especially against the amendment to the amendment. It seems to confer certain dim and indistinct but very large powers upon the President of the United States. It involves the question of conferring upon one person the power of peace or of war, and the expenditure of millions, that power to be exercised at the will and at the judgment of the officer in whose hands they are placed. Sir, I can understand that there might be circumstances under which the President, or a Department of the Government would be bound by patriotic considerations to go beyond the limits of the law. I suppose, sir, that President Lincoln did it during the war, and Congress justified him in it. But in doing it he took his life, so to speak, in his hands.

Sir, I would rather that the President should do it in that way than that we should confer upon him certain dusky, dim powers, making him practically a dictator. I prefer not to clothe him with powers that might be dangerous to the country in the hands of a bad man. We are legislating for all time, and I do not think we ought to rashly and hastily place upon a general appropriation bill a provision of this kind. The subject is one of sufficient importance to demand that it should be placed in a separate bill, and referred to the Committee on the Judiciary for that deliberate consideration which its importance demands. I shall vote against both the amendment and the amendment to the amendment.

The CHAIRMAN. The question now is upon the amendment to the amendment, offered by the gentleman from Iowa, [Mr. LOUGHRIDGE.]

Mr. SCOFIELD. I ask the Clerk to read two lines, which I have marked with pencil, in the amendment offered by the gentleman from Iowa; and I wish the committee would listen to the reading of those two lines.

Mr. BECK. I rise to make a parliamentary inquiry, and it is, whether there is any amendment pending to the amendment of the gentleman from Iowa?

The CHAIRMAN. The first amendment pending is that of the gentleman from Pennsylvania, [Mr. RANDALL,] to which the gentleman from Iowa moves an amendment; which is, of course, an amendment in the second degree and terminates the power of amendment.

Mr. HALE, of Maine. Let us now have a vote.

The CHAIRMAN. The Clerk will first read the two lines of the amendment marked by the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCOFIELD. I hope the committee will listen to the reading, so that they may know exactly what we are voting on.

The Clerk read as follows:

And when the public interests and safety might suffer materially for want of such expenditures.

Mr. SCOFIELD. Now, sir, that authorizes the officer to determine when the public interests would suffer, and then he may violate the laws which we have made, as well as the proposed amendment offered by my colleague, [Mr. RANDALL.] If he determines that the public interests would otherwise suffer, then, under this amendment of the gentleman from Iowa, he would be authorized to put his hands into the Treasury of the United States and take money from it to any extent he might see fit. He may do it in case of threatened war, or in case of threatened insurrection, or when in his judgment the interests of the country demand the expenditure.

Mr. RANDALL. I think if the gentleman will let the whole amendment be read he will see that that construction cannot be put upon it.

The amendment of Mr. LOUGHRIDGE, as modified, was read, as follows:

But that in case of any sudden or extraordinary emergency involving actual or threatened war or insurrection, requiring an immediate expenditure beyond and in excess of the amount of appropriation that may be legally used for such purpose, and when the public interest and safety might suffer materially for want of such expenditure, the President may, in his discretion, upon the written application of the head of the proper Department, in which application the facts and reasons therefor shall be stated, authorize in writing such necessary expenditure as the exigency may require; and shall report such action to Congress within the first five days of the next session.

Mr. GARFIELD. Let me suggest that by the omission of the word "and" at the beginning of the clause referred to by the gentleman from Pennsylvania, [Mr. SCOFIELD,] the construction the gentleman suggests will not be possible.

Mr. LOUGHRIDGE. I have no objection to that modification, and will make it.

Mr. BECK. I desire to say one word. If the amendment of the gentleman from Iowa [Mr. LOUGHRIDGE] is to be passed at all—and I hope it will not—then I suggest that there should be inserted before the last clause these words, "and if the President shall make such expenditures as is herein provided for, he shall call Congress to convene at the earliest practicable moment;" so that portion of the amendment will read:

The President may in his discretion * * * * authorize, in writing, such necessary expenditure as the exigency may require; and if the President shall make such expenditure as is herein provided for, he shall call Congress to convene at the earliest practicable moment, and shall report such action to Congress within the first five days of the next session.

I think it is the most dangerous power possible to place in the hands of the President—I do not allude to any particular President, for we are making laws for all time—to make such expenditures as he may see fit six or eight months in advance of the meeting of Congress. He might involve the country in war long before Congress could convene and take action in the premises.

Mr. RANDALL. I would certainly accept the suggestion of the gentleman from Kentucky, [Mr. BECK,] were it not that the amendment is not mine, but one proposed to mine by the gentleman from Iowa, [Mr. LOUGHRIDGE.] However, for the purpose of giving the gentleman an opportunity to offer it, I will accept the amendment of the gentleman from Iowa, and make it a part of my own, and then yield to the gentleman from Kentucky to move his amendment.

Mr. BECK. Then I move the amendment I have indicated.

Mr. HALE, of Maine. Is that in order?

Mr. RANDALL. I understood that it was not objected to by the gentleman from Iowa and those who think with him in this respect. Therefore I accepted the amendment of the gentleman from Iowa as a part of my own, in order to allow the gentleman from Kentucky [Mr. BECK] to move his amendment.

Mr. HALE, of Maine. I think we had better take the question first on the amendment of the gentleman from Iowa.

Mr. RANDALL. As the gentleman from Maine [Mr. HALE] in charge of this bill desires to have a vote taken upon the amendment of the gentleman from Iowa, and as the gentleman from Kentucky can move his amendment to that if it shall be adopted, I think I will withdraw my acceptance of that amendment.

The question was then taken on the amendment moved by Mr. LOUGHRIDGE; and upon a division—ayes 33, noes not counted—it was not agreed to.

The question recurred upon the modified amendment of Mr. RANDALL.

Mr. PLATT, of Virginia. Of course it is not competent in Committee of the Whole to move to refer this whole matter to the Committee on the Judiciary.

The CHAIRMAN. It is not.

Mr. PLATT, of Virginia. Then I move that the committee now rise.

Mr. HALE, of Maine. I hope not; let us remain in committee till this bill is finished.

The motion that the committee rise was not agreed to upon a division—ayes 49, noes not counted.

Mr. RANDALL. I ask that my amendment, as modified, be again read.

The amendment, as modified, was read, as follows:

Add to the bill the following:

And any person holding any office or appointment under the authority of the United States who shall contract for, authorize, or consent to any expenditure within the fiscal year over and beyond the appropriations for such year for the purpose for which such appropriation may have been made, or who shall at any time contract for, authorize, or consent to any expenditure over and above appropriations made before such time, knowing the same to be an expenditure in excess of the amount authorized by law, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding $10,000.

The question was taken upon the amendment; and upon a division there were—ayes 60, noes 86.

Before the result of the vote was announced,

Mr. RANDALL called for tellers.

Tellers were ordered; and Mr. RANDALL, and Mr. PLATT of Virginia, were appointed.

The committee again divided; and the tellers reported that there were—ayes 71, noes 82.

So the amendment was not agreed to.

Mr. HALE, of Maine. I move that the committee now rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. E. H. ROBERTS reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the special order, being House bill No. 1013, making appropriations for the naval service for the year ending June 30, 1875, and had directed him to report the same back to the House with sundry amendments, and to recommend that the amendments be concurred in and the bill, as amended, passed.

Mr. HALE, of Maine. I call the previous question on the bill and amendments recommended by the Committee of the Whole.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments were concurred in.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALE, of Maine, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 202) to remove the legal and political disabilities of William Steele, of Bexar County, Texas.

Mr. SOUTHARD. I move that the House now adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

Petitions, memorials, &c., were introduced and referred under the rule, as follows:

By Mr. ARCHER: The petition of John R. Bond, for relief—Committee on Naval Affairs.

By Mr. ARTHUR: The memorial of Dr. William H. Curran, of Harrison County, Kentucky, late assistant surgeon of the Twentieth Regiment Kentucky Volunteers, asking for his pay from the 1st day of October, 1862, to January 1, 1862—Committee on Claims.

By Mr. BANNING: The petition of Michael Coloty, asking to be placed upon the pension-roll—Committee on Military Affairs.

By Mr. CESSNA: The petition of citizens of Bedford County, Pennsylvania, for the repeal of the second section of the act of June 6, 1862, which made a reduction of 10 per cent. of duties on cottons, woolens, iron, steel, and other commodities, and remonstrating against increased taxation on tea and coffee, or the revival of internal taxes—Committee on Ways and Means.

By Mr. CHIPMAN: The petition of Mary Barry, for relief—Committee on Naval Affairs.

By Mr. CLAYTON: Petition of John A. Plummer & Co., of California, asking increase in duty on salt—Committee on Ways and Means.

Also, memorial of J. H. Carroll, of California, asking that duty on chiccory be increased—Committee on Ways and Means.

By Mr. COX: Several petitions of citizens of New York State, for appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

Also, the memorial of E. D. Morgan & Co., in relation to "$20,000 acceptances of John B. Floyd, Secretary of War," 22d August, 1860—Committee on the Judiciary.

By Mr. FARWELL: The petition of Henry A. Edwards, for a pension—Committee on Invalid Pensions.

By Mr. GARFIELD: A petition of citizens of Cleveland, Ohio, in relation to the appropriation for the harbor of Ashtabula, Ohio—Committee on Commerce.

By Mr. HANCOCK: Memorial and petition of A. J. Cotten and M. S. Cotten, relating to French spoliations—Committee on Foreign Affairs.

By Mr. HAWLEY, of Connecticut: The petition of James B. Cleaveland and other citizens of Bloomfield, Connecticut, asking the appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

By Mr. HURLBUT: The petition of D. K. Cook and other citizens of Illinois, praying an amendment to the Constitution appropriating all incomes of individuals over $5,000 a year to the payment of the public debt, &c.—Committee on Ways and Means.

By Mr. MARTIN: The petition of George Young and others, for pensions—Committee on Invalid Pensions.

Also, the petition of George Young and others, for back pension—Committee on Invalid Pensions.

By Mr. MELLISH: The petition of William Gallaudet, Peter Smith, and others, of New York City, requesting Congress to provide for the appointment of a commission to inquire in regard to the results of prohibitory legislation, &c., and to recommend what legislation on the part of Congress would be beneficial to suppress, in the sphere of national authority, the traffic in alcoholic liquors—Committee on the Judiciary.

By Mr. NEAL: The petition of Elizabeth Wolf, widow of John T. Wolf, of the Maryland volunteers, for pension—Committee on Invalid Pensions.

By Mr. NIBLACK: The memorial and proofs of Nancy C. Marlette, widow of John C. Marlette, late deceased, for relief as a pensioner, &c.—Committee on Invalid Pensions.

By Mr. PLATT, of Virginia: The memorial of William Falls, of Alexandria County, Virginia, asking damages for property taken and destroyed by the United States Army during the war—Committee on War Claims.

Also, a petition from citizens of Southampton County, Virginia, for the establishment of a post-road from Wakefield, Virginia, to Assamoosick, Virginia—Committee on Post-Offices and Post-Roads.

By Mr. RANDALL: The petition of George W. Puttman, for a pension—Committee on Invalid Pensions.

By Mr. SMITH, of New York: A memorial from the laboring men of Elmira, New York, praying for protection against the evils resulting from the cooly trade—Committee on the Judiciary.

By Mr. SMITH, of Ohio: The petition of 137 citizens of the third district of Ohio, asking for the establishment of an international court of arbitration for the settlement of disputes between nations—Committee on Foreign Affairs.

By Mr. SPRAGUE: The petition of Moses Smith and other members of Company B, Thirty-ninth Regiment Ohio Volunteers, for the extension to them of the provisions of the bounty act of April 22, 1872—Committee on Military Affairs.

By Mr. SWANN: The petition of Susan Wheeler, Sarah W. Scott, and others, of Baltimore, Maryland, asking for the appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

By Mr. SYPHER: The petition of W. W. Handlin, for relief—Committee on the Judiciary.

By Mr. WHITTHORNE: The memorial of Columbia Lodge No. 31, for compensation for destruction of Jackson College, Tennessee—Committee on War Claims.

Also, the memorial of Judge C. B. Davis and other officers of the State of Tennessee, for compensation for the destruction of the jail of Lawrence County by the United States forces—Committee on War Claims.

Also, the memorial of Mrs. W. H. Polk, for damages done to and use of certain real estate by the United States troops—Committee on War Claims.

By Mr. WILLIAMS, of Wisconsin: The petition of the General Lodge of Good Templars of Wisconsin, signed by its officers, asking for the appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

By Mr. WOODFORD: Petitions of P. P. Page and others, and of Stephen Valentine and others, asking for the appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

Also, the petition of Stephen Valentine and other citizens of Brooklyn, New York, asking for the appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

IN SENATE.

FRIDAY, *January* 16, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented the petition of the firm of Dialogue & Wood, of Philadelphia, praying compensation for extra labor, work, and materials furnished in building a coast-survey steamer for the United States Government; which was referred to the Committee on Claims.

He also presented the petition of Samuel Whitson and many other citizens of Penningtonville, Pennsylvania, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. SCOTT. I also present the petition of William Wheeler Hubbell, asking for an improvement in the currency, with elasticity in volume for local necessities determinable by local or State authority, and suggesting how those ends may be accomplished. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. MITCHELL presented a petition of 500 citizens of Oregon, asking for the establishment of a mail-route from Eugene City, Lane County, Oregon, to Upper Ochoco Post-Office, Wasco County, Oregon; a petition of citizens of Susanville and North Fork in Grant County, and Willow Creek in Umatilla County, Oregon, praying the establishment of a post-route between Cañon City and Scott's Post-Office, on the Dalles and Walla Walla road; a petition of citizens of Linn County, Oregon, asking the establishment of a weekly mail-route from Scio, bearing northeast to Mount Pleasant, Jordan Valley, and Fox Valley, in that State; a petition of citizens of Cole's Valley and French Settlement, Douglas County, Oregon, praying the establishment of a post-route between the Umpqua River and Looking Glass, in that county; a petition of citizens of Wasco and Umatilla Counties, Oregon, praying for the establishment of certain mail-routes and post-offices in those counties; the petition of Z. B. Moss, of Crawfordsville, Oregon, praying the establishment of a mail-route from Lebanon to certain places to intersect the Brownsville, Mohawk, and Eugene mail; and a petition of citizens of Grant County, Oregon, and of citizens of Nevada, praying the establishment of a mail-route from and between Cañon City, Grant County, Oregon, and Winnemucca, Humboldt County, Nevada; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BOUTWELL presented a petition of citizens of South Boston, Massachusetts; a petition of members of the Neponset-avenue church of Boston, Massachusetts, Rev. James F. Morton pastor; and a petition of 115 citizens of Bridgewater, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. TIPTON presented a petition of citizens of the State of Nebraska, praying for the establishment of a mail-route from Orton in Seward County, to Clarksville in Merritt County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRELINGHUYSEN presented the petition of the Park Presbyterian church of Newark, New Jersey, signed by its pastor and officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. ALLISON. I present the petition of the Chicago, Clinton, and Dubuque Railroad Company, and of the Chicago, Dubuque, and Minnesota Railroad Company, praying that such action be taken by Congress as will compel the Chicago and Northwestern Railroad Company to open the bridge across the Mississippi River at Clinton, Iowa, to the use of these companies and such others as may now or hereafter desire the use of the same; and also the concurrence of the Board of Trade of the city of Chicago in this petition. I move the reference of this petition to the Committee on Commerce.

The motion was agreed to.

Mr. EDMUNDS presented a petition of Hiram Carlton and others, citizens of Vermont, praying that a pension be granted to Fanny Newcomb, of Waitsfield, Vermont, on account of services rendered by her son, Irenus P. Newcomb; which was referred to the Committee on Pensions.

Mr. SPENCER presented the petition of Mrs. Alme D. Brooks, widow of General W. T. H. Brooks, late of the United States Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. BOREMAN presented a petition of citizens of West Virginia, praying the establishment of a mail-route from Webb's Mills, Ritchie County, to Big Bend, Calhoun County, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL, of Vermont, presented the petition of O. H. Makensie, jr., and other citizens of Woodstock, Vermont, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, and general welfare; which was referred to the Committee on Finance.

Mr. LEWIS. I present the petition of Guerdon Chapin; and I deem it my duty to remark that this petition has been adversely reported upon, but there is some other evidence which the petitioner desires to bring before the Committee on Claims. I had a conversation with the chairman of that committee, the Senator from Pennsylvania, [Mr. SCOTT,] and he told me that it would be necessary to introduce new evidence. The petitioner asks leave to go before the committee again and make an explanation and bring additional proof before the committee. I do not know whether it is exactly in form or not, but I present the petition.

Mr. SCOTT. I did not hear the statement of the Senator from Virginia.

Mr. LEWIS. I present the petition of Guerdon Chapin, a retired officer of the United States Army, a resident of Culpepper, Virginia, a disabled soldier, whose property was destroyed in 1861 in Arizona Territory. The Senator will recollect that I called his attention to this matter a few days ago, after he had made a report upon it. Colonel Chapin has since drawn up another petition, and asks to be allowed to introduce before the committee additional evidence.

Mr. SCOTT. Does the petition set out the evidence upon which he now relies that was not before the committee when the matter was considered before?

Mr. LEWIS. I have glanced over it hastily, and I do not think it does. That is the reason I call your attention to it.

Mr. SCOTT. I shall feel bound to object to any case which does not come within the spirit and the letter of the forty-ninth rule of the Senate, so that when a petition is presented and new evidence set forth in it, the committee will be able to ascertain by looking at the new evidence, without going over the whole case, whether it ought to be reviewed. I trust the Senator from Virginia will give his attention to that rule, and see whether the petition comes within it, before it is presented.

Mr. LEWIS. I do not think there is any new evidence in the paper, though I glanced over it but hastily.

The PRESIDENT *pro tempore*. Does the Senator withdraw the petition for the present?

Mr. LEWIS. Let it lie on the table, and I will examine it.

The PRESIDENT *pro tempore*. It will lie on the table.

Mr. LEWIS presented a petition of D. L. Santee and other citizens of Richmond, Virginia, and the petition of Charles W. Logan and other citizens of Richmond, Virginia, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. SAULSBURY. I present the petition of Elizabeth Montgomery, heir of Captain Hugh Montgomery, praying compensation for the

services of her father in the revolutionary war. These are the same papers for the withdrawal of which from the Committee on Revolutionary Claims I obtained an order a few days ago, my object being to get from among the papers a private paper which had no relevancy to the case, and which was important to the party to whom it belongs. I therefore present the petition again, and move its reference to the Committee on Revolutionary Claims.

The motion was agreed to.

The PRESIDENT *pro tempore* presented papers supplemental to the petition of Joanna W. Turner, praying for a pension; which were referred to the Committee on Pensions.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury, transmitting, in response to Senate resolution of January 5, 1874, the papers in the case of W. T. Cheatham, distiller, in the second district of Kentucky; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SPENCER, it was

Ordered, That the petition and papers of Charles W. Biese be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. SPENCER, it was

Ordered, That the petition and papers of M. Von Entress Fuersteneck be taken from the files and referred to the Committee on Military Affairs.

Mr. EDMUNDS. Have there been any adverse reports in those cases?

Mr. SPENCER. Not that I am aware of.

The PRESIDENT *pro tempore*. If adverse reports have been made copies of the papers will be retained, and these orders will be entered.

On motion of Mr. FENTON, it was

Ordered, That George S. Wright have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. FENTON, it was

Ordered, That the petition and papers of Martha G. Vaughn and Louisa Jackman be taken from the files and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of William M. Cooper, praying compensation for supplies furnished to soldiers in Philadelphia during the war, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 211) to amend the charter of the Columbia Railway Company of the District of Columbia, reported it with an amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Elizabeth F. Thompson, praying for a pension, submitted a report, accompanied by a bill (S. No. 316) granting a pension to Elizabeth F. Thompson.

The bill was read and passed to a second reading, and the report was ordered to be printed.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. No 218) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them, reported it without amendment.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the petition of Henry C. Smith, late second lieutenant Sixteenth Regiment Indiana Volunteer Infantry, praying for arrears of pay, submitted a report, accompanied by a bill (S. No. 317) for the relief of Henry C. Smith, of Indianapolis, Indiana.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the petition of Captain George W. Jackson, praying for a pension for services in the war of 1812, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Amelia Ferguson, praying to be allowed a pension, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Hannah W. Vreel, of New Jersey, praying for a pension on account of the services of her father, Jonathan Barbrick, in the revolutionary war, reported adversely thereon; and the committee was discharged from the further consideration of the petition.

PUBLICATION OF DEBATES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred the bill (H. R. No. 718) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, to report back the same without amendment, and recommend its passage. It relates to the current business of both Houses of Congress, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, which proposes to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, by adding to the proviso in the clause of the act relating to the public printing and binding the following words: "and of the House of Representatives."

Mr. EDMUNDS. Let us have the bill explained.

Mr. ANTHONY. Mr. President, at the close of the last session of Congress the contract for printing the debates of Congress expired by its own limitation; and hence on the 4th of March there would be no provision made for publishing the debates of Congress. There was to be, as was well-known, a special session of the Senate, and there would be no session of the House of Representatives; and in order that the debates might be printed this proviso was inserted in an appropriation bill, which is to be amended by the bill under consideration:

Provided, That until a contract is made, the debates shall be printed by the Congressional Printer, under the direction of the Joint Committee on Public Printing on the part of the Senate.

There was to be no committee on the part of the House, and therefore it was necessarily confined to the committee on the part of the Senate. The House of Representatives is now organized, has a Committee on Printing, and it is proper that it should share in the responsibility of the work.

Mr. HAMLIN. Before my friend takes his seat, I should like to put a question to him, which he may or may not be able to answer. I think there can be no objection, under his explanation, to the bill; I make none; but at the time that proviso was adopted, according to my recollection, we had estimates of the Public Printer as to what would be the cost of the CONGRESSIONAL RECORD. The question I want to ask is, whether the debates are published within those estimates, or whether the cost of publication does not greatly exceed those estimates? Can the Senator inform me?

Mr. ANTHONY. Of course the RECORD has not been printed long enough to enable me to answer that question with entire accuracy. Here is what the Congressional Printer says in his report:

Under a resolution of Congress, passed March 3, 1873, the important and laborious work of printing the proceedings and debates of Congress was transferred to this Office, and on the 5th day of March, 1873, the first copy of the CONGRESSIONAL RECORD, in quarto form, containing a full report of the proceedings and debates of the first day of the special session of the Senate, made its appearance. The change in the form and style of this publication from that previously followed by the Globe was induced by a desire to secure comeliness, convenience, and economy for the work; and I am gratified in the assurance that it meets the hearty approval of the Senate and such members of the House of Representatives as have given the matter their careful attention.

The publication of the proceedings and debates during the special session of the Senate gave fair opportunity for testing the capacity of this Office for the work; and I am fully convinced, under that experience, that promptness and economy are secured by the transfer. The facilities of the Office are so extensive that prompt publication of the proceedings and debates of any day's session, no matter how extended or voluminous, will be assured the following morning without a peradventure, if the copy thereof is promptly furnished the Printer. Of the economy of performing this service at the Government Printing Office there can be no doubt. Its resources are so manifold, and its economy of labor and material is such, that at least 30 per cent. of the money heretofore expended in accomplishing this work will be saved to the Government through the present arrangement, which places it under the superintendence of the Congressional Printer.

Mr. EDMUNDS. That does not answer the question at all.

Mr. ANTHONY. That is the only answer I can make to the question. I have not investigated the matter personally, but the Congressional Printer is a sworn officer of the Senate.

Mr. EDMUNDS. He does not say it is within the estimates. He says it is economically done.

Mr. ANTHONY. He has told me that it is printed within the estimates.

Mr. HAMLIN. It seems to me that that answer, if it is to be taken as it reads, tells us that the CONGRESSIONAL RECORD is printed at 30 per cent. less than what we formerly paid for the publication of the debates. The last clause read, if it means anything, means that. Will the Senator please read it again?

Mr. ANTHONY. "Its resources"—those of the Government Printing Office—"are so manifold, and its economy of labor and material is such that at least 30 per cent. of the money heretofore expended in accomplishing this work will be saved to the Government through the present arrangement."

Mr. HAMLIN. Thirty per cent. less?

Mr. ANTHONY. I so understand it.

Mr. HAMLIN. I am very glad to hear it.

Mr. EDMUNDS. So am I.

Mr. ANTHONY. At the same time it must be manifest that the question cannot be fully decided until we have gone through a whole session of Congress.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUSTS OF FORMER CHIEF JUSTICES.

Mr. HOWE. The Joint Committee on the Library, to whom was referred the bill (S. No. 61) providing for busts of the late Chief Justice Roger Brooke Taney and Salmon Portland Chase, to be placed in the Supreme Court room of the United States, have instructed me to report it back with amendments; and as it is in reference to a couple of busts for the Supreme Court room, if there be no objection, I should like to have it considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments reported by the Committee on the Library were, in line 4 of section 1 to strike out after the word "authorized" the words "and required to contract with a suitable artist for the execution in marble, and delivery," and to insert in lieu thereof "to procure and place;" and in section 2, line 4, after the word "appropriated," to strike out the words "for the purpose and paid," so as to make the bill read, if amended:

That the Joint Committee of the two Houses of Congress on the Library be, and they are hereby, authorized to procure and place in the room of the Supreme Court of the United States busts of the late Chief Justice Roger Brooke Taney and of the late Salmon Portland Chase.

SEC. 2. That for the purpose of carrying this act into effect the sum of two thousand five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

BILLS INTRODUCED.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 318) to provide for the appraisement of merchandise in certain cases; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 319) making retirement in the Army and Marine Corps after a certain age obligatory; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 320) to increase the Pay Department of the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 321) authorizing appointments and promotions in the Medical and Ordnance Departments of the Army of the United States, and for other purposes; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 322) granting a pension to Mrs. Alme D. Brooks; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 323) for the relief of Charles W. Biese, late second lieutenant of the Eighty-second Regiment of Illinois Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 324) for the relief of M. Von Entress Fuersteneck, late second lieutenant of the Sixty-eighth New York Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LEWIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 325) to remove the political disabilities of Van R. Morgan, of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 326) for the delivery to James M. Betts, receiver, of certain bonds now in the Treasury of the United States; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. LEWIS. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

Mr. MORTON. I hope the Senator will withdraw that motion for the present. We ought to dispose of the resolution in relation to the finances this week. There is a great deal of important business pending. Unless it is very important to the Senator, I hope he will withdraw the motion.

Mr. LEWIS. I withdraw it for the present.

POST-ROUTE BILL.

Mr. RAMSEY. I move that the Senate resume the consideration of the post-route bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 798) to establish certain post-routes.

Mr. SARGENT. Mr. President——

Mr. MITCHELL. Before the Senator proceeds I wish to correct an error. Yesterday an amendment was inserted, on my motion, after the word "Ohio," in line 321. I find, on consultation with the Postmaster-General, that there was a mistake. One of the points I intended to insert was omitted. I move now to reconsider——

The PRESIDENT *pro tempore*. That motion will not be in order until the pending amendment is disposed of. The question is on the amendment proposed by the Senator from South Carolina, [Mr. PATTERSON.]

Mr. SARGENT. Mr. President, the postal service is one which directly benefits the people, and reminds them that the Government has some other dealing with them than mere taxation. The advantage to the citizen of being able to send for three cents a letter all over the country, to any part of the United States, is certainly a great boon. As I say, it is one of the ways which the Government infrequently takes of reminding the citizen that it is disposed to labor for him as well as to extract money from him; and I think, in our discussions upon measures of this kind, we ought to keep this principle in view: that it, like some few other features of Government administration, is designed rather to benefit the people than to afford revenue to the Government.

Now, sir, the increase which has taken place within a few years past in the expenses of the Post-Office Department has not arisen in any great degree from the increase of mail-routes. As I remarked yesterday, the increase of the population of the United States has been 25 per cent. in each decade, or two and a half per cent. per year, and the increase proposed by this bill (and it is the annual bill, and will embrace nearly all the increase for the current year) is only about 2 per cent. It is not the cause of the greater cost, for the reason that very many of the mail-routes which are named in the annual bill are simply changes of routes, frequently shorter distances between important points, as new roads are made, new wagon-roads, or other means of communication, and as new settlements are made, by which, in fact, sometimes the expenses of the Government for carrying the mails are decreased rather than increased. But were it otherwise—were it true that every additional mail-route which is declared by this and all similar bills added expense to the Government—nevertheless, by means of these added miles, by these additional communications, there is access to the new States and Territories, and the people in the old States, as well as the new, are benefited by this extension of postal service.

If the amendment should be adopted which was proposed yesterday by the Senator from Vermont, and referred subsequently in the form of a resolution to the Committee on Post-Offices and Post-Roads, that every post-route should be cut off which did not pay one-half of its expenses, it would very seriously reduce, and perhaps reduce by one-half, all the postal service in the Northwestern States, and in the Southwestern States, and in California. It would probably abolish the whole mail service in the State of Nevada, except to Virginia City; in the State of Oregon, in Utah, in Colorado, in Arizona, and in the Territories generally, unless there were an exception in the case of those which are traversed directly by the Pacific Railroad.

No such consequence as this should be contemplated by the Senate. But an opposition to a mere mail-route bill like this, on account of an increase in the expenses of the Post-Office Department, is in the same direction, because there are movements of population; there is this great increase of population which I speak of every decade. They increase not only in the cities like New York, Boston, and Chicago, but they move out West. There they make new communities. And it is just as necessary for the citizen in Boston to be enabled to write to his agent in Colorado, who is selling goods there for him or managing his mine or his mill, as it is for that agent, or any citizen of Colorado, to write to the citizen of Boston. The advantage is alike to all parts of the country.

Now, sir, there has been, I confess, a considerably large increase in the percentage of the cost of administering the mail service over the amount of revenue; but that is not owing in any large measure to the extension of the service by means of new mail-routes, but is owing to several causes to which I desire to call the attention of the Senate, hoping that the chairman of the Post-Office Committee, or the committee, or some one who has this matter particularly in charge under the rules of the Senate, will see if it is not possible to amend the general post-office laws, so that we may bring the expenditures of the Post-Office Department down within some reasonable degree, and yet make the post-office service what it was designed to be by the Constitution and the ordinarily understood policy of our laws—merely a medium for the transmission of intelligence.

One reason why there is such a large increase in the expenditures each year is that you have by your postal laws, and notably by the codified code recently enacted, an iron system for the increase of the salaries of postmasters, whereby the first class, as it is called, ranges from three thousand to four thousand dollars, and that amount is applied to a city of twenty thousand inhabitants or to a city of a million inhabitants. The only exception in favor of a large city is that of the postmaster of the city of New York, who receives $6,000 annually and gives bonds for $600,000. Probably his compensation, considering the magnitude of his office, is not too much. But by the section to which I will briefly call the attention of the Senate it will be perceived that the law in this respect is not flexible enough; and when the Postmaster-General comes in and estimates this year for $6,500,000 for salaries of postmasters, he cannot avoid doing so, because your law requires it. Your law requires the money to be paid out, and it is necessary that he should have the money in order to pay it out.

For the current year the amount appropriated for salaries of postmasters was $5,700,000. For next year the estimate is $6,500,000; making an increase of $800,000. Do we complain of that? Do we cavil at the Post-Office Department or with the service? I admit that the increase in the number of post-offices accounts somewhat for the $800,000. But there is another difficulty, that towns are gradually

growing up from five to ten thousand population and from ten to twenty thousand, and when they get to twenty or twenty-five thousand they come within the three or four thousand dollar limit, and then the postmasters have to be paid this large salary. I have no doubt that one-half that increase could be economized and the postmasters in the small cities who now receive $3,000 or $4,000 be adequately paid; and out of that half saved an amount could be expended to recompense the postmasters of Chicago, of Saint Louis, of San Francisco, of Cincinnati, of Boston, of Philadelphia, and bring them to $6,000—a salary somewhat adequate to the bonds which they have to give and the amount of duties which they have to perform. But the trouble is that it is inflexible at the other end of the line. The Postmaster-General is compelled by your codified law to give a price that is too great to the smaller postmasters, where the labor is light and the bonds which they give are small.

By section 80 of the postal code it is provided—

That the compensation of postmasters shall be a fixed annual salary, to be divided into five classes, exclusive of the postmaster at New York City, whose salary shall be $6,000 per annum. The salary of the first class shall not be more than $4,000 nor less than $3,000; of the second class, less than $3,000 but not less than $2,000; of the third class, less than $2,000 but not less than $1,000.

And so it goes on to the end, there being five classes.

Section 83 provides the manner of readjustment of the salaries, and these readjustments have to take place, and the salaries of the postmasters brought up to the increase of the business of their office.

That in readjusting the salary of a postmaster, the amount thereof shall be ascertained by adding, to the whole amount of box-rents, commissions on the other postal revenues of the office at the following rates: On the first $100 or less, 60 per cent.; on all over $100 and not over $400, 50 per cent.; on all over $400 and not over $2,400, 40 per cent.; on all over $2,400, 15 per cent. And in order to ascertain the amount of postal receipts of each office, the Postmaster-General shall require postmasters to state, under oath, at such times and for such periods as he may deem necessary in each case, the amount of stamps canceled, the amount of box-rents received, the amount of unpaid postages collected, and the amount of postage on printed and other mailable matter.

Thus you see that by our law we require the Postmaster-General continually to raise the salaries of these officers to three or four thousand dollars, when twenty-five hundred, probably, would be adequate for three-fourths of them, and the difference might be saved and some portion of it be applied toward increasing the salaries at the more difficult offices in the Department.

But another reason for this increase is the increase of the railroad service. The railroad service last year was 57,911 miles; this year it is 63,457 miles—an increase of about 11 per cent. By this same postal code it is provided that whenever a railroad is built, no matter if it is out in the wilderness where there is no patronage, you are compelled to put on railway service there. The old mode of carrying the mail may be cheaper, but, nevertheless, the Postmaster-General is required to recognize the railroad as a postal route and put service on it. I do not know but that this may operate well, but it certainly goes to account for the increase in expenditures on account of this enormous increase of the service. Perhaps on account of the panic which has been raised through the past few months, perhaps on account of the threatening demonstrations of public opinion against the capital which is invested in railroads, decreasing the value of the securities of railroads, lessening the value of their property and making such enterprises hazardous, and lessening the security of that kind of property, the building of railroads for the next few years may be extremely limited in amount, and consequently the increase of the postal service in this direction may be not so great; but as fast as it is increased by law the Postmaster-General is required to put service upon it, and this accounts for a large portion of the increase in the percentage of expenses.

Next, there is the postal-car service, which has only been put on within a few years. In 1867 it was first employed; and there were then put on 4,435 miles. These miles have increased to 14,866—10,000 miles added in that time. Last year by a special law we provided for a readjustment of the compensation to the railroad companies for carrying the postal cars. I do not decry the value of these postal cars. I know that with the enormous mails that are being sent off by the great post-offices of the country, and all along the mail-routes, into these postal cars, the mails could never be distributed; they would block up and overflow the land if they were dammed up by the withdrawal of the postal cars from the service. In these postal cars there are clerks who receive the unassorted mail-bags—necessarily unassorted—and distribute the letters, and drop them out to the different towns and cities as they go along, thus methodizing the business, by which really more than one-half of the whole distribution of letters is done, not in the post-offices, but in the postal cars as they progress. The great increase of the service (and this increase is absolutely necessary) accounts for the increase in the percentage of expenses. I ask gentlemen who have observed the beneficial effect of these postal cars running into the city of New York, or the city of Boston, or Chicago, &c., whether they think they can be dispensed with; whether you have not, rather, got to dispense with your post-office entirely and with your system of mails; whether the enormous number of letters would go off from these centers of population, running to a million and some exceeding that in population; whether they could be disposed of otherwise than by economizing the time in mail-cars as they are being transported from point to point?

But before the estimates of this year were made, on account of the general complaints—the sturdy, continued, stubborn complaints—of the railroad companies, that they were carrying at the highest rate of speed on all their fast trains the enormous weight of mail matter at a less rate than they received for the lowest class of merchandise on their slowest trains, Congress listened to them and provided that the matter should be weighed and differently classified, the result of which was that there was an increase in their compensation for this kind of service. I was one of those who, although it was popular to deny the railroad companies any rights at all, were disposed to think they were right in their demand and that some reasonable concession should be made to it. By the act found on page 135 of the Post-Office Laws and Regulations of 1873, any Senator will find the classification and the amount of compensation. But the result was a very large increase in the expenditures of the Department; and certainly where we ourselves, having the power, require the post-office to weigh the mails and to make additional compensation if they come to a certain weight, we ought not to cavil at an increase of expenses, provided the cause of that increase be so apparent.

Another element of increase, and necessary increase, in the expenditures of the Post-Office Department has been the establishment of twenty-three hundred and eighty-one new post-offices during the past year. Of course, every post-office makes a new expense. These are small post-offices, and probably in a large majority of cases the salary of the postmaster will not amount to more than thirteen dollars per annum; but there are necessary expenses connected with each office, and some of the offices rapidly grow into importance, and the salaries in the aggregate make a considerable amount.

Another element of additional cost is the free-delivery system, which is the luxury of mail service in the larger centers of population. I do not object to it, but ask Senators who enjoy the privilege of having their constituents' letters delivered at their door-steps, to be paid for by the appropriations for the general service, not to grudge the weekly or tri-weekly mail of the pioneer, or blame the Department if these new inventions and additional cost go together.

But, sir, the great fault of the postal service, as shown in the codified law, as shown by every day's operation in the Department, is that it is ceasing to a certain extent to be a mail system for the transmission of intelligence, and has become a rival of express companies. Why, sir, the list of articles which can be carried in the mails is singular; it is peculiar; and for many of these articles there can be given no intelligent reason whatever. You can send seeds, and cuttings, and bulbs, and roots, and scions, and you can send samples of merchandise of every kind, except glassware or liquids, samples of merchandise of the most incongruous nature. You can send metals and ores, and mineralogical specimens. You can send bound books, and you can send those bound books without limit as to weight if they are printed by Congress. You can send specimens of woolen, cotton, or linen clothing not exceeding two pounds, where they are sent to an officer or soldier in the Army; and my friend from Maine, [Mr. MORRILL,] who is always well posted, reminds me that that has been increased to four pounds. I concede that in the time of the recent war, when the Army had no certain means of always, as anxious friends might have thought, receiving supplies of clothing adequate to their wants, the post-office might have been allowed temporarily to carry the contributions of clothing to the soldiers in the field; but it ought to have ceased when the war was over. There is no more reason now why they should be sent through the mail to the soldier than to any other class of the community, because he is now within reach of express companies; he is now measurably located in particular places where his whereabouts can always be ascertained, and there is no necessity of hunting him up through the mails by these extraordinary packages.

Now, as I say, (and I wish to emphasize the remark,) so far as we depart from making the post-office a mere medium of transmitting intelligence and make it an express company, so far we increase its expenditure beyond the receipts we can get from it, and so far depart from its legitimate object. Now, where is the necessity of sending a package of clothing to the soldier, or sending metals or mineralogical specimens by the fastest train and with all the necessary increased expense to facilitate its passage which are employed in the postal-car system? Express companies do not adopt this method; they divide up their freight into different classes; they have slow freight and they have fast freight, and they certainly do not send ores and mineralogical specimens and articles of the kind which I have enumerated, as fast freight; or, if they do, they charge extraordinary prices for doing so.

Now, sir, I believe, as I say, that it should be made a medium of intelligence. I know that the mails are terribly burdened by the vast amount of newspapers which are thrown into them by our great cities and by all the little towns along the route, all of which have their local journals. But I would not object to that, although there may be some inconveniences, for I think the newspaper of modern times has become as necessary to a man as his business letters, a necessity to all our families. Although there may be too great license in the press, nevertheless there is great benefit from the press, and in many notable instances, in crises in the country's history, the press has been sublimely instrumental in carrying alarm to the people, in rousing them to a sense of common danger, which was impossible before the invention of the telegraph, before the invention of the modern printing-press with its multiplied papers going out with the rapidity almost of lightning through all parts of the country.

And therefore, though these great heavy bundles of papers roll in and thereby somewhat obstruct the flow of the letter mail, I would be willing to make this exception in their favor and give them, if they see fit to use the mails in preference to the expresses, the opportunity to do so. But I would stop there and with the ordinary letter mail. I would not send bound books by the mails. Where is the necessity of it? They are merchandise and they can be readily sent by express. They can be sent as freight all over the country; the communications are ample and good enough. Why send them by the mail? Why burden down the mail? Why have it continually choked up by merchandise of any kind? If this is intelligence, it is, at any rate, not that species of intelligence which requires to be instantly read in order to be appreciated and be of any value. It is the mature thought, long time elaborating, slowly printed, and finding its way gradually out into the country; useful in its way, but yet can take ordinary methods of getting access to the country, without being sent through the mails and causing a stagnation in the business of the mails and the extraordinary cost which we see mounting up year by year.

Now, sir, I hope that the Post-Office Committee, or some other gentlemen who take an interest in this matter, and having official relations with the subject under the rules of the Senate, will prepare amendments which will cut out from the mail this enormous quantity of miscellaneous articles under the head of merchandise and other articles which I have mentioned, which now burden the mail and increase its ordinary expense. And I know that this is not my opinion alone, but that of other Senators; and it is also the opinion, I believe I have a right to say, of the head of the Department. I am sure he thinks if it were simply made an intelligence circulating system, and that only, excluding the articles of miscellaneous merchandise from the mails, the Department would soon become self-sustaining, and that it would be possible to keep up with the growing business of the country, and rapidly and cheaply dispatch the vast amount of letters and newspapers which are continually coming in upon him.

There is another element of increase which I think ought not to be charged to the Post-Office Department, and that is the ocean mail service. In one sense it is part of the service of the Department, but Congress determines whether it shall go on or cease; whether it shall remain at a fixed limit or be increased; and consequently a year or so ago the service on one ocean-steamship route was doubled, making an increase for the next fiscal year, and for which we have got to appropriate this year half a million dollars. Ought not that to be estimated when we talk of extravagance in the Postal Department? I think that was a beneficial measure; but whether beneficial or not, we are entitled to the credit or the blame for it. During the past year we had to appropriate on that account one-half of the $500,000, or $250,000, because the service commenced in October last, and it becomes complete and requires the whole appropriation of $500,000 additional for the next year.

Now, sir, I am in favor of extending the postal service in the directions in which it is beneficial to the people. I am in favor of new mail-routes, because our people going out to the West form new communities and require this postal service. It may be true that any particular mail-route may not pay its share of the expenses; but that which it does pay goes into a common fund, and the letters which pass everywhere come from all parts of the Union. Therefore, I am in favor of that, and I am in favor of this bill; but, further, I am in favor of lopping off excrescences which have grown up—for instance, the transmission through the mails of seeds, scions, roots, &c. The proposition to allow that to be done perhaps came from the Committee on Agriculture, or some person supposing it would please the grangers to have these seeds, &c., carried through the mails. Then some other gentleman, perhaps thinking of the manufacturers, and not disposed to have his constituents at a disadvantage, proposed that samples of general merchandise should go through the mails; and so, perhaps, by a too courteous spirit on the part of Senators, not desiring to oppose the pet ideas of some other Senators, or some class of Senators, these things are allowed to pass, and gradually, instead of a good system that shall answer its original purpose, and which is constitutional in all its parts, we get a monstrosity. We should take it in hand and lop off its excrescences and reduce it to its pristine simplicity, and then it will best answer the wants of the country.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina.

Mr. PRATT. I should like to have that amendment reported.

The Chief Clerk read the amendment, which was on page 14, after line 316, to insert under the head of "South Carolina:"

From Rock Hill to Lancaster Court-House; also, from Chester to Lancaster Court House.

Mr. CLAYTON. I think I can say what I have to say during the minute which remains of the morning hour. This discussion is suggestive of the reduction of the expenses of the Post-Office Department. I certainly have no objection to reductions in that direction.

Mr. LOGAN. If the Senator will allow me, I do not wish to interrupt him, but I have been waiting for some time to offer an amendment, and I hope he will permit me to offer it now. There is a letter from the Assistant Postmaster-General showing the necessity for it. I merely wish to offer it so that it may be before the Senate.

The PRESIDENT *pro tempore*. The Senator from Illinois gives notice that he will offer an amendment to the bill.

Mr. CLAYTON. I have no objection to reductions being made in the expenses of the Post-Office Department, if they are wisely made; but I do object to the mode of reduction that has been proposed by at least one Senator on this floor. I think I can best illustrate what I have to say by drawing in my own unskillful way a little sketch. Fancy, if you please, the Senator from Vermont, [Mr. MORRILL]—and I only mention him for an illustration—in his elegant Washington home, with his slippers on his feet and his morning-gown around him, wending his way from his pleasant sitting-room to his front door, there to receive from the hands of a uniformed postman his daily mail. That is a very comfortable picture. But, upon the other hand, fancy the hard-handed pioneer of the West at the expiration of his weekly labor in clearing up his little patch of ground for his corn or his wheat, wending his way over rough, and perhaps dimly marked roads, four or five miles to a little country post-office, there to receive, through the magnificent agency of Uncle Sam, his weekly mail, carried behind a boy on the back of a pony or a donkey. That is not quite as pleasant a picture. And yet, sir, these proposed routes are nearly all intended for cases of that kind. They are intended to be extended through the sparsely settled portions of the country, for the benefit of those persons who have emigrated from eastern homes, perhaps from Vermont, to the West.

Mr. President, if we are going to commence to cut down the expenditures of the Post-Office Department, in my opinion the best place to commence is in the free-delivery system. I do not say that we ought to do that; but if you are going to cut down, do not deprive the poor pioneer of his little chance of getting a weekly mail from a mother or a father or a brother, away off in his New England home perhaps, or a chance to get a weekly paper with which to solace himself on a Sunday afternoon. If we must cut down the expenses of this institution, let us commence right here in Washington; let us commence in every city and town in the United States of over twenty thousand inhabitants, for in every city and town of this country of that magnitude every man may receive at his front door his daily mail, and it is carried there at the expense of the United States. If we are going to cut down these expenditures, I suggest to my friend from Vermont that perhaps that would be the best place to commence.

Mr. MORRILL, of Vermont. I agree with the Senator in relation to the free-delivery system; that is to say, my impression is that the free-delivery system is costing very much more than the receipts. I do not know how that may be, but I suppose the cost is much larger than the receipts.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the resolution reported by the Committee on Finance.

Mr. RAMSEY. If there is no objection on the part of the Senate, I hope we shall be allowed to complete the pending bill, and let that resolution go over informally.

The PRESIDENT *pro tempore*. Is there objection to laying aside informally the resolution reported by the Committee on Finance?

Mr. SHERMAN. I think we had better go on with the regular order. Indeed I think the Senator from Minnesota had better allow this bill to go over until the post-office appropriation bill comes here from the House of Representatives, and then both can be acted upon together.

Mr. RAMSEY. What bill from the House?

Mr. SHERMAN. The post-office appropriation bill. The Senator must see that on this post-route bill, which is usually passed without discussion, there is a disposition to discuss proposed reforms in the postal service, and I am rather inclined to think that it is a good idea.

Mr. RAMSEY. I take it that debate has almost exhausted itself on this matter.

Mr. SHERMAN. I think not. My friends around me tell me not.

ADJOURNMENT TO MONDAY.

Mr. SPENCER. I move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

SALE OF PROPERTY AT HARPER'S FERRY.

Mr. DAVIS. I ask unanimous consent to offer the following resolution, calling for information from the Attorney-General in reference to the Harper's Ferry property, in West Virginia:

Resolved, That the Attorney-General of the United States be directed to furnish the Senate, at as early a day as practicable, a detailed statement of all the information in his office relative to the sale of the Government property at Harper's Ferry, West Virginia, and all suits in relation to said property, whether for purchase-money or otherwise.

There being no objection, the Senate proceeded to consider the resolution.

Mr. EDMUNDS. That resolution involves an inquiry into private business matters between the Government and other people, some of which it may not be for the interest of the Government to make public. I therefore move that it be referred to the Committee on the Judiciary, who, I can promise my friend, will report it presently, one way or the other.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to refer the resolution to the Committee on the Judiciary.

Mr. DAVIS. I have no objection.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1217) providing for an appeal from the circuit court to the Supreme Court in certain cases of *habeas corpus;*

A bill (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building; and

A bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 202) to remove the legal and political disabilities of William Steele, of Bexar County, Texas; and it was thereupon signed by the President of the Senate *pro tempore.*

J. D. FARREN.

Mr. BUCKINGHAM. I offer the following resolution, and ask for its present consideration:

Resolved, That J. D. Farren, an old and faithful officer of the Senate, be continued as messenger and doorkeeper under the authority of the Sergeant-at-Arms until the further order of the Senate.

Mr. INGALLS. I move the reference of that resolution.

Several SENATORS. O, no; let it go.

Mr. BUCKINGHAM. It seems to me there can be no objection to the resolution, and I hope it will not be referred.

Mr. STEVENSON. I beg to inquire what is the necessity of that resolution? Has not the Sergeant-at-Arms now authority to employ all the requisite employés of the Senate? I move its reference to the Committee on Contingent Expenses.

Mr. BUCKINGHAM. I hope it will not be referred.

The PRESIDENT *pro tempore.* The Senator from Kentucky moves to refer the resolution to the Committee on Contingent Expenses.

The motion was not agreed to.

The PRESIDENT *pro tempore.* The question recurs on the adoption of the resolution.

Mr. INGALLS. I should like to inquire of the Senator from Connecticut what is the reason for this departure from what I understand to be the ordinary custom and practice in regard to the officers of the Senate? My impression always has been that the Sergeant-at-Arms had the authority and control in relation to the appointment of his subordinates; and if there are any good reasons why that custom should be departed from in this instance I should like to be informed of them.

Mr. BUCKINGHAM. I suppose the Sergeant-at-Arms has the authority to fill almost every subordinate office, and perhaps every one, in the Senate; but I understand this man has been an officer of the Senate for many years—a faithful and devoted officer—but in consequence, if you please, of the claims of the Senators from the State from which he comes, another man has been placed in his position, not in consequence of any objection to Mr. Farren, but simply because another Senator presses a claim for the appointment of another man. I think it is a reasonable thing that Mr. Farren should be continued. He is a faithful officer.

Mr. SHERMAN. If there is a single objection the resolution cannot be considered to-day; and two or three objections have been made.

The PRESIDENT *pro tempore.* No objection has been made to the present consideration of the resolution.

Mr. INGALLS. I object to its present consideration.

The PRESIDENT *pro tempore.* The Senate has entertained the resolution, and a motion has been made upon it and voted down, to wit, to refer it to a committee. It is too late now to object to its consideration.

Mr. SARGENT. I should like to hear it reported again.

The Chief Clerk read the resolution.

Mr. HAMLIN. I voted against referring that resolution. I did not understand it at the time. I think now it will be in order, after other action, to again submit that motion, would it not?

The PRESIDENT *pro tempore.* A motion was made to refer the resolution to the Committee on Contingent Expenses. The Senate voted that motion down.

Mr. HAMLIN. Debate has already taken place since that motion was acted upon, and therefore I think in another stage of the proceedings it would be in order to move to refer it to the Committee on Contingent Expenses.

The PRESIDENT *pro tempore.* Does the Senator make that motion?

Mr. HAMLIN. I do; and I will state in a word my reason for it. I did not at first understand the resolution. It is a direct interference with the duties of the Sergeant-at-Arms. If we undertake to discharge his duties in one instance we shall be called upon to discharge them in another, and where will it end? Where will you draw the line? You have got a committee to take care of all this matter, and the best way is to send the resolution to that committee.

Mr. STEVENSON. In addition to that this resolution would put this officer beyond the control of the Sergeant-at-Arms. We hold the Sergeant-at-Arms responsible to the Senate. It is certainly a bad innovation from the established rules of the Senate to put any officer over him when all the others are under him, or to appoint one who is not responsible to him. I do not know this gentleman, and I have no earthly objection to him, but I think the resolution is an innovation upon what is due to the Sergeant-at-Arms.

The PRESIDENT *pro tempore.* The question is on the reference of the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1013) making appropriations for the naval service for the year ending June 30, 1875, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 1217) providing for an appeal from the circuit court to the Supreme Court in certain cases of *habeas corpus*, was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

THE CURRENCY—SPECIE PAYMENTS.

Mr. SHERMAN. I call for the regular order.

The PRESIDENT *pro tempore.* The resolution reported by the Committee on Finance in relation to the currency and specie payments is before the Senate, the question pending being on the amendment of the Senator from Michigan, [Mr. FERRY.]

Mr. SHERMAN. Mr. President, it was my purpose not to address the Senate until I had the benefit of the opinions of all Senators who wished to express their opinions; and then I proposed, in closing the debate, to state the general reasons that influenced the Committee on Finance to report this resolution. But as the Senator from Illinois [Mr. LOGAN] tells me he is not very well to-day, and other Senators are not prepared, I prefer, rather than cause delay, to state as best I can those reasons now.

And, sir, at the outset of my remarks I wish to state some general propositions established by experience, and the concurring opinions of all writers on political economy. They may not be disputed, but are constantly overlooked. They ought to be ever present in this discussion as axioms, the truth of which has been so often proven that proof is no longer requisite.

The most obvious of these axioms, which lies at the foundation of the argument I wish to make to-day, is that a specie standard is the best and the only true standard of all values, recognized as such by all civilized nations of our generation, and established as such by the experience of all commercial nations that have existed from the earliest period of recorded time. While the United States, as well as all other nations, have for a time, under the pressure of war or other calamity, been driven to establish other standards of value, yet they have all been impelled to return to the true standard; and even while other standards of value have been legalized for the time, specie has measured their value as it now measures the value of our legal-tender notes.

This axiom is as immutable as the law of gravitation or the laws of the planetary system, and every device to evade it or avoid it has, by its failure, only demonstrated the universal law that specie measures all values as certainly as the surface of the ocean measures the level of the earth.

It is idle for us to try to discuss with intelligence the currency question until we are impressed with the truth, the universality, and the immutability, of this axiom. Many of the crude ideas now advanced spring from ignoring it. The most ingenious sophistries are answered by it. It is the governing principle of finance. It is proved by experience, is stated clearly by every leading writer on political economy, and is now here, in our own country, proving its truth by measuring daily the value of our currency and of all we have or produce. I might, to establish this axiom, repeat the history of finance from the shekels of silver, "current money with the merchant," paid by Abraham, to the last sale of stock in New York. I might quote Aristotle and Pliny, as well as all the writers on political economy of our own time, and trace the failure of the innumerable efforts to establish some other standard of value, from the oxen that measured the value of the armor of Homeric heroes to the beautifully engraved promise of our day; but this would only be the hundred-times-told tale which every student may find recorded, not only in schoolbooks, but in the writings of Humboldt, Chevalier, Adam Smith, and others of the most advanced scientific authorities. They all recognize the precious metals as the universal standard of value. Neither governments, nor parliaments, nor congresses can change this law. It defies every form of authority, but silently and surely asserts itself as a law of necessity, beyond the jurisdiction of municipal law.

Other mediums of exchange have been devised and are in general use, but their value is measured every moment by the true standard of the precious metals. And this standard will measure the value of your three sixty-five convertible, elastic, irredeemable bonds, and of any currency we may issue, before they are issued, the moment they are issued, and at every hour while they are in circulation. The ignorant and the credulous will measure their labor, their productions, and their property by that or any other standard you may devise; but the sagacious and prudent will test it by the specie standard. The barometer in Wall street will quote it by the specie standard, and every banker and broker will have more to do with fixing its daily changeable value than any of you. If we will only now recognize and act upon the fundamental truth that there is and can be but one

true standard of value, and that the specie standard, we will have advanced a great way in the solution of the question upon which we are called upon to act.

The reasons for this are obvious. The innumerable wants of every civilized man, however moderate his income, demands the labor of thousands of persons. The slave who toiled for his daily bread and scanty clothing consumed more or less of the products of the labor and capital of an army of farmers, artisans, and capitalists, and the exchanges of all these productions can only be made by some recognized standard of value which will measure the value of a pin as well as of the highest production of art. This standard must be of intrinsic value, durable, divisible, easily transported, of universal use, and of the same qualities wherever found. Gold and silver alone unite all these qualities. To use the language of another:

Though far from invariable, the value of these metals changes only by slow degrees; they are readily divisible into any number of parts, which may be reunited by means of fusion without loss; they do not deteriorate by being kept; their firm and compact texture makes them difficult to wear; their cost of production, especially of gold, is so considerable that they possess great value in small bulk, and can, of course, be transported with comparative facility; and their identity is perfect, the pure gold and silver supplied by Russia and Australia having precisely the same qualities with that furnished by California and Peru. No wonder, therefore, when almost every property necessary to constitute money is possessed in so eminent a degree by the precious metals, that they have been used as such from a very remote era. Their employment in this function is not ascribable to accident, to the genius of any individual, or to any peculiar combination of circumstances. It grew naturally out of the wants and necessities of society on the one hand, and the means of supplying them possessed by these metals on the other. They became universal money, as Turgot has observed, not in consequence of any arbitrary agreement among men, or of the intervention of any law, but by the nature and force of things.

Of late years much difficulty has grown out of the slightly varying value of silver and gold, as compared with each other, and the tendency of opinion has been to adopt gold alone as the standard of value. The United States has twice changed the relative value of these metals, and other modern nations have been driven to similar expedients. At the Paris monetary conference, held in 1867, which I had the honor to attend, the delegates of twenty nations represented agreed to recommend gold alone as the standard of value. The United States, and nearly all the commercial nations, have adopted this standard, and reduced the use of silver to a mere token coinage of less intrinsic value than gold, but maintained at par with gold by the right to be converted into gold at the will of the holder. So that for all practical purposes we may regard gold as the only true standard, the true money of the world, by which the value of all property, of all productions, of all credits, and of every medium of exchange, and especially of all paper money, is tested.

Specie, in former times, was not only the universal standard of value, but it was the general medium of all exchanges. In modern times this is greatly changed. Specie is still the universal standard of value, but it has ceased to be even the usual medium of exchange. The failure to distinguish between the standard of value and the medium of exchanges occasions many of the errors into which so many fall, and nearly every Senator who has spoken on one side of the question has fallen into this error. Specie has lost a portion of its sovereign power, for with the enormous increase of exchanges it was found that, valuable as it is, it is too heavy to transport from place to place as a medium of exchange. The perils of the sea, the dangers of theft and robbery, led to devices to substitute promises to pay gold in place of the actual gold.

In this way bills of exchange, drafts, promissory notes, checks, and like commercial paper came into use, so that now, even in this age of paper money, it is computed that fully 95 per cent. of all the exchanges in commercial cities is made by such promises to pay. Only 5 per cent., or one-twentieth part, of the payments in New York are made in money, and this chiefly in paper money and not in gold. If gold were now the only legal standard of value it would not be used as a medium of exchange for 1 per cent. of the transactions of daily life. The convenience, the portability of commercial paper and paper money has superseded gold as a medium of exchange, but has left it as the fixed, the only true standard of value, by which the value of all mediums of exchange is tested.

In England, where the specie standard of values is jealously maintained, and where no Bank of England note can issue beyond a prescribed limit except upon a deposit of an equal amount of gold, specie is not used as a medium of exchange to an amount exceeding 2 per cent. of the aggregate payments. Ninety-eight per cent. of all payments is in commercial paper or bank-bills, but the fixed and unalterable standard of value of all this paper money was gold coin. Sometimes the daily payments in London alone exceed all the gold in Great Britain, but only about 1 per cent. is actually paid in gold, and about 5 per cent. in Bank of England notes. In France, until the recent German war, gold and silver were used more as a medium of exchange than in any country of our day. She had from 1868 to 1870 in circulation an amount of gold and silver greater than the aggregate of gold and silver of Great Britain, the United States, and Prussia. Her specie circulation amounted to $700,000,000. Driven by the necessities of that war she has substituted paper money amounting to $520,000,000 as a medium of exchange for the gold and silver formerly circulated, but with wise statesmanship she now maintains her present vast volume of paper money at or near par in gold. She has adopted another medium of exchange, but she maintains, in harmony with reason and experience, the gold standard of value.

All modern experience teaches the importance of the division of labor. Indeed that is the favorite topic of every writer on political economy. Every man to his trade, and if the trade can be subdivided into many specialties, then every man to his specialty. I was in the celebrated manufactory of steel pens of Mr. Gillott, and saw that it required the labor of thirty men and women to contribute to the making of this implement. Each one was skillful in his part, and this part was perfectly done, and this subdivision of labor and skill gave increased wages and value to the work of each laborer, secured a fortune to the owners, and a perfect pen to the world. The same law which demands a division of labor is applied to professional and scientific pursuits. The law has many specialties. The honors of science are only won by those who devote their mental faculties to one branch of study. The same law extends to all leading productions, as cotton, wool, wheat, corn, and gold.

The purposes for which each of these commodities is best fitted are established by experience. In this way the experience of centuries in former generations established gold both as the standard of value and the medium of exchange; but modern necessities have now established paper money, credit money, whether in the form of bills of exchange, checks, bank-bills, or notes of the State, as the best medium of exchange, leaving gold, however, as the best and only true standard of the value of all paper money, as well as of all commodities.

Now, it has often happened, not only in the United States, but in other countries, that credit money has proved worthless. This is an unavoidable incident of such money. So far as this money consists of checks or like credits it must depend upon the voluntary contracts of individuals. Each person is at liberty to accept or refuse all such mediums of exchange, and if he suffers a loss by the failure of a banker or broker it is his misfortune, for which the Government is not responsible, and can give him no relief, except the laws for the collection of debts. But a different rule applies to paper money issued by a State or by a corporation authorized by the State to issue money. Whether this money is a legal-tender or not, it is, by usage and custom, money, and its receipt and payment are practically as compulsory as if it was gold coin. No man can refuse it unless he is a capitalist, who may resort to the law to enforce payment in legal-tenders. The laborer must take it from necessity or get no employment. The merchant must take it or keep his goods. Usage in such matters is stronger than law. It is this kind of money that it is the duty of the State to protect from depreciation and loss. It must secure it by the best security possible, and that security in every well-ordered government is the "public faith." Upon this principle Great Britain, France, and the United States have founded their financial systems.

But one other duty rests upon the government undertaking to issue, or to authorize the issue of paper money, and that is to maintain this paper money at the gold standard. Great Britain and France recognize this duty, and perform it. The United States recognizes its duty, but does not perform it. Our currency is founded upon the public faith. The public faith of the United States is pledged to pay United States notes in coin. The national-bank notes are amply secured by bonds more than sufficient to redeem them in coin; and yet they are all depreciated; now at 10 per cent. discount, to-morrow at 11, and yesterday at 8. It is the depreciation of our paper money that is the standing reproach of our financial system, which lies at the foundation of all our troubles, and to remedy which is now the most important and difficult duty of Congress.

Mr. President, thus far my remarks are founded upon the experience of ages, applicable to all countries and to all commercial nations of our time. I present them now as axioms of universal recognition. And yet I have heard these axioms denounced in this debate as "platitudes," useless for this discussion in the Senate of the United States. The wisdom of ages, the experience of three thousand years, the writings of political economists, are whistled down the wind as if we in this Senate were wiser than all who have reasoned and thought and legislated upon financial problems—that all this accumulated wisdom consists of "platitudes" unworthy to influence an American Senate in the consideration of the affairs of our day and generation.

Sir, I do not think so. If we disregard these "platitudes," we only demonstrate our own ignorance and punish our constituents with evils that we ought to avoid. I purpose now to pursue the argument further, and to prove that we are bound both by public faith and good policy to bring our currency to the gold standard; that such a result was provided for by the financial policy adopted when the currency was authorized; that a departure from this policy was adopted after the war was over, and after the necessity for a depreciated currency ceased; and that we have only to restore the old policy to bring us safely, surely, and easily to a specie standard.

First, I present to you the pledge of the United States to pay these notes in coin "at the earliest practicable period." In the "act to strengthen the public credit" passed on the 18th day of March, 1869, I find this obligation:

And the United States also solemnly pledges its public faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

Without renewing the discussion in regard to the nature of these notes, or quoting the decision of the Supreme Court of the United States, or the declaration of the various acts of Congress from 1862 down, I rest upon this pledge of the public faith. Under what cir-

cumstances was it made? The condition of our currency, the obligation of our bonds, the nature of our promises, had been discussed before the people of the United States in the campaign of 1868; various theories had been advanced; and the result was that those who regarded the faith of the nation as pledged to pay not only the bonds of the United States, but the notes also, in coin prevailed, and General Grant was elected President of the United States. On the eastern portico of the Capitol on the 4th of March, 1869, he made this declaration:

A great debt has been contracted in securing to us and our posterity the Union. The payment of this, principal and interest, as well as the return to a specie basis, as soon as it can be accomplished without material detriment to the debtor class or to the country at large, must be provided for. To protect the national honor every dollar of Government indebtedness should be paid in gold, unless otherwise expressly stipulated in the contract. Let it be understood that no repudiator of one farthing of our public debt will be trusted in public place, and it will go far toward strengthening a credit which ought to be the best in the world, and will ultimately enable us to replace the debt with bonds bearing less interest than we now pay.

The Congress of the United States, in order to put into form its sense of this obligation, passed the act "to strengthen the public credit," and the last and most important clause of this act is the promise which I have just read, that these notes should be paid "at the earliest practicable period" in coin.

What was the effect of this promise? Why, sir, I have here the daily register of the sales of our greenbacks in New York, because that is the legal effect of transactions in gold. We have called our false standard the true standard, by calling the dollar of our broken promises the standard of value, when every man of intelligence who bought and sold anything, even our own domestic products, knew that gold was the true standard, and measured our greenbacks by it. I have here the daily sales, and what do they show? On the day we made that promise, the 18th of March, 1869, the greenbacks, the notes of the United States, were worth 75¼ cents in gold; or, in other words, gold was at a premium of 32 per cent. That was the measure of the credit of these notes when we made this promise. It took nearly four dollars of greenbacks to buy three dollars of gold. What was the result? After you enacted that law—the faith of the people of the United States that you would redeem this pledge—the value of your greenbacks advanced, not rapidly but gradually, and in one year, to within 12 per cent. of par in gold.

Mr. BAYARD. Will the Senator permit me to ask him whether he does not consider, as a far more potential fact in producing the approximation of the paper issues to gold and silver, the decision of the Supreme Court of the United States, made early in 1870, than the act which he has just referred to?

Mr. SHERMAN. On the contrary I could show my honorable friend, if it was necessary to go into the quotations, that this rise occurred before the decision was made.

Mr. BAYARD. I merely suggest, as a matter of historical truth, that the decision of the Supreme Court of the United States, made by a majority of five to three of its judges, declaring that the issue of paper, and creating it a legal tender by Congress, was an unconstitutional exercise of power, had more to do with approximating the value of paper issues with gold than any resolution or act passed by the Congress of the United States, merely reiterating the faith which every one knew was pledged and existing when the notes were issued.

Mr. SHERMAN. Since my friend asks me a question, I am bound to answer it; and I say that I do not believe that decision had the slightest influence on the matter. We must judge of causes by results, and results show that the rise in the value of our notes occurred before the decision was made. The causes of the rise are not material to my argument. The fact is, that in one year from the time that promise was made the value of our greenbacks was over 89 cents in gold. I have here the quotations of the 18th of March, 1870, which give gold at a premium of 11⅛, so that a greenback in market value was worth over 89 in gold. Thus, in a single year, from the 18th of March, 1869, to the 18th of March, 1870, the credit of the United States rose, so that the barometer of the money market, which you cannot control, measured the depreciation of your note at only 11 per cent. instead of 25 per cent. the year before.

Mr. President, we see, then, the effect of this promise. And I here come to what I regard as a painful feature to discuss—how have we redeemed our promise? It was Congress that made it, in obedience to the public voice; and no act of Congress ever met with a more hearty and generous approbation. But I say to you, with sorrow, that Congress has done no single act the tendency of which has been to advance the value of these notes to a gold standard; and I shall make that clearer before I get through. Congress made this promise five years ago. The people believed it and business men believed it. Four years have passed away since then, and your dollar in greenbacks is worth no more to-day than it was on the 18th of March, 1870; and no act of yours has even tended to advance the value of that greenback to par in gold, while every affirmative act of yours since that time has tended to depreciate its value and to violate your promise.

Mr. President, these are simple facts, although it may be painful for us to discuss them. I do not say that Congress, in this matter, disregarded the will of the people, because there was a public feeling against any measure which tended to advance the value of the greenbacks to the gold standard. I am not complaining of Senators or Members who represent their constituents, but I do say that the fact stands out as clear as light, that the Congress of the United States which made this promise has done no single act the tendency of which even leads one to suppose that it will ever redeem its promise.

Sir, let us see what has been done. We have paid $400,000,000 of the public debt, and we boast of it—of debt not due for years. We have paid to redeem that debt a premium of $40,000,000. In other words, we have paid $440,000,000 to redeem four hundred millions of debt not yet due, and we have not redeemed a single debt that was due in March, 1869; but, on the contrary, we have increased the kind of debts then due more in proportion than the increase of our population. And, sir, while our promise did advance the credit of our bonds and of our notes alike, and while the execution of that promise as to our bonds has advanced our bonds to above par in gold, yet we have done nothing whatever to redeem the second clause of that pledge; but, on the other hand, all we have done has been done with the intention and with the effect of depreciating the value of our notes.

Mr. MORTON. I ask the Senator to state what that pledge is.

Mr. SHERMAN. I will come to my construction of it in a moment. I have read it in full.

Mr. MORTON. I mean practically.

Mr. SHERMAN. I will answer your construction that emasculates our pledge in due time. The Senator will find that I shall not evade his question.

Mr. President, I am not here to find fault with individuals; but I do say that the Congress of the United States in the measures which have been adopted has not done what it ought to have done to redeem the pledge of the public faith to pay these notes in coin "at the earliest practicable period." Why, sir, at this moment we are living in daily violation of this pledge. I said a moment ago that instead of adopting measures looking toward specie payments we have increased the volume of our currency in every branch of it. Now let us see if this be true. I have here a statement taken from the official report of the Secretary of the Treasury of the amount of the currency on the 30th of June, 1869. I cannot find a statement for the 1st of March, 1869, but it was the same, because it was fixed by law. I find on the 30th of June, 1869, we had three hundred and fifty-six millions of greenbacks, the same amount that we had on the 18th day of March. That was the maximum amount, as it was supposed, fixed by law. When the act of the 18th of March, 1869, was passed no one dreamed that there existed a power to issue forty-four millions more.

Our greenbacks were then $356,000,000. On the 1st of January, 1874, according to the last statement of the public debt, they were $378,481,339. We had, then, increased this form of our currency $22,481,000. And that is not all. Since that time, and up to the 10th of January, according to a New York newspaper—and I suppose it is correct—I find that the amount of legal-tender notes outstanding was $381,891,000, or an increase since the 1st of January of something like $3,400,000, or at the rate of $400,000 a day. Every dollar of this new issue of paper money directly tended to depreciate that outstanding and was in violation of the spirit and the provision of the law of 1869. I am not now speaking of the legal power of the Secretary of the Treasury to make this issue, because I have already given my opinion fully on this subject in an official report, but only to call your attention to the fact that by our acquiescence we have actually watered, debased, and depreciated by new issues the very notes we promised to pay in coin at the earliest practicable period.

Nor is this all. Under authority clearly conferred by law to the Secretary of the Treasury, we have increased the fractional currency from $27,508,928, at which it stood on the 30th of June, 1869, to $48,554,792, or an increase of fractional currency of $21,036,000. Again, sir, driven by a local demand which we could not resist, founded upon a palpable injustice growing out of the mistake of an officer of the Government long ago in the distribution of the national-bank circulation, we did authorize by law an increase of the bank circulation to the South and West to the amount of $54,000,000. The amount of bank-notes issued at the time we made this pledge was $299,789,000; and to-day the amount outstanding is $339,081,000, showing an increase in this kind of notes of $39,300,000, or an increase in the currency since the promise to pay it in coin at the earliest practicable period, and all legal tender in effect, of $82,317,000; and now this process of inflation is going on daily, first, by the issue of the balance of the forty-four million reserve, and secondly by the issue of new bank-notes as banks are organized under the act of July, 1870; and yet there is a cry for more, more.

Mr. MORTON. Will the Senator allow me a word right there?

Mr. SHERMAN. Yes, sir.

Mr. MORTON. I ask the Senator if the act of 1870, authorizing the increase of national-bank circulation $54,000,000, did not contain a provision that those national-bank notes should not be issued faster than the 3 per cent. certificates were retired, being confined to that limit; and if the 3 per cent. certificates at that time were not held by the banks as a part of their reserve, instead of greenbacks; and when the 3 per cent. certificates were retired in accordance with that act the greenbacks did not have to take their place, so that there was no increase, but, in fact, a contraction, equal to the amount of reserve the new banks would have to hold of the old greenbacks?

Mr. SHERMAN. Undoubtedly it is true that the bank-notes could only be issued as the 3 per cent. certificates, another form of Government indebtedness, were retired. But, sir, at the time the law of March 18, 1869, was passed, it was just as well known as at a later

period that these 3 per cent. certificates were a demand indebtedness which the Government was expected to pay at its pleasure and its will. The Government could have paid the 3 per cent. certificates at any time with the money that was used for paying the bonded debt of the United States, and thus have advanced toward a specie standard.

Mr. MORTON. The Senator was speaking about inflation.

Mr. SHERMAN. I am speaking of the violation of the faith we plighted at the earliest practicable period to pay these notes in coin. We never have paid a dollar of them. We never have made provision for the payment of one of them. We have issued more of them, and compelled the people to take them. That is what I am getting at.

My honorable friend asked me a while ago what was the nature of the pledge made by the act of March, 1869, as to the time of payment of United States notes in coin. If I was defending a person charged as a criminal for violating this law, or one like it, I would claim, as the Senator from Indiana does, that as no time was fixed no man could be convicted for a penitentiary offense for a violation of the law. But what is this pledge? Let me read it again:

> And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the payment of the United States notes in coin.

What is the meaning of that? Does it not mean that the United States shall apply its means, its power, its energies, its revenue, its money, to redeem these notes? Does it mean a vague promise, such as party platforms sometimes use to deceive and mislead the people? Does it mean only a vague, indefinite promise by which business men are to be gulled and deluded into basing their contracts upon an artificial standard? No, sir; it is the promise of a great, proud, and rich people, who mean what they say—that every practicable means shall be used to that end.

Mr. BOUTWELL. Unless I misunderstood the Senator, the idea which he seemed to convey was this, that instead of applying the funds of the Treasury to the redemption of the 6 per cent. bonds, they should have been applied to the redemption of the 3 per cent. certificates.

Mr. SHERMAN. I did not say whether the Department acted wisely or not; I did not discuss that question; and I again say to the honorable Senator that I am not here at all to discuss whether he did the best thing that ought to have been done by paying the bonds as he did. On the whole the people are satisfied with what he did, and he will not dispute that the power to apply the surplus revenue to the payment of these 3 per cent. certificates existed every day and was a perpetual right.

Mr. BOUTWELL. But in the light of history may I be allowed to ask the Senator whether now he thinks that ought to have been done?

Mr. SHERMAN. I hope my friend will not press me, because I might express some opinions which would get up a controversy as to what might have been done by the executive authorities to advance our notes toward a specie standard. I am willing to take my share of the responsibility of results, for I certainly am guilty of aiding in the passage of the law to equalize the distribution of bank circulation by which there was an increase of bank-notes. I have no criticisms to make upon what was done by the executive authorities. What I say is, that Congress has not sufficiently kept in its view that obligation approved by the people in 1868, and declared by Congress in 1869—that the United States would redeem, at the earliest practicable period, these notes in coin.

Now, sir, I ask, has it not been practicable at any time in the last four years to advance in some degree these notes toward the specie standard? My honorable friend from Indiana says that for the last four or five years we have had a time of unbounded plenty and great prosperity; we have built thousands and tens of thousands of miles of railroad; we have built furnaces; we have expanded our enterprises and proven our energy. Yes, sir; all this we have done. We have gone through a period of prosperity almost unexampled; but it seems we never were prosperous enough during all this time, according to the Senator from Indiana, to fulfill any part of this obligation which we made on the 18th of March, 1869. Sir, when will it be practicable? Was it when the Treasury was overflowing and we were seeking new outlets, new modes of expending money, new modes of paying debts not yet due? When will it be practicable, according to the Senator's construction? I press that question upon him, not for answer now, but let him say to the business men of the country when it will be practicable to restore the gold standard. If it cannot be done in seasons of plenty, of prosperity, of overflowiug revenues, shall it be done in times of adversity and trial and tribulation? What condition of affairs would justify us in redeeming the sacred obligation which impels us to do it at the earliest practicable period?

Mr. MORTON. If the Senator will allow me, I will ask whether it is practicable to enter upon the work of resumption under the pressure of a panic, or whether it should be in good times?

Mr. SHERMAN. Was my friend from Indiana willing to do this when we had good times, and the Treasury was overflowing, and we were paying debts at the rate of one hundred millions a year? Was he ready a year ago to do it, when an earnest effort was made in the Senate in that direction? Can he state under what circumstances or conditions he will be ready to do it? I am of opinion that at any time since the promise was made steps could have been taken to have redeemed it, and that now, under the pressure of panic, when debts are greatly diminished, is a favorable time for entering, by decisive measures, upon the policy of resumption. But I suppose, according to the Senator's ideas, we are to issue more paper money, make more good times, start the ball of inflation, with a view that some time, may be, in the dim future, we will undertake to perform our promise.

But now let us come to the specific question of the time for resumption. Shall the redemption of this pledge be postponed until the public debt is paid? Why, sir, one-tenth of the money we have used to pay the public debt not due would have brought us to a specie standard. No one supposes that under an ordinary state of affairs the currency of the country—the greenbacks—need be reduced below three hundred millions in order to bring us to a specie standard. I have heard some of the ablest and most experienced business men of the country declare that whenever the right to convert greenbacks into gold or its equivalent was secured so that prudent men would see that the Government had the power to maintain its specie standard, there would be no reduction of the currency to any appreciable extent. But whether that be so or not, no one has claimed that the amount of greenbacks need be reduced below three hundred millions in order to bring that remaining three hundred millions up to the standard of gold. That would be a reduction of $56,000,000. Fifty-six millions of the money that we have applied to the payment of debt not yet due would have brought all the remaining greenbacks up to par in gold, would have made our bank-notes convertible into the standard of gold, and we would have had, almost without knowing it, specie payment—a solid, safe, and secure basis. The forty millions of greenbacks we paid as premium for our bonds would have accomplished this result. Thousands of men who have been ruined by the false ideas that sprung from this fever-heated, depreciated paper money would be now useful, able, and successful business men, instead of being ruined by bankruptcy.

Sir, we gain nothing by postponing the fulfillment of our promise with a view to reduce the public debt. We have to pay the debt in coin anyway, and the same coin that pays it now would pay it after our currency has been restored to par. If the old idea of Mr. Pendleton had prevailed, that these bonds should be paid in greenbacks, then there would be a motive for us to depreciate the greenbacks in order to pay off our bonds at the cheapest rate. But this promise to pay in coin extended to the bondholder. We promised to pay the bondholder gold for his bond and the people gold for their greenbacks. We have fulfilled our promise to the bondholder. We have paid him in gold. We have bought the gold. We have paid him at a premium of 10 per cent. on our currency. Not a single effort, not a single measure, has succeeded in either House of Congress that looks to the redemption of the promise to the people who hold these greenbacks, and which measure their daily toil in their productive avocations. We cannot postpone this obligation until the payment of the public debt, because, although we have rapidly advanced in the payment of the public debt, it will be many long years before that "consummation most devoutly to be wished" will be reached.

Shall we postpone the redemption of our greenbacks until we can accumulate enough gold in our Treasury to pay them? We know the effect of that policy. Any attempt to accumulate great masses of gold in the Treasury will not only excite popular opprobrium, by holding idle in the vaults of the Treasury money that ought to draw interest, but it will create a stringency in the gold market. It will advance the value of the very thing we wish to get. Accumulate gold in great masses, and it will advance the price of gold all over the world. We could not now, with all our teeming productions, draw to this country $200,000,000 in gold without disturbing the Bank of France, the Bank of England, and all the money centers of the world. Therefore the idea of postponing the day of specie payments until we can accumulate enough gold to redeem the greenbacks would be the idlest, vainest delusion and the most foolish hope.

What then? Shall we postpone the payment of our notes in coin, shall we put off the fulfillment of our promise until the mysterious "balance of trade" is in our favor? There never was a greater humbug in the world than this idea of the balance of trade. Why, sir, the balance of trade is now largely in our favor, and according to this theory we ought now to be prosperous, happy, glorious. The balance of trade is in our favor; our exports exceed our imports; now we ought to be supremely happy. But a year ago the balance of trade was $100,000,000 against us. We sent our exports to Europe, it is true; but we imported silks and satins and wines. All the luxuries of the Orient, all the rich goods of every clime, came pouring into this country. The balance of trade was against us; and yet, according to the argument of my friend from Indiana yesterday, the last two or three years, when the balance of trade was against us, was a happy time, halcyon days, when we had prosperity in all branches of industry, and were building many thousands of miles of railroad every year.

Mr. President, this fallacy of the balance of trade ought not to enter into the calculations of prudent men. When the balance of trade is in our favor, it indicates thrift and economy. It shows we are exporting our surplus products and getting a fair price for them, and taking solid gold or paying debts in exchange for them, instead of silks and satins. But this is not conclusive evidence that when we are importing more than we are exporting we are necessarily carrying on a losing trade. These imports may be, in actual wealth-producing property, such as capital, machinery, or the like, more valuable to us than the burden of the interest we pay on the bal-

ance of trade. The whole theory depends upon the nature of the imports for which we run in debt. In this respect the balance of trade is precisely like the balance of trade between the merchant and the farmer. If the farmer buys less than he sells, he is surely on a safe footing. If he buys more than he sells, the result will depend entirely upon what he buys, whether luxuries consumed in the using or materials for actual productive improvements on his farm. If the latter, he is prosperous and happy, though "the balance of trade" may be against him. It is not a question of "balance of trade," but a question of prudence and judgment in the trade itself. Only a year ago I had a controversy with a fellow-Senator, who is now present, about this balance of trade. He insisted that when the balance of trade was against any nation it was an evidence of decay. I said this was a fallacy. He replied that no country could be prosperous unless the balance of trade was in its favor. I asked him if he thought Great Britain was a prosperous country, and he said it was a very prosperous country, and that the balance of trade was always in favor of Great Britain. We made a friendly bet on the subject, and it turned out that the balance of trade was against Great Britain to the tune of over $300,000,000 per annum, and had been for twenty years. By the fallacious theory of the "balance of trade" Great Britain was on the high road to ruin. Yet the whole of this balance of imports was in commodities sent to pay interest on English investments of foreign countries—profits of trade, and so forth. The profits of the trade were all in favor of Great Britain, which imported raw articles and exported high-priced productions, while the balance of trade only represented increased and increasing wealth, instead of ruin and poverty; so that all this talk about the balance of trade is the sheerest humbug.

Sir, there is no time unfit to fulfill a sacred obligation, and there has been no day since this obligation was declared by Congress when we should not have directed our attention toward redeeming it. The only question for Congress is to say with what rapidity they will advance toward specie payments. When you tell me you have the right to choose the time and the occasion, I say you have done nothing. You have buried your talent and are an unfaithful steward. I ask the honorable Senator from Indiana what single act of Congress, since this pledge was made, has even tended toward specie payments? Let him look over the statute-books, examine them all, and he will answer, none. I have sought in vain for any legislation, to show that Congress has been mindful of this obligation; I cannot find a single measure that even tended toward specie payments.

Now, sir, we are told that we are all for specie payments. Even my friend who now occupies the chair [Mr. FERRY, of Michigan] tells us he wants to issue one hundred millions more of paper money to prepare us for specie payments. He looks to specie payments as the ultimate result of his one hundred millions. We are all for specie payments some time, may be. We are not in favor of it in times of plenty. We are not in favor of it in times of great prosperity. We are not in favor of it in view of the panic. When will we be in favor of it? That is the question that Senators ought to be prepared to answer to the business men of this country. There is not a man who buys and sells, who deals in exchanges, a banker or a broker, but measures daily the depreciation of your notes. He is compelled to take them, and he eagerly asks you, as you have promised to redeem them at the earliest practicable period, if you cannot fix the time, to state under what circumstances, under what condition of trade, under what condition of plenty, under what condition of surplus revenue, you will pay them.

Why, Mr. President, the very uncertainty of such an obligation, as it is now construed, would prevent the richest man in the city of New York from borrowing a dollar upon it. Mr. Astor, with his untold wealth, could not borrow a thousand dollars of any gentleman who now hears me upon a promise so vague and indefinite as you seek to make this. And yet the people of this country have been compelled to submit to a forced loan, and the business men of this country are compelled to take such paper as the standard of their values and of all values, when no living man can guess the time when, or the circumstances under which, this promise will be redeemed.

I say, therefore, that if the ideas of these gentlemen are to prevail in the Senate, they ought to tell the country when and under what circumstances they will redeem this promise. I say to Senators that if now, in this time of temporary panic, a great part of which, as I shall show you, has already passed over, we yield one single inch to the desire for paper money in this country, we shall pass the Rubicon, and there will be no power in Congress to check the issue. If you want forty millions now, how easy will it be to get forty millions again? If you want one hundred millions now, convertible into three sixty-five currency bonds, how soon will you want one hundred millions more? Will there not always be men in debt? Will not always men with bright hopes embark too far on the treacherous sea of credit? Will there not always be a demand made upon you for an increase? And when you have passed the Rubicon and have fulfilled the pledges you have already made to the people of the United States, where can you stop? Where our ancestors stopped at the close of the Revolution; where the French people stopped in the midst of their revolutionary fervor!

Sir, I regard it as the proudest achievement of the American people that so soon after the war they so faithfully and honorably redeemed their obligation to the bondholder. I demand the same honorable fulfillment of your promise to the note-holder. Now is the time to make the stand, not only to prevent any further violation of law and of our promise, but to retrace our steps and to give some decisive token that you will pay our paper money in coin, as we agreed to do.

This is all I desire to say in regard to this pledge of the public faith. But I wish to go a little further. I wish to show you that the policy of the country, adopted at the time these notes were issued, contemplated that they should be maintained at par in gold; that that policy was only temporarily abandoned under the pressure of war. The act of February 25, 1862, is the fundamental constitution of our present financial system. It was passed after the greatest deliberation in both Houses of Congress. It contains every principle and element of our whole financial system. There is not an idea advanced during the war that operated successfully that is not contained in the act of February 25, 1862. That act provided for the issue of five-twenty bonds; it provided for the issue of the greenbacks; it provided for the issue of certificates of indebtedness; it provided that your internal taxes be paid in paper money and that your duties should be paid in gold; it established your sinking fund; it secured the interest on the public debt always to be paid in coin; it set aside the coin from customs-duty to pay it. That act provided that the greenbacks issued under it should be maintained as near at par in gold as possible during the war, but at all events at par with the best bond that could be issued by the Government of the United States.

Mr. HOWE. That was the act that made the note convertible into a bond?

Mr. SHERMAN. Yes, sir. I will ask the Secretary to read the stipulations that were made in regard to these notes. They will show how sacredly they were regarded and how carefully their security was watched.

The Chief Clerk read as follows:

And such notes herein authorized shall be receivable in payment of all taxes, internal duties, excises, debts, and demands of every kind due to the United States, except duties on imports, and of all claims and demands against the United States of every kind whatsoever, except for interest upon bonds and notes, which shall be paid in coin, and shall also be lawful money and a legal tender in payment of all debts, public and private, within the United States, except duties on imports and interest as aforesaid. And any holders of said United States notes depositing any sum not less than fifty dollars, or some multiple of fifty dollars, with the Treasurer of the United States, or either of the assistant treasurers, shall receive in exchange therefor duplicate certificates of deposit, one of which may be transmitted to the Secretary of the Treasury, who shall thereupon issue to the holder an equal amount of bonds of the United States, coupon or registered, as may by said holder be desired, bearing interest at the rate of 6 per cent. per annum, payable semi-annually, and redeemable at the pleasure of the United States after five years, and payable twenty years from the date thereof. And such United States notes shall be received the same as coin, at their par value, in payment for any loans that may be hereafter sold or negotiated by the Secretary of the Treasury, and be reissued from time to time as the exigencies of the public interests shall require.

Mr. SHERMAN. I have had this clause read to show you that the foundation of the greenback was coin. Although it could not at the moment, during the war, be converted into coin—for the wants of the Government were greater than all the coin of the United States, or perhaps than all the coin of the world, attainable during war—yet the Government based the whole upon coin. Every bond that was issued was issued only upon the sacred pledge contained in this act that the interest of that bond should be paid in coin; and the principal should be paid, when due, in coin. The fifth section of the act provides that all duties on imported goods shall be paid in coin; and that this money shall be set aside as a special fund to pay the interest on the bonded debt in coin. Then, in order to secure the greenbacks, it authorized any holder of a greenback to pay any Government debt with them; it authorized the holder of a greenback to pay any debt, public or private, with them; and every citizen of the United States was bound to take them. Then it authorized them to be converted into 6 per cent. bonds of the United States—those bonds payable, principal and interest, in gold. If the policy provided for by this act had been maintained, we would long since have been at specie payments, without any serious disturbance of our monetary affairs.

Mr. MORTON. If the Senator will allow me to ask him a question right there, I will ask him what act or determination of the Government it was that inflicted the greatest dishonor upon the greenback, that contributed more than anything else to its dishonor, if it has been dishonored?

Mr. SHERMAN. As I shall refer to all the acts that relate to the greenbacks, I shall no doubt come to the one that the Senator would pick out. He can take his choice.

Now, Mr. President, I come to show the Senate how this provision, the convertible clause of the act of February 25, 1862, was repealed. On the 3d of March, 1863, Congress passed "An act to provide ways and means for the support of the Government." This act was passed during the dark hours of the war. The currency of the country did not flow into the Treasury rapidly enough to pay our Army. I remember that at about the time this act was passed there were very large unpaid requisitions. The Secretary of the Treasury, instead of issuing any more 6 per cent. bonds, desired to float a ten-forty 5 per cent. bond; in other words, to reduce the burden of interest upon the public debt. At this time there were three hundred millions of circulation outstanding, and with all the rights and all the privileges conferred upon the greenbacks, they did not flow into the Treasury fast enough to furnish means to carry on the operations of the war. The Secretary reasoned somewhat in this way: he said that the holder of greenbacks had the right to convert them at any time into bonds

bearing 6 per cent. interest; but as that right could be exercised at any time, the people were apt to postpone the exercise of it, and he believed it would advance the conversion of these notes into bonds by taking away the absolute legal right to convert. In other words, the suspension of this convertibility clause was passed with a view to promote conversion; to encourage conversion; to induce conversion; and, if possible, to induce a conversion into a 5 per cent. gold bond instead of into a 6 per cent. bond. When the Secretary of the Treasury presented this view to Congress he was at once met with the pledge of the public faith; with the promise printed upon the back of the greenbacks that they could be converted into 6 per cent. bonds at the pleasure of the holder; and that we could not take away that right. This difficulty was met by the ingenuity of the then Senator from Vermont, (Mr. Collamer.) He said that no man ever exercised a right which could not properly be barred by a statute of limitations; and if this right was injurious to the people of the United States, and prevented the conversion of these notes into bonds, we might require the holder of these notes to convert them within a given time; that we could give them a reasonable time within which they could convert them into 6 per cent. bonds, and after that take away the right.

The act of March 3, 1863, was amended by inserting this clause:

And the holders of United States notes, issued under or by virtue of said acts, shall present the same for the purpose of exchanging the same for bonds as therein provided on or before the 1st day of July, 1863; and thereafter the right so to exchange the same shall cease and determine.

In reviewing the history of our times I am not sure but that in this we made a mistake. I am not sure but that it would have been better to submit to any sacrifice rather than palter with the public faith. If there was any wrong done by Congress at that time, I am willing to share the responsibility of it, although I felt at the time the danger of the measure. But, sir, under the pressure of war we could not consider as carefully as we can now all the obligations that rest upon us. The life of our country was at stake; every man's property was felt to be insecure if the Union was destroyed; everything was at stake; and we did a great many things in those times of peril and excitement and trial we would not like to do now. Thousands of men rushed to the battle-field and surrendered their lives; others gave up their property; mothers their children. There were acts of heroism done at those times, and sometimes acts of wrong.

I am willing to take my share of the responsibility of the passage of this act; but casuists and theorists can demonstrate very easily that in this very act we laid the foundation of the long delay in the return to a specie standard. If the right to convert greenbacks into bonds had been retained as the permanent policy of the country during the war, then no man would have been bold enough or bad enough to take that provision away in time of peace. But mark, sir, while the legal right to convert notes into bonds was taken away, no one contemplated a denial of the actual conversion. The notes were still received par for par for bonds during the war and after the war was over. The right to convert them into a particular form of bonds, that is, the five-twenties, was denied; still they were converted at par into seven and three-tenths Treasury notes, into ten-forty gold bonds, and into every form of security except only the five-twenties. So that although we repealed the technical right to convert after a given time those notes into one class of bonds, we never did deny in practice the right to convert them into some form of interest-bearing security.

After the passage of the act of March 3, 1863, Secretary Chase believed that he could negotiate a ten-forty loan, and he tried to do it. One hundred million dollars were taken, and they were taken by the conversion of these notes, being received at par. Afterward we issued $830,000,000 of three-year Treasury notes bearing 7.3 per cent. currency interest, and when due convertible into 6 per cent. bonds; and they were sold at par in greenbacks. So that although the legal option of the note-holder to convert was taken away, yet in fact his right to convert existed except as to the five-twenty bonds. During the war, and up until 1866, there was no hour when any holder of greenbacks could not present them to the Treasury of the United States, or to any banker or broker, and buy some form of United States interest-bearing security at par.

After the passage of this act the five-twenties began to rise above par in currency. Then the measure of the value of the greenback was the ten-forty bond. When the Government again commenced issuing currency securities, seven and three-tenths notes, fearing to issue a larger amount of gold-bearing bonds, the greenbacks were allowed to be received at par for them.

Now, Mr. President, I have shown you that the greenbacks were based upon coin bonds; that they had the right to be converted into coin bonds; that that right was taken away as to the five-twenty bonds; but that, in practice and in effect, the greenback was convertible into an interest-bearing bond of the United States up to 1866, and until the passage of the law to which I will now refer.

My friend from Indiana [Mr. MORTON] inquires what law is the worst of all the laws we have passed in relation to the greenback.

Mr. MORTON. I did not say "law;" I said "what act of the Government."

Mr. SHERMAN. In my judgment more evil effects have resulted from the "act of the Government" passed on the 12th of April, 1866, than from any other act that was ever passed in regard to our financial system. Indeed, it is the only one that I desire to criticise.

Mr. President, what was the condition of affairs when the war was over? We had then outstanding every form of liability. We had 6 per cent. bonds; we had 5 per cent. bonds; we had seven-thirty bonds; we had certificates of indebtedness; we had two or three issues of greenback notes; we had eight or ten different forms of Government securities. Then it was that Congress was called upon to make provision for funding this debt. At that time there was a large circulation; there were some forms of interest-bearing notes that were a legal tender for the principal; we had almost every class of securities. The act of the Government which was most injurious to the public credit was an act of omission and not an act of commission. If in the first session of Congress during Andrew Johnson's administration we could have passed a funding bill authorizing any holder of any form of Government security to convert them into a 5 per cent. bond, all the evils that have flowed out of our disordered currency would have passed away; the questions that afterward were raised that endangered the public credit never would have arisen; all this long agony of doing what we have promised to do, and never performing it, would have been avoided. If in December, 1865, after our soldiers had returned to their homes and the war was over, we had authorized any holder of any form of security, greenback or bond, to convert it at his pleasure, at his will, into some proper security of the United States, say a 5 per cent. bond, there would have been no difficulty. The condition of the public credit, the advancing credit of the nation, the triumph of our arms, all causes co-operated; but, sir, it could not be done. At that time came up the controversy between the President of the United States and Congress, and the fierce and angry passions that it excited, the eager debates, the bitter excitement, the *quasi* civil war that existed, prevented any consideration of our finances. Efforts were made at that time to pass some proper funding bill, but it was impossible to get public attention attracted to it. Congress would not look at it. Finally, after a debate of not over an hour in the Senate, and a short debate in the House, the act of April 12, 1866, was passed, conferring upon the Secretary of the Treasury a power that was never conferred upon mortal man before. I will ask the Secretary to read that act.

The Chief Clerk read as follows:

An act to amend an act entitled "An act to provide ways and means to support the Government," approved March 3, 1865.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to provide ways and means to support the Government," approved March 3, 1865, shall be extended and construed to authorize the Secretary of the Treasury, at his discretion, to receive any Treasury notes or other obligations issued under any act of Congress, whether bearing interest or not, in exchange for any description of bonds authorized by the act to which this is an amendment; and also to dispose of any description of bonds authorized by said act, either in the United States or elsewhere, to such an amount, in such manner, and at such rates as he may think advisable, for lawful money of the United States, or for any Treasury notes, certificates of indebtedness, or certificates of deposit, or other representatives of value, which have been or which may be issued under any act of Congress, the proceeds thereof to be used only for retiring Treasury notes or other obligations issued under any act of Congress; but nothing herein contained shall be construed to authorize any increase of the public debt: *Provided*, That of United States notes not more than $10,000,000 may be retired and canceled within six months from the passage of this act, and thereafter not more than $4,000,000 in any one month: *And provided further*, That the act to which this is an amendment shall continue in full force in all its provisions, except as modified by this act.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury shall report to Congress at the commencement of the next session the amount of exchanges made or money borrowed under this act, and of whom, and on what terms; and also the amount and character of indebtedness retired under this act and the act to which this is an amendment, with a detailed statement of the expense of making such loans and exchanges.

Mr. SHERMAN. Under the enormous powers conferred by this act the Secretary of the Treasury, Mr. McCulloch, adopted what is called the contraction policy; that is, he authorized the funding of all forms of interest-bearing securities into 6 per cent. gold bonds of the United States, while he proposed to raise the greenback up to par in gold by contracting it by gradual stages limited by the law. This act, and the very first thing done under this act, separated forever the gold bonds of the United States from the legal-tenders, and abandoned all idea of the power, the right, and the practice to convert the greenback into a bond. I remember that the honorable Senator from Michigan [Mr. CHANDLER] and I tried to prevent the passage of this law. We tried hard to do it, and to excite public attention to it, but we could not. Everybody was then fighting Andrew Johnson. And so, sir, this law was passed after a brief debate, and all this enormous power was conferred upon the Secretary of the Treasury. The law did not even stipulate what bond it should be, whether it should be a forty or twenty year bond, or whether it should run five years. The only limitation was that the rate of interest on the gold bond should not be over 6 per cent., but no duration as to time was prescribed. Under that act the Secretary funded the Treasury notes, and all the various forms of interest-bearing notes, into 6 per cent. bonds, swelling the amount of our 6 per cent. bonds from about $700,000,000 to about $1,600,000,000. All the Treasury notes payable in currency were converted into 6 per cent. gold bonds, and the money of the people, the greenbacks, were left to be canceled and retired under the last clause of the act, which authorized the Secretary to cancel $10,000,000 by a certain time, and $4,000,000 a month afterward. Thus the bondholder was provided for, and the note-holder was left without any legal right except a naked promise to pay in the indefinite future.

If this act had contained a simple provision restoring to the holder of the greenback the right to convert his note into bonds there would

have been no trouble. Why should it not have been done? Simply because the then Secretary of the Treasury believed that the only way to advance the greenbacks was by reducing the amount of them; that the only way to get back to specie payments was by the system of contraction. If the legal-tender notes could have been wedded to any form of gold bond by being made convertible into it, they would have been lifted by the gradual advance of our public credit to par in gold, leaving the question of contraction to depend upon the amount of notes needed for currency. Sir, it was the separation of our greenbacks from the funding system that created the difficulty we have upon our hands to-day; and I say now that, in my judgment, the only true way to approach specie payments is to restore this principle, and give to the holder of the greenback, who is your creditor, the same right that you give to any other creditor. If he has a note which you promised to pay and cannot, and he desires interest on that note by surrendering it, why should you not give it to him? No man can answer that. It is just as much a debt as any other portion of the debt of the United States.

Mr. MORTON. If my friend will allow me, I think he has not properly answered the question which I put to him, as to what act of the Government had most dishonored the greenback.

Mr. SHERMAN. It is not very parliamentary to be putting questions to me and leading me off from the course of my argument; but if the Senator will tell me what he is driving at, I will answer him.

Mr. MORTON. If my friend will allow me, I suggest that the act of the Government that I think did more to depreciate the greenback currency than any other, and has cost this Government more than any other, is this declaration, to be found on the back of the note:

This note is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt.

My friend made a report as chairman of the Committee on Finance in 1866, offering an irresistible argument that this note meant just what it says, that these notes were a legal tender in payment of the five-twenty bonds, for the bonds were bought from the Government with these very notes. That argument has never been answered. But when the Government denied this property in the legal-tender notes, it thereby gave them a permanent depreciation. They would have been at par five or six years ago but for that act.

Mr. SHERMAN. What act is that?

Mr. MORTON. The determination upon the part of the Government that this language did not mean what it says.

Mr. ALLISON. You refer to the act of 1869.

Mr. MORTON. That act simply followed a determination that the Government had acted upon for some four or five years. That act was simply carrying it out. But the declaration, made before the war was over, that that language did not mean what it says, and that the Government could not use those notes in taking up the very bonds which were bought with them, in plain violation of the language and of the argument made by the Senator himself—I say that that determination has cost this Government more than any other blunder that ever was committed in regard to our finances. But for that these notes would have been at par years ago, millions of dollars would have been saved, and more of our public debt would have been paid off than is now paid.

Mr. SHERMAN. I do not know for the life of me what the Senator from Indiana is driving at. Does he wish to say that the act of March 18, 1869 is wrong—an act of bad policy? If he does, I understand him.

Mr. MORTON. I am merely stating the position my friend took in his report in 1866 in regard to the effect of that language. I am not quarreling with the act of 1869. When it was passed I acquiesced in it, and it is gone.

Mr. SHERMAN. I did make a report upon the act of 1866. I did make an earnest appeal to Congress to restore to the greenback the right that had been taken away from it during the war—the right to be converted into a bond. I stand there now, and I will stand there until every dollar of this debt is redeemed.

Mr. MORTON. My friend's argument in that report was that the Government had a right to use these greenbacks in the payment of those bonds.

Mr. SHERMAN. I insisted that they were convertible one into the other; that although the authority to convert a greenback into a five-twenty bond was repealed by the act of March 3, 1863, still in fact and in law the holder of a greenback had a right under the legal-tender clause to convert it into a bond. I stand there now, and there is where I wish the Senator from Indiana would stand with me. If he desires to make a tilt at the act of March 18, 1869, why does he not do it squarely and openly? Did he oppose it or resist? It is a pledge of the public faith; and I call upon him to aid me in carrying out that obligation.

Mr. MORTON. I agree that the Government is now bound by it.

Mr. SHERMAN. Very well; then I call upon him to aid me to carry it out. We have made the promise, whether wisely or not it is not for us to inquire.

Mr. MORTON. The act of 1867 does not touch this question at all in regard to paying the greenbacks in coin; we were always bound to do that; but the argument of my friend in 1866 was that the Government had a right to issue the greenbacks in payment of five-twenties, and the fact that the Government came to a different conclusion before the war was over did more to depreciate the greenbacks than any other act that has ever been performed by the Government, and has cost this Government more; and but for that we should have had specie payments long ago.

Mr. SHERMAN. I always insisted that it was the duty of the Government to redeem this broken promise by making the note equal to par in gold before attempting to force it on anybody in payment of a bond. The Senator should see that we had no right to compel any holder of a bond to take a greenback in payment of his bond until we complied with that obligation which we assumed, long, long ago, to make it equal to par in gold. Then it would be a matter of indifference whether a greenback or gold was paid. But, sir, it was the act of March 18, 1869, that settled all this controversy about the obligation of the Government to the holders of the greenback and the bond; and it is that act of which he acknowledges the binding force, that I ask him to carry out.

By the act of 1866 $10,000,000 of greenbacks were to be retired in six months and canceled, and $4,000,000 every month thereafter. Such progress was made under the operation of the act that within less than two years $44,000,000 of these notes had been retired and canceled in pursuance of the contraction policy.

Mr. ALLISON. If I may interrupt the Senator, I desire to ask, was not that act repealed in 1868?

Mr. SHERMAN. It was suspended; and the Secretary could not cancel any more notes after the passage of the act of 1868. I have it here before me. The authority to retire and cancel greenbacks was suspended; but I ask the Senator from Iowa whether that revives into life and being the $44,000,000 that were retired and canceled under the law?

Mr. ALLISON. I only desire to call the Senator's attention to a part of the history of the withdrawal of these greenbacks. The then Secretary of the Treasury, instead of following out the spirit and letter of the law, which was that $4,000,000 per month should be withdrawn, allowed four or five months of the plethoric time of 1867 to pass away without withdrawing a single dollar of greenbacks, and when the months of September and October of 1867 came, when it was necessary to use a large amount of money in the Western States for the forwarding of the crops, the Secretary of the Treasury then reduced the greenback circulation $16,000,000 in two months; thus contracting the currency, instead of $4,000,000 a month, $16,000,000 in two months, so that when Congress came together in December, 1867, they withdrew from the Secretary of the Treasury the power which they believed he had abused; and from that time until now no Congress has ever authorized the withdrawal or the reduction of the circulation of the greenback currency. Am I not right?

Mr. SHERMAN. I do not differ with the Senator from Iowa; but I do not see what that has to do with my argument.

Mr. ALLISON. It has this to do with the argument, that the policy of returning to specie payments in 1866, by the law of 1866, was reversed in 1868, by an act of Congress, and has never been resumed.

Mr. SHERMAN. And to that act I heartily assented. I do not doubt at all that the policy of getting to specie payments by a contraction of the currency in the way that was proposed was a very unwise one. I aided in its repeal. But that is not the point. When in 1869 we pledged the public faith to redeem our outstanding paper in coin, the only amount that then legally existed, or which there was any authority to issue, was the $356,000,000, to which amount, by the policy of the law of 1866, the currency had been reduced when that reduction was suspended. Therefore, I do not question my friend's statement about what Mr. McCulloch did, for I have nothing to say about it. The argument I make is that when we made the pledge of the public faith to redeem our notes in coin, the only currency that was legally outstanding was the $356,000,000. All above that had been retired and canceled. If there are any words in our language that express the destruction, the annihilation, the non-existence of anything, the words "retired and canceled" do. They are the very same words that are used in regard to the cancellation of all our bonds. There have been $3,000,000,000 of bonds in various forms "retired and canceled. Is there any power to reissue those? Not at all.

Mr. BOUTWELL. Mr. President, I am unwilling to interrupt the Senator, and I dislike to say a word on this point of the legality of issuing the forty-four millions; but as on three different occasions during my administration there was no other way of maintaining the public credit but to issue a small portion of the forty-four millions, as it had been on one occasion at least used to a small extent by my immediate predecessor, as it was the opinion of the Department that that legal power existed, as that opinion had been confirmed by the Attorney-General of the United States, as that matter had been presented to the Committee on Ways and Means of the other House and the Committee on Finance of this House, and as those committees individually and generally were informed by the then Secretary of the Treasury what his view was of the legal rights of the Secretary of the Treasury in this respect, and as no action was ever taken, not only by Congress, but as no action was taken by either House of Congress, I, for one, think it is too late to question the good faith or even the legal authority of the present Secretary of the Treasury, or of either of his two immediate predecessors, upon that point.

Mr. SHERMAN. Mr. President, the considerations now stated by

the Senator from Massachusetts were undoubtedly submitted to Congress. The claim of the Secretary of the Treasury that he had the power to issue the forty-four millions was submitted to Congress, and neither House of Congress negatived by a vote the assertion of the power; and therefore it may be said with great propriety, and I freely accord, that under the circumstances, following the decision of the Department, the present Secretary might be justified in issuing the forty-four millions; but the argument I am making to-day is not to arraign the Secretary, not to find fault with him. In the written report made by the Committee on Finance on this subject we expressly relieved the Secretary of the Treasury from all fault in the matter and submitted it to Congress. I say that Congress now permits daily the violation of the only act that looked to the advance of greenbacks to par with gold by its silent acquiescence. The Secretary of the Treasury submitted to us the claim that he has asserted and exercised, and we have never denied it as a Congress or by either House of Congress; and therefore I do not find fault with him; but I say that Congress does permit this act, which in my judgment is a violation of law and an exercise of authority not delegated to the Secretary of the Treasury, to go on, and we are now daily living upon notes issued without authority of law.

Mr. President, I have gone into this argument to show, first, that we are bound by the obligation that we assumed on the 18th of March, 1869, to resume specie payments, or to do something to advance our notes to the par of gold. I have endeavored to show that such was the legal and established policy of the Government when the notes were first issued. Now, I have only to say, very briefly, that there are various modes, to none of which do I intend to commit myself until the whole subject is finally discussed, by which this can easily, without trouble, without difficulty, be accomplished. There are three modes that have been proposed in debate in the Senate, and a multitude come to us from the people, but I will group them into three classes.

There is, first, the proposition to accumulate gold in the Treasury with a view to the actual redemption of our notes in coin. That is supported by two bills now before the committee; one introduced by the Senator from Vermont, [Mr. MORRILL,] and the other by the Senator from New Jersey, [Mr. FRELINGHUYSEN.] What are the objections to this plan? They seem to me to be these: In the first place, any attempt to accumulate large masses of gold in the Treasury, lying idle to await some future event not fixed by act of Congress, would not be a wise use of the public moneys. In the next place, I entirely object to conferring upon the Secretary of the Treasury the power of issuing one hundred millions or any lesser sum of 6 per cent. bonds with a view to buy gold to hoard it in the Treasury to maintain resumption. I believe that it is impossible, in the very nature of things, to maintain the resumption of specie payments at all times and under all circumstances; and if anything has been established by modern experience, it is that all a nation can do that issues paper money is to maintain it at a specie standard in ordinary times; but, in times of panic, such as by periodical revulsions come over every country, specie payments cannot be maintained. They can scarcely be maintained in England, and are not now maintained in France, although they approach them. Therefore, every plan for specie payments ought to have some provision for the temporary suspension of specie payments, or some means by which in times of great panic and financial distress there may be a temporary departure from the specie standard. I say this not that it ought to be so, but simply as a matter of demonstrated experience shown by the history of almost all commercial nations in Europe.

The second plan is the actual payment of the United States notes and their cancellation; in other words, the plan of contraction. In the first place, this plan, while it operates, does so with such severity as, in a popular government like ours, to cause its suspension and repeal. Undoubtedly, the most certain way to produce specie payments is by retiring the notes that are dishonored, paying them off, taking them out of circulation. But the trouble is, the process of contraction is itself so severe upon the ordinary current business of the country that the people will not stand it; and in this country the people rule. The policy of Mr. McCulloch, already commented upon, if it had been continued further, would have undoubtedly brought us to a specie standard; but with great distress, great impoverishment, and with more difficulty than was really necessary to accomplish the object in view.

These are the difficulties that occur to me as against these two policies.

There is a third plan. This plan, which in my judgment presents the easiest and best mode of attaining specie payments, is by taking some bond of the United States which in ordinary times, by current events, is shown to be worth par in gold in the money markets of the world, where specie is alone the standard of value, and authorize the conversion of notes into that bond.

I do not intend to consume much time upon the discussion of these different plans, because they are all open for debate, and I do not intend to commit myself. I have no pride of opinion as to modes if I can secure the substance. I want to get at some measure which, without contraction, without undue distress, will make us redeem our promise. This mode of vesting the specie standard was reported favorably by the Committee on Finance at the last session. I will glance at the results that would have been accomplished by that plan in the present condition of our money market. I am speaking here now, on the 16th day of January, 1874, after the time when, by the bill reported at the last session, United States notes could have been converted into coin or bonds at the option of the United States. This would not to-day have produced absolute payment of the notes in coin, but their value would be advanced to the value of the 5 per cent. bond. Things that are equal to the same are equal to each other. Five per cent. gold bonds this day, in the midst of the panic, are worth ninety-nine and a half cents; so that the United States notes would be this day practically at par in gold, having just about the same depreciation as now exists in France where the law of convertibility has always been maintained. In France, with a large currency, that currency may be used to pay the same as gold for any form of debt of or to the government, even the form of duties.

Mr. FERRY, of Michigan. I should like to ask a question just here.

Mr. SHERMAN. I would rather not be interrupted now.

Mr. FERRY, of Michigan. It is on the point the Senator was just discussing.

Mr. SHERMAN. Very well.

Mr. FERRY, of Michigan. I ask whether, in the Senator's judgment, the value of the currency in France depends so much on the convertibility of the notes into bonds, or on their being made lawful money for all purposes, which our greenbacks are not?

Mr. SHERMAN. I have no doubt that it would greatly advance our greenbacks if they were allowed to be received at the custom-houses for duties.

Mr. FERRY, of Michigan. Is that not the case in France?

Mr. SHERMAN. Yes; but I will ask the Senator a question now. Would he pass such a law in the face of the obligation of the United States, made on the 25th day of February, 1862, that this coin shall be set apart sacredly as a fund?

Mr. FERRY, of Michigan. If I had control of the finances of this nation I would not discredit my own paper; I would declare it good for all purposes for or against me, and then enter the market and purchase the gold necessary to meet the obligations which I had agreed to pay in coin. In that case I would stand upon the French basis and maintain the same credit which the French nation maintains to-day, to wit, a discount of $\frac{1}{4}$ per cent. on its currency, while ours to-day is about 10 per cent., for the very reason that we have not made our currency lawful money for all purposes, but have made an exception in regard to duties.

Mr. SHERMAN. I only gave way to a question.

Mr. FERRY, of Michigan. The Senator put a question to me, and I was answering it.

The PRESIDENT *pro tempore*. The Senator from Ohio declines to be further interrupted.

Mr. SHERMAN. The answer to all this is, that by the act of the 25th of February, 1862, which authorized the issue of bonds and greenbacks both, it was expressly stipulated that the greenbacks should not be receivable for customs duties, but it was expressly stipulated that the customs duties should be paid in coin, and that this coin should be specially pledged and set apart as a fund to pay the interest, and then the principal, of the debt. There is the difficulty. If we were now to legislate without any law upon the statute-book, I certainly would not pass an act that would require us to refuse the notes of the United States for the taxes payable to the United States; but we are crippled by the operation of a law that we cannot repeal without violating the public faith.

Now, sir, taking the case again of the existence of some such convertible provision as I referred to in the bill of last year, at this day the notes, instead of being hoarded, would to some extent have floated into the Treasury for 5 per cent. bonds; they would be paid out for current expenses, and in the purchase or redemption of five-twenties at a discount of one-half of 1 per cent. It is sometimes said that these notes would flow in in unmeasured numbers for 5 per cent. bonds. Why, sir, how many would be withdrawn from the volume of the currency before they would be equal to the 5 per cent. bonds now at or near par in gold? But suppose they should flow in to the extent of fifty or one hundred millions, cannot the Government of the United States use them? First, we have to pay our current expenses, which are now more than our income. Instead of consuming the forty-four million reserve, we could use some of them coming into the Treasury for bonds to pay the current expenses; and we could use all of them in the purchase and redemption of the 6 per cent. bonds of the United States. There would be no practical difficulty in using all the currency that might flow into the Treasury in the payment and liquidation at a slight sacrifice of a debt now bearing 6 per cent. interest. That operation might go on until $1,200,000,000 were paid, because every dollar of the five-twenty bonds is now due and payable at our pleasure in coin.

Sir, the Secretary of the Treasury has for years adopted the policy of buying bonds in greenbacks. He has paid 10 per cent. premium, because he could not get them for less. And suppose our notes were advanced near the par of gold by being convertible into a 5 per cent. bond, the value of which is fixed in foreign countries, then let him use the greenbacks that flow into the Treasury to pay the 6 per cent. bonds. He could only do it by paying the difference between notes and gold. What premium would he have to pay? One-half of 1 per cent. This operation of funding the 6 per cent. bonds into the new 5 per cents is going on now at an expense of nearly 2 per cent. to the Gov-

ernment. First the law allows 1 per cent. for expenses, and then a certain credit or a certain delay in payment is given to the syndicate or bankers who negotiate the exchange. This is equivalent to 1½ per cent., so that we are now carrying on this funding system at an expense of more than 2 per cent. Sir, the practical operation of a law permitting the conversion of notes into bonds would not only advance our notes to near par in gold, but would enable us to reduce the interest on the whole mass of 6 per cent. bonds of the United States to 5 per cent., thus saving $12,000,000 per annum, or several times the amount of interest we would pay on bonds given for notes permanently retired.

Now, sir, I will not go into the details of the other provisions of that bill, which was to supply any want of currency needed at the time. That bill provided for free banking; it provided for a relief from the reserve to be maintained by the banks as a security for their notes. Sir, if you take the actual facts as they have now developed themselves and apply the principles contained in the bill of the last session, they would have answered by their actual workings all the objections that were made to the bill, and I defy Senators to criticise it.

But, sir, the time will come when whatever plan may be brought before the Senate will be subjected to amendment and criticism. We are not now considering any plan, but only whether we recognize our obligation now at this session to do some definite act to redeem our broken promises. If you will you can find a way.

Mr. President, there are some objections of a popular character made to specie payments, that I think I ought to answer.

In a popular government like ours even an unfounded fear ought not to go unheeded. Warnings are uttered; a great bugaboo is raised against every measure that tends toward specie payments. Let us examine some of these popular objections.

The first objection (and it is the only one well taken) is that specie resumption will be burdensome to debtors. Undoubtedly, if you advance a standard in which a man's debt is to be paid, you add to the burden of that debt. We are now dealing on a standard of about 11 per cent. below par; and if, by some sudden act of Congress, a debtor should be required to pay in a standard worth 11 per cent. more than the present par, it would be burdensome to him. Therefore it is, and for this reason only it is, necessary to make any step moderate, to make the advance slow; and I for one would not desire to see any sudden resumption, because it would be injurious to a class of business men who are now more or less in debt. This injury is greatly exaggerated, for almost every debtor is a creditor, and therefore while he loses on the one hand he gains on the other. Debts are now less than they were a short time since. The recent panic swept away a great many of them. Most of those which remain are being settled on the present basis, so that never was there a time when an act, looking to a change of the standard of values, could be made better than now. There are fewer contracts to be settled upon the old standard. If the time for making this change of standard is postponed for a short period, say a year, all the debts contracted on the present basis would be settled up.

Why, sir, this is not the first time we have changed the standard. We did it in 1835; and we have changed the value of our gold coin twice within my recollection. We have changed the value of silver two or three times. The monthly fluctuations that happen in the city of New York sometimes are greater than all the amount of difference between our paper money and gold now. The people are used to these. Sir, you live in a State whose chief production is now, or was, wheat. You have seen wheat jump up from fifty cents to a dollar a bushel, and go down from a dollar to fifty cents again—a fluctuation of 100 per cent. These fluctuations are unavoidable; but when they affect the standard of all values they ought to be made carefully and slowly. Here, Senators, is the only difficulty in this whole problem. When we made our notes a legal tender, when we repealed the convertibility clause, when we took away their value and saw them depreciate down to 280 per cent., we did great injustice to creditors. We did it because we were compelled to do it. All the Senators around me admit that at some time we must come to a specie standard. When can we do it more easily, when can we do it better? Will you flood the country again with more irredeemable paper money, sink again the standard of value, make the depreciation beyond what it was when General Grant was elected, 30 or 40 per cent., and then resume? How foolish! how idle! The moment when we approach the specie standard nearest by natural causes, that is the happy moment to complete the cycle, to restore us to the old and true foundation.

The next objection is that the United States will have to pay interest on a portion of its debt which is now without interest. I have heard that argument made, I think by my friend from Indiana. He has said, "You would make us pay interest on our greenbacks; they will be converted into interest-bearing bonds." Well, why should we not pay interest on our debt that is due? Why should the people of the United States have a forced loan which they require everybody to take, debtor and creditor, without interest? Why should they not pay interest on it? If these notes are idle in the nands of the people and there is no opportunity for investment, and they have no desire to use them, why should we not pay interest while they do not want to use them? It is perfectly obvious that the strongest grounds of equity demand that when anybody has our note not bearing interest, has no immediate use for it, prefers to put it on interest, we are bound either to pay him, as we agreed to pay him, in coin, or we are bound to give him something that will bear interest, and will be as near as practicable to a specie standard. Therefore, this scarecrow about increasing our interest-paying debt does not disturb me. Why, sir, we have in the last five years paid off four hundred millions of bonds, and have saved interest to the amount of $30,000,000. No one has claimed that the interest of the debt of the United States would be increased by this system more than two or three millions. Why should we not do it? Why should not the people have for their greenbacks the same privilege that is extended to other creditors?

A third objection that was made, I think by my colleague, who is not now in his seat, [Mr. THURMAN,] was that the United States notes would be retired from circulation and give place to bank-notes, and he has a great prejudice against bank-notes. I am not much of a bank man myself. I would not care if there was only one form of circulation in this country, and that a United States note convertible at the pleasure of the holder into a proper bond, or into coin. But the national banks sprang out of the necessities of the war. We could not absorb the State banks and get rid of the horde of inconvertible, irredeemable paper-issuing, irresponsible system of banks all over this country, except by allowing them to be organized into national banks. We cannot get rid of them now. That was the only way in which they could be dealt with. They disturbed during the war our whole system; but now the present banking system is so much better than the old, the currency is so good, so well secured, of such universal circulation, and everywhere at par with greenbacks, that nobody would propose to go back to the old system.

Mr. President, as these banks are compelled to redeem their notes in greenbacks; as they are bound to maintain in their vaults a reserve of greenbacks; as every prudent banker will maintain this reserve in greenbacks; there is no danger that the United States notes will be driven from circulation to give place to bank-notes to any considerable amount. The same provision for redemption that is applied to United States notes is applicable also to national-bank notes. If the United States redeem their notes in coin, the banks have to redeem theirs in coin. If the United States notes are redeemed in United States bonds, the banks are compelled to redeem their notes in the same way. The very moment that a bank-note falls below the value, the purchasable power, the convertible power of the United States note, that very moment it would be returned first to the bank, and in case of its failure to pay then to the Treasury of the United States, and there, with the bonds in the Treasury or with the proceeds of them, the Treasurer would pay them dollar for dollar. So that the same plan of redemption that we now propose to apply to United States notes is applicable by existing law to the bank-notes; and hence the theory that this plan will drive out the United States notes and give way to bank-notes is utterly futile. The same burden which now rests on the United States to redeem its notes will then rest on the banks; and, as I said a moment ago, you are now dealing with institutions that are amply able to redeem their notes. Whether any of them have in the speculations of the past impaired their capital or not, is a matter of perfect indifference to the people of the United States as long as the notes are secure. You can present no plan of redemption which the banks are not able at this moment, promptly to-day, to comply with. If your law should take effect requiring the banks to redeem either in coin or in bonds of the United States, every bank has these bonds and 10 per cent. over. Therefore this plan of redemption applies not only to the United States notes, but to the banks under existing law; and it is not necessary to even change the law to make it more rigorous or direct.

Sir, the last objection is that it will contract the currency. That is the image of alarm that came to us from the experiment—as I thought the bad experiment—of 1866. My honorable friend from Indiana, from the way in which he pronounced the word "contraction," seemed to think it was some terrible thing. Well, sir, the people are afraid of contraction. I do not want to contract the currency. But what is contraction? Is it to fulfill an obligation to pay a note when it is due; to pay in coin when you have promised to pay in coin? I do not think that is contraction. Why, sir, I do honestly believe that if now there was a plan of redemption agreed upon by which notes could be converted into coin or bonds at the pleasure of the holder, all restrictions upon the amount of currency were repealed, the amount of currency thus at par with gold would be greater than it is at present, and its purchasing power would be just exactly 11 per cent. more. The people, in the Western States especially, have been very fearful on this point, although they are now getting bravely over it. Look at the reports of their chambers of commerce, their boards of trade; see the intelligent opinion that comes up from the Western States. The people of the West were terribly alarmed about contraction of the currency, but they begin to understand it. The laboring man who is paid off in a greenback begins to desire that that greenback may buy as much food and clothing and produce as the best dollar that was coined in the mint. He begins to understand that he receives that for his daily labor which will not purchase him the supplies that gold would. The farmer, also, who sells his produce mostly to a foreign market, finds that, under this system, when he is paid in greenbacks, he has to pay greenback prices for his purchases, while his commodities are settled for by the gold standard.

And, sir, I can here show by the actual returns from Mr. Young, of

the Statistical Bureau of the Treasury Department, that although the price of greenbacks fluctuates, as compared with the standard of gold, yet the articles which the farmer sells depend almost entirely on the gold price and are fixed by the gold standard. Wherever he sells his surplus products, the ruling price in the foreign market fixes the prices of his commodities here. The price of the farmer's produce is fixed by the gold standard, and was during all the war, and is to-day, and will be to-morrow. His price is fixed by the gold standard, while what he buys is fixed by the currency standard.

The people are beginning to understand that; and when they find out that "contraction," with all its horrors, means good money, convertible money, greenbacks convertible into gold, they will sound hallelujahs in favor of that kind of money. They now feel that the greenback money is a good money—as my friend from Indiana says, the best money that ever was devised by man. Well, sir, in many of its properties it is good money; it is of universal circulation, universal credit; it has a fixed value, fixed daily by the quotations in New York, and it has a universal value; it passes readily from hand to hand. It is so much better than the old system, and all like it. There is only one thing to crown the perfect work of this money to make it the best in the world, and that is, make it equal to what it promises to pay. Then you have good money, you have money based upon the public credit, a note of the United States not dishonored, a note whose purchasing power is as good as the best gold that ever was coined in any mint, or ever mined in Peru, or Australia, or America; a money whose purchasing power will enter into the markets of the world and buy its face value in the products of the world; a money which, if convertible into coin, will travel, like the Bank of England note, all around the world, buying in every mart and every community the production of every clime. Sir, this is what we aim at, this is what we desire; and when the people begin to understand this question, and see that this cry about contracting the currency means nothing but an effort to stave off the immutable event which will come, which we have promised shall come, namely, a specie standard, they will then silence the demagogical clamor of the hour.

Why, sir, a year or two ago, if you had convened your chambers of commerce and boards of trade and representative business men of the country before this panic, and submitted to them any proposition which looked to the advancement of the greenback to the standard of gold, they would have passed resolutions without number against it. But now they are all passing resolutions for it. Almost every one of them is opposing any increase of the paper money of the country. These documents from representative men could not have come here a year ago in favor of specie payments, led off by the great petition from the Chamber of Commerce of New York, presented here a month ago. Sir, the people will soon reply to these popular objections.

But, sir, we have had a great deal of talk here about the amount of currency we ought to have, and Senators have made the computation how much currency per inhabitant, how much for every man, woman, and colored baby, how much for every child, how much for every bushel of wheat. How much currency should we have? They figure it out in some way that France and England have more currency than we, and that as no nation shall have more of a good thing than the United States, therefore we are determined to have all that any other country has! That is the argument. They say, "We want more money." Well, in the sense in which money means capital, I think we all want more money. In the sense in which money is used as a mere medium of exchange to measure value, to pass from hand to hand, to facilitate commercial transactions, the only test and measure of the amount necessary is that which can be maintained at the specie standard; no other. Why, sir, you might as well say that a yard is not thirty-six inches long, and economize by using one thirty inches long; what would be the effect of it? It would take more yards of cloth to make the coat; but the coat would not cost any less.

Sir, the only standard of the amount of paper money needed in any country is the amount that can be maintained at the specie standard. The amount of currency in Great Britain, in Bank of England notes, is £25,162,000; in other banks of England, Ireland, and Scotland, £18,226,000; making a total of £43,338,000, or, in dollars, 216,940,000 of paper money, as good as gold. That is enough to carry on all the business transactions of Great Britain.

But my friend from Indiana says Great Britain is a small country compared to the United States; it does not cover as many arid plains and deserts as the United States; it has not the area or the population of the United States. Sir, area and population are not the things that demand currency; it is business, wealth, production; and, although I wish it was otherwise, we cannot, as yet, compare with the wealth or commerce of Great Britain.

Mr. MORTON. Does the Senator give that as the entire currency of Great Britain?

Mr. SHERMAN. I give that as the entire paper currency of Great Britain.

Mr. FERRY, of Michigan. I should like to ask the Senator if business can be done without people or area?

Mr. SHERMAN. No, sir; we must have some people to carry on business, and some area on which they may live. We have been told that Great Britain is a small country compared with ours, and yet that kingdom contains thirty million people, who have now twice the actual wealth, and more than twice the commerce, of our people. The accumulated wealth of ages of our own race is there.

Mr. FERRY, of Michigan. I understood the Senator to say that it was capital that was wanted, and not people or area. Can there be capital without people or area?

Mr. SHERMAN. I do not understand the Senator.

Mr. FERRY, of Michigan. I understood the Senator to say that the volume of the currency depended upon the business of the country, and not upon the people or territory.

Mr. SHERMAN. I did not say that. I said the currency necessarily depended upon wealth, production, &c.

Mr. FERRY, of Michigan. And not upon people, or the extent of territory?

Mr. SHERMAN. Without people and area there can be no wealth and production; but the amount of currency needed depends upon the amount and nature of the productions of the people. The Senator from Indiana says that $216,940,000 is only one form of money in Great Britain. So it is; but it is the amount of paper money that they undertake to maintain at par in gold. A wise nation like Great Britain, with ample experience in all financial questions, where they have been managed with great skill, where more time in Parliament is devoted to them than in Congress here—that nation has decided that it is not wise ever to attempt to circulate more paper money than can at all times be maintained at par in gold. They prohibit by law the issue of any more paper money. No new stock banks are organized, and the Bank of England cannot issue one pound of paper money more than the amount fixed by law thirty years ago, at £15,000,000, and such additional amount as they have actual gold on hand. Every dollar is secured by government securities or gold on hand.

Senators say that the Bank of England can issue in times of panic more than the amount allowed. It has done so at three exceptional periods of distress. But this did not cause a suspension of specie payments. Not at all. When the Bank of England note is issued in excess of the legal limit it is done by order of the ministry, at their hazard, just as they would do any other unlawful act for the public safety. The amount is limited, say to £2,000,000, or $10,000,000; securities are required, and the profit of that issue goes to the government. So careful are they. The amount of notes issued by the Bank of England in excess of the legal limit was never over £2,000,000 sterling, and in one case no notes were issued. The authority to issue arrested the panic. The issue when made was within sixty days withdrawn and the old limit restored. Why, sir, we in this country have increased our paper money in five years over $80,000,000, and the Secretary of the Treasury during and since the panic has issued new paper money fourfold in volume the aggregate of temporary issues by the Bank of England since Peel's act of 1844.

But the Senator from Indiana says Great Britain has coin. So it has, and the reason why it has coin is because there is a use for the coin there. So, if we were at the specie standard, coin made in our own country of the gold mined here would be kept here. It would have some useful employment. But, sir, one of the evil effects of a depreciated currency is to demonetize coin, to drive it out, because the poorer currency always fills the channels of circulation. Therefore it is that we cannot keep in this country any considerable amount of gold in the present condition of our affairs, unless we hoard it in the Treasury of the United States. A private citizen has no use for it. He sends it abroad where they do recognize its value, where they do use it in ordinary affairs. The gold of our country is hoarded by the Treasury; and as long as you have a depreciated currency one of the inevitable effects of such a currency is to banish gold from the country, although it is our own production. We banish the children of our mines, the work of our hands, because we will deny the fundamental truth that gold mined from the earth is the standard of value. We have repudiated it. We have rejected the true god and set up an idol of our own; and thus that which we produce ourselves is forced from our own country.

So with France. I have already given the amount of paper circulation there. The issues of the Bank of France were 2,606,377,000 francs, or $521,275,000; and this is practically maintained at par in gold, as the Senator from Michigan [Mr. FERRY] very properly said.

Now, sir, when this cry is made for more money, I answer, yes; let us have more money, but let it be more good money, more money that will purchase that which money in any other country will purchase. I want the best; and if my friends here really believe that France and Great Britain have, counting their gold, a little more currency *per capita* than we have, let me console them by telling them that if we come back to specie payments we shall have more good money, both paper and coin, than any country in the world. Now, at this moment, if you take our paper money and add it to the gold in this country, you will see that we have more *per capita* than any nation in the world. Why, sir, how much paper money have we? About $772,000,000, every dollar of which is a legal tender practically. Although the bank-notes are not a legal tender by law, yet in fact we know they are. We have to receive them *nolens volens*. What other country has got this amount? France has $521,000,000 of paper money. Great Britain has $217,900,000 paper money. But they have more gold than we. Why? Because you banish it from your country. Who would keep gold now? Would a bank keep it? It is more dangerous to keep than paper money, because it is heavier and more difficult to guard. Would a merchant keep it? Yes, to the extent that he has to pay it out to the Government for duties. The Government keeps it, and the amount that is owned by merchants is held by the

Government in New York on gold certificates. So the Government is the custodian of all the gold in the country banished from circulation. Sir, take the aggregate of our currency, and where are you? With more paper money *per capita* than any country in Europe has of paper and gold.

Now, sir, let me caution Senators in regard to their estimates of gold in foreign countries. In France it was estimated that there was $700,000,000 of gold, and France was compelled to pay of this gold more than $400,000,000 to Germany in the settlement of their difficulties.

Mr. SCHURZ. A thousand millions.

Mr. SHERMAN. I beg pardon. The sum paid was $1,000,000,000; but this was partly by credits and partly in gold. The effect of the Germanic war has been that the gold of France has enormously decreased; no one can tell exactly how much is left.

The Senator from Indiana a moment ago said they had $300,000,000 of gold in circulation in Great Britain. I am not prepared to dispute it.

Mr. SCHURZ. Seventy million pounds sterling, according to the estimate I had yesterday.

Mr. SHERMAN. I am not prepared to dispute it, because I can show by English writers, and even by the declaration of the chancellor of the exchequer, that it is utterly impossible to tell how much gold there is in England. There are no returns that enable them to do it. It is kept there by joint stock companies, by the Bank of England, and by private persons. A large portion of the commerce of England being foreign commerce, large masses of gold in the coin of different countries are held by merchants. As to the precise amount, no one can tell what it is.

Mr. SCHURZ. I read the other day from the statement of an English financial writer that they had £70,000,000 sterling there; but it was a mere estimate.

Mr. MORTON. Three hundred and fifty million dollars.

Mr. SHERMAN. Now add the $350,000,000 of gold currency to the amount of their paper money. Take it as you claim it, but what does it make? Five hundred and sixty-six million dollars to do the business of that nation of thirty-two millions; while we have of inconvertible paper money $770,000,000. Why therefore say that we have less money than England? Sir, we have more *per capita*.

Mr. BAYARD. Will my friend from Ohio permit me to suggest to him, also, that there is a large part of this country, the Pacific coast, where the currency is gold; so that that which is merchandise simply in the Atlantic States is currency on the Pacific coast; and that, also, in the city of New York and other ports of the Atlantic States a large amount of the business of merchants is transacted upon a gold basis, and in gold alone? In considering the amount of money that is furnished to the people I think he is very much understating when he confines himself to paper currency alone.

Mr. SHERMAN. I have no doubt of it. I have no doubt that the money now in circulation in this country is greater *per capita* than in any nation in Europe; and I thank my friend for reminding me that the Pacific coast uses gold and silver, it is estimated, to the extent of twenty or thirty millions of dollars, perhaps more.

Mr. SCOTT. Permit me to say that while I have no idea that any *per capita* amount can be fixed, I am sure the chairman of the Committee on Finance would not wish an erroneous impression to go out as to the amount of currency that is really at the service of the business community when he states that we have $769,000,000 paper currency. The reserve upon that usually amounts to about $200,000,000, which reduces it to about $550,000,000.

Mr. SHERMAN. While undoubtedly there is a considerable amount held by the banks as reserve, it is not so much as the Senator from Pennsylvania states. Much of that is in the form of credits by deposit banks. But let me remind the Senator that in England the Bank of England holds, and is compelled to hold, a large portion of the gold in England as a reserve. Every bank has to have a reserve. So with the Bank of France. There is a much larger percentage of reserve held in the Bank of France now than is held by the banks of the United States. Their reserve, if I remember aright, is about 30 per cent., whereas our banks average less than 20 per cent., and much of this in credits. The Bank of England reserve is greater than ours, and Bastiat has written a book to show that it is too small.

As a matter of course, if you go into all the details about reserve you could never get the precise results. The truth is, there is no mode of testing how much money is needed to do the business of a country except that amount which can be maintained at par in gold. The very fact that our money is depreciated 11 per cent. is as conclusive as any sum in arithmetic can be that you have more money than can be maintained at the proper legal standard. You cannot get around that. There is but one standard, and every addition to the volume that cannot be maintained at that standard is conclusive evidence that there is too much money afloat of that kind.

Mr. MORTON. Will my friend allow me to make a suggestion?

Mr. SHERMAN. Yes; but I fear I shall never get through.

Mr. MORTON. I understood my friend to assert just now that the depreciation of the currency was evidence that there was too much of it. Is that the statement?

Mr. SHERMAN. That is conclusive evidence.

Mr. MORTON. If that be true, then if we cut off 10 per cent. of the volume of currency, the depreciation being 10 per cent., that alone, according to his argument, ought to bring it to par. I want to know whether it will do it.

Mr. SHERMAN. My own impression is that less than that will do it; that when you give additional value to the greenback, so that people can use it as gold, so that it will be equivalent to gold, the gold itself will become a part of the currency. It is probable the full amount of the present issue of legal-tenders can be maintained if you will only give it an equal value with gold. When you make your paper money equal to gold it floats with gold and fills the channels of trade. In my deliberate judgment, in this country of broad extent, as my friend says, of varied population, of varied productions, a larger amount of currency could be maintained at par in gold than the actual currency now in hand. I have some statistics here, but I am too weary to go into them, which show what amount of currency we maintained at par in gold before the war, and by a comparison of our condition then and now I could estimate what amount can be maintained. But, sir, the only standard, the only rule, by which we can judge of the amount of paper money is that quantity which can be maintained at par in gold. If you declare illegal and invalid this standard, no man can tell how much circulation is needed. The only way is to test it by the barometer of New York. This is as sure a test as the instruments here around the Senate Chamber are tests of the heat of this room.

There is another class of measures now pending on which I wish to make a few remarks, and they are the propositions to inflate the currency still more. The process of inflation is now going on daily while we are debating. This surely ought to be stopped. This issue of the forty-four millions ought to be suspended at once. The payment of this money ought to be arrested and some other provision made to pay the ordinary expenses of the Government. The plan that I suggested a moment ago would do that, by authorizing the funding of notes into bonds. But there are other propositions. The Senator from Michigan proposes to issue $100,000,000 increased currency, to require the system of banks now organized over this country to retire their circulation, and to issue an amount of greenbacks equal to the whole, aggregating $300,000,000, and this, I suppose, in addition to the fractional currency; in other words, an increase of currency of about $100,000,000.

Mr. FERRY, of Michigan. Including the forty-four million reserve?

Mr. SHERMAN. Yes; including the forty-four million reserve, an increase of $100,000,000. I appeal to my friend, to his candor, his sincerity, to say whether the immediate effect of that would not be to depreciate that which is outstanding.

Mr. FERRY, of Michigan. I would merely say that, in 1870, we increased the currency fifty-four millions, and the premium on coin to-day is less than it was during the average of that year. Now, I ask by what reasoning will the price of coin increase if we increase the currency to about the same amount, which is the ratio I propose?

Mr. SHERMAN. The remark now made by the Senator compels me to make a confession, that I believe that act of 1870 did arrest the downward course of gold and the rapid march toward specie payments. As I contributed to the passage of that act, I am sorry to take the responsibility. From the time of the passage of that act the appreciation toward the specie standard was arrested, and now, to-day, four years after the passage of that act, your paper money is worth no more than it was at the date of the passage of that act.

Mr. FERRY, of Michigan. I hold in my hand a statement of the prices of gold during the several months of 1870, and the average premium on gold in 1870 was higher than that in 1873.

Mr. SHERMAN. I have the standard here. I took the 18th day of March, 1870, which was about the average of that year, because it was a year after the passage of our law of 1869. The premium on gold was then 11¼; to-day, I believe, it is 12. Some one tells me gold is 112 in New York to-day; so that in four years the advance we have made to specie payments is one-eighth of 1 per cent. backward.

Mr. FERRY, of Michigan. Then the Senator admits substantially that the premium on coin is the same now that it was then. With an increase of $54,000,000 circulation in 1870 the premium on coin has not advanced.

Mr. SHERMAN. Thirty-nine million dollars of bank circulation.

Mr. FERRY, of Michigan. Of bank circulation.

Mr. SHERMAN. If $54,000,000 had been issued, it would have been more; but only $39,000,000 has been issued under the law; $54,000,000 were authorized, but only $39,000,000 issued.

Mr. FERRY, of Michigan. I do not wish to interrupt the Senator, but he has not escaped the fact that $25,000,000 of the $44,000,000 reserve of greenbacks are already out; that more than makes up the amount, so that the increase, as I propose it, is about the same that was made in 1870. Then, if that increase of $54,000,000 in 1870 has not advanced the premium on coin, upon what basis or reasoning does the Senator arrive at the conclusion which he states, that my proposition of increase of about $50,000,000 will increase the premium on coin?

Mr. SHERMAN. Because there is no doubt about it. Every addition to the currency does it. If I wanted to teach my friend this plain lesson in political economy I should have to read to him from the school-books used in every college, down to the last work on political economy. It is an axiom of political economy, which lies at the very groundwork and foundation, repeated by every author that ever

wrote upon the subject, as necessary a consequence as that water will seek its own level. Any increase of paper currency tends to impair its value when it is once depreciated.

Mr. FERRY, of Michigan. I merely put against that theory of the books the facts of the present. The Senator has stated, I believe, that the price of gold in 1870 was substantially what it is to-day; I think only a difference of ¼ per cent., or something of that kind. If, then, with an increase of $54,000,000 circulation since 1870 the price of gold has not advanced, then I say that experience against the books verifies what I now say, that the increase which is proposed will not any more advance the premium on coin than did the increase of 1870.

Mr. SHERMAN. After the passage of the act the Senator refers to, authorizing this increase, the price of gold steadily advanced and again commenced to decline. As a matter of course, if we could once fix the amount, we could no doubt come to it in time; but what assurance have we that after you have issued your $100,000,000, and gold goes up to 133, as it will, and then after the power of inflation has exhausted itself and gold commences to go down, what reason is there to suppose that my honorable friend from Michigan, or some successor of his, will not come here and demand another inflation, and then say that the inflation will not, at the end of four years, increase the price of gold?

There is no mode of accounting for the fact that the value of our greenback has not advanced one single step for four years, except that you have increased the volume of paper and have taken no steps whatever to advance its value. As a matter of course, if you would maintain the amount of paper money at a certain rate for one hundred years till our country got to contain three hundred millions of people, it would be all as good as gold; but if the Senate should follow the lead of my honorable friend and dilute the currency, put water into the elements that now compose our currency, it would undoubtedly depreciate it.

Senators, we have now arrived at a stage of our history where, if we will obey the law and keep the public faith, we shall surely come to safety, prosperity, resting upon the universal standard of value—when industry will be rewarded, and not cheated by the depreciation of paper money. If, on the other hand, you will enter again into a depreciation of your paper money, adopting the cry of expansion, "more money," you will surely travel a road that many nations have traveled before us, to bankruptcy and repudiation.

I will turn over my friend from Michigan for a further answer to my friend from Indiana. The Senator from Indiana says that the issue of the paper money under the law of 1870, the authority to grant new banks, was not expansion, because by the same law the 3 per cents were retired. He construes, therefore, the law of 1870 as not inflating the currency at all. My friend from Michigan, I understand, regards it as expansion to the fullest extent of the amount of notes issued. I hope they will settle it between them.

Mr. MORTON. I would rather settle it just now.

Mr. SHERMAN. Not in my time.

Mr. FERRY, of Michigan. It is rather shutting us down.

Mr. SHERMAN. Mr. President, I want to get through.

The PRESIDENT *pro tempore*. The Senator from Ohio declines to yield.

Mr. SHERMAN. I suppose the Senators who advise more paper money will settle this matter in a private conference.

There is another view I wish to take of this plan of expansion. If you issue the proposed three sixty-five convertible bonds, what will they be worth? I see here some New York bankers. They have computed the value of these bonds before they are issued by the rule of three. A 5 per cent. bond is now practically par in gold. If a 5 per cent. bond is at par in gold, what would a three sixty-five gold bond be worth? Senators can answer that very quickly, because there is a reduction in value of one-third to commence with. If a 5 per cent. gold bond is only worth par, a three sixty-five gold bond would only be worth two-thirds of par. Then, if a three sixty-five gold bond is worth sixty-six cents on the dollar, what will a three sixty-five convertible paper bond be worth? That query will be put to every broker and banker in New York the very moment you authorize such a bond to be issued. They would measure your device by the gold standard before you issued it. They would quote a bond convertible and reconvertible into irredeemable paper money at its value in gold.

But, sir, there is one other reason why all these plans and all these schemes of more paper money ought not even to be debated here. An increase of paper money beyond four hundred millions would be a clear and palpable violation of the public faith. In the darkest hours of the war, when every patriot trembled, when our fate hung in the balance, when our armies were before Richmond, when our armies were on the march through Georgia to the sea, when everybody felt that the danger of inconvertible paper money was likely to strike us from the list of nations, when our paper money then outstanding had fallen so that it took $2.80 to buy one dollar in gold, gold being at a premium of 280, then it was that we entered into a stipulation with the public creditor, which is a part of the act of 1864, a part of the act under which we borrowed money and pledged the public faith. It was a solemn promise that under no circumstances, never would we issue more than four hundred millions of paper money and an additional reserve of fifty million dollars pledged to pay a debt then existing and which has since been paid.

Mr. SPRAGUE. That was under duress.

Mr. SHERMAN. From whom? My friend from Rhode Island suggests quietly that this pledge was under duress. No, Mr. President; the United States was never under duress except from the rebellion. Then it was under duress. But when we were under duress from rebellion in the Southern States we gave our sacred pledge to the men who helped us, to the men who loaned us money, to the capitalists, to the laborers, to the servants, to the women, to the children; yea, Senators, from every part of this broad land, every county and every town, every village and every hamlet, every man, woman, and child poured their little earnings into the stream that flowed into the national Treasury in the summer of 1864; and every dollar of the loan then made was made upon the faith of the sacred obligation of the United States that our paper money should never exceed $400,000,000.

Sir, I trust in God the day never will come when we shall violate that pledge, until we make those promises equal to par in gold. I will not acknowledge, with my friend from Rhode Island, that we were under duress. Certainly we were not under duress from the men, women, and children who loaned us money. They gave us the means by which we put down the people who were in arms against our Government, and, so help me God, I never will violate the faith pledged to them. The act of 1864 is known to every Senator. I will not read it. It is as plain and strong and clear as language could make it.

But, sir, we are told that to issue these three sixty-five bonds convertible into paper money will lower the rate of interest; and my friend from Indiana, with that happy faculty which he has of avoiding difficulties, says when you have a great deal of money, and issue more, does not that cheapen it? Is not the right way to cheapen money to issue more of it? If you had a great abundance of any commodity to sell would it not be cheaper? That is the argument. Well, sir, it will cheapen money to issue more. It will cheapen money as tested by the gold standard, and brokers will tell you every day how much it cheapens it. But who will it benefit to cheapen money? It will aid a man to pay a debt contracted upon a different basis, and to that extent will cheat the creditor.

Mr. MORTON. The Senator does not state the proposition correctly.

Mr. SHERMAN. I will give you time presently.

To the extent that it is paid in payment of a debt already due and payable, it will cheat the creditor and cheapen his debt; but it will not cheapen supplies, provisions, clothing, food, raiment. It may cheat the laboring man; for the laboring man may think it is the same money. He may take his two dollars a day just as he did before; but when he comes to spend those two dollars for the food that supplies his life, or for the clothing that comforts his children, he will find that somebody else is cheated, and he is the one. Sir, every effort whatever, every device to relieve needy men in distress or in debt, that will depreciate the currency, adds to the daily toil of laboring men, adds to the cost of food and clothing. Why, sir, Mr. Webster never uttered a grander truth in his life than that famous passage, which I have almost forgotten, but the substance of which is that the best way to enrich the rich man's field by the sweat of the poor man's brow is by the use of inconvertible paper money. No truth was ever more forcibly uttered.

But they tell us that it will lessen the rate of interest. Let us see. This is a matter of experience. We have had a slight experience in this country, and we have had the experience of other countries, and the fact is just the reverse—the more money is depreciated the higher is the rate of interest. I have some knowledge of this by my own experience. I remember the panics that have occurred in this country since 1837. I recall to the recollection of my friend from Iowa what took place in his own State in 1857. I was in that beautiful State in the spring of 1857. The people were rich, abounding in riches, fanciful riches; money was plenty. One man had made a profit of 100 per cent. on a piece of land that he had never seen and had owned but three months. Another had laid out a town and was selling lots at fabulous prices. Everybody was rich; paper money was abundant—wild-cat paper money; all kinds of money. Good money was there, too, gold as well as paper. Interest was 40 per cent., and many told me that they could make money by borrowing at 40 per cent. They offered to give me 40 per cent. for money to buy land with within five miles of a settlement. Everybody was rich; interest high; times were glorious. In August the failure of the Ohio Life Insurance and Trust Company burst the bubble. The money that was loaned upon that interest was not paid, and the men who were dealing in these high-blown speculations "went up the spout," to use a common phrase. So it was in the panic of 1837. Upon this point I could read you what is said by Mr. Mill; but that is mere "platitude;" that is only the experience of the past, of old men of a different day and generation. I could read you from many books. I could read you the story of the South Sea bubble, when securities went up and interest was 100 per cent. So in all times which precede a financial panic, when people think they are prosperous, when they make money by marking up their goods, interest is enormously high. Sir, the experience of mankind proves that interest is higher under a depreciated paper money than it is under a gold standard. Is it worth while to waste more time to show the utter fallacy of the allegation that more money would cheapen interest?

But it is said that the recent panic was caused by the want of money, by the want of more paper money; and paper money for what? To

build remote railroads, to carry out schemes for the future, to engage in speculative enterprises. The money of the country and the capital of the country was absorbed in unproductive industry. Therefore it was that the blow fell and destroyed a great many good men. But how is it now? Why, sir, at this moment money is easier to be had in the city of New York than it has been for years by persons who are engaged in ordinary commercial business, where the circumstances that surround them inspire confidence and credit. The same money that was in circulation before the panic is in circulation now, and more. Sir, this is not a currency panic. It has no connection with our currency. Such panics have occurred in Great Britain and the United States in specie-paying times. It was simply caused by unproductive investments. The currency is good, only lacking one quality to make it better; that is, if it was as good as gold it would then be the best. It is secure. Nor was it a bank panic, I will say, for the relief of my friend from Indiana; for I am glad to agree with him on one or two things. The banks have stood the panic very well. With the exception of four or five, the national banks have not failed; and not one has failed unless by a clear violation of the law of its organization. Not one that has been brought to my attention has failed except by the use of the bank by the owners in loans and investments prohibited by the national-currency act.

Mr. WEST. Is suspension to pay deposits a failure?

Mr. SHERMAN. Yes; but this suspension was the result but not the cause of the panic. It was justified by the same circumstances that would authorize the increase of the amount of notes of the Bank of England in violation of law. The banks did suspend payments; and that only proved the truth of what I said a while ago, that no plan of redemption would be wise and good unless it has some provision for just such panics. There must be times when banks are compelled to use their reserves, all their resources, and borrow themselves instead of being lenders, and provision should be made for such times. The banks did commit an act of justifiable bankruptcy when they refused to pay their depositors; but that was temporary—a bending before the storm. They rapidly accumulated and gathered in their resources, as the Bank of England would under like circumstances, calling in their loans and denying loans to their customers, and are now in a stronger condition than ever. They now have a greater reserve than they had before the panic.

Mr. President, the condition of our currency has no relation whatever to the panic that passed over the country.

Mr. MORTON. That is a very important admission.

Mr. SHERMAN. In my judgment it is true, and is perfectly consistent with my argument. At this time, when nearly all debts have been settled; when the panic has swept away many fortunes; when we now have all the money that ever was afloat; when confidence is restored; when the price of every commodity is advanced to the price it was before the panic—now is the golden moment when we should take a step in the right direction to make our money equal to gold. I never have charged the panic upon the currency. Indeed I was the first in the midst of the panic to declare that the currency had no connection with the panic. The money was secure; it was good, only that it was not as good as gold. That was the only fault to be found with it. Men hoarded it. That added fuel to the fire and fed the panic. Its origin, like the panic of 1866 in Great Britain, was in the absorption of capital in unproductive enterprises. The want of confidence created by the failure of great houses gave the first alarm; then came the withdrawal of deposits, the depletion of the banks, the suspension of the banks. Then laborers began to be discharged, productive industry began to be stopped; but in a short time the ordinary business of the country was resumed, when people found that they were not all broke. It was the old, old story repeated periodically, arising from different causes, but having the same history and results. These panics are but the ebb and flow of great enterprises. They start with reviving prosperity; they grow with expanding hope and energy; they culminate with enterprises too great for the time, and the blind, unreasoning fear that springs from the failure of these enterprises does in the panic more harm and causes more destruction of values than the injury done by failures. No action of ours can prevent these panics. All we can do is to improve the opportunity offered us to place the public faith of our country on an enduring foundation.

I again appeal to the Senate to now firmly take its stand against any inflation of paper money under any circumstances, under any provocation, or any plea. This alone will do a great good to the country. But if it will go further—if the Senate will lead the way to some wise and practical measure, looking to a redemption of the pledged faith of the United States, the people we represent will have cause to be proud of the political body which they have so long honored. I believe, sir, that no act of the Senate would so much inspire confidence, give strength to our business men, revive our industry, as by a decided vote on these propositions to show that our firm purpose is to take the road that leads to specie payments and a restored currency.

Sir, I have been many years here and in the other House, during long and troublesome controversies, during peace and war, and I for one desire to see the work of our generation crowned by the greatest of civic triumphs, that of performing every promise, and to leave the nation without dishonor; its promises good, its credit untarnished, its wealth and power increasing and expanding.

Mr. WRIGHT. Mr. President——

Mr. MORTON. I ask the Senator from Iowa to allow me to call the attention of the Senator from Ohio to one thing before we pass from this subject to-day.

Mr. WRIGHT. I shall do so, with pleasure. It is my purpose to address the Senate on this subject; but I am satisfied that it is too late to-day. I give way to the Senator from Indiana, with the understanding that I shall have the floor for Monday.

Mr. MORTON. Mr. President, the Senator from Ohio started out upon the act of 1869, and relied upon the promise of the Government, and said now was the time to fulfill it. He put it upon the highest moral and legal basis, and I wish to call attention to that promise:

> And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

Not in bonds, but in "coin;" and he says the practicable moment has now arrived to redeem this promise, which is to pay "in coin." But when the Senator comes to his remedy the bottom drops out of this promise; the moral obligation is all gone; he forgets that the hour is practicable; and he proposes to redeem these notes, not in coin, but in a 5 per cent. bond. He does not propose to pay in coin, although that is the promise, and he says it is practicable to do so; but he proposes to pay only in a 5 per cent. bond. A 5 per cent. bond is at par now, barely at par, when it can be purchased of the Government only for gold. By manipulation through the syndicate we have made a 5 per cent. bond at par. Now I submit this proposition to the Senate and the country, whether a 5 per cent. bond which can only be maintained at par by a manipulation, when it can only be bought from the Government at par in gold, can be kept at par in gold when you are at liberty to convert any amount of currency into that bond at par, which currency is 10 per cent. discount?

The Senator from Ohio proposes that we shall allow an inferior currency, at 10 per cent. discount, to be invested, at par, in a 5 per cent. bond, and then assumes that the 5 per cent. bond will remain at par in gold. That is in conflict with theory and in conflict with experience; and thus the bottom has dropped out of the Senator's moral and legal argument on the act of 1869, for he does not propose, himself, to redeem the greenbacks in coin, but in a bond which then must be under par and float somewhere between the present price of greenbacks and par.

I want to say one thing further in regard to my friend from Michigan, [Mr. FERRY.] He was led into error by a statement made by the Senator from Ohio. The Senator stated at one time that we had inflated the currency fifty-four millions in 1870 by authorizing that amount of national-bank currency. They are both in error. I remember well the argument of my friend from Ohio when that bill passed, standing behind me as he did. The bill provided that the new issue of national-bank currency should only take place as the 3 per cent. certificates were retired. They were then held by the banks under the law as a part of the reserve. They were held by the banks in place of greenbacks, and when they were retired greenbacks had to come in and take their place. The result was that as the 3 per cent. certificates went in to the Treasury, the greenbacks had to come from circulation into the vaults of the banks and stay there to a like amount; and the new national-bank notes coming out would only make the thing even, so that there was no inflation, but, in fact, there was a contraction. How? Because for the $54,000,000 of national-bank notes issued there had to be an additional reserve of 25 per cent. in the cities and of 15 per cent. in the country on this new $54,000,000; so that, in point of fact, there was an actual contraction to the amount of the reserve required by the $54,000,000 of national-bank notes to be issued.

I have listened to the speech of my friend from Ohio with great pleasure throughout. It has been very able and very learned, but it is unfortunate that after starting out upon the high moral and legal basis that we were bound to redeem these notes in coin, and that the time had come to do it, he should end by proposing to redeem them in a 5 per cent. bond that must float somewhat under par.

Mr. SHERMAN. I desire to reply for a moment. My friend from Indiana shows his accustomed adroitness in singling out what he regards as an objection to a single proposition in a plan not before the Senate for the resumption of specie payments. Will he deny that the authority to convert these notes into a 5 per cent. bond would advance them toward par in specie, I ask him?

Mr. MORTON. Some distance to it—no doubt 3 or 4, or, perhaps, 4 or 5 per cent.

Mr. SHERMAN. The Senator ignores the fact that the price of a ten-forty bond is not fixed by the value of our currency but by the value of that bond in the money markets of the world; and, therefore, I say that the moneyed men of the world will regard this approach toward specie payment with great favor, and will give additional credit to our bonds. If our ten-forties are now at par with gold, with the fact staring the people of the world in the face that we are dishonoring our promise to our own people, how much more will they be worth when we have made that promise good.

That is not all. I could show the Senator that the 5 per cent. bonds of the United States have always been at par in gold. They were at a premium before the war. We redeemed 5 per cent. bonds at a premium of 16 or 18 per cent. before the panic in 1857, and the standing value of our 5 per cent. bonds (without respect to this little colloquy) has been more than par in gold.

But my friend mistakes the proposition also that was submitted at the last session. Our proposition was to redeem in coin, or if for any cause we could not in coin, then give the note-holders the next best thing. What has the Senator to say to that? I will ask him now one question more. I have presented my suggestion toward a plan for specie payments. What is his? What does he propose to do? I propose at least to do what I can. If a 5 per cent. bond is not sufficient, give a 10 per cent. bond; but it is not necessary to do that. What does he propose to do? Contrast the two schemes. Mine at least looks toward honor and the fulfillment of the public obligations. It is a redemption in coin; it will be a redemption in coin. If it is faulty in this particular let him move to strengthen the bond. But what is his plan? Contrast the two. He would degrade the bond, degrade the greenbacks, issue more of them, make no provision for paying them Take that narrow criticism of the obligation of the United States, that it leaves entirely as a mere act of legislative discretion, instead of an act of public faith, that the mode and manner of redeeming these notes is a pure matter of legislative discretion and detail; that there is no obligation to apply our means when we have them to the redemption of these coin-notes.

As for the controversy between my friend from Michigan and my riend from Indiana, I will let them fight it out. My friend from Indiana insists upon it that the act of 1870 was no inflation, and so the argument of my friend from Michigan drops out; but my friend from Michigan insists that it was inflation. I will leave that matter to be settled entirely by those two gentlemen.

Mr. HOWE. Mr. President, I never pretended to have any very adequate conception of financial questions; but on moral questions I have ideas, whether they are correct or not. I want, upon this moral question raised by the Senator from Indiana, to make one suggestion. If he held my note for one hundred dollars and I could not pay it, but I had a horse worth seventy-five dollars and should offer him the horse to cancel the note I can very well understand that he might say, "This is not what you promised; you promised me one hundred dollars, and the horse is worth but seventy-five dollars; I will not take it." But if, on the contrary, he comes to me and says, "This note is due;" and I should say, "I cannot pay it;" and he should say, "Well, here; I will take your horse that is worth seventy-five dollars," I do not think that it would enhance the public estimate of my morality if I should say, "I will not give you the seventy-five dollar horse because I have promised to pay you one hundred dollars." And so it may be that the Senator is right in supposing that a 5 per cent. bond is not the equivalent of coin, and therefore it is not doing full justice to the holder of the note. But is there any wrong done if the Government, the maker of those promises, should offer to the creditor the bond in exchange for his note if he prefers to have it?

Mr. MORTON. Will my friend allow me to make a suggestion to show that he has it exactly wrong? The argument of my friend from Ohio is, that we owe these men the coin and that we are able to pay it; but instead of proposing to do it he says, "We will give you our note drawing 5 per cent. interest, although we are able to pay the coin." That is just what Micawber did, and he thought when he gave his note he paid the debt.

Mr. SHERMAN. Micawber was more honest than the man that refuses to give even the note. [Laughter.]

Mr. MORTON. Now the point is that they have got our note as it is; but Senators put the case on the high moral ground, and then drop down from that after insisting that we can pay in coin, and that the time has come to pay in coin, and propose after all that we shall not try to pay in coin, but pay in 5 per cent. bonds. And I want to say one thing further on that point. According to the plan of the Senator from Ohio last year—and he refers to that as being his plan now—these notes were to be made convertible into a 5 per cent. bond at the pleasure of the holders of the greenbacks; and then, when the Treasury got them, it could issue them again for any debt or for any purpose, and the persons to whom they were paid out could come and fund them again, and get new 5 per cent. bonds; and thus they could be funded and reissued, and funded again and reissued, and funded again. Now, does the Senator believe that under such a bill, 5 per cent. bonds to be thus issued and thus bought and rebought for the same notes would remain at par in gold? It seems to me that it is a most violent presumption.

Mr. HOWE. Mr. President, I think the Senator from Indiana, whether he is right on the moral question or not, has certainly mistaken the financial policy of Mr. Micawber. I am familiar with that authority. [Laughter.] Mr. Micawber's theory was, if I have not greatly mistaken the theory of the Government, precisely that which this Government is acting upon now. When the baker or the grocer called upon Mr. Micawber to pay a bill, Mr. Micawber of course had to say, as the Treasury now says, "I cannot pay it, but I will give you my I. O. U."—not a bond or a note drawing interest, but "my I. O. U.;" and if he could get the creditor to take that, then Mr. Micawber felt happy and said he could hold up his head among his fellowmen. That is what I understand the Treasury to be doing now. They are not paying their current debts, but they are issuing their I. O. U.'s—notes not drawing interest, not earning anything, but changing the form of indebtedness.

Mr. MORTON. And that they would be doing under the new plan, simply giving a new note; taking up the old one and giving a new one.

Mr. HOWE. Giving an obligation which does earn something, and leaving it to the option of the creditor whether he will take it or not.

Mr. FERRY, of Michigan. I should like to ask the Senator from Wisconsin a question. I ask if both the greenback and the note are not based upon the credit of the Government; and is not the note a promise to pay in the future, not verified until the future arrives, and the Government shows its ability to pay by the payment of the note? Therefore the difference between the two is simply in the accrued interest when the Government pays the interest—when the time expires.

Mr. HOWE. That is the difference between a note on interest and an I. O. U. not on interest.

Mr. WRIGHT. I believe I was entitled to the floor.

Mr. BAYARD. As the Senate is seeking, rather good-naturedly, for illustrations, and as the financial ideas of the honorable Senator from Indiana have been likened to those of Mr. Micawber, it occurs to me that they would be better represented by that person of whom I lately heard, who, in finding fault with another for wronging his creditor out of money, said it was abominable, and that for his part he would rather owe him the money forever than cheat him out of a cent. [Laughter.]

Mr. MORTON. I would say to the Senator from Delaware that I understand him to indorse the position of the Senator from Ohio, that he proposes to put the Government in the position of saying, through the Senator from Ohio and through Congress, "We are able to pay you in coin; we acknowledge that is our obligation, and we say," as he has said to-day, "that we are able to do it, but we will not do it, but will give you a due-bill."

Mr. SHERMAN. I did not say you were able to do it now.

Mr. MORTON. That is the moral of the proposition.

Mr. BAYARD. I will not detain the Senate to-day to state what my views are; but I trust in the course of a few days I shall be able to explain my views to the satisfaction of the honorable Senator from Indiana.

Mr. MORTON. I am not hard to please. [Laughter.]

Mr. WRIGHT. Unless there be executive business to be done, I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 16, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

COMMITTEE SITTINGS DURING SESSIONS OF THE HOUSE.

Mr. MAYNARD. I ask unanimous consent that the Committee on Banking and Currency have leave to sit during sessions of the House.

There being no objection, leave was granted.

Mr. DAWES. I ask the same privilege on behalf of the Committee on Ways and Means.

There being no objection, leave was granted.

CHARLES W. BERRY.

Mr. ELDREDGE, by unanimous consent, introduced a bill (H. R. No. 1219) for the relief of Charles W. Berry, late private of the Thirty-sixth Regiment Wisconsin Volunteers; which was read a first and second time, and, with papers on the same subject on the files of the last Congress, referred to the Committee on Military Affairs.

WILLIAM ROOD.

Mr. ELDREDGE also, by unanimous consent, introduced a bill (H. R. No. 1220) for the relief of William Rood, late private of the Thirty-sixth Regiment Wisconsin Volunteers; which was read a first and second time, and, with papers on the same subject on the files of the last Congress, referred to the Committee on Military Affairs.

SESSION FOR DEBATE TO-MORROW.

Mr. YOUNG, of Georgia. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. KELLEY. I suggest to the gentleman to modify his motion so as to provide for a session to-morrow for debate only.

Mr. RANDALL. That will require unanimous consent. If the motion of the gentleman from Georgia be agreed to, there will be no difficulty afterward in getting consent for a session to-morrow for debate.

The SPEAKER. If there be no objection, the proposition of the gentleman from Pennsylvania, [Mr. KELLEY,] that the House meet to-morrow as in Committee of the Whole for debate only, no business to be transacted, will be considered as agreed to.

There was no objection; and it was so ordered.

Mr. KELLEY moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ROBERT N. M'MILLAN.

On motion of Mr. WHEELER, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the bill (H. R. No. 604) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana; and the same was referred to the Committee of the Whole on the state of the Union.

LEVEES OF THE MISSISSIPPI RIVER.

On motion of Mr. WHEELER, by unanimous consent, the Committee on Commerce was discharged from the further consideration of the memorial of John A. Regan, of Mississippi, concerning the levees of the Mississippi River; and the same was referred to the Committee of the Whole on the state of the Union.

HORSES AND CARRIAGES USED BY PUBLIC OFFICERS.

Mr. SMALL. I ask unanimous consent to submit for adoption the following resolution:

Resolved, That the Committee on Appropriations be directed to inquire and report to the House how many horses are owned or fed and maintained by the Government of the United States in this District of Columbia; where and by whom the same are kept and fed, and at what expense per week; for what purpose and whose use, and who uses them; and whether the public service requires that any, and if so how many, of such horses shall be kept; also, to inquire and report how many and what carriages or vehicles belonging to the United States are used with said horses.

Mr. BUTLER, of Massachusetts, and Mr. DAWES objected.

Mr. KELLOGG. Let the resolution be referred to the Committee on Civil-Service Reform.

Mr. BUTLER, of Massachusetts. I object.

Mr. KELLOGG. I make the motion to refer to that committee.

The SPEAKER. That would require unanimous consent. The resolution is not before the House, being objected to.

PROCEEDS OF COTTON SALES, ETC.

Mr. FOSTER. I am directed by the Committee on Ways and Means to ask the adoption of the following resolution:

Resolved, That the Secretary of the Treasury be directed to report to this House the amount of money paid into the Treasury of the United States arising from cotton and other captured and abandoned property; how much has been paid to claimants out of said fund; by what authority the same was so paid; and what amount of said fund still remains in the Treasury.

There being no objection, the resolution was considered and adopted.

MAIL MATTER FOR DEPARTMENTS.

Mr. CANNON, of Illinois, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President be, and he is hereby, requested to furnish the House of Representatives a list of all expenses incurred by the various Departments for transportation of any matter which before the abolition of the franking privilege was carried in the mails.

REIMBURSEMENT OF DISTILLERS FOR TICE METERS.

Mr. DAWES. I am directed by the Committee on Ways and Means to report back a bill (H. R. No. 315) for the relief of distillers of spirits by the repayment of money expended or deposited by them for Tice meters with the internal-revenue officers. I move to recommit this bill, and upon that motion I desire to be heard.

The Committee on Ways and Means have instructed me to obtain the sense of the House as to the propriety of that committee taking jurisdiction of cases such as that embraced in this bill, which has been selected from a large number of such cases before us. The committee desire that the House shall determine whether it prefers to have these cases considered by the Committee on Ways and Means or referred to the Committee on Claims.

I will state briefly the character of this bill before the House, and a large number of other bills before our committee. They grow out of the administration of the Treasury Department over the revenue of the country, both as respects internal taxes and customs duties. In reference to Tice meters there is a large number of cases growing out of a condition of affairs which I will state.

Some years ago Congress enacted a law that all distillers should supply themselves at their own cost with the Tice meter as a substitute for all other contrivances to test the capacity of a distillery. It was a very expensive contrivance, costing a good many hundred dollars to put one of these meters upon an ordinary still, sometimes three, four, five, or perhaps a thousand dollars. A few of them were put on stills, but very soon it was discovered it was a total failure, an impracticable thing, and the Commissioner of Internal Revenue ordered the putting them on stills altogether to be stopped. A great many distillers had incurred large expenses. Congress repealed the law. They felt that acting under law and by requirement of the Department expending this money, they were entitled to remuneration. There are about $115,000 of money in the possession of the Internal Revenue Department, not in the Treasury, which belongs to some of these parties. They have presented a bill for general relief, and there are divers bills of private claims on the same subject.

If all the claims of every name and nature more properly belong to the Committee on Claims than to the Committee on Ways and Means, it is the desire of the committee to learn the views of the House. They will very gladly divest themselves of everything that looks like a claim, and turn it over to the Committee on Claims if it be the desire of the House. But heretofore, and up to this time, everything connected with the Revenue Department of the Government or involving the administration of the revenue, to pay back all taxes illegally assessed or the remission of taxes illegally claimed, or anything growing directly out of the revenue, has been before the Committee on Ways and Means. But a discussion here, a few days since, led the committee to infer that possibly the House might have a different view of the subject. If the House are of the opinion that still the Committee on Ways and Means should take jurisdiction of all that class of cases pertaining to the Revenue Department, they will carry out that view by voting to recommit this bill. If they think all this class of cases should go with others to the Committee on Claims, they will, of course, vote against the recommitment of this bill, and then we shall report them all back and turn them over to the Committee on Claims.

The Committee on Ways and Means have taken this method to obtain the view of the House. Personally, the committee of course desire to be relieved of this service; but if in the opinion of the House it can be better performed by that committee than by the Committee on Claims, they will recommit this bill.

Mr. HAWLEY, of Illinois. It seems to me, Mr. Speaker, from what the gentleman from Massachusetts has said in the hearing of the House, this clearly is nothing but a claim for money. It is like any other claim coming before Congress, where the claimant desires to get money out of the Treasury for something for which the Government has received a benefit to the extent of the fund it is desired to draw out. It seems to me clearly all claims should go to the Committee on Claims, to which all matters of this character are, under the rule, properly referred; and I do not know that I can say anything to strengthen the position I have already suggested on that question. It is nothing but a money claim, that the Government has had the benefit of what they furnished. The Committee on Claims was organized for that very purpose, and, in my judgment, all claims of every character should go there. I think the disposition has been manifest on the part of the House to report back from other committees claims erroneously referred to those committees, in order that they may be properly referred to the Committee on Claims. I do not understand the gentleman from Massachusetts objects to such reference, and, if in order, I move to amend his motion, and move that this subject be referred to the Committee on Claims.

Mr. BURCHARD. My colleague seems to admit if this were a matter in which the taxes had not been collected the Committee on Ways and Means would have jurisdiction; that if the claim were that the Government should not press its claim for the collection of this Ticemeter tax or any tax of that kind, the Committee on Ways and Means should investigate the case—should examine the laws, and report whether the tax should be remitted or not. Now, the same principle, it seems to me, would apply to a case where the tax had been collected; for it requires the same examination and the same knowledge of the revenue laws in the one case as it does in the other. The Committee on Ways and Means, in this particular case, from their examination of the laws relating to the revenue, and from their familiarity or supposed familiarity with these laws at the time of their enactment, can examine such questions with less expenditure of time and with greater accuracy and safety, perhaps, than a committee whose attention has not been called to it; and hence I think it for the interest of the House, the interest of business, and the interest of the Treasury, that in this class of cases which do not involve a contract, which do not grow out of a contract, but present a case where there is merely an examination of the law, without an appropriation directly resulting from that examination, that it should be vested in the Committee on Ways and Means. If it were a case where there was a contract, and upon that contract a party presented a claim which a court would adjudicate upon, if it had jurisdiction, and besides asked for an appropriation, I should agree that the Committee on Claims would not only be the committee, but the only proper committee, to which such a bill should be referred.

Mr. HAWLEY, of Illinois. Does not this bill ask an appropriation? Will the gentleman from Massachusetts [Mr. DAWES] be kind enough to state to the House whether this bill contains an appropriation or not?

Mr. DAWES. The bill is at the table. I understand that it does not require strictly an appropriation, but there is a fund not in the Treasury, and that the bill authorizes the proper authorities to pay that fund which they hold. I am not certain whether there is not now in the Treasury some portion of the money.

The SPEAKER. The Clerk will read the fourth section of the bill.

The Clerk read as follows:

SEC. 4. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to carry into effect the provisions of this act.

Mr. DAWES. Perhaps it would be well to have the whole bill read, so that the House may have a better understanding of it.

The SPEAKER. The bill will be read.

The Clerk read the bill, as follows:

A bill for the relief of distillers of spirits by the repayment of money expended or deposited by them for Tice meters with the United States internal-revenue officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all money deposited, paid, or expended by the distillers of the United States under the acts of Congress approved March 2, 1867, and July 20, 1868, and by order of the Commissioner of Internal Revenue, for the purchase of the meters known as Tice meters, for measuring and determining the products of distilleries, and all money expended by said distillers for freight on said meters, shall be refunded and repaid. And the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make and establish

such regulations for the proper examination, refunding, and repayment of all claims arising under this act as are necessary to carry it into effect.

SEC. 2. That all payments under the provisions of this act shall be made to the parties by whom the original deposits and payments were made under the orders of the Internal-Revenue Department, or, in case of the death or insolvency of any of them, to their legal representatives or trustees; and in all cases where any of said parties are indebted to the United States on any account whatsoever, the amount which would otherwise be refunded to them under the provisions of this act shall be retained and applied to the satisfaction *pro tanto* of such debt or liability.

SEC. 3. That the first section of the act entitled "An act to prevent frauds upon the Treasury of the United States," approved February 26, 1853, shall apply to all assignments, transfers, and powers of attorney made or given relative to the repayments herein provided for as fully as if specially re-enacted.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, a sum sufficient to carry into effect the provisions of this act.

Mr. KASSON and Mr. MELLISH rose.

Mr. MELLISH. I rise to a point of order.

Mr. KASSON. This is no private claim, and the question which has been submitted cannot, I think, arise here. I submit that this is a modification on behalf of the United States of the revenue laws and a provision to protect the honor of the United States against the charge of having set a trap by force of law, compelling parties to put their foot in it to their damage.

The SPEAKER. The Chair will state that no point of order can arise on the reference of a bill. The House has a right to refer a bill where it pleases. A point of order can never arise on that subject.

Mr. DAWES. I have not expressed any desire in regard to the disposition of this question. I desire simply to have the sense of the House upon it.

Mr. RANDALL. Will the gentleman from Massachusetts yield to me for a moment?

Mr. DAWES. I have agreed to yield first to the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. I want to say a word on this subject. The Committee on Ways and Means have considered it very carefully for the last two years. All the reports that have been sent by the Departments bearing upon it have been sent to that committee. I hold in my hand now the report of the Commissioner of Internal Revenue, a document of one hundred and fifty-two pages, made on the 2d April, 1870, and referred to the Committee on Ways and Means, discussing this whole subject. Again, Report 69, third session Forty-second Congress, contains the whole history of it as given both by the majority and minority of the committee. They have therefore looked at it in every form. And we believed that, as it grew out of laws laid before this House by the Committee on Ways and Means, and bore upon the revenue of the country, it was legitimate for us to deal with it. But, if after consideration we were to be met with the objection that it ought to go to the Committee on Claims, we wanted that question made now so that it may go to that committee at once. But in view of the communication made by the Commissioner of Internal Revenue and the fact that it grew out of matters of internal revenue on which we were in daily communication with the Department, and about which the Committee on Claims could by no possibility get the information that the Committee on Ways and Means had, we intended to take jurisdiction over it unless the House by a vote takes it away from us. And if it intends to do that, now is the proper time to do it. The question has been laid before the House now, before we commence another elaborate investigation, so that it may be determined whether it was useless for us to go on or not. I think that beyond all question the subject belongs to the Committee on Ways and Means as the only committee that can get the information necessary to obtain for it a fair consideration by the House.

Mr. DAWES. I yield now to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I wish to ask the chairman of the Committee on Ways and Means if this was not considered by that committee during the last Congress?

Mr. DAWES. It was considered by the Committee on Ways and Means, and the committee made a very elaborate report on the subject; and the views of the minority were also submitted to the House, and both were printed. There was no final action taken, and it came again before the committee. The committee have reported back the bill without expressing their own views, as they did not think it proper to do that because of the discussion a few days ago, in order that the House might act upon it, and say whether they desire matters growing out of the administration of the Revenue Department, though in the nature of claims, to be examined by the Committee on Ways and Means, or to go to the Committee on Claims.

Mr. FRYE. I desire to say, Mr. Speaker, that the question was before the Committee on Claims in the last Congress, and was examined with care and thoroughly investigated. My impression is that the record will show that the same matter was before the Committee on Claims of the preceding Congress—the Forty-first Congress. Now, sir, while I care but little where this bill goes, I desire to bring this point to the attention of the House, that these claims which are brought here are, every now and then, vibrating between this committee and that committee. The Committee on Ways and Means examines claims and reports adversely, and at the same time the same claim is before the Committee on Claims, and they are investigating it.

Now, sir, some stop should be put to this. I noticed that the Committee on Ways and Means during the last Congress had frequently before them cases arising where a rebatement of taxes was desired where distilleries had been destroyed by fire or other accident, and the Committee on Claims had before them precisely the same question, and were investigating it at the same time, thus giving the claimant two chances—a chance before two committees. Now this is wrong. One committee should have jurisdiction of a case, as a court has jurisdiction, and no other committee should have it at the same time.

Now, sir, in the last Congress the Committee on Claims had before them some fourteen hundred claims which they could not possibly examine, and therefore there may have been some excuse for the assumption of their duties by other committees; but early in this Congress, by a resolution offered by myself, war claims were taken from the Committee on Claims and referred to the Committee on War Claims; so that to-day you have a Committee on Claims entirely competent to discharge all the duties, with the gentleman from Illinois, [Mr. HAWLEY,] accomplished in legislation, a just man, and a lawyer, at its head. They have abundance of time to examine every claim except a war claim. These being the circumstances under which, to-day, we are legislating, I hope that this bill will not be recommitted to the Committee on Ways and Means, who have matters of greater importance to the whole nation before them, and whose whole time must certainly be well taken up, but will be given into the charge of the Committee on Claims.

Mr. RANDALL. It really does not matter to what committee this question is committed so far as the relief of these parties is concerned, for any committee to which it may be referred will have to report a general bill covering nine hundred names of parties who were charged for Tice meters, only one hundred of which were furnished. There are eight hundred persons who actually deposited, under a law which emanated from the Committee on Ways and Means, money to pay for these meters who have received nothing whatever for that money; it was, in fact, money obtained under false pretenses.

But I would rather favor a reference of this bill to the Committee on Ways and Means, because in the last Congress that committee made a thorough examination of this subject and reported against the payment of these claims. Now, I feel quite certain that unless there are manifest reasons for the payment of these claims the Committee on Ways and Means will not change their judgment in that respect. I do not mean in any manner to reflect on any other committee of the House, but I think we should leave this question to the committee who have made a thorough investigation of it, and have made an elaborate report on the subject. I, therefore, shall vote, for one, to recommit the bill to the Committee on Ways and Means.

Mr. HAWLEY, of Illinois. I desire to say one word only, and to give a reason why this bill should not be referred to the Committee on Ways and Means. It is said that the Committee on Ways and Means must necessarily be more familiar with the laws in regard to the revenue than any other committee of the House. For the same reason it might be said that the Committee on the Post-Office and Post-Roads must be more familiar with all questions in reference to the Post-Office Department, and as to all claims presented with reference to contracts with that Department, than any other committee, and therefore that such claims should go to the Committee on the Post-Office and Post-Roads. And so with claims growing out of contracts made with the War Department, which have been violated by the Government, or are alleged to have been violated by the Government; it might be said that they should go to the Committee on Military Affairs, because it is the business of that committee to investigate the law regarding the Army and the operations of the War Department. The same thing may be said in reference to claims growing out of transactions with all the other Departments of the Government. Sir, the Committee on Claims was established for the very purpose of taking cognizance and jurisdiction of all claims for money to be paid out of the Treasury of the United States, unless, indeed, under the present rule of the House, it might be claims belonging to the Committee on War Claims, which was created in this session and has jurisdiction of all claims growing out of the wars of the Government. If any man has a valid claim against the Government under existing laws, he goes to the Committee on Appropriations to procure the necessary appropriation to pay him; but if he comes here with a claim that the Government has violated a contract or agreement, or has done or has failed to do any act by which it has become indebted to him for money out of the Treasury of the United States, under the rules such claim should go to the Committee on Claims.

If this rule shall be adhered to, and all claims against the Government shall be sent to the Committee on Claims, then they will be in charge of a committee which, having control of all such matters, will know what those claims are, and at each Congress it will be known whether any particular claim has been before passed upon favorably or unfavorably. It is well known that any claims which have been reported upon adversely by one committee are sent to other committees, for the purpose of avoiding examination by the committee that has already reported upon them adversely. Therefore I say that all bills which are claims against the Government, requiring the payment of money, should go to the Committee on Claims. I do not speak with reference to this particular case, but I refer to a rule which should be applied generally. If this is acknowledged to be a claim against the Government, requiring money to be paid out of the Treasury to meet

it, then it should go to the Committee on Claims. I therefore move to amend the motion to recommit to the Committee on Ways and Means, so as to refer it to the Committee on Claims.

The SPEAKER. The Chair begs to make a remark at this point, in order that there may be no misunderstanding from what was said the other day. The remarks of the Chair then were directed to the habit of referring bills during the morning hour of Monday, when members were paying no attention. If the House intelligently and knowingly refers a bill, it has of course its own choice of committees. It is the privilege and province of the House to work its committees as it sees fit, and no point of order can lie against any action thus taken.

The question was then taken upon the motion of Mr. HAWLEY, of Illinois; and upon a division there were—ayes 62, noes 61; no quorum voting.

Tellers were ordered; and Mr. HAWLEY of Illinois, and Mr. DAWES, were appointed.

The House again divided; and the tellers reported that there were—ayes 72, noes 79.

So the motion of Mr. HAWLEY, of Illinois, was not agreed to.

The motion of Mr. DAWES was then agreed to.

ABNER Y. ELLIS.

Mr. HAWLEY, of Illinois, from the Committee on Claims, reported adversely on the bill (H. R. No. 350) for the relief of Abner Y. Ellis, of Madison County, Illinois; and the bill was laid upon the table, and the report accompanying the same ordered to be printed.

JOSEPH R. BLACKWELL.

Mr. HAWLEY, of Illinois, also from the same committee, reported back the bill (H. R. No. 676) for the relief of Joseph R. Blackwell, postmaster at Litchfield, Illinois.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit Joseph R. Blackwell, postmaster at Litchfield, in the State of Illinois, in his account as such postmaster, with the sum of $535.85, being the amount of postage-stamps, stamped envelopes, and money stolen from the safe of the said post-office by burglars on the night of the 13th day of August, 1873, without fault or negligence on the part of said postmaster.

Mr. WILLARD, of Vermont. I raise the point of order that this bill should go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The point of order is well taken, and the bill will be accordingly referred to the Committee of the Whole.

GEORGE W. KEYES.

Mr. BURROWS, from the Committee on Claims, reported a bill (H R. No. 1222) for the relief of George W. Keyes; which was read a first and second time.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit George W. Keyes, postmaster at Olivet, Michigan, in his account as such postmaster, with the sum of $106.50, being the amount of postage-stamps burglariously stolen from the safe where said stamps were deposited on the night of the 5th of May, 1869, without fault or negligence on the part of said postmaster.

Mr. WILLARD, of Vermont. I make the same point of order against this bill as before.

The SPEAKER. The bill will be referred to the Committee of the Whole on the Private Calendar.

Mr. RANDALL. Cannot some general objection be lodged against all these bills, or some ruling by the Chair, which would obviate the necessity of members watching each one of these bills?

The SPEAKER. That would be the worst possible thing, because the rule which requires the most strict attention on the part of every member is the most valuable rule.

Mr. RANDALL. I see the Chair hits back at me very properly.

The SPEAKER. The Chair begs also to state that a bill reported upon adversely may be sent to the Committee of the Whole, if members choose to make the point of order upon it; and on this ground, that an adverse report may not be concurred in by the House; and if not, the question would then come on the engrossment and passaeg of the bill.

ABEL M. LEWIS.

Mr. BURROWS, from the Committee on Claims, reported adversely upon the bill (H. R. No. 339) for the relief of Abel M. Lewis, of the State of Indiana.

Mr. WILLARD, of Vermont. I make the point of order that this bill should go to the Committee of the Whole.

The SPEAKER. The point of order is well taken.

SARAH F. LINCOLN.

Mr. LANSING, from the Committee on Claims, reported back the bill (H. R. No. 517) for the relief of Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York, in her account as postmaster, with the sum of $516.20, being the amount of postage-stamps stolen from the safe of said post-office by burglars on the night of the 3d day of January, 1873, without fault or negligence on the part of said postmaster.

Mr. WILLARD, of Vermont. I make the same point of order against this bill.

The bill was accordingly referred to the Committee of the Whole.

GEORGE W. HARDING.

Mr. SMITH, of Ohio, from the Committee on Claims, reported back the bill (H. R. No. 231) for the relief of George W. Harding; and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions and War of 1812.

The motion was agreed to.

JAMES W. GLOVER.

Mr. HAMILTON, from the Committee on Claims, reported back, with an amendment, the bill (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit James W. Glover, postmaster at Oxford, in the State of New York, in his account as such postmaster, with the sum of $498.39, being the value of postage-stamps stolen from the safe of said post-office by burglars on the night of the 16th day of April, 1873; and the further sum of $30.03, being the amount of money belonging to the Post-Office Department stolen by said burglars from said safe at the same time; said stamps and money being stolen without the fault or negligence of said Glover.

The amendment was to strike out the portion of the bill relating to money stolen.

Mr. WILLARD, of Vermont. I make the point of order that this bill should go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair sustains the point. The bill will be so referred.

WILLARD HOWE.

Mr. WILLIAMS, of Massachusetts, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommendation, the bill (H. R. No. 1213) for the relief of Willard Howe, of Massachusetts.

The bill was read. It recites that in September, 1871, the post-office at South Framingham, Massachusetts, was burglariously entered and robbed of public moneys and property to the amount of $474.54; that such robbery was effected without fault or negligence on the part of the postmaster, Willard Howe; and that he has paid to the United States the amount and value of the moneys and property so stolen. The bill directs the Auditor for the Post-Office Department to credit the account of Howe with the sum of $474.54, to reimburse him for the payments so made by him.

Mr. PENDLETON. I make the point that this bill contains an appropriation and must go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair sustains the point. The bill will be so referred. The Chair will also state that in all cases where a written report accompanies these bills he will direct it to be printed.

LEONARD I. SMITH.

Mr. COMINGO, from the Committee on Indian Affairs, moved that the committee be discharged from the further consideration of the petition of Leonard I. Smith, of Utah Territory, for indemnity for depredations upon his property by Shoshone Indians in 1864; and that the same be referred to the Committee on Claims.

The motion was agreed to.

WILLIAM B. MORGAN.

Mr. YOUNG, of Georgia, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 546) for the relief of William B. Morgan.

The bill was read. It authorizes the payment of fifty dollars to William B. Morgan, late sergeant Company D, One hundred and forty-ninth Regiment Pennsylvania Volunteers, as additional bounty under the act of Congress approved July 28, 1866, provided he has not already received bounty under that act.

Mr. WILLARD, of Vermont. I make the point of order on that bill.

The SPEAKER. The bill will be referred to the Committee of the Whole on the Private Calendar.

L. S. CAMPBELL.

Mr. HUNTON, from the Committee on Military Affairs, reported a bill (H. R. No. 1223) for the relief of L. S. Campbell; which was read a first and second time.

The bill directs the Quartermaster-General to pay to L. S. Campbell, out of any money appropriated for the Quartermaster's Department, $224.

Mr. PENDLETON. I make the point that that bill must go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The bill will be so referred.

EDWARD P. JOHNSON.

Mr. ALBRIGHT, from the Committee on Military Affairs, moved that the committee be discharged from the further consideration of the bill (H. R. No. 421) for the relief of Edward P. Johnson, that the same be laid on the table, and the accompanying report printed.

The motion was agreed to.

WILLIAM H. DENNISTON.

Mr. THORNBURGH, from the Committee on Military Affairs, reported a bill (H. R. No. 1224) for the relief of William H. Denniston, late an acting second lieutenant of the Seventieth New York Volunteers; which was read a first and second time.

The bill directs the Paymaster-General of the Army, out of appropriations for the pay of the Army, to allow and pay to William H. Denniston, late an acting second lieutenant in Company D, Seventieth New York Volunteers, the pay and allowance allowed by law to a second lieutenant of infantry from December 24, 1861, to July 15, 1862; he having actually served in that capacity and having received no pay therefor.

Mr. RANDALL. I make the point that this bill must go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The bill will be so referred.

LAND TITLES IN MISSOURI.

Mr. BUCKNER, from the Committee on Private Land Claims, reported a bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri.

The bill was read. It recites in the preamble that the Baron of Carondelet, governor-general of the territory of Louisiana, on March 15, 1797, instructed Zeno Truedro, lieutenant-governor of the territory, to place Moses Austin in the possession of a league square of land at Mine à Breton, in said territory; that Austin, in the year 1798, took possession of the land by moving upon it with his family, and improved the same by building dwelling-house, blacksmith-shop, furnace, and other improvements; that the lieutenant-governor, on the 14th of January, 1799, ordered Antone Lulard, surveyor in the territory, to survey the land and put Austin legally in possession of the same, which survey, numbered 52, containing seven thousand one hundred and fifty-three arpents and three and two-thirds feet, was executed by Lulard, and a certificate of the same filed by him in November, 1800; that Don John Ventura Morales, then governor at New Orleans, did in the year 1802, in the name of the King of Spain, grant to Moses Austin the lands so surveyed and located. The bill therefore provides that the United States release whatever title they may have to the lands now numbered 430 on the plat in the surveyor-general's office, and in townships 37 and 38, range 2 east, in the county of Washington, and State of Missouri, containing 7,153.32 arpents, (6,085.29 acres,) to the heirs, legal representatives, or assigns of Moses Austin, according to their respective interests therein; provided that the act shall not affect or impair the title which any settler or other person may have acquired adverse to the title of Austin to any portion of the land.

Mr. WILLARD, of Vermont. Is there a report in this sense?

Mr. BUCKNER. The bill is accompanied by a report, which can be read for the information of the House, or I can state its substance if desired.

Mr. WILLARD, of Vermont. I ask that the report be read.

The report was read. It states that the legislation demanded by this bill grows out of the following state of facts: During the period intermediate between the execution of the second treaty of St. Ildefonso, of October 1, 1800, between Spain and France, whereby the former power ceded the province of Orleans or territory of Louisiana to France and the purchase and cession of said territory by the United States, Moses Austin applied to the proper authorities at New Orleans for a grant of a league square of land, and by order of the governor-general of the territory of Louisiana he was put into possession of the land mentioned and described in the bill, and for several years occupied the same and improved it by building a dwelling-house, factory, shops, furnaces, and other improvements. The land was surveyed to him by the surveyor-general of the province or territory of Louisiana under the order of the lieutenant-governor, who was vested with authority for such purposes, and this survey was duly filed by him in the proper office. Subsequently, in the year 1802, the then governor of the province, residing at New Orleans, in the name of the King of Spain, granted the lands so surveyed and located to Moses Austin. (See American State Papers, volume 3, pages 593, 594.) But while Austin was thus perfecting his right to the land by occupation and possession the treaty between France and Spain had been executed and ratified, but was not promulgated until a year after he had obtained his grant from the Spanish authorities, about which time the French republic ceded it to the United States. Austin's patent was in fact executed by Spain after that power had transferred the province of Louisiana to France. The first board of commissioners, known in Missouri as the old board, appointed under an act of Congress of the 2d of March, 1805, to adjudicate the inchoate and uncompleted titles to lands in the then Territory of Missouri, and which the Government of the United States was under treaty obligations to respect and confirm, decided that Austin's grant was not a perfect title, but was only equitable and incomplete. But it was generally believed that this claim of a league square was confirmed by the provisions of the act of Congress of April 12, 1814, and Austin's assigns and those claiming under him rested under that impression until within a few years since the Commissioner of the General Land Office, yielding to the authority of the opinion of a former Attorney-General, held that this claim was unconfirmed, and it is so treated by his Department. But the Government has always recognized the validity of the claim, and the object of this bill is to divest any right of the United States and pass it to those claiming under Austin, who have been in possession for half a century, claiming the land adversely against everybody as well as the United States. All the right that the United States has to this land is the naked legal title, if that, while the equitable title is beyond question in Moses Austin or his legal representatives; and there would seem to be no reason why this act of release and confirmation, should not be granted by the United States. There seems to be no doubt but that the parties now holding and occupying this land claim to hold under Austin, but out of abundant caution, and in accordance with the suggestions of the Commissioner of the General Land Office, the bill provides that the rights of any person who has acquired title to any portion of this land adverse to the title of Austin shall not be prejudiced by this act. The same bill, substantially, as now recommended was passed in both Houses during the last Congress, but failed to receive the approval of the Executive in the hurry and confusion at the close of the session.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUCKNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM E. PRINCE.

Mr. RUSK, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa; which was read a first and second time.

The bill authorizes and directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of William E. Prince, late a private in Company I, Twenty-third Regiment Missouri Volunteers, and to pay him a pension from the date of his filing the application for the same with the Commissioner of Pensions.

Mr. WILLARD, of Vermont. I suppose these pension bills must all go to the Committee of the Whole on the Private Calendar.

The SPEAKER. They must if the point be made.

Mr. WILLARD, of Vermont. I make the point.

Mr. RUSK. If the gentleman will permit the report to be read, I think there will be no objection to the bill.

Mr. WILLARD, of Vermont. As I am asked to withdraw my point of order, I presume I may be allowed to state the reason why I make it. We have adopted a rule that all private bills, calling for any appropriation or any expenditure out of the Treasury of the United States or for any grant of property of the United States, shall have their first consideration in the Committee of the Whole. I do not make my point of order from any hostility to this bill; I presume the bill itself is a just one; I only make it because, having a rule on the subject, we should stand by it.

Mr. KASSON. I wish to appeal to my friend from Vermont on this one point, that this bill provides whatever has been done under it shall be done under the limitations of the existing law; therefore by passing this bill we would make no new regulation. And it seems to me this ought to constitute an exception in practice, unless there be some special reason why it should be referred to the Committee of the Whole. For that reason I ask that all pension bills drawn in this way, instead of being referred to the Committee of the Whole, be disposed of at once, as well for the interest of the poor men who suffer from delay as for the convenience of the House in saving time.

The SPEAKER. Of course the bill can be passed, by unanimous consent, in order; but it will soon be reached in the committee, and sending it there under the rule will only amount to a delay of a very short time.

Mr. RANDALL. If we have rules we ought to act up to them.

The SPEAKER. The point of order is a good one.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS BARNARD.

Mr. RUSK, from the Committee on Invalid Pensions, also reported a bill (H. R. No. 1226) granting a pension to Francis Barnard; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Barnard, late private in Company K, Forty-ninth Regiment Ohio Volunteers, and pay him a pension from the passage of the act.

Mr. WILLARD, of Vermont. I make the same point of order on that bill.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA A. MAXHAM.

Mr. SMALL, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1227) granting a pension to Eliza A. Maxham; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza A. Maxham, mother of Samuel W. Maxham, late private in Company E, Second Regiment United States Sharp-shooters, and pay her at the rate of eight dollars per month, to be dated from the death of said Samuel W. Maxham, on the 6th day of May, 1864.

Mr. WILLARD, of Vermont. I make the same point of order on that bill.

The bill was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY STORRS.

Mr. SMALL, from the same committee, also reported a bill (H. R. No. 1228) granting a pension to Mary Storrs; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Storrs, mother of Charles Storrs, late private in Company K, Seventh Regiment Vermont Volunteers, and of Gilman D. Storrs, late private in Company D, Tenth Regiment Vermont Volunteers, and pay her at the rate of eight dollars per month, to date from the death of said Gilman D. Storrs, on the 27th day of November, 1863.

Mr. WILLARD, of Vermont. I make the same point of order on that bill.

The bill was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BARBARA M'GLENAN.

Mr. SMALL, from the same committee, also reported adversely on the memorial of Barbara McGlenan, asking for a pension; and the same was laid on the table, and the accompanying report ordered to be printed.

MICHAEL SHIELDS.

Mr. MARTIN, from the Committee on Invalid Pensions, reported back a bill (H. R. No. 538) for the relief of Michael Shields, with the recommendation that it do not pass; and the same was laid on the table, and the accompanying report ordered to be printed.

Mr. GARFIELD. Mr. Speaker, what is the custom of the House in reference to printing adverse reports?

The SPEAKER. They are always ordered to be printed.

Mr. GARFIELD. They certainly ought to be, so that we may have a permanent record, for otherwise we may have precisely such a case as has been referred to, where after adverse report the papers may be withdrawn from the files, and the Department, without knowing that previous action, may make an allowance of pension. If these reports are printed they will be a part of the permanent record, and can be referred to and be known by the Department.

ELLEN WILSON.

Mr. O'BRIEN, from the Committee on Invalid Pensions, reported adversely on the memorial of Ellen Wilson, widow of John E. Wilson, late first lieutenant Company D, Twenty-ninth Regiment Pennsylvania Volunteers; and the same was laid on the table, and the accompanying report ordered to be printed.

ELIZABETH R. M'CRACKEN.

Mr. O'BRIEN, from the same committee, also reported a bill (H. R. No. 1229) granting a pension to Elizabeth R. McCracken; which was read a first and second time.

Mr. WILLARD, of Vermont. I make the point of order on that bill that it should have its first consideration in Committee of the Whole on the Private Calendar.

The bill was referred to the Committee of the Whole on the Private Calendar.

MRS. FANNIE B. WHITE.

Mr. CRITTENDEN. I am instructed by the Committee on Invalid Pensions to report adversely on the application of Mrs. Fannie B. White for a pension, and move that the same be laid on the table.

I will state, Mr. Speaker, that the husband of the applicant was a military store-keeper in California, and died in 1858. There was no law existing then justifying the granting of a pension in this case. I should like very much hereafter to hear the question which grows out of this application discussed in the House. It will be brought before the House again.

The petition was ordered to be laid on the table, and to be printed.

ELIZABETH W. PRINDLE.

Mr. YOUNG, of Kentucky, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minor children of Jose F. Doak, deceased; which was read a first and second time.

Mr. WILLARD, of Vermont. I make the point of order on that bill.

The bill was referred to the Committee of the Whole on the Private Calendar.

EDMUND M. RANDOLPH.

The SPEAKER. The committees have now been called through for reports of a private nature. The Chair will recognize the gentleman from New York, [Mr. POTTER,] who was not in his seat when the Committee on the Judiciary was called.

Mr. POTTER, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 191) to provide for the payment of legal services rendered by Edmund M. Randolph to the United States.

Mr. WILLARD, of Vermont. I make the point of order on that bill.

The bill was referred to the Committee of the Whole on the Private Calendar.

DEPUTY COMMISSIONER OF INTERNAL REVENUE.

Mr. KELLOGG, by unanimous consent, introduced a bill (H. R. No. 1231) to abolish the office of Deputy Commissioner of Internal Revenue; which was read a first and second time.

Mr. KELLOGG. I move that the bill be printed, and that it be referred to the Committee on Reform in the Civil Service, with leave to report it back at any time.

There was no objection, and it was so ordered.

AMENDMENT OF THE RULES.

Mr. COX. I am instructed by the Committee on the Rules to report an amendment to Rule 102.

The SPEAKER. The Clerk will read Rule 102, which it is proposed to amend.

The Clerk read as follows:

RULE 102. Seven additional standing committees shall be appointed at the commencement of the first session in each Congress, whose duty shall continue until the first session of the ensuing Congress.—*March* 30, 1816.

To consist of five members each.

1. A committee on so much of the public accounts and expenditures as relates to the Department of State;
2. A committee on so much of the public accounts and expenditures as relates to the Treasury Department;
3. A committee on so much of the public accounts and expenditures as relates to the Department of War;
4. A committee on so much of the public accounts and expenditures as relates to the Department of the Navy;
5. A committee on so much of the public accounts and expenditures as relates to the Post-Office;
6. A committee on so much of the public accounts and expenditures as relates to the Public Buildings; and
7. A committee on so much of the public accounts and expenditures as relates to the Interior Department.

The SPEAKER. The Clerk will now read the resolution reported by the Committee on the Rules.

The Clerk read as follows:

Resolved, That Rule 102 be amended by adding at the end thereof the following:

8. A committee on so much of the public accounts and expenditures as relates to the Department of Justice.

The resolution was adopted.

Mr. COX moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HAWLEY, of Illinois. I now move that the House resolve itself into Committee of the Whole on the Private Calendar.

SALARIES.

Mr. HARRIS, of Virginia. Before that motion is made I desire to make a statement. I was not present when the vote was taken on the Senate amendment to the House salary bill, in consequence of the illness of a member of my family. If I had been present I should have voted, as I have steadily done, for the lowest salary, and therefore would have voted "ay" on the bill.

COMMITTEE ON PATENTS.

Mr. CONGER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the chairman of any sub-committee of the Committee on Patents be authorized to administer oaths in the investigation of any matter pending before such sub-committee.

CHINESE IMMIGRATION.

Mr. PAGE. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Foreign Affairs be, and is hereby, instructed to report to this House at the earliest practicable moment, if expedient, a concurrent resolution advising an opening of negotiations by the President of the United States with the Emperor of China, with a view to such a modification of articles 5 and 6 of the existing treaty between the two nations as to check or altogether prevent Chinese immigration to the United States.

Mr. WILLARD, of Vermont. I object. I have no objection to the reference of the resolution, but I object to its being adopted.

Mr. PAGE. I ask that the resolution be referred to the Committee on Foreign Affairs.

There was no objection, and the resolution was so referred.

CHIEF JUSTICE OF THE SUPREME COURT.

Mr. WALLS. I ask unanimous consent to introduce for reference to the Judiciary Committee a bill to prescribe the mode of filling the position of the Chief Justice of the Supreme Court of the United States.

Mr. HAWLEY, of Illinois. I object, and demand the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the question on the gentleman's own motion that the House resolve itself into Committee of the Whole on the Private Calendar.

The question was put, and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. TYNER in the chair,) and proceeded to the consideration of the bills upon the Private Calendar.

ROBERT N. M'MILLAN.

The first bill upon the Calendar was the bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and super-

intendent of lights for the district of Teche, in the State of Louisiana.

The bill authorizes and directs the proper accounting officers of the Treasury to adjust and settle the account of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana, and allow him the sum of $705.56, being the amount paid for salaries of keepers and assistant keepers of light-houses for the first quarter of the year 1861.

Mr. HAWLEY, of Illinois. There is a report of considerable length accompanying this bill; but I can state to the committee that that report simply shows—and in that it is sustained by letters from the Navy Department—that the money now to be paid the claimant had been paid by him to certain officers for the benefit of the Government of the United States, and the reason why it was not repaid at the Department was that there was no appropriation out of which it could be paid. The committee reported the bill unanimously, and I think there can be no objection to it. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

COLONEL E. M'CARTY.

The next bill upon the Calendar was the bill (H. R. No. 352) for the relief of Colonel E. McCarty, reported from the Committee on Claims with amendments.

The bill authorizes and directs the Secretary of the Treasury to pay to Colonel E. McCarty, of Illinois, out of any money in the Treasury not otherwise appropriated, the sum of $1,450; which said sum the said Colonel E. McCarty paid to the Government on a direct-tax sale by the judgment of a United States court, and for which payment of money the said Colonel E. McCarty received no consideration.

The amendments reported by the committee were read, as follows:

In line 5, after the word "Illinois," insert the words "assignee of Ruel Hough."

In lines 7 and 8 strike out the words "Colonel E. McCarty" and insert in lieu thereof the words "Ruel Hough."

In lines 9, 10, and 11 strike out the words "and for which payment of money the said Colonel E. McCarty received no consideration" and insert in lieu thereof the words "the tax on the land sold having been paid prior to said sale by the owner thereof."

Mr. WILLARD, of Vermont. Is there any report in this case?

The CHAIRMAN. There is, and it will be read if the gentleman desires it.

Mr. WILLARD, of Vermont. I do not ask for the reading of the report if the gentleman from Illinois will explain the bill.

Mr. HAWLEY, of Illinois. There is a long report, but the only object of the bill is to reimburse this party for money paid twice over for land upon which the tax had been paid, and it had then been sold on the supposition that the tax had not been paid.

The SPEER. Did the Government twice get the purchase money?

Mr. HAWLEY, of Illinois. Certainly it did. I presume the report will be printed.

The amendments were agreed to.

Mr. HAWLEY, of Illinois. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

ABNER Y. ELLIS.

The next bill upon the Private Calendar was the bill (H. R. No. 350) for the relief of Abner Y. Ellis, of Madison County, Illinois.

The bill directs the Secretary of the Treasury to pay to Abner Y. Ellis, of Madison County, Illinois, the sum of $874.20, being interest at the rate of 6 per cent. from the 20th day of February, 1857, to the 30th day of June, 1873, on the sum of $651.58, due to the said Abner Y. Ellis upon his account as postmaster of the city of Springfield, in the State of Illinois, the payment whereof was withheld for that length of time by the Government of the United States.

Mr. HAWLEY, of Illinois. That bill was reported by the committee adversely. I move that it be laid aside, to be reported to the House with the recommendation that it do not pass. The report in the case ought to be printed, if the Committee of the Whole have the power to order it. I believe a rule has been adopted at this session that all adverse reports shall be printed. Am I correct in that?

The CHAIRMAN. The Chair would inform the gentleman from Illinois that all adverse reports are printed.

The motion of Mr. HAWLEY, of Illinois, was then agreed to.

JOSEPH R. BLACKWELL.

The next bill upon the Private Calendar was the bill (H. R. No. 676) for the relief of Joseph R. Blackwell, postmaster at Litchfield, Illinois.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit Joseph R. Blackwell, postmaster at Litchfield, in the State of Illinois, in his account as such postmaster, with the sum of $535.85, being the amount of postage-stamps, stamped envelopes, and money stolen from the safe of the said post-office by burglars on the night of the 13th day of August, 1873, without fault or negligence on the part of said postmaster.

Mr. HAWLEY, of Illinois. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

GEORGE W. KEYES.

The next bill upon the Private Calendar was the bill (H. R. No. 1222) for the relief of George W. Keyes.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit George W. Keyes, postmaster at Olivet, Michigan, in his accounts as said postmaster, with the sum of $106.50, being the amount of postage-stamps burglariously stolen from the safe where such stamps were deposited on the night of the 5th of May, 1869, without fault or neglect on the part of said postmaster.

Mr. HAWLEY, of Illinois. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

ABEL M. LEWIS.

The next bill on the Calendar was the bill (H. R. No. 339) for the relief of Abel M. Lewis, of the State of Indiana.

The bill authorizes and directs the Secretary of the Treasury to pay Abel M. Lewis, of the State of Indiana, out of any money not otherwise appropriated, the sum of $416.66, in full of his claim for closing up his business as acting collector of internal revenue in and for the eleventh district for the collection of internal revenue in the State of Indiana, after the appointment of John F. Wildman as collector of internal revenue in and for said district.

Mr. HAWLEY, of Illinois. That bill is adversely reported; and I move that it be laid aside, to be reported to the House with the recommendation that it do not pass.

The motion was agreed to.

SARAH F. LINCOLN.

The next bill upon the Calendar was the bill (H. R. No. 517) for the relief of Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York, in her account as postmaster, with the sum of $516.20, being the amount of postage-stamps stolen from the safe of said post-office by burglars on the night of the 3d day of January, 1873, without fault or negligence on the part of said postmaster.

The Committee on Claims report in favor of the passage of this bill.

Mr. LANSING. I move that the bill be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

JAMES W. GLOVER.

The next bill upon the Calendar was the bill (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York.

The bill directs the Auditor of the Treasury for the Post-Office Department to credit James W. Glover, postmaster at Oxford, in the State of New York, in his account as such postmaster, with the sum of $498.39, being the value of postage-stamps stolen from the safe of said post-office by burglars on the night of the 16th day of April, 1873; and the further sum of $30.03, being the amount of money belonging to the Post-Office Department stolen by said burglars from said safe at the same time; said stamps and money being stolen without the fault or negligence of said Glover.

The Committee on Claims report an amendment to the bill, to strike out all that portion relating to the money stolen.

The amendment was agreed to.

Mr. HAWLEY, of Illinois. I move that the bill as amended be laid aside to be reported to the House.

The motion was agreed to.

ORDER OF BUSINESS.

The hour of two o'clock having arrived,

The SPEAKER resumed the chair and said: This being the third Friday of the month the Committee on the District of Columbia have the floor after two o'clock.

Mr. COTTON. That committee is willing to give way to-day if they can have next Friday after two o'clock.

The SPEAKER. That requires unanimous consent.

No objection was made, and it was ordered accordingly.

The SPEAKER. The House will again resolve itself into Committee of the Whole on the Private Calendar.

The House accordingly resolved itself into Committee of the Whole, Mr. TYNER resuming the chair, and proceeded with the consideration of the Private Calendar.

WILLARD HOWE.

The next bill upon the Private Calendar was the bill (H. R. No. 1213) for the relief of Willard Howe, of Massachusetts.

The preamble of the bill states that in the month of September, in the year 1871, the post-office at South Framingham, in the State of Massachusetts, was burglariously entered and robbed of public moneys and property to the amount of $474.54; that such robbery was effected without fault or negligence on the part of the postmaster, Willard Howe; and that said Howe has paid to the United States the amount and value of said moneys and property so stolen. Therefore the bill directs the Auditor of the Treasury for the Post-Office

Department to credit Willard Howe with the sum of $474.54, to reimburse the said Howe for the payment so made by him.

Mr. HAWLEY, of Illinois. I do not know who reported this bill; but I hope the gentleman who has it in charge will strike out some of this long preamble. It seems to me it is a remarkable bill simply for the relief of a postmaster. I move that the preamble be struck out.

Mr. WILLIAMS, of Massachusetts. I have no objection.

The motion was agreed to.

Mr. WILLARD, of Vermont. I would like to inquire what portion of this amount is for moneys stolen?

Mr. WILLIAMS, of Massachusetts. Let the report be read.

The report was read, stating that from the sworn statement of Willard Howe, postmaster at South Framingham, Massachusetts, and his assistant, it appears that on the night of September 14, 1871, his office was broken open and his safe blown open, and postage-stamps to the amount of $250, and money-order funds to the amount of $224.54, stolen therefrom; that every effort has been made to discover the robber without avail; that the postmaster had settled his accounts with the Department, and the committee recommend the passage of the accompanying bill for his relief.

Mr. WILLARD, of Vermont. I desire to ask the gentleman from Massachusetts [Mr. WILLIAMS] if this postmaster had any money which was his private property taken at the same time?

Mr. WILLIAMS, of Massachusetts. No, sir.

Mr. WILLARD, of Vermont. Did it appear before the committee that the money stolen belonged to the Government? The report refers to money-order funds. Was that kept by the postmaster separate and distinct from his private funds?

Mr. WILLIAMS, of Massachusetts. That does not appear. A member of the last House, Mr. Estes, who had this matter in charge, and, living in the same town, was conversant with all the facts, said that the case was one worthy of favorable consideration.

Mr. WILLARD, of Vermont. The Committee on Claims this morning reported a bill to reimburse a postmaster for postage-stamps stolen, striking out the proposition to repay him for money stolen. I can see the propriety of allowing a postmaster compensation for stamps stolen. But when he keeps the money of the Government mingled with his own private funds it seems to me we are going some ways to reimburse him for whatever loss might have occurred to the extent of what he was owing the Government. He might have had the money in his pocket and had his pocket picked in the street, or had it anywhere else not distinct from his private funds. I think it is a very unsafe rule to adopt to reimburse a postmaster whatever he may have been owing the Government at the time the money was stolen unless we have clear evidence to show that he kept the money of the Government separate and distinct from his own. I therefore move to amend this bill by reducing the amount to that of the stamps stolen.

Mr. WILLIAMS, of Massachusetts. I hope that amendment will not be agreed to. The sworn statement of the postmaster and of his assistant is that this money was stolen. Mr. Estes, my predecessor, was well conversant with all the facts, and he says the man is entitled to the relief asked.

Mr. WILLARD, of Vermont. That is Mr. Estes's opinion; it is not evidence.

The amendment of Mr. WILLARD was not agreed to.

Mr. WILLIAMS, of Massachusetts. I move that the bill, as amended, be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

WILLIAM B. MORGAN.

The next bill on the Private Calendar was the bill (H. R. No. 546) for the relief of William B. Morgan.

The bill was read. It authorizes the payment of fifty dollars to William B. Morgan, late sergeant Company D, One hundred and forty-ninth Regiment Pennsylvania Volunteers, as additional bounty under the act of Congress approved July 28, 1866, provided he has not already received bounty under that act.

The CHAIRMAN. This bill comes from the Committee on Military Affairs with a favorable report.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

L. S. CAMPBELL.

The next bill on the Private Calendar was the bill (H. R. No. 1223) for the relief of L. S. Campbell.

The bill was read. It directs the Quartermaster-General to pay to L. S. Campbell, out of any money appropriated for the Quartermaster's Department, the sum of $224.

The CHAIRMAN. This bill comes from the Committee on Military Affairs with a favorable report.

The reading of the report being called for, it was read. It states that L. S. Campbell, as shown by the evidence on file, was employed as a carpenter by the quartermaster of the Second Missouri Light Artillery, in the Powder River expedition in 1865; that under the impression that a fort and winter quarters were to be constructed, and the Government not having the necessary carpenter tools, the claimant was requested to, and did, take with him his own tools with the view to the construction of the necessary works. On reaching Powder River the transportation became insufficient by reason of the loss of horses, and all surplus ordnance and surplus quartermaster stores were ordered by the commander of the eastern division to be abandoned and destroyed. The claimant's tools were among the property abandoned. The value of the tools is shown to be $224. The loss occurred without any fault on the part of the claimant, and the committee believe he ought to be paid for his property. The claim was presented to the Quartermaster's Department; and while its justice was admitted the claim was rejected because the tools had not been taken up and accounted for by some proper officer. Claimant was advised to apply to Congress for relief.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

WILLIAM H. DENNISTON.

The next bill on the Private Calendar was the bill (H. R. No. 1224) for the relief of William H. Denniston, late an acting lieutenant Seventieth New York Volunteers.

The bill was read. It directs the Paymaster-General of the Army, out of appropriations for the pay of the Army, to allow and pay to William H. Denniston, late an acting second lieutenant in Company D, Seventieth New York Volunteers, the legal pay and allowance of a second lieutenant of infantry from December 24, 1861, to July 15, 1862; he having actually served in that capacity and having received no pay therefor.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

WILLIAM E. PRINCE.

The next bill on the Private Calendar was the bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa.

The bill was read. It authorizes and directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of William E. Prince, late a private in Company I, Twenty-third Regiment Missouri Volunteers, and to pay him a pension from the date of his filing the application for the same with the Commissioner of Pensions.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

FRANCIS BERNARD.

The next bill on the Private Calendar was the bill (H. R. No. 1226) granting a pension to Francis Bernard.

The bill was read. It authorizes and directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Francis Bernard, late a private in Company K, Forty-ninth Regiment Ohio Volunteers, and pay him a pension from date of the passage of this act.

The bill was laid aside, to be reported to the House with the recommendation that it pass.

ELIZA A. MAXHAM.

The next bill on the Private Calendar was the bill (H. R. No. 1227) granting a pension to Eliza A. Maxham.

The bill was read. It directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Eliza A. Maxham, mother of Samuel W. Maxham, late a private in Company E, Second Regiment United States Sharp-shooters, and to pay her at the rate of eight dollars per month, to date from the death of her son, May 6, 1864.

Mr. SPEER. If there is a report in this case I ask that it be read.

The report was read. It states that the proof shows that Samuel W. Maxham, a son of the petitioner by her husband, Edwin A. Maxham, enlisted November 9, 1861, in Company E, Second Regiment United States Sharp-shooters, and was mustered in the same day as a private, and was killed in action May 6, 1864, in the battle of the Wilderness; that he was sixteen years of age when he enlisted; that the husband of the petitioner is, and has been for the last ten or twelve years, in very poor health and is unable to work more than half the time; that he has but very little property, and is not, and has not been during that time, able to support his family; that his son Samuel for the three years before he enlisted worked out, receiving six dollars per month the first year, seventy-five dollars and schooling the second year, and ten dollars a month the third year, with which wages he bought a cow for his mother and otherwise contributed to her support; that he never had any wife or children; that he assigned to his mother at different times seventy-two dollars of his extra State pay, and while he was in the service sent her $195 of his wages; that the petitioner is very poor, and was at the time of the enlistment and death of her son dependent upon him for support.

Mr. SPEER. If the facts be as stated in this report, is not the case embraced in the general law? Cannot a pension be obtained upon application to the Commissioner of Pensions?

Mr. RUSK. It cannot be granted under the statute of limitations. The time allowed for filing the application has run out.

Mr. SPEER. Why should we not have a general law repealing that limitation? There are thousands of meritorious cases barred on account of it.

Mr. RUSK. That is true; and the committee has the subject under consideration.

Mr. SPEER. I would suggest that the committee should hold back these cases until they have considered and reported upon the propriety of passing a general law.

Mr. RUSK. I have no objection to the bill being laid aside, the gentleman who had it in charge not being in his seat.

Mr. O'BRIEN. I object to the bill being laid aside. It is one which is worthy of consideration and should be passed.

Mr. SPEER. I am not objecting to the passage of this specific bill, but merely made an inquiry as to the special ground upon which its passage is asked. If it be simply that the statute of limitations is a bar to the granting of a pension in this case, I answer that the statute is a bar to thousands of meritorious cases, and I do trust that the Committee on Pensions will at an early day introduce a bill extending the time for filing applications, in all that class of cases, for a year or two.

Mr. RUSK. We have ascertained that the passage of such a law would take from seven to nine million dollars out of the Treasury.

Mr. SPEER. I do not care how much it takes out of the Treasury. If this be a just thing, the amount it would take out of the Treasury should not be a controlling consideration.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

MARY STORRS.

The committee proceeded to the consideration of the next bill upon the Calendar, being a bill (H. R. No. 1228) granting a pension to Mary Storrs.

The bill directs the Secretary of the Interior to place upon the pension-rolls, subject to the limitations and provisions of the pension laws, the name of Mary Storrs, mother of Charles Storrs, late private in Company K, Seventh Regiment Vermont Volunteers, and Gilman D. Storrs, late private in Company B, Tenth Regiment Vermont Volunteers, and pay her at the rate of eight dollars per month, to date from the death of said Gilman D. Storrs, on the 27th day of November, 1863.

Mr. HAWLEY, of Connecticut. I ask a question for information. Is it usual in granting a pension to go back to the date of the death of the party on whose account it is granted?

Mr. SPEER. I will answer the gentleman. I was on the Committee on Invalid Pensions in the last Congress, and it was the uniform practice of the committee to make the pension date from the passage of the act.

Mr. WILLARD, of Vermont. If the gentleman from Connecticut does not make the motion, I will move to amend the bill so as to make it take effect from the passage of the act.

Mr. HAWLEY, of Connecticut. My object in putting the question was the desire that we should not act hastily, because there will be an immense pressure in a multitude of other cases if this be granted in one.

Mr. SPEER. There were many meritorious cases in the last Congress, in which it was desired by the committee that the pension should take effect from the date of death or disability. But the House took ground against it, and the committee was compelled to adopt the other rule, making the pension date from the passage of the act.

Mr. WILLARD, of Vermont. I desire to say a word. This is a pension for a lady in my own town; and I did not expect on presenting the application to have it take effect except from the date of the passage of the law.

Mr. SPEER. If the bill were to pass in this shape, it would undoubtedly fail in the Senate.

Mr. WILLARD, of Vermont. For the reason I have stated, as a matter of favor to myself, independent of what may be the policy of the committee, I ask to have the language of the bill changed.

Mr. RUSK. If this lady is entitled to a pension at all, she is entitled to a pension from the date of the death of her son. I call the attention of the gentleman from Pennsylvania [Mr. SPEER] to his position on this question. He claims that we should extend the time for presenting the papers——

Mr. SPEER. The gentleman does not understand me. I say if the House to-day were to pass fifty bills dating the commencement of the pension back to the date of disability, the Senate would strike that out in every one of these bills, as it did in the last Congress. This would send the bill back to the House, and it might not pass at all, doing a serious injury to the applicant.

Mr. RUSK. I think we should not be governed by a consideration of what the Senate may do. We should do our duty.

Mr. SPEER. You will defeat every one of your bills if you take that position.

Mr. BURCHARD. I understand that, until last Congress, it was the usage of the House as well as of the Senate to pass these bills in accordance with the amendment offered by the gentleman from Vermont; but during last Congress the Committee on Pensions took the position which the committee seem to have taken upon this bill, and the House followed the recommendation of the committee.

Mr. SPEER. Not in a single case. The committee was overruled by the House; or if not, the change was made by the Senate.

Mr. BURCHARD. I beg to say, however, that I am in favor of the amendment. I think that is the true rule we ought to follow.

Mr. SPEER. I believe there was not a single pension bill passed during last Congress which dated back to the time of death or disability.

Mr. RUSK. Many of them passed the House.

Mr. SPEER. But they did not become law.

Mr. RUSK. If the Senate refuses to do its duty, that is no reason why we should not do ours.

Mr. BURCHARD. I understand that the amendment is in accordance with the rule of the Department.

Mr. SPEER. I would suggest to the gentleman that it is better to take what you can get than get nothing. You will get nothing by insisting on this.

The question was taken on the amendment of Mr. WILLARD, of Vermont; and it was agreed to.

The bill as amended was laid aside, to be reported to the House with the recommendation that it do pass.

ELIZABETH R. M'CRACKEN.

The committee proceeded to the consideration of the next bill on the Calendar, being a bill (H. R. No. 1229) granting a pension to Elizabeth R. McCracken, widow of Robert McCracken, late acting assistant surgeon in the United States Army,

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension law, the name of Elizabeth R. McCracken, widow of Robert McCracken, late acting assistant surgeon in the United States Army, and to pay her a pension from the date of his death, on the 10th of August, 1871.

Mr. O'BRIEN. I move to amend the bill by striking out all of it after the word "Army," so as to provide that the pensions shall only date from the passage of this bill. I offer that amendment to conform to the suggestion made by the gentleman from Illinois, [Mr. BURCHARD.]

The amendment was agreed to.

Mr. O'BRIEN. I move that the bill as amended be laid aside, to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

MESSAGE FROM THE SENATE.

Here the committee rose informally, and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill (S. No. 193) for the benefit of Uriah Porter.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 61) providing for busts of the late Chief Justices Roger Brooke Taney and Salmon Portland Chase to be placed in the Supreme Court room of the United States; and

A bill (H. R. No. 718) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873.

The Committee of the Whole then resumed its session.

ELIZABETH W. PRINDLE.

The next bill on the Calendar was a bill (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minor children of Joseph F. Doak, deceased.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the limitations and provisions of the pension law, the name of Elizabeth W. Prindle, guardian of the minor children of Joseph F. Doak, late sergeant of Company D, Fifth Ohio Volunteers, and pay her a pension for said minors from the time of her application for such pension.

Mr. BURCHARD. I move to amend that bill in the same way that others have been amended, so as to make the pension take effect from the date of the passage of the act.

The amendment was agreed to.

The bill, as amended, was then ordered to be laid aside, to be reported to the House with the recommendation that it do pass.

EDMUND M. RANDOLPH.

The next bill on the Calendar was the bill (H. R. No. 191) to provide for the payment of legal services rendered by Edmund M. Randolph to the United States.

The bill authorizes and directs the Attorney-General of the United States to settle and adjust the balance of fees due the widow and heirs of Edmund M. Randolph, deceased, for professional services rendered by him in his life-time, in the case of the United States against John Parrott, Henry W. Halleck, and others, and also in the case of Andres Castellero against the United States, in the courts of the United States; said professional services having been rendered by said Randolph under contracts in writing made with him by the late Edwin M. Stanton under instructions from the Attorney-General of the United States on the 3d day of September, 1858, and the Attorney-General is hereby authorized and required to pay the amount which shall be found due from any money appropriated for the judicial expenses of the United States.

Mr. STORM. I call for the reading of the report in this case.

The CHAIRMAN. This bill is reported by the Judiciary Committee with a favorable recommendation. The report will be read.

The Clerk read the report.

Mr. POTTER. I send to the Clerk's desk, and ask to have read, letters in relation to this subject in the Congressional Globe for last session.

The Clerk read as follows:

ATTORNEY-GENERAL'S OFFICE, *August* 4, 1858.

SIR: You and Mr. Della Torre are directed to proceed with all possible diligence and energy in vindicating the rights of the United States to the New Almaden quicksilver-mine. You have full authority to do whatever may be necessary in the premises. You may employ Mr. Randolph if you think it necessary, for such compensation as you and the district attorney deem fair and just, reserving to this office the right of reducing the fee if thought too high.

Respectfully, yours,

J. S. BLACK.

E. M. STANTON, Esq.,
San Francisco, California.

The foregoing is a true copy of a letter addressed to me by Hon. J. S. Black, Attorney-General of the United States, and filed by me in the office of the district attorney of the United States in San Francisco.

EDWIN M. STANTON.

In the circuit court of the United States for the northern district of California, in equity.

THE UNITED STATES
vs.
JOHN PARROTT, HENRY W. HALLECK, *et al.*

In this case it is agreed by P. Della Torre and Edwin M. Stanton, acting on behalf of the United States, and Edmund Randolph, as follows:

1. That the said Randolph has been and is retained and employed on behalf of the United States to render his professional services in the above-named case as assistant counsel of the Government, for the compensation of $5,000, to be paid him by the United States, and such other further allowance as the Attorney-General of the United States, in the progress of the case and upon the final result, may deem fair and just.

2. This agreement is subject to the approval and ratification of the Attorney-General of the United States.

P. DELLA TORRE,
United States Attorney.
EDWIN M. STANTON.

SAN FRANCISCO, *September* 3, 1858.

In the district court of the United States for the northern district of California.

ANDRES CASTELLERO
vs.
THE UNITED STATES.

Appeal from the board of land commissioners.

In the above case it is agreed between P. Della Torre, district attorney, and Edwin M. Stanton, acting on behalf of the United States, and Edmund Randolph, as follows:

1. That said Randolph hath been and is retained and employed on behalf of the United States to render his professional services as assistant counsel of the Government, for the compensation of $5,000, to be paid him by the United States, of which $500 has been paid by E. M. Stanton.

2. This agreement to be subject to the approval and ratification of the Attorney-General of the United States.

P. DELLA TORRE,
United States Attorney.
EDWIN M. STANTON.

SAN FRANCISCO, *September* 3, 1858.

Mr. WILLARD, of Vermont. I wish to call the attention of the gentleman from New York [Mr. POTTER] to what seems to me to be the better course to pursue in cases of this sort. I cannot understand why, if the committee chose to act upon these cases at all, they should not have fixed the amount in the bill which is to be paid to this attorney. This is a claim fifteen or sixteen years old. I do not know but it is an entirely just one. But I suppose it is possible for the committee to obtain possession of all the facts in respect to this claim that the Attorney-General can come into possession of after the matter is referred to him. If there is any need of having action upon this matter by Congress, I for one should be in favor of having that action full and complete—of ascertaining and determining the amount to be paid.

Mr. TOWNSEND. I desire to ask the gentleman who has charge of this bill what is the reason that this amount, over and above the $500 already received, has not been paid, when there was a contract that it should be paid?

Mr. POTTER. In answer to the gentleman from Vermont [Mr. WILLARD] I will say that I agree with him entirely. But this bill, in this exact form, passed the last Congress, at which time it was in charge of the gentleman from Pennsylvania, [Mr. SHOEMAKER,] then a member of the Committee on the Judiciary. The bill having been introduced at this session in this form, and I having been instructed by the committee to report it to the House, I have no power to change it. I am not able to tell what amount is due. It will be seen, from what has been read, that the amount cannot exceed $10,000, less what has already been paid, which is certainly $500, and I believe $5,000 more. The papers which were before the committee at the last session cannot be found in the Clerk's office, and I am not able to inform the gentleman what the exact amount is. From what I have learned I believe it to be about $4,500.

Mr. WILLARD, of Vermont. If in order, I would move that this bill be recommitted.

Mr. SPEER. I was going to make that motion, not because I am opposed to the passage of a bill which shall fix a just amount to be paid by the Government to this claimant, but this species of legislation is vicious. We cannot tell how much will be paid under this bill. It is said that it will be under $10,000; but how much, whether $1,000, $2,000, or $5,000 under, we do not know. This House should know what amount is claimed, and then it can judge whether the amount is too large or not. Not knowing the amount claimed, we are legislating in the dark. This whole system of legislation is vicious; nothing good can come of it—nothing but evil. I therefore move that this bill be recommitted.

Mr. WILLARD, of Vermont. The proper motion, I suppose, would be, that the bill be laid aside, to be reported to the House with a recommendation that it be recommitted to the Committee on the Judiciary to ascertain the amount.

Mr. POTTER. I do not object to that.

Mr. SPEER. This bill proposes to allow somebody else to fix the amount that the Government owes this party.

Mr. POTTER. Undoubtedly somebody else must fix the amount.

Mr. BURCHARD. What is the necessity for the passage of this bill?

Mr. POTTER. There must be some appropriation.

Mr. BURCHARD. Why has not the Attorney-General already settled this claim out of the appropriation for that Department?

Mr. POTTER. He has no appropriation out of which to make the payment.

Mr. BURCHARD. This bill requires it to be paid out of the appropriation for judicial expenses, and makes no appropriation.

Mr. POTTER. There is no authority to pay for services rendered so long ago. These services were rendered before the war.

The motion of Mr. WILLARD, of Vermont, was then agreed to.

The CHAIRMAN. There are no other bills on the Private Calendar.

Mr. RANDALL. I move that the committee rise and report the bills to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TYNER reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the bills on the Private Calendar, and had directed him to report sundry bills to the House, with the recommendation of the committee thereon.

ROBERT N. M'MILLAN.

The first bill reported from the Committee of the Whole was a bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana.

The Committee of the Whole recommended that the bill be passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLONEL E. M'CARTY.

The next bill reported from the Committee of the Whole was a bill (H. R. No. 352) for the relief of Colonel E. McCarty.

The bill was reported with amendments; which were agreed to.

The bill as amended was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH R. BLACKWELL.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 676) for the relief of Joseph R. Blackwell, postmaster at Litchfield, Illinois.

The bill was read a second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GEORGE W. KEYES.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1222) for the relief of George W. Keyes.

The bill was read a second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ABEL M. LEWIS.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 339) for the relief of Abel M. Lewis, of the State of Indiana.

The SPEAKER. The Committee of the Whole recommend that this bill be laid on the table. If there be no objection it will be so ordered.

There was no objection.

SARAH F. LINCOLN.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 517) for the relief of Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York.

The bill was read a second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES W. GLOVER.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York.

The SPEAKER. This bill is reported from the Committee of the Whole with an amendment striking out that part of the bill relating to money stolen.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLARD HOWE.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1213) for the relief of Willard Howe, of Massachusetts.

The bill was reported with an amendment striking out the following preamble:

Whereas in the month of September, in the year 1871, the post-office at South Framingham, in the State of Massachusetts, was burglariously entered and robbed of public moneys and property to the amount of $474.54; and whereas such robbery was effected without fault or negligence on the part of the postmaster, Willard Howe; and whereas said Howe has paid to the United States the amount and value of said moneys and property so stolen: Therefore.

Mr. WILLIAMS, of Massachusetts, demanded the previous question.

Mr. WILLARD, of Vermont. I ask the gentleman to withdraw that demand to allow the bill to be recommitted, to reconsider whether the money of the Government stolen from this postmaster was mingled with his private funds. In a bill of the same nature acted upon a few moments ago we adopted an amendment striking out a provision in respect to money, making no allowance except for stamps. We should not have one rule for one postmaster and another rule for another. It certainly should distinctly appear that these moneys were the moneys of the Government. I hope the gentleman will allow a motion to recommit for the purpose of ascertaining the facts.

Mr. WILLIAMS, of Massachusetts. The money of the Government was kept separately and distinctly. This is as just a claim as there ever was in the world.

The previous question was seconded and the main question ordered; which was upon agreeing to the amendment striking out the preamble.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, and was accordingly read the third time.

Mr. WILLARD, of Vermont. This bill, I understand, comes from the Committee on the Post-Office and Post-Roads. I move that it be referred to the Committee on Claims.

Mr. SPEER. In no spirit of hostility to this bill I ask the gentleman from Massachusetts whether it proposes not only to indemnify this postmaster for the loss of Government money, but also to reimburse him for the loss of private funds which were in his own safe.

Mr. WILLIAMS, of Massachusetts. It does not. His own funds were kept separately, as is stated in the affidavit.

Mr. SPEER. For what is the allowance proposed to be made?

Mr. WILLIAMS, of Massachusetts. For money derived from the sale of postal money-orders; money which he had collected and had in readiness to send to Boston, as he was required to do once a week under the rules of the Department.

Mr. SPEER. Then this is not for stamps stolen?

Mr. WILLIAMS, of Massachusetts. Yes sir. It is for stamps, and also for money belonging to the Government; but not for the postmaster's private funds, although he suffered loss in that respect.

Mr. WILLARD, of Vermont. The gentleman from Massachusetts [Mr. WILLIAMS] has shown me the testimony, which has not been read here, upon which the committee base their report. That testimony is that there was a certain amount of stamps taken at such a time; then there is accurately stated, in dollars and cents, the amount of postal-order money; but as to his private funds the claimant is not able to state how much was stolen, so he makes a rough estimate of that. Undoubtedly, therefore, the manner in which he arrived at the amount which the Government should pay him was by ascertaining how much he was indebted to the Government that night.

The moneys were mingled with his private moneys in his safe. All the moneys in his safe were taken. Now we are called upon, not to appropriate for the money of the Government which was taken, but we are called upon to reimburse to this man the debt which he owed to the Government at the time—not the money of the Government in his hands, but the money which he says the Government owed him at that time.

Mr. SPEER. Was all the money in the safe taken?

Mr. WILLARD, of Vermont. It was all taken.

Mr. SPEER. But, as I understand, a part of it consisted of private funds?

Mr. WILLARD, of Vermont. Of his private funds, undoubtedly.

Mr. SPEER. Does this, then, reimburse him for all the money which was in the safe?

Mr. WILLARD, of Vermont. Not the whole of it, but just the amount which he figures he was owing the Government at that time. He did not separate the moneys in his safe.

Mr. WILLIAMS, of Massachusetts. I do not think the testimony covers the ground stated by the gentleman from Vermont, but, on the contrary, I think it is clear the moneys were kept separate. He had on hand the postal-order money received by him in the interim after the return of his account to the Boston post-office, and that postal-order money was taken; and besides that he had other money in the safe belonging to himself, which was also stolen. It is as just a claim as was ever presented upon this floor; and I hope the House will vote down the gentleman's motion and pass the bill.

Mr. SPEER. By whom are these facts proved as to the amount of his private funds and the amount he owed the Government? By his own *ex parte* deposition or affidavit?

Mr. WILLARD, of Vermont. That is all.

Mr. SPEER. By the postmaster's own *ex parte* affidavit?

Mr. WILLIAMS, of Massachusetts. The facts are proved by his own deposition and the deposition of his assistant.

Mr. BURCHARD. Is there a report accompanying this bill from the committee? If so I should like to hear it read.

The SPEAKER. There is a report, which will be read by the Clerk.

It appears from the report, which was read, that from the sworn statement of Willard Howe, of South Framingham, Massachusetts, September 14, 1871, his office was broken open in the night by burglars, who blew open his safe and carried off its contents, including postage-stamps to the value of $250, and money-order sums to about $224.54; that every effort has been made to discover the robbers without avail, and that he has settled his accounts with the Department. The assistant postmaster corroborates his statement, and the committee recommend that the Auditor for the Post-Office Department be allowed to credit his account with the value of the sums in money stolen; for which purpose they report and recommend the passage of a bill.

Mr. G. F. HOAR. Mr. Speaker, there is one suggestion which, if I correctly understand the case, it seems to me is an answer to the objection made by the gentleman from Vermont. As I understand it, this man had, first, stamps belonging to the Government; second, a sum of money belonging to the money-order office, which was also the property of the Government; and, third, his private moneys, all of which were stolen. The bill proposes to pay him for the sums of postal-order money belonging to the Government. The objection of the gentleman from Vermont is that he should not be paid the money belonging to the Government because he had mixed up certain private moneys of his own with it, so that, in the safe from which it was taken, there was a larger sum than was due the Government. If I understand the regulations of the Post-Office Department correctly, postmasters having money-order offices are bound to keep constantly on hand in their offices a larger sum than may be due to the Government at any particular time; that is, they are required, whether they have got on deposit money or not, to have on hand a certain specified sum. Therefore it was proper there should be an amount—which, when his accounts were settled, was his own private money—kept in that safe with the amount which he owed to the Government. It seems to me that is a complete answer to any suggestion, if it were a forcible one, that we should not pay what really belonged to the Government which was stolen because it was in his private safe with his own private money.

Mr. SPEER. Does this not proceed against the doctrine of law that where the party mixes other goods with his own and he loses the whole, that the whole loss shall be his own?

Mr. G. F. HOAR. This is a case, not where a party diverts trust money from its proper place of deposit and puts it with his own private money. If he deposit trust funds to his own private account with his own private funds in bank it would be such a case as the gentleman suggests; but this is a case where, keeping the trust money in its proper place, he is bound by the regulations of the Department to have a certain larger sum, which would ultimately belong to him; and therefore it was proper, although he had more than was required. Suppose, for instance, I, being a trustee, deposit in a bank in my private name the trust money, and the bank fails; I should not be allowed it. But if I deposit in a bank, in my name as trustee, a larger sum than I owe the trust fund, and the bank fails, I should be allowed all over my trust money. That is this case.

Mr. WILLARD, of Vermont. Let me make a suggestion. We have national banks which are depositories of public funds, for which they give bonds. They are required, as good business men would be under similar circumstances, to keep on hand a sufficient amount of the funds which have been deposited with them by the Government to meet the calls coming upon them from day to day, as this postmaster was required to keep enough on hand to meet calls on the money-order office from day to day. But suppose one of these depositories robbed of all the money in the bank. I apprehend the money of the

Government is mingled with their own money. They would have no just claim on the Government to have whatever balance might stand at the credit of the Government refunded to them. And that is precisely this case. This postmaster was, of course, called upon from day to day to meet certain requirements on his office as a money-order office. He kept the money of the Government mingled with his own money, just as a man who is the administrator of an estate would keep the money of the estate with his own money and invested with his own funds. But he could not keep out just that amount, if robbed, and say the estate of which he was administrator should suffer the loss and not himself at all. This was mingled with his own private funds, and he should suffer the loss as any banker in similar circumstances would.

Mr. G. F. HOAR. Until last Congress the law prohibited postmasters from depositing in a bank. They were bound to keep their money in this way.

Mr. BUTLER, of Massachusetts. If I understand this case it is this—and I desire to call the attention of the House for one moment to it: The postmaster has a safe in his post-office, and the Department in important post-offices furnishes the safes. Now, he puts his own money in the safe, and the Government money in the same safe. Is that a mingling of the money at all? They are probably in different parts of the safe. He is bound to keep a sum of money in the safe sufficient to meet the money-orders of which he is advised; and most postmasters use their own money for that purpose, so as to be sure and never have a money-order fail.

Well, now, that safe is robbed. The Government money is taken, and the postmaster's own money is taken. The fact that he has a larger sum of his own money than he has of the Government money takes away all thought that there was collusion on his part with the robbers. He would not have had his own money there if there had been. And the fact that he lost a larger sum is evidence of his probity, honesty, and propriety of conduct. Now, he does not ask the Government to reimburse him his own money, although for aught I know it was taken out of a Government safe, furnished by the Government. It might have been. But he simply asks that the Government shall not call upon him to pay that money, of which he has taken the same high care that a man takes of his own money.

Mr. SPEER. If I understand it, however, the fact of the robbery, as well as the fact of the amount of money stolen, rests for proof alone on the *ex parte* affidavit of the party interested. Now, had this man a clerk? If he had, what does he say? How do you get at the amount?

Mr. BUTLER, of Massachusetts. From the books as they were made up at night—both private and public books—and verified by the clerk, a third person.

Mr. SPEER. Does that appear in the case?

Mr. BUTLER, of Massachusetts. It does.

Mr. SPEER. I understood it to rest entirely on the affidavit of the postmaster.

Mr. BUTLER, of Massachusetts. O, no. But if you knew him I am sure you would be willing to rest on his affidavit.

Mr. SPEER. I am not saying anything about the integrity of the postmaster. I am simply discharging a public duty, without reflecting on anybody.

Mr. COX. I wish to say a word about this matter as a precedent. If the facts be as stated by the gentleman from Massachusetts, and if this man took the same care of the Government money as of his own, he ought to be relieved. I think that is fair.

Mr. WILLIAMS, of Massachusetts. The affidavit is very clear on that point.

Mr. COX. There are many cases of this kind. I had one myself before the Committee on Foreign Affairs yesterday.

The question being taken on the motion to refer the bill to the Committee on Claims, it was not agreed to.

Mr. HAWLEY, of Illinois. I wish to say that a number of bills of this character have come before the Committee on Claims, and some of them have been reported this morning; and it has been the practice of that committee to address the Post-Office Department for the purpose of asking what amount of stamps was on hand at the time the robbery was committed, and also what amount of money-order funds. I know nothing of the facts here, whether any information on this point has been presented to the House or not. But the Post-Office Department can make a very accurate statement of the amount of funds probably on hand at a given date. By taking the postmaster's last quarterly account of the sales made each day they can arrive approximately at the amount of funds he has on hand.

Then it is the business of the postmaster himself, and of course of the Department, to keep an account of the money-order fund, so that the money-order office of the Post-Office Department can tell what amount of money is on hand at the close of any given day of the money-order fund.

It has been the practice of the Committee on Claims to secure from the Department this information before passing bills of this class. I suggest this as a very simple method of obtaining the necessary information in reference to these bills.

Mr. WILLIAMS, of Massachusetts. I wish to say that two other members of Congress, who have resided in the district I now represent, have examined into this matter, and were fully satisfied, both by inquiries at the Department and of the detectives in Boston, that the claim is a just one. One of those gentlemen, Mr. Estes, lived in the town of Framingham, and was conversant with everything connected with the case. Both of those gentlemen have told me that there is not a shadow of doubt as to the justice of this claim.

Mr. HAWLEY, of Illinois. Has it been investigated by a post-office agent?

Mr. WILLIAMS, of Massachusetts. It has been, and has been reported on favorably. The claim is entirely just in every respect, and I hope the bill will pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIAMS, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM B. MORGAN.

The next bill reported by the committee was the bill (H. R. No. 546) for the relief of William B. Morgan.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

L. S. CAMPBELL.

The next bill reported from the committee was the bill (H. R. No. 1223) for the relief of L. S. Campbell.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAWLEY, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM H. DENNISTON.

The next bill reported from the committee was the bill (H. R. No. 1224) for the relief of William H. Denniston, late acting lieutenant of cavalry, Company D, Seventh New York Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM E. PRINCE.

The next bill reported from the committee was the bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa.

Mr. PARSONS. I think, sir, that bill was reported from the Committee of the Whole with an amendment.

Mr. RUSK. No, sir; the bill was not amended in the Committee of the Whole.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

FRANCIS BARNARD.

The next bill reported from the committee was the bill (H. R. No. 1226) granting a pension to Francis Barnard.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZA A. MAXHAM.

The next bill reported from the committee was the bill (H. R. No. 1227) granting a pension to Eliza A. Maxham.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY STORRS.

The next bill reported from the committee was the bill (H. R. No. 1228) granting a pension to Mary Storrs, reported with an amendment to provide that the pension shall take effect from the date of the passage of the act.

The amendment reported from the Committee of the Whole was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH R. M'CRACKEN.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 1229) granting a pension to Elizabeth R. McCracken.

The Committee of the Whole recommend that the bill be amended so that the pension shall date from the passage of the act.

Mr. SMALL. I do not know upon what ground it is proposed to deny to these people several years of pension. I was not present during the consideration of these bills by the Committee of the Whole. In regard to these cases I will say that many of them have for a long time been before the Commissioner of Pensions. There has been no neglect on the part of the petitioners that should deprive them now of having their pensions date back to the time of the death of the persons or the date of the disabilities, merely because of some technicality which led the Commissioner to think that a bill should be passed by Congress. I do not know what rule the House is disposed to adopt—certainly not an equitable one—if they propose to cut off these old people from pensions as honestly due as though granted years ago.

Mr. HAWLEY, of Connecticut. I was one of several who called attention to this bill at the time it was likely to pass in the Committee of the Whole, and inquired if it was proper to have a clause inserted making the pension begin at the date of the death of the soldier. I did so, saying at the same time that I did not propose to pass upon the abstract justice of so dating back the pension. But it seemed to me that the bill was likely to pass without due consideration, and I wished to call the attention of members to the fact that such had not been the usage of Congress. I suppose the Government grants these pensions in order to provide for the present and future support of the pensioners. The pensioner applies to Congress for a pension upon the ground that it is needed for future support, and it is so granted. As I understand, that is the way we have always legislated. This House has taken a different course sometimes; but the other branch of Congress has always pursued the course I have indicated.

I think it might be just to let the pension begin with the date of the application; there would be something of reason in that, though if the pension be granted solely to provide for future support that reason would not apply. We are now paying something like $30,000,000 a year for pensions. A very large number of the pensions have been granted during the last four, five, or six years. I take it that in the majority of cases the pension-list will show that the pensions began one, two, or three years after the death of the soldier. Now, if you adopt the rule proposed in this case, why would it not be equitable for every pensioner who heretofore has had a pension granted dating from the application or the date of grant to come here for back pension? If we consider it an honorable debt, a debt of patriotism toward these people, I have nothing to say, whether it costs us one hundred, two hundred, or five hundred million dollars. But I should very much doubt whether one hundred millions would be sufficient to satisfy the claimants under the principle advocated by the gentleman in regard to this bill.

Mr. BURCHARD. In addition to what is suggested by the gentleman from Connecticut, [Mr. HAWLEY,] I wish to say that, as I understand the pension laws, a pension is allowed by the Department from the date of the allowance, and not from the date of the disability. If that is the case, the party who comes to Congress for relief and has his pension date back to the date of the disability is placed in a better position than when he applied to the Department. It has not been the case, so far as my knowledge goes, that any law passed by Congress permitted pensions to date back beyond the passage of the act.

Mr. RUSK. That has been done in a great many cases.

Mr. BURCHARD. Sometimes by the House, but not by Congress.

Mr. RUSK. Since limitations have been placed upon pensions by general law they have run back only to the time of the application.

Mr. STORM. The report of the Commissioner of Pensions last year shows that the amount paid for pensions last year was greater than any other year in the history of the Government. That, of course, was largely due to the action of this body. It is now time for us to consider whether we will go on with this sort of legislation, increasing the pension list by acts of this kind. I think we should lay it down as a rule to govern us in the future that we will in no case go back of the date of the act.

Mr. SPEER. Meritorious cases are provided for and governed by general law. It is only in those cases where a pension cannot be granted under the general law that they come here. All pensions granted under the general law begin from the issuing of the certificate allowing the pension.

Mr. RUSK. From the date of application.

Mr. SPEER. Or from the time the final proof is filed. Yet here in less meritorious cases it is proposed that the pension shall go back further, thereby giving to rejected claimants, to those that cannot pass through the Pension Office, a preference of five or ten years over more meritorious claimants.

Mr. SMALL. What does the gentleman mean by meritorious claimants? Are these not all meritorious?

Mr. SPEER. I mean those claimants who are embraced and governed by general law. When a claim comes here it is one not embraced in the provisions of the general law. There may be some special equity in it which should move Congress to pass a special bill allowing a pension in that particular case.

But what I want to say is this: if Congress is willing to go back in all these cases, and if the Secretary of the Treasury of the United States is able to bear such an expenditure, then we should adopt some general provision which shall secure that result. But from my experience as a member of the Committee on Invalid Pensions in the last House, I say to the friends of these special bills that they injure instead of benefiting the cause of the soldiers or the widows whom they are trying to serve by providing in their bills that the pension shall date from the time of the death or the incurring of disability. For so surely as any bill passes this House in that form the provision will be struck out in the Senate; the bill may come back here at a late day, and will probably fail from want of time for its consideration. Every man who undertakes to secure the passage of a bill in that form inflicts an injury rather than confers a benefit upon the worthy claimants whom he is endeavoring to serve.

The question being taken on the amendment, there were—ayes 59, noes 22; no quorum voting.

Tellers were ordered; and Mr. SMALL and Mr. SPEER were appointed.

The House divided, and the tellers reported—ayes 93, noes 56.

So the amendment was adopted.

Mr. RUSK. I give notice that I accept the adoption of this amendment as an instruction from the House to the Committee on Invalid Pensions to antedate no more pensions.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH W. PRINDLE.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minor children of Joseph F. Doak, deceased.

The bill was read. It directs the Secretary of the Interior to place upon the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Elizabeth W. Prindle, guardian of the minor children of Joseph F. Doak, late a sergeant in Company D, Fifth Ohio Volunteers, and to pay her a pension for said minors from the date of filing her application for such pension.

The bill was reported, with an amendment striking out the words "filing her application for such pension," and inserting in lieu thereof the words "the passage of this act."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RUSK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDMUND M. RANDOLPH.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 191) to provide for the payment of legal services rendered by Edmund M. Randolph to the United States.

The SPEAKER. This bill is reported back with a recommendation that it be recommitted to the Committee on the Judiciary, with instructions to fix the amount. If there be no objection the order will be made.

There was no objection.

The SPEAKER. All the reports from the Committee of the Whole on the Private Calendar have now been disposed of.

WITHDRAWAL OF PAPERS.

Mr. FRYE, by unanimous consent, obtained leave to withdraw from the files of the House the original papers in Miscellaneous Document No. 169, second session Forty-second Congress, and Report No. 94, third session Forty-second Congress, for use in the Treasury Department, no adverse report having been made in the case.

REPEAL OF BANKRUPT LAW.

Mr. O'NEILL, by unanimous consent, presented a preamble and resolutions adopted at a meeting of working men and women held in the city of Philadelphia, on the 11th instant, against the repeal of the bankrupt law, and urging more stringent provisions; which were referred to the Committee on the Judiciary, and ordered to be printed.

PAY OF COMMITTEE CLERK.

Mr. HAYS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House be, and he is hereby, instructed to pay John G. Stokes the regular compensation as clerk of the Committee on Agriculture from the time he actually entered upon duty as such, notwithstanding his failure to be sworn in until a late day.

MAIL COMMUNICATION WITH CHINA.

Mr. PACKER, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back a letter from the Postmas-

ter-General, in reply to a resolution of the Committee on the Post-Office and Post-Roads, transmitting copies of all papers and correspondence relating to the additional monthly service on the China line authorized by sections 3 and 6 of the act of Congress approved June 1, 1872, making appropriations for the service of the Post-Office Department for the year ending June 30, 1873; which was ordered to be printed and recommitted.

FORT SAINT PHILIP CANAL.

Mr. STONE, by unanimous consent, reported from the Committee on Railways and Canals a bill (H. R. No. 1232) to provide for the construction of the Fort Saint Philip Canal, in the State of Louisiana, and its maintenance as a national public highway; which was read a first and second time, ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

B. F. FARRELL.

Mr. COX, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the President, if not incompatible with the public service, be requested to furnish this House with copies of the papers in the case of B. F. Farrell, late United States consul at Cadiz, Spain, who was instrumental in exposing the frauds on the revenue by certain Spanish wine merchants and their agents.

LEAVE TO PRINT.

Mr. ARMSTRONG, by unanimous consent, was granted leave to print some remarks he had prepared on House bill No. 208, in relation to the Dakota Indian war claims of 1862. [See Appendix.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WOODFORD until the 26th, and to Mr. BARRY for fourteen days.

The SPEAKER. The House will be as in Committee of the Whole to-morrow for the purpose of debate only, Mr. RUSK in the chair as Speaker *pro tempore*.

And then (at twenty minutes to four o'clock p. m.) the House adjourned.

PETITIONS, ETC.

Petitions, memorials, &c., were introduced and referred under the rule, as follows:

By Mr. ALBERT: The petition of John U. Scott, W. H. Young, and other citizens of Baltimore, Maryland, for the appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

By Mr. ARTHUR: The petition of Jacob S. Lowery and George A. Gray, for the sinking of their steam dredge-boat and other boats near Medoc Bar, by order of Colonel J. F. Harrison—Committee on War Claims.

By Mr. BANNING: The petition of Nancy Cullum, for a pension—Committee on Invalid Pensions.

Also, the petition of G. W. Mulholland and 20 other citizens of New Baltimore, Ohio, asking a pension for Nancy Cullum—Committee on Invalid Pensions.

Also, the petition of Davis Eley and 73 others, of Green County, Wisconsin, praying an amendment to the Constitution prohibiting the making and selling intoxicating liquors—Committee on the Judiciary.

Also, the petition of John Parks and others, of Green County, Wisconsin, praying an amendment of the Constitution to prohibit the making or selling intoxicating liquors—Committee on the Judiciary.

Also, petition of W. W. Hill and 61 others, of Green County, Wisconsin, praying an amendment to the Constitution to prohibit the making and selling intoxicating liquors—Committee on the Judiciary.

By Mr. BURROWS: The petition of Walter J. Lee, asking pay as second lieutenant of the Twenty-eighth Michigan Infantry, from September 21, 1864, to March 1, 1865—Committee on War Claims.

By Mr. BUTLER, of Massachusetts: Resolutions unanimously adopted by the New England Shoe and Leather Association, in favor of an extension of the Boston post-office grounds—Committee on Appropriations.

By Mr. COBURN: The petition of Beauford Webb, late a private in the Eighteenth Regiment Indiana Volunteer Infantry, for a pension—Committee on Invalid Pensions.

Also, the remonstrance of the Woman's Suffrage Association of Indianapolis, against limiting the right of suffrage in the Territories to males—Committee on Elections.

Also, the petition of Captain Henry E. Neff, late of Company G, One hundred and twenty-fourth Regiment Indiana Volunteers, asking that he be paid as such from the 15th of December, 1863, to the 18th of March, 1864—Committee on Military Affairs.

Also, a memorial of Albert E. Redstone and others, asking for a law to increase the compensation of postal-railway clerks and route agents in the United States railway mail service—Committee on the Post-Office and Post-Roads.

By Mr. CHIPMAN: The petition of Caroline E. Thomas, for pension—Committee on Pensions.

By Mr. ELDREDGE: The petition of Leonard Rood, of Lyndon, Sheboygan County, Wisconsin, father of William Rood, deceased, late a private in Company E, Thirty-sixth Regiment Wisconsin Volunteers, praying that the charge of desertion standing against his son be removed—Committee on Military Affairs.

Also, the petition of Charles W. Berry, for similar relief—Committee on Military Affairs.

By Mr. GIDDINGS: The petition of Rev. J. B. Walker, D. D., and 13 other citizens of Galveston, Texas, praying for the payment of the claim of the Southern Methodist publishing house of Nashville, Tennessee—Committee on War Claims.

By Mr. HAVENS: The petition of 476 citizens of Carthage, Missouri, asking Congress to take steps in connection with other governments to settle national disputes by arbitration—Committee on Foreign Affairs.

By Mr. HOWE: The petition of F. V. Brannan, mayor of Aberdeen, Mississippi, and 80 other citizens of Monroe County, Mississippi, for the relief of the Southern Methodist publishing company of Nashville, Tennessee—Committee on War Claims.

Also, the petition of the United States district attorney and 29 others of Holly Springs, Mississippi, asking for an early settlement of the claim of the Southern Methodist publishing company of Nashville, Tennessee—Committee on War Claims.

By Mr. HURLBUT: The petition of William West, of Chillicothe, Ohio, for compensation as late acting regimental quartermaster of the Fifth Ohio Cavalry Volunteers, from September 22, 1862, to April 1, 1863—Committee on Military Affairs.

By Mr. LAMISON: Papers in the case of David W. Stockstill, asking to have refunded money paid for a substitute in the Army for Henry S. Stockstill, who was afterward compelled to serve—Committee on Military Affairs.

By Mr. LOWNDES: The petition of Margaret Remsberg, of Middletown, Frederick County, Maryland—Committee on Revolutionary Pensions and War of 1812.

By Mr. LOWE: The petition of Peter S. Patton, to be reimbursed for money stolen from his office while postmaster at Burlington, Kansas—Committee on the Post-Office and Post-Roads.

By Mr. NIBLACK: The memorial of John Burke, late first lieutenant Company F, Seventy-third Ohio Volunteers, praying for three months' extra pay—Committee on Military Affairs.

Also, the memorial of C. M. Mears, late of Company K, Fourteenth Regiment of Indiana Volunteers, praying an extension of his pension—Committee on Invalid Pensions.

Also, the memorial of Andrew J. Rhoads, of Warwick County, Indiana, praying for arrears of pension and money claimed to be due him—Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition to Congress of Rev. Samuel Rogers and 20 other clergymen of Baltimore, Maryland, asking for the speedy payment of the claim of the Southern Methodist publishing house of Nashville, Tennessee—Committee on War Claims.

By Mr. O'NEILL: The preamble and resolutions passed at a meeting of working men and women held in Philadelphia the 11th instant against the repeal of the bankrupt laws and urging more stringent provisions—Committee on the Judiciary.

By Mr. PARSONS: The petition of sundry citizens of Summit County, Ohio, asking for an acknowledgment of Almighty God and the Christian religion in the Constitution of the United States—Committee on the Judiciary.

By Mr. SCUDDER, of New York: The petition of C. R. Street and others, praying completion of improvements at Huntington Harbor and Bay—Committee on Commerce.

Also, the petition of Charles O. Merrill and others, with like prayer as above—Committee on Commerce.

Also, the petition of C. R. Sheets and others, praying completion of improvements of Huntington Harbor and Bay—Committee on Commerce.

Also, the petition of Charles O. Merrill and others, for an appropriation to complete the improvements of Huntington Harbor and Bay—Committee on Commerce.

By Mr. SENER: The petition of the Centenary Methodist church of Richmond, Virginia, asking that the claim of the Southern Methodist publishing house be early inquired into and paid—Committee on War Claims.

By Mr. SMITH, of Virginia: The petition of Robert S. Ellis and 18 other citizens of Louisa County, Virginia, for the settlement and payment of the claim of the Southern Methodist publishing house of Nashville, Tennessee—Committee on War Claims.

By Mr. WHEELER: The petition of Ruth A. Maxiner, widow of Julius A. Maxiner, deceased, private in Company I, Eleventh Regiment of New York Cavalry Volunteers, for allowance of pension from her husband's death, April 11, 1865—Committee on Claims.

POST-ROUTE BILL.

The following post-route bill was introduced under the rule, and referred to the Committee on the Post-Office and Post-Roads:

By Mr. CLEMENTS: A bill to establish a post-route from Anna, Illinois, to Vienna, Illinois.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 17, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

On motion of Mr. BECK the reading of the Journal of yesterday was, by unanimous consent, dispensed with.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. RUSK in the chair.) The House meets to-day, as in Committee of the Whole, for debate only; no business whatever to be transacted.

CIVIL RIGHTS.

Mr. HARRIS, of Georgia. Mr. Speaker, there has not been, nor can there be, any measure proposed to this House of more vital importance to the peace, good order, prosperity, and happiness of the people of the South than the one now under consideration. And, while I fear that neither right, reason, argument, nor persuasion will avail to defeat it, I feel it a duty which I owe to both races of my State to exhaust every legitimate expedient in my power to avert from them the unprecedented calamities that must necessarily ensue upon the adoption of this bill.

I do not propose, Mr. Speaker, to discuss the provisions of the bill in their constitutional bearings; that has been already exhaustively done by abler hands, and its unconstitutionality demonstrated conclusively to all unprejudiced minds. It is its enforcement, and the practical results that are to follow this and all kindred legislation, that we so much deplore. And it is to this that I address myself, and ask the calm, deliberate attention of the friends of the bill. For, after all, the effect which any legislation is to have upon the country constitutes the great question for the consideration and control of the true statesman. Whether this measure is constitutional or not, the dominant party on this floor so contend; and I fear that they have both the power and the will to impose it upon the country, unless they can be made to pause and consider long enough to foresee the direful consequences which must inevitably follow. To those who contend for its constitutionality I have this to say: that the great apostle to the Gentiles said, "All things are lawful unto me, but all things are not expedient."

Distinguished advocates of this bill on the other side of the House justify their support of the measure on the ground and seem to feel that it is demanded for the protection of the freedmen of the South, because of the prejudices that exist in the minds of the white people against the colored race. Now let me assure you, sir, with all the candor, honesty, and emphasis of which I am capable, that a greater delusion than this never seized upon the minds of rational, intelligent men. Why, sir, we have not now, and never had, any grounds of prejudice against the colored man. On the contrary, our prepossessions and sympathies have always been with him, whether in a condition of servitude or freedom. Such is the natural result of our education, association, and interest. The property interest we once had in him was of itself a humanizing influence, in so far as it led the white man to care for him in sickness and in health—in body and in soul. It was, sir, this influence that secured to him that constant daily contact and association with the white man that raised him from his rude, barbaric state to the status of civilization and development in which emancipation found him. And, no matter what may be said of the abuses of slavery, they were mere incidents, and do not invalidate the great truth thus enunciated. It is a fact alike undenied and undeniable. In their former state they were our property; in their present position of freedom they are still our laborers in the field and our principal dependents in our families and our homes.

A moment's serious reflection, honest and apart from blind, partisan zeal and the infatuation of fanaticism, will satisfy every unprejudiced mind that pecuniary interest alone would impel our people not only to protect and provide for the freedmen, but by every possible means within their power to educate and elevate them to a proper appreciation of the grave responsibilities and privileges growing out of their new relation of citizenship, not only to society and government, but to ourselves and our families. In an agricultural region the mutual dependence and reciprocity of interest which always exist between the capitalist and the laborer, the landlord and the tenant, could not do otherwise than beget and preserve feelings of amity, justice, and a kindly consideration between them. It is no disparagement to the masses of the colored people of the South to say that they know, feel, and acknowledge their dependence upon the white man, not only for employment, but for counsel, sympathy, and protection. On the other hand, the white man daily exhibits his need of the black man as a laborer, and knows full well that the more happy and contented he makes him, the more reliable and profitable he becomes. And hence, sir, the white man of the South is to-day, and has ever been, ready, willing, nay anxious, to accord to the colored race every right, privilege, and immunity, social and political, that would be conducive to his interest and happiness, and at the same time compatible with good government, peace, and order. That this statement is true is proven by the fact that there is not to be found, so far as my knowledge extends, a single statute in any of the former slave States that discriminates against any citizen thereof "on account of race, color, or previous condition of servitude." On the contrary, our State constitutions, and all the laws enacted under them, have been made to conform in all respects to the requirements of the Constitution of the United States as amended. The same constitution that protects the white man throws its broad ægis around the colored man. The same law that inflicts punishment for crime upon one citizen applies to each and every one alike, be he white or black, rich or poor, high or low. The same privileges and immunities are granted to, and are to-day enjoyed and exercised by, each and every citizen without "let or hinderance." And if there be any discriminations in the judicial administration and execution of the laws, I know nothing of them. What more, I ask, can be justly demanded, either by the letter, spirit, or genius of a republican government?

The Southern States were told that when their constitutions and laws were made to conform to the Constitution of the United States the work of reconstruction was consummated, and that there would be no further interference with the rights of the States by the Federal Government. They in good faith accepted the assurance, and have in all respects complied with the obligations thus imposed, and they to-day ask that you——

Mr. RAINEY. I wish to ask the gentleman a question.

Mr. HARRIS, of Georgia. Excuse me; I do not wish to be interrupted, as my time is limited.

Mr. RAINEY. I will not interrupt you again, if you answer this question. Are not the citizens of your State now calling a convention to set aside that constitution, and to get up another one?

Mr. HARRIS, of Georgia. In reply to this question I will say, that no movement for a constitutional convention in my State contemplates any change in the existing relations of the two races or the restriction in any way of the rights growing out of these relations.

Our own people, seeing at an early day the dangers and difficulties that would arise by any attempt even upon their own part to control a question so delicate and at the same time so complex, wisely and promptly provided against its agitation in their organic law. And their wisdom, prudence, and true statesmanship, responsive to the deliberate conviction of the citizens themselves, will say, let it remain forever. Not only would we have it thus for our own domestic tranquillity and happiness, but for the honor and weal of the nation.

Will the party in power with equal fidelity fulfill their obligations? To do this you have only to let us alone, and thereby permit us to regulate our internal interests according to the dictates of our own judgments, subject only to the Constitution of the United States. As it regards the social status of her citizens, the State of Georgia, which I have the honor in part to represent, has long ago spoken in language alike intelligible and unmistakable. The eleventh section of her present constitution, adopted in 1868, provides that "the social status of the citizen shall never be the subject of legislation." That constitution was framed by a convention composed almost exclusively of delegates who belonged to the republican party, and many of whom were colored men. And that constitution was submitted to, and approved by, the American Congress, then as now largely republican. It was ratified by the citizens of the State, and is to-day one of the fundamental principles of our government. And now let me ask, will this Congress, unmindful of the approval which a previous Congress has already given to the settlement of this vexed question, reopen Pandora's box of ills, and thereby impose upon the people of Georgia, and her sister Southern States, and their unoffending citizens of both races, the dreaded calamities which they sought to shield themselves from by the very highest possible safeguard? Will you who control the legislation of the nation be so unwise as to attempt to regulate by congressional enactment the social status of the citizens of the States, when the people themselves have declared their unwillingness to touch it, by placing it beyond the reach of the legislative arm of their own State?

I cannot and will not permit myself to believe that you will indulge such folly and madness until the deed itself is done. I am satisfied, Mr. Speaker, that a very large majority of the republican members of this House do not understand the true condition of affairs in the South. For if they did, and are sincere in their avowals of solicitude for the welfare of the country, and especially for the prosperity and advancement of the colored race, I am very sure that they would indicate it in some better way than the adoption of legislative enactments which, in my judgment, when tried, will not only prove unacceptable to the masses of colored people at the South, but alike destructive of the harmony and great interests of both races. In the short time allowed me I cannot farther discuss this branch of the subject, but will briefly review one other of its aspects.

It is a fact, Mr. Speaker, known to all, that previous to emancipation a very large proportion of the wealth of the South consisted of her then slave property. This wealth, vast as it was, by the war and its results was entirely swept away, leaving the industrial pursuits of the country disorganized and prostrate. Superadded to this was an influx into our midst of a horde of adventurers, who, feeling no identity of interest with government of any sort, either Federal or State, with no respect for the rights of the white man or regard for the welfare of the colored man, ignoring the former and subsidizing the latter, with hearts intent upon plunder alone, sought to array the colored man, if not in a deadly conflict of races against the white man, at least of interest. And such was their success for a while that

it was exceedingly difficult to contract with laborers at any price and upon any terms. The result was that very many of our best citizens, men of enterprise and energy, despairing of ever being able to reconcile the conflicting elements thus aroused, abandoned their former homes and farms, and sought the means of subsistence for themselves and families elsewhere, in different and more uncongenial pursuits. And thus this state of things continued to grow worse and worse—plunder, on the one hand, by carpet-bag rulers, and, on the other, the disorganization of our labor system—until a stern necessity seemed to demand and to inaugurate a change. And now, just as we are beginning to emerge from the storm-cloud which has so long overshadowed us, just as its fury is beginning somewhat to abate, you propose to renew our conflicts and difficulties by imposing upon us measures still more odious to the people of both races than any hitherto inflicted. Stop, sirs, in your further crusade of wrong and madness upon the rights of the States, before you find it too late to retrieve the ruin which your hands have wrought.

I have, Mr. Speaker, been a planter all my life; have owned many slaves, most of whom are my tenants to-day, and have been ever since they were emancipated. I know the disposition and character of the negro race, their wants, necessities, and adaptations. I am their friend; they feel it and acknowledge it. I am ready to do anything that will ameliorate and improve their condition, for in doing it I am sensible of the fact that I will thereby promote the material prosperity of the whole country. But I say to the friends of this measure that if I were the direst enemy of the colored man, and desired to depress him in the scale of human intelligences; nay, if my purpose was to exterminate him from the earth, I would ask no surer or speedier means of accomplishing that end than the enactment and practical enforcement of just such measures as these embodied in this "civil-rights" bill, the effect of which is to estrange him from, and to antagonize him to, the white man. Our people, prompted alike by the considerations of humanity and interest, would avert any such calamity. In almost every village and in many neighborhoods of the South the freedmen have schools of their own. These schools are supported in part by the States—by the voluntary contributions of the white people, supplemented by such amounts as the freedmen themselves can spare from their scanty earnings.

Georgia to-day is struggling hard to establish a general system of public education for all her people, black as well as white. This great work cannot be accomplished in a day or in a year. With our impoverished resources, and the interferences and discouragements with which we have had to contend, the great astonishment is that we have accomplished anything at all in that direction. Our colored population seems content with what we have done and are still doing for them, and feel that they are making some advancement toward securing educational privileges. Let us alone, and we will do for them and ourselves the very best that we can with the limited resources at our command. Pass this bill and you entail upon us still further discouragements and confusions, which will not only undo what we have already accomplished in building up a general system of common schools for both races alike, but you will thereby restrict our beneficence and compel us to inaugurate still another and more partial system. This remark is not intended as a threat, nor has it any of the feelings or spirit of vindictiveness in it. Threats are the weapons of cowardice, and vindictiveness finds a place only in malignant hearts. But I will say that if it be the object of this bill to compel the association of the two races in schools, churches, hotels, burial grounds, public conveyances, or anywhere else, that its purposes will never be accomplished. The common sense of the black man forbids him to aspire to it, and the self-respect and taste of the white man revolt at the thought and will never tolerate it. The associations of men in social life have ever been, and will always be, voluntary—prompted by either taste or interests, or by both combined. It is true that political power, intensified and concentrated for its own aggrandizement, may accomplish much in modifying and even in overthrowing forms of government. But in the utmost stretch of that power, it can never repeal or annul the laws of God. And hence, sir, we at the South have no fears of social equality, although its enforcement should be attempted by the strong arm of Government in the most positive and direct legislation. The inherent rights and instincts which a wise and beneficent Creator has implanted in the breast and stamped upon the brow of the Anglo-Saxon race, and which adheres to him in every country, clime, and condition of earth, as God's own signet of superiority, forbids it. It is not this fear that impels us to oppose so strenuously the passage of this and of all similar bills; but it is because the settlement of all such questions rightfully belongs to us, and we know that we can dispose of them better than you can. We see, and have already sorely felt, the consequences of such interference with our internal rights and regulations. We ask nothing for ourselves, individually or as States, that we do not freely accord to you and to your States.

If the States themselves have not the right to regulate all such matters as those embodied in the provisions of this "civil-rights bill," let me ask in all candor what subject involving the status and rights of citizenship is left within their own control and beyond the reach of Federal legislation? Have the States no reserved rights? If they are without rights, then they are no longer States. Take their rights away, as you propose to do in this bill, and you at once establish a precedent upon which the Congress can at will transform the sovereign States of the Union into mere provisional dependencies. You have but to take a few more steps in this direction and you will have obliterated the very principle, the sovereignty of the States, from which the Federal Government itself derived its vitality and power.

Mr. Speaker, when slavery was abolished we hoped and felt that the great "apple of discord" was forever removed from the councils of the nation; that with the reconstruction of the Government would come the restoration of peace and fraternity; that men of all parties, from every portion of the Union, would come together in a spirit of mutual concord and conciliation, and address themselves with equal earnestness to the great work of repairing the sad desolations of war, and the development of the vast resources of our common country. But alas! alas! how great the delusion. We of the South, amid our impoverishment and ruin, still find ourselves a prey to oppression and wrong. Will this strife never cease? Will the day never come when moderation, justice, and equality shall obtain, and when we, as a people of a common country and a common destiny, can dwell together in unity? Let those who are in power and who control the affairs of Government answer. The people of the South were honest rebels, (if, indeed, rebels at all,) and are no less to-day American citizens, loyal in every sentiment of their nature to the true principles of constitutional liberty, as taught by the fathers of the Republic. And they will emulate the most ardent in preserving and transmitting to their children that priceless boon. Hence, sir, we can never lend our voices or our votes to the support of any measure which, like the "civil-rights bill," destroys the equilibrium of our Federal system by invading the sovereignty of the States, and thereby denying to the people that very "domestic tranquillity" which it was instituted to promote.

CONVERTIBLE CURRENCY BONDS WILL GIVE ELASTICITY TO OUR CURRENCY, AND ARE ESSENTIAL TO A SYSTEM OF INCONVERTIBLE PAPER.

Mr. KELLEY. Mr. Speaker, it will be well, before proceeding to the details of the discussion of to-day, to take a summary view of the condition of the country. The story of our victories over the forces of nature, the development of our resources, our accumulations of wealth and its division among the people, attested by increased deposits in savings banks, and the greatly increased number of free holders among the laboring classes during the last eight years, is unparalleled in history, and if fitly told would read like a story of oriental imagination. Yet, sir, we are in the midst of bankruptcy. Great local and national enterprises have been arrested or abandoned, the fires of the forge and the furnace have gone out, and the loom and spindle are silent. Hundreds of thousands of frugal and industrious people are unemployed and eating the bitter bread of charity; and the Government, alarmed at the sudden decrease of its revenues, abandons its hope of persistent reduction of the public debt, and demands the restoration of war taxes.

What cause was sufficient to instantly arrest the grandeur of our movements and effect a change which was as all-pervading as it was sudden? Had the Almighty manifested His displeasure by sending pestilence and famine to sweep the land; had earthquakes swallowed up our great manufacturing and commercial centers; or had war devastated our fields and filled the land with widows, orphans, and destitution? No. Our crops of grain, tobacco, and cotton were far above the average, and in unusual demand; our miners had been industriously at work; and the mines; whether of the precious or the useful metals, had yielded ample returns for the labor expended on them; our manufacturing productions in no nine successive months had ever equaled those of the first three-quarters of last year; our exports were increasing in an unprecedented ratio; and the steadily increasing volume of immigration attested the unequaled prosperity of the United States; and we can ascribe the want and suffering that pervade the land to none of the causes I have indicated. To find their source we must study the history of our financial legislation since the close of the war in 1865. And here we will find an ample cause for the commercial revulsion that is costing us so many thousands of millions of dollars and blighting the hopes of a generation.

Like causes produce like effects, and history repeats herself with marvelous accuracy of detail whenever legislation gives like conditions to eras.

Sir, he who had read Sir Archibald Alison's England in 1815 and 1845, or, a Sufficient and a Contracted Currency, and had noted the absolute parallel between her history for the first years of the Napoleonic wars and those immediately preceding them, and the same years of our war for the suppression of the rebellion and preceding it; the forced suspension of specie payments in both countries; the unequal resources of the Government, and the unprecedented prosperity of the people in each country in spite of the calamities and expenses of war during the period in which gold was demonetized and inconvertible paper money, based on the public credit and issued in unprecedented volume, was legal tender and the current money of the country; the contraction of the currency of England in obedience to legislation dictated by the creditor class and dealers in bullion and credit; the almost universal bankruptcy of merchants and manufacturers, and the long and fearful sufferings of the people; the exhaustion of the exchequer; the abandonment of the sinking fund, and the restoration of war taxes in times of peace, all of which followed with lightning speed the forced resumption of specie payments, could doubt that the same consequences must inevitably follow the arbi-

trary contraction of our currency? It needed but the commercial crash of September to make the parallel complete in all its details, and demonstrate the fact that our sufferings are the fruits of unwise and unpatriotic legislation, and have been brought upon us by yielding to the demands of the creditor class and theorists who seem to believe that wisdom died and experience lost the power to teach when the bullion report of 1811 was made to the British Parliament. Ignoring the lessons of intervening history—refusing to examine the causes which led to the crises of 1837 and 1840 and 1857, when our currency was on what is called a gold basis, and have thrice compelled the government of England to permit the bank to violate the law restricting its issues—they have raised the cry of "On to specie payments!" and overwhelmed the country in disasters too great to be characterized by speaking of them as a financial Bull Run. I could not tell in what month or in what particular year the catastrophe would come, but the action of Congress and the Treasury Department in 1866 convinced me that it was inevitable and all unheeded by a majority of either House, or by the then Administration. On January 3, 1867, I raised my warning voice in this Hall and said:

The greenbacks are, it is true, part of our debt, and must therefore at some day be redeemed; but they are the only part of our immense debt which bears no interest; and while there are outstanding, as the Secretary's statement of December 1, 1866, shows, $147,387,140 of compound-interest notes which are currency and used as such by the national banks, and $699,933,750 of three-years' notes bearing 7.3 per cent. interest, all of which were purchased in a greatly depreciated currency, I cannot comprehend the philosophy which proposes to let the interest on these run, while absorbing a non-interest-bearing loan which the people cherish as furnishing the best currency for our immense domestic commerce they have ever had.

Having said thus much I added a prediction, and described the condition of the country as it came to be in last October, and is now, as graphically as I could describe it to you to-day with the events of the past months fresh in my mind, and the groans of the suffering people filling my ears. Let me read it:

The experiment, if attempted as a means of hastening specie payments, will prove a failure, but not a harmless one. It will be fatal to the prospects of a majority of the business men of this generation, and strip the frugal laboring people of the country of the small but hard-earned sums they have deposited in savings banks or invested in Government securities. It will make money scarce and employment uncertain. Its object is to reduce the amount of that which in every part of our country and for the hundreds of thousands of millions of dollars of domestic trade is money, and to increase its purchasing power; and by thus unsettling values to paralyze trade, suspend production, and deprive industry of employment. It will make the money of the rich man more valuable and deprive the poor man of his entire capital, the value of his labor, by depriving him of employment. Its first effect will be to increase the rate of interest and diminish the rate of wages, and its final effect wide-spread bankruptcy and a more protracted suspension of specie payments.

I ask gentlemen whether experience and observation will enable any of them to perfect the picture presented seven years ago of what must be the inevitable consequences of contracting the currency of a people who dwell in the midst of boundless resources, and whose energies are impelled by the inspiration of freedom to engage in grand enterprises for individual and public good.

I then proceeded to say:

Anxious as the people are to relieve the country of the evils entailed upon it by the war, and willing as they have proven themselves to endure any privations or sacrifices required by the exigencies of the country, they will not consent to an experiment involving such terrible consequences for the purpose of paying the Indiana and other banks, which hold and use as part of their reserve our compound-interest notes, two dollars for every one they invested in this interest-bearing portion of our "lawful money." Much as banks, bankers, and speculators in Government securities may approve this policy, the people earnestly and indignantly protest against it.

Neither my voice nor that of the people was heard. The bullion and credit mongers, the holders of a monopoly in currency known as national banks, held the ear of the Government, and succeeded in blasting the prospects of millions of laboring people and of thousands of men of energy, enterprise, and judgment, who have been involved, often without an indiscretion of their own, in a common ruin. Hoping to be more fortunate now than I was then in pressing my convictions upon Congress, I have proposed a bill which, if adopted, will at least stay the hand of ruin, and save from the grasp of the credit and bullion mongers some few of the homes of the working people of the country.

It proposes first to render the country a service, not only important, but which is essential to the stability of trade, namely, to fix the volume of greenbacks. It proposes to fix it at what the law, under which our system of inconvertible paper originated, fixed it at—$400,000,000—not leaving $44,000,000 to the discretion of the Secretary of the Treasury with which to inflate the currency at one time and to contract it another. By the sudden contraction of $10,000,000 of the currency a financial crisis may be produced; and a system which leaves in the hands of the Secretary of the Treasury the control of $44,000,000 of currency is fraught with unspeakable danger. My bill proposes to make the volume of the currency $400,000,000, by adding to the $356,000,000 the $44,000,000 retired by Mr. McCulloch, of which $25,000,000 are now in circulation, and the remaining $19,000,000 of which will be required to meet the current expenses of the Government. We must legitimate the reissue of this reserve, or the Secretary of the Treasury may again retire the whole $44,000,000 as soon as the business of the country shall have revived sufficiently to enable him to withdraw it from circulation.

Sir, the measure I have proposed is intended to give steadiness and elasticity to the volume of currency, without inflation or contraction; and, if adopted, will increase the stability of trade and production by preventing the concentration of unemployed currency during the dull seasons of the year, in Wall street, where it is used in promoting speculations in gold, bonds, stocks, and greenbacks themselves. It will enable citizens of the South and West to hold their own balances, and thus create local money centers, by which each populous neighborhood may have its place of deposit and discount, so that at the season of the year when it is necessary to move the crops they can obtain accommodation, without drawing currency from other markets.

[Mr. G. F. HOAR. I desire to ask the gentleman a question.*

Mr. KELLEY. I am here to defend my bill, and will gladly yield for proper questions. I shall, however, consider any question impertinent that is not put to the point on which I am speaking at the time it is put.

Mr. G. F. HOAR. My questions relate to the general measure, and the first is whether the promise contained on a greenback, say that the United States will pay to the bearer five dollars, is one which pledges the faith of the United States to pay that amount?

Mr. KELLEY. I am not prepared at this stage of my statement of the objects of my bill to enter into an abstract discussion with the gentleman as to what is a dollar, or as to what method may best be employed to redeem Treasury notes.

Mr. G. F. HOAR. My point is this: the gentleman proposes a bill——

Mr. KELLEY. If the gentleman will allow me to proceed he will find that I contemplate giving an answer to his question when it properly arises in the course of my remarks. I cannot, at this time, discuss the question of a return to specie payment. I have in my mind an order and method of presenting the features and objects of the bill; and if the gentleman will permit me, I will reach his question in pursuing that order.

Mr. G. F. HOAR. I desired to ask the gentleman at the outset of his remarks (as he is the ablest exponent of the theory he is presenting) the question whether the faith of the Government is pledged to anything in this matter?

Mr. KELLEY. I will accommodate the order of my remarks to the gentleman's question, although I would have preferred that he had allowed me to reach it at another point. Sir, the resolution of 1869, to which the gentleman refers, was passed in order that it might be said that the first act signed by General Grant was a declaration in support of the public credit. It originated in the room of the Committee on Ways and Means, and was a bit of buncombe by which opposition members were to be compelled to vote to sustain the public credit.

A MEMBER. And you voted for it.

Mr. KELLEY. I think every gentleman who was then here voted for it; that our action was unanimous.

You cannot float a great ship in a small pond, nor can you float thousands of millions of debt with a currency inadequate to the daily business of the community. Loans are taken by the current profits of the people. No loans of ours have been taken by the $50,000,000 or $100,000,000 at a time since the banks in combination just after the opening of the war took one or two. They are taken by this process.]

I grieve that I could not have been permitted to pursue my own course of argument; for I find that by allowing myself to be diverted from it I shall run into digressions, and may not be able to get back to my point. I will, therefore, resume and endeavor to explain my bill. But in doing so, permit me to say that I will yield for any question pertinent to the line of argument I am engaged in; but will not be diverted by a question that has no relation to the argument I am making at the time the question is presented.

To proceed, then. The bill next proposes that the Government shall issue bonds, payable, principal and interest, in currency, and bearing a rate of interest of 3.65 per year, or one cent a day, for each one hundred dollars. That will make interest so easy of calculation that the masses of the people can understand it, and calculate it readily. The issue of such bonds will restore to our inconvertible paper system an element essential to its success, and which never was omitted until distinguished American citizens discovered that if the whole debt could be converted into gold-bearing bonds, banking and dealing in American bonds in London would be a speedy way to the accumulation of enormous wealth.

Our credit system began with dependence upon the American people. And in order to enable them to take and hold successive loans there was a steadily increasing volume of temporary loans, payable principal and interest in greenbacks. And we never had any difficulty with our currency until we adopted that system which bound us in chains of gold to the credit mongers of Great Britain and the continent. Until then there was never any difficulty in our system, or any embarrassment or disturbing demand for contraction. These loans gave profitable employment to the surplus capital of the people, and thus limited private speculation.

There is generally an average of about $250,000,000 in this country applicable to temporary loans, which, when not used by the Government, is put on deposit on call, with banks or brokers, at a low rate of interest. There were on the 18th day of September, in the national banks of New York, something like $100,000,000 of deposits on call at a low rate of interest. I have the report of the nine presidents of the associated banks upon the revision of the clearing-house system, and

* The passage in brackets is composed of detached and incoherent parts of what was said in the time in which notes were taken by one of the corps of reporters, who, by his want of fidelity, has done grave injustice to the speaker and his interlocutor, W. D. K.

will read a brief extract from it, which, though it is not absolute in the extent of its information, is very significant upon this point. These bank presidents say:

> Deposits which are derived from strictly commercial operations cannot fluctuate so widely from time to time as to produce disturbance in the community, and banks which confine their business to them, as they naturally arise, are always reliable and regular in their treatment of their dealers, and can be conducted with ease and comfort to their managers and safety to the public. On the contrary, deposits which are purchased by payment of interest or otherwise, and which must, therefore, of necessity be largely loaned "on demand," are the cause of continual agitation and solicitude to those who hold them in charge. They are certain to be withdrawn at the season of the year and at the moment most inconvenient to the banks and to their dealers. This fact is best illustrated by the following figures:

The average deposits of the 60 clearing-house banks for ten weeks from July 5 to September 6, were		$232,228,000
The lowest amount reached since the panic was		143,170,000
Showing a total reduction of		89,058,000
Of the above amount, during the ten weeks 12 interest-paying banks held	$111,585,000	
The lowest total reached by them since the panic	52,669,000	
Showing a loss in 12 banks of		58,916,000
And in the other 48 banks of		30,142,000

> And were it not for the fact that several of the 48 banks are more or less involved in the same practice, this disparity would be still more apparent.

It must be remarked that this relates only to the national banks. When you come to take the amount on deposit on call in the State banks, and with bankers, such as Fisk & Hatch, Howes & Macy, Henry Clews, Jay Cooke & Co., and the horde that failed, and when you come to extend your examination to Boston, Philadelphia, Baltimore, and Washington, you will see that there must have been at that time at the very least $200,000,000 of western and southern money, or money from the interior of neighboring States, on deposit at bankers' risk, at low rates of interest, rates so low that those who held it might make profit by reloaning it.

It is to prevent the recurrence of the evils indicated in this report, and which have become but too familiar to us all, that I propose that those who have funds to deposit temporarily may confide them to the Government at a rate of interest that shall be a fair average of the rates paid for such deposits, to wit, between 3 and 4 per cent. "But," inquires some gentleman, "do you propose to make the Government pay interest at the rate of 3.65 for the privilege of holding the moneys of these people?" No, sir; no, sir. I propose this as one step for your redemption and the redemption of the country from the grasp of the bullion and credit mongers of foreign nations, by making it the duty of the Secretary of the Treasury, as fast as possible, to invest the funds derived from the issue of these bonds in gold-bearing 6 per cent. bonds for cancellation.

And gentlemen may as well understand that the question they will have to answer to their constituents, if they refuse to give this proposition a chance for trial, will be, "How do you make 6 per cent. gold paid to foreigners more economical or patriotic than the acceptance of a loan from our own people at 3.65 in paper?" Refuse to allow the American people to loan you hundreds of millions of dollars at a low rate of interest payable in your own paper, and then go to your constituents with an arithmetic prepared to prove that 6 per cent. in gold to foreigners is more economical than 3.65 in paper to Americans, for that is the arithmetical proposition gentlemen will have to meet in the next congressional canvass, unless they shall have put the question out of the way by giving to the greenback a new and profitable service.

And this brings me to the point of the gentleman from Massachusetts, [Mr. G. F. HOAR,] and I shall be glad to answer his question. I regard the issue of these bonds as a mode of redemption for the greenback by furnishing to the citizen, upon whom, in the language of the bullionists, you have imposed them as a forced loan, a chance to make that loan interest-bearing and active as part of the public funds. I am no less anxious than the gentleman to bring gold and greenbacks to the same value; and when that is done gold will flow in upon us. But how can we do this? Shall we do it by increasing the demand for gold and consequently enhancing its price, and restricting the uses of the greenback, and consequently diminishing its value? They who resist the bill under discussion and its principles pledge themselves to this method of making the greenback convertible.

It must be evident to all that if something is not done quickly to reanimate the productive forces of the country we must increase our loans, and there are already pending propositions before this House and the Senate to increase the gold-bearing loans. We owe now annually, in round figures, $100,000,000 of gold interest; and it is proposed to increase the sum and yet to refuse redemption to the greenback, even in a 3.65 bond; to stamp it as unworthy of the confidence of the Government, and to increase your burden in gold as a means of bringing the greenback you thus repudiate and gold to the same value! When will the result be produced by this method? I do not doubt that gentlemen who propose it are sincere and disinterested, but I fear that others may question their good faith.

Here, then, is one means of redeeming the greenback. Let us now see how we may hope to comply most speedily with the demands of the resolution of 1869. If the people will lend the Government $500,000,000 in greenbacks, with which the Secretary of the Treasury can buy $450,000,000 or more of bonds, we shall owe annually $27,000,000 less of gold, by which the price of gold will be reduced; and the greenback being sure of 3.65 interest when unemployed in strictly commercial uses, will increase in value.

Though the proposition is not involved in my bill, let me say, in passing, that while gentlemen are talking of even mean economies, while they are inquiring into the very anatomy of expenses, and I was going to say doing it with microscopic power, they leave a worse than useless annual expenditure of $20,000,000 of gold unassailed. My bill, as I have said, does not touch this, which is a question for the Committee on Banking and Currency. We pay certain corporations known as banks $20,000,000 of gold annually—for what service? For keeping in circulation by loaning them, and that often at inordinate rates of interest, certain notes, the paper of which was paid for by the Government, the plates for printing which were engraved by the Government, the printing of which was done by and at the expense of the Government; and I cannot see why it would not be wise to simplify our currency by substituting greenbacks, dollar for dollar, for national-bank notes; not to increase the currency, not to issue a dollar more than is afloat now, but to issue a one-dollar greenback in the place of a one-dollar bank-note, a five-dollar greenback for a five-dollar bank-note, a ten-dollar greenback for a ten-dollar bank-note; and so all the way through the range of denominations now in use. As the substitution proceeds the bonds of the national banks should be surrendered to those who own them, and banking will then be free; because the banks, having no circulation, would have no tax on circulation, and be relieved from governmental supervision. That is the only tax they pay to which every private banker or State bank is not subject.

A MEMBER. They pay a tax on deposits.

Mr. KELLEY. No; the only special tax paid by the national banks is on circulation. There are a good many bankers here, and if I am in error on this point I am sure they will correct me.

I say again there would be a saving of $20,000,000 in gold annually, to be added to the $27,000,000 or more saved by the substitution of three sixty-fives, which, with increased and profitable employment for the greenback, would be a long stride toward a convertible currency. When we shall owe but $45,000,000 gold a year, and have this employment for our greenbacks, you will have the gold and greenback at par, and the resolution of 1869 will have been executed. This is my answer to the gentleman now when it comes legitimately within the scope of my argument.

Mr. G. F. HOAR. My former question was merely preliminary. The question I wish the gentleman to answer is, whether he considers the faith of the Government pledged to the redemption of these greenbacks in coin? The gentleman says he thinks the thing will be done; but that does not answer the question.

Mr. KELLEY. I say I think the faith of the Government is pledged to the redemption of the greenback; but I have no time to go into a scientific discussion of the question of what is redemption. Some day I shall be glad to have the gentleman make an hour's speech and let me puzzle him with a few questions, such as whether a thing is not redeemed when it buys its full value.

Mr. G. F. HOAR. The gentleman said he welcomed questions when they related to the point under consideration. He turned to me just now and said that he had reached my point. Therefore I have asked him, not what his bill will accomplish, but whether he regards the faith of the Government as pledged to the redemption of these greenbacks in coin, as soon as possible, according to the declaration of the act of 1869.

Mr. KELLEY. Yes, sir.

Mr. G. F. HOAR. If there is such a pledge, of course we must go to work with the view of keeping that pledge. I do not say whether the gentleman's plan is the best or not. But I want to know whether he considers that there is such a pledge.

Mr. KELLEY. Mr. Speaker, I thought the form of the gentleman's first question was a little offensive.

Mr. G. F. HOAR. Certainly not.

Mr. KELLEY. I thought it was offensive when he asked me whether I thought the deliberate act of Congress pledged the Government. It was probing my moral sense, which I trust is as quick as that of the gentleman from Massachusetts.

Mr. G. F. HOAR. His answer was, although he voted for that resolution he thought it was "buncombe" and repealable. Certainly it was not offensive to the gentleman to ask whether he considered that it was a binding pledge or not.

Mr. KELLEY. I mentioned those facts in the history of the resolution, and I do not think there is a gentleman upon the floor who doubts that I told the absolute truth.

Mr. G. F. HOAR. Then, is the faith of the Government pledged to redeem these greenback notes?

Mr. KELLEY. Yes; and if the gentleman will allow me to discuss any other point, I will, before I get through, show him how it may be done, if I have failed to do so already.

Then, sir, two of the objects of the bill are to give steadiness to the volume of currency and to the business of the country, and to prevent fluctuation in prices consequent upon the transfer of immense sums of money from one market to another at recurring seasons of the year.

It further proposes to allow the banks to hold the convertible bonds as their reserve. Private bankers will have the right to do it; our banking laws do not reach them. State banks will have the

right to use them; our laws do not reach them. The only banks we legislate for, except to tax them and to prohibit them from issuing currency, are the national banks; and the bill proposes to authorize them to hold the proposed bonds as a reserve. This is done for two purposes: to enable them to hold a reserve without absolute loss on the capital thus held, and to create a market for the bonds, and thus obtain funds with which to buy up gold-bearing bonds, or gold with which to call them home from foreign lands.

It contains one other provision, and that is suggested by the law which limited the volume of greenbacks to $400,000,000 and provided for the acceptance of temporary loans on call after thirty days. The first experiment was to make them payable after thirty days from date of deposit, on ten days' notice. The practice finally came to be payment on call, because the certificates were rarely presented voluntarily for redemption, and the loans came to be overdue. The whole amount was therefore regarded as payable on demand, or a call loan. The provision to which I refer is that which provides for the creation and maintenance of a redemption fund of $50,000,000 of greenbacks which are never to be emitted for the ordinary purposes of the Treasury or for general use, but are to be held for the redemption of three sixty-five bonds, if presented in unusual amounts. The use of this fund would be to prevent the possibility of speculators cornering the Treasury by drawing on it when they would know its resources to be limited. If such a fund were not provided, the worthy men who manipulate affairs in Wall street might, when they knew the Government had been investing closely in 6 per cents, rush in a few millions of three sixty-five bonds; but so long as there shall lie $50,000,000 in the Treasury to meet them, a combination powerful enough to promise success cannot be made.

These, sir, are all the features of the bill; and I proceed in further reply to the question of the gentleman from Massachusetts, [Mr. G. F. HOAR,] for it involves as a question of good faith in making the effort to get back to the days when specie shall flow into and out of the Treasury of the United States through the ordinary channels of business.

Mr. STANARD. Will the gentleman from Pennsylvania yield for a question?

Mr. KELLEY. Yes, sir.

Mr. STANARD. The bill of the gentleman from Pennsylvania, as he has explained it, does not expressly contemplate that these three sixty-five bonds may be held by the banks as a reserve in the place of the 25 per cent. required under the law. The gentleman's explanation does not seem perfectly clear to me, although I am in the main in favor of his bill, how an advantage will accrue to the circulation of the country by allowing the bonks to hold these bonds as a reserve. It is, I believe, a current idea that, for every dollar of these three sixty-five bonds the banks hold as a reserve, a dollar of the same currency reserve may go into circulation. This question is raised in my mind, which I should like to have the gentleman explain, as to whether or not for every dollar of the three sixty-five bonds the banks may be able to purchase and carry as a reserve a currency dollar does not have to go into the Treasury and there be held for the purpose of taking up these three sixty-five bonds when they may be called for in case of a stringency in the money market?

Mr. KELLEY. I think I comprehend the gentleman's question; and I believe if he had followed me closely he would have noticed that I had answered it.

Mr. STANARD. I thought you had answered it when you stated that your bill provided that fifty millions additional should be issued. But it did not seem to me that that answer was clear, because these fifty millions must be held as a reserve for special emergencies.

Mr. KELLEY. Let me recapitulate. I have said that the bill provides that the issue of the forty-four millions shall be legalized. It provides, again, that the banks may hold these three sixty-fives as a reserve. That would throw into circulation, as the Secretary of the Treasury advises me, about sixty millions of greenbacks, which now lie dead, being held in reserve to secure the redemption (themselves being inconvertible into gold) of the bank-notes, which are also inconvertible. The necessity for a reserve, if it exists, would be obviated by the issue of greenbacks instead of national-bank notes. Then it would be simply the banker's reserve; the reserve retained by prudent bankers for the safety and convenience of current business. The sixty millions now held by them would thus be released and go into circulation. The three sixty-fives, being convertible instanter at any sub-treasury, would be the equivalent of greenbacks, as are the certificates for the forty million of greenbacks now on deposit in the Treasury bearing no interest.

Gentlemen have asked me who will invest in a three sixty-five bond, when money is worth 7 and 10 per cent.? There are those who have forty millions of greenbacks deposited in the Treasury to-day, without interest, and carry certificates of deposit for them. Sir, those certificates of deposit are recognized throughout our country as the equivalent of greenbacks, and it is to the interest of the owners of them to have the Government keep their currency safely for them and give them these certificates. Now I apprehend that if the Government could pay the holders of those certificates 3.65 per cent. interest, and buy in forty millions of gold bonds with them, the holders of the forty millions would be benefited; the tax-payers of the country would be benefited by being released from the gold interest on forty millions of bonds; and gold and greenbacks would be brought so much nearer together, by the increased use, utility, and profit of the greenback and the diminished demand for gold. Have I answered the gentleman's question?

[Here the hammer fell.]

Mr. BURCHARD. I move that the gentleman's time be extended.

The SPEAKER *pro tempore*. It is moved that the time of the gentleman from Pennsylvania be extended. [After a pause.] The Chair hears no objection. How much additional time does the gentleman ask for?

Mr. KELLEY. The House has extended the time, I believe, unlimitedly; and I shall put in an application for sixty minutes, although I shall try to get through a little sooner if not interrupted too frequently.

Mr. Speaker, let me say here that I am not in favor of expanding the credit system, and that I charge the falsely-called contractionists—those who demand specie payments through contraction—as being the real inflationists. They it is who have inflated the dangerous system of credit which brought us into bankruptcy in 1837, in 1840, in 1857, and again in last September.

Mr. SMITH, of Ohio. With the gentleman's permission, there is a point I want to understand distinctly, and on which I desire to ask him a question, in order to get at his idea.

I understand that the gentleman assumes that at certain seasons of the year there is a plethora of money. Certain persons have a large amount of money on hand which they do not want to use, and they would be willing to exchange that money temporarily for these three sixty-five bonds. Now, the Government of the United States issue three sixty-five bonds and invest the sum, whatever it may be, in 6 per cent. gold-bearing bonds. When they have to pay this money back they sell the gold-bearing bonds and get currency.

Mr. KELLEY. Not at all.

Mr. SMITH, of Ohio. Now, Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania yield the floor?

Mr. KELLEY. Only for a question. I sat down while the gentleman was putting his question, being a little fatigued, and having before me the possibility of another hour's work.

Mr. SMITH, of Ohio. Does the gentleman expect the Government to have money on hand to redeem these three sixty-five bonds; or with what funds does he expect the three sixty-five bonds to be redeemed?

Mr. KELLEY. If the gentleman had studied the process of making loans he would see that the first element of such a demand as he speaks of, unless as the result of combination, is not within the sphere of legitimate consideration. Loans are taken, as I said before—and I meant to amplify it a little—from the current profits of the people. They are taken oftentimes as a temporary investment, and become a permanent one. A million of dollars paid to the Treasury of the United States each working day in the year for three sixty-five bonds would take a loan of over $300,000,000 in the year. We went through the war upon an average receipt of about two millions a day when it was at its very climax. So long as there is a certain amount paid into the Treasury daily for bonds, so long the loan expands; so long as the Government is called upon to meet exigencies its wants are supplied; but at the end of the year the Government finds an increased demand for current funds to pay interest on the large loan accumulated during the year.

Sir, the House on my motion, has called for information from the Secretary of the Treasury, which will distinctly show the gentleman that there is no danger of these bonds ever coming in in any considerable amount, unless presented by a speculative or gambling combination of men who may see a chance of profit by embarrassing the Treasury. Who that has a Government obligation bearing 3.65 per cent. interest, and which he can convert any instant into greenbacks, would care to convert it? Why would he want to convert a three sixty-five and get the same sort of security—no better security—both being the obligations of the Government, which earns no interest?

The Chicago fire was a test of how the people cherish and hold on to a temporary loan of the Government bearing only 3 per cent. interest. There were $60,000,000 of 3 per cent. temporary-loan certificates out then that were overdue. How much do you suppose the Chicago fire—blazing, burning, devastating as it did for three whole days, and thrilling with consternation merchants, bankers, and insurance companies—sent in for redemption? The whole amount it caused to be presented for redemption was $1,500,000.

Mr. SMITH, of Ohio. I desire to ask the gentleman another question. This bill seems to be based upon the theory that there is $100,000,000 of currency needed for the business of the country already in the business centers of the country, and the gentleman proposes to issue three sixty-five bonds now, and when the time comes when that money shall have been used, I want to know how the Government is to get the money to pay them?

Mr. KELLEY. Suppose a western man to have sold $100,000 worth of grain to somebody in New York. Instead of sending that sum by express in currency, these bonds would be delivered in payment and the currency drawn from the nearest sub-treasury, or if the vendor did not want to use currency he could retain the bonds, and the Government never hear of the transaction.

While these bonds will never become a part of the currency of the country, it is true that they will furnish a medium of exchange by which large transactions may be settled. They are convertible into

money in Chicago, Saint Louis, or any other city in which there is a sub-treasury; and thus eastern men will be enabled to meet the autumnal demand for the purchase of grain in the West by exchange, and the West will be enabled to meet the spring demand for manufactures by return of exchange, without disturbing local money markets. I hope I have made myself clear to the gentleman.

Mr. WARD, of Illinois. But suppose the Government should have several hundred millions of these, and they should all be suddenly presented for redemption; how would it pay them?

Mr. KELLEY. If my excellent friend, the chairman of the Committee on Ways and Means, had not by mistake carried off the copy of Fraser's Magazine for October last, I would answer the gentleman in the language of Professor Bonamy Price, of Oxford, when reviewing Mr. Bagehot's Lombard Street. But as I am without the magazine I can only say that he treated the question, what would be the consequence if all the notes of the Bank of England should be presented simultaneously, as out of the domain of reasonable discussion.

Mr. WARD, of Illinois. Excuse me a moment. I have no doubt the gentleman understands this question better than any other person does. I do not, however, consider that he has given any answer to my question.

Mr. KELLEY. Then, my dear sir, allow me to ask you a question. Will you give me any reason why people holding a Government security, convertible at will into greenbacks, and bearing interest, should rush it upon the Government in order to get non-interest-bearing greenbacks?

Mr. WARD, of Illinois. Yes, sir; I can give you a reason.

Mr. KELLEY. The thing is so clear in my own mind that probably I do not see the pertinency and force of your question.

Mr. WARD, of Illinois. I wish I could make you see it.

Mr. KELLEY. I am anxious to see it.

Mr. WARD, of Illinois. I will answer in this way: in the community where I live greenbacks are a necessity. The gentleman has illustrated that in the case where these three sixty-five bonds would be used in making the exchanges between the buyer in New York and the seller in my city, Chicago. But that does not cover the whole case. The $100,000,000 suggested by the gentleman here, or the sum, be it more or less, represented by these three sixty-five bonds, and which finds its way into the Treasury during a season when currency is not needed, would, in my opinion, be again required when the necessities of business demanded an increase of currency. In my opinion a condition of things is likely to arise when that entire sum, $100,000,000, more or less, will be again wanted in currency for circulation. Then how is the Government to take up the bonds?

Mr. BECK. I rise to a point of order. My point of order is that gentlemen, speaking to each other, should address the Chair, so that we all can hear them. I am very much interested in what both these gentlemen are saying, but they converse with each other in so low a tone that we cannot hear what they are talking about.

The SPEAKER *pro tempore*. The point of order is well taken.

Mr. KELLEY. I beg the gentleman's pardon. In answer to the gentleman from Illinois [Mr. WARD] I desire to say that I cannot conceive it possible that an obligation which might represent exchange in settling large transactions, not taken on the faith of a banker, nor of a local community, but on the faith of the Government, with a pledged fund for its redemption, should be hurried in for redemption in any considerable amount. Then I remember the other fact—and that has been the practice whenever we have had outstanding temporary-loan certificates, which are in fact convertible bonds—that on each day the deposits exceeded the drafts until the total amount allowed by law to be issued was out, and then they ceased to come in. The answer of the Secretary of the Treasury has, unhappily, not come up from the printing office, and I cannot refer to it. But gentlemen will get it, I hope, by Monday or Tuesday; then they can analyze the figures for themselves. A passage from Gibbons's United States Debt, Finances, and Taxation, may illustrate the subject:

> It is in the organization of the great body of the debt, consisting of $2,500,000,000, after the normal currents of business began to revive, that we shall find the example to instruct us as to the true character and meaning of a public debt.
>
> The expenses of the Government reached about two millions for every secular day during four years. The loans, of course, amounted to the same, excepting the revenue from import duties, which, for the sake of simplicity, we leave out of present view. It is entirely to the daily transactions that our attention is now to be directed.
>
> That transaction consisted of two parts: first, of the payment into the national Treasury of $2,000,000; second, of the payment out of the Treasury, for expenditures, of precisely the same amount. On some days there might be more paid in and less paid out; but in the long run the amount of disbursements was equal to the receipts, and it simplifies the case to reduce it to the daily average.
>
> The result, then, is that one set of people paid the two million of currency into the Treasury, and it was immediately paid out on the same day to another set of people. And this is an advantage to both parties, for the presumption is that those who pay in have more currency than they want for any immediate purpose, and those to whom it is paid out have less than they want. It goes from the latter into the hands of laborers, tradesmen, and artisans. That is to say, that the organization of the loan of two million has not taken any money out of the use of the markets; it has not absorbed one penny of capital.
>
> We have only to repeat this transaction six times a week, and may do it with the same two millions of currency, to organize twelve millions of the debt; and, continued through the year, it would organize six hundred and twenty-four millions.
>
> Let us reduce the transaction to a still lower amount. If we divide the two millions into twenty parts, $100,000 of currency will be sufficient to organize the whole by repetition of service. We have only to suppose that each one of twenty subscribers has a demand of $100,000 against the Government, and is desirous to invest his money in the bonds as soon as he receives it. The arrangements for the sale of the bonds secure this exact result, for it is of no consequence who takes the bonds, nor whether the money employed consists of the same bank-bills in each round of service. The material facts are that the bonds are taken; that no more than $100,000 of currency is in use at any one time to effect the negotiation; and that when the negotiation is complete the currency is liberated, and mingles in the general mass of the circulation.
>
> This example shows with precision what office the currency performed in the organization of our public debt. It was that of the hammer which the carpenter uses to nail shingles on a roof. After the roof is finished, the hammer is still unimpaired for service in finishing other roofs. It is true the example supposes a more frequent repetition of service by the currency than was positively attained, or than would be practicable under ordinary circumstances. This does not, however, impair its force; and although the amount of currency displaced from commercial employments during the organization of our debt is known to have been as high as fifty millions, and perhaps to have exceeded that sum, such an absorption of it is to be attributed to a bad method of business, and not to any necessity of the case.
>
> The foregoing relation of itself explains the meaning of "borrowing money," "making a loan," and other like expressions applied to the financial transactions of the Government. It shows how little ground there is for the disturbance generally created in the money market by an announcement that the Secretary of the Treasury is coming upon "the street" to borrow "a large amount of money"—say $100,000,000. This means, commercially and practically, that the yearly taxes are to be increased by $6,000,000 if the rate of interest be 6 per cent., and $5,000,000, if the rate be 5 per cent. It does not mean that the whole market of commerce and labor is to be distrained upon to furnish that large amount of money, to be held in sequestration until liberated by the slow course of the ordinary disbursements.

Mr. BECK. As the gentleman has been interrupted so much, before he begins his regular line of remarks I would like to ask him a question, as everybody else seems to be doing. My question is this: what interest has either the Government or the holder of a national bank note in having any reserves at all held by the bank, when the bank deposits with the Government 6 per cent. gold-bearing bonds, worth $1,000, for every $900 of currency issued, and the United States guarantees that currency to the holder, whether the bank is solvent or insolvent? What interest has the holder of our currency or the Government of the United States in the question of reserves at all? And if the Government and the currency holder have no interest in it, why should we be legislating about deposits? I have never been able to understand that.

Mr. KELLEY. That question is not involved in my bill; but as the law now requires a reserve, the bill simply provides that so far as it is required these bonds may be used instead of greenbacks. I agree entirely with the gentleman that the holding of a reserve for the redemption of the notes is an absurdity; they are secured by the deposit of bonds. It is suggested to me by two gentlemen here who believe in the reserve system that they are held for the security of depositors in order that they may be sure of getting something in the nature of currency on presentation of their checks. I have always supposed that they were held in part to secure the redemption of their notes. If they are held as security for deposits, it is in my judgment an absurdity. The Government might as well make every umbrella-maker hold a reserve with which to redeem a bad umbrella that had been imposed upon a citizen. The deposit of money with a bank or a banker is a voluntary act on the part of the depositor, with which the Government has nothing to do. But the taking of a bank-note is not a voluntary act, and therefore the Government should not only protect the note-taker in the value of the note, but it should make the note itself. The making of money, whether that money be bullion or paper, is an attribute of sovereignty that never should be delegated by the Government.

Mr. BECK. One other question only.

Mr. KELLEY. I am very ready to answer questions as far as I can, but I should like to get on a little with my line of argument.

Mr. BECK. One other question, only, and I will not trouble you further. It is this: if the bill of the gentleman goes into effect, as I suppose he hopes it will, I want to ask him why the national-bank system should be kept up at all?

Mr. KELLEY. If the gentleman had listened to me he would have found that I have said that, although the question is not involved in my bill, I cannot see why we should not issue greenbacks for national-bank notes, and relieve ourselves from the payment of $20,000,000 in gold annually. I have already said that, but it was so long ago in the course of this speech that the gentleman has forgotten it. [Laughter.]

Mr. BECK. I had supposed that the gentleman in providing a system would make it complete.

Mr. KELLEY. As I have already remarked, that seems to me to be a question for the Committee on Banking and Currency, and I have not introduced it into my bill, which relates to the legitimate business of the Committee on Ways and Means.

Mr. BECK. The reason I ask the question is this: When we have, say $400,000,000 of greenbacks and $350,000,000 of national-bank notes, all making one currency, the volume of the currency being what causes the difference between paper and gold, and when we guarantee those national-bank notes, I am unable to see why we should furnish the banks currency at 1 per cent. when nobody else enjoys the same advantage.

Mr. KELLEY. I have said that those who raise the cry of resumption and contraction are, in my view, the inflationists of the day. In proportion as you contract the currency in a country of resources, peopled by an enterprising people, you force private credit into expansion. You contract the currency and build a pyramid standing on its apex. The circulating medium—the money with which retail trade is carried on and wages paid and the expenses of travel borne—is withdrawn, and credit rises, ever broadening, until, with your in-

verted pyramid, your whole financial system topples over with a crash.

I propose to illustrate the truth of this proposition. In 1866 the banks of this country held one-fourth of the national debt. They could not find private obligations in which to invest their funds. The cash system prevailed. I read again from Gibbons on the United States Debt, Finances, and Taxation, a book which every member in this House should, in my judgment, have by him as a text-book.

On page 150 this able writer says:

It is well known that the rebellion struck down commercial and personal credit generally, inaugurating in its place cash settlements, for which the increasing currency was more convenient and satisfactory than had been the promissory note and the open book account. It is computed from the records of the New York clearing-house and from other sources of information that of the loans and discounts carried by the banks in October, 1866, ($623,786,993.) at least one-half consisted of Government securities, showing a decline in strictly commercial paper, as compared with 1861, of $334,884,924. The total of open book credits in 1861 exceeded that of 1866 by a much greater sum, so that we are sure of being within the truth when we name $800,000,000 as the volume of business, supported and carried on continuously in 1866 by the currency, which in 1861 was represented by promissory notes and current book credits.

Again on page 177, the same author says:

It is unjust and untrue to allege that the banks generally are expanded beyond prudence, while half their loans consist of Government securities. The inevitable consequence of the contraction of legal-tenders will be to put these securities on sale because they are the most easily convertible part of bank resources; and hence it is that their price, and the price of stocks generally, decline when contraction begins.

When a system of credit is no more extended than is needful to the wants of business, an effort to contract any part of it will either force a compensation from the other parts, or the whole will be distressed. The legal-tenders are as gold to the banks. No sooner are they touched than the whole system thrills as it was wont to do formerly when bill-holders began to run for specie. In short, the contraction of legal-tenders by the Government, while it seizes the gold of commerce and locks it up in the independent Treasury, is equivalent to a run for specie on the banks; and while the banks "hold one-fourth of the entire indebtedness of the United States," it is a run of the Government on its own creditors.

The theory on which currency is alleged to inflate prices requires a certain amount of currency for a certain amount of business. If that amount is not exceeded, any contraction of currency would abridge or distress labor. We have seen this result on several occasions recently when the Treasury has attempted the experiment of contraction. No sooner was it begun than "a cry of pain" was heard through the markets, and it had soon to be abandoned.

This was in 1867.

It is reasonable to infer that if there had been an excess of currency in issue, a part would have stagnated in the banks and no distress could have been caused by the withdrawal of that part. But the proof was immediately developed that there was no stagnation.

Now, sir, I invite the attention of gentlemen to a table which is most significant on this point. It is a table of the loans and discounts, the capital and surplus, the individual deposits and the legal-tender reserves of the national banks on the 1st of October in each year, from October, 1865, to September 12, 1873. In 1865 the loans and discounts were $487,000,000, and the legal-tender reserve was $189,000,000. In 1873, the $487,000,000 of loans and discounts had swollen to $944,000,000, and the reserve had shrunk from $189,000,000 to $113,000,000. Thus it is shown that as you contract the currency you enslave labor and enterprise, consolidate capital, and raise the rates of interest, building, as I said, an inverted pyramid, which, sooner or later, must topple, involving all in destruction. But let the figures tell their own story:

Year.	Loans and discounts.	Capital and surplus.	Individual deposits.	Legal-tender reserve.
1865	$487, 170, 136	$431, 970, 586	$549, 081, 254	$189, 988, 496
1866	603, 247, 503	468, 638, 246	597, 960, 993	205, 770, 641
1867	609, 675, 214	486, 769, 002	568, 212, 337	157, 439, 099
1868	657, 668, 847	498, 620, 272	603, 084, 550	156, 047, 205
1869	682, 883, 106	502, 554, 485	593, 029, 491	129, 564, 295
1870	715, 928, 080	524, 460, 740	512, 765, 708	122, 669, 577
1871	831, 552, 210	559, 368, 367	626, 774, 021	134, 489, 735
1872	872, 520, 104	589, 886, 660	625, 708, 307	118, 971, 104
1873	944, 220, 116	611, 387, 115	622, 685, 563	113, 132, 663

The statement for 1873 is that of September 12. The effect of the panic was to diminish in one month the loans by $62,000,000, the deposits by $83,000,000, and the legal-tender reserve by $2,000,000.

Again, I have another equally striking illustration from another source. According to the Financial Report of 1872, page 200, the Government on the 30th of June, 1865, had outstanding in currency $698,918,800; while on the 30th of June, 1872, the $698,000,000 had been reduced to $399,000,000; the circulation withdrawn, the banking credit swelling as I have shown you.

They who demand that the Government, while maintaining an inconvertible currency, shall furnish as much as needed by the current business of the day, are the real contractionists. They who find their profit in dealing in credit, your men of realized wealth, your men who own stock in a dozen national banks, those who are themselves bankers, want the currency contracted; for then the poor fly must come into their net and yield its blood to them.

The Finance Report for 1872 supplies ample proof of this allegation. At page 290, under the head of "currency outstanding at the close of each fiscal year for the last eleven years," we find the exhibits following:

June 30, 1865:	
Old demand notes	$472, 603 50
Legal-tender notes, new issue	431, 066, 427 99
Compound-interest notes	191, 721, 470 00
One-year notes of 1863	8, 467, 570 00
Two-year notes of 1863	7, 715, 950 00
Two-year coupon notes of 1863	34, 441, 650 00
Fractional currency, first issue	9, 915, 408 66
Fractional currency, second issue	12, 798, 130 00
Fractional currency, third issue	2, 319, 589 50
	698, 918, 800 25
June 30, 1872:	
Old demand notes	$88, 296 25
Legal-tender notes, new issue	123, 271, 568 00
United States notes, series of 1869	234, 228, 432 00
Compound-interest notes	623, 010 00
One-year notes of 1863	109, 967 00
Two-year notes of 1863	36, 402 50
Two-year coupon-notes of 1863	31, 852 50
Fractional currency, first issue	4, 391, 299 09
Fractional currency, second issue	3, 190, 283 51
Fractional currency, third issue	4, 039, 955 20
Fractional currency, fourth issue	29, 234, 297 41
	399, 215, 363 52

Mr. Speaker, my strength will not permit me to go on and offer other suggestions that I would like to present. I have given you one historic parallel; and I propose to close by giving you what may be another. I turn to a book with which most of you are, I trust, somewhat acquainted. I propose to deduce a little historical instruction from the twelfth chapter of the First Book of Kings:

3. And Jeroboam and all the congregation of Israel came, and spake unto Rehoboam, saying,

4. Thy father made our yoke grievous: now therefore make thou the grievous service of thy father, and his heavy yoke which he put upon us, lighter, and we will serve thee.

5. And he said unto them, Depart yet for three days, then come again to me. And the people departed.

6 And King Rehoboam consulted with the old men that stood before Solomon his father while he yet lived, and said, How do ye advise that I may answer this people?

7. And they spake unto him, saying, If thou wilt be a servant unto this people this day, and wilt serve them, and answer them, and speak good words to them, then they will be thy servants forever.

8. But he forsook the counsel of the old men, which they had given him, and consulted with the young men that were grown up with him, and which stood before him:

9. And he said unto them, What counsel give ye that we may answer this people, who have spoken to me, saying, Make the yoke which thy father did put upon us lighter?

10. And the young men that were grown up with him spake unto him, saying, Thus shalt thou speak unto this people that spake unto thee, saying, Thy father made our yoke heavy, but make thou it lighter unto us; thus shalt thou say unto them, My little finger shall be thicker than my father's loins.

11. And now whereas my father did lade you with a heavy yoke, I will add to your yoke: my father hath chastised you with whips, but I will chastise you with scorpions.

The king took the counsel of the young men, who were probably fair representatives of the creditor class and bullion and credit mongers of to-day; and in doing so he sealed the fate of his Secretary of the Treasury; for when Adoram, "who was over the tribute," appeared among the people, we are told that "all Israel stoned him with stones, that he died."

Mr. Speaker, the crisis was evidently a financial one, for they took the officer who had power over the tribute and stoned him until he died. We live in more humane days. I have no apprehension if now, in the season of our people's calamity, we restore war taxes and proceed to further contract their currency and reduce their wages, they will stone with stones until he shall die our present amiable Secretary of the Treasury. Sir, they know the power there is in the ballot, and what they will probably do will be to cast ballots and not stones; so that if we go on, as we have been going for the last six years, scourging them first with whips and then with scorpions, the places that now know us politically will soon know us no more forever.

Mr. BURCHARD. Mr Speaker, the importance of the subject which has just been presented by the gentleman from Pennsylvania [Mr. KELLEY] and the positions he has taken are my apology for making at this time, without preparation, a few suggestions to the House and to the gentleman himself in answer to what he has said.

In the first place, I wish to say, in regard to the bill to which he has called the attention of the House, that it is, in my judgment, one of excessive inflation, and can result in nothing else. The inquiry made by my colleague, [Mr. WARD,] which was not answered by the gentleman from Pennsylvania, shows this convincingly to the House—or would have done so if the gentleman had answered it.

This bill proposes that holders of legal-tender notes may go to the Treasury, and demand in exchange for those notes bonds to the full extent of the issue here proposed to be authorized—$400,000,000. It then proposes that the Secretary of the Treasury shall put that $400,000,000 again into circulation. The gentleman confesses those three sixty-five bonds will be used as circulation. And he said further, in quoting from a distinguished writer on this subject, that the sky would fall as soon as any one would send those bonds to the Treasury and demand greenbacks for them. Hence what is the practical effect? It is to increase the present circulation by $400,000,000 at least of convertible bonds used as currency, and to put off, if we proceed in this policy, the day for the resumption of specie payments forever.

Is that what the gentleman means? That is the logic and scope of his argument.

His reference to the day when England suspended specie payments, extolling that as a glorious period in her history, means, if it means anything, that we should forever continue to follow that example. I do not believe it is the judgment of this House, or that it is the judgment of the country, that we should never return to specie payments. It may be against immediate contraction, it may be against substitution of other forms of Government indebtedness for legal-tenders at this time; but I do not believe the people intend specie payments shall never be resumed in this country. I say if the agricultural interests of this country, if the people of the West, understand their interests, they will hail the period when we can return to the safe system we used to have in the early days of the Republic.

The exchanges of this country with foreign nations amount to more than $1,200,000,000 annually, exclusive of the precious metals. Our imports for the fiscal year ending June 30, 1873, were $663,710,597, of which about $21,000,000 consisted of the precious metals. Our exports were $649,132,563, of which about $98,000,000 were breadstuffs; $77,000,000 provisons; $225,000,000 cotton; $25,000,000 tobacco; and $74,000 coin and bullion. We exported last year, exclusive of the precious metals, $575,000,000. We imported, exclusive of coin and bullion, $642,000,000. Those values are measured abroad by the value of the world's currency, which is the value of the precious metals.

Mr. COBURN. I desire to ask the gentleman a question. Does he consider that the system we had before national banks were introduced, the system we had before the war, in Iowa and Indiana, was a safe system of currency?

Mr. BURCHARD. The gentleman from Indiana, I hope, is not criticising any particular phraseology I used. If he does, the suggestion he makes does not lie even to my phraseology. I said, "in the early days of the Republic."

Mr. COBURN. Did we have a currency of gold and silver even at that time?

Mr. BURCHARD. Not exclusively. We had a currency which, before the war, was without Government supervision, and in that respect what the gentleman from Pennsylvania [Mr. KELLEY] desires. He has just advocated the abandonment of the regulation of the banks and their reserves. He would return to that glorious period when there was no regulation of the currency, no requirement for the protection of deposits, no regulation of the banks. No, sir; I do not consider that a sure and safe system, nor one for us to return to. And I do not desire to return to that system of State banks, without any security for depositors or the people, as was the case at that time.

I believe it is a wise regulation in the general banking law that the banks should do, what every safe and prudent banker does, reserve a sufficient amount in ordinary times to meet the wants of his customers. And every safe bank in the country does this, the safest banks and the most conservative banks keeping more than the 15 per cent. or 25 per cent. required in their respective localities; and I do think it would be doing an unwise thing to repeal the provision which requires the banks to retain a reserve.

But I was diverted by the question of the gentleman from Indiana, [Mr. COBURN]—and I presume it was suggested in all kindness—from the particular proposition I was considering at the time, namely, the vast amount of exchanges that were required to be settled in that which is exchangeable throughout the world; those exchanges and those commodities settled abroad in that value having their prices regulated throughout all this country by that value. You may ignore specie payments, you may ignore coin in your laws, but the laws of trade and business, that are higher than any enactments of Congress, will establish those values if you have any commerce.

If you could put around this country a wall that would exclude any competition of commerce with foreign countries, then, perhaps, we might make stamped paper or any other substitute for money answer between our people. But so long as there are balances against us to be settled with other nations, as with Cuba, with Spain or France, coin being required to transmit to those countries to settle the balances in their favor; or when again there are exchanges in our favor (as is usually the case between us and Great Britain) which are settled by the shipment of coin to this country, we receiving coin in the latter case from the debtor country, we cannot dispense with the use of the precious metals.

Now, I said that our portion of the country, the western country especially, was deeply interested in this question; and I will tell you why. If legal-tenders were at a fixed appreciation or depreciation it would not be so material, only as two monetary standards require additional middle-men to make the exchanges of the country. If you could have it permanent, if you could have invariable legal-tenders, or your currency at just such an exchangeable value with foreign currencies and coin, it would not be so material; but when you have a varying currency, two evils result: first, you bring in a new class of men who speculate and live by taking advantage of the fluctuations in the monetary standard of value; second, it causes an injustice between debtors and creditors; because when a man contracts to pay three or six months from date such a sum of money, he may pay more or he may be required to pay less, according to the varying value of the legal paper taken or promise which the law authorizes to be used in satisfaction of the debt.

I have a statement here, taken from a commercial newspaper, showing the rise and fall, since 1865, in gold. It varies from 4 to 10 per cent. every year. Notice the frequent changes. In March, 1866, there was a fall between that and the previous October of 12 per cent. In April of that year there was a fall of 11 per cent. more. In September, 1871, there was a rise of 5 per cent.; in December a fall of 7 per cent.; in August, 1872, a rise of 7½ per cent.; in December a fall of 4 per cent.; in April, 1873, a rise of 7 per cent., and in September a fall of 5 per cent., the price of gold then being 114. In October, within a month, there was a fall of 4 per cent.; and now it has again risen about 3 per cent. The statement to which I have been referring is as follows:

Date.	Price.	Difference per cent.	
1865—January	234¼		
May	128½	Fall	106
October	149	Rise	20½
1866—March	136½	Fall	12½
April	125	Fall	11½
May	141½	Rise	16½
June	167⅝	Rise	26⅛
September	143¼	Fall	24⅜
December	131¼	Fall	12
1867—September	146⅜	Rise	15⅛
December	133	Fall	13⅜
1868—August	150	Rise	17
November	132½	Fall	17½
1869—May	144⅜	Rise	12⅝
December	119¼	Fall	24½
1870—January	123½	Rise	4
March	110½	Fall	13
July	122⅝	Rise	12½
November	110½	Fall	12½
1871—September	115⅝	Rise	5⅛
December	108⅜	Fall	7
1872—August	115⅝	Rise	7¼
December	111⅜	Fall	4½
1873—April	119¼	Rise	7⅛
September	114	Fall	5½
October	108	Fall	6
1874—January	111	Rise	3

Now, what does this variation in the value of our currency introduce? I say it has brought in a new class of middle-men who are handling the exchanges of the country. Before the war there were in New York only about one hundred members of the stock board. Since the war the number has increased, until at the present time these stock-brokers or members of the association, according to a statement I saw a short time ago, number about eleven hundred. If I recollect rightly, it was stated or testified at the time of the investigation of the causes of the gold panic in 1869, that for admission to that stock board, it was necessary to pay a one thousand dollar membership fee. There have been, then, $1,100,000 paid for admission to that stock board. What does that mean? Are they producers? No, sir; they are feeding upon the wealth of the community. They are gamblers dealing with our commodities, putting up and lowering the price of gold and thereby affecting the values of the cotton, the corn, the wheat, and the provisions generally of our country. Now, if we can dispense with these men, I say it would be to the advantage of the agriculturists of the country, more than any other class of men.

But we not only have that. We have these speculators, these cotton and corn gamblers, in every corner of the country. We have in Chicago and in Detroit men that are gambling and speculating upon the wealth and industry of the country; and that is engendered and produced by this system of irredeemable currency that we have in the country.

The system of an irredeemable currency necessitates in commercial cities gold-brokers who necessarily must be supported and who become enriched upon the products of the country there exchanged. The importer and the shipper at the sea-board dealing in commodities to be valued and paid for in coin, buy or contract of, or through, the gold-broker for coin to be delivered when the payment is to be made.

Now, I have another objection to the proposed plan; and I will say here that I came to this Congress with no convictions against any practical policy, if, indeed, any could be devised, by which to stop this gambling and excessive deposit at New York and other commercial centers. I would be prepared, I think, to support any feasible plan which will, without inflation and without increasing the interest burden upon the people, withdraw the excess and idle currency from circulation during the summer months and restore it when more circulation is needed to move the crops or do the business of the country.

Mr. STANARD. The gentleman has been speaking of the rise and decline in gold for a series of years, and he seems to have given great thought to the subject, and I wish to ask him a question, not for the purpose of invalidating his argument, but that I may obtain light. I desire to ask him whether in his opinion the advanced premium on gold as it now stands, and as it has stood for years past, is on account of a distrust on the part of the people of the country in our currency, or on account of an excessive demand for gold to meet our foreign balances?

Mr. BURCHARD. Well, I do not know that I can answer that question categorically. The only way in which it can be done would

be by a comparison of our currency with that of other countries. France has to-day an irredeemable currency, but she, as a late writer in the newspapers on this subject observed, passed a law that in 1879, I think it is, she will resume specie payment. There is only a depreciation of from ¼ to ½ per cent. in her currency, although she has but three-fourths of the circulation that we have; but she has a large amount of coin, and the amount of coin and the certainty of resumption, I believe, give confidence to the minds of the people, so that exchange can be made, although it is not required to be done by law, at only a small discount.

Now, what is the particular influence on the minds of business men that induces them to give a premium on gold in exchange for notes of this kind is a matter of opinion. I do not know. I believe that as you inflate the currency and postpone the day of redemption, you thus reduce confidence in your notes in the minds of business men.

Another law of business, an inexorable law in trade, in the export to and exchange of commodities with foreign countries, is this: that which a country has no need of it exports. The West exports its grain because it cannot consume it itself, and the East exports its manufactures because it cannot consume them, as it produces more than are needed for its use.

Sir, when we passed a law making paper money a legal tender, its effect was to require the use of that money and to dispense with and drive abroad the coin in the country; and it will never return until you so change your laws that the people of this country will require more coin. As long as coin is a cheaper commodity here than abroad, it will go abroad as other commodities do. The laws of trade apply to gold coin, as all writers on the subject admit. When the law of 1862 was passed, there was actually in this country, or rather on the 1st of January 1863, $341,000,000 in coin.

Mr. WARD, of Illinois. What was the amount of currency of other kinds?

Mr. BURCHARD. I can give the gentleman the figures for two or three years. In 1860 we had $207,000,000 of paper currency and $280,000,000 of coin; in 1861 we had $202,000,000 of paper currency and $248,000,000 of coin; in 1862 we had $218,000,000 of paper currency and $310,000,000 of coin; in 1863 we had $539,000,000 in paper currency and $341,000,000 in coin; and so on, until in 1865 we had $888,000,000 of paper currency in circulation; and in 1866 we had $964,000,000 of legal-tender paper in circulation and only $248,000,000 in coin in the country, hoarded by the people or in the banks and Treasury, but wholly withdrawn from circulation.

In 1862 we passed the act, and I do not think my colleague questions the principle I state in regard to the fact that the putting into circulation of such paper drives out the circulation of coin. He knows that in Illinois, in the "stump-tail" time, the class of notes put into circulation drove out the notes of other more solvent banks. Men and bankers sorted their currency, and for a time not a sound bank-note or even exchange on eastern cities could be obtained without payment of an exorbitant premium.

Mr. WARD, of Illinois. I desire to ask the gentleman one other question. Do you think there is currency enough in the country at the present time, or is it your object to go back to specie payment?

Mr. BURCHARD. I have not advocated to-day an immediate return to specie payments. I have been opposing the bill of the gentleman from Pennsylvania, [Mr. KELLEY,] authorizing the Secretary of the Treasury to issue a certain kind of bonds in exchange for legal-tender notes. I do not know that I need to answer my colleague's question, because my opinion on that subject is not material to the discussion of the criticism I make upon the bill and its avowed object and effect. But I will say in that connection that money is needed for circulation—that is, to facilitate exchanges between people in their business transactions. In addition, there is another use of money, and that is as the representative of capital, or circulation in reserve. That is the meaning of your deposits—of the actual money in bank. As has been said here, money is sometimes wanted in Chicago with which to buy wheat. Sometimes during the summer months, when business is idle, money is not wanted for circulation. It is then practically withdrawn from circulation; it does not facilitate exchanges—the true office of money; it lies idle in the Treasury, or in banks, or in some place where it is withdrawn from active circulation.

Now, at times there is more money wanted in one place than in another. In Chicago they may want capital all the time, but not all the time money to facilitate exchanges. They may have a scarcity of capital to satisfy calls for time loans, and yet sufficient currency to make all the exchanges for the business of the city. When the pork-packer goes to the bank and asks for an accommodation, what does he want? He does not want the money; he wants the hogs; or, if he wants money, it is to make an immediate exchange of it for hogs to sell them again. If he wants to make immediate payment, he can get a million of dollars with which to buy hogs for immediate sale. But what he wants is capital. He wants a million dollars' worth of hogs to salt and keep for three months, until he can send them forward to market. He then wants capital, another use for money, or one use which money will answer or subserve.

But I did not intend to enter upon that discussion. I only suggest to my colleague [Mr. WARD] that there is frequently in the public mind, and among men who are theorists upon this subject, a confounding of the two uses of money. This man says, "I want money," when he wants capital, and not money to facilitate exchanges.

Mr. COBURN. Let me ask the gentleman whether if we had had some reserve somewhere in the United States, where money could have been got last fall by capitalists who had large amounts of property, would it not have been of great benefit to the country? Was not the need currency, instead of capital; and was it not the lack of currency and not of capital that brought the panic upon us?

Mr. BURCHARD. I am glad the gentleman has referred to that question—what was the cause of the panic. I perceive that I am not pursuing any line of argument, but I would like to talk about the panic.

Mr. WARD, of Illinois. And in connection with that subject of the panic, allow me to make a statement, and the gentleman can discuss the two together, if he is willing.

Mr. BURCHARD. I do not like to mix things too much.

Mr. WARD, of Illinois. The gentleman speaks of the distinction between capital and currency. During the panic which the gentleman is now to discuss, I saw with my own eyes men who were worth more than $1,000,000, who had in their vaults or in their safes the most undoubted securities, securities of the highest possible order, and upon which for weeks and weeks (I will not say months, for I desire to be within bounds) they were unable, at any rate of interest which any man could possibly afford to pay, (and I doubt if at any rate of interest at all,) to realize any money from any source or quarter with which to transact the business they were engaged in. Was that a result of the lack of currency or the lack of capital?

Mr. BURCHARD. In reply to that, I will state what I have heard, though I have not examined the statement to verify whether it is true or not. It is that at no time during the panic were Government bonds (the securities to which the gentleman refers, I suppose) below legal-tenders in value. They were depressed; they were, perhaps, at lower rates in the market, 3 or 4 per cent. below what they had been before. But men holding those Government bonds could have put those securities upon the market and have obtained in legal-tenders not only their face equivalent but a premium of 6 or 8 per cent. Now, if that was so, it shows that currency could have been obtained. I do not know how it may have been in Chicago or in Saint Louis, with gentlemen who were there engaged in business; but I am told by gentlemen who profess to have examined the market rates in New York that that was the case in that city.

Now, there are better remedies, in my judgment, though I do not care to suggest them at this time. I think it would be a better one than this to follow the one, or one based upon the same principle, suggested by the President in his last annual message. For instance, the holders of Government securities might have the right to go to the Treasury and deposit their bonds there, and upon them as a deposit receive a certain amount of legal-tender notes, say the face value of the bonds, the interest on the bonds to cease while thus deposited, and the bonds to be surrendered to the owner upon the return by him of legal-tenders to the amount loaned and issued upon the bonds.

Mr. STANARD. Will the gentleman yield for a question?

Mr. BURCHARD. I have one pending now, but I will yield.

Mr. STANARD. I would ask if the gentleman does not know that for the space of from three to four weeks, or perhaps six weeks, greenbacks could not be realized either in New York, or Boston, or Chicago, or Saint Louis, or any of the chief money centers of the country, upon bonds or even upon gold coin at any premium, but only at a sacrifice? I know that there were applications made in the chief money centers of the country for currency on gold, and the banks said to the persons so applying, "We will not give you greenbacks for gold except at par, because we may be called upon the next moment to pay this gold out over our counters." And there was a time when in actual transactions gold and bonds and greenbacks were all of the same value.

Mr. BURCHARD. I cannot yield any further. The gentleman asks as to my knowledge, and he has stated his own. [Laughter.]

Mr. STANARD. I was afraid the gentleman would not answer my question. The people in his section might not have been in the same pinch we were. [Laughter.]

Mr. BURCHARD. I stated in answer to my colleague the same proposition made by the gentleman. I presume there may be a state of the market such as the gentleman describes. It can be verified or disputed by gentlemen who will take the pains to look at the reports of the stock exchange in New York and other commercial centers during the time spoken of. But that is not pertinent as a reply to the question put to me in regard to the panic.

I think that the recent panic, like all other panics, was the result, among other causes, of inflation. An inflation of prices is sure, at some time, to work off the disturbance. The effect of an inflation in one country does not cease until it has affected other countries. A panic, like everything else, has its relations to surrounding circumstances. Our inflation of prices produced the very condition of the market which the gentleman talks about, making this the best market to sell in, and the poorest market to sell from. As a cause of this the balance of trade was against us. That cause continued, inducing high prices and keeping them up, until the prices abroad began to equalize themselves to the prices within this country, as they did within the last two years. A fall in prices ended speculation, made men anxious to sell and realize the present value; buyers became few, sellers numerous; men having obligations to meet, not being able to sell, became importunate borrowers. Such are some of the incidents and causes preceding and accompanying a panic.

The inflation of prices here, resulting from paper inflation, began

to produce its effect abroad, just as gold inflation in 1857, resulting from throwing upon our country an immense amount of gold from the mines of California and other Western States, produced its effect abroad, and prices began to equalize themselves. It produced here speculation and fictitious prices. But during the last two years there has been an inflation abroad. Prices have gone up there 25 per cent. It is said the price of labor has advanced there, making this a poorer market to sell in and a better market to sell from. Ultimately there comes a fall in prices here and a fall to some extent in prices abroad, and as a consequence, in the adjustment of prices, there comes a more stringent loan market. Money is called stringent, and as some well-known commercial house fails to meet its obligations, public confidence is lost and a wild panic is the frequent result.

There is another cause for these panics. In all panics you find a large increase of loans in comparison with deposits. The gentleman from Pennsylvania [Mr. KELLEY] referred to the large amount of loans during the last year; there had grown to a volume of $900,000,000 and over of loans. When the proportion of loans and discounts to deposits or to circulation is very large, it frequently if not necessarily results, when any untoward cause affects public confidence, in a general panic.

Panics culminate at a time when loans and discounts are very largely expanded in comparison with the amount of deposits. In 1837, with a coin and paper circulation amounting to $222,000,000, the deposits were $127,000,000 and the loans and discounts $525,000,000—a proportion of more than four to one. The country had a disastrous panic. Then they became contracted, so that in 1843 we had but $142,000,000 of circulation, $56,000,000 of deposits, and $255,000,000 of loans. In 1857 the bank loans and discounts had risen to $684,000,000, with $230,000,000 deposits and $530,000,000 of circulation. Again, another panic. Before the war, in 1860, we had $254,000,000 of deposits and $602,000,000 of loans. I cite these facts from the report of the Secretary of the Treasury for 1862-'63.

But, Mr. Speaker, I do not propose any plan of my own. At this time my object was to call the attention of the gentleman from Pennsylvania [Mr. KELLEY] and the House to this inevitable result of his plan of issuing bonds. The people would take the bonds and keep them in circulation, the Treasury at the same time having the right to use the legal-tender notes in payment of their indebtedness. Thus these bonds, instead of being taken to the Treasury for redemption, would be used by the people as circulation; and the effect would be to add $400,000,000 to the circulation.

Mr. STANARD. O, no.

Mr. KELLEY. Will the gentleman yield to me for just a moment?

Mr. BURCHARD. Yes, sir.

Mr. KELLEY. I want to suggest to the gentleman, (and I do it with deference to his judgment,) that it would be a very difficult thing to buy a pair of chickens in the market with a fifty-dollar convertible bond, or to pay your passage upon a railroad, or buy a pair of gloves with a fifty-dollar or a hundred-dollar or a thousand-dollar convertible bond; and that as these bonds would not be legal tender, shop-keepers, conductors, persons in the market, and laboring people might refuse to receive them. It is impossible that they should go into the currency. That they would furnish exchange which is now the privilege of the credit mongers, personal or corporate, of the country, is true; and that they would relieve the business community of the dull razors with which they are now shaved, by which the blood is drawn when it is only proposed to take off the beard, is also true.

I wish to correct the gentleman as to a misapprehension he has fallen into when he supposes I limit the amount of bonds to $400,000,000. I am nearly sixty years of age, and somewhat broken in health, but I hope to live to see the day when no foreigner will hold a bond of the United States, and when our whole debt will be floated at 3.65 and be in the hands of the American people.

Mr. BURCHARD. The gentleman rose to ask me a question, and I should like to have him interpret the question he has put to me. [Laughter.] The gentleman does not propose, he says, to limit the amount to $400,000,000 of legal-tender notes.

Mr. KELLEY. The amount of legal-tenders—not convertible bonds.

Mr. BURCHARD. So much the more is that greater inflation. They would not be used for market purposes, no more than large bills are now used; but wherever a large bill, a $100 bill or larger sums, could be used these would be.

Now, Mr. Speaker, I proceed with what I wish to say. We made a pledge when we issued the five-twenty bonds and authorized the issue of legal-tender notes that the issue of legal-tender notes should not exceed $400,000,000. We made that in the act of June, 1864. We made that pledge again, reiterating it in the act of February, 1865, that it should not exceed that amount; and upon the faith of that pledge we have kept up, at the present value in the market, the value of our legal-tender circulation, as compared with coin and the value of our bonds. I do not think we ought, directly or indirectly, when it will injure rather than benefit the interests of the country, to violate the pledge we made at that time.

In this connection I will say, finally, that I do not believe the Secretary of the Treasury has any authority or right, or ever had any right, to issue any portion of that $40,000,000 which had been retired. I know it is claimed that under the authority which permitted him to redeem and cancel any portion of these notes and to issue others in their place he had that right; but under the act of 1857, which limited the action of the Secretary of the Treasury, there is this phrase used that nowhere else occurs in that law to my knowledge, or the law prior to that time, namely, "there should not be retired or canceled." Previously to that time he had the right to redeem and issue in lieu of them, but that act specifically used this phraseology: "There should be only $10,000,000 within six months retired and canceled; and after that only $4,000,000 retired and canceled." I think the framers of that law used that language advisedly when just preceding it in the same law, they said:

> Authorizing certain certificates of indebtedness or certificates of deposit or other representatives of value which have been or which may be issued under any act of Congress, the proceeds thereof to be used only for retiring Treasury notes or other obligations issued under any act of Congress.

It seems to me he might just as well claim, after he redeemed or retired the bonds of the United States, after he had paid and canceled them, he might issue these bonds again. I know the Department claim they have the right, but as one who has partially, although not fully, examined the question, I give my opinion that the amount now authorized and legally in circulation is only $356,000,000 legal-tender notes.

But I have been again diverted, Mr. Speaker, from the proposition before the House, and which the gentleman from Pennsylvania advocated, namely, "Shall we authorize this particular measure—this issue of three sixty-five bonds?" I have shown the gentleman what will be some of the effects. Now, let me suggest another effect of the measure. Bonds sell for what they are worth. You cannot by law prescribe their value. Investments, like everything else, are worth what they earn; and the banker and the business man in New York, or anywhere in any commercial center, when he buys a bond examines it first as to its safety and the certainty of his getting the return of his money, and then what will it earn. Now, if a 5 per cent. bond at this time, measured in coin, earns 5 per cent. interest per annum, gold being 111, a $100 bond would earn $5.55 in currency. And that is now at about par in coin; currency, measured in the value of gold or coin, being about 10 per cent. depreciation. Now, throw three sixty-five bonds on the market, and according to the estimate I have just made a $1,000 currency bond, at 3.65 per cent., would yield $36.50 measured in currency; and a $1,000 gold 5 per cent. bond $55.60. That is, $650 of a 5 per cent. bond would earn as much as $1,000 of a currency bond; and it would require $1,550 of a currency bond to earn as much as a $1,000 gold bond. A currency bond at 3.65 would be worth 65 per cent. in gold, or 65 per cent. of what a gold bond would be; while a gold bond would be worth in currency 155. And that, it seems to me, would be the inevitable effect of issuing four hundred millions, or any number of millions, as is proposed, of these currency bonds, measured in the value of gold at the present time.

The gentleman from Pennsylvania [Mr. KELLEY] says they would be an exact equivalent for legal-tender notes. If so, coin would appreciate to 155, and legal-tenders depreciate to 65; and I believe that would be one of the results, that would be the effect in Wall street upon the currency, of issuing those bonds.

Now, in regard to this "buncombe" resolution of 1869, so called. I am sorry that the gentleman characterizes the solemn legislation of Congress, given to the world at that time, in that manner. It was not so understood by the country. I recollect well in 1867, when I had no interest other than the business interests of the country; when I was, if any one can claim to be so, one of the producing classes of the country; when we were watching the legislation of Congress, and when a gentleman who had been here in the winter of 1867-'68 about these lobbies, and had been conversing with members of Congress, came West to our country, and came West with these ideas of inflation, insisting it would be the popular cry to pay the bonds of the country, the gold-bearing bonds, so called, in legal-tender notes—I remember when he came home, he then being an officer in one of our banking institutions, the bank actually passed a resolution that they would sell their five-twenty bonds, and invest in ten-forty gold-bearing bonds to meet what they believed would be the legislation of Congress on that subject.

Gentlemen here are timid. They are afraid of the honesty, and integrity, and, it seems to me, the good sense of the people. I told that gentleman, "You converse with any of the five or ten leading men you can select from any town in this country or this region of country, and they will tell you they are opposed to that, and that they do not believe in it." "Well," he said, "you advocate that on the stump and before the people, and the crowd would be with you." "Yes," I said, "perhaps the men who have no great interest in the subject, no taxes to pay, and who feel no pride in maintaining the honor and credit of the Government, and are the loudest-mouthed upon that subject, might applaud." Well, I will tell you what proved the correctness of my views of the intelligence and sentiments of the people. At one of the first conventions which followed in one of our agricultural towns, where many among the farmers now, I suppose, are grangers, active, thinking, intelligent men—at one of their first town conventions they passed a resolution on that subject, advocating substantially this act passed by Congress, declaring that the faith of the nation was pledged to pay those bonds. And at the next county convention held in that county—the republican convention—they passed a similar resolution. And at the Illinois State republican convention, held at Peoria, they also passed a similar resolution. And the member of the committee on resolutions in the republican convention in 1868, in Chicago, from

our State, insisted in committee upon that resolution, and was one of the foremost advocates of it, leading the men from the East, some of whom were a little timorous and afraid. And the people sustained the republican party on that, and Congress passed that act there in furtherance of, and in accordance with, the views of the people, and in accordance with the views of the republican party. And I believe it strengthened that party.

And I am happy to say that some leading opposition papers, the Chicago Tribune and the Chicago Times, having perhaps the largest circulation of any papers in the Northwest, are opposed, and have been opposed for years, to this system of inflation, but agree with what I believe will be the sentiment of Congress when they have fully examined this question—at least to put no impediments in the way of an ultimate and safe resumption of specie payments; certainly not to encourage inflation, which at this time would be disastrous to the business interests of the country, and more especially to the agriculturists of the Northwest.

Gentlemen may talk about who will come back to this Hall. It is not important who represents the people; but it is important that they should be represented aright, not perhaps by men who will blindly yield, as was said by the gentleman from Georgia, to the whim of the hour, but who correctly understand what is their interest and will advocate and support their interest here. That I believe is the duty of a Representative; and, as such, I cannot give at this time my voice or my vote in favor of the proposition that is embodied in the bill of the gentleman from Pennsylvania, [Mr. KELLEY.] It has been stated—what I have not questioned, what I have no doubt is true; it is enough that I have had it from the mouths of men who have declared it to be true—that at times you could not obtain on Government securities as collateral legal-tenders or any other medium. And there may be a remedy, there have been remedies suggested; but I did not take the floor to propose any plan here. I did it only to suggest, as I have said, that there are objections in my mind to this plan which the able argument of the gentleman from Pennsylvania—and I listen to no man with more pleasure than I do to that gentleman—has not convinced me would be for the interests of the people.

THE CAUSES OF THE LATE PANIC—THE DANGERS OF INFLATION AND THE REMEDY FOR OUR FINANCIAL TROUBLES.

Mr. TOWNSEND. Mr. Speaker, the people of the nation are suffering under adverse circumstances very similar to those that followed the various suspensions of specie payments during the old system of banking which existed previous to the rebellion.

Many of the wheels of industry have ceased to run; great enterprises have been stopped; agriculture, manufactures, and commerce seem to have refused to make their usual profitable returns, and the labor of the nation appears to be paralyzed.

The suspension of Jay Cooke & Co., which was, to unreflecting minds, the cause of this great interruption of our national prosperity, was in reality but an effect of greater causes, operating, not only on them, but on the residue of the nation at large.

True it is that the stoppage of that firm was the occasion of other institutions failing to pay their liabilities; and as one great banking company has always minor ones connected with it, a suspension of payments by the former too often carries down the latter. These repeated suspensions awaken a distrust in the public mind, and the timidity of depositors and note-holders of banks and bankers causes them to make a run on institutions which are their debtors. They in turn, to sustain themselves, must call on those who owe them, and the demand for immediate payment by the creditors on their debtors, added to the want of confidence, creates a panic and a state of affairs that can only be checked by a suspension of payments, which causes everywhere financial confusion and distress.

The banks of the great cities, when they recently refused to pay checks in currency, and only by certification receivable on deposit and through the clearing-houses, suspended payment as much as did the banks under the old system when they refused to pay specie. They were not bankrupt; but as no bank can at any time pay all its demand debts, such as circulation and deposits, if suddenly called upon, it became necessary for the banks to refuse currency payments until they had time to collect their assets, or until confidence should be restored.

This measure of safety, however, has so far disturbed the business arrangements of the great interests of the country that railroad enterprises have been stopped, manufactories have been closed, agriculture has stagnated, thousands of men have been thrown out of employment, and poverty and despair have stalked sullenly through the land.

From a state of apparent prosperity we are suddenly struck down, and are now suffering all the ills of a severe adversity.

Political economists are speculating as to the cause of these disasters, and suggesting what they consider appropriate remedies, and the people generally are looking toward Congress for relief.

Unfortunately, however, the old sentiment, that "in the multitude of counselors there is safety," does not seem to be applicable now, for the multitude of able writers who tender their advice to Congress entertain views so divergent and antagonistic that it is impossible to adopt them all, and difficult to determine which is the best.

The wisest way, in my judgment, to attempt to cure any great financial disturbance, is first to seek its cause, just as the best method of healing a disease of the human system is first to ascertain its origin.

It seems to me that the whole suffering we at present experience is the result of what is familiarly known as "overtrading." The American mind is exceedingly expansive, progressive, and speculative. With a whole continent open to improvement and development; with vast mines of the precious metals, and all other kinds of minerals, ready to repay labor for its exercise; with illimitable virgin prairies awaiting the plow of the farmer; with boundless forests ready to furnish untold quantities of lumber; with every avenue to industry open to all, and with political institutions insuring equality of political rights and encouraging the industry of the people, we can scarcely avoid exercising our energies to the utmost, and running into excesses that produce financial revulsions.

We have overtraded in almost every direction. Our railroad system is, perhaps, the most notable example. In 1860 we had 30,635 miles of railroad completed; in 1870 we had 52,898 miles; and at the present time it is said that we have 67,000 miles finished at a cost of over $3,200,000,000; the extent of railroad having more than doubled in the last ten years, and being a greater length of railroads than is owned by all the rest of the world together.

We have run railroads out on the prairies far beyond the bounds of civilization and settlement, hoping that settlement and cultivation would follow along so rapidly that the traffic they made would afford at least sufficient funds to pay expenses and interest on their bonds. We have built them up through mountain cañons and defiles, to mining establishments, with the expectation that the profits from the precious metals would make such roads self-sustaining. We have extended them everywhere that the speculative fancy of their promoters induced them to believe that they would prove beneficial to the stockholders or to the speculators in town sites through which they were to pass.

This expansion of railroad operations was far too rapid to be a healthy one. That the development was impolitic, and that the hopes of the projectors were far too sanguine, is shown by the last volume of Poor's Railroad Manual, the best authority on the subject. It is there said:

> The leading railroad companies of the West are largely responsible for the excess of mileage that has been constructed. The Milwaukee and Saint Paul Railway has increased from eight hundred and thirty miles in 1868 to thirteen hundred and ninety-six in 1872. Its stock and bonds have, in the same time, increased from $30,578,618 to $56,290,644, while the earnings have only increased from $6,577,645 to $6,957,771. Nearly the whole increase of mileage has proved unproductive. The Chicago and Northwestern Railway has also enormously increased its mileage in the construction of branch lines, so that the gross revenue on its investments is considerably below the average for the Western States. It is increasing its bonded debt to $48,000,000, to complete the various enterprises which it has undertaken. Its share capital at the close of the fiscal year for 1872 amounted to $35,878,644. To these two sums is to be added the capital of its leased lines, making an aggregate of nearly $100,000,000, with earnings at the rate of the last fiscal year of only about 11 per cent. While these vast additions to mileage and cost have been going on the earnings of the road have declined from $12,614,846 in 1868 to $11,402,161 in 1872.
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> The stockholders of these roads should put a stop to a policy so suicidal—a policy which is working more mischief to the railroad interests of the country than all other causes combined, and which, unfortunately, has been indulged in, though in a less degree, by other roads than those named.

For a part of these wild operations in the Western and Northwestern States and Territories, Congress is responsible by making to railroads extensive grants of public lands through which they pass in quantities of alternate sections to the distance even of forty miles on each side of said railroads, equal in extent to European principalities.

These grants were obtained through the influence of members honestly interested in the development of their sections of the country, and by the urgent solicitations of importunate lobbyists, whose pertinacity arose from a less creditable motive.

The whole amount of public lands already certified to these railroads is 30,000,000 acres, and the whole amount which will be certified when the roads are completed will not fall short of 200,000,000 acres.

The vast expenditure of money already made in the construction of these western roads is, as already shown, largely unremunerative. It is to a certain extent dead or unproductive capital, withdrawn from the usual channels of active trade and commerce where most needed, and consequently depriving them of that much of the aliment by which they are sustained. Few, indeed, of these roads there be that pay dividends to their shareholders. On the 1st of January last, one hundred and fifteen railroads, representing one hundred and seventy-six millions of capital, with twenty-seven millions of interest due and payable that day in New York, defaulted in their payment. This does not include a large number of defaulting railroads whose interest was payable elsewhere.

This artificial and unnatural stimulus to the railroad system was the proximate cause of the establishment of great numbers of iron works, from the furnace to the rolling-mill, and the building up of various locomotive works, machine and car shops, and other mechanical industries that contributed to their operations, whilst dependent upon them for support.

These immense undertakings stimulated emigration from abroad, and the good wages paid out by the railroads and all establishments connected with them, enabled laborers and their families to consume more of the necessaries and comforts of life, and thus urged to unusual activity the manufacturers of dry-goods, agricultural implements, and the culture of the great staples, wheat, corn, and cotton.

Thus the workings of the extending railroad system alone, although others were not idle, directly and indirectly induced a factitious prosperity, and urged into an excessive vitality a great variety of industries that absorbed a larger amount of capital than the ordinary business of the country required.

In addition to the fixed capital necessary for these gigantic undertakings, a large amount of bank discounts was demanded by brokers and speculators in these railroad stocks and bonds which were made their footballs, and tossed to and fro in the market by the bulls and bears of the New York stock exchange until the clearings of the New York clearing-house amounted to over $100,000,000 per day.

In confirmation of my statement, let me say that the Comptroller of the Currency in his last most able and exhaustive report makes the statement that—

> The immediate cause of the crisis is, however, more apparent. The money market had become overloaded with debts. The cost of railroad construction for five years past had been $1,700,000,000 or $340,000,000 annually; while debt based upon almost every species of property, State, city, town, manufacturing corporations, and mining companies, had been sold in the market.
>
> The present financial crisis may, in a great degree, be attributed to the intimate relations of the banks of the city of New York with the transactions of the stock board, more than one-fourth, and in many instances nearly one-third, of the bills receivable of the banks since the late civil war having consisted of demand loans to brokers and members of the stock board, which transactions have a tendency to impede and unsettle, instead of facilitating the legitimate business interests of the whole country.

To this I may add that it took sixty-six years for the bank discounts of the nation to reach five hundred millions, which was the amount loaned out to individuals by the national banks on January 1, 1866. In less than eight years, say on September 12, 1873, their discount line had reached nine hundred and forty millions, being an increase of 88 per cent. in that short space of time. The circulation and deposits rose in the same time from eight hundred and ten to nine hundred and eighty millions, while the reserve of legal-tenders and specie and certificates of deposit fell from two hundred and six millions, or 25 per cent., to one hundred and thirty-one millions, or 13¼ per cent. of the immediate liabilities, being far below the average requirements of the law.

The legitimate business wants of the country did not warrant such a rapid inflation of bank credits with such a fearful decrease of that safety fund, the bank reserves. It was largely produced by the pernicious system of the payment by the banks of New York City of interest on deposits. After the suspension of 1857 the wiser managers of the New York banks saw that the practice had tended much toward that catastrophe, and in 1858 a committee of bank officers made a strong and able report condemning the practice and urging its discontinuance. Their counsels, however, did not prevail, and the practice was persisted in. Since the late panic the attention of a committee of the clearing-house of New York has again been called to it, and it is again denounced; and the evil effects it has had by inflating the credit system of the country, and weakening the reserves and leading to panics, is very ably set forth in the report of that committee. It is therein said that—

> Deposits which are derived from strictly commercial operations cannot fluctuate so widely from time to time as to produce disturbance in the community; and banks which confine their business to them, as they naturally arise, are always reliable and regular in their treatment of their dealers, and can be conducted with ease and comfort to their managers and safety to the public. On the contrary, deposits which are purchased by payment of interest, or otherwise, and which must, therefore, of necessity be largely loaned on demand, are the cause of continual agitation and solicitude to those who hold them in charge. They are certain to be withdrawn at the season of the year and at the moment most inconvenient to the banks and their dealers.
>
> | | |
> |---|---|
> | The average deposits of the 60 clearing-house banks, for ten weeks, from 5th July to 6th September, were | $232, 228, 000 |
> | The lowest amount reached since the panic was | 143, 170, 000 |
> | Showing a total reduction of | 89, 058, 000 |
> | Of the above amounts, during the ten weeks 12 interest-paying banks held | $111, 585, 000 |
> | The lowest total reached by them since the panic | 52, 669, 000 |
> | Showing a loss in 12 banks of | 58, 916, 000 |
> | And in the other 48 banks of | 30, 142, 000 |
>
> And were it not for the fact that several of the 48 banks are more or less involved in the same practice, this disparity would be still more apparent.
>
> When the late panic commenced, the 60 banks composing the New York clearing-house were indebted for about $200,000,000 of deposits. Of this amount 3 institutions (paying interest to the country depositors) owed about $50,000,000, and, including these, 12 banks of similar character owed about $100,000,000; that is to say, 12 institutions held one half of the aggregate deposits, and the other 48, their associates, the other half.
>
> The proportionate reserve of legal-tender notes in the associated banks was also greatly in favor of the latter number, for the obvious reason that the banks which pay interest upon money can least bear to have any amount of it idle. The active demand first came, as it usually comes, for that portion of deposits due to country banks, who, in addition to their annual necessities, had been disturbed by failures of several city bankers holding large balances of money due to the interior.
>
> These deposits were to a great extent loaned upon stocks and bonds in Wall street, payable upon call, with the confident belief that they were there earning more than the interest paid for securing them, and were available as promised. But, from the very nature of the case, the rapid withdrawal of deposits from the banks made the call from every direction simultaneous, and closed every resource upon which the "street" derived its power to respond.

The Comptroller of the Currency, in his late report, also condemns the practice as demoralizing to the business of banking. In addition, however, to the mischief of paying interest on deposits, the banks added another in direct violation of law. The act of March 3, 1869, makes it a grave offense against a bank to permit any of its officers to certify a check on such bank unless there be funds to the credit of the drawer of the check sufficient to meet it, yet it was the daily custom of many of the banks to do it. That report says:

> So extensively has this practice been pursued by several institutions that the amount of such checks, which have passed daily through the clearing-house, has reached in some instances to twice and three times, and in one or two instances, to four and five times, their capital stock, and this through long periods of time.

From all this it will be seen that our present difficulties are the result of an inordinate and uncalled-for expansion of the railroad system; a vicious custom of banks paying interest on deposits, thereby imposing on them the necessity of lending those deposits to brokers and speculators "on call;" certification of checks when no funds were on deposit, thus affording an improper credit to the drawer without any substantial foundation; and a resulting deficiency in the reserves so great that the slightest panic drove the banks into suspension for want of ready money to meet a run upon them.

This was inflation, speculation, an expansion of the credit system to an unnatural extent, in short, a financial bubble; and when the credit of great corporations and banking-houses had been stretched to its utmost tension, and when the touch-stone of demand of payment came to be applied, by the withdrawal of country bank balances and merchants' deposits, the bubble collapsed and the distress we now experience ensued.

This abnormal condition of things has thrown the currency of the country into unusual channels, and as capital is always timid, it has driven it into holes and corners, there to lie until confidence is restored. Currency is scarce in some quarters; yet there is just as much of it in the country to-day as there was five months ago, and much more, in proportion to the business that is now done, than there was then. The difference is that those who hold it fear to let it go lest they may want it and cannot get it. Such was the fear of the banks when they suspended payment of currency, and such is the fear of the people since they found that they could not draw it from the banks on their deposits at pleasure.

To show that the people have abundance of currency, if they choose to use it, I need only state that the Comptroller of the Currency, in the same report, shows that up to November 1 last there had been issued of national-bank notes, legal-tenders, and fractional currency, seven hundred and fifty-nine millions; that the Treasury and banks held only one hundred and twenty-eight millions, leaving six hundred and thirty-one millions in the hands of the people. Since then this sum has been increased by drawing on the forty-four million reserve, and the whole sum in the hands of the people, including fractional currency, is not less than seven hundred millions.

The present unfortunate state of things has brought under consideration many devices to prevent the recurrence of a similar catastrophe.

The favorite scheme at present seems to be to create what is called "an elastic currency" that will regulate itself; that can be issued when the wants of the people require it, and will be withdrawn when the exigency of the occasion has passed away.

The system, as I understand it, is to allow all who have surplus currency on hand that they do not need for present use to go to the national Treasury and deposit it there, and receive from the Treasurer certificates of loan or bonds bearing a low but fixed rate of interest, say 3.65 per cent.; and when they find they can use the money to return to the Treasurer, deliver the bonds, and receive their face amount with the accrued interest. In the language of a New York writer on political economy:

> In this interchange of currency for bonds and bonds for currency they discern a subtle principle that will regulate the movements of finance and commerce as accurately as the motion of the steam-engine is regulated by its governor.

Two objections to this "subtle principle" present themselves at once: the first is that the whole volume of the currency will not be enlarged by this process, and consequently the extra amount of paper money sought for by the friends of an elastic currency will not be obtained; and the second is, that the Government will be made the custodian of the people's idle funds, and will have to pay interest for the privilege of holding them without receiving any equivalent. Being payable on demand the Government could not safely use the deposited currency in the payment of any of its debts, because it must be ready to pay out that currency whenever demanded; and occasions would arise, such as the last panic disclosed, when the whole amount of deposited currency would be called for and would find the Government unprepared to refund.

If, however, the system contemplates that the people shall have more currency as they think they need it, on a convertible 3.65 per cent. loan, as is suggested by my colleague from Philadelphia [Mr. KELLEY] and others, the Government must issue the new kind of loan so as to be accessible to the people. For what purpose would it issue it? If the revenues of the country are sufficient, with economy and moderate appropriations, to pay its current expenses and interest on the debt as they have been and still ought to be, the only other purpose for which it could be issued would be to redeem the 6 per cent. bonds.

The 6 per cents, if overdue, must be redeemed in gold or its equivalent, and in redeeming them in the 3.65 per cent. loan the nation must lose the difference between the value of the new loan in the

market and the value of the 6 per cents, whatever that might be—perhaps not over 70 per cent. in the market.

An enlarged issue of currency interchanged for those bonds or any part thereof, when returned to the Treasury, might afford temporary relief, but at the same time it would be simply inflation, causing a rise in prices, and that rise would then require the whole amount thus issued to transact the business of the country at the increased prices the inflation had made; this "elastic currency" would never contract, and money would appear to be as scarce as ever; it would not be returned to the Treasury in exchange for the 3.65 per cents, for its use would be worth more than the interest on that loan. Such has been the experience of the country under the old banking system, under which the currency was so elastic that the banks had no difficulty in issuing all that the business channels of the nation could possibly be forced to absorb, and such it would be again.

In addition to the mischiefs of the inflation, the depositors of the bonds would be receiving 3.65 per cent. interest over and above all they could make from the use of the currency thus drawn from the national Treasury, giving them a far greater advantage than the national banks have at the present time.

It is contended, however, that in dull times the currency would be returned and the bonds withdrawn from the Treasury as a safe investment for idle money. As, however, it is contemplated that they may be used as a bank reserve, they would drift into the bankers' vaults, releasing an equal amount in greenbacks, and thus adding to the inflation of the currency; for the legal-tenders thus released would undoubtedly be invested, and most probably on loans "at call," with a perpetuation of the mischiefs we have so recently suffered.

The plan suggested would be a valuable one to the stock-jobbers and speculators of Wall street, and enable them to make "corners" with more facility than now. A few of them could join together and collect millions in greenbacks, and hand them to the Treasurer and receive bonds for them. This withdrawal of the currency would make a stringency in the money market; the prices of stocks and loans would fall; and when they had fallen to a satisfactory point the speculators would suddenly return their bonds to the Treasury, demand and receive their currency, with interest added, and before the public was aware could have it invested, through their brokers, in stocks and loans at the average low figures they had caused. The demand thus made would create a rise in prices, and in a few weeks they could sell out their purchases again at an advance; and thus they could repeat the operation from time to time, to their own profit and the loss of the people, while the Treasury of the nation, without receiving any benefit, would pay them, in the shape of interest on their deposited bonds, for their shrewdness in the operation. They could well afford to pay a heavy bonus for the establishment of such a system of watered currency.

Another scheme for the production of "an elastic currency" is advocated in what is called "free banking."

It sounds well and seems very proper that one man should have as good a chance to make money by banking as another. It savors of opposition to monopoly, and monopolies are always odious. This project, as I understand it, is, that every association of half a dozen or more persons may deposit United States bonds with the Comptroller of the Currency and receive circulating notes to a certain amount, say 90 per cent. of the bonds deposited, under the same restrictions and taxes as are imposed on the national banks. Under this system bank-notes could be issued to the amount of the bonds that would be collected together in this country; which amount, deducting the bonds already held for the basis of currency, and that held in Europe, would not be less than $500,000,000.

The volume of currency would then be swelled to that amount if the business of the country could be made to absorb it, and it would absorb it to a large extent; for every new emission, by adding to the volume of circulation, would cheapen its value, as I have said before, and as that value became reduced, more of it would be required to do the work of the people, until it would become almost worthless, and finally reduce us to general bankruptcy.

Either of these last two systems would produce a well-watered currency, but it could not be dried again, except through the hot influence of suspension of payments. They seem to me about as judicious as to permit individuals to coin dollars of such weight and fineness as they might choose.

This idea of "an elastic currency" is not new. The old banking system was based on it; but it did not prevent evils like those we are now suffering. Under the old system the banks had the power to issue currency—"to move the crops" when they needed moving—to an almost unlimited extent, and could withdraw it when that end was accomplished. But the enlarged volume of "elastic currency" was not contracted voluntarily; it kept on increasing; the "governor" got out of order, and the extended line of credit was not shortened, except by the forcible intervention of a suspension of specie payments, such as were in May, 1837; in October, 1839; in February, 1841, and in September, 1857.

After each of those suspensions no resumption of specie payments was reached until there had been a severe contraction of the currency, just as the effort to reach a resumption of payments, even in paper money, is causing a severe contraction now. An illustration or two may be worthy of notice here.

General Jackson vetoed the recharter of the United States Bank in July, 1832, and Secretary Taney removed the deposits from that bank in September, 1833, recommending at the same time to the deposit banks to be liberal in their discounts to the mercantile and commercial community. The pet banks were not slow to take the hint, and the stimulus thus given commenced a system of inflation by the increase of the number of banks and the expansion of bank credits.

Thus, the banks increased in number from 506 in January, 1834, to 758 in January 1837; the circulation increased during the same time from ninety-four to one hundred and forty-nine millions, or 58 per cent.; the deposits increased from seventy-five to one hundred and twenty-seventy millions, or nearly 70 per cent.; the loan and discount line increased from three hundred and thirty to five hundred and thirty-seven millions, or 62 per cent.; while the specie actually decreased from forty-three millions in 1835 to thirty-eight millions in 1837.

At this latter date everything seemed prosperous; the "elastic currency" was expanding; business was active; manufactures were lively; imports were large, and in five years (from 1832 to 1836, inclusive) exceeded the exports by one hundred and forty-three millions; the sales of public lands were enormous; and General Jackson in his farewell address, when about vacating the presidential chair, congratulated the people that he left this great nation prosperous and happy. Somehow or other the "governor" of the elastic currency, which had curved out so largely, got out of order. Some of the cog-wheels broke; and in seventy days after the address a suspension of specie payments by the banks had ensued from one end of the Union to the other. Then began the issue of shin-plasters, with which the country was flooded, to make change—from the dollar and fractional notes of cities, counties, and towns, redeemable in payment of taxes, down to the issue of the village tavern-keeper, whose dimes were redeemable in sherry-cobblers, and his half-dimes payable in a drink of whisky.

The inward curve of the "elastic currency" then commenced as necessary toward resumption, and by it came contraction and suffering. From January, 1837, to January, 1838, the currency was contracted from one hundred and forty-nine millions to one hundred and sixteen millions—a heavy contraction for that day—and the discount line from five hundred and thirty-seven millions to five hundred and nineteen millions, and multitudes were reduced from comfort to poverty.

The banks resumed in May and August, 1838, but again suspended in October, 1839, and after a feeble attempt at resumption in 1841 failed again, and did not fully resume until March, 1842.

The preparation for the last resumption was a severe one, for the banks reduced their circulation from January, 1840, to January, 1843, about $49,000,000, and withdrew from the people's use, in loans and discounts, $223,000,000.

As soon, however, as the severity of that resumption was over the banks again began the process of inflation, and gradually swelled their circulation from fifty-eight millions in 1843 to two hundred and fourteen millions in 1857, or 270 per cent.; and their loan and discount account from two hundred and eighty-two to seven hundred and forty-three millions, or 164 per cent.; while their specie only increased from thirty-three to fifty-eight millions, or 76 per cent. This great expansion of the credit system was not called for by the legitimate wants of the people, and the result was another suspension of the banks in October, 1857, to be followed by another contraction of banking credits, and confusion, distress, ruin, and despair, as before.

During this period Indiana was under a free-banking law, and the notes of one-half of her banks were at a discount ranging from 5 to 70 per cent. New York, too, had her free-bank system, based on her State bonds and on national loans; yet her system did comparatively little toward "regulating the currency" in 1857, for her banks were the first to suspend and drag nearly all the rest of the banks down with them. A cog-wheel had again been broken in their "governor."

England underwent a similar experience to our own. She was under an irredeemable currency from 1797 to 1822. She had reached the maximum of inflation in 1814, when the combined circulation of the Bank of England and the country banks amounted to £70,000,000. At the resumption in 1822 she had reduced her circulation down to £25,000,000; making a reduction of currency, in eight years, of about $215,000,000. She, too, had overtraded greatly.

From these illustrations it will be seen that the "elastic currency" of the old banking system brought about inflations that necessarily produced suspensions, because of overtrading, and these suspensions had to be followed by severe contractions, which occasioned a vast amount of distress in all the business circles of the country.

As these evils arose under banks that had some legislative check on them, what evils would not befall us under a system where the inflation of the currency would have no check upon it except the inability of the banks to buy more bonds upon which to base fresh issues of currency!

The advocates of free banking and cheap money are clamorous for more issues of paper currency. They assume that if a little money is a good thing, a good deal of it is much better. They forget the fact that every new issue tends to raise prices and enhance values, and thus requires an additional emission to do the work of exchanging commodities. Notable examples thereof may be found in the experience of our own country in the revolutionary war, when paper money was issued in such abundance that $337,000,000 were put in

circulation, and the amount became so great that prices rose to an extraordinary figure; money seemed to be scarce; more became necessary to effect the exchange of commodities, and was issued accordingly, until the whole mass had reached the amount above mentioned, and finally became utterly worthless.

In January, 1777, it required $1.50 of paper to purchase a silver dollar, but so rapidly did the depreciation increase that in February, 1781, it took seventy-five dollars in paper to purchase a dollar in specie.

The follqwing bill of items, taken from Lossing's Pictorial Field-Book of the Revolution, shows the depreciation of our currency in 1781. The Clerk will please to read it.

The Clerk read as follows:

Captain A. MCLANE, bought of W. NICHOLLS:

January 5, 1781:

1 pair boots	$600
6¾ yard colico, at $85	752
6 yards chintz, at $150	900
4½ yards moreen, at $100	450
4 handkerchiefs, at $100	400
8 yards quality binding, at $4	32
1 skein silk	10
	3,144

If paid in specie £18 10*s*.
Received payment in full, for William Nicholls,

JONA. JONES.

Mr. TOWNSEND. France, during her revolution, was reduced to a still more unfortunate condition; for in her great wars with the "banded nations" of Europe she had recourse to an "elastic currency," secured on and redeemable in the confiscated church lands and lands of the emigrant nobility and in dues to the government; but the issue increased with the necessities of the nation until 250 francs in assignats were required to purchase a single franc in silver.

How impotent all the power of the most despotic governments is to keep at par an undue issue of paper money is most fully shown in French history. Alison says:

Though this depreciation [just stated] was unavoidable, the Convention endeavored to arrest it, and enacted the punishment of six years in prison against any who should exchange any quantity of silver or gold for a greater nominal value of assignats, or should ask a larger price for any article of merchandise if the price was paid in paper than if paid in the precious metals..

The Convention "condemned to twenty years of irons every person convicted of refusing payment of any debt in assignats or entering into any transaction in which they were received at less than their nominal value," yet this extreme punishment did not keep them at that value. In 1795 "bread was exposed to sale at twenty-two francs the pound, and what formerly cost 100 francs was now raised to 4,000. In the course of the year the depreciation beame such that 28,000 francs were exchanged for a louis d'or, and a dinner for five or six persons cost 60,000 francs, or $10,000 in our money.

The Confederate States, too, tried the experiment of extensive issues of paper money; and long before the ruling spirits of the Southern Confederacy had despaired of the contest their money had depreciated so far that it was facetiously said down there that when it was first issued men carried their money in their pockets to market and brought their marketing home in their baskets, but the depreciation became so great that the situation was reversed, and they took their money to market in their baskets and brought their marketing home in their pockets.

With these familiar examples of the effect of overissues of paper money before us, let us learn wisdom by their experience, and not be too hasty in making a further inflation of our paper currency, which would be the prolific parent of innumerable financial ills.

Besides all these objections there is a constitutional provision that should have great weight in our action on the subject.

Because of the existence of three or four banks in different States at the time of the adoption of the Constitution, the General Government did not take charge of the paper currency of the country, but intrusted it to the action of the State Legislatures through their chartered banks. The effect of such action was the infliction on the people of the nation of a currency of unequal value, and which bore oppressively on the citizens of many of the States because of such inequality.

Now, the furnishing of a sound currency to a people is an attribute of sovereignty, and, at the same time, the highest duty of government. It is a power that should never be delegated so as to be beyond the government's control.

The Constitution says that Congress shall have power "to coin money and regulate the value thereof." Under this and another clause of the Constitution, authorizing Congress to pass all laws necessary to execute its enumerated powers, Congress claims the right to issue its greenbacks and make them a legal tender, and also to authorize the national banks to issue notes and make them a tender to a certain extent. It has thus resumed the power granted in the Constitution, but so long allowed to be lodged within the legislation of the States. It now "regulates" the currency, decides from time to time on its volume, and prevents inordinate expansion. If Congress should pass a free banking law or an "interchangeability" law, the volume of the currency would be no more under its control; there would be no "governor" to "regulate" and keep it steady, and its amount would only be determined by the speculative tendencies of the people, and the desire of "bloated bondholders" to reap large profits from their bonds and the notes issued upon them. Banks would spring up at every cross-roads; the two thousand banks now existing would soon be doubled in number, each striving to make profit by extending its issues to the full extent allowed by law; and having no guiding hand nor controlling power over them, they would be as helpless to regulate the currency as would an army composed only of companies and officered by captains to win a battle over an organized and brigaded enemy.

Under such a system specie payments would be impossible; all currency would be irredeemable paper money; there could be no practicable redemption—no touch-stone whereby to ascertain the extent of the poison that would be infused into the veins of circulation, and, consequently, nothing to warn the country of approaching danger. As all the banks would be rivals in the work of pushing out their circulating notes they would be expanding together, and in some degree proportionately few of them would feel the effect of the increasing volume of currency except in the rise of prices, and as that would seem to indicate prosperity it would occasion no alarm.

This prosperity would continue until some great banks or mercantile establishments overtrading in their line of business, and not getting prompt returns for their investments, would fail to meet their obligations, and being connected with others would bring them also down, and the influence of the failures would continue to extend until the whole country would be involved in financial ruin.

The facility with which paper money is issued is so attractive to legislative bodies that they too frequently attempt to escape present ills by additional issues of currency; but a nation that goes on increasing its depreciated paper currency is on the high road to national repudiation, of which our revolutionary history and the French revolution, already mentioned, are notable examples.

But it is said that the currency of the nation is inadequate to its present wants, and that it is financially illogical to expect that the amount that was thought to be necessary to transact the business of the country nine years ago is sufficient now when we have advanced greatly in property and population. The answer to that doctrine will be found in the fact that the great demand of the General Government during the rebellion for everything that was directly or indirectly necessary to carry on the contest enhanced the prices of all those commodities, and the sudden addition of a large amount of bank-notes and greenbacks inflated prices still more, and thus there was required a much larger volume of currency to effect the transactions of the nation while in that abnormal state than was necessary in ordinary times.

Since the contest has ended and business affairs have resumed more of their normal condition there has been a great shrinkage of values; the prices of the great staples of wool, cotton, iron, wheat, sugar, &c., have fallen from 20 to 50 per cent., and the same amount of currency that was required during our national troubles is abundantly sufficient now to make all the transfers of the property of the people, although that property may have been largely increased in quantity.

The whole bank-note circulation of the United Kingdom of Great Britain and Ireland in 1844 was only £28,000,000, and in 1872, twenty-eight years thereafter, it had only increased to £30,000,000, although the commerce of the nation had been greatly enlarged. The whole circulation of that kingdom, both of paper and gold, does not to-day exceed $600,000,000, although her foreign commerce is two and a half times as great as ours, while our authorized circulation is over $750,000,000.

In this connection it is important to remember that the currency of a country performs but an insignificant portion of the exchanges of the property of the people. The best writers on the subject say that in countries like England and our own it does not perform more than one-fifth part of such exchanges, and those principally of the retail trade. The remainder is done by bank credits, by loans and discounts, the greater part of which, especially in cities, assume the form of deposits, and are passed from hand to hand by checks in dealings and settlements.

The fact that the clearing-house of New York alone for the last ten years made daily exchanges to the average amount of ninety-six millions, nearly equal to one-seventh of our circulation, which were all settled with an average of three and a half millions daily, mostly paid in checks or clearing-house certificates, demonstrates the great influence bank credits have in performing the business of the country; and the additional fact that bank loans have expanded in eight years from $500,000,000 to $940,000,000, while the currency was stationary, shows that there had been not only enough, but too much of credit infused into our business affairs.

If it were not so, why should greenbacks be worth only ninety cents on the dollar? Their depreciation in former years arose from two causes. One was the sudden issue of large masses of greenbacks and bank-notes on the community, and the other was the doubt that existed in the midst of the great conflict whether they would ever be redeemed. The latter doubt has been removed, and the credit of the Government is such that it has been enabled to reduce $250,000,000 of its 6 per cent. loan to 5 per cent., being a figure below what individuals generally have to pay.

The only remaining reason of its depreciation must be that it continues in excess of the legitimate wants of the nation, and that its

payment is indefinitely postponed. Its supposed scarcity arises from a want of confidence among the people which causes hoarding for the time; with confidence restored it will be as plenty as ever; but to add to its bulk while thus depreciated will only be to exaggerate existing evils by depreciating it still further.

It is the experience of modern commercial nations that the best method of sustaining a sound and even paper currency is by requiring its redemption in coin. So long as it is thus redeemable it approximates to a stable value, but as soon as it ceases to be redeemable it fluctuates in value, and the prices of all commodities that are measured by it become uncertain. It is then as if our yard-stick should vary in length, or our bushel measure should vary in capacity from day to day.

An irredeemable currency (always fluctuating in value) bears hardest on the laboring classes, for while it is expanding and contracting, their wages mostly remain stationary. Its fluctuations induce speculative enterprises, raise and lower prices of the necessaries of life, and as it increases in volume it makes vast fortunes for the few, while its shrinkage brings ruin on the many. Its tendency is to increase imports and discourage exports, and thus to augment the balances of trade against us in foreign countries.

It is contended by some that we have a currency of our own that answers our purposes in the exchange of commodities, and that we need no other. This reason might be a sound one, perhaps, if we were so isolated as to hold no intercourse with foreign nations.

The savage tribes of Africa may have a sufficient home currency in their cowries or shell-money, but when they purchase cotton cloths or arms from Europeans their currency will not avail in payment, and they must return something of intrinsic value in the commercial world, and sought by all, such as gold-dust or ivory.

We are not isolated by a surrounding Chinese wall, but constitute a member of the great family of nations, holding commercial intercourse with them all. In our dealings with them we can exchange our commodities for theirs, but if there should be a balance due to either party, that balance must be liquidated in the only medium recognized by all civilized countries—gold or silver—because all dealings between nations are made with reference to them as the measure of values.

Our foreign commerce, through our exports and imports, for the fiscal year ending June 30, 1873, exceeded $1,200,000,000, all of which was valued in specie currency and not by our national paper money. Under a commercial necessity we paid in the liquidation of balances due by us abroad $66,000,000 in gold and silver coin and bullion for that fiscal year, being a sum considerably beyond the annual product of our mines.

This metallic currency not only affects the price of imports and exports, but also affects the price of all other commodities that are exchanged therefor. Thus that currency exerts its influence on a large portion of the articles that enter into the uses of our every-day life; and as in our internal affairs we buy and sell with the paper dollar, which, as measured by gold, varies every hour, the result is that no one making a contract to be consummated a day thereafter can tell what he may have to pay or to receive, or whether he will gain or lose when such a contract shall be fulfilled. The merchant with his merchandise, the farmer with his produce, the mechanic for his wages, are all uncertain as to their remuneration, and buy and sell and labor under a currency as restless as the waves of the sea, and sometimes as destructive in its inflations and contractions as the ocean in a storm. No one is benefited by its unceasing changes save the stock-gambler, the broker, and speculator, the stormy petrels of an irredeemable currency, who are happiest and most prosperous when its fluctuations are greatest and most disastrous to the people at large.

The national industry, and the plighted word of the nation, whose Congress has said "that the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes," alike demand that the earliest practicable measures should be taken to redeem that solemn pledge.

Hence the importance of a return to specie payments cannot be exaggerated; and although the inflationists seem to think that by present moderate expansion that end may be attained, yet it seems to me that to attempt to correct the evil results of undue inflation, or to bring about resumption by the issue of additional paper money, now worth only ninety cents to the dollar, would be about as wise as to endeavor to enhance the price of wheat or corn by producing extra crops, or to extinguish a conflagration by a stream of coal-oil.

The road to specie payments is always a very rugged one. That result can only be reached by suffering. It has always been so heretofore; it must be so again. All rapid fluctuations in the value of the medium of payments will affect somebody. When our currency during the rebellion was rapidly inflated it depreciated in value; prices rose, debtors paid their obligations in notes worth from forty to sixty cents on the dollar, and the creditor suffered, and all persons living on annuities and other fixed incomes were reduced to straitened circumstances. As the currency contracts the contrary effect is felt; the currency rises in value, there is a shrinkage of values of commodities, and the debtor finds his means of payment diminished, and he in his turn becomes the sufferer. It is the fear of this contraction that makes the people clamorous for more paper money, but specie payments can never be reached without such contraction or its equivalent, as our previous experience in our former resumptions has shown.

What then, it may be asked, are the means whereby we may obtain that only currency which will tend most to keep steady the values of property; give a sufficient medium of payment; prevent bank suspensions, and enable men to deal with each other with safety and security? The Secretary of the Treasury, in his last report, suggests the means therefor. He says:

> Should the national banks be prohibited from selling the coin received by them as interest upon bonds pledged to secure circulation, retaining the same in whole or in part in reserve or loaning it in the discount of bills and notes payable in coin, as Congress might prescribe, there would a be gradual accumulation of gold in the banks which would do something toward preparing for resumption.

I do not agree with him. When we remember that the whole amount of gold which we annually raise from our mines is used in payment of balances due to foreign countries and in the arts, the effect of such a policy may readily be foreseen.

The whole amount of gold in the Treasury, banks, and country at large, is estimated by the Director of the Mint at $140,000,000. The interest we annually pay in coin to the banks is nearly $24,000,000. The annual abstraction of that amount from its accustomed channels and hiding it in bank vaults would raise the price of gold in two ways: first, by the increasing scarcity of gold; and, secondly, by the expansion of the paper currency released from the reserves to the amount of the gold thus retained in the banks. The difficulty of obtaining gold would increase with each payment of interest to the banks, until the price would rise to a ruinous premium. This state of affairs would reduce the volume of imports, and consequently reduce the revenues derived from that source, until we would again have to resort to internal taxation to obtain the means to pay our interest. It is only by the constant circulation of gold that our merchants are enabled to obtain it to pay duties.

It is true, as the Secretary says, that by his plan "it would accumulate in the banks," but at the same time it would be withdrawn from the people, with the result as I have stated. The only means whereby the banks and the Treasury can be filled with sufficient gold to resume specie payments is to turn the balance of our trade with foreign countries in our favor, and thus prevent the annual drain of gold from our shores.

To reach specie payments we must first reform the errors that have crept into our banking system.

We must make it a penal offense, punishing severely the offending officer who willfully and knowingly certifies checks when there is no money in the bank to meet them. The law of 1869, passed to prevent that very mischief, is disregarded, and has been allowed to remain a dead letter until recently. The Comptroller has, however, two cases of delinquencies in hand, and proposes to prosecute them with vigor. I trust he will.

We must prevent, by proper penalties, the payment by banks of interest on deposits. The practice is pernicious in the highest degree. Banks should be lenders, not borrowers. The surplus balances of the country banks should not be allowed to be decoyed to New York, for the purpose of enabling Wall-street operators to carry out their speculations to the disturbance of the business of the nation. They should be kept for their customers at home.

The New York clearing-house committee, in their recent admirable report, expose these dangerous practices and condemn them in the proper terms, and recommend their abandonment, but there are some national banks which think their profit lies in their continuance and will not abandon them. Congress must, therefore, lay its hand on them, and restrain them by appropriate legislation.

As a matter of self-defense and public benefit the banks, especially of great cities, where runs on them first commence, should open two kinds of deposit accounts with their customers. One should be a "cash account," payable on demand in greenbacks or national-bank notes; the other a "credit account," payable in checks receivable through the clearing-house, and receivable in payment of debts due the banks. The committee of the clearing-house see the eminent propriety of such a distinction, and timidly allude to it, but fear to recommend it in the present state of financial affairs. It is, however, very just and proper. Able writers have heretofore advocated it by unanswerable arguments; but the banks fear innovation on established usage, and hesitate to adopt it.

Mr. Colwell, in his Ways and Means of Payment, (page 408,) says:

> We have said, and the figures we have adduced show, that convertibility of the notes and deposits of our banks is impossible, even when the banks are in the best condition; and that this must continue to be the case, constituted as the banks of the United States are, is as certain. The main feature of the business of these banks is the discount of notes maturing at a future time. We have previously assumed that the average time to run of the paper thus discounted is ninety days, or one-fourth of a year. They issue to the parties at whose instance these discounts are made their notes, payable on demand, or give them credit on their books for the proceeds, payable in like manner on demand.
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> The deposits of the banks are made up almost altogether from the notes thus issued and the credits thus granted. The circulation and deposits of 1856 amounted to $445,000,000, for which the banks, by this mode of doing business, became liable on demand; that is, they received from their customers claims on the public, maturing in three months, and they became liable to pay a certain amount on demand—in the year 1856, for instance, in every three months $445,000,000, and in 1857 in every like period $500,000,000.
>
> The paper discounted by the banks, not being payable on demand, would only be paid and could only be demanded as it matured from day to day. Whether the sums thus paid into the banks were eight or ten millions daily, it was all the banks

could exact, and if the notes had not been discounted, the amount required to pay them would have been the same. But the banks became liable to the payment of $445,000,000 to $500,000,000 in any one day in 1856 and 1857—a position, stripped of the mists and prejudices which constantly surround it, which should be called, as it really is, stupendously absurd; and, in times of commercial revulsion, not less dangerous than absurd.

I need only add that to meet these immediate liabilities the banks only had in 1856 specie to the amount of $58,000,000, and in 1857 to the amount of $74,000,000, to show the force of his reasoning.

A still earlier writer, Mr. J. S. Gibbons, in his Banks of New York and the Panic of 1857, (pages 389–390,) says:

There are certain anomalies in force as applied to banks by which they are exposed to extreme liabilities, not only in seasons of pressure, but at all times. By a strange absurdity of law the deposits of a bank are held to be payable in specie on demand, although the amount of specie in the whole country is not sufficient to pay the one-twentieth part of them. It is, therefore, plain that the banks might be forced into suspension by the depositors at any moment, without regard to the state of the market.

The actual relation between the bank and the dealer gives no color of right to the latter to demand specie for his deposit. He is fully aware that the bank does not consider itself holden for the coin. He does not give coin, and why should he take it? He deposits a form of credit, or individual currency, checks. When this form of currency sinks in general depreciation, by what rule of consistency or justice can he require the bank to fill up the deficit? The depreciation originates with the dealer in the excess of trade, and not with the bank. It may encourage the excess by loaning too freely, but the dealer is not obliged to borrow. There is obviously no propriety in his loading the bank with the ill consequences of his own action; yet such is the accepted rule.

In Mr. Gibbons's more recent work on the United States Debt, Finances, and Taxation, (page 204,) he says:

This reasoning brings us to the necessity of a radical change in the constitution of banks; and that is the repeal of all laws which impose the redemption of pure forms of credit in specie. Nothing can be more anomalous than the requirement that a bank shall pay its deposits in gold, and nothing so unjust to labor. The theory runs into the extremest absurdities the moment it is put into practice. While it is not enforceable by law that one bank shall redeem the notes of another, the latter may be deposited in account, and the check of the depositor is then allowed to enforce payment in specie. If a bank be liberal enough to its dealers to discount their promissory notes exchanged with each other on the basis of pure credit, they have the legal right to demand specie for the proceeds in the same hour; and this in spite of the prior obligation of the bank to pay specie for its circulating bills, the holders of which are then cheated out of their rights. * * *

Any organization of our finances, with this root of error at the bottom, will put the whole system of commerce at the risk of perpetual disturbances and bring defeat at last.

I am not aware of any law which prevents the banks from making such contracts with their creditors; but if there is, it should be remedied by congressional legislation, for it is the depositors of banks, and not the note-holders, who make runs and cause suspensions.

In addition to these reforms in the banking system, we must reform ourselves. We must adopt the plain and simple rules of retrenchment, frugality, and economy. We have lived too fast, and beyond our means. As a nation, we are the most extravagant people in the world. The high prices engendered by the necessities of the Government and the vast fortunes made out of contracts have demoralized the people, and the average yearly expenditures of families are far in excess of what they were but a few years ago. The inflation of the currency, the ease with which money could be obtained, and the inordinate expansion of the loan and deposit lines of the banks were powerful inducements to all kinds of speculations in stocks, bonds, railroads, manufactures, mines, &c., and the sad consequences of which are daily seen in the failure of great manufacturing and mercantile establishments, in the breaking of banks, and the defalcation of officers in places of financial responsibility.

As a nation, too, we have overtraded; and for many years we have been regularly running in debt to foreign countries, until our debt abroad is estimated to exceed $2,000,000,000, involving the necessity of paying interest to foreigners to the amount of $100,000,000 a year.

Before we can reach permanent specie payments all this must be reformed. As a nation and as individuals, we will have to reduce our expenditures; we must buy less from and sell more to foreign countries, and must so manage our agriculture, manufactures, and commerce, that the balance of the foreign trade shall be in our favor; we must increase our stock of coin; it does not amount to one hundred and forty millions all told—it goes out of the country to pay balances as fast as it is mined—while our circulation and deposits amount to over thirteen hundred millions. We should also fix a reasonably distant day for the Government to resume, and make our preparations accordingly.

Our paper currency is the best we ever had; it is uniform in value all over the Union, and if not inflated by the "interchangeability" principle or "free banking," it will within a reasonable time be at par. It was carefully hoarded during the late suspension of payments, and for two reasons. One was that its ultimate redemption was secured, and the other was that there was nothing else to hoard; for specie has long since left the channels of circulation. Confidence (on which the credit system is based) is returning to men, and the symptoms are that money will very soon be as abundant as ever, as the movement of the New York money market shows.

The National Board of Trade, at its late session in Baltimore, just closed, deprecates the further issue of irredeemable paper money; it calls for the withdrawal and cancellation of the forty-four million reserve, and strict economy in the appropriations. With all these recommendations I heartily agree, but from its recommendations that the banks should hoard their gold interest I must dissent, for the reason already given.

Let us, then, let well enough alone. The currency question is chiefly a commercial question and not a legislative one, and until the currency reaches a point, either by gradual contraction of bank credits or by its absorption by the business of the country in its daily exchanges, so as not to be in excess, we can neither have the balance of trade in our favor nor sustain specie payment. Then, and not till then, can the Government, after proper preparation, resume. It must resume first and then the banks can easily follow.

"Economy, retrenchment, and reform" must be the motto of individuals and of the nation, and until these are adopted and carried into practice we must expect to blunder on, under a fluctuating currency, sometimes exalting us to a pinnacle of seeming prosperity and sometimes plunging us into the depths of financial despair.

I yield the balance of my time to the gentleman from New Jersey, [Mr. HAMILTON.]

CIVIL RIGHTS.

Mr. HAMILTON. Mr. Speaker, the gentleman from Massachusetts, [Mr. BUTLER,] when he last spoke upon the so-called civil-rights bill, referred to the fact that no member from the North had spoken against the measure, and that the entire opposition came from the South, assuming that no opposition existed against the proposed legislation at the North. For the purpose of dispelling that assumption, as well as to express what I believe to be the disapprobation of the people of my State, and some of the serious objections to the measure, I desire to submit a few remarks. The bill proposes to enact as follows:

That whoever, being a corporation or natural person, and owner, or in charge of any public inn; or of any place of public amusement or entertainment for which a license from any legal authority is required; or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight; or of any cemetery, or other benevolent institutions, or any public school supported, in whole or in part, at public expense or by endowment for public use, shall make any distinction as to admission or accommodation therein, of any citizen of the United States, because of race, color, or previous condition of servitude, shall, on conviction thereof, be fined not less than one hundred nor more than five thousand dollars for each offense; and the person or corporation so offending shall be liable to the citizens thereby injured, in damages to be recovered in an action of debt.

SEC. 2. That the offenders under this act, and actions to recover damages, may be prosecuted before any territorial, district, or circuit court of the United States having jurisdiction of crimes at the place where the offense was charged to have been committed as well as in the district where the parties may reside, as now provided by law.

This bill is a very extraordinary measure; it seeks to efface the natural distinction between black and white; to wipe out all the conventionalities of life; to bring about, as it were, a new creation. Coming from any other source than the gentleman from Massachusetts, [Mr. BUTLER,] it might seem quite chimerical; but the gentleman from Massachusetts is a very extraordinary man. If not possessed of the power to work miracles, he certainly does possess the power to work very marvelous changes, especially in himself.

In 1860 the gentleman and myself were fellow-democrats in the memorable democratic convention at Charleston—he as delegate from Massachusetts, acting with and standing by the extreme slaveholders of the South, voting persistently for their candidate for President, Jefferson Davis, on every ballot, (some fifty-odd, I think,) sustaining them in their claim to the right to extend slavery into the Territories, and to be protected therein by the power of the Federal Government; while I, as delegate from New Jersey, was voting with the friends of Stephen A. Douglas for his nomination, and contending for the doctrine of non-intervention by the Federal Government—upon which Mr. Buchanan had been elected—leaving the people in the Territories to determine for themselves whether they would or would not have slavery.

That convention by a large majority refused to sanction the claim for intervention in behalf of slavery in the Territories. The extremists seceded from the convention, nominated Mr. Breckinridge—thereby elected Mr. Lincoln; then urged his election as a ground of secession, and thus inaugurated the terrible war of the rebellion; this worked the extinguishment of slavery, and produced a great reaction in the political status of parties.

The gentleman from Massachusetts, having swung off to the extreme tension of the pendulum in favor of slavery, has vibrated in the other direction to the extreme end of the pendulum in favor of the colored race. From an out and out State-rights democrat he has become an out and outer republican, aiding to tread State rights under foot. From the champion of the slaveholders, he has become the especial champion of the negroes, their great captain-general in command of the forces, to carry through this House the unwarrantable, inexpedient, and unconstitutional bill under consideration.

Mr. Speaker, this bill is objectionable, not only because it seeks to eradicate and strike down all the distinctions of social life and intercourse which are essential to every well-ordered civil community, but because it is another grasp to enlarge the already enormous centralized power of the Federal Government which the dominant party in Congress has been yearly augmenting, and by which they have overridden the State governments, and divested the people within them to a large extent of the inestimable right of self-government. A similar domination and assumption of authority by the British government over the colonists forced them into the Revolution.

Our forefathers will have fought in vain for the principle and right of self-government (as far as the people of the several States are concerned) if the Federal Government shall assume to regulate the

internal affairs of the States, as it has of late years done and is now doing.

As a Jerseyman, representing a portion, and as I believe in this respect a large majority, of the honest, right-minded people of the true and conservative old State of New Jersey—the first among all the States to establish an independent constitution and government for herself—I protest against this legislation as an innovation upon, and an abridgment of, their inherent right of self-government. They are competent to regulate their own internal affairs for themselves, and I protest against the right of Massachusetts, or of all New England, to do it for them. Their fathers were unwilling that Old England should do so, and they will never consent that New England shall. The defamers of New Jersey sometimes deridingly say, "She is out of the Union." As far as her domestic affairs are concerned she prefers to be considered out of the Union. All she asks is to be let alone. She has shown herself capable of self-government, and is quite willing to contrast her past record or present position with Massachusetts or South Carolina, or any of the States whose Representatives are pressing this legislation upon her people.

It is a reproach and an insult to the people of New Jersey that Federal laws, Federal courts, and Federal officials must be set over them to regulate their domestic affairs, to conduct their common schools, their public conveyances, their hotels, their cemeteries, &c., as this bill proposes to do.

The astute gentleman from Massachusetts in advocating this measure did not direct us to any authority, or any supposed authority, within the Constitution to warrant the proposed legislation. If to be found anywhere, it must be within the scope of the thirteenth, fourteenth, or fifteenth article of amendments. The thirteenth simply prohibits slavery or involuntary servitude, with power to enforce that prohibition; the authority for this legislation is not there.

The first section of the fourteenth amendment declares that—

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

It will be observed that the prohibition contained in that section is that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, &c. When any State shall make or enforce any law contrary to the provisions of that section, the citizens affected thereby must treat it as a nullity, and, if need be, bring the matter before the Supreme Court of the United States to be righted. But it will be seen that the Constitution does not act upon corporations or individuals; they are not prohibited from making a distinction between citizens in their relations with them, nor is any power given to Congress to enact laws upon that subject.

If any corporation or person shall deny to any citizen, or prohibit him from enjoying any privilege or immunity to which he is entitled, the laws of the country, common to all, afford him relief.

The section in question did not confer upon the citizens of the United States any privileges or immunities not before enjoyed by them, nor did it intend to do so; it simply declared who should be citizens of the United States, namely, all persons born or naturalized in the United States, and subject to the jurisdiction thereof. It did not even grant the right to vote; it left the regulation of the franchise, like all other civil State rights, with the States respectively, where it properly belonged and where it had always been controlled. If, as it now contended, Congress had power under the fourteenth amendment to provide by enactment that the colored citizens should enjoy every privilege and immunity which the white citizens of any State enjoyed, and to put them on an equality, why did not the distinguished gentleman from Massachusetts, or some other zealous friend of the colored man, bring in a bill to enforce the privilege of voting? Why go through the process of forcing through, as was done in many of the States, by fraud and coercion, the fifteenth amendment to give him that privilege which the white citizen enjoyed? The answer is obvious. The fourteenth amendment gave him no such privilege, did not put him in all things on an equality with the white citizen of the States respectively. The fourteenth amendment did create him a citizen with the privileges and immunities of a citizen of the United States, did secure to him life, liberty, and property, and the equal protection of the laws; all else it left to the States. Hence the necessity of the fifteenth amendment, which secured his right to vote by declaring that—

> The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

So far has the Constitution gone; no further. So much of the fourteenth amendment as made the colored people citizens of the United States was induced doubtless by the decision of the Supreme Court of the United States, which had adjudged, in the Dred Scott case, that they were not citizens of the United States, and could not by reason thereof even prosecute an action in that court. The whole object of the first section of that amendment was to declare them citizens of the United States, and to prevent the States by law from interfering with their rights as such. When presented to the States for adoption it was openly declared in Congress and to the country, by the framers of it, that it did not and was not intended to interfere with the rights of the States to regulate their own internal affairs as they before had done; and it is perfectly plain from the amendment itself that it was not intended to confer upon the colored people any State right or privilege, because, as an inducement to the States to allow them to vote, the second section of that amendment regulates the representation in Congress upon the basis of those allowed to vote.

Some of the States did confer upon them the right of suffrage; but the dominant party in Congress, finding they were not likely to secure the control of the Southern States without the negro vote, in order to secure it, and thus secure and continue their ascendency, presented the fifteenth amendment for ratification. By force of the so-called reconstruction laws, denying to such States as did not adopt it any representation in Congress, or any voice in the Government, and by means of the military and bogus governments set up in many of the Southern States, and by other means still less creditable, they succeeded in procuring its adoption; and by force thereof the important right of the elective franchise (which the people of Massachusetts will only permit those who can read the constitution to exercise in that State) was put into the hands of the hordes of poor, ignorant negroes just from the plantations, who, in the very nature of things, must have been totally devoid of every qualification for its exercise, while an immigrant to this country, be he ever so intelligent, much as he may have studied our Constitution and laws—coming from choice, with his kindred and means, investing, as he may, permanently in property and business—is not admitted to citizenship with the right to vote until after a residence of five years, proof of his fidelity to the country, and taking the oath to support the Constitution of the United States. If there is propriety in thus dealing with an immigrant, there would seem to have been much propriety in putting the negro under a similar probation. In the mean time he would have been put upon his own resources, learned something of the laws of the country, and acquired some little capacity fitting him to exercise the important right of voting.

When we consider what has been done for the colored people in the United States, taken, as they were, from a state of abject bondage, where they had no control of themselves or their children, the very property of others, liable to be sold and transferred at the will of their owners, and then made absolutely free, made citizens of the United States with the privileges and immunities of citizens of the United States, the males given the right to vote, having the complete control of several of the States, and holding the balance of power in many others, we would naturally conclude that if they had any sense of the principle of gratitude, they would be more gracious than to seek to force themselves into the society and association of the white people against their wishes, and to break down all the distinctions and conventionalities of life. We might justly suppose that white people had some rights and feelings they would be willing to respect; but it is not so. They are very much like certain animals which have been kept in servitude and confinement for a long time; they may be turned out into ever so broad a range, with the sweetest pastures, amid sparkling streams and cooling shades, with everything to supply their wants, and to make them comfortable, still they are restless and discontented; they break down the barrier of their inclosure, roam over the entire plantation, lay waste the grain-fields, invade the court-yard, despoil the flower-garden, and commit general destruction and damage. So it is with the colored people. Not content with the broad area of freedom, with a full voice in the governments, State and National; with all the pursuits of life open to them; with ample opportunity to supply all their wants, and to acquire and sit down under their own vine and fig-tree, with none to molest or make them afraid, they are still restless and discontented; they want to break down the barriers of society, force themselves into the highest seat in the synagogue, into association with the white people *nolens volens*, to invade the circles of the refined and fastidious, and to break down all the conventionalities of social life.

If the gentleman from Massachusetts, and the other zealous friend of the colored people, the gentleman from Ohio, [Mr. LAWRENCE,] who desired the bill amended so that the negroes could have the benefit of the writ of *mandamus* to put them in the best traveling cars and place them in the best seats at the hotel tables, desire to be seated in the cars side by side with their colored friends, and wish to be sandwiched at each meal at the hotels between two negroes, doubtless they can be accommodated; nobody will object, and no law prohibit it; but that is purely a matter of taste; and they should not desire to force others whose tastes may differ into the acceptance of theirs.

Now, Mr. Speaker, I have no prejudices against the colored people. We have but few in my district and they have been brought up in a state of freedom. We have had no slavery in New Jersey for several generations past; all blacks born since 1804 have been free; they have been educated and brought up to understand and practice the proprieties of life; they are civil and unobtrusive, and are dealt with accordingly. They are kindly treated, and all their rights are fully accorded to them. For the last three years preceding the present—more out of charity than otherwise—I kept in my employ an infirm old colored man as my coachman; I rode with him on the same seat of the carriage from choice, and treated him with the same or more consideration and respect than I would have treated a younger white man. Of course he was a republican; at each election it afforded him much

gratification to balance off my vote with his; that was his right; it was cheerfully accorded to him; on no occasion did I attempt to control or influence his vote. I allude to this as evidence that it is not from any prejudice against the colored people that I oppose this bill, but from other and higher considerations. I oppose it because it is unwarranted by the Constitution, another grand stride at centralization, a usurpation of State rights and of the people's inherited right of self-government; and because it is legislation not demanded by any existing necessity; because it is unwise, will be productive of no good, and must only tend to evil results.

The decision of the Supreme Court of the United States in the Slaughter-house cases (16 Wallace, 36) has given a construction to the fourteenth amendment of the Constitution, in my opinion conclusive against this legislation, and I beg to add a short synopsis of that case, and a few brief extracts from the opinion of the court which was delivered by Justice Miller:

The Legislature of Louisiana granted to a corporation the exclusive right to have and maintain slaughter-houses, landings for cattle, &c., within defined bounds, and prohibited all other persons from keeping or having slaughter-houses, landings, &c., for cattle within those limits, and required all cattle intended for slaughter to be brought to the slaughter-houses of the corporation, and authorized the corporation to exact certain fees for the use thereof; in other words, gave that corporation the monopoly thereof for twenty-five years.

It was claimed among other things that this grant was in violation of the thirteenth and fourteenth articles of amendments to the Constitution of the United States in that it created an involuntary servitude, forbidden by the thirteenth amendment; that it abridged the privileges and immunities of citizens of the United States; that it denied to the plaintiffs the equal protection of the laws; that it deprived them of their property without due process of law, contrary to the provisions of the first section of the fourteenth amendment.

The court held that the thirteenth amendment applied only to personal servitude, and not as attached to property.

As to the first section of the fourteenth amendment, namely: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws," the court say, in reference to the first clause of that section:

"The first observation we have to make on this clause is that it puts to rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States, and subject to its jurisdiction, citizens of the United States. That its main purpose was to establish the citizenship of the United States there can be no doubt.

"The next observation is more important in view of the argument of counsel in the present case. It is, that the distinction between citizenship of the United States and citizenship of a State is clearly recognized and established. Not only may a man be a citizen of the United States without being a citizen of a State, but an important element is necessary to convert the former into the latter. He must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union.

"It is quite clear, then, that there is a citizenship of the United States and a citizenship of a State, which are distinct from each other, and which depend upon different characteristics or circumstances in the individual. We think this distinction and its explicit recognition in this amendment of great weight in this argument, because the next paragraph of this same section, which is the one mainly relied on by the plaintiffs in error, speaks only of privileges and immunities of citizens of the United States, and does not speak of those of citizens of the several States. The argument, however, in favor of the plaintiffs rests wholly on the assumption that the citizenship is the same, and the privileges and immunities guaranteed by the clause are the same.

"The language is, 'No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.' It is a little remarkable, if this clause was intended as protection to the citizen of a State against the legislative power of his own State, that the term 'citizen of the State' should be left out when it is so carefully used, and used in contradistinction to 'citizens of the United States,' in the very sentence which precedes it. It is too clear for argument that the change in phraseology was adopted understandingly and with a purpose. Of the privileges and immunities of the citizen of the United States, and of the privileges and immunities of the citizen of a State, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and that the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment. If, then, there is a difference between the privileges and immunities belonging to a citizen of the United States as such, and those belonging to the citizen of a State as such, the latter must rest for their security and protection where they have heretofore rested; for they are not embraced by this paragraph of the amendment."

After referring to and enumerating the privileges and immunities of citizens of the several States, which are fundamental, and belong of right to the citizens of all free governments, the court say:

"Was it the purpose of the fourteenth amendment, by the simple declaration that no State should make or enforce any law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security and protection of all the civil rights which we have mentioned from the States to the Federal Government? And where it is declared that Congress shall have the power to enforce that article was it intended to bring within the power of Congress the entire domain of civil rights heretofore belonging exclusively to the States?

"All this and more must follow if the proposition of the plaintiffs in error be sound. * * * We are convinced that no such results were intended by the Congress which proposed these amendments, nor by the Legislatures of the States which ratified them."

TRANSMISSION OF MAIL MATTER.

Mr. FORT. Mr. Speaker, early in the session I introduced into this House a bill to provide for the free transmission and free delivery of all newspapers within the counties where published, and free exchange of papers and periodicals between the publishers thereof.

There are many reasons why this bill, or some bill containing similar provisions, ought to become a law, but I shall ask the attention of the House to only one or two of them at this time.

The ax and the blow that were properly leveled at the franking privilege and its abuses unhappily, and perhaps inadvertently, struck this meritorious law, then in force, from the statute-books.

The franking privilege had been abused and often used for party and other improper purposes, as believed; and its abolition had been demanded by the national republican convention, and also, if I mistake not, by one or both of the branches of what became the coalition party; and Congress could do no less than abolish this obnoxious privilege.

The free circulation of papers in the counties where published, however, was no part of the franking privilege, and should never have shared its fortune. It stood upon different grounds and had different merits, was of more recent enactment, and the two measures were in no way connected; and why it was supposed that it deserved death at the hands of Congress, because of what was alleged to be the enormities of the obnoxious privilege, is not clearly understood.

I have no purpose to revive the franking privilege, which I am informed and convinced was a great annoyance and an onerous privilege to members of Congress, if privilege it might be called, which tended so much to increase their labors; but I have an earnest desire to aid in restoring this privilege to those who patronize the county press—however small it may be, yet valued by its recipients; valued for its convenience, and valued because it was, under the present postal arrangement, their right, as may well be claimed in a fair distribution of postal privileges. Under the present system of the postal service letter-carriers are employed by the Department at a liberal salary, payable monthly, in all the principal cities of the United States, who, at a great expense to the Department, and for the ease and convenience of the people of such cities, visit several times each day their dwellings and business houses, and deliver, free of any additional charge, not only their letters, but their newspapers and all other mail matter; and also take their mail matter from their homes and offices free of any additional charge, and deposit it in the mails.

This is, indeed, very convenient for the fortunate people of the cities, but is very expensive to the Post-Office Department, and is one of the principal items which make the expenses of that Department annually exceed its receipts.

Who pays this item of expense may well be asked, and it may be truly answered that all the people, whether of the city or country, help to pay it. And I claim that a large majority of them have no corresponding privilege or benefit with which to offset it.

Far be it from me to entertain any purpose or desire to abolish the free-delivery system in the cities. I am in favor of so organizing the postal service as to give to all the people, without any unjust discrimination, the cheapest, speediest, and most convenient means of transmitting intelligence and their messages from one to another; and at the same time make it as near self-sustaining as possible.

For this expensive privilege of free delivery enjoyed by the people of the cities, the people of the towns, villages, and country have no corresponding privilege or benefit, as I have said. Are they not just as worthy? They pay three cents postage on a letter, and the people in the city pay no more. Yet it costs the Government far more to handle the letter for the city than it does for the country.

The extra expense to the Post-Office Department for the free-carrier system in a single one of our larger cities would undoubtedly be greater than the expense of transmission and delivery of newspapers in all the counties of the Union under this bill.

It would appear to me, Mr. Speaker, that no gentleman on this floor representing a city constituency can with consistency or any degree of fairness withhold his willing support to this bill.

Our present postal service stretches out its accommodating arms to each man's door in the city, and receives and delivers his mail without any additional charge; and yet, in the town, the village, or country, no man can go even to the post-office and receive therefrom his county paper, where it has been deposited for him by its publisher, without paying postage thereon. This is certainly not equality before the law, if I may employ that phrase in this connection. For one, Mr. Speaker, representing a portion of the people, from whom have been taken this small privilege, I protest against the injustice and wrong. I do not ask that the free-delivery service be abolished in the cities, but appeal especially to the sense of justice of gentlemen representing the great cities, whose privileges I would not abridge, to come unitedly to the support of this bill.

The privileges granted by this bill, Mr. Speaker, will be valued by the people, because of its convenience more than for the insignificant sum saved to them. And, in fact, I have been told by many postmasters that the trouble and labor of keeping the complicated accounts for these small sums for county papers exceed the amount received in most cases.

The business and accounts of the Post-Office Department were immensely diminished and simplified by the use of stamps for letters, and while relieved of the annoying accounts for weekly county papers the labors were less and the postmaster's salary lessened.

One other consideration, Mr. Speaker, is not without weight.

It has become a settled policy for years to diffuse knowledge among the people at public expense. It is true that this is generally done by local authority, yet appropriations of the public lands and of money have frequently been made by the General Government to promote and diffuse knowledge. And the Government always has been, and ever should be, ready to lend its encouragement in that direction, espe-

cially where so much can be done for so small a service. To a greater or lesser degree the press is the medium through which information and knowledge pass to the people.

Say what we will, and denounce newspapers as we may and sometimes do, yet we all go to them for information. The people of all classes and conditions and stations in life consult them habitually, and cannot do without them, and their teachings are a part of the family education.

Some matters that are mischievous find their way into the press, yet much that is good, instructive, and elevating therein abounds; hence the circulation, and especially the local or domestic press, should have every avenue opened for its easy, cheap, and convenient distribution among the people.

I will not now further consume the time of the House by stating other reasons that occur to me why this bill ought to pass. I trust that the justice of its provisions will alone be sufficient to secure it sufficient support. Let us impartially weigh out the national privileges with an even balance to all the people.

Mr. BUNDY. At this late hour I do not know whether it is proper for me to go on now. I have no written speech, and no preparation for a speech, and I would willingly yield for a motion to adjourn, if I could be sure of obtaining the floor next Saturday.

Mr. DAWES. If the gentleman will yield I will move that the House adjourn.

Mr. KELLEY. If we adjourn with the gentleman from Ohio on the floor, he will be entitled to the floor the next time we meet for the purpose of debate.

Mr. BUNDY. I will yield, then, as it is now ten minutes past four o'clock.

Mr. DAWES. I move that the House do now adjourn.

The motion was agreed to; and (at four o'clock and ten minutes p. m.) the House adjourned.

IN SENATE.

MONDAY, *January* 19, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of the proceedings of Friday last was read and approved.

Hon. JOHN P. JONES, of Nevada, appeared in his seat to-day.

PETITIONS AND MEMORIALS.

Mr. BROWNLOW presented the petition of J. A. Anderson and others, of Bristol, Tennessee, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. INGALLS. I received by mail this morning the petition of John Grable and other citizens of Doniphan County, Kansas, representing that the greatest evil which afflicts the prosperity of the country at the present time is the unjustly legalized monopoly of our fictitious system of public credit in banking and currency, and praying for the enactment of a law to provide for a currency to be based upon real estate secured by mortgage, four dollars base for one in circulation, which will need no redemption but to pay the interest and refund the money. I move that this petition be received and referred to the Committee on Finance.

The motion was agreed to.

Mr. PRATT presented the petition of Thomas Day, of Ripley County, Indiana, praying compensation for injuries sustained in consequence of the use of his nursery grounds by the United States military authorities in 1863 and 1864 for barracks and hospitals, and the destruction of his trees and plants; which was referred to the Committee on Claims.

Mr. BOGY presented the petition of Thomas B. Wallace, praying compensation for property destroyed by the Army under orders from a military commander during the late war; which was referred to the Committee on Claims.

Mr. MERRIMON presented the petition of J. N. Bryson and others, praying the establishment of a post-route from Cashier's Valley, Jackson County, North Carolina, to Walhalla, Oconee County, South Carolina; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CRAGIN presented the petition of James R. Young, a citizen of New Hampshire, and late postmaster at Lisbon, praying to be reimbursed for loss sustained in the year 1869, by reason of his office being broken open and robbed of postage-stamps to the amount of $309.84; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition signed by Hon. Asa D. Smith, president of Dartmouth College, and many other citizens of New Hampshire, praying that a system of instruction in nautical science may be established on board of vessels of war; which was referred to the Committee on Naval Affairs.

He also presented a memorial of a large number of citizens of the city of Dover, New Hampshire, remonstrating against the proposed repeal of the bankrupt act; which was ordered to lie on the table.

He also presented a letter of the Surgeon-General of the United States Navy, suggesting larger appropriations in support of the Medical Department of the Navy; which was referred to the Committee on Naval Affairs.

Mr. CAMERON presented the petition of J. B. Pierce and other citizens of Luzerne County, Pennsylvania; the petition of the Presbytery of Allegheny, Pennsylvania, M. H. Gill, moderator; the petition of the congregation of the Providence Presbyterian church, Allegheny City, Pennsylvania, Rev. William M. Robinson, pastor; the petition of the North Presbyterian church, of Allegheny City, Pennsylvania, representing over 200 communicants, Rev. A. A. Hodge, pastor; the petition of the Sandusky Street Baptist church, representing over 400 communicants, Rev. B. F. Woodburn, pastor; and the petition of the First United Presbyterian congregation, representing a membership of 450 persons, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, and general welfare; which were referred to the Committee on Finance.

Mr. BOREMAN presented the memorial of Charles S. Bell, late of Galesburgh, Illinois, asking compensation for valuable and extraordinary services rendered by him to the United States during the late war for the suppression of the rebellion; which was referred to the Committee on Military Affairs.

He also presented the petition of D. T. Wright and others, praying the establishment of a post-route in the counties of Tyler, Wetzel, and Marion, West Virginia; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Marshall County, West Virginia, praying that a pension may be allowed to William C. Parker, of that place; which was referred to the Committee on Pensions.

Mr. THURMAN. I present the petition of certain Winnebago Indians of the State of Wisconsin and other persons, setting forth what they allege to have been violations of the law and great injury to these Winnebagoes. The petition goes back a long way in the history of the Winnebagoes in Wisconsin. I will not trouble the Senate by asking it to listen to the early grievances recited in this paper, but I ask leave to read a passage which will show what are their immediate grievances:

> And your petitioners further represent that certain parties whose names are unknown to your petitioners have, by falsely representing that the Winnebagoes of Wisconsin were vagabonds, and that the people of Wisconsin were dissatisfied with their presence in Wisconsin, obtained appropriations from Congress for their removal, and by falsely representing that the Winnebagoes would be murdered by the people of Wisconsin unless they were removed from the State, the Government has been induced to issue orders to remove said Winnebagoes by force, if force should be found necessary; and a large portion of said Winnebagoes have been kidnapped and forcibly removed out of the State; and your petitioners of Indian blood and some of their white friends have been threatened, and are still threatened with like treatment; and your petitioners aver that such removal is contrary to the bill of rights and to the Constitution and laws of the United States and the State of Wisconsin, and contrary to the wishes of a greater portion of the people of Wisconsin. And your petitioners, in behalf of the whole Winnebago people, represent on information and belief that the moneys so appropriated have been squandered in employing worthless persons to threaten and persecute the Winnebagoes, and that the moneys due to the said Winnebagoes under the treaties are not, and have not for years past, been distributed as provided therein, or as right and justice demand, and that the said Winnebagoes have been, and are being, unlawfully, wrongfully, and cruelly deprived of their lives, liberty, and property, all of which they are ready to verify; and they firmly believe that the present persecution of the Winnebagoes of Wisconsin arises solely from political corruption.
>
> And your petitioners further aver that they have not presented the various wrongs complained of in detail, or cases of individual injustice, but stand ready to do so when opportunity shall be allowed; and your petitioners pray that a law may be passed by which they may become citizens, that they may enjoy their lives, liberties, and property as other citizens.

Attached to this petition are divers affidavits; and if they state what is the truth, a case is presented of flagrant violation of the law, and flagrant wrong; and I cannot too strongly ask the attention of the Committee on Indian Affairs—to whom I propose that this petition shall be referred—to this petition, and the proof that accompanies it. I beg leave to read briefly from one of these affidavits.

The affiants swear:

> That on the 20th day of December, 1873, at the town of Caledonia, in the county of Columbia and State of Wisconsin, eighty-five of their relatives and friends were surrounded with men armed with bayonets and taken prisoners; that Big Hawk, one of their leading men, was handcuffed, and they were forcibly driven off, and were not allowed to take their baggage; and that a large portion of the baggage of said persons was stolen and destroyed; and they beg that restitution of the liberties of their relatives and friends and their property be given; that they have sought protection from the local authorities, but have been unable to obtain the same, or any promise for the future, for the reason that the act complained of has been and is being done under color of the authority of the United States Government, and that each of these affiants has been and still is threatened with forcible removal out of the State of Wisconsin; that the three persons first above named are land-owners; that the son of Whitewater was kidnapped while chopping cord-wood under contract.

Attached to this is an article from the Evening Wisconsin, which relates a case—I do not know how true it may be—that I will read:

> A delegation of one hundred and fifteen Winnebago Indians from Wisconsin passed through Saint Paul last Friday, *en route* for their new homes beyond the Missouri River. A case of hardship is mentioned in this connection—that of an Indian about forty-five years of age, quite intelligent, and observing all the outward forms of American civilization. He was the possessor of one hundred and sixty acres of land in his own name, on which he had erected a frame house with nine rooms. The soldiers found him in the woods on his own land, with his own team, getting out firewood. Without a word of explanation he was taken up by the soldiers and lugged off to the rendezvous, not being permitted to see or even notify his family of his misfortune, and next morning with others he was started for the Missouri. So strict were

the orders of the guards that he was not allowed to go from one car to another to see if by chance his family were sharing his forced expulsion from his home, and when the train left Saint Paul he was still in ignorance of their fate.

I have only to say in presenting this petition that the law passed by Congress, to which I was very much opposed, authorized no exertion of force to drive these men from Wisconsin; but, on the contrary, the Senator from Wisconsin who sits on my right, [Mr. HOWE,] and who advocated the amendment, declared in that debate, if I recollect aright, that it was not the intention to employ force at all, but that this money was only to be expended in the removal of such of these Indians as were willing to go. I said then, and on the facts stated in this petition and verified I affirm again to-day, that these men, under the fourteenth article of amendments, are citizens of the United States, and that there is no right to remove them by force from Wisconsin.

These facts are verified. It was declared in that debate that there was no intention to use force, whether they were citizens or whether they were not; but force has been used; they have been kidnapped and carried away from their homes against their will, if these affidavits and this petition, which are sworn to, be true. I move the reference of the petition and accompanying papers to the Committee on Indian Affairs.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SCHURZ, it was

Ordered, That the petition and papers of Karl Mook in relation to the payment of arrears of pension to the heir of August Kessler be taken from the files and referred to the Committee on Pensions.

On motion of Mr. SPENCER, it was

Ordered, That the petition and papers of Claude H. Masten be taken from the files and referred to the Committee on Claims.

BILLS INTRODUCED.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 327) for the relief of George W. Lawrence; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 328) for the relief of the Portland Company, of Portland, Maine; which was read twice by its title, and referred to the Committee on Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 329) for the relief of Larrabee & Allen; which was read twice by its title, and referred to the Committee on Claims.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 332) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph; which was read twice by its title, and referred to the Committee on Railroads.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 333) for the relief of Alexander Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORDON. I ask leave, without previous notice, to introduce a bill to relieve from political disabilities William L. Cabell, of Texas; and if there is no objection, I should be glad to have it considered immediately, as Mr. Cabell desires to run for mayor in his town. I have just received a letter from him, and he wishes to know whether his disabilities will be removed before he accepts the nomination. I will state that I think there is no objection whatever to the removal of his disabilities; and I ask for unanimous consent that there be immediate action upon the bill.

The bill (S. No. 334) to remove the political disabilities of William L. Cabell, of Texas, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on the Judiciary.

Mr. GORDON. I should like the Senate to act immediately. It has been done in one or two other instances.

The PRESIDENT *pro tempore*. The Senator from Georgia asks unanimous consent that the Senate proceed to the present consideration of the bill introduced by him. Is there objection?

Mr. WRIGHT. This bill has not been referred, I believe. I am willing to give way to the morning business, but not to the consideration of a bill.

The PRESIDENT *pro tempore*. The Senator from Iowa objects. The bill will be referred to the Committee on the Judiciary.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 335) for the relief of the Chickasaw Indians; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 336) to appoint a commission on the subject of the alcoholic and fermented liquor traffic; which was read twice by its title.

Mr. LOGAN. I introduce the bill by request, not intending to commit myself for or against it. I move that it be referred to the Committee on Finance, and printed.

The motion was agreed to.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 337) to authorize the construction of a bridge across the Detroit River at the city of Detroit; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 338) to incorporate the Colorado Canal Irrigation and Land Company, and for other purposes; which was read twice by its title.

Mr. INGALLS. This bill is in pursuance of a recommendation contained in the last message of the President. I move its reference to the Committee on Public Lands.

The motion was agreed to.

Mr. RAMSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 339) to authorize the Saint Paul and Sioux City Railroad Company to construct a branch line from Sibley, in the State of Iowa, to Yankton, in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 340) granting a pension to George Baxter, only heir and minor child of Robert Baxter, late surgeon Tenth Regiment Minnesota Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

CLAIMS OF MISSOURI.

Mr. BOGY. I ask leave to introduce a bill without previous notice. With the permission of the Senate I beg to say a few words to explain the object of this bill. It is a bill to reimburse the State of Missouri a balance yet due that State for expenditures of public money in equipping troops during the late war.

The State of Missouri, from its geographical position, became and was during the late war a battle-ground to a greater or less extent, and the internal conflicts compelled her to suffer greater losses and endure greater expenses than any other State that remained loyal to the Union.

While she was thus torn, distracted, and pillaged by contending armies, she fulfilled all her duties to the Union; the military resources of the State were taxed to the utmost extent, and at times and in some sections every male capable of doing service was compelled to bear arms. Every one will recall how the loyal people rallied around the national standard, even before the President made his first call for troops. Their patriotism did not swerve in the darkest days, and as call after call was made by the General Government, her response was no less prompt and willing. Under those calls Missouri furnished, up to April 30, 1865, no less than 110,000 troops. The expense of raising these troops was borne by the General Government and by the State.

Besides this number of troops the State raised, during the war, eighty-nine regiments, four battalions, and three companies of enrolled militia, and fifty-six companies of provisional militia, all of which did an active service—some of them for a year at a time—extending from 1861 till after the close of actual hostilities. These troops were called into service at the request and suggestions and by the orders of the General Government, and by the orders of the generals commanding the department. They did excellent service in the field. Many were killed, wounded, and died of disease. These troops took the place of the same number of regulars or volunteers that would have been kept within the State but for the presence of these militia forces. The services of these troops have since been recognized to the extent that Congress has put them on the same footing as other soldiers as to pensions by the act of March 3, 1873, "An act relating to pensions," &c. These troops were raised entirely at the expense of the State, who clothed, armed, equipped, subsisted, paid, and mounted them. All these expenses, which in other States—excepting Kentucky, and there not entirely—were borne by the General Government, were borne alone and entirely by the State of Missouri. At the close of the war the State asked a reimbursement of what she had paid on account of these troops, and Congress, without an objection, recognized the justice of the claim and passed the act of April 17, 1866, entitled "An act to reimburse the State of Missouri for moneys expended for the United States in enrolling, equipping, and provisioning militia forces to aid in suppressing the rebellion."

Under this act the State was repaid that portion of the expense that had been paid by the State up to the time the account or statement was made to Congress, namely, to the summer of 1865. At this time, however, all the expenses had not been paid by the State. In many cases several companies out of a regiment had not been paid; many men out of a company had remained unpaid; many bills had not been presented for payment, it being at the immediate close of the war. And the State not having at that time paid or assumed these expenses, they not having been presented, were not, as a matter of course, included in the demand made in 1865 upon the General Government, nor were they provided for under the provisions of the act of April 17, 1866. They are precisely of a similar character, however, being expenses incurred for the same troops and at the same periods.

Upon presenting a portion of these latter claims to the Treasury Department for reimbursement the State was informed that though the expenses were similar in their nature to those paid under the act of 1866, and appeared to be equally just and proper expenses as those provided for by said act, yet as the commission provided for by said act had expired, and the appropriation made by the act had not been drawn upon for the space of two years, it had lapsed into the Treas-

ury, and, consequently, legislation of Congress would be necessary. The amount remaining unexpended is about $170,000. Had these claims been paid by the State at the time of the passage of the act of 1866 they would have been included at that time; but like all other States, many and large bills were not presented or paid till after the close of the war. As it is with the General Government, which is now paying millions annually for war expenses incurred years ago, so it is with Missouri, who now asks reimbursement for the remainder of the expense she incurred for the direct benefit of the General Government, the greater portion having been reimbursed under the act of 1866.

Kentucky made a similar claim upon the Treasury for the services and expenses of troops of precisely a like character, and Congress, by the act of June 8, 1872, provided for the reimbursement of Kentucky for this same class of expense; and in order to be placed upon the same footing as the State of Kentucky, the bill presented is drawn upon the same principle and wording as that bill.

The object is to extend the meaning and provisions of the act already once passed for the benefit of Missouri, to include those expenses of like nature and incurred for the same service but unpaid at that time, and to now provide for their payment.

By unanimous consent leave was granted to introduce a bill (S. No. 330) to reimburse the State of Missouri for moneys expended for the United States in enrolling, subsisting, clothing, supplying, arming, equipping, and paying militia forces to aid in suppressing the rebellion; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 331) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge; which was read twice by its title.

Mr. MITCHELL. Mr. President, I do not intend at this time to detain the Senate with any extended remarks in reference to the measure just submitted; and knowing as I do the imperative demands now being made upon the time and attention of Congress by the financial and other great national questions of the hour, I beg pardon for trespassing upon that time and attention even for a few minutes; but as the title of the bill reported by me might lead to a misconception of the real nature and character of the measure proposed, I deem it but just and proper, before moving its reference to the appropriate committee, to submit a few words in explanation of its objects and probable effects.

I am not a silent listener, Mr. President, nor am I one of those who would turn a deaf ear to that unmistakable and imperative voice of the people of the whole country which to-day demands economy and retrenchment in the public service; nor to that equally impressive voice that demands of the national Congress such legislation as may operate to provide suitable transportation to those who are without it, and to cheapen it where extortion now prevails, and thus neutralize to some extent the unwarrantable exercise of questionable powers by corporations over the rights of the people; and it is in obedience to these two great demands of the country, and in the real interests of the Government and the people, that I submit the measure now under consideration; and although this bill is substantially the creation of the Portland, Dalles and Salt Lake Railroad Company, and as it now stands receives, as I am informed, the approval of the president of the company, Colonel W. W. Chapman, whose untiring efforts in advocating the interests of this enterprise deserve commendation, it affords me pleasure to be able to state, that the measure is one in the true interest of commerce, public economy, and retrenchment, and has received, as I believe, the almost universal indorsement of the people, without regard to politics, of the State of Oregon, and of Idaho and Washington Territories, and the whole North Pacific coast, that are to be affected by its adoption. Therefore, so far from this being a case where a railroad company is knocking at the doors of Congress and demanding national aid, while the people who are to be affected by the measure are indignant and remonstrating against it as one calculated to confer special powers and privileges upon a corporation that would operate as a means of aggrandizement to the few and an instrument of oppression to the many, the very reverse is the fact; and from Portland, Oregon, to the great basin of Salt Lake, on the line of the Central Pacific, all along the proposed route, the people *en masse* are holding meetings, and demanding, in the name not only of their immediate commercial interests, but also in behalf of economy, retrenchment, and cheap transportation, the adoption of this measure.

The question presented is not the old one, so much and so rightfully, perhaps, criticised, and objected to, and denounced by the whole country, namely, that of indiscriminate and gratuitous aid upon the part of the General Government in the construction of lines of railways in which the company gets everything and the Government nothing—not by any means. The proposition bears no kin or similarity, either in form or substance, to any of the measures heretofore adopted by companies in aid of the construction of railroads by the grant of public lands, guarantee of interest, bonds, &c., and which have as a rule invoked the opposition to a very great extent of the people and of the two great political parties of the nation; but, on the contrary, this bill, if adopted, would not only result in the construction of a railroad and telegraph line between the head of ship navigation at Portland, Oregon, the waters of the Columbia, and the great transcontinental line of the Union and Central Pacific roads, thus speedily removing the only remaining obstruction in that internal highway along which the immense commerce of China, and Japan, and the islands of the Pacific will eventually move, but will result in an absolute saving to the Government each year, by reason of the free carriage, proposed by the bill, of the United States mails and all Government property and supplies, to say nothing of the vast area of country to be opened up to settlement, stretching, as it does, nearly half across our continent, and the general development of the industries of our common country. These are questions susceptible of actual demonstration.

I have in these remarks referred to the saving to the Government by the passage of this bill in its actual annual expenditures for the public service, without any reference to other matters.

The Portland, Dalles and Salt Lake Railroad Company was organized nearly four years ago under the general incorporation laws of the State of Oregon, for the purpose of constructing a railroad and telegraph line from Portland, Oregon, to the line of the Union and Central Pacific Railroads, at or near Salt Lake, in Utah Territory, with a short branch from a suitable point west of the Blue Mountains to Walla Walla. It was organized originally, not by speculators or railroad adventurers, but by and in the interest of the people along its line; and I am glad to be able to state that this management has continued until the present time. It has received words of encouragement and positive and emphatic sanction from political conventions of both political parties, from State and territorial Legislatures, individual advocates, and a united press, all along the line, from its inception to the present time.

In addition to all this, April 12, 1872, the Congress of the United States gave recognition to this enterprise by passing an act granting to this company a right of way through the public domain for the construction of a railroad from Great Salt Lake to Portland, Oregon. Again, March 3, 1873, Congress passed a second act, granting to the company the right to take from the public lands of the United States timber, stone, and other materials necessary for the construction of its road. In October, 1872, the Legislature of the State of Oregon passed an act granting the proceeds of the sales of the State swamp lands, less some appropriations previously made, together with the 5 per cent. fund arising from the sales of public lands, in aid of the construction of this road, and also memorialized Congress at the same session for congressional aid to the enterprise. In pursuance, then, of the general sentiment of the people, of the expression of State and territorial Legislatures, of conventions of both political parties, and of the desire of the company, all acting, as I believe, in accord and in what I conceive also to be the true interest of the Government with reference to the important questions of economy and retrenchment in the public service, and in what I know to be the true interest of an isolated and pioneer people, scattered as they are along the rivers, all over the valleys, and on the mountain sides of as rich a country as ever met the eyes of man, and who are to-day suffering not merely for the want of cheap transportation, as is the case with many of the people of the Western States east of the Missouri River, but from the absolute absence of all means of transportation, I submit this bill to the impartial and candid consideration of the Senate.

It provides, in brief, that the Portland, Dalles and Salt Lake Railroad, as I have already designated it, shall be a military and post road, and that said road, or the company controlling or operating it, shall, for all time, transport over the same the United States mail, all Army and Indian supplies, and perform all other Government service usual for railroads to perform, including the transmission of all Government dispatches upon such telegraph line, free of any charge, compensation, or reward. It further provides that said road shall be of the narrow gauge; that the work shall be commenced on the division between the Columbia River and the eastern terminus, a distance of about five hundred miles, within six months from the approval of the act, and completed for that distance within three years; that the division between Portland and the intersection of the eastern division with the Columbia River shall be commenced within six months from the passage of the act; that the portions around the Cascades and the Dalles of the Columbia shall be first completed, and that the western division of about two hundred miles, between Portland and the intersection on the Columbia River, shall be completed in two years from the passage of the act.

The bill has a provision that strikes at the abuses so prevalent among railroad companies of the present day, and which has as much as any other one cause aided in producing the present opposition to these corporations; and that is an unjust and oppressive discrimination in freight and passenger charges, both as to persons and sections. It provides that the company shall not use any means that shall discriminate in freight and passenger charges in favor of or against any person or corporation shipping or passing over said road, nor for or against any particular town or place on the line of such road; and that all charges for freight or passage over the same between regular stations shall be *pro rata* with the usual charges for like service over the whole line. This is a protection to the people, and is, I insist, a proposition that Congress may constitutionally and rightfully submit to any company, and which, if accepted by such company, will have the binding force of law that cannot be successfully questioned either by rival

companies or individuals, as it does not, in my judgment, touch the mooted question as to the right or power or policy of the General Government to regulate or control freight and passenger charges on railroads. That is another and quite a different proposition, in reference to which, at present, I do not propose to intimate any opinion, much less discuss it. When that question comes up it will be time enough to meet it.

The bill further provides that the company may issue its bonds to the extent of $10,000 per mile and no more, and in denominations of $1,000 each, running twenty years, payable in United States gold coin, to aid in the construction of its road and telegraph line, such bonds to bear interest at 5 per cent. per annum, payable semi-annually, in like gold coin; and to secure the payment of such bonds to mortgage its road, rolling-stock, property, and rights of property of all kinds and descriptions; that interest coupons shall be attached, signed by the treasurer of the company, and whenever and as often as such company shall complete twenty or more consecutive miles, or, in the discretion of the Secretary of the Interior, a less number, and the same shall have been examined and accepted at the expense of the company, by commissioners appointed by the Government, and that fact shall be certified to the Treasurer of the United States by the Secretary of the Interior, such Treasurer, upon the presentation of such company's first-mortgage bonds to the extent of $10,000 per mile of such completed portions, shall countersign the interest coupons thereto attached and deliver the bonds and coupons attached to such bonds, and thereupon such coupons shall be due and payable at the Treasury of the United States according to their tenor and effect.

It is further provided that the company shall annually report a condensed statement showing its net earnings, and that 25 per cent. of these shall, at the end of the year, be invested in United States interest-bearing bonds, and shall constitute a sinking fund with which to purchase or redeem at maturity the principal of the said first-mortgage bonds.

These are the substantial features of the measure; and it may now be asked, inasmuch as it proposes that the Government shall assume the payment of this interest to the extent indicated, where does your idea of economy or retrenchment come in? How is the Government to be compensated for this annual expenditure? What are the credit and debit sides of your account between the Government and the company; and what are your balances at the end of the year; and in what manner is the Government affected in the interest of reform in reference to the public expenditures; and what are the national benefits in a commercial point of view that are to result from this enterprise? To these inquiries I would attract the attention of the Senate.

The distance from the probable point of intersection on the line of the Central Pacific, say Kelton, to the Columbia River, is about five hundred miles; $10,000 per mile for this distance would be $5,000,000. The interest upon this amount at 5 per cent. per year would be $250,000. This, then, is what is demanded of the General Government by this bill in aid of the construction of a railroad and telegraph line that will connect the waters of the Columbia with the great central artery of the nation that to-day spans the continent, and for which it secures to the Government for all time the free transmission, not only of the United States mails—by which the whole North Pacific coast is to be supplied with postal facilities—but also of all Government supplies, military, Indian, or otherwise, to say nothing of the annihilation of time by the substitution of railroad speed for that of the stage-coaches.

Now what is the Government doing to-day in reference to this service? A mail-route exists over this same route, or almost identical with it, from Kelton on the line of the Central Pacific Railroad to the Dalles on the Columbia River. The mail over this route is carried by contract with the Government on four-horse stage-coaches; and for this service alone the Post-Office Department is to-day paying the enormous sum annually of $224,000, a sum in itself almost equal to the whole amount of interest required for the construction of the proposed railroad and telegraph line over this distance. From the Dalles to Portland, Oregon, the Department is paying the further sum annually of $18,000 for mail service alone, making an annual expenditure for the transmission of the United State mails from Kelton to Portland, Oregon, of $242,000. But this is not all. Another mail-route exists to-day from Winnemucca, State of Nevada, to Boise City, Idaho Territory, on which there is daily mail service, for which the Government is paying the annual sum of $72,000. Other mail-routes exist, all of them to-day absolutely necessary to supply the wants of the people, but the service on which, to a very great extent, would be supplied by a construction of this road.

Again, the time occupied in carrying a letter from Kelton, on the line of the Central Pacific, to Portland, Oregon, is about eight days, while with a railroad this time would be reduced to about thirty hours. If then, Mr. President, I were to stop here I have said enough, it seems to me, to remove every possible objection to this bill, so far as any question is concerned as to the mere policy of the Government aiding the enterprise to the extent required, considered in an economical point of view. But this is not all, only a mere tithe of the benefits that must necessarily result to the Government from the construction of this road upon the terms and conditions proposed in this bill. What does the Government, the Indian Department and the War Department, disburse annually, I would inquire, in the transportation of its troops, freight, and supplies which are conveyed every year to the North Pacific coast, to Oregon, Idaho, Washington Territory, Montana, and Alaska? Contemplate but for a moment the vast extent of country lying northwest of the line of the Central Pacific Railroad, and which would be supplied through this arm of the great national trunk line of transcontinental communication—an area greater in extent than all of New England, with the States of New York, Pennsylvania, Ohio, Indiana, and Illinois added thereto. We have in the three political divisions of the State of Oregon and of Washington and Idaho Territories an area of two hundred and fifty-one thousand five hundred and sixty square miles, with all of Western Montana and part of Utah to the northwest, while Alaska, with five hundred and seventy thousand square miles more, lies still beyond to the northward.

This vast region—I refer now to Oregon and Idaho and Washington Territories—is dotted from one extreme to the other with Indian reservations and agencies and military posts; not so many military posts, however, as the necessities of our people demand. If we had a few more of these, with increased garrisons and a better supply of arms, I have no doubt it would be better for the general prosperity of our country; we would have fewer Indian outrages, and more ample protection to settlers. But as the matter now stands, the annual expenditures by the Government, especially by the Indian and War Departments, in supplying these various agencies and military posts cannot be otherwise than immense. And in addition to all this, there is the branch of our revenue marine and engineer service on the North Pacific coast constantly demanding shipments from the Eastern States in maintaining and developing our commerce. Connect the great national highway, connecting the central artery of the nation with the waters of the grandest river on the globe, interlacing its arms, as it does, with those of the Missouri and Saskatchewan in the remote regions of perpetual snow, thus holding communion with the two grand valleys of the continent, and you prepare a free highway for the nation that will save to this Government annually, in the transmission of mails and Government shipments and in the transportation of Government troops, not merely hundreds of thousands, but, at no distant day, millions of dollars. And all these advantages are to be secured to the Government, a right and a privilege exclusive and perpetual in its character, for the mere pittance of $350,000 annually for a period of twenty years. When I say "mere pittance" I speak, of course, in a comparative sense. It is indeed a considerable sum; but when considered with reference to the fact that $316,000 are now paid annually for the single item of mail carriage over the route, that would be supplied free of all charge by the construction of this road, and the further fact of the vast sums that are annually disbursed for other Government services in this direction, and all of which would be obviated by this enterprise, the expenditure asked by this bill becomes insignificant in amount; and when viewed in the light of the still broader intelligence that is capable of grasping the grand results of this national enterprise, and that must unquestionably be exhibited in the commercial prosperity of the whole country, it seems to me there should be no hesitation in giving support to this measure.

We of the North Pacific coast have watched and waited with a modesty that defies criticism and a patience that challenges the production of a parallel for some successful effort upon the part of the General Government that will wrest us from our isolation and place our people on some kind of an equality, in a commercial point of view, with other sections of the country, by means of railroad communication. The cry is coming up to the ears of the Republic to-day from the great valleys of the Mississippi, and from the States of the South, "Give us cheap transportation," and, although these States are checkered with railroads, I doubt not the justice of their demands; but the appeal that comes from an isolated, pioneer, and waiting people of the North Pacific coast is of a somewhat different character. It is, "Give us one railroad, one means of communication with the balance of mankind, one connecting link that may bind us commercially and socially with the busy millions who dwell in the older and more finished portions of our common country that lie east of the Rocky Mountains." The hardy sons of toil who to-day are scattered over the State of Oregon and Idaho and Washington Territories say, through their representatives in Congress, "We have braved and suffered all the trials, the hardships, and the dangers of frontier life, and have, upon these distant shores, laid the foundations of an empire of civilization, of commercial greatness, and political influence and power, and now we appeal to a just and discriminating Government to aid us, by its willing heart and strong hand, to join together in the manner indicated by this bill the two empires of power and the two commercial extremes of the East and the West." In other words, more direct and plain, and free from all unnecessary verbiage, we want, and must have, railroad communication with the Eastern States.

There was a time when our people looked forward with much hope to the completion of the North Pacific road, but unfortunately it has encountered embarrassments. Just how far these may impede its progress I am not advised. It is to be hoped, however, that all these difficulties may be overcome, and the road be built. All our people would rejoice at such a consummation; but I know the enterprise is a gigantic one, and must necessarily involve a vast expenditure of money. Over fourteen hundred miles of broad-gauge road must yet be constructed to reach the waters of the Columbia. The whole cost will not fall far short, probably, of half a hundred millions of dollars; and while I hope for success, I confess to a fear as to the

result. Our people desire its completion; the interests of commerce, of trade, and every consideration of national importance join in expression as to its necessity as a great national highway. Whether a work so vast can in these critical financial times be successfully prosecuted is of course a problem for its managers to solve.

But the construction of the North Pacific would be no argument against the road proposed by this bill, as it, with the exception of a portion of the distance down the Columbia River, traverses an entirely different country and affects entirely different interests. The Cascades and the Dalles of the Columbia River, the one four, the other fourteen miles in length, are obstructions to our commerce that virtually separate the waters and the ship-channel of the lower Columbia from the great grain-fields of Eastern Oregon and Washington Territory. The valleys of Walla Walla, Grand Ronde, Umatilla, Burnt River, and Powder River, constituting an area larger than the whole State of Pennsylvania, and the finest wheat countries in the world, are wholly without any means of transportation for their immense surplus products. When wheat is selling at Portland, Oregon, at $1.25 per bushel, it will bring but thirty and forty cents in Eastern Oregon and Washington Territory. To ship wheat from Walla Walla to Portland, a distance of a little over two hundred miles, it must be handled thirteen times in getting it from warehouse to boat, from boat to car, and car to boat, and so on. The producer in this fertile valley pays ten dollars per ton, thirty cents per bushel, to get this wheat from his barn to the river, a distance of thirty miles. At Wallula, on the Columbia River, he pays five cents per bushel warehouse charges, and from there to Portland, on the regular boats of the Columbia River, he pays eighteen cents more per bushel, the boats making two regular trips only per week; on special boats twenty-four cents per bushel.

I simply refer to this to show the utter helplessness of the people of this large extent of country, surrounded by mountains on the one hand and a desert on the other, with no possible means of escape, except down a river where natural obstructions and the monopoly of transportation necessarily resulting therefrom, constitute a still more formidable barrier than either mountain or desert.

One great overshadowing purpose of this measure is to annihilate this state of things, to overcome these natural obstructions, by the construction of a railroad around them, thus at one and the same time striking down the force of the obstructions and the power of the monopoly of transportation they inspire; and these portages, it is provided in the bill, shall be first completed, so that competition on the great river of the West shall no longer be held in abeyance, so that the key to this national thoroughfare shall no longer be held by the few, but be free to all.

The enterprise suggested in this bill is not one of a merely local nature, which if consummated would result in a benefit to a small section of country or to but a few people; it is national in its character and objects. It is no less a proposition than to unite in close connection, through the means of railway communication, the Pacific Northwest with the great internal arteries of commerce on the eastern side of the Rocky Mountains, and that, too, by the nearest possible route, about seven hundred miles, connecting the waters of the Columbia and the Central Pacific by a line five hundred miles in length, and this, too, over a track marked by nature in the geographical and topographical formation of the country as one of the many great channels of trade that serve to make our country commercially rich and powerful.

There is a trade, Mr. President, that lurks along the shores of China and Japan, and of those of the Hawaiian group and other islands of the Pacific that the ships of commerce have already envied. England has long enjoyed it, and she will not surrender it without a struggle. That trade of right belongs to America and not to England. How are we to secure it? Simply by connecting our transcontinental highway by means of railroad communication, aided by the free navigation of the waters of the Columbia, with the head of ship navigation on this river. It is a fact patent it seems to me to all that the commerce of Asia, from Behring's Straits to those of Malacca, comprising most of Farther India, all of China and Japan, and the eastern empire of the Russias, together with the islands of the North Pacific, must eventually and at no distant day find its natural and geographical center in the waters of the Columbia River.

These harbors are on an almost direct line between the coasting ports of China and those of Chicago and New York, while San Francisco is far out of range to the southward. From New York to Shanghai via Chicago, San Francisco, and the midway islands, it is 10,423 miles; while from New York to Shanghai, via Chicago, over the route proposed in this bill and by the Columbia River is only about 8,800 miles, making a difference in the distance of the two routes of over sixteen hundred miles. In these days—when it has come to be considered an axiom in commercial science that the nearer we approach to the annihilation of time and space in the transit of merchandise, and the more rapid the succession of sales, transfers, and supplies, the nearer we come to perfection in the laws of trade—it occurs to me the consideration just suggested should be entitled to some weight, as an argument in favor of the speedy completion of the enterprise in aid of which this bill is submitted by me to the impartial consideration of the Committee on Railroads, to which I now move its reference.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York;

A bill (H. R. No. 352) for the relief of Colonel E. McCarty;

A bill (H. R. No. 517) for the relief of Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York;

A bill (H. R. No. 546) for the relief of William B. Morgan;

A bill (H. R. No. 676) for the relief of Joseph R. Blackwell, postmaster at Litchfield, Illinois;

A bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana;

A bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa;

A bill (H. R. No. 1226) granting a pension to Francis Bernard;

A bill (H. R. No. 1227) granting a pension to Eliza A. Maxham;

A bill (H. R. No. 1213) for the relief of Willard Howe, of Massachusetts;

A bill (H. R. No. 1222) for the relief of George W. Keyes;

A bill (H. R. No. 1223) for the relief of L. S. Campbell;

A bill (H. R. No. 1224) for the relief of William J. Denniston, late an acting lieutenant Seventieth New York Volunteers;

A bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri;

A bill (H. R. No. 1228) granting a pension to Mary Storrs;

A bill (H. R. No. 1229) granting a pension to Elizabeth R. McCracken, widow of Robert McCracken, acting assistant surgeon United States Army; and

A bill (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minor children of Joseph F. Doak, deceased.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred as indicated below:

The bill (H. R. No. 259) for the relief of James W. Glover, postmaster at Oxford, in the State of New York—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 352) for the relief of Colonel E. McCarty—to the Committee on Claims.

The bill (H. R. No. 517) for the relief of Sarah F. Lincoln, postmaster at Spencerport, Monroe County, New York—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 546) for the relief of William B. Morgan—to the Committee on Military Affairs.

The bill (H. R. No. 676) for the relief of Joseph R. Blackwell, postmaster at Litchfield, Illinois—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana—to the Committee on Commerce.

The bill (H. R. No. 1225) granting a pension to William E. Prince, of Iowa—to the Committee on Pensions.

The bill (H. R. No. 1226) granting a pension to Francis Bernard—to the Committee on Pensions.

The bill (H. R. No. 1227) granting a pension to Eliza A. Maxham—to the Committee on Pensions.

The bill (H. R. No. 1213) for the relief of Willard Howe, of Massachusetts—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 1222) for the relief of George W. Keyes—to the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 1223) for the relief of L. S. Campbell—to the Committee on Military Affairs.

The bill (H. R. No. 1224) for the relief of William J. Denniston, late an acting lieutenant Seventieth New York Volunteers—to the Committee on Military Affairs.

The bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri—to the Committee on Private Land Claims.

The bill (H. R. No. 1228) granting a pension to Mary Storrs—to the Committee on Pensions.

The bill (H. R. No. 1229) granting a pension to Elizabeth R. McCracken, widow of Robert McCracken, acting assistant surgeon United States Army—to the Committee on Pensions.

The bill (H. R. No. 1230) granting a pension to Elizabeth W. Prindle, guardian of the minor children of Joseph F. Doak, deceased—to the Committee on Pensions.

THE CURRENCY—SPECIE PAYMENTS.

The PRESIDENT *pro tempore*. The morning hour having expired the Senate resumes the consideration of the unfinished business of the last day's session, which is the resolution reported by the Committee on Finance, upon which the Senator from Iowa [Mr. WRIGHT] is entitled to the floor.

Mr. WRIGHT. Mr. President, if any one, through you, shall ask me to give way during the short time I occupy the floor, I authorize you to say that "the Senator from Iowa declines to yield." I do this not because I flatter myself that I shall say anything of sufficient interest to lead any one to desire to interrupt me, nor yet because I would admit now that I cannot give an answer to any fair inquiry, but because I wish at this time, in the most humble and yet decided manner, to

enter my protest against a practice daily becoming more common in this Senate. As I read the earlier debates, interruptions were exceedingly rare. This ought to be so now. The debates here, I may be allowed to say, are gradually degenerating into a mere running artillery of words. This high body is becoming, I submit, a grand polemic school, where each one seems to be anxious to have the last word or to give the best response; and thus, as I think, the proprieties of debate and the dignities of the place are certainly but gradually degenerating. I therefore have served this notice; and if those around me, much more able to lead, shall apply the corrective, I shall certainly be ready to follow. Than this, in my judgment, for reasons which time will not allow me to mention, few things as affecting the business of the Senate are more important. And now, Mr. President, having said this much, I come to the subject before the Senate.

In the years long gone a waggish attorney in one of our Western States, addressing the court, when referring to the counsel prosecuting the "pleas and plaints" of the Government, frequently spoke of him as the "learned district attorney;" which, creating a smile from bench and bar, the speaker continued, "Why, your honor, he is learned; he is bound to be so; for the statute declares that the President shall, from time to time, appoint a person learned in the law to the position; and he is therefore made learned by law."

The difference between myself and the official referred to is that he was a good lawyer, and I am not sure that I know anything upon the subject before the Senate. And yet the incident is applicable, inasmuch as I am a member of the committee reporting this resolution, and hence I suppose must know something about finance. This is certainly the presumption. It may be a most violent one, resting alone upon the legal and not the fact rule; but still it obtains, and I must accept the situation as best I can. Doubtless, before I conclude, this presumption will be abundantly rebutted in the estimation of at least some of my friends, and I can obtain leave to retire from the discussion without chaplet or laurel.

I have listened very attentively to much of this most interesting debate, now consuming some two weeks. And I have thus listened because I sought instruction and wanted light. And yet I confess I have been not a little embarrassed as well as amused. With due deference, I must admit that words have only tended to darken counsel. Of course it is my fault, and I have no hope that I shall now be more successful. The real struggle seems to be, whether we shall by law provide for an actual or conditional return to specie payments. One side is said to favor contraction, the other expansion; and yet neither will admit the soft impeachment. The distinguished chairman of the committee, the Senator from Ohio, with all his earnestness for maintaining what he calls the plighted faith of the Government, is equally earnest in his indignant denial that he is a contractionist. And yet he advocates a general policy which as inevitably leads to contraction, in my judgment, as any necessary effect will follow a cause. And so no man will admit that he is an expansionist. But if the mere addition to the currency is expansion, then it would seem that there are those who should be thus classed. But that which has interested me most is to see the wonderful agreement of our good friends who demand a return to specie payments, and their clear conception of just how and when it is to be brought about. Whether we shall pay gold next July or next January; whether we shall get it by selling bonds, or where is it to come from; whether if we start we can keep it up, and if so, how long; whether the recent monetary derangement was a panic, a crisis, a revolution, or an accident; whether it was attributable to our currency; to the "lies," the "frauds," the "engraved falsehoods," (as they style them) in the shape of greenbacks, or to something else; whether we shall pay gold and nothing else, or whether we shall, at the option of the Government, give out bonds—all these, and many other matters, they seem to leave quite undecided. And, indeed, the chairman of the committee, so furious for resumption, says, himself, that he ventures no opinion; does not commit himself to any theory, to any plan, and so he leaves it. And yet we are asked, in the midst of all this uncertainty—without any definite suggestion from him certainly—to enter upon this hazardous experiment, and this, too, with the most perfect indifference whether the balance of trade is for or against us, (for than this, in his opinion, there is no greater humbug,) and, too, though he admits that such payments cannot be maintained under all circumstances, a fact, as he says, not resting in theory merely, but attested by demonstrated experience. And thus the argument stands. And yet we are expected to vote for resumption, whatever the plan, however little our ability, whatever the consequences, because we are pledged to do so "as early as practicable." But I anticipate.

Mr. President, we have in these times any number of wise men upon this great question. They have studied the subject, and mastered, as is supposed, its many mysteries and difficulties—have a sure and only proper panacea, and call upon all to take them upon their shoulders with rejoicings, and usher in with timbrel and song their triumphal day. I have no doubt some of them are entitled to these high honors, and I confess, if I knew which, I would be willing to join, if not lead, the procession of grateful and enlightened followers. Until I do know, however, I trust I shall be excused for any seeming want of reverence or failure to worship at any self-erected shrine. I do not pretend to understand the disease, nor to have a cure; and, therefore, do not expect any disciples. My aim shall be to simply express my own views, though in a manner ever so crude, caring less that they agree with the so-called theories and principles of the learned ones in political economy than that they accord with some conceded rules of common sense, and the undisputed facts around us, which after all are of more value than all the speculations of the best and most astute theorizers of this or all the ages.

In the great Chicago conflagration, two friends standing together observed a very small light on the roof of the magnificent court-house of that burning city. One says, "That can do no harm, for the building is fire-proof." The other says, "That may be, but look, the fire is increasing rapidly." "I don't care for that," was the response; "it is fire-proof, and cannot burn." But it did burn to the ground.

I doubt not I am wanting in reverence or afflicted with doubts upon some matters. We all are. One of my many weaknesses is that if I find the fact one way and the theory, though ever so plausible and well stated, the other, I accept the fact and let the theory find other and, of course, better-informed worshipers. In this I am doubtless wrong; but I cannot help it. It is not my fault. If the court-house burns, I will not insist that fire cannot destroy it.

We have had what is called a financial crisis, or panic, or revulsion, (I care but little for names;) and, as always heretofore, everybody has looked about for the causes and then for the remedy. That is what we are engaged in now, trying to diagnose the disease, get at the producing causes, and then from an intelligent stand-point make the prescription. With one school of financial doctors there seems to be agreement, a wonderful degree of unanimity, if I except my excellent friends the Senators from Ohio and Vermont, [Messrs. SHERMAN and MORRILL,] who here unfortunately differ; but for the most part there is agreement in ascribing the patient's situation to an overdose of currency, greenbacks, paper money, the absence of gold, (the antidote;) and naturally enough the remedy in their estimation is gold in the place of greenbacks, coin in exchange for paper; that the patient shall have a solid, precious, world-convertible diet, a diet that has intrinsic value, and not the wishy-washy, easily-destroyed, worthless, airy, "lamp-black and rags" "stuff," which has well-nigh destroyed its life, and must make it a hopeless invalid for years if not for all time. The disciples of this school may be termed (I speak with due respect, I trust) either contractionists or substitutionists; for they would either deprive the sick one of a good portion of its pabulum, giving nothing of the same kind in return, or else they would throw away all now prescribed and replace it with something, as they believe, better, stronger, safer. I confess that I do not so understand the disease, and of course cannot approve the prescription.

Is the financial disturbance attributable to greenbacks, and would it have been avoided if we had reached or had been operating upon a metallic basis? I am a novice, I know, in these matters; but in my judgment our paper currency as such, and as contradistinguished from gold, had about as much to do with our monetary troubles as the "balancing-pole" of the acrobat, the "night-blooming cereus," or (if my friend from Vermont will allow a figure so homely in connection with his, so eminently classic and unique) a "last year's bird's nest."

Why, Mr. President, if we reflect upon what has taken place, and give a little attention to the times and our people, this financial disturbance is not so surprising. How could we expect anything else? We certainly could not, unless we expected different results from like causes than have been found all along the pathway of our business and financial life. For years we have been overtrading—the nation and individuals alike running into debt. Publicly and privately, as a nation and individuals, we have paid a rate of interest beyond that warranted by our increase in either wealth or population, and of which I shall possibly have more to say hereafter. Everywhere the nation has been afflicted by an excessive haste to get rich—a spirit of speculation, extravagance in living; a class of men occupying high places in the financial synagogue who were of bad personal habits and wanting in correct business talent—Mammon-worshipers—and no one contenting himself to take other than the Napoleonic seat in the marts of trade, stocks, and commerce. Need I tell you that a spirit has possessed us to live by our wits, leaving the mechanic arts, agriculture, and manual labor to those esteemed of coarser mold? For years we have cheated ourselves, and have either been unwilling or indisposed to look the real state of facts squarely in the face. This struggle for preferment and wealth has not been healthy and elevating, but a "steeple-chase, a headlong, maddening rush." The schemes of men for getting rich in a day have been endless. "It matters not in what such deal, whether in oroide watches or in watered stock; whether they make corners in wheat or gold; whether they gamble in oats or at roulette; whether they steal a railway or a man's money by gift concerts and lotteries, the principle is in all cases the same—striving to obtain something for nothing, to get value without parting with anything in exchange." And thus in the estimation of the schemers and the world vast fortunes are made, and often as suddenly lost; which has been thus briefly, but justly and scathingly epitomized:

> Monday I dabbled in stock operations;
> Tuesday, owned millions by all calculations;
> Wednesday my Fifth avenue palace began;
> Thursday I drove out a spanking bay span;
> Friday I gave a magnificent ball;
> And Saturday, "smashed," with nothing at all.

And so we have gone on—"like high-pressure Mississippi steamers,

pitching rosin into the furnace to get along faster, and piling weights upon the safety-valves, until finally the boilers burst; hundreds are killed or crippled, and we are compelled to stop for awhile, until we get over the fright of the explosion. Pretty soon the repairs are made; the steam is up again; we are buoyant with confidence. 'Hope constantly smiles and waves her golden hair;' again we are 'going it' at a fearful pace, and in due time another crash comes. The warnings of the past are lost upon us; cautious men are voted old fogies, and their admonitions and advice clog on the wheels of enterprise." In a word, "Americans must be Americans, and blow up as a necessity of their existence."

Now, these are the facts. History is only repeating itself. We do these things year after year, and experience the blowing up and coming down process just about so often—every five, eight, or ten years. I state the fact and you agree with me. Do you tell me the furnace was fed with greenbacks; that this fuel made too much steam; and that if we had leisurely and sparingly shoveled in gold or coin, we would have kept under the fire and avoided the blow up? If so, answer me, why the fire got too hot, and why did the boiler burst in the years still remembered, when you had and used the golden fuel?

If this irredeemable paper money led us into these wild schemes, and men have been thereby induced to pay a rate of interest inevitably leading to disaster and revulsion, how will you explain why, when we had gold in circulation—and the banks were paying gold in 1857—was 20, 30, or 40 per cent. interest readily obtained, as was stated by the Senator from Ohio, [Mr. SHERMAN,] a sum at least three times that now paid? And why, if gold is to restrain this ruinous interest, do we pay now a larger interest in California, where they have a metallic currency, than where we have legal-tenders and bank paper? Of course there is in *theory* an answer to all this. But the facts remain, and upon these I stand. Yes, sir; you talk about a "dishonored and irredeemable paper," and yet you had "honored and redeemable paper" in 1837 and 1857. Did this prevent these financial crises? If at the door of a paper currency not immediately convertible at par are laid all the ruin and consequences of the recent panic, why may I not with equal reason say the same thing—yea, an infinitely worse state of things—has happened more than once in our history when we redeemed in gold, and therefore gold is responsible for all such ills? There is as much logic in the one proposition as the other; but I do not think there is much, if any, in either. The cause is further back, as I have attempted to show. We have been going too fast; we have done so heretofore, and we will do so, probably, in the future, whatever the currency. Men will engage in these schemes of speculation if they can get credit and inspire the people with confidence in the dividends to come from their enterprises. For several years they have been sending up these kites, and they have seemed to float beautifully—these gas-bags in the shape of watered stocks, "South-Sea bubble" corporations; railways to the moon, to the land of the "Teton Sioux," the hunting grounds of the Mohaves, or the Alaskian home of the seal and the Esquimaux (I use these by way of illustration)—beautiful and apparently full bubbles, wafted and kept up on the market by the machinations of Wall street and the money of confiding stockholders. I say such as these were sent up, and were kept up, by every sort of financial legerdemain, until finally the best skill was exhausted, the bubbles vanished, the gas-bags collapsed. Then everybody lost confidence for awhile in everybody else. That was discovered which ought to have been known from the beginning, to wit, that the volume of currency sufficient for thirty or thirty-five millions of people would not answer the wants of forty-one millions, with their increased trade and commerce. And instantly the cry is, "What a pity we were not on a specie basis; what a shame our currency is dishonored; for with gold or a redeemable currency we could have kept afloat and avoided the terrible collapse."

Mr. President, does any one believe this? Perhaps we all should do so. I do not know but that it is my duty to so believe; but I cannot, and I hope I shall be excused. Do you believe it?

O, no; this won't do, this claim that our "legal-tenders" are dishonored, and therefore the cause of our troubles. Look at the grand history of this nation for the last twelve years. See what we have accomplished. Was ever a nation so tried? Take the drain upon our resources, the loss of life and treasure. Look at us as we were when treason seized the flag and sought to trail it in the dust; without navy or army; an empty Treasury; arms there were none; a defiant army threatening the very doors of this Capitol; "treason before, behind, all around us like the atmosphere;" and see an army of millions organized; fleets protecting our commerce and our cities brought speedily into life; a rebellion formidable in its moral significance and numbers crushed; a citizen soldiery returning peacefully to their homes; the Government for the most part meeting every demand, and with equal fidelity the debt created to maintain our unity. Take the years since intervening; see what has been done—the farms made; the cities built; the States reconstructed and populated; the wealth added; the numerous enterprises inaugurated and carried out. I say, glance at these things and many more I might mention; and then remember that this was all done with a paper currency exclusively; that during all this time the currency was this "irredeemable paper." Why, sir, you may trace all the years of the nation before the war, with coin bursting the coffers of every bank; with "eagles and half-eagles" eager to fly from the national Treasury to the pockets of the people; with golden toys for children and doubloons distending every man's silken purse, and you find no parallel for the prosperity and advancement attending us since its close. And when I recur to other epochs in our history—as after the war of 1812, of which Mr. Benton declared there was "no price for property or produce; no sales but those of the sheriff or the marshal; no purchasers at the execution sales but the creditor or some hoarder of money; no employment for industry; no demand for labor; no sale for the product of the farm; no sound of the hammer but that of the auctioneer knocking down property; stop laws, property laws, replevin laws, stay laws; loan-office laws; the intervention of the legislature between the creditor and the debtor; this was the business of legislation in three-fourths of the Union, of all south and west of New England"—and compare this sad but truthful picture with the bright one following our recent most exhaustive struggle—a contest beside which that of 1812 was a mere skirmish—I say when I make such a comparison, and I might make others, I am led to ask whether our currency has not had something to do with this prosperity; whether we, or any other nation, under circumstances half so trying, with a different currency, ever accomplished a tithe of what we have; and whether we are true to ourselves or our history if, without a word of challenge, we allow a currency which has been so potential for good to be stigmatized and ostracized, tried, found guilty, and condemned, without even benefit of clergy.

And keeping these things in mind, Mr. President, there is in this connection a grand fact I will not permit our friends to lose sight of, and that is, the people *are satisfied with the currency*. Remembering, as has been often said in this debate, that this is the people's Government, this fact is most important, I don't care where you go; in the Green Mountains of Vermont, along the lakes and on the prairies of Wisconsin, with the busy and active people of the Empire State—East West, North and South—everywhere, they never had a currency which was so uniformly acceptable. We never gave the people a circulating medium in which they had such unlimited confidence. It is alike good and current everywhere. It has been so—aside from those who did not or have not now faith in the Government—from the time these legal-tenders were issued, and this faith has increased and is becoming stronger and stronger every day. This, I repeat, I count a great fact in the inquiry; for upon this faith and confidence rests largely the value of any currency, and it is most unwise to ignore it in settling the problem before us.

But we have been told that these greenbacks are "lies," "frauds," "stuff," "engraved falsehoods," "promises without verity," "shams," "every dollar one hundred cents of lies." These, and like names and epithets, have been applied to our national currency. And with what justice, with what propriety? How much does such language tend to elevate the character of our nation, or inspire the people with confidence in their circulating medium? How many men actually believe that all these things are warranted, when the facts are known? Mr. President, I deeply regret that any one should believe these things to be true, or deem it necessary to utter such sentiments.

Not thus reasoned our gallant soldiers, when month after month the welcome paymaster gladdened their weary march or inactive camp life with his strong box filled with these "lies." Not thus did they esteem them, when, the last gun stacked, the last battle won, peace proclaimed, they received from a grateful country their ever so small pittance, as bounty or otherwise, in this same "stuff." Not thus do these same men now think, who, maimed in their country's service, and are paid promptly the debt due them in these same "frauds." Not thus do our people feel, who, when financial dangers threaten or are upon them, insist and clamor for even more of these same "lies," "frauds"—more of this same "stuff" and "dishonored paper." No, sir; not thus did the people of all classes feel during the recent financial storm. And right here again is a cardinal, grand, practical fact, worth more than all theories, all speculations, all abstract rules, namely, *that as the crisis intensified, these "lies," "frauds," and this "stuff" appreciated in value.* Will you go back to other like storms? How eagerly did men then rush from their homes, by night as well as by day, to dispose of their bank-paper, paying debts which would have otherwise gone unpaid; loaning their money without interest and without security. Men turned their pockets inside out to be certain that the last dollar was gone. With this "stuff," these "lies," and "frauds," and "shams," and "promises without verity" as our currency, however, every man kept every dollar he could in his pocket, hid it away in his chest or strong box, putting an additional lock upon his iron safe. The country never witnessed anything like it. Bankers held on with closer grip to this "dishonored paper;" merchants eagerly sought to dispose of their goods for this "stuff;" farmers most willingly bartered their products for these "lies," and men *were seldom happier than when defrauded by being unwillingly forced to take wallets of these same "frauds."*

No, Mr. President; I repeat that this one fact is of more value in this discussion than tomes of mere theory, or all that can be said of the effect of this so-called depreciated currency in producing the panic.

But gold is the currency of the world; the faith of the nation is pledged to pay coin for these notes. Years have elapsed and this pledge is not met. We stand guilty of bad faith and are dishonored in the eyes of the civilized world, and until we make them equal with gold we are in the attitude of a trader with his paper gone to protest. All this and more is said by contractionists and substitutionists. Let us see. What were the circumstances under which these legal-tenders were

issued? We are not standing now upon a technicality—upon the mere letter of the contract—but looking at the facts, at the history, at those things which every person knew, and upon which all, the nation and citizens, persons at home and abroad, acted, and from these we are to inquire what duty and honesty demand.

And now does not every one know that these notes were issued to meet an absolute pressing necessity in our struggle? They were a necessary convenience and a convenient necessity. They were, technically, as much and as absolutely dishonored one week after their issue as they have been since or are now. If due in the commercial sense, then they were due presently, or at their date, and every hour thereafter they were dishonored. Is any one prepared to pass a judgment so harsh, so severe, so at war with essential facts? Is the nation which has accomplished so much; which under circumstances unparalleled in the history of nations has met its enormous interest lien, and is gradually reducing the principal—I say, is such a nation to be adjudged guilty of bad faith and liable, if possible, to proceedings in bankruptcy because it fails promptly to pay gold for these notes, one kind of legal tender for another? Does any man, at home or abroad, believe it was ever so "nominated in the bond;" or if so nominated by the letter, that this was its spirit or that it was ever so meant or understood? Then, too, these notes are made a legal tender. As such they have as much paying value and are made equal with gold. To make good every dollar thus inscribed every particle of the property of this vast country, public and private, is pledged, both now and for all coming time. If this country is to be maintained, then we know that for all the purposes for which we use money in our internal trade these notes are as good as they can be made. Then, too, admitting that they are to be redeemed in coin, I deny that the nation has acted in bad faith. We have not diverted a dollar which should have gone to their redemption to any other purpose. We have not added to the volume one dollar in violation of our agreement. We have husbanded our resources with fair economy; received these notes for all the purposes contemplated by the law of their creation. Day after day they have gradually appreciated or approximated the so-called gold standard; and I affirm that, quite as soon as any one, looking at the condition of our nation, the circumstances surrounding the contract, and disposed to deal justly and fairly with the question, can expect, the day these men "long have sought" will be reached, and the "balancing-pole" which so disturbed the vision of my friend from Vermont can be thrown away.

I must not forget, however, as has been urged and reurged, and especially by the Senator from Ohio in his most elaborate and able speech, that we are charged with acting dishonorably and violating our plighted faith, because, in 1869, we pledged ourselves to make provision, at the earliest practicable period, for the redemption of these notes in coin. And just here, as to the legal obligation, lies the stress of the argument. I confess that I cannot see its force. Will any one tell me who is to judge of this? If I in my place determine, after the best thought and exercising the utmost care, that it is not practicable, am I acting in bad faith? If the entire Congress so determine, thus influenced, do they violate any plighted faith? If a majority, with a like desire to do right, so conclude, who can charge that the pledge is violated? What are the elements which should enter into the inquiry? They are many. If Congress concludes that the people and all the interests of the nation will suffer more from statutory resumption, whether speedy or tardy, than from leaving the result to the laws of trade, who shall say that the practicable period has arrived? If it shall be concluded, acting for the people, and ever so strongly impressed with the deep significance of the pledge, that to issue interest-paying bonds and borrow gold to redeem these notes is neither politic nor what the people demand, tell me under what rule of construction any one can say that we are improperly or unreasonably refusing to make the required provision? If it should be deemed that, if this provision is made, taxation must, to meet it, be increased, more interest paid, the banks crippled, and general disaster follow, who shall gainsay that Congress would be justified in hesitating before so ordering? These, and many other aspects of the case, might be presented, either or all of which would conclusively show how unfounded is all this clamor about "plighted faith."

It is no answer to these suggestions that "nine long years" have elapsed since the issue of these notes and still we do not pay gold; nor that the pledge is of "five years' standing." If the period was practicable four years since, or more, then there was just as much bad faith in not acting then as now, unless it is now more practicable; and the time elapsing is of no value, except as a part of the argument. In and of itself it amounts to nothing. The real inquiry is, is it practicable? And I defy any one, upon any rule of ethics or law, looking to the very letter and full spirit of this pledge, to show how there is any bad faith, if Congress, looking over the whole ground, shall determine in good faith, having a due regard to the rights of the bill-holders and the best interests of the Government—for it will not do in this inquiry or at any stage of this discussion, as many are apt to do, to divorce the people and their interests from the Government—that now is not the practicable period contemplated by the enactment. I defy any one to show that in that case there is a departure from the purest morality. It will not do to say, "O, it is practicable; we can do it, and therefore we should." That begs the question, or misstates it. The pledge is not that we will when we can, when we have the *power* simply; that we could have done, by borrowing money or otherwise, at the date of the pledge; but we are to do it as soon as practicable. Nor, I repeat, will it do to say it is practicable, for that begs the question. I determine that upon my responsibility as a Senator. Others do the same. And, in the name of the good faith of the nation—in the name of its people who have accomplished so much, as earnestly anxious to preserve our good name, and standing, as I hope, as firmly for a high public morality as any one, I protest that no one shall be allowed to charge Congress or the nation with violating its pledge of honor, because it, in the exercise of an admitted right, determines that the practicable period for a redemption by law has not arrived. And especially do I ask that the nation and its good name shall not be compromised by those who, while so earnestly imploring our want of high moral action, would turn bill-holders over to the uncertain and not very well-defined choice between gold and another promise to pay of our own creation, and in which we incorporate our own terms. If now is the time to keep the pledge, let us do it as "nominated in the bond," and not in a manner of our own choosing.

But still it is said these notes are not as good as gold; that they must be made such, and that by law. It is said of a Boston merchant, who always took a business view of things, that he felicitously remarked of a certain poetic impracticable that he was one of those men who have soarings after the infinite and divings after the unfathomable, *but who never pays cash.* And so our friends say, "It is true that these notes will pay next to all debts; they are most acceptable to the people; but they *will not bring gold!*" They admit the currency has stood the storm better than any we ever had in a severe panic; *but it is not cash!* They concede that for ten years, and during a period the most trying in the nation's history, it has stood the severest test far better than any paper we have ever had; but we do not *redeem it in gold!* They know that men everywhere lay it away, without dread or fear that it will ever be worthless, and with confidence that it is incomparably the best paper currency ever given them; but it is not gold, and something must be done to make it such or equal to it! Well, now, how will you do it? I answer, if this is so desirable, or if this is a *sine qua non*, (of which I may say more hereafter,) you can never do it by any mere statutory edict. When we have that prosperity in trade which all should labor for; when we so work in our own borders as to restore that humbug in the estimate of the chairman of the committee, [Mr. SHERMAN,] the balance of trade, permanently, or for a time, in our favor, then the grand fact (as our friends esteem it) is accomplished, by laws natural enough, by all well understood, and more effectually than all the laws we could pass on the subject, if we made one every day for years. You cannot add to the volume of gold except by discoveries, and to attempt to force specie payments and give us a gold currency you would not have, as has been said, sufficient to run a respectable "pea-nut stand in each State in the Union."

But why this struggle to get to specie payments? I am answered, because it is the world currency, the basis of all solidity and equability in trade, so acknowledged by all civilized countries; that this has been accepted for "four thousand years" as the basis for all other currencies, for in this they have all ultimately to be paid.

I admit that this has been so, and perhaps I shall be called a most unreasonable radical if I dare insinuate that it should not continue to be the rule. And yet you will allow me to suggest that possibly the world will get over some of its old notions on this subject. I think it is even now breaking away from not a few of them. The nations are being brought nearer together. They are coming to have more and more confidence in each other. They know more and more of the internal affairs of each. They are no longer treated as so completely separated or foreign to each other, nor hostile in their aims and purposes. All are regarded as working more and more in harmony for the upbuilding of a common humanity. And men are coming to think that the grand commerce of the world has outgrown the necessity of the long-boasted specie basis or its necessity as the only safe basis for currency. Each day makes more common, in the commerce of the world, bills of exchange and like paper, by which millions of money pass without a dollar in gold or other coin. And as these things continue, as this feeling of confidence increases with increased culture and a broader and deeper civilization, old theories will pass away, and the world accept and adopt a currency not cumbrous, nor yet one which it will be found can be better utilized, and which is, in fact, largely needed in the arts arriving to such perfection in this advancing civilization.

But whether this is true or not—and I do no more than throw out these suggestions—at present the inquiry is, what are we to do in view of the condition of the country and its needs in the future? And having said so much, and criticised somewhat other theories and plans, I should hardly be justified if I did not at least hint at what I would do. Very briefly I proceed to do so, with not a little doubt, however, whether I shall be more fortunate in being understood than have those preceding me.

In the first place I would not substitute "demand notes" for "greenbacks." With our revenues from all sources to probably prove insufficient to meet our interest and the ordinary expenses, I am not prepared to add twenty millions or more to our burden in the shape of interest; and yet this, as I understand it, would be the result if we replace the legal-tenders (to the amount of three hundred and fifty to four hundred millions) with demand notes bearing 6 per cent. interest. This we do not want. This we cannot stand. There is neither policy nor necessity to sanction it.

If left to myself, and starting anew, I would have but one paper

currency, and that issued directly by the Government. I concede that our national banks owe their existence to a necessity, and I freely admit that they have nobly sustained themselves in the recent fearful panic; indeed, to their admirable management and our unequaled currency we owe our safety. But it is worthy of inquiry whether this necessity longer exists. I do not believe the Government ought to pay interest upon a currency which it guarantees, and which owes much, if not all, of its value to the known and recognized ability and duty of the Government to keep it good. Of course, in any event, such time should be given as might be necessary to wind up these banks, without loss or injury to stockholders or any one interested in their affairs. Of course, also, having this currency, banking without issue would be free, as it should be. But if we cannot have this one currency, then I should favor free banks, with power to issue as now, and with all the safeguards now in the law and as many more as prudence and wise forethought might suggest, going as far even as to adopt the English rule, which makes the stockholder individually responsible to the extent of all his property for the payment of all the debts of the corporation.

My preference is, however, for a homogeneous currency, issued by the Government, all a legal tender, and upon which it shall pay no interest. I am ready, I believe, if I can see my way to it, consistent with our obligation as to our coin debt, to provide that a certain per cent. of the duties on imports shall be paid in these notes. And this for the reason, to state it briefly, that the amount of the currency has in and of itself but little, if any, influence on the value of coin. Make the currency better, if not entirely good, by declaring, as far as you can, that it shall be received for all the purposes you receive gold, and you have taken a long step in the direction desired. For the Government we need gold to pay the interest debt. From the imports we receive largely more than is necessary for this, and a declaration that a certain per cent., without interfering with the needed quantum of gold, may be received in greenbacks, would tend certainly and largely to bring gold and currency side by side.

Then, too, I would change the form of these notes, so that instead of being technically or in form a promise, they would have stamped upon them simply their denomination, as gold and silver has; being to all intents and purposes money, and not a promise to pay in something else of no greater legal value.

The basis would be and should be found in the existence of the nation—in its stability, its honor, and its unity. And then, too, we would be relieved of what to me is almost if not quite preposterous—the redemption of one currency with another, (both legal tenders.) There should be no such distinction; for if one is better than the other, then why have the poorer or the worse? Why not have the better, and none other? But for a paper currency, I repeat, I would prefer, as I know the people would, a circulation of one creation and one value. Let it be such that every debtor can use it to pay debts, and which every creditor will be compelled to take. Let it be such as will, as near as possible, command universal confidence. This currency we are providing as a medium of exchange at home, and not for international trade. For the present we need not go beyond; for if we well and carefully attend to our domestic interests and home trade, the settlement of our foreign balances when against us (and this, of course, is to be avoided) will probably present its own means of solution or take care of itself. The question is, where is this currency of one nature and existence to come from? I answer again, not from the States, nor from individuals, nor from corporations, but from the National Government—the one sovereign power, in which the people have the greatest confidence and find the greatest security.

Then in this, as in all our financial legislation, we should look to a system and not a policy merely. We owe it to the people to give them a currency, and upon a system as stable, and yet as conformable to their situation, trade, and wants as possible. And to meet this latter demand is, to my mind, the most important element in the problem now before us. Our country is unlike others. We have a vast territory. Our population is scattered. And though we have been told that it is business and trade which demands money, I submit that this trade, scattered over an immense area, needs more money than if confined to a small territory. The products of one section are needed by another, and the wares and manufactures of some have to be removed to meet the wants of still others. We have an active, driving, enterprising people. Such a population needs a greater volume of currency than if they were less enterprising, less active in the pursuits of life. We build cities in a day, and make States in a fortnight. Fortunes are now estimated by millions. Such is the amount of our trade and the diversity of our employments; such the extent of our country, and the distance we are compelled to move our wares and products, that at some seasons of the year we need more money than at others. Thus, when the crops are to be moved from the great prairies of the West, we need more money than when trade is dull. We know that millions are needed for this, while comparatively small sums will answer when there is no such demand. In the language of the last annual message:

> It is patent to the most casual observer that much more currency, or money, is required to transact the legitimate trade during the fall and winter months.

Nor must we forget that four millions of people, recently held as chattels, making but little count in the estimate of the circulation needed, are now engaged in all the avocations of life—making farms, engaged in manufactures—and that their wants and the demands of a reviving and each day more active industry in the South call upon us to give them hope and all encouragement. Then, too, there come times of alarm when confidence is checked, and when the circulation is hoarded by those having it in their hands; and such is the ability of men and corporations, by reason of large fortunes, to possess themselves of this currency, that the power to thus hoard is largely increased, and is becoming greater and greater every day. I therefore think it wiser to have a system convertible or elastic, as it is termed. To do this it would seem to be wise to provide for a bond bearing a low rate of interest, say 3.65 per cent., or possibly a little more, but not much, which can command these legal-tenders without interest, while the money is withdrawn, and which may in time be withdrawn with interest to the owner by a repayment of the requisite amount of money. I am in favor of the lowest interest which will certainly make the bonds available for the purpose contemplated; because, in my judgment, the nation pays too much interest, both public and private. When we pay interest in excess of the growth of the country in population and wealth, it certainly does not require any extended figuring to satisfy any one that in time we must become bankrupt. If that increase is represented by 2½ or 3 per cent., (and this I understand to be about the ratio,) then if we continue to pay 5 or 6 per cent. it is only a question of time when the balance will be largely against us, and we must go into liquidation with no very satisfactory showing in the way of assets. I am therefore in favor of the lowest interest.

No, Mr. President; I think it is about time we took a new reckoning. No nation is so literally impoverished as ours by the payment of extravagant interest. We pay it, too, not to home creditors, but annually the country is drained by payments of gold to foreign bondholders; this, too, at a high rate. Money is given to us to be used; and yet no proposition is plainer than if you allow a high rate of interest money will be hoarded until the holder can find a place where to him it will "do most good." And this is especially so when, as now, money accumulates in such fabulous amounts in the hands of a few. There is no monopoly which more loudly calls for restraint and regulation. With gold flowing abroad; with overtrading; with the immense amounts locked up in the commercial centers last fall; with no power in the Government to give us more currency to meet the demand, who needs to go far to explain the panic? It was inevitable. The people just then needed more money, Their trade and wants demanded it. I think they need it now, and they ought to have it.

But, you ask, am I opposed to specie payments? O, no. Far from it. I would be glad if we could reach this end to-day or to-morrow—just as soon as you please. But I beg you not to force it by law. The "terms of the bond" do not require it. A declaration of the statute to this effect will avail but little without the ability to keep it up. You cannot do this, even if you start, in my humble judgment, with the balance of trade against us. For however much it may be decried as a humbug, there is nothing truer than the language of the President in his last annual message, when he said:

> A specie basis cannot be reached and maintained until our exports, exclusive of gold, pay for our imports, interest due abroad, and other specie obligations.
> * * * * * * *
> Without this, national as well as individual bankruptcy must ensue.

And I repeat that this balance in our favor, if once we get it, must be kept up if we would maintain such payment. If not, the experiment will be a most miserable failure—yea, worse than a failure.

Then, too, as has been well suggested, we must reflect whether—if coming to specie payments by forced legislation by Government and banks alike, of course—the distribution of this coin, owing to the almost numberless banks, about two thousand in all, in the proportion of the capital of each—I say we must consider whether it would not render them an easier prey to designing parties or rings. We must reflect, too, whether, if we declare for specie payments this year or next, our greenbacks will not be absorbed or bought up by capitalists in large quantities at their deplored depreciated value, and held for the gold millennium, and thus retired from circulation, adding again and still further to the scarcity of money, and increasing the stringency in the market. Nor is this impossible, for the certainty or prospect even of 10 to 12 per cent. interest will not probably be neglected by any one having the means to invest. Add to this the probability that the banks would, as a matter of self-preservation, most likely be compelled to retire their circulation for fear of a run upon them, and thus be led to contract the currency—I say consider these things, and I ask if it is not better to keep coin concentrated than to encourage hoarding or increase the chances of runs and panics by division.

But in any event let us do nothing to contract just now. We owe too much as a nation, as States, as corporations, and as individuals, to begin this experiment now. Nothing, in my judgment, could be worse. What do we need? I answer, that policy which will lead us to activity in every department of trade. No stand-still or go-back policy will do. Safety at this time is only to be found by going right ahead as actively, as energetically, as hopefully, as possible. Is there a furnace idle? Encourage it to put in fuel and go ahead. Find you a factory standing still? Give hope and confidence, that every loom may once more give forth the sound of busy industry. Comes there notice that forge, or hammer, or plow, or hoe, or loom, or shovel, or railroad, or car, or mine, or spindle, or any mechanical agency or other industry in all the land is not being used, or is stopped? Bid it in Heaven's name

to keep running—keep it active; keep all at work. There is no wealth without actual labor.

This grand central truth we must not forget. To do so is to defy the teachings of all history. Gold, greenbacks, all the imaginable currency however good or redeemable, cannot give us wealth. These are not wealth. In a word, wealth is only that which adds to what we have—that which creates, that which opens up the farm, multiplies the products of our manufactories, brings forth the rich deposits from our mines, and like results. And this is done by labor, without which, I repeat, there can be no wealth. All else is but the standard, the measure, and without encouragement to the only true basis there can be no genuine prosperity. For here bear in mind, what ought to be an axiom in all legislation, *that that nation has the most prosperity which gives the best reward to labor, and that the least which, by its legislation or otherwise, stints or starves labor.* I therefore repeat that a supine policy now is deadly to our national finances. If we do not give this encouragement we are eaten up with interest; our securities depreciate; our currency becomes more and more so-called "engraved falsehoods." Let us not, then, when no one is complaining of bad faith, but following the merest abstractions, shut our eyes to the actual condition of things, and close furnaces and forges, stop looms and the industries of the country, and intensify the panic now passing away. The nation has wonderful recuperative energies. If we will help, as we should, all will be well. If now we will provide in needed quantity and under proper regulations the required implements; if we will hold and keep down our expenses to the lowest possible amount; and if we will act as well as promise economy, the prosperity which, following the war, was the marvel of the age, the wonder of the civilized world, will still be ours to attest the strength of our nation and the excellence of our Government and its institutions.

Mr. President, a word more and I have done. We are told that everywhere the cry is coming up for a return to specie payments, and protesting against an increase of the currency. This may be true as to hoarders of money, those upon whom fortune has smiled, and who would gladly welcome the addition probably to come to their laughing exchequers. It may be so for the East; but I beg our friends not to mistake the sentiment of the growing and now burdened West. I beg them also to remember that on this as on all questions we must do justice to all sections as far as possible. I would not knowingly do an act to hazard the development or prosperity of any section of this fair land. And this, I must believe, is the sentiment of every Senator on this floor. But let us pause before we act—before we inflict a blow which may prove disastrous to any. To our friends from the States long settled, with their institutions fixed, not surrounded by all the vicissitudes, trials, and uncertainties of a new land, may I not appeal to carefully consider before they so legislate as to make the rich richer and the poor poorer? For I say to them in no sectional spirit, and certainly with no thought of making a comparison in the least invidious, referring to the empire stretching to the "golden shores of the peaceful sea on the West," that, in the language of Mr. Webster, "No one can appreciate his responsibility as a legislator, nor the magnitude of his country, until he leaves his New England home and sees something of this grand empire." And may I be pardoned for adding, in the language of another, and in the same spirit, that truly "it is a majestic region. Its people belong to the nobility of mankind. Its destiny is to rule the world. Its triumph, when it comes, will be complete. Its opportunity is not far in the future. The West is to be the dictator of the Republic." Its sway shall be as beneficent and just as its people are noble and their possibilities infinite.

Mr. LOGAN. Mr. President, the "regulations of the currency" is admitted by all to be one of the most difficult problems which falls to the lot of governments to solve, and it is a question which has occupied the attention of the most profound statesmen and political economists of the enlightened nations of the world for the past century; and yet it may be said with truth that no satisfactory solution has been reached.

It is true that severe experience, both in this country and in England, has demonstrated the fact that all the methods which have hitherto been adopted are more or less defective, and fail to meet fully the wants of commerce; but this experience, although pointing out some defects, has failed to show the exact remedy which should be applied.

It is a singular fact that, notwithstanding the constant practical use of money for ages and centuries past, yet the definition of the term itself has not been fully agreed upon; and I find in an able article in the North American Review, as late as 1870, an attempt at a new and rather strange explanation.*

I mention these facts not with any intention of bringing forward a new definition or of proposing any new theory, with the belief that it will solve all the difficult points in this troublesome problem; but simply for the purpose of announcing, at the commencement of what I have to say upon the subject, that I am fully aware of the fact that it is surrounded by difficulties which have puzzled the strongest minds of this and other countries. But the exigencies of the times have thrust it upon us, and the present condition of our monetary affairs requires us to meet it squarely. And now, perhaps more than at any other time during our existence as a nation, it becomes our duty as the representatives of the people and regulators of the currency of our country to study thoroughly all the intricate bearings of the subject, and seek to give permanency to our standard of value and medium of exchange. But this requires time and cannot be done in a few days, yet in the mean time our country, although richer than ever before in all the absolute elements of wealth, is suffering from the want of a sufficient medium of exchange; our factories are more or less paralyzed, commerce is crippled, and large amounts of the farm products of the West are lying idle in the barns and store-houses; and the people are appealing to us for some measure of relief so far as it is in our power to grant it.

I consider it, therefore, as evident that our true policy at present is to take some action to relieve the present stringency of the money market, but at the same time this action should be so shaped as to look forward to a plan maintaining the currency on a secure basis, and if possible better adapted to the wants of our country.

Although there may be a multiplicity of plans proposed, differing in detail, yet it is apparent that all these, no matter how numerous, belong to but two opposite theories: one which contemplates a return to specie payment by a further forced contraction, and one which contemplates an increase of the circulating currency by unlocking that which is hoarded or by direct increase in the amount. Therefore at the very outset we are brought face to face with the fundamental question which is now pressing on our political economists with more force than ever before, "Is a return to specie payment necessary for the stability of our currency?" Political economists may strive to evade it, and legislators may endeavor to push it forward into the future; yet it is the real question that lies at the very base of this subject, and which the rapid increase of the commerce of the world and the advancement of human freedom and intelligence are forcing upon the enlightened nations of the earth.

As a theory this question has generally, and I might say almost universally, been answered in the affirmative both by statesmen and writers on currency and political economy; and if we are to decide from the weight of authority theoretically expressed the answer will, beyond all controversy, be in the affirmative. But in our appeal to these authorities one very important fact should not be overlooked: that in the discussion of questions relating to currency and monetary affairs this point, so vital to the solution, has seldom been raised; the authors, led by the popular notion that a metallic basis is the only true method, have almost universally proceeded upon this assumption, and hence all their plans proposed have had in view a metallic basis both as a standard of value and a medium of exchange. And, as has been truly said by a somewhat recent writer on currency, (Hill's Principles of Currency, page 1:)

> Formerly men who had given long and laborious attention to this subject were, nevertheless, deterred from stating their views publicly because the public mind appeared to have been set fast in this matter, so much so indeed that any attempt to subject the principles upon which our currency laws are based to that calm and patient investigation which has been so eminently successful in the discovery of correct principles, in respect of other matters of practical importance, was as vain as it would have been to scatter seeds on frozen ground.

Hence, I say that they start upon the basis that that is the acknowledged fact, and reason from that basis. The correctness of this statement is apparent in reading the works of such eminent writers as Stewart, Smith, Ricardo, Tooke, Mill, and others, where the overpowering influence of the popular notion of the necessity for a metallic basis shows itself on almost every page, notwithstanding the varied and opposite conclusions at which they arrive, and the diverse remedies proposed.

One practical fact undoubtedly favors this theoretical view, and is probably that from which it arose: that gold and silver are received and recognized throughout the world as a medium of exchange, and a representative of value, thereby forming an international legal tender. And that this will continue to be the case, no matter what laws are passed regulating internal currency, no one pretends to doubt.

Having noticed the theoretical answer to the question, I now ask Senators to look at the facts and say what answer they give to it; whether they show a specie basis to be necessary for permanency or not; or, in other words, whether they show that a metallic basis affords an adequate remedy against fluctuations, stringency, and the evils attributed to a well-regulated paper currency.

As I call attention to a few facts bearing more or less directly on this point, I would ask Senators to bear in mind two things. First, that although I do not intend to advocate a policy which I believe to be entirely opposed to the idea of an ultimate return to specie payment, yet I seek to dispel the notion that it is absolutely necessary to give permanency to our currency. It may be true that, as a general rule, it is the best plan, as it facilitates international trade, as a uniform system of weights and measures would, but I wish to show—and I think I can very clearly—that it is by no means a necessity, and is not at all times best. In the second place, I desire Senators to bear in mind the distinction between standard of value and medium of exchange, functions which are too often confounded, and which do not of necessity belong to one and the same article.

Keeping this distinction in view, I think it will be seen that the facts, so far as they go, give a negative answer to the question, "Is a return to specie payment necessary for the stability of our currency?" And I might even make my language stronger and say that the experience

* Money is a personal ornament, temporarily pledged as a security for merchandise borrowed.—*North American Review*, July, 1870, page 90.

of enlightened nations shows that, as a rule, this is not practical, and that the attempt to carry out this popular theory has been one prolific source of financial disasters and distress.

First, I call attention to the facts which go to show that gold and silver are not absolutely necessary as a standard of value; that although they possess the qualities of indestructibility, purity, and limit in quantity, which render them good mediums of exchange, on the other hand there are strong reasons and evidence showing they cannot remain permanently the standard of value in any country. And I hold it as a self-evident truth that whenever they are deprived of this function they are remanded back at once to the position of simple merchandise, even though they retain their use as mediums of exchange, an assertion which no political economist, so far as I am aware, controverts.

And the first evidence I present is the fact, which is now so forcibly pressing itself upon us, that the volume of gold and silver is wholly inadequate at its present standard to represent the products of labor and the materials of trade, which, it seems to me, ought of itself to settle this question with the strongest advocate of a metallic currency. What Senator is there here who is hardy enough to assert that the gold and silver in the country, or that can be brought into it by legislation, will properly represent the $2,447,000,000 farm products and $4,232,000,000 of manufactured products of our country, if we even suppose these the only things they are required to represent? Suppose the amount of these precious metals to be $100,000,000; this would be but one dollar to sixty-six of these products alone.

It is asserted with a great show of candor that the world has adopted, as a standard unit of value, a given portion of gold and silver; that when this unit is fixed and invariable, all values readily adjust themselves to it, and trade and commerce plow along their accustomed channels unobstructed.

But the very terms "fixed" and "invariable," which are here so confidently assumed, are the very ones, Mr. President, which contain the difficult elements and points in dispute. Gold and silver are natural products of the earth, whose absolute amounts cannot be controlled by the necessities of trade or the action of legislative bodies; a fact which the advocates of specie payments appear wholly to ignore. And I may as well in this connection state another fact well attested by history, but which these gentlemen appear to have overlooked. It is this: that the commerce of the world as it has gradually expanded, feeling itself cramped by the limited amount of specie currency, has been forced to demand a change in the nominal value of the standard, each change being accompanied by a greater or less financial convulsion. On the other hand, the influx from newly discovered mines has had entirely the opposite effect.

Previous to the discovery of America, although the devastating drain upon Europe by the wars of the crusades had long ceased, yet commerce was languishing and was in a great part confined to the Italian States, and metallic coin was the only currency in general use. But as money flowed into European coffers from the New World, traffic extended; and as traffic extended, the necessity for more money arose; action and reaction thus accelerating the progress of improvement. Then it was that silver was found to be an insufficient medium for carrying on the large transactions, even of inland trade, and gold became a necessary part of the currency; but although it was a necessary and efficient part of the current coin, still it was not yet made a standard of value, this function still remaining in silver, to which gold was adjusted. But the demands of commerce pressed too heavily upon the standard for silver longer to retain exclusively this function, although its nominal value had been repeatedly raised to meet this demand, so that the shilling of England, which was originally one-twentieth part of a pound, was in the time of Elizabeth but one sixty-second part of the absolute pound, a nominal increase of more than 300 per cent. A corresponding change had also occurred in other European nations. Yet this expedient failed to preserve to silver its functions as the exclusive standard of value, and gold was admitted as a partner in this use. What, then, becomes of the assumed idea of "fixedness" and "invariableness" of this unit of value, so far as these facts show? The same thing is true in regard to gold, and applies as well to modern times as to the Middle Ages. Again and again have they been adjusted to meet the increasing demands of trade as the increase in population and advance in civilization continued to expand the volume of commerce.

What right have we, Mr. President, to assume the result will be different in the future from what it has been in the past? Will not the population of the world increase in spite of the Malthusian theory? Will not commerce continue to expand?

But we need not appeal to the history of the Middle Ages or of European nations to prove that a metallic standard of value cannot meet all the wants of commerce and national necessities. Had we as a nation clung rigidly to this idea during the late rebellion, what would have been the consequence? Patriotism would have done much and suffered much to maintain our honor and unity, but it could scarcely have furnished the vast amount of material necessary to carry on the war. We were forced to abandon our standard of value and form a new one; and though it was a paper one, it accomplished that which the gold and silver of the country could not do.

But, sir, I may be met with the reply that this is not an applicable case; it was an extraordinary time, a time of urgent necessity. Still, sir, the fact remains that the arbitrary standard accomplished that which the natural standard (as it is called) could not do; and a standard which can maintain itself under such an extraordinary strain we might reasonably assume would answer the wants of trade when the strain was removed.

As touching this point in regard to a metallic standard, I would ask Senators what reason have we to assume that the relative amounts of gold and silver are always and will always remain so nearly uniform that the comparative value of the two will always remain the same? The nations of Europe have been from time immemorial adjusting the relations between these mediums of exchange, even before gold was formally adopted as a standard of value. So troublesome was this question at one time in England that we find an act of William III reciting in the preamble that "the uncertain value of coined gold has been highly prejudicial to trade, and an encouragement to certain evil-disposed persons to raise and fall the same to the great prejudice of the landed men of this kingdom;" and then going on to enact that "after April 10, 1696, no person shall utter or receive guineas at a higher value than twenty-two shillings under a penalty." (Lube's Argument on Gold, question 102.) Showing how keenly trade felt the effect of the fluctuations in the comparative value of these two mediums of exchange. But all these efforts failed to give permanency, and we find the state interfering to adjust the standard up as late as 1816, when the silver shilling is but one sixty-sixth part of a pound weight.

The attempt of the framers of our Constitution to create a double standard of value, gold and silver, has resulted in repeating, though on a diminished scale, the same thing that occurred in England, requiring repeated adjustments to maintain the relative value as expressed by the coins themselves; and now legal-tender notes having been issued by our Government, they form our standard, and gold and silver, although mediums of exchange and legal tender, are, except in California, simply articles of merchandise.

It is therefore evident from these facts that adopting a specie basis does not insure us against fluctuations in value, nor does it imply that the unit of value will remain fixed and invariable. On the contrary, the evidence adduced shows us that notwithstanding the struggle of nations in the past to cling to a specie basis and a metallic standard, the necessities of commerce and laws of trade have compelled repeated changes and adjustments. And I may add, as another strong testimony in the same direction, the present use of a paper currency in most of the enlightened nations of the world. It was felt to be a necessity or it never would have come into competition with gold and silver, which are so universally preferred on account of their intrinsic value and indestructibility.

Mr. President, I do not wish to be understood as presenting these facts and arguments as opposing the idea of an ultimate return to a specie basis, but simply, as stated in the outset, to remove as far as possible that idea so firmly fixed in the minds of many that financial ruin and commercial distress are constantly staring us in the face so long as we are without a specie basis, and that as soon as we can return to it confidence will be restored, commerce revived, and all the productive energies of our country invigorated. Such has been the theory, repeated again and again for a century past; but the evidence furnished by experience does not sustain the theory. What, therefore, is the necessary deduction to be drawn from these facts? It can be but one of two conclusions—either the theory is wrong, or all the attempts to carry out the theory have been materially defective.

Mr. President, if a return to specie payments will cure all our financial evils, why not come to it at once? If the doctrine advanced by its advocates be true, the evils resulting will only be temporary. When our personal health is at stake we swallow the medicine presented by the physician, that we may regain our vigor and strength.

If the doctrine advanced by specie-payment theorists be correct, why not give the medicine at once? We have the power in our hands; repeal all laws which make anything but gold and silver legal tender, and restore these metals to their former functions of standard value. Government will have a little trouble, perhaps, to take up her greenbacks, and commerce will certainly have to pass through some narrow straits; but according to the theory advanced by learned Senators, the clear and open sea is just a little distant ahead.

But, sir, the admission which the advocates of specie payment make here and elsewhere, either directly or indirectly, in regard to the supply of the precious metals, seems to me to be fatal to their theory.

How many are there who will contend that the supply is sufficient to meet the wants of trade? How many are there among our national legislators ready to face the storm which would result from a shrinkage of prices so as to correspond with the amount of gold and silver which can be brought into circulation. Why, sir, in a "memorial of the Chamber of Commerce of New York" which lies before me, and which leads the van in favor of specie payment, I find this admission, which they are forced to make:

> Whatever policy might have been judicious before, it is vain to talk of contraction now, when three hundred and fifty millions of greenbacks and three hundred millions of national-bank notes are employed unceasingly to keep the wheels of an extended commerce in motion. (Page 8.)

This, it seems to me, is almost if not entirely fatal to their theory,

and contradicts all the arguments they have advanced to sustain their position. It is an open admission on the part of those thoroughly acquainted with all the intricacies of the money market that there is not a sufficient amount of the precious metals for use. This is virtually admitting the whole question at issue. If the gold and silver in circulation, or that can be brought into circulation by legislative action, are not sufficient in amount for the business of the country—and the advocates of specie payment generally admit they are not—then it is evident they do not represent the value of the commodities of trade or products of labor, and therefore can neither answer the purpose of a standard of value alone within our country, nor a sufficient medium of exchange. If the demands of commerce are such that as it expands in volume it requires a corresponding increase in the amount of currency or medium of exchange in use, then it is apparent that there is something in the very nature of trade and laws of exchange which will not allow a continual shrinking in the nominal value while the volume is actually increasing. In other words, there is a strong tendency in the natural laws of trade and commerce to maintain a comparatively uniform price of products, even when it requires a strong pressure upon the amount of the circulating medium afloat. The theory of the contractionists or advocates of specie payment, when reduced to a nut-shell, is this, that there is no reason why twenty-five cents may not represent the value of a bushel of wheat in New York as well as $1.50, provided the prices of all other articles of trade and commerce are reduced to the same standard. I hope they do not desire this, yet if their logic is true, then theoretically the iron money of Lycurgus, or the "cowries" of the Africans may answer all the purposes of money; but practical facts, and not theories, are the things we are called to deal with at present.

If we were a new race of beings, just launched into existence, with no debts or contracts, with no history or precedents, with no traditional idea of prices or values, possibly we might call what is now a dime a dollar, and regulate our trade and business by this liliputian standard, but I think it would be a long time before we would span the continent with railways or cleave the ocean with steamships. With a ten-cent currency we would be very likely to have a ten-cent commerce, a ten-cent internal trade, and a ten-cent nation.

But, sir, we are not here to deal with the imaginations of Gulliver, but with stern realities, with the wants of a vast nation, with the necessities of an immense internal trade, with the demands of a people who have grown prosperous under the present money standard, and have become accustomed to the present scale of prices; with a vast net-work of debits and credits.

Apply the theory, then—no matter how correct it may appear on paper—to the case as it stands, and tell me what would be the result. Suppose that by a reduction of the currency wheat was reduced in New York to twenty-five cents per bushel, and other things to a corresponding value, when would the national, State, county, city, and individual debts be liquidated? Does any one fail to see that we would be involved in financial ruin and bankruptcy? Sir, the evil effect would not stop even here, for our civilization would feel the shock, our system of education and means of spreading and increasing intelligence would be crushed, and we would soon be gliding backward toward a state of ignorance and superstition.

I am aware that the advocates of specie payment do not propose any such extreme measure as this, but I do maintain that whenever we contract below that point which experience has shown to be the true and healthy standard, we are so far cramping our energies, and retrograding in a corresponding degree.

What inference, then, are we to draw from these facts which experience is constantly presenting? Most undoubtedly that a healthy and vigorous commerce requires an amount of currency uniformly proportioned to the amount of trade.

Having now discussed these points which have a general bearing upon the subject of a metallic basis, I approach directly the question before us, which may be stated thus: "Is it sound financial policy to take such action at present as shall tend to a moderate increase of our currency?"

One point in this question I think ought to be universally conceded, and that is, that we cannot reach specie payment by a further forced contraction without bringing great distress and probable bankruptcy upon our people. Another point made evident by the late panic is that the amount of currency, as at present arranged, fails to meet the wants of the country, and that some change is necessary to meet the present necessity.

To attempt a review of all the remedies proposed would require more time than I can at present devote to it: therefore I shall confine my remaining remarks to the discussion of but one or two leading propositions.

If "taking action looking to a speedy resumption of specie payment" means anything, it means displacing a portion of the paper currency that gold may be induced to flow in by the consequent increase in the value of the remaining paper; or, it means fixing a day, not far distant, by positive enactment, when the Secretary of the Treasury shall commence to pay gold for legal-tender notes. All other methods proposed are but shifts to avoid the responsibility of meeting the issue fairly and squarely, and although doubtless presented in good faith, yet they are in effect schemes which tend to ease the pain without assisting in the least to cure the disease.

There are but three methods open before us: increase, contraction, or resumption of specie payment by simple operation of law; and if we act at all we must proceed on one or the other of these plans. Anything short of this is only shifting the burden from one shoulder to the other.

It is admitted that contraction is impracticable under the present state of affairs; therefore we may dismiss this from the discussions, for to argue that we can contract by expanding is simply a perversion of terms. If expansion is what we need at present, let it be admitted plainly and unreservedly, and let us at once proceed to take such action as will bring about this result as speedily as the nature of the case will admit of.

If the way to contraction is blocked, then there are but two paths open before us—resumption by direct operation of law, or expansion.

Without attempting to follow out the various plans presented for returning to specie payment, I select the memorial before alluded to as the best and perhaps clearest exponent of this theory. It says, (page 8,) "We have reached the verge of success in bringing gold and currency to a par with each other, and it apparently needs but an announcement by the Secretary of the Treasury that legal-tender notes will be paid in gold at an early day, to annul the present differences between the two," and suggests that the redemption of legal-tender notes be commenced the 4th of May next, but that the power to issue be continued.

This is the money-holders' side of the question, presented in plain and unequivocal language, and is the theory of those who advocate a return to a specie basis reduced to a nut-shell.

Suppose, Mr. President, we pass a law requiring the Secretary of the Treasury to commence redeeming legal-tender notes on the 4th of May next, or even the 1st of January, 1875; how is this to bring relief? Will it increase the volume of currency, or unlock any considerable portion of that which is now hoarded up? For each dollar of gold put into circulation a dollar of legal-tender will be withdrawn; and there will be no increase in the amount of currency in circulation, unless we assume, as is done in this memorial, that all legal-tenders will at once come to par, and thus increase the total value of the currency by the amount of the present difference between these and the same nominal amount of gold. Suppose it to be true that the simple promise to redeem would, without the presentation of a single dollar, bring the entire amount of the legal-tender issue to a par with gold, would this afford the relief demanded? Would this place more money in circulation than there is at present? Sir, go further; suppose the utmost that the most sanguine advocate of the theory can possibly claim, that the reaction of this policy upon the national-bank notes, by transferring the required reserve for their redemption into gold or its equivalent, would also bring them up to a par with gold; would even this meet our financial demands; would this supply the wants of the commerce and business of our country? Would this start our mills and manufactories again into full and active operation? Would it unlock the store-houses of the West and pour the grain, beef, and pork into the eastern market? Is there some talismanic power in a dollar in gold that will render it so much more effective in trade than a sound and secure paper dollar? Would this loosen the grasp of those who now cling so firmly to their greenbacks and hide away their national-bank notes? No, sir; they would hold them the firmer as the 10 per cent. would be made to them by holding on and not by letting them out. There would be no more dollars in circulation then than now; the volume of the currency would be just the same then as now. But even this supposition every one knows to be impracticable, for to come to specie payment there must be contraction; the amount of gold and paper must be brought nearer together.

It may be argued that by elevating paper currency to a gold standard each dollar will represent more of the products of labor than it did before, but this would simply be because of a shrinkage in prices consequent upon the contraction, and would be a gain only to those who hold the money, and at an equal loss to those who hold the products of labor, and to labor itself, which is the very basis of our material wealth.

And right here we have revealed to us the two parties to this question, the opposing forces in this contest; those who hold the funds, and those who need them; those who live by interest and percentage, and those who live by labor and traffic.

The same contest arose in England about twenty years ago, when the gold of California and Australia began to flow into the European markets. The money, lenders, the annuitants, and those having fixed incomes, sent forth pamphlets and treatises on currency containing warnings of the danger threatened by this extraordinary influx; they plied Parliament with all the sophistry and arguments of which they were masters, to enact such laws as should maintain their advantages over the producing class and business men of the country.

In one of these pamphlets, which I have here before me, I find this remarkable statement, (I read from Financial Pamphlets, vol. 16, page 28:

> Those who are in debt, or those who think themselves likely to have to borrow money, see a manifest advantage in a state of affairs which promises to alleviate the burden of their present and future incumbrances. The trading classes, in addition to their share of these advantages, expect a great extension of trade—all expect a reduction in taxation, and exclaim against any interference with a natural event which offers these advantages, for the sake of a few capitalists. It seems hopeless to attempt to meet such an array of opponents, by arguments on the abstract propriety of maintaining a steady currency, yet it is very much to be wished that they should be met on this ground.

This, sir, is a confession of the very principle for which we who advocate a moderate increase of the currency are now contending. And when the chancellor of the exchequer, (as you will find on page 30 of the same pamphlet,) wisely looking to the welfare of the great mass of the people of England, announced in his financial statement "that the discovery of gold has established credit in this country in a manner which no political economist could ever have imagined; that it has increased and confirmed credit, and immensely increased the employment of the people;" those who had been striving to limit the standard of value to silver alone felt all their sophistry scattered to the winds by the announcement of these facts. The struggle now, sir, is the same in principle as then; the results which flowed from the increase of currency then by the influx of gold will follow the moderate increase of our currency now.

Our trouble now does not arise from the character of our currency; it does not arise from the fact that there is a difference between gold and the paper currency, but from the fact that we do not have enough of it. The complaint which reaches us from the trading, manufacturing, and producing classes is not that our money is worthless or depreciated, but that the amount is insufficient. Give them the supply needed and all the fine-spun theories and intricate sophistries of financiers will soon be scattered to the winds as they were in England. The currency *per se* is good enough; it is a larger amount that is wanted. Give this to the people, and then you can, at your leisure, produce your arguments and mature your plans which are to reach far in the future. The starving man cannot patiently sit down to discuss the various effects of food upon the system before eating of the supply brought him; you must first satisfy his hunger and then he will listen calmly to your philosophy.

And right here I wish again to appeal to the memorial of the New York Chamber of Commerce on this particular point; and I refer to it because it is presumable the authors understood thoroughly all the arguments in favor of the policy they advocate. They assert (page 8) that "with an acknowledged issue of $356,000,000 of legal-tenders the banks have found it difficult to draw from the circulation over five-and-twenty millions in a time of most urgent need." Does this indicate that the people feared the character of the currency? It seems to me, sir, that it indicates they feared more to trust the banks than the greenbacks.

Suppose that during the late panic some good genii had suddenly changed all the legal-tender notes into gold; would the run upon the banks have been any less than it was? Would the business men have felt the current setting inward any more freely to supply their wants? Would the financial storm have been thereby averted? Certainly not. Depositors would have been just as eager to withdraw their deposits; banks would have been just as powerless to afford relief as they were with the paper currency. It is just as true that $100 in gold cannot liquidate a debt of $500 in gold as it is that $100 of paper money cannot liquidate a debt of $500 in paper.

Where then, sir, is the force of the arguments in favor of this method of a speedy return to specie payments? What are the financial forces which are thereby to be put into operation, and to give renewed activity and vigor to our business life? How is changing a dollar from a green to a yellow to be equivalent to multiplying it by two? This, if true, is a species of alchemy a little too profound for my comprehension. The yellow may represent twice as much labor as the green, yet, numerically, it is the same; the difference is in the price, not the dollars; it will only pay the same amount of debt.

But suppose, after all, we yield to this old song of the siren with golden ringlets, and direct the immediate redemption of legal-tender notes, will Senators please inform me—and I am sure they ought to be able to do it, for their arguments were able, but their sophistry exceeded their ability—where the Secretary of the Treasury is to obtain the metal, the gold and silver, for the redemption of this amount of currency? Do they not know that the moment the Treasury is required to redeem the greenbacks in gold, every national bank in the country will be required to redeem in gold at the same time? The one affects the other. Their relations are so intimate that one cannot redeem without the other. When you have seven hundred millions or more of currency in the country, and a little over one hundred millions of gold and silver in the country, will some Senator please tell me how you are going to redeem that currency in gold? We know well enough from past experience that at such a moment the financial harpies would rush into the money market and, cornering the gold, leave the Government powerless to relieve. Sir, there is a moral power in this reserve which they have sought to break ever since that day when it crushed their schemes.

There are many who firmly believe that a return immediately to a specie basis, though oppressive for a time, would ultimately prove most beneficial; but I, for one, can see benefit only to the money-holders and those who receive interest and have fixed incomes. I can see as a result our business operations crippled and labor reduced to a mere pittance; I can see the beautiful prairies of my own State, which were beginning to bloom as gardens, with the cheerful homes, rising like white towers along the pathway of improvement, again sinking back to idleness; I can see the hopes of the industrious farmer blasted as he burns his corn for fuel because the price will not pay the cost of transportation; I can see our people of the West groaning and burdened under taxation to pay the debts of the States, counties, and cities, incurred when money was more abundant, and bright hopes of the future were held out to lead them on; I can see the people of our Western States who are producers reduced almost to the condition of serfs, to pay the interest on our State, county, and other public and private debts to the money-lenders of the East. With all this so plainly before me, I am forced to raise my voice against any such attempt at present.

It is said by some that the West does not call for more currency. I admit the statesmanship, the ability, and the learning of the gentlemen who make this declaration; but while they speak for their own constituents, I trust they will allow me to speak for mine. When you tell me that the West desires no more currency I cannot agree to that proposition, nor can I admit it. If you, gentlemen, who never appear to think of any persons except the bankers, the brokers, the money-lenders, and the insurance companies, and who live in large cities, believe this to be the case, pass from the sidewalks of the magnificent streets of your city into the rural districts, and ask the man who lives in his rural home what he desires. He will tell you that the money is all held in the hands of a few men; that he is being impoverished; that his farm is mortgaged, and is about to be taken up by some moneyed man at a very low figure.

Having discussed the objections which presented themselves to a forcible attempt to resume specie payment, I will close this part of the argument with a table showing the amount of gold imported and exported for the past ten years. I state the proposition, and believe it to be correct, that this country cannot resume specie payment until trade with other nations is more nearly equalized; that so long as the balances are against us, as they are to-day, every attempt at specie payment will be futile and will bring distress and calamity upon the people of this country. Now, let us see how we stand with reference to gold exported and imported for the last ten years. The imports and exports of coin and bullion into and from the United States for the past ten years have been as follows:

Years.	Imports.	Exports.
1863	$9,584,105	$55,993,561
1864	13,115,612	100,321,731
1865	9,810,072	64,618,124
1866	10,700,092	82,643,374
1867	22,070,475	54,976,196
1868	14,188,368	84,197,920
1869	19,807,876	42,915,966
1870	26,419,179	43,883,802
1871	21,270,024	84,403,359
1872	13,743,689	72,798,240
Total	160,709,492	686,752,273

Gentlemen tell us that while we are exporting five hundred millions of gold in ten years more than we receive, we can return to specie payments with about one hundred millions of gold in the country and seven hundred millions of paper currency. This may be financial philosophy; it may be financial statesmanship; but I must confess that my intellect fails to perceive the greatness of that proposition. I leave that branch of the argument by saying that you will have to export far less gold and will have to import far more into the country before you can redeem your paper currency by a metallic currency.

But, sir, as soon as those who desire to represent truly the wants of the laboring class, producers and tradesmen of the country, and those who may be more or less burdened by debts contracted in carrying on their business, as well as all other classes, propose to relieve them by a moderate increase of the currency, the cry comes up from the money-lenders, gold-holders, life-insurance officers, and annuitants that gold is already beginning to go up at the very mention of such a proposition. Sir, it is not that gold rises and falls in accordance with the increase or diminution of paper currency. Gold has been lower since the Secretary of the Treasury commenced issuing the $44,000,000 of reserve than it has been for the last nine years. No, sir; the price of gold is regulated, just as the price of any other article of merchandise is, by the supply and demand. It is needed in this country for but two purposes: to pay interest on the public debt and pay duties on imports. I have labored pretty hard for a few days past to get the facts and figures to verify every proposition that I make, as far as I can, and I have here the figures showing the price of gold from January, 1865, down to January, 1874:

Date.	Price.	Difference per cent.		Date.	Price.	Difference per cent.	
1865—January	234⅛	....	....	1869—December	119¼	Fall	24⅛
May	128⅜	Fall	106	1870—January	123⅛	Rise	4
October	149	Rise	20⅛	March	110¼	Fall	13
1866—March	136½	Fall	12¼	July	122⅜	Rise	12⅛
April	125	Fall	11½	November	110¼	Fall	12⅛
May	141½	Rise	16⅜	1871—September	115⅝	Rise	5⅜
June	167⅞	Rise	26⅜	December	108⅜	Fall	7
September	143½	Fall	24½	1872—August	115⅝	Rise	7¼
December	131½	Fall	12	December	111⅜	Fall	4⅛
1867—September	146⅜	Rise	15½	1873—April	119¼	Rise	7⅜
December	133	Fall	13⅜	September	114	Fall	5⅛
1868—August	150	Rise	17	October	108	Fall	6
November	132⅜	Fall	17⅞	1874—January	111	Rise	3
1869—May	144⅛	Rise	12⅜				

Thus it will be seen that the price of gold has been on a sliding scale downward from 1865 to the present day, and during the crisis, and during the issuance of a portion of the reserve of greenbacks, it has been lower than at any time since the date first mentioned. By examining this table you will find that the variations in the price of gold are not regulated by the amount of currency in any way whatever, but are regulated by the time of payment of duties and interest and according to the bulls and bears of New York, without any reference whatever to the greenbacks or the currency, the amount great or small.

Now, sir, I desire to call the attention of Senators who are opposed to the theory of a moderate increase, and who speak of us as trying to do that which will injure the country, to a few facts. Look back over the past ten years and tell me when in the history of our country it has advanced more in all the elements of wealth and prosperity, even with that paper currency which some Senators on this floor are so anxious to get clear of, and which they now denounce as "failed paper," "irredeemable currency," "a lie upon its face," &c. The difference between it and gold, although occasionally changing fortunes between the pockets of the bulls and bears of Wall street, has not checked the onward march of improvement in the nation; and despite all the tilts against it by the knights of the exchange, the farmers of the West have been expanding their fields and replacing their log cabins with tasteful cottages and comfortable dwellings. Hume, who I suppose will be considered pretty good authority, long ago remarked in reference to a corresponding state of things in England to that which exists here at the present time, that—

> In every kingdom, in which money begins to flow in greater abundance than formerly, everything takes a new face; labor and industry gain life, the merchant becomes more enterprising, the manufacturer more skillful and diligent, and even the farmer follows his plow with greater alacrity and attention. * * * But when currency is diminishing, the workman has not the same employment from the manufacturer and merchant, though he pays the same price for everything in the market. The farmer cannot dispose of his corn and cattle, and other products of his labor. The poverty, begging, and the sloth that must ensue are easily foreseen.

Hume was speaking in reference to England when she made the attempt, which some Senators are now desirous that we should make, of a return to specie payments by force of law.

The Senator from Missouri, [Mr. SCHURZ,] if I understood him rightly, argued that an increase of currency would work injuriously to the farmers of the West; that a difference between the circulating medium and gold bore hard upon them. Now let us compare facts and figures with theory and see whether they tally.

The State of Illinois has in ten years increased the value of its real and personal estate, in round numbers, from $872,000,000 to $2,122,000,000. And Missouri, although groaning under a "redundant currency," which her Senator wishes to remove, in the same time has increased her real and personal estate from five hundred and one millions to twelve hundred and eighty-five millions; Indiana from five hundred and twenty-nine to twelve hundred and sixty-eight millions; and Massachusetts from eight hundred and fifteen to twenty-one hundred and thirty-two millions. Nor has the increase been less rapid in the manufacturing interests alone; the total value of the products of this branch of industry in Illinois running up, during the same period, from $57,000,000 to $205,000,000; while those of the whole country have been swelled from eighteen hundred and eighty-six millions to the enormous sum of forty-two hundred and thirty-two millions; and those of Missouri, despite the theory of her Senator, have increased fivefold—from forty-two to two hundred and six millions; and even Massachusetts has doubled her score, rising from two hundred and fifty-five to five hundred and fifty-three millions.

In order to verify the statements I make here, I introduce the following tables of the growth of the United States, and some of the States, in the value of real and personal property, of farms, and of manufactured products. Of course Senators have all examined the census report, and it is not necessary to read the figures for their benefit, but I will read them merely for the purpose of hearing them myself. [Laughter.]

Comparison of real and personal estate in 1860 *and* 1870.

	Total real and personal estate in 1860.	Total real and personal estate in 1870.
United States	$16,159,616,068	$30,068,518,507
Illinois	871,860,282	2,121,680,579
Indiana	528,835,371	1,268,180,543
Massachusetts	815,237,433	2,132,148,741
Missouri	501,214,398	1,284,922,897
Pennsylvania	1,416,501,818	3,808,340,112
Wisconsin	273,671,668	702,307,329
Michigan	257,163,983	719,208,118

Manufactured products.

	1860.	1870.
United States	$1,885,861,676	$4,232,325,448
Illinois	57,580,886	205,620,679
Indiana	42,803,469	108,617,274
Massachusetts	255,545,922	553,912,568
Missouri	41,782,731	206,213,422
Pennsylvania	290,121,188	711,894,342

Number of acres improved.

	1860.	1870.
United States	163,110,720	188,921,099
Indiana	3,242,183	10,104,279
Illinois	13,096,374	19,329,952
Missouri	6,246,871	9,130,615
Michigan	3,476,296	5,096,939
Wisconsin	3,746,167	5,899,343

Cash value of farms.

	1860.	1870.
United States	$6,645,045,007	$9,262,803,861
Indiana	356,712,175	634,804,189
Illinois	408,944,033	920,506,346
Missouri	230,632,126	392,908,047
Michigan	160,836,495	398,240,578
Wisconsin	131,117,164	300,414,064

Is this, sir, one of the evil effects of what is called by the Senator from Missouri a redundant paper currency? If it is, I earnestly hope it may continue. Sir, the broad prairies, dotted as they are with pleasant homes, which have sprung into existence within the last ten years, present a living and direct contradiction to the theory of that honorable Senator. Strange as it may appear, yet it is true, that notwithstanding all these facts, we see Senators so wedded to a theory, that they strive with all their powers of argument and oratory to convince us that this paper currency is fraught with danger to the business of the country, and in their speeches in favor of specie payment refer to England, with her thirty-two millions of population and what they estimate at six hundred millions of currency, as having a larger volume of commerce than we have. Admit this to be true for the sake of the argument, although I shall prove the contrary before I am through, will the gentlemen extend the comparison to the effect also upon the people? Will they draw the parallel between the laboring classes—the producers of that country—with the same classes in this country? Are they willing, with the adoption of that financial system, to see our laboring classes reduced to an average of two shillings per day? If they are in favor of bringing about such a condition of affairs in our country, the method they propose is most assuredly the one to effect their purpose. I prefer to see the day of specie payment postponed as long here as it was in England at the commencement of the present century, rather than to see this state of things brought about in our country. Already the cry of the hungry laborer is rolling up from our cities—but the preliminary mutterings, I fear, of the coming storm which may soon burst upon us with all its fury, unless the stringency of the times be soon relieved. It calls to mind the result of English policy which gentlemen so strongly recommend to us—the fearful bread riots of her cities. I prefer to see the prosperity which we have had since the war under republican rule and an "irredeemable" paper currency (so called) continue, than to see the business of our country prostrated and our laborers reduced to beggars to carry out a theory. While I desire to protect the interests of all, yet my first and great object is to relieve the great mass of our people so far as possible of the burdens which press upon them in consequence of the present state of monetary affairs.

As reference is made to England by Senators who favor contraction and oppose any expansion, let us see what has been the condition of that country under the two systems. And for this purpose I quote from Bowen's American Political Economy, page 415, (first edition:)

> It was this depreciation of the currency which carried England triumphantly through the war, which enhanced rents and profits, gave unprecedented activity to manufactures and commerce, kept the laboring population employed, enabled the Government to raise enormous loans without difficulty, and made the people bear with *ease and cheerfulness* an amount of taxation which they can now hardly *contemplate* without *shuddering*.
>
> It is undeniable that, during the greater part of that period, (from 1793 to 1814,) the trade of the country was in a state of unexampled prosperity. In no twenty-two years of our history, of which we have authentic accounts, has there ever been so rapid an increase of production and consumption as in the twenty-two years ending with 1814. It is not going too far to say, that without the high prices of those years Wellington could not have driven the French out of Spain, or triumphed at Waterloo.
>
> The dark hour came when, after the close of the war, it was thought necessary to take measures to contract the currency, restore the former value of money, and submit to the consequent fall of prices.
>
> There was from 1814 to 1816 (a period of rapid contraction of the currency) a very general depression in prices of nearly all productions and in the value of all fixed property, entailing in consequence losses and failures among the agricultural, commercial, manufacturing, mining, shipping, and building interests, which marked that period as one of most extensive suffering and distress.

That is what Mr. Bowen says of the attempt to come to specie payments in 1814 and 1816 by the Parliament of Great Britain, after they had had unexampled prosperity for twenty-two years under what you call a depreciated currency.

Mr. MORTON. And that was by a law forcing it.

Mr. LOGAN. Yes, sir. Mr. Bowen says that great distress followed the attempt to come to specie payments after the unexampled prosperity of the preceding years. And yet statesmen here are not willing to profit by the experience of past ages and the experience of other Governments who have attempted the same thing that is being

attempted to-day. Will gentlemen stand by their own illustrations? Let them remember that this was not written to suit the present occasion, but years previous to the present panic.

I now propose to refer to some of the arguments which have been presented here in favor of resumption of specie payments, which I have not hitherto replied to specially.

The first to which I shall allude is that of the Senator from Missouri, [Mr. SCHURZ,] in regard to the moral obligation of the Government to redeem its greenbacks with gold. One would be led to think from his remarks that the holders of these bills are thundering at the door of the Treasury, appealing in tones of despair for their redemption, lest these notes should become in a few days worthless shinplasters on their hands. Now, Mr. President, with all due respect to the Senator, I must say that such a proposition, if uttered on the stump, would be considered an *ad captandum* argument, being an appeal to theory and hereditary prejudices, which no movement of the public mind or evidence obtained from our monetary affairs sustains. And, as has been well remarked by the Senator from Michigan, [Mr. FERRY,] the fact that in the very midst of the panic gold fell to 103 is incontrovertible evidence of public confidence in the character of the present currency—a confidence which one of the wildest panics of our history did not shake in the least.

The Senator from Missouri not only proceeds upon a gratuitous assumption which I do not think is warranted by the facts, but also upon a theory which is wholly incorrect. If I give you my note for $100, the legal presumption is that it is payable in legal money; but does it necessarily follow that there is no way of my discharging that debt, both legally and morally, without the payment of a single dollar in money? I may have a horse which you desire and willingly accept in full satisfaction of the note. Suppose the Government should offer to pay in convertible bonds for these greenbacks, would not every dollar thus paid, if willingly accepted by the holder, be a full satisfaction of the promise upon its face, with which no one has any right to complain if the purchaser of the bonds is satisfied with the transaction? Suppose a part of the duties on imports are made payable therewith, is not every dollar so paid in a fair and satisfactory redemption of it? I therefore say that the Senator's idea that the Government can only maintain her honor by paying out a dollar in gold for each dollar in greenbacks is erroneous. She will pay every dollar of it when it can be done without detriment to the Treasury or injury to her citizens; and that is what is meant by "as soon as practicable on her part," which the Senator from Ohio [Mr. SHERMAN] dwells on so much.

I therefore say the theory of the Senator from Missouri is erroneous; and if the theory is erroneous and the evidence to sustain it wanting, the finely wrought argumentative structure built upon it is of but little value.

In the speech made by the honorable Senator from Missouri there is another point to which I desire to call attention, and I quote his own words. In reply to the Senator from Indiana, [Mr. MORTON,] he said:

> The Senator must also be aware that the remedy vaunted by him as a certain cure has been amply applied. It has been applied in a greater measure than it was done in England in most, if not all—yes, I say in all—the instances that he quoted. The Secretary of the Treasury in September bought bonds to the amount of fourteen millions, and threw that amount of currency into the market. Since then the forty-four million reserve has been drawn upon to the amount of twenty-five millions, and those twenty-five millions have again been added to the currency. But not only that, all the other reserves of the Treasury Department have been exhausted, and that currency also is in the hands of the people.

Here he asserts that since the panic commenced about forty millions or more of money has been thrown into circulation. Now the Senator from Ohio [Mr. SHERMAN] tells us, if I correctly understood him, that money is plenty in New York and can be easily and reasonably obtained on good paper. It would seem, then, by putting these two statements together, that the cure the Senator from Indiana proposed has not failed in this case, so far as it has been applied, and that here the theory for which we are now contending is confirmed by the statements from the mouths of its opponents. Apply the medicine to the whole body of the patient, and we shall have a complete cure; but suppose this remedy so far had not been applied, what would be our present condition? Would our country not have been bankrupt?

The Senator from Missouri, [Mr. SCHURZ,] in his attempt to show that the amount of currency is sufficient to meet the demands of trade, says that the amount *per capita* in 1860 was $14.50, while the amount now is about $19. Now let us use his own figures by the correct test and see what the result will be. By reference to the census reports, we find that the amount of real and personal property was about $521 *per capita* in 1860, and $791 in 1870. If $521 of property in 1860 required $14.50 of currency, $791 at the same ratio would require $22, or a total circulation of over $840,000,000. I am very much obliged to the gentleman for his suggestion as to the basis upon which to arrive at the amount necessary to meet the present demands, as it confirms the position we have assumed, and refutes his own argument on this point. Although the amount of currency per head has been increased 28 per cent., yet it has not kept pace with the increase of property, which has advanced about 52 per cent. per head. According to the ratio that the Senator himself fixes, it would require $840,000,000 of currency to perform the office that was performed by the currency of the country in 1860.

Mr. SCHURZ. If the Senator will allow me, does he mean to say that I laid down the idea that the circulation of a country must increase in the same ratio that the value of its property increases?

Mr. LOGAN. Not at all. The Senator said that in 1860 the currency of the country amounted to $14.50 *per capita*, and now it is $19; and he argued from that that there was enough of currency in the country.

Mr. SCHURZ. If that principle were true, that the circulation necessary for the transaction of business in a country must increase at the same rate as the value of property increases in that same country, then I should think it would be very difficult to get together currency enough to transact the business of England at the present time.

Mr. LOGAN. It must have some relation to business, and it depends largely upon credits, confidence, extent of country, &c.; and the illustration of the Senator making it relative to population or business is as good a one as any, and therefore I use it for my purpose in this argument. It is not my fault if the Senator produces figures here that do not carry out his theory. I am only showing what he said. He, by way of a *per capita* argument, said that $14.50 per head in 1860 was the relation of the money to the people of the country. Then I say when you take money in its relation to the property which it represents, and not the people, it proves that you must have $22 a head, *per capita*. Now, if you make the ratio according to the property that the money represents, the Senator has supplied me with an argument that otherwise I might not have thought of.

One more allusion to the same speech and I will be through with it. The Senator, in alluding to the bearing of this question on the West, remarks as follows:

> But there is another aspect of the case. The economic interest of the West is mainly agricultural. The western people are, by overwhelming preponderance, a farming population. Their whole prosperity depends upon the successful and profitable cultivation of the soil. If it is true that the farmer, for all the necessaries he had to buy, had to pay prices blown up by our irredeemable and redundant currency, even far beyond the point to which the tariff alone would have driven them, while the prices of almost all the staples he had to sell were regulated by a foreign market, untouched by home inflation, governed by a specie measure of value, and exposed to the free competition of the world—if that is true, and I trust nobody will deny it, must it not be equally true that the farming interest, and through it the whole western country, will not only not be injured, but be vastly benefited, by a resumption of specie payments, which will greatly reduce the prices at which the farmer has to buy his necessaries, while not reducing, but greatly increasing, the purchasing power of the crops he produces and has to sell? And will not this immense advantage in fact vastly overbalance any possible amount of loss which might be suffered in consequence of temporary indebtedness, and which by prudent management may be made very small?

I must confess that I am somewhat astonished to hear such a remark as this fall from the honorable Senator. Does he not know full well that the rule he applies to the imported articles works in principle just the same with exported articles? Let me illustrate this, and I think I can make it plain. Suppose wheat at a gold standard is one dollar per bushel in New York, and that coffee at the same standard and same place is ten cents per pound, then one bushel of wheat will purchase ten pounds of coffee. Suppose currency by inflation, as the gentleman terms it and according to his theory, should depreciate until one dollar in gold equaled one dollar and a half in paper. Then one pound of coffee would cost fifteen cents in currency at New York. Now let me ask, what would prevent the farmer from still getting his one dollar in gold for his wheat, or a dollar and a half, its equivalent, in paper? And would not this still buy the ten pounds of coffee? What becomes, then, of the Senator's argument on this point?

Mr. President, the farmers in Illinois are too clear-headed, and I believe they are also in Missouri, to part with their wheat and other products on any such theory as his. They can count the per cent. *pro* and *con* just as well as you and I; and if the honorable Senator is no better financier in such matters in practice than he is in theory, I doubt very much whether any of them would appoint him as their agent.

You may theorize and argue to the farmers until you are hoarse, yet you will fail to get them to prefer low prices to high ones for their products. They know that one bushel of wheat at $1.25 in currency will buy one acre of Government land, while it takes two and a half bushels, at fifty cents, to purchase it, though it be in gold. They know that a dollar in paper, if legal-tender, will pay a dollar of taxes as well as a dollar in gold. They know well enough by experience that if you run down prices by lessening the currency to bring it to a par with gold, there will be no corresponding decrease in taxes, and salaries of county, State, and municipal officers, nor in the debts they owe. They know also that it will take as many dollars in gold, for every one of which they have to give their two bushels of wheat, to pay their county, city, town, and State debts, as it will dollars of paper, of which they can get $1.50 for each bushel of wheat. They know full well that, when their produce is thus reduced, their lands will be sold for their debts, and bought by those who held the money when it was thus transformed into gold. Sir, the farmers of the West are not blind to these facts, and all the fine-spun theories of contractionists will fail to delude them into this idea. They may have been led by their county and State officers to indorse and enter into schemes which involved them more than was prudent, because money was somewhat plentiful, but they have grown prosperous under it, and have opened the way to market for their products; and the result of the attempt to return to specie payment, except by natural course of trade, would be to give all their hard earnings into the hands of

railroad and other corporations, as well as money-lenders, to whom they may be indebted.

The Senator from Missouri and the Senator from Ohio, if I understood them rightly, both took the position and argued that reducing the currency until it reaches the specie standard will reduce the rate of interest. This, Mr. President, appears to me to be a very singular argument. It is equivalent to saying that if you reduce the quantity of wheat and flour in market the price will fall; that when the supply of cotton is reduced to a minimum the price will be a minimum, and all cotton goods will reach the lowest rate. In other words, it is equivalent to saying that there is no relation between the price and supply or demand, or, if there is, that it is contrary to what has always been accepted as true heretofore. I believe that it has always been accepted as a true theory, before the present debate began, that the relation of the supply to the demand governed the rate of interest where not arbitrarily fixed by law. And in this matter it seems to me that the contractionists are, unconsciously of course, blowing both hot and cold. For if, as most of them argue, by withdrawing part of the currency the want of more money will cause gold to flow in, it certainly must be because it brings a better price than previous to the withdrawal.

Now, gentlemen, it is hardly fair to claim both sides of this question; both conclusions cannot be true. If decreasing the currency causes gold to flow in, it must be because it finds a better market and brings a better price than before, and, as a matter of course, a higher rate of interest. Why did the rate of interest run up so high in eastern cities during the panic, if it was not because of the amount withdrawn from circulation. Why is the rate easier now in New York, as the Senator from Ohio says, and 2 per cent. a month in other places? Simply because money has been flowing into New York, and withdrawn from the others. It is because there is more money, and not because there is less, according to the argument of the Senator himself. He says the rate of interest is lower in New York now than it was a short time ago. Why? Not because your money is reduced, but because your money is increased; because the supply has reached the demand in that city. In the same way you may apply the rule to anything else. In New York interest is low; in other places it is high. In the West, in some places, our people are paying 2 per cent. a month interest, simply because money has been flowing into New York and withdrawn from other places.

This, sir, is too plain a proposition for all the rhetoric of the Senator from Missouri or the earnest eloquence of the Senator from Ohio to overcome. Local influences and other temporary causes may affect the rate of interest for a time; but, as a general rule, which is applicable everywhere, the rate of interest will be at a healthy normal standard when the supply of currency is properly proportioned to the demands of trade; when the supply is greatly below the demand the rate must be high, and when the supply is greatly in excess of the demand the rate will be high on account of speculation; but this is not our case at the present. Therefore it is this proper supply that we want, which, basing our calculation on the figures furnished by the Senator from Missouri, is between eight hundred and eight hundred and fifty million dollars, which is the supply that should be in active circulation.

Before closing, I desire to present other statistics which I think should assist us in arriving at a proper conclusion on this subject, and I will begin by calling attention to a statement made a few days ago by the Senator from Ohio, [Mr. SHERMAN,] and I will quote his language. When I say that I appeal to statistics, I want to do it with this understanding before the Senate, that I do not believe there is a man in this Senate, with all his genius and power, who can get a correct statement as to the circulation in England outside of the bank circulation. I searched and delved in every book in reference to it, and I could not find anything that is certainly reliable. But we can approximate to it, and that is all we can do. The statistics that I will produce are as near correct as any that can be produced, and I will give the authorities upon which I base my statement. I have them here. In a colloquy between the Senator from Ohio [Mr. SHERMAN] and the Senator from Michigan, [Mr. FERRY,] this was said:

Mr. SHERMAN. I desire to correct, now while the Senator is upon this point, the statement I see in the debate made yesterday by my friend from Michigan, [Mr. FERRY.] It is true that France, before the Germanic war, had $700,000,000 of currency distributed among the people.

Mr. MORTON. Of coin.

Mr. SHERMAN. Gold and silver—mostly silver. He stated also that now it had the same gold in circulation, and $600,000,000 of paper money. It has about $700,000,000 of paper money—that is 3,500,000,000 francs; but it has very little silver and gold. Nearly all the specie in France has gone to Germany to pay the expenses of the war and the large, enormous levy put upon France by the German government.

Mr. FERRY, of Michigan. If the Senator will allow me I will call his attention to the fact that the premium on the currency in France is but one-half of 1 per cent. It seems to me that controverts the position taken by the Senator.

Mr. SHERMAN. I shall endeavor to show in a day or two that we can learn a great deal from France. France maintains now, at or about the par of gold, $700,000,000 of paper money; and if we do precisely what France is doing to-day, give to our paper money the qualities that are conferred by law in France, we shall do what I propose to do at least toward the resumption of specie payments.

This was the statement of the Senator who is chairman of the Finance Committee a few days ago, in reply to the Senator from Indiana and the Senator from Michigan, that France had seven hundred millions of paper currency in circulation, and had very little silver or gold. Now, let us see whether it is so or not. In answer to this I will quote a statement of an eminent French authority on matters of finance and currency, as given by an advocate of specie payments in the North American Review, January, 1874, and I have the authority from which he quotes here before me in a French magazine—Revue des Deux Mondes, November 1, 1873. I have compared it. Any gentleman who reads French may make a comparison. I admit that I do not read it very well, but I can read it sufficiently to understand it, and I have had it compared by scholars who do translate perfectly.

Mr. SCHURZ. I have seen the article.

Mr. LOGAN. You have seen the article. Very well; I suppose you have read it, then. M. Bonnet, however, is said to be good authority on the currency question.

M. Victor Bonnet, an eminent French authority in matters of currency and finance, in an article in the Revue des Deux Mondes for November 1, states the amount of silver coin in circulation in France and in its mint to be $300,000,000, while the coinage of this metal is going on at the rate of $25,000,000 annually. The gold coin in circulation he estimates at $800,000,000, making a total metallic currency for that country of $1,100,000,000; and that, too, after the payment of the German indemnity of $1,000,000,000. The bids for the loan of $750,000,000 brought out in France in the summer of 1872 equaled $8,000,000,000, a sum very nearly four times the amount of the public debt of the United States. These figures should qualify our conceit a little when our country and its resources are the theme.

M. Bonnet also states that the silver coin in circulation in Germany equals $480,000,000, while its recent gold coinage (largely drawn from the French payment) amounts to $296,000,000. In England the amount of coin in circulation outside of the Bank of England, which holds $100,000,000, is estimated at $500,000,000. We shall need at least an equal sum. The amount now held in this country, in all hands, cannot exceed $150,000,000. We must accumulate, therefore, an additional sum of $350,000,000 before we can safely attempt a final resumption.—*North American Review*, January, 1874, page 138.

The gold in circulation in France he estimates at $800,000,000——

Mr. MORTON. What is the date of that estimate?

Mr. LOGAN. The 1st of November, 1873.

Making a total metallic currency for the country of $1,100,000,000.

In France in the summer of 1872 the bids offered for the loan to France amounted to $8,000,000,000, a sum nearly four times the public debt of the United States. I will show before I am through, by authority that you will not dispute, that you, gentlemen, are mistaken. He says that $300,000,000 of silver was in France and $800,000,000 of gold in November, 1873. "O, but," say some, "they paid the indemnity out of that." No, sir; this authority states expressly that this estimate is since the indemnity was paid, making $1,100,000,000 of specie in France and $700,000,000 of currency, according to the statement by the Senator from Ohio, [Mr. SHERMAN,] in which, I think, the Senator was in excess by $100,000,000. And yet he (the Senator from Ohio) says there was very little silver or gold in France.

I am not done with this authority. He further gives the amount in Germany and in England.

Now, to show you that there cannot be very much of a mistake, I will quote from another authority; and I read from an article published by Henry Carey Baird, based on the statistics of the French writers in reference to currency. Here is his statement:

In France you will find a country with probably more nearly an adequate supply of currency than any other in the world—$600,000,000 of Bank of France notes and not less than $700,000,000 of gold and silver coin. The private deposits in the bank are now but $45,000,000, and the business of the country is largely done for cash.

Mr. Carey comes within $100,000,000 of the Senator from Ohio. He says France has $600,000,000 in bank-note circulation, and that it has $700,000,000 of gold and silver. That would be $1,300,000,000 at the lowest estimate, putting the estimate of bank-notes at $100,000,000 less than the Senator from Ohio estimated the currency of France.

Mr. MORTON. And that without silver.

Mr. LOGAN. No; "metallic currency." "And the private deposits in the bank are $45,000,000 besides."

Now, to show you——

Mr. SCHURZ. The amount of bank currency in France at the present moment I can give some reliable information upon, because I have seen the papers that arrived here by the last mail. It is 2,900,000,000 francs—not quite $600,000,000.

Mr. LOGAN. I am sorry the rest of us did not get the last mail from France; but even this is about the amount given by Mr. Baird; but I do not want to quote from any poor authorities; I do not intend to quote from myself or my knowledge; but I know the Senator from Ohio will allow me to quote from him. The Senator from Ohio intimated very clearly—and he not only intimated but he said—that the reason the gold and silver was in small amount in France was because it was taken out of France to pay the indemnity.

Mr. SHERMAN. A portion of it.

Mr. LOGAN. Well, we will look at the authority of Thiers. I will read from his speech of November 11, 1872. He said that "the whole available capital of the commercial world has been offered to France." Speaking of this indemnity—

Seventeen hundred and fifty million francs have been realized in three months. The government commenced operations with 1,400,000,000 francs to 1,500,000,000 francs in bills of all countries on Germany and Prussia.

France commenced with that much, mark you, of bills of Prussia already in her hands when she commenced paying the indemnity.

Prussia had already received 800,000,000 francs, and will receive 200,000,000 francs more in December. The government would have 600,000,000 francs remaining in bills for the next payment.

Bills of Prussia! Speaking of the position of the Bank of France, M. Thiers said:

The bank has 800,000,000 francs in gold and silver in hand, and 44,000,000 francs of bar gold and 50,000,000 francs in gold and silver belonging to the state.

My friend from Ohio says that there is very little gold and silver in France; but, according to M. Thiers, then President of France, they had 800,000,000 francs in gold coin, and 44,000,000 francs in bar gold, and 50,000,000 francs belonging to the state in the Bank of France, after paying this indemnity to Germany—in the bank, not in circulation among the people, but as a reserve there, showing that that gold was held in the bank besides the gold and silver that were out among the people in circulation.

Mr. SHERMAN. I ask the Senator, if he wishes to be correct, exactly to state how much of the indemnity had been paid at that time. The indemnity was paid by installments.

Mr. LOGAN. M. Thiers says 800,000,000 francs, and that 1,750,000,000 francs had been received by France for the payment to Prussia.

Mr. SHERMAN. That was only one portion of the indemnity.

Mr. LOGAN. I understand that; but I am showing that at the time the first payment was made they still had that reserve; and then he says beside this—the Senator did not hear me—that they have 600,000,000 francs of bills already in hand against Prussia to pay the next portion, besides this gold in the bank.

Mr. SHERMAN. No doubt that is true.

Mr. LOGAN. That shows that the payment to Germany did not drain the gold out of France, but it was paid by bills on Prussia, the first 800,000,000 francs, and then the 600,000,000 francs which were to be paid next they already had in hand. I think it is good authority. I take it from the American Annual Encyclopædia for 1872. And yet gentlemen say there is no specie money there. Why, sir, I tell you statistics are very curious things in this Senate Chamber. Some would have it go to the country that there is no gold or silver in France; and that is put forth by the highest authority here in the Senate, when the very contrary is proven by all the authorities that are on the subject.

Now, sir, I will go further with this to show the condition of things as near as I can; and I do not know how near I shall come to doing it, but I will do my best. The Senator from Ohio would take France as his model. We see that France has a specie circulation of $1,100,000,000. If we add to this the paper circulation of $700,000,000, as stated by himself, which is $100,000,000 more than Mr. Baird gives it, it makes eighteen hundred millions of money in France. But take Mr. Baird's statement, which is $100,000,000 less, and his gold and silver is $400,000,000 less than Mr. Bonnet makes it. Then, according to the smallest statements that you have from the statistical statements, France has $1,300,000,000 circulation of paper and gold and silver coin; and the highest estimate makes it $1,800,000,000.

Now the population of France according to the census of 1872* was 36,102,921; therefore, according to these estimates, the circulation was fifty dollars *per capita*, or a little over two and a half times that of the United States, according to Mr. Bonnet. But for fear these figures, although from the highest authority accessible, would be disputed, I have given an estimate from the other authority, Mr. Baird, which I have just read. This gives a total of $1,300,000,000, although estimating the paper $100,000,000 less than the Senator from Ohio; showing a circulation of over thirty-six dollars *per capita* in France.

I am inclined from these figures to think the Senator has made an unfortunate reference for his theory; for here we see that the very country which he selects as his model has, even at the lowest estimate, 80 per cent. more money per head than we are now asking as our extreme limit.

Mr. FERRY, of Michigan. I would ask the Senator in that connection to call the attention of the country to the fact, which is corroborative of the position he takes in regard to the relative amount of coin to currency, that gold in France is but one-half of 1 per cent. premium under suspension.

Mr. MORTON. And in general circulation to-day.

Mr. LOGAN. That is true.

I will, in reference to the same country, make a comparison of her imports of the precious metals with her exports. For the purpose of showing that those gentlemen who talk about the small amount of hard currency in France must be mistaken, I will appeal again to the same authority, which cannot be disputed. I refer to the American Encyclopædia, 1872, page 316. It shows that the imports of the precious metals into France from 1865 to 1868 averaged per annum $129,400,000 in gold, in 1868 and 1869 they averaged $156,200,000, and her exports averaged fifty-two millions up to 1868 and seventy-four millions in 1869. This shows an increase in these five years to her receipts, in gold, of $387,800,000, increasing at that ratio, from this country and others producing gold. And yet with this vast amount of money on hand we find that France, with all its accumulated wealth, with all this money, in 1872 negotiated a loan from England for $800,000,000. In reference to the loan you may consult the American Encyclopædia for 1873, page 361.

Now, let us see how the case stands in Great Britain, in regard to which so much has been said. In December, 1872, the amount of bullion and notes of the Bank of England stood as follows, (estimating the pound at five dollars:) bullion, $112,259,000; notes in circulation, $122,053,000; notes reserved, $65,206,000. Now add to this the $500,000,000 coin in circulation outside of the bank, and we have a total of $799,518,000; or, in round numbers, $800,000,000 of money, without including the paper circulation of any other of the banks of England, Ireland, or Scotland. The population of the United Kingdom, according to the British census of April, 1871, was 31,817,108. Therefore, the amount of currency *per capita* is a little over twenty-five dollars, or 10 per cent. more than our highest demand.

Now, since gentlemen appeal to these countries as patterns of good finance, I ask whether they are willing to follow the patterns?

But before leaving English finance, I wish to show that even there money rates are liable to considerable fluctuations.

The numerous negotiations and enterprises of the year were accompanied by frequent fluctuations and panics, whereby the rates of interest were at one time over 7 per cent., while at other periods the rate was reduced to 3 per cent.—*American Encyclopædia*, 1873, page 361.

This tells its own story, and needs no comment.

By reference to a table now before me, I see that between September 26 and October 10, 1872, $17,847,000 were drawn from the bank reserves, showing large fluctuations, even in times of a healthy financial condition.

Now, if the Senate will pardon me, I will give some figures showing the respective amounts of money in the United States, Germany, France, and England, or rather the approximate amount, because I do not believe any man can give the exact amount. I do not believe the gentlemen who deal in such figures can give them more accurately than I can myself.

United States.

Greenbacks	$350,000,000
National-bank notes	300,000,000
Reserve	44,000,000
Fractional currency	50,000,000
Gold and silver	125,000,000
Total	869,000,000
Deduct gold and paper reserves	200,000,000
Total actual circulation	669,000,000

Amount of money *per capita*, $21.72; amount of circulation *per capita*, $16.72.

England.

Bullion in Bank of England	$112,259,000
Notes of the bank, (including reserves)	187,259,000
Notes of other banks in circulation	85,425,000
Coin admitted to be in circulation	500,000,000
Total amount of money	884,943,000
Deduct reserves	112,259,000
Total circulation	772,684,000

Population April, 1871, 31,817,108; amount of money *per capita*, $27.80; amount of circulation *per capita*, $24.28.
(American Annual Encyclopædia, 1872.)

Germany.

Bank circulation	$315,000,000
Cash reserves	205,000,000
Coin in circulation	776,000,000
Total amount of money	1,296,000,000
Reserve	205,000,000
Total amount in circulation	1,091,000,000

(Bagehot's Lombard Street; North American Review, January, 1874.)
Population, (including Alsace and Lorraine,) 41,058,196; amount of money *per capita*, $31.56; amount of circulation *per capita*, $26.60.
(American Annual Encyclopædia, 1872.)

France.

Circulation of the Bank of France	$550,000,000
Coin and bullion on hand	160,000,000
Gold and silver as given by Bonnet, (deducting that in bank)	940,000,000
Total	1,650,000,000
Amount of gold and silver as per Baird, (deducting amount in bank,)	540,000,000
Total amount, as per Baird	1,250,000,000

Population, (exclusive of Alsace and Lorraine,) 36,102,921; amount of money *per capita*, first estimate, $45.70; amount of money *per capita*, second estimate, $34.62.*
(Bagehot's Lombard Street; North American Review, January, 1874; Revue des Deux Mondes, November 1, 1873.)

Mr. SCHURZ. How does the Senator make out that France has a circulation of $31.56 per head.

Mr. LOGAN. I make up the amount I give from the estimates from these books before me, (North American Review, January, 1874, and Bagehot's Lombard Street,) which are held to be good authority, and from the estimate given by this French writer, (Bonnet, Revue des Deux Mondes, November 1, 1873.) Take the Bank of France; by dividing the estimates between the different ones as best I can, and they have $1,650,000,000 in that country. Take it at the least estimate, and it gives $34.62 per head.

These figures show the incorrectness of the statement of the chairman of the Finance Committee the other day, that we have more money per head and per amount of business in this country than any other country in the world. The figures of the best financial writers in this and foreign countries contradict that statement; and with these writers the Senator may settle the question. I only appeal to them for my facts, and my facts coming from them controvert the assertion made by the Senator, that we have more money here than they have in any other country in the world. Sir, we have less

* American Encyclopædia, 1872, page 315.

* The second estimate of coin brings it down nearly to that of England, and below Germany, and therefore cannot be far wrong; it is the lowest to be found.

money; we have always had less money; and that is the trouble in our country to-day, and has been the trouble, and will be the trouble, until we make some decided change in our system.

Now, Mr. President, suppose you take the eight or nearly nine hundred millions of money in England to her thirty-one million of population, circumscribed in her limits, and living almost clustered as if in a city, and with one great city containing almost one-tenth of the population of the entire kingdom, with every sort of facility for business. The result is that they certainly can do business on a much cheaper scale, and much easier, than it can be done in a wide-spread country like this, where we are so far separated in our business relations, our banks, and our great moneyed centers.

Some Senators in their argument said that the Bank of England notes were good everywhere in the civilized world. I agree to that. Hence they say we desire our notes shall be made equally good. How will you make them equally good? Sir, if they were worth the par of gold to-day they would not be as good. Why? Because the settling of balances would not be done in this country. Our notes would not flow back to us as the Bank of England notes do to London. London is the grand exchange for the civilized nations of the earth. It is the great settling place of balances. Hence the notes of the Bank of England, no matter where scattered on the face of the broad earth, seek London, like water seeks its level. Whenever we stand in the same relation to the world as they do we may look forward to this condition of things, and not till then.

Mr. SCHURZ. May I suggest to the Senator that the balance of trade has been usually against England from time immemorial?

Mr. LOGAN. It has, perhaps, usually.

Mr. SCHURZ. Yes, sir; always.

Mr. LOGAN. The Senator and I do not understand this alike, perhaps. That is the only difference; call it balance of exchange, or whatever you please; London is the great exchange market of the world. I may not be as apt in terms as my friend, but I believe I can equally understand a proposition.

Now, sir, I will say this to the Senator. Perhaps it is a thing he does not know. It will be strange if I shall give him some information. You talk about the notes of England. When you say "the Bank of England" do you mean just the Bank of England alone, or do you mean the banks of England—that their notes are good all over the world?

Mr. SCHURZ. The Senator ought to have addressed that question to the gentleman who introduced "the Bank of England" into this debate. I did not.

Mr. LOGAN. I will address it to him.

Mr. SCHURZ. When I say "the Bank of England" I mean the Bank of England; and when I say "the banks of England" I certainly mean the banks of England.

Mr. LOGAN. That is it; I understand it. [Laughter.] The idea I want to get at I will state. It is a very strange thing to me, but perhaps the financial philosophy of some of these men can solve it—I cannot—that the Bank of England notes are not only good at home but abroad, while the notes of the banks of the balance of the kingdom, that pay gold every day for their bank-notes, are at a discount in London to-day. How is that? Why is that? And yet you say ours can be made par all over the world.

Mr. SHERMAN. I think I can answer that.

Mr. LOGAN. I will yield; I am seeking information.

Mr. SHERMAN. The banks of Ireland and Scotland are joint-stock banks. Their notes are payable in Bank of England notes. The Bank of England note itself is secured by the securities of the government of Great Britain and by gold and silver. Every Bank of England note represents so much government securities or so much gold and silver bullion. The Bank of England note is nothing but a certificate of the existence of so much gold to be paid to the person who presents it, and therefore it goes all over the world.

Mr. LOGAN. I understood that before, [laughter,] and that is correct so far. But the proposition is this: why other banks of England, Ireland, and Scotland, which redeem in specie, are not good outside of their own localities. If not, how will you make ours good outside of our locality or country? Take the Bank of Dublin, for instance.

Mr. SHERMAN. I think the Bank of Dublin is a joint-stock bank; but it may have been organized differently.

Mr. MORTON. I would suggest to the Senator that that could make no difference, as they redeem their notes in gold.

Mr. LOGAN. Of course, if it is the same basis, it makes no difference. The point is this: the banks of Scotland and the banks of Ireland, whether joint-stock banks or not, are based on gold and pay specie for their notes at their counters; but there is not a note of a bank in Ireland or Scotland to-day but what is at a discount at the counter of the Bank of England. I should like some man to tell me how it is that you expect our money is going to be equal to gold all over the world when the notes of the banks of the kingdom of Great Britain itself are not good at their own counters, except at ¼ per cent., and sometimes 1 and sometimes 1½ per cent. discount. No, sir; it is something more than merely paying gold or silver that makes paper money good all over the world.

Mr. President, there was a point made here the other day by the Senator from Indiana [Mr. MORTON] that I looked upon as a grand point in this discussion; but it was lightly waved off by a mere wave of the hand in a rather majestic and easy style and manner, as though it had no force in it. He said that—

> In England and those countries a bank dotted the country at every five-mile post almost, and there exchanges could be made, and people were not troubled. The differences between banks could be settled, the balances could be settled every day, and there was no difficulty about exchanges and discounts with the people; they were so convenient.

I take that as a grand fact and a good point. But yet in that country, as I said, confined in its limits, narrow in compass, with a bank at every corner and every place to do the business of the community, with almost a tenth of the population of the kingdom together in one city, it has more money *per capita* than we have to-day in this country that stretches its thousands of miles from ocean to ocean and from lakes to gulf, and is spanned by railroads only in certain portions, when travel in other parts is slow, by stage-coach or by steamboat. I do say that to transact the business between banks, between cities, between commercial communities and between business men, it requires a greater volume of currency for a sparsely settled country and a wide-spread country than it does where the people are clustered closely together.

I do not see how people can misunderstand that. I do not see how an argument of that kind made by a Senator is viewed as though it amounted to nothing. It does amount to something; and it amounts to a great deal. I have seen the effect of it myself. In Chicago, at the time of the panic, when commercial paper would not do, when you had to wait for the express to come from New York to Chicago to bring currency to keep a bank from going under, the hour when the clearing-house would close was noticed just as the breathing of a dying man. Suppose when you stretch further out, and you have to depend upon a great commercial center in a crisis like this, five minutes sometimes destroys a bank or a banking institution if it cannot pass the clearing-house at the very moment.

And yet men will argue that this makes no difference. It does make a difference. The currency of a country wide-spread like this should be so far beyond that which is in reserve and held back as to transact the business of the country in connection with the commercial paper and credit of all kinds used, and should be at least distributed in the different parts of the country so as to relieve the wants and necessities of trade.

From these facts, Mr. President, which I have obtained from the best sources at hand, the following conclusions are clear to my mind:

First. That assuming gold as a standard of value gives no assurance that the value affixed to the unit will remain fixed and permanent; because, possessing no power of contraction or expansion, it cannot adapt itself to the increasing or decreasing wants of commerce; therefore this relation can only be established by change in price of the products of trade.

Second. That there is a certain relation between the volume of currency to the amount of commerce and business which cannot be reduced without financial disaster.

Third. That the amount of gold in this country, which at the highest estimate does not exceed $150,000,000, is wholly inadequate to afford a sufficient medium of exchange.

Fourth. That an attempt to resume specie payment must inevitably bring financial ruin upon the country.

Fifth. That the examples afforded by other enlightened nations, and the experience of our own country, make it clear that the volume of currency in circulation in this country sufficient to meet the wants of trade, should be at least $800,000,000.

And therefore I give it as my firm conviction, after a somewhat careful study of the subject, that there should be a moderate increase in the amount of currency, and that it is the duty of Congress to inaugurate some measure looking to this end.

I shall therefore vote for the resolution of the Senator from Michigan, [Mr. FERRY,] in place of the resolution reported by the chairman of the Committee on Finance.

In order to reach this end, which I think the country needs, I would, if it were left to me, (not being a member of the Committee on Finance, of course it is not in my power to have anything to do with the bringing in of bills,) increase the circulation of the national banks by a distribution to the portions of the country that are to-day deprived of it and by that deprivation are imposed on improperly. I would first increase it to the volume I mention, $800,000,000, make the national-bank currency and the greenbacks assimilate in amount, $400,000,000 of each, inasmuch as national-bank notes are redeemable by United States notes, which will require a very small issue, and give the surplus to the portions of the country that to-day have not the amount which they ought to have according to the equality that ought to exist between the business classes of the different sections of the country. In addition to that I would, as soon as practicable—and I believe it can be done very soon—introduce the system of free banking. I would so regulate it and so guard it that every man holding a bill would be just as well secured as he is to-day holding the bill of a national bank or a United States currency note. I would place it upon a proper and safe basis, the bonds of the Government, and then I would let the necessities of trade and commerce regulate the standard of the currency of the country.

Mr. President, these are the conclusions at which I have arrived. Although I confess my inability to do justice to the subject, yet I have never, in the course of my life, more thoroughly devoted myself to the consideration of any question than I have during the past two weeks, when not engaged in the Senate, to the subject now before the Congress of the United States.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, inclosing a letter of the Adjutant-General in regard to the appropriations for collecting and paying bounties to colored soldiers; which was ordered to lie on the table, and be printed.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business; and after seven minutes spent in executive session the doors were reopened, and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 19, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at three minutes after twelve o'clock.

JOHN B. SLACK.

Mr. FRYE introduced a bill (H. R. No. 1233) for the relief of John B. Slack, late an acting third assistant engineer of the United States Navy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NANCY S. PRINCE.

Mr. BURLEIGH introduced a bill (H. R. No. 1234) granting a pension to Nancy S. Prince; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. BUGBEE.

Mr. PARKER, of New Hampshire, introduced a bill (H. R. No. 1235) granting a pension to Charles H. Bugbee, late a private in Company A, Third Regiment Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. D. WEAD.

Mr. HENDEE introduced a bill (H. R. No. 1236) to reimburse D. D. Wead, postmaster at Sheldon, Vermont, for stamps and money stolen from him December 31, 1873; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SURVIVORS OF THE WAR OF 1812.

Mr. STARKWEATHER introduced a bill (H. R. No. 1237) to amend "An act granting pensions to the survivors of the war of 1812 and to their widows," approved February 14, 1861; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

CURRENCY.

Mr. CLARKE, of New York, introduced a bill (H. R. No. 1238) to provide a currency of coin and paper of equal and uniform value throughout the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PENSIONS.

Mr. CLARKE, of New York, also introduced a bill (H. R. No. 1239) to authorize the same rate of pension to be paid to soldiers who have lost an arm above the elbow as is now allowed to those who have lost a leg above the knee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALCOHOLIC AND FERMENTED LIQUORS.

Mr. COX introduced a bill (H. R. No. 1240) to provide for the appointment of a commission on the subject of the alcoholic and fermented liquor traffic; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH V. CARTWRIGHT.

Mr. HATHORN introduced a bill (H. R. No. 1241) to restore to the pension-roll the name of Joseph V. Cartwright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REYNOLDS'S PATENT BRAKE FOR POWER-LOOMS.

Mr. SMART introduced a bill (H. R. No. 1242) for the extension of the patent known as Reynolds's patent brake for power-looms; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MILEAGE.

Mr. McDOUGALL introduced a bill (H. R. No. 1243) to abolish the system of mileage; which was read a first and second time, referred to the Committee on Mileage, and ordered to be printed.

BOUNTIES.

Mr. WARD, of New Jersey, introduced a bill (H. R. No. 1244) granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or have died by reason of such service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY D. WHARTON.

Mr. PACKER introduced a bill (H. R. No. 1245) for the relief of Henry D. Wharton, late commissary sergeant of the Forty-seventh Regiment Pennsylvania Veteran Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DEPARTMENT OF MANUFACTURES AND MINING.

Mr. BIERY introduced a bill (H. R. No. 1246) to establish at the seat of Government a department of manufactures and mining, and for other purposes; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

NATIONAL BANKS.

Mr. BIERY also introduced a bill (H. R. No. 1247) to amend the national-currency act so as to entitle national banks to circulating notes equal in amount to their bonds, and to allow them to substitute their present reserves by 3.65 per cent. currency bonds; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CONDEMNED ORDNANCE FOR MONUMENTS.

Mr. BIERY also introduced a bill (H. R. No. 1248) authorizing the Secretary of War to deliver condemned ordnance to the Soldiers' Monumental Association of Fuller Post, No. 74, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUBMARINE CABLE PRINTING TELEGRAPH.

Mr. NEGLEY introduced a bill (H. R. No. 1249) to incorporate the Submarine Printing Telegraph Company, and to promote and encourage telegraphic communication between America and foreign countries; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PURCHASE OF MONTICELLO.

Mr. SPEER introduced a bill (H. R. No. 1250) to authorize the purchase of Monticello, formerly the homestead of Thomas Jefferson; which was read a first and second time, and ordered to be printed.

Mr. SPEER. I ask that the bill be read in full.

The preamble to the bill states that the grave of Thomas Jefferson, the author of the Declaration of American Independence, has been wholly neglected by the United States, to which he gave the services of a long, useful, and patriotic life, and now remains unmarked by even a decent tombstone. The bill authorizes the President of the United States to contract for the purchase by the Government of the property known as Monticello, in the State of Virginia, formerly the homestead of Thomas Jefferson, and containing the grave in which he is buried; and provides that the President shall transmit his action in the premises, and a copy of any contract he may have made, to Congress at its next session; and further provides that no contract made or entered into under the provisions of the act shall be binding upon the United States until Congress shall have approved the same.

Mr. SPEER. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

JOHN JENKINS.

Mr. SHOEMAKER, of Pennsylvania, introduced a bill (H. R. No. 1251) for the relief of the heirs of John Jenkins, lieutenant in the revolutionary war; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

UNSTAMPED INSTRUMENTS.

Mr. SHOEMAKER, of Pennsylvania, also introduced a bill (H. R. No. 1252) to authorize collectors of internal revenue to affix stamps upon instruments and remit the penalties thereon; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF GEORGE FISHER.

Mr. ARCHER introduced a bill (H. R. No. 1253) for the relief of the heirs of George Fisher; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OCCOQUAN CREEK HARBOR, VIRGINIA.

Mr. SENER introduced a bill (H. R. No. 1254) making appropriation for the completion of the improvement of the Occoquan Creek Harbor, Virginia; which was read a first and second time, and referred to the Committee on Commerce.

BALTIMORE STEAM-PACKET COMPANY.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 1255) granting the right of way for a railroad from the wharf of the Baltimore Steam-Packet Company, at Old Point Comfort, Elizabeth City County, Virginia, to Mill Creek Bridge, in the same county; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PARK WHITTEMORE.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 1256) granting a pension to Park Whittemore, of Norfolk, Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHARINE KELLEY.

Mr. PLATT, of Virginia, also introduced a bill (H. R. No. 1257) granting a pension to Mrs. Catharine Kelley, of Portsmouth, Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACKSON T. SORRELLS.

Mr. VANCE introduced a bill (H. R. No. 1258) for the relief of Jackson T. Sorrells, mail contractor on the route from Asheville, North Carolina, to Franklin, North Carolina, in 1865; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM M. MOORE.

Mr. VANCE also introduced a bill (H. R. No. 1259) for the relief of William M. Moore, late captain Company G, Third North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM A. RUCKER.

Mr. VANCE also introduced a bill (H. R. No. 1260) for the relief of William A. Rucker, late second lieutenant Company B, Third Regiment North Carolina Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATHAN BASS.

Mr. COOK introduced a bill (H. R. No. 1261) for the relief of Nathan Bass, of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAINT PHILIP EPISCOPAL CHURCH, ATLANTA, GEORGIA.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 1262) for the relief of Saint Philip Episcopal church, at Atlanta, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS FOR SERVICES IN INDIAN WARS.

Mr. SLOSS introduced a bill (H. R. No. 1263) to grant pensions to officers and soldiers who served in any of the Indian wars and to the widows of such deceased officers and soldiers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN FLETCHER.

Mr. SLOSS also introduced a bill (H. R. No. 1264) for the relief of the heirs of Dr. Nathan Fletcher, of Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INTERNATIONAL EXCHANGE OF COTTON-SEED.

Mr. HAYS presented joint resolutions of the Legislature of Alabama, relative to the exchange of seed of the cotton-plant between this Government and that of the Khedive of Egypt; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PUBLIC LANDS FOR SCHOOLS IN ALABAMA.

Mr. HAYS introduced a bill (H. R. No. 1265) to grant to the State of Alabama all the public lands within the State remaining undisposed of, for the benefit of the free public-school fund of said State; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

AGRICULTURAL COLLEGES.

Mr. MOREY introduced a bill (H. R. No. 1266) to amend an act entitled "An act to amend the fifth section of an act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,'" approved July 2, 1862, so as to extend the time within which the provisions of said act shall be accepted and such colleges established; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

LAND TITLES, LIVINGSTON PARISH, LOUISIANA.

Mr. SYPHER introduced a bill (H. R. No. 1267) to relinquish the title of the United States to certain lands in the parish of Livingston, in the State of Louisiana; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE introduced a bill (H. R. No. 1268) relating to the commissioners of claims, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AGRICULTURAL STATISTICS.

Mr. LAWRENCE also introduced a bill (H. R. No. 1269) relating to agricultural statistics; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PENSIONS.

Mr. BUNDY introduced a bill (H. R. No. 1270) to amend an act entitled "An act granting pensions to certain soldiers of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

JOHN T. WATSON.

Mr. SAYLER, of Ohio, introduced a bill (H. R. No. 1271) for the relief of John T. Watson, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. G. COLLINS.

Mr. SAYLER, of Ohio, also introduced a bill (H. R. No. 1272) for the relief of A. G. Collins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANDAMUS PROCEEDINGS.

Mr. PARSONS introduced a bill (H. R. No. 1273) to regulate proceedings in *mandamus*; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHRISTIAN CHURCH, DANVILLE, KENTUCKY.

Mr. DURHAM introduced a bill (H. R. No. 1274) for the benefit of the Christian church in Danville, Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM D. BOYD.

Mr. YOUNG, of Kentucky, introduced a bill (H. R. No. 1275) granting a pension to William D. Boyd, of Johnson County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABANDONED PROPERTY, ETC.

Mr. BUTLER, of Tennessee, introduced a bill (H. R. No. 1276) to amend and extend the provision of an act entitled "An act to provide for the collection of abandoned property, and for the prevention of frauds in the insurrectionary States," &c., approved March 12, 1863; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. SEXTON.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 1277) granting a pension to George W. Sexton, of Tennessee, late private Company C, Second North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. NANCY JOHNSON, ADMINISTRATRIX.

Mr. BUTLER, of Tennessee, also introduced a bill (H. R. No. 1278) for the relief of Mrs. Nancy Johnson, administratrix of Abrahan Tipton, deceased, late postmaster at Elizabeth, Carter County, Tennessee; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FREE BANKING.

Mr. HUNTER introduced a bill (H. R. No. 1279) amending the national-banking law so as to provide for free banking, give better security to depositors, prevent usury, give elasticity to the currency, and place its finances on a more secure and substantial basis; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CHARLES M'CARTY.

Mr. HUNTER also introduced a bill (H. R. No. 1280) for the relief of Charles McCarty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AFFIA B. PRESTON.

Mr. PACKARD introduced a bill (H. R. No. 1281) granting a pension to Affia B. Preston; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

DAVID T. STEPHENSON.

Mr. WOLFE introduced a bill (H. R. No. 1282) directing the name of David T. Stephenson, of Scott County, Indiana, to be placed on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS DAY.

Mr. HOLMAN introduced a bill (H. R. No. 1283) for the relief of Thomas Day, of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR DEPARTMENT REQUISITIONS.

Mr. COBURN introduced a bill (H. R. No. 1284) authorizing the chief clerk of the War Department to sign requisitions on the Treasury during the temporary absence of the Secretary of War; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLERKS TO UNITED STATES COURTS, INDIANA.

Mr. COBURN also introduced a bill (H. R. No. 1285) to provide for the appointment of clerks to the circuit and district courts of the United States, held at New Albany and Evansville, in the district of Indiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MICHAEL M. LYNCH.

Mr. COBURN also introduced a bill (H. R. No. 1286) for the relief of Michael M. Lynch; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WIND RIVER INDIAN RESERVATION.

Mr. HAWLEY, of Connecticut, introduced a bill (H. R. No. 1287) for the relief of settlers on the lands embraced within the limits of the Wind River Indian reservation, in the Territory of Wyoming; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ILLINOIS STATE LANDS.

Mr. FORT introduced a bill (H. R. No. 1288) to authorize the State of Illinois to select three hundred and sixty-seven thousand acres of the public lands to which said State is entitled by law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SOLDIERS' BOUNTY LANDS.

Mr. FORT also introduced a bill (H. R. No. 1289) to grant a bounty of one hundred and sixty acres of public lands to each soldier of the war of the rebellion for future homesteads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REISSUE OF PATENTS.

Mr. WARD, of Illinois, introduced a bill (H. R. No. 1290) to permit assignees of patents to apply for a reissue in certain cases; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MRS. ANN P. JAMES.

Mr. HURLBUT introduced a bill (H. R. No. 1291) for the relief of Ann P. James, of the State of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JEAN FRANCIS PERRY.

Mr. MORRISON introduced a bill (H. R. No. 1292) for the relief of the heirs of Jean Francis Perry; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ROSETTA HERT AND OTHERS.

Mr. PARKER, of Missouri, introduced a bill (H. R. No. 1293) for the relief of Rosetta Hert, Charles C. Benoist, Emily Benoist, and Logan Fan Fan, half-breed Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

RIGHT OF WAY.

Mr. PARKER, of Missouri, also introduced a bill (H. R. No. 1294) granting to the American Fork Railway Company a right of way through the public lands for the construction of a railroad and telegraph; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

PROOF OF HOMESTEAD SETTLEMENTS.

Mr. BLAND introduced a bill (H. R. No. 1295) to authorize the taking of final proof of homestead settlements in the counties where the lands may be situated; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BRANCH MINT AT SAINT LOUIS.

Mr. WELLS introduced a bill (H. R. No. 1296) to establish a branch mint of the United States at Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

THOMAS T. CRITTENDEN.

Mr. STANARD introduced a bill (H. R. No. 1297) for the relief of Thomas T. Crittenden, of Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALEXANDER COLLINS.

Mr. COMINGO introduced a bill (H. R. No. 1298) providing for the repayment to Alexander Collins, of Jackson County, Missouri, of the purchase-money for the southeast quarter of the northeast quarter of section 30, township 49, of range 32; which was read a first and second time, referred, with the accompanying papers, to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT KANSAS CITY, MISSOURI.

Mr. COMINGO also presented a concurrent resolution of the Legislature of the State of Missouri, asking Congress to make an appropriation of money for the erection of a court-house and post-office building at Kansas City, Missouri; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also presented a concurrent resolution of the Legislature of the State of Missouri, asking Congress to make an appropriation for the erection of a custom-house and post-office building at Kansas City, Missouri, and for the establishment of a United States court at said city; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN H. FRANKLIN.

Mr. GLOVER introduced a bill (H. R. No. 1299) to correct an error in the date of enlistment of John H. Franklin, late of Company K, Seventh Regiment Iowa Volunteer Infantry, as appears on the muster-roll of said company, now in the War Department; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MATTHEW WOODRUFF.

Mr. GLOVER also introduced a bill (H. R. No. 1300) for the relief of Matthew Woodruff, of Clark County, Missouri, late sergeant Company G, Twenty-first Missouri Volunteer Infantry, from charge of desertion, and to grant him an honorable discharge from the service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BEDS OF UNSURVEYED LAKES.

Mr. HATCHER introduced a bill (H. R. No. 1301) ceding to the several States within whose limits they respectively lie the beds of unsurveyed lakes and other bodies of water; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LANDS IN SCOTT COUNTY, MISSOURI.

Mr. HATCHER also introduced a bill (H. R. No. 1302) authorizing the issuance of a patent for certain lands in the county of Scott, in the State of Missouri; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

DUTY ON JUTE BUTTS.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 1303) to provide for a duty on jute butts of twelve dollars per ton; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HOWELL H. TRASK.

Mr. WILLARD, of Michigan, introduced a bill (H. R. No. 1304) for the relief of Howell H. Trask; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. CAROLINE WEBSTER.

Mr. BURROWS introduced a bill (H. R. No. 1305) granting a pension to E. Caroline Webster, widow of Lucius H. Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FLORIDA BONDS.

Mr. PURMAN introduced a bill (H. R. No. 1306) to authorize the Secretary of the Treasury to exchange with the State of Florida certain Florida bonds held in trust for various Indian tribes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDING AT KEY WEST.

Mr. PURMAN also introduced a bill (H. R. No. 1307) for the erection of a public building at Key West, Florida; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HARBOR OF GALVESTON.

Mr. WILLIE introduced a bill (H. R. No. 1308) making an appropriation for deepening the channel over the outer and inner bars in the harbor at Galveston, Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PROCEEDINGS IN UNITED STATES COURTS.

Mr. WILLIE also introduced a bill (H. R. No. 1309) to regulate proceedings in the courts of the United States in certain causes, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POSTAL SERVICES.

Mr. GIDDINGS introduced a bill (H. R. No. 1310) to provide for the payment of amounts due for postal services rendered prior to 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SYDNEY O. WILKINS.

Mr. GIDDINGS also introduced a bill (H. R. No. 1311) placing upon the pension-roll the name of Sydney O. Wilkins, of Washington County, Texas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF MAIL CONTRACTORS.

Mr. HANCOCK introduced a bill (H. R. No. 1312) for the relief of mail contractors for services rendered in the States of Virginia, North Carolina, South Carolina, Georgia, Tennessee, Arkansas, Alabama, Mississippi, Florida, Louisiana, and Texas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALEXANDER BURTCH.

Mr. KASSON introduced a bill (H. R. No. 1313) for the relief of Alexander Burtch; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY MULLINS.

Mr. DONNAN introduced a bill (H. R. No. 1314) to amend an act entitled "An act granting a pension to Mary Mullins," approved March 3, 1873; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS' AND SAILORS' HOMESTEADS.

Mr. DONNAN also introduced a bill (H. R. No. 1315) to amend an act entitled "An act to amend an act relative to soldiers' and sailors' homesteads;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SARAH J. BIRD.

Mr. BARBER introduced a bill (H. R. No. 1316) granting a pension to Sarah J. Bird, widow of Benjamin F. Bird, late of Company E, One hundred and forty-sixth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN JEANNETTE HATHAWAY.

Mr. MITCHELL introduced a bill (H. R. No. 1317) to enable Ann Jeannette Hathaway, executrix of Joshua Hathaway, deceased, to make application to the Commissioner of Patents for an extension of letters-patent for an improved device for converting reciprocating into rotary motion; which was read a first and second time, referred, with the accompanying papers, to the Committee on Patents, and ordered to be printed.

HARBOR OF MENOMONEE.

Mr. MCDILL, of Wisconsin, introduced a bill (H. R. No. 1318) to provide for the improvement of the harbor at the mouth of the Menomonee River, in Michigan and Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HARBOR OF SUPERIOR, WISCONSIN.

Mr. MCDILL, of Wisconsin, also introduced a bill (H. R. No. 1319) to provide for the improvement of the harbor of Superior, Wisconsin; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GENERAL BANKING LAW.

Mr. WILLIAMS, of Wisconsin, by request, introduced a bill (H. R. No. 1320) to provide for a general banking law, and also the interchangeability of Government bonds and national currency, and the redemption of said currency in coin or interest-bearing Treasury notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PATRICK GALLAGHER.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 1321) granting a pension to Patrick Gallagher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE S. GUSTIN.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 1322) for the relief of George S. Gustin, late private Company D, Seventeenth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST-ROUTE IN CALIFORNIA.

Mr. LUTTRELL presented a concurrent resolution of the Legislature of the State of California, asking for the establishment of a mail-route from Happy Camp, Del Norte County, to Orleans Bar, Klamath County; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CRESCENT CITY, CALIFORNIA.

Mr. LUTTRELL also introduced a bill (H. R. No. 1323) to appropriate money for the improvement of the harbor at Crescent City, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 1324) to authorize the construction of a breakwater at Crescent City, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OLIZA ROOT.

Mr. DUNNELL introduced a bill (H. R. No. 1325) for the relief of Oliza Root; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARMISTEAD BURWELL.

Mr. DUNNELL also introduced a bill (H. R. No. 1326) for the relief of Armistead Burwell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES H. DAVIDSON.

Mr. AVERILL introduced a bill (H. R. No. 1327) for the relief of James H. Davidson, late colonel of the One hundred and twenty-second Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MINNESOTA RIVER.

Mr. STRAIT introduced a bill (H. R. No. 1328) to provide for an examination and survey of the Minnesota River in the State of Minnesota, and for an estimate of the cost of constructing canals, locks, and dams on the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RAILROAD IN OREGON.

Mr. NESMITH introduced a bill (H. R. No. 1329) granting the right of way for the construction of a railroad from Roseberg to Port Orford, in the State of Oregon; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PORTLAND, DALLES AND SALT LAKE RAILROAD.

Mr. NESMITH also introduced a bill (H. R. No. 1330) providing for the construction of the Portland, Dalles and Salt Lake Railroad and Telegraph, and for the performance of all Government service free of charge; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JOAB SPENCER AND JAMES R. MEAD.

Mr. LOWE introduced a bill (H. R. No. 1331) for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALLEGHANY COLLEGE, WEST VIRGINIA.

Mr. HEREFORD introduced a bill (H. R. No. 1332) for the relief of Alleghany College, Greenbrier County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT CARSON, NEVADA.

Mr. KENDALL introduced a bill (H. R. No. 1333) to provide for the erection of a public building at Carson, Nevada; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. KENDALL also introduced a bill (H. R. No. 1334) for the relief of persons for damages sustained by reason of Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GUADALUPE TORRES.

Mr. ELKINS introduced a bill (H. R. No. 1335) granting a pension to Guadalupe Torres; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. M. BOWLER.

Mr. ELKINS also introduced a bill (H. R. No. 1336) for the relief of Mrs. M. Bowler, widow of James F. Bowler, deceased, authorizing payment for property taken by Navajo Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CLARK & REYNOLDS.

Mr. ELKINS also introduced a bill (H. R. No. 1337) for the relief of Clark & Reynolds, authorizing payment for taking of property by the military during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES PRESLEN BECK.

Mr. ELKINS also introduced a bill (H. R. No. 1338) for the relief of James Preslen Beck, administrator of Preslen Beck, jr., deceased, authorizing payment for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES L. JOHNSON.

Mr. ELKINS also introduced a bill (H. R. No. 1339) for the relief of James L. Johnson, surviving partner of Beck & Johnson, authorizing payment for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN DEPREDATIONS IN UTAH.

Mr. CANNON, of Utah, presented the memorial of the Legislative Assembly of Utah Territory, praying for an appropriation to pay for Indian depredations and expenses incurred in suppressing Indian hos-

tilities; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES A. LUKE.

Mr. McCORMICK introduced a bill (H. R. No. 1340) for the relief of Charles A. Luke; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILITARY RESERVATION IN ARIZONA.

Mr. McCORMICK also introduced a bill (H. R. No. 1341) authorizing the Secretary of War to relinquish and turn over to the Interior Department parts of certain reservations in the Territory of Arizona no longer required for military purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC LANDS IN ARIZONA FOR SCHOOL PURPOSES.

Mr. McCORMICK also presented the memorial of the Legislature of Arizona in regard to public lands for school purposes; which was referred to the Committee on the Public Lands, and ordered to be printed.

MEXICAN CITIZENS WITHIN THE UNITED STATES.

Mr. McCORMICK also introduced a bill (H. R. No. 1342) declaratory of the rights of such Mexican citizens as were established in Territories acquired from Mexico by the treaty of Guadalupe-Hidalgo and the Gadsden treaty, and who have since continued to reside within the limits of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMERCE OF THE DISTRICT OF COLUMBIA.

Mr. CHIPMAN introduced a bill (H. R. No. 1343) conferring certain powers on the District of Columbia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 1344) for the improvement of the harbor of Washington, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

He also introduced a bill (H. R. No. 1345) relating to improving the river front of Washington City; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BRIDGES OVER DETROIT RIVER.

Mr. BURROWS introduced a bill (H. R. No. 1346) to provide for the construction of bridges over the Detroit River at Detroit and Trenton, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SECURITY OF LIFE, ETC.

Mr. DAWES (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 1347) to amend an act to provide for the better security of life, &c., approved February 28, 1871; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RESPONSIBILITY OF PASSENGER CARRIERS.

Mr. DAWES also (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 1348) to revise the laws giving a right of action in case of death from negligence by passenger carriers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN GRAHAM.

Mr. DAWES also (for Mr. BUTLER, of Massachusetts) introduced a joint resolution (H. R. No. 40) for the relief of John Graham; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CUSTOM-HOUSES IN MASSACHUSETTS.

Mr. DAWES also (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 1349) to consolidate the custom-houses of Marblehead and Lynn with Salem and Beverly, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LUCIUS C. CHASE.

Mr. DAWES also (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 1350) to enable Lucius C. Chase to make application to the Commissioner of Patents for the extension of letters-patent for improvement in buckles; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARIA P. HARRISON.

Mr. DAWES also (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 1351) for the relief of Maria P. Harrison; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

EQUALIZATION OF MARSHALS' PAY.

Mr. DAWES also (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 1352) to regulate and equalize the compensation of marshals, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISTRICT OF COLUMBIA.

Mr. DAWES also (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 1353) to amend an act entitled "An act to provide a government for the District of Columbia;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FIXING SALARIES.

Mr. DAWES also (for Mr. BUTLER, of Massachusetts) introduced a bill (H. R. No. 1354) fixing the salary of certain officers; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAX ON LEAF-TOBACCO.

Mr. SENER introduced a bill (H. R. No. 1355) for the repeal of all acts or parts of acts creating or imposing a special tax upon any farmer or planter for selling by retail to consumers leaf-tobacco of his own or his tenants' produce; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DISTILLED SPIRITS DESTROYED BY FIRE.

Mr. SENER also introduced a bill (H. R. No. 1356) to amend section 1 of the act of May 27, 1872, entitled "An act to authorize the Secretary of the Treasury to abate or refund taxes on distilled spirits destroyed by accidental fire or other casualty;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DICKSON SHINAULT.

Mr. SENER also introduced a bill (H. R. No. 1357) for the relief of Dickson Shinault, late assistant keeper of the light-vessel at Wolf Trap Station, in the State of Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONSULS ACTING AS CHARGÉS D'AFFAIRES.

Mr. BASS introduced a bill (H. R. No. 1358) to establish the compensation of consuls acting as chargés d'affaires; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

FRANK M. KREPS.

Mr. NEGLEY introduced a bill (H. R. No. 1359) for the relief of Frank M. Kreps; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC SCHOOLS IN THE SOUTH.

Mr. HAYS introduced a bill (H. R. No. 1360) to aid in establishing and supporting public schools in the States lately in rebellion; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

CHARLES W. HATCH.

Mr. HAYS also introduced a bill (H. R. No. 1361) for the relief of Charles W. Hatch, of Alabama; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SURETIES OF CHARLES W. HATCH.

Mr. HAYS also introduced a bill (H. R. No. 1362) for the relief of the sureties of Charles W. Hatch, late postmaster at Greensborough, Alabama; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PROTECTION OF AMERICAN SEAMEN.

Mr. SAWYER introduced a bill (H. R. No. 1363) to repeal section 7 of an act entitled "An act for the relief and protection of American seamen," approved May 28, 1796, and to repeal an act entitled "An act to revive and continue in force certain parts of acts for the relief of American seamen and to amend the same," approved March 2, 1799; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CARRIAGE OF PASSENGERS.

Mr. SAWYER also introduced a bill (H. R. No. 1364) to amend an act entitled "An act to regulate the carriage of passengers in steamships and other vessels," approved March 3, 1855; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMMIGRATION.

Mr. SAWYER also presented copies of letters from the Secretary of State to the Secretary of the Treasury, recommending that the reports on immigration may be transferred from the Department of State to the Treasury Department; and the same were referred to the Committee on Commerce, and ordered to be printed.

CANADIAN STEAMER GEORGE WARREN.

Mr. WALDRON introduced a bill (H. R. No. 1365) to grant an American register to the Canadian steamer George Warren; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS CHRISTIAN AND Z. DE BOW.

Mr. ALBERT introduced a bill (H. R. No. 1366) to authorize Thomas Christian and Z. De Bow to bring suit in the Court of Claims for com-

pensation for the use of their improved wagon-brake by the United States; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARY J. RAYMOND.

Mr. BURLEIGH introduced a bill (H. R. No. 1367) granting a pension to Mary J. Raymond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTATE OF L. H. MATTAIR.

Mr. WALLS introduced a bill (H. R. No. 1368) for the relief of Fannie E. Taylor, administratrix of the estate of L. H. Mattair; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CIVIL SERVICE.

Mr. SMART introduced a bill (H. R. No. 1369) for the better regulation of the civil service; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

ASSISTANT SERGEANT-AT-ARMS.

Mr. WALLACE, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Accounts:

Resolved, That the Sergeant-at-Arms of the House of Representatives be authorized to appoint one assistant sergeant-at-arms, with the same salary as that of the assistant doorkeeper, who shall be empowered to execute the orders of the House in the absence of the Sergeant-at-Arms.

ACCOUNTS OF WILLIAM PELHAM.

Mr. HANCOCK introduced a bill (H. R. No. 1370) to authorize the Secretary of the Interior to settle and pay the accounts of William Pelham, late surveyor-general of New Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MAILS BETWEEN SAN FRANCISCO AND JAPAN.

Mr. LAMISON introduced a joint resolution (H. R. No. 40) directing the Postmaster-General to advertise for proposals to carry the semi-monthly mails between San Francisco and Japan; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARGARETTA VAN RENSSELAER.

Mr. PERRY introduced a bill (H. R. No. 1371) to place on the pension-rolls Margaretta Van Rensselaer, the only surviving daughter of the late General Solomon Van Rensselaer; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

MARTIN Y. PARTLOW.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 1372) for the relief of Martin Y. Partlow; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES H. BURGESS.

Mr. HARRIS, of Virginia, also (for Mr. HUNTON) introduced a bill (H. R. No. 1373) for the relief of James H. Burgess, of Frederick County, in the State of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL T. WOODS.

Mr. HARRIS, of Virginia, also (for Mr. HUNTON) introduced a bill (H. R. No. 1374) for the relief of Daniel T. Woods, of Frederick County, in the State of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HORTENSIA H. COOK.

Mr. HARRIS, of Virginia, also (for Mr. HUNTON) introduced a bill (H. R. No. 1375) for the relief of Hortensia H. Cook; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF DR. W. H. KIDD.

Mr. CROSSLAND introduced a bill (H. R. No. 1376) for the benefit of the widow and minor children of Dr. W. H. Kidd, late surgeon of the board of enrollment for the first congressional district of Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM BOWLIN.

Mr. HYNES introduced a bill (H. R. No. 1377) for the relief of William Bowlin, of Van Buren, Arkansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALVES SMITH.

Mr. HYNES also introduced a bill (H. R. No. 1378) for the relief of Alves Smith, of Van Buren, Arkansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES BEATY.

Mr. BUNDY introduced a bill (H. R. No. 1379) for the relief of James Beaty, late of Company E, Eighty-seventh Ohio Volunteer Infantry, by placing his name on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARINE HOSPITAL AT NATCHEZ.

Mr. LYNCH introduced a bill (H. R. No. 1380) donating the marine hospital at Natchez, Mississippi, to the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ATLANTIC AND PACIFIC RAILROAD.

Mr. PAGE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on the Public Lands be, and is hereby, instructed to ascertain if the amounts granted by Congress to the Atlantic and Pacific Railroad Company, to aid in the construction of a railroad from Springfield, Missouri, to the Pacific Ocean, are forfeited, and if any legislation be necessary by Congress to restore such lands to pre-emption and homestead entry.

FINANCE.

Mr. WILSON, of Indiana. I move that the rules be suspended, and that the preamble and resolutions which I send to the desk be adopted:

The Clerk read as follows:

Whereas by reason of the present monetary stringency and the insufficiency in the amount of circulating medium, the industries and commercial affairs of the country have been greatly depressed; and whereas by reason of said stringency the revenues of the Government have been largely diminished, in consequence whereof Congress has been asked to increase taxation to the amount of $42,000,000; and whereas until the recent panic the revenues were ample to meet the current expenses of the Government: Therefore,

Resolved, That instead of levying additional taxes the true policy lies in the enactment of such a law or laws as will relieve such stringency and supply the means necessary to the business wants of the country, by increasing the circulating medium, thereby reviving business, increasing revenues, and thus avoiding the necessity of increasing the present rates of taxation or duties, or the imposition of additional taxes or duties.

Resolved, That the Committee on Banking and Currency be, and is hereby, instructed to prepare and report to the House, without delay, a bill for the purpose in the first resolution expressed, and that said committee have leave to report at any time.

Mr. McCRARY. I ask for the yeas and nays on that resolution.

Mr. SPEER. Is it in order to raise the question of consideration on that resolution?

The SPEAKER. That is a question raised under the rules, and this is a proposition to suspend the rules—that and all others.

Mr. DAWES. I desire to make a suggestion, not to debate the resolution. I wish to say to the House that this matter is now before two of their committees, and last Saturday there was a very interesting debate in the House on the same subject. I would suggest to my friend that, instead of having a vote taken on the resolution at this time, it be introduced and set down for debate at some time, so that the views of all the different members of the House can be brought out in regard to this question, and so that at a very early day both the Committee on Ways and Means and the Committee on Banking and Currency will have the benefit of the expression of the opinions of the members of this House after discussion. The Committee on Ways and Means had proposed to report something on this question that would be subject of debate cognate to this matter.

Mr. HOLMAN. The subject is now before the House in a tangible form, and, as I understand, the motion to suspend the rules is not debatable.

Mr. RANDALL. The Committee on Banking and Currency have been sitting, even during the sessions of the House, and have been listening to the opinions of some of the most eminent gentlemen from all parts of the country on this question.

Mr. HOLMAN. I believe the motion is not debatable.

Mr. NIBLACK. I think my colleague should not ask a vote on this resolution without its reference to the Committee on Ways and Means, which now has the subject before it.

Mr. WILSON, of Indiana. I only desire to say that this question is now exciting a great deal of public attention in the country, and I have drawn up these resolutions for the express purpose of testing the sense of this House, and letting the country know whether or not we are to have an increase of currency. I must therefore insist on a vote on my resolution.

Mr. COX. I wish to ask the gentleman to allow me to offer an amendment.

Mr. HOLMAN. I object to debate.

The SPEAKER. All amendments are in the nature of debate, which is objected to. It is the gentleman from Indiana [Mr. HOLMAN] who prevents the gentleman from New York from being heard, and not the Chair.

Mr. COX. I am not proposing to debate. I simply wish to offer an amendment.

The SPEAKER. No amendment is in order to a motion to suspend the rules, and under the parliamentary law the reading of an amendment would be in the nature of debate.

Mr. COX. Well; I want to get a vote on my amendment when the gentleman from Indiana gets through.

The SPEAKER. Ah! that is another question altogether.

The yeas and nays were ordered.

Mr. ELDREDGE. I ask if we cannot have a division of this question?

The SPEAKER. Not on a motion to suspend the rules. The mo-

tion is to suspend all the rules, including the one under which the gentleman would have a right to ask a division.

The question was taken; and there were—yeas 135, nays 98, not voting 53; as follows:

YEAS—Messrs. Adams, Albright, Arthur, Ashe, Averill, Barber, Barrere, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burrows, Roderick R. Butler, Cain, Cessna, John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crossland, Crutchfield, Curtis, Danford, Davis, Dobbins, Donnan, Dunnell, Field, Fort, Freeman, Glover, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hays, John W. Hazelton, Hereford, Holman, Hubbell, Hunter, Hurlbut, Hyde, Jewett, Kelley, Killinger, Knapp, Lamar, Lamison, Lawrence, Leach, Lofland, Loughridge, Lowe, Lynch, Marshall, McCrary, Alexander S. McDill, McNulta, Merriam, Monroe, Morey, Neal, Negley, Niblack, Nunn, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Perry, Phillips, Pratt, Purman, Ransier, Rapier, Rawls, Ray, Richmond, Robbins, Rusk, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, Southard, Sprague, Stanard, Stone, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Todd, Tyner, Vance, Waddell, Wells, Whitehead, Whiteley, Whitthorne, William Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—135.

NAYS—Messrs. Albert, Archer, Banning, Bass, Beck, Bromberg, Buffinton, Burchard, Burleigh, Caldwell, Freeman Clarke, Clayton, Clymer, Cotton, Cox, Crocker, Crooke, Darrall, Dawes, DeWitt, Durham, Eames, Eden, Eldredge, Elliott, Foster, Frye, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Hendee, Herndon, Hersey, George F. Hoar, Hooper, Hoskins, Kasson, Kellogg, Kendall, Lowndes, Luttrell, Maynard, James W. McDill, MacDougall, Mellish, Milliken, Mitchell, Moore, Morrison, Nesmith, O'Brien, O'Neill, Hosea W. Parker, Parsons, Pendleton, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Randall, Read, Rice, Ellis H. Roberts, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Small, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Speer, Starkweather, Storm, Swann, Townsend, Waldron, Wallace, Marcus L. Ward, Wheeler, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, and Willie—98.

NOT VOTING—Messrs. Atkins, Barnum, Barry, Benjamin F. Butler, Cannon, Cason, Amos Clark, jr., Creamer, Crounse, Duell, Farwell, Harmer, Gerry W. Hazelton, E. Rockwood Hoar, Houghton, Howe, Hunton, Hynes, Lamport, Lansing, Lawson, Lewis, Magee, Martin, McJunkin, McKee, McLean, Mills, Myers, Niles, Pike, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Milton Sayler, H. Boardman Smith, William A. Smith, Snyder, Standeford, Stephens, St. John, Stowell, Thomas, Tremain, Walls, Jasper D. Ward, White, Whitehouse, Charles G. Williams, Ephraim K. Wilson, Wood, and Woodford—53.

So, two-thirds not voting in the affirmative, the rules were not suspended.

During the roll-call the following announcements were made:

Mr. WHITTHORNE. My colleague, Mr. ATKINS, is detained from the House by sickness.

Mr. CLYMER. My colleague, Mr. MAGEE, is unexpectedly and necessarily absent.

Mr. HARRIS, of Virginia. My colleague, Mr. HUNTON, is detained at his room by sickness.

Mr. MELLISH. Mr. LAWSON, my colleague, is absent on account of sickness.

Mr. MILLIKEN. My colleague, Mr. STANDEFORD, is necessarily absent.

Mr. DAWES. My colleague, Mr. E. R. HOAR, is absent on necessary business; if here, he would vote "no."

Mr. E. H. ROBERTS. My colleague, Mr. TREMAIN, is confined to his room by ill health.

OFFICIAL REPORTERS OF DEBATES.

The SPEAKER. Under a rule adopted by the House, it is the duty of the Chair to indicate the Official Reporters of the House. The Chair simply confirms the reporters already existing. They are as follows: John J. McElhone, William Hincks, William Blair Lord, David Wolfe Brown, and James K. Edwards.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF JUSTICE.

The SPEAKER. The House also directed the Speaker to appoint a Committee on the Expenditures of the Department of Justice. The Chair appoints the following committee: Mr. JAMES B. SENER of Virginia, Mr. RICHARD C. PARSONS of Ohio, Mr. JOHN M. S. WILLIAMS of Massachusetts, Mr. R. MILTON SPEER of Pennsylvania, and Mr. MILTON J. DURHAM of Kentucky.

ADMISSIONS TO THE FLOOR OF THE HOUSE.

The SPEAKER. The Chair desires the attention of the House for one moment. The Clerk will read the rule of the House in reference to admissions to the floor. It has very often been read in the hearing of the House; the Chair desires that it may be read again.

The Clerk read as follows:

No person, except members of the Senate, their Secretary, heads of Departments the President's private secretary, foreign ministers, the governor for the time being of any State, Senators and Representatives elect, judges of the Supreme Court of the United States and of the Court of Claims, and such persons as have by name received the thanks of Congress, shall be admitted within the hall of the House of Representatives or any of the rooms upon the same floor or opening into the same: *Provided*, That ex-members of Congress who are not interested in any claim pending before Congress, and shall so register themselves, may also be admitted within the hall of the House; and no person except those herein specified shall at any time be admitted to the floor of the House. [*Rule* 134.] The Doorkeeper shall execute strictly the foregoing rule. [*Rule* 27.]

The SPEAKER. The impression prevails generally among members that the Speaker is charged with the right of abolishing that rule. He has no such right whatever. Members must all be aware that great disorder exists in the House to-day; and it is because there are thirty or forty gentlemen admitted to the floor who have no right here whatever. The Chair now gives notice to the members of this House that if any one of them shall ask him to permit his friends, be they two or a dozen, to be admitted to the floor of the House, the Chair will give his consent. The Chair throws the responsibility wholly upon the members of the House. He will in no event resist any applications made for the admission of persons to the floor of the House. The Chair will state, however, that the reserved gallery is at the disposal of gentlemen, and from it they can see better and hear better than they can from the floor of the House. Disorder in the House can be checked if members, instead of bringing the members of their Legislature or any of their State officers who may happen to be in the city on the floor of the House, will permit them to take seats in the gallery.

Mr. DAWES. Does the Speaker decide that he can suspend that rule?

The SPEAKER. Not in the slightest degree; but he merely gives his consent, greatly against his judgment, that members may bring upon the floor of the House whoever they please.

Mr. DAWES. What is the effect of that consent on the Doorkeeper?

The SPEAKER. The rule says "the Doorkeeper shall execute strictly the foregoing rule." He is charged with the enforcement of the rule.

Mr. GARFIELD. Does the Speaker consent that the Doorkeeper shall waive his responsibility under that rule?

The SPEAKER. The Doorkeeper has always been under the rules of the House. But members come to the Speaker, instead of to the Doorkeeper, for permission to bring their friends upon the floor of the House. The Chair desires to say publicly that he has no control whatever over that matter. But since members are themselves willing to contribute to the non-enforcement of that rule, the Chair will interpose no objection.

Mr. DAWES. I hope the Chair does not hold that the Doorkeeper is at liberty to let in anybody?

The SPEAKER. It is the opinion of the Chair that no person, except those included under that rule, should under any circumstances come upon the floor of the House.

Mr. MAYNARD. The Chair means to remit every member of the House to his own responsibility.

The SPEAKER. So far as the Chair is concerned.

COMMITTEE ON APPROPRIATIONS.

Mr. GARFIELD. I ask that the Committee on Appropriations have permission to hold sessions during the sittings of the House.

No objection was made; and leave was granted accordingly.

PENSION AGENTS.

Mr. DAWES. I offer the following resolution for consideration at this time, in order to obtain some information from one of the Departments:

Resolved, That the Secretary of the Interior be instructed to inform this House what is the number of pension agents appointed under existing laws, their residences, and the amount of compensation received by each since the 4th day of March, 1869.

No objection being made, the resolution was received and adopted.

Mr. DAWES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS FOR SOLDIERS OF THE SEMINOLE WAR.

Mr. NIBLACK, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Revolutionary Pensions and War of 1812 be instructed to inquire into the expediency of granting pensions to the surviving soldiers of the Seminole war of 1818, and report by bill or otherwise.

ORDER OF BUSINESS.

Mr. YOUNG, of Georgia. I move to suspend the rules and adopt a resolution which I send to the Clerk's desk.

Mr. SYPHER. I ask the gentleman to yield to me to offer a resolution which will cause no debate.

Mr. YOUNG, of Georgia. I will yield if it does not lead to debate.

EXPENDITURES IN TREASURY DEPARTMENT.

Mr. SYPHER. I send to the Clerk's desk a resolution for consideration at this time.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Treasury Department be directed to inquire and report to this House, by bill or otherwise, first, whether the expenditures in the Treasury Department are justified by law; secondly, whether claims from time to time satisfied and discharged by said Department are supported by sufficient vouchers establishing their justness, both in character and amount; whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been disbursed in conformity with appropriation laws; thirdly, whether any and what provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys, and to secure the Government from demands unjust in their character and extravagant in their amount; fourthly, whether any and what retrenchment can be made in the expenditures of said Department without detriment to the public service, whether any and what abuses exist in the failure to enforce the payment of moneys which may be due to the United States from public defaulters and others, and what provisions are necessary to add to the economy of the Department and accountability of its officers; fifthly, whether any officers belonging to said Department have become useless or unnecessary, and whether it is expedient to modify or abolish the same; also, to examine into the pay and emoluments of said officers, and report such reduction or increase as a just economy and the public service may require.

Mr. KELLOGG. I would suggest to the House that this subject is already being examined by a committee under the order of the House.

Mr. SYPHER. It is a matter, under the rules, for the Committee on Expenditures in the Treasury Department.

Mr. KELLOGG. I object.

Subsequently the objection was withdrawn, and the resolution was adopted.

FREE PASSAGE OF GOVERNMENT MAIL MATTER.

Mr. YOUNG, of Georgia. I move to suspend the rules in order to allow me to introduce, and the House to pass, a bill providing for the free passage through the mails of matter printed by order of the Government of the United States.

The bill was read. It provides that all matter printed by order of the Government of the United States, bearing the official signature of a member of either House of Congress, shall pass through the mails free of charge, from the date of the passage of the act until the 1st day of July, 1874.

Mr. YOUNG, of Georgia. I desire to say that there is a great deal of printed matter now around this Capitol and in the Departments, and a great many public documents——

Several MEMBERS objected to debate.

Mr. YOUNG, of Georgia. Then I insist on my motion to suspend the rules and pass the bill.

Mr. WILLARD, of Vermont. On that motion I call for the yeas and nays.

Mr. RANDALL. Is it not in order to say that the Committee on the Post-Office and Post-Roads——

Mr. YOUNG, of Georgia. I object to debate.

The yeas and nays were ordered.

Mr. YOUNG, of Georgia. I would like to ask unanimous consent for my friend from Pennsylvania [Mr. PACKER] to report a bill from the Committee on the Post-Office and Post-Roads instead of the bill I offer.

Mr. WILLARD, of Vermont. I object to that.

The question was taken; and there were—yeas 135, nays 98, not voting 53; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Ashe, Beck, Bell, Blount, Bright, Buckner, Burleigh, Roderick R. Butler, Cain, Caldwell, Cessna, Clymer, Comingo, Corwin, Crutchfield, Davis, De Witt, Donnan, Eldredge, Giddings, Hancock, Henry R. Harris, Havens, Hays, Hereford, Herndon, Houghton, Howe, Kendall, Killinger, Knapp, Lamar, Leach, Lofland, Marshall, Maynard, Milliken, Mills, Moore, Morey, Morrison, Negley, Nesmith, Nunn, O'Brien, Isaac C. Parker, Perry, James H. Platt, jr., Purman, Rawls, Ray, Read, Robbins, Sener, Sheats, Sloss, George L. Smith, H. Boardman Smith, Southard, Speer, Todd, Vance, Wallace, Whitehead, William Williams, Willie, John D. Young, and Pierce M. B. Young—71.

NAYS—Messrs. Albright, Archer, Averill, Banning, Barrere, Bass, Begole, Berry, Biery, Bland, Bowen, Bradley, Bromberg, Brown, Buffinton, Bundy, Burchard, Burrows, Benjamin F. Butler, Cannon, Cason, John B. Clark, jr., Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cook, Crittenden, Crocker, Crooke, Crossland, Crounse, Curtis, Danford, Darrall, Dawes, Dobbins, Dunnell, Durham, Eames, Eden, Elliott, Field, Foster, Freeman, Frye, Garfield, Glover, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, John T. Harris, Harrison, Hatcher, Hathorn, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hersey, George F. Hoar, Holman, Hooper, Hoskins, Hubbell, Hunter, Hurlbut, Hyde, Jewett, Kasson, Kelley, Kellogg, Lamison, Lamport, Lawrence, Loughridge, Lowndes, Lynch, Martin, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Monroe, Neal, O'Neill, Orth, Packard, Packer, Page, Hosea W. Parker, Parsons, Pelham, Pendleton, Phelps, Pierce, Thomas C. Platt, Poland, Potter, Pratt, Rainey, Randall, Rapier, Rice, Richmond, Ellis H. Roberts, James C. Robinson, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, John Q. Smith, Sprague, Stanard, Standeford, Starkweather, Stone, Storm, Stowell, Strait, Strawbridge, Thornburgh, Townsend, Tyner, Waddell, Waldron, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, Whitthorne, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William B. Williams, James Wilson, Jeremiah M. Wilson, Wolfe, and Woodworth—161.

NOT VOTING—Messrs. Atkins, Barber, Barnum, Barry, Amos Clark, jr., Conger, Cotton, Cox, Creamer, Duell, Farwell, Fort, Harmer, E. Rockwood Hoar, Hunton, Hynes, Lansing, Lawson, Lewis, Lowe, Luttrell, Magee, McJunkin, McLean, Mitchell, Myers, Niblack, Niles, Orr, Phillips, Pike, Ransier, William R. Roberts, James W. Robinson, Ross, Shanks, Sheldon, J. Ambler Smith, William A. Smith, Snyder, Stephens, St. John, Swann, Sypher, Taylor, Thomas, Tremain, Walls, White, Whitehouse, Whiteley Ephriam K. Wilson, Wood, and Woodford—54.

So, two-thirds not voting in favor thereof, the rules were not suspended.

Mr. BUTLER, of Massachusetts, (when his name was called,) said: I vote "no," because the bill does not go far enough. [Laughter.]

The result of the vote was announced as above stated.

DISTRICT OF COLUMBIA.

Mr. POLAND. I ask unanimous consent to submit the following resolution:

Whereas large expenditures of money are annually made at the national capital, not only for the erection and enlargement of public buildings and the care of the public grounds, but also large appropriations have been made to aid in carrying on costly improvements of streets and avenues therein; and whereas the President of the United States has, in his annual message to Congress, recommended further appropriations to aid the completion of said improvements, based, it is believed, in part upon the assumption that the said District of Columbia sustained certain peculiar relations to the General Government, and that certain legal and equitable obligations were assumed by the General Government in consideration of the cession in fee of a large portion of said District to the United States: Therefore,

Be it resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire into and report to the House the facts relating to the cession of the District of Columbia by the States of Maryland and Virginia, and the title to the lands embraced in said District deeded to the United States by private citizens; the amount and value of the real property and improvements thereon owned by the United States in said District, and by what title it is held; the extent of legal authority possessed by the General Government over the streets, avenues, and highways in said District, and the legal and equitable relations subsisting between the General Government and said District touching their mutual obligations to share the expense of maintaining in said District a proper local government, and making the national capital a fit residence for the seat of political power for the United States.

Mr. RANDALL. Is that introduced for reference or for action?

The SPEAKER. For reference to the Judiciary Committee.

Mr. RANDALL. It ought to be printed.

Mr. POLAND. It is substantially a resolution of inquiry, merely directing the Committee on the Judiciary to inquire in reference to the matter.

Mr. RANDALL. Does it give any right to bring in an additional bill of expenses?

Mr. POLAND. It does not.

Mr. HOLMAN. I object to the resolution.

Mr. POLAND. I move to suspend the rules.

The SPEAKER. The gentleman from Massachusetts [Mr. HOOPER] has the floor for that purpose.

THE NATIONAL BOARD OF TRADE.

Mr. GARFIELD. I ask unanimous consent to present a memorial of the National Board of Trade, and that it be printed in the CONGRESSIONAL RECORD.

The Clerk read as follows:

Memorial of the National Board of Trade to the honorable the Senate and House of Representatives of the United States, in Congress assembled.

Mr. GARFIELD. I ask that it be printed in the CONGRESSIONAL RECORD, and be referred to the Committee on Banking and Currency.

Mr. KILLINGER. I object to the printing in the CONGRESSIONAL RECORD. There are hundreds of documents of the same character, and if they all be printed in the CONGRESSIONAL RECORD there will be no end to it.

The SPEAKER. If there be no objection it will be referred to the Committee on Banking and Currency.

There was no objection, and it was ordered accordingly.

Mr. G. F. HOAR. Does it require unanimous consent, Mr. Speaker, to print as a part of the proceedings what has been read?

The SPEAKER. Only the title was read, and that will be printed in the RECORD. Everything transpiring publicly at the Clerk's desk goes, of course, into the CONGRESSIONAL RECORD.

IMPROPER USE OF OUR FLAG.

Mr. BUTLER, of Massachusetts. I ask unanimous consent to submit the following resolution.

The Clerk read as follows:

Resolved, That the Judiciary Committee of the House be directed to inquire and report whether, under existing laws, the courts of the United States have adequate jurisdiction and authority to prevent and punish the improper use of the flag and national character of the United States on board merchant vessels upon the high seas or in foreign ports; and, furthermore, to inquire and report if any, and if so, what, additional legislation by Congress is expedient or necessary to punish persons who fraudulently obtain, or illegally use, marine documents creating vessels of the United States, and to punish officers of the Government who carelessly or corruptly issue such documents; and also to inquire and report if any, and what, legislation is needed to enable military, naval, or consular officers of this Government to seize on the high seas or in foreign ports vessels illegally assuming an American national character and to send them within a judicial district for adjudication.

Mr. COX. That looks like a reflection upon the Administration.

Mr. BUTLER, of Massachusetts. I am very sorry.

Mr. COX. I make no objection to its reference, but am opposed to passing on the subject now.

The resolution was adopted.

NATHANIEL M'KAY.

Mr. MELLISH, by unanimous consent, introduced a bill (H. R. No. 1381) for the relief of Nathaniel McKay; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COINAGE FOR FOREIGN COUNTRIES.

Mr. HOOPER. I move to suspend the rules for the purpose of reporting from the Committee on Coinage, Weights, and Measures a bill (H. R. No. 1382) authorizing coinage to be executed at the mints of the United States for foreign countries, and passing it at this time.

The bill, which was read, provides that it shall be lawful for coinage to be executed at the mints of the United States for any foreign country applying for the same, according to the legally prescribed standards and devices of such country, under such regulations as the Secretary of the Treasury may prescribe; and the charge for the same shall be equal to the expenses thereof, including labor and materials and use of machinery, to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury; provided the manufacturing of such coin shall not interfere with the required coinage of the United States.

Mr. HOOPER. Mr. Speaker, the object of the bill simply is to continue and extend the present market for our silver production, which has been and still is so rapidly increasing. And in this connection I ask the Clerk to read a portion of a proclamation of the Chinese Empire.

Mr. BUTLER, of Massachusetts. Is it printed in Chinese? [Laughter.]

Mr. HOOPER. I ask the Clerk to read from a translation.

The Clerk read as follows:

[Translation.]

PROCLAMATION.

Jui, grand secretary of the Weü hau tien, president of the board of war, and governor-general of the Two Kuang Provinces; Chang, vice-president of the board of war, and governor of Kwang Tung; Weü, superintendent of customs for the Canton Provinces, issue a proclamation for general information:

Whereas, there has lately come to Hong-Kong a newly-coined American eagle-dollar, called the "trade dollar," and Sir Brooke Robertson, the British consul, having requested that officers might be appointed to assay it, the viceroy and haikwan thereupon appointed officers to melt it down and assay it, in concert with an officer from the British consulate, when, taking the haikwan tael of pure silver as the standard, an outturn was obtained of fully 89.61; or taels 111.6 of this new eagle dollar are equal to 100 haikwan taels of pure silver. Minutes of the assay were drawn up in proof thereof:

This proclamation, therefore, is for the information of you merchants, traders, soldiers, and people of every district. You must know that the "eagle trade dollar" that has lately come to Hong-Kong has been jointly assayed by officers specially appointed for the purpose, and it can be taken in payment of duties, and come into general circulation. You must not look upon it with suspicion. At the same time rogues, sharpers, and the like are hereby strictly forbidden to fabricate spurious imitations of this new eagle dollar, with a view to their own profit. And should they dare to set this prohibition at defiance, and fabricate false coin, they shall upon discovery most assuredly be arrested and punished. Let every one obey with trembling! Let there be no disobedience!

A special proclamation. Tung Chih 12th year, 9th moon, — day, (October, 1873.)

Mr. HOOPER. It will be seen from what the Clerk has read there is likely to be a great demand, in the Chinese Empire especially, for the "trade dollar," which was authorized by the law passed at the last session of Congress, resulting, of course, in larger consumption of the silver production of our growing Western States and Territories. The bill is a beneficial measure for our commercial and mining interests, and ought to be passed at once.

Mr. HOLMAN. I would inquire whether this bill is recommended by the Director of the Mint?

Mr. HOOPER. It is very strongly recommended by the Secretary of the Treasury as well as by the Director of the Mint. I have a letter from Dr. Linderman, the Director of the Mint, and I beg to call the attention of the House to a short extract from it:

I beg to call your attention to the bill authorizing coinage for foreign governments to be executed at the mints of the United States, and to urge early action on the same. It is important that we should find a market for our large and increasing production of silver; and as the bill under consideration will aid very materially in that direction and without detriment to any public or private interest, I hope it will receive early and favorable action by Congress.

The rules were suspended, and the bill was passed.

CERTIFICATES FOR GOLD BULLION.

Mr. HOOPER, by unanimous consent, from the Committee on Coinage, Weights, and Measures, reported a bill (H. R. No. 1383) authorizing the issue of certificates for the value of gold bullion deposited at the mints and assay offices of the United States; which was read a first and second time, recommitted, and ordered to be printed.

Mr. WILLARD, of Vermont. Not to be brought back on a motion to reconsider.

Mr. HOOPER. I hope the gentleman will not insist on that motion. I enter a motion to reconsider; and the bill will only be brought back at some time convenient to the House.

DEPUTY COMMISSIONERS OF INTERNAL REVENUE.

Mr. KELLOGG. I am directed by the Committee on the Reform of the Civil Service to report back the bill (H. R. No. 1231) to reduce the number of deputy commissioners of internal revenue, with an amendment in the nature of a substitute.

The substitute was read, as follows:

A bill to reduce the number of deputy commissioners of internal revenue.

Be it enacted, &c., That the office of deputy commissioner of internal revenue, made vacant by the death of General B. J. Sweet, be, and the same is hereby, abolished, and that the Secretary of the Treasury may, upon the recommendation of the Commissioner of Internal Revenue, designate one of the two remaining commissioners as first deputy commissioner, who shall perform the duties and be paid only the salary prescribed for the office of deputy commissioner hereby abolished.

The amendment reported from the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time and passed.

Mr. KELLOGG moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PAY OF COMMITTEE CLERK.

Mr. KELLOGG. I am also instructed by the Committee on War Claims to report the following resolution, and to ask its passage:

Resolved, That the compensation of the clerk of the Committee on War Claims shall hereafter be the same as now paid to the clerk of the Committee on Claims.

I desire simply to say to the House that the committee were unanimous in reporting this resolution, and I hope there will be no objection to it.

The resolution was agreed to.

Mr. KELLOGG moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. HOLMAN. I shall move that the House do now adjourn, unless there be any gentlemen who desire to introduce matters merely for reference.

RELIEF OF ARMY OFFICERS.

Mr. SHANKS, by unanimous consent, introduced a bill (H. R. No. 1384) amendatory of joint resolution for the relief of certain officers of the Army, approved July 26, 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DOCUMENTS FOR COMMITTEE ON MINES AND MINING.

Mr. KENDALL. I ask unanimous consent to submit the following resolution, for present consideration. It is a resolution to which I think there will be no objection whatever.

The Clerk read as follows:

Resolved, That the superintendent of the folding-room be authorized and requested to furnish to the chairman of the Committee on Mines and Mining full sets of the following reports and documents, to wit: Reports of the Commissioner of the General Land Office; a compilation of mineral-land laws now in force, together with the instructions and decisions thereon; Mining Statistics and Mining Resources west of the Rocky Mountains; and Reports of Explorations by Messrs. King, Hayden, Powell, and Wheeler; said reports and documents to be kept in the committee-room of said committee for the use of the members thereof.

Mr. SPEER. Are these documents already published?

Mr. KENDALL. I move that the rules be suspended and that the resolution be adopted. The documents asked for are simply books for reference by our committee.

Mr. HOLMAN. Are they already printed?

Mr. KENDALL. They are all printed. It is necessary to have a resolution of this sort adopted by the House in order that they may be furnished to the chairman or the clerk of the committee.

Mr. PLATT, of Virginia. Are there any of those documents now in the folding-room, except those belonging to members, and will this resolution involve additional expense?

Mr. KENDALL. I made inquiry as to that, and am informed that this is the proper form for the resolution; and certainly it can do no harm to have those documents furnished to the committee and kept in the committee-room.

Mr. PLATT, of Virginia. I have no objection to the resolution. I only wanted to know if the documents are now printed, or if the resolution would involve an expenditure.

Mr. KENDALL. They are all now in print.

Mr. PLATT, of Virginia. There is already a rule which requires that certain documents shall be furnished to the committees. That rule has been violated, and there is now in the library of the House a vast accumulation of books belonging to committees which have never been in their rooms. Perhaps the gentleman may find the documents he requires for his committee in the library.

Mr. KENDALL. So far I have not been able to obtain these books. The object of the resolution is to enable the committee to obtain those useful reports.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

DELEGATES ON COMMITTEES.

Mr. KENDALL, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That Rule 162 of this House be amended so as to read as follows:

RULE 162. The Speaker shall appoint from among the Delegates from the Territories one additional member of the Committee on the Territories, and four additional members of the Committee on Mines and Mining; and shall appoint the Delegate from the District of Columbia an additional member of the Committee on the District of Columbia; but the said Delegates in their respective committees shall have the same privileges only as in the House.

SHIP-CANAL ACROSS THE ISTHMUS.

Mr. CLAYTON. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the practicability and expediency of the construction of a ship-canal across the American Isthmus, at Darien, Nicaragua, Tehuantepec, or any other route, by the authority or with the aid of the Government of the United States; and to report by bill or otherwise.

Mr. HALE, of Maine. I object.

SMOKING IN THE PASSAGE-WAYS.

Mr. DAWES. I ask unanimous consent to offer the following resolution:

Resolved, That the Committee on the Rules be instructed to report such an amendment of Rule 65 as will prohibit smoking in the passage-ways adjoining the Hall of the House.

I will state that the passage-ways surrounding the House are filled with tobacco-smoke, which comes into the Hall and very much corrupts the air of the Hall. I trust that no gentleman will object to the resolution; it does not affect the smoking-rooms proper.

The SPEAKER. The present rule prohibits smoking in the Hall, and the gentleman proposes to pass a resolution instructing the Committee on the Rules to provide for prohibiting it in the rear lobby.

Mr. RANDALL. I think I must object. I do not smoke myself, but I do not want to prevent other gentlemen from having a little comfort.

Mr. DAWES. This resolution would not affect the smoking-rooms of the House.

The SPEAKER. The Chair desires to say that of late the rear passage-way of the Hall—and the remark does not apply to members, but to gentlemen who obtain admission there in one way or another—is sometimes so densely filled with smoke that you can hardly pass through it.

Mr. BUNDY. And also the Speaker's room.

The SPEAKER. The Chair presumes that nobody would do that.

Mr. DAWES. I presume there is no serious objection to the resolution. It does not affect the smoking-rooms proper, but only the passage-ways.

No further objection being made, the resolution was considered and agreed to.

ENROLLED BILL SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. No. 718) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873, when the Speaker signed the same.

Mr. KILLINGER. I now move that the House adjourn, and shall insist upon that motion.

The question was put, and on a division there were—ayes 72, noes 74.

Mr. YOUNG, of Georgia. I call for tellers.

Tellers were ordered; and Mr. KILLINGER, and Mr. YOUNG of Georgia, were appointed.

The House divided, and the tellers reported—ayes 98, noes 73.

Mr. PLATT, of Virginia. I call for the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor.

The question was taken, and there were—yeas 124, nays 95, not voting 67; as follows:

YEAS—Messrs. Archer, Ashe, Barber, Barrere, Beck, Begole, Bell, Berry, Blount, Bowen, Brown, Buckner, Buffinton, Burchard, Cain, Caldwell, Cessna, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Comingo, Cox, Crittenden, Crossland, Crounse, Davis, Dawes, De Witt, Donnan, Durham, Eames, Eden, Eldredge, Foster, Garfield, Giddings, Glover, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Henry R. Harris, Harrison, Hatcher, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hereford, Herndon, George F. Hoar, Holman, Hubbell, Hurlbut, Jewett, Kasson, Kellogg, Killinger, Lamar, Lamison, Lawrence, Lofland, Lowe, Luttrell, Lynch, Martin, McCrary, James W. McDill, MacDougall, McKee, Milliken, Moore, Neal, Negley, Niblack, Orr, Orth, Packard, Hosea W. Parker, Parsons, Pendleton, Phelps, Poland, Potter, Purman, Randall, Rawls, Read, Robbins, Ellis H. Roberts, James C. Robinson, Milton Sayler, Scofield, Shanks, Sloss, John Q. Smith, Snyder, Southard, Stanard, Stone, Storm, Stowell, Swann, Taylor, Todd, Tyner, Vance, Waddell, Wells, Wheeler, Whitehead, Whiteley, Whitthorne, Wilber, Charles W. Willard, William Williams, William B. Williams, Willie, Jeremiah M. Wilson, Wolfe, John D. Young, and Pierce M. B. Young—124.

NAYS—Messrs. Albert, Albright, Arthur, Averill, Bass, Biery, Bradley, Bright, Bromberg, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cannon, Cason, Clayton, Clinton L. Cobb, Coburn, Corwin, Cotton, Crocker, Crooke, Crutchfield, Danford, Dobbins, Dunnell, Elliott, Field, Frye, Hancock, Benjamin W. Harris, John T. Harris, Hathorn, Hays, John W. Hazelton, Hendee, Hoskins, Houghton, Hunter, Hyde, Hynes, Kelley, Lamport, Leach, Loughridge, Lowndes, Maynard, Alexander S. McDill, McNulta, Mellish, Merriam, Mills, Monroe, Morey, Morrison, O'Neill, Packer, Page, Isaac C. Parker, Perry, Pierce, James H. Platt, jr., Thomas C. Platt, Rainey, Ransier, Ray, Rice, Richmond, Rusk, Sawyer, Henry B. Sayler, Isaac W. Scudder, Sener, Sessions, Sherwood, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Speer, Sprague, Starkweather, Strait, Strawbridge, Thornburgh, Townsend, Wallace, Jasper D. Ward, Marcus L. Ward, George Willard, Charles G. Williams, John M. S. Williams, and James Wilson—95.

NOT VOTING—Messrs. Adams, Atkins, Banning, Barnum, Barry, Bland, Amos Clark, jr., Freeman Clarke, Conger, Cook, Creamer, Curtis, Darrall, Duell, Farwell, Fort, Freeman, Harmer, Hersey, E. Rockwood Hoar, Hooper, Howe, Hunton, Kendall, Knapp, Lansing, Lawson, Lewis, Magee, Marshall, McJunkin, McLean, Mitchell, Myers, Nesmith, Niles, Nunn, O'Brien, Pelham, Phillips, Pike, Pratt, Rapier, William R. Roberts, James W. Robinson, Ross, John G. Schumaker, Henry J. Scudder, Sheats, Sheldon, Small, George L. Smith, William A. Smith, Standeford, Stephens, St. John, Sypher, Thomas, Tremain, Waldron, Walls, White, Whitehouse, Ephraim K. Wilson, Wood, Woodford, and Woodworth—67.

Mr. DURHAM. I desire to state that my colleague, Mr. STANDEFORD, has been called to New York on important business.

So the motion was agreed to; and (at three o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. ARCHER: The petition of William D. Morrison, for a pension—Committee on Invalid Pensions.

By Mr. BARRERE: The petition of Joseph W. Parrish & Co., for compensation for the use by the United States of the barge Ward—Committee on War Claims.

By Mr. BEGOLE: The petition of Theodore Shatlon and others, of Michigan, for a modification of existing laws in regard to bounty lands—Committee on the Public Lands.

By Mr. BRADLEY: The petition of citizens of Michigan, for the repeal of the stamp tax on medicinal preparations—Committee on Ways and Means.

Also, a paper relating to the establishment of a post-route from Farwell to Sherman City, in the State of Michigan—Committee on the Post-Office and Post-Roads.

By Mr. BUNDY: The petition of James Beaty, for a pension—Committee on Invalid Pensions.

By Mr. BUTLER, of Massachusetts: The petition of Joseph W. Green and others, who served in private armed vessels in the war of 1812, for pensions—Committee on Revolutionary Pensions and War of 1812.

Also, the petition of Annie Watson, for compensation for sufferings and hardships endured as nurse during the late rebellion—Committee on War Claims.

Also, the petition of citizens of Cleveland, Tennessee, for such enforcement of the fourteenth amendment to the Constitution as will prevent the States from infringing upon the rights of citizens of the United States.

Also, several petitions of citizens of Massachusetts, for the appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

By Mr. CHAFFEE: Several petitions of citizens of the Territory of Colorado, for the passage of an act to enable the people of Colorado to form a State government and be admitted to the Union—Committee on the Territories.

Also, several petitions of citizens of Colorado, asking that the branch mint at Denver be put upon a coinage basis—Committee on Coinage, Weights, and Measures.

By Mr. CHIPMAN: The petition of Sara J. Spencer and others, for the extension to women of the right of suffrage in the District of Columbia—Committee on the Judiciary.

By Mr. CLARKE, of New York: The petition of one-armed soldiers, of Monroe County, New York, for the allowance of the same rate of pension to soldiers who have lost an arm above the elbow as to soldiers who have lost a leg above the knee—Committee on Invalid Pensions.

By Mr. CLAYTON: Resolutions of the Legislature of California for the establishment of certain post-routes in California—Committee on the Post-Office and Post-Roads.

Also, the remonstrance of Francis Avery, president of the Pacific Borax Company, against an increase in duty on borax and boracic acid—Committee on Ways and Means.

Also, the remonstrance of the Santa Clara Woman Suffrage Association, against the passage of the Utah bill—Committee on the Territories.

By Mr. COBURN: The petition of Mary S. Moore, for a pension—Committee on Invalid Pensions.

Also, the memorial of citizens of Indianapolis, in relation to the cooly trade and Chinese labor—Committee on Education and Labor.

By Mr. COTTON: The petition of citizens of Iowa, asking that the railroad bridge at Clinton may be opened to the use of all railroads centering at that point—Committee on Commerce.

By Mr. COX: Several petitions of citizens of New York City, for the appointment of a commission of inquiry concerning the liquor traffic—Committee on the Judiciary.

Also, the memorial of the National Board of Trade, in relation to the customs laws of the United States—Committee on Ways and Means.

Also, the memorial of the National Board of Trade, in relation to an international commission concerning ocean tracks of inward and outward bound vessels—Committee on Commerce.

By Mr. CROCKER: The petition of citizens of Warwick, Massachusetts, for the prepayment of postage on all printed matter—Committee on the Post-Office and Post-Roads.

Also, the petition of Roger N. Leavitt and others, for increase of pension to surviving soldiers of the revolutionary war—Committee on Revolutionary Pensions and War of 1812.

By Mr. FIELD: The petition of John Haley, for a pension—Committee on Invalid Pensions.

Also, the petition of the governor of Michigan and others, for the improvement of Detroit River—Committee on Commerce.

Also, the petition of B. F. Morton, for an American register to the schooner George Warren—Committee on Commerce.

By Mr. FOSTER: The petition of Louisa Eldis, for compensation for damage to and occupation of her property by United States troops—Committee on War Claims.

By Mr. GARFIELD: The memorial of the National Board of Trade, in relation to currency and banking—Committee on Banking and Currency.

By Mr. HARRIS, of Virginia: The memorial of Ezra Burtner, of Washington County, Maryland, praying compensation for supplies taken by the Union Army and losses sustained during the rebellion—Committee on War Claims.

By Mr. HATCHER: A paper relating to the establishment of a post-route from Gatewood, in Missouri, to Pocahontas, in Arkansas—Committee on the Post-Office and Post-Roads.

By Mr. HATHORN: A paper relating to the establishment of a post-route from Greenwich to Schuylerville, in the State of New York—Committee on the Post-Office and Post-Roads.

By Mr. HAYS: The petition of citizens of Sumter and Pickens Counties, Alabama, for the establishment of a post-route—Committee on the Post-Office and Post-Roads.

By Mr. HEREFORD: The petition of Alleghany College, West Virginia, for relief—Committee on War Claims.

Also, several petitions of citizens of West Virginia, for the relief of the Nashville Methodist publishing house—Committee on War Claims.

By Mr. HOUGHTON: The memorial of the Chamber of Commerce of Los Angeles, California, relative to duties on foreign fruits—Committee on Ways and Means.

Also, the memorial of the same body, relative to the harbor of Wilmington, California—Committee on Commerce.

By Mr. HUNTON: The petition of the trustees of the Methodist

Episcopal church, of Alexandria, Virginia, for payment for war damages—Committee on War Claims.

Also, the petition of citizens of Frederick County, Virginia, for compensation for the destruction, by order of General Hunter, of the Methodist parsonage in said county—Committee on War Claims.

By Mr. LOWNDES: The petition of E. S. Zevly, for relief—Committee on the Judiciary.

By Mr. LUTTRELL: Resolutions of the Santa Clara Woman Suffrage Association, in relation to the Utah bill—Committee on the Judiciary.

Also, a paper relating to the establishment of a post-route from Middletown to Uncle Sam, in California—Committee on the Post-Office and Post-Roads.

By Mr. McCRARY: Papers relating to the cotton claim of Joseph R. Bowles—Committee on War Claims.

By Mr. McFADDEN: The petition of citizens of Washington Territory, for the removal of obstructions from Skagat River—Committee on Commerce.

Also, the petition of citizens of Washington Territory, asking that the biennial sessions of the Legislature may be extended to sixty days—Committee on the Territories.

By Mr. MERRIAM: The petition of Bruce M. Davis, for an American register to the schooner Almira—Committee on Commerce.

By Mr. O'BRIEN: The petition of Gottlieb Oesterle, for relief—Committee on War Claims.

By Mr. ORR: The petition of citizens of Iowa, for the establishment of a post-route from Spencer to Sheldon, in Iowa—Committee on the Post-Office and Post-Roads.

By Mr. PARKER, of Missouri: The petition of Issachar Zacharie, for relief—Committee on Claims.

By Mr. PLATT, of Virginia: The petition of Benjamin L. Brittin, for relief—Committee on War Claims.

By Mr. RANDALL: The petition of Susan McGoulrick, for a pension—Committee on Invalid Pensions.

By Mr. RICE: The memorial of the National Board of Trade, in relation to transportation—Committee on Railways and Canals.

By Mr. ROSS: The petition of citizens of Pennsylvania, for a court of arbitration to settle international difficulties—Committee on Foreign Affairs.

Also, the petition of citizens of Centre County, Pennsylvania, for the repeal of the stamp tax on medicinal preparations—Committee on Ways and Means.

By Mr. SAYLER, of Ohio: The memorial of the National Board of Trade, urging the establishment of an international commission to foster and increase commercial intercourse between the United States and the Central and South American States—Committee on Commerce.

Also, the memorial of the Cincinnati Board of Trade, opposing the repeal of the bankrupt law, and recommending certain modifications thereof—Committee on the Judiciary.

Also, the memorial of the Woman Suffrage Association of Ohio, in relation to the disfranchisement of women in Utah—Committee on the Territories.

By Mr. SCOFIELD: The petition of gradnates of the United States Naval Academy, for relief—Committee on Naval Affairs.

By Mr. SCUDDER, of New York: The petition of Captain J. S. Higby and others, asking that Northport, in Suffolk County, New York, may be made a port of delivery—Committee on Commerce.

By Mr. SMART: The petition of Andrew Sawyer and others, for the repeal of the stamp tax on medicinal preparations—Committee on Ways and Means.

Also, the petition of Henry S. Van de Carr and Elsie M. Reynolds, for the extension of letters-patent—Committee on Patents.

By Mr. SMITH, of New York: The petition of J. W. Prentiss, for letters-patent—Committee on Patents.

Also, the petition of citizens of Steuben County, New York, for the division of the northern judicial district of New York—Committee on the Judiciary.

By Mr. SOUTHARD: A petition for the establishment of a post-route in Ohio—Committee on the Post-Office and Post-Roads.

By Mr. SPRAGUE: The petition of Isaac M. Grant, for a pension Committee on Invalid Pensions.

Also, the petition of Arious Kennedy, for a pension—Committee on Invalid Pensions.

By Mr. STEELE: A paper relating to the convention with the Shoshone and Bannock Indians, for the relinquishment of a portion of their reservation—Committee on Indian Affairs.

By Mr. THORNBURGH: A petition to establish a post-route from Tuckaleechee Cove to Cades Cove, in Levin County, Tennessee—Committee on the Post-Office and Post-Roads.

By Mr. VANCE: A paper relating to the establishment of a post-route in North Carolina—Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: A paper relating to the establishment of a post-route in South Carolina—Committee on the Post-Office and Post-Roads.

By Mr. YOUNG, of Kentucky: Papers relating to the establishment of post-routes in Kentucky—Committee on the Post-Office and Post-Roads.

IN SENATE.

TUESDAY, *January* 20, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. SHERMAN presented the credentials of Hon. ALLEN G. THURMAN, chosen by the Legislature of Ohio a Senator from that State for the term beginning March 4, 1875; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, in reply to a resolution of the Senate of the 8th instant requesting information relative to any unauthorized occupation or invasion of, or encroachment upon, the Indian territory, so called, by individuals, or bodies of men, in violation of treaty stipulations; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Postmaster-General, in response to a resolution of the Senate of December 15, 1873, in regard to the results of the abolition of the franking privilege; which was ordered to lie on the table and be printed.

Mr. EDMUNDS. I do not know that it is in order just at this moment, but hearing that communication led me to remember that the report of the Attorney-General on the subject of the fees and expenses in bankruptcy was read the other day and laid on the table, as I saw by the proceedings. I simply rise to move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. CHANDLER presented a memorial of the National Board of Trade, adopted at its recent meeting in Baltimore, Maryland, asking for the modification of the customs laws; which was referred to the Committee on Finance.

He also presented the petition of William Martin, of Oakland County, Michigan, praying for a pension; which was referred to the Committee on Pensions.

Mr. FENTON presented a memorial of the National Board of Trade, F. Fraley president, indorsing the memorial of the Chamber of Commerce of New York on the subject of collisions at sea; which was referred to the Committee on Commerce.

Mr. ALLISON presented the petition of the city council and citizens of Dubuque, Iowa, praying the passage of an act granting the use of the abandoned town site of Peru, in that State, as a public park; which was referred to the Committee on Public Lands.

He also presented a memorial of the general council of the Indian territory remonstrating against the formation of a territorial government therein; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the general council of the Indian territory, relative to the land-grants made by Congress on the 25th, 26th, and 27th days of July, 1866; which was referred to the Committee on Indian Affairs.

Mr. SHERMAN presented the petition of Josiah Kirby, of Cincinnati, Ohio, praying the extension of his patent on a tool for boring and reaming the bung-holes of barrels; which was referred to the Committee on Patents.

He also presented a petition of citizens of Wisconsin, praying for the amendment of the national banking law; which was referred to the Committee on Finance.

Mr. SHERMAN. I am requested to present the memorial of the National Board of Trade, composed of commercial representatives from the principal cities of the United States, who, after a full discussion and mature deliberation at their recent convention, held in Baltimore, have adopted as a part of their memorial the following suggestions, which they submit respectfully to the attention of Congress:

First. The National Board of Trade respectfully recommends to Congress that there should be no further issue of irredeemable paper money whatsoever.

Secondly. That, in the opinion of this board, it is the first duty of the Government to provide for the retirement and cancellation of so much of the legal-tender issue as has been taken from the so-called $44,000,000 reserve.

Thirdly. That it is the imperative duty of the Government to restrict its expenditures in every department of the public service to the lowest possible point; and that strict economy be instituted in all appropriations.

Fourthly. Certain amendments of the national banking act.

Fifthly. That the fractional currency now largely in excess of the need of the country should be reduced, and, as far as possible, specie—silver coin—substituted in its place.

And other provisions in regard to our laws relating to fractional currency and silver coinage are suggested.

I am also desired to state that the first three propositions, which are the material ones bearing on the questions now under discussion in the Senate, were adopted by a vote almost approaching unanimity by this convention of the National Board of Trade, representing the principal cities of all parts of the country. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. SPENCER presented resolutions of the Legislature of the State of Alabama in favor of the 5 per cent. fund accruing to that State under the act of March 2, 1869, which was referred to the Committee on Public Lands.

Mr. RAMSEY. I present thirty-one separate petitions from citizens of Arkansas, California, Illinois, Ohio, Indiana, and other States, very numerously signed, in which they represent that the present system of carrying newspapers without prepayment of postage is an injustice to all the citizens of the United States except the publishers of newspapers, who are thus made into a favored class, which is contrary to the genius of republican institutions. They therefore pray that the postal code may be so amended that all matter, whether letters, newspapers, printed matter, or merchandise, may be prepaid at the office of mailing, and that to facilitate the prepayment of the postage on newspapers and avoid the labor and expense of placing stamps on and canceling the same, the Postmaster-General be authorized to fix a certain sum per pound for the weight of newspapers delivered to any post-office for forwarding through the mail. I move the reference of these petitions to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SUMNER. I offer a petition, signed by a large number of citizens of the county of Colfax, in the Territory of New Mexico, and also of the county of Las Animas, in the Territory of Colorado, in which they set forth that a corporation, styling itself the Maxwell Land-Grant and Railway Company, declares absolute ownership to a tract of land of an area of four hundred and fifty square leagues under the guise of a Mexican land grant, known as the "Beau-bien and Miranda grant," and they pray that Congress will enact a law defining and construing the confirmation act of June 21, 1860, and limiting the amount of land to which the grantees and their representatives may be entitled in said grant, by the statement of the original grantees to the Mexican authorities. In this petition the nature of the claim and prayer is set forth. I have had some hesitation as to the committee to which it should go, but I have concluded to ask that it be referred to the Committee on Public Lands.

Mr. SARGENT. It seems to me that that petition had better be referred to the Committee on Private Land Claims. The Committee on Private Land Claims ought to report some measure that will ascertain whether there are any, and what extent of, valid land grants in New Mexico and Colorado. I understand that nearly the whole of these two Territories is plastered over by pretended land grants, and I have noticed on looking back that one or two bills have passed Congress confirming millions of acres of land in a body to a single individual or to a company; and a proposition has been introduced into the Senate during this session that the Government shall survey these enormous tracts, which we have heretofore confirmed, at its own expense, that these parties may secure the full possession of the lands. I do not believe that the Mexican government was so improvident as to grant these enormous areas to a few individuals, and there ought to be an incisive investigation into the whole matter, in order that the settlers who go to these Territories may have the opportunity to know whether they are going on public lands or not. I believe there are great frauds in these Mexican grants, and I should like to have the subject go to the Committee on Private Land Claims.

Mr. SUMNER. Let me ask my friend, does he think this petition should go to the Committee on Private Land Claims rather than to the Committee on Public Lands?

Mr. SARGENT. The Committee on Public Lands is overwhelmed with business, and the Committee on Private Land Claims has much less. So far as the *personnel* of the two committees is concerned, I think both trustworthy; but the petition had better be referred to the committee which has the less to do, for that reason.

Mr. SUMNER. I am very much obliged to the Senator for his suggestion, and I accept it. I make that motion.

Mr. BOGY. I think that this matter should be sent to the Committee on Private Land Claims. The whole Territory of New Mexico and a large portion of Colorado are covered by the vast grants mentioned by the Senator from California. In my opinion the only way to reach the subject (which is of paramount importance to that whole country, and until it is settled that country can never be fully inhabited) is to refer it to a commission; and I, as a member of the Committee on Private Land Claims, desire that this subject be referred to that committee, so that a bill may be matured in time throwing the whole investigation of these private land claims in New Mexico, in Colorado, and in portions of Utah, into the hands of a board of commissioners, as was done formerly in Upper Louisiana and in Florida. There is no other way for Congress to get at the subject in an intelligent manner than by referring it to a board of commissioners. I therefore hope the petition will now go to the Committee on Private Land Claims.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Private Land Claims.

Mr. SUMNER presented the petition of the First Congregational church of Lowell, Massachusetts, signed by its pastor, Rev. Smith Baker, and other officers of the church; the petition of Hon. George Richmond, mayor, and 128 citizens of New Bedford, Massachusetts; the petition of George H. Wilson and other citizens of Lynn, Massachusetts; the petition of A. Norcross and 52 other citizens of Fitchburgh, Massachusetts; the petition of Rev. W. J. Hambleton and 40 other citizens of Woburn, Massachusetts; and the petition of Otis L. Bonney and 16 other citizens of Hanson, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were referred to the Committee on Finance.

Mr. STEVENSON presented the memorial of John M. Robinson and other prominent business men and bankers, citizens of Louisville, Kentucky, and its vicinity, praying for an amendment of the bankrupt law; which was ordered to lie on the table.

Mr. BUCKINGHAM presented a letter from the Secretary of the Interior, addressed to the chairman of the Committee on Indian Affairs, accompanying a statement of the Commissioner of Indian Affairs, showing the indebtedness on account of the Indian service prior to July 1, 1873; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WEST presented the memorial of the Chamber of Commerce of New Orleans, asking Congress to consider the propriety of taking into its hand the subject of quarantine regulations, as affecting the commerce of the country, and of providing by law such a system of quarantine, with such mode of enforcement, as will preserve the health of the public without impairing the interests of commerce; which was referred to the Committee on Commerce.

Mr. MITCHELL. I present the petition of citizens of Southern Oregon praying for an appropriation for the improvement of the harbor at Port Orford, in that State. Among other reasons given in the petition they call attention to an extract from the report of Henry M. Robert, of the Engineer Corps, recently made, in which that officer uses this language:

> On the seven hundred and fifty miles of sea-coast between San Francisco and the Straits of Fuca, a distance equal to that from New York and Charleston, there is not a single harbor that can be entered during a southerly gale. Twenty-five miles south of, midway between, these points, is Port Orford, according to the United States Coast Pilot by far the best summer roadstead on the coast between Los Reyes and the Straits of Juan de Fuca.

I move the reference of this petition to the Committee on Commerce.

The motion was agreed to.

Mr. THURMAN presented the petition of George W. Miller, and other citizens of Miami County, Ohio, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was referred to the Committee on Finance.

Mr. OGLESBY. I present the memorial of 150 farmers and workingmen of La Salle County, Illinois, praying for the repeal of the national banking law and the substitution of legal-tenders convertible into 3.65 per cent. bonds reconvertible into legal-tenders and the legal-tenders convertible back into bonds, and so on *ad infinitum*, at the pleasure of whoever shall hold any of either. I move its reference to the Committee on Finance.

The motion was agreed to.

THE TRANSPORTATION QUESTION.

Mr. OGLESBY. I ask leave to present, in the nature of a memorial, the following conclusions from the National Board of Trade, presented to this body after their deliberations recently at Baltimore:

> The National Board of Trade having had under consideration the subject of increasing and cheapening the means of transportation in the United States, and especially as this question has a bearing upon the general welfare of the whole country, beg leave to respectfully submit to the honorable the Senate and House of Representatives in Congress assembled the following as the conclusions of the body touching this important and engrossing subject; and to ask the favorable consideration of the Government to the suggestions herein contained:
>
> First. That increase of facilities and cheapening of rates of transportation between the interior and the sea-board are no longer to be considered measures of local advantage, but have become national necessities.
>
> Secondly. That the only complete and permanent restraint upon unreasonable exactions for transportation must be sought in the development and improvement of the natural water routes, to the end that these highways for our commerce may move freight during as much of the year as possible at the lowest possible rates, and thus subject the railroads to the regulation of wholesome competition. We therefore rejoice at the commencement of important improvements in the Welland and Saint Lawrence Canals by the Dominion of Canada; in the efforts by the State and citizens of New York to improve methods of transportation by the canals of that State; in the close attention given to other projects of interior water communication; and trust that the improvement of the Mississippi River and other great national water ways of the country may be pushed without delay to completion.
>
> Thirdly. That it is inexpedient for Congress at the present time to assume any pecuniary obligations, or to make any appropriations in aid of artificial means of transportation.
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> In behalf of the National Board of Trade.
>
> FREDERICK FRALEY, *of Philadelphia, President.*
>
> CHARLES RANDOLPH, *of Chicago, Secretary.*

I present these conclusions of the National Board of Trade as an expression of its views upon this most important question. The National Board of Trade has representatives from perhaps twenty States in the Union; and in presenting their conclusions upon this question to the national Congress I think they are entitled to respect and attention; and in that sense I present them here, wishing to direct public attention upon all proper occasions to this subject.

I must insist—and in doing so I say nothing new to this body—that this question to-day of cheap transportation is demanding at this hour more of the public attention than the question of finance. I know of no question that concerns the western people so deeply, so profoundly, as this question of cheap water and cheap railway transportation. I hope that the select committee who are now investigating that subject will be prepared at an early day to submit to the consideration of this body some practical measure for the solution of this difficult problem. If the people of the West are to have the

prices of their products fixed by the rates established in Liverpool and London; if the foreign market is to fix the price of the grains, the products of this nation, then it does become an important question to the people of the West, and of the whole Union, as to what the charges shall be between the point of production in the United States and the point of consumption in Europe. The very moment that our products exceed our home demand, and we begin to export them to foreign countries, that moment the price of every bushel of corn and wheat is fixed by the foreign and not by the home market. So that it is a material question to the people of the United States, and especially to the people of the West, as to what the charges shall be between the point of production and the point of consumption. I believe I do not transgress the bounds of moderation when I state that the charges now imposed by railways, by steamship, by the middle-men, by the commission merchants, exceed three to four times the price the producer receives.

This question, Mr. President, must be met in some form or other by the people of the United States, and more particularly by the Congress of the nation. We cannot much longer avoid it. I do not know where the solution is to come from. We have relied upon competition between railroads until we have lost almost all hope of bringing them to fair and just charges for the transportation of our products. At this very hour there is a serious question pending in the Legislature of my own State as to whether the power is vested in the Legislature of Illinois, under an amended constitution, to regulate the freights and fares for the transportation of their products. The old common-law doctrine is constantly met at every point and every turn in this question; the old common-law doctrine meets the producer with the statement that he shall have his freight transported for a reasonable compensation, and that if the charges are more than reasonable he is left free to go to the courts to have them settled by a court and jury. How impossible it is for a man who has paid ten cents more than he ought to have paid for a ride, or who has paid a bill of three to five dollars more than he ought to have paid for the shipment of a few bushels of wheat and corn or a few barrels of flour—how hopeless the task is for him to enter a court of justice and have the charges brought back to reasonable rates by proceedings in the courts! The expense meets him at once, appalls him, and drives him away; and there is, therefore, with all small shippers no redress according to the old rule of the common law, that their goods shall be carried at reasonable rates, and that that question must be determined in every instance by a court and jury. We have been trying to circumvent if we can that necessity which heretofore, in the eyes of the common law, has driven us through that channel for redress. A nearer and shorter, but a more just route, must be found out in order to bring justice to these people.

I feel that the people of the West, moderate and reasonable under all circumstances upon all matters almost, are no more than reasonable and moderate now in their demands for the national Government to give consideration to this question. We must meet it in some shape or other. I belong to that political party, I belong to that class of liberal thinkers who firmly believe the power in the Constitution of the United States may be found to rightly consider and justly settle any question of national importance. I believe ours is a Government in fact, with well-defined powers, and that the powers granted are ample and full to meet the exigencies at all times, in war and peace, of this people. I do not mean to be curbed, I do not mean to be cramped in my views of the proper construction of that instrument. It is the instrument of the people, it is the instrument that makes us a nation and a power upon the globe to-day; and I believe, according to my politics, according to republican politics, that the power may be found in the Constitution of the United States to meet this question of transportation. I believe the power resides there to regulate and control the railroads of the Republic. I believe we may cross State lines, we may look into the States, through a constitutional law of Congress, to regulate this question, to construct railroads, to construct canals and other highways of commerce and trade, until the people of all portions of the country shall be placed in equal condition as to rights and interest in all respects. I do not know how many years it will be before our fellow-citizens of the Eastern and sea-board States will be appealing to us for redress on this very question. We are all sisters or brothers, as the case may be, in the Republic. I have no local feeling which would drive me away from perfect and complete justice to the Eastern States, either financially or on this question of transportation, or any other; but if we of the West shall be so cramped and confined for want of constitutional power as to be compelled to consume our own products, if we shall be driven through the channels of invention and genius to find out the means of consuming at home what we produce, because we shall not obtain fair rates abroad, because our profits shall be ground out and consumed by transportation charges, it may not be a quarter of a century until the Eastern States and Europe itself may be clamoring for the products of the great West and the great interior. We are a free, active, and industrious people; and if we can get no other remedy we will transfer in the course of reasonable time the manufacturing industries of Great Britain and of the Eastern States to the West and the interior; we will bring the wealth along as fast as we can command it, by that earnest and honorable competition, however, which makes trade permanent and prosperity desirable.

Sir, who can count the bushels of surplus product of the West? Is there an honorable Senator on this floor to-day who can for a moment comprehend the surplus products even of the ten Northwestern States? Can you estimate in tons or in bushels the surplus quantity we have for shipment of pork, beef, flour, corn, barley, buckwheat, and rye? It is absolutely appalling when you come to contemplate the result. We must, however, for the present, find a market for it until that other time shall come when we may be able by increased population, by extended industry, by commercial wealth, to absorb and consume the larger portion of it ourselves.

We believe in the Republic. We believe in its power. We believe the national Congress has power to meet this question, and although the National Board of Trade seems to interdict in its conclusions the power of Congress to touch the question of railroads—and I am now presenting this memorial in the name of the National Board of Trade—I differ from them in that conclusion, because I believe the national Congress has the right to touch the railroad question. I believe it has the constitutional power to construct railroads if it shall be considered wise and expedient to do so.

I do not at this moment go so far as to express the unqualified opinion that we can by law regulate the freights and charges of private corporations, of private railway companies, chartered by State legislation. I have not made up my mind to go that far yet. But I have no difficulty whatever in going to the length of believing that the national Congress may pass a law establishing railways, creating railway companies and railway corporations, and may confer power on such corporations to construct railways, to charge fares and freights, subject to the power of Congress to regulate them, for the transportation of passengers and freights. I have no doubt that the Government itself may do so. But as to whether I would as a Senator here, with the responsibility of a constituency of three millions behind me, venture to vote to appropriate from the national Treasury at this time the money to build a road by the national Government, is a very different question. I am very frank to confess to the grangers, to the farmers' clubs, to the republicans and democrats, and the citizens generally of the West, that I have not yet made up my mind that it is my duty to vote a dollar out of the national Treasury to construct a solitary highway.

I would be willing to build one double-track steel railway of the most complete and durable character, that would last forever, from New York or some other point on the Atlantic coast to the West. I could not vote for that now; but I know perfectly well, and I tell my people in Illinois that when I attempt to cast such a vote and ask for such a road, I will be expected by honorable Senators here to cast votes for at least fifteen or twenty other such roads. I am not prepared to go that far, and shall not now commit myself to a project which would be so hazardous to the national finances.

I have submitted these views in connection with this subject very briefly, but would not have taken the time of the Senate to have done so if I could have found any other convenient occasion. I am not sure that I have hit the right time now; but, at any rate, I have unburdened myself, and now I ask that the memorial or petition be referred to the Committee on Transportation Routes to the Sea-board, with the request that that committee may, within as reasonable a time as possible, present the conclusions of their deliberations upon this intricate and complicated question. I am perfectly willing to give them reasonable time. I know how grave the question is. I know how much study it will require, after the vast field they have been over during the last eight or ten months, to digest and present a plan; and, indeed, I will go so far as to say to that committee that I have no great hope, after all their labor and thought, they will be enabled to present a satisfactory and final solution of it. I cannot venture to hope for so much; but I do believe they will present something. I shall wait patiently until it comes. If then it should meet my approval I will give it a hearty support.

The PRESIDENT *pro tempore*. The memorial will be referred to that committee.

Mr. BOGY. If it is in order I should like to say a few words upon the very subject upon which the honorable Senator from Illinois has addressed the Senate.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to submit a few words on the subject just discussed by the Senator from Illinois. Is there objection? The Chair hears none.

Mr. BOGY. Mr. President, the question of transportation from the West to the sea-board, as every Senator is aware, has assumed an importance which is very great. The products of that section in all the cereals and meat crop have become so large that the question of transportation is one of very great importance. We all feel it. Hence, a new party in the West has arisen. Now, although I do not rise on this occasion to give in my adhesion to the party called the grangers, this I will say, as I have said before in my own State, that without giving my adhesion to that new organization, yet I hail the birth and organization of it with a great deal of pleasure. The farmers of the West feel that there is something wrong. Whether it arises because our financial system is not adapted to promote their prosperity, or whether the transportation is too expensive, or whether it is proper for them to send to a foreign market, or whether it would be more judicious for them to have a home market, or whether the mouth of the Mississippi River should be improved so that they may have an easy outlet to the ocean, are all questions which have to be

examined in order to come to a solution of this great problem. I am in full sympathy with my suffering section. I am in full sympathy with the people of my own State and the adjoining States on that subject; for I have had occasion to know, and I do know, that they are greatly the sufferers.

But, in my opinion, the danger that nothing may be done will arise from the position taken by my friend, the Senator from Illinois; for if the national Government undertakes to go into a system of railroads built by the nation, the subject assumes such complications and such magnitude, besides the exercise of a doubtful power at best, that the result will be that nothing will be done.

Now, I do hope that this Committee on Transportation will confine their investigation to one subject, for the present at least, and that is, to the opening of the water routes of the interior of the country to the ocean; to the opening of the Mississippi River from the headwaters of that river to the Gulf of Mexico; to the improvement of the navigation of the Ohio, of the Missouri, of all the large streams of the West; and, if that be done, in my estimation all that the West requires for the present will be done; and as to the power to do that there will be no question, and the appropriation necessary for doing it would be insignificant; at most, a few hundred thousand dollars.

If the mouth of the Mississippi, either by canal or otherwise, can be made so that vessels of the largest class will be able to come up to the port of New Orleans, and if the Mississippi can be made navigable at all seasons of the year, by the removal of sand-bars, snags, and other obstructions, you will have afforded to the great West the means of cheap transportation. It will be then in their power themselves to solve this problem. They will then ascertain for themselves whether a foreign market be the market which they need, or whether the time has not come for the great West with its vast production to cease looking to the foreign and distant markets and to build up a market at home. Give them the ability of making the test.

Now, sir, we are talking continually of the foreign market, and we say if we could only get to the foreign market our troubles would be removed. Give us the means of getting to that foreign market. If that will remove the troubles, well and good; but if then their troubles are not removed, another step in some other direction will have to be taken. My idea is, that the solution of that great problem will in time come when your foreign markets, to a great extent, are abandoned. The West is becoming too great, its products are too vast, to seek a foreign market for its cereals, its corn and wheat and its bulky cheap articles. A ton of corn weighs as much as a ton of gold, and the transportation, therefore, of a ton of corn to a distant foreign market will always eat it up; although it may be transported by the railroad itself for little or nothing, the mere handling of it will eat it up. It has to be handled by half a dozen middle-men before it gets to the mouth of the consumer. It is too cheap an article. The West will have to look at that great subject in another light. In the mean time give them the means of reaching the ocean, give them the means of getting to the foreign market, and if that gives them a sufficient outlet for their products the problem is solved, and if not it will have to be solved in a different way. But let us not contemplate for the present the building of double-track railroads with steel rails. Let that rest for the time being, and let us confine our efforts and our expenditures to the opening of the great water-routes of the interior of the continent to the ocean.

The PRESIDENT *pro tempore*. The memorial will be referred to the Select Committee on Transportation Routes to the Sea-board.

THE GOVERNMENT PRINTING OFFICE.

Mr. ANTHONY. I offer the memorial of Gibson Brothers, Joseph L. Pearson, and others, employing printers of Washington, concerning the Government Printing Office. The petitioners allege that it has become the practice of the courts to order at the Public Printing Office the printing of records of cases to which the United States is not a party, and the expense of which ought to be paid by the litigants themselves. If any inadvertence of this kind has been done, doubtless the judge will correct it. But it is proper to state that it is not the fault of the Congressional Printer, who has no discretion in the matter, a certain amount being appropriated to pay the expenses of printing for the courts, and being expended under the order of the courts. If anything of that kind has taken place, it has been, doubtless, through an inadvertence.

The petitioners also complain of the printing of speeches of members of Congress at the Government Printing Office, which they say is done without the name or similitude of law or justice or right. As members of Congress nowadays are accused of stealing everything, from a railroad to a tooth-pick, I ought to state that any speeches which are printed at the Government Printing Office, are paid for by those who order them, and are printed under the statute which allows any person, member of Congress or otherwise, to obtain by paying for them any number of documents printed by the Congressional Printing Office.

Many other grievances are alleged here which I will not refer to. I move the reference of the petition to the Committee on Printing.

Mr. MORRILL, of Maine. I want to make an inquiry of the Senator. Am I to understand him to say explicitly that no such practice as is supposed by the memorialists exists in regard to printing speeches?

Mr. ANTHONY. I say if they are printed at the Government Printing Office, (and they are printed there,) they are printed at the expense of those who order them, and are printed under the statute. There is an express law which authorizes any document printed at the Government Printing Office to be purchased by any individual; and as these speeches are set up in the CONGRESSIONAL RECORD the same type is used to print them for distribution on the order of members of Congress.

Mr. MORRILL, of Maine. Is it the abuse of printing that is complained of, or is the abuse supposed to be in printing them without pay?

Mr. ANTHONY. I suppose the petitioners think they are printed without pay, for I do not conceive it could be considered an abuse by anybody that the speeches which are delivered in Congress are printed at the Public Printing Office at the expense of those who order them.

Mr. MORRILL, of Maine. That fact the Senator thinks does not exist; they are not printed without compensation?

Mr. ANTHONY. Certainly not.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CLAYTON, it was

Ordered, That the petitions and papers of William Bowlin and Alvis Smith be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. BOGY, it was

Ordered, That Washington Crosland, praying payment for damages arising from the seizure and use of his property by the Government in the city of Saint Louis, have leave to withdraw his petition and papers from the files of the Senate.

REPORTS OF COMMITTEES.

Mr. CAMERON. I am directed by the Committee on Foreign Relations, to whom were referred the papers in the case of Dr. William Trevitt, consul at Valparaiso, Chili, asking payment of salary and clerk hire, to report that that committee ought to be discharged from their further consideration, and they be referred to the Committee on Commerce, which has charge of all matters relating to consuls; and that committee, having all the facts before them, can more properly judge what is right than the Committee on Foreign Relations.

The report was agreed to.

Mr. CAMERON also, from the Committee on Foreign Relations, to whom was referred the petition of Rufus Mead, United States consul at San Juan del Sur, praying compensation for services rendered in the absence of C. N. Riotte, minister near the government of Nicaragua, asked to be discharged from its further consideration, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. WRIGHT. The Committee on Finance, to whom was referred a petition of a committee appointed by the Washington Central Temperance League, praying for an appropriation of $100,000 for the purpose of constructing a building for the use of the hospital for inebriates, and to whom was also referred the bill (S. No. 233) for the incorporation of the National Washington Home, which seems to be to carry out the object of the petitioners, have instructed me to report the same back, and to say that while they might sympathize entirely with the object of this bill and the prayer of these petitioners, and while under other circumstances they might not be disinclined to give aid in the direction indicated by the bill and petition, they cannot shut their eyes to the fact that there is a demand everywhere now for the utmost economy in public expenditures, nor to the further fact that the Government is absolutely needing buildings at this time, which our finances render us quite unable to furnish, for purposes that are absolutely necessary, and in view of the fact also that we do not believe that it is the policy of the Government at this time to enter upon the erection of any public buildings—in view of these considerations they instruct me to report back the bill and petition, and recommend that the bill be indefinitely postponed, and that they be discharged from further consideration of the petition.

The report was agreed to.

Mr. EDMUNDS. The Committee on the Judiciary, to whom was referred the bill (S. No. 6) relating to certain moneys appropriated to members of Congress, have instructed me to report adversely, and to ask that it be indefinitely postponed. I wish to say, in explanation of this report, that the substance of this bill was incorporated into the one that passed the Senate on the subject of salaries.

The bill was indefinitely postponed.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 306) for the relief of George F. Heideman, reported adversely thereon; and the bill was indefinitely postponed.

Mr. CLAYTON. In this connection I ask that the commission of this officer, which was with the papers accompanying the bill, be withdrawn from the files of the Senate, in order that it may be forwarded to him by the clerk of the Military Committee.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the petition of Anderson J. Smith, late of Company A, One hundred and thirtieth Regiment of Illinois Infantry, praying for compensation as lieutenant, submitted a report, accompanied by a bill (S. No. 341) for the relief of Anderson J. Smith. The bill was read and passed to a second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. THURMAN asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 342) for the relief of the officers and crew of the United States ships Wyoming and Ta Kiang; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 343) for the relief of purchasers of lands sold for direct taxes in the insurrectionary States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 344) for the relief of William Bowlin; which was read twice by its title, and referred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 345) for the relief of Alvis Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FERRY, of Michigan, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 346) for the relief of Howell H. Trask; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 347) granting a portion of the United States military reservation at Salt Lake City for cemetery purposes; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 348) to amend an act entitled "An act for the restoration to market of certain lands in Michigan," approved June 10, 1872, and for other purposes; which was read twice by its title, and, with accompanying papers, referred to the Committee on Indian Affairs.

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 349) to create a reservation in the Territory of Washington for the Cœur d'Alenes and other Indian tribes therein named; which was read twice by its title, referred, with accompanying papers, to the Committee on Indian Affairs, and ordered to be printed.

Mr. SHERMAN. I desire to introduce a bill providing for the payment of the bonds of the Louisville and Portland Canal Company, and present a report of the Secretary of the Treasury and other papers connected therewith. I ask that the bill and papers be printed and referred to the Committee on Finance.

Mr. EDMUNDS. What does that bill provide?

Mr. SHERMAN. For the payment of the bonds of the Louisville and Portland Canal Company. The appropriation has been made, and this bill provides how it shall be applied.

There being no objection, leave was granted to introduce a bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company; which was read a first time by its title.

Mr. EDMUNDS. I should like to hear the bill read in full.

The Chief Clerk read the bill the second time, as follows:

Be it enacted, &c., That the appropriations made by the act approved March 3, 1873, entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," for the payment of the debts of the Louisville and Portland Canal Company, are hereby continued in full force and are made permanently applicable to the payment of the debts of the said Louisville and Portland Canal Company, and so much as may be necessary shall be applied to the payment of the interest as it accrues and the principal of the outstanding bonds of said company as they mature: *Provided, however*, The Secretary of the Treasury may purchase and pay for any of the said bonds at their market price whenever he deems it for the interest of the United States.

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Mr. SHERMAN. That is the main part of the bill.

Mr. EDMUNDS. The reading has gone far enough to satisfy me that it is a permanent appropriation, which we are all against.

The bill was referred to the Committee on Finance, and ordered to be printed with the accompanying papers.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 351) to amend an act entitled "An act confirming and extending a patent right to Levi W. Pond and the Eau Claire Lumber Company," approved June 10, 1872; which was read twice by its title, and referred to the Committee on Patents.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 352) to repeal an act entitled "An act confirming and extending a patent right to Levi W. Pond and the Eau Claire Lumber Company," approved June 10, 1872; which was read twice by its title, and referred to the Committee on Patents.

TOPOGRAPHICAL SURVEY OF CAPITOL GROUNDS.

Mr. MORRILL, of Vermont, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of employing a competent person or persons to make a preliminary topographical survey of the grounds around the Capitol, and to furnish a plan for laying out and the improving of the same.

ADDITIONAL PAY OF TREASURY CLERKS.

Mr. SAULSBURY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be requested to inform the Senate how much of the appropriation for additional clerks and additional compensation to clerks in his office, (contained in the legislative, executive, and judicial act, making appropriations for the year ending June 30, 1873, approved May 8, 1872,) has been paid under these heads respectively; that is, how much for additional clerk hire and how much for additional compensation; and that he likewise inform the Senate who received this additional compensation, at what rate per annum they were paid under its provisions, and what was the salary of these clerks respectively as provided by law.

SENATOR FROM LOUISIANA.

Mr. MORTON. Mr. President, I ask unanimous consent of the Senate to take from the table the resolution for the admission of P. B. S. Pinchback to a seat in this body; and I will state the purpose for which I desire to have it taken up. It is that I may make this motion: that the credentials of Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections, and that the committee have power to send for persons and papers, and be instructed to investigate the circumstances attending the election of said Pinchback to a seat in this body.

I will state to the Senate that since the adjournment of the Senate on last Friday evening I have received information which I think makes it important to the State of Louisiana, and to the Senate and to the country, that an investigation touching the circumstances of this election be made. I ask, therefore, to have this resolution taken up for the purpose of enabling me to make the motion I have stated.

Mr. McCREERY. Mr. President, as I understand it, I have the floor on Louisiana affairs. I have been for a long time postponing my remarks with a view of accommodating the views of others who were anxious to discuss the financial question; but if it meets the views of the Senate I will appoint Monday next to address the Senate, commencing at one o'clock. I object to the present consideration of the motion of the Senator from Indiana.

The PRESIDING OFFICER, (Mr. MORRILL, of Vermont, in the chair.) The motion of the Senator from Indiana, being objected to, is not now in order.

Mr. MORTON. It is true that the Senator from Kentucky has the floor on that resolution. I therefore give notice that on Monday I will move to take the resolution from the table for the purpose of submitting the motion of which I have now given notice.

Mr. McCREERY. First giving me the opportunity of speaking on that day.

Mr. MORTON. The Senator of course can have that privilege.

Mr. SAULSBURY. I hope the Senator will have his motion printed, so that we can understand it.

Mr. MORTON. I have no objection.

The PRESIDING OFFICER. The motion will be printed.

NATIONAL RAILROAD SYSTEM.

Mr. CLAYTON. I ask the Senate now to proceed to the consideration of a resolution offered by myself on the 8th day of December last, which is now upon the table. I simply ask to call up the resolution, not for the purpose of much discussion, but for the purpose of making a few remarks in relation to its reference. It will take but a few moments.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Whereas under the provisions of the Constitution of the United States the power is vested in Congress "to regulate commerce among the several States," and "to establish post-offices and post-roads;" and whereas the ability to conduct commercial transactions among the several States, and the power to convey with cheapness, regularity, and dispatch, the United States mails, depend to a very great extent upon the means of transportation afforded by railroads; and whereas under existing laws lines of railroad projected in or through two or more States cannot be constructed or operated without the authority of said States, obtained either under general laws or by special enactments, thus leaving it in the power of a single State to shut out and prevent railroads from entering or passing through its territory from other States, no matter how manifestly the interests of commerce among the States may suffer thereby; and whereas it is believed by many persons that by reason of the exclusive privileges granted to railroad corporations by the Legislatures of some of the States, and by reason of combinations entered into by such corporations with each other, for the purpose of monopolizing the carrying-trade, some of the said corporations and combinations have become so powerful as to enable them to control the Legislatures of some of the States to the extent of preventing the organization of rival and competing corporations, whereby competition, which is the very life of commerce, is stifled, and the growth of the productive interests of the country and the efficiency of the United States mail-service are retarded; and whereas it is the duty of Congress to provide for the people cheap, frequent, and convenient mail facilities, and it is also its duty, so far as the power in it lies, not only to protect the commercial and productive interests of the country from the evil effects of monopolies, but to provide an easy and ready way by which the great carrying trade of the country, conducted by the means of railroads, may be thrown open to full and free competition: Therefore,

Resolved, That the Committee on Railroads be instructed to consider the expediency of reporting a bill providing for a general system of railroad incorporation, whereby persons may, by complying with the necessary requirements, become bodies corporate and politic for the purpose of constructing, maintaining, and operating railroads for public use and for the transportation of the United States mails; said bill to contain provisions reserving to Congress the right to make such laws and regulations for the safety and comfort of passengers as may be deemed necessary from time to time.

Mr. CLAYTON. I only wish to make a few remarks in relation to the reference of the resolution. This resolution suggests an inquiry of a twofold nature: first, has Congress the power under the Constitution to authorize corporations to construct railroads lying in or passing through two or more States of the Union without the consent of the Legislatures thereof; and, second, assuming that it has the power, is it expedient to exercise that power by providing by law for a general system of railroad incorporation? I believe that Congress has the power, and that it is expedient to exercise it. When I introduced this resolution some weeks ago, it was then my intention to make some remarks upon the question of expediency principally; but since I find myself met at the threshold by the constitutional branch of the question, and since I am painfully aware of my ina-

bility, not being a lawyer, to discuss that branch of the question, especially in the presence of so many able lawyers who have devoted the best years of their lives to investigations of this character, I have concluded to defer any discussion I may desire to make on this subject until, at least, the Senate may be enabled to get the views of the Committee on the Judiciary.

I think, in view of the many measures which are now pressing upon Congress looking to the incorporation of new railroad companies or to the regulation and control of those already constructed, and in view of the great public interest which is felt all over this country in relation to cheap transportation, that the Senate ought at some early day to undertake to determine what our constitutional powers are in the premises; so that, should we conclude that we have the power, we may by so doing make it unnecessary to discuss the constitutional branch of the question upon each individual measure that may come before us; or if, on the other hand, we conclude we have not the power, then of course all these measures that are pressing upon us will be disposed of at once by that conclusion. I move that the resolution be referred to the Committee on the Judiciary, with the request that they will at an early day lay before Congress their views upon the constitutional power of Congress to legislate upon the subject suggested by the resolution, as well as upon the subject of the control and regulation of railway companies.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 1231) to abolish the office of deputy commissioner of internal revenue; and

A bill (H. R. No. 1382) authorizing coinage to be executed at the mints of the United States for foreign countries.

The message also announced that the House had passed the bill (S. No. 215) in relation to the printing of the Biennial Register, commonly called the Blue Book, without amendment.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 718) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873; and it was thereupon signed by the President of the Senate *pro tempore*.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his secretary, announced that the President had on this day approved and signed the bill (S. No. 202) to remove the legal and political disabilities of William Steele, of Bexar County, Texas.

SENATOR FROM LOUISIANA.

Mr. MORTON. I ask the consent of the Senate to make a single statement. To avoid misapprehension in regard to a motion of which I gave notice a little while ago, I desire to say that the matter which I propose to have investigated by the Committee on Privileges and Elections does not relate at all to the question whether Mr. Pinchback was elected by the legal Legislature of Louisiana, or to the question whether Mr. Kellogg is the Governor of Louisiana, or to the question of the validity of what is called the Kellogg government; but relates to the personal conduct of Mr. Pinchback himself in regard to that election.

EXECUTIVE SESSION.

Mr. EDMUNDS. Mr. President, if it is entirely agreeable to the Senator from Tennessee, [Mr. BROWNLOW,] who has the floor on the unfinished business, and to other Senators, I should like to ask that the Senate have a short executive session of a few moments now. If no Senator objects, and it is equally agreeable to my friend from Tennessee, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1213) to abolish the office of deputy commissioner of internal revenue, was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

The bill (H. R. No. 1382) authorizing coinage to be executed at the mints of the United States for foreign countries, was read twice by its title, and referred to the Committee on Finance.

THE CURRENCY—SPECIE PAYMENTS.

The Senate resumed the consideration of the resolution reported by Mr. SHERMAN, from the Committee on Finance, relative to the duty of Congress to fulfill the pledge contained in the act of March 18, 1869, relative to the redemption of United States notes in coin.

Mr. BROWNLOW. Mr. President, in the southern and western sections of the country, and especially in Tennessee, there has been, and there still remains, much suffering, caused by the want of an adequate supply of money, of any kind, to meet the imperious emergencies of business. Every department of commerce and of manufactures, and every material interest of the whole country, and especially of the sections named, has been deeply injured by this deficiency of money.

It is this state of facts which induces me to break my accustomed silence in this body, and to submit my views upon the gravity of the question, and the most promising measures by which safe and general relief may be realized.

I am the more inclined to submit a few remarks on this subject in consequence of certain views recently expressed in the Senate by several gentlemen for whom I entertain great respect, and, also, because of the fact that something like a concerted movement has been in progress in several important commercial centers evidently designed to induce, if not to force, the Government to reduce the amount of money in circulation and to resort prematurely to a resumption of specie payments. I am distinctly and utterly opposed to reducing the present volume of the currency. I am equally opposed to an immediate resumption of specie payments. Nor can I for a moment agree in opinion with those who distrust the ability and usefulness of our existing system of banking and currency. On the contrary, I hold that, properly administered, it is not only adequate but largely beneficent in its scope. This system sprang into existence during the late civil war. It originated in the necessities created by that war. Yet it has proved a most effective agency in averting the destruction of the Government itself, in preserving intact this sacred Union of States, and, at length, in opening the way to the renewal of the earlier feelings of brotherhood and amity so rudely destroyed by civil strife, but which are so essential to the happiness of society and to the rapid and general development of the country. The financial system so happily conceived and projected by the illustrious and lamented late Chief Justice, while at the head of the Treasury, was, perhaps, a closer approximation to perfection than any which history has recorded. It is no reflection upon the comprehensive skill displayed in establishing this great financial plan that experience has developed deficiencies in it which wise statesmanship should seek to supply. The financial administration of the Government during the war was one which displayed amazing wisdom, and which sheds a luster on the history of that period scarcely, if at all, inferior to that of its political and military departments. Few Americans can be found who question its wisdom or doubt its grand efficiency. Yet it is no disparagement to that system that, with altered conditions of the nation, deficiencies should be disclosed. Among these are the unequal distribution of banking facilities throughout the various States of the Union, and the bestowal of exclusive privileges upon certain classes of our citizens. Let the following comparative facts illustrate the inequality of distribution complained of. With a population of one million and a quarter, Tennessee has a circulation of its national banks of, say, $3,500,000, or a fraction less than two dollars for each person in the State. Rhode Island, with a population of less than a quarter of a million—217,353—has a circulation of, say, $22,000,000—over six times as much as Tennessee—while the population of Tennessee is nearly six times as large as that of Rhode Island; that is, Rhode Island, with one-sixth of the population of Tennessee, has relatively to its population fifty times more circulation than Tennessee. There are, perhaps, other conditions than mere numbers which would reduce this proportion somewhat, yet it does not require much reasoning nor arithmetic to see that the distribution is unequal and unfair.

Free banking has always been a favorite idea with me, and which I may hope yet to see incorporated in our system of finance. But I would by no means favor a return to the system of State banks. Our banking system should be national, and not State. The currency should have equal value in all parts of the country. No man should be obliged, in passing from one State to another, to change his money, perhaps at a loss of one or more per cent., into the currency of the State he enters. It would not be the most convenient or comfortable thing to do, supposing that I leave my home in Tennessee, on my way to Congress, with $500 in Tennessee bank notes, to have to lie over one train on reaching the Virginia line, and get my money changed into notes of the Virginia banks; or, if I were bound for New York, to have to do the same thing on reaching Maryland, Pennsylvania, and New York.

Without dwelling longer upon these matters at this moment, I take the liberty of inviting the attention of the Senate to a letter which I have recently received from one of the most valued citizens of Tennessee. It contains a concise and accurate statement of opinions, some of which I have long entertained. The author of this letter has long been known by me. His reputation and character for integrity, patriotism, and for financial experience and skill, give additional value and importance to the views which he enunciates. The letter is as follows:

NASHVILLE, *December* 2, 1873.

DEAR SIR: "We need about five hundred millions more greenbacks added to our present circulation to enable us to meet the wants of commerce and trade." The foregoing is reported to be the closing paragraph of your letter to Hon. Henry T. Blow, of Saint Louis. I am pleased to find that you are alive upon a subject of such vital importance to our growing country. The extensive territory now covered and settling up in the United States makes it absolutely necessary for a large increase in bank-paper circulation, or, I would say, legal-tenders. I would stipulate for one thousand millions of legal-tenders issued by the Government, and supply the banks with them, and require the banks to take up and return all their circulating notes to be canceled; thereby giving the Government the entire control of all the paper circulation in our country, and at the same time require all payments or collections

through the various custom-houses to be made in legal-tender notes. This policy would at once place gold and legal-tenders on a par value. Such a policy is certainly desirable for the credit and stability of our Government; and it opens the way to specie payments without great embarrassment to the country. It would at once inspire confidence and put a stop to the gold gambling in Wall street, New York, and a large portion of the gold in the Treasury might be applied to the liquidation of that amount of our national debt. Who would want gold when the legal-tenders pay all Government dues? Yea, who would want any better money? The bondholders abroad may be paid in sterling exchange, which is gold to them at Liverpool, London, Paris, or elsewhere. You will pardon me for making these suggestions to you, as there will be many opinions and suggestions made in regard to the currency and finances of our country, and as a free American citizen, running fast on the down-hill of time, I cannot conceive it amiss to give you the views of a man now almost seventy-eight years of age. Another advantage the Government will gain is in the notes lost by fire and otherwise, which will amount to a great deal in a few years.

Please accept the assurances of the regard of an old friend and brother,

N. HOBSON.

P. S.—The banks in New York should be prohibited from paying interest on deposits. The banks in the South keep a large amount on interest in the New York banks, the use of which should be given to our own people.

N. HOBSON.

Hon. W. G. BROWNLOW.

Mr. Hobson has not been misinformed as to my views on this deeply interesting and important subject. I most cordially indorse each of the several propositions set forth in this letter as I have more than once and with more or less of publicity heretofore expressed them.

I am utterly at a loss to conceive how any unprejudiced and sound mind can doubt for a moment that the present volume of currency needs enlargement. I agree with Mr. Hobson in regarding the mode of increasing the amount of currency specified by him as by far the most judicious yet propounded. The commercial needs of the country will not be more than supplied by the circulation of $1,000,000,000 in legal-tender notes. To have money in circulation under the authority of the Government, and which money is not recognized by the Government as having all the qualities of a sound and proper circulating medium, seems to me to be a mere sham, an absurdity. Every dollar issued in the name or under the authority of the Government should be receivable in discharge of all governmental dues. Only in this way can that commodity which we call money, and which it is alike our policy and duty to make really such, be magnified and made honorable in the view of the commercial world. Only thus can we impart to paper money thus issued the dignity of the Government itself, and inspire proper general confidence as to the ultimate redemption of the whole mass of currency thus put in circulation. In fine, only thus can the notes be made equivalent to gold and silver, and the way be quietly and gradually opened by a safe and easy process to a return to specie payments.

I am fully satisfied that $1,000,000,000 of legal-tender notes, possessing the characteristics and qualities which I have described, would, if equitably distributed, and otherwise administered on sound and correct banking principles, prove of incalculable benefit to the country.

In the State of Tennessee the financial and business situation is most critical. Unless in some way the amount of the circulating medium can be judiciously expanded and fairly distributed the most disastrous results will follow. If, instead of expansion of the money circulation in Tennessee, contraction were now to be adopted, it would inevitably cause the destruction of thousands of the most enterprising citizens of the State, and it would produce such a general prostration, indeed such a complete overthrow of all the material interests of the State, as cannot be contemplated without the most serious alarm.

The immediate resumption of specie payments would be as cruel and destructive in its effect as would be the confinement of living creatures of any kind in an exhausted receiver. On behalf of those whom I have, in part, the honor to represent in this body, I most earnestly invoke commiserative justice.

It is not my purpose here and now to discuss formally and elaborately the subjects of banks and banking. I cannot altogether agree with the celebrated Mr. Fox, of England, who is reported to have said that "he did not regard political economy as a science;" though it is quite surprising, and not a little amusing, to observe the great variety of opinions and theories to which, in oversubtle and ingenious minds, the simplest financial propositions sometimes give rise.

I might have recourse to the massive volumes of recondite learning on this subject to be found in libraries, and importing them into the body of a speech I might thus gain among the shallow and the undiscerning a momentary tribute as profoundly versed in the mysteries of financial science and as a great political economist. But I have no such ambition to gratify, no such purpose to serve. I have only desired, on this occasion, to state frankly and explicitly the views I hold upon the several important questions to which I have referred. Whatever others may think of our paper-money system; whatever sneering, contemptuous allusions may be indulged as to the character of the money put in circulation by our Government or under its authority, as compared with the efficiency of gold and silver money, I have ever regarded it, as I still do, as worthy of all the confidence and commendation which its friends have heretofore been in the habit of bestowing upon it. Originating, as all know it to have done, under the dire necessities of war, and answering so well for so long a period the purposes for which it was created, I can see no good reason for parting with it altogether, nor for weakening its efficacy in the fields of commerce while the consequences engendered by the war are still to a large extent lingering among us.

Based, as our system of currency is, upon the most solid bonded security; backed, as every legal-tender note which can be issued is, by the entire credit and resources of the Government—a Government whose scrupulous fidelity in fulfilling pecuniary engagements has never been seriously questioned—I cannot but believe that, with a sound and pure administration of our financial concerns, not the slightest danger is to be apprehended of any considerable depreciation hereafter in the legal-tender notes which it is proposed shall supply our whole currency.

The chief danger in this matter, as it seems to me, stands closely connected with the habitual use of the language of decrial and ridicule, so common of late on this subject in the two Houses of Congress and elsewhere.

Public confidence is the sole support of any moneyed system which can be devised. It is, therefore, greatly to be desired that we shall take care not to undermine the only ground upon which our present system of finance and currency can hope to stand.

Let us, then, move forward firmly in the plain pathway of duty, unterrified by the clamors of interested and rapacious parties who hope to profit by disasters which they seek to entail upon the masses of their fellow-countrymen by the financial policy which they would have inaugurated. The policy of these money-sharks, instead of expanding the currency to meet the demands of trade and commerce, the rapidly growing population of the country, its great extension over an immense area, and its unequaled activity and enterprise, would, for selfish purposes, suddenly diminish the amount of the circulating medium. By this method, this scheming, rapacious class would seek and secure their own sudden enrichment while wide-spread panic, disaster, and bankruptcy would sweep over the whole country.

We are not to legislate with a view to increase the wrongful gains of this already bloated class of men who throng the great centers of commerce, and who obviously prefer the increase of their own gains to the prosperity and happiness of that Government which secures to them protection and freedom; but we are to legislate for what will produce the largest amount of material prosperity to the masses of our citizens.

Contraction is stagnation, disaster, ruin. Wise and moderate expansion, to bring the volume of the currency to the measure of our needs, is the talisman of safety, peace, and unhindered development.

[Mr. GORDON addressed the Senate in remarks, which will appear in the Appendix.]

Mr. CHANDLER. Mr. President, I agree substantially with the remarks that have been made on this floor in regard to our want of money; but we need one thing besides more money, and that is better money. We want more and better money than we now have. I shall try in the few remarks that I shall submit to show how we can have more and better money; and I shall try to be as practical as possible.

Mr. President, what the business of this nation requires is stability. The business of the nation will conform itself to almost any conceivable state of facts, so that those facts be permanent. It is the frequent changes that disturb the great business centers. It makes very little difference whether your duties be high or low, whether your internal revenue be much or little, the business of the country will conform itself to the facts as they exist; but your perpetual changes derange, disturb, overturn, and destroy the business of the nation. Why, sir, look at the variations that have taken place in values within a short period. I hold in my hand a statement taken from a barometer as infallible as a weather-gauge, to wit, the report of the stock, gold, and bond markets in the city of New York at different periods.

First, I have the quotations of the day before the panic commenced, the 15th of September last, and then I have the quotations of four different periods besides that one.

On the 15th day of September, 1873, your new 5 per cents were quoted at 112¼; on the 30th day of October, six weeks after, they were quoted at 108; and on the 13th day of January, 1874, they were 112¼, or a quarter of 1 per cent. higher than they were the day before the panic commenced. These are facts that are worth studying, for they show that such a degree of change must be absolutely disastrous to any business that can be transacted.

On the 15th day of September last your five-twenties of the May and November issue stood in the market at New York at 115⅞; on the 30th day of October, six weeks thereafter, they stood at 108; and on the 13th day of January, 1874, they stood at 116, or one-eighth of 1 per cent. higher than they were the day before the panic commenced.

You are here legislating for what? For a panic; and the panic has ceased to exist. You are legislating for a thing that has passed away; legislating for an exceptional state of facts that has ceased to exist.

But let me go on a little further. On the 15th day of September your five-twenties of the January and July issue stood at 116¼; on the 30th day of October they stood at 112¼, and on the 13th day of January, 1874, at 116⅛, or one-quarter of 1 per cent. higher than they were the day before the panic. Gold on the 15th of September stood at 111; on the 30th day of October at 108, and on the 13th day of January, 1874, at 111⅝. So go through the list; there is not a dividend-paying stock on the list that has not entirely recovered from the effects of the panic. Take, for example, the New York and Hudson River Railroad. On September 15th the stock of that company stood at 103⅜; on the 30th of October it stood at 81½, and on the 13th of January, 1874, 102½—the merest fraction of a difference from what it was before the panic. Take Harlem Railroad stock; it stood on

the 15th of September at 128⅞; on the 30th of October at 101½, and on the 13th of January, 1874, at 125½. So then substantially all the dividend-paying stocks on the market have recovered from the effects of the panic; and yet we are legislating for a state of things that has ceased to exist.

Mr. President, the remark with which I commenced was that these changes were absolutely fatal to all the business interests of this nation. To insure business prosperity, we ought to have something permanent, something substantial. Then the business of the country will conform to the facts so established, and will regulate itself accordingly. This panic, as is well known, was exceptional, as indeed all panics are. A panic among men is precisely like a panic among animals. I once saw two thousand horses stampede, and they were just as ourselves—as the same number of thousands of men would be—in a panic. It is the feeling of animal fear, and one encourages the other, and so it goes on until it becomes a perfect insane rush for something, nobody knows what.

Prior to this late panic, as is well known, many of our capitalists had overinvested in wild railroad schemes; they had undertaken to do impossible things. When the panic struck them it ought not to have had the least effect outside of Wall street and operators in railroad stocks. But the panic swept like a tornado all over the land; affected values everywhere, values of all kinds. Whoever had money in bank sought to draw it out and hide it away. The panic was universal; and yet this nation was never more prosperous in the world than it was the day before the panic struck; and to-day there is as much money in the Union as there was then; every dollar that was here then is here now. Besides, the enormous borrowers, the men who would pay any price for money—1 per cent. a day, ½ per cent. a day, or any other given price—have failed and gone out of the market. The enormous borrowers are not now there; and I predict that before thirty days from this time we shall see money cheaper in New York than it has been for the last thirty years. The speculators, the men who are disturbing values, are out of the way; and now the money in the market is for the legitimate demands of commerce, and is seeking the legitimate channels of commerce for interest and use.

Mr. President, I am for expansion, and a larger expansion than any other man has proposed upon this floor. I am, at the same time, in favor of improvement as well as expansion. The best time for the resumption of specie payments that has occurred since the suspension was in 1865, at the close of the war, when gold had fallen from over 200 to 122. In a few days values had shrunk, and the people of the nation were comparatively out of debt, and were ready then for a resumption of specie payments; but the Government was not. The Government owed more than $1,000,000,000 that was maturing rapidly, maturing daily, in the shape of compound-interest notes, seven-thirties, and other obligations, that must be funded or disposed of. Hence the Government was not prepared for specie payments at that time, although the people were. The people were out of debt all over the country. They had obtained high prices for everything they had to sell during the war. The farmers were out of debt, the business of the country was transacted for cash, and the whole country was comparatively out of debt; but the Government was not. The Government owed over one thousand millions of debt that was maturing within a very short time, and must be funded or in some way taken care of; and therefore the Government at that time was not ready for the resumption of specie payments. From that day to this we have been drifting and floating further and further and further away every hour from the true path, to wit, the resumption of specie payments.

Mr. President, on the 30th day of October last we had discounted, and more than discounted, all the shrinkage that would have resulted from the resumption of specie payments; and were you to-day to resume payments in coin you would not see one-half the shrinkage that took place during the panic up to the 30th day of October last. I believe in, and I have advocated from the first, the earliest possible return to payment in coin. I believe there is no other standard of value that will stand the test, and I believe the time has arrived, or very nearly arrived, for coming to it. I have not the same timidity in fixing a date that some of my friends on this floor have. I believe that if we were to resolve to-day that we would resume the payment of our greenbacks in coin on the 1st day of January, 1875, and authorize the Secretary of the Treasury to borrow $100,000,000 in coin to be used in the redemption of the greenbacks, sell no more gold until the 1st day of January, 1875, on that day you would have $200,000,000 of coin in your Treasury for the redemption of your greenbacks. In the mean time I would allow the national banks that now hold your greenbacks as a legal reserve to redeem their issues in lawful money of the United States. Then, as you can see at a glance, there would be no great rush for coin; the banks would prefer the greenbacks very much, and in this way I believe that we should put in circulation on the 1st day of January, 1875, substantially, not fifty millions as is suggested by some, or one hundred millions, as is proposed by others, but you would put $250,000,000 in coin into the circulation of the nation. I believe that the scheme is perfectly practicable, and that it can be carried out on that day if you will give notice now that on the 1st day of January, 1875, you will resume the payment of your legal-tender notes in coin at the Treasury of the United States; and I believe that it would be a greater relief to the business interests of this nation than you can in any other way afford to those interests. I am not particular as to the date. I merely suggest the 1st day of January, 1875; but I would accept an earlier date than that if it were deemed more advisable; but certainly I would not extend it more than six months thereafter.

This, Mr. President, I believe to be a perfectly practicable scheme. Then if my honorable friend from Ohio thinks that it would be a good plan to use fifty or one hundred millions in bonds, and that we can use them, I have no objection to that being done; but I do not believe the greenbacks would come in to be redeemed in coin. Every dollar of them that was redeemed would be taken away; and it is not for the interest of the people, or of the banks, or of anybody else to bring in the greenbacks for redemption. You thus, without a jar, without a shock, elevate in value all your legal-tender notes to an absolute equality in value with coin; you relieve the people who are suffering for money; you give them more money, and you give them better money than they have now. Why not do it, Mr. President? Why should we not do it, and do it at once?

There is a great call for an enlargement of your issue of greenbacks. Suppose you were to-day to decide to issue $100,000,000 more of greenbacks, what are you going to do with them? I should like some one to answer me that. What are you going to do with your one hundred millions of greenbacks? There is but one thing which you possibly can do with them; and that is to go into the market and buy your bonds, or else to spend your money, scatter it all over the land in appropriations. I take it there is not a Senator upon this floor who is in favor of extravagant appropriations for any purpose at this session of Congress. Then you must go into the market and buy your bonds. Do you propose to pay a higher price than anybody else would pay for your bonds, in order to enhance their value and raise the price? Not at all. You would not pretend that you would. But you would go into the market and buy bonds.

Mr. President, the men who have your bonds are not the men who want more money. If a man has the bonds to-day, he can get greenbacks for them and get them at the high figures that I have just read—a large percentage higher than the price paid by the Government for them during the panic. Mr. President, you cannot now, and you never can, and you never ought to, turn the Treasury of the United States into a broker's shop. It is no part of the business of this great Government to issue an irredeemable currency. We cannot afford to place ourselves beside the worn-out governments of Europe; we cannot afford to place ourselves on a par with Hayti and Mexico; we are too rich a people to do it; and it is a disgrace to us as a nation that we have allowed it to continue one single hour beyond the hour when it was in our power to remedy the wrong.

Much stress has been laid upon the fact that the Bank of England remained in suspension for twenty-one years, and it has been alluded to over and over and over again in the course of this debate. It is true that the Bank of England did remain in suspension for twenty-one years; but it is equally true that for sixteen years out of those twenty-one England was at war with France, and was subsidizing nearly all the governments of Europe; but within five years from the close of that war she resumed specie payments, and has continued them ever since.

Mr. President, the proposition to increase the volume of your paper currency is a step in the wrong direction, and I for one am utterly opposed to taking even one step in the wrong direction when I know what the right direction is; and I hope that no resolution will pass this body authorizing an increase of the volume of the paper currency, even to the amount of $44,000,000, or $25,000,000, or $1,000,000. We have fixed the sum at which it shall remain, and I trust it will there remain, and that no step will be taken toward an expansion.

Mr. MERRIMON. Mr. President——

Mr. ROBERTSON. If the Senator from North Carolina will yield the floor, as he will hardly be able to conclude his remarks to-day, I will move that the Senate adjourn.

Mr. SHERMAN. If the Senator from North Carolina is not prepared to speak now, other Senators may go on, if he will give way. Certainly the public business is so pressing that I must insist on disposing of this question soon.

Mr. ROBERTSON. I will withdraw the motion if some other Senator is willing to go on.

Mr. SHERMAN. I desire to-morrow to get a vote on this proposition if possible. Perhaps some other Senator is prepared to go on now.

Mr. RAMSEY. If there is no other business to be disposed of at this moment, I shall be very much gratified if the Senate will allow me to call up the post-route bill. There is great necessity for that bill. The country is suffering for the want of it, and we might as well dispose of it this afternoon.

The PRESIDENT *pro tempore*. The Senator from Minnesota moves that the pending order be laid aside informally and that the Senate proceed to the consideration of the post-route bill. Is there objection?

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. Objection being made, the question is on the motion of the Senator from Minnesota.

Mr. SHERMAN. I ask if that will displace the special order?

The PRESIDENT *pro tempore*. The suggestion was to lay the special order aside informally.

Mr. SHERMAN. Then I withdraw my objection.

The PRESIDENT *pro tempore*. The post-route bill will be regarded as before the Senate.

Mr. MORRILL, of Maine. I should like to be allowed to submit a report from a conference committee.

The PRESIDENT *pro tempore*. The Chair will receive the report.

REPORTING OF THE DEBATES.

Mr. MORRILL, of Maine, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 795) "making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendments of the Senate numbered one and three, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered two, and agree to the same with the following amendment: add at the end of said Senate amendment the following: "*Provided*, That from and after the passage of this act a sum not exceeding $42,000 shall be paid for reporting the proceedings of each House of Congress for any one Congress, under the direction of the respective Houses; and all laws inconsistent herewith are hereby repealed;" and the Senate agree to the same.

LOT M. MORRILL,
J. W. STEVENSON,
H. B. ANTHONY,
Managers on the part of the Senate.
JAMES A. GARFIELD,
W. G. DONNAN,
Managers on the part of the House.

Mr. MORRILL, of Maine. Perhaps I ought to state to the Senate the purport of the action of the committee. The bill as it came from the House provided for the salaries for one year of five reporters employed by the House for reporting their proceedings. The Senate amended the bill as it came from the House by providing for the payment of their own reporters up to the 3d of March next. The House non-concurred in the amendments of the Senate. The bill now, it will be observed, makes a permanent provision for the reporting of both branches. It proposes to appropriate for each House for that purpose the sum of $42,000 for any one Congress, leaving to each branch of Congress to make such contracts for its reporting as it sees fit. That is the upshot of the whole business.

Mr. DAVIS. I should like to ask the Senator from Maine whether each House controls its own appointment of reporters.

Mr. MORRILL, of Maine. Yes, sir; entirely.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

The report was agreed to.

POST-ROUTE BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 798) to establish certain post-routes, the pending question being on the amendment of Mr. PATTERSON, which was on page 14, after line 316, to insert under the head of "South Carolina:"

From Rock Hill to Lancaster Court-House; also, from Chester to Lancaster Court-House.

The amendment was agreed to.

Mr. LOGAN. I now offer the following amendment, to be inserted on page 6, line 126:

Pearl Station, by Bee Creek and Kampsville, to Hardin, in Illinois.

The amendment was agreed to.

Mr. FERRY, of Michigan. I offer an amendment: after line 208 to insert among the Michigan routes:

From Bad Axe to Lamothe.
From Tyre to Cass City.
From Hartland, via Highland, to Highland Station.
From Ortonville, via Oakwood, to Thomas Station.

The amendment was agreed to.

Mr. HAMLIN. I offer the following amendment, to come in after line 202:

State of Maine:
From Bethel to Albany Post-Office.
From East Auburn, via Turner Centre, to East Turner.

The amendment was agreed to.

Mr. TIPTON. I move an amendment, to come in after line 299, under "Nebraska:"

From Orton, via Stromsburgh, to Clarksville.

The amendment was agreed to.

Mr. MITCHELL. I move to reconsider the vote taken the other day by which certain words were inserted on my motion after line 321. I gave notice the next day after the amendment was adopted that I would make this motion.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider.

The amendment was read; which was to add after "Ohio," in line 321, the words:

Oregon:
From Eugene City, via Diamond Lake, Fort Klamath, Sprague's River, Drew's Valley, and Goose Lake, to Winnemucca, in the State of Nevada.
From Newport, Benton County, via Seal Rock on beach Pacific Ocean, mouth of Alsea River, and Peake's Mill, to Alsea Valley.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment.

Mr. MITCHELL. I now ask unanimous consent to withdraw the amendment.

The PRESIDENT *pro tempore*. Is there objection to the withdrawal of the amendment? The Chair hears no objection.

Mr. MITCHELL. I now offer the following amendment: after the word "Ohio," in line 321, to insert:

Oregon:
From Eugene City, via McKenzie, Salt Spring, Deschutes wagon-road, and Santiam road, to Upper Ocheco.
From Antelope Valley, via John Day's River, Butte Creek, Lone Rock, and Willow Creek, to Hepner's.
From Canyon City to Winnemucca, Nevada.
From Oakland, via Cole's Valley and French Settlement, to Looking Glass.
From Lebanon, via Harris Ranch, Pilgrim's Camp, to Crawfordsville.
From Scio, via Mount Pleasant, Jordan Valley, to Fox Valley.
From Canyon City, via Susanville, North Fork, John Day, Willow Creek, to Scott's.
From Newport, via Seal Rock on beach of Pacific Ocean, mouth of Alsea River and Peake's Mill, to Alsea Valley.

The amendment was agreed to.

Mr. SPENCER. I offer the following amendment, to come in after line 65:

From Allen's Factory, in Marion County, Alabama, to Jasper, in Walker County Alabama.
From Elkmont, Limestone County, Alabama, to Pettersville, in same county.
From Florence, Alabama, to Lexington, in same (Lauderdale) county.
From Pikesville, Marion County, Alabama, to Pierce's Mills, in same county.
From Warrior Station, via Hulsey's Stand, Pin Hook, and Demorat, to Jasper Alabama.
From Rogersville, Lauderdale County, Alabama, via Lexington, in same county to Appleton, Tennessee.

Mr. RAMSEY. I wish to ask the Senator whether he has carefully examined the bill and is certain that those routes are not in the bill already?

Mr. SPENCER. I have. They are not in the bill.

The amendment was agreed to.

Mr. GORDON. I offer an amendment. In lines 117 and 118 the names are put down wrong: "Feronia" should be inserted instead of "Feronica," and "Dorming's Mill" instead of "Downing's Mill."

The PRESIDENT *pro tempore*. These corrections will be made unless objection be interposed.

Mr. GORDON. I offer the following amendment, to come in after line 118:

From Alapaha to Irwinville.
From Dublin, via McKae, to House Creek.
From Hawkinsville and Vienna, via Drayton and Danville, to Americus.
From Greenville, in Meriwether County, to Hogansville.
From Waynesborough to Forest Hall.
From Sparta to Linton.

These are all in Georgia.

The amendment was agreed to.

Mr. MERRIMON. I offer this amendment, to be inserted after line 316:

From Cunningham's store, in Pearson County, North Carolina, to Woodlawn, in said county; and from the present post-office in Cashier's Valley, in Jackson County, in said State, via Henry Jackson's, Joy's Tannery, and George's Mill, to Walhalla, South Carolina.

The amendment was agreed to.

Mr. CLAYTON. I offer the following amendment: after line 69, under the head of "Arkansas," insert:

From Camden to Hope Station, on the Cairo and Fulton Railroad.
From Prescott to Center Point.
From Brinkley to Clarendon.
From Desark to Augusta.
From Lewisville to Texarcana.

The amendment was agreed to.

Mr. NORWOOD. I offer the following amendment: under the head of "Georgia," insert:

From Mount Airey to Clarkesville.
From Dahlonega, via Porter Springs (Jefferson Logan's,) to Blairsville.
From Temperance to Chancy, in Dodge County.

The amendment was agreed to.

Mr. RAMSEY. The committee have some amendments. I move to strike out on page 14, lines 318 and 319, these words:

From Senecaville, Guernsey County, to Ava, Noble County.

The amendment was agreed to.

Mr. RAMSEY. I offer this amendment: on page 14, line 14, insert under "North Carolina," the words:

From China Grove, via Bastian Cross-Roads, Helig's Mill, Dry's Mill, Reidenour's, to Kendall's store.

The amendment was agreed to.

Mr. RAMSEY. I offer this amendment, to be inserted on page 13, after line 304:

New Hampshire:
From Antrim to North Branch.
From Brookline to Townsend, Massachusetts.

The amendment was agreed to.

Mr. RAMSEY. I offer another amendment: after line 141, under "Iowa," insert:

From Saint Charles, via New Virginia, to Osceola.

The amendment was agreed to.

Mr. RAMSEY. I offer a further amendment: after line 181, under "Kentucky," insert:

From Barbourville, via Payne's, to Bushe's store.

The amendment was agreed to.

Mr. RAMSEY. I offer a further amendment: after line 379, under "West Virginia," insert:

From Webb's Mills to Big Bend.

The amendment was agreed to.

Mr. RAMSEY. I offer another amendment: after line 299 insert:

Nebraska:
From Orton, via Stromburgh, to Clarkville.

The amendment was agreed to.

Mr. RAMSEY. I offer another amendment: after line 374, under "Texas," insert:

From Centre Station to Los Vegas.

The amendment was agreed to.

Mr. RAMSEY. I offer another amendment: after line 309, under "New York," insert:

From Dry Brook to Dean's Corner.

The amendment was agreed to.

Mr. RAMSEY. I offer another amendment: under "North Carolina," after line 316, insert:

From Cashier's Valley to Walhalla, South Carolina.

The amendment was agreed to.

Mr. RAMSEY. I offer another amendment: after line 274 insert:

Montana Territory:
From Philippsburgh to the Rock Creek mines.

The amendment was agreed to.

Mr. RAMSEY. I offer another amendment: after line 305 insert:

New Mexico:
From Santa Fé, New Mexico, via Peñasco, to Taos.
From Los Vegas, via Sapello, to Mora.

The amendment was agreed to.

Mr. RAMSEY. I offer another amendment: after line 397 insert:

Wyoming Territory:
From Cheyenne, via Fort Fetterman, to Bozeman, in the Territory of Montana.
From Cheyenne, via Pole Creek, Horse Creek, Hawk Springs, and Red Cloud agency, to Whetstone agency, Dakota Territory.

The amendment was agreed to.

Mr. SAULSBURY. I have an amendment to offer. It is after line 100 to insert:

Delaware:
From Felton to Whibleysburgh.
From Harrington to Union Corner, in the State of Maryland.

The amendment was agreed to.

Mr. PRATT. I offer the following amendment, to come in at the close of the bill as a second section:

That all bridges heretofore or hereafter to be erected over the navigable rivers in the United States, or over lakes or the outlets of lakes, or over arms of the sea, or other bodies of water, and all public roads established or hereafter to be established in the States or Territories by competent authority and used as public highways, be, and the same are hereby, established post-roads.

Mr. President, before the sense of the Senate is taken on this amendment I desire to submit a very few general observations on this subject.

We have been in the habit of legislating in the way this bill proposes ever since I have been here, and indeed ever since the foundation of the Government, until we have actually established in different Congresses between fifteen and twenty thousand distinct post-roads. I have before me a document which was laid upon our desks in the early part of the session, constituting a part of the public laws of this country as revised and amended by the commissioners appointed some years since under the authority of Congress. In its title it is "An act to establish post-roads." Omitting the index, there are five hundred and twelve pages of closely printed matter, and the number of post-roads established and enumerated on each page averages more than thirty; and by that rule there are between fifteen and twenty thousand post-roads contained in this document which have been established at different times by Congress. Now the question is, whether it is advisable to go on with this process of enumerating route after route in the form which is contained in this bill.

This bill, when it was reported by the committee and before the numerous amendments which have been ingrafted upon it to-day, had seventeen pages and contained two or three hundred additional post-roads. Now, it seems to me that my amendment will accomplish all that is sought in bills of this character in enumerating by description, as is done in this bill, the particular roads to be established. Thus, for example, under the head of "Alabama," I find in the bill, "from Monroeville, via Newtown Academy, to Pine Apple," &c. And so it goes on to enumerate thirty-three roads in the State of Alabama, while but one post-road is established in this bill for the State of Indiana, two in Arkansas, four in California, one in Colorado, three in the State of New York, and so on.

We commenced generalizing a good many years ago and have been generalizing ever since, legislating indeed in the very direction of my amendment. About forty years ago Congress, by a sweeping enactment, provided that all the canals during the time the mail was carried thereon should be post-roads. This was done in 1826. In the year 1838 Congress enacted that all railroads, or parts of railroads, which were then or thereafter to be in operation, should be established as post-roads. At a still earlier date than that Congress enacted that all the waters of the United States, during the time the mail was carried thereon, should be post-roads. Then, again, at a much later date than I have mentioned, Congress enacted that all plank-roads, during the time the mail was carried thereon, should be post-roads; and within the last ten or twelve years Congress provided that all letter-carrier routes, established in any city or town for the collection and delivery of mail matter, should be post-roads. There are fifty-two cities in the United States, containing a population exceeding twenty thousand, where the free-delivery system exists at this present time, and by this little enactment of less than two lines every street in those fifty-two cities upon which the mail is carried from one to three or four times a day is erected by a law, in a general form, into a post-road.

Now, if we may thus legislate in relation to the streets of cities, in relation to plank-roads, in relation to railroads, in relation to the navigable waters of the United States, whereon the public mail is carried, why may we not in general form, as I propose in this amendment, provide that every road, be it State, county, or township, erected by competent authority in any State or Territory, shall be a post-road? Do we thereby declare that post-offices shall be established and the mail carried upon all these roads? By no means; for although there are nearly twenty thousand post-roads in this document, there are less than eight thousand post-routes of all descriptions in the United States at this time upon which the mail is carried. Let me in this connection refer to the recent report of the Postmaster-General. He says that at the end of the last fiscal year "of public mail-routes in operation there were seventy-four hundred and twenty-four" of all kinds; not the kind of post-roads that we are establishing here, but embracing railroads, plank-roads, canals, navigable waters, and public roads of all kinds upon which the mail was carried.

Mr. MORTON. Will my colleague allow me to ask him a question?

Mr. PRATT. Certainly.

Mr. MORTON. I ask for information. I find that he makes a distinction between "routes" and "roads over which the mail is carried."

Mr. PRATT. I use the word in the Constitution. Congress, by the Constitution, is clothed with power "to establish post-offices and post-roads." I suppose that the term "post-road" instead of "post-route" should be used in all our legislation, because we are not authorized by the Constitution to establish post-routes, but we are authorized to establish post-roads and establish post-offices on them.

Mr. MORTON. My colleague spoke of there being some fifty thousand post-roads, and I forget the number of thousands of post-routes, where the mail was actually carried.

Mr. PRATT. I may have used the term "post-route" inconsiderately.

Mr. MORTON. No; I do not mean the mere phrase; but my colleague spoke about the number of post-routes on which the mail was carried being less than the number of post-roads established by law.

Mr. PRATT. Yes, sir; I was about reading from the report of the Postmaster-General. He says:

Of public mail-routes in operation——

I suppose he means by "routes" there "post-roads," because he is not authorized by any legislation that I know of to substitute the word "route" for "road."

Of public mail-routes in operation there were 7,424, aggregating in length 256,210 miles; in annual transportation 119,909,650 miles; and in annual cost, $13,635,341.

Then he proceeds to state that the service upon these post-routes was divided as follows:

Railroad routes: length 63,457 miles.

Let me pause right here for a moment. Instead of enumerating, as is done in this bill, the different railroads from time to time that shall be post-roads, upon which the mail shall be conveyed, we have by one sweeping clause of a dozen words declared that every railroad completed, or hereafter to be completed, shall be a post-road. Every railroad in the United States, by that little enactment, is erected into a post-road, and there are some 272 or 274 railroads in the United States upon which the mail is conveyed, and conveyed under this authority—establishing them, not by name, but by general description, as post-roads. The length of the railroad-routes is 63,457 miles, and the annual transportation 65,621,445 miles.

Now I come to steamboat-routes. The length of these is 16,762 miles, and the annual transportation 3,947,785 miles. "Other routes"—and that, I suppose, comprehends these dirt roads that we are to make post-routes of by this bill—"other routes upon which the mails are required to be conveyed with celerity, certainty, and security;" their length is given at 175,991 miles, and the annual transportation at 50,340,420 miles. Then follows the annual cost, and then follows the cost per mile under the different forms of service that I have enumerated—"railroads," "steamboats," and "other routes."

Mr. President, this is nearly all I have to say on this subject. I have offered this amendment in good faith, supposing that we might shorten this process, and get rid of a good deal of reading in our statute-book that is purely lumber, by just dispensing with this whole business of occupying in the two branches of Congress some three hundred and seventy-four men, upon two or three different occasions at every session of Congress, in enumerating name by name the different public highways throughout the country that shall be erected into post-roads. I shall be thankful to any Senator who will correct me if I am wrong in this matter. I have supposed that if we could generalize in relation to plank-roads and railroads and rivers, and get rid of their enumeration, we could do the same thing in relation to the ordinary highways of the country.

Why, sir, in this very document to which I have called the attention of the Senate there is an enumeration, one after another, of fifty different bridges that have been erected into post-roads at different times by authority of Congress, most of them over the Ohio, and the Mississippi, and the Missouri, and their tributaries—some over lakes, some over the mouths of lakes, as the case may be. Fifty of them are enumerated here. Why not provide, just as I do in my amendment, that all the bridges erected over navigable waters, whether rivers, lakes, or the outlets of lakes, or other bodies of water, be, and the same are hereby, made post-roads? Do we by that means provide that the Postmaster-General shall establish mail service upon them? Not at all. It does not follow by any means, after we have passed this bill and it has become a law, that he is going to establish mail service upon the routes that are thus established as post-roads. There is a general statute upon that subject, authorizing him, when the occasion shall require it, to cause the mail of the United States to be transported over these roads. You see that, notwithstanding the fifteen or twenty thousand roads that have been established here at different times, in point of fact the mail is carried over not one-fourth of them in number at this time; and I venture to say that the mail service will not be put upon one-fourth of the routes that are established in this bill.

I was not a little surprised the other day when my friend, the chairman of the Committee on Post-Offices and Post-Roads, was interrogated on this subject. He was asked, "How do you get up these bills? Are you in the habit of inquiring into the necessity of these different post-roads? Are you in the habit of scrutinizing all the propositions that are offered, and ascertaining whether really the public interests, the public wants, demand the establishment of this or that post-road?" "O, no," was his reply, "not a bit of it; I take the word of the Senator from Alabama, the Senator from Missouri, or the Senator from Michigan; whatever any Senator proposes as a new road goes into this bill, to be enacted into a law." Thus you perceive, Mr. President, since this is the case, and since under a general law the Postmaster-General is not going to put mail service upon any road that shall be established, either by enumeration, as in this bill, or by general law, unless the public wants demand it, where is the danger, where is the impropriety, of passing the amendment which I offer?

Mr. RAMSEY. Mr. President, I do not think there is any occasion for so much excitement on this subject. It is a very simple matter. Many years ago these post-route bills were enacted. As long ago as your very first statute-book you will find among the collection of statutes of the United States a post-route bill. The country has gone on and prospered and extended itself to the Pacific Ocean, north almost to Hudson's Bay, and, south, has occupied all the country to the Gulf of Mexico. There has been no excitement about this subject in all these times; but suddenly the honorable Senator from Maine [Mr. MORRILL] has stirred up the whole Senate, alarmed himself, and terrified even the Senator from Indiana. [Laughter.]

Why, sir, all the learning on this subject is found in the sixth chapter of the postal code enacted in June, 1872, in which Congress generalized this legislation, and said that all the canals of the country, all the navigable rivers on which steamboats run, all the railroads of the country, following the legislation of previous years, and grouping them all together, should be mail-routes; but it left outside of that the ordinary "dirt roads," as my friend from Indiana calls them, the ordinary country roads, as to which it seemed Congress still wished to reserve some kind of discretion out of this general classification. I cannot give any special reason for it except that they wanted, in regard to roads of this character, to retain the discretion in their own hands.

I have heard in the Post-Office Department one reason why all the roads of the country should not be made postal routes. They say that if that were done they would be importuned daily by parties who wished service on these roads; whereas now they are saved from that by these congressional enactments—that there is some little saving of annoyance to them in this method. That is one reason. But certainly through all the years of the history of this Government up to this day every road in the country has not been made a post-route. There must have been some reason for it in addition to the one which they have in the Post-Office Department.

My friend from Indiana differs diametrically on this subject from my friend from Maine. My friend from Maine thinks there are too many post-routes already, and my friend from Indiana thinks there are not enough. I think the medium course, pursued in the practice of the Government heretofore, and which the committee are now pursuing, is the safer one until some better reason can be shown for a departure from it.

I might also say, as the Senator from Indiana has suggested, and it will allay somewhat the fears of my friend from Maine, that not more than 20 or 25 per cent. of the routes authorized by law have service placed upon them; and that while this bill probably provides for five thousand miles of postal routes, probably service will not be placed on over twelve or thirteen hundred miles.

Mr. MORRILL, of Vermont. I desire to ask a question of the chairman of the Post-Office Committee. I understand from him that if all these routes should be established by Congress, then the Department will be subjected to great annoyance from individuals to put service upon them?

Mr. RAMSEY. Yes, sir.

Mr. MORRILL, of Vermont. If they are not put on, will not the chairman of the Committee on Post-Offices and Post-Roads be subjected to great annoyance to have them put on, one by one; and is it worth while to continue that annoyance?

Mr. RAMSEY. I agree with the Senator that it would be better to put them on now than at another time.

Mr. MORRILL, of Vermont. It will relieve the Senator from annoyance rather than the Department.

Mr. STEWART. There is no doubt in the world that if this suggestion of the Senator from Indiana had been made fifty years ago it would have been adopted. The only thing remarkable about it is, that we have gone along with these special bills thus far. There is no objection, and there never has been since I have been here, to the establishment of any post-route. Any clerk here, any correspondent, any page who suggests a post-route, can have it put on, as a matter of course, without any inquiry into it. The propriety of carrying the mail over it is to be adjudged by the Post-Office Department. Now, it frequently happens that after all these special routes are put in a post-route bill the Department do not get the best route between two given points to carry the mail upon, and it would be more convenient to go over a nearer route that has not been declared a post-route. Then you must wait until Congress meets and declares it a post-route before the Department can put service upon it, and leave off service upon half a dozen other routes which are unnecessary. But every time an application is made for a post-route it is put in this post-route bill. No question is made about it. The discretion is with the Department now to as great an extent as it would be if this general law were passed, and there is no reason in the world why it should not be. The only reason assigned is that the Post-Office Department would be more importuned. They would be no more importuned than they are now, but they would have a wider scope in which to exercise a wise discretion. If they could carry the mail over any public road in the country, they could leave off routes or put them on without waiting for the action of Congress, and undoubtedly would be able to economize the service; and that inconvenience will readily suggest itself to any one who has had anything to do with the frontier and the establishing of post-routes there. Post-routes have to be established and abandoned constantly. The Post-Office Department can arrange the matter themselves better than to await the arbitrary legislation of Congress. If this suggestion had been made fifty years ago, it would undoubtedly have been adopted, and I hope it will be adopted now. It is the most sensible thing I have heard in the line of the Post-Office Department for a long time.

Mr. SAULSBURY. Mr. President, I doubt whether the adoption of this amendment would be a compliance with the Constitution which gives Congress the power to establish post-roads. The object then was, and I think that would be the interpretation put on that provision of the Constitution, that Congress might select roads in existence in the country and establish them as post-roads. I do not think it meant to give a sweeping power to Congress to make every highway in the land a post-road.

There is one other point to which I wish to call the attention of the Senate; and that is, what may be the effect of adopting this provision declaring that every highway in this country shall be a post-road. Suppose, for instance, a highway is running between two towns in my State, and by a law of the State the location of that road shall be changed, or under some provision of the law the road should be vacated, the question arises in my mind whether the State would have power, under a special or general law, to vacate that road which had by an act of Congress been declared to be a post-road?

We had better not go into this legislation, at least until we look at some of the consequences that might possibly result from the adoption of a measure of this kind. There is certainly no necessity for it. It is known that nine-tenths of the public highways in this country never can be post-roads in fact. I shall therefore vote against the amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana.

Mr. MORRILL, of Maine. I wish to offer an amendment to the proposition of the Senator from Indiana. I am free to confess that the amendment of the Senator from Indiana is an improvement undoubtedly on the present method of doing things. My honorable friend from Minnesota, I think, will have to admit that on his own logic, because as at present advised, and according to the present method in regard to establishing these routes, they are established as a matter of course. We have seen that exhibited on the floor. The Senator from Minnesota comes in with a bill establishing post-routes for five or ten thousand miles—he does not know what number; nobody knows how many. It is difficult, perhaps, to understand the extent. When interrogated he thinks it is so much a matter of course that it is scarcely legislation. And yet, Mr. President, the Constitution authorizes Congress to establish post-roads. In the fact of establishing a post-road a presumption arises that a service hangs upon it; that a service is to follow. The question seems to be settled in the judgment of the Executive Department that Congress intended not only to establish a post-road but to establish a service; but the chairman of the committee concedes that not upon 25 per cent. of all the post-roads that have been established has a service been put. Why? That is a very sorry commentary upon the legislation of Congress; that is a very sorry commentary upon the discretion with which we exercise our

powers here. It shows precisely, what my honorable friend from Minnesota admitted in the beginning, that these roads are established as a matter of course; that whenever this omnibus comes in whoever desires an amendment puts it on; no information is asked; none is required; it goes on as a matter of course. If that is so, and if that is to be the course of things, it is a great deal better, in my judgment, that we should dispense entirely with all this part of the duties of the Committee on Post-Offices and Post-Roads. Certainly there is no security whatever in it, and we shall come, in the end, precisely to the proposition which the honorable Senator from Indiana offers.

Mr. RAMSEY. Will the Senator allow me, for his information, to read to him section 215 of the postal code, from which he will see that notwithstanding these routes are established by law, yet through all time the discretion has been reserved to the Postmaster-General whether or not service shall be placed upon them. This is the language:

That the Postmaster-General shall provide for carrying the mail on all post-roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper.

Mr. MORRILL, of Maine. "As often." That relates to the frequency of the service. My honorable friend is not quite acute. I was aware of that, but I did not suppose my honorable friend would blunder into that.

Mr. RAMSEY. That knocks the argument of the honorable Senator from Maine.

Mr. MORRILL, of Maine. Why? I am talking about the establishment of post-roads, and my honorable friend reads something to me in regard to the frequency with which the service should be run. That shoots a little wide of the mark, allow me to say to my honorable friend. Now if we are to establish these post-roads as a matter of course, then let us establish them all at once; and I propose, not knowing what the temper of the Senate may be in that particular, and as I confess (although I do not quite agree to it) on the admissions of my honorable friend from Minnesota who has the special care of this service, I do not see how he is to object to it—I wish to perfect it or protect the service a little by an amendment which I offer, and which I assume that my honorable friend from Indiana will not object to:

Provided, That no service shall hereafter be ordered on the routes herein or hereafter established, until after an examination and report of an agent of the Post-Office Department, and in the judgment of the Postmaster-General such service is demanded by the public convenience and necessity.

Mr. RAMSEY. Mr. President, why does not the honorable Senator apply the same provision to the railroads of the country, and the plank-roads of the country, and the steamboat-routes of the country, that consume your postal revenues? Why apply it to all these little conveniences for the remote and rural population of the country? Why not so provide in regard to the routes that consume nine-tenths of the appropriation for transportation?

Mr. MORRILL, of Maine. I will say to the honorable Senator that that did not occur to me. Now, let the honorable Senator make that proposition and I will not object to it at all. Let him move it as an amendment, if he thinks that desirable. I have no objection to that. Let it apply to all.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Maine to the amendment of the Senator from Indiana.

Mr. RAMSEY. I might say, in addition to what I have said, that I have no doubt it would require the appointment of a great number of additional agents of the Post-Office Department to do this service. All they now have under the law are fully occupied. This service, probably, would require a duplication of the present number. That the Senate ought to contemplate if they vote for the amendment of the Senator from Maine.

Mr. BOGY. If I rightly understand the amendment of the Senator from Maine, it would take away from Congress virtually the power of creating these mail-routes and give the entire subject to the Postmaster-General.

Mr. MORRILL, of Maine. No. The Senator will allow me one moment. Congress now proposes to exercise the supreme power in making all the highways in the country post-roads. That establishes that fact. That provides for the service, I assume. This simply modifies the proposition to this extent, that no service shall be put upon a road, though it is a post-road, until the facts are examined into to show that the public convenience and necessity require it.

Mr. BOGY. It is of no use to have a post-route if mail service does not exist upon it. This amendment virtually gives the power to the Postmaster-General to have service or not on these routes; and it would have the effect, as I understand it, to take away from Congress the power. This amendment is germane to an amendment offered the other day by the Senator from Vermont, providing that all mail-routes which do not pay a certain proportion—I think one-half—of the expenses should be discontinued. This would have the effect of discontinuing, in my opinion, a great many routes.

Sir, although I am willing to grant that there are a great many routes which do not pay, yet the whole post-office system is a grand system, beneficent in its operation, calculated to strengthen this great empire, reaching from ocean to ocean, to spread the great principles of this Government, to enlarge the domain of the religion which our people profess. Everything that interests our people depends to a greater extent upon the Post-Office Department than upon any other Department of this Government. Although it may be true—and I know it is true in my own State, and I believe it is true also in the gentleman's State—that many routes do not pay their expenses, yet I should be unwilling to see one of these little routes stopped. If this service does cost the Government a few million dollars, what of it? It is for the benefit of the people. It is to enable them, not only to receive news from home, but to let them know what is being done by their Representatives in the Congress of the nation; and if there should be only one isolated Vermonter away in the valleys of Nevada, or in the crags of the Rocky Mountains, I would give him the opportunity of hearing from his native home now and then; and although it might cost this Government more money than it received to take him a letter from his old father or his old mother, let him get it. Another one will follow him from his native home, and so on, until a settlement is formed; and in that way your Western States have been built up from nothing to what they are now.

I hold that it is better to continue this system, and that more wisdom will be shown in doing that than in curtailing or crippling it. I attach no importance to expense in a case of this kind. I say that it is for the members of both Houses of Congress to designate what mail-routes are necessary, and they can exercise that power with a great deal more wisdom than the Postmaster-General. He does not know the country, to begin with. Then he is impelled, by the pride which all men in such a position have, to carry on his Department successfully with as little expense as possible. We, on the other hand, desire to accommodate the people, and although in carrying out that desire we may expend a little money, we are accommodating the people with their own money. I am for it on that ground. I do not agree that the post-office expenditure is so large as some would have us believe. It amounts to some $30,000,000 a year altogether. Look at the vast good flowing from it; look at the immense work done by that Department, with all its ramifications extending from the Atlantic to the Pacific Ocean, from the northern line of Mexico to the forty-ninth parallel. Everywhere throughout this vast extent of country you find the mail-carriers of the United States carrying letters and newspapers. It is one of the grandest things that belong to this Government, and the amount of $30,000,000 a year is nothing at all in comparison to the importance of it.

I am perfectly willing to unite with any Senator in lopping off improper expenditures and in doing away with any laws which make the Post-Office Department a mere express, which I think it ought not to be. I would rather now vote to take away from the cities of twenty thousand inhabitants and upward the free delivery than to stop the smallest route in the western country. I do admit free delivery is a very great accommodation. I live in a city of four hundred and fifty thousand people where we have free delivery, and it is a matter of very great convenience; but that is all. It is not a matter of primary importance; it is a matter of convenience; and while we are spending a vast sum of money to accommodate a large number of people merely to promote their convenience, we are hesitating whether some little mail-route in the vast wilderness of the West should not be stopped because it does not pay. Stop your free delivery if you want to save expense, stop it immediately, and supply these routes that do not pay, but yet are promotive of the happiness of the people of our great interior country.

I did not intend to speak upon this matter, believing that the amendment of the Senator from Vermont offered a few days ago was virtually disposed of. The Senator from Arkansas, [Mr. CLAYTON] I think made a very good argument on that subject, and so did the Senator from California, [Mr. SARGENT.] But this is the same measure in another light. In other words, the effect would be to do away with a great many routes, because as certain as the thing is done the Postmaster-General especially will stop one-half the little routes in the West, and I think the effect would be to stop fully one-half in my State. I am opposed to it.

Suppose the post-office service does cost twenty-five or thirty million dollars a year. We appropriated the other day $4,000,000—for what? Because the newspapers got up the cry of "war with Spain." When we passed that appropriation bill for $4,000,000 I voted in a minority of seven against it. We fling away millions of dollars profusely in matters which in themselves are of very doubtful expediency, and in matters of positive importance we are very careful to practice some economy. I hold that this whole idea of curtailing the utility or checking the rapid expansion of the Post-Office Department is wrong. Let it expand; let it go on; a few millions of dollars, I hold, are of no consequence if you will carry out the system properly and give the people the means of information.

Mr. SPENCER. This debate seems to be a protracted one, and I move that the Senate adjourn.

Mr. MORRILL, of Maine. Allow me a word.

Mr. SPENCER. I will yield.

Mr. MORRILL, of Maine. I hope my honorable friend from Indiana will see that my proposition is not at all adverse to his, and, if it is agreeable to him, I hope he will accept it.

Mr. PRATT. I have listened to the amendment of the Senator from Maine, and I am satisfied to accept it.

The PRESIDENT *pro tempore*. The question, then, is on the amendment as modified.

Mr. MORRILL, of Vermont. I ask the Senator from Indiana to accept another amendment, to come in after the word "highways," in

order to perfect the language, providing that the highways shall at least lead from town to town, or from village to village, so that we should not establish mails on cross-roads or interior roads where there is no possibility of ever having a mail-route.

Mr. PRATT. Let it be read. I think I shall be satisfied with it.

Mr. MORRILL, of Vermont. In the last line but one, after the word "highways," I move to insert, "leading from one town to another, or from one village to another," so as to read:

And all public roads established or hereafter to be established in the States or Territories, by competent authority, and used as public highways, leading from one town to another, or from one village to another, be, and the same are hereby, established post-roads.

Mr. RAMSEY. Now I desire to call the attention of Senators who are interested in the navigation of the Mississippi, the Ohio, and Missouri Rivers, to the character of this amendment. It makes any bridge built upon any of these rivers, however destructive to commerce it may be, a highway and postal route, and gives it a legal character. I imagine Congress wants to reserve a question of that kind to itself.

Mr. SARGENT. I should like to further state an objection to the amendment last offered. It is very well known that the railroads running through the West have little stations, which can neither be called towns or villages, where the mail is thrown off to be carried to some town or village in the distance by a lateral road. This amendment will prevent the employment of any such roads in existence, or that may hereafter grow up. In itself it is destructive of any growing of the postal service. I object to it for that reason.

Mr. RAMSEY. It is full of mischief.

Mr. SARGENT. I object to it because hereafter we shall be compelled to have a special mail-route bill passed through Congress in order to distinguish those roads which start from railroads at railroad connections where there may be neither a town nor a village, nothing but a simple station where passengers get on and off, and trace them back to the town, and again back from the town to the railroad, so that really we do not get rid of the annual mail-route bill under this amendment. In other words, we should have to build towns before we could have railroads.

Mr. MORTON. It has occurred to me that this amendment, declaring so many roads, and bridges, and rivers post-routes, the intention of which is to dispense with the necessity of legislation in each particular case, is virtually placing the whole power in the hands of the Postmaster-General; that it gives to him the power to indefinitely extend the service without consulting Congress. We, in general terms, make all the roads, rivers, and highways post-routes, and then the Postmaster-General is authorized to put service upon them. It seems to me that it is in the nature of abdicating the power on the part of Congress and conferring it on the Postmaster-General. It occurs to me that it should be a matter of legislation on the part of Congress as to whether a particular road shall be a post-road—that the judgment of Congress should be given upon that. But if we make them all post-roads, and then leave the whole matter to the Postmaster-General, is it not abdicating that power, which the Constitution intended to repose in Congress?

Mr. MERRIMON. I make the motion that the Senate proceed to the consideration of the regular order.

Mr. SHERMAN. I was about to make that motion, because the Senate is evidently disposed to adjourn. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Ohio and the Senator from North Carolina move that the pending bill be laid aside, and that the Senate resume the consideration of the finance resolution.

The motion was agreed to.

Mr. MERRIMON. Mr. President——

Mr. CHANDLER. The Senator from North Carolina having the floor, I move that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and thirty-six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 20, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

COMMERCE BY RAILROAD AMONG THE STATES.

Mr. McCRARY, by unanimous consent, from the Committee on Railways and Canals, reported a bill (H. R. No. 1385) to regulate commerce by railroad among the several States; which was read a first and second time, ordered to be printed, and recommitted.

Mr. WILLARD, of Vermont. It is understood that this bill is not to be brought back into the House on a motion to reconsider.

Mr. McCRARY. Certainly not. The committee instructed me to recommend the passage of the bill. But as that is not now in order I have asked that it be printed and recommitted. I submit also a report in writing upon the same subject, which I move be printed to be laid upon the tables of members.

The motion was agreed to.

Mr. G. F. HOAR submitted the following resolution; which was read, considered, and, under the law, referred to the Committee on Printing.

Resolved, That there be printed for the use of the House five thousand extra copies of the report of the Committee on Railways and Canals relative to the bill of the House (H. R. No. 1385) to regulate commerce by railroad among the several States.

BLUE BOOK.

Mr. DONNAN, from the Committee on Printing, reported back, with a recommendation that the same do pass, Senate bill No. 215 in relation to the printing of the Biennial Register, commonly called the Blue Book.

The question was upon ordering the bill to be read a third time.

The bill provides that in lieu of the number of copies of the Biennial Register now authorized by law to be printed, the Secretary of the Interior is directed to cause to be printed fifteen hundred copies of said work.

Mr. DONNAN. One word in explanation. The book referred to in the Senate bill is not a book for popular distribution. I am aware that the volumes of the book heretofore published have been severely criticised by members on this floor, and I do not know but with justice; for in some respects I know they have been inaccurate. But the committee are inclined to believe that the present one will be found more accurate. The necessity for the number of copies provided by this bill is this: to supply members of Congress each with one copy, and also the officials in the Executive Departments of the Government with one copy each for their great convenience. The Secretary of the Interior makes the following statement in regard to it:

The law authorizes the printing of only seven hundred and fifty copies, which the experience of the last few years has shown are insufficient to supply the members of Congress and officials in the Executive Departments, who really need this book, finding, as they do, that it is a valuable aid in the transaction of the public business; and this increase in the number of copies to be furnished is the more necessary now as the House of Representatives is much larger than formerly.

The Committee on Printing of the last Congress added one thousand to the usual number, which has enabled the Department to reserve enough to furnish the new members of the present Congress; but if the supply be now doubled, that is, adding seven hundred and fifty more, it will be amply sufficient to meet the demand.

Members will see that this bill proposes to print two hundred and fifty copies less than was printed before. But it is believed that the number here called for will be sufficient to supply the demand, as I suggested a few moments ago.

Mr. PLATT, of Virginia. Will the number, fifteen hundred, be sufficient to give every member of Congress a copy, as well as each of the officials of the Departments?

Mr. DONNAN. The Secretary of the Interior so states. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was read the third time, and passed.

Mr. DONNAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIABILITY OF SHIP-OWNERS.

Mr. WELLS, by unanimous consent, introduced a bill (H. R. No. 1386) to extend the provisions and limitations of an act limiting the liability of ship-owners, and for other purposes, approved March 3, 1851; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. RUSK, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1387) to equalize pensions in certain cases; which was read a first and second time, recommitted, not to be brought back by a motion to reconsider, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WHEELER and Mr. HOLMAN called for the regular order of business.

The SPEAKER. The regular order of business being called for, the morning hour commences at twelve o'clock and nineteen minutes. At the conclusion of the morning hour last Thursday the call rested with the Committee on the Rules.

SUSPENSIONS OF THE RULES.

Mr. MAYNARD. I am instructed by the Committee on the Rules to report the following, and recommend that it be adopted by the House:

Resolved, That the following be added to the rules of the House:

RULE —. All motions to suspend the rules, except to go into Committee of the Whole, shall, before being submitted to the House, be seconded by a majority, as in the case of the previous question.

This is the same rule that was reported from the committee a few days since, and after a very considerable discussion was recommitted. Since that time gentlemen on both sides of the House have appealed to different members of the committee to reconsider the matter, and to report it again. In accordance with that sentiment, the committee have again considered the subject, and have instructed me to report it. As the matter was very fully discussed the other day, and supposing the House understands it now just as well as it will ever understand it, I will demand the previous question, and test the sense of the House on that demand.

Mr. HOLMAN. I trust that will not be done on so important a rule. I understand it is not the unanimous report of the committee.

Mr. MAYNARD. I will ask the previous question to test the sense of the House upon this matter.

Mr. HOLMAN. I move that the House adjourn. Let us have some little time for reflection.

Mr. MAYNARD. Mr. Speaker, I have already stated that this proposition was presented the other day——

Mr. STORM. I object to debate, unless the question is to be open to debate all around.

Mr. MAYNARD. I do not propose to discuss the question now; but I wish to say that after the full discussion on this subject the other day, members must have made up their minds one way or the other, and are just as ready now to vote upon the question as they will be after a prolonged debate.

Mr. WOOD. I hope the gentleman does not wish to stop all of to-day's legislation. An important change in the standing rules of this House, affecting not only private but public interests, should not be allowed to pass without some discussion. I for one shall oppose, by every legitimate and proper mode, the consideration of every other question until we have had an opportunity to ventilate this proposed change in the rules.

Mr. MAYNARD. I am very well aware that if the gentleman and any considerable number acting with him are so disposed they can work a practical delay. I do not wish to place the House or myself in that attitude. I made my suggestion, believing that we had heard very fully indeed from the gentleman and from various other members. If, however, gentlemen suppose that they can throw further light upon this question, if they desire to put themselves right on the record by further debate, and will indicate how much time they desire, I will try to oblige them. I do not wish to "crowd anything down," to adopt the expression we sometimes hear.

Mr. HOLMAN. We insist that this proposed rule does in fact violate the spirit of the Constitution with reference to the rights of one-fifth of the members of the House. It virtually takes away a very important constitutional guarantee.

Mr. MAYNARD. Will the gentleman indicate how much time he desires?

Mr. HOLMAN. I trust the gentleman will allow so fundamental a change in the administration of the affairs of this House to be debated as long as gentlemen think proper to speak upon it. Such a question as this is not apt to consume more time than gentlemen feel the merits of the case require.

Mr. MAYNARD. Will the gentleman indicate how much time he himself would like to speak?

Mr. HOLMAN. Only a few minutes myself.

Mr. MAYNARD. How many?

Mr. HOLMAN. Five minutes.

Mr. MAYNARD. I yield to the gentleman five minutes most cheerfully.

Mr. HOLMAN. I submit, Mr. Speaker, that by the Constitution of the country a given number of members of this House are entitled to require a record by a yea and nay vote upon questions coming before us; and that any measure tending to impair this right is not simply invading this constitutional provision, but the effect of it is to destroy the responsibility of the House of Representatives to the people. I hold, sir, that any measure which may destroy the responsibility of Representatives on this floor to the people themselves is destructive to that extent of the very form of government under which we live. Responsibility to the people is a fundamental principle of representative government. The record of the votes of representatives upon public measures is a matter of the very first importance. It is important not simply to the majority, but also to the minority, that our constituents should have a record of the action of their Representatives upon the various great questions of public concern coming up here for action.

I protest against this proposition as an invasion of the rights of the minority, as an unconstitutional measure, and one in the interest of the plundering schemes which have from time to time been sought to be rushed through this House in the closing hours of the session. I affirm, and every gentleman who has had experience on this floor will attest the truth of the position, that our right to have the yeas and nays taken upon the demand of one-fifth of the members has done more to prevent hasty and unwise legislation, and the depletion of the Treasury by unjust claims, than any other rule of proceeding that we could establish. The Treasury has been protected; a record has been made upon all important questions; and yet the public business, so far as my experience extends, has not been improperly delayed by the action of this constitutional rule.

I trust that the majority will see the impolicy of ingrafting upon our rules a provision so arrogant, so oppressive, and so unjust. Every gentleman must see the effect of such a proposition. We can only desire such a rule as this if we desire to escape responsibility to our constituents for our acts. If such is not our desire, then there is no need for the adoption of the proposition. Every gentleman who is in favor of proper responsibility of the Representative to his constituency will insist that the rule which has stood unchallenged for half a century shall still continue to be the rule of the House.

Gentlemen insist that the majority have not the control of the House. I remember no instance of it. Our present rule, which allows only a single motion to adjourn in certain cases, is the only guarantee which is required. The majority always have control of the House. They have always had control of the House. The majority is always sustained by the Speaker on all matters coming before the House for action. It seems to me strange, now, that a majority of the House will insist on so completely crushing out the rights of the minority to be heard before the country by this only valuable mode of being heard, and that is by recording their votes by the yeas and nays.

Mr. MAYNARD. I will yield now to the gentleman from Massachusetts. [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. Mr. Speaker, I desire for a moment to discuss this rule. When it was first introduced it struck my mind unfavorably; I thought it might be open to the objection stated by the gentleman from Indiana, [Mr. HOLMAN;] but when I reflected that every representative body in the United States, every political convention from the time of the earliest conventions of the democratic party, has always made for itself a similar rule as a protection against questions being sprung upon it without deliberation, I likened this rule to that, and I think it ought to pass. Every political convention at first passes a rule that all resolutions of principle shall be submitted to a committee on resolutions.

Mr. HOLMAN. Would the gentleman from Massachusetts adopt the same rules for an organized body like the House of Representatives, which ought to be held directly responsible to the people—would the gentleman apply the same rule to such a body, where there are always two parties, that he would apply to a political convention of one party, where only a certain result is aimed at without reference to the machinery by which that resolution is to be secured?

Mr. BUTLER, of Massachusetts. Pardon me; I never happened to get into a political convention where there were not two parties inside of it—two different wings of the same party. [Laughter.]

What has been found necessary to protect the well-being of a party is equally necessary to protect the well-being of every representative body in the country. For this reason it only requires propositions shall not be sprung upon the House by which any man must commit himself one way or the other, and be open to be misunderstood and misinterpreted, and have his opinion go out to the country without having had any sort of consideration of the question. I wish to illustrate for a moment. Yesterday I had to vote "no" against a resolution about the franking privilege, because, in my judgment, it did not go far enough. It was not sufficiently considered; the resolution had not been carefully drawn and would not reach the object which the mover intended. Last Monday how was it? On the great question of finances a gentleman got up here, without any consideration by the House, and offered, under a motion to suspend the rules, a resolution by which the House was put in the attitude of having apparently voted three or four different ways on the same proposition. It was because cunning propositions were brought in to catch this or that vote, and we were disgraced, in my judgment, by our votes last Monday; it was because men did not choose to allow their votes to be misinterpreted. Whereas on the great questions of finance there should be the most careful consideration; no man ought to be made to commit himself on any great question by the crude notion of any other man who brings in a resolution declaring an opinion. If any gentleman came to me and insisted on my answering his question on any such proposition, or on great questions, without a moment's consideration, forcing me to record my opinions without any reflection, have I not a right, as between man and man, to say, "It is none of your business?" And now, when in this House, by a simple motion to suspend the rules, men put to us the highest propositions of political science, the highest questions of administrative policy, on which, in the face of the country, without a moment's pause, we are compelled to declare our opinions, and declare them in the most solemn form, has not the House the same right to protect itself against them?

My friend from Indiana [Mr. HOLMAN] says that this rule will aid the plunder schemes which are sometimes put through the House. I beg his consideration on that subject. If a majority without a yea and nay vote could pass such a scheme, then he would be right. But all the majority can do under the proposed rule is to say that they will submit it to a two-thirds vote of the House or they will not submit it; either it shall not pass, or it only shall pass by a vote of two-thirds of the House. It is not to aid affirmative legislation at all. It does not affirm any legislation; it does not act on any legislation; it does not promote legislation; but it is a check on improvident legislation.

Mr. HOLMAN. That is the effect of the existing rule.

Mr. BUTLER, of Massachusetts. And that is exactly what I want. We want to stop plunder schemes.

Mr. HOLMAN. But this rule is not a check on legislation. The rule as it now stands is a constitutional check, and maintains the constitutional right of having the yeas and nays put on record on the call of one-fifth of the members of the House.

Mr. BUTLER, of Massachusetts. Pardon me. When any question is on its passage, then every man has the right, or ought to have the right, to have his name recorded on a yea and nay vote. But on the question whether it come before the House until considered by some committee, I do not understand that he has any constitutional privilege to demand a yea and nay vote.

Mr. HOLMAN. Certainly not. But by this rule you defeat the constitutional right of being put upon record by a yea and nay vote.

The gentleman wants that the majority shall have the power of preventing a record being made.

Mr. BUTLER, of Massachusetts. A record made on what? On anything that is to pass or fail? O, no. On a question of the order of business, one whether a majority shall say that they think it ought then to be considered. That is all.

Mr. ELDREDGE. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. Certainly.

Mr. ELDREDGE. I think the gentleman from Massachusetts misapprehended the gentleman from Indiana, [Mr. HOLMAN,] and has not answered his suggestion. The proposition of the gentleman from Indiana, as I understand it, is that in any given case where the House is called upon to act he should have the privilege, if one-fifth of the House demand it, of recording his vote by a call of the yeas and nays. Now, then, supposing a motion to be made for a suspension of the rules, under the rule which it is proposed to adopt, it must be seconded by a majority of the House, or else it is not a pending question upon which the yeas and nays can be called in the House. If the rule prevailed that on a motion to suspend the rules the seconding of that motion should be taken by the yeas and nays, then we would not be deprived of our right under the constitutional provision. But here is a silent vote, a vote by standing, or by the uplifted hand, or by the voice, unrecorded, on whether the question can come before the House as a pending question on which the yeas and nays can be called.

Mr. BUTLER, of Massachusetts. It has been so, sir, exactly, in the case of the previous question. That is a matter on which the yeas and nays have never been called from the earliest time. But the previous question does not pass anything. The only question on the previous question is, will the House pass to its consideration? and the yeas and nays have never been taken on the previous question. And so in regard to this rule the question is, will the House pass to the consideration of the motion which has been submitted to the House under a two-thirds vote? Precisely as in the case of the previous question the point before the House is, will the House pass to its consideration? and they should stand alike and are alike. On the one question the point is whether the measure shall pass by a majority; on the other, it is whether it shall pass by a two-thirds vote under a suspension of the rules. There is no other difference. The House says in the one case, we second the previous question—that is, we will proceed to vote on the pending question, and pass it by a majority. Under a suspension of the rules the House says only, we will or we will not proceed to the pending question, which must pass by a two-thirds vote; and it is no more an interference with the constitutional right of any citizen in the one case than in the other.

Mr. HALE, of Maine. Will the gentleman allow me to ask him a question right in this line?

Mr. BUTLER, of Massachusetts. Yes, sir.

Mr. HALE, of Maine. The gentleman says the seconding of the previous question does not pass anything, as it does not; but if the seconding of the previous question is voted down by a silent vote, is not the proposition just as effectually killed as though it were on a yea and nay vote? If it is voted up, it does not pass anything; but if it is voted down, is not that the end of the proposition just as much as if it were voted down directly?

Mr. BUTLER, of Massachusetts. It is the end of the proposition in that shape; but it may be renewed in another shape or another form.

Mr. HALE, of Maine. And the previous question voted down again, so that a silent vote squelches it.

Mr. BUTLER, of Massachusetts. It may do so; but it does not do it any more effectually than it does when the House says that it cannot be submitted to a two-thirds vote. How did it operate yesterday? We voted on two or three things which were mere matters of theoretical politics; and to prevent those things being sprung in the House, the only protection that the majority of the House had was to adjourn. So we adjourned about three o'clock, or at that hour we began to vote on the question of adjournment; and that is the only protection that the majority of the House have. And I observed that to protect themselves, a majority of my political friends on the other side of the House voted also to adjourn. I believe indeed that the motion came from that side of the House. They even did not desire to be brought up to a test vote on political questions without any consideration.

I repeat again that it has been found necessary in all deliberative assemblies—and I especially call attention to old democratic conventions—to protect themselves, so as to prevent any matter being sprung upon the convention without consideration, by adopting a rule that all propositions should be referred to a committee on resolutions without debate.

Mr. HOLMAN. Will the gentleman answer one question? The Constitution says:

> Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Now does not this proposed amendment deprive the House of the right to take a vote by yeas and nays on a proposition to suspend the rules without the consent of a majority of the House? I ask the gentleman that question, and I ask him, further, if that is in accordance with the Constitution of the United States?

Mr. BUTLER, of Massachusetts. Will the gentleman from Indiana now allow me to ask him a question, and it is this: does he hold that the previous question is a question within the constitutional provision? If he does, then it comes within the clause of the Constitution to which he has referred, and has not the action of the House in seconding the previous question been, from the adoption of the Constitution down to the present time, a breach of the Constitution?

Mr. HOLMAN. I will not say that it has been a breach of the Constitution, but I will say that the Constitution contemplates the making of a record on every question brought before the House; and this rule is intended to impair that right and to deprive a minority of the right of calling the yeas and nays on a proposition without the consent of the majority.

Mr. BUTLER, of Massachusetts. Will my friend think on this question in this light: first, that every House ought to make its own rules, and we have made a rule for a suspension of our rules under certain circumstances. Our rules provide how business shall be brought before the House, and this bringing up business before the House under a motion to suspend the rules is only one mode that the House provides. It is a mode by which business brought before the House may be passed by a two-thirds vote.

Mr. MELLISH. Will it not, at least indirectly, obstruct the operation of the constitutional provision giving to one-fifth of the House the power to call for the yeas and nays? I think the yeas and nays should be recorded as often as possible.

Mr. MAYNARD. I resume the floor, and yield to the gentleman from New York, [Mr. POTTER.]

Mr. BUTLER, of Massachusetts. I ask the gentleman to allow me a moment to answer the question which has been put to me.

Mr. MAYNARD. I will yield for that purpose.

Mr. BUTLER, of Massachusetts. The gentleman from New York [Mr. MELLISH] asked if this rule did not infringe the constitutional provision in regard to the yeas and nays. I ask him if it infringes it any more than does the rule providing that the question on seconding the previous question shall be silently voted on?

Mr. POTTER. I desire first, Mr. Speaker, to acknowledge the courtesy of the gentleman from Tennessee [Mr. MAYNARD] in allowing me to be again heard in reference to this proposed amendment of the rules, because when the measure was last before the House I spoke most earnestly against it and insisted that it should be recommitted to the committee. It comes before us now substantially in the same form as before, and I cannot find now more than before sufficient reasons in its favor.

The gentleman from Massachusetts has referred to the condition of things which prevails here on every Monday morning when gentlemen rise in their places and offer, under motions to suspend the rules, propositions in respect of which no man on this floor should decide on the instant. In some cases, too, they attach preambles to their resolutions, preambles which are most absolutely true, while the resolutions appended are entirely objectionable. When I first came here, sir, I was somewhat troubled about such propositions, but I have become satisfied what my duty is, and I never now hesitate to record my vote against any proposition which may be wrong, no matter how good the preamble which may lead up to it. The practice is, I concede, an abuse and an evil, but it does not, after all, mislead the country or do very much harm. We have, to be sure, during this very session, seen the House upon a Monday putting itself, by the adoption of conflicting resolutions, in two or three different positions on the same day, each one inconsistent with the others. But such votes only have the effect of showing the country how little the buncombe action of the House on Mondays amounts to. Thus it is an evil that largely cures itself. For myself I shall be glad to see the whole power of suspending the rules upon Mondays abolished; but if it is to be retained then I think it safer on the whole to retain it as it is than as now proposed to be changed.

The gentleman from Massachusetts [Mr. BUTLER] has urged that this change in the rule would secure us against the evils to which I have referred, and of which he justly complains. He resents the impertinent or improper questions sometimes asked of him, and of all members of this House, by those who may be able to obtain the floor upon a Monday to move a suspension of the rules. But under the proposed rule he would escape such a question only when asked by the minority; but whenever a majority chose to second the motion he would be put to answering it, however improper or impertinent he might deem it, just as much as he now is. That is an evil which we must meet while suspension of the rules is permitted. But to pass this proposed rule would be to sometimes deprive the minority of this House of the right to record their votes by yeas and nays upon questions submitted to it, while it would not equally take away the right of the majority. In short, the difficulty I see in this proposed change is that it will take from the minority, for the time being, the right to have the yeas and nays recorded upon any proposition submitted to the House for its consideration, under suspension of the rules, unless a majority of the House approve the proposition. It may, sir, be just as important sometimes to the minority of the House—nay, it may be just as important to the country itself—that the whole House should be obliged to record its opinion, judgment, and vote upon a proposition to which the majority for the time being are opposed as to have the votes of the House recorded only upon propositions for which the majority for the time being are in favor.

Indeed, I am, in any view of this subject, disposed to hesitate long before giving my consent to the change of a rule that has been in operation without question for more than fifty years. It is true that in other political bodies, party and legislative both, the rules are, in this respect, different. But the rules in this House have been of gradual growth, and are largely for the purpose of protecting the rights of minorities. They have been the result of the experience of the people of this country, changing as parties have changed in their control of this House. By that experience it has been found that the interests of the people were best served by most largely protecting the rights of minorities. And it is because the rule has so long existed in the interest of minorities that I am unwilling now to change it without some more controlling reason than any that has been suggested for the change.

If, Mr. Speaker, you go back to the Convention which framed the Constitution and look at the debates upon the clause securing to one-fifth of the House a record of the yeas and nays, you will find it nowhere suggested that the object of the provision was to preserve a record upon measures that a majority of the House might be in favor of. On the contrary, the object was to secure to one-fifth of the House, when they desired it, a record of the decision of every member of the House upon the question before it—as well upon those measures that did not pass as upon those that did pass.* Therefore I am unwilling now and here, for mere convenience of legislation, if it should be for such convenience, to change a rule so long and so well established.

I desire, besides, to repeat what I said the other day, that except upon great measures of supplies, and other measures as to which congressional legislation is a necessity, I am opposed to facilitating legislation by Congress. As regards all local and special and private measures we legislate too much now; and for that reason I am also opposed to any change in the rules which will facilitate that sort of legislation.

Mr. MAYNARD. I now yield to the gentleman from New York [Mr. HALE] for a few minutes.

Mr. HALE, of New York. Mr. Speaker, if I believed the objections raised by the gentleman from Indiana [Mr. HOLMAN] and by my colleague [Mr. POTTER] to this proposed amendment of the rules were well founded, in that the proposed amendment was either an infringement upon the just rights of a minority or a substantial violation of the provisions of the Constitution, I certainly should not be found advocating or sustaining it. But I believe the proposition of the gentleman from Indiana arises from a misapprehension of the true effect of this proposed amendment of the rules.

The rules of a legislative body are adopted and adhered to for the protection of minorities; that I understand to be one of their principal objects. It is in the suspension of the rules at the beck of a large majority that the greatest danger to the substantial rights of minorities exists. Therefore any action by which the House shall reserve to the majority the control of the question of the suspension of the rules seems to me not to be an invasion of the rights of the minority, as not tending, even, towards a hasty, improper, or unreasonable suspension of the rules, but in the opposite direction.

As to the constitutional objection raised by the gentleman from Indiana, [Mr. HOLMAN,] it seems to me to be mainly without foundation. This House, by its rules, has already provided at what times motions for a suspension of the rules may be entertained, and at those times only can such motions be entertained. Is it going any further to annex an additional condition, and say that on Mondays, after the morning hour, provided a majority of the House shall by a division assent to it, the rules may be suspended?

Mr. HOLMAN. Allow me to ask this question: the gentleman makes a motion under the rules of the House to suspend the rules, and to put a measure upon its passage. Now, is not that in fact the question before the House? And should not one-fifth of the members have a right to call for a record upon that question?

Mr. HALE, of New York. If it gets before the House, and not otherwise. Suppose the gentleman from Indiana to-day rises and moves a suspension of the rules for a certain purpose: has he a right, even with the assent of one-fifth of the members present, to have a record by yeas and nays upon that motion? Certainly not, because the rules of the House forbid it.

Mr. HOLMAN. Does not the entertaining of the motion to suspend the rules make it a question before the House?

Mr. HALE, of New York. Undoubtedly, and that is the point. Shall not the House reserve to itself, on Mondays, the same right to determine, without a call of the yeas and nays, whether it will entertain a motion to suspend the rules, as the House now has the right to say that on other days a motion to suspend the rules shall not be entertained? It is not a question before the House until entertained in conformity with the rules.

Mr. HOLMAN. Would not the majority always be able to prevent any question coming before the House upon which a record could be made?

Mr. HALE, of New York. This proposed amendment is simply that the majority of the House shall have the power to prevent a question being brought before the House in violation of its rules, and for the purpose of abrogating its rules. I submit it is not an unreasonable proposition.

Mr. POTTER. I desire my colleague to answer me this question. Would it not be within the power of the majority of the House to prevent the yeas and nays being taken upon every question that did not command the vote of a majority of the House?

Mr. HALE, of New York. Plainly not.

Mr. POTTER. Plainly so.

Mr. HALE, of New York. Only where the rules are sought to be suspended for that purpose. It is only where there is an attempt to bring a question before the House in violation of the rules, by suspending them, by doing away with all rules, that under this rule the House proposes to reserve to itself the question whether it will entertain the motion. I submit that the experience of the House on every Monday that we have been in session, indicates the wisdom of the amendment now proposed. There has not been a single Monday when propositions have not been put before the House on a yea and nay vote, which numerous members have felt that they could not vote upon without liability to misconstruction. I do not believe the majority of the House ought to be subjected to an application in that form for a suspension of the rules.

Mr. MAYNARD. I resume the floor, and yield to the gentleman from Wisconsin, [Mr. ELDREDGE.]

Mr. ELDREDGE. Mr. Speaker, my objection to this proposed amendment of the rules is principally upon the ground that in my judgment it is calculated more completely to place the minority under the control of the majority. It is a well-settled principle, and generally understood, that the rules of parliamentary bodies are made for the protection of minorities. By the adoption of this rule the minority of this House will be placed absolutely within the control of a majority, and that majority will not be required to make a record of its action.

It is true, as suggested by the gentleman from Indiana, [Mr. HOLMAN,] that under this proposed rule the majority of the House can at any time present a question to the House, require the yeas and nays, and place members upon the record; whereas the minority, under no circumstances where this amendment applies, can obtain the yeas and nays at all. If the majority desire a record it can have it, but the minority will have no opportunity whatever to make a record.

The seconding of the motion to suspend the rules will be, like the vote for the previous question, silent and unrecorded. It is, I submit, a cowardly shirking of the responsibility of your own acts. It shows an unwillingness to meet any and all questions that may arise, and let the people know your opinions upon current topics. As for myself, I wish the yeas and nays might be recorded upon every vote in this House; no better prevention against loose and hasty legislation could be devised; certainly the right to have them recorded should not be abridged.

Why do gentlemen desire the adoption of this rule? Is it—can there be—any reason other than that they may control more completely the minority; that they can, under it, make a record when they choose, yet prevent us from putting them on record when we would? It is really refreshing when the gentleman from New York [Mr. HALE] tells us he is advocating this new rule in the interest of the minority. We ought certainly to be very grateful to him; and certainly for him to be found in the interests of the minority of this House is a new *rôle* for him to play. But I think we can understand our own interest quite as well as he, and, since he loves us so much, should be glad if he would allow us to determine it for ourselves.

But if it be not to place the minority in a position to be more easily handled by the majority, what purpose is to be subserved by this proposition? There is not much time lost on Mondays in the votes which are taken on suspending the rules. Why should not the minority, as well as the majority, have the right to require by the constitutional number (one-fifth of the House) a record by yeas and nays? This amendment does, in my judgment, deprive the minority of this constitutional right. The majority can, by concert of action, spring upon the House any question or proposition which they see fit, and force the minority to record their votes upon it, however absurd or however untruthful the proposition may be. Why should not the minority have the same privilege? Why should not we have the opportunity of putting conundrums to our friends of the other side as well as they to us? This would be only fair play, only simple justice. Our propositions or conundrums would probably be no more difficult or troublesome for them than theirs for us. But I insist there is no necessity for this amendment, there is no propriety in it; there is no object to be attained, unless it be more fully to place the minority within the control and management of the majority. The power of the majority, by force of numbers, is now absolute in this Congress and cannot be otherwise. It ought certainly to be enough that you can, at any time and on any question, suspend the rules without binding us down by a new rule.

*The Constitution provides for "the yeas and nays on any question," not on the passage of a measure. The provision in this respect corresponds with that in the report of the committee on detail in the Convention which adopted the Constitution. The debate in the Convention on the provision was confined to Mr. Gouverneur Morris's proposition that any member might call the yeas and nays; which he urged on the ground that the small States would otherwise be at a disadvantage, and find it difficult to get the one-fifth of the House necessary. This proposition Mr. Randolph seconded. Mr. Sherman objected that the yeas and nays never did any good, and so Mr. Ellsworth and Mr. Gorham thought. Colonel Mason liked the section as it stood, as a middle way between the two extremes, and so the section stood.

Mr. DAWES. I ask to occupy a few moments on this question.

Mr. MAYNARD. I am appealed to by so many gentlemen who wish to speak, that I think I must take the sense of the House upon the question whether it will terminate the debate.

Mr. DAWES. I ask the gentleman to allow me to say a few words.

Mr. MAYNARD. The gentleman has appealed to me, and so have divers others, including one of his colleagues. I do not wish to be discourteous, but I must decline to yield further.

Mr. DAWES. I submit to my friend that a proposition, the purpose of which, as stated here, is to devise ways to avoid an expression of opinion, should not be put through by him under the previous question, without allowing anybody on this side, who differs from him, to put that difference on the record. Not only does the gentleman from Tennessee propose to put through this device to avoid a record, but he will not permit a man on this side of the House to express his dissent. I submit it is not quite fair for the gentleman, when we have a two-thirds majority on this side, to refuse to permit those on this side who happen to differ with him from putting their opinions on record.

Mr. MAYNARD. On that point, if there is any gentleman in the House who, when he has the floor in his own right, is more peremptory—to use no harsher expression—than the distinguished gentleman from Massachusetts, [Mr. DAWES,] I am not aware who he is. But if my demand for the previous question is seconded, and the main question ordered, I will, under the rules, having reported this resolution from the committee, have an hour to close debate, and I will cheerfully give to the gentleman from Massachusetts an opportunity to say what he thinks deserves to be said on this occasion.

Mr. DAWES. I do not object to that, but the gentleman indicated, as I thought, that he did not intend to give me any opportunity to express my opinion on this resolution.

Mr. HALE, of Maine. Let me appeal to the gentleman from Tennessee not to hasten the vote on this matter. There are other gentlemen besides the gentleman from Massachusetts on this side of the House who are strongly opposed to this invasion, and while perhaps they cannot throw any light on the subject, they do wish to have an opportunity to put themselves right upon the record.

The SPEAKER. The gentleman from Tennessee demands the previous question.

Mr. MAYNARD. I have agreed to allow the gentleman from Illinois [Mr. MARSHALL] to submit a verbal amendment.

Mr. WARD, of Illinois. I also desire to appeal to the gentleman from Tennessee to allow me to be heard on this proposition. I have never asked to be heard on any subject here before, and I do not know that I ever shall again.

Mr. MAYNARD. I wish to say that under the rules of the House I will have under my command, after the previous question has been seconded, an hour, with which I will be liberal, if I know what liberality is, and will yield the time freely to the numerous gentlemen who desire to be heard. I do not think it is necessary for the intelligence of the House to take up the whole of this day's session in debating a resolution of this kind. But before making the demand for the previous question there is a verbal amendment suggested by the gentleman from Illinois [Mr. MARSHALL] which I will allow to be pending. It is this: instead of the words "to go into Committee of the Whole," he proposes to substitute the words "where they may be suspended by a majority."

Mr. SPEER. Is it in order for the gentleman making the report to accept any amendment to that report?

The SPEAKER. The Chair does not understand the gentleman from Tennessee accepts the amendment, but only allows it to be pending.

Mr. MAYNARD. I now demand the previous question.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. MAYNARD were appointed.

The House divided; and the tellers reported—ayes 80, noes 96.

So the demand for the previous question was not seconded.

Mr. DAWES. Mr. Speaker, I differ with great reluctance with the committee who have reported this rule, and regret that I feel compelled to force myself upon the attention of the House in opposition. When this report was before the House on a previous occasion I refrained from expressing any views against it. I thought I might be mistaken in the force and effect of the rule, and I listened silently to the reasons for it. I have thought on it considerably since, and have been greatly strengthened in the opposition which I then felt to this measure. I wish merely to state my reasons without any passion; and I regret that I misunderstood the gentleman from Tennessee in supposing he intended to prevent that expression.

Sir, we propose to change a rule that has existed in the House from its foundation. Until this session of Congress I never heard its wisdom questioned. We propose to change this rule when we ourselves have more than a majority of two-thirds. I know it does not follow, because it has been the rule ever since the foundation of this House, that it is a wise one. It does not follow, but I am inclined to think a rule which is a pestiferous one would have caused some complaint, and there would have been an effort to have it amended before we got into such absolute control of the House. With this majority of two-thirds, with the country more sensitive than it ever was in the world as to our opinions, holding the House of Representatives to a stricter accountability for everything it does at this moment than ever before, we of the majority propose a rule which my colleague, with that frankness with which he debates every subject, openly avows, if I understand him aright, has for its object to prevent our recording our names upon disagreeable subjects.

Mr. BUTLER, of Massachusetts. Ill-considered.

Mr. DAWES. Ill-considered; of course that means subjects which a majority of this House deem ill-considered. Therefore it is that we are asked to adopt the rule under these circumstances, when we have this absolute control, so that we can prevent any ill-considered legislation if we desire it, and any uncomfortable legislation if we desire it. It is not to protect us against legislation; but the object of it is to protect us against recording our names upon what my colleague says are subjects which a majority on our side have ill considered.

Now I submit, Mr. Speaker, that it is an unfortunate time to propose such a rule as this. I agree with my colleague that we are often called upon to vote for ill-considered and incompatible measures. But this rule covers well-considered as well as ill-considered measures; comfortable as well as uncomfortable questions. This rule gives to a majority of our side of the House a power of preventing a record upon any political question, upon any matter of legislation whatever, that may come from the minority of this House. My colleague likens it to the proceedings of a political convention. Now, it does not commend itself to me to regard in that light the House of Representatives, once at least if not now a deliberative body, all whose acts we provide shall be recorded in the permanent records, and the Constitution saying that one-fifth of us shall have the power upon all questions of insisting that all our names shall be recorded upon any question which is submitted in order to the House; any question that is proper for legislation, or any question that one-fifth of the House shall deem to be proper. But without regard to the constitutional question, is it proper for us, as a question of policy, to exhibit ourselves here in this House, with more than a two-thirds majority, devising means to relieve ourselves from going on the record whenever upon any question a majority of our own friends shall deem it impolitic to record our names for any motive whatever, and declaring that it will be enough for the majority of our side of the House to say "We will not permit your names to be recorded on that question?"

Mr. BUTLER, of Massachusetts. I do not want to interrupt my colleague; but perhaps just here he will allow me to ask him a question.

Mr. DAWES. In a moment. I have been in the same position as my colleague in reference to questions in this House. I do not mean to intimate that my colleague has any more motive than any other gentleman in the House to avoid recording his vote. I think he has a kind of pleasure in showing the House and the country that he will act out his convictions, whatever they may be, and therefore I do not wish to be interpreted as meaning any such thing. But my colleague was frank enough to put upon the records of the House just the very reasons why I could not vote for this, when he said, as I have already stated, that the object of it was to prevent us being troubled, as he was yesterday, upon a question which he thought was so difficult for everybody else to understand that he was compelled to vote "nay" upon it. I only take that as an illustration—that is all.

Therefore it is, Mr. Speaker, that I take this position, although with the greatest reluctance and without being troubled about the constitutional question; because this has reference to modes of getting at the question, and there are other modes of getting at it. But I am influenced by the fact known to the world, that we stand here with all power in our hands to prevent any legislation, and therefore the whole country knowing that it is not to prevent legislation that we adopt this rule, but for the very purpose avowed here on this floor, that we may not be troubled with questions on which a majority on our side would, on the whole, a little rather not record their votes.

Mr. GARFIELD. Will the gentleman allow me to ask him a question?

Mr. BUTLER, of Massachusetts. It is my turn now. And I ask my colleague to answer in all frankness if he did not vote to adjourn yesterday at three o'clock, or about that hour, for the purpose of getting rid of the day in which these motions could be made?

Mr. DAWES. Yes, Mr. Speaker, I did; and I recorded my name before the country, showing that I voted to adjourn rather than have any more of these questions brought up.

Mr. BUTLER, of Massachusetts. And thereby we lost half a day.

Mr. DAWES. If my colleague will allow me a word, without offense to him, I will say that I did not skulk under any rule which would relieve me from recording my vote. I do not use that expression with any reference to my colleague.

Mr. BUTLER, of Massachusetts. You only skulked under the motion of adjournment. Nor do I use the word offensively.

Mr. DAWES. I now yield five minutes to the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. SCOFIELD. I regard the rule which the committee have reported as one in favor of free debate, and extending greater privileges to the minority of this House than they have now. If the minority do not want it, then I am not willing to force it upon them.

Several MEMBERS on the right of the Chair. We do not want it.

Mr. SCOFIELD. I see they do not seem to want it now, but before the session closes they will.

Mr. Speaker, since I have been here we have had a two-thirds majority on the republican side of the House during more than one session; and always, whenever any gentleman on our side got up with a bill, say like the civil-service bill, with amnesty put in it, or something of that kind, the gentlemen in the minority got up and asked for the privilege of debate. When the appropriation of land to the Northern Pacific Railroad was before the House, the gentlemen opposed to it said, "Give us a chance to be heard; give us debate;" and they used to move to adjourn, and to adjourn to a certain day, and filibuster all day, until Monday was gone. The members on our side thought that we had not got quite power enough; that the minority, I mean now the political minority of the House, had this constitutional right to filibuster, and we could not therefore force down their throats whatever they did not want without giving them a chance to say a word, and we must force them with a little more stringent rule. We got up a rule, my friend from Massachusetts [Mr. DAWES] leading in its advocacy at the time, providing that after one motion to adjourn had been made they should be brought to a vote on the pending question without a word of debate.

Now, a gentleman on the other side gets up and introduces bills and resolutions which have been before no committee, and about which he has consulted nobody, approved by nobody but himself, embracing, perhaps, twenty, thirty, or fifty printed pages of matter for us to consider, and moves a suspension of the rules to pass it, and we have to vote one way or the other. This comes from a gentleman in the minority, and we of the majority are willing to give them an opportunity to be heard; but the individual who holds the floor says there shall be no word of debate; silence is commanded; the majority have no right to extend to the minority the courtesy of being heard on the question. But under the rule now proposed the minority can say to the good sense of the majority, "Will you give us a chance to debate this question?" Under the old rule the individual who offers a proposition says that there shall be no debate upon it, when the majority of the House would, perhaps, allow debate. We cut off the right to filibuster, and if the rule cannot be adopted now I would be in favor of restoring the right which the gentleman from Wisconsin [Mr. ELDREDGE] so strenuously insists upon.

Mr. ELDREDGE. Will the gentleman allow me to remind him that a case in which a suspension of the rules is moved is not one of the cases in which the minority ever filibuster? for the gentleman, and every other gentleman here, knows very well that a motion to suspend the rules is not a debatable motion.

Mr. SCOFIELD. I know it is not a debatable motion; but any gentleman can move to adjourn, and that is a privileged motion, and then some gentleman can move that when the House adjourns, it adjourn to meet on Thursday or Friday next, and so on in endless succession, and no vote can be obtained.

Sir, the republican party have cut off that privilege which the minority had, and this rule proposes to extend to the minority some additional privileges to be heard. But, as I have already said, if the minority of the House do not want the privilege of debate, why I think, being in a parliamentary majority of two-thirds, I can stand it as long as any man.

Mr. SMITH, of New York. I demand the regular order.

The SPEAKER. The regular order cannot interrupt a debate on a motion to amend the rules.

Mr. DAWES. I now yield five minutes to the gentleman from Massachusetts, [Mr. G. F. HOAR.]

Mr. G. F. HOAR. I do not think, sir, I shall need three minutes for a statement which I think will remove the constitutional objection. This is simply a question of the order of business and nothing else. Under the rules of this House a member may at any time get up in his place and offer a resolution and have it submitted to the House for its vote, unless some other business is going on under the rules of the House; but there always is some other business going on. Now, a motion to suspend the rules is simply a motion to lay aside the question that the House is engaged upon and proceed to another question; and under the rules, as at present constituted, one-fifth of the House may at any time say that four-fifths of the House shall lay aside the business on which they are engaged and pass to another question, and without debate or amendment record their votes on that question. Practically, one-fifth of the House can deprive four-fifths of the right of proceeding with the business in which they are engaged, and compel them to pass from what they are doing and record their votes on some other question.

Now, sir, it is no invasion of the constitutional right to say that four-fifths of the House shall at the demand of one-fifth be compelled to leave the question on which they are engaged and proceed to the consideration of another. During the last ten days of the session one-fifth of the House can prevent the majority of the House from going on with its business, and compel us to record our names upon measures not of practical legislation, which they could not expect to be passed, instead of voting upon questions of practical legislation, and therefore the question is this: does the House value the right of one-fifth of its members—a constitutional right if you call it so—to demand a record on the yeas and nays on purely speculative questions more than it values the right of four-fifths of the House to deal with its practical business, more than it values the right of debate, because all these questions are undebatable? That is the whole of it.

Mr. BUTLER, of Massachusetts. Will my colleague [Mr. G. F. HOAR] allow me to give him an illustration? In the Forty-first Congress a bill for the reconstruction of certain Southern States was being read by the Clerk in the last ten days, having been perfected by a committee of this House, and thereupon a gentleman on the opposite side got up and moved to suspend the rules. Under the ruling of the Speaker, and a ruling rightly made no doubt, the reading of that bill was stopped then and there, and the measure failed, because it never could be brought before the House again during that session.

Mr. G. F. HOAR. And was not that a violation of the Constitution in its spirit, essence, and purpose? Is it not a violation of the right of the American people to self-government to tolerate a rule of this House by which, when four-fifths of the House direct a bill to be read for the purpose of legislation, any one can get up and say, "In spite of your wishes this measure shall be laid aside, and you shall devote yourselves to recording your opinions on another question," perhaps an abstract question, which they do not expect to ripen into a measure of legislation? Under the new rule proposed, a majority seconding the proposition, a vote by yeas and nays can be obtained.

I submit, therefore, that when gentlemen talk about the constitutional right to have the vote by yeas and nays recorded, they are "sticking in the bark." It is not a question whether the House, when it comes to a vote, shall record that vote by yeas and nays on the Journal; it is a question whether the House shall choose which measure it shall deal with first. That is all.

Mr. MELLISH. Is it not in the interest of good legislation to have the yeas and nays taken as often as possible?

Mr. G. F. HOAR. No, sir.

Mr. MELLISH. And, therefore, should not every facility be given for that purpose? I think the yeas and nays should be taken at least on every question involving an expenditure.

Mr. G. F. HOAR. It is not in the interest of good legislation to have the yeas and nays taken without debate or without opportunity of amendment. It is in the interest of good legislation to have the yeas and nays taken in a deliberative body on matters of practical legislation. If the gentleman had been here a little longer he would have understood that this proposed rule does not diminish the right to have the yeas and nays taken on any matter that is expected to go through, but it facilitates that.

Mr. DAWES. How does the gentleman know that this will not interfere with matters of practical legislation that are expected to go through?

Mr. G. F. HOAR. I know it in this way——

Mr. DAWES. The mischief of the rule is, that while it covers things that all of us see are not practicable, it also covers everything else.

Mr. G. F. HOAR. I know; but if it is intended to accomplish the proposed measure, does not my colleague [Mr. DAWES] see that if the majority sustains the motion, the yeas and nays can then be recorded?

Mr. DAWES. Then it is only such questions as the majority of the House may see proper to have brought before it that the yeas and nays can be called upon.

Mr. G. F. HOAR. The only foundation of my colleague's zealous argument is this, that he thinks that sometimes, under the yeas and nays, members of Congress may be dragooned by their fear of public opinion, or their fear of misrepresentation, to vote against their conscience and their wishes; that is the difficulty.

Mr. DAWES. No; that is just what this rule is desired for—to prevent members of Congress from being "dragooned" to record their names.

Mr. G. F. HOAR. If my friend gives me of his time he should not insist upon using it himself.

Mr. DAWES. I want you to answer my question.

Mr. G. F. HOAR. Let us see which of us is right; that is a very important practical question. Under the rule now proposed by the Committee on Rules, whenever a majority of the House shall consent to entertain the question whether the rules shall be suspended and the business be laid aside that the House is then considering, and shall proceed to record its vote on a newly proposed measure, then it shall do it. Therefore, if in their consciences the majority think that the thing proposed should be done, then they will vote in its favor and no harm will be done. It is only when upon seconding the motion to suspend the rules the majority will vote one way, and on the yeas and nays they would vote the other, that the existing rule secures any practical result to anybody. Therefore, unless my colleague is prepared to charge that usually and as a rule the members of this House will vote against their consciences and their wishes in the matter of simply recording their votes, he is proposing to keep in force a policy which dragoons men into voting against their consciences and their wishes.

Mr. DEWITT. Why is it that under the present rule the power of the Speaker to entertain a motion to suspend the rules was taken away except during the last ten days of the session, and on Monday of every week, at the expiration of the morning hour?

Mr. G. F. HOAR. That is to prevent abuse.

Mr. DEWITT. Why confine the power of the Speaker to entertain those motions to those days?

Mr. G. F. HOAR. Because it was supposed that there might be times during the session when the exigencies of the country might require a departure from the ordinary rules of business; and that is now secured.

Mr. DAWES. Before yielding to the gentleman from Maine [Mr. HALE] as I have promised, I want to turn my colleague on my left [Mr. G. F. HOAR] over to my colleague on my right, [Mr. BUTLER.]

Mr. G. F. HOAR. Would you really be guilty of that?

Mr. DAWES. I would not, but for extraordinary reasons. The one says this rule is intended to do the very thing which the other says it will prevent being done. I now yield to the gentleman from Maine.

Mr. HALE, of Maine. I do not like this rule, because it clearly takes away a right of the minority by them believed to be valuable; nor do I see any corresponding merit in it in the way of convenience upon Monday, in saving the House a vote or votes upon impracticable questions.

Upon Monday, as in the last ten days of the session, it is the right of any member to move to suspend the rules, and upon that the yeas and nays may be directly called. And, Mr. Speaker, the motion to suspend the rules may be of no value to the member making it or the gentlemen in favor of the motion, without the right to call the yeas and nays.

My friend from Massachusetts [Mr. BUTLER] asks whether this proposed rule is any more in the direction of cutting off the right of the minority than the existing rule as to seconding the previous question, which requires a majority on a vote that cannot be taken by yeas and nays. Undoubtedly it is in that direction; and the illustration furnished by his question is a pertinent one. Have gentlemen examined into the history of this very subject of seconding the previous question? The action taken from time to time on this subject has been in the direction we are now going—an abridgment of the right of the minority, to which I object. In the first place, Mr. Speaker, the seconding of the demand for the previous question might, as the term "seconding" implies, be accomplished by two persons, one moving it and another seconding it. In the jealous care then manifested for the minority, it was the right of two persons; it did not require a majority to bring the matter before the House. So the rule continued until 1811, when it was provided that the previous question must be seconded by one-fifth of the House, it being put in this respect upon the same footing as the calling for the yeas and nays. That was another move in the direction of cutting off the right of the minority to bring a matter before the House. In the next year there was a still further change, and the seconding of the previous question was put, as it is now, under the control of a majority of the House, and no less. Upon any question a majority, by an unrecorded vote, may stifle any proposition, may put it in the tomb, may prevent a yea and nay vote; and this, as members know, frequently operates perniciously. By gradual steps the minority—I do not mean a political minority simply, but the minority on any matter—have been put in such a position that the majority, by an unrecorded vote, may prevent a public expression. This they must submit to; it has become crystallized as a rule of the House.

Mr. SCOFIELD. Will the gentleman allow me to ask him a question?

Mr. HALE, of Maine. I have but little time; and I do not want to have the thread of my argument broken.

Mr. SCOFIELD. I would not yield either, if I were making such an argument.

Mr. HALE, of Maine. Now, there being left to the minority the right upon Mondays on a motion to suspend the rules, to require by one-fifth of those present, a recorded vote, it is proposed to go still further and take away that which is left, by applying to the motion to suspend the rules the principle now applied to seconding the previous question. The movement being in that direction, and I believing that the proceeding in that direction has gone far enough, I am not in favor of the proposition.

Is there any call for the adoption of such a rule? Is there any need that this side of the House should enforce this proposition? Are we afraid of being put upon the record on any particular subject-matter that gentlemen on the other side of the House may see fit to bring before us? I have sometimes been annoyed and provoked at propositions put in here on Mondays, upon which I was very reluctant to vote. But I have found that those propositions, if fairly and squarely met, if gentlemen come up and vote upon them as they believe to be consistent with their duty, never give us any trouble afterward. So much for the personal view of the question.

Now take the political aspect of this matter. Does this side of the House object to propositions that the other side may see fit to present and ask us to vote upon, that the record may go to the country? If we stand firm; if our course be one of propriety; if the administration is well conducted; if it is looking in the right direction, and if the people see and believe this, they will sustain us. We need not be afraid of any political propositions coming in here that will embarrass us. I for one have no fear of that whatever.

So that personally as it applies to the convenience of members, and politically as affecting us in a party sense, there is no real benefit to be derived from the adoption of this proposition commensurate in my mind with the disadvantage of going another step in a direction, perhaps too far taken already, of curtailing the rights of the minority.

I have said once before on this floor that, so far as the minority of this House is concerned, I believe that in years past it has behaved generally with great prudence and discretion. In the two terms of Congress during which I have had the honor to serve here there have been very few occasions when the opposition, always able to "filibuster," as it is called, have resorted to that proceeding. The case of the civil-rights bill was one; because that measure came in without discussion, and was proposed to be put through on a call of the States upon the previous question. But generally, on party matters, considering that the minority has been at the mercy of this side of the House, I am free to say that the conduct of those gentlemen within the four years which my service here embraces has been fair and prudent on most occasions.

Mr. DAWES. I yield to the gentleman from Illinois, [Mr. WARD.]

Mr. WARD, of Illinois. Mr. Speaker, I cannot allow this amendment to the rules to be adopted without protesting against it. I look upon it as unnecessary and a gratuitous wrong on our part to limit the rights of the minority here. To-day I am with the majority on this floor; next week I may not be. I have been in bodies where I acted with minorities; and remembering the benefits that I have received from rules securing the rights of minorities I resolved then, as solemnly as my eloquent friend from Massachusetts resolved upon the battle-field over the bodies of the slain colored troops to defend their rights, that I would never do anything, as a member of a legislative body, tending to restrict or deprive the minority of any right I had enjoyed as a member of such body.

Mr. Speaker, it seems to me the time is unfortunate for gentlemen to attempt this innovation. As one of the new members of this House—the only one thus far heard on the question; perhaps the only one who will be—I look with extreme jealousy upon any amendment of the rules which tends in any way either to limit the rights of the minority or to concentrate in the hands of a few the management of affairs on this floor. This proposed change of the rule does both of these things, if I understand it; and for one I protest against it, and shall vote against its adoption.

Now, Mr. Speaker, I do not believe the evils to which reference has been made will flow if we continue the rule as it has been during the last fifty-odd years. It has been the outgrowth of parliamentary experience long continued, and we must not forget that the very privilege which is accorded under the rule, as it now stands, is limited to a certain day, because it is provided that motions to suspend the rule shall only be in order on Monday. I say, let those men who are in the minority—let me, if I happen to be in the minority, and I may be on some questions very soon—have that opportunity for the expression of their opinions which time has shown to be a privilege properly extended to the minority.

Now, Mr. Speaker, there is another proposition. I chafe somewhat under it, I confess. The rules of this House are new to me, but I have been trying to understand them; I have studied them diligently, and will continue to study them diligently while I remain a member upon this floor. I confess, I say, that I chafe somewhat under the fact that when getting up, representing as I do a considerable constituency, I have to beg some gentleman for the privilege of saying a word on this floor, either for the purpose of expressing my own ideas or advocating the rights of the people whom I represent.

Mr. SCOFIELD rose.

Mr. WARD, of Illinois. I do not wish to be interrupted. I say that I sometimes chafe under it, that gentlemen on this floor who have had large experience, whose fame is known all over the land, who are astute managers of parliamentary bodies, get the floor whenever they desire it, and we have to ask them for the privilege of being heard; and now I see an attempt to concentrate more power in their hands, and to limit still further the privileges of the minority; I am against it first, last, and all the time. I am willing to stand by the old rules which have been so successful during the past.

Now let us see what has been the history of this rule. It is a bad time otherwise to cut off this privilege. When this session began one would have thought the millennium had come. I saw amnesty bills passed without a dissenting vote. I have met men on this floor who only a few years ago I would not have dared meet unless armed *cap-a-pie*. I have seen men coming to take their seats here whom I have always looked upon heretofore as the enemies of mankind, but who, on coming in contact with them, I have found are not bad men at all. I feel kindly disposed toward them; but I do not wish when I have voted for amnesty to them—I do not wish, I say, to cut off from them any of the rights which they now have. I will not do it certainly by voting for this amendment to the rule. That is what it does do. It puts me in the position, as it may in the next twenty-four hours, of cutting my own throat on this question. While I belong to-day to the great majority in power, I may before the end of the session, on some other question, desire to get exactly what the minority desire when they wish to get an expression of opinion—I may desire to get an expression on some question on which the great republican party is not united.

There is another proposition. I know how gentlemen learnedly argue constitutional questions, but I come from a place where constitutional questions are argued, perhaps not with the acuteness or technical learning with which they have been argued for the last fifty or seventy-five years upon this floor. But I take the ordinary acceptation of the terms, and understand them as common men would naturally. I will read this section of the Constitution:

> Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either House on the question shall, at the desire of one-fifth of those present, be entered on the journal.

I understand completely the acumen with which the gentleman from Massachusetts gets around that language. He says this is not an infraction of the Constitution, that it is not a question until it is entertained by the House, but a motion. A motion and a question used in parliamentary discussion are interchangeable. Sometimes a proposition is called a question and sometimes a motion. In the Constitution it is called a question. In this rule it is called a motion, and therefore evades the provision of the Constitution. I do not believe that it is a fair, liberal, and honest construction of that part of the Constitution which provides that all questions shall upon a demand of one-fifth of the members be disposed of by a yea and nay vote. Believing that, if I felt the necessity for that rule, which I do not, I could not, under, the view which I take of the Constitution, consistently vote for this amendment.

Mr. KELLOGG. Mr. Speaker, I certainly do not propose to prolong the debate, for I expect to add very little to the arguments on one side or the other, except simply to say this: When the question was before the House formerly, as the minority seemed disturbed by the proposed rule, and apprehended an infraction of their rights, I believe I moved to recommit it; at all events I was in favor of recommitting it to the committee. I now find that the committee have reported it back, after careful consideration.

It now comes back as a report from the same committee; and if I believed that the adoption of this would infract in one iota the rights of the minority or of any member of this House I should not vote for it. I do not think that the gentlemen who compose the minority think so themselves, many of them. But the rule as amended, or an amendment of the rule, is more necessary to guard us against the action of the majority upon this floor than to prevent any injury which the minority may suffer. I find there is more trouble with the majority than with the minority on this floor in regard to the propositions that emanate here. Some member on our side will get up, having some financial maggot in his head, some idea which he thinks if carried out by a resolution adopted by the House will heal all the evils which the country suffers on financial questions, and he will get together nine or ten good propositions and one or two bad ones, and insist on having us put on the record. And we have these buncombe resolutions every Monday. As sure as the week begins we have to record our votes on them on one side or the other; although in reference to such a resolution one might be glad to vote for three-fourths of it while for the remaining fourth he cannot vote.

The gentleman from New York [Mr. POTTER] has suggested that the country always understands it. The country does understand it is a perfect humbug in the way of legislation to present these buncombe resolutions and pass upon them by the vote of the House one day after another. A week ago last Monday three resolutions were offered in succession by the gentleman from Pennsylvania, [Mr. KELLEY,] by my friend from Indiana, [Mr. HOLMAN,] and by my colleague at my side, [Mr. HAWLEY,] diametrically opposed to each other; and still this House gave majorities for every one of them. It was a regular triangular Midshipman Easy's sort of a duel of resolutions, which one fired into the other and into the wrong man, and the whole thing was a simple disgrace to the good judgment of the House, having no effect whatever, so far as practical legislation is concerned, in the eyes of the country. Now, I look at the rule as it stands as being on Mondays and during the last ten days of the session an obstruction to judicious and honest legislation, and it has defeated important bills at the close of the session. One instance I remember now. In the case of the civil-rights bill, at the very close of the session, the gentleman from Massachusetts [Mr. BUTLER] was taken off the floor by a motion of the gentleman from New York [Mr. WOOD] to suspend the rules and repeal the duty on coal. That proposition was so popular that it went through the House. We repealed the duty on coal, and if it could have gone through the Senate it would have been well enough. The Committee on Finance in the Senate took it up, brought in a complete new bill revising the whole tariff, in violation of the right of the House to initiate such a measure, and sent it to the House at the next session, very much to the disgust, I remember, of the distinguished chairman of the Committee on Ways and Means. That is an illustration of the kind of legislation we get during the last ten days of the session. Now, as I said at the outset of my remarks, if I could see any way in which the rights of the minority can be infringed by this rule, I should certainly oppose it.

Mr. ELDREDGE. Will the gentleman allow me to ask him a question?

Mr. KELLOGG. Yes, sir.

Mr. ELDREDGE. Will the gentleman tell us how legislation is obstructed by the rule as it now stands? If it does obstruct legislation, as the gentleman says, to abolish that rule would give larger rights to the minority.

Mr. KELLOGG. I will answer the gentleman.

Mr. DAWES. And at the same time I desire to put another question to the gentleman.

Mr. KELLOGG. I would prefer answering one question at a time. In reply to the gentleman from Wisconsin, I would say that a measure of importance may be pending during the last hours of the session, when a member may get up and move to suspend the rules. If one-fifth stands by him you go through the yeas and nays, which take three-quarters of an hour, instead of proceeding with the consideration of the other measure.

Mr. DAWES. I would like the gentleman to show how this protects the minority against the passage of such popular measures as he stated a little while ago always carried the majority along with them?

Mr. KELLOGG. In the case I refer to we took the yeas and nays, and at the same time took the gentleman from Massachusetts off the floor.

Mr. DAWES. It is the recording of the yeas and nays that troubles my friend from Connecticut. I see that is the trouble with my friend.

Mr. KELLOGG. I am willing to vote on any measure of practical legislation on a yea and nay vote, and face the music every time; but I do not care to vote on your buncombe resolutions, half good and half bad, which amount to nothing in the way of legislation. But when any gentleman gets up a resolution on financial questions with four or five good things in it and one bad, I do not want to be required to vote upon it. I object to such resolutions being pressed upon us without the opportunity of debate or explanation.

Mr. SCOFIELD. I desire to move an amendment to the proposed rule, so as to provide that upon seconding the motion to suspend the rules the yeas and nays may be called.

Mr. DAWES. I have no objection to that.

Mr. SCOFIELD. Let us allow the yeas and nays to be called on the motion to second the motion to suspend the rules.

Mr. POTTER. That is the same thing over again.

Mr. SCOFIELD. That will settle the question whether one man shall have the right to require the House to vote on a particular proposition.

Mr. DAWES. That meets my views, but I hardly think it will meet the views of my colleague, [Mr. BUTLER.]

Mr. BUTLER, of Massachusetts. Yes, sir; it does.

Mr. MAYNARD. I yield now, for a few moments, to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I have scarcely known a debate on any subject to run off on side issues, and so entirely miss the point involved on the subject under consideration, as this debate has done. By some strange misunderstanding this has been talked of as a rule to interfere with the rights of the minority. Now I deny that *in toto*. This rule relates no more to the political minority of the House than it does to the Senate. The plain purport of this rule is, that it shall not be the right of one member, or one-fifth, not of the political minority only, but of the majority, to push aside the business of this House, and by the help of one-fifth compel every other man in this House to vote on any subject he pleases without a word of debate and without a chance of amendment. Any one man, with one-fifth of the House at his back, can put the House through its paces on any question on earth that he pleases. This rule only provides that before any one member shall be empowered to do this he shall show that a majority of the members are willing that the question shall be brought before them and disposed of without amendment or debate in the precise words he pleases to use.

The gentleman from Massachusetts, [Mr. DAWES,] strangely enough, has argued that this is an infringement of the rights of the minority. The gentleman from Illinois [Mr. WARD] made an eloquent speech on the rights of the minority, and I agree with him, except where he says that this rule interferes with it. I think the amendment suggested by the gentleman from Pennsylvania [Mr. SCOFIELD] cures every evil that can be conjured up against the rule, and that is, that on a motion made on Monday to suspend the rules the yeas and nays may be called upon this proposition, which is equivalent to the previous question.

The Committee on the Rules have brought in this measure in answer to a general request for the adoption of such a rule. At least twenty members of the House have come to members of the Committee on the Rules and asked them to urge the passage of this rule, members from both sides of the House, and who have said that they misapprehended the rule when first presented and are now convinced that it ought to be adopted. Gentlemen on the other side of the House, who are sitting silent to-day, have done this.

Many MEMBERS on the democratic side of the House. Who are they?

Mr. GARFIELD. You do not care to have their names.

Several MEMBERS. Yes, we do.

Mr. GARFIELD. It has been the same on our side of the House, and we have brought back the rule in its original signification. Under the rule now existing, the gentleman from Massachusetts [Mr. DAWES] may be called up to vote that peace ought to be established and polygamy put down, and that, therefore, the Springfield arsenal ought to be razed to the ground and polygamy abolished. It is that sort of thing that the gentleman from Massachusetts desires to allow one-fifth of the House to require us to vote upon, and he opposes this rule in the name of the rights of the minority; and yet that same gentleman from Massachusetts was the leader in support of the proposition to cut off filibustering by the minority, and to say that under certain circumstances gentlemen on the other side of the House should have the right to make but one dilatory motion. He led a movement that was a very marked abridgment of the right of filibustering by the minority. Here is a question in which he is fighting for the rights of one-fifth against the whole, and against the right of debate. It is precisely the lack of this rule which has given the House of Representatives the character of a house of demagogues; of a body of men who vote merely

for show, but without any regard to merit. The difference between the Senate and the House in the character they sustain before the country consists mainly in the fact that our wash-day, Monday, or, as it has been more profanely called, our "devil's day," gives the House of Representatives all over the country the character of being a collection of humbug politicians; a character which we by no means would have were it not for the lack of just this rule, and the occurrence of such scenes as we have here on Mondays.

Mr. POTTER. Will the gentleman join with me in getting rid of suspensions of the rules on Mondays?

Mr. GARFIELD. Yes, except for this——

Mr. POTTER. Except for some such things as the majority are willing to have.

Mr. GARFIELD. No; we need sometimes a suspension of the rules in order to fix a day for considering some measure. For instance, sometimes when the House believes that one thing on its Calendar very low down ought to be considered sooner than some other thing higher up, a suspension of the rules is important for the purpose of saying that that particular thing shall be heard and considered on a particular day.

Mr. DAWES. The gentleman from Ohio [Mr. GARFIELD] and all the gentlemen supporting this rule base it upon the ground that it is right that the majority should at any time say what shall be the order of business. That principle would do away with all rules, with every rule of this House; and the majority might say any minute that they would take up just what they chose. There is no use of any rules at all, except they provide that the majority of the House shall be restrained in doing what they have to do.

Mr. G. F. HOAR. Allow me a question.

Mr. DAWES. No; wait one moment. One word more to my friend from Ohio, [Mr. GARFIELD.] The strangest statement I ever heard in my life he made here: that I stood up here with one hundred and thirty-four others to prevent him and ninety-six others from recording their votes upon this measure—from recording their votes at all upon this measure. Does he not know what he wanted was to have the votes recorded before the one hundred and thirty-five members had expressed their opinion? What he wanted was to prevent the one hundred and thirty-five members from expressing their opinion before they were required to record their votes. Does he not know that the Constitution has guaranteed to one-fifth of the members of this House the right to have their names recorded on this measure, and that a majority could not by any device, or any plan, or any scheme, in the name of a rule, take away that right?

Now, sir, if my friend from Ohio is content to have the question of a second by the majority on a motion to suspend the rules decided by the yeas and nays, what is he complaining of under the standing rule as it is? That leaves the question exactly where it was before. I am content with such an amendment to the proposed rule, because it brings the question right back to the old one. The old rule is just as good as this rule with that amendment, and this rule with the amendment is just as good as the old rule. It only provides for one additional vote, for taking so much more time. Yet my friend from Pennsylvania, [Mr. SCOFIELD,] who was in favor of this rule, now proposes, after discussion, when he finds that the very essence of all rules will be trampled upon by giving the right to the majority at any time to say what shall be done—he is now willing to say that you may have the yeas and nays on the seconding of the motion to suspend the rules. That, I say, takes away all my argument, for it leaves the case exactly as it was before.

I do not desire to take the management of this subject from the gentleman from Tennessee, [Mr. MAYNARD,] to whom it belongs. Therefore I now yield the floor to him, to make just such motion in reference to his rule as he may choose.

Mr. MAYNARD. I was of opinion that the House would be prepared, with the additional hour that is given under the rules, and which I promised to divide among gentlemen if it was accorded to me by seconding my call for the previous question—I say I was of the opinion that the House would have been satisfied with that much debate on this question, and therefore I submitted a motion for the previous question. The result of the vote on that motion demonstrated that the House were not prepared to close the debate in that time.

A great deal has been said about the rights of minorities, about checking minorities, and embarrassing minorities. Sir, when I first came to this House and for four years thereafter, I stood here in a minority of less than fifty. I have been in the minority; I think I appreciate, I feel I understand, what are the rights of a minority. And, sir, if I know myself I am incapable by any vote, by any act of mine, of doing anything that would in the slightest degree trench upon those rights.

I have also been in a majority of more than two-thirds. I know where any abuses, any embarrassments, any serious inconveniences arising from these motions to suspend the rules are to be found. Rarely has an instance occurred—I cannot now think of one—in which I have been embarrassed by such a motion coming from an opposition minority. The embarrassments have been from some gentleman of the majority, some headlong, ambitious spirit, who would thrust in a question, by means of a motion to suspend the rules, that I at least had not sufficiently considered, had not bestowed sufficient thought upon to justify me in taking the responsibility of acting the one way or the other. It always is upon these motions to suspend the rules that we are questioned categorically and required upon a proposition that is so submitted to say "ay" or "no," when to say either "ay" or "no" will subject a member to be misunderstood, to be misconstrued, or will put him in a false position by being obliged to answer either the one way or the other, without opportunity to make explanation or qualification.

Is is argued that this rule will interfere with the right under the Constitution to have the yeas and nays upon any question before the House when demanded by one-fifth of those present. The fallacy in that argument lies in confounding a motion for a question with a question itself. When I move, as I did awhile ago, the previous question, I cannot have it unless my motion is sustained by a majority. Neither one-fifth nor two-fifths nor any number of fifths can get the yeas and nays upon the question unless that motion is seconded by a majority. Under this proposed rule, when I move to suspend the rules, unless my motion is seconded by a majority of those present, the question will not be put. If the question is put then one-fifth have a right to demand the yeas and nays. The fallacy, as it expresses itself to my mind, is in losing sight of the distinction between a question and the motion for a question.

Now, Mr. Speaker, I am aware that when we get to discussing the Constitution, the general rights and interests of mankind, we are very apt to soar beyond the small questions before us, like the counsel of the Roman suitor, who, dilating upon the perfidy of Hannibal at the battle of Cannæ, lost sight of the two little kids that were the subject of controversy. Now, the rule which we propose is that, whenever any gentleman shall move to suspend the rules for any purpose, his motion, unless it is seconded by a majority vote, shall not be put.

Something is said about interfering with the action of the House. Now I submit this question to gentlemen: when a motion is put in good faith, and it is found that it cannot command a majority vote, is it reasonable to suppose that it can command a two-thirds vote? Whenever any question of legislation is submitted; whenever a bill is proposed; whenever any proposition is reduced to the form of a statutory enactment, it is every man's duty to say "ay" or "no" upon the question. But it does not require a great deal of ingenuity to invent a dilemma that will impale every one of us in one form or another. My friend from Indiana [Mr. WILSON] offered yesterday a financial resolution—a resolution of instruction—to the committee of which I am a member. There were some things in that resolution which I heartily indorsed and approved; there were others that did not meet my approval. I voted against it.

Mr. DEWITT. This rule would not have prevented a vote on those financial resolutions the other day, because a majority was in favor of them.

Mr. MAYNARD. Certainly not. My friend, like other gentlemen, falls into the error of supposing that somehow this is a question between the republican majority and the democratic minority. Nothing could be farther from the fact. We are continually dividing upon questions that have no politics in them; and questions of this character are far more numerous than merely political questions. When a political question comes up it causes us no trouble; my friend from New York [Mr. DEWITT] votes with the democrats, and I vote with the republicans. That is all easy work; that is plain sailing. Political necessity, higher than that "necessity which knows no law," does know a law, which is imperative; which makes no exceptions; which never pretermits and never slumbers. But, sir, it is upon the many questions having no political consequence, questions of finance——

Mr. DEWITT. If the gentleman from Tennessee will allow me, I will explain the remark I made just now. The other day resolutions were passed inconsistent with each other, it is said, on the subject of finance. Now, under the operation of this amendment to the rules, those resolutions could still have been put to a vote of the House, and we could still have been brought to a record on them without any explanation of our position, because, as appeared by the record, a majority was in favor of those resolutions. But if a member of the minority chose to get up with a resolution providing for a resumption of specie payments, a majority of the House, being opposed to it, could refuse us the right to put our names upon the record in favor of the proposition and the names of other gentlemen on the record against it. That will be the operation of this rule. It infringes upon the right of the minority to have both the opponents and the friends of a measure go upon the record. But it does not touch the right of the majority to force the minority to go upon the record on any question upon which the majority choose to second the demand for the previous question.

Mr. POTTER. The majority for the time being.

Mr. MAYNARD. Though on a question submitted under a suspension of the rules I am compelled to vote "ay" or "no," and though even a majority may be compelled to vote "ay" as a choice between an affirmative and a negative vote, one of which must necessarily be given, it does not follow that the majority might not prefer not to be catechised in that manner; and this rule will allow the question to be submitted to us whether we desire to vote on any proposition presented on a motion to suspend the rules. I suggest to the gentleman that very probably, if we had had such a rule as is now proposed when those resolutions to which he refers were presented the other day, neither of them would have been adopted or voted upon, for the

reason that a large majority of the House would have said, "We are not prepared to-day to answer this question categorically." The instance that I put illustrates precisely what I mean as to the operation of this rule.

Mr. MELLISH. The provision of the Constitution is that—

The yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Now I wish to inquire whether that provision is not absolute and unconditional, and whether this proposed rule will not make the exercise of the constitutional right conditional on the prior passage of another motion?

Mr. MAYNARD. I had endeavored to explain my views on that point, but I fear I was not successful in my explanation, or the gentleman who sits so near me and was attending to me so well would not have asked the question. I will restate it. One-fifth of the House have a right to have the yeas and nays recorded on any question, but a motion for a question is not a question. One-fifth have a right to demand the yeas and nays on ordering the main question, and no man can bring the House to a vote on ordering the main question unless his demand for the previous question is sustained by a majority of those present.

Mr. MELLISH. Is not "any question" comprehensive enough to cover anything which can be put to this House by the Speaker?

Mr. MAYNARD. It would allow any gentleman to present any question when he could get the Speaker's eye and submit it, and demand the yeas and nays.

Mr. MELLISH. I take it it means all questions.

Mr. MAYNARD. I have attempted to explain that a question and a motion whether a question shall be presented are two different and distinct things, as wide apart as possible. I instanced it by a very familiar instance, and I will call the gentleman's attention to it, and ask him to consider it. The motion for the previous question is not a question; it is a motion simply; and a motion pertains only when it has the sanction of a majority of those present. The yeas and nays can be demanded only after the majority have seconded the previous question, and not until then.

As the gentleman from Massachusetts [Mr. BUTLER] intimates to me that he would like a moment of my time, I believe I shall have to exact from him a pledge that his distinguished colleague [Mr. DAWES] shall not make it the cause for renewing the perennial contest we have witnessed so often in this House on so many different occasions.

Mr. BUTLER, of Massachusetts. Mr. Speaker, I am reluctant to obtrude myself on the House further on this question, but there are two or three suggestions I wish to make. And one of them is this: The rule which allows us to move a suspension of the rules only obtains on Monday. How is it that it is constitutional to limit that great right to Monday, while for the five remaining days of the week, upon the argument made against one rule, we go on unconstitutionally, because nobody can make a motion to suspend the rules at all by a two-thirds vote except on Monday? Therefore this is only a constitutional House on Monday. The rule preventing any motion for a suspension applies to-day, and if my friend before me should get up and say to the Speaker, "Mr. Speaker, I submit the question whether the moon is made of green cheese," [laughter,] the Speaker would reply, "You cannot submit that now under the rules." Then he must reply, "I must have a vote on it, because one-fifth of the members of the House want to find out how the House stand, and record their votes on that question, and it is unconstitutional to prevent me doing it." The evidence that this is a just view of the right of the House to frame rules, when applied to the order of business, is the fact that our fathers at the very time they made the Constitution—indeed, in the very Convention where the Constitution was made—had rules limiting the manner and order of their business. This shows their construction of the very constitutional provision as to the right to have the yeas and nays recorded which they made. The difference is this: when any question is put for the action of the House, in legislation or otherwise, the members have the right to record their votes on the demand of one-fifth of those present; but when the motion comes up, will we have this subject up to-day or shall we take the other up to-morrow, then they have no right to invoke this constitutional provision in their behalf, because it is on the order of business.

I hope, Mr. Speaker, I shall not violate the pledge on which I obtained the floor, not to raise a controversy with my colleague, [Mr. DAWES,] if I call attention to one remarkable argument, of course never made in this House, but which I must have heard in some other body, somewhere else, at some other time. That argument was, that because the people have sent two-thirds of the Representatives of this House of the republican persuasion, or at least thought so when they sent some of them here, [laughter,] therefore they having intrusted to these their Representatives the power to order the business of legislation, we should not use it, because it has been given us. What, then, was the use of giving us that power? They ought to have sent a majority of the other side, who, if I know them as they used to be, would have exercised the power which the people give into their hands to have and order the business of the House as they thought best for the country. Why should we have two-thirds majority here, if the fact that we have two-thirds majority ought to prevent us from exercising our own judgment as to what shall be brought before the House for the benefit of the country in the way of legislation?

In days so far back that my memory hardly recalls them I must have heard that argument—it could not have been here and now; but I could never see how it would stand a moment's examination. I pray the House, I pray the republican majority—a two-thirds majority, whom the people have intrusted with doing the business of the country—exercise your own judgment in the line of the wishes of those who chose you to wield that power, and do not surrender it and lay it down at the feet of your opponents; because the people have given you that great power to use in wisdom.

Sir, I saw the republican majority of this House paralyzed by our present rule. As chairman of the Committee on Reconstruction, for a whole session I labored to perfect the reconstruction act and the Ku-Klux act. To do so I summoned here from the South witnesses at a cost of thousands of dollars. I perfected a bill. It was being read by the Clerk from that desk to be put on its passage, I having the right to report at any time. And the gentleman from New York [Mr. WOOD] rose in his place, and, while the Clerk was reading, moved to suspend the rules and pass a bill repealing the duty on coal, leaving our republican friends in the South to be murdered by hundreds, while we were thus drawn away from our purpose; and the Speaker ruled that the rule under which the Clerk was reading the bill was a rule of the House, and a vote to suspend it must be taken, and therefore the republican majority of the House had to stop and go into the question of coal, and leave human life unguarded by necessary legislation. The failure of that bill caused us to spend a session of the Forty-second Congress in March immediately following, and we were six weeks bringing up legislation to the point where it had been at the moment the bill was being read, when the democratic minority, in virtue of the rule of the House, took the business of the House out of the hands of the republican majority.

Mr. DAWES. Mr. Speaker——

Mr. BUTLER, of Massachusetts. I want to assure my friend and colleague that I have kept as far from him as possible.

Mr. DAWES. I know it; and my colleague shows his discretion in doing so.

Mr. BUTLER, of Massachusetts. I agree to that. There are certain things I do keep away from with great energy and vigilance. [Laughter.]

Mr. DAWES. What I wanted to say, Mr. Speaker, was this: My colleague has never been in this House in a minority. He has had his measures obstructed by a minority. I have been in this House in a minority as well as in a majority; and under these same rules I have co-operated in preventing what the country has since decided to have been the very worst possible measures. I have been here all night fighting to prevent the Lecompton constitution from becoming a law.

Mr. G. F. HOAR. And did that do any good?

Mr. DAWES. Certainly it did. And I have fought in like manner, under the rules, the fugitive-slave laws, and measures of that class. I have had experience in the minority. I have insisted that the very purpose of the rule was not to facilitate the action of the majority, but to protect minorities. It was considered wise on the whole that while these rules do, as my colleague says, sometimes interrupt or prevent for a time—not permanently—what is good legislation, it has been, on the whole and in the long run, a good thing and a wise thing that we shall have rules that would take care of a minority.

Mr. SCOFIELD. Let me ask the gentleman from Massachusetts a question. He says that rules are made to take care of minorities. I would like to know why he is in favor of suspending them. If the rules are made to take care of minorities the suspension of the rules must be made to overrun minorities.

Mr. DAWES. The very rule itself provides for its own suspension. That is my answer.

Mr. BUTLER, of Massachusetts. I desire to correct an unconscious mistake as to fact on the part of my colleague. He says that I never have been here in a minority. Unfortunately, Mr. Speaker, I have been pretty nearly always in a minority. I have endeavored here to carry out my own ideas in legislation as well as I could, and, unfortunately, I have found myself often in a minority of my political friends under the lead of my honorable colleague. Sir, I have felt the pressure of leadership in this House. More, perhaps, than any other man, I have felt the pressure of the gentleman, who, by official position, has got the ear of the House, who not only has the House under his lead, but holds it by the ear longer and more pertinaciously than anybody else ever did. I have felt the necessity of rules beyond all peradventure to protect me in the House from the tyranny of a majority under his lead. I desire to do nothing which will take away protection from minorities. I am not talking about party minorities. I differ frequently from my party—sometimes even on party questions, but on them rarely—but on other questions I have most usually been in a minority. I have been in a minority on finance questions. On these I have struggled here for four years, and I trust I am now nearer a majority on them from the public intelligence being now with me. Having been in a minority so frequently, I am earnest that the rights of minorities shall be protected. At the same time, while I want that, I do not think it is the right of a single man to rise up here and hinder all legislation, as they may do; nor do I think it is well that my colleague, or anybody else, should be forced every Monday to move an adjournment at an earlier hour than we adjourn on any other day, in order to get rid of this very suspension of the rules business.

My friend from Indiana, [Mr. HOLMAN,] I believe, made a motion to adjourn yesterday; and it was argued with me by friends on the other side, when I desired that the House should not adjourn but should go to business on the Speaker's table, that it would be impossible to dispose of matters on the Speaker's table for one minute, because the moment we got at that some one would get up and make a motion to suspend the rules to get a vote on some theoretical question; and that, therefore, it was best to adjourn and go home, to prevent mischief. And the House yielded to the argument and adjourned. And, therefore, we lost half a day, and my friend from Maine [Mr. HALE] will be lecturing the House in a few days for wasting time and not passing appropriation bills in the interest of economy.

Mr. HALE, of Maine. If I could have got up an appropriation bill yesterday I should have been content.

Mr. BUTLER, of Massachusetts. Yes; but the moment you tried yesterday to get up an appropriation bill, some member would start up and move to suspend the rules, and then down the gentleman would go, and his appropriation bill with him. [Laughter.] Sir, our present rules prevent us from dealing with the legislation of the country, which is pressing us, and this amended rule will prevent the majority from being kept voting on theoretical propositions and political traps, while the financial interests of the country are suffering, and the workingmen of this happy country of ours are starving for bread, and parading the streets of your cities out of employment. It is to prevent the consideration of theoretical questions to the exclusion of practical legislation that I stand here to ask that the two-thirds republican majority of this House, who are responsible for its proceedings, press forward the business of the country, and not be compelled to adjourn at three o'clock in the day in order to get rid of speculative matters. I believe that I have as firm convictions as most men, and I have a right to say, without undue self-laudation, that I do not hesitate to avow them whenever a proper call is made for their expression. But I do not think that any member has a right to ask me to deliver an opinion instantly on any question, however pressing, he may propose. I want time to think before I answer for the instruction of the country. Let me show you how this bringing the House to a vote on most questions may be used for the purposes of speculation and stock-jobbing. Some of my friends from the East, who are engaged in manufacturing operations, may send me resolutions, asking me to get a vote upon them, so as to see how the House stands on certain tariff questions in which they are interested, and so guide their business and sell their stocks in accordance with the opinion of the House. So some of my western friends, who want to know whether we are going to put a tax on whisky, may ask me to try that question, so that they may run their stills accordingly. So the capitalists may desire to get the temper of the House on resumption of specie payments, in order that they may decide whether it is best to create a panic. Others, more interested in Cuban affairs and in matters in reference to our foreign relations, send resolutions here for the purpose of committing the House, in order, if it be possible, to find out in advance what will be the action of Congress. It is to prevent that sort of thing that I desire this change in our rule.

One thing more. I asked my colleague [Mr. DAWES] if he did not yesterday vote to adjourn in order to get rid of tentative questions of this kind, and he answered me frankly that he did so do. Now, sir, I wish never to do indirectly what I can do directly. I want to be able to say directly by my vote I am not ready to vote on any question that may be proposed if it has not been considered or discussed, or that I would rather go on and do the business of the country than to spend time uselessly in making what is known as a "political record."

Sir, I think this a valuable amendment to the rule, and I trust that it will be adopted. It is said that the amendment of the gentleman from Pennsylvania [Mr. SCOFIELD] eviscerates the rule. By no means. All that would happen under it would be that on the question whether a member shall bring forward for action, without amendment or discussion, any particular subject, the majority of the House may determine it by yeas and nays. But if a question comes up without such rule, members may have to record their votes, yea or nay, on propositions involved in a preamble with nine, ten, or twelve "whereases" in it; they must either vote against or vote for to the end of the chapter. And then, sir, when you go home you are told that you voted for this proposition and that proposition, when you are ready to take your Bible oath that you never voted for any of them, and some man pulls the resolution out of his pocket with all its "whereases" and shows you that you did. It is to prevent these tricks and catches of legislation that I favor this amendment to the rules.

At first, sir, I was disposed to vote against the amendment on the ground that it might interfere with the rights of the minority, but on reflection it commends itself to my judgment.

Mr. MAYNARD. I suggest to the House that we vote now as under the previous question, and I will not avail myself of my right to an hour to close debate.

The SPEAKER. What amendments does the gentleman regard as pending?

Mr. MAYNARD. I am willing to admit the amendment of the gentleman from Pennsylvania, [Mr. SCOFIELD.]

Mr. WARD, of Illinois. I desire to move to lay the whole subject on the table.

The question was taken on the motion of Mr. WARD, of Illinois; and on a division there were—ayes 94, noes 79.

Mr. MAYNARD. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 115, nays 127, not voting 44; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burleigh, Caldwell, John B. Clark, jr., Clymer, Comingo, Conger, Cook, Corwin, Cox, Crittenden, Crossland, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dunnell, Durham, Eldredge, Field, Fort, Giddings, Glover, Gooch, Eugene Hale, Hamilton, Hancock, Harmer, Henry R. Harris, John T. Harris, Hatcher, Hereford, Herndon, Holman, Houghton, Kasson, Kendall, Knapp, Lamar, Lamison, Lawson, Leach, Loughridge, Luttrell, Marshall, Alexander S. McDill, James W. McDill, McLean, McNulta, Mellish, Milliken, Mills, Mitchell, Morey, Morrison, Neal, Nesmith, Orr, Packard, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Potter, Randall, Rawls, Read, Robbins, James C. Robinson, James W. Robinson, Milton Sayler, Sloss, Smart, John Q. Smith, Southard, Speer, Stanard, Standeford, Stone, Storm, Swann, Vance, Waldron, Jasper D. Ward, Wells, Wheeler, Whitehead, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, Willie, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—115.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cotton, Crocker, Crooke, Crounse, Danford, Dobbins, Donnan, Eames, Elliott, Foster, Freeman, Frye, Garfield, Gunckel, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, George F. Hoar, Hooper, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, MacDougall, McKee, Merriam, Monroe, Moore, Myers, O'Neill, Orth, Packer, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Starkweather, Stowell, Strait, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Tyner, Wallace, Marcus L. Ward, White, Whiteley, Wilber, John M. S. Williams, William Williams, William B. Williams, and James Wilson—127.

NOT VOTING—Messrs. Atkins, Barnum, Barry, Berry, Amos Clark, jr., Freeman Clarke, Clements, Creamer, Curtis, Duell, Eden, Farwell, Hersey, E. Rockwood Hoar, Hoskins, Howe, Hunton, Jewett, Killinger, Magee, McJunkin, Negley, Niblack, Niles, Nunn, O'Brien, Phillips, Pike, William R. Roberts, Ross, John G. Schumaker, Small, J. Ambler Smith, William A. Smith, Stephens, St. John, Strawbridge, Tremain, Waddell, Walls, Whitehouse, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—44.

So the motion to lay on the table was not agreed to.

The question recurred upon seconding the previous question upon the proposed amendment to the rules, and the amendments thereto.

Mr. SCOFIELD. Have I the power to withdraw my amendment?

The SPEAKER. The gentleman has that power.

Mr. SCOFIELD. Then I withdraw it.

Mr. ELDREDGE. I object.

The SPEAKER. The gentleman has no right to object, the previous question not having been seconded.

Mr. ELDREDGE. Have I the right to renew the amendment?

The SPEAKER. If the gentleman from Tennessee [Mr. MAYNARD] will withdraw his call for the previous question.

Mr. ELDREDGE. I think it is an unfair proceeding on the part of the gentleman from Pennsylvania [Mr. SCOFIELD] to withdraw his amendment.

The SPEAKER. It is wholly within the power of the majority of the House. If they refuse to second the previous question the amendment can be renewed.

Mr. ELDREDGE. I think many members voted against laying the whole subject on the table with the understanding that the amendment was pending.

The question was upon seconding the previous question.

Tellers were ordered; and Mr. MAYNARD and Mr. ELDREDGE were appointed.

The House divided, and the tellers reported that there were—ayes 108, noes 83.

So the previous question was seconded.

The question was, "Shall the main question be now put?"

Mr. DAWES called for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 125, nays 113, not voting 48; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Cotton, Crocker, Crooke, Crounse, Curtis, Danford, Dobbins, Donnan, Elliott, Field, Foster, Freeman, Frye, Garfield, Gunckel, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, George F. Hoar, Hooper, Hubbell, Hunter, Hurlbut, Hyde, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, MacDougall, McKee, Merriam, Monroe, Moore, O'Neill, Orr, Orth, Packer, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Stowell, Strait, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Tyner, Wallace, Marcus L. Ward, White, Whiteley, Wilber, John M. S. Williams, William Williams, William B. Williams, and James Wilson—125.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burleigh, Caldwell, Cessna, John B. Clark, jr., Clymer, Comingo, Cook, Corwin, Cox, Crittenden, Crossland, Crutchfield, Darrall, Davis, Dawes, DeWitt, Dunnell, Durham, Eames, Eldredge, Fort, Giddings, Glover, Gooch, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hoskins, Houghton, Jewett, Kendall, Knapp, Lamar, Lamison, Lawson, Loughridge, Luttrell, Marshall, James W. McDill, McLean, McNulta, Mellish, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, Packard,

Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Potter, Randall, Rawls, Read, Robbins, James C. Robinson, James W. Robinson, Milton Sayler, Sloss, John Q. Smith, Southard, Speer, Stanard, Starkweather, Stone, Storm, Swann, Vance, Waddell, Waldron, Jasper D. Ward, Wells, Wheeler, Whitehead, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, Willie, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—113.

NOT VOTING—Messrs. Atkins, Barnum, Barry, Berry, Amos Clark, jr., Freeman Clarke, Coburn, Creamer, Duell, Eden, Farwell, Hersey, E. Rockwood Hoar, Howe, Hunton, Hynes, Killinger, Lansing, Leach, Magee, Alexander S. McDill, McJunkin, Morey, Myers, Negley, Niles, Nunn, O'Brien, Page, Phillips, Pike, William R. Roberts, Ross, John G. Schumaker, Small, Smart, George L. Smith, William A. Smith, Standeford, Stephens, St. John, Strawbridge, Tremain, Walls, Whitehouse, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—48.

So the main question was ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill of the House of the following title:

A bill (H. R. No. 795) making appropriations to pay salaries of the Official Reporters of the proceedings and debates of the House.

SUSPENSION OF RULES.

The House resumed the consideration of the report of the Committee on the Rules, upon which the main question had been ordered.

The amendment was to strike out the words "to go into Committee of the Whole," and insert in lieu thereof the words "where they may be suspended by a majority;" so that the proposed amendment would read:

All motions to suspend the rules, except where they may be suspended by a majority, shall, before being submitted to the House, be seconded by a majority, as in the case of the previous question.

Mr. GARFIELD. I suppose there is no objection to that amendment.

The amendment was agreed to.

The question was upon the rule as amended.

Mr. HALE, of Maine. I rise to make a parliamentary inquiry for the information of some members. Is the proposition of the gentleman from Pennsylvania, [Mr. SCOFIELD,] to make the seconding a matter of yeas and nays, now before the House?

The SPEAKER. It is not; it has been withdrawn.

Mr. HOLMAN. I move that the whole subject be laid on the table.

The question being taken on the motion, there were—ayes 86, noes 103.

Mr. HOLMAN. I call for the yeas and nays.

Mr. MAYNARD. I appeal to the gentleman not to consume time by calling the yeas and nays. They have already been ordered upon the adoption of the rule, and we have consumed now a great deal of time on this question.

The yeas and nays were ordered.

The question was then taken; and it was decided in the negative—yeas 107, nays 122, not voting 57; as follows:

YEAS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buffinton, Caldwell, John B. Clark, jr., Clymer, Comingo, Conger, Cook, Corwin, Cox, Crittenden, Crossland, Davis, Dawes, DeWitt, Dunnell, Durham, Eames, Field, Giddings, Glover, Gooch, Eugene Hale, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hoskins, Houghton, Jewett, Kasson, Knapp, Lamar, Lamison, Lawson, Loughridge, Luttrell, Marshall, Alexander S. McDill, James W. McDill, McLean, McNulta, Mellish, Milliken, Mills, Mitchell, Morrison, Neal, Niblack, Orr, Packard, Hosea W. Parker, Pendleton, Perry, Phelps, Pierce, Potter, Randall, Rawls, Read, Robbins, James W. Robinson, Milton Sayler, Smart, John Q. Smith, Southard, Speer, Stanard, Standeford, Starkweather, Stone, Storm, Swann, Vance, Waldron, Jasper D. Ward, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, Willie, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—107.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cotton, Crocker, Crooke, Crounse, Crutchfield, Curtis, Danford, Dobbins, Donnan, Farwell, Foster, Frye, Garfield, Gunckel, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, George F. Hoar, Hubbell, Hurlbut, Hyde, Kelley, Kellogg, Lamport, Lawrence, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, MacDougall, McKee, Merriam, Monroe, Moore, Morey, Myers, Orth, Packer, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, H. Boardman Smith, Snyder, Sprague, Stowell, Strait, Strawbridge, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Tyner, Wallace, Marcus L. Ward, White, Whiteley, Wilber, John M. S. Williams, William Williams, William B. Williams, and James Wilson—122.

NOT VOTING—Messrs. Atkins, Barnum, Barry, Berry, Buckner, Bundy, Amos Clark, jr., Freeman Clarke, Clements, Creamer, Darrall, Duell, Eden, Eldredge, Elliott, Fort, Freeman, Hersey, E. Rockwood Hoar, Hooper, Howe, Hunter, Hunton, Hynes, Kendall, Killinger, Lansing, Leach, Magee, McJunkin, Negley, Nesmith, Niles, Nunn, O'Brien, O'Neill, Page, Phillips, Pike, William R. Roberts, James C. Robinson, Ross, Rusk, John G. Schumaker, Sener, Sloss, J. Ambler Smith, William A. Smith, Stephens, St. John, Tremain, Waddell, Walls, Wheeler, Whitehouse, Ephraim K. Wilson, and Woodford—57.

So the motion to lay on the table was not agreed to.

Mr. ARCHER. I move that the House now adjourn.

The question being taken on the motion, there were—ayes 62, noes 95.

Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. G. F. HOAR were appointed.

Mr. BUTLER, of Massachusetts. I demand the yeas and nays. It is evident we must take them eventually. The object of the other side is to filibuster.

The yeas and nays were ordered.

Mr. G. F. HOAR. I desire the ruling of the Chair on the question whether a dilatory motion is in order on a proposition to suspend the rules.

The SPEAKER. The Chair would hold that a dilatory motion would not be in order; but he cannot rule that a motion to adjourn at a quarter after four o'clock, the usual hour, is a dilatory motion.

Mr. POTTER. If we adjourn, will not this business come before the House as the first thing to-morrow morning?

The SPEAKER. It will; and it must remain before the House until disposed of, to the exclusion of all other business.

Several MEMBERS. Then there is no use in adjourning.

The question was taken; and it was decided in the negative, there being—yeas 70, nays 154, not voting 62; as follows:

YEAS—Messrs. Adams, Albert, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Brown, Buffinton, Caldwell, John B. Clark, Clymer, Comingo, Cook, Cox, Crittenden, Crossland, Davis, DeWitt, Durham, Eldredge, Giddings, Glover, Hamilton, Hancock, Henry R. Harris, John T. Harris, Hatcher, Hereford, Holman, Knapp, Lamar, Lamison, Leach, Marshall, McLean, Milliken, Mills, Mitchell, Morrison, Neal, Niblack, Hosea W. Parker, Perry, Pierce, Potter, Randall, Rawls, Read, Robbins, James C. Robinson, Milton Sayler, Southard, Standeford, Stone, Storm, Vance, Wells, Whitehead, Whitthorne, Charles W. Willard, Willie, Wolfe, Wood, John D. Young, and Pierce M. B. Young—70.

NAYS—Messrs. Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Bundy, Burchard, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cason, Cessna, Clayton, Clements, Clinton L. Cobb, Coburn, Conger, Cotton, Crocker, Crooke, Crounse, Crutchfield, Danford, Dawes, Dobbins, Donnan, Dunnell, Eames, Elliott, Farwell, Field, Fort, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, Hendee, George F. Hoar, Hoskins, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Hynes, Kasson, Kelley, Kellogg, Lamport, Lawrence, Lawson, Lewis, Lofland, Loughridge, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Mellish, Merriam, Monroe, Moore, Morey, Myers, Orr, Orth, Packard, Packer, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, Sawyer, Henry B. Sayler, Scofield, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Snyder, Speer, Sprague, Stanard, Starkweather, Stowell, Strait, Strawbridge, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, White, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, Jeremiah M. Wilson, and Woodworth—154.

NOT VOTING—Messrs. Archer, Atkins, Barnum, Barry, Berry, Bromberg, Buckner, Burleigh, Amos Clark, jr., Freeman Clarke, Stephen A. Cobb, Corwin, Creamer, Curtis, Darrall, Duell, Eden, Harmer, Hays, John W. Hazelton, Herndon, Hersey, E. Rockwood Hoar, Hooper, Howe, Hunton, Jewett, Kendall, Killinger, Lansing, Luttrell, Magee, McJunkin, Negley, Nesmith, Niles, Nunn, O'Brien, O'Neill, Page, Pendleton, Phelps, Phillips, Pike, William R. Roberts, Ross, John G. Schumaker, Sloss, William A. Smith, Stephens, St. John, Swann, Tremain, Waddell, Walls, Wheeler, Whitehouse, Whiteley, William B. Williams, Ephraim K. Wilson, James Wilson, and Woodford—62.

So the motion to adjourn was not agreed to.

The SPEAKER. The question now recurs on agreeing to the resolution, on which the yeas and nays have been ordered.

The question was taken; and it was decided in the affirmative—yeas 123, nays 101, not voting 62; as follows:

YEAS—Messrs. Albright, Averill, Barber, Barrere, Bass, Begole, Biery, Bradley, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cessna, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Cotton, Crocker, Crooke, Crounse, Curtis, Danford, Dobbins, Donnan, Elliott, Farwell, Field, Foster, Freeman, Frye, Garfield, Gunckel, Robert S. Hale, Benjamin W. Harris, Harrison, Hathorn, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, George F. Hoar, Houghton, Hubbell, Hunter, Hurlbut, Hyde, Kelley, Kellogg, Lamport, Lawrence, Lewis, Lofland, Lowe, Lowndes, Lynch, Martin, Maynard, McCrary, MacDougall, McKee, Merriam, Monroe, Moore, Myers, Orth, Packer, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Ellis H. Roberts, Rusk, Sawyer, Henry B. Sayler, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, Snyder, Sprague, Stowell, Strait, Strawbridge, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Tyner, Wallace, Marcus L. Ward, White, Wilber, John M. S. Williams, William Williams, William B. Williams, and James Wilson—123.

NAYS—Messrs. Adams, Albert, Archer, Arthur, Ashe, Banning, Beck, Bell, Bland, Blount, Bowen, Bright, Brown, Buckner, Buffinton, Caldwell, John B. Clark, jr., Clymer, Comingo, Conger, Cook, Corwin, Cox, Crittenden, Crossland, Crutchfield, Davis, Dawes, De Witt, Dunnell, Durham, Eames, Eldredge, Fort, Giddings, Glover, Gooch, Eugene Hale, Hamilton, Hancock, Henry R. Harris, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hoskins, Kasson, Lamar, Lamison, Lawson, Loughbridge, Marshall, Alexander S. McDill, James W. McDill, McLean, McNulta, Mellish, Milliken, Mills, Mitchell, Neal, Niblack, Orr, Packard, Hosea W. Parker, Perry, Phelps, Pierce, Potter, Randall, Rawls, Read, Robbins, James W. Robinson, Milton Sayler, Sener, John Q. Smith, Southard, Speer, Stanard, Standeford, Starkweather, Stone, Storm, Swann, Vance, Waldron, Jasper D. Ward, Wells, Whitehead, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, Willie, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—101.

NOT VOTING—Messrs. Atkins, Barnum, Barry, Berry, Bromberg, Bundy, Cason, Amos Clark, jr., Freeman Clarke, Clements, Creamer, Darrall, Duell, Eden, Harmer, John T. Harris, Hays, Hersey, E. Rockwood Hoar, Hooper, Howe, Hunton, Hynes, Jewett, Kendall, Killinger, Knapp, Lansing, Leach, Luttrell, Magee, McJunkin, Morey, Morrison, Negley, Nesmith, Niles, Nunn, O'Brien, O'Neill, Page, Pendleton, Phillips, Pike, William R. Roberts, James C. Robinson, Ross, John G. Schumaker, Sheats, Sloss, William A. Smith, Stephens, St. John, Tremain, Waddell, Walls, Wheeler, Whitehouse, Whiteley, Ephraim K. Wilson, Jeremiah M. Wilson, and Woodford—62.

So the resolution was adopted.

During the vote,

Mr. SENER stated that Mr. WHITELEY, of Georgia, was paired with Mr. LUTTRELL, of California, and that while the latter, if present,

would vote in the negative, the former would vote in the affirmative.

Mr. BROMBERG stated that he had paired with his colleague, Mr. HAYS, who, if present, would vote in the affirmative, while he would vote in the negative.

The vote was then announced as above recorded.

Mr. MAYNARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined, and found truly enrolled, an act (S. No. 215) in relation to the printing of the Biennial Register, commonly called the Blue Book; when the Speaker signed the same.

LOUISIANA CONTESTED-ELECTION CASE.

The SPEAKER, by unanimous consent, laid before the House additional papers in the contested-election case of the first congressional district of Louisiana; which were referred to the Committee on Elections.

EXPENSES OF THE POST-OFFICE DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, in answer to a resolution of the House, of December 8, 1873, in relation to the expenses incurred in his Department upon the abolition of the franking privilege, and also inclosing a copy of the report to the Senate on the same subject; which, on motion of Mr. RANDALL, were referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REBECCA A. MARTIN.

On motion of Mr. MYERS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Rebecca A. Martin, there having been no adverse report on the case.

HOMESTEADS FOR ACTUAL SETTLERS.

Mr. TOWNSEND, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 1388) to secure homesteads to actual settlers on the public domain; which was read a first and second time, recommitted, not to be brought back by a motion to reconsider, and, with the accompanying report, ordered to be printed.

GROWTH OF TIMBER ON PUBLIC LANDS.

Mr. TOWNSEND also, by unanimous consent, from the Committee on the Public Lands, reported a bill [H. R. No. 1389] in reference to promoting the growth of timber on public lands in the West; which was read a first and second time, recommitted, not to be brought back by a motion to reconsider, and, with the accompanying report, ordered to be printed.

LEVI W. POND.

Mr. SAWYER, by unanimous consent, introduced a bill (H. R. No. 1390) to amend an act entitled "An act confirming and extending a patent right to Levi W. Pond and the Eau Claire Lumber Company," approved June 10, 1872; which was read a first and second time, referred to the Committee on Patents, not to be brought back by a motion to reconsider, and ordered to be printed.

Mr. SAWYER also, by unanimous consent, introduced a bill (H. R. No. 1391) to repeal an act entitled "An act confirming and extending a patent right to Levi W. Pond and the Eau Claire Lumber Company," approved June 10, 1872; which was read a first and second time, referred to the Committee on Patents, not to be brought back by a motion to reconsider, and ordered to be printed.

PATENTS AND COPYRIGHTS.

Mr. SAYLER, of Indiana, by unanimous consent, introduced a bill (H. R. No. 1392) to amend an act entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights," approved July 8, 1870; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

And then, on motion of Mr. MAYNARD, (at five o'clock and ten minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ARCHER: The petition of Moore N. Falls, of Baltimore, Maryland, for the payment of unpaid balance alleged to be due him upon charter by the United States of the steamer Georgina, in 1862-'63—Committee on War Claims.

By Mr. BANNING: The petition of Josiah Kirby, of Cincinnati, Ohio, for extension of patent—Committee on Patents.

By Mr. BASS: The memorial of the National Board of Trade, for the removal of obstructions at the mouth of the Detroit River—Committee on Commerce.

By Mr. BECK: The petition of Blanton Duncan, of Louisville, Kentucky, for relief—Committee on the Judiciary.

By Mr. BUTLER, of Massachusetts: Papers relating to the claim of John Graham, of Flushing, New York, against the United States—Committee on Claims.

By Mr. BUTLER, of Tennessee: The petition of John W. Divine, for payment for services as assistant surgeon of the Eleventh Regiment Tennessee Cavalry Volunteers—Committee on War Claims.

Also, the petition of Sarah Fox, for a pension—Committee on Invalid Pensions.

By Mr. CLARKE, of New York: The petition of members of the bar of Niagara County, New York, for the division of the northern judicial district of New York—Committee on the Judiciary.

By Mr. CLAYTON: Resolutions of the Legislature of California, asking for the removal of obstructions from the navigable waters of California—Committee on Commerce.

Also, resolutions of the San Francisco Lyceum of Self-Culture, for the appointment by Congress of a commission of inquiry into the condition of the Chinese in this country, and the influence they exert upon white labor—Committee on Education and Labor.

By Mr. COBURN: The petition of George D. Blakey, late collector of the second district of Kentucky, asking to be credited with certain sums of money taken by armed bands of rebel guerrillas—Committee on War Claims.

By Mr. CORWIN: The petition of citizens of Grundy County, Illinois, for the repeal of the stamp tax on medicines—Committee on Ways and Means.

Also, the petition of citizens of Illinois, for the repeal of the bankrupt law—Committee on the Judiciary.

Also, the petition of citizens of La Salle County, Illinois, for the abolition of the national banking system and the substitution of legal-tender Treasury notes for national-bank notes—Committee on Banking and Currency.

By Mr. CROUNSE: The petition of citizens of Nebraska, for the prepayment of postage on all printed matter—Committee on the Post-Office and Post-Roads.

By Mr. DEWITT: The petition of druggists of Ulster County, New York, for the repeal of the stamp tax on medicinal preparations—Committee on Ways and Means.

By Mr. EAMES: The petition of citizens of Providence, Rhode Island, for authority to the Secretary of the Treasury to sell at private sale, at a price satisfactory to him, the site of the old light-station at Nayatt Point, Rhode Island—Committee on Commerce.

By Mr. ELKINS: The petition of citizens of Grant County, New Mexico, for the location of a land-office at Silver City, New Mexico—Committee on the Public Lands.

By Mr. FARWELL: The petition of Mary Jane Sears, for a pension—Committee on Revolutionary Pensions and War of 1812.

By Mr. FOSTER: The petition of Edwin Butler and George D. Pitkin, copartners under the firm name of Butler & Pitkin, of New York City, to be reimbursed for the amount paid by them upon a judgment in the United States court fraudulently entered by their attorney without their knowledge—Committee on Claims.

By Mr. HARRIS, of Massachusetts: The petition of Charles O. Palmer, for remission of sentence of court-martial, and for pay and allowances due him—Committee on Military Affairs.

By Mr. HARRIS, of Virginia: The petition of Richard Fisher, of Fluvanna County, Virginia, for payment of pension as a soldier of the war of 1812—Committee on Revolutionary Pensions and War of 1812.

By Mr. HERSEY: The petition of citizens of Bridgewater, Maine, for the establishment of a post-route from Bridgewater Corner to the east line of the State—Committee on the Post-Office and Post-Roads.

By Mr. HOUGHTON: Resolutions of the Legislature of California in regard to the removal of obstructions from the navigable rivers of California—Committee on Commerce.

Also, resolutions of the Legislature of California for the establishment of a post-route from Happy Camp to Orleans Bar, in California—Committee on the Post-Office and Post-Roads.

By Mr. HYDE: A paper relating to the establishment of post-routes from Bethany to Cainsville, and from Cainsville to Akron, in Missouri—Committee on the Post-Office and Post-Roads.

By Mr. LOUGHRIDGE: The petition of Susan B. Anthony, for redress in relation to an indictment for illegal voting—Committee on the Judiciary.

By Mr. LOWE: The petition of persons of Miami blood, descendants of the Miami tribe of Innians, for a *pro rata* share of tribal funds and lands—Committee on Indian Affairs.

By Mr. LUTTRELL: The petition of I. Landsberger & Co., of San Francisco, California, on behalf of the Sonoma Wine Growers' Association, in relation to the manufacture of pure wines—Committee on Ways and Means.

Also, the petition of the Los Angeles Chamber of Commerce, in relation to the duty on fruits and plants, tropical and semi-tropical, imported for other purposes than for propagation and cultivation—Committee on Ways and Means.

By Mr. MORRISON: The petition of Harriet G. Pensoneau and Adelaide Snyder, children and heirs at law of Jean Francois Perry, for the passage of an act providing for the issue to them of scrip in satisfaction of claims for lands confirmed but not located—Committee on Private Land Claims.

By Mr. O'NEILL: A communication of Frederick Quinlan, in behalf of the beneficiaries of the United States Naval Asylum at Philadelphia, suggesting legislation for their comfort—Committee on Naval Affairs.

By Mr. PARKER, of Missouri: Papers in relation to the claim of Frederick W. Posthoff, for relief—Committee on Claims.

By Mr. PERRY: The petition of Margaretta Van Rensselaer, for a pension—Committee on Revolutionary Pensions and War of 1812.

By Mr. SHELDON: The memorial of the New Orleans Chamber of Commerce, in relation to a national quarantine law—Committee on Commerce.

By Mr. SPEER: The petition of citizens of Huntingdon County, Pennsylvania, for the reimposition of 10 per cent. of duties removed from manufactured cottons, woolens, &c.—Committee on Ways and Means.

By Mr. SWANN: The petition of Frances Grimes, for a pension—Committee on Invalid Pensions.

By Mr. WELLS: The petition of the Boatmen's Savings Bank of Saint Louis, holders of certain drafts or bills of exchange made by Majors, Russell and Waddell, Government contractors, on the Secretary of War, for relief—Committee on Claims.

By Mr. WILLIAMS, of Massachusetts: The petition of Lucinda Otis Adams, for a pension.

Also, the petition of Lucinda Griggs, for a pension—Committee on Revolutionary Pensions and War of 1812.

IN SENATE.

WEDNESDAY, *January* 21, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. BOUTWELL presented the petition of Mrs. Maria W. Currier and 32 others, and the petition of Le Roy Sunderland and other citizens of Massachusetts, for the same national protection of women in the exercise of their right to vote that colored men now enjoy; which were referred to the Committee on Privileges and Elections.

Mr. ANTHONY presented a petition of Mrs. Eliza B. Seymour and 26 others, asking for women equal protection with colored men in the exercise of their right to vote; which was referred to the Committee on Privileges and Elections.

He also presented the petition of Lieutenant Ebenezer S. Cheesebro, of Bristol, Rhode Island, praying to be allowed arrears of pension; which was referred to the Committee on Pensions.

Mr. FENTON presented the petition of Clara A. Austin and other citizens of Allegany County, New York, asking for women equal protection with colored men in the exercise of their right to vote; which was referred to the Committee on Privileges and Elections.

Mr. FRELINGHUYSEN. I have received a concurrent resolution of the Legislature of the State of New Jersey, requesting the representatives of that State in Congress to vote for an appropriation to promote the celebration of the one hundredth anniversary of American independence. I ask, according to the usual practice, that the resolution be read and laid on the table.

The Chief Clerk read as follows:

Whereas the Congress of the United States has, by an act passed in 1871, provided for the celebration of the one hundredth anniversary of American independence in the city of Philadelphia, and the President of the United States has by proclamation invited the attention of all nations to this celebration; and whereas it is absolutely essential to the success of this proposed celebration that a considerable sum of money should be promptly raised: Therefore,

Resolved by the Senate of New Jersey, (the House of Assembly concurring,) That we request the Senators and Representatives in Congress from New Jersey to vote for such an appropriation as shall enable those having the matter in charge to discharge the duties devolved upon them in accordance with the requirements of the occasion.

Resolved, That a copy of this preamble and resolution be forwarded to each of our Senators and Representatives in Congress.

The resolutions were ordered to lie on the table and be printed.

Mr. FRELINGHUYSEN presented the petition of citizens of New Jersey, members of the Board of Trade of the city of Camden, praying for the repeal of the bankrupt law; which was ordered to lie on the table.

Mr. CHANDLER presented the petition of Senie G. Spencer and 22 others; the petition of Lydia Ann Pitkin and others, citizens of the United States; the petition of Mary A. Davis and others, of Michigan; the petition of May K. Herrman and others, citizens of the United States; and the petition of Deborah Reed and others, citizens of the United States, asking for women equal protection with colored men in the exercise of their right to vote; which were referred to the Committee on Privileges and Elections.

Mr. RAMSEY presented the petition of Mrs. C. Price and others, of the State of Minnesota, asking for women equal protection with colored men in the exercise of their right to vote; which was referred to the Committee on Privileges and Elections.

Mr. STEWART presented the petition of John D. Clarke praying to be allowed a pension for services rendered in the war of 1812; which was referred to the Committee on Pensions.

Mr. BOGY presented the petition of Washington Crosland, praying payment for damages arising from the seizure and use of his property by the Government in the city of Saint Louis; which was referred to the Committee on Claims.

Mr. WRIGHT presented the petition of Jane Woodward and other citizens of Iowa, asking for women equal protection with colored men in the exercise of their right to vote; which was referred to the Committee on Privileges and Elections.

Mr. MORTON presented the memorial of the Women's Suffrage Association of Indianapolis, remonstrating against the passage of the pending bill to limit suffrage in the Territories to males; which was ordered to lie on the table.

He also presented the memorial of Matilda Leipsker, widow of Joseph B. Leipsker, late of the city of New York, praying that the United States Government present a claim to the Peruvian Government for reparation for the assassination of Joseph B. Leipsker; which was referred to the Committee on Foreign Relations.

He also presented a petition of citizens of Indiana, praying a modification of the bankrupt law; which was ordered to lie on the table.

Mr. SHERMAN presented the petition of Mrs. Emily G. Robinson and 180 other citizens of Ohio, asking for women equal protection with colored men in the exercise of their right to vote; which was referred to the Committee on Privileges and Elections.

Mr. FERRY, of Michigan, presented the petition of Mrs. A. Alden and 624 others, citizens of Michigan, for national protection of women's right to vote; which was referred to the Committee on Privileges and Elections.

Mr. SCOTT. I present the petition of Mrs. O. A. C. Wood and others, of Pennsylvania, asking the same protection for women in the exercise of their right to vote that colored men now enjoy.

Mr. EDMUNDS. I should like to hear that petition read.

Mr. SCOTT. So should I, for I found it on my table and have not examined its contents.

The PRESIDENT *pro tempore*. The petition will be read.

The Chief Clerk read as follows:

In the name of justice and right, we ask of Congress at its present session to pass a declaratory act that under the fourteenth amendment of the Constitution women have the right to the elective franchise.

Mr. SCOTT. The indorsement upon that petition, perhaps, is not a correct summary of its contents as required by the rule; and, in explanation, I would state that I found it on my desk without having had time to read it, with a request from Miss Anthony to present it. She is the author of the summary on the back of the petition which I read.

Mr. EDMUNDS. The summary is considerably larger than the petition.

Mr. WEST. I should like to have the summary read.

The PRESIDENT *pro tempore*. The summary will be read if there be no objection. The Chair hears no objection.

The CHIEF CLERK. The paper is indorsed as follows:

Mrs. O. A. C. Wood and others, of Pennsylvania, asking the same protection for women in the exercise of their right to vote that colored men now enjoy.

The petition was referred to the Committee on Privileges and Elections.

Mr. SUMNER presented a petition of citizens of Massachusetts, men and women, asking Congress to pass a declaratory law which shall guarantee to women full exercise of the right to the elective franchise in all the States and Territories of the Union; which was referred to the Committee on Privileges and Elections.

Mr. WINDOM presented the petition of Mrs. Sarah Burger Stearns and other citizens of Minnesota, asking Congress to pass a declaratory law which shall guarantee to women the full exercise of the right to the elective franchise in all the States and Territories of the Union; which was referred to the Committee on Privileges and Elections.

Mr. CRAGIN presented a letter from the Secretary of the Navy, addressed to the chairman of the Committee on Naval Affairs, transmitting correspondence relative to the reduction made by the House of Representatives in the appropriation for the preparation and publication of the Nautical Almanac; which was referred to the Committee on Naval Affairs, and ordered to be printed.

He also presented a letter of the Secretary of the Navy, addressed to the chairman of the Committee on Naval Affairs, transmitting correspondence in relation to a claim made by the authorities of Charlestown, Massachusetts, to be reimbursed for expenses incurred in the improvement of that portion of Chelsea street which borders on the United States navy-yard; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. SPRAGUE presented the petition of Mrs. A. Sanford and 83 others, of Rhode Island, asking for women equal protection with colored men in the exercise of their right to vote; which was referred to the Committee on Privileges and Elections.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CLAYTON, it was

Ordered, That the petition and papers of Joshua Hill be taken from the files and referred to the Committee on Claims.

On motion of Mr. HOWE, it was

Ordered, That the petition and papers of Amy A. Hough be taken from the files and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 238) permitting James McDonald, a warrant

officer of the Navy, to accept a silver medal from the government of Italy, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 269) to change the titles of certain naval officers, reported it with an amendment.

REPORT OF INDIAN EXPENDITURES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a resolution to print the letter of the Second Auditor of the Treasury, transmitting copies of the accounts of all persons charged with the disbursement of moneys and property for the Indian service from July 1, 1871, to June 30, 1872, to report against the printing of the document.

This report of the Second Auditor is made in conformity with the act of 1834 organizing the Indian Department, which requires that "copies of the expenditures of the Indian Department shall be annually laid before Congress at the commencement of the ensuing session by the proper accounting officers, together with a list of the names of all persons to whom money, goods, or effects had been delivered within said year for the benefit of Indians, specifying the amount and object for which it was intended, and showing who are delinquent, if any, in forwarding their accounts under the provisions of this act; and also a list of the names of all persons appointed or employed under this act, with the date of their appointment or employment, and the salary or pay of each."

This is doubtless a compliance with the law, but it does not furnish any information of value unless to an expert; and in the opinion of the Committee on Printing this voluminous document should be referred to the Committee on Indian Affairs, where it may be examined, and it be ascertained whether the appropriations have all been expended according to law, and if any of them can be dispensed with hereafter. It gives such information as this—I have noted one or two instances—one account of an Indian agent of money expended for beneficial objects, $300; for pay of employés, $2,300; for traveling expenses, $284—it does not say where to, or where from; for repair of Government teams, $29; for subsistence, $20,998, and for transportation, $22,928. This report shows that all the money appropriated has been very faithfully drawn, no doubt, but it does not show how it has been expended.

Mr. EDMUNDS. If it does not show how it has been expended it does not comply with the law or the spirit of the law; and I ask my friend whether, according to the requirement of the act of 1834, this report shows who are delinquents in managing Indian affairs, and who have not properly settled their accounts, which is of the greatest importance to us. We are not looking after the just men, but the unjust, in these reports.

Mr. ANTHONY. I have no doubt it does, though I have not examined it in that respect, because the letter from the Auditor says that this report is sent in compliance with this act.

Mr. EDMUNDS. Well, Mr. President, if the Senator himself does not know where or in what part—and I do not blame him for not knowing—such a statement appears, (and I cannot find it in looking at the document,) I move that it be recommitted to the committee, in order that they may see that it does really comply with the law. Then they can report it to us, and we can determine whether it should be printed or not. If it does not contain a complete statement of the delinquencies, then the officers who have sent it here have failed in the performance of a very important duty, and they ought to be informed of it, and required to obey the law themselves, as well as ask other people to obey it.

Mr. STEWART. I wish to remark, before this matter passes away, that I am very anxious, for one, to have a publication of this kind. We should have a publication on this subject, and I will undertake to send out all the copies I can get into the Indian country, because I want the people out there to see the amount of money that has been expended in their neighborhood in the Indian country. I supposed under the law that we were going to get the other facts referred to as to whom money has been paid to. I think such a publication at this time will tend to develop a good many important facts. We shall get information that we should not otherwise get if we publish the amount expended, to whom paid out, and by whom received. It may cost something to do it, but I think it will save much in the end. I hope this report will not be passed over without such publication as will bring to light the amount of money that has been expended in the Indian country.

Mr. ALLISON. I think some publication ought to be made of the expenditures in the Indian Bureau; but I think we ought to have, if we print at all, more information than appears to be contained in the manuscript now submitted. To know that A B received $10,000 is not very important, unless we know what he gave in consideration for it. Therefore it seems to me that we had better refer this back to the Second Auditor, and let him send in another communication, giving us some detail of facts in relation to these expenses more than simply that A B and C D received so much money.

Mr. HOWE. I was inclined to think when I looked at these accounts—differently from the Senator from Rhode Island—that this report was not in accordance with the law, and I am quite clear that the Senator is right when he says that the publication of these accounts would furnish no sort of information of any practical value whatever. Every year you make certain appropriations for the Indian service, appropriations to carry out the provisions of Indian treaties; so much to be paid to such a tribe, under such a treaty, for such a purpose: to build mills, to support schools, to employ farmers—specific sums. Now these accounts show that the agents for these tribes draw their warrants for gross sums—so many thousand dollars. That money is put into their hands; and opposite that sum, with which the Treasury is credited, they enter the sum which the agent accounts for. He receives $40,000, and the Treasury credits itself with $40,000 paid to the agent. In the next column the agent is credited with having spent the $40,000; but where one single dollar of it went to, on what account it was expended, you cannot learn from that document—whether it went to a farmer, or to a miller, or to a school, or whether it was expended for beef or for flour. I do not think that is a compliance with the statute:

> All persons whatsoever, charged or intrusted with the disbursement or application of money, goods, or effects of any kind for the benefit of the Indians, shall settle their accounts annually at the War Department on the 1st day of October.

And these accounts shall be reported. I should suppose such an account ought to show that the agent had received the money which was appropriated, and that he had expended the money to satisfy the very appropriation, and present such vouchers as he could get. This report does not show any such thing.

Mr. MORRILL, of Maine. Allow me to ask the Senator, does the statute provide that a report of those accounts shall be made to Congress?

Mr. HOWE. The statutes provide—

> And copies of the same shall be laid annually before Congress at the commencement of the ensuing session by the proper accounting officers.

Mr. ANTHONY. I have no objection to this document being recommitted, but the committee presumed that it was transmitted in accordance with law. We did not examine it with a view of ascertaining that fact. What the committee had to do was to ascertain whether this document contained any information that would be worth the cost of printing it. That the committee decided in the negative very promptly. It seems to me that it would be best to refer this voluminous document to the Committee on Indian Affairs, that they may examine it, or appoint some expert to examine it, and ascertain whether the money has been properly appropriated and properly accounted for. Otherwise I see no use whatever in sending it to Congress.

Mr. MORRILL, of Maine. If the question were one of printing, I should think it belonged to the Committee on Printing; but if it is one whether there has been a fair compliance on the part of the managers of the Indian Department with the law, and whether the information communicated is such as is beneficial to the public service, it seems to me it belongs to the Committee on Indian Affairs. On the whole, I think the document should be sent to the Committee on Indian Affairs, who will examine it with a view of seeing whether it is of any practical importance as touching the Indian service; and I think it very likely that it might be very valuable, that is to say, if there has been a strict compliance with the law in furnishing us the evidence upon which the whole thing touches.

Mr. SARGENT. Mr. President, the duty of the Committee on Appropriations is to report, among other regular appropriation bills, the Indian appropriation bill. In passing upon that bill, and reporting it to the Senate, and explaining its terms, they are compelled to see that the treaties are followed, that the amount owing to any particular tribe or individual by law is appropriated; and they have necessarily a greater familiarity with the appropriations than the Committee on Indian Affairs can have, or perhaps any other committee of this body. The Committee on Indian Affairs pass upon questions of general policy, whether this or that reservation ought to be established or abolished, whether this or that kind of treatment shall be extended towards the Indians. They do not have the examination or revision of the specific items of Indian appropriations. Now, if the object is to examine this document and see if it contains a report in detail or satisfactory of the expenditures of the moneys appropriated at the last session of Congress for the benefit of the Indian service, it seems to me that the committee most familiar with the subject and most able to give an intelligent opinion on the document to the Senate is the Committee on Appropriations. I therefore trust, if it is to be referred for that purpose, it will go to the Committee on Appropriations, which reports the annual Indian appropriation bill.

Mr. ANTHONY. I am quite indifferent where it goes.

Mr. EDMUNDS. I hope the Senate is not quite indifferent where it goes. I find in one of these statements that there is a column which purports to be "moneys appropriated and unaccounted for," which I suppose the Department imagine is a compliance with the act of 1834. I do not think it is; because they ought to state what has become of the subject, and why the money has not been accounted for and returned to the Treasury or expended. But in this one statement, which is a small part of the batch, as you can see, I find in the recapitulation that for the year ending the 30th of June, 1872, the amount of money paid out from the Treasury for the Indian service, and not accounted for in that one year, is $159,538.38.

Now, what I for one wish to have the Committee on Printing to do is, to take these papers which have been referred to them and go over them, as they are entirely able to do, with sufficient particularity to be enabled at least to report a resolution that this table of delinquencies, with the names of the delinquents and the date of delinquency, shall be printed for the use of the Senate and the information of the

public, so that we may be able to advise the Indian Department or the Department of the Interior in what way we are to recover this public money or have it accounted for. Somebody ought to be responsible for so large a loss in one year as $159,000—almost $160,000. Very likely it may turn out, and I hope it will, that this really overrates the amount of loss, and that it may merely consist in unsettled accounts; but when we get the document printed, and can all see it, we can then instruct the Committee on Indian Affairs to make inquiry into this subject through the Department, and ascertain what the truth really is. What this other vast mass contains, how much the delinquencies are there, I do not know; but for this single year there is so much. Therefore I think it proper that the document should be sent back to the Committee on Printing, that they may recommend the printing of such parts of it as show the amounts of money we have apparently lost, and in what way, so far as they can, we have lost them.

Mr. ANTHONY. I think that a detailed report, with vouchers, with all the explanations that are stated *en masse* in this voluminous document, would make twenty volumes. I do not know but that I got myself into difficulty by offering any explanations if it is going back to the Committee on Printing; but I think the proper committee would be the Committee on the Judiciary, because the laws would have to be altered in some respect if this report is not correct.

Mr. EDMUNDS. Why so?

Mr. ANTHONY. The law is not sufficiently stringent.

Mr. EDMUNDS. The law is sufficiently stringent, but the Committee on Printing do not enforce it. That is the trouble.

Mr. ANTHONY. But it would require some penalties which the Committee on the Judiciary should prescribe for the delinquencies of the office.

Mr. EDMUNDS. The law already prescribes the punishment of offenders against the United States in not accounting for public money, and my friend ought to know it. I assure him that there is law enough to compel the Interior Department and the Indian Department not to squander money. But I do not mean by this even to have it suspected that I suppose it to be squandered; but I say in the first place that they ought to be made to comply with the law, and then the Committee on Printing ought to enable us to see in print the report which they make to us, or the substance of this report, so that we may understand ourselves the propriety of having an inquiry into the subject of these apparently vast delinquencies. That is all.

I have no quarrel with my friend from Rhode Island. I should be glad to have his whole committee referred to the Committee on the Judiciary. It might improve the composition of that body very considerably, perhaps.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the communication be referred to the Committee on Printing.

The motion was agreed to.

SALE OF PROPERTY AT HARPER'S FERRY.

Mr. EDMUNDS. I am authorized by the Committee on the Judiciary, rather informally to be sure—but my friend from West Virginia [Mr. DAVIS] is anxious to obtain the information that he called for the other day—to return the resolution introduced by that Senator, asking the Attorney-General for certain statements about the Harper's Ferry property, with the recommendation that it be amended by striking out the word "detailed," so that it shall read "a statement of all the information," and then that it pass. I am informed by the Department of Justice that there is no objection to any part of the proceedings being made public, and I only move to strike out the word "detailed," in order to save a great deal of clerkly writing that will amount to nothing at all.

The PRESIDENT *pro tempore*. The Senator from Vermont reports from the Committee on the Judiciary a resolution, and asks its present consideration. Is there objection? The Chair hears none; and the Secretary will read the resolution.

The Chief Clerk read the resolution submitted by Mr. DAVIS on the 16th instant, as follows:

Resolved, That the Attorney-General of the United States be directed to furnish the Senate, at as early a day as practicable, a detailed statement of all the information in his office relative to the sale of the Government property at Harper's Ferry, West Virginia, and all suits in relation to said property, whether for purchase-money or otherwise.

The amendment of the Committee on the Judiciary, being to strike out the word "detailed" before "statement," was agreed to.

The resolution, as amended, was adopted.

LIQUOR TRAFFIC.

Mr. WRIGHT. The Committee on Finance, to whom was referred a great number of petitions on the subject and also a bill (S. No. 161) to provide for the appointment of a commission on the subject of the alcoholic liquor traffic, have had the same under consideration and instructed me to report the bill back with an amendment in the nature of a substitute for the entire bill, and to ask that the bill as thus amended shall pass. I desire to say that, in view of the great number of petitioners, their respectability, and the very clear justice of what they ask in the provisions of this bill, I shall take the earliest opportunity to call it up and ask for its passage.

The bill was placed on the Calendar, and the committee discharged from the further consideration of the petitions.

DAVID BRADEN.

Mr. WRIGHT. The Committee on Claims instruct me to report a bill on the petition of David Braden. The committee find in favor of the claim, and instruct me to report a bill allowing Mr. Braden $1,058; and at the request of the Senators from Indiana I desire to make a statement.

In the Forty-first Congress this bill was reported upon from the Committee on Military Affairs favorably, and then left upon the table without action. At the last Congress the Committee on Claims of the Senate reported again in favor of the bill for the relief of Mr. Braden, and it passed the Senate. It went to the House, and passed the House on the 3d day of March, just at the close of the last Congress. It did not reach the President in time for his signature. At their request, inasmuch as this bill has been reported upon favorably twice in the Senate, and has passed both Houses, and failed to receive the approval of the President only because it did not reach him in time, I ask that the bill be put on its passage now. It is for $1,058, a small amount, and I think the business of the Senate will justify me in asking for action on it at once.

Mr. MORTON. I hope the bill will be passed. It has been long delayed.

Mr. INGALLS. I have no idea of voting against the bill; but it will be some satisfaction to know upon what the claim is founded.

Mr. EDMUNDS. Let us have it explained, subject to objection, so that it may go over after the explanation if there be objection.

The bill (S. No. 353) for the relief of David Braden, was read twice. It directs the Secretary of the Treasury to pay to David Braden, late captain and assistant adjutant-general of volunteers, for commutation of quarters and fuel and three months' extra pay, under the act of March 3, 1865, the sum of $1,058.

Mr. EDMUNDS. Now let us hear it explained.

Mr. WRIGHT. The bill itself is the best explanation. The substance of it is that this party claims to be entitled to three months' extra pay, and to the commutation spoken of; and the testimony clearly establishes that he has not been paid this three months' extra pay, nor has he been paid this commutation.

Mr. EDMUNDS. How did it happen that he was not paid? Why did he not get the money as other people did?

Mr. WRIGHT. The difficulty was this: he was detailed by order of the Secretary of War to act as provost-marshal, and it was decided by the Department that inasmuch as he was thus detailed, though he was acting by the order of his superior officer, he was not entitled to this extra pay; nor was he entitled to commutation, for the reason that he was thus detailed.

Mr. EDMUNDS. To whom was the extra pay to be given?

Mr. WRIGHT. To this officer.

Mr. EDMUNDS. Yes; but I mean by the law. You say he was not entitled to it because he was detailed to act as provost-marshal. Now, what class of people were entitled to it?

Mr. WRIGHT. Officers and soldiers were entitled to three months' extra pay under section 4 of the act of 1864, as I now remember.

Mr. EDMUNDS. What were they to be doing to be entitled to it?

Mr. WRIGHT. There was no provision on that subject.

Mr. EDMUNDS. I do not wish to discuss this matter with my friend; I only desire information; but if this gentleman—being an officer in the Army—was by statute entitled, while a soldier, to three months' extra pay at his discharge, it seems very strange indeed that because he was detailed to special service he did not come within the law, unless the law says that people detailed for special service do not come within it. Can my friend state the substance of the act of 1864; and can he also at the same time tell us whether the money this gentleman received as provost-marshal was or was not in excess of the regular pay of the grade to which he really belonged?

Mr. WRIGHT. I will state that he was detailed by order of the Secretary of War to act as provost-marshal for the sixth district of Indiana, and he did serve as such. He served also until the close of the war and until he was discharged in December, 1865. Now the Department decides that, inasmuch as he was thus detailed as provost-marshal, and whatever his pay as provost-marshal, he was not entitled to the three months' extra pay given to soldiers under this act.

Mr. EDMUNDS. That does not answer my question; that is, how did his pay as provost-marshal compare with the regular rate he would have received had he been in the field, acting in his proper grade according to his proper rank?

Mr. WRIGHT. My recollection is that his pay as provost-marshal was perhaps about the same as his pay as assistant adjutant-general. He was acting as assistant adjutant-general in the Army at the time he was thus detailed.

Mr. EDMUNDS. How does the pay of an assistant adjutant-general compare with the pay of the rank this man actually held?

Mr. WRIGHT. About the same, as I understand. I do not see, however, that it makes any difference whether it was more or less, for the reason that, whatever pay he may have received after that, he was entitled to this three months' extra pay as assistant adjutant-general under the law. Now the Department decides that because he was thus detailed he was not entitled to the three months' extra pay.

Mr. EDMUNDS. Will the Senator please read us the law, and then we will understand it?

Mr. WRIGHT. That law will be found in the thirteenth volume of the Statutes. I have it not before me now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONFISCATION OF UNDERVALUED MERCHANDISE.

Mr. MORRILL, of Vermont. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 85) explanatory of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799; and also of the act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March 3, 1863, to report it back without amendment; and as it is of some public importance, I will ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that nothing contained in the sixty-sixth section of the act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799, shall be so construed as to vitiate or involve the confiscation of an entire invoice in consequence of any item or items contained in the same being undervalued, but that such confiscation shall only apply to the merchandise actually undervalued in the entered invoice; and so much of section 1 of the act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March 3, 1863, is in like manner to be construed as provided for in the foregoing portion of this section.

Mr. MORRILL, of Vermont. I will say that in the opinion of the Finance Committee this bill does not change the law from what it now is; and it has also been decided that this is the law by the Supreme Court of the United States by a decision made by Mr. Justice Clifford. But there has been a diversity of ruling in the Department in relation to the matter; and in order to set it at rest, that only the article in the invoice that is undervalued is to be confiscated or subjected to penalty, this bill is reported.

Mr. EDMUNDS. How is it about carriages on the northern frontier?

Mr. MORRILL, of Vermont. This merely relates to the general law upon the subject of invoices.

Mr. EDMUNDS. Is there not some danger that you are opening the door there to non-confiscation?

Mr. MORRILL, of Vermont. I will say that so far as the committee have investigated it, they believe that the bill ought to be passed, and ought to be passed now; and the opinion of the Department is to the same effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH NOCK.

Mr. PRATT. The Committee on Claims, to whom was referred the bill (S. No. 157) for the relief of Joseph Nock, and the memorial of this claimant, dated May 9, 1872, addressed to the Committees on Claims of the two Houses of Congress, have had the same under consideration, and directed me to report the bill back to the Senate without amendment, and to recommend its indefinite postponement, and that the memorial of the claimant be disallowed.

It is proper that I should add a word of explanation. I want to make a final disposition of this case, if it be possible to do that. It has been before Congress, at different intervals, from the year 1841 to this present year of grace. It has been twice before the Court of Claims under a reference of Congress, and, at the December term, 1866, a decision was rendered awarding to Mr. Nock some $27,000. That judgment has been paid. It has been acquiesced in, the money received under it, and the judgment fully discharged. He does not, in his present memorial or in his papers, make any reference to that decision; but in the investigation of the case I came across the decision rendered by the Court of Claims. He claims in his present memorial, and in the bill that has been introduced by my friend from Iowa, some $300,000, making no allowance whatever for what has been paid already under the decision of the Court of Claims.

Now, if there be any mode of legislation by which we can put a finality to this claim, I shall beg some Senator to make the requisite motion, so that we shall render judgment against this claimant perpetually. Congress has been teased with this case since 1841. The reports made by the different committees to whom it has been referred make a respectable volume. It was once referred to the Solicitor of the Treasury, and he occupied twenty-nine closely printed pages in discussing Mr. Nock's claim. My present motion is for the indefinite postponement of the bill and the disallowance of the memorial.

Mr. SHERMAN. I move that the bill be rejected. That is the best way.

Mr. PRATT. Very well; let the bill be rejected.

The PRESIDENT *pro tempore*. It is moved that the bill be rejected.

Mr. MORRILL, of Maine. If there is any motion that would be more decisive I should like to know what it is. I know of other claims of a similar character that I dare say antedate this very much in antiquity, that have been floating around this Chamber for thirty years, and have come up fresh twice since the Forty-first Congress, and have been reported upon, not only adversely, but with very great emphasis, with a view of putting a final end to them, and yet they return here to trouble us constantly. I dare say they will appear here again at this session, though they were reported on adversely at the last session. I do not know that there is any remedy, and I doubt if there is. If this claim be rejected, at the next session it will be taken from the files and referred to another committee.

Mr. EDMUNDS. The remedy is apparent enough.

Mr. MORRILL, of Maine. What is it?

Mr. EDMUNDS. By a rule of the Senate.

Mr. SCOTT. The Senator from Indiana, while he is desiring to accomplish the same purpose that I have, has perhaps failed to employ the very words that are necessary to do all that he can do to prevent a repetition of this same report. The proper motion to make to bring it within the rule will be that the report be adopted. That, under the rule of the Senate, prevents the claim from being again taken from the files of the Senate unless there be a new petition stating that there is new evidence to be brought before the committee. I trust that will be the motion the Senator will make, that the report be adopted.

Mr. PRATT. I will substitute that motion.

Mr. HOWE. Now let me suggest to both the Senator from Pennsylvania and the Senator from Indiana that their own ample experience should instruct them how inadequate will be the security even of that motion, because any morning a Senator who knows nothing about the history of the claim may be invited to just ask to have an order made to have the papers in such a case taken from the files and referred to a committee. As a matter of courtesy he does it. He does not know whether there has been a report or not, and, in the hurry of business, the question is not asked. So the case again goes to a committee. I do not know of any adequate security against the repetition of these claims, unless you require by statute upon the recommittal of a claim which has once been rejected that the claimant shall pay costs; if rejected again, and he appears the third time, that he shall be sent to the State prison; and if he appears a fourth time, he shall be hanged, [laughter;] and in process of time you will get rid of such claimants if you enforce such a law.

Mr. SCOTT. I am entirely aware that perhaps even the ingenuity of the Senator from Wisconsin will not enable us to get rid of the provision which authorizes citizens to come here by petition and ask for a redress of grievances; but I have endeavored to make it as public as possible that the Committee on Claims will do all they can do, under Rule 49 of the Senate, to prevent the reference of claims that have already been passed upon; and, even at the risk of repeating it, I will again give notice that where Rule 49 of the Senate is violated, even unknowingly, by members of the Senate, where a claim is referred which has been previously rejected, it receives no examination whatever in the committee; but the simple fact that it has been rejected, and that it comes back without the petition required by the rule, will be acted upon, and it will be reported back without any examination of the papers whatever. So that Senators who are appealed to to get an order for the reference of papers will not be conferring any advantage upon their friends unless they first ascertain whether there has been an adverse report. I hope the report in this case will be adopted.

The PRESIDENT *pro tempore*. The question on this bill is, Shall it be engrossed and read the third time?

Mr. EDMUNDS. I thought the motion was to adopt the report.

Mr. SCOTT. The motion now is that the report be adopted.

The PRESIDENT *pro tempore*. The Chair understands the attitude of the matter to be this: The Committee on Claims report back a bill and ask for its present consideration with a view to have it rejected for reasons assigned in the report. The way to accomplish this, as the Chair understands, is to put the question on the third reading of the bill, and if that is voted down the bill cannot go to its passage, but is rejected, and that adopts the report. The question is on reading the bill the third time.

The question being put, it was decided in the negative. So the bill was rejected and the adverse report adopted.

Mr. PRATT. I did not make a formal motion that the report in this case, which I have taken some pains to write, be printed. I submit that motion now.

The motion was agreed to.

JOHN COLTER.

Mr. FENTON. The Committee on Finance, to whom was referred the bill (H. R. No. 131) for the relief of John Colter, having considered the same, report it back, and recommend that it do not pass, for the reasons set forth in a letter from the Commissioner of Internal Revenue, which accompanies this report. I should be glad, unless some Senator asks for the reading of the Commissioner's letter, to have action upon the report now.

The PRESIDENT *pro tempore*. Does the Senator ask that the bill be indefinitely postponed?

Mr. SHERMAN. Is that the motion that ends all controversy; or ought not the vote to be taken on the third reading of the bill, and have it rejected?

The PRESIDENT *pro tempore*. Technically, the Chair understands that the bill is rejected by the Senate refusing to read it a third time. The Senator from New York reports from the Committee on

Finance the bill indicated by him, and asks for its present consideration with a view to its being rejected. The Chair will put the question on the third reading of the bill.

The question was put, and determined in the negative. So the bill was rejected.

BILLS INTRODUCED.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 354) for the relief of Jordan & McPike; which was read twice by its title.

Mr. STEWART. This bill was once reported in the House of Representatives from the Committee on Claims by Mr. WILLARD, of Vermont. It was examined and carefully reported upon. At the last session of Congress I introduced it here, but our committee did not have time to examine it. I hope the committee will now examine it carefully. It is certainly a very meritorious claim, and the report made by Mr. WILLARD was very carefully prepared. I now move that the papers in this case be withdrawn from the files, and referred, with the bill, to the Committee on Claims.

The motion was agreed to.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 355) to provide for ascertaining losses sustained by citizens of Oregon by reason of Indian depredations; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 356) to authorize the construction of a breakwater at Port Orford, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 357) to provide for a geological survey of the State of West Virginia; which was read twice by its title, referred to the Committee on Agriculture, and ordered to be printed.

Mr. CROZIER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 358) to amend an act to provide for the establishment of a military prison, and for its government, approved March 3, 1873; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 359) to incorporate the Colorado and New Mexico Railway Company, and to grant the right of way over the public lands; which was read twice by its title.

Mr. INGALLS. I move that the bill be referred to the Committee on Public Lands.

Mr. EDMUNDS. That bill ought to go to the Committee on Territories, if it is to incorporate a railway in the Territories.

Mr. INGALLS. Very well; I have no objection to that reference.

The bill was referred to the Committee on Territories.

JUDICIAL EXPENSES IN WASHINGTON TERRITORY.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire whether the judicial expenses for the Territory of Washington may be properly diminished by reducing the number of places for holding court in that Territory, or otherwise, and to report thereon.

THE CONGRESSIONAL RECORD.

Mr. ANTHONY. I offer the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That it shall not be lawful for the Congressional Printer to publish in the CONGRESSIONAL RECORD any speech, or portion of a speech, not actually delivered in the Senate or in the House of Representatives.

I shall not ask for its present consideration, but that it may be referred to the Committee on Printing.

The resolution was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1393) providing for the assignment of judges in the Territories; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 215) in relation to the printing of the Biennial Register, commonly called the Blue Book.

THE CURRENCY—SPECIE PAYMENTS.

The PRESIDENT *pro tempore*. The morning hour has expired, and the Senate resumes the consideration of the unfinished business, which is the resolution reported from the Committee on Finance.

Mr. MERRIMON. Mr. President, it is scarcely possible to overstate the importance, I might add the dryness, of a variety of topics embraced by the resolution and the proposed amendments to it, now under consideration. They affect in a high degree, either directly or indirectly, every material interest of the people and the Government, and they merit the most serious and scrutinizing consideration. This protracted debate, therefore, will not be in vain; on the contrary, I trust it will result in the permanent advancement of the general good. I do not flatter myself with the hope that I shall be able to offer anything very new. I venture to trust, however, that I shall be able to present some pertinent thoughts in a new light, and thus aid in the discharge of a duty which devolves upon us all, not free from embarrassment; and I invoke the patience of the Senate while I state what I have to say as strongly and briefly as possible, to make myself understood.

All experience goes to show that it is very difficult to ascertain and correctly measure the economical relations, necessities, and wants of society, especially under a high state of rapidly advancing civilization; and, however difficult such an undertaking may be, it is less so than that of supplying such wants through the instrumentalities of Government. This remark applies to all peoples in all times, and with peculiar force and point to our own country. These difficulties and these peculiarities that apply to us arise from a multiplicity and diversity of causes and considerations which underlie our whole fabric of society and government, and may be aptly termed fundamental facts; and they are such as Congress cannot ignore in devising and establishing a monetary system, without hazarding the most important rights of the people.

I have said that these causes and considerations are fundamental in their character, and I desire to advert to them briefly at the very outset of what I have to say, because, in my judgment, they materially affect the moral, the intellectual, the physical, and the material interests of the whole country; and in no respect are they more important, and ought they to be more cautiously considered, than in devising and establishing a monetary system for the country. It is because I desire to draw attention to them particularly, and ask the Senate to keep them steadily in view, that I refer to them in the very outset and treat them as fundamental.

It ought never to be lost sight of in discussions of this sort that we are comparatively a new people. We are less than a century old. The United States have just begun the race of nations; yet what do we behold? They have a population of 41,000,000 people; they have a territorial area of more than three and a half millions of square miles, stretching from the Atlantic Ocean on the east to the Pacific on the west, from the great lakes, including Alaska, on the north to the Gulf of Mexico and Mexico on the south. They embrace almost every variety of soil and climate, and their productions are as varied as their soil and climate. The advancement that they have made is wonderful in all the departments of industrial pursuit, as well as in the progress of general civilization. They have vast navigable lakes, rivers, and seas. They have more than 60,000 miles of railway already completed, half as many more projected, with a large percentage of those in process of construction, and more than 70,000 miles of telegraph lines. Their agricultural pursuits are extremely varied. In one locality the staple is sugar; in another it is rice; in another tropical and semi-tropical fruits; in another cotton; in another tobacco; in another hemp; in another Indian corn; in another wheat; and these and many more productions are raised in all sections more or less. Our mineral resources are almost unparalleled by those of any country in the world for kind, quality, and supply. We have copper, iron, lead, gold, and silver. Our mines are inexhaustible. We have sufficient deposits of coal to supply the whole world for centuries. The rapid accumulation of our wealth is astonishing to every economist. Although, as I said a moment ago, this Government is less than a century old, yet the aggregate value of our real and personal property is more than $40,000,000,000; the annual productions of the country are in the neighborhood of $6,000,000,000; and the increase has gone on with a rapidity that is astonishing to contemplate. Our imports and exports amount to more than $1,200,000,000 per annum. We are a highly commercial people, and in the highway of nations. In some localities our population is dense; in others it is less so; in others still it is sparse. In one section, as I have remarked, a high state of commercial activity prevails, in another we have manufacturing interests wonderful in their extent and rapidly increasing, and we have a multitude of employments throughout the vast extent of our country. Our intercommunication in some localities is very rapid; in others it is slow; and in others it is slower still. Our material development is just begun.

These peculiar characteristics and resources appear in a stronger light when we contrast them with those of some of the other great commercial nations of the earth.

Take England, for example—I speak of England proper. England has a population of 21,000,000; it has a territorial area of a fraction over 50,000 square miles; it is just about the size of my own State. There is little variety in its climate. The whole country is densely populated; they have vast commercial and manufacturing cities and towns; their means of communication are rapid and great; they have the greatest facilities; and they communicate with the whole civilized world. Their country is developed. I am proud to say for our own country that we are abreast in the march of civilization with England and the other nations of the earth; but England is a developed country. It is to-day comparatively an ancient country. They have had all the advantages of the civilization that preceded the time when we had no existence as a people at all; and yet we are up with them in many respects, and far ahead of them in many others.

Take the British isles together. They have a population of 31,000,000. They have a territorial area of 120,000 square miles, a little more than double the area of my own State. There is comparatively little variety of soil; but the population in the greater portion of the various localities is dense; their intercommunication is rapid and great, and their facilities increase in that respect constantly.

Take France as another illustration of the force of the peculiar characteristics that I have attributed to our own country. France has a population of 37,000,000, and a territorial area of 190,000 square miles. It is also an ancient, developed country. They have considered and availed themselves of every economical advantage. Their intercommunication is great. There is a great sameness in their wants. They understand applied labor and the co-operative system of labor more thoroughly than we do in this country.

In view of this contrast, is not the advancement that this country has made wonderful, and is it astonishing that our wants have kept pace with the advancement we have thus made?

Mr. President, these facts go to show that our country is emphatically a commercial country as well as a producing country. We enjoy the advantage of being a highly commercial people as well as a manufacturing and producing people. We embody every advantage that a nation could possess. I believe I do not venture too much when I say that we are blessed richly above all other nations upon the face of the globe!

If this is true, we are in the highway of nations; we are of the nations of the earth; we are of the commercial peoples of the world; and we are bound by the great laws of commerce that permeate civilization, and which are not written in statute-books. There are certain laws of commerce that permeate civilization, that go wherever commerce goes, that control and direct its interests, that are not made by congresses, or parliaments, or legislatures. They are written, as it were, by the finger of God when He organized society in pursuance of His eternal will. These laws of commerce are universal. We cannot escape from them if we would. If we were to pass a statute here to-day denying their validity, the forces of commerce, the forces of society, would revoke it, and it would be a virtual nullity or our nation would be ground to powder in resisting their force.

One of the great necessities of society, especially of commerce, is a means of exchange. I need not here go into an explanation of what is meant by exchange, although I beg pardon for adverting to some fundamental principles, because I have always found that in resorting to such principles I generally come to more correct conclusions. Commerce requires a medium of exchange. If there was no medium of exchange the world would have no exchange but barter, and the interest, not only of this country, but of all countries, would be greatly impaired in that respect. Commercial nations, therefore, have not been slow to devise a means of exchange. What is that means of exchange? It is money. What, then, is money? A general definition of it would be that it is the means of exchange; but it means much more than that. Money implies essential value. It is of the essence of money that it shall have value in it; and the experience of the world from the earliest periods down to the present time is that nothing constitutes this medium of exchange except gold and silver; and because coin has thus been designated by the growth of commerce, by what I may term the eternal laws of commerce, it is valuable as a medium of exchange at all times, in all countries, and under all circumstances. Money implies essential value, and it is not affected in this respect by war or by peace; it is not affected by prosperity or adversity; it is not affected by one country or by another country. Wherever it is seen, wherever it makes its appearance, it has value in it.

If one who holds money—and there is no money but gold and silver, and I wish that steadily kept in view—were to take his gold or silver and lock it up in his coffers and keep it there until the day of his death, and his children were to keep it a generation after he died, it would be just as valuable to effect exchanges at the end of a century as it was the day it was put there. Though wars should come, though pestilence should come, it would still preserve its value. The reason of that is that it is universally recognized as the medium of exchange by all the world; and we find that for the normal condition of commerce there is about a sufficient quantity of the precious metals found in the world to answer this purpose; and this is so verily and completely so that it would seem that the Almighty had provided these substances to answer this very purpose.

I make these remarks, Mr. President, for the purpose of directing the attention of the Senate to the fact, which is material for my purpose, that there is no money of commerce, there is no standard of value but gold and silver; and though Congress should pass a law to-morrow declaring that gold and silver should not be used for the purposes of exchange, that coin should be driven from the country, such a statute would be practically a nullity; for if a citizen of this country in that case should have a gold coin in his pocket, whether it be a British coin, or an American coin, or a French coin, it still would have value in spite of the statute. It might be that the law would crush out the use of it here, but in the other nations of the earth it would pass as current as coin does here this day.

But, Mr. President, this is not only the medium of exchange established by the laws of commerce, which are irrepealable, which are not written in statute-books, but the founders of our Constitution recognized it as the only true and lawful medium. Look at the debates upon this subject in the Convention that framed the Constitution, and it will be seen that they so recognized it. They provided in the Constitution, having in view that state of commercial and industrial prosperity that we experience to-day, that the national Government alone should have the power to coin money and to regulate its value. Furthermore they provided that the Congress should have the power to pass laws providing for the punishment of those who should counterfeit it. The Constitution provides further, having again in view this mighty commerce that we enjoy to-day, that the States should not have the power to make anything else a legal tender in discharge of debts but gold and silver. It was not only so understood by the framers of our Constitution; it was not only so written in the Constitution itself, but the practice of our Government, from its earliest existence down to the time the late war broke out, sustained the Constitution and the policy inaugurated by the framers of the Government.

A point I wish to make here and to draw attention to is this, that it is impossible to make any other medium of exchange equal to this in point of value and in the power to purchase and to effect exchanges. Am I correct in that? Let me illustrate to make my point more forcible.

There is a person who is known to have in his coffers $10,000 in gold coin; he is known to be a person of the highest integrity, who performs his promises, and discharges his obligations regularly when made. He issues his promise to pay, evidenced by a paper writing in the shape of a bank-note. In this case, it must be seen that the paper is presently convertible into specie; but is that paper as good as the coin? Manifestly not. Why? Peradventure the man, though he has the gold in his coffers, and has the integrity in his heart, and would redeem his promise, may die before the holder of his promise to pay can present it, in which case the administrator could not pay it presently. Peradventure, misfortune may occur; a fire may burn up all his wealth. Perhaps a devastating army may pass along and capture or destroy all his wealth. In that case, even where the party had the gold in his coffers, where he had all the integrity and all the willingness to pay, the paper promise is not equal to the gold.

Let us take another case to make this view stronger still. This person, let us say, has great wealth; he has lands, horses, goods in great variety; he is a man of high integrity, but he has no gold. He issues his promise to pay in like manner. That promise to pay is still less valuable. Why? Because the holder, when he presents it, knows that he cannot get the gold for it. He knows that he will have to wait an indefinite time for it; he may not get it when he wants it; he would therefore prefer the coin in hand; then there could be no hazard.

I put these cases to show that it is practically impossible to make any credit currency equal to gold and silver, and therefore I say, with all respect, the gentlemen who take a different view and who insist that we can make our present currency—to which I shall advert more at large presently—equal to gold and silver, undertake to accomplish that which is impossible in the very nature of things. It is beyond possibility to make our present credit currency equal to gold and silver, and, in my judgment, it is idle to talk about it. It never has been done in any like case in the history of the world; it never will or can be done.

Without going into the matter of our currency, I will refer to it here very briefly to illustrate the point I am upon. I think we have a country that enjoys the confidence of its people about as largely as any country upon the face of the earth. It has performed wonders in preserving the life of the nation. It has the vast resources of which I have spoken. It was forced to issue a currency called "greenbacks." With all the credit of this nation, with all its capacity to pay, with all the chivalry of its people to back it, with the honor of its Congress, and with the honor and faith of its people plighted, what has been the character of this currency? From the day it was issued down to this time it has averaged a less value than the gold standard by 20 per cent. That is not stating the fact too strongly. It has been less valuable than gold by 20 per cent. It never came below 8 per cent. It did go down to 8 per cent. in November last, I believe, but that was under a peculiar stress of circumstances, during the panic. In a normal state of things it has never come nearer in the general average to the standard of gold than 20 per cent., if that. If, then, we have such credit; if there are such circumstances to encourage a currency of this sort, and still the difference is an average of 20 per cent. between the gold standard and the value of "greenbacks," who can say with any show of reason that it is possible under any circumstances to make a credit currency equal to gold?

One gentleman said, the other day, "Contract the currency and you will get it down." You might reduce the volume to $100,000,000 and it would not be any nearer gold than it is to-day; for although $100,000,000 distributed over this country might make prices and property higher, gold would still preserve its relative relation to greenbacks; there would be the same average difference, the same per centage of difference, between gold and greenbacks in that case that exists to-day. The point I wish to make is, that it is idle, it is worse than idle, it is a mockery, and it is criminal for Congress, to undertake to bring greenbacks up to the standard of value that is established by gold and silver; and, in my judgment, we ought not to talk or think about it any longer.

Then, sir, according to all experience, according to the spirit of the framers of our Constitution, according to the Constitution itself, according to the practice of our Government, according to reason and truth, in order to put ourselves upon a level with the commercial nations of the earth, and in order to avail ourselves of the advantages of the laws of commerce, which are irrepealable, in order to make our people equal with other peoples, what do we want? We want a gold and silver basis of exchange, and we will never be upon an

equality with the nations of the earth, we can never have the complete advantages of commerce, until we return to it; and, therefore, I say we ought to return to the specie basis as soon as it may be done consistently with the circumstances of the country; and I will allude to these more fully after a little while.

I repeat, that the point I wish to make here is—and I desire to keep it steadily before the Senate—that nothing is money but gold and silver, that nothing is recognized by the commercial world but gold and silver, and that we cannot have the advantages of the laws of commerce until we establish a medium of exchange based upon these.

We had this species of exchange down to 1861. In 1860, growing out of the long agitation of the slavery question, the country was precipitated into a revolution, and a civil war resulted of vast proportions. The very existence of the Government was jeopardized. Its warmest and most devoted friends at times almost desponded and trembled, and feared for the result. What was the effect of that war upon the money of the country? The effect of it was, as is the effect of all wars, to drive specie, (gold and silver,) which is always timid, into the coffers of the banks and of those who held it. That result grew out of the fact that men are careful of what is valuable to them; they take care of that, whatever else may come. There is another consideration that leads to it. When a state of war prevails the country is in an unnatural condition; the monetary wants of the people, the Government, are greatly multiplied; and then the volume of exchange must be suddenly and largely increased. The wants of the country become so great that the money in it, if it could be had, is not sufficient to supply the unnatural demand at the time the war happens and during its progress. It has been seldom in the history of nations that a nation could conduct a war using only gold and silver to effect its exchanges. In the present high state of civilization, I venture to say there is not a nation on earth that could do it. What was the result then? The result was what always happens—gold and silver went out of circulation. What was the Government forced to do? The Government was forced to resort to a credit currency—to a forced loan upon the people.

The result of the war was an increase of the public debt, a mighty increase; and let me at this point state it correctly. By reason of the war, including the debt that was in existence at the time the war began, the public debt on the 1st of January, 1874, was $2,291,792,287.60. Of this debt $1,722,206,950 bears coin interest. There are $14,678,000 bearing interest payable in greenbacks. There are $11,070,880.26 upon which interest has ceased to accrue; and there are $501,289,436.90 that bear no interest. The debt makes up the aggregate amount I have stated.

The country was not only forced to incur this debt in order to suppress the revolution in the South, but they had to adopt a currency to answer the purposes of exchange. There was no gold and silver to answer such purpose, and, as I have said, they were forced to use a credit currency.

Let me remark here that that is the currency of the poorest value of any. There are four sorts of currency. There is a value currency, that is, gold and silver. There is a pure credit currency, as in the case of our greenback. There is a mixed currency, and this is a currency that is founded upon gold and silver, and convertible into these. There is a commercial currency, which is bills of exchange, drafts drawn upon actual value, &c. The least valuable of all these currencies is the pure credit currency, and that is the currency that the Government was forced to adopt in order to carry on the war.

How much of that was provided? Four hundred and fifty million dollars of legal-tender notes—greenbacks as they are commonly called; $50,000,000 of this sum was a temporary loan; $400,000,000 was the maximum of the circulation. Under the law that authorized a contraction of the volume of the currency, $44,000,000 were withdrawn from the circulation, and that is what is commonly called in the debate here the "reserve fund" in the Treasury. So that the amount of this credit currency out at this time properly, is $356,000,000. But that $356,000,000 was found inadequate to answer the purposes of the Government and the country, and hence our present banking system was devised and established, a wise system in view of the exigencies of the country and the circumstances at the time it was established. By this banking system there was added to the volume of greenback currency $354,000,000 of bank or national currency circulation. Then there were $50,000,000 of fractional currency to answer the smaller purposes of exchanges. Then, what is the volume of this credit currency? Let us see. The bank circulation authorized by law is $354,000,000; the greenback circulation is $356,000,000; the fractional currency circulation is $50,000,000. These added together make $760,000,000, and that is the gross volume of currency circulation allowed by law in this country. By a provision in the national banking law the banks are required to keep on hand a reserve fund in greenbacks, legal-tender notes. That reserve is equal to $200,000,000, and that much of the greenback circulation is not in circulation.

Mr. SHERMAN. I should like to correct my friend on that point, because I know he does not want to be in error.

Mr. MERRIMON. I am sure I do not.

Mr. SHERMAN. Three-fifths of that reserve, as it is called, may be in the form of credits and not in the form of greenbacks; and therefore only so much of it as is maintained in the form of greenbacks, in what is called the reserve of the banks, is withdrawn from the general circulation of the country.

Mr. MERRIMON. What amount, then, will the Senator say is in circulation?

Mr. SHERMAN. I can give the Senator the precise amount in a moment. I will send for the report.

Mr. MERRIMON. I will thank him to do so. But I have put it down at $200,000,000, and I will go on with my calculation. If the Senator corrects me, I will accept his correction. Deducting that $200,000,000 the circulation of the country is $560,000,000. That is the volume of our circulation at this time, exclusive of the $44,000,000 of reserve which are going into circulation at this time. A large percentage of it is already out, I believe.

Now, Mr. President, the point I desire to make here, and I wish to make it as clearly and as strongly as I can, is this: that when there was a suspension of specie payment in the fall of 1861, and the greenback system was devised, this country adopted a medium of exchanges entirely distinct, less valuable, upon a different basis from gold and silver, and in substitution for these.

Mr. SHERMAN. I can give the Senator the statement now if he desires it. The total amount of legal-tender notes held by the banks as part of their reserve at the time of this report, dated September 12, 1873—the last official statement we have—was $92,347,663. That was the aggregate held by nineteen hundred and seventy-six banks, according to the report of the Comptroller of the Currency.

Mr. MERRIMON. I suppose, then, it would be fair to say there are a hundred millions retired in that way?

Mr. SHERMAN. About that.

Mr. MERRIMON. That would leave in circulation $660,000,000, if they were all out and employed. But there is a very large percentage of circulation that is not employed at any time; much of it is hoarded, and it is not active, for many considerations that are manifest to any one acquainted with such subjects.

But to go back to the point I was at: I say that, when the greenback or legal-tender system was adopted, growing out of the exigencies of the country, the necessity of the times, a different medium of exchange was established by law in this country, and it was a medium of exchange founded entirely upon credit. What was the effect of that? The effect was what I stated awhile ago, to wit, a currency less valuable than gold—a currency that has averaged, from the time of its adoption until now, when you measure it by gold, a less value than gold of more than 20 per cent. Its value has been 20 per cent. less than that of gold and silver.

Then, sir, in the first place, what do we see? The Government has had $400,000,000 of the people's money without interest from the time this greenback system began, in 1862, until now. What does this interest amount to? Sixty-six per cent. of the whole amount. The people, in the first place, by reason of this credit currency, have been deprived of 66 per cent. of the gross amount from that day to this that they ought to have had in the way of interest. The Government has had that much of their money without interest or advantage of any kind; and more than this, they have been furnished with a currency 20 per cent. less valuable than that of other nations. I am not complaining. The exigencies of the country required that such shifts should be resorted to. There is a just ground of complaint, however, that I intended to mention by and by; but I will advert to it now—not to enlarge upon it—and it is this: Congress has not done its duty—I mean nothing offensive—in providing before this time for a return to specie payments. That is not the worst of it. The people have not only lost 66 per cent. of this $400,000,000, in interest due upon this forced loan, that in all fairness they were and are entitled to, but they have been furnished with a currency of less value than gold by 20 per cent. Make the calculation, and it will appear that the people of the United States have lost 20 per cent. from the time this system began in all their exchanges down to the present moment. If that were cast up it would amount to millions of dollars. That has been the effect of this pure credit system—the greenback system.

Notwithstanding this depreciation; notwithstanding the people have been deprived of the interest that they ought to have had upon this money; notwithstanding the pledges of the Government to redeem this currency, Congress has failed until now to adopt any means to relieve the people. What, then, is our present duty? The condition of the country at this time is what we have seen; it is not going to grow any better if Congress fails to take some remedial action. I said awhile ago some gentlemen propose to pursue some line of policy, irregular in its character, to force greenbacks up to the value of gold; they propose a policy by which you may squeeze, if I may be allowed that term, greenbacks up to the standard value of gold. That cannot be done. It is a practical impossibility, as I think I have shown; you cannot do it in the very nature of things. If this greenback system is to continue, this system of depreciation is to continue; and this forced loan is to continue, to the continued detriment of the people as one of the fruits and results of the war. The war is behind us; reconstruction is behind us; everything of the war is behind us save this forced loan; and I say that it is the duty of Congress to rid the country of that at the earliest possible moment.

But that is not all; the Government is solemnly pledged to do it. Then, sir, it is the duty, I believe everybody here concedes that it is the duty, of the Government to return to the specie basis, that recognized by the Constitution, as soon as practicable. How shall that be done? That is the great question. And what shall be done for the country between now and the time when specie payments shall be resumed?

My opinions, without very great experience, but with some reflection on my part, may not be worth a great deal; but I intend to express them frankly. I shall keep nothing back; and I have been surprised that in the discussion here I have not heard a single definite plan suggested by which the country can get back to specie payments; every one seems to dread to suggest a plan and a time.

I suggest this plan for getting back: The 4th day of July, 1876, is the centennial natal day of our independence. I trust, sir, that glorious events will transpire on that day, and among them I desire that this country shall return to specie payments on that day. How is that to be done? It is very easily done. One plan is this: let the gold accumulate in the Treasury; that is, the sum received over and above the amount necessary to pay the interest on the public debt until that day. If that is not sufficient, put upon the market a bond that will sell for gold at par—a 5 or 6 per cent. bond; put the money in the Treasury, and on the 4th day of July, 1876, let every greenback in the land be redeemed. What will be the result of that? The result of that will be that the banks of the country will get a large part of the gold, and they will have a dollar in coin for every dollar of their currency. Then I would provide by law that we should return to specie payments on the 4th day of July, 1876; and I would provide the gold for this purpose in the way I have indicated.

Some one may say, "If you allow the gold to accumulate in the Treasury you will not get interest;" or some one may say, "If you do not allow it to accumulate there and you put a bond on the market to borrow it, then you have to pay interest." Let us see what there is in that. As I have already said, the Government has had $400,000,000 from the people for eleven years without paying a dime of interest. Not only that, they have been given a currency that has been depreciated from that time to this at least 20 per cent. under the value of gold.

We have heard a great deal of boasting on the part of our republican friends that they have reduced the public debt $400,000,000. With all respect, I think that was an erroneous and unfortunate policy. The Government was pledged to pay these debts in gold, and it was solemnly pledged to return to specie payments at the earliest possible day. How dare the Government, or rather those who administered it, go on paying the public debt not due when it could not pay the debt that was due, and that it had promised and pledged its honor it would pay? If, sir, we should borrow $400,000,000, and return to specie payments in the way I have indicated, the debt would be just where it was at the time the Government began to reduce it. It is unwise to talk about a temporizing policy; it is trifling with a grave subject to talk about a policy by which you can get back to specie payments by making the greenbacks appreciate to gold value. You cannot do it. We are obliged to make sacrifices to get back to the old channels, and we may as well do it at one time as another, and the sooner the better; and you are bound to do it if you mean to redeem the pledges of the country.

This, then, is my plan for getting back to specie payments. I believe it can be done. If the Government shall resume specie payments at the time I indicate, let them require the banks to resume specie payments within two months after that period. When the greenbacks are returned to the Treasury they are to be canceled or burned—put an end to. Wipe out the credit currency system; it is our duty to get back to the gold and silver currency basis, the basis provided by the Constitution, and which is demanded by the highest interests of the industrial and commercial classes of this country.

This being my plan for getting back to specie payments, what is to be done in the mean time? That is very important to be considered. Let us carefully proceed with that consideration now.

When this greenback system was adopted, when this bloated currency was forced upon the country by the necessities of the war, the business of the country, the commerce of the country, the exchanges of the country, were measured by the new system—they were measured by greenbacks. The essential result of that was a bloated state of business; business got out of the usual channel; it was an abnormal state of things, and that state of things has continued from that day to this. The question, then, is, in view of the time I have indicated for a return to specie payments, what ought to be the volume of this currency in the mean time? I have said, or I have agreed to say, at the suggestion of the honorable Senator from Ohio, [Mr. SHERMAN,] that the amount of currency in circulation now is $660,000,000. I insist that that is not sufficient to answer the purposes of exchanges in this country. And here let me remark that the amount of money which is wanted in the country is just the exact amount necessary to effectuate the exchanges. If we have more money than answers that purpose, then we have a redundancy, and that is so whether we have gold or whether you have a credit currency. Suppose you had to-day $1,200,000,000 of gold instead of $660,000,000 greenbacks and bank-notes, there would be a redundancy of gold in that case. It is true the superfluity of money would stimulate enterprise and thereby create an increased demand for exchanges—the exchanges would be increased; but still, unless the exchanges required the employment of $1,200,000,000 of gold, there would be a redundancy. It would go abroad, the people would indulge in luxuries, and all sorts of enterprises and speculations would spring up. It is not only so of gold, but it is so of any sort of currency that may be adopted—it is so with greenbacks. All the country wants is just a sufficient volume of currency to effect the exchanges. Whenever we arrive at that point you have got enough. If we go beyond that point we have redundancy.

Now let us see if there is too much currency in the country now. As I have said, we have agreed that there are $660,000,000 of currency in circulation in the United States. I insist that it is not enough. I insist that it is not enough by one hundred millions. That is my judgment. I may err, but I do not think I do. Why do I say that? I say it when I consider what was the amount of currency in circulation at the beginning of the war, and our increased wants. I am sustained in saying this by reason of the demand of the country, and the amount of greenbacks in circulation since the war. I am authorized to say it in view of the panics and the monetary distresses that the country has experienced repeatedly, and particularly after the contraction by the withdrawal of $44,000,000 from the circulation under the act of March 12, 1866.

What was the circulation just as the war broke out? Let us see. The currency circulation of the country in 1860 was $238,671,210. What was the state of the country at that time? The value of the real and personal property at that time was a fraction over sixteen billions. The productions of the country were not half what they are now, as the statistics show. The exchanges of the country were then not half what they are to-day. I doubt if I should state it too strongly if I should say they were not a third of what they are now. We have acquired more than ten millions of population since 1860. We have acquired new habits. In some localities the population has become more dense; in a portion of the country where there was no population at that time there is a vast population now, and cities and towns. Enterprise has been stimulated to a high degree; railroads have been built across the continent and in every direction; canals have been cut; business has increased with a rapidity that astonishes the most enthusiastic and advanced economist.

There is another thing to be considered. The currency at that time was not like the present currency. The currency the country had at that time was a mixed currency; it was a currency founded upon a gold and silver basis; it was convertible into coin; and the difference between the paper currency at that time and gold was nominal. Therefore it was a better currency, and it effected more exchanges upon that ground.

Suppose we say, then, that it should be simply double. If you simply double the currency we had at that time, and it was a currency founded on gold, we want now $577,342,420 to put us, according to that calculation, upon an equality with the country at that time. But if you add in the depreciation of the currency at this time at 20 per cent., then you want at this moment $692,810,904. But I say that that is making it too small. I say that the circumstances of the country now are such as that we need more than double the amount.

But gentlemen say that the currency is inflated at this moment. They say there is a vast amount of money concentrated in New York and New England. Let us see about that. I say that the accumulation of the currency of the country in New York and in the Eastern States is unnatural; it does not belong there. One reason why it has gone there is that the banks there have paid interest on deposits, and that led those who lived in the South and West who had surplus money, at the season of the year when large amounts of money to effect exchanges were not needed, to send it there to get interest, and the banks there loaned the money to adventurers in railroad and other speculations. There is another reason why it has gone there. There was not the distribution of the banking currency that was provided for by law at the time the acts passed creating the present banking system; and here I wish to call attention to that. The law provided—

That $150,000,000 of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the District of Columbia, and in the Territories, according to representative population, and the remainder shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the District of Columbia, and in the Territories, having due regard to the existing banking capital, resources, and business of such State, District, and Territory.

And yet under the distribution of that currency, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut recieved $70,690,046 in excess of what the law allowed to those States. New York, New Jersey, Pennsylvania, Delaware, and Maryland received $9,416,503 more than by the law they were entitled to.

Mr. SAULSBURY. Will the Senator pardon an interruption?

Mr. MERRIMON. Certainly.

Mr. SAULSBURY. I wish to say that under the national banking law the banking capital of the State of Delaware is not one-half now what it was prior to the existence of that system. We have not half the banking capital under the national banking system in the State of Delaware that we had under our State banking system; and the consequence has been that our people have been driven, when they wished money, not to seek it from the banks, but to go into the public markets and buy it at an enormous premium. That has been the effect of this banking system so far as the State of Delaware is concerned.

Mr. MERRIMON. I beg to say to my friend that the statistics do not correspond with his recollection about the matter. The statistics here show that in 1862 Delaware had a bank circulation of $678,340.

Mr. SAULSBURY. Why, sir, we had in my town a bank whose capital was over $600,000—the Farmers' Bank of the State of Delaware, with her branches.

Mr. MERRIMON. These statistics show that the banking circula-

tion of the State now is $1,296,615, nearly double what it was before the national banking system was established. I do not know whether these statistics are correct or not. They are the official statistics reported by the Comptroller of the Currency in his report.

While that was the case in the States I have mentioned, take the States of Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, Kentucky, Tennessee, Missouri, and they have not the apportionment to which they were entitled under the law by $51,271,034. Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Minnesota, Kansas, and Nebraska have not the apportionment they were entitled to by $21,423,811.

Mr. MORTON. I should like the Senator there to refer to the *per capita* circulation as between New England and the West and South.

Mr. MERRIMON. I am going to do that; but let me first continue my citation of statistics as to the apportionment.

Nevada, Oregon, California, Colorado, Utah, Idaho. Montana, Wyoming, New Mexico, Arizona, Dakota, and Washington Territory have not their portion of this banking capital by $7,926,648. They may not have demanded it, but some of these States, I suppose, have. California and Nevada do not need it, and probably did not want it, as they have always had a gold circulation; but that remark does not apply, I take it, to the other States and Territories; but it answers my purpose to show that banking capital, which ought to have been distributed all over the country to answer the purposes of exchanges, has been concentrated in the New England States and in New York and Pennsylvania.

The answer suggested by gentlemen to that is, that money goes where there is something to buy, where exchanges are to be effected, whether banks are there or not. But, sir, that answer is not sufficient, when we consider the condition of the South, where half the cotton crop of last year is not yet removed, and when we witness the state of the country in the West at this moment. That answer does not comport with the facts of the case.

Then there is another reason, and a very powerful reason, why there is a concentration of capital in New York and the New England States at this time. We have lately had a tremendous panic. I think it was groundless; but a panic is as bad without ground as with it; it has the same effect upon the country. New York and the New England States are the creditor States; the people who live there are the creditors in great measure of the rest of the nation. What has been the effect? All the money they could get has been drawn into the banks there. The banks wanted to make good their reserve, and make themselves strong, and every creditor there that could collect his debt in the West and South has collected it. It is a great mistake to say that the panic has disappeared. The panic is there to-day. A man from the South may go to New York to get money; there is plenty of money there and he can get it at a reasonable rate of interest; but what must he do to get it? He must furnish collaterals as security that are equal to the money itself. If he undertakes to get credit on personal security, he cannot get money at all. And the same remark applies to the western people; they are panic-stricken. The panic is not over in New York; the panic is not over in New England; the panic is not over anywhere. It is true the issue of the forty-four millions, or so much of it as has been issued, has tended to loosen matters, and lately business is in a little better condition, but the difficulty is being removed very slowly; and by reason of the fear that exists in New York, and all the business centers of the Eastern States, they are unwilling to lend money to the people of the West and South, and they will not do it until a long time shall elapse, unless Congress shall do something to reassure the public and put business on its feet again; and it is our duty now to do this, and as quickly as possible.

Why, sir, suppose the circulation were increased, what would be the effect? These people would see that the West and South were going to have greenbacks anyhow, and they would say "We might as well lend our money," and enterprise would begin again; the cotton would be shipped, and it would bear a better price in this depreciated currency; wheat would bear a better price, and there would be a larger sale, and business would move on, and then the money hoarded through fear of the panic would go out to the country—the revival of business would restore general confidence.

But then, it is said, we shall have a redundancy of currency. Suppose I admit, for the sake of argument, (which I do not believe,) that there will be a redundancy, it is very easy to retire it. The country will ascertain if there is a redundancy very soon, and it will then be very easy to retire it. But I apprehend that if more currency could be had the mills which have been closed all over New England and else where would be started agoing again. The men who are starving for bread and who are marching through the streets of the cities, threatening fire and destruction to them, would then find employment, and the country would be relieved. It would be only a temporary relief, and it would be a present advantage gained; and this is what is needed.

But, as I said, there is not a sufficient volume, even if the money were not locked up. For the causes I have mentioned the volume of currency is not sufficient. Why, sir, I do not think things have been overdone in New York and in the New England States; I mean the regular, legitimate business; and I do not embrace in this those adventurous speculations that probably helped to bring the late panic upon the country. I say that the manufacturers and artisan-employing people in New England and the States where money is centrated to-day have not overdone business. I know business has not been overdone in the South. I am informed by gentlemen who know better than I do that it has not been overdone in the West.

Let us see now how the circulation in the South compares with what it was before the war. Our exchanges are as great there now as they were before the war. The cotton crop is as much as then. The rice crop and sugar crop are not as great, but the tobacco crop is greater. There are more exchanges in the South to-day than there were before the war; and more money is required in the South to effect exchanges than at any time before in the history of the South. I apprehend the same remark will apply to the West. Now let us see what circulation they have there.

In 1860 my own State had a banking capital of $5,218,598. In 1873 it had a banking capital of $1,819,300. Is it not manifest that that is not sufficient? Can any one doubt that my State has not sufficient currency to effect the exchanges, which are quite as great as they were before the war? It may be said that the money should go there. But the money will not go there. The money has not gone there, though the cotton is there. There is a great state of distress in North Carolina at this moment. Half the cotton crop has not been moved, and they cannot get the currency to do it with. More than that, there is a state of distress growing out of this. The people of the South were in a great measure broken up and impoverished by the war. They have had to work since as they never did before. They have gone largely into the culture of cotton; and in order to get money in the spring season to plant their crops and mature them, they have had to borrow money and then mortgage the crop to secure the repayment. When the crops matured those mortgages had to be foreclosed, unless they should be discharged by payment of the debt. When the harvest came the people had not the money to pay these mortgage debts. What was the result? Immediately they began to negotiate for an extension of time for payment. They did not want to sacrifice their cotton. Many men, however, have sacrificed their cotton at the expense of being broken up and ruined pecuniarily. Others are still holding their cotton, hoping that Congress is going to send some relief. That is not only so in my own State, but I have learned that it is so in the States of South Carolina and Georgia, and I might say it is so in all the Southern States. The money that they borrowed under the stress of circumstances in the present abnormal condition of things they paid in many instances from 1½ to 2 per cent. a month for.

Then, again, before the war, South Carolina had $6,089,036 of banking circulation. It now has $2,319,500 of bank-currency circulation. Take Georgia. Georgia before the war had $8,311,728; now that great State has $2,365,605. Florida had $116,250 before the war; now it has $90,000. Alabama had $5,055,222 before the war; now it has $1,541,133. Louisiana, in 1863, had $8,876,519 of circulation; now it has $3,646,870.

I might go on and cite statistics in addition to what I have already cited, for the purpose of showing that the South, especially, is without the currency circulation that is necessary to effect the exchange. Why, sir, the great crop of this country, that which makes America rich, is made in the South. Our cotton crop this year will be worth $375,000,000, which if we had the coin for it, would take up almost the four hundred million greenbacks in circulation so much to the prejudice of the country, in view of a better currency.

Mr. MORTON. May I ask the Senator the circulation *per capita* of Mississippi?

Mr. MERRIMON. The circulation *per capita* of Mississippi is one cent. The *per capita* circulation in my State is $1.70.

Mr. SHERMAN. I do not wish to interrupt the Senator, but I desire to remind him that for five years the people in every one of these States had the same opportunity as the people in any other part of the United States to obtain banking circulation. I suppose the real reason was the want of capital.

Mr. MERRIMON. I will answer my friend. It is true that the South was impoverished by the war. It brought only evil to the whole land, and no one deplores it more than I do. I trust that we shall put it behind us, and go on in the march of nations and civilization. But to this day we feel there the impoverishment that was wrought by the war. The people did not have the capital, it is true, to organize many of these banks, but still the exchanges were there to be made; and why did not that concentrated capital in New York and New England go down there to make these exchanges?

Mr. SHERMAN. I am sensible of the injustice of the distribution of banking circulation, and have done what I could to correct it; but what good would increased bank circulation do now in facilities to the Southern States when they are not prepared to comply with the law and furnish the requisite capital?

Mr. MERRIMON. My answer to that is that the bank capital is not now ready to be distributed if we had the money to pay for it. The capital is already invested in other banks now in existence.

Mr. SHERMAN. The Senator is mistaken about that. For four or five years capital has been held in reserve. In Mississippi anybody who chooses to organize a bank can do it now.

Mr. MORTON. But the capital is all taken up. There are but $5,000 left.

Mr. MERRIMON. That is my understanding.

Mr. SHERMAN. For five years it has been so.

Mr. MERRIMON. I want to answer my friend in another way.

Mr. BOGY. Will my friend permit me a word?

Mr. MERRIMON. Certainly.

Mr. BOGY. There is no banking capital to be distributed now. The $54,000,000 authorized to be distributed by the supplemental act of 1870 have been located, if I may use that expression, in existing banks. Those banks, for some reason which I am not able to explain, have not been willing to increase their present capital, because they can make money enough with a small capital, but there is now no portion of the $54,000,000 which is not disposed of. The report of last year showed $7,000,000 yet in the Treasury, but it has been promised to existing banks. That is not taken out of the Treasury Department in the shape of national-bank notes, but a disposition has been made of it so that no new banks can be organized. Hence the notes of a broken bank to-day are worth in my country from 3 to 5 per cent. premium, and it is because no new national-bank notes can be obtained from the Treasury Department.

Mr. MORTON. According to the report of the Comptroller of the Currency, all the $54,000,000 have been issued or charters have been granted, and the currency applicable to new banks is less than the amount of $5,000, I believe.

Mr. SHERMAN. The banks in the Southern States have not yet called for this circulation, because they could not furnish the capital or purchase the bonds.

Mr. MERRIMON. Capital might perhaps be raised there now for that purpose; but I take the present condition of the matter, and I say that banking facilities cannot be obtained there. I know cases where there are private bankers who would like to have the advantage of the national-bank circulation, but they cannot get it.

But I want to make another argument at this point in order to show that the currency is not redundant. It is said that there is a redundancy in New York and in the Eastern States. I have adverted to the fact that they are the creditor class mainly. I have shown the effect of the panic and the demand for money there. I find that the people of New England want money to-day. Their manufactures languish; their enterprises all languish. But here is the point I wish to make: Capital, it was said the other day by some gentleman, will go where it is needed. These exchanges are to be made in the South; they are to be made in the West; and if there is a redundancy of capital in the East and they cannot use it there, why do capitalists not go to the South and West and use it there? They do not go there and use it because, as I infer, they have not more than they need at home. That is the reason of it. We know that our New England friends and the people of the Eastern States are enterprising beyond any other people in this country—I do not mean anything offensive by this—and if a dollar is to be made they know how to make it and where to make it, and if they had money that they could not employ profitably at home, it would be invested in the West and in the South, in banks or in other enterprises, and they would go there with their surplus money to effect the exchanges that are necessary to be made there.

Mr. SHERMAN. I again say that under the law as it now stands the Comptroller of the Currency ought, in my judgment, to give to the Southern and Western States $25,000,000 of bank circulation and withdraw it from the New England States. That is the law now.

Mr. EDMUNDS. How long would it stay there?

Mr. SHERMAN. That is another question. If the Senator from North Carolina desires another and more equal distribution of the banking circulation, I will most heartily join him; but I ask him whether now the right to issue more paper money would not tend to diminish the value of that which is on hand; and whether it is likely that any considerable portion of it would flow into the Southern States when of the seven hundred millions now outstanding so little has flowed there, as he says?

Mr. MERRIMON. I infer, and I think it is a reasonable inference, that the fact that it has not gone there is evidence of the fact that there is not too much of it where it is. And I am glad to make one more remark now in reply to the Senator from Vermont, [Mr. EDMUNDS.] He asks if it were there now, how soon would it go back. Sir, it would go back very slowly if the banks of New England and New York did not pay interest so as to make it flow back when the people were not effectuating their exchanges in the South and West; and these banks pay such interest for it because they can lend it there and make another greater interest than they pay; that pays them. They find places and occasions for investments in the East, notwithstanding redundancy.

Mr. MORTON. Allow me to say that the Comptroller of the Currency in his report sets out a state of facts showing that the provision of the act of 1870 for the transfer of twenty-five millions of bank circulation from the States in excess to the States in deficiency cannot be executed, and never will be.

Mr. BOGY. The Comptroller of the Currency reported a year or so ago that the fifty-four millions were disposed of to existing banks. And in reply to a suggestion made by the Senator from Vermont, how long would the money stay in the West and South, I would answer that question; and I have no doubt my friend from North Carolina can answer it a great deal better than I can. The South produces from two hundred and fifty to three hundred millions of production a year; and whenever a country produces a value—the product of labor—the money will remain there. When you locate money where there is no labor, no wealth, no value, the money will go to the great centers of trade unquestionably; but we in the West and South have got that which would keep the money at home, if we could get it there once.

Mr. MERRIMON. But there is another reason, Mr. President. The great volume of exchanges necessary to be made in the South and in the West is made at one season in the year; that is, when crops are ready to be sent to market; it is the season when the cotton and other crops are gathered. When crops are gathered, and they are put into the market, then exchanges are necessary to be made. There is a large portion of the year when a vast volume of currency is not needed there. The New England States and New York, needing more currency, finding a greater demand for money growing out of enterprises and adventures of one sort and another, offer to pay interest for money, and the people in the South and West, not wanting their money and not being able to lend it at home at the season when it is not needed, send it off to the East in order that they may get interest from the banks, and the result of that is panics and the distress that we have experienced.

Sir, I do not see how these facts are to be answered or explained away. It required the circulation that I have shown in order to effectuate the exchanges in the South before the war. Our exchanges are as great there to-day as they were before the war, and it seems to me that that fact is unanswerable. Money is not there to do it, and hence the distress prevails there which I have called to the attention of the Senate. All these circumstances go to show that the circulation is not too great, and is, indeed, insufficient to supply legitimate wants.

Mr. MORTON. Will the gentleman allow me to make a suggestion in the line of his argument?

Mr. MERRIMON. Certainly.

Mr. MORTON. I wish to suggest one advantage—even if the currency is of the same volume—of having banks in all the States. If the banks of North Carolina have circulation and loan it out, it must return there to those banks in that State every sixty, ninety, or one hundred and twenty days; but if their people borrow money from New England, getting the same volume of currency, the money is carried back to the New England States constantly and drained from North Carolina.

Mr. MERRIMON. An argument has been made to show that our circulation is sufficient and, indeed, redundant, by comparing the circulation here with the circulation in England and France. There is a great misapprehension, it seems to me, in trying to draw an analogy between this country and either of those. Take England, for example. The country is densely populated. There exchanges are small and rapid in many cases. One dollar will pay $500 in a day, ten dollars will pay $1,000 in a day, $1,000 will pay $100,000 a day in London. It is not so in the greater portion of this country. In New York and some of the large commercial cities of the Union it is true a dollar might pay as much as it would in London; but it is not true in the South; it is not true in the great West. A dollar often pays but a dollar a day, and sometimes it lies idle for weeks. I call attention to this fact for the purpose of showing that the circumstances of our country are such as to require a greater volume to effect the exchanges, because there is a larger percentage of it that lies idle all the time; a large percentage of our currency is, in the way I have indicated, idle.

For these reasons I infer that the volume of currency ought to be increased. It ought to be increased in order to relieve the pending panic. At all events, for that purpose, one hundred millions of greenbacks ought to be put in circulation, to the end that the country may be relieved of the panic and that the industries of the country may be revived.

But then there is another thing which I had almost forgotten, and I want to advert to it again. By reason of this greenback system, this bloated currency, and the bloated volume of business, there is debt created all over the South and all over the West, and the principal portion of the debt is due to persons living in the Eastern States. When these debts were created what was the agreement? The agreement was that they should be solved by this bloated currency. Now it is proposed to contract the currency, whereby it becomes scarcer and is made more valuable—made to appreciate; and this requires the debtor class to pay their debts in a currency that is much more valuable than the currency in which they agreed to pay. That is unjust; that is iniquitous; and I trust that the Senate will not think of being a party to so gross a wrong as that. A debt was created, for example, last spring, when money was plenty, when circulation was free. A person agreed to pay $1,000 to another for a tract of land. Money has become scarce since by reason of the panic; it has appreciated 20 per cent.; he has to pay that debt of $1,000 now, and it takes $1,000 of greenbacks to pay it, and instead of paying $1,000 he pays $1,200, by reason of the appreciation of the currency. This is one example, but this single example illustrates the whole condition of things. I say that the policy of contraction, whereby greenbacks are appreciated but are not made to approximate by the hundredth part of a cent to gold, as I have had occasion to show, tends to compel the debtor class to pay the creditor class a larger amount than they stipulated to pay.

It may be asked why I put off the day of specie payments to the 4th of July, 1876. I do it for this reason: the business of the country is based on our bloated currency. If one person agrees to pay another $1,000 for a horse or anything else the understanding is that that con-

tract is to be discharged in greenbacks—the present currency. And if we could return to specie payment to-morrow, and the specie were here to be put in circulation in lieu of the greenback currency, is it not manifest that if these debts were discharged in gold the debtor would pay the creditor 20 per cent. more than he agreed to pay him? That is manifest. I put off the day for a return to specie payments, therefore, to the end that the business people of this country, seeing the monetary system devised and established by Congress, may adjust the business of the country to that; so that when the law goes into operation the debtor class will owe debts that they are bound by the law by their agreement to discharge in gold or its equivalent. That will be just and fair. But this squeezing process by which it is proposed to go into specie payments suddenly, and to make no provision for the relief of the distressed condition of the country now, makes the debtor class pay 20 per cent. more—nay, more than that—in order to discharge their debts; and the effect of that is general ruin throughout the country. I want to put off the day of returning to specie payments until the business of the country shall have time and opportunity to adjust itself to the new system which is to go into operation on that day.

And now let me say a word about the pledge of the Government to return to specie payments.

I maintain that the pledge of the Government ought to have been redeemed before this. I think if a proper policy had been pursued by the Government we should have had specie payments before this time. But there is no good purpose served in talking about the past; that is gone. There is no good end to be subserved now by indulging in any complaints about it. There is no benefit in repining about it. It is the duty of Congress to make the same provision at this session that it ought to have done immediately after the war. And what is our duty? The act of March 18, 1869, provided that we should return to specie payments as soon as practicable. What does that mean? That phrase has a technical or legal meaning. A proper construction of it is that as soon as reasonably, in view of the circumstances of the country, the business of the country, putting war behind, Congress could provide ways and means to return to specie payments, it should be done. In my judgment the time to do it is that which I have indicated; the course that we should pursue in view of the circumstances of the country, redeeming this pledge as far as we can do at this late hour, is to return to specie payments on the 4th of July, 1876, and to require the banks to resume specie payments two months after that time, and to have gold with which to pay every dollar of their currency, dollar for dollar.

What, then, is the conclusion?

First, that the only standard of exchange, and that which we must have in order to put ourselves upon a plane with the nations of the earth and enjoy all the benefits of commerce, is to return to specie payments as speedily as possible.

Secondly, to return to specie payments on the 4th day of July, 1876; and this can be effected by allowing gold to accumulate in the Treasury—that portion of it that is not necessary to pay the public debt from this day to then—and to sell 5 per cent. bonds of the Government in sufficient amount to raise a sum sufficient to pay off all the greenbacks on that day.

Thirdly, to provide for the relief of the country between now and that time by increasing the volume of the greenback currency; and I say "the greenback currency," because that is better than the bank currency. There is a difference of from one to one and a half per cent. between the two currencies.

Here I might stop, Mr. President, for I have detained the Senate much longer than I anticipated; but I wish to say now that I am opposed to this national banking system. I think we ought to devise a different system.

In the first place, it creates a vast monopoly. Whoever get the capital first have the right to arrange the shares of stock as they will, and a few men may hold the whole of it. I maintain that that is wrong, and that it creates monopoly.

I have another objection to it. It is founded purely upon credit. It is essentially a credit currency, and therefore, good as the credit is, it is 20 per cent. less valuable than gold. In the next place, every dollar of its capital stock is in the Treasury of the United States. They receive from 5 to 6 per cent. on the bonds deposited there, and they receive from the Government 90 per cent. in currency upon which they bank. What is the result of this system of banking? The result has been that those who own this stock in sufficient quantity have grown immensely rich; they have realized dividends annually that exceed 10 per cent. per annum, and many times the dividends have reached 20 per cent., and the accumulation of the surplus fund amounts to the enormous sum of over $120,000,000 in the country. They have loaned their money, as any one must see, at from 1 to 1½ per cent. a month. I put it to the Senate, I put it to the country, to say if industry can prosper while the people pay that rate of interest for money. It never occurred before in the world, it cannot be true now, and I maintain that it is the duty of Congress to afford redress to the people on account of such evils and wrongs.

Then, sir, I have another objection, and that is this: I maintain that the volume of currency ought not to be fixed by law. It ought not to be fixed by a statute, and it ought not to be controlled by politicians and statesmen. The volume of currency that is necessary is a sufficient amount to effectuate the exchanges of the country. Money is only necessary for the purpose of effectuating that purpose. As I have already said, if there is more than is necessary for that purpose, it is redundant, and it will be redundant, whether it be gold or greenbacks, or any other sort of currency. I say, therefore, that Congress ought not to undertake to regulate by an act the volume of currency; that it ought to be fixed by the wants of the country; and that the business men, the financial men, the merchants, the manufacturers, the industrial men of the country, ought to determine the volume of exchange, and let the exchanges determine what it shall be.

Then, further, sir, whenever the banking system of the country is connected with the Government, as the present banking system is, it is more or less affected by the political party that administers the Government. I do not mean here to complain of the party that is now administering the Government; for no matter what party might administer the Government, it would tamper more or less with the banking system if allied with the Government as it now is. It is the business of the Government to grant charters to the merchants, and business men, and capitalists, and to establish banks to suit the interests of commerce; and it is the business of commercial men to administer the affairs of the banks. The banks ought to belong to the business people, and not to the Government.

I must say candidly that I do not favor returning to the old system of allowing the States to provide banks. Money is intended for the purposes of exchange and commerce, and the national Government regulates, so far as it can be regulated by statute, the commerce of the country and the exchanges. I therefore would be willing to see Congress grant a charter for a great national bank, letting the shares be twenty-five dollars each, so that the people of the country of small means could own stock in it. The bank suggested ought to be allowed to have a capital stock of $1,000,000,000. It ought to be managed by a board of directors and have as many branches in the several States as the wants of the people might require. If that were so, the monetary interest of the country would have a powerful conservative effect upon the country. In times of peace enterprise and industry would prosper; and it would operate as a check upon the Government and politicians when disposed unreasonably to precipitate the country into unnecessary wars. In time of war such a bank would come to the relief of the country and prove of the most essential benefit.

There is another objection to this banking system; and that is, as I have already shown, that it is unequally distributed. That ought not to be tolerated. And I wish to make this general remark here: If this country is to be preserved, if it is worth preserving, if we desire to see it perpetuated and established upon enduring foundations, we must change the industrial and capital interests of the country so as to distribute them over the country in such way as to produce an equilibrium of interests. We must nationalize the sentiment of the country by producing mutuality of interests in this way. We must produce an equilibrium in the interests of all sections. Our national policy ought to be to extend manufactures to the West and South, so that the great capital interests will not be concentrated in one section. Sectional strife and sectional interests have already come near dissolving the Government and destroying its life; and they will do it or attempt it again unless Congress shall pursue such legislation and adopt such a policy as will tend to produce an equilibrium in all industrial, commercial, and monetary interests throughout the land.

Mr. EDMUNDS. May I ask the honorable Senator a question?

Mr. MERRIMON. Yes, sir.

Mr. EDMUNDS. Does he believe it to be within the competence of Congress under any of the provisions of the Constitution to produce such an equilibrium of industries, to declare that there shall be so many shoemakers in the South, and so many cotton factories, or to otherwise provide for those things which are regulated by the private interests of men?

Mr. MERRIMON. I do not; but, sir, that does not answer my argument. I said that Congress ought to pursue such a policy and adopt such legislation as would result in that end.

Mr. EDMUNDS. How?

Mr. MERRIMON. You ought to improve the rivers and harbors of the South and West; you ought to extend, by the legislation of Congress, such advantages as will take capital and immigration to the South and the West; you ought to cut canals; you ought to levee the banks of the Mississippi, and encourage ship-building. There are a thousand things that Congress could do, and a national policy of Congress could be developed by which these interests will be distributed with some degree of equality all over the country from one end to the other. Until that is done you cannot have the cordial national sentiment that ought to prevail in this country. We want to nationalize public sentiment; I am sure I sincerely desire to do so; but you cannot do it while you have sectional interests. Sir, that vast accumulation of capital and population in the Eastern States must in the end go to the South and West; and, so far as Congress can do it, Congress ought to inaugurate a policy that will lead to that result.

If the legislation of Congress had been in that direction, all the currency would not have been concentrated where it is. Those people in New England would be spread all over the West and all over the South, where there is a soil to be developed, rich mines to be worked, everything to invite industry and capital. But, sir, while we go on with sectional legislation, while California has one interest, and New England another interest, and the Southern States another interest,

they will grow up to be powerful and jealous rivals, and when they come in conflict you may expect the clash of arms in the end. These sectional interests brought on conflict once, and will bring it again unless we pursue a nationalizing policy.

But, Mr. President, this is a digression. I simply intended to mention the fact that I oppose the present national banking system. I have alveady occupied too much of the time of the Senate, and will not detain it with further views on this subject now. At another time I may put my objections in a more definite shape. I thank the Senate for the indulgence extended to me.

Mr. EDMUNDS. Mr. President, I do not rise for the purpose of continuing this debate, although I do wish that I could have better understood the honorable Senator from North Carolina in the means that he proposes for keeping the money in any particular part of the country, where the people who have it owe it to somebody else who happens to live in another part of the country. If all men are honest, I suppose the money of the country will be in the pockets of those to whom it really belongs after every man has paid his debts, and that, therefore, the natural tendency of money is into the pockets of those who are entitled to have it; that is to say, those who, or whose grandfathers, have earned it beforehand and have lent it out upon some security or other. I do not know, therefore, any barrier of State lines or any contrivance of Congress by having a million of banks in the Southern States which will keep currency there, unless the body of the people there are in such circumstances, each for himself, as entitles him, after he has paid his debts, to have in his pocket a thousand or a hundred thousand dollars. When you reach that point, anybody who is rich in the South has money enough, even if he keeps it on deposit in the city of New York; and you cannot control by Congress the place where he shall keep his deposits, unless you invade the fourteenth amendment, which declares that citizens' rights shall be sacred; and nobody would wish to do that as applied to such a case. Every citizen has a right to keep his money where he thinks he can make the most by it. Some invest it in foreign enterprises; some in manufactures in States far distant from the places of their residence; some in banks far distant from the places of their residence; some in merchandise; some in real estate.

Neither Congress nor any other power can interfere with this private right of the people; and therefore when you have passed that you come back to the single original proposition, and that is, that the money of the country in its flowing is always flowing to the point where ultimately it has the right to rest in the possession of the man who is entitled to it and whose debts are paid. I am sure my friend from North Carolina will not deny that, because I think it to be founded upon the simplest principles of political and social economy.

If that be so, then the granting of $50,000,000 of banking capital to the South, taking it from the East, (to which I do not object at all if there is anybody to take it down there,) will not keep currency in the South or in the West, unless the pre-existing state of things which I have named is found there. As long as the West owes the East, as the expression is, so long, if the West is honest—as it is—the money in the West received by the farmers for their grain or by the steamboatmen for their transportation, will flow out of their pockets toward the pockets of those who are finally entitled, as creditors and owners of the money, to have it.

To bring the illustration home, I do not believe there is a dollar more in the State of Vermont now than there would be if all the banking capital of New England were removed to the State of Louisiana; for every man in Vermont who is entitled to have any money, because he has earned it and had it, would have it then just the same as he has it now, unless he chooses to invest it in southern enterprises, as many gentlemen do; and I am glad that they do, because it tends to assist the development of the country that money should be used in it; but you cannot make it stay there unless the people who are the proprietors of the money choose of their own free will, and without any law, to keep their money in a place where it does not naturally and necessarily belong.

It seems clear to me, therefore, that no amount of contrivance and legislation can force circulation to remain in the West or the South—and that is what the people want, the cash—for any permanent length of time, until the West and the South, by industry and economy, which have been the means which have enabled the East to possess some little money, shall be enabled themselves to be the proprietors of the money that they receive for the industry that they perform. So long as they are debtors, of course honor and interest and social economy compel them to pay it out immediately when they receive the money to somebody else, and at last it comes to its resting place, in the pocket of the owner.

As was said, I believe, by a Senator about another subject entirely, there is an absolutely "irrepressible conflict," therefore, between the people who wish to borrow and use other men's money and the people who have the money themselves; and that conflict always is determined, and in spite of laws or constitutions it always will be determined, until society breaks up entirely, in favor of the party who in justice and honesty is entitled to the ownership of the cash in question. New England cannot keep money that she owes to the West. She must send it where it belongs; she must perform her obligations. New England, and the East, and New York, and Pennsylvania cannot keep money that they owe to the South. It must be sent there to discharge their obligations. So, on the other hand, if money that exists in the South is due in New York, or in the East anywhere, it must go there. If it goes there for any other cause, it goes because the private holder of that money, in the exercise of his rights of citizenship, chooses to invest it in the East, rather than in the West or in the South.

It seems to me, Mr. President, that these simple propositions are beyond cavil, and that they are, like "the higher law" that we all believe in as applied to some cases, above and beyond all legislation. You cannot reverse the principles of nature; you cannot reverse the principles of moral government; and therefore, as long as you submit to the idea (as we all do, I hope, with pleasure) that one of the highest duties of man is to pay his debts and to discharge his obligations, you have then put the money into the hands of the person who is the ultimate owner of it, and you are then forced upon the same principle to allow that owner of it to dispose of it according to his free will. He may invest it in western lands or in western railways; and I am glad to see him do so. He may invest it in southern cotton or in southern manufactures, and I should be glad to see him do it; but you cannot by an act of Congress force him one step either backward or forward in the disposition of his own. To provide, therefore, by law any policy which shall compel the circulating medium of the country which answers in place of money, or the money itself, to remain in one section of country rather than another, is to propose, in my opinion, an impossibility.

But I did not rise, Mr. President, to make a speech upon this topic at all; I only rose to move that the Senate proceed to the consideration of executive business.

Mr. MERRIMON. I beg the Senator to withdraw that motion for a moment.

Mr. EDMUNDS. I will do so with pleasure.

Mr. MERRIMON. The Senator's argument goes upon the ground that the commercial and industrial interests of this country are in a normal condition, whereas the reverse of that is true. There are special circumstances that have forced the money from the West and from the South to New York and the great monetary centers in the East. The great productions that go to New York go there from the South and from the West. Then the money ought to go out from there to the West and South to pay for them. What is there to take it back to New York, according to the natural course of things? The South produces $350,000,000 worth of cotton annually. The great bulk of that goes to New York. The money ought to go down South to pay for it. What, in the natural course of things, ought to take that money back to New York? There is something outside of the natural channel of things that takes it back there. So that I say the Senator's argument proceeds upon a false basis—meaning no disrespect by the term "false."

But, again, the honorable Senator knows that we have a rich soil in the South; that we have a climate that surpasses any in the world; that we have vast water-power; that we have means of navigation unsurpassed; that we have railroad systems. If we had the money, if we had the capital there, we would build up towns and cities; we would build new railroads and open mines. Then, sir, the creditor would not be in New England; the creditor would be at home. If a like policy was pursued toward the West the same state of things would result there; and Wall street, instead of being in New York, would be in Charleston, Savannah, or New Orleans. I say, then, again, that the argument of the honorable Senator proceeds upon a false basis. The condition of our industrial affairs is not in a normal state.

Mr. EDMUNDS. Mr. President, I do not wish to prolong this discussion, but I must be permitted to say one word in reply to my honorable friend. He says that the South has a rich soil, and rich mines, and a capacity for great development; and that it needs capital to develop it. How is the South to get that capital? If the people of the South now have the capital they can apply it to that purpose.

Mr. MERRIMON. We want your people to come there.

Mr. EDMUNDS. If they have it not, they must earn it or invite other capital. My honorable friend says he wishes my people to go there. I say amen; but how are they to go there? Are they to go to a land of peace and equal rights? Are they to find the same state of society that they find in New England, where to labor with the hand is not dishonorable? Are they to find equal justice in the courts and the calm and regular administration of law and order? I do not say they are not. I only say that when the Southern States show to the people of what you may call, if you please, the overcrowded East and the overcapitalized East, that capital may be safely invested under the protection of law, and that labor shall be honored and respected, and that calm and deliberate justice which fears no man and favors no man shall be administered in every one of those States, and that life and property shall be safe, as they are in New England, then the soil of the South will be cultivated; then its mines will be developed; then its water-falls will resound with the sound of the spindles of the manufactory and with the blows upon the anvil; but until then my honorable friend cannot expect that capital, which is sensitive, and that eastern people, who have been taught not to be overdesirous of danger, will deposit their hard earnings on such uncertain securities.

This may be a prejudice on the part of the East, but it does exist. I hope it is a prejudice. But let us all labor together in a way that we can labor under the Constitution to promote equal justice every-

where, and peace and order everywhere; and then, capital, invited to fresh and fair fields, will go there, and the South and the West, and every part of the country, will be developed by a capital that will be eagerly invested where there is a hope that a fair reward may be obtained.

But, as I have said, Mr. President——

Mr. MERRIMON. I beg the gentleman to allow me to say one word.

Mr. EDMUNDS. Certainly.

Mr. MERRIMON. I do hope that we shall cease to hear that a man's life is not safe at the South. The war is over; it is ended. We had conflicts, which I deplore as much as anybody. Those conflicts, I trust, are in the past; and I beg to say to the honorable Senator that his life, anybody's life, whether he comes from New England, from California, or from any portion of the habitable globe, is just as safe in my State, and I venture to say anywhere in the South, and his property also, as it is in Vermont, or Massachusetts, or any other State in New England. You may take up the statistics of crime, putting aside all the evils growing out of the war, and which happened during the war, and the ratio of crime, the ratio of outrage, the ratio of riots, is in favor of the South two to one.

Mr. EDMUNDS. Mr. President, I will not prolong this discussion, but I will only state one fact that I have had communicated to me since this discussion began, on this very topic, of how people from the East and the North who invest their capital and their fortunes and go themselves to the South to carry on business are treated. I am told, upon good authority, that in the city of New Berne, I believe in my honorable friend's own State, a New England man of highly respectable character, who had committed no crime against the laws of his own or any other State, who was educated, cultivated, polite, well dressed, opened a mercantile establishment. Everybody was glad to trade with him, but not a single gentleman in New Berne ever invited him into his house or called upon him or his wife; and for the sole reason, as far as that man could understand, as no taint attached to his character, that he was a Yankee, and was engaged in the debasing and ungentlemanly business of trading.

Now, Mr. President, so long as there may exist in the South this prejudice against what I said before was the honorable character of labor and of attending to one's own affairs, just so long the South must remain poor, and just so long New England men, who have been taught to believe in the honesty of honest labor, and in the honor and dignity of it, and that no social distinctions could rest upon the honest employments of men, will refuse to go there, and just so long you will find that labor and capital, which ought to flow, I admit, into those beautiful regions of the South, will not go there.

I do not say this as a reproach to North Carolina, nor by any means as a reproach to my friend; but I do say, until the manners and habits of New England are carried South, by which I mean the social equality of people in equal station—I do not mean the social equality that has been discussed in other places, although I might enlarge upon that, but leaving that aside entirely—until it becomes respectable for a man from New England to engage in mercantile business in North Carolina, and until he and his family are received there, as they would be received in Wisconsin or Illinois, with kindliness and hospitality, just so long you may expect that the South will wilt and wither and cry for money which she cannot get.

Now, Mr. President, I must put an end to this discussion, and I therefore move——

Mr. MERRIMON. Let me say one word.

Mr. EDMUNDS. If you will make it very short, I will give my friend the last word.

Mr. MERRIMON. I will be very short. I do not feel like going into a discussion now. I desire to say that in the case the Senator speaks of there was something connected with the man that denied him admittance into the society that he sought to enter. If a northern gentleman from Vermont or any New England State goes South he is received and treated as a gentleman. No longer ago than the other day the Treasurer of the United States stopped at Charlotte; it was during the night; and the military school and the people of that town turned out and serenaded him and compelled him to make a speech. He was received there with great cordiality, and staid two or three days, as I understand. I know from my own personal observation, I know from my own practice, that these statements which have been whispered into my honorable friend's ear are not true. When a man seeks society, he finds it in the South just as I would find it, I have no doubt, in New England, if he is worthy to go there; and if he is not fit to go there, he ought not to go.

Mr. EDMUNDS. Well, Mr. President——

Several SENATORS. Make your motion.

Mr. EDMUNDS. I am going to make my motion; but before doing so I must say one word. This is an interesting topic to me, because I am getting enlightened about the state of affairs in the South. My friend says there must be some mistake about the case to which I referred. Perhaps there is. I do not know it if there be; but I should be glad to know if it has not been true until very recently, if it is not now, that, as a rule, no officer of the United States Army, sent to a particular post or station in the South with his family, has would be received into society there? I know that since the war been over I have visited the honorable State of North Carolina, and I have found from the statements of the officers of the posts themselves that they were not received into society, except that of those whom a controlling majority of the southern people called "scalawags."

Mr. MERRIMON. Will my friend let me deny that statement? I deny it for North Carolina; I deny it for myself. I know the contrary to exist. I know there are officers of the Army occupying as high social position in North Carolina as anywhere.

Mr. EDMUNDS. I am very glad to hear it.

Mr. MERRIMON. And I know that the gentlemen of my own city often go out to dine or to sup with the officers at the station.

Mr. EDMUNDS. I am very glad to hear it, because the times have improved since 1867, when I was down there myself, and when, on all occasions when officers of the Army were showing hospitality to me, they stated, as an excuse that I did not meet with southern gentlemen who had held opposite views, that they had never called upon them and their families. It may be that these officers were telling me a falsehood; but I have a high respect for officers of the Army of the United States. I know that they are not accustomed to tell falsehoods. Their training has been quite the reverse. They have been taught to tell the truth, as well as to work out the truth under the Constitution by their own good swords. So, Mr. President, I am glad to know now—and I speak in all seriousness—that times are improving in the South; and I say just as fast as they do thus improve, just as fast as we do have national equality and a national social system, so fast the South will improve, and no faster.

Now, sir, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fourteen minutes spent in executive session the doors were reopened, and (at four o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 21, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

DISTRIBUTION OF CONGRESSIONAL RECORD.

Mr. DONNAN. I rise to submit a privileged report. The Committee on Printing, to whom was referred a resolution with reference to inquiring into the expediency of furnishing one copy daily of the CONGRESSIONAL RECORD on the cases of the compositors of said RECORD, have directed me to report the same adversely.

The Clerk read the resolution, as follows:

Resolved, That the Committee on Printing be instructed to inquire into the expediency of furnishing one copy daily of the CONGRESSIONAL RECORD on the cases of the compositors of said RECORD.

The committee was discharged from the further consideration of the resolution, and the same was laid on the table.

REPORT OF COMMISSIONERS OF CLAIMS.

Mr. DONNAN. I am also directed by the Committee on Printing to report back the following resolution of the House, with the recommendation that it be adopted.

The Clerk read as follows:

Resolved, That there be printed for the use of the Committee on War Claims and the commissioners of claims one thousand copies of the last report of the commissioners of claims in addition to the number already ordered.

Mr. DONNAN. I will say that this is for the use of the Committee on War Claims, and the Public Printer estimates that the entire cost will be only $22.59.

Mr. HOLMAN. Has there been any extra number printed as yet?

Mr. DONNAN. None whatever.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. POLAND. I ask unanimous consent to report a bill from the Committee on the Judiciary.

Mr. RANDALL. I call for the regular order.

Mr. POLAND. If the gentleman will hear me for one moment, I think he will withdraw the call for the regular order at present. This is a bill in reference to the territorial courts, which it is of importance should be passed immediately.

Mr. ELDREDGE. This is a very important matter, and I hope my friend from Pennsylvania will not prevent its consideration.

Mr. RANDALL. I withdraw the call for the regular order at present.

JUDGES IN THE TERRITORIES.

Mr. POLAND, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 1393) providing for the assignment of judges in the Territories; which was read a first and second time.

The bill provides that the Legislature of each of the organized Territories of the United States, except the Territory of Utah, shall at each regular session thereof make an assignment of the judges to

hold the courts in the several districts in such Territory; provided that if the Legislature of either of such Territories shall have failed or shall hereafter fail to make such assignment, the judges of such Territory shall make an assignment, which shall continue in force until the next regular session of the Legislature.

Mr. POLAND. I desire, Mr. Speaker, just one moment to make an explanation. The law provides that the Legislature of each of the Territories, except the Territory of Utah, shall make an assignment of the judges. In the Territories of Dakota and Wyoming the Legislatures at their recent sessions failed to make any assignments of the judges; and the judges thinking they have no authority to hold courts in their respective districts, unless there be an assignment by law, bills were introduced for each of those Territories. The committee have deemed it more advisable to report a general bill that shall apply in all cases of this kind, and in lieu of the two special bills that were referred to the committee they report this general bill, allowing the judges to make an assignment for themselves during the vacation of the Legislature if the Legislature fails to do so.

Mr. CROUNSE. I desire to offer an amendment to strike out the exception in the case of the Territory of Utah. I see no reason why that Territory should be excepted.

Mr. POLAND. I will explain to the gentleman that the committee have made no change in that respect. The law now is in the Territory of Utah that the governor assigns the judges. The law in all the other Territories provides that the Legislatures shall assign the judges. We have made no change in the law, except to provide that where the Legislature does not make the assignment the judges may assign themselves until the next meeting of the Legislature.

Mr. CROUNSE. Having heard that explanation, I shall not offer my amendment.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

CURRENCY.

Mr. PLATT, of Virginia. I ask unanimous consent to offer the following resolution.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency be instructed to inquire into the expediency—

First. Of authorizing the national banks to increase their circulation from ninety to one hundred cents on each dollar of bonds held as security for their present circulation.

Secondly. Of providing that all banks issuing circulation be limited in the amount of their discounts to twice their capital stock, so as to compel the conversion of all their unnecessary surplus into capital and remove the inducement to pay interest on deposits, while securing their depositors against the danger of undue speculation.

Thirdly. Of devising such legislation as shall give the nation a circulating medium equal in valuation to coin, current everywhere in the world, and available at home in amounts measured by the actual business of the country, the only sound basis of a legitimate circulation.

Fourthly. Of devising such legislation as shall ally the money and credit of Government with the capital and business of the country, thereby removing the antagonism between the same now existing, increasing the amount of money available for loans, reducing the rates of interest, and providing a stable and elastic currency bottomed upon the wants of actual business.

Fifthly. Of releasing the national banks from holding, thereby utilizing for loans, their present reserves.

Sixthly. Also to inquire into the best means of substituting so much of the currency as represents a credit given by the people to Government, in form of the legal-tender notes, with a currency lent to the people by the issues, thereby so changing its quality as to protect the country from the evils of an inflated circulation.

Mr. RANDALL. I object.

Mr. PLATT, of Virginia. I merely request to have the resolution printed and referred to the Committee on Banking and Currency.

Mr. RANDALL. I object. We do not need any instruction on that subject. [Laughter.]

Mr. PLATT, of Virginia. I ask unanimous consent to introduce a bill for the establishment of an exchequer, for reference to the Committee on Banking and Currency.

Mr. RANDALL. I object.

PACIFIC RAILROAD COMMISSIONERS.

Mr. CHAFFEE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be requested to furnish this House with a copy of the report or reports made by the Commissioners on the part of the United States appointed under the provisions of the Pacific Railroad act.

PRIVATE LAND CLAIMS IN LOUISIANA.

Mr. PACKARD, by unanimous consent, from the Committee on Private Land Claims, presented a letter from the Secretary of the Interior, relative to certain private land claims in Louisiana; which was recommitted to the same committee, and ordered to be printed.

ORDER OF BUSINESS.

Mr. STORM. I call for the regular order.

The SPEAKER. The regular order being called, the morning hour begins at eighteen minutes past twelve o'clock, and reports from committees are in order, beginning with the Joint Committee on Printing.

CENTENNIAL CELEBRATION.

Mr. KELLEY. I am instructed by the Select Committee on the Centennial Celebration to report a joint resolution relating to the centennial exhibition.

The joint resolution was read. The preamble to the resolution states that at the several international exhibitions which have been held in foreign countries the United States have been represented in pursuance of invitations given by the governments of those countries and accepted by our Government. The resolution proposes (the Senate concurring) to request the President to extend in the name of the United States a respectful and cordial invitation to the governments of other nations to be represented, and to take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876.

Mr. KELLEY. I have been reminded of what did not occur to me or any member of the committee, that in view of the action of the last Congress this should be in the form of a bill instead of a resolution. I therefore ask that it be changed accordingly by the Clerk.

The SPEAKER. The Clerk will make the necessary change.

The bill (H. R. No. 1394) was received, and read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. KELLEY. The sole object of this bill is to perfect the language of existing law. It was believed that the action of Congress in providing that the national commission should prepare rules and regulations for the government of the centennial exposition, and that the President should transmit those rules and regulations to foreign countries, was equivalent to instructing him to extend an invitation. But the State Department hesitates about giving a formal invitation, and this bill is to remove that difficulty. It simply requires the Government to invite other governments to have their peoples participate in the exposition.

Mr. BUTLER, of Massachusetts. Will the gentleman permit me to ask him a question?

Mr. KELLEY. Yes, sir.

Mr. BUTLER, of Massachusetts. If this bill passes and the President issues an invitation, will not that require Congress to see to it that money enough is appropriated to carry this matter through?

Mr. KELLEY. That question is by no means involved in this bill.

Mr. HALE, of Maine. Allow me to interrupt the gentleman a moment.

Mr. KELLEY. Certainly.

Mr. HALE, of Maine. I trust that everybody will understand the scope and intent of this bill. As I understand, there is difficulty now exactly in the line of the question just put by the gentleman from Massachusetts, [Mr. BUTLER,] and that is to get the President and Secretary of State to commit the Government to this enterprise, thereby furnishing an additional argument to the projectors of this great Fourth of July celebration, when the question comes up which we must pass upon, that is, the appropriation of Government money. As I understand it, the whole force of this bill now brought in is, that instructing the President and Secretary of State to invite other nations to take part in this exposition shall be afterward used as an argument that we as a nation are committed to it. That, I presume, is all there is in it. And being committed to it as a nation, we must as a government pay the bills. I can see looming up out of this, and as a result of this persistent movement for the Philadelphia centennial and of this little bill brought in here, appropriations called for within the next four years ranging from five to ten million dollars.

I do not propose to discuss this matter here, for I have not time; and I presume the gentleman introducing this bill does not propose much discussion. I only wish to let the House understand that in voting for this bill we cripple ourselves and furnish an argument for this great projected operation in its widest extent and reach.

Mr. KELLEY. The gentleman misapprehends alike the purpose and scope of the bill before the House. There is already a misunderstanding between our Government and foreign governments upon the question of an invitation. The United States commissioners, who by nomination of the governors of the several States and Territories and the appointment of the President of the United States have charge of this "little Philadelphia Fourth of July celebration," acting in pursuance of the law of Congress, have sent to foreign governments through the United States Government the rules and regulations by which the centennial exhibition is to be governed, and invited the people of all nations through the several governments of the world to participate in this exhibition. The United States Government transmitted that invitation of this United States commission, and transmitted it in such cordial terms that Prince Bismarck brought it to the attention of his government and formally accepted the invitation of the United States. Other governments have understood it to be an invitation from the Government, and accepted it as such. They understand that in transmitting the invitation of the United States commission, a creation of its own, the Government invited them to induce their people to visit our country and exhibit their best productions.

Our own Government, not finding the word "invitation" in the law, have not in fact extended a formal invitation, and have disclaimed their right to do so. Now, sir, every national exhibition that has been held has been held under the auspices of the government of the country in which it was held, and that government has, through the Government of the United States, invited our people to participate in the exhibition. This bill can lead to no expenditure of money by the Government or by the centennial commission, for we paid the expenses of our commission to London, to Paris, to Vienna; and so did every other nation. And every nation will bear the expense of the

commission which shall superintend the exhibition of its arts, industries, and natural products.

The Secretary of State explains the whole matter in a letter to the director-general of the exhibition, from which I will take the liberty to read a few paragraphs:

DEPARTMENT OF STATE, WASHINGTON, *November* 14, 1873.

SIR: I have to acknowledge the receipt of your letter of the 8th instant, in which you recall the attention of this Department to the suggestion contained in your letter of the 20th ultimo, that a general instruction might be addressed to the ministers of the United States abroad, and in countries where we have no diplomatic agents to the proper consular officers, directing them to urge upon the governments to which they are accredited the early appointment of commissioners, or agents, if not already appointed, to enter into correspondence with the commission, and that information be sought through the same channels as to the approximate estimate of space in the industrial and fine-art departments of the exhibition which each government will probably require.

In reply I have to state that while the President feels a deep and sincere interest in the success of the exhibition, and Congress has given to it the sanction of its approval of its object and design, he has not been authorized by Congress to extend any invitation on behalf of the Government to foreign powers to participate in the exhibition. He was only authorized, by the act of March 3, 1871, to issue a proclamation setting forth the time at which the exhibition will open, and the place at which it will be held, and to communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners for publication in their respective countries. The President issued his proclamation on the 3d of July last, and copies of it and of the regulations referred to were communicated to the representatives of foreign powers accredited to this Government, with a note commending the exhibition to all nations who may be pleased to take part therein. Copies of these were also forwarded to the diplomatic representatives of this Government abroad.

Neither the act creating the commission, nor that incorporating the board of finance, authorizes any invitation in the name or on behalf of the Government to be extended to foreign powers, but only the announcement which was directed to be given, and has been given, to the representatives of those powers at this capital.

* * * * * * *

Should it be the desire of the commission to have another instruction prepared and forwarded to the diplomatic and consular officers of this Government, requesting them to use, unofficially, their good offices with a view to inducing foreign governments to participate in the exhibition, the Department will cause such instruction to be issued.

I take this opportunity to again assure the commission that both the President and this Department feel a lively interest in the success of the proposed celebration and exhibition to be held in commemoration of the anniversary of American Independence, and will extend all the aid to the commission which properly can be extended toward enlisting the sympathy and co-operation of foreign powers, for the fulfillment of that object.

I am, sir, your obedient servant,

HAMILTON FISH.

A. T. GOSHORN, Esq., &c., *Philadelphia.*

Mr. Speaker, other nations require the sanction of our Government to this grand national enterprise; they will not act without it; the precedent is established that they cannot act except upon invitation from our national Government. Therefore, if we palter about this word, we exclude from our international exhibition citizens of other countries, except an adventurous few who may come irrespective of the sanction, influence, and protection of their government.

Mr. KASSON. Will the gentleman allow me a word?

Mr. KELLEY. A word, but not a speech.

Mr. KASSON. Let me say that I propose to utter that "word" as a sincere friend of this enterprise, and with an earnest desire for its success. I wish to call the gentleman's attention to one point which, if any, will prevent the bill from passing this House. Attention was called to it by the gentleman from Maine [Mr. HALE] and the gentleman from Massachusetts, [Mr. BUTLER.] Those of us who have examined the question, as I have done so far as I have had an opportunity, find that there is a concerted effort to enlist the aid of the Government for the success of this enterprise to the amount of about $5,000,000. This invitation, which I deem it is necessary at some time should be extended to foreign governments, appears to be designed to commit (I believe that is the proper word) the Government of the United States to the proposition to make it a national enterprise, and, to that extent, to imply the guarantee of the Government. Now, if it will meet the gentleman's purpose at this time to admit a few words in the way of a proviso, which I ask may be read for information, it will relieve many of us at least of the difficulty we shall otherwise have in sustaining the bill.

Mr. KELLEY. I will respectfully say to the gentleman that I am not authorized, by the committee who instructed me to report this bill, to accept or permit any amendment.

Mr. KASSON. Will you allow me to read the amendment simply for information?

Mr. KELLEY. Yes, sir.

Mr. KASSON. My amendment is in this form:

Provided, That in communicating such invitation to foreign governments it shall be done in such language as not to present it as an enterprise guaranteed by the Government of the United States.

This will obviate the difficulty we have in sustaining this proposition. We do not want to commit the House in advance to this enterprise.

Mr. KELLEY. Unless I should hear some dissent from the members of the Committee on the Centennial Celebration I will not object to the gentleman's amendment.

Mr. RANDALL. I shall object.

Mr. KELLEY. Now, Mr. Speaker, allow me to say that the gentleman from Maine [Mr. HALE] manifested his earnest friendship for this enterprise when he told us that its managers are likely to apply to the Government for more money than it will cost altogether, although Pennsylvania and her citizens have already contributed $3,500,000 to the fund.

Mr. HALE, of Maine. The gentleman from Iowa, [Mr. KASSON,] who says he has examined this matter and is a friend to the enterprise, bears me out in my statement.

Mr. KASSON. I did not state the amount so largely as the gentleman.

Mr. HALE, of Maine. The gentleman stated $5,000,000. I stated it would be from five to ten million dollars. The gentleman's figures certainly bear out my conjecture.

Mr. KELLEY. I will say to the gentleman that the members of my committee object to admitting that amendment, or any other, and therefore I cannot do it.

Mr. DEWITT. Will the gentleman allow me to have an amendment read?

Mr. KELLEY. As I cannot admit it I do not see the utility of allowing it to be read. I will, however, yield to the gentleman in due time.

Mr. DE WITT. Will the gentleman allow me to read the amendment?

Mr. KELLEY. Will gentlemen allow me to state my case before I am asked to yield the floor to others? When I shall have finished my statement, I will, so far as my time will admit, permit other gentlemen to be heard.

I desire to say that the sum of $8,000,000, it is believed, will cover all the expenses involved in the construction of the exhibition buildings; and as the gentleman from Connecticut, [Mr. HAWLEY,] the chairman of the national commission, will tell you, Philadelphia and Pennsylvania have already contributed over $3,500,000 of that fund. It is a national enterprise, having its existence in virtue of two laws of Congress. It is under the management, not of Philadelphia, nor of Pennsylvania, but of a commissioner and alternate from every State in the Union and every Territory, who, though acting under the commission of the President of the United States, have their traveling expenses and hotel bills, when on duty as commissioners, paid out of the municipal fund of Philadelphia by virtue of a special appropriation made in addition to her contribution of $3,500,000, to which her citizens are daily adding. The action proposed to-day cannot give national character to the exhibition; for but for the action of Congress it would have no existence; but for the nominations of governors of States and Territories and the appointments of the President it would have no commission to take charge of it.

Mr. HALE, of Maine. Will the gentleman allow me to ask him a question right at this point?

Mr. KELLEY. Yes, sir.

Mr. HALE, of Maine. Does not the gentleman know that at the time when the action of Congress was taken, authorizing the appointment of these gentlemen from different States, the idea that the Government should ever be called on for one dollar of money was directly and squarely repudiated?

Mr. KELLEY. I do not yield further.

Mr. HALE, of Maine. I wish to say——

Mr. KELLEY. I yielded for a question, not a speech. There are gentlemen besides the gentleman from Maine who have a right to be heard on this floor, though he does not seem to recognize the fact to-day, or at other times.

Mr. HALE, of Maine. Will the gentleman answer my question?

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor, and must not be interrupted without his consent.

Mr. HALE, of Maine. I understood the gentleman to yield.

Mr. KELLEY. I did yield for a question; but I do think that other gentlemen besides the gentleman from Maine have a right occasionally to express their opinions in this Hall.

Mr. HALE, of Maine. The gentleman from Pennsylvania yielded to me to ask him a question, and the question I put was exactly in point; and I hope now I may be allowed, in the wisdom of the gentleman from Pennsylvania, to have an answer to that question, to which I am fairly entitled.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor and does not yield.

Mr. KELLEY. Mr. Speaker, when the subject was under discussion there was active opposition on the question as to where the exhibition should be held. New York was anxious to have it held there. Other cities were named. There was a contest which led to many foolish expressions of opinion on this floor. Among others was that of representatives from Pennsylvania, that Pennsylvania and Philadelphia would pay the whole expense. And, sir, I now say that if the other States of the Union can afford to have Pennsylvania bear their respective shares of the expenses, she will do her whole duty in support of the honor of the nation. The exhibition may not in that event be so grand as it ought to be. She may not be able to do all that the thirty-seven States united could do. Her people may not be able to do what the forty millions of people of the United States could do. They will, however, to the extent of their ability, redeem the honor of the whole people of the United States, as pledged by the legislation of Congress, which created this national exhibition, and which foreign ministers as astute as Prince Bismarck believe our Government has invited them to participate in.

Now, Mr. Speaker, I propose to yield five, ten, or fifteen minutes, as he may desire, to the gentleman from Connecticut, [Mr. HAWLEY,] who, on the nomination of the governor of Connecticut, holds the

commission of the President of the United States as one of the managers of this "little Fourth of July Philadelphia celebration."

Mr. MELLISH. Will the gentleman allow me to ask him a question?

Mr. KELLEY. I have yielded the floor to my friend from Connecticut, who can probably answer your question better than I can.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I say in advance, if I have to make a statement at all comprehensible here, I must ask gentlemen not to interrupt me with constant questions. If the House will allow me, when I have made my statement, I will be then glad—not only willing, but very glad—to answer any inquiries which may serve to make this enterprise clear to the House and to the people.

I did not anticipate that just now we should have sprung upon us a discussion upon the question of granting pecuniary aid to this enterprise; but it seems involved, and I have no recourse but to refer to it incidentally. And I may as well begin at the beginning and tell gentlemen—they will pardon me for saying they do not all fully understand this question—what this international exhibition is. Not for myself, but for the cause, and for the national honor, I beg the attention of the House.

It was inevitable, Mr. Speaker, that there should be a great celebration in 1876. A million minds thought of it. How should that celebration be conducted, and where? Naturally, it was supposed, there would be on the Fourth of July, and during that week, appropriate observances—important, interesting, and striking ceremonies; but it also occurred to many that this afforded us a great opportunity for one of those grand international exhibitions which have been coming into style, marking the nineteenth century, and giving evidence of the progress of Christian civilization. And I say no money has been expended by a civilized Christian nation, since 1800, more to the real advantage of their people than for these grand exhibitions. It was proposed that we should have one; we have not had one. We had a preliminary attempt at one in New York in 1853, yet remembered by the great industrial interests of the country as of marked importance. It was proposed that we should not only have a grand national but an international exhibition. No other nation can, like us, point to a definite time and say, then the nation was born. It was, evidently, a matter of great interest to the world that we should show the progress we had made in this century in all things—our marvelous increase in population, and our wonderful advance in industry.

Why, sir, if you will sit down for half an hour in consultation with those who have seen previous exhibitions, and have spent time on the examination of all such exhibitions, you will see that no nation can ever show the world what we can show it. This exhibition has its interests besides those merely pecuniary. But looked at in that light, it will repay to us ten times over the amount of money any one ever thought of asking from the Federal Government or from individuals. It will be of infinite advantage to us. Already the other nations have had some faint intimations of our capacity in the show we made at London, Paris, and Vienna. In proportion to the very imperfect and ill-regulated display we made at those places, we gained more prizes and more honor than any other people. And in a comparatively insignificant matter, we all remember how a flush of pride came to the cheeks and moisture to the eyes of millions of our people when the news came that the yacht America was ahead and "all the rest nowhere."

I wish to say in addition that we have so far committed ourselves that we cannot retreat without shame, without great national mortification; and I will tell you why. I do not speak for myself. I ask nothing. I am not responsible for the existing embarrassment. The governor of my State sent for me and asked me if I would undertake to serve as a commissioner under the act of Congress. I have served two years and given several months' time and labor without compensation, and we ask for none. I speak as one of that commission, and for the time being its president. We speak of our duties under an act of the national Legislature. In its preample it recites:

Whereas the Declaration of Independence of the United States of America was prepared, signed, and promulgated in the year 1776 in the city of Philadelphia; and whereas it behooves the people of the United States to celebrate, by appropriate ceremonies, the centennial anniversary of this memorable and decisive event, which constituted the 4th day of July, anno Domini 1776, the birthday of the nation; and whereas it is deemed fitting that the completion of the first century of our national existence shall be commemorated by an exhibition of the natural resources of the country and their development, and of its progress in those arts which benefit mankind, in comparison with those of older nations; and whereas no place is so appropriate for such an exhibition as the city in which occurred the event it is designed to commemorate; and whereas, as the exhibition should be a national celebration, in which the people of the whole country should participate, it should have the sanction of the Congress of the United States: Therefore—

These are your words, gentlemen, not ours—

Be it enacted, &c., That an exhibition of American and foreign arts, products, and manufactures shall be held—

"American and foreign arts," you observe; and how held?—

under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876—

Pray note the words "under the auspices of the Government of the United States." I do not know how you could make language any more decisive to constitute this a national exhibition.

A VOICE. What is the date?

Mr. HAWLEY, of Connecticut. The date of the act is March 3, 1871, nearly three years ago.

I read again:

That an exhibition of American and foreign arts, products, and manufactures shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876.

SEC. 2. That a commission, to consist of not more than one delegate from each State, and from each Territory of the United States, whose functions shall continue until the close of the exhibition, shall be constituted, whose duty it shall be to prepare and superintend the execution of a plan for holding the exhibition, and, after conference with the authorities of the city of Philadelphia, to fix upon a suitable site within the corporate limits of the said city where the exhibition shall be held.

SEC. 3. That said commissioners shall be appointed within one year from the passage of this act by the President of the United States, on the nomination of the governors of the States and Territories respectively.

SEC. 4. That in the same manner there shall be appointed one commissioner from each State and Territory of the United States, who shall assume the place and perform the duties of such commissioner or commissioners as may be unable to attend the meetings of the commission.

SEC. 5. That the commission shall hold its meetings in the city of Philadelphia, and that a majority of its members shall have full power to make all needful rules for its government.

Now I ask the House to observe the language of the next section:

SEC. 6. That the commission shall report to Congress at the first session after its appointment a suitable date for opening and for closing the exhibition; a schedule of appropriate ceremonies for opening or dedicating the same; a plan or plans of the buildings; a complete plan for the reception and classification of articles intended for exhibition; the requisite custom-house regulations for the introduction into this country of the articles from foreign countries intended for exhibition; and such other matters as in their judgment may be important.

The commissioners are ordered by the statute to report these things immediately upon their first organization. And they have to report again this winter, because they could not report at all completely at that time, and they will in a few days lay their second report before Congress in obedience to your orders.

And now, in section 7, I come to what some gentlemen have urged as an objection to us, and an objection thrown in right here in front of our movement, which is not now asking for compensation:

SEC. 7. That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States—

We have not asked for one farthing of compensation for ourselves—

and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

We have not run you in debt one farthing. We have obeyed the law. You are not liable for one cent of the expenses we have incurred. Philadelphia put $75,000 at our disposal for necessary preliminary expenses, and every dollar has been expended honestly, for necessary expenses, as we can show by the vouchers. We have obeyed the law, and the Government is not responsible. It was perfectly right, in this preliminary act, to give notice to us and the world that the commission should not run the United States into debt. But why put this in? Simply because in all the previous sections there had been declared such a complete nationalization of the enterprise that possibly some might infer that the Government was pecuniarily responsible for us. But I will recur to that subject. I proceed now to the eighth section:

SEC. 8. That whenever the President shall be informed by the governor of the State of Pennsylvania that provision has been made for the erection of suitable buildings for the purpose, and for the exclusive control by the commission herein provided for, of the proposed exhibition—

Hear this, I pray—

the President shall, through the Department of State, make proclamation of the same, setting forth the time at which the exhibition will open and the place at which it will be held; and he shall communicate to the diplomatic representatives of all nations copies of the same, together with such regulations as may be adopted by the commissioners, for publication in their respective countries.

We are not to blame for this.

The chairman of the committee says I must draw to a close soon. I beg for ten minutes more, not for myself, but as representative of the commission.

VOICES. Agreed; go on.

Mr. KELLEY. Very well; take ten minutes.

Mr. HAWLEY, of Connecticut. Remember the section I have just read.

In accordance with that act, and simply obeying his duty under the statutes, the President of the United States, unable himself to attend by reason of the death of his father, sent the Secretary of the Navy to Philadelphia, who, on the 4th of July, in the name of the President, read a proclamation of the President to the assembled tens of thousands there, announcing to the world what had been done by the commission in reference to this exposition. And he there proclaimed, not to the people there alone but to the world, that an international exposition would here be held, and commended that exhibition to all nations. Copies of that proclamation were given to the diplomatic representatives here of all foreign countries. There was also a circular, through the Secretary of State, setting forth the character of the exposition, that it was international, and that foreign exhibitors were desired here; and the regulations for foreign exhibitors were also distributed by the State Department, all being done as the act directs.

That went to all nations, and some half dozen of them have accepted what they considered an invitation. Bismarck, with that straightforward, common sense which makes him as much a Yankee as a German, thought that we meant what we said, and he submitted our invitation to the proper authorities, and it was accepted; therefore Germany will be here. Italy will be here; Austria will be here; others are coming. Europe understands what has been done even better than the people in general of the United States. There have been long

explanatory editorials in the leading papers of every capital in Europe. Our advertisements were in every catalogue in Vienna; in every language spoken in Europe; and this was done upon invitation. All nations tell us they wish to come; that they cannot afford to stay away. England, France, Germany, Russia, Austria, Italy tell us so.

But here is this difficulty: the Secretary of State says that when he comes to look at the letter of the act very carefully, he finds that he is not directly authorized to extend an invitation; that the word "invite" is not used in the act. And we do not complain; he is only desirous to conform strictly to the law, and that is his duty.

But the President is told to proclaim this as an international exhibition. He has sent notice to that effect to everybody in the world. Now the Secretary of State turns around and says, "On the whole, I do not think we can say 'invite.'" Already three or four governments have accepted what they understood to be an invitation. Yet the Secretary says, "On the whole, I do not think I am authorized to use the word 'invite.'"

Now, sir, perhaps a Philadelphia lawyer would say—and they are the shrewdest in the world—that he really had no authority to use any such word. It is to correct this oversight or defect in the charter that we are here to-day; nothing more and nothing less. We should go forward or back, one or the other. Now, if you take that correspondence of the State Department and that proclamation of the President, and say that, as gentlemen, you can go back, then you have a different apprehension of what is proper from what I entertain.

The Centennial Committee to-day only ask that you should really say, what you have virtually said before, that you shall authorize the word "invite" to be frankly and squarely used; not to tell other nations that we will be glad to see them here but that we do not ask them to come. Now, if I had an invitation to dinner on terms like those already used, I should be very much surprised to find the door closed in my face if I undertook to act upon it. We ask now that this technical oversight be corrected.

As this matter is brought up, I say now frankly and squarely that during this session we shall submit a proposition, and ask to have it fairly considered and fully heard, for Government aid. I say "Strike, but hear me;" this is not my cause, but the national cause; it is the cause of this commission, composed of ninety-four members, from forty-seven States and Territories.

I beg you to listen. I ask you to say whether you can expend three or four millions of dollars anywhere else as well as in this. You are ready to put your forty to sixty millions a year to build up an army and navy, to provide the enginery of war, for the mangling of our fellow-beings. But remember we are closing the nineteenth century. The time is coming when the millions of the treasure of the people will be thought more valuable for certain purposes of peace, industry, and progress than for murdering our fellow-men. A new era has come upon the world. You cannot afford to throw aside this exhibition with a quibble upon the letter of an act.

One word more. It is said this is a local affair. I deny it. The nation has given its sanction to this great celebration by the messages which have been sent to all the world. Philadelphia had the great honor of being the birthplace of the Declaration of Independence. You, the Congress, have said that there is no place so proper as Philadelphia for this celebration.

Some say that Philadelphia will make money out of it. I deny it. She has discounted her profit already; she has put her hand in her pocket and has laid down all and more than she might be able to make out of the enterprise. Philadelphia, by her private citizens, has subscribed something like $1,000,000 in behalf of this exposition. As a city she has voted $575,000. The State has given $1,000,000 as a State. This State appropriation is to go into what, to be sure, will be a permanent building, but a building which will be adapted to our service, and entirely surrendered to us for the exposition of 1876. Over $3,000,000 have been devoted to us in that single State of Pennsylvania, and more has been promised. No, sir; even if we condescend to a calculation as to what may be the profits of Philadelphia saloons and street cars, her patriotic citizens have given all that in advance.

Mr. MELLISH. Will the gentleman yield for a question?

Mr. KELLEY. I must object to that. There are some other gentlemen to whom I had promised to yield. I did not yield to the gentleman from Connecticut [Mr. HAWLEY] that he might yield the floor.

Mr. HAWLEY, of Connecticut. I am not directly discussing the pecuniary question. I am only advocating a resolution which shall enable the Government to complete its invitation to foreign nations.

Mr. KELLEY. I am willing the gentleman from Connecticut shall hear the question, and then I desire to yield the floor to the gentleman from New York, [Mr. WOOD.]

Mr. MELLISH. Will not the passage of this bill furnish a precedent for assistance to other enterprises, on various pretexts, in coming years? If Philadelphia has assistance this year, will not Cincinnati, Saint Louis, Chicago, New York, Boston, and other cities come in in their turn?

Mr. KELLEY. I must object to a speech.

Mr. MELLISH. And will not the argument be irresistible that, one city having had this subsidy, others are equally entitled to consideration? Will not this be virtually pledging the financial encouragement of the Government to a series of great exhibitions throughout the country?

Mr. KELLEY. I must resume the floor. I will answer the gentleman's question.

Mr. HAWLEY, of Connecticut. It was addressed to me. [Laughter.]

Mr. KELLEY. Very well.

Mr. HAWLEY, of Connecticut. Whenever Chicago shows that the Declaration of Independence was proclaimed one hundred years ago on her soil, and that the time has come for a celebration thereof—the centennial anniversary of the birth of the Republic—then the gentleman's question will be appropriate.

Mr. MELLISH. Will you vote for aid to such an enterprise?

Mr. HAWLEY, of Connecticut. Yes; even though it be a hundred or a thousand years hence. [Laughter.]

Mr. KELLEY. I yield to the gentleman from New York [Mr. WOOD] for five minutes.

Mr. WOOD. Lest the inquiries of my colleague [Mr. MELLISH] may be construed as indicating a hostility on the part of the city of New York to this proposed exhibition, growing out of the alleged prejudice or jealousy of the city of New York toward the city of Philadelphia, I desire to say that such a view of a question of this character is derogatory of the city of New York, and places her before the country in what I deem a false position. Without assuming to represent that city, (for I represent but one humble portion of it,) I think I can say that this proposed centennial exhibition in Philadelphia has the best wishes of the people of the city of New York for its final success. We can afford to give to Philadelphia every possible advantage for any enterprise of this or any other character, when such enterprise is a national advantage as this would be.

Many, many years have rolled by since the importance of Philadelphia, commercially or otherwise, made her an object of jealousy on the part of the city of New York. We claim to be pre-eminent—the metropolis of this country, cosmopolitan in our feelings, liberal toward any other section of the Union, not envious of any possible prosperity that may fall to the lot of any other portion of the Union or any other city.

While on the floor, allow me to say that I was a member of the committee that originally reported the bill to which the gentleman from Connecticut [Mr. HAWLEY] has referred. The subject, when first presented in this House, was referred to the Committee on Foreign Affairs. That committee gave to the subject great deliberation, and much examination of its probable effect, and how far it would commit this Government to guaranteeing the success of the proposed enterprise. We took a higher view of this celebration than to regard it as a mere exhibition local to the city of Philadelphia. We looked upon it as national. In view of the great movement in which mind is made predominant over matter—the movement now going on throughout the civilized world, in which the interchange of commodities, of information, of inventions, of commercial and manufacturing industries, is made paramount to military conflicts between nations—we looked upon an enterprise of this character, emanating from the greatest of all agricultural, commercial, and mechanical nations, as conducing to perpetuate international peace. Hence we favored this enterprise, and we favored Philadelphia as the location, regarding that city as peculiarly adapted for such an enterprise; and we deem the occasion—the hundredth anniversary of the birth of this great nation—to be the fitting time for this great national work to be brought into actual, living existence.

Mr. MELLISH. Will my colleague allow me one word?

Mr. WOOD. I will yield if the gentleman does not wish to make an argument.

Mr. MELLISH. I wish to disclaim any intention of intimating by my question to the gentleman from Connecticut [Mr. HAWLEY] that any jealousy was entertained by the city of New York as against Philadelphia. I am quite certain no such feeling exists. My question was not put in that spirit, but solely in the interests of the national Treasury.

Mr. WOOD. Sir, I do not understand that the bill reported from this committee involves the expenditure of a single dollar of public money. When the occasion arises, I shall be prepared to be heard upon the distinct and isolated question how far we are committed to make any appropriation from the national Treasury for this object. The question now presented is simply whether we shall not remedy a difficulty arising under the construction of the existing law. Congress passed a law imposing upon the President certain duties in connection with this enterprise. The President has acted upon his own construction of the measure, and has in part performed his duty under it; but when he undertakes to perform that duty in all its parts, he is met by an objection upon the part of the Secretary of State as to whether, under the law, the President has the right to exercise any judgment at all with reference to these invitations. Now, this resolution simply proposes we shall give to him the power to do—what? To invite the nations of Europe. And there is a graver reason for this case. All the universal exhibitions of Europe have been national enterprises; and European nations have officially, through their governments, invited us to participate in them.

The SPEAKER. The gentleman's time has expired.

Mr. WOOD. I hope the gentleman from Pennsylvania will allow me to finish my statement.

Mr. KELLEY. I would be glad to yield to the gentleman if I had time; but I will now yield to the gentleman from Maine, [Mr. FRYE.]

Mr. RANDALL. I move that the time of the gentleman from New York be extended ten minutes.

The SPEAKER. That requires unanimous consent.

Mr. RANDALL. I ask unanimous consent.

Mr. KILLINGER. I hope the time for this debate will be extended.

Mr. KELLEY. If the previous question be ordered I will gladly give the gentleman from New York [Mr. WOOD] more time, and let the gentleman from Maine be heard, as well as other gentlemen.

Mr. KILLINGER. Will the gentleman allow me five minutes?

Mr. KELLEY. I decline to yield to any Pennsylvania Representative; I want the people of the other thirty-six States and Territories to be heard on this floor.

Mr. KILLINGER. I wish Pennsylvanians to take notice of the fact that the gentleman from Pennsylvania objects to the Representatives from the interior of Pennsylvania being heard.

Mr. KELLEY. I demand the previous question; and in the hour to which I am entitled, after the main question has been ordered, I propose to yield further to the gentleman from New York [Mr. WOOD] as well as the gentleman from Maine, and others.

Mr. KILLINGER. I hope the House will refuse to second the demand for the previous question.

The House divided; and there were—ayes 123, noes 14.

So the previous question was seconded.

The main question was ordered to be put.

Mr. KELLEY. I yield now to the gentleman from New York, [Mr. WOOD,] and ask him how much time he wants?

Mr. WOOD. Only two or three minutes.

Mr. KELLEY. Take five, sir.

Mr. WOOD. When interrupted, Mr. Speaker, I was referring to the necessity for the adoption of this resolution, and to the fact that it involved the appropriation of not one dollar; that it does not commit this House hereafter by the most distant construction of this resolution to voting a single dollar. I for one, while I am in favor of this resolution and this enterprise, reserve to myself the right to vote and act as I please when the question of appropriation comes up hereafter in support of the exhibition itself.

All of the European nations—England, France, and Austria, every one of the nations of Europe which has held these exhibitions—have officially, through their governments, invited this Government to participate. And in the case of Austria she went much further; she not only invited us to participate, but she helped to pay the expenses for the transmission of some of the goods of exhibitors from Trieste to the city of Vienna for the purpose of that exhibition. Not only were we officially invited, but in every case this Government, without any act of Congress inviting it to do so or authorizing it to do so, officially consented to take part, and did take part, in these exhibitions.

Mr. KASSON. I am very anxious, as I said before, we should come to a vote directly on a point which will make it intelligible to everybody. If we give an invitation in the manner proposed, I wish to say frankly I shall feel the Congress of the United States is bound to provide a suitable building and all other arrangements for a noble and worthy international exhibition.

One word further. The gentleman says he does not regard this as touching the question of appropriation. Hitherto the Government has declined to formally invite; they have simply notified what was going on. It is now proposed to invite. If we do invite them to dinner, we must provide a house to take it in. It is that point I call to the attention of the gentleman and other gentlemen who propose to speak, because I feel we must go on if this is adopted. I do not say we must not go on; but I do not wish to vote under an impression that, after inviting foreign governments to take part, we are at liberty to decline to make suitable appropriations.

Mr. WOOD. If there was any valid objection, or any reason for the objection, existing in the mind of the gentleman from Iowa, [Mr. KASSON,] it would have applied to the original bill itself, which was passed in 1871. In that act we directly instructed the President to give invitations; and so far as the authority of Congress is concerned he had power to do all which was necessary to be done. At that moment we gave a national character to this exhibition when the appointment of these commissioners was originally confided to this House, each member of Congress naming two commissioners for each congressional district. And therefore in the original bill itself we did all we could do to give a national character to this enterprise. But, sir, that does not necessarily commit us to the appropriation of money to erect a building. The European governments in no case have done that, but they have obtained certain departments for the exhibitors of their respective countries. That is what they have done; and there is, therefore, I think, really no objection to this. The case has been correctly stated by those who favor the bill; and I shall certainly vote for it.

Mr. KELLEY. I now yield to the gentleman from Maine, [Mr. FRYE.]

Mr. FRYE. I do not often ask the attention of this House to any remarks I am to make, and I would not now had not my colleague from Maine, [Mr. HALE,] it seems to me, rendered it absolutely necessary for me to say one word in reply to the remarks which fell from him. Those remarks were claimed to be made in the spirit of economy. Now, sir, I admire the spirit of economy, and believe it should rule in the Congress of the United States always. I believe it should rule in the country everywhere, always. But, sir, there is a true economy, and there is a false economy, as there is an expenditure of money which brings profit, and an expenditure of money which brings nothing back for it. This is sometimes forgotten. Sir, I do not believe that in this matter my colleague spoke for the State of Maine when he suggested here that she stood back and looked on the centennial and said, "It is glorious; go on; make it glorious; make the nation proud in view of it; but if it is to cost a dollar, then Maine steps to one side." Now, sir, Maine has no such spirit of economy in her bosom as that. She was a part of the old Commonwealth of Massachusetts, and is proud of her mother to-day. She was a part of one of the original States, and was in at the birth of the Republic. Ay, sir, it is well for us to go back now and then to that nursery of this Republic of ours and behold her in her weakness and in her childhood; and then, coming up from there, follow her through her growth from childhood to where she stands to-day, a giant in the eyes of the world; follow her to that terrible struggle of the rebellion, when she built navies, when she raised armies, when she paid off all her indebtedness, and came out a more noble republic than she ever was before, her industry increased a hundred-fold, her prosperity doubled, notwithstanding that terrible war; follow her through, until you stand with her to-day before the world, great, glorious, and beautiful.

Why, sir, the gentleman's city of Ellsworth, year after year, has voted to commemorate the birth of this Republic, appropriated money for the purpose; and all the cities of this country have done the same, and have done well in so doing. And now we come to the hundredth birthday of our country; and the Government, already recognizing the centennial as a fixed fact by the act which it has passed, may be asked to appropriate money, for what? To make that centennial commensurate with the Republic itself. Why, sir, I can say, as for myself, when that time comes, when we are called upon to appropriate that money, if I am here, my vote shall be for such appropriation as shall make the centennial what it ought to be. And, sir, I dare go back to my constituents, I dare say to them now and here, notwithstanding this spirit of economy which is hovering all around us to-day, that if they allow me to be their representative, my vote will be in accordance with what I am saying.

Sir, I do not wish Maine to stand behind in this; I wish her to come forward as a part of the Republic. I know, if I know the citizens of Maine, that when the time comes she will respond heartily and stand shoulder to shoulder with Pennsylvania, rejoicing that Philadelphia, the birthplace of American liberty, is the city in which this centennial is to celebrate itself.

Mr. SMITH, of New York. I call the regular order.

The SPEAKER. The previous question was operating before the morning hour was through.

Mr. KELLEY. I yield now to the gentleman from New Hampshire, [Mr. PARKER.]

Mr. PARKER, of New Hampshire. I thank the gentleman from Pennsylvania [Mr. KELLEY] for the privilege of making a few remarks upon this very important subject.

As a Representative from New Hampshire, I take great pride in announcing to this House that the Granite State was the first of any of the States to respond through her Legislature to the call for aid, and thereby recognize this great enterprise. Although New Hampshire does not possess so great an extent of territory and fertility of soil as many of her sister States, she is never behind any of them in anything which involves the interest of the common people, nor is she wanting in patriotism or noble deeds. Being one of the "original thirteen," and intimately connected with the struggles which secured our national independence and the early history of the Republic, she would be untrue to herself and her history if she did not give this enterprise her hearty approval and earnest co-operation.

The centennial celebration of our national birthday is an event in the history of the world and republican government which will enlist the warmest sympathies of every true American; and it will be a proud day for us when we can lay before, not only our own citizens but the representatives of all the civilized nations of the world, the evidences of our progress and intelligence in science and art, and in all that contributes to the happiness and prosperity of a people, and say to them that all this has been accomplished in the first one hundred years of our existence as a nation.

New Hampshire stands committed to extend a helping hand in this great work, and, true to herself, she will not be found wanting, believing it to be an occasion worthy of her best efforts. The memory of her patriotic sires who fought at Bunker Hill and through the revolutionary war, as well as a high sense of duty, prompts her to this action. Let other States follow the example which New Hampshire has set before them, and the work will be well done; and the year 1876 will be the brightest page in our country's history.

Mr. KELLEY. I now yield to the gentleman from New Jersey, [Mr. SCUDDER.]

Mr. SCUDDER, of New Jersey. I wish to say a few words upon this subject, and for this reason: I have received a copy of resolutions of the Legislature of the State of New Jersey upon this subject, which I will read:

Whereas the Congress of the United States has, by an act passed in 1871, provided for the celebration of the one hundredth anniversary of the American Independence, in the city of Philadelphia, and the President of the United States has by proclamation invited the attention of all nations to this celebration; and whereas it is abso-

lutely essential to the success of this proposed celebration that a considerable sum of money should be promptly raised: Therefore,

Resolved, (the House of Assembly concurring,) That we request the Senators and Representatives in Congress from New Jersey to vote for such an appropriation as shall enable those having the matter in charge to discharge the duties devolved upon them in accordance with the requirements of the occasion.

Resolved, That a copy of this preamble and resolution be forwarded to each of our Senators and Representatives in Congress.

Now, though that resolution may not be exactly pertinent to the matters now before the House, still it is of some importance so far as this question is concerned. Already the subject of this celebration, to take place a century after the Declaration of Independence, has attracted the attention of every State and Territory of this nation, and has attracted the attention of the civilized world. We, therefore, are committed, to a very great extent, to the matter—committed so far that we cannot go back.

The bill now before the House proposes simply that some official steps should be taken in reference to giving notice to foreign nations. So far as this subject is concerned, it is very clear that it is not a matter of Pennsylvania, or New York, or New Jersey; but it is a matter which concerns the whole nation. We are committed to it. And when that great anniversary shall come around, the anniversary of freedom, an anniversary which shows not only freedom, enlightenment, culture, but great mechanical progress, progress in the arts and sciences, I take it that then we will feel disposed to rise as one man and give full force and effect to that occasion.

Mr. KELLEY. I now yield to the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. I am obliged to the courtesy of the distinguished gentleman from Pennsylvania [Mr. KELLEY] for the privilege of raising a voice from Maryland in behalf of this bill. Mr. Speaker, the hearts of our people are entwined with the hearts of the people of Pennsylvania, and by interchange of views upon festive and many other occasions we feel that the interests of Maryland and the interests of Pennsylvania are not only one, but are in common with the great interests of our entire people.

We claim that the city of Baltimore, which I in part represent, is the great metropolis of the South; that it not only represents the South in all great measures concerning the prosperity and the honor of our country, but that on this question of sustaining the centennial exposition the interests of the South are entwined and are one with the interests of Pennsylvania and her sister States across the border line. We have no jealousy to gratify in regard to anything that will contribute to the prosperity of the great city of Philadelphia. Baltimore has already outstripped her as a commercial rival. And when our lines of improvement by railroad to the great West have been completed, and with our many lines of ocean steamships and our large and increasing manufacturing industries, may we not bid fair to stand in competition with the great metropolis of the North, the city of New York? We, sir, look upon this centennial celebration as one that will not only give an opportunity where the skilled labor, the mechanical genius, the works of our artisans will be spread out before the gaze and admiration of the civilized world, but also as an enterprise that will add to the honor and glory of the Republic.

Now, sir, although the bill before the House does not contemplate the appropriation of money to carry out this great enterprise in which the whole country is so much interested, and concernig which there should be no division, political, sectional, or otherwise, I am here to say that at the proper time, when money is required in order that this great exhibition shall be sustained upon the platform which our country occupies before the world, when it is required that money shall be used in order to show that we can produce an exposition unequaled by any other nation of the world; then the voice of Maryland will be raised in behalf of an appropriation commensurate with the extent of the enterprise. Maryland will, I believe, sustain its Representatives in voting such sum of money from the Federal Treasury as will sustain the faith of the Republic pledged to this great national enterprise by the Forty-second Congress, and thus maintain it in a manner and on a scale commensurate with the greatness and dignity of the country.

The centennial exposition, Mr. Speaker, is not a local or State enterprise; its usefulness and importance cannot be confined by State lines or geographical divisions, but will be as limitless as are the resources of the country. Every American whose heart is animated with devotion to the progress and prosperity of our Union will take pride in every movement that adds to its glory and renown. In this exposition, which is to commemorate the birth of the Republic, the progress of mechanics, the arts and sciences, the products of our agricultural and manufacturing industries—in a word, the triumphs of our people in every department, under the beneficent rule of popular government and free institutions, will testify to the nations of the world the true greatness and manifest destiny of this great country. Not only, therefore, should the pending bill pass the House, but false economy should not stay our hands in voting any money that may be required to make the centennial exposition in every respect worthy of the dignity and honor of the country and the American people.

Mr. KELLEY. I now yield to the gentleman from Massachusetts [Mr. BUTLER] for three minutes, that being the time fixed by him.

Mr. BUTLER, of Massachusetts. I will not trespass at all upon your patience. When this bill was first brought in I thought I saw its bearing. I saw that it committed the Government, in the invitation to be extended, to make this a national enterprise. I desired only to elicit such debate as should give us a thorough understanding of what we were about to do; and that it would become the bounden duty of the Congress of the United States, without niggardliness or anything but having in view the glory and honor of our country, to make such appropriations as will be necessary to carry out this exhibition. Whoever else may fail, we cannot fail.

Now, sir, I think we are so far committed by the acts of Congress, (although there is a provision in the original act that we shall not be called upon for an appropriation,) and our Government has taken such measures through their diplomatic corps, that we are committed to the nations of the world in this exhibition. When we do anything at all let us do it frankly, man-fashion, and openly. Let us invite the nations of the world to meet us not by any uncertain sound.

There is but one thing that I would have desired to have had in this bill. Perhaps our Government will take care to have that done. That is, that we should have invited the artisans of the world through their governments to come here and see what we have done by strong hands and willing hearts, and not to have invited the governments as such.

Mr. KELLEY. I will extend the time of the gentleman from Massachusetts [Mr. BUTLER,] that I may make a suggestion. The invitation, though addressed to the government is, that they invite their artisans; and the invitation sent by the executive commission is that the respective governments shall induce their artisans to come in person to our country to attend this exhibition.

Mr. BUTLER, of Massachusetts. I have made my suggestion, because in the events we are about to celebrate no dukes or marquises except one took part; and that one democratized himself before identifying himself with our cause. But I assume that the invitation will be for commissions of artisans of each country to come here and interchange with us their knowledge in the great arts which benefit mankind.

Therefore I hope the bill will pass. Certain it is that Massachusetts, the scene of the first revolutionary strife, and of the first act that gave birth to the country, will not be found voting against anything which shall commemorate her glory as first and foremost in the great war of independence. And when we shall have extended this invitation, I hope to hear no speech and no vote against appropriating any sum of money that can be demonstrated to be necessary to carry out this enterprise. I have come to the conclusion that our Government is already committed. It has gone forth to the world that this is a national celebration. We must stand by it, and see to it that it does honor to the event and honor to the country.

Mr. WOOD. Before the gentleman from Massachusetts sits down I wish to say that I think he errs in stating that a vote in favor of this bill is to be construed as committing the members so voting to support any appropriation asked for.

Mr. BUTLER, of Massachusetts. Not any appropriation asked for, but any appropriation that can be demonstrated to be necessary, whatever it may be.

Mr. WOOD. That is very ambiguous and indefinite. I wish to stand uncommitted upon the question of appropriation, although I am in favor of this bill.

Mr. BUTLER, of Massachusetts. Well, I cannot invite a man to my house unless I expect to give him a dinner when he comes. [Laughter.]

Mr. KELLEY. I yield to the gentleman from Ohio [Mr. SMITH] for five minutes.

Mr. SMITH, of Ohio. I think the gentleman from Massachusetts [Mr. BUTLER] has stated this question very frankly. The adoption of this bill commits the House—and will be so accepted in the minds of the people of the country—to an appropriation of from three to seven million dollars for the centennial celebration. Like the gentleman from Massachusetts, I believe that having pledged ourselves by inviting foreign governments and their citizens to come and take part in this centennial celebration, we cannot avoid all the appropriations necessary to make it a great success.

Now, sir, it ought to be understood by the House of Representatives that the plans for this celebration are all completed, and that they absolutely require an expenditure of about $8,000,000. It is said that $3,000,000 have been contributed by the State of Pennsylvania and the city of Philadelphia.

Mr. KELLEY. Three million five hundred thousand dollars.

Mr. SMITH, of Ohio. One million dollars of the amount furnished by the State of Pennsylvania is, I understand, for the erection of a public building, which is to be a permanent fixture in the park at Philadelphia.

Mr. KELLEY. It is to be used as an art gallery during the exhibition.

Mr. SMITH, of Ohio. One gentleman connected with this commission assured me that this enterprise will require, before we get through with it, an expenditure of $7,000,000 from the General Government.

Mr. HAWLEY, of Connecticut. No one has any authority to say that.

Mr. KELLEY. No man ever had such authority.

Mr. SMITH, of Ohio. A gentleman from Ohio, a member of the commission, assured me that it would take $7,000,000.

Mr. RANDALL. He ought to be off the commission.

Mr. KELLEY. Seven million dollars it is supposed will cover the whole cost. Three million five hundred thousand dollars have already been contributed.

Mr. SMITH, of Ohio. We all know that appropriations of this character always exceed the estimates. We are frankly told by gentlemen here that the Government will have to furnish about $5,000,000; and a vote in favor of this bill means that there shall be an expenditure of at least that amount, with a strong probability that it will go a million or two beyond.

Mr. G. F. HOAR. May I ask the gentleman a question?

Mr. SMITH, of Ohio. Yes, sir.

Mr. G. F. HOAR. Does not the communication which the President of the United States has already made to the governments of the world, informing them that we propose to have an international exhibition, and saying that he hopes delegations of their people will be present, and that the occasion will tend to strengthen friendly feeling among the people of the several nations—does not this action of the President pledge the Government just as much as will the passage of this bill?

Mr. SMITH, of Ohio. Mr. Speaker, I acknowledge that what has been done in reference to this matter embarrasses Congress; but the action now proposed will embarrass us still more.

Mr. G. F. HOAR. Does not the gentleman consider that we are already pledged to this enterprise?

Mr. SMITH, of Ohio. We are not pledged, and for the reason that in the law authorizing the appointment of these commissioners Congress reserved to itself the right to refuse to appropriate one dollar of money. But if we pass this bill it means that Congress is committed to this very large expenditure.

Now, we have in all sorts of ways committed ourselves to the declaration that we are going to cut down the expenses of the Government; but here is a proposition that implies an expenditure of $5,000,000; and a large part of the appropriation for this purpose will have to be made during the present session; yet it is a fact that neither the Committee on Ways and Means nor the Committee on Appropriations has had an opportunity upon this bill to say whether we have this money at our command or whether we are able to appropriate it.

As I understand from the information we have and the debates which have taken place here, we can only avoid the necessity of increasing the already heavy burdens of taxation by the strictest public economy. The House has pledged itself to that. It has resolved that it will neither increase taxation nor borrow money. But here is a proposition committing us to a great expenditure, not required for the proper transaction of any public business. This is not in the direction of economy. If we should finally conclude to make the appropriations necessary to have a great world's fair, it will then be time enough to issue our invitations. The passage of this resolution will be regarded everywhere as an assumption by the General Government of the whole possible expense. Not another dollar will be raised by private subscription. The House should pause before taking this step. We can scarcely retrace it with honor.

Before this resolution passes committing the Government to the expenditure of this money, I would like to know whether the Ways and Means Committee can furnish the money, and whether the Appropriations Committee thinks it ought to be expended. I am sure if the committees especially charged with the consideration of all matters relating to our finances were permitted to advise the House they would protest against the appropriations ultimately contemplated in this resolution. In my judgment the resolution should not pass.

Mr. KELLEY. I yield to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. Mr. Speaker, I am heartily glad that this discussion has assumed a more national character than when it commenced. I am myself willing now and here to commit myself to vote for such an appropriation as shall be made to appear necessary, in order that this great centennial celebration of the Republic may be worthy of the country, and worthy of the age in which we live. This celebration is not for Philadelphia, and is not for Pennsylvania. It is a celebration which ought to awaken and arouse the spirit of patriotism of every American citizen, whether he live in the East or in the West, in the North or in the South. I will not admit that to Pennsylvania shall be the honor of this celebration. We in the West desire to participate in it. There are those in the West who went from the East. We have the traditions of the country in our breast as deeply engraven as those in the East. I am therefore unwilling to admit we are not in the West interested in this celebration; and I say we ought to be willing now to commit ourselves to the honorable—yea, to the most completely organized celebration of this anniversary of our country.

The gentleman from Ohio [Mr. SMITH] who has just spoken seems unwilling that we should commit ourselves to the payment of a dollar. I wish to ask him and this House if it is proposed that the hundredth birthday of this country shall come round and this House of Representatives refuse to pay a dollar for this celebration? Are we willing that this hundredth birthday shall pass by without any recognition? No; let it be the grandest day which was ever written about in the history of America. Not only let it be a celebration for a day, but for a season. Let this celebration continue through the entire season. Let the millions of America find their way to the birthplace of America; and let Philadelphia be filled to overflowing from early spring to late in autumn. Let this be the grand event of the nineteenth century. I say it ought to be an occasion wherein shall be developed a wide national patriotism. I always believed that a Fourth of July celebration was, indeed, productive of good in the locality in which it might be held. This celebration is a national one, and therefore should be celebrated in a manner worthy of the entire people.

Mr. KELLEY. I now yield to the gentleman from Massachusetts [Mr. CROCKER.]

Mr. CROCKER. Mr. Speaker, when I heard the eloquent remarks of my colleague from Maine [Mr. FRYE;] when I saw that gentleman go right up to the work this morning and speak of Massachusetts as an old rock-bound State of seventy-eight hundred square miles, and say that Massachusetts was the mother of the State of Maine, I felt as though I wanted to say before I came to the question that I hoped the child would never look down on the parent.

Now, Mr. Speaker, as to the question. I have heard something about committal. The very fact of the hundredth anniversary on the Fourth of July 1876, commits every man on the floor of this House. It is enough of itself. If there is an American heart here it is committed to that day. It is enough without going into details on the subject. It is enough for us to say that it is the hundredth anniversary of our national independence, which was cradled in that old State of Massachusetts, and which has permeated the Union until it now extends from the gentleman's State of Maine to Georgia—yea, even to the Gulf of Mexico and to the Pacific.

I am happy that I have been anticipated by one of my colleagues who has come up to the work; and I am willing to come up to the work. So far as economy is concerned, I will act with the closest economist in the House, my friend over the way; I will go as far as any one in economy. But let me say, Mr. Speaker, there is such a thing as false economy as well as a true one. No one feels the condition of the country more than I do, but we will find enough to meet every nation in Christendom who sees fit to come over to see the effect of our glorious institutions in one single century upon the people of this continent. I wish to be there; Massachusetts wants to be there; we want to show you our manufactures, and I wish every star of our noble galaxy of States to shine in its place. I wish every State to be there. I wish my southern brethren everywhere to come there. If we can inspire in them any new ideas in mechanics, if we can raise their feelings and ambitions to emulate us, I will go as far as any one. They are a part and parcel of us; they are a part and parcel of this country. They are as much mine, every State of them, as my own. As I said to a friend from the South, I do not represent Massachusetts; I represent the South as well as the North.

Now, sir, I did not rise to talk, but simply to express my feelings. I am ready to vote at any time and under any circumstances for any reasonable appropriation, to show this country, free and independent as she is, before all the crowned heads, if you please, and the dukes and marquises, that the world ever saw; and they will feel small, sir, they will feel small before a country only a century old, [laughter,] when they come to that good old city of brotherly love, and see what we produce and will show them there.

I thank the gentleman from Pennsylvania for his courtesy in allowing me to make these remarks. [Laughter and applause.]

Mr. KELLEY. I yield five minutes to the gentleman from Louisiana, [Mr. SYPHER.]

Mr. SYPHER. I have no Fourth of July speech to make on this subject, but I cannot allow the opportunity to pass without saying a word in favor of the centennial. I come from the extreme South; and it seems to me, in addition to the benefit we will derive from comparing views with other nations on the subject of our mechanical arts and products, that this is a great occasion for uniting in one common bond of national interest the different sections of our own country, that have been distracted and divided in the past. I think we will make this centennial a regular love-feast. We propose to come up from the South with our sugar and our cotton. We propose to ask the people who manufacture machinery and who have capital to invest to come to our section of the country and help us, if nothing more, to spin the two million bales of cotton which we make in excess of our consumption, and we will thereby double the value; instead of getting two hundred we will get four hundred million dollars for it, which will be for the benefit not only of that section but of the whole country. And thereby the centennial will not only be a great world's show-house, but it will be a national love-feast, in which we will not merely exhibit our products and our manufactures and our arts, but will consolidate the national sentiment, and bury forever that unhappy sectional spirit which has existed so long in this country, and which culminated in the bloody war through which we passed so recently. That, I conceive, Mr. Speaker, will be a greater benefit to us than any material benefit that we may derive from this national exhibition; and it is for this reason, coming from the section I do, that I advocate this especially, although we are poor in money. I shall give my vote for a reasonable appropriation for the benefit of this exposition.

Mr. KELLEY. I now yield to the gentleman from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. I had not yet sufficiently familiarized myself with the rules of this House to anticipate that the cen-

tennial question was coming up this morning, or indeed that it was coming up at all. Sir, Wisconsin is one of the youngest States of the Republic and becomingly modest; but my colleagues near me seem to feel that she should not remain silent during the discussion of this important question. Yielding to this feeling I make the venture and decide to express her sympathy, though I do it this morning in broken sentences and disconnected words.

Wisconsin traces her lineage and draws her life from Maine, New Hampshire, Vermont, Massachusetts, and all the New England States; from New York, from Pennsylvania, and more remotely from the far South. Proud of her lineage and mindful of the valor and precepts of her fathers, the call of patriotism, whether for rejoicing or danger, has never in Wisconsin fallen on leaden ears. The first note of alarm which recently startled the Republic stirred her fields with patriotic life and moved her forests with stalwart men. Sir, when questions of this kind arise you may take it for granted that—whether in her fertile fields where summer harvests are tossed in golden billows, or in her northern pine-tops forever hymning the song of freedom, fresh as their own vernal beauty, perennial as her mountain streams that feed your great lakes and rivers on which floats the commerce of the nation—the voice of Wisconsin will be a unit in responding to Pennsylvania and the country for whatever shall be right, whatever shall be reasonable, whatever shall be just and patriotic.

Mr. KELLEY. I now call for a vote.

Mr. HALE, of Maine. I move that the bill be laid on the table; and on that motion I call for the yeas and nays.

Mr. ELDREDGE. I ask that the bill be again reported.

The bill was again read, as follows:

Whereas, at various international exhibitions which have been held in foreign countries, the United States have been represented in pursuance of invitations given by the governments of those countries and accepted by our own Government: Therefore,

Be it enacted, &c., That the President be requested to extend, in the name of the United States, a respectful and cordial invitation to the governments of other nations to be represented and take part in the international exposition to be held at Philadelphia under the auspices of the Government of the United States in the year 1876.

On the question of ordering the yeas and nays there were ayes 45.

So (the affirmative being more than one-fifth of the members present) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 42, nays 206, not voting 38; as follows:

YEAS—Messrs. Adams, Arthur, Barber, Beck, Bland, Blount, Bowen, Brown, Buckner, Buffinton, Bundy, Burchard, Caldwell, Cannon, John B. Clark, jr., Coburn, Cook, Donnan, Durham, Freeman, Garfield, Giddings, Eugene Hale, Henry R. Harris, Hatcher, Hoskins, Kasson, Lawrence, McCrary, McLean, Mellish, Milliken, Monroe, Neal, Niblack, Potter, Read, James W. Robinson, Sherwood, John Q. Smith, Waldron, and James Wilson—42.

NAYS—Messrs. Albert, Albright, Archer, Ashe, Averill, Banning, Barnum, Barrere, Bass, Begole, Bell, Berry Biery, Bradley, Bromberg, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cason, Freeman Clarke, Clayton, Clements, Clinton L. Cobb, Stephen A. Cobb, Conger, Cotton, Cox, Crittenden, Crocker, Crooke, Crossland, Crounse, Crutchfield, Curtis, Danford, Davis, Dawes, DeWitt, Dobbins, Dunnell, Eames, Eldredge, Elliott, Farwell, Field, Fort, Frye, Glover, Gooch, Robert S. Hale, Hamilton, Hancock, Harmer, Benjamin W. Harris, John T. Harris, Harrison, Hathorn, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Hereford, Herndon, Hersey, George F. Hoar, Holman, Houghton, Hubbell, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Knapp, Lamar, Lamison, Lamport, Lawson, Leach, Lewis, Lofland, Lowe, Lowndes, Luttrell, Lynch, Magee, Marshall, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McKee, McNulta, Merriam, Mills, Mitchell, Moore, Morrison, Myers, Negley, Nunn, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Page, Hosea W. Parker, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Pratt, Rainey, Randall, Ransier, Rawls, Rice, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Lazarus D. Shoemaker, Sloss, Small, Smart, A. Herr Smith, George L. Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Snyder, Southard, Speer, Sprague, Stanard, Standeford, Starkweather, Stephens, Stone, Storm, Stowell, Strait, Strawbridge, Swann, Sypher, Taylor, Thomas, Thornburgh, Todd, Townsend, Tyner, Vance, Waddell, Wallace, Jasper D. Ward, Marcus L. Ward, Wells, Wheeler, White, Whitehead, Whitehouse, Whiteley, Whitthorne, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, William B. Williams, Willie, Ephraim K. Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, John D. Young, and Pierce M. B. Young—206.

NOT VOTING—Messrs. Atkins, Barry, Bright, Cessna, Amos Clark, jr., Clymer, Comingo, Corwin, Creamer, Darrall, Duell, Eden, Foster, Gunckel, E. Rockwood Hoar, Hooper, Howe, Jewett, Kendall, Killinger, Lansing, Loughridge, Martin, McJunkin, Morey, Nesmith, Niles, Phillips, Pike, Purman, Rapier, Ray, William R. Roberts, St. John, Tremain, Walls, Charles W. Willard, and Woodford—38.

So the motion to lay on the table was not agreed to.

The bill was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. HALE, of Maine. On that I call for the yeas and nays.

Mr. KELLOGG. O, no; we want to save the time of the House for the appropriation bills.

The question was upon ordering the yeas and nays; and there were 4 in the affirmative.

So (one-fifth not voting in the affirmative) the yeas and nays were not ordered.

The bill was then passed.

Mr. KELLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SMITH, of New York. I rise to a question of privilege, and call up for consideration the report of the Committee on Elections upon the contested-election cases in West Virginia.

Mr. WHEELER. Upon that I raise the question of consideration. The Army appropriation has been the special order for fifteen days past, and I think it should be considered.

The question was taken; and upon a division there were—ayes 118, noes 43.

So the House decided to proceed to the consideration of the report of the Committee on Elections.

WEST VIRGINIA ELECTION CASES.

The resolutions reported from the Committee on Elections were as follows:

Resolved, (*first*,) That Mr. Davis, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (*second*,) That Mr. Hagans, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (*third*,) That Mr. Wilson, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress, in the State of West Virginia, and is hereby admitted to a seat in this House.

Resolved, (*fourth*,) That Mr. Martin, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress, in the State of West Virginia, and is hereby admitted to a seat in this House.

Mr. HAZELTON, of Wisconsin. On behalf of a minority of the Committee on Elections I submit the following resolutions, which I desire to have voted on at the proper time as a substitute for the resolutions reported by a majority of the committee:

Resolved, That Benjamin Wilson, who claims a seat in this House as Representative from the first congressional district of West Virginia, and B. F. Martin, who claims a seat in this House from the second congressional district of West Virginia, are not entitled to seats therein.

Resolved, That John J. Davis, who claims a seat in this House as Representative from the first congressional district of West Virginia, is entitled to such seat.

Resolved, That J. Marshall Hagans, who claims a seat in this House as Representative from the second congressional district of West Virginia, is entitled to such seat.

Mr. SMITH, of New York. I do not yield for an amendment; I am willing to have the resolutions read; and now I enter a motion to recommit.

Mr. HAZELTON, of Wisconsin. I desire to have these resolutions voted on at the proper time.

The SPEAKER. That will depend upon whether the House sustains the gentleman from New York, [Mr. SMITH,] when he shall call for the previous question upon the report of the committee.

Mr. SMITH, of New York. Before entering upon the legal questions involved in this case I desire to say a word upon the situation in West Virginia. I gather from what has been said in a city paper, without imputing to my colleagues of the minority of the committee any desire to appeal to the partisan feelings of this House, that an appeal is in effect made to the partisan sympathies of a majority of this body. Upon that point I desire to say that in the first district of West Virginia, at the August election, Mr. Davis received 13,361 votes, and Mr. Wilson 12,948 votes—a clear and handsome majority for Mr. Davis.

Now, sir, I believe that I am understood as a true party man; and if any of the distinguished lawyers on the opposite side of the House, who I understand are to speak in support of the validity of the August election, will show me how I can, consistently with my oath and my honor, vote for the admission of Mr. Davis, whom I understand to be a most estimable and worthy gentleman, and to have received a majority of the votes in his district upon a fair contest, I will waive all questions of professional pride, and will promise to vote for his admission.

But, sir, Mr. Davis's claim to the seat rests upon a majority of votes received at the August election. Perhaps it is unfortunate for Mr. Davis that the claim of Mr. Hagans, from the second district, also rests upon a majority of votes received at the August election. A morning paper, whose editorials are, in the main, as I can bear witness, judicious and just, contains the following language:

The parties thus beaten by the people at the polls when a full vote was cast—that they should attempt by sharp practice to cheat the people out of their choice and get into Congress by a minority vote, is a sad commentary on the frailties of human nature.

It will be observed that not only in this newspaper, but in the minority report of the committee, Mr. Davis, a gentleman of great personal strength in this House, and a most worthy and estimable man, is worn, just as the old woman in the story wore her ribbon, on the congregation side of her bonnet. I call the attention of the House to the fact that if we indorse the August election as valid, not only Mr. Davis, but Mr. Hagans, takes his seat in this House.

I ask the attention of my republican friends to this point. Mr. Hagans was elected at the August election without the nomination of any party, after the congressional conventions of both parties had met in the second district and adjourned without making any nominations, in the belief that Representatives in Congress were not to be elected at the August election. More than that, Mr. Hagans, if elected at all, was elected not only after the republican convention of the second congressional district had adjourned without making any nomination, but he was elected upon a vote of only 3,441, which, according

to the ruling in the case of Morey *vs.* McCranie, is a vote insufficient to elect a member of Congress where fraud or intimidation is alleged. I read the syllabus of the case to which I refer:

Morey vs. *McCranie.*—There were allegations of violence and intimidation in certain parishes where most of the votes were polled. It was held by the special committee that the vote of the House in the previous case of Sypher *vs.* St. Martin was "a limitation on the rule adopted in Sheldon's case," and that it is not sufficient for a claimant to obtain a majority of the votes in "peaceable parishes," when less than one-fourth of the legal electors resided in those parishes, and less than one-fifth of the registered vote was cast in them. The committee recommended that the election be declared void, and the House adopted their recommendation *nem. con.*

Now, I submit to the House that though there is no allegation in this case that there was fraud or intimidation, the vote given in Mr. Hagans's district was not one-fourth of the legal vote in that district, and so not sufficient under the principle stated in the case just cited, if such principle is applicable in this case.

Besides, not only does Mr. Hagans's right rest upon this small vote, but at the October election, his adversary, Mr. Martin, was elected upon an aggregate vote of 9,825. In the first district, though Mr. Davis appears to have received a majority vote in a fair contest, yet at the October election Mr. Wilson received 3,708 votes; and if the rule adopted in the case of Morey *vs.* McCranie is applicable in a case where there is no fraud or intimidation, then, too, the election of Mr. Wilson is by an insufficient vote within the authority of that case; and the election ought to be remanded.

Thus much, Mr. Speaker, I only say by way of prelude. The Committee on Elections were of opinion that the House expected of them a report upon the question which was the legal election day. Upon that question a majority of the committee have made their report; and beyond that question I ask the House to bear in mind that all the members of the majority have designed to express no opinion. I have made a motion to recommit. If, after the House has decided which is the legal election day, there should remain a question as to the sufficiency of the vote, though the committee has exhausted all the power it has, without authority to send for persons and papers, yet they are not to be understood as expressing an opinion against the power or the right or the duty of the House to recommit this question, as to the October election, particularly in the first district, giving the committee power to send for persons and papers to ascertain whether the uncertainty prevailing was a sufficient reason for remanding this election to the people, considering the paucity of the vote.

And upon that question, although in courts of criminal law and of civil law it is well settled that ignorance of the law cannot be pleaded, yet there are certain cases in equity where ignorance of the law may be pleaded. Where such ignorance does not appertain to a particular individual but to a whole community, where, as Lord Bacon said of the laws of Henry VII, *nemo scit*—nobody knows what the law is—it is a very grave question whether ignorance of the law on the part of a whole community be not sufficient authority for remanding an election. There is a legal maxim, to which I call the attention of the House without meaning to discuss it—*communis error facit jus.* Where there is a prevalent error, extending through a whole congressional district, may it or not legalize the election in the first district of West Virginia? Whether, if with power to send for persons and papers, the Committee on Elections should find that error was a common and prevalent error, any action should be taken by the House, the committee desires to express no opinion.

Now, Mr. Speaker, let me pass, with these preliminary observations, which I have designed and I hope the House has understood only as committing us to the opinion expressed as to which was the legal election day, to the consideration of the legal question in this case, which was the legal election day, in 1872—the fourth Thursday of August or the fourth Thursday of October? I observe, sir, in the minority report, on page 19, this statement:

The first section is but a substantial re-enactment of a section of the original constitution of the State; but this fact is not material to the discussion.

It is a little strange that the members of the Election Committee and Representatives in this House who are lawyers should be found so widely divided on this naked question of law. I think it results from a misapprehension of the majority or the minority of the committee as to the questions which decide this case.

Now the minority report says—and I speak of this minority report with a very sincere deference to my colleagues—that the first section is but a substantial re-enactment of a section of the original constitution of the State. The first section is:

The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

I wish I could get the attention of the House to this one point: If my colleagues in the minority are right, that this is but a substantial re-enactment of the constitution, then they have easy sailing in the deductions they make from it. But I challenge this statement at the very threshold. The original constitution of the State of West Virginia was:

The general election for State and county officers and members of the Legislature shall be held upon the fourth Thursday of October.

I call the attention of the House to the fact that right here is a pivotal point of this case. If I am wrong then the report of the majority of this committee goes to the wall.

The code of West Virginia not only re-enacted the constitutional provision—and I ask the attention of lawyers in this House to this proposition—the code of West Virginia went beyond the constitution, and enacted that not only State and county officers, but district and township officers, should be elected on the fourth Thursday of October. The code of West Virginia could add no sort of authority or force to the constitutional provision as to the election of State and county officers; but as to district and township officers I ask the attention of my colleagues in the minority to this fact. As to district and township officers, it was only by virtue of chapter 3 of the code that their election was provided for on the fourth Thursday of October. Right here lies a fatal fallacy, if I may be permitted to say so, in the report of the minority of the committee. The district officers who were named and specifically mentioned in section 1 of chapter 3 of the code—and I will ask my colleagues of the committee or any gentleman in this House to correct me if I am wrong—the only district officers who were to be elected under section 1 of chapter 3 of the code were circuit judges and Representatives in Congress.

The third chapter of the code went beyond the constitution, and provided not only for the election of State and county officers and members of the Legislature, but for the election of new classes of officers, to wit, district officers and township officers. Now, a fatal fallacy in the report of the minority of this committee, as it seems to me, is found on page 20 of their report, in these words:

The law of the State, the code of 1869, regulating the manner of holding the elections, prescribing the officers who should conduct the same, directing as to the making returns, &c., had reference to the State election, the election of the officers of the State government, as distinguished from the Federal Government. The election of Representatives in Congress was hinged on to the State election.

Now, I beg the pardon of my colleagues of the minority. They have no right to say that the election of Representatives in Congress was hinged on the State election. The first section says:

The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

What right had they to say that the election of members of Congress was hinged upon the State election any more than I have to say that the election of State officers was hinged upon the elections of members of Congress? They put it upon the language of the second section of the code, which is found in the report at the top of page 3:

SEC. 2. At the said elections in every year there shall be elected delegates to the Legislature, and one senator for every senatorial district, and in the year 1870, and every second year thereafter, a governor, * * * a Representative in the Congress of the United States * * * for every congressional district.

The whole question in this case hinges directly, if I apprehend it correctly, on this point: is the election of members of Congress provided for in section 1, or in section 2, of the code of West Virginia? Section 1 provides:

The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

The second section is:

At the said elections in every year there shall be elected delegates to the Legislature, and one senator for every senatorial district. * * * * * and a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district.

Now, sir, section 66—and I call the attention of the lawyers of the House to this point—section 66 of this same chapter quoted in the report explicitly declares that Representatives in Congress are "officers." An officer is defined by Mr. Bouvier as "he who is lawfully invested with an office;" and a Representative in Congress is expressly cited as an "officer."

Now, if this law itself, if chapter 3 of the code, explicitly declares that a Representative in Congress is an "officer," then I would like to know if there is any lawyer in this House that dare dispute that a Representative in Congress is an officer—whether within the meaning of this act he is an officer—or not within the meaning of the constitution. Will any one deny that if he be defined in this very chapter of the code as an "officer," he is included in section 1 of chapter 3 providing the time for his election?

Now, I learn that certain members of this House are going to sustain the August election, and some of them put it on the ground that a Representative in Congress is not an "officer," though by section 66 of this same chapter declared to be an officer; and others put it upon the ground that if he be an officer he is not a "district" officer. I ask the attention of the House to section 2 of the code, which explicitly provides that a Representative in Congress shall be elected "for every congressional district." Now, if a member of Congress be an officer, as he is declared to be in this same chapter of the code, and if he is required to be elected "in every congressional district," I ask if there be any refuge from the conclusion, that within the meaning of this code he is a "district officer?"

Now notice the language of the code, and you will observe that the officers to be elected, as provided in section 2, are designated by the territorial divisions of the State within which they are to be elected. And, I repeat, by section 2 of the code, members of Congress are required to be elected "in every congressional district." Are they not district officers? Are they not plainly and beyond question intended to be included in the term "district officers?"

Now, I ask the attention of the House to the old election law of West Virginia, which has a very significant bearing upon this question. I ask the Clerk to read it.

The Clerk read as follows:

There shall be elected on the fourth Thursday of October, in the year 1864, and the same day in every year thereafter, delegates for the several delegate districts and counties not included in delegate districts; and one senator for every senatorial district.

And on the fourth Thursday of October, in the year 1864, and the same day in every second year thereafter, a governor, secretary of state, treasurer, auditor, and attorney-general for the State, a Representative in the Congress of the United States for each congressional district, for the term commencing on the 4th day of March next after the election, and a prosecuting attorney, surveyor of lands, recorder, county treasurer, and the number of assessors prescribed by law for every county.

And on the fourth Thursday of October, in the year 1866, and the same day in every fourth year thereafter, a judge of the supreme court of appeals for the State, and a clerk of the circuit court, and a sheriff for every county.

And on the fourth Thursday in the year 1868, and the same day in every sixth year thereafter, a judge for every circuit, &c.

Mr. SMITH, of New York. I now call the attention of the House to the fact that under the old election law of West Virginia a Representative in Congress was required to be elected on the fourth Thursday of October, "and on the same day in every second year thereafter," in every congressional district. Now upon the question of construction of that statute I ask the Clerk to read from Smith's Commentaries on the Constitution.

The Clerk read as follows:

SEC. 638. So, too, where one statute was undoubtedly under the consideration of the Legislature when passing another, the former ought, though long since expired, to be taken into consideration in construing the latter statute, and that for the reason that it is a rule in the construction of statutes that all which relate to the same subject, notwithstanding some of them may have expired, or are not referred to, must be taken to be one system, and construed consistently, and the practice has always been so.

Mr. SMITH, of New York. I ask the Clerk also to read from Potter's Dwarris on Statutes and Constitutions.

The Clerk read as follows:

"The objection arising from the repeal of the former statute," said Lord Denman in Reg. *vs.* Stock, "is not insisted on, and does not seem to be tenable." In the case of Bussey *vs.* Story, 4 B. & A., Parke, J., said: "This act of Parliament repeals those of 32 Geo. III, and 41 Geo. III, the provisions of which are only so far material as they may aid in the construction of the enactments of the existing statute," &c.

According, then, to the received doctrine, a repealed act obliterated from the judicial mind, and "considered as if it had never passed," will often have more legal import a century later, from aiding the construction of subsequent statutes, than it ever possessed itself, while *in viridi observantia*. "This is shocking," as said by Mansfield, C. J., of a certain construction on wills; "but it has been followed in a hundred cases."

Mr. SMITH, of New York. I also ask the Clerk to read from Sedgwick on Statutory and Constitutional Law.

The Clerk read as follows:

The rule that statutes in *pari materia* are to be consulted for the construction of each other holds good though some of the statutes may have expired, or even been repealed, and whether they are referred to or not. "All acts which relate to the same subject," said Lord Mansfield, "notwithstanding some of them may be expired, or are not referred to, must be taken to be one system, and construed consistently."

Mr. SMITH, of New York. Now, Mr. Speaker, this section 1 of the code providing for the election of "district officers and township officers," who are not mentioned in the constitution, has an important bearing upon this question. When you come to refer to the old election law, finding as you do that Representatives in Congress were required to be elected on the "fourth Thursday of October" in the year named, and in every second year thereafter, I ask if in this code, which was designed simply as a codification or an abbreviation of the previously existing laws, there is to be presumed any intention of changing the previously existing law requiring the election of these Representatives in Congress to be held upon that specific day to an ambulatory occasion?

Now, this section 2 of chapter 3 of the code provided for the election of district and township officers; a large class of officers that were not mentioned in the constitution. I have already asked any gentleman in the House to correct me if I was in error in stating that the only district officers alluded to in that section were circuit judges and Representatives in Congress.

But when this new constitution came to be adopted it provided only that "State and county officers" should be elected on the second Tuesday of October, instead of the fourth Thursday. It left a very large class of officers still to be elected on the fourth Thursday of October.

Now, Mr. Speaker, with great deference to my colleagues who differ from the majority of the committee, I ask if they will tell this House when the circuit judge is to be elected next year? There is to be a circuit judge elected in 1874. Will they tell the House when the circuit judge is to be elected next year? Is it on the fourth Thursday of October; and if not, what has changed the time of election of the "district officers?"

The House will observe that the new constitution, which only provided that the election of State and county officers and members of the Legislature should be changed to the second Tuesday of October from the fourth Thursday, split that election in two. Now I hope I shall not be misunderstood, and I hope my point will not be overlooked by the advocates of the August election. When are the district officers to be elected in 1874? The code provides that they shall be elected on the fourth Thursday of October. The new constitution declares that the State and county officers shall be elected on the second Tuesday of October, leaving the district officers, to wit, the circuit judges and the Representatives in Congress, to be elected on the fourth Thursday of October, precisely as they were prior to the adoption of the new constitution.

Now, another thing: not only were these old district officers—the circuit judges and the Representatives in Congress—required to be elected on the fourth Thursday of October, but the new constitution created a large number of new district officers. All the officers that were previously denominated township officers are under the new constitution made district officers. Now, when are they to be elected? By express provision of the constitution the justices of the peace and the constables are made district officers.

Now I hope to hear from my colleague from Wisconsin whether these old district officers and these new district officers are to be elected in 1874 on the fourth Thursday of October or at some other day. And if upon the fourth Thursday of October—if the new constitution splits this general election right in two; if, as I assert, the majority of the State officers, counting the district officers, be left under that generic term of district officers to be elected on the fourth Thursday of October, does not the code amply provide for the officers to receive and return the votes? If so, I ask what becomes of the argument of my colleague of the minority, that the code has provided no manner of election, no officers to receive the votes or make the return in case of the congressional election? If the election of a large class of district officers may lawfully be held on the fourth Thursday of October, 1874, apart from the election of State officers, why might not the election of the Representatives in Congress be held in 1872 apart from the State election?

Mr. Speaker, with deference to my colleague and to the distinguished lawyers who I understand are to advocate the August election, I challenge the proof that the election of Representatives in Congress "is hinged upon the State election" any more than the election of State officers is hinged upon the congressional election.

Now, Mr. Speaker, my time is getting short, and I have not the opportunity to take up and discuss the question as to this August election. Let me call attention to one thing: The Constitution of the United States requires that the time, place, and manner of holding elections for Representatives shall be prescribed. Now, sir, I ask, is the schedule of the constitutional convention of West Virginia, which simply provided that the constitution should be submitted to the ratification or rejection of the people of West Virginia, and that with that constitution there should be submitted also the schedule which provided for the election of State officers—is that schedule, which submitted to a popular vote the question whether they would have an election on that day or not, a "prescription" of the congressional election within the meaning of the Constitution?

Upon this point I call the attention of the House to the old constitution of West Virginia, from which I ask the Clerk to read.

The Clerk read as follows:

No convention shall be called having authority to alter the constitution of the State, unless it be in pursuance of a law passed by the affirmative vote of a majority of the members elected to each branch of the Legislature, and providing that polls shall be held throughout the State on some day therein specified, which shall not be less than three months after the passage of such law, for the purpose of taking the sense of the voters on the question of calling a convention. And such convention shall not be held unless a majority of the votes cast at such polls be in favor of calling the same; nor shall members be elected to such convention until at least one month after the result of the polls shall be duly ascertained, declared, and published. And all acts and ordinances of said convention shall be submitted to the voters of the State for ratification or rejection, and shall have no validity whatever until they are ratified; and in no event shall they, by any shift or device, be made to have any retrospective operation or effect.

Mr. SMITH, of New York. Mr. Speaker, it will be observed that by this provision of the old constitution of West Virginia it was explicitly provided that no act or ordinance of that convention should have any retrospective operation or effect. Now, when that convention, restrained as it was by the old constitution, submitted this new constitution and schedule to the people of West Virginia, and this congressional election on the fourth Thursday of August was to be null and void if that constitution was not ratified, I ask in all candor if that was an election which was "prescribed" within the meaning of the Constitution of the United States, or in any sense prescribed by valid law?

Now, the answer made to this is, that the analogy of the admission of new States into the Union is sufficient authority for holding this election to have been valid, and upon this question I ask the Clerk to read from Jameson on Constitutional Conventions.

The Clerk read as follows:

It is true that, in many cases, such has been the practice. There being as yet no State, and, of course, no State Legislature, unless the convention could make a temporary arrangement for the election of members of Congress, the new State must, after its admission into the Union, be unrepresented in that body, until a State Legislature could be elected and could pass the necessary laws, a condition involving often a considerable delay. In such cases, accordingly, the custom has been for the convention to anticipate the action of the Legislature, a course which, on account of its obvious convenience, has been commonly acquiesced in. These cases, however, form exceptions to a rule which is general, that it is the State Legislatures which apportion their several States for congressional elections. I have failed to find a single exception to that rule save in the cases of Territories seeking to become States, or of States standing substantially on the same footing as Territories.

Besides, in one view of the subject, such action of the Territories, taken in connection with that of Congress following it, involves no impropriety, if it is not strictly regular. Immediately following that clause of the Federal Constitution giving the power of determining the "times, places, and manner of electing Senators and Representatives" to the State Legislatures, is the important reservation, "but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators." Hence, having the power to make or alter, Congress doubtless might ratify such regulations, however made; or, if a State, actual or inchoate, were in such a condition that it had no lawful Legislature, Congress might itself, for the sake of convenience, establish them by its direct action.

This it does, in substance, by anticipation in those cases in which it accepts and admits into the Union Territories presenting themselves with constitutions containing the apportionments referred to.

The SPEAKER. The gentleman's time has expired.

Mr. HAZELTON, of Wisconsin, obtained the floor.

Mr. LAMAR. I hope the gentleman will be allowed to develop his view of the case.

Mr. SMITH, of New York. I only desire a few minutes more time.

The SPEAKER. How much time does the gentleman desire?

Mr. SMITH, of New York. Only ten minutes.

Mr. HAZELTON, of Wisconsin. There is a large number who desire to participate in this discussion.

There was no objection, and the gentleman's time was extended.

Mr. SMITH, of New York. Now, Mr. Speaker, if this authority of Jameson on Constitutional Conventions be a just review of the question, then these cases of the admission of new States and of the Senators and Representatives from new States are no authority for the admission of the gentlemen elected from West Virginia without a "prescription" of time, under section 4 of article 1 of the Constitution. I call the attention of the House to the fact, that in every case where Senators and Representatives have been admitted simultaneously with the admission of new States they have been elected outside of the Constitution. And upon this point I ask the Clerk to read from the reconstruction laws of March 11, 1868.

The Clerk read as follows:

SEC. 2. *And be it further enacted*, That the constitutional conventions of any of the States mentioned in the acts to which this is amendatory may provide that at the time of voting upon the ratification of the constitution the registered voters may vote also for members of the House of Representatives of the United States, and for all elective officers provided for by the said constitution; and the same election officers who shall make the return of the votes cast on the ratification or rejection of the constitution shall enumerate and certify the votes cast for members of Congress.

Mr. SMITH, of New York. I ask whether the gentlemen who assert that these precedents of the admission of Representatives from new States are sufficient authority in this case concede or do not concede that enabling acts like that which has been read at the desk are outside of the Constitution? In the case of the insurrectionary States, that act which has been read authorized the constitutional conventions to prescribe the times for the election of Representatives in Congress. It was not a prescription by the Legislature; it was not a prescription in a State within section 4 of article 1 of the Constitution. They were elections which were held outside of the Constitution. The Representatives elected were admitted to Congress upon the theory (whether it is right or wrong is not a question for discussion now) that a State is not fully in the Union until it is in its normal and constitutional relations with the Union and represented in Congress.

Of course these precedents cannot be cited as authority for the election of Representatives in a State within the Union, where the constitution is in full sway. If Congress has the power, by enabling acts outside of the Constitution, to authorize a constitutional convention to provide for an election of Representatives in Congress in a Territory, Congress may ratify that election, and with the admission of the State may admit these members into Congress. But that admission has no force and is of no authority in the case of a State which is in the Union and where the constitution has full sway, as it had in West Virginia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had rejected the bill of the House (H. R. No. 131) for the relief of John Colter.

The message further informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 353) for the relief of David Braden; and

A bill (S. No. 85) explanatory of an act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799; and also of the act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March 3, 1863.

WEST VIRGINIA CONTESTED ELECTION—AGAIN.

The House resumed the consideration of the West Virginia contested-election cases.

[Mr. HAZELTON, addressed the House. His remarks will appear in the Appendix.]

Mr. HALE, of New York. It is evident, Mr. Speaker, that this debate cannot be finished to-night, and as the time for adjournment is near at hand, I will, if it be entirely agreeable to the gentleman, ask that he give way for a motion to take a recess. There has been a session ordered for this evening.

Mr. HAZELTON, of Wisconsin. I have no wish in the premises; I am entirely willing the House should do as it desires upon the matter.

Mr. SMITH, of New York. Had not the gentleman better finish his speech this afternoon?

Mr. SPEER. We ought not to adjourn now. There are so many gentlemen wishing to speak on this question that, unless the gentleman from Wisconsin prefers it, I hope the House will refuse to adjourn.

The SPEAKER. Last week the House ordered that on Wednesday and Thursday evenings of each week, at half-past seven o'clock, there should be sessions to consider the consolidated statutes of the United States, as reported by the Committee on Revision of the Laws. During the consideration of that subject the gentleman from Massachusetts [Mr. G. F. HOAR] will occupy the chair as Speaker *pro tempore*.

The motion of Mr. HALE, of New York, was agreed to; there being—ayes 90, noes 55; and accordingly (at four o'clock and fifteen minutes p. m.) the House took a recess till half-past seven p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening for the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873."

Mr. POLAND. Mr. Speaker, the general purpose of the committee is very well shown by the title they have agreed upon for this revision. I will take no time to go into the history of this matter. It is known to every gentleman on this floor that for three years we had three commissioners at work revising the statutes of the United States. The very great need of this revision had long been felt, especially by the legal profession. The statutes of the United States have never been heretofore revised. Every general law that has ever been passed, from the foundation of the Government down to the present time, is now found upon the statute books; and all the recent volumes contain not only all the general laws, but also annual appropriation bills and all the private bills.

Our statutes had fallen into such a state of almost inextricable confusion that for many years—had it not been for the digests prepared by private men—Brightly's Digest and Abbott's Digest—it would have been almost impossible for any one to ascertain from the statutes what the law was upon any particular subject. These commissioners had three years in which to complete their work. The time expired early in May last. Under the act by which these commissioners were appointed they were authorized to make changes in the law, to a certain extent, for the purpose of harmonizing the provisions of the statutes, of which liberty they availed themselves to some extent, but probably not to any greater extent than by the law they were warranted in doing.

For instance, in nearly every law that has been passed establishing a new judicial district, there would be a variety of provisions applicable to the district court of that district; and where the district court was invested with certain powers, there would be a variety of provisions applicable to that district alone, both to their district and circuit courts. And in all the territorial bills that have been passed there would be a variety of provisions in relation to one Territory differing to some extent from those relating to the other Territories.

The commissioners, in both instances, undertook to make the law uniform, as far as they could, in relation to these two subjects, and in various other particulars that I will not take time to name.

When the committee came to examine the work they became satisfied that it was utterly impossible to carry this work through Congress in the limited time that is allowed here for the examination of any given subject; that it would be utterly impossible to undertake to carry the work through and have it adopted by Congress if it were understood to contain any new legislation at all. Therefore, under a special act that was passed on the last day of the last Congress the Committee on the Revision of the Laws, under the authority of that act, employed Mr. Durant, a lawyer of this city, to take this work and go over it and expunge from it everything in the nature of change; anything that altered the law in any particular from what it stood upon the statute-book. Mr. Durant went over the work for that purpose, and also arranged it in form to be presented as a bill before the House.

Mr. BECK. Will the gentleman allow me to ask him a question?

Mr. POLAND. Yes, sir.

Mr. BECK. Is this the book as revised by Mr. Durant, or is there a separate report?

Mr. POLAND. That is the volume as revised by Mr. Durant.

Mr. BECK. Thank you.

Mr. ELDREDGE. Does that include all? Has he gone through the whole of it?

Mr. POLAND. This volume includes all of the general statutes.

Mr. ELDREDGE. There are three volumes here.

Mr. POLAND. Yes, sir; one of them embraces the postal routes merely, and another Indian treaties. This single volume embraces all the general statutes. I think some people have perhaps fallen into an error by examining a report that was made by Mr. Durant stating in detail the various alterations that he had made of the commissioners' work, from which many understood that the commissioners' work was very full of errors and very imperfectly done; but by a comparison of the work of the commissioners with this report of Mr. Durant it will be obvious that nearly all of these changes that have been made are cases where he has struck out something which the commissioners had put in and noted as a change of the law. It shows what he did in carrying out the instructions of the committee in divesting the work of any change.

As I said, the committee came to the conclusion that it would be impossible to attempt to carry this through Congress with any new legislation in it; that every section of it must be scrutinized and examined, and such a length of time would be required that it would be impossible to do it. And therefore we have, by the aid of Mr. Durant and by our own efforts in examining it, endeavored to make this a perfect reflex of the statutes as they stand; and for that reason the committee have indicated this in the title we have adopted and placed on the work: "An act to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873," which was the first day of this session.

There are various reasons why this was a convenient, a very convenient, arrangement; and it has not often happened that any single volume of the Statutes has terminated with a Congress at all. All the legislation of the last Congress is contained in the last volume of the Statutes; so that by bringing this work up to the 1st of December we include in it all the legislation of last Congress and all that is contained in the seventeen bound volumes of the Statutes. If we were to pass this at the end of the session, why then, of course, the daily legislation of Congress would have to be woven into it in order to make it perfect. But by making this merely a compilation and revision of the statutes in force up to the beginning of this session, and adopting it in that form, the law as we pass it and leave it in this book remains to be changed and is changed by any legislation that may be passed by this Congress.

I have no doubt every gentleman upon this floor feels the same anxiety as I do, and that all the members of the committee feel, that this work should be carried through successfully, and that we shall have the aid of every gentleman upon this floor for that purpose.

Mr. ELDREDGE. Will the gentleman allow me to ask him another question?

Mr. POLAND. Certainly.

Mr. ELDREDGE. Is this volume supposed to contain all the acts of Congress now in force?

Mr. POLAND. All the general acts.

Mr. LAWRENCE. Of a permanent character.

Mr. BECK. I want to call attention to one fact. I listened to the gentleman from Vermont [Mr. POLAND] while he announced that what the commissioners had formerly done in the way of changing the law had been stricken out by Mr. Durant, and that the object was to allow the law to remain just as it was. My attention was called some time ago to a clause of the statutes, and I find that in reference to it the law is changed, not by mistake, not by leaving it out, but that evidently it has been changed intentionally. I will give this one specimen which will be among the very first things to be considered. Perhaps we cannot reach it to-night. The old judiciary act of 1789 required, among other things, in these words:

> The Secretary of the Treasury shall make report and give information to either branch of the Legislature in person or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally shall perform all such services relative to the finances as he shall be directed to perform.

The Revision of the Statutes, page 57, section 251, is a literal transcript, word for word, showing it was copied, and it has left out the words "in person or," and the words "as he may be required." That is done, not by oversight, for every other word is copied, but is a direct attempt on the part of the reviser to prevent the House bringing the Secretary of the Treasury here to give an account of his office, as prescribed by law. I wish to know why that was done?

Mr. POLAND. Mr. Speaker, of course that the committee and Mr. Durant have succeeded in eliminating every change which was made I do not suppose to be true. I have found in that portion of the work which I have examined some need of amendment in my judgment and the judgment of the committee to make it perfect. And here is a good opportunity for me to say what I have once before said on this subject, but probably was not heard. The committee desire every member of this House, they desire everybody, whether a member of this House or not, who has any suggestion in reference to any change which is required to make this an exact and perfect reflex of the existing statutes, to bring that to the notice of the committee, that we may compare it with the statutes and see whether there is any error or not. In reference to this particular one, that portion of the revision was not my particular province to examine as a member of the committee, and therefore that had not fallen within my observation. I suppose the gentleman who has that in charge, if he discovers it, will report it to the committee, and I am glad my friend has called attention to it.

Mr. BECK. The reason I called attention to it is that it is perfectly obvious it was left out on purpose; that it is not a mistake. It cannot be a mistake; for every word of the section is copied, and the words to which I have referred are purposely left out, thus changing the law. Therefore it is, I think, this House will have to be very careful if that is the fact. I can see how mistakes will creep in; but when Mr. Durant or anybody else leaves out words, evidently on purpose, then it becomes another and a different thing.

Mr. ELDREDGE. Whose particular attention ought to have been called to that suggestion? The gentleman from Vermont says this did not come under his consideration. Who of the committee ought to have examined it?

Mr. POLAND. The committee's amendments are not yet in.

Mr. ELDREDGE. I desire to know, so that I may address a question to the member of the committee having this particular thing in charge, to see whether it was left out by design or accident.

Mr. POLAND. I have no doubt, Mr. Speaker, but what Mr. Durant copied this section from the work of the commissioners without himself noticing that they made any change in the law in this particular.

Mr. ELDREDGE. The question I suggest either he does not desire to answer or else he has not comprehended it. What I wish to know is this: We have the information from the gentleman from Vermont that this does not come under his observation and consideration; I therefore conclude it was given out in parcels to the several members of the committee; and while the gentleman has given us the negative fact that he is not the gentleman who examined it, I ask him who did—whose particular attention ought to have been called to it?

Mr. POLAND. The committee have not made any amendments yet.

Mr. ELDREDGE. I see the gentleman does not desire to answer me.

Mr. POLAND. If it is important to my friend to know what gentleman of the committee, as a sub-committee, had this portion of the work, I tell him my friend and colleague from Massachusetts [Mr. E. R. HOAR] was intrusted with this part.

Mr. ELDREDGE. The reason I wish to know is that I may address an inquiry to him whether his attention had been called to this, and whether these words were left out by design or accident, because I suppose we shall be very much admonished to give this a closer scrutiny, if we find the committee have acted in concert with Mr. Durant in leaving out so important a provision as the one suggested by the gentleman from Kentucky.

If the matter has been candidly and fairly examined by the committee, and they upon their honor as gentlemen of the committee will say to the House that they know there are no changes, or that they know of none, we would give a great deal more confidence to that statement than we would if we find such errors that seem to have been designedly made.

Mr. E. R. HOAR. If the gentleman from Vermont [Mr. POLAND] will allow me, I will state that which perhaps will relieve the mind of my friend on my left, [Mr. ELDREDGE.] This inquiry points to something which seems to me to be essential to the completion of our work. I agree with his idea and with his expression of it. I do not know that there is any harm in saying, very frankly, that I have not quite got to that section yet. The amount of labor required to go over this work, section by section, and compare it with the laws as they are, in order that we may have personal knowledge, and be prepared to state to the House that we know or believe that there is no change in the law as it stands—the amount of that labor is enormous, as perhaps the gentleman may be aware.

I stated to the House the other day, when this assignment was made, that during the recess, intending to devote all the time I could spare to it, I sat down on the first day, as soon as I had eaten my breakfast, and spent my time until it was dark at night without intermission, and had then gone over two pages. I have since gone on somewhat faster by obtaining some assistance—a reader.

But as we considered that this ought to be brought before the House as soon as possible, having in view the length of time it would take, when our committee was called we proposed to begin, as the committee was far enough advanced to take up as much of the time as the House would devote to it on one or two evenings, proposing to keep up with the work so as to be able to answer questions as the work proceeds.

Now, to come right to the point of the gentleman's inquiry. I believe as to the first fifty pages of this volume I can answer any questions that can be asked. I hope every member of the House, so far as he is willing to give his time to the matter, will go over it; and that any one who is interested in any particular inquiry, instead of bringing it up in the House in the first instance, will bring it to the notice of the chairman of the committee, or of the member of the committee having it more especially in charge. In my opinion, with my ideas of the extent of human memory, it is physically impossible that in regard to statutes enacted seventy-five years ago, when there may be found a clause that is not found in this volume, to at once answer whether or not there has since been some change in the law which has altered it, and which is the reason for its being left out.

I can only say that in one or two instances in which I could not find why certain things were left out, on applying to the commissioner or to Mr. Durant I found that they were in another part of the book which had not been assigned to me for consideration. I made a list of quite a number of matters that I supposed would come up in that connection. I can only say to the House that so far as we go—and we make the statement to the House—they may rely that there is not known to the committee a change of a syllable or of a comma of the statutes so as to change their effect. We have put ourselves before the House upon this proposition, on which we invite the co-operation of every member of the House: that this volume of laws as the House shall pass it, section by section, shall contain the law as it stood on the first day of the session of Congress.

Mr. ELDREDGE. One word further in this connection. The gentleman will believe that I intended to cast no imputation or reproach on the committee.

Mr. E. R. HOAR. I did not so take it.

Mr. ELDREDGE. On the contrary, it was the very magnitude and greatness of the work to which the gentleman has referred that led

me to make the inquiry which I did. I know it is impossible for any committee of this House, or for the Committee of the Whole, to go through and examine this volume as it is read by the Clerk, however devoted they may be to the work, however much time they may spend in its examination. On account of its magnitude it is impossible that we should give it all the care and careful scrutiny that it should receive.

The faith and credit which I may be inclined to give to the report of the committee would depend somewhat upon the answer to the question which I suggested. If the committee have had time, as I know they have the ability, to make their examination so complete as to be able to say there are no changes in any particular clause or section or chapter which may be under consideration, that would go very far with me to satisfy me in taking their word upon the matter and letting this revision go without further examination. But if this be not the case—if the reviser, who is not before the House, whose honor is not perhaps pledged to the House on such a statement as has been made by the gentleman from Massachusetts [Mr. E. R. HOAR] and also the gentleman from Vermont [Mr. POLAND]—we would not be willing, I suppose, and we would not be justified, in taking the statement of the reviser to the same extent we would that of the gentlemen of the committee. It was with this view, and this alone, that I followed up the inquiry suggested by the gentleman from Kentucky, [Mr. BECK.]

Mr. BECK. Let me say one word further to put myself right. I do not want the gentleman from Massachusetts [Mr. E. R. HOAR] to misunderstand me. I have never been able to get hold of this book until to-day. I have tried to buy it, to borrow it, to beg it. I begged the chairman for a copy, and for two weeks he kept assuring me that he would send it to my room.

Mr. POLAND. Let me say to the gentleman from Kentucky [Mr. BECK] that before the recess I caused a copy of this book for every member of the House to be placed in the post-office to be sent out.

Mr. BECK. I managed to borrow a copy of the book this afternoon.

Mr. ELDREDGE. I can say the same thing that the gentleman from Kentucky does. This is the first time I have ever seen the report of the committee, although I have made several efforts to get it. I supposed, however, that my case was singular, because I was absent during the recess for some twenty days, and I thought that probably the book had been sent to me and had failed to reach me because of my absence.

Mr. POLAND. I did the best I could, unless I had gone in person and delivered the book.

Mr. ELDREDGE. I did not expect the gentleman to follow me to New Orleans and present me with a volume. But I will say that gentlemen all around me (few as there are here) are in the same situation—have never received the report and did not know it had ever been sent to them. I think members generally are in the same situation.

Mr. BECK. The reason I called attention to the omission of the particular provision to which I have referred is that I did not know until within a few months that that was the law; I had disputed the question with some gentlemen, who held that we could bring the Secretary of the Treasury before Congress to examine him. I found that such was the law. Hence to-day I naturally turned to see how this matter stood in this revision, and seeing that the provision had been omitted, and that it came as early as the fifty-seventh page, and seeing that it had probably been omitted under the first idea of the commissioners, to omit in the codification the laws that were obsolete, and that Mr. Durant had failed to observe the omission and restore the provision—observing that the omission in the first instance was not accidental, I thought it proper to call attention to it, so that we might settle the point whether in this proceeding we are merely to declare the law as it is without change.

Mr. POLAND. The gentleman must be aware that in dividing up so large a work as this among the members of the committee, no one of them can be supposed to have gone over and examined carefully all that portion of the work that was allotted to him. We expect to proceed with our examination, to make report, and have it considered, as fast as we shall ask the House to act upon it.

I have spent the whole time since this session began in this work, occupying every day upon the matter during the entire vacation, and I have not been able to complete that portion of the work that I took for my personal examination. Thus it may be that there are some portions of the work which no member of the committee has yet examined or upon which he can now answer questions. But as fast as the different provisions are read and presented to the House some member of the committee will, I trust, be able to answer any question that any gentleman chooses to ask.

I yield for a moment to my colleague on the committee, the gentleman from Ohio, [Mr. LAWRENCE.]

Mr. LAWRENCE. Mr. Speaker, I believe it is a part of the history of our early legislation that the act organizing the Treasury Department was drawn up by Alexander Hamilton. He was a gentleman highly gifted with powers of speech, and, being somewhat an admirer of the forms and practices of the English government, he introduced into the act organizing the Treasury Department a provision that the Secretary of the Treasury might come before the House at its request to make any statements of importance which might be required in explanation of his branch of the service. The act organizing the State Department was drawn up by Thomas Jefferson, and, as he was not gifted with talents for public speaking, he did not insert any such provision in the act organizing the State Department. So also the other Departments were organized without any such provision.

Now my friend from Wisconsin, [Mr. ELDREDGE,] and my friend from Kentucky, [Mr. BECK,] as I understand, suppose that in this revision Mr. Durant has purposely omitted those words of the statute under which the Secretary of the Treasury might be required to come before the House. On this point they are mistaken. The provision of Mr. Durant's revision on this subject will be found on page 57 and in section 251. It is undoubtedly true that the section as found on that page does omit the words which would require the Secretary of the Treasury to come before the House; but if gentlemen will turn to the second page of *errata* in the early part of the volume they will find that the omission is a typographical error, and is corrected in the second table of *errata*.

Mr. BECK. There is no second table of *errata* in my book.

Mr. LAWRENCE. Yes, sir; it is here. I will read the correction as it is found in this table of *errata:*

On page 57, section 251, line 10, after the word "legislature," insert the words "in person or," and after the words "in writing" insert "as may be required."

Mr. BECK. Now, sir, there are no additional *errata* in mine.

Mr. ELDREDGE. There are additional *errata* in mine.

Mr. BECK. They are not in mine.

Mr. LAWRENCE. Let me see the gentleman's copy. There is a sheet left out in the gentleman's copy. Now, Mr. Speaker, I will say that I have examined one hundred and seventy-five pages of this book, and so far as I am capable of judging it has been executed with wonderful accuracy. I do not say it is absolutely perfect, for absolute perfection in a work of this kind is entirely impossible; but I do say that in my judgment this revision has reached as near perfection as human skill can make it.

Mr. POLAND. I ask the Clerk to read——

The SPEAKER *pro tempore*. The question is on the engrossment of the bill. Unless other order is made by the House, the Chair will direct the several chapters of the bill to be read by their titles.

Mr. POLAND. I apprehend, Mr. Speaker, the first question will be on the adoption of this title which the committee has submitted.

The Clerk read as follows:

House bill No. 1215, to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873.

Mr. ELDREDGE. If the gentleman will allow me, this volume, which he says contains the whole thing, has no title whatever.

Mr. POLAND. The committee move this title.

Mr. ELDREDGE. That is not in this volume.

Mr. POLAND. It is our first amendment.

Mr. ELDREDGE. Does it come under another *erratum?* I think the title had better be deferred until we get through with this bill. The title is the last thing in order in legislation.

Mr. POLAND. We desire to establish in the first place that this was not a work where there was to be new legislation.

Mr. ELDREDGE. We ought to have the babe before we christen it. [Laughter.]

Mr. POLAND. We propose this for the purpose of having the action of the House that this is not to be the basis of any new legislation, and, if the gentleman will allow me to say, we have been pestered by all sorts of people. A gentleman has sent me a book of one hundred pages, proposing at least one thousand amendments to the tariff law, which he insisted it was the duty of the Committee on Revision to put in, because they are good amendments. The committee determined in the outset on that basis recommending the adoption of this title, so that it may be understood it is not a work on which any legislation is to be hung by anybody.

Mr. ELDREDGE. But suppose before the House gets through with the work we should differ with the committee who reported the bill, and suppose we should put upon it some additional sections, then this name which the gentleman would give to the law, would be an improper one.

Mr. POLAND. I ask the gentleman from Wisconsin, and every other good sensible man on the floor, to put a stop to anything of that sort by adopting this title.

Mr. ELDREDGE. I do not see how that would be. I do not think it would prohibit the House going on independently to take different action if we adopt any title of this sort. It is not usual to adopt a title to an act of this magnitude until the act itself has been amended and completed so that the proper name can be applied to it. I believe it is contrary to the rules.

The SPEAKER *pro tempore*. The understanding of the Chair is, that the bill has had several readings by its title without objection. The title which has been just reported by the committee is the title read to the House on the second reading of the bill.

Mr. ELDREDGE. I rise to a question of order, whether, under the rules of the House, we would have an opportunity to change the title after the bill is finished?

The SPEAKER *pro tempore*. The Chair will complete his statement, with the leave of the gentleman from Wisconsin. This stands as the title of the bill unless a motion be made to amend it. It will be in order after the adoption of the bill, with or without amendment, as

the case may be, to amend the title. This now stands as the title of the bill.

Mr. ELDREDGE. But supposing the committee should now act upon it and determine this title, which has been read, to be the title, would they afterward have the power, after it had been passed and thus acted upon, to amend it? It seems to me not.

The SPEAKER *pro tempore*. The House is not in session as a Committee of the Whole, but is in session as the House in execution of a special order.

Mr. ELDREDGE. Then the difficulty would be equally great, if not greater.

The SPEAKER *pro tempore*. The Chair does not understand that there is any difficulty. The Chair agrees to the suggestion of the gentleman from Wisconsin, that any motion to amend the title comes after the disposition of the remainder of the bill. Frequently the question is put in legislative bodies after the adoption of a bill, "Shall this stand as the title of the bill?" In the House, ordinarily, that question is not distinctly put, but the title stands unless a test motion is made for its amendment. No such motion is in order at the present time. But the bill has passed two several readings already by its title, and without objection. The title which has been reported from the committee was read to the House as the title of the bill, and that stands as the title of the bill, as it has passed two several readings, unless, after the bill itself is disposed of, the House shall otherwise order.

Mr. ELDREDGE. I think the Chair is correct in that view. That is the opinion I hold.

The SPEAKER *pro tempore*. Although, for the purposes of the first two readings, the title proposed by the committee stands as the title of the bill, subject to any amendment the House may hereafter make.

The Clerk proceeded to read the bill.

The following section was read:

SEC. 3. The word "vessel" includes every description of water-craft or other artificial contrivance used, or capable of being used, as a means of transportation on water. It also includes every utensil for holding liquid or other substances.

Mr. E. R. HOAR. I move to strike out from section 3 the last sentence, which is not found, to the best of my knowledge and belief—and that is all I can state to the House on these matters—in any statute of the United States, and is an attempt to enact a part of the dictionary. In justice to the revisers of the statutes and the gentlemen employed to review their work, I should say that the ground of their putting in that clause was that in several of the acts——

The SPEAKER *pro tempore*. The gentleman from Massachusetts will send his amendment in writing to the desk.

Mr. E. R. HOAR. I will do so.

The Clerk read as follows:

Strike out in lines 3 and 4 of section 3 these words: "It also includes every utensil for holding liquid and other substances."

Mr. E. R. HOAR. The first part of this section, giving the definition to vessels used for navigation, is found in a statute in force at the present time. In several acts relating to the internal revenue the word "vessel" is used in a sense which, obviously, is not comprised in the statutory definition, and from its context it is very obvious what its meaning is. But there has been no statute of the United States declaring that it shall include that other definition. The committee were of opinion that it therefore was not advisable, and did not come within the rule they prescribed to themselves, to insert it in the statutes. There would of course have been no difficulty in giving that word a suitable construction whenever it was met with in those statutes.

The motion to strike out was agreed to.

Mr. CONGER. I move to strike out the word "vessel" in the first line of this section. I make the motion for the purpose of obtaining some information from the gentlemen who have charge of this work in regard to the definition of "vessel."

The SPEAKER *pro tempore*. The gentleman from Michigan will send his amendment in writing to the desk.

Mr. CONGER. I move to strike out the word "vessel." I follow the precedent which the Chair permitted to the gentleman before me, [Mr. E. R. HOAR.]

I find that by this section

The word "vessel" includes every description of water-craft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Now, if the laws of the United States as they exist now have that definition and can bear it, it is a very singular anomaly. There is upon our rivers and lakes an immense transportation of such material as is carried in vessels. I have in my thought now lumber, more particularly, which is carried hundreds of miles and in quantities of millions of feet in rafts. A raft of logs is itself transported in that way, filled with lumber. Now, this definition makes a raft or logs of lumber in process of transportation a vessel, and there are general laws which make a vessel subject to certain duties.

There are on our waters a large number of artificial contrivances which have no possible resemblance to a vessel in build, or make, or in use, except that they are capable of floating themselves and sustaining an additional weight of other material upon them when afloat. Now, I do not know but the present laws of the United States make every artificial contrivance a vessel in the technical sense. And there are other laws which define certain duties in regard to vessels, in regard to their registry, in regard to their purchase, and in regard to their ownership by citizens of the United States or by foreigners. I do not know that the laws of the United States would make all such articles "vessels," but I very much doubt——

Mr. E. R. HOAR. If the gentleman is seeking information, I will say to him, as I thought I had said before, that those words from which he proposes to strike the word "vessel" are copied word for word from a recent act of the United States in the statutes now in force which gives it a definition, and the law as it stands permits that definition. If the gentleman doubts it, I can only remove his doubts by recommending him to look at that act.

Mr. CONGER. That may be so. I do not doubt the gentleman's word, and I am very happy to learn that it is a recent statute, for I venture to say that the fathers, who knew something about the compiling of laws, would not have made a statute containing any such definition. This is a statute of modern date, a recent statute. That such a definition as this should enter into the body of this law, or of any old law, would, to a practical mind, seem to be absurd.

Mr. POLAND. This precise language is found in the statute of July 8, 1866, Statutes at Large, volume 16, page 178; the very identical words contained in the section under consideration.

Mr. CONGER. When I call attention to this general proposition, that everywhere in the laws of the United States the word "vessel" includes every description of water-craft or artificial contrivance, I am met by the statute which the gentleman from Vermont [Mr. POLAND] hands me. Now, in that statute the word "vessel" is used in this sense: "That for the purpose of this act the term 'vessel' whenever hereinafter used shall be held to include every description of water-craft." This is an act especially in regard to vessels; vessels for enrollment, for tonnage, to carry goods to foreign countries, engaged in the coasting trade. Now for the purposes of that act—I wish I had time to read it through, but I have not—this definition of the word "vessel" may be very correct. But I submit that that does not answer my objection to this section, which is, that a general definition of a word running through all the statutes of the United States, in the very first chapter of the compiled laws, declaring that a "vessel," whenever referred to in the law thereafter, is "any artificial contrivance used or capable of being used as a means of transportation on water"—such a definition cannot be found in our laws; at least I hope it cannot be found there. Certainly it ought not to be found in the first chapter of the compiled laws. I made the motion to amend, in order to call the attention of gentlemen to the use of that word here, and I may say to its ridiculous use here. I withdraw my amendment.

The Clerk resumed the reading of the bill, and read section 20.

The succeeding four sections were as follows:

SEC. 21. When a decennial enumeration of the inhabitants of the several States, under the Constitution, is completed and returned to the Secretary of the Interior, he shall compute a reapportionment of the whole number of Representatives among the States, in the following manner:

First. He shall ascertain the aggregate population entitled to representation by counting the whole number of persons in each State, excluding Indians not taxed.

Second. He shall divide this aggregate population by the number of Representatives of which the House shall then be composed by law, and the quotient, rejecting any fraction of a unit, if any remains, shall be the ratio of apportionment of Representatives among the several States under that census.

Third. He shall then proceed to ascertain the representative population of each State by counting the whole number of persons therein, excluding Indians not taxed, and to divide it by the ratio determined as above directed; and the quotient shall be the number of Representatives apportioned to such State under that census.

SEC. 22. In making the computation directed in the preceding section, the deficiency in the number of members caused by the fractions remaining in the several States shall be compensated by assigning an additional member to each of so many States having the largest fractions as will make the whole number of Representatives two hundred and ninety-two, with the addition of one Representative for each State hereafter admitted.

SEC. 23. Whenever a new State is admitted to the Union, the Representatives assigned to it shall be, until the apportionment made under the next census, and no longer, in addition to the number two hundred and ninety-two.

SEC. 24. When the Secretary of the Interior has apportioned the Representatives among the several States under any future census, he shall make out and transmit, under the seal of his office, to the House of Representatives, a certificate of the number of Representatives apportioned to each State; and he shall make out and transmit to the executive of each State a certificate, under seal, of the number of Representatives apportioned to such State.

Mr. E. R. HOAR. It may not be necessary to read at length the next four sections. I will state that the Committee on Revision of the Laws propose to strike out all of sections 21, 22, and 24, and from section 23 the words, "until the apportionment made under the next census, and no longer." The committee were of the opinion that the statute establishing the present number of the House of Representatives has repealed entirely the provisions of the law which imposed on the Secretary of the Interior the duty of making a new apportionment of the House after each census, under the former ratio of representation. That provision is no longer in force, and should not appear in this revision. I found, on consulting the commissioners, that they were inclined to think so. I believe every one whose attention has been called to the subject has come to that conclusion upon examination. Those provisions of the former statutes provided that the Secretary of the Interior should make the basis of his computation upon the number two hundred and thirty-three, as the number of the House of Representatives, and not upon the additional number now provided. The provisions are so inconsistent, the provision of the last law is so absolute and distinct, without any qualification as to time, that the House of Representatives shall consist of the

number of which it is now composed, that it seemed to us that no one could doubt that that was intended to stand for the law, and to cover the whole subject until some future legislation should be had.

The amendment moved by Mr. E. R. HOAR was agreed to.

The Clerk resumed the reading of the bill, and read the following:

SEC. 30. All votes for Representatives in Congress must be by written or printed ballot; and all votes received or recorded contrary to this section shall be of no effect. But this section shall not apply to any State voting otherwise, whose election for Representatives occurs previous to the regular meeting of its Legislature next after the 28th day of February, 1871.

The SPEAKER *pro tempore*. The Chair would call the attention of the Committee on Revision of the Laws to the last clause of the section just read.

Mr. E. R. HOAR. The committee have considered that clause, and were at first inclined to think that it had become obsolete, that the cause for the statute had passed, and that nothing could arise under it; but they did not feel so sure, without looking into the election laws of the States, that there might not be some election in reference to which a petition to this House might not arise in regard to the validity of the election of a member; and as it stands in the law unrepealed, as it was a qualification of the law as it passed, the committee did not feel that they could say to the House that this provision was certainly obsolete. Of course it does no harm to let it stand as it is. We are on the safe side of endeavoring to preserve the law, unless we could find it had been changed.

Mr. ELDREDGE. Does not this section relieve any such State, if there be any such, from the requirement to have written or printed ballots, and allow the people of that State to vote without written or printed ballots?

Mr. E. R. HOAR. The gentleman is diverging into what I thought he was joining us in preventing if possible. That is the language of the law as it stands in the statute book at this moment.

If members of the House inquire from time to time whether a certain piece of legislation is not capable of a very mischievous or very foolish construction, or whether it expresses what the law should be, the committee might agree with them in saying that it had better be amended; that the intent of the law might be better carried out by changing the language. But the House was cautioned the other day most solemnly by the chairman of the Committee on Ways and Means, [Mr. DAWES,] that any attempt to make the law clearer by something which any two minds might think made a change in it, was not to be allowed, except at the peril of opening the whole statutes of the United States on all subjects to indefinite amendment. Hence the committee thought that the language of this section, which is the language of the original law, must stand in the statutes, to be expounded in this revision as it would be expounded in the statute originally passed.

Mr. ELDREDGE. I submit, then, to the gentleman from Massachusetts that he has subjected himself already to the frowns and opposition of the chairman of the Committee on Ways and Means by the amendment he proposed to the third section of chapter 1, where an amendment was made striking out a portion of the language, and also in the amendment striking out several sections.

Mr. E. R. HOAR. The gentleman will allow me to say that he is obviously in error.

Mr. ELDREDGE. The gentleman has not heard my whole statement.

Mr. E. R. HOAR. The words the gentleman refers to as having been struck out were not found in any statute of the United States. There was no law enacting that a vessel should include what was there declared. Those words were put in as being derived, in the opinion of the reviser, from certain statutes in which no such provision was made. We struck out the language, so as not to have a particle of alteration.

Mr. ELDREDGE. Then, by striking out the several sections on pages 5 and 6 the committee have certainly come under the condemnation of the chairman of the Committee on Ways and Means.

Mr. E. R. HOAR. Those were struck out because we found them to have been repealed by an act subsequently passed. I do not see, therefore, that the condemnation applies. We are trying as carefully as we possibly can to avoid any changes in existing law.

Mr. ELDREDGE. Then I understand the committee to take this position, that however absurd a provision may have crept into the existing law, it is not the purpose of the committee to even correct such a thing.

Mr. E. R. HOAR. Exactly. We thought it impossible to go through with this work if we departed from that rule.

Mr. ELDREDGE. Then I submit, Mr. Speaker, that it would be a great deal better to employ an accurate clerk to go through the statutes and do this work than to have the House engage upon it. I think that one or two good clerks would do this work a good deal better than the House of Representatives, or, perhaps, even the gentlemen of the committee can. If the work is a mere clerical one we are here to very little purpose.

The Clerk read as follows:

SEC. 41. Representatives and Delegates elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 34, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker; but, in case the Clerk of the House of Representatives shall be notified that the election of any such holder of a certificate of election will be contested, his name shall not be placed upon the roll of members-elect so as to entitle him to be paid, until he shall have been sworn in as a member, or until such contest shall be determined.

Mr. HALE, of New York. I call the attention of the committee having this bill in charge to the fact that we come here to a section which refers to section 34. The fact that two or three sections have been struck out will of course change the numbering of the sections all the way through.

Mr. E. R. HOAR. The whole numbering must be changed.

Mr. HALE, of New York. Some provision should be made for changing the numbering contained in the body of the section referred to. I do not know what course the committee will suggest for settling this matter. This section 41 refers to a section 34, which will have some other number.

Mr. E. R. HOAR. That matter has attracted the attention of the committee. When reference is made in this revision to any section by number, it obviously means the section as numbered in this printed copy. When the whole work has been gone through with, the sections left standing will all have to be renumbered, and the references from one to another will all have to be corrected. It would probably be impossible to make the corrections as we go on.

Mr. HALE, of New York. For that purpose I suggest that the House now have a unanimous understanding that clerical corrections of that kind which may become necessary may be made without the necessity of formal amendment.

The SPEAKER *pro tempore*. The Chair supposes that any amendments of that nature which may be required will be in order at the end of the bill.

Mr. POLAND. It will be impossible to determine, before we get through, the number of any particular section, because various sections will be struck out and various others inserted, so that the numbering of all the sections will have to be changed.

Mr. LAWRENCE. And the references changed accordingly.

Mr. POLAND. Yes, sir.

Mr. HALE, of New York. I only wish now to call attention to the matter so that it may be provided for in some way.

Mr. MYERS. While this codification of the laws is intended in no wise to alter the existing statutes, but to gather them together in such a manner that they may be best understood, some such latitude as that just spoken of must be allowed. We may find it necessary to make corrections in the printing of the old law—particularly errors of punctuation.

Just here, while I have the chance, I take the liberty of referring to an error which, in my opinion, loses to the Government half a million dollars annually. The illustration will serve to point out the necessity for carefully watching this bill by those most interested in the various subjects to which it refers.

On page 619—and I propose to refer to it now, as it illustrates the point; and if I feel enough interest to do that, I commend that interest to others who feel equal interest in other sections and in reference to other matters—in line 206, on the free list, I find "fruits, plants, tropical and semi-tropical, for the purpose of propagation or cultivation." On page 605, lines 1054 to 1062, I find "fruits," designating them, at a duty of 20 per cent. *ad valorem*. Turning to the Congressional Globe, I find that when dried fruits were attempted to be placed on the free-list, on motion of Mr. WALLS, of Florida, that was struck out. The list as at present printed does not put fruits, but the word "fruit" is put there and a comma placed after it in the law. The committee, when they reach that page and line, will find, if they follow the old law out, they have "fruit" and a comma, "plants, tropical or semi-tropical." Fruits were 20 per cent. *ad valorem*, and what we placed on the free list were "fruit-plants"—no comma—"tropical and semi-tropical for the purpose of propagation or cultivation." Some one shrewdly went to the Treasury Department and claimed under this section that fruits were free, and had a refund of $150,000; and merely because of the insertion of a comma we will lose half a million of dollars to the Government of the United States in revenue, beside the protection intended to be afforded by the preceding section. I take it when we reach that section we can, by reference to the page and by the preceding section, ascertain that no comma should be there; that it should be "fruit-plants;" that it would otherwise be contradictory to the preceding sections of the law. And the letter "s" put in there is incorrect; but that does not alter it.

And while we are patriotically voting appropriations for the centennial, and for other purposes, let us, while trying to retrench wherever we can, see to it that no errors of this kind shall creep into this codification so as to lose revenue to the Government.

Mr. BUTLER, of Massachusetts. I desire simply to say on this matter that all has been examined with great care by the Treasury Department. They have come to a decision through the law officer of the Government. The case has been tried in court, where the matter was decided. The law was decided by the judges of the court to be exactly as it stands. The matter was called to my attention, and I was in the habit of going through the revision to see how it stands compared to the law. My friend from Pennsylvania [Mr. MYERS] will remember that a bill is already before the Committee on Ways and Means to correct that. He will also remember that commas are no part of law—punctuation does not belong to law. If he will pardon me a moment, all bills in the British Parliament were passed by reading and never had any punctuation, because you

could not hear a comma when it was read; and therefore they were all read and engrossed without commas and without punctuation.

Mr. MYERS. Does my friend mean to say when we are now passing on our own laws we are not a court for ourselves?

Mr. POLAND. It seems to me this discussion is not pertinent.

Mr. BUTLER, of Massachusetts. This is the law, and we cannot correct it now.

Mr. MYERS. It is not the law, and I shall propose at the proper time to make the correction.

Mr. BECK. I wish to say, then, to the gentleman from Pennsylvania, who has just taken his seat, that this is a question which has been called to the attention of the Ways and Means Committee by reason of a semicolon. The Committee on Ways and Means have examined all the bills relative to fruit. We have had to send to the State Department to see how it was exactly. The construction of the Treasury is going to depend on a semicolon.

Mr. MYERS. In this case it depends on a comma.

The Clerk proceeded with the reading of the bill.

Mr. HALE, of New York. With the permission of the House I should like to go back to two sections which have already been read.

There was no objection, and the Clerk read the following sections:

SEC. 46. No Member or Delegate is entitled to any newspapers.

SEC. 47. No compensation or allowance shall now, or hereafter, be made to Senators, Representatives, or Delegates on account of postage.

Mr. HALE, of New York. I desire to ask the committee if there is any existing statute containing the provision in section 46, or whether that is not a conclusion derived by the compilers from the repeal of a former allowance? If so, it seems to me it ought not to be formally enacted as a section here, particularly in the language we are giving which may imply that the reading of newspapers by members of Congress was to be unlawful. [A laugh.]

I certainly have no knowledge of any such statute as that contained in this section, but suppose it to be merely this, that under a former statute—it must have been a statute, I take it—there was a certain allowance for newspapers and stationery to members. That statute was repealed by the act of March 3, 1873. But I do not understand that the act of March 3, or any other act, ever contained these words.

Mr. E. R. HOAR. If my friend will allow me I will explain that according to my recollection—I cannot absolutely state the fact, though I have a very strong belief that it is so—I know it was found somewhere, and I have a strong impression that in an appropriation bill there was put in, following former provisions for allowances for newspapers, an enactment that no member should be entitled to any newspaper; and that is the phraseology adopted.

Mr. POLAND. The act of February 12, 1868, had this provision, that from and after the 3d day of March, 1868—

No Senator or Representative shall receive any newspapers except the Congressional Globe, or stationery, or commutation therefor exceeding $125, for any one session of Congress.

And by an act that was in force on the 1st day of December, 1873, that allowance had been taken away.

Mr. HALE, of New York. That is precisely as I supposed. In other words, this revision inserts a section not found in any existing law, but which embodies a conclusion of the compilers in regard to the present condition of the law derived merely from the repeal of a former statute. Now it appears to me that such sections ought not to stand. I would, therefore, move to strike out the forty-sixth section.

Mr. ELDREDGE. Better move to strike out the forty-sixth and forty-seventh sections.

Mr. HALE, of New York. Yes, sir; the forty-seventh section stands on precisely the same footing. I include that in my motion.

The question being put, it was declared by the Chair to be carried in the affirmative.

Mr. CONGER. I rose to make an inquiry before the question was put. I draw the attention of the committee to this point, that if these sections are stricken out each House may, by resolution, out of its contingent fund, provide postage for members. There will be no law prohibiting it. I think if we leave the matter in that condition it would be wrong to strike out the section.

Mr. POLAND. Mr. Speaker, has the vote been taken on the motion to strike out?

The SPEAKER *pro tempore*. The Chair will consider the vote as not having been taken, as there was no negative vote.

Mr. CONGER. My inquiry was if there were no provision of law at all on the subject forbidding any allowance for postage, whether the House or Senate, by its resolution, might not provide for the payment of members from its contingent fund, or in some other way, as they provide for some other contingent expenses. Of course if this section remains, such a resolution would be a violation of it.

Mr. POLAND. It seems to me, Mr. Speaker, that it would be better to leave these sections to stand. The act of 1868 provided that no Senator or Representative shall receive any newspaper or stationery, or commutation therefor exceeding $125 for any one session of Congress. By the act of last March this allowance was taken away. It seems to me that the residue of this is left in force. It must be considered that we have now a law forbidding any allowance to members of Congress for this. I think the section would be improved by making it read—

No Member or Delegate is entitled to any allowance for newspapers.

Mr. HALE, of New York. Let me call attention to the language of section 48:

The compensation of Senators, Representatives, and Delegates, as prescribed in section 38, shall be in lieu of all pay and allowances.

Now does not that exclude it as completely as it is possible to do it by the multiplication of these clauses which I propose to strike out?

Mr. CONGER. That law has been repealed and the former law restored, so that now the compensation of Senators, Representatives, and Delegates is in addition to allowances for mileage, &c.

Mr. POLAND. I think the safe way would be to leave it as it is. But I would propose to amend section 46 by inserting after the word "any" the words "allowance for," so that it will read:

No Member or Delegate is entitled to have any allowance for newspapers.

Mr. ELDREDGE. Will the gentleman from Vermont allow me to inquire whether those sections, including section 48, are not repealed by the recent act of Congress?

Mr. E. R. HOAR. Certainly.

Mr. ELDREDGE. Then why keep them here at all?

Mr. E. R. HOAR. For the reason that it is impossible to incorporate new provisions of law which may extend over a period of several months of current legislation; and it is proposed to enact this as the law which existed on the first day of this session, subject of course to all subsequent legislation, as it will be subject to the subsequent legislation of future years. We are attempting to fix the law as it was on the first day of this session.

Mr. ELDREDGE. That is the time at which it is limited by the act itself.

Mr. E. R. HOAR. The proposed title to which the gentleman objected was intended to show that.

Mr. ELDREDGE. I was not aware, until I got the information from the gentleman just now, that the title did limit the provisions of the bill itself; perhaps it does.

Mr. LAWRENCE. Allow me to make a single remark.

Mr. HALE, of New York. I will withdraw my motion to strike out.

Mr. ELDREDGE. I renew the motion to strike out. It seems to me that these provisions are very incongruous, especially as we are aware, now, of the change that has taken place. Why put in a conclusion drawn from statutes which have been repealed? It seems to me it is an idle work, even if we intend to have this act limited to the beginning of this Congress. The conclusions of this revision are not exact enactments, but are the conclusions which the compiler, or the reviser, or the committee have come to from the acts themselves. Why amend them?

Mr. POLAND. The gentleman misunderstands me. The law provided that there should be no allowance to members of Congress for newspapers, except that they should have an annual allowance of $125 each. As the law stood on the 1st day of December last, that allowance of $125 was taken away, leaving the statute to stand, forbidding any allowance to members for newspapers.

Mr. ELDREDGE. I understand that perfectly well; and that law is now repealed by the recent law. Why undertake to amend this act, or to put in it, in the form of law, a conclusion which the committee have drawn from certain sections which have been repealed?

Mr. POLAND. My friend from Wisconsin [Mr. ELDREDGE] seems to lose sight of the fact that we are making this book without the slightest reference to what has been done by this Congress. We are sitting here, as if we were here on the 1st day of December, before this Congress had done anything whatever, to determine what the statute law was on that day, and how it stood on that day. We say that the revisers were quite right in saying that on that day the statute law forbade any allowance to members of Congress for newspapers or for postage.

Mr. ELDREDGE. If the committee had put into this act the words of the previous act, and allowed them to stand, there might be some propriety in it. But it would look like amending this law for some purpose, changing it in some form, having in view something to change the words of the former act. Why not put in the exact words of the statute?

Mr. POLAND. We have used the exact words of the statute, except that they are put into two or three sections instead of one. On the 1st day of December last the law in force in this country did forbid any allowance to members of Congress for newspapers, and did forbid any allowance to members of Congress for postage.

Mr. ELDREDGE. Certainly. But the gentleman must admit that this is construing the law, which is precisely what his colleague on the committee [Mr. E. R. HOAR] said they did not intend to do. He is certainly putting in here his conclusion. Some gentleman may differ with him as to what the law does mean. He is putting in his conclusion, his construction, which is what the committee said they would not do under any circumstances, and what the chairman of the Committee on Ways and Means [Mr. DAWES] said he would not consent should be done, at the peril of the defeat of the whole thing.

Mr. POLAND. If my friend will examine this revision carefully, he will find that it does not purport to be a reprint of all the statutes. We could not do that and put them into this volume, or into two or three volumes. But out of all the statutes the commissioners, as well as they could, have ascertained how much of each is in force. They have divided them into different sections, have endeavored to put them into better form and in better phrase than before. Will the

gentleman say that when this section says that "no Member or Delegate is entitled to any allowance for newspapers," and the next section that "no compensation or allowance shall now or hereafter be made to Senators, Representatives, or Delegates on account of postage"—will the gentleman say that that was not the statute law on the 1st day of December?

Mr. ELDREDGE. I will say that I have no knowledge, nor have I any belief, that these provisions as they stand in this act were ever in any law. "No Member or Delegate is entitled to any newspapers." I do not believe that such a provision as that was ever enacted. I believe it was the law that members might have just as many newspapers as they please. I do not believe this is a fair construction of the law. I do not believe the law can be so construed. I think the gentleman from Vermont cannot maintain for one moment that Congress ever passed a law providing that "no Member or Delegate is entitled to any newspapers." Certainly that never was done.

Mr. POLAND. My friend did not perhaps notice the change embodied in the amendment already proposed.

Mr. ELDREDGE. When the gentleman says that the committee want to put the provision in better phrase, I must say that I think they certainly have failed to do it. They would have done better to use the phrase in the old law; for I do not think it was ever intended to prohibit members of Congress from having newspapers. They may have been prohibited from receiving any money with which to buy newspapers.

Mr. POLAND. That is just the provision as we now amend it.

Mr. ELDREDGE. That is not in accordance with the words of the committee, which are that "no Member or Delegate is entitled to any newspapers."

Mr. POLAND. We have just proposed an amendment so as to make the language, "no Member or Delegate is entitled to any allowance for newspapers."

Mr. ELDREDGE. Then the gentleman has amended his own amendment. That is an additional *erratum*. [Laughter.]

The amendment was again read.

Mr. CONGER. I wish to make a suggestion to the committee. As the law stands to-day, I understand there is an allowance to members of the same amount formerly allowed for stationery.

Mr. POLAND. We have nothing to do with that.

Mr. CONGER. I know that; but I was about to suggest to the gentlemen of the committee that when this revision is finally completed and ready to be reprinted, it will probably be desirable to include in it all general laws up to the time, perhaps, when it is finally passed.

Mr. POLAND. We cannot do that.

Mr. CONGER. I think it would be well on such subjects as these to pass over those sections which have been changed since this revision was prepared, so that the committee may submit, at some future time, the later statutes and thus embody the existing law in this bill.

The amendment was agreed to.

Mr. ELDREDGE. I move to amend by striking out sections 46 and 47; and on that motion I call for a division.

The question being taken, there were—ayes 6, noes 17.

Mr. ELDREDGE. I call for tellers.

Mr. POLAND. I really trust my friend from Wisconsin is not going to endeavor to stop us from proceeding with this work. When this series of evening sessions was ordered I did not expect we should be able, probably, ever to command the attendance of a quorum of the House. I hope my friend will let us go on with our work.

Mr. ELDREDGE. I think we ought to have a quorum on these occasions. I insist upon tellers.

Tellers were ordered; and Mr. ELDREDGE and Mr. POLAND were appointed.

Mr. PENDLETON. I move that we now adjourn.

Mr. POLAND. It is very certain that we must have longer evening sessions than we have had this evening if we are to get along with this work; and if we are forbidden to do anything unless we can secure the attendance of a quorum, we may just as well abandon this work in the outset.

Mr. BUTLER, of Massachusetts. This law is not yet repealed. Nobody knows whether the President has signed the bill. [Laughter.]

Mr. LAWRENCE. I heard a gentleman say he had.

Mr. BUTLER, of Massachusetts. That statement we only get from the newspapers.

Mr. POLAND. I understand that we are proceeding upon an entire ignoring of anything that may be done during this session in the way of making laws. We are endeavoring to ascertain and set down what was the law at the beginning of this session, as if no Congress was ever to meet again and no new law to be passed.

Mr. ELDREDGE. Members of Congress are paid for attending the sessions; and I think we should have a quorum.

Mr. PENDLETON. I insist on the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the motion to adjourn is not debatable.

The question being taken on the motion to adjourn, there were—ayes 7, noes 30.

So the motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Wisconsin, [Mr. ELDREDGE,] on which the tellers appointed will please take their places.

Mr. POLAND. Mr. Speaker, if my friend from Wisconsin [Mr. ELDREDGE] is going to insist that we shall not go on without a quorum, we may just as well adjourn. I certainly do not want to subject members to the trouble and inconvenience of having a call of the House. If my friend from Wisconsin persists in saying that we shall not go on without a quorum, we may as well adjourn.

Mr. ELDREDGE. I insist that members of Congress ought to attend the sessions of the House.

Mr. POLAND. They certainly ought to; but let me ask my friend, in all seriousness, whether he expects we shall have a quorum in attendance at these evening sessions to consider this codification?

Mr. ELDREDGE. I will say to the gentleman from Vermont that if a quorum of the House cannot be in attendance, it is not a proper body to consider so important a measure as a revision of the statutes.

Several MEMBERS. That is right.

Mr. LAWRENCE. This is a subject to which no members except lawyers will give much attention. I believe we have, however, a sufficient number of lawyers to make a quorum; but it will be very difficult to get members who are not lawyers to attend.

Mr. POLAND. If the gentleman from Wisconsin persists in saying that he is going to object to our going on further to-night——

Mr. ELDREDGE. If the gentleman will consent to strike out those sections we can go on. I do not think there is any proper body here to decide upon this question. I do not wish to be captious or to prevent action; but when a question which I deem important arises, and the decision appears to be against me, I propose to have a full vote upon it.

Mr. POLAND. I think it will not be necessary to go through the form of voting by tellers. I move to adjourn.

Mr. BECK. We might as well test the question, and bring members here, if we intend to go on with this business. As it is now, any gentleman has the right to object, just as the gentleman from Wisconsin has done. Some gentleman will object again, and we will be at the mercy of any one man. In my judgment, it is just as well to teach the lesson now, by bringing a quorum of members here at once.

Mr. KELLEY. I suggest we adjourn at present, for we will only punish ourselves by an all-night session; and announce that when we shall assemble again, if there be not a quorum present, a call of the House will be at once resorted to.

Mr. BECK. The reason I wish to make the motion now is, that we may as well punish ourselves now as at any other time, and if we get a quorum to-night we can go on with this business without any similar interruption. We might as well punish ourselves now once for all, or else we will have to adjourn every night on the objection of a single member.

Mr. KELLEY. We would save ourselves that punishment by coming together to-morrow night and at once having a call of the House.

Mr. BECK. We gave notice before to members to be here.

Mr. ELDREDGE. I wish to say that I have no doubt the members who are away to-night are away on the general understanding that there would be no vote on which they would be required to attend.

Mr. BECK. Why did the gentleman make a necessity for such a vote?

Mr. ELDREDGE. Because I had a right to do it.

Mr. BECK. Then I have the right to have a call of the House. He has no right to make a question, and then say I have no right to bring members here. I admit he is right.

Mr. ELDREDGE. I withdraw the motion.

Mr. POLAND. Then I withdraw my motion to adjourn.

Mr. LAWRENCE. Mr. Speaker, the act of Congress of June 27, 1866, authorized the appointment of three persons, learned in the law, for the term of three years, as commissioners—

To revise, simplify, arrange, and consolidate all statutes of the United States, general and permanent in their nature.—14 *Statutes*, 74.

The commissioners were duly appointed, and executed a part of the work assigned them, when the term expired. Congress, by act of May 4, 1870, revived the original statute, and authorized the appointment of three commissioners to complete the work within three years. (16 Statutes, 96.) The commissioners were duly appointed. They were authorized not merely to copy and arrange in proper order, and classify in heads the actual text of statutes in force, but to "supply the omissions and amend the imperfections of the original text." In executing this work they very often translated into their own language the ideas and objects of statutes, so that the new form adopted might be said to be *inspired by Congress in ideas*, but not in words. This mode frequently condensed existing laws, and thus often improved them.

As an illustration of this I will present an example.

The eleventh Article of War, as it is found in the act of April 10, 1806, (2 Statutes at Large, 361,) reads thus:

ART. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given to a non-commissioned officer or soldier before his term of service has expired, but by order of the President, the Secretary of War, the commanding officer of a department, or the sentence of a general court-martial; nor shall a commissioned officer be discharged the service but by order of the President of the United States, or by sentence of a general court-martial.

In the commissioners' report, or draught of revision, (volume 1, page 643, article 4,) this is translated into other words, thus:

Discharges.

Art. of War 11.

"ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer, when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, [the commander of a separate army,] or by sentence of a general court-martial."

The words in brackets ["the commander of a separate army"] are not in the original article, and are designed as a suggested addition.

The last clause of the original article is transferred in the revision to article 99 of the Articles of War, page 662.

The work of the commissioners was completed by the prescribed time of May 4, 1873, and is found in eight immense unpublished volumes now in the committee-room of the Committee on Revision of the Laws. These volumes contain the original statutes cut out of the volumes of statutes and pasted on to sheets of paper with the changes marked or noted by erasures and otherwise. These constitute the final work and real report of the commissioners. But the result of their labors was published from time to time in parts, and finally all arranged and bound in two large volumes, containing in all twenty-six hundred and sixty-eight pages. These are called "Revision of the United States Statutes as drafted by the commissioners," &c. Their real report, as I have described it, is known as "Draught or Revision of the Laws," though the two published volumes are popularly known by the same designation. The revision and draught were found to contain so many changes of existing laws, so much legislation, so much of a departure from the actual existing law, that it was probably believed in Congress that, however desirable, and however much of an improvement most of the changes might be, the report could not be adopted as a whole and enacted into one entire system.

The act of March 3, 1873, therefore was passed, which authorized a joint committee of the two Houses of Congress, taken in part from the House Committee on the Revision of the Laws, to accept from the commissioners their draught or revision of the laws. (17 Statutes, 579.)

The act of 1873 authorized the joint committee to contract with some suitable person to prepare, under regulations to be prescribed by the committee, in the form of a bill to be presented to Congress in December, 1873, the revision of the statutes which might be reported by the commissioners. This work was done by Hon. Thomas J. Durant, and the general laws were condensed in one large volume of fourteen hundred and thirty-one pages. The Indian treaties, post-routes, and code of military offenses are each separate and in addition to this. The treaties with foreign nations are not embraced in the revision, because there is a compilation of these under the authority of the State Department published in 1871, as Senate Executive Document No. 36, third session Forty-first Congress, with notes of judicial decisions thereon, &c. The commissioners, whose revision in two volumes is now before us, and Mr. Durant, whose work is also here, as I have described it, have all certainly displayed great learning, ability, and skill in this very difficult and herculean labor assigned them.

It was the purpose of Mr. Durant's revision to present the actual state of the law as it existed on the 1st day of December, 1873, except only that the code of laws "in regard to military offenses" does not profess to represent existing law, but to be a bill on that subject, new in many respects, submitted for the action of Congress. But his revision undoubtedly includes legislation, or rather I might say it has been impossible to avoid it. A construction of a statute in new words is legislation. In his volume of general laws, page 643, he gives as his third article of war the exact language employed by the commissioners, which has been read, omitting the words in brackets. The last clause of the eleventh article of war he transfers to section 84, of the "bill to codify and regulate the laws in regard to military offenses."

The commissioners, as the law under which they acted required of them, added "side notes" or marginal references on the pages of their volumes to the original statute, giving the volume, chapter, page, and section "from which each section is compiled and to the decisions of the Federal (national) courts, explaining or expounding the same, and also to such decisions of the State courts" as they deemed expedient.

The statute under which Mr. Durant acted did not require any such reference, and he has, therefore, omitted all this. His work does not adopt in all respects the same plan or arrangement as that of the commissioners, and where the general plan is the same the same order in arranging sections is not always observed. It is not always, if generally, practicable to refer from Durant's work to that of the commissioners for the side-notes or marginal references.

I would regard it as a great misfortune, if this revision of the laws shall be adopted, that it should be published without marginal references to each section, pointing out the volume, chapter, page, and section of the original act or acts from which it is compiled. In such revision or compilation as this I do not for a moment believe that, as a general rule, any inference would arise as to the meaning or effect of any provision from the fact that it has been classified in one title rather than in another. The commissioners in their revision so provided, (volume 1, chapter 2, page 13, section 7.) The classification here is only matter of "real or supposed convenience or propriety." But the duty, both of interpretation and construction, so often devolving on courts, is or may be aided much by the time, history, and attendant circumstances of the original enactment of the statute now newly arranged, with condensation or change of language designed only to carry out the purpose that originally gave rise to it. The original arrangement of the words, sentences, clauses, and sections of an act is valuable in ascertaining their meaning, upon the maxim *noscitur a sociis*.

The original chronological arrangement of statutes each with reference to others may be significant in giving their meaning and purpose. Statutes in *pari materia* are to be construed together and read each in the light of the other.

It will be an immense labor if the bench and bar must scrape their way through seventeen large volumes of statutes, including our national legislation since June 1, 1789, to hunt out from this immense mass the sources from which the compilation has been made, with no guide to direct the way. Then it would be a grave mistake to send out this compilation without at least marginal references or foot-notes indicating the authoritative decisions made by national and State courts explaining and construing the statutes. Human wisdom probably cannot frame a statute of any importance about which there may not be well-grounded differences of opinion. The value of certainty we all know; the great dangers to arise from doubt and uncertainty are equally well understood. Our own national Constitution, written down in immortal words by the profoundest statesmen and ablest lawyers of the revolutionary period, has given rise to questions of interpretation and construction requiring many and learned volumes by the ablest commentators, and yet it can scarcely be said there is a single provision of it the meaning of which, in all its bearings, is placed beyond dispute. Our statutes are open to equal or greater uncertainties. So far as questions affecting or pointing out their meaning have been decided by authoritative courts, their rulings are as much a part of the statute law as though incorporated in it in so many words. It would now be just as wise to omit important words, sentences, or paragraphs from existing statutes as to omit from the codified laws the judicial interpretations made by authoritative courts.

I call the attention of the House and of the learned chairman of the Committee on Revision of Laws, [Mr. POLAND,] with whom I have the honor to be associated on the committee, to this subject, so that provision may be made in some form for supplying the marginal references or foot-notes to which I have referred. The marginal notes should go beyond all this; and where a statute embraces the subject-matter of, or is designed to afford remedies under, many others, these should all be referred to, or its scope and effect cannot be understood without much labor and research—liable to mistake or oversight at the very times when accuracy will be most important.

Now, to illustrate the necessity of these marginal references in the three classes of cases I have stated, I will present some examples.

But, first, let me cite another provision of law as it exists in force, translated in the words of the commissioners from several successive acts of Congress on the same subject.

The second section of the Indian appropriation act of April 10, 1869, (16 Statutes, 39,) reads thus:

SEC. 2. *And be it further enacted*, That all goods and merchandise furnished any tribe or band of Indians, under the provisions of any act, shall be turned over by the agent or superintendent of such tribe or band to the chiefs of the tribe or band in bulk, and in the original package, as nearly as practicable, and in the presence of the head-men of the tribe, if practicable, to be distributed to the tribe or band by the chiefs in such manner as the chiefs may deem best, in the presence of the agent or superintendent: *Provided*, That said chiefs have observed their treaty obligations with the Government, as hereinbefore stated.

This is translated in volume 1 of the commissioners' Revision, page 1007, section 74, with marginal page and note, thus:

"SEC. 74. No delivery of goods or merchandise, *or payment of any money*, shall be made to the chiefs of any tribe, by authority of any treaty, if such chiefs have violated the stipulations contained in such treaty upon their part."

Withholding goods, &c., from chiefs who have violated treaty stipulations.

10 April, 1869, ch. 16, § 2, vol. 16, p. 39.

NOTE.—The section in the text is founded upon a proviso at the end of the section cited, but is differently expressed.

The words in *italic* indicate that the commissioners recommend their insertion as an amendment.

Mr. Durant, in his revision (page 459, section 2106) adopts the same translation, omitting, of course, the words in *italic*, as his labor was to present the existing law.

And to illustrate the extent to which statutes have been construed let me cite an example:

In the commissioners' reported Draught, volume 1, pages 354-355, chapter 7, certain sections of the judiciary act of September 24, 1789, (1 Statutes, 78,) are given with marginal references to decisions, as follows:

"SEC. 100. The circuit courts shall have original jurisdiction as follows:

Aliens, citizens of different States.

24 Sept., 1789, ch. 20, § 11, vol. 1, p. 78.

"1. Of all suits of a civil nature at common law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of $500, and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: *Provided*, That no circuit court should have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee,

2 Dall., 381; 4 Dall., 8, 12, 339, 338, 390; 4 Cr., 61, 303; 6 Cr., 332; 2 Wh., 290; 3 Wh., 591; 6 Wh., 146; 8 Wh., 642, 699; 9 Wh., 537; 2 Pet., 126, 318, 556; 7 Pet., 253, 413; 12 Pet., 164, 327; 13

Pet., 519; 14 Pet., 69, 293; 15 Pet., 171; 16 Pet., 97; 2 How., 497; 5 How., 278; 6 How., 31, 163; 8 How., 441; 13 How., 183; 17 How., 424; 20 How., 208, 227; 1 Bl., 286; 6 Wall., 289; 9 Wall., 387; 2 Mas., 252, 303; 1 Gallis., 306; 4 Mas., 439; 4 McLean, 122; 6 McLean, 68; 2 Blatch., 244; 2 Wood. & M., 72; 2 Wall., jr., 334.

Suits in equity by the United States.

24 Sept., 1789, ch. 20, § 11, vol. 1, p. 78.

unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange."

"2. Of all suits in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and the United States are petitioners.

Suits at common law by United States or officers.

24 Sept., 1789, ch. 20, §§ 9, 11, vol. 1, pp. 76, 78; 3 March, 1815, ch. 101, § 4, vol. 3, p. 245.

"3. Of all suits at common law where the United States, or any officer thereof suing under the authority of any act of Congress, are plaintiffs."

Section 9 of the judiciary act provides that the district courts "shall have cognizance * * * of all suits *at common law* where the United States sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of $100." Section 11 provides that the circuit courts shall have cognizance "of all suits of a civil nature *at common law or in equity*, where the matter in dispute exceeds, exclusive of costs, the sum or value of $500, and the United States are plaintiffs or petitioners." Section 4 of the act of 3 March, 1815, provides, "That the district courts of the United States shall have cognizance, *concurrent with* * * * *the circuit courts* of the United States, of all suits *at common law*, where the United States, or any officer thereof, under the authority of any act of Congress, shall sue, although the debt, claim, or other matter in dispute shall not amount to one hundred dollars."

3 Wh., 172, 212; 12 Wh., 136; 1 Paine, 156, 252; Pet. C. C., 168, 497, note; 13 How., 563; 3 Pet., 210; 13 Pet., 195; 4 Wh., 108; 2 McLean, 568; 1 McAll., 113, 271, 287; 6 McLean, 395.

It was held in *The Postmaster-General* vs. *Early*, 12 Wheaton, 136, that the last-named act had the effect to extend to the circuit courts jurisdiction of suits at common law, by the United States, or by its officers when authorized to sue, without regard to amount. This left undisturbed the limitation as to suits by the United States in equity.

To illustrate the value and convenience of references to numerous statutes, all seeking remedies under one section of another act, I refer again to two provisions giving jurisdiction to circuit courts, as found in volume 1, pages 355 and 357, of the commissioners' reported Draught, as follows:

Suits under import, internal-revenue, and postal laws.

Imports, 2 March, 1833, ch. 57, § 2, vol. 4, p. 632.

24 Sept., 1789, ch. 20, § 9, vol. 1, p. 76.

Internal revenue, 13 July, 1866, ch. 184, §§ 9, 19, vol. 14, pp. 111, 145, 152.

2 March, 1867, ch. 169, §§ 10, 25, vol. 14, pp. 475, 483.

20 July, 1868, ch. 186, § 106, vol. 15, p. 167.

30 June, 1864, ch. 173, §§ 41, 179, vol. 13, pp. 239, 240, 305.

3 March, 1865, ch. 78, § 1, vol. 13, p. 483.

Postal laws, 3 Mar., 1845, ch. 43, § 20, vol. 5, p. 739.

"4. Of all suits at law or in equity, arising under any act providing for revenue from imports or tonnage, except civil causes of admiralty and maritime jurisdiction, and seizures on land or on waters not within admiralty and maritime jurisdiction, and except suits for penalties and forfeitures; of all causes arising under any law providing internal revenue, and of all causes arising under the postal laws."

NOTE.—The act of 2 March, 1833, provides, "That the jurisdiction of the circuit courts of the United States shall extend to all cases, in law or equity, arising under the revenue laws (*i. e.*, relating to imports and tonnage) of the United States, *for which other provisions are not already made by law.*" Section 9 of the judiciary act *had* already provided for the cases excepted in the preceding section. It had given to the district courts "*exclusive* original cognizance of all civil causes of admiralty and maritime jurisdiction, * * * of all seizures on land, or other waters than as aforesaid, (referring to the clause relating to admiralty jurisdiction,) * * * and of all suits for penalties and forfeitures incurred under the laws of the United States."

5 Wall., 541.

Suits under slave-trade laws.

"6. Of all suits arising under any law relating to the slave trade."

22 March, 1794, ch. 11, § 1, vol. 1, p. 347. 10 May, 1800, ch. 51, §§ 1, 5, vol. 2, pp. 70, 71. 2 March, 1807, ch. 22, § 7, vol. 2, p. 28. 20 April, 1818, ch. 91, §§ 1, 2, 4, 7, vol. 3, pp. 450, 451, 452; 3 March, 1819, ch. 101, § 1, vol. 3, p. 532—3 Dall., 297; 2 Cr., 406; 4 Cr., 443; 8 Wh., 391.

These are illustrations taken at random. These marginal references are all omitted in Durant's revision. It should have them all, and there should be in the last two paragraphs I have cited a reference not only to the original acts but to their location, so far as in force in the new revision. Mr. Durant has prepared an index to his whole work which is full, elaborate, and exhaustive, but it is not yet printed. When the entire work shall be adopted by Congress, provision can be made for adding in its publication the marginal references and foot-notes suggested.

There is so great a necessity for a complete revision of the general laws of a permanent nature, published in a compact and convenient form, that I trust it may speedily be had. Six years of patient labor has been given to the work by the commissioners. More than half a year has been devoted to it by Mr. Durant. I do not know that it is practicable to procure a revision in more perfect form. It is due to this Congress and to the legal profession and the country to say that absolute perfection is impossible. When all shall be done that can be done, the result will only approximate absolute accuracy.

The gentleman from Massachusetts [Mr. DAWES] told the House a few days since that the improper location of a mark of punctuation in a customs-revenue statute cost the Treasury a quarter of a million dollars. But this is most remarkable, since punctuation is not to be regarded to defeat the object of a law. (See remarks of Mr. MYERS, House of Representatives, January 21, 1874, and Durant's Revision, page 605, line 1054, and page 619, lines 206, 207.)

In the revision of seventeen volumes there will undoubtedly be not only erroneous punctuation, but some omissions of provisions of laws in force; some misconstruction of statutes carried into the new phraseology adopted; some provisions of laws put down as in force which may have been repealed, and some other errors occur which will escape all the care, vigilance, and scrutiny that have been or can be given to the revision. The gentleman from Kentucky [Mr. BECK] has already called attention to the fact that the original article 61 of the Articles of War, as found in the act of April 10, 1806, (2 Statutes, 366,) is put down as in force in Durant's Revision of General Statutes, page 297, article 58, and so it is in the commissioners' reported Draught, volume 1, page 665, article 122, though it was expressly repealed by act of March 3, 1869, (15 Statutes, 281.) And this is the more remarkable, since the commissioners report that they examined this act of March 3, 1869. (See reported Draught, volume 1, page 673.) It is due to Mr. Durant to say that his duty under his employment was not to examine all the original statutes and compile a new revision; for he could not in half a year perform a labor that had consumed six years of the time of three commissioners, or eighteen years of labor in all.

To understand the plan of this revision I may state another, among its many features.

There are two general modes of making a revision.

One is to adopt the chronological order of locating the statutes, giving so much of each as may be in force. This plan was adopted by Curwen in his one volume of collated laws in force in Ohio, and his argument in favor of it is able and plausible.

The other plan is that adopted as to the revision now under consideration, of bringing "together all statutes and parts of statutes which from similarity of subject ought to be brought together," as is said in the original act under which the commissioners were appointed. This plan arranges statutes or parts of statutes according to topic. In such a revision a topic may or may not be divided into classes. Thus the topic of "civil rights" may comprehend all laws, civil or criminal, relating to that subject, or it may itself be divided by placing a declaration of civil rights in one chapter, civil remedies for their violation under "procedure," and punishments for their violation under "crimes."

The plan adopted is to collate in one title of "civil rights" the statutes which declare them, which point out the remedies to be pursued, in the manner required in judiciary and procedure statutes; and to insert under the title of "crimes" and under the subdivision chapter of "crimes against the elective franchise and civil rights" the penal provisions of the civil-rights acts.

The revision does not therefore adopt the plan of giving in one connected view all the statute law in force as to civil rights, but detaches them into the more systematic plan of a more minute topical arrangement.

A reference to this will indicate the manner in which the purposes of the several civil-rights statutes have been translated into the words of the compiler, and possibly may show verbal modifications bordering on legislation.

The original civil-rights act of April 9, 1866, will be found in 14 Statutes, 27, the first two sections of which are as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race or color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State or Territory in the United States, to make and enforce contracts, to sue, be parties and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of the person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance regulation, or custom to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by fine not exceeding $1,000, or imprisonment not exceeding one year, or both, in the discretion of the court.

Next in order of time is the fourteenth article of amendments to the Constitution, one section of which is as follows:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Then the enforcement act of May 31, 1870, (16 Statutes, 144,) in sections 16 and 17, re-enacts in modified words the substance of the original civil-rights sections, the re-enactment being in these words:

SEC. 16. *And be it further enacted*, That all persons within the jurisdiction of the United States shall have the same right in every State or Territory in the United States to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding. [No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country; and any law of any State in conflict with this provision is hereby declared null and void.]

SEC. 17. *And be it further enacted*, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by the last preceding section of this act, or to different punishment, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than is prescribed for the punishment of citizens, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding $1,000, or imprisonment not exceeding one year, or both, in the discretion of the court.

In the reported draught of the commissioners, as in Durant's revision, the act of May 31, 1870, is very properly not treated as a revision of the whole subject, and hence as superseding the entire original act. The commissioners, in volume 1, page 947, title 26, sections 1, 2, and 3, and Mr. Durant in his volume of General Laws, page 432, title 24, sections 1982, 1983, and 1984, both, under the head of "civil rights," translate the sections I have cited from the acts of 1866 and 1870, so far as they relate to a declaration of existing rights, and confer a right of civil action for their violation as follows:

Equal rights under the law.

31 May, 1870, ch. 114, § 16, vol. 16, p. 144.

1 Abb. U. S., 28, 84, 388.

"SECTION 1. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

Rights of citizens in respect to real and personal property.

8 April, 1866, ch. 31, § 1, vol. 14, p. 27.

"SEC. 2. All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

Civil action for deprivation of rights.

20 April, 1871, ch. 22, § 1, vol. 17, p. 13.

"SEC. 3. Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

It is proper to state here that the last clause of section 16 of the act of May 31, 1870, which I have read, beginning with the words "no tax," &c., is retained in Durant's revision, but is placed in a section which I have not deemed it necessary to cite.

A comparison of all these will present a fair specimen of the manner in which the work has been done, and from these all can judge of the accuracy of the translation.

But this is not all of civil rights in the revision.

It will be seen the original civil-rights act of April 9, 1866, and the re-enacted civil-rights sections of the "enforcement act" of May 31, 1870, contain provisions for criminal prosecutions.

After these were enacted Congress passed the "Ku-Klux act," approved April 20, 1871, (17 Statutes, 13,) for the protection of civil and political rights and other objects, section 1 of which is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who under color of any law, statute, ordinance, regulation, custom, or usage of any State, shall subject, or cause to be subjected, any person within the jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured, in any action at law, suit in equity, or other proper proceeding for redress; such proceeding to be prosecuted in the several district or circuit courts of the United States, with and subject to the same rights of appeal, review upon error, and other remedies provided in like cases in such courts, under the provisions of the act of the 9th of April, 1866, entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication," and the other remedial laws of the United States which are in their nature applicable in such cases.

Mr. Durant, in his Revision of General Laws, chapter 7, of "crimes against the elective franchise and civil rights," page 141, section 5577, condenses into one the three criminal sections I have cited from the acts of April 9, 1866, May 31, 1870, and April 20, 1871, in these words:

SEC. 5577. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any State or Territory to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than $1,000, or by imprisonment not more than one year, or by both.

While the three acts contain each a criminal section differing in words each from the other, and each section covering some crimes perhaps not covered by either of the others, the one consolidated section of Durant is made applicable to the violations of rights alike in the three acts. It requires great care to compare and examine the effect of all this, and it is possible that the new consolidated section may operate differently from the three original sections in a very few cases. But the change, if any, cannot be objectionable, but is valuable as securing uniformity.

The commissioners in their Revision, under the same classification of "crimes against the elective franchise and the civil rights of persons," (chapter 7, volume 2, page 2627,) translate the criminal sections thus:

Violation of provisions of section.

31 May, 1870, ch. 114, § 17, vol. 16, p. 144.

"SEC. 190. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by section [illegible] of the title 'civil rights,' or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than is prescribed for the punishment of citizens, shall be punished by fine not more than $1,000, or by imprisonment not more than one year, or by both."

Their marginal reference is only to act of "31 May, 1870, ch. 14, sec. 17, vol. 16, p. 144," and certainly is not sufficiently comprehensive to include all covered by the first section of the "Ku-Klux act" of April 20, 1871, and the omission is not elsewhere supplied in the published volumes of their revision.

This mode of classifying the statutes to some extent duplicates in the revision portions of statutes, since the same language is in part necessarily repeated under the chapters declaring civil rights and defining crimes.

There are cases where portions of a statute are four times repeated over under different heads. I will refer to an example.

The act of March 2, 1863, "to prevent and punish frauds upon the Government," &c., provides a punishment by court-martial against persons in the military or naval service who make a fraudulent claim on the Government, and a punishment in the courts having criminal jurisdiction against persons not in the military or naval service for the same kind of fraud, and provides also for forfeitures, (12 Statutes, 696, 698;) the statute presents the whole law therein in one connected form as to all persons.

In Durant's revision this is very properly translated into four distinct provisions: one in title 36, under the caption of "debts due by or to the United States," (page 911, section 3551,) which mentions the forfeitures, but refers to a second translated provision in section 5506, title "crimes" (page 1391) for the acts which will incur the forfeitures, and which also prescribe punishment; then in the "Articles for the government of the Navy," (page 313, article 14,) the same provision is again translated; and the bill to codify and regulate military offenses (in article 78) repeats the same acts, qualified by a limitation excluding civilians as subjects for the cognizance of courts-martial.

The commissioners omit any reference to this law under their title of "debts due by or to the United States," but they translate portions of it in their title of "crimes," chapter v, volume 2, page 2603, section 124; and again in the "Articles of War," volume 1, page 653, article 60; and again in the "Articles for the government of the Navy," volume 1, page 748, article 14.

I refer to these to show the plan of the work so the House may be in possession of some idea of the revision.

I will not add to this view of the plan of revision, but will say the work before us is of immense importance, and if put in proper form will be of great value to the bench and bar, to all officers, and to the public.

The chairman of the Committee on Revision of the Laws [Mr. POLAND] did me the honor to assign to me for examination the titles following: Title 14—The Army; Title 15—The Navy; Title 16—The Militia; Title 17—Arms, armories, and arsenals; Title 20—Flag and seal; Title 21—Seat of Government, including public buildings; Title 22—The States; Title 23—The Territories; Title 24—Civil rights; Title 25—Citizenship; Title 26—The elective franchise; Title 27—The freedmen; Title 28—Indians.

I have spent some weeks of patient labor in the examination of these titles, and will present in due time the conclusions at which I have arrived, and now will bear testimony to the general accuracy and great value of the revision.

The Clerk read as follows:

Two stenographers, at a salary of $4,947 a year each.

Mr. E. R. HOAR. I move to alter that clause by striking out the word "four" and inserting the word "five," and striking out "nine hundred" and inserting "thirty" instead of "forty;" so it will read:

Two stenographers, at a salary of $5,037 a year each.

The amendment was agreed to.

Mr. LAWRENCE. I will say that is a correction taken from the table of *errata;* so that it will be understood as an error in the work itself.

Mr. HALE, of New York. In lines 60 to 63 I find:

One Doorkeeper, while such position is held by the present incumbent and no longer, at a salary of $3,000 a year.

I submit whether that was a provision of law in existence on the 1st of December. Was there a Doorkeeper of the House between the 3d of March last and the 1st of December?

Mr. E. R. HOAR. Suppose an extra session had been called.

Mr. HALE, of New York. In that connection I suggest a verbal correction, as it is a little blind as it stands. The words should be transposed so as to read:

One Doorkeeper, at a salary of $3,000 a year, while such position is held by the present incumbent, and no longer.

The same transposition should be made in the clauses relating to the Chief Clerk and the Journal clerk.

The amendment was agreed to.

The Clerk read as follows:

SEC. 82. After the 4th day of March, 1875, no money shall be paid from the Treasury for the publication of the laws in newspapers.

Mr. CONGER. We have made a good start in this good work to-night; and I move that the House do now adjourn.

Mr. POLAND. I would suggest that at the rate we have gone to-night it will take a hundred evenings to complete the work.

Mr. CONGER. I think we had better not discourage members by keeping them too late the first night.

Mr. E. R. HOAR. I will say to the members of the House present, if they think we can safely go on, without the reading, to the end of this title, (Title 2, The Congress,) that I have carefully compared every section in that title, and that there is no amendment to be offered by the committee or by the revisers; and I believe that every section will be found to correspond exactly with the law as it now stands—the laws being recent which apply to the subject—with one single exception. This is in section 89, where the committee propose to strike out three or four words which are wholly unnecessary. That is the whole amendment, to the end of this title, which they propose to make. If it would be in accordance with the wishes of gentlemen present that these chapters under these circumstances should be read by their title, and that we should consider the work completed as far as title 3, commencing on page 28, this would make about the proportion of work we had hoped to get through with to-night. If any gentleman objects, or has any reason to think that there is anything here to which he wishes to call attention, I will not press the suggestion I have made.

Mr. ELDREDGE. I am not going to make any objection; but I want to have the gentleman from Massachusetts [Mr. E. R. HOAR] keep himself consistent with himself if possible. I would like to know upon what principle he can strike out these two or three words, unnecessary as he thinks, when he could not consent to amend the section, which I thought was absurd as it now reads, and did not express the law as it was intended to have been enacted.

Mr. E. R. HOAR. The difference is that I do not agree with the gentleman on that proposition.

Mr. ELDREDGE. I beg the gentleman's pardon. That was not the ground on which he put it. He put it on the ground that it was an amendment; that whatever the absurdity, that whatever there might be that was wrong in it, that was no reason why it should be amended, because its amendment would violate the position which the committee had taken not to interfere, however the law may read, whatever amendment might seem to be proper.

Mr. E. R. HOAR. I will state to the gentleman that this amendment which I now propose to make differs from what he refers to in the fact that the words remaining contain exactly what we propose to strike out.

Mr. ELDREDGE. I have no objection to the gentleman striking out these words. Still I cannot see how he is consistent in his objection to the amending of the section which I proposed to amend, because it did not express the law as I thought the Congress enacting it intended to enact it. And I would say further that, where a gentleman of the committee can state, as the gentleman from Massachusetts has stated, that he has compared a particular chapter section by section with the law as it now stands, and is able to state from the examination and consideration he has given it that it is the exact law as it now stands, I would rather take his statement upon it than go through with it in detail in the presence of this august assemblage of the House of Representatives. I think it is as likely, and perhaps more likely, to be right, if we adopt a chapter on such an assurance than to have this numerous body consider every section of it.

The SPEAKER *pro tempore*. Does the gentleman from Michigan [Mr. CONGER] insist on his motion?

Mr. CONGER. I am under the necessity of objecting to-night to passing over any of these chapters without reading. I may assent hereafter to such a thing being done.

Mr. E. R. HOAR. Then I assent to the motion of adjournment.

The question being taken on the motion to adjourn, it was agreed to; and accordingly (at nine o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BASS: Resolutions of the National Board of Trade, asking that underwriters receive their proportion of the Geneva award, in the same manner and upon the same terms as individuals, to the Committee on the Judiciary.

By Mr. BROMBERG: The petition of the Board of Trade of Mobile, Alabama, for a further appropriation to complete the opening of the bars in Mobile Bay, to the Committee on Commerce.

By Mr. CHAFFEE: The petition of the Wool-Growers' Association of Huerfano County, Colorado, for a higher tariff on foreign wool, to the Committee on Ways and Means.

By Mr. CHIPMAN: The remonstrance of Wright Rives and others, property-holders on Third street northwest, in the city of Washington, against the passage of a bill to incorporate the Capitol, North O street and South Washington Railway Company, to the Committee on the District of Columbia.

By Mr. COTTON: The petition of the Chicago, Clinton and Dubuque Railroad Company, of the Chicago, Dubuque and Minnesota Railroad Company, and of many citizens of Iowa, asking that the bridge across the Mississippi River at Clinton, Iowa, be opened to the use of all railroads desiring to use the same, to the Committee on Commerce.

By Mr. COX: The petition of E. S. Jaffray & Co. and others, importers of hand-made lace goods in the city of New York, for a reduction of duty on such goods to 20 per cent. *ad valorem*, to the Committee on Ways and Means.

By Mr. DAWES: The petition of Thomas Warner, for remuneration for valuable inventions used in the armories of the United States, to the Committee on Military Affairs.

By Mr. HAMILTON: Resolutions of the Legislature of New Jersey, requesting the Senators and Representatives in Congress from that State to vote for an appropriation in aid of the centennial celebration, to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875.

By Mr. HERNDON: Several petitions of citizens of Texas, for the improvement of Sabine Pass, on the coast of Texas, to the Committee on Commerce.

By Mr. LANSING: The petition of the heirs of Richard W. Meade, for relief, to the Committee on Claims.

By Mr. LOFLAND: The petition of the First-day School of the Society of Friends of Wilmington, Delaware, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

Also, the petition of citizens of New Castle County, Delaware, for the repeal of the second section of the act of June 6, 1872, reducing the duties on certain articles 10 per cent., to the Committee on Ways and Means.

By Mr. McCRARY: The petition of druggists of Iowa, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. O'NEILL: The petition of William Wheeler Hubbell, in relation to the currency, to the Committee on Banking and Currency.

By Mr. POLAND: The memorial of P. P. Pitchlynn, delegate of the Choctaw Nation of Indians, in relation to the right of that nation to be paid the money awarded them by the United States Senate on the 9th day of March, 1859, to the Committee on Indian Affairs.

Also, the petition of C. O. Whitmore & Sons and others, of Boston, Massachusetts, associates in and insured by mutual insurance companies, asking to be reimbursed from the Geneva award fund for losses by rebel cruisers, to the Committee on the Judiciary.

Also, the petition of Martin D. Chandler, for a pension, to the Committee on Invalid Pensions.

By Mr. SCUDDER, of New Jersey: Resolutions of the Legislature of New Jersey, in relation to the centennial celebration, to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875.

By Mr. SENER: The petition or John Moncure, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SHELDON: The petition of James G. Taliaferro, for relief as surety on the bond of Robert W. Taliaferro, late postmaster at New Orleans, Louisiana, to the Committee on the Judiciary.

By Mr. SMITH, of Virginia: The remonstrance of H. L. Pelouze & Co., of Richmond, Virginia, against the repeal of the duty on printing type, to the Committee on Ways and Means.

By Mr. SPRAGUE: The memorial of Arthur W. McCarty, for relief, to the Committee on Military Affairs.

By Mr. STANARD: The petition of the National Board of Trade, for the early establishment of a territorial government over the Indian Territory, to the Committee on the Territories.

By Mr. SWANN: The memorial of importers of vinegar, against increased duties on that article, to the Committee on Ways and Means.

By Mr. TOWNSEND: The petition of citizens of Delaware County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduces the duties on certain manufactured articles 10 per cent., to the Committee on Ways and Means.

By Mr. WARD, of New Jersey: The petition of certain citizens of New Jersey, for the improvement of Keyport Harbor, to the Committee on Commerce.

By Mr. WOLFE: The remonstrance of the State Board of Agriculture of Indiana, against the extension by Congress of patents now expiring upon sewing and other machines, to the Committee on Patents.

IN SENATE.

THURSDAY, *January* 22, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 1393) providing for the assignment of judges in the Territories was read twice by its title, and referred to the Committee on the Judiciary.

ENROLLED BILL SIGNED.

The PRESIDENT of the Senate *pro tempore* signed the enrolled bill (S. No. 215) in relation to the printing of the Biennial Register, commonly called the Blue Book; which had previously received the signature of the Speaker of the House of Representatives.

PETITIONS AND MEMORIALS.

Mr. CHANDLER presented a letter of the Secretary of the Treasury, addressed to the chairman of the Committee on Commerce, in

relation to moieties given to customs officers and informers; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SARGENT presented the petition of Mrs. Isabella Beecher Hooker and others, praying for the passage of a law exempting women from taxation as long as they are unrepresented in the national councils; which was referred to the Committee on Finance.

Mr. SARGENT. I present the petition of Susan B. Anthony, of the city of Rochester, State of New York. This petition states that prior to the last presidential election the petitioner applied to the board of registry in the eighth ward of the city of Rochester to be registered as a voter. That question was discussed before the board in her presence, and after consideration they decided that she was entitled to have her name placed upon the registry, and placed it there accordingly. On the day of the election she, in common with hundreds of other American citizens, her neighbors, whose names had also been registered as voters, offered to the inspectors of election her ballot for electors of President and Vice-President and for members of Congress, which were received and deposited in the ballot-box by the inspectors.

She says that for this act an indictment was found against her by the grand jury at the sitting of the district court of the United States for the northern district of New York, at Albany, charging her, under the nineteenth section of the act of Congress of May 31, 1870, entitled "An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes," with having knowingly voted without having a lawful right to vote. She says that to that indictment she pleaded "not guilty;" and the trial of the issue thus joined took place at the circuit court at Canandaigua, in the county of Ontario, before the Hon. Ward Hunt, one of the justices of the Supreme Court of the United States, on the 18th day of June last. Upon that trial the facts of voting by the petitioner and that she was a woman were not denied; nor was it claimed on the part of the Government that the petitioner lacked any of the qualifications of a voter unless disqualified by reason of her sex.

She further says, that it was shown on behalf of the petitioner on the trial that before voting she called upon a respectable lawyer and asked his opinion whether she had a right to vote, and he advised her that she had such right; and the lawyer was examined as a witness in her behalf, and testified that he gave her such advice, and that he gave it in good faith, believing that she had such right. It also appeared that when she offered to vote the question whether, as a woman, she had a right to vote was raised by the inspectors, considered by them in her presence, and they decided that she had a right to vote, and received her vote accordingly.

It was shown on the part of the Government that on the examination of the petitioner before the commissioner on whose warrant she was arrested, the petitioner stated that she would have voted, if allowed to vote, without reference to the advice of the attorney whose opinion she asked; that she was not induced to vote by that opinion; that she had before determined to offer her vote, and had no doubt about her right to vote.

At the close of the testimony the petitioner's counsel proceeded to address the jury, and stated that he desired to present for consideration three propositions, two of law and one of fact:

First. That the petitioner had a lawful right to vote.

Secondly. That whether she had a right to vote or not, if she honestly believed that she had that right, and voted in good faith in that belief, she was guilty of no crime.

Thirdly. That when the petitioner gave her vote she gave it in good faith, believing that it was her right to do so.

The first two propositions presented questions for the court to decide, and the last a question for the jury. When the petitioner's counsel had proceeded thus far the judge suggested that the counsel had better discuss, in the first place, the questions of law, which the counsel proceeded to do, and having discussed the two legal questions at length, asked leave then to say a few words to the jury on the question of fact. The judge then said to the counsel that he thought that had better be left until the views of the court upon the legal questions should be known.

The district attorney thereupon addressed the court at length upon the legal questions, and at the close of his argument the judge delivered an opinion adverse to the positions of the petitioner's counsel upon both of the legal questions presented, holding that the petitioner was not entitled to vote, and that if she voted in good faith in the belief, in fact, that she had a right to vote, it would constitute no defense; the ground of the decision of the last point being that the petitioner was bound to know that by law she was not a legal voter, and that even if she voted in good faith in the contrary belief, it constituted no defense to the crime with which she was charged. The decision of the judge upon those questions was read from a written document, and at the close of the reading the judge said that the decision of these questions disposed of the case, and left no question of fact for the jury, and therefore he should direct the jury to find a verdict of "guilty." The judge then said to the jury that the decision of the court had disposed of all there was in the case, and he directed them to find a verdict of "guilty," and he instructed the clerk to enter such a verdict.

At this time, before any entry was made by the clerk, the petitioner's counsel asked the judge to submit the case to the jury, and to give to the jury the following several instructions:

First. That if the defendant at the time of voting believed that she had a right to vote, and voted in good faith in that belief, she was not guilty of the offense charged.

Secondly. That in determining the question whether she did or did not believe that she had a right to vote, the jury might take into consideration as bearing upon that question the advice which she received from the counsel to whom she applied.

Thirdly. That they might also take into consideration, as bearing upon the same question the fact, that the inspectors considered the question, and came to the conclusion that she had a right to vote.

Fourthly. That the jury had a right to find a general verdict of "guilty" or "not guilty" as they should believe that she had or had not been guilty of the offense described in the statute.

I would here remind Senators that the language of the statute is that a party shall have "knowingly" committed the offense in order to be guilty.

The judge declined to submit the case to the jury upon any question whatever, and directed them to render a verdict of guilty against the petitioner. The petitioner's counsel excepted to the decision of the judge upon the legal questions, and to his direction to the jury to find a verdict of "guilty," insisting that it was a direction which no court had a right to give in any criminal case. The judge then directed the clerk to take the verdict, and the clerk said: "Gentlemen of the jury, hearken to your verdict as the court hath recorded it. You say you find the defendant guilty of the offense charged. So say you all." No response whatever was made by the jury, either by word or sign. They had not consulted together in their seats or otherwise. Neither of them had spoken a word, nor had they been asked whether they had or had not agreed upon a verdict.

The petitioner's counsel then asked that the clerk be requested to poll the jury. The judge said, "That cannot be allowed; gentlemen of the jury, you are discharged;" and the jury left the box. No juror spoke a word during the trial from the time when they were impaneled until the time of their discharge. After denying a motion for a new trial, the judge proceeded upon the conviction thus obtained to pass sentence upon the petitioner, imposing upon her a fine of $100 and the costs of the prosecution.

The petitioner respectfully submits that in these proceedings she has been denied the rights guaranteed by the Constitution to all persons accused of crime—the right of trial by jury and the right to have the assistance of counsel in their defense. She thinks it is a mockery to call her trial a trial by jury; and unless the assistance of counsel may be limited to the argument of legal questions, without the privilege of saying a word to the jury upon the question of the guilt or innocence in fact of the party charged, or the privilege of ascertaining from the jury whether they do or do not agree to the verdict announced by the court in their name, she has been denied the assistance of counsel for her defense.

The petitioner also respectfully insists that the decision of the judge that good faith on the part of the petitioner in offering her vote did not constitute a defense was not only a violation of the deepest and most sacred principle of the criminal law, that no one can be guilty of crime unless a criminal intent exists, but was also a palpable violation of the statute under which the conviction was had, not on the ground that good faith could in this or in any case justify a criminal act, but on the ground that *bad* faith in voting was an indispensable ingredient of the offense of which the petitioner was charged. Any other interpretation strikes the word "knowingly" out of the statute, the word which alone describes the essence of the offense. The statute means, as the petitioner is advised, and humbly submits, a *knowledge in fact*, not a knowledge falsely imputed by law to a party not possessing it in fact, as the judge in this case has held. Crimes cannot, either in law or in morals, be established by judicial falsehood. If there be any crime in the case, the petitioner humbly insists it is to be found in such an adjudication.

Of the decision of the judge upon the question of the right of the petitioner to vote she makes no complaint. It was a question properly belonging to the court to decide; was fully and fairly submitted to the judge; and of his decision, whether right or wrong, the petitioner is well aware she cannot here complain. But in regard to her conviction of crime, which she insists for the reasons given was in violation of the principles of the common law, of common morality, of the statute under which she was charged, and of the Constitution, a crime of which she was as innocent as the judge by whom she was convicted—she respectfully asks, inasmuch as the law has provided no means of reviewing the decisions of the judge or of correcting his errors, that the fine imposed upon the petitioner be removed as an expression of the sense of this high tribunal that her conviction was unjust.

This is dated January 12, 1874, and I move that it be referred to the Committee on the Judiciary; and I will state that there are several precedents in favor of the action asked for by Miss Anthony in this petition. I move, also, that the petition be printed; it is not very lengthy.

The petition was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SCOTT presented a petition of business men of Philadelphia, stating that no redemption has been offered for the legal-tender notes outstanding since 1862, and praying for the enactment of laws directing the redemption or conversion of these notes by issuing therefor,

at the option of the holder, bonds of the denomination of $1,000 and its multiple; said bonds to be made payable on demand in legal-tender notes, the bonds to bear interest at some fixed rate, say 3.65 per cent. per annum; and also that permission be granted to national banks to count such bonds in the reserve required to be kept by law; which was referred to the Committee on Finance.

He also presented resolutions of the Philadelphia County Medical Society, asking the repeal of section 6 of the Army appropriation bill, approved March 3, 1869, and the enactment of such a law as will confer upon the Medical Department of the Army the emoluments and rank which justly belong to it; which were referred to the Committee on Military Affairs.

He also presented a petition of a large number of citizens of Pittsburgh, Pennsylvania, praying reimbursement of money expended by them in 1863 in fortifying the city of Pittsburgh under the authority of the Secretary of War; which was referred to the Committee on Claims.

Mr. PRATT presented the petition of Hugh T. Lyttle, private in Company H, Thirty-second Regiment Ohio Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of John O'Connor, Lewis Jacobs, Charles Alexander, Martin Basilis, John Johnson, and Samuel F. Reynolds, of Brooklyn, New York, praying an amendment of the act of March 2, 1867, so that their naval pensions may commence from the date of their discharge from the service; which was referred to the Committee on Pensions.

Mr. CONOVER. I present a resolution of the General Assembly of Florida, in favor of the United States Government extending aid to Cuba, which I ask may be read and laid on the table.

The Chief Clerk read the resolution, as follows:

Whereas the people of the island of Cuba have been, and are still, struggling for their national existence, and are trying to establish a free government for themselves and their children; and whereas the war waged by the Spanish government has no parallel for its inhumanity in modern times, and should not be permitted by any civilized government: Therefore,

Be it resolved by the people of the State of Florida represented in senate and assembly, That the Congress of the United States is requested to adopt such legislation as may be necessary to enable the national Government to extend such aid to the people of Cuba as becomes a great republic, whose people so ardently sympathize with an oppressed nation; and

Be it further resolved, That our Senators and Representatives in Congress are requested to present these resolutions to their respective bodies as expressive of the sense of the people of Florida.

The resolution was ordered to lie on the table.

Mr. THURMAN. I present the petition of Jane M. Spooner and others, of Ohio, praying that women may have equal protection with colored men in the exercise of the right to vote, which I am requested by Miss Anthony to present to the Senate. I move its reference to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. THURMAN. I present also a petition of the same character, the signatures to which appear to be all in the same handwriting; but there is this attestation to it, which I hope will make it pass also. At the end of it is this note:

SEVENTEENTH WARD, CINCINNATI, *Friday, March* 31.

DEAR MADAM: I send inclosed, I believe, all the names that can be secured in this ward. If any more can be had I will forward them.

Wishing success to the cause, I am, respectfully,

AMANDA GLENN.

Mrs. GRIFFING.

I hope that verification will make that petition pass likewise. [Laughter.] I move its reference to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CLAYTON presented additional papers in regard to the claim of Silas I. Feild and the heirs of the late Samuel F. Dalley, of the city of Little Rock, State of Arkansas, for a release from liability on the official bond of the late John G. Halliburton; which were referred to the Committee on the Judiciary.

He also presented additional papers in support of the application of George A. Armes, late captain Tenth United States Cavalry; which were referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1394) in relation to the centennial exhibition, in which the concurrence of the Senate was requested.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 795) making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SCOTT, it was

Ordered, That the petition and papers of Alexander Henderson be taken from the files and referred to the Committee on Commerce.

On motion of Mr. FENTON, it was

Ordered, That the petition and papers of Almira H. Thompson be taken from the files and referred to the Committee on Pensions.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers of Elizabeth O'Neil, for arrears and increase of pension, be taken from the files and referred to the Committee on Pensions.

On motion of Mr. MORTON, it was

Ordered, That the petition and papers of Robert Spaugh be taken from the files, and referred to the Committee on Claims.

On motion of Mr. SARGENT, it was

Ordered, That R. Steinback have leave to withdraw from the files of the Senate the papers in relation to the Point San José military reservation.

Mr. WRIGHT. I now move for an order allowing George W. Jones, of Cincinnati, Ohio, to withdraw from the files his papers which were before the Committee on Claims at the last Congress, asking compensation under his contract for furnishing clothing to the Army. There was an adverse report, and I ask that the papers be withdrawn, on leaving copies on the files.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

Mr. CLAYTON. I move that an order be made to allow Judge Moore, of Washington, to withdraw two private letters from the papers referred this morning in the case of Feild and Dalley. These letters were put there by mistake, and I ask that Judge Moore have leave to withdraw them.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made.

REPORTS OF COMMITTEES.

Mr. PRATT, from the Committee on Pensions, to whom was referred the petition of Mary Ann Daniel, of Yorkshire, England, praying for an increase of pension for her son, Major John Townsend Daniel, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Samuel Wilson, private in Company F, One hundred and sixteenth Regiment Ohio Volunteer Infantry, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Dr. Samuel Davis, late surgeon of the Eighty-third Regiment Indiana Volunteers, praying for an increase of pension from twenty-five dollars to fifty dollars a month, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Mrs. John McMurray, of Carlisle, Pennsylvania, praying for an increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from its further consideration.

Mr. SPENCER, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1041) for the relief of Robert N. McMillan, late collector of customs and superintendent of lights for the district of Teche, in the State of Louisiana, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 291) to create a port of delivery at Jefferson, Texas, reported it adversely; and the bill was indefinitely postponed.

Mr. SPENCER. I am also directed by the Committee on Commerce, to whom was referred the bill (S. No. 87) to facilitate the execution of and to protect certain public works of improvement at the mouth of the Mississippi River, to report the same back with several amendments; and I am directed by the committee to ask the immediate consideration of the bill.

The bill and amendments were read.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CLAYTON. I think this is too important a measure to be acted on at present. I therefore object. I suggest that the bill and amendments be printed.

Mr. CHANDLER. I hope the Senator will not object, for it is really important for the work that is now in progress.

Mr. EDMUNDS. Let the bill go over until to-morrow and be printed.

Mr. CLAYTON. I should like to have an opportunity of examining it more closely.

The PRESIDENT *pro tempore*. The bill goes over, objection being made.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of Calvin Hess, praying for a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Charles S. Movers and Jane A. Movers, praying for a pension for services rendered in the war of 1812, submitted an adverse report thereon; which was ordered to be printed, and the committee asked to be discharged from the further consideration of the petition.

Mr. WRIGHT. I ask that that go on the Calendar.

The PRESIDENT *pro tempore*. There is only an adverse report on the petition; there is no bill to go on the Calendar.

Mr. OGLESBY. We only report back the petition and papers, and ask to be discharged from their further consideration.

The PRESIDENT *pro tempore*. The committee will be discharged.

Mr. OGLESBY, from the Committee on Pensions, to whom was referred the petition of Edward Marshall, late of Company E, Fifteenth Regiment Indiana Volunteers, praying for an increase of pension, sub-

mitted an adverse report; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

Mr. HAMILTON, of Texas. I am instructed by the Committee on Pensions to report back the bill (S. No. 280) granting a pension to Thomas Reilly, late a private in Company H, Second Regiment United States Cavalry, adversely, and to ask that the petitioner be allowed to withdraw his papers, as on application at the Pension Office it appears that his claim is still pending there waiting for such testimony as would be sufficient there, and such testimony we should require here before passing his claim. Therefore it is unnecessary to act further upon it.

The bill was postponed indefinitely, and leave was granted to withdraw the petition and papers.

Mr. HAMILTON, of Texas, from the same committee, to whom was referred the bill (S. No. 83) granting a pension to Josiah Brivard, submitted an adverse report thereon; which was ordered to be printed, and the bill was indefinitely postponed.

He also, from the same committee, to whom was referred the bill (S. No. 257) granting a pension to Eliza Shelton, Nancy Shelton, Cerena Metcalf, Nancy King, Patsey J. Shelton, Sarah Metcalf, Cloa Shelton, and Mary Franklin, and their children under the age of sixteen years, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Sciotha Brashears, late of the Seventeenth Kentucky Cavalry, praying to be allowed a pension, reported a bill (S. No. 361) granting a pension to Sciotha Brashears, late of the Seventeenth Regiment of Kentucky Cavalry; which was read, and passed to a second reading.

Mr. NORWOOD, from the Committee on Pensions, to whom was referred the bill (S. No. 298) to increase the pension of Harriet DeWitt Mitchell, invalid daughter of the late General O. M. Mitchell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Benjamin H. Shepherd, late chaplain of the Seventeenth Regiment of the United States Colored Troops, praying to be allowed a pension, reported adversely thereon; and the committee were discharged from its further consideration.

He also, from the same committee, to whom was referred the petition of Charles J. Hanson, praying for an increase of pension in the nature of arrearages, reported adversely thereon; and the committee were discharged from its further consideration.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Sarah Parker, a citizen of the State of Maine, (late the wife of Daniel McLaughlin,) praying to be allowed a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

THE CONGRESSIONAL RECORD.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution making it unlawful for the Congressional Printer to print any speech in the CONGRESSIONAL RECORD not actually delivered in the Senate or House of Representatives, have instructed me to report the same back without amendment and recommend its passage, and also to ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That it shall not be lawful for the Congressional Printer to publish in the CONGRESSIONAL RECORD any speech, or portion of a speech, not actually delivered in the Senate or in the House of Representatives.

FIRE-EXTINGUISHERS.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building, to report it back without amendment, and ask that it be considered at the present time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to authorize the Secretary of the Senate and the Clerk of the House of Representatives, in co-operation with the architect of the Capitol, to purchase not exceeding eight fire-extinguishers, to be placed in those parts of the building and those rooms most exposed to danger from fire, the purchase to be made after a proper test of the merits of the extinguishers offered shall have been made, and payment therefor to be made out of the contingent funds of the respective Houses.

Mr. MORRILL, of Vermont. I desire merely to say that Senators are all, perhaps, aware that the roofs of the old Hall of the House of Representatives and the old Senate Chamber, now the Supreme Court room, were constructed of wood; and if the condition of the Treasury permitted the expenditure of so large a sum at the present time, I should favor the removal of these wooden parts to be replaced by iron, and thus make this building fire-proof. But at the present time it is possible that these extinguishers might be of some service in case of accidental fire. The upper lofts are filled with books and documents, and therefore are of a very combustible nature, and it is possible that in case of a fire these extinguishers, which will cost but a very small sum, might be of some service; but the only real security we can ever have is to remove these wooden structures and replace them by something that will be fire-proof. I hope the bill will be passed at once.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TOPOGRAPHICAL SURVEY OF CAPITOL GROUNDS.

Mr. MORRILL, of Vermont. I am directed by the Committee on Public Buildings and Grounds to report another bill; and I ask for its present consideration. I think it will commend itself to the judgment of the Senate.

There being no objection, the bill (S. No. 360) making appropriation for a topographical survey of the Capitol grounds and plans for improving the same was read twice and considered as in Committee of the Whole. It appropriates the sum of $5,000, or so much thereof as may be necessary, to be expended under the direction of the Committees on Public Buildings and Grounds of the Senate and House of Representatives in procuring a topographical survey of the Capitol grounds, and the employment of Frederick Law Olmsted, of New York, in furnishing plans for laying out, improving, and inclosing the same.

Mr. MORRILL, of Vermont. It will be conceded that this is a matter of some considerable importance. We have enlarged the grounds, and it is now proper that they shall also be laid out, so that there shall be some unity of design both on the east and west fronts. It is impossible that any plan can be made out until an accurate topographical survey shall be made of the grounds—their elevation, the position of every tree, and the walks, and all about them. I suppose it is also desirable that we should have the best artistic talent in the country to furnish proper plans; and I know of no person who is superior to Mr. Olmsted, of New York, who had the charge of the Central Park of that city. While I suppose it may not, perhaps, cost over $2,500, yet the Committee on Public Buildings and Grounds have inserted $5,000, in order to cover all possible expense, and possibly to continue Mr. Olmsted, if it should finally be decided, after plans have been made and approved by Congress, to employ him to superintend their execution.

Mr. SUMNER. I will ask the Senator whether the committee have come to any conclusion with regard to the trees?

Mr. MORRILL, of Vermont. No, sir; the committee propose to leave the subject with whoever may be employed to lay out the grounds. On conversing with Mr. Olmsted, (and I may say that I invited him here to look over the grounds, and he spent a couple of days upon the grounds,) he thinks that all the trees it will be necessary to preserve can easily be preserved either by removal or by sinking them on the ground where they stand. That is a matter that will come up after the plans shall have been made and submitted to Congress.

Mr. SUMNER. I hope the committee will act courageously with regard to those trees. I know the saying, "Woodman, spare that tree," and I certainly should not touch a tree except with hesitation and caution; but still I take it that in architecture and in the grounds that surround a great public structure it is now settled from experience and the rules of taste that trees are not advisable—they are not in place. When we have spent immense sums to rear an edifice with an architectural front, we should not place trees between that front and the traveler or the spectator; all should be exposed. Trees, therefore, as a general rule, in a street, are hardly in place; but certainly they are out of place in the neighborhood of a great public monument, which should be exposed to the gaze of all. Trees have been allowed to grow about the Capitol on the east side and also on the side toward Pennsylvania avenue, by which the view of the Capitol is seriously obstructed. I think that now is the time when the subject should be carefully considered, and those trees, if not entirely removed, at least so thinned out as not essentially to interfere with the sight of one of the most magnificent structures of the globe, for that I hold this national Capitol to be.

There is one tree, however, in the grounds opposite the Capitol on the east that must at any cost be spared. It is a beautiful beech, not an American beech, but I believe a classical beech; and there it is, to my mind, a thing of perfect beauty. When it is clothed in all its foliage during the summer I know of nothing in the District of Columbia that is equal to it in beauty. It is distinctly seen from the marble steps that conduct to the Senate Chamber; and I hope my friend will see to it that that tree does not suffer.

Mr. MORRILL, of Vermont. It is entirely premature to discuss these matters now, for it is only proposed to have some plan by which the public grounds shall be appropriately laid out. While there might be some difference of opinion on the subject as to how and in what way they should be laid out, it is true that there are many trees in the public grounds that ought to be taken out. I suppose nearly one-third of the trees have become unhealthy by being too thickly planted, and there were some trees originally planted that are no longer things of beauty—the poplars or whitewood, and some of the sycamores. But that question is not raised now; and I take it there will be no objection to the passage of this bill proposing to employ such a man as Mr. Olmsted. I will not consume any further time of the Senate in explaining it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CLAYTON. I am requested by the mayor and common council of the city of Fort Smith, Arkansas, to present a bill, which I ask the unanimous consent of the Senate to introduce and have referred, with the accompanying papers, to the Committee on Military Affairs.

By unanimous consent, leave was granted to introduce a bill (S. No. 362) donating the military reservation of Fort Smith to the city of Fort Smith, Arkansas, for free schools; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 363) to provide for the payment of money due to the heirs of Joshua Hill; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 364) to provide for the further improvement of the Great Kanawha River, in the State of West Virginia; which was read twice by its title, and referred to the Committee on Commerce.

INTERSTATE RAILROADS.

Mr. MORTON. I offer the following resolution:

Resolved, That the Committee on Transportation Routes to the Sea-board be instructed to consider and report a bill creating a commission of five eminent and skilled persons, to be appointed by the President, by and with the advice and consent of the Senate, who shall examine and make report to Congress what legislation is necessary and practicable in regard to interstate railroads, to promote the following objects: The speedy transportation at reasonable rates of freight and passengers; the safety and comfort of passengers, by providing for the inspection of bridges, tracks, locomotives, and cars; and the reform of any abuses that may exist in consequence of extortion or unjust discriminations in the transportation of freights and passengers; and, in general, what regulations are necessary to promote the efficiency of railroads, the interests of commerce, and the convenience and safety of the traveling public.

I ask to have the resolution laid on the table and printed, and I will on next Tuesday morning, if it suits the convenience of the Senate, desire a short time to express my views as to the extent and scope of the power of Congress over this subject.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be directed to inquire into the expediency of suspending the expenditure of all appropriations for public buildings not yet commenced, and covering such appropriations into the Treasury.

PERSONAL EXPLANATION.

Mr. CLAYTON. I should like to occupy a few moments of the morning hour in making what is termed in the Senate, I believe, a personal explanation.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks leave to make a personal explanation. The Chair hears no objection.

Mr. CLAYTON. I send to the desk a copy of the Boston Daily Advertiser of January 19, and I ask the Clerk to read what I have marked.

The PRESIDENT *pro tempore*. It will be read, if there be no objection.

The Chief Clerk read as follows:

A Warm Dispute.—Senator CLAYTON and the Postmaster-General had a very pointed controversy yesterday. The former called to request that a free delivery might be ordered for Little Rock. Mr. Creswell informed the Senator that that could not be done, because the population was much less than the law required. Mr. CLAYTON proceeded to indicate that he did not think the law need stand in the way, and demanded that it should be done without regard to the law. Mr. Creswell replied in very emphatic and pointed terms that he did not intend to violate the law, even when requested to do so by a United States Senator. Mr. CLAYTON did not accept this statement in a very lamb-like manner, but Mr. Creswell did not relent, and the Senator was obliged to abandon the field, first, however, expressing his opinion of the law and the Postmaster-General in a style somewhat peculiar to Arkansas.

Mr. CLAYTON. Mr. President, at first thought it would seem as though I ought not to notice this article; and yet, in view of the fact that I am charged, in plain and unmistakable terms, with having in my official capacity undertaken to influence a high officer of this Government to violate the law that he is called upon and sworn to enforce, and in view of the fact that this charge has been republished in several papers throughout the country, and re-embellished, I think it is due to my constituency, due to the Senate, due to myself, and due even to the press, that I should denounce, in unmistakable terms, that charge as being utterly false, and the instigator of it, whoever he may be, as being a falsifier and peddler of falsehoods.

Early in December last I carried, in person, to the Postmaster-General a written application, signed by my colleague, who, I regret to say, is absent to-day on account of sickness, and myself and my colleagues in the other House, setting forth that we believed that the city of Little Rock was entitled to the benefits of the free-delivery system, and asking the Postmaster-General to take the necessary steps in the premises. A day or two after I received the letter which I hold in my hand, and which it is unnecessary to read. In it the Postmaster-General, through his First Assistant, acknowledges the receipt of our communication, and says that he will send a special agent to Arkansas for the purpose of investigating the facts, and that the agent will probably be there early in January.

Last Saturday, about a month and eight days after this letter was sent to me, my colleague and myself called at the Post-Office Department to look after this matter. We were informed by the Postmaster-General that he had recalled the officer who was designated to make this necessary investigation, and that he would take no further steps in the matter until after the appropriation bill should be passed, and a new fiscal year commenced, which will be upon the 1st of July next.

The Postmaster-General did not in that or any other conversation express any opinion whatever as to whether the population of Little Rock justified the establishment of this system. Neither did I, directly or indirectly, at that time or any other, insist that this system should be applied to Little Rock in violation of law and without regard to the population. The only question of controversy that existed between the Postmaster-General and myself was upon this single question, whether he should proceed to investigate the question as to whether the city of Little Rock was entitled to the benefit of this free-delivery system, or whether he should wait until the commencement of the fiscal year and the proper appropriations were made. That was the only question of discussion betwixt us; and I did not say, as was stated in the Baltimore Sun, the day, I think, preceding the publication I have just had read, that I would see the Postmaster-General in a very warm place before I would vote for any appropriation for the Post-Office Department. I did say that under certain circumstances I would not favor any further appropriations for the free-delivery system, and I do not think that was out of keeping with some remarks I made a few days ago on this floor on that subject.

So far as any bad feeling between the Postmaster-General and myself of a personal nature is concerned, that is between him and me. We are amply able to settle those questions, and I will say we have settled them to the entire satisfaction of both parties. I only rise to disavow what is charged here, that I advised the violation of the law, or that I said I would not vote for the appropriations for the Post-Office Department.

Mr. President, I am one of those who believe that a free press is one of the most powerful auxiliaries of a free government. I believe they ought to go hand in hand together. I believe also in the system of free schools. I am indebted in a great degree to the free schools of Pennsylvania for what little education I have. I have a very lively recollection of having received, on many occasions, the good old-fashioned chastisement for the violation of the discipline of the free school; and I have a still livelier recollection of having had laid across my shoulders, on divers occasions, the birch for offenses that I never committed, but, perhaps, were committed by the boys sitting alongside of me; and I will say, to the credit of one good old schoolmaster, that when I convinced him that he had done me injustice, he always seemed to be more sorry than I. Now, I believe that the rod these newspaper men hold is a very good thing in its way, and when they lay it upon the shoulders of men who have committed offenses, I say, "Lay on, Macduff;" but I do ask these gentlemen to be a little careful how they slash around indiscriminately. It is not a very pleasant thing for a man to have that rod laid across his shoulders for an offense he has not committed; and although I have on many occasions taken it and said nothing, I have resolved that hereafter when I have it laid across my shoulders for official offenses of which I may be innocent I will, when I deem it necessary, take this, the only means that I know of, to set myself right before the public.

AMENDMENTS CREATING POST-ROADS.

Mr. MORTON. I submit an amendment to the rules of the Senate, and ask to have it read, printed, and referred to the Committee on Rules.

The Chief Clerk read the proposed rule, as follows:

That no amendment to any bill shall be in order for the creation of a post-road unless such amendment shall have previously been submitted to the consideration of the Committee on Post-Offices and Post-Roads.

The proposed rule was refrred to the Select Committee on the Revision of the Rules, and ordered to be printed.

W. L. CABELL.

Mr. GORDON. I introduced a bill a few mornings ago for the removal of the political disabilities of William L. Cabell, a gentleman of Dallas, Texas, which I think was laid on the table. I should like to have action on that bill this morning, if the Senate has no objection.

The PRESIDENT *pro tempore*. That bill was referred to the Committee on the Judiciary, and has not been reported back.

REPORTING AND PRINTING THE DEBATES.

Mr. MORRILL, of Maine. I submit the following resolution:

Resolved, That the Committee on Printing be, and they are hereby, directed to inquire into the cost of reporting and printing the debates of Congress as the work is now being done; whether it was not more acceptably and economically done by the proprietors of the Globe; whether the permanent establishment of the work at the Government Printing Office will not involve large expenditures for facilities for its prosecution; and to report, by bill or otherwise, at as early a day as practicable.

Mr. ANTHONY. I ask that that be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the resolution be referred to the Committee on Printing.

Mr. MORRILL, of Maine. I have no objection.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 476) to establish bonded warehouses for the storing and cleansing of rice intended for exportation, in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

The bill (H. R. No. 1394) in relation to the centennial exhibition was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. No. 476) to establish bonded warehouses for the storing and cleansing of rice intended for exportation, was read twice by its title, and referred to the Committee on Finance.

THE CURRENCY—SPECIE PAYMENTS.

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the resolution reported by the Committee on Finance.

[Mr. BOUTWELL addressed the Senate. His remarks will appear in the Appendix.]

Mr. GORDON. Mr. President, I shall not occupy more than one minute by the watch. I did not want to interrupt the Senator from Massachusetts, and I only rise now to put upon record some corrections as to facts in reference to the South.

The Senator spoke of the increased prosperity of the Southern States. I beg to refer to the fact that the whole argument which I had the honor to submit was based upon the declaration that the agricultural classes of the South, as well as of the whole country, were not in a prosperous condition. The Senator says that we are more prosperous than formerly. I must put upon record the fact that the cash value of the farms in Georgia in 1860 was over $157,000,000, and that in 1870 the cash value of the same farms was only $94,000,000. The value of the entire real estate of Georgia, including all the cities to which the Senator from Massachusetts referred as now in a most prosperous condition, is, by the statistics which I have before me, worth $53,000,000 less than it was in 1860. I admitted that the cities were more prosperous, and I could give a most excellent reason for that prosperity, and that very reason would sustain the position which I have taken in the argument. The reason of the prosperity of the cities of the South is the inability of the citizens of the country to support themselves upon their farms, and they have abandoned the country where they formerly resided and prospered to seek a livelihood in the cities; that is what has built up the cities; and notwithstanding the increased population and wealth of the cities, I state, by the statistics which lie before me, that the entire real estate of the State of Georgia (which is probably the most prosperous of all the cotton-growing States) is worth $53,000,000 less than it was in 1860.

The Senator referred to our increased productions. We raise about the same amount of cotton; but we formerly raised not only cotton but all the other products which we now buy from the West. In 1860 we raised in Georgia about 31,000,000 bushels of corn; in 1870 we raised only about half that amount, or, 17,500,000 bushels. In 1860 we raised about 2,000,000 head of hogs; in 1870 we raised 988,000 hogs. In 1860 we raised of rice, 52,507,000 bushels; in 1870 we raised of rice only 22,207,000—less than half. In 1860 we had in cattle, of all kinds, over 1,000,000 head; in 1870 we had only about 700,000.

Now, I submit to the Senate that these facts sustain the position upon which my entire argument has been built, that notwithstanding the prosperity of cities, notwithstanding the prosperity of all other interests in this country, under this financial system the agriculture of the country is absolutely prostrate.

I have nothing more to say. I let the facts speak for themselves. I am willing for the country to be the judge upon these facts which I submit now to the Senate.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 22, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

INDIAN TERRITORY.

Mr. SHANKS, by unanimous consent, presented the following memorial and protests; which were referred to the Committee on Indian Affairs, and ordered to be printed:

A memorial of the general Indian council of the Indian territory, established under the treaties of 1866, praying the repeal of certain land grants made by Congress over the Indian country to certain railroad companies in 1866.

The protest of the general Indian council of the Indian territory, organized under treaties of 1866, against the establishment of a territorial government over the Indian territory without the consent of the Indians therein.

The protest of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole delegations of Indians, against the establishment by Congress of a territorial government in the Indian territory without the consent of the Indians, as provided in the treaties of 1866 and former treaties with these tribes.

FIRE-ESCAPES.

Mr. HOOPER, by unanimous consent, presented a memorial of the national convention of chief engineers, held at Baltimore, in October in 1873, praying for a premium to be offered for a fire-escape and fire-ladder; which was referred to the Committee on Patents, and ordered to be printed.

PUBLIC SCHOOLS OF THE DISTRICT.

Mr. HALE, of New York, from the Committee on the District of Columbia, reported back the bill (H. R. No. 776) in aid of the public schools of the District of Columbia, moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on the Public Lands.

The motion was agreed to.

STATEMENT OF MAJOR POWELL.

Mr. AVERILL, by unanimous consent, presented the statement of Major J. W. Powell before the Committee on Indian Affairs January 13, 1874; which was referred to the Committee on Indian Affairs, and ordered to be printed.

UNIFORM REGISTRY OF SEA-GOING VESSELS.

Mr. HOUGHTON, by unanimous consent, introduced a bill (H. R. No. 1395) to establish a uniform registry of sea-going vessels, to afford additional protection to life on ship-board, and to govern rebates in duties on merchandise damaged on the voyage of importation; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PERSONAL EXPLANATION.

Mr. CLYMER. I desire to state that I was detained from my seat in this House on yesterday by reason of indisposition. Had I been here I should have voted for the bill of my colleague [Mr. KELLEY] in reference to the centennial exposition.

GALENA RIVER, ILLINOIS.

Mr. BURCHARD, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be instructed to transmit to the House, at as early a day as practicable, a report of the engineers, and accompanying maps and papers, relative to the survey of Galena River, made in the year 1870 under his charge.

THOMAS J. M'INTIRE.

Mr. YOUNG, of Kentucky, by unanimous consent, introduced a bill (H. R. No. 1396) granting a pension to Thomas J. McIntire, of Rowan County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

J. M. ROANE.

Mr. VANCE, by unanimous consent, introduced a bill (H. R. No. 1397) for the relief of J. M. Roane, of Macon County, North Carolina, for supplies furnished for the Indian service in California between the years 1856 and 1860; which was read a first and second time, and referred to the Committee on Claims.

REPORTING THE DEBATES.

Mr. GARFIELD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 795) "making an appropriation to pay the salaries of the Official Reporters of the proceedings and debates of the House," having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from their disagreement to the amendments of the Senate numbered one and three, and agree to the same.

That the House recede from their disagreement to the amendment of the Senate numbered two, and agree to the same with the following amendment: add at the end of said Senate amendment the following: "*Provided*, That from and after the passage of this act a sum not exceeding $42,000 shall be paid for reporting the proceedings of each House of Congress for any one Congress, under the direction of the respective Houses; and all laws inconsistent herewith are hereby repealed;" and the Senate agree to the same.

JAMES A. GARFIELD,
W. G. DONNAN,
W. S. HOLMAN,
Managers on the part of the House.
LOT M. MORRILL,
J. W. STEVENSON,
H. B. ANTHONY,
Managers on the part of the Senate.

Mr. GARFIELD. If there are any questions to be asked by any gentleman in regard to this report I will hear them before I call the previous question.

Mr. HOLMAN. I desire to say a word or two.

Mr. GARFIELD. Then I will first make a statement as to the scope of this report, after which I will yield to my colleague on the committee of conference, [Mr. HOLMAN.]

The House will remember that when this bill was reported by the Committee on Appropriations, a statement was made that hitherto

until the 4th of March last, the reporters of our debates were paid mainly by the parties that printed the Globe. Congress, however, paid them a part of their compensation. When the old Globe arrangement was broken up and the printing of the debates transferred to the Government Printing Office, it became necessary for Congress to take some action in regard to the status of the reporters. For that purpose, on the 3d of March last, a resolution was passed by the House declaring that the then Globe reporters should from that day forth be officers of the House, and should receive the same pay as was given by law to the Official Reporters of the House committees. Subsequently the pay of the House committee reporters and of the reporters of debates was raised in the last hours of the session by the bill that raised salaries generally. That made the pay of these reporters $5,037 a year each.

The Senate made a special arrangement of their own during the executive sesson of last spring, by which they agreed to pay their reporters by the piece, that is, so much per thousand ems, or so much a column, according to the amount of debates printed. When we last month sent to the Senate a bill appropriating money to pay our reporters from the 3d of March last to the end of the first year of this Congress, that is to the 3d of March next, the Senate added to it an appropriation to pay their reporters. When their amendment came here we found that there were two systems—one of a yearly salary, and one of pay by the piece, or amount. We disagreed to the amendment of the Senate, and asked for a committee of conference. The conference was held, and it was conceded that the House method of paying by salary was a wiser one than the Senate method of paying by the piece. We therefore determined to report a fixed amount, year by year, for the corps of reporters of each House by itself.

The next question was to fix that amount, and what it should be. Throwing off the increase made by the last session, not counting that special increase of salary, but taking the ordinary amount paid to the reporters of the two Houses, we found that for the last two Congresses it averaged about $44,500 for each House. And in view of the general desire and tendency to make as great a reduction of expenses as we could, we at last settled upon $42,000 for a Congress, each House to distribute that amount according to its own system, each House to make whatever arrangement it chose for the reporting of its debates, with the proviso that the total amount paid for the reporting of each House for a Congress should not exceed $42,000, being $21,000 a year for each House.

Now as we have five reporters of debates in this House, and they stand upon an equal footing as officers of the House, subject to appointment and removal by the Speaker under our rules, gentlemen may readily calculate what salary they will each receive. As a matter of fact it gives them a salary somewhat smaller than the salary now paid to our reporters of committees. But I may say that it is the purpose of the Committee on Appropriations to make such a change as shall reduce the salary of the reporters of committees to the same figures now proposed for the reporters of our debates.

Mr. STORM. Has the expense of reporting the debates in the other House been as great as in this House?

Mr. GARFIELD. It has. We found, what was curious enough, upon making an examination with reference to several Congresses past, that the space filled by the debates of the Senate was almost exactly the same as the space filled by the debates of the House. The reporters of both Houses agree that the space covered by the debates of each House is almost exactly the same. That surprised me, because the House being a larger body and holding longer daily sessions on an average, and generally being in session more days of the week, I had supposed the debates of the House would cover more space than the debates of the Senate. But, on the other hand, the Senate has had an extra session, an executive session, as it is called, of two or three or four weeks, which we do not have. That thrown in makes the amount of debates of each House just about the same, year by year.

Mr. SPEER. Does this bill increase or decrease the general amount of the expense?

Mr. GARFIELD. It decreases it by several thousand dollars for each House per Congress.

If gentlemen desire to ask any further questions I will hear them; but if not I will yield for a few moments to my colleague on the committee, the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. Mr. Speaker, I concurred in this report with some reluctance. My impression was that the amount proposed to be paid, according to this report, was somewhat beyond what the compensation of these gentlemen should be hereafter, based upon the amounts that have been paid during preceding years. I have not been inclined at all to diminish the salaries of the reporters below what might be considered reasonable, taking in view the skill and experience requisite to the proper performance of this duty, which is very important to both branches of Congress; but it does seem to me that $42,000 for a Congress is a large sum to appropriate for this purpose by each House. I find, however, that it is of the first importance that the amount to be paid to the reporters of the House and the Senate should be definitely fixed. Few gentlemen in this House or the Senate, perhaps, understood exactly the expense of this service. I have before me a statement which has been made to one of the gentleman of this committee, the gentleman from Iowa, [Mr. DONNAN,] in which the somewhat remarkable fact is made to appear that Congress was actually paying in the form of extras and increased per cent. to the gentlemen who do the reporting in the House as well as in the Senate, perhaps more especially in the House, a sum very nearly equal to the amount paid by the contractors who published the Globe, Messrs. Rives & Bailey. For instance, during the Forty-second Congress, Rives & Bailey paid for reporting of the House $25,343.45, while the Government paid to the House reporters in the form of extras $24,668.69. For the first session of the last Congress the Government paid the reporters $2,500; for the second session $4,000, and for the third session the same amount. They also received 20 per cent. upon the whole amount received from the Government as well as from Rives & Bailey; and by the act of March 3, 1873—the salary-increasing act—they received $1,400 each, making $7,000 in the aggregate.

The House will see how this system operated. Almost all of us supposed that the gentlemen who were doing our reporting in the House were receiving from the Government only $800 each a year, to make them officers of the House. But in addition to this they received the further sums I have mentioned. Thus it became a matter of the first importance to settle definitely what the compensation should be.

One of the most annoying things connected with the public expenditures, arises from our inability to ascertain what the expenditures for salaries really are.

The whole amount paid both by the Government and the Globe for reporting the House proceedings for the last Congress, was $50,012.14. The amount paid for the Senate reporting was about the same; for it was ascertained, as the gentleman from Ohio [Mr. GARFIELD] has said, from Rives & Bailey, as well as from the reporters themselves, who are experts in this business, that the amount of reporting in the Senate for any given Congress, is about the same as the amount of reporting in the House.

This report proposes that the aggregate compensation for the reporters in each branch shall be fixed at $42,000 for the Congress—$21,000 a year. Gentlemen must not take it for granted that the whole of this sum goes to the reporters themselves. There are five gentlemen reporting for us in the House; in the Senate there are three reporters. It appears that the taking of the notes, although it requires the highest skill and experience, is not the most laborious part of this business; but the translation, the transcription, of these notes, is a most laborious task. The result is that the Senate reporters, being fewer in number, employ a larger number of assistants than do the House reporters. Although I have not been able to ascertain anything near the exact sum paid by the reporters of the House for this additional service, I have reached the conclusion that the sum does not vary materially from $1,000 a year for each reporter. So that practically we are fixing the salaries of the reporters of the House at about $3,000 a year.

Let me state, further, the theory upon which I have signed this report. I do not think that the compensation of the reporters should be below the average compensation paid to gentlemen who are employed in various positions of responsibility about this House. The work of reporting requires great skill and experience; and the tax which it imposes upon the intellectual powers of the reporters, as every gentleman can see, is very great. With their salary at $3,000 a year, their compensation will be about upon an average with other salaries since the repeal of the salary act. While I am well satisfied that the salaries of many of the officers connected with the House and the Senate are above what is reasonable, I think the salaries of the reporters should be put on a basis with other salaries, and that the reduction of pay should be uniform as applied to all. I am confident there will be no severe economy or retrenchment in the expenditures until we begin right here in the two branches of Congress, and that the vigor and decision of purpose necessary for a real reduction of salaries should induce us to begin with the salaries of ourselves and of these gentlemen with whom we are in daily intercourse and kindly relations. We have all learned to appreciate the courtesy as well as the ability of the reporters in this House, but this cannot justify a disregard of the public interests.

I make one other suggestion. I desire to call the attention of the House to the fact that while, so far as the reporters of the House are concerned, we make a reduction of a little over $8,000 for the Congress, that will not be a very important item when we consider the increased cost of this new system of publishing the debates of Congress. In the last Congress, one of the most sagacious gentlemen we have had on the floor of the House for many years, a gentleman actuated by a most earnest desire to promote public economy, Mr. Beatty, of Ohio, then chairman of the Committee on Printing for the House, stated that the transfer to the Government Printing Office of the business of publishing the debates in Congress would very materially diminish the expense of their publication. I am confident now that the gentleman to whom I have referred was very seriously mistaken in that impression. While it is impossible to state with accuracy at this time what the expense of reporting and publishing the debates for this Congress will be, I think I may say, proceeding on the data I have obtained, that we may expect a very heavy increase of the cost of publishing the debates.

It seems that publishing these debates should be left to private enterprise. It is not a matter of Government property. It is a matter really for private enterprise, and in which private enterprise will secure the performance of the work with a much greater degree of economy.

Increasing the duties of the Government printing establishment necessarily involves a large item of patronage. It is already a huge

affair. I know it is difficult for gentlemen to relinquish this; we naturally desire to retain the agencies by which patronage is created; but I submit to the gentlemen who control this matter, that if the public interests are to be served, the Printing Committees of the House and of the Senate should by proper legislation devise some more economical plan for the publication of the congressional debates than that we are entering upon now. Unless we do this, I feel confident that we shall find year after year the expense of this comparatively unimportant matter, the publication of the congressional debates, growing upon us not gradually, but rapidly and heavily.

Mr. GARFIELD. I think I must resume the floor, having agreed to yield some time to the gentleman from Iowa, [Mr. DONNAN,] the chairman of the Committee on Printing.

Mr. HOLMAN. I hope the time will be sufficiently extended to allow the House to understand clearly the importance of checking this growing evil of expenditure for this particular work.

Mr. STORM. I desire to ask the gentleman from Indiana [Mr. HOLMAN] a question: whether now, inasmuch as the reporters have been made officers of this House, they receive any compensation in addition to that which they will receive under this bill as the Official Reporters of the debates.

Mr. HOLMAN. None whatever. The reporters of the House are receiving now a little over $50,000 for a congressional term by the action of the House at the close of last session. By this conference report the reporters of the House will receive $42,000 for each Congress, not for each year, but for each Congress in its two sessions; and the same amount will be paid for the Senate reporting.

Mr. STORM. I wish to know whether, from the 4th of March last to this time, the reporters have been receiving pay from the Congressional Printer, in addition to their pay as officers of the House?

Mr. HOLMAN. They have received nothing for the present year from the Congressional Printer. The contract with the proprietors of the Congressional Globe terminated with the 4th day of last March. From that day, as the gentleman from Ohio [Mr. GARFIELD] has explained, the reporters of the House have been entitled to the same compensation as our reporters for the committees, which was something over $5,000 a year; so that the amount appropriated by this bill from the 4th of March last to the 4th of March next would be, if this old arrangement continued to the 4th of March, a little over $25,000, or a little over $50,000 a Congress; while this report, if it becomes a law, will fix the amount at something over $8,000 less.

I know the gentleman from Iowa, [Mr. DONNAN,] chairman of the Printing Committee, whose familiarity with the subject is infinitely greater than mine, if he concurs with me in the opinion that our present system is going to be attended with a largely increased expenditure, will go earnestly to the task of reforming the evil.

Mr. GARFIELD. I yield three minutes to my colleague on the conference committee, the gentleman from Iowa, [Mr. DONNAN.]

Mr. DONNAN. I do not question for a moment that the Committee on Printing will receive as valuable any suggestions which may be made by the long-time member and economical member from Indiana. But, sir, the question as to the publication of the debates of Congress is not before us on this conference report. And I therefore, without further words, dismiss that subject until it comes properly before the House, as it will do in due course of time, when it comes to consider a resolution which has already been reported to the Committee on Printing, and is now under consideration by that committee.

I have only one word I wish to say on this conference report. I agree in the main with what has been stated by my colleagues on that committee. There is only one feature of the report with which I am not entirely satisfied, and that is this: I am not satisfied that the sum we have agreed to pay is the least sum upon which the reporting for this House can be properly done. But I disagree somewhat with my colleague from Indiana [Mr. HOLMAN] that this is not a substantial reduction of the rates as heretofore existing. The last Congress paid for reporting its debates in either House a little upwards of $50,000. This is a reduction of upward of $8,000. We took off the 15 per cent. increase which accrued under the increased-salary act of March 3, 1873; and for the purpose of coming to an agreement we reduced it even a little below that, making a substantial reduction of a little over $8,000 for the reporting in either House.

Mr. HOLMAN. Six thousand dollars.

Mr. DONNAN. I have the figures, and if the gentleman will look at them he will see that I am right. The cost of the reporting of last Congress was a little over $50,000—in exact figures, $50,012.14.

Mr. HOLMAN. The gentleman is correct.

Mr. DONNAN. We authorize only $42,000 for a Congress. The gentleman needs correction in another respect. The conference report does not fix the sum exactly at $42,000. It is only a sum not exceeding $42,000, and can be contracted for at less. The only change I would make in the conference report would be that this contract might be done with a head, with one responsible party; and in my judgment it might be done for a less sum than that which is named here. But we have made, as I have said, a reduction amounting to a little upward of $16,000 a Congress, counting both Houses. Therefore I cordially united with my colleagues in signing this report, believing if Congress goes into any substantial reduction in the expenditures it will be fair to bring the reporters of Congress into such reduction with all others. But it would be quite unfair to reduce them largely below the decrease we have made in respect to others by the repeal of the salary act. I believe the House and Congress will be substantially satisfied with the report, and will sustain it.

Mr. GARFIELD. Before demanding the previous question I yield for five minutes to the gentleman from Massachusetts, [Mr. G. F. HOAR.]

Mr. G. F. HOAR. Mr. Speaker, I wish to call attention to one point in this report from the committee of conference which it seems to me deserves notice. I understand practically this conference report gives the same sum to the two branches for their reporting. The reporters of the House are now the officers of the House. They are five in number. The reporters in the Senate, we are told, are only three in number.

Mr. RANDALL. There are five reporters in either House, as will be seen by the CONGRESSIONAL RECORD.

Mr. G. F. HOAR. I do not so understand it. The Senate has three where we have five. If you count theirs at five (including two not constantly at the reporters' desk) you should count ours at seven.

Now, the labors of the reporters of the House are a great deal heavier and much more difficult. In the Senate they report long single speeches—written out very often by their authors—in a quiet body, composed of a small number of persons. The reporters of the House report in the midst of confusion, noise, and with a constant succession of speeches, with rapid interlocutory questions which so frequently take place here; and they have to discharge the most difficult duties which can be imposed upon any reporters, however skillful. This conference report really pays the officers of the House (which scrupulously and jealously maintains its equal dignity with the Senate in all respects) a less sum for so much greater and more difficult duty—more difficult and greater in the hours when the House is in session, and more difficult and greater when the House is not in session—than it pays to the reporters of the other branch. This report, then, to that extent is an acknowledgment of the inferiority of this body. Now, it may be a very little thing, yet it is a matter which this House has regarded as one of importance from the foundation of the Government. It has never permitted the principle to be recognized anywhere, that in the compensation of the officers of one branch—by which its dignity is measured in public estimation—there should be any inequality with the other branch.

It is a matter, therefore, in which the privileges of this body and the dignity of this House are concerned. I therefore suggest that this report should be committed to a new committee of conference, or recommitted to the same committee, if the Chair shall see fit to appoint the same members, so that that equality of privilege and dignity of the two Houses may be carefully guarded. I trust the House will not sanction nor accept a report by which a less compensation is paid officers of this House for severer and greater labors than similar officers of the Senate.

Mr. HOLMAN. Allow me to say one thing in this connection.

Mr. G. F. HOAR. Certainly.

Mr. HOLMAN. The facts submitted to the committee of conference, both by Messrs. Rives & Bailey and by the reporters of the House and the reporters of the Senate, were to the effect that the amount of labor in each House was about the same.

Mr. G. F. HOAR. But we all know better, that it cannot be the same.

Mr. HOLMAN. The gentlemen who know the best do not agree with my friend from Massachusetts, [Mr. G. F. HOAR.] The reporters of the House say that the labor is about the same in amount; that the reporting is about the same.

Mr. G. F. HOAR. Who would believe, on anybody's statement, that it is as easy to report the colloquy which is now going on between the gentleman from Indiana [Mr. HOLMAN] and myself as it is to report one of the ordinary—I will not say sleepy—speeches that occur in the other body?

Mr. HOLMAN. We all know——

Mr. G. F. HOAR. I do not yield any further. The gentleman can see for himself that the reporter now taking notes is so much interested in the wit and brilliancy of my friend that he cannot attend to his duties half the time. [Laughter.] No such thing as that occurs in the other body.

Mr. DONNAN. Allow me to say one thing more.

Mr. G. F. HOAR. Permit me to answer the gentleman from Indiana.

This report of the committee of conference, providing for placing under the control of this House, for the payment of five or seven of its officers, according as you count or do not count the subordinates, the same sum that is placed in the hands of the Senate for the payment of three or five similar officers of the House, is the first step in a direction which the House has always jealously guarded against of recognizing a superior dignity on the part of the Senate and of not maintaining an equality of dignity between the two branches, in the payment of its officers. It is very easy to vote down this conference report and have another conference committee, composed of the same persons if you please, who will guard the dignity of the House on this particular point. I do not know that there is any difficulty in that, and certainly nothing will be lost by doing it.

Mr. GARFIELD. I desire to say a single word before calling the previous question.

My friend from Massachusetts [Mr. G. F. HOAR] has made a very clear and satisfactory speech, with every word of which I agree, except

as to his facts. His argument is unanswerable; he is simply mistaken in his facts. He says it is wrong for us to put the officers of the House on a ground inferior to similar officers of the Senate. My answer to him is this: it is acknowledged by experts that the amount of work is substantially the same in the two Houses; that it covers the same space. The reporters of both Houses admit that. The difference is that the reporting in this House is more difficult to do than the reporting in the Senate.

There are five reporters to do the work of the Senate, as may be seen by reference to the Congressional Directory, and there are also five reporters to do the work in the House; but we have in this House two reporters in addition, as reporters of proceedings of committees. The Senate have no officers corresponding with them, and in that respect the two Houses are not parallel, unless the difference is made up by the larger number of committee clerks which the Senate has. We pay to these two reporters for committees a distinct salary, outside of the salaries embraced in this report. The salaries we pay them have nothing to do with this report. Our dignity is saved in this report, and in the extra pay of two persons as committee reporters outside of these reporters of debates. There is, therefore, no inequality between the two Houses either in the compensation or the number of persons employed to report our debates.

It is not by any means true, as it ought to be, that the corresponding officers of the two Houses are all paid alike. That was the only thoroughly sound thing that we accomplished last winter by the very much abused salary bill. In that bill we equalized the pay of the officers of the two Houses, by putting some down and putting others up; we did equalize their pay. That bill having been repealed, the officers of the two Houses are now very unequal in salary. In that respect I agree with my friend from Massachusetts that it is unjust to the House that its officers should be paid a lower rate of compensation than is paid to similar officers of the Senate. But that objection does not apply to this case at all.

Now, one word in reply to the gentleman from Indiana, [Mr. HOLMAN.] He says there was less paid to these reporters of debates under the Rives & Bailey arrangement than we are to pay them now. I believe that is true as regards some years. But it is not true that under the Rives & Bailey arrangement we paid less for the reporting of our debates than we will now pay under this arrangement. For instance, Congress increased the compensation of Rives & Bailey for reporting from $7.50 to $10.30 per column, and we paid them that increase; but these reporters here did not get any of the increase. The contractors, as I understand, got an increased profit for reporting, but they did not give any of the increase to the reporters. We propose now that whatever they earn shall be paid directly to them.

Mr. DONNAN. I wish to add one single remark. The gentleman from Massachusetts [Mr. G. F. HOAR] seems to have forgotten entirely that the Senate has an executive session of three or four or six weeks, while we have no such thing; and that therefore, to that extent, additional reporting is done by the reporters of the Senate. That seems to have been entirely left out of consideration by the gentleman.

Mr. NIBLACK. I desire to say but a few words. I regret that this matter of reporting our debates has been brought forward as a separate measure. I had been greatly in hopes that the Committee on Printing would have brought forward some proposition in regard to the reporting and publishing the debates of the two Houses which should be more satisfactory to the country generally and to the members of the two Houses than is the present arrangement. I refer, in one respect, to the matter of convenience to the members of Congress, a matter which I think should be considered in reference to a very large number of them. The place of publication should be located somewhere at a more convenient point than it now is.

In the olden time we could stop in at the Globe office upon the avenue and look at the proof of our speeches, or revise the manuscript. All the arrangements were convenient. Now the place of publication is nearly a quarter of a mile away from this House, is in a great degree inaccessible, and it is with great difficulty that we can superintend the printing of the remarks we may make.

Besides, instead of having a newspaper placed on our desks every morning, as we used to have, and as I think we still ought to have, under whatever form and under whatever arrangements the publication of debates may be made, we have placed before us part of a book which no gentleman feels inclined to read unless he has ample time.

I wish to say that unless something better can be devised I shall insist upon separating this work from the Government entirely, leaving the publication to be made by private enterprise, under some arrangements which may divest it entirely of anything like an official character. I believe that is the way the debates of the British Parliament are published; and I am not sure but that it is the way the work ought to be done here. At all events I should prefer that experiment to the present arrangement. Therefore I cannot support a report like this, which only covers a portion of the ground, when I think the whole subject should be considered together.

Mr. G. F. HOAR. The gentleman from Ohio [Mr. GARFIELD] will allow me to confirm one statement which I made as applied to our reporters, and which I understood him to controvert. I am authorized to say that it is much harder to report in this branch than in the other, and that many a person who might make a high reputation in the Senate as a reporter would break down and fail completely in this body. The gentleman from Ohio seemed to question the correctness of my statement; and I understood him to say that the reporters did not say so.

Mr. GARFIELD. The gentleman mistakes me. I did not question the correctness of that particular statement; I have no doubt it is entirely true. My remark applied only to the amount of reporting done in the two bodies; I said that the amount of reporting in the two Houses covered about the same space.

Mr. G. F. HOAR. O, I have no doubt that the Senators are as long-winded as we are. [Laughter.]

Mr. GARFIELD. I admit that this is a vastly more difficult place in which to report than the Senate.

Just at this point I will make one other remark in answer to the suggestion which has been made here, that this work might be let out by contract and could perhaps under that system be done more cheaply than it is now. Yes, sir; I presume—indeed I have no doubt—that we could let out this work by contract to reporters who would do it, or try to do it, very much more cheaply than it is now done; but I am satisfied that among the reporters throughout the country who may be able to report ordinary speeches you cannot find one in a hundred who, coming into this turbulent body, could comprehend the run of its business, and the intricacy of its parliamentary questions, or could follow the excited and rapid colloquies frequently taking place on this floor, well enough to maintain himself successfully as a reporter in this House.

I demand the previous question on agreeing to the report.

Mr. NIBLACK. I say it may be well to let private enterprise come in here and do the reporting.

The previous question was seconded; there being—ayes 77, noes not counted.

The main question was ordered.

The question being taken on agreeing to the report, it was agreed to.

Mr. GARFIELD moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at eight minutes before one o'clock, and the call of committees will proceed.

JOHN DOLD.

Mr. WALDRON, from the Committee on Ways and Means, moved that the committee be discharged from the further consideration of the bill (H. R. No. 764) for the relief of John Dold, and moved that the same be referred to the Committee on Claims.

The motion was agreed to.

TAX ON MATCHES AND BANK CHECKS.

Mr. DAWES. I am instructed by the Committee on Ways and Means to report back adversely the bill (H. R. No. 262) to repeal the stamp duty or tax on matches, and the bill (H. R. No. 168) to repeal all stamp taxation on bank checks and friction matches. I propose to move that these adverse reports be referred to the Committee of the Whole on the state of the Union, and be made the special order for next Wednesday at three o'clock. I will state my reason for making this motion. These bills propose to repeal taxes that have yielded to the Government within the last year $3,600,000. There is a strong desire in the community that this repeal shall take place. The business affected by the taxes, especially the manufacture of matches, has in consequence of the tax gone entirely into the hands of very large dealers. The small manufacturers of matches have, from the necessity of the case, been crushed out. There is, therefore, a very strong desire to effect the repeal of that tax.

The Committee on Ways and Means, in the revision of the tariff at the last Congress, reported a proposition for the repeal of this tax, and the proposition was agreed to by both Houses; but at the last moment, there being an apprehension (which subsequent events have confirmed) that there was a greater reduction in that bill than the exigencies of the Government would permit, the provision for the repeal of the tax on matches was struck out in the committee of conference; and that action, as I happen to know, very much gratified the men who paid the tax, for the reason which I have stated.

In the present condition of the Treasury the question of this repeal opens up the general question as to the necessities of the national Treasury and the methods of meeting those necessities.

It is evident, sir, that discussion cannot go on in the morning hour, and the only practical method of entering deliberately on that discussion is to refer this adverse report to the Committee of the Whole on the state of the Union, and make it a special assignment. Ordinarily an adverse report goes upon the table *sub silentio*. I submit it, therefore, to the House. I have another bill which I propose to report, and ask the House to take the same reference. I propose, therefore, that this adverse report be made a special order in the Committee of the Whole on next Wednesday at three o'clock. Of course, that must follow, and not supersede, any previous standing orders of the Committee on Appropriations. I must take my chance as to that.

Mr. COX. Do I understand that the gentleman proposes to refer this adverse report on matches only?

Mr. DAWES. On matches and stamps generally.

Mr. COX. Does not that open up the whole subject of taxation?

Mr. DAWES. It opens up necessarily the whole question of taxes, whether the Treasury will bear this reduction, whether this burden cannot be transferred elsewhere, or whether there is any necessity or propriety of continuing or repealing its taxes. I do not see how the question of this tax can be discussed without opening up the entire question. In the Committee of the Whole of course there is greater freedom of discussion; and I do not desire to keep in the morning hour, as necessarily I should, representing the committee on this subject, for several days. I propose, therefore, the question be referred to the Committee of the Whole, where it will be open to discussion.

Mr. SPEER. Is the Committee on Ways and Means unanimous in this adverse report which the gentleman makes?

Mr. DAWES. If my recollection serves me, they are unanimous in this report. I do not remember exactly, but the committee, I will say, have the same feeling as the committee of the last Congress—that it is a vexatious tax, that it is a tax which tends to put all manufacture of matches into the hands of monopolists, and if the Treasury would permit it they would gladly relieve that industry from this burden.

Mr. COX. I wish to ask the gentleman from Massachusetts if he is opposed to discussion generally when we are in Committee of the Whole? Will he allow to be opened up on this discussion the question as to whether we shall exhaust our reserve of $44,000,000 in favor of inflation?

Mr. DAWES. I have a bill in my hand which will be apt to raise that question.

Mr. COX. Why not refer it with this?

Mr. DAWES. You cannot do everything at once. I said a moment ago I had another bill in my hand which I would propose to take the same reference.

Mr. COX. That answers my question more pertinently than courteously.

Mr. DAWES. I beg pardon for the apparent curtness of my reply. I will now yield to the gentleman from Ohio [Mr. MONROE] for five minutes.

Mr. BURCHARD. Does not that require unanimous consent?

The SPEAKER. All bills relating to appropriations of money and to the imposition of taxes, under the rules, must have their first discussion in the Committee of the Whole House.

Mr. MONROE. The gentleman from Massachusetts proposes to give me five minutes because I have introduced some of these bills in behalf of my constituents.

The SPEAKER. The Chair makes no objection; but all bills relating to appropriations of money out of the Treasury, or imposition of taxes, must, under the rule, have their first discussion in the Committee of the Whole House.

Mr. MONROE. Mr. Speaker, I now desire to make a brief statement. I do not hear any objection.

Mr. BURCHARD. Is it open for discussion in the House when we propose to send it to the committee?

Mr. MONROE. I was about to say the gentleman from Massachusetts [Mr. DAWES] offered me five minutes for the reason that on different occasions, at the request of a large number of my constituents, I introduced bills for the repeal of the stamp tax on matches.

What are some of the considerations in favor of this repeal?

In the first place, the repeal of this tax was earnestly demanded by large bodies of the people, because they believed it to be very nearly of the character of a tax on the necessaries of life. We all know, and those in humble circumstances of life know much better than many persons on this floor, how literally true it is that taxes are a necessary of life, almost as much as food or clothing.

Mr. DAWES. The gentleman means matches. [Laughter.]

Mr. MONROE. Well, sir, we have become so accustomed to taxes, that perhaps it was a pardonable mistake if I did become a little confused and almost supposed taxes themselves were a necessary of life. [Laughter.] But I did mean to say that matches were a necessary of life. Every poor sewing-woman who buys her bunch of a hundred matches gives one cent to the manufacturer and one cent to the Government; so that on this account it would be desirable to repeal this tax.

But in the next place we all agree that it is a most important thing for the general welfare that the manufacturing business of the country should be as widely diffused as possible. It is desirable that our manufactures should not all be accumulated at great centers, but that they should be diffused over the whole land. It is desirable for the general welfare that every country town, if possible, should have some interest in this question of manufactures. Now, sir, this was largely the case in regard to matches before the stamp tax was laid upon them. The country town had its small manufactory of this kind. But the result of the stamp tax upon matches has been to accumulate the whole business in the hands of a few great capitalists. And why? Because the Treasury Department allows a large percentage of reduction to those capitalists who take a large amount of stamps at once. I cannot give the exact figures at this moment, but I know that capitalists are granted a reduction of 5 per cent. or 10 per cent.; and I believe that every large manufacturer of matches, who is willing to have dies prepared at the Treasury at his own expense, which is only a few hundred dollars, so as to use a private trade-mark, is allowed a further reduction of 5 per cent. on the amount of stamps he obtains. And to my certain knowledge some of the great capitalists of the country, who are engaged in this business, make enough in the course of the year, by the percentage of reduction on account of the amount of stamps they buy, to make a moderate fortune—what would be considered a handsome fortune by many of our people. And it is because the present law is making a tremendous monopoly of this thing, and because it is destroying and breaking down all the small manufactories which are distributed through the country, that my constituents desire its repeal. I appreciate the difficulties in the way of reducing taxation which the Committee on Ways and Means have to encounter, but I suggest that this tax might be removed from matches and imposed upon some other interest, where it would be borne by the wealth of the country and not by the great body of the people.

Mr. DAWES. The gentleman from Pennsylvania on my right [Mr. MYERS] introduced the first bill for a repeal of the tax on matches. I move that both bills be referred to a Committee of the Whole and made the special order for Wednesday next, at three o'clock, and thereafter from day to day until disposed of.

Mr. SPEER. How many bills for this repeal were there before the committee?

Mr. DAWES. Three or four.

Mr. SPEER. I thought there had been three or four dozen.

The SPEAKER. The gentleman from Massachusetts moves that these two bills, the bill to repeal the stamp duty or tax on matches and the bill to repeal all taxation on bank checks and friction matches, be referred to the Committee of the Whole on the state of the Union, and made the special order for Wednesday next, at three o'clock, and thereafter at the same hour from day to day until disposed of. Is there objection?

Mr. GARFIELD. Will the gentleman except all orders of the Committee on Appropriations?

Mr. DAWES. All previous orders.

Mr. GARFIELD. I should like him to except all appropriation bills.

Mr. DAWES. Very well.

Mr. MAYNARD. Without desiring to antagonize the gentleman from Massachusetts, I would suggest that if the order be made in those terms it will interfere very seriously with the business of another committee, of which I am a member.

Mr. DAWES. I am aware that the gentleman from Tennessee represents a committee whose jurisdiction and that of the committee which I represent are very conflicting. I trust, however, that he and I, in the arrangement of the business, will not be found antagonizing each other; and I give him my word that any proper request he may make will receive every consideration from our committee.

Mr. MAYNARD. I do not allude to any antagonism of jurisdiction; but if that order be made, and if we start the debate on this match and bank-check proposition, we may find it running into an infinity of other matters.

Mr. DAWES. Although that will be the order for consideration in the Committee of the Whole, if I should be unreasonable about it, the House could take care of that by instructing the Committee of the Whole.

Mr. MAYNARD. I wish merely to make the suggestion to the gentleman.

Mr. DAWES. I shall give it every consideration.

The SPEAKER. The proposition is, that these two bills shall be referred to the Committee of the Whole on the state of the Union and made the special order for Wednesday next at three o'clock, and thereafter, at the same hour, from day to day until disposed of; but not to interfere with special orders for appropriation bills now in committee or hereafter to be referred.

There was no objection; and the order was made.

LEGAL-TENDER NOTES.

Mr. DAWES, from the Committee on Ways and Means, reported a bill (H. R. No. 1398) to fix the amount of legal-tender notes at $400,000,000; which was read a first and second time.

Mr. DAWES. I am instructed to ask that the same disposition be made of this bill. And I wish to say in reference to it that when it comes up for discussion the Committee on Ways and Means hope to be able to make it the basis of a specific measure, that will embrace not only the limitation of the legal-tender notes, but will also more particularly provide for a supply of the Treasury for any present pressing exigency, and will also provide such means as they may feel important and necessary to maintain the pledge of the Government to do all in their power that will tend toward specie payment. I ask that the same disposition be made of the bill.

Mr. MERRIAM. When this subject comes up for discussion will it be open to debate at any length?

Mr. DAWES. I think that by making it the special order in Committee of the Whole we will secure the largest measure of debate that is possible under the rules of this House.

Mr. RANDALL. I ask that the bill may be read.

The bill was read. The preamble states that the existing uncertainty as to whether the amount of legal-tender notes now authorized by law to be kept in general circulation is $356,000,000 or $400,000,000 is calculated to derange the business of the country and to unsettle values. The bill therefore provides that the provisions of law existing prior to the passage of the act approved April 12, 1866,

entitled "An act to amend an act to provide ways and means to support the Government, approved March 3, 1865," may be declared to be in force, so as to authorize legal-tender notes of the United States to the amount of $400,000,000 to be kept in general circulation, and that the total amount of United States notes issued, or to be issued, shall never exceed that sum.

Mr. BECK. I hope that bill will be printed.

Mr. DAWES. Certainly; I include that in my motion. I move that this bill be printed and referred to the Committee of the Whole on the state of the Union, and made a special order at the same time with the other bills just reported, and under the same conditions.

Mr. COBURN. Some of us did not hear what those conditions were, and would like to hear them again stated.

The SPEAKER. The gentleman from Massachusetts had better name a day later than the one for the other bills.

Mr. DAWES. I will do so, and will name Thursday next.

The SPEAKER. The motion of the gentleman from Massachusetts is, that this bill be printed and referred to the Committee of the Whole on the state of the Union, and made a special order for Thursday next, at three o'clock, and from day to day until disposed of, not to interfere with appropriation bills heretofore assigned or hereafter to be reported.

Mr. DAWES. The gentleman from Kentucky, [Mr. BECK,] who is the author of this bill, desires to say a few words in regard to it, and I yield to him.

Mr. BECK. What I desire to say is this: I think the chairman of the Committee on Ways and Means [Mr. DAWES] and other members of the committee differ a little as to what they expect to do with this bill. Some of the members of the committee desire to make it a part of a general plan. Other members, of whom I am one, desire, as an independent proposition, to fix the volume of the legal-tender currency as a starting point for other legislation, or at least independent of it. Those who agree with me are afraid to involve this question with other measures that may take weeks or months for discussion and consideration in this House, and perhaps weeks or months for discussion and consideration in the Senate, during all of which time the question whether $356,000,000 or $400,000,000 is the legal volume of the currency remains at the option, or, if you please, the caprice, of the Secretary of the Treasury, thereby deranging values, and preventing the people of the country from carrying on their business with any security or fixed idea of what the volume of the currency is; causing them to deal in constant apprehension of the contraction or expansion which it may suit the Secretary to make to the extent of $44,000,000. In other words, as a starting point, either for the Committee on Banking and Currency to determine how the currency of the country shall be distributed, or under what system of banking business shall be carried on, or for the Committee on Ways and Means to determine what taxes, if any, are necessary or what loans, if any, shall be had, we must know what the present volume of the legal-tender currency is. No gentleman can rise on this floor and assert either that the currency is $356,000,000 or $400,000,000 without being contradicted by some gentleman who is equally as intelligent as himself. If I were now to ask the chairman of the Committee on Ways and Means what is the legal amount of currency, and he should answer, as I believe he would, that it was $356,000,000, other gentlemen of the Committee on Ways and Means would rise and contradict his statement; and the same is true as to the members of all the other committees who have to deal with the monetary affairs of the people. While this state of things exists there can be no intelligent legislation on financial subjects.

Mr. ELDREDGE. Will the gentleman permit me to ask him a question right here?

Mr. BECK. Certainly.

Mr. DAWES. I do not think it would be right to other members who have business to bring before the House to enter into any general discussion upon this bill at this time.

Mr. ELDREDGE. I do not know why the gentleman from Massachusetts should undertake to occupy all the time of the House, and to interrupt everybody else, whether he has the right or not.

What I wish to ask the gentleman from Kentucky is this: he says that there is now a doubt as to the amount of legal money in circulation. If we should pass this bill to-day, and declare that there should be at any one time only $400,000,000 of legal-tenders in circulation—that it should not be legal to have in circulation any greater sum—would that make the matter any clearer; or would not some gentleman on the floor say the law was not complied with? I cannot see that even if we pass a law declaring the amount to be $400,000,000 we would make that amount the actual amount in circulation.

Mr. BECK. Let me answer the gentleman. Until the law of April, 1866, was passed, which authorized a contraction of $10,000,000 in the first six months, by permitting legal-tender notes to be retired and canceled, and $4,000,000 per month, hereafter, which continued under Mr. McCulloch's administration until the law passed in February, 1868, when Congress stopped the further reduction at a point when the currency was $365,000,000—before the passage of that law of 1866, I repeat, no doubt ever arose in the mind of anybody in the country that $400,000,000 was the amount of currency legally in circulation, and no Secretary ever supposed that he had the right to contract it or withdraw any of it from circulation. We now propose to restore the currency to the point at which it stood prior to the law of 1866. The difficulty arose out of the Secretary of the Treasury, backed by the opinion of the Treasurer of the United States, in violation of law in my opinion, but as I believe honestly, or at least urged to it by necessity, claiming that the amount of currency is now legally $400,000,000. He claims that the difference between $365,000,000 and $400,000,000 is a reserve—that is the language used in the book printed and circulated by the Secretary—a reserve in the hands of the Secretary, to be used by him as the exigencies of the Department may require. It is in no sense a reserve. The currency is to-day legally either $356,000,000 or $400,000,000, and the Secretary cannot legally make it any other amount.

Mr. BURCHARD. I must object to any discussion of a resolution of this kind. I do not understand what is the object of the gentleman.

Mr. BECK. I will state it in one word. The object is to protest against mixing up this question with any other, and to show to the House that in fact there is now at least $381,000,000 in circulation; and I desire to express the belief that when it is certain that either $356,000,000 or $400,000,000 is the sum limited by law, and ought to be so declared, a contraction of $25,000,000, to bring it back to $356,000,000, would be very injurious to the interests of the country at this time. So believing, I contend that it would be better to issue the other $19,000,000, and fix the amount at $400,000,000, putting any change beyond the power of the Secretary, than it would be to contract it to $356,000,000 so soon after the crisis the country has just gone through, especially as by so doing we may avoid additional taxation or increase of the interest-bearing debt. I agree that it would be better to make it $356,000,000 than to leave it as it is, to be one thing one day and another thing the next. It will be observed that the bill carefully avoids any expression of opinion as to whether the action of the Secretary was legal or not. I believe it is illegal; others think differently. I want to avoid discussion of that, and agree as to the future policy to be pursued. One thing is clear, whether right or wrong, the volume of currency now in circulation being $381,000,000, to contract it $25,000,000 would be ruinous. Therefore let us fix it as it stood before the law whose construction and effect we differ about was passed. I think we can all agree that it would be better to take the matter entirely out of the power of the Secretary and settle it by definite law.

Mr. DAWES. Will the gentleman answer a question?

Mr. BECK. I have no time to answer anybody. One word more. I want to say only this, that I hope the House will insist upon keeping this matter separate from all other questions of banking and currency or inflation or contraction, and settle the question in such a manner that the people of the country shall know, in all their business transactions, that $400,000,000 is the amount of legal-tender currency; or if the House will not do that, then let it be fixed at $356,000,000; but let this question be kept separate and apart from all other business; let it be settled upon a definite, distinct basis.

Mr. DAWES. It would have conformed to the wishes of the committee if members of the committee had refrained from expressing their views at this time; they would have preferred that their own views in reference to this whole matter should be expressed when the case shall come up for general discussion.

Mr. MAYNARD. Mr. Speaker, I failed to understand, when the gentleman from Massachusetts [Mr. DAWES] presented this measure, whether it received a favorable report from the Committee on Ways and Means.

Mr. DAWES. I will state that this is a unanimous report. While, as the gentleman from Kentucky [Mr. BECK] has stated, there was some division in the committee as to whether this should be presented as a separate measure, I may be permitted to say (if it be allowable to state what transpired in the committee) that, without exception, the committee agreed to the substance of this report.

Mr. MAYNARD. I wish distinctly to disavow any small jealousy that might possibly be inferred on the part of my committee upon the question of jurisdiction. While this subject is one that must necessarily be considered by the Committee on Banking and Currency, it may very properly come within the province of the Committee on Ways and Means; or this measure might properly have come from the Committee on the Judiciary with the view of giving a construction to existing law. It might also have come, not improperly, from the Committee on Revision of the Laws. But the proposition involved connects itself necessarily with the question of the currency; and I submit to the gentleman whether he does not think it would be better so to arrange that it may be considered in connection with such measure of policy as the Committee on Banking and Currency shall be able to present to the House for consideration, and whether some understanding to that effect might not be had before fixing the time for the discussion.

Mr. DAWES. Mr. Speaker, in reply to the gentleman from Tennessee, [Mr. MAYNARD,] I wish to say that some embarrassment was experienced, not only by myself, but by the whole committee, in respect to the matter to which he alludes. If this bill proposed to give a construction to existing laws I should consider it as belonging to the Committee on the Judiciary. If it presented solely a question of regulating the currency, I should regard it as belonging exclusively to the Committee on Banking and Currency. But I have already expressed the hope that we might be able to connect it more than it necessarily is with some measures for meeting the necessities of the Government. I know how intimately connected the two questions are. While the legal-tender circulation of the country is currency,

it is also a debt of the Government; and whether that debt shall go on increasing or shall be diminished, is a question properly coming within the province of the committee which I represent. We, however, considered the question whether we should not confer with the gentleman's committee. I assure the gentleman that there is no disposition on the part of our committee to take from his committee the jurisdiction that belongs to it.

Mr. ELDREDGE. Is this discussion in order?

The SPEAKER. It is proceeding by unanimous consent.

Mr. ELDREDGE. Then I object to it. The gentleman from Massachusetts [Mr. DAWES] is not enlightening any one, nor is he willing to take a suggestion from anybody.

Mr. DAWES. After the very polite remark of the gentleman from Wisconsin I will not further discuss the suggestion of the chairman of the Committee on Banking and Currency, but will simply express the hope that a vote may now be taken.

Mr. COX. Will the gentleman from Massachusetts allow me one word?

Mr. DAWES. I should be exceedingly happy to yield to my friend from New York, [Mr. COX,] but for the objection of the gentleman from Wisconsin, [Mr. ELDREDGE.]

The SPEAKER. The gentleman from Wisconsin objects to debate; he cannot object to one member speaking and not to another.

Mr. COX. Perhaps he likes me better than he does the gentleman from Massachusetts. [Laughter.]

The SPEAKER. That is not a question cognizable under the rules.

Mr. GARFIELD. The rules do not allow one man to be liked any better than anybody else. [Laughter.]

Mr. DAWES. The sensitiveness of the gentleman from Wisconsin prevents me from yielding further.

Mr. ELDREDGE. I do not object to the gentleman from Massachusetts yielding the floor; he has nothing to yield.

The SPEAKER. The Chair desires to make one remark. It is very important for the business of the committees to maintain the morning hour, which affords the only opportunity that most committees have to make their reports. The Chair would therefore suggest that the Committee on Ways and Means ought not to report in the morning hour that which they can as well report at any other time. The Committee on Ways and Means, it is true, is upon the regular call in the morning hour; but it is called for business not privileged. The reports which the gentleman from Massachusetts has presented this morning are, under the rules, privileged to be made at any time. The Chair throws out this hint, that the Committee on Appropriations, the Committee on Ways and Means, and the Committee on Elections ought not to occupy the morning hour with discussions and reports which can come up as well at any time.

Mr. DAWES. The Committee on Ways and Means were entirely aware of that rule; but owing to the importance of this matter I was instructed by the committee to take the first moment when I could obtain the floor to present the subject to the House. I therefore availed myself of my right under the regular call of committees, fully conscious of the fact that we could report at any time.

The SPEAKER. The gentleman will observe, however, that this report has operated to interfere with the privilege of other committees, which have not the right to report at any other time than upon the regular call. The gentleman knows that the Committee on Ways and Means never have any difficulty in getting the floor; and hence they ought not to take it to the exclusion of other committees that have not the same privilege.

Mr. DAWES. After this question is disposed of I will yield to a member of my committee who has business which is not privileged.

The SPEAKER. The motion is that this bill be printed, referred to the Committee of the Whole on the state of the Union, and be made the special order for Thursday next at three o'clock, and from day to day until disposed of, not to interfere with appropriation bills already reported or hereafter to be reported.

Mr. COX. I move to amend that motion in one regard, so as to provide for printing an extra number of copies.

The SPEAKER. That motion would have to go to the Committee on Printing under the law.

Mr. COX. Then I will withdraw the motion for the purpose of explaining it. [Laughter.] Gentlemen who represent here commercial centers would like to have something a little more definite than this bill. It settles nothing as to our future policy. The business of the country depends upon action here upon this subject. The mere setting down of this bill for next Wednesday or Thursday fixes nothing. The bill, if properly interpreted, as business men will interpret it, is a recognition of the issue of this reserve. That is what it means. It is a step away from resumption. In spite of all that is said here, the people so regard it; and it ought to be so understood.

Mr. BUTLER, of Massachusetts. I object to this debate if it is not in order.

The SPEAKER. The Chair presumes the gentleman from New York is making a personal explanation.

Mr. COX. Sir, we are relapsing into barbarism——

Mr. MAYNARD. Is that personal? [Laughter.]

The SPEAKER. Debate is objected to. The Chair hears no objection to making the order proposed by the chairman of the Committee on Ways and Means. That order will be made.

MESSAGE FROM THE PRESIDENT.

A message was received from the President, by Mr. BABCOCK, one of his secretaries, announcing that he had approved and signed a joint resolution and bills of the following titles:

Joint resolution (H. R. No. 35) filling existing vacancies in the Board of Regents of the Smithsonian Institution;

An act (H. R. No. 793) repealing the increase of salaries of members of Congress and other officers;

An act (H. R. No. 1038) for the relief of the estates of Abel Gilbert and William Gerrish, late copartners in business under the style of Gilbert & Gerrish; and

An act (H. R. No. 718) to amend an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes," approved March 3, 1873.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. SYMPSON, one of its clerks, notifying the House that that body had passed a concurrent resolution that it shall not be lawful for the Congressional Printer to publish in the CONGRESSIONAL RECORD any speech, or part of a speech, not actually delivered in the Senate or in the House of Representatives; in which the concurrence of the House was requested.

It further announced that that body had passed an act (S. No. 360) making appropriations for a topographical survey of the Capitol grounds and plans for improving the same; in which the concurrence of the House was requested.

It further announced that the Senate had passed, without amendment, a bill (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building.

APPROPRIATION BILLS.

Mr. GARFIELD. I move that these appropriation bills be referred to the Committee on Appropriations.

Mr. PLATT, of Virginia. I ask to have one of the bills, on plans and surveys for the Capitol grounds, referred to the Committee on Public Buildings and Grounds.

Mr. G. F. HOAR. I object to the consideration of the question at this time.

Mr. GARFIELD. I withdraw my motion.

SAVINGS-BANKS.

Mr. DAWES. I yield to the gentleman from Iowa, [Mr. KASSON.]

Mr. ELDREDGE. I object to the gentleman yielding until he has something to yield. [Laughter.]

Mr. KASSON. I am instructed by the Committee on Ways and Means to report a bill (H. R. No. 1399) amending the ninth section of an act approved July 13, 1866, concerning deposits in savings-banks.

The bill was read a first and second time.

The bill, which was read at length, provides that the proviso to section 110 of the act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," approved June 30, 1864, as amended by the act approved July 13, 1866, shall hereafter be held and construed to include, within the exemptions therein made as to deposits in savings-banks, all deposits in savings-banks doing business only as such under the laws of their respective States, or of Congress, and having a paid-up capital which is first responsible for all losses of depositors, or having, in accordance with law, in place of such capital stock a good and legal guarantee bond securing depositors against loss; provided that no savings-bank or provident institution shall be entitled to such exemption from tax on deposits as aforesaid in case any greater rate of dividend shall be paid to the holders of capital stock annually, than the rate of interest allowed annually to time depositors in such bank; but 2¼ per cent. may be allowed and paid upon the amount of the capital stock, or of the guarantee bond, in consideration of such guarantee against loss to depositors; and provided further that all profits of such savings-banks, less the aforesaid dividend and allowance for guarantee, shall be divided among their depositors. The second section provides that no tax accrued or claimed for years prior to the passage of this act from savings-banks, in the first section named, having a capital stock or guarantee bond, but not collected nor claimed by the revenue officers in those years, shall be hereafter collected.

Mr. KELLEY. I rise to a point of order. That bill relates to the tax system of the country, and should go to the Committee of the Whole on the state of the Union.

The SPEAKER. The point is well taken.

Mr. RANDALL. I should like to have that bill printed.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that this, relating to taxation, must go to the Committee of the Whole on the state of the Union. The Chair sustains the point of order; and the bill will be referred to the Committee of the Whole, and is ordered to be printed.

Mr. KASSON. I wished also to ask the House if a simple explanation would obviate the necessity for the bill going to the Committee of the Whole. I would make it, but if no one desires an explanation I will not make it now.

Mr. BECK. I desire to say this——

Mr. KELLEY. I insist on my point of order.

Mr. BECK. I only wish to say that I do not think an explanation will obviate the necessity of the bill going to the Committee of the Whole, because there are several members of the Ways and Means Committee who will oppose the passage of the bill.

The SPEAKER. Gentlemen will observe more and more the necessity for a strict observance of the rules of the House in referring at once subjects which must have their first consideration in the Committee of the Whole, and thereby save the time of the House.

Mr. KASSON. Let it be printed and go to the Committee of the Whole, and make it a special order for one day later than the other bills.

Mr. MAYNARD. I object to that, if an objection will avail.

The SPEAKER. An objection will avail. It will go to the Committee of the Whole without being made a special order.

The Chair has made this morning a somewhat new ruling in this respect, which he thinks, however, to be entirely correct, that a tax bill reported adversely upon should go immediately to the Committee of the Whole. It has been the practice of the House hitherto to allow the question to be taken first as to whether they would agree with the adverse report or not, and if they agreed, then the report went upon the table—it was not before the House for action, and therefore was not amenable to the rules. The Chair has concluded it is within the scope of larger and freer discussion; that even when tax bills are reported adversely, they should go to the Committee of the Whole, where there is no restriction whatever on discussion, and therefore he sustains the point of order, and rules that even on an adverse report the question shall not first be taken in the House. It is in the interest of wider and freer discussion.

Mr. KASSON. Before this is disposed of I wish to call the attention of the gentleman from Tennessee [Mr. MAYNARD] to one circumstance which I think should induce him to withdraw his objection to making this a special order. Owing to a late construction of the tax law, the Commissioner of Internal Revenue has ordered in certain cases the collection of taxes for several years past, which were not supposed by anybody at that time to have been due or collectible; and consequently it is very desirable to have the action of the House upon that. I ask that this be assigned to the same day, in order that it may be taken up when the first bill is disposed of. I hope the gentleman from Tennessee will give us an opportunity of having the bill taken up on the day named, and it will be in the power of the committee to lay it aside if it takes up too much time.

Mr. MAYNARD. I would be glad to see that I was mistaken in the view I take of the bill. I cannot tell, from reading it cursorily, the whole effect of it; but a similar subject has been before the Committee on Banking and Currency, and has been considered there.

Mr. KELLEY. I call for the regular order.

Mr. RANDALL. Mr. Speaker, this was not made a special order.

The SPEAKER. It was not; and the Chair begs to state that negotiations by unanimous consent must not delay the House.

Mr. MAYNARD. I withdraw the objection I have made.

Mr. RANDALL. I renew it.

BONDED WAREHOUSES FOR RICE.

Mr. SHELDON, from the Committee on Ways and Means, reported back, with the recommendation that it do pass, the bill (H. R. No. 476) to establish bonded warehouses for the storing and cleansing of rice intended for exportation.

The bill provides that from and after the passage of the act importers' bonded warehouses, to be established for the storage and cleansing of imported rice for exportation to foreign countries, may be established at any port of entry in the United States, under such rules and regulations as the Secretary of the Treasury may prescribe.

Mr. SHELDON. Before the holidays I offered that bill and asked unanimous consent for its passage. Objection was made, which has since been withdrawn; and I ask for the passage of the bill now, believing it to be unnecessary to debate it.

Mr. BUTLER, of Massachusetts. Does the gentleman from Louisiana propose to put this bill on its passage now?

Mr. SHELDON. I do.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to draw the attention of the House to two or three things I am afraid about? I would object to the bill being put on its passage now; but I suppose the gentleman has the right to ask it, this being the morning hour, and the committee being on call.

I am opposed to the bonded-warehouse system altogether, which allows foreigners to bring their goods here and store them without paying duty until they can find a good time to place them on the market. But, perhaps, this bill does not afford a proper occasion for the discussion of that question. This bill, however, makes an innovation upon the whole bonded system of the country. The bonded-warehouse system of the country provides that when goods are brought in, bulk shall not be broken or in any way changed except for the purpose of preservation; as, for instance, if they are moldy, or a package of liquor should spring a leak, then goods may be changed, but the character of the goods shall not be changed while in the bonded warehouse.

This bill permits rice to be brought in in bulk uncleaned, and then manufactured here, the manufacture consisting first in cleaning and then polishing it, so as to make it equal in look to the best rice. My difficulty with the bill is that I am afraid it will open an immense avenue to frauds in importations. Rice is only extensively used by the inhabitants of tropical and semi-tropical regions. The bill would allow rice to be brought into this country, to be cleaned in our bonded warehouses, and then exported abroad without payment of duty, and without any advantage to us except the advantage of having it cleaned and manufactured upon our soil. It would have the effect of bringing it in in this way to Louisiana, for instance, and perhaps Florida and Georgia, and perhaps California, though with reference to California it would not be open so much to the objection I have, and of allowing it to be sent forward, after it had been cleaned, to the West India Islands. And the difficulty would be, as it seems to me, that great frauds without a possibility of detection can be perpetrated, besides allowing the Government bonded warehouses to come into direct competition with the rice-producing fields of South Carolina and Georgia. I call the attention of the gentlemen from those States who have that great interest in charge to this question, whether they propose virtually to repeal the duty on rice; because it will turn out that a great deal would be re-exported, and a great deal would slip into consumption. That was the reason why there never was any allowance made in our old bonded-warehouse system for breaking bulk. I should like, therefore, to hear from my friend from Louisiana the reason why he considers this bill desirable.

Mr. SHELDON. I anticipated that objection, and it was fully considered in the committee. The Secretary of the Treasury was consulted upon that point, and when the bill was formerly before the House I had his letter read. I now send it to the Clerk's desk to be again read from the CONGRESSIONAL RECORD, as the original document is not now in my hand.

Mr. WILLARD, of Vermont. Should not this bill go to the Committee of the Whole? It may be too late to make the point now.

The SPEAKER. The bill would undoubtedly have gone to the Committee of the Whole if the point of order had been made upon it in time, for it belongs to the Committee of the Whole. It is now too late to raise the point, the bill having been debated at some length in the House.

Mr. BUTLER, of Massachusetts. I raised the point of order in what I said a few minutes ago.

The SPEAKER. The gentleman proceeded to discuss this bill.

Mr. G. F. HOAR. I intended myself to raise the point of order; but my colleague raised it and then proceeded to make an explanation, as is frequently done, and the Chair allowed him to proceed.

The SPEAKER. The ear of the Chair was very wide open to hear whether the point of order was raised, because it was a wonder to him that somebody did not raise it. The gentleman from Massachusetts [Mr. BUTLER] did not raise the point of order.

Mr. BUTLER, of Massachusetts. The exact words I used, I believe, were these, "I suppose that this may be put on its passage now, or otherwise I should object."

The SPEAKER. Even then the gentleman allowed the gentleman from Louisiana [Mr. SHELDON] to discuss the bill. The bill ought to have gone to the Committee of the Whole; but it is now too late to raise the point.

Mr. SHELDON. I ask the Clerk to read what I send to the desk.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., December 11, 1873.

SIR: Referring to the conversation had with you this morning in regard to the bill introduced in the House of Representatives by Mr. POTTER, of New York, to permit the establishment of warehouses for the cleaning of imported rice in bond for export, I have to say that this Department apprehends no difficulty in preparing such regulations (should such bill become a law) as will entirely prevent frauds upon the revenue in that respect, and at the same time give exporters all the facilities they may be entitled to thereunder.

I am, very respectfully,

W. A. RICHARDSON, *Secretary.*

Hon. L. A. SHELDON,
House of Representatives.

Mr. SHELDON. I wish to say that the Committee on Ways and Means had considered the question whether frauds upon the revenue could be perpetrated under this bill. The case was submitted to the Secretary of the Treasury, whose letter has just been read, and he says that he thinks frauds could be prevented. The committee were unanimous in authorizing this bill to be reported. It does not affect the question of revenue at all. It is simply a question whether we will allow people bringing cargoes of rice from foreign countries into this country to clean that rice and prepare it for re-exportation. I understand that it reduces the bulk of the rice but little to clean it, and it has become quite a considerable trade. It seems to the committee, as it seemed to me, that it is proper and right that we should give to our citizens the advantage of doing just exactly this thing, as it will facilitate commerce, and besides will encourage some industries in this country, especially in cities where it is now so much needed.

So far as the rice-producing regions of our country are concerned, I will say that we have no interest in this matter at all, none in the world. Of course Louisiana rice is exported; but there is not so much rice produced in the Union as is consumed by the people of the United States. It is simply a question whether we shall grant this privilege to those who desire to bring from the East Indies cargoes of this kind of rice and afford them facilities for exporting it again. I will ask that the gentleman from New York, [Mr. POTTER,] who introduced this bill may be heard upon it.

Mr. POTTER. I do not claim to know everything about the policy of bonded warehouses, and when this measure was called to my attention, which was by a gentleman in New York, engaged in the manufacture of sugar, of very high standing, I declined to introduce the bill until I had consulted the Treasury Department about it. I did so, and understood from the chief of customs that this measure was

entirely free from the objections the gentleman from Massachusetts [Mr. BUTLER] had indicated. At a later day I sent a letter, to like effect, which I received from that officer, to a gentleman on the other side of the House from South Carolina, but for some reason I fail to have it now at hand and cannot have it read.

This bill does not affect the consumers of rice in this country at all. There are two sorts of rice consumed in this country, one produced in the Southern States and one produced in the East Indies. East India rice comes into this country in a dirty state, and must be cleaned and polished before fit for consumption. That rice, to a certain extent, does go into consumption here, but only after it has paid the duty upon it. When imported and taken out of bond for consumption, it must necessarily pay whatever duty may be levied upon it. But this bill does not affect that rice at all. The citizen who consumes rice in this country that comes from the East Indies is in no way affected whether it pays duty before or after it is cleaned, and therefore this bill cannot affect consumers here.

But there is a large amount of East India rice consumed in the West Indies and South America, as I understand, that is now largely supplied by Great Britain. It is imported in its unclean state from the East Indies into Great Britain, and cleaned by machines in operation there, and is then transported to the West Indies and South America, where it finds a market. Now, our people have facilities for cleaning this East India rice, and it is therefore a matter of importance for them to have opportunity to bring this rice in return cargoes from the East Indies, and clean it with the machines which we have in this country, not only for consumption here, but also for reexport again, if that can be done without their being obliged to pay duty on it.

The only question that could arise as to this measure would seem to be whether, under the system of such bonded warehouses as it proposes, the Government would be liable to the frauds suggested by the gentleman from Massachusetts, [Mr. BUTLER.] That question was submitted to the Secretary of the Treasury, and his answer you have heard from the letter read, that there would be no difficulty whatever in that respect. It is simply, then, a question whether the cleaning of this East India rice, to be consumed in the West Indies, shall be done in England altogether or whether it may be done in part in this country; whether vessels coming from the East Indies may bring to the port of New York, or such other of our ports as they may return to, this foreign rice and have it cleaned here by machines already in existence and again shipped for consumption abroad, or the business shall be confined to England as now.

Mr. YOUNG, of Georgia. I desire to ask the gentleman from New York [Mr. POTTER] if this is not a measure in the interest of the rice-millers of New York, and if it is not to the prejudice of the rice-cleaning mills in the cities on the southern coast.

Mr. POTTER. I cannot conceive this bill to be in the interest of anybody except rice-cleaning millers—men who are engaged in the manufacture and cleaning of rice; but that it should benefit those millers at New York is no reason why it should injure those in the South.

Mr. MAYNARD. The gentleman will allow me to suggest that the Government has already adopted the principle of establishing warehouses for the purpose of having certain articles produced or manufactured in this country exported; and that such a system is in the interest of the laboring population.

Mr. POTTER. I understand that the discrimination in this respect is for the benefit of the manufacturers in this country, and that the principle has been already adopted, as suggested by the gentleman from Tennessee.

Mr. BUTLER, of Massachusetts. I believe that there is nothing which is permitted to be changed in bulk while in bond. My attention was called to this matter in connection with fish which were allowed to be introduced into the country in bulk and under a Treasury regulation were packed for exportation—a regulation which largely interfered with the interests of my constituents. I had supposed the case might be similar with respect to rice. As to fish, I procured the withdrawal of the Treasury regulation as contrary to law. I have done my duty in bringing this matter to the attention of the House. If those who are in the rice interest and have this matter in charge have no objection to the bill, I have not.

Mr. SHELDON. I demand the previous question.

The previous question was seconded and the main question ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. SHELDON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WEST VIRGINIA ELECTION CASES.

The House resumed the consideration of the following resolutions, reported from the Committee on Elections:

Resolved, (first,) That Mr. Davis, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (second,) That Mr. Hagans, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (third,) That Mr. Wilson, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress in the State of West Virginia, and is hereby admitted to a seat in this House.

The SPEAKER. The gentleman from Wisconsin, [Mr. HAZELTON,] whose remarks were interrupted yesterday by the taking of a recess, is entitled to the floor for the remainder of his hour.

Mr. LAMAR. Mr. Speaker, as a member of the Committee on Elections, to whom this subject has been referred, I have endeavored to give it the attention which its importance demands. The question presented for our consideration is, which of the two congressional elections held in West Virginia in 1872 is the valid one? I think it will conduce to simplicity of view to consider each of these elections separately, and in the order of their occurrence.

On the fourth Thursday of August, 1872, an election was held in West Virginia to determine the adoption or rejection of the new constitution of the State, and to elect the officers created by it, in the event of its adoption. At that election, in forty counties out of fifty-four, votes were cast for Congressmen. It is a noteworthy fact, though I do not think it material to the legal questions, that the aggregate congressional vote amounted to only 44,000, while 81,000 votes were cast upon the constitution. In other words, 37,000 voters in actual attendance at the polls refused to participate in this congressional election.

There is another fact worthy of attention in this matter. In the second district only 3,000 votes and a small fraction over were cast for members of Congress out of 26,000 that were cast upon the constitution, and the bulk of those 3,000 votes was cast in three or four counties—eleven counties of the eighteen not casting a single vote for Congressmen. My colleague on the committee, from Wisconsin, [Mr. HAZELTON,] is mistaken in saying there is no evidence of such fact. The certified returns before the committee show it.

Upon this brief statement of facts the important question arises, were the electors (called together on that day for the purpose of determining upon the adoption of the constitution and for electing officers under it) authorized to elect members of Congress for the State of West Virginia? Mr. Speaker, the election of Representatives of a State, in the Congress of the United States, is a high and solemn act of sovereignty, exercised in the name of that State. If therefore the electors had not the right to cast their suffrages for Representatives in Congress, then the action of those 44,000 voters in the forty counties was an unlawful and irregular proceeding, not perhaps criminal morally if entered into under a misapprehension, but none the less a lawless usurpation of political power, which can give no title to the men, so chosen, to be admitted here as members of the House of Representatives.

The question recurs, had these electors the legal authority to exercise, on that day, this high and solemn function? The majority of the committee—a majority amounting almost to unanimity—have decided and reported to this House that no such authority existed. A majority of nine out of eleven declared that the election was invalid and void. Whatever diversities of opinion there may be in that committee upon the other branch of this subject, upon this there is a concurrence, both as to the conclusion and reasoning, that that election was without the authority of law.

Whence did they derive their authority? What provision of law, statute or fundamental, conferred upon these electors the right of arrogating to themselves this high and sovereign prerogative? There can be but one answer to this question, and that is, that if the authority existed at all, it was conferred upon them by the schedule which was appended to the constitution, submitting that instrument for adoption or rejection to the people, and ordering an election of the officers created by it.

That is the only authority; for outside of that schedule there is no authority in any law, organic or otherwise, for the election of any officers of any kind, State or Federal, in August. Hence, in the debate which took place on this subject before, the member from Massachusetts, [Mr. BUTLER,] who is never deficient in clearness and force of statement, took the position that it was the schedule which gave the authority; and the report of the sub-committee—that submitted by the member from Wisconsin, [Mr. HAZELTON]—derived the authority from the same instrument. The member from Massachusetts, on the occasion of that debate, speaking of the schedule submitting the constitution to the people, said:

> It also provided that there should be a general election held on that day, *including members of Congress.*

Now, sir, I propose to analyze this schedule, for the purpose of seeing whether there is any warrant for the statement, that in the schedule members of Congress were included among the officers ordered to be elected on the day therein named.

I know, Mr. Speaker, that it is asking much of the House to listen to a dry, prolix, legal argument; but, sir, it is our duty, made so by the Constitution, as judges of elections, to give our best attention to such subjects.

The schedule, after providing for the submission of the constitution and for the election, goes on to say:

> On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county—

For whom?—

for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

Now, sir, where is the authority for this statement that the schedule "included members of Congress" among the officers to be elected? The schedule is more than ordinarily specific in its enumeration, by name and class, in detail, of the officers required to be elected, and, as if with studied intent, members of Congress are left out. Let me not be misunderstood. I am not invoking the maxim *expressio unius exclusio alterius est.* I am not seeking to show that the election of Congressmen was excluded or forbidden. The thing we are seeking for in that instrument is not negative prohibition, but affirmative authority.

Let it be admitted that this maxim does not apply to the construction of organic law. In order to bring the question to a narrower compass I will admit that omission to name Congressmen, in the specification of officers to be elected, would not, necessarily, be an exclusion of the election of the former, provided you can find me any other provision or clause in the schedule or expression which, by general intendment, would show that members of Congress were within the contemplation of the framers of that instrument. But there is no such provision; there is no such clause; not a word out of which you can wring or extort or distort such a construction.

[Messages from the President and the Senate were received here, which will be found in another place.]

Mr. LAMAR. I was saying, Mr. Speaker, there was nothing in the text of this schedule to authorize the election of Congressmen, as claimed by the gentlemen who maintain the right of the August claimants; on the contrary, the manifest intent of the framers of that schedule to exclude members of Congress from that election can be illustrated in so many ways that I am embarrassed by abundance. Look at the aim and the object of the schedule; look at the purpose for which it was adopted; look at the office which the schedule is intended to perform. Mr. Speaker, a schedule is never a part of the permanent law of any State, either fundamental or statute. It is simply an addendum to the constitution, temporary in its nature, and for a temporary purpose. Its object is to test the will of the people upon the election; to secure the transit of the State from the old organization to the new one without any lapse of existing rights; and to put in operation the newly created agencies and institutions. That was the object of this schedule. To effect it, it was necessary to have an election for the newly created offices; an election conditioned to be void if the constitution was not adopted. Such being the object of the schedule, and the words of it and the context of it being specially limited to that object, strained must be the construction which seeks to extend it to other and entirely different objects.

Now, sir, is it not manifest that in this programme, this provisional programme of conditional elections (all to be rendered nugatory and invalid in case of non-adoption) the congressional election had no appropriate place? To have put it there would have been to introduce an incongruity. Mr. Speaker, a congressional election, from its very nature, ought not, and in my opinion it cannot be, constitutionally, subjected to the annulling conditions of a provisional local election. I say, sir, from the very place that these congressional elections hold in our political system, they must necessarily, when they are conducted fairly and legally, be absolute, final, and unconditioned by any contingencies which look to their nullification. Why, sir, these elections are the only connection between the power of the people of a State and the Federal Government. Their recurrence regularly and with absolute certainty is indispensable to the organization of Congress and to the perpetuation of its power. In each State they constitute the only arteries through which the State pours fresh currents of popular power and life into the Federal organism.

Sir, to place such elections as these in a schedule, and make them nugatory upon certain changes of a purely local character, I repeat, would produce a derangement of political conditions.

But, sir, there is another reason, and a strong one, which conspired to cause that convention to exclude from the schedule any provision for the election of members of Congress. It is a fact, very well known to all the members of this House, that it has been the policy of this Government of late years to supervise the elections in the Southern States by agencies of its own appointment. It is also well known that this supervision and intervention have been a source of harassment and distrust to a large portion of the people of those States, keeping them away by thousands from the polls. It is another fact, sir, well known, that that portion to which this supervision was unacceptable had a majority of delegates in the convention that framed this schedule. And here, sir, you have another reason why, in providing an election affecting their own local domiciliary and domestic arrangements they excluded any provision for the election of Federal officers. They did it, sir, because they wished to conduct their elections free from the supervision of the national constabulary. They wanted to establish their domestic institutions free from the presence of that mighty power whose iron hand, so often uplifted, had crushed the fragile tenements of State authority.

Now, sir, in order to get the authority for the election of Congressmen in August from that schedule, you must do it by construing into it words that are not there; you must, by construction, interpolate a positive provision it does not contain—a provision inconsistent with its context, repugnant to its manifest object and intent, and at war with its reason and spirit. I do not say such a construction is impossible; but I submit that it should be supported by clear and overwhelming reasons.

Let us now see what force, if there be any, is in the construction proposed by the member from Wisconsin, [Mr. HAZELTON.] It is that while the schedule does not, in terms, order, or attempt to order, members of Congress to be elected on the fourth Thursday of August, yet by ordering "a general election" of State officers to be held on that day, it in effect occasions the election of Congressmen to be held on the same day, through the operation of the code. In other words, that the code without fixing any particular time for the congressional elections, provides that it shall be held at the general election of State officers, whenever that may be; that the schedule provides that the general election shall be held on the fourth Thursday of August. Therefore the schedule, by force of the code, provides that the congressional election shall take place on the fourth Thursday of August. Is this not a correct statement of the argument of my colleague on the committee, and of those who agree with him? If it is not, I ask that he will correct me. Whatever defects my argument may have, I do not wish misstatements of the positions of those from whom I differ to be among them.

This makes it necessary to examine that provision of the code which forces into the schedule an enactment so inharmonious with its existing provisions, and so foreign to the purposes for which it was adopted. What does it say?

SECTION 1. The general elections for State, district, county, and township officers and members of the Legislature shall be held on the fourth Thursday of October.

SEC. 2. At the said elections, in every year, there shall be elected delegates to the Legislature, and one senator for every senatorial district. And in the year 1870, and every second year thereafter, * * * a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district

It matters not which of the opposing constructions of the phrase, "said elections," you adopt; whether it refers to the words "general elections," as these gentlemen contend, or whether it refers to the time prescribed in the first section, one thing is undenied and undeniable, that is, the code fixes the day of the congressional election on the fourth Thursday of October. Whether fixed relatively or derivatively through the general election, or absolutely and irrespectively of that event, the time of the congressional election is prescribed on the fourth Thursday of October. You may construe, and twist, and turn the provision as you may—there are the words, "fourth Thursday of October," expressly prescribed, on your own construction. You cannot look at the words "general elections" without seeing the words "on the fourth Thursday of October." You are constrained, even on your own construction, to admit that the code in terms prescribed the fourth Thursday in October for the congressional election; and you are constrained to admit that the schedule did not, in terms, prescribe the fourth Thursday in August for these elections. In other words, to make out the case for the August claimants, you have to construe words and provisions into the schedule which it confessedly does not contain, and to construe out of the code the express words and provisions which it does contain.

I ask the House to note the striking contrast between the respective positions of those who oppose and those who maintain the validity of the August election. Those who deny it put themselves upon the plain, common-sense meaning of the code and of the schedule. Those who maintain it are forced to resort to subtlety and refinement; construing out of the code what it expressly provides, and into the schedule what it manifestly never intended to provide. I repeat, that I do not say anything is beyond the resources of construction. But if this work of implication upon implication is sustained, it should be labeled "Construction construed."

But let us reduce to analysis the process by which this result is reached. The gentleman from Wisconsin says that the words "at the said elections," with which the second section begins, means "at the general election of State officers," whenever that may be held, without any reference to time; and that when that general election was changed by competent authority, the congressional election followed it, as the mere incident follows the principal. Sir, the construction put upon those words, "at the said elections," has not the shadow of reason to sustain it. I know the strength of my assertion, and have not made it without due reflection.

In the first place, the phraseology of the section, even isolated from the other provisions, does not sanction it.

If the compilers of the code had intended that the congressional election should hinge on the general State elections, whenever the latter might occur, they would have used words expressive of that intent. If it had been intended simply to designate the one as the occasion of the other, irrespective of the day expressly designated, instead of commencing the second section with the words "at the said elections," they would have used the words "at the general election" or "whenever the general election may be held," or some other equivalent phrase that would have excluded the element of time from that section.

In this assertion I am sustained by the language of the code itself in the succeeding section, wherein the election of certain officers is directed to be held "at the general election."

In every instance in which the code provides for an election to be held "at the general election" it uses the words "at the general election."

The first three sections of this chapter of the code prescribe the elections which shall be held at a given time. The first is the gen-

eral State election; the second section prescribes some others with that of members of Congress, and the time is the fourth Thursday in October, fixed there either in immediate connection with the officers named or by words of reference relating to the time as the last antecedent. The third section prescribes the Federal electoral election, with the time mentioned—*i. e.*, Tuesday next after the first Monday in November. But when you come to the fourth section you find a group of officers whose elections are intended to take place simultaneously, in conjunction with the general election, irrespective of time. Now let me quote the exact language employed. I hope I will have the attention of the gentlemen who have put so much stress upon these words, "at the said elections," whilst I make these quotations. Section 4 of the code provides—

At the general election in every year the voters of every township shall elect a supervisor, clerk of the township, a surveyor of roads, overseer of the poor, and township treasurer.

Now, why did not the code use the words "at the said election?" It was because the said election does not mean at the general election.

But this is not all of it; there are other officers to be elected on the same occasion. How is that occasion indicated? By the words "at the said elections?" Not at all. Let us quote:

At the general election in the years, &c., the voters of every township shall elect a justice; and an additional justice if the white population exceed twelve hundred.

And here is still another:

And *at the general election* in the year, &c., they shall elect as many constables as justices and a county superintendent.

Now, why does not the second section use the same language in reference to the congressional election? It is because it was not intended to convey the same idea; it is because the code intended to prescribe the time of holding that election, as it was required to do by the mandate of the Constitution of the United States. But there was no such imperative obligation as to these other elections. Hence it uses these words, making the distinction between the general election as an occasion and the "said election"—referring to the fourth Thursday in October.

Now, there is no escaping from this distinction made by the code itself. How are you going to escape from it? The member from Wisconsin, with great confidence, gives you the clew. He says that the word employed to introduce the said second section rendered it very manifest that reference was had to the general election, without any reference to time.

He tells you that there is a wonderful significance attaching to the word "at" in this sentence; and I must confess I held my breath in silent wonder at the potency he claimed for it. The gentleman threw all his emphasis upon it, "*at* the said elections." I listened to his argument attentively; the word does not advance us one step in the solution of the question. Take the meaning he attaches to it, and read the sentence as if it were "in conjunction with the said election," the question still remains what "said election?"—the election fixed for October, or any general election, as he contends?—and you cannot say it means the latter without assuming the very point in dispute. Strange as it may seem, the gentleman in his own report gave an instance in which the word "at" is used in the very sense that he denies it is ever used; I mean to denote time—day and month. On page 20 he gives an extract from the California constitution, which is as follows: "At the general election, namely, the 13th day of November," &c.

So, sir, the word "at" may refer to the day, if it is in a California statute, but in a West Virginia statute it swings the occasion of an election against the very words of a code, into a schedule, against the very intent and meaning of that schedule.

Mr. HALE, of New York. I beg to submit a point to the gentleman, not by way of controverting his position, but to elicit his view of a question that has occurred to me. I understand him to argue that the provision of the code establishing the fourth Thursday of October as the day of the general election for members of Congress was still in existence, and was the law of West Virginia at the time of the election in 1872.

Mr. LAMAR. Yes, sir.

Mr. HALE, of New York. Now I ask the gentleman whether he gives any effect to that clause of the constitution—not the schedule, but the constitution—which is recited on the first page of the majority report, article 4, section 7, of the constitution?

Mr. LAMAR. The gentleman's question is perfectly pertinent as applied to that branch of the argument; but I am now discussing the August election. When I come to the October election, if I do not give due notice and attention to the point the gentleman makes, I admit my argument will be defective.

Mr. HALE, of New York. I did not desire to interrupt the gentleman's argument.

Mr. LAMAR. I am perfectly willing to yield for interruption, and think the question not an improper one.

Now suppose this code of which we are speaking is capable of two constructions—either the construction that it refers to the time mentioned, (the fourth Thursday of October,) or the construction the gentleman puts upon it, that it refers to the general election; here is a proposition that I believe any one will concede.

Suppose the words of the code would bear either construction, it cannot be doubted that the one which makes the text of the law consistent with the constitutional requirement should be accepted in preference to any construction that renders it violative of that requirement.

The Constitution declares that the times, places, and manner of holding elections for Representatives to Congress shall be prescribed in each State by the Legislature thereof. This is the command of the Constitution to the Legislature. It is absolute. Now, what the Constitution enjoins absolutely the Constitution means to be enforced absolutely. Not to enforce it absolutely is to violate the Constitution. To connect with its enforcement a contingency upon the happening of which it may not be enforced is equally a violation. Now, sir, according to our construction the Legislature did, in exact obedience to the Constitution, prescribe the time for electing the Congressmen on the fourth Thursday in October.

But according to the August claimants Congress did not absolutely prescribe the time, but prescribed the occasion, leaving it to be fixed or not fixed, in the discretion of another distinct department or body to whom the constitutional mandate was not addressed. Sir, such a construction makes the action of the Legislature only a conditional obedience to the Constitution which the convention might, at any time, without intending it, convert into a disobedience.

Is it not, then, clear that the Legislature would be transferring to another distinct body a duty which the constitution had devolved upon itself?

I submit, therefore, that even if this clause is equally susceptible (which I deny) of either, ours is to be preferred, because it is in exact obedience to the Constitution, while the other is an evasion, if not a direct contravention, of its mandates.

The effort of the gentleman to show that this was not the case, by referring to the Virginia precedents, will not do. He is mistaken in his point. There are no such precedents. I challenge the production of a single precedent in the Virginia statutes connecting the congressional election with an event whose date was not already fixed and defined by the Legislature itself. I want the gentleman to show a single precedent where the Legislature of Virginia ever made the congressional election to hang upon an event prescribed by any power save that of the Legislature itself. It never did so. On the other hand, West Virginia has always, by its own Legislature, fixed the policy of prescribing the day itself when the congressional election shall take place, as was shown yesterday in the able and profound argument of the gentleman from New York, [Mr. SMITH.]

But, sir, I take higher ground. I take the position, even if this section could bear the construction these gentlemen would put on it, so much of it as makes the Legislature give to the convention the power of changing the time for holding a congressional election is unconstitutional, and that it leaves valid only that much of the statute which prescribes the fourth Thursday of October as the day.

Sir, this power is given to the Legislature. The duty is devolved upon it—"the time shall be prescribed by the Legislature." Legislative power cannot be delegated. The power and the duty which the constitution devolves upon the Legislature cannot be surrendered.* It cannot be transferred to another body to which the constitution does not address itself, and which therefore is under no special obligation to carry that provision out. They attempt to avoid that position, for it is one which cannot be met, by saying this legislation thus construed would not involve delegation of power, but is merely conditional legislation like that which is sometimes exercised by Congress and sometimes by States to make statutes to go into operation on a certain condition, or those which provide that upon the happening of a certain condition their operation is to be suspended. That does not meet the point. In my opinion, it is no conditional legislation in that view; but, even if it were so, those cases are not like this one would be. Those cases are where the Legislature and Congress have discretionary power to legislate or not legislate as they may see proper. For instance, in the case cited by the attorney of the August claimant, where Congress passed a law to stop commerce between Great Britain and the United States, and provided that the law was not to continue in effect after Great Britain revoked certain orders, the court, decided that the statute did not delegate power to Great Britain to stop a law operating in this country. So, too, there have been State laws which were not to go into operation except upon the result of certain local elections. In that case Congress had discretion either to interdict commerce or not to interdict it, and therefore could prescribe a condition upon which the interdict should not go into effect. So, too, in the other cases the Legislature had the discretion to pass the law or not to pass it, and therefore had the power to provide for the suspension of it upon a contingency to be determined by a local election. But here, sir, there is no discretion. The mandate of the Constitution is peremptory. There is no discretionary power to abstain from prescribing the time. "The time shall be prescribed;" and not to prescribe it, or to prescribe it on a condition which may defeat it, is to violate the constitution.

Even admitting all I have said is not true, that August election was, in no sense of the term, "a general election." It was a provisional election held for a special purpose. It did not belong to the class and the group of annually recurring general elections which take place in the current life of the State, but was abnormal in its character, and was special in its object, and special in having its validity

* Cooly on Con. Lim., 116

subject to be set aside. No, sir. The schedule itself expressly characterizes this election, and shows it not to be a general election. Here is the schedule on the first page of the report: "The officers authorized by existing laws to conduct general elections"—shall do what? Hold a general election? No—"shall cause *elections* to be held"—showing a distinction between this election here prescribed and "the general election" under the existing law—"at the several places for voting, established by law, in each county, on the fourth Thursday of August, 1872, at which"—general election? Not a bit of it—"at which *elections* the votes of all persons qualified to vote under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting the constitution and schedule."

Now in the next sentence: "On the same day and under the superintendence of the officers who shall conduct the *elections* for determining the ratification or rejection of the constitution and schedule, *elections* shall be held at the several places of voting," &c. "Such *elections* shall be by ballot."

The schedule repeatedly designates it as an "election" distinct in character and purpose from the "general election" provided for by "existing laws."

Mr. GARFIELD. While not desiring to interrupt the gentleman, I ask him a question suggested by the clause he has quoted.

The constitution provides—

> On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

I desire to ask the gentleman whether the last clause, in his judgment, does or does not include members of Congress?

Mr. LAMAR. By no means. I will ask the gentleman if members of Congress are required by that constitution of West Virginia to be elected by the people.

Mr. GARFIELD. I do not know, as I have not read the whole of that constitution.

Mr. LAMAR. I know that the Constitution of the United States requires it.

Mr. GARFIELD. I know that; but I did not know but the constitution of West Virginia might also make that provision.

Mr. LAMAR. It is not so. There is not a syllable in the constitution of the State requiring Congressmen to be elected by the people.

Mr. GARFIELD. I merely asked the question for information.

Mr. LAMAR. I understand that; and I am very much obliged to the gentleman for eliciting the fact.

Mr. GOOCH. I desire to ask the gentleman another question with reference to that last clause. Does it not make that election a general election?

Mr. LAMAR. By no means. The mere election of officers generally does not necessarily constitute a general election.

Mr. GOOCH. That is not the point. It is the election of all the officers provided for by the constitution of the State. Now, does not that prescribe just the same kind of election that the first section of the code provides for when it uses the language "the general election?"

Mr. LAMAR. No, sir; there is a large number of officers who are elected by the provisions of law, and not by the constitution. But even if the gentleman's construction was correct, the election of all the officers at one election would not constitute a general election; would it? Does the gentleman think so? Suppose it were to be a provisional election, so that all the officers should hold their offices for two months until the next general election, prescribed in the new constitution, would that have been a general election?

Mr. GOOCH. Perhaps the gentleman will allow me to ask him another question. Was there any general election in that State that year?

Mr. LAMAR. There was not. There was no general election in that State in that year; nor is there a general election in my State every year. There are many years, sir, in which there is no general election. And the fact that all the officers are elected does not make an election which casually springs up in a particular year, purely provisional and special, never having occurred before, and never to recur again in the history of the State, a general election.

Mr. GOOCH. I wish to ask the gentleman another question.

Mr. LAMAR. My time is running away very fast, and I do not wish to be detained long on this point. While the election of officers generally is indispensable to a general election, yet that one feature does not constitute a general election. There must be other elements to make it a general election.

Mr. GOOCH. I desire to ask the gentleman——

The SPEAKER *pro tempore*, (Mr. RANDALL in the chair.) Does the gentleman from Mississippi [Mr. LAMAR] consent to be interrupted?

Mr. LAMAR. Yes, sir; but I am not willing that it should come out of my time. I have not yet fully presented my argument.

The SPEAKER *pro tempore*. It must necessarily come out of the gentleman's time.

Mr. LAMAR. Then the gentleman from Massachusetts must excuse me.

Mr. GOOCH. Only a moment. Did not the old law provide for a general election in the State of West Virginia; and did not, also, the constitution provide for a general election in the State of West Virginia?

Mr. LAMAR. It provides for an election.

Mr. GOOCH. A general election?

Mr. LAMAR. A general election of some officers; and of some officers for two years, and of some officers for four years.

Mr. SMITH, of New York. And of some the constitution does not speak at all.

Mr. LAMAR. Yes; of a great many of them the constitution does not speak at all.

I do not, however, wish to linger here any further than to say that this August election, held for the special purpose of setting up the new constitution, on a special day, never occurring before or since, and valid only on a special contingency (to wit, the adoption of this constitution) cannot be called "the general election" described in the first section of the third chapter of the code.

As to the October election.

It is true, there is on this branch of the subject some diversity of opinion between the chairman's course of reasoning and that adopted in the report submitted by the gentleman from Pennsylvania, [Mr. SPEER.] But, sir, we do not, as I understand it, differ from the reasoning of the chairman. I wish it distinctly understood that there is not a position in his report which I do not unconditionally indorse. The report of the gentleman from Pennsylvania [Mr. SPEER] was prepared before the chairman's report was read to us, and as he came to his conclusion by a different process from that which conducted us to the same conclusion we put both reports before the House. But, sir, there is no conflict of reasoning, nor inconsistency in the positions assumed in the two reports.

There is, sir, but one ground upon which the validity of this October election is disputed; and that is that the words in the code, "the said election," referred to the general election. I have shown that assumption to be erroneous. The words of the section seem to me too plain for controversy:

> The general elections for State, district, county, and township officers, and members of the Legislature *shall be held on the fourth Thursday of October.*

Now read the next section in the light of the constitutional requirement that the Legislature shall prescribe the *time* of holding the congressional election:

> At the said elections * * * there shall be elected a Representative in the Congress of the United States * * * * for every congressional district.

Here are time and occasion blended all in one sentence. How can it be assumed that the Legislature referred not to the time, but to the occasion? That time for the congressional election is the fourth Thursday of October. Has it been changed as to the congressional election? Not by any subsequent Legislature. Not by the schedule, as I have shown. Has that day been changed by the new constitution, in that clause referred to by the distinguished member from New York in the question he propounded to me a few moments back? That simply says that the general election of certain State officers shall be held on the second Tuesday of October. It does not refer either by words or by general intendment to the congressional election. If the gentleman will look at the clause again, and dissociate it from the code, he must see that he cannot by any stretch of construction bring the election of Congressmen within its purview. It simply provides that a general election of designated State officers shall be held on this second Tuesday of October.

Mr. HALE, of New York. Allow me to ask the gentleman whether I understand his argument to imply this: that, taking the law of West Virginia as shown in this report, and the provision of the constitution that the general election of State and county officers and of members of the Legislature shall be held on the second Tuesday of October, and the old provision of the code that the general elections of members of Congress shall be held on the fourth Thursday of October—does he hold that in these two provisions of the constitution and of the statutes there is to be in the year 1874 a general election of one class of officers on the second Tuesday of October, and a general election of another class of officers on the fourth Thursday of October?

Mr. LAMAR. I think clearly so; and I think the argument of my friend from New York, [Mr. SMITH,] on yesterday, demonstrated that the election is split in two; and that there are some officers, district officers, for instance, that must be elected on the fourth Thursday of October. But whether there are to be two general elections in October or not, the congressional election must be held on the fourth Thursday, until the Legislature or Congress shall alter the time.

Mr. HALE, of New York. A single question further in that connection. I would ask the gentleman whether he believes that it was the intention either of the constitutional convention of West Virginia or of the people of West Virginia, in ratifying that constitution, that there should be two general elections in one month?

Mr. LAMAR. I think that it is very clear that it was the intention of the law-makers that there should be a congressional election on the fourth Thursday of October. I think there can be no doubt whatever upon that point. As to what the intention was with regard to the general election I have not deemed it an appropriate matter of inquiry, inasmuch as I never considered the general election to have an inseparable connection with the congressional election. But I think that a convention must be held to intend that which they have ordained.

Mr. SMITH, of New York. Will my colleague upon the committee [Mr. LAMAR] take the opportunity to say to my colleague from New York [Mr. HALE] that there are some one thousand officers in the State of West Virginia who under this new constitution are district officers, and could not be elected under that constitutional provision on the second Tuesday of October?

Mr. LAMAR. No, sir; I cannot take the opportunity of doing so, for my friend has already said it with a force far beyond the happiest efforts of my humble powers. [Laughter.] Now, sir, if the member from New York [Mr. HALE] will give me his attention, as he has been doing so kindly hitherto, I will develop my theory of this provision of the code with reference to the October elections. It says:

> At the said elections * * * * in the year 1870, and every second year thereafter, there shall be elected a Representative in the Congress of the United States, for the term beginning the 4th day of March next after the election, for every congressional district.

Now, what does "the said elections" refer to? I think the gentleman from New York, [Mr. HALE,] who is a lawyer, and I will concur in what that means.

[Here the hammer fell.]

Mr. BRIGHT. I hope the gentleman from Mississippi [Mr. LAMAR] will be permitted to go on with his remarks.

Mr. HALE, of New York. I hope so, as he has been repeatedly interrupted.

Mr. LAMAR. I dislike to trespass upon the attention of the House any longer.

Mr. HAZELTON, of Wisconsin. There is a very large number of gentlemen who desire to participate in this debate.

Mr. HALE, of New York. I hope the gentleman from Wisconsin will not object.

Mr. HAZELTON, of Wisconsin. I will not object if gentlemen desire the discussion to be extended.

The SPEAKER *pro tempore*. How much time does the gentleman desire?

Mr. LAMAR. I cannot tell. I will try to get through as soon as possible; but do not desire to add a word against the wish of any member.

No objection was made; and it was ordered accordingly.

Mr. LAMAR. I was saying when my time expired that the code prescribes that Congressmen shall be elected at "the said election." What is the said election? It is the one referred to in the first section, the general election to be held on the fourth Thursday in October. It refers to both time and occasion; neither singly. It meant that it should occur on the fourth Thursday, and that it should be held with the State election—the same machinery of inspectors, registrars, &c. Therefore there were two elements in the prescription. Under the imperative obligation of the Federal Constitution it fixed the element of time. Under the discretionary power of its own constitution it fixed the occasion. Time was the Federal element, paramount and peremptory. Occasion was the discretionary, and therefore the subordinate element. The convention repealed the subordinate discretionary element of occasion, and moved it to the second Tuesday in October. Its repealing power did not extend to the element of time for the congressional election; and it attempted not to exercise any such repealing power, but left that part prescribing the fourth Thursday of October unrepealed and operative.

But the member from Wisconsin [Mr. HAZELTON] says there was no authority for holding the election for Congressmen in October, for the reason that the law regulating the manner and providing the machinery for conducting it had reference to the election of State officers as distinguished from the Federal officers. And he asserts confidently that there was no obligation resting upon any one of the election officers to hold an election or to certify to an election on that day for Congressmen.

All this is pure assumption, and is utterly destitute of foundation. The code, so far from restricting the regulations for holding, conducting, and certifying to the general State election, expressly makes them applicable to "the elections provided for in this chapter."

In some of the sections specific regulations are made for the elections of Congressmen and presidential electors. Section 66 of that chapter says "where an election is held in any county for * * * a Representative in the Congress of the United States and electors for President and Vice-President," &c. It is unnecessary to follow this assertion any further.

There is one other view which I desire to present. Whatever doubts or differences may exist as to the day of the week and month prescribed in the code, there can be no doubt that the year for the congressional election is prescribed absolutely and independent of any event or occasion. It says:

> In the year 1870, and every second year thereafter, there shall be elected a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district.

Now, on what day of 1872 is this election to be held? Not on the second Tuesday of October, for we are unanimous that the constitutional provision prescribing that day for the general elections of State officers does not apply to the year 1872. Not to the fourth Thursday of August, for we have shown that the schedule did not prescribe that day for a congressional election. There is but one day on which it can be held; and that is the day on which the code fixes it, the fourth Thursday of October.

There is but one possible escape from this conclusion, and that is that the constitution of West Virginia has directly repealed and abrogated the legislative provision in the code prescribing the time of holding the congressional election; and has changed both the day and the year of holding the election of Representatives to Congress as prescribed in the code. This presents a direct and indisputable conflict of authority between the Legislature and the convention.

Indeed, sir, the validity of the August election cannot be claimed, nor that of the October election denied, without encountering this difficulty. Hence the member from Massachusetts, [Mr. BUTLER,] quick to discern the difficulties of his position, and ever ready to meet them, in the remarks before referred to, said:

> Now, then, the question left for us to determine is, whether a constitutional convention, duly organized, can change the constitution and require an election to be holden on the day when that is ratified. That has been done so often in every Southern State that it establishes a precedent, at least. Then the question arises, whether that election day, so fixed, contravenes the provisions of the Constitution of the United States, which says that the times and places of holding elections for members of Congress shall be fixed by the Legislature of the State. This was not fixed by the Legislature of the State technically, but by a constitutional convention authorized by the Legislature of the State to fix it, and it has been over and over again decided in this House that the word "Legislature" in that provision of the Constitution does not mean the technical Legislature, but that it means the law-making power of the State.

Other members maintaining the validity of the August election have taken the same position precisely. Now, sir, is the statement true that by the term "the Legislature," the Constitution meant simply the law-making power, without reference to the distinction between a convention which ordains organic law, and an ordinary Legislature which merely enacts statute law?

Certain it is that the distinction between the two was as well known at the adoption of the Constitution as at the present time; and that distinction is distinctly and repeatedly recognized in the text of the Constitution. The words "the Legislature" are used in the Constitution thirteen times. The word "convention" occurs in the Constitution and the accompanying resolutions four times. Whenever reference is made to the ordinary law-making power the term "Legislature" is employed, and when allusion is made to the power of making fundamental law the word "convention" is used. This shows that in requiring the Legislature to prescribe the time of holding the congressional election it meant to exclude the idea that a convention should be invested with that important power.

The question then arises, as stated by the member from Massachusetts, [Mr. BUTLER,] has a convention, by virtue simply of its essential nature and functions, the right to change the day for a congressional election in a State whose Legislature has fixed it on that day? There is but one ground upon which such a power can be accorded to a convention; and that is the theory that a convention is the direct and immediate representative of the sovereign power of a State; or, to use a favorite phrase, that it is virtually the people themselves in convention assembled, and as such paramount to all the other agencies and departments of government. That being such a sovereign body, with the power to ordain constitutions, to make and unmake governments, it is really a legislature of unlimited powers, including the inherent authority to make both organic and statutory laws. This theory is in direct hostility to the true principles of American government.

A convention is not sovereign; it is only one of the many instruments and agencies of that absolute sovereignty which resides in the whole body of the people. The sovereignty thus residing in the mass of society requires separate and distinct organs for its exercise. For instance, to the electors the sovereign power of choosing the officers of government is delegated, but they can exercise no other attribute. They can neither make, adjudicate, nor execute laws. The Legislature is another repository of sovereign power, restricted, however, to that special function of government. So with the executive and judicial departments—each invested with a special attribute of sovereignty, and confined, respectively, to its exercise. So is the convention a department of government, and, like these other departments, acts under a delegation of power, and cannot rightfully go beyond the limits assigned to it.* Its proper function is to ordain the fundamental law, to legislate for the governors, as it is that of the Legislature to enact statute law and legislate for the governed. It is endowed with no other function; it cannot render a judgment, execute a criminal, or enact a statute. Convoked by the authority of the Legislature and chosen by the electors, it is the creature of two separate and distinct departments of government. If it possessed inherent sovereignty, paramount to the existing government, why is it dependent for its existence upon an act of one single department of that government? It is therefore, as I said at first, one of a number of representative bodies, responsible to the same constituent, and subject to the same limitation of powers. I conclude therefore, sir, that the Legislature is the only authority in a State which can prescribe the time for holding a congressional election—that neither a convention nor a people can by express provision or by indirect implication change the time so prescribed.

My strength is exhausted. I thank the House for its attention and indulgence.

Mr. ROBINSON, of Ohio. Mr. Speaker, being wholly unaccustomed to speak in this House, but being one of the minority of the Committee on Elections, and perhaps in duty bound to present my reasons

*Jamieson on Const. Convention, pages 24, 291, 304, 51.

of dissent, and desiring to be brief and concise in stating my reasons for sustaining the August election, I will, with the indulgence of the House, confine myself to my manuscript.

The majority of the committee have decided that, by the law of West Virginia, the congressional election of 1872 was to be held on the fourth Thursday of October, and that, consequently, Mr. Wilson and Mr. Martin are entitled to seats in this House. The grounds on which the majority reach this conclusion are twofold—a part (the majority) holding that the first section of the West Virginia code of 1869 fixes, in terms, the time of holding the congressional elections, while the others base their judgment on the second section. I mention this not in the spirit of criticism, but that the House may give to the report and the conclusion of the majority that weight only to which it is entitled with these facts known.

The only legislative provision prescribing the time of holding the congressional election in West Virginia is, confessedly, to be found in the first and second sections of the code of West Virginia laws of 1869, and this contest turns upon the interpretation which we shall give to those two sections of law.

The first section reads as follows:

> The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

Now I think it clear that no reference is here made to Representatives in Congress. The chairman of the Committee on Elections, however, bases his argument on the theory that the words "district officers" in this section include and mean members of Congress; but in that view he is not, as I understand, sustained by any other member of the committee, nor was such a claim set up by the counsel who argued this case before the committee. I submit, however, that no one, with that section standing alone before him, would claim that it could refer to any other than such State, district, county, and township officers as were to be elected under and by virtue of State authority, and not of Federal authority, for the following reasons:

First, it is conceded that there were "district officers" (district judges) to be elected as a part of the official staff of the State, and therefore the ordinary and natural interpretation of the words would confine that section to that class of officers.

Secondly, it is well known that members of Legislatures and members of Congress, though officers in some senses, are not regarded in law as "officers," in the usual meaning of the word; and in order to show that the Legislature of West Virginia did not mean to refer by those words to members of Congress or members of the Legislature, I draw attention to the fact that, after enumerating "State, district, county, and township officers," the Legislature went on, immediately in the same sentence, and added the words "and members of the Legislature." If the Legislature intended to include legislative officers, it would not have added these words, because, if "officers" at all, "members of the Legislature" were either "county" or "district officers" of the State.

I therefore, without further argument, conclude that the words "district officers" in the first section referred alone to such officers as were to be elected under State, and not under Federal, authority; and I dismiss this part of the argument now for the further reason that I regard other arguments of the majority more formidable, and demanding our careful attention.

The second section provides that—

> At the said elections * * * in the year 1870, and every second year thereafter, * * * a Representative in the Congress of the United States shall be elected in each congressional district.

Now, what is the true interpretation of that language when taken in connection with the first section? What did the Legislature mean by the words "at the said elections?" Did the Legislature by that language mean to prescribe a particular day or time independent of the occasion of the State election, or did it mean to prescribe or fix the State election as the occasion at which members of Congress should be elected and thereby prescribe the time of holding that election? I think the latter is the true interpretation of the statute, and for the following reasons:

First. That is the natural and ordinary meaning of the words "at said elections." Equivalent words would be "at the time of the State elections" or "at the general elections for State, district, county, and township officers," &c. The word "said" certainly points to "general elections" named in the first section; and, substituting for it the words which it points out, the section would read as follows: "At the general election for State, district, county, and township officers, and members of the Legislature, a Representative in Congress shall be elected for each congressional district." If that transposition be correct, the natural meaning of the two sections, taken together, is, that the occasion of the general election and not the particular date was what the Legislature intended to establish as the time for electing Representatives in Congress.

Secondly. The time for electing State officers had been fixed in the State constitution, but the details of the election law were revised in the code of 1869, and in prescribing the time of electing members of Congress, in order to avoid the excitement, trouble, and expense of two elections the same year, the Legislature saw proper to require the congressional election to be held at the time the State election should be held, and the date was of little or no consequence, while the occasion was of the first importance; and in order to carry out that general intent it was proper to prescribe an occasion rather than a particular day for the election.

Thirdly. The election law of 1863, which was repealed by the code of 1869, did prescribe a date certain for the election of Congressmen; and the Legislature having changed the language of the law, it is presumed that there was a design in changing the language; and inasmuch as no other object is perceptible, I argue that the object in making the change of the language was to change the congressional election from a time definite to an occasion.

Fourthly. For many years in the State of Virginia, from which West Virginia was taken, the time of electing members of Congress had been prescribed by fixing an occasion, rather than a particular date, of the year. That occasion was the first day of the county court, in April. For nearly forty years the first day of the county court in April was the day of electing members of Congress in Virginia, and though the date of the county court was many times changed in many of the counties, yet the election day without any new legislation followed the court day, and shifted as the occasion shifted, and the Legislature of West Virginia being familiar with that fact could readily see the advantage of shifting that election from a specific date to an occasion which must necessarily recur every year.

Therefore I claim, as my first proposition, that the Legislature did prescribe or fix the time for electing Representatives in Congress by prescribing an *occasion* rather than any particular or absolute date independent of the occasion; and as a corollary to the proposition I say that in case of conflict between the parts of the sections, the general and primary intent shall prevail over the secondary intent.

In the second place, I inquire whether prescribing the time by fixing upon an *occasion* is a compliance with the Federal Constitution, which requires the Legislatures of the States to prescribe the times, &c., of electing members of Congress. It is a maxim of law that that is certain which can be rendered certain. But this question, if it were doubtful on principle, is settled by a long line of precedents.

In Virginia, in February, 1813, it was enacted as follows, namely:

> *And be it further enacted*, That the persons qualified by law to vote for members of the House of Delegates in each county, city, and borough composing a district, shall assemble at their respective court-houses, or other places appointed by law for holding elections, on the first day of their April court in the year 1813; also, on the first day of their April court in every second year thereafter, and then and there vote for some discreet and proper person qualified according to the Constitution of the United States, as a member of the House of Representatives of the United States.

This law was in force for nearly forty years, and its legality was never questioned; and the time of the April court was shifted from time to time, yet the election followed the occasion without any further legislation.

In Kentucky, in 1802, it was enacted as follows:

> The next succeeding election shall be held for Representatives to Congress at the general election in the State, in 1804, and every second year thereafter forever.

In Louisiana, in 1841, it was provided that—

> All subsequent elections for a Representative or Representatives from this State to the Congress of the United States, shall be holden on the day appointed by law for the election of representatives to the General Assembly of the State.

In New Jersey, in 1820, it was enacted that—

> Representatives in Congress shall be elected at the same time with members of the State Legislature, sheriffs, and coroners, except when the electors of President and Vice-President are to be chosen as hereinafter directed. And in every fourth year, when electors are to be chosen, the Representatives in Congress shall be elected at the same time with the electors.

Substantially the same provisions were made in Delaware, South Carolina, and some other States; and certainly, after such a line of precedents, the question must be a settled one.

Therefore I assume, as the second proposition of my argument, that this mode of prescribing the time is a substantial compliance with the requirements of the Federal Constitution, which provides that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

Having shown that the West Virginia Legislature had the constitutional right to prescribe an occasion as the time, and that it had prescribed the occasion of "the general election for State, district, county, and township officers and members of the Legislature" as the time for electing members of Congress, I inquire, in the third place, where was the general election in 1872 held, or to be held, in West Virginia? I answer—

First. It could *not* be held on the fourth Thursday of October because before that time the old constitution had been swept away, as well as all laws contravening the new constitution; and, as all the offices authorized by the new constitution had been filled by the election in August, there was no provision for, or any need of, any further election for State or other officers that year.

Secondly. I claim that the August election was the general election of State, district, county, and township officers, and of members of the Legislature. Because, first, all of these officers were in fact elected at that time throughout the State, and it was general as to its objects and its participants; and, secondly, that election was held in the same manner, under the direction of the same officers, and had all of the characteristics of every State election.

Thirdly. No other State election was in fact held that year, nor could there be any other, for the reason that there were no officers to be elected within the State, nor was there any law for one.

It is true the vote was on the same day taken on the adoption of the constiution, but that vote had no influence in giving character to the election of that day for State, district, and county officers. The State election might have been held the next day, or any other day, after the constitution had been adopted, and it would have had the same characteristics precisely as it had being held on the 22d of August, and the same question of construction as to the right to elect Congressmen would have come before this House as now, and in precisely the same form. The only reason it was held on the 22d day of August was to avoid the excitement, trouble, and expense of a second election that year.

Therefore, I claim that the general election for the year 1872 was held on the 22d of August, and of right should have been held on that day, and therefore Mr. Davis and Mr. Hagans, having received a clear majority of the votes in the first and second districts at the election for members of Congress held on that day, are entitled to be admitted to this House.

But it is objected that the effect of this argument is to enable a constitutional convention of the State, instead of the Legislature of the State, to prescribe the time of electing members of Congress. I think not. I do not see how that question is involved in this contest. We do not claim that the new constitution changed the time of electing members of Congress, but that it simply changed the date of the occasion which the Legislature of the State had previously prescribed as the time of the congressional election. The distinction is a clear one, and as the convention had the legal right to change the date of holding the State election for State, district, and county officers, and members of the Legislature, as it did, it must, as a matter of law, have been within the intention, and not against the intention, of the Legislature that whenever that State election was in this or any legal manner changed to August or November, then the congressional election should shift with the change thus made.

Again, it is claimed that the time was not prescribed beforehand. The many cases cited in the minority report show that this objection has been overruled by a long line of precedents. So that question is no longer an open one.

The word "prescribe" has no technical meaning as used in the constitution, but means "establish." The object of the provision was to give to the States, instead of the United States, authority to fix or establish the times of electing members of Congress.

It is well known that no election of any kind can be held without first prescribing the rules as to time and place and manner to govern it. Now, if the time for the State election was "prescribed" by the schedule in such certainty beforehand as to make it a valid election for State purposes, it, by the force of logic, became the prescribed time beforehand for the congressional election.

Nor could the fact that the election might be defeated by a defect of the constitution have anything to do with the character or prescription of the time of the election, which was held precisely in the same way. It would have been held the next or any succeeding day of the year.

By the law of construction of days and parts of days, and by the terms of the schedule itself, the constitution, if adopted, should be in force all of the 22d of August, and hence there was no condition pending on the morning of the 22d, when the polls were opened for the election of State, county, and district officers, members of the Legislature, and Representatives in Congress, but in law the constitution was then adopted and in full operation. Although not known to mean so all of the objections are removed, as they are examined, one after another.

I deem it neither proper nor necessary to consider or refer to the facts in this case outside of the law question involved, for they were not considered by the committee, nor can they be by this House as the case now stands.

Believing that by law the congressional election was August 22, I shall vote for the resolutions offered by the minority of the committee.

I now yield ten minutes to my colleague from Ohio, [Mr. DANFORD.]

Mr. SMITH, of New York. If the gentleman will yield for that purpose, I would move an adjournment.

Several MEMBERS. O, no.

The SPEAKER. The Chair does not wish to interfere with members as to assignment of the floor under the rules of the House, but he would remark that there is great pressure on the Chair for opportunities on the part of members of the Committee on Elections to speak. The Chair suggests that the rules of the House give to a committee making a report the first right to the floor; and the gentleman from Ohio [Mr. ROBINSON] is entitled clearly to an hour in his own right. But if that gentleman has no disposition to occupy his hour, the Chair suggests that the balance of his time should go to other members of the Committee on Elections before gentlemen who are not members of the committee are heard. That would be in accordance with the groundwork of the rules of the House on this subject.

Mr. DANFORD. Then I consent to yield the floor after that statement.

The SPEAKER. The Chair supposed the gentleman would do so.

Mr. POLAND. Unless the Committee on Elections choose to go on longer with the discussion of this question, I will move that the House take a recess until half-past seven. If the committee choose to go on with the discussion now, I will not press the motion.

Mr. HAZELTON, of Wisconsin. May I be allowed to make a suggestion in connection with what has just been stated by the Chair? The time of both of the gentlemen who have spoken for the majority has been extended very considerably, and it does seem to me that under the circumstances it is not asking anything unreasonable, if the gentleman from Ohio [Mr. ROBINSON] does not see fit to occupy more than half his hour, that he should be permitted to give ten minutes of it to his colleague, [Mr. DANFORD.]

Mr. LAWRENCE. My colleague also proposes to assign to me twenty minutes of his time, and I hope I will be allowed to have the floor for that time.

Mr. HAZELTON, of Wisconsin. That would be only giving us as much time as the other side have had.

Mr. SMITH, of New York. I have made a motion that the House adjourn. If the House is not prepared to adjourn, I hope my colleague on the committee, the gentleman from Ohio, will be allowed to assign the time as he pleases.

Mr. ROBINSON, of Ohio. I desire that my colleague [Mr. DANFORD] may be allowed to speak now.

Mr. SMITH, of New York. Then I withdraw my motion to adjourn.

Mr. DANFORD. I shall not occupy more than ten minutes of the time if possible. My reason for occupying any time is that I live opposite the city of Wheeling. My constituents have a considerable interest in this question; I was engaged to some extent in the canvass of 1872 in the State of West Virginia. I know the feeling, the excitement, and the issues of that campaign. I know that all parties in the first district of West Virginia regarded the fourth Thursday of August as the day upon which they should elect their Representative to the Forty-third Congress. They went through the canvass with that feeling and that understanding. And after the election, two days after, the friends of Mr. Wilson, who now appears here contesting the seat of his competitor, (Mr. Davis,) in the Wheeling Register, referred to by the gentleman from Wisconsin, [Mr. HAZELTON,] stuck at the head of their paper the figure of a bird, familiar, I have no doubt, to those who read democratic newspapers when announcements of democratic victories are made. It was not until after the returns of the mountain districts had come in, and had determined the election in favor of Mr. Davis, that there was any question in the minds of any of the people of West Virginia as to when was the proper time for holding the election for members of Congress.

The Constitution of the United States declares that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed by the Legislatures." Not alone the time, but the place, and the manner also. It is not sufficient that the Legislature shall prescribe the time, the day upon which the election of members of Congress shall be held, but it must go further and prescribe the manner, whether they shall be elected by ballot, whether the electors shall assemble at the court-house, &c. All these requirements of the Constitution of the United States the Legislature of West Virginia complied with in the code of 1869, by enacting that at the said elections in every year, that is at the general election for State, district, and county officers, "at the said elections in every year there shall be elected delegates to the Legislature," in every year. "And in the year 1870, and every second year thereafter, a governor, secretary of state, and member of Congress." A member of Congress is to be elected by the law of the State of West Virginia, a law that has been enacted by the requirements of the Constitution of the United States.

A member of Congress is not only to be elected at the general election, but he has to be elected at the time the people assemble to elect the governor—at the time the people assemble to elect other State officers designated in the second section of this act. The Constitution of the United States requires that the Legislature shall prescribe the time. I ask, gentlemen, whether it would not be a full compliance with the requirement of the Constitution of the United States for the Legislature of the State of West Virginia to prescribe that members of Congress shall be elected in 1872, and every second year thereafter, at the time of holding the general State election.

And if that be a sufficient compliance with the requirements of the Constitution of the United States, then what further is to be required? If that be a compliance with the requirements of the Constitution of the United States, then in providing in the code of West Virginia that members of Congress shall be elected at the general election at the time the people assemble to elect a governor and a secretary of state, is not that a full compliance with these requirements?

And yet the singular argument is made upon the other side that by the provisions of the schedule submitting the constitution of 1872 to the people for their ratification, the general election was split in two. It is conceded by the reports of those who favor seating Messrs. Wilson and Martin, that the schedule, or rather the people in ratifying the constitution of 1872, did change in part the time for holding the general election. It does seem to me that, to put this case within a very narrow scope, when this proposition is conceded the entire argument is conceded. If there was power to change the time for holding the general election, then the election of members of Congress, which hinged on this general election, is carried with it to whatever time the new constitution may change it.

Mr. SMITH, of New York. Will the gentleman allow me to ask him a question?

Mr. DANFORD. I would rather not be interrupted, as I am new to this House.

I am speaking of the reports of the committee. The election in October, 1872, was held by virtue of what law? It was not held by virtue of a proclamation of the governor of West Virginia. It was held, if held at all, in compliance with the statute of West Virginia that had fixed the day for holding the general election in compliance with the old constitution of that State. And the old constitution of that State passed away on the fourth Thursday of August, and from that day until this it has had no validity, no force, no power in West Virginia.

If, as has been conceded by the reports of the members of the committee who favor seating Messrs. Wilson and Martin in this House, there was power in the constitutional convention of West Virginia, or in the sovereign people of West Virginia, to change the time for holding the general election, I cannot see how any gentleman can read the code of West Virginia of 1869 without coming at once to the conclusion that the members of Congress should be elected when the governor is to be elected, at the same time, in the same manner, and at the same places.

There is no provision of the Legislature of West Virginia that the people shall meet upon a certain day at the court-house, and that they shall prepare printed ballots, and shall vote for candidates for Congress; that those votes shall be counted; and that the one receiving the greater number of votes shall be declared elected. There is no law, and never has been, of this character upon the statute-book of West Virginia. The Legislature of West Virginia considered that it was a sufficient prescribing of the time, and place, and manner to say that members of Congress shall be elected at the general election. And elected how? At the same time, the same places, and in the same manner as the State officers to be elected in the year 1870, and every two years following, shall be elected.

I see that I have already trespassed on the courtesy of my colleague beyond the time allowed me, and I yield the floor.

Mr. ROBINSON, of Ohio. I yield the balance of my time to my colleague, [Mr. LAWRENCE.]

Mr. LAWRENCE. It is very evident that we will not be able to take a vote on this question to-night. I propose to occupy the time assigned to me to-morrow, and would now move that the House take a recess.

Mr. SPEER. I hope the House will not take a recess yet. There are several members of the committee who desire to speak.

Mr. BUTLER, of Massachusetts. They will have an opportunity of speaking to-morrow.

Mr. SPEER. There are more gentlemen desiring to speak than will find time to-morrow.

SHOSHONE AND BANNOCK INDIANS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in relation to articles of convention concluded with the chiefs and head-men of the Shoshone and Bannock Indians for the relinquishment of a portion of their reservation in Wyoming Territory; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LAWRENCE. I move that the House take a recess until half-past seven o'clock.

The motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House took a recess till half-past seven p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873." The Clerk will resume the reading of the bill.

Mr. SPEER. Has the reading of the bill been dispensed with?

The SPEAKER *pro tempore*. The bill has had two readings.

Mr. SPEER. In full?

The SPEAKER *pro tempore*. By title. The Clerk will proceed with the reading of the bill.

Mr. DURHAM. I understood one of the committee who had this branch of the subject under consideration said he could vouch for the correctness of the balance of this title; and if there is no objection I move that the balance of this title be read only by the titles of the chapters.

Mr. POLAND. The committee, I believe, proposes a slight amendment in section 89.

The SPEAKER *pro tempore*. If no objection be made the reading of the sections with the exception of section 89 will be omitted.

Mr. CONGER. I make no objection to passing over these sections, if the understanding is that they are not finally passed. Let it be understood that we can go back to them if necessary.

Mr. E. R. HOAR. I think it would be a good suggestion to make to the House that if any gentleman at any future time when we are going on with our revision, shall find any error—that is, anything which is now law is not incorporated, or that anything which is not law now is added—and will communicate that discovery or supposed discovery to any member of the committee, they will introduce an amendment in correspondence with the discovery, unless they can show to the gentleman that it is not as he supposes. I think that with this understanding we could probably make very much more rapid progress. Of course if any error should be discovered at any stage of our proceedings, we should be glad to have the error pointed out, in order that our work may be as perfect as possible.

Mr. CONGER. That would be a very good suggestion if it were understood that it is not to depend entirely on the committee to make the proposition.

Mr. E. R. HOAR. We do not propose to limit the right to members of the committee.

Mr. CONGER. If it be understood that we may go back in this way to sections that have been passed, I have no objection to considering as passed those sections which the committee have more particularly examined.

The SPEAKER *pro tempore*. The Chair will state the proposition. Unanimous consent is asked that it shall be considered in order to go back to any section which has been passed, upon the statement of any member that he has discovered the revision to be incorrect in that section. With this understanding, if there be no objection, the Clerk will read the eighty-ninth section.

The Clerk read as follows:

SEC. 89. The Joint Committee upon the Library may, at any time, exchange for foreign books or works, or otherwise dispose of duplicate, injured, or wasted books of the Library, or documents, or any other matter in the Library not deemed proper to it, as they deem best.

Mr. E. R. HOAR. On behalf of the committee I move to amend by striking out the words "for foreign books or works." Those words are entirely unnecessary, as the section gives power to make exchanges in any manner that may be deemed proper.

The amendment was agreed to.

Mr. DURHAM. I suggest whether "title 3" may not be treated in the same way as others have been—whether the reading of it may not be dispensed with upon the statement of the gentleman from Massachusetts [Mr. E. R. HOAR] that it is all correct to his certain knowledge except in such particulars as may be affected by amendments which he proposes to submit.

Mr. E. R. HOAR. There are one or two corrections which we desire to submit, but none in the first chapter.

The SPEAKER *pro tempore*. If there be no objection, the first chapter will be considered as passed, and the Clerk will read chapter 2 by its title.

The Clerk read the title, as follows:

Office and compensation of the President.

Mr. E. R. HOAR. We propose to submit an amendment to section 156.

The section was read, as follows:

SEC. 156. The President shall receive in full for his services during the term for which he shall have been elected the sum of $50,000 a year, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion.

Mr. E. R. HOAR. On the part of the committee, I move to insert after the word "year," in line 3, the words "to be paid monthly."

Mr. SPEER. Is not this amendment a change in the existing law?

Mr. E. R. HOAR. No, sir; the words have been omitted by an error of the printer. They should have been included in this section, as they are in that relating to the Vice-President.

Mr. LAWRENCE. This change is found in the table of *errata*.

The amendment was agreed to.

Mr. POLAND. The committee have no other amendment to propose in chapter 2.

The Clerk read under the next title, "Provisions applicable to all the Executive Departments," the following:

SEC. 162. The word "Department," when used alone in this title, and titles 5, 6, 7, 8, 9, 10, and 11, means one of the Executive Departments enumerated in the preceding section.

Mr. CONGER. I wish to inquire whether the Department of Agriculture is not recognized in the existing laws as one of the Departments?

Mr. E. R. HOAR. It is not an Executive Department.

Mr. CONGER. But does it not come in under some of these titles?

Mr. E. R. HOAR. There is a suitable title for it; but the provisions now under consideration are applicable to the Executive Departments, the heads of which are Cabinet officers.

Mr. CONGER. The purport of my question is whether the word "Department," as applied to the Department of Agriculture, may not occur in one of these titles—5, 6, 7, 8, 9, 10, and 11.

Mr. E. R. HOAR. It might, but I believe it does not.

Mr. CONGER. That is the point—whether it does or not. If it does, this would treat it as one of the Executive Departments.

Mr. LAWRENCE. Let me make an inquiry. The head-notes of the chapters are not read; but where they contain errors is it not well to correct them as we go along, lest the errors should creep into the final publication? In the last head-line of this title the word "State" should be "Interior;" so as to make the passage read thus:

Biennial lists of persons employed in each Department to be filed in Department of the Interior.

The SPEAKER *pro tempore*. The portions to which the gentleman refers are no part of the bill; and it is not in order to make any motion in regard to them.

The Clerk read as follows:

SEC. 163. Each head of a Department is entitled to a salary of $10,000 a year, to be paid monthly.

Mr. SPEER. Let me inquire whether the repeal of the salary law does not reduce the salaries of the heads of the Departments from $10,000 to $8,000.

Mr. E. R. HOAR. Certainly; but we are embodying the law as it was on the 1st day of last December. There are several incongruous provisions which the legislation of this section will rectify.

Mr. SPEER. This is to be a codification of the law as it stood on the 1st of last December.

Mr. E. R. HOAR. That was stated last evening. We cannot undertake to incorporate the legislation from day to day into this great volume.

Mr. POLAND. The gentleman from Pennsylvania will see that by the title we have adopted—"An act to revise and consolidate the statutes of the United States in force on the 1st day of December, 1873."

Mr. SPEER. Is it not intended to bring this revision down to the day of the passage of this bill?

Mr. POLAND. The purpose is to have a revision of the statutes in force on the first day of this session. It was quite fully explained last night. It would be utterly impossible to weave into it the daily legislation of Congress.

Mr. SPEER. I was not in the House last evening when the explanation was made.

Mr. POLAND. Therefore all the legislation subsequent to the 1st day of December is to be an alteration of the law as we will leave it.

Mr. DURHAM. I inquire whether the reading of this, too, cannot be dispensed with?

Mr. E. R. HOAR. There is an amendment to be made in the next section.

Mr. DURHAM. Of course, except as you propose to amend it.

Mr. McCRARY. There is no possibility, and, indeed, there is no necessity, for reading this entire volume through; and when we reach the beginning of each chapter I see no objection to making a general order to read the title only and such sections as may be designated, in reference to which there may be some amendment to be offered, either by the committee or by any gentleman upon the floor. And to carry out that suggestion I propose to make the following order.

The Clerk read as follows:

That the title of the chapter shall be read when reached in order, and it shall be only necessary to read such sections as may be designated for reading by some member, or to which some amendment may be suggested.

Mr. HOLMAN. I suggest to the gentleman from Iowa that by unanimous consent we follow that idea in our proceedings on this bill, without adopting any definite proposition on the subject like that which the gentleman has offered. There will manifestly be no objection to adopting that line of proceeding, for it is clearly the best policy to pursue; but I do not see the necessity for adopting any order on the subject like that which has been proposed.

Mr. McCRARY. I am not particular how the object is accomplished. I suppose, unless an order be made, any gentleman, unless there be unanimous consent all the time, can interrupt this proceeding at any time.

Mr. CONGER. I will ask the Clerk to read section 166.

Mr. POLAND. So far as the committee are concerned they prefer no order should be made, but that we proceed by unanimous consent. We have no reason to suppose that every member of the House is not anxious to get on with this work as speedily and as well as it can be done. I think we had better trust ourselves to the House than to have any order made.

Mr. HOLMAN. Will it be understood by unanimous consent that the idea of the gentleman from Iowa is acquiesced in?

The SPEAKER *pro tempore*. The Chair understood the gentleman from Indiana to object.

Mr. HOLMAN. On the contrary I am in favor of it, but do not think it is necessary to adopt any order.

Mr. POLAND. The committee will take this course, if satisfactory to the House: whenever we reach any chapter, we will only read the title and any sections to which amendments are suggested; then if nobody desires a chapter to be read, its reading will be dispensed with.

Mr. McCRARY. I withdraw my proposition.

The SPEAKER *pro tempore*. The Chair will, with the leave of the House, submit the proposition. It will be observed by members of the House there is less than a quorum present, and unless some order be adopted like that suggested by the gentleman from Iowa, our whole future proceedings will have to be by unanimous consent; so that the objection of any member may stop our proceedings, if we proceed in accordance with the statement of the chairman of the committee, [Mr. POLAND.]

Mr. McCRARY. On the suggestion of the chairman of the committee, I withdraw my proposition, as he states that he will proceed as I have suggested, without any order of the House.

The SPEAKER *pro tempore*. Unless some order is adopted, under the rules of the House any member may require the reading of any chapter of the bill; so that nothing will be gained by the course suggested by the gentleman from Vermont. If the House wishes to adopt the course suggested, an order had better be adopted to that effect.

Mr. CONGER. I believe it is understood by common consent that we shall proceed in the course proposed.

The SPEAKER *pro tempore*. There being no objection, the Clerk will proceed to report the bill as has been proposed.

The Clerk read as follows:

SEC. 165. From the first day of October until the first day of April, in each year, all the Bureaus and offices in the Departments shall be open for the transaction of the public business at least eight hours in each day; and from the first day of April until the first day of October, in each year, at least ten hours in each day; except Sundays and days declared public holidays by law.

Mr. E. R. HOAR. I move to insert before the word "Departments" in line 2 the words "State, War, Treasury, Navy, and Post-Office." The reason for the amendment is that the statutes creating the Department of the Interior and the Department of Justice passed after the passage of this act, and no such provision was made in the statutes incorporating those Departments.

It is an instance where the law as it is is not uniform, and perhaps it would be desirable that it should be; but the committee consider that they are confined by the existing statutes to the terms of this amendment.

Mr. WILLARD, of Vermont. I would like to ask, if in the acts creating the Department of Justice and the Department of the Interior there is anything said as to business hours; whether that would not, as a matter of law, come under the general provisions of this law?

Mr. E. R. HOAR. It is not a general law applying to all Departments of the Government, but a law applying to certain Departments, as laid down in the statutes which created them. At the same time I may say that that law as it stands has been disregarded by every Department in Washington, and has become almost obsolete.

Mr. WILLARD, of Vermont. This, then, is a case of omission in the statutes creating these Departments, and not in the revision itself.

Mr. E. R. HOAR. The original laws in reference to each of the Departments except the last two, contained this provision, and it is not contained in the laws creating those two.

Mr. WILLARD, of Vermont. Then it is a special provision in the act creating each Department.

The amendment was agreed to.

The Clerk read the following section:

SEC. 166. The clerks in the Departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes.

Mr. POLAND. There should be, in my judgment, a further amendment of section 165. My recollection is, that this provision is found in the act creating the Land Office, and that it applies in terms to that Bureau. I think that in addition to these Departments, the Land Office should also be named.

The SPEAKER *pro tempore*. Does the gentleman move that amendment?

Mr. POLAND. My recollection is very strong that this provision of the law is found in the act creating the Land Office, and that that should be inserted here. I will not offer an amendment now, however, but will call the attention of the House to the matter again.

Mr. WILLARD, of Michigan. This provision, as I understand, does not apply to any of the subordinate departments, but only to the Executive Departments, and the Land Office is not one of those.

Mr. E. R. HOAR. The Land Office has this peculiarity: Gentlemen will notice that this section provides for the keeping open not only of the Departments but of each of the bureaus subordinate to them; and the Land Office, which was originally created as a separate office, without being a Department, was afterwards merged in the Department of the Interior when that Department was created; and the Department of the Interior when thus created did not have any regulation as to the times it should be kept open. This makes an embarrassment of the question in regard to that provision, and the committee asks, for that reason, that it be passed over for the present.

The Clerk proceeded to read section 167, as follows:

SEC. 167. No clerk shall be appointed in any Department in either of the four classes above designated, until he has been examined and found qualified by a board or three examiners, to consist of the chief of the Bureau or office into which such clerk is to be appointed, and two other clerks to be selected by the head of the Department.

Mr. CONGER. I did not hear section 166 read.

The SPEAKER *pro tempore*. Section 166 was read.

Mr. CONGER. I should like to have it read again.

Section 166 was again read.

Mr. CONGER. When I called for the reading of this section I had an impression that the Department of Agriculture was one of the Departments included among those to which these sections apply. I find it is in title 12; and therefore the definition of "Department" in a previous section would not apply to the Department of Agriculture. I have no occasion, therefore, to make the remarks I intended to make.

The SPEAKER *pro tempore*. Does the committee desire the reading of the whole title? It was proposed to omit the reading of the whole title except such sections as the committee desires to amend.

Mr. E. R. HOAR. We have no further amendment to make that I am aware of in this whole title, except in section 193.

The SPEAKER *pro tempore*. The Clerk will read section 193.

The Clerk read as follows:

SEC. 193. It shall not be lawful for any person appointed after the 1st day of June, 1872, as an officer, clerk, or employé in any of the Department, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in said Department while he was such officer, clerk, or employé, nor in any manner nor by any means to aid in the prosecution of any such claim within two years next after he shall have ceased to be such officer, clerk, or employé.

Mr. E. R. HOAR. This is one of the few cases, so far as my examination has gone, and I believe the examination of any of the committee, in which the commission appointed to revise the statutes and the gentlemen employed to review their work have differed slightly or doubted in regard to the meaning of the statute. The committee have carefully considered it, and were unanimously of the opinion that it should stand in the form in which the revising commission left it. I therefore move, as an amendment in line 3, to add the letter "s" to "Department"—that is obviously merely a typographical error—and in line 5 to insert, between the words "in" and "said," the words "either of," and to add the letter "s" to "Department" in that line, so that it will read:

Officer, clerk, or employé in any of the Departments to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments, &c.

The effect, as the House will see, of this amendment is that any person who has been employed in either of the Departments shall not be allowed within the time specified to practice as a claim agent within any of the Departments, which the committee thought was the true construction of the law as it stood, and certainly a very salutary one.

The amendment was agreed to.

No further amendment was proposed, and the reading of the remainder of the title was dispensed with.

The Clerk read the heading of the next title, as follows:

TITLE 5. The Department of State.

The SPEAKER *pro tempore*. The Clerk will read only such sections under this title as the committee or any member of the House may request to be read for the purpose of amendment.

Mr. E. R. HOAR. The amendments which will now be proposed go through quite a number of the chapters. The first occurs in the chapter now before the House, in section 204.

The section was as follows:

SEC. 204. The subordinate officers, clerks, and employés of the Department of State, and their respective salaries, shall be as follows:

One chief clerk, at a salary of $2,500 a year; chief of the Diplomatic Bureau, at a salary of $2,400 a year; chief of the Consular Bureau, at a salary of $2,400 a year; chief of the Bureau of Accounts, at a salary of $2,400 a year; chief of the Bureau of Indexes and Archives, at a salary of $2,400 a year; six clerks of class four, of whom one may be appointed disbursing clerk; nine clerks of class three; three clerks of class two; eight clerks of class one; one messenger; one assistant messenger; four watchmen; nine laborers.

Mr. E. R. HOAR. If gentlemen will turn to section 172, which we have already passed without amendment, they will see that it reads as follows:

SEC. 172. Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employés, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

The House will find in the chapter under consideration an enumeration of a considerable number of clerks. They will find page after page of similar enumerations in the chapters relating to other Departments. It seemed to the committee, and I do not know but I can say that it finally seemed to all gentlemen connected with this revision, as I understand it seemed to the commissioners, that it was necessary to put into the general statutes, after the provision for the four classes of clerks a provision that there should be as many of each of them and at such salaries as Congress should make an appropriation for by law from year to year; it seemed unnecessary and improper to put in schedules of the numbers of clerks which might now be found employed under the last appropriation bill. It was only upon a question, which I will state, that the very careful reviewers of the labors of the commissioners inserted these lists.

The number of these clerks has fluctuated from year to year; it has diminished or increased according to the exigencies of the public service. The doubt in regard to them arises from statutes which, by the practice of Congress, have been obsolete for about twenty years. In the reorganization of the Departments there was some propriety in this enumeration. The employment and appointment of clerks and the distribution of their compensation in the early periods of the Government were practically intrusted to the heads of Departments. With the increase of the public business and the increase of the number of persons employed more attention was given to the provision in the statutes or in acts of appropriation, but it was in a very loose and imperfect way.

By the statute of 1818, volume 3, page 455, the number as well as the compensation of the clerks was regulated and fixed. And from that time Congress supplied temporary deficiencies. It is sometimes difficult to ascertain whether a provision shall be considered permanent or temporary in its character.

In 1853 the whole subject came before Congress upon the report of a committee raised to inquire into the number and pay of the clerks in the several Departments. And the acts of 1853 and 1855 were passed, arranging the clerks into classes—a classification that is now preserved—and fixing the compensation of each. And from that time the general appropriation bills, or clauses in statutes relating to particular kinds of business, have sometimes made provision in regard to clerks which might affect their number. But practically, for this long series of years, Congress has annually in its appropriation bills settled this whole matter of the number and compensation of the clerks in the several Departments. Now, the committee understand that by this course, thus long continued, Congress has determined that it will keep in its own hands the regulation from year to year of those clerks who are simply classified clerks and not clerks intrusted with specific duties. We propose, therefore, to retain in this chapter the chief clerks, the appointment clerks, the disbursing clerks, and any clerks who have a separate duty to perform or separate compensations specifically assigned at the time; and then leave the rest, without any enumeration, to the operation of the section which has already been adopted, that is, section 172.

The amendments which this conclusion of the committee requires are numerous and extensive, and will save us, I think, about ten pages of print in this volume of revised statutes. It is first proposed to amend section 204 by striking out the first three lines, "The subordinate officers, clerks, and employés of the Department of State, and their respective salaries, shall be as follows:" and insert in lieu thereof the words, "There shall also be in the Department of State." Then change lines 14 and 15 so as to read "one disbursing clerk;" and strike out the remainder or the section. The section thus amended will read:

There shall also be in the Department of State:

One chief clerk, at a salary of $2,500 a year; chief of the Diplomatic Bureau, at a salary of $2,400 a year; chief of the Consular Bureau, at a salary of $2,400 a year; chief of the Bureau of Accounts, at a salary of $2,400 a year; chief of the Bureau of Indexes and Archives, at a salary of $2,400 a year; one disbursing clerk.

Mr. CONGER. The proposition here is a very radical one, and more far-reaching in its consequences, as it seems to me, than the committee may perceive. Under the present law, and under the present rule, the Committee on Appropriations have no right to make an appropriation for the salary or compensation of any officer not authorized by law. And if these officers enumerated and provided by law be stricken out, unless that rule is altered, the Committee on Appropriations cannot make any appropriation, and cannot create, from time to time, these offices.

I have had occasion within the last two years and a half to devote a great many hours—I may say a great many days—of continuous labor to searching the laws now in force, to ascertain what number of clerks and other officers were, by law, authorized to be employed in the Treasury Department, and in some of the other Departments of this Government, and to ascertain what salaries they were entitled to receive by the laws now in force. And with the utmost care, and the utmost diligence, and with the assistance of officers of the Treasury Department, hour after hour, I confess that I was unable, as a member of the Committee on Reorganization of the Departments in the last Congress to determine what officers and employés in the Department were provided for by the laws alone. With the most careful search, such as this committee have undoubtedly given to each section and each chapter, I found it impossible in preparing a law for the reorganization of the Treasury Department, with all the assistance which the Secretary of the Treasury, the heads of Bureaus, chief clerks, and others could afford me, to find the exact provisions of law for the various officers and employés, and their salaries.

In the course of that investigation I was led to the conclusion that one of the most important services this Congress could render the Government, one of the most decided advances in the direction of civil-service reform, would be to embody in a new act the name and class of every officer and employé of this Government, from the head of a Department down to the porter in its halls. In my opinion whenever we shall have accomplished a revision of the organization of all our Departments, whenever we shall have attained a distinct designation, fully expressed in the provisions of one law, of every officer, with his salary, we shall have done more to remove the cause of uncertainty, and I may say insecurity, in the management of the several Departments than can be accomplished by any other method of civil-service reform that can possibly be invented.

I make these remarks now because they seem applicable to the proposition of the gentleman from Massachusetts. I deem it important that in this revision of the laws as they stood on the 1st of December of last year it should be plain to every one who may look at the compilation what officers are employed in different Departments, what are their classes or ranks, and what salaries they receive. This would be a starting point for the reforms which are so essentially necessary, and which I hope will soon be made. Whatever may be the changes of these officers from time to time, there should be a fixed, continuous, standing law, naming every officer and employé, with his salary; so that the status of each Department in this respect may be readily ascertained. Let me say further that I object very earnestly to leaving out in this revision the slightest provision which would tend to exhibit fully the officers and employés in the different Departments as they were when these laws were compiled.

Mr. POLAND obtained the floor.

Mr. SPEER. I wish to ask whether any gentleman of the committee can inform the House and the country of the exact number of employés authorized under existing law in the various Executive Departments of the Government.

Mr. POLAND. Mr. Speaker, I will not reply to my friend's question just at this moment, but will before I get through.

A MEMBER. No one can give that information.

Mr. POLAND. I do not precisely understand (though I have tried to do so) what the gentleman from Michigan [Mr. CONGER] would have us do. What we are now aiming at is that this volume shall ex-

hibit what the law is upon this subject. Now, I understood my friend to say that he would have us make it appear in this volume of permanent statutes how many people are employed in all these Departments.

Mr. CONGER. By law.

Mr. POLAND. By law. As the gentleman from Massachusetts [Mr. E. R. HOAR] has said, this subject of the clerks and other employés in the Departments had fallen into its present loose condition prior to 1853. In that year Congress appointed a committee for the very purpose of reorganizing the Departments, and providing how many clerks, and of what classes, each Department should consist of or be authorized to employ. I have taken some little pains to make a collation of them from that act of 1853. In the Treasury Department the whole number of clerks of all classes authorized to be employed was three hundred and twenty; and I apprehend that if we are to set forth in this volume the law creating standing clerkships, offices that are to continue beyond a mere employment from year to year under an appropriation bill, we must put down the number in the Treasury Department at three hundred and twenty. I have here a list of the number authorized by law in each of the Departments. I may as well refer in detail to this list. The entire number of clerks allowed to the War Department in all its different branches and Bureaus—in the office of the General-in-Chief, the Adjutant-General, the Quartermaster-General, the Paymaster-General, the Commissary-General, the Surgeon-General, the Colonel of Engineers, the Colonel of Topographical Engineers, and the Colonel of Ordnance—the entire number allowed in the War Department and all its branches was sixty-one. The Navy Department was authorized to have in all its branches and Bureaus twenty-nine clerks. The Interior Department in all its branches, including the Land Office, the Patent Office, the Pension Office, and the Bureau of Indian Affairs, was authorized to have two hundred and one clerks. The entire force of clerks authorized in the Postmaster-General's Department was seventy-eight. In that act the State Department was not provided for, but in 1855 they passed an act providing what force might be employed in the State Department, and the State Department was authorized to have in all twenty-one clerks, one of whom should be a disbursing clerk.

Mr. SPEER. Is not the actual number of clerks in the employ of the Departments five times, and perhaps ten times, as large as the number you have read?

Mr. POLAND. I was going to say that while we have been examining this subject and endeavoring to get some law on the subject, I visited the Treasury Department and called on an official there whose position was such as to make him more familiar with the number of persons employed there under the law than anybody else. I inquired of him whether he knew how many persons were authorized to be employed in that Department by law. He said he had no definite idea about it, but he supposed some three or four hundred. "Well, how many have you in all in this Department?" "Between twenty-five hundred and three thousand." I had heard the distinction between permanent clerks and temporary clerks, and I inquired of the Treasury Department in reference to their permanent roll—whether that was understood to cover such clerkships, such number of persons as they were authorized by any standing and permanent law to have. To that it was said, that was a matter which had never entered into their consideration; that a certain number was regularly appropriated for year after year whom they had on their permanent roll; and their permanent roll is four times as much as any statute creating permanent clerkships would authorize. So the committee came to the conclusion that the only thing they could do was to provide for certain valuable clerks, chief clerks and disbursing clerks, upon whom the law devolved specific duties, and say what is the law on this subject for now twenty years at least. These Departments should be authorized to employ such number of clerks, and of such classes as actually should be provided for by act of Congress.

Mr. SPEER. Do I understand the gentleman from Vermont to say there were at least four times as many clerks employed in these Departments as were authorized by law?

Mr. POLAND. No, sir; but by any general standing law. They are authorized by these temporary laws, by appropriation bills passed from year to year; and it is from these appropriation bills these lists have been obtained which have been put in here. And the effect of passing this revision, with this list in, would be to make them all permanent clerks, which the committee think is not the law and should not be done.

Mr. SPEER. Do I understand, then, it is the aim of the amendments to reduce the number of clerks employed, or is it to continue under the heads of Departments the employment of this large number of clerks?

Mr. POLAND. What the committee proposes to do is this: There are certain clerks in the Departments for whom the law provides. The law provides for chief clerks for the First and Second Comptrollers. It provides that the Auditors shall each have a chief clerk. In all the Bureaus there is a provision of law for a chief clerk. There is also provision in the permanent statute for disbursing clerks. We propose to incorporate every one of those clerkships where specific duty is devolved upon them by law, and in reference to the general body of clerks to say that each Department shall have so many clerks as Congress shall annually appropriate for. That we believe to be the practical law on the subject.

Mr. SPEER. Will the passage of this bill take from the heads of Departments the power to employ any other clerks than those named in the bill, unless specially authorized by Congress hereafter to do so?

Mr. POLAND. I take it they would have no authority unless Congress annually appropriated for them.

Mr. DURHAM. Let me ask the gentleman a question. Does not the law, then, provide for the exact number of clerks as specified in section 204, the one he proposes now to change?

Mr. POLAND. In the State Department the act of 1855 provides for twenty-one clerks of all classes.

Mr. DURHAM. We have twenty-seven in this section.

Mr. POLAND. I am not aware there has been any other provision in the permanent statutes, but there have been appropriation bills from year to year which authorize them to have a larger force.

Mr. DURHAM. Why was it that this section was put in here as now unless there was some law authorizing it?

Mr. POLAND. It is taken from an appropriation bill. The commissioners in their report left them out, but Mr. Durant, who had to revise the work of the commissioners, supposed the appropriation bills gave some authority for the appointment, and therefore these lists were put in, as I understand, from more recent appropriation bills.

Mr. SPEER. The effect of it will be to make permanent what the appropriation bills only make temporary.

Mr. POLAND. That would be the effect; but the committee propose to strike all that out. That is just what the committee desire to avoid.

Mr. SPEER. If that is the effect of the amendments proposed by the committee, I certainly hope they will be adopted.

Mr. POLAND. We did not desire to take upon ourselves or to ask this House to take upon itself the responsibility of establishing every man who is now in the public service as a permanent official, holding an office which should continue until Congress should repeal it. It is in that line that the committee proposes to strike out all this list except these higher classes of clerks on whom the law devolves special duties.

Mr. WILLARD, of Michigan. I would like to ask how the head of a Department would make his estimates for clerk hire. I read on page 949, section 3721, beginning on line 8, that the head of a Department in communicating estimates of expenditures and appropriations to Congress—

> Shall also give references to any law or treaty by which the proposed expenditures are respectively authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.

Mr. E. R. HOAR. I suppose, Mr. Speaker, the head of a Department would do just as he does now in making up his estimates. The head of the Department makes estimates of the number of clerks he thinks the business of his Department requires; and the number that have been culled out from these appropriation acts, from time to time, bears no relation to what the appropriation bills contain year by year. And the whole system of bringing in the enumeration, which was made in a former state of the public business, has passed practically out of use. I suppose if we could look at the estimates—I have not looked at them, this part of the revision not being under my charge—but I suppose we should find that the estimates for the present year, if they go into the subject of clerks at all, go into a statement of what number of clerks will be required in each particular Department, and the Committee on Appropriations in reference to that particular Department make their bills accordingly.

Mr. HOLMAN. I desire to be heard for a minute or two on this subject. I am very reluctant indeed to question for a moment any conclusion that has been reached by this committee on any of these subjects. The act of 1853, fixing the number of clerks to be employed in the Departments, of course came to be practically a nullity in consequence of the events which grew out of the war; so that the practice has been for quite a number of years to simply fix the number of clerks by the various appropriation bills for the several Departments.

I can very fully concur in the views expressed by the gentleman from Michigan [Mr. CONGER] with reference to the importance of having some definite statement, so that the number of employés in these various Departments may be fixed and known; and we will then have a list that can be promptly referred back to. For many years we referred back to the legislation of 1853. Now of course that is out of the question. We require to have some other point to begin with. The appropriation bills are laid on our desks from year to year, and the question is always arising, are we increasing or diminishing the number of employés in these Departments? We can have, as on the 1st of last December, the number of clerks authorized by law in these various Departments. It is a matter of really very great importance for our legislation that we should have a starting point to refer back to, so that we might be able to say that on the 1st of December, 1873, the employés in such a Department numbered so and so.

The gentlemen who have charge of this subject must perceive that as a practical matter it is of the utmost importance to have some certain data of this nature. If we were to pass a law this session, like the act of 1853, fixing the number, it would scarcely be worth the time that might be spent upon it. We shall have to depend, after all, on our appropriation bills for this kind of legislation from year to year; and having the data to go upon in this revision as to the num-

ber of employés, it would be easy of reference, and we would be able to determine at once whether the employés in these Departments are being increased or diminished.

I co-operated with my friend from Michigan [Mr. CONGER] last winter in trying to find what was the actual number of clerks in the Departments. The Committee on Retrenchment made quite an effort in that direction; and I was struck with the importance of having these matters definitely fixed, or at least that there should be some point of beginning to which you could refer back without embarrassment or difficulty in the examination of bills that come before us for consideration. And I submit that the embarrassment of allowing this portion of the revision to remain just as it is is not great. These few lines occupy but little space in the volume of the statutes, and are valuable as fixing what the law was at the time this revision was fixed upon as taking effect by the action of Congress. I would be as earnest as my friend from Michigan on this point, as I think it of importance to have a fixed list of employés.

Mr. RICE. Will the gentleman yield to me for a question?

Mr. HOLMAN. Certainly.

Mr. RICE. Considering that the amount of labor in the Departments is constantly varying from necessity, is there any way of fixing the number of laborers to perform that work?

Mr. HOLMAN. I think it cannot be done definitely. I do not think you can definitely fix the number of clerks to be always employed. The importance of the matter is to have some data to go upon, upon which a judgment can be formed as to whether the number can be diminished or should be increased from time to time.

Mr. CONGER. I think the importance of this subject warrants me in detaining the House a little longer. I have in my hand a report, No. 88, of the House of Representatives, made during the third session of the Forty-second Congress by the Committee on Expenditures in the State Department, of which I had the honor to be chairman. The report refers to the very Department now under consideration. Under direction of the House to inquire what officers and employés, and at what salaries, were employed in the State Department, and whether any were employed without authority of law, our committee required from the State Department a specific statement, "carefully prepared," as we so expressed in our request, of every officer and of every employé over which the State Department had charge; foreign ministers and consuls, as well as the clerks and employés in the Department proper.

In answer to that inquiry we received from the State Department the information embodied in this report, No. 88; information as full and as clear as we desired; information enlightening the committee as it would enlighten members of this House if they had leisure to look over this report; enlightening the committee upon all questions referred to them by the House, and upon all the subjects about which they were instructed to inquire.

Having a report prepared under such auspices and with such particular care by request, I desire to call the attention of the House to this very matter of the clerks, and of the condition of the law existing at this time. This report was made about March 3, 1873. In it are given the dates of the acts providing for the salaries of these clerks, providing for the clerks which the Secretary of State officially informs the committee are in his Department, which are necessary to the Department, whose services cannot be dispensed with, and who are authorized by law.

I desire to say to the House that this statement gives the law from 1853, when there was a revision of the law upon this subject, down to the present time, under which each of these officers and employés receives the salary which he now receives. I ask gentlemen who have this revision before them to follow me while I read from this statement, in their order, the clerks as set down by the Secretary of State their salaries, and the acts providing for them.

The Secretary of State is provided for in the revised law of March 3, 1853, volume 10, page 12, of the Statutes at Large. The Assistant Secretary of State is provided for by the act of March 2, 1865; and the Second Assistant Secretary of State by the act of July 25, 1866. The chief clerk is provided for by the act of March 3, 1855; the disbursing clerk by the act of March 3, 1855; nine clerks of class four, seven by the act of March 3, 1855, and two by the act of March 27, 1870.

Mr. BUTLER, of Massachusetts. Both of them appropriation bills.

Mr. CONGER. I am not speaking now of how they were authorized. They can be authorized by appropriation bills if the point of order is not raised in the House; if it is raised, then they can be provided for by law, as we all know. I am speaking of the law as it stands, whether appropriation bills or otherwise.

I find that the revisers have put down in line 14 of this section "six clerks of class four, of whom one may be appointed disbursing clerk." The Secretary of State returns to the committee of the last Congress a disbursing clerk, and nine clerks of class four, seven authorized by the act of March 3, 1855, the two by another act of 1870. I am not now speaking of whether they are authorized by an appropriation act, or by any other law. This is the report of the present condition of the law,

Then I go on to the next clause of the section. Nine clerks of class three, which corresponds with the statement of the Secretary of State; eight of them authorized in 1855, and one in 1870. Then three clerks of class two, in which the revisers and the Secretary of State agree, two by the act of March, 1855, and one by the act of March, 1857. Then there are eight clerks of class one, the same as in this revision, three authorized in 1855, and five in 1871; different laws and in different years. Then there are one messenger, one assistant messenger, nine laborers, and four watchmen, the same as given by the revisers. The law also provides by the act of March 3, 1871, for extra clerks. And in the last general appropriation act there is appropriated $4,000 for extra clerk hire.

It is only because I find such a specific report referring to the acts and laws as they now stand, giving a different number of clerks from those mentioned in this revision of the code, that I feel at liberty to detain the House by calling the attention of gentlemen to the subject. It also makes upon my mind this impression very strongly that it is important that there should be upon our statute-books, and especially in this revision of the code, of whatever date it may be made, a complete statement of every officer and employé authorized by law. And it is for that reason that I object to striking out the lines in this connection.

If gentlemen please, it is for another reason that I object; that is, that the committee said to us in the commencement that they proposed in this revision to make the law exactly or substantially as it now is, not to strike out anything that exists in the law, and to put in nothing that does not exist. The committee having announced this to be their determination, I think it is varying from that rule to propose to strike out what is in the law, even though it may have been put in the last appropriation act; for that is law.

Now, taking the report which I have here, I could refer to some other officers in reference to whom I have made an examination. Perhaps I shall call attention to that matter at some time hereafter, but I will not now detain the House except upon this one point.

Mr. BUTLER, of Massachusetts. By reference to an appropriation act of 1871, I find how these clerks have been provided for by law. I read from that act:

For compensation of the Secretary of State, $8,000; two Assistant Secretaries of State, at $3,500 each; four chief clerks, at $2,200; ten clerks of class four, additional to one clerk of class four as disbursing clerk, nine clerks of class three, three clerks of class two, eight clerks of class one.

That is all the provision there is.

Mr. CONGER. I believe my friend from Massachusetts [Mr. BUTLER] has read exactly the law as I read it. I thank him for its repetition in the hearing of the House.

Mr. POLAND. The gentleman from Michigan [Mr. CONGER] seems to understand me and to understand the committee as trying to assert that some of these officers have been employed in the Departments without authority of law. The committee do not claim any such thing. What they maintain is that there is no law making these permanent offices; that, although the officers have been employed, and employed legally in the Departments, it has been under mere temporary provisions in appropriation acts. When the head of a Department, by an appropriation act, is authorized to employ a certain officer for that year, and is furnished with money to pay him, the committee do not understand that such a provision establishes the position as a permanent one, so that the official cannot be got rid of, and is entitled to draw his pay, or if Congress does not make an appropriation for him, can bring suit in the Court of Claims to recover the pay.

Now I do not affirm that the Department of State has had any more officers than it needed or any more than it was authorized to have by law. I do not claim that the Secretary of State has exceeded the authority given to him by Congress. But when Congress says, "For this year you may employ five more men and we will furnish you the money to pay them," it does not establish five additional permanent officers in that Department.

The committee propose to leave this matter exactly where it has stood for twenty years, so that each one of these Departments may have the number and classes of clerks that Congress by law each year may authorize, and may provide the money for paying.

The gentleman rightly interprets what has been said by other members of the committee as well as myself. We do not propose to change the existing law; we propose to leave it exactly where it is, so that Congress shall be at full liberty to furnish the Secretary of State, for instance, with as many men for any particular year as the public service may demand. It is upon that very ground and by this very authority of Congress that additional officers have been provided for the State Department and for other Departments. That is precisely the way in which we understand the law to leave the matter, and the way in which we desire to place it in this revision.

Mr. WILLARD, of Michigan. I wish to put to the gentleman still another question. I would like to know how he defines the term "existing law" as it occurs in the rules of this House. I read from the Digest:

It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes the existing law.

An appropriation act is, as urged here, a law, having the same force as any other, and providing a certain number of clerks.

Mr. POLAND. For one year.

Mr. WILLARD, of Michigan. For one year; if an additional number is provided, the question may arise whether there is not a change in the existing law. I do not say that there is; but I ask how that is interpreted.

Mr. POLAND. That has been done in every appropriation bill for any of the Departments ever since I have known anything about ap-

propriation bills. We leave it exactly in that form upon the statutes, Congress having authority to appropriate for just the number of clerks in every Department that it may deem necessary to carry on the public business.

Mr. LAWRENCE. In all the Departments of the Government there are many clerks the sole authority for whose payment rests on appropriation acts. In all the Departments there are also some clerks whose offices, being established either by the organic act or by some subsequent act, are permanent. Clerks exist in the Departments in these two different modes, or by force of these two different classes of laws. We are now endeavoring to incorporate in the revision the general laws of a permanent nature in force on the 1st of December, 1873. If the clerk was in office on the 1st of December, resting solely on the appropriation laws which would expire at the end of the year, he is not in office by virtue of a permanent law, and the law under which he is in office, although it may have been in force on the 1st day of December, ought not to be put into this revision, because it is not a permanent law.

Now, I agree with the gentlemen who have spoken here to-night that there ought to be a general revision of the laws relating to these Departments, and instead of carrying clerks along on appropriation laws, the laws ought to establish the number of all the offices; and this practice of introducing clerks in any appropriation law should be the exception rather than the rule, and the exception ought to be rare. I remember very well, during the rebellion, the office of Judge-Advocate-General was created, but by the terms of the law the office was to expire at the end of the rebellion. The rebellion closed, but the office of Judge-Advocate-General did not close. It was carried on for several years on an annual appropriation bill. I believe within the last two or three years the office has been again made permanent; and undoubtedly in the revision of the laws the office of Judge-Advocate-General would be put down as among the permanent laws, for it is still in force. But these offices, whose tenure continues from year to year and only by force of appropriation laws, do not belong to this revision, and ought not to be inserted in it.

Mr. HOLMAN. Allow me to ask a question—whether, practically, there is not entire safety in the fact that Congress virtually regulates from year to year the number of clerks by the amount which is appropriated? You may state the number of clerks so high or so low in your appropriation bills, but you appropriate for a given number of clerks, so there is no danger of more than that number of persons receiving compensation from the Treasury. In that view, inasmuch as there is no danger, the fixing of the number is not desirable; but fixing in this tangible form the exact state of the law as to the number of the employés on the 1st of December ought to be done, as it will furnish data which can be readily reached.

Mr. LAWRENCE. The actual number should be in this revision as it exists by permanent law, for we are collating and revising the general laws of a permanent nature, and not those which continue from year to year, and renewed in the form of appropriations each year. And in presenting the existing permanent law we should incorporate only those permanent in their character, and the appropriation law is not permanent in its character.

Mr. WILLARD, of Vermont. In what is commonly known as the Ku-Klux law the gentleman will remember there was a provision that the President, under certain circumstances, might suspend the writ of *habeas corpus*, but he should not have the power to do that beyond June or some month in the next year. I ask the gentleman whether he would not put into such a revision such a law as that, although it expires by its own limitation within six months?

Mr. LAWRENCE. That provision of law which would expire ought not to go into this revision.

Mr. WILLARD, of Vermont. Not that it has expired, but expires six months ahead.

Mr. E. R. HOAR. If it had force on the 1st of December last it would go into the revision.

Mr. POLAND. If it is a temporary law, not yet expired, we should not provide for its repeal.

Mr. WILLARD, of Vermont. What I wish to show by that illustration is this: The appropriation bills are, of course, laws in force on the 1st day of December last. They are laws in force at that time. They are public laws. It is only by virtue of these laws any money can be paid out of the Treasury during the fiscal year. The title, as agreed to last night, is, "An act to revise and consolidate the laws in force on the 1st day of December, 1873." If these appropriation bills are public laws in force on the 1st day of December, why should they not go into this revision?

Mr. LAWRENCE. The law under which this revision was prepared only authorizes the incorporation of laws of a general and permanent nature. These or equivalent words are found in the statute by which this revision is made. Whatever the title of the bill may be, we are only to incorporate laws of a general and permanent nature.

Mr. DURHAM. I wish to inquire whether or not the appropriations have not been made for this fiscal year, which ends on the 30th of June next?

Mr. POLAND. Certainly.

Mr. DURHAM. Are not the officers spoken of here provided for by these appropriations?

Mr. POLAND. Certainly.

Mr. DURHAM. Is not that a law existing on the 1st of December last?

Mr. POLAND. Certainly. The law is not a law, however, which says these persons are permanent officials holding office. The Secretary of the Treasury, by appropriation bill, has been authorized to employ this number of persons for the year and provided with the money to pay them. Of course, in preparing our repealing acts we shall take care to see none of these acts are disturbed. Though temporary, and only to last for a year, they should be allowed to run their time out.

Mr. DURHAM. Then you give it as your opinion that there is no general law creating these offices?

Mr. POLAND. It is an employment for the year.

Mr. DURHAM. And your amendment embraces all the offices provided for by the general law?

Mr. POLAND. Certainly.

Mr. DURHAM. Then I go for it.

Mr. POLAND. And it leaves Congress to employ as many or as few of these men next year as they please.

The question being put on the proposed amendments, they were agreed to.

The SPEAKER *pro tempore*. The Clerk will proceed with the reading.

Mr. CONGER. I would not to-night ask the vote of the House. I desire, however, to say that I have read distinctly the law which is in existence, and the very item, which is not in an appropriation bill but in a law reorganizing the clerical force. At the proper time I wish to insist that that question shall be voted on by the House. If this passes it beyond recall, I must insist that we shall have a division of the House. The gentlemen in charge of this measure, however, know that I do not wish to cause delay; but if this is to be taken as the action of the House, which cannot be gone over again, I must insist on a vote. I would like to show the House that this is an important point, and that an important provision of existing law is left out; and if the committee, on looking it over, should see that I am correct, I shall propose hereafter to amend it.

The SPEAKER *pro tempore*. Is it understood that the gentleman from Michigan will be at liberty to go back to this section hereafter?

Mr. POLAND. I desire to make a suggestion to my friend from Michigan. I have no desire to have anything put in this that is wrong, especially by so small a representation of the House as we have here. Suppose the House adopted this amendment, would it not be in order for the gentleman to enter a motion to reconsider, so that he could call it up at some future time?

Mr. CONGER. I might not be here.

Mr. POLAND. I am desirous of having the matter left so that you could call it up hereafter.

Mr. CONGER. What possible objection can the committee have to examining the matter to which I have, with some considerable labor, called their attention, giving the references, and, if I am right, making the correction? If I am wrong, I do not insist upon it.

Mr. POLAND. I think the gentleman from Michigan can accomplish all he desires by agreeing that this shall be adopted, and then entering a motion to reconsider; calling it up whenever convenient to himself and the rest of the House. I have seldom known the time when the gentleman was not here.

Mr. CONGER. I am generally around. [Laughter.] I have read from the statute a law reorganizing the clerical force of the State Department, which is not in the appropriation law. That is the existing law; and it is not here.

Mr. POLAND. We desire to get on with our work; and if I understand the practical effect of it, if the gentleman enters a motion to reconsider he can call it up at any future time.

Mr. CONGER. I will take that course; and with the leave of the Chair I now enter a motion to reconsider the last vote.

The SPEAKER *pro tempore*. The Chair would remark that it appears to him that the understanding, which applies to the whole bill, that any member is at liberty to recur to any matter where a mistake is discovered, is applicable to this section and provides also a much more convenient mode of getting at what the gentleman from Michigan desires than his entering a motion to reconsider. Ordinarily a motion to reconsider, when it comes up, takes precedence of all other business; and a motion to reconsider anything done at this special session of the House, brought up so as to interfere with the general business of the House, would raise a very serious question.

Mr. POLAND. I feared that the understanding of the right to go back might be considered as not applying to a case where the House had adopted an amendment. I further understand that this motion to reconsider is only to be brought up when the House has this matter under consideration on some occasion when the House shall happen to be full, or fuller than now.

The SPEAKER *pro tempore*. If there be no objection, this section 204 is understood to be included in the right to go back at any future time for purposes of amendment.

Mr. CONGER. I do not think the House would give me the privilege of going back to reconsider the action of the House as a matter merely of courtesy.

The SPEAKER *pro tempore*. That right would be given to the gentleman from Michigan by unanimous consent, unless objection be made, to go back to this section at any time.

Mr. CONGER. I would prefer to have the motion to reconsider entered.

The SPEAKER *pro tempore*. That is the gentleman's right; and as he insists upon it the motion to reconsider is entered.

Mr. E. R. HOAR. The next section to which the committee desire to offer an amendment, is section 211. It is only necessary to read a portion of the section.

The Clerk read as follows:

SEC. 211. The Secretary of State shall lay before Congress:

First. A statement, in a compendious form, of all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on imports and exports, or other regulations, as shall have been communicated to the Department, including all commercial information contained in the official publications of other governments, which he shall deem sufficiently important.

Second, &c.

Mr. E. R. HOAR. I offer the following amendment:

After the word "shall" in the first line, insert the word "annual."

The amendment was agreed to.

Mr. E. R. HOAR. There is nothing more in this title to which the committee have any amendments to offer.

The SPEAKER *pro tempore*. The Clerk will read the sixth title.

The Clerk read as follows:

TITLE 6. The Department of War.

Mr. E. R. HOAR. Title 6 brings up exactly the same question which we have been discussing under the previous title. But I will take the opportunity of saying, for the benefit especially of my friend from Michigan, [Mr. CONGER,] that the committee considered seriously and long precisely the question he raised, and upon the grounds upon which he put it, and saw the difficulty of the objection. The committee, as well as the gentleman intrusted with the review of the work, and as the commissioners themselves have done, visited each of the Departments, and got from them these returns which the gentleman has furnished to us from the Department of State; and they found it was impossible to determine what number of clerks there were in existing statutes that would not be considered as repealed or revised and changed by the effect of the appropriation laws. And they came to the conclusion that it is not practicable from any existing law, unless you re-enact the last appropriation bill. And we knew no more reason why we should put into the revised statutes what the last appropriation bill contained in regard to these clerks than we should put in what it contained in reference to the building of the post-office in Boston or the custom-house in Chicago.

Mr. POLAND. Or the appropriation bill of the year before.

Mr. E. R. HOAR. Or the appropriation bill of the year before in regard to clerks. We tried our best to get any deduction from existing appropriation acts which it was possible to put into this revision, and failed to do so.

We do not understand this work to be accurate in every particular. We do not think that any two gentlemen that should come together would ever agree what should be put in in this particular. We came to the conclusion, not that we did not find the statutes to which the gentleman refers, for we did, and carefully considered them; we came to the conclusion that the only sensible and possible construction was that Congress had done away with the whole system of these laws, by taking annually the subject of these clerks into its own hands, and making them the subject of annual appropriation.

Now, as one member of the committee, I agree entirely with the gentleman from Michigan, [Mr. CONGER,] and with the gentleman on my left, [Mr. HOLMAN,] in their view that it is desirable that there should be a specification of what number of clerks is provided for by permanent provisions of law, if there be any such. There are advantages in keeping that constantly before Congress. If the gentleman from Indiana [Mr. HOLMAN] wants to have a point of departure each year, which we all agree would be a good thing, he can have nothing now but the last appropriation bill, because these earlier acts furnish no guide whatever. He must start from the last appropriation bill, to see whether we are rising or falling in expenditure and the amount of public service required. And that he would be able to do just as well if this revision should not pass.

I think, from the remarks that have been made here, that the full force of section 172 has not been perceived by gentlemen. It is provided there by law that such and so many clerks shall be employed, and at such rate of compensation as each annual appropriation bill, from time to time, shall provide.

Mr. CONGER. Will the gentleman yield to me for a question?

Mr. E. R. HOAR. Always, and with great pleasure.

Mr. CONGER. It is a question in regard to section 172 which I had before designed to ask. I desire to ask whether that section exists separately in any form of law, or whether it is not a conclusion from several statutes and from customs and practices which the committee have thought it would be very wise to embody in one section and in compact form?

Mr. E. R. HOAR. It is the result of what the commissioners, and the reviewer of the labors of the commission, and the whole Committee on Revision of the Laws, believe the law now to be.

Mr. CONGER. That is not exactly in answer to my question.

Mr. E. R. HOAR. It is not found in these exact terms in any statute whatever. But the object being to bring together in this revision, in a compact form of statement, what the law on this subject is, the committee concluded that that section expressed, it as the commissioners had also concluded. I should not wish to undertake to say in advance that any gentleman, if he tried the experiment, would find that the law could not be otherwise expressed.

Mr. CONGER. I say to the gentleman candidly that I think this section embodies a provision which should heretofore have been in the law, a very wise provision and one very compactly framed. But I am unable to find any single provision of law, and I have looked somewhat carefully to see from what statute this section was taken, or any language, or any section or combination of sections, out of which the committee could take this provision and say that it is a part of the existing law. While I am free to say that it is a provision which will remedy many of the evils of following old appropriation bills, and leave Congress, from time to time, at liberty to make such appropriations as the duties of the Department and judgment of Congress may determine to be required, yet, following the rule which the committee insisted upon so strongly last night, that there should be no invasion upon the present law, I must say that, giving them the credit of having revised handsomely, and made a new section and new provision, still it does not come within the rule of their own definition.

Although this section is a very good one, and one which I hope may become a law here or elsewhere, yet the same liberty which will put together here what ought to be the meaning of a thousand laws or a thousand sections, which would permit the Committee on Revision of the Laws to assume that authority, would give them the authority to so modify the laws of the United States according to their judgment as to entirely change the whole current of them. It is not that I find it here, nor that it is not a good provision—one well worded and which ought to be in force in law; but I am free to say that I think the committee have not followed their own rule in regard to incorporating the existing provisions of law in this revision. I do not think any such provision of law exists in the statute-book, although the meaning of it may be found there.

Mr. E. R. HOAR. I have already stated that in this respect the committee are subject to criticism because of their misfortune in differing from the gentleman from Michigan [Mr. CONGER] as to what the law is. If we had not come to the conclusion that section 172 expressed the effect and substance of existing law, however much we might have desired it, we should not have given it our sanction. The commissioners came to the conclusion and the committee came to the conclusion that it does express the result of existing law.

And in many cases in this book where statutes conflict, where they are apparently inconsistent, there had to be picked out what finally was found to be the expression of the legislative will. And according to the best understanding of the committee they have here presented to the House what that is. That is all I have to say upon that point.

The next amendment I propose is in title 6, on page 44, section 218, to strike out the words, "The subordinate officers, clerks, and employés of the Department of War, and their respective salaries, shall be as follows;" and to insert in lieu thereof the words, "There shall be in the Department of War;" also to strike out the words, "two clerks, at a salary of $2,000 a year each;" "three clerks of class 4, of whom one may be appointed disbursing clerk;" and to insert the words, "one disbursing clerk."

Mr. CONGER. I must object to that amendment upon the same ground that I before presented.

Mr. POLAND. I hope this amendment will be adopted with the same understanding as before, that the gentleman from Michigan [Mr. CONGER] shall have a right to enter a motion to reconsider.

Mr. E. R. HOAR. I move further to amend by striking out lines 9 to 14, on page 44, as follows:

Six clerks of class three; three clerks of class two; eight clerks of class one; one messenger; three assistant messengers; one laborer.

The amendment was agreed to.

Mr. CONGER. I suppose it is understood that I do not assent to these amendments.

The SPEAKER *pro tempore* The Chair understands that in regard to all amendments of this class the gentleman from Michigan [Mr. CONGER] enters a motion to reconsider.

Mr. CONGER. Then these are not treated as passing without objection?

The SPEAKER *pro tempore*. No, sir; but as being adopted by a majority vote; and where no record of the vote is made, of course any member may move to reconsider.

Mr. E. R. HOAR. I move also to amend by striking out lines 17 and 18 as follows:

Four watchmen; two laborers.

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by striking out from lines 21 to 26 as follows:

Six clerks of class four; twelve clerks of class three; fifty-four clerks of class two; forty clerks of class one; two messengers; one assistant messenger.

I do not move to strike out the provision in line 27 for "one fireman." I believe this fireman has a specific duty, and is recognized as a permanent officer of this Department.

Mr. WILLARD, of Michigan. I do not understand why this discrimination is made; why a fireman should be considered a permanent officer.

Mr. E. R. HOAR. The committee are not prepared to state that in

their opinion he is not such an officer, and therefore they must retain this officer, although the retention may cause an apparent inconsistency. Section 172 does not, by its terms, embrace a "fireman," but it provides for clerks, messengers, laborers, and "other employés." Whether under the latter term there was a specific creation of the office of "fireman" is the question. The revisers do not think there was; and the committee did not feel sure that there was not. Therefore they have let it stand, to the gratification, I have no doubt, of my friend from Michigan, [Mr. CONGER.]

Mr. CONGER. "The gentleman from Michigan" is very thankful for small favors, and would be grateful in proportion for larger ones. [Laughter.]

Mr. E. R. HOAR. If the House is of opinion that this provision for a fireman should be struck out, the committee would make no objection. We desire in dealing with this question to treat it with perfect candor and absolute accuracy, and to embody in this revision, in every case, what we understand to be the law. We have not struck out the superintendent of the building, who had been recognized as a separate officer.

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by striking out lines 30 to 36, as follows:

Three clerks of class four; eight clerks of class three; twenty clerks of class two; seventy-five clerks of class one; thirty copyists, at $900 a year each; one messenger; two assistant messengers.

The amendment was agreed to.

Mr. E. R. HOAR. I move to strike out, in line 39, the words "six laborers."

The amendment was agreed to.

Mr. E. R. HOAR. I move a further amendment, to strike out lines 42 to 46, as follows:

Four clerks of class four; nine clerks of class three; twenty-three clerks of class two; twelve clerks of class one; two messengers.

The amendment was agreed to.

Mr. E. R. HOAR. I move also to amend by striking out lines 49 and 50, as follows:

Five watchmen; two laborers.

The amendment was agreed to.

Mr. E. R. HOAR. I move also to amend by striking out lines 53 to 57, as follows:

One clerk of class three; eight clerks of class two; fifteen clerks of class one; one messenger; two laborers.

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by striking out lines 60 and 61, as follows:

Four watchmen; two laborers.

The amendment was agreed to.

Mr. E. R. HOAR. I submit also the following amendment:

Strike out lines 64 to 68 as follows:
One clerk of class three; two clerks of class two; eight clerks of class one; one messenger; one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move to amend by striking out lines 71 to 76, as follows:

Three clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one messenger; one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move to amend by striking out lines 79 to 83, as follows:

Three clerks of class four; two clerks of class three; four clerks of class two; six clerks of class one; one messenger.

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by striking out lines 86 to 91, as follows:

One clerk of class three; one clerk of class one.

In the Signal-Office:
Two clerks of class two.

In the office of Inspector-General:
One clerk of class three.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment the committee have to propose is under "Title 7—The Department of the Treasury." I wish to move an amendment to section 237.

The section was read as follows:

SEC. 237. There shall be in the Department of the Treasury two Assistant Secretaries of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall each be entitled to a salary of $6,500 a year, to be paid monthly.

Mr. E. R. HOAR. I move to strike out "500," so as to make the salary $6,000.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is in section 238. I move to strike out the first three lines, as follows:

The subordinate officers, clerks, and employés of the Department of the Treasury, and their respective salaries, shall be as follows.

The amendment was agreed to.

Mr. E. R. HOAR. Lines 8 and 9 now read in this form:

Forty-nine clerks of class four, of whom one may be appointed disbursing clerk.

I move to amend so as to make this paragraph read thus:

There shall be in the Department of the Treasury one disbursing clerk.

The amendment was agreed to.

Mr. E. R. HOAR. I move to strike out from line 10 to line 17, inclusive, on the next page.

The Clerk read as follows:

Thirty clerks of class three; twenty-six clerks of class two; twenty-seven clerks of class one; thirty-two women clerks, at a salary of $900 a year each; eleven messengers; one assistant messenger; ten laborers.

Mr. CONGER. I move to except lines 13 and 14, "thirty-two women clerks, at a salary of $900 a year each." And I make that motion because there is, according to my recollection, a distinct law regulating that class of employés which was enacted after a pretty full discussion in this House.

Mr. POLAND. How many?

Mr. CONGER. Thirty-two was the number provided in the express law. There is another provision of law, as I remember, that a certain number may be employed.

Mr. POLAND. I am not aware there is any difference in the law in reference to male clerks and female clerks. There is a provision of law which authorizes the employment of females in the Departments; but I take it there is the same general question applying to one class as to the other.

Mr. CONGER. My recollection is very distinct that in the Forty-first Congress this provision was insisted on. There was a provision which it was supposed absolutely provided for the appointment of these clerks and fixed their salary. That provision of law is distinct from an appropriation bill fixing a higher salary and the grade of salary for these clerks.

Mr. E. R. HOAR. I refer the gentleman to section 168:

SEC. 168. Women may, in the discretion of the head of any Department, be appointed to any of the clerkships therein, authorized by law, upon the same requisites and conditions, and with the same compensation, as are prescribed for men.

Mr. CONGER. That embodies a provision that they may be employed. There is an express provision in regard to their salary. Last Congress there was another provision of law, which I do not find incorporated here, that women employed as clerks in the Departments might receive $1,400.

Mr. E. R. HOAR. That is in section 168.

Mr. POLAND. I will suggest to my friend from Michigan that this will all be embraced under his motion to reconsider, and will be brought up with all the rest.

Mr. E. R. HOAR. The offices of every grade are open to women. In another clause he will find provision for their compensation when employed for temporary purposes.

Mr. CONGER. If this bill could be passed within a month, and should be passed as proposed here, there will be no law existing for the employment of clerks whose classes are stricken out here. The appropriation bills under which it is said appropriations last from the first of July to the last of June next would be abrogated, and we would be entirely afloat. Gentlemen are amending it and insisting on going on rapidly, in the hope of getting through some time. I do not wish to occupy the time of the House, but I cannot feel satisfied that this committee in striking out a known provision of law is carrying out their duty, or going in the direction they proposed when we commenced. A change as radical as this, leaving whole Departments with these few remaining officers, with no law to define who shall be appointed, and of what class, leaving them to appropriation bills, or other new law to do it, seems to me a wild proceeding. But I have at least endeavored to do my duty in calling the attention of the House to it, and I will wait for a full House, when I can be heard on the subject.

The SPEAKER *pro tempore*. Does the gentleman insist on a vote on his amendment?

Mr. CONGER. I should like the Chair to put the question, and without a division of the House he can say the amendment is lost.

Mr. POLAND. I apprehend the gentleman's motion to reconsider this whole matter, when brought up, will bring up this with all the rest. The committee does not desire to entrap anybody in this matter.

Mr. CONGER. I withdraw my motion.

Mr. E. R. HOAR'S amendment was agreed to.

The Clerk read as follows:

Sixty watchmen, of whom two shall be appointed lieutenants of watchmen, and shall be entitled to an additional salary of $220 a year each.

Mr. E. R. HOAR. I move to strike out the words "sixty watchmen, of whom."

The amendment was agreed to.

Mr. E. R. HOAR. I propose to amend also by striking out, in the same line, the words "shall be appointed."

The amendment was agreed to.

The SPEAKER *pro tempore*. Does the committee wish the House to understand that the *errata* printed here are part of the bill?

Mr. E. R. HOAR. No, sir.

The SPEAKER *pro tempore*. The Chair observes that among the *errata* there is an amendment in the twenty-second line.

Mr. E. H. HOAR. Yes, sir. I offer the following amendment:

On page 50, line 22, strike out "four" and insert "six," so it will read:
One engineer, at a salary of $1,600 a year.

The amendment was agreed to.

Mr. E. R. HOAR. I offer the following amendment:

On page 50, line 34, strike out "six," and insert "seven," and after the word "hundred," insert "twenty," so it will read:
Nine firemen, at a salary of $720 each.

The amendment was agreed to.

Mr. E. R. HOAR. I offer the following amendment:

On page 50, line 31, strike out the words, "and shall be entitled to," and insert in their place the word "with."

The SPEAKER *pro tempore*. The Chair hears no objection.

Mr. CONGER. If the Chair would announce that the amendment is agreed to, instead of saying that there is no objection, I would prefer it.

The SPEAKER *pro tempore*. The gentleman from Michigan would be entitled to move a reconsideration, even if the amendment were adopted by unanimous consent.

Mr. POLAND. There will be an understanding that on each one of these amendments the gentleman is entitled to make a motion to reconsider.

Mr. ROBBINS. In line 31 there is mention made of "an additional salary." This seems to make the salary indefinite.

Mr. E. R. HOAR. It means additional to what other watchmen receive. That is the meaning. Perhaps the language is open to criticism. The provision intended to be incorporated, which we found in the law, was that the lieutenants of the watch should have a salary additional to that of other watchmen. I move, besides the amendments already made in that section, to strike out the words "an additional" and insert in their place the word "a;" so that it will read, instead of "an additional salary," "a salary;" and to add at the end of line 32 the words "in addition to the compensation allowed other watchmen."

The SPEAKER *pro tempore*. The gentleman from Massachusetts will send his amendment in writing to the Chair.

Mr. E. R. HOAR. I will do so.

The Clerk read as follows:

Strike out lines 30, 31, and 32, as follows:
Sixty watchmen, of whom two shall be appointed lieutenants of watchmen, and shall be entitled to an additional salary of $280 a year.
And substitute these words:
Two lieutenants of watchmen, with a salary of $280 each in addition to the compensation allowed other watchmen.

Mr. WILLARD, of Michigan. Inasmuch as these salaries have been changed, it seems to me that it would be better to strike out everything relating to the salaries of these officers. I notice that in the provision for the disbursing clerk and other officers nothing has been said in this statute about their salaries. If this is left here it might mislead the officers who make the estimates hereafter. It seems to me that it would be much better to strike it out. I make that motion, to strike out the words "with a salary of $280 each in addition to the compensation allowed other watchmen."

Mr. RICE. That is the law, as I understand it. This gives a lieutenant $280 more than a private.

Mr. CONGER. And, as we have declared by a former amendment that there shall be no private, this makes the compensation of the lieutenant as here fixed $280 a year.

Mr. RICE. It provides that the superior officer shall receive more money than a private, whenever he is appointed. That is all there is of it.

Mr. WILLARD, of Michigan. The reason I offer my amendment is this: that in raising the salaries of these officers by the law passed in the last Congress they were raised *pro rata*, as I supposed, by a certain percentage. They have been reduced since then, and I see no reason why the increase of the compensation of these two particular officers over those associated with them should be left in this general statute, while the salaries of many of the subordinate officers mentioned here are not fixed at all.

Mr. ROBBINS. I would like to ask the gentleman a question. Is this provision which he proposes to strike out a part of existing law? I understand our purpose here to be to declare what the law is, as it is, and not to make it what we would like to have it to be; so that, if this be part of that law, we have no business to strike it out; if it is not part of that law, it has no business here.

Mr. WILLARD, of Michigan. And we are striking out part of existing laws, and have been so doing.

Mr. ROBBINS. That is not what I have understood.

The amendment of Mr. E. R. HOAR was to amend lines 30, 31, and 32, so as to read, "two lieutenants of watchmen, with a salary of $280 a year each, in addition to the compensation allowed to other watchmen."

The amendment of Mr. WILLARD, of Michigan, was to strike out of the proposed amendment all that portion prescribing the salary of the two lieutenants of watchmen.

The amendment to the amendment was not agreed to, and the amendment was agreed to.

Mr. E. R. HOAR. I move further to strike out in line 33 the words "thirty laborers;" and all of lines 37, 38, and 39, being as follows:

And so many subordinate officers, clerks, and employés as may be from time to time authorized by law.

The amendment was agreed to.

Mr. RANDALL. How much longer does the gentleman from Massachusetts desire the faithful to remain here?

Mr. E. R. HOAR. I have no desire at all.

Mr. POLAND. Let us get through with this chapter; we can get through with it very soon.

Mr. E. R. HOAR. If there is no discussion on it, we can finish this chapter in five minutes.

Mr. RANDALL. I do not wish to be considered as desiring to interfere with this work; but it is now ten o'clock.

Mr. E. R. HOAR. I send to the Clerk's desk the remainder of the amendments which the committee proposes to this section.

The amendments were to make the remainder of the section read as follows:

In the office of the Second Comptroller:
One chief clerk, at a salary of $2,000 a year.

In the office of the First Auditor:
One chief clerk, at a salary of $2,000 a year.

In the office of the Second Auditor:
One chief clerk, at a salary of $2,000 a year; one disbursing clerk.

In the office of the Third Auditor:
One chief clerk, at a salary of $2,000 a year; one disbursing clerk.

In the office of the Fourth Auditor:
One chief clerk, at a salary of $2,000 a year.

In the office of the Fifth Auditor:
One chief clerk, at a salary of $2,000 a year.

In the office of the Sixth Auditor:
One chief clerk, at a salary of $2,000 a year; one disbursing clerk.

Also in the money-order division:
Fifteen assorters of money-orders, at a salary of $900 a year each.

In the office of the Treasurer of the United States:
One chief clerk, at a salary of $2,000 a year; one cashier, at a salary of $2,800 a year; one assistant cashier, at a salary of $2,500 a year; five chiefs of divisions, at a salary of $2,200 a year each; two principal book-keepers, at a salary of $2,200 a year each; two tellers, at a salary of $2,200 a year each; two assistant tellers, at a salary of $2,000 a year each; seven women, as laborers, at a salary of $240 a year each.

In the office of the Register:
One chief clerk, at a salary of $2,000 a year.

In the office of the Commissioner of Customs:
One chief clerk, at a salary of $2,000 a year.

In the office of the Light-House Board:
One chief clerk, at a salary of $2,000 a year.

In the office of the Commissioner of Internal Revenue, to be employed under the direction of the Secretary of the Treasury:
Two deputy commissioners, at a salary of $3,000 a year each; seven heads of divisions, at a salary of $2,500 a year each.

In the office of the Comptroller of the Currency:
Two night-watchmen, at a salary of $900 a year each.

In the Construction Branch of the Treasury:
One supervising architect, at a salary of $5,000 a year; one assistant supervising architect, at a salary of $2,500 a year; one chief clerk, at a salary of $2,000 a year; one photographer, at a salary of $2,500 a year; two assistant photographers, one at a salary of $1,600 a year, and one at a salary of $1,200 a year.

In the Bureau of Statistics:
One chief clerk, at a salary of $2,000 a year; one charwoman, at a salary of $480 a year.

The amendments were agreed to.

Mr. POLAND. On page 50, lines 34, 35, and 36, are as follows:

Nine firemen, at a salary of $600 a year each; ninety charwomen, at a salary of $180 a year each.

I can see no reason myself why this should not be stricken out with all the others. The only law that provides for their employment is in an appropriation bill. Why should we solemnly enact as the permanent law of the United States that there shall be ninety charwomen and nine firemen employed in this Department? The law provides what a fireman shall be, but it does not provide how many there shall be. The right to employ both these classes of persons is embraced in a general provision of law.

Mr. WILLARD, of Michigan. Why does the gentleman regard the salary of any of these officers more permanent than the provision made for any of the others? Is not the salary of all of them provided by the appropriation bills?

Mr. POLAND. In regard to all the classes of clerks there is a general law providing for them.

The amendment of Mr. POLAND was agreed to.

Mr. WILLARD, of Vermont. I call the attention of my colleague [Mr. POLAND] to the fact that on page 45, line 27, in relation to the Department of War, are left the words "one fireman." I think those words also should be stricken out.

Mr. POLAND. I think so myself, and I move that amendment.

Mr. CONGER. I wish the members of the Committee on Revision of the Laws would agree upon that point. One of them stated awhile ago that those words should be left to gratify me. [Laughter.] And now another member of the committee moves to strike them out.

The amendment was agreed to.

The SPEAKER *pro tempore*. The Chair would call attention to lines 202 and 203, in connection with the page of *errata*, which indicates that the words "at a salary of $900 a year each" should be stricken out after the words "two night-watchmen."

Mr. E. R. HOAR. There are other *errata* in relation to this section, but I think they are obviated by the amendments which have been adopted.

Mr. DURHAM. I move that the House now adjourn.

Mr. E. R. HOAR. There are no further amendments to be proposed

to this chapter. Therefore I hope that it may be adopted before we adjourn.

The SPEAKER *pro tempore*. It will be so considered if there be no objections.

No objection was made, and it was ordered accordingly.

The motion of Mr. DURHAM was agreed to; and accordingly (at ten o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUTLER, of Massachusetts: The petition of Alexander Moseley and others, tanners and manufacturers of leather in Massachusetts, asking that extracts for tanning purposes may be placed on the free list, to the Committee on Ways and Means.

By Mr. CHIPMAN: The petition of John Brady, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of William C. Shimoneck, for a pension, to the Committee on Invalid Pensions.

By Mr. CLYMER: The petition of citizens of Lycoming County, Pennsylvania, relative to the currency, to the Committee on Banking and Currency.

Also, the petition of citizens of Reading, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduces the duties on certain manufactured goods, to the Committee on Ways and Means.

By Mr. COBB, of Kansas: The petition of Emma C. Horn and others, heirs of William M. Chenoult, deceased, for remuneration for property taken by the United States, to the Committee on War Claims.

By Mr. COX: The petition of Ralph King, to be compensated for extra services rendered while consul of the United States in the republic of Bremen, from 1849 to 1853, to the Committee on Foreign Affairs.

By Mr. DURHAM: The petition of William M. Coffey, guardian of the minor children of Benjamin F. McGuire, for a pension, to the Committee on Invalid Pensions.

By Mr. HAWLEY, of Connecticut: The petition of William R. Glover and Thomas W. Mather, for the restoration of their case against the United States to the docket of the Court of Claims, to the Committee on Claims.

By Mr. HUNTON: The petition of William G. Cazenove and others, merchants of Alexandria, Virginia, asking consideration of draught of a bill to incorporate a national exchequer, to the Committee on Banking and Currency.

Also, the petition of George W. Hanchett and others, soldiers of the Mexican war, for pensions and bounty, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. LYNCH: The petition of citizens of Port Gibson, Mississippi, for payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. MARTIN: The petition of Henry H. Kaiser, for a pension, to the Committee on Invalid Pensions.

By Mr. McCRARY: The petition of Margaret Ward, for compensation for depredations by the Comanche Indians, to the Committee on Indian Affairs.

Also, the petition of graduates of the United States Naval Academy of the class of June 4, 1869, for rank and precedence as determined by the date of their graduation, to the Committee on Naval Affairs.

By Mr. MONROE: The petition of Churchill & Beecher and others, druggists, of Oberlin, Ohio, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. MYERS: The petition of Isaac Jeanes & Co. and others, of Philadelphia, importers of perishable fruits, for their admission free of duty, to the Committee on Ways and Means.

By Mr. NEGLEY: The petition of Captain Frank A. M. Kreps, for arrears of pay, to the Committee on Military Affairs.

By Mr. O'BRIEN: The petition of Robert Wilson, of Baltimore, Maryland, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. O'NEILL: Resolutions of the Philadelphia County Medical Society, in regard to a portion of the sixth section of the Army appropriation act of March 3, 1869, to the Committee on Military Affairs.

Also, the petition of certain citizens of Philadelphia, for the conversion of United States notes into bonds of $1,000 and its multiple, payable on demand in legal-tender notes, to the Committee on Banking and Currency.

By Mr. PARSONS: The petition of Patrick H. Breslin, praying an investigation of the cause of his summary dismissal from the Army, with a view to restoration, to the Committee on Military Affairs.

By Mr. SCOFIELD: The memorial of Seth Driggs, a claimant under the treaty of the 25th of April, 1866, between the United States and the republic of Venezuela, for relief, to the Committee on Foreign Affairs.

Also, the petition of James Fleming, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. SENER: The petition of the Corn Exchange, Tobacco Exchange, and Chamber of Commerce of Richmond, Virginia, of members of the Legislature, and of other citizens of Virginia, for the improvement of the Mattapony River, to the Committee on Commerce.

By Mr. SMITH, of Virginia: The petition of certain citizens of Richmond, Virginia, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. WILSON, of Iowa: The petition of certain citizens of Iowa for an appropriation for the benefit of certain Pottawatomie Indians residing in that State, to the Committee on Appropriations.

IN SENATE.

FRIDAY, *January* 23, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Treasury in response to a resolution of the Senate of March 11, 1873, in regard to the conveniences furnished and space allotted to steerage immigrants on board ship; which was referred to the Committee on Printing to inquire into the propriety of printing it.

PETITIONS AND MEMORIALS.

Mr. ALLISON. I present the petition of Andrew & Tredway and 593 others, citizens of Dubuque, Iowa, praying for such legislation as will open the Clinton bridge to the use of all railroads seeking to cross it. The object of this petition, I will state briefly, is to allow such railroads as may be completed at the city of Clinton, or opposite to that city on the east bank of the Mississippi River, to cross a bridge there which is now exclusively crossed by a single railway. This petition represents all the best business men in the city of Dubuque.

I also present the petition of C. H. Barron & Co., and 89 other citizens of McGregor, Iowa, to the same effect; also, the petition of G. Kennett & Brother and 274 other citizens of Lansing, Iowa, to the same effect; also, the petition of Fleck & Brother and 11 other business men of Guttenberg, Iowa, to the same effect; also, the petition of William A. Warren and 189 other citizens of Bellevue, Iowa, to the same effect; also, the petition of O. H. Maryatt and 88 other citizens of New Albin, Iowa, to the same effect; also, the petition of T. McMichael and 74 other citizens of Brownsville, Minnesota, to the same effect; also, the petition of Milo Smith and 177 other citizens of Clinton, Iowa, to the same effect; and also the petition of Jacob Shoemaker and 213 citizens of Harper's Ferry, Iowa, asking for the same legislation. These petitions represent the business interests on the Mississippi River, extending for a distance of one hundred and fifty miles north of Clinton. I move that the petitions be referred to the Committee on Commerce, and I trust that that committee will give them such early consideration as the business before it will allow.

The motion was agreed to.

Mr. CONKLING. I present the resolutions of the Chamber of Commerce of the State of New York, calling attention to the demoralizing system of rewarding informers by moieties, with arbitrary powers vested in them, enabling them to seize books and papers and the like. I move the reference of these resolutions in the nature of a memorial to the Committee on Commerce.

The motion was agreed to.

Mr. CONKLING. I also present the petition of the Nostrand Avenue Methodist Episcopal church, of Brooklyn, New York; the petition of Daniel M. Treadwell, and other citizens of Brooklyn, New York; the petition of the Washington Avenue Baptist church, of Brooklyn, New York; and the petitions of different lodges of the Sons of Temperance of Troy, New York, all asking that a commission be appointed to investigate the evils of the traffic in alcoholic drinks. I move the reference of these petitions to the Committee on Finance, which I believe is the favored committee in that respect.

Mr. SCOTT. They have reported on that subject.

The PRESIDENT *pro tempore*. The Chair is informed that a bill has been reported on that subject, and therefore the petitions will lie on the table.

Mr. CONKLING. I present also the petition of members of the bar of Camden, Oneida County, in the State of New York, praying this body to pass a law repealing absolutely the bankrupt act; also the petition of residents of the county of Madison, in the State of New York, very numerously signed, asking the absolute repeal of the bankrupt law; also a petition from the city of Madison, in the State of New York, asking the unconditional repeal of the bankrupt law. I move that these petitions lie on the table.

The motion was agreed to.

Mr. CONKLING. I present the resolutions of the National Board of Trade adopted on the 16th of January, 1874, expressing the judgment of the board that the award made at Geneva for losses sustained by the Alabama and other vessels of like character, should be shared by underwriters in the same manner and upon the same terms as in-

dividuals. I move the reference of these resolutions to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present also a petition numerously signed by American women setting forth their understanding of the spirit and intendments of the more recent constitutional amendments, and praying Congress to pass a declaratory act to guarantee the exercise of the elective franchise to women in all the States and Territories of the Union. I do not know whether a bill is pending on this subject before any committee.

The PRESIDENT *pro tempore*. There is not; but similar petitions have been referred to the Committee on Privileges and Elections.

Mr. CONKLING. Then I move that this petition be referred to that committee.

The motion was agreed to.

Mr. CONKLING. I present also a petition as to its intention, although it is not addressed to Congress that I can discover, signed by a number of women, and expressing the wish that right, intelligence, and other things shall prevail. This petition refers to two or three distinguished members of this body, treating them as references, and some distinguished members of the House. I present the paper as it has been forwarded to me, although I believe within the rule, not being addressed to the Senate, it cannot be considered technically as a petition or memorial.

The PRESIDENT *pro tempore*. The paper will be received if there be no objection, and referred to the Committee on Privileges and Elections.

Mr. SCOTT presented resolutions of the Board of Trade of Scranton, Pennsylvania, in favor of the repeal of the bankrupt law; which were ordered to lie on the table.

He also presented the petition of Mrs. M. B. McCulloch, praying a reconsideration of her claim for a pension, which at the third session of the Forty-second Congress was reported on adversely by the Committee on Pensions, and setting forth additional evidence in the case; which was referred to the Committee on Pensions.

Mr. SPENCER presented the petition of the Board of Trade of Mobile, Alabama, praying an appropriation for the improvement of the bars in Mobile Bay; which was referred to the Committee on Commerce.

Mr. STOCKTON. Mr. President, I have had forwarded to me resolutions of the Legislature of New Jersey, in reference to the celebration of the centennial anniversary of American Independence. They are the same resolutions that have been presented already by my colleague and read to the Senate. I therefore move that they be laid upon the table.

The motion was agreed to.

Mr. NORWOOD presented a petition of citizens of Augusta, Georgia, praying indemnity for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. NORWOOD. I also present a petition of druggists of Savannah, Georgia, which, though not addressed to the Senate, is intended for it, praying that stamp duties on medicines be removed. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. WRIGHT. I present a petition, which may have been presented heretofore, from certain persons in the naval service, complaining that injustice has been done them as graduates of the class of June 4, 1869. I present this petition, though it may have been presented heretofore, for the reason that it has been sent to me by a very intelligent gentleman of my State, who states that very great injustice has been done to these persons. I move its reference to the Committee on Naval Affairs.

The motion was agreed to.

Mr. WRIGHT also presented the petition of Mary Randolph, of Iowa, praying for the enactment of a law extending the time for applying for pensions; which was referred to the Committee on Pensions.

Mr. SUMNER. I present the petition of the Cottage Street Congregational church, of Boston, Massachusetts, and a petition of citizens of New Bedford, Massachusetts, asking for the appointment of a commission to investigate the liquor traffic. I move their reference to the Committee on Finance.

Mr. WRIGHT. I suggest that there has been a report on that subject, and perhaps the petitions may as well lie on the table.

Mr. SUMNER. If that is so, they can lie on the table.

The PRESIDENT *pro tempore*. The petitions will lie on the table.

Mr. THURMAN. I have been requested to present a petition, signed, as I am assured, by some of the most respectable and wealthy citizens of the District of Columbia, containing a number of very grave charges against the government of this District, which I will not take up the time of the Senate to state, except in a general way to say that they are charges of very serious maladministration of the affairs of this District, and ending with a prayer—the petition being addressed to Congress—

That a joint select committee may be appointed, with full power and authority to examine into the manner in which the affairs of said government of the District of Columbia have been managed in each and all of its departments, and especially in that of the Board of Public Works, since its organization, and that your petitioners and other citizens of said District may be allowed to be present at the sessions of said committee and to be represented by counsel.

I do not propose at this time to offer any resolution for the appointment of such a committee. I am told that evidence in support of the allegations in this petition will be presented in due time, and then it will be proper to offer a resolution for the appointment of a committee, if that evidence shall in anywise tend to sustain these allegations. I think this petition ought to be printed, so that the people of the District may see what it is; and I ask that it be laid on the table, and printed.

Mr. CONKLING. It will be printed in the newspapers, no doubt. I have no more objection to this petition being printed than others; but the chairman of the Committee on Printing, not now here, the other day, when I presented a petition special in its character which I thought ought to be printed, reminded us that we ought not to enter upon that course of business—that we could not discriminate. This petition will be printed of course in all the papers of this city; and inasmuch as this District is now but about seven miles square, there is far less reason in that regard for printing this petition than there is for printing a petition which is interesting to the whole country. Therefore, while I do not wish at all to diminish the effect of the petition or the presentation of it, I do not think it worth while to print it and lay it on our tables.

Mr. THURMAN. I am not at all tenacious about the printing of this petition, although I do think that, considering the gravity of the charges that are made—whether there is foundation for them or not I express no opinion whatsoever—and the number of persons interested in the petition, it is but fair that it should be printed. However, if the Senator thinks that it certainly will be printed in the newspapers, I do not know that I care about it one way or the other.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on the District of Columbia.

Mr. THURMAN. No, sir; let it lie on the table.

The PRESIDENT *pro tempore*. It will be laid on the table.

Mr. SAULSBURY. I should be very glad to have the petition printed. I know nothing about it. One thing is certain: very grave charges have been preferred against the management of the affairs of this District. We are called upon annually to vote large sums of money to pay for work done by this Board of Public Works. It is, therefore, a question on which we ought to have information. Now, in reference to the printing of this petition by the papers of the District, that may or may not be the case. At any rate, it will not cost a great deal of money to have it printed and laid on our tables, so that if we investigate the charges we may see what the charges are and have our attention called to the subject.

The PRESIDENT *pro tempore*. Does the Senator from Delaware make that motion?

Mr. SAULSBURY. I do.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the petition be printed.

Mr. HAMLIN. That motion must go to the Committee on Printing, under the rule.

Mr. SHERMAN. I do not think we ought to print these charges until the Senator who presents them says they are supported by testimony. My colleague has said that in due time testimony will be presented in support of these charges, and then it will be sufficiently early to publish the charges to the world. Indeed, I do not think we ought to give them currency any further than by the ordinary course of presenting petitions until after they are supported by some testimony. I do not know the nature of them, as a matter of course; but they should not be printed until they are made in due form and supported by testimony, so that we may examine them and the evidence that may be adduced in support of them. Until testimony is presented to us, with the statement that that testimony tends to support the charges, they ought not to be published.

Mr. SAULSBURY. I suppose it will not take a great deal of time to have the petition read.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Delaware that under the rule the motion to print the petition must be referred to the Committee on Printing. By unanimous consent the Senate could order it to be printed this morning, but otherwise under the rule the question of printing will be referred to the Committee on Printing.

Mr. SAULSBURY. I should like to have the petition read, so that I may know what it is.

The PRESIDENT *pro tempore*. The Senator from Delaware asks for the reading of the petition. Is there objection?

Mr. SHERMAN. That is contrary to the rule, and I do not think we ought to violate the rule. The rule says that the Senator presenting a petition shall state its substance. We cannot read all the petitions that are presented.

The PRESIDENT *pro tempore*. The Senator from Ohio objects to its reading.

Mr. CONKLING. Let us have the regular order.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SPENCER, it was

Ordered, That the petition and papers of U. L. Jones be taken from the files and referred to the Committee on Public Lands.

On motion of Mr. PRATT, it was

Ordered, That the petition and papers of John Carter be taken from the files and referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company, to report it with two amendments. I should like to have the bill read, and if Senators then object to it or want further information, as a matter of course it can be explained or can go over.

Mr. EDMUNDS. Mr. President, there is no use in proceeding to consider any bills until we get through with the morning business.

Mr. SHERMAN. Very well.

Mr. EDMUNDS. I found it totally impossible yesterday to introduce a bill, for the reason that we took up everything when it was presented. I shall have no objection, after we go through with the morning business strictly, to take up anything that anybody wants to have taken up.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (H. R. No. 1382) authorizing coinage to be executed at the mints of the United States for foreign countries, to report it without amendment. I would ask the present consideration of it, but let it lie over until after the morning business is through.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of Matthew Woodruff, late of Company G, Twenty-first Missouri Volunteer Infantry, praying for an honorable discharge from the Army and to be allowed back pay and bounty, reported a bill (S. No. 365) for the relief of Matthew Woodruff; which was read, and passed to a second reading.

He also, from the same committee, to whom was referred the petition of Oliver Powers, praying to be allowed pay as a private in Company K, Tenth Regiment Tennessee Cavalry, up to the day that the company was discharged, submitted a report, accompanied by a bill (S. No. 366) for the relief of Oliver Powers. The bill was read, and passed to a second reading, and the report was ordered to be printed.

Mr. WRIGHT. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 336) to appoint a commission on the subject of the alcoholic and fermented liquor traffic, to report it back and ask to be discharged from its further consideration. The committee reported a bill yesterday on the same general subject, and therefore ask to be discharged from the further consideration of this bill.

The committee was discharged.

Mr. WRIGHT. The Committee on Civil Service and Retrenchment, to whom was referred the bill (H. R. No. 1231) to abolish the office of deputy commissioner of internal revenue, have instructed me to report it back, and to ask immediate action; but I will withhold it for the present, for the reason that the Senator from Vermont [Mr. EDMUNDS] says he will object to the present consideration of such bills, and I shall ask the Senate to take it up, if possible, before the expiration of the morning hour.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the petition of Daniel C. Taylor and others, praying that a certain piece of ordnance formerly belonging to Battery B, First Rhode Island Light Artillery, understood to be now in the possession of the United States Government, may be delivered to them for preservation, to be placed in the custody of the State of Rhode Island, reported a bill (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun; which was read, and passed to a second reading.

Mr. ANTHONY. I hope that will be put on its passage.

Mr. EDMUNDS. No; you cannot put anything on its passage out of order.

The PRESIDENT *pro tempore*. The bill will go on the Calendar.

Mr. NORWOOD, from the Committee on Pensions, to whom was referred the petition of Mrs. Barbara A. Nock, mother of William H. Nock, deceased, late private in Company D, Seventy-second Regiment Pennsylvania Volunteers, praying for arrears of pension, reported adversely thereon; and the committee was discharged from its further consideration.

ENTRIES ON FORT KEARNEY RESERVATION, IOWA.

Mr. TIPTON. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. No. 241) to confirm the title to certain lands on the Fort Kearney military reservation in Fremont County, Iowa, to report it back without amendment. I should like to have the bill put on its passage now, inasmuch as the parties entitled to these lands have been seventeen years lying out of their money.

The PRESIDENT *pro tempore*. Is there any objection to the present consideration of this bill? The Chair hears none; and the bill is before the Senate as in Committee of the Whole, and will be read at length.

The preamble recites certain entries at the Council Bluffs land district, in the State of Iowa, on lands which had been reserved for military purposes for the use of Fort Kearney, by order of the President of the United States, dated the 9th of April, 1846, and therefore illegal; and that the Secretary of War, by letter under date of the 11th of March, 1870, advised the Secretary of the Interior "that the United States military reservation at Fort Kearney, on the Missouri River, is no longer required for military purposes;" and that the register and the receiver at Council Bluffs have reported, under date of May 23, 1870, to the General Land Office, that due notice having been given to all persons having any interest in the same to appear before them on the 18th day of May, 1870, and show cause why the entries named should not be confirmed by act of Congress, no adverse claimants appeared before them. The bill therefore proposes to confirm the entries and selections described in the preamble; and to authorize patents to issue for the same as in other cases provided for by law.

The bill was reported to the Senate without amendment.

Mr. FRELINGHUYSEN. Is there any report with this bill?

Mr. TIPTON. Yes, sir; a report from the Commissioner of the General Land Office.

Mr. FRELINGHUYSEN. I understand this is to confirm in individuals a part of a military reservation. I should like to hear the report.

Mr. TIPTON. Mr. President, seventeen years ago these lands were entered and paid for; two or three years ago the Secretary of War notified the Secretary of the Interior that these lands were no longer regarded as any part of a military reservation, and this is simply to confirm the title. It has passed the Senate twice over in two different sessions of Congress, and the Commissioner of the General Land Office again the third time sends a letter here, in which he says it is all right. These lands are in Iowa, opposite Nebraska City. Fort Kearney has not been at that place for twenty years, nor has there been any military occupation of the land for twenty years. There is no adverse title.

Mr. SARGENT. I should like to ask if there are existing improvements made by the Government of the United States upon these lands?

Mr. TIPTON. No improvement ever was made by the Government upon the land at all.

Mr. HOWE. How much is the tract?

Mr. TIPTON. It covers half a dozen farms or more.

Mr. HOWE. All that is provided for by this bill?

Mr. TIPTON. Yes, sir.

Mr. HOWE. Half a dozen farms of what size?

Mr. TIPTON. One hundred and sixty acres each, I presume. Old Fort Kearney was originally in Nebraska, and a portion of land opposite, in Iowa, was held out to be a part of the reservation belonging to it. Old Fort Kearney was more than twenty years ago carried two hundred miles west. These lands were never occupied by the United States Government. There was an old block-house once on the Missouri River opposite, though, called Old Fort Kearney; but in the last twenty years Fort Kearney has been removed two hundred miles west. Citizens of Iowa entered these lands and paid for them seventeen years ago; but, as the tract was nominally a military reservation at that time, the titles were not confirmed to them. Two years ago the Secretary of War recommended that the titles be confirmed to these people, and twice over we have passed bills for the purpose, that failed to get through the House of Representatives.

Mr. HOWE. How many parties entered these lands?

Mr. TIPTON. Half a dozen or more; and in every case the receipt and the number of it for the money paid by them and the entry made are recorded in the bill from the General Land Office.

Mr. SARGENT. How many acres are involved in it?

Mr. TIPTON. I do not know how many.

Mr. SARGENT. About how many?

Mr. TIPTON. It may be a thousand acres or so. No adverse claims ever have been made for these lands in seventeen years.

Mr. HOWE. Allow me to ask whether the money has ever been refunded by the Government to the parties who made these entries?

Mr. TIPTON. Never refunded; and every certificate mentioned in the bill, or receipt for money stated there, is identified by the General Land Office record.

Mr. HOWE. And the money is still in the Treasury?

Mr. TIPTON. Still in the Treasury.

Mr. PRATT. And the purchasers on the land?

Mr. TIPTON. The purchasers have always been on the land for seventeen years.

Mr. SARGENT. The Senator was not distinctly understood by those around me, whether he said eighty thousand or one thousand acres.

Mr. TIPTON. One thousand acres or more.

Mr. FRELINGHUYSEN. I should like to hear the letter of the Secretary of War read if it is among the papers.

Mr. TIPTON. There is a letter from the Commissioner of the General Land Office.

The PRESIDENT *pro tempore*. That will be read.

Mr. FRELINGHUYSEN. The letter of the Secretary of War stating that Fort Kearney is not necessary as a military reservation is what I want to hear.

Mr. HITCHCOCK. The bill passed the House of Representatives once, and passed the Senate twice. I send to the desk a document printed by the House of Representatives in the Forty-first Congress, which explains the whole matter, and it can be read if Senators desire.

Mr. EDMUNDS. The bill ought to go over to let us look at it.

The PRESIDENT *pro tempore*. There is no letter from the Secretary of War, but there are papers from the Commissioner of the General Land Office.

Mr. EDMUNDS. But this bill recites that there is a letter from the Secretary of War.

Mr. HOWE. I put some questions to the Senator from Nebraska; and unless his answers are entirely incorrect, it does seem to me that there ought to be no objection to the passage of this bill. The lands were entered and paid for, as the Senator says, seventeen years ago. The Government has held on to the money ever since, and certainly ought to give the land or return the money. As the claimants do not seem to stand any chance of getting the money, I think they ought to have the land.

Mr. HITCHCOCK. There is no possible objection to the passage of this bill at this time. This land was paid for seventeen years ago; twice advertisements were issued for adverse claimants. The Commissioner of the General Land Office recommends that the title be confirmed at this time, and has recommended it on two several occasions before. There are no adverse claimants. The Senate passed the bill at the last session, and it failed for want of time in the House.

Mr. FRELINGHUYSEN. The only point I want information upon is this: Here is a military reservation, and I want some assurance that this subject has been brought to the attention of the Secretary of War; and I ask to have his letter read, which, I understood from the reading of the bill, was referred to.

The PRESIDENT *pro tempore*. On examination it is not found among the papers.

Mr. TIPTON. The letter of the Secretary of War was the first source of action in this case by the Secretary of the Interior; and there is a letter from the Commissioner of the General Land Office of this date, and one, I believe, from the Secretary of the Interior also, that covers the whole case.

Mr. EDMUNDS. Let us hear them read.

The PRESIDENT *pro tempore*. The letters will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 15, 1872.

SIR: In compliance with your request, made in person this morning, I have the honor to state that there appear to be no adverse claims to the lands described in H. R. bill No. 2196, which lands were embraced within the late Fort Kearney reservation.

These tracts were entered many years ago by the parties named in the bill, and being within said reservation they were illegal. There are very many persons who have an interest therein, which has been derived from or under conveyances extending back to the original purchasers.

The War Department has relinquished all claim to said lands, and the report of the register and receiver at Council Bluffs, Iowa, shows that an investigation was duly had, and that there were no adverse claimants to any of said lands.

I have the honor to be, very respectfully,

WILLIS DRUMMOND,
Commissioner.

Hon. P. W. HITCHCOCK,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 19, 1874.

SIR: The letter written by direction of the Senate Committee on Public Lands, on the 9th instant, transmitting for my examination Senate bill No. 241, "to confirm the title to certain lands on the Fort Kearney military reservation in Fremont County, Iowa," and asking my opinion as to the propriety of passing it, was referred to the Commissioner of the General Land Office. I have the honor to transmit herewith a copy of his report on the subject, and to state that I concur in the views therein set forth.

I am, sir, very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. WILLIAM SPRAGUE,
Chairman Committee on Public Lands, U. S. Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 13, 1874.

SIR: I had the honor to receive on the 10th instant, by reference from the Department, the letter herewith returned, addressed to the Secretary, under date of the 9th instant, by Amos Pickard, esq., clerk of the Senate Committee on Public Lands, by direction of that committee, inclosing for examination Senate bill No. 241, "to confirm the title to certain lands on the Fort Kearney military reservation in Fremont County, Iowa," and asking his opinion as to the propriety of passing the same.

It having been referred to me for report, I have to state that I find this to be the same which, as H. R. bill No. 2196, was the subject of my letter to the Hon. P. W. HITCHCOCK, of the Senate, dated the 15th of May, 1872, a copy of which I inclose herewith; and in view of the facts therein stated I am of opinion that the bill should be passed.

I note what is probably a typographical error in the printed bill inclosed, in giving, in the third line of the second page, the name Allen A. Brodford. This should be Allen A. Bradford, the name of the party, as shown by the certificate of purchase in the case, which is on file in this office.

Very respectfully, your obedient servant,

WILLIS DRUMMOND,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

Mr. THURMAN. I should be glad if one of the Senators who have this bill in charge would state whether the persons whose claim it is proposed shall be confirmed are settlers on this land; and if so, how long they have been settlers.

Mr. TIPTON. These lands are to be confirmed, first, to John Boulware, who entered, per cash certificate numbered 1256, dated January 2, 1864; second, "the northwest quarter of southeast quarter of section 30, township 68 north, range 43 west, by William C. Fowlkes, per cash certificate numbered 2690, dated June 1, 1854," and so on. So that the Land Office in every case gives the name of the person who purchased, the number of the receipt, and the amount of the money that he paid, and everything specifically according to the records of the General Land Office; and this bill is to confirm the title to the original purchasers, payers, and holders.

Mr. THURMAN. But my question is whether the persons who made those entries, or anybody claiming under them, have been in possession and have improved those lands.

Mr. TIPTON. They have improved them, and they are as highly cultivated as any other lands in the State of Iowa; they have cultivated them for seventeen years.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 368) to provide for the establishment of an international commission of the maritime powers to lay down ocean courses for steam-vessels, and otherwise provide for increased safety of sea-travel; which was read twice by its title, referred, with accompanying papers, to the Committee on Commerce, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 369) to change the name of the registered steamer Oakes Ames to Champlain; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 370) donating certain condemned cannon for a soldiers' monument at Winterport, Maine; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill, (S. No. 371) for the relief of Nathaniel McKay; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. RAMSEY, by request, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 372) to provide for ascertaining and settling private land claims in certain States and Territories; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. SPENCER. I ask consent of the Senate to proceed to the consideration of the bill (S. No. 87) to facilitate the execution of, and to protect, certain public works in the improvement at the mouth of the Mississippi River.

Mr. FRELINGHUYSEN. I object.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 373) to provide for the national defense, to afford cheap transportation by water from the interior to the Atlantic sea-board, by way of the great lakes of the Northwest, and for other purposes; which was read twice by its title, referred to the Select Committee on Transportation Routes to the Sea-board, and ordered to be printed.

Mr. FRELINGHUYSEN. I desire to introduce a bill and to ask to say one word upon it. I accept the law that the franking privilege is abolished. There is great inconvenience arising from the inability to send documents which are printed and those which are constantly being printed to persons who wish them, and to public institutions, such as colleges and State libraries. I therefore ask leave to introduce a bill dispensing with the prepayment of postage in these cases and reducing the postage to twenty-five cents a volume, and providing that if the books are not called for within ten days they may be sold to pay the postage. I have had frequent applications for books and public documents. One gentleman from the State of New York wrote to me for five volumes, and said it afforded him great pleasure to inclose fifty cents for the postage, because the franking privilege had been abolished. I got the five volumes and found that the postage on one volume was forty-six cents. I sent him the volume with stamps making up the other four cents, and left him rejoicing. This reduces the postage to about one-half.

I ask that the bill be printed and referred to the Committee on Post-Offices and Post-Roads.

There being no objection, leave was granted to introduce a bill (S. No. 374) to facilitate the distribution of public documents; and it was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 375) for the benefit of the Kentucky Agricultural and Mechanical Association; which was read twice by its title.

Mr. STEVENSON. I move that the bill, together with the memorial and accompanying papers now on the files of the Senate in that case, be referred to the Committee on Claims.

The motion was agreed to.

ESTABLISHMENT OF POST-OFFICES.

Mr. PRATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas the Constitution confers upon Congress the power to establish post-offices and post-roads, the power being in each case the same; and whereas Congress at an early day delegated to the Postmaster-General the power to establish and discontinue post-offices at his discretion, and without requiring any consent of Congress to be given in advance of their establishment, or subsequently: Therefore,

Resolved, That the Committee on Post-Offices and Post-Roads be instructed to inquire whether a just construction of the Constitution does not require that such post-offices should either be established by Congress, or that its consent be given after they have been established by the Postmaster-General.

RHODE ISLAND BATTERY GUN.

Mr. ANTHONY. Mr. President, I ask that the bill which was re-

ported just now, giving a gun to the archives of Rhode Island, be considered.

There being no objection, the bill (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun, was read the second time and considered as in Committee of the Whole. It authorizes the Secretary of War to deliver, if the same can be done without detriment to the Government, to the proper authorities of the State of Rhode Island, a certain gun marked "Battery B, First Regiment, Rhode Island Light Artillery, battle of Gettysburgh," for the purpose of being placed among the archives of that State.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOUISVILLE AND PORTLAND CANAL.

Mr. SHERMAN. I ask the Senate now to proceed to the consideration of the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company, which was reported this morning.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. CHANDLER. Yes, sir; I object; and I do so in order that the bill may be referred to the Committee on Commerce. That subject has been before that committee for several years, and provisions in regard to that canal have been included in several bills. I believe the bill involves the expenditure of a million or two.

The PRESIDENT *pro tempore*. The Senator from Michigan objects to the present consideration of the bill, and it goes over until to-morrow.

Mr. SHERMAN. Has it not been taken up by a motion?

The PRESIDENT *pro tempore*. It was not taken up; it was simply read for information, subject to objection.

PROTECTION OF GOVERNMENT IMPROVEMENTS.

Mr. SPENCER. I ask that the bill (S. No. 87) to facilitate the execution of and to protect certain public works and improvements at the mouth of the Mississippi River be now considered.

The PRESIDENT *pro tempore*. The bill will be read for information.

The CHIEF CLERK. The Committee on Commerce report sundry amendments, which, if adopted, would make the bill read:

Be it enacted, &c., That from and after the passage of this act the Secretary of War is directed to assume full control over the particular channel at the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States; he may establish such regulations respecting the use of, or passage through, such channel as he shall deem needful to fully protect the channel and to facilitate the excavation, improvement, and use thereof. Such regulations shall be promulgated by publication thereof for ten days consecutively in two daily papers published in New Orleans, Louisiana, and the same may in like manner be changed from time to time.

SEC. 2. That if any person shall violate any such regulations, he shall, on conviction thereof before any court of competent jurisdiction, be punished by a fine of not more than $500, or by imprisonment not more than six months, or by both such punishments, in the discretion of the court.

Mr. SAULSBURY. I think that bill had better go over.

Mr. SPENCER. I hope the Senator from Delaware will withdraw his objection. The bill will be explained.

Mr. CHANDLER. I move that the bill be taken up for consideration.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate proceed to the consideration of this bill.

Mr. SPENCER. It was reported yesterday, and can be taken up to-day on motion.

The PRESIDENT *pro tempore*. The Chair supposed the bill had been reported this morning. The motion to proceed to the consideration of the bill is in order. The Chair will submit the motion to the Senate.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on the amendments of the Committee on Commerce.

Mr. THURMAN. I should like to have the bill and the amendments read.

The PRESIDENT *pro tempore*. The bill will be read as proposed to be amended.

Mr. DAVIS. While the Clerk is hunting up the amendments, I should like to ask the Senator from Louisiana whether he has examined the bill, and whether it covers the ground talked over by the committee and himself when he was before them.

Mr. WEST. I reply to the Senator's question, by stating that the bill, as he will see by examining the printed copy which he has on his desk, was introduced by myself, that I have been before the Committee on Commerce; attended also by the chairman of the Committee on Transportation, and such amendments as we recommended have been unanimously adopted and reported in favor of by the Committee on Commerce. It meets exactly the abuses proposed to be corrected, as the Senator very well knows from the examination that was had when the Committee on Transportation visited that section recently.

I do not think it worth while to detain the Senate with the reasons for the passage of the bill. I do not think anybody will raise a voice against it.

Mr. DAVIS. I join with the Senator from Louisiana in believing that it is proper that some such bill should be passed, but I should like to know from the Senator from Louisiana if it is the tug-boat system that is intended to be remedied.

Mr. WEST. Yes, sir; that is it. It strikes at the tug-boat monopoly there, which is such an oppression on commerce, as the Senator very well knows.

Mr. DAVIS. I have no doubt that some bill on this subject ought to be passed, and that the monopoly which now exists there ought to be remedied, and it appears to me that Congress is the only power which can apply a remedy.

Mr. THURMAN. Mr. President, this bill strikes a lawyer as rather a singular production. It provides that the Secretary of War shall "assume full control over the particular channel at the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States." That is the first provision in the bill. What is meant by the Secretary of War assuming full control over one of the mouths of the Mississippi I do not fully comprehend.

Mr. CHANDLER. If the Senator will permit me I will state that they are dredging out one of the mouths of the Mississippi River, and vessels frequently get aground; mud will accumulate around a vessel so situated; and perhaps the whole work that has been accomplished in a month will, in two days, be filled up again by the mud and the waters of the Mississippi River. The engineer in charge says that this is an absolute necessity in case he is to deepen the channel and make it useful to commerce.

Mr. THURMAN. I still do not understand what is meant by the Secretary of War assuming full control over that mouth of the Mississippi River.

Mr. WEST. Does the Senator inquire what will be the result if the bill is enacted into a law? Is that the object of the question?

Mr. THURMAN. If the Senator will allow me to get through the very few observations I propose to make——

The PRESIDENT *pro tempore*. The Senator from Ohio will suspend. The morning hour having expired, the Senate resumes the unfinished business, which is the finance resolution.

Mr. WEST. I appeal to the Senator from Ohio [Mr. SHERMAN] to let that matter be laid aside informally till we get through with this bill, as we can in a very few minutes.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks that the pending order be laid aside informally. Is there objection?

Mr. SHERMAN. Subject to a demand for it at any time. With that limitation I have no objection.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. THURMAN. I do not wish to be considered as unfriendly to this bill, if it is necessary and it is within our competence to pass it; but I really do want to understand what is meant by directing the Secretary of War to assume full control over one of the mouths of the Mississippi River. He is directed absolutely to assume that control, and what that means I confess I do not understand.

Mr. CHANDLER. Will the Senator allow me to illustrate?

Mr. THURMAN. I should prefer to make the few remarks that I have to make, and then the Senator can answer at large. What is the Secretary of War to do? Is he to prohibit navigation there, or is he to select what vessels may navigate that mouth and exclude all others? What is meant by his assuming "full control over the particular channel at the mouth of the Mississippi River in the course of excavation or improvement?" Is he to sit there and decide what vessels shall navigate it and exclude all others, I repeat, or is he to be allowed to impose an embargo upon all vessels? That is the first statement. Then comes this provision:

And he may establish such regulations respecting the use of, or passage through, such channel as he shall deem needful to fully protect the channel and to facilitate the excavation, improvement, and use thereof. Such regulations shall be promulgated by publication thereof for ten days consecutively in two daily papers published in New Orleans, Louisiana, and the same may in like manner be changed from time to time.

Then comes section 2:

SEC. 2. That if any person shall violate any such regulations, he shall, on conviction thereof before any court of competent jurisdiction, be punished by a fine of not more than $500, or by imprisonment not more than six months, or by both such punishments, in the discretion of the court.

That is to say, the Secretary of War may make a code of laws respecting the navigation of one of the mouths of the Mississippi River, and upon promulgation of that code, by publication for two weeks in a New Orleans paper, then any person who violates one of those regulations of the Secretary of War is liable to a fine of $500 and to imprisonment for six months; and the Secretary of War may from time to time change these regulations as he may see fit. That strikes me as a very extraordinary power. I do think that a bill to protect public works—for that can be the only foundation for this business—could be drafted that would devolve no such discretion upon any officer whatsoever, and would achieve all the purposes that are to be desired. I should like to have some explanation of this new mode of making a penal code in the United States.

Mr. WEST. It must be very well known to the Senate that for a series of years Congress has continuously appropriated sums of money for the excavation of the bar at the mouth of the Mississippi River. If the Senator from Ohio had given attention to the report of the Secretary of War on this subject he would be aware that over one-half, perhaps, of the amount that is annually appropriated is neutralized by such mismanagement at the mouth of the Mississippi River

as renders it necessary now, in the opinion of the Committee on Commerce, to make just such regulations as this bill prescribes.

It is true, as the Senator says, that if this power is conferred on the Secretary of War he will have the opportunity of deciding what vessels shall navigate that particular channel; and that is the object of this bill. It is necessary, because, as I say, under existing arrangements, these parties can so obstruct the operations of the Government pursued by its dredge-boats as to neutralize one-half at least of the money that is annually appropriated by Congress. If the Senator will refer to the report of the Secretary of War, on pages 596 to 598 he will find this matter fully elaborated. All the abuses that have been continuously practiced there for years are fully set forth.

The subject was fully examined by the Committee on Transportation during their recent visit there. The Senator from West Virginia [Mr. DAVIS] has expressed the views that were entertained by that committee. The chairman of that committee [Mr. WINDOM] is also an advocate of this bill, and presented his opinions and the facts that were collated before the Committee on Commerce yesterday. I do not know that any very great or evil effects can flow out of these regulations. I know that evil effects of the grossest character, disastrous to commerce, result from the want of such regulations. During the war the military authorities controlled the exit and the incoming of vessels on the bar of the Mississippi, and we never had any of this trouble.

Now, the object of this bill is to give the Secretary of War, through his representative on the spot, who is an officer of the Engineer Corps, authority to say when and at what time certain vessels shall make their transit across this bar, with the view of making the total amount of money that is appropriated by Congress thoroughly available. Otherwise, by the obstructions that are constantly put there by the tow-boat association, the dredge-boats have to do and do over again the work of the night the next day. That is the object of this bill.

Mr. WINDOM. I do not wish to take the time of the Senate at any length on this subject, but will state the conclusions at which the Committee on Transportation Routes arrived while in New Orleans. The object of this bill is to break up one of the most shameless and atrocious monopolies to be found in the United States. I have found nothing anywhere, and have heard of nothing, comparable to this monopoly that holds in its grasp the mouth of the Mississippi River.

Let me give you one or two illustrations of the manner in which they manage that business. There are now twenty-two boats belonging to the tow-boat association. The association consists of a combination of five individual companies. When any competitor comes into the river with a tow-boat, the association at once make use of every means, no matter what they may be, to drive him out of such competition. For instance, cases were presented to the committee that when one of these competing tow-boats had gone out into the Gulf to tow vessels in over the bar, and was discovered by the tow-boat company, they at once brought a vessel on to the bar, or a number of them, and held them there until the captain of the vessel who had placed himself in charge of the competing tow-boat was compelled to hoist the white flag in token of surrender; and as soon as he surrendered to the tow-boat association and gave up the service of the competing tow-boat they would get the vessels that were thrown athwart the bar off, and he would be conducted in. That, we were informed, has been practiced in several instances.

Not to detain the Senate by illustrative instances, I will state the information given to me by Major Howell, who is in charge of that work. The tow-boat companies are not anxious that the depth of water upon the bar should be greater than sixteen or seventeen feet, for the reason that it is very much to their interest to have boats fastened upon the bar. They charge a certain amount per ton—I think it amounts to $1.75 per ton—for towing a vessel over the bar through the mouth of the river to New Orleans and back; and for taking a vessel off the bar they charge so much per hour or so much per tide in addition, which is the most profitable part of their work. Hence, when Major Howell was likely to succeed in deepening the channel to eighteen or possibly nineteen feet, this association brought vessels upon the bar at low tide drawing more water than could possibly be passed over the bar. In one instance, when two of these tow-boats were attached to a large vessel, one on each side, an ostensible disagreement occurred just as the three boats—the two tows and the vessel—entered the channel, and the captain of one tow-boat backed his vessel and the other ran his forward, the result of which was to throw the vessel square across the bar and to keep it there for four or five days, completely closing up the channel. And, as was said by the Senator from Michigan, a vessel grounded in the channel for a few hours obliterates the work done by the Government for months.

Major Howell was compelled to leave the Southwest Pass, on account of the obstructions which were offered by the tow-boat association, and go to Pass à l'Outre. He commenced operations there, and when about to succeed in deepening the channel to the depth of eighteen feet, the tow-boat association followed him to that point and threw another vessel across the channel, apparently with the intention to compel him to suspend work there.

The object of this bill is to break up, so far as possible, this outrageous monopoly, that closes against the commerce of the country the mouth of the Mississippi River. The measure may be somewhat severe, but I think it is no stronger than the circumstances of the case require.

Mr. THURMAN. The Senator from Minnesota has described a very atrocious monopoly, and very atrocious practices of that monopoly, in language very clear and precise. Now, I put it to him, is he not competent to draft a bill that shall prevent any such outrage, instead of submitting the drafting of such regulations to the Secretary of War? Is the Secretary of War any more competent than the Senator from Minnesota to provide laws to punish such conduct? Congress has power to regulate commerce. It certainly has power to protect the mouth of the Mississippi or any other navigable river or harbor of the United States; but where is the authority of Congress to delegate that power to the Secretary of War and enable him to make a code of criminal law? That is what I want to know.

I believe there are already laws in force, and if I had time I could hunt them up, for punishing any obstruction of the channel of any harbor in the United States, and punishing it severely. Nor do I doubt for one moment that a revenue-cutter of the United States could drag out of that channel any such obstruction as these tow-boats have created, as described by the Senator from Minnesota. I have no doubt of the power of a revenue-cutter to protect the channel, by compelling by force any willful obstruction to be removed, if it were necessary, under existing laws; but if they have not discharged that duty, it is because they have not received the proper instructions to do it.

But if there is a defect in the existing laws, let us make the necessary laws. The power belongs to us under the Constitution, and I want to know where we find the right to delegate that power to the Secretary of War. I know very well that there are various provisions in the statutes authorizing the Secretary of the Treasury, for instance, to make certain rules and regulations, and perhaps authorizing each head of a Department to make certain rules and regulations; but I do not believe you can find in any one of those statutes such a delegation of power as this bill proposes to make to the Secretary of War. I cannot vote for that. I will vote with the Senator from Minnesota for as stringent a law as he can draw up, as effective a law as he can draw up, to protect the free navigation of that channel and to protect the works and improvements of the United States. That I will do; but let him draw it up and submit it to the Senate for consideration, and not propose that we shall delegate this power to the Secretary of War, for him to make a code of laws and change it at his pleasure and as his subordinates down there (for he cannot know anything about it except what they may report to him) may from time to time advise him to establish as the law of the land. I cannot agree to make laws, penal laws, laws that impose fines of large amounts of money and imprisonment for six months, in any such way as that. The laws ought to be made by Congress, and not by the Secretary of War or his subordinates.

Mr. CHANDLER. Mr. President, to-day the use of the channel over the Saint Clair flats is prohibited without law. The engineer in charge came to me and said, "This work cannot be done if vessels are allowed to pass through the canal." Said I, "Why do you not put out your lights and stop the use of the channel?" Said he, "I do not know that I have authority of law to do that." I replied, "Take the responsibility, for the work must be done." That has been done, and it is a case exactly parallel with this deepening of the channel at the mouth of the Mississippi River. Unless the engineer in charge has the absolute power to stop its use by vessels for the time being—and this bill only provides that while the work is going on he shall have that power—he never will open that channel.

Mr. MORTON. The Senator from Ohio suggests that these regulations should be made by law. I might ask the Senator whether that is entirely practicable or not. They are such regulations as will protect the work that is being done, and perhaps may require to be changed from time to time in a way that they could not be changed by an act of Congress. They would have to be suggested, undoubtedly, by the engineer in charge of the work, to be approved by the Secretary of War, and to become his regulations. Now, is there any want of power upon our part to say that if any person shall knowingly and willfully violate the necessary regulations to protect the public work that is going on, which may be adopted by the Secretary of War, of which the party shall have full notice, he shall be punished for it? It seems to me not. It seems to me to be one of those cases where it must be left to the officers in charge of the work to prescribe the particular regulations that may be necessary to protect the work going on.

Mr. CARPENTER, (Mr. ANTHONY in the chair.) I was in New Orleans during the last season, and am perfectly convinced of all that the Senator from Minnesota [Mr. WINDOM] has said in regard to the abuse which he desires to correct there, and I am in full accord with him in correcting it; but it seems to me that this bill is as clearly unconstitutional as a bill could be made. The power of Congress to regulate commerce is unquestioned. That power extends to precisely the difficulty under consideration. We may pass any law for the purpose of regulating it, and affix any penalties for violation of that law which we see fit; but can we say that the Secretary of War shall pass laws and affix penalties, and change them every hour, and then allow a recovery of those fines and penalties in the Federal courts? That is a delegation of the power to regulate commerce as much as anything could be that could possibly be conceived of. In my judgment the bill would be so void on its face that not one of these penalties could

be recovered. The end which the bill seeks to reach would be defeated whenever it was sought to be enforced in any court.

Mr. MORTON. I call the attention of the Senator to the fact that the bill contains a section which he thinks it does not. This bill provides what the penalties shall be for violating the regulations: "If any person shall violate any such regulations he shall, on conviction thereof before any court of competent jurisdiction, be punished by a fine," &c.

Mr. CARPENTER. That makes it a great deal worse. I was not aware it was so bad as that. The idea of fixing a penalty here in advance, and then letting another officer of the Government, and that a military officer, determine what shall come within that fixed penalty, is a worse provision than I supposed was in the bill. How would an indictment be framed? How would it conclude? Not "contrary to the peace," not "contrary to the statute," but contrary to some changing and fluctuating regulation.

Mr. THURMAN. "Contrary to the Secretary of War."

Mr. CARPENTER. "Contrary to the Secretary of War," as the Senator from Ohio suggests.

Mr. President, the very object these Senators all have in view I have just as much in view as they have, and I will do anything on earth to reach it and cure it; but I will not sit here and vote for a bill which, in my judgment, would be utterly worthless when it was passed, and would leave this abuse to exist just as freely afterward as before the passage of the bill.

Mr. SHERMAN. I happened to be at the mouth of the Mississippi River some time ago, and saw the necessity for some legislation on this subject to give the proper officers of the Government additional power to protect their work from actual destruction. Cases occurred there where in a single night, or a single day, the work done by the Government for the benefit of the whole people of the United States was destroyed, and it was believed maliciously destroyed, by a private company to advance their own interests and to obstruct commerce. That ought to be put a stop to. Everybody felt that. The difficulty I have is with the punitive section of this bill. The first section, it seems to me, is right enough, giving to the Secretary of War power to make rules and regulations which affect the conduct of his own officers, which shall give them authority to seize a vessel that is engaged in an obstruction, give them suitable power over the property and officers of the United States. But it seems to me there would be a practical difficulty in allowing the courts to punish a man for doing that which is prohibited not by law, but by a regulation of an executive officer. There is the difficulty in the case. The first section of the bill, I believe, would answer every purpose by giving the Secretary of War power to prevent these obstructions. He has not got it now. I should vote for this bill with great pleasure if the last section was stricken out, which I think would be inoperative.

Mr. FRELINGHUYSEN. I certainly agree, Mr. President, with what has been said by the Senator from Ohio and the Senator from Wisconsin, and I would suggest an amendment to the bill, so that it would read in this way:

Be it enacted, &c., That from and after the passage of this act the Secretary of War is directed to take possession of the particular channel at the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States, and hold possession thereof until such improvements are perfected.

That is just putting this channel of the river in his possession until the work is done.

Mr. MORTON. Suppose his possession is violated?

Mr. FRELINGHUYSEN. If it was in his possession he would take care of his possession, the same as my friend would of the possession of his house.

Mr. MORTON. How will he take care of it if it is violated, unless there is some provision of law?

Mr. FRELINGHUYSEN. He would not have it violated. He would have a revenue-cutter there, and he would have a sufficient force there to hold possession.

Mr. MORTON. That is to give him arbitrary power with the Army and Navy, if he cannot do it by law. That makes it worse and worse.

Mr. CONKLING. This bill comes from the Committee on Commerce. When it was first considered I was present in the committee, and for reasons which have been substantially stated here I could not concur in reporting the bill. Subsequently, at a meeting when I was not present and was not in the city, the bill in its present form was agreed to, an amendment having, as the print will show, in the mean time been suggested. That amendment obviates an apparent and obvious objection which, I think, obtained to the original bill; but still I cannot see, any better than Senators around me are able to see, how, within our power, we can undertake such a mission of legislation as this. The Senator from Wisconsin says that Congress has power to regulate commerce. Yes; and Congress has power to establish post-roads, and of course to enact a crimes-act, as one was enacted in 1825, for example, copious in denunciation of offenses against the mails; but can anybody suppose that Congress could delegate to the Postmaster-General the right, by regulation, by a ukase, by an *ipse dixit* of his own, to provide that the doing of certain things with the mails should be felonies or even misdemeanors, and then to subject to trial and punishment all persons who should violate those regulations? I suppose there is no magic in this respect about the commercial clause of the Constitution, as it is called. It performs its purpose here, and that is to bring this subject clearly within the domain which Congress may occupy in legislating. But, having jurisdiction of the subject, Congress itself must govern, as it does in all other cases; and to say that you can confer upon an executive officer, upon the head of a Department, (upon whom the Constitution permits us to confer the power of appointing subordinate officials,) or upon anybody else, the discretion to determine what shall and what shall not constitute a felony or misdemeanor—for this must be one or the other—and then set grand juries at work, as they would under a penal statute, seems to me an idea resting upon some reasoning quite beyond my conception.

Now, Mr. President, I am inclined to think—and I rose chiefly to make that suggestion in regard to the amendment offered by the Senator from New Jersey—that the practical way out of this difficulty would be just such an amendment as he proposes, and coupled with it a provision which, as has been said, it is quite likely might not cover all the contrivances of ingenuity or deviltry if any one wants to impair this work maliciously, would nevertheless cover in the main such acts of interference and aggression as are apprehended there, and would clothe the Secretary of War with the power, as a police power, to maintain the physical custody of that work, and maintain it against all comers, so that he would not be bound to fold his hands and let some one come with a sailing vessel or steamer and block the mouth and lie there, or run over the work, or in any way interfere with it. My friend from Indiana remarked that such an idea would import that he might use the Army and the Navy to maintain his custody.

Mr. MORTON. I did not remark that.

Mr. CONKLING. I beg pardon. I thought the Senator from Indiana remarked it; and certainly there was occasion for it, because if you merely should put this work into the custody of the Secretary of War, and then intimate, negatively or positively, that he is to do what he pleases, there would be much latitude for imagination and conception of what was intended; but if you put it in his custody, and then provide a penalty for all the acts which are stated to us as the acts which have been committed and such others as may reasonably be denounced, and then authorize the Secretary of War to enforce this statute, I think you will give him physical power enough to maintain the police of the work, and you will lay down a penal code which, although it may not cover everything that could be covered by regulations, to be changed from time to time, will nevertheless be going about as far as we prudently can.

Mr. President, a day or two ago some Senator mentioned to me, in answer to a remark about this bill, that in the revenue laws Congress had frequently enacted that the Secretary of the Treasury might make regulations so and so, and that those regulations should be enforced. I speak without being positive on this point; but I know of no example which would not be covered by the statement I am going to make, when I say that I conceive the distinction between all those cases and this case is very apparent. In a revenue statute you denounce as offenses certain acts; you denounce smuggling as an offense, and various other acts; you affix the penalty. The whole thing is definite. You can lay the offense in an indictment. Then you provide that, to carry out this act in its various forms, the Secretary of the Treasury may make regulations, and accordingly he regulates the blanks, the forms of proceeding, the forms of manifest, the forms of income-tax returns under the income-tax law, and so on, all in aid of a substantive and perfect statute or section, penal in its character, and describing the offense. It is merely in aid of a statute which is substantial and complete without it, except that, as mere matter of mode of administration, you commit to the Secretary the power to furnish legs and wings, so to speak, for the law to move. But when, denouncing no offense whatever, describing no act which you prohibit, you commit a naked, unbridled discretion to an executive officer, to create, to establish, foundation, superstructure, and all, that act which shall constitute a penal offense, and be triable upon presentation by a grand jury, then it seems to me that you depart from all likeness and analogy to the other case, and you undertake an entirely different matter.

Mr. MORTON. Mr. President, there is a very decided expression of opinion here, on the part of several eminent Senators, that this provision of the law is unconstitutional. Now, sir, I submit that the Senators have shown its constitutionality by the very argument they make against it; and I venture to say that there are scores of laws now upon the statute-book that embody substantially this same principle.

The proposition insisted upon is, that it is not competent for us to authorize the Secretary of War, or any officer who is head of a Department, to make regulations for the preservation of the public property; and that we cannot provide a penalty for punishing any one who violates those regulations, after having been fully informed in regard to them. If it had not been for the very distinguished gentlemen who have advanced that idea, I should simply call it absurd. It is necessary, in the very nature of things, that the officers in charge of public works should have the power sometimes to make regulations for their protection; and those regulations amount to nothing unless persons can be punished for violating them—regulations that Congress cannot make; regulations that must be varied, perhaps, from time to time, but which are of themselves useless unless men can be punished for violating them.

Now, we cannot give to the Secretary of War the power to determine that he will assess a fine, and to assess it himself; nor can we give him

power to affix a penalty where the law affixes none; but we can say that he shall have power to make regulations which may be necessary for the protection of a public work, and that any person who willfully violates those regulations shall be punished according to the penalty that is prescribed by law; and I have no doubt there are scores of statutes which contain just such provisions, and I see no objection whatever, so far as the Constitution is concerned.

I want now to say one word in regard to the suggestion of my friend from New Jersey and the suggestion of my friend from New York. I insist that they suggest that which would be palpably unconstitutional. I take exception myself to the first part of the language contained in this bill, and I think the objection made by the Senator from Ohio [Mr. THURMAN] to that part is well taken. The provision is:

That from and after the passage of this act the Secretary of War is directed to assume full control over the particular channel at the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States.

I doubt very much whether we have the power to pass that. We have no right to give him the full control over the mouth of that channel. We cannot oust the jurisdiction that Louisiana has over it. She has a certain jurisdiction over it, under the Constitution of the United States, that we cannot take away from her, and we cannot give absolutely to the Secretary of War——

Mr. CONKLING. I think the Senator from New Jersey has proposed to change those words.

Mr. MORTON. No; I think the Senator from New Jersey justified those words.

Mr. CONKLING. If the Senator from Indiana will pardon me a moment, I understood my friend from New Jersey to suggest that this language be so changed as to give the Secretary of War the control of the work and whatever pertained to that. If these words are so broad as to embrace the whole channel, I should be inclined to agree with the Senator from Indiana about that. I had not had my attention drawn to that; on the contrary, I supposed, it was to give him control of so much as was occupied by the work at the time.

Mr. FRELINGHUYSEN. Neither Senator is entirely correct. The amendment which I suggested was "that the Secretary of War take possession of the particular channel of the mouth of the Mississippi River in course of excavation or improvement by the Government of the United States, and hold possession thereof until such improvements are perfected." And then I have added, "and any person interfering with such possession or the prosecution of the said improvements shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500 or imprisonment for not more than six months, or both, at the discretion of the court." An act so worded, it seems to me, clearly shows that the Government of the United States, which has the right to regulate commerce, is carrying on improvements at the mouth of the Mississippi River, and it authorizes the protection of those improvements and possession of the mouth for the purposes of those improvements, and I think it is perfectly constitutional and would meet the end.

Mr. MORTON. Mr. President——

Mr. SPENCER. The amendment proposed by the Senator from New Jersey——

Mr. MORTON. I have the floor, I believe.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Indiana has not yielded the floor, except temporarily.

Mr. MORTON. I was simply going to say, on the constitutional point raised by the amendment of the Senator from New Jersey, that he makes a distinction without any difference in regard to the power. We can give the Secretary of War the right to take possession only so far as that possession is necessary in order to make these improvements. We can give him possession to that extent and no further. We cannot give him exclusive possession to oust the jurisdiction of the State of Louisiana.

Now, Mr. President, what does the Senator suggest? That the Secretary of War shall take possession for these purposes, and then he provides that anybody who disturbs that possession shall be punished so and so. What is the constitutional difference between that and authorizing the Secretary of War to make regulations for the perservation of that property, and punishing any person for violating those regulations? If there be any difference, I confess it is a difference of circumstances but no difference of principle. If we have the power to do the one, we have the power to do the other. I think I could suggest an amendment to this bill which would obviate the principal objection to it, but I merely speak to the constitutional point that has been raised to-day. According to my mind, there is nothing in it.

Mr. THURMAN. Mr. President——

Mr. SHERMAN. If my colleague will give way now, I will move to recommit the bill.

Mr. THURMAN. I think the bill ought to be recommitted, but before that is done I wish to make a few observations, for I have been looking into this matter a little since this debate sprang up, and I believe this is the first bill of this kind that ever has been before Congress, for, strangely enough, on a hasty looking into the statutes I find no statute to protect any harbor of the United States, or the channels leading into any harbor of the United States from malicious obstruction. If there be any such statute I do not find it in the index to Brightly, and I think it would be found there if there were any such statute. It is very singular indeed, with the many ports that we have, the many channels over which we have complete jurisdiction, that no law should exist for their protection against malicious obstructions. If a careful scrutiny shall develop the fact that that is the case, that there is such a defect in our statutes, the sooner it can be remedied the better.

Then, again, I do not find any statute to protect the works of the United States in course of construction, whether they be buildings or canals, or railroads, or the improvement of a harbor or river. Certainly some act on that subject is necessary.

So the Senate will see that this is an exceedingly large subject which is brought to our notice by this bill, and I do believe that the very best thing that the Committee on Commerce could do, which contains gentlemen acquainted with commerce, and also some of the best lawyers in the Senate, would be to frame a general law, which should protect the harbors and channels of the United States from obstruction, and protect the public works in course of construction, from being unlawfully interfered with; and such a bill could, by the use of proper pains, be prepared that would apply to the whole United States, and would cover this case completely.

In respect to the delegation of this power to the Secretary of War, I am a little surprised after the very clear and, in my judgment, perfectly unanswerable statement by the Senator from New York, [Mr. CONKLING,] of the difference in principle which lies between those regulations made by the Secretary of the Treasury and some other Secretaries, and the provision of this bill, a distinction broad and plain to the legal mind, that there should be any hesitancy at all in pronouncing this bill to be unconstitutional. Why, sir, if you can delegate this power to the Secretary of War in respect to one of the mouths of the Mississippi, you may delegate it to the Secretary of the Treasury in regard to another mouth of the Mississippi, and to the Secretary of State in regard to another mouth, and to the collector of customs in regard to another channel, and to some surveyor of a port in regard to the harbor at New York, and so on, and you may delegate it in fact to a private individual, and say that what A B or C D, a private individual, declares shall be a punishable offense, shall be punished in the courts of the United States by fine and imprisonment. Why, sir, it will not do at all.

Now, having said this much, I hope that my colleague will make his motion, and that this bill will go back, and that instead of this particular bill, which is to remedy evils that we all want to remedy, the Committee on Commerce will frame a general law to protect the channels of commerce and the harbors of the United States from unlawful obstruction to the full extent of our constitutional power to do so, and to protect the public works of the United States while they are in course of construction.

Mr. SHERMAN. I call for the regular order; but I will first move by general consent that the bill be recommitted to the Committee on Commerce.

The PRESIDING OFFICER. It is moved that the bill be recommitted.

Mr. WEST. I ask that the amendment offered by the Senator from New Jersey be printed and recommitted also.

Mr. SHERMAN. I have no objection to that.

Mr. FRELINGHUYSEN. I have modified the amendment.

The PRESIDING OFFICER. It is moved to recommit the bill to the Committee on Commerce.

The motion to recommit was agreed to.

THE CURRENCY—SPECIE PAYMENTS.

Mr. SHERMAN. I call for the regular order.

The PRESIDING OFFICER. The Senate resumes the consideration of the regular order, which is the finance resolution.

Mr. STEWART. Mr. President, I do not propose to make a financial speech, but if no other gentleman desires to occupy the floor at this moment, I will say a few words in regard to the resolution under consideration. This is a subject which involves a great deal of both general and special information which I do not possess. However I have some general ideas which I can state in a few words.

I believe that it would be highly injurious to this country to again inflate the currency. I do not believe there is any public necessity for such a movement. I think the time has come when we should take steps in the direction of redeeming our plighted faith. We have issued paper which is a promise to pay, called a legal-tender. I think that we should take steps towards complying with that promise at the earliest possible moment. I think this is the time. Whatever we do should be in that direction. I need not enlarge upon the evils of a depreciated currency. This country has felt them too severely to require that I should mention them. It matters not what kind of a depreciated currency you have, it necessarily entails many evils. It is true that the depreciated currency spoken of by the Senator from Massachusetts [Mr. BOUTWELL] yesterday, if such a thing could be as a fixed depreciation, a fixed value below the gold standard, would be less objectionable than a fluctuating depreciated currency; but I apprehend that such a thing as a fixed depreciating currency has not existed and will not exist. It varies almost daily; and the merchants and brokers and middle-men who are between the producers and the consumers, derive advantage from that condition of things.

Mr. LOGAN. If the Senator will allow me, I do not desire to interrupt his speech, but merely to call his attention to one word which is

coming into common use in the Senate, and I believe elsewhere, and that is the word "inflation." Gentlemen here who are in favor of a return to specie payments use the word "inflation" as applicable to gentlemen who are in favor of a moderate increase of the currency. I do not understand that to be inflation by any means. You cannot inflate the currency until the currency is up to the standard of necessity, and then an increase would be inflation. It is a question whether the currency is up to that standard, and not a question of inflation; and the word "inflation" as it is used here seems to be a very improper one. If I understand it, and if Worcester and Webster understood it, it means "to puff up," "fill up," and "swell out." Gentlemen may be inflated sometimes, but the currency is not, by any means.

Mr. STEWART. Then the idea is that there is no such thing as inflation—puffing a thing up until it is full. I suppose the next step after you have got it full would be to burst it, so that I understand there is no such thing as inflation, but there must be an explosion, because certainly if the process of filling up is not inflation, then the next step after the thing is full would be explosion. Inflation does not exist, but explosion is what the Senator would have us look after. He thinks there is no particular danger of inflation.

I do not care about stepping aside from the few remarks I have to make to criticise language, because I do not propose to use any technical terms, but only those we are familiar with, in regard to finance. I say a depreciated currency is attended with a great many evils. The middle-men provide against it. In shipping grain, as was illustrated, from Illinois to Liverpool, every person who handles that grain will insure himself against these fluctuations. He will charge a higher commission. If the grain is to remain in his possession, step by step, he will insure against fluctuations; and every one between the producer and consumer will insure himself against them. It is not a fact with a fluctuating currency that the value of wheat in Illinois is the price in Liverpool, less the cost of transportation to Liverpool. When you have a depreciated currency you have not only to take into account transportation, but you have to take into account the insurance that every man who handles the wheat will take against the change in the price in gold constantly coming upon him. It gives speculators and middle-men a chance to cut both ways and eat up the consumer and the producer. We have seen that most effectually.

Gold is the real measure of value. If you have a gold standard, the middle-men and traders need no security, no extra percentage to guard them against these fluctuations. If you have that simple standard you can have the fair measurement, the fair difference, the transportation from Illinois to Liverpool. Then the measure of value in Illinois will be the price in Liverpool less the cost of transportation. Now, the measure of value is the price in Liverpool, with the cost of transportation and the insurance against fluctuations in currency deducted, and they have proved ruinous. There is nothing so satisfactory as the real measure of value, gold. Without going to the real measure of value, you must have arbitrary amounts of currency or you must have fluctuations; you must have constant legislation as to the amount of circulation; you must have a cramped, uncertain circulation; and you will have these discussions constantly. But suppose you adopt what the world adopts as the measure of value for your currency, then what will you have? Then you can have all the currency which you have got money to buy. You will have the world's currency. You can have all the money then that you have got the representative of value for. You can have inflation then on a sound basis.

I know no method by which we can determine how much money is wanted in this country. I have found nobody in this Chamber who knew anything about it. Some say $700,000,000; some say $600,000,000; some say $1,000,000,000. How are you going to measure or determine it? Some Senators ask legislation to deal out so much more currency. Sir, you want currency enough to do the business of the country, and when you adopt the measure of value that the world recognizes you will have sufficient money to do the business of the country with, the same as they do anywhere else; because if you have got crops to move and you have a necessity for money, the world will come to your aid at once; but if you have a depreciated currency that drives all the rest out, that prevents your using gold, then you will have these same difficulties.

It seems to me that we are better situated now than we ever were before, if we can get to a specie basis, that is, let gold be the measure of value, as the world recognizes it to be. That being done, I would say, let the United States furnish the currency, and let us have free banking, and I do not know who will be hurt by it.

Mr. CONKLING. Have we not free banking on a coin basis now?

Mr. STEWART. No; we have not free banking on a coin basis now. That is one of the difficulties about that law. In the first place, the law requires an unnecessary amount of securities, and it only allows the issuance of 80 per cent. It requires the deposit of bonds which are above par or equal to par in gold, and only allows the issuance of 80 per cent. of notes. Then it limits the capital of the bank issuing to $1,000,000, and it is so restricted and limited that it is practically of very little use. If we had free gold banking on the Pacific coast, everybody would adopt it. If we had free banking on a gold basis, without restriction, so that each institution could have such a capital as it thinks sufficient to do business upon, it would be adopted generally upon the Pacific coast. But it is limited so that it is not free and cannot be used. There are half a dozen institutions there with a larger capital stock than is allowed under the law. A million of dollars will not do the business of a bank there. If these restrictions were removed, we should have free banking on a gold basis on the Pacific coast, and it ought to be done.

Mr. LOGAN. If the Senator will permit me, there is one question that I should like to have some one answer in the course of this debate. In arriving at the amount of currency necessary for the business of the country, when two or three parties who might be mentioned can in the city of New York, by obtaining three or four millions and locking it up a few days, disturb the business relations of the whole country, is not that a fact in itself which shows to the world that there is not a sufficient amount of currency in the country to prevent a disarrangement of business by the withdrawal of a very small portion of it from the volume?

Mr. STEWART. I suppose that in any town, if there was a sufficient amount of currency, rich men might combine and make it scarce for the time being. I do not think that is a conclusive argument at all.

Mr. LOGAN. I do not mean that it is conclusive; but if three or four millions taken from the great volume of the currency and locked up in New York, will derange the business of the whole country, is not that a fact of itself having some weight, showing the inadequacy of the volume of currency to perform the functions that it is intended to perform?

Mr. STEWART. I do not see why we could not have all the money we want if we were on a gold basis. All agree that there would then be no necessity for a limitation upon the currency. All agree that a limitation might be avoided. The discussions that are constantly arising here about the quantity of currency would be disposed of. We would have gold, which would supplement the bills of the United States. Suppose the United States should issue bills, gold-notes, and should let the banks have them for circulation; they would be the equivalent of coin, and they would be supplemental to buy gold; and your currency would necessarily be elastic, although the amount of circulation was fixed. Suppose you felt it necessary to fix your circulation, and you fixed it at $500,000,000, although I do not think that would be necessary; I think that could be arranged in the banking law, so that it need not be fixed at all; but if it was fixed, there would be something with which to supplement it. Now, when there is a stringency, you have nothing to supplement your currency with. You cannot call on the balance of the world. If they send their gold over here, it is at a discount; it cannot be used, it cannot be thrown into circulation—it is a commodity, it is not a legal tender. You cannot pay debts with gold, except at a ruinous sacrifice. You cannot use it. Your mints go on coining, but they do not increase the volume of your circulation.

If you adopted the universal measure of value—gold—as your basis, then your circulation would be flexible, and it would be much harder to make a "corner" on the gold in this country, on the circulation of the country, which would distribute itself according to the laws of trade throughout the country, than it would on a fixed amount of greenbacks that was fixed arbitrarily. You can figure all the time upon that. You know that the paper circulation is the only circulation there can be, because it is a depreciated currency, and you cannot trade in anything else. You know just exactly how much it is. But if we had a gold basis, speculators would not know how much it was and they ought not to know, and nobody ought to know how much circulation there is in the country. It is a fact that had better not be known. There would be less chance for corners if the currency consisted of gold deposited everywhere, distributed everywhere throughout the country, and it was all the circulating medium there was, than there is now.

I think the step suggested by the Senator from New Jersey [Mr. FRELINGHUYSEN] is certainly a safe one. That is, to issue bonds, sell them, get gold if you can, and leave the Secretary of the Treasury to proceed in this direction toward resumption, if the prosperity of the country will allow it. I do not believe in going to England or France to beg them to take our bonds; but if there are seasons of the year in which our bonds can be sold, let them be sold, and let us accumulate gold; let us pass a law for free banking; perfect the system of free gold banking, and thus proceed towards resumption. It seems to me the road is plain. If we do not get there, if the Secretary is not able to get there, no harm will be done. The country will understand that that is the direction in which we are traveling. We are attempting, then, to redeem our promises; we are attempting to put ourselves in harmony with the commercial world; we are attempting to get rid of an irredeemable currency; we are attempting to put trade and commerce upon a substantial basis; we are attempting then to get rid of the insurance that every middle-man takes in consequence of the fluctuations of the currency. It seems to me that in traveling in that direction there is more light.

But suppose you do as you have done before, issue more currency; suppose you issue one hundred millions, or fifty millions, or two hundred millions, what will be the inevitable result? Everybody understands what must be the result of doing that. The result will be to excite speculation, and the consequence of that speculation will be that more men will get into debt, and the final result will be another crash; and when you attempt again to place your currency upon a substantial basis you will meet with this same difficulty; you will be told that it is going to injure the debtor class; that you will ruin a

great many men. I undertake to say that in time of peace we ought not to encourage speculation again until we get upon a healthy basis, until we get it down to where the legitimate growth of the country will warrant it, and where the speculation is based upon the real measure of value. We ought not to invite another class of men to get into debt and break by dealing out to them more paper money and helping them on in this way. It seems to me the necessary effect of such a measure is too plain for argument. I hope it will not be done.

I think a step toward specie payment is just what is demanded. The country can stand it now better than it could at almost any other time. We have had the panic, we have had the crash, and when we build up again let us build up on solid foundations. Then the world will have notice of what we intend. But if we take a step backward now, in time of peace, we shall be unable to retrace it, and you will have this fluctuating currency, this uncertainty, and the damaging effect upon the commerce and enterprise of the country which uncertainty always produces for the next ten years. There is no necessity for that. Let us have certainty. Let us move forward toward the redemption of the greenbacks; and when it is understood that that is the policy of the Government the people will sustain it and they will be prepared for it.

This is all I have to say. I do not propose to elaborate these views, and I did not intend to say as much as I have already said.

Mr. WRIGHT. I have no purpose of addressing myself to the pending resolution, but I wish to make a statement which I desire the chairman of the Committee on Finance to hear. I reported this morning a bill from the Committee on Civil Service and Retrenchment, abolishing the office of first assistant internal revenue commissioner, a bill that has the approval of the Department and has passed the House of Representatives, and to which I suppose there is no objection in the world. I have a telegram this moment from the Department, stating that it is important that the bill should be passed as soon as possible; and among other reasons, though it is not stated in this telegram, I may mention that the civil-service commission are about to proceed to examine candidates to fill this place, and it is important, if the bill is to pass at all, that it should be passed at once. I therefore trust that there may be unanimous consent that the pending resolution may be laid aside, and that we be allowed to take up this bill and pass it, inasmuch as it is important that it should be disposed of at once.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The Senator from Iowa asks unanimous consent to lay aside the pending resolution informally, with a view to take up the bill reported by him to-day. Is there objection?

Mr. LOGAN. I shall be compelled to object, and when the bill comes up I will state my reasons for the objection.

Mr. SHERMAN. Then I hope it will not be taken up now. I should have no objection to the bill being taken up if it could be passed without opposition; but as that cannot be done, I hope we shall proceed with the pending resolution.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan [Mr. FERRY] to the resolution.

Mr. BAYARD. I trust the debate on this all-important subject will not terminate suddenly, because there are a number of members of the Senate who desire to be heard and who are not prepared to-day to go on with the debate. I hope the chairman of the committee, who has this matter generally in charge, will recognize the wisdom and propriety of allowing further time for this discussion. The tone of the discussion has certainly been very creditable to the intent of the parties engaged in it. It is a very vast subject, and the steps which we are called upon to take will be very far-reaching in their effects upon the welfare and prosperity of the citizens of the United States in every portion of the Union. I trust there will be no haste to take votes upon the measures touched upon in the course of this discussion. There should be time for debate, and the time is well expended in debate; and understanding that there are a number of members of the Senate who desire still to be heard upon the general propositions embraced in the various resolutions submitted to the Senate, I hope that the resolution, if no one is prepared to discuss it now, will be laid aside informally, in order that early in the next week it may be resumed. I need not say how little disposed I am to a waste of time; but there can be no better bestowal of time than in a full and deliberate discussion upon this subject. I hope no vote will be pressed until every one who desires to be heard upon the subject (and I may here say I am but one of several who propose to address the Senate upon it) shall be allowed to do so.

Mr. ALLISON. I move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

Mr. SHERMAN. I would rather that that motion were withheld for a moment, until this question is disposed of. In regard to the pending debate, I am entirely indifferent as to the time when it is brought to a conclusion or as to the order of its procedure. I desire to get a vote as soon as possible; but it is a very important subject, and I do not desire to press a vote until Senators are fully heard upon it. If the Senator from Delaware says that he would rather speak on Monday, and others are in the same condition, I have no objection to allowing the resolution to go over. I will inquire of the Senator from Indiana if it is likely that his privileged question will take very much time on Monday?

Mr. MORTON. Not that I know of. The Senator from Kentucky has the floor upon it.

Mr. McCREERY. I wish to speak on that subject on Monday.

Mr. SHERMAN. Then I move that the pending resolution be postponed until Tuesday, it still remaining the special order, as a matter of course.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I now move that when the Senate adjourns to-day, it adjourn to meet on Monday next.

The motion was agreed to.

LOUISVILLE AND PORTLAND CANAL

Mr. SHERMAN. I now appeal to the Senate to take up the bill in regard to the Louisville and Portland Canal. I think in five minutes I can show the necessity of passing it.

Mr. RAMSEY. I hope the Senator will not press his motion, but will allow me now to call up and have disposed of the post-route bill.

Mr. SHERMAN. This bill will take but a few moments. The Senator from Michigan, who objected a moment ago, mistook the bill. I think I shall be able to show the Senate in five minutes the importance of passing it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company.

It proposes to continue in full force the appropriations made by the act approved March 3, 1873, entitled "An act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes," for the payment of the debts of the Louisville and Portland Canal Company, and to make them permanently applicable to the payments of the debts of the Louisville and Portland Canal Company; and so much as may be necessary is to be applied to the payment of the interest as it accrues, and the principal of the outstanding bonds of the company as they mature; but the Secretary of the Treasury may purchase and pay for any of the bonds, at their market price, whenever he deems it for the interest of the United States. After thirty days from the passage of the act, the Secretary of the Treasury is directed to take possession of the canal and all the property, real and personal, of the company as the property of the United States, subject, however, to the mortgage lien on the property in favor of the trustees under the mortgage and the holders of the bonds issued under it; and the Secretary of the Treasury is authorized to pay to the directors of the company for the stock held by them, and he is directed to cause a careful and full examination of all the receipts and disbursements of the company to be made, and to collect, and, if necessary, to sue for, any money due to or held for the company by the directors, or by the trustees under the mortgage, or by any person whatever. The canal and property appertaining thereto are to be held for the common use and benefit of the people of the United States, free of all tolls and charges, except such as are necessary to pay the current expenses of the canal; and to ascertain what rates will pay current expenses, the Secretary of the Treasury is, on the first Monday of January of each year, to ascertain from the expenditures of the previous year what tolls will probably pay the expenses for the current year, and he is to fix and declare the rate of tolls thus ascertained to be charged for the current year.

Mr. SHERMAN. If the Senate will listen for a few minutes, I think I can show the importance of immediate action on this bill.

At the last session of Congress an appropriation was made to pay the debts of the Louisville and Portland Canal Company, and to assume possession of the canal by the Government of the United States. These debts are in the form of outstanding bonds to the amount of about $1,000,000, some of which are not due for twenty years. The Secretary of the Treasury in his annual report says that it was impossible to get these bonds in, because the holders would not sell them at what he regarded as their market price and market value. They were not due, and therefore he could not pay them in pursuance of the appropriation made by law. He asks Congress in his annual report, and also in a special report which is before the Senate, to authorize him to pay the interest on the bonds and to pay the principal when they mature, or at his discretion, when the bondholders will sell them at a reasonable rate, to buy them at their market price. The bill appropriates no money whatever, but simply continues permanently the appropriation already made, to be invested in the mode and manner pointed out by the bill. That is all there is in it, and the necessity of its passage is apparent, because if it is not passed, this money will lapse into the Treasury and the present tolls of fifty cents a ton will be continued.

I do not think it necessary to say more on the subject. I can have the report of the Secretary of the Treasury read if it is necessary.

The PRESIDING OFFICER. The question is on the amendments reported by the Committee on Finance, which will be read.

The Chief Clerk read the amendments, which were in section 3, line 5, after the word "canal" to insert, "and for the present year they shall be at the rate of ten cents per ton capacity on vessels propelled by steam and five cents per ton on other vessels;" and in line 6 of the same section after the word "expenses" to insert "for the present year;" so that the section will read:

That the said canal and property appertaining thereto shall be held for the common use and benefit of the people of the United States, free of all tolls and charges, except such as are necessary to pay the current expenses of said canal, and for the present year they shall be at the rate of ten cents per ton capacity on vessels propelled by steam, and five cents per ton on other vessels; and to ascertain what rates will pay current expenses for the present year, the Secretary of the Treasury shall, on the first Monday of January of each year, ascertain from the expenditures of the previous year what tolls will probably pay the expenses for the current year, and he shall fix and declare the rate of tolls thus ascertained to be charged for the current year.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. CONKLING. I move to amend the bill by inserting at the proper place "not above par," so that the provision will be that the Secretary may buy these bonds at the market value, not above par. I will say that they have never been above par, and it is not likely that there will be any practical force in this amendment, but it may guard against danger.

Mr. SHERMAN. I have not the slightest objection to that. It ought to be inserted at the end of the proviso to the first section.

Mr. MORTON. I suggest to the chairman of the committee whether he has considered the question that this amendment may delay the taking up of these bonds until after the appropriation lapses.

Mr. SHERMAN. Not at all. The interest is paid in the mean time. If the holders will not surrender these bonds at a fair price, that is under par at their market value, the Secretary can pay the interest, so that it makes no difference; the appropriation is continued. That probably will be the result.

The CHIEF CLERK. The proposed amendment is to add at the end of the proviso of the first section:

And provided, That such price shall not be above par.

Mr. SHERMAN. I can insert it in fewer words.

Mr. CONKLING. Let the Secretary interline it so as to read "at the market value not above par."

Mr. SHERMAN. That will answer.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

POST-ROUTE BILL.

Mr. RAMSEY. I ask the Senate now to proceed to the consideration of the bill (H. R. No. 798) to establish certain post-routes.

Mr. GORDON. I ask the present consideration of the bill introduced by me some days ago for the removal of the disabilities of Mr. Cabell, of Dallas, Texas.

The PRESIDING OFFICER. There is a motion pending of the Senator from Minnesota to take up the post-route bill.

Mr. RAMSEY. I think that bill can be disposed of in a few minutes now.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 798) to establish certain post-routes, the pending question being on the amendment of Mr. MORRILL, of Vermont, to the amendment of Mr. PRATT.

The amendment was to add as a new section the following:

That all bridges heretofore or hereafter to be erected over the navigable rivers in the United States, or over lakes or the outlets of lakes, or over arms of the sea, or other bodies of water, and all public roads established or hereafter to be established in the States or Territories by competent authority and used as public highways, be, and the same are hereby, established post-roads.

The amendment to the amendment was to insert after the word "highways" the words "leading from one town to another or from one village to another."

Mr. MORRILL, of Vermont. I modify my amendment, in order to meet the idea of the Senator from California, [Mr. SARGENT,] by adding to it the words, "or from any railroad depot to any town or village."

The PRESIDING OFFICER. The amendment to the amendment will be so modified.

Mr. MORTON. With or without the amendment submitted by the Senator from Vermont just now, I insist that the amendment of my colleague, coupled with that offered by the Senator from Maine, [Mr. HAMLIN,] which I believe he accepted——

Mr. PRATT. Yes, sir.

Mr. MORTON. I insist that the whole amendment is clearly unconstitutional, and that it would be a violation of the Constitution that would be dangerous. I agree with the reasoning suggested by my colleague the other day, that we might as well take his amendment as to go on the way we have been going; but is this not a proper time to put a check to this whole class of legislation? What is the effect of these amendments? It is to make every bridge, canal, river, railroad, dirt-road, township road, neighborhood road, that is called a public highway by the laws of the State, a post-road, and then to authorize the Postmaster-General to put mail service upon such roads as he thinks proper. I submit that this is an attempt to delegate to the Postmaster-General a power that is vested in Congress. It is an attempt to delegate an express legislative power. The power to establish post-roads is one of the express legislative powers conferred upon Congress. "The Congress shall have power to establish post-offices and post-roads." This amendment gives that power to the Postmaster-General. In general terms it makes all roads of every description post roads. That of itself amounts to nothing. What is the essence of the power to establish a post-road? It is to designate a road upon which the mail shall be carried and requiring it to be carried upon that road, and providing the means for carrying it upon that road. That is the essence of the power. A mere declaration that a road is a post-road, but not putting service upon it, is a nullity. The essence of the power is to put the mail upon it and have it carried there. It is an important legislative power, and it was never intended that that power should be delegated, nor have we the right to delegate it, to the Postmaster-General or to anybody else.

Why, Mr. President, just see how this principle would operate now. I will take several of the legislative powers included in the same article:

The Congress shall have power to lay and collect taxes, duties, imposts, and excises.

Have we the power to authorize the Secretary of the Treasury to levy a tax? We have just as much power to authorize him to levy a tax as we have to authorize the Postmaster-General to determine whether the mail shall be put upon a particular route or not. Suppose we were to pass a law saying that $100,000,000 of taxes should be levied and collected, and then authorize the Secretary of the Treasury to select the articles upon which taxes shall be levied and to fix the amount in each case, would anybody pretend that that would be constitutional? And yet what does this amendment propose? To make formally every railroad, dirt road, and cross-road in the United States a post-road, and then leave to the Postmaster-General to determine whether the mail service shall go upon it or not; in other words, to leave to him the essence of the whole power.

Mr. PRATT. Will my colleague allow me to correct him at this point? That is not the extent of the amendment which I offered. If he will examine it carefully he will discover that by our previous legislation we have from time to time, in so many words, made all the plank roads in the country post-roads; all the railroads in the country post-roads; all the streets in the fifty-two cities in which the free-delivery system prevails post-roads; all the canals of the United States post-roads. My amendment simply goes a step further in the same direction, and proposes that instead of enumerating, as in the present bill, thirty-three particular routes in the State of Alabama, which shall be post-roads, and so many in another State, so many in a Territory, we declare in general terms that all the roads in the States and Territories established by competent authority, and used as highways, shall be deemed post-roads. So my colleague will perceive that my amendment is strictly in the line of legislation that has been going on here from the beginning. Congress first, I believe, attempted to generalize in the way of navigable rivers and lakes.

Mr. MORTON. I intended to state as much. I am satisfied the amendment is in the line of previous legislation. It is quite as constitutional as the acts referred to by my colleague; but does my colleague believe that those acts are in accordance with the Constitution?

Mr. PRATT. I have some doubts upon that question. I introduced a resolution this morning, directed to the Committee on Post-Offices and Post-Roads, instructing them to report their views upon the constitutionality of that legislation which we have been indulging in from the beginning, whereby the power conferred by the Constitution upon Congress to establish post-offices has been delegated to the Postmaster-General. I am constrained to concur with my colleague in the view that he is taking upon that question. I do not discover, on reading the Constitution, how that power can be delegated in either case. The power is given in the same terms to Congress to establish post-offices that it is given to establish post-roads. If Congress must establish post-roads they must establish post-offices, and the power cannot be delegated.

Mr. MORTON. Mr. President, I am glad that my colleague concurs in the view that I was taking in regard to this power. It is a legislative power that cannot be transferred or delegated. I was just presenting the point of an attempt on our part to delegate the power to the Secretary of War to levy taxes. We have just as much power to authorize him to determine what articles shall be taxed, as we have to delegate the power to the Postmaster-General to say what shall be a post-road, or the road upon which the mails shall be carried, for that is the essence of making it a post-road. To talk about a road being a post-road upon which the mail is not carried, is mere nonsense. It is the carrying of the mail that makes it a post-road; and when we leave that whole matter to the Postmaster-General, we have left to him the whole substance of the power.

Let me take another legislative power. Congress, says the Constitution, shall have power to declare war. Can we authorize the Secretary of War to declare war whenever he thinks it proper? We have just as much power to authorize the Secretary of War to declare war when in his judgment we should make war, as we have to authorize the Postmaster-General to carry the mail upon a road whenever he thinks it is proper, not when we think it is proper.

I might run through the whole list of these legislative powers, some eighteen of them, that are in the Constitution expressly referred to and defined. Not only is it clearly unconstitutional, but the delegation of this power under the circumstances is dangerous. It is one of the greatest powers conferred upon Congress, and the delegation of it is a source, I doubt not, of the greatest corruption. Not that I mean to cast the slightest imputation upon the present officers of the

Post-Office Department. I doubt not that they intend to do their duty; but the abuse is a hoary one, and it is constantly growing in magnitude. How is it? Congress is required to select a road on which the mail shall be carried, and every time a selection of that kind is made it is in the nature of an appropriation; it involves a large sum of money, and the expense of the postal service has now grown to about $36,000,000—double, or nearly double, what it was in 1866, as I am told.

Mr. RAMSEY. The Senator is certainly mistaken in saying thirty-six millions. The receipts are about $23,000,000, and the appropriation out of the national Treasury five or six millions.

Mr. MORTON. I was governed by what I heard the Senator from Maine state.

Mr. MORRILL, of Maine. Does the Senator from Minnesota controvert the statement?

Mr. MORTON. He does.

Mr. MORRILL, of Maine. The expenditures contemplated for next year are about $36,000,000.

Mr. RAMSEY. Does the Senator say thirty-six millions?

Mr. MORRILL, of Maine. I say so. I say now that the expenditures contemplated for the postal service for the year ending June 30, 1875, are over $36,000,000. That was my statement the other day.

Mr. RAMSEY. I was speaking of the present expenditures.

Mr. MORTON. I was remarking that every time the Postmaster-General put service upon a road, that is in the nature of an appropriation; it involves an expenditure of $5,000, $10,000, $50,000, or $100,000, and the propriety of that expenditure is left entirely to a single officer. There is no officer of this Government clothed with such power; nothing that approaches it. And how must it be exercised? How does the amendment of my friend from Maine [Mr. HAMLIN] propose that it shall be exercised? We make every mud road in the United States a post-road, and then provide that the Postmaster-General may put service on or not as he chooses, and direct him to send out a special agent of the Post-Office Department to see if service should go on upon it. I ask if there were ever such inducements and opportunities for fraud and corruption? The agent is sent out; he comes across a man who wants to carry the mail. It is a profitable business; he is not getting a very large salary himself; and you expose him to temptation, and you virtually vest in a special agent of the Post-Office Department the decision of a question that the Constitution has reposed in Congress. This man comes back from a distant State or Territory and he says, "The mail ought to be carried upon such a route;" or some clerk in the Post-Office Department determines the same question; parties who want to carry the mail visit him and they persuade a clerk; they may persuade him by logic or they may persuade him in some other way, to send in a report to the Postmaster-General that the mail ought to be carried upon a particular route. The Postmaster-General has not the time to examine all these things; his duties are multitudinous, and the result is that the determination of this question is virtually allotted to a clerk or to a special agent. I have no doubt that the mail is to-day carried upon hundreds and hundreds of routes where it ought not to be carried, and where it is a mere fraud on the Government, where Congress would never authorize it to be carried if the subject had been investigated by a proper committee. I do not now refer to the mail-routes in the Territories. I agree with some Senators who spoke here that so far as they are concerned, we cannot refuse to carry the mail through a distant State or Territory because it does not pay. A small settlement in the Rocky Mountains has a right to have some sort of mail facilities, and we are bound to pay for them; but the abuses I believe come from the thickly settled States where the mail service is doubled and where mail-routes are multiplied side by side. There is where most of these abuses come from—not from the distant Territories and States. But the point I am making is, that we present the greatest temptation to corruption and abuse by leaving to a clerk in the Post-Office Department, or to the head of a Bureau, or to a special agent sent out, the determination of a question which may involve the expenditure of $10,000, $20,000, or $100,000, when it was the purpose of the Constitution that that thing should be determined only by the Congress of the United States.

Mr. STEWART. I would suggest to the Senator that practically it is ascertained that you have to make changes frequently, particularly through the Territories. There communities grow up where they suppose they have mining or some other interest which will attract people there for the time being, and again they disappear. The settlements are disappearing and changing, so that practically it would be impossible for Congress to supervise it. There must be some person to ascertain the facts. You could not have legislation by Congress in all these cases. There must be some machinery whereby the thing can be provided for. I do not think declaring all roads mail-routes will augment the evil at all, or have any tendency in that direction, because it is no trouble now to get a mail-route if application is made. All they have to do is to hand in the name of the route wanted. It seems to me that the thing to do is to provide some more thorough organization to ascertain all the facts. I know of a great deal of abuse in the line the Senator speaks of.

Mr. MORTON. I submit it can be done by Congress, with all deference to my friend, and it ought to be done by Congress, because the Constitution requires that it shall be done by Congress.

Mr. HAMLIN. Does the Senator mean to say that the mere ministerial or executive duty of putting service on a particular route has to be done by Congress?

Mr. MORTON. No; I mean to say that the powers of Congress must be finally executed by ministerial officers. But I do say that the determination as to whether the mail shall be carried upon a particular road or not is vested in Congress and nowhere else, and after we have determined that it shall be carried, then the execution of the order is to be left to the Department.

Mr. STEWART. Where you have to drop routes frequently, it would take the whole time of Congress. It is impracticable and out of the question.

Mr. MORTON. There may be cases where a route has to be dropped, but the routes do not have to be changed more than once a year, I take it. Congress meets once a year.

Mr. EDMUNDS. It would not follow, if I may suggest to my friend, that because the action of Congress was necessary to establish a route, that it could not authorize the Postmaster-General to drop one in a certain contingency. Similar examples have occurred in the history of the Government on that question, so that that point cannot be maintained.

Mr. MORTON. We might vest the Postmaster-General with power to cease to carry the mail in a particular case, but what I insist on is that the power of determining whether a road shall be a mail-route, and putting the mail upon it, has, by the Constitution, been placed in Congress, and it cannot be delegated, and that to authorize it to be delegated in the way that has been done is to open the greatest sources of corruption.

I wish to say one thing further, and I want the attention of the Senator from Minnesota, [Mr. RAMSEY.] The Senator one day last week read an extract from the postal code giving to the Postmaster-General the power to determine the frequency with which the mail should be carried. He read that as if it gave the Postmaster-General the power to determine whether the mail should be carried on any road or not.

Mr. RAMSEY. That is the intent of it, undoubtedly.

Mr. MORTON. No. I should like the Senator to read that, because I think that is not the intent of it; and such a practice is an express violation of the law.

Mr. RAMSEY. It is chapter 6, and it generalizes all the law on the subject of these post-routes. In the two hundred and fifteenth section of that chapter it is provided:

> The Postmaster-General shall provide for carrying the mail on all post-roads established by law.

They are not carried at all until he provides for it.

> The Postmaster-General shall provide for carrying the mail on all post-roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper.

In the sense of "whenever," undoubtedly, the words "as often as" are used.

Mr. MORTON. Now I ask the Senator this question: Is this all the law that gives the Postmaster-General a discretion as to whether the mail shall be carried or not?

Mr. RAMSEY. The other check upon his discretion is the amount of the appropriation for transportation.

Mr. MORTON. Now, I submit that this does not give him any discretion at all except as to the frequency, but requires him to put the mail on every road that is made a post-road by Congress. It is "that the Postmaster-General shall"—not "may"—"shall provide for carrying the mail on all post-roads established by law." Now, my colleague proposes to make every dirt road, township, county, neighborhood road, a post-road. And he shall provide for carrying it "as often"—that is where the discretion comes in—"as often as he, having due regard to productiveness and other circumstances, may think proper." The law requires the Postmaster-General to put the mail upon every road that is made a post-road. He may determine the question whether it shall be carried once a week, every day, or twice a day; but he shall put the mail upon the road, and if he does not do it, he violates the law as it stands. If there is any other construction to be given to the law, I should like to know what it is. It reposes no discretion except as to the frequency.

Mr. RAMSEY. What is the interpretation of the honorable Senator, that the Postmaster-General may two, three, or four times place service on a route; that he may continue from time to time to put service on a route? It refers to the routes before made post-routes, and the term "as often as" is used in the sense of "whenever."

Mr. MORTON. No; I beg the Senator's pardon. "As often as" does not mean "whenever."

Mr. RAMSEY. That has been the practice from the very beginning of the Government.

Mr. MORTON. That may be the practice, but it is clearly not the meaning of the law. The language is, "The Postmaster-General shall provide for carrying the mail on all post-roads established by law as often as." That has no reference to the frequency. We know that upon some roads the mail is carried once a day, upon some three times a day, upon others once a week, upon others once in two weeks.

Mr. RAMSEY. The Senator certainly knows that not over 20 per cent., as has been said here several times, of the routes authorized by law have service even placed upon them. He will find, for instance—

and that is an answer to the exaggerated representations made here—that notwithstanding the post-routes created by law during the year 1873–'74 probably amounted to five or ten thousand miles in extent, but twelve hundred miles have had service placed upon them, and that is the usual proportion every year. In addition to that, you have the limit of the appropriation for transportation, which the Postmaster-General cannot exceed. So that there is no reason for all this apprehension and fright about the postal service.

Mr. MORTON. That is a very curious way to construe a law, by saying it has been violated. That is the argument. I say the law does require the mail to be put upon every post-road, and leaves to the Postmaster-General the determination of the question as to how often it shall be carried, but no other discretion. That he has exercised that discretion, and that others who have gone before him have exercised it, I do not dispute; and I am not finding fault, for I believe he has simply followed the practice of the Department for many years. But I say that this law does not leave him any discretion on the subject, nor should the law leave him any discretion on the subject. We should make no road a post-route that we do not intend to have the mail carried on. We may leave to him the determination of the question how often it shall be carried, as the law that has been read does, but not the determination of the main question; because to do that is to vest him with a power that the Constitution placed in Congress.

Mr. RAMSEY. Does the Senator then hold that as soon as you pass the post-route bill, inevitably the Postmaster-General must place service upon every route?

Mr. MORTON. That is just what the law says.

Mr. RAMSEY. All the contemporaneous action of the Government from the enactment of your Constitution and laws down to this time has been otherwise.

Mr. MORTON. That may be. I cannot help that. I am not responsible for that. I am only speaking about the law, as it is clearly unmistakable.

Mr. HAMLIN. Mr. President, I really hope the Senate will not adopt this amendment. I think it would be most disastrous. I am not going into the constitutional argument that the Senator from Indiana [Mr. MORTON] has raised. I base my objection to the amendment upon the inequality of the thing and the absolute wrong that it will work.

I think we ought to co-operate with the various Departments of our Government here in everything that is right. We ought to strengthen them where we can; we ought to relieve them from responsibility where we can; and now to open every cow-path in all this broad land and make it, if you can by law, a mail-route, would make the duties of the Post-Office Department impracticable, impossible of execution. How could it resist the applications that would be made upon it, and where would it end, and what uncounted millions of dollars would be demanded of us to pay for the service? If you have got a statute that says the Postmaster-General shall put service upon every post-road, and you make every common highway in all the land a post-road, there will be no end to the expenditures that would be required, and there would be an embarrassment in the Department that no mind, however strong, could stand under.

Mr. PRATT. Will my friend allow me to put a question to him?

Mr. HAMLIN. Certainly.

Mr. PRATT. We have from the beginning established post-roads to the number of between fifteen and twenty thousand. The bill pending before the Senate with the amendments ingrafted upon it adds to that number some three or four hundred more. Now, the question I desire to put to the Senator from Maine is, if he knows, if any member of this body knows, how many of the roads embraced in this present bill, or in past bills of a like character, are cow-paths, as he styles them? Does he know anything about the amount of travel upon the highways that are embraced in this present bill? Does he know whether within a quarter of a century to come the settlement of the country will demand that the mail service shall be put upon these routes? Does anybody know that fact?

Mr. HAMLIN. No, sir; we do not know; but as the wants of the country shall develop themselves, and as the necessities shall occur, the Senator will certainly find me here voting liberally for the extension of the mail service, but not so liberally as this amendment proposes.

I used the term "cow-path." I mean precisely what I say; because in some sections of this country roads that are legally authorized, legally established, laid out, and proper records thereof duly made, are for a period of time little better, in their early days, than cow-paths. But I will qualify it and say, suppose you take every well-made and usually traveled road and constitute all such roads mail-routes, I insist that you would open up such a vast field of mail-routes and you would make such an extensive demand upon the Postmaster-General for service, that, with all the protection that special agents might afford, you would impose a duty upon him which he could not sustain. You would demand an expenditure that would beggar your Treasury. The thing is impracticable. Why, sir, it is letting loose everything without restriction.

I insist, and have insisted, with my colleague, that there is not care enough in framing your post-route bills. I know well—I have said, and I repeat it—that we must take care of the frontier settlements; and I will go as far in that direction as any man in this Senate; but I do not want to see all restrictions removed. I think before we establish a post-route anywhere that a Senator should give us some knowledge, himself, of its usefulness, or there should be some petition, accompanied by a statement from somebody, who has information, showing the necessity for the route. How easy it would be—I do not know how much it would be worth, but it would be worth something—if you could have the certificate of the postmasters in the vicinity where a post-route is asked, stating the distance, the number of population, that it would accommodate, and the probable expense of a weekly, semi-weekly, or tri-weekly mail. We should be aided somewhat in our action here if we were furnished with such information; but to open up all this broad field it does seem to me will not commend itself to the good judgment of the Senate; and it is for that reason, without stopping to inquire into the constitutional argument that my friend from Indiana has raised, that I shall vote against this amendment, and I do hope the Senate will vote it down.

Mr. CLAYTON. Mr. President, I concur in all that has been said by the Senator from Indiana, [Mr. MORTON,] and the Senator from Maine, [Mr. HAMLIN.] To my mind it is quite clear that it was the intention of the framers of the Constitution that the representatives of the people, coming from the people, in the interests of the people, knowing their wants and their wishes, should regulate the establishment of post-routes.

What would be the effect of the amendment of the Senator from Indiana, [Mr. PRATT,] were it adopted? I can say what the effect of it would be in my State. It would amount simply to this, that instead of the judgment of seven representatives scattered over the State, familiar with the State and with the wishes and wants of the people, being taken into consideration, we should have to rely upon the judgment of one single special agent of the Post-Office Department.

Mr. HITCHCOCK. More than one.

Mr. CLAYTON. Upon one special agent, perhaps accompanied by a clerk. Until lately we have had no special agent at all in my State.

Now, to my mind it is very clear that if we adopt this proposition it will either lead to neglect of this very important interest, especially in sparsely populated regions of country, or it will involve a great deal of expense in having the necessary investigations made. I hope it will not be adopted. Independent of all questions of constitutionality, on the mere question of expediency I hope it will not be adopted.

Mr. FRELINGHUYSEN. I agree with the Senator from Indiana on the other side of the Chamber, [Mr. MORTON,] in being opposed to this amendment of his colleague, [Mr. PRATT,] but not for the reasons which he gives. I understand the Constitution to require that Congress shall establish post-offices and post-roads. That is, in a measure, an exercise of sovereignty—an exercise of eminent domain. Sovereign government says that a turnpike, or bridge over the Mississippi, or any road shall be devoted to this public service. Congress having done that has fulfilled its obligations. The mere police regulation as to when it is proper to have a mail run over that route is left properly to the executive department of the Government; and it seems to me that the true interpretation of the act which has been commented upon is "whenever" for "as often as." I read it in this wise: "That the Postmaster-General shall provide for carrying the mail on all post-roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper."

Here a mail-route is established. The Postmaster-General inquires what is the number of inhabitants to be accommodated, what the demands of the route are, and says, "The time has not come when the productiveness and the other circumstances require a mail to be established, and I will not establish it at all;" and by determining that he will not establish it at all, he determines that it is done "as often as" it ought to be. At some subsequent time he may think that it is proper to establish a mail service on that route. I think that Congress ought to be liberal in establishing these routes. Why, sir, the object of government is the accommodation of the people; and even if a route does not pay, the Government gets its compensation in the increase of the value of the land, in the increase of taxes, and in making the objects of government subserve their purpose.

Mr. PRATT. Mr. President, the first branch of the amendment which I have offered provides that "all bridges heretofore or hereafter to be erected over the navigable rivers of the United States, or over lakes or the outlet of lakes, or arms of the sea, or other bodies of water, shall be, and the same are hereby, established post-roads." Now, in the light of our past legislation, what earthly reasonable objection can be urged against this portion of the amendment which I have offered? As I had occasion to observe to the Senate the other day, we have at various times, in fifty separate legislative enactments, declared that this bridge, and that bridge, and the other bridge, which had been constructed or was in process of being constructed over some river, or arm of the sea, or outlet of a lake, should be a post-road. I have before me in the revision of the laws an enumeration of fifty bridges that have been at different times established by separate acts of Congress as post-roads. Let me enumerate some of them: The bridge across the Ohio River, at Wheeling in West Virginia, and at Bridgeport, in Ohio; the bridge constructed at Steubenville, in Ohio, abutting on the Virginia shore of the Ohio River; the bridge erected by the Louisville and Nashville Railroad Company and the Jeffersonville Railroad Company across the Ohio River at the head of the Falls of the Ohio, and so going on until there is an enumeration of fifty bridges that at different times have been erected into post-roads.

Now, is it to be presumed that when a bridge shall hereafter be built over any of the streams enumerated or any other navigable waters of the United States Congress will hesitate, upon application, to establish the bridge as a post-road? Why not then, sir, by a general enactment like the first branch of the amendment which I have offered declare that all bridges hereafter to be erected, as well as those heretofore erected, over navigable rivers, &c., shall be post-roads?

Now, as to the latter branch of the amendment, which has provoked most opposition, I desire to submit a few observations in support of that. The Senate has been informed repeatedly by the chairman of the Committee on Post-Offices and Post-Roads—and what he does not know about the subject is not worth knowing—that not more than 20 or 25 per cent. of the post-roads that are established by Congress from time to time are actually employed in the transportation of the mail over them. In other words, under the discretionary power which has been conferred by Congress upon the Postmaster-General he does not as a matter of course cause the mail to be transported over every post-road established by authority of Congress. He informs himself of the necessity of the mail service over the road; first, whether the wants of the community in that part of the country demand it; and next, as to the productiveness to the Post-Office Department after the mail service shall have been placed upon it; so that, of the number of roads established from time to time, by authority of Congress as post-roads, amounting to between fifteen and twenty thousand, there are only to-day, all enumerated, less than eight thousand post-roads that are actually in operation. And in making that statement I embrace all railroad-routes, all steamboat-routes, all routes by canals and by plank roads, as well as the common dirt roads of the country.

Now, why not accomplish this thing by general enactment in the language of the amendment I offer, as well as to go on from session to session and, as a matter of course, upon the proposition of this Senator and that, erect this dirt road and that dirt road into a post-road? Nobody questions my friend from Michigan when he offers an amendment to this bill as to whether the road he suggests is necessary for a post-road or not; whether there is a sufficient settlement along the line of the road to justify the Postmaster-General in putting the mail upon it. No one questions my friend from Alabama, who, in an old-settled State, a State that is nearly as old as the State of Indiana, has between thirty and forty new post-roads by this bill established in the State of Alabama. No one questions him about the necessity of these roads. And so the thing goes on from session to session, and goes on as a matter of course. My friend, the chairman of the committee, is too polite a man entirely to ask me whether a post-road which I propose is necessary in the State of Indiana. When I offer a little amendment he takes it as a matter of course and incorporates it in his bill.

Mr. RAMSEY. It does the Senator no good, though, unless the Postmaster-General places service upon it; so I can afford to be very kind.

Mr. PRATT. Of course; and so when we have established every city, county, township, and neighborhood road in the United States a post-road, the same result will follow: the Postmaster-General, in the exercise of his authority, will put the mail service on these roads only as and when the occasion demands it.

Now, then, sir, to repeat myself, if we may legitimately declare that every railroad in the country shall be a post-road, why not declare that every dirt road in the country established by competent authority shall be a post-road? If we may declare that all the canals in the United States shall be post-roads, why not all the navigable waters of the United States. We have done that; and all the streets in fifty-two cities where the free-delivery system prevails are by solemn enactment declared post-roads. Now, I cannot see in the face of all this legislation any special harm that is going to ensue from my amendment. It hurts nobody; it is not going to increase the mail service; it is not going to increase the expenditures of the Post-Office Department. I hope, therefore, that the amendment will prevail.

Mr. MORRILL, of Maine. Mr. President, I am rather glad that the attention of the Senate has been called to this subject; because, whatever the legislation may be, we are likely to get some understanding of the character of the mail service of the country, and if there is any service in the country that is left at the discretion of a Department in a most extraordinary way, it seems to me this is that particular service; and perhaps the discretion in the Department is not as extraordinary as the character of the legislation itself. The most extraordinary thing is that Congress should ever have been led into this loose and irregular and utterly indefensible method of exercising its prerogatives.

Sir, one thing is certainly clear: there is no power, save what resides in Congress, to establish either a post-road or a post-office. Nobody will deny that. The power is here; nowhere else. It is said that it cannot be delegated. I agree to that; but it is said that it is very difficult to exercise this trust if we do not delegate it. I deny that; or, in other words, I submit that that is not at all probable. I am not sufficiently well informed of the character of the postal service to be very certain about that; but by analogy I feel no hesitation in saying that I cannot conceive that there is any difficulty in Congress exercising the discretion in every instance as to whether a mail service should be put upon a particular route. We know the topography and geography of this country; we know it by the maps, we know it by history, we know it in every way generally, and we know it particularly in all its details and ramifications—roads, streets, rivers, wherever a service might be deemed to be practicable at all—through the Representatives of the people themselves; and if a mail service is necessary in any part of this widely extended and greatly diversified country, through the Representatives particularly acting in harmony with the Senators, it can be known, and understood, and communicated to the proper committee on that service in this branch or in the other that in this particular place, from this point to another, mail service is required. I submit that in exercising the duty, which devolves on us alone, of establishing a post-road, there is no difficulty at all in Congress exercising its judgment whether that thing is necessary or not. Therefore it need not be left to the Postmaster-General or to anybody else.

It is clear, in contemplation of the Constitution, that no route is to be established except upon this judgment of Congress; and it is as clear, both as an inference of law from the constitutional provision and the logic of the thing, as well as the public service itself, that no post-road was to be made except in harmony with the public convenience and public demand; and if the service, being authorized service, was to be run on it, it was not to be the discretion of the Postmaster-General whether service should be put on or not; nor do I think it is so left by the law which has been read by the chairman of the Committee on Post-Offices and Post-Roads. Congress establishes the road. That fixes the service. That there shall be a service on that road, in the fair contemplation of the Constitution, is no longer a question of discretion anywhere. It is the duty of the Postmaster-General to put it on by any fair implication—I do not say by the practice—but by any fair implication of the Constitution and our duties here; the road being established, the service follows as a matter of course; and that provision of law which has been read in our hearing only relates to the frequency with which the service shall be run, and that is to depend upon the discretion of the Postmaster-General. The road having been established, service having to be put upon it, the frequency with which it shall be done depends on the discretion of the Postmaster-General as to the necessity and demand for a particular kind of service; but that a service is to be put upon the road follows from the fact that Congress has adjudged it to be necessary; the question of frequency, simply, is left to the Postmaster-General.

Now, Mr. President, to illustrate the absurdity of this sort of legislation, just consider one fact which my honorable friend from Indiana [Mr. PRATT] brought out the other day, and has repeated again to-day, and that is, that 20 or 25 per cent. only of the post-roads which Congress has solemnly established have had mail service put upon them. Can anybody think of anything more absurd than that? It is said that there is no danger, no difficulty about this, or at any rate that there need be no alarm. Our honorable friend, the chairman of the committee, [Mr. RAMSEY,] says that nobody need have alarm about this; we have run on, and ran pretty glib, and so far as anybody knows he believes we have run very well. That may be; but I take occasion to remind that honorable Senator that in this way of running we have run up, since 1866, from $15,000,000 to between thirty-six and thirty-seven million dollars of annual expenditure.

Mr. SARGENT. Will my friend allow me a moment? I know that he is generally accurate; but I wish to call his attention to the fact that from that calculation, 25 per cent. of mail service on the routes established, you have to deduct all railroad routes. Furthermore you have to take into the calculation the fact that new routes are made, running through perhaps shorter distances between given points, requiring old and circuitous routes once declared mail routes to be abandoned. Therefore by this process, I would call his attention to the fact that the statement is not extraordinary and is not alarming.

Mr. MORRILL, of Maine. I am not looking at it in that light.

Mr. RAMSEY. I am surprised at the extraordinary pertinacity with which a Senator occupying the position of chairman of so eminent a committee as that of the Senator from Maine should persist in wronging a great Department of the Government. He persists in saying that the expenditures are $36,000,000. Why, sir, here is a statement that the receipts were twenty-two millions and the expenditures twenty-nine millions. What they may be in 1875 or in 1883 we certainly cannot tell. That is the estimate, it is true. They will doubtless keep pace with the growth of the country. But that the Department should now be condemned for what it is going to do next year I cannot see the force of.

Mr. MORRILL, of Maine. The Senator says he cannot tell what the expense will be for the next year. That is precisely what the Senator is commenting upon and reading from. The Senator comes at me and says that it is impossible to tell what the expenses for 1875 are to be. But that is precisely the estimate from which the honorable Senator reads, and that is what I am talking about.

Mr. RAMSEY. I am reading what the expenditures have been in the past year.

Mr. MORRILL, of Maine. No; the Senator is reading, if he will look, from estimates of receipts and expenditures for the year ending June 30, 1875.

Mr. RAMSEY. "The ordinary revenues of this Department for the fiscal year ending June 30, 1873"—that is all that is certain, that is past—"were $22,966,000, and expenditures of all kinds were $29,000,000."

Mr. MORRILL, of Maine. Has the Senator the report of the Postmaster-General for this year in his hand?

Mr. RAMSEY. That is the report I am reading from.

Mr. MORRILL, of Maine. If he has that he will find in it the estimates for the year ending June 30, 1875, and for that year the Postmaster-General estimates that the earnings will be $20,000,000, and that there will be a deficiency of $7,000,000, and odd, making over $36,000,000. Does he not find that? If he does, then he will see that it is not a difficult thing to tell, in the way we are running on, what the expenditures are to be for 1875.

I agree with what my honorable friend from California says, that the fact which has been stated by my friend from Indiana to which I adverted is not alarming in a practical sense. I did not refer to it in that light. I referred to it to illustrate the absurdity of what we are doing, the absurdity of this kind of legislation, and as an illustration I think of the entire practicability of the Committee on Post-Offices and Post-Roads, telling us precisely what this service ought to be. There is no difficulty about it; there is no intricacy about it.

Why, Mr. President, how long would this Government run if the Treasury and the other Departments were conducted in the same way? Is there any other branch of the public service over which the Congress of the United States does not have a general supervision as to its expenditures? But here, sir, is a branch of the Government over which you have no control whatever; all is in the hands of the Department itself, under a discretion which we by our indiscreet legislation have put in its power. I am not assailing the Department; I am only speaking of the system, and I am speaking of a system which we ourselves are responsible for.

Now, Mr. President, here are revenues to the amount of twenty-nine millions for the next fiscal year, as estimated, and here is a deficit of seven millions, making the expenditures of that Department between thirty-six and thirty-seven million dollars. What do we know about it? Can the honorable Senator who is chairman of this committee tell anything about these expenditures in detail? Very little. It is not his fault, but the fault of the system. Not a dollar of this thirty-seven millions ever goes through the Treasury of the United States, or is subjected to its audit or control. Is not that an anomaly in our history? Is not that a most extraordinary method of making expenditure to that amount? It is like the Patent Office was some years ago. The Patent Office was once run in this way. It was supposed that the service was of that special and peculiar kind that it was impracticable for us to cover the receipts into the Treasury and pay out its expenses in the proper way. It run so for many years; but they were covered in at last, and they flowed into the Treasury as they came into the Department, and went out on warrants for payment like other expenditures in other Departments. But here is a Department standing by itself, independent of the Treasury, and independent of its control in its expenditures to this large amount, depending entirely upon a discretion which we in this most extraordinary way have conferred upon it. I do not think that is a proper thing at all. I am not arraigning the Department; I am not saying that the Postmaster-General is not efficient, that he is not doing his duty in a proper way under the law, and under the system which we have made; but I do submit that if we would have this institution efficient, and if we would keep it within its reasonable bounds so that it will not break itself down, we must arrest this kind of legislation. That is my belief about it.

I hope, therefore, that the amendment proposed by my honorable friend from Indiana [Mr. PRATT] will not be put upon this bill. I do not believe there is the slightest necessity for it. I agree with my honorable friend from Arkansas [Mr. CLAYTON] that the discretion for the establishment of a post-office or a post-road is a great deal safer in the hands of the representatives of the people than it possibly can be anywhere else, and that there is not the slightest difficulty in the world in informing a committee of this body whether a postal service in any part of this country is necessary or not.

The PRESIDING OFFICER, (Mr. BOREMAN in the chair.) The question is on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Senator from Indiana, [Mr. PRATT.]

Mr. MORRILL, of Vermont. I thought the Senator from Indiana accepted that amendment.

Mr. PRATT. I accept that amendment.

The PRESIDING OFFICER. Then the question is on the amendment of the Senator from Indiana as modified.

Mr. PRATT. I should like to have the entire amendment as it now stands read before the vote is taken.

The PRESIDENT *pro tempore*. The entire amendment will be read.

The CHIEF CLERK. The amendment, as modified, reads:

That all bridges heretofore, or hereafter to be, erected over the navigable rivers of the United States, or over the lakes or outlets of lakes, or over arms of the sea, or other bodies of water, and all public roads established or hereafter to be established in the States or Territories by competent authority and used as public highways, leading from one town to another, or from one village to another, or from any railroad depot to any town or village, be, and the same are hereby, established post-roads: *Provided*, That no service shall hereafter be ordered on the routes herein or hereafter established until after an examination and report of an agent of the Post-Office Department, and where in the judgment of the Postmaster-General such service is demanded by the public convenience and necessity.

The amendment was rejected.

Mr. SARGENT. I offer the following as an additional section:

That after the 30th day of June, 1874, conveyance in the mails of samples of merchandise, packages of clothing, seeds, cuttings, bulbs, roots, scions, samples of metals, ores, and mineralogical specimens, and bound books, shall cease; and all laws authorizing such conveyance are hereby repealed, said repeal to take effect at that date.

Mr. President, in the few remarks which I submitted the other day I endeavored to call to the attention of the Senate the great increase of the amount of mails, the difficulty there is in distributing them and carrying them from one part of the country to another under our present postal-car system, and the very great and rapid increase of the cost of the whole mail service, and I suggested to the Senate that it seemed to me the best remedy for some of the evils which we suffer under at the present time, and which are being aggravated month by month, would be cutting out from the articles allowed to be carried by mail everything in the nature of merchandise, and making the mail service what I think it was intended to be originally, simply a medium for the transmission of intelligence—not an opposition to the express companies, not an express company in itself, but simply an agency used by the Government for the circulation of letters, of newspapers, of circulars, of matter which is intelligent in its nature. I sought to show that there was no occasion whatever in the business of the country for carrying merchandise in the mails, carrying clothing and articles of a miscellaneous nature which do not require rapid transmission, or if they do can be carried by express companies at adequate rates.

Now, sir, if any one will go to the dead-letter office and see the packages which are sometimes stranded in that institution he will be astonished at the multifarious uses to which the mail is at present put. For instance, he will find there, among other things, bee-hives, with live bees in them, fed with their honey and sheltered by glass. He will find the most incongruous articles which are sent through the mails under our provision that everything, except some dangerous liquids, can be sent through them if not weighing over four pounds. These articles, bulky and weighty, fill up the postal mail-cars and are carried by our present system like the letter which must go as rapidly as possible, upon the fastest trains, with postal clerks, and large numbers of them, upon the trains to see to their immediate distribution; and the effect is that all the accommodations which the Postmaster-General can get upon the postal-car system are not sufficient for the adequate and rapid and satisfactory distribution of the matter which ought to pass through the mails alone.

The Postmaster-General in a recent report which he sent to us, in reply to a resolution of the Senate——

Mr. HAMLIN. Will my friend allow me to suggest that if Senators will go to the Post-Office Department they will find some beautiful specimens of crocodiles transmitted through the mails, and they will find some excellent specimens of snakes that are there. I want the Senator to add these to the illustration he gives.

Mr. SARGENT. I do so with great pleasure. I doubt if any one can show why crocodiles and snakes, especially if alive, should be sent through the mails. Certainly such things, if necessary to be sent at all, should be sent through the expresses.

But before calling attention to the figures which the Postmaster-General gives, showing the tremendous increase of weight of the mails and the difficulty of providing for their transmission, I wish to say that I have included in this amendment, as may be observed, bound books. Bound books, as I remarked the other day, and I now repeat briefly, are not of that nature of intelligence, though, as we all know, greatly valuable in themselves, to require immediate or rapid transmission. They are the product of slow-maturing thought; they are printed leisurely; the proofs are read at leisure; they are struck off from the press; they are ordered in smaller or greater quantities, and there is no haste for their rapid distribution. They simply supply a demand of trade; they fill a demand of the country, but they do it in a more slow and methodical manner; and, therefore, after some consideration, I have concluded that this branch of merchandise should be put upon the same footing as other kinds, and that the mails ought not to be burdened with it.

The Postmaster-General, in the document I hold in my hand, (Senate Executive Document 22 of this session,) says:

So rapid is the increase of postal business that the through lines are taxed to their utmost capacity to convey the letter correspondence and paper matter dispatched from the commercial and publishing centers of the country. From a careful computation of the quantities of mail-matter disposed of in the New York City post-office, there appears a daily average of 624,275 letters handled, and 1,416 bags of letter and paper mails received and dispatched, the whole weighing 131,286 pounds, or 58.6 tons.

Senators who reflect for a moment will see what an enormous mass this is to handle daily, and from that one single city.

This is exclusive of all mails transferred from one railway post-office line to another, at New York, without passing through the city post-office. Fully 75 per cent. of the aggregate amount passes over lines running to and from the West, Northwest, and Southwest. By one of the great railway post-office lines leading to the Northwest, the Lake Shore and Michigan Southern, receiving New York mails from the New York Central Railroad at Buffalo, and from the Erie Railway at Buffalo and Dunkirk, there were delivered at Chicago, during the month of November last, 536,113 pounds of mail, an average of nearly 18,000 pounds per day, after discharging large quantities of matter at Cleveland for the State of Ohio, and at Toledo for Missouri, Kansas, Arkansas, Texas, Colorado, New Mexico, the Indian Territory, and portions of Indiana and Illinois. It is estimated that on this line the average daily distribution of letters by railway post-office clerks is 50,000 on each westward and 25,000 on each eastward trip, making in all for the two trips, each way, 150,000 letters per day. The great bulk of the matter going West, however, consists of paper-mails, which require to be distributed while in transit, as well as the letters. They are so distributed, and are transferred, with the letter-

mails, directly to the depots of connecting roads. These mails have outgrown the facilities for handling them; so that at times, despite the utmost effort, they cannot be all distributed on the trains, and consequent delay occurs. The above figures, indicating the amount of business in the New York City post-office, and on the Lake Shore and Michigan Southern Railway post-office line, it will be proper to note, are averages. There are many days when they are largely exceeded, and promptness and accuracy of delivery cannot be secured unless the facilities for the service shall be equal to the demands of these exceptional days.

That being the great pressure on the ordinary letter and newspaper mails, both of which must be carried with celerity and dispatch, I ask Senators if it is not about time that we repeal the privileges which we have given heretofore, and which perhaps were proper when the carrying of the mail was a small service, for carrying merchandise of any kind whatever that is put in the mail; and for this purpose, believing it to be a practical reform, I have proposed this amendment, and it seems to me that the earlier we do it the better. I hope, therefore, it will be adopted.

Mr. MORRILL, of Maine. I wish to say to my honorable friend from California that in a conversation the other day with the Postmaster-General on this very subject I learned from him that he has from the beginning been opposed to loading the mails with this dead weight, this matter which is simply the subject of freight and not the subject of postal service; and therefore I feel entirely at liberty to say that I understand that this amendment would be (though it was not contemplated by me at the time) in harmony with the judgment of the head of the Post-Office Department. That it is a fit thing in itself I think is obvious from a simple statement in regard to what the postal service is of itself. The prime object of the postal service is of course to carry intelligence, to promote intercommunication by carrying communications between persons, at first letters, afterward newspapers, subsequently pamphlets, and books possibly. Now, the primary object has become subordinated to the incongruity of connecting with it a system of freights, of dead weight having no relation whatever to the legitimate service contemplated by the Constitution, the result of which has been, as my friend from California has stated, that it has overwhelmed the postal service proper, and in many ways that service is literally borne down; and the immense expenditures which have been increasing in the last few years, to which I have adverted once or twice before, I attribute in a very great measure to this principal fact.

I do not think that a more radical reform and a more obviously necessary reform in any branch of the public service could be made than the one contemplated by this amendment of my honorable friend from California; one which, while it would not touch the postal service at any essential point, while it would only take out of it what can just as well travel by the expresses of the country in all directions, would relieve this service of a very great burden, and enable it to extend its usefulness in many directions where, I doubt exceedingly, whether the people of this country would be willing to extend it if we are to connect with the postal service the freight business, and it goes on at the rate to which I have referred this morning.

Mr. FRELINGHUYSEN. Mr. President, I think that the amendment which prohibits the mails from carrying books is a very objectionable one. The answer is that these books can be sent by express. Well, the express does not reach a great many places and a great many localities where the mail does reach; and it would be a great deprivation to people living in parts of the country where there is no express to take from them this mail facility; and my objection is that the only parties who would gain by it would be the railroad companies. The contract which the post-office would make with them would be at no less a rate, but they would only perform less service for the pay which they get.

Mr. SARGENT. Will my friend allow me?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. SARGENT. The Senator, I think, must be aware that the railroad companies now are paid by weight for the exact amount they carry; and if we take off one-quarter of the amount which they do carry, they receive one-quarter less, which I suppose will be about the amount of merchandise the mail will be relieved from. So it cannot be an advantage to the railroads.

Mr. FRELINGHUYSEN. The contracts which are made by the Post-Office Department are made for four years, those for one-quarter of the country being made each year; and consequently on more than half of the post-routes there is a contract which will exist for two years.

Mr. SARGENT. Allow me again. I wish to remind my friend, and the chairman of the Post-Office Committee who sits beside him, that the mail service is done without contract, and at the last session we passed a law authorizing the Postmaster-General to send the mails on the railroads without making a contract, because the railroad companies refused to make such contracts, and the railway postal service consequently is done without any contract, and may be terminated at any time by the Postmaster-General. Furthermore, the law which I refer to is now operating, and the matter was weighed last October, and may be weighed in any month that the Postmaster-General sees fit, and the amount of payment made proportionate.

Mr. FRELINGHUYSEN. The general law for carrying the mails is by contract. There was an exceptional case where the railroad companies refused to make a contract, and then from necessity and temporarily the plan mentioned by the Senator was resorted to.

Now I do not believe that the Postmaster-General desires this amendment. I know very well that within a week he has told me himself that he contemplated reducing, I think he said one-half, the rate of postage on bound books, for the very purpose of affording the facility of having this information carried to remote parts of the country. At all events, we know that here is a radical reform that the Postmaster-General (who is a sufficient reformer in reference to carrying the mails, I think, to satisfy us all) has not recommended to Congress at all.

Mr. RAMSEY. I should like to make an appeal to the Senator from California to withdraw his amendment at this time. The practice of the Senate has been, for many years, to refuse to place any general legislation on the post-route bill. I hope the Senator will recognize that, and, at some other time, introduce a separate bill for this purpose.

Mr. SARGENT. I shall withdraw the amendment: but I wish to make one remark before doing so, and that is, that before submitting this amendment I had a conversation with the Postmaster-General upon it, and I know he is in favor of it—in favor of making the mail a medium simply of transmitting intelligence; and, furthermore, if Senators will look at page 7 of the document I read from before, they will find a very perceptible sneer on his part against this system of "improved field and garden seeds" going through the mail, and it being made the medium of the general distribution of books. I withdraw the amendment.

Mr. SCOTT. Before the Senator does withdraw it, as I am always in favor of any practical reform, I wish to ask the Senator from California, in view of this amendment, under which of these heads he intends to correct the abuses which he introduced to the Senate by way of illustration. We have a provision in regard to samples, merchandise, packages of clothing, seeds, cuttings, bulbs, roots, scions, samples of metals, ores, mineralogical specimens, and bound books. Now under which of these will you prohibit snakes and alligators?

Mr. SARGENT. "General merchandise." [Laughter.] If snakes and alligators are not general merchandise I do not know how otherwise to classify them.

Mr. SCOTT. That is an extension of the term "merchandise" that I never have heard before.

Mr. SARGENT. I think it is a prostitution of the mails.

I withdraw the amendment, hoping that the subject will be called to the attention of the Post-Office Committee, and that we shall have it in some other shape by and by.

Mr. CLAYTON. I move to amend an amendment of my own by inserting after the word "Camden" the words "via Rosston."

The amendment was agreed to.

Mr. OGLESBY. I offer an amendment to the bill on page 6, after line 126, to insert the words—

From Montrose, Lee County, Iowa, by way of Nauvoo, Hancock County, Illinois, to Adrian, in the last-mentioned county and State.

The amendment was agreed to.

Mr. PRATT. I offer the following amendment, to come in at the conclusion of the bill:

Provided, That no post-offices shall be established upon any of the post-routes herein enumerated by the Postmaster-General until such post-offices are first authorized by Congress.

I cannot add to the very able argument which my colleague submitted to the Senate on this very question. Undoubtedly it seems to me he is correct in his construction of the Constitution. The language is that "Congress shall have power to establish post-offices and post-roads." The two are coupled together. If before mail service can be put upon any road it is necessary to have that road declared a post-road, then it is just as necessary that Congress should determine what offices shall be established upon that road.

Mr. FRELINGHUYSEN. Mr. President, I do not read the Constitution in that way. The Constitution says that "Congress shall have power to coin money." That does not mean that we shall coin money; that means that we shall take the necessary steps to have the money coined at Government mints. It says that "Congress shall have power to provide for the punishment of counterfeiting the securities," &c.; and "shall have the power to establish post-offices and post-roads;" that is, to provide for the establishment of post-offices and post-roads; to take the necessary measures. Again: "Congress shall have the power to promote the progress of sciences and useful arts by securing for limited times to authors and inventors," &c.; and so on through. It does not mean that we shall actually go about and establish the post-offices. That is a ministerial duty for the executive department of the Government.

Mr. PRATT. Mr. President, let us look at the clauses that stand immediately before this power to establish post-offices and post-roads. Here is the power in the fifth specification, "to coin money and regulate the value thereof." Does my friend from New Jersey think we may delegate this power of coining money to some other authority?

Mr. FRELINGHUYSEN. I do not think we can coin it.

Mr. PRATT. Does the Senator think we can delegate the power of regulating the value of money to some other authority?

Then, again, in the sixth specification is the power "to provide for the punishment of counterfeiting the securities and current coin of the United States." Is that a power which can be transferred, or must it be exercised by Congress? Then comes the power in question, "to establish post-offices and post-roads." Now, I cite the action of the Government from the beginning. We have been establishing post-routes until we have got upon the statute-book between fifteen and

twenty thousand. Nobody ever supposed that the Postmaster-General could put mail service upon any route until it had been first declared a post-road. We do that at every session; we do it now. My proposition is that if Congress must establish under the Constitution the post-road, by the same authority Congress must establish the post-offices to be located upon that road.

Mr. TIPTON. Mr. President, if this amendment is to be adopted the result will be that hereafter it will not be in the power of the Post-Office Department to keep pace with the demands of the settlers of a new country. The great number of post-offices now are established for the benefit of those who go out from our older communities and establish new settlements and produce the necessity for the extension of our post-office system. If they are to come here once every year to ask for these facilities, there are times when you will have communities in all the new States and in all the Territories, for ten months and nine months, or for a year, without facilities; for communities are established and brought together very often within a month where there was no necessity for post-office facilities thirty days before. As fast as they have established their villages and taken up their homes, and organized themselves upon the prairie, far away from post-offices, our present system allows the Postmaster-General to follow them with the benefits and the blessings of our system. He furnishes them post-offices in the months of April, May, and June, and on until we meet again in December; but if they are to wait year by year, and come up here every Congress for us to establish the post-offices ourselves, they will not hereafter be blessed as they have been blessed heretofore with post-office facilities.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana.

The amendment was rejected.

Mr. BOGY. I wish to add by way of amendment some four routes in Missouri, that are made necessary by a railroad which has lately been built in that portion of the State where these routes are intended to be. The great railroad from Saint Louis south to Little Rock and to Texas, has but recently been built, and my amendment connects the county seats of these counties at the very station on this railroad. I move to insert under "Missouri" the following:

From Commerce, via Hamburgh and Benton, to Morley.
From Libertyville to Knob Lick.
From Dexter, via Cotton Hill, Clarkton, Kennet, and Cotton Plant, to Hornersville.
From New Madrid to Sikeston.
From Bloomfield to Castorville.

The amendment was agreed to.

Mr. COOPER. I offer the following amendment, to come in under the head of "Tennessee:"

From McKenzie, via Macedonia, Winsett's Mills, and Fount's Store, to Sandy Hill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

It was ordered that the amendments be engrossed and the bill read a third time.

The bill was read the third time, and passed.

WILLIAM L. CABELL.

Mr. GORDON. I ask for the present consideration of the bill to remove the disabilities of Mr. Cabell, of Dallas, Texas.

The PRESIDENT *pro tempore*. The bill has not yet been reported from the committee to which it was referred.

Mr. GORDON. I think it is not in the hands of a committee. I objected to its reference, and asked for its consideration the other morning.

Mr. CONKLING. Has the Senator from Georgia the floor for a motion on a bill?

Mr. GORDON. My bill, it seems, has been referred to the Judiciary Committee and not reported.

Mr. CONKLING. Hearing Senators around me suggest a motion to adjourn, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and eight minutes spent in executive session the doors were reopened, and (at five o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 23, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. GARFIELD. I demand the regular order.

The SPEAKER. The regular order being demanded, the morning hour now begins at ten minutes past twelve o'clock. The call of committees for reports of a private nature will proceed.

Mr. GARFIELD. I desire to inquire whether a bill relating to the telegraph line between this Capitol and the Departments would be considered a private bill.

The SPEAKER. It would not; that would be treated as a public bill.

WILLIAM H. VESEY.

Mr. COX, from the Committee on Foreign Affairs, reported a bill (H. R. No. 1400) for the relief of William H. Vesey; which was read a first and second time.

The bill directs the Secretary of the Treasury to pay to William H. Vesey, former consul of the United States at Havre, France, out of any money in the Treasury not otherwise appropriated, $1,320.57, being the amount of his loss in consequence of the failure on March 27, 1857, of the house of Green & Co., American bankers, with whom he had deposited moneys belonging to the United States to the amount of $1,467.30, upon the assignment by Vesey to the United States of his claim against the firm for the moneys so deposited.

Mr. G. F. HOAR. I raise the point of order that this bill must go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The point of order is sustained; and the bill will be so referred.

CONSULATE AT SAINT MICHAELS.

Mr. WILLIAMS, of Wisconsin, from the Committee on Foreign Affairs, reported back adversely a petition for the establishment of a consulate at Saint Michaels, the consul to reside at Ponta Belgada; which was laid on the table.

PENELOPE T. HEALD.

Mr. RUSK, from the Committee on Invalid Pensions, reported back, with a favorable recommendation, the bill (H. R. No. 1401) granting a pension to Penelope T. Heald.

Mr. G. F. HOAR. I raise the point of order on this bill.

The SPEAKER. The Chair sustains the point; and the bill goes to the Committee of the Whole on the Private Calendar.

MARGARET EDWARDS.

Mr. MARTIN, from the Committee on Invalid Pensions, reported back adversely the petition of Margaret Edwards, for a pension; which was laid on the table, and the report ordered to be printed.

WILLIAM SWANZEY.

Mr. MARTIN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation, the bill (H. R. No. 141) granting a pension to William Swanzey.

Mr. G. F. HOAR. I raise the point of order that this bill must go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair sustains the point. The bill will be so referred.

JAMES S. ELLIOTT.

Mr. MARTIN also, from the Committee on Invalid Pensions, reported back adversely the petition of James S. Elliott, for arrears of pension and increase of pension; which was laid on the table, and the report ordered to be printed.

EZRA TAYLOR.

Mr. MARTIN also, from the Committee on Invalid Pensions, reported adversely upon the petition of Ezra Taylor, for arrears of pension; which was laid on the table, and ordered to be printed.

Mr. HURLBUT subsequently said: I desire to ask a revocation of the order by which the application of Major Ezra Taylor for arrears of pension was laid on the table, upon the report of the Committee on Invalid Pensions. I ask that the case may be put upon the Private Calendar, to be considered in the Committee of the Whole. It is a case which has great merit.

The SPEAKER. If there be no objection, the order requested by the gentleman will be made.

There was no objection.

JOHN A. FISHER.

Mr. WALLACE, from the Committee on Invalid Pensions, reported a bill (H. R. No. 1402) granting a pension to John A. Fisher; which was read a first and second time.

Mr. G. F. HOAR. I make the point of order on this bill.

The SPEAKER. The bill will be referred to the Committee of the Whole on the Private Calendar.

J. S. BONSALLS.

Mr. CRITTENDEN, from the Committee on Invalid Pensions, reported back adversely the petition of J. S. Bonsalls, relating to a pension for Mrs. Bonsalls; which was laid on the table, and the report ordered to be printed.

EQUALIZATION OF PENSIONS.

Mr. SMALL. The Committee on Invalid Pensions, to whom was referred the petition of Patrick Doyle and others, for increase of pensions in case of the loss of an arm or hand, have directed me to report back, with a favorable recommendation, the bill (H. R. No. 1066) to equalize pensions in certain cases.

Mr. WILLARD, of Vermont. I make the point of order that this is not a private bill.

Mr. SMALL. The bill is founded upon private petitions.

The SPEAKER. Not being a private bill, it cannot be reported on this call if the point be made against it. It is a public bill, and will be returned to the committee.

JOHN BAKER.

Mr. SMALL, from the Committee on Invalid Pensions, reported, with a favorable recommendation, a bill (H. R. No. 1403) granting a pension to John Baker; which was read a first and second time.

Mr. HOLMAN. I make the point that this bill must go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The bill will be so referred.

THOMAS R. HARDWICK.

Mr. SMALL also, from the same committee, reported back a bill (H. R. No. 510) granting a pension to Thomas R. Hardwick, with the recommendation that it do pass.

Mr. WILLARD, of Vermont. I make the point of order that the bill must go to the Committee of the Whole House on the Private Calendar.

The SPEAKER. The Chair sustains the point of order.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report was ordered to be printed.

WILLIAM F. KERR.

Mr. SMITH, of New York. I will now call up, as the call of committees has been gone through, the West Virginia contested-election case.

Mr. HOLMAN. I wish to introduce, for reference to the Committee of the Whole House on the Private Calendar, a report from the Committee on War Claims.

Mr. KELLOGG. I also wish to make a report.

Mr. HOLMAN, from the Committee on War Claims, reported a bill (H. R. No. 1404) for the relief of William F. Kerr; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VICTOR MYLINS.

Mr. MORRISON, from the Committee on War Claims, reported a bill (H. R. No. 1405) for the relief of Victor Mylins, of Macoupin County, Illinois; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM STODDARD.

Mr. KELLOGG, from the Committee on War Claims, reported back a bill (H. R. No. 154) for the relief of William Stoddard, late assistant quartermaster United States Volunteers, with the recommendation that it do pass; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report was ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HAWLEY, of Illinois, the Committee on Claims was discharged from the further consideration of the following cases; and the same were referred to the Committee on War Claims:

The case of William Q. Reich, for relief; and

The case of Benjamin Crawford, for relief.

ORDER OF BUSINESS.

Mr. SMITH, of New York. I must insist upon the regular order of business.

The SPEAKER. The regular order of business is the resumption of the West Virginia contested-election case.

Mr. HAWLEY, of Illinois. Mr. Speaker, I have several bills to report from the Committee on Claims, and hope I will have permission to do so.

The SPEAKER. The call of committees has been gone through with, and the Chair begs to remind gentlemen that the morning hour begins at twelve o'clock. [Laughter.]

WEST VIRGINIA ELECTION CASES.

The House resumed the consideration of the following resolutions, reported from the Committee on Elections:

Resolved, (*first*,) That Mr. Davis, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (*second*,) That Mr. Hagans, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (*third*,) That Mr. Wilson, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress in the State of West Virginia, and is hereby admitted to a seat in this House.

The SPEAKER. The gentleman from Ohio [Mr. LAWRENCE] is entitled to the floor.

Mr. LAWRENCE. Mr. Speaker, in the State of West Virginia, in the year 1872, there were two elections for members of Congress, the first on the fourth Thursday of August and the second on the fourth Thursday of October. There are two sets of claimants, who are now asking to be admitted to seats in this Congress, and this House must determine who, if any, of these claimants are entitled to seats. I think it was very well said in the able argument submitted to the Committee on Elections in behalf of the claimants under the October election that—

The right of the respective claimants in this contest for seats in the Forty-third Congress is to be decided wholly by deciding which of the two days, the fourth Thursday of August or the fourth Thursday of October, was the day prescribed by the Legislature for the election of Representatives in Congress.

It is not to be presumed that the State of West Virginia has been left without any law on the subject, if it be possible to construe the laws we find in existence in such manner as to authorize an election. There are laws which in my judgment do authorize an election, and this House is simply to decide which was the proper day for the election, the fourth Thursday of August or the fourth Thursday of October.

I will call the attention of the House to the code of West Virginia, in force up to the fourth Thursday of August, and for many years prior thereto; and upon the provisions of the first and second sections of a chapter of that code, and upon certain provisions made by the constitutional convention in that State, the question is to be determined as to who of these claimants are entitled to their seats.

The first section of the code to which I shall refer provides that—

The general elections for State, district, county, and township officers, and members of the Legislature shall be held on the fourth Thursday of October.

So far no provision is made for the election of Representatives in Congress. This section provides simply for an election of officers under State authority.

Now, it will be observed that this section of the code provides for two things: first, for an *event*, a general election of State, district, county, and township officers; and, secondly, it prescribes the *time* of that *event*. These two things, then, are fixed in this section of the code, the *event* and the *time* prescribed for that event. I presume it will not be doubted but that it was competent in some form to change both the event and the time of the event. This was done in the State of West Virginia by a convention in session in 1871 and 1872, which finally adjourned in March, 1872, and submitted to a vote of the people, to be taken on the fourth Thursday of August, 1872, for ratification or rejection, a new constitution for that State. The twentieth section of the law under which that convention was held made this provision——

Mr. SMITH, of New York. May I interrupt the gentleman from Ohio?

Mr. LAWRENCE. Certainly.

Mr. SMITH, of New York. I hope the gentleman is not going to depart from the proposition he has made so broadly, that the first section only relates to State officers, without some attempt to prove it. He assumes the point which we dispute, that the term "district officers" includes Representatives in Congress, for whose election provision was made in the act amended by that act, and who were required to be elected in congressional districts.

Mr. LAWRENCE. Very well, Mr. Speaker; I will give the reasons why I assume that this first section of the code does not relate to or fix the time of the election of Representatives in Congress. The learned and able gentleman from New York, the chairman of the Committee on Elections, as I understand, insists that the word "district" in the first section of the code relates to the election of Representatives in Congress. Now, sir, I happened to know the gentleman who prepared the revised code of West Virginia, a very distinguished democratic lawyer of Wheeling, and I have his authority for saying that the word "district" in the first section of the code does not relate to the election of Representatives in Congress, but that it was inserted in reference to the election of senators and assessors, who, in West Virginia, were elected in districts; and I have further to say that if that word "district" did relate to the election of Representatives in Congress, the time, nevertheless, was changed to the fourth Thursday of August, as I will endeavor to show.

Mr. SMITH, of New York. Will my friend allow me to say that the authority of this gentleman is very poor authority in the discussion of a question of law; and that that word "district" does not refer to senators is demonstrated, as the committee claim, by the fact that members of the Legislature are specially mentioned in the first section?

Mr. LAWRENCE. Very well. Mr. Speaker, I am perfectly aware that the testimony of a gentleman as to the meaning of the statute, though he may have drawn it, is not conclusive at all. It is not competent, indeed, to advise a court by such means. But I insist that the word "district" relates to the election of senators and the election of assessors, because there were such officers in the State to whom that provision could apply, and because the election of Representatives in Congress is specifically provided for in the second section of the code, and as a question of legal construction it is not reasonable to presume that the Legislature would have intended to provide under that term "district" in the first section, for the election of Representatives in Congress, when they had specifically provided for that in the second section of the code.

Mr. SMITH, of New York. So they have for the governor.

Mr. LAWRENCE. Now the proposition I was about to endeavor to state was that the constitutional convention was authorized to change the first section of the code to which I have referred, and that they had done so when their work was adopted by the people by a vote taken in pursuance of the new constitution, on the fourth Thursday of August. Section 20 of the law, under which the convention was called, makes this provision:

That the said convention shall provide, by an ordinance or otherwise, for submitting the said constitution to the people for ratification or rejection.

Now, Mr. Speaker, in pursuance of the authority conferred upon the convention, that body adopted a schedule, of which sections 3 and 7 are as follows:

SEC. 3. The officers authorized by existing laws to conduct general elections shall cause elections to be held at the several places for voting established by law in each county, on the fourth Thursday of August, 1872, at which elections the votes of all persons qualified to vote under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting this constitution and schedule.

* * * * * * *

SEC. 7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

These sections provide for submitting to the vote of the people the constitution which they had adopted; and it was submitted and ratified by the people by their vote on the fourth Thursday of August. It will be observed, too, that by the terms of the new constitution it became operative from and including the fourth Thursday of August, so that it took effect on the first moment of that day, though the election was held during the day.

Now, sir, it will be seen, too, from this constitution that it was provided that there should be an election on that same day, the fourth Thursday of August, for every officer authorized by the constitution. It is a fact also that there was no other election authorized or held in West Virginia in that year for any officer under State authority.

I take it, then, that the election held was a "general election." And these provisions, all taken together, so modified the first section of the code that it may be said fairly to read in this wise—I give what is the legal effect of the first section of the code, as modified by the new constitution. It will then read thus:

A general election of State, district, and county officers, and members of the Legislature shall be held on the fourth Thursday of August.

I omit "township officers," who are found in the original first section of the code, because the new constitution abolished these and substituted others (district officers) in their places.

Now, the first section of the code having been changed in the manner I have indicated, we are prepared to see what application the second section of the code has to this general election, and to the election for Representatives in Congress. The second section of the code as it originally stood, and yet stands, provides that—

At the said elections in every year *there shall be elected* delegates to the Legislature, and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of the state, treasurer, auditor, and attorney-general of the State, a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and *a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district.*

Here, then, we have two provisions of law, and this second section of the code is not to be construed with reference to the first section as it originally stood, but with reference to the first section as it was amended. So that whether the expression in the second section, "at the said election" refers either to the event of the general election, or to the time prescribed therefor, it refers to the time as fixed, not by the original first section, but by the amended section 1 of the code.

And in support of that proposition, allow me to refer to one or two principles of legal construction to which I wish to call the attention of the House, and particularly of the legal gentlemen of this body. It is a well-known principle that statutes *in pari materia* are to be read and considered together, all as parts of one statute, though they may have been adopted at different times. Now, taking that well-known rule of construction, you are to take the first section of the code as it stood amended and in force on the fourth Thursday of August; and you are to read the second section in reference to that first section as it then stood, and not the first section as it originally was.

But that is not all. I have an authority upon that point which I find in the ninth volume of Ohio State Reports, page 627, McKibbin *vs.* Ellis. I have no time to read it, but by analogy it settles the principle that where amendment is made of one section of a statute all the other sections of the statute are to be read with reference to the new section as it is incorporated by amendment into the original statute. And if that authority is correct it is conclusive of this question.

Will any gentleman say that the constitutional convention had no power to change the time for the election of officers under State authority? If so, then I call attention to a case decided by the court of appeals of New York, the case of Pierce *vs.* Delamater, (1 Comstock, 17,) decided in 1847. The syllabus of the case is this: "A constitution may by implication repeal a statute."

The facts were these. Under the constitution of 1821 a statute was enacted which prohibited a judge of an appellate court from taking part in the decision of a case determined by him when sitting as judge of an inferior court. The constitution of 1846 conferred the same power on all the judges of the court of appeals, which is the highest court in that State; and also upon the justices of the supreme court when sitting in the court of appeals. This provision of the constitution was held to be a repeal of the statute.

Is any further authority required? If it is, then I refer to the thirteenth, fourteenth, and fifteenth amendments of the Constitution of the United States, which repealed and swept away many of the State statutes, and many of the acts of Congress which were in conflict with those provisions. And then I assert that the new constitution of West Virginia swept away and changed the statutes in conflict therewith, just as these amendments to the Constitution of the United States have changed statutes.

Mr. SMITH, of New York. I dislike to take up any of the gentleman's time, but will he yield for one moment?

Mr. LAWRENCE. For a question.

Mr. SMITH, of New York. If the new constitution may repeal statutes, upon which point I agree with the gentleman, then I ask him how much of section 1 of chapter 3 of the code did the new constitution of West Virginia repeal? Did it repeal or change the time as to the election of the district officers? When will they be elected; next fall?

Mr. LAWRENCE. "Sufficient unto the day is the evil thereof." I think it is enough to discuss the question under consideration, and not to undertake to settle questions which may arise in the future. All district officers created by the new constitution were elected, as it required, on the fourth Thursday of August. And it has been sufficiently shown that section 1 of the code has been changed, and is now to be read as though it declared that in the year 1872 an election for State, county, and district officers, should be had on the fourth Thursday of August of that year. The conclusion at which I arrive, then, is, that in West Virginia for the year 1872, the new constitution, and the first section of the code, construed together, fixed or required an event, and prescribed the time of that event.

Mr. LAMAR. Will the gentleman yield to me for a question?

Mr. LAWRENCE. If it will not come out of my time.

Mr. LAMAR. In a former speech that the gentleman made he used the following language:

Now the code of 1868, *in express terms*, declares that "at the general election for State and county officers there shall be elected a Representative in the Congress of the United States for every congressional district."

The language is "at the general election." Will the gentleman point me to the section of the code containing the words which he professes to quote?

Mr. LAWRENCE. I will. I am very glad my friend has asked me the question. And I will undertake to show that the election for Representative in Congress is fixed by the expression in the second section of the code, "the said elections."

Mr. LAMAR. The gentleman does not understand me. I did not ask him for an argument upon which he bases his construction. I want the clause that he professes to quote.

Mr. LAWRENCE. My idea of the new constitution and the code, all construed together, is that they did in express terms fix the time for the election of Representatives in Congress in 1872 on the fourth Thursday of August. That is certain which can be rendered certain. The words of the second section of the code "at the said election" refer to the event mentioned in the amended first section, and thus in express terms fix the time of the election of Representatives in Congress.

Mr. LAMAR. No, sir. You did not say "at the said elections," but you said "at the general election," as the express words of the code. Now I want you to show those express words.

Mr. LAWRENCE. The original section 1 of the code required *an event*—a "general election." It fixed the time of it. The time was changed to the fourth Thursday of August. It is not denied, and I presume it is now proved, that the constitutional convention had power to make the change.

Now, when the second section of the code declared that "at the said election" Representatives in Congress should be elected, it referred to the *event*—the "general election," mentioned in section 1 of the code; and thus in express terms fixed the election for Representatives in 1872, at the time of the "general election" of that year. And the only election held for "State, district, and county officers, and members of the Legislature," in 1872 was held on the fourth Thursday of August. It was a "general election." It was so from the fact that all officers required by the constitution were then elected. If it was not a "general election," there was none such that year. And as Representatives in Congress could only be elected at a "general election" "for State, district, and county officers," this must have been the time for the election of Representatives in Congress or there was no authorized time.

The Legislature in enacting the original code sections to which I have referred had in view two modes of fixing the time for election. One was by reference to an *event*, and the other was by *fixing a day*. When the Legislature, in section 1 of the code, prescribed the time for the election of State, district, county, and township officers, and members of the Legislature, they fixed a *prescribed day*. When they undertook to fix the time for the election of Representatives they said nothing about a prescribed day; but they did refer to an event. The Legislature, in section 2 of the code, used the expression, "at the said elections," referring to the general election—to the event—prescribed in section 1, whenever that event might be. The Legislature seem purposely to have avoided any words in section 2 which might define a fixed day. On the contrary the time was fixed by reference to an event. The first section fixes a time, the second purposely avoids this and adopts another mode.

Now, sir, what are we asked to believe by the able chairman of the Committee on Elections, [Mr. SMITH, of New York,] and by my distinguished friend from Mississippi [Mr. LAMAR]—what are we asked

to believe is the true construction of the second section of the code? We are asked to believe that this second section, which says nothing about a prescribed day, has fixed a prescribed day. We are asked to believe that section 2 which refers to an event, and not to a day, does not mean an event, but does mean a day. We are asked to believe that when no day is named a day is intended, and that when an event is named an event is not intended.

Nil fuit unquam sic impar sibi.

I should like to hear some gentleman reconcile the conflict between the demand upon our credulity and the palpable force of the language of this code.

Mr. SMITH, of New York, rose.

Mr. LAWRENCE. We are asked to believe that proposition, which, so far as I am capable of apprehending it, is absurd.

Mr. Speaker, in giving construction to the code and the new constitution, we are to be governed by rules familiar to the legal profession. We must construe them—we must construe the code, either by the words employed in them, or by what was the probable intention of the Legislature, or by the usage under it, or by the reasons which may be supposed to have operated on the Legislature. First of all, I say that the words "said elections," used in section 2, naturally import or refer to the event fixed by section 1, and not the time prescribed in it. I say it is probable the Legislature intended that the *event* of a "general election," whenever it might occur, should fix the time of the election of Representatives in Congress, because it is absurd to suppose that the Legislature designed that there should be two elections in one year when all could be done at one time, thus saving expense and trouble to the people.

I say that the proper construction of these two sections of the code has been fixed by usage in the State of Virginia under other and similar statutes.

The act of January 3, 1803, provided "that the election of the members of the Legislature of this Commonwealth, and of the members of the House of Representatives of the United States to which this State is entitled, shall be held in the several counties and corporations on the respective court days, in the month of April." There was an *event* —the "court day"—by which the Legislature of Virginia, as early as 1803, fixed the time for the election of Representatives in Congress.

Ten years later, on the 6th of February, 1813, this law was re-enacted in the following words, to be found on page 151 of the revised code of 1819:

2. *And be it further enacted*, That the persons qualified by law to vote for members of the House of Delegates in each county, city, and borough composing a district, shall assemble at their respective court-houses, or other places appointed by law for holding elections, on the first day of their April court, in the year 1813, also on the first day of their April court in every second year thereafter, and there and then vote for some discreet and proper person qualified, according to the Constitution of the United States, as a member of the House of Representatives of the United States.

Here, again, the time of electing Representatives in Congress was fixed by an event. This was the approved mode of determining the time.

The Legislature determined the time for the election, not by a prescribed day, but by an event—the convening of the court. The time for holding the courts was, by subsequent acts of the Legislature, changed from time to time; and it was always held that a change in the time of holding the court carried with it a change of the time of electing Representatives in Congress; in other words, a change of the time fixed for the event carried with it the election of Representatives in Congress.

The same mode of fixing the time and the same mode of construing statutes has been adopted in other States, as has been abundantly shown in this debate, and in the opinions accompanying the report of the Committee on Elections.

Now, I ask, when the Legislature of West Virginia had fixed an event, the election of State officers, by section 1 of their code, and in section 2 had said that the Representatives in Congress should be elected at the same time when this event occurred, if there was a change of the time fixed in section 1 for that event, why would not that change carry a change of the event in the election of Representatives to Congress under that code as well as under the acts of 1803 and 1813. Will some gentleman answer this?

Sir, this usage in Virginia is a practical construction given to a statute in force in the old State of Virginia through its whole history, similar in character to the code of West Virginia; and if we determine otherwise now in reference to the code, we say that the practice of Congress and of the State of Virginia from 1803 until West Virginia was erected into a new State was all wrong, and that those engaged in it did not understand what they were doing. The statesmen and jurists of the "Old Dominion" did not err in construing their election laws, and if they did, *communis error facit jus.*

Mr. LAMAR. Will the gentleman allow me to ask him a question?

Mr. LAWRENCE. Yes, sir.

Mr. LAMAR. I ask the gentleman whether the days for the meeting of the courts were not ascertained or fixed by the act of the Legislature in every case—whether there was a single occasion or precedent in which the time was not fixed by the Legislature?

Mr. LAWRENCE. Certainly not.

Mr. LAMAR. The time was never fixed by a convention?

Mr. LAWRENCE. Certainly; but the point I make is, that it is the event which determines the time for the election of Representatives, and when the time of that event is changed by competent authority, as the time of the general election for State officers was changed by the new constitution of West Virginia, it carries with it by force of the authorities I have cited—by force of the legal principles to which I have referred—the election of Representatives in Congress. It has been said that the old constitution of West Virginia required the new constitution to be submitted to a vote of the people as it was, and that it further provided that "in no event" shall it "be made to have any retrospective operation or effect." (Article 12, section 1.)

As a question of constitutional law, the old constitution could prescribe the mode of securing a new constitution. That was decided in the Dorr rebellion case. But it could not limit the power of a convention and the people as to the operation and effect of the new constitution. If this be not so, then hoary abuses provided for in a parchment roll could never be remedied. The new constitution declares it "shall be operative and in full force from and including the fourth Thursday of August, 1872." This, ratified by the people, made it so operative, and abrogated all limitations attempted to be imposed by the old constitution. But there is no conflict, in fact, between the old and new constitutions. It is a rule of law that fractions of days will not be noticed, subject to certain limitations not now material. The moment the new constitution was ratified it took effect, not for the remaining fraction of a day, but for the whole day. To hold otherwise, would call in question the validity of the election of State, county, and district officers, and members of the Legislature in West Virginia. The State of West Virginia has decided that question in favor of the validity of the election. The new officers in West Virginia took the offices to which elected. The new State government superseded or followed the old one in succession, by universal consent. No lawyer ventured to deny the correctness of this. The question is settled, and we should accept the decision. The vote on ratification on the fourth Thursday of August operated by way of "relation," as it is said in the law books. The doctrine of "relation" is well understood, and its principles are often applied.

I have no time to discuss other features of this contest, but it seems to me, upon every principle of law, the August election was valid, and the members then elected should be admitted to seats. When I say the members, I mean all. I agree with what was said truly, forcibly, and clearly, in an argument made before the Committee on Elections that—

It has, I think, never been heard, since the Government began, that an election, duly held on the prescribed day, was either overthrown, impaired, or rendered of doubtful validity, by the fact that an election, more numerously attended, may have been held on a day *not* prescribed, or that a person, duly elected on the right election day, shall lose his election because he was defeated on some other occasion.

This was said, too, in behalf of claimants under the October election. If there was force or fraud, driving voters away from the polls, there might be some reason for holding that no election was had.

But it would be a dangerous principle to hold that a State might be disfranchised in Congress because three-fourths of all the voters in her several congressional districts refused or neglected to attend an election on the prescribed day. Let it be understood that this can keep Representatives out, and a State may practically withdraw from Congress, if not from the Union, by the disloyalty or neglect of her voters. It would be an easy road to the ruin of the Republic.

Mr. TODD. Mr. Speaker, the questions involved in this case arise out of the different provisions of the old and new constitutions, the schedule of the latter, and of the code of West Virginia.

Article 3, section 2, of the constitution of 1863 reads as follows:

The general election of State and county officers and members of the Legislature shall be held on the fourth Thursday of October.

Sections 1 and 2, chapter 3, of the code of 1869 are as follows:

SECTION 1. The general elections for State, district, county, and township officers and members of the Legislature shall be held on the fourth Thursday of October.

SEC. 2. At the said elections, in every year, there shall be elected delegates to the Legislature and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of the State, treasurer, auditor, and attorney-general of the State, a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district.

Article 4, section 7, of the constitution of 1872 is as follows:

The general elections of State and county officers and members of the Legislature shall be held on the second Tuesday of October until otherwise provided by law.

And sections 3 and 7 of the schedule of the constitution of 1872, submitting it to a vote of the people, are in the following words, to wit:

SEC. 3. The officers authorized by existing laws to conduct general elections shall cause elections to be held at the several places of voting established by law in each county, on the fourth Thursday of August, 1872, at which election the votes of all persons qualified to vote under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting this constitution and schedule. Such votes shall be by ballot. The person voting for the ratification of the constitution and schedule shall have written or printed upon his ballot the words, "For ratification;" and the person voting against ratification shall have written or printed upon his ballot the words, "For rejection."

* * * * * *

SEC. 7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county for senators and members of the house of delegates, and all officers executive, judicial, county, or district, required by this constitution to be elected by the people.

Now, unless the election authorized by those sections of the schedule was a general election, within the intent and meaning of sections 1 and 2, chapter 3, of the code, the case of the claimants under that election must fail.

In my judgment, the August election was a special one, ordered for a specific purpose, growing out of the necessities incident to the launching of a new constitution, the reconstruction of an old State organization, and the selection of its officials under the new organic act in the event of its ratification by the people. It was special, however wide its scope and universal its application to State officers, because it was for a single, specific object, and could not be applied to any other, and because it cannot, in any true and logical sense, be called a general State election, such as is intended by the statute or held to be such by common usage and practice. A general election in an established and organized State is one that periodically occurs, in pursuance of statutory enactments, in support of existing institutions, and that is intended to last for an indefinite period of time, as the means of maintaining and continuing an existing organized State, so that its functions may have uninterrupted continuance and authority.

The August election had none of these qualities. It was intended only for the occasion—and that an extraordinary one—and for no future use, and is shown to be special and temporary by the fact that another and different day is fixed for the general elections in the very constitution submitted at that time for ratification or rejection. In a strict sense it was no election at all, but a mere proposition submitted to the people for acceptance or refusal, and to be barren of results if a majority of votes were cast against its adoption. And herein it radically differs from the commonly received idea of a general election. The latter is always productive of positive, affirmative results, which reach into the future and keep alive and in practical operation existing institutions and laws. The admission that the election for Congressmen would have been null and void had the constitution not been ratified by the people cuts up by the roots the contestants' claims; for it concedes the special character of the August election, and admits that it was a mere experiment, dependent for vital force on a contingency that could be transformed into certainty only by the affirmative act of a power outside of the authority which ordered it. If this be the true nature and character of the August election—and I maintain it is—then all the other questions, involving the sovereign power and legislative authority of the constitutional convention, and whether it did or did not prescribe and fix a day for congressional elections, and subordinate and utilize existing statutes in relation to such elections to its purposes and objects, may be summarily dismissed as having no bearing on the issue, because they are only of importance as auxiliaries to the postulate that the August election was a general election, of the nature and kind contemplated and intended by articles 1 and 2, section 3, of the code.

The next inquiry is, was the fourth Thursday of October the legal day for holding the election for Representatives in Congress from West Virginia?

It is provided in article 1, section 4, of the Constitution of the United States that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

In pursuance of the duty imposed on it by this provision of the Federal Constitution, the Legislature of West Virginia provided, in chapter 3, sections 1 and 2, of the code, for the time, place, and manner of electing Representatives in Congress from that State. These were coincident with those of the general elections for State and county officers. It is true that the time for holding the general elections for State and county officers and members of the Legislature had been fixed in the State constitution, and was therefore obligatory upon the Legislature for State purposes; and for such it was recognized and obeyed in discharge of its duty in this regard.

But another and additional duty was imposed on the Legislature by a higher and supreme authority, which it was bound to obey with even more exactness and certainty than its State duties, and that was, as the one competent authority, specifically to fix and prescribe a time, place, and manner for the election of Representatives in Congress from that State. This obligation was discharged when the Legislature enacted the first and second sections of chapter 3 of the code; and in the light of the dual duty which rested on it, that statute must be read as providing for the election of two distinct classes of officers, holding by different tenures and obligated to different duties, and as if it had been separately enacted for each. For it is manifest that the only object held in view, in embracing both in one statute and making provisions common to both, was to save expense and trouble to the citizens of the State. It is objected that the enactment by the Legislature, in the form of law, of the State constitutional provisions fixing the day for the general election of the State was a vain and useless act, and could add no authority to it. But it did more; it added to that provision other classes of officers which were not included within its terms, by conspicuously prescribing, in exact discharge of legislative duty, the time, place, and manner for the election of Congressmen. To have failed to do so would have been inexcusable dereliction of duty and to deprive the State of representation in Congress. The very fact of the passage of sections 1 and 2 of chapter 3 of the code, to my mind, is conclusive evidence that the Legislature accurately conceived and discharged its duty, and specifically intended and provided, as an independent and separate measure, that elections for Representatives in Congress should be held on the fourth Thursday of October, at the same places and in the same manner prescribed for holding and conducting the general elections for State and county officers. To carry out this design and purpose, it was absolutely necessary to use terms identical with the State constitutional provision, and put them into the form of statutory law; otherwise that provision could have no binding force and would have been inoperative, and no way would have been prescribed for the holding of congressional elections.

This law is still in full force, never having been repealed, and must and will stand as the only authority for holding congressional elections, until the Legislature sees fit, for the sake of convenience and economy, to change it to another day. It is illogical as well as a great error to assert, because the new constitution prescribes a different day, to wit, the second Tuesday of October, for State general elections, that therefore no congressional elections can be held on the fourth Thursday of October, for the reason that no general elections are held on that day. This argument is based on the groundless assumption that a State constitutional convention, called to reform or make the constitution of an existing State and limited by the law which summoned it into being, has power to prescribe the time, place, and manner of holding congressional elections, and that the Legislature is bound to adopt and obey such usurped authority; and also in forgetfulness or disregard of the fact that the Legislature alone has jurisdiction over the subject, conferred and enjoined on it by the Constitution of the United States, and that it had already made full and perfect provision for it. The law providing for and regulating the election of State officers has its source in the State constitution; that for the election of congressional Representatives in the Constitution of the United States. Each is imperative and absolute within its own sphere, and may and do have entire freedom of action, without jostling or infringing on each other, although concurrent in time, place, and manner. This concurrence may be severed by State action, either through a simple act of Assembly or by a change in its organic law; and there is no rule or law that inhibits such severance or makes it invalid. In this instance it may justly be inferred that the Legislature, inasmuch as it adjourned before the August election, and in presence of the uncertainty attending the adoption of the new constitution, refrained from changing the law governing the election of congressional Representatives, and preferred for the time being that the inconvenience and expense of an election on the fourth Thursday of October should be borne, rather than anticipate the ratification of the constitution by the people, by changing in this regard existing laws into conformity with its provisions. That such change will be made before another congressional election occurs is not to be doubted, in view of the benefits that will result therefrom.

But although I maintain that the fourth Thursday of October is the legal day on which Representatives in Congress must be chosen, I deny that any valid election was held on that day, or such a one as entitles the parties claiming to have been elected at that time either legally or equitably to seats in this House. The first district is composed of fifteen counties, containing, according to the census of 1870, an aggregate population of 147,139, and an average vote of 29,428. Of this vote Mr. Wilson received, on the fourth Thursday of October, 3,708 votes, and thirty-nine other candidates 452 votes—in all less than one-seventh of the whole vote. If, however, we accept the votes cast at the August election, at which Mr. Wilson was a candidate, and which was, perhaps, a fair average poll except in the county of Wirt, where but a half vote was cast, as reliable data, we have the following exhibits:

List of votes cast on the fourth Thursday of October, 1872, in the several counties of the first congressional district, West Virginia.

Counties.	Wilson.	Scattering.	Other persons.	H. Greeley.	Jeff. Davis.	Some other man.	Total.
Hancock							
Brooke	69		22		1		92
Ohio	529	14					543
Marshall	224		18				242
Wetzel	291		54				345
Tyler	193	1	35	2			231
Pleasants	153		14				167
Doddridge	202		20				222
Harrison	585		18	1		1	605
Ritchie	347		58				405
Wood	493		80				573
Wirt	168		17				185
Gilmer	127		31				158
Calhoun	102		7	3			112
Lewis	225		55				280
Total	3,708	15	429	6	1	1	4,160

Statement exhibiting the number of votes polled in the first district, West Virginia, at the August and October elections, and the difference between them; and also the difference in each county between the votes cast at each election for Mr. Wilson.

Counties.	August.	October.	Difference.	Wilson's vote in August.	Wilson's vote in October.	Difference.
Hancock	701	.....	701	296	.....	296
Brooke	895	92	803	474	69	405
Ohio	5,247	543	4,704	2,749	529	2,220
Marshall	2,482	242	2,240	1,092	224	868
Wetzel	1,480	345	1,133	1,017	291	726
Tyler	1,363	231	1,132	461	193	268
Pleasants	720	166	554	390	153	237
Doddridge	1,137	222	915	523	202	321
Harrison	3,184	605	2,579	1,425	585	840
Ritchie	1,749	411	1,338	837	347	490
Wood	3,692	583	3,109	1,857	493	1,364
Wirt	573	185	368	160	168	8
Gilmer	868	158	710	593	127	466
Calhoun	510	112	398	387	102	285
Lewis	1,705	280	1,425	687	225	462
Total	26,309	4,160	22,149	12,948	3,708	9,240

Showing that less than one-sixth of the vote in August was polled in October; and that Mr. Wilson received less than one-third as many votes in October as he did in August.

It is affirmed, and no doubt truthfully, that polls were opened in but one or two precincts in each county; that the election was held by volunteers, the legally qualified election officers having refused to conduct it; that no legal or public notice was given for the election; that all of one party, which was the majority in the district, abstained from voting, on the ground that the election had been legally held in August; that but a small fraction of the defeated minority participated in it; that public opinion was hopelessly divided and at fault in regard to the propriety and legality of the proceeding. Considering that Mr. Davis, at the August election, received over 13,000 votes; that both parties at that time, through their representative men, put in nomination candidates for Congress; that the people accepted and approved of such action, and voted for Congressmen at that time and acted in good faith according to the lights before them; and that Mr. Wilson was then a candidate and only protested against its validity after suffering defeat, it is impossible for any one to affirm that a valid election for Congressmen was held in that district in October, or fail to perceive its true character. In the light of such facts, it is farcical to claim for it the qualities and force of an election whereat the people have exercised a full, free, and unrestrained choice for a Representative. Contrast such an election with one regularly and legally held, after full notice and with a clear understanding on the part of the people of their duties, rights, and privileges, and it will be apparent that it is destitute of all the elements that entitled it to respect or recognition. It was a surprise and a fraud on the people—an audacious and unscrupulous stratagem, instigated by the desperate hope of achieving that success which experience taught its daring perpetrators was impossible in a fair and legitimate contest. It was not a valid election, because it was not fair and open; nor was it an expression of popular sentiment, because only a small part of the people were permitted to participate in it, a majority having been excluded by the fraudulent acts and conduct of the very men under whose auspices it was held.

I freely admit that there is no precedent in the books for declaring a seat vacant merely on account of the paucity of the vote polled; but there are a multitude of cases where this element, supported by circumstances of fraud, intimidation, or hinderances springing out of exterior influences and forces that prevented, interfered with, or fettered free, full, and intelligent action and choice by the people, has been given a preponderating and controlling effect in conclusions that remitted them to the judgment of the people at another election. The principle established by all the cases requires that all elections shall be free, open, and notorious, and that the people must have a full opportunity to exercise their untrammeled choice of representatives, and that in the absence of such prerequisites the fact of a meager vote is decisive of the invalidity of the election. Such a vote is not a minor element in making up the judgment, but a leading master-power, that needs but slight support to make its influence irresistible and conclusive in overthrowing elections when it is conspicuously present.

I ask the Clerk to read what the committee say in the case of McFarland *vs.* Culpepper, of North Carolina, (Contested-Election Cases, volume 1, page 223.)

The Clerk read as follows:

From the testimony admitted, it appears that John Culpepper is not entitled to a seat in the House, he not having a majority of votes legally taken; but though Duncan McFarland appears to have a large majority of votes taken agreeably to law, yet the committee are of opinion that the truth of this is doubtful; they are the more confirmed in this opinion from the sitting member's having expressed his opinion that if he had time allowed him to make a scrutiny, he would prove the elections held in the other counties were also conducted contrary to law.

The committee, however, believing that the great object for which the power of judging of the election of members was vested in Congress was to secure to the people a representation of the majority of the citizens, the elections of Richmond, Anson, and Montgomery being rejected, give a majority of the votes taken in Moore and Cumberland Counties to Duncan McFarland, namely, a majority of two counties out of five, which compose the congressional district, and the votes of three counties are lost.

The committee are of opinion that, even presuming the votes in Moore and Cumberland to have been legally taken, it would be improper to deprive the other three counties of a representation for the fault of their election officers, &c., and therefore think it most proper to give the citizens of that district an opportunity to have another election, and for this purpose submit the following resolution.

Mr. TODD. I ask the Clerk to read from the report of the committee in the case of Cloud *vs.* Wing, of Virginia, (Contested-Election Cases, volume 2, page 49.)

The Clerk read as follows:

But turning from an examination of the conformity to legal requirements in this election to the question whether the voters of this district, conforming as nearly to law as possible, have, unrestrained and unawed by the presence of any considerable rebel force, had full and fair opportunity to express their choice of a Representative, the committee find that but 1,402 votes in all were cast in a district usually polling about 10,000 votes; that of the eleven counties composing this district polls were opened in only four of them, and not in every precinct in these four, for the reason that they were in the armed occupation of the rebels. No polls could, therefore, be opened, and not a single voter—be the number what it may in this much the greater portion of the district—could cast a vote, or in any way have a voice in the selection of a Representative. According to the uniform rule adopted by the committee and sustained by the House this has failed, in any just sense, to be the election of a Representative from the second district in Virginia. The committee, therefore, report adversely upon the right of either claimant to the seat.

Mr. TODD. In the case of McKenzie, Virginia, same book, page 462, the committee say:

The Clerk read as follows:

But the committee went further, and inquired, as in all other cases, into the character of the election itself, and find that, in point of fact, there was no election in seven out of nine counties composing this district; that an election in nearly all the other counties would have been an impossibility, for they are all, with a trifling exception, in the armed occupation of our own and the rebel armies, mostly of the rebel army. It appeared that a writ for this election reached the sheriff or other proper officer of Prince William County, who was the next day himself arrested by the rebels, and taken with his writ to Richmond, where he is now confined in prison. However loyal the people of these counties may be, they have had no opportunity to testify that loyalty at the ballot-box. While seven-ninths of the district is under duress, the action of the other two-ninths can never be taken as the choice of the district. At the election in 1857 for Representatives, this district cast 9,273 votes, and is believed to have been larger in 1859. On this occasion there were cast, in all, only 554 votes; of which Mr. McKenzie had only 227. That a large part of the voters are absent from the district is very probable; but until the opportunity can be given those who remain, be they many or few, to vote, there can, in the nature of things, be no election. According to all the precedents laid down by the committee, and adopted by the House, they are compelled to report against the validity of this election.

Mr. TODD. In the case of Pigott, North Carolina, same book, page 463, the committee say:

The Clerk read as follows:

The view taken by the committee of all the facts of this case, as they were made to appear, rendered it unnecessary to inquire how nearly in conformity to the forms of law this election had been conducted, or what were the powers of the military governor who issued the proclamation under which it was held. For this reason they do not trouble the House with citations from the North Carolina law of elections, or with arguments upon the powers of a military governor. The whole number of votes cast was 864; of these Mr. Pigott had 595 votes, all others 269 votes. There was no voting at all in but three of the eleven counties composing the district, and in one of these in but a single precinct. There were many voting places in these three counties where no polls were opened or notice taken of the election. In some of these no sufficient reason was shown why they were omitted from participation; but in most of them, in these three counties, the presence of armed rebels and incursions of guerrillas rendered the attempt wholly impossible. The remaining eight counties were almost, if not entirely, in the armed occupation of the rebels. It was frankly admitted by Mr. Pigott that the number of loyal voters in the district who, for this reason, had no opportunity to cast their votes at all was greater than the number who had any such opportunity. According to the rules adopted by the committee in all similiar cases, and steadily adhered to by the House, this puts an end to the case.

Mr. Pigott can in no just sense be deemed the choice of the loyal voters of a district in which more than half of them had no opportunity to express that choice. Voters may voluntarily stay away from the polls, and they are thereby taken and deemed to have acquiesced in what was done by those who are present. But no such presumption rests upon those who are under duress; and it can never be known that they would not have made choice of another if the iron grasp of the rebellion had been unloosed.

Mr. TODD. In the case of Grafflin, same book, page 464, the committee say:

The Clerk read as follows:

The election itself, had the day upon which it was held been authorized by law, like that in the case of McKenzie, already alluded to, was not a general election in the whole district, but only a partial and imperfect one, in which much the largest portion of the voters of the district took no part and had no opportunity to take part. No notices were served and no polls opened; and if there had been, no voter could, with safety to his property, his liberty, or his life, have voted in much the largest portion of the district. The committee regret that they cannot find any ground for pronouncing this an election in any just sense of that term. After a careful revision of the decision to which they arrived in the case of McKenzie, already stated, which was sustained by the House, they see no occasion to question its correctness, and they therefore report the accompanying resolution, and recommend its adoption:

Resolved, That Christopher L. Grafflin is not entitled to a seat in this House as a Representative from the eighth congressional district of Virginia.

The House agreed to the report without a division.

Mr. TODD. To these I might add others, but they are a sufficient support in aid of the principle I invoke in these cases. Do they not rule them, and commit the House to the duty of declaring the seats vacant, and sending the parties back for another election? Even if there were no analogous precedents, this House is not estopped from adopting any rule that will protect the people in the full enjoyment of their rights. Precedents are only valuable in aiding the House in

arriving at just conclusions; and are not, in their nature, obligatory, simply because they are precedents. The maxim, *stare decisis*, has no application here, inasmuch as we have plenary and exclusive jurisdiction over the question of membership, and can make and unmake rules, as the necessities and peculiar character of each case may need and require. We must prevent injustice and fraud, guard with watchful and zealous care popular liberty, and protect the sanctity of the right of suffrage from the unhallowed touch of those who seek to defile its purity and prostitute it to their own selfish and fraudulent purposes. Here is the citadel of popular right, and it must be defended from invasion and capture by the free use of all means of defense and resistance, even if such means of resistance are improvised for the emergency, and have been heretofore unknown to the trained defenders to whom its custody and care have been committed. Who can say, without a conscious blush of shame, that the election of the fourth Thursday of October was not a fraud and imposition upon the people of West Virginia? Who can ascribe to it a single quality that represents the popular sentiment of that State? Who can say that it was *bona fide* either in conduct or intent, or assert that it was not planned to defeat the popular judgment and impose on the people men whom they had deliberately and intelligently rejected?

For the purpose of proving what the people of West Virginia think of the October election, and as an indication of their wishes and views, I ask the Clerk to read the following article from the West Virginia Journal:

The Clerk read as follows:

Back to the people.—We are informed that the Election Committee of the House of Representatives at Washington will favor the remanding back to the people of West Virginia the question of who shall represent us in the United States Congress. This action if decided upon will receive a hearty indorsement by every intelligent mind and honest citizen in our State. A few interested partisans only will fail to approve. From their hands and their intrigue we ask to be delivered.

One of the first principles of a representative republican government is that the will of the people should be consulted in the selection of those who administer the supreme laws of the land. It is the duty of Congress to see that the people of every State have fair opportunity to express that will. To perform this duty is to aid in the preservation of a republican form of State government; not to perform it is to permit anarchy and confusion to rest their nightmare upon the rights of the masses.

In the various elections of West Virginia, upon which basis rests the claims of every petitioner now before Congress for a seat in the House, it cannot be denied that a majority of the voters expressed no distinct choice between aspiring congressional candidates. So much doubt hung around the proper period that no vote was cast that should entitle any claimant to recognition as a representative of the people.

As the figures for these elections have been called for we reproduce them that the case may be more clearly seen.

By the census of 1870, West Virginia has a voting population of 93,435.

In the August, 1872, election, upon the question of the ratification of the constitution, there was polled a vote of 81,875. Notwithstanding the well-known fact that at this election only one ballot could be cast for all the officers voted for, yet the aggregate vote for Congressmen was only 44,918, showing conclusively that 36,957 voters in attendance who had expressed their choice as to State officers, refused, on legal or other grounds, to express themselves as to Congressmen. This large number of voters, then, failed to recognize the August period as a legal one.

From the governor's proclamation we take the following figures as to the 44,918 citizens who did give expression to their choice:

AUGUST PERIOD.

First district.

John J. Davis	13,361
Benjamin Wilson	12,948
H. W. Rock	4
	26,313

Second District.

J. Marshall Hagans	3,441
A. R. Boteler	387
W. H. Lamon	255
J. B. Walker	79
O. D. Downey	14
Samuel Woods	2
B. F. Martin	1
	4,179

Third District.

Frank Hereford	11,652
J. Brisben Walker	2,768
J. H. Brown	5
J. Walker	1
	14,426

OCTOBER PERIOD.

First District.

Benjamin Wilson	3,708
John J. Davis	287
J. M. Wilson	27
Thirty-eight other citizens	119
	4,141

Second District.

B. F. Martin	5,998
J. N. Wisner	1,798
D. D. T. Farnsworth	1,321
A. R. Boteler	619
C. F. Laise	40
J. T. Hoke	83
J. M. Hagans	17
Geo. R. Latham	17
Jno. A. Thompson	24
T. R. Carskadon	7
W. H. Lamon	1
	9,825

Third District.

Frank Hereford	6,300
John S. Swann	1,803
C. W. Smith	79
Nine other citizens	28
	8,210

RECAPITULATION.

August election, total	44,918
October election, total	22,176
	22,742

Of the 81,875 voters for a new constitution, 36,957 declined to vote for Congressmen in August. In October 59,699, or about three-fourths, declined to vote.

To recognize the August period would be to concede the authority of a convention in the selection of a time for congressional election. The Constitution of the United States reserves this to the Legislature of each State. It would be also to ignore the silent opinion and will of 36,957 voters who abstained from a ballot for Representatives.

To recognize the October period would be to perpetrate a fraud upon the people of the State of West Virginia, and to say that one-fourth of her voters may be heard, and the will of three-fourths, clearly indicated in their absence from the polls, be ignored and set aside.

In the name of these 69,659 voters, who in confusion and doubt of the lawful time, intentionally declined to recognize either period, we respectfully ask that the Congress of the United States remand the question back to the people for their will in a new election, the time of which shall be definitely fixed and legally settled.

Mr. TODD. In view, therefore, of all the history and surroundings of the October election, its baldness of merit, its partial and fractional character and factious purposes, I am persuaded that justice can only be done by recommitting the cases to the committee, with power to send for persons and papers, so that a full and thorough investigation may be made, and the House put in possession of the means of disposing of the cases intelligently and justly.

I yield the floor to my colleague on the committee, the gentleman from Missouri, [Mr. HYDE.]

The SPEAKER *pro tempore*, (Mr. G. F. HOAR.) Does the gentleman from Missouri take the floor in his own right or in the right of his colleague from Pennsylvania, [Mr. TODD?]

Mr. HYDE. I desire to take the floor if I shall have time to conclude what I have to say to-day.

The SPEAKER *pro tempore*. The gentleman would be entitled to the floor in his own right.

Mr. HYDE. I understand that the time of the House after two o'clock to-day is assigned for business reported by the Committee on the District of Columbia.

The SPEAKER *pro tempore*. The gentleman is entitled to an hour in his own right.

Mr. HYDE addressed the House, but had not concluded his remarks when the hour of two o'clock arrived.

The SPEAKER. The hour of two o'clock having arrived, the Committee on the District of Columbia is entitled to the floor. The consideration of the election cases will be resumed after the business of the committee is disposed of.

Mr. HYDE. I would conclude in about fifteen minutes.

The SPEAKER. The Chair will recognize the gentleman as soon as the business of the Committee on the District of Columbia is disposed of.

EDUCATION OF INDIGENT BLIND.

Mr. PELHAM, from the Committee on the District of Columbia, reported back, with the recommendation that it do pass, the bill (H. R. No. 184) to provide for the better education of the indigent blind in the District of Columbia.

The bill was read. In its preamble it recites that the Secretary of the Interior is authorized by law to educate the indigent blind of the District of Columbia in some State institution for the blind, and that the Legislature of the District of Columbia has authorized the establishing of a school for the blind in the District, under the title of the Columbia Institution for the Blind. The bill therefore authorizes the Secretary of the Interior, at his discretion, to cause all the blind who are now, or who may hereafter become, entitled under the act of Congress approved February 23, 1865, amending the act entitled "An act to incorporate the Columbia Institution for the Instruction of the Deaf and Dumb and Blind," approved February 16, 1857, to be instructed in some institution for the education of the blind in Maryland or some other State, hereafter to be instructed in the Columbia Institution for the Blind, at a cost not greater for each pupil than is, or may for the time being be, required to be paid by other pupils in the said Columbia Institution for the Blind; the same to be paid out of the Treasury of the United States.

Mr. KASSON. I reserve the point of order on the bill.

Mr. BUTLER, of Massachusetts. Should not this bill go to the Committee of the Whole?

Mr. RANDALL. It is a public bill.

Mr. PELHAM. It does not make any appropriation.

The SPEAKER. It may involve one, for it closes with these words: "the same to be paid out of the Treasury of the United States."

Mr. PELHAM. I know that line is at the end of the bill; but it is entirely superfluous, and not needed there. The bill does not ask for an appropriation, but it merely provides that the Secretary of the Interior may cause the indigent blind of the District to be educated here in the District or elsewhere, in his discretion. Under the law as it now stands the Secretary of the Interior is obliged to send the in-

digent blind for education to Maryland or some other State; that is the law. This bill simply allows him, in his discretion, to have them educated here in the District or elsewhere. Under the law as it stands "the Columbia Institution for the Instruction of the Deaf and Dumb and Blind" could not receive the indigent blind of the District in that institution, even though they might be willing to educate them more cheaply and were able to educate them better than could be done in Baltimore. This bill simply gives the Secretary of the Interior the right to educate the indigent blind, whose education is already provided for at an institution in this District or elsewhere, in his discretion.

The SPEAKER. The Chair does not think, with that statement of the case, that this bill would be amenable to the point of order.

Mr. G. F. HOAR. Would not the expenditure of money under authority of this bill hereafter make it the subject of a point of order?

The SPEAKER. Already provision is made for the education of the indigent blind in other institutions. The Chair understands that this bill merely enables the Secretary of the Interior to send them to an institution in this District, at the same expense now provided by law, and even at a less expense.

Mr. STORM. Is not this a public bill? I think it should be referred to the Committee on Education and Labor.

Mr. HOLMAN. Is there any report accompanying this bill?

Mr. PELHAM. There is not.

Mr. HOLMAN. I think there should be a report, so that the facts might be given to the House.

Mr. PELHAM. The facts appear upon the records of the House. The first bill was passed in 1857, and that was amended by a bill passed February 23, 1865.

Mr. G. F. HOAR. I desire to ask the Chair, as it may be important to have the ruling upon the point now, whether this bill does not involve this principle: that a bill re-enacting a previous appropriation of money really makes a new appropriation, it gives a new legal effect to an appropriation. If so, would not the bill come clearly under the rule? It would be in order to provide by an amendment of the bill for a larger appropriation; for instance, to say that instead of ten dollars a week, the cost at present in the institution in Maryland, the Secretary of the Interior may hereafter expend twenty dollars a week for each student.

The SPEAKER. As the gentleman from Massachusetts [Mr. G. F. HOAR] states the case, the bill would be amenable to the point of order. But the Chair does not think that changing the expenditure of an appropriation from one point to another would render the bill amenable to the rule. To revive an appropriation that has lapsed would fall under the rule.

Mr. PELHAM. This bill does not revive an appropriation; nothing of the kind. Under the law as it now stands the Secretary of the Interior is charged with the instruction of the indigent blind of the District, and by an act of Congress he is required to send them to Maryland or to some other State. This bill merely gives him the authority to have them educated in the District of Columbia if he shall see proper.

The SPEAKER. The point of order the gentleman from Massachusetts [Mr. G. F. HOAR] has suggested would not necessarily be fatal to the bill. Even if it were amendable by putting in an increased appropriation, it would be carried to the Committee of the Whole by that amendment.

Mr. G. F. HOAR. Would it be in the power of any member, by moving an amendment making an appropriation, to send the bill to the Committee of the Whole?

The SPEAKER. Under the rules it would only be in the power of the majority, not of a single member, to send a bill to the Committee of the Whole by means of an amendment making an appropriation.

Mr. PELHAM. I send to the Clerk's desk, and ask to have read, the law of 1865.

Mr. KASSON. I also ask to have read the late rule of the House.

The Clerk read as follows:

An act to amend an act entitled "An act to incorporate the Columbia Institution for the Instruction of the Deaf and Dumb and Blind," approved February 16, 1857.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of said act as requires the teaching of the blind in said institution be, and the same is hereby, repealed, and the corporate name and style thereof shall hereafter be "The Columbia Institution for the Instruction of the Deaf and Dumb."

SEC. 2. *And be it further enacted*, That the Secretary of the Interior be, and he is hereby, authorized to cause all indigent blind children who are now, or may hereafter become, entitled under the law as it now exists, to instruction in said institution, to be instructed in some institution for the education of the blind, in Maryland or some other State, at a cost not greater for each pupil than is, or may be for the time being, paid by such State, and to cause the same to be paid out of the Treasury of the United States.

SEC. 3. *And be it further enacted*, That this act shall take effect from and after the 30th day of June, 1865.

Mr. HOLMAN. Under this law would not an annual appropriation be required to carry it into effect? The effect of the proposed bill it seems to me involves the appropriation itself.

The SPEAKER. The Chair would state the condition of facts under which he supposes the gentleman from Alabama has reported the bill, and under which he holds it does not come under the rule of sending it to the Committee of the Whole.

If there were an existing law for the education of the blind at a certain expense in the Maryland institution, and if this bill merely provided that pupils should be educated at the same expense in the Columbia institution, the Chair would hold that the bill would not fall under the rule which would send it to the Committee of the Whole. The principle on which the Chair makes the ruling will be understood by this illustration: suppose an appropriation of $100,000 were made for the purchase of Army stores in the city of Saint Louis, and the next day a bill should be brought in providing that those Army stores should be purchased at San Francisco instead of Saint Louis, the new bill would not make an appropriation in such a sense as to carry it to the Committee of the Whole. Hence, if the bill now before the House merely proposes to change the place where money already appropriated shall be expended without changing the amount of the expenditure, it is not amenable to the rule. That is the ground upon which the Chair bases his ruling. If the facts are different from what the Chair has understood them to be, the ruling would be different.

Mr. PELHAM. The Chair has stated the exact condition of the facts.

Mr. WILLARD, of Vermont. I desire to call attention to the fact that under the existing law the cost of educating the blind of this District in the States is to be measured by the expense of supporting other pupils in those institutions, while under the bill now presented it is to be measured by a different standard.

Several MEMBERS. No, sir.

Mr. PELHAM. This bill does not provide whether pupils shall be sent to Maryland, or Boston, or anywhere else, but simply that they may be educated here, if the Secretary of the Interior is of opinion that it can be done here at less expense. Under the law as it now stands, if there were in this District the best school for the blind in the land, and if such an institution would educate blind children for one-half what their education would cost elsewhere, the Secretary of the Interior is not allowed to have the indigent blind educated in this District. All that this bill does is simply to allow him to use his discretion in providing for their education here or elsewhere, as he may think best.

Mr. POTTER. I would like to get some further information about this bill from the gentleman who has it in charge. It is now fifteen years since we adopted the system under which the indigent blind of this District have been sent for education to blind asylums already established in the States. Most of these State asylums receive indigent pupils of the State at a fixed price; and, as I understand, the Secretary of the Interior, under the existing law, has power to send the indigent blind of this District to such State asylums as he may think best, paying for their education and support such sum as the institution may charge for pupils belonging to the State itself.

It is now proposed to change this law, which has been in operation some fifteen years, and, so far as I can learn, no good reason is presented for the change. To be sure, the matter is to be left within the discretion of the Secretary of the Interior; but obviously, as it seems to me, this measure may be the means of inaugurating before long a great scheme to build up a blind asylum in this District, and to build it up without any reason or necessity.

All experience in the education of the blind has shown that their proper training requires large institutions, liberally endowed, and demanding continuous appropriations to maintain a competent and numerous staff of instructors.

I think it decidedly the interest of this District, and a matter of economy to the Government, that the indigent blind of the District should be received in adjacent State institutions. The operation of this system, as far as I am aware, has not been attended with any objection or difficulty. It is now proposed to change this system, to change it, to be sure, in a permissive form; but I am apprehensive that the result will be, as it has been in many similar cases, that by and by we shall find a plan brought in here to build up a great institution in the city of Washington, for which we shall have to make permanent appropriations, to educate and maintain the indigent blind, who can be fully as well, if not better, taken care of, and with vastly greater economy, under the existing system.

Mr. G. F. HOAR. I wish to put a question to the gentleman from Alabama, [Mr. PELHAM.] Suppose pupils are now educated in Maryland at an expense of ten dollars a week, and that pupils in this District could next year be educated at an expense of fifteen dollars a week, will not this bill authorize the Secretary of the Interior to place pupils in the Washington institution at a cost of fifteen dollars a week, although in the Maryland institution the expense is now limited to ten dollars? I do not ask whether the Secretary of the Interior is likely to do this. I merely ask whether this bill does not authorize him to do so, and to bind the United States by such a contract?

Mr. PELHAM. As I understand the bill, it leaves this matter of expense, and everything of that kind, to the discretion of the Secretary of the Interior.

Mr. G. F. HOAR. The gentleman does not apprehend the point of my question. Suppose the charge for educating the indigent blind in this District should be larger than the expense in Maryland, will not the Secretary of the Interior, under this bill, have authority to bind the United States to pay the larger sum? I do not ask whether he is likely to do so, but whether he will not have the right to do so under this bill?

Mr. PELHAM. I do not think he would have the right to do so under the bill.

Mr. G. F. HOAR. Why not?

Mr. PELHAM. Because this whole subject is intrusted to his enlarged discretion, and I do not suppose that he would pay fifteen dollars when the same service could be done for ten dollars.

Mr. G. F. HOAR. But would he not have the right to make such a contract, and if he did make it, could he not thereby bind the United States under this bill?

Mr. PELHAM. No, sir; this institution, under the bill, could charge no more than the Maryland institution. The Secretary of the Interior would be bound to put these pupils where they could be educated at the least expense.

Mr. G. F. HOAR. This bill authorizes him to place out the pupils at the rate charged in the District of Columbia. I submit, Mr. Speaker, that in view of the answer made by the gentleman this bill is very clearly subject to the point of order.

The SPEAKER. If gentlemen wish to have the bill go to the Committee of the Whole the Chair will so rule. He desires there shall be no dissatisfaction.

Mr. BUTLER, of Massachusetts. I wish to ask whether the Legislature of the District of Columbia appropriated any money as an endowment to this institution which it is said they established?

The SPEAKER. The bill is not before the House.

Mr. G. F. HOAR. I will waive the point of order.

The SPEAKER. The bill is in the Committee of the Whole.

THE WASHINGTON NATIONAL MONUMENT.

The SPEAKER. The Chair announces the following select committee, ordered by the House some days since.

The Clerk read as follows:

Select Committee on the Washington National Monument—N. P. CHIPMAN, of the District of Columbia; HORACE MAYNARD, of Tennessee; FERNANDO WOOD, of New York; JAMES N. TYNER, of Indiana; CHARLES A. ELDREDGE, of Wisconsin; CLINTON L. COBB, of North Carolina; SHERMAN O. HOUGHTON, of California; JAMES WILSON, of Iowa; JOHN B. STORM, of Pennsylvania; JASPER D. WARD, of Illinois; CHARLES PELHAM, of Alabama; EPPA HUNTON, of Virginia, and THOMAS T. CRITTENDEN, of Missouri.

INSTITUTION FOR THE DEAF AND DUMB.

The SPEAKER. Under the law the Speaker of the House is required to appoint two trustees for the Institution for the Deaf and Dumb of the District of Columbia. The Chair announces the following gentlemen: HENRY L. DAWES, of Massachusetts, and WILLIAM E. NIBLACK, of Indiana.

FORTIFICATIONS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting estimates for armament for fortifications; which was referred to the Committee on Appropriations, and ordered to be printed.

DAVENPORT AND ROCK ISLAND BRIDGES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to House bill No. 966, relative to the use by the public of the bridges and improvements connecting the cities of Davenport and Rock Island; which was referred to the Committee on Military Affairs, and ordered to be printed.

POSTAL SAVINGS-INSTITUTIONS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, in answer to the resolution of December 11, 1873, in reference to how many employés of all grades it will require to carry on the postal savings-institutions in the United States and Territories, and also in reference to the postal-telegraph system.

Mr. RANDALL. That treats of two subjects, and the Committee on Banking and Currency has charge of one of them.

The SPEAKER. It will be referred to the Committee on Banking and Currency.

Mr. RANDALL. The postal-telegraph system is before the Committee on Appropriations. This law treats of two different subjects.

The SPEAKER. It refers particularly to the postal savings-institutions.

The letter was referred to the Committee on Banking and Currency, and ordered to be printed.

EXCUSED FROM COMMITTEE SERVICE.

The SPEAKER. Mr. HIESTER CLYMER, of Pennsylvania, asks to be excused from further service on the Committee on Revision of the Laws. He will be excused; and the Chair appoints in his place on that committee Mr. MILTON SAYLER, of Ohio.

EIGHT-HOUR LAW.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House in relation to decisions of the Second Comptroller of the Treasury under an act of Congress known as "the-eight hour law;" which was referred to the Committee on Education and Labor, and ordered to be printed.

CHOCTAW AND CHICKASAW INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a draught of a bill for the relief of the Choctaw and Chickasaw Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SUITS AGAINST RAILROAD CORPORATIONS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the act of March 3, 1871, a statement in relation to certain suits instituted by the Government against certain railroad corporations on account of property sold said corporations by the Government; which was referred to the Committee on the Judiciary, and ordered to be printed.

FORT BRIDGER MILITARY RESERVATION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on the part of arbitrators convened for the purpose of appraising the valuation of certain buildings on the military reservation of Fort Bridger, Wyoming Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

SCHUYLKILL RIVER BRIDGE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the bridge in process of construction across the Schuylkill River at South street, Philadelphia, Pennsylvania; which was referred to the Committee on Commerce, and ordered to be printed.

FLINT AND CHATTAHOOCHEE RIVERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to resolution of the House of January 7, 1874, transmitting a report of the surveys of Flint and Chattahoochee Rivers, in Florida; which was referred to the Committee on Commerce, and ordered to be printed.

PROVIDENCE HOSPITAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report on the contract with Providence Hospital, District of Columbia, for the treatment of transient paupers; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ASSISTANT SURGEON W. MATTHEWS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Assistant Surgeon W. Matthews, United States Army, for reimbursement of the value of clothing and other personal property lost by him in consequence of the fire at Fort Buford, Dakota Territory, January 28, 1871; which was referred to the Committee on Claims, and ordered to be printed.

CAPTAIN J. M. ROBERTSON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, inclosing a letter of Major J. C. Tidball, Second Artillery, in relation to the petition of Captain J. M. Robertson, Second Artillery, for promotion in the Army; which was referred to the Committee on Military Affairs.

BOUNTIES TO COLORED SOLDIERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the insufficiency of the unexpended balance of appropriations for the collection and payment of bounties, &c., to colored soldiers and sailors, for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

MILWAUKEE HARBOR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House, of January 8, 1874, transmitting copy of a report upon the condition, &c., of the harbor at Milwaukee, Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed.

WILLIAM M'ELORY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the muster out of William McElory, late first lieutenant United States Army, which was referred to the Committee on Military Affairs.

COLONEL WILLIAM GATES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the property lost by Colonel William Gates, who was wrecked on board the steamship San Francisco, in December, 1853; which was referred to the Committee on Claims.

CHANNELS BETWEEN LAKES HURON AND ERIE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the board of engineers relative to the practicability of bridging the channels between Lake Huron and Lake Erie; which was referred to the Committee on Commerce, and ordered to be printed.

FORT YUMA RESERVATION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a petition from citizens of Arizona City, Arizona, asking for the release by the military authorities of a portion of the military reservation of Fort Yuma; which was referred to the Committee on Military Affairs.

TERRITORIAL SURVEYS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in reference to an appropriation for the continuation of the geological and geographical surveys of the Territories of the United States during the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC LANDS IN MISSOURI.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House of December 18, 1873, in relation to the number of acres of land in the State of Missouri belonging to the United States; which was referred to the Committee on the Public Lands, and ordered to be printed.

ABOLITION OF THE FRANKING PRIVILEGE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House of December 8, 1873, in relation to the expenses incurred in his Department by the abolition of the franking privilege; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PAWNEE INDIANS IN NEBRASKA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting an estimate of appropriations for the employment and support of the Pawnee agency in Nebraska during the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

LANDS IN MICHIGAN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a draught of a bill to amend the act of June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan;" which was referred to the Committee on the Public Lands.

APACHE INDIANS IN ARIZONA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a statement of indebtedness on account of collecting upon reservations and subsisting Apache Indians in Arizona and New Mexico prior to July 1, 1873; which was referred to the Committee on Indian Affairs, and ordered to be printed.

INDIANS IN WASHINGTON AND IDAHO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting draught of a bill to provide for the establishment of a reservation for the Indians of Colville Agency, in the Territory of Washington, and for the Cœur d'Alene Indians, of the Territory of Idaho.

CLAIMS FOR INDIAN DEPREDATIONS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act approved May 29, 1872, certain claims for Indian depredations; which was referred to the Committee on Claims.

ABOLITION OF THE FRANKING PRIVILEGE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Navy, in answer to a resolution of the House of December 8, 1873, transmitting a statement of the expenses incurred by his Department in consequence of the abolition of the franking privilege; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

INTEREST ON TREASURY NOTES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of December 8, 1873, in relation to, and the amount paid by, the Treasury for interest on compound-interest notes, the Treasury notes of 1861, &c.

The SPEAKER. This will be referred to the Committee on Ways and Means.

Mr. RANDALL. Should it not rather be referred to the Committee on Banking and Currency?

Mr. WOOD. I think it should go to the Committee on Ways and Means. It is in relation to questions now directly before the committee.

The SPEAKER. That was the impression of the Chair.

Mr. RANDALL. I will not object, then, to its reference to the Committee on Ways and Means.

The communication was referred to the Committee on Ways and Means, and ordered to be printed.

SHIPPING COMMISSIONERS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of January 12, 1874, in relation to a statement showing the amount or amounts of money paid into the Treasury of the United States under the act of June 7, 1872, authorizing the appointment of shipping commissioners, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed.

EMPLOYÉS IN THE TREASURY DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a list of employés in the Treasury Department.

Mr. BUTLER, of Massachusetts. I would suggest that that be referred to the Committee on Reform in the Civil Service.

The SPEAKER. It will be so referred, without printing.

Mr. HOLMAN. I think this communication should be printed.

Mr. BUTLER, of Massachusetts. It need not be printed, for it is already in print.

The SPEAKER. It is all included in the Blue Book, which the House a day or two since ordered to be printed.

HOMESTEADS FOR ACTUAL SETTLERS.

Mr. TOWNSEND, by unanimous consent, from the Committee on the Public Lands, submitted a report, in writing, to accompany House bill No. 1388, to secure homesteads to actual settlers on the public domain; which was ordered to be printed, and recommitted to the Committee on the Public Lands.

SESSION TO-MORROW FOR DEBATE ONLY.

Mr. BUTLER, of Massachusetts. I ask unanimous consent of the House that the session to-morrow shall be for debate only, as in Committee of the Whole on the state of the Union, no business whatever to be transacted. And I desire to say that I do not intend myself to occupy any of the time of the House. I know other gentlemen desire to address the House; and as the Senate has passed a resolution forbidding the Government Printer from publishing in the RECORD any speeches not actually delivered, I think the amplest opportunity should be given gentlemen who desire to make speeches.

Mr. SMITH, of New York. I do not desire to oppose the proposition of the gentleman from Massachusetts, [Mr. BUTLER,] but it is my duty to say that there are some four members of the Committee on Elections who desire to be heard upon the West Virginia election cases, and that they have yet had no opportunity to address the House.

Mr. BUTLER, of Massachusetts. They can speak to-morrow.

Mr. SMITH, of New York. I understand the proposition of the gentleman from Massachusetts [Mr. BUTLER] to be that the session for to-morrow shall be for debate only.

Mr. BUTLER, of Massachusetts. Certainly; upon that subject, or upon any other.

Mr. SMITH, of New York. It is my desire to have these cases disposed of as soon as possible. If the House is willing to take them up on Monday I will have no objection to the proposition.

Mr. TODD. A number of gentlemen interested in these West Virginia cases are here in the city at great expense, and desire to return home as soon as possible. I think the House should devote the session of to-morrow to the consideration of practical questions.

Mr. BUTLER, of Massachusetts. I thought that there would be but a thin House to-morrow, and no vote could be taken upon any question. And if no vote is to be taken on the West Virginia case to-morrow, but it is to be taken on Monday, I am quite content that the debate shall go on to-morrow on that case.

Mr. SMITH, of New York. I am not prepared to say that there will be no vote to-morrow.

Mr. BUTLER, of Massachusetts. You cannot have it to-morrow, for it is almost certain that there will be but a thin House.

Mr. SMITH, of New York. If the other members of the Committee on Elections do not object, and if it may be generally consented to that the vote on this case shall be had on Monday, I will not object to general debate for to-morrow.

Mr. HALE, of Maine. On Monday directly after the morning hour?

The SPEAKER. That will require unanimous consent.

Mr. BUTLER, of Massachusetts. I hope that nobody will object.

Mr. BURCHARD. Is the proposition that to-morrow shall be devoted to debate on the West Virginia cases only?

Mr. TODD. If a time can be named specifically when the vote can be had upon these West Virginia cases I will withdraw all objection to the session for to-morrow being for general debate. But I desire to have a time fixed definitely when those cases can be disposed of.

Mr. BUTLER, of Massachusetts. Is there any objection to taking the vote in the West Virginia cases immediately after the morning hour of Monday?

Mr. SPEER. I certainly must object to that.

Mr. KELLEY. Is it proposed that the debate on to-morrow shall be confined to the West Virginia cases, or is it to be general debate?

Mr. YOUNG, of Georgia. I move that when the House adjourn to-day it be to meet on Monday next.

The question was taken; and upon a division there were—ayes 79, noes 52; no quorum voting.

Before tellers were ordered,

Mr. TODD said: As it seems to be the general desire that the session for to-morrow may be set apart for general debate, I will withdraw my objection.

The SPEAKER. The Chair will then again submit the proposition to the House.

Mr. SMITH, of New York. Does that include the debate on the West Virginia cases?

The SPEAKER. It does not bring the West Virginia cases before the House, but any gentleman who obtains the floor may speak upon

that or upon any other subject. Is there objection that the session of to-morrow be for general debate only as in the Committee of the Whole, no business whatever to be transacted?

No objection was made, and it was ordered accordingly.

Mr. BUTLER, of Massachusetts, moved to reconsider the order just made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 795) making appropriations to pay for reporting the debates and proceedings of Congress; and

An act (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building.

FORT KEARNEY MILITARY RESERVATION.

Mr. ORR, by unanimous consent, from the Committee on the Public Lands, reported a bill (H. R. No. 1407) to confirm the title to certain lands on the Fort Kearney military reservation, in Fremont County, Iowa; which was read a first and second time, recommitted to the Committee on the Public Lands, and ordered to be printed.

GENERAL O. O. HOWARD.

Mr. COBURN, by unanimous consent, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 43) authorizing a special committee of inquiry concerning General O. O. Howard; which was read a first and second time, recommitted to the Committee on Military Affairs, and ordered to be printed.

JAMES DE LONG.

Mr. COBURN, by unanimous consent, from the Committee on Military Affairs, reported back the petition and papers in the case of James De Long, for compensation, and moved that the Committee be discharged from the further consideration of the same, and that they be referred to the Committee on Claims.

The motion was agreed to.

JAMES W. BOWEN.

Mr. POLAND, by unanimous consent, reported back from the Committee on the Judiciary the bill (H. R. No. 1207) for the relief of James W. Bowen, late provost-marshal of the tenth congressional district of Pennsylvania, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

The SPEAKER laid before the House the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That it shall not be lawful for the Congressional Printer to publish in the CONGRESSIONAL RECORD any speech, or portion of a speech, not actually delivered in the Senate or in the House of Representatives.

Mr. BUTLER, of Massachusetts. Why cannot that be considered now by general consent? I move that the resolution be concurred in.

Mr. HAZELTON, of Wisconsin. I hope not.

The SPEAKER. The Chair thinks it should go to the Committee on Printing.

Mr. BUTLER, of Massachusetts. Very well.

The resolution was accordingly referred to the Committee on Printing.

WEST VIRGINIA CONTESTED-ELECTION CASE.

The SPEAKER. The House resumes the consideration of the West Virginia contested-election case.

Mr. HYDE resumed and concluded his remarks. His speech, in full, was as follows:

Mr. HYDE. Mr. Speaker, it is not without some degree of embarrassment that I rise to discuss the questions at issue in this case. Those questions are purely legal ones; and my embarrassment is increased by the fact that many of the best legal minds in the House entertain directly opposite opinions in regard to them. But, being a member of the committee to which this matter was referred, a sense of duty impels me to state to the House the reasons for the conclusion at which I have arrived; and it is proper to state that that conclusion was only reached after the most patient and impartial hearing of all that either party to this controversy desired to lay before the committee. No evidence was introduced by either party, but several sittings of the committee were occupied in the discussion of the two cases.

I confess that I was desirous of coming to such a conclusion as would not leave the State of West Virginia unrepresented in this House, and would save her people the trouble and expense of a new election. But after a careful and deliberate examination of the facts and the law, I have been forced to the conclusion that no valid election has been held in West Virginia for Representatives in the Forty-third Congress.

I. THE FACTS.

The facts in the two cases may be briefly stated.

As is well known, two elections for members of the Forty-third Congress have been held in the State of West Virginia. On the fourth Thursday of August, 1872, John J. Davis was elected a Representative in Congress from the first district of West Virginia, and J. M. Hagans from the second district. On the fourth Thursday of October of the same year Benjamin Wilson was elected from the first district, and B. F. Martin from the second district. Davis and Hagans received a majority of all the votes cast for Representatives in August, and Wilson and Martin in October. The question, therefore, for the House to decide is which, if either, of these days was the legal day for the election of Representatives in Congress from that State.

II. CONSTITUTION OF THE UNITED STATES.

As has been before stated during this discussion, the authority to provide for the election of Representatives is conferred upon the Legislatures of the several States by the Constitution of the United States in section 4 of article 1, in these words:

The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Constitutional convention.—Whether a constitutional convention is a legislature within the meaning of that provision, and therefore clothed with power to provide for the election of Representatives in Congress, is a question which I do not propose to discuss, because, in my judgment, it is not in issue in this case.

I find nothing in the proceedings of the constitutional convention of West Virginia that I can construe into an attempt to regulate the election of Representatives in Congress. But, sir, I am free to say that in my opinion that convention had no authority to prescribe the times, places, or manner of holding such an election; that a constitutional convention, with its powers limited by a former constitution and by the act creating it, merely to framing and proposing a new constitution, is not a Legislature within the meaning of the Constitution of the United States. And I submit that there can be found no precedent or authority sustaining the exercise of that power by a constitutional convention, after a State had been admitted into the Union, and had in existence a legally constituted Legislature. But before a State has been admitted into the Union, and hence before it has any legal existence as a State, and is therefore not subject to that provision of the Constitution of the United States, and having no Legislature or constitution to restrict the powers of a constitutional convention, undoubtedly such a convention, elected by the people, might possess general legislative powers, and might provide for the election of Representatives, in anticipation of the admission of the State into the Union.

Legislation.—Assuming, then, in the language of the Constitution, that this power is to be exercised by the Legislature how is it to be exercised?

The Constitution says the "times, places, and manner" of holding elections for Representatives shall be prescribed. To prescribe is to write before. This provision of the Constitution is very precise and explicit. It certainly was intended that these three things, the time, place, and manner of holding the election, should be publicly, definitely, and absolutely fixed before the election, that the people might know to an absolute certainty when and where the election was to be held, and in what manner it was to be conducted. There can be no fair election where these three requisites are not fixed and known beforehand by the people.

Was such the case in West Virginia? Why, sir, I am informed on good authority, though I have not the official lists, (and I hope some gentleman will correct me if I am wrong,) that at the August election there were cast, upon the ratification of the new constitution, 81,875 votes, while at the same election the aggregate vote for members of Congress was only 44,917, and at the October election the total vote was only 22,146.

This was not a case where the people failed to vote through negligence or inadvertence, but because it was believed that the Legislature had failed to prescribe the time for holding the election. The candidates were as much perplexed as the people. Some submitted their claims to the August, others to the October, election, and others still to both. And who knows how many more may be still waiting for a legal election to be prescribed? Who is prepared to maintain that there has been a proper exercise of the power conferred by the Constitution of the United States upon the Legislature of West Virginia to prescribe the times, places, and manner of holding elections for Representatives, when the people and the candidates are wholly at a loss to know what, if any, day had been fixed; and when the best legal minds differ in regard to the day and as to whether any day at all had been prescribed? Even the gentleman from West Virginia, who has been admitted to his seat, and who spoke the other day with such emphasis and apparent conviction in favor of the validity of the October election, when put to the practical test as a candidate, submitted his name to both elections, and comes here with two certificates of election in his pocket. And I am informed that he received 11,652 votes in August, and only 6,300 votes in October.

III. STATEMENT OF QUESTION.

The questions of law at issue in these cases grow out of a difference of opinion, as to the effect of certain provisions of the code, and of the old and new constitutions of West Virginia. Those provisions I shall consider. The question being whether the August or October election was the legal one, or whether both were illegal, it is immate-

rial in what order it is considered. I shall first consider the validity of the October election.

IV. THE OCTOBER ELECTION.

Those who maintain the validity of the election held on the fourth Thursday of October rest their case upon the following provisions of the old constitution and code of West Virginia:

The general election of State and county officers, and of members of the Legislature, shall be held on the fourth Thursday of October.—*Constitution*, 1863, *article* 3, *section* 2.

SECTION 1. The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

SEC. 2. At the said elections, in every year, there shall be elected delegates to the Legislature, and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of the State, treasurer, auditor, and attorney-general of the State, a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative in the Congress of the United States for the term beginning on the 4th day of March next after the election, for every congressional district.—*Code of* 1869, *chapter* 3, *sections* 1 *and* 2.

From this it is evident that the time of holding the general election is fixed by the constitution, and that the effect of section 1 of the code is nothing except a repetition for convenient reference.

In regard to the effect of section 2 of code, I submit that the words, "at the said elections," mean not a part, but all that they directly refer to; they mean exactly what is embraced in the first section; no more and no less. They mean the general elections on the fourth Thursday of October.

Those who seek to establish the validity of the October election affirm that the words, "at the said elections," relate only to time, and mean the fourth Thursday of October; while those who maintain the validity of the August election claim that those words refer only to an occasion—to the general elections—and do not fix any definite time for the congressional election. Both are partly right and partly wrong, in my judgment.

The words "at the said elections" designate both a time and an occasion. Not a time independent of an occasion, nor an occasion independent of a time; but they do refer to the general election as then fixed on a specific day.

When the time for holding that general election is changed by proper authority the election for Representatives in Congress must go with it, or it must lapse. The Legislature might have fixed a time for the congressional election independent of any other occasion or election; but they did not do it. If that had been done it would have been beyond the reach of a constitutional convention to change it. But having combined it with another event, it must stand or fall with that event.

Places and manner.—The Legislature was not only required by the Constitution of the United States to prescribe the times, but also the places and manner of holding the elections for Representatives. The Legislature of West Virginia exercised the power by providing not only that it should take place at the same time with the general election, but the places and manner of holding it were to be identical. The machinery for conducting the general elections was to be the machinery for conducting the election for Representatives. These two elections were to be carried on jointly, at the same times, at the same places, and in the same manner, and by the officers of the general election; the votes were to be jointly received, jointly counted, the results jointly ascertained, and jointly certified and declared; and all by the officers of the general election. The Legislature of West Virginia made no provision whatever either of time, place, or manner of holding an election for Representatives in Congress separate from the general elections.

Gentlemen on the other side of the House maintain that there was no power except the Legislature competent to prescribe the times, places, or manner of holding the election for Representatives. I agree with them upon that proposition, and I hope they will stand by its results. Therefore, when the occasion and manner of holding the congressional election have been changed or destroyed by the legitimate action of the constitutional convention in changing that upon which the congressional election had been made to depend, and there being no time, place, or manner fixed for holding it separately, the act of the Legislature, at least, becomes inoperative and incapable of being legally executed.

I presume there is no one who doubts that the general election appointed to be held on the fourth Thursday of October, 1872, was legally abolished, or changed to a different day. That was effected through the action of the constitutional convention, and ratified by the people in an election held for the purpose of ratifying or rejecting the new constitution. That convention having been created in pursuance of an act of the Legislature, and in accordance with the provisions of the old constitution, assembled on the 16th day of January, 1872, they were authorized by the act under which they were assembled "to discuss, consider, and propose, for ratification or rejection, a new constitution, or amendments to the old one."

Under that authority the convention proposed to the people for ratification, on the fourth Thursday of August, 1872, a new constitution, together with a schedule thereto, which provided for the holding of an election on the same day at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by the constitution to be elected by the people. That constitution was ratified, and at the same time all officers elected as proposed in the schedule.

The constitution which was ratified and went into effect on the fourth Thursday of August, 1872, contained the following provision in regard to elections thereafter to be held:

The general elections of State and county officers and members of of the Legislature shall be held on the second Tuesday of October, until otherwise provided by law.—*Constitution* 1872, *article* 4, *section* 7.

Now, what became of the general election appointed for the fourth Thursday of October, 1872? Nothing is clearer than that it was abolished, and with it fell all its machinery, its officers, and all regulations prescribing the times, places, or manner of holding it. And as the congressional election had no independent existence, no time, place, nor manner of holding it, and no officers to hold it, it fell with that upon which it had been made to depend.

I cannot leave this portion of my argument without entering my unqualified dissent from the reasoning of the majority of the committee—if that can be considered a majority report which has been agreed to by five out of eleven members—I cannot, I say, allow the occasion to pass without entering my dissent from the reasoning of the committee by which they endeavor to sustain the October election.

Neither the people of West Virginia, nor the contestants, nor the counsel who argued this case before the committee, ever put it upon the ground which it has finally been placed upon by the members of the committee who make the majority report. Why, sir, what is that ground? It is the new discovery that section 1 of the code of 1869 fixes the time of electing members of Congress. I say that fifteen days ago no man in Congress or out of Congress, no man on either side of this case, had ever made the discovery that the first section of the code was intended to include members of Congress. Yet that is the whole foundation nearly of this report of the committee. This is the language of that section:

SECTION 1. The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

Now, I say, they have lately discovered that the term "district officers" was intended to include members of Congress. It had been admitted on all sides heretofore, that it only included the assessors who were elected in districts in West Virginia. Now, in order to sustain this, what do the committee assume? They assume, in the first place, that the term "district officers" in the first section of the code means members of Congress. But they also assume that the same word in the seventh section of the schedule does not include, but that it excludes, members of Congress. Those are the assumptions which the committee make here.

Mr. SMITH, of New York. Will my colleague allow me to call his attention to the fact that the schedule expressly says that the district officers elected by this constitution shall be elected by the people?

Mr. HYDE. I was going to mention that. I was going to call attention to this part of the schedule to which the gentleman has referred, and to the plain intent and meaning of it in my judgment. The schedule, in the seventh clause, says:

On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held, at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

Now, unquestionably, the intent of that provision was to distinguish between officers that were to be appointed and officers to be elected, and not to exclude Representatives in Congress.

[At two o'clock Mr. HYDE was interrupted by reports from the Committee on the District of Columbia, after the disposition of which he resumed and concluded his remarks, as follows:]

Mr. HYDE. When I was interrupted I had explained my reasons for thinking that if members of Congress are included in the first section of the code, they are also included in the second section of the schedule.

V. THE AUGUST ELECTION.

I now pass to the consideration of the August election.

In attempting to point out the illegality of the October election I have in part anticipated the objections to the election held on the fourth Thursday of August. And here the question recurs which is the test to which both of these elections must be subjected, that is, was it held upon the day *prescribed* by the Legislature of West Virginia for the election of Representatives in Congress?

Sir, to my mind, the reasoning by which it is sought to sustain the August election is fatally weak, defective, and inconclusive. It is claimed that the second section of the code of 1869, to which I have referred, by the words "at the said election," designated an occasion without any element of time. By what rule of construction such a conclusion is arrived at I am unable to state. It is admitted by all that the words refer to the general elections provided for by the constitution of West Virginia. And those general elections were fixed by that constitution as well as by the code to be held on the fourth Thursday of October.

The second section of the code provides that "at the said elections," in every alternate year, members of Congress shall be elected, meaning, as every one admits, the general election on the fourth Thursday of October. Now, by what process of construction or reasoning are we to conclude that one part of that which was clearly referred to was intended, and that another part was excluded?

When we admit that kind of reasoning, if such it can be called, to take the place of plain, legal, and settled rules of construction, the very result that has taken place in this House may be expected; gentlemen will take their choice as to what shall be included and what excluded; on the one side claiming that the words "at the said elections" refer to the fourth Thursday of October, independent of the general election; and, on the other side, that they refer to the general election, whenever held, and, of course, independent of the fourth Thursday of October. But even if we were to concede that by these words the Legislature intended that the election of Representatives should take place at the same time with the general election, we should still be very far short of establishing the validity of the August election.

This brings me to inquire more particularly into that election, its character and its purpose. And here two questions arise:

1. Was it such a general election as was contemplated by the Legislature in the second section of the code?

It is absolutely certain that it was not one of "the said elections" referred to in that section. And I think it is equally certain that it was not a general election at all in the ordinary legal acceptation of the term.

In the usual legal sense a general election is not only an election common to the whole State, and at which State officers may be elected, but it is one that is not restricted or limited to one special and particular object, and to one occasion, and never to recur or be repeated.

Was the election held in August a general election within this definition? Was it not, on the other hand, a special election, called on an extraordinary occasion for a particular and unusual purpose; and, worse than all, was it not an experimental election?

And here again, I am glad to say, there can be no dispute about the facts, because they are established by the schedule of the new constitution. It was an election appointed by the constitutional convention for the purpose of submitting to the qualified voters of the State the question of ratifying or rejecting the new constitution, and for electing all officers provided for by that constitution.

The following are the provisions upon that subject:

3. The officers authorized by existing laws to conduct general elections shall cause elections to be held at the several places of voting established by law, in each county, on the fourth Thursday of August, 1872, at which elections the votes of all persons qualified to vote, under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting this constitution and schedule.

* * * * * * *

7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held, at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.—*Schedule of Constitution of* 1872, *sections* 3 *and* 7.

Even if the constitution was adopted, no election was to be again held on the annual or biennial return of that day, nor was such an election as this ever to be held in the State again.

This was an election not only to ratify the new constitution, but to elect all officers, executive, judicial, county, or district, required by the constitution to be elected by the people. This was in every sense a special election, both as to the object for which it was appointed and the time at which it was to occur. No election was ever to take place again on the same day or for the same object. As before stated, the time hereafter fixed by the new constitution for the general election is the second Tuesday in October.

2. The second question which is naturally suggested in relation to the August election is this: Even supposing it was a general election within the meaning of the second section of the code, did it have any such characteristics of legality or certainty that it could be considered as the time or occasion prescribed for the election of Representatives?

Far from it; as I before stated, it was an experimental election. Whether it resulted in anything whatever legally, whether anybody was elected, depended upon whether the new constitution was ratified. If the new constitution had been rejected by the people at that election, then the whole election for all officers would have been a failure and a farce; and the regular general election provided for by the old constitution for State officers and members of Congress would unquestionably have been held on the fourth Thursday of October.

Now, sir, granting everything else that is claimed by the advocates of the August election, namely, that the general election had been designated by the Legislature as the occasion for the congressional election, and that that occasion could be shifted to another day by the constitutional convention, and that the August election was a general election and therefore might have been the occasion of the congressional election, still there would remain the question whether the August election was in fact the prescribed time for the congressional election.

Can it be said to have been the prescribed time, that is, written before, appointed, ordained, and established beforehand, when this element of uncertainty attached to it; when it depended upon the votes which should be cast that day whether it should be a legal election at all or only a failure and a farce; when, in fact, no mortal man or tribunal could determine whether it was a legal election for any officers whatever until the sun went down and the votes were counted, and officially returned from every precinct in the State? Are we prepared to yield so much—to allow so much uncertainty in regard to congressional elections? In the face of the Constitution of the United States, which says that the time of holding the election shall be prescribed, do we propose to say that that provision has been complied with, when no man could tell until after the election whether it was the legal day for any election at all, because its legality for any purpose depended upon the vote that was to be polled?

I desire in this connection to reply to an argument which has been frequently made during the progress of this matter, and I suppose with some confidence by those who use it.

It has been affirmed that the State of West Virginia decided this question, by recognizing as duly elected all the State officers elected in August, and that it is proper to be governed by her decision, as it relates only to her own representation in this House. It seems to me there must be a great confusion of ideas on the part of those who resort to that argument. The legality of the election of State officers stands upon an entirely different ground from the election of members of Congress. If the people of West Virginia, by provisions of their supreme law or otherwise, desire to have an experimental election for State officers, I know of nothing to prevent them from doing so. But in holding an election for Representatives in Congress they are governed by the Constitution of the United States, which says that the times, places, and manner of holding such an election shall be prescribed by the Legislature. In other words, the times, places, and manner shall be fixed by law before the day of election.

The precedent.—The industry as well as the ingenuity of legal gentlemen who represented the opposing sides of this controversy have been taxed to the utmost to find precedents for maintaining the validity of these elections. The precedents that have been cited fail to do this, for the reasons that I have before stated. And I am very happy to be able to state that their efforts have been absolutely fruitless, and that no decision can be found in the history of this Government that tends in the slightest degree to establish the validity of either the August or the October election; and I sincerely hope that we are not about to make such a precedent. Precedents are disagreeable things sometimes, and sometimes they are dangerous.

Who can tell the consequences which might flow in corrupt or high party times from such a precedent as this—from a precedent which would say in effect that, instead of absolutely fixing the legality of a congressional election beforehand by prescribing the times, places, and manner of holding it, its legality may be made to depend upon a contingency, or upon the happening of an event, or the number of votes which may be cast for a certain object? If its validity may be made to depend upon the number of votes cast for a State constitution, why not upon the number cast for certain individuals?

It seems to me that under such a precedent we might have a congressional election that should be valid if certain men received a majority of votes, and to go for nothing if they were defeated.

VI. CONCLUSION.

Sir, in conclusion, I will only add, that if either the August or the October elections had been anything like a full and fair expression of the voters of West Virginia, I might feel that the rules of law ought not to be too rigidly applied; and that if we erred at all, it ought to be on the side of giving effect to that expression, by immediately admitting the chosen Representatives to seats in the House.

But when I consider the fact that out of 81,875 votes which were cast on the ratification of the constitution only 44,917 were cast for members of Congress in August in the entire State, and in October only the insignificant number of 22,146; when I consider that conventions of both political parties met and adjourned without making any nominations of candidates for Congress, for the sole reason that it was the general belief as well as the opinion of the best legal minds that no lawful day for the election had been appointed; that in the second district, in August, there were eleven counties in which not one vote was cast for members of Congress; that the election in October was considered such a farce that in the first district forty persons were voted for, and that the total vote of all only amounted to the ridiculous number of 4,099 votes; that, taken together, neither the August nor the October claimants represent anything like a majority of the voters of the State, the claimants under the August election having received but little more than one-third of the votes actually polled in August, and the claimants under the October election having received less than one-fifth of those votes—I am not prepared, by sustaining such a pretended election, to establish what I should regard as a very bad and a very dangerous precedent, in the very bad cause of practically disfranchising the people of West Virginia.

I hope, therefore, that we shall send this contest back to the people, and give them an opportunity, which they have not yet had, of holding a legal and a full and fair election for Representatives in the Forty-third Congress.

Mr. THOMAS. Mr. Speaker, when the West Virginia election cases were first stated on the argument before the Committee on Elections, I thought their determination depended entirely upon the question as to whether the convention of the State had power to repeal, alter, amend, or in any form change the statute of 1869, in so far as it related to the election of Representatives to Congress. I think so now. Let me state in general terms the provisions of that statute. I quote them from memory; and allow me to say that I do not mean to trouble the House with citations of authorities or lengthy quotations.

I shall briefly state the circumstances, with the laws and principles which in my view govern the case.

It is provided in the code that the general elections for State, county, district, and township officers shall be held on the fourth Thursday in October; and in the second section occurs the remarkable phrase, remarkable as it would seem from the debate here, that "at the said elections" there shall be elected a governor and other State officers, (naming them,) senators, members of the house of delegates, and Representatives to Congress, which is the material part. The statute further provided the manner and places of holding said elections. Did this statute prescribe, in obedience to the Constitution of the United States, the "times, places, and manner" of holding elections for Representatives to Congress? It is admitted in argument here that it did. Precedents from a number of States have been cited to show that the same language had been employed in their statutes; that they had provided that upon the occurrence of certain elections, members of Congress should be chosen; and that this phraseology did fix, did prescribe the time for the election of a Representative to Congress.

Sir, assuming that to be so upon a simple construction of the statute, the other question arises, was that statute changed, or did it remain in force on the fourth Thursday of October? If it was repealed, was it repealed in whole or in part?

As to the question of construction, it is a fundamental rule to look at the intent of the Legislature. What was that intent? It was first, in obedience to the constitution of the State of West Virginia, (and the provision of that constitution is material in this respect,) to fix the day of the election on the fourth Thursday of October for governor and other State officers as therein named; and then it was the duty, the paramount duty of that Legislature, under the national Constitution, to "prescribe"—that is the word of the Constitution; I do not mean to change it—to "prescribe" the "times, places, and manner" of holding elections for Representatives to Congress. That Legislature meant to do this, and did do it, as is admitted. Undoubtedly it was changed, repealed *pro tanto* as it related to State officers.

Was it changed? I would not wish to enter into a dispute with my colleagues on the committee; that is not my purpose; I wish to discharge a simple duty in submitting my views upon this case. Sir, I deny the power of a State convention to repeal or change in any manner a statute of a Legislature passed in pursuance of an obligation of the national Constitution. Perhaps, sir, the American mind has been since 1860 more particularly directed to the subject of the powers and duties of State conventions than at any former period in the history of the country. One thing at least has been settled; and that is, that whatever sovereignty may belong to such a body it cannot sever the relations of a State with the Federal Union. But more has been settled. A State cannot do any act or thing inconsistent with the national Constitution, the laws of the United States passed in pursuance of it, or treaties made, or which shall be made, under the authority of the United States. There is the limitation upon its powers. Subject to these limitations, it is supreme—in the sense in which Junius said the British Parliament was supreme—relatively supreme, not absolutely supreme; because its authority is derived from the will of the people of the State, and that will is but a part of the will of the whole people of the United States, and is subordinate to that will.

Sir, a convention, when called according to the organic law of the State, may make or unmake State constitutions, and that, too, without submitting them to a vote of the people for ratification or rejection. It may pass ordinances having the force of statutes, and the courts will respect those ordinances as such. It may repeal or alter statutes of the Legislature pertaining to the ordinary legislation of the State, but not a statute of this kind providing, in obedience to the national Constitution, for the election of Representatives in Congress.

Having taken this view of these cases, I was not prepared to look outside of the evidence before the committee. As the cases stood there, we had this proclamation or certificate of the governor of West Virginia, to the effect that on the fourth Tuesday of August, Mr. Davis, Mr. Hereford, and Mr. Hagans received each a majority of the votes cast, and that if the House should be of opinion that that was the legal day of the election, then he certifies those gentlemen severally were elected; that on the fourth Thursday of October another election was held, at which Mr. Hereford, Mr. Wilson, and Mr. Martin received a majority of the votes cast, and that if the House should be of opinion that that was the legal day of election, then he certifies that those gentlemen were duly elected. That proclamation or certificate discloses the fact that only about one-sixth of the votes cast at the August election was cast in October; and that is all the evidence we have in the case. So stand the cases before the House.

Now, sir, it was said upon the argument (by some members of the committee, who have taken that view) that because of the paucity of the vote given on the fourth Thursday of October the election should not be considered valid, but in their opinion it should be remanded to the people. It surely is not necessary to assert here that the paucity of votes can make no difference as to the validity of an election, for it has been well settled that where in other respects an election is fair, where the people have had an opportunity to vote, and there was no fraud, a single vote will make an election valid.

Let me now notice some of the objections which have been taken to the position which I have assumed. It is said that the statute of 1869 did not prescribe a time for an election, but prescribed an occasion or event. Sir, I desire always to be deferential to the opinions of others; but it seems to me that when gentlemen deny the power of a convention to change the times, places, or manner of holding an election for Representatives in Congress, and at the same time endeavor to put forth the idea that such a body can change the "occasion" or "event," it is a clear *petitio principii*.

If the convention of West Virginia had no power to change the time, it had no power to change the occasion or event, or to shift the occasion or event or time.

Now, sir, I asked one of the counsel before the Committee on Elections, when these cases were first opened, whether he could cite me to any precedent or authority in the history of election cases where the election for Representatives to Congress had been held by authority of a State convention, and he immediately referred me to the Oregon case, the case of Shields. I had read the case before, but I looked at it again, and, as sometimes happens in looking over authorities cited, I could find no analogy between it and other cases. This was the case of a Territory. And, under the power of Congress—not the power of the House, not of either House—to admit new States, Representatives might well, perhaps, be admitted, when the times, places, and manner of holding their elections had been prescribed by a convention constituted by that power, and their admission would be justifiable, as stated by Mr. Justice Blackstone, in the two capital exceptions of calling together the Parliament without the King's writ, on "the principle of necessity." And that is the principle upon which these cases of admissions of Representatives elected by the people of inchoate States are based. But no such authority or precedent is to be found where a State has been admitted into the Union, except in the case of the insurrectionary States. The action of the House in respect of such cases can only be justified on the same principle of necessity. Under the provisions of an ordinance of a convention of my own State, held since the rebellion, the times, places, and manner of holding elections for members of Congress were prescribed.

But this action of the convention was outside of the constitution—was extraconstitutional—and it is only to be justified on a principle of necessity. It was authorized by no power expressed or implied in the national Constitution. I shall not be one of those who doubt the validity of this action. I think Macaulay says that one of the judges of England doubted twenty years after the Convention Parliament whether he had the power to sentence one to be hanged, having received his appointment from William and Mary. It may be that some one may doubt as to the constitutionality of the reconstruction acts twenty years hence, but I will not be one of them. I will recognize them to be valid on the principle of necessity at least.

One gentleman of the committee, agreeing with the majority that the fourth Thursday of October was the legal day of election, is in favor of remanding the election to the people, and the chairman has made a motion to recommit the resolution reported, with power to send for persons and papers. In my view of the case, I cannot see any ground for that motion. I repeat, the Committee on Elections had nothing before them but a certificate of the governor of West Virginia. Mr. HEREFORD had been admitted on this certificate. There was no allegation of fraud or violence, yet the minds of some gentlemen of the committee, as was my own, seemed to be impressed that there was some equitable ground upon which the House might remand the election. No precedents are to be found heretofore except those of fraud, violence, and intimidation. Fraud, it is known, is a proper ground, because it vitiates everything it touches, either in law or equity. Violence was a proper ground, because when a portion of a district was overrun with the enemy the people did not have an opportunity to vote, and could not vote. There could not be a proper expression of their will in such case in regard to their choice of a Representative in Congress. No such case occurred. The people could vote, and they did vote without fraud or violence, so far as appeared to the committee. But if it were desirable to make a precedent in these cases, on some equitable ground other than fraud, upon what ground could it be made? No accident is alleged, and no mistake of fact. A mistake of law was made, as appears in the official certificate of the governor of the State. But a mistake in law does not in equity make a ground for relief. Such mistake excuses no one, even in criminal cases, and it ought not to establish a precedent for remanding an election to the people.

Sir, I know under the Constitution each House shall be the judge of the elections, returns, and qualifications of its own members. There is no limitation upon that power. There is no legal discretion, nothing to control members of this House but their consciences in the use of the power. If this House should choose to admit a man under twenty-five years of age, or a foreigner, or one otherwise disqualified, there is no power under the Constitution to prevent it. I do not mean to say that I think this House capable of doing such a thing, nor would I make a statement which would justify the inference that I think the House capable of doing any such thing. But I desire to answer remarks which were made by one of my colleagues on the committee, to the effect that political feeling or bias of public opinion had something to do with the opinions of this committee. Happily for me, perhaps, I am a republican, and the gentlemen, so far as is now known to me, in whose favor the resolutions were reported, are democrats. No suspicion of political feeling, then, can be attached to my motives. I disclaim all considerations of that sort. An election case is not a party

matter. If any party spirit controls others in these West Virginia cases it does not control me. And I am unconscious of any bias of public opinion.

I have made these observations, Mr. Speaker, simply in the discharge of a plain public duty; and having done so I am content to let the case go for the decision of the House.

MESSAGE FROM THE SENATE.

A message from the Senate was communicated to the House by Mr. SYMPSON, one of its clerks, informing the House that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 241) to confirm the title to certain lands in the Fort Kearney military reservation, in Fremont County, Iowa;

A bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company; and

A bill (S. No. 367) authorizing the Secretary of War to deliver to the State of Rhode Island a certain gun.

EXPENSE OF COLLECTING CUSTOMS.

Mr. GARFIELD. I ask to be permitted for a moment to interrupt the discussion on the election case for the purpose of offering for reference a resolution of inquiry to facilitate the business of the Committee on Appropriations.

The Clerk read as follows:

Whereas it is desirable that all expenditures of the Government shall, as far as practicable, be made in pursuance of annual appropriations made by Congress after a full exhibit of the necessity for the same: Therefore

Resolved, That the Committee on Ways and Means be directed to inquire into the expediency of so amending the laws relating to the expenses of collecting customs duties as to fix the number and rate of compensation of all persons employed in that branch of the service, and to require that said expenses be provided for by appropriations made annually on estimates submitted to Congress by the Secretary of the Treasury, and that said committee have power to send for persons and papers.

Mr. RANDALL. Should not this be referred to the Committee on Reform in the Civil Service?

Mr. GARFIELD. It needs to go to the Committee on Ways and Means, as they have charge of the whole matter.

Mr. RANDALL. I am afraid that the Committee on Ways and Means have so much to do that we will never have a report from that committee on this matter of reduction of expenses.

Mr. GARFIELD. They have begun this work already.

The resolution was referred to the Committee on Ways and Means.

Mr. GARFIELD moved to reconsider the vote by which the resolution was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WEST VIRGINIA CONTESTED ELECTIONS.

The House resumed the consideration of the resolutions reported from the Committee on Elections in reference to the West Virginia contested-election cases.

Mr. HARRISON. Mr. Speaker, after a careful examination of this case, I have come to the conclusion that neither of the elections—neither that in August nor that in October—was legally held, and that neither was valid. I say after a careful examination; and I will do my colleagues on the committee the justice to say that they have given the subject the fullest consideration, and although they have differed widely and presented a very anomalous state of things in regard to the conclusions at which they have arrived, yet I believe I can say for all my colleagues that they have honestly and impartially looked into the question. I have said that there is an anomalous condition of things here presented; because we have what is called a majority report in favor of sustaining the October election, while one member of the committee signing the majority report dissents from the conclusions to which the committee have arrived, and gives his opinion, that although the election in October was held on the day prescribed by law, yet the circumstances are such that that election ought not to be validated; that the persons elected under it ought not to be admitted on the floor of this House. So, that being the case, there is really, in point of fact, no majority report. We have another section of the committee who are of the opinion that the election held in August was the valid election, that it was held on the day prescribed by law for the holding of elections of members of Congress. And still another portion of the committee holding that neither election was valid.

Now, Mr. Speaker, in reference to this August election, we must look to the authority contained in the act of the Legislature of West Virginia as the only authority on which this August election can be maintained. The Constitution of the United States having provided that the Legislatures should prescribe "the times, places, and manner of holding elections for Senators and Representatives" in Congress, no other power save the legislative department of the State, no other department of the State government, can prescribe the times, or places, or manner of holding elections for members of Congress. Now, sir, it is contended that this election held in the month of August, held under the authority of a provision in the schedule of the constitution of the State of West Virginia, was a valid election. And in order to get the benefit of the argument that it was authorized by the Legislature of West Virginia, that it was held in pursuance of a provision of an act of the Legislature of West Virginia, it is said that by some means, when the schedule was adopted fixing the 22d of August as the time for holding elections to be held under the constitution of West Virginia—that by some means that operated as an amendment to the act of 1869, the only act under which an election for Representatives in Congress could have been held.

I call the attention of this House to the fact that that provision in the schedule to the constitution looking to an election in August was evidently a provision on its face intended to provide an occasion when the votes should be taken on the ratification or rejection of the constitution and for electing the officers named in the schedule, with a view to putting the machinery of the State government into operation under that constitution. I call the attention of the House to the fact, that while that is plainly expressed upon the face of the schedule to the constitution, in section 7, and while in the very nature of things that must have been the object, and the sole object, of providing by the schedule for an election, there is no provision in it for an election for members of Congress. If the validity of the election in August depends alone upon the provision of the schedule, the argument will not hold; because those who pretend that the election in August was a valid election must find some warrant in the act of the Legislature of West Virginia before that election could be valid.

Was the election held in August, under the operation of that provision of the schedule, a general election? It had no single element of a general election, except that in reference to the officers who had to be elected on that occasion in the event of the constitution being ratified, a vote was to be taken throughout the State. I candidly confess that in that respect it had one element of a general election.

But, Mr. Speaker, the election of August, 1872, was never to be held in August of any other year. It was to occur, as I have said, for the express purpose of having a vote on the question of the ratification or rejection of the constitution, and for the purpose of electing the officers named in that schedule, and who should go into office in the event of that amended constitution being adopted. If the amendment to the constitution had not been adopted, if the vote of the people in August had been against the ratification of the amended constitution, then, of course, those officers elected under the new constitution of the State of West Virginia would not have entered upon the duties of those offices, and the election would have amounted to nothing.

Now that election was for the purpose I have named—for the special purpose I have named. And an election in August was not to occur, as I have said, in any other year except the year 1872. I at first thought that the provision in the constitution looking to a general election on the second Tuesday in October had a different meaning from what, after a more careful examination, I concluded it did have. The House will remember, or those who have listened to the discussion of this question, that the convention which assembled in July, 1872, incorporated this provision in the new constitution:

The general election for State and county officers shall be held on the second Tuesday in October until otherwise prescribed by law.

Now I understand, to some extent, the powers of a constitutional convention. I do not deem it necessary to argue the point, but I should not say that if the Legislature of West Virginia had passed a separate act providing for the time, places, and manner of holding the election for Representatives in Congress, and had inserted no provision in that act with reference to the election of State and county officers, the constitutional convention could, by an express provision in the constitution repealing the act of the Legislature, do that thing. But I say that in the case we are considering we by no means have any such question presented.

It is admitted on all hands that the act of 1869 was the only act of the Legislature in force in the State of West Virginia providing for the election of members of Congress when the constitutional convention met. It is admitted on all hands that that act was in full force until the ratification of the amendments to the constitution. But when those amendments were ratified, on the 22d of August, 1872, what was the effect of any provision in the new constitution of that State which was repugnant to the provisions of the act of 1869?

If the provisions of the act of 1869, providing for a general election on the fourth Thursday in October, were repugnant to the provisions of the constitution providing for a general election on the second Thursday in October, I submit whether the act of the Legislature in that respect did not fall to the ground. I submit whether the constitutional provision did not, *ex vi termini*, repeal the statute in that regard.

Now, while in my judgment no such provision was necessary, as the result would follow any way, yet the fact is that the new constitution of the State of West Virginia has, in express terms, provided that laws not repugnant to the provisions of that constitution should remain in force; with the corollary, of course, that if any laws were repugnant to the provisions of this constitution they should fall to the ground, they should be repealed.

Now, was this provision of the constitution of West Virginia, that a general election should be held on the second Tuesday in October, repugnant to the provision of the act of 1869, which said that a general election should be held on the fourth Thursday in October? Can there be any doubt on that point? If these provisions were repugnant to each other the constitutional provision went into force and effect on the 22d day of August, 1872, when the new constitution was ratified. And from that day, and from the first hour of that day, the constitutional provision for a general election on the second Thursday in October was in full force and effect.

The gentleman from Ohio [Mr. LAWRENCE] has argued that the provision in the schedule amended the act of 1869. Let me remind him of the fact that the schedule had performed its office when the election in August had been held, and when the constitution was ratified on that day. That schedule was prepared for the purpose of putting in operation in the State the machinery of the new State government, and that the provision for the election in August was not a provision for a general election.

Mr. LAWRENCE. Will the gentleman allow me to ask him a question?

Mr. HARRISON. Certainly.

Mr. LAWRENCE. I would ask the gentleman if there was any general election in West Virginia in 1872 for State, county, and district officers?

Mr. HARRISON. No, sir.

Mr. LAWRENCE. Then allow me to ask another question.

Mr. HARRISON. Not just yet. Let me answer the question you have already asked. I say there was no general election in West Virginia in 1872, for the very reason that a special election had been provided by the constitution to be held in August for the election of all the State officers to be elected by the people under that constitution.

Mr. LAWRENCE. Then, as Representatives in Congress could only be elected at a general election, was there any provision at all for the election of Representatives in Congress? It certainly is not to be presumed that the Legislature and the constitutional convention would leave a State without any provision on the subject. We are bound to presume that the law provided for an election.

Mr. HARRISON. Mr. Speaker, no strained or forced construction of the provisions of the constitution, based upon the idea that the presumption must be that the people intended there should be an election for members of Congress in that year, can sustain the position that the schedule provision had any effect whatever upon the act of 1869. After a careful examination of the question, my impression is that there was no election in that State in the year 1872 for members of Congress—none that could have been legally held. Let me state my reasons for coming to this conclusion. The organic and statute laws were in such confusion in reference to that particular question, that there was an uncertainty in the public mind, an uncertainty in the estimation of judges of law in that State, which arose from an inherent defect in the law, resulting from the action of the convention, and a failure on the part of the Legislature of that State to provide by law for an election for members of Congress in such a way as to make the question plain, and authorize an election in the year 1872.

Now, Mr. Speaker, I say that the provisions of the schedule to the amendments of the constitution were in no sense repugnant to the provisions of the act of 1869. Both can remain in full force. The provision of the schedule was for a special election to test the sense of the people of West Virginia upon the ratification or rejection of the amendments of the constitution and for the election of the officers who were first to be elected under that constitution. This was a special election, because it grew out of an exigency; it grew out of the fact that the constitutional convention had met; that it had adopted a new constitution for West Virginia; and out of the necessity that officers should be elected under that constitution, should take the oath to support that constitution, and should come into office with a view to carrying out the purposes of the people as expressed in this amended constitution. This could be done in perfect consistency with the provisions of the act of 1869, because there was nothing in that act that interfered in the slightest degree with the holding of the special election. But when we come to discuss the question whether the August election was valid, we must, in order to sustain it, find some warrant for it in an act of the Legislature, because the Constitution of the United States provided that "the times, places, and manner of holding elections" for Representatives in Congress should be "prescribed" by the Legislature. I have failed to see any ground for even a strained construction or implication which would show that the act of 1869 was altered or amended in the slightest degree by the provisions of the schedule under which this special election in August was held.

Now, Mr. Speaker, let us look at the question whether the October elections were valid. It is to be regretted, seriously regretted, that the people of West Virginia left the question in the shape in which they have left it. It is their fault, not ours. It is to be regretted that, when the constitutional convention was considering the question as to when general elections should be held, and when it must have been seen that there was some confusion growing out of the provision for general elections, with reference to its operation upon the act of 1869, the difficulty was not remedied even though it had been necessary to have a called session of the Legislature. But we know as a fact (and I desire to call attention to the fact in general terms, because I do not care to go into figures or details) that there were two elections held under circumstances showing that the people were uncertain as to which was the day for holding elections for members of Congress, and thus showing that there was a radical defect in the provisions of law on the subject.

I am free to say that if there had been no election for members of Congress at the special election in August, and if the people had gone on upon the fourth Thursday of October and elected Representatives in Congress, conceding the fact among themselves that that was the day, and showing that fact by a vote equal to the vote ordinarily cast for members of Congress, I should not have been inclined to disturb the October election, although I might have thought, as a question of law, that it was not authorized.

But that is not the state of facts presented to us now. A special election was held in the month of August, 1872, at which the people of West Virginia polled something like 80,000 votes upon the question of the ratification or rejection of amendments that were submitted to them. At the same election only 46,000 votes were cast for members of Congress.

The fact of itself would show that the people were not satisfied that that was the proper time for the congressional election, because we find that of 80,000 qualified electors who cast their votes upon the adoption or rejection of the constitution, more than 30,000 abstained from voting, refrained from participating in the election, for members of Congress.

Mr. LAMAR. Thirty-six thousand nine hundred and fifty.

Mr. HARRISON. I am informed by my friend from Mississippi [Mr. LAMAR] that 36,950 voters who went to the polls abstained from voting for members of Congress. This shows very great doubt in the minds of the people; and, more than that, it shows that there was not a fair, full, free expression of the wishes of the people in that election.

But how was it in regard to the October election? Why, sir, after this election had been held in August—improperly held for members of Congress, because of the fact that it was not warranted by any act of the Legislature of West Virginia—it was pretended that the fourth Thursday of October was the day for holding the election, because the act of the Legislature had prescribed that the general election should be held on the fourth Thursday of October; and the act of 1869, by the second section, had prescribed that at "said election" an election should be held for members of Congress.

Persons disregarded entirely the fact that the constitutional provision changed the time of holding the general election as provided in the first section of the act of 1869, and went into an election for members of Congress on the fourth Thursday of October, because that was the time authorized by the act of 1869, notwithstanding that act had been repealed by the constitutional provision fixing the general election for another day. What was the result of that election? Can any man, taking the result of that election, and the number of votes cast at that election, as I am told only about one-seventh of the voters qualified to vote for members of Congress—can any man say that was a fair, full, free expression of the wishes of the people of West Virginia, to say nothing about the law question? I think not.

I would not be understood as contending, Mr. Speaker, that mere paucity in numbers, mere paucity in the vote, would invalidate an election in the absence of fraud, or in the absence of such circumstances as would amount to the same thing as fraud. So far as this election in October is concerned, I have no hesitancy in saying it operated as a fraud on the people of the State of West Virginia. It had that effect. What else could be its effect, when, after an election had been held at which a much larger vote was cast for members of Congress, a portion of the electors went on and cast a very small vote at this October election, which must have resulted from the fact there was doubt and uncertainty as to which was the legal day for the election? And while, as I said, I will not be understood as saying that in a full, fair, and free election, where every elector had an opportunity to vote, a small number voting would invalidate the election, yet I say the fact that a very small number did vote in this October election, taken in connection with the fact there had been another election held, and that there was uncertainty as to the statute in reference to the time for holding the election, amounts to the same thing as a positive fraud on the people of West Virginia.

The representatives of West Virginia, assembled in convention, charged with the duty, vested with the power, of amending the constitution of that State, provided solemnly that the general election should be held, until otherwise prescribed by law, on the second Tuesday of October. It could not have been intended that the general elections for 1872 should be held on the second Tuesday of October, for the simple reason that the people had provided for a special election at which all the officers provided by the amended constitution to be elected by the people in that State were to be elected; and it cannot be presumed they intended there should be another election—and that a general election—in sixty days after the special election, when the special election was held to accomplish the same result. The vote of the people in August ratified the constitution and elected all the officers required to be elected under that constitution; and that being done, I say it is not to be presumed the convention intended or desired there should be another election held in 1872. But the provision of the constitution requiring general elections to be held on the second Tuesday of October is in force. It went into force whenever the constitution was ratified. It operated to repeal every provision of the act of the Legislature of the State of West Virginia providing for elections on the fourth Thursday in October; and gentlemen cannot get from under the force and effect of the proposition that the constitution did repeal the act of 1869 so far as the time for holding the general elections is concerned.

Mr. LAMAR. Let me ask the gentleman from Tennessee whether his construction of the code does not make it in fact prescribe that

there shall be an election of a Representative in Congress for each congressional district in the year 1872—in 1870, and every second year thereafter?

Mr. HARRISON. Yes, sir.

Mr. LAMAR. Then if the new constitution of West Virginia prescribes, as I understood you to construe it, there shall be no election in 1872, does not the constitution abrogate the statutory provision? Is that your position?

Mr. HARRISON. No, sir. I stated, Mr. Speaker, if there had been an act of the Legislature of the State of West Virginia prescribing the times, places, and manner of holding elections for Representatives in Congress, standing by itself, it may be that no provision of the constitution of West Virginia would repeal that statute, because if the makers of the State constitution had undertaken to repeal a statute which looked to the election of members of Congress, and for no other purpose, it might bring that action of the convention within the category of operating to repeal what the national Constitution had declared should be done by the Legislature. However that question would be, if that had been the case, here is a different case entirely.

The first section of the act of the Legislature provided that a general election for State, county, district, and township officers should be holden on the first Thursday in October in each and every year. And the second section of the act provided that at said election there should be elected certain officers under the State government, mentioning what officers should be elected, including members of Congress. Now, I say that when the constitution provided that the general election should be held on the second Tuesday of October, unless otherwise prescribed by law, there was no provision of law when that constitution went into effect which authorized any election on the fourth Thursday of October; and as the constitution had repealed the act authorizing the general election on the fourth Thursday of October, the second section of the act went with it, because it was not an independent provision, but was dependent for force and validity upon the preceding section and was intimately linked and leagued with the provision for the general election. And as this second section of the act was dependent on the first section of the act for its validity, especially as the second section of the act provided that certain things should be done "at the said election," coupling it with the time and the place, the provision in the last clause of the second section went under, was repealed, abrogated, annulled, because of the fact that the constitution had repealed the first section of the act. That is my position.

Now, Mr. Speaker, I have but a word more to say. I am thoroughly convinced that upon no grounds whatever can we be justified in sustaining the August election unless we come to the conclusion that that election was a general election, and that there was such a provision for the general election as would amend the act of 1869 so as to make that first section read the fourth Thursday in August instead of the fourth Thursday in October. If we can do that, if we can come to the conclusion that that was a general election, that that provision in the schedule actually amended the act of 1869 so as to provide for an election in August, then we can admit those elected at the August election, but not otherwise.

But in relation to the October election there can be no pretense that that election was valid, unless we are of the opinion that the convention had no power whatever to operate upon that statute to the extent of repealing the provision for a general election on the fourth Thursday of October. For, unless we come to the conclusion that even after the repeal of the first section of the act of 1869, and providing a different day for the general election, the last clause in the second section of the act stands alone in its own vigor, untouched, unrepealed, unmodified, by the positive provision of the constitution, the validity of the October election cannot be maintained. This provision of the constitution, providing for an election on the second Tuesday of October, must mean something, and it is admitted by the gentlemen who have discussed this question that hereafter the election of State officers will be held on the second Tuesday of October. Never again until another constitutional convention meets will there be an election for all the officers in the State in August. Never again until another constitutional convention meets, or until the provision for holding general elections on the second Tuesday of October is repealed by law, will there be an election on the fourth Thursday of October. It will hereafter be on the second Tuesday of October until otherwise prescribed by law. That is admitted on all hands. The object of the convention in adopting that provision was to fix that day as the time for the general election. In doing so they abrogated and annulled the provisions of the act of 1869. And I submit to you whether, that being done, there is enough left in the second section of the act of 1869 to sustain the election for members of Congress; especially in view of the fact that there is such doubt and uncertainty in the minds of the people of West Virginia as to cause more than thirty thousand of the electors to abstain from voting in August, when they were at the polls, and as to cause nearly the entire number, six-sevenths of them, to abstain from participating in a so-called election in the month of October.

Mr. CROSSLAND obtained the floor.

ORDER OF BUSINESS.

Mr. HOLMAN. If my friend from Kentucky [Mr. CROSSLAND] does not particularly desire to go on this evening, I would suggest that it would be well to go to the business on the Speaker's table.

There was no objection; and the House proceeded to the consideration of business on the Speaker's table.

COLLECTION OF DUTIES.

The first business on the Speaker's table was the bill (S. No. 85) explanatory of an act entitled "An act to regulate the collection of duties on imports and tonnage," approved March 2, 1799, and also of an act entitled "An act to prevent and punish frauds upon the revenue, to provide for the more certain and speedy collection of claims in favor of the United States, and for other purposes," approved March 3, 1863; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DAVID BRADEN.

The next business on the Speaker's table was the bill (S. No. 353) for the relief of David Braden; which was read a first and second time, and referred to the Committee on Military Affairs.

INDIAN WAR OF 1862.

The next business on the Speaker's table was the bill (S. No. 29) to authorize the Secretary of War to ascertain the amount of expense incurred by the territorial authorities of Dakota for arms, equipments, military stores, supplies, and all other expenses of the volunteer forces of the Indian war of 1862: which was referred to the Committee on Military Affairs, and ordered to be printed.

BUSTS OF CHIEF JUSTICES TANEY AND CHASE.

The next business on the Speaker's table was the bill (S. No. 61) providing for busts of the late Chief Justices Roger Brooke Taney and Salmon Portland Chase, to be placed in the Supreme Court Room of the United States; which was read a first and second time.

Mr. MAYNARD. If in order, I call for the reading of the bill at length.

The SPEAKER. The bill will be read.

The Clerk read the bill, as follows:

A bill providing for busts of the late Chief Justice Roger Brooke Taney and of Salmon Portland Chase to be placed in the Supreme Court Room of the United States.

Be it enacted, &c., That the Joint Committee of the two Houses of Congress on the Library be, and they are hereby, authorized to procure and place in the room of the Supreme Court of the United States busts of the late Chief Justice Roger Brooke Taney and of the late Salmon Portland Chase.

SEC. 2. That for the purpose of carrying this act into effect the sum of $2,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. MONROE. I ask that this bill be put upon its passage at this time. I have to state in regard to it simply that it was considered by the Joint Committee on the Library of the two Houses of Congress, and was unanimously agreed to by the Joint Committee.

Mr. G. F. HOAR. I raise the point of order that the bill contains an appropriation, and under the rule must be first considered in Committee of the Whole.

Mr. MAYNARD. I hope that when we are trying to do a decent and graceful thing we will do it decently and gracefully. There is more in the manner of doing it than in doing it; and unless we can do it in a manner which will be graceful and comely, we had better not do it at all.

Mr. G. F. HOAR. The gentleman from Tennessee will please attend to his own official duties and leave me to attend to mine.

Mr. MAYNARD. The gentleman from Massachusetts will attend to his business, and the "gentleman from Tennessee" will attend to his; and his business is to do exactly what he thinks proper to do in such an emergency.

The SPEAKER. The Chair sustains the point of order, it having been raised.

The bill was accordingly referred to the Committee of the Whole.

PLEASURE-YACHT FEARLESS.

The next business on the Speaker's table was Senate bill No. 216, to change the name of the pleasure-yacht Fearless; which was read a first and second time, and referred to the Committee on Commerce.

AGED AND INFIRM SETTLERS.

The next business upon the Speaker's table was Senate bill No. 21, for the relief of aged and infirm settlers; which was read a first and second time, and referred to the Committee on the Public Lands.

ENROLLMENT AND LICENSE OF CERTAIN VESSELS.

The next business upon the Speaker's table was Senate bill No. 191, to amend an act entitled "An act relating to the enrollment and license of certain vessels;" which was read a first and second time, and referred to the Committee on Commerce.

MONUMENT TO CHEVALIER DE TOURNAY.

The next business upon the Speaker's table was Senate bill No. 194, in relation to a monument erected to the memory of Chevalier de Tournay; which was read a first and second time.

Mr. EAMES. I ask that that bill be put upon its passage now.

The bill was read. It provides that the sum of $800, or so much thereof as may be necessary, shall be appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses of repairing and protecting from decay the monument erected at Newport, Rhode Island, to the memory of Chevalier de Tournay, commander of the French naval forces in aid of the American Revolution in 1780, the money hereby appropriated to be expended under the direction of the Secretary of the Navy.

Mr. WILLARD, of Vermont. This bill contains an appropriation.

Mr. MAYNARD. It is exactly in the category of the other, which was referred to the Committee of the Whole.

The SPEAKER. The point of order is sustained.

The bill was accordingly referred to the Committee of the Whole.

DUTIES AND INTERNAL TAXES.

The next business on the Speaker's table was Senate bill No. 24, to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports and to reduce internal taxes, and for other purposes,'" approved March 3, 1873; which was read a first and second time, and referred to the Committee on Ways and Means.

TOPOGRAPHICAL SURVEY OF CAPITOL GROUNDS.

The next business on the Speaker's table was Senate bill No. 360, making an appropriation for a topographical survey of the Capitol grounds, and plans for improving the same; which was read a first and second time.

Mr. GARFIELD. I move that that bill be referred to the Committee on Appropriations.

The SPEAKER. The chairman of the Committee on Public Buildings and Grounds [Mr. PLATT, of Virginia] spoke to the Chair in regard to this bill and claimed that it belonged to his committee.

Mr. GARFIELD. There is an appropriation of money in it; I do not care particularly about it being referred to the Committee on Appropriations.

The SPEAKER. The fact that a bill contains an appropriation of money does not thereby imply that it should go to the Committee on Appropriations.

Mr. GARFIELD. That is true. I move that it be referred to the Committee of the Whole.

Mr. RANDALL. Ought not all these bills to have a report from some committee of the House? No proper examination is secured by referring them to the Committee of the Whole.

Mr. GARFIELD. Then I will move that it be referred to the Committee on Public Buildings and Grounds.

The SPEAKER. The bill will be read, and the House can then judge to which committee it should be referred.

The bill was read. It appropriates the sum of $5,000, or so much thereof as may be necessary, to be expended under the direction of the Committees on Public Buildings and Grounds of the Senate and House of Representatives, in procuring a topographical survey of the Capitol grounds, and the employment of Frederick Law Olmsted, of New York, in furnishing plans for laying out, improving, and inclosing the same.

Mr. GARFIELD. The language of the bill itself indicates that it should go to the Committee on Public Buildings and Grounds.

The SPEAKER. The rule that requires all general appropriation bills to be referred to the Committee on Appropriations gives to that committee a great control over the business of the House; for that committee alone has the right to report at any time on the subject of such appropriation bills. The fact that a bill contains an appropriation of money, either large or small, does not of itself imply that it should go to the Committee on Appropriations.

The bill was accordingly referred to the Committee on Public Buildings and Grounds.

URIAH PORTER.

The next business on the Speaker's table was the bill (S. No. 193) for the benefit of Uriah Porter; which was read a first and second time, and referred to the Committee on Ways and Means.

FORT KEARNEY MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. No. 241) to confirm the title to certain lands on the Fort Kearney military reservation, in Fremont County, Iowa; which was read a first and second time.

Mr. RANDALL. I move that this bill be referred to the Committee on the Public Lands.

Mr. GARFIELD. I think it should go to the Committee on Military Affairs.

The SPEAKER. The Chair thinks it properly belongs to the Committee on Military Affairs.

Mr. TOWNSEND. We have a bill just like this now before the Committee on the Public Lands, and will be prepared to report it soon.

Mr. GARFIELD. Very well; I will not object.

The bill was accordingly referred to the Committee on the Public Lands.

LOUISVILLE AND PORTLAND CANAL.

The next business on the Speaker's table was the bill (S. No. 350) providing for the payment of the bonds of the Louisville and Portland Canal Company; which was read a first and second time.

Mr. HOLMAN. I move that this bill be referred to the Committee on Commerce.

Mr. STANDEFORD. I ask that the bill be referred to a special committee.

Mr. HOLMAN. This subject has been before the Committee on Commerce for several years past.

Mr. STANDEFORD. The commerce of our western country has been taxed long enough to maintain the Louisville and Portland Canal, and it is time this question should be settled. I would therefore like to have the bill referred to a special committee, with authority to report at any time.

The SPEAKER. That proposition can be moved as an amendment to the motion of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. STANDEFORD. I move that amendment.

Mr. MAYNARD. I suggest that if the gentleman from Kentucky [Mr. STANDEFORD] is not satisfied with the Committee on Commerce, the bill had better be referred to some other standing committee—for instance the Committee on Railways and Canals. It seems to me there is great objection to having a special committee on this subject.

Mr. STANDEFORD. About one-tenth of the commerce of our western country passes over the Ohio River, and it is taxed in passing through this canal. This is therefore a question of vital importance to the people of my section; and on their behalf I ask that this bill may be referred to a special committee in order that it may be promptly reported and passed by this House.

Mr. HOLMAN. If the gentleman from Kentucky will reflect for a moment he will see the propriety of referring this bill to the Committee on Commerce. As far back as the first session of the last Congress, the Committee on Commerce considered the subject; and at the last session they framed legislation which they thought would be effectual. A defect, however, was afterward discovered in that enactment.

The gentleman from Kentucky is not more interested in this subject than are gentlemen upon the Committee on Commerce; and as the subject is well understood by that committee, and has heretofore been under their control, I hope the bill will be so referred.

Mr. STANDEFORD. As I understand the Committee on Commerce is friendly to this bill, I withdraw my objection.

The motion of Mr. HOLMAN was agreed to; and the bill was referred to the Committee on Commerce.

RHODE ISLAND LIGHT ARTILLERY.

The next bill on the Speaker's table was the bill (S. No. 367) authorizing the Secretary of War to deliver to the State authorities of Rhode Island a certain gun; which was read a first and second time.

Mr. EAMES. I ask that this bill be put on its passage now.

The bill was read. It authorizes the Secretary of War to deliver to the State authorities of the State of Rhode Island a certain gun marked "Battery B, First Rhode Island Light Artillery, Battle of Gettysburgh," for the purpose of being placed among the archives of that State.

Mr. MAYNARD. I do not know anything about this bill; but I think it had better be referred.

Mr. HALE, of New York. Does not this bill make an appropriation, and must it not go to the Committee of the Whole?

The SPEAKER. The bill does contain an appropriation of public property, and according to the new rule would be required to go to the Committee of the Whole on the state of the Union.

Mr. HALE, of New York. I do not make the point; I merely wanted a construction of the rule.

Mr. MAYNARD. I think the bill should properly go to the Committee on Military Affairs. I make that motion.

Mr. EAMES. I will not object if the motion is insisted upon.

The motion was agreed to.

REPORT ON REGULATION OF COMMERCE.

Mr. DONNAN. The Committee on Printing, to whom was referred the resolution for printing five thousand extra copies of the report of the Committee on Railways and Canals relative to the regulation of commerce among the States by railroads, have directed me to report back the resolution with a recommendation that it pass.

The resolution was read, as follows:

Resolved, That there be printed for the use of the House five thousand extra copies of the report of the Committee on Railways and Canals.

The resolution was agreed to.

CUSTOM-HOUSE EMPLOYÉS, ETC.

Mr. GARFIELD. I ask unanimous consent to offer the following resolution, which is designed to aid the Committee on Appropriations in the preparation of their bills:

Whereas it is desirable that all expenditures of the Government shall, as far as practicable, be made in pursuance of annual appropriations made by Congress after a full exhibit of the necessity for the same: Therefore,

Resolved, That the Committee on Ways and Means be directed to inquire into the expediency of so amending the laws relating to the expenses of collecting customs duties as to fix the number and rate of compensation of all persons employed in that branch of the service, and to require that said expenses be provided for by appropriations made annually on estimates submitted to Congress by the Secretary of the Treasury; and that said committee have power to send for persons and papers.

Mr. TODD. I object.

Mr. KELLOGG. I suggest that the resolution should go to the Committee on Civil-Service Reform.

The SPEAKER. The resolution is not before the House.

STURGEON BAY AND LAKE MICHIGAN SHIP-CANAL.

Mr. BRADLEY, by unanimous consent, from the Committee on the Public Lands, presented a report in relation to the extension of the time for the completion of the Sturgeon Bay, Green Bay and Lake Michigan Ship-Canal; which was ordered to be printed, and recommitted.

CLAIM OF THE CHOCTAW NATION.

Mr. AVERILL, by unanimous consent, from the Committee on In-

dian Affairs, reported back the memorial of P. P. Pitchlynn, delegate of the Choctaw Nation of Indians, upon the right of that nation to be paid the money awarded to it by the United States Senate, April 9, 1859; which was ordered to be printed, and recommitted.

CRUELTY TO ANIMALS.

Mr. NEGLEY, by unanimous consent, introduced a bill (H. R. No. 1407) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation in the United States;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RECONSIDERATION OF REFERENCES.

Mr. RANDALL. I move to reconsider the various votes by which bills, reports, &c., have been referred or recommitted to-day; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX. I move that the House now adjourn.

ORDER OF BUSINESS FOR TO-MORROW.

The SPEAKER. At the session to-morrow, which will be as in Committee of the Whole, no business to be transacted, the gentleman from New York, Mr. MERRIAM, will act as Speaker *pro tempore*.

The motion of Mr. COX was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers, were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. AVERILL: The petition of citizens of Du Luth, Minnesota, for an appropriation to repair the breakwater in the harbor of Du Luth, to the Committee on Commerce.

By Mr. BANNING: The petition of Ann Henry, guardian of Mary Spriggs, minor child of Benjamin F. Spriggs, for a pension, to the Committee on Invalid Pensions.

Also, the petition of David Hicks, for compensation as wagon-master of the Fourth Ohio Regiment, to the Committee on Claims.

By Mr. BEGOLE: The petition of R. Hawley & Son, of Detroit, Michigan, praying for the refunding of an overcharge of duty illegally collected upon certain importations of malt, to the Committee on Claims.

By Mr. BUTLER, of Tennessee: Papers relating to the claim of Charles J. McKinney, of Tennessee, to the Committee on War Claims.

Also, the petition of Mary A. Conkin, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Eleanor Crawford, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Nancy Crawford, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Sarah Dukes, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Rebecca English, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Elijah Kilday, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Mary Mitchell, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Rebecca Yokely, for a pension, to the Committee on Invalid Pensions.

By Mr. CHIPMAN: The petition of Mary Cameron, daughter of Joseph Cameron, who served sixty-six years in the United States Army, for relief, to the Committee on Invalid Pensions.

By Mr. COBB, of Kansas: The petition of J. H. Ortman and others, route-agents in the mail service of the United States, for increase of compensation, to the Committee on the Post-Office and Post-Roads.

By Mr. FRYE: The petition of Stephen P. Benton, for relief, to the Committee on Revolutionary Pensions and War of 1812.

Also, remonstrance of the Board of Trade, Portland, Maine, against the repeal of the bankrupt law, to the Committee on the Judiciary.

By Mr. HALE, of New York: The memorial of Joseph L. Pearson, Gibson Brothers, and others, employing printers of Washington, District of Columbia, in relation to the practice of printing all the records certified from the circuit courts at the public expense, whether the United States be a party to the suit or not, and the execution of other work of a private character at the Government Printing Office, to the great injury of printers, not only of Washington, but of the whole Union, to the Committee on Printing.

By Mr. HANCOCK: The petition of Stanley Cooper and Sarah Cooper, his wife, for compensation for the occupation and destruction of property in Texas by the United States Army, to the Committee on War Claims.

Also, the petition of Charles Nordhausen, of Texas, for compensation for cotton seized and teams taken by the United States Army, at Brownsville, Texas, in 1863, to the Committee on War Claims.

Also, the petition of Nancy W. Bean, for compensation for the use of property by the United States in the construction of Fort Richardson, in Texas, and for the destruction of other property by the United States Army, to the Committee on War Claims.

By Mr. HUNTER: The petition of Charles McCarty, for a pension, to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of citizens of Winchester, Virginia, for the erection of a post-office building in Winchester, to the Committee on Public Buildings and Grounds.

By Mr. HURLBUT: The petition of E. B. Gilbert and others, citizens of Illinois, for an increase of pensions to soldiers of the war of 1812, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. KILLINGER: Several petitions of citizens of Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduces the duties on manufactured cottons, woolens, iron, and other staple commodities 10 per cent, to the Committee on Ways and Means.

By Mr. NEGLEY: Several petitions of citizens of Allegheny County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, to the Committee on Ways and Means.

By Mr. NIBLACK: The petition of Jane Hiland, guardian of the minor child of John Myers, for a pension, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition of Henry G. Tyson, one of the heirs of the estate of Seth Russell, praying for the payment of the French spoliation claims, to the Committtee on Foreign Affairs.

By Mr. ROBBINS: The petition of citizens of Rowan County, North Carolina, for certain modifications in the postal laws, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON, of Ohio: The petition of M. L. Mooney, Shaw Brothers, and L. L. Benson, druggists, of Cardington, Ohio, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. SAYLER, of Indiana: The petition of John H. Ehlers and others, citizens of DeKalb County, Indiana, for the repeal of the stamp tax on medicinal preparations, to the Committee on Ways and Means.

By Mr. SCOFIELD: The memorial of Napoleon Collins, commodore United States Navy, in favor of the distribution among the officers and crew of the United States steamer Wachusett, of the value of the rebel pirate Florida, captured in the bay of Bahia, Brazil, to the Committee on Naval Affairs.

By Mr. SMITH, of Virginia: The petition of R. D. Ruffin, for compensation for stores taken by the United States Army, to the Committee on War Claims.

By Mr. STANARD: The memorial of the Union Merchants, Exchange of Saint Louis, representing the necessities of the people of the Mississippi Valley, in respect to the transportation of their products and the improvement of their natural channels of commerce, to the Committee on Commerce.

By Mr. STARKWEATHER: The petition of Eunice Christie, of Ledyard, Connecticut, for a pension, to the Committee on Invalid Pensions.

By Mr. STORM: The petition of George Dayspring, for increase of pension, to the Committee on Invalid Pensions.

By Mr. TYNER: The petition of business men of Peru, Indiana, for an increase of currency, and such amendments of the laws as will authorize free national banking, to the Committee on Banking and Currency.

By Mr. VANCE: A paper relating to the claim of J. M. Roane for supplies furnished the Indian service in California between the years 1856 and 1860, to the Committee on Claims.

By Mr. WILLIAMS, of Massachusetts: The petition of H. O. Houghton and others, of Cambridge, Massachusetts, representing that a restoration of the duty on tea and coffee, or a revival or increase of internal taxes would be oppressive and burdensome, but recommending a repeal of the second section of the act of June 6, 1872, which reduces duties on manufactured cottons, woolens, iron, paper, and other staple commodities 10 per cent., to the Committee on Ways and Means.

By Mr. ——: The memorial of James Rea, late United States consul at Belfast, praying relief from losses sustained in the discharge of his official duties, to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 24, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

On motion of Mr. BECK the reading of the Journal of yesterday was, by unanimous consent, dispensed with.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*, (Mr. MERRIAM in the chair.) The House meets to-day as in Committee of the Whole, for debate only; no business whatever to be transacted.

FINANCE.

Mr. BUNDY. Mr. Speaker, not having any written speech, and in fact having had no time to write one, I do not know how much time I may occupy in the discussion of a subject of more interest than anything else to the House just now. No subject commands so large a share of public consideration, and about which there are so many shades of opinion, as the general subject of the finances in this country. There are almost as many theories for its adjustment and settlement as there are members of this House. And therefore it is to be expected that I shall be in full accord with perhaps but a very few gentlemen here.

According to certain financial writers on the subject, there is only one view to be taken. The assertion made by their followers is that we have but one currency, or we ought to have but one; that gold and silver constitute the currency of the world, and therefore that it is the duty of the Government of the United States, by appropriate legislation, as rapidly as possible, and without regard to the effect upon the great interests of the masses, to get back to what is called the world's currency; and the road by which they intend to reach it is through contraction.

I propose for a short time to consider what the currency of the country, or of the world, if you please, is. I am not unmindful of the fact that the books are full of disquisitions on this subject. And they all tend in a certain direction, and that is toward specie. Now, Mr. Speaker, it seems to me that the people of the United States ought not to be asked, and we should not be compelled, to adopt the theory of any government or any people who have gone before us, unless that theory should be specially applicable and should be the best for us if adopted. The sovereign power of the country in establishing by law what shall be the currency of the country is the Federal Government. That power has acted. It has interdicted all the States, and prevented all the States by one means or another, from furnishing any part of the currency for the people of this country. It has taxed out of existence all the State banks, so far as power to issue paper money is concerned. Owing to the peculiar circumstances by which it was surrounded at the time, it is declared that there is a certain description of paper money which shall be the recognized lawful currency of the country, clothing it with the attribute which distinguishes it from all other paper issues, that of "legal tender."

I do not understand there is any prevailing disposition on the part of any considerable portion of our people to get rid in any form of that currency. The same power has established by legislation that which constitutes a dual system of currency, one the United States notes, and the other the national-bank notes, and it has provided that these national-bank notes may be and shall be redeemable in the legal-tender notes. Now, one of the main things to be accomplished in this direction by the Government has been effected; that is, whatever the national circulation shall be, it shall be of such quality as to entitle it to universal circulation, and have uniform value throughout the country. Now, sir, two things, therefore, have been accomplished: one is that the sovereign power of the country has determined what the circulating medium in the United States shall be, and the same power has clothed it with such attributes that it has a uniform value all over the country; and in these particulars no government has been more fortunate in providing for its people a currency of such value and stability for so long a period.

The remaining question, so far as that feature of the subject to be discussed is concerned, is as to its quantity; and here, perhaps, is the only debatable question that is connected with it. It is affirmed on the part of the contractionists that we not only have a sufficient quantity but that we have a redundancy. Now, I take it that there are two modes by which we can determine, and by which the people themselves can determine, as to the proper condition of this branch of the question. The first is by comparison; a comparison instituted as to the quantity of the currency or the circulating medium of this country established by law, and that provided by other governments for their people. The country that we have, perhaps, more to do with in a commercial sense than any other on the globe is Great Britain; and in the solution of this branch of the question it is but natural that we should look and see what she has done in the way of providing capital and currency for her people. In looking at that, sir, we find that she has a circulation of $300,000,000 in round numbers, and she has a population to be accommodated with that circulation of thirty-two million people. But that does not constitute her only banking capital; because here is a distinction between currency and capital. Her banking capital is not six hundred millions, but it is virtually thirty-five hundred millions; because the deposits in the banks of Great Britain constitute her banking capital as much as her gold and silver do. The deposits in the banks of our country constitute a part of our bank capital, and the capacity of the banks to loan or to discount is determined by the quantity of their deposits as much as by their capital, including their circulation.

Now let us see how we compare. Great Britain, having a circulation of six hundred millions and thirty million people, has an aggregate deposit of twenty-nine hundred millions in her banks. Put the two together and they make the aggregate $3,500,000,000. Her bank reserve for that large amount is only $116,000,000, or less than 4 per cent. of the whole sum. Taking the reserve out that has to be kept in the bank, as such, just as we keep our reserves in the banks as provided by our law, it still leaves her with an absolute banking capital, including circulation, that is available for the purpose of accommodating those who want discounts as our people do, a gross sum of more than $3,300,000,000 for thirty-two million people, or over $105 for every man, woman, and child in the kingdom of Great Britain.

Now let us see where we stand. We have an authorized circulation perhaps, in its various forms, including fractional currency, of about $756,000,000. But, Mr. Speaker, that is not the true amount of our circulating medium; because since it was issued by the banks and the Government there has been an absolute destruction in the paper money of the country amounting, I presume, to 10 per cent. or thereabouts. And therefore, Mr. Speaker, instead of having seven hundred and fifty-six millions of authorized circulation, we only have about seven hundred millions. Of that seven hundred millions there are more than one hundred millions constantly idle in the sub-treasuries of the country. That reduces it to six hundred millions. Of that amount there are twenty to forty millions in the State treasuries of the various States and the municipal corporations of the States of the Union. And there are one hundred and thirty-eight to one hundred and fifty millions constantly held, I believe, by the banks as reserve. Now where do you stand with your circulation? Why, sir, you have not $500,000,000 to-day that can be called the currency of the country for the purpose of making its exchanges.

But let us go to the question of deposits and see what the facts are. Instead of twenty-nine hundred millions in the various banking institutions of the country as deposits, you have only six hundred and sixty-four millions. Put your circulation as you have it, only that which is made available for the purpose of making exchanges in this vast country, and the deposits together, and you have not eleven hundred millions in a population of forty million people scattered over the continent. While Great Britain has one hundred and five dollars of banking capital and currency for every man, woman, and child in the country, the United States have but twenty-seven dollars. I submit, Mr. Speaker, whether that is sufficient for the vast and increasing business of this country.

I know very well that the contractionists, who are desirous of getting back to what they call specie payments, burlesque our ideas here, saying we are in favor of an indefinite inflation of the currency. No such thing, sir. But as I understand it—I speak for myself and nobody else—I am in favor of such an inflation of the currency of this country and putting it on such a basis as that we shall have a reasonable amount *per capita* to do the business of this vast country upon, and have that so diversified and diffused as that the people of all sections of this country, from north to south and from east to west, shall have their *pro rata*.

Well, then, when we make this comparison, the argument of the contractionists seems to fail. But then they instance France. France, with her seven hundred millions of circulation, it is said, has an abundance of currency for her people. They speak in eulogistic terms of its character because it is so nearly abreast with gold. Why, Mr. Speaker, if the wisdom of this country, financially, could be concentrated and crystallized as that of the French, how long would it be until our currency would be abreast with gold? Could we adopt a policy in this House, and by legislation enforce it, that would bring this country one hundred and twenty millions of gold annually more than we export from it, how long do you expect, on the principle of the old law of supply and demand, which governs prices and which also, by the way, fixes the rates of interest in this country—how long would it be before our greenback would command a dollar in gold? Instead of importing more gold than we exported during the last decade, our exports of the precious metals have exceeded our imports more than five hundred and twenty-six millions, the balance of trade, exclusive of precious metals, against us reaching the enormous sum of nearly three hundred and seventy-six millions, the latter sum being paid to foreign countries in the bonds of the Government and other money obligations. How can we ever reach specie payments with such a drain upon us to pay for foreign merchandise?

Why, sir, these gentlemen are so much in favor of contracting the currency of the country and getting back to gold and silver that they characterize a greenback (our national currency) as having the mark of Cain upon it. It goes out among our people branded, they say. Ah, Mr. Speaker, it may be branded; but if it is, then they had better think of the parallel they are invoking here. Let them remember that the mark was put upon Cain by the Almighty in order to prevent the slayer from taking his life, and vengeance sevenfold was denounced upon him who should destroy him. Take care that, in thus branding our currency, you are not incurring the same penalty that was denounced against the destroyer of Cain by contributing to its destruction.

Mr. Speaker, who is it that does more than any other class of people in this country to depreciate the value of our paper money; who has done it? Why, sir, in the first place it is the Government that put it forth, and made an unfair and unhallowed distinction between the promise of the Government to pay a dollar and a gold dollar. And that depreciation is intensified by those who speak in such contemptuous terms of it. Some of them are the law-makers of the country, too. It is said that it is a very mean bird that fouls its own nest. But how much more ineffably mean is the one that does it and then brags of the achievement!

Now one of the arguments of these gentlemen, and the strong reason they give, why we should have a contraction of the currency, is because of the law of 1869, entitled "An act to strengthen the public credit." Ah, that was a legislative abortion, brought in here a monster, sent forth before its time into this breathing world half made up. Strengthen the public credit by the legislation that puts this brand of Cain upon its circulating medium! Why, what is the public credit? In this case it is nothing more nor less than the aggregate of the credit of the forty million people of this country, backed by a property worth $32,000,000,000. Strengthen the public credit by branding $400,000,000 of it as unworthy to circulate among men! A very strange way of doing it. Rather the effect of the act was and

is to enhance the value of the Government bond in the hands of the money power, and depreciate the currency that the Government compels the masses of the people representing the industries and producing classes, constituting nine-tenths of the whole people, to receive and accept as their share of the public credit, for the only legitimate purposes of Government credit, that is, the creation of capital, which constitutes the basis for the Government credit.

These gentlemen, not satisfied with their work, now propose to oppress these nine-tenths of the masses by taking from them a part of that which has been provided as the means by which they are enabled to live. If they succeed, the period may be much shorter than they anticipate when, by reason of the great reduction in the current resources of the Government, the destruction of the industries of the country, these bonds may not be so valuable in their hand as now. They may "kill the goose that lays the golden egg."

Now, Mr. Speaker, what is the public credit, and how ought it to be considered by the people of this country? Why, sir, if you have a bond of the Government payable twenty years hence, and drawing but 5 per cent. interest, you say it is gold. But if you have a greenback of the Government, the Government and all the people are just as solemnly bound to pay it, and take care of it and keep it good, as they are the bond; yet by the legislation of the country it is not worth as much as the bond is in gold.

But it is said that gold is the "world's currency." What is the "world's currency?" What gives value to anything that circulates among the people of any country as the currency of that country? If it is a metallic currency, is it the metal? Or is it not the stamp that is placed upon it? Why, sir, I would have all Europe, and all the world besides, to understand, when they come to America, that our currency has all the attributes of money, and their currency must be brought to the standard of the greenback, just the same as they make us bring ours to their standard when we go to their respective countries. What ought we to say when they ask us by what authority we call this piece of paper five dollars? Our answer should be analogous to that of old Ethan Allen at Fort Ticonderoga, "By the authority of the American Congress and Almighty God." With such a stamp and with such security the greenback is the best currency in the world to-day. We have no fears of detriment to the country by an increase of its volume. Our people would hail the legal authority for such an increase, as the experience of the country indicates very clearly as being proper, as the children of Israel did the fall of the manna in the wilderness.

"The world's currency!" Why, sir, my friend from Pennsylvania [Mr. KELLEY] the other day, I think very fittingly, exposed that fallacy, when he instanced the fact that a man traveling from England to France, across the Channel, would have to convert his sovereigns into francs. We have had a very notable instance of this "world's currency." When the little unpleasantness between Germany and France was made up, you remember that Germany required the French to pay her a large sum of money. Now, the French had a specie currency—"the world's currency." Old President Thiers said to his secretary of the treasury, "We have the world's currency, the franc, with which to pay this indemnity to Germany." But says Bismarck, "No, sir; you do not; that is not 'the world's currency.' We have a 'world's currency' of our own here; and you have got to melt up your 'world's currency' and put it into our 'world's currency' before we receive it." "But," says President Thiers, "this is the 'world's currency,' and you must take it." I fancy I hear Bismarck say "*Nix komm heraus.*" [Laughter.] Now that may not be very good German, but it is germane to this subject. And in order to pay the war debt the French had to take their "world's currency" and melt it into the "world's currency" of Prussia.

Another thing. They had a world's fair and exposition over there in Vienna last summer. And they had a "world's currency" there, too. But the curious part of it is that during that fair the greenbacks of the United States were worth more at Vienna than the currency of Austria, "the world's currency," and brought a premium. A friend of mine, who was over there, to whom I said, "What could you do with the greenbacks; could you get anything with them?" replied, "O, yes; I got a premium on them."

The world's currency of the United States, the greenback currency, is to-day worth more at Vienna and on the Rhine than the bond of Great Britain. Now, I think that is about good enough. It seems to me that the quality is all very well, and that we have no right to say, by legislation or otherwise, that the dollar of the United States in the shape of a greenback shall not be a dollar for all purposes.

But, Mr. Speaker, I know that in talking in this way I am outside of precedents, and I am glad of it.

Mr. KELLEY. But you are on the foundations of eternal truth.

Mr. BUNDY. It seems to me that as a people we have been following long enough the precedents set us in centuries gone by.

Mr. KELLOGG. Will the gentleman allow me one question?

Mr. BUNDY. I am speaking without notes and off-hand; besides that I am a "granger," and am opposed to middle-men, and therefore I decline to yield the floor. [Laughter.]

Mr. KELLOGG. If the gentleman would tell us whether he would have greenbacks for all time, never paying them off, I would be very glad.

Mr. BUNDY. "Sufficient unto the day is the evil thereof." You cannot get from greenbacks to specie, for the reason that you have not got the specie; and you never will have so long as you export it, as you have been doing for the last ten years.

Mr. KELLOGG. Does the gentleman mean to say that we never should get there?

Mr. BUNDY. Ah! That is another thing. My idea is, Mr. Speaker, that in the progress of time this thing will regulate itself, just as our business interests have regulated themselves since the close of the war, and that we shall get back to specie payments by processes of nature, so to speak. Any spasmodic effort, any application of a violent remedy, will be a Cesarean operation, involving the life of the mother and the children at the same time.

Mr. Speaker, I was saying awhile ago that I am outside the line of precedents. Sir, it is a very easy thing to make a speech in favor of contraction and resumption. It is a very easy thing, and sounds very pretty to say, "Let us go back to specie payments;" for the writers on the subject are nearly all that way. The books that have been written on the subject have been written by men who were in the interest of the aristocracy of the country in which they were living. They were written in the interest of moneyed men, as against the laboring man and the masses of the people. I do not know that I can except from this remark any book on political economy that I know anything about. I admit that I have not read as much on this subject as some others; if I had I might have adopted their heresies.

The correct solution of this question, in my judgment, can only be reached by practical action, dictated by the surrounding and pressing exigencies and conditions of our own country, without being controlled by the precedents of countries and exigencies that have no sympathy or analogies for or with us. What other countries have done or may do may not at all be a guide for us, unless the conditions and exigencies were or are the same as ours.

Mr. KELLEY. The gentleman ought to except Henry C. Carey's works on political economy.

Mr. BUNDY. Not a single standard book in the schools, so far as I know, takes the right ground on this subject, because they have not admitted Mr. Carey yet, and they will not as long as they keep Adam Smith and Ricardo, and such works. I know but one professor in all the colleges of this country who seems to stand in the right position. He uses one of the common text-books in his classes, but at the same time tells his students all the while that its theories are all wrong, as applicable to our country. I mean Dr. L. D. McCabe, of Delaware, Ohio. The current theories on this subject have been put forth and advocated by men who have written in the interest of the upper classes, so to speak.

And, sir, how many volunteers we have coming now to Washington, and going before the Committee on Ways and Means, or the Committee on Banking and Currency, to tell them what ought to be done about this thing. The other day a gentleman from my own State had an audience before that committee and gave it as his opinion that there ought to be contraction. This gentleman came all the way from Cincinnati to tell the Committee on Banking and Currency that the true policy is to contract and get back to specie payments. Well, whom did he represent? He represented Third street. It is an easy thing for him to come here and tell the Committee on Banking and Currency that they should do that which, if done, would not only destroy the business interests of the country, but would multiply the paupers among us indefinitely.

Such men can come here and appear before our committees. But do you see here delegates from the mines or from the farms of the West? Are there here any representatives of those who dig in the soil or work under ground? O, no; they have no money; they cannot come. Are there deputations here from the one hundred and ten thousand men who are out of employment in the city of New York? Here and at the other end of the Capitol you will see fat, sleek gentlemen telling us what we ought to do about this question of banking and currency. Do you see any deputations here from the far West, where their corn is burned as fuel because it will not bear the cost of transportation to the sea-board? No, sir; for they have not the money to spare upon which to come, and they have no railroad passes. They are not here in force or out of force, Mr. Speaker. I think the aphorism of Bacon has been very strangely perverted in this country; instead of knowledge being power, money is power.

In such seasons of panic as we have had since September, $10,000 could set in motion more machinery and appliances to affect the public or legislative minds on the subject of the finances than $1,000,000 worth of other property would accomplish in the same time.

Money can and does establish newspapers and hires correspondents to fill them with communications in its interest; writes and publishes pamphlets, and sends lobbyists to the seats of the law-making power, thereby creating and crystallizing the most potent influences before other and more cumbrous property can move in the direction of its own interests. I do not complain of this, only referring to the difference in the capabilities of the two elements as facts.

Now, I would not antagonize capital and labor. They ought not to be antagonized. Capital and production must not be antagonized, and will not be unless the indiscreet friends of capital cause it to be done. Give each of them a fair chance. That is my position. Give us of the West, and of the South, and the Southwest, and the Northwest an equal chance with the East and the Middle States. Why, sir, I had some curiosity to analyze the vote given last Monday on the resolution of the gentleman from Indiana, [Mr. WILSON;] and the result of the analysis

is very curious. All the Eastern States came in as a solid mass against the resolution; two-thirds of all the Middle States also were against it; but when you come to the South, the Southwest, the West, and the Northwest, you find that of the 135 votes for the resolution, 117 were cast by them, leaving only 18 yeas from the Eastern and Middle States, 13 of which were from Pennsylvania, 3 from New York, 1 from New Jersey, and 1 from Delaware. I will furnish the resolution referred to, the votes thereon, showing the yeas and nays, the number of those not voting, and the States to which they belong, together with the vote as recorded in the Journal of the House:

Mr. WILSON, of Indiana. I move that the rules be suspended, and that the preamble and resolutions which I send to the desk be adopted.

The Clerk read as follows:

"Whereas by reason of the present monetary stringency and the insufficiency in the amount of circulating medium, the industries and commercial affairs of the country have been greatly depressed; and whereas by reason of said stringency the revenues of the Government have been largely diminished, in consequence whereof Congress has been asked to increase taxation to the amount of $42,000,000; and whereas until the recent panic the revenues were ample to meet the current expenses of the Government: Therefore,

"*Resolved*, That instead of levying additional taxes the true policy lies in the enactment of such a law or laws as will relieve such stringency and supply the means necessary to the business wants of the country, by increasing the circulating medium, thereby reviving business, increasing revenues, and thus avoiding the necessity of increasing the present rates of taxation or duties, or the imposition of additional taxes or duties.

"*Resolved*, That the Committee on Banking and Currency be, and is hereby, instructed to prepare and report to the House, without delay, a bill for the purpose in the first resolution expressed, and that said committee have leave to report at any time."

YEAS—Messrs. Adams, Albright, Arthur, Ashe, Averill, Barber, Barrere, Begole, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Brown, Buckner, Bundy, Burrows, Roderick R. Butler, Cain, Cessna, John B. Clark, jr., Clements, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Conger, Cook, Corwin, Crittenden, Crossland, Crutchfield, Curtis, Danford, Davis, Dobbins, Donnan, Dunnell, Field, Fort, Freeman, Glover, Hancock, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, John B. Hawley, Hays, John W. Hazelton, Hereford, Holman, Hubbell, Hunter, Hurlbut, Hyde, Jewett, Kelley, Killinger, Knapp, Lamar, Lamison, Lawrence, Leach, Lofland, Loughridge, Lowe, Lynch Marshall, McCrary, Alexander S. McDill, McNulta, Merriam, Monroe, Morey, Neal, Negley, Niblack, Nunn, Orr, Orth, Packard, Packer, Page, Isaac C. Parker, Pelham, Perry, Phillips, Pratt, Purman, Ransier, Rapier, Rawls, Ray, Richmond, Robbins, Rusk, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, J. Ambler Smith, Southard, Sprague, Stanard, Stone, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Todd, Tyner, Vance, Waddell, Wells, Whitehead, Whiteley, Whitthorne, William Williams, James Wilson, Jeremiah M. Wilson, Wolfe, Woodworth, John D. Young, and Pierce M. B. Young—135.

NAYS—Messrs. Albert, Archer, Banning, Bass, Beck, Bromberg, Buffinton, Burchard, Burleigh, Caldwell, Freeman Clarke, Clayton, Clymer, Cotton, Cox, Crocker, Crooke, Darrall, Dawes, DeWitt, Durham, Eames, Eden, Eldredge, Elliott, Foster, Frye, Garfield, Giddings, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Benjamin W. Harris, Hathorn, Joseph R. Hawley, Hendee, Herndon, Hersey, George F. Hoar, Hooper, Hoskins, Kasson, Kellogg, Kendall, Lowndes, Luttrell, Maynard, James W. McDill, MacDougall, Mellish, Milliken, Mitchell, Moore, Morrison, Nesmith, O'Brien, O'Neill, Hosea W. Parker, Parsons, Pendleton, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Potter, Rainey, Randall, Read, Rice, Ellis H. Roberts, Sawyer, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Small, Smart, A. Herr Smith, George L. Smith, John Q. Smith, Speer, Starkweather, Storm, Swann, Townsend, Waldron, Wallace, Marcus L. Ward, Wheeler, Wilber, Charles W. Willard, George Willard, John M. S. Williams, William B. Williams, and Willie—98.

NOT VOTING—Messrs. Atkins, Barnum, Barry, Benjamin F. Butler, Cannon, Cason, Amos Clark, jr., Creamer, Crounse, Duell, Farwell, Harmer, Gerry W. Hazelton, E. Rockwood Hoar, Houghton, Howe, Hunton, Hynes, Lamport, Lansing, Lawson, Lewis, Magee, Martin, McJunkin, McKee, McLean, Mills, Myers, Niles, Pike, William R. Roberts, James C. Robinson, James W. Robinson, Ross, Milton Sayler, H. Boardman Smith, William A. Smith, Snyder, Standeford, Stephens, St. John, Stowell, Thomas, Tremain, Walls, Jasper D. Ward, White, Whitehouse, Charles G. Williams, Ephraim K. Wilson, Wood, and Woodford—53.

Vote on J. M. Wilson's resolution of the 19th instant.

States.	Yeas.	Nays.	Not voting.
EASTERN STATES.			
Maine	.....	4	.....
New Hampshire	.....	2	1
Vermont	.....	3	.....
Massachusetts	.....	9	2
Rhode Island	.....	2	.....
Connecticut	.....	3	1
Total	.....	23	4
MIDDLE STATES.			
New York	3	18	12
New Jersey	1	4	2
Pennsylvania	13	9	5
Delaware	1	.....	.....
Maryland	.....	5	1
Total	18	36	20
SOUTHERN AND SOUTHWESTERN STATES.			
Virginia	6	1	2
West Virginia	1	.....	.....
North Carolina	6	.....	2
South Carolina	2	3	.....
Georgia	8	.....	1
Florida	1	.....	1

Vote on J. M. Wilson's resolution—Continued.

States.	Yeas.	Nays.	Not voting.
SOUTHERN AND SOUTHWESTERN STATES—Continued.			
Alabama	5	2	1
Mississippi	2	.....	4
Louisiana	3	2	.....
Texas	1	3	2
Arkansas	.....	.....	2
Kentucky	5	4	1
Tennessee	7	1	2
Missouri	13	.....	.....
Total	60	16	18
WESTERN STATES.			
Ohio	12	6	2
Indiana	12	.....	1
Illinois	10	4	5
Michigan	6	3	.....
Wisconsin	4	3	1
Iowa	6	3	.....
Minnesota	3	.....	.....
Kansas	3	.....	.....
Nebraska	.....	.....	1
Nevada	.....	1	.....
Oregon	.....	1	.....
California	1	2	1
Total	57	23	11

RECAPITULATION.

Total South and Southwestern States	60	16	18
Total Middle States	18	36	20
Total Eastern States	.....	23	4
Total Western States	57	23	11
Total	135	98	53

Why is that so? Why, because, Mr. Speaker, those gentlemen of the East have been liberally provided for; and I do not blame them for voting just as they do in sustaining the interests of their people, and they must not blame us for voting as we do. Our rights are equal here upon this floor, and we propose to keep them so. In the apportionment of the banking capital the Eastern States have seventy millions in excess over that which their population and wealth entitle them to. The Middle States have about nine millions of excess. The Southern, Southwestern, the Western, and the Northwestern States have a deficiency of nearly eighty millions. Now, Mr. Speaker, if the Eastern and Middle States insist upon contraction, or if they oppose an increase of the capital and currency, will they not, ought they not, to be willing to accept as a compromise the surrender of one-half of the excess of their authorized capital and currency to the Southern, Southwestern, Western, and Northwestern States, in proportion to the wealth and population of each? Then there would be an equitable division of the banking facilities among all the sections of our great country, according to the wealth and population of each. I have no hopes of effecting any such arrangement by the consent of the interested parties.

You of the Eastern and Middle States are provided for, and there will be no complaints on your part. Why should there be? You are fixed, and I could not dispose of your case better than by quoting from the language of the patriarch Job, when he said, "Doth the wild ass bray when he hath grass? or loweth the ox over his fodder?"

What we want in the first place is more currency; if we cannot get that, then an equitable division among the people of all sections of the country. We have no fears of any bad effects resulting from a legitimate and proper increase of the currency; and you having eighty millions more than your distributive share according to your wealth and population. We will be satisfied to have our deficiency made up to us. There must be something done to relieve the country. This state of things cannot and must not continue. If you have seventy-nine millions more than your wealth and population entitle you to, we are not afraid of any conjectured effects that would flow from making up our deficiency of near eighty millions, and the country will not suffer, but gain infinitely, by the operation.

I will here give an abstract of the report of the Comptroller of the Currency of November last, which will show in tabular form and in detail the population of the States by the census reports of 1870, the capital paid into the national banks in each of the States, the apportionment of each State according to population and wealth, outstanding authorized circulation of the banks in each State, the excess and deficiencies of each State, upon the basis of the population and wealth of each, and also the population and national banking capital, and what ought to have been the just apportionment, excess and deficiency to each group of States, Eastern, Middle, Southern, and Western States.

Comptroller's report of November, 1873.

States.	Population of States, 1870.	Capital paid in.	Apportionment on population and wealth.	Outstanding and authorized circulation.	Excess.	Deficiency.	Ratio of circulation to capital.
Maine	626,915	$9,540,000	$4,931,018	$8,029,252	$3,098,234		84.1
New Hampshire	318,300	5,185,000	2,947,938	4,624,525	1,676,587		89.0
Vermont	330,551	8,335,012	2,897,976	6,932,030	4,034,054		83.0
Massachusetts	1,457,351	91,342,000	19,239,189	59,523,671	40,284,482		65.2
Rhode Island	217,353	20,504,800	2,750,047	13,385,840	10,635,793		65.0
Connecticut	537,454	25,384,620	7,033,752	17,994,648	10,960,896		70.9
New York	4,382,759	110,654,691	58,386,213	60,976,006	2,589,793		54.4
New Jersey	906,096	13,958,350	9,699,482	11,026,890	1,327,408		79.0
Pennsylvania	3,521,951	53,510,240	38,593,217	42,055,781	3,462,564		78.6
Delaware	125,015	1,523,185	1,140,273	1,296,615	156,342		85.1
Maryland	780,894	13,640,203	7,372,451	9,252,847	1,880,396		67.8
Virginia	1,225,163	4,185,000	8,031,242	3,902,342		$4,128,900	83.1
West Virginia	442,014	2,596,000	3,144,141	2,360,307		783,834	90.1
South Carolina	705,606	3,170,000	4,460,345	2,319,500		2,140,845	68.7
North Carolina	1,071,361	2,100,060	6,457,922	1,819,300		4,638,622	80.4
Georgia	1,184,109	2,785,000	7,010,887	2,365,605		4,645,282	81.5
Alabama	996,992	1,569,300	5,762,546	1,541,133		4,221,413	82.2
Mississippi	827,922		5,039,529	5,876		5,033,653	0 0
Louisiana	726,915	5,250,000	5,230,763	3,646,870		1,583,896	68.8
Texas	818,579	995,000	4,695,740	930,960		3,764,780	75.1
Arkansas	484,471	205,000	3,144,336	192,495		2,951,841	90.0
Kentucky	1,321,011	8,263,700	9,621,727	7,637,900		1,983,827	84.4
Tennessee	1,258,520	3,520,481	8,715,318	3,341,736		5,373,582	86.9
Missouri	1,721,295	9,545,300	15,459,409	6,476,193		8,983,216	64.9
Ohio	2,665,260	20,093,000	25,385,826	23,876,370		1,509,455	80.4
Indiana	1,680,637	17,611,800	15,184,271	14,706,415		477,856	81.9
Illinois	2,539,891	20,843,000	24,153,430	17,824,209		6,331,221	77.4
Michigan	1,184,059	9,763,500	9,665,657	7,485,043		2,180,614	73.8
Wisconsin	1,054,670	3,680,000	8,983,203	3,253,316		5,729,887	83.7
Iowa	1,194,020	6,017,000	9,711,381	5,674,385		4,036,996	88.3
Minnesota	439,706	4,173,700	3,363,645	3,330,414		33,414	75.0
Kansas	364,399	1,975,000	2,787,854	1,825,496		962,358	77.8
Nebraska	122,993	905,000	971,692	809,500		162,192	87.5
Nevada	42,491		372,052	11,864		360,188	0.0
California	560,247	3,200,000	6,324,183			6,324,183	0 0
Oregon	90,923	250,000	718,277	225,000		493,277	90 0
Florida	187,748		1,127,346	90,000		1,037,346	0.0
Total of States	38,115,641	429,074,882	350,516,278	350,750,334	80,106,549	79,872,493	
Total of Eastern States		160,291,432	39,799,920	110,489,966	70,690,046		
Total of Middle States		193,286,669	115,191,636	124,608,139	9,416,503		
Total of Southern and Southwestern States		44,184,781	87,901,251	36,630,217		51,271,034	
Total of Western States		97,517,000	107,623,471	79,022,012		28,601,459	

If we had a sufficient quantity such a proposition need not have been mooted. The question after all is, whether we have enough? How shall we determine it? The law of supply and demand determines it to a great extent. The rate of interest testifies in the case. Is it possible that the quantity of the currency is sufficient to make the necessary exchanges of the country when the holders of the currency demand and receive 12 to 18 per cent. interest for it? Shall not this medium of exchange be measured by the same laws which govern all other commodities as to the quantity on the market?

If we have abundance why are the producers and manufacturers compelled to pay such rates of interest?

I heard a singular argument the other day put forth by a statesman. This gentleman said that we had so much currency that its purchasing power was depreciated, and the lender therefore had to charge greater rates in order to make his legitimate relative profits. Mr. Speaker, that will not do. Apply his rule to any other commodity and you will see that it will not do. By his theory, if you wanted cheap horses, cattle, or other property, the obtaining the object would be by destroying one-half of the whole number.

I undertake to say another erroneous idea seems to afflict the minds of the contractionists, and that is that the gold dollar is the absolute standard of value. Why, sir, it has often been demonstrated in the history of our country that a bushel of wheat would as frequently buy two dollars in gold as that one dollar in gold would buy one bushel of wheat in the market. This, I believe, will hold good in all the great markets of the world. How do you account for it? Is the "standard of gold" measured by the value of the wheat, or by the quantity of each on the market? Why, sir, the wheat measures the value of the gold as much, and I think more, than the gold does the wheat. When we have large crops of wheat, the crop of money becomes small by comparison, or relatively, and *vice versa*.

The quicker we cut loose from all these old worn-out heresies, which can have no possible perfect, or even modified, application to us or to our modes of thought and acting, and start on the plain, common-sense path dictated by the spirit and genius of a free and independent people, the sooner will we get rid of the difficulties which beset us on every hand.

Mr. Speaker, the contractionists say, "Let us come back to specie payments at once." Why, sir, if we had a circulation of three hundred and fifty millions of bank-notes, and four hundred millions in greenbacks to redeem it with, and had a suspension of all in September and October—if the men in New York could make a corner on our whole currency and the redeeming agency at the same time, what would have become of the interests of the country if specie payments had prevailed in harmony with the old plans on that subject in this or any other country? Your paper currency and business would have been involved in irretrievable ruin, as in other crises.

We know, sir, what powers of combination these men possess. See how opportune for their interests this financial disaster came. See if there is not evidence of collusion and combination between the capitalists and money-lenders of Europe and America. Just at the time when crops were short in Europe; at a time when they would be compelled to import large quantities of agricultural products from America; just at the time when our cotton crops as well as the more than average quantities of the other crops were required in Europe to make up their deficiencies and we were about in return to receive the "world's currency," or its equivalent, in exchange for our surplus products, the combined money power of Europe and America "made the corner." The result was that our produce was stopped *in transitu*—the prices reduced more than 25 per cent. Had this not been done the exportable commodities would have gone forward, realizing full prices paid to our own people. The balance of trade might have turned in our favor, and the gold that we have been compelled to export annually to pay our debts abroad would have remained with us; and in time "specie payments" would have resumed of their own motion, and the interests of the country have been protected and saved.

But, sir, the effect of this combination has been to turn our workingmen out of employment, sending them adrift in every direction at the most trying and inclement season of the year. "Too much currency," you say. If we had enough, properly guarded and regulated, it would be impossible for the privateers to capture and corner it as they did. Can a corner be made upon the produce of the country except when under the influence of such panics? I think not. It has been tried in Chicago; but they cannot be maintained. Such curses are like chickens; they come home to roost, and the parties engaged are frequently involved in irretrievable ruin.

Mr. Speaker, on the question of the quantity of the currency, it seems to me, as I said before, that to state our case is a sufficient argu-

ment of it. If sufficient, why are we compelled to pay such dear rates for its use? But then, again, contemplate the difference between our condition and that of Great Britain, our banking capital and circulation twenty-seven dollars *per capita*, and theirs one hundred and five dollars, and the demands for its use in each country; our country stretching from the north pole to the equator, from the Atlantic to the Pacific, embracing forty million free, industrious (and ought to be a prosperous) people, and they would be prosperous if the legislation of the country favored all as much as it does part of our people—this vast area, embracing lands, forests, and mines of undeveloped and inexhaustible wealth, which could and would furnish five times our capital and circulation profitable avenues for investments and active operations in the development of our great and as yet undeveloped natural resources, capable of employing and sustaining five hundred million people. Great Britain, with her thirty-two million people, and one hundred and five dollars of banking capital and circulation each, covers an area not larger than one of the States of this Union, powerless to inaugurate an additional industry, those in operation far on the way to complete exhaustion, and with her great city of London, which, practically, is Great Britain for all commercial purposes, does not in fact need one-fourth the banking capital and circulation that we do. The Eastern States, with a part of the Middle States, may, as before stated, have a fair supply, for they are situated much like England is, without the undeveloped resources to set on foot new industries, and with the great cities of New York and Boston, which, through their clearing-houses, transact hundreds of millions daily on less than 4 per cent. in actual currency. Not so with us in the West, South, Northwest, and Southwest. Our sections, more sparsely settled, and denied by the Government our equal share of banking facilities, we have, in proportion to our needs, very limited facilities for transacting the business of our great producing region of the country.

But, Mr. Speaker, what has been the effect of our financial system of which this inconvertible and branded paper currency is so prominent a part, and which was adopted by the republican party? I do not refer to this matter in a partisan sense, only because the republican party was in power when it was adopted, and has sustained it since its birth. I am very glad to find so many of the friends of the proposition with me, from the South and West, of both parties. Sir, the country has advanced more in material wealth, and all the elements of civilization, since 1861, twelve years, than marked its progress in all the history of its past. The melting of the shackles off four million slaves, by the fervid heat of a fratricidal war, has not only resulted in their emancipation, but has stricken the shackles off thirty million white people. I have not the time to go into details, and have not the statistics present.

But, Mr. Speaker, I want to state a fact which is patent, and which can be seen, known, and read of all men everywhere—that under this policy of expansion, if you so call it, the United States has grown more in wealth and prosperity in the twelve years than it did in the whole seventy-one years of its previous existence. In 1860 all descriptions of property, including the estimated value of slavery, nearly four hundred millions, was estimated about $16,000,000,000. In 1870 the same description of property, with such additions as had been made in the decade, excluding slavery, (as it had been destroyed,) was estimated at nearly $30,000,000,000. The increase in the same ratio would indicate a grand total of more than $32,000,000,000 in 1873. These vast accumulations, Mr. Speaker, are the product of the laborers and citizens of the country who are now feeling so keenly the effect of the monetary panic. And, therefore, I say that the very best argument that can be adduced in favor of my theory of finance is to be found in your census tables demonstrating the unprecedented growth and prosperity of the country under this policy—more development and growth in twelve years than in seventy-one years before the adoption of this policy.

Now, Mr. Speaker, that which I am specifically in favor of is this. In the first place I understand that the Committee on Banking and Currency have reported that the permanent quantity of greenbacks in the country shall be $400,000,000. I do not care to increase that description of currency just now. I am aware that here I will differ with some of the friends of expansion. There are those who believe that the entire circulation ought to be greenbacks. They may be right. But it seems to me that our present system has merits in it, and that it ought not to be abandoned unless for paramount considerations. It also occurs to me that our dual system is better than a sole system of any kind; that in the system of national banks regulated by law, the Government retains a sort of supervision that it could not very well do if greenbacks were to constitute the sole currency. It is true we would save money in the way of interest, but is it not also true that the people would lose largely in the way of local taxation? I take it that greenbacks are not subject to taxation by local or State governments in the hands of the holders, because they are a Government credit.

Mr. HOLMAN. Will the gentleman allow me to ask him a question?

Mr. BUNDY. Yes, sir.

Mr. HOLMAN. For several years after greenbacks were first issued in 1862 they were subject to taxation. They were subject to a war tax I think as late as 1864, when they ceased to be the subject of taxation. Congress having yielded the right, might not greenbacks be made the subject of local taxation?

Mr. BUNDY. I am not a casuist in that particular, and hence do not know. But I think not, as a greenback has been determined by the State courts to be a token of Government credit, and hence not taxable. The courts in my State have decided that greenbacks, in the pockets of the individual, are not the subject of taxation at the time or on the day of the assessment. The Federal courts have affirmed these decisions.

Mr. HOLMAN. Was not the decision made under a law enacted exempting them from taxation?

Mr. KELLEY. I must protest against the gentleman from Ohio [Mr. BUNDY] being interrupted. He has said over and over again that he has no notes, and does not wish to be diverted from the line of his argument.

Mr. KELLOGG. No one would have thought of interrupting him had not the gentleman from Pennsylvania [Mr. KELLEY] first interrupted him.

Mr. BUNDY. I have but a few more remarks to make on this branch of the subject. I hold that the volume of greenbacks ought to be at least $400,000,000, and fully justify the Secretary of the Treasury in emitting the reserve held in his vaults.

As to whether the national banks should be supplanted by the sole system of greenbacks or not is an open question with me. I was, and am still, in favor of the three sixty-five bond payable in lawful money, and converted at the option of the holder into currency; and that such bonds shall be held and treated by the national banks as their reserve in place of their own notes and greenbacks, thereby releasing the latter, giving them the power of mobility to circulate, which would add more than one hundred and twenty-five millions to the volume of the currency. I have been staggered a little in the practicability of issuing these bonds to take the place of currency, and to act as an element of elasticity to the currency. I was talking with a gentleman who seemed to understand better than I did the arts and powers of the New York operators. He expressed the opinion that in some way they would manage to get possession of and control these bonds when they wanted to make a corner in the money market, and therefore they would and could not be converted into currency, as contemplated by their friends. If this could be done I am not certain that I would be in favor of issuing such bonds, but had rather risk some other expedient to expand and impart elasticity to the currency. Mr. KELLEY, the author of the bill introduced by himself, on that subject, can probably dissipate any doubts I may have. If so, I shall favor his proposition.

I am in favor of another thing, and that is that the national banks shall be prohibited from paying interest on current deposits or daily balances, and that they shall not be compelled by law to keep a reserve of 25 per cent. of their deposits in the banks to pay depositors. Let the banks and depositors fight their own battles. As I said some time since, the banks of England only hold one hundred and sixteen millions in reserve on a line of deposits and circulation of $3,500,000,000, less than 4 per cent. of the aggregate. There is no reason why our banks should be compelled to hold more.

In conclusion, we want a sufficient currency, and want it good. The latter attribute we have secured in a greater measure and for a longer period than any country ever did, following so closely upon a destructive war. The better way, and in my judgment the only way, to appreciate its quality is to enlarge its quantity to such a volume as, if endowed with the requisite elastic powers, will keep all the productive industries of the country in active and profitable operation; for from these and these alone must come all the means to pay the interest on our public debt, the pensions of the widows and orphans, and ordinary expenses of the Federal Government. The full and successful tide in the operations of these will give us the resumption of specie payments that will come to stay. The converse will buy bankruptcy of the people and Government, and ultimate practical, if not formal and actual, repudiation. The untarnished credit of the Government at home and abroad can only be maintained through the prosperity of its people in all the departments of their industries.

CIVIL RIGHTS.

Mr. ROBBINS. Mr. Speaker, in the discussion of this so-called "civil-rights bill," the Representatives of North Carolina have thus far occupied but little of the time of the House, and myself none at all, as I preferred to hear fully the advocates of the measure before giving my views. But a sense of duty will not permit me to remain silent longer on a subject so vitally important to the people of the entire South. The Northern States, whose people are nearly all of one race, will be little affected by this measure; and their Representatives here, knowing little of the practical difficulty of maintaining free government and social harmony among a heterogeneous population like ours, may think it a light thing to indulge in this theoretical and fanciful legislation, and thus to thrust a new factor into the great and novel problem which we of the South have to solve. But that spirit of comity and mutual good-will which should exist among all the sections of a common country, now irrevocably bound to a common destiny, ought to induce our northern countrymen to hearken with patience and deference to the protest which comes up against this measure from all those thirteen States whose welfare it most deeply concerns—States which, it is true, you lately overwhelmed on the field by your superior numbers, but whose heroism in the struggle and whose bearing under defeat entitle them to the respect of their brave adversaries. So important were those States in area, climate,

soil, and resources that a dozen years ago you declared that their continuance in the Union was necessary to the "nation's life," as you phrased it. If that were so, are not their peace and prosperity in the Union essential to the nation's healthy life? If by an unwise policy you keep that half of the body-politic morbid and disordered, will not the nation—like my late constituents and supporters, the Siamese twins, after one was paralyzed—drag out but a diseased, enfeebled, and miserable existence?

The bill under discussion reads as follows:

A bill to protect all citizens in their civil and legal rights.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever, being a corporation or natural person, and owner or in charge of any public inn; or of any place of public amusement or entertainment for which a license from any legal authority is required; or of any line of stage-coaches, railroad, or other means of public carriage of passengers or freight; or of any cemetery, or other benevolent institutions, or any public school supported, in whole or in part at public expense or by endowment for public use, shall make any distinction as to admission or accommodation therein of any citizen of the United States because of race, color, or previous condition of servitude, shall, on conviction thereof, be fined not less than $100 nor more than $5,000 for each offense; and the person or corporation so offending shall be liable to the citizens thereby injured in damages, to be recovered in an action of debt.

SEC. 2. That the offenses under this act and actions to recover damages may be prosecuted before any territorial, district, or circuit court of the United States having jurisdiction of crimes at the place where the offense was charged to have been committed as well as in the district where the parties may reside, as now provided by law.

The following amendment is proposed to be submitted by Mr. MOREY:

Add to the end of section 2 the following:

And all of the provisions of the act entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," passed April 6, 1866, relating to the enforcement of civil rights, with the penalties therein provided, are made applicable in the prosecution of offenses under this act.

Whether Congress has the right, under the Constitution, to enact such a law, (which I do not believe,) or whether such right pertains solely to the States, (which is my opinion,) I will not stop to discuss, for not only has that question been fully debated already, but even if the right of Congress to pass this bill were undoubted, I should still oppose it on account of its ruinous inexpediency. My remarks will be confined altogether to the detection and exposure of the false political, social, and ethnological principles upon which this proposed legislation is based, and the injurious results necessarily consequent upon its adoption. If my treatment of the subject should seem somewhat speculative and discursive, I trust it may be pardoned, and attributed to my desire to avoid following in a beaten track and repeating what has already been said.

We have heard much in this debate about equality—the equality of men and of races of men. That kind of rhetoric has been fashionable in America for a century past. The illustrious Jefferson appears to have inaugurated it when he penned the celebrated sentence, "All men are born equal." That sentence was analyzed twenty-five years ago by another famous statesman of our country, and shown to be not only not true, but to contain more error and untruth than has ever been embodied, perhaps, in the same number of English words. It is a sentiment which may serve very well, and often has served well, as the war-cry of revolutionists, but calm philosophy, ay, plain common sense, smiles at its absurdity. "*All* men born equal." Why, sir, *no two* men are born equal, or ever live to become equal. In face, in form, in fortune, in intellect, in everything, each man is unlike every other. Not equality, but infinite inequality and variety, is the law of this universe. It has been said that "Shakespeare never repeats." Such was the compass of his genius, that every effort of his mind evolved a new idea. Does God, then, repeat? No, sir. Each thought emanating from the All-perfect mind is a new thought, and each act a new creation. He made the oak to battle with storms, and the daisy to shelter underneath; the eagle to soar above the clouds, and the mocking-bird to sing in the thicket. All nature is full of contrasts and unlikenesses. And not only does this variety pertain to the natural world, but in that higher realm to which faith points us, "one star differs from another star in glory." So that from the grains of sand and the rocks, upward through the living, the animate, the intelligent, the spiritual, the angelic existences, to the very throne of God, all being is one grand chain of progressive and successive links, whereof there are no two of them equal or alike.

The fanatical spirit which threatens utterly to dominate this country seeks to reduce everything and everybody to the plane of mediocrity and a common average. It hates superior excellence. It is a leveling spirit, leveling downward and not upward. In the eyes of these so-called universal-equality men no doubt the forests look deformed, because the oak, and elm, and pine overshadow the minor shrubs; and the starry heavens appear to them imperfect, because Sirius, and Arcturus, and Aldebaran shine out proudly eminent among their little companions. And these men would think it an improvement if they could bring down all the trees to the level of the black-jack, and all the stars to the size of the north star. But fortunately these things are beyond their power, being protected by a constitution which our radicalists and higher-law men cannot, and therefore do not, violate and trample on. But there is one thing which these fanatical levelers might do, and to be consistent they ought to do it at once. Above your head, Mr. Speaker, I see the image and presentment of the eagle—our national emblem. In the name of equality, sir, I demand what business has he there? He is a monarch—the king of birds. He is no fit emblem for us in these times—no proper representative of the prevalent ideal. I suggest that he be torn down, as the French tore down the monogram of the Emperor. Do you ask me what bird could with propriety be put in his place? The crow, sir. He is a bird of medium size, and therefore embodies well the idea of the levelers. His plumage is of the favorite color, so popular with the dominant party. [Laughter.] I will not—because it would seem ungracious—carry out the parallel in its details, and show how fit an emblem for the times he is in other respects, such as his thieving propensities, and the like. [Laughter.] I think what has been suggested is sufficient to satisfy you that if this bill is to pass, the so-called reformers should at least amend it, by providing that the eagle shall henceforth come down from his proud perch, and the crow be exalted in his stead. [Laughter.]

The gentleman from Massachusetts [Mr. BUTLER] seemed himself to abandon the idea of the absolute equality of men; for he formulated his doctrine in these words: "That every man has the right to become the equal of another, if he can." In some sense that may be conceded as true. But that is not what this bill proposes. It does not propose to leave the negro to be the equal of the white man, "if he can;" for our laws amply provide for that now. by opening to the negro every avenue to progress and emolument which other men possess. But this bill seeks to make the negro equal to the white man by pulling the white man down to the level of the negro; by providing that the white man shall be nothing, have nothing, and enjoy nothing, unless he sees to it that the negro shall be, have, and enjoy precisely the same thing

Sir, since it is impossible for any one man to be equal to or like any other man, is it not more philosophical to say that such a thing can be no proper object of human effort or ambition? Our rights are limited by our duties, and our duties are measured by our capabilities. "To whom much is given, of him shall be much required." I lay this down as the true doctrine—that every man has the right, and is bound by the duty, to fill the sphere and move in the orbit to which God and nature have assigned him, as indicated by his peculiar natural endowments, which, being different in each individual and in each race, point out for each a different part to perform. If we could change this, and compel all to revolve in one and the same orbit, we should overthrow eternal laws and reduce the world back to chaos.

In speaking of the characteristics of the negro, I do not mean any disrespect to him. I respect all men as men and as the children of a common Father, and I trust I have a heart to wish well to all and to do good to all. But, sir, the negro is not a black white man. He is a different man, with different talents, different duties, and different rights. In saying this I do not deny unity of origin and a common ancestry to the human family. I believe in these things, because such seems the plain teaching of that Book which southern men generally rely upon as the embodiment of perfect truth.

Do you ask me, then, whence sprang the huge dissimilarities which mark the several branches of this common family, and which have thus distinguished them for ages? That is a question which has puzzled the brains of scientists for centuries, and it would be presumptuous in me to attempt its solution. But we are told in the Book of books that there was a period when "the whole world was of one language and of one lip, (as the Hebrew has it,) and while they were engaged in building a lofty tower, as a common rallying point, for the purpose of preventing their own dispersion, this design of theirs being opposed to the design of the Creator, He came down and, by an exertion upon the whole race at once, of that omnipotent power by which He first made man out of the dust of the earth, divided them up into tribes, and nations, and races, and scattered them abroad over the world, giving to each division a different speech, and probably, at the same time, a specific physical type; for that great changes were wrought in man's physical constitution about that period is proven by the fact that previously men lived nine hundred years, while ever since then the measure of their days is three-score years and ten. But this is a digression, and this is not the time or place to follow up the idea. If we were in a lyceum discussing ethnology, I would enlarge upon and fortify it. Here I merely throw out the hint, to be laughed at by fools, but to be pondered by those who realize the mystery and (as Carlyle says) "the deep tragedy of human life."

But, sir, no matter how the races originated, they do exist and are not alike. The negro is different from the white man. In some things he excels the white man. He has much music in his soul. He can outsing, outdance, outlaugh, and outfrolic the white man. He is more docile, more self-satisfied, more imitative, more affectionate, more passionate, and perhaps more naturally eloquent than the white man. He is the world's "merry-andrew." He is the world's star actor on the comic stage. Such are the endowments of the negro; and some of them are noble qualities, and by no means show that the negro may not fill a useful and important place in the world's future civilization. But when you come to the grand tragic and heroic parts in the drama of humanity, where will, force, courage, forethought, the sense of masterdom, and the instinct of dominion are required to shine, the negro fails. Despite all that we have heard on that subject, the negro is no fighter. To prove that he is, we are pointed to the records of the recent war between the States. Yes; infuriated with whisky, he was brought to the scratch a few times, only to be sacrificed without result.

Mr. WALLS rose.

Mr. ROBBINS. I do not wish to be interrupted.

Mr. WALLS. Did you ever meet the negro on the battle-field?

Mr. ROBBINS. Yes, sometimes; and whipped him easily too. It was my business for four years on the battle-field to meet all comers without regard to "race, color, or previous condition of servitude."

The gentleman from Massachusetts [Mr. BUTLER] has given us a glowing account of how he sent in a column of three thousand negroes to take a redoubt at Newmarket Heights, protected, he says, by two lines of strong abatis, and manned by one thousand of Lee's veterans. Relying solely on the weight of his column and the energy of the charge, he says he uncapped the muskets of his men to prevent their firing. And he says they took the redoubt with a loss of five hundred and forty-three killed, and that the thousand rebels were so frightened—of course they were not hurt, as his men had no caps on their muskets—that they did not stop running for four miles. Now, far be it from me to charge that gentleman with intentional or conscious exaggeration. I have always thought it was cruel and unjust in Prince Hal to accuse Falstaff of lying when he recounted his fight with the supposed travelers on Gadshill. I have always believed that Sir John did really see eleven men in buckram, though it was dark, and only Hal and Poins were there. Allowance must be made, sir, for excitement of fancy in combatants rehearsing their own exploits and "fighting their battles o'er again." [Laughter.]

Being absent, wounded, at the date spoken of by the gentleman from Massachusetts, of course I cannot speak of the facts from personal observation. But from many comrades who were thereabouts at the time I have always understood that when Ord's column of white troops surprised and took Fort Harrison, which was the center and key of our rebel position, whatever posts to the left of it were given up at all were abandoned at once under orders and without serious resistance, their isolated situation rendering them untenable. A handful of skirmishers, moved by the instinct of old fighters, may have given a parting shot or two as they were ordered away.

Four or five were usually wounded in battle to one killed outright. If five hundred and forty-three were killed in that negro column, two thousand or twenty-five hundred others must have been wounded; so that it is really wonderful that the small squad left should have been able to terrify so thoroughly with their uncapped muskets that thousand old powder-burnt rebels! There does not appear any good reason for their running in such wild dismay; and no one knows better than the gentleman from Massachusetts that the men he used to meet in battle were not given to running away without a good reason.

Mr. Speaker, it appears now that we men of the South must have been under a strange delusion. Those serried lines which used to charge us with such terrible vigor looked like white men to us; and if the field ever remained in our hands, we always found that the slain heroes who strewed the ground so thickly were, alas! our white American brothers—all honor to them; all honor to the heroic dead on both sides who laid down their lives for their principles! We thought then that the masses of heroic white troops led by Grant, and Sherman, and McClellan, and Meade, and their compeers, were the men we ought to dread; but we learn now that it was the hero from Massachusetts and his colored troops that we had most reason to fear. Wonderful that we should thus have been destroyed by that which then caused us so little apprehension!

I am told that the records of the war show that only some fifteen hundred negro troops were killed in the entire four years. That fact alone speaks volumes. We know that a single corps of white troops—Federal and Confederate alike—sometimes lost that many killed in one battle. Meagher's brigade of heroic Irishmen must have lost a large fraction of that number at Fredericksburgh. There was fighting indeed. And though I was their adversary there, yet in honor of their matchless gallantry I pray that the turf on their graves may be as green forever as their own Emerald Isle.

Look at one more fact. Nearly three years before the war ended the four million negroes of the South knew that its result involved the question of their liberty. Yet while the continent shook with the earthquake of war, and nobody was at home but old men and boys to keep them in order, those negroes seized no weapon and struck no blow. I do not mention it as a reproach to them. It merits rather the thanks of southern men. I mention it only to show that the negro is not like the white man. What race of white men would have remained quiet under the same circumstances? When the proclamation of emancipation was issued the peculiar patrons of the negro in the North expected him to rise and throw off the yoke and butcher our wives and children; and in the abundance of their philanthropy and humanity they hoped so, too. The result showed how little they knew of the negro character; and their whole policy since, ay, this very bill to-day, shows how little they still understand him.

Sir, the negro may excel in minor qualities, but he is lacking in those peculiar endowments of vigor, will, and force of character which give dominion in this rough world of ours. Wherefore it was said that "Japhet shall dwell in the tents of Shem, and Canaan shall be his servant;" and the white man has come all the way from Europe, and the Indian has been dispossessed, and the negro has been brought from Africa, that the prediction might be fulfilled here in America. Sir, the negro is a clinging parasite. He looks up to others as his superiors. He is an inveterate servant. Free him how you will, enfranchise him as you may, he still waits for guidance and submits to command. In all the Southern States to-day he is but the tool of political shysters, who prate of his bodily freedom while they enslave his soul. Even here on this floor (and I mean no disrespect to any fellow-member by this remark) he does nothing, he says nothing, except as he is prompted by his managers; even here he obeys the bidding of his new white masters, who move him like a puppet on the chess-board.

The old system of negro slavery, as once existing in all the States, is forever dead and buried, and I have no tears to shed over its grave. I always believed it would come to an end before a great while, because I saw it was changing; and whatever thing changes must die. There is in the universe but One eternal, because there is but One immutable. Sir, slavery had fulfilled its mission, which was to civilize and christianize an originally savage race. It was God Almighty's school to which he sent the negro to be trained and developed. Practically, and as human nature is, it seemed the only system by which he could have been protected, fed, clothed, and cared for, while gradually acquiring civilization from the more cultivated race in whose presence he dwelt. This line of remark may seem digressive, but I adopt it in defense of my native South. She is often derided for her slow material progress in the past, and her late social system is denounced as the cause. Sir, I have heard these revilings of my people till my spirit burns within me.

I stand here to-day as an independent and fearless vindicator of the South. I hope I shall not be charged with improper sectionalism in so doing. Other parts of the country feel free to talk of themselves here. When we were talking of the centennial celebration yesterday we heard Pennsylvania boast of the glorious events that have made her renowned; and Massachusetts took up the refrain and sounded her own praises, too. They had a right to do so. But surely if it is consistent with national sentiment for some States to boast their renown, it cannot be wrong for other States to defend themselves against unjust reproaches.

It was not slavery, sir, which kept the South back; it was the presence there of four millions of men who came to us at first utterly untrained savages; and these we had to govern, train, and improve, as best we might. Herein it was our mission to expand our moral and material forces, and it entailed upon us great burdens; for these men were awkward and unskillful laborers, whereby our efforts were of necessity confined to the coarser and more primitive kinds of human industry; and thus we suffered infinite material loss. The North, with her skilled and educated laborers and artisans, was at liberty to devote herself to the more complex and refined industrial pursuits, with consequently higher profits and more rapid growth in affluence. To have freed our slave laborers, and set about directly educating them in schools, was, for many reasons, a practical impossibility. If we had freed them much earlier than they were set free, and thrown them on their own resources, they would have perished in their helplessness. When they were freed, immensely advanced as they then were in practical knowledge of the arts of civilized life beyond their original condition, consider what immense cost and labor it has required on the part of this great Government, through the machinery of the Freedmen's Bureau and other agencies, to hold that race up till it got able to stand alone.

While the North, therefore, can point to her great cities, her wide commerce, and her abounding wealth, as the results of her efforts, may not the South truthfully say that the grand work of civilizing and elevating a whole race has been mainly hers? I do not claim, nobody pretends, that the great and beneficent results which, under Providence, we have thus wrought out were directly and consciously aimed at by us with deliberate purpose. In our dealings with the Africans we were, of course, mainly prompted by those ordinary motives of self-interest which move human nature everywhere; just as were the Yankee slavers who deported the negro from his native land and sold him to us. He owes none of us, North or South, many thanks. But I do maintain that his removal from Africa, and temporary subjection in this country, have been the divinely appointed means of his civilization and Christianization. These things seem so obvious to me that I content myself with simply stating them and leaving them for the reflection of all candid minds.

Neither ought the negro, or his *soi-disant* friends, to indulge perpetual bitterness, as if in all those events any wrong or any strange thing has happened to him. We may speculate upon the absolute right of every human being, under all circumstances, to liberty and self-control. These are fine abstractions. But the order of nature and of Providence, which is practical, seems to be that every man, every nation, and every people shall first pass through a stage of subjection and pupilage under some superior authority before arriving at maturity and enfranchisement. Each individual man passes through this stage of youth and subordination to his parents before he becomes of age. The leading of Israel into Egypt and into bondage was as wonderful and as necessary as their exodus therefrom. And as for nations, Spain, France, England, and the United States, and all others, I believe, first went through a period of dependence on some superior power or mother country before they reached independence and autonomy. The negro race, therefore, in being required first to serve and to be protected, and to learn, has only obeyed a law of human development, universal in its application.

Looking at what has been done for him, the negro has perhaps done less, as yet, for himself and the world than any other man in history. In his own land he has always been and still is a savage. Against his own will, the English and Yankee slavers stole him from

Africa and sold him into southern servitude, and as soon as they had done so and got the money, began to roll up the whites of their eyes over the sin of slavery and to plot for his freedom. Against his will, the southern master trained him to regular labor and civilized habits, and gradually fitted him for liberty. Then in a grand conflict of arms among white men, in which he took no important part, he was freed. Afterward white men, voluntarily, without any effort of his, enfranchised him, made him a voter, and empowered him to hold office. As a freeman and voter he has put bad men in power, made suffrage a farce, destroyed public credit, ruined States, and disgraced republican institutions; and the return he makes is to clamor for more power and more privileges that he may further blight and mildew and waste our general welfare and prosperity. Is it not time to call a halt in this wild, negro-toting legislation? Is it not best to content ourselves with the ample guarantees which have been provided to protect the negro in his rights of life, liberty, and property, and set to work to see if we can save the institutions of this country, the good name of republican government, and the cause of human rights throughout the world?

France and Spain, our earliest allies, led by our example, have both, since 1789, struck many a resounding blow for liberty and popular institutions. But both, being recently freed from tyrants and given a choice of their destiny, seem to be retrograding back to monarchy, and inviting again the yoke of the despot. Why is this? It is because our example no longer cheers and encourages them. When they look this way they see South Carolina, Florida, Mississippi, Louisiana, under so-called republican governments, crushed, despoiled, oppressed, and ruined—all this the work of the negro and his baser allies. Thus our example rivets chains on the necks of the nations.

Central and South America and Mexico find it impossible to establish good and stable governments. They breed revolutions and disorders as putrefying carcasses breed worms. It is because they are mongrel nations. They have no unity of race, interest, or sympathy; no common aspiration, no concord, no cohesion. Still, in pursuit of a vain and crazy theory of universal equality, born from the brains of immeasurable fools, you propose to follow in their footsteps and mongrelize half this nation, thereby rendering its healthy life impossible. Is it not time to call a halt?

It is impossible to undo what has been done, and nobody proposes to attempt that now, nor ever, unless by common sense and common consent and by peaceable means. But we can avoid going further on the down-hill road. Sir, it is time to recur to the doctrine in which is bound up the salvation of this country—the doctrine that this is the white man's land and ought to be a white man's government. I wish I had time to review the record of the great leaders of the radical party in the first few years after the war, and show how indignantly they then spurned the idea of making the negro a suffragan and political power in this country. They have long since gone beyond their scruples then. Party greed and ambition drove them on; and the same motive pushes them still on to propose this last and most ruinous of all their measures. If any happy future remains for this country, it must soon be delivered from that party and its reckless policy. This, sir, I repeat, is the white man's land, and he is responsible for its welfare. The temple of liberty founded here, and toward which all the downtrodden nations turn their faces to pray for deliverance, is committed to his charge. Let all the gentiles come, if they list—Chinese, Indian, Malay, African—and worship, and be amply and chivalrously protected while they worship in its outer courts; but the consecrated priest who ministers at the altar should be only the white man.

In my opinion this is not the permanent home of the negro. He is sojourning here as a school-boy under a course of tuition. He will graduate after awhile and leave school. He is not increasing in numbers. By the census reports, the African race in this country, during every decade before the last, increased on an average about 22 per cent.; during the ten years from 1860 to 1870, half of which period the negroes were in their former state of servitude, they gained 9.7 per cent. only, much less than half the former rate. We may infer, then, that the 9.7 per cent. was gained before 1865, and that from then to 1870 (under freedom) they increased none, but rather declined in numbers. The overshadowing white race is increasing rapidly in the land. In any event, then, the negro will in course of time be reduced to comparative insignificance. But for the present he is here in sufficient numbers, and makes up a sufficient fraction of the population in thirteen States, to be a tremendous hinderance to the harmony and progress of the South, if this kind of legislation is to prevail. But in proportion as the negroes become educated and their pride and self-respect are developed, they will feel they are in a land where, in spite of all laws and pretenses, they are looked upon as pariahs and inferiors, and they will pine for a country where they can be the real, not merely the nominal, peers of all. Then will come the voluntary exodus; whether to Central America, or Cuba, or Africa (more probably) to carry back civilization and the gospel to their fatherland, where the white man cannot carry it, I will not venture to speculate, for the womb of the future yet holds these things.

Mr. Speaker, these ideas of mine may seem novel, and my utterance of them in this place and on this occasion may appear extraordinary. I desire it may be distinctly understood that no individual and no party is responsible for what I have said except myself only. But I have carried out my purpose not to go over ground already trodden in this debate; and I have offered these suggestions, also, with design, that I might aid, if possible, in stemming the tide of fanaticism and mongrelism, which, if it should continue to advance, would ultimately sweep over our whole land and destroy every vestige of its former beauty and glory.

You have heard how this bill, if passed, will destroy our southern free schools. Not only is that true; it is true, also, that it will destroy the white republican party in the South. If I desired only party advantage, and not the welfare of the people of my country, I would wish you to pass this bill; for no respectable white man in my country is in favor of it; all are bitterly against it, and all will desert you if you pass it. But the evils which this bill would entail on us are too great a price to pay for any mere party success; and I therefore hope if it comes to a vote it may be voted down.

If you destroy our reviving free schools what is to become of us? And especially what is to become of the orphans of our soldiers? The negroes will fare better than they. Private schools supported by northern donations, by Friends' societies, by liberal contributions from negro sympathizers everywhere, dot our hills, and are filled with negro children. I do not complain of this; I rejoice at it; for I want all educated, by whatever means. I am an enthusiastic friend of universal education. It is of vital importance to the South that her newly enfranchised race should be well instructed. But our poor white soldiers' orphans are forgotten. No heart has a pulsation for them, except the hearts of their poverty-stricken living comrades. We are striving to build up the ruined foundations, and again to consecrate the moldering shrines of learning for their benefit; but in step the misguided negro and his, perhaps, well-meaning but mistaken patrons, and say we shall not do so unless we admit him there too, despite what we know is for his good and ours; and notwithstanding we everywhere provide for him out of our free bounty (for we pay all the taxes) exactly equal, though separate, privileges of education. If this shall be forced on us in spite of our protest, surely the curse of Heaven, in response to the orphan's cry, will smite the wicked, besotted, reckless rulers of this country.

The masses of the negroes of the South do not desire this enforced association in churches, in graveyards, hotels, schools, and elsewhere. They know full well, especially, that too intimate intermingling of the young will deprave our children and corrupt theirs. It is the idle, mulatto, paper-collared gentry, who hang around the street-corners and study how to live without that faithful industry to which our worthy colored men of the South devote themselves, who keep up this agitation. In North Carolina, as in the other Southern States, the whites and blacks are living together in amity and concord. In politics only do they differ. In regard to every other matter the black man goes to his old white master for counsel as to his surest, faithfulest, and most honorable friend. Has he a little money to lay up? "Old master" is his most trusted savings-bank. Is he about to make a trade? "Old master" is his most judicious adviser. Is he in trouble? He flies for protection to "old master." Is he in court and his reputation, the all-important question, involved? "Old master" is there ready to swear for him and stand by him when everybody else knows he is unworthy. He was formerly faithful to "old master," and "old master" is still faithful and partial to him. Such is our universal experience in the South. And natural laws are gradually settling all questions concerning the proper social relations between the two races on a practical and reasonable basis. Why, then, come in with your theories and experiments, and out of mere wantonness disturb our peace? Shall we never have done with this empirical legislation? Shall we never have done with this endangering of our social and political machinery by subjecting it continually to new and unnecessary strains? Why not leave time to crystallize the heterogeneous elements and solidify and beautify the fabric of our marvelously strange and novel southern civilization?

But some one may say, "If the negroes do not desire it, the law will be a nullity, and will give you no trouble." Ah! but there will always be restless and ill-intentioned individual negroes to thrust in the apple of discord among us. Especially will there always be base white men to prompt them to do so if they need prompting.

In conclusion, I earnestly appeal to the majority here to spare us, under all our misfortunes, the untold evils of this ill-devised measure. However you may receive the declaration, I do aver that we of the South mean well by the negro, we mean well by you, we mean well by the whole country. By our votes in favor of the centennial celebration at Philadelphia, we have shown our interest in the common national glory. By our recent support of extraordinary aid for the outfit of the Navy, in apprehension of difficulty with a foreign power, we have proved our loyal purpose to assist in maintaining the national honor and our readiness to march with you in every future emergency under the "old flag." We have been sorely tried, sorely humiliated. Crushing defeat on the field above all things tries the manhood of a people. We can, however, recuperate from that when we remember that it was not Englishmen, nor Frenchmen, nor Prussians, but it was only our fellow-Americans in superior force who did or could thus overwhelm us. But try us no further; trample on us no more; sport with our miseries no longer. Else you will break the spirit of a generous race, you will quench their manly hope, you will obliterate their pride and ambition, you will paralyze their patriotism, and you will doom one-half of this glorious land to perpetual blight, despair, and desolation.

Mr. CAIN. Mr. Speaker, I had supposed "this cruel war was over," and that we had entered upon an era of peace, prosperity, and future success as a nation. I had supposed that after the sad experience of more than five years, after we had sought to heal the wounds the war had made, after we had passed amnesty bills, and, as we thought, had entered upon the smooth, quiet road of future prosperity, we would meet on a common level in the halls of Congress, and that no longer would we brood over the past; that we would strike out a new line of policy, a new national course, and thus succeed in laying broad and deep the foundations of the future welfare of this country; that every man, of every race, of every section of this country, might strike hands and go forward in national progress.

I regret, however, that it again becomes my lot to answer a member from a neighboring State—North Carolina. It was my misfortune a few Saturdays ago to have to answer a gentleman from the same State [Mr. VANCE] in relation to strictures upon my race. I regret that it becomes my duty again, simply in defense of what I regard as a right—in defense of the race to which I belong—to meet the arguments of another gentleman from North Carolina, [Mr. ROBBINS,] to show, if I can, their fallacy, and to prove they are not correct.

The gentleman starts out by saying that if we pass the pending civil-rights bill it may indeed seem pleasant to the northern people, but to his section, and to the South, it will be death. I do not think he is correct, for the reason that they have in the South suffered a great many more terrible things than civil rights, and still live. I think if so harmless a measure as the civil-rights bill, guaranteeing to every man of the African race equal rights with other men, would bring death to the South, then certainly that noble march of Sherman to the sea would have fixed them long ago. [Laughter.]

I desire to answer a few of the strictures which the gentleman has been pleased to place upon us. He states that the civil-rights bill will be death to that section. I cannot see it in that light. We lived together before the war—four millions of colored men, women, and children, with the whites of the South—and there was no special antagonism then. There might have been some friction in some places and in some cases, [great laughter,] but no special antagonism between the two races in the South. I fail, therefore, to see the force of the gentleman's argument. I would like to ask why, in all conscience, after the measures of education, these noble efforts to educate these "barbarians," as he terms us, for two hundred years or more—after all the earnest efforts on their part, with their superior civilization, and all the appliances which the gentleman from North Carolina [Mr. ROBBINS] claims were brought to bear on these "barbarians"—I ask why there was no such antagonism then, but just at this time? Why, sir, if it be true, as the gentleman says, that such philanthropic efforts have been put forth for the education and improvement of the black race, there would be no occasion for antagonism. It is, I believe, a law of education to assimilate, to bring together, to harmonize discordant elements, to bring about oneness of feeling and sentiment, to develop similarity of thought, similarity of action, and thus tend to carry forward the people harmoniously. That does not seem to have been the case, if the argument of the gentleman from North Carolina is correct. Now, look at the fallacy of the gentleman's argument. This race of barbarians, in spite of all their disadvantages, had been educated to such an extent that the white community of the South were not afraid of them after their emancipation. Is not that singular?

The gentleman further states that the negro race is the world's stage actor—the comic dancer all over the land; that he laughs and he dances. Sir, well he may; there are more reasons for his laughing and dancing now than ever before. [Laughter.] There are more substantial reasons why he should be happy now than during all the two hundred years prior to this time. Now he dances as an African; then he crouched as a slave. [Laughter and applause.]

The gentleman further states that not more than eighteen hundred negroes were killed during the four years of the war. The gentleman forgets some battles; he forgets Vicksburgh; I presume he does not remember Petersburgh; he does not know anything of Fort Pillow. He knows nothing about all the great achievements of the black men while Sherman's army was moving on to victory. He forgets who entered Charleston first; he forgets who entered Richmond first; he forgets all this in the blindness of his prejudice against a race of men who have vindicated themselves so nobly on the battle-field. But I will grant the gentleman the charity of dwelling no longer on that point.

Mr. Speaker, the gentleman states that during the struggle for freedom four millions of negroes lifted no hand to liberate themselves; that no stroke was made by them to deliver themselves from their thralldom; yet a few moments afterward he makes the statement that their kind-heartedness prevented them from rising up and destroying the wives and children of the rebel soldiers who were at the front. I accept the admission. Sir, there dwells in the black man's heart too much nobleness and too much charity to strike down helpless women and children when he has a chance to do so. No; though the liberty of our race was dear to us, we would not purchase it at such a dastard price as the slaying of helpless women and children, while their husbands and fathers were away. I would scorn the men of my race forever if they had lifted their hands at such a period as that against helpless women and children, who were waiting in silent anxiety the return of their natural and lawful protectors. Our strong black arms might have destroyed every vestige of their homes; our torches might have kindled a fire that would have lighted up the whole South, so that every southern man fighting in the army would have hastened back to find his home in ashes. But our race had such nobleness of heart as to forbear in an hour of such extremity, and leave those men their wives and children.

Sir, I mean no disrespect to the gentleman, but I think the facts will bear me out in the statement that on every occasion on the battle-field where the black man met the white man of the South there was no flinching, no turning back, on the part of the black man. He bravely accepted his part in the struggle for liberty or death.

The gentleman says he still looks upon the whites as the superior race. That may be the case in some respects; but, sir, if they educated us they certainly should not find fault with us if we follow out what they have taught, and show ourselves obedient servants.

But, Mr. Speaker, there is another point. The gentleman states that we would make no movement to achieve our liberty. Why, sir, the education which those gentlemen gave the southern slaves was of a peculiar kind. What school-house in all the South was open to the colored race? Point to one. Name the academy where you educated black men and black women as lawyers or doctors, or in any other department of science or art. Point out the county. Give us the name of the district. Tell the name of the school commissioner. Name the teacher. I will name one. Her name was Missa Douglas. And for the attempt to educate those of our race she was incarcerated in prison, and remained there for five years. That is the only instance, so far as I remember, of the education of the colored people of the South.

Examine the laws of the South, and you will find that it was a penal offense for any one to educate the colored people there. Yet these gentlemen come here and upbraid us with our ignorance and our stupidity. Yet you robbed us for two hundred years. During all that time we toiled for you. We have raised your cotton, your rice, your corn. We have attended your wives and your children. We have made wealth for your support and your education, while we were slaves, toiling without pay, without the means of education, and hardly of sustenance. And yet you upbraid us for being ignorant; call us a horde of barbarians! Why, sir, it is ill-becoming in the gentleman to tell us of our barbarism, after he and his have been educating us for two hundred years. If New England charity and benevolence had not accomplished more than your education has done we would still be in that condition. I thank the North for the charity and nobleness with which it has come to our relief. The North has sent forth those leading ideas, which have spread like lightning over the land; and the negro was not so dumb and not so obtuse that he could not catch the light, and embrace its blessings and enjoy them. Sir, I hurl back with contempt all the aspersions of the gentleman on the other side against my race. There is but very little difference, even now, between the condition of the whites of the South and the condition of the blacks of the South. I have given some attention to the statistics of education in the Southern States. I find this pregnant fact, that there is about 12 per cent. more ignorance existing among the whites in the South than there is among the colored people in the South, notwithstanding the slavery of the colored race. I wish I had the reports here, that I might show the gentleman how the facts stand in reference to his own State especially, because, if I remember correctly, his State shows there is a preponderating aggregate of ignorance in the State of North Carolina, amounting to 60 per cent. and upward, compared with the entire number of the inhabitants in that State.

Tell us of our ignorance—the ignorance of the colored race! Why, Mr. Speaker, it appears to me to be presumption on the part of the gentleman to state that we—we whom they have wronged, whom they have outraged, whom they have robbed, whose sweat and toil they have had the benefit of for two hundred years; whose labor, whose wives, whose children, have been at their beck and call—I say it ill-becomes them to taunt us now with our barbarism and our ignorance. Sir, if he will open to us the school-house, give us some chance, we would not have to measure arms with him now. But even now, Mr. Speaker, although there is such disparity between us and him so far as relates to education and resources, even now we fear not a comparison in the condition of education in the last eight years between the whites and the blacks of North Carolina.

The gentleman, moreover, states that the reason why they did not educate the colored race was that the colored man was not ready. Not ready, Mr. Speaker; if I had that gentleman upon the floor, with my foot upon his neck, and holding a lash over him, with his hands tied, with him bound hand and foot, would he expect that I should boast over him and tell him "You are a coward, you are a traitor, because you do not resist me?" Would he expect me to tell him that when I had him down under my foot, with his hands tied and the lash in my hand lashing his back? Would he tell me that, in conscience, I would be doing justice to him? Oh, no, no! And yet such was the condition in which he had my race. Why, sir, the whipping-post, the thumb-screw, and the lash, were the great means of education in the South. These were the school-houses, these were the academies, these were the great instruments of education, of which the gentleman boasts, for the purpose of bringing these barbarians into civilization. [Applause.] When men boast, they ought to have something to boast of. When I boast, Mr. Speaker, I shall boast of some noble deed. I will boast not of the wrongs inflicted upon the weak; I will boast not

of the outrages inflicted upon the indigent; I will not boast, Mr. Speaker, of lashing the weak and trampling under foot any class of people who ought to have my sympathy, nor will I reproach them for being ignorant, when they have been kept away from every means to educate them.

He says we are not ready for it. How long would it have taken us to get ready under their kind of teaching? How long, O Lord, how long! [Laughter and applause.] How long would it have taken to educate us under the thumb-screw, to educate us with the whip, to educate us with the lash, with instruments of torture, to educate us without a home? How long would it have taken to educate us under their system? We had no wives; we had no children; they belonged to the gentleman and his class. We were homeless, we were friendless, although those stars and stripes hanging over your head, Mr. Speaker, ought to have been our protection. That emblem of the Declaration of Independence, initiated by the fathers of the Republic, that all men are born free and equal, ought to have been our protection. Yet they were to us no stars of hope, and the stripes were only stripes of our condemnation.

The gentleman talked something, I believe, about buzzards or crows taking the place of our brave eagle. Sir, the crow would, I think, more beautifully represent the condition of the South now—the croaking bird, you know. They have been croaking ever since the rebellion came on, and they have been croaking against emancipation and the Constitution ever since. They are a nation of croakers, so to speak. Like the crow they are cawing, cawing, cawing, eternally cawing. [Great laughter.] Mr. Speaker, you will pardon me, for I did not expect to speak this morning.

The gentleman says the negro has done less for himself than any other race of men on earth; and he instances the German, the Irishman, the Scotchman, the Englishman, and the Frenchman, as having done something. But he forgets the men of those nationalities come from stations which are the proud, educated, refined, noble, advancing nations of the earth. He forgets that those nations of which he speaks, from which those men have sprung, have given, and are still giving, to the world some of the brightest minds that ever adorned the galaxy of human intellect.

But he tells us that the negroes never produced anything. Well, sir, it may be that in the gentleman's opinion negroes have never produced anything. I wonder if the gentleman ever read history. Did he ever hear tell of any persons of the name of Hannibal, of Hanno, of Hamilcar, of Euclid—all great men of ancient times—of Æsop, and others? No, sir; no; for that kind of literature does not come to North Carolina. [Great laughter.] It grows, it flourishes, on the free mountain peaks and in the academies of the North. That kind of literature comes to such men as Wendell Phillips, as Lloyd Garrison, as Charles Sumner, as Benjamin Butler, and other distinguished men, men of the North, men that are thinkers, men that do not croak, but let the eagle ever soar high in the conception of high ideas. They are ideas that belong to a free people; they are not consistent with or consonant with slavery. No, sir; they do not tell the negro of Euclid, the man that in his joy cried out "Eureka, I have found it;" no, that is not the language for the slave. No; that is not the language they teach by the whip and the thumb-screw; no, sir; it is not that.

But I must pass on. The gentleman says that the black men in the South, since emancipation and enfranchisement, have put bad men into office. Well, sir, that may be true, and I regret that we have put so many bad men in office. No one regrets it more than I do, but they were not colored men after all. [Great laughter.] They were not black men, those bad men in office, who have done so much to deteriorate the value of the country. Not at all. Why, sir, they did not elect our distinguished friend [Mr. VANCE] from North Carolina by black votes. They did not elect Mr. Holman, or a gentleman of some such name, in North Carolina. They did not run the State in debt. They were not the men who took the cash; they were simply mud-sills who did the voting, while another class of individuals did the stealing. That is the difference.

Well, Mr. Speaker, I beg to say that we did the best we could; and one of the results of our education was that we had been taught to trust white men in the South. We trusted them, and if they did wrong it was no fault of ours; not at all. I presume the gentleman who addressed the House to-day had some colored constituents who voted for him and sent him here. I will not dare to say, however, that he is a bad man. He may be one of the very best of men; but I think he has some very bad ideas, so far as my race is concerned. [Applause.]

The gentleman says that this is a white man's land and government. He says it has been committed to them in a sacred relationship. I ask in all conscience what becomes of our black men and women and children, to the number of five millions; have we no rights? Ought we to have no privileges; ought we not to have the protection of the law? We did not ask any more. The gentleman harps upon the idea of social equality. Well, sir, he has not had so much experience of that as I have had, or as my race have had. We have some objections to social equality ourselves, very grave ones. [Applause.] For even now, though freedom has come, it is a hard matter, a very hard matter, to keep sacredly guarded the precincts of our sacred homes. But I will not dwell upon that. The gentleman knows more about that than I do. [Laughter.]

The gentleman wishes that we should prepare ourselves to go to Africa, or to the West Indies, or somewhere else. I want to enunciate this doctrine upon this floor—you have brought us here, and here we are going to stay. [Applause.] We are not going one foot or one inch from this land. Our mothers and our fathers and our grandfathers and great-grandfathers have died here. Here we have sweated. Here we have toiled. Here we have made this country great and rich by our labor and toil. It is mean in you now to want to drive us away, after having taken all our toil for two hundred years. Just think of the magnitude of these gentlemen's hearts. After having taken all our toil for two hundred years; after having sold our wives and children like so many cattle in the shambles; after having reared the throne of great king cotton on our labors; after we have made their rice-fields wave with luxuriant harvests while they were fighting against the Government and keeping us in bondage—now we are free they want us to go away. Shame on you! [Applause.]

Now, Mr. Speaker, we are not going away. We are going to stay here. We propose to stay here and work out this problem. We believe that God Almighty has made of one blood all the nations upon the face of the earth. We believe we are made just like white men are. [Laughter.] Look; I stretch out my arms. See; I have two of them, as you have. Look at your ears; I have two of them. I have two eyes, two nostrils, one mouth, two feet. I stand erect like you. I am clothed with humanity like you. I think, I reason, I talk, I express my views, as you do. Is there any difference between us? Not so far as our manhood is concerned, unless it be in this: that our opinions differ, and mine are a little higher up than yours. [Laughter.]

The gentleman states that this idea of all men being created equal is a fallacy, announced some years ago by Thomas Jefferson, that old fool-hardy man, who announced so many ideas that have been woven into the woof of the nation, who announced so many foolish things that have made this nation strong, and great, and powerful. Sir, if he was in error, I accept the error with pleasure. If he was a foolish man, I would to God that North Carolina had been baptized in that foolishness about two hundred years ago. [Great laughter.]

The gentleman also states that if you pass this bill your power over the South will pass away; that the power of the republican party in the South will pass away. Sir, let me tell the gentleman that behind this bill are nine hundred thousand voters; that, like the warriors of the tribe of Benjamin, every one of them is left-handed and can "sling a stone at a hair's breadth;" that each will come up stronger and mightier and more infused with power than ever before when you pass this bill giving them their rights, as other men have them. They will come up as never before to the support of the republican party, and they will make the South a source of joy and gladness.

The gentleman also talks about the colored people deteriorating. Sir, who tills your lands now? Who plants your corn? Who raises your cotton? I have been in the South during the last ten years. I have traveled over the Southern States, and have seen who did this work. Going along I saw the white men do the smoking, chewing tobacco, riding horses, playing cards, spending money, while the colored men are tilling the soil, and bringing the cotton, rice, and other products to market.

Sir, I do not believe the gentleman from North Carolina wants us to go to Africa; I do not believe it. It was a slip of the tongue; he does not mean that the black people should leave North Carolina; not a bit of it. If they did you would see such an exodus of white people from that State as you never saw before, for they would follow them wherever they might go. [Laughter.]

Sir, we feel that we are part and parcel of this great nation; and as such, as I said before, we propose to stay here and solve this problem of whether the black race and the white race can live together in this country. I make the statement that I regard it as essential to their welfare and interests that they should live together in this country. Why not? I can see no reason why not, if they contribute their quota to the advancement of progress and civilization. Sir, the mechanics of the South are almost altogether colored people. The carpenters, the machinists, the engineers—nearly all the mechanics in the Southern States are colored people. Why can we not stay here and work out this problem?

I ask Congress to pass this bill for the reason that it would settle this question, once and forever. The gentleman says that he does not desire that the colored people shall be crowded into the schools of the white people. Well, I do not think that they would be harmed by it; some few of them might be. But experience has taught us that it is not true that great harm will come from any such measure. I think, therefore, that if we pass this bill we will be doing a great act of justice, we will settle for all time the question of the rights of all people. And until that question is settled there cannot be that peace and harmony in the country that is necessary to its success.

The gentleman says the colored people and the white people are living together now in North Carolina in amicable relations. I am glad for that admission, for he rounded off all that he had said before by that last sentence. He said that the two races could not live together, and yet at the close of his speech he says that the whites and blacks are now living in North Carolina in amicable relations. Sir, if they are so living now, why not hereafter? Will peace and good order be destroyed because all are to have their rights? Sir, I do not think so.

I close with this thought: I believe the time is coming when the

Congress of the United States, when the whole nation, will recognize the importance of the passage of this bill in order to settle this question once and forever. I regard the interests of the black man in this country as identical with the interests of the white man. I would have that set forth so clearly and unmistakably that there should be no antagonism between the races, no friction that should destroy their peace and prosperity. I believe Almighty God has placed both races on this broad theater of activity, where thoughts and opinions are freely expressed, where we may grasp every idea of manhood, where we may take hold of every truth and develop every art and science that can advance the prosperity of the nation. I believe God designed us to live here together on this continent, and in no other place, to develop this great idea that all men are the children of one Father. We are here to work out the grand experiment of the homogeneity of nations, the grand outburst of the greatness of humanity, by the development in us of the rights that belong to us, and the performance of the duties that we owe each other.

Our interests are bound up in this country. Here we intend to stay and work out the problem of progress and education and civilization. I say to the gentleman from North Carolina, [Mr. ROBBINS,] and to the gentleman from Virginia, [Mr. HARRIS,] and to the gentleman from New York, [Mr. COX,] who discussed civil rights the other day, and to gentlemen from the other States, that we are going to remain in this country side by side with the white race. We desire to share in your prosperity and to stand by you in adversity. In advancing the progress of the nation we will take our part; and if the country should again be involved in the devastation of war, we will do our part in the struggle. We propose to identify ourselves with this nation, which has done more than any other on earth to illustrate the great idea that all races of men may dwell together in harmony, working out together the problem of advancement and civilization and liberty.

Mr. Speaker, we will drive the buzzard away; we will scare the crow back to North Carolina. We will take the eagle as the emblem of liberty; we will take that honored flag which has been borne through the heat of a thousand battles. Under its folds Anglo-Saxon and Africo-American can together work out a common destiny, until universal liberty, as announced by this nation, shall be known throughout the world.

NATIONAL FINANCES.

Mr. BIERY. Mr. Speaker, it is my desire to make some remarks upon the subject of the currency. It is true this House has listened to a very able speech to-day upon this question; yet as there are differences of opinion upon this subject, and as it is one of great breadth, there is no danger of exhausting it in one day.

I start out with this idea, that the volume of the circulating medium in use in the business of the country, as it now stands, is insufficient. In other words, that part of the currency which actually circulates must be increased in order to give prosperity to the industries of the country. By reference to the official figures, as set forth on page 11 of the Report of the Secretary of the Treasury, I find that the amount of United States currency is $388,424,649.23. Add to this the maximum national-bank circulation, $350,000,000, and we have the sum of $738,424,649.23 as the actual amount of our circulating medium.

If the whole volume of this currency were in circulation there might not be so much reason for complaint as to its volume. But from this circulation we must deduct the reserves held by the banks. The reserves held in redemption cities is $112,152,056. The reserves held in States and Territories amounts to $97,765,876. Thus we have a deduction of $209,917,932, leaving only an actual circulation of $528,506,717.23. Taking a population of forty millions, the gross amount would average only $18.25 per head, while the actual amount of available currency is only $13.20 per head.

By referring to the official figures, it will be found that in the year 1868 the average circulation in England, Ireland, and Scotland was $19.48 per head; in France, $25.05 per head. It is to be remembered that both England and France have a very dense population, and their business can be transacted very largely by business paper, and on the evening of the business day there is only an adjustment of balances. But in America we have a vast area of country and a great agricultural population, living far from banks and places where deposits can be kept, so that frequently men must keep hundreds of dollars in their pockets or in their houses. Taking these facts into consideration, in connection with our limited amount of circulation, it must be obvious to any man who has any knowledge of common arithmetic that our circulating medium is too small.

I beg to refer in this connection to another fact which increases the stringency of the financial difficulty under which the country is now laboring. I refer to the unequal distribution of the circulating medium. I hold in my hand a circular, by a gentleman from the South, the figures of which I believe are in the main correct. According to its calculations New England has of the national-banking currency $31.15 per head; the Middle States only $12.90; the Southern and Southwestern States only $2.98; the Western States, excluding California and the gold-paying States generally, only $7.11. This unequal distribution of the circulating medium, if these calculations be correct, adds, I say, to the difficulty of the present financial panic.

The aggregate amount of currency being about double that of the national-bank issue, the gross currency per head is about as follows: New England, $62.30; Middle States, $25.60; South and Southwest, $5.96; Western States, $14.22.

But proceeding on the basis ascertained from the official figures, giving only $13.20 to each person throughout the whole country, we may arrive at a conclusion as to the sufficiency of the present volume of currency sufficiently accurate for all practical purposes.

See how this must operate upon the great manufacturing interests of the Middle States. Take for instance Pennsylvania with her vast capital invested in iron-furnaces. Going along her rivers and streams in the eastern and southwestern parts, you scarcely ever get out of sight of smoke-stacks, where rolling-mill after rolling-mill is seen upon our lines of railway, where car-shops and machine-shops dot every valley, where every species of iron manufacture and other industrial pursuit is found. Tell me whether a circulating medium of $13.20 per head is sufficient to do the business of that State, where the investments of capital in manufacturing establishments must be so great?

Go from the eastern part of my State into my native county, where oil by millions of gallons is pumped out of the earth and sent to market, until this vast production has become one of the greatest commodities of national export. Consider the vast amount of money that must be required to carry on that business, and then say whether $13.20 per head is enough to do it.

Go to the inexhaustible coal-fields of the eastern, central, and western parts of the State, requiring many millions of dollars to operate them, and tell me whether $13.20 per head is enough to operate them.

Men tell us the currency is sufficient in volume. Let us see. Let us come back to a time when we had settled down to a safe peace footing—in 1868.

Mr. KELLEY. I ask that the House be brought to order; I wish to hear what my colleague is saying.

Mr. BIERY. I was about stating that coming back to July, 1868, at a time when we had settled down to a peace footing—at that time, when we had come down from a state of great inflation, as it is called, which existed at the close of the war in 1865, I find these figures, which are taken from official sources: We had at that time of Treasury currency, according to the report of the Treasurer, $444,196,262; of seven-thirties, which were convertible (and I will make the same remarks as to the balance of the table from which I am reading—and serving really as so much currency)—January 1, 1868, $240,291,300; in 3 per cent. certificates, June 30, 1868, $50,000,000; of national-bank notes, July 1, 1868, $291,208,264, of State-bank notes—for many State banks had not yet gone into the national-banking system—July 6, 1868, about $4,000,000; giving this country at that date a circulation of $1,033,395,826, averaging, on a population of 38,000,000, $27.18 per head.

At that time every species of business in this country was prosperous. Panics were not known at that time. It is true prices were a little higher, but they were coming down gradually. They had risen as a matter of necessity during the war, but they were lowering. It was finally conceived that this circulation was too high, and we must come down to specie payments. From one end of the country to the other certain men loomed up and commenced to cry specie payments; that the country was going to ruin unless it would come to a permanent specie basis of values; that these fictitious prices of real estate and every other commodity possible in the market could not be allowed in a country like this.

One of the best arguments, although of course it seemed foolish to everybody when it was made, in reference to specie payments, at the time when we had only about $140,000,000 of coin—gold I mean—in this country, with a currency of at least $700,000,000—the best argument, I say, I ever heard advanced, under the circumstances, about coming to specie payments, was advanced by the late editor of the New York Tribune, Horace Greeley, when he said that "the only way to resumption was to resume." These men kept on in their clamor in reference to the resumption of specie, and what was the course adopted? The course which the authorities finally adopted was the redemption of its convertible securities, which at the time served not only as a circulating medium, but as an instrument of flexibility, as my friend from Philadelphia [Mr. KELLEY] very cheerfully acknowledges.

At the time they adopted the course of redeeming these convertible securities they contracted the currency still more by throwing back into the vaults of the Treasury "greenbacks" at the rate of $4,000,000 per month, until $44,000,000 were thus retired. Contraction was the plan adopted in order to resume specie payment, and they pursued that course until last September, when they were overtaken by a storm. When these men were overtaken by the panic, which was brought about by their ruinous plan, they began to point their fingers at each other and said, "You did it; you did it." They began to seek as to what was the cause of the panic, the ruin of which, to the business interests of the country, has already resulted in enough to pay one-quarter of the bonded debt of the United States.

Go to my district, if you please, and mark there the furnaces which last spring and last summer and all along until September blazed forth their bright lights at night as so many beacon-lights on the way of prosperity. Look there at those stacks to-day—black, almost every fire extinguished. The rattle of the rolls in the rolling-mills is no longer heard; the trip-hammer is no longer heard beating the iron; and men with strong arms and willing hearts, who earn by the sweat of their brow the bread which feeds their wives and children, ready

to work to-day, who cannot get employment, because the men who have their capital invested say they cannot get currency to pay their hands.

Now, Mr. Speaker, I beg to refer to a little incident here which will serve as an illustration of what this plan of contraction does in reference to our manufacturing districts. It is this:

One of our largest manufacturing companies had to resort to a certain species of order, or due-bill, for the payment of their hands, simply because they could not get the currency. They issued those orders in large quantities. When I was at home during the holidays one of their hands, a client of mine, came to me and said, "Can you take that order for a fee I owe you?" I said I would, and I took it for the fee in place of thirty dollars in money. Yet to-day not only men from the East, where they have, as I have shown, a largely preponderating amount of capital per head, but men on this floor from my own State, I am sorry to say it, advocate still farther contraction in the currency, and make the coming down to specie payments the great cry. I tell you, sir, that if you come down to specie payments by that road you will bring the United Statesinto the meshes of bankruptcy.

While this contraction was going on all the industrial interests of the United States increased a little over 45 per cent.; and in addition to that, the territory over which the circulating medium is spread has been almost doubled. Instead, then, of contracting the currency, if any change at all had been made it ought to have been increased in order to keep up with the advancement of the requirements of the nation.

It is argued by the contractionists that the late panic was brought about by speculation and overtrading. Now let us see who these speculators were. In the first place, we have large amounts of capital employed in the different manufacturing interests all over this land. As a general thing, those men must have every dollar that belongs to them, either as companies or corporations, for the legitimate uses of their business. They cannot afford to buy farms with their money and cut them up into lots and speculate in that way. They cannot afford to go to the stock-board and speculate with their capital there. Their capital is all employed by the legitimate wants of their business. That is one kind of speculation. In the next place we have thousands of men all over the large prairies of the West, whose business it is to plow the ground, put in the seed, to reap the harvest, and bring their wheat to market. That is another class of men who are engaged in this speculation. Then at the mills and the furnaces, to which I have referred, and in the manufacturing interests generally, there is a large class of people who labor from day to day, and from their daily toil and earnings they lay up a little, which they pay, at the beginning of every month, into a building association, which holds a mortgage on the little house in which they live, and which in a few years they will be able to pay for in that way. That is another kind of speculators that were engaged in these vast speculations bringing about the recent panic. Sir, these speculators of whom there has been so much said are a myth.

I propose, Mr. Speaker, a plan in order to increase the circulating medium, which would to a great extent give relief and do it speedily. The United States issues only 90 per cent. of circulating notes to the national banks; that is, for the amount of bonds which these banks respectively have deposited in the Treasury of the United States. I propose that the Government shall issue to these banks an amount of circulating notes equal to the amount of their bonds which they have on deposit. I am aware that I find certain gentlemen objecting to that plan. They will say it is not safe for the Government to issue circulating notes equal in amount to the bonds; because those bonds might depreciate and then the note-holder would not be paid in full for the amount of his note; also, that if national banks should go into liquidation, the attendant expenses would cause a depreciation of the notes unless protected by a reserve. The latter of these objections is readily answered by stating that the national banking law of 3d June, 1864, section 26, suspends the payment of interest to every bank, on its bonds, from the day it fails to redeem its circulating notes. The accruing interest then would be ample guarantee for all the expenses incurred by liquidation.

As to the other objection, let me say that those bonds have not sold under par for a number of years. They are quoted above par and considerably above par on the stock-boards every day, and those bonds will not go below par until the men who cry contraction shall have succeeded in crying down the solemn obligations of the Government of the United States as "a vicious currency," "an inflated currency," "a pledge which the Government never intends to redeem," "a fraud upon its face;" not until they have done that, and until they have added to that the prostration of all the material interests of this country that will put it in such a condition as to be unable to pay the taxes already imposed and current expenses of the Government; when the Secretary of the Treasury of the United States shall call for sums of money to pay arrears of Government expenditures not only in amounts of $40,000,000, but when he shall call for hundreds of millions, and call in vain, then, sir, it will be that even the Secretary of the Treasury will find it very difficult to get the gold to pay the interest on the bonds that are held by foreign bondholders. When all that shall be brought about, then both greenbacks and bonds will be below par, and will sink in one boat to the bottom—when no one will have your bonds or your greenbacks.

Sir, every man who argues in favor of further contraction, every man who opens his mouth and says we must resume specie payments by the road of contraction, contributes so much to the ruin of the finances of this country. I can respect the men who opposed us during the war. I can respect gentlemen who have, on the other side of the House, all along told us the day would come when your national debt would be repudiated—I would respect them to-day for standing with the contractionists and so going down by that road, because they would be at least consistent. But for men who have been standing with the party now in power, for men who, I believe, are honest and who mean right, but who are wrong in their judgment, now to clasp hands across "the bloody chasm," to shake hands with those on the other side, to drive this nation into ruin, I cannot comprehend what they mean.

Mr. SPEER. Will my colleague allow me to ask him a question?

Mr. BIERY. I will.

Mr. SPEER. Does he say that those who differ with him upon this question are prompted by a desire to ruin this country? or is it not in their judgment rather the course best adapted for its interests?

Mr. BIERY. I do not say that the men who differ from me are prompted by a desire to ruin the country. I said this, that every man who speaks in the interest of the resumption of specie payments by the road of contraction will aid in the ruin of the country; that is, in my judgment they will aid in accomplishing that result, and I believe my judgment is right upon this point.

Mr. TOWNSEND. Allow me to ask a question?

Mr. BIERY. Certainly.

Mr. TOWNSEND. I want to know if the gentleman thinks that when the Government pays its debts in specie, as it has promised to do, that action will tend to the ruin of the country?

Mr. BIERY. If the Government were able to-day to pay its promises in gold, I would say that it would be a sad spectacle of a pretendedly honest Government not to do it. But my friend from Chester, [Mr. TOWNSEND,] and every other man who argues as he argues, might as well honestly confess that we have not gold enough to-day to pay our bonded debt or our greenbacks. You might as well come down to that at once, and say that we cannot do it. I think the pledge of the Government ought to be sufficient guarantee that every promise that has been issued by the Government will be performed in due time.

Sir, let us, if you please, go a little into the history of the greenback, and see what that much-abused "inflated currency" has accomplished, or rather has not accomplished. When the first issue of that kind of currency was put out your Treasury was empty. You had no money to pay your soldiers in the field. You had no money to buy equipments for your Army. You had no money to buy your horses for the service. You had no money to buy anything to further the successful prosecution of the war. But wise men took it into their heads to issue greenbacks; and what did they do?

Sir, you might have sent friend after friend down upon the bloody battle-fields, and each blue-coated boy there might have put his wife and children into that friend's care, and said to him, "When you go home, take care of them and see that they do not suffer." Yet there would have been a lingering doubt in the mind of that soldier that, because of other duties, those friends would not perform that mission. But when you sent the greenback to the soldier in the field, when you put into his hand that promise to pay, which is called by some a "fraud upon its face," and when he mailed it to his family, he was sure that that would take care of them while he was fighting the battles of his country. Sir, the greenback was one of the most potent weapons that the Union Army had during the long and bloody struggle through which this country passed. Ever since the issue of that luminous "fraud" it has been the only medium for the redemption of national-bank notes, for the discharge of your obligations to the Government; except national-bank notes, the only medium by which you have been enabled to keep out of the clutches of grasping creditors, inasmuch as the law recognized it as a legal tender. Sir, with these "frauds" you have paid and are now paying your honest debts.

Now men come here and join those who said at the time the greenback was issued that in a few years it would not be worth the paper on which it was printed. I recollect well when I saw the first greenback. It was on the Alleghany River, in the oil regions of Pennsylvania. I was standing by the side of one of my democratic friends, when a republican friend came up and showed us one of the new bills, a new sight to us—a one-dollar bill, I believe. We looked at it, and my democratic friend said, "In a few years that bill will not be worth the paper on which it is printed." I told him at the time he would see the day when he would be glad to exchange his farm for that kind of currency. That day has long since come.

Now, I hear men who stood with us in sentiment all during the late struggle, who have held and now hold the same sentiments upon other national affairs—I hear them proclaim in loud voices and eloquent terms that this greenback circulation is nothing but an inflated currency, and unless brought to a level with gold without delay, ultimate ruin will be the result.

I think there is no man here who has not a sincere desire to return to specie payments. The only thing we differ about is the road which we shall travel. If we travel by the road of contraction, I can see nothing but ruin ahead. But is that the only road? I maintain that before we can arrive at specie payments we must have a

prosperous country; all the manufacturing, mining, agricultural, and commercial interests of the country must be in a flourishing condition. And as we produce only about $60,000,000 of gold per year, and as the interest on our bonded debt is in round numbers $100,000,000 annually, (of which by far the greater portion goes to foreign bondholders,) it will be seen very readily that so long as we depend upon our own gold we will not be able to resume specie payments permanently, unless we can so adjust our financial affairs as to fund our debt at a lower rate of interest.

We must turn the balance of trade with other nations permanently in our favor, but before we can come to a condition of prosperity, such as will warrant that, we must start our mills and our manufactories; we must give the western man a fair chance to bring his produce to market cheap; we must have our mines reopened and in a producing condition; we must bring home out of foreign hands our bonded debt, and let our own people here hold it at a lower rate of interest, say 3.65 per cent., which they are very willing and very ready to do, if you only give them a chance. Then, sir, when we shall have accomplished that, we shall return to specie payments by a very easy process.

Mr. SPEER. As my colleague has said that it will be a very easy thing for the Government to negotiate a new loan at 3.65, I wish to ask him why the Government, in negotiating its last loan at 5 per cent., was obliged to put it in the hands of the syndicate and have it taken in Europe?

Mr. BIERY. I will answer the gentleman. Put into this new bond a clause providing that it shall be convertible into currency at the pleasure of the holder, and you will see how soon your people will take it; while if you issue a long loan, and put it upon the syndicates and everywhere else, nobody will touch it. Let this bond be made convertible into currency on demand, and our people will take it very quickly.

Mr. SPEER. Is it not the universal experience of nations that long loans are taken at lower rates than short ones?

Mr. BIERY. I must decline to be interrupted further.

The fact is acknowledged by the Secretary of the Treasury on the nineteenth page of his Report for 1873, that under the present circumstances we cannot resume specie payments. He says:

> It is not possible to resume and maintain specie payments with so large an amount of notes in circulation and so small an amount of gold in the country.

I take this to be conclusive on that point. Hence I say we must travel another road. The plan I propose would give us at once a loosening of the reserves of $138,310,661. This amount of money alone, thrown into circulation, will ameliorate very much the present condition of things. In addition to that, I would favor the plan advocated by my distinguished colleague from Philadelphia, [Mr. KELLEY,] of issuing three sixty-five convertible bonds. I may, perhaps, dissent from that portion of his plan relating to the volume. I might desire to limit the volume to a certain amount, say to the amount of the indebtedness of the United States for the time being. This would overcome one objection to his plan, which is, that by issuing an unlimited number of three sixty-five bonds the debt of the United States might be doubled, and in this manner the Government would make nothing by paying interest at the rate of 3.65 on double the present amount of its debt. Still, as my colleague has studied this subject more extensively than I have, and understands it better than I do, I will not undertake to dictate to him.

Mr. KELLEY. If my colleague will allow me, I will say that at the close of his remarks I propose to endeavor, in a friendly way, to remove the objection of the gentleman from Ohio [Mr. BUNDY] to the plan now under consideration, and I will answer my colleague's objection at the same time.

Mr. BIERY. I thank the gentleman for his proposition.

Mr. Speaker, it is very frequently urged that the national banks should be prohibited from paying any interest or premium on deposits or current balances. Now, while that might prevent the flow of money to large money centers, such as Wall street and other places, I apprehend that it would operate injuriously to the banks themselves, and it would do it in this manner: the moment you restrict a national bank from paying interest on deposits or current balances, that moment you give every State savings-bank, every private banker, every broker-shop, an advantage over the national bank. You cannot reach these, except, perhaps, by a tax on their deposits; and so long as they are not prohibited by heavy taxation, they will pay interest on deposits and current balances. Hence, in the eyes of many people, they would be at a premium in comparison with the national banks. I would, say, give the national banks these three sixty-five convertible bonds, and let them hold them instead of their present greenback reserve, thereby loosening that part of the greenback circulation. I would issue these three sixty-five bonds in such number as to make them an instrument of flexibility; so that any one having a little money to deposit for a short time may buy them, and hold them until such time as he may need the money.

There is one provision, however, which I think ought to be made in reference to the national banking system. It is not unfrequently the case that there is intimately associated with a national bank a broker's shop, conducted either by individuals interested in the bank or perhaps by the directors, though I do not mean to make any such charge positively. By proper and potent penalties, I would prohibit any director or any one who can control the deposits of a national bank from engaging in a private broker's business in connection therewith; so that when men come to a bank, and ask for a loan, they shall not be put off with the statement "We have no money, but perhaps they have some over there."

By loosening the reserve and issuing the three sixty-five convertible bonds, I believe that in a very short time business would revive, and revive permanently.

One of my colleagues, in conversation with me the other day, remarked that the currency was redundant at the present time, as was shown by the fact that it is so very cheap in New York, Philadelphia, and elsewhere. Why is it that the currency seems redundant? For the redundancy is only apparent. The reason the currency seems redundant is because of the great amount of money that is not employed to-day, as it would be employed in our productive industries if they were in their normal condition of activity. Give a guarantee to the manufacturer, to the merchant, to the miner, and to those in other industrial pursuits, that you will not have another lock-up next fall; make such provision that when the produce of the West is to be moved the currency shall adjust itself to the demands of business, and you will see how long currency will be redundant in the city of New York or Philadelphia. The men engaged in business pursuits will take that currency and make it do its legitimate work in the productive industries of the country.

What use was there in having a panic about the 1st of last September? Who would have dreamed four weeks before, nay, two weeks before it occurred that there would be a panic in a few days, when every manufacturing interest of the country was at work, when every mine was being pushed to the extent of all the resources it had, when the whole country was in a condition of prosperity, greater perhaps than it had ever known before, when the West had crops, superior in amount to any it had raised for years, when there was plenty and prosperity everywhere; what cause, would any reasonable man ask, was there for a panic? Yet, as with a thunder-clap, it came down upon the whole nation and prostrated the industries of the land.

Give us a currency which will adjust itself to the business interests of the country; that, when the people require it, they can get the money requisite to carry on their business—not in a one-handed way—not at the rate of 50 per cent. of its capacity. Give us a currency which will measure the value of the demand of the whole business interest of the country; and in twelve years hence we will have followed in the same track, in reference to which my friend from Ohio [Mr. BUNDY] spoke this morning. In the next twelve years we will see this country shall have done more than it did during all the previous years of its existence.

Sir, the vast mineral resources of Missouri, Indiana, Kentucky, Tennessee, Upper Alabama, and Georgia, all those vast mineral deposits, have not yet been touched. The iron mountains in Missouri have, to be sure, a few small stacks at their feet, but they are few in number to what they ought to be. There ought to be a city with a hundred smoke-stacks and furnaces smelting that iron ore. Lately they have discovered block-coal in Indiana, which is used in smelting iron ore, and they take it out in measurably large quantities, I believe. They ought to take it out in larger quantities. You ship thousands and thousands of tons of iron and copper ore from the mineral regions of Michigan. You ought to ship from 100 to 500 per cent. more than you do now. And when the vast prairies of the West begin to have furnaces blazing all along their streams, with locomotive works, car-shops, and boiler and machine shops, and every other description of manufactures, then western men will scold us eastern men no longer on account of cheap transit. Then the men of the West will begin to see the value of having furnaces and iron-works of every character, with thousands of laborers to consume their agricultural products at home. The land in the valley in which I now live not many years ago sold at thirty dollars an acre. Now go there and see the change. Land, not in the city, but out in the country, farming land, is held at from $150 to $500 an acre. And why? Because we have manufacturing establishments in great numbers. We used to sell the grain raised in our county, and send it away to market elsewhere. What do we do now? We not only consume all the grain we raise there, but we have to import grain from the West to feed the men who work in our factories and mines. That, sir, is the result which has been produced by manufacturing industries in my district, and they will produce the same results precisely elsewhere.

But, Mr. Speaker, in order to carry them on we must have more money, What we want, sir, is currency. Every day the leading business men in my district, who have thousands upon thousands of dollars invested in iron furnaces and other iron-works, write to me and ask: "What are the prospects for more money?" All I can say in reply is that there are so many different opinions here that it is hard to tell. What they want is, not only action in the right direction, but speedy action. Shall we have it? I hope the committees which have appropriate bills under consideration will hasten the day which will bring this House to a direct vote on that question by yeas and nays. Let us come to it and decide what we are going to do.

I heartily thank the House for the very kind attention with which they have listened to me.

FINANCE.

Mr. KELLEY. Mr. Speaker, I listened with profound interest to the remarks of my friend from Ohio, [Mr. BUNDY;] and rise now to

make a suggestion or two in connection therewith, not in the way of dissent, but in the hope of elucidating two points on which he said he entertained doubts. So grateful am I to him for the expression of the true foundations and limitations of currency, and of the true laws of finance, that I could not speak at this time if my words were to imply dissent from his premises or argument.

One point on which the gentleman expressed doubt was the question of local and State taxation, as to how far these might be affected by the substitution of greenbacks for national-bank notes. It occurred to my mind as he spoke that he was under a slight misapprehension. It was this: that if greenbacks were substituted for national-bank notes, the banks as corporate institutions would go out of existence, and that their capital might be withdrawn from the community in which it is now employed. Neither of these results would, I apprehend, occur. The capital, should it be withdrawn from banking, belonging to the county or the locality in which the bank exists, would be embarked in other pursuits equally subject to taxation. But, sir, I apprehend that were the change made, were we to make our currency uniform by giving effect to the principle which the leading minds of England now claim to be her right and duty, namely, to stamp all the money of the realm with the impress of the government, and thus give to the government and the people the profits resulting from its issue instead of giving them in that country to the Bank of England, and in this to the national banks—were that great change effected, the banks would be relieved from the tax on circulation, which is the only distinctive tax they pay as national banks. The taxes levied on their property, on deposits and other sources of profit, are levied on private banks and State banks by the same provisions of law. They would, therefore, in banking on greenbacks be released from the tax on circulation, and would have a larger amount of currency with which to discount paper than they now have. The proposition involves no hostility to banks.

For instance, they now have but 90 per cent. of the par value of their bonds in bank-notes. They would then, by the sale of their bonds, have 15 per cent. above their par or face value, that being the current price of the bonds in the market; so that each bank having been released from the tax on circulation would have $115 of active banking capital where it now has but $90. I apprehend, therefore, that every national bank would take to doing business as State and private banks now do. There would then be no national-bank notes, our currency would be uniform, and there would be no legal demand for a reserve with which to redeem bank-notes. The Government would not require banks to hold a reserve of greenbacks with which to redeem greenbacks, and the law of reserve would be simply the law of sound banking. Each bank would hold only an amount of currency sufficient in the judgment of its officers to meet its current liabilities to depositors.

Again, sir, should we issue the three sixty-five bonds, the reserve would probably be larger, and more amply secure depositors, than it has ever done, and for this reason: A reserve, whether of gold or legal-tender paper, is unprofitable, as it lies dead and unproductive in the vaults of the bank. The officers of banks are therefore constantly tempted by their own interests and the demands of customers to draw unduly upon their reserve. If, therefore, banks and bankers could hold three sixty-five convertible bonds which should be in fact the equivalent of currency upon the instant in every city in which there is a sub-treasury, and also be available as domestic exchange, as they would be, between all parts of our country, they would be receiving a profit upon their reserve; it would no longer be dead capital but be productive, and they could therefore afford to and would hold a larger reserve than is now usual, and give more absolute security to their depositors than has been given by any system of banking that has ever prevailed within the limits of our country.

I come now to a question not raised by the gentleman, which, as he stated, had been suggested to him by others, which is, cannot such bonds be manipulated by the capitalists of the country, or by the thieving gamblers of Wall street, whom no law or principle of honesty has ever restrained? This question is a pregnant one. The practices of these men cannot be too severely denounced. They have stolen greenbacks and gold, and stocks and bonds, as the Erie Railroad was stolen. The morality that prevails among such pious men as Daniel Drew, and Cornelius Vanderbilt, the founder of a Methodist University somewhere in the South, and their associates, is, as I have elsewhere said, so false and selfish that it would be spurned by most of the inmates of the penitentiaries of the country; and yet their manipulations of the stock and gold exchanges affect the value of corn and cotton in the field and of coal and ore in the mine, and every species of property throughout the country. That class of capitalists would if it were in their power manipulate these bonds, when issued, I have no doubt. But can they do it? I think not; and in assigning my reasons for this opinion, I address myself also to the query of my friend and colleague from the Lehigh district [Mr. BIERY,] who inquired whether the provisions of the bill I had the honor to present should not embrace a proviso to the effect that the debt of the United States should not be increased by issuing more three sixty-five bonds than the present total of gold-bearing bonds. Though I believe such an event to be impossible, I may say in passing that I see no objection to inserting such a provision in the bill.

I turn now to the proposition of the gentleman from Ohio, [Mr. BUNDY.] There are at this time at least $250,000,000 waiting to be handed to the Government in exchange for three sixty-five bonds.

Mr. HAWLEY, of Connecticut. Allow me to ask the gentleman if that indicates a scarcity of currency?

Mr. KELLEY. I will tell you what it indicates. It indicates the condition of health shown by the falling man, who with flushed cheeks and swollen eyes drops speechless upon the pavement as he walks. His hands and feet are cold and numb, and his limbs are bloodless, the circulation having gone to the brain or the heart. Sir, the banks are now gorged with unemployed currency, because the limbs of industry are paralyzed; the forge and furnace glow no longer, and the loom and the spindle give shelter to the spider, that instinctively seeks a quiet corner in which to spin and weave its web. The toiling man who had earned from two dollars to five dollars per day in productive industry is eating the bitter bread of idleness and charity, and his unemployed boys and girls seek their food at the door of the soup-house. Give them employment and wages by putting into circulation a sufficient volume of money to animate the industries of the country, to rekindle the fires in your forges and furnaces, and to employ the one hundred and ten thousand idle laborers in the State of New York, and the forty-odd thousand in Philadelphia, and you will find that there will be no large accumulation of money in the banks of either New York or Philadelphia. It will then go into circulation.

Mr. DAWES. I thought you were going to put $200,000,000 of it in the Treasury.

Mr. HAWLEY, of Connecticut. Allow me——

Mr. KELLEY. I had rather not be interrupted now. We will soon have general discussion on the subject. I am answering questions already, and would like some of the contracting bullionists, some of the extortionists, who are in favor of sweeping the accumulated earnings of the poor into the coffers of the rich, to come forward, as I have done on another occasion, and offer themselves to be catechized. When they shall do this, I will guarantee that they will not want more than three or four of their antagonists to question them at a time. I am content with two—my colleague, [Mr. BIERY,] and the gentleman from Ohio, [Mr. BUNDY.]

Mr. DAWES. Suppose you answer a question once; I will put a question to you.

Mr. KELLEY. I am trying to answer the gentleman from Ohio, [Mr. BUNDY.] When I shall have done that I will be glad to hear the gentleman from Massachusetts [Mr. DAWES] demonstrate that he can give employment to idle people by further contraction of the currency.

Mr. DAWES. Well, what I want——

Mr. KELLEY. Mr. Speaker, when I shall have done I will await the gentleman's demonstration; but for the present I decline to yield to him, or be interrupted by him.

Mr. DAWES. Then just answer his question.

Mr. KELLEY. When the gentleman gets the floor let him put his question. When he shall establish his right to guardianship over me, he may then instruct me as to what question I must reply to, and with whom I may talk, and from whom I must keep apart.

Mr. DAWES. Well, just answer Mr. BUNDY's question.

Mr. KELLEY. But, sir, the gentleman has no more a supreme right on this floor than, as I said the other day to another gentleman, he had. And I assert to him, as I did to that gentleman, that there are men on this floor who have a right to be heard, though they were born and brought up outside of New England.

Mr. DAWES. That is not fair and civil.

Mr. KELLEY. I have exhausted all fair and courteous means of securing my right to proceed.

Mr. DAWES. Give me a moment to set myself right; that is all I ask.

Mr. KELLEY. I proceed to the question I was considering; can such bonds——

Mr. DAWES. Allow me to set myself right.

Mr. KELLEY. Mr. Speaker, I have said to the gentleman that I decline to be interrupted by him, and I again decline. I have some rights as well as he, and I am going to maintain them. I did not meddle with him, and he shall not impose his will upon me.

If there shall be $250,000,000 of these three sixty-five bonds issued, or if there shall, as I believe there will, be $500,000,000 of them issued within one year from the time they may be promulgated, I want to know what combination of speculators will be strong enough to manipulate or corner them. The banks cannot invest $300,000,000 or $500,000,000 in them, and the combinations of Wall street are exhausted by fifteen or twenty millions of dollars. If banks, bankers, or speculators should under such circumstances attempt to hoard or corner either greenbacks or bonds, what would be the result? Why, sir, when money became more scarce than usual—for that would be the object of hoarding them—other holders of the bonds would carry them to the Treasury and have them redeemed, and thus greenbacks, instead of being applied to the purchase of 6 per cent. bonds, would replenish the circulation, and they who had invested $5,000,000, $10,000,000, or $15,000,000 in the attempt to corner them would find themselves in the vocative. The cardinal merits of the convertible-bond system are the low rate of interest at which they will be taken in consideration of their convertibility, and the fact that they would

preclude the possibility, of corners, by which the business of the country has been so frequently and so disastrously affected.

The larger the volume of these bonds within the limits of our indebtedness the less practicable would it be to manipulate them or the currency. The more widely they should be distributed over the country the less practicable would it be to control them. For if the lock-up were attempted in Wall street the banks and insurance companies, finding that a high rate of interest prevailed, would send their bonds to the sub-treasury and get greenbacks for them. If the scarcity of money and high rate of interest prevailed in Chicago, or Saint Louis, or New Orleans, whoever held convertible bonds in those cities, whether merchant, bank, or banker, would send them to the sub-treasury and get greenbacks for them. And I again say in the existence of an interconvertible temporary loan you have an absolute guarantee against the possibility of a lock-up of the credit or money of the country in any of its forms.

I did not intend, sir, to speak so long as I have done; but being on the floor I proceed to strengthen one of the leading positions of my excellent friend from Ohio, [Mr. BUNDY.] He exhibited some striking proofs of the fact that we have not currency enough for the cheap and safe transaction of the legitimate business of the country. Before this system of contraction, which has involved so many of our best people in ruin, began, we had no other currency than greenbacks and national-bank notes. The credit system had almost disappeared from the interior districts of the country. Workmen were no longer sent to stores with orders and compelled to buy what the store-keeper might have at his price, but received their wages in money, and bought where they could buy cheapest and most agreeably to their tastes. The farms of the country had been freed from mortgage and judgment to a greater extent than ever before or than is now the case, and the prevailing rate of interest was low. The business of the country was then conducted so largely on a cash basis that the discounts in the banks ran down to such an extent that one-half of their investments were in Government securities; indeed, in default of business paper in which to invest their means, they held at the close of 1865 one-fourth of the national debt of the country. How is it now? There is now practically no currency accessible to the masses of the people. Workmen—the relatively few who are employed—are paid in orders on stores, and most of the business of the country is transacted on credit. The national banks on the 12th of September last had swollen their discounts to $944,220,000; and while, on the 1st of October, 1865, they held $189,988,000 of reserve to a total of discounts of $487,170,000, they had, on the 12th of September, 1873, a reserve of but $113,132,000, with discounts amounting, as I have said, to $944,220,000.

I have heretofore said on this floor that in proportion as you contract the currency—the current money of the country—you compel an expansion of the credit system and erect an inverted pyramid, standing on its apex, and with its broad, inverted base so ill-balanced that it must ere long topple over and bring ruin to the business of the country. I propose to illustrate this truth by adding to the proof adduced by the gentleman from Ohio.

In the report of the Comptroller of the Currency, on pages 44 and 45, I find under the title "shin-plasters" this statement:

> In my last report I called the attention of Congress to the issue of bills of credit by the State of Alabama, which issues are prohibited by section 10, article 1, of the Constitution of the United States; and also to the issue of unauthorized currency by various corporations in the South, and the necessity of legislation to prevent this abuse. The issue of such unauthorized currency is increasing in various directions. Railroad corporations in the Southern States had been issuing, for some years past, notes for circulation, of different denominations, many of which are similar to the following:
>
> $10.] CENTRAL RAILROAD BANK, SAVANNAH, GEORGIA.
>
> Fare-ticket, X.
>
> Good for the fare of two passengers one hundred and twenty-five miles.
>
> The Central Railroad and Banking Company of Georgia, Savannah, December 1, 1871.
>
> ——— ———, *President.*
>
> *Superintendent.*
>
> I am informed that these issues are redeemed by the railroad company, and that quite extensive arrangements are being made by manufacturing companies and corporations to issue similar devices. Such circulation is also being issued by the mining corporations of Lake Superior, and by Zion's Commercial Co-operative Institution in Salt Lake City. Similar issues are also made for circulation in the State of Maine, which purport to be drawn on (or by) parties residing at Saint Stephen, New Brunswick. Issues of this character will be likely to increase in the present anomalous condition of the currency, unless Congress shall legislate them out of existence by inflicting such penalties, or assessing such taxes, as will deter the corporations in question from engaging in such illegitimate practices.

But, sir, suppose Congress were to legislate those issues of unauthorized currency out of existence, would that remedy the evil, which is far more wide-spread than the Comptroller indicates? Here is a one-dollar note of the Phœnix Copper Company, of Phœnix, Michigan. How many of them are in circulation I cannot tell. It reads as follows:

PHŒNIX COPPER COMPANY.

PHŒNIX, MICHIGAN, *June* 28, 1873.

Three days after date, without interest, for value received, the Phœnix Copper Company promise to pay to bearer, at the office of the treasurer, in Boston, one dollar.

F. G. WHITE, *Agent.*

B. 1083.

Let me read you this other obligation, which is like unto it:

No. 271.] THE SAGINAW MINING COMPANY.

A. G. Slone, Secretary.

ISHPEMING, MICHIGAN, *April* 11, 1873.

Pay to George Pelmear, or bearer, one dollar, value received, and charge to the account of

J. P. MITCHELL, *Agent.*

To the CLEVELAND ROLLING-MILL COMPANY,
Cleveland, Ohio.

Here is another, from a point nearer to my home, and shows the want of currency in the region of country between Philadelphia and New York.

[No. 50, E.]

NEWTOWN, *November* 20, 1873.

PHILADELPHIA, NEWTOWN AND NEW YORK RAILROAD COMPANY:

Six months after date pay to James H. Sellers & Co., or bearer, one dollar, and charge to our account.

JAMES M. SELLERS & CO.

To CHARLES WILLARD, *Treasurer Philadelphia, Newtown and New York Railroad Company, Newtown, Bucks County.*

Accepted November 20, 1873. Payment secured by a deposit of first-mortgage bonds with Newtown Banking Company.

CHARLES WILLARD,
Treasurer.

Now, sir, suppose we can so legislate that the laboring man at Ishpeming or Phœnix, Michigan, shall not be paid in one-dollar drafts on Boston, Massachusetts, or Cleveland, Ohio, shall we thereby restrict the system of private credits by which they are so often defrauded? By no means. Why, then, should not greenbacks take the place of these private issues? To compel their withdrawal without such substitution would be to further contract the currency. Why should private firms and corporate companies have the advantage of issuing these notes, and the profit resulting from their loss or destruction, to the exclusion of the national currency, which bears the imprint of the Government, and the redemption of which is secured by the credit of the nation and the property of the people?

But, sir, could we perform the miracle of preventing such issues while withholding an adequate amount of lawful money from the people we would not have reached the root of the evil inflicted by the contraction of the volume of legal currency. I have here a letter which I received by yesterday's mail, which shows that under the infernal contraction policy we have pursued, and which gentlemen would press still further, the few laboring men who now find employment are handed over, bound as with gyves, to the money-lenders and credit-mongers of the country. It is from as reputable a citizen as there is in Philadelphia, and it illustrates fully the condition of the best classes of working people in that vicinity. It presents the statement of James Corr, who is in the stone, lime, and coal business. I will read the whole communication:

> I sold Serrill $120 worth of coal and lime, $75 each; took for them two dry-goods orders, $75 each. These I handed to Mr. Beatty for stone. Beatty passed them off to his men who quarry for him, first getting the orders accepted and divided into small amounts to suit the wants of the men. I sold John Geisse the stone, and took orders on groceries for 90 per cent. of the bill; the rest in money.
>
> PHILADELPHIA, *January* 21, 1874.
>
> Hon. WILLIAM D. KELLEY:
>
> DEAR SIR: I have just written the above from the lips of James Corr, a man who has been a gardener in my employ for the ten years previous to the last two. Since then he has been in the stone, lime, and coal business, and neither he nor those he deals with can get a discount in bank, mainly because the money business is a monopoly. Do not let any one delude you with the idea that money is plenty. It is not with this class of people, and they are the ones who create our wealth.
>
> What a picture that is of James Corr, and yet a majority of our laboring men do the same. Of course labor loses by such changes, because of the risk and uncertainty.

Who among us shall be ingenious enough to devise a statute that shall prevent ill-clad or starving people from toiling for these orders, and getting what they can for them, or those upon whom the orders are drawn from taking advantage of their necessities? Why, in the name of humanity, I ask, shall we not emancipate the laborers of the country from thralldom like this by issuing currency enough to reanimate the business of the country and give employment to its industrious but idle and suffering millions, and by making that currency interconvertible with three sixty-five bonds prevent the recurrence of such crises as that which has caused the misery they are enduring?

Mr. DAWES. I do not rise to discuss the pending question, but for quite another purpose; to put on record my surprise at the temper of the gentleman from Pennsylvania, [Mr. KELLEY,] and my wonder as to what food he feeds upon. I do not set myself up here, nor have I anywhere else, as a teacher of the science of finance; and it is perhaps for this reason that I do not understand the manner of those who do. I have sat patiently in another place and heard the gentleman four long days. I was invited by him to come here last Saturday to hear him, and to put such questions to him as I pleased.

Mr. KELLEY. The gentleman is a little mistaken on that point.

Mr. DAWES. I came here and spent as much time as I could. I regret that I did not take warning to-day from the fate of those who came here then upon a similar invitation, and who ventured to put questions to the gentleman. I was invited a few moments ago, as I was about to leave this House, to stay and hear the gentleman; and when I ventured, very respectfully, here in my seat, to suggest to him I would like to have him answer a question put to him, the manners of the teacher came down upon me; and I have only to put upon record my astonishment, and my satisfaction that I do not feed upon

any such meat as he does. When I set myself up here as a teacher on this subject, and undertake to say to people they do not know anything about it, it will be quite time enough for me then to be lectured by the gentleman from Pennsylvania, that I come from New England, and, therefore, have no right to put any interrogatory to him.

Sir, I have not occupied one minute's time of this House on this question. The gentleman had an hour and a half last Saturday, and I do not know how much more this Saturday. I always sit patiently, and I always learn when I listen to the gentleman from Pennsylvania. I do not always agree with him; I sometimes put inquiries to him for the purpose of hearing him remove the doubts I have. If the gentleman serves notice on me now that all I have to do is to sit still while he talks and not question anything he may utter on this floor, why then I shall take such course as will best comport with my idea of duty.

The gentleman suggested to the gentleman from Connecticut [Mr. HAWLEY] that there were $250,000,000 waiting to be invested in his three sixty-five bonds, when the gentleman from Connecticut responded, "Does that indicate any lack of currency?" The gentleman went on and stated it was the condition of a man with the blood flowing from his extremities into his head and was dying of apoplexy, while his limbs were palsied. I ventured quietly, here in my seat, to ask him to give us the benefit publicly in the RECORD how locking the money up in the Treasury would send it back into the limbs. That was the head and front of the offense for which I have been lectured. Others, last Saturday, warned me, which I forgot, not to put interrogatories to the teacher.

Now, sir, if he had not consented, taking his own time, to have answered the interrogatory put to him, I should not have got up. Interrogatories which are troublesome to answer I find are an occasion for this treatment.

Sir, I have served a great while here with the gentleman from Pennsylvania. He has had no more patient listener to what he has said on this floor than myself. He has had no man upon this floor who appreciates his ability here or in the committee-room more than I do. He has had no man more cheerful than I have been to give him, here or elsewhere, the full credit of the measure of his ability, and I assume none of it myself.

I confess to an ignorance on this subject, and a desire to be taught. I have not attempted to teach any man whatever upon it. I have sat at the feet of all these men as an honest and sincere listener; and when I have a trouble about their doctrines and they invite me to put an inquiry, I object; and that is all I have to say to being treated in the manner I have been by the gentleman from Pennsylvania today, announcing here that if I put interrogatories I place myself in the attitude of thinking New England owns this House.

Sir, I claim no more upon this floor than the humblest member of this House. I sought no place in this House whatever. I have never asked to be assigned to any duty in this House whatever since I have sat here. I have humbly and modestly, as well as I thought I was able, discharged such duties as were devolved upon me by that Chair. I never had the idea I knew one-quarter as much as any other man on this floor on anything which ever came up. And I am not to be told I arrogate to myself, or to the section from which I come, that I own this House, or have the right to demand categorically from any man he shall answer my questions. If my friend from Pennsylvania does not want any questions put to him he has but to say to me, as one gentleman would say to another, he does not want them, and I will not trench upon his rights as a gentleman upon this floor.

Mr. KELLEY. If I have done injustice to my friend from Massachusetts [Mr. DAWES] I am very sorry; because he cannot possibly hold me in higher esteem than I have held him during the more than twelve years that we have been associated on this floor. But, sir, I think the record will show that I protested at least four times against his interruptions. And I think the record also shows that during those twelve years respectful interruptions have been as acceptable to me as to any other man on this floor.

I remember one speech in which I replied to the interruptions of twenty-one gentlemen, and I believe that I was not charged with failing in courtesy to any of them. And I appeal to the gentlemen who were present last Saturday, to say whether I made any other protest than that the question should not be thrust upon me at an inopportune moment, and should be pertinent to the particular line of argument, and therefore not divert my thought.

I do not mean to recur to that. I believe that, had I fully apprehended the scope of the questions put to me by the gentleman who put them, I could have answered them in a single sentence, satisfactorily to myself and to him. Other gentlemen around me put numerous questions, and I do not think they found me unwilling to respond to them to the best of my ability. I took the floor to-day with no thought of making a speech, but with the simple purpose of accepting an invitation implied in the course of his remarks, which was repeated privately by the gentleman from Ohio, [Mr. BUNDY,] to answer two difficulties in his mind. That was all. And when I declined four times to be interrupted, I think that should have been enough. If I had asked a gentleman a second time to allow me to interrupt him, and he had declined, I would not have persisted. I would feel I had been guilty of rudeness if, after a gentleman declined to be interrupted the first, then the second time, and then absolutely, I had still pressed my question upon him; and I should feel that, under such circumstances, he would be justified in using such language as would silence my tongue for the time being. And that is all I meant to do. I meant to express no disapproval of the long public career of the gentleman from Massachusetts. But I did feel, and do feel now, that having firmly said I declined interruption, the gentleman ought to have intermitted or omitted it. And I believe mutual apology, made as publicly as we can make it, will be the best thing; and that on Tuesday morning when we meet in the room of the Committee on Ways and Means we shall both have forgotten what has transpired to-day; for no measure of glory to be derived from his acceptance of me as his teacher, with the sublime humility he has exhibited to-day, would compensate me for the loss of his friendship.

Mr. HAWLEY, of Connecticut. I wish to say just a single word. I was not in the House at the moment the gentleman from Pennsylvania [Mr. KELLEY] declined to be interrupted, and I was not aware that he had done so when I addressed my question to him.

TIMBER-PLANTING ON WESTERN PRAIRIES.

Mr. ARMSTRONG asked, and by unanimous consent obtained, leave to have printed as part of the debates some remarks on the bill in relation to timber-planting on western prairies.

CUBA.

Mr. WALLS asked, and by unanimous consent obtained, leave to print as part of the debates some remarks on Cuba.

FORTY-FOUR MILLION LOAN.

Mr. MERRIAM asked, and by unanimous consent obtained, leave to print as part of the debates remarks on the legality of the issue of the forty-four million reserve.

FINANCE.

Mr. MELLISH. With the permission of the gentleman from Pennsylvania, [Mr. KELLEY,] I desire to address one question to him.

Mr. KELLEY. I will answer the gentleman's question if in my power.

Mr. FIELD. I move that the House do now adjourn.

Mr. COX. I wish to say one word about the experience we have had to-day, especially with respect to the performances in the gallery and on the floor of the House. I do this with the hope that hereafter no Saturday afternoons may be set apart for such an exhibition to the whole nation as we have had to-day. We have had a little unconsequential colored minstrelsy on the one hand, and a lot of useless personal explanations on the other. This is neither deliberation nor legislation. It does not help us forward in our duties; and I hope that from next week we will dispense with these Saturday afternoon sessions. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. FIELD] already has the floor for the purpose.

Mr. MELLISH. The gentleman from Pennsylvania [Mr. KELLEY] has consented to yield to me for a moment.

Mr. KELLEY. I will be very glad if I can to answer any question the gentleman may put to me.

Mr. MELLISH. I want to state a simple proposition.

Mr. COX. I insist on my motion to adjourn.

Mr. MELLISH. If my colleague [Mr. COX] will allow me a moment to state a proposition, I think it may, perhaps, be deemed worthy of consideration by the House.

The plan will be to have five hundred millions of greenbacks out; then, that the Government shall loan greenbacks (from an additional supply thereof) to any person who offers United States bonds as security for the loan—100 per cent. on 6 per cent. bonds, and 90 per cent. on 5 per cent. bonds; interest to be paid on the loan at 7.3 per cent., payable semi-annually.

That is a proposition which I simply submit for consideration without committing myself to it. By this plan the speculators of Wall street, if they wish to operate with the currency, have got, in the first place, to possess themselves of United States bonds. That is an expensive operation. It would swamp even Jay Gould and all his confederates to attempt any dangerous operation in them. People who hold United States bonds are generally solid people, who do not go into such operations. The next thing is to withdraw currency after getting the bonds. This will swell the currency. That of itself is a more difficult operation than the whole transaction under the 3.65 scheme. And remember, that a sudden purchase of even a few millions of United States bonds in Wall street would put up the price and spoil the transaction. In the one case—under the 3.65 scheme—you shrink the currency, and then swell it; in the other you swell it, and then shrink it. Speculation, of course, is possible under this system. But it is not nearly so handy to bull stocks and then bear them, as it is to bear them and then bull them.

And now, if the gentleman from Pennsylvania [Mr. KELLEY] will allow me, and the House will allow me, I would like to ask him a question. But I do not wish to trespass on the patience of the House.

Mr. COX. Although the gentleman from Pennsylvania should answer it, that would not make legislation.

Mr. RANDALL. Give him another week to answer it.

Mr. MELLISH, (amid considerable confusion and cries of "Let us adjourn.") I want to ask the gentleman from Pennsylvania if his scheme of three sixty-five bonds would not furnish the prettiest opportunity to the manipulators in Wall street? The gentleman will recollect that the Government had some difficulty with the Tenth

National Bank in regard to its attempt to lock up currency. Will not the effect of the three sixty-five bond scheme be this: that the Government itself will do what it sought to punish the Tenth National Bank for doing? Suppose a combination in Wall street should put $10,000,000 or $15,000,000 in a pool, take it to the Treasury and turn it into three sixty-five bonds, does not that contract at once the currency to that extent? Stocks go down, and then these speculators, when they have succeeded in getting Government and other stocks down low enough to suit them, take their three sixty-five bonds to the Treasury and change them into currency with which to buy stocks at low prices. Does not the Government thus aid them to tamper with the currency? And will not the effect——

Mr. KELLEY, (interrupting.) If the gentleman will allow me to answer his first three questions, I will then stay here with him alone and answer the rest, while the House can adjourn. [Laughter.]

Mr. SPEER. Is it in order to move that five thousand extra copies of these interrogatories be printed for the use of the House?

Several MEMBERS. Let us adjourn.

The motion to adjourn was agreed to; and (at four o'clock and ten minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

Petitions, memorials, &c., were introduced and referred under the rules as follows:

By Mr. BURCHARD: The petition of Samuel Stewart and other soldiers, for an act to equalize bounties to $3.33⅓ per month, to the Committee on Military Affairs.

By Mr. NIBLACK: The memorial of the State Board of Agriculture of Indiana, against the extension of certain patents, to the Committee on Patents.

By Mr. ROBINSON, of Ohio: The petition of W. B. Russell and others, asking for a modification of the stamp tax on drugs, to the Committee on Ways and Means.

By Mr. SMITH, of Virginia: The petition of J. B. Pointdexter, asking pension for services during the war of 1812, to the Committee on Pensions.

By Mr. SPEER: The petition of citizens of Huntingdon County, Virginia, asking that the duty on tea and coffee be not revived, to the Committee on Ways and Means.

By Mr. THORNBURGH: The petition of Gilbert Reed, for pension &c., to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *January* 26, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Secretary proceeded to read the Journal of Friday last.

Mr. MORTON. If there are no Senators desiring to hear the Journal read, I suggest that the reading be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the further reading of the Journal be dispensed with. The Chair hears no objection, and the reading is dispensed with.

REMOVAL OF POLITICAL DISABILITIES.

On motion of Mr. NORWOOD, by unanimous consent, the bill (S. No. 133) to relieve Thomas Hardeman, jr., of Georgia, of his political disabilities, was considered by the Senate, as in Committee of the Whole.

Mr. GORDON. I move to amend by inserting after "Georgia," in the fifth line, the words, "and William L. Cabell, of Dallas, Texas."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to relieve Thomas Hardeman, jr., of Georgia, and William L. Cabell, of Texas, of their political disabilities."

Mr. EDMUNDS. I desire to enter a motion to reconsider the vote by which the bill was passed.

The PRESIDENT *pro tempore*. The motion to reconsider will be entered.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a letter addressed to him by William A. Booth, president of the Importers' and Grocers' Board of Trade of the city of New York, containing a preamble and resolutions adopted by the board, asking for the adoption of certain amendments to the bankrupt law; which was referred to the Committee on Finance.

He also presented a letter from William A. Booth, president of the Importers' and Grocers' Board of Trade of the city of New York, transmitting a revision of commissioners' draught, prepared under the auspices of the board, containing a large number of suggestions of amendments to the laws in regard to collecting the customs; which was referred to the Committee on the Revision of the Laws.

Mr. FRELINGHUYSEN. I present the petition of Dr. David Murray, who left this country under a contract to attend to the educational interests of Japan; and of Horace Capron, formerly Commissioner of Agriculture, who left this country to attend to the agricultural interests of Japan; and of some 25 other citizens of the United States, and residents of Japan, representing that an indemnity was stipulated, by a convention of 1864, to be paid by the government of Japan to the United States for alleged damages suffered by American shipping at the Straits of Simonooski; that this indemnity proved to be largely in excess, so that after the liquidation of all claims properly chargeable against this fund a large unexpended balance remains in the possession of the United States, and that one-half of the indemnity yet remains to be paid by the government of Japan, and praying that the United States will remit the payment of the installments not yet paid by Japan, and will grant the unexpended balance now in the possession of the United States, with all the accrued interest, to Japan, to be used as a trust fund for the promotion of education in Japan.

In connection with this memorial, I have also a letter from Dr. Murray, stating that the ministers of Holland, England, and France, who are interested in this indemnity, have demanded that the second installment be paid, but that our minister has not made such demand, but has sent to the State Department for instructions; and also a letter from the minister of education in Japan stating that the Japanese government would be most happy to devote this fund to the purposes of international education. I move that this memorial and the letters be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. SARGENT. I present a letter from the Secretary of the Navy, it being a correction of a letter published in the book of revised estimates relating to appropriations; there being an error in the original that the sum of $2,000,000 is named instead of $1,500,000; and in the original the schedule letter referred to is omitted. I move that this letter be printed, and referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SARGENT presented the memorial of the Legislature of California, praying for the restoration of certain lands to the public domains; which was referred to the Committee on Public Lands.

Mr. JOHNSTON presented the petition of H. H. Page and other citizens of Virginia, and the petition of George E. Prichett and other citizens of Virginia, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were ordered to lie on the table.

He also presented the memorial of 25 disabled veterans of the war of 1861, inmates of the National Military Home at Hampton, Virginia, asking Congress to pass a law equalizing the system of paying bounties, &c.; which was referred to the Committee on Pensions.

Mr. BOREMAN. I present a petition of a number of citizens of West Virginia, calling attention to the fact that one of the piers of the railroad bridge that spans the Ohio River at Steubenville is in a leaning condition and unsafe for railroad purposes, and asking that measures be taken to secure a safe transit for passengers and freight over the bridge, and also representing that it materially interferes with the free navigation of the river. I move that this petition be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PRATT. I present the petition of William N. Denny, of Vincennes, Indiana, who represents that while holding a commission as captain in the Fifty-first Regiment Indiana Volunteers, and acting as major of that regiment, he was, on the 3d day of May, 1863, at Rome, Georgia, captured by the command of General Forrest and taken to Libby Prison, and detained there from the time of his capture until the 25th day of March, 1865, when he returned to his regiment, having made his escape; that his commission as major was received at his regiment on or about the 30th of June, 1863, but by reason of his capture and detention he was prevented from being mustered in as a major, in consequence of which his pay and emoluments as major have been retained by the War Department; that he received his pay as captain, but has not received the difference between the pay and emoluments of captain and major. He prays that an act may be passed by Congress authorizing and directing the War Department to allow and pay him the difference between the pay and emoluments of captain and major. I move the reference of this petition, together with the evidence accompanying it, to the Committee on Military Affairs.

The motion was agreed to.

Mr. HAMLIN presented the memorial of Jarvis Patten, grandson and heir and for the co-heirs of Robert Patten, deceased, praying to be indemnified for spoliations committed by the French prior to the year 1801; which was referred to the Committee on Foreign Relations.

Mr. RAMSEY presented a petition of citizens of Minnesota, praying for the establishment of a post-road from Redwood Falls to Springfield, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Minnesota, praying for the establishment of a post-route between Anoka and Princeton, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented two petitions of citizens of Minnesota and Dakota, praying for the improvement of the navigation of the Red River of the North; which were referred to the Committee on Commerce.

Mr. SCOTT presented a petition of citizens of Lycoming County, Pennsylvania, and a petition of citizens of Philadelphia, Pennsylvania, praying for the redemption or conversion of the legal-tender notes, by issuing therefor, at the option of the holder, bonds payable on demand in legal-tender notes and bearing interest at some fixed rate, and suggesting 3.65 per cent. per annum; which were referred to the Committee on Finance.

Mr. LOGAN presented a petition of the survivors of the war of 1846, 1847, and 1848, with Mexico, asking to be placed on an equality as to pensions with the survivors of the war of 1812; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of Rev. A. S. Wells and other clergymen and citizens of Jefferson County, Iowa, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic in its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. WINDOM presented a petition of citizens of Minnesota, praying to be protected in the possession of their pre-empted lands against the claim of the Winona and Saint Peter Railroad Company; which was referred to the Committee on Public Lands.

Mr. BAYARD presented the petition of Mrs. Annie Dorsey Reeves, of New Castle, Delaware, praying remuneration for the occupation of her property by United States officials; which was referred to the Committee on Claims.

He also presented resolutions of the Board of Trade of the city of Wilmington, Delaware, asking for an appropriation for the improvement of the harbor of Wilmington; which were referred to the Committee on Commerce.

Mr. CONKLING presented the petition of Andrew Wilson and other citizens of Brooklyn, New York, asking for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was ordered to lie on the table.

He also presented the memorial of Seth Driggs, praying for the enforcement of his claim against the republic of Venezuela; which was referred to the Committee on Foreign Relations.

Mr. MORRILL, of Maine, presented a resolution of the Board of Trade of the city of Portland, Maine, remonstrating against the repeal of the bankrupt act and praying that the same be modified; which was referred to the Committee on the Judiciary.

Mr. SCHURZ presented the petition of August Mellon, praying to be allowed full pension and arrears of pension; which was referred to the Committee on Pensions.

REPEAL OF BANKRUPT LAW.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereof, and which was reported by the committee on the 5th instant, to report for the information of the Senate certain modifications and further amendments which, upon consideration and hearing criticisms upon the state of the law, we have thought it advisable to recommend; and I move that they be printed, and placed on the Calendar, with the bill.

The motion was agreed to.

LAND CLAIMS IN MISSOURI.

Mr. BOGY. I am directed by the Committee on Private Land Claims, to whom was referred the bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri, to report it back without amendment and recommend its passage. This bill has passed the House, is now in the Senate, and has received the approbation of the committee; and as it is a local bill of very great importance to a large class of persons, who claim this property and who have been in possession of it for fifty years, believing their title to be perfect, (indeed, it may be perfect, but there is a doubt about it,) I should like to have the bill put on its passage immediately, and so move.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The preamble recites that the Baron of Carondelet, governor-general of the Territory of Louisiana, did, on the 15th day of March, 1797, instruct Zeno Truedro, lieutenant-governor of the Territory, to place Moses Austin in possession of a league square of land at Mine à Breton, in that Territory; that Moses Austin did, in the year 1798, take possession of the land by moving upon it with his family, and did improve the same by building dwelling-house, blacksmith shop, furnace, and other improvements; that the lieutenant-governor did, on the 14th day of January, 1799, order Antone Lulard, surveyor in the Territory, to survey the land and put Austin legally in possession of the same, which survey, numbered fifty-two, containing seventy-one hundred and fifty-three arpents and three and two-thirds feet, was executed by Antone Lulard, and a certificate of the same filed by him in November, 1800; and that Don John Ventura Morales, then governor at New Orleans, did, in the year 1802, in the name of the King of Spain, grant to Moses Austin the lands so surveyed and located.

The bill proposes to release for the United States whatever title they have to said lands, now numbered 430 on the plat in the surveyor-general's office, and in townships 37 and 38, range 2 east, in the county of Washington, and State of Missouri, containing 7,153.32 arpents, (6,085.29 acres,) to the heirs, legal representatives, or assigns of Moses Austin, according to their respective interests therein. There is a proviso that the act shall not affect nor impair the title which any settler or other person may have acquired adverse to the title of Moses Austin to any portion of this land.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. SARGENT. I should like to have a further explanation of the bill before its passage. It recites that a land grant was made in Missouri of some six thousand acres in the last century, sometime in 1798, and that in 1800 it was perfected. Now, three-quarters of a century later, a bill comes in here to relinquish any title the United States may have to this land, saving the rights of the settlers who are upon it. I think it is worthy of explanation why so long a time has elapsed without this matter having been settled before; how many settlers there are on this land; and if the United States relinquishes any right which it may have, as the settlers can only claim through the United States, the United States title being gone, what protection or redress, or rather what form of action or in what tribunal, would the settlers have any rights which they may have protected? There are such settlers it may be assumed from the preamble of the bill, because they are mentioned, and it is said that their rights shall be protected. I believe it has been decided that a bare settler upon the public lands, under the pre-emption laws, has not a standing in any court—has not a sufficient connection with the title of the Government of the United States to be able to sue in his own right or to maintain an action in any United States tribunal whatever. If that is so, the proposition of the bill to protect them must be nugatory, because the very basis upon which their rights will stand is taken away, and that is the title of the Government of the United States.

I do not know that I shall object to the bill if it is satisfactorily explained; but it seems to me these points are worthy of the consideration of the Senate.

Mr. BOGY. I will explain the bill. The Senator from California misapprehends what I understand to be the law in a case of this kind. If settlers under the pre-emption laws have a right to this land, this bill does not affect their right, and they will have the power to assert their right in the courts.

Mr. SARGENT. I will inquire if the rights of these settlers have ripened into a patent from the Government of the United States?

Mr. BOGY. No, sir; I believe not.

Mr. SARGENT. If they have not that patent, I can show the Senator the decisions of the United States courts that short of that no right is conferred upon the settler which the United States may not take away from him or disregard. I will instance the case of the Yosemite grant. There had been a settler upon that grant for a dozen years before the United States conveyed it to the State of California, and that settler has ever since been endeavoring to secure his rights and has failed in all the courts, and has come to Congress, and Congress has not granted him any relief.

Mr. BOGY. That may be the law applicable to the grants of California, but the law in the State of Missouri is entirely different in regard to that. But be that as it may, I may state this fact: this grant was made, as stated in the preamble, in 1798, was surveyed in 1802, and has been in the possession of Moses Austin, and of those claiming under him, from that day to this. The claim was always believed to have been confirmed by the act of 1814. No lawyer in the State of Missouri had a doubt on that subject. I believe myself it was confirmed by that law. Yet a short time ago, within a year or two, the Commissioner of the General Land Office advanced the opinion that the act of 1814 did not embrace that concession, and therefore the title was not confirmed. This bill was introduced at the earnest solicitation of the entire body of the people who reside upon that land, as far as I know. There is no intention to deprive anybody of any right; but if there be any adverse right, if there be any person who claims adversely to this Spanish concession, that claim will be protected by this bill.

This bill passed both Houses of Congress at the last session and went to the President, but owing to the lateness of the hour at which it passed it was not signed. It is not intended to take anything from anybody. It is intended to quit persons who have been in possession of their property for seventy-six years, and who have claimed it in good faith. It has passed from A B to C D, as a complete title, from that day to this, and I believe, as a lawyer, the title is good; yet in that I may be mistaken. But we were careful to protect the rights of all adverse claimants, if any there be; and I know that according to the decisions in my State any person who has a pre-emption right, his right being anterior to the right which emanates now from Congress, would not be affected by this bill. If this be the origin of the title from the United States, a person claiming under the pre-emption act has an anterior right of which we cannot divest him, and his claim will be a legal one. That is the uniform decision in my State. And I state in my place here that I do not know a single person upon the entire claim who has an interest adverse to this bill. If there be one, I certainly am not aware of it.

The bill was passed.

Mr. BOGY. As a part of the same subject, I am directed by the Committee on Private Land Claims to report back the bill (S. No. 120) to confirm certain land titles in the State of Missouri and to move its indefinite postponement. This bill was introduced a few days ago by my colleague, [Mr. SCHURZ,] and relates to the same subject.

The bill was indefinitely postponed.

THE DISTRICT GOVERNMENT.

Mr. ANTHONY. The Committee on Printing, to whom was referred a motion to print a petition of citizens of the District of Columbia, praying for the appointment of a joint select committee to inquire into the management of the affairs of the District, and especially of the board of public works, have instructed me to report it back and ask to be discharged from its further consideration. I believe my colleague on the committee [Mr. SAULSBURY] does not agree with the report. I call his attention to it.

Mr. SAULSBURY. I dissent from the report and desire that the memorial should be printed. A majority of the committee, however, think that it ought not to be printed. I will now simply say that I dissent from the report and hope the document will be printed.

Mr. ANTHONY. The reason why the committee report against printing the memorial is not on account of the character of the memorial, but because we uniformly object to printing memorials unless they come from large bodies. Memorials from the State Legislatures or from conventions called by order of the States are printed, as a matter of course; but the plan of printing all memorials offered would burden the office very much. It is also to be observed in regard to this particular memorial that there are certain very damaging allegations, charges of extravagance and corruption, made against public officers, and of course the proof of them is not in the memorial, although the petitioners allege that they have the proof. I have no reason to suppose that they have not, nor have I any reason to believe that they have; but it does not seem exactly right to print a memorial charging upon public officers damaging accusations unless there is some proof contained in the paper that makes the charge.

Mr. SAULSBURY. In desiring the publication of this memorial, I have no desire whatever to do anything that would be unpleasant to the gentlemen who are charged in the memorial with improper action. But it is a memorial in reference to a subject which we shall have to act upon. It is a memorial in reference to this District. We know that a claim will be presented at the present session of Congress for an appropriation of money to defray the expenses incurred by the board of public works of this District. This petition charges certain mismanagement in the affairs of the District by the board of public works. Now, I say that, according to my view, we ought to have all the information possible upon that subject before we vote for any appropriation. Here are gentlemen preferring a petition alleging mismanagement—I do not know to what extent they charge it, nor whether it is so much mismanagement as fraud—in the performance of duties intrusted to the board. They avow themselves ready to furnish the proof. I think, after the great complaint which has been made of the mismanagement of the affairs of this District by the board of public works, and especially as we shall be called upon to vote appropriations of money to defray the expenses which they have incurred, we ought to have in our possession everything that can give us information on this subject.

Mr. HOWE. Allow me to ask the Senator one question.

Mr. SAULSBURY. Certainly.

Mr. HOWE. The question is, what public, or private good, either, the Senator expects to subserve or promote by putting in print at the expense of the Treasury this petition or memorial, whichever it is?

Mr. SAULSBURY. I do not know that any public good would be subserved, further than that the information which it contains will be placed on the desks of Senators who will be called upon to vote supplies of money, and their minds might be directed by that to an investigation of the subject.

Mr. HOWE. Will the Senator allow me to ask him another question?

Mr. SAULSBURY. Yes, sir.

Mr. HOWE. The question is, whether he himself would be controlled or influenced in his vote upon any conceivable appropriation by such information as he could gather from this petition or any other petition?

Mr. SAULSBURY. Certainly, I would not be controlled by *ex parte* statements in relation to any vote which I was called upon to give; but I say that if this paper contains information which would cause me to investigate, if it specifies matters and directs my mind to certain specific matters to which it otherwise would not be directed, it is well enough that I should have the information, and it is well enough that the Senate should have the matter furnished, so that their minds may be induced to look at it.

I do not wish to do any injustice to the board of public works. I know nothing about their management of the affairs of this District except through rumor. Whether these rumors are true or false I do not profess to know; but as a Senator, called upon, as I shall be, to vote large appropriations of money to pay for work which they have done, I say it is my duty to investigate, to the full extent of the ability I possess, every allegation which is made; and before I cast my vote I desire to have all the information I can. If there has been mismanagement, misappropriation, of the public funds heretofore intrusted to their keeping, I should be the more chary about intrusting funds to their keeping hereafter.

I disclaim any intention or desire to do injustice to the board of public works, for I know nothing of the management of the affairs of this District except from common rumor; but I know that common rumor is rife that there has been great mismanagement of the public funds. I desired simply to make my statement that I was in favor of the printing of the memorial.

Mr. MORRILL, of Maine. What is the question before the Senate?

The PRESIDENT *pro tempore*. Reports of committees are in order.

Mr. MORRILL, of Maine. Is there any question before the Senate?

Mr. ANTHONY. There is a motion to discharge the Committee on Printing from the further consideration of the motion to print this memorial. I agree fully with my colleague on the committee, that I am in favor of the most complete examination of all the allegations in the memorial by the proper committee—I suppose the Committee on the District of Columbia. But it has not been the habit to print memorials, and I do not think we ought to make an exception in favor of a memorial which makes very damaging charges without alleging any proof whatever.

Mr. THURMAN. I wish to say——

Mr. MORRILL, of Maine. Is there any question before the Senate?

The PRESIDENT *pro tempore*. The question is on discharging the Committee on Printing from the further consideration of the motion to print the memorial.

Mr. MORRILL, of Maine. Is that subject to debate?

The PRESIDENT *pro tempore*. It is.

Mr. THURMAN. I was very indifferent whether the memorial should be printed or not, although I thought at the time, and still think, that it ought to be printed for the information of the Senate, that each Senator might see for himself what were the charges against the District government and the persons who make them. It was said that it would be printed in the newspapers, and therefore that there was no necessity for our printing it. It is a very curious fact, I believe, that it has not been printed in a single newspaper in the District. If it has, it has escaped my observation; but it was not for the public but for the Senate itself that I desired to have it printed. But if the committee are opposed to printing it upon some general principle, I shall not complain of that. At the proper time I shall move the Senate for the appointment of a committee, in accordance with the prayer of the memorial, to submit to the Senate such evidence as may be furnished by the petitioners in support of their prayer. I do not propose doing so at this stage.

The PRESIDENT *pro tempore*. Is there objection to the committee being discharged from the further consideration of this motion? The Chair hears none, and the committee is discharged.

Mr. ANTHONY. The petition should be referred to the proper committee.

Mr. THURMAN. No; I do not want it referred now. I want it to lie on the table.

Mr. ANTHONY. I am content.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 376) granting pensions to certain soldiers and sailors of the war of 1846, with Mexico, and the widows of deceased soldiers and sailors; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. STEWART asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 377) in relation to the public lands in the State of Nevada; which was read twice by its title.

Mr. STEWART. This bill is in accordance with a proposition of the Legislature of the State of Nevada with reference to the public lands in that State. The resolutions of the Legislature were referred to the Committee on Public Lands at the last session, and I suppose are now on the files. I move that they be withdrawn from the files and referred, with the bill, to the Committee on Public Lands.

The motion was agreed to.

Mr. STEWART also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 378) to provide for the incorporation and regulation of railroad companies in the Territories of the United States; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 379) for the relief of Nathan Cole, late captain Twenty-third Regiment Veteran Reserve Corps; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUCKINGHAM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 380) to secure to the Episcopal Board of Missions the land in the White Earth Indian reservation in Minnesota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 381) to create an additional land district in the State of Oregon, to be called the Dalles land district; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 382) for the relief of William L. Adams, late collector of customs at Astoria, Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 383) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, State of California; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 384) for the benefit of the Louisville and Bardstown Turnpike Company; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL. I move that the bill (S. No. 183) to provide for a survey and estimate of cost for constructing locks and canals to remove obstructions to the navigation of the Columbia River, in the State of Oregon and in Washington Territory, which was introduced some time ago, and which is lying on the table, be referred to the Committee on Commerce.

The motion was agreed to.

STATIONERY-ROOM.

Mr. MORRILL, of Vermont. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Contingent Expenses be instructed to inquire into the expediency of excluding all articles from the stationery-room except paper, pens, pencils, ink, envelopes, and mucilage.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MORRILL, of Vermont. Mr. President, I should not have introduced this resolution but for the general scandal that seems to be circulating in almost every newspaper throughout the country in relation to the articles that are furnished to Senators from the stationery-room; and finding these charges indorsed in a paper so respectable as the Boston Daily Advertiser, I am induced to offer the resolution. For instance, the Daily Advertiser of January 13 contains a long article from which I will now read some extracts. After giving a list of the items as found in the report of the Secretary of the Senate, it proceeds to say:

Why these expenses augment from year to year may be discovered by a careful scrutiny of the items. It is because there is no limit to the class of articles that may be purchased for Senators and paid for by the Government, and that there is no limit to the expense incurred.

Every Senator knows that that statement is absolutely untrue. There is a limit, and has been a limit for many, many years, as to the articles that can be obtained by Senators. It is fixed by statute. They may go there and buy scissors, or buy paper, or buy ink, and it is charged to them; and it comes out of the sum that is allowed annually to each Senator.

Mr. WINDOM. What is the amount?

Mr. MORRILL, of Vermont. It is, for stationery and for newspapers, $125 a year.

Mr. CONKLING. What sort of articles does that paper say that we get?

Mr. MORRILL, of Vermont. It mentions gold tooth-picks, wedding envelopes, card-cases, and a long list of articles.

I will say further, in response to the Senator from Minnesota, that if Senators do not take the articles, they take the balance in money that may be found their due out of the $125. Now, I desire to call attention to the fact that the expenses charged in this long catalogue of items are for all articles furnished to maintain the entire Senate wing of the Capitol; for the Sergeant-at-Arms, for the Secretary of the Senate, for the engrossing clerks; and yet these items are all lumped together and then divided by the number of Senators; and that is often put forth as the amount which each Senator takes annually here at the Capitol for his own private use.

For instance, it says, "to what use could eighty-two pounds of sponge be put?" I am surprised that a paper usually so well informed as the Boston Daily Advertiser should not understand that a large amount of coarse sponge is used for the purpose of cleaning the marble stairways and the floors. It is a mere ordinary scrubbing article.

Then it says:

The days have gone, however, when it is deemed disgraceful for a Senator to accept from the Government a few dollars' worth of horse-car tickets to save the expense of a ride to the Capitol, and we cannot hope to make an impression there by any analysis of the Clerk's books.

Every Senator knows that that is an absolute fabrication made out of the whole cloth. No Senator ever receives a car-ticket. The only amount that is paid, if anything is paid, for carriage-hire in any way is paid out for the carrying of bills from the Capitol to the President by the proper committee, to be examined and signed by the President; and I think there is a carriage kept for that purpose. Certainly there ought to be one so kept. It is possible that that committee have used horse-car tickets; but I do not suppose it to be true that in any instance a horse-car ticket has ever been used by a Senator.

Mr. EDMUNDS. They are used by the messengers when on the business of the Senate.

Mr. MORRILL, of Vermont. Of course they are; and yet these charges, being published by a respectable paper, go into all the country press as absolute and incontrovertible facts; and the calumny grows from year to year. Therefore, sir, in order to crush out this fruitful source of scandal, I think it would be better that the stationery-room should supply absolutely the articles only that are required, as stationery, papers, pens, ink, &c.

Mr. MORRILL, of Maine. I ask the Senator if he understands that article to be an editorial?

Mr. MORRILL, of Vermont. It is an editorial.

Mr. MORRILL, of Maine. I ask the Senator further, whether he understands it to be a fact that fancy goods of the style he speaks of, gold tooth-picks and the like, are kept in the stationery-room at all?

Mr. MORRILL, of Vermont. I never have examined, and do not know particularly what articles are kept there.

Mr. MORRILL, of Maine. Does the honorable Senator think it is a nice thing for us to spend our time in correcting these false allegations that appear in the press in different parts of the country and predicate our legislation upon them? I never had any gold tooth-pick, or any of these fancy goods, and I do not propose to be disturbed or moved from my propriety by the publication of any of these things that appear in the papers. The idea of our instructing a committee to investigate whether tooth-picks are sold below in the stationery-room! I suppose, as a matter of fact, if any gentleman chooses to send his clerk out into the street he can get one immediately, and I dare say he might employ the keeper of the stationery to do the same thing. But that any of these things are kept there for Senators at the public expense I do not suppose any one, who is not crazy or foolish enough to publish such a thing, believes; and I do not think it is worth while to instruct a committee to investigate on such a subject.

Mr. MORRILL, of Vermont. I have seen this floating scandal for a number of years, and I know of no way by which it can be extinguished except by stopping it at the source. Therefore, without being moved at all, so far as I am concerned personally, about it, I am in favor of having the stationery-room so conducted that it shall be impossible for us to be subjected to any more of this sort of scandal.

Mr. MORRILL, of Maine. But my friend, by his argument, is giving force to an implication that the thing does exist—that we do keep a fancy concern down stairs—when there is not one word of truth in it, as I believe.

Mr. HOWE. I agree with the Senator from Vermont in the purpose at which he aims. It would delight me beyond measure to have the stationery-room, or any other room in this Capitol, conducted in such a manner that it could not be lied about. [Laughter.] But I ask the Senator precisely how he would have that room conducted in order to secure that end?

Mr. MORRILL, of Vermont. I propose to do it by the resolution I have offered, to exclude from it everything except the articles of stationery mentioned.

Mr. HOWE. And will the Senator guarantee that it will not be lied about when it is trimmed down in that way?

Mr. MORRILL, of Vermont. Not at all.

Mr. HAMLIN. I am not sensitive in relation to this article, because I think I shall not be found as coming within the list of individuals who have made any of these purchases in any way, either directly or indirectly; but I think, for the papers that are disposed to publish the truth, it may be well to affirm here that each of us is, under the law, entitled to $125 a year for stationery and newspapers, and it is a part of our compensation. If we use it all for these things, very well; if we do not, it is ours by law, and the balance is received by Senators. I may therefore receive the amount to which I am entitled to-day for my stationery; I may purchase my stationery elsewhere if I please, and when that money, which is my own, is in my own pocket, if I choose to convert it into tooth-picks, it is nobody's business; though I never do.

But I did not rise for that purpose. I rose for another purpose, and one which, I think, is of some importance and needs a contradiction to the country. I have not seen the article from which the Senator from Vermont has been reading; but my attention has been called to another statement, and probably it is a part of this very one, in which it is alleged as one of the wrongs of the Senate that the expenses of the Senate were, in round numbers, about $500,000 for the year 1872, and $1,000,000 for the year 1873. Now, whoever made that statement did have some ground to base it upon, and this was the ground: He took six months of the year 1872 on which to base the expenditures for 1872, and took the whole of the year 1873 on which to base the expenditures for 1873. That is all he had to do, and he did that by taking the report of our Secretary, because the law was changed, by which he was directed to make up his account ending with the fiscal year, instead of what had been done prior to that, ending with the 1st day of December. If the man who sought the authority and gave the information had looked at the Secretary's report, or had sought to tell the whole truth, he would have seen that the Secretary, in his report made in 1872, stated distinctly that it was for only six months, and that the expenditures were $470,000. Then in the next report, as we can all see by reading, if he had taken the next report he would have seen that the report was for a full year. One covered a long and another a short session, and that also made a difference.

The statement has gone abroad that we doubled the expenses of this body between 1872 and 1873. The only foundation on earth for making that allegation was, simply taking the expenditures for half of one year on which to base the comparison. I have thought, sir, that it was well that I should make that statement. I do not know but that the same statement is made in the article which has been read.

Mr. MORRILL, of Vermont. It is.

Mr. HAMLIN. That is the truth of that; and I think from one you can judge of the truth of all, and from the falsehood of one you can judge of the falsehood of all.

The PRESIDENT *pro tempore*. The question is on the resolution.

The resolution was agreed to.

INTERRUPTION OF SPEAKERS.

Mr. MORRILL, of Vermont. I submit the following resolution:

Resolved, That the Committee on Rules be instructed to inquire into the expediency of reporting a rule for the adoption of the Senate, that it shall not be in order for any Senator to be interrupted while speaking, even with his own consent, unless interrupted on a point of order or to correct an erroneous statement of facts, or on account of some personal reference.

Mr. President, I am perhaps as guilty of the offense intended to be remedied by this resolution as any Senator, but I think it is a usage "more honored in the breach than the observance," and I desire to call the attention of the Committee on Rules to the subject.

Mr. MORTON. I suggest to my friend that the exceptions he makes in the resolution will certainly ruin the effect of it.

Mr. MORRILL, of Vermont. The Committee on Rules might strike out the exception.

The PRESIDENT *pro tempore*. The question is on the resolution.

Mr. EDMUNDS. It only asks an inquiry.

The resolution was considered by unanimous consent, and agreed to.

PAPERS WITHDRAWN AND REFERRED.

Mr. SHERMAN. I move to take up the bill (H. R. No. 1382) authorizing coinage to be executed by the mints of the United States for foreign countries. I think it will only take the time that will be necessary to read it. It was reported the other day by the Committee on Finance.

Mr. PRATT. I have morning business.

Mr. SHERMAN. I thought the morning business was through.

Mr. PRATT. I wish to ask the sense of the Senate upon making the following order:

Ordered, That J. H. Russell be allowed to withdraw from the files his papers presented in support of his claim against the United States for the destruction of his steamboat, J. H. Russell, reported upon adversely May 15, 1872, upon condition of leaving copies of said papers on file: *Provided, however*, That his letter to the Secretary of War, dated August 5, 1867, shall not be withdrawn, nor the report made in the case.

This claimant has produced to me some additional evidence, not, as I think, very vital to the case; but I believe his idea is that he may make his claim good, possibly in the Court of Claims, and for that purpose he wishes to withdraw his evidence from the files of the Senate. The case was simply this: He presented a claim for the destruction of his steamboat, which was engaged in post trade on the Mississippi River. She was loaded with cotton at Vicksburgh, and was on her way down the river, when she was detained at Baton Rouge. She was first signaled at Baton Rouge, and not obeying the signal, a cannon was fired across the bow of his boat and he was compelled to round to and compelled to take on board a company of cavalry, with their equipments and stores. His further claim was that at that time confederates got on board with Greek fire and set fire to his boat, and that she was burned in consequence.

The ground of the committee's rejecting his claim was a letter furnished by the Secretary of War, written in August, 1867, which seemed to be entirely at variance with the affidavits that he came before Congress with. That letter to the Secretary of War showed that the boat was set on fire by a man employed on his boat, who had been employed for months, and the committee rejected the claim because of this variance. I do not know what may be the actual merits of the claim; but that he lost his boat is undoubtedly true. I have thought it proper to make this statement of facts for the purpose of ascertaining the sense of the Senate, whether it is proper to make the order in the qualified form in which I have drawn it.

Mr. EDMUNDS. The discrepancy is said to exist between the affidavits and the claimant's letter.

Mr. PRATT. Yes, sir.

Mr. EDMUNDS. The originals of both should be copied, and let him take the copies.

Mr. PRATT. Let it be made in that form; let the original affidavits with which he came before Congress be retained on file, and certified copies of those affidavits be furnished.

The order, as modified, was agreed to.

On motion of Mr. HOWE, it was—

Ordered, That the petition and papers of Nathan Cole be taken from the files and referred to the Committee on Military Affairs.

Mr. EDMUNDS. I move that the papers in the case of A. S. Lee, an applicant for a pension, be withdrawn from the files of the Senate and committed to the Committee on Pensions. The report was favorable, and the bill passed the Senate, but failed in the House for some reason that I do not know.

The papers were ordered to be withdrawn and referred.

Mr. FRELINGHUYSEN. I ask for an order authorizing William A. Griffin to take his petition and papers from the files and refer them to the Committee on Claims. In this case there was a favorable report, but it never was acted upon by Congress.

The PRESIDENT *pro tempore*. That order will be made.

On motion of Mr. MORTON, it was

Ordered, That the Committee on Claims be discharged from the further consideration of the petition of Bright F. Hayes, and that it be referred to the Committee on the Judiciary.

On motion of Mr. KELLY, it was

Ordered, That the petition and papers of G. A. Henderson be taken from the files, and referred to the Committee on Claims.

On motion of Mr. KELLY, it was

Ordered, That the petition and papers of Charles B. Philips be taken from the files, and referred to the Committee on Claims.

UNION PACIFIC RAILROAD.

Mr. HITCHCOCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish the Senate with copies of the annual reports of the Government directors of the Union Pacific Railroad for the years 1872 and 1873.

COINAGE FOR FOREIGN COUNTRIES.

Mr. SHERMAN. I now ask that the bill which I mentioned a few moments ago be taken up and passed.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to proceed to the consideration of the bill (H. R. No. 1382) authorizing coinage to be executed at the mints of the United States for foreign countries.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which proposes to make it lawful for coinage to be executed at the mints of the United States for any foreign country applying for the same, according to the legally prescribed standards and devices of such country, under such regulations as the Secretary of the Treasury may prescribe; and the charge is to be equal to the expenses thereof, including labor, materials, and use of machinery, to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury; but the manufacture of such coin is not to interfere with the required coinage of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPUTY COMMISSIONER OF INTERNAL REVENUE.

Mr. WRIGHT. I reported back from the Committee on Civil Service and Retrenchment on Friday a bill to abolish the office of deputy commissioner of internal revenue, being House bill No. 1231. I move that the Senate proceed to the consideration of that bill now. I suppose there will be no objection to it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider bill (H. R. No. 1231) to abolish the office of deputy commissioner of internal revenue.

It abolishes the office of deputy commissioner of internal revenue, made vacant by the death of General B. J. Sweet, and authorizes the Secretary of the Treasury, upon the recommendation of the Commissioner of Internal Revenue, to designate one of the two remaining deputy commissioners as first deputy commissioner, who shall perform the duties and be paid only the salary prescribed for the office of deputy commissioner hereby abolished.

Mr. SUMNER. I shall not propose any amendment to the bill; but I desire to say that I welcome it as a reform in the right direction. My only regret is that it does not go further, and abolish a great many other offices in the Internal-Revenue Department, in regard to which I am assured by persons who are bound to know that such a reform can be properly and safely made. I am very sorry that there is hesitation. I have made one or two efforts in this Chamber in that direction which have not been received with favor, but I am none the less convinced that it is a direction in which the Senate ought to push forward.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATOR FROM LOUISIANA.

Mr. MORTON. According to notice given last week——

Mr. McCREERY. Mr. President, I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Kentucky will state his point of order.

Mr. McCREERY. The point of order is this: that I had the unanimous consent of the Senate to address them to-day at one o'clock on Louisiana affairs.

The PRESIDENT *pro tempore*. The Chair now announces that the morning hour has expired. There is no unfinished business before the Senate.

Mr. McCREERY. I move to take up the resolution of the Senator from Indiana in regard to Louisiana affairs.

Mr. MORTON. Mr. President——

The PRESIDENT *pro tempore*. The special order which would take precedence is the resolution from the Committee on Finance. Does the Senator from Kentucky make any motion?

Mr. MORTON. I had the floor, but it was taken from me by a point of order.

Mr. McCREERY. I move to take up the resolution of the Senator from Indiana, in order to address the Senate on Louisiana affairs, in pursuance of an appointment made some days since.

The PRESIDENT *pro tempore*. The Chair overrules the point of order.

Mr. THURMAN. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator from Indiana yield to the Senator from Ohio?

Mr. MORTON. For an explanation.

Mr. THURMAN. If I am not mistaken the resolution of the Committee on Finance was postponed until to-morrow, Tuesday. It is not before the Senate. And that was done in order to allow the Senator from Kentucky to address the Senate to-day.

The PRESIDENT *pro tempore*. That is true; but that does not take from it its character as a special order. When there is no other business before the Senate, the first special order is in order.

Mr. THURMAN. Then the vote to postpone until Tuesday had no effect.

The PRESIDENT *pro tempore*. The Senator from Indiana has the floor.

Mr. MORTON. I move, according to notice given last week, that the Senate proceed to the consideration of the resolution to admit Mr. Pinchback to his seat on this floor as a Senator from Louisiana.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate now proceed to the consideration of the resolution introduced by himself in regard to seating Mr. Pinchback as a Senator from the State of Louisiana. Is there objection? The Chair hears none, and the resolution is before the Senate, and will be read.

Mr. MORTON. Before making the motion——

Mr. EDMUNDS. Let us hear it read.

Mr. HAMLIN. The resolution is now before the Senate, is it not?

The PRESIDENT *pro tempore*. It is.

Mr. HAMLIN. Then I ask the Senator from Indiana to allow me to submit a motion. I will not take up more than a single minute. It is an amendment to the resolution which I propose to submit.

Mr. STEVENSON. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator from Kentucky will state the point of order.

Mr. STEVENSON. When the question of Louisiana was up on a former occasion, my colleague [Mr. MCCREERY] was entitled to the floor. It is now up, and I do not see how he can be deprived of the floor. When the question of Louisiana was last under discussion, I repeat, my colleague was recognized as entitled to the floor on that resolution; it is now before the Senate; and my question of order is that he cannot be deprived of his right, which he has patiently waited for for weeks, and to which, under the rules of the Senate, it seems to me he is entitled.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. Had the Senate adjourned pending this resolution, the Senator from Kentucky would have been recognized by the Chair as entitled to the floor; but that is not the manner in which the resolution comes before the Senate. It is brought up to-day by the motion of the Senator from Indiana, who has the floor to make the motion and the floor to make his remarks upon the subject.

Mr. HAMLIN. I supposed everybody in the Senate was disposed to concede to the Senator from Kentucky the floor to-day. I understood him to have it. A mere suggestion from the Senator from Indiana, if he proposes to make it before the Senator from Kentucky proceeds with his speech, I suppose will not be disagreeable to the Senator himself. I want to offer an amendment to the resolution submitted by the Senator from Indiana.

The PRESIDENT *pro tempore*. Does the Senator yield to the Senator from Maine for that purpose?

Mr. MORTON. Yes, sir.

Mr. HAMLIN. I send up the amendment, and I will state in a word the reason for my amendment.

Mr. EDMUNDS. Let us have the whole thing read, the resolution and amendment.

The CHIEF CLERK. The resolution submitted by Mr. MORTON, on the 20th of January is as follows:

Resolved, That the credentials of the Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections; that the committee have power to send for persons and papers, and be instructed to investigate the circumstances attending the election of said Pinchback to a seat in this body.

The amendment now submitted by Mr. HAMLIN is to strike out all after the word "resolved," and insert the following:

That P. B. S. Pinchback be permitted to take a seat in this body as a Senator from the State of Louisiana upon taking the proper oath, and that the Committee on Privileges and Elections proceed hereafter to consider the grounds on which his right to a seat is contested, and hereafter make report to the Senate thereon.

Mr. HAMLIN. I have drawn that amendment in the precise language of the resolution submitted by the Senator from Ohio [Mr. THURMAN] in the case of Mr. GOLDTHWAITE. I was myself at that period of time a member of the Committee on Privileges and Elections, and concurred in that resolution. I think it met the unanimous consent of the committee, and I believe the unanimous approval of the Senate. There is some wisdom in preserving a little of consistency in the manner of our proceedings. The argument then was that we could not deal with a Senator until he had become so by taking the oath of office. I have offered the amendment simply to conform to the practice of the Senate in that case, as a substitute for the resolution submitted by the Senator from Indiana. This is all I have to say.

Mr. MORTON. Mr. President, the amendment offered by the Senator from Maine would in its nature be a substitute for the original resolution, and for the motion I am about to make.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The Chair will state to the Senator from Indiana that, as he understands the question, the amendment proposed by the Senator from Maine is not now in order. The motion of the Senator from Indiana was to refer this resolution to the Committee on Privileges and Elections. That motion precedes a motion to amend, by the rules. The Chair therefore cannot at this time entertain the amendment of the Senator from Maine. The question is on the motion of the Senator from Indiana, to commit the original resolution to the Committee on Privileges and Elections.

Mr. MORTON. The resolution read by the clerk was one of which I simply gave notice. That motion was not pending. I shall make the motion in a little different language from that employed by the resolution read by the Secretary.

The PRESIDING OFFICER. The Chair understands, then, that the Senator from Indiana did not submit that motion.

Mr. MORTON. I simply gave notice of it. I have now moved to take up the resolution.

The PRESIDING OFFICER. Then the amendment of the Senator from Maine to the original resolution would be in order, and it will be received.

Mr. MORTON. Before submitting the motion of which I gave notice, I desire very briefly, and I shall detain my friend from Kentucky a very short time, to state the status of the original resolution and to recapitulate the grounds upon which I place it, so that I may be understood in the action which I now propose to take.

I argued, on a former occasion, that the credentials of Mr. Pinchback being in regular form, he had a *prima facie* case and was entitled to be sworn in as a member, and to take his seat in this body; and that any question as to whether he was elected by a legal Legislature or whether he was duly elected must be considered afterward, if it be conceded that the credentials were signed by the governor of Louisiana. I read in support of that argument the following resolution offered in a recent case in this body by the Senator from Ohio, for the admission of Mr. GOLDTHWAITE, Senator from Alabama:

Resolved, That GEORGE GOLDTHWAITE be permitted to take a seat in this body as a Senator from the State of Alabama upon taking the proper oath; and that the Committee on Privileges and Elections proceed hereafter to consider the grounds on which his right to a seat is contested, and hereafter make a report to the Senate thereon.

I further read an extract from the speech of the author of the resolution, the Senator from Ohio, [Mr. THURMAN,] in the following words:

So far as GOLDTHWAITE was concerned, that report was unanimous on the part of the committee, as appears by the report itself, a copy of which I hold in my hand. It went upon the ground, which has been observed ever since this Government was formed, that the certificate of election of a Senator was *prima facie* evidence of his right to a seat, and sufficient until it was overthrown; that he was entitled on that *prima facie* case to his seat in that body, and if any one said he was not entitled to it the contestant was bound to overthrow that *prima facie* case by sufficient charges and sufficient testimony, but that in the mean time the Senator was entitled to his seat on his *prima facie* case.

There was not, and there is not, as I had occasion to observe then, after a most careful examination of all the precedents, a single case in the whole history of this Government in which that rule has been departed from.

I then argued that the only question was whether Kellogg, who signed these credentials, was and is governor of Louisiana. I urged in support of the position that we should accept him as governor of Louisiana that he had been in the undisputed possession of the office for now some twelve months, had been accepted as such by every department of the State government; that the State officers and county officers were acting upon commissions received from him; that he was recognized as governor of Louisiana by all the courts of that State, beginning with the supreme court, and all the subordinate courts; that he had been recognized as the governor of Louisiana by what purported to be the Legislature of Louisiana, had been by that Legislature declared duly elected; they had submitted their enactments to him and he had signed them or vetoed them as they met with the approval or disapproval of his judgment. I further showed that he had exercised without objection all the functions of governor for this long period. I further showed that he had been recognized as the governor of Louisiana by the President of the United States on various occasions by orders, by telegrams sent by the Attorney-General by the authority of the President, by a proclamation issued to the people of Louisiana, and by a message sent to the two Houses of Congress; that upon various occasions and in various ways he had been distinctly and conclusively recognized as the governor of Louisiana by the President. I further showed that the President was empowered to decide upon this question by virtue of the act of Congress of 1795 intended to carry out the express provision of the Constitution; that the authority of the President to make decision in this matter had been expressly recognized in the case of Luther *vs.* Borden, the celebrated case from Rhode Island, in which it was declared that under the Constitution and by the act of Congress, in any State where there were two contending governments and the President was called upon to preserve the peace or suppress insurrection or domestic violence, the President was authorized to decide, and must necessarily decide which was the lawful State government, and that the decision he might make in that case was binding upon the courts and was binding upon every department of this Government until it was reversed by an act of Congress; that the President in making that decision was executing an act of Congress and not exercising arbitrary authority upon his own part, and that his act was in that respect the act of the Government of the United States; that the propriety of his decision could not be called in question by either House alone, but could only be called in question and reversed by an act of Congress passed by both bodies in the form of a law under the fourth article of the Constitution.

I further showed that the President had recognized the Legislature of Louisiana in the same way; and that that recognition was binding in the same manner until it was reversed by an act of Congress.

I further showed that the supreme court of Louisiana had, on several occasions, upon questions properly before that court, decided that Kellogg was the governor of Louisiana; and that the Legislature that elected Pinchback was the lawful Legislature of Louisiana; that that Legislature had, without interruption, exercised the functions of a Legislature throughout the term; that it had passed some one hundred and nineteen laws; that those laws were enforced by the courts and recognized as the laws of Louisiana.

In conclusion, I presented the further consideration that this question involved a great fundamental principle, vital to the existence of our Government, which was that where a question arose under a State law or under a State constitution it was to be decided by State tribunals; and that the decision of the tribunals of the State upon questions arising under their own laws was binding not only upon the people of the State but upon the Government of the United States; that this was a necessary result from our form of Government; and that any alleged irregularity or, if you please, fraud in a State election in the election of a governor or of a State Legislature was cognizable and was determinable by the tribunals of the State, and when the State tribunals had passed upon such questions their decision was binding upon the Government of the United States; and that if the Government of the United States assumed the right to go behind the decision of the State tribunals to examine into a question arising in a State election under State laws; if it assumed the right to set aside a State government because of alleged frauds or irregularities in a purely State election, the assumption of such power was the end of the State governments and placed every State government in this Union at the will and caprice of the Government of the United States; and that State governments thereafter would exist only by sufferance. That was the ground upon which I placed the original motion.

Now, Mr. President, within a few days, and since that time, information has come to me of a character that I was not at liberty to overlook or to pass by, in effect charging Mr. Pinchback with improper conduct in connection with his election; which charges, if true, would, in my opinion, render it improper for him to have a seat upon this floor. Having due regard to my honor as a Senator, as the chairman of the committee charged with such investigations, and my duty to the Senate, I did not feel at liberty to withhold that information from the Senate and to proceed with the original resolution asking Mr. Pinchback to be seated. To have withheld that information from the Senate would have been an assumption upon my part of the right to determine the question that Mr. Pinchback should first be seated and the investigation made afterward. I thought I had no right myself to determine that question, and that it was my duty to bring it before the Senate and devolve upon the Senate the responsibility in regard to that question, as well as in regard to others, whether the Senate would seat Mr. Pinchback first and investigate him afterward, or would first investigate him and determine whether he was entitled to be seated afterward. I knew of no way of placing myself and of getting that question properly before the Senate, than by making the motion which I now send to the Chair:

Resolved, That the credentials of Hon. P. B. S. Pinchback be referred to the Committee on Privileges and Elections; that the committee have power to send for persons and papers, and be instructed to inquire into the conduct of said Pinchback in connection with said election.

The PRESIDING OFFICER, (Mr. THURMAN in the chair.) Does the Chair understand the Senator to modify his original resolution by substituting this for it?

Mr. MORTON. The other was simply a notice. It was not offered. I offer this.

The PRESIDING OFFICER. As a substitute for the first resolution?

Mr. MORTON. I suppose it is in the nature of a modification of the first resolution.

Mr. CARPENTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield the floor?

Mr. MORTON. Yes, sir.

Mr. CARPENTER. I thought the Senator was through.

Mr. MORTON. I intended to make another remark, but the Senator may go on.

Mr. CARPENTER. I will wait until the Senator concludes.

Mr. MORTON. I will yield the floor.

Mr. McCREERY. Mr. President——

Mr. CARPENTER. Will the Senator from Kentucky yield to me two minutes and a half?

Mr. McCREERY. I will yield to you one minute and a half. [Laughter.]

Mr. CARPENTER. Mr. President, before the resolution now presented is passed upon by the Senate, I desire to submit some remarks upon this whole case. It will be impossible for me to do so to-day, as I am suffering from a cold which makes it difficult for me to speak; but when other Senators have discussed the question, I will ask the Senate, as a matter of courtesy, to allow the matter to lie over until next Wednesday, when I shall be able to speak on the subject.

Mr. McCREERY. Mr. President, I have waited long and patiently for an opportunity to submit my views on Louisiana affairs. I do not know that I can advance a single thought with the slightest claim to originality or a suggestion worthy of the serious attention of this body. No gentleman present places a lower estimate on the value of my utterances than I do myself. We are all equally interested in preserving and perpetuating our republican institutions; but as to the best method of accomplishing that great result, our views are as various and conflicting as though we were the advocates of opposing systems. But where honesty of purpose is mutually accorded, harsh epithets will not be applied to our adversaries, however erroneous we may regard their opinions. The good old-fashioned democracy of Jefferson and Jackson, who maintained the absolute sovereignty of the States and the people, whenever and wherever the same had not been delegated to the General Government, may sound as discordant in republican ears as their own radical and reckless disregard of State lines and State rights does in mine. I am glad that I have an opportunity of addressing the Senate to-day on Louisiana affairs. I know that I shall be entirely unable to do justice to the subject, or to meet the expectations of Senators, provided Senators have expectations.

The Senator from Indiana [Mr. MORTON] has supported his resolution by two speeches of more than his usual vigor, and I might despair of results, as far as I am concerned, did I not rest with abiding confidence upon the intelligence and integrity of the Senate when it comes to pass upon the facts involved in this controversy.

In these days of bare-faced impudence it is painful to contemplate the more than feminine modesty of the Senator's first proposition. [Laughter.]

The circumstances attending the Louisiana election and the inauguration of the Kellogg government were so novel, so extraordinary, and so revolutionary in their character, that they produced a shock which was felt from one extremity of the Union to the other. The blow had fallen upon Louisiana, it is true; but what was to save their own States if the same arm should be raised for their destruction? The Senate of the United States, about the middle of January following, responded to the general apprehension and the general alarm by instructing one of the ablest committees of the body to make the solemn inquiry whether there was any existing State government in Louisiana, and how and by whom it was constituted. That committee entered upon the investigation with a full sense of their responsibilities, and discharged their important duties in a manner worthy of all commendation. Witnesses were summoned from the remote corners of the Union, and held here for weeks at public expense. Records and constitutions, laws, letters, and telegrams, were passed in review, until a mass of oral and documentary evidence was collected which throws a perfect flood of light upon the affairs of Louisiana. But now, when the time has come for its use, the chairman of the committee, in very excess of modesty, assures us, in effect, that the contents of this volume are positively of less value than a legal technicality or a *prima facie* presumption. The work which he thus depreciates owes its existence to himself. I have too much respect for him to say that he reminds me of an unnatural father conspiring against the life of his child; but I will say that I go back in history nearly two thousand years before I find anything like a parallel to his humility and to his utter self-abnegation. [Laughter.] One of the greatest authors, as well as one of the purest and best men of antiquity, expired in the arms of his emperor, leaving, as a last injunction, that the work to which he was then giving the finishing touches should be burned after his death; but Augustus, who had heard the flowing numbers from the lips of the poet himself, wisely disregarded the dying request of his friend, and the song of "Arms and the man" is repeated in every land where literary merit is understood or appreciated; and as it is enshrined in the hearts, so would I, if I could, engrave the contents of this volume upon the memories of men, so that they should never be forgotten until some future Prescott or Bancroft shall arise to weave them into a chapter of American history, where they will remain forever. Let it rest in the libraries, public and private, side by side with the inspirations of the Roman bard, the one for the admiration of, and the other as a warning to, the human race.

I contend that it is too late to talk about *prima facie* presumptions after the proof has been heard. Whatever might have been the conclusion at the first view, or the first appearance, is of no consequence, as the facts are now before us. The evidence was taken to satisfy our minds as to the existence or non-existence of a State government in Louisiana, and how and by whom it was constituted; or it was taken for the entertainment and amusement of the Senator from Indiana. He relied on this testimony precisely as far as it answered his ends, and he must not complain if we follow his example.

The Senator was prodigal in his citation of authorities, and may have given undue prominence to his own course on other occasions; for neither the decisions of courts nor his own action, enlightened and patriotic as it may have been, can determine the matters now under consideration, for the simple and obvious reason that there never was an analogous case to this on the American continent, or any other continent under the sun. We may make a precedent, but there are no precedents for us to follow.

The second proposition urged by the Senator was hypothetical: that if Kellogg is governor of Louisiana, that is an end of the argument. Now, if Kellogg received a majority of the votes cast, so ascertained by a fair canvass of the official returns, and was legally and constitutionally inaugurated, then he is governor of Louisiana; but if he received a minority of the vote cast, and without any canvass of the official returns was inaugurated by the lawless proceedings of a Federal judge backed by the Army of the United States, then I hold

he is not governor, but an intruder, and liable to a prosecution under the intrusion acts of Louisiana.

The Senator from Indiana has said much about the Legislature of Louisiana; but I have the authority of four honored members of this body, one of whom sits before me, [Mr. CARPENTER,] for stating that there is not, and never has been, a quorum of both houses who had any pretense of having been elected to their seats; and as I have their report in my hands, I will answer what has been said about State-rights by reading a single sentence from it:

> For the United States to interfere in a State election, and, by the employment of troops, set up a governor and Legislature without a shadow of right, and then to refuse redress of the wrong upon the ground that to grant relief would be interfering with the rights of the State, is a proposition difficult to utter with a grave countenance.

The third point to which I will direct attention was a glowing tribute in the Senator's first speech to the Kellogg government. Never having had my attention called to the superior excellences of that institution I was taken completely by surprise, and that surprise was increased from the circumstance that the defense was in advance of the attack. It is a fact, I believe, that those who are most enamored of the Kellogg administration live very remote from its influence. It looks best when it is so far away that you cannot see it at all. [Laughter.] But the idea was purely speculative and fanciful, and demands no serious reply at my hands. If in the terrible ordeal through which the people of Louisiana are passing it gives them any comfort to know that the Senator from Indiana appreciates and admires the peculiar civil polity under which they are living, I sympathize too deeply in their misfortunes to desire for a single instant to deprive them of that melancholy satisfaction. [Laughter.]

The fourth point assumed by the honorable Senator was that the decision of the supreme court of Louisiana is final. No one knows better than himself that this statement is subject to several important qualifications. To render such decision final, or to give it any binding force upon any one, it is essential that the court should have jurisdiction, that the parties in interest should be served with process, and that the judgment to be valid must decide the matters in issue; and all beyond that is surplusage and utterly worthless in that or any other cause. Tried by this test the cases cited by the Senator, so far as the merits of this controversy are concerned, are wholly and entirely without authority.

The returning boards of Louisiana were at law. The amount involved was too small for either of them to take the case to the Supreme Court; then could the intervention of a third party give jurisdiction where there was confessedly none before? If this is true, it is manifest to my mind that the judgments of every justice of the peace in the country might be brought up by the legerdemain of intervention for the revision of the Supreme Court of the United States. It is worthy of remark that after A. P. Field, by his petition for intervention and appeal, got the case before the court, he was wholly ignored, as he was bound to be, in the judgment, which simply decided that Lynch and his associates were the legal returning board. If such a decision, rendered under such circumstances, is not an absolute nullity, then remove all limitation to the jurisdiction of courts and allow them to roam at will over the entire field of contention, deciding everything or nothing according to their sovereign pleasure.

Morgan and Kennard had a contest for a seat on the supreme bench of Louisiana. Each of these gentlemen had a commission, and Morgan had been confirmed by the senate, while Kennard was in possession of the office. But that possession availed him nothing. He was tried under a rule returnable in twenty-four hours; the same time was allowed for appeal, returnable to the supreme court in two days, there to have preference over all other causes, and to be tried immediately. The speed of Justice Kennard through the courts reminds us more of the old Indian pastime of running the gauntlet, with a lick or a kick at every step, than of the gravity and deliberation of a judicial proceeding. In five days after the passage of the act authorizing this summary process, a justice of the supreme court was divested of his official robes. The caption of the law shows that it was passed for the sole purpose of regulating proceedings in "contestation between persons claiming a judicial office." It prescribed a mode and a manner of reaching a result unknown to the law; but it was a mode and a manner designed and intended to settle judicial contests, and for nothing else. Could a proceeding under this statute affect title to real estate or personal property? Could a governor, a lieutenant-governor, a member of the Legislature, a constable, or a policeman be tried under its provisions? Few lawyers here or elsewhere will answer in the affirmative; and yet in this contest between Morgan and Kennard the court not only decides the issue in the cause, but it pretends to decide who is governor, and passes upon the rights of nearly three hundred men, who claimed to be members-elect to the Legislature. If any man contends for jurisdiction under the statute, was the governor, or any member of the Legislature, served with a rule twenty-four hours in advance of the judgment? Can a man be deprived of his rights without a day or an hour's notice?

These were the cases cited by the Senator from Indiana. So far as they support the Kellogg government, I submit they are nullities. I have referred to them very briefly and very imperfectly, but sufficiently, I hope, to induce Senators to read the able dissenting opinion of Justice Wiley, as well as the conclusive argument embodied in the report, and the logical and forcible views of the great lawyer of Illinois, Judge Trumbull, who was at that time an honored member of this body.

It seems to me that the Senator from Indiana made an important omission in his citation of authorities. The supreme court of Louisiana managed, in some way or other, prior to the 12th day of December, 1872, and before any case had been presented for their adjudication, to give an opinion, or to intimate an opinion, on the interesting questions involved in this discussion. Whether it was done in private consultation or in open court does not appear; it may have been on the street corners or at the hotels; but it is nevertheless true that on that day James F. Casey, the collector of the port of New Orleans, informed the President, "The supreme court is known to be in sympathy with the republican State government." Casey spoke advisedly, and would have been incapable of misleading the President on a matter of such vital moment. This shows that the supreme court of Louisiana decided, or intimated a decision, in favor of the Kellogg government before it was a government; and, as we have seen, it has been at it, "in season and out of season," ever since.

The Senator from Indiana attempted to sustain his four propositions by argument. I shall attempt to overthrow them by facts. In the conclusion of his address he seemed to intimate that he had sufficient testimony in reserve to crush any foe who might be rash enough to meet him in the field of debate. If he has such an amount of evidence in reserve, as chairman of the Committee on Privileges and Elections he should have laid it on our table and saved us from his destructive assaults. I have no fear, however, of his masked battery. I have a duty to perform, and I shall discharge it to the best of my ability with such lights as I have before me. If I am slain at his first fire I shall fall in defense of the sacred rights of a downtrodden but generous people, who will remember with gratitude even the feeble effort which I may make in their behalf.

Having made these references to the able speech of the Senator from Indiana I shall attempt to present some reflections from a different stand-point. I shall endeavor to ascertain whether it has been established by competent testimony, or by any testimony at all, that the fifteenth article of amendment to the Constitution of the United States was violated in the Louisiana election; whether W. Pitt Kellogg was chosen governor by the suffrages of the people, and whether he was inaugurated in pursuance of law or in defiance of law. I do not desire to invoke support nor provoke opposition from partisan considerations. The gravest question that ever engaged the attention of the American Senate is presented for our deliberation, and the record we leave will live when we are gone.

A sentiment has found a lodgment in the public mind that there is at this time a wide-spread demoralization pervading all classes of the community. Nor is there a very decided disposition even to make this body an honorable exception. Such a sentiment, whether well founded or not, is calculated to work irreparable injury. Confidence gives way to distrust; commerce is checked by the disappearance of circulation; the arm of industry is paralyzed lest there should be no adequate reward; and society, shaken to its foundations, bewildered and amazed, reels along stupefied by the stunning reports of bursting banks and toppling fortunes and the general financial crash. Just emerging from scenes like these, it will inspire the people with renewed hope if they shall see the Senate of the United States rising above the influences of party, and deciding great questions upon the principles of even-handed justice. There was a period in our history when the proceedings of this body were regarded with lively interest and with profound admiration; and if we fail, as fail we must, to attain to the height of their eloquence and their genius, we may at least emulate their example in point of patriotic devotion to principle. There cannot be a very considerable number in any community who would rejoice at the perpetration of a wrong, and an opportunity is here presented of meeting the views of those who incline to the right.

The examination and cross-examination of witnesses have placed the facts before us. The feelings of gentlemen who occupied the stand were not spared, but they were sifted and sounded until, if the truth was in them, it was brought forth. To give an illustration of the searching character of this examination, I will simply state that the distinguished chairman of the committee asked Hon. Samuel Armstead if he could read, and that, too, with a full knowledge of the fact that he had received a large majority of the votes cast in Louisiana for the responsible position of secretary of state! That was a nice question to address to an eminent divine and a Christian politician, whose sound theology and practical statesmanship had been appreciated and indorsed by the great State of Louisiana! [Laughter.] Would that Senator have propounded such an interrogatory to the archbishop of Canterbury, or Gladstone, or any of the great lights of the Church or Parliament of England; and, if not, then why propound so humiliating an interrogatory to an American secretary of state? [Laughter.]

The entire record before us covers nearly twelve hundred pages; and instead of complaining of its length, I would desire that it was still more comprehensive. I regret that the opportunity was not given to the President and to his law adviser to answer a few questions touching the limitations of power: Whether the powers not delegated to the General Government were reserved to the States and the people, respectively, or were they bestowed *ex gratia* upon the President? Has the Federal court universal and absolute jurisdiction of

all questions pertaining and belonging to the States, and in case that tribunal is guilty of flagrant usurpation, is it the duty of the Executive, with the Army and the Navy, to maintain and uphold that usurpation? It would be instructive to the people to know whether this Administration ascribes to them intelligence and capacity sufficient to elect their own officers and manage their own internal affairs, or is it deemed more advisable that the Federal court should have a controlling supervisory power, correcting their errors and overruling their action by its mandates and decrees, and securing them in the perpetual enjoyment of the benefits and blessings of a carpet-bag ascendency enforced at the point of the bayonet?

The fifteenth article of amendment to the Constitution of the United States provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," and that "the Congress shall have power to enforce this article by appropriate legislation." Now, I cannot very clearly perceive what legislation was or could be required to enforce this article in the Constitution. It was the paramount law of the land, and anything in conflict with it, whether Federal, State, or territorial, was null and void. But on the 31st day of May, 1870, Congress did pass a law, the twenty-third section of which provides—

That where any person shall be defeated for any office, except presidential elector, or Representative or Delegate in Congress, or member of a State Legislature, he may institute proceedings in the circuit or district court of the United States to recover possession of such office in cases where it shall appear that the sole question touching the title to such office arises out of a denial of the right to vote to citizens who so offered to vote on account of race, color, or previous condition of servitude.

Whether this section of the statute is constitutional or not I will not stop to consider. In trying to efface all distinctions on account of race and color, a jurisdiction is established to redress the wrongs of the black man, which is closed against the white man who has sustained precisely the same injustice. And to make the discrimination still more clear and emphatic, denial of suffrage to black men may defeat an election, while a similar denial to white men is followed by no such consequences. This is incompatible with that perfect equality before the law which radical orators have made the text for their discourses for so many years.

I have cited this clause of the Constitution, and the substance of the twenty-third section of the act of 1870, because, if there is a shadow of foundation for the extraordinary assumptions of the Federal court in Louisiana, the unsubstantial claim rests on these provisions, and without their support it must fall to the ground. I would ask Senators to bear them in mind during the progress of my remarks.

The campaign of 1872 opened most auspiciously for those who were making a common effort to overthrow the republican party in the State of Louisiana. The sun of Austerlitz was not more inspiring to the armies of France than were their own high hopes as they raised the banner of equal rights and gathered around it in their own defense. The claims of kindred and of home, as well as of the great law of self-preservation, appealed to them to stand up like men in what might be their last struggle to save their native land, their altars, and their firesides, from the injustice, the spoliation, and the insatiate rapacity of the adventurers and carpet-baggers who were driving commerce from their cities and production from their fields.

Democrats and liberal republicans, forgetful of past differences, rallied under the same standard, and fused their forces for the coming strife. No despondency chilled their ardor, and no gloomy forebodings clouded their prospects. With firm faith in the justice of their cause, they resolved to win a glorious victory; and they did win it by a majority of many thousands.

On the contrary, the republican party, inflamed by dissensions, and exasperated by two conventions, one held at Baton Rouge and the other at New Orleans, with a couple of tickets in the field, fiercer in their assaults upon each other than ever they had been upon their old opponents, was shorn of its strength even before the contest had begun. Some of their shrewdest politicians left the State after the nomination and never returned until after the election. But the "old guard," the office-holders, only grew desperate in misfortune, and resolved to attest their fidelity by inaugurating a campaign which in the pageantry and pomp and pride and circumstance of its appointments should surpass anything that ever floated on the waters or rolled on wheels. [Laughter.] The marshal of Louisiana charters a steamboat, and, after taking on a cargo of speakers and whisky-barrels, committee-men, bacon, hams, and other choice edibles, he cuts his cable, raises his flag, and steams gallantly up the Mississippi River. It was a glorious sight to witness the calm, intrepid step of Marshal Packard, as he paced the quarter-deck of that vessel, surrounded by tapsters and flunkies, speakers and committee-men! At the landings, before the walk-planks were fairly adjusted, hundreds of negroes, of either sex and all ages, rushed pell-mell into the boat, looking on all sides and inquiring, "Where do you keep your cages?" Then came the grand reception, which was of that spontaneous, swelling, gushing character, only practiced by high-pressure politicians in very doubtful districts. [Laughter.] After an elegant collation, presided over with the ease and dignity acquired in high official position, the orators are led out; but from some cause or other which has never been very clearly explained their most impassioned appeals produced little or no effect upon their hearers. Perhaps the dark mass were more impressed with the novelty of the contrivance than with any line of argument that could be addressed to their understandings, for a boat-load of orators had never before appeared on those waters. Perhaps the bar-room and the rostrum were too close together. At any rate, the enterprise was ruinously expensive; and besides, each day's experience made it more and more manifest that the prospective glory which cheered them at the outset might in the end culminate in scenes of disorder, debauchery, and licentiousness, surpassing those described by Gibbon in his history of the Decline and Fall of the Roman Empire. [Laughter.] The craft began to wear a piratical appearance; the orators looked more like buccaneers than statesmen as their fiery eyeballs glared wildly under their shaggy brows. [Laughter.] Marshal Packard made land at Vidalia, a little village in the parish of Concordia; and after taking a short retrospect of the canvass as far as it had gone, he realized the desperate and utterly hopeless condition of affairs. But, instead of giving way to useless regrets, his creative genius, rising with the emergency, devised a plan which in strategic force is probably without an equal. Sitting by the Father of Waters, with his eyes resting on the lofty bluffs on the opposite bank, and reflecting on the danger of procrastination, he then and there resolved to abandon his fleet, and to make one of those flank movements that in modern warfare so frequently decide the fate of armies and of nations. His measures were taken with such prudence and circumspection that very few of the orators, perhaps not over a score, were aware of his intention until his departure. On the morning of the 5th day of October Marshal Packard was descending the Mississippi River. Why this unexpected, this sudden and abrupt change in his tactics? It was thirty days until the election; and yet he is willing to leave the impression on our minds that he was gifted with foreknowledge, and that from some casual observations here and there he came to the deliberate conclusion that a tremendous amount of fraud would be practiced at the coming election, and that to circumvent this fraud he was hastening with all speed to New Orleans. When he arrives at that city he takes no rest until he has prepared thirty thousand affidavits in four distinct forms to meet the different varieties of fraud which in his opinion would then be most prevalent. [Laughter.] When we reflect on the toils and dangers through which he had passed, and upon the agitated and perturbed condition of his mind, it is scarcely a matter of surprise that neither one of the four forms touched or in any way referred to the sole question which could affect the official returns of the election. [Laughter.] He certainly had not the statute before his eyes at the time, for he is undoubtedly too shrewd a politician to have applied such labor and expense without any prospect of advancing his cause.

Let us stop a moment and inquire whether it was simply a love of fair sailing, or some other motive, which prompted Marshal Packard to understand a month in advance the precise specific frauds which would be perpetrated at the election. Does he scorn fraud because it is fraud, or does he tolerate it on his own side, and only despise it when it comes in aid of his opponents? Was he aware, or did he believe, that there were 6,000 fraudulent votes cast in a single parish in 1870, and did he hold his peace until the fact was drawn from him in this examination; or did he send forth the Army and Navy of the United States to hunt down the guilty perpetrators and bring them to justice? No fraud upon your adversary can be stupendous enough to arouse your virtuous indignation for a single instant; but on the other hand a conjecture, a surmise, a suspicion, is sufficient ground to lead to the preparation of thirty thousand blank affidavits to be placed in the hands of irresponsible, unprincipled officials, who sally out under the direction of defeated candidates, with their money in pocket, to obtain, by bribery or perjury, the statements required. A man whose sense of justice determines the right or the wrong of an action by its injurious or its beneficial consequences to himself or his party may be listened to with many grains of allowance.

Marshal Packard appears to have labored under a strange delusion; his fears led him greatly to exaggerate the democratic strength and to underestimate his own. He, no doubt honestly, believed that it would require the amount of thirty thousand affidavits to show a republican majority, whereas half the number would have done, and he might have saved the expense of the balance.

From the day on which Marshal Packard made up his mind that the election could not be carried by steam and left his crew at Vidalia, the campaign underwent a radical change. That magnificent propeller which had borne them so triumphantly over the waves was tied to a stake; those orators who had made her forecastle quiver under the thunders of their eloquence wandered forth singly or in pairs, seeking such precarious subsistence as they might find in the practice or in the detection of fraud. [Laughter.] Some of them may have crossed over to Natchez, in the State of Mississippi; some may have returned to their homes and friends at the North; but it is almost certain that the great body of them continued to labor for the success of the republican party in Louisiana. But the machinery of the campaign had been revolutionized; it was now conducted for the most part on the basis of rumors and reports. Men were flitting hither and thither on horseback, on foot, and in carriages, and wherever they went the public mind was filled with apprehension. One man had heard a pistol-shot; another had seen a knife brandished; another had heard a man say something—all of which was held to be conclusive evidence that a fair election was impossible, and that the negroes were

to be defrauded in registration and intimidated and swindled at the polls. Even John Lynch, seated comfortably behind a pair of dashing trotters, drove furiously through two parishes for a whole week hunting the registrar. He became satisfied that there was a settled plan to defeat a fair registration, and he sought the governor to tell him what he thought of such proceedings. The testimony of Mr. Lynch appears to warrant the belief that the registrar was probably making, if not as active, still a more efficient search for him; for that officer sent a messenger to him at New Orleans to say that if he would indicate a time at which he could be found in his own parish and his own house he would call and register him. Mr. Lynch indicated the hour of two, and leaving the city to return to his home in another parish, he met the registrar on the way, and right there, in the middle of the big road, the office was opened and Mr. Lynch was registered on the spot. General McMillen failed to vote after presenting himself at the polls, and went away quite incensed at the officer, because, as he supposed, his papers had not been prepared; but he afterward ascertained that the registrar had not only made out his papers, but took them to the voting place and left them with a person to be delivered to the general on his arrival; but before he met that person, General McMillen had got mad and gone off. Now, Lynch and McMillen seem to have been opposed in their political views, and in either case it would be a harsh judgment which would condemn the registrar. So that instead of there having been a settled plan to hinder and obstruct registration, there seems to have been a settled purpose to make it as general as possible, whether the parties interested desired it or not. To open an office on the highway to accommodate one gentleman, and to hunt up another with a view of delivering his certificate, are instances of official courtesy which might be commended to those enjoying even higher position. And yet there was probably more written and more spoken about these two cases than about any other twenty-seven instances in the State.

The election in Louisiana came off on the 4th day of November, 1872, and was probably the most orderly, quiet, and fair election that has been held in that State for many years. The registration was more general, and the vote cast was larger by twenty thousand, than it had ever been before. The election of the McEnery ticket by a very decided majority was almost universally conceded, and the charge of fraud had little support outside of the fact that in many of the parishes there was a considerable increase in the democratic and a corresponding decrease in the republican strength. Where it was reversed—where the radicals increased in strength—I have heard no imputation of fraud. To establish such a criterion as this might suit the views and purposes of office-holders, as it would perpetuate their power, but it would be a deadly blow to the opposition. The great victories in Ohio, New York, and Oregon would pass for naught, as a simple reference to the last presidential election would show that those States had gone for Grant. The facts brought out in the evidence clearly demonstrate that the radical ticket failed to receive the united support of those who had previously co-operated with that party. The republican senators holding over were about equally divided, and two-thirds of the fusion ticket were made up of those who had heretofore acted with the radicals.

Marshal Packard assumes that every colored man is a republican, and says that it was notorious that almost in every instance they voted the ticket just as it was printed for them and given to them by the party leaders. If this is true, it shows not only the efficiency of the drill, but the utmost docility on the part of the rank and file. But it will be borne in mind that Marshal Packard, in his canvass, went no further to the northwest than Alexandria; while Sheridan and Armstead, who traveled and spoke through that region, testify to a strong fusion sentiment among the colored population; and their reports are sustained by the official returns from that section. But if comparisons are urged between the last election and the one before it, honest republicans will not forget to deduct a large percentage from the vote of 1870 on account of the frauds then perpetrated by the radical party. They will not forget that high republican authority estimates those frauds at six thousand in a single parish.

Witnesses have animadverted in strong terms upon the reduced vote of Natchitoches. But seven thousand of its population were embraced in the new parishes of Red River and Vernon, which were formed from part of its territory. Marshal Packard mentions the circumstance as if it was a peculiar and intolerable hardship that black men had to travel from a large radius to vote at Natchitoches. I wonder if it ever occurred to his mind that white men had to travel from precisely the same radius. But in order that you may have a clear conception of the real difficulties and embarrassments that the negroes had to surmount to reach the polls, I will read a brief extract from his testimony, which may be found on page 963:

> The difficulty is that they have to follow the river, which is exceedingly crooked, so that a distance which appears to be six miles on the map may be twenty or forty miles, in some instances, as the river bends right around, comes back to almost the same place.

If Marshal Packard may be relied on, Red River is the crookedest stream in the world, and the patriots who dwell upon its banks, whatever may be their proficiency in political science, have certainly made small progress in their geographical researches. [Laughter.] But to apprehend this difficulty the more readily, you will imagine an immense curve in the river, forty miles around and four miles across. You will place an open poll at the upper end of this curve, and a settlement of forty black men at the lower end. These black men, according to the evidence, must of necessity approach that voting place by way of the river. It is a long journey, and one day's preparation is required; another day is occupied in making the tedious circuit; one day is spent in the election, another in the return, and still another in resting and recruiting themselves after the labors and fatigues of the trip. Here is a loss of five days for each man, or an aggregate loss of two hundred days going and returning from the election! Do not ask me if white men were subject to the same inconvenience. Of course not; they took the direct route, cast their ballots, and got home before dinner-time. [Laughter.]

Now, it is perfectly obvious to any sensible man that this river ought to be straightened. It is too crooked and too winding in its course to give the colored men that easy access to their franchises which should be enjoyed by every citizen. If he must follow a river, give him a straight river. [Laughter.]

This witness intimated that the voting places were sometimes thirty-five or forty miles apart; but as there was one in Natchitoches, about the center of the parish, besides three or four others scattered around, and as the parish was only about fifty miles long, it took tremendous bends in rivers and wide circuits in travel to give the narrative that harmony and consistency which an upright deponent imparts to his testimony.

The witnesses have spoken somewhat of the threats and intimidations which were employed to defeat a fair election by the people. I shall make a brief reference to two instances which appear to be the best established. Stokes was supervisor of registration in the parish of Terre Bonne; and from the day upon which he entered on his duties he seems to have been pursued by a gang of worthless, drunken blacks and whites, sometimes trying to force him to open his business in the night-time, and then endeavoring by threats to make him remove his office to another place; and at another time they actually compelled him to suspend registration. He says it would be impossible to give all the instances of interference, violence, insult, and attempted intimidation; but by the exercise of patience and forbearance he continued his labors until his work was done. He appointed fifteen voting places, so as to have them convenient to all, and selected the commissioners from each party, so as to leave no just ground of complaint. When the commissioners brought in the returns, in their presence, and in the presence of the United States supervisor and others, he proceeded to count the vote; but when he had opened and counted eight boxes a band of several hundred armed negroes, accompanied by women bearing cans of oil and bundles of hay, broke into his office, threatening to kill him and to burn the town. The terrified citizens urged him to leave the parish, and he did so, believing it was the only way to save his own life and prevent a disgraceful and bloody riot.

The town of Plaquemine, in the parish of Iberville, was held for three days and nights by an armed band of near five hundred negroes; the ballot-boxes were taken by force from the commissioners, their legal custodians, and carried by these men to Plaquemine. There the scenes of disorder and threats of violence were so great that the houses were closed, business suspended, and the commissioners of election in a body refused to have anything to do with counting the vote. Tharp, the supervisor of registration, was so far intimidated that he performed the work alone, hedged in by the crowd, who boldly declared that he must count or die, and that death would be the consequence in case the result varied from what they felt assured it ought to be!

On the Sabbath before the election a minister of the gospel ventured to urge his congregation to avoid any demonstration of violence or intimidation, and for this he was threatened with the free use of coal oil and matches; and colored men who simply avowed a determination to cast an independent vote, or to vote as they liked, were politely informed that before it was done with some of their throats would be cut. The outrages perpetrated in that parish are established by the sworn statements of more than fifty persons, old and young, white and black. And where were those apostles of freedom whose pious souls are moved by the slightest invasion of right? Where was Marshal Packard with his troops when armed ruffians for three days held high carnival in the neighboring city of Plaquemine? Or did the cause justify the deed? And did the Lynch board find in these circumstances a single fact which induced them to question the legality of the election in that parish?

But the witnesses are agreed that in the main the election in Louisiana was fair. Some of them put in exceptions and limitations; but as a rule, that is the conclusion. It was, probably, as free from fraud as any election will be which is held under the especial auspices of the Federal Government. There were upward of six hundred deputy marshals in New Orleans, and perhaps as many as two hundred in the rest of the State. How many troops these officials commanded must be left to conjecture. It is only certain that they were furnished in every instance where the requisition was made for them, and it is a lamentable fact that where they most abounded there the fraud-hunters were most successful. In proof of this I refer to Plaquemines, Bossier, Rapides, and Caddo Parishes.

Let us now briefly consider the action of the returning board. At the second meeting Herron, who was secretary of state, was removed from that office as well as from his position on the board, and his place assigned, by an executive order, to Jack Wharton, who appeared immediately and was qualified. Herron proves, by himself and John

Lynch, that before he left the room he made a motion, which was carried by his own vote and that of Lynch, to appoint Longstreet and Hawkins to fill the two vacancies on the board. On the contrary, it is established by the testimony of about six gentlemen, as respectable as themselves, that no such motion was made and carried. But if it is conceded that such action was had, I cannot very clearly perceive how it could in any way improve his position. He was out of office at the time; his successor had been qualified; and neither his proposition nor his vote had any more force and effect than if submitted by any other private citizen. Nor did it belong to Herron to raise any question touching even the regularity of Wharton's appointment. The governor removed Bovee and gave the place to Herron, and the same governor removed Herron and gave the place to Wharton. Bovee was the officer elected by the people; Herron was the mere creature of executive favor; and the power that could depose the first could without difficulty displace the second. So that Herron had less than nothing to complain of, and having enjoyed the honors and emoluments of office for a season, he should have retired with alacrity to the walks of private life.

The tenacity with which men cling to official position is understood in a measure by the members of this body; but the experience of mankind affords no example comparable to the unyielding and desperate resolution with which the Lynch board grasped and held their places. If Longstreet had planted his standard as firmly on the soil of East Tennessee as he has placed his foot on this little office in Louisiana, the representatives of the States and the people, instead of assembling in these halls for the discussion of national affairs, might have been drifting to that "undiscovered country, from whose bourn no traveler returns." And I will ask the question, whether it were better that we had gone down together in one common ruin, leaving a name in the world, or to be destroyed by piecemeal, State after State—to be stricken down by the hand of violence, or by the more insidious and fatal force of unauthorized judicial construction, until the darkness of despotism shall spread over the land? I would rather meet death in any form than to witness its certain indications at the extremities, and watch its stealthy approach as it creeps from joint to joint, paralyzing, withering, and killing as it goes, until all the faculties of mind and body slowly sink under its influence.

On the third day after the rupture in the returning board, W. Pitt Kellogg filed his bill in equity in the Federal court of Louisiana, and about three weeks after that C. Cæsar Antoine filed his bill of complaint in the same court. These proceedings seem to have been instituted to perpetuate testimony to be used in sustaining such suit or suits as might be necessary to vindicate the claims of these petitioners to the offices of governor and lieutenant-governor of that Commonwealth. The lieutenant strikes a higher note than his superior. He seems inclined to restrain all terrestrial beings who could in any way hinder or impede his march to power. I have tried in vain to ascertain the precise number of those included in his sweeping injunction, but having no reliable information as to the strength of the police force of New Orleans I am left completely at a loss. I feel safe, however, in hazarding the opinion that the entire number will not exceed twenty-five hundred or three thousand.

The mandates and decrees in these cases appear to be very extraordinary and illogical departures from the petitions themselves. Under the new code in Kentucky, the edge has been taken from the demurrer as a weapon of defense, as the plaintiff may amend at will where there is or where there is not a defect. The old practitioners on this account held the code in derision, and one of them remarked that he had seen an action brought for fraud in a horse swap, which, after a variety of amendments, terminated in a judgment to settle a dead man's estate and to make a *pro rata* distribution of his assets among his creditors. [Laughter.] That lawyer used to enjoy his little joke; but how could he have contained himself if some one had given him the outlines of the case at bar, where a Federal judge upon a bill to perpetuate testimony, which had never been amended at all, entered a decree upsetting the civil administration of a State by armed intervention and inducting men into office who had been notoriously and overwhelmingly defeated? If it were not the most serious matter in the world, it would be the grandest farce that was ever enacted on any stage.

I venerate the legal profession. From the assemblage at Runnymede, where the great charter was extorted from a tyrannical and wicked king, to the Congress at Philadephia, which put forth our own immortal Declaration, and for ages before and afterward the lawyer has led the vanguard in the cause of civil and religious liberty. He has framed the jurisprudence of England and given us the Constitution of the United States. When we look back upon the long line who, by their wisdom, learning, and integrity, have built up and established our system—upon Blackstone, Mansfield, and Hardwicke, in England, and upon Marshall, Taney, and Chase, in America, we cannot avoid a profound regret that Judge Durell had not familiarized himself, at least to some extent, with their teachings. In that event he might not have discolored the judicial ermine with the large black spot which he has left ineffaceably fixed upon it, and he might have saved the chairman of the committee from the mournful but imperative duty of denouncing his action, which he has done in his "views submitted," as "gross usurpation," a judgment which will receive the sanction of the profession throughout the world.

On the night of the 5th of December, 1872, about the hour of eleven, in the presence of solicitors for complainants and surrounded by his guards, Judge Durell, by a private note—for I can call it nothing else, it had no mark of judicial process upon it—ordered the marshal of Louisiana forthwith to take possession of the state-house; and three hours afterward Captain Jackson, with his batteries and his soldiers, held that position. I will not charge that the President was conniving at this flagrant and lawless usurpation, but I will say that there was a remarkable coincidence between the action of the court and the opportune arrival of the troops; such a coincidence as would fasten a suspicion of guilt upon any man less cautious in his exercise of power and less particular in his observance of law. The committee in their report say the Federal court had no more right to seize the state-house than to seize this Capitol, and I adopt the sentiment.

The labors of Judge Durell at this critical period appear to have been perfectly herculean. The called session of the Legislature was to meet on the 9th, and he had no time to lose. He was engaged until near midnight on the 5th with his military order for the seizure of the state-house. On the 6th he filed a voluminous opinion in the Kellogg case, deciding that Longstreet and his associates were the legal returning board; and on the 7th he issued an order enjoining more than one hundred men from participating in the organization of the senate and house of representatives, and restraining the rest of the human family, or a good part of them, from aiding, abetting, or assisting, in any way whatever. I might paraphrase the language of the committee and say that he had no more right to interfere in the organization of that Legislature than to assume to direct the proceedings of this body; but instead of that I will say that if there ever was a judge upon earth who made such a record for himself in the space of three days, his name is lost to history and has faded forever from the memory of men. During the progress of, and for a long time after, these fearfully perilous political military exercises, he was closely guarded, night and day, sleeping and waking. Whether they were afraid that he would be killed or stolen does not appear; but when in repose they stood near him, and when he walked—which he sometimes did in the early morning or the cool of the evening—they followed him. Marshal Packard, in his evidence, seems to have been as solicitous to save the judge's feelings as he had previously been to shield him from danger; for he says he does not think that the judge knew that he was guarded "hardly any of the time." As the guards occupied a room adjoining his own, and trailed him wherever he went, it is difficult to understand how he was ignorant of their presence; for if he opened a door in his house, or looked over his shoulder on the street, he was bound to see them; but perhaps the judge was not given to opening doors, and perhaps he never looked behind.

Society is strangely and wonderfully organized, and the transitions from savage to civilized life and from paganism to Christianity render it impossible for us to determine to what extent we may yet be the subjects of old delusions and old superstitions. The ancients translated their heroes and sages to the stars, and worshiped them among the heavenly hosts. Whether we have inherited a sort of inward faith in the divinity of human nature, or to whatever cause you may assign it, there is a large proportion of every community who, while they may not justify, will palliate and extenuate every offense. An unseen hand scattered fragrance over the grave of Nero; and from that day to this there has been no offender, great or small, as to whose guilt or innocence there was not conflict of opinion. "He must have had strong provocation," "He was insane," or "Some aberration or hallucination clouded his intellect, or he could not have done the deed"—these, and a thousand other things, are surmised merely in mitigation. But in the case before us the door is rudely closed against friendly conjecture by the desperate energy with which Marshal Packard swears that Judge Durell was not drunk when he signed the order. [Laughter.]

I have already spoken of the wonderful tenacity with which the Lynch board clung to their offices. Bovee was clearly ineligible under the law, as he was a candidate, and by turning to page 219 of the evidence you will see that he signs the certificate of his own election. But that was a trifling circumstance compared with the other difficulties under which they labored. At the suit of Warmoth, that board was enjoined from any action whatever, and at the suit of Armstead it was restrained from canvassing any except the official returns; and both these injunctions from the State court were undissolved and in full force throughout their action in the premises. More than that; a law was approved on the 20th day of November, 1872, abolishing their offices altogether. Two valid injunctions, backed by the positive provisions of a repealing statute, would have presented a formidable obstacle to ordinary men; but Longstreet's military experience taught him that a judge without jurisdiction, when backed by the Army of the United States, would be irresistible in the conflict. [Laughter.] Immediately after the approval of the law to which I have referred as abolishing all former boards, the De Feriet board was appointed, and the conclusion cannot be avoided that their returns are entitled to full credit, and that McEnery and his associates were legally, fairly, and constitutionally elected.

But I will continue the review, which I had commenced, of the proceedings of the Longstreet board, only premising that I will not consume one-tenth of the time which it would require to search out all the strange irregularities with which they abound, but only calling attention to a few of the more important facts. There was not an official return before this board, not one signed by a State officer,

and no witness was sworn, examined, and cross-examined before them. How was it possible, under such circumstances, to arrive at any just result? By what light were they guided in their deliberations? Bovee says they were slightly influenced by statements not under oath, and letters, and one thing and another. This looks more encouraging; it begins to look like business; but as I do not wish to consume time, I will give you Bovee's account of their mode of procedure in working up the vote of a single parish; and as it is short I will take that of La Fourche:

By the CHAIRMAN:

Q. Lafourche, William Murrell, and John Bibolet?
A. We had the same character of reports from that parish; page 128 of the President's message refers particularly to it.
Q. What was the general character of it?
A. A number of persons appeared to have voted twice; some who voted were under age. The affidavits showed, or at least a certain number it was shown had been voted twice.
Q. Did you throw out the votes?
A. No, sir.
Q. Did you make a deduction of those illegal votes?
A. Yes, sir; and added those that were refused who had the right to vote.
Q. That is, you counted some affidavits?
A. Yes, sir.
Q Did you have the affidavits?
A. We had the affidavits of the Federal supervisor, showing the state of things that existed there.
Q. You mean his statement?
A. Yes, sir; also his affidavit.
Q. Was it upon his affidavit that you counted certain votes?
A. Yes, sir. I think that portion of the President's message shows exactly the character of it.
Q. Did you count those votes on the affidavit of the supervisor, or did you have the affidavits of the men who did not get to vote?
A. On the affidavit of the supervisor, based on the evidence of the affidavits themselves.
Q. Did you have those affidavits?
A. No, sir; not the particular affidavits. I think they were taken in a body.
Q. How many votes did you count on the supervisor's affidavit?
A. There were from 30 to 50. I do not remember exactly.
Q. How many did you reject on his affidavit for being under age, &c.?
A. I think we rejected in all about 60 or 70.
Q. And counted 40 or 50?
A. Yes, sir.
Q. Making a difference of 150 votes?
A. Yes, sir.
Q. That gave this man a majority?
A. Yes, sir.

The key that unlocks this riddle may be found in the last sentence: "That gave this man a majority." What he says of "affidavits in a body" is very liable to be misunderstood and misconstrued. He evidently does not refer to a number of affidavits attached together, nor does he refer to a single affidavit bearing the names of many affiants, but it is altogether more likely that the reference is to an abstract or certificate from Woolfley, the clerk of the Federal court and chief supervisor of Louisiana, who, though in nowise connected with the returning board, seems to have held the affidavits, and, consequently, the balance of power in his hands. But that which creates the most surprise is that a Federal officer should have been able to discriminate with such remarkable accuracy, and with such slight opportunities of observation, concerning the ages of those who were momentarily in his presence. Does the fifteenth article of amendment of the Constitution provide for anything of that sort? It does not; but something must be done to give that "man a majority."

A revolution was effected in the parish of Tangipahoa in a manner so strange, that I shall advert to it for a moment. A man by the name of Barkdull was sent there to take proof of fraud. He passed over the parish twice, making inquiries wherever he went, and came to the conclusion that the election had been fair. But Wands, who was the defeated candidate for the Legislature, told him "That would not do; that will defeat us." They started out together, and as they could find no one who had been wrongfully deprived of suffrage, Wands gave him two hundred and fifty names of persons who, as far as his investigations went, had voted already. Wands sent for a newspaper reporter by the name of Richardson, who made affidavit that the colored people were so intimidated that they would not come out; a fact of which the colored people themselves were entirely ignorant. Wands also procured the reluctant signatures of an old hotel-keeper and two Germans and another man to similar affidavits. The old man said, "I will sign the paper, but Mr. Wands promised me the post-office; and I want you to see that I get the appointment." These were the affidavits accompanying the report of intimidation, and freighted, as I contend, with two hundred and fifty votes to be counted in fraud of the rights of the opposition and in manifest and palpable violation of law.

But notwithstanding the satisfactory character of the proof, there was an unexpected difficulty in the way. About 1,380 votes had been cast in the parish, and the published estimate of one vote to five souls showed that it only contained about 1,580; so that, to use a phrase current in Louisiana, it would not "hold" the two hundred and fifty names reported by Barkdull. The difficulty was serious, but not insurmountable. By a deduction of 150 or 160 votes from the democratic and an addition of a similar number to the republican candidates the end was attained, with fifty votes to be transferred to the account of profit and loss. This was a most adroit and skillful maneuver, but it was nevertheless required to give that "man a majority."

I might say something about Henry E. Robinson, who, as deputy marshal, decided at the polls that men without registration papers should vote, a matter he had no more right to decide upon than you or I, and even less, if possible, as he decided it in the teeth of the law. As United States commissioner, he appointed deputies to assist him in collecting evidence of fraud, but as he only returned about four hundred and fifty affidavits, and as from his evidence he seems to be a very young man, I will pass him by in silence.

From Rapides one thousand affidavits were counted, although the difference between the registered and the polled vote was less than that number.

In the parishes of Bossier and Natchitoches, where more than 3,000 votes were polled, and where McEnery had a clear majority of nearly 1,100, every vote cast was ignored, and more than twenty-three hundred affidavits were counted for Kellogg, besides reversing the representation in the Legislature. Wherever the parish of Bossier occurs in the returns of the Lynch board, you will see 1,159 votes for the republicans, and where Natchitoches occurs you will see 1,206 for the same ticket, and none for the opposition. There was no scratching there; nothing counted save affidavits. No wonder that the Senator from Indiana desired that this evidence should be buried forever from his sight.

From Caddo Parish one hundred and fifty affidavits were triplicates, and sometimes there were four copies by the same party, at the same time, in the same handwriting, and with the same names of persons.

But of all the men who made or lost reputation in this hunt after fraud, the name of Theodore Jaques stands pre-eminent. In company with Judge Prescott, he embarked for the parish of Plaquemines on a steam-launch belonging to the Government, and there is no telling how much of the people's money has been expended in defrauding them of their rights. These enterprising citizens, after a short voyage, attended, I am sorry to say, with no fatal disaster, returned to New Orleans with thirteen hundred and fourteen affidavits, one of which was signed by the party who made it; three hundred bore authorized signatures, if you could call it so, obtained as they were; and one thousand and thirteen were palpable, downright forgeries; the names having been taken from poll-books or somewhere else, and no one knowing whether the parties were dead or alive. Judge Prescott signed the certificates in blank, which greatly facilitated the operation. Among the men of straw who figured in these affidavits, old John Doe was not forgotten; but fresh as he was a thousand years ago, and still the patron of litigation and strife, he seems to have voted the regular national republican ticket. [Laughter on the floor and in the galleries.]

The PRESIDENT *pro tempore*. The Chair will remind persons occupying seats in the gallery that any manifestation of approbation or disapprobation is in violation of the rule of the Senate; and if the rule be again violated, the Chair will order the galleries to be cleared. The Chair will also request persons on the floor standing in the rear of the railing to find seats provided for their accommodation in the Senate Chamber.

Mr. McCREERY. But the dramatic part of the performance had not come yet. Jaques, loaded down with his spoils, was approaching the board. Bovee saw him first and sprang to meet him in the hall, exclaiming in rapture, "Jaques, you are a hell of a fellow!" Jaques might have returned the compliment, for it was so intended; but he was a little nettled at the remark, as it implied that he had done his utmost, and he meant to give a most emphatic contradiction to any such disparaging inference. Then, drawing himself up, with that lofty air of indifference which great men assume when speaking of their most renowned achievements, he carelessly observed, "George, if you want a few more, I can get you some by ten o'clock in the morning." Jaques had artfully held back two hundred and fifty or so, to meet precisely such a contingency as this; and Bovee, perceiving at a glance that he had made a sad blunder, laughed it off, and afterward occasionally would make the jocular inquiry, "If Plaquemines had done voting yet?" But that retort of Jaques, although it was treated as a piece of pleasantry at the time, left a sting behind. It was entirely too familiar, in the first place, and then it almost asserted that the pretended gravity of their proceedings was little better than a ridiculous farce. The prudence and circumspection of Prescott were in marked contrast with the vaporing bluster of Jaques, and he was appointed parish judge of Plaquemines; while the conceited braggart fell a victim to his unbridled loquacity, and got nothing at all. I said he got nothing; but he did receive $105 from one of the candidates, as well as some promises that he should be reinstated in the custom-house.

But why multiply instances when John Lynch stated on his examination that they did not count, but estimated, the vote on the basis of what they thought it ought to have been, and when Bovee declares boldly under oath that they were determined to have the Legislature? Men actuated by such motives would never fail to arrive at a conclusion satisfactory to themselves. In order to give their proceedings some shade or semblance of official sanction, Bovee pretended, and said on oath that as United States commissioner in the parish of Saint James, he kept a tally-list just like the clerk, when the returns showed that he only kept the votes polled for the republican candidates. To the important question whether any of the affidavits stated that the parties had been denied the right to vote on account of race, color, or previous condition of servitude, John Lynch answered, "Yes,

sir; quite a number of them." Four pages afterward, in the same examination, and to the same interrogatory, he makes what might be termed an evasive answer, still implying that at least a portion of them contained the statement, when in truth and in fact there was no reference to race, color, or previous condition in any affidavit from beginning to end. I do not intend to impute falsehood to Mr. Lynch, for it is highly probable that he never saw one of the affidavits except those brought in by Jaques, the clerk of the Federal court holding the balance; but I emphasize the facts, because they make void, and worse than void, the legal proceedings by which Kellogg and company were invested with offices which by every principle of right and of law belonged to McEnery and his associates.

The Senator from Indiana said, if I understood him correctly, he had never seen a man who thought McMillen ought to be admitted to a seat on this floor. I do not suppose that he made a very diligent search for that man.

Let us pause for a moment and consider some of the marvelous results brought about by the strange proceedings of the Lynch board. A man occupies the executive chair who was defeated by thousands. Members are sitting in the house of representatives simply because they were the only ones who put in claims for the seats. And concerning the senate, I will read the official returns from six consecutive districts, and see if any man here can guess in a single instance to whom the Lynch board awarded the certificates. In the nineteenth district Graham got 1,511 votes, Hodge 938, and Greene 719, with 37 scattering. It would look to be not probable, but I think the Lynch board awarded the certificate in that case to Greene, who got the smallest number of votes. In the twentieth district, McDonald received 4,178, and Blackburn 2,466 votes. Blackburn got the certificate of the Lynch board there.

Mr. WEST. Will the Senator be kind enough to state the page he is reading from?

Mr. McCREERY. I am reading from the returns of the DeFeriet board, pages 295 and 296.

In the twenty-first senatorial district Leonard received 1,863 votes, and William Harper 1,498. Harper, I think, got the certificate of the Lynch board. In the twenty-second district C. J. C. Puckett received 3,821 votes, and Raford Blunt 1,503 votes. Blunt got the certificate. In the twenty-third district White received 2,680 votes, and Kelso 1,169 votes. Kelso got the certificate. In the twenty-fourth senatorial district Hawkes received 620 votes, Kelly 1,274, and Alexander 741. Alexander, I believe, got the certificate of the Lynch board. I am willing that these facts should rest upon the minds of Senators, without one word of comment.

Much has been said in the various reports about government, and the committee make their acknowledgments to President Lincoln for the best definition of a republican government in the English tongue—"a government of the people, by the people, for the people." Without the slightest disposition to disparage that President in any particular, I can say that I do not regard that as any definition of a representative republican government like our own at all. It is a good definition of a pure democracy, where the masses of the people assemble and participate in legislation; but the representative feature in our system is omitted altogether. Whether Lincoln and the committee were right or wrong is a matter of little consequence, as he was never called upon to define, and never did define, the institution inaugurated by Judge Durell in the State of Louisiana; but if he had been elected governor of Illinois by eight or ten thousand majority, and a Federal judge, backed by the Army of the United States, and proceeding upon immaterial and forged affidavits, had installed his opponent, then there would have been a definition given which would have been read and understood by the world.

The fourth section of the fourth article of the Constitution provides that the United States shall guarantee to every State in this Union a republican form of government. The future is employed, showing that there was no limitation as to time, but that the obligation, as well as the right secured, should coexist with the Government itself. It is a solemn and perpetual guarantee that the States and the people of the States shall not be disturbed in their republican institutions. Whether the enemy rise within or invade from abroad, he may receive no quarter if he come to assail that which the organic law has declared shall be inviolate forever.

What, then, is a republic or a republican form of government? Noah Webster says it is "a state in which the sovereign power is exercised by representatives elected by the people;" or, to vary the phraseology to a negative so as to render its application more direct to the matter in hand, a state in which the sovereign power is exercised by persons not elected by the people is not a republic. This derivation of power from the people by their own election is an essential requisite, whether the word is taken in its primary sense of common affairs, or in its more general acceptation among us. But the chairman of the committee seems, without argument, to take it for granted that Louisiana has a republican form of government. If he understands the word "form" to mean show without substance, empty outside appearance, trivial conventional ceremony, then he is right; but if it means a mode of construction, a mode of organization, a system involving a regular harmonious union of principles, which it does mean when applied to government, then he is wrong. To say that a thing must be done for the sake of form or ceremony, implies, in my judgment, that it had better not be done at all. It was in no such sense that the word found its way into the Constitution. It would have been too light for the scales that weighed the words that went into that instrument. Instead of a snare and a delusion, it was intended to be a substantial guarantee of a substantial right—a right which no President even, much less a subaltern, should ever strike down or destroy. But there is also a form of government which is unrestrained by and regardless of constitution and law, having no respect for either, and that is the pure, genuine article of unadulterated despotism; and the Kellogg government in its form or mode of organization is either republican or despotic.

The chairman of the committee, in his views accompanying the report, says that "the Government of the United States is not a Don Quixote, going forth to hunt up and redress all the wrongs that may be inflicted upon the people in any part of the country." If this is true, I tell you in all seriousness and in all candor you will have to put up your Rosinante. In the bounds of your party you can certainly find some place-hunting Sancho Panza who will take charge of him. Is he to go rearing, pitching, and prancing, with no bridle to check him in his wild career, trampling under his rough-shod feet all the guarantees which give us a home in a free land? If he is not stopped at once and punished for his fantastic judicial performances the sails of many a windmill will be furled before the frosts of November, 1876, shall descend upon us.

Mr. SHERMAN. Unless some Senator desires to speak upon the resolution, following the suggestion of the Senator occupying the chair, I now move that this matter be postponed until Wednesday next.

Mr. MORTON. I hope not. A Senator present has expressed his purpose to speak.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the subject now under consideration be laid over until Wednesday next.

The motion was agreed to.

THE CURRENCY—SPECIE PAYMENTS.

Mr. SHERMAN. I now move that the Senate resume the consideration of the resolution reported by the Committee on Finance.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPherson, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California; and

A bill (H. R. 1168) to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872.

The message also announced that the House had passed the bill (S. No. 61) providing for busts of the late Chief Justice Roger Brooke Taney and of Salmon Portland Chase, to be placed in the Supreme Court Room of the United States.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. No. 795) making appropriations to pay for reporting the debates and proceedings of Congress; and

A bill (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building.

EXECUTIVE SESSION.

Mr. ROBERTSON. Several executive messages have been received from the President. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened, and (at four o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

Monday, *January* 26, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. Butler, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. The morning hour begins at three minutes after twelve o'clock.

PRINTING OF BILLS.

During the call of the States for the introduction of bills, &c.,

The SPEAKER said: Under the obvious construction which the House gave last week to the rule concerning the printing of bills and joint resolutions introduced for reference, they will all be printed unless the member introducing requests that it be not done, as nine-tenths of them are asked to be printed, anyway.

CURRENCY.

Mr. BURLEIGH introduced a bill (H. R. No. 1408) to redeem legal-tender notes, and regulate and establish the currency of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JAMES M. HAGAR.

Mr. FRYE introduced a bill (H. R. No. 1409) for the relief of James M. Hagar, of Richmond, Maine; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CLERKS IN SPRINGFIELD ARMORY.

Mr. DAWES introduced a bill (H. R. No. 1410) to fix the salaries of the clerks at the United States armory in Springfield, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST NO. 38, GRAND ARMY OF THE REPUBLIC.

Mr. WILLIAMS, of Massachusetts, introduced a bill (H. R. No. 1411) to donate seven condemned cannon and twenty-eight cannon-balls to Post No. 38, of the Grand Army of the Republic, of Cambridge, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROVIDENCE RIVER, RHODE ISLAND.

Mr. EAMES introduced a bill (H. R. No. 1412) making an appropriation for improvements in Providence River, Rhode Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. HANNAH W. SUMNER.

Mr. DUELL introduced a bill (H. R. No. 1413) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner, who died March 21, 1863, while in command of the Department of the West; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSAN BENNETT.

Mr. PERRY introduced a bill (H. R. No. 1414) granting a pension to Susan Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEWIGHT DESILVA.

Mr. PLATT, of New York, introduced a bill (H. R. No. 1415) for the relief of Dewight Desilva, of Deposit, New York; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. L. ROBINSON.

Mr. SMART introduced a bill (H. R. No. 1416) to reimburse W. L. Robinson, postmaster at Galesville, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, BROOKLYN, NEW YORK.

Mr. SCHUMAKER, of New York, introduced a bill (H. R. No. 1417) to authorize the Secretary of the Treasury to condemn a site for a public building in the city of Brooklyn; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CENTENNIAL CELEBRATION.

Mr. WARD, of New Jersey, presented the following concurrent resolutions of the Legislature of the State of New Jersey; which were read, referred to the Select Committee on the Centennial Celebration and the Proposed National Census of 1875, and ordered to be printed:

Whereas the Congress of the United States has, by an act passed in 1871, provided for the celebration of the one hundredth anniversary of American Independence, in the city of Philadelphia, and the President of the United States has by proclamation invited the attention of all nations to this celebration; and whereas it is absolutely essential to the success of this proposed celebration that a considerable sum of money should be promptly raised: Therefore,

Resolved, (the house of assembly concurring,) That we request the Senators and Representatives in Congress from New Jersey to vote for such an appropriation as shall enable those having the matter in charge to discharge the duties devolved upon them in accordance with the requirements of the occasion.

Resolved, That a copy of this preamble and resolution be forwarded to each of our Senators and Representatives in Congress.

REAR-ADMIRAL B. F. SANDS.

Mr. SCOFIELD introduced a bill (H. R. No. 1418) to retain Rear-Admiral B. F. Sands upon the active list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSIONS FOR SERVICES IN THE MEXICAN WAR.

Mr. NEGLEY introduced a bill (H. R. No. 1419) granting pensions to certain soldiers and sailors of the war of 1846 with Mexico, and the widows of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with accompanying papers, ordered to be printed.

CHARLES HOFFMAN.

Mr. McJUNKIN introduced a bill (H. R. No. 1420) for the relief of Charles Hoffman, late a second lieutenant of infantry in Company E of the Seventy-eighth Regiment of Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. CAROLINE DUNCAN.

Mr. MAGEE introduced a bill (H. R. No. 1421) to place the name of Mrs. Caroline Duncan on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROMOTIONS IN MARINE CORPS.

Mr. ARCHER introduced a bill (H. R. No. 1422) to regulate promotions in the staff of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MARY LOGSDON.

Mr. LOWNDES introduced a bill (H. R. No. 1423) granting a pension to Mary Logsdon, widow of Joseph Logsdon, deceased, of Maryland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXCHEQUER.

Mr. PLATT, of Virginia, introduced a bill (H. R. No. 1424) for the establishment of an exchequer; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

BANKRUPTCY.

Mr. SMITH, of Virginia, introduced a bill (H. R. No. 1425) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL P. GAUSE.

Mr. WADDELL introduced a bill (H. R. No. 1426) for the relief of Samuel P. Gause, of Wilmington, North Carolina; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID A. TELFAIR.

Mr. SMITH, of North Carolina, introduced a bill (H. R. No. 1427) to remove the disabilities of David A. Telfair, of North Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANSON B. SAINS.

Mr. VANCE introduced a bill (H. R. No. 1428) for the relief of Anson B. Sains; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SITE FOR MILITARY PURPOSES.

Mr. YOUNG, of Georgia, introduced a bill (H. R. No. 1429) to authorize the purchase of a site for military purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SURVEY OF OCONEE RIVER, GEORGIA.

Mr. COOK introduced a bill (H. R. No. 1430) asking an appropriation for the survey of Oconee River, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JASPER N. MARTIN.

Mr. BELL introduced a bill (H. R. No. 1431) granting a pension to Jasper N. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VALINA HUTCHISON.

Mr. BELL also introduced a bill (H. R. No. 1432) granting a pension to Valina Hutchison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESLEY JONES.

Mr. BELL also introduced a bill (H. R. No. 1433) granting a pension to Wesley Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WOODS.

Mr. BELL also introduced a bill (H. R. No. 1434) for the relief of Elizabeth Woods; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALABAMA LAND CLAIMS.

Mr. HAYS presented a joint resolution of the Legislature of the State of Alabama instructing her Senators and Representatives in Congress to use their influence to secure to the State the amount due from the United States on account of the claim of 5 per cent. on the lands within the State taken up by land warrants and used by the United States; which was referred to the Committee on the Public Lands, and ordered to be printed.

PAYMENT OF PENSIONS.

Mr. SLOSS introduced a bill (H. R. No. 1435) to provide for the payment of pensions through the postmasters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVERTED LAND GRANTS.

Mr. SLOSS also introduced a bill (H. R. No. 1436) to perfect the title to certain lands, heretofore granted to the State of Alabama to aid in the construction of certain railroads in said State, which had reverted to the United States by reason of said railroads not being completed within the time prescribed by law, in the actual settlers on said land after the same had reverted to the United States, and before the enactment of any law renewing and reviving said grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEADS.

Mr. CALDWELL introduced a bill (H. R. No. 1437) to allow actual settlers on homesteads to make final affidavit before any officers legally authorized to administer oaths; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EMILY PHILLIPS.

Mr. BUNDY introduced a bill (H. R. No. 1438) granting a pension to Emily Phillips, widow of Martin Phillips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FOLGER.

Mr. SPRAGUE introduced a bill (H. R. No. 1439) granting a pension to John Folger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL TAYLOR.

Mr. SOUTHARD introduced a bill (H. R. No. 1440) to place the name of Samuel Taylor on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF MEMBERS.

Mr. GUNCKEL introduced a bill (H. R. No. 1441) to repeal so much of the act of March 3, 1873, as provides that Representatives and Delegates elect to Congress may receive their compensation monthly from the beginning of their term until the beginning of the first session of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL CEMETERIES.

Mr. GUNCKEL also introduced a bill (H. R. No 1442) to amend an act to establish and protect national cemeteries, approved February 22, 1867, so as to make the provision of said act, and all acts amendatory thereto, applicable to the cemeteries of the National Home for Disabled Volunteer Soldiers, and to include soldiers who have been, or may hereafter be, buried therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM H. EGLESTON.

Mr. BERRY introduced a bill (H. R. No. 1443) for the relief of Hiram H. Egleston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RESOLUTIONS OF TENNESSEE LEGISLATURE.

Mr. BUTLER, of Tennessee. I present joint resolutions of the Thirty-eighth General Assembly of the State of Tennessee, which I ask to be read, and as they are read I will move the proper reference.

INTERNATIONAL WEATHER REPORTS.

The Clerk read as follows:

Resolved by the General Assembly of the State of Tennessee, That our Senators and Representatives in Congress are hereby requested to use their influence in securing such an appropriation by the Congress of the United States for establishing an international system of crop and weather reports, with branches in each State, with a view of guarding and protecting the agricultural interest against the combinations of speculators, as may render said system thoroughly national and international, and worthy alike of the Government and people of the United States.

Resolved, That a copy of the foregoing joint resolution, duly certified, be presented to our Senators and Representatives in Congress with the least avoidable delay.

Adopted February 8, 1873.

W. S. McGAUGHEY,
Speaker of the House of Representatives.
A. T. LACY,
Speaker of the Senate.

Approved February 17, 1873.

JNO. C. BROWN,
Governor.

Mr. BUTLER, of Tennessee. I move that it be referred to the Committee on Appropriations, and ordered to be printed.

The motion was agreed to.

THE MEXICAN WAR AND INDIAN WAR OF 1836.

The Clerk next read as follows:

Whereas, as a testimonial of the esteem and grateful recollection in which this nation holds those who have imperiled their lives in her cause, as a sacred duty which she owes the survivors of the war with Mexico and the Indian war of 1836, and in view of the fact that those who fought at Monterey, Buena Vista, and Molino del Rey, and in the Indian war of 1836, have, as yet, not received that return which their services demanded: Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators and Representatives in Congress be requested to ask the national Congress to place the names of the survivors of the war against Mexico, and the Indian war of 1836, upon the pension-roll of the Government on an equal footing with those of 1812-'15.

Be it further resolved, That a copy of this preamble and accompanying resolution be sent to our Senators and Representatives in Congress.

Adopted February 8, 1873.

W. S. McGAUGHEY,
Speaker of the House of Representatives.
A. T. LACEY,
Speaker of the Senate.

Approved February 17, 1873.

JNO. C. BROWN,
Governor.

The resolutions were referred to the Committee on Invalid Pensions, and ordered to be printed.

CENTENNIAL EXHIBITION.

The Clerk next read as follows:

Whereas the Congress of the United States, by an act approved March 3, 1871, has provided for celebrating the one hundredth anniversary of American Independence, by an international exposition of American and foreign arts, products, and manufactures, to be held, under the auspicies of the Government of the United States, in the city of Philadelphia, commencing in April and ending in October, in the year 1876; and whereas, by a subsequent act, approved June 1, 1872, an act of incorporation was passed by Congress looking to the formation of a joint-stock company with a capital stock of $10,000,000, whereby to provide means adequate for said exhibition; and whereas the apportionment of stock for Tennessee, under said act of incorporation, is much larger than the financial condition of our people may justify them in subscribing; and whereas the mode of raising funds for celebrating the hundredth anniversary of American Independence by joint-stock subscription necessarily tends to convert a great national occasion into a mere money-getting speculation, is inconsistent with the patriotic memories it is intended to commemorate, and utterly unworthy of the people whose liberty it is designed to fittingly immortalize: Therefore,

Be it resolved by the General Assembly of the State of Tennessee, That our Senators be instructed, and our Representatives requested, to propose, advocate, and sustain by their votes such an appropriation by Congress for said centennial exhibition as may be necessary to make said proposed celebration thoroughly national and international, and worthy alike of the Government and people of the United States: *Provided*, That said appropriation shall not be given in aid of any corporation for that purpose.

Resolved, That a copy of the foregoing joint resolution, duly certified, be forwarded to our Senators and Representatives in Congress, with the least avoidable delay.

Adopted February 25, 1873.

A. T. LACEY,
Speaker of the Senate.
W. S. McGAUGHEY,
Speaker of the House of Representatives.

Approved March 8, 1873.

JNO. C. BROWN,
Governor.

The resolutions were referred to the Committee on the Centennial Celebration and the Proposed National Census of 1875, and ordered to be printed.

CHEAP TRANSPORTATION.

The Clerk next read as follows:

Whereas the governor of this State, in accordance with a resolution passed by a general convention held at Cincinnati, February 20, 1872, to consider means necessary to secure from the Government such action as would render the Ohio River and its tributaries, and the Tennessee and Cumberland Rivers, reliable, commodious, and cheap transportation highways—demanded by the people of the West—did, in joint action with the governors of the States of Illinois, Indiana, Ohio, Kentucky, Tennessee, West Virginia, and Pennsylvania, create and appoint five commissioners to act in harmony and conjunction with a similar number of commissioners of the other named States, to the end that a board of commissioners should exist, through whom and by whose exertions the Government of the United States should, with the least possible delay, enter upon the work of making the Ohio and its tributaries, especially the Tennessee and Cumberland Rivers, all that is required to meet the wants of the internal commerce of the country for inland navigation; and whereas the seven States represented by this commission, and the seven other great States bordering on the Mississippi Valley, contain quite one-half of the whole population of the nation; produce quite 60 per cent. of the farm products of the country; to whom cheap transportation is a necessity, and an urgent need; and whereas in consequence of the high rates for railroad transportation, the cost of farm products is enormously enhanced to the consumer, increasing the cost of the skilled labor necessary to the development of the mineral resources of the country without any direct or indirect benefit to the laborer himself; destroying the profits of the agriculturist, and thus impairing the value of farm labor, to the depression of wages for agricultural labor, and the discouragement of capital from embarking in agricultural development; and whereas the present as well as the future interest of this and other States is injured by reason of the want of cheap transportation, the development of their resources delayed, and the field for agricultural recompense impoverished; and whereas it is the duty of the legislators of the nation to create all such facilities of a public character as will give its people cheap food, its population a demand for well-paid labor, and the nation all that political power and public prosperity that may arise or can be produced through an active, broad development of its resources: Therefore,

Resolved, That we consider the improvement of our water lines as indispensable to the production of cheap transportation; as a powerful stimulant to the creation of manufactured as well as agricultural products, and as the means of furnishing the necessities of life at a low rate to the consumer.

Resolved, That while mindful of the importance of increased railroad transportation, and the duty of the encouragement thereof, yet in view of the rapid growth of the nation, and the cheapness with which large quantities of freight can be moved on water, we declare that it is essential to the interest of the people of the whole nation that our internal river navigation should receive the immediate attention of our General Government; and any money set apart to place the Ohio, Tennessee, and Cumberland Rivers in a reliable, commodious, and navigable condition is not only a wise appropriation of public money, but one that the agricultural population of the whole West demands.

Resolved, That the seven States of the Ohio Valley, containing tenfold the amount of those minerals and manufacturing resources which have given Great Britain her past political and financial power, and having one-third the population of the na

tion, producing two-fifths of all the farm products of the country, and having paid into the Treasury of the nation, under the internal-revenue laws, one-third of the sum thus collected, are but insisting upon an indefeasible right in asking that the Government of the United States shall expend upon the Ohio, Tennessee, and Cumberland Rivers, and other tributaries, such sums as will render their immense mineral resources remunerative to the States and the nation, and give to so large a proportion of the entire nation, which produces so great a share of the food of the whole people, and has paid so heavy a proportion of the governmental expenses and its debts, such ample internal water transportation as the rivers of those States can be made to afford and is demanded by the wants of their internal commerce.

Resolved, That we recognize the authority of the joint commission created by the joint action of the governors of the Ohio Valley States, and we hereby indorse their action to secure adequate and proper appropriations by the Government of the United States in behalf of this great public enterprise committed to their charge.

Resolved, To the more fully giving countenance and the support of this State, that we hereby instruct our Senators to aid them by action in the Senate of the United States, and hereby earnestly request our Representatives of the various districts of this State to give the request of this joint board of commissioners their combined, hearty, and earnest support.

Resolved, That the governor of this State is hereby instructed to forward a copy of these preambles and resolutions to each Senator and Representative of this State.

Adopted February 21, 1873.

A. T. LACEY,
Speaker of the Senate.
W. S. MCGAUGHEY,
Speaker of the House of Representatives.

Approved March 7, 1873.

JNO. C. BROWN,
Governor.

The resolutions were referred to the Committee on Commerce, and ordered to be printed.

STRAWBERRY PLAINS HIGH SCHOOL.

Mr. THORNBURGH introduced a bill (H. R. No. 1444) for the relief of the Strawberry Plains High School, East Tennessee; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

W. H. EDWARDS.

Mr. THORNBURGH also introduced a bill (H. R. No. 1445) to reinstate W. H. Edwards on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM SMITH.

Mr. HARRISON introduced a bill (H. R. No. 1446) for the relief of Abraham Smith, of Nashville, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED FLY.

Mr. WHITTHORNE introduced a bill (H. R. No. 1447) for the relief of Alfred Fly, of Stewart County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOLDIERS OF SEMINOLE AND FLORIDA WARS.

Mr. ATKINS introduced a bill (H. R. No. 1448) granting pensions to the soldiers of the Seminole and Florida wars; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLECTION OF DUTIES ON MERCHANDISE.

Mr. MAYNARD introduced a bill (H. R. No. 1449) to facilitate the collection of duties on merchandise imported into the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MISSION OF SAINT JAMES.

Mr. PACKARD introduced a bill (H. R. No. 1450) for the relief of the Mission of Saint James in Washington Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE W. REYNOLDS.

Mr. PACKARD also introduced a bill (H. R. No. 1451) granting a pension to George W. Reynolds; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMOLDS LLOYD.

Mr. ORTH. I am requested by my colleague, Mr. CASON, who has been called home by illness in his family, to present for him several bills. The first is a bill (H. R. No. 1452) for the relief of Emolds Lloyd, Montgomery County, Indiana.

The bill was received, read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET J. BOYD, ET AL.

Mr. ORTH (also for Mr. CASON) introduced a bill (H. R. No. 1453) granting a pension to Margaret J. Boyd, Rachel D. McIlvaine, and William L. McIlvaine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLONEL WILLIAM C. KISE.

Mr. ORTH (also for Mr. CASON) introduced a bill (H. R. No. 1454) granting a pension to Colonel William C. Kise; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. C. HANNUM.

Mr. ORTH (also for Mr. CASON) introduced a bill (H. R. No. 1455) for the relief of J. C. Hannum, late postmaster at Delphi, Indiana; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MRS. MARY J. ORR.

Mr. ORTH also introduced a bill (H. R. No. 1456) for the relief of Mrs. Mary J. Orr, widow of Hon. James L. Orr, late envoy extraordinary and minister plenipotentiary to Russia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

NATIONAL CURRENCY.

Mr. ORTH. I have on my desk, and shall introduce under the rules, petitions numerously signed by citizens of forty-two counties of my State, asking for the passage of a law by Congress known as the "Indiana plan of financial relief;" and in accordance with the prayer of said petitioners I now introduce the bill which I send to the Clerk's desk, and which I ask to have printed and referred to the Committee on Banking and Currency.

The bill (H. R. No. 1457) to provide a national currency, for the redemption thereof in coin, and for the redemption of circulating notes heretofore issued by or under the authority of the United States, was read a first and second time, and, with accompanying papers, referred to the Committee on Banking and Currency.

BUREAU OF LABOR.

Mr. SHANKS introduced a bill (H. R. No. 1458) establishing a Bureau of Labor, providing for the appointment of a commissioner thereof, and defining his duties; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

LAND GRANTS IN INDIAN TERRITORY.

Mr. SHANKS also introduced a bill (H. R. No. 1459) repealing acts and parts of acts granting lands and certain privileges in the Indian Territory to railroad companies; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

UNITED STATES DISTRICT COURT IN THE INDIAN COUNTRY.

Mr. SHANKS also introduced a bill (H. R. No. 1460) establishing a United States district court in the Indian country; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SHIP-CANAL.

Mr. SHANKS also introduced a bill (H. R. No. 1461) for a survey by Army and Navy engineers of a ship-canal from Lake Michigan to the Mississippi River at or near Cairo, Illinois; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

REPEAL OF AN ACT.

Mr. WILSON, of Indiana, introduced a bill (H. R. No. 1462) to repeal the fourteenth section of the act entitled "An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1871," approved July 15, 1870; which was read a first and second time, and, with an accompanying memorial, referred to the Committee on the Judiciary, and ordered to be printed.

PACIFIC RAILROAD.

Mr. WILSON, of Indiana, also introduced a bill (H. R. No. 1463) adding to the fifteenth section of the act approved July 20, 1864, in relation to the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DISBURSING OFFICERS.

Mr. WILLIAMS, of Indiana, introduced a bill (H. R. No. 1464) in relation to disbursing officers of the United States and United States depositaries with reference to public moneys; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ERIE LOCK.

Mr. HUNTER introduced a bill (H. R. No. 1465) for the relief of Erie Lock; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMOS LASWELL.

Mr. HOLMAN introduced a bill (H. R. No. 1466) for the relief of Amos Laswell, of Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUGAR-BEET SEED.

Mr. BURCHARD introduced a bill (H. R. No. 1467) to provide for the importation of sugar-beet seed free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SMITH & MATTHEWS.

Mr. HAWLEY, of Illinois, introduced a bill (H. R. No. 1468) for the relief of Smith & Matthews; which was read a first and second time, referred to the Committee on Ways and Means, and, with accompanying papers, ordered to be printed.

JOSEPH H. MOULTON.

Mr. FORT introduced a bill (H. R. No. 1469) for the relief of Joseph H. Moulton, a volunteer soldier of the Forty-seventh Regiment Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGRICULTURAL REPORT.

Mr. FORT also introduced a bill (H. R. No. 1470) to provide for the publication of the last agricultural report; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MISSISSIPPI RIVER AND HARBORS.

Mr. MORRISON introduced a bill (H. R. No. 1471) to preserve existing landing places upon, and compensate owners of property taken or damaged in improving, the Mississippi River and harbors; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HEIRS OF JONATHAN HAINES.

Mr. McNULTA introduced a bill (H. R. No. 1472) for the relief of the heirs of Jonathan Haines, deceased; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PEKIN ALCOHOL MANUFACTURING COMPANY.

Mr. McNULTA also introduded a bill (H. R. No. 1473) for the relief of the Pekin Alcohol Manufacturing Company; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARY SINCLAIR.

Mr. HYDE introduced a bill (H. R. No. 1474) granting a pension to Mary Sinclair, widow of Francis B. Sinclair, late a pensioner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EASTERN AND WESTERN TRANSPORTATION COMPANY.

Mr. BLAND introduced a bill (H. R. No. 1475) to incorporate the Eastern and Western Transportation Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SWAMP LANDS IN MISSOURI.

Mr. BLAND also introduced a bill (H. R. No. 1476) to confirm to the State of Missouri the swamp lands selected therein as such, and withheld from market in consequence thereof; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC WORKS OF IMPROVEMENT.

Mr. STONE introduced a bill (H. R. No. 1477) to facilitate the execution of and to protect certain public works of improvement; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REFUNDING OF DUTIES.

Mr. WALDRON introduced a bill (H. R. No. 1478) to authorize the Secretary of the Treasury to refund certain duties collected without authority of law; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RUSH VALLEY MILITARY RESERVATION.

Mr. BURROWS introduced a bill (H. R. No. 1479) to restore the Rush Valley military reservation in Utah Territory to the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ENCOURAGEMENT OF MANUFACTURES.

Mr. FIELD introduced a bill (H. R. No. 1480) to encourage manufactures, and for other purposes; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

JOHN HALEY.

Mr. FIELD also introduced a bill (H. R. No. 1481) granting a pension to John Haley, of Detroit, late corporal Company G, Fifteenth Regiment Michigan Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STAMPS ON BANK-CHECKS, ETC.

Mr. FIELD also introduced a bill (H. R. No. 1482) to increase the revenue from imports, and to repeal the stamp tax on bank-checks, druggists' goods, and friction matches; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONDEMNING PROPERTY FOR USE OF GOVERNMENT.

Mr. WILLIAMS, of Michigan, introduced a bill (H. R. No. 1483) to authorize proceedings to condemn property for the use of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDINGS AT KEY WEST.

Mr. WALLS presented a joint resolution of the Legislature of the State of Florida, requesting their delegation in Congress to use their efforts to secure an appropriation for the erection of public buildings at Key West, Florida; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROTECTION OF FRONTIER OF TEXAS.

Mr. MILLS introduced a bill (H. R. No. 1484) authorizing the Secretary of War to accept the services of a regiment of mounted men for the protection of the frontier of Texas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DESTRUCTION OF STORE-HOUSE AND GOODS IN TEXAS.

Mr. MILLS also introduced a bill (H. R. No. 1485) directing the Secretary of War to detail an officer of the Army to go to Freestone County, Texas, and investigate the burning of the store-house and goods of L. R. Worthom, alleged to have been done by soldiers since the war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TROOPS IN THE SOUTHERN STATES.

Mr. MILLS also introduced a bill (H. R. No. 1486) authorizing and directing the Secretary of War to remove all troops in the Southern States to the frontier of Texas, for the protection of the people against Indians; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPEAL OF BANKING ASSOCIATIONS.

Mr. MILLS also introduced a bill (H. R. No. 1487) to repeal all laws authorizing the formation of associations of persons for the purpose of banking; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ROBERT SUTHERLAND.

Mr. McCRARY introduced a bill (H. R. No. 1488) for the relief of Robert Sutherland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FREE IMPORTATION OF MACHINERY.

Mr. McCRARY also introduced a bill (H. R. No. 1489) to provide for the importation free of duty of certain machinery; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DAVENPORT DOWNS.

Mr. McCRARY also introduced a bill (H. R. No. 1490) granting a pension to Davenport Downs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILMINGTON AND MANCHESTER RAILROAD.

Mr. LOUGHRIDGE introduced a bill (H. R. No. 1491) for the relief of the Wilmington and Manchester Railroad; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES H. DUFFES.

Mr. WILSON, of Iowa, introduced a bill (H. R. No. 1492) to reimburse James H. Duffes, of Malcom, Iowa, for stamps stolen from his office; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CIRCUIT COURTS.

Mr. WILSON, of Iowa, also introduced a bill (H. R. No. 1493) relating to the jurisdiction of the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN S. DICKSON.

Mr. RUSK introduced a bill (H. R. No. 1494) for the relief of John S. Dickson, late captain of paroled prisoners; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LANDS IN SHEBOYGAN, WISCONSIN.

Mr. ELDREDGE introduced a bill (H. R. No. 1495) relating to the disposition of certain lands to be reclaimed in sections 14, 23, and 26, in township 16 north, of range 20, in the county of Sheboygan, in the State of Wisconsin; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SURVEY AND SALE OF PUBLIC LANDS.

Mr. PAGE introduced a bill (H. R. No. 1496) explanatory of the act entitled "An act to reduce the expenses of the survey and sale of the public lands in the United States;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONTRACTS FOR SERVILE LABOR.

Mr. LUTTRELL introduced a bill (H. R. No. 1497) to prohibit contracts for servile labor; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

RAILROAD LAND GRANTS IN CALIFORNIA.

Mr. LUTTRELL also presented the following concurrent resolution of the Legislature of the State of California, asking for the restoration to the public domain of certain lands reserved for railroad purposes in said State; which was read in full, and referred to the Committee on the Public Lands:

Whereas on the 13th day of July, A. D. 1866, Congress passed an act entitled "An act granting aid in the construction of a railroad and telegraph line from the town of Folsom to the city of Placerville, in the State of California," in pursuance of which act all the odd-numbered sections within twenty miles of the line of said railroad were withdrawn by letter of the Commissioner of the General Land Office, dated August 29, 1867, from "sale or location, pre-emption or homestead entries;" and whereas by the terms of said act it is provided to the effect that in case of failure to commence said railroad within one year from the passage of said act, or of failure to complete the whole of said railroad by the 4th day of July, A. D. 1869, that the title to all of said lands should revert to the United States; and whereas since the passage of said act said railroad has not been completed, nor has any portion of the same been constructed for more than six years last past, nor since the passage of the act of Congress making the grant; and whereas by letter dated November 22, A. D. 1869, the Commissioner of the General Land Office decided that said grant could not be restored to the public domain without further legislation by Congress: Therefore be it

Resolved by the senate, (the assembly concurring,) That our Senators be instructed and our Representatives in Congress be requested, to introduce and use their influence to procure the passage of such joint resolution or act of Congress as may be necessary to secure the immediate restoration to the public domain of all lands withdrawn for the purpose of aiding the construction of said railroad.

Resolved, That his excellency the governor be, and he is hereby, requested to forward a duly certified copy of these resolutions to each of our Senators and Representatives in Congress.

R. PACHECO,
President of the Senate.
MORRIS M. ESTEE,
Speaker of the Assembly.

Mr. PAGE. I presume that my colleague, [Mr. LUTTRELL,]——

The SPEAKER. No debate is in order during the morning hour of Monday. The resolution is referred to the Committee on the Public Lands.

MRS. MARY A. M'COMB.

Mr. DUNNELL introduced a bill (H. R. No. 1498) for the relief of Mrs. Mary A. McComb; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

J. FRANK M'DOWELL.

Mr. LOWE introduced a bill (H. R. No. 1499) for the relief of J. Frank McDowell, late postmaster at Columbus, Kansas; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COLORADO IRRIGATION AND LAND COMPANY.

Mr. COBB, of Kansas, (by request,) introduced a bill (H. R. No. 1500) to incorporate the Colorado Canal Irrigation and Land Company, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. COBB, of Kansas. Mr. Speaker, I have introduced this bill by request, not meaning to indorse its provisions.

METHODIST EPISCOPAL CHURCH, CHARLESTON, WEST VIRGINIA.

Mr. HEREFORD introduced a bill (H. R. No. 1501) for the relief of the Methodist Episcopal church, Charleston, Kanawha County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAXATION OF RAILROAD LANDS.

Mr. CROUNSE introduced a bill (H. R. No. 1502) declaring lands heretofore granted to certain railroad companies subject to State taxation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AGNES AND MARIA DE LEON.

Mr. ELKINS introduced a bill (H. R. No. 1503) granting relief to Agnes and Maria De Leon, heirs of Rebecca L. De Leon, for rent of house occupied by United States troops; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALEXANDER DUVALL.

Mr. ELKINS also introduced a bill (H. R. No. 1504) for the relief of Alexander Duvall, for property destroyed at Fort Stanton, New Mexico, by United States troops; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR CLAIMS OF NEW MEXICO.

Mr. ELKINS also introduced a bill (H. R. No. 1505) authorizing the Secretary of War to ascertain and report the amount necessarily expended by the Territory of New Mexico in organizing, equipping, and maintaining the militia forces during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WALLA WALLA AND COLUMBIA RAILROAD.

Mr. McFADDEN introduced a bill (H. R. No. 1506) to amend an act entitled "An act granting the right of way to the Walla Walla and Columbia Railroad Company, and for other purposes;" which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ADDITIONAL LAND DISTRICT IN COLORADO.

Mr. CHAFFEE introduced a bill (H. R. No. 1507) to create an additional land district in the Territory of Colorado; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CAPTAIN SETH BONNEY.

Mr. ARMSTRONG introduced a bill (H. R. No. 1508) to restore Captain Seth Bonney to his former rank in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOLY CROSS MISSION, DAKOTA.

Mr. ARMSTRONG also introduced a bill (H. R. No. 1509) for the relief of Holy Cross Mission in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CRIMES UNDER POSTAL LAWS.

Mr. ARMSTRONG also introduced a bill (H. R. No. 1510) to provide for the punishment of certain crimes under postal laws; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BREVET COMMISSIONS, INDIAN WARFARE.

Mr. McCORMICK introduced a bill (H. R. No. 1511) allowing brevet commissions for distinguished services in Indian warfare; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUPREME COURT OF ARIZONA.

Mr. McCORMICK also introduced a bill (H. R. No. 1512) supplemental to an act to provide for holding adjourned terms of the supreme court of Arizona Territory, approved December 24, 1872; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

SHOSHONE AND BANNOCK TRIBES OF INDIANS.

Mr. STEELE introduced a bill (H. R. No. 1513) confirming articles of agreement with the Shoshone and Bannock tribes of Indians, and directing the Secretary of the Interior to carry the same into effect, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DISTRICT FIRE-ALARM TELEGRAPH.

Mr. CHIPMAN introduced a bill (H. R. No. 1514) to aid in the construction of a fire-alarm telegraph in the District of Columbia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GUSTAVUS F. JOCKNICK.

Mr. CHIPMAN also introduced a bill (H. R. No. 1515) for the relief of Gustavus F. Jocknick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZA A. FLAMANT.

Mr. CHIPMAN also introduced a bill (H. R. No. 1516) for the relief of Eliza A. Flamant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. SMITH.

Mr. CHIPMAN also introduced a bill (H. R. No. 1517) for the relief of John F. Smith; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. CHIPMAN also introduced a bill (H. R. No. 1518) to provide for ascertaining and settling private land claims in certain States and Territories; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

The SPEAKER. The Chair will now hear bills introduced for reference by gentlemen who were not in their seats when their States were called.

MATTHEW O'BRIEN, ETC.

Mr. HUNTON introduced a bill (H. R. No. 1519) for the relief of Matthew O'Brien, Moses Lackey, and Daniel Miner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS M'BRIDE.

Mr. LOFLAND introduced a bill (H. R. No. 1520) for the relief of Thomas McBride; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLERKS OF COMMANDANTS.

Mr. LOFLAND also introduced a bill (H. R. No. 1521) in relation to clerks of commandants of the navy-yards of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LEWIS GOODWIN.

Mr. COBB, of North Carolina, introduced a bill (H. R. No. 1522) for the relief of Lewis Goodwin, late keeper of the light-vessel at Brant Island Shoal, in the State of North Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. S. M'COMB.

Mr. BLOUNT introduced a bill (H. R. No. 1523) for the relief of W. S. McComb, of the State of Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUISA ROSS.

Mr. STANDEFORD introduced a bill (H. R. No. 1524) for the relief of Louisa Ross, widow of Dr. Frederick Ross; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW OF COLONEL G. A. LOOMIS.

Mr. KELLOGG, by unanimous consent, introduced a bill (H. R. No. 1525) granting a pension to the widow of Colonel Gustavus A. Loomis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DESTITUTE IN ALABAMA.

Mr. HAYS, by unanimous consent, introduced a joint resolution (H. R. No. 44) providing for furnishing Army rations to the destitute in certain localities of Alabama; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

WELLS'S PATENT FOR HAT-BODIES.

Mr. RANDALL. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD the bodies of two petitions which I have presented at the desk, one from hat manufacturers and the other from journeymen hatters.

Mr. KILLINGER. I object.

Mr. RANDALL. Let the gentleman listen and then strike. I say that I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a petition from the hatters and another from the journeymen hatters of Philadelphia against the extension of the Wells patent for forming hat-bodies.

Mr. KILLINGER. I object to the printing.

Mr. RANDALL. Then I move to suspend the rules.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at present.

HENRY L. CAKE.

Mr. KILLINGER, by unanimous consent, introduced a bill (H. R. No. 1526) for the relief of Henry L. Cake; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN F. PORTEOUS.

Mr. RANSIER, by unanimous consent, introduced a bill (H. R. No. 1527) for the relief of John F. Porteous, of the State of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWIN C. M'TUREOUS.

Mr. RANSIER also, by unanimous consent, introduced a bill (H. R. No. 1528) for the relief of Edwin C. McTureous, of the State of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY M'KEE.

Mr. RANSIER also, by unanimous consent, introduced a bill (H. R. No. 1529) for the relief of Henry McKee, of the State of South Carolina; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DEPOSITS IN NATIONAL BANKS.

Mr. G. F. HOAR, by unanimous consent, introduced a bill (H. R. No. 1530) to prevent the payment of interest on deposits in national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

LIGHT-HOUSE OFF SOLOMON'S LUMP.

Mr. SENER, by unanimous consent, introduced a bill (H. R. No. 1531) to establish a light-house off Solomon's Lump, in Kedge's Strait, between Tangier's Sound and Chesapeake Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NEABSCO CREEK.

Mr. SENER also, by unanimous consent, introduced a bill (H. R. No. 1532) making an appropriation for the improvement of Neabsco Creek and Harbor, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PATENT RIGHTS.

Mr. MYERS, by unanimous consent, introduced a bill (H. R. No. 1533) to except the interest of an original inventor in any patent or patent right from the operation of the provisions of the fourteenth section of the bankrupt act; which was read a first and second time.

Mr. MYERS. I move that the bill be referred to the Committee on the Judiciary.

Mr. CONGER. Should not this bill go to the Committee on Patents? That committee is considering the fourteenth section of the bankrupt act.

Mr. MYERS. I would be glad to have the bill go to the Committee on Patents, and would be satisfied with the result of their consideration. The matter of the bankrupt law, however, is before the Judiciary Committee, and this is an amendment to the bankrupt act.

Mr. CONGER. Under those circumstances I shall not insist on the bill going to the Patent Committee.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

LYDIA A. BURNHAM.

Mr. SMALL, by unanimous consent, introduced a bill (H. R. No. 1534) granting a pension to Lydia A. Burnham; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

REBECCA C. REMICK.

Mr. SMALL also, by unanimous consent, introduced a bill (H. R. No. 1535) granting a pension to Rebecca C. Remick; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

LOCATION OF A BANK.

Mr. HENDEE, by unanimous consent, introduced a bill (H. R. No. 1536) to authorize the Irasburgh National Bank of Orleans to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WATER ROUTES.

Mr. McCRARY, by unanimous consent, presented a memorial on the subject of the water routes, from the American Cheap Transportation Convention; which was referred to the Committee on Railways and Canals, and ordered to be printed.

REGISTRY OF A VESSEL.

Mr. MERRIAM, by unanimous consent, introduced a bill (H. R. No. 1537) authorizing the Secretary of the Treasury to issue a certificate of registry and enrollment to the schooner Almira, and to change the name to Minnie Davis; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REFUNDING OF CUSTOMS DUTIES.

Mr. MERRIAM also, by unanimous consent, introduced a bill (H. R. No. 1538) restricting the refunding of customs duties; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EARLES CARTER.

Mr. MERRIAM also, by unanimous consent, introduced a bill (H. R. No. 1539) granting a pension to Earles Carter, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions and War of 1812, and ordered to be printed.

PAY OF OFFICERS OF THE UNITED STATES.

Mr. MERRIAM also, by unanimous consent, introduced a bill (H. R. No. 1540) to prevent officers of the United States from receiving, or being paid, any money beyond their fixed salaries; which was read a first and second time.

Mr. MERRIAM. I ask that the bill be referred to the Committee on Appropriations.

The SPEAKER. Why does the gentleman desire to have it referred to the Committee on Appropriations? It belongs to the Committee on Military Affairs.

Mr. MERRIAM. No, sir; it is to fix the salaries of officials.

The SPEAKER. Then it ought to go to the Committee on the Civil Service. The Committee on Appropriations have no jurisdiction over it.

Mr. MERRIAM. Well; let it go there.

The bill was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

HEIRS OF REAR-ADMIRAL DAHLGREN.

Mr. KELLEY, by unanimous consent, introduced a bill (H. R. No. 1541) for the relief of the heirs of Rear-Admiral Dahlgren, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN C. CUNNINGHAM.

Mr. LOWE, by unanimous consent, introduced a bill (H. R. No. 1542) for the relief of John C. Cunningham, of Fort Gibson, Indian Territory, for supplies furnished certain Indians; which was read a first and second time.

Mr. LOWE. I ask that the bill be referred to the Committee on Indian Affairs, and printed.

The SPEAKER. It belongs to the Committee on Claims.

Mr. LOWE. I would like to have it go to the Committee on Indian Affairs.

The SPEAKER. The Chair does not think it belongs there; but it is for the House to decide to which committee it shall be referred.

Mr. LOWE. I do not care to insist.

The SPEAKER. It should go to the Committee on Claims, evidently.

The bill was referred to the Committee on Claims, and ordered to be printed.

PAYMASTER GEORGE PLUNKETT.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced a bill (H. R. No. 1543) to enable the President of the United States to revoke the acceptance of the resignation of Paymaster George Plunkett; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ESTATE OF J. M. MICOW.

Mr. RAPIER, by unanimous consent, introduced a bill (H. R. No.

1544) for the relief of the estate of J. M. Micow, of the State of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COLLECTION DISTRICTS, NORTH CAROLINA.

Mr. STOWELL, by unanimous consent, introduced a bill (H. R. No. 1545) to amend an act entitled "An act relative to collection districts in North Carolina," approved February 25, 1867; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MINERAL RESOURCES OF THE UNITED STATES.

Mr. WILBUR, by unanimous consent, introduced a bill (H. R. No. 1546) to amend an act approved March 1, 1873, amendatory of an act entitled "An act to promote the development of the mineral resources of the United States," passed May 10, 1872; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

MACHINE FOR MOLDING SHELL.

Mr. MACDOUGALL, by unanimous consent, introduced a bill (H. R. No. 1547) for the extension of the patent known as Ward's improved machine for molding shell; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

TOUISSANT MESPLIE.

Mr. SHANKS, by unanimous consent, introduced a bill (H. R. No. 1548) for the relief of Touissant Mesplie; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OFFICERS OF INDIANA VOLUNTEERS.

Mr. PHILLIPS, by unanimous consent, introduced a bill (H. R. No. 1549) for the relief of the officers of the Fourth and Fifth Indiana Regiments; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IMPROVEMENT OF MISSISSIPPI AND ILLINOIS RIVERS.

Mr. BARRERE, by unanimous consent, presented a memorial of the Fulton County, Illinois, Farmers' Association, asking for immediate appropriations to improve the Mississippi and Illinois Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BECK. I desire to move a suspension of the rules in order to bring before the House for consideration at this time a concurrent resolution.

Mr. RANDALL. Before that is done I desire consent to present a memorial from certain manufacturers of tacks in Philadelphia, against the renewal of certain patents. I do not ask that the memorial be read, but as it is short I ask that the body of it be printed in the RECORD.

Mr. KILLINGER. I object.

Mr. RANDALL. Then I move that the rules be suspended for the purpose.

The SPEAKER. The gentleman from Kentucky [Mr. BECK] has the floor for a motion to suspend the rules.

CENTENNIAL EXPOSITION.

Mr. BECK. I move that the rules be suspended in order to bring before the House for consideration at this time the concurrent resolution which I send to the Clerk to be read.

The Clerk read as follows:

Whereas the House of Representatives, on the 21st day of January, 1874, passed a resolution requesting the President to extend, in the name of the United States, a cordial invitation to the governments of other nations to take part in the international exposition to be held at Philadelphia, under the auspices of the Government of the United States, in the year 1876; and whereas it is important to the success of said exposition that the industries of all nations shall be represented, and that every proper inducement should be held out to them, and their inventors, artisans, mechanics, manufacturers, and merchants, to bring and exhibit their goods, wares, and merchandise with as little trouble and expense as possible: Therefore,

Be it resolved by the House of Representatives, (the Senate concurring,) That the President be requested to inform the governments of all nations with which the United States shall have diplomatic intercourse that all articles brought from foreign countries for exhibition at said exposition under the regulations thereof shall be admitted into the United States free of duty, and when such articles have been exhibited, and are withdrawn, in accordance with the rules of the exposition applicable to domestic articles on exhibition, they may be sold or re-exported upon the same terms as like articles produced in the United States may be sold or exported.

Mr. DAWES. I would inquire of the gentleman if he proposes to change existing laws; for if he does, then this resolution is not in the proper form. A concurrent resolution will not have that effect.

Mr. BECK. It is intended to admit all such articles free of duty.

Mr. BURCHARD. Then it should be a joint resolution.

Mr. BECK. I will modify it in that respect, and make it a joint resolution.

Mr. KASSON. Did I understand the resolution rightly to provide that these articles, having been introduced free of duty, may be sold at the close of the exposition, without paying duty?

Mr. BECK. That is the object.

Mr. KASSON. Without limitation of the amount introduced?

Mr. BECK. Nothing can be brought in except such as the commissioners allow.

Mr. KASSON. But these commissioners are not under the control, in that respect, of any law of Congress.

Mr. BECK. I want this resolution brought before the House for consideration, when, of course, it will be subject to any amendments that may be deemed proper.

Mr. DAWES. There is a standing law that all articles brought into the United States for the purpose of exhibition only can be admitted and taken back free of duty.

Mr. KASSON. I think this resolution should be referred to a committee.

Mr. HAWLEY, of Connecticut. If it is to be referred, I desire to have another bill referred with it.

Mr. BECK. I object to that; I want only to bring this before the House for consideration.

Mr. DAWES. The preamble says "it is important to the success of said exposition." I like that.

Mr. COX. We want to see how Pennsylvania will vote on free trade. That is the point.

Mr. RANDALL. We will show you.

The SPEAKER. The Committee on Elections are entitled to the floor on the West Virginia cases. If this motion to suspend the rules shall prevail, and this resolution is brought before the House for consideration at this time, of course it would be before the House until disposed of, to the exclusion of all other business.

Mr. BECK. I do not desire to take up the time of the House. I will change my motion—to suspend the rules and pass this joint resolution.

Mr. CONGER. I ask the gentleman to put in the word "productions" after "merchandise." Goods, wares, and merchandise do not embrace all the productions of a country.

Mr. BUTLER, of Massachusetts. I would suggest as an amendment, that no person shall exhibit over five hundred tons of any one article. [Laughter.]

Mr. HAWLEY, of Connecticut. I ask to have my bill read.

Mr. RANDALL. Let us dispose of this first.

Mr. NEGLEY. Do I understand the gentleman from Kentucky to refuse to allow any amendments?

Mr. COX. I object to debate.

The question was upon seconding the motion to suspend the rules.

Tellers were ordered; and Mr. BECK and Mr. KASSON were appointed.

The House divided; and the tellers reported that there were—ayes 54, noes 102.

So the motion to suspend the rules was not seconded.

DISTRICT OF COLUMBIA.

Mr. POLAND. I move that the rules be suspended, and the following resolution adopted:

Resolved, That the Committee on the Judiciary be instructed to inquire and report to this House the legal relations between the Federal Government and the local government of the District of Columbia, and the extent and character of the mutual obligations in regard to municipal expenses; and further to inquire and report whether some accurately defined basis of expenditure cannot be prescribed and maintained by law.

Mr. RANDALL. That merely proposes an expenditure of more money by the Government for this District.

Mr. HOLMAN. I hope the resolution will not be adopted.

The question being on seconding the motion to suspend the rules,

Mr. RANDALL called for tellers.

Tellers were ordered; and Mr. POLAND and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 120, noes not counted.

So the motion to suspend the rules was seconded.

The question then recurring on agreeing to the motion to suspend the rules,

Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 71, not voting 63; as follows:

YEAS—Messrs. Albright, Archer, Ashe, Barnum, Bass, Begole, Bell, Berry, Biery, Bromberg, Buckner, Bundy, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Comingo, Cook, Corwin, Cotton, Crooke, Crounse, Crutchfield, Curtis, Davis, Dawes, Duell, Dunnell, Durham, Eames, Eldredge, Elliott, Farwell, Field, Fort, Freeman, Frye, Garfield, Gooch, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, Havens, John B. Hawley, Joseph R. Hawley, Hays, Gerry W. Hazelton, John W. Hazelton, Hendee, Herndon, E. Rockwood Hoar, George F. Hoar, Hooper, Hoskins, Houghton, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Kendall, Lamar, Lamport, Lawrence, Leach, Lofland, Lowe, Lowndes, Lynch, Alexander S. McDill, MacDougall, McJunkin, McNulta, Mellish, Merriam, Milliken, Mitchell, Monroe, Moore, Myers, Negley, Niblack, Nunn, O'Neill, Orr, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Perry, Phillips, James H. Platt, jr., Thomas C. Platt, Poland, Ransier, Rawls, Rice, Richmond, Robbins, Ellis H. Roberts, Ross, Rusk, Henry B. Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Shanks, Sheldon, Sherwood, Sloss, Small, A. Herr Smith, H. Boardman Smith, J. Ambler Smith, William A. Smith, Standeford, Stephens, St. John, Strait, Strawbridge, Swann, Taylor, Thomas, Thornburgh, Townsend, Tyner, Vance, Wallace, Marcus L. Ward, Wheeler, White, Whitehouse, Whiteley, Wilber, George Willard, Charles G. Williams, William Williams, William B. Williams, Jeremiah M. Wilson, and Woodworth—152.

NAYS—Messrs. Atkins, Beck, Bland, Blount, Bowen, Bright, Brown, Buffinton, Burchard, Caldwell, Cannon, John B. Clark, jr., Freeman Clarke, Clements, Clymer, Conger, Cox, Creamer, Crittenden, Crossland, Danford, Donnan, Foster, Gunckel, Hamilton, Henry R. Harris, John T. Harris, Hereford, Holman, Kasson, Killinger, Knapp, Lawson, Loughridge, Luttrell, Magee, Marshall, Martin, James W. McDill, McLean, Morrison, Neal, O'Brien, Orth, Hosea W. Parker, Phelps, Pierce, Pratt, Rainey, Randall, James C. Robinson, James W. Robinson, Milton Sayler, Sheats,

Lazarus D. Shoemaker, Smart, John Q. Smith, Southard, Speer, Sprague, Stone, Storm, Waddell, Jasper D. Ward, Wells, Whitthorne, Charles W. Willard, Willie, James Wilson, Wolfe, and Pierce M. B. Young—71.

NOT VOTING—Messrs. Adams, Albert, Arthur, Averill, Banning, Barber, Barrere, Barry, Bradley, Cain, Cason, Crocker, Darrall, DeWitt, Dobbins, Eden, Giddings, Glover, Hancock, Hatcher, Hathorn, Hersey, Howe, Hubbell, Jewett, Lamison, Lansing, Lewis, Maynard, McCrary, McKee, Mills, Morey, Nesmith, Niles, Packer, Pike, Potter, Purman, Rapier, Ray, Read, William R. Roberts, Sawyer, Scofield, Henry J. Scudder, Sessions, George L. Smith, Snyder, Stanard, Starkweather, Stowell, Sypher, Todd, Tremain, Waldron, Walls, Whitehead, John M. S. Williams, Ephraim K. Wilson, Wood, Woodford, and John D. Young—63.

So (two-thirds voting in favor thereof) the rules were suspended, and the resolution was adopted.

During the roll-call the following announcements were made:

Mr. ATKINS. I wish to announce that the gentleman from Kentucky, Mr. YOUNG, is detained at his room by sickness.

Mr. KELLOGG. My colleague, Mr. STARKWEATHER, is absent on account of sickness in his family.

The result of the vote was announced as above stated.

REMOVAL OF FLATHEAD AND OTHER INDIANS.

Mr. CLYMER. I move to suspend the rules to enable me to report from the Committee on the Public Lands, and the House to pass, the bill (H. R. No. 1168) to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872.

The bill was read. It provides in the first section that the time of sale and payment of pre-empted lands in the Bitter Root Valley, in the Territory of Montana, shall be extended for the period of two years from the expiration of the time allotted in the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872. The second section extends the benefit of the homestead act to all the settlers on the lands who may desire to take advantage of the same.

Mr. CLYMER. I ask the indulgence of the House that I may make a brief statement.

The SPEAKER. The Chair hears no objection.

Mr. CLYMER. On June 5, 1872, an act of Congress was approved for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana, to the general reservation. The act further provided that those Indians who chose to remain in that valley should have the right first to pre-empt their lands. Subsequently it was provided that not more than fifteen townships of the land should be surveyed, opened, and sold to actual settlers, those on the ground having the right first to pay for and retain the lands then occupied by them, Congress giving them twenty-one months from the date of settlement or passage of the act in which to make payment. It was required that a list of the Indians and the lands that they had selected should be first filed in the proper department. By reason of a disagreement between the Indian agent and the Indian Commissioner, this duty was not performed until about the 4th of December, 1873, thereby leaving the settlers in the valley only about three months in which to make payment as required by law, though the intention of Congress was that they should have twenty-one months for that purpose. It was presumed that the settlement with the Indians could be made in two, three, or four months, leaving about one year and a half in which the settlers could file their proofs and make their payments; but by reason of the disagreement between the agent and the Indian Commissioner, as I have stated, the time of settlement with the Indians was so greatly delayed that now the settlers have only three months left in which to secure the benefits intended to be conferred by the act of June 5, 1872.

The object of this bill is to give them an extension of time in which to make their proofs and payment; and the necessity for it is based on these grounds: first, that the distance from this settlement to the nearest land office is almost two hundred miles, rendering it nearly impossible for the settlers at this season of the year to attend to the matter, even if they had the means to do so; secondly, that by reason of their great distance from civilization, or from any market, there is no sale for their crops, so that, as I am informed, wheat is to-day selling in that region at twenty-five cents a bushel. Their other products bring no greater relative return; and it is evident that if, between this and the 5th day of March next, when the act of 1872 expires by limitation, these settlers are required to make payments for their lands, they must either raise money to do so at such usurious rates as will entirely consume the little means they have, or that, being unable to pay the money, they must lose their rights intended to be secured under the provisions of the original bill. It is a matter of simple justice to these people. Time is pressing, and I pray Congress may, in its good pleasure, promptly pass this bill, in order to relieve them, and thus do an act of simple justice.

Mr. HALE, of New York. Let me ask the gentleman from Pennsylvania whether the matter has been considered by any committee of this House?

Mr. CLYMER. I intended to state that I was instructed unanimously by the Committee on the Public Lands to report this bill, and move that it be put on its passage.

Mr. HALE, of New York. Is it recommended by the Committee on the Public Lands of this House?

Mr. CLYMER. Yes, sir.

The SPEAKER. The gentleman from Pennsylvania moves that the bill which has been read may be passed under a suspension of the rules. Is there a second?

Mr. SHANKS. I wish to ask the gentleman from Pennsylvania this question: Inasmuch as you open the homesteads to settlers in that valley, I would like to know whether the bill ought not to date back so as to cover the homesteads of all settlers, and not allow the first settlers to come in under the provision of this bill and compel them to pay for lands, while it allows others to come in without paying? Will the gentleman state whether his bill does cover that point?

Mr. CLYMER. The Committee on the Public Lands were of the opinion that it did cover that point.

Mr. SHANKS. Is it the judgment of the committee that it covers the case I have referred to? The Indians have remained in this Bitter Root Valley, and I think it entirely proper to change the provision of the original bill so that all the settlers may have the benefit of homesteads. The intention was that those who took up their claims under the provision of the bill should make payment on the removal of the Indians; but as the Indians are not removed, I think all the settlers ought to have the same privilege; and I believe the statute ought to be clear on that point.

Mr. CLYMER. I ask to have the second section of the bill again read, so there may be no misapprehension on the subject.

The second section of the bill was again read.

Mr. CLYMER. I think that covers the point raised by the gentleman from Indiana.

The SPEAKER. The gentleman from Pennsylvania moves that the bill be passed under a suspension of the rules. Is there a second?

The motion was seconded.

The rules were suspended and the bill was passed, two-thirds voting in favor thereof.

BUSTS OF CHIEF JUSTICES TANEY AND CHASE.

Mr. FRYE. I move that the rules be suspended, so as to discharge the Committee of the Whole from the further consideration of the bill (S. No. 61) providing for busts of the late Chief Justice Roger Brooke Taney and of Salmon Portland Chase, to be placed in the Supreme Court Room of the United States, and put it on its passage.

The SPEAKER. The bill will be read.

The Clerk read the bill, as follows:

A bill providing for busts of the late Chief Justice Roger Brooke Taney and of Salmon Portland Chase, to be placed in the Supreme Court Room of the United States.

Be it enacted, &c., That the Joint Committee of the two Houses of Congress on the Library be, and they are hereby, authorized to procure and place in the room of the Supreme Court of the United States busts of the late Chief Justice Roger Brooke Taney and of the late Salmon Portland Chase.

SEC. 2. That for the purpose of carrying this act into effect the sum of $2,500, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The question is on the gentleman's motion to suspend the rules, so as to discharge the Committee of the Whole from the further consideration of the bill, to bring it before the House and pass it. Is there a second to that motion?

Mr. WILLIAMS, of Massachusetts. I call for a division on seconding the motion, so that we may see who are in favor of passing this bill before the civil-rights bill is passed.

The House divided; and there were—ayes 117, noes 4.

So the motion was seconded.

Mr. MELLISH. Is an amendment in order?

The SPEAKER. It is not.

The rules were then suspended; and the Committee of the Whole was discharged from the further consideration of the bill, and it was passed, two-thirds voting in favor thereof.

IMPORTATION OF ARTICLES FOR CENTENNIAL EXHIBITION.

Mr. HAWLEY, of Connecticut. Mr. Speaker, I move to suspend the rules, and put on its passage a bill (H. R. No. 1550) to admit free of duty articles intended for the international exhibition of 1876.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted &c., That all articles which shall be imported *bona fide* for exhibition at the international exhibition to be held in the city of Philadelphia, in the year 1876, shall be admitted without the payment of duty or of customs fees or charges, under such regulations as the Secretary of the Treasury may prescribe: *Provided*, All such articles as shall be sold in the United States or withdrawn for consumption at any time after said importation shall be subject to the duties, if any, imposed on like articles by the revenue laws in force at the date of the importation.

Mr. HAWLEY, of Connecticut. I am willing to consent to the reference of that bill to the Committee on Ways and Means.

Mr. KASSON. Is this vote on the passage of the bill?

The SPEAKER. It is on seconding the motion for a suspension of the rules.

Mr. HAWLEY, of Connecticut. I consent to a reference of the bill to the Committee on Ways and Means.

The SPEAKER. Then the gentleman does not introduce the bill for a suspension of the rules and passing it?

Mr. HAWLEY, of Connecticut. I change my motion, and consent to a reference.

The SPEAKER. That requires unanimous consent.

There was no objection; and the bill, having been twice read, was referred to the Committee on Ways and Means.

EXPENSES OF UNITED STATES LOANS.

Mr. GARFIELD. I offer the following resolution:

Resolved, That the rules be so suspended that the following section shall be in order as a portion of the text of the bill making appropriations for the legislative, executive, and judicial expenses of the Government for the next fiscal year, namely:

SEC. —. That the acts and parts of acts which authorize permanent, indefinite appropriations to defray the expenses of loans, Treasury notes, or other paper issues of the United States, be, and the same are hereby, repealed; and hereafter the Secretary of the Treasury shall annually submit to the House of Representatives detailed estimates of the appropriations required to defray such expenses.

The motion to suspend the rules was seconded; the rules were suspended, (two-thirds voting therefor,) and the resolution was adopted.

CUSTOM-HOUSE EMPLOYÉS.

Mr. GARFIELD. I also move that the rules be suspended, and the following preamble and resolution be adopted.

The Clerk read as follows:

Whereas it is desirable that all expenditures of the Government shall, as far as practicable, be made in pursuance of annual appropriations made by Congress after a full exhibit of the necessity for the same: Therefore

Resolved, That the Committee on Ways and Means be directed to inquire into the expediency of so amending the laws relating to the expenses of collecting customs duties as to fix the number and rate of compensation of all persons employed in that branch of the service, and to require that said expenses be provided for by appropriations made annually, on estimates submitted to Congress by the Secretary of the Treasury, and that said committee have power to send for persons and papers.

Mr. HOLMAN. Does the gentleman also propose to make that the subject of an appropriation bill?

Mr. GARFIELD. I do; whenever we get a report, to know what we will put into it.

Mr. RANDALL. I would suggest an amendment to the gentleman's resolution, by the insertion of the words "and also the internal revenue."

Mr. GARFIELD. That is already appropriated for in the annual bill.

Mr. RANDALL. Not entirely.

The motion to suspend the rules was seconded, the rules were suspended, (two-thirds voting therefor,) and the resolution was adopted.

WELLS'S PATENT FOR HAT-BODIES.

Mr. RANDALL. I move that the rules be suspended and that the House order to be printed in the CONGRESSIONAL RECORD, with one name attached to each paper, the remonstrance of hatters of Philadelphia, and the remonstrance of journeymen hatters of Philadelphia, against the extension of Wells's patent for forming hat-bodies.

Mr. KILLINGER. I call for a count on seconding the motion for suspending the rules.

The House divided; and there were—ayes 94, noes 8.

No further count was demanded.

So the motion was seconded, and the rules were suspended, (two-thirds voting therefor,) and the order was made.

Mr. RANDALL. I ask that the memorials be referred to the Committee on Patents.

There was no objection; and it was so ordered.

Mr. BUTLER, of Massachusetts. I present a similar petition, which I do not ask to have printed, as the order for printing has been made on the motion of the gentleman, [Mr. RANDALL.]

The remonstrances ordered to be printed in the RECORD are as follows:

To the honorable House of Representatives and Senate of the United States:

Remonstrance against the extension of Henry A. Wells's patents of April 25, 1846, reissued 1860, 1862, and 1868, extended by the Commissioner of Patents, and by an act of Congress approved March 4, 1867, extended for a further term of seven years, said Wells's patent being for improvements in machinery for making hat-bodies.

The following facts are respectfully submitted for the consideration of your honorable bodies:

1. The H. A. Wells patents have already been extended by the Commissioner of Patents for seven years, and also by act of Congress for the same period, and a most complete monopoly has been enjoyed for twenty-eight years.

2. The representative of Henry A. Wells, with full knowledge of the value of the patent, after its extension by the Commissioner of Patents, voluntarily sold it to H. A. Burr for $27,500, and has no right to complain of insufficient remuneration, and if she was deceived as to its value, it was by the same monopolists who now seek this extension, and by whom she is again to be deceived.

3. The public paid, during the first term of fourteen years, to the owners of this patent for forming hat-bodies, over and above the expense of making, the sum of $3,383,673, and they have paid about 70 per cent. as much more during the seven years' extension by the Commissioner of Patents, making over $5,000,000 in twenty-one years, and during the last seven years of extension granted by your honorable body they have paid at least $2,800,000, making $7,800,000 as the tax already paid by the public to the owners of this patent, in twenty-eight years.

4. The real applicants for the extension now sought for at the hands of Congress are not the widow and children of H. A. Wells, but the same monopolists to whom every extension has been assigned, and who have already taxed the public as above stated.

5. The last application for extension was privately presented to the Senate at the last moment of its session, and hurriedly acted upon, so as to intentionally prevent the great hat-manufacturing interest from hearing of it.

6. The Supreme Court of the United States have decided that these patents were illegally reissued, and the said owners never have had them corrected, but they have, by deception, induced your honorable bodies to sanction and extend these illegal grants for seven years. The owners of this patent are still not satisfied, but seek in the present application to induce Congress to extend these reissued and illegal grants for another term of seven years.

The remonstrants, in behalf or the hat-making interest, which represents many millions of dollars, respectfully ask that a reasonable opportunity may be afforded to them to establish the above and other important facts before your committee touching these questions.

D. P. CUBBERLEY and others.

To the members of the Senate and House of Representatives in Congress assembled:

We would humbly remonstrate against the further extension of the patent for forming hat-bodies, which was originally granted to Henry A. Wells, under date of April 25, 1846, and extended by an act of Congress, March 2, 1867, in form of "a bill granting relief to Mrs. Eliza Wells." We beg to remonstrate for the reasons herein set forth:

1. We cannot earn such wages with the hat-bodies prepared by the machines under the Wells patent as we can on work prepared by other machines.

2. Being dependent upon our daily toil for the support of our families, we do not feel that we and our families should be made to contribute to the support of the person seeking a further extension of this patent, as we have reason to believe she is far from want.

3. As the hat business of the country is almost entirely a local trade, we have employment for only about eight months in the year. If this patent is not further extended by you, the price of hats will be so reduced that there will be a large export trade that will give us employment nearly or quite all the year.

Earning our bread by the sweat of our brow, we beg you to listen to our prayer and relieve us from the burden that has long been imposed upon us, by refusing to grant a further extension of said patent.

CYRUS THACHER, and others.

PHILADELPHIA, *December* 27, 1873.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

Mr. KILLINGER. I move that the rules be suspended and the following resolution adopted:

Resolved, That the Committee on the District of Columbia be, and they are hereby, instructed to inquire what additional legislation is necessary to secure the comfort and convenience of passengers traveling on the cars of the Washington and Georgetown Railroad Company, and that they be authorized to report to the House at any time by bill or otherwise.

The motion for suspending the rules was seconded, the rules were suspended, (two-thirds voting therefor,) and the resolution was adopted.

ORDER OF BUSINESS.

Mr. HOLMAN. Would calling the regular order bring up the contested-election case?

The SPEAKER. On Monday there is no regular order, except suspension of the rules.

FORFEITURE OF RAILROAD GRANT.

Mr. PAGE. I move that the rules be suspended and that the Committee on the Public Lands, to whom was referred the bill (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, be discharged from the further consideration of the same, and that the bill be passed.

The bill was read. It provides that all lands which were granted by Congress in the year 1866 to the Placerville and Sacramento Valley Railroad Company to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, and which have not been patented by the United States to said company under said grant, which has expired by limitation, may be declared forfeited to the United States, and that these lands shall hereafter be disposed of as other public lands of the United States.

Mr. HEREFORD. The Committee on the Public Lands desire to be permitted to report this bill, and that it shall be passed under a suspension of the rules. I ask the indulgence of the House for one moment while I state very briefly the facts.

In July, 1866, Congress passed an act donating to the Placerville and Sacramento Valley Railroad Company certain lands to aid in the construction of that road. By the terms of the act the road was to be commenced in one year from the date of the approval of the act by the President, and was to be completed by July 4, 1869. These were part of the provisions of the act making the grant, and if they were not complied with the lands were to revert. Accompanying the report of the committee is a letter from the Commissioner of the General Land Office, in which he says that none of the provisions of the original grant have been complied with; and it is deemed desirable that these lands should now be forfeited to the United States, so that they can be entered like other public lands of the United States.

Mr. HOLMAN. I desire to ask a question of the gentleman from West Virginia who has reported this bill.

Mr. PAGE. I would like to make a few remarks in explanation of the bill.

Mr. YOUNG, of Georgia. I object to debate.

Mr. BUTLER, of Massachusetts. Well, I think we ought not to pass a bill forfeiting men's rights without some discussion. I do not know a word about this case, but I do not think the principle a right one.

Mr. HOLMAN. O, the bill is all right.

Mr. YOUNG, of Georgia. I object to debate.

Mr. PAGE. I do not propose to debate. I only ask five minutes to explain what the bill is.

Mr. YOUNG, of Georgia. Well, sir, I withdraw the objection.

Mr. PAGE. The gentleman from West Virginia [Mr. HEREFORD] who reported the bill has stated exactly the status of the bill. In 1866 the Congress of the United States granted to the Placerville and Sacramento Valley Railroad Company certain lands to aid in constructing a railroad from the town of Folsom to the town of Placerville. The company were to receive certain sections of land provided they completed the road by the 4th of July, 1869. There has not been any of that railroad built since the passage of the bill. The lands are withdrawn from public entry, and the people now demand that lands which have been forfeited over five years to the Government of the

United States shall be received back by the Government, that they may be opened up to homestead and pre-emption entry. I do not believe there is a gentleman in this House who desires to place himself in opposition to the Government of the United States receiving back what belongs to it.

Mr. BUTLER, of Massachusetts. I certainly do not desire to put myself on record in that way, but I thought it dangerous, without debate, to pass a measure of this sort. I have since been informed that the bill has received the unanimous indorsement of the Committee on the Public Lands, and that being the case, I have so much faith in that committee that I shall break my custom and waive all objection.

Mr. HOLMAN. I wish to make one inquiry of the gentleman from West Virginia. For the first time the House seems to be informed that, in the judgment of the Committee on the Public Lands, it is necessary when a forfeiture has occurred in a case of this kind that forfeiture should be declared by act of Congress. I wish to ask the gentleman from West Virginia if that is the interpretation given to these grants, and, if so, whether his committee does not design reporting a general bill, declaring all grants heretofore made, in relation to which the conditions have not been fulfilled, forfeited?

Mr. HEREFORD. I can only say——

Mr. PAGE. I object to further debate.

Mr. COX. I would like to ask one question.

The SPEAKER. The gentleman from California has objected to debate.

Mr. COX. Well; I will not vote for a bill which may have a negative pregnant in it. Have any of these lands been patented to the company?

Mr. HEREFORD. Not one single acre. The committee had before them a letter from the Commissioner of the Land-Office, stating that no one single provision of the bill granting the lands had been complied with, and that not one mile of the road had been built.

Mr. COX. Well, then, the bill is all right.

The question was taken on seconding the motion to suspend the rules, and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

SUPERVISOR OF INTERNAL REVENUE.

Mr. YOUNG, of Georgia, by unanimous consent, submitted the following resolution, which was read, considered, and agreed to:

Resolved, That the Committee on Ways and Means be directed to inquire whether any necessity exists for the continuation of the office of supervisor of internal revenue, and whether the duties of said office cannot be performed by the collectors of internal revenue in the various collection districts.

THE SANDERSON HOUSE.

Mr. BUNDY. I move that the rules be suspended for the adoption of the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be requested to report to this House why it is that the Sanderson House, standing near the southeast corner of the Capitol, is permitted to remain blooming and lone, while all the other buildings and structures heretofore standing on the land purchased by the Government for enlarging the public grounds have been removed. "Why is this thus?"

[Laughter.]

The question was put on seconding the motion to suspend the rules; and on a division there were—ayes 41, noes not counted.

So the motion to suspend the rules was not seconded.

SHAREHOLDERS IN NATIONAL BANKS.

Mr. BUCKNER. I move that the rules be suspended, and that the following resolution be adopted:

Resolved, That the Secretary of the Treasury be directed to inform this House what members of the present Congress, if any, at the date of the last report made by the president or cashier of national banking associations, in pursuance of the provisions of the act establishing said banking associations, approved June 3, 1864, were shareholders in said national banking associations, the number of shares held by each, the residence of said shareholders, and the place where the business of said banking associations, respectively, is transacted.

The question was put on seconding the motion to suspend the rules, and no quorum voted.

Mr. SPEER. The officer called on has no means of furnishing this information.

Tellers were ordered; and Mr. BUCKNER and Mr. EAMES were appointed.

The House divided; and the tellers reported—ayes 78, noes 77.

So there was a second.

The question recurred on the motion to suspend the rules, and pass the resolution.

Mr. BUCKNER. On that question, I call for the yeas and nays.

The yeas and nays were ordered; fifty members voting therefor.

The question was taken; and there were—yeas 146, nays 98, not voting 43; as follows:

YEAS—Messrs. Adams, Archer, Arthur, Ashe, Atkins, Banning, Barber, Barrere, Bass, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bright, Bromberg, Brown, Buckner, Bundy, Burchard, Burleigh, Benjamin F. Butler, Cain, Caldwell, Cannon, John B. Clark, jr., Clements, Clymer, Stephen A. Cobb, Coburn, Comingo, Cotton, Cox, Crittenden, Crossland, Curtis, Darrall, Davis, Durham, Eldredge, Field, Fort, Freeman, Giddings, Hancock, Henry R. Harris, John T. Harris, Hatcher, Havens, John B. Hawley, Hays, Hendee, Hereford, Herndon, Holman, Hunter, Hunton, Hurlbut, Hyde, Hynes, Kasson, Kendall, Knapp, Lamison, Lawson, Leach, Lewis, Luttrell, Lynch, Magee, Marshall, Martin, McCrary, Alexander S. McDill, McLean, McNulta, Mellish, Merriam, Milliken, Mills, Monroe, Moore, Morrison, Neal, Nesmith, Niblack, O'Brien, Orr, Orth, Hosea W. Parker, Isaac C. Parker, Pratt, Randall, Rawls, Ray, Read, Richmond, Robbins, James C. Robinson, James W. Robinson, Ross, Rusk, Henry B. Sayler, Milton Sayler, John G. Schumaker, Scofield, Sener, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Sloss, Small, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Sprague, Standeford, Stone, Storm, Strait, Sypher, Taylor, Thornburgh, Todd, Tyner, Vance, Jasper D. Ward, Marcus L. Ward, White, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, Charles G. Williams, Willie, Ephraim K. Wilson, James Wilson, Jeremiah M. Wilson, Wolfe, Wood, Woodworth, and Pierce M. B. Young—147.

NAYS—Messrs. Albert, Barnum, Biery, Bradley, Buffinton, Roderick R. Butler, Cessna, Amos Clark, jr., Freeman Clarke, Clayton, Conger, Cook, Corwin, Creamer, Crooke, Crounse, Crutchfield, Dawes, Dobbins, Donnan, Duell, Dunnell, Eames, Elliott, Farwell, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, Harmer, Benjamin W. Harris, Harrison, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, E. Rockwood Hoar, George F. Hoar, Hooper, Houghton, Hubbell, Kelley, Kellogg, Killinger, Lamport, Lansing, Lofland, Loughridge, Lowndes, Maynard, James W. McDill, MacDougall, McJunkin, Morey, Myers, Negley, O'Neill, Packard, Page, Parsons, Pelham, Pendleton, Perry, Phelps, Pierce, James H. Platt, jr., Thomas C. Platt, Poland, Purman, Rainey, Ransier, Rice, Ellis H. Roberts, Sawyer, Isaac W. Scudder, Sessions, Smart, A. Herr Smith, William A. Smith, Speer, St. John, Strawbridge, Swann, Thomas, Townsend, Waddell, Waldron, Wallace, Wheeler, Whiteley, Wilber, George Willard, John M. S. Williams, William Williams, and William B. Williams—98.

NOT VOTING—Messrs. Albright, Averill, Barry, Burrows, Cason, Clinton L. Cobb, Crocker, Danford, DeWitt, Eden, Glover, Hathorn, Hersey, Hoskins, Howe, Jewett, Lamar, Lawrence, Lowe, McKee, Mitchell, Niles, Nunn, Packer, Phillips, Pike, Potter, Rapier, William R. Roberts, Henry J. Scudder, George L. Smith, Snyder, Stanard, Starkweather, Stephens, Stowell, Tremain, Walls, Wells, Woodford, and John D. Young—41.

So (two-thirds not voting in the affirmative) the rules were not suspended.

During the call of the roll,

Mr. SPEER said, when his name was called: Although I hold no national-bank stock, I vote "no."

Mr. POLAND. I desire to make a parliamentary inquiry. I am a stockholder in a national bank and president and director of one. Is it proper that I should vote on this resolution?

The SPEAKER. The Chair could not rule that the gentleman had not that right.

Mr. POLAND. Then I vote "no." [Laughter.]

Mr. MAYNARD. Perhaps I ought to say that I am neither a stockholder, nor president, director, or other officer of a national bank, and I vote "no."

Before the result of the vote was announced,

Mr. MAYNARD said: Allow me to suggest to the mover of this resolution that its phraseology would include Senators as well as members of the House. It would be well, by general consent, to limit it in its terms to members of the House.

Mr. STORM. I object.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendments, bills of the House of the following titles:

A bill (H. R. No. 1231) to abolish the office of deputy commissioner of internal revenue; and

A bill (H. R. No. 1382) authorizing coinage to be executed at the mints of the United States for foreign countries.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, bills of the House of the following titles:

A bill (H. R. No. 798) to establish certain post-routes; and

A bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri.

ORDER OF BUSINESS.

Mr. SMITH, of New York. I desire to call up the West Virginia election cases.

Mr. KELLOGG. I desire to move to suspend the rules and adopt the following resolution:

Resolved, That every member of this House is hereby ordered to send to the Speaker's table a true and perfect inventory of all real and personal estate by him owned at the date of the passage of this resolution, with a detailed statement of the time and manner in which he acquired the same.

Mr. ELDREDGE. Would it be in order to move to amend that resolution?

The SPEAKER. It is not before the House unless the gentleman from New York [Mr. SMITH] yields the floor for the purpose.

Mr. SMITH, of New York. I do not yield for that purpose; I desire to call up the West Virginia election cases.

The SPEAKER. The gentleman cannot maintain those cases before the House except by a suspension of the rules.

Mr. SMITH, of New York. Then I make that motion.

The motion to suspend the rules was seconded, and (two-thirds voting in favor thereof) it was adopted.

FABBRI & CHAUNCEY.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 1551) for the relief of Fabbri & Chauncey, of New York City; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WEST VIRGINIA ELECTION CASES.

The House, under a suspension of the rules, then proceeded to the consideration of the report of the Committee on Elections upon the contested-election cases from West Virginia.

Mr. CROSSLAND. Mr. Speaker, it is unfortunate for me to be com-

pelled to speak on the question under consideration in the waning hours of this "devil's day," as congressional Mondays have been, not inappropriately, styled. I am embarrassed by the consciousness that I have come to glean in a field where the reapers who have gone before me have left little of anything valuable or useful to be gathered. The arguments have been so exhaustive, and in my judgment so conclusive, as to leave me a burnt district of discussion to travel over. Having patiently and carefully investigated the question, as a member of the Committee on Elections, I desire to briefly present to the House the reasons that impelled me to concur in the majority report, and to support the resolutions they offer.

It seems to me, sir, that when the question is divested of the technicalities and learned subtleties that have been thrown around it, and tested in the light of common sense and by the ordinary rules of interpretation, the solution is plain and easy. The question presented is to me anomalous. In 1872 two elections for Representatives to Congress were held in the State of West Virginia: one in the month of August, at which Mr. Davis and Mr. Hagans received a majority of the votes cast in the first and second districts, and they are here claiming that they were then legally elected to represent their respective districts, and asserting their right to seats on this floor. Another election was held on the fourth Thursday in October following, at which Mr. Wilson and Mr. Martin received a majority of the votes cast in said districts, and they are here claiming that they were legally elected on that day, and are entitled to seats. And the only question for the House to determine is, which was the legally appointed day for the congressional election to occur; either the election in August was legal and that in October illegal, or *vice versa*.

The fourth section of the first article of the Constitution of the United States directs as follows:

> That the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

What is meant by the "time" required to be prescribed? Evidently that a day shall be fixed upon and set apart for that election. Why is a certain fixed day required to be prescribed? That all the people shall have notice there is to be but one day fixed, and that must be fixed so that no doubt will be left as to the time when the people shall assemble and elect a man to fill this important office.

The Legislature of the State is the only body in the State that is authorized by the Constitution to prescribe the times and places for holding congressional elections, and the Legislature of each State is commanded to discharge this duty. Now let us see if the Legislature of West Virginia has complied with this imperative requirement of the Constitution. We find that in 1869 they enacted the following statute:

> SECTION 1. The general elections for State, district, county, and township officers and members of the Legislature shall be held on the fourth Thursday of October.
>
> SEC. 2. At the said elections, in every year, there shall be elected delegates to the Legislature and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of state, treasurer, auditor, and attorney-general of the State, a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative in the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district.

The first section fixes or prescribes a *time*, a day, the fourth Thursday in October; and the second section provides that at said election, *i. e.* the election to be held on the fourth Thursday in October, 1870, and every second year thereafter, the election for Representatives in Congress shall be held. Thus the Legislature with the Constitution of the United States before it, and each member sworn to support that Constitution, complied with the plain requirement and prescribed a day certain, leaving no room for a doubt about it. The people understood this law, and in 1870, on the fourth Thursday in October, they assembled at their voting places and elected Messrs. Hereford, McGrew, and one of the contestants, Mr. John J. Davis, to represent them in the Forty-Second Congress.

But, sir, for some reason this plain requirement of the act of the Legislature was departed from, and an election for Congress was held in August, 1872; and, as before said, two gentlemen, Messrs. Davis and Hagans, claim seats here under that election. No one denies that the Legislature had the exclusive power to prescribe the time for the congressional election to be held; but those who seek to maintain the August election argue that the Legislature did not fix a day, but an event or occasion, and that a constitutional convention could alter or change this event or occasion, and that the constitutional convention in the schedule did in fact alter or change the event or occasion from October to August. This argument reminds me of Tony Lumpkin's riddle, "What is that that goes round the house and round the house and never touches the house?" I believe Tony never explained. Here is an argument that goes round the question and round the question but never touches it. And I believe I can aptly illustrate the force of the argument by another quotation from Tony, in his description of the route he led his mother the night she ran away with her niece and the jewels: "First, I took them down Feather-bed Lane, where they stuck fast in the mud; then I rattled them crack over the stones on Up and Down Hill; I then introduced them to the gibbet in Crack-skull Common, and from that by a circumbendibus I fairly landed them in the horse-pond at the bottom of the garden." Gentlemen admit that the Legislature only could prescribe the time. The enactment that I have read shows that the Legislature did fix a day, but gentlemen argue an occasion was fixed, and by this circumbendibus attempt to establish the validity of the August election. Surely the Constitution never intended that a legally prescribed day for this important election should be altered in this roundabout way.

Mr. Speaker, does the House understand that this August congressional election, that gentlemen contend was fixed by the constitutional convention, was held on the same day that that constitution was submitted to the people of West Virginia for ratification or rejection? It was not adopted until it was ratified by the votes of the people on that day. And can it be claimed that a provision of that constitution or schedule prescribed a time for holding a congressional election as required by the Constitution of the United States? What does "prescribed" mean? Why, nothing else than to fix a day before, so that the people could have notice before of the day of the election. Suppose the constitution had been rejected, what would have become of the congressional election which we are told was authorized by that constitution? Would not "the bottom have fallen out of it?" And would these gentlemen have appeared here to claim seats under it?

It has been argued here that although the fourth Thursday in October was the day legally prescribed, that because the votes polled on that day were not as numerous as at the August election, that the gentlemen elected in October ought to be denied their seats, and all hands sent back to West Virginia for a new election. It is true that the vote for Congress in the first district was larger at the August than at the October election, but in the second district the vote at the October election was more than double the number cast at the August election, and the argument loses its force. But one of the days is the legal time and day for the election. And the candidates voted for and elected on that day are entitled to seats here, whether the votes cast were numerous or few. If the election is held on a day prescribed by law, and five thousand votes are given and ten thousand voters refrain from voting, the election is nevertheless valid.

It is certainly a new doctrine in this country that if a large number of citizens entitled to vote stay at home and acquiesce in the choice made by those who do go out and vote, that this will invalidate an election. There is no law compelling citizens to vote, and no penalty for non-voting.

I have been a little astonished to hear members on the other side talk so feelingly in favor of State rights, the sovereignty of the States, &c.—that the rights of the States will be forever destroyed if we fail to establish the validity of the election that they claim was held under authority of a constitutional convention. The doctrine of "State rights" is my political idol; but does not the State exercise this "right" by the action of its Legislature; and are not the rights which are properly in the care of the Legislature as safe as they would be if exercised by a convention? But no "State-rights" man ever claimed that the States could exercise "rights" which were expressly delegated to the General Government. Let us maintain and enjoy the reserved rights of the States, and exercise the powers not delegated, and the "rights" will be safe.

This right to prescribe the time for a congressional election had been given to the Federal Government and by it conferred on the Legislatures of the States; and a convention can neither prescribe a time nor repeal nor alter a time prescribed by the Legislature. And gentlemen who have perhaps not investigated the question closely have heard some of the arguments which have come from the gentlemen on the other side about what that new constitution of West Virginia, and especially what the schedule, said on the subject of congressional elections; and, if so, you will be astonished when I tell you that the constitutional convention of West Virginia refrained from saying one word or writing one line of direction in respect to the congressional election. They understood their duty better. They knew they had no power. They knew the power had been expressly conferred upon the Legislature, and that the convention had no authority or power to say a word on the subject.

Mr. WILSON, of Indiana. If the Committee on Elections had not been so very much divided in regard to this case, I might not perhaps have given myself a great deal of trouble to have examined into its merits. But finding such a diversity of opinion among the members of that committee, I felt that it was my duty to look into this question with some care for the purpose of guiding myself with regard to the vote that I am called upon to cast with reference to this matter. Now, it is proposed by the majority of the committee to seat the gentlemen who were voted for and received a majority of the votes cast on the fourth Thursday of October, and as a matter of course, before these gentlemen can be seated, it will be necessary to show that provision had been made by law for an election on that day. If there was no provision of law by virtue of which an election could be held on that day in October, then it necessarily follows that these gentlemen cannot be seated, and the majority report of this committee cannot be sustained. Before I had looked into this question particularly I had the impression in my mind, from what I had heard about the House, that that was the legal day for the election. But upon looking into the question I have been compelled to change my opinion upon that subject. Now, I think it is susceptible of absolute demonstration that there was no law under which an election for members of Congress could be held on that day in October. Prior to the adoption of the new constitution there were two provisions of the code on that subject. They have been repeated here so often that I am almost ashamed to allude to them again. But I beg the attention of the House now to this point.

The first section of the law of 1869 provides that—

The general elections for State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

Then the second section provides that at the said elections members of Congress shall be elected. Now, thus stood the law prior to the adoption of the new constitution. When the new constitution went into effect, which was on the 22d day of August, 1872, it abrogated every law that was not in harmony with its provisions. That the House may see that there is no question about that, I ask gentlemen to look at the constitution itself, and they will find the provision there that all laws not inconsistent with this constitution are continued in force, and all laws that are not in harmony with the provisions of the constitution are abrogated.

Now, the constitution provided that, after its enactment, the general elections should be held at a different time from the fourth Thursday in October; and this law authorizing the election to be held on the fourth Thursday of October was inconsistent with this constitution, and therefore was abrogated by the constitution.

Mr. SMITH, of New York. Will the gentleman from Indiana allow me to ask him a question?

Mr. WILSON, of Indiana. I believe I will. I yield to the gentleman for a question.

Mr. SMITH, of New York. Did the new constitution abrogate that part of section 1 which required district officers to be elected on the fourth Thursday of October? The new constitution does not allude to district officers.

Mr. WILSON, of Indiana. I have read the report of the chairman of the Committee on Elections two or three times, with some care and some solicitude, for the purpose of arriving at the truth with regard to this case. And I confess it seems to me that he refines a little too much upon this subject of district officers. But it would take up a great deal more time than I propose to occupy in this discussion to go into an investigation of that question.

Now, sir, the point I make, and I simply wish to state it, is this: The first section provides that the general election shall be held on the fourth Thursday in October; the second section provides that the congressional election shall be held on that same day, at the time of the general election. But then the new constitution provides a different day. Now, when the new constitution provides a different day, then the first section is inconsistent with the new constitution, and is entirely abrogated or repealed, and consequently the fourth Thursday of October was not the day on which a legal election could be held. Now, it seems to me, if that is so, a simple statement of it is enough, without an argument, and consequently the majority report of the committee cannot be sustained.

Now, the next question is this: Can these gentlemen, who are claiming seats here by virtue of the election of the 22d of August, be seated by the House? Let us look at it for a moment. It has been said, and said correctly, that the Constitution of the United States requires that the time for holding the congressional elections shall be fixed by the Legislature; and it has been argued over and over again that the Legislature did not fix the 22d of August as the time, and that therefore no election could properly be held on that day. Now, let us see if that is a fact. I said a moment ago that the general election was to be held originally on the fourth Thursday of October, and the second section provided that at that general election the congressional election should take place. In other words, that whenever a general election was held in the State of West Virginia for State officers, that should be the time for holding the election for members of Congress.

Mr. LAWRENCE. It was the event.

Mr. WILSON, of Indiana. You may call it an event, occasion, time, what you will. The Legislature of the State of West Virginia simply say in this law that when a general election is held in the State of West Virginia, then you shall elect members of Congress. I do not care whether you call it an event, time, occasion, or what not, that is the whole point. As the law stood prior to the adoption of the new constitution, that day was to be the fourth Thursday in October, and the Legislature had said that when that general election was held the congressional election should take place. Does the Constitution of the United States provide that the Legislature shall fix the time of holding a general election? No, sir; that is a matter that rests with the people of the State; and when they get together in their delegate capacity to make a new constitution, they have a right, either by the terms of that constitution or by the schedule submitting it to the people, to fix the time of the general election.

The people, acting through their delegates, did fix a time for holding the general election; but the Legislature had formerly said that the time for holding the election for members of Congress should be when the general election was held. Therefore the Legislature did fix the time. They fixed whatever time was the time of the general election, and no matter by what process the people fixed the time of the general election, this act of the Legislature was continued in force by the very terms of the new constitution. The people, through their delegates, fixed the time for holding the general election; and it was necessary for them to do so. Here were the people of the State of West Virginia about to adopt a new constitution; they were fixing up the machinery of their government; they were making an organic law, to which all the laws of the State were to conform.

Now that constitution, by its terms, was to take effect on the morning of the 22d day of August, if adopted. If they had not provided for electing all the officers of the State, if they had not made provision for a general election on that day, what would they have had? They would have had the frame of a government, but none of the machinery necessary to carry it into operation; they would have had a government without officers; and therefore it was necessary that the delegates who framed that constitution should submit a proposition to the people to elect officers at the same time that they voted on the constitution, to the end that the government might be put in harmonious operation at once. They, therefore, properly declared that they would elect on that same day all the State officers.

"O, but," gentlemen say, "the term 'general election' is not used here." Well, I admit it is not; nor is it necessary that it should be. Provision was made for electing all their officers; and that is a general election, whether designated by that phrase or not.

Mr. MELLISH. I would ask the gentleman this question: At what exact point of time did the new constitution go into effect?

Mr. WILSON, of Indiana. On the morning of the 22d of August.

Mr. MELLISH. Before or after the polls closed?

Mr. LAWRENCE. The new constitution of West Virginia, when ratified by the vote of the people on the fourth Thursday of August, became operative and in force from the first moment of that day, just as a bill passed by Congress takes effect from the first moment of the day of its approval by the President. There are some exceptions to this rule, as has been decided by the Supreme Court at its present term, but they are not applicable to the question now in controversy.

The old constitution did not, in terms, attempt to interfere with this principle of law which disregards fractions of days.

So far as the old constitution attempted to prohibit a retrospective effect for the new one, it was *ultra vires*, upon the principle stated on page 263, note 259 to article 5 of the amendments to the Constitution, found in Paschal's Annotated Constitution, that one legislative body cannot bind a later one having equal power.

Mr. BUTLER, of Massachusetts. It was expressely provided that it should go into effect on that day, if adopted.

Mr. WILSON, of Indiana. That is not the point I wished to make. We cannot split hairs on questions of this kind. We have to look at the question, not as special pleaders, but we have to look at the whole scope of the case. The people of West Virginia were about to put into operation a new government, and they had to have officers of that government, and they had a right to determine who should be those officers. They fixed the time to hold the election of those officers, and when they had fixed the time for that general election then the act of the Legislature attached to it and fixed the time when members of Congress should be elected. That is the whole point in the question before us. Therefore, when gentlemen say that the Legislature is required to fix the time, it is perfectly palpable to my mind that they did fix the time for members of Congress to be elected. But the Legislature was not bound to fix the time when this general election should be held, The people through their delegates fixed the time for the general election; the Legislature fixed that as the time for the election of members of Congress. I believe that is all I care to say upon this subject now.

Mr. SPEER. I do not desire to speak this evening; but the gentleman from Maryland [Mr. WILSON] does, and therefore I yield to him.

WEST VIRGINIA CONTESTED ELECTIONS.

Mr. WILSON, of Maryland. Mr. Speaker, if the questions growing out of this West Virginia controversy were those of ordinary legislation I would not presume to say one word to a wearied House upon such a stale and threadbare subject. But these cases involve the settlement of most valued and valuable rights on the part of claimants to seats in this House, as well as the great fundamental right of a whole people to be represented on this floor by men selected according to the provisions of law; and those rights being submitted to our decision as judges, it is our solemn duty patiently to examine and impartially to decide the questions involved. For this reason, and also because I am compelled to differ from the majority of those on this side of the House, I beg permission briefly to state the grounds of my conviction.

The first two sections of chapter 3 of the code of West Virginia are in these words:

1. The general election of State, district, county, and township officers, and members of the Legislature, shall be held on the fourth Thursday of October.

2. At the said elections in every year there shall be elected delegates to the Legislature, and one senator for every senatorial district. And in the year 1870, and every second year thereafter, a governor, secretary of state, treasurer, auditor, and attorney-general for the State; a prosecuting attorney, surveyor of lands, recorder, and the number of assessors prescribed by law, and a Representative to the Congress of the United States, for the term beginning on the 4th day of March next after the election, for every congressional district; and in the year 1870, and every fourth year thereafter, a judge of the supreme court of appeals for the State, and a clerk of the circuit court, and a sheriff for every county; and in the year 1874, and every sixth year thereafter, a judge for every circuit.

Article 4, section 7, of the new constitution of West Virginia, ratified by popular vote on the 22d August, 1872, is in these words:

The general elections of State and county officers, and members of the Legislature, shall be held on the second Tuesday of October, until otherwise provided by law.

The constitutional convention adopted a schedule, of which sections 3 and 7 are as follows:

SEC. 3. The officers authorized by existing laws to conduct general elections shall cause elections to be held at the several places for voting established by law in each county, on the fourth Thursday of August, 1872, at which elections the votes of all

persons qualified to vote under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting this constitution and schedule.

* * * * * * * *

SEC. 7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held at the several places of voting in each county for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people.

The section of the old constitution on elections is identical with the first section of the code, the words "district" and "township" omitted.

Every member of this House who cares to know must be now fully informed as to all the facts, as well as legal and constitutional provisions, out of which this controversy springs. I shall, therefore, proceed at once to the argument.

Our starting-point is, of course, that provision of the Federal Constitution which declares that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

It will be thus seen that the question is not the power of a State Legislature or convention over a State election, but what is or what is not a fulfillment of a mandate of the Federal Constitution by a State Legislature with respect to the election of members of Congress.

In order to answer this question, it is absolutely necessary to know the meaning of the terms used. What is it "to prescribe?" We are told its primitive meaning, from its composition in the original language, of "writing beforehand" is too narrow. Take, then, its derivative and secondary meaning, as applied by lexicographers peculiarly to law-makers, of "laying down authoritatively for direction," or "giving as a rule of action." These definitions or any others which have ever been given to the word necessarily imply that to prescribe the time for an election is to fix it by some prospective legislation, not conditionally or contingently, but absolutely and with certainty. Otherwise, how can it be a "regulation" (as this clause in the Constitution just quoted in part calls it) for the government of the citizens? A rule of action adopted subsequently to the act to be controlled by it is very like an absurdity in terms.

Now, sir, it is urged that the convention which met in West Virginia in 1872 prescribed the 22d of August of that year as the day of general election, and that thereby the election of Congressmen was attracted to that day, and that the claimants then having received majorities of votes were duly elected. This we deny. We contend that the convention did not even intend to prescribe the 22d of August as the day of a general election in the sense in which that phrase is used in the code, and even if they did they have utterly failed in their intention.

The question is not how many officials were on that day to be elected, but with what object and for what purpose an election is directed by the convention to be held on that day, and in what sense the word "election" is used by the convention in giving that direction. The code speaks of a general election that is to take place every year for such officers as the constitution and laws required to be elected by the whole people of the State; but although in 1869 a very meager list was to be elected, while in 1870 the ballots of the electors were darkened with a motley crowd of candidates, one was as much a general election as the other. Why? Because each was the regular annual day when the officers required by the constitution and laws to be voted for should be chosen by the people, without regard to the number to be elected.

The idea of a general election day is of a periodical return, when the demand of the laws for new officers is to be supplied. Such is the sense in which the words are used in the code, beyond all question. Such is the sense in which the words are used in the old and new constitutions of West Virginia. And I have never seen any constitution or law in which the words were used in a different meaning.

But the convention of 1872, carefully avoiding the use of the phrase with reference to the 22d of August, manifestly employ the word "election" in their schedule in a very different sense. They first use it with reference to the election to be held on that day upon the constitution and schedule, which every one will concede to have been purely special, although to be conducted by the officers whose duty it was to hold general elections under the old constitution. On the same day, and under the same officers, the electors were directed by the schedule to vote for all officers required by the new constitution to be elected by the people.

The object here, beyond all dispute, was special—to insure, if that instrument should be adopted, that the officers necessary to put it into operation should be at the same time chosen. But it was not only special in object, but also in the important circumstance of time. Probably no other election will ever again be held throughout that State on the anniversary of that same day. It was not only special in object and time, but also in manner. It was held concurrently with an election upon the new constitution, out of which it grew and upon which it literally hung. Beyond all reasonable doubt, such another election will never again occur in that State.

Not only in object, time, and manner, but also with respect to the mode of its authorization, was this election exceptional and special. It was literally a law unto itself. The convention, without assuming to make it an absolute and unconditional election, left it to the people on that day voting to determine whether the candidates receiving majorities of votes should be the substances or the shadows of officers. Not only in object, time, manner, and law was this election special, but also with respect to its results. In one event, it should be fruitless; in another, it would result in a larger tenure of office than under any other election on the future general election day by that constitution provided. Thus in every possible feature of a general election day was this 22d of August deficient, except that of the large number of candidates, which we have seen is not, in the meaning of the code, a necessary characteristic.

Moreover, Mr. Speaker, if the convention intended that the 22d of August should be in its technical sense a day of general election, with a view to the effect it would have to draw to it the congressional election, as contended for, it is inconceivable why they did not so designate it. It was the height of bungling absurdity not only to avoid so calling it, but to actually contrast it with a general election day, by specially directing that the machinery of such a general election should be set in motion on that occasion. If it was a general election, that machinery was, as a matter of course, its legitimate concomitant. And the convention not only contrasts the 22d of August with a general election, but by applying that phrase specifically in the body of the constitution to a periodical, annual election, such in all respects as that mentioned in the code, they plainly evidenced that they fully had in mind the broad difference between the special election for officers, once for all ordered by them on the 22d of August, and the general election, which the new constitution, if adopted, would require to be held on the second Tuesday of every October till otherwise provided.

But if the convention meant to make the 22d of August a day of general election, and thus to attract to it the election of Representatives in Congress, we contend they have utterly failed in their intention; because the provision in the code and the act of the convention, taken together, would not be a compliance with the mandate of the Federal Constitution, that the legislative power shall prescribe the time for such election. We deny that the convention of 1872 ordained any election of officers on the 22d of August, by virtue of its own authority. And we deny that any authority or power ordered any election of officers at all on that day, till it was past and become a part of recorded time.

That convention did prescribe the 22d of August for an election upon the new constitution; and that was the only election which they proposed should be absolutely and unconditionally conclusive. That body did, it is true, in a schedule appended to the constitution, direct that, upon the same day when that instrument should be voted upon, the electors should vote for certain officers described in said schedule; but whether this voting should be an election or not, indisputably depended not upon the fiat of the convention, but upon the vote of the people adopting or rejecting that instrument. If the majority should vote yea, it should be an election of officers; if nay, it should be little better than child's play.

But in the nature of things it could not be determined whether an election at all had been held, except upon the constitution itself, till every vote was cast and the polls were closed on that day; and it could not be in any sense known whether an election of officers had been held, till the votes upon the constitution had been counted, and the aggregate for and against it had been ascertained; and this all-important fact could not be officially known till the governor had issued his proclamation, declaring the constitution adopted or rejected. Thus, for days after the 22d of August, it could not be known whether an election, in law or in fact, had occurred or not. And when the constitution was proclaimed, the election of officers on that day could only be made legal and effective by causing the vote of the people to relate back and embrace the whole of the 22d of August.

A legal fiction alone—for such is the doctrine of relation—could avail to make the voting of the people on that day an election under a constitution which has not yet been adopted. Surely the day of an election so prescribed, not by any positive and absolute previous legislation or appointment, but by the retroactive force of a popular vote, in its very nature doubtful and contingent, cannot be a fulfillment of the requirement of the Federal Constitution, that the time of the election of Representatives shall be prescribed—beforehand fixed—by the Legislature.

In this case the time was not really fixed till after the election was over. The voters did not and could not know when they were voting whether they were surely voting for members of Congress or not. They did not and could not know, after they had voted, whether they had really voted for such officials or not. Thousands of them, whilst casting ballots professing to be for a Representative in Congress, on the same paper voted that the whole thing should be a nullity. The candidate himself did not know, when he was soliciting votes, whether even thousands of majority would elect him. It might all be a waste of labor, wherein the man who was most triumphantly elected might still be most disastrously defeated. All, on such a day, was doubt, uncertainty, contingency, and confusion.

Now, all these anomalous proceedings may have been allowable as to West Virginia officials, for the people of that State are sovereign over all matters of internal legislation, except so far as restrained by the Federal Constitution. The convention and people of West Virginia may have been potent enough to make her citizens live under two distinct constitutions during the same day, or, rather, to place them in the odd predicament of not knowing to what constitution

they were for the time being subject; and they may have been competent to elect their own State officers by the aid of legal fictions, and at an election which was only such by virtue of the vote then and there polled; but surely it requires the widest latitude of construction to transform such proceedings into a compliance with the constitutional command that the Legislature shall prescribe, shall fix beforehand, the time for a congressional election. If such an election can be made to depend on such a contingency it could have been made to depend upon any number or kind of contingencies, and a State Legislature could have at any time nullified this important power and duty by the very mode of its execution.

We are therefore forced to conclude that the 22d day of August was not, and was not intended to be, fixed as the day for the election of members of Congress, and that none were on that day legally elected.

But the artificial doctrines of relation and of the non-recognition of fractions of a day have been invoked to sustain a tottering cause. The very attempt to impress these legal fictions into use is a concession that no previous actual legislation fixed the 22d of August as the day of a congressional election at all, and that its supporters must have the aid of maxims which will help them to consider certain things as done before they were done, and as true in law when they were not true in fact. Surely it requires no argument to show that these maxims are grossly misapplied.

The simple inquiry is, was the 22d of August, in a constitutional sense, prescribed as the day of election for members of Congress? To answer that the time was prescribed at the close of the polls on that day, and made to relate back to the beginning, or that it was prescribed during the latter part of the day and must be considered as done at the beginning, because the law knows no fraction of a day, is to trifle with the subject, and, moreover, to ignore the clear exception to their own maxim, that when the question is as to which of two events actually occurred first, the law not only takes cognizance of fractions, but of the minutest subdivisions of a day.

But the binding force of precedents has been urged to support the right of a convention to make an election of Representatives not only concurrent with, but dependent upon, a vote on a constitution submitted by said convention to the people. Again and again, but in vain, have the supporters of the proposition been asked to produce a single instance of a State in the Union whose Legislature, bound by the constitutional injunction to prescribe a time for such election, has thus loosely and perfunctorily performed its duty.

But from certain Territories or provincialized States their precedents are drawn. In Territories which have been preparing to leave their condition of pupilage and enter upon the full manhood of States, and while still remaining under the broad and sweeping powers of Congress over such political fledgelings, cases have been sought analogous to the one now under consideration. Whenever such an election has been held in a Territory, or in a State stripped, by the strong arm of military power, of its sovereign rights, it has all been done under an enabling act, or ratified under the act admitting such Territory into the Union.

In the case of a Territory the whole proceedings were begun and ended under those provisions of the Federal Constitution which vest in Congress the power to make all needful rules and regulations respecting the territory of the United States, and to admit new States into the Union. There is no need to impress into the case that terrible doctrine of necessity, which threatens to prove the rapid consumption of all legitimate and healthy constitutional laws.

The powers alluded to are surely broad enough to enable Congress to ratify any act prior to admission, which might have been irregular or abnormal in a State already represented in Congress. The power to admit a new State surely implies the power to ratify all that the people of a Territory may have done before admission to enable it to take its proper place among its compeers. Such cases are different in circumstances and in constitutional rules controlling them from this West Virginia case, where the simple inquiry is, whether the Legislature of a State in the Union has done its constitutional duty.

And as for those Southern States which have been subjected to the harsh processes of reconstruction, I hope, in common fairness, that no one will quote what was then done as a precedent for legitimate constitutional construction. Born, as was acknowledged, out of the necessities of the case; springing from the undefined and undefinable war powers of the Government over conquered States held as subjugated territory; carried into effect through the agency of the military power, which made the sword to write the lists of voters, and to guard the approaches to the ballot-boxes, these reconstruction measures, whatever may have been their merits or demerits as political expedients, can legitimately be quoted as precedents for nothing but the worthlessness of paper constitutions.

Surely, precedents drawn from military departments cannot be of higher authority than those taken from Territories, which, before and since bleeding Kansas, have been left free to frame their own institutions in their own way. More especially, I should think, those gentlemen in this House who heard "the great commoner" from Pennsylvania, then the leader of the republican phalanx here, declare in no very reverent manner the simple truth that "he was worse than a fool who supposed they were pretending to act within the limits of the Constitution" in passing these reconstruction laws, can hardly without a smile hear them quoted as precedents in any serious constitutional argument. If they can, I will only say that in the political as well as in the moral world, "*Facilis descensus Averni.*"

And now I will say a few words about the October election, as to which I am compelled to differ from most of my friends on this side of the House. Although I think the argument is not so utterly conclusive against the October election, and although I am anxious to vote for validating one of them, so as to settle this vexed question forever, yet I cannot bring myself to believe that the Legislature of West Virginia ever intended that the fourth Thursday of October should continue to be the day of congressional election after it ceased to be a day for the general election.

Now, what is the point to be elicited by this discussion? Beyond question, it must be the intention of that Legislature in enacting the first and second sections of the third chapter of the code, and nothing else. It is not what they had the right to do, but what they did. It is not fair or legitimate, as I think, to form an *a priori* theory of their constitutionality, based upon a refined and recondite process of reasoning not suggesting itself to the general mind, and then to deduce the conclusion that they did not mean to do a certain thing, because so to infer "would be to assume that they neither did nor intended to do their duty."

But how are we to ascertain their intention? First, by examining the language employed, and then the circumstances surrounding the lawgivers. The question is, to what do the words "at the said elections," in the said second section of the third chapter of the code, most naturally and properly refer in the preceding first section? The phrase implies that some sort of an election has just been named. Is it of a peculiar kind? Yes; it is a remarkable event in the history of the year—a general election. The time of it, the fourth Thursday of October, gives it no distinctive character; but the general character of it distinguishes the day from all others in the year.

Now, let me ask any unbiased mind, do the words "at the said elections" most naturally refer to this noteworthy and unique event, or to the simple and by no means singular circumstance of the day named? Surely the event is the principal thing specified, and the day is the mere incident; so that, if any competent authority should simply change the event to another day, everything which is made dependent in the second section upon the words "at the said elections" will follow such event to such new day. And that this is the plain and natural construction is, I think, evidenced by this consideration, that if the Legislature had possessed the power, and had exercised it, to change the day of the general election in the fewest and simplest words, that new day would have instantly attracted to it the election of every officer named in the said second section of chapter 3 of the code, members of Congress not excepted. No one will deny this, for just such legislation in other States has often had just such effect.

The answer attempted is that the Legislature would have had the power to pass such an act so far as a congressional election is concerned, which a convention has not; and therefore it might well be conceded to have such an effect. The reply is palpable. The right to enact may limit the effect of a law, but it cannot so modify the plain meaning of words that what is the manifest meaning of words when there is a power conceded shall be tortured into the precisely opposite meaning when the power is denied, particularly when the denial of the power is even now ably combated by hosts of lawyers, and based upon subtle distinctions lately raised, and probably never suggested to the mind of the lawgiver at all.

Such being the intention of the Legislature, as derived from their language, what light do the circumstances surrounding the Legislature shed upon these sections of the code? Why, sir, the learned and able lawyers who contend that the words "at the said elections" do not refer to the event of the general election, but are pinned down to the fourth Thursday of October, even after the general election is transferred by a new constitution to another day, most strangely forget that the Legislature had no more power than you or I had to dissociate a single State or county officer named in that second section from the event of the general election.

The old constitution established the event of the general election, fixed it on the fourth Thursday of October, and ordained what officers should be thereat elected. A new constitution alone could transfer that general election to a new day; and it should exercise such power. The framers of the code fully knew that all the officials named in the second section, who were creatures of State law, would march straight with the event to the new day for a renewal of official life. How can it be said, then, with the faintest show of reason, that the code does not mean by the words "at the said elections" to connect the election of the State and county officers enumerated in the said second section inseparably with the event of a general election, when its framers were as helpless as babes to effect any other result?

The meaning of the words could not be plainer if it had been said "at the said general election and inseparably therefrom." But if such is and must be the meaning of the words with regard to senators, delegates, governor, treasurer, attorney-general, and every other official named in the second section, except the Representative in Congress, who will say that such Representative, placed as he is in the very center of the list, and included as he is in identically the same language, is not intended to be embraced in precisely the same category?

The able gentleman from Mississippi [Mr. LAMAR] laid great stress on the fact that the phrase "at the general election" was used to introduce the fourth and other sections of the third chapter of the code; whereas the words "at the said elections" were employed to begin the second section. He himself has furnished us with one good reason. The third section is interjected between the first two sections (which we are now discussing) and the others, and prescribes for a different election and another day. Hence the use of the phrase "at the said elections," to introduce the fourth section, would have been indefinite and misleading. But the gentleman yields the whole point when he concedes that "if the compilers of the code had intended that the congressional election should hinge on the general State election they would have used the words 'at the general election' to introduce the second section." We have shown that such was their meaning, because it could not be anything else; and that, it would seem, is an end of the question.

The Legislature knew, too, as historical facts, that the election of members of Congress had always been made in that State coincident with the event of a general election; that it was the policy of the State, from economic and other considerations, to avoid a multiplicity of elections; and that it had been long the custom of the parent State to make the election of Congressmen coincident and ambulatory with some other event. To cause the election of Congressmen to follow the general election was to them natural, reasonable, and politic; and not, in spirit at least, new legislation. They had not enjoyed the benefit of the truly able and original arguments against the constitutionality of such legislation to which we have listened, and which, profound as they are, will probably not be able to convert a majority of this House; and we cannot, therefore, suppose that their intentions in enacting said first and second sections of the code were much influenced by such subtleties.

If, then, Mr. Speaker, it was and must have been the intention of the code to make the election of Representatives follow the general election, and if the new constitution of 1872 has repealed the fourth Thursday of October as the day of the general election, as it most surely has done, the election of Congressmen then held was without legislative sanction and void. If the convention of 1872 had only pretermitted its bungling device of electing officers on the 22d of August, and had permitted these officers to be chosen on the second Tuesday of October, the new general election day, then we do not believe that the gentlemen from New York, Pennsylvania, and Mississippi would have ever directed any of their heavy artillery against those of us who advocate the intention of the Legislature to change the congressional election with the event of the general election; but we believe that members of this House would have been then elected, and have taken their seats on this floor without challenge or dissent from anybody. It would have been generally conceded that the code itself fixed such election on the second Tuesday of October as the new day; and all these old-fashioned weapons, labeled "repugnant laws," and "repeals by implication," and such like, would have been left to rust in the armories of our knights of the law.

The only argument, Mr. Speaker, against my construction of the meaning of the code which it remains for me to notice is the novel and ingenious one so strongly urged by the learned and fair-minded chairman of the Election Committee. He insists that the election of Representatives has been absolutely provided for in the first section of the third chapter of the code, under the term of "district officers."

Ingenious and original as is this view, we cannot concur in it; for it is the application to members of this House of a descriptive name, such as was never before and probably never will be again, bestowed upon them. They are Federal officials, named in the Constitution itself "Representatives in Congress." It can hardly be supposed that the Legislature intended to christen them with a new name, merely from the accidental circumstance of their being elected by people living within certain districts of the State. I might believe they intended so to do if they in so many words declared it; but I cannot be induced to refer to the gentleman now on this floor from that State as "the district officer from West Virginia," by any intricate or artificial process of reasoning such as that the chairman of the committee so ingeniously employs. I must believe that, as all the other generic names used in the said first section, "State," "county," and "township," refer to West Virginia officers proper, so also does the term "district" apply solely to circuit judges, who were really State officers, because each of them might have been required to do circuit duty in any other circuit than the one in which he was elected; but being so elected by the people of a limited district, the code denominates him a district officer, so as to provide a generic name that would include him, if the name of State officer did not. It was only a new term, introduced out of abundant caution.

I believe then, Mr. Speaker, that neither the fourth Thursday of August nor of October was the legal day for an election of Representatives in the State of West Virginia, and that neither set of claimants is entitled to a seat on this floor. The intention of the code being to make the election of Representatives follow the event of the general election, and the second Tuesday of October being the new general election day, that surely would have been the day prescribed by the code for the election of members of this House, if a general election had then occurred. If the event of a general election did not, from any cause, happen on that day, it is by no means a clear logical sequence that Representatives should not have been then chosen. If the fourth Thursday of October had not been repealed as the day for a general election in West Virginia, but from some temporary cause had only been pretermitted as the day for the election of State officers, the argument of the majority of the committee, grounded upon the legal presumption of the Legislature's intention to do its whole constitutional duty, and to provide a time absolutely for the election of Congressmen, would have had great force toward establishing the election held on that day.

It might have been said, with a logic difficult to evade, that although the Legislature intended to make the election of members of this House concurrent with the event of the general election of State officers, yet the fact that the two events were intended to be concurrent does not prove that the former was intended to be rendered absolutely dependent upon the latter. Every event has in it an element of time. If the principal event of the general election fails, the time remains. In obedience to their duty, under the paramount law of the land, the Legislature might make the election of Congressmen concurrent with, but not dependent upon, the event of a general election.

It is a fair presumption, then, that if the event should fail, they intended that the election of Congressmen should occur at the time fixed for the event. But both the event and the time were repealed so far as the fourth Thursday of October is concerned, and the second Tuesday of the same month substituted as the day of the general election. And to this day is applicable all the wealth of reasoning which the committee have lavished on the fourth Thursday.

But, Mr. Speaker, whatever may be the true conclusion in the case, drawn by labored reasoning from the premises, we cannot shut our eyes to the fact that the most serious question, the gravest doubt exists, what day, if any, was legally prescribed for the election of Congressmen in West Virginia during the year 1872. When this question was discussed here in December, as well as now, the widest and most radical differences of opinion prevailed; and no man can now tell, unless party drill is applied, how the House will decide these cases. When able lawyers here and in West Virginia, after mature deliberation, have disagreed, and now differ as to which was the legal day, if either was, all must concede that it is a question far above the general mind, and by which it must be utterly befogged. Beyond question, too, this doubt and uncertainty either caused tens of thousands of electors to absent themselves from the polls, or, if present, to refuse to vote for Representatives in Congress.

It is impossible for mortal man to say what would have been the result in a single district at either election if no questions of this kind had been raised on the subject. The people did not and could not know what the law was, and did not and could not vote intelligently in the premises. They had a right to know. It was the duty of the law-maker to give them a reasonable assurance on this vital point. It was a right guaranteed to them by the paramount law of the land. It will not do to say that every man is bound to know the law. These old legal maxims, intended to control men with respect to all the multitudinous rights of personal property, and having their origin away back in the dim and distant past, when popular rights scarcely existed, much less were protected, have no place when we come to consider the safeguards of the elective franchise and of the great modern fundamental right of representation.

This is not the case of a man, or a party of men, against a man or a company of men about some rights of person or property, in which one side pleads ignorance of the law, and desires to escape from the effects of any acts or laches based upon such alleged ignorance. In such a case a thousand reasons might be given for denying such a plea which would be inappropriate here. It was the right of every citizen of West Virginia to know in 1872, with all reasonable certainty and in advance of the time, what was to be the day when he should be called upon to discharge the momentous duty of selecting his Representative in this Hall, who should speak for him upon all the grave matters of finance and taxation, peace and war. If that day was not definitely prescribed and properly promulgated, so that the citizen could know when he should discharge his duty and exercise his privilege, it was at one and the same time a breach of the rights of every man, woman, and child in the State. It was not only a surprise but a wholesale fraud upon the voters, perpetrated by the law-givers themselves, only less glaring than if they had neglected even the attempt to prescribe the time.

Why, sir, nearly one-half of the electors of the State were at the polls in August and did not vote for Congressmen. Less than one-fourth of them attended and voted in October. We have the clearest evidence that this refusal upon the part of voters resulted from their inability to ascertain with any reasonable certainty what day, if any, the Legislature had prescribed for the election.

No case could be devised more flagrant than this, to demonstrate the absurdity of recognizing such a prescription of the time of an election as that which the people of West Virginia had in 1872. In one district, before the August election, both parties met in convention, and both agreed August was not the time, and adjourned without making a nomination. Just before the 22d of August, a member of one of these conventions sprung himself on the people, had his name put on the ballots of such voters as he could induce to vote for him, and having received not a tithe of the votes cast in the same district upon the constitution, comes here and claims a seat as duly elected.

To call this a discreditable trick is to deal very tenderly with it.

And if the August election is sustained, this man will be admitted in spite of all the doubts of law and the most damning facts. On the other hand, another man was beaten in August upon a full poll, brought out by the vote on the constitution, and being again a candidate in October, was elected by not much over the tenth of the voters of his district, none others scarcely having voted at all. And yet this man will be admitted if the October election is validated. Such monstrous results would not have arisen if the Legislature had done its full constitutional duty, and properly prescribed the time with reasonable clearness and certainty.

And finally, Mr. Speaker, we may not have, as it is said, any precedents in the books for such a case. If so, it is because the circumstances are novel and peculiar. But now that they have arisen, if we fail to recommit these cases to the Committee on Elections, with a view to having them sent back to the people of West Virginia, so that they may have the essential requisite of a proper notice of the time, place, and manner of electing their Representatives in this House, we shall fail to discharge toward them what I conceive to be a plain and imperative duty.

Mr. SPEER. As it is about time to adjourn I will yield for that purpose.

The SPEAKER. Does the Chair understand that the gentleman from Maryland [Mr. WILSON] has been speaking in the time of the gentleman from Pennsylvania, [Mr. SPEER?]

Mr. SPEER. Not at all; it was not so understood by the committee.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] will take the fractional remainder of the hour of the gentleman from Maryland, [Mr. WILSON,] after which the gentleman from Pennsylvania will be next recognized.

POSTAL-CAR CLERKS AND EMPLOYÉS.

Mr. WILLIAMS, of Massachusetts. I ask unanimous consent to submit for adoption the following resolution:

Resolved, That the Postmaster-General be directed to report to the House the number of postal car clerks and employés now employed on the lines between Washington and New York, New York and Boston, between New York, Albany, Buffalo, and Suspension Bridge; the gross amount of their annual compensation; the amount paid for the transportation of the mail on said lines, and what additional compensation the railroads demand for this service; also the number of daily express trains on each of said routes; the reduction in expense and acceleration of the service that can be effected by the withdrawal of the postal cars from the said routes and substituting a more frequent service by dispatching the mails on the express and local trains running, or that may hereafter be run on said routes.

Mr. KELLOGG. I object to the adoption of the resolution. Let it be referred to the Committee on the Post-Office and Post-Roads.

Mr. WILLIAMS, of Massachusetts. Very well; I will not object.

The resolution was referred accordingly.

DUTY ON HOPS.

Mr. HAZELTON, of Wisconsin, by unanimous consent, introduced a bill (H. R. No. 1552) to increase the duties on hops imported into this country; which was read a first and second time, referred, with the accompanying memorial, to the Committee on Ways and Means, and ordered to be printed.

PREVENTION OF FRAUD IN IMPORTATION.

Mr. BUTLER, of Massachusetts, by unanimous consent, introduced resolutions relating to the prevention of fraud in importing foreign goods; which was referred to the Committee on Ways and Means.

TREADWELL S. AYRES.

Mr. DUNNELL, by unanimous consent, reported back from the Committee on Claims the petition and papers of Treadwell S. Ayres, claiming compensation for occupation and use of building by the Army at Memphis; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on War Claims.

The motion was agreed to.

WILLIAM M. CHENAULT.

Mr. COBB, of Kansas, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War be directed to transmit to this House copies of the papers on file in his Department relative to the claim of the heirs of the late William M. Chenault, of Missouri, for property taken by the Government.

APPROPRIATIONS.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That the Committee on the Rules be, and are hereby, instructed to inquire into the expediency of amending the rules so that appropriation bills may provide for a reduction in the number and pay of officers, and that amendments for such purpose may also be in order.

DEBATE ON ADJOURNMENT.

Mr. COBURN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on the Rules:

Resolved, That the forty-fourth rule be so amended that the motion to fix the day to which the House shall adjourn may be debatable.

OFFICIAL STAMPS FOR POSTMASTERS.

Mr. PLATT, of New York. I ask unanimous consent to submit for adoption the following resolution:

Resolved, That the Postmaster-General be, and he hereby is, requested to furnish to the House of Representatives a list of postmasters furnished with stamps for official use, and the amount to each, since July 1, 1873.

Mr. KELLOGG. Let that be referred to the Committee on the Post-Office and Post-Roads.

Mr. PLATT, of New York. Very well.

The resolution was referred accordingly.

CHIPPEWA INDIANS IN MICHIGAN.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 1553) for the relief of the L'Anse and Vieux de Sert bands of Chippewa Indians in the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REMISSION OF DUTIES ON A CHIME OF BELLS.

Mr. ELLIOTT, by unanimous consent, introduced a bill (H. R. No. 1554) authorizing the Secretary of the Treasury to remit the duties paid on a chime of bells imported for the Protestant Episcopal church of the parish of Saint Michael, in Charleston, in the State of South Carolina; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SPAIN—FLORIDA.

Mr. COX. I ask unanimous consent to submit for adoption the following resolution:

Resolved, That the Secretary of State be requested, if not incompatible with public interests, to communicate to the House of Representatives the recent correspondence relating to the ninth article of the treaty of 1819, between the United States and Spain, respecting Florida.

Mr. HOLMAN, Under the rule that resolution should be referred to a committee.

Mr. BUTLER, of Massachusetts. I object to it.

Mr. COX. It has nothing to do with the late Spanish difficulty.

Mr. BUTLER, of Massachusetts. I understand the resolution; let it go to the Committee on Foreign Affairs.

Mr. COX. The subject is before the committee, and we want the papers.

The motion was not received.

PAYMENT OF FEMALE NURSES.

Mr. LOFLAND, by unanimous consent, introduced a bill (H. R. No. 1555) to provide for the payment of female nurses during the war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAX ON MANUFACTURED TOBACCO.

Mr. WHITEHEAD. I ask unanimous consent to submit the following resolution, for reference to the Committee on Manufactures:

Resolved, That the Committee on Manufactures be directed to inquire into, and report whether, the tax on manufactured tobacco and the mode of its collection have operated to decrease the number of factories and laborers engaged in its manufacture in the United States and to increase the manufacture in foreign countries.

The SPEAKER. This subject belongs to the Committee on Ways and Means, and the resolution will be so referred.

TREASURY CONTRACTS FOR RECOVERY OF MONEY, ETC.

Mr. FOSTER. I ask unanimous consent for the adoption of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to this House copies of all contracts made by the Treasury Department, under authority to him given in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," approved May 8, 1872, in the following words, viz:

"And from and after the passage of this act the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States, whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States; but no compensation shall be paid to such persons except out of the money and property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover, or assist in recovering, moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys; and if any person so employed shall receive, or attempt to receive, any money or other consideration from any person, firm, or corporation, alleged thus to have withheld money from the United States, except in pursuance of the written contract made in relation thereto with the Secretary of the Treasury, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000, or imprisoned not less than two years, or both, in the discretion of any court of the United States having jurisdiction; and the person so employed shall be required to make report of his proceedings under such contract at any time when required to do so by the Secretary of the Treasury."

Mr. KELLOGG. Let the resolution be referred.

Mr. FOSTER. It is all right,

Mr. KELLOGG. I must object to it unless it be referred.

Mr. FOSTER. Very well; let it go to the Committee on Ways and Means.

The SPEAKER. If there be no objection, it will be so referred.

There was no objection.

POST-ROUTES.

Mr. STOWELL. The bill (H. R. No. 798) to establish certain post-routes has come back from the Senate with certain amendments. I ask unanimous consent that the amendments be concurred in. The bill contains no legislation whatever.

Mr. HOLMAN. I trust that this bill may be allowed to go over until to-morrow.

Mr. RANDALL. It had better be referred to the Committee on the Post-Office and Post-Roads; there may be some things in it that ought to be examined.

The SPEAKER. If there be no objection, the bill will be so referred.

There was no objection.

EDWARD P. JOHNSON.

Mr. ALBRIGHT. I ask unanimous consent that the bill (H. R. No. 421) for the relief of Edward P. Johnson, upon which an adverse report was made by the Committee on Military Affairs, be recommitted to that committee, that they may examine additional papers in reference to the matter.

The SPEAKER. If there be no objection, the bill will be recommitted.

There was no objection.

And then, on motion of Mr. BURCHARD, (at four o'clock and fifty minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, memorials, and other papers, were laid on the Clerk's desk under the rule, and referred as follows:

By Mr. ARMSTRONG: The petition of citizens of Northern Dakota, for the organization of a new territory north of the forty-sixth parallel of latitude, to the Committee on Territories.

Also, the petition of citizens of Dakota Territory, for a modification of the law to encourage forest planting on western prairies, to the Committee on the Public Lands.

By Mr. BARNUM: The remonstrance of Henry D. Fox and others, hat manufacturers, of Connecticut, against any further extension of the patent granted to Henry A. Wells, April 25, 1846, for improvements in machinery for making hat-bodies, to the Committee on Patents.

By Mr. BLAINE: The petition of Lincoln W. Tibbetts, for compensation for services rendered the Government in 1860–'61, to the Committee on Claims.

By Mr. BRADLEY: The petition of citizens of Gratiot County, Michigan, for change of a post-route, to the Committee on the Post-Office and Post-Roads.

By Mr. BROWN: The petition of William L. Berry, of Kentucky, for indemnification for the destruction of his distillery by a mob in 1871, to the Committee on Claims.

By Mr. BUCKNER: The petition of Horatio S. Chalmers, for the payment of the French spoliation claims, to the Committee on Foreign Affairs.

Also, the petition of druggists, of Saint Charles, Missouri, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. BUTLER, of Massachusetts: The petition of Eugene Beebe, of New York, for the passage of a law authorizing the issue of two hundred millions of United States notes redeemable in coin on the 1st of January, 1885, to the Committee on Banking and Currency.

Also, the memorial of Seth Driggs, claimant under the treaty with Venezuela, for relief, to the Committee on Foreign Affairs.

Also, the remonstrance of Brown & Wilcox and others, manufacturers, wholesale dealers, and retailers of hats in the city of Boston, against the extension of the Wells patent, to the Committee on Patents.

Also, several petitions of citizens of Massachusetts, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. CHAFFEE: Several petitions of citizens of Colorado Territory, for the passage of an act to enable the people of Colorado Territory to form a State government and be admitted to the Union, to the Committee on Territories.

Also, several petitions from citizens of Colorado Territory, asking that the branch mint at Denver be put upon a coinage basis, to the Committee on Coinage, Weights, and Measures.

Also, petitions of members of the bar of Colorado Territory, for the appointment of two additional judges in said Territory, to the Committee on the Judiciary.

By Mr. CHIPMAN: The petition of Mary Ann Eaton, for a pension, to the Committee on Invalid Pensions.

By Mr. CLARK, of Missouri: The petition of J. & R. H. Porter, for the payment of an award made by the Third Auditor, May 10, 1861, for oxen, mules, and wagons impressed by Colonel Albert S. Johnston, in command of United States forces, on the way to Utah Territory, to the Committee on the Judiciary.

By Mr. CLAYTON: Resolutions of the Legislature of California, in relation to public lands granted in aid of the construction of a railroad and telegraph line from Folsom to Placerville, in California, to the Committee on Public Lands.

Also, the petition of citizens of Del Norte County, California, for the improvement of Crescent Harbor, to the Committee on Commerce.

By Mr. COBB, of North Carolina: The petition of Emille Lepage, surviving partner of the firm of Lepage & Brothers, for compensation for twenty-five bales of cotton, to the Committee on War Claims.

By Mr. COBURN: A communication from Hon. W. W. Belknap, Secretary of War, inclosing draught of a bill authorizing the issue of tobacco to enlisted men of the Army, as a component part of the Army ration, to the Committee on Military Affairs.

By Mr. CONGER: The memorial of William Wickersham, in behalf of patentees in the United States, to the Committee on Patents.

By Mr. COX: Several remonstrances of hat manufacturers in New York City and in New Jersey, against the extension of the Wells patent, to the Committee on Patents.

By Mr. DARRALL: The petition of citizens of Iberville Parish, Louisiana, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. DUELL: Several remonstrances of citizens of Onondaga County, New York, against the restoration of duties on tea and coffee, to the Committee on Ways and Means.

By Mr. FARWELL: The remonstrance of hat manufacturers of Chicago, Illinois, against the extension of the Wells patent, to the Committee on Patents.

By Mr. FRYE: The petition of citizens of Carroll County, New Hampshire, and of Oxford County, Maine, for the establishment of a post-route from Conway, New Hampshire, by the way of Eaton, to Brownfield Center, Maine, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Jarvis Patten, of Bath, Maine, for the payment of the French spoliation claims, to the Committee on the Judiciary.

By Mr. HATCHER: The petition of citizens of Missouri, for the establishment of certain post-routes, to the Committee on the Post-Office and Post-Roads.

By Mr. HAWLEY, of Connecticut: The petition of hat manufacturers of Hartford, Connecticut, against the extension of the Wells patent, to the Committee on Patents.

By Mr. HENDEE: The petition of John N. Reed, for relief, to the Committee on Claims.

By Mr. HYDE: The petition of Mary Sinclair, for a pension, to the Committee on Invalid Pensions.

By Mr. HYNES: The petition of Jackson Case, for relief, to the Committee on Military Affairs.

By Mr. KELLOGG: The petition of Grace B. Peck, widow of Captain Elisha Peck, for the difference of pay between that drawn as a commander in the Navy by her late husband and that of captain, to the Committee on Naval Affairs.

By Mr. LAWRENCE: The petition of druggists of Piqua, Ohio, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. LOUGHRIDGE: The petition of John Box, for relief, to the Committee on Claims.

By Mr. LOWE: Papers relating to the claim of Spencer & Mead, for supplies furnished the Kansas Indians, to the Committee on Indian Affairs.

By Mr. LUTTRELL: The petition of citizens of California, for a post-route from Mendocino to Ukiah City, California, to the Committee on the Post-Office and Post-Roads.

By Mr. LYNCH: The petition of citizens of East Pascagoula, Mississippi, for the improvement of the mouth of the Pascagoula River, to the Committee on Commerce.

By Mr. McFADDEN: Several petitions from citizens of Washington Territory, for the removal of obstructions from Skaget River, to the Committee on Commerce.

Also, the petition of citizens of Washington Territory, for the construction of a military wagon-road from Walla Walla to Puget Sound, to the Committee on Military Affairs.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the construction of a wagon-road from Cathlamet to Boisford Prairie, to the Committee on Military Affairs.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the removal of obstructions in the Columbia River, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, praying that certain streams and sloughs in Snohomish County may be declared navigable, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, praying for the establishment of a land office at Port Townsend, to the Committee on the Public Lands.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the improvement of the south fork of Lewis River, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the establishment of a mail-route from Seattle to Wallula, to the Committee on the Post-Office and Post-Roads.

Also, the memorial of the Legislative Assembly of the Territory of Washington, in relation to vacating the Government reservation at Port Angeles, to the Committee on the Public Lands.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the removal of obstructions from the Skaget and Noot-Saak Rivers, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, in relation to the annexation of a portion of Idaho Territory, to the Committee on the Territories.

Also, the memorial of the Legislative Assembly of the Territory of Washington, in relation to a military road from Fort Walla Walla to Puget Sound, to the Committee on Military Affairs.

Also, the memorial of the Legislative Assembly of the Territory of Washington, for the removal of obstructions from the Chehalis River, to the Committee on Commerce.

Also, the memorial of the Legislative Assembly of the Territory of Washington, praying Congress to grant to William Romaine exclusive privilege to construct a boom for logs in the Snohomish River, to the Committee on Commerce.

By Mr. NEAL: The petition of the First National Bank of Greenfield, Ohio, for the payment of $4,000 in lieu of that amount of legal-tender notes destroyed by fire, to the Committee on Claims.

By Mr. NEGLEY: The petition of Charles B. Madden, for relief, to the Committee on Military Affairs.

By Mr. O'NEILL: The petition of Willian B. Thomas, late collector of customs at Philadelphia, for reimbursement of certain moneys paid by him into the United States Treasury, to the Committee on Ways and Means.

Also, the petition of citizens of Philadelphia, for the redemption of United States notes by issue of bonds payable on demand in legal-tender notes, to the Committee on Banking and Currency.

By Mr. ORTH: The petition of William A. W. Daly, for relief, to the Committee on Military Affairs.

Also, petition praying for the passage of a law by Congress, known as the "Indiana plan of financial relief," from the following counties of Indiana, to wit: 1,707 citizens of Marion County; 140 of Decatur; 74 of Jackson; 199 of Howard; 253 of Clinton; 116 of Clark; 345 of Madison; 222 of Fayette; 199 of Clay; 124 of Vanderburgh; 28 of Elkhart; 58 of Park; 64 of Montgomery; 158 of Boone; 85 of Putnam; 68 of Floyd; 48 of Gibson; 37 of Miami; 24 of Knox; 20 of Newton; 30 of Randolph; 51 of Delaware; 63 of Rush: 27 of Noble; 28 of Posey; 42 of Greene; 7 of Lawrence; 1 of Morgan; 217 of Fulton; 73 of Marshall; 33 of Spencer; 14 of Hendricks; 24 of Porter; 24 of Jefferson; 30 of Huntington; 26 of Tippecanoe; 30 of Daviess; 24 of Steuben; 22 of Franklin; 20 of Crawford; 87 of Lake; 91 of Morgan; 91 of Tipton; 28 of Dubois; and 42 of Benton, to the Committee on Banking and Currency.

By Mr. PARKER, of New Hampshire: The petition of Charles H. Carpenter and others, for the removal of the National Bank at Pittsfield, New Hampshire, to Manchester, to the Committee on Banking and Currency.

By Mr. PARSONS: The petition of S. N. Goodale, for relief, to the Committee on Claims.

Also, the remonstrance of hat manufacturers of Cleveland, Ohio, against the extension of the Wells patent, to the Committee on Patents.

By Mr. PIERCE: The petition of Clarissa D. Swain, for a pension, to the Committee on Invalid Pensions.

Also, the petition of the Union Temple church, of Boston, Massachusetts, signed by Rev. George C. Lorimer, pastor, and other officers, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. READ: The petition of Thomas J. Dews, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Sarah Cully, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. ROSS: Resolutions of the Lumbermen's Exchange of Williamsport, Pennsylvania, in favor of the issue of bonds convertible and reconvertible into legal-tender notes, to the Committee on Banking and Currency.

Also, the petition of citizens of Lycoming County, Pennsylvania, of similar import, to the Committee on Banking and Currency.

By Mr. RUSK: The petition of citizens of Wisconsin, for additional duty on hops, to the Committee on Ways and Means.

Also, the petition of the Prescott Grange, patrons of husbandry, for the improvement of the Mississippi, Fox, and Wisconsin Rivers, to the Committee on Commerce.

By Mr. SAYLER, of Ohio: The remonstrance of wholesale hatters of Cincinnati, against the extension of the Wells patent, to the Committee on Patents.

By Mr. SENER: The petition of John W. and Thomas G. Elliott, for relief, with accompanying papers, to the Committee on War Claims.

By Mr. SHEATS: The petition of the Board of Trade of Mobile, Alabama, for the improvement of Mobile Bay, to the Committee on Commerce.

By Mr. SHELDON: The petition of Eliza E. Hebert, for relief, to the Committee on War Claims.

By Mr. SOUTHARD: The petition of Anthony Diss, for relief, to the Committee on Invalid Pensions.

Also, the petition of Joel D. Mosgrove, for relief, to the Committee on Military Affairs.

By Mr. STANDEFORD: The petition of Sallie Rivers, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. TOWNSEND: The petition of citizens of Pennsylvania, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. TYNER: The petition of De Witt C. Chipman, for relief, to the Committee on Claims.

By Mr. WADDELL: The petition of citizens of Cumberland County, North Carolina, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

Also, the petition of citizens of Moore County, North Carolina, of similar import, to the Committee on War Claims.

By Mr. WELLS: The remonstrance of hat manufacturers of Saint Louis, against the extension of the Wells patent, to the Committee on Patents.

By Mr. WHEELER: The petition of F. T. Heath and others, druggists, for the repeal of the stamp tax on medicines, to the Committee on Ways and Means.

By Mr. WHITEHEAD: A paper relating to the establishment of a post-route in Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. WILBER: The petition of George A. Lamb, for relief, to the Committee on War Claims.

By Mr. WILLARD, of Vermont: The petition of John H. Landerville, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Massachusetts: The petition of Isabella L. Nichols, of Watertown, Massachusetts, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. WILSON, of Iowa: A paper relating to the establishment of a post-route in Iowa, to the Committee on the Post-Office and Post-Roads.

IN SENATE.

TUESDAY, *January* 27, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a report from the Secretary of War, communicating, in obedience to law, information in regard to a contract for the care of transient paupers in Providence Hospital, in the city of Washington; which was ordered to lie on the table and be printed.

ENROLLED BILLS SIGNED.

The PRESIDENT of the Senate *pro tempore* signed the following enrolled bills, which had previously received the signature of the Speaker of the House of Representatives:

A bill (H. R. No. 795) making appropriations to pay for reporting the debates and proceedings of Congress; and

A bill (H. R. No. 1218) to provide for the purchase of fire-extinguishers for the Capitol building.

HOUSE BILLS REFERRED.

The bill (H. R. No. 971) to forfeit to the United States certain lands granted to the Placerville and Sacramento Valley Railroad Company, to aid in constructing a railroad from the town of Folsom to the town of Placerville, in the State of California, and the bill (H. R. No. 1168) to amend the act entitled "An act to provide for the removal of the Flathead and other Indians from the Bitter Root Valley, in the Territory of Montana," approved June 5, 1872, were severally read twice by their titles, and referred to the Committee on Public Lands.

COMMITTEE SERVICE.

Mr. STEVENSON. I move that the Chair be authorized to fill the vacancy upon the Committee on Enrolled Bills.

The motion was agreed to; and the President *pro tempore* appointed Mr. KELLY.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented three petitions of citizens of the United States who were soldiers in the late war, or are the heirs of such, praying to be granted one hundred and sixty acres of land, for the equalization of bounties, and for the amendment of the pension laws; which were referred to the Committee on Pensions.

Mr. THURMAN. I hold in my hand several petitions of the same character as those presented by the President of the Senate. I ought to observe, perhaps, in reference to one, or rather two of these petitions, a thing that has been noticed very frequently in petitions presented to this body, that nearly or quite all of the signatures to the petition are in the same handwriting. I do not feel at liberty, however, to refuse to present the petitions on that account, coming to me as they do from a responsible source, a respectable gentleman, who I do not think would attempt to impose upon the Senate; but really the practice is calculated to lead to very great abuse. I have again and again, several times at this session of the Senate been called upon to present to the Senate petitions, every signature of which was in the same handwriting. I do not know, unless the Senate make some rule upon the subject, that the evil can be corrected. When these petitions come to us from respectable persons, we feel bound to present them. I send these petitions to the Clerk, and move their reference to the Committee on Pensions.

The motion was agreed to.

Mr. THURMAN. I also present to the Senate the petition of W. W. Corcoran, George W. Riggs, John B. Clagett, W. Gunton, Marshall Brown, Joseph B. Bryan, S. J. Bowen, A. E Perry, and a number of others of the largest property-holders in this District, praying that the investigation asked for in the petition presented the other day,

into the management of the affairs of this District by the District government, may take place; and as this petition is brief, and is characterized by great moderation and great propriety, I ask that it may be read, and then that it may lie on the table.

The PRESIDENT *pro tempore*. The petition will be read if there be no objection.

The Chief Clerk read as follows:

To the Congress of the United States:

Your petitioners respectfully represent that they are citizens of the District of Columbia, owning property subject to taxation therein; that they are willing to bear their full proportion of the taxes needed to improve the cities in said District, but desire, as reasonable persons, that said taxes should, when collected, be honestly, economically, and prudently expended, and in making, so far as it is possible, durable and not merely temporary improvements; that grave accusations have been made and widely circulated by the newspapers of the country, reflecting upon the integrity of the officers of the present District government, and charging them with gross mismanagement of its affairs; that the good name of said District government has greatly suffered thereby and great scandal been brought upon said officers, to the injury of all the citizens of said District.

Your petitioners further respectfully represent that an investigation has been asked for from the House of Representatives of the present Congress, on behalf of these officers; but an investigation so limited by the terms of the application itself that it must prove wholly inadequate and unsatisfactory, being restricted to an inspection of books kept by said officers themselves or their subordinates.

Your petitioners further respectfully represent that they are informed that certain other citizens, likewise tax-payers in said District, have prepared, and are ready to present to your honorable body, a petition specifically charging serious omissions of duty on the part of said officers in managing the affairs of said District.

Your petitioners further respectfully represent that they believe that an investigation, made by an appropriate committee of your honorable body, will meet with the unqualified approbation, not only of the people of said District, but of the whole country; that they likewise believe that a full, searching, and thorough investigation is due to these very officers, charged, by reputable newspapers and responsible citizens, with malfeasance in office.

And they earnestly assure your honorable body that if, after such an investigation, the innocence of these officers should be made manifest, it would be a matter of great satisfaction to your petitioners.

Whereupon, disclaiming all intention of reflecting upon any member of your honorable body, they humbly pray that a joint select committee may be chosen by your honorable body, and that the usual and necessary powers may be conferred upon them for the purposes aforesaid.

The PRESIDENT *pro tempore*. The petition will lie upon the table.

Mr. STEVENSON presented the petition of Birch Musselman and other citizens of Louisville, Kentucky, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SCOTT presented the petition of Job H. Jackson, and the petition of Charles H. McIlvaine, and 270 others, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of a large number of citizens of Ohio, praying for the repeal of all laws exempting church property from taxation in the District of Columbia and in the Territories; which was referred to the Committee on the District of Columbia.

Mr. FRELINGHUYSEN presented the petition of Saint John's Methodist Episcopal church of Jersey City Heights, New Jersey, signed by the pastor and officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. PRATT. I present the petition of J. P. Thatcher and 47 other citizens of Indiana, and the petition of D. H. Holloway and other citizens of Indiana, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare. I understand the committee to whom petitions of this character were addressed have made a report, and with it a bill. If that is the case, I move that these petitions lie on the table.

The motion was agreed to.

Mr. BOUTWELL presented the petition of the Congregational church of Saugus Center, Massachusetts, signed by the pastor, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. INGALLS presented the petition of Samuel B. Lauffer, of Greensburgh, Pennsylvania, praying for an increase of pension, to relieve him from present necessity; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Kansas, praying for the enactment of a law recognizing the belligerent rights of the Cubans; which was referred to the Committee on Foreign Relations.

He also presented the petition of Dennis Carroll, praying compensation for injuries sustained by the falling of a building at Leavenworth, Kansas, in 1862, while in the employ of the Government, in the quartermaster's department; which was referred to the Committee on Claims.

Mr. SARGENT presented a resolution of the Legislature of California, asking an appropriation for the removal of the ship Patrician and the rock known as the Noonday Rock, near the entrance to the harbor of San Francisco; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CHANDLER presented a petition of citizens of the United States, who were soldiers in the late war, or the heirs of such, praying to be granted one hundred and sixty acres of land each, the equalization of bounties, and the amendment of the laws on the subject of pensions, &c.; which was referred to the Committee on Military Affairs.

Mr. SUMNER presented the petition of citizens of East Saugus, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. SPENCER presented the petition of the Board of Trade of Columbus, Mississippi, praying an appropriation for the improvement of the Tombigbee River, between Pickensville and Fulton; which was referred to the Committee on Commerce.

Mr. ALLISON. I present the petitions of residents of Chariton, Lucas County; of Ida, Ida County; of Clinton; of Farley; of Lincoln Center; of Waukon, Allamakee County; of Calamus; of Wheatland; of Galesburgh, Jasper County; of Mount Vernon; of Coldwater; of Stanwood; of Boylan's Grove, Butler County; of Delmar, Clinton County; of Keokuk; of Douglass, Fayette County; of Venus, Madison County; of Sumner; of Pierceville, Van Buren County; of Cerro Gordo County; of Matamoran, Wright County; of Winchester, Van Buren County; of Rock Falls; of Washington township, Wapello County; of Prairie City, Jasper County; of Hillsborough, Henry County; of Mason City, Cerro Gordo County; of Burlington; of Ainsworth; of Fairfax, Linn County; of Grand Mound; of Lake City, Calhoun County; of Fort Atkinson; of Fairfield, Jefferson County; of Albion; of Dyersville, Dubuque County; of Quincy, Adams County; of Dennison, Crawford County; of Spring Hill, Warren County; of Pedee, Cedar County; of Platteville, Taylor County; of Lovilia, Monroe County; of Newell, Buena Vista County; of West Irving; of Hamilton, Marion County; of Peoria, Mahaska County; and of Muscatine; all citizens of Iowa, ex-soldiers, sailors, and seamen of the late rebellion, asking Congress to so modify the homestead laws of the United States, in behalf of the officers, soldiers, sailors, and seamen honorably discharged from the service of the United States, as to dispense with the necessity of actual residence for any particular length of time on their part before receiving title to the lands located by them, and asking for the passage of the bill which was passed by the House of Representatives last year on that subject. These petitions, I will say, are from citizens of every part of the State of Iowa, and together comprise about five thousand names. I move their reference to the Committee on Public Lands.

The motion was agreed to.

Mr. HOWE presented the petition of S. D. Hudson and other citizens of Janesville, Wisconsin, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. CONKLING presented the petition of the Greenwood Baptist church, of Brooklyn, New York, signed by the Rev. A. G. Lawson, pastor, and the officers of the church, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. CRAGIN presented the petition of Nancy R. Batchelder and other citizens of New Hampshire, asking for women equal protection with colored men in the exercise of their right to vote; which was referred to the Committee on the Judiciary.

He also presented the petition of Edmund H. Cobb, of New Hampshire, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. GOLDTHWAITE presented the petition of Henry A. Peeler, praying to be reimbursed for moneys advanced to the United States consul at Matamoras, Mexico, and expended for the relief of refugee Union men; which was referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CONKLING, it was

Ordered, That the petition and papers of John Caleb, praying to be allowed a pension, be taken from the files, and referred to the Committee on Pensions.

On motion of Mr. CONKLING, it was

Ordered, That the petition and papers of John Coonan, praying for an increase of pension, be taken from the files, and referred to the Committee on Pensions.

On motion of Mr. CONKLING, it was

Ordered, That Emily Agnel have leave to withdraw her petition and papers from the Senate.

On motion of Mr. WINDOM, it was

Ordered, That the petition and papers of Rebecca Marcher be taken from the files, and referred to the Committee on Patents.

On motion of Mr. SHERMAN, it was

Ordered, That E. M. Dennison have leave to withdraw his petition and papers from the files of the Senate.

On motion of Mr. FERRY, of Michigan, it was

Ordered, That Alfred Spink and D. Wolf have leave to withdraw their petitions and papers from the files.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Foreign Relations, to whom was referred the bill (S. No. 5) to provide for the adjustment and satisfaction of claims of American citizens for spoliations committed by

the French prior to the 31st day of July, 1801, reported it without amendment.

Mr. SCOTT, from the Committee on Finance, to whom was referred the bill (S. No. 308) for the relief of John Logan, late marshal of the southern district of Illinois, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 264) for the relief of the Fourth and Fifth Indian Regiments, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. LOGAN. I am also directed by the same committee, to whom was referred the bill (S. No. 14) in relation to bounties, having reference to a particular regiment, although the bill is general in its application, to report it favorably, and ask that the bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the joint resolution (H. R. No. 29) authorizing the Secretary of War to detail medical officers of the Army to inquire into and report upon the causes of epidemic cholera, reported it without amendment.

Mr. KELLY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 100) for the relief of Lieutenant Alonzo V. Richards, reported it without amendment.

Mr. WRIGHT, from the Committee on Finance, to whom was referred the bill (H. R. No. 483) to authorize the cancellation of the export bond for a portion of the distilled spirits of John S. Miller, on board of bonded cars of the United States, reported it without amendment.

REPORT OF INDIAN EXPENDITURES.

Mr. ANTHONY. The Committee on Printing, to whom was referred the motion to print the letter of the Second Auditor, communicating an abstract of the disbursements of the Indian Department, have instructed me to make a report in writing. The committee come to the conclusion that it is not advisable to print this document, because it furnishes very little information—no information of any value—and will cost some $4,000 to print it, but the document should be referred; and the committee recommend that it be referred to the Committee on Appropriations. In some respects the law has not been complied with.

Mr. EDMUNDS. What are those respects?

Mr. ANTHONY. The law requires that the Second Auditor shall make a list of the delinquents in the Indian Department. This list has not been supplied, and has not been supplied for five or six years.

Mr. EDMUNDS. Does the report state that there are no delinquents?

Mr. ANTHONY. It is silent on that subject. This is a matter which should have been referred in the beginning to the Committee on Indian Affairs, or the Committee on Appropriations, or the Committee on the Judiciary, which has so wide a jurisdiction; but as it was the pleasure of the Senate to refer it to the Committee on Printing, it was not for us to question but to obey, and we have considered other portions of the subject than that relating to the expediency of printing. I move that the report of the committee be printed. I suppose we can act upon it as well without reading it. I move that the document be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Rhode Island having submitted a report in writing, moves that the letter of the Second Auditor, which has been mentioned by him, be referred to the Committee on Appropriations.

Mr. EDMUNDS. On the question of that reference I wish to say that I think the Senate under the circumstances ought to adopt a resolution instructing that committee to inquire and report, first, what is the state of delinquency in the Indian Department, if there be any; and, second, what are the reasons that the executive officers of the Government have to give for not complying with the law in reporting to us the state of accounts in their respective Departments. Here we have an important statute which governs the disbursement and application of millions of money every year, and in respect to which statute certain officers of the Government are required to report to us the details, with the names of people who are delinquent in respect to that fund for each year, and the causes, &c. Now, we get a barren statement of names and sums, which is, in its present condition, of no value to anybody, and an entire want of any wholesome compliance with the law whatever in it. Such a state of things as that ought not to go unnoticed; but having entire confidence that the Committee on Appropriations will make such an inquiry as a part of their duty, and will bring the matter again to the notice of the Senate in some way, so that we can ascertain, if it be possible, what the state of these accounts is in respect to this disbursement of public money, I will make no motion of the kind I have indicated.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that this report be referred to the Committee on Appropriations.

The motion was agreed to.

BILLS INTRODUCED.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 385) for the relief of Jacob P. Clark, late register of the United States land office at Olympia, Washington Territory; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 386) to amend an act entitled "An act to amend 'An act relating to soldiers' and sailors' homesteads,' approved June 8, 1872;" which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. PRATT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 387) granting a pension to Captain Benjamin Farley, Company C, Fifth Indiana Cavalry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 388) for the relief of William Chandler, late a commander in the Navy of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 389) to amend an act entitled "An act to provide for the payment of expenses incurred by the Territories of Washington and Oregon in the suppression of Indian hostilities therein in the years 1855 and 1856," approved March 2, 1861; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. FERRY, of Michigan, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 390) to amend an act for the removal of causes in certain cases from the State courts, approved July 27, 1866; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 391) to enable Susan B. Anthony to pay a fine imposed upon her by the district court for the northern district of New York; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

TREATY WITH CHIPPEWAS.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to report to the Senate, as soon as practicable—

First. Whether article 6 of the treaty of February 22, 1855, with the Chippewa Indians is still in force and unexecuted.

Second. That he be directed to report in detail what action, if any, has been taken under said article of said treaty within the last two years.

Third. That he be directed to report what action has been taken under the act of June 8, 1872, entitled "An act to perfect certain land titles" therein described, what amount of lands have been claimed thereunder, what amount of lands have been patented accordingly, and how many different claims thereunder are still pending in the Department.

SENATOR FROM LOUISIANA.

Mr. McCREERY. I move that the credentials of General McMillen as Senator from Louisiana be re-referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. Is there objection to the motion?

Mr. MORTON. I can scarcely understand the purpose of that motion now.

Mr. EDMUNDS. Let it be done; there can be no objection.

Mr. WEST. I ask what is the motion; I did not hear it.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to recommit the credentials of General W. L. McMillen, claiming to be a Senator from Louisiana, to the Committee on Privileges and Elections.

Mr. WEST. I shall not object, sir.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the order is made.

RAILWAY LEGISLATION.

Mr. MORTON. I move that the Senate proceed to the consideration of the resolution I submitted a few days ago, in the nature of instructions to the Committee on Transportation.

The resolution was read, as follows:

Resolved, That the Committee on Transportation Routes to the Sea-board be instructed to consider and report a bill creating a commission of five eminent and skilled persons, to be appointed by the President, by and with the advice and consent of the Senate, who shall examine and make report to Congress what legislation is necessary and practicable in regard to interstate railroads, to promote the following objects: The speedy transportation at reasonable rates of freight and passengers; the safety and comfort of passengers, by providing for the inspection of bridges, tracks, locomotives, and cars; and the reform of any abuses that may exist in consequence of extortion or unjust discriminations in the transportation of freights and passengers; and, in general, what regulations are necessary to promote the efficiency of railroads, the interests of commerce, and the convenience and safety of the traveling public.

The PRESIDENT *pro tempore*. The resolution is before the Senate, there being no objection to its present consideration.

Mr. MORTON. It is suggested that the word "constitutional" should be inserted before the words "necessary and practicable." I am willing to accept that modification.

The PRESIDENT *pro tempore*. The resolution will be so modified.

Mr. MORTON. Mr. President, the Constitution declares that—

Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

In the celebrated case of Gibbons *vs.* Ogden, (9 Wheaton,) commerce was defined to be not only "traffic between nations and communities, but intercourse—to describe commercial intercourse between nations

and communities in all its branches—and is regulated by prescribing rules for carrying on that intercourse."

Commerce comprehends passengers as well as merchandise; and in the Passenger cases, reported in 7 Howard, the Supreme Court held that statutes passed by the Legislatures of New York and Massachusetts, levying a tax upon passengers arriving in their ports from other States, and foreign nations, were commercial regulations, and void, as in conflict with the provision of the Constitution giving the power to Congress to regulate commerce with foreign nations and among the several States.

Story, in his Commentaries, defines commerce as comprehending every species of intercourse between nations and among the people of the several States, embracing not only traffic and merchandise, but passengers and travelers.

Again he says:

Foreign and domestic intercourse has been universally understood to be within the reach of the power, and that the terms of the Constitution are at all times understood to include power over navigation as well as trade, over intercourse as well as traffic, and that in the practice of other countries, and especially in our own, there has been no diversity of judgment or opinion.

Commerce entirely within the limits of one State is not within the meaning of the Constitution. It must be "commerce among the several States." The word "among" means "intermingled with." Commerce among the several States is commerce that concerns more States than one, and is distinguished from that which relates completely to the interior traffic of a single State. Commerce among the States cannot stop at the boundary line of each State, but may be introduced into the interior, and is clearly distinguishable from that which is entirely internal, which is carried on between man and man in a State, and which does not extend to or affect other States. It is the "commerce among the several States" that Congress has power to regulate.

If Congress has power to regulate commerce, that power must be exercised wherever the subject exists, and must operate upon the subject and those engaged in its prosecution. If it were limited to the jurisdictional lines of the several States, it would be useless and a nullity. In the case of Gibbons *vs.* Ogden, referred to, the power to regulate is defined to be "the power to prescribe the rule by which commerce is to be governed."

The power to regulate is the power to govern, and the power to govern the whole includes the power to govern the constituent parts.

Under the Confederation each State regulated commerce for itself, and the regulations were in most cases against the other States as much as against foreign nations; and the embarrassments and injuries growing out of these conflicting regulations were among the most powerful causes which led to the formation of the present Government. And in defining the power of Congress over the subject, it was said by the court in the Passenger cases to be the full measure of what the several States possessed before the Constitution was formed, except as to that commerce which is purely internal to a State.

It was intended to give to Congress all the power to supervise, control, and direct the channels and instruments of commerce that it might be necessary for Government to exercise to promote its safety, efficiency, and growth. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than those prescribed in the Constitution.

The power to regulate commerce necessarily involves the power to regulate the means and instrumentalities by which it is carried on. Without this the power could not be executed. Another clause of the Constitution expressly authorizes Congress to enact all laws necessary to the execution of any of the powers granted.

The old Bank of the United States was held to be constitutional, as an appropriate means of carrying into effect certain enumerated powers granted to Congress, among which was the power to regulate commerce; and the constitutionality of the present system of national banks seems now to be conceded by all parties for substantially the same reason.

In Veazie *vs.* Moore, (14 Howard,) the Supreme Court said that—

Commerce, in its broadest acceptance, embraces not merely traffic, but the means and vehicles by which it is prosecuted.

And in all the cases in which the question of this power has been considered, the court has treated the means and instrumentalities of its prosecution as being necessarily embraced within it.

Commerce pertains not more to water than to land. The trade and intercourse carried on by caravans across the trackless deserts of Africa are not less commerce than that transported by steamships across the Atlantic. Transportation, whether by land or water, is a necessary part of commerce; and without it there can be no commerce.

Judge McLean said, in the Passenger cases—

That transportation is a part of commerce is no longer an open question.

The power given to Congress is to regulate commerce among the several States, and whatever is necessary to execute the power must be included in it. If commerce cannot be successfully regulated without regulating the means of transportation, the instrument by which it is conducted, then the power to regulate these must be included.

From the very beginning of the Government Congress has assumed the power to regulate and control navigation upon all the navigable rivers, lakes, inlets, and harbors in the United States. This power has been exercised as exclusive except upon canals and rivers which were wholly within the boundaries of one State, and not connecting with the sea, or with navigable waters running into other States. In every instance where the river was a channel of commerce between two or more States, the navigation of it has been controlled exclusively by Congress. This power has been derived entirely from that clause in the Constitution giving Congress the power to regulate commerce with foreign nations and among the several States. No court or publicist has ever undertaken to derive it from any other source. Story, in his Commentaries, says:

If commerce does not include navigation, the Government of the Union has no direct power over that subject.

In Gibbons *vs.* Ogden the Supreme Court said:

If commerce does not include navigation, the Government of the Union has no direct power over that subject and can make no law prescribing what shall constitute American vessels or requiring that they shall be navigated by American seamen. Yet this power has been exercised from the commencement of the Government; has been exercised with the consent of all; and has been understood by all to be a commercial regulation.

In Smith *vs.* Turner, (7 Howard,) the court said:

The transportation of passengers is a branch of commerce, and a tax upon it is a tax upon a commercial operation.

Again, in another case, reported in 12 Peters, the court said:

The power to regulate commerce comprehends the control for that purpose and to the extent necessary of all the navigable waters of the United States which are accessible from States other than those in which they lie, and necessarily includes the power to keep them open and free from any obstruction to their navigation interposed by States or otherwise; and it is for Congress to determine when its full power shall be brought into activity, and as to the regulations and sanctions which shall be provided.

In the Passenger cases, Norris *vs.* Boston, and Smith *vs.* Turner, Chief Justice Taney remarked:

It has always been admitted in the discussion upon this clause of the Constitution that the power to regulate commerce includes navigation, and ships, and crews, because they are the ordinary means of commercial intercourse.

Again, he said:

Undoubtedly the ship, although engaged in the transportation of passengers, is a vehicle of commerce, and within the power of regulation granted to the General Government; and I fully assent to the doctrine on that subject laid down in the case of Gibbons *vs.* Ogden.

Mr. Justice Johnson, in Gibbons *vs.* Ogden, (9 Wheaton, 229,) said:

Commerce, in its simplest signification, means an exchange of goods; but in the advancement of society, labor, transportation, intelligence, care, and various mediums of exchange, become commodities, and enter into commerce; the subject, the vehicle, the agent, and their various operations, become the objects of commercial regulation. Ship-building, the carrying trade, and propagation of seamen, are such vital agents of commercial prosperity that the nation which could not legislate over these subjects would not possess power to regulate commerce.

And in the same case, Mr. Justice Daniel said:

The power to regulate commerce includes the regulation of the vessel as well as the cargo, and the manner of using the vessel in that commerce.

I might multiply quotations and authorities to show that the sole power which Congress has over navigation is derived from the power to regulate commerce.

Of course all this is to be understood as applicable only to commerce among the several States, and not to apply to that which is exclusively confined to the interior of one State. As an illustration of the latter, it has been said that a ferry-boat plying across a river in the interior of a State is not required to take out license under the act of Congress, because it is not engaged in commerce among the several States; and the regulation of a turnpike-road, having its termini and course in one State, has been said not to come within the power of Congress to regulate commerce among the several States.

The control which Congress has assumed over navigation is absolute in its character, and recognizes no limitation beyond the discretion of the national Legislature.

There is no clause in the Constitution giving Congress power to regulate commerce upon rivers and lakes any more than upon railroads and canals. The power assumed over navigation was upon the broad principle that the power to regulate commerce involved the power to regulate the means and instruments of commerce.

It is true the one is a natural and the other an artificial channel of commerce, but that cannot affect the question of power. The power must attach to the instrument of commerce, whether natural or artificial; otherwise the great body of commerce between the States would be beyond the control of Congress.

In the case of Gray *vs.* The Clinton Bridge Company, reported in the American Law Register for January, 1868, Mr. Justice Miller, of the Supreme Court of the United States, says:

Navigation, however, is only one of the elements of commerce. It is an element of commerce, because it affords the means of transporting passengers and merchandise, the interchange of which is commerce itself. Any other mode of effecting this would be as much an element of commerce as navigation. When this transportation or interchange of commodities is carried on by land, it is commerce as well as when carried on by water; and the power of Congress to regulate it is as ample in the one case as in the other. The "commerce among the States" spoken of in the Constitution must, at the time that instrument was adopted, have been mainly of this character, for the steamboat, which has created our great internal commerce on the rivers, was then unknown.

In construing constitutions as forms of government alike applicable to different periods and conditions of society, resort should be had to the general principles involved, for they alone will fit changing times and conditions.

When the Constitution was formed all the States were upon the seaboard, possessing harbors and direct communication with the sea. Navigation was then the chief, and almost the only, vehicle of com-

merce, and the regulation of it was at once assumed by Congress without hesitation or question.

Now, through advancement in the arts and sciences, another vehicle of commerce has come into use and largely superseded navigation, but the reason and principle of the Constitution have not changed, and Congress has the same power to regulate and utilize the new as the old.

That this control should not go beyond such regulations as would be for the general interest of commerce, and should affect as little as might be the exercise by the corporations of their powers and franchises conferred by the State, and the control by each State over the railroads within it, will be readily admitted; but when a railroad corporation assumes to become the instrument of commerce between the States, and the State confers upon it powers for that purpose, there can be no objection if Congress interferes to regulate it in that character, so far as may be necessary for the common good.

The power given to regulate commerce is distinct from the taxing power given to Congress in other clauses of the Constitution, and was not intended to abridge the power of taxation in the States. Congress can make no regulation over railroads to deprive the States of their power to tax the property of railroad corporations, or to tax their citizens as the owners of shares in them as other property. The States have always taxed the property of their citizens and corporations in ships and steamboats as other private property, notwithstanding navigation is exclusively regulated by Congress.

At the time the first laws were passed upon this subject and the earliest decisions made, navigable waters were almost the only means by which commerce was carried on among the several States. There were then no railroads, and I know of no canals then extending from one State into another. Ordinary wagon-roads passing from one State to another and over which commerce was carried on to a considerable extent, needed no regulation and could not in the nature of things give rise to legislation upon the subject. It is not the peculiar means or vehicle of transportation, whether by water or by land, that determines the power of Congress to regulate it. That power exists equally upon land and water, and whatever means of transportation may be used in commerce among the several States, must be equally within the reason of the rule and subject to regulation, if it be deemed necessary.

It must be observed that the power of Congress over navigation is not confined to the rivers, lakes, and harbors, in removing obstructions, whether created by States or individuals, and keeping their channels open and free, but is equally applicable to the vessels by which they are navigated, whether those vessels are owned by private individuals, by corporations, or even by the States themselves. Steamboat companies chartered by State Legislatures, and deriving all their powers and privileges from State laws, have yet to submit to the regulations made by Congress in regard to the construction and navigation of their vessels. Whatever privileges and powers a State may confer upon a steamboat company must be taken subject to the higher power vested in Congress to regulate their exercise. This principle is so well known, that I need not refer to illustrations.

But times have greatly changed within a few years. Railroads have now become the instruments by which the greater part of commerce is carried on "among the several States." Not only is this true in regard to merchandise, but in a still larger sense in regard to passengers and travel. Railroads have to a great extent superseded not only rivers and canals, but also stages, wagons, and horses. There are few lines of railway now, that in their connections and consolidations have not become parts of lines engaged in commerce among the several States. Although railroad companies, like steamboat companies, are chartered by the several States, yet in most cases they are authorized to form consolidations, or running arrangements, with lines of railroad in other States, and to take leases of roads in distant States. Many of these corporations own and control lines of road running into or across adjoining States; and several either own or have leased thousands of miles of road, stretching far north and south, and half way across the continent. These great lines of railway, thus ramifying the Union and affecting the interest and prosperity of every State, are under the control of small boards of directors in Philadelphia, New York, or Baltimore, and chiefly ruled by a few leading minds, that really exert more power over the business affairs of the nation than governors or Presidents.

True, the railroad companies derive their power from State charters, but they must accept their franchises upon condition that if they engage in commerce among the several States they will be subject to the power of regulation which was vested in Congress by the Constitution long before any railroad charter was granted. Surely there is as much reason, and perhaps even greater necessity, for the regulation by Congress of the vast commerce upon the interstate railroads as of that which is transported upon navigable waters.

Again, Justice Miller said, in the Clinton Bridge case:

Another means of transportation, equal in importance to the steamboat, has also come into existence since the Constitution was adopted—a means by which merchandise is transported across States and kingdoms in the same vehicles in which it started. The railroad now shares with the steamboat the monopoly of the carrying trade. The one has with great benefit been the subject of salutary congressional legislation, because it is an instrument of commerce. Is there any reason why the other should not? However this question may be answered in regard to that commerce which is conducted wholly within the limits of a State, and is therefore neither foreign commerce nor commerce among the States, it seems to me that where these roads become parts of great highways of our Union, transporting a commerce which embraces many States, and destined, as some of these roads are, to become the channels through which the nations of Europe and Asia shall interchange their commodities, there can be no reason to doubt that to regulate them is to regulate commerce, both with foreign nations and among the States; and that to refuse to do this is a refusal to discharge one of the most important duties of the Federal Government. * * * For myself, I must say that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of one of those lines of interstate communication, or to authorize the creation of such roads when the purposes of interstate transportation of persons and property justify or require it.

I ought perhaps to say, in connection with this decision, that I do not read it as absolute authority, for the reason that several of the important points adverted to by Mr. Justice Miller were not before the court in that case, and it was not necessary for him to decide them; but I read his conclusions as persuasive.

Whether we consider the interests of the railroads or of the several States through which they pass, it seems equally important that they should be subject to uniform regulations, which can only be secured by national control.

If the through lines from the Atlantic to the Mississippi may be regulated in one way by Ohio, another by Indiana, and still another by Illinois, they may become the victims of unfriendly legislation, and be greatly crippled and hindered in their operations; and each State, acting for its own interests, may not consider those of other States, and may regulate against them.

If each State may regulate within its own territory those roads employed in interstate commerce, we may have reproduced some of those disorders and conflicts which existed between the States before the Constitution was formed.

While these things may happen, it is also more likely that the people of the several States, acting separately, will be less able to protect their rights and interests against the influence and power of great corporations, which by their wealth, blandishments, and natural power in the States through which they pass, will have undue influence in controlling their legislation or defeating the execution of their laws. It is hardly too much to say that the several States cannot, acting separately, regulate efficiently these great lines of transportation in which so many other States and communities are interested.

Assuming that the proposition has been established that Congress may pass laws for the supervision and regulation of railroads engaged in interstate commerce, the next question to be considered is the extent and character of the power.

As to what regulations may be necessary is left to the discretion of Congress, subject to the restrictions in the Constitution. These restrictions relate to the uniformity of the regulations, that is, that no advantage or preference shall be shown to one State over another. Uniformity and equal dealing with the people of all the States are impressed upon all the powers given to Congress, so that they be not used for the oppression of one part of the country for the upbuilding of another.

Subject to this condition, it is left to Congress to determine the character and extent of the regulations of commerce. The laying of an embargo in the form of a perpetual law in 1807 was contested as unconstitutional, upon the ground that it was the annihilation of commerce and not the regulation of it; but it was generally conceded by the best minds to be valid as a regulation of commerce, for the reason that it was left to Congress alone to fix the regulations, and their validity could not be impeached by their effects.

In respect to navigation, the power has been exercised chiefly in the following particulars:

1. To clear out obstructions from rivers and harbors, and to prevent the erection of bridges or other works by States or individuals that would materially obstruct navigation; and in some cases making rivers navigable that never had been, and constructing harbors where there had been none before.

2. To provide rules of navigation to prevent collisions and other accidents, and generally to promote safety, uniformity, and efficiency.

3. To provide rules for the construction of vessels, whether propelled by sails or by steam; with a view to safety and capacity; regulations as to weight of steam that may be carried; requiring the adoption of improvements in steam-engines, fire-apparatus, life-boats, the number of the crew, the number of passengers that may be embarked, &c.

4. Providing for the survey of the coasts, rivers, and harbors, the erection of light-houses, and establishment of life-stations upon dangerous coasts.

5. Providing for the inspection of vessels, steam-engines, and the licensing of such as are deemed fit to take part in conducting commerce.

And, in short, to make all regulations that seemed to be necessary to promote the safety, efficiency, and growth of navigation as an instrument of commerce.

The exercise of similar powers in the supervision and control of interstate railroads would give rise to a number of regulations, looking to the safety of passengers, regularity of trains, uniformity of operation, connections, inspection of tracks, bridges, locomotives, cars, &c., and in many other particulars not necessary to be mentioned, and tending to promote the safety, efficiency, and development of the railroad system, and the interests and convenience of the people.

Whether Congress possesses the power to regulate the price of freights and passenger fares upon railroads engaged in commerce among the States, is a question upon which all can form opinions as

well as myself from the general principles involved. It is a power that has never been exercised in regard to navigation, but that does not disprove its existence; for the powers of government generally lie dormant until occasion calls them forth.

Cheapness and uniformity of operation, speed, convenience, promptness, and safety, all point to connected roads and through lines, and these throughout their length should be governed by uniform methods and laws. The railroad interest is so vast, and so intimately affects the business, progress, and comfort of every community, that it is of the utmost importance, not only to the people, but to the shareholders, that it be under the direction of general laws, and as far as possible blended into a harmonious whole.

The power to regulate commerce must include the power to regulate the "common carrier" by which the commerce may be conducted.

It must also include the power to regulate the public highway, so far as such regulation may be necessary, over which commerce is transported.

That railroad companies are common carriers is well settled in the law, and needs no support by argument or authority.

That railroads are public highways has been lately decided by the Supreme Court of the United States. They are as much highways as are the navigable rivers.

If we take the measure of the power of Congress over commerce "among the several States" indicated by the Supreme Court in several cases, *i. e.*, the same power which the States had severally under the Confederation, before the Constitution was formed; over commerce with foreign nations and with each other, and which each State now possesses over commerce which is purely internal to itself, we may get a definition sufficiently tangible and accurate for our purpose. Whatever a State might have done under the Confederation, and whatever a State may do now in regard to its commerce purely internal, in the way of regulating common carriers and public highways, Congress may do in regard to common carriers and public highways employed in commerce among the States, subject to the restrictions in the Constitution requiring uniformity, and that no preference shall be given to the interests of one State over those of another.

It is a familiar principle of the law that common carriers are required to carry for all persons and for reasonable rates. Is there a doubt that the State in the one case, or Congress in the other, may determine what are reasonable rates?

If there be a doubt as to the power of the State in such a matter over a railroad company engaged in commerce purely internal, it must arise from some provision in the charter giving to the company power to regulate freights and fares, which is in the nature of a contract between the State and the company.

How far it is in the power of a Legislature to make such a contract in a matter of public concern, so intimately affecting the commerce and prosperity of a State, I will not stop to inquire; but such a contract between a State and a railroad company engaged in commerce among the several States, forming a part of a through line, is certainly not binding upon Congress, and cannot limit its power in the regulation of commerce.

The Constitution provides that no State shall pass a law impairing the obligation of contracts; but this provision, like that other which declares that no State shall make anything but gold and silver a tender in payment of debts, is binding only upon the States, and not upon Congress. A State can make no contract with a corporation which would limit or restrict Congress in the exercise of its power to regulate commerce, however binding such contract may be upon the State.

The power of a railroad company to fix the rates for freight and passengers is but the power of the State granted in the charter of its creation. A corporation is an artificial being, having no other rights, powers, or privileges except such as are conveyed in its charter; and the act of a corporation, fixing the rates for freight and passengers or in any other respect, is but an exercise of the delegated power of the State. And, as before stated, whatever franchises a State may grant to a railroad company must be accepted subject to the condition that, if it engage in interstate commerce, it is liable to be regulated by Congress.

It is not in the power of a State, whether by direct taxes or by exorbitant rates for freight and passengers passing across its territory from and to other States, to obstruct and oppress interstate commerce; and what the State may not do by direct legislation it cannot by a charter or contract empower a railroad company to do. It must be obvious that if each State by direct legislation, or indirectly through a railroad company, may fix the rates for travel and the transportation of the national commerce passing over and from it, without the power of restraint or control by Congress, the several States would be to each other in this respect as foreign nations, and the fundamental idea of the framers of the Constitution, giving to Congress the power to regulate commerce, thus be defeated; for such regulations may become hostile and even prohibitory in their character, and greatly affect or destroy commerce between the States.

If a State, by direct legislation or through a railroad company, has uncontrolled power to fix the rates for freight and passengers, heavy tribute may be levied upon the commerce of other States compelled to pass across its territory. And it is no less tribute and no less oppressive, whether done by exorbitant charges or unjust discriminations in the form of freights and fares or by direct taxes, as were formerly imposed by several of the States. It was intended by the framers of the Constitution that we should have a common country and free commerce among the States, and that no State lying across the path of commerce should be permitted to levy contributions or make unjust discriminations against it in any form. And this purpose could be accomplished only by giving to Congress the power to regulate commerce among the States.

For at least four months in the year the commerce of Wisconsin, Minnesota, Nebraska, and that over the Union Pacific Railroad from California going eastward, must pass around the southern point of Lake Michigan, in the State of Illinois; and if the State of Illinois has the power, by direct legislation or through her railroad companies, to fix the rates of travel and transportation across her territories, she possesses a vast power for the oppression of the States to the west and northwest, which is inconsistent with the nature of our Government and the equality of the several States in the Union.

A law of a State fixing a rate for the transportation of passengers and merchandise across its territory to and from other States would undoubtedly be a commercial regulation, vital in its character. It may seem improbable that legislation would be had in any State hostile to the interests of another State; but that was the precise fact under the Confederation. Transportation is such an essential element of commerce, that if a State possesses the supreme control over it, it possesses the power for its destruction.

This view is expressly sustained in the recent case of the Reading Railroad Company *vs.* Pennsylvania, 15 Wallace, 232, in which the court decided that a tax levied by the State of Pennsylvania upon freight taken up in the State to be carried out, or taken up out of the State to be carried in, to be paid by the company to the State, was a tax upon interstate transportation, and was void, as a violation of that provision of the Constitution which gives to Congress the power to regulate commerce among the States; that the regulation of commerce among the States necessarily included transportation as an essential element of commerce, and that any tax or regulation by a State, which placed a burden upon such transportation, was clearly unconstitutional.

Each State may regulate commerce which is purely internal to itself without interference by Congress, and may, doubtless, in the absence of congressional legislation, make regulations for all commerce that passes across or over any part of its territory; provided such regulations do not impose burdens upon interstate commerce, make no unjust discriminations, and are in their nature equitable and conducive to its safety, growth, and prosperity; but all such regulations as affect interstate commerce, however meritorious in their character or intention, must yield to the legislation of Congress.

It is a field of jurisdiction the States may occupy in the absence of congressional legislation, subject to the conditions I have named. I am aware that Mr. Justice Story, in his Commentaries, expresses the opinion that the power in Congress to regulate commerce among the States is exclusive, and cannot be exercised by the States even in the absence of congressional legislation; and that Chief Justice Marshall, in Gibbons *vs.* Ogden, intimates that as the better doctrine; but he expressly said that he did not decide it, as the question was not before the court. But other eminent members of the court, in the Passenger cases, held that the power was not exclusive, and might be exercised by the States in the absence of legislation by Congress; and this view, I think, is supported by the greater weight of argument, and seems to me to be necessary when we consider the complicated relations between that commerce purely internal to a State and the commerce among the several States; and that the instruments of this commerce, such as railroads, are created under State laws, and owe their existence to them.

The power of a railroad company to fix the rates for freight and passengers is but the power of the State granted in the charter of its creation, and in the absence of restraining clauses in the charter, or legislation by the State or by Congress, may be exercised by the company at its discretion, except so far as its action may be modified or controlled by the principle of the common law, that common carriers must transport for reasonable rates. Natural persons, acting as common carriers, are subject to this principle of the common law; and railroad corporations, however general their powers, it would seem, should have no higher authority in this respect than natural persons. But the principle of the common law would be ineffectual to restrain legislation by a State in fixing rates and creating burdensome regulations, or in granting specific powers to a railroad company for that purpose, and they can only be prevented by the action of Congress, so far as such rates and regulations may affect commerce among the States.

THE CURRENCY—SPECIE PAYMENTS.

The PRESIDENT *pro tempore*. The unfinished business of yesterday is now before the Senate, being the resolution reported by the Committee on Finance, and the question is on the amendment proposed by the Senator from Michigan, [Mr. FERRY.] Is the Senate ready for the question?

Mr. FERRY, of Michigan. I understood the Senator from Delaware [Mr. BAYARD] desired to speak on this subject. He is now in his seat, and he will speak for himself.

Mr. BAYARD. Is it proposed to take the question upon the amendment offered by the Senator from Michigan to the resolution of the Committee on Finance?

The PRESIDENT *pro tempore*. That is the pending question.

Mr. BAYARD. It is unfortunate, sir, that there has been a misunderstanding among Senators with regard to the progress of debate on this very important measure. I had supposed that the honorable Senator from Iowa, [Mr. ALLISON,] and the honorable Senator from Kansas, [Mr. INGALLS,] both desired to be heard on this subject; and although I made the statement three days ago, when the question was postponed until to-day, that I wished to speak, I did it in the interest of those gentlemen even more than in my own, and expected that to-day the two Senators I have designated would have been prepared to submit their views to the Senate; and thinking so, I proposed to postpone my own remarks upon the subject until they should have gotten through.

I have stated these facts briefly to my honorable friend, the chairman of the Committee on Finance; and I trust there will be no hesitancy on the part of the Senate in allowing this question to pass over until Thursday, understanding that the Senator who now occupies the chair desires to speak upon a different subject, the Louisiana matter, to-morrow. I therefore ask that this subject of finance may lie over until Thursday morning, and at the expiration of the morning hour on that day I shall ask the favor of a hearing of the Senate on the subject.

The PRESIDENT *pro tempore*. If the Senate will pardon a remark from the Chair, I fear I shall not be able to speak to-morrow on the Louisiana matter; and if it is equally agreeable to the Senator from Delaware that he should proceed to-morrow on the subject of finance, and give me Thursday on the other question, it would be a great accommodation to me.

Mr. BAYARD. I will endeavor to make my convenience, then, accord with that arrangement.

Mr. SHERMAN. All that I desire is to have, during this week, without forcing the debate, or hurrying any one, a vote on the resolution that is pending, and any amendments that may be offered to the pending resolution. I feel that we should not be doing justice to our constituents to keep this matter longer before the Senate impeding other business; and therefore I appeal to all Senators who desire to participate in the debate to prepare themselves, so that we may close the matter this week. As a matter of course, I cannot resist the motion made by the Senator from Delaware. There has been a misunderstanding in regard to the debate to-day, and I suppose the only way is to let it go over until to-morrow.

Mr. BAYARD. I submit the motion that this subject be postponed until to-morrow.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the further consideration of the pending resolution be postponed until to-morrow at one o'clock.

The motion was agreed to.

CIVIL-RIGHTS BILL.

The PRESIDENT *pro tempore*. There is no special order before the Senate. The Secretary will report the first bill on the Calendar.

The CHIEF CLERK. The first bill on the Calendar is the bill (S. No. 1) supplementary to an act entitled "An act to protect all citizens of the United States in their civil rights, and to furnish the means for their vindication," passed April 9, 1866.

The PRESIDENT *pro tempore*. This bill is before the Senate as in Committee of the Whole, and subject to amendment. If no amendment be offered, the bill will be reported to the Senate.

Mr. BOREMAN. I should like to have the bill read, so that we may see what is in it.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That no citizen of the United States shall, by reason of race, color, or previous condition of servitude, be excepted or excluded from the full and equal enjoyment of any accommodation, advantage, facility, or privilege furnished by innkeepers; by common carriers, whether on land or water; by licensed owners, managers, or lessees of theaters or other places of public amusement; by trustees, commissioners, superintendents, teachers, and other officers of common schools and public institutions of learning, the same being supported by moneys derived from general taxation or authorized by law; also of cemetery associations and benevolent associations supported or authorized in the same way: *Provided*, That private schools, cemeteries, and institutions of learning established exclusively for white or colored persons, and maintained respectively by voluntary contributions, shall remain according to the terms of the original establishment.

SEC. 2. That any person violating any of the provisions of the foregoing section, or aiding in their violation, or inciting thereto, shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered in an action on the case, with full costs; and shall also, for every such offense, be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $500 nor more than $1,000, or shall be imprisoned not less than thirty days nor more than one year: *Provided*, That the party aggrieved shall not recover more than one penalty; and when the offense is a refusal of burial, the penalty may be recovered by the heirs at law of the person whose body has been refused burial.

SEC. 3. That the same jurisdiction and powers are hereby conferred and the same duties enjoined upon the courts and officers of the United States in the execution of this act as are conferred and enjoined upon such courts and officers in sections 3, 4, 5, 7, and 10 of an act entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication," passed April 9, 1866, and these sections are hereby made a part of this act; and any of the aforesaid officers failing to institute and prosecute such proceedings herein required shall, for every such offense, forfeit and pay the sum of $500 to the person aggrieved thereby, to be recovered by an action on the case, with full costs; and shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not less than $1,000 nor more than $5,000.

SEC. 4. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as juror in any court, national or State, by reason of race, color, or previous condition of servitude; and any officer or other persons charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the reason above named shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than $1,000 nor more than $5,000.

SEC. 5. That every discrimination against any citizen on account of color by the use of the word "white," or any other term in any law, statute, ordinance, or regulation, national or State, is hereby repealed and annulled.

Mr. HOWE obtained the floor.

Mr. FERRY, of Connecticut. I rose to make the motion which I indicated some time ago, that this bill be referred to the Committee on the Judiciary. It has never been referred, I believe.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield to the Senator from Connecticut?

Mr. HOWE. The Senator will have an opportunity to make that motion in one moment.

I was under a misapprehension about this bill. It was my impression that the bill had been referred to a committee. I see it has not been. I shall not submit such a motion myself. I do not care myself to have it referred. I rose to say that it was my purpose to submit some remarks upon the general question involved in this bill whenever the Senate took up the bill for consideration. I am not prepared to make those remarks this morning, and I do not think them of sufficient importance to delay the consideration of the bill, so that I shall not ask any postponement myself on that account. If I had supposed that the debate on the question of finance was to be postponed I would have hurried my preparation.

I make these remarks now by way of apology, for in view of a recent adjudication which is supposed to have a material bearing upon the bill, and which I do not think to be the case myself, I have thought I might indulge myself in some remarks upon the constitutionality of this proposed law. If, however, the Senate is prepared to vote on the bill, I am myself, and shall ask no postponement to accommodate me.

Mr. FERRY, of Connecticut. Mr. President, when this bill was before the Senate on a former occasion, at the commencement of the present session, the chairman of the Committee on the Judiciary [Mr. EDMUNDS] expressed a wish that the bill should be referred to that committee, suggesting at the same time some reasons for such reference, growing out of recent action of the courts. On a subsequent occasion the bill again came before the Senate, and the chairman of that committee being then absent, I was about to move a reference to that committee, but for some reason, I have forgotten what, it passed over and the motion was not made. I make the motion now that the bill be referred to the Committee on the Judiciary, which will leave the whole matter open for discussion if anybody desires to discuss it.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that this bill be referred to the Committee on the Judiciary.

Mr. FERRY, of Connecticut. And on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SUMNER. Mr. President, there is a very good reason, a very strong reason, why this bill should not be referred to the committee, and it is found in the history of the bill. I have in my hand a memorandum, which has been kindly prepared for me at the desk, disclosing details which the Senate ought to bear in mind before they vote.

By the Journals of the Senate it appears that as long ago as May 13, 1870—

MR. SUMNER asked, and by unanimous consent obtained, leave to bring in a bill supplementary to an act entitled "An act to protect all persons in the United States in their civil rights and furnish the means for their vindication," passed April 9, 1866; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary, and ordered to be printed.

The next appearance of the bill is July 7, of that year, when, according to the Journal, "Mr. Trumbull, from the Committee on the Judiciary," with a large number of other bills reported this to the Senate, "with a recommendation that they ought not to pass." The record says that—

The Senate proceeded to consider the said bills as in Committee of the Whole; and no amendment being made, they were reported to the Senate.

On motion of Mr. Trumbull,

Resolved, That the said bills be postponed indefinitely.

You will observe, sir, the bill was treated in the lump at the close of the session, and you have here the report of the very committee to which it is now proposed to refer it.

The next appearance of the bill is January 20, 1871, and the entry is as follows:

Mr. SUMNER asked, and by unanimous consent obtained, leave to bring in a bill supplementary to an act entitled "An act to protect all persons in the United States in their civil rights, and furnish the means for their vindication," passed April 9, 1866; which was read the first and second times by unanimous consent, and referred to the Committee on the Judiciary, and ordered to be printed.

February 15, 1871, "Mr. Trumbull, from the Committee on the Judiciary, to whom was referred the bill, * * * reported it without amendment, and that it ought not to pass." There was no action of the Senate at the time, for you will bear in mind the lateness of the day in the session; and Senators cannot have forgotten the pressure of business at that time. That was sufficient reason against its consideration. Indeed, with all the assiduity that I could command, I was not able to obtain a hearing for it.

Then came the first session of the Forty-second Congress, beginning March 4, 1871. Upon the Journal it appears, March 9, 1871, "Mr. SUMNER asked, and by unanimous consent obtained, leave to bring in" this same bill; "which was read the first and second times by unanimous consent, and ordered to lie on the table and be printed."

In introducing the bill this third time I stated that it had already been to the Judiciary Committee twice before; that it was to be presumed that they had carefully considered it; that they had reported it adversely; that they had not reported any amendment; that I did not think it advisable now to refer the bill to a committee that had twice recorded an adverse judgment; that the bill was well known to Senators; that it had been before the Senate a long time; and that under the circumstances I thought I should be justified in asking that it take its place on the Calendar and be printed. The order was made, and it held its place on the Calendar.

Shortly afterward a measure of general amnesty, it will be remembered, passed the House of Representatives and came to this Chamber. Then it was that I deemed it my duty to move this bill as an amendment, and you will remember the extended discussion that ensued; how justice to the African race was contrasted with generosity to those who had struck at the life of the Republic; and it was insisted that our first duty was justice. The debate was protracted. Senators cannot have forgotten it; and more than once votes were had upon the pending amendment. I think twice it was carried by the casting vote of the Vice-President. Certainly it was attached to the bill for general amnesty, and the debate reached over weeks, during which time the supplementary civil-rights bill, as it came to be called, underwent amendment. It was modified in various particulars, in none of great importance, in none of principle, but verbally; also in the penalties and in the machinery; but the bill now stands, in principle and in substance, as it was when originally introduced. So far as it is changed, it is a change reached by debate in this Chamber. The Senate itself has been a Committee of the Whole sitting on this bill, superseding thereby the labors of any special committee.

Why, then, after two references to the Judiciary Committee should we have a third? Is it for delay? Is it in the hope of any light on this important subject which Senators have not already? Why, then, the reference? I can see no considerable or sufficient object except one that we are compelled to recognize in this Chamber; can it be a mode of opposition by interposing time, delay?

Now, sir, the bill is on the Calendar No. 1. It should have been the first acted upon this session; and if it was not acted upon first there is no blame on me, for I tried to have you act upon it on one of the earliest days of this session, but I was resisted here by the Senator from Connecticut [Mr. FERRY] and the Senator from Maine, [Mr. MORRILL;] the Senator from Connecticut insisting then as now that the bill should go to a committee. Now, sir, I appeal to the Senate to take this important measure in its own hands at once and directly.

What is the use of a committee? It is as eyes and ears to the Senate. How often do we repeat that saying? But who wants eyes and ears for the appreciation of this measure? Its character is manifest; its justice is confessed; it is in harmony with all that has been done to carry out the great results of the war; it is in harmony with the Declaration of Independence and with the grand history of the Republic; it is in harmony with the constitutional amendments, and it is indeed necessary in order to their full enjoyment. The necessity is manifest every day in the outrages to which the colored race are exposed, not only in travel and at hotels, but still more in the children of their homes who are shut out from those schools where they ought to receive practically, as well as by lesson, the great duty of equality. The bill is an urgent necessity. There ought to be no delay. There should not be the postponement of a committee, for the committee is unnecessary. The committee has already sat upon it once, twice; why a third time?

Mr. FERRY, of Connecticut. Mr. President, I have no desire whatever to discuss, upon this motion for reference, the bill itself. At former sessions of the Senate I have performed that duty as fully as I think it necessary for me to do. As I remarked when I was up before, when at the commencement of this session the bill was introduced, a reference to the Judiciary Committee was sought by the chairman of that committee for the purpose of perfecting the bill, and, as I understood him, in deference to certain adjudications of the courts.

The Senator from Massachusetts asks why, after the Judiciary Committee at former sessions have considered this bill, should it be referred again to that committee at the present session? The reason is manifest in the judicial history of the country since those former sessions; for since the bill has been considered by the Judiciary Committee there have been decisions both in the State courts and in the Supreme Court of the United States which might modify materially the views of Senators, and might incline that committee materially to alter the bill before they report it, should they report it favorably; or might modify their former views, which were adverse to the bill. It is because the judicial decisions have occurred since the Judiciary Committee have investigated this bill that I have thought it ought to be referred at the present time.

Sir, I care nothing for delay about this matter. I am glad that the bill is reached on the Calendar now. I believe that I have done all my duty requires me to do, holding the constitutional views that I do in regard to the propriety of the passage of this bill by Congress. The subject-matter is, in my judgment, a matter of State police, and the intervention of the Federal Government in the mode prescribed by this bill will be, in my judgment, a flagrant violation of the Constitution of the United States; and, so long as I am a Senator of the United States, I will not sit quietly in my seat and allow the Constitution, in my judgment, to be violated without at least the preliminary examination of a committee of this body.

Mr. EDMUNDS. I am sure that my honorable friend from Massachusetts does not mean to appropriate to himself all the love of human rights that exists in this body; and I am a little sorry that he has said, with a plain intimation that he means what he says in its fullest sense, that the idea of referring this bill to a committee is an idea of opposition. I beg my honorable friend from Massachusetts to understand that the people whom I represent have, if he will take the whole body of them together, been much longer in favor of what we in general call human rights than the people of Massachusetts have been; and that they do not yield to the people of Massachusetts or to their representatives the right to question their fidelity to the equal rights of national citizenship merely because they are opposed to undertaking to do a thing by such generalities and such irregular methods of legislation as to make it totally ineffectual when it is brought to trial in the courts. The kind of equality that the people of Vermont are for is that which is an effectual equality, one which the courts are bound to respect, basing their decisions upon statutes that are so drawn within the Constitution that they will bear investigation and will stand criticism. That is our position; and I had supposed that the object of committees in this body and in every other was that when measures of legislation like this are proposed, which especially open new fields and new disputes under new fundamental provisions of the Constitution, they ought to undergo, in the very interest in which they are presented, the most careful criticism and the most searching investigation, in order that when they come to be applied to the people they may not prove to be barren of results and be a shame in the courts of justice.

We have had some experience of this kind under these amendments. We have framed civil-rights laws. The first one that passed this body was passed under the stress of political circumstances, under the heat of a somewhat passionate debate, and over the veto of a somewhat passionate message from the President of the United States; and the result was, that in large particulars it required immediate amendment in order that it might meet the questions which were raised under it in such a way as to be of the least aid to the citizen in asserting his rights. So of the voting bill under the fifteenth amendment; so of every bill (for why should I enumerate?) which arises under fresh provisions of the Constitution which have yet to be construed and applied.

Now, if my honorable friend will give me the credit of being candid, my simple motive in asking that this bill should go to the Committee on the Judiciary—I do not care; it may go to the Committee on Privileges and Elections if the Senate prefers that; but to some committee authorized to deal with the question as a practical one—was that it might be applied in the courts of justice under those rules which are made for the protection of human rights, not merely in the form that this bill provides for them, but that no man should be condemned except according to law and under constitutional laws, and therefore that this bill might be thus examined and criticised, and, so far as it should be found to be consonant with the principles of the liberalized Constitution, that I believe in as much as my friend does, so far it should be made effectual in its machinery, that no reluctant judge might find himself excused from responsibility for not carrying it out upon the ground that there was difficulty in its machinery or in its details.

That was my motive, and the Judiciary Committee, in my judgment, have had the same motive in treating these bills before. I believe that committee has been in favor of carrying out to the largest extent the provisions of the Constitution of the United States as lately amended. They have felt as deeply as my honorable friend feels the love of liberty and the love of justice; but they have felt that a love of liberty and a love of justice which only spends itself in words here and fails in the courts is not the kind of love for liberty and justice that the people of the United States most demand. What they wish for is protection; what they wish for is a practical right that shall be asserted under the law and through the law, and from which no man can escape.

Mr. HOWE. Will the Senator allow me to ask him a question for information?

Mr. EDMUNDS. Yes, sir.

Mr. HOWE. I do not doubt the sincerity of the Committee on the Judiciary at the present time, or at any former time; but listening to the record which was read here just now, if I remember it correctly, it recites that this bill, or a similar bill, has twice been referred to the Committee on the Judiciary, and has twice been reported back without amendment, and adversely. If that is the true history of the case, it indicates to my mind not only that the Committee on the Judiciary, as it had been constituted, were opposed to the passage of this bill, but that they were of the opinion that no bill on the subject should pass.

Mr. EDMUNDS. Well, Mr. President, that is not the true history of the case. I do not remember this particular bill; I did not know it was coming up now, and therefore I am not apprised of the immediate details about this particular bill; but I feel rather safe in saying that this particular bill, or one in the same terms, has not been before the Judiciary Committee as it is at present constituted. There was a time, in the good old days of five or six years ago, when the Judiciary Committee was somewhat differently constituted, and when its chairman, now not a member of the Senate, who has since stood upon

the same platform of political ideas that my friend from Massachusetts does, had charge of the affairs of that committee, that a bill on this subject was reported against in the Judiciary Committee; but that is not the fault of the present committee. Since the committee has been organized as it is now this subject—I do not remember this particular bill by name—but the subject of civil rights, and the subject of civil rights as opened by this bill, has been under consideration by that committee, and it has been acted upon in favor of the rights of the citizen under the Constitution, and in favor of further legislation on the subject, such as a majority of the committee thought to be constitutional, but not in favor of the precise provisions of this bill, because a majority of the committee believed them susceptible of improvement; and although I have not looked it over it is so long I cannot tell myself—my faith is so strong that my intellectual beliefs are sometimes carried a little beyond what they ought to be, but I think it rather safe to say that I myself could not vote for this bill as it stands; and yet I really believe that I possess as much zeal on the subject and as much faith in a general way, as my friend from Massachusetts does.

Our object, therefore, has been, Mr. President, to have the Senate of the United States pass every bill that can be constitutionally passed, perfect in machinery, perfect in detail, to enforce the provisions of the new amendments of the Constitution in favor of what are called "equal rights."

I am in favor of what are called "equal rights," and if we have felt compelled to find in some instance or in some line of some of these bills that there was no warrant in the Constitution for it, is it to be said that we are opposed to legislation in favor of equal rights, because we do not quite agree on some one point with my learned friend from Massachusetts? Is he, who is so much in favor of equal rights, indisposed to allow us the same privilege of intellectual belief and the same fervency of heart for liberty as he claims for himself? If so, that is not the kind of equal rights that I am for.

I am for giving my friend from Massachusetts the full benefit of what he claims, that his zeal is strong, and that his heart is strong, and his head strong, in the proposal of these bills; but it is just possible—I know it is a very remote possibility, but it is just possible—that a majority of his brother Senators might think that in some one respect he was too strong in his legislation, or so strong as to make his legislation absolutely weak in the fact that when he was enabled by the Constitution to do something, he had endeavored to do so much that even his little something came to no result at all. There is the difficulty.

I do not propose, Mr. President, now to open the discussion upon the general constitutionality of this bill, or of any particular part of it. I only say that it deserves, as every other important measure deserves, and particularly these of new legislation under new provisions of the Constitution, the careful consideration of an honest and intelligent committee. If the Judiciary Committee is not that committee, then let it be sent to some other.

Mr. STEWART. Mr. President, on looking at the statutes I find two laws on this general subject, the one in regard to civil rights, passed in 1866, and the other in 1870, providing for protecting citizens in the right to vote, and which also re-enacts the civil-rights bill. Both of these laws were prepared by the Judiciary Committee. Various bills were referred to that committee, and they were considered there, and reported, and passed by the Senate. The original civil-rights bill was passed before the adoption of the fourteenth amendment—passed on the 9th of April, 1866—and I doubt not that the questions which were raised in regard to its constitutionality caused its re-enactment in 1870; in fact I know it to be so. The first section of that act of 1866 provides—

> That all persons born in the United States and not subject to any foreign power, (excluding Indians not taxed,) are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

After this declaration the act goes on to provide penalties and machinery for their enforcement. There was much discussion as to the constitutionality of the act. The fourteenth amendment followed; and after the adoption of that amendment, and after the adoption also of the fifteenth amendment, there was an act passed, in 1870, three sections of which were devoted to this proposition of civil rights. It extended the civil-rights bill to all persons within the jurisdiction of the United States, whether born within the United States or not, applying the same principle of personal protection to all persons within the limits of the United States, wherever born, so as to protect a class that were supposed to be, and in fact were, legislated against in this country—the Chinese. It abrogated some laws of California which levied discriminating taxes upon them and prevented them from having a standing in court. The sixteenth section extended the civil-rights bill to them, and in fact to all persons within the jurisdiction of the United States, whether they were natives or foreigners. The seventeenth section provided for the enforcement of it, and adopted the same machinery and penalties that were in the original civil-rights bill. The eighteenth section enacts that—

> An act to protect all persons in the United States in their civil rights and furnish the means of their vindication, passed April 9, 1866, is hereby re-enacted, and sections 16 and 17 thereof shall be enforced according to the provisions of this act.

The bill under consideration seeks to supplement and extend the provisions of the laws to which I have referred. It is a criminal law. Criminal laws must be certain and be enforced with exactness. It does seem to me, in view of the amount of legislation we have on the subject, that a bill of this kind, going into details and supplementing existing laws, and a statute criminal in its character, should be thoroughly examined by the Judiciary Committee. The prior legislation on this subject has all come from that committee—legislation that I believe now has received the general approval of the country, and it does seem to me that there is nothing in the composition of that committee which would deny to it the ordinary prerogative of examining this bill and so framing it as to make it certain in its operation within the purview of the Constitution, and make it a law that can accomplish the exact end aimed at. There is no immediate excitement about it; no immediate hurry about it; it is an amendment to existing laws on this subject which are already quite broad. It is true, the courts have differed to some extent about them, but generally they have given them a fair and liberal construction; and if the law is to be extended and supplemented in this regard, it is better for all concerned, it is the orderly way of doing it, to have it considered by the Judiciary Committee, which is composed of as able and conscientious members as the Senate possesses, and is able to give us a law which will be constitutional, which will accomplish the purpose, and for which we can all vote, if further legislation be necessary. I am in favor of the reference. I believe a criminal law in all cases where we pass criminal laws ought to be examined by the Judiciary Committee.

Mr. SUMNER. The Senator from Nevada has made a speech which is founded on oblivion of the past. The bill has been examined by the Judiciary Committee, and twice reported by them adversely without amendment.

Mr. EDMUNDS. When was the last report?

Mr. SUMNER. February 15, 1871.

Mr. EDMUNDS. That was in the time of Trumbull.

Mr. SUMNER. The Senator says "that was in the time of Trumbull;" but it was reported adversely by the Judiciary Committee, of which my learned friend was a distinguished member, I think. I cannot mistake; he must have been on the committee, a party to its report; and there was from him no minority voice, no opposition on this floor to the report of the chairman. He allowed the chairman to speak for the committee, including himself.

But the Senator from Nevada, oblivious of this history, insists upon another reference. He wishes to put this bill through another dance. For what purpose? He has read the existing statute to which this is supplementary, and he thinks that the committee ought to consider the aptitude of this bill to carry out the declared purpose. Why, sir, I agree with him that such aptitude ought to exist; but do not forget the bill has been before the Senate now nearly four years. Nearly four years has this bill, substantially as at this moment, been before the Senate, and twice before the Judiciary Committee.

Now, sir, let us ascend from words to things. Why make another reference? Is it that it may find verbal place on your record that this bill was duly referred and duly reported? That is the only reason I can imagine, for the bill in its substance is well known to every Senator, and, I may add, is well known to every lawyer in the country. It has been discussed here again and again, day after day, and has been modified after discussion; and you now have the result of all the discussion and the modification. It is well known. It is familiar to the country. It has received the approbation of those who are most interested in it. It has been prayed for by petitioners without number. It has been commended at public meetings with an earnestness and an enthusiasm almost without parallel.

Mr. EDMUNDS. May I ask the Senator a question?

Mr. SUMNER. Certainly.

Mr. EDMUNDS. I should like to ask my friend, the Senator from Massachusetts, as he is now speaking of the character of the bill, which I did not care to refer to particularly, where the jury is summoned, and a man should happen to be convicted of murder or any other crime under the State law, would it or not set aside the verdict?

Mr. SUMNER. The Senator will pardon me. I had not intended to touch this branch of the debate.

Mr. EDMUNDS. I merely wish to ask him what he understands to be the character of the fourth section, supposing we pass it just as it stands, and supposing a jury happens to be summoned contrary to the provisions of the fourth section, but in accordance with the law of the State.

Mr. SUMNER. The effect of the violation of the law in that respect need not be considered. It is sufficient that this section provides a penalty against those who violate the law; such is its simple object.

Mr. EDMUNDS. Ah! But let me ask my friend, does it not also provide what shall constitute a lawful jury?

Mr. SUMNER. Very well; and should it not so provide?

Mr. EDMUNDS. Very well; but my question is, what would be the effect upon the trial of an indictment found by a grand jury not composed in conformity to this section?

Mr. SUMNER. I will not——

Mr. HOWE. It would be cause for challenge to the array.

Mr. SUMNER. I will not presume to pronounce an opinion on that question. It is sufficient for me that the section is clear and explicit in imposing a penalty upon the party making the exclusion, and that is all the bill proposes. The other consequences may be, will be, for the determination of the courts. The question belongs to them; I doubt if it belongs to us. But the bill is open to amendment. Let the Senator move such as he thinks the case requires. I shall welcome it.

When the Senator interrupted me I was about to address myself to him; for I should not have risen this time but for the remarks which he made. I know not, sir, why my position on this question should justify the personalities which the Senator from Vermont considers so essential to debate. I certainly made no allusion to him, nor do I claim anything for myself. I am an humble worker in this Chamber, and in this cause I have been laborious for years; but not on that account do I claim anything; nor do I make any pretense. I know not why the Senator should, with personality of manner and allusion, undertake to taunt me for the position that I occupy. Do I deserve it? I represent humbly the sentiments of the people of Massachusetts, who have sent me here now for many years. Always loyal to these sentiments I hope to be, even though it brings upon me the displeasure of the Senator. Sir, I am anxious to harmonize with that Senator. I know, too, his loyalty to this cause—I do not doubt it; but I now appeal to that Senator to unite with me in speeding this great measure. Let him join sincerely, with his large intelligence, to hasten this bill before the Senate and make it the law of the land; so would he become a benefactor to a much-oppressed people.

Possibly he has his doubts in regard to the jury provision. I know other lawyers have expressed doubts before; and from the inquiry that he made a moment ago it is perhaps fair to infer that those doubts haunt his mind. To that I simply answer, happily they do not haunt mine. I know the Constitution of my country, and I know that under that Constitution, unless my judgment fails entirely, the provision with reference to juries is absolutely valid and constitutional. I challenge the discussion. Let the Senator make his objections. The original civil-rights bill, which passed over the veto of the President, solemnly declares that no evidence shall be excluded from any court of justice, national or State, on account of color. The nation has undertaken to regulate the testimony not only in its own courts but in State courts; and will any one pretend that it may not regulate the jury in State courts, when it may regulate the testimony in State courts? Why, sir, there is nothing in the Constitution touching testimony, but there are no less than three distinct provisions relating to trial by jury; and among other terms employed is "an impartial jury," which is among the privileges and immunities of the citizen. And is it wrong for Congress, in the plenitude of its powers, anxious to do justice to all, to declare that there shall be an impartial jury in all tribunals, whether national or State, without regard to color? Having begun by regulating the testimony, where is the argument which is to prevent us from regulating the jury? I need not remind my excellent friend that originally the witnesses and the jury were almost one and the same.

Mr. EDMUNDS. They were precisely the same.

Mr. SUMNER. Very well; so much the better; and the Senator knows that there is a phrase handed down to us from English courts by which we are reminded constantly of the "witness-box" and the "jury-box." So closely were they together, that they come under a common nomenclature. Now I insist that they shall come under a common safeguard. We have already provided that there shall be no exclusion in testimony on account of color. We must also provide that there shall be no exclusion from the jury on account of color; and until that provision is made by supreme national law, not to be set aside, justice is not fully done.

But, sir, I had no intention to discuss the character of this bill, and I have only been led into it by the allusion of the Senator, who, holding the bill in his hand, signalizes that section as open to criticism. Let him proceed with his criticism. But then I hope for better things. I hope my friend, instead of criticism, will give us that generous support which so well becomes him. He sees full well that until this great question is completely settled the results of the war are not all secured, nor is this delicate and sensitive subject banished from these Halls. Sir, my desire—the darling desire, if I may say so, of my soul—at this moment is to close forever this great question, so that it shall never again intrude into these Chambers; so that hereafter in all our legislation there shall be no such word as "black" or "white," but that we shall speak only of citizens and of men. Is not that an aspiration worthy of a Senator? Is such an aspiration any ground for taunt from the Senator of Vermont? Will he not, too, join in the aspiration and the endeavor to bring about that beneficent triumph? Let this be omitted now, let any part of this bill be dropped out now, and you leave the question for another Congress, to be pursued by other petitions, to be pressed by other Senators and Representatives; for so long as injustice remains without redress, so long will there be men to petition, and so long, I trust, will there be Senators and Representatives to demand a remedy. I ask for all now.

Mr. EDMUNDS. Mr. President, my first mission now is to get myself out of a quarrel with my honorable friend from Massachusetts. I was not aware that I was particularly personal to the Senator from Massachusetts, and certainly not in a way to offend him. I alluded to a public and well-known fact, of which I supposed he was not ashamed, and I did it in reply to what appeared to me to be an allegation or an insinuation—though I do not use that term in any offensive sense—and implication that he intended the Senate to draw from the fact that the Judiciary Committee, when it was differently composed from what it is now, and had at its head a late political ally of his own, had been guilty of a covert opposition to this bill in getting it referred there, and of an open opposition by reporting against it upon principle. Now, my point was to relieve the Judiciary Committee, even in those old times, from any accusation or implication, to be derived from their action, that they were hostile to the principle of the bill, and I thought if I showed that the chairman of that committee and my honorable friend stood upon the same political grounds, the chief object of such an assertion as he made would be answered, and it would not be believed, even by himself, that there could have been any unfaithfulness to the principles of liberty, any failure of a desire to uphold the Constitution of the United States as it now is, from a committee composed as that was, its distinguished leader and head standing upon the same ground as my honorable friend. If there was anything personal in that, it was due to the observation of my friend from Massachusetts, and not to me.

Mr. SUMNER. May I interrupt my friend there?

Mr. EDMUNDS. Certainly.

Mr. SUMNER. The Senator cannot have forgotten the numerous occasions on which I differed on this floor with Mr. Trumbull on that very question.

Mr. EDMUNDS. I know it.

Mr. SUMNER. More than once I met him in debate, more than once by protest, and in every possible way in which one Senator could bear his testimony to another.

Mr. EDMUNDS. That is perfectly true, Mr. President; and in reply to that I have to say that I find, notwithstanding, that that was merely a misunderstanding of their respective positions; and since this bill has been last reported from the Judiciary Committee they have clasped hands on a common political platform which would send this bill into the waste-basket in five months.

I do not allude to this to taunt my honorable friend. I do not taunt him. I do not suppose there is any ground for taunting him or anybody about it. It was a thing that both those gentlemen had a perfect right to do. I only referred to it, as I say, to redeem the Judiciary Committee, even in its ancient organization, from the charge that it had acted with unfairness or with hostility to the principle contained in the fourteenth amendment. No doubt Judge Trumbull saw, as I think any Senator who has been bred to the practice as well as the theory of the law would see, on looking at the fourth section of this bill in particular—I have not had time to look at the others—that if you were to pass that as it stands as a law, you would furnish a cause for challenge to the array of every grand jury in the country where the laws of the State do not harmonize with the laws of Congress; and even if it turned out that this fourth section were constitutional, there being no provision in the State law for drawing a grand jury otherwise than according to its forms, and there being no provision in the law for carrying out its principles in respect to calling a grand jury to try crimes, you would have cut off both the hands of justice in protecting the very people you desire to defend. I am not in favor of legislation of that kind.

Let me tell my honorable friend, on the other hand, that I agree with him, and I have voted with him and upon his side in support of the jury clause in this bill, so far as the right to sit upon a jury goes; but that right must not only be defended by a penalty imposed on people who deny it, but it must be defended affirmatively for the protection of the community who are to be benefited by it. I am sure my friend will agree with me in that. The innocent man who is put upon trial for his life must not only have his life depend upon a penalty against some officer who has not called a proper jury, but he must have it depend upon the fact that a proper jury is called composed in conformity to law, in order that they may acquit him. It is no comfort to a man to be hanged by a jury which is not composed as the law and Constitution require it to be composed, supposing this to be constitutional, and then to be told afterward that the law had omitted the necessary machinery to make that right effectual. That is my point. I beg my honorable friend not to understand me as saying that I do not believe that the fourteenth amendment allows Congress to require that colored men shall sit upon juries. I do believe so; and I have made that manifestation before this time, even in connection with these discussions, although I cannot allude to discussions which have taken place in committee.

Now, then, my friend again says I am personal to him. Let him excuse me for saying that it comes not with the best of grace from my honorable friend, who has certainly said that which every Senator who heard him must have understood him to mean, that the committee, as now composed, was manifesting its opposition to the principles and the practice of this bill by the fact that it desired to have the bill referred; that it was a sly, an indirect, and parliamentary method of putting it to death. I think that is much more personal than for me to allude to a great public fact, that took place before the eyes, if not of admiring nations, at least of those who were very curious and interested in the circumstance of the union of parties within the last two or three years; and that was all of my allusion. So if I have, in some degree, referred to personal history, or rather to political history, in respect to this measure, it has been because I

was obliged to do so in order to defend the character and the fair-dealing of the committee of which I have the honor to be the chairman, not only now but in the times when other gentlemen, who are not here now to speak for themselves, were chairmen also. It was not in hostility to the bill. The honorable Senator had no right, I submit to him, to say that the motion, made I believe by myself, to refer this bill to the Judiciary Committee, was made in hostility to it. I stated at the time that it was not made in hostility to it; that it was made because I was in favor of the leading principles which the bill refers to, and which are, many of them, defended by the amendments of the Constitution, in my opinion; but that they should be so carried into laws that they would work effectual benefit to the people they mean to protect, instead of turning out to be mere blinds and snares, which would defeat the very justice that we desired to uphold for them.

Mr. FRELINGHUYSEN. Mr. President, I have uniformly voted in favor of a civil-rights bill, and therefore I do not subject myself to any criticism when I say that I intend to vote to refer this bill to the Committee on the Judiciary. The Senator from Massachusetts will remember that the bill which he introduced at a former session was in the Senate changed most materially; that there were some six or eight amendments which he was so well satisfied should be made to the bill that he accepted them, and probably after his attention was drawn to those defects the Senator himself would not have voted for the bill without the amendments, for they were essential amendments to protect the rights of the colored people. I could specify many of them, but it is not necessary.

Now, it does seem to me, in looking at this bill, that there are two or three very serious defects in it. The bill provides, for instance, that colored people shall have the right of burial in all public cemeteries—a very proper provision; but then it goes on to provide that any person violating this law shall be guilty of a misdemeanor and punished by fine and imprisonment. Are we to imprison all the trustees of a public cemetery for having violated that law?

Again, it provides in reference to jurors, and says that any officer who shall violate the provision in reference to jurors shall be guilty of a misdemeanor and be punished by fine, which would subject our judges in some of the Federal courts to indictment while discharging their duty on the bench, instead of being subject to impeachment, as they are by the Constitution.

Now, I would say to the Senator from Massachusetts that I think he has it in his power to take from every opponent of the bill any apology, reason, or excuse for opposing it by acquiescing with the other friends of the measure in its reference to the Committee on the Judiciary. I think that we can give the Senator the assurance that a fortnight will not pass without the bill being reported.

Mr. SUMNER. The Senator is a member of the Judiciary Committee, I believe?

Mr. FRELINGHUYSEN. Yes, sir.

Mr. SUMNER. I accept his assurance and consent to the reference.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the reference of the bill to the Committee on the Judiciary.

Mr. EDMUNDS. I wish to say, as one member of that committee, that I do not give any such assurance. I wish to know whether the Senate is willing to refer this bill to the Judiciary Committee for its consideration with the promptness that its business will allow. Had it been referred upon my motion when it was introduced, I think it safe to say it would have been reported long ago.

Mr. FRELINGHUYSEN. That is equally satisfactory.

Mr. EDMUNDS. In the present state of my health I do not propose to promise that it shall be reported in two weeks from this day.

Mr. HOWE. I rise simply to ask the Senator from Vermont if he submitted such a motion?

Mr. EDMUNDS. I did when the bill was introduced.

Mr. HOWE. The motion that is pending now, I think, is a motion submitted by the Senator from Connecticut, [Mr. FERRY,] and submitted on this day for the first time.

Mr. EDMUNDS. I think I made the motion when the bill was first introduced.

Mr. SUMNER. The bill was introduced before the committees were organized; and the Senator gave notice of such a motion.

Mr. EDMUNDS. That is so.

The PRESIDING OFFICER. The question now pending is upon the motion of the Senator from Connecticut, [Mr. FERRY.]

Mr. HOWE. I do not propose to say a word upon that question, because I understand it is already agreed to that the bill shall be referred; and I think the assurances we have from the Senator from New Jersey and the Senator from Vermont are a sufficient guarantee that the bill will get back here in good season.

Mr. SUMNER. And in good condition. [Laughter.]

Mr. EDMUNDS. Much better than it is now. [Laughter.]

Mr. MORRILL, of Maine. Mr. President, but for a single remark which fell from the Senator from Massachusetts I should not have ventured to say a word, and I shall say but very little now.

It happens that from some observations made on a former occasion I got a notoriety upon this question of civil rights which I do not think I am entitled to. The honorable Senator from Massachusetts contributed somewhat on a former occasion to that notoriety, and he has seconded his own proposition to-day by referring to me as hostile to this bill in a sense, the implication of which is that I am hostile to the question of civil rights, particularly as applied to the colored population of this country. Sir, no Senator upon this floor and no man anywhere, from anything I ever uttered upon this floor or any vote that I ever gave upon this floor or elsewhere, is justified in drawing any such inference. As a general proposition, I have been a sort of disciple on this question to the Senator from Massachusetts, as he will testify. Never to my knowledge or belief, or, I think, to his, have I divided with him upon any question either of freedom, or emancipation of the slaves, or a question of civil rights. Sometimes, it is true, we have divided upon the best methods of reaching those objects; but in no instance that I remember—and if he knows of any I should like to have him state it now—has he found me a laggard, since I have been on this floor, in the direction in which he has been leading for many years.

Now, sir, what is my offense? What now has happened that, I do not say an attempt is made, but that circumstances somehow or other tend to give me notoriety upon the question before the Senate as hostile to the whole subject of the civil rights of the citizen? "The head and front of my offending" is that I have not found it consistent to adopt the measures of the honorable Senator from Massachusetts wholly and entirely for the accomplishment of that purpose.

Mr. SUMNER. May I interrupt my friend?

Mr. MORRILL, of Maine. Certainly.

Mr. SUMNER. My friend does not claim too much when he reminds the Senate of his constancy at each stage of our trials on this vast, protracted question. No one here knows how true he has been, how laborious, and how earnest, better than myself; but he will pardon me if I remind him that when it came to a supplemental civil-rights bill, which should place what are now regarded as the civil rights of the colored race under the safeguard of national statute, there my friend more than hesitated; he argued adversely, insisting that all or much belonged to the States. There my friend and myself parted—he went one way and I another; I most solemnly believing that the only true remedy is in a national statute, uniform and complete in its operation everywhere throughout the land; my excellent friend being willing, as I understood, to remit the undetermined rights of these people to the variegated and diversified legislation of thirty-seven States.

Mr. MORRILL, of Maine. I regret that the honorable Senator from Massachusetts has been so indifferent an observer of what I have attempted to do upon this floor, and that he should so misunderstand me as to make the representation to the country that he now does. No sentiment, nor word, nor vote ever uttered or given by me on this floor justifies any such assumption. Sir, I antedate that Senator himself in the advocacy of the law of civil rights on this floor. When the act to protect the colored man in his civil rights was reported to the Senate in 1866, he will find that I raised my voice here in advance of him, congratulating the Senate and congratulating the country, as I remember, that now for the first time in the history of the Government we were able to put upon the national statutes protection to all its people, as the result of the war; that the slave, always theretofore under the national ban, now being a citizen, it was the proudest day in the history of our legislation that we were able to put upon the United States protection to the former slave. And yet it seems that the honorable Senator has really got the notion in his head that I am in favor of leaving that whole thing to the States. When, where, from what sentiment of mine, what word, what act of mine, does the Senator draw any such inference as that?

Sir, the only difference between the honorable Senator and myself is this: I would do it according to the Constitution of the country; the honorable Senator would do it anyhow. My honorable friend says that this bill ought to be passed, and passed at once. Why? Numerous conventions have indorsed it. Why, sir, are we to legislate in that way? And here comes the only difficulty in this case. Upon the question of civil rights as they are justified by the Constitution of the United States, I undertake to say, at any rate I believe, there is no conflict in the Senate of the United States. I am willing to go just as far as that instrument justifies, and I am willing that the Committee on the Judiciary should interpret it on that question, as the legal organ of the Senate. I did, it is true, on a former occasion, make a speech against the honorable Senator's bill, and I undertook in that speech to point out the constitutional difficulties in its way. I said never a word on that occasion that it was a subject that should be left to the States. That is not my conviction; those are not my opinions. The power is in the Constitution, and I have been in favor of exercising it from the beginning. I would not turn it over to the States.

Now, Mr. President, I ask my honorable friend whether on the whole it is not better for us to send this bill to the committee and have its action upon it?

Mr. SUMNER. I have consented to that.

Mr. MORRILL, of Maine. If my honorable friend had consented to it on the first day of the session, instead of placing the bill upon the table, it seems to me we should have been saved all this trouble. It is in harmony with the doings of the Senate that we should have a report from a committee on this subject. The reports of the committee of this body, as the Senator himself says, are eyes and ears to the body, and we have a right to have both. It hardly becomes

my honorable friend to resist this, even on his own practice; and no member of the Senate at any time, as a general proposition, has been more desirous of acting in harmony with the usages of the Senate. That Senator himself at this very session introduced a bill which had been reported upon some seventeen or eighteen times, and always I believe, with a single exception, in a friendly way; and yet the honorable Senator introduced it on the first day of the session, or very early in the session, and moved its reference to the same committee from which it had come so often, he himself having several times, I think, reported it and commended it to the action of the Senate. There was a bill on which the Senate has always for a series of years, for a whole generation, with a single exception, been harmonious, been in harmony with the action of the committee; and yet the honorable Senator, in deference to the general usages of this body, very properly sent it to the committee, to be reported again. If this bill had taken the same course, my own judgment is that the Senate would have been delivered of the whole proposition before this time.

I rose, Mr. President, only to say two things: First, that I am not entitled to the notoriety, whether it is enviable or not, that has been given me upon this general subject of hostility to extending to our colored citizens full, ample, and complete protection in their civil rights. I have never committed myself to any proposition adverse to that. The whole thing, so far as I know, has grown out of criticisms which I have made of the bill which the Senator on a former occasion introduced; which was not this bill by any means, but which was vastly more objectionable than even this bill.

Mr. MORTON. Mr. President, without intending to express any opinion as to the merits of the bill now before the Senate, for I think that would be premature, I may be allowed to observe that I think it is time that a civil-rights bill should be passed. I think the majority of this Senate, on principle and otherwise, are pledged to the passage of a civil-rights bill, and I hope that its passage may not be unreasonably delayed. I think it is proper to say to the Senator from Massachusetts that he himself is responsible for the fact that this bill is not now before the Senate in a condition to be acted upon in some way. If the Senator had consented on the day that the bill was introduced, the first day of the session, to its reference to the proper committee, we should have had it back before this time. That committee would have felt constrained to make some report upon it long before this time, and it would have been before the Senate for consideration and action.

I do not myself feel that there is any great importance in referring this bill to a committee, for the reason that the question has been so long before the Senate and has been so amply discussed; but still that is the usage of the Senate; we do that with regard to all bills, unless under some very strong emergency; and if the Senator had consented in the first place to the reference of the bill we should have had it back long ago. So, I think, he has nobody to blame but himself that this bill is not now before the Senate to be acted upon; but I may be allowed to express the hope, and I have no reason to doubt that it will be gratified, that the Judiciary Committee will promptly examine this bill, and report back a civil-rights bill upon which the Senate can take action before long. I think that ought to be done for very many considerations.

Mr. SUMNER. Mr. President, I should not say another word, except for the ardor with which my friend from Indiana comes forward to throw a little blame on me. He thinks that if I had consented to an earlier reference of this bill it would now be in order before the Senate; but he says that in a case of strong emergency bills are not referred to committees. Now, I ask the Senator from Indiana if this is not a case of strong emergency? The bill has been pending nearly four solid years, during all which time a portion of our fellow-citizens, counted by the million, have been exposed to indignity; and because I tried to speed the result, hoping to bring the Senate to a generous conclusion of the whole measure without a reference to the committee, the Senator from Indiana thus tardily seeks to rebuke me. If I erred at all it was because I trusted the Senate. I felt that with this bill on the Calendar and within reach, it could not hesitate. I was unwilling to see it in a committee-room, where the Senate, in a generous moment, could not take it up any day, and, so far as the Senate was concerned, make it the law of the land. I put too much faith in this body, which I ought to know well. I did, sir, have generous trust. I did believe that at some early day the bill would be considered and adopted. I have been disappointed. More than once I have tried to reach it; I have tried to bring it before the Senate; but you know well the impediments; you know that other important matters have occupied attention, so that I could not, with any reasonable chance of success, seek to press this important measure. That, sir, is the occasion for delay; and I do not think—I hardly like to make any question with my friend—but I do not think, he was generous in the imputation that he sought to throw upon me. Had that Senator on the first day of the session, or when I made an effort at a later day to bring it up, come forward then to aid me in pressing it on the attention of the Senate; had he reminded the Senate and the country how many fellow-citizens were shut out from their rights, and that a denial of rights does not allow delay; had these words come from the Senator at that time, ah! we should have been having no such debate as has occurred to-day. The bill would have been hastened on its way, and a people long enslaved and degraded would be at last lifted to equality. O, I wish the Senator had not made the mistake he did!

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) The question is on the motion of the Senator from Connecticut, [Mr. FERRY,] to refer the bill to the Committee on the Judiciary, upon which the yeas and nays are ordered. The Chair now understands that there is no objection to the reference. If there is no objection the bill will be considered as referred. The Chair hears no objection, and the bill is referred to the Committee on the Judiciary.

Mr. SAULSBURY. I wish to say that I have no objection to the reference of this bill to the Committee on the Judiciary. I have no trouble myself in reference to this bill and to every provision in it. I shall vote against every provision in the bill whenever it comes before this Senate for a vote, whether it be reported from the Judiciary Committee or is taken up from the Calendar. What I now wish to say is, that I have listened to this debate and I have not heard a single voice raised in defense of the suffering part of the race to which I belong. In New England, in the Northern States, we hear complaints of hundreds of thousands of men who are suffering for the necessaries of life; and yet in the Senate of the United States to-day not a word has been said in defense or in favor of protecting the downtrodden portion of the white race of this country, and everything that has been said has been said in reference to securing equal rights to the colored people of this country!

Sir, I am not opposed to the colored people of this country having every right which properly and legitimately belongs to them; but it is strange that so much of the time of this Senate should be taken up in the advocacy of the rights of the colored race, when portions of our own race are downtrodden and oppressed even in the very State which the Senator from Massachusetts represents. Sir, as a citizen of this country, as a Senator upon this floor, I hope to see the rights of every portion of the people of this country secured; I hope to see the rights of the humblest portion of the white race secured as well as of the colored race; and I protest against the constant imputation upon my own race of oppressing the colored people of this country, when I know that in the State which I represent, and in many of the Southern States of this Union, the colored people are respected in all their just rights. This, sir, is what I desired to say. The time of the Senate has been taken up for days in discussing the rights of the colored people; but why have not gentlemen shown their zeal in trying to mitigate the wrongs and sufferings of the white portion of their countrymen?

Mr. EDMUNDS. May I ask the Senator from Delaware a question before he sits down?

Mr. SAULSBURY. Certainly.

Mr. EDMUNDS. He brings in New England, and I am a little interested in that section of the country. I wish he would tell the Senate what rights of white men in New England are denied that they ought to possess, in his opinion, by any law or constitution.

Mr. SAULSBURY. In some of the New England States white men are not allowed to vote, as I understand, without possessing a property qualification.

Mr. EDMUNDS. Certainly they are not. We do not allow people in the State-prison to vote.

Mr. SAULSBURY. Yet in your enforcement act of 1870, you enforce the right of every negro to vote, and you punish men under that act if they deny that right to colored men; when, at the same time, if it is denied to white men, they are not punished for it.

Mr. EDMUNDS. Mr. President, the Senator is as much mistaken almost as if he lived in New England. [Laughter.] The act of 1870 does not declare that the colored man shall have a right to vote. It declares that every man, be he black or white, who is an American citizen, and otherwise entitled by law, shall be allowed to vote without any State Legislature, or State sovereignty, or State aristocracy, undertaking to declare that the color of his skin shall make a difference. The laws of New England, as far as I understand them—which, perhaps, is not a great way—declare the same thing, and punish officers in substantially the same way for depriving any citizen who is otherwise entitled to vote, who is twenty-one years of age, and is out of State-prison, and is not in the poor-house, of his right to vote. So that I think my friend from Delaware has gone a little too far when he says that the laws and constitutions of New England are depriving white men of rights which we are attempting to assert in favor of black men.

Mr. SAULSBURY. Allow me to ask the Senator a question. There are other rights besides the right to the elective franchise. I ask the Senator whether, in the section of country which he represents, there are not hundreds and thousands of operatives to-day living upon the mere scanty pittance that is doled out to them by the large manufacturers, the rich men of that section, who use them worse than the slaves of the South were ever used?

Mr. EDMUNDS. I should say no to that, decidedly. It is perfectly true, Mr. President, no doubt, that there are a great many poor white men in New England who are throughout the hard winter being aided by charity; but the fact that they have not any money has been owing to their own personal misfortunes or to their own personal neglect. No task-master in New England has goaded them to toil with the whip, and has fed them as he does his cattle in the stable, according to the stock of wheat or of fodder he might have on hand. Every poor man in New England has had always the equal rights of the citizen, the right to the school and the church and the cemetery, the right to make his own bargain for his own labor, and the right to face

the proudest and richest of his neighbors at the polls and in the ballot-box and in the jury-box, and everywhere else.

Now, when my friend finds a state of things in New England where about one-twentieth, perhaps one-thirtieth, of the community have enslaved the rest, and have burned down their school-houses, and have burned down their churches, and have made them as near brutes as it is possible for human malignity to make them, he may then undertake to draw parallels and comparisons between the condition of things in one part of the country and the other; but until then, Mr. President, I think that we had better look with a fair face at the real truth of things, and not such imaginary notions as this.

Mr. SAULSBURY. Will the Senator be kind enough to specify the section of country to which he alludes where churches are pulled down and school-houses burned down because colored people have them?

Mr. EDMUNDS. I believe we have some reports in this body, and in the other House, of only a very few years ago, showing states of things of that character. I have not brought them in with me this morning, not expecting that my friend from Delaware would make so great a mistake as he has. He must excuse me, therefore, for not giving them now.

Mr. SAULSBURY. The honorable Senator made a sweeping declaration, and referred to sections of the country where that was true. I have called upon him to specify them, and he has failed to do it.

The PRESIDING OFFICER. The bill is referred to the Committee on the Judiciary.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. E. BABCOCK, his Secretary, announced that the President had, on the 23d instant, approved and signed the bill (S. No. 215) in relation to the printing of the Biennial Register, commonly called the Blue Book.

ELECTION OF PRESIDENT.

The PRESIDING OFFICER. The next business on the Calendar is the joint resolution (S. R. No. 1) proposing an amendment to the Constitution providing for the election of President by a direct vote of the people, and abolishing the office of Vice-President.

Mr. SUMNER. When I introduced that joint resolution, proposing an amendment to the Constitution, I stated that on its reference to the committee I might ask the Senate to hear some remarks upon it. I do not know, however, that there is any occasion for me to ask any postponement. I beg to call the attention of my friend, the chairman of the Committee on Privileges and Elections, [Mr. MORTON,] to the character of the proposition. It is an attempt to secure an election of President by a direct vote of the people, so as to supersede the machinery of party conventions. Such, sir, is the character of the attempt. It will be for the committee, and for others carefully considering it, to see whether the machinery provided will operate to that extent. Many who have examined it think that it will. I should not have introduced it unless, after very considerable study, I had satisfied myself that it contained elements worthy of most careful consideration. I believe at this day there is a general desire that the President of the United States should be elected directly by the people, without the intervention of electoral colleges; and I think there is another desire, not so general, but still which occupies the minds of intelligent persons, to supersede if possible the powerful influence exerted by nominating conventions in advance of the election. That is very difficult to accomplish. I see the impediments in the way. I know not that the amendment I propose will effectually reach that result; but, as I have already said, others who have given much attention to the question think that it will, and I beg to commend it seriously to the attention of the committee. I have introduced it in good faith, anxious that it should find favor, if not in all respects at least in some of its particulars; and I do believe that the more it is studied, the more carefully it is considered, the better will it commend itself, and the more surely will it be seen to carry out the result which I think so many people now desire.

I have said that that result was embodied in two propositions: one, the election of the President directly by the people. I am afraid that any proposition, short of that which I now offer, will be inadequate to produce that result. I fear that the proposition that I believe my friend from Indiana has in hand will not operate completely and effectively to that result. And then my friend would leave the machinery of party conventions still extant to exert a controlling influence over the elections. My hope is to supersede that machinery and to hand over the election of President to the direct voice of the people.

Mr. MORTON. Mr. President, I will say in response to the Senator from Massachusetts, that the Committee on Privileges and Elections have been engaged for a long time in the consideration of the proper mode of electing the President of the United States. They hope to be able to make a report in the course of two or three weeks on the subject. At present it would be entirely premature for me to attempt to express any opinion on the question.

Mr. SUMNER. I move the reference of the joint resolution to the Committee on Privileges and Elections.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1560) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports, and to reduce internal taxes, and for other purposes,' approved March 3, 1873;" in which the concurrence of the Senate was requested.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 798) to establish certain post-routes.

The message also announced that the House had passed the bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government, with amendments, in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. No. 61) providing for busts of the late Chief Justices Roger Brooke Taney and Salmon Portland Chase, to be placed in the Supreme Court Room of the United States; and it was thereupon signed by the President of the Senate *pro tempore*.

WITHDRAWAL OF PAPERS.

Mr. GORDON. I ask unanimous consent that the following order be granted:

Ordered, That John Jones, Randolph Ramsey, and William G. Lauterman, sureties of William Quillian, postmaster at Milledgeville, Georgia, have leave to withdraw their petition and papers from the files of the Senate.

Mr. EDMUNDS. Has there been an adverse report in the case?

Mr. GORDON. I think not; but I cannot answer positively.

Mr. RAMSEY. My impression is that there was an adverse report in that case.

Mr. GORDON. I am not aware of it.

Mr. EDMUNDS. Let copies be retained, then.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan.) The order will be considered made, on condition that copies be left.

Mr. GORDON. Very well. I also offer the following order:

Ordered, That the papers in the case of Nehemiah Garrison, deceased, of Cherokee County, Georgia, on the files of the Senate, be referred to the Committee on Claims.

Mr. EDMUNDS. Has there been an adverse report in that case?

Mr. GORDON. I think not. It is a case where the Court of Claims rendered a judgment, and the papers were sent in to the Senate, and are now on the files. I simply ask that they be referred to the Committee on Claims.

There being no objection, the order was agreed to.

THE BANKRUPTCY ACT.

Mr. EDMUNDS. I wish to give notice that the day after to-morrow, if it shall be the pleasure of the Senate, I shall ask it to take up and proceed to dispose of the bankrupt bill, so called, or to make progress from time to time until it is finished.

Mr. MORTON. I suggest to the Senator from Vermont that the Senator from Wisconsin [Mr. CARPENTER] proposes to speak on the Louisiana affairs on the day after to-morrow.

Mr. EDMUNDS. Then I will say the day after to-morrow, or as soon thereafter as I can be heard, as the saying is.

REMOVAL OF POLITICAL DISABILITIES.

The PRESIDING OFFICER. The next bill on the Calendar is the bill (S. No. 133) to relieve Thomas Hardeman, jr., of Georgia, and William L. Cabell, of Texas, of their political disabilities.

Mr. EDMUNDS. That was a motion entered to reconsider. Let that be laid aside. My friend from Georgia [Mr. GORDON] will furnish me with some papers on the subject presently.

The PRESIDING OFFICER. The bill will be considered as laid aside for the present.

NATIONAL BANKS WITHOUT CIRCULATION.

The next bill on the Calendar was the bill (S. No. 71) to authorize the organization of national banks without circulation, the consideration of which was resumed by the Senate as in Committee of the Whole.

Mr. SHERMAN. That bill has been considered heretofore, and I should like to have it passed.

The bill was read.

Mr. EDMUNDS. I should like to hear that bill explained a little.

Mr. SHERMAN. This bill was discussed the other day; perhaps the Senator from Vermont was not in at the time. There are two separate objects provided for in the bill. One clause authorizes the organization of banks without circulation, or rather modifies the present law in that respect. Under the present law a national bank may be organized without circulation, but it must deposit an amount of bonds equal to 30 per cent. of its capital, which requires a very large deposit of bonds. This will authorize the organization of banks without circulation by a deposit of bonds to the amount of $10,000 and under. There can be no great object in the Government requiring a deposit of bonds in order to charter a bank without circulation, because it gets nothing from the Government except the bare organization.

The chief trouble and delay grew out of the last clause of this bill; and a bill for that specific purpose was referred to the Committee on Finance, and was amended. My friend from Pennsylvania [Mr. SCOTT]

has the bill before him as amended; and I will accept the modification which has been made in committee, which I think will remove all objection. That authorizes any national bank desiring to retire a portion of its circulation to deposit with the Secretary of the Treasury an amount not less than $10,000, from time to time, and thus reduce its circulation. Some objection was made to the phraseology of the section; but we have modified it.

Mr. ALLISON. I appeal to the chairman of the Committee on Finance to let this bill pass by until he reports, if he proposes to report, any further measure in relation to the national banks. It seems to me that this is only a partial measure. Is it not proposed to do something more with reference to that subject during the present session?

Mr. SHERMAN. The reason we introduced separate propositions was because we supposed there would be no objection to this; but if the Senator desires delay I certainly do not wish to press the bill now.

Mr. ALLISON. I am not quite clear as to the effect of this bill. I think it may enable national banks to place in the Treasury a large amount of greenback circulation without knowing exactly where it is going or what is to be done in reference to it. I may be mistaken, however.

Mr. SHERMAN. The amendment made by the Committee on Finance removes that difficulty entirely, because it requires the Secretary of the Treasury to cancel the bank currency sent in for redemption. However, if the Senator desires time, I have no objection to letting the bill go over.

Mr. ALLISON. I think it had better go over.

Mr. EDMUNDS. Let me suggest to the Senator from Ohio, before the bill goes over, that I think he is mistaken in a date in his bill. The national banking act referred to reads in the bill as "approved June 30, 1864," whereas the true date of its passage was June 3, 1864. Perhaps that had better be corrected before we forget it.

Mr. SHERMAN. The national banking act was approved June 3, 1864.

The PRESIDING OFFICER. The correction will be made.

Mr. SCOTT. I move to amend the latter part of the bill by inserting in lieu of the words there used the amendment that was reported by the Committee on Finance to Senate bill No. 147. My motion is to strike out, commencing in line 12, the following words:

> And national banks may withdraw their bonds on deposit as security for their circulating notes in amounts of $10,000, upon returning to the Comptroller of the Currency lawful money, to be deposited in the Treasury of the United States, for the redemption of an amount of circulating notes of such banks equal to the amount issued upon such bonds.

And in lieu thereof to insert:

> And any banking association that may decide to reduce its capital stock, as provided in the thirteenth section of the act entitled "An act to provide a national currency, secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be entitled to take up a *pro rata* portion of its bonds, upon depositing lawful money of the United States, or returning its own circulating notes in the proportion required by law; and whenever such reduction shall be authorized under said section, any notes of such bank thereafter coming into the Treasury of the United States shall be canceled until the amount so canceled, together with such as shall be redeemed, shall equal the amount of reduction authorized.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. BAYARD. When this bill was up before, I expressed my views in opposition to it, and I do not now desire to repeat them to the Senate. It is plain to me that the first part of the bill providing for an endless crop of small banks will be exceedingly prejudicial to the character of national banks, placing them in the hands of holders of small amounts of Government bonds. They will be able to dignify their business by the name of bank, when the amount they have at risk is the small sum of $10,000. I therefore move to strike out the first ten lines of the section down to the words "section 16 of that act."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware.

Mr. ALLISON. What is the effect of that?

Mr. SHERMAN. I wish to say that the Comptroller of the Currency has in three annual reports called upon us to provide for the cases of numerous applications, mostly from the South and West, for small banks to be organized under the national banking system. He has urged it as a matter of considerable importance to the success of the banking system in order to diversify it and spread it all over the United States. Under the limitations of the law he cannot give them circulation. But many institutions in the South and West want the facilities, the credit, and, I may add, the restraints of the national banking act.

Now, I desire to call the attention of Senators to the present state of affairs. In all the Eastern States there has been no trouble about the organization of national banks. They are as numerous almost as the sands of the sea. I am tired and sick of hearing this question about the unequal distribution of bank circulation. I do think it a gross injustice; I have no words to defend it; and I do not want to see it perpetuated any longer than it is possible to apply a remedy. I shall vote for every measure whatever that will tend to rectify it. Now, the purpose of this bill, according to the statement of the Comptroller, and he has often mentioned it to me as a matter of importance to the Department, is to diversify the system and give to the people of the West and South opportunities to start national banks.

What objection is there? It is said that it makes national banks too numerous. My friend from Delaware says it makes them too numerous. Why? They get nothing from the Government of the United States, except the bare, naked charter. They have the power on the deposit of bonds to take the name of a national bank without circulation; and then they are under the restraints of the national-bank act; they are subject to examination, to revision; they have to make reports, and are under all the burdens of the national banking system; but they wish to assimilate their business to the business of the national banks. I never could see any objection to it, nor any reason why this power should not be freely granted; and when the proper officer of the Department has called upon us to extend this power, I never could see any reason why it should not be done. And especially do I see many reasons why Senators from States that have a great number of banks and great banking facilities should not object to this little demand to satisfy a local grievance. So far as the people of Ohio are concerned, no bank of this kind will be organized in Ohio, because our laws are free; anybody there can start the business of banking under a general law, and no national bank would be organized under a law of this kind. We have no such restraints or limitations, but this will be a great convenience in the Southern and Western States, where their laws do prevent practically the organizing of banks, and where a banking business can only be conducted by a private partnership.

Mr. CONKLING. What does the Senator mean by saying that this would not affect Ohio? I do not know that I comprehended him exactly.

Mr. SHERMAN. I say it would not be acted under in Ohio because we have a general law of the State under which any association of persons may conduct a bank; any partnership may resolve itself into a corporation and call itself a bank on filing five thousand or ten thousand dollar bonds; but in many of the Southern and Western States the laws prohibit practically the organization of banking companies by imposing such restrictions as make it absolutely impossible. Under the circumstances it was deemed that it would be wise to extend the benefits of the national banking system all over the West and South, to as many corporations as should choose to organize under it, giving the Government security to the amount of $10,000 that they would obey the law. Now, this is no great change in the law; it has always been so; but nobody can now organize a bank under this feature of the act without depositing in the Treasury $30,000 of bonds on $100,000 capital. That is deemed to be too large; and the only effect of this proposition is to reduce the limit, so that instead of requiring $30,000 in bonds to be filed, only $10,000 shall be required. I can see no reason in the world why this should not be granted. I think it would tend to popularize the system of national banks and extend it.

The Senator from Pennsylvania hands me a letter of Mr. Knox, in which he incloses this particular bill, and says:

> I have the honor to inclose herewith a bill to authorize the organization of national banks without circulation. This bill was considered and reported by your committee, and passed the Senate during the last session. I have added an amendment to the original bill as it passed, providing that national banks already organized without circulation be authorized to withdraw their bonds in excess of $10,000, and authorizing banks to withdraw their bonds in amounts of $10,000 upon returning legal-tender notes in amounts equal to the amount of circulating notes issued upon such bonds.
>
> I have on file a number of applications for the organization of national banks without circulation, and the passage of the inclosed bill will give me an opportunity to authorize the organization of such institutions.
>
> As there is no objection to the passage of the bill, so far as I am aware, I trust you will be able to report it from the committee and obtain its passage previous to the holiday recess.

Mr. BAYARD. Mr. President, the suggestion is that $10,000 banks without circulation are to be useful to the southern and western portions of this country in the way of rectifying the gross inequality in the distribution of banking capital, originally the mistake, so called, of the Comptroller of the Currency, but which Congress has never yet successfully remedied. Sir, that object will be but poorly accomplished by this bill. What the southern and western people want, they say, is their fair proportion of circulation. They claim, and claim truly, that while in New England in proportion to her population there should have been a grant of $39,000,000 of currency, there has been $110,000,000 allowed—a gross disproportion. Now, if that were proposed to be rectified by banks of circulation in order to equalize the amount in the southern and western portions of this country, I could understand it; but surely you do not propose to do that by making banks without circulation and of deposit merely.

Sir, there is no good reason to my mind why Congress should by this method enter into an unlimited system of incorporation of a class of small banks. The power of the Federal Government to grant charters of incorporation is questionable still. The creation of the national banks was subsidiary to the power of the Government to regulate currency. It was under that power that the national banking system had its origin; but that was a system of regulation of currency, and the banks created under that were banks of circulation, and the circulation was furnished to them from the Treasury of the United States on certain terms. But here is a proposition, not to regulate the currency, not to increase or distribute currency, but to incorporate a class of banks for deposit only. This is something that never yet has been attempted in this country, the chartering, so to speak, of a class of banks who are to be disconnected entirely from

the currency of the country. You will have nothing to do with their deposits of coin. You will have nothing to do with their reserves of greenbacks or other matters of legal tender. You simply give them the right to open a banking-house and call themselves a national bank, because they can possess themselves of $10,000 of national bonds.

Mr. President, there are charters obtained from the States all over the country to be banks of deposit and not of circulation under our present laws. There are such banks in every State. There would be banks of circulation as well as deposit under the State laws, did not your 10 per cent. tax put them out of possible existence. Where, therefore, is there the least necessity, where is the slightest benefit, in Congress incorporating a class of these small banks all over the country, not giving them circulation, not attempting to remedy those deficiencies of which we have heard such complaint in the western and southern portions of the country, but simply to incorporate banks of deposit merely? There is plenty of power existing in the States to do it, plenty of opportunity to do it.

As I said before, not only do I think the present measure unnecessary, but I think it ill-advised for other reasons, which would require a more extended statement. I am strongly in favor of disconnecting the banking system of the country from the Treasury of the United States. I do not believe that one helps the other; on the contrary, I believe the effect upon the banks is to be regretted. The power of centralization, in many respects, is increased to an extent which, in my opinion, is unwholesome. In the present case I believe I have reasonably stated to the Senate grounds for justly designating the pending bill as unnecessary, if not beyond the proper exercise of the power of Congress under the Constitution.

Mr. MORRILL, of Vermont. Mr. President, it is fair to say that the purpose of the Comptroller of the Currency in this bill is to obtain returns from the savings-banks throughout the country of the amount of deposits that they have from time to time. As they are at present organized, the Comptroller has no power to ascertain, except indirectly, the amount of deposits upon which taxes are assessed, and therefore cannot make a complete report annually in reference to the affairs of the savings-banks.

Mr. CONKLING. How is that to be brought about under this bill? What is there here to enable him to ascertain anything about it?

Mr. MORRILL, of Vermont. It places them under the general banking law the moment they are national banks. Now, it is fair to contrast the benefits with the evils that may result. The only evil that will result from this will be to empower individuals to establish a national bank on a capital of $10,000, and, hoisting the national flag, perhaps obtain a credit for three or four times that amount, or any amount, undeservedly. I had rather come to the conclusion that the first portion of the bill, proposed to be stricken out by the Senator from Delaware, was the best portion of the bill.

To the latter part of the bill an objection has been suggested to me since it was reported, which I think is a valid one. The last portion of the bill provides that any national bank with a circulation may withdraw its bonds on deposit as security for its circulating notes in amounts of $10,000 from time to time. That would be the only power which an existing live bank would have to reduce the amount of its circulating notes. Under this provision take, for instance, the Bank of Commerce of New York, with ten millions of capital; they might at once return the whole amount, with the exception of $10,000, and still retain their title as a national bank. It is for the Senate to say whether the benefits to be derived from this bill are greater than the evils, and vote accordingly.

Mr. FRELINGHUYSEN. I certainly shall vote for the amendment of the Senator from Delaware. The clause which he moves to strike out affords great facilities to the creation of numerous banks. It is said that by the law now, on the deposit of $30,000 of Government bonds, banks without circulation may be created; but I understand that the Secretary of the Treasury has hitherto refused to give the privilege to any great extent of creating those banks. This affirmative action on the part of Congress would be a strong intimation to him that he should go on and create these banks of deposit, and I think it would bring reproach upon the name of the national banks.

But the more serious objection is this: Four or five brokers or money dealers associate themselves together as a bank. Before they make that association they are personally liable to their depositors; after they make it they are not personally liable. There is no liability but on the part of the corporation, and all the security that it is necessary for that corporation to have is the $10,000 of bonds; and they may do business to the amount of hundreds and hundreds of thousands.

I hope that the amendment of the Senator from Delaware will be adopted, and then that somebody will make another amendment to strike out the rest of the bill, which, I do really agree with the Senator from Vermont is more objectionable than that which is proposed to be stricken out now.

Mr. THURMAN. Mr. President, when this bill was up before for consideration I put the question, under what clause of the Constitution is the power to be found that authorizes the first branch of this bill—the granting of charters to banks without circulation? The only answer I received was that that was already authorized by law. I need not say to the lawyers of the Senate that that is no answer at all to the question.

Mr. BOUTWELL. Will the Senator from Ohio allow me a word?

Mr. THURMAN. Certainly.

Mr. BOUTWELL. It is to this point: when it became necessary for me to examine the act of June 3, 1864, for the purpose of forming an opinion as to the power of the Treasury Department under that law to authorize the organization of banks like those referred to in this bill, I came to the conclusion that the power did not exist, although it had been exercised by my predecessor. I may be in error about it, however.

Mr. THURMAN. I am very much obliged to the Senator from Massachusetts for that statement, for that takes away even the answer, insufficient as it was, that was given to my question.

Now, sir, the power to authorize banks of issue has always been referred to either one of three clauses of the Constitution. The validity of the charter of the Bank of the United States was referred sometimes to one and sometimes to another of these three clauses of the Constitution, but mainly to the clause which I will now read: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts"—or as it ought to read, and is read by the interpretation placed upon it by the Supreme Court of the United States—"in order to pay the debts and provide for the common defense and general welfare of the United States." It was said that a Bank of the United States might be a convenient and proper instrumentality to aid the Government in the collection of "taxes, duties, imposts, and excises in order to pay the debts and provide for the common defense and general welfare of the United States." Then another clause of the Constitution was relied on, the clause which gives to Congress the power "to borrow money on the credit of the United States;" and then a third clause, which has been relied upon to justify the issue of legal-tender notes, is the power "to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures." If there is any other clause in the Constitution that authorizes Congress to create banks it has escaped my observation.

It is here proposed that Congress shall charter banks without any power whatsoever to issue notes for circulation. If so, I want to know what limit there is upon the power of Congress to grant charters of incorporation? Why may they not grant charters of incorporation for every conceivable purpose for which a corporate body may be an efficient instrument, if they have the power to grant such charters as are provided for in this bill?

It cannot be put upon the ground that Congress has a right to coin money and that you may make paper money; for this proposes a set of institutions that shall have no power whatsoever to issue any paper. It cannot be put upon the ground of borrowing money; for these are not instrumentalities that can, to any extent, aid the Government in borrowing money. Nor can it be put upon the clause on which the validity of the bank charter was mainly rested, the power "to lay and collect taxes, duties, imposts, and exeises in order to pay the debts and provide for the common defense and general welfare." I cannot for the life of me, as at present advised, see any power in Congress to grant any such charter, unless, indeed, the power of Congress to grant charters is without any limitation whatsoever. I cannot, therefore, vote for this clause in this bill, because I do not believe that Congress has power to enact it. But if it had the power to enact it, I should still be opposed to it on grounds of expediency.

Of what possible advantage can it be to grant charters to these various institutions? Every man in the United States now has the natural right, unless prohibited by some law of the land, to engage in the banking business; he has the right to receive deposits, to buy and sell bills of exchange, to do, in short, every act that appertains to the business of banking, except the single function of issuing circulating notes. Now, it is proposed that these rights, which belong of common right to individuals throughout the United States, shall be conferred as corporate powers by an act of the Congress of the United States. I, for my part, can see no good that can result from any such legislation. In the first place it is to withdraw the capital which is now under the control of the State Legislatures, subject to their supervision and to their regulation according to the local wants and local interests of the several States, and place it under the protection, under the supervision, and under the control of the Congress of the United States. I do not think that ought to be done, even if we have the power to do it. I see no good whatever that can result from that, at all commensurate with the evil that would be likely to follow from such a practice.

In respect to the last clause of the bill, which is totally disconnected with the first clause—has no relevancy whatsoever to the first clause—I leave that upon the objections which have already been stated; but to the first clause I do object, first, on the ground that we have not the constitutional power to enact it, and second, that if we had, it would be most impolitic to do so.

Mr. CROZIER. If this bill were passed, what would be the effect of it? The construction that has been given to the national banking act has limited the amount of capital that may be engaged in national banking to $354,000,000. That is the amount of currency provided for by the act, and the construction given by the Department limits the amount of capital that may be engaged in national banking to three hundred and fifty-four millions. One effect of this bill would be to increase the amount that might be invested in banking capital, and not thereby increase the national-bank circulation.

Mr. SHERMAN. My friend from Kansas will allow me to correct him. There is no limit in the banking law to the amount of capital of na-

tional banks. The amount of circulation cannot exceed $354,000,000. The amount of banking capital is now largely in excess of that. There is no limit to the amount of capital employed.

Mr. CROZIER. I understand it differently. I know that the amount of circulation fixed in the national-bank act is $354,000,000.

Mr. SHERMAN. But the amount of capital is more than $100,000,000 in excess of the amount of circulation.

Mr. CROZIER. My information was that the construction given at the Department was that that limited the amount of capital; but it seems I am wrong in that. So let it pass.

It would not follow as an effect from this bill, were it passed in the form in which it is before us, that banks of $10,000 capital could be organized all over the country. The bill provides that they may be organized without circulation, under the provisions of the general banking act. The new organizations, with the single exception of the amount of bonds they are to deposit, would be regulated by the law now in force. That law provides that no bank shall go into operation until $30,000 of Government bonds have been deposited in the Treasury of the United States. This bill would authorize, when they had complied with the other provisions of the national-bank act as it now stands, the organization of banks by depositing $10,000 in bonds, instead of $30,000, with the Treasury of the United States. That is another effect which would flow from the bill, as I read it, that would not be very different from the existing condition of things.

What is the object of requiring any portion of the capital of a national bank to be invested in bonds deposited with the Treasury? And, by the way, no national bank can be established with a less capital than $50,000 paid in. The general minimum is $100,000. It must be paid in under the provisions of this act before they can get a certificate to proceed to business, but in certain cities the Comptroller of the Currency is authorized to permit the organization of national banks with a capital of $50,000. In either case $30,000 is required to be deposited in bonds with the Treasury, whether they get circulation or not. But suppose that a bank with $100,000 be organized, all its capital paid in, they buy $100,000 of bonds and deposit them with the Treasury for circulation, and get circulation to the amount of $90,000, 90 per cent. of the bonds deposited. Now if the object of requiring any bonds to be deposited when there is no circulation out be to secure to the extent that it will secure the depositors in the national banks so organized, then with this provision adopted they would be in about the same situation in reference to depositors that they are now. Ninety thousand dollars of the $100,000 are deposited to secure circulation. There are only $10,000 left to secure depositors. In the cases provided for by this bill, if the capital were $100,000, and they were required only to deposit $10,000, there would be the same security, so far as depositors are concerned, that there is now where they issue circulation; so that the effect of this bill, as I understand it, would not be to authorize what are called $10,000 banks all over the country. A bank could not be organized under this bill with less than $50,000 capital, and not then unless in a city of less than ten thousand inhabitants, and then subject to the will of the Comptroller.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware.

Mr. SCOTT. The objection made by the Senator from Vermont to the latter clause of this bill was one that was considered in committee, and the amendment which has been adopted obviates that objection. His objection was that a bank—and he instanced the Bank of Commerce, of New York—having a very large capital might proceed to withdraw its whole capital, and remain a chartered national bank without having the capital required under the original act. Now, the amendment which has been adopted requires the reduction of capital to be made under the thirteenth section of the national-currency act, and if the Senator will give me his attention I will show him by reading it that the objection does not apply to the amendment which has been adopted, and is in the bill as it now stands. The section reads thus—at least that part of it which applies to the reduction of capital:

> And every association shall have power, by the vote of shareholders owning two thirds of the capital stock, to reduce the capital of such association to any sum not below the amount required by this act, in the formation of associations: *Provided*, That by no such reduction shall its capital be brought below the amount required by this act for its outstanding circulation; nor shall any such reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency, and his approval thereof obtained.

The Senate is familiar with the limitations imposed by the seventh section in reference to the amount of capital required by banks in larger cities and in smaller ones. Now, the original bill did authorize the withdrawal of amounts of $10,000 without referring at all to this section under which the capital may be reduced; but the amendment refers specifically to that section, and thereby prohibits the reduction of capital to an amount below that authorized in the seventh section.

Mr. MERRIMON. Mr. President, passing by the question as to whether Congress has the power to authorize the organization of banks of this sort, I object to the passage of this bill on two grounds: first, that it materially interferes with a fundamental provision of the existing national-currency act; and, secondly, on the ground that there is no necessity for it.

The currency act provides, in section 7—

> That no association shall be organized under this act with a less capital than $100,000, nor, in a city whose population exceeds fifty thousand persons, with a less capital than $200,000: *Provided*, That banks with a capital of not less than $50,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants.

Section 16 provides—

> That every association, after having complied with the provisions of this act, preliminary to the commencement of banking business under its provisions, and before it shall be authorized to commence business, shall transfer and deliver to the Treasurer of the United States any United States registered bonds bearing interest to an amount not less than $30,000 nor less than one-third of the capital stock paid in, which bonds shall be deposited with the Treasurer of the United States, and by him safely kept in his office until the same shall be otherwise disposed of, in pursuance of the provisions of this act.

These two provisions are fundamental in their character in this act. Under the first section which I have read, no bank can be organized with a less capital than $50,000, and a bank with $50,000 capital must have deposited with the Treasurer of the United States $30,000 of United States bonds; and if the capital stock shall be greater than $50,000, then the amount of bonds deposited with the Treasurer must be equal to one-third of the capital stock. The purpose of this deposit with the Treasurer of the United States is twofold: First, to secure the bill-holder. The Government by the provisions of the currency act is bound for the notes issued by the bank, and these bonds are deposited with the Government to the end that it may be indemnified if it should be called upon to pay these notes. But it is not for that purpose alone. It is provided in express terms in another clause that when a bank shall fail these bonds shall be applied specially to the redemption of the circulating notes of the bank first. After that, by the plain implication of the statute, they are to be devoted to the general purposes of indemnifying the creditors of the bank.

What, then, is the proposition contained in this bill? It is to change this fundamental provision of the law. It is, in the first place, to allow the creation of banks not of issue with a less capital than $50,000, to wit, $10,000. It is, in the next place, to allow a bank to have all the privileges conferred by the currency act, and they are great in their character and advantages in setting up a bank in any community; to allow those who go on and set up such a bank to avail themselves of all the advantages of the act, without doing what a fundamental provision of the present currency law requires, to wit, depositing with the Treasurer bonds equal to one-third of the capital stock, which is a great protection, a material protection, and a distinctive fundamental feature of the present law for the purpose of creating a protection, not only to the bill-holders, but to whosoever shall deal with the bank, whether they be depositors, or persons who shall loan money, or persons who shall have any obligations upon the bank whatsoever.

In the next place, I say that the bill is unnecessary. Why should it be passed? What end is to be subserved in the general interests of the people of the United States by it? How much better off are the people in dealing with a bank of this character than they are with a private bank or a bank authorized by a charter granted by a State Legislature? I can conceive of none if the indemnity to the depositors is cut off by providing that only $10,000 shall be deposited with the Treasurer of the United States for the indemnity of those who shall deal with the bank.

The only reason that I have heard offered for this bill is that a banker who has not the privilege of issuing notes cannot make a sufficient amount of money to pay him for his trouble in banking. Sir, that is not the experience of the country. The experience is directly the reverse. The banks have for the last six or eight years, ever since the war, been lending money at an average of from 1 to 1½ per cent. a month. I think it may be safely said that they realize 1 per cent. a month for their capital stock and the money they use. Suppose we take a bank of the smallest capital stock authorized by law—$50,000. In the first place, such a bank must have $30,000 of bonds deposited with the Treasurer. Let us see what its earnings are. It receives annually from the Government, as interest upon that $30,000 of bonds, $1,800 in gold. Then it lends the amount of its capital stock, which is $50,000. It realizes 1 per cent. a month on that. That is $6,000 more. Then suppose that such a bank has $100,000 of deposits—and that is a very reasonable allowance; a bank in a business community, where it is necessary at all, will receive more than $100,000 of deposits—then 1 per cent. interest on its deposits is equal to $12,000 more. So that, in the case I put, the bank would realize the sum of $19,800 clear per annum. I think in all conscience that is enough for a bank with that much capital invested to realize from that sum in one year.

So that, I say, the objection that the capital is not profitably invested, or reasonably so, when the bank is required to deposit in the Treasury bonds equal to one-third of its capital stock, has no foundation in fact.

The strongest recommendation of the national banking system is the protection it affords to those who deal with the banks, whether they be bill-holders, depositors, or other creditors. The bankers and stockholders have realized immense profits, and are doing so; they ought to be satisfied, and it is unwise to disturb those fundamental features of the law provided for the express purpose of protecting the public. There is no reasonable necessity for such change, and I trust it will not be made.

The PRESIDING OFFICER, (Mr. SARGENT in the chair.) The question is on the amendment offered by the Senator from Delaware, [Mr. BAYARD.]

The question being put, there were on a division—ayes 24, noes 9; no quorum voting.

Mr. BOREMAN. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and ten minutes p m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 27, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

GOVERNMENT ACCOUNTS AND RECORDS.

Mr. HAWLEY, of Illinois, by unanimous consent, introduced a bill (H. R. No. 1556) to provide for the systematic and accurate keeping of public accounts on the part of the Government, to expedite auditing the same, and provide records for reference; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RAILROAD FROM VICKSBURGH TO TEXAS.

Mr. MOREY, by unanimous consent, reported from the Committee on the Public Lands a bill (H. R. No. 1559) reviving a grant of lands to aid in the construction of a railroad from Vicksburgh, Mississippi, to the Texas State line; which was ordered to be printed, with the accompanying report, and recommitted, not to be brought back on a motion to reconsider.

LAND TITLES IN MISSOURI.

On motion of Mr. HATCHER, by unanimous consent, the bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri, was taken from the Speaker's table, and the amendment of the Senate, striking out "Truedro" and inserting "Trudeau," was concurred in.

POST-ROUTE BILL.

Mr. STOWELL. I am instructed by the Committee on the Post-Office and Post-Roads to report back the amendment of the Senate to a bill (H. R. No. 798) to establish certain post-routes, with the recommendation they be concurred in. The amendment of the Senate is only for the purpose of establishing other post-routes, and there is no legislation in the bill whatever except in reference to post-routes.

The amendment of the Senate was concurred in.

Mr. STOWELL moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOUTHERN TRANSCONTINENTAL RAILROAD COMPANY.

Mr. HOUGHTON. I ask unanimous consent to report back, from the Committee on the Pacific Railroad, a bill (H. R. No. 1557) to incorporate the Southern Transcontinental Railroad Company, and to grant the right of way through the public lands to the same, and to move that it be printed, and recommitted.

Mr. WILLARD, of Vermont. I do not object, if it be understood the bill is not to be brought back by a motion to reconsider.

Mr. HOUGHTON. Of course that is the understanding.

The bill was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

GROWTH OF TIMBER ON WESTERN PRAIRIES.

Mr. DUNNELL, by unanimous consent, from the Committee on the Public Lands, reported back a bill (H. R. No. 1558) to amend an act entitled "An act to encourage the growth of timber on the western prairies;" which was read a first and second time, ordered to be printed, and recommitted, not to be brought back by a motion to reconsider.

IRRIGATION.

Mr. KASSON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be directed to communicate to this House a copy of all papers on irrigation contributed to the Commissioner of Agriculture, at his request, in the year last past, by George P. Marsh, minister of the United States in Italy.

UNITED STATES MINING RESOURCES.

Mr. TOWNSEND, by unanimous consent, from the Committee on the Public Lands, reported back a bill (H. R. No. 670) supplemental to, and amendatory of, an act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; and moved that it be referred to the Committee on Mines and Mining.

Mr. RANDALL. I object, unless the bill be recommitted, not to be brought back by a motion to reconsider.

The bill was referred to the Committee on Mines and Mining, not to be brought back by a motion to reconsider.

ORDER OF BUSINESS.

Mr. SMITH, of New York. I call for the regular order of business.

The SPEAKER. The regular order of business being called for, the morning hour now begins at twenty minutes past twelve o'clock, and reports are in order from the Committee on Ways and Means.

MERCHANDISE IN BONDED WAREHOUSES.

Mr. DAWES. Mr. Speaker, I am instructed by the Committee on Ways and Means to report a bill which I suppose, under the rules, will go to the Committee of the Whole; but as it is merely to correct a mistake, I ask the indulgence of the House to tell them what the mistake is before it goes there, and I think no one will then object to its passage. I now report from the Committee on Ways and Means a bill (H. R. No. 1560) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports, and to reduce internal taxes, and for other purposes,' approved March 3, 1873."

The bill was read a first and second time.

The bill, which was read, provides that section 3 of an act entitled "An act to amend an act entitled 'An act to reduce duties on imports, and to reduce internal taxes, and for other purposes,' approved March 3, 1873," be amended so as to read as follows:

SEC. 3. That foreign merchandise which arrived at a port of the United States on or before the 31st day of July, 1872, and upon which duties were not paid prior to August 1, 1872, though the same were not entered or transferred to a public store or bonded warehouse, shall be entitled to the benefits provided for in the eighth section of the act entitled "An act to reduce duties on imports, and to reduce internal taxes, and for other purposes," approved June 6, 1872, the same as such merchandise would have been entitled to had it actually been in public store or bonded warehouse on or prior to the 31st day of July, 1872: *Provided*, The owner of such merchandise shall, within thirty days from the passage of this act, make application therefor in writing, to the collector of the port at which such merchandise arrived.

The SPEAKER. The point of order will be suspended, if there be no objection, until the gentleman from Massachusetts makes his statement.

Mr. DAWES. When the tariff act of 1872 was passed it contained the usual provision, that goods in bonded warehouses, in the several ports of the United States, on the 31st day of August, when the bill took effect, should have the benefits of that bill. It so turned out upon that day there was in one or two ports of the United States quite a number of vessels, but the crowded condition of business at the custom-house was such, they could not get their cargoes technically into the bonded warehouse.

Last year a law was passed the intention of which was to give those that arrived at the port on that day, although not actually in the bonded warehouses, the benefit of the law of 1872 that they would have if they had actually been in the bonded warehouse.

The bill which so passed with that intention provided that they should have the benefit of section 2 of the tariff act, instead of having the benefit of section 8 of that act. Section 2 of the act was but one of the sections reducing and changing the tariff; so that it would turn out that only those particular articles in the cargo that were described in section 2 would have the benefit of the act. If it had been section 8 instead of section 2, it would have provided that all of a cargo that had reached the port, but had not actually got into the bonded warehouse on that day, should have the benefit of the act.

The act of last year is in the bill re-enacted in so many words, except substituting the eighth section for the second section. I think there can be no objection to the bill being passed.

There was no objection, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECOVERY OF PUBLIC MONEYS.

Mr. FOSTER, from the Committee on Ways and Means, reported back the following resolution, with the recommendation that it do pass:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to transmit to this House copies of all contracts made by the Treasury Department under authority to him given in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1873, and for other purposes," approved May 8, 1872, in the following words, namely:

"And from and after the passage of this act the Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States; but no compensation shall be paid to such persons except out of the money and property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover, or assist in recovering, moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys; and if any person so employed shall receive or attempt to receive any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of the written contract made in relation thereto with the Secretary of the Treasury, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $1,000 or imprisoned not less than two years, or both, in the discretion of any court of the United States having jurisdiction; and the person so employed shall be required to make report of his proceedings under such contract at any time when required to do so by the Secretary of the Treasury."

The resolution was agreed to.

Mr. FOSTER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEPARTMENTAL TELEGRAPH LINES.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to report back the bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government, with two amendments proposed by the committee, and to ask its passage as amended.

The bill was read. It places under the supervision of the officer in charge of the public buildings and grounds the lines of telegraph

constructed under and by virtue of the act of Congress approved March 3, 1873, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1874, and for other purposes;" and that officer is authorized and empowered to make rules and regulations for the working of said lines.

The SPEAKER. The Clerk will report the amendments proposed by the Committee on Appropriations.

The Clerk read the first amendment, as follows:

After the word "telegraph," in line 1, add the words "connecting the Capitol with the various Departments in Washington."

The amendment was agreed to.

The Clerk read the next amendment proposed by the Committee on Appropriations, as follows:

At the end of the bill add the following:

And the Secretary of each Executive Department, and the Congressional Printer, are authorized to detail one person, from their present force of employés, to operate the instruments in said Department and Printing Office, and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding $100 per month during the sessions of Congress.

Mr. GARFIELD. At the suggestion of a gentleman near me, I desire to add to this amendment, after the word "Secretary," the words "or head." I believe the Attorney-General is not called a Secretary, but is the head of a Department; and the same is true of the Postmaster-General.

The amendment, as modified, was agreed to.

The question was on ordering the bill, as amended, to be read a third time.

Mr. HOLMAN. I hope the gentleman from Ohio will explain, if possible, the necessity for this measure. The appropriation of $8,000 last session for these lines of telegraph was manifestly a matter that was very imperfectly understood by the members on this floor. There seems to be no possible excuse for this expenditure; and it is very manifest from the amendments already made that the working of these wires from the Capitol to the various Departments of the Government is to be, not simply a source of considerable expense for the time being, but an expense that will grow and be very much increased. There seems no reason for this. I had hoped, inasmuch as a mistake was made in the beginning of this movement last session, in the first appropriation of $8,000; and inasmuch as it is not a necessary work for the transaction of public business between Congress and the Departments, that the Committee on Appropriations would have blocked this matter, which is the beginning of a new and extending source of expenditure.

Sir, we have had no trouble whatever in our intercourse with the Executive Departments, from the foundation of the Government to this time, without any such facility as this. It is very seldom that there is occasion for such extraordinary speed in communicating with the Departments. It seems to me remarkable, when we are seeking to reduce the expenses of the Government, that an agency for the mere convenience of gentlemen in the House and in the Senate, an agency very seldom called into requisition, should be made the subject of continued expenditure, and the creation of new offices with liberal salaries, when that expenditure could be lopped off without any conceivable embarrassment to the public service.

Sir, I shall indulge in no hopes of any substantial retrenchment and reform while such new agencies for expense as this are encouraged. It is simply a new mode by which the Treasury may be depleted. I trust this measure will not pass.

Mr. GARFIELD. The history of this measure is very simple. At the last session of Congress the Senate appended to the miscellaneous appropriation bill a provision that a line of telegraph, costing not more than $8,000 in the aggregate, should be built between the Capitol and the various Departments and between the Departments themselves. That amendment was agreed to by the House on the last night of the session, I believe, although I had not charge of the bill at that time. The telegraph, it was thought, would be a convenience for the rapid dispatch of business. Whether the measure was wise or otherwise is not now the question; the line has been built and is now in operation; but there is no law to provide for its management.

The Senate has passed a bill putting the management of this telegraph line in the hands of the officer in charge of the public buildings and grounds. That bill would probably carry with it the right of this officer to appoint operators for the several Departments and for the Capitol. When the bill came to the House it was referred to the Committee on Appropriations. That committee was unwilling to allow eight or ten new offices to be created, and thus increase the expenses of the Departments. They therefore added an amendment to the bill, requiring the heads of the various Departments to detail some person already in the service to do this special duty of telegraphing. We found, on consultation with the heads of some of the Departments, that clerks who knew the business of telegraphing could be detailed temporarily to this duty, and without seriously interfering with their clerical duties. If this amendment be not adopted, the heads of Departments may pay out of their contingent funds for operators, in addition to their present force. It is plainly a measure of economy to pass this amendment.

It was not thought best to allow any one outside of Congress to control the appointment of operators for the House and the Senate, and the committee therefore provide that the operators for the Capitol building shall be employed under the direction of the two Houses. These are the only employés authorized by the bill, and the only expense authorized under it is the expense that will be incurred by employing two operators, at $100 a month each, for the session only. It is necessary to have this line under the control of somebody to keep it in repair, and to make rules and regulations as to the time the offices shall be open, &c.

Mr. W. R. ROBERTS. Do I understand that the only annual expense will be the pay of two operators?

Mr. GARFIELD. That is all that the bill provides for, except in so far as the detailing of clerks to do this duty at the several Departments may take them away from the work they would otherwise do.

Mr. W. R. ROBERTS. One other question. How much a year will the operation of this telegraph line require?

Mr. GARFIELD. It will require that there shall be one operator at each of the Departments and one at the Public Printing Office.

Mr. W. R. ROBERTS. No more?

Mr. GARFIELD. Yes; two at the Capitol.

Mr. W. R. ROBERTS. I was given to understand that it would eventually cost $12,000 a year to operate this line.

Mr. GARFIELD. I suppose it would, if we had a $1,000 operator at each of the Departments; but the amendment which the committee has proposed prevents the employment of any additional force in the Departments for this purpose, but requires that the work shall be done by detail, and done thus without any increase of force.

Mr. HOLMAN. Will the gentleman explain the necessity for this telegraph?

Mr. GARFIELD. That is not now the question before the House. The line was established by a former Congress. It has been built, the offices are established, and it is in operation. I can see some advantages in it, certainly in our relations with the Departments and the Public Printing Office. Then we are constantly needing, for the transaction of our business, rapid communication with the Departments; and the Congress which established the line thought it important that it should be established. If it had not been done it would be an open question; but the work having been done, it is our plain duty to manage it as economically as possible.

I demand the previous question on the bill.

The previous question was seconded and the main question ordered, being upon ordering the bill to a third reading.

The question was put; and on a division there were—ayes 63, noes 38; no quorum voting.

The SPEAKER. The Chair will appoint tellers.

Mr. HOLMAN. I ask for the yeas and nays in the first instance. This is a bill to create a new source of annual expenditure.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 118, not voting 46; as follows:

YEAS—Messrs. Albert, Albright, Bass, Begole, Biery, Benjamin F. Butler, Roderick R. Butler, Cain, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Crooke, Crounse, Crutchfield, Danford, Dawes, Donnan, Eames, Elliott, Farwell, Foster, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Hancock, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, Houghton, Hubbell, Hurlbut, Hyde, Hynes, Kelley, Kellogg, Kendall, Lamport, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Marshall, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, Mellish, Merriam, Monroe, Moore, Morey, Myers, Negley, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Phelps, Pierce, Pratt, Rainey, Ransier, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sloss, Small, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Stephens, St. John, Stowell, Strawbridge, Sypher, Thomas, Thornburgh, Todd, Townsend, Tyner, Waddell, Wallace, Marcus L. Ward, Wheeler, White, Wilber, George Willard, John M. S. Williams, William Williams, and Woodworth—122.

NAYS—Messrs. Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burchard, Burleigh, Burrows, Caldwell, Cannon, Cessna, John B. Clark, jr., Clements, Clymer, Comingo, Conger, Cook, Corwin, Cox, Creamer, Crittenden, Crossland, Davis, Dunnell, Durham, Eldredge, Field, Fort, Giddings, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Havens, Hays, Hereford, Herndon, George F. Hoar, Holman, Hunter, Hunton, Kasson, Killinger, Knapp, Lamar, Leach, Luttrell, Magee, Martin, McLean, McNulta, Milliken, Mills, Mitchell, Morrison, Neal, Nesmith, Niblack, O'Brien, Hosea W. Parker, Pelham, Pendleton, James H. Platt, jr., Potter, Randall, Rawls, Ray, Read, Robbins, William R. Roberts, James C. Robinson, Rusk, Henry B. Sayler, Milton Sayler, Scofield, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, John Q. Smith, Southard, Speer, Sprague, Standeford, Stone, Storm, Strait, Swann, Taylor, Vance, Walls, Jasper D. Ward, Wells, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, Wood, Woodford, and Pierce M. B. Young—118.

NOT VOTING—Messrs. Adams, Archer, Averill, Barber, Barry, Cason, Freeman Clarke, Cotton, Crocker, Curtis, Darrall, De Witt, Dobbins, Duell, Eden, Freeman, Glover, Hathorn, Hooper, Hoskins, Howe, Jewett, Lamison, Lofland, McKee, Niles, Packer, Perry, Phillips, Pike, Thomas C. Platt, Poland, Purman, Rapier, Ross, Sheldon, George L. Smith, Snyder, Stanard, Starkweather, Tremain, Waldron, Whiteley, Charles G. Williams, Jeremiah M. Wilson, and John D. Young—46.

So the bill was ordered to a third reading.

Mr. BECK. I desire to state that my colleague, Mr. JOHN D. YOUNG, is detained from his seat by sickness.

The bill was then read a third time.

The question was upon the passage of the bill.

Mr. RANDALL. I move that the bill be laid on the table; and on that motion I call for the yeas and nays.

Mr. GARFIELD. Take the yeas and nays on the passage of the bill, and that will save time.

The yeas and nays were ordered, there being 37 in the affirmative.

The question was then taken; and there were—yeas 113, nays 119, not voting 54; as follows:

YEAS—Messrs. Arthur, Ashe, Atkins, Banning, Barrere, Beck, Begole, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Burchard, Burrows, Caldwell, Cannon, Cessna, John B. Clark, jr., Clements, Clymer, Comingo, Cook, Corwin, Cotton, Cox, Creamer, Crittenden, Crossland, Davis, Dunnell, Durham, Eldredge, Field, Fort, Giddings, Hamilton, Henry R. Harris, John T. Harris, Hatcher, Hays, Hereford, Herndon, George F. Hoar, Holman, Hunter, Hunton, Hyde, Kasson, Killinger, Knapp, Lamar, Leach, Luttrell, Magee, Martin, McLean, McNulta, Milliken, Mills, Mitchell, Morrison, Neal, Negley, Nesmith, Niblack, O'Brien, Hosea W. Parker, Pelham, Pendleton, James H. Platt, jr., Potter, Randall, Rawls, Ray, Read, Robbins, William R. Roberts, James C. Robinson, Henry B. Sayler, Scofield, Sener, Sherwood, Lazarus D. Shoemaker, A. Herr Smith, George L. Smith, John Q. Smith, Southard, Speer, Sprague, Standeford, Stone, Storm, Strait, Sypher, Taylor, Vance, Waddell, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, William B. Williams, Willie, Ephraim K. Wilson, James Wilson, Wolfe, and Pierce M. B. Young—113.

NAYS—Messrs. Albert, Albright, Averill, Barber, Bass, Biery, Bundy, Benjamin F. Butler, Roderick R. Butler, Cain, Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Crooke, Crounse, Crutchfield, Danford, Dawes, Donnan, Eames, Elliott, Foster, Freeman, Frye, Garfield, Gooch, Gunckel, Eugene Hale, Robert S. Hale, Harmer, Benjamin W. Harris, Harrison, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, Hooper, Houghton, Hubbell, Hurlbut, Hynes, Kelley, Kellogg, Kendall, Lamport, Lansing, Lawrence, Lawson, Lewis, Loughridge, Lowe, Lowndes, Lynch, Maynard, Alexander S. McDill, James W. McDill, MacDougall, Mellish, Merriam, Monroe, Myers, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Phelps, Pierce, Thomas C. Platt, Pratt, Rainey, Ransier, Rice, Richmond, Ellis H. Roberts, James W. Robinson, Ross, Sawyer, John G. Schumaker, Henry J. Scudder, Isaac W. Scudder, Sessions, Shanks, Sheats, Sloss, Smart, H. Boardman Smith, J. Ambler Smith, William A. Smith, Stephens, St. John, Stowell, Strawbridge, Thomas, Thornburgh, Todd, Townsend, Tyner, Waldron, Wallace, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, Jeremiah M. Wilson, and Woodworth—119.

NOT VOTING—Messrs. Adams, Archer, Barnum, Barry, Burleigh, Cason, Amos Clark, jr., Freeman Clarke, Crocker, Curtis, Darrall, DeWitt, Dobbins, Duell, Eden, Farwell, Glover, Hancock, Hathorn, Havens, Hoskins, Howe, Jewett, Lamison, Lofland, Marshall, McCrary, McJunkin, McKee, Moore, Morey, Niles, Packer, Perry, Phillips, Pike, Poland, Purman, Rapier, Rusk, Milton Sayler, Sheldon, Small, Snyder, Stanard, Starkweather, Swann, Tremain, Walls, Jasper D. Ward, Wells, Wood, Woodford, and John D. Young—54.

So the motion to lay on the table was not agreed to.

The question recurred upon the passage of the bill.

Tellers were ordered; and Mr. GARFIELD and Mr. HOLMAN were appointed.

The House divided; and the tellers reported that there were—ayes 90, noes 68.

So the bill was passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. SMITH, of New York. I call for the regular order of business.

The SPEAKER. The regular order of business is the consideration of the contested-election cases from West Virginia, before proceeding with which the Chair will lay before the House certain executive communications.

KICKAPOO AND OTHER INDIANS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of an appropriation for removing the Kickapoo and other roaming bands of Indians from Mexico to the Indian Territory; which was referred to the Committee on Appropriations, and ordered to be printed.

MISSION INDIANS OF SOUTHERN CALIFORNIA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary or the Interior, transmitting a report of the special agent appointed to visit the Mission Indians of Southern California, and recommending an appropriation for those Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY TELEGRAPH LINES IN ARIZONA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the want of a law affixing a penalty for tampering with the military telegraph lines in Arizona; which was referred to the Committee on Military Affairs, and ordered to be printed.

CLERKS, ETC., IN THE NAVY DEPARTMENT.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Navy, transmitting, in compliance with section 11 of the act of August 18, 1842, a list of clerks and other employés in the Navy Department; which was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

GENERAL INDIAN COUNCIL.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of appropriations required to defray the expenses of holding a general council of Cherokee, Creek, and other Indians, as provided by treaties with said Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

BERWICK BAY, LOUISIANA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in answer to a resolution of the House of December 8, 1873, in relation to the examination of the channel in Berwick Bay, at the mouth of the Atchafalaya River, in the State of Louisiana; which was referred to the Committee on Commerce, and ordered to be printed.

SURVEY OF INDIAN RESERVATIONS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, transmitting an estimate of an appropriation required to defray expenses incident to the survey of Indian reservations during the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations, and ordered to be printed.

CROW TRIBE OF INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Interior, in relation to an agreement concluded with the Crow tribe of Indians, in accordance with the act of April 23, 1872; which was referred to the Committee on Indian Affairs, and ordered to be printed.

EXAMINATION OF RIVERS AND HARBORS.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting certain reports of the examination of rivers and harbors under the act of March 3, 1873; which was referred to the Committee on Commerce, and ordered to be printed.

RAILROAD BRIDGE AT DAVENPORT, IOWA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the removal of the north pier of the old railroad bridge of the Chicago, Rock Island and Pacific Railroad at Davenport, Iowa; which was referred to the Committee on Commerce, and ordered to be printed.

RUSH VALLEY MILITARY RESERVATION.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, in relation to the disposition of the Rush Valley military reservation, Utah Territory; which was referred to the Committee on Military Affairs, and ordered to be printed.

WHITE EARTH INDIAN RESERVATION, MINNESOTA.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a draught of a bill to secure eighty acres of land on the White Earth reservation of the Chippewa Indians, in Minnesota, to the Episcopal Board of Missions; which was referred to the Committee on Claims, and ordered to be printed.

WAR ACCOUNTS OF THE STATES.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of War, transmitting a statement showing amounts due to or overdrawn by the several States on January 22, 1874, under the law for arming the militia; also the annual report of the Chief of Ordnance for the year ending June 30, 1871; which was referred to the Committee on Military Affairs, and ordered to be printed.

CONNECTION BETWEEN LAKE HURON AND LAKE ERIE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House of December 18, 1873, in relation to an estimate of the expense of deepening and widening the navigable channel of the river connecting Lake Huron and Lake Erie.

Mr. HOLMAN. That should be referred to the Committee on Commerce.

Mr. BASS. It should go to the Committee on Railways and Canals.

Mr. HOLMAN. I think the Committee on Commerce is the proper committee.

Mr. BASS. The resolution comes from the Committee on Railways and Canals.

The SPEAKER. The Chair thinks this subject is before the Committee on Commerce in the general river and harbor bill.

Mr. BASS. The resolution in pursuance to which this report was sent in came from the Committee on Railways and Canals.

The SPEAKER. Then the information should go to that committee.

The letter was referred to the Committee on Railways and Canals, and ordered to be printed.

YELLOW FEVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in answer to a resolution of the House of January 13, 1874, transmitting a report of the Surgeon-General concerning the epidemic of yellow fever in the United States in 1873; which, on motion of Mr. NEGLEY, was referred to the Committee on Commerce, and ordered to be printed.

UNION PACIFIC RAILROAD.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House of January 21, 1874, transmitting reports in relation to the Union Pacific Railroad; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

STURGEON BAY AND LAKE MICHIGAN SHIP-CANAL.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, in relation to the route of the Sturgeon Bay and Lake Michigan Ship-Canal; which, on motion of Mr. CONGER, was referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. No. 61) providing for busts of the late Chief Justices Roger Brooke Taney and Salmon Portland Chase to be placed in the Supreme Court Room of the United States; when the Speaker signed the same.

OCEAN COURSES FOR STEAM-VESSELS.

Mr. NEGLEY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of securing by international law more stringent regulations prescribing ocean courses for inward and outward passages of steam-vessels in crossing the North Atlantic or other foggy latitudes, with authority to report by bill or otherwise.

PUBLIC BUILDINGS.

Mr. GARFIELD, by unanimous consent, introduced a bill (H. R. No. 1561) to reduce the expenditures on public buildings; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JACOB PARMENTER.

Mr. WHEELER, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 1562) for the relief of Jacob Parmenter, reimbursing him for defending a suit brought against him for an official act; which was read a first and second time, referred, with the accompanying papers, to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

IMPROVEMENT OF SAN FRANCISCO HARBOR.

Mr. CLAYTON, by unanimous consent, introduced a bill (H. R. No. 1563) making appropriation to improve the entrance to the harbor of San Francisco; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WEST VIRGINIA ELECTION CASES.

The House resumed the consideration of the following resolutions, reported from the Committee on Elections:

Resolved, (*first*,) That Mr. Davis, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (*second*,) That Mr. Hagans, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (*third*,) That Mr. Wilson, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress in the State of West Virginia, and is hereby admitted to a seat in this House.

The SPEAKER. The gentleman from Massachusetts [Mr. BUTLER] is entitled to twenty-five minutes.

Mr. BUTLER, of Massachusetts. Mr. Speaker, had the committee in this case, with any considerable degree of unanimity, agreed upon a report, I should have followed the rule I have always estabiished for myself in such matters, to have voted with the committee; but there has been so much diversity of opinion that I have felt compelled to examine the matter for myself. And I now desire to state to the House the conclusions to which I come, rather in the hope, if I am wrong, I may be corrected, than of adding anything to the stock of knowledge of the House; for the legal proposition it seems to me is so clear, that finding myself at variance with other gentlemen for whose talents, acumen, and ability I have the highest possible respect, I am led myself to doubt the conclusions I have come to, although I have come to them with such clear conviction.

If the House will indulge me, I propose simply to state the case as I understand it. By the constitution of 1863 West Virginia, as a State, fixed the election day on the fourth Thursday of October. The Legislature, doing exactly what the constitution allowed them to do, no more and no less, for they could fix no other general-election day except that which the constitution gave them the right to fix, followed the constitution, and made all the requisite machinery for carrying out a general election. Now, what is a general election? I take it a general election is an election where the whole State is called upon to vote for the entire State officers that set the machinery of the State government in motion. There may be district officers, there may be subordinate officers at other elections, or at a general election. But I think it a contradiction of terms to say that is not a general election at which the governor and all other great State officers are elected. The Legislature of West Virginia then undertook to deal with what was within their constitutional province, and not within the province of a convention—to fix, under the Constitution of the United States, when members of Congress should be elected. They, then, having that right, and in view of economy of time as well as expense, and to prevent a multiplicity of elections, determined that members of Congress should be elected on the day fixed for a general election, naming the day, but saying in addition that should be the day of the general election.

While matters stood thus, and there was no dispute, a constitutional convention was duly authorized by the Legislature of the State. That constitutional convention framed a new constitution, which they submitted to the people on the 22d day of August, and by express terms made that constitution and the schedules accompanying it to take effect on the morning of that day, if ratified by the people. On the same day they required all the great State officers, all the principal officers of the State, to be elected at a general election, in which all the people were to participate, in which all were to have an opportunity to participate, and great interests being involved of a nature to call everybody out.

Now you will observe that the new constitution fixes a fresh day of general election—that is, a day of general election when all the great officers of State were to be voted for. The Legislature had fixed that members of Congress were to be voted for on the day of general election. Now, I suppose that nobody will doubt that it was a sufficient compliance with the constitutional provision that the Legislature of a State shall fix the time, place, and manner of an election, if the Legislature should say that the election of members of Congress should be held on the day of the general election, and in the manner that other great State officers are voted for. Having done that, then, what is the effect of the constitutional provision, if ratified by the people? Why, it is to fix that day of general election. Then the Legislature have fixed that members of Congress are to be voted for on that day. And there would seem to be no doubt in the mind of anybody as to the coming together of the two provisions; because the constitution abrogated every legislative provision under the old constitution inconsistent with itself—that is, inconsistent with the constitution. But this fixing the election of members of Congress on this day was not inconsistent with the new constitution, but entirely consistent with and following it.

Thereupon an election was held upon that day. Now, clearly, on the fourth Thursday of October there could be no election, because that day was fixed by the constitution, and the new constitution abrogated that day—ended it. If the Legislature fixed forty days for the general election under the old constitution, they were all to be abrogated by the effect of the new constitution.

Mr. SMITH, of New York. Will the gentleman yield to me for a question?

Mr. BUTLER, of Massachusetts. I do not mean to speak at much length, and do not like to have my argument disturbed. But I will yield to the gentleman, at the same time saying that I do not care to be interrupted again.

Mr. SMITH, of New York. I am in hopes of getting from the gentleman what I have failed to get from any other gentleman who has spoken on that side of the question—a frank statement as to when the constitution and the code left the election of district officers to take place next fall and in all future time. Are not district officers left to be elected on the fourth Thursday of October, as they have been heretofore?

Mr. BUTLER, of Massachusetts. To that I answer, that as I do not believe that in any sense of the word, under the constitution of West Virginia—which has nothing on earth to do with the election of members of Congress—the "district officers," also provided for by this constitution, mean members of Congress, I would answer my friend by saying that that is entirely an immaterial question. I am speaking of a day of general election.

Mr. SMITH, of New York. But district officers are provided for in the code.

Mr. BUTLER, of Massachusetts. I agree that district officers are provided for in the code, and if that provision was inconsistent with the provisions of the new constitution, there was an end of it. The new constitution fixes the second Tuesday of October in the future—after the machinery of the State government had been set in operation by the election of all the great State officers and members of Congress, if I am right, on the 22d August—fixes the second Tuesday of October, which in itself would be, in my judgment, an abrogation of all other days.

Mr. SMITH, of New York. Only for State and county officers and members of the Legislature.

Mr. BUTLER, of Massachusetts. Very well, sir; then suppose that this was a *casus omissus* in the constitution, admit that for the purpose of argument, yet it does not affect this question. There are many things frequently omitted which require legislation to settle them.

Mr. SMITH, of New York. Omitted in the code?

Mr. BUTLER, of Massachusetts. Omitted in the code.

Now I ask that I may not be further interrupted. No man can keep up a continuous line of thought in the face of continuous interruptions. And I certainly cannot.

Now, my answer to all that about district officers is this: that it is wholly laid aside unless the House comes to the conclusion that members of Congress are named and determined by the constitution in the term "district officers," when there are other officers called district officers, such as assessors, inferior magistrates, and others who are named as district officers in the constitution.

But the point—let me restate it, as I have been interrupted—the point, in my judgment, is just here: the Legislature had provided that at the general election members of Congress should be elected. The constitution came in and decided, being adopted by a vote of the

people, that on the 22d of August there should be a general election in the sense in which I have used the term, and on that day there was an election held by common consent. All parties held their conventions, made their nominations, carried on their canvass, and did all the acts that men ever do at an election, in reference to that day.

One objection was made to this, and I listened with great care to the gentleman who made it, and it was that that day was not fixed for the election because it would have been retroactive, and nobody could have told whether any election had been held on that day or not until after the votes were counted and declared. Sir, the difficulty with that objection is that it proves too much; for if it is a good objection to the election, then there is no government in the State of West Virginia at all; no election was held on that day, and nobody has been elected in the State. That is hardly to be assumed on so slight a ground.

Now, if I am right on this point, there seems to me to be an end of the case; and seeing it exactly in that light I have not been able to appreciate, perhaps, as much as I ought the arguments opposed to it. It is determining in my mind.

I have listened in vain for any statement that prior to the 22d of August anybody set up any claim that the election on that day was not a regular election. I have not seen it stated in the newspapers, nor have I heard it anywhere, that until the time the votes were counted and declared any man in West Virginia said an election for members of Congress could not be held on that day. On the contrary, I understand that all parties held conventions in reference to an election on that day.

Mr. TODD. The fact is that in the second congressional district both parties called congressional conventions, and after deliberating both adjourned, agreeing that August was not the proper time to hold the election, and no nomination was made by either party.

Mr. BUTLER, of Massachusetts. I cannot say how that is; it does not appear in any of the reports.

Mr. SPEER. I beg the gentleman's pardon; it is expressly stated in the report signed by three members of the committee.

Mr. HAZELTON, of Wisconsin. I beg to say that that is disputed by parties who claim that the convention was adjourned, not on that ground but for another reason, to be called together by its chairman; so that matter is in dispute.

Mr. BUTLER, of Massachusetts. We will leave out the second district for a moment and take the first. I am informed by gentlemen of the committee who are much more familiar with the case than I am that there was a matter of dispute about the conventions in the second district, but in the first district there was no dispute. Well, then, the people went on and elected; and there was a claim of election on the side of the party now seeking to set aside the election. It was supposed at first that he was elected, and the cock crowed upon it in his favor, and nobody suggested that there was anything wrong; but when the returns from the mountain districts came in there was a change, and then the cock crew no longer, but it was said the election was all wrong; let us go over it again.

Mr. G. F. HOAR. Peter denied his master after the cock crew.

Mr. BUTLER, of Massachusetts. My friend who is so well versed in Scripture suggests to me that it was not until after the cock crew that Peter denied his Master. Pardon me; he did it before, and then the cock crew shame on him because he denied his Master. [Laughter.] However that may be, sir, nobody put in a claim that the election was illegal up to that time.

Now, I look on all the machinery of holding elections as only the means by which the people can find out who are elected, and by which Congress is to be taught; and when we have ascertained that there was a fair election we throw aside the machinery. Those of us who are old enough to remember the case, remember that in the great broad-seal case of New Jersey the House threw aside the whole machinery of election, and took the affidavits of the voters of the State as to how the election was carried on in order to instruct itself whether there was a fair election without force or fraud, and, if so, who got a majority at that election. Therefore, I am constrained on this point to sustain the views of the minority of the committee headed by the gentleman from Wisconsin, [Mr. HAZELTON.]

I cannot conceive that any one can stand on the proposition that there was an election on the fourth Thursday of October at all. I think that was but an after-thought; and if there was not a legal election held on the 22d of August then there has been no election, and no day fixed for an election, in West Virginia.

Then, sir, there is another consideration, and it is this: The constitutional convention must have had all this in mind; the people must have had all this in mind. Congress was to meet on the first Monday in December, and their Legislature was not to meet within any time so that it could fix a day for any election, if a day had to be fixed anew. The Legislature was to meet at the beginning of November, and that would not have left time for a canvass, and hardly time for a notification of the election, in an extended territory with slight means of communication like West Virginia. And yet I am not instructed that the Legislature of West Virginia, coming together on the first Tuesday of November, did fix any day. They assumed that it had been fixed, and when they came together they fixed no day. Therefore if there was no election on the 22d day of August, there could possibly be no election to this Congress, and the people must be unrepresented here; because, as I say, I cannot conceive that there can be supposed to be a legal election at a general election, when there was no general election on the day abrogated by the high legislative authority of the State, the people acting in their representative capacity through their constitutional convention, and afterward ratifying that constitution by a deliberate vote.

There is but one other consideration which I desire to present, and then I will not further trouble the House. Gentlemen make a distinction between the cases from the first and second district. Pardon me; I think it would be a most dangerous precedent for us to set, after we come to the conclusion that the 22d of August was the legal day of election, if we say that we will set aside an election on that legal day upon the supposition that all did not vote who wanted to vote, or if we should interpose our fiat and say that the people did not express themselves as they ought to have done. I say that would be a most dangerous precedent; and rather than set such a precedent I would let in one man wrongfully, although in this case I do not think the man I would let in would be let in wrongfully.

I have observed that wherever we have a Committee on Elections, and a very large majority on one side of the House, then that Committee on Elections—I do not speak of the present one alone, as I have seen it now for six or eight years—I have observed that that Committee on Elections is always so afraid that we cannot be considered judicial minded that they always cast all doubts against our own side. When it is a close House, then the majority always come up to the party lines. But if there is a large majority in the House then there are some men who want to make for themselves a judicial reputation, and they look about to see if they cannot find some way to unseat a member of the majority. The minority always does its duty; they never fail, whether it is our minority, or your minority; they always stand by their friends. And if they can get two or three of these judicial-minded gentlemen of the Committee on Elections to join with them, then there is a majority report on the minority side of the House. So afraid are they that we shall not stand up straight that they lean a little the other way. That is almost a necessity of the human mind.

Now, these are the questions which I think must be determined: Did the people understand that on the 22d day of August they were voting at a general election? Was there a general election held on that day? And did these men claiming seats here because of that election receive a fair majority of the votes then cast? If they received a majority, it must be taken to be a majority of the whole vote that would be cast; because the moment we go into balanced Houses, and into high party times, when the lines are strictly drawn, where will you find yourselves? You will find that because one man has not got so many votes as he ought to have, you will set aside his election, because other men might have come out if they had known about it, or upon some other pretext. I therefore beseech parties on both sides of the House, in the interest of fair play and of the people hereafter, that you will not unseat a man if he was elected on the regular day of election, when the people have voted, and when he has received a fair majority of the votes thrown, and nobody was by foul play or fraud prevented from voting.

Thanking the House for their attention, I do not think I can add anything to what I have said.

[Mr. SPEER addressed the House. His remarks will appear in the Appendix. At the conclusion of his speech he yielded the floor to Mr. HALE, of New York.]

Mr. PLATT, of Virginia. I hope the gentleman from New York will yield to me for one moment for the purpose of inquiring what is the prospect of closing this debate? I think the House is as sick of it as it can possibly be of anything.

Mr. SMITH, of New York. I will state, in reply to the gentleman from Virginia, that after the gentleman from New York is through, and possibly one short speech of ten or fifteen minutes afterward, I propose to call the previous question. I understand the gentleman from New York only desires to occupy a short time.

Mr. HALE, of New York. Mr. Speaker, I have no intention to enter upon any lengthy discussion of the question before the House in the West Virginia election case. I have no desire to engage in a general argument of the question. I have no desire to persuade my fellow-members upon the floor to change their own views and conform them to mine. In passing upon a subject of this character I have but one way of regarding it—as a judicial question, to be judicially determined by each man on his own judgment upon the law and the facts. I propose simply to state, briefly and pointedly as I may, the exact grounds of my own action in the case, which I hope will be a fair judicial action on my part.

The SPEAKER *pro tempore*, (Mr. BUFFINTON in the chair.) Does the gentleman from Pennsylvania give up the floor, or yield the remainder of his hour to the gentleman from New York?

Mr. HALE, of New York. I did not understand I was speaking in the time of the gentleman from Pennsylvania, but that I took the floor in my own right. The gentleman from Pennsylvania resumed his seat, and the Chair then recognized me.

The SPEAKER *pro tempore*. The Chair will so decide; and the gentleman from New York will proceed.

Mr. HALE, of New York. I do not propose, however, to take an hour.

Now, Mr. Speaker, I begin with the proposition that, in my judgment, the first section of the code of West Virginia, of 1869, I think it

was, does not cover the case of members of Congress; that the provision in that section, that the general election of State, district, county, and township officers, and members of the Legislature shall be held on the fourth Thursday in October, is not a provision which in its terms covers members of Congress; that they are not district officers in any proper sense, in any sense within the purview of the Legislature which passed this act, and they are not included in that first section.

Then we come to the second section, and what is the fair purport of that section? Let us look at this section, not technically by the laws of grammar or by the refinements of a technical legal construction here, but to the intent of the Legislature in the enactment of the second section of this code. The first section had provided for a general election throughout the State, at which substantially all elective officers were to be chosen. Now the purport of this section, as it seems to me the fair and ordinary purport, is simply this: at the general election provided for in the first section of this act, the following specific officers shall be elected, including as well those who are named in the first section as others who are not named there. The fair intent of the Legislature was to say that those officers, including members of Congress, should be elected at the general election; and that is a proper and lawful prescribing of the time of election within the provision of the Constitution of the United States. That Constitution says the Legislature shall prescribe the time of electing members of Congress. This does not necessarily involve the naming of the day of the month or of the day of the week. Cannot the time be prescribed except by such naming of the day? I insist, that fixing the time by reference to another event of the natural world or to the constitutional law of the State, is a perfect and valid fixing of the time. If, instead of naming a certain Thursday in October as the day of the election, the Legislature had seen fit, after the fashion of churches, to designate it as Easter is designated, or as the first Thursday following a certain full moon in October, I apprehend it will not be questioned that would be a valid fixing of the time within the Constitution. So, too, if the Legislature had simply said members of Congress shall be elected on the day of general election of State and county officers, that would have been a valid fixing of the time; and that, in my judgment, is the purport of this second section of the code—no more and no less. I take its legal effect to be precisely as if its operation had been confined to members of Congress alone, and had contained this simple provision, that members of Congress shall be elected in each district at the general State election.

Now, it has been argued strenuously that where the Constitution of the United States intrusts to the State Legislature a power for fixing the time, that Legislature cannot delegate that authority thus conferred, and empower some other body to fix the time. Well, grant that in its fullest extent, and does it follow that Legislatures cannot refer to the constitutional law of their States for determining the time which they will fix? To-day, as the law of West Virginia stands, the election of members of Congress shall be on the day of the general election of State officers, and that day is the fourth Thursday of October. The statute, of course, fixes the fourth Thursday of October by fixing the day of the general election. To-morrow the constitution of the State is altered by constitutional power, and the day of the general election is transferred from the fourth Thursday of October to the fourth Thursday of August, or the second Tuesday of October—either of them. Can there be a question that under such a statute, under that change of constitution, the day fixed by the Legislature changes with the day of general election fixed by the constitutional power? Is that a delegation of the power of legislation? It seems to me clearly not. So far, therefore, as the power of the constitution of West Virginia is concerned to control the day of general election of State officers, and so far as concerns the power of the Legislature of the State to determine the day of the election of members of Congress solely by hinging it upon, as it has been called, the day of general election, I can see no possible occasion for questioning it. It strikes me that it is fully, completely, absolutely, and unquestionably within the province of the Legislature, through the power given to it by the United States Congress, and to have been precisely the practice adopted in many States of the Union.

Then we come next in order to the question, did the constitution of West Virginia change the time of the general election and carry with it by its own force the election of members of Congress? Well, now, as to that it seems to me there can be no possible question. The constitution of West Virginia was adopted on the 22d of August, 1872. With the vote of the people of that State on that day that constitution became the supreme law of the State then; and that constitution contained a provision that the general election of State and county officers and members of the Legislature should be held on the second Tuesday of October until otherwise provided by law. By the constitutional provision the statute establishing the fourth Thursday of October was annulled utterly; no general election was thereafter to be held on the fourth Thursday of October in any year. If, therefore, no other day was designated by competent authority, the second Tuesday of October became and was in 1872 the day for the general election, including the election of members of Congress. It would seem not a little absurd to suppose that, in violation of the whole line of policy by which the State of West Virginia had uniformly insisted upon members of Congress being elected at the time of the general election of the State and county officers at the time when the fullest vote of the people would be elicited, when the fullest expression should be given to their wishes, that, abandoning that policy, they had intended in the adoption of their new constitution to provide for the general election on the second Tuesday of October, leaving to stand, as a fractional part of a statute abrogated in all other respects, a separate election of members of Congress on the fourth Thursday of October.

Those gentlemen who claim seats in this House by reason of the election on the fourth Thursday in October must stand on this technicality, a technicality plainly inconsistent with the whole scheme of elections, as expressed through the whole history of legislation in West Virginia; and not only that, but plainly a technicality not apprehended by the majority of the people of the State, for it rests upon elections which are insignificant—absolutely insignificant—as to the number of those participating in them. In districts containing an average of some twenty-five or twenty-six thousand voters, one member comes here claiming to have been elected at the October election by some three or four thousand votes, and the other, if I remember rightly, by some six or seven thousand. That shows the practical construction placed upon the argument of the majority of the committee by the majority of the citizens of West Virginia, in construing their own laws and the constitution.

Then, Mr. Speaker, we come back to the question as to the August election. An election was held on the fourth Thursday of August in that year, and gentlemen present themselves here claiming seats upon this floor as having been regularly elected at that election. Now, I say with entire frankness that I would be glad to see a way by which I could lawfully, and in conformity with my own judgment, cast a vote to recognize the validity of that election—at least in the first district of the State of West Virginia; for there is a strong equity in favor of a man who claims a seat upon this floor, and who comes here upon credentials showing that, whether elected legally and according to the strict letter of the law or not, he was elected at an election in which the body of the voters of his district took part—an election fairly conducted and severely contested, and with everything that could characterize his election as one made in good faith by the majority of the voters of his district. If I could see any way to sustain that election in the case of the first district, I certainly should do it; but it does appear to me that there are here insuperable difficulties in the way of sustaining that election.

Let us look for a moment at the import of the provision of the Constitution of the United States and the objects which it sought to attain in providing that the Legislature of a State should prescribe the time of election of members of Congress. Plainly the first thing to attain was full and ample notice to all the electors that they should be advised legally of the time when the election was to be held, and of their rights in regard to the election. It was to fix that time absolutely, so that when it came the majority of the voters of each district should be able to determine finally and by one ballot who was to represent them in Congress.

I have said I do not believe it must of necessity be done by naming the day. It might be done by referring to any other day in relation to natural events, or in relation to the provisions of the State constitution which would make it fixed and certain. They have provided, as I have said, in substance that the election should be held on the day of the general election of State and county officers. That day could be changed by constitutional enactment, but—and here I come to the point which I confess I find myself unable to get over—could it be changed, not certainly, not absolutely, but conditionally, contingently upon something else, by a body whose authority itself was or was not to be a valid authority, according as it might be validated or not by a vote of the people thereafter? I take it that no man on this floor contends that if the people of West Virginia had rejected the amended constitution, this would have been a valid election of members of Congress on that day. The constitution rejected, the general election fell with it; the officers of the State elected at that election were not elected, and it follows of necessity that the members of Congress voted for on the same day could not have been lawfully elected. Was it the intent of the framers of the Constitution of the United States that any body of men, even a constitutional convention, high in authority as it may be, should have it in their power to provide for an election which should be valid or invalid solely according to the determination of some other event, to be settled by that same election? Was it intended that the seats of members in this House should be determined by an election which was to be an election provided somebody or something else was elected at the same time, and if that somebody or something else was not elected at the same time it should be no election?

Mr. HAZELTON, of Wisconsin. I desire to ask the gentleman a question. Is it not true that in the case of California, and something like a dozen other States, members of Congress have been elected under precisely the same circumstances, and have been allowed to take their seats?

Mr. HALE, of New York. I understand it to be true that in many cases—I cannot specify them; but that repeatedly—in the organization of new States from Territories, and in the reorganization of certain communities in the South which had once been States, and which are now States, but which at a certain time were certainly not States in their normal relations to the Union, these things have been done.

Mr. BUTLER, of Massachusetts. Where do you distinguish between those cases and this?

Mr. HALE, of New York. That is what I am coming to. It was permitted in each of the cases, usually from the argument of necessity and convenience, and from the absence of any State Legislature which could have prescribed in advance.

Mr. G. F. HOAR. The gentleman will permit me to ask him one question right there, because I think this point is the point in this whole case. Is it true that in these sixteen or eighteen cases Congress acted under the necessity of the case? Would it not have been perfectly easy to have required the Legislatures of those States, when elected, to have fixed a future time for electing members of Congress? Was it not done on the ground, which applies to this case as well as it did to those, that where to the people of the State is submitted the question of adopting their organic law, of electing all the officers who are to set it in motion and act under it, an election of members of members of Congress at the same time by a vote of the people who adopt the constitution, secures substantially the constitutional provision, to wit, an expression of the will of the people at a time when, necessarily, their vote will be fullest; and does it not apply to a case where an old State adopts a new constitution just as much as it applies to a case where a reconstructed State or a new State adopts its first constitution? In other words, are not these sixteen or eighteen cases of precedents, precedents for this case?

Mr. LAWRENCE. Can necessity dispense with the constitution?

Mr. SMITH, of New York. Let me ask one question.

Mr. HALE, of New York. Mr. Speaker, when these gentlemen are through I will go on with my argument. My friend from Massachusetts [Mr. G. F. HOAR] clearly, from the length of his question, did not expect a categorical answer.

Mr. G. F. HOAR. I did.

Mr. HALE, of New York. Well, he certainly misjudges; for I cannot answer by "yes" or "no" so elaborate a question as the gentleman put. But I will endeavor to express my views on the question, as I was proceeding to do when I was interrupted.

I did not say, Mr. Speaker, that the adoption of the practice of recognizing members from the Territories first forming State constitutions, or from Southern States when reorganizing after the end of the rebellion, arose from necessity; I said it arose from fancied necessity or convenience, and in view of the fact that there had been no Legislatures which had the power to prescribe any time whatever. I think I see most clearly and distinctly the difference between the action of Congress and the principle established by the action of Congress in those respects, and the principles applicable to the case of West Virginia. Here is a case where the time for holding the election has been fixed by the very body authorized by the Constitution of the United States to fix it. The Legislature of the State has acted, and has named the day on which members of Congress shall be chosen. I submit to the House whether the case of a State fully organized, with acts of its Legislature in force, with a day of election prescribed by the Legislature pursuant to the provisions of the Constitution of the United States, does not stand on a little different footing from the case of a Territory coming here for the first time, or a disorganized State coming here again for reorganization under general or special acts of Congress.

Mr. BUTLER, of Massachusetts. Not on questions of power.

Mr. HALE, of New York. Yes, I think even on questions of power. It never could have been intended that where this power of legislation has been once exercised it was to be superseded, as I said, by a mere experimental vote on a different day, not fixed by any authority whatever, and that to become valid only upon another event happening which should make it valid.

So much upon the question of the law applicable to this case. Now, a single word upon another branch of the subject. I hold that to entitle any man to a seat in this House two things should be requisite.

First, an election according to law. No matter how distinct or unequivocal an expression of the people may be had, if it is an expression outside of the law it is one this House cannot take into account. In the case of the election in the first district of West Virginia there would seem to be every reason to believe that there was a fair expression of the people, and that that expression designated Mr. Davis as the man entitled to a seat in this House. But if we come to the conclusion that the law of West Virginia under the Constitution of the United States did not authorize that election, we might just as well take the poll of voters in a bar-room, or in a church, as to take the poll of voters at the precincts of West Virginia on that day.

And the counterpart of that proposition is also true. Not only should the election be according to law, but it should be according to a law so certain, so clear in its provisions, so commending itself to the judgment and understanding of the constituency of the district as to be reasonably expected to elicit a fair vote of the constituency. Now, I do not claim that the mere fact of a vote being light is to be taken into account in determining the validity of an election. But given the case of an election for members of Congress, where every man who looks at the question must see that reasonable doubt may exist where it is evident that legislation, hasty and ill-advised, had left the question in a muddle, and where it is plain from the vote itself that the constituency, as a mass, did not recognize the legal validity of the election upon that day, then I submit that no man elected under such circumstances could, by a vote insignificant in numbers, become entitled to a seat here.

Therefore, if nothing else stood in the way, I would be unwilling to seat either of the gentlemen elected at the October election upon the floor of this House. Of course, believing as I do that that election was entirely null according to the law, it is unnecessary to go further. If I believed that that election was perhaps technically a legal election according to law, and at the same time believed that the law was not so expressed as to carry to the constituency itself the conviction that that was the legal day of election, I certainly would vote against seating either of the gentlemen claiming seats under such an election.

The same reason precisely would preclude me from voting to admit the member from the second district who claims a seat under the August election, because it is plain that in that district the constituency of the district did not accept that as the legal day of election. I insist that the elections of members of this House should be not only according to law, technically and rigidly, but they should be under a law so reasonably certain, and so recognized by the constituency as the law, as to make it a substantial election, indicating substantially the choice of the constituency; and not a mere form, having in it no substance except the expression of the wishes of an insignificant minority.

Mr. BUTLER, of Massachusetts. Will the gentleman allow me to ask him a question right here?

Mr. HALE, of New York. Certainly.

Mr. BUTLER, of Massachusetts. The gentleman does not believe that the October election was a legal one. And if the August election falls, what will the gentleman do with the gentleman on the other side [Mr. HEREFORD] who was elected at both elections?

Mr. HALE, of New York. His case is not before the House. I do not know what were the credentials he has presented here.

Mr. BUTLER, of Massachusetts. He presented credentials from the governor as having been elected at both elections.

Mr. HALE, of New York. I think if this House has admitted any man to a seat in it, upon two certificates of contingent election, neither of which is of itself sufficient to sustain his claim to a seat, and both of which when taken together are found invalid, then this House has certainly committed a great mistake. How it is to rectify that mistake it is not for me to say. That, however, is not the case now before the House.

I yield the remainder of my time to the gentleman from Massachusetts, [Mr. G. F. HOAR.]

Mr. G. F. HOAR. I wish to state, and I think I can do so in three minutes, what seems to me to be the turning-point in this case. It is true that every House is the final judge of the qualification and election of its own members. It is also true that every supreme court is the final judge in every case which is submitted to it. But in both cases that judgment is a judgment which is constrained by authority, which is affected by precedent, and governed by its own and other precedents in like cases.

Now, I understand that this case is settled by the precedents of this House, and by the precedents in like cases in the State Legislatures, that where the people of a State adopt a new organic law, or the people of a new State adopt a constitution and begin a new political life, and under that new constitution choose their State officers, and at the same election, and as a part of the same transaction, elect members of this House, the validity of the three being submitted to the people who are alone concerned, by a question, on the affirmative or negative decision of which depends the validity of the whole, this House recognizes that solemn act of the people of the State, and admits their Representatives so chosen. It has done it in the case of every new State with scarcely an exception since the Constitution was formed. It has done it in the case of several of the old States readmitted after the separation occasioned by the rebellion. This action has not been taken, as the gentleman from New York [Mr. SMITH] seemed to think, because of the necessity of the case. There is no necessity in such cases. We may properly and rightly require that after a new State is formed its Legislature shall prescribe the time at which, in future, Representatives in Congress shall be elected; or after an old State is readmitted we may require that its Legislature shall prescribe the time for such election. It is not because of any necessity that these precedents have been established. It is because by such action everything that the Constitution and law require is in substance and in fact gained. An election by the people at a time when they are exercising another, a solemn and important act of sovereignty, when they are sure to be at the polls in largest numbers—an election, too, affirmed to be valid by their vote adopting a constitution, with all its consequences, by the only authority interested, the people to be represented, is an election deserving the highest respect from this House.

The grounds on which these precedents rest, the reasons which have led to their establishment, are applicable and cogent in every case (whether it be the case of an old or a new State) in which the people adopt a new government, by that solemn and original act of sovereignty anterior to and overcoming all law—the solemn vote of the people themselves.

I followed the gentleman from New York [Mr. HALE] with great pleasure in his clear statement until he came to his last proposition, in taking which, I must say, I think he has not carefully considered the bearings of the question. He seemed to think that these precedents depended upon a certain necessity which does not exist.

It seems to me, Mr. Speaker, that we have but one alternative. We must either declare this August election valid, (and it is the last case which can arise under any act of a State Legislature, because in 1876 the act of Congress fixing a uniform day for congressional elections will go into operation,) or we must hold that this election, depending for its validity on the solemn act of the people of West Virginia, is, with all the action of that day, invalid and unconstitutional the result of which will be not only to send away two gentlemen who are applicants here as having been elected on that day, but also that we must at once introduce a resolution to unseat the gentleman representing the third district, Mr. HEREFORD, whose election depends upon precisely the same principle.

Mr. SMITH, of New York. If my friend from Massachusetts [Mr. G. F. HOAR] will allow me, I wish to ask him whether the precedents to which he alludes have not been uniformly and without exception put by the Committee on Elections upon the ground of necessity.

Mr. G. F. HOAR. No, sir. It may have happened in some cases that the Committee on Elections, without much consideration, may have given assent to such a view; but it is by no means true that uniformly and without exception the precedents have been placed on such a ground. It cannot be true. The supposed necessity does not, in fact, exist.

Mr. SMITH, of New York. Mr. Speaker, I withdraw the motion to recommit the pending resolutions; I renew the motion as to the first and third resolutions; and upon the second and fourth resolutions I call the previous question.

The SPEAKER. The Chair directs the reading of the resolutions reported by the committee.

The Clerk read as follows:

Resolved, (*first*,) That Mr. Davis, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (*second*,) That Mr. Hagans, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

Resolved, (*third*,) That Mr. Wilson, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress in the State of West Virginia, and is hereby admitted to a seat in this House.

Resolved, (*fourth*,) That Mr. Martin, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was elected upon the day lawfully prescribed for the election of Representatives in Congress in the State of West Virginia, and is hereby admitted to a seat in this House.

Mr. HAZELTON, of Wisconsin. On behalf of the minority of the committee I desire to move an amendment, as follows:

Strike out all of the first and second resolutions after the word "resolved," and insert in lieu thereof the following:

That Benjamin Wilson, who claims a seat in this House as Representative from the first congressional district of West Virginia, and B. F. Martin, who claims a seat in this House as Representative from the second congressional district of West Virginia, are not entitled to a seat therein.

Strike out all of the third and fourth resolutions, and insert in lieu thereof the following:

Resolved, That John J. Davis, who claims a seat in this House as Representative from the first congressional district of West Virginia, is entitled to such seat.

Resolved, That J. Marshall Hagans, who claims a seat in this House as Representative from the second congressional district of West Virginia, is entitled to such seat.

The SPEAKER. To which of the resolutions reported by the committee does the gentleman from New York [Mr. SMITH] wish the previous question to attach?

Mr. SMITH, of New York. I call the previous question on the second and fourth resolutions.

The SPEAKER. The second resolution is that which declares Mr. Hagans not entitled to a seat, and the fourth is that which declares Mr. Martin entitled to a seat.

Mr. HAZELTON, of Wisconsin. I desire to ask a parliamentary question. If the House should refuse to second the demand for the previous question, can I then obtain a vote on my amendments?

The SPEAKER. Does the gentleman from New York [Mr. SMITH] admit the amendments of the gentleman from Wisconsin, [Mr. HAZELTON?]

Mr. SMITH, of New York. No, sir.

The SPEAKER. Should the House refuse to second the previous question on the motion of the gentleman from New York, it will then be the duty of the Chair to recognize the gentleman from Wisconsin.

Mr. SMITH, of New York. I desire to state that the House will be afforded an opportunity to vote upon the question of the admission of Mr. Hagans, and to recommit the subject as to the admission of Mr. Martin.

Mr. HALE, of New York. I rise to a parliamentary inquiry. I wish to know whether the effect of the motion now made by the chairman of the Committee on Elections [Mr. SMITH, of New York] will be to bring the House to a vote upon the question as to the second district before voting upon the first district.

The SPEAKER. That is the effect.

Mr. HALE, of New York. I trust the House will not reverse the proper and natural order of voting.

The SPEAKER. The tellers will take their places, and the House will divide on seconding the demand for the previous question.

Mr. TODD. I desire to ask my colleague on the committee to withdraw his demand for the previous question so I may offer a substitute.

The SPEAKER. It cannot be done unless by unanimous consent, as the House is dividing.

The House divided; and the tellers reported—ayes 71, noes 118.

So the previous question was not seconded.

Mr. HAZELTON, of Wisconsin. I move to amend the proposition before the House, and then demand the previous question.

The Clerk read as follows:

Strike out all of the first and second resolutions after the word "resolved," and insert as follows:

That Benjamin Wilson, who claims a seat in this House as Representative from the first congressional district of West Virginia, and B. F. Martin, who claims a seat in this House as Representative from the second congressional district of West Virginia, are not entitled to a seat therein.

Strike out the second and third resolutions, and insert as follows:

Resolved, That John J. Davis, who claims a seat in this House as Representative from the first congressional district of West Virginia, is entitled to such seat.

Resolved, That J. Marshall Hagans, who claims a seat in this House as Representative from the second congressional district of West Virginia, is entitled to such seat.

Mr. SPEER. Is not the first resolution divisible, involving, as it does both the claimants from West Virginia?

Mr. HAZELTON, of Wisconsin. I demand the previous question.

The SPEAKER. That can be as well settled after the previous question as before.

Mr. TODD. I ask the gentleman from Wisconsin to allow me to offer an amendment.

Mr. HAZELTON, of Wisconsin. I decline to yield.

Mr. SPEER. What becomes of my point?

The SPEAKER. The Chair will rule on the point afterwards.

The previous question was seconded, and the main question ordered.

Mr. SPEER. Now, Mr. Speaker, I ask for a division of the first resolution, so the House may be able to vote separately on the claims of each of the claimants for seats. I understand such has been the uniform ruling of the Chair in previous cases, that each claimant is entitled to have his case separately voted on.

The SPEAKER. That has been the uniform ruling of the Chair, and it could not be otherwise.

Mr. SPEER. The Chair has always been fair in these cases.

The SPEAKER. It could not be otherwise. The rights of one member to a seat cannot be complicated or compromised by those of any other.

Mr. HAZELTON, of Wisconsin. We have no objection to that course being pursued.

Mr. SPEER. How will the question before the House be put?

The SPEAKER. The first amendment is on striking out all of the first and second resolutions after the word "resolved," and inserting. Striking out and inserting may be divided. The Chair will therefore put the question on striking out. The first question is to strike out all after the word "resolved" in the first resolution, which the Clerk will read.

The Clerk read as follows:

Resolved, That Mr. Davis, claiming to be a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

The SPEAKER. The proper way would be to strike out and insert. The question will be put so the House may vote intelligibly.

Mr. SPEER. I demand the yeas and nays.

Mr. BUTLER, of Massachusetts. Why not wait and have the yeas and nays on inserting?

Mr. SPEER. I do not care to have the yeas and nays on striking out if I can have them on inserting.

The SPEAKER. Then the question will be upon striking out the name of Davis and inserting that of Wilson.

Mr. SPEER. That will suit me.

Mr. HALE, of Maine. Let us have the words read that we are to strike out.

Mr. WILSON, of Indiana. Why not strike out the word "not," and it will accomplish the purpose gentlemen have in view.

The SPEAKER. The Chair will state the question, and he desires the Committee on Elections to take notice that the resolutions and amendments are in somewhat unusual form, and hence the complication which is caused is the fault of the committee reporting them.

Mr. CESSNA. I suggest that the gentleman from Wisconsin move to strike out the word "not."

The SPEAKER. If the gentleman will move to strike out the word "Davis" and insert "Wilson" it will bring the House to a vote, and that will make the House declare Mr. Wilson was not elected.

Mr. KASSON. That will declare that Mr. Wilson is elected. I wish to say the first resolution reported from the committee is all right by striking out the word "not." It will answer the purpose, and give us an affirmative instead of a negative vote. I hope that course will be taken.

Mr. HAZELTON, of Wisconsin. I do not object to that. I wish the question to be voted on intelligibly.

The SPEAKER. What form does the gentleman wish it put in?

Mr. HAZELTON, of Wisconsin. I move to strike out the word "not" in the first resolution.

Mr. ELDREDGE. That will put some members of the House in an embarrassing position, because there may be some who, while they think Mr. Davis was not elected, do not think Mr. Wilson was.

The SPEAKER. The gentleman from Wisconsin proposes to obviate that by bringing the House to vote on the proposition to strike out the word "not."

Mr. SPEER. What is the form of the resolution now?

The SPEAKER. The committee's report is that Mr. Davis, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House. And the gentleman from Wisconsin [Mr. HAZELTON] proposes to strike out the word "not," and thereby bring the House to a direct vote on the question whether Mr. Davis was duly elected or not.

Mr. HALE, of Maine. It is necessary to strike out the word in two places.

The SPEAKER. Of course. The resolution as it stands is that Mr. Davis was not duly elected and is not entitled to a seat.

Mr. SPEER. I demand the yeas and nays.

Mr. MELLISH. I would like to have the resolution read.

The SPEAKER. The Clerk will again read the resolution as reported by the committee.

The Clerk read as follows.

Resolved, That Mr. Davis, claiming to have been elected a Representative in the Forty-third Congress from the first congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

The SPEAKER. The gentleman from Wisconsin moves to strike out the two "nots." And the gentleman from Pennsylvania [Mr. SPEER] demands that the question shall be taken by yeas and nays.

Mr. LAMAR. I wish now to know the effect of the vote about to be taken.

The SPEAKER. The effect of the vote will be, if affirmative, that the resolution will be thus amended, and the question will next be on adopting the resolution, as amended, by the House; that is, by striking out the word "not" where it occurs in two places. The resolution, if thus amended, will be submitted as amended to another vote. The two votes are tantamount to one another, and that will seat Mr. Davis, if the majority vote that way.

The question being put on ordering the yeas and nays, there were—ayes 48.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 147, nays 82, not voting 57; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Begole, Biery, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Coburn, Conger, Corwin, Crounse, Crutchfield, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Elliott, Field, Fort, Foster, Frye, Gooch, Gunckel, Eugene Hale, Benjamin W. Harris, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Hynes, Kasson, Kelley, Kellogg, Kendall, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lynch, Magee, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, Mellish, Merriam, Monroe, Morey, Myers, Nunn, O'Neill, Orr, Orth, Packard, Page, Isaac C. Parker, Parsons, Pelham, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Rice, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, William A. Smith, Snyder, Sprague, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Townsend, Tyner, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, and Jeremiah M. Wilson—147.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crooke, Crossland, Davis, Durham, Eldredge, Giddings, Glover, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Hunton, Hyde, Lamar, Lamison, Luttrell, Marshall, McLean, Milliken, Morrison, Neal, Nesmith, Niblack, Hosea W. Parker, Perry, Poland, Randall, Read, William R. Roberts, James C. Robinson, Milton Sayler, H. Boardman Smith, Southard, Speer, Standeford, Stone, Storm, Swann, Thomas, Todd, Vance, Wells, Whitehead, Whitehouse, Whitthorne, William B. Williams, Willie, Ephraim K. Wilson, Wolfe, Wood, Woodford, and Pierce M. B. Young—82.

NOT VOTING—Messrs. Archer, Barry, Cason, Freeman Clarke, Clements, Comingo, Cotton, Crocker, Curtis, Dawes, DeWitt, Eden, Farwell, Freeman, Garfield, Robert S. Hale, Hancock, Harmer, Hathorn, Hays, Hooper, Houghton, Howe, Jewett, Killinger, Knapp, Leach, Lewis, Lofland, Lowndes, McKee, McNulta, Mitchell, Moore, Negley, Niles, O'Brien, Packer, Phelps, Phillips, Pike, Potter, Rawls, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sloss, J. Ambler Smith, John Q. Smith, Stanard, Starkweather, Stephens, Tremain, Walls, Woodworth, and John D. Young—57.

So the amendment was agreed to.

During the vote the following announcements were made:

Mr. SMITH, of Ohio. I am paired on this question with my colleague, Mr. JEWETT. If he were here he would vote "no," and I would vote "ay."

Mr. HAYS. I am paired on this question with Mr. KNAPP. If he were here he would vote "no," and I would vote "ay."

Mr. CLEMENTS. I am paired with my colleague, Mr. EDEN, who is detained from the House by sickness. If he were here he would vote "no," and I would vote "ay."

Mr. KELLOGG. My colleague, Mr. STARKWEATHER, is absent on account of sickness in his family. He is paired with Mr. HALE, of New York. If Mr. STARKWEATHER was present he would vote "ay," and Mr. HALE "no."

Mr. LOWNDES. I am paired with my colleague, Mr. ARCHER. If here he would vote "no," and I would vote "ay."

Mr. CESSNA. My colleague, Mr. KILLINGER, desires me to state that he is absent by reason of sickness.

The result of the vote was then announced as above recorded.

Mr. SPEAKER. The question recurs, will the House agree to the resolution as amended? the effect of which is to seat Mr. Davis.

Mr. HARRIS, of Virginia. On that question I demand the yeas and nays.

On the question of ordering the yeas and nays there were ayes 33—not a sufficient number.

Mr. YOUNG, of Georgia. I call for tellers on ordering the yeas and nays.

Tellers were ordered; and Mr. YOUNG of Georgia, and Mr. HAZELTON of Wisconsin, were appointed.

The House divided; and the tellers reported—ayes 50.

So the affirmative being more than one-fifth of the last vote, the yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 82, not voting 70; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Begole, Biery, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cessna, Amos Clark, jr., Clayton, Clinton L. Cobb, Stephen A. Cobb, Conger, Corwin, Crounse, Crutchfield, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Eames, Elliott, Field, Fort, Foster, Frye, Gooch, Gunckel, Benjamin W. Harris, Havens, John B. Hawley, Joseph R. Hawley, Gerry W. Hazelton, John W. Hazelton, Hendee, Hersey, E. Rockwood Hoar, George F. Hoar, Hubbell, Hunter, Hurlbut, Hynes, Kelley, Kellogg, Lamport, Lansing, Lawrence, Lawson, Loughridge, Lowe, Lynch, Magee, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, Mellish, Merriam, Monroe, Moore, Morey, Myers, Nunn, Orr, Packard, Page, Isaac C. Parker, Parsons, Pendleton, Pierce, James H. Platt, jr., Thomas C. Platt, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Sener, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, Smart, A. Herr Smith, George L. Smith, William A. Smith, Sprague, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Townsend, Tyner, Waddell, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, White, Whiteley, Wilber, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, and Jeremiah M. Wilson—134.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clymer, Cook, Cox, Creamer, Crittenden, Crooke, Crossland, Curtis, Davis, Durham, Eldredge, Giddings, Glover, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Hereford, Herndon, Holman, Houghton, Hunton, Hyde, Lamar, Lamison, Luttrell, Marshall, McLean, McNulta, Milliken, Mills, Morrison, Neal, Niblack, Hosea W. Parker, Perry, Poland, Randall, Read, Rice, William R. Roberts, James C. Robinson, Milton Sayler, H. Boardman Smith, Snyder, Southard, Standeford, Stone, Storm, Swann, Thomas, Todd, Vance, Wells, Whitehead, Whitehouse, Whitthorne, William B. Williams, Ephraim K. Wilson, Wolfe, Wood, Woodford, and Pierce M. B. Young—82.

NOT VOTING—Messrs. Archer, Barry, Bass, Bright, Cason, Freeman Clarke, Clements, Coburn, Comingo, Cotton, Crocker, Dawes, DeWitt, Eden, Farwell, Freeman, Garfield, Eugene Hale, Robert S. Hale, Hancock, Harmer, Hathorn, Hays, Hooper, Hoskins, Howe, Jewett, Kasson, Kendall, Killinger, Knapp, Leach, Lewis, Lofland, Lowndes, McKee, Mitchell, Negley, Nesmith, Niles, O'Brien, O'Neill, Orth, Packer, Pelham, Phelps, Phillips, Pike, Potter, Rawls, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sessions, Sheats, Sloss, J. Ambler Smith, John Q. Smith, Speer, Stanard, Starkweather, Stephens, Tremain, Walls, Willie, Woodworth, and John D. Young—70.

So the resolution was adopted.

During the roll-call the following announcements were made:

Mr. KASSON. I desire to state that I am paired upon this question with Mr. WILLIE, of Texas, who would have voted "no," while I would have voted "ay."

Mr. CLEMENTS. I desire to state that I am paired upon this question with my colleague, Mr. EDEN. If he were here he would vote "no," and I would vote "ay."

Mr. SMITH, of Ohio. On this question I am paired with my colleague, Mr. JEWETT. If he were here he would vote "no," and I would vote "ay."

The result of the vote was then announced as above recorded.

Mr. JOHN J. DAVIS then appeared and qualified, by taking the oath prescribed by the act of July 2, 1862.

Mr. COBURN. I move that the House do now adjourn.

The question was taken, and the House refused to adjourn.

The question recurred upon agreeing to the second resolution reported by the Committee on Elections; which was read, as follows:

Resolved, (*second*,) That Mr. Hagans, claiming to have been elected a Representative in the Forty-third Congress from the second congressional district of West Virginia, was not duly elected, and is not entitled to a seat in this House.

The SPEAKER. The same amendment is pending to this resolution that was offered to the other one, to strike out the word "not" where it occurs.

Mr. SPEER. On that amendment I call for the yeas and nays.

The yeas and nays were ordered.

Mr. ELDREDGE. I move that the House do now adjourn.

The motion was not agreed to.

The question was taken; and there were—yeas 119, nays 88, not voting 80; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Begole, Biery, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Conger, Corwin, Crutchfield, Danford, Darrall, John J. Davis, Dobbins, Donnan, Duell, Dunnell, Elliott, Foster, Freeman, Frye, Gooch, Gunckel, Benjamin W. Harris, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hersey, E. Rockwood Hoar, George F. Hoar, Hubbell, Hunter, Kelley, Lamport, Lansing, Lawrence, Lawson, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, Merriam, Monroe, Morey, Myers, Nunn, Page, Isaac C. Parker, Parsons, Pelham, James H. Platt, jr., Thomas C. Platt, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Richmond, Robbins, Ellis H. Roberts, James

W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheats, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, William A. Smith, Snyder, Sprague, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Wheeler, Whiteley, Wilber, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, and Jeremiah M. Wilson—119.

NAYS—Messrs. Adams, Arthur, Ashe, Atkins, Banning, Barnum, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Caldwell, John B. Clark, jr., Clements, Clymer, Coburn, Cook, Cox, Crittenden, Crooke, Crossland, Curtis, Alexander M. Davis, Durham, Eldredge, Giddings, Glover, Eugene Hale, Hamilton, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Herndon, Holman, Hunton, Hurlbut, Hynes, Kellogg, Lamar, Lamison, Luttrell, Magee, Marshall, McLean, McNulta, Mellish, Milliken, Mills, Morrison, Neal, Niblack, Hosea W. Parker, Perry, Poland, Randall, Read, William R. Roberts, James C. Robinson, Milton Sayler, Sener, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Standeford, Stone, Swann, Todd, Vance, Whitehead, Whitehouse, Whitthorne, Charles W. Willard, William B. Williams, Ephraim K. Wilson, Wood, Woodford, and Pierce M. B. Young—88.

NOT VOTING—Messrs. Archer, Barry, Bass, Cason, Freeman Clarke, Clinton L. Cobb, Comingo, Cotton, Creamer, Crocker, Crounse, Dawes, DeWitt, Eames, Eden, Farwell, Field, Fort, Garfield, Robert S. Hale, Hancock, Harmer, Hathorn, Hays, Hendee, Hooper, Hoskins, Houghton, Howe, Hyde, Jewett, Kasson, Kendall, Killinger, Knapp, Leach, Lewis, Lofland, Loughridge, Lowndes, McKee, Mitchell, Moore, Negley, Nesmith, Niles, O'Brien, O'Neill, Orr, Orth, Packard, Packer, Pendleton, Phelps, Phillips, Pierce, Pike, Potter, Rawls, Rice, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sloss, Smart, Stanard, Starkweather, Stephens, Storm, Thomas, Tremain, Waddell, Walls, Wells, White, Willie, Wolfe, Woodworth, and John D. Young—80.

So the amendment was agreed to.

During the roll-call the following announcements were made:

Mr. GIDDINGS. I desire to state that my colleague, Mr. WILLIE, is absent on account of sickness; if here he would vote "no."

Mr. HALE, of New York. On this question and all others relating to the validity of the August election, I am paired with Mr. STARKWEATHER; he would vote "ay," and I would vote "no."

Mr. PACKARD. I am paired with my colleague Judge WOLFE; if he were here he would vote "no," and I would vote "ay."

Mr. LOWNDES. I am paired with my colleague, Mr. ARCHER; he would vote "no," and I would vote "ay."

Mr. THOMAS. On this motion I am paired with my colleague, Mr. COBB; if he were here he would vote "ay," and I would vote "no."

Mr. HEREFORD. I am requested to state that Mr. WELLS is paired with Mr. LOUGHRIDGE. Mr. LOUGHRIDGE would have voted "ay," and Mr. WELLS "no."

Mr. HENDEE. I desire to say that I am paired on this question with Mr. RICE, of Illinois. If he were here he would vote "no," and I should vote "ay."

Mr. PRATT. I desire to state that on this question Mr. ORR, my colleague, is paired with Mr. HYDE, of Missouri. If present Mr. ORR would vote "ay," and Mr. HYDE "no."

Mr. SMART. I am paired with Mr. STORM, of Pennsylvania, who, if present, would vote "no," and I would vote "ay."

The question was on the resolution as amended.

Mr. SMITH, of Virginia. I move that the House now adjourn.

Mr. SPEER. On that question I call for the yeas and nays.

Mr. RANDALL. Would it be in order now to enter a motion to reconsider the order for the previous question?

The SPEAKER. It would not, as it has been partially executed.

The yeas and nays on the motion to adjourn were not ordered, but 19 voting in favor thereof.

The motion to adjourn was not agreed to.

The question recurred upon adopting the resolution as amended.

Mr. HEREFORD. On that question I call for the yeas and nays.

The yeas and nays were ordered—ayes 41, noes not counted.

Mr. W. R. ROBERTS. I move that the House now adjourn.

Mr. BUTLER, of Massachusetts. Is that motion in order?

The SPEAKER. The House has ordered the yeas and nays to be taken on the resolution as amended, and that the Chair would rule to be sufficient transaction of business to make the motion to adjourn in order.

The motion to adjourn was not agreed to.

Mr. KELLOGG. I ask the gentleman from Wisconsin [Mr. HAZELTON] to yield to have read a substitute for this resolution.

Mr. HAZELTON, of Wisconsin. I have no right to yield.

Mr. SPEER. I rise to make a parliamentary inquiry. If this resolution should fail, would it then be in order to move a substitute to remit this case back to the State of West Virginia?

The SPEAKER. If this resolution should fail, there are the third and fourth resolutions reported from the committee to be acted upon, and they would probably afford the gentleman an opportunity to accomplish what he desires. If this resolution, as amended, should be adopted, that will seat Mr. Hagans.

The question was then taken; and there were—yeas 115, nays 75, not voting 97; as follows:

YEAS—Messrs. Albert, Albright, Averill, Barber, Barrere, Begole, Biery, Buffinton, Bundy, Burchard, Burleigh, Burrows, Benjamin F. Butler, Roderick R. Butler, Cain, Cannon, Cessna, Amos Clark, jr., Clayton, Stephen A. Cobb, Conger, Corwin, Crutchfield, Curtis, Danford, Darrall, Dobbins, Donnan, Duell, Dunnell, Elliott, Foster, Freeman, Frye, Gooch, Gunckel, Benjamin W. Harris, Havens, John B. Hawley, Gerry W. Hazelton, John W. Hazelton, Hersey, E. Rockwood Hoar, George F. Hoar, Hubbell, Hunter, Kelley, Lamport, Lansing, Lawrence, Lawson, Lowe, Lynch, Martin, Maynard, McCrary, Alexander S. McDill, James W. McDill, MacDougall, McJunkin, Merriam, Monroe, Myers, Nunn, Page, Isaac C. Parker, Parsons, James H. Platt, jr., Thomas C. Platt, Pratt, Purman, Rainey, Ransier, Rapier, Ray, Richmond, Robbins, Ellis H. Roberts, James W. Robinson, Ross, Rusk, Sawyer, Henry B. Sayler, Sessions, Shanks, Sheldon, Sherwood, Lazarus D. Shoemaker, Small, A. Herr Smith, George L. Smith, William A. Smith, Snyder, Sprague, St. John, Stowell, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Townsend, Tyner, Waldron, Wallace, Jasper D. Ward, Marcus L. Ward, Whiteley, Charles W. Willard, George Willard, Charles G. Williams, John M. S. Williams, William Williams, James Wilson, and Jeremiah M. Wilson—115.

NAYS—Messrs. Adams, Arthur, Ashe, Banning, Barnum, Bass, Beck, Bell, Berry, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Caldwell, Clymer, Coburn, Cook, Cox, Crittenden, Crooke, Crossland, Alexander M. Davis, Durham, Eldredge, Giddings, Glover, Eugene Hale, Henry R. Harris, John T. Harris, Harrison, Hatcher, Joseph R. Hawley, Hereford, Holman, Hunton, Kellogg, Lamar, Lamison, Luttrell, Magee, Marshall, McLean, McNulta, Milliken, Mills, Morrison, Neal, Perry, Poland, Randall, Read, William R. Roberts, James C. Robinson, Milton Sayler, Sener, H. Boardman Smith, J. Ambler Smith, John Q. Smith, Southard, Speer, Stone, Swann, Todd, Vance, White, Whitehead, Whitthorne, Wilber, William B. Williams, Ephraim K. Wilson, Woodford, and Pierce M. B. Young—75.

NOT VOTING—Messrs. Archer, Atkins, Barry, Buckner, Cason, John B. Clark, jr., Freeman Clarke, Clements, Clinton L. Cobb, Comingo, Cotton, Creamer, Crocker, Crounse, John J. Davis, Dawes, De Witt, Eames, Eden, Farwell, Field, Fort, Garfield, Robert S. Hale, Hamilton, Hancock, Harmer, Hathorn, Hays, Hendee, Herndon, Hooper, Hoskins, Houghton, Howe, Hurlbut, Hyde, Hynes, Jewett, Kasson, Kendall, Killinger, Knapp, Leach, Lewis, Lofland, Loughridge, Lowndes, McKee, Mellish, Mitchell, Moore, Morey, Negley, Nesmith, Niblack, Niles, O'Brien, O'Neil, Orr, Orth, Packard, Packer, Hosea W. Parker, Pelham, Pendleton, Phelps, Phillips, Pierce, Pike, Potter, Rawls, Rice, John G. Schumaker, Scofield, Henry J. Scudder, Isaac W. Scudder, Sheats, Sloss, Smart, Stanard, Standeford, Starkweather, Stephens, Storm, Thomas, Tremain, Waddell, Walls, Wells, Wheeler, Whitehouse, Willie, Wolfe, Wood, Woodworth, and John D. Young—97.

So the resolution, as amended, was adopted.

During the call of the roll the following announcements were made:

Mr. HEREFORD. I desire to state that Mr. WELLS, of Missouri, is paired with Mr. LOUGHRIDGE, of Iowa. If present Mr. WELLS would vote "no," and Mr. LOUGHRIDGE "ay."

Mr. HYNES. I desire to state that I am paired with Mr. MOREY, of Louisiana, who, if present, would vote "ay," and I would vote "no."

Mr. THOMAS. I again announce that I am paired with my colleague, Mr. COBB, who, if present, would vote "ay" on this resolution, and I would vote "no."

Mr. SMART. On this resolution I am paired with Mr. STORM, of Pennsylvania, who, if present, would vote "no," and I would vote "ay."

Mr. PACKARD. I am paired with my colleague, Mr. WOLFE; if here he would vote "no," and I would vote "ay."

Mr. HAYS. I am paired with Mr. KNAPP, of Illinois; if present he would vote "no," and I would vote "ay."

Mr. POLAND. I have been requested by my colleague, Mr. HENDEE, to state that he is paired on this question with Mr. RICE, of Illinois; if present my colleague would vote "ay," and Mr. RICE would vote "no."

Mr. SPEER. I move that the House now adjourn.

The SPEAKER. If the gentleman from West Virginia, Mr. HAGANS, is present, he is entitled to be sworn in, and to vote on the motion to adjourn.

Mr. HAGANS then came forward and was sworn in, taking the oath prescribed by the act of July 2, 1862.

Mr. HAZELTON, of Wisconsin. I move that the two remaining resolutions reported from the Committee on Elections be laid on the table.

The motion was agreed to.

The motion of Mr. SPEER was then agreed to; and (at six o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred, as follows:

By Mr. AVERILL: The petition of Helen M. Stansberry, for a pension, to the Committee on Invalid Pensions.

By Mr. BASS: The petition of the East Presbyterian church of Buffalo, New York, signed by its pastor and other officers, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on Education and Labor.

Also, the remonstrance of hat manufacturers of Buffalo, against the extension of the Wells patent, to the Committee on Patents.

By Mr. BROMBERG: The petition of the Boards of Trade of Columbus, Mississippi, and Mobile, Alabama, for the survey of a canal to connect the Tennessee and Tombigbee Rivers, to the Committee on Railways and Canals.

By Mr. BUNDY: The remonstrance of hat manufacturers of Portsmouth, Ohio, against the extension of the Wells patent, to the Committee on Patents.

Also, the petition of citizens of Vinton County, Ohio, for the prepayment of postage on all printed matter, to the Committee on the Post-Office and Post-Roads.

By Mr. CESSNA: Several petitions from citizens of Franklin County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, to the Committee on Patents.

Also, the petition of the Presbytery of Allegheny, Pennsylvania, and other church communicants, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. CLAYTON: The memorial of the Legislature of California, for the improvement of the harbor of Crescent City, to the Committee on Commerce.

Also, resolutions of the Legislature of California, for the removal of the wreck of the ship Patrician, and the rock known as the Noon-

day Rock, near the entrance to the harbor of San Francisco, to the Committee on Commerce.

By Mr. CROOKE: The petition of John Britton and other citizens of Brooklyn, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. DANFORD: The petition of James W. Barnes, for the removal of the charge of desertion, to the Committee on Military Affairs.

By Mr. DUELL: The petition of James Byers, George W. Griggs, and John Nolen, for relief, to the Committee on Claims.

By Mr. DUNNELL: Several petitions from citizens of Minnesota, for an amendment of the law to encourage the growth of forest trees on western prairies, to the Committee on the Public Lands.

By Mr. FRYE: Several petitions of citizens of Brooklyn, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HANCOCK: The petition of A. C. Keaton, for relief, to the Committee on Claims.

By Mr. HARMER: The petition of Adam Warthman, for relief, to the Committee on War Claims.

By Mr. HAZELTON, of New Jersey: The petition of citizens of Camden County, New Jersey, for the repeal of section 2 of the act of June 6, 1872, to the Committee on Ways and Means.

By Mr. KELLEY: Several petitions of citizens of Philadelphia, for the repeal of section 2 of the act of June 6, 1872, to the Committee on Ways and Means.

By Mr. LOWE: The petition of James W. Huff, for a pension, to the Committee on Invalid Pensions.

Also, the petition of settlers on the Osage lands, in Kansas, for relief, to the Committee on the Public Lands.

By Mr. LOWNDES: The petition of George R. Murphy, grandson and heir of Isaac Murphy, in regard to the French spoliation claims, to the Committee on Foreign Affairs.

By Mr. McCRARY: The petition of Orson Young, of Burlington, Iowa, for a penson, to the Committee on Invalid Pensions.

Also, the petition of Peter J. Knapp, for relief, to the Committee on Military Affairs.

By Mr. McDILL, of Wisconsin: The petition of citizens of Wisconsin, for additional duty on hops, to the Committee on Ways and Means.

By Mr. McJUNKIN: The petition of Barbara Ellen Walters, for a pension, to the Committee on Invalid Pensions.

By Mr. MYERS: The petition of Wilmer W. Bradley, for a pension, to the Committee on Invalid Pensions.

By Mr. NEGLEY: The petition of citizens of Allegheny County, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which reduces the duties on certain staple commodities 10 per cent., to the Committee on Ways and Means.

Also, the petition of M. Walsh and other employés of the Pennsylvania Salt Manufacturing Company, of similar import, to the Committee on Ways and Means.

By Mr. O'BRIEN: The petition of Emily L. Slaughter, widow of the late Commander A. G. Slaughter, for a pension, to the Committee on Invalid Pensions.

By Mr. ORR: The petition of John Cleghorn, late receiver of the land office at Sioux City, Iowa, for relief, to the Committee on the Public Lands.

By Mr. POTTER: The petition of citizens of Chappaqua, New York, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. SMART: The petition of William L. Robinson, of New York, for relief, to the Committee on Claims.

By Mr. SMITH, of North Carolina: The petition of citizens of Chapel Hill, North Carolina, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. SMITH, of Ohio: The petition of citizens of the third congressional district of Ohio, for the settlement of international difficulties by arbitration, to the Committee on Foreign Affairs.

By Mr. SMITH, of Virginia: The petition of citizens of Hanover and Louisa Counties, Virginia, for the establishment of a post-route from Villa Green to Factory Mills, to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: The remonstrance of hat manufacturers of Baltimore against the extension of the Wells patent, to the Committee on Patents.

By Mr. TOWNSEND: The petition of the Kennett Monthly Meeting of the religious society of Friends, of Chester County, Pennsylvania, asking Congress to provide for the appointment of a commission of inquiry to inquire as to the results of the traffic in alcoholic liquors in connection with crime, pauperism, the public health, and the moral, social, and intellectual well-being of the people, to the Committee on the Judiciary.

Also, the petition of Edward Crowther and 46 other citizens of Chester, in the State of Pennsylvania, praying for the repeal of the second section of the act of June 6, 1872, which made a reduction of 10 per cent. in certain duties, to the Committee on Ways and Means.

By Mr. TYNER: The petition of Thomas Gargins, late a drummer in Company E, Eighth Indiana Volunteers, for a pension, to the Committee on Invalid Pensions.

By Mr. VANCE: The petition of citizens of Shelby County, North Carolina, for the payment of the claim of the Southern Methodist publishing house at Nashville, Tennessee, to the Committee on War Claims.

By Mr. WARD: The petition of Mrs. Mary Jane Sears, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

By Mr. WILLARD, of Vermont: The petition of Cornelius H. Forbes, for compensation for loss of a horse in the military service of the United States, to the Committee on War Claims.

By Mr. WILSON, of Iowa: The petition of J. V. Dennis, for arrears of pay, to the Committee on Military Affairs.

Also, the petition of Ezra Owen, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

WEDNESDAY, *January* 28, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The bill (H. R. No. 1560) to amend an act entitled "An act to amend an act entitled 'An act to reduce duties on imports, and to reduce internal taxes, and for other purposes,' approved March 3, 1873," was read twice by its title, and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

Mr. STOCKTON presented concurrent resolutions of the Legislature of New Jersey, in favor of the passage of the bill making provision "for arming and equipping the whole body of the militia of the United States, and for other purposes;" which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SHERMAN presented four petitions of citizens of Ohio, who were soldiers in the late war, or are the heirs of such, praying to be granted one hundred and sixty acres of land, for the equalization of bounties, and for the amendment of the pension laws; which were referred to the Committee on Military Affairs.

He also presented the petition of E. M. Dennison, praying for increase of compensation, as court crier, from April, 1863, to December, 1865; which was referred to the Committee on Claims.

Mr. SCOTT presented a petition of citizens of Philadelphia, Pennsylvania, praying for the redemption or conversion of the legal-tender notes, by issuing therefor, at the option of the holder, bonds payable on demand in legal-tender notes and bearing interest at some fixed rate, and suggesting 3.65 per cent. per annum; which was referred to the Committee on Finance.

Mr. MORRILL, of Vermont, presented the petition of Linn E. Sherman, president, B. J. Kendall, and other officers and members of the Vermont Pharmaceutical Association, praying the repeal of the stamp tax imposed by the internal-revenue laws on medicines, as detailed in schedule C of the code, stating that it is no longer necessary as a source of pecuniary revenue; which was referred to the Committee on Finance.

Mr. CAMERON presented twelve petitions of, and signed by, 947 citizens of Pennsylvania, praying Congress to devise some means to settle international disputes without a resort to war; which were referred to the Committee on Foreign Relations.

Mr. CONKLING. I present three petitions, signed by a large number of soldiers, stating that they were soldiers for the Union in the late war of the rebellion; that they believe they are entitled to one hundred and sixty acres of land; and they ask the appointment of a special committee to investigate the workings of existing laws touching these questions, in order that justice may be done. I move the reference of these petitions to the Committee on Military Affairs.

The motion was agreed to.

Mr. CONKLING presented a memorial of the National Board of Trade, for the removal of obstructions to navigation now existing at and near the mouth of the Detroit River; which was referred to the Committee on Commerce.

He also presented the petition of Mark Brumagim, a citizen of New York, praying for the enactment of a law establishing a free gold-banking system; which was referred to the Committee on Finance.

Mr. ANTHONY. I present the petition of Charles L. Anthony, George Opdyke, and others, of New York, asking for a modification of the laws which govern the relations of masters and owners of vessels and seamen, representing that in cases where seamen bring suits for cruelty the witnesses scatter very soon, and that such cases ought to have precedence in time in the courts; also, that in cases where damages are awarded to seamen for cruelty they should be a lien upon the ship. This petition is signed in the way in which the Senator from Ohio [Mr. THURMAN] thought petitions ought to be signed, in which I fully concur with him; each man has put his residence opposite to his name.

In moving the reference of this petition to the Committee on Commerce, I beg to call the attention of that committee to the suggestions of the memorialists upon a subject which I know has engaged its ear-

nest consideration: the protection, the elevation, and the improvement of the sea-faring portion of our population.

It is a melancholy fact that the character of this important class has greatly deteriorated, and property and human life on the seas, always imperiled by the elements, are thus subjected to additional and needless danger.

I remember the time when young men of good education and good prospects in life shipped before the mast, that they might learn practical navigation, and qualify themselves to become mate and master of vessels. Then the forecastle of an Indiaman was largely occupied by steady, intelligent, self-respecting men; then the captain of a ship would feel the mortification of being charged with cruelty to his men as keenly as though he were charged with cruelty to his family.

How all this has been changed, everybody knows; how sailors are shipped, how they are treated when shipped; how they conduct themselves under such treatment, how the brutality of the seamen develops the cruelty of the master, and how the cruelty of the master increases the brutality of the seamen, we all know too well.

The first step toward a reform which is so desirable is to assure the sailor of protection; to guarantee him his just rights; to show him that the law takes a beneficent interest in him. And then, his rights secured, we can begin to hold him to his obligations.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WRIGHT, it was

Ordered, That Robert D. Brown, of Iowa, have leave to withdraw his petition and papers, asking an increase of pension, upon leaving copies.

Mr. HAMILTON, of Texas. I ask for the following order:

Ordered, That the memorial of the Cherokee delegation, praying the payment of the claim of Lewis Downing and others, for services in the war of the rebellion, be taken from the files of the Senate and referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Has there been an adverse report in that case?

Mr. HAMILTON, of Texas. I understand there has been a report made favorable to the claim.

The PRESIDENT *pro tempore*. The order will be made.

REPORTS OF COMMITTEES.

Mr. BOREMAN, from the Committee on Claims, to whom was referred the bill (S. No. 156) for the relief of Joseph Nock, reported adversely thereon, and moved its indefinite postponement; which was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition and accompanying papers of Matthew Wright, asking relief for the destruction of property by Sioux Indians in 1862, and by soldiers in 1865 and 1866, asked to be discharged from its further consideration; which was agreed to.

Mr. MERRIMON, from the Committee on Claims, to whom was referred the bill (S. No. 131) for the relief of John P. Kelsey, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BOUTWELL, from the Committee on Public Lands, to whom was referred the bill (S. No. 109) to reorganize the clerical force of the General Land Office, reported it with an amendment.

BILLS INTRODUCED.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 392) granting pensions to the surviving officers of the war of 1812; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 393) to provide assistance to circuit judges in certain cases; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CAMERON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 394) to amend an act entitled "An act to regulate the diplomatic and consular systems of the United States," passed August 18, 1856, and for other purposes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

CAPITOL AND DEPARTMENTAL TELEGRAPH.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government.

The amendments of the House of Representatives were, in line 1, after the word "telegraph," to insert "connecting the Capitol with the various Departments in Washington;" and at the end of the bill to add the following:

And the Secretary or head of each Executive Department and the Congressional Printer are hereby authorized to detail one person from their present force of employés to operate the instruments in said Departments and Printing Office; and each House of Congress may provide for the employment of an operator in their respective wings of the Capitol, at a compensation not exceeding one hundred dollars per month during the sessions of Congress.

Mr. MORRILL, of Vermont. I think no objection will be made to the amendments. While I am not much in love with the whole proposition of establishing this telegraph system between the White House and the different Departments and the Capitol, as it involves a considerable expense to begin with, and will hereafter annually in the additional number of employés, at the same time it seems to have been resolved upon; and it also appears that such an amendment as this is indispensable almost to the working of the telegraph which we have already established. I move, therefore, that we concur in the House amendments.

The motion was agreed to.

THE CALENDAR.

Mr. SHERMAN. In order to make the morning hour as useful as possible I move that the Senate proceed to the consideration of the Calendar, acting only upon bills to which there is no objection, under what was known as the Anthony rule of the last session.

The PRESIDENT *pro tempore*. Is there objection to the motion of the Senator from Ohio? The Chair hears none. The Secretary will report the first bill on the Calendar.

Mr. SHERMAN. The bill pending yesterday on the Calendar I suppose would go over, being the subject of objection. So it might as well be passed over.

GENERAL AMNESTY.

The CHIEF CLERK. The next bill on the Calendar is the bill (H. R. No. 472) granting general amnesty and prescribing an oath of office.

Mr. ANTHONY. That had better go over.

The PRESIDENT *pro tempore*. The bill will lie over. The next bill will be read.

GOLD AND SILVER.

The CHIEF CLERK. The next business on the Calendar is the joint resolution (S. R. No. 4) proposing an amendment to the Constitution providing that the United States shall never make anything but gold and silver a legal tender in the payment of debts.

Mr. BOREMAN. Let that go over.

The PRESIDENT *pro tempore*. The resolution will be passed over.

HEIRS OF GENERAL CARLETON.

The next bill on the Calendar was the bill (S. No. 59) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased; which was considered by the Senate as in Committee of the Whole.

The bill directs the Secretary of the Treasury to pay to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, or their legal representatives, in full satisfaction for property destroyed by order of General Canby, dated Fort Craig, New Mexico, February 21, 1862, the sum of $7,600, being the amount found due by a board organized under special order numbered 159, issued by General E. R. S. Canby, and dated Santa Fé, New Mexico, September 3, 1862.

Mr. EDMUNDS. Let us hear the report read.

The PRESIDENT *pro tempore*. There is no report accompanying this bill; but there was a report made at the Forty-second Congress with the papers.

Mr. WRIGHT. The report was made at the last session, and this bill then passed both Houses, as I now remember, but failed to receive the signature of the President. There is no new report, but the old report stands as the finding of the committee.

The PRESIDENT *pro tempore*. Does the Senator from Vermont desire that the old report be read?

Mr. SHERMAN. Has it been acted upon by the committee at this session and reported favorably?

Mr. WRIGHT. Yes, sir; at this session.

Mr. EDMUNDS. I wish to hear the report read. If this falls within one line of cases it ought to be passed; if within another, not.

The Chief Clerk read the following report, submitted by Mr. DAVIS from the Committee on Claims, on the 15th of February, 1873:

The Committee on Claims, to whom was referred the petition of Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased, late of the United States Army, having considered the same, beg leave to submit the following report:

It appears that General James H. Carleton, in the year 1854, purchased, for the use and benefit of his minor children, certain property in and near to the town of Albuquerque, in the Territory of New Mexico.

This property consisted of some twelve buildings, corrals, and other improvements; and in the year 1862 was rented to, and was occupied by, the United States troops for various purposes, as shops, stables, store-houses, hospitals, &c., and was so continued under rent to the Quartermaster's Department up to March 2, 1862. At this date it is shown that, owing to the exigencies of the war, (the late war of the rebellion,) it became necessary to destroy the said improvements by fire to prevent the valuable property stored therein falling into the hands of the enemy.

The authority for this destruction of petitioner's property was an order issued by General Canby, commanding Department of New Mexico, and is as follows:

HEADQUARTERS DEPARTMENT NEW MEXICO,
Fort Craig, New Mexico, February 21, 1862.

SIR: After a severe battle to-day the enemy has succeeded in effecting a lodgment on the river above this place, and will probably succeed in cutting off our communications with the upper country. You will hold yourself prepared to remove or destroy all public property, and particularly provisions, so that nothing that is useful may fall into the hands of the enemy.

All trains and detachments now on the way should be turned back.

Very respectfully, your obedient servant,

ED. R. S. CANBY,
Colonel Nineteenth Infantry, Commanding Department.

Commanding Officers ALBUQUERQUE, SANTA FÉ, FORT LYON.

That this order was carried into effect, so far as concerns the destruction of claimant's property, is set forth in the following certificate of Captain Enos:

SANTA FÉ, NEW MEXICO, *September* 27, 1862.

I certify that the houses and buildings belonging to Eva, Etta, Henry, and Guy Carleton, situated in the town of Albuquerque, New Mexico, were, by my order, de-

stroyed by fire on the 2d day of March, 1862, to prevent the public property stored therein from falling into the hands of the rebel enemy.

H. M. ENOS,
Captain and Assistant Quartermaster, United States Army.

To ascertain the amount of damage sustained by claimants in the destruction of their property in the manner set forth by Captain Enos's certificate, a board of survey convened at Albuquerque, New Mexico, on the 10th of September, 1862, in pursuance of the following order, viz:

[Special Orders No. 159.]

HEADQUARTERS DEPARTMENT OF NEW MEXICO,
Santa Fé, New Mexico, September 3, 1862.

A board of survey is hereby appointed to meet at Albuquerque, New Mexico, on Wednesday, the 10th of September, 1862, or as soon thereafter as practicable, to assess the damage upon the buildings which were rented and occupied up to the 2d of March, 1862, when a portion of those buildings was destroyed.

Detail for the board: Colonel C. Carson, First New Mexican Volunteers; Captain H. R. Selden, Fifth United States Infantry; First Lieutenant A. L. Anderson, Fifth United States Infantry.

By order of Brigadier-General E. R. S. Canby.

GURDEN CHAPIN,
Captain Seventh Infantry, Acting Assistant Adjutant-General.

The following is an extract from the proceedings of said board:

ALBUQUERQUE, NEW MEXICO, *September* 12, 1862.

The board met pursuant to adjournment; present, all the members.

The board then proceeded to examine into the condition of, and assess the damages upon, twelve houses and seven corrals, the property of Eva, Etta, Henry, and Guy Carleton, which houses and corrals were rented by the Quartermaster's Department, United States Army, as "shops, stables, corrals, clothing, and quartermaster's store-houses," and as a "hospital," and were occupied until the 2d of March, 1862.

The board, after careful examination and accurate measurement, finds the nature and money value of the damages to the said property as follows, viz:

Three of the said houses were entirely destroyed by fire, by order of Captain H. M. Enos, assistant quartermaster, United States Army, on the 2d of March, 1862. The estimate of their value, together with that of the other damages sustained by said property, is included in the following:

For fifty-nine doors and gates destroyed	$837 00
For fifty-seven windows destroyed	923 00
For 25,047 feet of lumber, at $50 per 1,000 feet	1,252 35
For 714 roof-timbers, at $3 each	2,142 00
For 51,528 adobes, at $12 per 1,000	618 00
For laying up walls	810 33
For carpenter-work, laying floors, &c	250 32
For nails and locks, and grating to windows	350 00
For plastering and finishing walls	192 00
For removing ruins	125 00
For contingent expenses	100 00
Total damages to twelve houses and seven corrals	7,600 00

The board is further of opinion that the aforesaid damages were consequent upon the abandonment of the aforesaid buildings by the United States troops on the 2d of March, 1862, and their subsequent occupation by the enemy and by lawless citizens.

C. CARSON,
Colonel First New Mexico Volunteers.
H. R. SELDEN,
Captain Fifth Infantry.
A. L. ANDERSON,
First Lieutenant and Adjutant Fifth Infantry.

HEADQUARTERS DEPARTMENT NEW MEXICO,
September 18, 1862.

The proceedings of the board approved.

ED. R. S. CANBY.

The award of this military board, convened by General Canby's order, to ascertain the damage to claimant's property, seems to have been rendered after careful consideration, giving in detail the various items of loss and their estimated value.

It appears that General Carleton, in behalf of claimants, applied to the Thirty-seventh Congress for relief, and his memorial was referred to the Committee on Military Affairs in the Senate. Mr. NESMITH, then a member of that committee, on the 21st of February, 1863, submitted a favorable report, concluding in these words, that "the committee, fully satisfied that the Government, by its proper officers, destroyed this rented property for prudential reasons, report a bill for relief," &c., the amount of relief provided in said bill being $7,600. This bill, for want of time it seems, failed to pass.

It further appears that on January 26, 1867, and while General Carleton was yet living, a claim was filed in the office of the Quartermaster-General for compensation for the destruction of this same property, through one John L. Watts, esq. On January 29, 1867, the Quartermaster-General returned the letter of Mr. Watts on the subject to the War Department, with report, "That this is a case in which the Quartermaster's Department cannot afford relief, as it is a claim for the destruction of property as a military necessity. It is respectfully suggested that the applicant be referred to Congress."

The report was returned February 7, 1867 "approved" and Mr. Watts was advised of the action.

It also further appears that on June 3, 1871, Frank G. Newlands, esq., of San Francisco, California, refiled the case in behalf of claimants, and on July 20, 1871, the case was returned to Mr. Newlands, as requested, with the information embraced in the report of the Quartermaster-General of January 29, 1867, already quoted.

As relief has been denied claimants, on application to the Quartermaster's Department, on the ground that the claim was for property destroyed as a military necessity, a member of this committee again brought the case to the attention of the Quartermaster-General, with a request for the opinion of that officer as to the justice of the claim. The case submitted was returned, after being reviewed, with the Quartermaster-General's indorsement, "That Congress alone, in my opinion, has power to grant relief. It appears to be a case in which relief should be given."

From all the evidence in the case it seems clear to the committee that the claimants are entitled to relief; that the damage sustained by the destruction of their property was occasioned by the military authorities of the United States; that the sum of $7,600 would be but a fair and just compensation to the claimants for the loss of their property, and while they would recommend that this amount should be paid to the claimants, they do not deem it expedient to recommend that interest should be paid upon that sum, to be computed from the date of the award of the military board, as provided in the accompanying bill.

They therefore report back the bill with an amendment.

The PRESIDENT *pro tempore*. Is there objection?

Mr. EDMUNDS. I do not think there is any ground to object to that.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WRIGHT. I desire to make a suggestion in regard to that bill. There are some technical amendments suggested in the names of the parties, but nothing else. I suppose that can be done by common consent.

The PRESIDENT *pro tempore*. Are the amendments reported by the committee?

Mr. WRIGHT. Yes, sir.

The PRESIDENT *pro tempore*. Those amendments changing the names of the parties will be considered as agreed to.

ENLISTMENTS IN THE NAVY.

The next bill on the Calendar was the bill (H. R. No. 480) to provide for enlistments in the Navy.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. WEST. Yes, sir; I object.

The PRESIDENT *pro tempore*. Objection being made, the bill will go over.

Mr. SHERMAN. Will the Senator from New Hampshire allow that bill to be indefinitely postponed?

Mr. CRAGIN. No, sir.

BANKRUPT LAW.

The next bill on the Calendar was the bill (H. R. No. 792) to repeal the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved March 2, 1867, and all laws and parts of laws amendatory thereto.

Mr. EDMUNDS. I am not ready to go on with that bill this morning. I gave notice yesterday that I would ask the Senate to proceed with it to-morrow, or as soon thereafter as it can be reached.

The PRESIDENT *pro tempore*. It will be laid over for the present.

MARCUS OTTERBOURG.

The next bill on the Calendar was the bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico.

The bill was read.

Mr. MORRILL, of Maine. What committee does that come from?

The PRESIDENT *pro tempore*. It is reported from the Committee on Foreign Relations.

Mr. SHERMAN. Let the report be read.

Mr. MORRILL, of Maine. That is a very bad precedent, and it ought not to be passed without some consideration.

The PRESIDENT *pro tempore*. There is a report made by the Committee on Foreign Relations at a former session of Congress, not at this session.

Mr. MORRILL, of Maine. Let it be read.

Mr. SHERMAN. As the Senator having charge of the bill is not present, perhaps it had better go over.

The PRESIDENT *pro tempore*. The bill will be laid aside, and the next bill on the Calendar will be read.

ROBERT BENT AND JACK SMITH.

The next bill on the Calendar was the bill (S. No. 204) for the relief of Robert Bent and Jack Smith; which was considered as in Committee of the Whole.

The bill confirms the gift of six hundred and forty acres of land, each, made to Robert Bent and Jack Smith, son of John S. Smith, by the postscript to the treaty concluded with the Arapahoe and Cheyenne Indians, February 18, 1861; and directs the Secretary of the Interior to cause patents in fee-simple to be issued for the same to those persons, their heirs, assigns, or legal representatives, conveying to them all of the right, title, interest, and estate of the United States therein.

Mr. MORRILL, of Maine. What committee does that bill come from?

The PRESIDENT *pro tempore*. From the Committee on Indian Affairs.

Mr. MORRILL, of Maine. Is there a report accompanying it?

Mr. BOGY. I did not hear the objection made by the Senator.

The PRESIDENT *pro tempore*. The Senator from Maine inquired if there was a report accompanying the bill.

Mr. BOGY. No written report; but I was instructed to report the bill itself by the Committee on Indian Affairs.

Mr. MORRILL, of Maine. I raise no objection to the consideration of the bill at the present time. Perhaps the Senator had better make a statement in regard to it.

Mr. SHERMAN. I think there ought to be some report on the matter. In passing bills without objection it is the general custom to have a report.

Mr. BOGY. I made no written report, but recommended the passage of the bill. I made a statement at the time I made the report of the views of the committee, showing that the bill was in itself proper and should be passed.

I will state for the information of the Senate that these persons were entitled to these tracts of land under treaty stipulations made in 1861, it being believed at the time that as the treaty had been ratified by the Senate it was competent for the Secretary of the Interior to authorize a survey to be made of the lands, and patents to issue accordingly. On application made to the Department by the parties inter-

ested, the Secretary of the Interior decided that although they were entitled to the land beyond a doubt, yet it was not competent for him to issue a patent; but in the mean time he authorized a survey of the lands to be made. The surveys have been made and have been approved; and a report comes here from the Secretary of the Interior stating all these facts, and requesting that this bill be passed as a matter of form, to authorize him to issue the patents in form to the parties who are no doubt entitled to this land. There can be no question about it; it is a matter of legal technicality.

Mr. SHERMAN. Is it simply giving them land according to the treaty?

Mr. BOGY. Simply giving land according to the treaty and the survey made by order of the Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARCUS OTTERBOURG.

Mr. SCHURZ. I understand that a bill was passed over, which I reported from the Committee on Foreign Relations, on account of my not being here. I ask that it be taken up now. It is Senate bill No. 169.

The PRESIDENT *pro tempore*. The bill will be again read.

The bill (S. No. 169) for the relief of Marcus Otterbourg, late consul of the United States at the city of Mexico and minister to the republic of Mexico, was considered as in Committee of the Whole.

It is a direction to the Secretary of the Treasury to pay to Marcus Otterbourg, late consul of the United States at the city of Mexico and minister plenipotentiary to the republic of Mexico, in full compensation for his services as consul and minister, the salary of consul to the city of Mexico, exercising diplomatic functions from April 8, 1866, until June 20, 1867, both inclusive; and of minister to Mexico from June 21 until September 30, 1867, both inclusive; deducting therefrom the salary of consul at the city of Mexico from April 8, 1866, to September 30, 1867, and deducting the sum of $85.80, awarded him by the Court of Claims for exercising diplomatic functions from August 19 until September 9, 1867.

Mr. SCHURZ. The only thing I desire to say is that this is the third time this bill has been reported from the Committee on Foreign Relations, and it has passed the Senate twice in this identical form, and failed, for want of time, in going through the House of Representatives.

Mr. MORRILL, of Maine. Does the Senator think it a good precedent to establish to allow consuls the pay of ministers if they chance to perform that duty?

Mr. SCHURZ. This was an extraordinary case. This gentleman was appointed minister to Mexico, and afterward not confirmed by the Senate.

Mr. MORRILL, of Maine. I think it ought to be an entirely exceptional case in order to justify the allowance.

Mr. SCHURZ. It is an exceptional case.

Mr. MORRILL, of Maine. Does the report show that?

Mr. SCHURZ. The report shows that. It has been reported upon three times.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill? The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment.

Mr. SHERMAN. It seems to me the Senator from Missouri ought to put in an amendment to show the exceptional character of the case, because this is a violation of a general law which expressly prohibits a person appointed to one office from drawing the pay of another on any ground whatever.

Mr. SCHURZ. I have already stated that it is an exceptional case in this——

Mr. SHERMAN. Ought not that to appear on the face of the bill, so that this bill will not be quoted as a precedent? In the Army, for instance, a thousand cases occur where a lieutenant may perform the duties of a major, or even a colonel, and yet the law would not allow him any higher pay than that of his own grade.

Mr. SCHURZ. I think it is stated in this bill. It reads, "late consul of the United States at the city of Mexico and minister plenipotentiary to the republic of Mexico," thereby indicating that he was appointed as such and had been acting minister plenipotentiary to the republic of Mexico.

Mr. WEST. Is that the fact?

Mr. SCHURZ. Certainly it is.

Mr. WEST. That he was appointed minister?

Mr. SCHURZ. Yes, sir.

Mr. SHERMAN. If he was legally appointed he would draw his pay. He was not confirmed, though, as I understand.

Mr. SCHURZ. Here is the report made originally by the Senator from Massachusetts, [Mr. SUMNER.] I suggest that the Secretary read that, and that will give the whole history of the case.

The Chief Clerk read the following report submitted by Mr. SUMNER, from the Committee on Foreign Relations, on the 18th of June, 1870:

The Committee on Foreign Relations, to whom was referred the petition of Marcus Otterbourg, have had the same under consideration, and beg leave to report as follows:

Mr. Marcus Otterbourg was appointed consul of the United States at the city of Mexico in August, 1861. In July, 1865, he tendered his resignation, assigning as a reason that his salary, by law fixed at $1,000 per annum, was inadequate to permit him to represent the country creditably. His resignation was accepted by Mr. Hunter, Acting Secretary of State, with the request that he would continue to hold the office until the arrival of a successor at his post of duty.

Of subsequent facts of importance in this case, Mr. Seward, then Secretary of State, made the following official statement, dated February 23, 1869:

"Mr. Otterbourg returned to the United States. In March, 1866, he went back to Mexico, as consul, and to take charge of the archives of the legation, Mr. William H. Corwin, acting chargé d'affaires, having been recalled. He reported himself as having arrived at Mexico on the 8th day of April, 1866, and as being occupied in verifying the inventory of archives and other property of the legation, which was finally completed, and he put in charge thereof by Mr. Corwin, in pursuance of the instructions of the State Department, on the 20th day of the same month. He was thenceforward recognized as a consular officer, performing, and authorized to perform, diplomatic functions, so far as such were necessary and practicable in the exceptional condition of Mexico, and of the relations of this Government to the usurping government of Prince Maximilian, in actual possession of the capital, and to the rightful government of President Juarez, which was generally remote therefrom, and migratory with the vicissitudes of war.

"Mr. Otterbourg kept the Department informed of the political situation in Mexico. His dispatches, not concerning his commercial functions as consul, but those of a political agent, were classified and preserved among the diplomatic archives. In October, 1866, Mr. Otterbourg again returned to Washington, with the approval of the Department, and was directed to make a confidential report on the situation in Mexico at that time. He was furnished with a copy of the instructions to Lewis D. Campbell, who had been appointed minister to Mexico, with whom, on his return, he was directed to communicate.

"He proceeded to Mexico and made a report, which he delivered to our minister on his arrival at Vera Cruz. During the whole period, from April, 1866, to June 21, 1867, that Mr. Otterbourg was consul, and in charge of the legation as aforesaid, there was not in that country any other officer of the United States authorized to perform diplomatic functions therein, except, or otherwise, than that Lewis D. Campbell, a duly commissioned minister, was for a day or two upon its coast, or in the harbor of Vera Cruz, whence he returned without proceeding to the interior, or putting himself in communication with the government of Mexico, except when, in April, 1867, he addressed, from New Orleans, a letter to the Mexican secretary for foreign affairs, requesting humane treatment for Maximilian in case of his capture.

"In response to interrogatories for the United States: The United States had at no time a representative accredited to the government of Prince Maximilian. We had no other minister appointed to the government of Mexico during the time for which Mr. Otterbourg claims compensation, and who accepted, or made any attempt to proceed upon his mission, except Lewis D. Campbell, of whom I have before spoken, and no one who, during that period, presented his letters of credence. The office for which Mr. Otterbourg claims salary was not occupied by any other person. During the whole period of the occupation of Mexico by Prince Maximilian, Congress made the usual annual appropriation for a minister to Mexico, with no other variation than that, in the act making appropriations for the consular and diplomatic service for the year ending June 30, 1866, the words 'republic of Mexico' were substituted for 'Mexico,' the same language being repeated in subsequent acts. This Government never recognized the government of Maximilian, in the sense of acknowledging or treating with it. We knew it only as an awkward political fact, or rather political pretension, supported by force and foreign intervention."

Mr. SHERMAN. I do not ask for the further reading of that report.

The PRESIDENT *pro tempore*. The further reading will be dispensed with.

Mr. SHERMAN. It seems that this is an exceptional case, but I want the bill to show that it is not an ordinary case.

Mr. SCHURZ. It has been suggested to me to have the bill amended in line 6 by inserting the words "having been appointed" between the words "and" and "minister," so that it will read "late consul of the United States, and having been appointed minister plenipotentiary to the republic of Mexico;" which would avoid the possibility of its being taken as a precedent.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri.

Mr. CONKLING. I think that amendment is more commendable because it will avoid a bad precedent than because it is true. I listened to the statement read from the desk, and I did not hear that this man was appointed minister to Mexico. I should like now to hear the part of the statement which establishes that fact.

The Chief Clerk resumed and concluded the reading of the report, as follows:

On June 21, 1867, Mr. Otterbourg was nominated by the President minister plenipotentiary and envoy extraordinary of the United States to the republic of Mexico. The Senate adjourned on July 21, 1867, without having confirmed the nomination of Mr. Otterbourg; but he continued to discharge the duties of minister plenipotentiary until August 28, 1867, when he received the notification of the lapse of his commission in consequence of the adjournment of the Senate as above. Mr. Otterbourg thereupon returned to the United States and reported at the State Department November 1, 1867, leaving the consulate in the charge of a competent person.

Having presented his account for his services, it was certified by the Fifth Auditor, as for consul in charge of legation, from April 8, 1866, to June 20, 1867, at the rate of $2,800 per annum; and for minister, from June 21 to September 30, 1867, at the rate of $12,000 per annum. The First Comptroller, however, deducted all allowance to him as consul in charge of legation, and as minister, but admitted and certified the salary of consul.

The case was taken to the Court of Claims, where judgment was rendered for $85.80 for exercising diplomatic functions from the 19th of August to the 9th of September, 1867, in addition to a further sum due for his services as consul. The court refused to allow salary as minister on the technical objection that Mr. Otterbourg took his oath of office before the consul-general of Switzerland, whose authority for that purpose does not appear. There was, however, no one else before whom he could have taken the oath unless he had returned to Washington for that purpose; and furthermore the Department of State regarded him as minister and promised him compensation as such.

In accordance with the above statements the committee report a bill giving compensation to Mr. Otterbourg as consul performing diplomatic functions from April 8, 1866, until June 20, 1867, both inclusive; and as minister from June 21 to September 30, 1867, deducting what he has received as consul, and the sum of $85.80 awarded him by the Court of Claims for exercising diplomatic functions from the 19th August to the 9th September, 1867.

Mr. CONKLING. I suggest that if the bill is to be put upon the ground that it is exceptional because this gentleman was nominated as minister, in place of speaking of his having been appointed it ought to recite the fact as it is; and then I cannot convince myself after hearing this statement that it shows any claim for services be-

yond those of a consul discharging diplomatic duties. This gentleman went as consul to Mexico. Mr. Corwin was acting as chargé, or person in charge. The archives of the legation were turned over to the claimant here. He continued, as far as the business of any government or court near which he could be would enable him to continue, to discharge nominally consular functions, and to keep the foreign office of his own Government apprised of the doings of this peripatetic, or, I believe it is called, migratory, government in Mexico. Now, I can see that, except for technical reasons, it is substantially the case of a consul exercising diplomatic functions, and for that he ought to be paid; but that he should be paid for the time which I understand is covered by this bill as minister, as if he had been minister and had gone there as minister, at the rate of $12,000 a year—which, as Senators will remember, is the salary substituted for outfit and infit as it used to be, which covers the going and coming of a minister as well as his presence in a foreign country—that the case establishes any such thing as that I do not believe.

Mr. SCHURZ. The Senator from New York I think failed to state one feature of the case, and it is this: Mr. Otterbourg, at the time his nomination was sent to the Senate, was in Mexico; that he received notice of that nomination by telegraph or by the shortest mail-route; that he was ordered to present his credentials to the government at Mexico as minister, which he did, and was treated by Mr. Seward as minister; that afterward his accounts were objected to because he had not been sworn in by legitimate authority, there being no United States officer on the spot, and he taking the oath before the consul of Switzerland. That is the case, as I understand it; so that really he officiated as minister of the United States for a certain period near the government of Mexico, and claims pay for that period.

Mr. CONKLING. I venture to ask the attention of the Senate for one moment to the very point stated by the Senator from Missouri. This gentleman was in Mexico. How? As consul. In any other way? No; there is no pretense of it. The Senate was in session, and in the presence of the Senate the President nominated him as minister, and the Senate a few days afterward adjourned and the nomination fell. Did the President then proceed under that permission of the Constitution which enables him to fill vacancies which may happen during the recess of the Senate? Not at all. In the first place, no such vacancy had happened during the recess of the Senate. In the next place, he had proposed to fill it by nominating this gentleman to the Senate. He could not appoint him without the advice and consent of the Senate. That advice and consent was withheld; and although the Senator says that Mr. Seward deemed him minister, I think it is taking a liberty with the name and the memory of Mr. Seward to suppose that, although the Constitution said he was not minister, and although the law said he was not minister, and although he could not by any possibility on the facts be minister, yet Mr. Seward deemed him so. There is nothing in this statement to show that he deemed him so.

Now, I ask the Senate to observe that this gentleman, having been appointed consul, was in Mexico. He was nominated for minister on the 21st of June, and early in the next month of July the Senate adjourned and the nomination fell, and there never was an instant of time when he was minister. Now it is proposed to pay him, not only as consul, for which he has been paid already, not only as consul discharging diplomatic services, but to pay him at the rate of $12,000 a year, as if in truth he had been in his own land, and appointed minister, and had made a voyage to Vera Cruz, and thence traveled to the city of Mexico and remained there a year and returned.

Mr. SCHURZ. If there was any irregularity in this case it was an irregularity committed by this Government. Mr. Otterbourg was authorized, as I understand the case, to present his credentials as minister to the government of Mexico. He did so. He acted as minister—not as consul discharging diplomatic functions, but as minister—for a certain period, and for that period he claims pay. Now, I think he is, in equity, entitled to that pay, although the case may have been in a sense irregular. If it had not been irregular in some respect there would be no claim before Congress. But it seems to me, and so thought the Committee on Foreign Relations, which has reported this case three times just in the same way, that he was entitled to this equitable remuneration.

Mr. CONKLING. I ask for the yeas and nays on the passage of this bill.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri, [Mr. SCHURZ.]

Mr. SHERMAN. Before the yeas and nays are taken, I ask the Senator from Missouri what is the amount, or the time in other words, that this appropriation covers?

Mr. SCHURZ. It covers but a very short time.

Mr. SHERMAN. I think the amount ought to be stated in the bill in all cases.

Mr. SCHURZ. It is the pay of minister to Mexico from June 21 to September 30.

Mr. SHERMAN. Of the same year?

Mr. SCHURZ. Yes, sir.

Mr. SUMNER. What is the amount?

Mr. SCHURZ. It can easily be figured. It is from June 21 to September 30, at the rate of the usual compensation of a minister to Mexico.

Mr. SHERMAN. Twelve thousand dollars a year, less his salary as consul.

Mr. SCHURZ. And then his salary as consul is to be deducted, so that the whole amount will be very small.

Mr. THURMAN. I should be glad if the chairman of the Committee on Foreign Relations, or the Senator from Massachusetts who was so long chairman of the committee, would tell us what has been the usage of the Government in cases of this kind—whether there is any uniform established rule.

Mr. SUMNER. In reply to the inquiry of the Senator I will say that I have no strong memory of the facts in this case. I did not hear the report as it was read. But there is one general rule for the Department, I think, which is, where a service is rendered to pay for it by what lawyers call a *quantum meruit*. They pay for the service. Again and again in this Chamber have allowances been made to persons who had no regular confirmation as ministers or as chargé d'affaires, but who, nevertheless, in the absence of the minister or chargé d'affaires, did so serve; and the Senate, reviewing the facts, has awarded a compensation on the principle of a *quantum meruit*. The question then is, what is the *quantum meruit*? The ordinary practice is to take the salary that is allowed by law. It is supposed that in that way we may arrive at the proper conclusion.

Now, as I understand, in this case—and I have some recollection of the facts, though not very precisely—Mr. Otterbourg was nominated as envoy to Mexico, but not confirmed by the Senate; that in point of fact, *de facto*, for a certain time he did exercise the functions of a minister; and the question then occurs, shall he be paid for that service? As I understand, this bill proposes to pay him for the few months which he served, deducting therefrom what he received on account of his consular service at the same time. It makes but a small sum, hardly worth objecting to.

Mr. MORRILL, of Maine. Allow me to ask the Senator if it is not accompanied by this embarrassment, that although he was recognized by the executive department of the Government as minister, and proposed to the Senate as such, the Senate declined to recognize him as minister?

Mr. SUMNER. It did.

Mr. MORRILL, of Maine. Now, does not the principal part of this service arise after that fact—after the Senate had declined to confirm him?

Mr. CONKLING. Every bit of it.

Mr. MORRILL, of Maine. And if so, then does not the rule which the Senator from Massachusetts seeks to apply as a *quantum meruit*, fail?

Mr. SUMNER. The Senator from Missouri [Mr. SCHURZ] can answer that question better than I can.

Mr. SCHURZ. The fact is that part of the claim is for the time after the Senate had adjourned without having confirmed him until he was notified of that fact; and during that time he administered the duties of minister to Mexico.

Mr. MORRILL, of Maine. That is to say, he went to Mexico recognized by the executive department, and proposed by the executive department as minister in good faith; and in the mean time his name was sent to the Senate, but the Senate did not confirm him, and he still continued, notwithstanding that fact, to act as minister.

Mr. SCHURZ. Not being aware of that fact.

Mr. MORRILL, of Maine. And that was without notice to him. But as soon as he had notice of the fact he resigned. Is that the state of facts?

Mr. SCHURZ. That is the case.

Mr. MORRILL, of Maine. Then my impression, on the whole, is that it does come within the principle stated by the Senator from Massachusetts, that this claimant is entitled on a *quantum meruit*.

Mr. SCHURZ. I would say in regard to the facts that the report here is the report originally made by the Senator from Massachusetts——

The PRESIDENT *pro tempore*. The morning hour having expired, the Senate resumes the consideration of the resolution reported by the Committee on Finance.

Mr. SCHURZ. I would ask that this bill be informally continued.

Mr. MORRILL, of Maine. Let the finance resolution be laid aside informally.

The PRESIDENT *pro tempore*. The unfinished business will be laid aside informally, if there be no objection, for the purpose of continuing the consideration of the Otterbourg bill. Is there objection? The Chair hears none.

Mr. SCHURZ. I was going to say that the statement of facts just read to the Senate by the Secretary was originally made by the Senator from Massachusetts; that afterward the bill was put in my charge, and I reported the same bill back. My impression was that I had written another report, but I discover now that I had not done so, but simply relied on the report of the Senator from Massachusetts as originally made.

Mr. MORRILL, of Vermont. I merely desire to call the attention of the Senate to at least five hundred cases that will come within this precedent if we should establish it. I remember that on one occasion we had somebody who acted as Assistant Secretary of the Treasury, and whenever the Secretary of the Treasury was absent, even at New York for a day or two, he came in with a claim as having discharged the duties *de facto* of Secretary of the Treasury, and another such case

arose in the State Department; and all over the world we have the absences of ministers for a little while, temporary absences, when the secretary of the legation or the consul discharges the duties *de facto* of the minister. Now, if we establish the principle of paying a subordinate for discharging the duties of the superior officer in any given place, we shall open the door for an indefinite amount of claims upon the Treasury.

Mr. SCHURZ. I beg leave to remark that this is not an analogous case.

Mr. MORRILL, of Maine. Does not the Senator from Vermont see the obvious distinction between this case and the case which he supposes? In the case he supposes, where the duties of a Secretary devolved on the Assistant Secretary, they are thus devolved on him by law ordinarily, and hence no such promise for compensation could arise. But here is a case where the man was actually performing the duty, not of consul, but he was performing the duty which the executive Government had devolved upon him as minister. That is the distinction, it seems to me.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri.

Mr. CONKLING. Let me understand that amendment. That is an amendment which is to assert that this man was appointed minister to Mexico.

Mr. SCHURZ. Then say "having been designated."

Mr. MORRILL, of Maine. It had better be modified in that way.

The PRESIDENT *pro tempore*. The amendment will be reported as modified.

The CHIEF CLERK. After the word "and," and before the word "minister," in line 6, it is proposed to insert "having been designated."

Mr. CONKLING. That is a military term; he was detailed, I suppose.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. On the passage of the bill the Senator from New York demands the yeas and nays.

The yeas and nays were ordered.

Mr. NORWOOD. I should like to have the bill reported; I am not informed of its contents.

The Chief Clerk again read the bill.

The question being taken by yeas and nays, resulted—yeas 25, nays 19; as follows:

YEAS — Messrs. Anthony, Bayard, Buckingham, Carpenter, Cooper, Cragin, Crozier, Davis, Edmunds, Ferry of Michigan, Flanagan, Hamlin, Howe, Kelly, McCreery, Morrill of Maine, Morton, Norwood, Ramsey, Saulsbury, Schurz, Stockton, Sumner, Thurman, and Tipton—25.

NAYS—Messrs. Boreman, Boutwell, Chandler, Conkling, Frelinghuysen, Gilbert, Hamilton of Texas, Ingalls, Jones, Logan, Merrimon, Mitchell, Morrill of Vermont, Pratt, Robertson, Sargent, Scott, West, and Wright—19.

ABSENT—Messrs. Alcorn, Allison, Ames, Bogy, Brownlow, Cameron, Clayton, Conover, Dennis, Dorsey, Fenton, Ferry of Connecticut, Goldthwaite, Gordon, Hamilton of Maryland, Hitchcock, Johnston, Lewis, Oglesby, Patterson, Ransom, Sherman, Spencer, Sprague, Stevenson, Stewart, Wadleigh, and Windom—28.

So the bill was passed.

Mr. EDMUNDS. I move to reconsider the vote on the passage of this bill.

The PRESIDENT *pro tempore*. The motion will be entered.

Mr. EDMUNDS. I do not wish the motion entered; I wish it tried now. I desire to say that from what I had known of this case before I should have voted against the passage of the bill upon its merits as it stood; but being out at the moment, before my time to vote came again I was put in possession of some information in the hands of my friend from New York [Mr. CONKLING] which led me to vote in favor of the passage of the bill, as it was evidently favorably received by the Senate, in order that the Senate might reconsider the question upon this additional information.

Mr. BOREMAN. Mr. President——

Mr. BAYARD. I rise to a question of order. I call for the regular order.

The PRESIDENT *pro tempore*. The Senator from Delaware demands the regular order.

Mr. BOREMAN. Have I not the floor?

The PRESIDENT *pro tempore*. The special order is before the Senate, being called for, and the Senator from Delaware has the floor on that; being the resolution reported by the Committee on Finance in relation to specie payments and the currency.

Mr. BOREMAN. I thought I had the floor.

Mr. CONKLING. I ask the Senator from Delaware to allow me to occupy one moment before he proceeds. I do it that no injustice may be done to the claimant, whose bill a motion to reconsider has been entered; and therefore I state from my present information that, so far from this gentleman having been nominated for minister to Mexico and left before the Senate until it adjourned, and an interval having elapsed, he was nominated on the day stated in this report, not for minister, but for secretary of legation, and was rejected by the Senate on the very next day. The newspapers, at all events, and such other records as I have a right to speak of openly, attest that fact, and I think upon examination it will be found that it can be attested otherwise. Now, if there is any mistake about this, the Senator having the bill in charge, before it comes up again, can look at it and see that no injustice is done.

Mr. SCHURZ. I merely want to say that the state of the case as laid before the Committee on Foreign Relations, as I am informed, was quite different. Still we may look after the matter and see how the fact is.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 1564) establishing life-saving stations, and appropriating therefor; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President of the Senate *pro tempore:*

A bill (H. R. No. 1231) to abolish the office of deputy commissioner of internal revenue; and

A bill (H. R. No. 1382) authorizing coinage to be executed by the mints of the United States for foreign countries.

HOUSE BILL REFERRED.

The bill (H. R. No. 1564) establishing life-saving stations, and appropriating therefor, was read twice by its title, and referred to the Committee on Commerce.

THE CURRENCY—SPECIE PAYMENTS.

The Senate resumed the consideration of the following resolution, reported by Mr. SHERMAN from the Committee on Finance:

Resolved, That it is the duty of Congress during its present session to adopt definite measures to redeem the pledge made in the act approved March 18, 1869, entitled "An act to strengthen the public credit," as follows: "And the United States also pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin;" and the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will not only redeem this pledge of the public faith, but will also furnish a currency of uniform value, always redeemable in gold or its equivalent, and so adjusted as to meet the changing wants of trade and commerce.

The pending question being on the amendment submitted by Mr. FERRY, of Michigan, to strike out all after the word "resolved" and insert the following:

That the Committee on Finance is directed to report to the Senate, at as early a day as practicable, such measures as will restore commercial confidence and give stability and elasticity to the circulating medium through a moderate increase of currency.

Mr. BAYARD. Mr. President, the people and the Government of the United States have reached a crisis in their financial condition and have arrived at a point where the roads fork, so that a decision is now necessary whether we shall take the path to the right or to the left; and it is the momentous nature of this decision and its consequences to the entire American people, not to the present generation only but to those who shall succeed us, which impels me to yield my contribution and to take my share of responsibility in the expression of my views at this time to the Senate on this all-important subject.

In September last, the bubble of railway and other speculations had attained its greatest size and most beautiful hues, when it suddenly burst before the eyes of its admirers; and so vast had been its proportions and wide-spread the sphere of its influence that few indeed were the interests throughout the country that did not feel the shock, the effects of which are everywhere apparent, and are not even yet entirely appreciated.

The losses caused by this collapse have been inflicted, but they are not yet distributed, and it is difficult to say where eventually they will fall. The parties foremost in blowing these bubbles had been intimately and influentially connected with the financial management of the Government, and are now conspicuous victims of those financial fallacies which they so zealously sought to impose and enforce upon the community in which for so many years they successfully defied all logic and the experience of history; which has, however, at last vindicated itself, so that even Mr. Jay Cooke and his most devoted disciples will no longer declare "a national debt to be a national blessing." Naturally the effect of such failures and bankruptcy was seen and felt in its effects upon the currency of the country, and the system of handling and distributing that currency known as the national banks.

The attention of the whole country, and especially of its Representatives in Congress, has been drawn to the consideration of the error and palpable defects existing in our present system and condition of currency and banking, and remedies by way of legislation are urgently demanded, admitted on all sides to be necessary, and yet the old saying, "*Quot homines, tot sententiæ*," was never better illustrated; for each man of the many hundred who write or speak upon the subject presents a separate scheme for relief.

Certain it is that no question of deeper gravity, more essential and indispensable for the happiness and security of a civilized people can be imagined than the creation and regulation of a circulating medium of exchange—the money which is to be the common denominator for everything that men consume, and all that is bought and sold by every individual in society, or that enters into human use.

Is it not possible, and if possible is it not clearly our duty, not to the present only but to the future, not alone to ourselves of this generation but to our posterity in coming generations, to settle or to take, so far as sound prudence and discretion may dictate in the line of practical statesmanship, some step to settle this vast question of cur-

rency upon the basis of those sound principles which, having stood the test of time, were accepted by the founders of our Government, and by them fondly hoped to be continued as the corner-stone of our financial structure? Until 1861 I am not aware that any American statesman of eminence, any court of record in the United States, or any citizen conversant with the provisions of the Constitution of the United States, had been found to declare that anything but gold and silver coin, made current by law of the United States, was money and legal tender for all debts.

And now, in making a brief but necessary reference to the history of legislation by Congress and the adjudication by the Supreme Court on this subject, I expressly aver the intention in making such reference to glean therefrom seeds of instruction only, and not in any way to reopen issues of opinion or disturb the ashes of past controversies. If I cite judicial opinions or acts of legislation, it is merely to gain from them light as to our present position, and wisdom as to our future guidance.

In speaking of this first attempt to issue notes of the Federal Government and make them by law a legal tender for the payment of all debts, the gentleman who first introduced the measure (Mr. Spaulding, of New York,) into Congress, advocated its passage, and became subsequently the historian of this most important episode in our career as a nation, has said, in December, 1868:

> Introducing the legal-tender bill early in January, 1862, immediately after the suspension of specie payments in this great crisis, I advocated the bill as a war measure, a measure of temporary relief to the Treasury, and on the ground that it was an imperative necessity to preserve the life of the nation. I conceded that it was a forced loan, and could only be justified on grounds of necessity. As a war measure, passed during war, continuing during the war, and as long as the exigency lasted, I believe it was necessary and proper to successfully carry on the war, and was therefore constitutional. I am equally clear that as a peace measure it is unconstitutional. No one would now think of passing a legal-tender act making the promises of the Government (a mere form of credit) a legal tender in payment of all debts, public and private. Such a law, passed while the Government is on a peace footing, could not be sustained for one moment.

Shortly after these words were written a number of cases came into the Supreme Court of the United States; and at the December term, 1869, decision was reached in the case of Hepburn *vs.* Griswold, with the conclusion that power was not vested in the Congress to make promises to pay dollars a legal tender in payment of debts previously contracted. The opinion of the court, delivered by the late Chief Justice Chase, who had been the Secretary of the Treasury at the time of the passage of the act authorizing the issue of irredeemable notes and making them a legal tender, and who had acquiesced therein, concludes as follows. I read from 8 Wallace, 625:

> It is not surprising that amid the tumult of the late civil war, and under the influence of apprehensions for the safety of the Republic almost universal, different views, never before entertained by American statesmen or jurists, were adopted by many. The time was not favorable to considerate reflection upon the constitutional limits of legislative or executive authority. If power was assumed from patriotic motives, the assumption found ready justification in patriotic hearts. Many who doubted yielded their doubts; many who did not doubt were silent. Some who were strongly averse to making Government notes a legal tender felt themselves constrained to acquiesce in the views of the advocates of the measure. Not a few who then insisted upon its necessity, or acquiesced in that view, have, since the return of peace, and under the influence of the calmer time, reconsidered their conclusions, and now concur in those which we have just announced. These conclusions seem to us to be fully sanctioned by the letter and spirit of the Constitution.

In this opinion of the court five judges concurred and three dissented. The question had been argued at different times in five other cases by counsel of eminence, and it was held long under advisement. It was stated by one of the learned justices (Field) that—

> No case has ever been decided by this court since its organization in which the questions presented were more fully argued or were more maturely considered.

The case of Hepburn *vs.* Griswold was decided in conference November 27, 1869, and judgment announced on February 7, 1870.

One of the judges (Grier) retired from the bench on February 1, 1870. In the course of the next six weeks two other judges, one in the place of Judge Grier and one additional judge, were appointed, and an order for a rehearing of the question was almost immediately made, and in April, 1871, the cases known as the "legal-tender cases," reported in 12 Wallace, were argued, and in the month following judgment was entered affirming the power to exist in Congress under the Constitution to make the Government's promises to pay expressed upon paper legal tender for the payment of all debts, public as well as private, and this decision was reached by the preponderance of five judges over four.

Mr. President, I trust I shall always speak of the judgments of the Supreme Court of the United States with the becoming respect due to that elevated tribunal and the personal characters of the jurists who compose it; but I cannot but feel that the last decision of the court would tend more to change ours from a Government of limited and delegated powers into an absolutism than any one fact in our history. Said Chief Justice Marshall, "The degree in which a measure is necessary can never be a test of the legal right to adopt it." I fear also that the finality of judicial decisions when once deliberately made, which constitutes so requisite an element in that stability which is essential to good government, has been greatly impaired, if not in effect destroyed, by the admission of the doctrine that the principles upon which cases are decided in the Supreme Court of the United States are to change with the change of the persons who may compose the tribunal.

The reversal of this most deliberate decision at the same term of court during which it had been announced, was truly stated by Chief Justice Chase, (12 Wallace, page 572,) to be—

> Unprecedented in the history of the court; and has been produced by no change in the opinions of those who concurred in the former judgment. One closed an honorable career by resignation after the case had been decided, after the opinion had been read and agreed to in conference, and after the day when it would have been delivered in court, had not the delivery been postponed for a week to give time for the preparation of the dissenting opinion. * * * The then majority find themselves now in a minority in this court, as now constituted upon the question.

But, sir, the decision of the court has been made as I have stated, and the power of Congress announced under the Constitution to make anything, however worthless, intrinsically legal tender in discharge of any debt.

It might startle some farmer to know that he could be compelled to receive fifty acres of land instead of the hundred acres he contracted for; or the merchant that his invoice should turn out to be one-half the value of the bill of exchange he had accepted and paid for it, or that a contract for one hundred bales of cotton or a thousand bushels of wheat should be fulfilled by the delivery of fifty bales of one and five hundred bushels of the other. Yet the force and effect of the late decision goes much further, and provides that any debt, no matter how valuable intrinsically was the consideration therefor, may by the will of Congress be discharged by a paper note not worth intrinsically one cent of coined money. If such a power be not an unlimited power; if a government which has such control, such complete power of destruction, over every contract of every citizen be not an absolute government, my imagination fails to comprehend the force and meaning of the English language.

Sir, we must make our contracts and conduct our dealings in accordance with laws as expounded by the judicial branch of the Government, but if the necessary results of the decision I have referred to ever penetrate and possess the minds of the American people, I shall look to see a reversal of such a decision, even if an amendment to the Constitution is required to effect it.

But it may well be said Congress has issued irredeemable paper money, made it a legal tender for all debts—and the Supreme Court have sustained the exercise of the latter power—and here we are face to face with the facts and some of the results. What is to be done? My answer is, to rectify the errors of the past as fast as sound discretion and regard for existing rights will admit.

Let us again establish a stable standard of values by basing all currency upon our gold and silver coin of ascertained and declared value, into which it shall be convertible, using such coin as currency also whenever it shall be considered convenient or desirable. The principles of sound finance in all countries establish this as an essential basis of a circulating medium of paper.

If the people of the United States would pause and consider, on the one hand, the infinite importance, in a financial, economic, and moral point of view, of the permanent establishment of a sound basis of value for the currency; and, on the other hand, the innumerable evils and almost irreparable results that flow from banishing a standard of stable value from their currency, I feel convinced they would not hesitate to make prompt and serious present sacrifices to deliver themselves from the insidious and extensive evils of the latter system which has prevailed to their loss for nearly twelve years in this country.

Sir, the voice of Daniel Webster was heard with respect in his lifetime. I believe the wisdom of that great man has been so justified by events since his death that from the grave he may still speak with undiminished influence to his countrymen, and I would that his utterances could reach the ear of every citizen of this country. In speaking of the necessity for a currency of stable value, he said:

> First, as to the currency of the country. This is at all times a most important political object. A sound currency is an essential and indispensable security for the fruits of industry and honest enterprise. Every man of property or industry, every man who desires to preserve what he honestly possesses, or to obtain what he can honestly earn, has a direct interest in maintaining a safe circulating medium, such a medium as shall be a real and substantial representative of property—not liable to vibrate with opinions, not subject to be blown up or blown down by the breath of speculation, but made stable and secure by its immediate relation to that which the whole world regards as of a permanent value. A disordered currency is one of the greatest of political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy; and it fosters the evil spirits of extravagance and speculation. Of all the contrivances for cheating the laboring classes of mankind none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation, these bear lightly on the happiness of the mass of the community compared with a fraudulent currency and the robberies committed by a depreciated paper. Our own history has recorded for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression on the virtuous and well-disposed of a degraded paper currency authorized by law or in any way countenanced by government.

Let me also cite the language of the late Chief Justice Chase on this important subject, while he had such just cause to consider deeply and such opportunity to understand correctly. In delivering his dissenting opinion in the legal-tender cases, (12 Wallace, page 583,) he said:

> In considering this question we assume as a fundamental proposition that it is the duty of every government to establish a standard of value. The necessity of a standard is indeed universally acknowledged. Without it the transactions of society would become impossible. All measures, whether of extent, or weight, or value, must have certain proportions of that which they are intended to measure. The unit of extent must have certain definite length, the unit of weight certain definite gravity, and the unit of value certain definite value. These units, multi-

plied or subdivided, supply the standards by which all measures are properly made. The selection, therefore, by the common consent of all nations, of gold and silver as the standard of value was natural, or, more correctly speaking, inevitable. For whatever definitions of value political economists may have given, they all agree that gold and silver have more value in proportion to weight and size, and are less subject to loss by wear or abrasion, than any other material capable of easy subdivision and impression, and that their value changes less and by slower degrees, through considerable periods of time, than that of any other substance which could be used for the same purpose. And these are qualities indispensable to the convenient use of the standard required. In the construction of the constitutional grant of power to establish a standard of value, every presumption is, therefore, against that which would authorize the adoption of any other materials than those sanctioned by universal consent.

To this high American authority—and there is none higher in this country—let me add one more from an intelligent Scotsman, Mr. John Macdonnell, who, in his recent Survey of Political Economy, page 151, says:

Gold, silver, and copper possess certain properties which mark them out to be the cosmopolitan currency; it is not caprice frozen into convention, or the stamp of the mint, that has gained for them their present place; and Turgot says well, "Gold and silver are constituted, by the nature of things, money, and universal money, independently of all convention and law." They contain much value in small bulk, they are similar in quality wherever they are produced; they are indestructible; they are readily divisible, and yet do not suffer in beauty by division; and they are readily united. They are so scattered over the globe that the same expenditure of labor has, in the past at all events, generally produced about the same amount of metal; and being at once the most generally diffused and the rarest of metals, they are marked out by nature for coinage.

The value of such a standard of value as the basis of a people's currency is, then, first, its stability and its certainty; and, next, its universal exchangeability. With such money in his pocket a man may pay any debt and purchase any commodity at any point in the world. He possesses the common denominator in all articles of the world's commerce.

It is true that only in America and in some governments of Europe is gold the sole standard of value, while gold and silver are a joint standard in others, and silver only for four-fifths of mankind, India having a circulation in silver coin estimated at $1,000,000,000; but even there gold holds its intrinsic value, though not used for currency.

On the other hand, who can fully estimate the demoralizing influences which the use of a fluctuating and false standard of value in their business exerts upon a people? It leads to an utter disregard of every rule of moderation and prudent foresight, because by its uncertainty it defeats their operations. There is an instability of values that defeats all plans, and a consequent insecurity which finally resolves all trade into sheer speculation. Continuous and steady industry is mocked, and deprived of its fair reward, which idleness and extravagance are often seen to gain. Then comes impatience of moderate and slow profits, and of the time and labor required for production; and this it is which has emptied the rural districts, and filled the cities with young men seeking and preferring precarious employment, which has run up the number of Wall street "operators" from one hundred and forty in 1860 to upward of two thousand at the present time.

The destructiveness of the spirit of gaming is too well known to need remark; and public policy has compelled gambling to be held illegal, and has sought to punish the practice by penal enactments.

And why is this? The money staked upon the fall of dice or in the turn of a card may honestly belong to the individual who stakes it, with which he may lawfully do as he sees fit; but the effect of gaming is to destroy all sense of relative values, and to render a man incapable of distinguishing between them. He recognizes in chance the goddess who will come to his relief in time of need and peril, as surely as did the tutelary divinities who watched and aided the heroes who figure in "the tale of Troy divine."

The primeval decree may seem sometimes to be successfully avoided, but sorrow will ever attend the escape, as it generally does the attempt. "In the sweat of thy face shalt thou eat bread." And since those words were first uttered human industry and human happiness have been inseparable companions, and attempts to divorce them prove rarely successful.

If any country can escape this divine law, the United States of America is not that country. In older countries wealth, the result of the labor of former generations, accumulates, so that the men of the present day are born rich; but here we have little or no accumulated wealth. Our colonists but two centuries ago found forests where now stand our oldest towns; and the West—the young, the growing, and the glorious West—is younger than the men who stand here today representing her interests. The people of the United States are in every sense a working people, and the only danger arises from their feverish haste, their impatience to force the country in a single generation, *per saltum*, into an equality of wealth and advancement with the oldest nations in Christendom.

But, Mr. President, I have been but repeating truisms, and have done so in order to exhibit by the contrast of what has succeeded in the last five years how little regard has been paid, and by many is now proposed to be paid, to the essential conditions of true political economy.

Mr. Secretary McCulloch, in his first report after the close of the war, on the 4th of December, 1865, expressed the opinion—

That the legal-tender acts were war measures, passed in a great emergency; that they should be regarded only as temporary; and that they ought not to remain in force a day longer than would be necessary to enable the people to prepare for a return to the gold standard; and that the work of retiring the notes which have been issued should be commenced without delay, and carefully and persistently continued until all are retired.

In the same paper he stated that the circulating medium of the country was altogether excessive, and added:

It is the opinion of the Secretary, as has already been stated, that the process of contraction cannot be injuriously rapid, and that it will not be necessary to retire more than one hundred, or at most two hundred, millions of United States notes, in addition to the compound notes, before the desired result will be attained; but neither the amount of reduction nor the time that will be required to bring up the currency to the specie standard can now be estimated with any degree of accuracy. The thing to be done is to establish the policy of contraction.

The wisdom of these suggestions was manifest, and was immediately followed by a resolution of Congress, in March, 1866, in these words:

That this House cordially concurs in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit; and we hereby pledge our co-operative action to this end as speedily as possible.

That resolution was passed almost unanimously—144 votes in the affirmative, and but 6 in opposition.

Mr. THURMAN. What is the date of it?

Mr. BAYARD. The date of that resolution was March 15, 1866.

The policy of contraction was further illustrated by the passage of the act of the 12th of April, 1866. That act provided—

That of United States notes not more than $10,000,000 may be retired and canceled within six months from the passage of this act, and thereafter not more than $4,000,000 in any one month.

And under that direction and authority the Secretary of the Treasury continued to reduce the amount of circulation until January, 1868. He had by that time reduced the amount of outstanding notes $44,000,000. They had been "retired and canceled," as the public supposed and as the law directed. In January, 1868, the speculators raised a cry, and Congress gave temporary aid by stopping the contraction. They did that by a bill declaring—

That from and after the passage of this act, the authority of the Secretary of the Treasury to make any reduction of the currency by retiring or canceling United States notes shall be, and hereby is, suspended.

But by the time of this interference by Congress in this declared and steadily followed policy, the Secretary had reduced the volume of currency by canceling and retiring $44,000,000 United States notes. If the country doubted the power of Congress to issue such notes and make them legal-tender, and looked on in wonder when the Supreme Court decided such a power did not exist, and at the same time reversed its own decision, with what amazement did we behold the issue in 1872 of $5,000,000 of irredeemable paper money, and in 1873 of the issue of $28,000,000 by the Secretary of the Treasury, upon his sole individual discretion and authority, without warrant of law—nay, against the plain letter of the law!

Mr. President, I was greatly surprised the other day to hear the Senator from Massachusetts, [Mr. BOUTWELL,] who has been so large a part, if not the whole, of the controlling power over this question of currency in the action of the Treasury in the past five years, state that in the issue of $28,000,000 by the present Secretary of the Treasury of these notes that were supposed to have been canceled and retired he was but exercising a lawful duty and a just and legal discretion. It is true the Senator alleges different reasons than he did when Secretary of the Treasury. When he was called upon by the House of Representatives to state by what warrant $5,000,000 were issued in irredeemable notes in the fall of 1872, he wrote, under date of the 13th of December:

In reply I have to state, that the amount of United States notes in circulation was increased in October last upon the order of the Assistant Secretary, (Richardson,) then acting Secretary in the absence of the Secretary of the Treasury, in the sum of about $5,000,000 over the amount outstanding when the act of February 4, 1868, became a law.

That act of February, 1868, was the act restricting the further retirement and cancellation of issues, and was passed to prevent the contracting policy which Congress had approved, and which Mr. McCulloch was justly and properly carrying out.

The object of the issue—

Says the Secretary—

was the relief of the business of the country, then suffering from the large demand for currency employed in moving the crops from the South and the West. The condition of affairs then existing in this country seems to me to have warranted the issue upon grounds of public policy.

Not a word, then, that it was in accordance with the provisions of law, but that there was some vague discretion, some high public policy that lifted the action of the Treasury from out the sphere of law, and placed the issue and retraction of currency at the pleasure and will of the Secretary of the Treasury. But the other day, in a speech that is as yet withheld from publication, and of which therefore I have not the precise language before me, the Senator said it was in pursuance of a lawful power, and he referred the Senate to what he was pleased to term an adjudication by the Supreme Court upon this subject. I propose, Mr. President, to examine what the Senator termed an adjudication upon this question. He cited the case of the Bank *vs.* The Supervisors, to be found in 7 Wallace, page 29.

Mr. SHERMAN. What is the date of that decision?

Mr. BAYARD. The decision was at the December term, 1868.

Mr. SHERMAN. Before the act of 1869 was passed?

Mr. BAYARD. O, yes; before the act of 1869.

The Chief Justice delivered the opinion of the court. The question in controversy was whether the State of New York could constitutionally lay a tax upon the greenback notes of the Government held as

property by her citizens. In considering that question the court stated historically the issue of these notes:

The act of February 25, 1862, provided for the issue of these notes to the amount of $150,000,000. The act of July 11, 1862, added another $150,000,000 to the circulation; reserving, however, $50,000,000 for the redemption of temporary loan, to be issued and used only when necessary for that purpose. Under the act of March 3, 1863, another issue of $150,000,000 was authorized, making the whole amount authorized $450,000,000, and contemplating a permanent circulation, until resumption of payment in coin, of $400,000,000.

There the honorable Senator stopped. There he found his decision, as he was pleased to call it. Look at the next sentence:

It is unnecessary here to go further into the history of these notes, or to examine their relation to the national-bank currency. That history belongs to another place, and the quality of these notes as legal-tenders belongs to another discussion. It has been thought proper only to advert to the legislation by which these notes were authorized, in order that their true character may be clearly perceived.

That is to say, there was a recital of the history of the legislation of the country in regard to the currency that went as far as was necessary to reach the point to be decided in that case. And what was the point? Whether these notes were property which was taxable by the law of a State. The court decided that they were instrumentalities of the Government of the United States which it would be dangerous to permit State legislation to affect by taxation. That was the sole question decided; and who before ever heard not simply a *dictum*, not even an *obiter dictum*, but the mere recital of a portion of history, and expressing that portion necessary for the consideration of the case, to be held up to the Senate of the United States and the people as an adjudication of the legality of a reissue by the Secretary of the Treasury, upon his own volition, of Treasury notes which had been by law "retired and canceled" under the avowed policy of contracting the volume of the paper currency.

But, Mr. President, let us look a little further into this. I have before me a compilation by the present Secretary of the Treasury, Mr. Richardson, of the public debt and national banking law, valuable I believe for the purpose of reference; certainly its authority will not be questioned in the present discussion. At page 35, chapter 3, of this book we have the history of the United States notes. The three statutes under which these notes were created are set forth, and the history of the retirement of the notes is set forth.

Congress passed the act of April 12, 1866—

Three years after the passage of the last act mentioned by Chief Justice Chase, in his review of the history necessary for the purposes of the case, in 7 Wallace—

providing "that of the United States notes not more than $10,000,000 may be retired and canceled within six months from the passage of this act, and thereafter not more than $4,000,000 in any one month," and the Secretary of the Treasury thereafter continued to reduce the amount in circulation.

Now, sir, what words were used? He was to "retire" and "cancel." These are words of common use; they are words of adjudicated and ascertained meaning. A "canceled" note means a good note no longer in existence. Here let me say that when Congress used that language in respect to the duty and the power of the Secretary to retire and cancel currency, they used the same language, or less forcible, in regard to his power to retire bonds. In section 4 of the act of July 14, 1870, it was enacted—

That the Secretary of the Treasury is hereby authorized, with any coin in the Treasury of the United States which he may lawfully apply to such purpose, or which may be derived from the sale of any of the bonds, the issue of which is provided for in this act, to pay at par and cancel any 6 per cent. bonds of the United States of the kind known as five-twenty bonds.

And in the next clause of this section—

But the particular bonds so to be paid and canceled shall in all cases be indicated and specified, &c.

Why, sir, are the American people hereafter to be startled by the announcement that the bonds which have been "paid in and canceled" have been again issued under an implied authority of Congress? And yet there is just as much right and as much law for the Secretary of the Treasury, if he considers himself guided and limited by the language of an act, to issue the bonds which have been so "paid and canceled," under the act of 1870, as to reissue the notes which have been "canceled and retired" under the law of 1866.

Let us go a little further. When Congress decided to stop this policy of contraction, when the speculators of the country found that it was interfering with their transactions, Congress did it, and they showed that they knew how to do it in fit and proper language. The act of February 4, 1868, provides—

That from and after the passage of this act, the authority of the Secretary of the Treasury to make any reduction of the currency, by retiring or canceling United States notes, shall be, and is hereby, suspended.

It would seem that the words there were plain enough for any man who understands English to know what was the intent and meaning of "retire" and "cancel." It was the reduction of the volume of currency. But what else follows?

But nothing herein contained shall prevent the cancellation and destruction of mutilated United States notes, and the replacing the same with notes of the same character and amount.

Sir, there is no rule of construction more universally accepted than that "the expression of one thing is the exclusion of another;" and when the Congress, speaking of reducing their debt by the cancellation of notes, said that it should cease, and then provided for the cancellation and destruction of mutilated currency, and said it should not cease, but it should be replaced by notes of the same character and amount, it would be an abuse of terms—it would be an affront to the common sense of men—to suppose that it was not the intent, plainly expressed, that when you said "retired and canceled," you meant retire and cancel, and not reissue, unless reissue was expressed upon the face of the same law. Why, Mr. President, if this case were to arise between private citizens in the courts of this country; if I had authorized my agent to issue promissory notes for me, and it was published that his limit was to a certain amount, and then I called him again as publicly to retire and cancel those notes, and he had retired and he had canceled them, where would be the court, where would be the jury, where would be the law or common sense of justice that would hold me bound for the act of my agent when he reissued those canceled notes, and said that I had given him implied power to do so?

I will only say, that for alleged violations of law far more technical, far less flagrant, this Senate, upon the motion in part of the honorable Senator from Massachusetts, then a member of the other House, have, within a few years, summoned the chief Executive Officer of the United States to their bar to plead in answer to an impeachment.

Mr. BOUTWELL. I think the Senator from Delaware has not observed the express authority in the act of March, 1863, to reissue in place of notes canceled.

Mr. BAYARD. That power was controlled by subsequent legislation.

Mr. BOUTWELL. Will the Senator allow me to read it?

Mr. BAYARD. Yes, sir.

Mr. BOUTWELL. I only desire the Senator to see the whole case:

And in lieu of any of said notes, or any other United States notes returned to the Treasury and canceled or destroyed, there may be issued equal amounts of United States notes, such as are authorized by this act.

Those were legal-tender United States notes—what are known as the greenbacks. Now, then, the point, and the only point, I wish to make is, that by implication that statute could not be repealed by the statute limiting the reduction to $356,000,000.

Mr. BAYARD. Mr. President, all statutes *in pari materia* are to be construed together; and if in 1863 there was a statute relating to the currency, providing for its volume to a certain extent, and in 1866 there was a statute passed in direct words for the reduction of the volume of that currency by retirement and cancellation, who shall doubt that the law later in date must and shall prevail.

Let me come, however, to the action of the Treasury Department within the law, for the wisdom or impolicy of which the Administration must answer, and the country must benefit or suffer deeply.

What has been the policy of the Treasury Department since April, 1869, to the present time?

We had an outstanding total debt of $2,588,452,213.94. About $2,200,000,000 of this (in round numbers) was in bonds; $356,000,000 in legal-tenders and sundry certificates of indebtedness and other forms of debt, bearing, I believe, 3 per cent. The Secretary of the Treasury purchased, from April, 1869, until September, 1873, in excess of the amount required by law for the sinking fund, which was 1 per cent. upon the total amount of outstanding indebtedness, $182,241,750 of the bonds of the United States. The interest saved during this period was $35,285,358.

What did this saving of interest cost the country?

Can the ex-Secretary deny that if, in March, 1869, he had continued the avowed policy of returning to specie payments by the most direct and natural route, and not of merely paying off the bonded debt not yet due; if he had, by accumulating gold or by a loan, given evidence of his intention to contract the volume of paper money so that specie payments should be reached in 1871, not only would the premium on gold have fallen far more rapidly than under his very indirect assault, but we should without doubt have been upon a specie basis for more than two years past.

First. The ex-Secretary has mulcted the country $23,061,766 for the premiums be paid on these bonds not due. It could have been saved, and it is a poor consolation to say we sold gold during that period and received a similar amount for premiums on the gold so sold, because the gold was furnished by the people, who had to buy it in the first place at a premium still larger. The loss is then upon the people.

Secondly. Assuming that we would have been upon a specie basis in July, 1871, the case stand thus:

Two years of imports, 1871 to 1873, were paid for in gold, (excluding imports of bullion:)

1871-'72, merchandise	$626, 595, 097
1872-'73, merchandise	642, 136, 210
Total for two years	1, 268, 731, 307
Duties paid in gold, 1871-'72	216, 370, 286
Duties paid in gold, 1872-'73	188, 089, 522
	1, 673, 191, 115

The freight on this merchandise to the United States was paid in gold, and averages 6 per cent. upon the value of the merchandise. The Senator from Massachusetts the other day, in accounting for the supposed balance of trade against England, first said it amounted to 8 and afterward to 6 per cent. I have chosen to state it at his own lowest figure. That would amount to $76,123,877. We paid at the same time two years' interest in gold on bonds of the United States

held abroad. That amounted in round numbers to $100,000,000. We have, therefore, during those two years paid at a gold valuation $1,849,314,972. The average premium on gold during the years 1871 to 1873 was a fraction over 14 per cent.; hence it follows the people of the United States had to raise additional money—$258,904,096 more than they would have had to use and pay had our currency been upon a specie basis in July, 1871. The Secretary's policy stands, then, thus:

Savings of interest on bonds purchased from March, 1869, to July, 1873..	$35, 285, 358
And for this benefit the country has paid premium on bonds purchased.	$23, 061, 766
Premium on gold for imports during the same years	258, 904, 096
	281, 965, 862

Pyrrhus exclaimed after the battle with the Roman Fabricius, "One more such victory and I am undone."

Our imports in gold value, including gold interest to foreigners, cost us over $900,000,000 per annum in 1871 and 1872; and even at 10 per cent. premium on gold, (more nearly 12 to 15 per cent.,) is it not evident that over $90,000,000 more currency was annually required by the community than if we had been at specie payments? At 14 per cent. premium on gold, the average for 1872 and 1873 would have required $126,000,000 additional currency. Now, Mr. President, I submit as an axiom that the volume of currency must be greater as the premium on gold increases, in order to equalize paper to gold. If A has $10,000 freight to pay in New York, (of course in gold,) he needs $11,000 of paper; and if he borrows $11,000, must pay interest on that sum.

It may be asked, could the Secretary have provided means during the period from April, 1869, to July, 1871, safely to enable the Treasury to resume specie payment? When he went into office in April, 1869, he found in the Treasury—

In gold, not subject to warrants	$60, 000, 000
Customs receipts in 1869–'70	194, 538, 374
Customs receipts in 1870–'71	206, 270, 408
	460, 808, 782

This was subject to interest on the public debt—

For 1869–'70, in gold	$130, 694, 242
The same in 1870–'71	130, 694, 242
	261, 388, 484

Thus leaving a balance in gold that might have been left to accumulate above needful expenditure up to July, 1871, of $199,420,298. The total greenback issues were $356,000,000, and the above $199,420,298 would have been actually and practically a gold reserve of over 56 per cent., which means that we would have had fifty-six dollars in gold to redeem a hundred dollars in greenbacks, which is more than double the reserve established by law for the national banks, and at least 16 per cent. more than the strictest prudence requires as reserve in the banking business—stated usually at 30 per cent.

But, sir, the year 1874 has come, and how do we stand? The "policy" of the ex-Secretary has been continued since he left office, and here upon the floor of the Senate we heard him still speak with admiration of his achievements. Unfortunately his speech of last week is still withheld from publication, and I can have no access to his corrected copy; but I noted the remark in the course of that speech that "any policy looking to specie payments" was dangerous. Is it possible that even "a look" of hope and anxious expectancy is to be denied to the American people? What "policy" has brought us to the condition that forbids even "looking to specie payments?"

I admit the situation is most critical and the condition of the Treasury most unsatisfactory. It had better be empty than hold what alone it holds, the currency which by law was "canceled and retired" and, without law and against law, is being reissued.

In strange association in the same speech was the boasted reduction of our bonded debt with the statement that we could not now even look "toward specie payments," and that our condition gave us the alternative of "dishonor or increased taxation."

Sir, the people will hear this in wonder from the lips of the ex-Secretary. I fear he has shattered the financial idol of the many households who have read from month to month, for four or five years, the glowing reports of his triumphs in the redemption of a debt not due nor called for, with that indomitable disregard of present cost or certain consequences which some men less reverent might term "the fanaticism of finance." "Dishonor or increased taxation!"

Poor Emmet said, "Let no man write my epitaph." But if I mistake not, the ex-Secretary has written his own as a financier, and it is in the closing words of his late speech, "Dishonor or increased taxation." *Hic jacet.*

It cannot be denied that the honor and good faith of the nation are pledged, without words or resolutions, to pay all just debts, express and implied, in parol or under seal.

It is said of an honorable and honest man, "his word is as good as his bond;" and a nation is but many men combined.

Some suggestions, if not rising to the dignity of argument, have been made to show the Treasury notes known as "greenbacks" are but promises to pay at no given time, and, having no time stated for payment, can be in good faith postponed forever if required by the maker. I need not say this would not be law, as between private citizens of the United States, in any court in the Union. A note payable at no fixed date is a note payable on demand.

But the Supreme Court have decided the character and meaning of the "greenback." In the case which the honorable Senator, supposed to be an authority for his proposition to reissue paper money without warrant of law, in the course of the decision in the case of Bank *vs.* Supervisors, (7 Wallace, 30,) the Chief Justice considered that question; and it was a question distinctly necessary to be decided in order to come to any decision in the case. The very able and ingenious counsel, no one less than Mr. Charles O'Conor of New York, *clarum et venerabile nomen*, had raised the point before the court that this note was intended to be the only lawful money in use, and being money, and therefore property, it was not an instrumentality of credit of the United States, but it was absolute money *per se*, and therefore could be taxed as other property of the citizen.

Said the Chief Justice:

> The dollar note is an engagement to pay a dollar, and *the dollar intended is the coined dollar of the United States; a certain quantity in weight and fineness of gold or silver, authenticated as such by the stamp of the Government.* No other dollars had before been recognized by the legislation of the national Government as lawful money.

Let us have an end, then, Mr. President, of this wretched quibble, so dishonoring to us as a Government, that when we say we mean to pay a dollar we mean to give a promise for some other dollar that shall in like manner evade the grasp of the hand stretched out to receive it.

Now, this currency of the United States is the basis of all of our credit; it is our common measure of value for bonds of the Government, and the bonds and mortgages of individuals. All are based upon it. It is legal tender for all debts, public and private, and all credit in every shape is built upon it. Elevate your currency, which is the foundation, and you thereby elevate your superstructure of national credit in all its shapes.

Let me ask the Senate what kept down the price of United States bonds in Europe during the war in this country?

First. The doubt as to the result, whether failure or success would ensue to the Government of the United States.

Secondly. After the question of success was settled, whether the debt and interest would be paid in depreciated paper or in gold coin.

The first question was answered by the complete and final military triumph of the United States Government.

The second was answered by the resolutions of Congress and the declared policy of payment in coin, sustained by the popular votes.

Now if to these two facts had been added the virtual redemption of the currency by making it convertible at will into coin, there would have been an end to the least possible objection to placing United States bonds on the highest level of credit in the markets of the world. And even now, if we could only have a currency convertible into coin, who can doubt that our bonds would rise in full proportion to the rise in currency; and then the proud boast of the Senator from Massachusetts would be nearer the truth, for then the consols of Great Britain would stand but little higher in their own market of London than would the bonds of the United States Government.

These are calculable losses to the American people; but how shall we estimate what our greater losses have been by reason of continuing an irredeemable, depreciated currency? If we had had specie payments in 1871, how enormous our saving! The benefit to the morals of the public would have been incalculable. How much of wild speculation and consequent ruin would have been prevented! There would have been for two years no gold-room in New York, and those vast speculations in locking up of gold and currency which have appalled legitimate dealers would have ceased. There is no such institution anywhere else in the world as a gold-room, which has no parallel for its demoralizing influences except in Baden-Baden, Homburg, and Monaco. A policy which would relieve us even of that alone would be worthy of some considerable sacrifice.

I have spoken of one of the evils of the continuation of this depreciated currency, founded upon credit alone, without intrinsic value, as being its fluctuation in value. Let me illustrate how sadly that works, and how all these losses will eventually be piled upon the consumer. We have, in round numbers, $770,000,000 of paper money, the value of which is continually fluctuating from day to day. When it is considered that a change of 1 per cent. on this vast sum causes a loss somewhere of $7,720,000, and that thus, without an exchange of values, each such fluctuation causes this sum to change hands, the dangers of the continuance of such a system will be better appreciated.

Who loses this? Not the merchant or the trader, for he will readily and willingly raise the prices of his commodities to correspond with the advance in the gold premium, and the advance, like all increases of cost, falls upon the consumer, and chiefly upon the poorer consumer, who can only buy in small amounts from day to day, and is unable to make new contracts for his labor, which is all he has to exchange, and the price of which cannot be rapidly adjusted to meet the shiftings in value of such paper money. Indeed the loss to the poor consumer is far greater than the original advance in the premium upon gold.

When from any cause, artificial or otherwise, arising from the natural exigencies of trade, or the raid of some of the brood of those gigantic speculators whom the war and paper money have combined to create in this country, the premium upon gold is suddenly advanced, the importer of merchandise raises the price of his goods to protect himself, the jobber to whom he sells does the same thing in his turn, and so on each successive hand pursues the system until from

New York to Colorado at least 10 per cent. is added to the cost, eventually to be paid by the consumer, although the first fluctuation was but 1 per cent.

Let us, Senators, face the truth as it exists and help to make the people understand it. Even if it be unpalatable, they had better know it, and in the end will thank you for it.

Mr. Spaulding well states the situation in 1869, and what he said in his Financial History of the War is true of to-day:

> Viewed simply as an economical question, the immense war debt represents only lives and property consumed. All the unproductive labor, vast material of war, provisions and supplies of all kinds, are used up, wasted, and blotted out of existence. This immense debt, rolled up during four years of bloody war, stands out in bold demand upon the nation for liquidation from the future earnings and income of the people. Future labor and economy must furnish the means for its payment.
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> This sum must be paid, principal and interest; not by the issue of new promises to pay it, but by the production of actual value, measured by gold and silver—the world's commercial standard, as well as the standard regulated by law.

Sir, these are solemn facts, well stated; and it seems to me as if the energies and the ingenuity of a vast body of the so-called friends of the people have been exerted for many years to make an unpalatable truth stand in the guise of pleasure, of some pastime, of some advantages, instead of being what it is—war is waste, and debt is a curse.

Mr. President, there was much of wit and wisdom in one of the many maxims of Maginn, the author of the O'Doherty Papers, and the applicability of which has struck me in the course of this debate. One was, "That we hear much of the horrors of intemperance, but few seem to consider the terrors of sobriety."

This nation has had its period of wild excitement, in which every stimulus, moral, physical and financial, has been freely indulged in. These should have ended with the war, from which period, perhaps, they were inseparable. But with the return of peace and its calmer influences reason must regain her sway, and the pleasures that accompany intoxication must give way to the temporary terrors, as Maginn termed them, of returning sobriety.

The process is, of necessity, uncomfortable, and resistance in many quarters not unnatural. Thus we have the Senator from Michigan [Mr. FERRY] begging for a few more glasses from the flowing bowl of paper issues, of that which cheers and likewise inebriates; and his friends from Indiana, Illinois, and Iowa, [Messrs. MORTON, LOGAN, and WRIGHT,] lustily joining in the cry, and proposing, as I understand them, to order in an indefinite number of bottles and "make a regular night of it."

Mr. President, in order to justify this continued use of stimulus, moral and financial, to the people, we have had charming pictures of prosperity drawn for us of the condition of the United States. From my heart I wish they all were true; but my reason tells me that they are false; that there is the habit, not an unnatural one, of those owning property to overestimate its value. A familiar illustration of this was given me by a gentleman lately from England, who is a resident of one of the thriving towns of the interior of the State of New York. He told me the price of real estate in many parts of the city of London was, as a rule, less than in many of the favorite parts of the town of Binghamton. I could make the same comparison in respect of my own limited knowledge of the value of property in London, and property in the city of Washington, or in Wilmington, Delaware. And this I doubt not is the common experience of all who have given this subject any consideration, and applies to all our towns and cities in the Northern States. It is a system of puffed prices, of exaggerated values, that is purposely kept up for various reasons, and chief among them the idea of making people happy, by making them believe they are rich and prosperous when they are not.

Sir, what a response to all this is to be found in the resolutions of the sundry "granges," so called, which give but little indication of prosperity in western agriculture! The men composing these organizations are not the drones of society, nor the turbulent spirits that so often, and without due cause, keep society in a ferment; nor the hangers-on of political parties, pleading for place and awaiting the opportunity for plunder that comes in times of confusion and disturbance. No, sir; they are the real producers of wealth, making two blades of grass grow where one blade grew before; the real architects of a country's wealth, whose industry is the source of those virtues that make and keep a nation strong.

On the peninsula bounded by the Chesapeake and Delaware Bays I know that farming is very unremunerative, and but for the fruit culture the condition would be deplorable. Yet we have a fair soil, a temperate climate, and a population equal in skill and industry to any in the Union.

Lately, a substantial, experienced, intelligent farmer in Delaware expressed to me in strong terms his inability to farm at a profit, and said our farmers would not be able to compete with those of the West until the latter were obliged to buy fertilizers for their lands. I reminded him that in Delaware farmers had the market of New York almost at their doors, and that five cents per bushel was the margin between the New York Corn Exchange and our purchasing depots; that the enormous cost of transportation from the West took all the western farmer's profit; that when we in Delaware sold corn at seventy cents, the Illinois farmers burned theirs for fuel.

I mention this merely to show how universal is the cry of distress sent forth by agriculture in every section of the country. I say nothing of the South, for her distressed condition has been well described by one of her own sons, my friend from Georgia, [Mr. GORDON.] A book by a northern man, lately published, has the suggestive title of "The Prostrate State." How sadly eloquent! speaking volumes in three words. Did not the Senator from Massachusetts speak ironically when he referred to the prosperity of South Carolina?

What an answer to the loud trumpeting of prosperity and wealth all over the country which we heard the other day from the honorable Senator from Indiana, [Mr. MORTON,] are the reports of the meetings of the unemployed poor in the eastern as well as the western cities; of lawlessness madly seizing railways and holding them by force to obtain the just dues of honest labor; of strikes; of processions of men asking for work and bread; of deputations to the President of the United States from Louisiana, asking that Army rations may be served to the starving people of that State; of the statements made on this floor by Senators from Missouri, from Georgia, from North Carolina, all telling of poverty and distress, and asking for relief.

When I look at the national debt, in all its forms—the largest, in proportion to the accumulated property of the country, of any nation in the world; at the debts of the States; of every county in every State, and of every city in every county; at the corporate debts, so vast that nearly 50 per cent. of all the railroad companies were unable to meet their interest this fall and winter; at the individual debts, covering farms and houses, country properties and city properties, with crushing mortgages; when I see the whole country staggering under taxes to meet these public debts—does it not seem, as Voltaire said, "that this people have discovered the secret of owing more than they possess, and of living as though they owed nothing?"

The more I have reflected and considered the results, the more I do desire to retrace many of the steps taken during the war and the years of confusion which have followed it in centralizing power, and to contract the functions of the central Government, and leave the administration of their internal affairs more and more to local self-government, which is the life and soul of a free people.

The growing disposition and tendency seem to be, to look to the central Government for the performance of functions which should be left to individual enterprise and local control. This disposition has prompted some parties to place under governmental control our currency and entire system of banking. We are made aware of schemes to place the whole system of electric telegraphy throughout the Union under the finger of the Postmaster-General, and have savings-banks for the people's money established at every post-office under the same central management. Then come propositions to combine all the railways in the country into a single institution of "Commerce between the States," and hand it over to the Department of the Interior. Then, as education is an important subject, we are to place the question broadly under governmental control, paving the way by large donations of land, and finally giving some Superintendent of the Bureau of Education supervisory powers over every child in the country, releasing parents from all individual responsibility.

I do not see what subject of human cognizance is to escape the vortex of this system. Marriage and the nurture of children are kindred questions, which the Federal power may be called in to control.

When you supersede individual responsibility you interfere with individual liberty. The law of competition is the law of liberty; and monopoly and tyranny are synonymous. We have partial monopolies already in the shape of corporations created by law; but let us not convert our Government into a vast and complete monopoly, in whose shadow individual liberty will wither and die.

The individual man is to be educated by competition and struggle into self-reliance, and self-education is the best; his own natural powers are his best instructors; his very failures are his best lessons. And if you substitute a paternal government to smooth the path before him, you will dwarf and wither his faculties. And if this be true of individuals, it is true of communities of men; to be kept strong they must be exercised in the duties of self-government in everything that can rationally be left to their own control.

This local self-government was the lesson of the Saxon Alfred, well named "the Great;" and the system of laws that established it, and are part of our inheritance, have preserved more of civil and religious liberty upon the earth than any other human code. It subdivides power, and teaches men to oppose its concentration.

Mr. President, how shall we shape our course financially to let it rest firmly upon the broad principles that I have endeavored to state and to define? It is not for me to propose a specific plan for the resumption of specie payment. It would be highly presumptuous in a member of a weak minority in this body to be thus assuming the functions and the duties of the financial head of the Government. I can but promise an honest criticism and a hearty support to any measure which I believe will even tend to place us once more on the firm ground of specie payments. But I will say what I believe can be practically accomplished, always premising that a rigid economy in all departments of governmental expenditure should accompany the experiment; that the enormous and superfluous body of Government employés should be reduced, and good behavior in subordinate officials made the sole condition of their official tenure.

In the first place, I believe that great advantage would accrue at once to the people and to the Government by divorcing the banking system of the country from the United States Treasury Department.

Their mutual dependence is unwholesome, and the experience of the last fall has shown that it forms no safeguard against panic or against the results of financial disturbance, but, on the contrary, that it serves rather to increase them.

In 1873, in the month of February, we had a debate upon a bill from the Committee on Finance, the passage of which I favored, providing for the circulation and redemption of United States bonds, and looking to the restoration of specie payments. A remark fell from the honorable chairman of that committee [Mr. SHERMAN] in regard to the power vested by this system, and by our permission of law, in the Secretary of the Treasury. It was in reply to a question from the honorable Senator from Missouri, [Mr. SCHURZ,] in regard to the power of the Treasury to accumulate greenbacks and control the money market of the United States. In describing the powers of the Secretary of the Treasury, the chairman of the Committee on Finance used this language:

He may hold the gold and accumulate it. He may sell the gold and accumulate the currency. He may in that way destroy the business interests of the country, and this bill will not change it in the slightest degree. Indeed, all our laws relating to the Treasury depend upon the fidelity and integrity of the Secretary of the Treasury. If it is to be presumed that he will do anything harsh or improper, to promote his own interests, or political interests, or any other, then, as a matter of course, necessarily, he has the power to do it.

Then I interposed:

May I ask the honorable Senator from Ohio, in the face of such an admission as that to the Senate, whether we can be too quick in placing the Secretary of the Treasury under the limitations of law, for I think it is a terrible power that the Secretary of the Treasury shall have the welfare and the business of the country subject to his displeasure and subject to his caprice? If he has the power to make or break the business interests of this country, then I would say to the people of this country, the sooner they put limitations upon him the better it will be for their safety and his own.

My friend from Ohio proceeded to answer by the exceedingly handsome proposition that if I would sit down with him for five minutes he would be very glad to have me join him. As I said at that time, there was an embarrassing amount of power awarded to me, which I was not accustomed to. At the same time I will only say that I shall be very glad to exercise my ingenuity, with the aid of the great abilities of my friend from Ohio, to bring the people of this country and their finances to a condition when the Secretary of the Treasury shall know that he is the creature of law, and that he has no power except that which law gives him, and that if he breaks the law he shall be amenable to the law at the hour of justice as much as the humblest citizen of the United States.

Mr. SHERMAN. I want to ask my friend from Delaware this question: Whether in a time of surplus revenue, when the Secretary of the Treasury was not pressed as he is now, there is any doubt about the power of the Secretary of the Treasury to accumulate the surplus currency that comes into the Treasury? Instead of applying it to the purchase of bonds, might he not accumulate it in the Treasury, to the embarrassment of business? I ask whether that power is taken from him by any act?

Mr. BAYARD. That is a very long question, and not to be answered in a breath. If my friend will permit me, I will continue the thread of my argument, however weak, and try at some time hereafter to assist him in coming to a practical answer to his question. He cannot, however, deny the truth of the saying of Lord Camden, "The discretion of the judge is the law of tyrants." The discretion of a Secretary is no protection to the liberties of a free people.

Mr. President, there has been throughout this discussion constant reference to and comparison with the Bank of England and the financial management of that country with our own. The Bank of England is a great machine of finance, governed with great wisdom, controlled by men having the deepest interest in its results, and of the largest practical experience. I believe that we may learn much from the financial history of England, or of any other nation; but I do not think a parallel can be justly drawn between the operations of the finances of England, especially under such a concentration of power as exists in the Bank of England, the representative of an imperial system, and the banking system in a country like our own, which is not a consolidated empire, but which is a Union of independent and sovereign States. Conveniences, as we all admit, result from a concentration of executive power. Every man feels that there are impediments to convenience in those very checks that keep us free. We must give up some of the advantages of one form of government in order to secure the greater advantages of another. Theirs is a monarchy and a government of consolidated and imperial power. Ours is no such thing; and may the day be long distant before attempts to make it so shall be successful.

In the first place, can there by the wit of man be an amount of currency fixed which shall under all circumstances be sufficient for the purpose of the business of the country? It is admitted that you may fix an amount. If it be too great, it is redundant, and will inflate prices, and disaster will follow. If you make it too scant, you will produce a contraction that will embarrass the natural operations of trade. There must be somewhere what is termed, to use a latter-day phrase, elasticity. I believe that is the favorite phrase of the honorable Senator who now occupies the chair, [Mr. FERRY, of Michigan,] and I suppose it to mean, divested of its mysteries, something which shall be able to meet an exceptional strain upon the finances. There has been so much of good sense on that subject expressed in a report made by the then Comptroller of the Currency, Mr. Hulburd, in 1869, that I shall cite it as conveying, in better terms than I can command, my own views upon that subject:

No human intelligence can fix the amount of currency that is really needed, for it is continually varying, and is never fixed. If Congress limits the amount there will always be those who will be dissatisfied, and who will seek legislation, either for the purposes of contraction or expansion; and so long as the volume of currency depends upon legislative enactment, uncertainty and instability will pervade all financial operations.

If, however, notes for circulation are issued by a banking association composed of business men and capitalists, who are obliged to furnish security for the prompt and easy conversion of their issues into coin on demand, no other limit to the amount of such notes need be fixed than that imposed by self-interest. If there is a legitimate demand for currency, the notes will remain in circulation long enough to make their issue profitable. If there is not such a demand the notes will be hurried home for conversion into coin. In this way the business demand for currency will get its supply, and the surplus, if any, will always be retired.

A self-adjusting system of currency is the only one that is adapted to the exigencies of trade and to the wants of the country; and it is a vital question at this time whether this result can be reached before the return of specie payments.

Now, sir, I desire to see, by the most direct and practical route, a return to specie payments. I do not believe that it is in the wit of man or the wisdom of Congress to fix a rigid amount of currency for the use of this people; and I do not believe that a self-adjusting system can be arranged in connection with our present system of national banking.

To this end, and for economy to the people, I would gradually call into the Treasury and cancel and convert the national banking currency into United States Treasury notes. The $336,000,000 national-bank notes to-day constitute a forced loan upon the people at a cost to them of $25,000,000 annually, which, in my opinion, had better be paid into the Treasury and thereby that amount of taxation be spared to the people. I propose that the national-bank currency should be replaced, as fast as it is called in and destroyed, by United States Treasury demand notes, in order that there should be a unification of the currency and the advantage to the people of a loan to themselves, of the interest upon which, if any were paid, they themselves would get the advantage.

We therefore would have, in the first place, the unification of the currency, and the people would have the benefit in the shape of interest of the forced loan of paper currency, which would all accrue to the public Treasury.

At the same time I would have a system of gradual and steady contraction looking to a resumption of specie payment; and as to the date of that, it is not so important. The question is to make the proper step, a step in the right direction, no matter how short that step may be, and then take no step backward. It would be comparatively unimportant whether demand notes of the Treasury should be issued in lieu of this national-bank currency, or that notes payable in coin in three or five years without interest, or with some small rate of interest which would not deprive them of their capability for use as currency in periods of pressure and necessity. Accompany this by a law directing the funding of the United States currency in bonds at par, a regulated amount in every month, so that by the time stated for the resumption of specie payments there should have been such a reduction in the volume of the currency as would make the coin by that time accumulated in the Treasury an ample reserve to respond to all demands upon it for conversion.

Let it not be said that this would be unjust to the national banks. Nothing is further from my mind than that injustice should be practiced toward them. But I do not forget that the system was the compulsory creation of war; that they were forced to give up better charters in order to become subscribers to the national loans. I have nothing to say about the policy or rightfulness of the measure, but when I speak of it as a war measure and as a compulsory measure, I describe it precisely according to the truth. I desire no interference with the present banks. I desire no recall of their charters; and no injustice would be done. The United States bonds which they hold and which were made the basis of their circulation are greater in value than when they purchased them. From the date of their purchase they have received 6 per cent. in gold upon the full amount, and they have likewise enjoyed the interest upon the currency that was handed to them for the purpose of discounting the notes of the people. There would, then, be no injustice, because they would be left with their capital not only unimpaired but increased in value, which can well become the basis of their banking operations under any other system which may be devised.

Mr. President, there must be something radically defective in the banking system when such a panic as we witnessed in September last could have occurred. We have had suspensions of specie payments before; we have had panics before; we have had runs upon banks before; but no man in this country ever before saw the entire system of banks through the country not only suspending payment of specie, or that which was the basis of their own circulation, but suspending even promises to pay, suspending payment of even paper currency of any value, and depriving the people suddenly of that circulating medium which is essential for the convenience and business of mankind. This was, in my opinion, because the banking system and the Treasury of the United States were bound together; the reserves of the Treasury and the reserves of the banks constituted in fact but a single reserve. Touch that at any point, alarm that in any quarter, and the alarm spreads through all, and the consequences

spread through all. It was, on the whole, an illustration of the folly of violating that homely adage which advises that all the eggs should not be put in a single basket.

It seems to me to be the part of wisdom to leave the banking system in this country free, and let the laws of the several States revive the charters of the old banks, and grant new charters to those who desire them. Free banking was a feature in most of the States of this Union. A liberal grant of charters to all respectable persons was the universal feature in this Union. There was no trouble upon that score; and, as I said before, all this property of United States bonds, of greenbacks, of gold, of any shape of the public debt, forms a perfectly useful and available basis for banking in any part of the United States, perhaps more convenient, perhaps more desirable, than any we ever had before for the especial purpose.

I do not doubt that the United States currency, when convertible into coin, will be preferred to coin. Every man knows it to be so. No man would encumber himself with the weight and the awkwardness of coined money when he could take the token which would insure its presence on demand and carry it in the smallest compass.

As a measure to accompany all this, there should be a repeal of the tax upon State-bank issues. Is it to be said there is fear of excessive issues? On that subject I will call the attention of the Senate to our history on this subject. Before the war we had no United States currency. All the paper currency of the country was the issues of our State banks. They regulated their reserves, they regulated their issues of paper, upon the basis of what Mr. Hulburd properly calls "self-preservation." What did it amount to? In 1861 the circulation of paper money throughout this Union amounted to $202,000,000. From 1854 up to 1861 there was an average but little, if at all, in excess of that amount. Yet what was to prevent an excessive issue? No law; no inspector running down to examine the accounts of the banks; no officer justified in opening safes and examining any book or entry which might there be made. No, sir; it was the wise law of self-preservation, regulated by the power of local self-government in the States, that restrained and punished any abuse. If there was safety then, and if in the seventy glorious years of the history of this country that preceded 1861 there was no abuse, you are not to premise and presume that it would occur now.

This country has increased in population, I believe, in the last decade about 25 per cent. Granting the fact that 25 per cent. additional population needs a 25 per cent. addition of currency, you would still have but $50,000,000 added to the $202,000,000, and we have today in this country, or would have were the national-bank issue recalled, a paper issue of $356,000,000 in United States notes. If that be not sufficient, look to the States; look to the self-governing sense of the people; look to the dictates of the law of self-preservation of the people, at the proper time and in the proper way to make those issues which shall give the so much desired elasticity that my friend from Michigan [Mr. FERRY] seeks. They gave it before; they can give it again; and I will presently show there is no fear of incompatibility, of inconsistency, or of clashing between the paper money of the State banks and the paper money of the United States Treasury.

But, Mr. President, may I stop here for one moment to confute what I think is a gross error, that because the business interests of the country are enormously increased in scale, therefore, *pari passu*, the paper money of the country must increase? Why, sir, what has increased the business of the country? The developments of the power of steam, the developments of the power of electricity, the invention of the system, for it is of comparatively modern date, of clearing-houses, of settling balances by balances. Therefore, if there should be, which I deny entirely, any parity of reasoning between the proportion of increase of currency and the amount of business transacted, I answer that these very discoveries of modern times have made the facility for exchange so much greater that in truth and effect a much less amount of currency can conduct a larger amount of business than it could have done before the discovery of steam and electricity and the machinery of clearing-houses. Of all the enormous balances transferred in the clearing-houses of London, so many times in excess of any sums known in this country, 98 per cent. of all that is cleared is not represented by a farthing of coin or a paper note; it is all upon the system of adjusting balances through the means of exchanges. The cry, therefore, that because the country has increased in population and increased in the scale of its business operations, currency must rise to an equal magnitude with the latter, I think is entirely unfounded and entirely without reason.

Now, Mr. President, what are the benefits to the people of a localized currency? By giving that currency only a local credit you designedly restrict its circulation to the point where it was issued and at which it was intended to be used. What is there objectionable in that? Is there anything in principle? I answer distinctly, no. The coinage of every nation on God's earth is based on the principle of making that coin most useful in the country where it is issued. There is not a nation of the world an exception to that fact. They stamp the coin with the insignia of their own government. They subdivide it in amounts suitable to their own currency and their own population, and to that extent they discourage its floating off to other nations. There is scarcely a coin that will pass current for its nominal and ascertained value by the law of its country in another country for the same amount. I do not think one can be named. There are approximations, but there are no precise equivalents, unless, perhaps, our trade-dollar or some similar coin to that, which was lately coined as an experiment and for special purposes.

We have affirmed the wisdom of the policy of creating a money that shall only have local credit by deliberately debasing the silver coin of the United States with the avowed purpose of restricting its circulation to the United States. Why did we debase our silver money? To keep it here among our people. This is a historical fact, and it is the avowal of a sensible principle.

I would give to the people of any locality the right upon their own credit, and subject to the great overruling law of the Constitution, which forbids any State to make anything a legal tender for debts but gold and silver, and therefore prescribes that no paper money shall be issued by a State or under State authority which shall not be convertible at will into gold and silver coin of the United States—subject to such restriction, subject to such right of convertibility, I do hope to see the time when the people of the various States of this Union, exercising the great right of local self-government, shall be enabled once more to have such currency as will command credit and respect at home, and which they will not be inconvenienced by losing by absorption by the great money centers at the very moment when it most is needed at home.

What is there inconsistent between the presence of the notes of the United States convertible into coin and the notes of the States convertible into coin, floating side by side in the same community, of equal value because either can be converted at a moment's call; the United States note with its larger range of circulation, the State note with its restrained range of circulation? Where is the confusion? Where is the awkwardness? Where is the impolicy? Where is the absence of any principle? As I said before, you have the history of the world in its coinage; you have the special example of the United States in this silver coinage of purposely debasing or decreasing the value of their coin money to keep the coins at home where they are needed, and convenient for the purposes of the people.

Sir, we are not without experience as to these conveniences, and there never was a time when such a convenience would answer so many useful purposes as now. We cannot fix a rigid amount and volume of United States currency. It cannot be done for safety, and for reasons which I have endeavored to set forth. There must be some source of supply of currency in times of need. Where can that be so safely trusted as to the people of the States and of each community, where they may exercise this essential power of local self-government, in regard to a matter which touches immediately their own interests, and the errors of which their own self-interest will instruct them how to cure?

Mr. President, there has been created by the late war a brood of capitalists, and, still more than by the war, by the system of irredeemable paper money, a brood of capitalists, who sit in the great money centers, like pirates on a high rock waiting for a sail. When we shall have reached convertibility of our currency into gold and silver coin, when we shall have given back to the States this right of regulating a currency adapted to their local necessities, and remitted to them those powers of local self-government which ought never to have been interfered with; when that time comes, the occupation of these gentry who make corners upon the Treasury, who embarrass the banks, who assail legitimate traders, will be gone. So long as the national Treasury and the national banks hang upon the same thread, in which the reports of the Treasury, being public, can be known; in which the reports of the condition of the national banks can be known; so long as that exists will these vast speculators have the knowledge and the data by which they can arrange in times of want and emergency to corner the Government itself, the banks themselves, the citizens, and so force the prices of commodities up or down according to their own plans. But let the State system be restored; let us have the currency of the United States Government convertible into coin; let us have that to the extent, I say, even of four hundred or five hundred millions of dollars, (and I venture to fix no amount, but simply would say that any deficiency can be made up by the State issues for local purposes,) and there will be no knowledge—and there will be no means of knowledge—for such speculation to upset the honest business of the country. It will cease. There will be no possibility of favoritism in the Treasury Department; there will be no knowledge of any kind to give one man, as they term it, "the inside track" over another, and the opportunity and possibility of making these vast changes and producing these shocking and disgraceful results which we have seen, such as the "Black Friday" of 1869, and the like, which will become things of the past, no longer possibilities in the history of our finance.

And furthermore, then the capital which is now so illegitimately used for these pernicious practices will be compelled to seek more honest channels, and the legitimate business of the country will be relieved from this unequal competition for money. What has distressed your farmer; what has distressed your manufacturer; what to-day makes the South so poor that she needs money for the ordinary affairs of life, and cannot borrow it even upon a fair security? It is because the honest business of this country has been outbid by the dishonest business of the country; it is because your speculators in railways—chimerical, false, unfounded, and unsafe as they were—have gone on and paid rates for money that destroyed the legitimate and honest business of the country. That is the history

of it; and I want to see an end of such things. When this competition is destroyed, then money can be borrowed on fair terms; then the business of the country will come back to legitimate channels, and speculation upon the credit of the Government and upon the welfare of communities will no longer be either practicable or reputable, because a better and a higher tone will pervade the community, and people will call men by their right names. A man who succeeds in cornering gold and in locking up specie will not be called a successful or an unsuccessful operator; but he will be called what he is, a public swindler.

Mr. President, I do not feel it necessary for me to fix precise dates when this may be accomplished. I will not say that it can be fully accomplished in the next two years. I believe that I have fairly demonstrated that it could have been easily accomplished in the two years which were worse than wasted—from 1869 to 1871. Those were golden opportunities, but they have passed away, and with them I do not say all hope has passed away, or that the means of accomplishing the desired end has passed away. I only say that because those opportunities were not taken advantage of our difficulties have been increased; and let me say further, that if we are to continue this policy which has been followed for the last two years, if we are to take the step suggested by my friend from Michigan, two years hence will almost have locked the door upon a return to those principles of sound finance which he admits in the abstract are essential to the proper government of the country.

Sir, it is not too late for us to return to financial virtue, from whose paths we undoubtedly have wandered. I do not say that the same long stride and certain return to specie payments can be made in the years 1874 and 1875 that could have been made in 1869, 1870, and 1871; but I say that we can attempt it, and it is our duty to attempt it; and if the process shall be longer; if instead of two years it shall be four years, be it so; and on that subject I will say that I believe resumption in four years practicable; it is perfectly practicable. I believe that enough gold can be accumulated in the Treasury of the United States within the next four years to enable us to resume—a gradual and moderate contraction of United States currency going on in the mean time. We are not called upon to clog our Treasury with casks, and barrels, and kegs, and boxes of the precious metal. We are simply called on to have that which is money on demand, the accumulation of a money credit; and I state to-day to the Senate, I state to-day to my fellow-countrymen, that four years of moderate contraction, four years of cessation in paying debts not yet due, and the principal of which is not desired by those who hold the bonds, will suffice to bring the Treasury of the United States back to that condition where the demand note of the Government shall meet from the Government the honor that it deserves.

Mr. President, I have occupied the time of the Senate much longer than I intended; and nothing but my sense of the grave importance of the issues has made me feel warranted in doing so. Of personal experience in the mere business of banking I can boast but little. In faithful, humble study of the principles upon which the finances of a nation can be safely conducted, I have not been altogether wanting; and what I have advanced upon the subject I have spoken by authority, and not merely of my own knowledge, as the citations I have given the Senate will show.

The theme of our country's glory is an inspiring one. We have given to the world exhibitions of physical power even in a dreadful and gigantic war, where every man who fell was our countryman. If by so dissevered a people such vigor and resources were exhibited, what may be expected from America combined in arms in a common cause, for the common object of the glory, honor, and welfare of our country? I would only ask, conscious as I am of the vast power that slumbers throughout this country, ready to be awakened when the nation shall need it—I only ask that the honor and the reputation of my country shall be equal to her strength; and this cannot be so until every promise to pay every just debt shall be accomplished in substance and in truth.

Mr. MORRILL, of Vermont. Mr. President, it was not my purpose to again address the Senate on this subject until after a final report of the Committee on Finance; but it is a subject of such transcendent importance, upon which, in my judgment, the prosperity, the honor, and the public credit of the country are now hanging, almost suspended by a hair, that under such circumstances as these I cannot omit anything that shall seem to be my duty.

This is a question above parties, above sections. It is a question that belongs to the whole United States; and, as such, I hope that we can come together and agree upon some measure that shall tend at least to preserve and perpetuate the honor, the public credit, and the prosperity of our country. I should not, however, have presumed to say anything upon this occasion, perhaps, but for the speech of the Senator from Massachusetts, [Mr. BOUTWELL,] a speech of remarkable ability, and in its general tone so wholesome that I rather regret that there is anything that seems to me worthy of criticism. He was so nearly right, so "almost persuaded to be a Christian," that I wish he was not only "almost" but altogether persuaded. I am about to show, if I can, that the position of the Senator of "standing still" is impossible, impossible even for himself, and I shall not bring up his record by way of reproach but to substantiate the fact that even he cannot stand still; that in the mad current now raging he has been and will be swept along.

Mr. President, I will read from the Congressional Globe of March 15, 1865. There I find, when the distinguished Senator was an honored member of the other House, a resolution introduced by his colleague, Mr. Alley, in these words:

Resolved, That this House cordially concurs in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit; and we hereby pledge co-operative action to this end as speedily as practicable.

On this I find a yea and nay vote, and among the 144 yeas "GEORGE S. BOUTWELL," with only 6 nays. A capital record that.

I now turn to the first report made by the Secretary of the Treasury in 1869. In that report he goes on to say:

While I do not anticipate that it will be necessary to delay resumption until our proper commercial position is regained, I am satisfied that the development of the navigation and ship-building interests will improve the credit and rapidly augment the wealth of the country. The suggestions that I have made indicate my opinion that it will not be wise to resume specie payments while so large a part of the interest-bearing debt of the country is represented by five-twenty bonds, and held by European merchants, bankers, and manufacturers.

Then he says:

In fine, the practical question is not merely the resumption of specie payments—as a measure by itself it is not difficult—but the problem is, to resume under such circumstances that the position can be maintained, not only in times of tranquillity, but also in periods of excitement and peril. Our course, it seems to me, is plain. Every measure of the Government bearing upon the subject should tend to appreciate the value of our paper currency. It is probable that some decrease in the volume of paper will ultimately be necessary, and I therefore respectfully suggest that the Secretary of the Treasury be clothed with authority to reduce the circulation of United States notes in an amount not exceeding $2,000,000 in any one month. Thus will the country be brought, gradually it may be, and yet without disaster, into a condition when the resumption of specie payments will be easy, if not unavoidable.

That, too, was sound doctrine. The next year the Secretary of the Treasury said nothing upon this subject. The year following, or the third year of his administration of the Department, he reiterated these sentiments in these words:

The result of this test concurs with what seems to me to be the best opinion upon the subject, that the amount of paper money in circulation is still so great that it cannot be maintained in value at par with coin. There are two modes of relief: one is to reduce the volume of currency, as was recommended by me in my annual report submitted to Congress in December, 1869; the other mode is to await the growth of the country, and the increasing demands of business, which in time will produce the desired result.

Those were his sentiments not only while he was in the House of Representatives, but for the first three years of his administration of the Treasury Department. In his last report, made in 1872, the distinguished Senator, I regret to say, had changed his policy, and then he said:

The true policy will be found in continuing the national banking system, without, however, yielding to the claim for a material increase of its issues in proportion to the volume of paper in circulation.

There are two effectual and certain ways of placing the country in a condition when specie and paper will possess the same commercial value. By diminishing the amount of paper in circulation, the difference between the commercial value of paper and coin will diminish, and by pursuing this policy the difference will disappear altogether.

All legislation limited in its operation to the paper issues of the banks and of the Government, whether bearing interest or not, and which in its effects shall tend to diminish the market value of coin, will be found, upon analysis, to contain a plan for contracting the volume of paper currency; and all legislation, so limited, which does not contain such a plan, will prove ineffectual.

You will see, Mr. President, that then and there was the first time that my excellent friend became alarmed in consequence of the idea of contraction, and I think the error is generally shared by others. Nearly all who discuss this subject, and who are in favor of inflation, are apprehensive that there will be a great contraction, and do not take into account the amount of gold that will most assuredly be brought into circulation by the resumption of specie payments. They do not take into account even the amount of coin that will be issued and substituted by the Government, nor the amount that will naturally come forth from idle seclusion into active circulation from places where it is now hoarded; or that is now annually produced in the country; or that will come here whenever there is a real demand for it.

Mr. President, let me say one word in relation to the $25,000,000 which by law is soon to be taken from the banks of New York and New England, where they have an excess of circulation according to existing law. For one, as a humble member from New England, no opposition will be made to that withdrawal by me; but, sir, I do not like the manner in which we are constantly taunted with that excess. Even the Senator from Indiana, [Mr. MORTON,] constantly engrossed as he is with a large amount of labor on the bankrupt law, on the Louisiana case, and on transportation, as well as financial questions, can yet find time to throw upon New England an occasional reproach about the inequality of the circulation of our national banks that now exist. Sir, what was the supreme reason and occasion for the establishment of the national banks? It was for the purpose of floating our national bonds, to make a demand for them and to give them credit, and the Government had not only to call upon those who had the capital to establish these banks, but upon men who had the loyalty to put their capital into the banks. Our people were urged, almost goaded into the business; and yet shall it be a reproach to them now that they in the time of the country's direst necessity came forward and subscribed and paid for these bonds? Others had the same opportunity, but they either had not the capital or they

were unwilling to risk it. I think no one deserves reproaches on this subject.

But, sir, let me say that Senators will find, when they have accomplished that measure, that it is but dust and ashes in their mouths—that is to say, if they are seeking to borrow money and not to lend. What will be the practical result? Every bank that is established has to expend at least three dollars for every two that it can loan afterward. Let me illustrate it. Suppose a bank is necessary or wanted in Indiana, or in any other Western or Southern State; their people must come forward and buy the bonds, and pay, at the present prices, 110 or 111 cents on the dollar for every bond that they buy for the purpose of establishing the bank. Then they get 90 per cent. of circulation. Then they have to retain 15 per cent. as a reserve; so that after all their investment of $110 they have but $75 left which they can loan to the people. And yet it is complained that the people are oppressed because they have not banking facilities by which they can borrow money. Why, sir, we of the Northeast—of New York and New England—will have three dollars to lend, when this thing shall be fully carried into effect, where we have but two now; and whenever it is carried into effect those now so oppressed for want of currency will have one dollar out of every three less than they had before. That is all I have to say on that subject.

Within the last six years, or since 1867, the increase of the fractional currency has been $18,000,000. The amount of increase of bank circulation has been $40,000,000. The expansion by reason of the diminution of the currency held in the United States Treasury has been over $42,000,000. The mistaken use of $28,000,000 of the $44,000,000 once retired and canceled makes $128,000,000 of absolute inflation within the last six years.

Mr. BOUTWELL. Will the Senator allow me to call his attention to the fact that the 3 per cents, amounting in 1869 to $59,000,000, which were held as a reserve and answered the purpose of greenbacks as far as the banks were concerned, have been retired?

Mr. MORRILL, of Vermont. That is true. Still the increase is enormous. But now, sir, the cry is for more; and yet it is notorious that at this moment we need much less. The great operators of the United States, who have consumed so much of capital in the large expenditures for unproductive railroads, are now out of the market. To-day there are $80,000,000, it is said, in Germany invested in our unproductive railroads, and other enterprises of that sort, upon which the interest is suspended and unpaid; and our credit suffers accordingly. Money for reckless ventures, or for any illegitimate purposes, cannot now be had; but more will remain for legitimate business.

The learned Senator from Missouri, [Mr. BOGY,] and the eloquent Senator from North Carolina, [Mr. MERRIMON,] in making their speeches seem to be for and against specie resumption alternately, at one moment denouncing any kind of currency that is not fixed upon a metallic basis, and the next moment calling for a little more of bank or United States currency—just a trifle, or from fifty to one hundred millions more. I was very much reminded of the story of the old deacon who went to church, and when he came home found that his two boys in his absence had been making a large mug of egg-nog. He came down upon them—of course he did—with a good deal of pious thunder, that they should attempt to make egg-nog in his house, and especially on Sunday. The smallest boy, a good deal frightened, early stole out of sight. The oldest one remained with downcast head, and then the old gentleman said to him, "I say, Jack, have you got any of that left? Give us a drink or so of the pesky stuff." [Laughter.] So it is with these Senators; while they are ready to denounce paper currency fixed upon anything but a metallic basis, they yet hold out their hands and say, "Give us a little more of the pesky stuff."

Mr. President, I think Senators who are misleading the farmers of the country with the idea that it is best for them that a paper currency shall continue and be further augmented have made a sad mistake. The Senator from Massachusetts undertook to assert that when the amount of premium was adjusted on the imports and exports of the farmer, it made no difference to him whether a depreciated currency was used or not. I can only say that I think the Senator is wofully mistaken. I believe there is no class in the country who have derived a smaller profit from the issue of the paper currency, or who suffer more from it, than the agriculturists of this country. Other classes may adapt themselves to the currency. Traders and manufacturers are able to adapt their business to the currency; they can fix their own prices to a large extent, but farmers cannot. They must take what they can get. When they sell their surplus of agricultural products they find that their price is regulated by the value of agricultural productions produced abroad that are raised and produced upon a specie basis; and to this end I can show the facts. To-day the agriculturist is not getting a dollar more of compensation for his productions generally than before the inflation of the currency. Let us take, for instance, as a standard—and as well one class of wool as another—say Smyrna washed wool. In 1860 that brought 28 cents a pound; to-day it can be bought for 24 cents. Take another item—and I cannot stop to go through the whole—take mess-beef. In 1860 it sold for $10.75 a barrel; in 1874 it sells for $10.37. In 1860 the price of pork was $13.25; in 1874 it is $16.50 a barrel, or only 25 cents more.

Now, in the face of such facts as these it is utterly idle—if not worse than that—to contend that the agriculturists are benefited by the present vast expansion of paper currency. It is not true. Take cotton. Of course the price of that is regulated by the price abroad, and it will always bring coin or the means of specie resumption. The increasing demand for cotton, and the diminished production of it in India, have kept up the price since the war, and are likely to do so for some time; but it is an article that is entirely regulated by the price that two-thirds of it brings abroad. It is the same thing with wheat and corn. Take corn, for instance, which sold in 1860 for 90 cents, and now sells for 85 cents a bushel.

Therefore Senators need not hug that pleasant idea to the soul that they are benefiting the great agricultural community by continuing paper money; and if they are not benefiting the agriculturists, see what evidence that nobody is benefited we have in the meetings of those engaged in active business throughout the country, representing all portions of the country, in boards of trade, especially that one recently held at Baltimore, the National Board of Trade, which voted on the question of resumption, as we have seen by their memorial, and out of forty-four representatives, only nine were opposed to resumption, and of these there were a majority even from the Western States in favor of it. Take the question in New York; take it in Baltimore; take it in Philadelphia, or in Boston; they all speak with but one sentiment; they are overwhelmingly in favor of a return at an early day to specie payments; and if these men cannot speak for the business interests of the country, who can?

Mr. MORTON. I should like, with the permission of my friend from Vermont, to make one statement in regard to the $25,000,000 provision in the act of 1870, before he concludes his speech.

Mr. MORRILL, of Vermont. I did not mean to talk as long as I have; and I would rather the Senator would let me conclude, and he can make his statement after I get through. It certainly does not come in pertinently to this part of what I have to say.

There is another thing that ought not to be lost sight of by the debtors of the country, and that is the rate of interest they are made to pay. Now, I appeal to the Senator from Massachusetts if the rate of interest has not increased in Massachusetts within the last ten years. I know it has in my own State. I know from all accounts it has in most of the other States very largely increased; and only a few days ago we heard a statement by the Senator from Georgia that they were paying 1½ per cent. a month on short paper in Georgia. It would seem to me that the debtor class are paying more of extortionate interest every year on their indebtedness than they would lose upon any possible shrinkage of values by a return to specie payments; and this burden is sought to be fastened upon the debtor class, not only for one year, but for an indefinite period.

Then, again, we are told that we cannot resume specie payments until the balance of trade is in our favor. Even the Senator from Massachusetts indulges in that idea. Why, sir, the balance of trade has hardly ever been in our favor. From the foundation, almost, of the Government it has been against us. But whenever we have had the largest amount of bank paper in circulation, then it has been the most against us. I have here a table that will show the fact, not invariably perhaps, but most conclusively. I will only quote a few instances from it.

In 1839 we had a circulation of about $135,000,000, and our imports were $162,000,000, and our exports $120,000,000. In 1841 our circulation went down to $107,000,000, and our imports were $127,000,000, while our exports were $121,000,000—nearly approximating to each other. Take it in 1849. With a circulation of $114,000,000, our imports were $147,000,000, and our exports were $145,000,000. But in 1851 our imports were $216,000,000, and our exports $196,000,000. In 1857 our circulation was $214,000,000, and our imports were $360,000,000, while our exports were $338,000,000. In 1858, when our circulation was only $155,000,000, our imports were $282,000,000, and our exports were $293,000,000. It will be found, I think, that the position I state is almost invariably in that direction.

Mr. BUCKINGHAM. Will the Senator allow me to ask him a question?

Mr. MORRILL, of Vermont. Certainly.

Mr. BUCKINGHAM. I would merely inquire whether the exports were not on the home valuation, and whether the value of the things brought to this country was not much larger in consequence of the profits to be added to the foreign market price?

Mr. MORRILL, of Vermont. I have no doubt it would be, but all our imports are based upon the foreign valuation; and if freight and profits were added they would be larger.

Mr. BOUTWELL. In this connection I wish to say that, taking the statistics submitted now by the Senator from Vermont, and considering that the exports were on a home valuation, and considering that during a large portion of the period covered by those statistics the tonnage of this country was nearly four or five million tons, and the chief part of the carrying trade in American bottoms, that at least 8 per cent. of the value of the imports and exports accumulated to the credit of the merchants and ship-owners of the United States, against which exchange could be drawn, and it will be seen that the balance of trade in nearly every one of these years, if not in every one of these years, was in favor of this country.

Mr. MORRILL, of Vermont. Mr. President, I should not be prepared to admit the statement of the Senator from Massachusetts. My own investigation has satisfied me of the fact that in nearly all cases

where the inflation has increased, the imports have exceeded our imports; and certainly now most of our foreign trade is carried on in foreign bottoms.

There is another fact in relation to the inflation at the present time. In 1862 the amount of loans and liabilities of all the banks was $1,012,000,000; in 1874 it is $1,839,152,716.

But, Mr. President, I did not propose to go very far into the subject at the present time, and only rose to touch very rapidly and briefly upon two or three points where I thought my friend from Massachusetts was in error. One point has been so ably discussed by the Senator from Delaware that I shall barely refer to it, and that is in relation to the power of the Secretary of the Treasury over the $44,000,000 reserve; and I must say that it seems to me the report of the majority of the Senate Committee on Finance, however much deference may be paid to the minority report, was made—taking myself off from the majority always—by men whose opinions any Secretary of the Treasury could not afford to disregard. The chairman of that committee has been engaged for twenty years, in one House or the other, on the Committee on Finance; he has helped make all these laws; and in the opinion of the Senate he is competent for his position, for they continue him as chairman of that committee. And there are two other gentlemen on that committee—and I say it with all respect—whose opinions on a legal question of this sort (and I venture to give this as my opinion, for I will not hold to the doctrine that a man who drives fat oxen should himself be fat; not pretending to know much about the law myself, I yet claim to be a good judge of lawyers) are entitled to great consideration; and I say that those two Senators are at least the equal in legal ability for the decision of this question of anybody who has held the station of Secretary of the Treasury for the last fourteen years; and I much regret that any Secretary should have taken the grave responsibility of coming to the Senate and House of Representatives and saying, "Unless you pass a law giving a different interpretation, I will take the responsibility of issuing this $44,000,000 whenever I think it wise or best or it shall be necessary for the exigencies of the Government."

That committee reported "that in the opinion of the Senate the Secretary of the Treasury has not the power, under existing law, to issue United States notes for any portion of the $44,000,000 of United States notes retired and canceled under the act approved April 12, 1866." But the Senator from Massachusetts read a decision of the Supreme Court of the United States on this subject as his sufficient authority, or almost his sole authority, for the action of the Treasury Department—an incidental opinion that was merely a recital of the facts, and only as a recital of facts under the law of 1863, and of course not taking into account any other later laws, three subsequent acts having been passed. Now it seems strange, when the Chief Justice himself placed no importance upon this recital, and said, "It is unnecessary here to go further into the history of these notes, or to examine their relation to the national-bank currency"—stopping at 1863 and not going beyond, because, as he thought, it was not necessary—that anybody else should think it important. It will be noticed that in the original law by which these notes were to be retired it was provided that they were to be "retired and canceled." They were absolutely to be retired; no language can be stronger; and then the subsequent repealing act was merely a suspension of that act—that is, suspending for the time, waiting for a time—and could not necessarily be altered by any power save the power that passed the act of suspension. Any authority for a reissue must be hunted after in an act of later date than the act of suspension.

But, Mr. President, there are one or two points more which I shall notice, and I shall have done. The Senator from Massachusetts finds fault with the word "equivalent" in the resolution which is now pending, and, if I understood him aright, observed that there was no equivalent for coin. I beg to refer him to the opinion of the Supreme Court, and at least he will regard the language of the Supreme Court in the same decision as sufficient authority for the use of the word "equivalent." Chief Justice Chase says, in this same opinion:

> These notes made payable on demand, and receivable for all public dues, including duties on imports, always payable in coin, were practically equivalent to coin.

I think that ought to be sufficient authority for the use of the word "equivalent."

Mr. BOUTWELL. If the bonds which I understand are proposed by the committee as the equivalent of coin were receivable at the custom-houses in payment of Government dues, then exactly that would be true of the proposed equivalent which was true of a certain class of United States notes that were receivable for custom-house dues, and to that extent and for that purpose they were the equivalent of coin.

Mr. MORRILL, of Vermont. Then, Mr. President, I will give another authority. Under the law for funding the national debt the Secretary of the Treasury was authorized "to sell and dispose of any of the bonds issued under this act, at not less than their par value in coin." Now, if nothing can be an equivalent for coin, under what authority did the Secretary of the Treasury act? I claim that there are equivalents for coin; and, unless that is admitted, of course the recent action of the Secretary of the Treasury, which I very much commend, in refunding our national debt cannot be defended. He did obtain an equivalent.

Mr. BOUTWELL. I dislike to interrupt the Senator, but he will bear in mind what I had the fortune to say in regard to equivalents, that I dealt with it very much in the sense in which the Senator himself is now dealing with the word. I said that to some persons, under some circumstances, something else than coin would be considered as the equivalent of, or as better than, coin; but the same thing to another person at the same time, or to the same person at another time, would not be regarded as an equivalent, and that you could not say of any other thing that it was the equivalent of coin to all people at all times, in different places, and under different circumstances; but that to some persons at some times it was the equivalent of coin; and that the difference in opinion between this man and that, as to whether coin was more desirable than some other thing, whether some other thing at some time was more desirable than coin, was the essential thing or quality of the human mind out of which flow all the operations of trade.

Mr. SHERMAN. I desire also to read to my friend from Vermont, in aid of his argument, a quotation from the "act to strengthen the public credit," which uses the very words now commented upon:

> The faith of the United States is solemnly pledged to the payment, in coin or its equivalent, of all obligations of the United States.

There the words were used in this very connection.

Mr. BOUTWELL. I go further. I say the faith is pledged for the redemption in coin.

Mr. SHERMAN. But the law says, "or its equivalent."

Mr. BOUTWELL. Very likely the bill says that.

Mr. MORRILL, of Vermont. Well, Mr. President, I suppose that the Senator meant to criticise the language in some form to make it objectionable, so that he could not vote for it; but I see that he only means the bark, and does not mean anything that is in the heart of the resolution; and I let that pass.

The Senator from Massachusetts, I know, will pardon me for alluding to him so repeatedly in this debate, because he had a free lance; he attacked and pierced almost all of us, or at least our propositions, and was ready to knock the chip off anybody's shoulder. There was, I believe, not one proposition that had been introduced here which he did not controvert and denounce; and, therefore, I know that he will not find any fault with being somewhat criticised himself. The Senator spoke in relation to the proposition made by me, which was to authorize certificates bearing a small rate of interest in exchange for the reserve held by the banks, which to that extent would not be contraction at all; and then my proposition was to issue, if need be, $200,000,000 of bonds, to be disposed of for gold, in order to fortify the Treasury and to give confidence to the country of its ability in case the balance of trade should be against us. Commenting on that, the Senator said that the country was not strong enough to go through with resumption to specie payments, or something like it, and that it would be impossible to import so much gold from Europe to this country; and he cited, rather dramatically as I thought, a fact that he seemed to regard as conclusive—that the Bank of England had power to prevent it, and had notified the Treasury that that could not be done.

Why, sir, when this panic occurred what could the Bank of England do but to raise its interest? Did that stop gold from coming here? No, sir; not at all. It continued to flow in large sums and rapidly for some weeks. All the Bank of England could do was to raise the rate of interest; but that would not prevent gold from coming here if we owned it and wanted it. It would only attract gold from some other country there, and that would be the only effect of raising the rate of interest. The moment interest is high in London it attracts gold or its equivalent from all over the continent. Those who have it send it there to be invested at the high rates prevailing. But it would not prevent its coming here if we had bought it and paid for it. But, Mr. President, I do not assent to the idea that it would be necessary to bring the gold here, or at any rate a very small amount. I only claim that we ought to have the power to draw against it, so as to keep the exchanges in our favor; and that is all I deem it necessary to say upon that point at the present time.

But there is another point of the Senator from Massachusetts that I wish to allude to. As the conclusion of the whole matter it was represented by him, although, as he said, he had never stated it before, that the reason why we could not resume was our poverty. Well, Mr. President, I confess I was somewhat stunned by the word. Whenever my head or heart refuses to hear the cry of poverty, it will be somewhat changed from what it is at present. But I recovered from that in a moment. I found that he was alluding not to me, but to our country—a country that builds a post-office at New York at a cost of six or seven millions, another at Chicago at a cost of four millions, another at Boston at a cost of four or five million dollars; a country that builds railroads from ocean to ocean; a country that a month ago was ready to go to war and spend countless millions on the point as to whether our flag had been insulted or not. Well, Mr. President, what are the facts? The Senator would represent that we must wait for centuries until we have accumulated the wealth of England before we can resume, for his figure was that Iowa, being a young State, was not like Massachusetts, with two hundred years of the accumulated earnings of an economical and industrious people; and that therefore the United States were not like England with its thousands of years of accumulation. Does not that idea put off at some distance the day of our resumption? Are we to wait for two

hundred years or a thousand years in order to accumulate wealth sufficient to resume?

But are we really so very poor? Why, look at the estimated wealth of this country and France and England. The estimated wealth of Great Britain is forty billions, including its wealth and money capital; of France it is forty billions of wealth and money capital; and what is ours? Ours is over thirty billions. We are but in the gristle, and not hardened into the bone of manhood, and yet have three-fourths as much as either of these older nations; and shall it be said that we cannot resume on account of our poverty? The Senator said that he never made that statement before. I hope he will never make it again.

Mr. President, there is a quotation often made from an expression by a man who has done as much to elevate the intellectual dignity of America as any man that lived has done. I mean that massive orator, that comprehensive statesman, whose works are destined to be immortal, Mr. Webster; and I can say this because I did not agree with him after his speech of the 7th of March, 1850. He said:

A disordered currency is one of the greatest of political evils. It undermines the virtues necessary for the support of the social system, and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy; and it fosters the evil spirits of extravagance and speculation. Of all the contrivances for cheating the laboring classes of mankind, none has been more effectual than that which deludes them with paper money. This is the most effectual of inventions to fertilize the rich man's field by the sweat of the poor man's brow. Ordinary tyranny, oppression, excessive taxation—these bear lightly on the happiness of the mass of the community, compared with a fraudulent currency and the robberies committed by a depreciated paper.

Now, Mr. President, I have only to say that I regret that we cannot number among those who are in favor of a return to specie payments, not so early as to bring any catastrophe upon the country, but as early as we can, with due deference to all the varied interests of the people, the distinguished and able son of Massachusetts who now represents her in this Chamber.

Mr. MORTON. Mr. President, the Senator from Vermont referred to the provision in the act of 1870 which provided that $25,000,000 of national-bank currency should be taken from States having an excess and distributed to States having a deficiency. I want to call the attention of that Senator to the very obvious fact that that provision, from the first, has been a delusion and a snare. It is now nearly four years since that law was passed, and the first step has not yet been taken toward making that change; and now it is very clear that the provision cannot be executed in five years to come.

In 1870, when that act was passed, it required $94,000,000 of increase of national-bank circulation to equalize the distribution among the States, upon the basis of the act of 1865, as applied to the returns of the census of 1870. And now, when the $54,000,000 is all distributed, it still takes $40,000,000, upon the basis as it stood in 1870, to make that equalization; and, as applied to growth and wealth now in view of the increase in the West and South, it would take near $60,000,000 or $70,000,000. I will read what the Comptroller of the Currency said in 1872:

The final distribution of the fifty-four millions will still leave a deficiency of forty millions in different States of the Union, which will require to be filled before the proportion among the several States will be equalized upon the basis of wealth and population.

Now let me call the attention of my friend from Vermont to a provision in the act of 1870 which had the effect to put off any attempt to take this $25,000,000 from the States in excess and give it to the States in deficiency:

That no circulation shall be withdrawn under the provisions of this section until after the $54,000,000 granted by the first section shall have been taken up.

What was the effect of that? That until the last Southern State had taken the share allotted to her, all the other States must wait for the distribution of these $25,000,000. Some of the Southern States were in bad condition. They are now recovering rapidly. The effect of that proviso was to put off the distribution of the $25,000,000 until the last State in the South had taken her share of the $54,000,000. So we have been put off for four years in that way.

Now, go on. What is the provision in the law in regard to the distribution of the twenty-five millions? First, when the requirement is made by the Secretary of the Treasury, the banks in the Eastern States that have to yield up their currency have one year to do it in, that is, to call in their bills, so that they may be canceled and new bills issued to banks in the South and West. So, if the Secretary of the Treasury were to make that call now, the banks would have one year within which to comply; but, notoriously, the banks cannot comply with it in one year, nor can they comply with it in two years—hardly in five years. It cannot be executed, and I can show my friend why it cannot be executed; and to do that I will refer him now to the last report of the Comptroller of the Currency.

When the banks that have the excess attempt to call in their bills, how are they to do it? They can only call them in by offering a large premium for their bills. They are all over the United States. They might offer an equal amount of greenbacks; but the law does not provide for that. They are to retire their own bills. They cannot get them unless they offer a premium for them. They will not do that. What, then, is the Comptroller to do? He is to take an amount of bonds equal to the bills that they are called upon to retire, but have not, and sell the bonds, and then with the proceeds of the bonds he himself is to retire their bills; and how is he to get them? Hear what the Comptroller says about it. I read from the last report:

The notes of these banks are so scattered through the whole country that it will be impracticable for them to return their circulation without an expense not contemplated by the act; and it will, therefore, be for the interest of the banks to provide the Comptroller of the Currency with the requisite amount of legal-tender notes with which to redeem their circulation as it comes into the Treasury. To this extent the act may be executed; but the notes to be redeemed will not come to the Treasury for redemption to any considerable amount; and therefore but a small proportion of the twenty-five millions will be placed at the disposal of the Comptroller for redistribution to the banks of the South and West.

The result will be that, unless there is a premium offered by somebody, these notes cannot be procured in five years, and this twenty-five million provision cannot be carried out. We were forty millions short four years ago; we are now sixty millions short in a fair and equal distribution; and my friend from Vermont argues that we do not need this currency in the West and South; that it is better for us to be without it. It reminds me of the story of the boy who had grabbed all the candy, and when the other boys came in and wanted their share he entered into an argument with them, and said, "Now, boys, candy is not good for you; it will rot your teeth; you had better let me keep it." [Laughter.] Our friends in the East have an excess of this currency. I do not blame them for that. They had the money to take it; and through the gross delinquency of a public officer here they were allowed to take it. I am not complaining of them. I know they do not want to give it up, because they are doing well with it. They have made money out of it. It is well for them that they have it; but it would be well for the States in the West and South to have their share; and all that we are asking is justice. Let that be done.

Mr. SARGENT. I move that the Senate adjourn.

Mr. RAMSEY. Let us have an executive session.

Mr. SCOTT. I hope the Senator from California will withdraw his motion. We should have a short executive session to refer some messages.

Mr. SARGENT. Very well; I will change the motion, and move to go into executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 28, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

SWAMP LANDS IN HOLT COUNTY, MISSOURI.

Mr. DUNNELL. I ask unanimous consent to report from the Committee on the Public Lands, for immediate consideration, a bill which will not occupy any time.

Mr. GARFIELD. If it will not cause any discussion I shall not object; otherwise I must.

Mr. DUNNELL. The bill is the bill (H. R. No. 320) granting certain swamp lands in Holt County, Missouri, to said Holt County, for school purposes.

The SPEAKER. The bill will be read.

Mr. RANDALL. It is not necessary to read the bill. To save time I make the point, that under the rule it must go to the Committee of the Whole.

Mr. DUNNELL. I hope the gentleman from Pennsylvania [Mr. RANDALL] will withdraw his objection. There are particular reasons why the bill should be acted on at once.

Mr. RANDALL. If we have rules, we may as well live up to them. This bill appropriates land, and under the rule goes to the Committee of the Whole.

The SPEAKER. The bill will be so referred.

CLERICAL FORCE IN LAND OFFICES.

Mr. TOWNSEND, by unanimous consent, reported back from the Committee on the Public Lands a letter from the Commissioner of the General Land Office concerning the reorganization of the clerical force of the General Land Office; which was ordered to be printed and recommitted.

ENROLLED BILLS SIGNED.

Mr. DARRALL, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1231) to abolish the office of deputy commissioner of internal revenue; and

An act (H. R. No. 1382) authorizing coinage to be executed at the mints of the United States for foreign countries.

COMMERCIAL RELATIONS.

The SPEAKER, by unanimous consent, laid before the House a communication from the Secretary of State, transmitting, in compli-

ance with acts of August 16, 1842, and August 18, 1856, a report upon the commercial relations of the United States with foreign countries, for the year ending September 30, 1873; which was referred to the Committee on Commerce.

ASSISTANT TREASURER AT NEW YORK.

The SPEAKER also, by unanimous consent, laid before the House a communication from the Secretary of the Treasury, transmitting a draught of a bill for the relief of the assistant treasurer of the United States at New York City; which was referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GARFIELD. I call for the regular order.

The SPEAKER. The morning hour now begins at fifteen minutes after twelve o'clock. Reports are in order from the Committee on Appropriations.

ESTIMATES, APPROPRIATIONS, AND PUBLIC ACCOUNTS.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 1046) to revise, consolidate, and amend the statutes in relation to estimates, appropriations, and public accounts. The committee desire that this bill shall be set for some time, say two or three weeks hence, so that the House may have full time to consider it. If there be no objection, I will name two weeks from next Wednesday, after the morning hour.

Mr. G. F. HOAR. I object.

Mr. GARFIELD. Then I move the reference of the bill to the Committee of the Whole on the state of the Union, to be taken up whenever it may be reached.

The motion was agreed to.

EXPENDITURES ON PUBLIC BUILDINGS.

Mr. GARFIELD. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 1561) to reduce the expenditures on public buildings. I move the recommittal of this bill, giving notice that we shall not call it up until about a week or ten days hence.

Mr. PLATT, of Virginia. I am instructed by the Committee on Public Buildings and Grounds to ask that this bill be referred to that committee for consideration.

The SPEAKER. That proposition will come in legitimately as an amendment to the pending motion.

Mr. HOLMAN. To enable us to act intelligently on the subject, I hope the bill will be read.

The bill was read. The first section directs the Secretary of the Treasury, until otherwise provided for by law, to authorize no payments out of any unexpended balances of appropriations heretofore made for the purchase of sites and for the erection of public buildings by the Supervising Architect of the Treasury Department for any of the purposes and objects following, to wit: To pay for any site, or extension of site, the contract for purchase of which has not been executed, or proceedings for the condemnation of which have not been completed, before the passage of this act; to pay for any work or material for the erection of any building upon which work is not already begun or contracted for before the passage of this act; to pay for the sale or demolition of any buildings on any site where work has not been commenced before the passage of this act. The second section provides that until otherwise provided by law the Secretary shall make no contract for the purchase of any new site, nor for material or labor, on any building not actually commenced. The third section directs that all sums heretofore appropriated for the purchase of sites and erection of buildings, under the Supervising Architect of the Treasury Department, which are made unavailable by the provisions of this act, be covered into the Treasury. The fourth section authorizes and directs the Secretary of the Treasury to suspend work on any buildings already commenced whenever, in his judgment, such suspension can be made consistently with the public service.

Mr. HOLMAN. I trust that this bill will not be referred to any committee. The House is very familiar with this subject; and I hope the bill will be put on its passage at once. [Many MEMBERS. O, no!] It is very clear that the present condition of the Treasury requires the passage of such a measure.

Mr. NEGLEY. Mr. Speaker, is it in order to move to lay the bill on the table?

The SPEAKER. The Chair will state the position of the bill. It is reported from the Committee on Appropriations; and the chairman, [Mr. GARFIELD,] who reports it, moves that it be recommitted, his design being to enter a motion to reconsider, which will enable him to bring it before the attention of the House any day he may desire.

Mr. GARFIELD. In addition to what the Chair has stated, I will say that personally I would be quite willing to put the bill on its passage at once, after proper debate, but for the fact that the city of Boston desires to be heard before the bill is passed.

Mr. NEGLEY. There are some other cities which ought to be heard from.

Mr. GARFIELD. Any gentleman who wishes can be heard on the subject. The committee has set a time early next week when the city of Boston, by its representatives, may be heard on the subject. We feel that perhaps good faith requires we should give this time. I now give notice, if the bill be recommitted, we shall give reasonable time for hearing any party who may desire to be heard, before action is taken by the committee.

Mr. RANDALL. Will the gentleman from Ohio allow me to ask him a question?

Mr. GARFIELD. Certainly.

Mr. RANDALL. I should like to hear, from the gentleman who reported this bill from the Committee on Appropriations, how many buildings there are, and where located, which will be affected by the passage of this proposition, and also the amount of money which it will cover back into the Treasury.

Mr. NEGLEY. And there are other questions which I would like to have the gentleman answer.

Mr. PLATT, of Virginia. If the gentleman's motion is debatable I would like to make a statement. I have in my hand information which will be a full answer to the question of the gentleman from Pennsylvania. If the bill be referred to the Committee on Public Buildings and Grounds, that committee will furnish all the information which any gentleman on the floor can desire.

Mr. GARFIELD. Mr. Speaker, one word on that subject. The Committee on Appropriations have not trenched on the domain of any other committee. They have introduced a bill here, after long and laborious consideration, and hearing fully from the officer in charge of the construction of public buildings. It is not a bill to regulate how buildings shall be constructed, or upon what plans, but simply to say we will not proceed to expend any more money, except within certain limitations, on any of the public buildings which are being constructed under the Supervising Architect of the Treasury Department; and, further, that the money rendered unavailable shall be covered back into the Treasury.

Mr. MAYNARD. Does the gentleman propose to allow any other city than Boston to be heard?

Mr. GARFIELD. I say, therefore, that if this bill is taken out of the hands of the Committee on Appropriations, when they have prepared it strictly within the limits of the proprieties of their work, it will be because the House is unwilling to be brought to a vote on this important measure of retrenchment. I care nothing about the mere question of what committee shall have this bill; I am anxious to know whether the House is in earnest in the matter of retrenchment or not.

Mr. W. R. ROBERTS. I hope the gentleman from Ohio, the chairman of the Committee on Appropriations, will insist upon his motion, for I believe the House will sustain him in it. In my judgment it is time these expenditures should cease.

Mr. GARFIELD. I will say, in this connection, that at the present moment there are thirty-five public buildings either begun or authorized under the control of the Supervising Architect of the Treasury Department; and the Secretary of the Treasury has said in his annual report that, contrary to the recommendation of the Department—

> Congress has authorized the commencement of seventeen new buildings and the purchase of sites for several others. This legislation, together with the work previously commenced, has imposed an unprecedented and extraordinary amount of labor upon the Supervising Architect's office, and has rendered it necessary to submit estimates in an aggregate sum much larger than I think should be expended in any one year. * * * With the present organization of the Supervising Architect's office, it does not seem practicable in a single year to commence or properly supervise the construction of all the buildings authorized by Congress.

I call the attention of the House to these important paragraphs. The Secretary lays the responsibility upon Congress; and most of the burden properly rests upon us.

In his revised estimates the Secretary has sent us three lists: first, of those buildings which have not been commenced at all; secondly, of those which have been commenced but not far advanced; and, thirdly, all buildings which are so far along that they can be completed, if not during the present, at least during the coming year.

This bill does not touch the third class of buildings, and touches but few of the second class. But it does provide that no work shall be begun on the first class until Congress shall otherwise provide; and in reference to the second class, no further expenditure shall be made out of appropriations still unexpended than to carry out contracts already made and binding on the Government. If we do not retrench here, I know of no place where we can begin. This bill will put back into the Treasury about $2,000,000 during the present fiscal year, and save a still larger sum for next year.

Mr. MAYNARD. I wish to ask the gentleman from Ohio whether the Committee on Appropriations propose to hear from places on this subject other than Boston?

Mr. GARFIELD. Certainly we do.

Mr. PLATT, of Virginia. I wish to be heard on my motion to refer this bill to the Committee on Public Buildings and Grounds.

Mr. GARFIELD. How much time does the gentleman from Virginia want?

Mr. PLATT, of Virginia. I want all the time I need to make my statement. I want at least ten minutes.

Mr. GARFIELD. I will yield for five minutes to the gentleman from Virginia, chairman of the Committee on Public Buildings and Grounds, and then I will demand the previous question.

Mr. NEGLEY. I hope the previous question will not be seconded.

Mr. PLATT, of Virginia. Mr. Speaker, I wish to make a statement in reference to my motion to refer this bill to the Committee on Public

Buildings and Grounds, to which I ask the attention of the House. In this motion I represent and am acting under the instructions of the Committee on Public Buildings and Grounds; and I think no gentleman in this House can examine the bill reported by the chairman of the Committee on Appropriations, and compare it with the rules of the House of Representatives, and come to any other conclusion than that which I state, that the proper place for the examination and consideration of this question is the Committee on Public Buildings and Grounds, and not the Committee on Appropriations. Everything entering into the propriety of stopping the construction of work on public buildings belongs to that committee; and although we may agree in the conclusion reached, nevertheless, under the rules of the House of Representatives, these duties are imposed upon the Committee on Public Buildings and Grounds, and not upon the Committee on Appropriations.

Now, in reference to the motion which has been made by the gentleman from Ohio to recommit this bill to the Committee on Appropriations, I desire the House to understand exactly what it means. This bill proposes to stop expenditures upon two classes of buildings. It is not proposed here to make appropriation for public work or public buildings—no new legislation in that regard is asked for, but to stop the further construction of public buildings which have been already ordered by Congress, and then to cover back into the Treasury all money which has been appropriated for the construction of these buildings.

The buildings comprised in the first class include, first, the building at Albany, New York, for which there is available $247,233, already appropriated. The other buildings comprised in the first class are at Atlanta, Georgia; Covington, Kentucky; Dover, Delaware; Evansville, Indiana; Fall River, Massachusetts; Grand Rapids, Michigan; Jersey City, New Jersey; Little Rock, Arkansas; Memphis, Tennessee; Nashville, Tennessee; San Francisco, California; and Utica, New York. These are comprised in the first clause as buildings not yet commenced, and the whole amount that will be turned into the Treasury, should this become law, will be $1,270,000.

The second class comprises the following buildings: At Boston, Massachusetts; Chicago, Illinois; Cincinnati, Ohio; Columbia, South Carolina; Hartford, Connecticut; Lincoln, Nebraska; Philadelphia, Pennsylvania; Port Huron, Michigan; Parkersburgh, West Virginia; Rockland, Maine; Raleigh, North Carolina; San Francisco, California; Saint Louis, Missouri; and Trenton, New Jersey.

Now, sir, I submit to this House that matters affecting the construction of these buildings and the propriety of stopping the work upon them belong properly for consideration to the Committee on Public Buildings and Grounds. And I assert, sir, that there is nothing in the rules of the House, and nothing in the law, that can even be remotely construed so as to carry this to the Committee on Appropriations. I ask the House to consider the question, and examine the rules, and to send the bill where it properly belongs for consideration. I insist on my motion to amend the motion made by the gentleman from Ohio, [Mr. GARFIELD,] so as to refer the bill to the Committee on Public Buildings and Grounds.

Mr. GARFIELD. I wish simply to remark, that the committee does not propose to stop, by this bill, any building that is in progress. It simply regulates the expenditures to be made on buildings not begun and contracts not made. I demand the previous question on my motion.

The SPEAKER. Does the gentleman from Ohio admit the amendment of the gentleman from Virginia?

Mr. GARFIELD. I do not.

Mr. PLATT, of Virginia. Is it in order for me to move my amendment?

The SPEAKER. The Chair understands that the gentleman from Ohio does not yield for the amendment.

Mr. GARFIELD. I will allow the gentleman to try it.

The SPEAKER. Then the previous question will first operate on the amendment of the gentleman from Virginia, [Mr. PLATT.]

Mr. HOLMAN. I desire to make a parliamentary inquiry. If the House declines to refer this bill to a committee, will it then be before the House for action?

The SPEAKER. Necessarily it is before the House, to be dealt with in whatever manner the House chooses to deal with it. The previous question, which the gentleman from Ohio has demanded, will, if seconded, first operate on the amendment of the gentleman from Virginia, to refer the bill to the committee of which he is chairman—the Committee on Public Buildings and Grounds. If that is voted down, the question will recur on the motion of the chairman of the Committee on Appropriations, to refer the bill back to his committee.

The previous question was seconded, and the main question was ordered.

The SPEAKER. The first question is, will the House amend the reference, by substituting the Committee on Public Buildings and Grounds?

The question being taken, there were—ayes 127, noes not counted.

Mr. GARFIELD. I demand the yeas and nays. I want to see what the House will do on this question of public expenditure.

The question being put on ordering the yeas and nays, there were—ayes 47.

So (the affirmative being more than one-fifth of those present) the yeas and nays were ordered.

Mr. HALE, of Maine. I rise to make a parliamentary inquiry. As I understand, the yeas and nays are ordered on the amendment of the gentleman from Virginia. If that is voted down and also the motion of the gentleman from Ohio, will the bill then come up for passage?

The SPEAKER. It will come up for whatever action the House chooses—to be laid on the table, to be engrossed and read a third time, or for whatever other action the House may choose.

Mr. NEGLEY. But if referred to the Committee on Public Buildings and Grounds, that is the end of it? [Laughter.]

The SPEAKER. The Chair cannot answer that question. If the bill is referred to the Committee on Public Buildings and Grounds, it will go there.

The question was taken; and there were—yeas 167, nays 76, not voting 45; as follows:

YEAS—Messrs. Albright, Archer, Arthur, Ashe, Atkins, Banning, Barnum, Barrere, Bass, Beck, Bell, Berry, Biery, Bland, Blount, Bowen, Bradley, Bright, Bromberg, Brown, Buckner, Buffinton, Bundy, Burleigh, Burrows, Benjamin F. Butler, Cain, Caldwell, Amos Clark, jr., John B. Clark, jr., Clayton, Clements, Stephen A. Cobb, Comingo, Conger, Corwin, Crittenden, Crooke, Crossland, Crounse, Crutchfield, Curtis, Darrall, Alexander M. Davis, John J. Davis, Dunnell, Durham, Eames, Eden, Elliott, Farwell, Field, Freeman, Giddings, Glover, Gooch, Hancock, Harmer, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hatcher, Havens, Joseph R. Hawley, Hays, John W. Hazelton, Hereford, Herndon, Hersey, Hooper, Hoskins, Houghton, Hunton, Hurlbut, Hynes, Kelley, Kellogg, Knapp, Lamison, Lamport, Leach, Lowe, Lowndes, Luttrell, Lynch, Martin, Maynard, Alexander S. McDill, James W. McDill, MacDougall, McLean, Milliken, Mills, Morey, Myers, Negley, Nesmith, Nunn, O'Brien, O'Neill, Orr, Packard, Page, Pelham, Pendleton, Perry, Pierce, James H. Platt, jr., Pratt, Purman, Rainey, Ransier, Rapier, Ray, Read, Rice, Richmond, Robbins, Ellis H. Roberts, James C. Robinson, Milton Sayler, John G. Schumaker, Isaac W. Scudder, Sener, Sessions, Shanks, Sheats, Sheldon, Sherwood, Sloss, Small, George L. Smith, William A. Smith, Snyder, Sprague, Stanard, Standeford, Stephens, St. John, Stone, Strait, Strawbridge, Sypher, Taylor, Thornburgh, Townsend, Vance, Waddell, Waldron, Wallace, Walls, Jasper D. Ward, Marcus L. Ward, Wells, White, Whitehead, Whiteley, Wilber, John M. S. Williams, William Williams, William B. Williams, Willie, James Wilson, Wolfe, Woodworth, and Pierce M. B. Young—167.

NAYS—Messrs. Barber, Burchard, Cannon, Cessna, Clymer, Coburn, Cook, Cox, Danford, Dawes, Donnan, Duell, Eldredge, Fort, Foster, Frye, Garfield, Gunckel, Eugene Hale, Robert S. Hale, Hamilton, John B. Hawley, Gerry W. Hazelton, Hendee, E. Rockwood Hoar, George F. Hoar, Holman, Hubbell, Hunter, Hyde, Jewett, Killinger, Lamar, Lawrence, Lawson, Loughridge, Magee, Marshall, McCrary, McNulta, Merriam, Mitchell, Monroe, Moore, Neal, Orth, Hosea W. Parker, Isaac C. Parker, Phelps, Thomas C. Platt, Poland, Potter, Randall, William R. Roberts, James W. Robinson, Rusk, Henry B. Sayler, Scofield, Lazarus D. Shoemaker, Smart, A. Herr Smith, H. Boardman Smith, John Q. Smith, Southard, Speer, Swann, Tyner, Wheeler, Whitehouse, Whitthorne, Charles W. Willard, George Willard, Charles G. Williams, Jeremiah M. Wilson, Wood, and Woodford—76.

NOT VOTING—Messrs. Adams, Albert, Averill, Barry, Begole, Roderick R. Butler, Cason, Freeman Clarke, Clinton L. Cobb, Cotton, Creamer, Crocker, De Witt, Dobbins, Hagans, Hathorn, Howe, Kasson, Kendall, Lansing, Lewis, Lofland, McJunkin, McKee, Mellish, Morrison, Niblack, Niles, Packer, Parsons, Phillips, Pike, Rawls, Ross, Sawyer, Henry J. Scudder, J. Ambler Smith, Starkweather, Storm, Stowell, Thomas, Todd, Tremain, Ephraim K. Wilson, and John D. Young—45.

So the amendment was agreed to.

During the roll-call,

Mr. CLYMER said: My colleague, Mr. STORM, is necessarily absent; had he been present he would have voted "no."

Mr. McDILL, of Iowa. I desire to announce that my colleague, [Mr. KASSON,] is detained from the House by illness.

The result of the vote having been announced as above recorded, the question recurred upon referring the bill to the Committee on Public Buildings and Grounds.

Mr. KILLINGER. I ask that the committee have leave to report at any time.

The SPEAKER. That would require unanimous consent.

Mr. NEGLEY. I object.

Mr. HOLMAN. If the bill should not be committed, will it not be before the House for action?

The SPEAKER. If the bill is not referred, of course it will be before the House for action.

The question was taken on the motion to refer, as amended; and on a division there were—ayes 119, noes 58.

So the motion was agreed to; and the bill was referred to the Committee on Public Buildings and Grounds.

Mr. PLATT, of Virginia, moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIFE-SAVING STATIONS.

Mr. HALE, of Maine, from the Committee on Appropriations, reported a bill (H. R. No. 1564) establishing life-saving stations and making appropriation therefor; which was read a first and second time.

The first section of the bill authorizes the Secretary of the Treasury to appoint two additional superintendents of life-saving stations, whose compensation shall be at the rate of $1,500 per annum. The second section authorizes the Secretary of the Treasury to appoint a keeper for each of twenty-one new life-saving stations upon the coast of Maine, New Hampshire, Massachusetts, Virginia, and North Carolina, whose compensation shall be at the rate of $200 per annum; and to employ crews of experienced surfmen at such stations and for such periods as he may deem necessary and at such compensation as he may deem reasonable, not to exceed forty dollars per month for each person employed. The third section authorizes the Secretary

of the Treasury to divide the coast on which life-saving stations are, or may be, established into such districts, not exceeding the number for which superintendents are now provided by law, as may be deemed best for the service. The fourth section appropriates the sum of $11,086.63 for the purpose of carrying out the provisions of the act during the current fiscal year.

Mr. HOLMAN. Is this a report from a committee?

The SPEAKER. It comes from the Committee on Appropriations.

Mr. HOLMAN. I insist that it must go to the Committee of the Whole on the state of the Union.

The SPEAKER. The gentleman from Indiana makes the point of order that the bill, containing an appropriation, must go to the Committee of the Whole on the state of the Union.

Mr. HALE, of Maine. Will the gentleman waive his point of order until I can make an explanation?

Mr. HOLMAN. I have no objection to that.

The SPEAKER. By unanimous consent the point of order may be waived, but it is still pending.

Mr. NEGLEY. This same subject is before the Committee on Commerce, and I will ask if this bill has received the consideration of that committee.

Mr. HALE, of Maine. I will state that last winter Congress authorized the creation of new life-saving stations along the coast, mainly along the coast of New Jersey, Virginia, and North Carolina, one or two in the New England States, one in Maine, and one in New Hampshire or Massachusetts. These stations have been built; they are all ready to be put in operation. This bill simply provides money to pay keepers and surfmen and boatmen to operate those stations, eleven in all.

The reason why it is introduced now is because the matter of appropriation came before the Committee on Appropriations, and the gentlemen from those States—I hope a gentleman from North Carolina, who takes an interest in the matter, may be present—say that now is the time when these stations become almost imperatively necessary because the stormy season is upon us, and in February there are more wrecks than in any other month, March being also a dangerous month. Now, if this is not done there is no telling when it can be reported and when the men can be put to work.

I will say that the salaries are a matter to which nobody can have any objection. These keepers are not paid as much as the light-house keepers. The Secretary picks out some old sea-faring man who lives near by, and all he gets is $200 a year for keeping one of these stations, and then boatmen and surfmen are employed, and when a ship in distress comes within range of one of these life-saving stations, property and life are saved. Within the last year four hundred and fifty-one lives were saved by these establishments. It is a thing I care nothing about personally, but it is a measure which, it seems to me, appeals to the humanitarian sentiment of the House.

Now, in answer to the gentleman from Pennsylvania [Mr. NEGLEY] as to why this bill is reported by the Committee on Appropriations, I will say that the Committee on Commerce has charge of all measures authorizing an increase of stations; the Committee on Appropriations have nothing to do with that; but when authorized the appropriation must come before the Committee on Appropriations. If the House does not want to pass this bill, and wants to let stations on which we have spent $100,000 go through the season without men to make them of any use whatever, why, of course, that is the privilege of the House; but I do think that, as the bill makes only a small appropriation, it ought to pass.

Mr. PENDLETON. Will the gentleman yield to me for an amendment?

Mr. HALE, of Maine. What is it?

The SPEAKER. There is no necessity for entertaining an amendment until it is known whether the bill is to remain before the House.

Mr. HALE, of Maine. I hope the gentleman from Indiana [Mr. HOLMAN] will withdraw his point of order.

Mr. HOLMAN. I think the last Congress, judging from information I now have, made a mistake in creating so many of these new life-saving stations. I think no harm will be done by taking a few days to examine further into the matter.

Mr. PLATT, of Virginia. Permit me to make a statement. A number of these life-saving stations are established on the coasts of Virginia and North Carolina, including one of the most dangerous points on any coast we have in this country. I would call the attention of the gentleman from Indiana [Mr. HOLMAN] and of the House to the fact that within the last two months of tempestuous weather, such as usually rages at this season of the year, there have been various wrecks on this coast, and already a large loss of life has occurred in consequence of these stations not having been properly prepared.

Mr. HOLMAN. There seems to be some plausibility in these statements, at least sufficient to render it proper to consider the bill now, and I will therefore withdraw my point of order.

Mr. HALE, of Maine. I will now hear the amendment of the gentleman from Rhode Island, [Mr. PENDLETON.]

The Clerk read as follows:

Add to section 4 the following:
And the sum of $1,600 for medals authorized by joint resolution of Congress approved February 24, 1873.

Mr. PENDLETON. I send the joint resolution to the Clerk to be read.

Mr. KELLOGG. These medals were for saving lives?

Mr. PENDLETON. They were.

The Clerk read as follows:

Joint resolution granting medals to Captain Jared S. Crandall and others.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to cause to be made and presented to each of the following persons such suitable and appropriate medals as in his judgment shall express the high estimation in which Congress hold the respective merits and services of Captain Jared S. Crandall, Albert Crandall, Daniel F. Larkin, Frank Larkin, Byron Green, John D. Harvey, Courtland Gavitt, Eugene Nash, Edwin Nash, and William Nash, of the town of Westerly, State of Rhode Island, who so gallantly volunteered to man the life-boat and a fishing-boat, and saved the lives of thirty-two persons from the wreck of the steamer Metis, on the waters of Long Island Sound, on the 31st day of August, 1872.

Approved February 24, 1873.

Mr. PENDLETON. I ask also that a letter from the Treasury Department be read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE DIRECTOR OF THE MINT,
January 19, 1874.

DEAR SIR: I omitted to include in the estimate I sent you on Saturday an item which might with propriety be included in the appropriation Congress is asked to make for the life-saving services. Congress, by joint resolution approved February 24, 1873, authorized the presentation of medals to ten persons who, at the peril of their own lives, rescued several persons at the time of the Metis disaster, but made no appropriation therefor. About $1,600 will be required; can you not add it to the $11,000 I have asked for?

Very truly,

S. I. KIMBALL.

Hon. EUGENE HALE,
House of Representatives.

Mr. HALE, of Maine. The proposed amendment of course relates to a subject not in the bill reported by the committee, but as the service for which these medals are to be given was in the line in which this bill was reported I will allow it to be voted upon.

The amendment was adopted.

Mr. NEGLEY. I ask that the second section of the bill be again read.

The Clerk read as follows:

SEC. 2. That the Secretary of the Treasury is hereby authorized to appoint a keeper for each of twenty-one new life-saving stations upon the coasts of Maine, New Hampshire, Massachusetts, Virginia, and North Carolina, whose compensation shall be at the rate of $200 per annum, and to employ crews of experienced surfmen at such stations and for such periods as he may deem necessary, and at such compensation as he may deem reasonable, not to exceed forty dollars per month for each person employed.

Mr. NEGLEY. I accord generally with the views expressed by the gentleman from Maine, [Mr. HALE,] except in this: I do not think this bill goes far enough. I desire to know upon what ground the gentleman has proposed this appropriation, and from what Department he received the recommendation for the appointment of these keepers.

Mr. HALE, of Maine. From the Treasury Department and through the Chief of the Revenue Marine Bureau. All of these twenty-one stations have not been finished. This bill applies only to those that have been completed. An appropriation of this size would not be sufficient to cover the expenditures for the whole twenty-one stations running through the entire year. But this appropriation is only for immediate needs, for work to be done at the present time. That is why it does not go further.

Mr. CONGER. The resolution authorizing the establishment of these life-saving stations included the lakes. This bill, however, does not make any provision for stations on the lakes.

Mr. HALE, of Maine. The appropriation bill of last year had the following provision: "For establishing new life-saving stations on the coast of the United States, $100,000." It is under that authority that the Treasury Department has gone on and built these stations. What rule it pursued in building them, how far it is intended to extend this service, I am not certain. But I think that the head of the Revenue Marine Bureau has in mind, if Congress goes on and appropriates year by year, to make this service one that will cover not only the Atlantic and Gulf coasts, and the Pacific coast, but the northern lakes; because, of course, the reason that applies to the one applies to the other.

Mr. CONGER. Now, Mr. Speaker, that appropriation was made with a specific statement of the places where these stations were to be established. I, myself, assisted in urging the passage of the bill; and it received the votes of western and northwestern men upon the very ground that these life-saving stations were absolutely necessary at some points on the lakes for the preservation of life. The gentleman from Maine may remember that I then made a statement of a case in which thirty-three lives had been lost at one point on the lakes. Yet I find that in carrying out the provisions of that act the Atlantic coast has absorbed all these stations. In the bill now before us there is no provision that any of these keepers shall be appointed anywhere except in certain States named. I ask the gentleman from Maine to make his bill at least as broad as the original appropriation contemplated, so that these keepers may be appointed wherever on the ocean or the lake coast they may be necessary.

Mr. NEGLEY. Or on the rivers.

Mr. HALE, of Maine. So fast as appropriations are made, and so fast as stations are built, they can be set into operation. As to the limitation to any particular places, that is a thing I care nothing

about. When the Committee on Commerce shall report, or when a general appropriation bill may come up, that will be a fair subject-matter for debate. But I ask the attention of the House to the fact that this appropriation is only for life-saving stations that have been completed and are now ready to be put in operation. Whether the head of this Bureau in the Treasury Department has established them in the right places I cannot tell. I know that he has been very scrupulous in his investigation, and has listened to representations from gentlemen all along the coast. There is nothing in the present bill that appropriates any money outside of the life-saving stations that can be put in operation within a week.

Mr. CONGER. I understood the gentleman to say that this provision was for the whole twenty-one, although but eleven are finished.

Mr. NEGLEY. It is for the whole twenty-one.

Mr. CONGER. Then I understand that one or two of these are to be on the lakes. Therefore I hope the gentleman will modify his bill so as to include authority for the appointment of these keepers, wherever the stations may be.

Mr. NEGLEY. Or wherever they are needed.

Mr. HALE, of Maine. I have no objection to such a modification of the bill as will strike out the reference to States and adopt the same language that was used in the act of last year—"on the coast of the United States."

Mr. CONGER. That would be satisfactory.

Mr. HALE, of Maine. I have no objection to that whatever.

Mr. SENER. In the bill passed last year providing for these life-saving stations there was a provision which looked to the establishment of the stations at such points on the lakes and sea-coast as were not already provided for; and the report of the Chief of the Revenue Marine Service, which is already before the House though not yet printed, looks to the establishment of these stations as they may be needed on the sea and lake coast of the United States. That report contemplates some of these stations for the lakes, and some for the coast of Virginia, which have not yet been provided for.

Mr. NEGLEY. Will the gentleman from Maine [Mr. HALE] consent to a further modification of the bill, so as to provide that these stations may be established wherever needed?

Mr. HALE, of Maine. I would not like to do that, because it would at once raise in the minds of some members an objection that it would be putting too much power in the hands of the Secretary of the Treasury to establish these stations anywhere without the leave of Congress.

Mr. NEGLEY. But if the gentleman takes the recommendation of the Secretary of the Treasury as a sufficient ground for the appropriation, he certainly can leave to the discretion of the Secretary the designation of these places.

Mr. HALE, of Maine. I do not consider the mere recommendation of the Secretary of the Treasury sufficient, except to bring the matter to our attention, that the propriety of an appropriation may be considered. I hope the gentleman from Pennsylvania [Mr. NEGLEY] will not insist on his suggestion, because I am sure it would raise objections on the part of other gentlemen.

Mr. COX. Mr. Speaker——

Mr. HALE, of Maine. I yield three minutes to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Speaker, three years ago, when I brought into the House this proposition for life-saving apparatus and stations, there was a general indisposition on the part of Congress to follow the British system. The Secretary of the Treasury at that time [Mr. BOUTWELL] opposed it, on the score of economy, in one of his reports; and the gentleman from Massachusetts, [Mr. DAWES,] who was then at the head of the Committee on Appropriations, thought such a measure unwise at that time. This was three years ago. I remember the occasion well. But the gentleman afterward voted for the measure on the score of humanity. It was then an experiment. It has since been tried, not merely on the New Jersey and the Long Island coasts, under general appropriations, but it has been tried successfully everywhere, not only on our continent, but abroad.

Gentlemen who do not understand this business can see by a single illustration what it means. When a ship is in danger of being wrecked upon a coast in a storm, a rope from the shore is shot out of a mortar over the vessel; a car is then run between the vessel and the shore, and in this manner, as frequently happens, hundreds of lives and millions of dollars' worth of property are saved. Especially in midwinter is this system a great and glorious utility.

In the light of humanity alone, I would not lay a feather in the line of appropriations for this object. But having kept my eye on this matter from the beginning, it has come to my knowledge that appropriations for this object are growing year by year, and should be carefully scrutinized.

What was a good thing, perhaps, for the harbor of New York, or the vessels coming into New York along the Jersey coast and the Long Island coast, or for Boston, or for those coasts where there is a large population and large coastwise trade and traffic, might not be so good for remote sections and coasts, and the expense would be greater. These stations are placed five, seven, or ten miles apart. Generally speaking, in winter there is not the same vigilance and care by the men who keep them, although that is the time when they are most needed. There are complaints that contracts made in respect to boats and buildings, &c., have not received the vigilance they should. I know not how that is, but this matter at least should be carefully considered—I mean the general matter.

If I understand this particular case, buildings are already up, and the money has been already paid out for them in certain places, especially, I think, for these twenty-one stations. All we want now is to appropriate money to pay for men who will be in charge of these stations. The general question of appropriation of several hundred thousand dollars will come up hereafter. How far, Mr. Speaker, that should be extended, is a question for us to determine, and it can, perhaps, be best done in the Committee of the Whole. We have three thousand miles of sea-coasts, we have lake-coasts, we have dangers of the river, and every locality and every coast will be asking for appropriation. Let us, while we examine this thing carefully in view of future appropriations, not stop now on this bill to contest this matter when there is such an emergency as at present.

Mr. HALE, of Maine. I am very anxious to get through with this matter during the morning hour.

Mr. WHEELER. Has not the morning hour expired?

The SPEAKER. It has.

Mr. WHEELER. I move that the House resolve itself into Committee of the Whole to take up the Army appropriation bill.

Mr. BUTLER, of Massachusetts. Let us get a vote on this bill first.

Mr. WHEELER. I will withdraw my motion if there be no further discussion on the pending bill.

Mr. EAMES. I ask the gentleman from Maine to allow me to offer an amendment, to come in as an additional section.

Mr. HALE, of Maine. I will hear the gentleman's amendment read.

The Clerk read as follows:

SEC. —. The Secretary of the Treasury is hereby authorized, in his discretion, to divide that part of the coast known as district No. 2, into two districts; and that known as district No. 3, into two districts; and to appoint one superintendent for each of the said four districts.

Mr. HALE, of Maine. I cannot yield to that amendment. I now demand the previous question.

Mr. BUTLER, of Massachusetts. I would like to be heard on this question.

Mr. WHEELER. I do not withdraw my motion unless the previous question is called and the vote taken at once on the pending bill.

Mr. HALE, of Maine. I do not mean to say another word, and my desire is to put the matter through as soon as possible. I demand the previous question.

The demand for the previous question was seconded and the main question ordered.

The SPEAKER. The question first recurs on the amendment of the gentleman from Rhode Island, [Mr. PENDLETON,] which will be read.

The Clerk read as follows:

Strike out the words "Maine, New Hampshire, Massachusetts, Virginia, and North Carolina," and insert the words "the United States," so it will read "twenty-one new life-saving stations upon the coasts of the United States."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HALE, of Maine, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. WHEELER. I move the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the Army appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. KELLOGG in the chair,) and proceeded to the consideration of the special order, a bill (H. R. No. 1009) making appropriations for the support of the Army for the fiscal year ending June 30, 1875, and for other purposes.

The CHAIRMAN. The bill will be read a first time for information.

The bill was read *in extenso*.

Mr. WHEELER. I design, Mr. Chairman, to explain this bill simply, and then to leave it open for the remainder of to-day, and, if necessary, to-morrow, for general debate; and when general debate shall be exhausted, to take up the bill by items for discussion.

In presenting the regular appropriation bill for the support of the Army for the next fiscal year, the Committee on Appropriations invite for it close attention and examination. Economy in public expenditure is now the profession of every lip; its practice is the universal, imperative demand of the hour. The time has passed, for a while at least, when millions of the public funds can, as at some former periods, flow safely through the open sluice-ways of legislation without careful consideration and critical scrutiny. The specter of renewed and increased taxation now haunts every hamlet in the land, and upon us, as possessing the power, and in the exercise of a wise prudence and discretion, the people rely to beat back from their homes the unwelcome reality.

Probably there has been no period in our history when the people were more sensitive upon the subject of taxation, or more keenly inquisitive as to its necessity. The great and, until quite recently, steady reduction of our national indebtedness, and the removal of the

greater portion of the burdensome taxation imposed by the war, led the people to believe, with reason, that their long-fettered energies and industries were at length unloosed and the country once more placed upon the sure road to permanent prosperity. The sudden dissipation of these hopes surprises and disheartens them, and all the more, as they are now suffering from severe monetary derangements and the great reduction of values ever, in time, inseparable from an inflated paper currency.

The people are now illy able and illy disposed to bear burdens not demanded by palpable, immediate, pressing necessity. They demand of us to practice here the economy to which they are forced, and to bend to the necessity which overpowers them.

We ought now and here to accept and legislate for the future upon the fact that certain great questions, which have for the past few years overshadowed all others, and to which, for the time, all others were justly subordinated, have been substantially settled. In a certain sense we are called upon to take, in legislation, what our democratic friends style a "new departure." The questions of slavery, of the integrity of the Union, of reconstruction, and the like, are hereafter to live mostly, if not wholly, in the memory, soon, we trust, to be erased even from its tablet, in the closer, more cordial fraternity, the better civilization, the general prosperity and high advancement in everything which exalts and refines a nation, for all which, with wise and just government to foster and aid, the costly experience of the last few years has laid the sure foundation.

With the adjustment of old difficulties comes the era of peace, leaving the people free for the pursuit of avocations which respect their material interests. He is a poor statesman who imagines for a moment that the record of the past, however brilliant or beneficent, can cover present dereliction of duty, or atone for want of fidelity, capacity, and adaptation to grapple successfully with the questions which now confront us. No party can or ought to command the confidence and support of the people which is not equal and faithful to current duties and responsibilities, and whose representatives do not demonstrate by wise action that they exercise their trust broadly, intelligently, effectively, and honestly in the interest of the whole people. He scans the political horizon to little purpose who does not discern this sure sign of the times.

In the preparation of the Army bill the Committee on Appropriations have fully appreciated the responsibility devolved upon them to meet the demands of the country for just, wise, and economic expenditure. The act of last year corresponding with this appropriated $31,796,008. The original estimates for this bill were $34,881,618. These, under the request of the House, were reduced by the Secretary of War to $32,768,716. The Committee on Appropriations have further reduced them by the sum of $4,318,799, so that this bill calls for $28,449,916, which we hope to reduce somewhat by amendments.

Our Army is of necessity expensive. Operating for the most part in regions largely distant and approached with difficulty from commercial centers, its expenses are, by these considerations, greatly enhanced. The Army has now obtained the maximum number of enlisted men permitted by the act of July 15, 1870—thirty thousand. These men at present are mainly distributed in the Territories and the State of Texas.

The committee have carefully considered the question whether this force cannot be safely reduced, not by a summary discharge of men, but by permitting a portion of the natural depletion by expiration of service, death, desertion, and other causes during the next fiscal year to go unsupplied, or, in other words, to check enlistments for that period. An approximate estimate from the War Office of such depletion shows a diminution in the enlisted force of the Army of, in round numbers, ten thousand men.

The bill now under consideration is framed upon the hypothesis that only one-half of this diminution shall be supplied, and if it shall be sustained by the House, a saving of several million dollars will be effected over the revised estimates of the Secretary of War.

A standing army of magnitude is opposed to our traditionary policy and to the genius of our institutions. Our sure dependence in times of emergency must always be upon our volunteer soldiery, upon whom our whole history illustrates we can always confidently rely. Our Indian relations furnish now almost the entire necessity for any considerable standing force. Since the termination of the Modoc war the tendency of most of the tribes seems to be pacific; and from information from qualified sources the committee believe an ample force will remain to preserve the peace with the Indians, and for all other necessary purposes, if limited enlistments shall be made for the coming year.

The money appropriated by this bill can be applied to recruiting the regiments employed in frontier duty, while a diminution of force elsewhere can work no detriment.

The Commissioner of Indian Affairs, in his last report, in speaking of the Sioux, the most troublesome of the Indians on the plains, uses this language:

> If it should become necessary to reduce the hostile portion of these Sioux to submission by military force, the Government will find faithful and efficient allies in the several Indian tribes around, the Crows, Black Feet, Gros Ventres, and Arickarees. From these Indians a sufficient number of scouts can be enlisted to break the power of the Sioux nation.

The President has the power under existing laws to enlist a force of Indians, not exceeding one thousand, to act as scouts in the Territories and Indian country, who can be discharged when the necessity for their services shall cease, or at the discretion of the department commander. The efficient and valuable service of these Indian scouts was fully demonstrated in the late Modoc war. This system is every way more economical than the one now pursued, both as to period of enlistment and saving of transportation of men; and more efficient as pitting against the Sioux men thoroughly skilled in the peculiar modes of Indian warfare.

The committee fully appreciate the danger and tendency, in times like these, of legislating toward the extreme of economy, but careful examination and reflection have satisfied them that this measure is entirely prudent and safe. With a proper disposition of troops there will be no difficulty. It may transfer some men from places of ease to the hardships of frontier duty, but they must accept this as one of the contingencies of their calling.

One prominent fact in this connection I desire to impress upon the committee. During the last summer the Government, with a total enlisted force of eighteen hundred men less than now, was able to send off for the entire summer ten companies of the Seventh Cavalry; ten of the Eighth and Ninth Infantry; three of the Seventeenth Infantry; one of the Sixth Infantry, and five of the Twenty-second Infantry, with a force of Indian scouts, aggregating over fifteen hundred men, with all the paraphernalia of war, as an escort to a small surveying party on the line of the Northern Pacific Railroad, from the Missouri to and beyond the Yellowstone River. This army marched over seven hundred miles from any white settlements, and for the time being was withdrawn from their protection. What settlement was molested in its absence? No one would think in these times of furnishing such an escort for the Northern Pacific, even had its work not been suspended. These troops can now devote themselves entirely to the protection of the settlers, if they shall need it.

Independent of this Northern Pacific expedition the Government furnished forces for exploring parties amounting to five hundred enlisted men.

Can it be seriously contended that we need more troops now than in the unsettled condition of affairs which immediately followed the close of the war? On the 30th day of June, 1865, the rank and file of the Army consisted of 19,507 men, and on the 30th day of June, 1866, of 25,215 men. What considerations render a larger force necessary now than then?

No hazard is run in this diminution of the enlisted force of the Army. Any emergency of magnitude would convene Congress, which will be in regular session before four months of the next fiscal year shall have elapsed, when it can take such action, if any, as experience shall have shown to be necessary.

With millions of acres of our best lands in market at merely nominal rates, where men may live in perfect security without Army protection, it is really a debatable question how far the Government ought to go in protecting adventurous men, who push out beyond the bounds of civilization, often for the very purpose of inciting Indian outrages, in order that they may invoke the military arm of the Government, and then profit by the attendant pecuniary expenditures. It would startle the American people, in the present condition of their finances, if they could mathematically compute the expense of protecting the very small minority of their population residing, for example, in the Territories of Washington, Montana, and Dakota. With a population by the last census of a little over fifty thousand, we have now about five thousand regular troops there, or a soldier to every ten souls, at an annual expense of over $1,000 per soldier.

Independently of this, we are constantly paying and feeding the Indians, aggregating millions of dollars every year, to keep them quiet.

These Territories have overdrawn their quota of arms, under the act for arming the militia, in the sum of $30,000, and a like sum was expended therein during the last year for "incidental expenses" attending the management of Indian affairs. And all this is supplemented annually with shoals of "war claims" like those of Montana, encountered by the last Congress, and those of Dakota, of fourteen years' standing, which now confront us.

It were a profitable study to ascertain how our British neighbors over the border manage to avoid these Indian complications and their attendant immense military expenditures.

If there be any force in the legal maxim that a private inconvenience ought to give way to a great public benefit, these daring adventurers ought, if necessary, to come within the limits of civilization, until, at least, we are better able to protect them.

We hear a great deal about the contraction of the currency. A contraction of our population is quite as desirable, if not necessary. The Government certainly ought not to encourage further expansion, especially when an army must precede and follow it.

Aside from the ordinary appropriations of the Army bill, the committee propose certain provisions by way of amendment, the rules having been suspended to admit them for consideration. Among these is one intended to carry to the surplus fund of the Treasury certain balances of appropriations for the Departments of the Quartermaster-General and the Commissary-General of Subsistence, accruing from dates prior to July 1, 1870, and up to July 1, 1872. These balances amount, in round numbers, to $6,000,000. The appropriations from which they remain were made to cover the extraordinary expenses of these Departments during the late war. These balances remain as a standing temptation to all manner of claims, and afford placers in

which predatory claim agents and greedy cormorants work too often and too successfully.

As an illustration I state, on the authority of an officer in the Quartermaster's Department, that one claim agent in this city, within the last six months, has exhumed from the State of Maryland alone $200,000 of war claims, the allowance of which he is pressing with all the pertinacity which characterizes the race.

Such temptation ought to be removed; and the Quartermaster-General and the Commissary-General of Subsistence fully acquiesce in the opinion of the Committee on Appropriations, that these balances ought to be canceled. If this shall be done, there will still remain ample balances in the Treasury to meet all legitimate demands accruing since the close of the war.

Another new provision offered by way of amendment to the bill is one intended to carry all claims against the Departments named, growing out of the war, to the commissioners of claims, giving them exclusive jurisdiction.

The history of legislation upon these claims is as follows:

In July, 1864, Congress passed an act denying jurisdiction to the Court of Claims in all cases for property taken, injured, or destroyed during the war by the Army or the Navy.

The same act authorized the Quartermaster-General and the Commissary-General of Subsistence to examine and settle all claims of loyal citizens, in States not in rebellion, for quartermaster stores and subsistence.

In June, 1866, the provisions of this act were extended to the counties of Berkeley and Jefferson, in the State of West Virginia, and in July of that year to the State of Tennessee.

Until the act of March 3, 1871, there was no tribunal for the hearing of claims of loyal citizens residing in the States declared by the President of the United States, by his proclamation of July 1, 1862, to be in insurrection, namely, Arkansas, Texas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia.

The act of March 3, 1871, provided for the appointment of three commissioners of claims, who should receive, examine, and consider the claims of loyal citizens in the insurrectionary States for "stores or supplies, including the use and loss of vessels."

In May, 1872, Congress extended the jurisdiction of these commissioners to stores and supplies taken or furnished for the use of the Navy.

Lastly, by act of March 3, 1873, the time expired on that day for presenting claims to this commission.

I ask the committee carefully to note that the proposition of transfer does not at all affect the jurisdiction of these commissioners as to subject-matter, or as to claims of which they now have jurisdiction. If that is to be changed, either as to time or character of claim, let it be the subject of an independent bill, upon proper consideration, which the Committee on Appropriations has not given it, as not within their sphere of duty.

The provision for transfer of these claims is a necessary accompaniment to the carrying to the surplus fund of the Treasury of the $5,000,000 of balances before referred to. It would be useless to leave these claims in the Departments, with no money to pay them.

There are now 11,594 of these claims in the Departments of the Quartermaster-General and of the Commissary-General of Subsistence, calling for over $8,000,000. The advantages of transferring them to the commissioners of claims will readily suggest themselves.

First. It will rid the Quartermaster-General and the Commissary-General of Subsistence of a burden which now prevents them from promptly discharging the current duties of their offices. I state this upon the warrant of their authority.

Second. It will confine claimants to one tribunal. Now, foiled at the office of the Quartermaster-General or Commissary-General of Subsistence, they go to the commissioners of claims, and *vice versa;* and in one instance a small claim was paid twice.

Third. This method sends these claims to one exclusive tribunal, whose sole business it is to examine them, and whose years of experience peculiarly qualify them for their work.

Fourth. This process will submit them to the critical examination and decision of three persons, and then to the ultimate review of Congress. Now they get the consideration of a single officer—Quartermaster-General or Commissary-General of Subsistence—and he embarrassed with pressing current duties.

Fifth. This mode provides a uniform rule for loyal citizens, without regard to their locality.

Sixth. I state, upon the authority of the acting Quartermaster-General, that the adoption of this provision will enable him to dispense with thirty clerks, at an average salary of $1,500 each, aggregating $45,000. The Commissary-General will also be able to dispense with two clerks, and perhaps four.

Seventh. This provision, if adopted, will, after the 1st day of November next, bar all further claims of this nature connected with the war; and the next annual report of the commissioners of claims will enable us to know how many of these claims are outstanding, and whether the Treasury will be equal to their payment.

As these commissioners of claims hold office until March, 1877, they will have ample time to consider all claims which may be brought before them.

I now yield the floor to such gentlemen as may desire to debate the bill, inviting the fullest discussion of its several propositions.

Mr. HOLMAN. The gentleman from New York is now referring to the last section of the bill. The subject covered in part by that section has already been before the Committee on War Claims. One objection seems to be urged against this section, that it very materially extends the jurisdiction of the claims commission in a geographical way. It is not confined now to the claims of loyal citizens in the insurrectionary States. The language of the section applies to all claims.

Mr. WHEELER. Without regard to locality.

Mr. HOLMAN. It is urged that almost all these claims have been pending for some years, and the proofs have generally been made in whole or in part; and when they are transferred to the commissioners, it will be necessary for the whole matter to be gone over again; and it has also been suggested that the rules of proceeding of this commission are entirely different from those of the Third Auditor.

Mr. WHEELER. The Third Auditor has nothing whatever to do except to make a mathematical computation of the settlements by the Quartermaster or Commissary General. These claims now rest in the hands of one man.

Mr. HOLMAN. The rules of the Commissary and Quartermaster's Departments are, I suppose, quite different from those of this commission. I am inclined to concur with the gentleman from New York as to the propriety of this section; at the same time I wish to state the objections that have been urged against this section.

Mr. WHEELER. I will say to the gentleman from Indiana that, on a very close examination of this matter, it appears that the rules which regulate the settlement of these claims are almost identical with those adopted by the southern claims commission. They will be turned over just in the condition in which they are at the passage of the act. The commissioners will take them just as far as proof has been made, and if they find that they require further proof, they will make requisition for it.

And I desire to say in this connection to the committee, that one reason why we ask the adoption of this section is to be found in the fact that these claims, aggregating millions of dollars, are now subject to the judgment of one solitary man, and he embarrassed by the current official duties in his Department.

Mr. HOLMAN. Are not these ultimately examined by the Second Comptroller?

Mr. WHEELER. Not at all. If the gentleman will look at the act of 1864 he will see that the Quartermaster-General is the sole judge. That is the law and the fact, as stated to me by the Quartermaster-General and the Commissary-General. Their settlements are sent to the Third Auditor for mathematical review—nothing more. And the committee thought that the settlement of so large amounts as these should not be intrusted to any one man, however capable, however honest. While yielding to the fullest extent these qualities to the Quartermaster-General and the Commissary-General, I say that such accounts should not be left to the settlement of any one man, who is embarrassed by large and onerous duties.

Mr. COX. Will it disturb the gentleman who has charge of this bill if I address a question to him here?

Mr. WHEELER. Not at all.

Mr. COX. The major part of the expenditure in this bill is for the line of the Army, for the soldiers. I would like to know why it is that in this country it costs three times as much to pay for keeping a soldier as it does in Great Britain?

Mr. WHEELER. My colleague is better traveled than I am, and I should suppose that he would know that himself. [Laughter.]

Mr. COX. I should suppose that the gentleman, in preparing this bill, had investigated this question of the cost of feeding and keeping the soldier in detail. I will give him the statement on which I based my question, and the gentleman can answer it. I quote from an English paper.

Mr. WHEELER. I am now discussing the general provisions of the bill, and I would suggest that the gentleman should postpone his questions on that particular subject until we reach it in the consideration of the bill in detail.

Mr. COX. Very well; I do not press the question just now.

Mr. HAWLEY, of Connecticut. Will the gentleman yield to me for a question?

Mr. WHEELER. Certainly.

Mr. HAWLEY, of Connecticut. I would like to ask the gentleman, who will search through and handle all these papers when the claims are transferred?

Mr. WHEELER. These papers all go by the operation of this bill immediately on its passage to the southern claims commission. Everything relating to the claims is turned over to that commission.

Mr. HAWLEY, of Connecticut. Who, and how many, will be engaged there to sort them, and examine the foundation of the claims?

Mr. WHEELER. Under the operation of this bill all claims and papers relating thereto will go immediately to the commissioners of claims, and the clerks now employed in their examination will be discharged.

Mr. CLYMER. I desire to ask the gentleman if the effect of this transfer will not be to postpone the consideration of claims arising in States that were not in insurrection, considering the fact that in the

southern claims commission now claims from States that were in insurrection have precedence?

Mr. WHEELER. I would, with his permission, correct the gentleman from Pennsylvania. They have no precedence except as the papers are prepared. The commission do not take the cases in the order of presentation, but of preparation.

Mr. CLYMER. The statement is made that there are already some eighteen thousand cases before the commission.

Mr. WHEELER. More than that.

Mr. HEREFORD. Twenty thousand.

Mr. CLYMER. Therefore the effect will be to postpone the consideration of the cases transferred until all those cases are disposed of.

Mr. WHEELER. I have consulted the commission on the subject, and they say they do not consider claims in the order of presentation, but in the order of preparation—that is, as the evidence is furnished.

As evidence of the comparative speed with which claims are disposed of by the Departments and by the commission, I have a statement here which I will submit to the committee. During the last year this claims commission finally disposed of twenty-four hundred and sixty-five claims; during the last year the Quartermaster-General's Department disposed of only nine hundred and sixty-seven claims.

Mr. CLYMER. I wish to state to the gentleman that claims from the State of Pennsylvania have been presented to the Department arising from the incursion into our territory of the rebel armies, and those claims have been partially heard. The parties have been at great expense in presenting their claims, and now if the matter is to be put before another tribunal, the commission, will not the work have to be done over again?

Mr. WHEELER. So far as the papers are prepared, according to the regulations of the departmental officers, they will not have to be prepared anew; they will be taken just in the stage they are.

Mr. TODD. I desire to ask the gentleman a question. I understand him to advocate this transfer on the ground of economy. Can he inform us what is the annual cost of keeping up the southern claims commission?

Mr. WHEELER. I can; the total expenses of the southern claims commission for the last year were $52,800.

Mr. TODD. Then I desire to call the attention of the gentleman to this point. There are now on the docket of the southern claims commission some seventeen thousand cases which have not been acted on. During the three years that that commission has been investigating these cases it has disposed of only five thousand cases.

Mr. WHEELER. More than that.

Mr. TODD. Very little more; perhaps two hundred more; I recently looked at their printed report. There are now on the docket seventeen thousand cases undisposed of; and if I am correctly informed there are now pending before the Quartermaster-General some twelve thousand cases. Now if those twelve thousand cases pending before the Quartermaster-General be turned over to the southern claims commission I want to know how long it will be before they pass on all the claims, and whether it is not practically fastening on the Government this institution as a permanent expense to the Government? I would ask him further, whether there is any economy in turning over to a commission that costs some $50,000 a year work already being performed by men who are paid in another capacity, so that it does not cost the Government one cent for the investigation?

Mr. WHEELER. I will say, in response to the gentleman from Pennsylvania, in the first place, that this commission by act of Congress will exist for three years from next March, and if he will make a mathematical computation as to the progress made respectively by these commissioners and the Quartermaster-General and Commissary-General, he will see that the commissioners will dispose of the claims much sooner than can the Quartermaster-General and the Commissary-General. The figures demonstrate that. The commission is fixed upon the country, wisely I say, for three years from next March, and within that time, according to the rate of progress they have made heretofore, they can dispose of all the cases.

Mr. HEREFORD. Allow me to ask one question.

Mr. WHEELER. I would prefer this discussion should take place when this portion of the bill is under consideration, but I will hear the gentleman's question.

Mr. HEREFORD. Perhaps I misunderstood the gentleman, and, if so, I desire to be corrected. I understood the gentleman to say that the transfer of these cases from the Quartermaster-General's Department to the southern claims commission is recommended by the Quartermaster-General himself. Where does he find that recommendation?

Mr. WHEELER. There is not any written recommendation, but I state it upon my own authority. The acting Quartermaster-General has stated, from the very outset, that the Department could not carry on this work and carry on its current obligations. The Commissary-General says the same thing.

Mr. HEREFORD. There is nothing of the kind in his report; and I gathered the impression from one of the chief officers of the Department that they did not desire the transfer.

Mr. WHEELER. I only speak from the authority of the acting Quartermaster-General. It was my proposition; and when I stated it to him it was indorsed most fully by him.

Mr. LOWNDES. Is it indorsed by the Secretary of War?

Mr. WHEELER. I have never consulted the Secretary of War on the subject. Now, I do not intend to impute that there is any collusion between claim agents and the clerks in these offices; it is not for me to make that charge; but I do say that there is most broad and ample opportunity for it.

Everybody knows that it is utterly impossible for the Quartermaster-General himself to examine these claims; that is done almost wholly by clerks. And I say that, after this lapse of time, when these new claims come in, they ought to undergo the closest scrutiny. All will admit that this commission of claims is doing its work faithfully and admirably well. And, as I have said, if gentlemen will take the pains to make a mathematical computation as to the rate of progress made by these respective offices, they will be satisfied that this business will be accomplished as speedily, and I say better, by the commissioners of claims than by the Quartermaster-General or the Commissary-General.

I will now defer anything further I may have to say until we come to the consideration of this bill by items. I now yield the floor to other gentlemen, simply inviting for this bill the broadest possible discussion.

The committee rose informally, and the Speaker resumed the chair, to receive a

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the amendments of the House to the following Senate bill:

A bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 59) granting relief to Eva, Etta, Henry, and Guy Carleton, children of General James H. Carleton, deceased; and

A bill (S. No. 204) for the relief of Robert Bent and Jack Smith.

ARMY APPROPRIATION BILL.

The House resumed the consideration of the Army appropriation bill in Committee of the Whole.

Mr. ALBRIGHT. Mr. Chairman, in times like these, when the revenues of the Government have fallen off greatly, and when economy in all the departments of the national Government becomes necessary, on one can be more favorable to reform and to cutting down expenses than I. And no one can be more anxious to correct evils and abuses that may have crept into the public service than I. If abuses exist anywhere, let him who knows the fact point them out, and the evil will be remedied so far as my vote can do it. We owe no higher duty to the country than to initiate a careful scrutiny into all the expenses of the Government, and to hold all public officers to a rigid accountability for the disbursement of money intrusted to them.

The principle is axiomatic that purity and honesty in official life are necessary to secure the perpetuity of national existence. No nation can long survive and withstand the assaults of corrupt and venal officials. The history of nations that have passed from the stage of action fully attests this truth. Their decline commenced with official dishonesty and corruption, and culminated with the debauchery and demoralization of the masses. Therefore the higher the official the more imperative the demand for unscrupulous honesty and fidelity in the discharge of all public trusts committed to him. He should remember that—

> They that stand high have many blasts to shake them,
> And if they fall, they dash themselves to pieces.

Extravagance blunts the edge of conscience and breeds dishonesty, because it creates inordinate desires which honest work cannot satisfy, and therefore it at first attempts to procure by indirection what the law positively forbids. I believe that men, whether rich or poor, who accept and hold offices of trust and responsibility should make it a point to live and support themselves upon the pay and emoluments thereof, for the sake of example; and in failing to do so they weaken the moral fastenings of others less fortunate than themselves, but whose positions are of equal grade and honor.

No doubt the rapid growth and development of the country has caused a proportionate increase of expenses, and opened the doors in many places for corrupt practices. It is charged by some that millions of dollars are yearly paid out improperly, and that the more money is appropriated the less can be shown for it. Do the gentlemen who make these charges know whereof they affirm? If they do, it is a duty which they owe to themselves and the country to lay bare the festering sores and show where the evil is, so that it may be reached and corrected. Where it is, there the pruning-knife ought to be run in. By all means let what can be done to cut down expenses and avert the necessity of levying additional taxation.

But in our efforts to reform the public service and save money we must not let our zeal take us too far. We must remember that we have a great country, and that the just and proper expenses of the country are great too, and that we cannot afford to cut down simply upon the ground of saving money.

The matter before us now is the Army appropriation bill, which in effect contemplates a reduction of the Army. The gentleman from New York [Mr. WHEELER] who has charge of this bill tells us that the reduction upon the estimates amounts to $4,318,799, making the total of the Army appropriations some $3,000,000 less than they were

last year. You will observe that the items upon which the greatest reductions are made are those which directly affect the status of the Army. In other words, if you pass this appropriation bill in its present form you in effect direct a reduction of the Army of not less than five thousand men.

According to the Adjutant-General's report, the strength of the Army, as given me by the gentleman from New York, [Mr. WHEELER,] is made up as follows: 10 regiments of cavalry, 4,736 men, 473.2 per regiment, 12 companies to a regiment, averaging 39$\frac{1}{4}\frac{3}{3}$ to a company; 5 regiments of artillery, 3,180 men, 656 per regiment, 12 companies to a regiment, averaging 54$\frac{4}{6}$ to a company; 25 regiments of infantry, 12,802 men, 512$\frac{3}{5}\frac{2}{5}$ per regiment, 10 companies to a regiment, 51$\frac{1}{1}\frac{8}{2}\frac{8}{5}$ to a company; engineers, 329; total, 21,047.

The available fighting force of the Army of the United States is 21,047 men, scattered over the country from Fort Preble, Maine, to Sitka, Alaska, from our northern boundaries to the Gulf, in thirty-one States and Territories, and occupying some two hundred posts, averaging but a fraction over one hundred men to a post, besides the arsenals. While, according to reports, 21,047 compose our Army, yet it is a fact well known to Army men that of this force, if any emergency should arise, you could not march much more than one-half, because of the casualties occasioned by camp life. Many of these men are in the hospital and on special detail about the camps. If you were suddenly called upon to concentrate your Army from any cause whatever, and protect the country occupied by our troops, you could scarcely count upon more than one-third of this scattered Army. Many posts could not be abandoned without exposing the lives of the settlers and inviting the depredations of the hostile Indians.

While, therefore, we have an Army of thirty thousand men, it is well to bear in mind that many of the enlisted men are doing the work of clerks, messengers, watchmen, signal sergeants, commissary sergeants, hospital stewards, &c., and saving the Government large sums of money, because the duties which they perform would not cease by a reduction of the Army, but would have to be performed by civilians at a higher rate of compensation. It should be remembered that there are thousands of claims to be disposed of through the War Department, occasioned by the war, relating to bounties, back pay, pensions, Freedmen's Bureau, prisoners of war, &c. The adjustment and settlement of these claims cost the Government large sums. They are charged to the Army, and of course swell Army expenses. These expenses cannot be cut down at this time, unless the statutes are changed relating to these meritorious claimants. Our troops are so scattered that you could not, without great expense, turn out a funeral escort for one of our distinguished generals, should one die. There is no such thing as a regiment at one place. Regiments in many instances are hundreds of miles apart.

The artillery soldiers occupy mainly the fortifications along the sea-coasts, and have the care and responsibility of millions of property. Look at the few men who take care of the valuable munitions of war; to reduce the number would be to consign this property to destruction. It would be better to stop building new fortifications and procuring armaments therefor, if we cannot afford to pay the soldiers to take care of them. The system of fortifications is undergoing a radical change; science and invention are traveling so fast as to render almost useless what was regarded as nearly perfect ten years ago—or even five years ago. The Secretary of War says in his report to this Congress:

> I feel great hesitation in recommending increased appropriations at this time, but I deem it my duty to say that the armament of our sea-coast defenses, which involves the question of the defense of our principal sea-board cities from attack, in case of war with a naval power, is a subject demanding the earnest attention of Congress. The principal cities on our coast are in a very defenseless state, and the tedious and costly work of preparation cannot be commenced on the breaking out of a war with the hope of accomplishing any adequate result. The work must be done in time of peace, without waiting for an uncertain period in search after perfection in gun-constructions. The importance of this subject increases with the earnest and continued efforts on the part of all nations to supply their forts with the most improved armament; and should war find this country without a proper defense against iron-clads and their great guns, the responsibility cannot rest on this Department, as the importance of the subject has often been brought to the attention of Congress.

No age has surpassed this in marvelous inventions. Especially is this true with all that relates to war on land and sea. On the 8th and 9th of March, 1862, one little iron-clad, the Monitor, with a battery of two guns, could go to Hampton Roads and compel in two hours the Merrimac, the best war-ship of the confederates, to withdraw disabled, after having sunk the United States frigates Cumberland and Congress. April 19, 1864, the Kearsarge can follow the Alabama upon the high seas, and on the 19th of April, 1864, off Cherbourg, France, destroy this proud piratical craft. Here was effected a change in naval warfare. Iron-clad monitors, the needle-gun, and the heavy ordnance have changed almost them ode of warfare; and were we to go into a war to-day we would have none of the muskets which did such effective service in the days of the rebellion. Nor could we go into the market and supply ourselves with the arms so necessary to defend our national honor. They must be manufactured to order, and who will make them if the Government does not require them?

A board of officers, after experimenting for six months with a view of ascertaining the best small-arms to be placed in the hands of our soldiers, have made their report. I quote from the report of the board for selecting a breech-system for the muskets and carbines of the military service. The board consisted of the following officers: Alfred H. Terry, brigadier-general; P. V. Hagner, colonel of ordnance; H. B. Clitz, colonel Tenth Infantry; M. A. Reno, major Seventh Cavalry; L. L. Livingstone, captain Third Artillery.

Final test with .45 caliber arms—Conclusion—Selection—Recommendation of Springfield system.

These arms having been received, with the exception of the fourth on the list, for which the Remingtons supplied a substantially similar arm of their own make, No. 86, they were tested for rapidity of firing by the expert, and also by a party of old soldiers and recruits. Without particularizing the special favorable and unfavorable features of each system, fully shown by other portions of the record, the board has been brought to the conclusion from their own experiment, as well as from the great mass of confirmatory testimony obtained from the army in the field, that the Springfield gun, No. 99, of all those presented, is the best suited for our military service. They have, therefore,

Resolved, That the board recommend that the Springfield breech-loading system be adopted for the military service of the United States in accordance with the provisions of an act of Congress entitled "An act making appropriations for the support of the Army for the year ending June 30, 1873, and for other purposes," approved June 6, 1872.

And now the Committee on Appropriations recommend an appropriation of $100,000, from which we can make about fifty-five hundred and fifty-six of these arms. Colonel Benét says that the cost of one of these Springfield breech-loaders would be from sixteen to eighteen dollars. At this rate it would take eighteen years to make enough guns for one hundred thousand men, taking it for granted that none would wear out or become unserviceable in the mean time. If it is true that this is the best small-arm now in use we would cut a sorry figure if we should become involved in war, and we would be unable to equip ten thousand men with this arm. We have capacity to manufacture thirty-five thousand of the Springfield breech-loading guns per annum, at a cost of about $500,000.

It seems to me that to proceed no faster in the manufacture of this gun would be criminal and unjustifiable upon any score of wholesome and judicious economy. And the policy of such saving economy would not be apparent in time of war. We would then rush into every market to buy guns, and we would be compelled to supply our soldiers with inferior arms at superior and exorbitant prices. With our present capacity it would take us three years to manufacture one hundred thousand of them. Is there anybody who can believe that we ought not to manufacture them at our national armories forthwith, and gather several hundred thousand of them in our arsenals? I would do this without increasing our capacity to produce; but I would do it because nobody can horoscope the future and tell what may happen to us as a nation, or what complications may encompass us within the next few years.

Now what is true with regard to the improvements of small-arms is equally true with regard to the improvements which have been made in heavy ordnance. Our sea-coasts, fortifications, and harbors need new armaments to enable them to withstand the assaults that may be brought against them by the new and improved heavy guns and projectiles. The age in which we are living is prolific in the wonderful progress that society is making. Our young nation is the giant figure that is rising up among the powers of the earth and asserting its rightful authority. The most progressive, active, and enlightened, as well as Heaven-favored people are we on earth, and yet we are so poverty-stricken to-day that we cannot put our country in proper defense, or even supply the means of defense, in case of a sudden and great emergency. If this is true the spectacle is appalling.

Our cavalry and infantry regiments are mostly in the Territories and Indian country, and upon the border or frontier. They are performing a hard and thankless duty. There are more troops in Texas than in any other State or Territory; but who can justly say that this force is not needed? How these troops are used and for what they are used let General Sherman say:

> They are distributed under the direction of the department commander, General Augur, as experienced and trustworthy an officer as can be found in any country, and they scout forward and in the intervals of their camps. That line of posts protects the frontier against nomadic Indians and against the incursions of Mexicans who come over the Rio Grande to steal cattle and horses. The southeastern part of Texas is a valuable country. In due time it will fill up with a good population; and although this process is very slow, it is bound to come. But so long as the country is in its present condition I do not see how you can help covering and protecting that frontier, and that cannot be done cheaper than it is now done by the present cavalry. Take away the Ninth Cavalry and the settlements of Texas would fall still farther back, and other troops would have to be raised a second time to recover the country thus surrendered or lost.
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> The necessity of a regiment in Utah has been demonstrated, I think, to the satisfaction of all thinking men. There is a natural antagonism between the Mormons and their neighbors. There is a United States court there, which is constantly calling upon the commanding officer for assistance in the way of serving its writs and in enforcing its mandates. I have no doubt that the presence of that regiment there has kept the peace, where otherwise we might have been dishonored by riots, murders, and collisions, that would have been disgraceful to our civilization. The troops are, of course, perfectly neutral as between the conflicting parties, and generally stand between them, now protecting one and then the other. To show the power of our Government, I would venture to say that any person in Utah can be arrested and surrendered to the civil courts with a sergeant and three men; but it could not be done unless those garrisons were there, and unless the people understood distinctly that where three men went three hundred could go, and more, if necessary. * * * * *
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> There have been excitements in the city of New Orleans, when those men were compelled to stand to arms in the streets for days at a time. I mean during the election excitements growing out of the governorships and senatorships. Thus far I claim that the troops there have behaved with admirable discretion. They have never shot a man, but I have no doubt that they have prevented many riots. The regiment has prevented riots there, and that prevention, I think, has been of great importance to the country at large and to our reputation as a civilized people, for every riot in a city like New Orleans is a disgrace to the whole American people.

No class of educated men in our country are doing such hard and severe duty as are the line officers of the Army for as little pay. Mr. Chairman, let me call your attention to the sacrifices our officers and men have been subjected to.

General Sherman says:

The Sixteenth Infantry is one of the few regiments that are in the South. Its headquarters are at Nashville, Tennessee, with detachments at Lebanon, Kentucky; Jackson, Mississippi; Little Rock, Arkansas; Humboldt, Tennessee; Lancaster and Frankfort, Kentucky. The regiment has been there, with changed localities, substantially since the close of the war. It has been shifted about, the companies occupying various positions according to the requirements of marshals and revenue agents.

Mr. HAWLEY, of Connecticut. Is it not desirable to shift these men once in a while?

General SHERMAN. We ought to shift them as a whole, but we cannot afford it. I have tried it three or four times, but every time we attempt to change a regiment, in the spirit of fairness, we meet with opposition from the Quartermaster-General, saying that he has not the necessary money.

Mr. HAWLEY, of Connecticut. The men ought to be shifted to a more rigorous climate.

General SHERMAN. Of course it ought to be done in the interest of humanity; not with that regiment so much, because its location is generally healthy, but with another regiment that has been in Louisiana for the same length of time. I mean the Nineteenth Regiment. * * * The Nineteenth Infantry is the one that I spoke of just now as having been in the extreme South so long. It has gone through the yellow fever three times.

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The Twenty-second Infantry is on the Missouri River. We are trying to get the Sioux into that district west of the Missouri River, and therefore that part of the country is guarded pretty strongly. There are two regiments there. The one commanded by General Stanley, the Twenty-second, occupies Fort Sully, Fort Randall, and the lower Brule agency, all in Dakota Territory. That regiment has been there ever since the close of the war. Some of its officers have hardly seen a white face, except their own garrison, for six or seven years. The regiment has been there seven years, and I have promised them myself several times to bring them out where they can have a school-house and church, but I have not been able to fulfill my promise thus far.

General Townsend says:

We have to give officers a little leave of absence sometimes, in order to save their health. There are a great many invalid officers now, broken down by long service in malarious countries. If we had the means of transportation to change regiments more frequently we could save life and health by transferring from unhealthy to healthy localities.

The CHAIRMAN. Have not most of the regiments, in point of fact, been transferred within the last five years?

Adjutant-General TOWNSEND. No, sir. For instance, the First Infantry has been stationed on the lakes for about eight years, while other regiments have been in the South for the same length of time.

Secretary Belknap says:

Right here let me make one remark, which may have some bearing upon the question. There are some regiments which the War Department would like very much to change the location of; not because it is absolutely necessary, but because those regiments have been a long time in a certain section of the country, and have endured the rigors of a bad climate, while other regiments have been in sections of the country more favorable to them. I would like, and so would the General of the Army, to exchange those troops, and yet it is impossible to do so on account of the immense expense. The transfer of the Third Cavalry from Arizona to the Department of the Platte, and of the Fifth Cavalry from the Department of the Platte to Arizona, (although the horses were not brought,) cost over $200,000. The regiments exchanged horses, but the troops and baggage were moved, and that cost over $200,000. There are regiments in Dakota which have been there several years, enduring the rigors of that climate, and it would be very agreeable to their officers and men to be moved to a more southern station; while it would be equally agreeable to one of the regiments in Texas to take a northern station for a time; and yet it is impossible to make these movements on account of the expense. * *

I would like to go back a little as to the question relative to the troops in Arizona. Among the services rendered by the troops in that Territory was the building of a telegraph line, six hundred miles long, at less than the amount of the appropriation which was made for it. There was a large saving by using troops for that work, instead of civilians. There was an appropriation for that purpose, and the line is now in working order.

General Ord says:

The improvement in the men's quarters, as I remarked, is confined to a few stations; at many in this department the quarters are old, originally built of logs, or are mere shells of mountain pine, without proper lining or ceiling; the flooring is worn through, the roofs open and leaky, and nearly all the skeletons of such wooden structures are so decayed, that it is waste of lumber and nails to attempt to repair them; and yet year after year from ten to twenty thousand dollars have been wasted upon such dilapidated old posts as Fort Laramie, (built in 1847,) Camp Douglas, and Fort McPherson. These quarters are all infested with bed-bugs, so that, as an Irish soldier said, "to get any sleep in them, the men in warm weather have to lie out of doors." But the plains are dry and dusty and high winds prevail; cleanliness, therefore, in such shells in summer, or warmth in winter, is impossible. Such discomfort, of course, adds to the number of desertions. Now that the Indians are being permanently located, good permanent quarters should be built for the troops, to be located with reference to the Indian reservations; the very large annual expenditure for repairing old huts or shells would thereby be avoided.

Can and should the Army be reduced? If so, how? This appropriation bill strikes a blow in the dark. It withholds the bread and clothing and pay for the present force of enlisted men, but it does not determine upon whom or what branch of the Army its decimating and blighting touch shall fall. It strikes the most "unkindest cut of all." Pass this appropriation bill without fully considering the question as to whether there should be a reduction of the Army, and you compel a reduction, without regard to consequences. Would it not have been better to have determined the other question first, and then make your appropriations accordingly; because if a reduction of the Army can be made, it would be well to find out in what arm of the service the reduction should take place, because of the difference of expense. The relative expenses of the different arms of the service are as follows:

Army expenses.

Service.	Expenditures by each of the several staff departments.					Total cost of each regiment.
	Quartermaster's.	Subsistence.	Medical.	Pay.	Ordnance.	
Cavalry.....	$473,500 00	$81,845 90	$6,399 36	$243,992 00	$36,468 60	$842,203 26
Artillery	187,000 00	61,028 00	4,944 96	217,560 00	19,719 50	490,252 46
Infantry.....	180,270 00	48,581 50	3,878 40	158,120 00	6,292 00	397,141 90
Total	840,770 00	191,453 40	15,222 72	619,672 00	62,479 50	
Aggregate cost of the three regiments						1,729,597 62

Now let us see, from such light as the Committee on Military Affairs have been able to gather, whether it would be proper, right, just, and expedient to force a reduction of the Army by the passage of this appropriation bill in the present form.

General Sherman says:

As a matter of self-interest, as well as of opinion probably, (that of a soldier in contradistinction to that of a citizen,) I do not think that this force should be reduced in number, either as a nucleus on which to build a future military establishment, or as a force to meet the exigencies of the present state of our country. If, therefore, the necessity for economy is so urgent, I advise that the pruning-knife be applied to what I would call those branches of the military peace establishment outside of the active regiments. Whether such a pruning knife can be applied with wisdom or not I cannot say, but my judgment is that the present ten regiments of cavalry, five regiments of artillery, and twenty-five regiments of infantry cannot be reduced in numbers or efficiency consistent with the good of this country. * * * * * * *

If reduction is forced upon the Army by the financial condition of the country, (of which Congress must be the sole judge,) I unhesitatingly say that you had better cut off at the head than at the foot; that the most valuable part of our military establishment is in the inverse order of its general arrangement. I look upon two cavalry regiments, or even infantry regiments, as worth more than the whole general staff, myself included. I would rather see Congress abolish me and my office, and turn me loose to get my own living and tear out the first thirty-eight pages of the Army Register, than to see it disband two such regiments. * * *

Now, I have accounted for every one of our ten regiments of cavalry. I do not believe that you can dispense with a single soldier in these ten regiments, nor do I believe than you can do much in the way of economizing in their maintenance; and yet they are as necessary as troops were on the line of operations in any of our Army movements during the civil war.

The CHAIRMAN. Do you recollect how many regiments of cavalry we had on the frontier before the war?

General SHERMAN. I think five; but at that time we did not have near as much frontier to protect. The line then was neither so far north, so far west, nor so far south. Now, instead of having a single western frontier, we have got a western frontier, and an eastern frontier, looking east from California and Oregon, and two or three little circles in Montana, Colorado, and New Mexico, each having a frontier of its own, so that we have multiplied the extent twenty-five or thirty times.

Adjutant-General Townsend says:

I think that the true economy of the country at large would be better subserved by maintaining the Army as it is, at any rate for the present. Besides the posts that are garrisoned and the duties that are done, as described by General Sherman, the Secretary of War has very frequent applications for escorts to Indian commissioners; to persons conveying bullion for the Treasury from one end of the continent to the other; for surveys sometimes connected with the military service, and sometimes with boundary commissions, like the British and American boundary commission at present. If the Army did not furnish both the men and transportation for such purposes as those, they would have to be provided for from civil life, and at a much greater expense. As to the size of the companies, they are now as small as it is safe to reduce them. * * * * * *

The CHAIRMAN. Are you prepared to say that all the soldiers and officers of the Army are busily engaged all the time?

Adjutant-General TOWNSEND. I would not like to say that, because that would be taxing human nature too much.

The CHAIRMAN. I mean within all reasonable time.

Adjutant-General TOWNSEND. I think so. I have looked carefully over the Army, and I cannot see how we can spare any men.

Secretary Belknap says:

In my opinion, it would not be advisable to reduce the Army at the present time, The Army now consists of ten regiments of cavalry, five of artillery, and twenty-five of infantry, two regiments of the cavalry and two of the infantry being colored. They are distributed at the various posts throughout the country in as limited numbers as the great number of posts and the small number of troops in the service compel them to be. * * * I am one of those men who believe that in time of peace we should prepare for war. I was very fearful not many months ago that the result might show that in our fortifications we were not prepared for trouble which might come.

Secretary Delano testifies as follows:

Mr. GUNCKEL. And, in your opinion, the force there is necessary at this time?

Secretary DELANO. Yes, sir.

The CHAIRMAN. Would you say that any more force than you have there is necessary?

Secretary DELANO. Not if I am correctly informed as to the force which is there. The exact condition of the several military stations, and the forces at them, I am not as able to give as an officer in the Army would be.

The CHAIRMAN. From reports received from the agents of your Department, do you feel any apprehensions from a lack of military force?

Secretary DELANO. No, sir; not at present.

The CHAIRMAN. Have you any recent information from that region of such a nature as would lead you to believe that hostility or mischief to the settlers or danger to the Indians is imminent?

Secretary DELANO. At the present moment, and always at this season of the year, Indians are in repose; everything is quiet. It is not the season of the year for their movements. I shall feel some apprehension next spring, when the Indians begin to move, especially if there is any lack of ability in the Indian Department to comply with the treaty stipulations in feeding them.

Mr. ALBRIGHT. Then the feeding and supplying of the Indians ought to be, in a measure, accompanied with a force to compel obedience if they violate the treaty stipulations?

Secretary DELANO. That I consider necessary until the wild tribes are all compelled to accept reservations and to begin to adopt the habits of civilization.

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Mr. GUNCKEL. You think the military should be in as strong force there as they are now?

Secretary DELANO. I think so. I do not think there can be any diminution of the force there with safety to the best interests of the country, largely and fully considered.

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Mr. ALBRIGHT. Would not the withdrawal or weakening of military force have a tendency to impair the present peace policy, and in view of a possible war with either the Sioux or Comanche Indians, increase the expenses of the Government?

Secretary DELANO. My want of positive and detailed knowledge as to the present strength of the Army and as to its availability for the necessary co-operation in the management of the Indians must make my answer hypothetical. I therefore say that a withdrawal of the present military force used for the purpose of preventing Indian depredations or punishing Indians for outrages which they have committed, or the weakening of such force to the extent of creating a feeling among the Indians that the Government is unable to punish them, would have a strong tendency to endanger our present peaceable relations with the Indians, and to bring on conflicts which might lead to serious war with some of the powerful tribes.

General Sheridan, in his report, says:

To give protection to the citizens of the frontier against these Indians and to guard the long line of our Mexican border against robberies by Mexican citizens and Indians living in Mexico; to explore unknown territory and furnish escorts to surveying parties for scientific purposes and for projected railroads; to assist and guard the railways already built and other commercial lines of travel; to aid in the enforcement of the civil law in remote places; and to do generally all that is constantly required of our Army in the way of helping and urging forward everything which tends to develop and increase civilization upon the border, and at the same time to protect the Indians in the rights and immunities guaranteed them under existing treaties, has been the work of the troops in this military division for the past year, and that work has been successfully accomplished. * * *

In the Department of Texas there has been a great deal of trouble along the northern line of the State, and also along the line of the Rio Grande. The troubles on the northern frontier of Texas have been principally from Indians coming from the reservations in the Indian Territory; and I respectfully request that some definite authority be given me to punish these raiding parties of Indians upon their return to their reservations. I believe it is the only way in which the evil can be cured. * * * * * * *

The necessity of keeping Indians on their reservations is becoming more apparent every day, with the westward growth of the settlements and the rapid progress and development of the mining and cattle-grazing interests in the State of Nebraska and the Territories of Wyoming and Colorado. During the last twelve months, depredations by roving bands of Indians, who, as a general thing, come from some one of the various Indian reservations within the limits of this command, have been exasperatingly frequent. They have attacked our posts, killed and wounded our citizens and carried off their cattle, and, when pursued by our troops, taken refuge within the lines of their reservations and coolly boasted of their atrocities. It seems to me that a rigid rule should be made, forbidding their absence from their reservations, and in case they disregarded it, authority should be given the military to follow on the reservation, search out, capture, and punish all whom it can be shown have been absent from their agencies and off the reservations.

General Ord says:

I have again to call attention to the exposed condition of Nebraska, north of the Union Pacific Railroad, and extending from the Missouri River for three hundred miles westward, in which there is not a single military station. This country is as rich as any other portion of Nebraska, but the fear of Indians has retarded its settlement. It has been subject to frequent raids from the Sioux, from Spotted Tail's, and now from Red Cloud's reservation. When, on a recent visit East of the first-named chief, he did me the honor to call, with his lieutenants and concubines, at my office, I called his attention to a raid which some of what were considered to be his people had just committed on the peaceful Baptist and Danish settlers on the Loup. He replied in quite a haughty manner that he had not come here to be talked to in that way. As I had no power to control his movements, or make him or the people whom he claimed to rule respect the property of the white settlers, the touching upon facts put an end to further conversation.

The testimony of Generals Sheridan, Pope, and McDowell is very strong and emphatic, that it would be extremely dangerous to make any reduction of the army in any parts of their commands. Inspector-Generals Davis, Baird, and Hardie give like evidence.

Would it not be dangerous, in the face of this testimony, to strike down and reduce the Army? Is there no other place where expenses can be lopped off? Does the country owe nothing more to the officers of the forty regiments than to turn some of them adrift without provision for the future? I have already referred to the character of the officers in the line. I repeat that there is no class of men subjected to greater inconveniences and hardships. They are compelled to live in remote parts of the country, deprived of the society of the refined and cultured, often away from their friends and families for years, with barely sufficient to keep them. Instances are numerous where officers, although entitled to a month's leave every year, have been unable to avail themselves of it, because the distance from home was too great, and the expense of travel too high; so they were compelled to remain at their post from absolute necessity, although during their prolonged and enforced absence relatives and friends have sickened and died. What other calling so exacting and inexorable in its demands.

These men make no money out of their professions, and they are not the men who have wasted and squandered the patrimony of the nation. They are not the men who have connived with Tammany thieves and robbed cities, or become concerned in Credit Mobiliers, and enriched themselves at the expense of the nation; they are not the men who bought stocks and speculated in gold and Government bonds and crippled the credit of the nation, and unhinged the prosperity of our agricultural, commercial, manufacturing, and mining interests. No, sir. They have been loyal and true to their obligations and responsibilities, and have even been interdicted from personally or by letter making known their grievances to a Senator or a member of Congress unless first solicited and invited to do so. The chances for such invitations were not many. To no other class of citizens is the right of petition denied so summarily. Notwithstanding this they have received their small pay and have done faithful duty wherever sent, whether on the arid, barren, and burning sand-wastes of Arizona, or in the cold and howling regions of the Rocky Mountains, standing sentinel by turn over the Indian and the frontiersman, or guarding the great transcontinental thoroughfare, or protecting and escorting scientific exploring parties; in other instances guarding railroad engineer parties and railroad construction parties, or sent away up in the fog-banks of Alaska taking care of the fisherman, fur-trader, and Indian. Neither affection, danger, nor climate would restrain them from the performance of their duties. They have performed all uncomplainingly; but now, where extravagance in other quarters makes retrenchment and economy necessary, these faithful public sentinels and officers are the first to feel the unfriendly grip of the Government, and are to be turned out into the cold. It may not be popular, but I cannot help it. I must, Mr. Chairman, raise my voice against this policy and protest against it. Nothing could be more ungracious or ungenerous. These men are trained and educated soldiers. The Government has asked them to make the profession of arms their life-calling, and many of them are not in a condition to enter any other and make a living for themselves or families.

Mr. WHEELER. There is not a line in this bill in respect to officers.

Mr. ALBRIGHT. We will see how it operates. It proposes to pay men who do no service. That is the operation of this economic system. I object to making these faithful officers and men the scapegoats for the sins of other men. I know it is argued that many of the officers will be retained; but that makes it not any easier to those who will have to be mustered out and discharged. It is the uncertain blow that you inflict which makes it so painful; no one knows on whom it will light. If there are inefficient officers in the Army, who are useless, and hanging to it for a living simply, like barnacles to the bottom of a ship, let the Secretary of War and the General of the Army weed them out. Secretary Belknap says if you shrink the regiments there is no necessity for all the officers. If our finances are so straitened that we cannot keep up the skeleton of an army any more—for that is all we have now—I would suggest that there are other places where we can retrench and save money. Stop building new custom-houses, court-houses, and post-offices. Discontinue work upon the public buildings in Washington City. If you reduce the Army, and cut down the naval appropriations, you need no new Navy and War Department buildings. The old buildings that answered the demands of the great war ought to be sufficient when there is peace, and nobody to fight but the poor Indian. There is not a city in the country but can get along with the old Government buildings better than the country can do without the Army. Let retrenchment be earnest and deep, and I have no doubt money enough can be economized to save the Army. It may be that there are leaks in the War Department, places where more money is paid than should be. If there be, strike at those points. It seems to me that there is too much money paid for officers' quarters, offices, &c., in the large cities. Reduce and economize wherever practicable and consistent with the safety and dignity of the country.

I have already referred to the fact that many of the enlisted men are performing duties of great importance to the country, which if performed by civilians would cost the Government many thousand dollars more than the same service does now. Let me show the House and country how, and the number of men that are employed upon special service:

Ordnance Department	434
West Point	214
Signal detachments	450
Hospitals stewards	391
Ordnance sergeants	111
Commissary sergeants	152
In different Bureaus of the War Department, &c	482
Extra-duty men in Commissary Department	299
Quartermaster's Department:	
Artificers, overseers, clerks, signal sergeants	1,947
Laborers, teamsters, &c	2,178
Engineer battalion	339
Total	6,987

Then, there are four hundred and thirty enlisted men trained and instructed in the Signal Service Department, and give the world "Old Probabilities" daily. Is the country willing to dispense with their services? It costs the Army $417,680.50 per annum; but where it is provided for in the appropriation bill I do not see. Now, if the Army is not to do this work, to what other branch of the Government is the transfer to be made, and will the Government save money thereby? This item goes into the expense account of the Army, although the Army proper cares very little about the prognostications of the weather. No other department of the Government could render the service so cheaply and well. From the signal service you learn where the "wind listeth," and can tell "whence it cometh and whither it goeth."

General Townsend says:

General Sherman alluded to the table at the last part of the recapitulation: "Permanent and recruiting parties, music-boys, and recruits not available for assignment;" "general-service men on duty in the Bureaus of the War Department, Army division and department headquarters;" "Ordnance Department;" "West Point detachments;" "signal detachment;" "hospital stewards;" "ordnance sergeants;" "commissary sergeants." All of these come out of the thirty thousand men allowed

to the Army. For instance, to carry on the duties of the signal service all over this continent, the Secretary of War allows one hundred and twenty-five sergeants. These sergeants are not additions to the organization of the Army, but the muster-rolls are examined periodically, and the number of vacancies which actually exist in the grade of sergeant in the various companies is averaged. Thus, without taking any sergeants from the companies, the signal service gets the advantage of a man enlisted especially for his adaptation to that duty, and this man has the pay and grade of a sergeant in the regular organization of the Army. While the companies thus lose nothing the signal service makes use of those sergeants. The detachment of signal-service men is, at the present time, rather larger than is authorized by the Secretary of War; but this is an accidental occurrence. The signal-officer keeps at Fort Whipple, on the other side of the Potomac River, a detachment of men under instruction as soldiers, and makes them do duty as soldiers. It is a regular military post. He selects from these men the most intelligent and skillful, and appoints them to the rank of sergeants. That detachment will be diminished to the number which the Secretary of War allows, and which is the strength allowed to a company of infantry, and no more.

With reference to these clerks who are on general service: The great demand upon the War Department for information to pass pension claims, bounty claims, and a thousand other things, every one hurrying to have it done as soon as possible because the claimants are suffering for the money, demanded an increase of the clerical force. We took, then, some men who had served in the volunteer and Regular Army, and who were skillful penmen, and enlisted them especially for clerks. They came out of the strength of the companies, like the First Infantry on the Niagara frontier, or some of the companies of artillery which do not require to be full in order to be effective just at this time. In the event of the service of those regiments being actually required in the field, we should have to break up the clerical system at once in order to give the companies their effective force.

There is another source of labor in the Adjutant-General's Office which cannot be avoided just now. This will be corrected soon. The frequent handling of the muster-rolls in order to get information for the Pension Bureau and other Bureaus, has worn them out so that there was great danger of the information contained in them being lost entirely. To remedy that I have had books made with blank rolls printed on them, and a great many of these clerks are employed in copying the muster-rolls into these books. That will be a permanent form which can be easily used, and the old rolls will be kept in case of any question of accuracy.

Surgeon-General Barnes says:

The number of enlisted men employed on extra duty is as follows: 165 hospital stewards on duty as clerks in the Medical Department, mainly engaged in the record and pension division of this office in examining the books of closed general hospitals and other records, to ascertain the cause of death or discharge from service and hospital history of soldiers who died or were disabled during the rebellion, in order that evidence may be furnished in answer to the inquiries made by the Commissioner of Pensions, Adjutant-General, and Paymaster-General, by members of Congress, and others; 9 hospital stewards on duty as clerks in Lieutenant-Colonel Baxter's office, compiling medical statistics of the late Provost-Marshal-General's Bureau; 2 hospital stewards on duty as clerks at the United States Army Dispensary; 1 hospital steward on duty as clerk at the Freedmen's Hospital; 24 privates, general service, United States Army, on duty as messengers, and 6 privates on duty as watchmen, in the Medical Department; 3 privates on duty as messengers at United States Army Dispensary; and 1 private on duty as messenger in Lieutenant-Colonel Baxter's office. Their total monthly pay for December, 1873, was $21,550.89.

The hospital stewards, ordnance sergeants, and commissary sergeants all render valuable service to the Government at a rate much cheaper than the same work could be done by civilians. There is such a thing as being penny-wise and pound-foolish. The war has entailed a vast work on the War Department. The representatives of dead and living soldiers are furnished with essential evidence from this Department, by which they are enabled to obtain pensions, back pay and bounty; and in many instances the Government is protected against dishonest claims. This work must be done, or the people would be dissatisfied. See what it is. It costs a great deal of money to do all this, and yet this expenditure has really nothing to do with keeping up the existing Army.

All the clerks employed in the different Bureaus of the War Department are not engaged upon matters which pertain to the maintenance and running of the Army at this time. They work largely upon things of the past, but pertaining to the interests of the living. All the money that is passed out on this account is paid as though it was for the Army proper. This is wrong, as any one can understand. The forty regiments that now constitute our Army have many of the bronzed and weather-beaten officers of the late war in them; men who were brave, gallant, heroic, and self-sacrificing; men who followed the flag wherever it was borne, in disaster or victory; who defended it upon the field of battle amid the rain of bullets and fearful destruction of artillery. These regimental banners bear the names of the battles in which they participated. Their history is made up in their commands. Drive them away from the commands and you drive them into banishment with sad and heavy hearts, and verify to them the proverb that republics are ungrateful. Scarcely one of the forty colonels but was a major-general of the volunteers of the Army, and has seen twenty-five years of service; and many of the lieutenant-colonels held ranks equally high. Yet when the war ended these men gracefully surrendered their high positions which their merit had won for them, and took subordinate positions and reduced pay, because they loved their profession and country, and because their country had educated them to this profession, and because there was no other door open to them on account of their previous training and isolation.

I pray you, gentlemen, stay your hands before you agree to reduce the little Army that we have and send these men adrift. The country needs their services. Let them die in the harness. Many of them will soon pass away, alas! perhaps too soon for the good of the country. Let these men go down to their graves feeling that their country is grateful. It is not good policy to educate men for the Army—invite them, ay compel them, to take positions and send them away from the refining influences of society and from all contact with business—and after they have formed habits that unfit them for other pursuits, then turn them out from the Army and say to them "We need you no longer; you must pick up some other calling." Such a policy will destroy the *esprit de corps* of the Army. As well shut up West Point and send the young men home who are being educated to the profession of the Army, and stop the annual expense of $220,000 until there shall not be a surplus number of officers. Save this money until you need officers and then open the halls again of the honored institution. The Departments, it is said, are too full of officers, and so are the regiments. Why, then, educate more? Why this waste? What use is there in educating so many young men if you cannot employ them? My honorable friend from New York [Mr. WHEELER] says, however, we will stop recruiting and hold on to the officers and pay them, although we have nothing for them to do. Not much economy in that. Pay men salaries and have nothing to do for them? It will require wonderful optics to see the ecomony in that.

Mr. WHEELER. The Committee on Appropriations have nothing whatever to do with the organization of the Army. The gentleman belongs to the Committee on Military Affairs, and if he wants to turn any of these officers out of service he and his committee have the jurisdiction and the power, and let them do it. The Committee on Appropriations have nothing to do with it.

Mr. ALBRIGHT. I have already said that the effect of this Army appropriation bill will be to compel a reduction of the Army, or have officers in the Army with nothing to do. That is the plain and palpable effect of the bill, as must be apparent upon examination.

If the premises of the Appropriation Committee are correct, then there is no virtue in a policy that proposes to pay and retain a lot of men for whom you have no work. These men are to be paid as a charity. They will not thank this Congress for such a humiliation. If the ideas of economy are correct that seem to inspire the committee on this subject, then you rob economy of all merit by such a subterfuge. If there is no need for the men, then you do not want the officers. You cannot use officers where there are no men to be commanded. If the object is to pension these officers, let them understand it, and the principle upon which it is proposed to do it.

We can weaken our Army to such an extent as to invite Indian attacks and other disturbances. The best way to do this is to weaken forts and withdraw troops, and Indian hostilities will soon be inaugurated in earnest.

Commissioner Smith says:

Mr. ALBRIGHT. In your opinion, is the presence of troops necessary in Texas as well to protect the frontier as to keep the Indians in subjection?

Mr. SMITH. A military force is not necessary to keep those Indians in subjection on reservations. We have but little trouble with them as long as they stay there; but when they leave the reservations the troops are needed to chase them; or, if that is not effective to prevent raiding, on account of the large extent of territory, then the troops would be needed to come on reservations and to punish the Indians there. But it would be much better policy, as it would save cruelty, if the force was large enough to strike the Indians when they are off the reservations, and in that way punish the guilty ones only; for if you attack them on the reservations you necessarily attack women and children also, and a very large proportion of Indians who are not at all guilty, except as they harbor guilty ones. Take the Comanches, for instance. I suppose that not one in twenty-five of the fighting men of the Comanches is disposed to go off the reservations marauding, but the twenty-fifth part of them are, and they go off and get their booty, and steal and murder, slip through the military, and come back on the reservations, and it is impossible for the agents or the military to detect them and punish them alone if the attempt is made there. The Indians should be struck in the act or on the way to or from the reservations.

Mr. ALBRIGHT. Is the military force sufficiently large to do that?

Mr. SMITH. No, sir; I do not think it is. I have asked that that be done, and the reply has been that, from the nature of the country and the great extent of the reservation, it is impossible to keep the Indians from slipping in and out. But if the military force was on the border, instead of being in the interior of the reservation, I think it would be much more serviceable in accomplishing that end.

Mr. ALBRIGHT. In the regions of country where the Indians are peaceably disposed, is or is not a military force necessary to protect the Indians from the encroachment of white settlers and frontiersmen?

Mr. SMITH. Frequently that is the case, and there has been more need of troops in that line, except in the wildest portion of the country, than in the other line. There is more force needed to protect the Indians from persons who intrude on the reservations, and to keep them off, than there is to keep the Indians themselves in subjection. That is likely to increase. The fact of the Indians coming into some sort of civilization increases that liability.

One Indian war costs much more in one year than probably five years of the present peace policy. It is said the little Modoc war cost $6,000,000 and one hundred lives, most of which might have been saved if there had been a little more military force around the lava-beds in attempting to carry out the policy of the Indian commissioners.

For a country like ours, containing upward of forty million people, and a domain as broad, extensive, and magnificent as ours is, an army of thirty thousand men is not too great. We may have profound peace to-day, but no one can tell how soon war-clouds may rise and create necessity for additional troops. The mutations among nations are so great, that not much can be counted upon for the future with regard to any policy. "In time of peace prepare for war" is the safest maxim that any nation can adopt and incorporate into its policy.

Taking our population at 40,000,000 with 30,000 troops would give us one soldier to 1,333 of the population. We now have 37 States and 9 Territories. In 1860 the population was 31,443,321; the Army 12,931: giving one soldier to 2,447 of the population. In 1860 there were 34 States and 7 Territories. In 1850 the population was 23,037,262; the Army 10,321: giving one soldier to 2,236 of population. Then we had 31 States and 4 Territories. In 1840 the population was 17,069,453; the Army was 12,539: giving one soldier to 1,363, with 26 States and 3 Territories. In 1830 the population was 12,866,020; the Army 6,184;

giving one soldier to 2,080 of population, with 24 States and 3 Territories. In 1820 the population was 9,633,822; the Army was 9,980, giving one soldier to 965 of population, with 24 States and 2 Territories. Take the average of these decades and it gives one soldier to 1,732 of population, near what it is now.

At no former period in our history did we have the same extent of territory to watch and guard over. Never before did we have to deal with all the Indian tribes at one and the same time. And hence there never was the same necessity for so many troops for this purpose. Never before did we have so large a border to take care of or such a long line of sea-coast to defend. A reduction of our Army on account of poverty will be an invitation to provoke war. A proper national pride should induce us to keep up an army large enough to maintain domestic peace and order. Save the Army, and provide for feeding and equipping it, and the country in this matter will say "Well done."

Mr. GARFIELD. I desire to occupy a few minutes of the time of the Committee of the Whole for the purpose of submitting two or three reflections on the question of expenditures. I am unwilling that the Committee on Appropriations shall be put in the attitude of being the antagonist of all worthy and generous appropriations that may be asked for by the executive officers of the Government. This is not the spirit of the committee, it is not the spirit of any member of the committee. We have been appointed to the places we hold, and have been charged by this House with the special duty to look into the necessities of the Government, and to make its appropriations as economical as they can be made without manifest and serious injury to the public service.

If there is any one sentiment among the best men of this nation which is more nearly universal than another it is the sentiment that a careful, fearless, and thorough-going retrenchment of expenditure is necessary, and that it is the imperative duty of Congress to make it. As the organ of the House, specially charged with this duty, the Committee on Appropriations have addressed themselves to that work. We were told, early in the session, that a deficit of nearly $42,000,000 must be provided for to meet current and anticipated expenditures. It was clear that this could be done in one or all of three ways—by taxing, by borrowing, or by reducing expenses. I have hoped and I believe that the deficit has been overestimated; but whatever be its amount, it is the first duty of the hour for us to ascertain how nearly it may be overcome by retrenchment. If the deficit is as large as the sum named, I do not believe we shall be able to cover it by retrenchment alone. The Committee on Appropriations believe that just two things can be done, and ought to be done, in the matter of reducing expenses. First, if there be any appropriations that can be wholly dispensed with, if there be any extravagances that can be lopped off altogether, dispense with them; lop them off. Second, if there be any expenditures that can wholly or in part be postponed for a year or two, until the pinch is over and the revenues recover their strength, postpone them, and thus aid in tiding us over the difficulties of the present situation.

The Committee on Appropriations propose to go thus far and no farther in the way of retrenchment. They do not propose in any case to cut into the vital life of the Government, or to cripple its necessary functions. I cannot quite agree with my friend from Massachusetts, the chairman of the Committee on Ways and Means, [Mr. DAWES,] that if there be $42,000,000 of deficit we can retrench the whole of that amount. I do not think we can. For one I am unwilling that we should do anything that cuts into the vital life, that impairs the real necessary machinery for carrying on the Government. Better borrow, better tax than to cripple and disorganize the really necessary functions of the Government. But I do believe it is possible in the two ways I have named to cut down the expenditures very nearly if not quite $25,000,000.

In the Navy bill, which has already passed, in the Army bill, now under debate, and in the fortification bill, already reported to the House, the Committee on Appropriations have made reductions to the amount of about ten millions below the estimates; and, if we can have the support of the House in carrying out the measures already matured and in preparation, I believe we may make the reduction amount in the aggregate to the sum I have named. The action of the House to-day has greatly discouraged me in the hope that this will be done; and the speech to which we have just listened has added to my discouragement. It has led me to fear that, in the view of many gentlemen on this floor, all reductions of expenditure are good and worthy and desirable, except any particular one proposed. I fear we shall find ourselves in this condition, that every reduction not before the House is popular; and every reduction that is going to come up by and by, or that might be proposed, is wise and desirable.

The gentleman who just sat down [Mr. ALBRIGHT] says, in substance, "Put the knife in anywhere else, but do not touch these worthy men of the Army who sustain the honor of the country in the field." "Put your knife," says he, "into the public buildings; they are overgrown." Sir, I have looked at the yeas and nays upon the vote taken an hour ago, and I am sorry to find that my friend who has just made this recommendation voted against putting it in the power of the House to come to an early decision in favor of reducing these very expenses on the public buildings. I find that when that question was up for consideration his anxiety to cut down expenditures on the public buildings was not so great as it is now—is after that subject has been safely shelved and practically put beyond the reach of the House for weeks to come. [Laughter.] And now we come to the Army appropriations, where it was supposed something could be done in the way of reduction, and where the committee recommend a reduction of three or four millions, and we find that this of all places is just the place where the gentleman says we must not cut down expenses.

Now, Mr. Chairman, if this is to be the spirit of our legislation, it will be idle and absurd for any committee, or for the House, to hope to make any efficient reduction of expenses.

We had before us an hour or two ago a measure of transcendent importance to the economy of our legislation. We had before us a measure backed up by such a statement as this from the Secretary of the Treasury:

> Neglecting to give authority for the one building that the Treasury Department did recommend, Congress, at its last session authorized the commencement of seventeen new buildings, and the purchase of sites for several others which were not recommended.

Furthermore, the Secretary of the Treasury goes on to say:

> With the present organization of the Supervising Architect's force it does not seem practicable, in a single year, to commence or properly supervise the construction of all the buildings authorized by Congress.

Thus the Secretary of the Treasury plainly lays the burden on our shoulders. He says that here with us rests the responsibility for the unusual and, as he thinks, extravagant expenditure in regard to public buildings; and he tells us that as to about fifteen of these buildings he has withheld the order, and has not commenced work upon them, so that Congress may take the subject under revision and say whether he shall or shall not go on.

In the early weeks of the session, by an almost unanimous vote, we asked the President to send to all his Secretaries the estimates for revision, and if possible for reduction. In response to this request there came back to us from the Secretary of the Treasury, among other things, three lists of public buildings. One comprised those on which he had not commenced work at all, and in regard to which he was waiting to allow to Congress its second reflection before proceeding with the work. A second list embraced buildings on which but little had been done; and a third naming those that were well advanced towards completion. In his communication accompanying these lists he says:

> Should it be decided to commence work on no new building and to suspend work in all cases where practicable, the estimates for the year ending June 30, 1875, can be reduced from $1,146,000 to $2,739,000—a reduction of nearly $5,500,000, being a reduction of $11,406,000 in the present and the ensuing year taken together.

Mr. MYERS. Mr. Chairman——

Mr. GARFIELD. I decline to be interrupted just now.

Mr. PLATT, of Virginia. Will the gentleman permit me to say one word?

Mr. GARFIELD. Not yet; I will yield the floor soon.

Mr. PLATT, of Virginia. I hope the gentleman will see to it that I am accorded the opportunity he promises. I do not want him to make a speech on a subject not before the House, and then allow no opportunity for reply.

Mr. GARFIELD. I do not yield.

Now, I say when we have had placed before us the results of the revision of the estimates as asked for by us; when we are told by the Secretary that we can in this and the coming year make a reduction of $11,500,000 by simply saying that the work on new buildings shall not be begun; when this subject is referred to a committee whose business it is to supervise appropriations; and when that committee bring in a bill by the unanimous consent of its members, proposing not to repeal any law authorizing new buildings, but proposing to stop such expenditures as the Secretary of the Treasury said not only can be stopped but ought to be stopped, gentlemen whistle that bill out of the House and put it where, under the rules, it cannot get back for weeks. And now, when the Army bill is before us——

Mr. BECK. I rise to a question of order.

Mr. GARFIELD. Now, when the Army bill is before us, gentlemen say, "Why do you not reduce expenditures on public buildings?"

Mr. BECK. Can I be heard on my question of order?

The CHAIRMAN, (Mr. KELLOGG.) The time of the gentleman from Ohio has expired.

Mr. GARFIELD. How is that?

The CHAIRMAN. The gentleman has spoken ten minutes.

Mr. GARFIELD. Are we proceeding under the ten-minute rule? If so, by what order?

Mr. BECK. I claim the floor if I have the right to be heard.

The CHAIRMAN. The gentleman from Ohio [Mr. GARFIELD] is entitled to the floor if he claims it; but he signified his desire to occupy only ten minutes, and the Chair limited him to that time.

Mr. GARFIELD. That is right. I should not have occupied more time if I had not been interrupted. After occupying only a few minutes further I will yield the floor altogether, though I am entitled to it an hour if I choose to occupy it.

Mr. BECK. I make a question of order on the gentleman from Ohio.

The CHAIRMAN. The Chair will hear the point of order.

Mr. BECK. My point is that the gentleman has no right to criticise the action of members in their votes given this morning, the presumption being that each member voted as he did for reasons satis-

factory to himself, and with as much regard to the public interest as is felt by the gentleman from Ohio. He has no right to scold this House.

Mr. GARFIELD. If I have said anything out of order I will submit to the judgment of the Chair.

The CHAIRMAN. If the gentleman from Ohio proceeds longer than ten minutes, he must confine his remarks to the Army appropriation bill, which is pending before the Committee of the Whole.

Mr. BECK. I object to the gentleman scolding members on this floor; and I wish my point of order decided by the Chair.

Mr. GARFIELD. If this is a question of scolds and scolding I cheerfully submit that to the judgment of any body of members of this House as between the gentleman and myself.

Mr. BECK. So will I; I have raised the point of order, and insist on its being decided by the Chair.

Mr. GARFIELD. If there is a point of order let it be decided. I have transgressed no rule of the House known to me.

Mr. BECK. It is that the gentleman from Ohio is reflecting on the conduct of members this morning.

The CHAIRMAN. The gentleman can proceed with his remarks on the pending bill.

Mr. GARFIELD. Mr. Chairman, we are discussing, as I said before, the appropriation bill for the support of the Army, which, under the legislation of 1870, was fixed at thirty thousand men, and was recruited up to that number. When was the Army fixed at thirty thousand men? Nearly four years ago, at a time when the Southern States were in a disturbed and unsettled condition; when we had no assurance that peace would reign for the next three years; when the Ku-Klux organization was wide-spread, and life and property were far from safe in the States lately in rebellion, an army sufficient to meet the emergencies of that day was authorized by Congress. Will any man say what was sufficient at that time is not somewhat more than sufficient now? It is too late to insist that we cannot safely reduce our Army, which has proved sufficient for the last four years of turbulence.

The gentleman from Pennsylvania [Mr. ALBRIGHT] read a long list of men enlisted in the Ordnance Corps of the Army that he thinks might be cut off, but he did not think we ought to reduce the number of officers. If the gentleman has read the pending bill he will see we do not reduce the roster of the Army by discharges of officers or enlisted men. We simply allow it by the process of natural absorption to be reduced to twenty-five thousand men. That is the measure of reduction to which his objections can apply. I have more than once, in this House, defended the Army against attempts to cut it down by a wholesale mustering out of its officers and men, and I would do so now. But the committee asks the House to make reductions in the expenditures of the Army which will amount, in the aggregate, to nearly four millions, and this they believe can be done by abandoning some posts in the East and in the interior, and placing the soldiers that now occupy them on duty on the frontier. I have referred to the vote of this morning and to the debate on this bill for the purpose of urging members not to fall into the habit of praising all measures of retrenchment that are afar off but rejecting those immediately before us.

I have no doubt that the House believes in economy as a principle; I hope we may not fail to make it an accomplished fact. Every bill which the committee brings in is likely to be met with this same class of argument: strike somewhere else, but do not strike here. I hope that will not be the spirit prevailing in this House in regard to the reduction of expenditures. We can make a reduction that will satisfy the reasonable demand of the country, only by making thorough work on each item of expenditures as it comes up for consideration.

Mr. BECK. Mr. Chairman, I only ask a few minutes, not over five or ten; and the only object I have in rising is this: I object to the chairman of the Committee on Appropriations, or any gentleman, assuming on this floor that gentlemen voting for the reference of any bill to any committee are actuated by improper motives or a desire to prevent retrenchment. I am one of those who voted to refer the bill this morning to the Committee on Public Buildings and Grounds, and I did it because I believed the subject properly belonged to that committee; that that committee had the time to give it investigation necessary to its careful understanding, and the Committee on Appropriations did not have the time. I remember the movement proposed by the gentleman from Indiana, [Mr. COBURN,] to divide up the work of the Committee on Appropriations, at the beginning of the session, upon the ground they had not time even to make the necessary appropriations. I resisted it because I wished all proper appropriations to remain with that committee. I tell the House now if the chairman of the Committee on Appropriations or his committee undertake to absorb all the duties which belong to the other committees of the House, they will find themselves not only in a meager minority as they were to-day, but they will find the House will divide them up, and will take from them the subjects over which other committees have jurisdiction. I assume the Committee on Public Buildings and Grounds is as honest, as economical, as well able to look into all these subjects, as the Committee on Appropriations. I was upon that committee for two years, and I know that it is impossible for the members to do the work that they are required to do without devoting all their time and all their talents to keep down appropriations. And I know that in the Army bill, although attention was called to it when the naval bill was before the committee, they have made provision here—

> For pay of the Army, and for allowances to officers of the Army for transportation of themselves and their baggage when traveling on duty without troops, escorts, or supplies, and for compensation of witnesses while on court-martial service; for traveling expenses of paymasters' clerks; for payment of postage on letters and packages, and cost of telegrams received and sent by officers of the Army on public business, $11,450,000.

If they have the time to do their work well, why did they not make appropriations for the pay of the Army? Why did they not make appropriations for mileage? Why did they not make appropriations for transportation? Why not for postage? Why not tell us the amount, so that we will know when we are appropriating those vast sums what they are? Why lump them up together in one sum of eleven and a half millions? It is because that committee have not had the time, and have not been able to devote the labor to give the House the information necessary to enable us to vote intelligently on this question. And yet they want to absorb all matters relating to public buildings and grounds, and to wipe out, if I may use the expression, the other committees of the House, as I could show had I the time and opportunity to do it. They lump together in one section $11,450,000 for pay of the Army, transportation, mileage, &c.

Mr. PARKER, of Missouri. I rise to a question of order. It is that the gentleman from Kentucky [Mr. BECK] has no right as a member of this House to get up here and, pretending to make a speech on the appropriation bill, to scold one of the committees of this House. [Laughter.]

Mr. BECK. I stand corrected. [Laughter.] I will not scold any more. Fortunately, I was through before the objection was made; but the bad example was set on the other side, and that is the only excuse I have to make.

Now, I wish the chairman of the Committee on Appropriations to know that to-morrow, or whenever the opportunity shall offer, I shall move, at the end of the paragraph I have read, the following proviso:

> *Provided*, That only actual traveling expenses shall be allowed to any person whatever in the service of the United States; and all allowances for mileages or transportation in excess of the amount actually paid are hereby declared illegal; and no credit shall be allowed to any of the disbursing officers of the United States for payment or allowances in violation of this provision.

And I shall ask them to tell us how much of this amount is expended now.

Mr. WHEELER. Will the gentleman allow me to say, on behalf of the Committee on Appropriations, that we will accept his proviso most cordially.

Mr. BECK. I am most glad to hear it.

Mr. WHEELER. Or anything else in that direction.

Mr. BECK. And I will ask the gentleman this further question. I have before me a statement made in this House on the 17th of February, 1871, by Mr. LOGAN, of Illinois, then a member of this House. And in connection with the statement I wish to ask why it is that the pay of the Army was increased over a million and a half three years ago, and whether it is proper to maintain that increase to-day. I quote the following figures from Mr. Logan's speech:

PAY OF GENERALS AS AT PRESENT.

1 General	$19,278
1 Lieutenant-General	15,803
5 major-generals, at $9,472	47,360
16 brigadier-generals, at $6,105	96,240
Total	$178 681

I wish to ask the committee whether they cannot bring down the pay of these generals to something less than four times the pay of a member of the Senate of the United States or a member of this House; and whether there are not other retrenchments that can be made, as well in the reduction of the Army and in the reduction of pay, as in the reduction of mileage and transportation, when men are paid ten cents a mile, traveling with free tickets in their pockets, and the whole thing is lumped together to prevent the House knowing how it is.

Those things I intend to ask when the proper time comes. And I want the gentleman from Ohio, the chairman of the Committee on Appropriations, and his colleagues to know that I will go as far in the direction of reduction of expenditure and retrenchment as they will, and further. And I desire to have sent to the committees to which they properly belong these subjects, until the gentlemen of the Committee on Appropriations can find time to give details in regard to the bills they lay before us, which will enable us to act intelligently, and so that we shall neither have to scold nor be scolded while considering the measures laid before us.

[Mr. COBURN addressed the Committee. Before he had concluded the Committee rose. His speech in full will be found on pages 1011, 1012, 1013, and 1014.]

Mr. WHEELER. If the gentleman from Indiana [Mr. COBURN] prefers to finish his remarks to-morrow, I will move that the committee rise.

Mr. COBURN. I would prefer that arrangement.

Mr. WHEELER. I move that the committee rise.

The motion was agreed to.

So the committee rose, and the Speaker having resumed the chair,

Mr. KELLOGG reported that the Committee of the Whole had had under consideration the special order, being the bill (H. R. No. 1009) making appropriations for the support of the Army for the year ending June 30, 1875, and for other purposes, and had come to no resolution thereon.

INDEPENDENCE HALL.

Mr. O'NEILL. I present the preamble and resolution of the Carpenters' Company of Philadelphia, inviting the members of the House of Representatives to assemble in the hall of the company on the 5th day of September, 1874, that being the one hundredth anniversary of the meeting in said hall of the first American Congress. I ask that they be read.

The Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, respectfully represent, that while we recognize the fact that our nation's freedom was declared in Independence Hall, yet the place where were heard the deliberate tones of a Hancock, the defiant voice of a Henry, and the persuasive eloquence of an Adams, in the first American Congress, than whom a body of greater men never assembled together or crowned a nation's annals, and who bowed here in reverence, as the first prayer was uttered in that Congress, deliberately avowing that to the oppressive acts of the mother country Americans never can submit, and the determination to part with their liberties only with their lives, so patriotically and faithfully adhered to, is held sacred by us as the nation's birthplace, and must be dear to every patriotic heart; and whereas the near approach of the one hundredth anniversary of that memorable event renders it befitting that we, the successors of those who freely offered this hall when even our time-honored state-house was closed against them, should commemorate the nation's advent by our official action: Therefore,

Be it resolved, That Congress be invited to assemble in this hall on the 5th day of Ninthmonth, 1874, the one hundredth anniversary of the meeting of the first American Congress, and that such ceremonies take place as they in their wisdom shall deem best suited to that memorable occasion.

All of which is respectfully submitted.

SAMUEL RAIN, *President.*
WALTER ALLISON,
D. HENRY FLICKWIR,
RICHARD K. BETTS,
Committee.

Extract from the minutes of the Carpenters' Company, of the city and county of Philadelphia, Tenthmonth 20, 1873.

Attest:

W. T. FORSYTH, *Secretary.*

Mr. O'NEILL. I move that the invitation just read be printed, and referred to the Committee on the Centennial Celebration and the Proposed National Census of 1875.

The motion was agreed to.

LEGAL-TENDER NOTES.

Mr. COX, by unanimous consent, presented a substitute, which he designs offering to the bill (H. R. No. 1328) to fix the amount of legal-tender notes at $400,000,000; and the same was ordered to be printed.

INFLATION OF THE CURRENCY.

Mr. POTTER, by unanimous consent, presented a memorial of banks, bankers, merchants, and others, of the city of New York, against any further inflation of the currency; which was referred to the Committee on Banking and Currency, and ordered to be printed.

COMMISSIONERS OF CLAIMS.

Mr. LAWRENCE, by unanimous consent, from the Committee on War Claims, reported a bill (H. R. No. 1565) relating to the commissioners of claims, and for other purposes; which was read a first and second time, recommitted to the Committee on War Claims, and ordered to be printed.

JAMES BYERS ET AL.

Mr. DUELL, by unanimous consent, introduced a bill (H. R. No. 1566) for the relief of James Byers, George W. Griggs, and John Nolan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DENNIS M. STUART.

Mr. DUELL also, by unanimous consent, introduced a bill (H. R. No. 1567) granting a pension to Dennis M. Stuart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORFEITURE OF RAILROAD GRANTS.

Mr. HURLBUT, by unanimous consent, introduced a bill (H. R. No. 1568) to resume possession, title, and control, on the part of the United States, of all lands heretofore granted to railroads where the conditions of said grants may have been broken; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CAPTAIN FRANK BURNETT.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 1569) for the relief of Captain Frank Burnett, of Louisiana, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK A. LUDA.

Mr. BUCKNER also, by unanimous consent, introduced a bill (H. R. No. 1570) for the relief of Frank A. Luda, of Louisiana, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MADISON FEMALE ACADEMY.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 1571) for the benefit of the Madison Female Academy, located at Richmond, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. PENDLETON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government; and

A bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCKEE for ten days.

By unanimous consent, leave of absence was granted to Mr. STORM for the remainder of the week.

RECESS.

Mr. POLAND. I move that the House now take a recess until half-past seven o'clock this evening.

The motion was agreed to.

The SPEAKER. The House will meet this evening for the consideration of the statutes at large.

The House then (at four o'clock and thirty minutes p. m.) took a recess until half-past seven o'clock p. m.

EVENING SESSION.

The House reassembled at half-past seven o'clock p. m., Mr. G. F. HOAR in the chair as Speaker *pro tempore*.

REVISION OF THE STATUTES.

The SPEAKER *pro tempore*. The House meets this evening to resume the consideration of the bill reported from the Committee on Revision of the Laws of the United States. It is entitled "A bill (H. R. No. 1215) to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873." The Clerk will resume the reading of the bill.

Mr. E. R. HOAR. Before the Clerk resumes the reading of the bill, I desire to turn back to section 56, where there is an omission to which the attention of the committee has been called. They desire to insert after line 4 the words, "one officer, charged with disbursing the contingent fund and other expenses of the House of Representatives, at an annual allowance of $576," so that it will read:

SEC. 56. The following persons are employed in the service of the House of Representatives:

One Clerk of the House, at a salary of $5,000 a year.

One officer, charged with disbursing the contingent fund and other expenses of the House of Representatives, at an annual allowance of $576.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is on page 33, section 165, to insert after the word "Departments" the words "and in the General Land Office," so it will read:

SEC. 165. From the 1st day of October until the 1st day of April, in each year, all the Bureaus and offices in the Departments and in the General Land Office shall be open for the transaction of the public business at least eight hours each day; and from the 1st day of April until the 1st day of October in each year, at least ten hours in each day; except Sundays and days declared public holidays by law.

Mr. ELDREDGE. I would ask if that is not included in the word "offices?"

Mr. POLAND. I can explain to the gentleman from Wisconsin that when this provision was made the General Land Office was a distinct office. It has since been attached to the Interior Department.

Mr. ELDREDGE. If it is an office I think it is covered by the word "offices."

The amendment was agreed to.

Mr. E. R. HOAR. Passing on to the point where we stopped at the last evening session, the next amendment is in section 251.

The section was as follows:

SEC. 251. The Secretary of the Treasury shall, from time to time, digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; shall superintend the collection of the revenue; shall, from time to time, prescribe the forms of keeping and rendering all public accounts and making returns; shall grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law; shall make report and give information to either branch of the Legislature in writing respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally shall perform all such services relative to the finances as he shall be directed to perform.

Mr. E. R. HOAR. I move to amend, by inserting after the word "Legislature," in line 10, the words, "in person or;" and after the word "writing" the words "as may be required." This amendment will be found in the *errata*.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. E. R. HOAR] will reduce his amendment to writing. The rules provide that when required by the Chair all propositions shall be submitted in writing; and upon this bill it is exceedingly important for the Clerk that the amendments should be submitted in proper form. Hence the Chair will enforce this rule in all cases.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment I desire to propose is in section 316.

The section was as follows:

SEC. 316. It shall be the duty of the Register—

First. To keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States.

Second. To receive from the Comptroller the accounts which shall have been finally adjusted, and preserve such accounts, with their vouchers and certificates.

Third. To record all warrants for the receipt or payment of moneys at the Treasury, and certify the same thereon, except those drawn by the Postmaster-General, and those drawn by the Secretary of the Treasury upon the requisitions of the Secretaries of the War and Navy Departments.

Fourth. To transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted.

Fifth. To furnish to the proper accounting officers copies of all warrants cover-settlement of accounts in their respective offices.

ing proceeds of Government property, where the same may be necessary in the

Mr. E. R. HOAR. I move to amend the section by inserting in the third clause, before the word "Comptroller," the word "first;" and after the word "Comptroller" the words "and Commissioner of Customs."

The amendment was agreed to.

Mr. E. R. HOAR. The next amendments I desire to submit are in section 354.

The section was as follows;

SEC. 354. The subordinate officers, clerks, and employés of the Department of Justice, and their respective salaries, shall be as follows:

One chief clerk, at a salary of $2,200 a year; one law clerk, acting as examiner of titles, at a salary of $3,000 a year; one stenographic clerk, at a salary of $2,000 a year; one clerk, at a salary of $2,000 a year; seven clerks of class four, one of whom may be appointed disbursing clerk; two clerks of class three, one clerk of class two, two clerks of class one, one messenger, two assistant messengers, two laborers, two watchmen.

In the office of the Solicitor of the Treasury:

One chief clerk, at a salary of $2,000 a year; four clerks of class four, three clerks of class three, three clerks of class two, two clerks of class one, one messenger, one laborer.

Mr. E. R. HOAR. I move to strike out the first clause of this section, commencing "the subordinate officers" and ending "as follows," and inserting in lieu thereof, "There shall be in the Department of Justice."

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by striking out this clause:

Seven clerks of class four, one of whom may be appointed disbursing clerk.

And inserting in lieu thereof the words "one disbursing clerk."

Mr. ELDREDGE. Is this amendment intended to change the number of clerks now provided for by law?

Mr. E. R. HOAR. No, sir; it is an amendment similar to those we had under consideration at the last evening session. There is a general provision as to the number of these clerks, and there is a general section already passed providing that the disbursing clerk shall be a clerk of class four, who may receive $200 additional compensation for this service. This amendment simply follows out the system already applied by the House to the other Departments, so far as reached.

Mr. ELDREDGE. Does not striking out "seven" change the number of clerks?

Mr. E. R. HOAR. As has been stated, I should suppose twenty or thirty times, the law makes no provision for the number, leaving that to be fixed by the annual appropriation bills; section 172 provides for exactly that contingency.

Mr. ELDREDGE. I suppose the number of times the matter has been stated has not changed the number of clerks. [Laughter.]

Mr. E. R. HOAR. No, sir; it is not affected by that at all.

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend the same section by striking out lines 16 to 22, as follows:

Two clerks of class three, one clerk of class two, two clerks of class one, one messenger, two assistant messengers, two laborers, two watchmen.

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend this section by striking out lines 25 to 30, as follows:

Four clerks of class four, three clerks of class three, three clerks of class two, two clerks of class one, one messenger, one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. The next section to which I desire to offer amendments is section 396.

The section was as follows:

SEC. 396. The subordinate officers, clerks, and employés of the Post-Office Department, and their respective salaries, shall be as follows:

One chief clerk, at a salary of $2,200 a year; one superintendent of the Post-Office building and disbursing clerk, at a salary of $2,300 a year; one topographer, at a salary of $2,500 a year; one stenographer, at a salary of $1,800 a year; fourteen clerks of class four, sixty-three clerks of class three, fifty clerks of class two, sixty-nine clerks of class one, fifty-seven female clerks, at a salary of $900 a year each; one messenger to the Postmaster-General, at a salary of $900 a year; four assistant messengers, at a salary of $720 a year each; one captain of the watch, at a salary of $1,000 a year; nine watchmen, at a salary of $720 a year each; twenty-five laborers, at a salary of $720 a year each; one engineer, at a salary of $1,600 a year; one assistant engineer, at a salary of $1,000 a year; one carpenter, at a salary of $1,252 a year; one assistant carpenter, at a salary of $1,000 a year; one fireman and blacksmith, at a salary of $900 a year; two firemen, at a salary of $720 a year each; three female laborers, at a salary of $480 a year each; such a number of temporary clerks, female clerks, folders, watchmen, and laborers as may be required.

In the office of the money-order system:

One superintendent, at a salary of $4,000 a year; one chief clerk, at a salary of $2,000 a year.

In the office of foreign mails:

One superintendent, at a salary of $4,000 a year; one chief clerk, at a salary of $2,000 a year.

In the dead-letter office:

One chief of division, at a salary of $2,500 a year.

In the office of mail depredations:

One chief of division, at a salary of $2,500 a year.

In the office of the blank agency:

One superintendent, at a salary of $1,800 a year; one assistant superintendent, at a salary of $1,600 a year; four assistants, at a salary of $1,200 a year each.

In the office of each of the Assistant Postmasters-General:

One chief clerk, at a salary of $2,000 a year; one messenger.

Mr. E. R. HOAR. I move to strike out the first clause of this paragraph, beginning "the subordinate officers" and ending "as follows," and inserting in lieu thereof the words, "There shall be in the Post-Office Department."

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by striking out lines 13 to 18, as follows:

Fourteen clerks of class four, sixty-three clerks of class three, fifty clerks of class two, sixty-nine clerks of class one, fifty-seven female clerks, at a salary of $900 a year each.

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by striking out lines 21 and 22, as follows:

Four assistant messengers, at a salary of $720 a year each.

The amendment was agreed to.

Mr. E. R. HOAR. I move also to amend by striking out lines 25 to 28, as follows:

Nine watchmen, at a salary of $720 a year each; twenty-five laborers, at a salary of $720 a year each.

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend, by striking out lines 43 and 44, as follows:

Such a number of temporary clerks, female clerks, folders, watchmen, and laborers as may be required.

The amendment was agreed to.

Mr. E. R. HOAR. I move to strike out line 68, being the words "one messenger."

The amendment was agreed to.

Mr. E. R. HOAR. The next section which the committee propose to amend is section 419.

The section was as follows:

SEC. 419. The subordinate officers, clerks, and employés of the Department of the Navy, and their respective salaries, shall be as follows:

One chief clerk, at a salary of $2,500 a year, so long as there is no Assistant Secretary of the Navy, and at a salary of $2,200 a year when there is an Assistant Secretary of the Navy; one disbursing clerk, at a salary of $2,000 a year; one superintendent of the Navy Department building, at a salary of $2,050 a year; four clerks of class four, four clerks of class three, two clerks of class two, three clerks of class one, two messengers, four laborers, five watchmen.

In the Bureau of Yards and Docks:

One civil engineer, at a salary of $3,000 a year; one chief clerk, at a salary of $1,800 a year; one draughtsman, at a salary of $1,800 a year; one clerk of class four, two clerks of class three, one clerk of class two, one clerk of class one, one messenger, one laborer.

In the Bureau of Equipment and Recruiting:

One chief clerk, at a salary of $1,800 a year; one clerk of class four, one clerk of class three, two clerks of class two, two clerks of class one, one messenger, one laborer.

In the Bureau of Construction and Repair:

One chief clerk, at a salary of $1,800 a year; one draughtsman, at a salary of $1,800 a year; one clerk of class four, two clerks of class three, two clerks of class two, one messenger, one laborer.

In the Bureau of Steam Engineering:

One chief clerk, at a salary of $1,800 a year; one draughtsman, at a salary of $1,800 a year; one assistant draughtsman, at a salary of $1,200 a year; one clerk of class two, one messenger, one laborer.

In the Bureau of Navigation:

One chief clerk, at a salary of $1,800 a year; one clerk of class three, one clerk of class two, one messenger, one laborer.

In the Bureau of Ordnance:

One chief clerk, at a salary of $1,800 a year; one draughtsman, at a salary of $1,800 a year; one clerk of class three, two clerks of class two, one messenger, one laborer.

In the Bureau of Provisions and Clothing:

One chief clerk, at a salary of $1,800 a year; one clerk of class four, two clerks of class three, two clerks of class two, three clerks of class one, one messenger, one laborer.

In the Bureau of Medicine and Surgery:

One clerk of class four, one clerk of class three, one messenger, one laborer.

Mr. E. R. HOAR. I move to strike out the first clause of this section and insert, "There shall be in the Department of the Navy."

The amendment was agreed to.

Mr. E. R. HOAR. I move further to amend by striking out in lines 8 and 9, after the words "one disbursing clerk," the words "at a salary of $2,000 a year."

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 96, under the heading of the "Department of the Navy," to strike out lines 12 to 18 inclusive, which I ask the Clerk to read.

The Clerk read as follows:

Four clerks of class four, four clerks of class three, two clerks of class two, three clerks of class one, two messengers, four laborers, five watchmen.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the heading of "Bureau of Yards and Docks," to strike out lines 25 to 30 inclusive, which I ask the Clerk to read.

The Clerk read as follows:

One clerk of class four, two clerks of class three, one clerk of class two, one clerk of class one, one messenger, one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the heading of the "Bureau of Equipment and Recruiting," to strike out lines 34 to 39 inclusive, which I ask the Clerk to read.

The Clerk read as follows:

One clerk of class four, one clerk of class three, two clerks of class two, two clerks of class one, one messenger, one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the heading of the "Bureau of Construction and Repair," to strike out lines 45 to 49, which I ask the Clerk to read.

The Clerk read as follows:

One clerk of class four, two clerks of class three, two clerks of class two, one messenger, one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 97, under the heading of the "Bureau of Steam Engineering," to strike out lines 57 to 59 inclusive, which I ask the Clerk to read.

The Clerk read as follows:

One clerk of class two, one messenger, one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the heading of the "Bureau of Navigation," to strike out lines 63 to 66 inclusive, which I ask the Clerk to read.

The Clerk read as follows:

One clerk of class three, one clerk of class two, one messenger, one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the heading of the "Bureau of Ordnance," to strike out lines 72 to 75 inclusive, which I ask the Clerk to read.

The Clerk read as follows:

One clerk of class three, two clerks of class two, one messenger, one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the heading of the "Bureau of Provisions and Clothing," to strike out lines 79 to 84 inclusive, which I ask the Clerk to read.

The Clerk read as follows:

One clerk of class four, two clerks of class three, two clerks of class two, three clerks of class one, one messenger, one laborer.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the heading of the "Bureau of Medicine and Surgery," to strike out lines 86 to 89 inclusive, as follows:

One clerk of class four, one clerk of class three, one messenger, one laborer.

And insert in lieu thereof:

One chief clerk, at a salary of $1,800 a year.

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 101, under the heading of the "Department of the Interior," in section 443, to strike out lines 1, 2, and 3, as follows:

The subordinate officers, clerks, and employés of the Department of the Interior, and their respective salaries, shall be as follows.

And insert:

There shall be in the Department of the Interior.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under same heading, to strike out lines 6 to 16 inclusive, which I ask the Clerk to read.

The Clerk read as follows:

Four clerks of class four, to any or all of whom may be paid $200 a year additional, if the Secretary deem it necessary and proper; six clerks of class four, one of whom may be designated by the Secretary to act as superintendent of the building, and who shall be entitled to $200 a year additional therefor, additional to three disbursing clerks; six clerks of class three, six clerks of class two, six clerks of class one; three copyists, at $900 a year each.

The amendment was agreed to.

Mr. E. R. HOAR. I move to insert this further amendment:

The Secretary may, if he deem it necessary and proper, pay $200 a year additional to any four clerks of the fourth class.

Mr. ELDREDGE. Is that an amendment proposed to the existing law, or is it a provision in the law now?

Mr. E. R. HOAR. It is a provision of the law now. It is, as the gentleman from Wisconsin will notice, substantially contained in the part struck out. It is only rewriting the matter more accurately.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the same heading, to strike out lines 19 and 20, which I ask the Clerk to read.

The Clerk read as follows:

Two assistant messengers, six laborers.

The amendment was agreed to.

Mr. E. R. HOAR. I move on the same page, under the heading of the "General Land Office," to strike out lines 32 to 35, which I ask the Clerk to read.

The Clerk read as follows:

Three clerks of class four, twenty-four clerks of class three, forty-four clerks of class two, seventy-five clerks of class one.

The amendment was agreed to.

Mr. E. R. HOAR. I move on page 102, under the same heading, to strike out lines 40 and 41, which I ask the Clerk to read.

The Clerk read as follows:

Two messengers, three assistant messengers.

The amendment was agreed to.

Mr. E. R. HOAR. I move to strike out line 44, page 102, as follows:

Nine laborers.

The amendment was agreed to.

Mr. E. R. HOAR. I move under the heading "In the office of the Commissioner of Indian Affairs" to strike out lines 47 to 55 inclusive, page 102, as follows:

Five clerks of class four, eight clerks of class three, twelve clerks of class two, nine clerks of class one, four copyists, at $900 a year each; one messenger, one assistant messenger, one laborer, one watchman.

The amendment was agreed to.

Mr. E. R. HOAR. I move, under the heading "Office of the Commissioner of Pensions," to strike out lines 58 to 66 inclusive, on the same page, as follows:

Twenty-two clerks of class four, fifty-two clerks of class three, eighty-four clerks of class two, one hundred and twenty-six clerks of class one, twenty-five copyists at $900 a year each; one messenger, twelve assistant messengers, six laborers, four watchmen.

The amendment was agreed to.

Mr. E. R. HOAR. I move, under the heading "In the Patent Office," to strike out, on page 103, lines 85 to 90 inclusive, and lines 105 and 106, as follows:

Seven clerks of class four, eight clerks of class three, thirty-one clerks of class two, forty-five clerks of class one, thirty clerks, at a salary of $1,000 a year each; forty clerks, at a salary of $900 a year each; thirty laborers; six laborers, at a salary of $600 a year each.

The amendment was agreed to.

Mr. E. R. HOAR. I move, under the heading "In the Office of Education," to strike out lines 114 to 116, inclusive, page 103, as follows:

One clerk of class two, four copyists at $900 a year each; one messenger.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is on page 104, and needs perhaps a statement to the House. It is to strike out, on page 104, lines 5 and 6, as follows:

Third. Public buildings which are under the charge of the Chief of Engineers.

This occurs in the chapter defining the duties of the Secretary of the Interior; and the propriety of the amendment results from a series of legislation, which, in the judgment of the committee, clearly produces this effect:

When the office of the commissioner of public buildings was created, the duties of that officer were defined, and it was provided that he should report to, and be under the supervision of, the President of the United States. When the Department of the Interior was created, it was provided that this officer, the commissioner of public buildings, should report to, and be under the supervision of, the Interior Department. He was transferred to that Department. In 1867 Congress abolished the office of commissioner of public buildings, and provided that his duties should be performed by an officer of the Army, the Chief of Engineers. There was nothing said in that statute about to whom he should report, or who should have the supervision over him, except what might be inferred from the mere fact of transferring the duties to an officer of the Army. By a subsequent statute of the same year, 1867, it was provided that all past appropriations were to be expended under the War Department—all past appropriations for the objects in charge of the commissioner of public buildings. It was afterwards provided that the Washington Aqueduct, and all public works, should be under his supervision, and that the money appropriated for them should be expended under the direction of the Secretary of War.

Those who prepared this volume, not finding an express repeal of the statute which placed the commissioner of public buildings under the supervision of the Secretary of the Interior, and not giving the effect to it which the committee had given, have distributed the duties of the officers of the Chief of Engineers in regard to public buildings, public works, and the Washington Aqueduct, between the two Departments. But for six years—since 1867—all the direction of these works and buildings has been under the charge of the Chief of Engineers, who has reported to the War Department, and the War Department has drawn from the Treasury all the appropriations, and superintended their disbursement.

It has, therefore, been for six years the practical construction of all branches of the Government, including the Interior, the Treasury, and the War Departments, that this was transferred entirely to the

Department of War, and such is the committee's understanding of the law.

This will involve some other amendments at a subsequent part of the statutes, and I make an explanation here that it may be understood when we shall come to them. The amendment is to strike out the words which I have read, in lines 5 and 6, at the top of page 104.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment proposed is in section 525 of page 119. I offer the following amendment:

Strike out the first three lines of section 525, as follows:
The subordinate officers, clerks, and employés of the Department of Agriculture, and their respective salaries, shall be as follows:

And insert in lieu thereof:
There shall be in the Department of Agriculture.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is in the same section, 525, to strike out lines 27 to 34, inclusive, as follows:

Four clerks of class four, five clerks of class three, six clerks of class two, seven clerks of class one, three copyists, at a salary of $900 a year each; one messenger, at a salary of $850 a year; two assistant messengers.

The amendment was agreed to.

Mr. E. R. HOAR. The next amendment is to strike out lines 43 and 44 of the same section, page 120, as follows:

Nine laborers, three watchmen.

The amendment was agreed to.

Mr. LAWRENCE. I think an amendment should be made in section 470, page 108, where in line 3 the word "county" occurs; a misprint, I suppose, for "country." The section, as printed, is as follows:

SEC. 470. The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or county occupied by uncivilized or hostile Indians, and shall enforce the same.

I move to amend by striking out the word "county" and inserting the word "country."

The amendment was agreed to.

Mr. E. R. HOAR. The amendments which have now been adopted, Mr. Speaker, include all the amendments proposed by the committee as far as page 121 at the end of title 12, and as far as the work in this part of it has been under my charge.

Mr. POLAND. I have an amendment to offer in section 551, on page 125.

The section was as follows:

SEC. 551. The State of Texas is divided into two districts, which shall be called the eastern and western districts of Texas. The eastern district includes the counties of Newton, Jasper, Jefferson, Orange, Tyler, Polk, Liberty, Galveston, Harris, Montgomery, Austin, Fort Bend, Brazoria, Colorado, Wharton, Matagorda, Lavaca, Jackson, Calhoun, DeWitt, Victoria, Goliad, Refugio, San Patricio, Nueces, Cameron, Starr, Webb, and Hidalgo, as they existed February 21, 1857. The western district includes the residue of said State.

Mr. POLAND. I offer the following amendment:

In lines 7 and 8 strike out "February 21, 1857," and insert "in 1852."

The motion was agreed to.

Mr. POLAND. On page 126, head-note 555, strike out the words "North Carolina," so that it will read:

Judges in Alabama, Georgia, Mississippi, South Carolina, and Tennessee.

Mr. ROBBINS. I hope "North Carolina" will not be stricken out.

Mr. ELDREDGE. Would not that dissolve the Union?

The SPEAKER *pro tempore*. The head-note is no part of the bill, and the Clerk will make any alterations necessary.

Mr. POLAND. On page 132, in head-note 593, (I make this motion to the Clerk,) I move to strike out the word "judge" and insert "clerk," so that it will read:

Preparatory examinations and orders in admiralty cases, by district clerk.

The SPEAKER *pro tempore*. That correction will be made.

Mr. POLAND. I move in section 575, on page 102, after the word "following," to insert "but when any of said dates shall fall on Sunday, the term shall commence on the following day;" so that it will read:

The regular terms of the district courts shall be held at the times and places following, but when any of said dates shall fall on Sunday, the term shall commence on the following day.

I will state that there are various terms of the courts set for some fixed day in the month.

The amendment was agreed to.

Mr. POLAND. I move now to strike out lines 154 and 155 of the same section, as follows:

When the said date falls upon a Sunday, the term shall commence on the following day.

Those words are rendered unnecessary by what has just been inserted.

The amendment was agreed to.

Mr. POLAND. I move to amend on page 136, in line 165, by inserting after the word "and" the words "Tuesday after;" so that the section will read:

In the western district of Virginia, at Danville, on the Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Abingdon, on the Tuesday after the fourth Monday in May and October; and at Harrisonburgh, on the Tuesday after the first Monday in May and Tuesday after the second Monday in October.

The amendment was agreed to.

Mr. POLAND. I have an amendment to offer on page 143, section 611, which I will reduce to writing.

Mr. ELDREDGE. Would it not be in order to move to recommit the bill, so that the committee may have an opportunity to prepare their amendments? I supposed the object of dispensing with the reading was to facilitate action on the bill, but it does not help us if we have to wait here until amendments can be written out.

The SPEAKER *pro tempore*. The gentleman from Wisconsin has not the floor for that purpose.

Mr. ELDREDGE. I will take it pretty soon for that purpose.

Mr. POLAND. I move to amend the section I have indicated by inserting in line 1, after the word "established," the words "as follows: one;" in line 2, after the word "Alabama," the words "one for;" in the same line, after the word "Arkansas," the words "one for;" and in line 3, after the word "and," the word "one;" so that it will read:

Circuit courts are established as follows: one for the three districts of Alabama; one for the eastern district of Arkansas; one for the southern district of Mississippi; and one for each district in the States not herein named; and shall be called the circuit courts for the districts for which they are established.

The amendments were agreed to.

Mr. POLAND. On page 147, section 632, I move in line 7, to strike out the word "should" and insert the word "shall;" so that the section will read:

The circuit courts shall have original jurisdiction as follows:
First. Of all suits of a civil nature, at common law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: *Provided*, That no circuit court shall have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange.

The amendment was agreed to.

Mr. POLAND. On page 150, in section 638, line 6, I move to strike out the words "married women;" so that it will read:

SEC. 638. No judgment, decree, or order of a district court shall be reviewed by a circuit court, on writ of error or appeal, unless the writ of error is sued out, or the appeal is taken, within one year after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or *non compos mentis*, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within one year after the entry of the judgment, decree, or order, exclusive of the term of such disability.

The amendment was agreed to.

Mr. POLAND. On page 151, line 34, after the word "therefor," strike out "or;" so that the paragraph will read:

In order to such removal, the petitioner in the cases aforesaid must, at the time of filing his petition therefor, offer in said State court good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the cause, or, in said cases where a citizen of the State in which the suit is brought is a defendant, copies of all process, pleadings, depositions, testimony, and other proceedings in the cause concerning or affecting the petitioner, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein. It shall thereupon be the duty of the State court to accept the surety and to proceed no further in the cause against the petitioner, and any bail that may have been originally taken shall be discharged.

The amendment was agreed to.

Mr. POLAND. On page 155, section 649, line 13, I move to strike out the word "and" at the beginning of the line, so that it will read:

When a suit is removed for trial from a State court to a circuit court, as provided in paragraph 1, of section 642, and in such of the foregoing sections as relate to the removal of causes for the purpose of protecting all persons in the United States in their civil rights, and to furnish the means of their vindication, any attachment of the goods or estate of the defendant by the original process shall hold the same to answer the final judgment, in the same manner as by the laws of such State they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced. In the other cases mentioned in the foregoing sections, besides the previous provisions of this section, any injunction granted before the removal of the cause against the defendant applying for its removal shall continue in force until modified or dissolved by the United States court into which the cause is removed; and any bond of indemnity or other obligation, given by the plaintiff upon the issuing or granting of any attachment, writ of injunction, or other restraining process, against the defendant petitioning for the removal of the cause, shall also continue in full force, and may be prosecuted by the defendant and made available for his indemnity in case the attachment, injunction, or other restraining process be set aside or dissolved, or judgment be rendered in his favor, in the same manner and with the same effect as if such attachment, injunction, or other restraining process had been granted, and such bond had been originally filed or given, in such State court.

The amendment was agreed to.

Mr. POLAND. On page 156, section 655, line 7, I move to strike out the words "upon the request of either party or of their counsel;" so that it will read:

When a final judgment or decree is entered in any civil suit or proceeding before any circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, in the trial or hearing whereof any question has occurred upon which the opinions of the judges were opposed, the point upon which they so disagreed shall, during the same term, be stated under the direction of the judges, and certified, under the seal of the court, to the Supreme Court at their next session, and such certificate shall be entered of record.

The amendment was agreed to.

Mr. POLAND. On page 157, lines 8 and 9, I move to strike out the words "under the seal of the court to the Supreme Court at their next session;" so that the section will read:

SEC. 655. When a final judgment or decree is entered in any civil suit or proceeding before any circuit court, held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, in the trial or hearing whereof any question has occurred upon which the opinions of the judges were opposed,

the point upon which they so disagreed shall, during the same term, or of their counsel, be stated under the direction of the judges and certified, and such certificate shall be entered of record.

The amendment was agreed to.

Mr. POLAND. On page 158 I offer the same amendment that I offered at the beginning of the last chapter. Insert at the end of line 2 of the first paragraph of section 661 as follows:

But when any of said dates shall fall on Sunday, the term shall commence on the following day.

The amendment was agreed to.

Mr. POLAND. I move further to amend by striking out the words "at Milledgeville," in line 20, on page 159; so that it will read:

In the southern district of Georgia, at Savannah, on the second Monday in April and on the Tuesday after the first Monday in November.

The amendment was agreed to.

Mr. POLAND. I move also to strike out, in regard to the districts of Maine, New Hampshire, Massachusetts, and Rhode Island, the words "when the said days fall upon Sunday the session shall commence on the next day." Those words are now rendered unnecessary by the amendment adopted at the beginning of the chapter.

The amendment was agreed to.

Mr. POLAND. I move to amend, in line 144, by inserting the words "Tuesday after the" before the words "second Monday in October," so that it will read, "Tuesday after the second Monday in October."

The amendment was agreed to.

Mr. POLAND. I move to amend section 676, in relation to the Supreme Court of the United States, by striking out the word "a" and inserting the word "the" before "Chief Justice," and inserting after the words "Chief Justice" the words "of the United States;" so that it will read:

SEC. 676. The Supreme Court of the United States shall consist of the Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

This does not seem to be a very important amendment, but some time ago there was considerable discussion in relation to the precise official character of the gentleman holding this office. I have taken pains to make this provision conform to the exact language of the law.

The amendment was agreed to.

Mr. POLAND. I move to amend section 696, in the fourth and fifth lines, by striking out the words "to the Supreme Court," so that it will read, "wherein the said judges certify as provided by law that their opinions were," &c.

The amendment was agreed to.

Mr. ELDREDGE. I would inquire of the gentleman from Vermont if it is intended that the words "circuit justice and a circuit judge" shall stand in the beginning of this section. Is that the language intended to be used?

Mr. POLAND. It is.

Mr. ELDREDGE. Is that the law now?

Mr. POLAND. Yes, sir. Inasmuch as we have two circuit judges, a judge of the Supreme Court and a circuit judge proper, we have adopted throughout this revision, for the purpose of designating the two, the term "circuit justice," as applied to the judge of the Supreme Court when sitting in a circuit, and the circuit judge is called "circuit judge." These two titles have been adopted for the purpose of distinguishing between the two.

Mr. ELDREDGE. Is that the language used in the law as it now stands, or is it the language adopted by the Committee on Revision? I do not remember to have seen that term used anywhere in the law.

Mr. POLAND. I do not know that the law has defined a justice of the Supreme Court, when sitting as circuit judge, as "circuit justice." But that term has been adopted throughout this revision. And in a chapter of definitions, which has not been reached, that has been so stated.

Mr. ELDREDGE. I was going to suggest to the gentleman that we have already acted upon many definitions, and I did not know but they included all. I know they did not include this one. I had not seen the expression "circuit justice" used in any statute that I remember.

Mr. POLAND. It is used throughout this revision to distinguish the justice of the Supreme Court from the circuit judge.

Mr. ELDREDGE. It is the language adopted by the committee.

Mr. POLAND. By the reviser.

Mr. LAWRENCE. There is another reason. The justices of the Supreme Court are nowhere by any law called "judges;" they are "justices;" whereas the circuit judges are called in the statutes "judges of the circuit."

Mr. ELDREDGE. They have always been called judges, so far as I know.

Mr. LAWRENCE. It is a misnomer to apply the term "judge" to a justice of the Supreme Court. When a justice of the Supreme Court holds a circuit court he becomes a circuit justice; he is a justice of the Supreme Court holding a circuit court.

Mr. POLAND. Section 608 is as follows:

The words "circuit justice" and "justice of a circuit," when used in this title, shall be understood to designate the justice of the Supreme Court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, shall be understood to include such justice.

I move further to amend, on page 170, in section 705, by striking out the words "and in all cases where the Constitution, or a statute, or treaty of the United States is brought in question;" and also to add to the section the words "and any final judgment or decree of the supreme court of said Territory, in any cause where the Constitution, or a statute, or treaty of the United States is brought in question, may be revised in like manner;" so that the section will read as follows:

The final judgments and decrees of the supreme court of any Territory, except the Territory of Washington, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party, or of other competent witnesses, exceeds $1,000, may be reviewed and reversed or affirmed in the Supreme Court, upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court. In the Territory of Washington the value of the matter in dispute must exceed $2,000, exclusive of costs; and any final judgment or decree of the supreme court of said Territory, in any cause where the Constitution, or a statute, or treaty of the United States is brought in question, may be reviewed in like manner.

Perhaps there should be a word of explanation in reference to this amendment. There is no provision in any territorial act for cases being taken up to the Supreme Court of the United States from a territorial court on the ground of the question that is involved in it, except in the act relating to the Territory of Washington. The commissioners who made this revision, under the power they had to make the laws uniform, inserted this provision, and made it applicable to all the Territories, noting it, however, as a change. But the Territory of Washington is the only one in relation to which the law contains this provision. The committee propose this amendment so as to make this revision to correspond to the law as it stands.

The amendment was agreed to.

Mr. POLAND. I move to amend section 706, by striking out the "s" in the word "appeals," so as to make the section read as follows:

SEC. 706. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

The amendment was agreed to.

Mr. POLAND. I next desire to move an amendment to section 723.

The section was as follows:

SEC. 723. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State.

Mr. POLAND. I move to amend by adding to this section the following:

Except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy.

The amendment was agreed to.

Mr. POLAND. The next section to which I wish to move an amendment is section 765.

The section was as follows:

SEC. 765. When a writ of *habeas corpus* is issued in the case of any prisoner who, being a subject or citizen of a foreign state and domiciled therein, is committed, or confined, or in custody, by or under the authority or law of the United States, or of any of them, or process founded thereon, on account of any act done or omitted under any alleged right, title, authority, protection, or exemption, claimed under the commission or order or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations, notice of the said proceedings, to be prescribed by the court, or justice, or judge, at the time of granting said writ, shall be served on the attorney-general or other officer prosecuting the pleas of said State, and due proof of such service shall be made to the court, or justice, or judge before the hearing.

Mr. POLAND. I move to amend by striking out after the word "law" the words "of the United States or of any of them," and inserting "of any one of the United States."

The amendment was agreed to.

Mr. POLAND. The committee have an amendment to propose to section 766. It is an amendment of considerable length, but unfortunately I have it not here, not expecting that this section would be reached to-night. I suppose that the section can be passed over, with an understanding that we may return to it hereafter.

The SPEAKER *pro tempore*. There was a general understanding at the last evening session that any section might be returned to for the purpose of amendment.

Mr. POLAND. The next section to which we wish to offer an amendment is section 767.

The section was as follows:

SEC. 767. From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in section 765.

Mr. POLAND. I move to amend by striking out at the end of the section the words "section 765," and inserting "the last clause of the preceding section."

Perhaps a word of explanation in reference to this amendment may be proper, although it is hardly explainable except in connection with the amendment we propose to offer to section 766.

The matter of appeals in *habeas corpus* cases seemed to have got into very considerable confusion. As the last section (section 766) was left, it provided that an appeal should lie in all cases from a single judge to the circuit court; which is not a correct statement of the law. Only in two classes of cases can an appeal be taken in *habeas corpus* cases from a single judge to the circuit court. One class of cases arises under the act of 1842, an act that was passed immediately after the McLeod difficulty; the second class of cases

arises under the *habeas corpus* act of 1867, where a person claims to be deprived of his liberty in violation of some provision of the Constitution, laws, or treaties of the United States. In these two classes of cases, and in no other, does an appeal lie from a single judge to the circuit court. In both these classes of cases the law did provide that an appeal should lie from the circuit court to the Supreme Court. But it will be recollected that a few years ago the right of appeal to the Supreme Court in one of those classes of cases was repealed.

Mr. ELDREDGE. I remember the fraudulent circumstances under which that repeal was got through; and I think the provision ought to be restored as part of the existing law. Indeed, I think it is part of it, notwithstanding the repeal.

Mr. POLAND. I will say to my friend from Wisconsin [Mr. ELDREDGE] that the other day (he may not have been present at the time) our committee reported an independent bill, which the House passed, to restore this right of appeal.

Mr. ELDREDGE. I am very glad the gentleman is coming to his senses.

Mr. POLAND. I am not aware that I was ever out of my senses on this subject.

Mr. ELDREDGE. Perhaps I ought not to insinuate that the gentleman voted for the act that was passed several years ago.

Mr. POLAND. If there was any fraud in the matter, it was as much a fraud on me as on my friend from Wisconsin.

Mr. ELDREDGE. The gentleman knows very well that not a member on this side of the House, and very few on the other side, understood anything about the effect of that repealing act. The committee ought to provide for the restoration of the statute that was at that time repealed. If there is any case in which there ought to be an appeal to the court of last resort it is a case in which the liberty of the citizen is concerned.

Mr. POLAND. The committee did not feel at liberty to insert anything in this revision but existing statutes. We, however, took it upon ourselves to report an independent bill, which, when our committee was on regular call the other day, was passed unanimously by this House.

Mr. ELDREDGE. Does it cover the provision which was repealed?

Mr. POLAND. Precisely.

Mr. ELDREDGE. Repealed by the smuggling that was practiced on the House.

Mr. POLAND. I hope the gentleman does not mean anything personal by his remark.

Mr. ELDREDGE. No, sir; I am simply expressing the character of the legislation. My remark has nothing to do with persons.

Mr. POLAND. The bill passed the other day restores fully the provision that was repealed.

Mr. ELDREDGE. I am glad of it.

The amendment was agreed to.

Mr. POLAND. I move, on page 193, section 823, line 4, to strike out the word "nineteen," and insert "fifteen;" so it will read:

SEC. 823. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 815, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

The amendment was agreed to.

Mr. POLAND. I move, on page 199, lines 71 and 72, to strike out "Secretary of the Interior," and insert "Attorney-General;" so it will read:

For transporting criminals convicted of a crime in any district or Territory where there is no penitentiary available for the confinement of convicts of the United States, to a prison in another district or Territory designated by the Attorney-General, the reasonable actual expense of transportation of the criminals, the marshal, and the guards, and the necessary subsistence and hire.

The amendment was agreed to.

Mr. POLAND. I move, on page 200, section 833, in line 8, to strike out "Secretary of the Interior," and insert "Attorney-General;" so it will read:

SEC. 833. There shall be paid to the marshal his fees for services rendered for the United States, for summoning jurors and witnesses in behalf of the United States, and in behalf of any prisoner to be tried for a capital offense, for the maintenance of prisoners of the United States confined in jail for any criminal offense; also, for his reasonable actual expense for the transportation of criminals, and of the marshal and guards, to prisons designated by the Attorney-General, and for hire and subsistence in that behalf, as hereinbefore provided; also, his fees for the commitment or discharge of prisoners; his expenses necessarily incurred for fuel, lights, and other contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof: *Provided*, That he shall not incur, or be allowed, an expense of more than twenty dollars in any one year for furniture, or fifty dollars for rent of a building and making improvements thereon without first submitting a statement and estimates to the Attorney-General and getting his instructions in the premises.

The amendment was agreed to.

Mr. POLAND. I move on page 217, section 905, in line 4, to strike out the words "by said act;" so it will read:

SEC. 905. In the proceedings to restore the records of the circuit and district courts of the northern district of Illinois, destroyed by fire on the 9th of October, 1871, under the three preceding sections, the notice required may be served upon any non-resident of said district anywhere within the jurisdiction of the United States, or in any foreign country, the proof of the service of such notice, if made in a foreign country, to be certified by a minister or consul of the United States in such country, under his official seal.

The amendment was agreed to.

Mr. POLAND. I move on page 223, section 920, line 8, to strike out the words "at common law or;" so it will read:

SEC. 920. The Supreme Court shall have power to prescribe, from time to time, and in any manner not inconsistent with any law of the United States, the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of taking and obtaining evidence, of obtaining discovery, of proceeding to obtain relief, of drawing up, entering, and enrolling decrees, and of proceeding before trustees appointed by the court, and generally to regulate the whole practice to be used in suits in equity or admiralty, by the circuit and district courts.

The amendment was agreed to.

Mr. POLAND. I move on page 227, section 941, in line 29, after the word "delay," to strike out the following:

And when any prosecution shall be commenced, on account of the seizure of any ship or vessel, goods, wares, or merchandise, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof, and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit, or judgment on account of such seizure and prosecution: *Provided*, That the ship or vessel, goods, wares, or merchandise, be, after judgment, forthwith returned to such claimant or claimants, his, her, or their agent or agents.

So it will read:

SEC. 941. Upon the prayer of any claimant to the court, that any vessel, goods, wares, or merchandise, seized and prosecuted under any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, or any part thereof, should be delivered to him, the court shall appoint three proper persons to appraise such property, who shall be sworn in open court, or before a commissioner appointed by the district court to administer oaths to appraisers, for the faithful discharge of their duty; and the appraisement shall be made at the expense of the party on whose prayer it is granted. If, on the return of the appraisement, the claimant, with one or more sureties, to be approved by the court, shall execute a bond to the United States for the payment of a sum equal to the sum at which the property prayed to be delivered is appraised, and produce a certificate from the collector of the district where the trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares, and merchandise, or tonnage duty on the vessel so claimed, have been paid or secured in like manner as if the same had been legally entered, the court shall, by rule, order such vessel, goods, wares, or merchandise to be delivered to such claimant; and the said bond shall be lodged with the proper officer of the court. If judgment passes in favor of the claimant, the court shall cause the said bond to be canceled; but if judgment passes against the claimant, as to the whole or any part of such vessel, goods, wares, or merchandise, and the claimant does not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such vessel, goods, wares, or merchandise so condemned, with the costs, judgment shall be granted upon the bond, on motion in open court, without further delay.

Mr. POLAND. That portion of the section which is proposed to be stricken out is in another place, in section 973.

The amendment was agreed to.

Mr. POLAND. I move on page 231, section 956, in line 5, before the word "court," to insert the word "the;" so it will read:

SEC. 956. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof, if more than one judge sat on the trial of the cause, without any seal of the court or judge being annexed thereto.

The amendment was agreed to.

Mr. POLAND. I move on page 234, section 972, in line 4, to strike out "assessor, assistant assessor;" so it will read:

SEC. 972. When a suit for the recovery of any penalty or forfeiture accruing under any law providing internal revenue is brought upon information received from any person other than a collector, deputy collector, or inspector of internal revenue, the United States shall not be subject to any costs of suit.

The amendment was agreed to.

Mr. POLAND. I move on page 237, section 995, in lines 5 and 6, to strike out the words "or may hereafter be;" so it will read:

SEC. 995. Persons imprisoned on process issuing from any court of the United States in civil actions, as well at the suit of the United States as at the suit of any person, shall be entitled to the same privileges of the yards of the respective jails as persons confined in like cases on process from the courts of the respective States are entitled to, and under the like regulations and restrictions.

The amendment was agreed to.

Mr. POLAND. I move on page 240, section 1010, in line 4, to strike out the word "ten," and in lieu thereof insert the word "sixty;" so it will read:

SEC. 1010. In any case where a writ of error may be a *supersedeas*, the defendant may obtain such *supersedeas* by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains, within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But if he desires to stay process on the judgment, he may, having served his writ of error as aforesaid, give the security required by law within sixty days after the rendition of such judgment, or afterward with the permission of a justice or judge of the appellate court. And in such cases where a writ of error may be a *supersedeas*, executions shall not issue until the expiration of the said term of ten days.

I wish to explain in reference to this correction, to show precisely why it is made, that the old judiciary act required that an appeal or writ of error should be filed within ten days in order to operate as a *supersedeas*. The act of 1872, making a good many changes in the practice in the United States courts in appeals, &c., provided that the *supersedeas* bond might be filed in sixty days. It said nothing in terms in relation to what time the appeal or writ of error must be filed, but said the *supersedeas* bond might be filed within sixty days.

The Supreme Court at this term have given a construction to that statute; and have unanimously decided that an appeal or writ of error if filed within sixty days operates as a *supersedeas;* and we have made this change to correspond to the construction which the Supreme Court have put upon the act of last year, the act of 1872.

The amendment was agreed to.

Mr. POLAND. I offer also the following amendment:

In the last line of the same section, section 1010, strike out the word "ten" and insert the word "sixty."

The amendment was agreed to.

Mr. POLAND. The next amendment is in section 1014.

The section was as follows:

SEC. 1014. There shall be no reversal in the Supreme Court or a circuit court upon a writ of error, for error in ruling and plea in abatement, other than a plea to the jurisdiction of the court, or for any error in fact.

Mr. POLAND. I offer the following amendment:

After the words "court or," where they first occur, insert the word "in."

The amendment was agreed to.

Mr. YOUNG, of Georgia. I move that the House adjourn.

Mr. POLAND. If the gentleman will withdraw his motion for a few minutes longer I may agree to it.

Mr. YOUNG, of Georgia. How long?

Mr. POLAND. I should be glad if we could go through the judiciary act. We are within a few pages of the end of it.

Mr. YOUNG, of Georgia. I withdraw my motion.

Mr. POLAND. My next amendment is on page 246, section 1046.

The section was as follows:

SEC. 1046. No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder or forgery excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed.

Mr. POLAND. I offer the following amendment:

In line 2 strike out the words "or forgery."

This section was copied from the old crimes act at the time when forgery was a capital offense. But inasmuch as for seventy-five years forgery has not been a capital offense in this country, we think it looks a little incongruous to retain it.

The amendment was agreed to.

Mr. POLAND. The next amendments are in sections 1048 and 1049, in the chapter entitled "Limitations."

Sections 1048 and 1049 were as follows:

SEC. 1048. No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the slave-trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime.

SEC. 1049. Nothing in the three preceding sections shall extend to any person fleeing from justice.

Mr. POLAND. The sections should be transposed, and section 1049 placed before section 1048. I move to amend by making that change, and also to strike out the word "three" in the section now numbered 1049, and insert "two" instead thereof.

Perhaps a word of explanation should be given in reference to this. The original crimes act made provision for treason and capital offenses, and then the general limitation for prosecution was two years; and that act had the saving clause which is in this section, that it should not apply to persons who had fled from justice. Subsequently an act was passed making certain offenses against the revenue laws criminal, and giving five years within which to prosecute; and a few years later an act was passed making participation in the slave-trade criminal, and providing that offenses against that act might be prosecuted within five years. In neither of those acts is there any such provision as that it shall not apply to persons fleeing from justice. And where provision is made for a new offense and for a new statute of limitations, the committee are of opinion that this provision in the general criminal act could not apply to them. They considered it should apply to prosecutions under the general act, and not to those where there is a special statute. It is on that ground we propose this change.

The amendment was agreed to.

Mr. POLAND. The next amendment is on page 252, section 1073.

The section was as follows:

SEC. 1073. The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, and may exercise such powers as are necessary to carry into effect the powers granted to it by law.

Mr. POLAND. I offer the following amendment:

In line 4, after the words "common law," insert the words "may appoint commissioners."

The original act establishing the Court of Claims provided that they might appoint commissioners to take testimony. The later act provided that they might appoint commissioners; and the court, as I understand, is in the practice of appointing commissioners to do various things besides taking testimony.

Mr. ELDREDGE. Is there no limitation now? Can they appoint commissioners for any purpose whatever?

Mr. POLAND. This is the very language of the law, "may appoint commissioners." The revisers, inasmuch as there was previously an act authorizing the court to appoint commissioners to take testimony, left out the language of the latter act, the general language, "may appoint commissioners." We have merely restored the words of a later act, which the commissioners left out, supposing it covered by an older law. And I learn, by some conversation with the judges of the court, that they exercise this power of appointing commissioners for some other purpose than to take testimony, and derive their authority from this later law.

The amendment was agreed to.

Mr. POLAND. I move to amend section 1088 by adding to it the words, "or other appropriation made by Congress for that purpose," so that it will read:

SEC. 1088. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when it is taken at the instance of the Government such fees, together with all postage incurred by the Assistant Attorney-General, shall be paid out of the contingent fund provided for the Court of Claims, or other appropriation made by Congress for that purpose.

The amendment was agreed to.

Mr. POLAND. A member of the committee having in charge the chapters following, in relation to the Army, is not quite prepared to report in reference to them. There are other portions of the work which the committee are prepared to go on with, but we will not ask gentlemen to stay here any longer to-night. I move that the House do now adjourn.

The motion was agreed to; and (at nine o'clock and twelve minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as follows:

By Mr. ATKINS: The petition of Professor I. M. Wright and 108 citizens of Montgomery County, Tennessee, praying for the settlement and payment of the claims of the Southern Methodist publishing house, at Nashville, Tennessee, to the Committee on War Claims.

By Mr. BECK: The petition of the Kentucky Agricultural and Mechanical Association, for compensation for damages to, and occupation of, their grounds by United States troops, to the Committee on War Claims.

By Mr. BELL: The petition of Wesley Jones, for a pension, to the Committee on Invalid Pensions.

By Mr. BUFFINTON: The petition of citizens of Middletown, Massachusetts, for the appointment of a commission of inquiry concerning the liquor traffic, to the Committee on the Judiciary.

By Mr. BUTLER, of Tennessee: The petition of John Malicoat, for relief, to the Committee on Military Affairs.

By Mr. CESSNA: Several petitions from citizens of Somerset County, Pennsylvania, for the remission of duties on friction and lucifer matches, to the Committee on Ways and Means.

By Mr. CHIPMAN: The memorial of Edward Lawrence & Co., merchants of Liverpool, England, asking for the payment of the proceeds of five hundred and sixty-two bales of cotton paid into the United States Treasury, to the Committee on War Claims.

Also, the petition of E. F. M. Faehtz and F. W. Pratt, publishers of the Real Estate Directory of the city of Washington, for a subscription for said work for use in the public offices of Washington, to the Committee on the District of Columbia.

By Mr. COBB, of Kansas: The petition of Louis Bryant and others, depot teamsters and hostlers at Leavenworth, Kansas, for payment for extra hours of labor, to the Committee on Claims.

Also, the memorial of W. L. Simons and 64 other members of the Kansas Legislature, relative to lands granted to railroads in Kansas, claimed to be forfeited, to the Committee on the Public Lands.

By Mr. COX: The petition of A. Hamilton & Co., C. F. Hovey & Co., and others, importers of hand-made lace goods, in the city of Boston, for the reduction of duty on all real or hand-made lace goods to 20 per cent. *ad valorem*, to the Committee on Ways and Means.

Also, the petition of Brosins & Co. and others, importers, of Baltimore, of similar import, to the Committee on Ways and Means.

By Mr. DANFORD: The petition of Mrs. Charlotte L. Ames, widow of Horatio Ames, deceased, for reimbursement for costly experiments made by her husband, and for reasonable allowances by way of royalty on his patents and inventions, to the Committee on War Claims.

By Mr. ELLIOTT: The petition of Mary A. Bowen, for payment for extra services, as messenger in the Patent-Office, of her deceased husband, Anthony Bowen, to the Committee on Claims.

By Mr. HALE, of Maine: The petition of Mary Ann Flye, for a pension, to the Committee on Invalid Pensions.

By Mr. HAYS: Petition of the Boards of Trade of Mobile, Alabama, and Columbus, Mississippi, for the removal of obstructions from the Tombigbee River, to the Committee on Commerce.

By Mr. LAMISON: The petition of Brown Brothers & Co., Duncan, Sherman & Co., and others, bankers and merchants of the city of New York, representing that a resumption of specie payments at the earliest practicable time is imperatively required, and praying that no more issues of paper shall take place, and that the greenbacks already issued out of the so-called reserve shall be withdrawn again as speedily as possible, to the Committee on Banking and Currency.

By Mr. LYNCH: The petition of Horace D. Mead, for payment for the proceeds of certain cotton, to the Committee on War Claims.

By Mr. O'BRIEN: The petition of Helen Wyvill, for a pension, to the Committee on Revolutionary Pensions and War of 1812.

Also, the petition of John Swearer, for relief, to the Committee on War Claims.

By Mr. O'NEILL: The petition of citizens of Philadelphia, for the redemption of United States notes with bonds, payable on demand, with said notes, to the Committee on Banking and Currency.

By Mr. PARSONS: The petition of William Carl, for the correction of his military record, to the Committee on Military Affairs.

By Mr. ROSS: The petition of citizens of Williamsport, Pennsylvania, for the repeal of the second section of the act of June 6, 1872, which makes a reduction of 10 per cent. on certain duties, to the Committee on Ways and Means.

By Mr. SCUDDER, of New York: The petition of coasting captains and vessel-owners of New York, for the erection of a light-house at the entrance of Cold Spring Harbor, Long Island, to the Committee on Appropriations.

By Mr. SHELDON: The petition of Octavia W. Besancon, for compensation for occupation of her plantation in Jefferson Parish, Louisiana, and for injury done thereto, to the Committee on War Claims.

By Mr. SMITH, of Virginia: The petition of Ann Henderson, for a pension, to the Committee on Invalid Pensions.

By Mr. SPEER: Three petitions from citizens of Cambria County, and one from citizens of Huntington County, Pennsylvania, in favor of the repeal of section 2 of act of June 6, 1872, reducing the duties on certain articles; and remonstrating against imposing a duty upon tea and coffee.

By Mr. WELLS: The petition of Emma A. Porch, for relief, to the Committee on War Claims.

By Mr. WILSON, of Iowa: The petition of A. and Letta Baglay, for a pension, to the Committee on Invalid Pensions.

IN SENATE.

THURSDAY, *January* 29, 1874.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D.

On motion of Mr. FERRY, of Michigan, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

PETITIONS AND MEMORIALS.

Mr. FENTON. I present the petition of bankers, merchants, and citizens of the city of New York—I should think fully 200 in number—upon the subject of an additional issue of paper money. The high standing and character of these petitioners, as well as the clear and forcible statement of their views upon this question, will, I trust, command the very earnest attention of the Senate. They conclude their petition by a prayer—

That no more issue of paper shall take place, and that the greenbacks already issued out of the so-called reserve shall be withdrawn again as speedily as possible. In the present state of the money market the Government can obtain whatever money they require, as a loan, at a low rate of interest, and this, your petitioners respectfully suggest, would be a far better way of obtaining funds than by issuing irredeemable currency.

I move that this petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. FENTON presented the petition of the Twelfth-street Reformed church of Brooklyn, New York, signed by the pastor and officers; the petition of David J. Patterson and other citizens of Brooklyn, New York; and the petition of W. P. Gibson and other citizens of New York City, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which were ordered to lie on the table.

Mr. FENTON. I also present the petition of several citizens of Allegany County, New York, well known to me as highly respectable business men, who request the enactment of laws directing the redemption or conversion of United States notes, by issuing therefor, at the option of the holder, bonds of the denomination of $1,000 or any multiple thereof and other processes, by which our present currency, I should infer, would be somewhat increased. I move that this petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. FERRY, of Michigan. From another quarter of the country I present the memorial of James W. Lister and 94 others, citizens of Livingston County, Illinois, praying Congress to abolish the present monetary system, by substituting in lieu of national-bank notes a full legal-tender currency issued directly from the Treasury, to be declared equal with coin and interconvertible with Government bonds, bearing a rate of interest not exceeding 3.65 per cent.; principal and interest of which to be paid in currency. I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. MITCHELL presented a petition of citizens of Oregon, asking the extension of the money-order system to every post-office in the United States, with such a low rate of expense as shall be equitable and just toward the people; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LEWIS presented the petition of F. W. E. Lohman, for himself and Samuel Ruth and Charles M. Carter, of Richmond, Virginia, praying remuneration for services rendered the United States Army during the late war; which was referred to the Committee on Claims.

Mr. CONKLING presented the petition of Eliza Wells, widow and administratrix of Henry A. Wells, deceased, praying for an extension of certain letters-patent, dated April 25, 1846, for improvements in machinery for manufacturing hat-bodies; which was referred to the Committee on Patents.

Mr. RAMSEY. I present a memorial of the Legislature of the Territory of Dakota, and also appended to it the petition of a large number of citizens resident in the northern part of that Territory, asking for its division and the organization of a new Territory. I move that the memorial and petition be referred to the Committee on Territories.

The motion was agreed to.

Mr. DAVIS presented papers relating to the destruction, by Federal troops, under General Milroy, during the late war, of the Presbyterian church at Luney's Creek, Hardy County, West Virginia; which were referred to the Committee on Claims.

Mr. BOUTWELL presented the petition of the Newton Universalist church of Newton, Massachusetts, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, its relations to pauperism, crime, the public health, and general welfare; which was ordered to lie on the table.

Mr. CONOVER presented a memorial of the Legislature of Florida, asking an appropriation for the purpose of clearing out and dredging the Ocklawaha River, in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the city council of Pensacola, Florida, in favor of such legislation as will prevent the introduction of yellow fever, and also such legislation for the protection of the navigable rivers, bays, harbors, and ports of the United States as will prevent the filling up and destruction of the same by the discharge of ballast and other materials therein; which was referred to the Committee on Commerce.

Mr. BOGY presented the petition of Henry Woodson, late of Company H, Fifth Regiment Missouri State Militia, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Lucinda Shrum, widow of Jacob R. Shrum, late of Company A, Forty-ninth Regiment Missouri Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Patsey Inlow, widow of Abraham Inlow, late of Company F, Fifty-third Regiment Enrolled Missouri Militia, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Jemima Maxwell, widow of John Maxwell, late of Company D, Fifth Missouri State Militia, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Mountjoy Browning, late of Company A, Tenth Missouri State Militia Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of William Daily, late of Company B, Third Missouri State Militia, praying to be allowed a pension; which was referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS.

Mr. JOHNSTON. I submit the following order:

Ordered, That the memorial and accompanying papers of J. K. and Sarah A. J. Hodges, heirs at law of Lieutenant Charles Jones, of the Virginia line, be withdrawn from the files and referred to the Committee on Revolutionary Claims.

The PRESIDENT *pro tempore*. Has there been an adverse report?

Mr. JOHNSTON. I think not.

The PRESIDENT *pro tempore*. The order will be entered.

REPORTS OF COMMITTEES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom was referred a letter from the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate of March 11, 1873, information in relation to the space allotted to each steerage immigrant on board ship, to report the same back, and recommend that it be printed; and I ask for the present consideration of the report.

The report was agreed to.

Mr. PRATT. The Committee on Pensions, to whom was referred the bill (S. No. 307) granting a pension to Henry Oglesby, have directed me to submit an adverse report thereon, and to move its indefinite postponement. I may state here briefly that upon referring the case to the Commissioner of Pensions for information on the subject, he desired that the papers should be returned to him for the purpose of reconsidering the case. Some evidence has been furnished that induces him to believe that it would be considered favorably; and as long as favorable action may be had at the Department it is not worth while to pass a special bill for the relief of this party.

The report was ordered to be printed, and the bill was indefinitely postponed.

Mr. PRATT, from the Committee on Pensions, to whom was referred the bill (S. No. 217) granting a pension to Julia A. Smith, reported it

without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. DAVIS, from the Committee on Claims, to whom was referred the petition of Dr. Edward H. Calvert, of the District of Columbia, praying compensation for the injury done his property in Washington by the construction of Fort Wagner thereon, submitted a report accompanied by a bill (S. No. 395) for the relief of Edward H. Calvert.

The bill was read and passed to a second reading, and the report was ordered to be printed.

BILLS INTRODUCED.

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 396) to amend an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1874; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 397) to provide for a more efficient system of quarantine; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

THE CALENDAR.

The PRESIDENT *pro tempore*. There being no further morning business, is it the pleasure of the Senate that the Calendar shall be proceeded with?

Mr. SHERMAN. To avoid all delay, I move that the rule under which we acted yesterday shall be the rule until the Calendar is disposed of—that after the morning business is concluded we proceed during the remainder of the morning hour with the Calendar, under the Anthony rule.

The PRESIDENT *pro tempore*. The Chair will consider that to be the pleasure of the Senate until some other order shall be entered. The Secretary will resume the Calendar from the point where the Senate terminated yesterday.

REDUCTION OF CAPITAL STOCK OF NATIONAL BANKS.

The first bill on the Calendar was the bill (S. No. 147) authorizing national banks that have decided to reduce their capital stock to withdraw a portion of bonds upon retiring their own circulating notes, or depositing lawful money of the United States in the proportion provided by law.

Mr. SCOTT. The substance of that bill has already been reported in a bill which was before the Senate, and the consideration of which has been postponed.

The PRESIDENT *pro tempore*. The bill will be laid aside.

BISHOP & CO.

The next bill on the Calendar was the bill (S. No. 272) for the relief of Bishop & Co., bankers of Honolulu, Hawaiian Islands.

The Chief Clerk read the bill.

Mr. WEST. I do not see the chairman of the Committee on Commerce present, and I should be glad to hear from the member of that committee who reported this bill some explanation of it.

Mr. RAMSEY. I suggest to the Senator to call for the reading of the report. That will give him all the information he desires.

Mr. WEST. The Senator can do that himself.

Mr. RAMSEY. You are not referring to me, I presume.

Mr. WEST. Let us have the report read, then.

The PRESIDENT *pro tempore*. The Chair is informed that there is no report from the committee; but with the accompanying papers there is a communication from the Secretary of State.

Mr. WEST. That will answer.

The PRESIDENT *pro tempore*. That letter will be read.

Mr. SHERMAN. That seems to be a very long paper. I think as a rule we ought not to allow any bill to pass without objection unless there is a report accompanying it. I move that the bill be recommitted to the Committee on Commerce, with a view to have a written report.

The motion was agreed to.

GAS USED IN WASHINGTON.

Mr. MORRILL, of Vermont. I offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire as to the amount of gas consumed and paid for by the Government at Washington; whether its illuminating power is constantly tested; and whether its cost cannot properly be diminished.

All I desire to say in relation to this resolution is that the amount of gas consumed by the Government in the various Government buildings and grounds here is very large, costing some years nearly $100,000, as I am told. The price has been regulated by law. During the war it was raised up to a very much higher figure than it had been before the war, and it has not been reduced to the old standard, although the price of coal has been very much reduced. Not to do any injustice to the company, and yet to practice some economy, it seems proper that we should investigate the facts.

Besides this, there is a new process in the manufacture of gas, I believe, called the hydrocarbon process, by which the cost is very much reduced. It has been in operation in other countries for some time. I do not know that it is in operation anywhere in this country, but it ought to be; and I do know that the price of gas furnished in the city of London, of a standard quality, tested every day, is about one-third of what we pay for it here. I think the subject is a very proper one to be investigated; and therefore I ask for the adoption of the resolution.

The resolution was considered by unanimous consent, and agreed to.

STATIONERY FOR REPORTERS' GALLERY.

The PRESIDENT *pro tempore*. The Chair asks the attention of the Senate for a moment, and desires its advice in regard to a matter in which he has been called upon to act since he has taken the chair.

The press of the country have called the attention of the country repeatedly to abuses growing out of the use of the contingent fund of the Senate. The Chair is aware of but one, and that is the furnishing of stationery for the reporters' gallery of the Senate. After taking the chair, the present occupant was applied to on two or three occasions to sign orders for stationery to be sent to the reporters' gallery. On inquiry he was informed that that was the settled practice, and he signed those orders. Two or three are now upon the table, which the present occupant of the chair is requested to sign. Having examined the law, he is unable to find any authority whatever for doing this. If the Senate are satisfied with the course that has been pursued, I shall continue to sign these orders; if not, I will give my check for the amount covered by those I have signed, and thus correct the only abuse of which the Chair is informed that exists in regard to the contingent fund of the Senate.

Mr. CONKLING. Will the Chair read the account?

The PRESIDENT *pro tempore*. There are several items of account here.

Mr. CONKLING. Any one, that we may know the articles that are charged.

The PRESIDENT *pro tempore*. On January 8 the Chair signed an order in this form:

Please furnish for the use of the reporters' gallery, the following stationery: 4 dozen pencils, 500 envelopes, small.

On a subsequent day the following order was signed:

Please forward for the use of the reporters' gallery: ½ ream small note, 3 dozen lead-pencils, ½ dozen small erasers, 2 dozen pen-holders, ½ dozen sheets large blotting paper.

On the 15th of January:

One ream foolscap, 1 ream note-paper, 1 ream small note paper, 2 dozen pen-holders, 1 box pens, 4 dozen pencils.

These are specimens. There are several that have already been signed by the present occupant of the chair.

Mr. CONKLING. May I inquire of the Chair whence these orders come to the Chair; who sends them or brings them?

The PRESIDENT *pro tempore*. So far as the Chair understands, the process is this: when stationery is wanted in the reporters' gallery they inform the stationer and he sends here an order to be signed, to justify him in delivering it.

Mr. CONKLING. May I understand another thing? Is this stationery used by the correspondents of newspapers who sit in the gallery of the Senate?

The PRESIDENT *pro tempore*. The Chair has no knowledge of his own as to who uses it.

Mr. CONKLING. But "by their going to the stationer's" the Chair means to inform the Senate that the persons in the reporters' gallery, whoever they may be, using this stationery, go to the stationery-room to get it and send the order to the Chair from there to sign.

The PRESIDENT *pro tempore*. The Chair understands the process to be this: when the reporters want more stationery they inform the stationer of that fact, and he sends an order to the Chair to sign, directing him to furnish it; and upon those orders he does furnish it to the reporters in the gallery.

Mr. CONKLING. And the reporters of whom the Chair now speaks are not the official reporters of the Senate, but reporters for newspapers sitting in the reporters' gallery.

The PRESIDENT *pro tempore*. That is the way the Chair understands it. All these are orders for "stationery for the reporters' gallery." The Chair would add that the amount which is called for of course is stated by the reporters themselves, and from that statement the stationer sends an order to the Chair to be signed; and four of these orders have already been signed by the present occupant of the Chair. He will continue to sign them if the pleasure of the Senate indorses that proceeding. [A pause.] The next bill on the Calendar will be reported.

The CHIEF CLERK. The next bill on the Calendar is the bill (S. No. 302) for the relief of Dr. Edward Jarvis.

Mr. HAMLIN. What became of the matter to which the Chair invited the attention of the Senate?

The PRESIDENT *pro tempore*. The Chair asked the advice of the Senate in the premises, and stated that if the Senate did not advise him he would pursue the course that has been pursued, as he is informed, for several years.

Mr. HAMLIN. Will the Chair receive kindly advice from Senators?

The PRESIDENT *pro tempore*. Exceedingly kindly.

Mr. HAMLIN. Then I will advise as one. I never knew anything of this practice when I presided in the chair—it did not then exist—but I presume it had its origin in this way: Formerly stationery was used *ad libitum* by the Senate, and it was said, and I guess truthfully,

that sometimes some Senators used it pretty liberally, and at that period of time perhaps it was used freely by the Secretary of the Senate, who also had access to it; and when there was no restriction upon it, I presume quantities were passed over to the reporters; and that is the way the practice grew up. Subsequently, however, we passed a law in which we defined precisely the amount beyond which no Senator shall be entitled to stationery. Now that limitation of the law which is upon us individually ought certainly to apply as forcibly to everybody else. If it be in order, I will move that the practice of distributing stationery for newspaper reporters from the stationery-room be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Maine moves that it be ordered that hereafter the practice of furnishing stationery to the reporters' gallery be discontinued.

Mr. SCOTT. Mr. President, I rise for the purpose of making perhaps an inquiry, and perhaps a request; perhaps both. I find, upon looking at the Congressional Directory, more than two pages of names of persons who are said to be correspondents of the press. I presume they have their places both in the Senate gallery and in the gallery of the House. I find among them several names of ladies. The statement made by the Chair would lead to the supposition that each one of the reporters whose name is contained in this list has been in the habit of calling upon the chairman of the Committee on Contingent Expenses to furnish him or her with the necessary stationery to do the correspondence for their newspapers.

Now, sir, the inquiry which I should like to make, if the Chair can answer it, would be whether there is any organization of these reporters, with a recognized head, through whom they make their requests upon the head of the stationery department, or whether each one of them has been in the practice of going and making his or her own requisition upon that head of the stationery department. If some of these correspondents have been doing this and others have not, it would be but justice to those who have not done it that those who have done it should be reported by the chairman of the Committee on the Contingent Expenses, so that we may know where the high code of morality contended for by the press is practiced upon and where it is not.

The PRESIDENT *pro tempore*. The Chair will state to the Senate that he is just informed by the Sergeant-at-Arms that a messenger in the employment of the Senate has charge of the reporters' gallery, and has charge of the stationery that is sent to the gallery and keeps it under lock and key, delivering it to the reporters as they desire it; and when he finds that he is wanting in any of the stationery needed he sends down to the stationery-room for a supply, and then the order comes to the Chair, and being signed by the Chair, is filled by the stationer.

Mr. CONKLING. How long has that been the practice?

The PRESIDENT *pro tempore*. The Chair is informed that it has been for two or three years; or for a long time, the Sergeant-at-Arms says.

Mr. MORRILL, of Maine. Mr. President, under what order of the Senate, or of officers of the Senate, has that practice been allowed and continued?

The PRESIDENT *pro tempore*. The Chair understands that the gallery has been considered until this session of the Senate under the charge of the Vice-President, and that for the last four years this has been a courtesy of the Vice-President extended to that gallery. This matter was brought to the attention of the Senate by the Chair, asking for advice in the premises, he being unable to ascertain that there was any authority for doing it, and he having inadvertently signed three or four orders before his attention was called to the subject. The Senator from Maine, the Senator's colleague, has moved that an order be entered that that practice of furnishing stationery be dispensed with, which is the pending motion.

Mr. MORRILL, of Maine. Before that passes, I would inquire whether my colleague would not think it worth while for us to have that a subject of investigation by the Committee on Contingent Expenses, to see to what extent it has gone and what is the actual condition of it, before that order is entered by the Senate.

The PRESIDENT *pro tempore*. The Senator from Maine can move to refer the order to the committee.

Mr. HAMLIN. If my colleague will make such a motion I will withdraw mine.

Mr. MORRILL, of Maine. I move that it be referred to the committee, with instructions to report the full particulars in regard to this practice.

The PRESIDENT *pro tempore*. The Senator from Maine on the left [Mr. HAMLIN] withdraws his motion, and his colleague [Mr. MORRILL] moves that the subject be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, with instructions to inquire and report as to the extent to which this practice has obtained.

Mr. FENTON. As this stationery was furnished from the contingent fund, I was about to make the remark that I hoped the motion of the honorable Senator [Mr. HAMLIN] would not prevail. The Committee to Audit and Control the Contingent Expenses of the Senate are commissioned by law to overlook and determine upon this class of expenditures. There is no authority, I am very confident, for the Vice-President to make an order upon the stationery department. I am not sure, however, while this contingent fund is furnished, that it is not quite as legitimate to distribute a portion of the stationery to the reporters of the press who occupy a place in the reporters' gallery as the manner in which much of it has been distributed or disposed of. As long as we have a fund for this purpose the people will consent to pay, I think, for the amount that the reporters use for the information which they furnish the country daily of our doings here. It is not the greatest abuse growing out of this matter. But, sir, I am opposed to this whole thing of a contingent fund without greater limitations or restrictions than there are now upon it, and I hope that the whole practice will be discontinued.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maine.

Mr. MORRILL, of Maine. Referring to a remark of the Senator from New York, I desire to say that the Senate of the United States, and the Senate alone, is accountable for the stationery; and it has become a very prolific source of speculation in the country as to what we do with this vast amount, as it is supposed, of stationery, from time to time. Now, the only view I have in this matter is, as this is the first time it occurred to me and was brought to my knowledge in any way whatever, it becomes a matter of interest to see what proportion of the stationery goes in this direction. It may be, as the Senator from New York suggests, that we shall, on the whole, conclude that that is a good thing to do; but if it is a good thing to do it ought to be done specifically—not on our account, but on account of the press of the country. The real difficulty is that we are charged with a very large expenditure, in the public eye, for stationery, and a variety of things. Therefore I think it is eminently fit that the committee should tell us precisely about this matter, so that if it is desirable to appropriate for this object, it should be a specific appropriation.

Mr. FENTON. I did not mean to oppose the motion of the Senator from Maine, [Mr. MORRILL.] I remarked that I rose for the purpose of opposing the motion, to which I referred, of the honorable Senator from Maine nearest to me, [Mr. HAMLIN.] The direction now suggested by the Senator from Maine farthest from me, [Mr. MORRILL,] I think, is very proper.

Mr. HOWE. It does not seem to me that there need be any great difficulty or any great difference of opinion about this matter. I suppose, if the character of the Senate or the character of the Senators is at all involved in the matter of distributing this stationery, it is very easy to make whatever vindication is required. I suppose the Committee on Contingent Expenses, or some other committee of the Senate, can tell any day whether from the stationery-room any Senator has drawn any more stationery than the law allowed him. I suppose the keeper of the stationery can show every dollar that he has invested in that kind of property, and I suppose he can show just what he has done with every particle of the property so purchased; how much of it he has delivered to Senators; how much he has delivered to committees; and how much he has delivered to somebody else, neither Senators nor committees; and how much of it he has on hand; so that the exact amount of blame, if any, to be imputed to anybody may be made very certain. There need be no cloud resting upon any individual that does not properly belong to him. I hope, if this matter is to go to the committee, that they will give the public all the satisfaction they require. I will inquire of the Chair what the precise motion before the Senate is?

The PRESIDENT *pro tempore*. The question is on the motion made by the Senator from Maine on the right of the chair, [Mr. MORRILL,] to refer to the Committee on Contingent Expenses the order which is proposed by the Senator from Maine on the left of the chair, [Mr. HAMLIN,] that the practice of furnishing stationery to the reporters' gallery be dispensed with.

Mr. HOWE. But I understood it was to be referred with instructions of some sort.

Mr. MORRILL, of Maine. Yes, sir.

Mr. HOWE. I will inquire what they are?

The PRESIDENT *pro tempore*. The instructions were stated orally, that the committee should ascertain when this practice arose, and how much had been furnished under it heretofore, and whether it should be continued.

Mr. MORRILL, of Maine. The instructions have now been reduced to writing; let them be read.

The Chief Clerk read as follows:

With instructions to report to the Senate when the practice of furnishing stationery to the reporters' gallery began, and the cost of the stationery furnished, and whether such practice should not be discontinued.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Secretary will now report the next bill on the Calendar.

DR. EDWARD JARVIS.

The bill (S. No. 302) for the relief of Dr. Edward Jarvis was read the second time, and considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Dr. Edward Jarvis the sum of $1,500 in full for his services in the preparation of the United States census for 1850.

Mr. CONKLING. I should like to hear the report read.

The Chief Clerk read the following report, submitted by Mr. MITCHELL, from the Committee on Claims, on the 14th instant:

The Committee on Claims, to whom was referred the petition of Dr. Edward Jarvis, asking pay for services in compiling statistics for census, have had the same under consideration, and beg leave to report:

That the petitioner, being a gentleman of distinguished scientific attainments,

was engaged by J. D. B. De Bow, then Superintendent of the United States Census, to arrange and compile certain statistics which were of great value, and which were published in the census report. That these services were rendered during the years 1853, 1854, 1855, and were, in the judgment of your committee, very valuable to the Government, and such as could be rendered only by a person of eminent scientific learning, and through his extensive research necessarily occupied considerable time.

Your committee do not deem it necessary to go into the details of Dr. Jarvis's services, but will content itself in submitting the account itself, and the indorsement of it by Dr. J. D. B. De Bow, late Superintendent of the Census.

DORCHESTER, MASSACHUSETTS, *January* 1, 1856.

The United States to Edward Jarvis, M. D., Dr.

1853, 1854, 1855. For professional and clerical labor, investigations of subjects, examining records, making calculations, answering questions, and solving difficulties at the request of J. D. B. De Bow, esq., Superintendent of the Census Department during the years 1853, 1854, 1855, all in connection with the preparation of three census volumes and reports.....$1,500

WASHINGTON, D. C., *January* 1, 1858.

I certify that Dr. Edward Jarvis, of Massachusetts, performed the services mentioned by him, though without any agreement as to compensation. As an eminent statistician I deemed it important to advise with him upon many matters, and I frequently referred to his valuable aid in the volumes which I published in the Census Office. Upon the mortality tables his services were especially large and laborious, involving much clerical labor and tedious calculations. Under the law regulating the Census Office I had no power to remunerate Dr. Jarvis, but had it been otherwise I should have considered the sum indicated by him to be fair and just, and I therefore recommend its payment by Congress.

J. D. B. DE BOW,
Late Superintendent United States Census.

After fully considering the services rendered, their character and importance, your committee are of the opinion that the claim is a just one, and should be paid. They therefore report the accompanying bill, and recommend its passage.

Mr. HOWE. That is an old acquaintance of mine. I have had several occasions to give my own opinion of the merits of that claim. I have never been able, up to the present time, to see any good reason why the Government should pay that bill; and I do not yet. The Senate will see in a moment, I think, that this is an appropriation to perfect and complete a Commissioner of the Census. The Government selected the very man they wanted Commissioner of Census, gave him all the help that was thought to be necessary, and set him to work to report the results of that census to us. With all the help the Government supplied the Commissioner did not feel himself quite equal to the task, and he stepped out on to the streets and procured some assistance, asked questions, consulted, got advice, put himself to school perhaps. I have no reason to doubt that it was not a proper step for him to take; but I do not see the propriety of the Government being called upon at this time to pay for his education. On this idea I have always opposed the payment of this claim up to this time, and shall vote against it now.

Mr. SUMNER. Mr. President, I am sorry that the Senator from Wisconsin belittles this claim, which I have always thought to be just. Dr. Jarvis did not reside in Washington, nor was he within any easy distance. The Commissioner of the Census could not step into the street and confer with him, and receive out of his abundance the knowledge needed; he was obliged to communicate with him by writing, and Dr. Jarvis, an expert in such matters, answered. I was here at the time and knew of the consultations. I knew also much of his answers. I believe his services were important and essential. I think they entered into that census report; and I know not why, even though thus tardily, we should hesitate to pay the laborer for what he has done.

Did he not do it? Did he not render the service? Is there any doubt about it? Was not the Commissioner authorized to employ him; or if not directly authorized, was not the employment so entirely in the line of his service that Congress has nothing to do but to recognize it?

I believe, sir, the work was done; faithfully done; done as very few others in the country could do it—perhaps as no other in the country could do it—for I believe I may say of this eminent statistician that in his own peculiar department he is without a superior, if not without a peer. For years he has devoted himself to these careful inquiries, and the results have already been recognized by all students throughout the civilized world. His name is known now in all the countries where statistical science is pursued. And now that he has been consulted here at home, I know no reason why he should be denied the small compensation which he asks.

Mr. MITCHELL. Mr. President, after what has been said by the distinguished Senator from Massachusetts it seems scarcely necessary that I should say a word. But as I was authorized by the Committee on Claims to report this bill, I will add a single word in answer to what has been said by the distinguished Senator from Wisconsin, formerly chairman of the Committee on Claims.

I understood the Senator from Wisconsin to make the remark that a gentleman had been employed to do this work with a sufficient force. It is true that Mr. De Bow was Superintendent of the United States Census at the time these services were rendered by Dr. Jarvis; but I do not understand that a force sufficient to do the whole work was placed in his hands by Congress. An appropriation was made, it is true, to enable him to perform that very laborious work, the compiling of the seventh census. In pursuance of that general authority, as I understand it, Mr. De Bow, Superintendent of the United States Census, employed Dr. Jarvis, of Massachusetts. The testimony in the case shows Dr. Jarvis to be not only an eminent physician but an eminent vital statistician.

Mr. HOWE. Will the Senator allow me to ask a question for information?

Mr. MITCHELL. Certainly.

Mr. HOWE. I understood him to speak of some authority, and my attention was withdrawn for a moment. I do not understand what the authority was under which this employment was made.

Mr. MITCHELL. Under the general authority awarded to the Superintendent of the Census, an appropriation having been placed at his command. I do not understand that any particular force was placed at his command; but in pursuance of the general authority granted by authority of an appropriation for that particular purpose, he did employ this eminent statistician residing in Massachusetts. The testimony shows that Dr. Jarvis devoted about one-third of the time for three whole years in furnishing statistics for that work. In three volumes of that census is acknowledged the valuable service rendered by Dr. Jarvis in pursuance of this employment by Mr. De Bow. His bill was afterward recognized, as the report shows, by Mr. De Bow, although that was after he had ceased to be Superintendent of the Census. I certainly see no reason why he should not be paid the very small sum he demands for the very valuable services that he rendered.

Mr. HOWE. It is a small sum, to be sure, but it involves just this question, whether each one of your Bureau officers whom you select yourselves, whose compensation you fix and propose to fix at a sum adequate to pay for his services, shall be allowed to go abroad and employ any and all the assistance which he thinks he needs. That is the question. I think not. I think Mr. De Bow undertook, by force of the appointment conferred upon him, to get up and submit to the people of the United States the results of that census. The statistics which were to compose that report, I suppose, were furnished him very largely by the assistant marshals, who ransacked the United States for that express purpose. Whatever was necessary to complete the work I should suppose might have been furnished by an eminent statistician in less than a year, which I understand to be the time estimated as having been spent by Dr. Jarvis. I make no sort of question about Dr. Jarvis's professional merits. I do not belittle his character, or seek to do so. I have no doubt he is entitled to every praise here bestowed upon him. The question is on the right of Mr. De Bow to employ him in the service of the United States.

Mr. MITCHELL. I should like to ask the Senator from Wisconsin a question on that point, with his permission.

Mr. HOWE. Very well.

Mr. MITCHELL. I ask whether or not he concedes the right on the part of Mr. De Bow to employ assistance in getting up this work?

Mr. HOWE. No; I do not concede it.

Mr. MITCHELL. Then he was to do it himself, personally.

Mr. HOWE. He should do it himself, personally, with such help, in the way of clerks, &c., as the law authorized him to get. The law undertook to provide a force abundantly adequate to take the census—and to report it—of the people of the United States; and if the law did not furnish all the assistance that was necessary, there should have been an application to the law-making power for further assistance. The whole trouble, if there was any trouble in the case, was that De Bow was not equal to the duties of the office he assumed, and he got Dr. Jarvis to finish him out.

Mr. FRELINGHUYSEN. Could it be expected that the Commissioner of the Census would be equal to arranging the health statistics of the country in the manner in which Dr. Jarvis would?

Mr. HOWE. Let me ask in reply if the Commissioners in 1860 and 1870 were or were not equal to it?

Mr. FRELINGHUYSEN. Probably the Commissioners in 1860 and 1870 were very much aided by the services which Dr. Jarvis had rendered; and I understand that he did aid in those censuses very materially. I agree with the Senator from Wisconsin that the Commissioner had no right to make this expenditure, and yet I think he acted very properly in making it. He did it at his peril, trusting to Congress to ratify the expenditure; and I think, if the service has been rendered, inasmuch as it was a service which only an expert could render, which we ought not to expect from the Commissioner, we ought to pay for it.

Mr. FERRY, of Connecticut. Mr. President, I think that the remarks of the Senator from New Jersey—the last remarks particularly—furnish a clear reason why this bill should not pass. They point to an existing evil in nearly all the Bureaus. The Bureau officer, finding that there is something that ought to be done, that it would be a good thing to have done, employs somebody to do the thing without any authority of law, and then "trusts to Congress," in the language of the Senator, to make the proper compensation for the labor which has been performed. It is time that that practice was stopped.

This particular claim is certainly very peculiar in the items of the bill rendered—a bill "for answering questions and solving difficulties." That is the language of one of the main items of the bill. And it would appear that the Superintendent of the Census directed letters to Dr. Jarvis, without any agreement, as the Superintendent himself says, for compensation at all, apparently without any idea of compensation between the two; and now Dr. Jarvis, having answered those letters, sends in this bill "for answering questions and solving difficulties;" and we are asked not only to pay a bill of this kind, but characterized by this peculiar evil, of which so much has been said, of the Bureau officers making agreements for expenditures unauthorized

by law, and then relying upon the good nature of Congress to make payment.

Mr. BOUTWELL. Mr. President, as I have known Dr. Jarvis for many years, I am able to explain one or two peculiarities in this transaction. He is a scientific man; and in the department of vital statistics is probably at the head of the profession in this country; but he has that peculiarity which Agassiz is said to have given expression to when invited to lecture in New York and very high prices were offered, and he said, "I cannot afford to waste my time making money." Dr. Jarvis entered upon this work, no doubt, without any agreement—without any representation on the part of Mr. De Bow as to whether he should be paid or should not be paid. He made no inquiry as to whether Mr. De Bow was authorized, by virtue of the law establishing and regulating his office, to employ such assistance as he asked at the hands of Dr. Jarvis. But he entered upon the work; he did the work that was submitted to him. In the volume in my hand—which is that part of the report of the census of 1850 which relates to vital statistics—the labors of Dr. Jarvis are again and again acknowledged by Mr. De Bow.

Now, the point submitted to the Senate is whether, if these services were performed in good faith; if they were valuable services; if they were, as is stated by Mr. De Bow in the prefatory remarks to this volume, not only valuable with reference to the census of 1850, but valuable, as he said they would be, also in the preparation of future reports, you will mulct Dr. Jarvis for his ignorance of the authority which Mr. De Bow had to make this contract, or whether you will in good faith pay the man for services honestly performed, in the supposition that the party employing him was authorized by the Government to make the contract.

Mr. FERRY, of Connecticut. But Mr. De Bow states that there was no contract.

Mr. BOUTWELL. Certainly, Mr. De Bow states that there was no contract as to the payment; but he admits, from beginning to end in his letter and in this volume over and over, that he made the request for labor, and that the labor was faithfully performed, and that it was valuable labor, not only in reference to this census, but would be in regard to censuses to be afterwards taken.

The PRESIDENT *pro tempore*. The morning hour has expired, and the unfinished business is before the Senate, which is the resolution reported by the Committee on Finance.

Mr. SUMNER. I hope we may get a vote on this bill. Let the special order be passed over informally for the moment.

Mr. CONKLING. I do not think we can have a vote by which this claimant will get this money until some of us have an opportunity to assign our reasons for voting against it. I speak for myself as one, as I believe the money ought not to be paid.

The PRESIDING OFFICER, (Mr. FERRY, of Michigan, in the chair.) Objection is made.

Mr. SHERMAN. I think we had better proceed with the regular order.

Mr. SCOTT. I intended to address the Senate for a few minutes this morning upon the resolution now regularly before us, but this day, I believe, has been assigned for the purpose of taking up the Louisiana question, upon which the Senator from Wisconsin, [Mr. CARPENTER,] expects to speak; and upon that understanding I yield for the purpose of enabling him to carry out that engagement.

ENROLLED BILLS.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. No. 1221) to confirm certain land titles in the State of Missouri; and

A bill (S. No. 89) in relation to the lines of telegraph connecting the Capitol with the various Departments of the Government.

SENATOR FROM LOUISIANA.

Mr. CARPENTER. I move that the Senate proceed to the consideration of the resolution introduced by the Senator from Indiana, [Mr. MORTON,] in regard to Louisiana matters.

The motion was agreed to; and the Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 15th of December, 1873:

Resolved, That the credentials of P. B. S. Pinchback for a seat in the Senate of the United States for six years, commencing on the 4th of March, 1873, being in regular form, he is entitled, under the law and in conformity with the usages of the Senate, to be sworn in as a member, and that whatever ground of contest there may be as to his right to a seat should be made hereafter.

Mr. CARPENTER addressed the Senate. Having spoken till twenty-two minutes before four o'clock,

Mr. EDMUNDS. It is getting late, and my friend from Wisconsin is evidently tired. With his permission I move that the Senate proceed to the consideration of executive business.

[Mr. CARPENTER's speech will be found in full on pages 1036 to 1042.]

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and the Senate (at four o'clock and twenty minutes p. m.) adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 29, 1874.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday was read and approved.

HALL AND PASSAGES OF THE HOUSE.

Mr. KILLINGER. I ask unanimous consent to report a resolution from the Committee on Public Buildings and Grounds, which I think will have the unanimous approval of the House.

The Clerk read the resolution, as follows:

Resolved, That the Speaker of the House of Representatives be requested to cause the various halls and passages of the House end of the Capitol building to be cleared of all obstructions, and stalls for the sale of merchandise: *Provided*, That the telegraph stands shall be provided for in the old Hall of the House of Representatives, in such location therein as the Speaker shall direct.

Mr. W. R. ROBERTS. I object. I think this is rather a small business for the House of Representatives.

Mr. HOLMAN. This power is already possessed by the Speaker of the House.

Mr. ELDREDGE. I think this is a very small business.

Mr. KILLINGER. I will offer the resolution on Monday.

PROVIDENCE HOSPITAL, DISTRICT OF COLUMBIA.

On motion of Mr. COTTON, by unanimous consent, the Committee on the District of Columbia were discharged from the further consideration of a letter from the Secretary of War, transmitting a report on the contract of the Providence Hospital, District of Columbia, for the treatment of transient paupers; and the same was referred to the Committee on Appropriations.

ARKANSAS ELECTION CASE.

The SPEAKER laid before the House additional papers in the contested-election case from the first district of Arkansas, Bell *vs.* Snyder.

PENSION AGENTS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in answer to a resolution of the House of January 19, 1874, in relation to the number of pension agents appointed under existing law, their residences, and the amount of compensation received by each since the 4th day of March, 1869; which was referred to the Committee on Ways and Means, and ordered to be printed.

ARMY INSTRUCTIONS.

The SPEAKER also laid before the House a letter from the Secretary of War, in relation to instructions for the government of the armies of the United States in the field; which was referred to the Committee on Military Affairs, and ordered to be printed.

POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting, in compliance with the act of June 8, 1872, to revise, consolidate, and amend the statutes of the Post-Office Department, certain reports; which was referred, with the accompanying reports, to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

EMPLOYÉS IN INTERNAL-REVENUE BUREAU.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, in answer to a resolution of the House of December 19, 1873, transmitting a statement showing the number of persons employed in the Internal-Revenue Bureau and the compensation paid them on December 1, 1866, and on December 1, 1873; which was referred to the Committee on Reform in the Civil Service, and ordered to be printed.

INCREASE OF PENSION.

The SPEAKER also laid before the House a letter from the Commissioner of Pensions, transmitting the petition of certain citizens of Massachusetts, praying for an increase of pension to those persons so disabled as to require the constant personal aid and attendance of another person; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER also laid before the House a letter from the president of the Washington and Georgetown Railroad Company, transmitting, in compliance with law, a report of the operations of the company for the last year; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MONROE. I desire to have some papers referred.

Mr. WHEELER. I call for the regular order of business.

The SPEAKER. This has been the regular order. The Chair has been pursuing it.

Mr. WHEELER. I supposed the morning hour was the regular order.

The SPEAKER. The Chair thinks executive communications are always in order.

Mr. WHEELER. I awaited the announcement of executive communications before I called for the regular order.

The SPEAKER. The regular order being called for, the morning

hour now begins at seventeen minutes past twelve o'clock, and reports are in order from the Committee on Banking and Currency.

NATIONAL CURRENCY—FREE BANKING.

Mr. MAYNARD, from the Committee on Banking and Currency, reported a bill (H. R. No. 1572) to amend the several acts providing a national currency and to establish free banking, and for other purposes; which was read a first and second time.

The question was upon ordering the bill to be engrossed and read a third time.

Mr. MAYNARD. This bill is a substitute for several bills which have been referred to the committee. It embraces several divisions, and I will say that the entire committee do not agree to all of them. They desire to discuss them somewhat before the House is called upon to act. They are not ready to enter upon that discussion now; indeed they do not think it is proper to discuss such a bill as this in the morning hour. I am instructed by the committee to move that the bill be printed and recommitted, and to ask that its discussion shall be made a special order for two weeks from to-day, to the exclusion of all prior orders except appropriation bills and the orders which were made the other day on the motion of the chairman of the Committee on Ways and Means, [Mr. DAWES.]

Mr. RANDALL. I object to that portion of the motion directing that this be made a special order.

The SPEAKER. Does the gentleman from Tennessee [Mr. MAYNARD] mean that this shall be made a special order in Committee of the Whole?

Mr. MAYNARD. The committee have given no instructions as to whether the debate shall be carried on in the House or in Committee of the Whole.

Mr. DAWES. I would like to inquire——

Mr. HOLMAN. Let the bill be reported.

The SPEAKER. The bill will be read by the Clerk.

The Clerk read the bill.

Section 1 provides that section 31 of the act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved June 3, 1864, shall be so amended that the several associations therein provided for shall not hereafter be required to keep on hand any amount of money whatever by reason of the amount of their respective circulations; but the moneys required by said section to be kept at all times on hand shall be determined by the amount of deposits, in all respects as provided for in said section.

Section 2 provides that section 21 of said act, and the several amendments thereto, so far as they restrict the amount of notes for circulation under said act, shall be repealed; and that section 1 of the act entitled "An act to provide for the redemption of the 3 per cent. temporary-loan certificates, and for an increase of national-bank notes," approved July 12, 1870, shall be amended by repealing the second proviso contained in said section.

Section 3 provides that every association organized or to be organized under the provisions of the said act, and of the several acts in amendment thereof, shall at all times keep and have on deposit in the Treasury of the United States, in lawful money of the United States, a sum equal to 5 per cent. of its circulation, to be held and used only for the redemption of such circulation; and when the circulating notes of any such association or associations shall be presented, assorted or unassorted, for redemption, in sums of $1,000 or any multiple thereof, to the Secretary of the Treasury or to the assistant treasurer in the city of New York, the same shall be redeemed in United States notes; that the notes so redeemed shall be charged by the Secretary of the Treasury to the respective associations issuing the same; and he shall notify them severally, on the first day of each month, or oftener at his discretion, of the amount of such redemption, whereupon each association so notified shall forthwith deposit with the Treasury of the United States a sum in United States notes equal to the amount of its circulating notes so redeemed; and when such redemptions have been so reimbursed, the circulating notes so redeemed, or if worn, mutilated, or defaced, new notes instead, shall be forwarded to the respective associations; provided that each of said associations shall reimburse to the Treasury the cost of redemption and of supplying new notes in place of those redeemed; and the associations hereafter organized shall also severally reimburse to the Treasury the cost of engraving and printing their circulating notes; and provided further, that the entire amount of United States notes outstanding and in circulation at any one time shall not exceed the sum of $400,000,000 now authorized by existing laws.

Section 4 provides that any association organized under this act, or any of the acts of which this is an amendment, desiring to withdraw its circulating notes in whole or in part, may, upon deposit of lawful money within the meaning of said act, in sums of not less than $10,000, with the Treasurer of the United States, withdraw a proportionate amount of bonds deposited in pledge for such circulation; and he shall redeem, cancel, and destroy, an amount of the circulating notes of such association equal to the amount issued upon said bonds.

Section 5 provides that sections 31 and 32 of the said act shall be amended by requiring that each of the said associations shall keep its lawful money reserves within its own vaults, at the place where its operations of discount and deposit are carried on; and that all the provisions of the said section requiring or permitting any of the said associations to keep any portion of its legal money reserve elsewhere than in its own vaults, or requiring or permitting the redemption of its circulating notes elsewhere than at its own counter, except as provided in this act, shall be repealed.

Section 6 provides that upon all circulating notes heretofore issued, or hereafter to be issued, whenever the same shall come into the Treasury in payment or deposit for redemption or otherwise, there shall be printed, under such rules and regulations as the Secretary of the Treasury may prescribe, the charter numbers of the associations by which they are severally issued.

Section 7 provides that associations without circulation may be organized under the provisions of said act, upon the deposit with the Treasurer of the United States of not less than $10,000 of United States registered bonds, as provided in section 16 of said act; and associations already organized without circulation are authorized to withdraw their bonds in excess of $10,000.

Section 8 authorizes and directs the Secretary of the Treasury to issue at the beginning of each and every month from and including July, 1874, $2,000,000 of United States notes not bearing interest, payable in gold two years after date, of such denominations as he shall deem expedient, not less than ten dollars each, in exchange for and as a substitute for the same amount of United States notes now in circulation, which shall be canceled and destroyed and not reissued; and any excess of gold in, or hereafter coming into, the Treasury of the United States after payment of interest upon the public debt and supplying any deficiency in the revenues provided to meet the current expenses of the Government, shall hereafter be retained as a reserve for the redemption of such notes.

Mr. MAYNARD. I do not recollect whether the proposition I submitted embraced the provision that this bill be made the special order after the morning hour, but that was my intention. I am not instructed by the committee to indicate whether the debate should be had in Committee of the Whole or in the House. My own judgment is that a bill of this character should be debated in Committee of the Whole.

Mr. RANDALL. I reserve the point that the bill must go to the Committee of the Whole.

The SPEAKER. The gentleman from Massachusetts also reserves that point. But that would not prevent the recommitment of the bill to the Committee on Banking and Currency, though it would prevent the House making an assignment of the bill for discussion in the House.

Mr. DAWES. I do not wish to antagonize the gentleman from Tennessee, [Mr. MAYNARD.]

The SPEAKER. If the bill is to go to the Committee of the Whole, the Chair would suggest that there is no need of recommitting it.

Mr. MAYNARD. I wish to have the bill recommitted, so that our committee may have it within their control to consider it further if they shall desire to do so, as they probably may have occasion to do before the bill comes before the House for consideration.

Mr. COX. This bill is kindred to all the other bills on this subject, which have been referred to the Committee of the Whole and set down for to-day. I do not think it will antagonize the bill of the gentleman from Massachusetts, [Mr. DAWES.]

Mr. DAWES. I am willing that this bill shall take precedence of the other, if that be the desire.

Mr. COX. We want all these measures under consideration and discussion at once, to be decided upon in their order.

Mr. RANDALL. The bill had better go directly to the Committee of the Whole.

Mr. DAWES. I would like to have the opinion of the Chair as to whether, under the rule, this bill must go to the Committee of the Whole when it comes up for consideration.

The SPEAKER. There is no question about that whatever.

Mr. DAWES. Then I suggest to the gentleman from Tennessee [Mr. MAYNARD] that, as the Chair indicates, the bill must go ultimately to the Committee of the Whole, unless by unanimous consent.

The SPEAKER. The decision of the Chair is that a bill containing, as this does, provisions changing the character of the public debt, must receive its first consideration in Committee of the Whole.

Mr. DAWES. Exactly. And therefore as when the bill comes up any member of the House, by raising the point, can send it to the Committee of the Whole, I suggest to the gentleman from Tennessee that by allowing it now to go to the Committee of the Whole, his committee can perfect it just as well meanwhile, and can also arrange with the Committee on Ways and Means as to how it shall be taken up. I assure the gentleman that the Committee on Ways and Means find this subject attended with so much difficulty that they are very anxious to let the Committee on Banking and Currency take the lead in this matter. I submit to the gentleman that it is desirable the whole subject be brought up at one time, that we should not have one measure in Committee of the Whole and another in the House, where amendments cannot be offered with any great freedom, and where the gentleman having charge of the measure would be enabled to embarrass the House by having a motion to recommit pending.

Mr. HAWLEY, of Illinois. I understand that, under the rule, this bill necessarily goes to the Committee of the Whole.

The SPEAKER. That, however, does not prevent the House recommitting the bill. Though the bill, when considered by the House,

must necessarily go to the Committee of the Whole if the point be raised, yet that point has no relevancy whatever upon the motion to recommit. The Chair, however, suggests to the gentleman having charge of the bill that the earlier it is sent to the Committee of the Whole the less embarrassment there will be in reaching it.

Mr. DAWES. I presume there will be no objection to assigning the bill for the same day when the bill from the Committee on Ways and Means is to come up in Committee of the Whole. Thus the two measures can be considered together. I presume there will be no objection to that arrangement.

The SPEAKER. The gentleman from Pennsylvania, [Mr. RANDALL,] who is a member of the Committee on Banking and Currency, objects to any assignment requiring unanimous consent.

If the bill now goes to the Committee of the Whole on the state of the Union on the Calendar, gentlemen of the House are well aware they have in the Committee of the Whole power to lay aside intervening bills, and the majority can reach it whenever they desire to do so.

Mr. MAYNARD. I should feel obliged, Mr. Speaker, in that view of the case, to follow the instruction of the committee and move the bill be recommitted to the committee, and then enter a motion to reconsider that, giving notice, if I can get the floor after the morning hour, in two weeks I will call up the motion to reconsider.

Mr. RANDALL. It would then have to go to the Committee of the Whole.

Mr. MAYNARD. If we can have an understanding the bill shall come up for discussion in the Committee of the Whole in two weeks, or as soon thereafter as appropriation bills do not interpose, I presume that will be satisfactory.

Mr. DAWES. I will state to the gentleman what is the desire of the Committee on Ways and Means.

Mr. TODD. I have some interest in this question, but cannot hear a word going on. I ask the House be brought to order.

The SPEAKER. Gentlemen will resume their seats, and nothing will be done until the House comes to order.

Mr. DAWES. Mr. Speaker, I was about to state to the gentleman from Tennessee the desire of the Committee on Ways and Means in reference to debate. The Committee on Ways and Means desire to debate their measure earlier than two weeks. They wish, if they can have the time in the House, to take it up next week. The first measure they reported is the tax bill. I had hopes to get that up to-day, but I suppose the Army bill will supersede that. If the Army bill is finished to-day and private bills do not occupy all day to-morrow, I will, with the leave of the House, ask their attention to the tax bill to-morrow afternoon. I do not apprehend that will take a very great while. The desire of the Committee on Ways and Means is to proceed next week to debate these measures; but still, I think, they will with great cheerfulness postpone them for some time to accommodate the Committee on Banking and Currency.

The SPEAKER. The Chair will take occasion to remind gentlemen of the precise rule of the House relating to the Calendar in the Committee of the Whole on the state of the Union. The majority can make a tax bill or a general appropriation bill a special order. No other bill can be made a special order in the Committee of the Whole on the state of the Union except by unanimous consent, but it must go on the general Calendar. All of the general Calendar may, by vote of the committee itself, be laid aside, but that which has been made a special order by the House can be laid aside only by a majority vote in the House, and the vote must, laying it aside, be taken before going into committee, as the special order was made by vote of the House. It will leave the committee all the time in the control of a majority acting in the House or in the committee.

Mr. COX. Will it be in order to amend the motion of the gentleman from Tennessee by sending this bill up to the Committee of the Whole on the state of the Union?

The SPEAKER. It would, unless the gentleman who still holds the floor should demand the previous question. The Chair recognizes the gentleman from Tennessee, [Mr. MAYNARD,] chairman of the Committee on Banking and Currency, as holding the floor.

Mr. COX. I desire to make that motion. I do not see why this Committee on Banking and Currency should report this bill simply for the purpose of recommitting it, to themselves. This is the most important matter in this Congress. Why not throw it open to general discussion at once as soon as we can reach it? It ought to take precedence of all bills, tax bills and all other bills. Why not send it to the Committee of the Whole and have this discussion, which is preliminary to any relief to the country? I make that motion if I have the right to make it.

Mr. MAYNARD. I do not yield the floor for the gentleman's motion.

Mr. RANDALL. As one of the minority of the committee, I wish to say a word.

Mr. G. F. HOAR. I want to raise a question of order.

Mr. RANDALL. Let me make my statement. As one of a very respectable minority numerically of the Committee on Banking and Currency on this bill, I wish to say it is a matter of entire indifference to me whether it is recommitted to the committee, as suggested by the chairman, or whether it goes immediately to the Committee of the Whole on the state of the Union. If you will observe, when the bill comes back again into the House on a motion to reconsider, the same question of order will lie against it, that it must have its first consideration in the Committee of the Whole, and it will have to be sent back to that committee. However, as one of the minority of the Committee on Banking and Currency, I do not want to have any such bill of abominations given preference over other legislation.

Mr. G. F. HOAR. I rise to a question of order. I desire to inquire of the Chair whether the bill must not necessarily go to a Committee of the Whole House on the request of a single member? How, under the forty-third rule, can the motion to recommit take precedence?

The SPEAKER. It is on the same basis as the original motion to refer the bill. The motion to recommit the bill would not necessarily bring it before the House.

Mr. G. F. HOAR. I desire to inquire of the Chair whether, when a bill is reported and a motion to recommit is made, the bill is not, under the usages of the House, before the House for consideration on that motion? And if that be so, how can that motion take precedence of the demand to send the bill to the Committee of the Whole under the rule? Would not that have the effect——

The SPEAKER. The Chair apprehends the point of the gentleman from Massachusetts to be technically correct. But it has been the universal rule of the House to allow appropriation bills and tax bills to be recommitted to the Committee on Appropriations or the Committee on Ways and Means; and the point would come in just here, that should the House negative the motion to recommit, then the point of order would be held good.

Mr. G. F. HOAR. Would it not necessarily involve this, that a motion to recommit must be submitted without debate?

The SPEAKER. This debate is proceeding altogether by unanimous consent.

Mr. MAYNARD. I desire to say a single word on behalf of the committee.

The SPEAKER. The Chair will further say to the gentleman from Massachusetts that, just as on a motion to postpone, there may be a discussion on the reasons for postponement, but not on the merits of the bill; the Chair would not, on a motion to recommit, allow a discussion on the merits of the bill, but only a brief discussion as to the order of business.

The technical point of the gentleman from Massachusetts is correct; but the usage of the House and the convenience of the House require the other ruling; otherwise the committee would be shorn largely of power over its own bill.

Mr. MAYNARD. I was about to remark to the House that the committee did not fail to appreciate the importance of the subject submitted to their consideration. Being aware that they must be called at an early day, they were unwilling to allow that call to pass without submitting to the House some measure which would involve the whole subject of currency and the monetary system. They directed me, therefore, to submit this proposition. They thought that neither this proposition, nor any other, would be as intelligently and as satisfactorily discussed in the House before as after there was an opportunity of its going out into the country and being submitted to the inspection and criticism of thoughtful and intelligent persons there, so that we could have the benefit of such criticism to aid us in our deliberations.

They thought that two weeks was none too much to accomplish this result; and desiring, at what they regarded as the earliest practicable opportunity, to bring the matter before the House, so that it would be discussed and could be acted upon, they instructed me to submit the proposition which I have submitted, but which I will not insist upon in the literal details of it if gentlemen have anything that will be more satisfactory. I am not entertaining any such purpose on my part, and I am sure the committee entertain no such purpose.

I respectfully suggest that if it is understood that the debate shall be taken up at the earliest possible opportunity, say two weeks from this time, gentlemen can prepare themselves to meet the discussion. We can then take up the measure, and if it suits us we can adopt it. If not, every gentleman will have an opportunity to bring forward something which is more worthy, in his opinion, of being debated.

Of course this is not such a measure or such a kind of measure that the opinions of a committee, much less of a majority of any committee of this House, would be possessed of paramount authority. It embraces subjects that every gentleman in the House feels conscious of understanding and being as competent to decide as the ablest committee in the House or the ablest gentleman out of it.

Mr. BURCHARD. I desire to ask the gentleman from Tennessee [Mr. MAYNARD] what he desires to gain by recommitting this bill to the Committee on Banking and Currency?

Mr. MAYNARD. The object of recommitting it to the committee was that they might have an opportunity to discuss it among themselves, and, if possible, devise something that would be in their judgment better and more satisfactory than the proposition they have already submitted.

Mr. BURCHARD. How does the gentleman expect to get it before the House when his committee shall have exhausted its call next Tuesday?

Mr. KILLINGER. I desire to make an inquiry of the Chair. If the House refuses to recommit the bill would it not go to the Committee of the Whole under the rule?

The SPEAKER. Immediately.

Mr. KILLINGER. Then the policy of those of us who are anxious for an early discussion and disposition of the question is to refuse to recommit.